

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

DeAndrea G. Benjamin, Circuit Court Judge

Case Nos. 2012GS1040032 and 2012GS1040033

RECEIVED

MAY 13 2015

SC Court of Appeals

The State, ... Respondent,

v.

Brett D. Parker, ... Appellant.

**RECORD ON APPEAL
VOLUME V**

John S. Nichols
John D. Delgado
BLUESTEIN, NICHOLS,
THOMPSON & DELGADO
Post Office Box 7965
Columbia, SC 29202
(803) 779-7599

Attorneys for Appellant

Earnest L. Dessausure
DESSAUSURE LAW FIRM
1928 Barnwell St.
Columbia, SC 29201
(803) 771-0042

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Assistant Deputy Attorney General

WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General

P.O. Box 11549
Columbia, South Carolina 29211
(803) 734-6305

DANIEL EDWARD JOHNSON
Solicitor, Fifth Judicial Circuit
1701 Main Street, Third Floor
Columbia, SC 29201
(803) 576-1802

ATTORNEYS FOR RESPONDENT.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

DeAndrea G. Benjamin, Circuit Court Judge

Case Nos. 2012GS1040032 and 2012GS1040033

The State, ... Respondent,

v.

Brett D. Parker, ... Appellant.

**RECORD ON APPEAL
VOLUME V**

John S. Nichols
John D. Delgado
BLUESTEIN, NICHOLS,
THOMPSON & DELGADO
Post Office Box 7965
Columbia, SC 29202
(803) 779-7599

Attorneys for Appellant

Earnest L. Dessausure
DESSAUSURE LAW FIRM
1928 Barnwell St.
Columbia, SC 29201
(803) 771-0042

Alan M. Wilson
W. Edgar Slater, III
OFFICE OF THE
ATTORNEY GENERAL
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727
Attorneys for Respondent

INDEX

Indictments	1
Sentencing Sheets	5
Defendant's Request to Charge #1	7
Pre-trial transcript	8
Joseph Ryan	
Direct	55
Cross	61
James Standin Smith	
Direct	64
Cross	85
James Standin Smith	
Direct	97
Cross	99
Trial Transcript	201
Opening Statements	221
Joseph Ryan	
Direct	265
Cross	277
Redirect	293
Recross	294
Joseph Johnson Odom	
Direct	297
Cross	319
Redirect	331
Recross	332
Austin Lee Harvel	
Direct	335
Cross	346
Redirect	365
Recross	366
Kenneth Brown	
Direct	367
Cross	370

Robin Haselden	
Direct	372
Cross	375
Matthew Ellis	
Direct	379
Cross	388
Redirect	396
Recross	398
Nina Ducate	
Direct	400
Cross	402
Maria Yturria	
Direct	409
Cross	425
Jane Powell	
Direct	434
Cross	439
Stan Richards	
Direct	457
Voir Dire	462
Direct	470
In Camera	755
Cross	757
Redirect	793
Recross	799
Trevor Holt	
Direct	804
Voir Dire	807
Direct	812
Cross	843
Redirect	854
Recross	855
Harold Bouknight	
Direct	885
Voir Dire	887
Direct	890
Cross	905
Redirect	909
Recross	910
Anna Elsey Cavanagh	
Direct	911
Voir Dire	915
Direct	916

Cross	932
Brian Metz	
Direct	943
Cross	960
William Cedarstaff	
Direct	963
Cross	966
Donald McRae	
Direct	969
Cross	975
John Barron	
Direct	977
Voir Dire	980
Direct	982
Cross	1008
Trisha Collins Odom	
Direct	1015
Voir Dire	1017
Direct	1018
In Camera	1040
Cross	1043
Redirect	1050
Recross	1052
John G. D. Roberts	
Direct	1054
Voir Dire	1056
Direct	1058
Cross	1082
Redirect	1093
Recross	1094
Gary Watts	
Direct	1096
Cross	1107
Redirect	1132
Recross	1134
Scott McDonald	
Direct	1136
In Camera	1197
Direct	1204
Cross	1225
Redirect	1299
Recross	1307

Lindsay Mullins	
Direct	1315
Cross	1327
Redirect	1331
Recross	1333
Theresa Mills-Floyd	
Direct	1336
Cross	1351
Betty Anne Webb	
Direct	1359
Cross	1372
Redirect	1376
John A. Lucas, Jr.	
Direct	1378
Cross	1382
Redirect	1385
Recross	1385
Jackie Warren	
Direct	1387
Cross	1406
Kristin Polis	
Direct	1421
Voir Dire	1425
Direct	1427
Cross	1445
Bradley J. Marcus	
Direct	1454
Voir Dire	1462
Direct	1464
In Camera	1554
Direct	1564
Cross	1568
Redirect	1586
Recross	1588
James Morgan	
Direct	1590
Cross	1614
Terri Gleason	
Direct	1656
Voir Dire	1659
Direct	1662
Cross	1750

Lanny Gunter	
Direct	1762
Cross	1789
Natasha Nadkarni	
Direct	1796
Cross	1805
Redirect	1807
Recross	1818
Jim Headly	
Direct	1820
Cross	1842
Britt Jordan	
Direct	1854
Cross	1858
L. Alvin Kelley, Jr.	
Direct	1860
Cross	1869
Britt Dove	
Direct	1876
Cross	1912
Chris Lindler	
Direct	1917
Cross	1932
Redirect	1937
Recross	1938
Cindy Capnerhurst	
Direct	1939
Cross	1955
Heyward Barnes	
Direct	1963
Cross	1982
Liz Myers	
Direct	1987
Cross	1994
Sandy Morgan	
Direct	1998
Cross	2006
Redirect	2013
Recross	2013
Al Muncey	
Direct	2017
Cross	2022

Harry B. Benenhaley	
Direct	2029
Cross	2043
Redirect	2046
Recross	2047
Jerry Carswell	
Direct	2048
Cross	2053
Travis Holdorf	
Direct	2061
In Camera	2068
Direct	2072
Cross	2201
Redirect	2306
Recross	2309
Leon Lott	
Direct	2311
Cross	2335
Pat Pruitt	
Direct	2349
Cross	2353
Ben Staples	
Direct	2359
Cross	2387
James Standin Smith	
Direct	2403
Cross	2528
Redirect	2560
Recross	2564
Brad Spehl	
Direct	2598
Cross	2607
Redirect	2613
David Sojourner	
Direct	2615
Cross	2620
Redirect	2625
Fred Green	
Direct	2628
Cross	2631
Carol Haines	
Direct	2633
Cross	2636

Redirect	2638
Recross	2639
Sheri Davis Armstrong	
Direct	2640
Cross	2643
Wendy Combs-Kiser	
Direct	2647
Cross	2652
Redirect	2674
Recross	2676
B.P.	
Direct	2686
Cross	2688
Redirect	2694
Lanny Gunter	
Direct	2695
Cross	2698
Richard Earnest	
Direct	2708
Cross	2722
Redirect	2727
Recross	2730
Further Redirect	2734
Further Recross	2735
Robert Bowers	
Direct	2737
Brett Parker	
Direct	2744
Cross	2785
Redirect	2892
Recross	2902
Allison Marie Foster	
Direct	2916
Cross	2940
Redirect	2941
Gary Watts	
Direct	2943
Cross	2946
Ila Simmons	
Direct	2950
Voir Dire	2952
Direct	2953
Cross	2957

Closing Statements	2998
Jury Charges	3151
Verdict	3177
Motions	3182
Sentence	3190
Certificate of Counsel	3192

Other Materials and Documents

State's Exhibits

2 - Statement of Defendant	on file with this Court
484 - X-ray of Bryan Capnerhurst	on file with this Court
486 - Diagrams	on file with this Court
487 - Diagrams	on file with this Court
490 - Diagram	on file with this Court

Defendant's Exhibits

4 - Transcript of Audio Call	on file with this Court

1 would kind of just meet and, you know, they would
2 make some phone calls or -- and then leave.

3 Q Was it odd that he would have scheduled a delivery?

4 A Yes, ma'am.

5 Q For a Friday?

6 A For a Friday, yes, ma'am.

7 Q So he was typically playing golf on Friday?

8 A Yes.

9 Q And after Brett indicated to you on the phone that
10 he had an emergency, when did you find out exactly
11 what had happened?

12 A I first called another co-worker and he said
13 possibly --

14 Q Another co-worker?

15 A Another person that worked with us. And he said --

16 MR. FEDOR: Your Honor --

17 Q Hold on.

18 A I'm sorry.

19 MR. FEDOR: -- that would be hearsay evidence
20 that she talked to somebody else about.

21 MR. SIMPSON: I'll move on.

22 THE COURT: All right. Thank you.

23 BY MS. SIMPSON:

24 Q Once you found out about what happened, did you
25 make contact with the Defendant at all?

- 1 A After I found out what happened?
- 2 Q Yes?
- 3 A No.
- 4 Q Did you see him?
- 5 A On that day?
- 6 Q After it happened. When is the next time you saw
- 7 him?
- 8 A Monday.
- 9 Q Monday?
- 10 A Yes, the following Monday morning. It should have
- 11 been --
- 12 Q The 16th?
- 13 A Uh-huh.
- 14 Q And what did you observe when he came into work on
- 15 Monday?
- 16 A He was already at work Monday.
- 17 Q Okay.
- 18 A Yes, he was -- I'm pretty sure that he was the
- 19 first one there that morning. And when I drove up,
- 20 I saw his car there. And I wasn't sure how I would
- 21 react. I was upset and didn't know what I would
- 22 say. And he was there, so --
- 23 Q Was he usually one of the first ones there?
- 24 A He came early.
- 25 Q And when you got there, what happened? That

1 Monday?

2 A I walked in and put my purse down and wasn't
3 sure -- like I said, it was just a very upsetting
4 time. And I approached him and told him how sorry
5 I was. And I guess that was it.

6 Q Okay. And did you see him doing anything that
7 Monday?

8 A He was gathering things from his desk. He said he
9 was going to be gone.

10 Q What did you see him gathering?

11 A Papers. Just papers.

12 Q And he had arrived before everybody else --

13 A Uh-huh.

14 Q -- was there?

15 A If there was someone else there, I don't recall.
16 I'm pretty sure I was the first person to come in
17 after he got there.

18 Q But he was taking out papers out of his desk?

19 A Uh-huh.

20 Q Did he continue coming to work after that?

21 A He did.

22 Q After this?

23 A Uh-huh.

24 Q And did he talk to you about what happened at all?

25 A I don't remember exactly what was said, but we did

1 talk.

2 Q He did talk about it?

3 A Uh-huh.

4 Q Going back to the Monday with the papers that he
5 took out, did you see what he did with those?

6 A Some things I guess were thrown away and some
7 things taken with him.

8 Q Okay. So he did take some of the items from his
9 desk with him?

10 A I think so.

11 Q And this was the Monday --

12 A The Monday after.

13 Q After the murders?

14 A Yes, ma'am.

15 Q Did you also have occasion to clean out his desk at
16 some point after his arrest?

17 A I did, uh-huh. When he was arrested I did. I
18 cleaned out his desk. We needed to make room for
19 another rep.

20 Q And what did you observe when you cleaned out his
21 desk?

22 A There were some family photos, a broken frame,
23 other papers, maybe receipts and things.

24 Q Did he have some financial information on a pad
25 that you remember?

1 A I did. I found a pad, some of the ones that you
2 all are using today, the legal pad, and there was a
3 list of referral sources, like names of rehab
4 facilities and hospitals, and such, that were
5 referral sources.

6 And I was sort of flipping through them and, I
7 was like, well, I can give this to the new guy or
8 give it to the owner and he can decide to have
9 someone else follow up with those.

10 And as I was flipping through it I found,
11 looked liked a letter that Brett had -- it looked
12 like he was dividing them up, I'll pay this and
13 Tammy would pay this and I'll pay this, as if they
14 were, you know, making financial arrangements for a
15 split-up, is what it appeared to me.

16 Q And this was when you were cleaning out his desk?

17 A Yes, ma'am.

18 Q What did you do with the items that you took out of
19 the desk?

20 A Everything that I found I put in a box and taped it
21 and put Brett's name on it and I walked out into
22 the warehouse. There is a desk out there. And I
23 put it in the top drawer. And then I told the
24 owner that maybe Brett's family, somebody could
25 pick that up.

1 Q Do you recall if anyone from Brett's family
2 actually came and picked those items up?

3 A Yes, his father picked them up.

4 Q Jack Parker?

5 A Uh-huh.

6 Q Thank you.

7 CROSS-EXAMINATION

8 BY MR. FEDOR:

9 Q Ma'am, you worked with Brett for two and a half,
10 three years?

11 A Yes. Well, about three and a half years.

12 Q He was a very conscientious worker?

13 A I can't say that.

14 Q You can't say that?

15 A No, sir.

16 Q What kind of worker was he?

17 A Part-time.

18 Q Part-time?

19 A Yes, sir.

20 Q What did he earn per year?

21 A I don't know.

22 Q What does a full-time worker make?

23 A What do they make?

24 Q Yes, what did he make?

25 A I wasn't talking about what they make, I was

1 talking about the hours.

2 Q No, I'm talking about their money.

3 A Uh-huh.

4 Q How much did he make per year?

5 A I promise, I don't know.

6 Q Well, how much do you make?

7 A Do I really need to say that?

8 MS. SIMPSON: Objection, Your Honor.

9 Relevance.

10 MR. FEDOR: It is relevant, Your Honor. I'll
11 tie it up.

12 A I don't have the same position that the sales reps
13 have.

14 THE COURT: How is it relevant, how much money
15 she makes?

16 BY MR. FEDOR:

17 Q You say he was a part-time worker?

18 A Yes, sir.

19 Q He earned over \$45,000 a year, didn't he?

20 THE COURT: I'm sorry, I can't hear you.

21 A I'm not sure.

22 THE COURT: I didn't hear you. I can't hear
23 you.

24 MR. FEDOR: Okay, ma'am.

25 BY MR. FEDOR:

1 Q He made over \$45,000 a year, didn't he? You don't
2 know --

3 A I promise, I don't know what everyone makes at
4 work.

5 Q Would you call that a part-time worker?

6 A I would not.

7 Q You wouldn't know?

8 A I would not. For myself it would not be. But,
9 again, talking about the hours and the opportunity
10 for what could be made.

11 Q The morning this incident occurred, he delivered
12 wheelchairs at 8:30, 9:00 o'clock, did he not?

13 A The day it happened?

14 Q Yes?

15 A No, sir.

16 Q He didn't?

17 A Not that I recall. If he did, I don't know. I'm
18 not aware of that.

19 Q Were you working full-time then?

20 A Yes, sir.

21 Q You didn't see him deliver the wheelchair?

22 A I wouldn't see him deliver a wheelchair. We have a
23 warehouse that they would load the equipment, our
24 reps load the equipment and then take it to the
25 facility or someone's residence.

1 Q Okay. Were you present when this incident occurred
2 at his home?

3 A Present at his home?

4 Q Yes?

5 A No, sir.

6 Q So you don't know anything at all about this murder
7 charge, do you?

8 A No, sir.

9 Q Who advised you to come up here and speak?

10 A No one advised me.

11 Q Who called you to come and speak?

12 A One of the investigators.

13 Q Which one?

14 A I have his name in my purse. I can't call his name
15 right now. You are making me nervous.

16 Q All the papers you got out of Brett's desk when you
17 cleaned it out, there was nothing incriminating
18 about anything, was there?

19 A No, I'm guessing not, unless -- the letter stating
20 just the financial issues is the only thing that I
21 saw.

22 Q Is it strange for a man who works in a business to
23 write numbers and figures down on his own desk
24 pads?

25 A That would be something pretty personal to leave at

- 1 work.
- 2 Q Well, he couldn't take it at work because he was
- 3 arrested, isn't that true?
- 4 A Right.
- 5 Q And he voluntarily turned himself in, did you know
- 6 that?
- 7 A It seems like I heard that, yes, sir.
- 8 Q Did you also hear he worked for his children?
- 9 A What do you mean?
- 10 Q When you work you collect money?
- 11 A Uh-huh.
- 12 Q You realize that is what he was doing for his
- 13 family?
- 14 A Yes, sir.
- 15 Q You know that?
- 16 A Yes, sir. That is what everyone works for, yes,
- 17 sir.
- 18 Q Now, he was, on that Friday, April 13th, to make a
- 19 delivery at 2:00 o'clock. Is that what you told
- 20 us?
- 21 A Around that time.
- 22 Q Around that time?
- 23 A But I can't remember because it has been so long,
- 24 but I very well remember the phone calls, but not
- 25 the exact times.

1 Q Well, do you know the Sheriff's Department had him
2 down there making a statement at 2:00 o'clock?

3 A That's what I found later that he told me because
4 he answered the phone and he said he was at the
5 police station.

6 Q Well, and you knew it, didn't you?

7 A Uh-huh.

8 Q So that wasn't out of the ordinary, was it?

9 A What?

10 Q Certainly it was out of the ordinary, wasn't it?

11 A What wasn't out of the ordinary?

12 Q A man getting arrested and going to the police
13 station when they are supposed to be working?

14 A Uh-huh. I'm not sure what you are asking me.

15 Q You don't know if that is out of the ordinary?

16 A What, that he -- it is not ordinary that he be at
17 the police station instead of delivering something.

18 Q Yes. Anybody would think that is out of the
19 ordinary, wouldn't they?

20 A Uh-huh, yes.

21 Q Did you know Brett's wife Tammy?

22 A Yes.

23 Q How well did you know her?

24 A I knew her, not -- I knew her through work, but I
25 have also known her for a lot of years because of

1 her singing.

2 Q Okay. Did you know he was a very peaceful man?

3 A Brett?

4 Q Brett. Yes.

5 A I have never witnessed anything to say any

6 different.

7 Q He never had any temper fits or anything like that,

8 did he?

9 A At work? No, sir.

10 Q Sure.

11 A Not at work.

12 Q Did you hear about him having any anyplace?

13 A No.

14 Q What did you learn through your many sources about
15 this murder?

16 A Through what sources? What have I learned?

17 Q Whoever you talked to, investigators --

18 A In reading the paper and --

19 Q Other than the media, have you heard anything?

20 A From who?

21 Q From the investigators that you talked to.

22 A Just that -- what I know and just like what you are
23 asking me now.

24 Q Did you find out that Capnerhurst had a pistol in
25 his hand when this matter occurred?

1 A I heard that.

2 Q Did you hear he had great deals of gunshot residue
3 on his left hand, his shooting hand?

4 A I heard he had residue, yes, sir.

5 Q Okay. Did you hear the police took the pistol out
6 of the hand of Capnerhurst?

7 A They moved it, I think I heard that.

8 Q Did you know they didn't even take one picture of
9 that pistol in his hand?

10 A Did not know that.

11 Q Thank you.

12 THE COURT: Yes, ma'am?

13 MS. SIMPSON: Brief redirect, Your Honor.

14 REDIRECT EXAMINATION

15 BY MS. SIMPSON:

16 Q How often was Brett Parker actually at the office?

17 A He was there just about every day, but not very
18 many hours.

19 Q Okay. Just a few hours through the day?

20 A Yes.

21 Q And on that Monday you saw him taking items from
22 his desk?

23 A Yes, uh-huh.

24 Q Thank you.

25 RECROSS-EXAMINATION

1 BY MR. FEDOR:

2 Q And he came to work the Monday after this incident
3 happened, didn't he?

4 A Yes, sir.

5 Q And he worked the whole week, didn't he?

6 A Came in every day.

7 Q And he worked the whole next two months before he
8 was arrested, didn't he?

9 A He came in, yes, sir.

10 Q Thank you.

11 MR. FEDOR: I have no further questions, Your
12 Honor.

13 THE COURT: All right, ma'am, you may step
14 down.

15 (Witness steps down.)

16 THE COURT: Any objection to this witness
17 being excused?

18 MR. FEDOR: No, Your Honor.

19 MS. SIMPSON: None from the State.

20 THE COURT: All right, ma'am, you are free to
21 leave.

22 (Witness excused.)

23 THE COURT: All right. Ladies and gentlemen
24 of the jury, it is almost 5:30, and we will go
25 ahead and take our afternoon break today.

1 Once again, I will remind you that you are not
2 to discuss this case with anyone. No reading,
3 watching, or listening to the news on TV, radio, or
4 the internet. No social media, no talking to
5 anyone, including your fellow jurors, about the
6 case. And do not form -- it would also be improper
7 for you to form an opinion in your mind in this
8 case until you receive all of the evidence.

9 I am going to excuse you. We'll start back in
10 the morning at 9:30.

11 All right. Thank you.

12 (WHEREUPON, the jury is excused at 5:24
13 p.m.)

14 THE COURT: We will start back at 9:30. Can I
15 see the lawyers briefly?

16 (WHEREUPON, the proceedings concluded at
17 5:24 p.m.)

18 MAY 21, 2013

19 THE COURT: Are you ready to bring them in?

20 MS. CAMPBELL: The State is ready, Your Honor.

21 MR. WHITLARK: The Defendant is ready.

22 THE COURT: All right, Mr. Bowen, you can
23 bring them on in.

24 MR. WHITLARK: Excuse me, Your Honor, just for
25 clarification, we are off on Monday, right?

1 THE COURT: Next Monday?

2 MR. WHITLARK: Yes, ma'am.

3 THE COURT: I would think so, but I haven't
4 really decided. I haven't gotten that far. I
5 would think so, unless you want to work.

6 MR. WHITLARK: I will be glad to, Your Honor.
7 I will do whatever the Court says.

8 THE COURT: All right.

9 (WHEREUPON, the jury came into open
10 court at 10:52 a.m.)

11 THE BAILIFF: The jury is present, Your Honor.

12 THE COURT: Good morning, ladies and gentlemen
13 of the jury.

14 At this time we will continue with the State's
15 case. I will ask the State to call their next
16 witness.

17 MS. WALKER: Thank you, Your Honor. The State
18 calls Al Muncey.

19 (Witness approaches.)

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

22 (Witness complies.)

23 THE CLERK: Do you swear or affirm the
24 testimony you are about to give in this case will
25 be the truth, the whole truth, and nothing but the

1 truth, so help you God?

2 THE WITNESS: I do.

3 THE CLERK: Have a seat in the witness box.

4 (Witness complies.)

5 THE CLERK: State your full name for the
6 record, and spell your name, please.

7 THE WITNESS: Al Muncy, M-U-N-C-E-Y.

8 AL MUNCEY,
9 after being duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. WALKER:

12 Q Good morning, Mr. Muncy.

13 A Good morning.

14 Q Sir, where are you from?

15 A I am from Columbia.

16 Q And where do you work?

17 A I work for Palmetto Home Medical.

18 Q And do you know Brett Parker?

19 A Yes, I do.

20 Q How do you know Mr. Parker?

21 A I have worked for Palmetto for 12 years. Brett
22 came to work for us about three years ago, two or
23 three years ago.

24 Q Can you explain to the jury what y'all's company
25 does and how y'all are employed?

1 A We are a DME company. What we do is we provide a
2 service for rehabilitation, hospitals, doctors'
3 offices. If anybody is in need of medical
4 equipment, wheelchairs, hospital beds, air
5 mattresses, those type things, we provide that
6 equipment for them.

7 Q And in terms of payment do y'all have a base salary
8 or is it commission based?

9 A Commission based.

10 Q Completely commission based?

11 A Completely commission.

12 Q And there has been testimony about the Defendant
13 and a Taurus Judge revolver. Are you familiar with
14 that gun?

15 A Yes, I am.

16 Q Tell the jury, please, how you are -- what, if
17 anything, you know about that gun.

18 A The only thing I know about the gun is my boss and
19 one of my co-workers and Mr. Parker started talking
20 about this particular revolver and decided to go
21 take a look at it at Shooter's Choice in Columbia,
22 and went and fired the gun. And Brett Parker
23 bought one. That's about all I know about it.

24 Q On Friday the 13th of April of last year, did you
25 see the Defendant that day?

1 A Yes, I did.

2 Q Around what time?

3 A I had to go in early that day. I had a early
4 delivery, so I was there a little bit earlier than
5 usual. I want to say maybe between 8:30 and
6 9:00 o'clock.

7 Q And on Friday is that a normal work day for y'all
8 or is it a --

9 A With us being commission based like that, what we
10 usually do -- you have to go find your own work.
11 And we work hard Monday through Thursday. Friday
12 is usually a slow day for us. Doctors' offices
13 close early, that type thing. So it is usually a
14 slow day. I choose to work. The other fellows,
15 they may work a half day and play golf, go fishing,
16 do whatever, you know.

17 Q And on that Friday, did you become aware of what
18 had happened at the Defendant's home?

19 A Yes, I did.

20 Q And how did you become aware of that?

21 A I had finished my work. I had some things to do at
22 the house. I was out cleaning the screened-in
23 porch and got a phone call from one of my
24 co-workers and said that Brett had a delivery that
25 was due by 2:00 o'clock. I believe it was a

1 bedside commode. That is all I know. And that she
2 couldn't get hold of him. The equipment had not
3 been delivered yet. And what should she do.

4 And I said, well, I'm in the middle of
5 something. I said, you know, try to find another
6 sales rep that is still working. If they can take
7 care of it, fine. If they can't, call me back and
8 I'll take care of it.

9 Well, she calls me back a few minutes later
10 and said that she did get hold of Brett. I think
11 this was at around -- I think the original call was
12 at around 1:20. She called me back -- and I'm
13 guessing it was around 2:00, or close to 2:00, and
14 said that Brett said he had a family emergency and
15 that he could not talk.

16 Q And did you eventually learn what the family
17 emergency was?

18 A Then I eventually learned what it was about.

19 Q And after that Friday, when was the next time that
20 you saw the Defendant?

21 A He was at work on Monday morning.

22 Q And did you talk to him about what had happened at
23 his home?

24 A I did.

25 Q What, if anything, did Brett Parker tell you about

1 what happened at his home that day?

2 A He -- from what I can remember, I basically asked
3 him what had happened.

4 And he went to describe. He told me that
5 Bryan had come over to the home. That Bryan had
6 shot Tammy. And that Bryan had a gun pointed on
7 Brett, on Mr. Parker Brett.

8 Q Uh-huh.

9 A And walked him over to the safe and told him he
10 wanted the money out of the safe.

11 And Brett said that he reached up, had the
12 Judge sitting on top of the safe and grabbed the
13 Judge and fired and hit Bryan.

14 And I said, just a natural reaction, I said,
15 well, what did he do?

16 And he said, he had a stunned look on his face
17 like, I can't believe you just shot me.

18 And he said that he shot him a couple more
19 times. And he said the last shot he was laying on
20 the ground and he got directly over him and shot
21 him right between the eyes.

22 Q That Friday when you saw the Defendant, was it
23 abnormal for him to work on Fridays?

24 A Usually, yes. He played golf most every Friday.

25 Q Thank you, sir.

1 MS. WALKER: No further questions.

2 THE COURT: Yes, sir?

3 MR. WHITLARK: May it please the Court, Your
4 Honor?

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. WHITLARK:

8 Q Mr. Muncey, is it?

9 A Yes, sir.

10 Q Okay. When did you first speak with the police in
11 this case about all the things you just testified
12 to?

13 A The Solicitors came to our office about a month ago
14 just to ask us what we had observed during the
15 time.

16 Q Okay. Now, do you know Bryan Capnerhurst?

17 A No, I don't. I know what he did. I do not know
18 him personally, no.

19 Q Okay. Now, when you were talking about the Judge
20 and y'all --

21 A Right.

22 Q Did you fire the gun yourself?

23 A No, sir. I never even saw the gun.

24 Q Okay. But you went with them to go --

25 A No, sir, I did not.

- 1 Q You didn't go?
- 2 A No, sir.
- 3 Q Who went?
- 4 A It was Bill Dent and Kevin Pitts.
- 5 Q Okay. Are you aware that Brett Parker's minister
- 6 recommended that he get a Judge for home defense?
- 7 A That I'm not aware of. He may have.
- 8 Q Did you know that Brett Parker's house had been
- 9 burglarized?
- 10 A Yes, I did.
- 11 Q Okay. Did you ever talk with Brett about that?
- 12 A Not really. He just basically told us that he had
- 13 come home from a party, or something like that, and
- 14 someone had broken into his home. And I think they
- 15 took some jewelry, something like that.
- 16 Q All right. When you got the call about the -- that
- 17 Brett hadn't made his 2:00 o'clock appointment?
- 18 A Uh-huh.
- 19 Q I mean, did you go out there and deliver the thing
- 20 yourself?
- 21 A No, sir, I did not, huh-uh.
- 22 Q Okay. Did you know that earlier that day that he
- 23 had helped put a wheelchair together for somebody?
- 24 A That I do not recall. Now, he was in and out.
- 25 When he came in, you know, he was on the phone a

1 lot and in and out and cutting up with me. And so
2 if he put one together or if he delivered one, I
3 don't know.

4 Q Okay. Well, did the Solicitors or the officers who
5 were questioning you tell you, well, you are
6 telling me that Brett acting -- it was unusual for
7 him to be work on Friday, we need you to testify to
8 that, or something?

9 A No, sir, not at all.

10 Q Okay. You say you work on a commission basis,
11 right?

12 A Correct.

13 Q So somebody who made about in excess of \$40,000 --

14 A Uh-huh.

15 Q -- working there, I mean, that would be fairly -- a
16 fairly good amount of money to make in a year
17 there, wouldn't it?

18 A You can make substantially more.

19 Q He was good at that job, wasn't he?

20 A Yes, he was.

21 Q Now, when he described for you what happened over
22 at his house --

23 A Uh-huh.

24 Q -- I mean, he was upset about it? You could tell
25 that, couldn't you?

1 A He was relatively calm.

2 Q And he told you it took about one second -- he
3 said, this all happened in a flash, didn't he?

4 A He -- I don't recall him saying that. He just
5 basically told me just like I just told them, like
6 I told the jury. He just kind of went through it
7 in a couple of pieces, and that was it.

8 Q Okay. How well do you know Brett?

9 A Just from work. We have never really hung out. I
10 would see him at work. Maybe one or two Christmas
11 functions. That was it.

12 Q Did you ever place a bet with him or gamble with
13 him?

14 A Absolutely not.

15 Q Do you know that other workers over at your office
16 were doing that?

17 A That I don't know. If they do, that is their deal.

18 Q Okay. I understand that. All right. Brett also
19 told you that when he explained to you what
20 happened, said, Bryan Capnerhurst murdered my wife,
21 didn't he?

22 A He said that Bryan had shot and killed Tammy, yes.

23 Q Okay. And this was -- when was this that you saw
24 him?

25 A It was sometime -- forgive me, I can't remember the

1 exact time. It was that Monday, I think. I'm
2 thinking the funeral was Tuesday. It may have been
3 Wednesday or Thursday of that week, but --

4 Q Did you go to the funeral?

5 A Yes, I did.

6 Q Now, you don't know who covered the 2:00 o'clock
7 appointment he had?

8 A I believe it was Michael Morrison, one of our
9 employees, took take of it for him.

10 Q So Brett was --

11 A Somebody took care of it.

12 Q So Brett was actually scheduled to do this at
13 2:00 o'clock that day?

14 A Yes, sir.

15 Q Okay.

16 A That is my understanding.

17 Q All right.

18 MR. WHITLARK: Beg the Court's indulgence.

19 THE COURT: Yes, sir.

20 (Pause.)

21 BY MR. WHITLARK:

22 Q You had stated that Mr. Parker spoke to someone on
23 the phone. Was it you that he spoke to?

24 A I heard -- Brett's demeanor changed. It was
25 about -- I left the office, I want to say it was

1 close to 10:00, I think.

2 Q We are talking about Friday?

3 A Yes, Friday.

4 Q Friday. Okay.

5 A When I saw him Friday, Friday morning. He was
6 happy as a lark. Came in, showed me a big wad of
7 cash jokingly. I'm like, okay, whatever. In and
8 out. Talking on the phone a lot. And then
9 about -- right before I left, he received a phone
10 call.

11 Q Yes.

12 A And I could hear -- I couldn't hear what was being
13 said, but I knew it was a gentleman's voice. It
14 was a deep voice, because it was loud coming from
15 the phone.

16 And his demeanor just seemed to change at that
17 point. I don't know what it was about. I don't
18 know what it had to do with. I couldn't tell you.
19 But his demeanor changed for some reason.

20 Q All right. So let me get this straight now. First
21 of all, he seemed fine to you that morning when you
22 saw him?

23 A Uh-huh, yep.

24 Q He went and put a wheelchair together as part of
25 his work that day?

1 A Maybe. I don't know.

2 Q Okay. And he got some sort of phone call or
3 something, and then you didn't see him again.

4 Did you know that when he was on the phone on
5 that Friday when y'all were trying to find out why
6 he hadn't made his 2:00 o'clock appointment --

7 A Uh-huh.

8 Q -- did you know he was giving a statement to two of
9 the investigators?

10 A At that point I did not know, no.

11 Q Okay.

12 A That -- I did not know that.

13 Q But he told you, Bryan Capnerhurst shot and killed
14 my wife?

15 A From what I recollect, that is what he said.

16 MR. WHITLARK: No further questions, Your
17 Honor.

18 MS. WALKER: Nothing further, Your Honor.
19 Thank you.

20 THE COURT: All right, sir, you may step down.
21 (Witness steps down.)

22 MS. WALKER: Your Honor, may Mr. Muncy be
23 excuse?

24 THE COURT: Any objection? All right, sir,
25 you are free to leave.

1 MS. WALKER: Thank you, Your Honor.

2 (Witness excused.)

3 THE COURT: Call your next witness.

4 MS. SIMPSON: The State calls Harry
5 Benenhaley.

6 (Witness approaches.)

7 THE BAILIFF: Place your left hand on the
8 Bible, and raise your right hand, please.

9 (Witness complies.)

10 THE CLERK: Do you swear or affirm the
11 testimony you are about to give in this case will
12 be the truth, the whole truth, and nothing but the
13 truth, so help you God?

14 THE WITNESS: Yes, ma'am.

15 THE CLERK: Have a seat in the witness box.

16 (Witness complies.)

17 THE CLERK: State your full name for the
18 record. Spell your last name, please.

19 THE WITNESS: Harry Brooks Benenhaley,
20 B-E-N-E-N-H-A-L-E-Y.

21 HARRY B. BENENHALEY,
22 after being duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. SIMPSON:

25 Q Mr. Benenhaley, how old are you?

- 1 A Sixty-six.
- 2 Q And do you know the Defendant?
- 3 A Yes, ma'am.
- 4 Q Tell the jury how you know Brett Parker.
- 5 A From betting ballgames, playing golf with him.
- 6 Q Okay. And did you know his father as well?
- 7 A Yes.
- 8 Q What type of work do you do now?
- 9 A I'm retired.
- 10 Q Okay. And prior to being retired, what did you do?
- 11 A In the T-shirt business.
- 12 Q T-shirt business?
- 13 A Yes, ma'am.
- 14 Q Did you work in another business as well? Or was
- 15 that once you retired? What did you start doing?
- 16 A I did taking bets on football games, basketball
- 17 games.
- 18 Q Taking bets? Did you work with Lanny Gunter?
- 19 A Yes, ma'am.
- 20 Q Tell the jury about your business with Lanny.
- 21 A We just took bets from people that called in and
- 22 had a computer site on the computer and took --
- 23 booked from that.
- 24 Q Are you a little nervous here today?
- 25 A Yes, ma'am.

1 Q And you don't want to be here, do you?

2 A No, ma'am.

3 Q Is Brett Parker your friend?

4 A I know Brett very well, and we played golf
5 together. Yeah, I thought he was.

6 Q Going back just a little bit to Lanny Gunter. He
7 is a bookie, right?

8 A Yes.

9 Q And you took bets for him? Or with him?

10 A Together, yes.

11 Q How would you describe your relationship with Lanny
12 as far as the business went? Were you partners,
13 were you an employee?

14 A 50/50 partners.

15 Q And how long have you been working with Lanny?

16 A Ten, 12 years probably.

17 Q Ten or 12 years? And the website -- you said you
18 had an online --

19 A Yes, ma'am.

20 Q -- gambling? Tell the jury about that.

21 A We started about three years ago with a website on
22 the computer. People, you just give them a number
23 and they make bets on the computer.

24 Q Okay. And what types of things would people bet on
25 or could they bet on your website?

1 A They could bet on football, basketball, hockey.
2 They could play blackjack on there. They could
3 play some cards on there.

4 Q Okay. And what was the name of this website? Or
5 did you have more than one at first?

6 A We had one, BETCC.COM, I think is the name of it.

7 Q Okay. And as far as what you did, who was
8 responsible for monitoring the BETCC website?

9 A Lanny took care of the weekly -- when the people
10 paid or we paid them on -- you know, we met them
11 and paid them. I kind of monitored what was going
12 on on the computer.

13 Q Okay. So Lanny handled kind of the administrative
14 money side and you monitored the bottom line on the
15 computer?

16 A Yes, ma'am.

17 Q How did people go about setting up accounts on
18 BETCC?

19 A They would get in touch with us. We would give
20 them a number and a password to get on the site.

21 Q And so they dealt with you and Lanny?

22 A Yes.

23 Q Did the Defendant begin betting on the BETCC
24 website?

25 A Yes, ma'am.

1 Q Can you tell the jury about that? What you can
2 remember.

3 A Okay. Two or three years back, he -- I think he
4 called and got in touch with me or Lanny, I'm not
5 sure who, and wanted to start doing some business
6 with us on there.

7 And we said okay. And we set him up a number,
8 so --

9 Q Do you remember that number?

10 A I think, I'm not sure, it is like 7775, or
11 something like that.

12 Q Okay.

13 A Somewhere in that neighborhood. That he could use
14 to make his plays and bet on there.

15 Q All right. And that started two to three years
16 ago?

17 A Yes, ma'am.

18 Q And would he -- what kind of things would he bet
19 on?

20 A Like football, basketball. He played some cards on
21 there.

22 Q Okay. So primarily sports, but some cards as well?

23 A Yes.

24 Q At some point did the Defendant go to you or Lanny
25 about another person he wanted to set up with an

1 account?

2 A Yes, he did.

3 Q Can you tell the jury about that account?

4 A He had a guy -- a friend he said was betting a lot,
5 taking a lot of his phone time, that is because he
6 took bet also, and to free his time -- his phone
7 line up he said he would like to set him up on our
8 site. And we agreed to it.

9 He said he would take care of the guy, we will
10 settle with him, he will take care of the guy, the
11 guy was good for paying off, and this type stuff.
12 And he took care of him. And we give him a number
13 also.

14 Q Okay. So he came to you because this guy was kind
15 of tying up --

16 MR. WHITLARK: Objection, Your Honor.

17 THE COURT: The objection?

18 MR. WHITLARK: Leading questions.

19 MS. SIMPSON: I'll rephrase.

20 THE COURT: Sustained.

21 BY MS. SIMPSON:

22 Q So, according to Brett, how did he know this guy
23 who he wanted to set up an account for?

24 A How did Brett know the guy?

25 Q Yes.

1 A The bet -- he said the bet -- the guy bet with him
2 on the phone.

3 Q And did he have a name for that guy?

4 A He said his name was Hal.

5 Q Hal? Did you ever meet Hal?

6 A No, ma'am.

7 Q And how did that work? Who did the talking for
8 Hal or would pay up or settle?

9 A Brett would take care of it.

10 Q Did you ever ask about Hal?

11 A I asked him what Hal did, and he told me he was a
12 sales guy, something like that, I think.

13 Q And did Brett always have a reason why Hal couldn't
14 show up?

15 MR. WHITLARK: Objection, Your Honor. Leading
16 questions.

17 MS. SIMPSON: I'll rephrase.

18 THE COURT: Sustained.

19 BY MS. SIMPSON:

20 Q Why did Brett say that Hal couldn't be there on
21 occasion?

22 A He said he would take care of it, whatever it was.

23 Q Okay. So who provided you with the money for Hal's
24 account?

25 A Brett.

1 Q Brett. Do you remember when the Hal account came
2 about or when the Defendant came to y'all?

3 A It was probably a year or six months, a year after
4 Brett started with us.

5 Q Okay. And at that point -- at some point did
6 Brett's account and Hal's account start accruing
7 debt?

8 A Yes.

9 Q Tell us what made you suspicious of the Hal
10 account?

11 MR. WHITLARK: Objection, Your Honor.

12 BY MS. SIMPSON:

13 Q Did you become suspicious of the Hal account?

14 A Somewhat.

15 Q Can you tell the jury about that?

16 A The reason I was suspicious, seemed like on -- both
17 parties were betting. Both of them seemed to be
18 pretty close to the same amount. And when Hal
19 went -- I mean, Brett left for a cruise, we didn't
20 receive any play from neither player. And that
21 kind of proved a little suspicious, why.

22 Q So there was no online activity from either
23 account?

24 A At the time he was gone.

25 Q What did you do when you had these suspicions? Did

1 you talk to anyone?

2 A Talked to Lanny about it.

3 Q Okay. And what did y'all discuss?

4 A Well, Lanny said as long as he was -- the money was
5 coming in, he didn't care.

6 Q He didn't care? And how much -- and this is going
7 back to Brett's account -- how often and how much
8 would he pay y'all on average?

9 A Between \$5,000 and \$10,000 a month.

10 Q A month? And that could vary?

11 A That varies. It might be a little more, might be a
12 little less, whenever, or whatever.

13 Q Okay. And he paid you for the Hal account as well?

14 A Yes.

15 Q And each account had a number, a separate number?

16 A Yes.

17 Q And you and Lanny decided just to let the Hal
18 account keep going?

19 A Yes.

20 Q Moving to the week of these murders on April -- or
21 that week, what kind of contact did you have with
22 Brett Parker?

23 A That Friday morning Brett and I spoke, and we were
24 supposed to get together. He told me it would be
25 that afternoon getting together and he had some

1 people to see.

2 And I said okay, that is up to you to do. And
3 I said, I'm playing golf. When I get through, I'd
4 give him a call.

5 He said okay.

6 That is last conversation I had with Brett.

7 Q And prior to that conversation, had y'all been
8 supposed to meet actually earlier before Friday?

9 A I think maybe that Wednesday, but he said -- we did
10 this a lot, we talked, and said he had to see some
11 folks, collect some money, and get together Friday.

12 I said fine, no problem.

13 Q And you said he did this a lot. Was it -- what did
14 he do a lot?

15 A He called me. We talked once a -- you know, during
16 the week. And we would get together early in the
17 week or on Fridays. He had to collect the money
18 and we would settle up on Fridays.

19 Q Okay. But you would also settle up sometimes
20 before Friday?

21 MR. WHITLARK: Objection, Your Honor. A
22 leading question.

23 THE COURT: Sustained.

24 BY MS. SIMPSON:

25 Q Were there times when you would settle up other

1 than Friday?

2 A Yes.

3 Q And actually this week, the week of the murders,
4 did you have a planned time before that Friday?

5 MR. WHITLARK: Same objection, Your Honor.

6 BY MS. SIMPSON:

7 Q Do you remember giving a statement in this case?

8 THE COURT: Sustained.

9 A Yes.

10 Q Okay. And would your memory have been a little
11 better back when you talked to law enforcement in
12 2012 than it is here today?

13 A Probably.

14 Q Okay. Was that payment supposed to be substantial?

15 A Yes.

16 Q And who told you he needed to prolong the meeting
17 or put it off for a little bit?

18 A Brett.

19 Q How much -- in April of 2012, how much was the
20 balance or the debt that Brett had on his own
21 account?

22 A April, when these --

23 Q When these murders happened?

24 A It was around \$100,000.

25 Q And so \$100,000 that he owed to you and Lanny?

1 A Yes.

2 Q And the percentage of bets -- what was the
3 percentage that you all would get from the Hal
4 account?

5 A I don't understand the question.

6 Q I'm sorry. I'm a little off on the betting terms.
7 With respect to the percentage I guess of profit
8 that you and Lanny would make on the Hal account,
9 what was that percent?

10 A Fifty percent.

11 Q Okay. And what were Brett's regular account -- the
12 percentage that you make off his account?

13 A A hundred percent.

14 Q A hundred percent. So you never met Hal?

15 A Never met him.

16 Q Did you also know Britt Jordan?

17 A Yes.

18 Q How do you know Britt?

19 A Playing golf.

20 Q Playing golf?

21 A Friends.

22 Q And did he speak with you about a loan that he had
23 given Brett?

24 A Yes.

25 Q And what did he say about that?

1 A He loaned Brett -- Britt Jordan said Brett -- he
2 loaned Brett Parker approximately \$5,000 a couple
3 of days before the murder.

4 Q And he never got paid that money to your knowledge?

5 MR. WHITLARK: Objection, Your Honor.

6 MS. SIMPSON: I'll move on.

7 THE COURT: Sustained.

8 BY MS. SIMPSON:

9 Q Did you ever -- were you ever able to collect the
10 amount that you and Lanny were owed from Brett that
11 week?

12 A No.

13 Q And, Mr. Benenhaley, as a result or subsequent to
14 this murder, were you arrested? Were you arrested?

15 A For what?

16 Q For gambling?

17 A No.

18 Q No?

19 A I don't think, but I was arrested.

20 Q Well, what were you arrested for? Were you
21 arrested?

22 MR. WHITLARK: Objection, Your Honor. The
23 witness has just told her he wasn't.

24 MS. SIMPSON: Your Honor, may we approach?

25 A I don't understand the -- I don't understand the

1 question.

2 MS. SIMPSON: May we approach?

3 THE COURT: Can you rephrase the question? He
4 said he doesn't understand.

5 BY MS. SIMPSON:

6 Q Did you plead guilty --

7 A Yes, I did.

8 Q -- to something? What did you plead guilty to?

9 A To gambling.

10 Q To gambling? And are you currently serving a
11 sentence?

12 A Yes.

13 Q For that offense?

14 A Yes.

15 Q What are you serving?

16 A I got six months house arrest, five years
17 probation, and a fine that I'm paying.

18 Q How much was owed on the Hal account?

19 A Hal account I think was something like \$76,000.

20 Q \$76,000? And Brett's account was how much?

21 A Around \$100,000.

22 Q So a total amount of debt for both of them,
23 \$176,000?

24 A Yes, ma'am.

25 Q And to this day has any of that money been paid?

1 A No, ma'am.

2 Q Thank you.

3 THE COURT: Yes, sir, Mr. Whitlark.

4 MR. WHITLARK: May it please the Court?

5 CROSS-EXAMINATION

6 BY MR. WHITLARK:

7 Q You have been discussing your testimony with them
8 before you came in here today? Have you talked to
9 them about what you are going to say in here today?

10 A Yes.

11 Q Now, you had no problem with Brett paying you the
12 way he was paying you, did you?

13 A No, sir.

14 Q And he had paid you about \$80,000, maybe \$80,000 to
15 \$100,000 up to that point, hadn't he, that year?

16 A Yes, sir.

17 Q Okay. And when Britt Jordan said he leant him
18 \$5,000, he said he didn't have a problem with it
19 because he knew Brett was good for it?

20 A Yes.

21 Q Okay. Now, Brett Parker started online gambling
22 with y'all about 2011, something like that?

23 A Yes, something like that.

24 Q Okay. Now, when you say -- you didn't get arrested
25 in this case, right?

1 A Well, I -- I pleaded guilty to something, yes, sir.

2 Q I understand that.

3 A I don't think I got arrested, but I got -- I don't
4 know what I really --

5 Q I got you. I understand. I understand. But you
6 worked out a deal with the government, didn't you?

7 A Yes, sir.

8 Q Okay. As part of that deal you were to testify,
9 weren't you?

10 A Yes.

11 Q Okay. And you have been meeting with them to talk
12 about your testimony today, right?

13 A Yes.

14 Q Okay. Now, you signed an agreement -- you actually
15 signed an agreement?

16 A Yes.

17 Q I want you to take a look at this.

18 MR. WHITLARK: Do you need to look at that?

19 MS. SIMPSON: No.

20 BY MR. WHITLARK:

21 Q Take a look at that.

22 A (Witness complies.)

23 Q And tell me if you recognize it.

24 A Yes.

25 Q Okay. Tell the jury what that is, if you could.

1 A It is a plea agreement.

2 Q Okay. Do you remember the document? Do you
3 remember it?

4 A Yes, sir.

5 Q Okay.

6 A Pretty much.

7 Q All right. And as part of it, in writing it says
8 that you are to testify, and if you testify they
9 will reduce your sentence, right? Isn't that what
10 it says?

11 A Yes. And they haven't.

12 Q Okay. And don't tell me what your lawyer told you,
13 but your lawyer went over this and he said, this is
14 a good deal, you better take it?

15 A Yes.

16 Q Okay. Brett Parker had always paid on these
17 accounts, hadn't he?

18 A Yes.

19 Q And Mr. Gunter, Lanny Gunter, said, I don't have
20 any problem with it, I don't care what he is doing,
21 didn't he?

22 A Yes. He didn't have a problem.

23 Q And whether he knew -- he said he really didn't
24 care, didn't he? He said, that's fine; as long as
25 he is paying it, that is fine?

1 A That's right.

2 Q And actually if -- you know if Brett Parker had
3 called him and said, Lanny, I'm having a problem,
4 Lanny Gunter would have waived it, just erased it,
5 wouldn't he?

6 A Yes.

7 MR. WHITLARK: That's all I have. Thank you.

8 MS. SIMPSON: Brief redirect, Your Honor.

9 THE COURT: Yes, ma'am.

10 REDIRECT EXAMINATION

11 BY MR. SIMPSON:

12 Q Part of your agreement -- I believe I'm going to
13 show you the same thing the Defendant did --
14 Defense counsel did. Was one of the requirements
15 of your agreement that you tell the truth?

16 A Yes.

17 Q And, again, what was the debt owed on the
18 Defendant's account?

19 A Total debt?

20 Q Total, Defendant and Hal?

21 A I think \$176,000.

22 Q And that hasn't been paid?

23 A No, ma'am.

24 Q And, again, you agreed to tell the truth?

25 A Yes.

1 Q Or a result of your agreement was that you had to
2 tell the truth?

3 A Correct.

4 MR. WHITLARK: Briefly, Your Honor.

5 RECROSS-EXAMINATION

6 BY MR. WHITLARK:

7 Q And what you are saying today in here is what you
8 talked to them about, isn't it, sir?

9 A Yes, sir.

10 MR. WHITLARK: No further questions.

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

12 (Witness steps down.)

13 MS. SIMPSON: Your Honor, may this witness be
14 excused?

15 THE COURT: Any objection to this witness
16 being excused?

17 MR. WHITLARK: No objection from the Defense.

18 THE COURT: All right, sir, you are free to
19 leave. Thank you.

20 (Witness excused.)

21 THE COURT: Call your next witness.

22 MS. WALKER: Your Honor, the State calls Jerry
23 Carswell.

24 (Witness approaches.)

25 THE BAILIFF: Place your left hand on the

1 Bible, raise your right hand, and face the clerk.

2 (Witness complies.)

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

7 THE WITNESS: I do.

8 THE CLERK: Have a seat in the witness box.

9 (Witness complies.)

10 THE CLERK: State your full name for the
11 record. Spell your last name, please.

12 THE WITNESS: My name is Jerry Carswell,
13 C-A-R-S-W-E-L-L.

14 JERRY CARSWELL,
15 after being duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. WALKER:

18 Q Mr. Carswell, where are you from?

19 A Lexington.

20 Q And you live -- have you lived in this area all
21 your life?

22 A Batesburg and Lexington most of the time, yes.

23 Q Are you related to one of the victims in this case?

24 A My daughter was a victim, Tammy.

25 Q And at one point you were married to Tammy's mother

- 1 Libby?
- 2 A Yes.
- 3 Q And at some point the two of you separated?
- 4 A Yes.
- 5 Q Mr. Carswell, what is it that you do for a living?
- 6 A Do what?
- 7 Q What do you do for a living?
- 8 A I'm retired.
- 9 Q And what did do before you retired?
- 10 A I drove a UPS truck.
- 11 Q Do you do some landscaping now?
- 12 A Not now, no.
- 13 Q Did you ever do landscaping?
- 14 A Yes.
- 15 Q And did you do landscaping for your daughter at her
- 16 house?
- 17 A Some friends and my daughter, I did for her too.
- 18 Q How often would you go over and do the landscaping
- 19 at the home?
- 20 A Probably every two weeks.
- 21 Q And did you see the video of when Bryan Capnerhurst
- 22 arrived to the home that day?
- 23 A Yes, I did.
- 24 Q Did you see where he parked?
- 25 A Yes.

1 Q Were you familiar with that parking space?

2 A Every time I went over there, that is where he was
3 parked.

4 Q And this has caused a pretty big strain on you and
5 your family, hasn't it?

6 A Big time.

7 Q You spent a lot of time -- I mean, how many kids
8 did Tammy have?

9 A Two.

10 Q Do you see them a lot?

11 A Not as much as I'd like to, but I do see them.

12 Q Where are they living?

13 A They stay with Jack and Linda Parker.

14 Q Were they welcome to stay with you?

15 A If they would have wanted to. But, you know, they
16 wanted to stay in the school district they were in.
17 And they were more familiar with Jack and Linda
18 than us. And we didn't wanted to disrupt their
19 lives any more than they was already disrupted.

20 Q And you don't want to be testifying right now, do
21 you?

22 A I don't.

23 Q There has been testimony about a life insurance
24 policy that Tammy had?

25 MR. WHITLARK: Objection, Your Honor.

1 THE COURT: What is the objection?

2 MR. WHITLARK: I don't understand. It is a
3 leading question.

4 MS. WALKER: I wasn't finished with the
5 question. I was just trying to focus his attention
6 on where I'm going next.

7 THE COURT: Ask the next question. Objection
8 overruled. We will hear the next question.

9 MR. WHITLARK: Yes, ma'am.

10 BY MS. WALKER:

11 Q Were you familiar with a life insurance policy?

12 A I knew she had one, yes.

13 Q Were you privy to any conversations that she and
14 Brett had about that policy?

15 A Only one time. When my granddaughter and I went to
16 babysit and they were fixing to leave to go to, I
17 guess a party, or some kind of function, and we
18 always joked.

19 And I told Tammy, I said, you need to take
20 Brett off and just get rid of him so you can
21 collect some money.

22 And he said, yes, that would be -- I better
23 watch her, because I have close to a million.

24 And Tammy spoke up and said, I might better be
25 careful too, because I've got -- and she said a

1 figure around 700, but I don't remember the figure.
2 I just remember that it was close to three-quarters
3 of a million dollars.

4 Q Do you remember when that conversation was had?

5 A It was between January and the time she was killed
6 in 2012.

7 Q The first quarter of 2012?

8 A Yes. And it was all just -- I mean, it was just a
9 joke.

10 Q Did you ever meet Bryan Capnerhurst?

11 A I did.

12 Q And you said his car was parked where it was parked
13 that day every time you went to the house?

14 A Every time that I went there it was.

15 Q Do you know whether or not he would normally leave
16 his keys in the car?

17 A I can't say whether he did it every time, but **Z.P.**
18 and I were playing basketball one day and we walked
19 under the carport to get something to drink. And
20 Bryan had come down for some reason, I don't know,
21 probably to get something to drink, but I'm not
22 sure what.

23 And I said, you probably won't recognize your
24 car because me and **Z.P.** were shooting basketball,
25 the basketball goal was right next to his car,

1 because the ball has been hitting it probably
2 knocking the paint off.

3 And he said, well, the keys are in it, just
4 move it.

5 And, you know, I never -- we didn't move it or
6 anything else, so I didn't look to see if the keys
7 were there, but that is the statement that he made.

8 Q And were you close with Brett?

9 A Yes. I thought so.

10 Q And before -- right when all this happened, were
11 you supportive of him? Were you supportive of
12 Brett right during when the murders first occurred?

13 A Yes.

14 Q And you wanted to believe your son-in-law?

15 A Very much.

16 Q At some point did your faith in his story change?

17 A Unfortunately so, yes.

18 Q Thank you, Mr. Carswell.

19 MS. WALKER: I don't have anything else.

20 MR. WHITLARK: May it please the Court?

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. WHITLARK:

24 Q Now, Mr. Carswell?

25 A Yes.

1 Q You knew that Brett Parker and Tammy Parker, they
2 had a fairly good relationship, didn't they?

3 A Most of the time, yes.

4 Q And they loved their children? And that was really
5 the object, in the last couple of years, to take
6 care of their kids, wasn't it?

7 A Tammy put her kids ahead of everything. They both
8 loved their kids, yes.

9 Q Well, Brett put his kids above everything too,
10 didn't he?

11 A Do you want the truth?

12 Q Yes, sir, I want the truth.

13 A Well, he basically put hisself ahead of basically
14 everybody. But, I mean, he loved his kids. I'm
15 not going to say he didn't.

16 Q He slept with his son every night, didn't he?

17 A I don't know. I wasn't there.

18 Q Okay. You don't know that?

19 A No.

20 Q When this first happened, Mr. Carswell, the police
21 came to see you, didn't they, these fellows here,
22 these guys here?

23 A No, they didn't.

24 Q Well, did you have a meeting with them? You don't
25 remember attending a meeting and --

1 A I do remember attending a meeting, but they didn't
2 come to see me.

3 Q Well, all right. Well, all right. They came to
4 see y'all as a group, didn't they? Family?

5 A They didn't come to see me.

6 Q All right. I said as your family, not you. I'm
7 not saying --

8 A They didn't come to see us, as far as -- not when I
9 was there.

10 Q Okay. Well, would you agree with me, sir, that
11 Tammy's family was completely supportive of Brett
12 when this happened, weren't they?

13 A Well, we were so stunned at the beginning of losing
14 somebody we loved a lot. I mean, we really didn't
15 think about anything other than our loss.

16 Q Yes. But you were supportive of Brett?

17 A Yes.

18 Q And Brett told you what happened, didn't he?

19 A Yes.

20 Q And over the course of time, though, I mean, you
21 had -- the police came and got you and made you
22 look at a video, I think, or something, right?

23 A Nobody made me do anything.

24 Q All right. Did you go look at a video?

25 A Because I wanted to.

1 Q Okay. All right. Well, did you just happen to go
2 by and look at it, or did they call you? I mean,
3 how did it happen?

4 A They asked me to come make a statement.

5 Q Okay. Well, who asked you?

6 A I don't remember who in particular that did.

7 Q Do you see any of them in this courtroom today?

8 A I know one of them that was there, but I'm not sure
9 if he is the one that called or --

10 Q Who was there? Point him out to me.

11 A Stan I think was one.

12 Q Officer --

13 A I'm not a hundred percent sure.

14 Q Do you know Major Smith?

15 A Yes.

16 Q Okay. How many times have you talked to Major
17 Smith?

18 A I didn't keep a record. I have no idea.

19 Q Okay. I mean, can you give me a generalization?

20 A Between one and a thousand.

21 Q I believe that. Sir, you gave a statement on the
22 24th of May about a month and a half after this
23 happened, a month and a week after this happened,
24 right? Do you remember that?

25 A Not the date.

1 Q Do you remember the statement?

2 A Probably. If I see it I probably would.

3 Q Okay. I'm going to hand you --

4 A Well, maybe I won't. I don't have my glasses.

5 Q Are they in -- do you have your glasses in the
6 courtroom?

7 A Yes.

8 MR. WHITLARK: Your Honor?

9 THE COURT: They are bringing them.

10 (Pause.)

11 THE WITNESS: Thank you, sir.

12 BY MR. WHITLARK:

13 Q Oh, okay. I'm going to hand you that document and
14 ask you if you can identify it.

15 A It is something I signed, yes.

16 Q Well, do you remember it?

17 A Yes.

18 Q Okay. Would you look at the first question that
19 was asked by the police of you on Page 2 of that --
20 first of all, what is that, Mr. Carswell? Do you
21 know? I mean, what is it called?

22 A It says statement.

23 Q Okay. And you remember it, right?

24 A I don't remember it word-for-word. I remember
25 making a statement.

1 Q Okay. Would you turn to Page 2, please? And the
2 question was what to you?

3 A Did Brett ever tell you he had given Bryan
4 Capnerhurst a gun.

5 Q And what was your answer?

6 A He had made a statement one time that the gun was
7 unsafe and that he was thinking about getting rid
8 of it. But he certainly never told me he was going
9 to give it to Bryan.

10 Q Okay. Well, he told you he was going to get rid of
11 the gun, though, right?

12 A But he didn't.

13 Q I just said he told you that he was -- that is what
14 you said to the police, right?

15 A Yes.

16 Q That he wanted -- that he said he wanted to get rid
17 of it, right?

18 A That is what he said, but he didn't.

19 MR. WHITLARK: Your Honor, I move to have that
20 answer stricken as non-responsive.

21 MS. WALKER: Your Honor, Mr. Whitlark asked
22 the question.

23 THE COURT: The objection is overruled.

24 MS. WALKER: And the witness responded.

25 BY MR. WHITLARK:

1 Q Mr. Carswell?

2 A Yes, sir.

3 Q You were supportive of Brett then this happened
4 initially, weren't you?

5 A Yes.

6 Q Okay. But since that time you have been told some
7 things and shown some things and read some things,
8 and things like that, that have changed your mind,
9 hasn't it?

10 A It is called evidence, and, yes, I have.

11 Q Do you know about -- have you been watching this
12 trial?

13 A Unfortunately, yes.

14 Q Did you see the evidence that there was a gun in
15 the hand of Bryan Capnerhurst when the two
16 responding officers got there?

17 A I also saw the evidence where it said that he
18 couldn't have been holding a gun.

19 Q Did you did you see the --

20 A I saw --

21 Q Did you hear the evidence from the SLED agent who
22 said that, I would be comfortable stating that he
23 had fired a handgun?

24 A I didn't hear that statement.

25 Q Okay. Well, does that mean anything to you in your

1 support of Brett Parker?

2 A No.

3 Q That's what I thought. You have been talking to
4 them, right?

5 A I've been listening to the evidence, sir.

6 MR. WHITLARK: No further questions, Your
7 Honor.

8 THE COURT: Anything else from the State?

9 MS. WALKER: Nothing, Your Honor.

10 THE COURT: All right, sir, you may step down.
11 (Witness steps down.)

12 THE COURT: Any objection to this witness
13 being excused?

14 MR. WHITLARK: No objection, Your Honor.

15 THE COURT: All right, sir, you are free to
16 leave.

17 (Witness excused.)

18 THE COURT: Call your next witness.

19 MS. SIMPSON: The State calls Investigator
20 Travis Holdorf.

21 (Witness approaches.)

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

24 (Witness complies.)

25 THE CLERK: Do you swear or affirm the

1 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 THE CLERK: Have a seat in the witness box.

6 (Witness complies.)

7 THE CLERK: State your name for the record,
8 please.

9 THE WITNESS: Travis Holdorf, H-O-L-D-O-R-F.

10 TRAVIS HOLDORF,
11 after being duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. SIMPSON:

14 Q Investigator Holdorf, where are you employed?

15 A I'm employed at the Richland County Sheriff's
16 Department.

17 Q And how long have you been with the Richland County
18 Sheriff's Department?

19 A This October will be 19 years.

20 Q Can you tell the jury a little bit about your
21 training as an investigator and your career?

22 A Sure. I started with the Sheriff's Department in
23 '94. I went to the Police Academy. I went to the
24 road, field training, where you ride along with a
25 more experienced officer, and he introduces you to

1 the paperwork, kind of teaches the in-and-outs,
2 finance and costs.

3 In '97 I took the test to become an
4 investigator, and did very well on that. If you
5 passed the test, then you went to the board. I did
6 very well on the board. And in the Summer of '97 I
7 became an investigator.

8 I have worked pretty much everything but
9 fraud. That is about the only case -- area I've
10 not been assigned to. Currently I'm in sex crimes
11 and child abuse cases in our Special Victims
12 Office.

13 Once every six weeks investigators go on call.
14 Our team goes on call every six weeks. And I'm the
15 primary investigator for homicides, if we have a
16 homicide.

17 Q And as an investigator, what are some of your
18 duties and responsibilities?

19 A You have the road deputies which respond to calls.
20 That is their primary job. They'll write the
21 incident report and forward it to us. If it is
22 something that is happening now where there is
23 evidence that -- or people that not need to be
24 talked to or interviewed, they will call us out to
25 the scene.

1 Typically I am assigned a case the next day or
2 a few days later. I'm responsible for determining
3 what needs to be done with the case, interviewing
4 witnesses, deciding if this is something that is
5 criminal or not criminal.

6 Q And back on Friday the 13th, April of 2012, did you
7 have occasion to become involved in this case?

8 A I was. Our shift was on call. So I was the
9 primary for homicide.

10 We had two people who had been shot and
11 killed, and I was asked to come out to the scene.

12 Q Okay. And where did you respond and when?

13 A I was called right around 1:00 o'clock. I arrived
14 there at -- there being 12 Tackeria Court in
15 Richland County -- approximately 1:45.

16 Q And when you arrived, who did you make contact
17 with?

18 A I made contact with Major Smith, Sergeant Lindler
19 was there, Sergeant Ellis was there.

20 Q And what did you observe when you arrived?

21 A Brett Parker was talking with Major Smith and
22 Coroner Watts. I was --

23 Q Was the scene secure?

24 A Yes, ma'am.

25 Q And were other officers present as well?

1 A Yes, ma'am.

2 Q Were you advised of information, more information
3 when you got to the scene?

4 A Yes, ma'am. When you catch a homicide or
5 suspicious death, it is pretty much like a flood of
6 information. You go from knowing nothing about
7 anything to getting a whole bunch of information at
8 once.

9 And it is different people -- it is a team
10 concept. You have different people getting
11 different information and giving you different
12 information. So there was a lot of information
13 coming in.

14 Q And what was some of the information you received
15 about the victims inside?

16 A Bryan Capnerhurst, we learned, had worked for
17 Mr. Parker. Mr. Parker was very open about being a
18 bookie. That Capnerhurst took calls for him.

19 Brett's story at the time was Capnerhurst had
20 come in. He was owed some money. He had gone
21 upstairs, killed his wife. That Capnerhurst pulled
22 a gun on Brett. Took Brett back to where the safe
23 was. And Brett was able to retrieve the gun and
24 shoot Capnerhurst.

25 Q And that was the Defendant's -- part of his general

1 story when y'all arrived?

2 A Yes, ma'am.

3 Q And who were the victims inside?

4 A Tammy Jo Parker, which is Brett Parker's wife, and
5 Bryan Capnerhurst.

6 Q And how were you advised that they had been killed
7 as far as how they died?

8 A They both died of multiple gunshots.

9 Q Were you also advised about Lieutenant Odom's
10 actions with respect to the gun?

11 A I was.

12 Q And what were you told?

13 A I was told for officer safety reasons that he had
14 moved the gun when he came upon it. My wife would
15 be livid if I got shot that I've got to get a
16 picture of the person who shot me. In this job you
17 only have one opportunity to do it right. The most
18 important thing as an officer is that we go home
19 safe. If someone is getting hurt, we stop that.
20 It happens. We don't have something where we can
21 stop and analyze if this is a fluid situation.

22 You are coming in. You want to make sure that
23 the scene is safe for medical personnel before they
24 can arrive and assess the situation. It is not
25 uncommon for officers to secure guns.

1 Q So safety is -- would you say it was the primary
2 goal of a responding officer at the scene?

3 A Very much so, yes, ma'am.

4 Q And were Lieutenant Odom's actions deemed
5 inappropriate or improper in any way?

6 A No, they were not.

7 Q Was he reprimanded or disciplined in any way?

8 A No, he was not.

9 Q Did you actually go inside and observe the scene
10 with the bodies still present?

11 A No. The scene is secured. Once it is secured, we
12 assess whether we need to get a search warrant or
13 what grounds we need to search it on. And the
14 scene is turned over to our lab.

15 You will have a road deputy will secure the
16 scene out front with a crime scene log to control
17 who comes in and who comes out. But the lab owns
18 the scene at that point in time.

19 Q And at some point did you become aware of the
20 Defendant's life-saving effort, or as far as with
21 respect to Tammy Parker's life?

22 A I did. Yes, ma'am.

23 Q Can you tell us about that?

24 A Brett tells us during the course of our
25 interviewing him that she was gurgling. That is

1 pretty significant. If you have ever been around
2 someone in their last moments, that is a pretty --
3 even if you don't have a relationship with that
4 person, it is pretty --

5 MR. WHITLARK: Objection, Your Honor.

6 THE COURT: The objection is?

7 MR. WHITLARK: That he is giving his personal
8 opinion about what someone is to do. It has
9 nothing to do with law enforcement.

10 MS. SIMPSON: Your Honor, if I may? He is
11 testifying about in his experience with respect
12 to -- I mean, he has dealt with numerous
13 investigations and deceased people and victims, and
14 things of that nature.

15 This is not an opinion. It is just basically
16 in his experience what he has observed and what he
17 has learned.

18 And I think as an investigator, as a lead
19 investigator, he can testify to these things.

20 MR. WHITLARK: Your Honor, I know for a fact
21 they don't teach at the academy to come over and
22 talk about what to do with somebody under this
23 circumstance.

24 I mean, you know, Your Honor, it is not
25 something that has to do with his investigation.

1 MS. SIMPSON: Your Honor, I don't think --

2 THE COURT: Hold on one second.

3 (Pause.)

4 THE COURT: I am going to send you all out for
5 one second, and I will bring you back in.

6 (WHEREUPON, the jury retires to the jury
7 room at 11:46 a.m.)

8 THE COURT: All right, ask the question that
9 you want to ask. We'll proffer the testimony. And
10 then I'll make a ruling.

11 IN-CAMERA EXAMINATION

12 BY MS. SIMPSON:

13 Q I said, what did you learn about the Defendant's
14 life-saving efforts with respect to Tammy?

15 A In talking with Mr. Parker, he says that when he
16 comes up on Tammy she is gurgling.

17 And I was explaining how horrific of an
18 experience that is when someone is in their last
19 moments of life, or still there, and the only
20 life-saving -- before I'm cut off -- was that he
21 just checks her pulse, that there is no
22 life-saving, there is no anything there, just a
23 very cold and callous, checked her pulse.

24 And the story depends upon who Mr. Parker
25 talks to at the time. He gives a different account

1 to that again. As an investigator, that is highly
2 significant. This is not something that you are
3 going to miss. This is not something that you are
4 going to forget. This is going to be a very
5 impactful moment.

6 If she was gargling, like he had told us in
7 our written statement -- or his written
8 statement -- that is significant. He has told
9 other people that she was not. That is not
10 something you would mess up. That is not something
11 that you would just forget.

12 MR. WHITLARK: May it please the Court, Your
13 Honor? The last thing he said, objective
14 observation, that is fine.

15 But for him to say, well, you know what? He
16 didn't give her a loving embrace, or, he didn't do
17 what I would have done, is absolutely -- is
18 irrelevant, Your Honor. It is extremely -- it is
19 unduly inflammatory and prejudicial to the client.
20 And it has nothing to do with this. It is what he
21 would have done. And he just -- he didn't like the
22 way he did whatever he did. He wasn't there, Your
23 Honor.

24 So, I mean, basically he is going, well,
25 regular folks would have, you know, given her --

1 would have done this. I mean, that is basically
2 what he is testifying to.

3 MS. SIMPSON: Your Honor, if I may? I think
4 he just said he was fine with what the investigator
5 just testified to.

6 He is not going to say, what I would have
7 done, or, how I would have reacted. And we'll
8 limit it to just the proffered testimony.

9 THE COURT: And I definitely don't think he
10 can say it was cold or callous. He wasn't there,
11 so he can't testify to that.

12 The jury is the trier of the facts. So he can
13 say what he saw. He can tell them what he said he
14 did. But as far as whether or not it was cold or
15 what, I'm not sure if he is qualified to give that.
16 That is a personal opinion. I'm not sure he can
17 give that in his position as a law enforcement
18 officer.

19 MS. SIMPSON: And with respect to the cold and
20 callous, we can stay away from that.

21 I will say that as far as some of this, you
22 know, I believe that the investigator is able to
23 testify about the course of the investigation and
24 what caused him to take the steps he took, how they
25 come about questioning the Defendant, and all that

1 becomes even more relevant, especially with the
2 nature of the Defense's or the Defendant's defense
3 in this case, specifically as to the police
4 investigation.

5 MR. WHITLARK: Well, she is right about one
6 thing, Your Honor. This case is ripe with the
7 opinions -- you know, he is not acting like
8 somebody -- like a regular person, what I think a
9 regular person should have acted like: He is not
10 crying right; he is not doing the right thing here.
11 I mean, this case is full of stuff like this.

12 This man is an objective police investigator.
13 What he sees and what he writes down as objective
14 observations, absolutely that would be admissible
15 as evidence.

16 So I think the rest of this -- I mean, they
17 are taking every chance they can get to talk -- to
18 say that Brett, he didn't act right. I mean,
19 basically what they are doing, you know, he didn't
20 act right or he didn't cry enough here.

21 I mean, Your Honor, and I expect there to be a
22 lot more than this with the ensuing testimony, and
23 I'm asking the Court to be alert to it, because I
24 sure am.

25 THE COURT: All right. Let's try to stay away

1 from a personal opinion as much as possible. If he
2 has an opinion that is based on his position as a
3 law enforcement officer, he can give that. But the
4 personal opinions, we'll stay away from that.

5 All right.

6 MS. SIMPSON: And just so we're clear, so the
7 last proffered testimony from the investigator was
8 fine, except for the cold, calculating, callous
9 nature of it, is my understanding with respect to
10 the Court's ruling.

11 THE COURT: I'll have to hear it again. But
12 that part for sure.

13 MS. CAMPBELL: Okay. I think we'll --

14 THE COURT: You can bring them in.

15 (WHEREUPON, the jury came into open
16 court at approximately 11:52 a.m.)

17 THE BAILIFF: The jury is present, Your Honor.

18 THE COURT: All right. Yes, ma'am, you may
19 continue.

20 MS. SIMPSON: Thank you, Your Honor.

21 DIRECT EXAMINATION CONTINUES

22 BY MS. SIMPSON:

23 Q Investigator, what did you learn about the
24 life-saving efforts with respect to Tammy Parker?

25 A When we interviewed Brett, he said that Tammy was

1 gurgling. There were no life-saving efforts. All
2 he did was check her pulse.

3 Through the course of the investigation, it
4 became very problematic for us because there were
5 different accounts on whether or not Tammy was
6 gurgling depending on who Mr. Parker had talked to.

7 To other people he had said that she was dead.
8 And to us, his written statement that she was
9 gurgling. That would not be something I would
10 expect there to be a discrepancy with.

11 Q And back in -- when you arrived at the scene, were
12 you advised about a search warrant?

13 A Everybody was standing outside waiting for a search
14 warrant to be obtained for the crime scene to start
15 processing the scene.

16 Q And who was -- who would be considered the senior
17 ranking lead investigator at the scene?

18 A Major Smith was on the scene. I can be a primary
19 for a homicide investigator; however, he is the
20 major. The crime scene lab tech people, they are
21 responsible for securing the evidence, processing
22 the evidence, so it is a team approach. We all try
23 to work together and communicate what we know. It
24 is a fluid situation. We're sharing information.

25 Q So there were a number of investigators and

1 officers and everybody was kind of working
2 together?

3 A Yes, ma'am.

4 Q Did you make contact with the Defendant while on
5 scene?

6 A It was -- I was close-by when they were talking
7 with Mr. Parker.

8 Q And by *they*, who are you referring to?

9 A Yes, ma'am. Major Smith and Coroner Watts. The
10 most important thing you want to do at that point
11 in time is get down what happened. And to get it
12 down correctly by putting it in writing. Getting
13 them away from the scene. There is a lot of stuff
14 going on at the scene. Take him to an office where
15 it is not a bunch of people coming and going.

16 At that point in time the news crew or the
17 press had gotten on the top of the hill. You get
18 to a place where you can sit down and you get what
19 all happened. This is a significant event.

20 Q And at some point did you discuss with the
21 Defendant about going to headquarters, or Region 4
22 headquarters?

23 A We did. We asked Mr. Parker if he would mind
24 coming with us to get down what happened and
25 explained that it was very important that we do so.

1 He agreed to come with us. And we went to our
2 Region 4, which is Region 4 is the Broad River Road
3 area -- there is a substation there -- and used an
4 office there.

5 Q And at any point during this was he unwilling or
6 unable to talk to you?

7 A He was not. He was not in custody. He was not
8 being detained. We explained to him what we wanted
9 and needed, that we wanted to get his side of what
10 happened and that it was important.

11 Q And while at the scene, prior to y'all going to
12 headquarters for an interview, what did you observe
13 about his demeanor and his appearance?

14 A We're looking at how he looks, how his appearance.
15 There is no -- did not observe any blood or
16 anything on him, not on his hands, not on his
17 clothing.

18 Q Was he crying at all?

19 A There were no tears. He was upset. He was
20 excited.

21 At one point I did see him kind of dig his
22 fingers in eyes, but I never saw him cry. Not
23 tears.

24 Q And, again, with respect to his mental state, was
25 there anything that would cause you to question his

1 ability to understand or willingness to speak with
2 you?

3 A No. Typically I deal with people on the worst days
4 of their lives. I'm used to dealing with people
5 that are in a crisis state or just gone through
6 something very traumatic.

7 The things that you are looking out for, when
8 I ask him questions, do your answers make sense,
9 you know, making sure you understand what is going
10 on. It is important for me to get this right.
11 This is -- I understand the significance of it. He
12 understood the significance of it.

13 We talked about the issues. We talked about
14 what happened, how it happened, so that there is an
15 understanding. And then we put it in writing.

16 And then after we do that, we print it out.
17 They look over it. We look over it. Make sure
18 there is no glaring grammatical errors, anything
19 that stands out that is not correct.

20 Once all parties that are there, this is what
21 he said, this is how it is being said, it is
22 signed. And it becomes their statement.

23 Q And who went with -- or who all went to Region 4
24 headquarters?

25 A It was myself, Major Smith, and Mr. Brett Parker.

1 Q And when you first arrived, what did you all --
2 what did you do?

3 A Out of an abundance of caution, because you do not
4 know how these things are going to turn out, he was
5 advised of his rights. He was not in police
6 custody. He was not in handcuffs when he rode with
7 us. Just got in the car with us and we went to
8 Region 4.

9 At no time was he -- his freedom taken away or
10 threatened to be taken away. If he asked for
11 water, we got him water. Whatever we had or we had
12 access to at the region to get, we did.

13 Q I'm going to show you what has been introduced as
14 State's Exhibit 1 for ID. Do you recognize this?

15 A Yes, ma'am, this is our Advice of Rights.

16 Q Let me enter it before you show them. What is
17 that?

18 A It is our Advice of Rights. It has got the
19 Sheriff's Department title head at the top. And
20 then you have a fill-in-the-blank for the name, who
21 is present, where you are at, the date and the
22 time.

23 MS. SIMPSON: Your Honor, at this time I would
24 offer State's Exhibit 1 into evidence.

25 THE COURT: Any objection?

1 MR. WHITLARK: I'd like to -- can I voir dire
2 the witness about the exhibit, Your Honor? It is a
3 Waiver of Rights, right?

4 MS. SIMPSON: Your Honor, voir dire is
5 completely inappropriate. That is for purposes of
6 qualifications on an expert.

7 THE COURT: You can take a look at it.

8 MS. SIMPSON: I just --

9 (Pause.)

10 THE COURT: You'll have an opportunity to
11 cross-examine him.

12 MR. WHITLARK: I know that. Beg the Court's
13 indulgence.

14 (Pause.)

15 MR. WHITLARK: No objection, Your Honor.

16 THE COURT: All right. It will be entered
17 without objection.

18 (WHEREUPON, State's Exhibit No. 1 was
19 marked for identification and received
20 into evidence.)

21 BY MS. SIMPSON:

22 Q Backing up, what is this again?

23 A It is the Advice of Rights. It is the same thing
24 you see on TV. It goes through the name of the
25 person we're talking with, where we're at, who is

1 present -- which was myself and Major Smith -- the
2 date, which was 4/13/12, and the time, which was
3 2:26. That would have been the time we would have
4 gotten to Region 4 headquarters, which is off
5 Beatty Road and Broad River Road area.

6 Q And can you tell this jury how you advised him of
7 his rights and what rights you advised him of?

8 A Sure. It says -- it has got the checks on the
9 side. It just states:

10 Before we ask you any questions, you must
11 understand your rights.

12 You have the right to remain silent.

13 Anything you say can be used against you in
14 court.

15 You have the right to talk to a lawyer for
16 advice before we ask you any questions and to have
17 a lawyer with you during any questioning.

18 If you cannot afford a lawyer, one will be
19 appointed for you before any questioning if you
20 wish.

21 And if you decide to answer questions now,
22 without a lawyer present, you still have the right
23 to stop answering at any time.

24 You also have the right to stop answering at
25 any time until you talk to a lawyer.

1 And as I'm going through these, I'm checking
2 them off.

3 Down here is what is called a waiver, and it
4 states:

5 I have read this statement of my rights. I
6 understand what my rights are. I am willing to
7 talk and answer questions. I understand and know
8 what I am doing. No promises have been made to me,
9 and no pressure or coercion of any kind has been
10 used against me.

11 And I always ask them, do you understand the
12 pressure and coercion. He does.

13 If he did not, then I would have underlined
14 pressure or coercion.

15 I explained, if you understand your rights, I
16 need your signature here on the top part where the
17 rights are explained.

18 And if you wish to talk with us, I need your
19 signature here underneath the bottom where the
20 waiver is.

21 He signed it. And then both myself and Major
22 Smith signed this.

23 Q So he acknowledged understanding his rights and
24 then waived those rights?

25 A Yes, ma'am.

1 Q And in waiving those rights, did that mean he
2 wished to speak with you all freely and
3 voluntarily?

4 A Yes, ma'am, very much so.

5 Q And did he appear not to understand anything to
6 you?

7 A No, ma'am.

8 Q Tell us how this interview was conducted or what
9 happened next with respect to -- once he was
10 advised.

11 A Brett had said -- Mr. Parker had said that there
12 had been a number of phone calls. We wanted to
13 document those, the times, just trying to document
14 as much information as we can.

15 We asked to see his phone with the phone calls
16 as they came in. He did show us. The times he
17 talked to Mr. Capnerhurst.

18 We went through the reason for the meeting
19 today.

20 And basically the outline of what the
21 statement is.

22 Q And this phone was on his person?

23 A Yes, ma'am.

24 Q So he took it out of his pocket and showed it to
25 you?

1 A It was his iPhone.

2 Q What was Bryan Capnerhurst's phone number that he
3 related to you?

4 A I would have to look.

5 (Pause.)

6 A Bryan Capnerhurst's cellphone would have been
7 (803)622-2453.

8 The first time we see the call is at 7:40 a.m.

9 Then again at 11:12. It would have been a.m.

10 There is 11:13, which is a 48-second call.

11 11:15, which was a one-minute call.

12 And these, again, were obtained from

13 Mr. Parker's cellphone.

14 Q And while he was talking to you, was he detained in
15 handcuffs, or anything of that nature?

16 A No, he is not.

17 Q And what was the interview room or where he was --
18 where you talked to him, what was that like?

19 A It was an office. There is a desk, two chairs. A
20 nice size office, much bigger than what we get. It
21 was just a place where we could not have a bunch of
22 people interrupting us where we could get down the
23 sequence of events.

24 Q And did he speak with you verbally about what
25 happened?

1 A Yes, ma'am.

2 Q And subsequently was that put into a written
3 statement?

4 A Yes, ma'am.

5 Q How was that done as far as the written statement?

6 A I believe Major Smith was typing. I'm sitting
7 beside Mr. Parker in a chair. Just kind of get an
8 outline or rundown of what happened that day, where
9 they had been, what was going on, getting a
10 background of everyone's history.

11 My objective is to take someone who doesn't
12 know you or me or anything about this case and have
13 an understanding of your side of the events.

14 Q I'm going to show you what has been marked for ID
15 State's Exhibit 2.

16 (Pause.)

17 Q Do you recognize this?

18 A This is Mr. Brett Davis Parker's written statement.
19 It was signed by myself, Major Smith, and also
20 Mr. Brett Parker.

21 Q Okay. And did he acknowledge and sign on every
22 page that that was his statement?

23 A It is a five-page document that is signed on all
24 five pages.

25 Q And once someone else typed it, did he have the

1 opportunity to review that statement?

2 A Yes, ma'am.

3 Q And could he make any changes if he wanted to?

4 A Yes.

5 Q Or add anything?

6 A Yes.

7 Q So he did in fact sign each and every page?

8 A Yes, ma'am.

9 MS. SIMPSON: Your Honor, at this time I would
10 offer State's Exhibit 2 into evidence.

11 THE COURT: Any objection?

12 MR. WHITLARK: Yes. We object, Your Honor,
13 based upon the grounds previously stated to the
14 Court, but, you know, we have to restate these
15 grounds, Your Honor.

16 THE COURT: I understand.

17 MR. WHITLARK: And we would object to it as a
18 violation of his Fourth Amendment rights.

19 THE COURT: All right. The objection is
20 overruled. It will be entered.

21 MR. WHITLARK: Thank you, Your Honor.

22 THE COURT: All right.

23 (WHEREUPON, State's Exhibit No. 2 was
24 marked for identification and received
25 into evidence.)

1 MS. SIMPSON: And, Your Honor, at this time
2 I'd like to publish the statement with Investigator
3 Holdorf.

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

5 BY MS. SIMPSON:

6 Q Can you -- what is the date and time listed on the
7 Defendant's statement?

8 A All right. This would have been April 13th, 2012,
9 at 2:30, is the time that is on here. It has got
10 his name, date of birth, his address at 12 Tackeria
11 Court, and contact phone numbers for him.

12 Q And can you go through in question-and-answer
13 format and tell the jury what the statement says?

14 A Sure. The first question, a pretty open-ended
15 question.

16 Brett, can you once again relay to us the
17 sequence of events that occurred today at your
18 residence?

19 The answer: Earlier in the week I talked to
20 Bryan Capnerhurst, who works for me on the side. I
21 owed him some money. I owed him I think 5,000 for
22 work he had done with regards to the NCAA
23 tournament.

24 I have a federal gambling stamp, and I do some
25 telephone sports betting. Bryan takes calls for me

1 when there is a full day of sports events, like
2 college football or NCAA basketball tournament that
3 just took place.

4 I was on a cruise when the tournament ended,
5 so I had not yet had a chance to pay him. I spoke
6 to Bryan again this morning three times about
7 meeting me at my house -- at my home. These calls
8 were made from my cellphone.

9 I left work, Palmetto Home Medical in West
10 Columbia, and started home. I stopped by Firehouse
11 Subs in Irmo to pick up lunch for my wife and me.

12 My wife Tammy is a pharmaceutical rep and was
13 off today. I got home around 11:45. Tammy got
14 there around noon. She had been shopping at Office
15 Max or Office Depot, I'm not sure which.

16 We ate lunch in the kitchen bar area. We then
17 went upstairs to my office. Tammy got off --
18 excuse me -- Tammy got on the phone with a doctor's
19 office that she had an appointment with. She had
20 been unable to recall what day the appointment with
21 them was with.

22 I picked up a bunch of old magazines and took
23 them downstairs because I was going to throw them
24 away.

25 While downstairs I had to go to the bathroom.

1 I let the garage door up for Bryan because he
2 normally just comes in. He even has the code to
3 the garage door, and if I'm not there, I would
4 trust him with anything.

5 I was in the downstairs bathroom by the
6 hallway when I heard Bryan come in the kitchen
7 door. He called out my name. I yelled for him to
8 go upstairs. I told him Tammy was up there.

9 I finished using the bathroom. I was getting
10 ready to open the door, and I heard shots. I have
11 no idea how many shots I heard. I took off running
12 upstairs.

13 I then got up to the top of the stairs. Bryan
14 was at the top of the stairs pointing a gun at me.
15 He was right outside the office door.

16 Bryan said something like, I want the fucking
17 money out of the safe.

18 He held a gun on me. He walked me to the room
19 over the garage where I have the safe. The safe is
20 actually in a little closet area, which is adjacent
21 to the room over. It is bolted to the floor in the
22 attic concealed by a headboard and a blanket.

23 I kept asking Bryan why he was doing this.

24 He just kept saying, give me the fucking
25 money.

1 I moved the headboard aside. My pistol was on
2 top of the safe. It was a Judge. The pistol was
3 lying on top of the blanket.

4 Bryan was standing behind me in the closet. I
5 knelt down, grabbed my pistol. I turned as quick
6 as I could, and I shot him. I'm not sure how many
7 times I fired, but I think three or four.

8 I had to actually jump over Bryan to run back
9 to my wife. I went to the office and went to my
10 wife. She was making a noise. I checked her pulse
11 in the neck.

12 I asked her if she could hear me. I didn't
13 get a response.

14 I ran downstairs to get the phone. I was in a
15 panic. And that was the first one I thought of
16 getting to. I got to the phone in the kitchen and
17 I called 9-1-1. I was in hysterics.

18 I went back upstairs and checked on Bryan
19 because the dispatcher asked me if he was alive. I
20 put my finger under his nose to see if I could tell
21 if he was breathing.

22 I ran downstairs because I was looking for the
23 cops. I was told by the dispatcher, put the gun
24 down. I think I put it down by the rug by the
25 front door.

1 I was staying on the phone with the
2 dispatcher. I gave them directions to get to my
3 house.

4 I kept telling her that, when you come to
5 Ascot you take a left and four rights.

6 It took a while for them to get there. During
7 that time I went back inside and checked on both of
8 them again. Tammy wasn't making a noise when I
9 went back to check on her. I then went back
10 outside.

11 The officers got there, and one of them drew
12 down on me. I laid down in my driveway until
13 another officer got there. They handcuffed me.

14 EMS got there and went inside the house. EMS
15 then came and checked me out.

16 The next question is: How long have you known
17 Bryan?

18 Answer: Seven years maybe. He has probably
19 been helping me work for five years.

20 I asked the question: How did you two meet?

21 Answer was: He bet with me before.

22 Question: Has he ever threatened you before
23 for any reason?

24 His response was: No.

25 Question: Did you know he had a gun?

1 The answer: Yes. Actually I gave him that
2 gun a month ago because I did not want it in my
3 house. I think it was a 9-millimeter. My uncle
4 died about a year ago. He was a big gun collector.
5 The family split up his guns and my dad got the
6 9-millimeter. He brought it back in the fall. I
7 never shot the gun.

8 Bryan was over here one night and I simply
9 asked him if he wanted it because I thought it was
10 dangerous with my little boy and all.

11 The question was asked: Why did you keep that
12 gun, the other gun of yours on the safe?

13 His answer: I always had one there just in
14 case I needed to get to it. It was a good place to
15 hide in case something ever happened and I could
16 get to it there.

17 I also have one downstairs in the downstairs
18 bathroom. My preacher at Riverhills Baptist
19 actually recommended to me to get the gun after I
20 had a burglary last year. He said it was good for
21 home protection.

22 I asked the question: Your wife expected you
23 home for lunch?

24 The answer was: Yes. We had actually talked
25 about it this morning before I left.

1 Question: Did your wife get along with Bryan?

2 The answer: Yes. She would actually cook for
3 us if we worked on Sundays.

4 Question: Do you have any idea why Bryan
5 needed money this desperately?

6 The answer: I know a few years back his wife
7 had gotten them into money trouble. She maxed out
8 a bunch of cards, wasn't paying the bills, and that
9 kind of thing. That was what he told me. I think
10 she did it again recently. Bryan told me that she
11 had done it again recently. He told me that.
12 During football system I know he cleans up the
13 Lexington County Recreation and Aging Center to
14 make extra money. His daughter got in Governor's
15 School. I know that was a big burden for him
16 financially. I still cannot understand why he
17 would do this, though.

18 Question: Go back and tell us your
19 communications this week.

20 And that is going to be talking between
21 Mr. Parker and Capnerhurst.

22 The answer: We spoke on Monday. I called him
23 because I was back in town. I got back Saturday
24 from the cruise. I was running all the financial
25 numbers. He wanted to know how much he was owed.

1 I gave him an estimate --

2 MR. WHITLARK: Your Honor, that was incorrect.
3 I believe that was an incorrect statement there.

4 MS. SIMPSON: I'll have him start over with
5 the paragraph to make sure we're clear, Your Honor.

6 THE WITNESS: Okay.

7 A Question: Go back and tell us about your
8 communications this week.

9 The answer: We spoke on Monday. I called him
10 because I was back in town. I got back Saturday
11 from the cruise. I was running all of the
12 financial numbers.

13 MR. WHITLARK: I'm sorry, that is the word
14 there, Your Honor.

15 A Excuse me -- final numbers. I apologize.

16 MR. WHITLARK: All right.

17 A I was running all the final numbers. He wanted to
18 know how much he was owed. I gave him an estimate
19 of about 13,000 to 14,000 total. I was going to
20 give him 5,000 until I was through collecting from
21 some of the other folks that owed me money.

22 We spoke again Wednesday. I called him and he
23 said he had -- he was at the beach.

24 I had asked him if he wanted to come by that
25 day.

1 He said he wasn't coming back until Thursday.

2 It was then that we made tentative plans to
3 meet today. We then spoke several times this
4 morning.

5 I asked the question: Did he seem anxious or
6 determined when you spoke with him?

7 MR. WHITLARK: Sorry again, Your Honor. He
8 forgot a word.

9 A Did he seem anxious or demanding when you
10 spoke to him in any of these communications this
11 week?

12 Answer: On Monday he did say that he had been
13 waiting on this call -- on this call. He did make
14 a statement that he was tired of living off of a
15 credit card. I know he has borrowed money from her
16 parents. And he tried to refinance his house, but
17 her credit was so bad it messed his up. They
18 couldn't even refinance their house.

19 I actually was concerned about it to the point
20 that I told my dad about it on Tuesday.

21 Sometime ago Bryan had asked me to borrow some
22 money, so I figured that was going to come up
23 again.

24 I told him that -- I told him at that time
25 that we needed to wait and see how we did at the

1 end of the year.

2 I asked my dad what he thought I should do if
3 he asked me for money.

4 My dad asked me if I thought Bryan could pay
5 me back. I wasn't sure if he could pay me back, so
6 I wasn't sure what my answer was going to be.

7 I might would have leant him money if we got
8 some of the cash owed to us by some of the people
9 who we needed to collect from.

10 I asked the question: So you were going to
11 give him 5,000 today?

12 Answer was: Yes.

13 I asked a question: He would then be due
14 another 8,000 to 9,000?

15 The answer was: Yes, but he would have only
16 gotten that when it comes in. I have no idea what
17 their debt was and if that money would have even
18 covered it. I know the Governor's School is a big
19 expense for them.

20 I asked a question: Have you ever known Bryan
21 to drink excessively or use drugs?

22 Answer: He would drink several beers at the
23 house, and I never knew him to use any kind of
24 drugs. He said he did steroids in college. He
25 told me that because he played baseball.

1 Question: How much money was in the safe
2 today?

3 Answer: 20,000. I keep it there for my
4 bookie.

5 Question: Bryan knew where the safe was?

6 Answer was: Yes, but he didn't know the
7 combination.

8 Question: Would he have had any idea of how
9 much would have been in the safe?

10 The answer: No.

11 Question: Would you have gone to the safe to
12 get the 5,000?

13 Answer: I have shown it, about 4,500 in my
14 pocket.

15 He showed it to us. I think it was actually
16 \$4,511.00.

17 MR. WHITLARK: That is not in that statement,
18 Your Honor.

19 MS. SIMPSON: Your Honor, with respect to the
20 testimony, the evidence -- the statement is already
21 in. He is publishing the statement, but he can
22 also comment on and relay to the jury what was
23 going on.

24 THE COURT: What is the question --

25 MS. SIMPSON: That is in evidence.

1 THE COURT: What is the question that he is
2 answering?

3 MS. SIMPSON: Well, he is reading the
4 statement and then in parentheses it said, showed
5 it. And he is relaying that the Defendant actually
6 showed him money in his pocket and what that amount
7 was.

8 THE COURT: All right. I think you can -- but
9 I think your question was for him to read the
10 statement.

11 MS. SIMPSON: Yes. Right.

12 THE COURT: So he can stick to the statement
13 and you can go back and ask him follow-up
14 questions.

15 MS. SIMPSON: We will follow up, Judge.

16 MR. WHITLARK: Thank you, Your Honor.

17 MS. SIMPSON: Thank you, Your Honor.

18 A All right, the question: Would you had to have
19 gone to the safe to get the \$5,000?

20 Answer: I have shown it --

21 Q Well, and back up just a minute to the question
22 before that we were just on, if you don't mind.

23 A Yes, ma'am.

24 Question: Would he have any idea how much --
25 excuse me -- would he have any idea how much would

1 have been in the safe?

2 MR. WHITLARK: That is not proper. That is
3 not what is in the statement, Your Honor.

4 MS. SIMPSON: Your Honor, one question before
5 the next one, would he have had any idea how much
6 would have been in the safe?

7 No.

8 And he is continuing on.

9 THE COURT: All right.

10 A Would you had to have gone to the safe to get
11 the \$5,000?

12 I have shown it, about 4,500 in my pocket. I
13 was going to give it -- I was going to get the rest
14 out of the safe.

15 Question: Have you and your wife had any
16 problems at all?

17 The answer was: No.

18 Question: Did you ever suspect your wife of
19 any sort of infidelity?

20 The answer was: No.

21 Question: Did you ever suspect there was
22 anything between your wife and Bryan?

23 The answer was: No.

24 Question: Did Bryan know your wife was going
25 to be home today?

1 The answer was: Yes. I told him that I was
2 coming home to eat lunch with Tammy and that would
3 be a good time for him to come over.

4 Question: How were you able to get the drop
5 on Bryan again?

6 Answer: I think I was on my left knee. I
7 don't think Bryan could see past me when I was
8 standing in front of the safe. There was stuff on
9 the other side of the safe. There was no way he
10 could see past me to see the gun was there.

11 MR. WHITLARK: That is not what it says, Your
12 Honor.

13 A -- to see the gun where it was. I grabbed the
14 pistol and shot once. Bryan jerked, and I shot
15 more times. I know one hit him in the head. That
16 was when I stepped over to get to my wife.

17 Question: How much time elapsed from the time
18 you told Bryan to go upstairs because Tammy was
19 there and when you heard the shots?

20 Answer: A minute, if that.

21 Question: Did you say anything to Bryan about
22 what he had done to Tammy -- excuse me -- did you
23 say anything to Bryan about what he had done to
24 Tammy?

25 Answer: I just kept asking him why. I didn't

1 know -- I didn't know he had shot her for sure
2 until I got back to her. When I first came up the
3 steps when he put the gun on me I could see into
4 the office. I did see her feet coming out of the
5 bathroom. Everything happened so quick.

6 Question: Can you describe Bryan's demeanor
7 when you encountered him at the top of two stairs?

8 Answer: He had a glazed look in his eyes.

9 Question: Had you and Bryan ever argued about
10 anything at all?

11 Answer: No.

12 Question: Is there anything else that you can
13 think of now to tell us that you think is
14 important?

15 Answer: I really can't think of anything.

16 At the bottom of each page there is five
17 pages.

18 It says: This statement was made in the
19 presence of Major J. S. Smith of the Richland
20 County Sheriff's Department. I make the statement
21 of my own free will and accord, without reward or
22 intimidation.

23 All of the above is the truth, the whole
24 truth, and nothing but the truth.

25 And it is signed by all parties who were

1 there, which is myself and Major Smith and
2 Mr. Brett Parker.

3 Q Going back to the amount that he said he owed
4 Bryan, what did he indicate to y'all that amount
5 was that he owed?

6 A In the written statement it was 13- to \$14,000.

7 Q Did that become significant in your investigation?

8 A It was, and it was actually more that was owed than
9 what was in the written statement. He had owed
10 \$6,000 from two years past.

11 Q Okay. And he didn't tell you about that additional
12 money?

13 A That is correct, he did not.

14 Q And how much money did he indicate that he was
15 going to pay Bryan that day?

16 A He was going to pay Bryan Capnerhurst \$5,000. And
17 this is the money that was in Brett Parker's
18 pocket, in the pants he was wearing with us -- when
19 he was with us at the police station.

20 Q And what was the amount he told y'all at that time
21 would be in the safe, or that he had in the safe?

22 A He said several times \$20,000 would be in the safe.

23 Q And did that also become significant in your
24 investigation?

25 A It was. Before we released the crime scene that

1 night, we actually asked for the combination of the
2 safe. Our lab was not able to open the safe.

3 The next day Mr. Parker came to the house. We
4 asked him to open up the safe. He did so.

5 That is when we discovered that there were two
6 stacks that if you look at them, at the top it
7 looked like \$20,000. It was a 100-dollar-bill.
8 And the band around it said 10,000. There were two
9 of them. But after that first bill, the rest of
10 them were ones.

11 Q So in the written statement to y'all, though, he
12 indicated that he would have 20,000 in the safe?

13 A Correct.

14 Q And what was his stated purpose of having \$20,000
15 in the safe?

16 A That was for his booking operation.

17 Q And what did he say about Bryan's knowledge about
18 the amount in the safe at that time?

19 A That Bryan would not have known what was in the
20 safe nor the combination to the safe.

21 Q How long -- and this is backing up a little bit --
22 actually let me back up. What was the reason that
23 the Defendant gave for not having paid Bryan the
24 amount -- the money?

25 A Mr. Parker had stated because they were due money

1 that they had not collected, Capnerhurst would be
2 paid based upon the profits of their business. He
3 is not paid a base salary. If the business makes a
4 profit, then Capnerhurst gets a percentage of that
5 profits -- of that profit.

6 Brett relayed to us that the reason
7 Capnerhurst had not been paid is because they had
8 not collected yet.

9 Q And in a statement did he also say that the reason
10 was because he was on a cruise and that is why he
11 hadn't paid him?

12 MR. WHITLARK: Objection to the leading form
13 of the question, Your Honor.

14 BY MS. SIMPSON:

15 Q What did he say?

16 A They were on a cruise. They had gotten back that
17 Saturday. And they were going to settle up that
18 Friday when they had a meeting.

19 Q And did he -- was he aware of Tammy's doctor --
20 doctor appointment?

21 A It was in his written statement. That is not
22 corroborated by any of the phone records, and also
23 refuted by her doctor, who was here to testify.

24 Q So he told you that she was actually on a phone at
25 the office?

1 MR. WHITLARK: Objection, Your Honor.

2 A Correct.

3 MS. SIMPSON: I'll move on.

4 THE COURT: Sustained.

5 BY MS. SIMPSON:

6 Q What was the timing of events based on the
7 Defendant's written statement?

8 A On his written statement -- and, again, this isn't
9 just -- we all sit down in a room and start getting
10 the statement right away. It is important to
11 understand the sequence of events. So this is gone
12 over a minimum two, if not three times before it is
13 down to paper.

14 As you are telling -- or getting information
15 from him, you might have more questions. You might
16 want to develop it further. But he was very
17 consistent that this was very quick. In his
18 written statement he said a minute at the most.

19 Q And that is a minute from what time?

20 A From the time that Mr. Capnerhurst got in the
21 house, he goes upstairs. We actually did a
22 re-enactment the next day just to understand the
23 acoustics. It is a large house. There is two
24 stairways. There is one when you come in through
25 the garage. It is right by the garage. Also

1 called a mudroom area, which is right off the
2 garage. The second stairway which Mr. Parker would
3 have used is off of the front door. If you go in
4 through the garage door area, you would come up --
5 there is a large playroom area or living room area
6 on the top floor. You would not necessarily see
7 the office if you came in through the garage. You
8 would see the doorway, but you would not be able to
9 see in the office.

10 Q And at that demonstration the next day about *we*
11 *re-enacted*, who do you mean? Who showed you?

12 A Myself, Major Smith was there, Mr. Parker came to
13 get some additional clothing, or asked if he could
14 get additional clothing. We were working with him.
15 We had a number of questions we also wanted to go
16 through that had come up.

17 And asked him, do you mind going over the
18 sequence of events -- it is a large house -- to
19 make sure we understood exactly which bathroom he
20 was saying he was in, which door Mr. Capnerhurst
21 would have come in. That was important.

22 Q And going back to your meeting the first day, in
23 his written statement did he offer a fair amount of
24 information about Bryan Capnerhurst's financial
25 situation?

1 A There was a lot of information about that.

2 Q And did he provide you with any information about
3 his own financial situation?

4 A Said that there was not any financial problems.

5 On a case like this, you are looking for the
6 big indicators, what is going on, if there are
7 problems.

8 The only person that we can talk to that was
9 in the house was Mr. Brett Parker. He is the only
10 person we could sit down and talk to at the time.

11 The rest of them -- the lab has to process the
12 scene to get what happened.

13 Q And so he didn't provide you with any information
14 about his gambling debts?

15 A He denied there was any gambling debt, any marital
16 problems, any of the indicators that would be cause
17 for suspicion.

18 And he was cautioned several times that he
19 needed to be very honest and forthcoming, that we
20 didn't want to later on find out that there was
21 something that he hadn't told us about.

22 The last question: Is there anything else
23 that you can tell us about, that you feel we need
24 to know?

25 And, again, typically dealing with someone who

1 has been through a big life-changing experience,
2 you take your time. This is not a hurried
3 statement.

4 This is, hey, is there anything else?

5 You look for any other indicators and try to
6 dig deeper so there is no misunderstanding.

7 Q So he didn't mention Lindsay Mullins?

8 MR. WHITLARK: Objection, Your Honor. Your
9 Honor --

10 THE COURT: What is the objection?

11 MR. WHITLARK: I withdraw the objection.

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

13 BY MS. SIMPSON:

14 Q And did he indicate whether he had engaged in any
15 online gambling?

16 A Denied ever even using the computers.

17 Q Did he tell you anything about having to borrow
18 money within the recent weeks?

19 A No, ma'am, nothing.

20 Q From his parents?

21 A Nothing.

22 Q Britt Jordan?

23 A No.

24 Q And did he mention anything to you about requiring
25 that he better settle up when he got back from the

1 cruise?

2 MR. WHITLARK: Objection, Your Honor.

3 THE COURT: The objection is?

4 MR. WHITLARK: Leading question, Your Honor.

5 THE COURT: All right. The objection is
6 sustained. Please rephrase the question.

7 MS. SIMPSON: I'll move on.

8 BY MS. SIMPSON:

9 Q So he -- did he have a chance to review his
10 statement?

11 A Yes, ma'am.

12 Q And he stated that he had signed it and
13 acknowledged that it was his?

14 A Not just signed and acknowledged it was his, but
15 stated this was right, this was true, this was
16 correct, there was nothing else we needed to talk
17 about or go over.

18 Q And did you make him any promises in order to get
19 the statement?

20 A No. I mean, we're just trying to get his version
21 of events.

22 At that point in time, when I'm sitting there
23 talking to him, I don't have anything that
24 contradicts what he says -- at that time.

25 Q And you didn't threaten or coerce him in any way?

1 A No, ma'am.

2 Q And he agreed to speak with you freely and
3 voluntarily?

4 A Yes, ma'am.

5 Q And, again, was he in custody or was he free to
6 leave?

7 A He was not in custody. He was not threatened with
8 custody. There were no handcuffs on him. There
9 were handcuffs on him when Major Smith first got to
10 the scene. He had them take the handcuffs off
11 Mr. Parker. Again, that is for officer safety. I
12 had them take the handcuffs off.

13 I explained we needed to talk to him and get
14 down his side of the story.

15 At the scene, with all this stuff going on,
16 with the news crew on top of the hill, that just
17 was not the place to talk to anyone.

18 Q And once this interview was completed, what
19 happened?

20 A Afterwards, we had been communicating with the --
21 Sergeant Yturria, who is over the Special
22 Victims -- or, excuse me, the Victim Advocates --
23 who had gotten Mr. Parker's kids.

24 We did not want them just getting off the
25 school bus right in front of their house and seeing

1 that something significant had happened.

2 So we coordinated that -- we took Mr. Parker
3 to his dad's house and had the kids arrive there
4 about the same time to try to cause as little
5 damage or impact as had already been done and was
6 going to be done.

7 Q And who is the Defendant's dad?

8 A Mr. Jack Parker, lives off -- by the lake.

9 Q And did you -- were you actually present inside the
10 home when the Defendant told his children what
11 happened?

12 A I was not. That is not really -- I felt that was
13 more of a family time, which is why the Victim
14 Advocates were there. That is what they do.

15 Myself and Major Smith stayed outside and
16 talked to his uncle, who was at the house, the one
17 who had given Mr. Jack Parker the gun.

18 Q And you said his uncle. Who was that? And by *his*,
19 you mean the Defendant's uncle, correct?

20 A Mr. Brett Parker's uncle, yes, ma'am. It would
21 have been -- John Lucas. I apologize. There is a
22 lot of names.

23 Q And what did he tell you about the gun?

24 A That he had gotten it from a relative when they
25 passed away. There was a number of guns. That he

1 had given it to Jack. That it contained the
2 firearm, a box of ammunition. He did recall it was
3 in a case. He couldn't recall if it was a black
4 case or a tan case. And a clip.

5 Q So you spoke with him at the scene?

6 A Yes, ma'am.

7 Q Did you also speak with Jack Parker at the scene?

8 A Yes, ma'am.

9 Q At some point in your investigation were you
10 advised about Linda Parker's comment, did Brett
11 kill Tammy?

12 MR. WHITLARK: Objection, Your Honor. May we
13 approach the bench, Your Honor?

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

17 MR. WHITLARK: Thank you, Your Honor.

18 THE COURT: Please rephrase the question.

19 BY MS. SIMPSON:

20 Q At some point did you leave Jack Parker's home?

21 A We did.

22 Q And where did you leave the Defendant?

23 A With his father at his father's house.

24 Q So he was not in custody or under arrest at that
25 time?

1 A He was not.

2 Q Where did you go when you left the Parker home?

3 A We went back to the crime scene. By that time our
4 Crime Scene Units had progressed to the point where
5 we could actually walk through the house to try to
6 understand the layout and how it happened.

7 Q Okay. You were back at the scene. Did you
8 observe -- was the scene still secure?

9 A Yes, ma'am.

10 Q What does it mean, pausing a little bit, for a
11 scene to be secure?

12 A When we execute a search warrant, we have something
13 where this could be a developing situation, we will
14 hold a scene, meaning you put a deputy on it 24
15 hours a day. That deputy does not leave. And it
16 is a rotated position. Different areas of the
17 county will send a unit or a person to go by and
18 cover for several hours at a time. So it is not
19 one area short of personnel. They will kind of
20 share the load, if you will. You'll have what is
21 called a crime scene rotation where someone in the
22 Dentsville area will send a unit, someone from the
23 lower side will send a unit next. They don't leave
24 until that next person arrives.

25 Q And just because somebody arrives on a scene, does

1 that necessarily mean they enter a crime scene?

2 A No. Oftentimes -- and with the Sheriff's
3 Department, it is a growing process. You have a
4 600-man department. I have been there almost 19
5 years. The first time I was on a homicide it was
6 nerve-racking. So they will see someone come in or
7 just because you walk up to the driveway, that is
8 not part of the scene.

9 They will write a name down. It is like, hey,
10 I'm not going in.

11 So it is not uncommon to have names on the
12 list -- and what we do, instead of scratching out
13 where you can't read it, you draw a line through,
14 and did not enter.

15 Q And a lot has been made of the crime scene log in
16 this case.

17 During the course of this, did you actually
18 make contact with a Deputy Aull?

19 A I did.

20 Q And was she able to confirm whether or not the
21 scene was guarded during the nighttime hours?

22 A Yes. There had been a question raised. Because
23 you are guarding a scene, that doesn't mean you go
24 in the scene. There is a difference.

25 At the bottom is where her name is that the

1 scene was secured throughout the night.

2 No question on that.

3 Q So at all times while it was in law enforcement I
4 guess custody, for lack of a better word, was the
5 scene secure?

6 A It was.

7 Q And at what point -- at some point did you release
8 that scene?

9 A The next day. That Saturday afternoon. I actually
10 released it to Mr. Parker. And that is after the
11 lab said they were done with everything. After we
12 felt that we had done everything at the scene as
13 far as processing that we can do at that time. I
14 called Mr. Parker. I didn't want to just leave it
15 with the publicity that this case had already
16 started to get, to turn it over to him so that
17 there would be someone there. I didn't want
18 someone to come to the house and break in or taking
19 stuff or changing anything. It was actually
20 physically turned over to his person.

21 Q And at all times it was secure until that point?

22 A Yes, ma'am.

23 Q Did you obtain some information about a
24 surveillance system installed at the home?

25 A Yes, ma'am. Actually that night we were able to

1 view the surveillance system and able to see the
2 parties as they arrive.

3 Brett Parker first, when he arrives. Tammy
4 Parker, when she arrives. And lastly
5 Mr. Capnerhurst, when he arrives.

6 That is how we were made aware of the duffel
7 bag. You see him when he gets out of the car he
8 slings it over his shoulder.

9 We are able to communicate with our lab
10 people, hey, where is this? And that is when we
11 find it.

12 Q And tell the jury exactly what you observed that
13 became later, I guess, significant in your
14 investigation?

15 A Again, when Mr. Capnerhurst gets out of the car, he
16 takes the duffel bag and slings it over his
17 shoulder. Much like when you are in school, your
18 smaller heavier items typically go to the bottom.
19 They don't stay up nice into the top as when the
20 lab unit finds it. When we tell them to look for
21 this duffel bag, they knew what bag it was. It had
22 not been gone through yet.

23 MR. WHITLARK: Objection, Your Honor.
24 Objection, Your Honor.

25 THE COURT: The objection?

1 MR. WHITLARK: It is speculative what he is
2 saying.

3 MS. SIMPSON: Your Honor, this is --

4 THE COURT: Objection is overruled.

5 MR. WHITLARK: Thank you, Your Honor.

6 BY MS. SIMPSON:

7 Q And had anything been mentioned by the Defendant
8 about a gym bag prior to you observing -- or law
9 enforcement observing the video?

10 A No, ma'am. There had not been. And when it is
11 opened up, the ammunition and an empty clip was
12 found at the top of the duffel bag.

13 That was problematic for us. According to
14 Mr. Parker's statement, there was no altercation.
15 There was no anything, you know. If you go off
16 Mr. Parker's statement as it is, Mr. Capnerhurst
17 would have had to gone there with the intent of
18 killing Tammy.

19 He hears Brett downstairs in the bathroom. It
20 is obvious that he didn't want to kill Brett, he
21 wanted to go upstairs to kill Tammy.

22 A hard time understanding how somebody --

23 MR. WHITLARK: Same objection, Your Honor.
24 Pure speculation by the officer.

25 THE COURT: Yes, ma'am.

1 MS. SIMPSON: I don't understand what is
2 speculative about -- well, I'll rephrase that.

3 THE COURT: Objection sustained.

4 MR. WHITLARK: Thank you, Your Honor.

5 BY MS. SIMPSON:

6 Q With respect to the ammunition, did the empty clip
7 and the ammo perfectly placed, you stated that it
8 was problematic for you?

9 A Yes, ma'am, very.

10 Q What else about that video stood out to you all?

11 A When you watch the timeframe on the video, it is 11
12 minutes between the time that Mr. Capnerhurst gets
13 there to the time that 9-1-1 is actually called.
14 And that is entirely too long for the sequence of
15 events.

16 MR. WHITLARK: Objection again, Your Honor.
17 He is speculating regarding this.

18 THE COURT: All right.

19 MS. SIMPSON: Your Honor, with respect to
20 this, this is not speculation. I mean, they have
21 the Defendant's story about what happened. He is
22 an investigator. They are questioning his story.
23 There is only one story. And the timing on this
24 video is extremely important.

25 And as far as not having enough time, based on

1 the Defendant's statement, there is nothing
2 speculative about it. It is what they observed and
3 what they saw.

4 THE COURT: All right. The objection is
5 overruled.

6 MR. WHITLARK: All right. Thank you, Your
7 Honor.

8 BY MS. SIMPSON:

9 Q Again, the timing on the video?

10 A Eleven minutes is just too long. There is -- the
11 sequence of events that Mr. Parker described and
12 how it went down, this is a very quick event.

13 He said at a minimum at the most Capnerhurst
14 was there before he hears the gunfire, this does
15 not take 11 minutes. That is a long time. We have
16 all sat through and watched the video play. That
17 is a long time.

18 Q And subsequent, I guess, to the initial date of
19 this incident, was another investigator viewing
20 this video as well?

21 A Yes, ma'am. Lieutenant McDonald is our person we
22 go to with phone records and viewing videos, kind
23 of stage the desk, and helps us with a lot of our
24 Intel stuff.

25 He was viewing the video and was actually able

1 to see where before Mr. Capnerhurst gets there
2 Brett walks out to the garage. And you see -- even
3 a little bit further back, you can see where
4 someone peeked out of the blind.

5 This is in total contrast to what Mr. Parker
6 said he was doing at the time.

7 This is, again, very problematic for us.

8 Q And to your knowledge, was Bryan Capnerhurst aware
9 of the video surveillance at the Defendant's home?

10 MR. WHITLARK: Objection, Your Honor. Now he
11 is testifying to what Bryan Capnerhurst knew.

12 THE COURT: Sustained.

13 BY MS. SIMPSON:

14 Q Did the Defendant or anyone else in the
15 investigation advise you of whether -- of how long
16 those cameras had been there?

17 A The cameras are visible from the outside. The
18 actual DVD or recording device is upstairs in the
19 office area where they would have done their
20 booking operation. There is no question that
21 anyone who would go to the house and -- it is easy
22 to see the cameras. He would have been very aware
23 of the cameras.

24 MR. WHITLARK: Same objection. Same
25 objection, Your Honor. I move that be stricken

1 from the record.

2 THE COURT: Sustained. That -- please
3 disregard that last answer.

4 BY MS. SIMPSON:

5 Q Who provided you with the information about
6 Mr. Capnerhurst's ability to access the home?

7 A Mr. Parker.

8 Q And what did he tell you about trusting him?

9 A That he knew the code to the garage. Capnerhurst
10 had it in case he was not there, just to go to the
11 house. If the garage door was open at the time,
12 the house was unlocked, he trusted Capnerhurst.

13 Q And where, again, are the cameras located with
14 respect to the garage?

15 A There is one right off the side on the corner of
16 the house. I believe there are several angles that
17 capture the garage. There is one that captures the
18 garage corner area where the cars were parked.
19 There is another one that captures different angles
20 of the front of the house.

21 Q So there are actually several --

22 A Yes, ma'am.

23 Q -- different cameras at the location?

24 With respect to the front porch camera, was
25 something observed that caused you to follow up

1 with an Al Davis, the UPS driver?

2 A Yes, ma'am. You can see the UPS make a delivery.

3 This is in close timeframe to when the parties were

4 there. We made contact with Mr. Davis to see if he

5 may have heard anything, saw anything that stood

6 out. When we talked to him, he did not have

7 anything that added to this investigation. He

8 didn't hear anything, didn't see anything

9 un-normal.

10 Q In your investigation that day, I guess when you

11 went back to the scene, were certain investigators

12 tasked with contacting the family?

13 A Yes, ma'am.

14 Q The Capnerhurst family?

15 A Yes, ma'am.

16 Q Who was that?

17 A Sergeant Lindler and Sergeant Robinson went to talk

18 to the family.

19 Q And without telling me exactly what they relayed to

20 you, did you have some information about Bryan's

21 mental state about the meeting that day?

22 A At that time, no, there was nothing. There was a

23 number of conversations that Capnerhurst had had

24 with several people.

25 He was excited about getting all of his money.

1 At first he was nervous about meeting with
2 Mr. Parker until he finds out that Tammy is going
3 to be there. When he finds out Tammy is going to
4 be there, he feels at ease.

5 It goes from, hey, if you don't hear from me
6 in an hour, you need to call this number, to, you
7 know, bring a duffel bag and Tammy is going to be
8 there. He thinks he is finally going to get
9 settled up on.

10 Q And through the course of your investigation, had
11 Bryan told -- who all had Bryan told, I guess just
12 generally, about this meeting and where he was
13 going?

14 A Sure. You had his wife, Cindy Capnerhurst; Jack
15 Parker, Brett's dad knew about this; Mr. Morgan
16 knew about this; and several co-workers knew about
17 this meeting.

18 Q So Bryan had told a number of people about this
19 meeting?

20 A Yes, ma'am, a lot of people. And details about
21 this meeting: About being told to bring a bag,
22 about speculating on the amount of money. Yes,
23 ma'am.

24 Q When contact was made with the Capnerhurst family,
25 did you all learn some information about whether

1 Bryan had owned a gun?

2 A Yes, ma'am. The Capnerhurst family was very
3 cooperative, actually gave consent to look that
4 night for a gun. Nothing had been found. And they
5 were adamant that he never had a gun, would not
6 have had a gun, nothing like that.

7 Q Did investigators actually search Bryan's home that
8 day?

9 A Yes, ma'am, they have.

10 Q And did they find any evidence of a gun?

11 A There was none.

12 Q Did they find anything incriminating with respect
13 to this murder?

14 A No. No, ma'am.

15 Q Did you yourself later respond to Bryan's home, not
16 later that day, but during your investigation?

17 A Yes, ma'am, I did. I met with the Capnerhurst
18 family, along with Sergeant Yturria. We took a
19 number of statements. And, again, it is trying to
20 get down as much information with anybody who might
21 be related to this or have a part of this to say we
22 had done that.

23 Q And what was the condition of this home? Can you
24 describe it for the jury?

25 A It would qualify for the Martha Stewart magazine.

1 It would not be like my house. It was -- the yard
2 was spectacular. The house was very nice.

3 Q Did you observe the ash pile that we have been
4 referring to?

5 A I did. From being at Mr. Parker's house, I had
6 recognized a few. It was a burn pile. We were out
7 in the country. It is not uncommon for people to
8 have burn piles when they burn certain trash. I
9 did see corners of paper, papers that were
10 consistent with the same type of papers that were
11 at Mr. Parker's house. Nothing big, nothing where
12 it is the whole thing written, just like it is a
13 corner page or a part of a page that had been
14 burned.

15 Q And what did you learn about, I guess, that ash
16 pile?

17 A That it was not uncommon for Mr. Capnerhurst to
18 burn their trash there. Specifically, some of the
19 bookmaking -- or some of the bet sheets where they
20 would take down information on who was making what
21 bets.

22 Q And whose direction was that at?

23 A We learned that was from Mr. Brett Parker, to get
24 rid of it.

25 Q Was contact also made with James Morgan?

1 A It was.

2 Q And did Mr. Morgan relay some information to you or
3 investigators about the contact that Bryan had had
4 with him that day?

5 A Mr. Morgan at first relayed to Sergeant Lindler
6 about the information. We felt it significant
7 enough that that Sunday I went up to Greensboro,
8 North Carolina, and met with him at his place and
9 took a written statement from him.

10 Q So you actually met with him the Sunday after the
11 Friday?

12 A Yes, ma'am.

13 Q The 13th. While you were at the scene, the crime
14 scene, and was still processing the scene, were
15 they advising you of updates with respect to some
16 of the evidence that was located at the scene?

17 A There is constant communications. Major Smith was
18 taking most of the calls. We were talking to
19 Mr. Parker at the time.

20 But there is constant information coming in.
21 You've got a bunch of people going out and doing
22 different scopes. You have got two sergeants going
23 out to talk to the Capnerhurst family. You had
24 Crime Scene who is starting to process the scene
25 inside the house. You've got the Coroner's Office

1 who is working with our Crime Scene in body
2 removal. There is just a lot of information coming
3 in.

4 Q And did you ultimately do a walk-through of the
5 scene?

6 A Yes, ma'am.

7 Q What did you observe?

8 A The entire house. We observed the bathroom where
9 Mr. Parker said he was with the toilet seat up.

10 We observed the office area where Ms. Tammy
11 Parker was shot and killed where she ended up
12 laying in the bathroom.

13 Q And at this point were the bodies -- they had been
14 removed or were they still there?

15 A The bodies had been removed.

16 The office -- or the attic crawl space area --
17 not the crawl space area -- the attic closet area
18 where the safe was where Mr. Capnerhurst was killed
19 and throughout the whole house. And this was a
20 large house.

21 Q And the area where this house is located -- and you
22 described Bryan's -- what -- describe the area for
23 the jury.

24 A This is in Ascot. Ascot, it is a larger
25 neighborhood. And the specific side of Ascot is

1 called Ascot Estates.

2 When you are watching the video, why it takes
3 so long for the deputies to get there, when
4 neighborhoods are drawn, they are not always going
5 to be on your map. If someone said the new side,
6 there are several new sides of Ascot. You have got
7 the townhome side where they are building more
8 townhomes and smaller houses, and then you've got
9 the Ascot Estates side where they are building the
10 larger houses.

11 Q And was this house -- was it in a wooded area?

12 A It is in a cul-de-sac. There are other houses
13 around it, but they are not very close to it. It
14 is a nice -- for a residential area, it is a pretty
15 good secluded spot.

16 Q The next day, on April 14th of 2012, what did you
17 do first with respect to this specific
18 investigation?

19 A On the 14th?

20 Q Yes, sir.

21 A When talking with Mr. Parker, we learned about Ms.
22 Natasha Nadkarni. He stated he didn't think he had
23 the phone number for her. So we tried to get as
24 much background information, where she may have
25 worked, and started calling around trying to find

1 out who this person is, just trying to document and
2 verify what Mr. Parker had told us.

3 Q Did you ultimately identify her and make contact
4 with her?

5 A We did, yes, ma'am.

6 Q What happened next with respect to your interaction
7 with Crime Scene?

8 A That is when we learned they had not been able to
9 open the safe with the combination as provided. We
10 decided the next best action was to meet with
11 Mr. Parker at the scene. He needed to get some
12 clothing for the kids. And we had him meet us at
13 the scene, along with his father and aunt.

14 Q And once you met at the scene, what happened?

15 A Because this is still a crime scene, Mr. Parker
16 came in. We didn't allow the rest of the family
17 in. Again, we don't want to disturb anything or
18 change anything, just because we're not saying
19 we're done yet. And asked him a couple of
20 questions. And asked him to go through, if he
21 could just re-enact what happened and how it
22 happened.

23 Q Did y'all have some questions about his initial
24 statement and story?

25 A We did. We wanted to make sure we understand which

1 stairs. We asked about the bag. We asked about
2 where Mr. Capnerhurst was parked, if he was told to
3 park there. The gun case, we found a gun case in
4 the office area. Mr. Parker admitted that was the
5 gun case that the 9-millimeter was in.

6 We wanted to know why didn't he give that to
7 Capnerhurst when he gave him the gun approximately,
8 according to his story, a month before this
9 incident.

10 He really didn't have an answer. He just
11 said, well, I just didn't.

12 I asked him about the toilet seat being up.

13 He said, well, sometimes I just do that.

14 Q And the toilet seat being up, what are you
15 referring to?

16 A In the bathroom where he was using the bathroom
17 number two, he claimed, the toilet seat is found in
18 the up position. That was odd. That is not
19 normal. So we asked him about it.

20 MR. WHITLARK: Objection, Your Honor.

21 THE COURT: The objection is?

22 MR. WHITLARK: I mean, he is testifying that a
23 toilet seat being up is not normal. I mean --

24 THE COURT: All right. Objection overruled.

25 BY MS. SIMPSON:

- 1 Q Okay. So you asked him about that?
- 2 A Yes, ma'am. And he said sometimes he just does
- 3 that.
- 4 There was never any mention about potty
- 5 training, or anything like that, that was given.
- 6 Q Going to -- you say that the Defendant demonstrated
- 7 the stairs. Tell -- what stairs did he say that
- 8 Bryan had used?
- 9 A He stated that Bryan had used the stairs that are
- 10 going to be closest to the garage.
- 11 Q And are these separate from the other stairs?
- 12 A Correct. Where the stairs meet is like a big
- 13 living room area, larger square, roughly square
- 14 area. And they come up on opposite sides of it.
- 15 One is going to be on the far corner, and then the
- 16 other.
- 17 Q And by *come up*, where are you referring to? Where
- 18 on the other side?
- 19 A It would be upstairs in the playroom area where the
- 20 red couch was. You guys see the pictures there.
- 21 That is where both stairwells are going to meet
- 22 roughly in that area.
- 23 Q So the garage stairway. What else did the
- 24 Defendant say about the garage stairs that Bryan
- 25 would come up? Was it just this time or did Bryan

1 often use those?

2 A It was very common to use those stairs. I had the
3 impression that it was common for Bryan to do
4 whatever. I mean, they were friends. They had
5 been working together for a number of years.

6 Q And the access code is to that side of the house?

7 A The access code was to the garage. Once you are in
8 the house, you are in the house.

9 Q And the stairs -- did the Defendant also indicate
10 which stairway he went up?

11 A He did.

12 We asked him. And, again, to try to make sure
13 we understand the acoustics, you know -- I'm
14 yelling downstairs, hey, Tammy is upstairs, go
15 upstairs, does it sound like I'm downstairs or not?
16 And it does sound like you are downstairs.

17 And which stairs he went to go upstairs, he
18 stated the stairs by the front door, so different
19 stairs than what Mr. Capnerhurst took.

20 Q And, again, when you come up the garage stairway,
21 can you see into the office area from the top of
22 the steps?

23 A You can see the doorway to the office area, but you
24 would not be able to see very much into the office
25 itself.

1 Q Did you have other questions for him in addition to
2 the toilet seat and the gun case?

3 A We did. And this is, again, before we opened the
4 safe, which was a primary thing we wanted to do.

5 We asked about Tammy's life insurance policy.

6 Q And what did he say about that?

7 A He stated he didn't know anything. And that was
8 problematic because someone who is supposed to be a
9 bookie, a bookie would know numbers.

10 Q And what other questions did y'all have for him?

11 A We asked about his own life insurance policy.

12 Asked him why he thought that Bryan would have
13 shot Tammy first.

14 He said he didn't know.

15 Asked him if Bryan would have known about the
16 home video system, even though you could clearly
17 see the cameras.

18 He said that Bryan would have.

19 We verified which vehicle they typically
20 drive, *they* being the Parker's typically drive,
21 just to make sure -- you are looking at a video for
22 a couple of minutes, just to make sure it is not
23 something we may have missed. There were three
24 cars in the driveway.

25 Asked about the gambling stamp.

1 That Saturday morning we received through an
2 ASUS search warrant some of the text messages that
3 were not on his cellphone from Mr.[sic] Lindsay
4 Mullins. And those were very concerning.

5 Q And who is Lindsay Mullins again?

6 A She is the person that Mr. Parker had an affair
7 with.

8 Q And what was the relation or the timeframe that you
9 were aware of as far as the last contact he had
10 with her?

11 A There are multiple text messages back and forth the
12 day of the incident.

13 Q On the 13th?

14 A Yes, ma'am.

15 Q And at some point had he also indicated about a
16 sexual encounter at her house -- at his house?

17 MR. WHITLARK: Objection, Your Honor.

18 THE COURT: The objection is?

19 MR. WHITLARK: It is a leading question.

20 THE COURT: Sustained.

21 BY MS. SIMPSON:

22 Q What did you learn about a sexual encounter at his
23 house with her?

24 A By that time, we had -- you need to -- you know, we
25 need to make sure we understand everything, because

1 this finding stuff out later on doesn't help our
2 case, it doesn't help him, or anyone else.

3 And he said that they had sex one time at his
4 place sometime the end of March when Tammy was at
5 the beach with her daughter, or their daughter.

6 Q And was there something learned about a possible
7 location of a gun?

8 MR. WHITLARK: Objection, Your Honor.

9 BY MS. SIMPSON:

10 Q As a result of --

11 THE COURT: Sustained.

12 Q As a result of the information from her, did y'all
13 seek to locate where a gun might be?

14 A When we interviewed her, if you are talking about
15 her statement, when we talked to her, she made
16 mention that Brett had patted the desk area, that
17 there was a gun there, that he had protection
18 there. It was alluding to there was a gun in the
19 desk.

20 Q And this desk -- this office area, is that
21 upstairs?

22 A This is the same office area where Ms. Tammy Parker
23 would have first been shot, and where all their
24 booking operation was.

25 Q Did you also -- were you able to identify their

1 accountant?

2 A He gave us -- we asked about Brett's bookie. He
3 denied that he had one. Or actually on that one he
4 didn't want to say.

5 We asked again about any type of financials
6 just so we could start getting that aspect looked
7 into.

8 And he told us that Mr. Ben Staples was the
9 person who was their financial person.

10 Q And did you all -- in addition to asking the
11 Defendant questions that day, was there another
12 search conducted?

13 A There were numerous searches going on with the
14 phone records. There is -- you are looking at
15 phone records. You are looking at more of the
16 surveillance video.

17 Q And while Crime Scene -- were they still processing
18 the things on that day?

19 A Yes, ma'am. Crime Scene was finishing up. That is
20 when we had Mr. Parker actually open the safe. You
21 had -- when he opened the safe, we asked him about
22 the lack of money.

23 He had been very consistent: There is \$20,000
24 in the safe. There is \$20,000 in the safe. And
25 then you open the safe, and there is not \$20,000.

1 We asked him about that, and he said, well, I
2 can explain. It is very simple. I have got the
3 booking sheets in my car.

4 And he goes out to the car and he shows us
5 these booking sheets. He says, well, this is
6 really roughly \$20,000 worth. I'm just waiting to
7 get it collected.

8 And, again, that was problematic since he was
9 supposed to have a meeting with Mr. Capnerhurst
10 where they are going over all this, yet he has got
11 this in his car.

12 He had two large debts. It was a number of
13 names, but he had two figures that would have
14 roughly gotten close to \$20,000, people that had
15 owed him.

16 Q And why was that important as far as \$20,000 that
17 he was owed? What did he tell you about that?

18 A Brett had stated that he looked at that just as
19 good as actual money that was coming in, that they
20 would pay it, they were good customers. So he
21 considered that he had the money, even though he
22 hadn't collected it yet.

23 Q And that was the response after y'all had opened
24 the safe?

25 A Correct. And before talking to these people. This

1 is just his side at that time.

2 Q And what happened after you finished talking with
3 the Defendant that day?

4 A We got clothes for the kids. Mr. Parker got a
5 change of clothing. And then we finished
6 processing the crime scene -- or the lab finished
7 processing the crime scene.

8 Also, Mr. Capnerhurst's car had been processed
9 at our lab. It had been towed to our shed to keep
10 it out of the weather until a lab tech can go
11 through and look at the vehicle.

12 I was curious, so we went to our lab, which is
13 at our headquarters, where we were in and out most
14 of the day, and we say what they had.

15 Q And the car that was processed, that was Bryan's
16 car?

17 A It is going to be the Recreation Commission's car,
18 but it is the car that Mr. Capnerhurst was driving.

19 Q I am going to show you what has been marked as
20 State's Exhibits 531, 530, 529, 528, 527, 526 and
21 525.

22 Take a look. Do you recognize the vehicle
23 pictured?

24 A That is going to be the car that Mr. Capnerhurst
25 was driving.

1 Q And you stated that that car was processed?

2 A Yes, ma'am.

3 Q Was anything located in that car?

4 A When the car is at the scene, there is a box in the
5 back seat. And it has a lid on it, so you don't
6 know what is in that box.

7 When we processed it at our shed, there was
8 nothing in the box. It was just an empty box
9 sitting in the back seat.

10 Q Were other items such as clothing and stuff found?

11 A There was a bag of clothes in the trunk area, but
12 there was nothing in the car that said there was
13 someone here and he is going to do something.

14 MS. SIMPSON: Your Honor, at this time I would
15 offer State's 525 to 531 into evidence.

16 MR. WHITLARK: No objection.

17 THE COURT: All right. They will be entered
18 without objection.

19 (WHEREUPON, State's Exhibit Nos. 525-531
20 were marked for identification and
21 received into evidence.)

22 BY MS. SIMPSON:

23 Q Kind of describe -- tell the jury what we're seeing
24 here.

25 A That is going to be the driver's side view of the

1 car that Mr. Capnerhurst was driving.

2 Q And on State's Exhibit 527, what is depicted here?

3 A The driver's compartment, keys in the ignition.

4 Q And what did you learn in your investigation about
5 Bryan Capnerhurst's behavior with respect to keys
6 in the ignition?

7 A That it was not uncommon for him to just leave the
8 keys in the ignition.

9 Q And this was the county vehicle?

10 A Yes, ma'am.

11 Q And, again, on State's 528 and I guess 529, what is
12 depicted here?

13 A The picture with the lid on top of the box is as we
14 would have seen it at the scene. And then the lid
15 off, we took the lid off to see what is not in the
16 box. There is nothing in the box.

17 Q An empty car?

18 A Yes, ma'am.

19 Q And nothing in the box?

20 A Nothing.

21 Q And in State's I guess 530 and 531?

22 A It is a white trash bag. Inside the trash bag was
23 clothing.

24 Q Okay. So 531, that is the clothing that is
25 actually in the bag?

1 A Yes, ma'am, that is correct.

2 Q Was any evidence of a gun located in Bryan
3 Capnerhurst's car?

4 A There was none.

5 Q So no shell casings?

6 A No shell casings.

7 Q No ammunition?

8 A Nothing.

9 Q No gun?

10 A No gun. No holsters.

11 THE COURT: I think it is about 1:15. It is
12 probably time for us -- let me see you one second.

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

16 THE COURT: All right, ladies and gentlemen of
17 the jury, at this time we are going to -- it is
18 about 1:15, and we are going to go ahead and take
19 our lunch break.

20 We will start back at 2:30. We'll see you
21 back at 2:30.

22 Thank you. Have a great lunch.

23 (WHEREUPON, the jury is excused for
24 lunch at 1:15 p.m.)

25 THE COURT: All right, we will break -- you

1 may step down -- and we will break until 2:30.

2 (Witness steps down.)

3 (WHEREUPON, a lunch break was taken.)

4 THE COURT: Yes, you may take your seat.

5 (Witness returns to witness stand.)

6 THE COURT: All right. Are you ready to bring
7 them in? All right, you can bring them in.

8 (WHEREUPON, the jury came into open
9 court at approximately 2:44 p.m.)

10 THE BAILIFF: The jury is all present, Your
11 Honor.

12 THE COURT: All right. Thank you. You may
13 continue.

14 MS. SIMPSON: Thank you, Your Honor.

15 DIRECT EXAMINATION OF INVESTIGATOR HOLDORF CONTINUES

16 BY MS. SIMPSON:

17 Q Investigator Holdorf, before we get to April 15th,
18 did you inquire of the Defendant about whether he
19 told Capnerhurst to bring a bag?

20 A Yes, ma'am, we did. And Mr. Parker admitted that
21 he told Capnerhurst to bring a bag.

22 When asked further on the explanation, he
23 really never elaborated. He said he told him to
24 bring the bag so the neighbors wouldn't see the
25 money, even though the money he was going to give

1 him fit quite easily in Brett's own pocket.

2 Q And did you confront him with that information as
3 far as lying?

4 A It wasn't like a hard confrontation, it was just
5 asking questions.

6 Maybe trying to, you know -- well, why would
7 he have to have a bag if the money that you were
8 going to give him fits in your own pocket?

9 And he never answered that question.

10 Q Moving to April 15th, did you make contact with
11 James Morgan?

12 A Yes, ma'am, I did.

13 Q Where did that interview take place?

14 A I went up to Greensboro, North Carolina, where
15 Mr. Morgan lives, and interviewed him there.

16 Q And did he provide you with some information about
17 this case?

18 A Yes, ma'am. I took a multi-page written statement
19 from Mr. Morgan about the times and the information
20 Mr. Capnerhurst told him.

21 Q What was the relationship, or your understanding of
22 the relationship between Bryan and Mr. Morgan?

23 A They were very good friends. Mr. Morgan several
24 times called Capnerhurst his best friend. He was
25 very upset by the whole event. And he really

1 wanted to make sure that everything he had, that we
2 had it. That anything that Capnerhurst had told
3 him, that he told us.

4 Q And in addition to relaying the information
5 regarding his conversations that day, did you learn
6 about some conversations between Jack Parker and
7 Bryan Capnerhurst while the Defendant was on the
8 cruise?

9 MR. WHITLARK: Objection, Your Honor. I mean,
10 we're talking about somebody is talking about a
11 third -- I mean, it is not even hearsay within
12 hearsay. It is beyond that now.

13 THE COURT: I think she -- but her question,
14 he can answer it yes or no without getting into
15 what was said.

16 MR. WHITLARK: Thank you, Your Honor.

17 MS. SIMPSON: Thank you, Your Honor.

18 THE COURT: The objection is overruled.

19 A Yes, ma'am.

20 Q Did you learn some information about that?

21 A Yes, ma'am, I did, corroborated by phone records.

22 Q Did you also learn about I guess potential job
23 opportunities for Mr. Capnerhurst outside of with
24 the Defendant?

25 A Yes, ma'am. Capnerhurst had an offer from Mr. Jack

1 Parker, Brett's dad, to work with him the next
2 year. He had several options.

3 As you saw, Mr. Morgan took the stand. And he
4 is very particular about how he words things. And
5 he wanted to express and make sure that I
6 understood that Capnerhurst had an out. Even if he
7 got nothing from Mr. Parker, he was fine. That
8 whenever -- and these guys talked about everything.
9 And he had a lot of details, and a lot of details
10 were corroborated.

11 Q Did you also become aware of Brett Parker's online
12 gambling during your conversation with Mr. Morgan?

13 A Yes, ma'am. Mr. Capnerhurst had expressed both to
14 Mr. Morgan and to Mr. Jack Parker his concerns
15 about Brett being online gambling. This is
16 something Brett had denied to us when we asked him
17 about it, and it would later turn out to be true.

18 Q Can you please tell the jury a little bit about a
19 prior incident involving Jack Parker where he
20 bailed out the Defendant on a prior occasion?

21 A Yes, ma'am. Several years before this incident
22 Mr. Parker had gotten into -- Mr. Brett Parker had
23 got into some gambling debt, decided he would go to
24 Vegas in an all-or-nothing play where he attempted
25 a suicide because he had gotten in such debt.

1 He left a -- we heard information about this
2 and then later we find a letter when we are
3 searching the office area, A Gamblers Addict, or
4 something close to that, where he explains all of
5 this, where he has run up a lot of debt, but during
6 this is when Mr. Jack Parker had bailed Mr. Brett
7 Parker out.

8 Q Did you know the amount of that?

9 A It was around 100,000.

10 Q Was Mr. Morgan aware of that incident?

11 A He was.

12 Q During the course of your investigation, did you
13 learn anything about Tammy's response to that
14 incident?

15 A It was -- from the letters and everything else that
16 we had seen in talking to other people, it was like
17 this --

18 MR. WHITLARK: Objection, Your Honor.

19 THE COURT: Yes, sir?

20 MR. WHITLARK: It is hearsay again, Your
21 Honor.

22 MS. SIMPSON: Your Honor, I'm not offering
23 this for the truth of the matter asserted. This
24 goes directly to the issue of Tammy and her
25 feelings towards the Defendant's gambling.

1 There are actually letters to indicate -- I
2 will be happy to go ahead and introduce those now.

3 THE COURT: All right. The objection is
4 sustained.

5 MR. WHITLARK: Thank you.

6 THE COURT: Rephrase the question. You can
7 ask what he found and how he found it, and so
8 forth.

9 BY MS. SIMPSON:

10 Q Again, what did you find with respect to the prior
11 incident in Vegas?

12 A There were numerous letters. Tammy was very upset
13 that Brett had gotten into such debt. She was also
14 disappointed with Mr. Jack Parker for getting Brett
15 out of it and always covering for Brett.

16 Q Did Mr. Morgan discuss any of the financial issues
17 regarding Bryan Capnerhurst?

18 A Yes, ma'am. Again, and as he testified to, when he
19 had talked to Capnerhurst he asked him what his
20 bottom line is.

21 And even if Capnerhurst had gotten nothing
22 from Brett Parker, that he would have been fine,
23 that they would not have gone under, they were
24 paying off the debt they had.

25 Capnerhurst was making a big deal to Brett

1 about, hey, I need this money to pay off credit
2 cards, so he would get paid. He was missing pay he
3 was due two years before this. So --

4 Q Again, this was pay for work he had done, not
5 gambling debt?

6 A Not just work he had done, but Capnerhurst was only
7 paid a percentage of the profits. This isn't like
8 it is an hourly wage or a, hey, we took so many
9 bets, it is profit.

10 Q So it had already been made?

11 A Correct.

12 MR. WHITLARK: Object to the leading form of
13 the question, Your Honor.

14 THE COURT: Sustained.

15 BY MS. SIMPSON:

16 Q During the course of this trial, did you have the
17 opportunity to review -- or your fellow law
18 enforcement -- review the phone records of James
19 Morgan?

20 A We did.

21 Q And did you confirm some of the calls through those
22 records?

23 A Yes, ma'am.

24 Q On April 16th did you meet with lab personnel to
25 discuss the case?

- 1 A On the 16th?
- 2 Q Of April?
- 3 A Yes, ma'am.
- 4 Q And what did y'all discuss or who did you meet
- 5 with?
- 6 A It was including the CID supervisors, so it would
- 7 have been the major, Stan Smith, Deputy Chief
- 8 Wilson would have been there. It would have been a
- 9 number of the supervisors in the investigative
- 10 division. And also Metz, who was able to give us
- 11 the times when all the parties arrived and just
- 12 kind of break down what everyone has. It is our
- 13 first real sit-down meeting, if you will, where all
- 14 sides can present what they have at that time.
- 15 Q And what type of information did y'all have?
- 16 A Rounds collected, number of shots fired. Pretty
- 17 much the left hand and the right hand of the
- 18 Sheriff's Department communicating. This is what
- 19 our investigators through talking to people have
- 20 learned. This is what our lab units, who have
- 21 processed the scene --
- 22 Q Did you also obtain a 9-1-1 tape at this time?
- 23 A I don't recall if it was at that time, but we did
- 24 obtain a 9-1-1 tape, yes, ma'am.
- 25 Q And was that ultimately compared to the video

1 surveillance in this case?

2 A Yes, ma'am. That wasn't on the 16th, but it was at
3 a later date. And when you compare the 9-1-1 tape
4 with the surveillance video, you actually see Brett
5 Parker running out of the house before he makes the
6 9-1-1 call.

7 That, again, is not anything that was covered
8 in his statement, it is not something he talked
9 about or said anything about.

10 As an investigator, that was very concerning.

11 Q Did you also make contact with a Linda Dessow on
12 the 16th, as well as a Tara Welch?

13 A Yes, ma'am, we did.

14 Q And were arrangements made regarding the computers
15 in this case?

16 A Yes, ma'am.

17 Q And what was that arrangement?

18 A The arrangement was that we had to permit -- we had
19 the go-ahead to take the computers out to SLED to
20 have them analyzed versus doing them in-house. We
21 want to make sure that I didn't offend anyone in
22 our unit or anyone else by having SLED look at the
23 computers versus our own guy. SLED has a bigger
24 Vancis with that whole area set up. Of course, we
25 wanted to take them out to SLED to make sure that

1 everything was gone through thoroughly.

2 Q And was that Agent Dove?

3 A It was.

4 Q From earlier? Did you also receive some
5 information from Investigator Ducate?

6 A Yes, ma'am. She is one of our victim advocates,
7 and overhears when Brett sees his father, Jack
8 Parker, Brett said, what does my dad think
9 happened?

10 That was odd. So I asked Ms. Ducate if she
11 would write a follow-up to that effect.

12 Q And did she provide you with a follow-up?

13 A She did.

14 Q What happened on April 17th of 2012?

15 A It with the funeral for both Tammy and Bryan
16 Capnerhurst.

17 Q And what did you do on that day?

18 A I also turned the computers over to SLED, and we
19 also met with the Medical Examiner's Office, who
20 outlined the events of the wounds to the bodies,
21 what they had at the time, and it was I guess a
22 third agency, if you will, of the Medical
23 Examiner's Office and us talking about the case.

24 Q And who were the examiners?

25 A It was Dr. Durso and Dr. Marcus.

1 Q And they discussed the injuries to both Tammy and
2 Capnerhurst?

3 A Yes, ma'am. I had not been at the autopsy. And
4 that is oftentimes very beneficial, understanding
5 the angles of injuries, and how they would have
6 happened.

7 Q Did you learn something about Bryan's ability to
8 hold a gun?

9 A Yes, ma'am. With the injury to the left arm there
10 was very -- there was no way that anyone felt that
11 he could have held a gun in his hands.

12 There was also a blood stain without source on
13 his hand that can be seen approximately this area
14 on a photo.

15 And, again, that would be inconsistent with
16 someone who had a gun.

17 Q Was that also inconsistent with what the Defendant
18 had told you?

19 A Yes, ma'am.

20 Q In your investigation, did you receive a report
21 from Agent Dove with respect to the computers?

22 A Yes, ma'am, that and a CD.

23 Q What type of evidence did he turn over to you?

24 A Like he explained, he is able to take snapshots
25 from the computer itself, which confirmed Brett's

1 online gambling.

2 It had certain dollar amounts, which we were
3 able to later independently confirm with other
4 people who we interviewed.

5 There are also numerous searches.

6 Q And on the 18th, who did you speak with?

7 A We actually sat down and took a written statement
8 from Mr. Jack Parker, Brett's dad.

9 Q What type of information were you able to obtain
10 from him?

11 A We asked about the letter that Mr. Morgan had
12 talked about Tammy writing Mr. Parker. Jack Parker
13 denied that.

14 We asked him about a loan. Mr. Jack Parker
15 denied that.

16 We asked about the gun, just kind of
17 understanding his side of events.

18 He did offer -- Mr. Jack Parker did offer to
19 lend Capnerhurst a couple of thousand dollars, but
20 Capnerhurst told him he did not want a loan, that
21 he just wanted the money that was owed to him.

22 Tried to narrow down the timeframe of when the
23 gun, the 9-millimeter, was given to Brett. They
24 weren't really clear on it. But Mr. Lucas was able
25 to kind of narrow it down based upon a birthday of

1 one of his children.

2 Q Did you speak with Mr. Lucas again that day?

3 A I did. He actually came into our office and we
4 took a written statement the same day that this
5 happened at the scene -- or not at the scene, but
6 at Jack Parker's house. Just at the end of the day
7 he came into our office and we took a statement
8 from him.

9 Q Was additional contact made with the Defendant on
10 the 18th as well?

11 A Yes, ma'am, he came in. He gave a buccal swab,
12 which is a sterile cotton tip you rub on the inside
13 of your cheeks. We do two. So we have a standard
14 for his DNA. He also gave his fingerprints.

15 Q Did you have a conversation with him at that time?

16 A It was asked who his bookie was. He said his name
17 was Ron. He wouldn't give a last name. And he
18 said it was just something where if he was taking
19 bets and it was heavy on one side, he would make a
20 side bet to kind of balance it out in case he lost
21 just to kind of help balance out his books.

22 Q And as far as the identity of Ron, what was the
23 information that the Defendant provided you with?

24 A It was just Ron. He didn't give anything else.

25 Q So no last name?

- 1 A No last name.
- 2 Q Did you know where he lived?
- 3 A No, ma'am. He didn't want to tell that. I can't
- 4 make someone tell me something.
- 5 Q Did you also meet with Tammy's family on the 18th?
- 6 A Yes, ma'am.
- 7 Q And were they supportive of the Defendant at that
- 8 time?
- 9 A Yes, ma'am.
- 10 Q Who did you meet with?
- 11 A Mr. Carswell, Nancy Carswell, Libby Carswell, and
- 12 Ms. Webb I think was there too. There was -- I'm
- 13 not sure if anyone else was there or not.
- 14 Q On April 19th, did you make contact with the
- 15 Capnerhurst family?
- 16 A Yes, ma'am. That is when Sergeant Yturria and I
- 17 went out to the Capnerhurst family, took several
- 18 witness statements from the family members there.
- 19 Q Who all was there when you went?
- 20 A Liz was there, **HIC** was there -- **HIC** was there,
- 21 and Ms. Capnerhurst was there.
- 22 Q And Heyward?
- 23 A I'm sorry, Heyward, yes, ma'am.
- 24 Q What did you learn about Bryan as a result of your
- 25 conversations?

1 A That basically he was a perfect fall guy for this.
2 That he was very punctual. That there was no
3 question in their mind that he was set up on this.

4 MR. WHITLARK: Objection, Your Honor.

5 THE COURT: What is the objection?

6 MR. WHITLARK: First of all, it is hearsay,
7 Your Honor. And it is also wildly speculative.
8 And he is relating it -- speculation from another
9 witness.

10 MS. SIMPSON: Do you want me to rephrase?

11 THE COURT: All right. Objection is
12 sustained. Please rephrase the question. Please
13 disregard the last answer.

14 BY MS. SIMPSON:

15 Q Did you find any evidence of Bryan owning a gun?

16 A No, ma'am, there was none.

17 Q What about his behavior with respect to being on
18 time?

19 A That he was very punctual.

20 Q Were they aware of money being owed to Bryan?

21 A Yes, ma'am. They knew that he was owed \$20,000.

22 We also asked Ms. Capnerhurst about their
23 debt, credit card debt.

24 She explained that they had recently remodeled
25 the kitchen. It did look to be nicely done. It

1 had the marble type countertops, stainless steel
2 furniture -- appliances.

3 Q And who did -- who handled their budget?

4 A Bryan Capnerhurst handled the budget. Heyward
5 helped him with the budget.

6 Q And were they forthcoming about Bryan's finances?

7 A Very. She handed over -- when I asked her about
8 the Visa, she handed us over the Visa bill.

9 We asked about their financial status. They
10 pulled credit reports and handed it to us. There
11 was no -- it was whatever we asked for, they went
12 above and beyond.

13 MR. WHITLARK: Objection. Your Honor, we have
14 a matter to take up with the Court regarding what
15 was just said.

16 THE COURT: All right, ladies and gentlemen of
17 the jury, I am going to send you all out.

18 (WHEREUPON, the jury retires to the jury
19 room at 3:05 p.m.)

20 MR. WHITLARK: Your Honor -- first of all,
21 Your Honor, I have never seen what he just
22 referenced there. It is not referenced in any of
23 the investigative reports. I have never seen a
24 copy of either one of those documents.

25 I asked for the credit card that was

1 referenced yesterday when I objected. And pursuant
2 to Rule 5 and the other discovery issues in this
3 case, I have never seen this stuff.

4 MS. SIMPSON: Your Honor, all of this
5 information has been turned over. We have met with
6 the Defense. We have been over these issues
7 numerous times, the credit information, financial
8 information. Everything has been turned over.
9 They had the opportunity to review it.

10 MR. WHITLARK: Your Honor, I have --

11 MS. SIMPSON: We are not introducing anything.

12 THE COURT: Do you have the credit records
13 that he is referring to?

14 MS. SIMPSON: As far as the -- permission to
15 approach?

16 THE COURT: Well, you can just show him.

17 (Complies.)

18 MR. WHITLARK: I have never seen this, Your
19 Honor.

20 MS. SIMPSON: Your Honor --

21 MR. WHITLARK: It looks legitimate, but I have
22 never seen it. That is the problem.

23 MS. SIMPSON: Your Honor, the Defendant -- or
24 Defense counsel has had the opportunity --
25 everything has been turned over and provided. They

1 had the opportunity on numerous occasions to come
2 look through the documents in this case, over and
3 over again. And their paralegal, Lucas, verified
4 that they had everything. So I don't --

5 THE COURT: All right. And what was your
6 other objection?

7 MR. WHITLARK: Well, the other objection --
8 no, Your Honor, that is the objection, because I
9 have not seen this pursuant to Rule 5 discovery.
10 That is what the objection was, that I have not
11 seen it.

12 THE COURT: Are you trying to admit it into
13 evidence?

14 MS. SIMPSON: Not at this point, Your Honor.
15 I'm just asking as far as -- the question was
16 regarding the financial information.

17 Defense counsel has crossed extensively and
18 all this is out on Bryan Capnerhurst's debt. I am
19 just inquiring as to what this investigator did and
20 what he learned.

21 MR. WHITLARK: Well, you know, that is the
22 point here, Your Honor. They are doing the
23 investigation that should have been done originally
24 now, because I have been referencing in a
25 two-week -- we have already been in here two weeks.

1 And they are starting to realize -- and this is
2 what I'm saying -- that they didn't do an
3 investigation like they should have, fair and
4 impartially. They didn't investigate Bryan
5 Capnerhurst. They are now trying to make up ground
6 on that, and that is why I have got a problem with
7 the two documents they just referenced.

8 MS. SIMPSON: He is talking about what he did
9 back in April. And they have investigated, Your
10 Honor. And that is exactly what I am questioning
11 Investigator Holdorf about, which is why all of
12 this should be allowed and permitted to get into.
13 Everything has been provided. It has all been
14 turned over. And Defense counsel has had the
15 opportunity to review it.

16 And we keep coming back to this point when
17 there is evidence that they had the chance to
18 review and it has been turned over.

19 THE COURT: All right. Well --

20 MR. WHITLARK: We disagree with that, Your
21 Honor.

22 THE COURT: All right. Well, the objection --
23 she is not trying to admit it in. The objection
24 will be overruled.

25 And so we'll bring the jury back in. Is there

1 something else?

2 MR. WHITLARK: Nothing from the Defense, Your
3 Honor.

4 MS. SIMPSON: Your Honor, all this
5 information, just so the record is clear, was
6 testified to by Heyward Barnes yesterday,
7 extensively.

8 THE COURT: He said he had the same objection
9 yesterday.

10 You can bring them back in.

11 The objection is overruled.

12 MR. WHITLARK: Thank you, Your Honor.

13 (WHEREUPON, the jury came into open
14 court at approximately 3:09 p.m.)

15 THE BAILIFF: The jury is present, Your Honor.

16 THE COURT: Yes, ma'am. You may continue.

17 DIRECT EXAMINATION OF INVESTIGATOR HOLDORF CONTINUES

18 BY MS. SIMPSON:

19 Q Again, Investigator Holdorf, did the Bryan
20 Capnerhurst family share some financial information
21 with you?

22 A Yes, ma'am. When I was there we asked about the
23 financials.

24 That next day Mr. Heyward provided us with a
25 copy of both Bryan and Cindy's credit history.

1 Ms. Cindy also turned over a copy of their --
2 not a copy, the actual credit card invoice, if you
3 will, the credit card bill.

4 Q And what was the amount of debt relayed to you for
5 credit card debt purposes at that time?

6 A At that time it was 20,000, but there was 4,000
7 available, or something, 4,000 and something
8 available, and the balance was 20,000 something.

9 Q On April 19th, were you advised about an ARC
10 interview that occurred?

11 A Yes, ma'am.

12 Q Or did you learn about an ARC interview?

13 A Yes, ma'am.

14 Q And who was the -- what is the ARC, and who was
15 interviewed there?

16 A The ARC is a Child Advocacy Center. They will do
17 what is in the best interest of the child. A lot
18 of times we will use -- we, the Sheriff's
19 Department, will use them if they are a victim or
20 witness to a crime, or if there is something that
21 may have gone on that they may have seen or know
22 about.

23 It is done in a manner where it is non-leading
24 questions. It is not like you go to a police
25 station. It is a child-friendly atmosphere. It is

1 not affiliated with the Sheriff's Department. We
2 do work together on cases. But their aspect is to
3 interview and to offer therapy to kind of help the
4 child move past whatever that event is. So the
5 Richland's Sheriff's Department has a different
6 function.

7 Q And who was interviewed?

8 A Both **BIP** and **ZP** were interviewed at the ARC.

9 Q Did you actually attend that interview or were
10 other investigators tasked with that?

11 A Other investigators were tasked. I was at the
12 Capnerhurst house for pretty much most of the
13 morning and part of the afternoon.

14 Q The next day, on April 10th -- or 20th, I'm sorry,
15 did you respond to the Executive Inn?

16 A Yes, ma'am.

17 Q With respect to information regarding Lindsay
18 Mullins?

19 A Yes, ma'am.

20 Q And what did you do while you were there?

21 A We received information that they had gone there
22 for a get-together, if you will. We tried to find
23 records of that. There was no written records when
24 you looked at the ledger of it. However, we were
25 able to view the surveillance tape and verify that

1 it was there.

2 After they had left, the housekeeper recleaned
3 the room, and then someone else checked into it
4 later that night.

5 So when we ran the records for that day, the
6 only person that shows up is the last person who
7 used the room, which is not going to be them, but
8 it is clear on the video.

9 Q And was that video ultimately obtained?

10 A Yes, ma'am. We had Mr. Brian Metz, who is our
11 video person, go out there and obtain a copy of it,
12 a visual copy of it.

13 Q And did you also attempt to make contact with Lanny
14 Gunter that day?

15 A Yes, ma'am. As well as a couple of other people.

16 Q Was one of those other people Joseph Stuart?

17 A Yes, ma'am.

18 Q And who was he?

19 A He is a friend of Tammy's who was helping decorate
20 the house.

21 Q Did you also make contact with a Ben Staples?

22 A Yes, ma'am.

23 Q Was a search warrant also obtained?

24 A Yes, ma'am.

25 Q During that time?

1 A We wanted to get the Parkers' tax return since Mr.
2 Staples helped them with preparing their taxes.

3 We asked him about it, and asked if we could
4 get a search warrant so that there would be no
5 invasion of privacy, if you will.

6 Q And after speaking with Mr. Staples on that day as
7 well, did you schedule a meeting with him?

8 A Yes, ma'am. We met on the 23rd of April. I went
9 out to his office.

10 Q At this time, after your meeting with Mr. Staples,
11 was a decision made to interview the Defendant
12 again?

13 A Yes, ma'am. Again, there was still a number of
14 questions that we had to see if we could get
15 clarification on.

16 Q Did you learn about some forensic evidence that
17 kind of prompted this meeting?

18 A Yes, ma'am. The duffel bag that was Bryan's duffel
19 bag came back positive for Bryan's DNA.

20 Q Did you also learn something about the ammunition?

21 A Yes, ma'am. The ammunition that was sitting on top
22 of the bag on the inside, Brett Parker, his
23 fingerprint was found on the box of ammunition.

24 Q Did you also learn of a title loan of the
25 Defendant?

1 A Yes, ma'am.

2 Q Can you tell us about that?

3 A He had obtained roughly a \$5,000 loan under

4 119 percent interest, so he would have to pay back

5 a total of \$13,000 on a \$5,000 loan from TitleMax

6 where he put the title of his truck up.

7 Q And what was the timeframe for this additional

8 loan?

9 A If I'm not mistaken, that is in December.

10 Q So prior to this, but close in time?

11 A Yes, ma'am.

12 Q And on April 25th, did you, along with Major Smith,

13 meet with the Defendant?

14 A Yes, ma'am.

15 Q And were y'all able to -- well, you met with him on

16 the 25th and spoke to him about some of the

17 questions that y'all had?

18 A Yes, ma'am.

19 Q On April 26th did you meet with Lanny Gunter?

20 A Yes, ma'am. I met with him at his counsel's

21 office.

22 Q And who is Lanny again?

23 A Lanny is actually going to be Brett's bookie. The

24 owner of the BETCC and a good friend of Mr. Brett

25 Parker.

1 Q Did Brett actually identify Lanny as being his
2 bookie or did that information come from elsewhere?

3 A No, ma'am. He never said anything about Lanny or
4 online, or anything like that. The only name we
5 had is Ron. Nothing to do with Lanny.

6 Q So just Ron, no Lanny Gunter, no last names,
7 nothing else about his own bookie?

8 A Yes, ma'am, that is correct.

9 Q Did you learn about whether the Defendant was
10 indebted or owed Lanny Gunter some money during
11 this meeting?

12 A Yes, ma'am. During our meeting I asked Mr. Gunter
13 approximately how much he might be in debt to, if
14 he was in debt at all.

15 And he said it was about \$100,000.

16 Q And that was just on the Defendant's account?

17 A Correct. Mr. Gunter didn't say anything about a
18 different account that Brett may have had at the
19 time. He just said 100,000 is about the ballpark
20 of that.

21 Q And did y'all later learn about another account?

22 A Yes, ma'am.

23 Q Can you tell us about that?

24 A As has been testified to, Brett goes to Mr. Gunter
25 and gets credit in another person's name. The only

1 time this person -- no one has ever seen this other
2 person or talked to this other person except for
3 Brett, and it was felt very strongly this person
4 was Brett himself gambling.

5 That was due to a number of factors
6 corroborated when they did a search of the
7 computer, but the accounts were there on Brett's
8 computer.

9 You also had no activity on the account when
10 Brett was on his cruise.

11 Q And as far as the computer, was that -- did you
12 have actual evidence of the two separate accounts?

13 A Yes, ma'am, there are.

14 Q From Agent Dove?

15 A Yes, ma'am.

16 Q And was one of those accounts the -- I guess they
17 are -- how are they identified? Is it numbers?
18 Names?

19 A It is by numbers. One was like, I think it was --
20 was it 7705 and 7708, or something like that. The
21 last two digits are different.

22 Q And, again, you learned about the frequency of the
23 online gambling?

24 A Very frequent.

25 Q From the computers?

1 A Yes, ma'am.

2 Q Did you -- let me back up just a little bit. On
3 Hal, did you actually investigate to confirm
4 whether Hal existed?

5 A I did not. Someone else did.

6 Q And were y'all able to confirm that Hal was in fact
7 the Defendant?

8 A I'm not 100 percent. I can't answer that one; I'm
9 sorry.

10 Q Did you speak with Dr. Theresa Mills-Floyd?

11 A Yes, ma'am, I did.

12 Q And why did you speak with her?

13 A She was the doctor that Tammy would have been
14 calling for the appointment that afternoon. She
15 had a 2:00 o'clock or 2:30 appointment. Wanted to
16 verify, even though we had the phone records at
17 that time, that there was not a call, there was no
18 other communication.

19 And she gave a written statement about what
20 she saw and knew about Tammy, and also the dealings
21 at the funeral.

22 Q With respect to that appointment, who provided you
23 with information about a doctor's appointment that
24 day?

25 A Brett in his written statement said that Tammy was

1 using the phone upstairs in the office area to call
2 her dermatologist.

3 Q Did the phone records corroborate that?

4 A There was no call on the phone records.

5 Q And Dr. Floyd, Mills-Floyd, she stated -- did she
6 indicate to y'all whether that appointment was
7 kept, or whether any calls were made?

8 A There were no calls made. She did not feel Tammy
9 would ever call. There was just no question. It
10 wasn't like Tammy to have to call to confirm any
11 appointments.

12 Q So the Defendant was not telling the truth about
13 that?

14 MR. WHITLARK: Objection, Your Honor.

15 BY MS. SIMPSON:

16 Q Not forthcoming about that?

17 THE COURT: Sustained. Please rephrase the
18 question.

19 BY MS. SIMPSON:

20 Q The Defendant's information wasn't corroborated?

21 A It was not able to be, no, ma'am.

22 Q On April 30th did you attend a meeting in this
23 case?

24 A Yes, ma'am. Again, several times items were being
25 processed, they are being looked at. We're looking

1 at what is going to be most probative on what we're
2 processing and what we're doing.

3 Q And just a little bit, I think we have touched on
4 it some, is it possible for one investigator to
5 investigate every aspect of a case?

6 A No.

7 Q So at these meetings did you all delegate certain
8 duties?

9 A Yes, ma'am. To kind of explain it, when I got
10 assigned this case, it wasn't like I had nothing
11 going on, I didn't have any other cases that I'm
12 working on. This case gets worked in to your other
13 cases. If this case is a higher priority than your
14 other cases, then your other cases get pushed back
15 and gets pushed aside and you try to juggle it.

16 So there is a lot of things always going on.
17 You just work the best you can.

18 Q So during this time were you speaking with other
19 people regarding, I guess, the forensic evidence,
20 other phone records, things of that nature?

21 A Yes, ma'am. By that time we had also asked to see
22 about getting some help. I'm looking at some of
23 the financials. I'm not a gambling expert. I have
24 never worked a gambling case up until this one. So
25 I wanted to get some people who would understand

1 these, able to cut through what is relevant and
2 what is not.

3 Q And what type of people, or who would have been
4 some of the individuals that you sought help from?

5 A We used Ric Stephens from our office who has
6 contact with the Secret Service, and Agent Pruitt,
7 with the Secret Service's Office helped us on the
8 gambling aspects of that, to look into the bookie
9 information and all this other just to make sure
10 that there wasn't anything we missed.

11 Q And is that uncommon for another agency, or I guess
12 government entity, to be involved in the aspects of
13 an investigation?

14 A It is not uncommon, but it is also not that common.
15 Usually you don't have all the dynamics that you
16 would have in this case.

17 So to say that I wanted to make sure that I
18 have -- we want to make sure that the aspects we
19 looked at that we may not be aware of, we asked
20 them to come in. And they have a wealth of
21 information and are very willing to help if you ask
22 them for help.

23 Q So the Secret Service and those individuals were
24 more focused on the gambling aspects of the
25 investigation?

1 A Yes, ma'am. Several times we had meetings where
2 they wanted to talk to someone and we would ask
3 them not to because we felt it would interfere with
4 our aspect of the homicide, and work together.
5 And, you know, I mean, they were very conscious of
6 what our goals and priorities were, which was this
7 homicide.

8 Q And were some of the people actually interviewed by
9 both Richland County and Secret Service just about
10 different aspects, be it murder or gambling?

11 A Yes, because my focus is, what is going on, what do
12 you know about the person, how do you know this,
13 what else. I'm not really -- I wasn't focusing in
14 on the gambling. I was focusing in on what they
15 were looking at, which was the money exchanging,
16 how it was done, and all this other stuff. We
17 might have touched on that a little bit, but
18 nothing in the detail that they did.

19 Q On April 30th, did you also make contact with a
20 number of individuals, as lay persons?

21 A Yes, ma'am.

22 Q Who else did you make contact with and what was
23 their relationship to the Defendant?

24 A We made contact with a Harold Albert Sexton, or
25 Saxon -- Saxby, excuse me, Saxby, who owed \$9,419;

1 and Damon Johnson, who owed \$9,300. Both of them
2 did not live in town or in state, which is the
3 reason for the phone calls. It was just going all
4 over the place.

5 We did speak with both of them and both were
6 forthcoming about what was owed and how it would
7 have gotten paid back.

8 Q So they were actually bettors with Brett? Brett
9 was their bookie?

10 A Yes, ma'am.

11 Q Did you also make contact with Anthony Wright, or
12 attempt to make contact with an Anthony Wright?

13 A Yes, ma'am.

14 Q And did you make contact with a Trent Crider that
15 day?

16 A Yes, ma'am.

17 Q As well as Clarence Carroll?

18 A Yes, ma'am.

19 Q Did you meet with Cindy Capnerhurst that day as
20 well?

21 A I didn't have a meeting on that day, no, ma'am, not
22 that I see.

23 Q If you want to look to your follow-up, I'll direct
24 you --

25 A We spoke with her.

1 Q Okay. You just spoke with her?

2 A Correct, yes, ma'am.

3 Q What did you all speak with her about?

4 A About her fraud, asked what it was, and some more

5 additional information about that.

6 Q And did you ultimately learn some details about

7 that plea as well as who she was represented by?

8 A Yes, ma'am.

9 Q Who was that attorney and where is he now?

10 MR. WHITLARK: Objection, Your Honor.

11 THE COURT: Your objection is?

12 MR. WHITLARK: It is irrelevant.

13 MS. SIMPSON: Irrelevant, Your Honor? They

14 brought it up almost on every witness.

15 THE COURT: All right. The objection is

16 overruled.

17 MR. WHITLARK: Thank you, Your Honor.

18 MS. SIMPSON: Thank you, Your Honor?

19 A The attorney has been disbarred and is no longer

20 practicing law. This was consistent with what

21 Cindy was saying. This wasn't what she told them

22 to say or had conversations with him about.

23 Q And what was -- with respect to the timing of the

24 prior incident, how long ago or --

25 A Over ten years ago.

1 Q Over ten years ago? And based on the timing and
2 the nature of this plea, did it have any
3 significant impact in your investigation?

4 A No, ma'am. We looked at it, but there was nothing
5 that was relevant. She had an explanation. This
6 explanation is further corroborated by this
7 attorney being known to be not playing fair. He
8 was not doing what he is supposed to do, which is
9 why he was disbarred and --

10 MR. WHITLARK: Objection, Your Honor.

11 THE COURT: Sustained.

12 BY MS. SIMPSON:

13 Q You can't go into that.

14 THE COURT: Please disregard that last answer.

15 A Sorry.

16 Q What did you do on May 1st of 2012?

17 A I had a meeting with Investigator Bouknight, Elsey,
18 and several members of the Solicitor's Office to go
19 over distance and photographs of the crime scene.

20 Q Did you also have the opportunity to meet with a
21 Ron Spence that day?

22 A I recall the name. That was on the 2nd.

23 Q Oh, I'm sorry, on the 2nd. And was Ron Spence --
24 as far as his identity, who did you learn he was?

25 A (Pause.) Ron was basically a landscaper. I had to

1 read my notes to refresh. But basically he is a
2 landscaper. He knows of all the parties involved,
3 but he really didn't have much information on this.

4 Q And did you also -- I guess moving to May 3rd, who
5 did you meet with?

6 A That is when we met with Britt Dove from SLED who
7 gave us a preliminary overview of what was in the
8 computer or what he found so far in the computer.

9 Q And that is the account that we discussed?

10 A Yes, ma'am.

11 Q Later was an additional search warrant obtained for
12 the Defendant's home a second time?

13 A There was. In going through the surveillance
14 videos, there is a side door with blinds where you
15 can see the blinds open and close.

16 We wanted to recreate these events under a
17 similar day. In the blinds -- or in the video you
18 can see where there are some clouds, but it is also
19 a sunny day, so we waited till we had conditions
20 that we felt were very close to this so we could
21 recreate this to show that it wasn't something
22 flying overhead or it wasn't anything else, that if
23 you were in the house and you moved the blinds back
24 and forth, it would be the same thing we saw. And
25 that is what we did.

1 We also test for any gunshot resin on the
2 blinds, which -- as you guys have heard.

3 Q Did you participate or present during -- were other
4 items collected in addition to the gunshot residue
5 kit from the blinds?

6 A Yes, ma'am.

7 MS. SIMPSON: Beg the Court's indulgence.

8 (Pause.)

9 BY MS. SIMPSON:

10 Q What type of information or documents were
11 collected at that time?

12 A Day planners. I believe a couple of other laptops
13 may have been collected that were not being used.
14 Additional photographs.

15 Q And were those -- once those documents were
16 obtained, were they reviewed at some point and
17 pertinent information found?

18 A Yes, ma'am.

19 Q I'm going to show you what has been marked as
20 State's 538, 536 and 537. Do you recognize these
21 materials?

22 A Yes, ma'am.

23 Q And what are those?

24 A These would have been items from Tammy's day
25 planner. There is a budget.

1 Q Oh, hold on, they are not in evidence yet.

2 A Sorry.

3 Q And are those excerpts from the items?

4 A Yes, ma'am.

5 MS. SIMPSON: Your Honor, at this time I would
6 offer State's 537, 536, and 538 into evidence.

7 (Pause.)

8 MS. SIMPSON: Your Honor, all this information
9 was provided.

10 MR. WHITLARK: They are now giving us
11 excerpts, Your Honor.

12 MS. SIMPSON: I will be happy to introduce the
13 whole day planner.

14 MR. WHITLARK: Beg the Court's indulgence.

15 THE COURT: Yes, sir.

16 (Pause.)

17 MR. WHITLARK: Your Honor, we just ask that
18 all -- everything be put in out of the day planner,
19 all of it.

20 MS. SIMPSON: I will be happy to.

21 MR. WHITLARK: Not just this.

22 THE COURT: All right.

23 MS. SIMPSON: All right, Your Honor, if you'll
24 beg the Court's indulgence while I remark these.

25 (Complies.)

1 BY MS. SIMPSON:

2 Q Let me try this again. I show you again 536 --

3 MS. SIMPSON: And I guess, Your Honor, at this
4 time I'll go ahead and introduce State's 536, 537,
5 and 538.

6 THE COURT: Without objection? What did you
7 mark, the planners?

8 MS. SIMPSON: I'm sorry?

9 THE COURT: The planners? You are going to
10 put it all in?

11 MS. SIMPSON: Yes. There were three separate
12 exhibits.

13 MR. WHITLARK: Your Honor, we would just ask
14 that we have a chance to verify that it matches up
15 with the copy that we have been given.

16 MS. SIMPSON: Your Honor, if we are putting
17 the whole thing, it is what was provided in
18 evidence.

19 THE COURT: Are you going to publish it?

20 MS. SIMPSON: Well, once it is in evidence,
21 yes, ma'am.

22 THE COURT: At this point?

23 MS. SIMPSON: Yes.

24 THE COURT: All right, well then --

25 MS. SIMPSON: Not at length reading it, but

1 general pertinent information.

2 THE COURT: Then let him look at it and make
3 sure. Go ahead.

4 (Pause.)

5 MS. SIMPSON: Your Honor, do you want to take
6 a brief break? I don't know how long counsel is
7 going to take. As I said, all this has been
8 provided.

9 THE COURT: All right. Ladies and gentlemen,
10 we'll take about five minutes. Thank you.

11 (WHEREUPON, the jury retires to the jury
12 room at 3:38 p.m.)

13 THE COURT: Are you going to mark that planner
14 as a separate exhibit?

15 MS. SIMPSON: I'm not -- Your Honor, I was
16 only going to introduce the pertinent relevant
17 excerpts from it, but they want the whole planner
18 in. All this has been provided in discovery. We
19 sat at the Sheriff's Department and reviewed stuff
20 extensively and they were given several
21 opportunities to review all of this information.

22 THE COURT: I understand. My question is,
23 though, are you going to mark the --

24 MS. SIMPSON: The whole thing is coming in,
25 and I don't think --

1 THE COURT: You are not going to -- I'm just
2 trying to figure out, the planner is going to be
3 what?

4 MS. SIMPSON: State's 536. There are two
5 planners, and one spiral notebook, so it is three
6 separate --

7 THE COURT: All right.

8 MS. SIMPSON: Three separate big things.

9 THE COURT: Okay. All right. We will take
10 about five.

11 MR. WHITLARK: Your Honor, I just want to
12 state for the record that we do have the right to
13 put, you know, if they put an excerpt in to put the
14 entire matter in.

15 MS. SIMPSON: Your Honor, I think the State is
16 putting it in.

17 THE COURT: All right.

18 MR. WHITLARK: Thank you, Your Honor.

19 (WHEREUPON, a break was taken.)

20 THE COURT: Bring them on in.

21 (WHEREUPON, the jury came into open
22 court at approximately 4:03 p.m.)

23 MR. WHITLARK: Permission to approach the
24 bench.

25 (WHEREUPON, a bench conference was held

1 in the presence of the jury but out of
2 the hearing of the jury.)

3 THE BAILIFF: The jurors are all present, Your
4 Honor.

5 THE COURT: All right. Yes, ma'am, you may
6 continue.

7 MS. SIMPSON: And, Your Honor, I believe at
8 this point State's 536, 537, and 538 are in
9 evidence.

10 MR. WHITLARK: No objection, Your Honor.

11 THE COURT: All right, they will be entered
12 without objection.

13 (WHEREUPON, State's Exhibit No. 536 was
14 marked for identification and received
15 into evidence.)

16 (WHEREUPON, State's Exhibit No. 537 was
17 marked for identification and received
18 into evidence.)

19 (WHEREUPON, State's Exhibit No. 538 was
20 marked for identification and received
21 into evidence.)

22 BY MS. SIMPSON:

23 Q Investigator Holdorf, can you take a look at these
24 and tell us generally what they are?

25 A Yes, ma'am. These are Tammy Parker's day planners.

1 There is notes, messages written back and forth
2 between her and Brett. There is a lot of
3 information in here.

4 Q And one of those, is it actually a spiral notebook?

5 A Excuse me. Yes, one is a spiral notebook.

6 Q With respect to the planners, most of that
7 information, is it Tammy's --

8 A Yes, ma'am.

9 Q -- or Brett's? And is there some information
10 regarding the will situation or the kids as
11 beneficiaries?

12 A It says, do not name kids beneficiaries, they can't
13 inherit money until they are 18 years old.

14 Q And is that also -- what is the exhibit number on
15 that?

16 A That is going to be Exhibit -- State's Exhibit 536.

17 Q And is that information also indicated on 538?

18 A On Number 538, it is the day planner marked 2010,
19 and it says the same thing, don't make -- don't
20 name kids beneficiaries, they can't inherit if they
21 are under 18.

22 Q And does it also make mention of the 401(k)
23 account, Tammy's?

24 A It says, increase 401(k)) amount. It also has,
25 booking fund and Bryan's percentage.

1 Q And then State's 537, what is that?

2 A 537 is a spiral notebook that has notes written
3 back and forth between Tammy and Brett.

4 Q And we won't go specifically into everything, but
5 does that planner reflect some marital issues
6 between Tammy and the Defendant?

7 A Yes, ma'am, it does.

8 Q Throughout this investigation, did you all obtain
9 some financial information of the Defendant and
10 Tammy with respect to their finances?

11 A Yes, ma'am, we did.

12 Q I'm going to show you State's 513. Do you
13 recognize this?

14 A Yes, ma'am. This is the credit report from
15 August 3rd, 2009.

16 Q I'm going to show you State's 515, 514, 519, 518,
17 516, 517, 520, 521, and 522.

18 MS. SIMPSON: And, Your Honor, at this time
19 the State would offer these documents pursuant to
20 the stipulation during pretrial. And Defense
21 counsel over the break indicated that that was fine
22 as well.

23 MR. WHITLARK: Without objection, Your Honor.

24 THE COURT: All right, they will be entered
25 without objection.

1 (WHEREUPON, State's Exhibit No. 513 was
2 marked for identification and received
3 into evidence.)

4 (WHEREUPON, State's Exhibit No. 514 was
5 marked for identification and received
6 into evidence.)

7 (WHEREUPON, State's Exhibit No. 515 was
8 marked for identification and received
9 into evidence.)

10 (WHEREUPON, State's Exhibit No. 516 was
11 marked for identification and received
12 into evidence.)

13 (WHEREUPON, State's Exhibit No. 517 was
14 marked for identification and received
15 into evidence.)

16 (WHEREUPON, State's Exhibit No. 518 was
17 marked for identification and received
18 into evidence.)

19 (WHEREUPON, State's Exhibit No. 519 was
20 marked for identification and received
21 into evidence.)

22 (WHEREUPON, State's Exhibit No. 520 was
23 marked for identification and received
24 into evidence.)

25

1 (WHEREUPON, State's Exhibit No. 521 was
2 marked for identification and received
3 into evidence.)

4 (WHEREUPON, State's Exhibit No. 522 was
5 marked for identification and received
6 into evidence.)

7 Q Tell us generally what those documents are.

8 A Sure. 521 is their SunTrust information. It is
9 the banking account information. It goes
10 through -- it is their mortgage. I am looking for
11 a date on this one. This is dated August 31, 2009,
12 which is where we got some of their credit reports.

13 522 is Palmetto Citizens. This is going to be
14 checking account, copies of checks, different
15 financial information in it.

16 515 is an Equifax credit report on Mr. Brett
17 Parker. This is dated May 25th of 2012.

18 514 is an Equifax credit report dated
19 November, 2012. This is going to be on Brett
20 Parker.

21 519 is Wachovia, also known as Wells Fargo.
22 It is going to be Brett's checking account.

23 517 is the TitleMax information. And that was
24 dated 1/5/12.

25 518 is Tammy's 401(k) with Novartis.

1 Q And Novartis, was that her employment?

2 A It is -- or was, excuse me.

3 520 is MetLife, which is going to go into --
4 this is all going to be insurance information.

5 516 is Tammy's bank account with Telco. I
6 believe she had an account that Brett Parker did
7 not know about or did not have access to. He is
8 not on the account.

9 And 513, I already stated that was a credit
10 report.

11 Q And did you have, throughout the course of this, an
12 opportunity to kind of review those finances --

13 A Yes, ma'am?

14 Q -- and that information?

15 A Yes, ma'am.

16 Q I'm going to show you what has been marked as
17 State's 532, 533, 534, and 535. Would these assist
18 you in your testimony?

19 A Yes, ma'am. These are charts that were made based
20 upon the credit reports and the information
21 contained in this volume of paperwork.

22 The figures are going to be beneficial to a
23 low side and not the high side, or anything else,
24 if there was a question about it.

25 MR. WHITLARK: Your Honor, we have no

1 objection to the demonstrative use of this, but we
2 do object to the introduction of any of these
3 blow-ups.

4 MS. SIMPSON: Your Honor, with respect to
5 State's -- well, I guess the basis of his
6 objection, just so the record is clear, we're
7 seeking to introduce as evidence State's 532 and
8 533 as a compilation or summary of the financial
9 materials, which are voluminous. And this will
10 assist the jury.

11 As for 534, that is a timeline.

12 And then just a chart in 535 regarding the
13 debt that we would be using for demonstrative only.

14 THE COURT: Are you trying to enter 532 and
15 533?

16 MS. SIMPSON: Yes. And I will be happy to
17 show Your Honor.

18 THE COURT: And, Mr. Whitlark, what is your
19 objection?

20 MR. WHITLARK: First of all, I object to it
21 because some of this information is remote in time.

22 Also, Your Honor, what is not reflected on
23 here is gambling proceeds that are not incorporated
24 in here.

25 I don't know whether they have got that as

1 part of this or not. These are, I would say,
2 accounts receivables, things like that, from the
3 business that Mr. Parker was in.

4 Because of that, Your Honor, this may be
5 giving a skewed view of it. They have the
6 information we have not objected to in its complete
7 and total form right over there.

8 This is going to put an undue attention on
9 this, first of all, plus it is remote in time and
10 does not -- does not incorporate the information I
11 just told Your Honor about, accounts receivable,
12 and that.

13 And so therefore, Your Honor, demonstrative,
14 that is her right to do that, but we object to it
15 being introduced.

16 MS. SIMPSON: And, Your Honor, if I may, just
17 with respect to counsel's stuff regarding the
18 gambling debt, Investigator -- he is more than
19 happy to cross-examine on that information. And we
20 have put in extensive stuff. There actually is a
21 board with gambling -- or I believe he said
22 proceeds, I apologize. All that he is free to
23 question on.

24 As far as 532 and 533, I believe South
25 Carolina Rules of Evidence, Rule 1006, provides

1 that the contents of voluminous writings,
2 reportings, or photographs which could not
3 conveniently be examined in court may be presented
4 in the form of a chart.

5 So we will be seeking to introduce as it is
6 based on stuff already in evidence.

7 THE COURT: What rule was that you said?

8 MS. SIMPSON: 1006, South Carolina Rules of
9 Evidence.

10 MR. WHITLARK: Your Honor, our position would
11 be that that can only be pursuant to an expert's
12 opinion and after a valid analysis has been made.

13 At this point it is just figures that -- if
14 it is reflected accurately in here, that is fine.
15 But only an expert can say that, in our opinion.

16 MS. SIMPSON: And, Your Honor, there is
17 nothing in that rule requiring an expert.

18 THE COURT: I don't see anything in 1006 that
19 says anything about an expert.

20 MR. WHITLARK: Well, again, Your Honor, I
21 think it may be skewed figures because they don't
22 take into account accounts receivable and stuff
23 from the business Mr. Parker was in.

24 THE COURT: All right. I do find that 532 and
25 533 come in.

1 Under Rule 1006 and as to the figures in
2 there, Mr. Whitlark, I believe that goes to the
3 weight of the evidence. You will have an
4 opportunity to cross-examine him as to that.

5 MR. WHITLARK: Thank you, Your Honor.

6 THE COURT: The objection is overruled. It
7 will be entered with the objection of the Defense.

8 MS. SIMPSON: Thank you, Your Honor.

9 (WHEREUPON, State's Exhibit No. 532 was
10 marked for identification and received
11 into evidence.)

12 (WHEREUPON, State's Exhibit No. 533 was
13 marked for identification and received
14 into evidence.)

15 (WHEREUPON, State's Exhibit Nos. 534-535
16 were marked for identification and
17 received into evidence.)

18 MS. SIMPSON: Permission for Investigator
19 Holdorf to step down?

20 THE COURT: Yes, you may step down.

21 (Witness steps down.)

22 BY MS. SIMPSON:

23 Q Investigator Holdorf, with respect to -- and let me
24 switch places so the court reporter can understand.
25 State's 532, what is this information based off of?

1 What is it?

2 A The charts were made to keep it simple. This was
3 obtained from the Clerk of Court. It is dated
4 August 3rd, 2009. And it is a joint credit report.

5 Q And joint, whose credit report is this?

6 A Both Brett Parker and Tammy Parker. It has listed
7 what each one is and the amount.

8 You have got your total on August 3rd, 2009,
9 was \$215,909.

10 Q And that was their reported debt from that time
11 period?

12 A Correct.

13 Q I show you State's 533. What is this reflecting?

14 A All right, this is their credit report dated May
15 25th, 2012.

16 Again, with reference -- it shows their total
17 debt. It also breaks down the individual debt of
18 Brett Parker and Tammy Parker.

19 Brett's individual debt was at 45,212. And
20 this is what is reported to the credit companies,
21 okay? This is not everything, that we will get
22 into in just a little bit. Their joint debt was
23 just over 669,000. With the total debt reflected
24 on both of these together is 720,000.

25 Q And backing up just a little bit, on August 2009,

1 even though all this is reflected as joint, is that
2 just how it is calculated in the 2009 report?

3 A Yes.

4 Q Tammy and Brett Parker?

5 A Yes.

6 Q Tell us what accounts we're looking at here and
7 what their amounts are.

8 A The SunTrust is on the house, 12 Tackeria Court.

9 The First Tennessee FILO, home equity line of
10 credit is 225,000.

11 The Bank of America auto loan is \$35,000.

12 That is joint on the car.

13 Capital credit card is 8,000 -- it is over
14 8,000.

15 The Citi credit card, that is 24,000. That is
16 just in Brett's name, as is Wells Fargo for over
17 14,000.

18 The Best Buy for 6,000.

19 And then these down here are Tammy's accounts
20 for customer accounts: Belk's, Kohl's, and T.J.
21 Maxx.

22 Q And what was the total amount of debt reported as
23 of May 25th of 2012?

24 A It was \$720,161. And this is all from the credit
25 report itself.

1 Q So all this is only the information reported to the
2 credit card companies, right?

3 A Correct.

4 Q Does this include the TitleMax loan that he took
5 out?

6 A This does not include TitleMax. This does not
7 include the loan, the personal loan that was given
8 the day before the homicide.

9 Q And what was that loan again?

10 A That was \$5,000 that he agreed to pay back 7,000.

11 Q And what was the amount of the TitleMax?

12 A TitleMax was for, I believe it was right at 5,000.
13 It was 119 percent. So the payback would be 13,000
14 for a \$5,000 loan.

15 Q And with respect to the debt, looking at State's
16 532 and 533 in evidence, as an investigator, what
17 was important to you about the amount of debt from
18 2009 and then increase from 2012?

19 A It significantly increased. Not just the mortgage,
20 but especially the Citi credit card. Why make a
21 deal about Bryan Capnerhurst's \$20,000 credit card
22 debt? Brett has just one credit card on its own is
23 \$24,471 when in '09 it was just down to \$4,700.
24 And, again, this does not take in the other debts
25 that are not reported.

1 Q I want to show you State's 534 for evidence -- or
2 for identification, I'm sorry. Did you all
3 consider a timeline with respect to the financial
4 information in this case?

5 A We did. Just to show, especially at the beginning
6 of the year.

7 January 15th, it is a \$5,000 loan at 119
8 percent, which, again, it is still outstanding --
9 well, at the time of the incident was still
10 outstanding.

11 The 5,000 from his mom and dad for the cruise.

12 The 5,000 from Britt Jordan -- and, again,
13 both of these figures are low. The 5,000 he
14 borrowed, he agreed to pay back a full seven.

15 The 5,000 he borrowed from TitleMax, that
16 becomes 13,000 because of the interest rate.

17 Brett owed Capnerhurst \$21,000. That is for
18 this year's proceeds and from the year previous.

19 And then the amount that he owes Lanny Gunter,
20 that is from Mr. Gunter and also from what we found
21 on the computers.

22 Q And we'll get to the gambling debt in just a
23 moment.

24 What was important about this timeframe of
25 2012 with respect to the Defendant's job as a

1 bookie and the amount of cash flow he should have
2 had at that point?

3 A This is at the end of football season. It is at
4 the end of all your bowl games. This is at the end
5 of the NCAA tournament. He should have been cash
6 rich. He should have had 80- to \$100,000 easily.
7 But he does not.

8 As you see where he is not -- on the reported
9 debt, he increased it quite significantly; but on
10 the unreported side also.

11 Q And in addition to the actual debt, with respect to
12 the Defendant's reported income versus Tammy
13 Parker's reported income, how did those compare?

14 A Tammy's reported income was substantially higher
15 than Brett's. Brett's was around 45. Tammy's was
16 over 100,000.

17 Q And so if Tammy had left him, he would have been
18 out her salary as well?

19 A Correct.

20 Q And during this timeframe, did your investigation
21 reveal some marital issues that were -- had kind of
22 come to a head at this point?

23 A They had. And that is just in talking to other
24 witnesses. We have to take everything together.
25 Not everyone is going to know one side. But when I

1 talk to one person who says, well, we were talking
2 and finances weren't an issue, well, when you look
3 at it, finances are an issue.

4 Q And who was directing you towards Bryan
5 Capnerhurst's financial issues or possible motive
6 in this case?

7 A Brett Parker, when we interviewed him, directed
8 towards Bryan Capnerhurst. And he denies any of
9 these here. There weren't financial issues. There
10 weren't issues. There weren't problems.

11 And as we started digging and discovering more
12 and more and more, we clearly see there are
13 problems, there are issues.

14 Q And, again, how did Bryan's debt compare to the
15 Defendant's?

16 A Substantially less. Brett's -- their total debt
17 once you added the reported -- what is on the
18 credit history reports and all the others from the
19 sources that were not going to affect his report,
20 it is right at a million dollars, \$937,000. That
21 is significant.

22 Q And for the house and the mortgage and all of that
23 debt together, and the \$720,000 plus, this gambling
24 debt figure, what is included in this figure? Is
25 it --

1 A That is both accounts with Lanny Gunter. This is
2 not taking in whatever else there might be. It is
3 not like people are coming up saying, hey, I bet
4 with Brett, Brett owes me money. This is something
5 where you had to go out and talk to people and then
6 try to find that information. That is not very
7 easy to do.

8 Q So this 217 -- I'm not very good with numbers --
9 includes the debts owing Lanny Gunter that he was
10 owed on both his account and Hal's account?

11 A Yes, ma'am.

12 Q As well as the information regarding the debt to
13 Bryan Capnerhurst?

14 A It is Bryan Capnerhurst. I believe it is also
15 going to be -- right. Yes, ma'am.

16 Q And I think included in this is also the TitleMax
17 loan and some of his individual debts as well?

18 A Yes, ma'am.

19 Q And, again, how much was Bryan Capnerhurst's total
20 debt?

21 A Twenty-one, which is what he was owed from Brett
22 Parker.

23 Q Thank you.

24 A Back to the stand?

25 Q Yes.

1 (Witness returns to witness stand.)

2 Q Throughout your investigation, also made of the
3 Defendant's motive, and things of that nature, were
4 you also considering what possible motives Bryan
5 Capnerhurst would have?

6 A Yes, ma'am. We wanted to look at all sides. And
7 that is the only way you could fairly do this
8 investigation, not just taking what one person said
9 or one perspective, but looking at all sides,
10 looking at it reasonably with an open mind, no
11 preformed judgments. And I feel that is exactly
12 what we did.

13 Q So, in addition, did you consider -- and let me
14 back up a little bit. What did you find with
15 respect to Bryan Capnerhurst's I guess financial
16 motive versus the Defendant's?

17 A We found absolutely no motive for Bryan Capnerhurst
18 to be involved. It didn't fit at all.

19 Q And was DNA testing completed in this case?

20 A There was DNA done, yes, ma'am.

21 Q As well as gunshot residue testing?

22 A Gunshot residue, gunpowder residue, ballistics.

23 Q And ballistics?

24 A Yes, ma'am.

25 Q The evidence with respect to the forensic evidence,

1 in addition to the statements and everything that
2 he had, did you determine whether that information
3 was consistent with the Defendant's testimony or
4 inconsistent?

5 MR. WHITLARK: Objection, Your Honor.
6 Objection. I mean, first of all, he is not a
7 forensic expert. And, you know, I don't need to
8 know what his so-called opinion is going to be
9 based on at this point. So I object to it. He is
10 not an expert.

11 MS. SIMPSON: Your Honor, I'm not asking for
12 the expertise or going into the results of the
13 gunshot residue, the ballistics, the forensic
14 pathologist, the findings. We haven't even gone to
15 the injuries and all that information. But I think
16 as an investigator he should be able to testify to
17 essentially what led them to the Defendant.

18 THE COURT: All right. The objection is
19 overruled, but you need to ask a question that way,
20 the way you just --

21 MS. SIMPSON: I can't remember how I just --

22 BY MS. SIMPSON:

23 Q So what led you -- where did your information lead
24 you with respect to the Defendant's statement?

25 A That Mr. Parker had not told the truth. That the

1 events could not have happened the way that he said
2 they happened. And that Mr. Parker is responsible
3 for both murders.

4 Q And with respect to what the Defendant stood to
5 gain financially in this case, what did you learn?

6 A Tammy Parker had a life insurance in the area of
7 \$1.1 million, which is what Mr. Brett Parker would
8 have stood to gain on this.

9 Q Would he have also cleared his debt of \$21,000 to
10 Bryan Capnerhurst?

11 MR. WHITLARK: Objection, Your Honor.

12 THE COURT: Yes, sir?

13 MR. WHITLARK: This is another speculation.

14 MS. SIMPSON: Your Honor, I believe that is a
15 reasonable inference that if Bryan Capnerhurst is
16 deceased, the Defendant doesn't have to pay him.

17 THE COURT: All right. The objection is
18 overruled.

19 MR. WHITLARK: Thank you, Your Honor.

20 MS. SIMPSON: Thank you, Your Honor.

21 A Yes. I mean, it was clear \$21,000 right then and
22 there, as well as getting the \$1.1 million for
23 being Tammy's beneficiary at the time.

24 MS. SIMPSON: Beg the Court's indulgence.

25 (Pause.)

1 MS. SIMPSON: Thank you. Please answer any
2 questions the Defense may have.

3 THE COURT: Yes, sir, Mr. Whitlark.

4 MR. WHITLARK: May it please the Court, Your
5 Honor?

6 CROSS-EXAMINATION

7 BY MR. WHITLARK:

8 Q What is your rank again, sir?

9 A My rank would be senior investigator. I am on the
10 sergeant's list and have been for a number of
11 years. There is not a spot open. I just go by
12 investigator.

13 Q Okay. Bryan Capnerhurst, first of all, didn't tell
14 anybody that he had a gun, is what you testified
15 to, right?

16 A It is not just my testimony, but Mr. Parker's own
17 statement that he didn't believe anyone else knew
18 that Capnerhurst had a gun. His own statement was
19 that no one knew that Capnerhurst had a gun unless
20 he told them, and he had not told anyone.

21 Q They found one in his hand, though, didn't they,
22 sir?

23 A We feel that it was planted, yes, sir.

24 Q I know you thought it was planted, but it was found
25 in his hand by two eyewitnesses, deputies, weren't

1 they?

2 A When he was dead, it would be very easy to put a
3 gun in his hand, yes, sir.

4 Q Uh-huh. And both of those men said not only was it
5 in his hand, his fingers were wrapped around it,
6 weren't they?

7 A Yes, sir.

8 Q And they had to shake him three times? Did you see
9 the demonstration done by Deputy Odom?

10 A It was Odom who did the shaking.

11 Q Uh-huh. And, sir, by the way, you were talking
12 about being fair with -- about the evidence, and so
13 forth, right?

14 A Yes, sir.

15 Q Now, you testified that in your opinion it was
16 suspicious that the toilet seat was up, right?

17 A Among other things, yes, sir.

18 Q Yeah, but you left out the fact that the exhaust
19 fan, the odor fan, was on, didn't you?

20 A I don't recall that being on.

21 Q Uh-huh.

22 A So that is why I did not testify about that, no,
23 sir.

24 Q Well, look, we know that these two men were in this
25 gambling business, don't we, sir?

1 A Yes, sir.

2 Q And the finding of your investigators about James
3 Morgan, they said he was in the gambling business
4 too, didn't they?

5 A There is an inference to that in an investigator
6 follow-up. I found no information that James
7 Morgan is in the gambling business.

8 Upon talking with Mr. Morgan, I have no
9 question he is not in the gambling business.

10 When you work a homicide -- and I have worked
11 a number of them -- it's very easy to get
12 information where you talk to her and what she says
13 and what you relay back to me is not the same
14 thing, which is why we wanted to go out and talk to
15 Mr. Morgan, which is why we go out, and if someone
16 has information that's important, I want to get a
17 written statement. It's not to put words in your
18 mouth, but it is to get your statement. This is
19 how you're saying it. This is not my statement.

20 Q We know that Bryan Capnerhurst was obsessed with
21 getting this 21,300? Don't you agree with that?

22 A That is what was testified to, but he also had a
23 walk-away plan where if he got nothing, he could
24 have worked for Jack Parker the next year. He was
25 offered loans.

- 1 Q Did you see his best friend testify --
- 2 A He said that --
- 3 Q I'm sorry. Are you finished?
- 4 A Yes, sir.
- 5 Q Did you see his best friend testify on the stand,
- 6 James Morgan?
- 7 A I did.
- 8 Q Did you hear what he said about it?
- 9 A I did.
- 10 Q Did you hear him describe Ms. Capnerhurst as a
- 11 spending addict?
- 12 A I did.
- 13 Q That was driving Mr. Capnerhurst crazy? Did you
- 14 hear that?
- 15 A I did.
- 16 Q Okay. Well, he'd probably know better than you
- 17 about this, wouldn't he?
- 18 A I would feel that after I spent almost eight hours
- 19 up in Greensboro talking to Mr. Morgan that I have
- 20 a very good understanding. Might he know something
- 21 better than me? Sure. But not much better, no,
- 22 sir.
- 23 Q So you know Bryan Capnerhurst better than James
- 24 Morgan, his best friend?
- 25 A No, sir. The situation surrounding Cindy --

1 actually I would know Cindy Capnerhurst better than
2 James Morgan, seeing that he has never actually met
3 her. He had never met Capnerhurst's daughter.

4 Q He only knows what he was told by Bryan, right?

5 A Correct.

6 Q And he told -- he testified that she was a spending
7 addict that was driving him crazy, didn't he?

8 A That is what he was told, but I didn't find any
9 proof of that, sir.

10 Q Well, sir, I'm just asking if you saw him testify
11 right here in the same chair you're sitting in?

12 A I saw one person testify to that, but I found no
13 independent evidence that supported that.

14 Q Did Bryan Capnerhurst talk to you seven times that
15 morning or did he talk to James Morgan seven times
16 that day?

17 A If any of the parties involved with this had talked
18 to me seven times that morning, I would be excused
19 from this case because I would be an impartial
20 witness.

21 Q Sir, the truth of the matter is this, is that you
22 did hear what Mr. Morgan said?

23 A We all heard what Mr. Morgan said.

24 Q I know. And you're characterizing this as not such
25 a serious thing, they got it all worked out; but

1 that is not exactly what his friend, who he spoke
2 to that morning, says, is it?

3 A It is a serious enough thing to where that Sunday,
4 two days after receiving this homicide, I go up
5 there to talk to Mr. Morgan and spend as much time
6 as I felt I needed to to fully understand the
7 facts.

8 Then we followed it up with the Capnerhurst
9 family, sir. This wasn't just what one person
10 said. None of this is based upon what one person
11 said. I tried to corroborate it with other
12 evidence.

13 Q Well, I didn't hear you testify or say anything
14 about the fact that you found out -- and it's in
15 your report -- that Bryan Capnerhurst knew where
16 Brett Parker's safe was, didn't he?

17 A Yes, sir. He worked in the house.

18 Q And he thought there was 80- to \$100,000 in it,
19 didn't he?

20 A No, sir. There is a period between the two
21 sentences. That is not saying that there was --
22 there is nothing in my follow-up that says that.
23 There is a period between the two. Those are
24 totally different sentences.

25 Q Uh-huh. Well, why don't we look at your report

1 then?

2 A Sure.

3 Q Let's go to the date.

4 A Do you know what day it was?

5 Q 5/4/12 will be at the bottom of the page.

6 A Okay. Yes, sir.

7 Q Well, come up about two paragraphs in the middle of
8 the page. And I'll show you where it's at.

9 A Okay.

10 Q All right (indicating)?

11 A I've got my thumb on it.

12 Q Read that to the jury, if you don't mind, that
13 whole paragraph.

14 A Sure.

15 Bryan knew where the safe was and that the
16 safe was hidden. Brett would have had 80- to
17 100,000. Bryan also commented on how clean Brett's
18 house was. This was in contrast to Brett stating
19 that the office was a mess.

20 Q Okay. Is it in your report or isn't it, sir?

21 MS. SIMPSON: Objection, Your Honor, if he
22 could let the witness finish answering.

23 THE COURT: All right, let him finish
24 answering the question.

25 MR. WHITLARK: Yes, Your Honor.

1 A This was in a meeting where we had the
2 Capnerhursts -- Cindy, Heyward, and Liz -- come to
3 our office. They identified the bag. And like
4 most of these witnesses, we had other questions.
5 We had other information.

6 I'm taking notes down where there was
7 speculation because of the timeframe of this being
8 at the end of the football season and the end of
9 the basketball, the NCAA tournament, that he should
10 have been cash rich.

11 That typically in a year -- Capnerhurst had
12 worked for him for several years -- he should have
13 had anywhere between 80- to \$100,000 profit that he
14 would have had.

15 Now, no one has ever said that that was in the
16 bank or would be at the house. That would be silly
17 for anyone to have that much cash in a house. I
18 mean, that is not something I would have. There is
19 no one that ever said anything to me about that
20 being in the house.

21 The 80- to 100,000 is what was hypothetical of
22 what he thought he would have made at the end of
23 the season, sir, not in the safe. No one knows
24 what was in the safe, and that was testified to --
25 or not testified to -- but in your client's own

1 statement.

2 Q Well, if you were planning on robbing somebody, it
3 wouldn't be what you know, it would be what you
4 think is in the safe that would motivate you, isn't
5 it?

6 A I think if they were planning on robbing him, I
7 don't think the family would be as forthcoming as
8 they were, sir, with all the information.

9 Q Well, we know that Bryan Capnerhurst was talking
10 relentlessly to many people about this, wasn't he?

11 A Yes, sir.

12 Q Would you agree with that?

13 A Yes, sir.

14 Q He also told his wife that they would -- there
15 could be fisticuffs or something else, didn't he?

16 A He did.

17 Q And he also told James Morgan the same type of
18 thing, didn't he?

19 A No.

20 Q He didn't?

21 A The whole thing with there might be a conflict is
22 Bryan -- who several people have testified to does
23 not like confrontation -- is going to stand up for
24 himself finally and say, hey, after two seasons, I
25 want all my money. I want the 6,000 that you owe

1 me from two years ago, and I want what I'm owed
2 now.

3 Q Okay.

4 A That is not unreasonable, sir. If my employer
5 hadn't paid me from two years ago, I would do the
6 same.

7 Q Uh-huh. So --

8 A Especially after he just got off of a cruise, yes,
9 sir.

10 Q So a man you've never met before -- you have never
11 met him before, have you?

12 A No, sir, not to my knowledge.

13 Q A man you've never met before has told his wife he
14 is going to engage in fisticuffs or something else
15 and his friend, his best friend?

16 A He also told the Defendant's father that he was
17 going over there, sir. I would have a hard time
18 believing that Capnerhurst, according to Brett
19 Parker's own statement, is going to go there, as
20 Brett Parker relays it, with the only intention of
21 killing Tammy first. He knows Brett is downstairs
22 in the bathroom.

23 Q Uh-huh.

24 A Not much more vulnerable of a situation. He goes
25 upstairs and immediately shoots Tammy? There is no

1 yelling? There is no confrontation? And he is
2 going to go with an empty magazine? No, sir.

3 Q Well, you weren't there that day, were you?

4 A I was there that day.

5 Q Were you there when this happened?

6 A No, sir.

7 Q Okay. You have found out through your extensive
8 investigation, have you not, that Tammy Parker was
9 involved in this business, this gambling business,
10 wasn't she?

11 A She had a role in it. It was not like her to be
12 present when money was -- she partook in some of
13 the proceeds of it. It wasn't like she was overly
14 involved in it. She knew of it. It was in her
15 house.

16 But it was also very suspicious that Tammy
17 would be there for this meeting. This was
18 something that several people have said this is not
19 normal.

20 And this is why Capnerhurst was like, hey,
21 man, this is great. I'm going to get all my money
22 finally.

23 Q The reason he was going to get all his money is
24 because she -- it was half her money, and she held
25 the purse strings, didn't she, on this?

- 1 A I recovered no information on that, sir.
- 2 Q You haven't?
- 3 A No, sir.
- 4 Q For example, let's go ahead and take a look at the
- 5 date of 2011.
- 6 A Yes.
- 7 Q What is the date on it? I'm going to hand you a
- 8 document here and just ask you if you recognize it?
- 9 A Yes, sir. This is going to be in part of the day
- 10 planner. And it goes into a bunch of different
- 11 things, to include some of the gambling.
- 12 Q Okay. Whose handwriting is it, according to your
- 13 investigation?
- 14 A I am going to say this is Tammy Parker's
- 15 handwriting, sir.
- 16 Q Okay. Do you see the name Bryan down there?
- 17 A I did on the other one. It was highlighted. This
- 18 is a copy of the copy, which is --
- 19 Q Well, read it to the jury, if you don't mind.
- 20 A You want me to read this whole thing? This is
- 21 written on several different -- if you can point to
- 22 where you're talking about to try to cut it down a
- 23 little.
- 24 Q Sure, I will. Sure, I will. If you'll just read
- 25 here.

1 A Okay.

2 Q Now, tell the jury what you perceive that to be,
3 what that page is. Is that a budget of some sort,
4 or something like that?

5 A Yes, sir. It says: Bryan equals 10 percent
6 football; 30 percent basketball; retirement, 5,000.

7 Q Okay. And he did work with them, didn't he?

8 A For several years, yes, sir.

9 Q And a lot of times when he went there, they would
10 all three be upstairs working together, wouldn't
11 they?

12 A It was testified that Tammy was cooking dinner.
13 There has been no testimony or anyone independently
14 saying that they were working together, no, sir.
15 Not like she is up there answering the phone. She
16 might be up there -- it's her house -- but I have
17 no one saying that she was running the business or
18 anything else. Would she know information about
19 it? Sure.

20 Q Did you speak with James Morgan about this subject
21 here?

22 A I spoke with James Morgan about everything I could
23 think of that is in his statement, sir.

24 Q All right. What significance does \$6,100 owed for
25 two years to Bryan Capnerhurst have to do with it?

1 A It shows that it hasn't been paid.

2 Q That's right. And it also has in your
3 investigative notes and your talk with Mr. Morgan
4 that Tammy Parker flat was not going to pay 6,100?

5 A Tammy Parker did not know about it, sir. There is
6 nothing in here that says Bryan is to be paid or
7 anything else on here. This is what they are
8 saying his breakdown is.

9 As far as Tammy is concerned, or Tammy was
10 concerned at the time, there was no back pay, which
11 is why, as other witnesses have testified, that
12 when he found out she was going to be here, there
13 is not going to be an issue about my back pay.
14 It's all going to be here. I am going to have to
15 bring the whole duffel bag, like he was told to do
16 by Brett Parker.

17 Q What is your understanding of what Bryan
18 Capnerhurst said about that 6,100 as regards Tammy
19 Parker?

20 A He assumed he was going to get everything because
21 she was going to be there, that with her being
22 there, Brett wasn't going to make an issue of his
23 back pay.

24 Q Uh-huh. He also said that he knew she thought that
25 money had already been paid?

1 A Correct.

2 Q And that she wasn't going to pay the 6,100 back
3 pay?

4 A Because she thought the money had already been
5 paid. I'm not going to double pay someone. If she
6 thought he had already been paid --

7 Q Well, sir, let me ask you something. I mean, I
8 don't see a whole lot in your report that Tammy
9 Parker is a part of this. There is not really very
10 much in there.

11 As a matter of fact, I don't think there is
12 anything in all of y'all's Richland County reports,
13 other than the Secret Service, that says Tammy
14 Parker is involved in this business, is there?

15 A Mr. Whitlark, you clearly just handed me a document
16 from her day planner where she is talking about it.

17 Now, I mean, we're splitting hairs about
18 involved in it or how much in it. You have to
19 assume that it's in her house, it is in her day
20 planner, so she does have some knowledge, she does
21 have some involvement.

22 But in talking to probably hundreds of people
23 who were in Brett Parker's gambling list on his
24 phone index, no one ever said to me that Tammy
25 Parker or a female answered the phone. They never

1 said anything about Tammy taking money, or anything
2 else. She enjoyed the proceeds from it.

3 Q Well, you said that you like to do a fair
4 investigation, don't you?

5 A Yes, sir.

6 Q Okay. So you knew about this, right?

7 A Knew about?

8 Q About Tammy Parker's involvement in this, in the
9 gambling and in the payment of monies in the
10 gambling business?

11 A I don't know anything about her payment of money.
12 There's a budget thing where she is saying what
13 Capnerhurst's percentage would be. There is
14 nothing saying -- a check from Tammy Parker that is
15 written out to Bryan Capnerhurst for gambling
16 proceeds for the season. We never found anything
17 like that, sir.

18 Q Did Tammy Parker go see a man named Ben Staples
19 about payment of taxes, and so forth, every year?

20 A She saw him more than every year. They met
21 regularly. They were friends.

22 Q And she would report to him gambling proceeds,
23 didn't she?

24 A I believe that on their taxes, they put it down as
25 entertainment.

1 Q I know. But the point is, sir, she was in charge
2 of that, wasn't she? That's who was doing it,
3 right?

4 A She gave the numbers to Mr. Staples that Brett gave
5 to her, would be my understanding. I have nothing
6 to contradict that.

7 Q Okay. Okay. Well, I don't see anything about it
8 in your report. I am just wondering if you know
9 about it.

10 A Yes, sir.

11 Q Okay. Now, let's talk a little bit about the
12 evidence in this case, okay?

13 A Sure.

14 Q Now, one of the big things to you was the gym bag,
15 which I believe is in one of these boxes, in that
16 they found the UMC cartridge box in there, right?

17 A The ammunition box?

18 Q Yes, sir.

19 A Yes, sir.

20 Q And he flung it over his shoulder, right?

21 A Yes, sir.

22 Q And he walked into the garage area, at least, we
23 know with it, right?

24 A Yes, sir.

25 Q And, sir, you also know because you are involved in

1 this investigation that when they checked the DNA
2 on that bag, they found Bryan Capnerhurst's DNA,
3 right?

4 A Yes, sir. It was his gym bag.

5 Q But -- I know it -- but they didn't find Brett
6 Parker's on it, did they?

7 A No, sir. We found his fingerprint on the
8 ammunition box. It was not Brett Parker's bag.

9 Q Well, let's move to that. Let's move on to that.
10 When you checked the UMC cartridge box and you
11 found Brett Parker's, you also found a smudge that
12 was found on there, wasn't there?

13 A That is what was reported, yes, sir.

14 Q And the experts that looked at it said they could
15 not rule Bryan Capnerhurst out as having made that,
16 didn't they?

17 A It was a smudge. No one could be ruled out or
18 ruled in on that smudge, but a fingerprint was
19 lifted.

20 Q It's a very important piece of evidence in this
21 case, wouldn't you agree?

22 A It is a piece of a clock, if you will, and there
23 are many pieces on this clock, sir.

24 Q You could have checked the DNA off of that and
25 confirmed that Bryan Capnerhurst had, in fact,

1 touched it, couldn't you? But you didn't do it,
2 did you?

3 A This is Capnerhurst's gym bag. The inside contents
4 of this gym bag would be riddled with Capnerhurst's
5 DNA. This is a gym bag where he works out in. It
6 has a toothbrush. It is a target-rich environment
7 for DNA. It should not have been a target-rich
8 environment for Brett Parker's fingerprint.

9 Q Did y'all, or did you not, check for DNA on the
10 cartridge box, UMC, that was found in that bag?

11 A I would have to look at the lab press. I do not
12 believe that was run for DNA, no, sir.

13 Q Would you believe me if I told you no?

14 A I would have nothing to -- no reason to doubt you.

15 Q Uh-huh. But it could have confirmed that he
16 touched it, right?

17 A I had a fingerprint, sir.

18 Q Well, I know that. That's my point. Once you got
19 Brett Parker's fingerprint, you didn't look any
20 deeper? You didn't ask for DNA, did you? You had
21 Brett Parker?

22 A Sir, we looked a whole lot deeper. That
23 fingerprint was obtained very early in the
24 investigation, sir. Very early in the
25 investigation.

1 Q And, sir, I will tell you this. I know you looked
2 a lot deeper, a lot deeper into Brett Parker.

3 A He was our witness. This case is very simple.
4 Either Brett Parker is telling the truth and we can
5 confirm it, no matter how we look at it, or he is
6 not telling the truth.

7 And after looking at it and examining it, he
8 is not telling the truth.

9 Q According to you, according to your theory, right?

10 A No, sir, that is according to all the evidence,
11 sir.

12 Q Uh-huh. Let's talk about your blinds theory and
13 the presumptions y'all make in that.

14 Would you agree with me that you are presuming
15 that it's Brett Parker that opens that blind?

16 A Sir, Brett Parker admits that he opened the blinds.

17 Q I'm asking you. When you did your test, did you
18 presume that it was Brett Parker?

19 A Yes, sir.

20 Q Okay.

21 A When we did the testing, our theory is that Tammy
22 Parker is already dead. He is not in the bath --
23 he is not using the bathroom. He is walking out
24 the garage. That is seen on the video. He is
25 peeking out the blinds. That is seen on the video.

1 He is not using the bathroom.

2 So then you find gunshot residue on the
3 blinds? There should not be any gunshot residue on
4 the blinds. The only answer for that, sir, is
5 Tammy Parker is already dead. He is waiting for
6 Capnerhurst to come in the house to kill him.

7 Q You don't have one shred of proof that Tammy Parker
8 was dead before Bryan Capnerhurst got there, do
9 you, sir?

10 A I have tons of proof, sir.

11 Q You have no proof --

12 A What I just laid out --

13 Q Bring it out. Show it to us.

14 THE COURT: Hold on one second. Let him
15 finish asking the question and you answer the
16 question. Let him finish answering the question,
17 and then you can answer another question.

18 A If you look at the timeframe, the 11 minutes from
19 the time that Capnerhurst gets there, that does not
20 fit. This is entirely too long, sir.

21 Q Are you a medical doctor?

22 A No, sir.

23 Q Okay. Do you know anything about the medical
24 testimony that has been given in this case?

25 A I do, sir.

1 Q Okay. You don't have any medical testimony, do
2 you, that Tammy Parker was dead before 12:31 that
3 day?

4 A That is because both parties were killed in a close
5 timeframe. They were killed in close proximity. I
6 can't tell you who was first or who was second. I
7 can tell you what our evidence has uncovered.

8 Q Uh-huh.

9 MR. WHITLARK: Do you have the Defense
10 exhibits?

11 THE COURT REPORTER: They are all down there.

12 MR. WHITLARK: Thank you.

13 BY MR. WHITLARK:

14 Q I'm going to hand you what has been marked as
15 Defense Exhibit Number 2. Would you mind telling
16 the jury what that is?

17 A Certificate of death.

18 Q Would you please read for the jury what the
19 official time of death of Bryan Capnerhurst is?

20 A It says actual or presumed time of death is 12:40.

21 Q 12:40?

22 A Actual or presumed.

23 Q What time was 9-1-1 called?

24 A Would have been 12:42.

25 Q About a minute or two later, right?

1 A Again, presumed, sir, which would fit the State's
2 theory that he was dead before 9-1-1 was called,
3 sir.

4 I mean, you see Brett Parker running outside
5 of the house before 9-1-1 is called, out the front
6 door, not rendering aid to anyone.

7 Q Did you hear the testimony of Lanny Gunter
8 yesterday?

9 A I did.

10 Q Did you hear him say that Bryan [sic] was a good
11 friend of his and he had grown up with him?

12 A Brett?

13 Q Yeah.

14 A Yes, sir.

15 Q And if Brett had called him and said, look, you
16 know, I'm having a problem here, he would have
17 wiped the whole debt clean? He said that yesterday
18 on that stand right where you're at, right?

19 A Sir, Lanny Gunter is a very smart man. He realizes
20 that if this thing comes out about the debt, he has
21 substantial to lose, like he has.

22 Lanny Gunter has had enough foresight and
23 smarts to realize that when this whole thing starts
24 unraveling -- like it did -- it would wind up where
25 it is, which is him incarcerated, sir.

1 Q Well, how much more unraveling can it get when you
2 come in a courtroom in chains? That is what he was
3 in yesterday, right?

4 A It can get a whole lot more by going out of the
5 courtroom in chains, sir.

6 Q Okay. Well, he is in jail right now, isn't he?

7 A I don't believe Lanny Gunter is the cause of this
8 case, sir.

9 Q No, my question to you is this. You just said that
10 Lanny Gunter will say anything because he wants to
11 stay out of trouble? He is in trouble.

12 A No, sir, I never said Lanny Gunter would say
13 anything. I said Lanny Gunter was smart enough to
14 realize that this whole thing -- once it starts
15 unraveling -- leads to the debt, leads to this
16 gambling issue, if you will, that put a cloud over
17 this entire case.

18 Q Okay. Did you hear what he said about what he
19 would do for his friend yesterday?

20 A Sure.

21 Q Okay.

22 A I also see where his friend was very concerned
23 about making a payment or supposedly making a
24 payment of \$50,000 that he did not have that
25 Friday. There was no --

1 Q By the way --

2 A -- \$50,000, sir.

3 MS. SIMPSON: Objection, Your Honor. If the
4 witness can be allowed to finish.

5 MR. WHITLARK: The witness is being
6 non-responsive, Your Honor, to most of my
7 questions.

8 THE WITNESS: I'm not trying to be, sir. I
9 apologize.

10 THE COURT: All right, answer the question
11 that he asks. You can say yes or no, and then you
12 can go in and explain.

13 BY MR. WHITLARK:

14 Q Investigator Holdorf, Brett Parker was current on
15 all his bills, wasn't he?

16 A If you give me a timeframe. At the time of the
17 homicides, no, sir, he was behind on the TitleMax
18 loan. He was actually late paying that.

19 Q Sir, because of your investigation, I'm positive
20 that you are aware that the so-called bailout that
21 you've been talking about of Brett Parker and Tammy
22 Parker a few years before this --

23 A Yes, sir.

24 Q -- of a hundred thousand. Well, did you know it's
25 not actually 100,000, it's 88,000? Did you know

1 that?

2 A To me 88,000 is pretty darn close to 100,000, sir.

3 Q Yeah. Did you know that it has been paid off in
4 full?

5 A Yes, sir. Mr. Jack Parker paid it off.

6 Q No, Tammy and Brett Parker have paid it off. Did
7 you know that?

8 A I have no information on that, sir.

9 Q Okay. Well, you're about to get some.

10 A Yes, sir.

11 MS. SIMPSON: Objection, Your Honor.

12 THE COURT: Sustained.

13 BY MR. WHITLARK:

14 Q You didn't find that during your investigation,
15 though, did you?

16 A We did, sir. We actually asked your client about
17 that, and he denied anything about that. It's when
18 we do the search warrant looking through the
19 paperwork that we find the admission about the
20 gambling issue there.

21 No, sir, we didn't find information about
22 that. When we asked your client about that, he
23 doesn't tell us about that. He doesn't want to
24 talk about that.

25 Q You know, by the way, Brett Parker has always

1 admitted being a bookie, hasn't he?

2 A Yes, sir.

3 Q And when you went up to him and started asking him,
4 who is this person, who is this person, you -- do
5 you know anything about bookies?

6 A At the time of this case, I had no clue on this
7 stuff.

8 Q Okay. Well, does it surprise you he didn't wanted
9 to be forthcoming about, well, this guy, this
10 bookie, this person? He didn't say anything, did
11 he?

12 A Sir, I'm there investigating murders. And I talked
13 to many people on this case who were involved in
14 this business. I don't care about the gambling
15 aspect. I'm looking at the murders.

16 Q Yes. Well, we like to look at evidence, don't we,
17 Lieutenant, or Investigator Holdorf? That is what
18 is important in any case, isn't it?

19 A Yes, sir.

20 Q All right. Did you hear what John Roberts, the
21 SLED expert on GSR, said from that witness stand?

22 A Yes, sir.

23 Q That he would be comfortable with stating that
24 Bryan Capnerhurst fired that 9-millimeter pistol.
25 He said, I would be comfortable saying that, didn't

1 he?

2 A I recall that he said it was consistent with
3 Mr. Capnerhurst being shot at, sir. I recall it
4 differently.

5 Q Okay. Well, were you here -- I know you were here,
6 weren't you?

7 A Yes, sir.

8 Q And you did hear what he said, right?

9 A Again, I recall him saying that it was consistent
10 with Mr. Capnerhurst being shot at, not shooting.

11 Q Okay. All right. So you didn't hear the SLED
12 expert on GSR, John Roberts, state on that witness
13 stand that he would be comfortable saying that the
14 gunpowder found on Bryan Capnerhurst's left hand --
15 he was left handed, right?

16 A Yes, sir.

17 Q Would be consistent with him firing a 9-millimeter
18 pistol?

19 A That is not how I recall it, sir, no, sir.

20 Q I'm sure it's not.

21 A He also testified that there was gunshot residue
22 found on the blinds.

23 Q Well, actually, sir, what he said was it was
24 inconclusive, didn't he?

25 A On the stand, sir, he --

1 Q It's in his report.

2 A Is it in his written report? Yes, sir, he said
3 that was inconclusive, but on the stand he said
4 that is gunshot residue.

5 Q Uh-huh. It was either -- what were the results of
6 those six samples? What were the results? You
7 tell me right now.

8 A You had, I believe, two of them, if I'm not
9 mistaken, came up positive gunshot residue that he
10 testified on the stand to.

11 Q Okay. Well, would you believe me if I told you
12 they came inconclusive?

13 A On his written report.

14 Q Right.

15 A What the written report is and what he testified to
16 his opinion on the stand, that was not the same.

17 Q All right. Do you recall what his opinion was,
18 that it was 43 days later when they went and did
19 this test? Do you remember what he said about
20 that?

21 A I don't remember him saying the days. When we went
22 back and took the sample and submitted it, yes,
23 sir.

24 Q Did you hear him say that, you know, he wouldn't
25 feel good about that, about it being 43 days later

1 in a scene that was not secured?

2 A No, sir.

3 Q All right.

4 A The whole thing there is as you're going through
5 the case and it was decided that we're going to
6 watch the whole video, from A to B, there are
7 several camera angles.

8 You had one person that that's all they had to
9 do that day, watching this video, and let it run
10 out. That's how we discovered the blinds.

11 Then it's, hey, if someone opened and closed
12 the blinds, is there anything that we can get from
13 this?

14 Q Uh-huh.

15 A And let's try to take the sample to see if there is
16 anything there.

17 We did, and there was. There should not have
18 been anything there, sir.

19 Q Okay. How many other blinds were tested in that
20 house?

21 A There were no other blinds that were seen opening
22 and closing, sir.

23 Q I'm just asking you, did you test any other blinds
24 in the house?

25 A To my knowledge, our lab did not, no, sir.

1 Q Okay. There was a lot of GSR in that house that
2 day, wasn't there, April 13th, 2012?

3 A It would have been upstairs in two entirely
4 different areas, sir.

5 Q Well --

6 A He said it would only -- there was not expected to
7 find any gunpowder or gunshot residue in that area,
8 no, sir.

9 Q Okay. Well, do you have films of the next 43 days
10 making sure that anybody who went in there didn't
11 look out the blinds? Do you have it?

12 A That hadn't recently fired a handgun, not to my
13 knowledge. I don't have that. I don't know what
14 the recording device recorded, sir.

15 Q I'm just wondering if you have any way to verify
16 the pristine nature of a house. How many people
17 were there that day, by the way, when you got
18 there?

19 A I don't know. I'm not counting people, sir. There
20 were a lot of people.

21 Q Yeah. Okay.

22 A Not inside the house at the time.

23 Q Well, all right. But would you say that it would
24 be a probably good guess that there was, you know,
25 at least 20, 30 people inside of that house in the

1 next 24 hours, something like that?

2 A If you're talking about --

3 Q There was a lot of people, right?

4 A I would agree with that, yes, sir.

5 Q All right. And that was just the first day?

6 A I don't know after we turned the scene over to
7 Mr. Parker who he had at the house.

8 Q Well, that's my point.

9 A But Mr. Parker does admit to looking out the
10 blinds. This is when he is supposed to be going to
11 the bathroom.

12 Q I know --

13 A And it's very clear. You can see him on the video
14 walking out to the garage. Again, this is someone
15 who is waiting for someone to show up. That's not
16 just a, hey, this is a casual business meeting,
17 sir.

18 Q Investigator Holdorf, do you have any proof right
19 this minute that no one else went in that house in
20 the ensuing 43 days and was walking around and
21 touching things? Do you agree GSR can be
22 transferred by touching it, if you put your hand on
23 it and then go somewhere else? Do you agree with
24 that?

25 A Anything is a possibility, sir. I'm not a gunshot

1 expert.

2 Q All right.

3 A I listened to what they said. They said that is a
4 possibility, sir.

5 Q Okay.

6 A But there shouldn't have been any gunshot residue
7 found there. And gunshot residue alone, that is
8 not any one thing. Again, that is one piece of the
9 clock.

10 Much like the fingerprint on the box of
11 ammunition is one piece on the clock. Much like
12 the timeframe of 10 or 11 minutes from the time
13 Capnerhurst gets there, it's one piece on the
14 clock, much like the debt, much like the affairs.
15 And it goes on and on.

16 Q I know.

17 A This is a big clock, sir.

18 Q And admitted bookie, right? Let's don't forget,
19 admitted bookie, right?

20 A I don't care about that. My victim was married to
21 a bookie.

22 Q Uh-huh.

23 A My other victim worked for a bookie.

24 Q Are you trying to tell me right now that when you
25 found out that he was a bookie that it didn't have

1 any effect at all on how you approached this case?

2 A No, it did not. It had nothing -- no.

3 Q Okay.

4 A We've worked cases before with bookies or dope
5 dealers. I spent Christmas working on a dope
6 dealer homicide. I don't care what they did. It's
7 their death that I'm investigating, sir, that
8 person and their manner of death to make sure that
9 a fair investigation is done. It doesn't matter
10 what they did beforehand.

11 Q Uh-huh. Well, sir, you did a lot of theorizing on
12 this case, didn't you?

13 A We looked at all the evidence and tried to
14 understand it, sir.

15 Q Uh-huh. Uh-huh. And you also said when you got
16 there, that one of the things that could make you
17 suspicious was there was the empty bag that was on
18 the ground that the 9-millimeter came from, right?

19 A That was in the same office that Tammy was shot,
20 and it's the same thing where Brett Parker was
21 given the gun, the ammunition, and the empty clip.

22 Q Right.

23 A Just as we find in the bag of Bryan Capnerhurst,
24 sir. That is suspicious, yes, sir.

25 Q Okay. Well, hold on a minute. Let's talk about

- 1 that. Let's talk about that.
- 2 A Let's talk about it.
- 3 Q Okay. Now, this mastermind over here who has
- 4 premeditated all this, right?
- 5 A I wouldn't call it mastermind. He premeditated it,
- 6 yes, sir.
- 7 Q Well, he just decided he'd just leave the bag that
- 8 the 9-millimeter came from just laying on the floor
- 9 and just forget that, right?
- 10 A That is exactly what he did, yes, sir.
- 11 Q Uh-huh. And also, according to your theory, your
- 12 theory -- as a matter of fact, why don't we just go
- 13 ahead and state your theory right here, because
- 14 nobody else has. And you tell me if I'm wrong. He
- 15 bought lunch and came home?
- 16 A Brett.
- 17 Q Brett bought lunch and came home. And they ate
- 18 together?
- 19 A Yes, sir.
- 20 Q Okay. And then after that he killed her?
- 21 A If we can refrain from he. We've got two "he's".
- 22 I don't --
- 23 Q I got you. Okay. Okay. Brett Parker is who we're
- 24 talking about. It's 12:00 o'clock. They eat lunch
- 25 together?

- 1 A Yes, sir.
- 2 Q Then he gets his 9-millimeter and guns her down
- 3 from the doorway of the office?
- 4 A He being Brett?
- 5 Q Yes. I'm sorry. I'm sorry. Brett Parker guns her
- 6 down from the doorway of the office. We agree
- 7 that's where the gun was fired from, right?
- 8 A No, sir, we don't agree that is where it was fired.
- 9 We can agree that some shell casings were outside
- 10 the doorway that he was in the area of. The area
- 11 of is not in the doorway. It's the area of. I
- 12 can't tell you where he was. There has been no
- 13 testimony where he was exactly.
- 14 Q Okay. Did you hear -- do you know who Mr. Richards
- 15 is with your CSI?
- 16 A I do.
- 17 Q Did you hear what he said about it?
- 18 A Yes, sir.
- 19 Q Did he say -- didn't he say, sir, that he felt it
- 20 was in the doorway area of that office where the
- 21 shooting took place from, right?
- 22 A Again, the doorway area. That's not in the
- 23 doorway. It could be in the area of.
- 24 Q Okay. Okay. Let's get back to y'all's theory.
- 25 And correct me if I'm wrong, now.

1 Brett Parker, after shooting his wife, Tammy
2 Parker, he then waits for Bryan Capnerhurst to show
3 up.

4 Okay? That's what you're saying?

5 A Yes, sir.

6 Q Then he gets him into the attic through a doorway.
7 Of course, he is on the inside of it, isn't he,
8 Brett is? He is inside the room according to
9 everything we've looked at. Would you agree?

10 A He is leading Capnerhurst to what Capnerhurst
11 thinks is his payday, not his death, sir.

12 Q Right.

13 A Hey, I've got your money. Let's go in my safe.
14 They had been friends.

15 Q Right.

16 A You had a number of people testify about how loyal
17 Capnerhurst was to Brett.

18 Q Okay. Well, you are forgetting that Tammy is
19 laying there dead, right?

20 A In a room that he would not have seen, sir. If you
21 are coming through the garage, you wouldn't see
22 that.

23 Q Okay. Well, I've not read this as part of y'all's
24 theory. Is this a new part?

25 A No, sir.

- 1 Q Okay. All right. Well, let me finish and then you
- 2 can tell me what you want to tell me about it.
- 3 This is y'all's theory, right? And so he waits for
- 4 Bryan Capnerhurst. And his wife is laying on the
- 5 floor dead or dying, right? And when I say *he*, I
- 6 mean Brett Parker.
- 7 A Yes, sir.
- 8 Q Okay. And he is sitting there waiting for Bryan to
- 9 get there?
- 10 A Peeking out the blinds, walking out of the garage,
- 11 yes, sir.
- 12 Q Do you have any idea -- well, first of all, did he
- 13 call him to ask him where he was? Hey, man, where
- 14 are you? Do we have any proof of that?
- 15 A There were several calls.
- 16 Q Okay.
- 17 A Right before the meeting.
- 18 Q Uh-huh.
- 19 A There were calls throughout the day to verify the
- 20 time, what to bring. He knew Capnerhurst was going
- 21 to be very punctual. That has been testified to,
- 22 sir.
- 23 Q Do you have one phone call made from Brett Parker
- 24 to Bryan Capnerhurst from about 10 till 12:00
- 25 afterwards?

1 A No, sir, not that I recall.

2 Q I know. I know. Okay. So he is waiting for him,
3 and he comes in, and then he gets inside this room
4 with him. Did he lead him in? No, he must have
5 said, okay, now, come with me, right? I mean, how
6 did he do it? Did he walk in? Do you have a
7 theory about that part of it?

8 A Absolutely.

9 Q Okay. Go ahead and tell me what it is.

10 A If you look at where the safe is positioned, the
11 safe -- this is a huge house with a lot of wasted
12 floor space. You have one room that leads to
13 another room, which leads to a hallway.

14 Where the office is, if you come up again on
15 the stairway to the side of the garage by the
16 mudroom and you come upstairs, you would not be
17 able to see in the office.

18 If you wanted to look in the office, you would
19 not see it. You would have to step around towards
20 the other staircase to see inside the office where
21 Tammy Parker was.

22 It would be very easy to lead someone from the
23 staircase by the garage into the side and back
24 bedroom and never see Tammy Parker, not even a
25 little bit, not have a clue.

- 1 And then all he would have to do is walk him
- 2 back to where the safe is. Hey, I've got your
- 3 money here. Once he gets into the attic space,
- 4 there is not any place to run, pulls out a gun, and
- 5 shoots.
- 6 Q Uh-huh.
- 7 A Which would explain Capnerhurst's surprised look,
- 8 like, oh, my God, you just shot me, that was
- 9 testified to earlier today, sir.
- 10 Q Uh-huh. All right. Well --
- 11 A Capnerhurst thought he was getting money, not shot.
- 12 Q Let's try as hard as we can to stick to what was
- 13 found there when the police showed up, when Odom
- 14 and Harvel got there. Okay?
- 15 A Absolutely.
- 16 Q Okay. Bryan Capnerhurst is laying there. And do
- 17 you agree that he was shot from over where the safe
- 18 is?
- 19 A No, sir.
- 20 Q You don't?
- 21 A No, sir.
- 22 Q You don't agree that he was shot from the direction
- 23 of the safe coming this way (indicating)?
- 24 A The ballistics expert testified two to five feet.
- 25 That is not by the safe. Two to five feet is not

1 by the safe, and that is not consistent with your
2 client's statement that he was not up on him, he
3 was not moving, and that he was by the safe. No,
4 sir, that does not fit.

5 Q Okay. Well, how about this? Let me see if we can
6 get you -- if you'll agree with me on this.

7 Here is the doorway to this storage area, this
8 attic. Okay? Would you agree with that?

9 A Yes, sir.

10 Q And that if you turned hard right, the safe was on
11 that wall down there, right?

12 A Yes, sir.

13 Q And Bryan Capnerhurst was shot from the other side
14 of where he was found, right, not -- he wasn't shot
15 from the doorway, was he?

16 A No, sir, he was shot from inside the room.

17 Q Okay. All right. And so a man -- Mr. Capnerhurst
18 was in very good physical shape, by the way, wasn't
19 he?

20 A It was testified to that he was sick, but he worked
21 out. He kept himself in shape.

22 Q And he weighed about 200 pounds, five-ten, 200?

23 A About there, yes, sir.

24 Q He was an athlete. We know that, right?

25 A Yes, sir. I mean, that was testified to, yes, sir.

1 Q So when this happened here, he was closest to --
2 who was closest to the open door according to the
3 evidence and according to what you just said? Who
4 was closest to it?

5 A Capnerhurst would have had his back towards the
6 open door. Brett would have been facing
7 Capnerhurst.

8 Q Okay. And he wasn't shot running, was he?

9 A He fell over some boxes. I don't know exactly what
10 he was doing, sir. Your client never told us that.

11 Q Okay. And, again, sir, your own expert, John
12 Roberts, from the State Law Enforcement Division,
13 has testified that he would be comfortable with
14 saying that Bryan Capnerhurst fired that gun?

15 A Sir, that is not how I recall the testimony.

16 Q Okay. All right.

17 A I recall him saying that -- he was testifying that
18 he was comfortable saying that Capnerhurst was shot
19 at, not shooting.

20 Q All right. But the first two officers there found
21 the gun with Bryan Capnerhurst's hand wrapped
22 around it in his left hand, didn't they?

23 A That's how I would feel the gun was planted, yes,
24 sir.

25 Q And Brett Parker did not remove any of his gambling

1 receipts or gambling stuff or any of the evidence
2 that is now being used against him, did he?

3 A Yeah, he did.

4 Q He removed his --

5 A The next day we asked him, when we get the safe
6 opened up --

7 Q Uh-huh.

8 A -- when we're expecting to find \$20,000 because we
9 are taking Mr. Parker at his word, we don't find
10 \$20,000. We find 300 and some change inside the
11 safe.

12 And then Brett said, Oh, wait a minute. I've
13 got an explanation. I've got my receipts in the
14 car. That's kind of odd considering there was
15 supposed to be a meeting to settle the books.

16 Q Uh-huh. But y'all seized --

17 A But yet his most current booking information is in
18 his car. I mean, that is pretty suspicious there.

19 Q Y'all seized his computers?

20 A Yes, sir.

21 Q And everything was on it about this gambling stuff,
22 wasn't there?

23 A I wouldn't know about everything, sir. There's a
24 lot of information there. They did a lot of things
25 on the phone, and what is done on the phone would

1 not be on the computers.

2 Brett Parker denied using anything about the
3 computers for his gambling, nothing he said.

4 Q Okay. All right. But y'all -- or you have now
5 gotten it downloaded, and, yes, there was all kind
6 of gambling information on it, wasn't there?

7 A Mr. Parker was in significant debt, yes, sir.

8 Q Well, okay. The point being, sir -- here is my
9 point. Did he remove anything? Did he remove all
10 the evidence of his gambling?

11 A Yes, sir.

12 Q He did?

13 A Yes, sir. He had his most current booking sheets
14 in the car downstairs. The next day when we
15 confronted him about the missing money, hey, I've
16 got my most recent booking sheets right here in my
17 car. I mean, come on, man.

18 Q And you verified that they were correct, weren't
19 they?

20 A How would I know?

21 Q Well, I'm saying --

22 A That is something that -- this is unverifiable. I
23 can call someone up -- and we did call a number of
24 people who said, yes, sir, I have a debt around
25 \$9,000.

1 But it would be, hey, if you bring 3,000 in, I
2 will erase 1,500.

3 There were deals being made left and right.
4 There was no timeframe to pay it by. There was no
5 immediate payment coming due.

6 Q As a matter of fact, sir, on April 30th you called
7 a man named Mr. Saxby, number one, and then a man
8 named Mr. Johnson, didn't you?

9 A I made a lot of phone calls, sir.

10 Q Okay. Do you remember that both of them owed about
11 \$9,000 each?

12 A Yes, sir.

13 Q And that is in your report, isn't it?

14 A Yes, sir.

15 Q And you just testified to it a few -- not long ago,
16 right?

17 A Yes, sir.

18 Q Okay. You remember it now?

19 A I'm looking at it right now, yes, sir.

20 Q Brett Parker told you the truth about that, that
21 there was 18,000 in accounts receivable that he was
22 going to use to pay Bryan Capnerhurst with, didn't
23 he?

24 A He said that that was just as good as real money.
25 And when you talk to these two individuals, sir,

1 that was not the case. There was no definite money
2 coming in, and there were several times that they
3 had informed us that deals had been made to pay
4 2,000 and get to credit for paying 4,000. So, no,
5 sir, I would disagree with that.

6 Q Uh-huh. I didn't see anything in your report
7 about -- who is Z.P.? Who is Z.P.?

8 A Z.P. is Brett Parker's son.

9 Q Okay. Now, I didn't see anything in your report
10 about all his toys were on the floor in that
11 office, but they were there, weren't they, sir?

12 A That's a picture -- that's why we have a lab to
13 take pictures, so I don't have to go in and
14 describe what the walls look like or what type of
15 flooring is in the house. It's a picture.

16 Q Okay. Do you remember the little boy's toys that
17 were on the floor in the office?

18 A There were a number of items in the office. I do
19 believe there were kid's toys in the corner, yes,
20 sir.

21 Q Okay. And he told you, didn't he, that he didn't
22 want a gun in that office because of his little
23 boy, isn't that true?

24 A Sir, Mister -- I'm worried about saying something
25 here that might be . . .

1 MS. SIMPSON: Your Honor, may we approach?

2 THE COURT: Yes.

3 (WHEREUPON, a bench conference was held
4 in the presence of the jury but out of
5 the hearing of the jury.)

6 THE COURT: Ladies and gentlemen of the jury,
7 I will send you all out for a brief moment, and
8 we'll have you back in. Thank you.

9 (WHEREUPON, the jury retires to the jury
10 room at 5:17 p.m.)

11 THE COURT: All right. I'm going to have
12 Mr. Whitlark ask the question, and I'll have the
13 investigator answer it and see what it is that he
14 is going to say because I don't --

15 THE WITNESS: Yes, ma'am.

16 THE COURT: The State doesn't know, none of us
17 know what it is that you are going to say that
18 you're not supposed to say.

19 IN CAMERA CROSS-EXAMINATION

20 BY MR. WHITLARK:

21 Q Did you go in the upstairs office area where Tammy
22 Parker was found on April 13th, 2012? Did you go
23 there that day?

24 A Yes, sir.

25 Q Did you see their little boy's toys all over the

1 floor?

2 A There was an area in the corner where there were a
3 lot of toys, yes, sir.

4 Q Well, that is one of the things that Brett Parker
5 told you about why he didn't keep guns in there,
6 isn't it?

7 A Again, that is in contrast to the impression
8 Lindsay Mullins would have had. That is in
9 contrast to -- and he said he didn't want the
10 9-millimeter because he didn't want that much
11 firepower, yet he is going to keep a Judge .410.

12 Underneath their bed downstairs there is an
13 armory. There is tons of long guns. There are
14 guns throughout the house.

15 Q Those are antiques, aren't they, sir?

16 A They'll kill you.

17 Q Did you find a single one of them that was loaded
18 or had muskets -- or whatever they are -- in them?

19 A I'm not even close to a gun expert, sir. I was not
20 familiar with them. I left them alone. To my
21 knowledge they were not loaded.

22 Q All right.

23 A But, again, there were guns all downstairs where a
24 child would be.

25 Q Brett Parker told you that one of the reasons he

1 gave that gun to Bryan Capnerhurst is because he
2 just didn't want it there, he didn't want it around
3 his little boy, right?

4 A The way he said it was he didn't want that much
5 firepower around. And then on top of a safe, which
6 again would be in the same height area as a little
7 child would be a gun?

8 Q Did you find **ZIP**'s toys back in there, back in
9 that dark room, Investigator Holdorf?

10 A To get into that dark room area, you walk through
11 -- basically it's like a full-size room that was a
12 storage area for Christmas stuff.

13 Q Uh-huh. Wasn't there a six-foot Frankenstein
14 standing up there?

15 A There was a number of decorations.

16 MS. SIMPSON: Your Honor, if I may just
17 interrupt this testimony, plus the issue we're here
18 for. I think the issue the investigator was
19 worried about were the long guns that were under
20 the bed, but I think --

21 THE COURT: I think the question is: Were the
22 toys -- is that consistent with the toys where he
23 told you that the gun -- he didn't want a gun in
24 there because of the son, and isn't the son's toys
25 in the room? I guess he is implying that he was

1 playing with the toys up in the room.

2 MS. SIMPSON: And I think the only issue that
3 the investigator is worried about is whether he can
4 go into the long guns, which are not in evidence,
5 that he testified to.

6 THE COURT: That's not the question that was
7 asked. He asked him -- he's talking about that
8 room. Now, he can talk about the -- you asked
9 him -- he can talk about the Judge and all that,
10 but he didn't ask him about the -- I think he is
11 asking about the toys in the room and the gun being
12 in the room, even though I'm a little unclear
13 because the gun is in the next room, is what he is
14 saying.

15 MR. WHITLARK: Your Honor, I can tell you
16 exactly in five seconds what I'm doing here.

17 One of the reasons given by Brett Parker for
18 giving that gun to Bryan Capnerhurst is he didn't
19 want to leave it up there near where his little boy
20 was.

21 He had all the boxes and stuff up there with
22 those guns, but that little boy played in that
23 room.

24 And the reason that he stated that he didn't
25 want it in there, that much firepower in there, or

1 whatever, was because his son was up there, and he
2 didn't want him to get access to it.

3 THE COURT: Well, let me ask you this. Isn't
4 the room where he said he had the gun --

5 MR. WHITLARK: No. See, they're saying the
6 gun was in that room. He kept it in this room
7 where all the little boy's toys -- where he played
8 all the time while they were working.

9 THE COURT: But isn't there a room right
10 next --

11 MS. SIMPSON: The little boy's room is right
12 next to the office. The safe with the attic closet
13 area, or however you want to refer to it, the
14 family room is central to everything, where
15 everybody played.

16 The safe area was also very toy friendly and
17 he put things in that area. So I think the point
18 is the Defendant had said he didn't want that much
19 firepower in the house.

20 So kind of why have the 9-millimeter -- or get
21 rid of the 9-millimeter when you have a more
22 powerful defender gun with .410 ammunition laying
23 on top of the safe where the child can access it.

24 And I think the investigator's point was with
25 that term, *the whole house*.

1 Counsel's question isn't just limited -- the
2 response should not be limited to just the office
3 area because there is evidence of guns and the
4 little boy being throughout the house.

5 MR. WHITLARK: Do you mind? I'm going to show
6 the judge. This is what I'm talking about, Your
7 Honor.

8 MS. SIMPSON: And if I can see it, Your Honor.
9 (Hands to Court.)

10 THE COURT: Yes, I have seen those.

11 MR. WHITLARK: See the toys, Your Honor?

12 MS. SIMPSON: I mean, toys are throughout the
13 house. They're everywhere. And I believe all the
14 crime scene pictures show that, downstairs,
15 upstairs, whatever the case may be.

16 So I think counsel's question elicits a
17 response that Investigator Holdorf should be
18 allowed to expand on and accurately reflect, you
19 know, the Defendant's position.

20 It wasn't just a 9-millimeter in the office.
21 Now, that is where we are saying Lindsay Mullins
22 pointed to a gun being in this drawer, but the fact
23 of the matter is the Defendant said he didn't want
24 the gun in the house.

25 It's not just limited to the office room,

1 the little boy's room next door, the safe, all
2 accessible to a four- or five-, ten-year-old,
3 whatever the case may be.

4 MR. WHITLARK: Your Honor, Lindsay Mullins
5 never pointed to anything.

6 MS. SIMPSON: I believe the testimony was she
7 pointed -- and the whole discussion with respect to
8 her -- is in the office desk.

9 THE COURT: I understand the point you're
10 trying to make, Mr. Whitlark.

11 MR. WHITLARK: Yes, ma'am.

12 THE COURT: But he would have the right to
13 respond to your question. And I think my ruling
14 earlier was that y'all agreed that y'all weren't
15 going to get into all the other guns that were
16 there.

17 I mean, because if you ask that question, they
18 can come back on cross and say, well, there are
19 toys all over the house. And if there were toys
20 all over the house -- which there probably is.

21 MR. WHITLARK: Well, you understand my point,
22 Your Honor, about they're saying it's up there.

23 And I'm saying, well, no, that's no -- he said
24 he got it out of there because the little boy
25 played there.

1 And you can see there are toys everywhere.
2 But, you know, maybe Brett Parker told one thing
3 true, is what I'm trying to show to the guy. I
4 mean, you know, according to him, you know . . .

5 THE COURT: Well, the problem with that is you
6 end up having to get into -- I think they would
7 have the right to come back and say, were there
8 toys in the bedroom, were there toys in this room,
9 or were there guns in that room?

10 So, I mean, I'm not restricting you from
11 asking that, but he definitely can answer it.

12 MR. WHITLARK: Okay, Your Honor. All right.

13 MS. SIMPSON: Thank you, Your Honor.

14 THE COURT: Are you ready to bring them back
15 in?

16 MS. SIMPSON: Thank you, Your Honor.

17 MR. WHITLARK: Yes, Your Honor.

18 THE COURT: You can bring them in.

19 (WHEREUPON, the jury came into open
20 court at approximately 5:25 p.m.)

21 THE BAILIFF: The jury is all present, Your
22 Honor.

23 THE COURT: All right.

24 MR. WHITLARK: May it please the Court, Your
25 Honor?

CROSS-EXAMINATION CONTINUES

BY MR. WHITLARK:

Q Investigator Holdorf, you had meetings with Dr. Marcus, right? You know him? You know him, don't you?

A Yes, sir.

Q Okay. And you heard him testify that the last shot was a head shot, I believe, or something, right?

A Yes, sir.

Q Is that right? Is that right?

A There was a head shot, yes, sir. It was the last one based upon the scene.

Q All right. Now, it's not what he told you back in April, the week of April -- or a day before April 18th, 2012, though, is it?

I ask you to make reference to your notes, if you don't mind.

A On April 18th?

Q Yes, sir.

A Yes, sir. One second, please.

(Pause.)

A Okay. Yes, sir.

Q Have you got that?

A Yes, sir.

Q Do you see where in your notes it says -- well,

1 there's numbers, that is 4/18/12. Do you see that?

2 A Yes, sir.

3 Q I'm asking you to look at the paragraph above it.

4 A Yes, sir.

5 Q Okay. Do you see where the sentence starts, the
6 foot shot. Do you see that?

7 A Yes, sir.

8 Q All right. Now, who told you this, first of all,
9 before you read it to the jury?

10 A This was Dr. Marcus' opinion at the time of this
11 meeting.

12 Q Okay. Well, tell the jury -- go ahead and read
13 that to the jury, if you don't mind.

14 A The whole thing?

15 Q Just that one sentence right there where it starts
16 off, the foot shot.

17 A All right.

18 Bottom of the left foot, the foot shot was the
19 last one, and there was very little blood. And
20 that was the basis of believing that was the last
21 one because there was very little blood.

22 Q Okay.

23 A However, when Dr. Marcus and our ballistics
24 people and crime scene were able to compare notes
25 further and evaluate, that was not deemed to be the

1 case.

2 Q Dr. Marcus said a lot of things in his testimony.
3 Were you watching him when he testified?

4 A I was.

5 Q And you are aware that he didn't speak to Odom or
6 Harvel, did he?

7 A No, sir. He was relying on the information from
8 what we had provided to him or our lab units
9 provided to him and what Terri Gleason, our
10 ballistics expert, has provided to him, sir.

11 Q Okay.

12 MR. WHITLARK: Excuse me, Your Honor. This is
13 sealed up. Is it all right for me to unseal this,
14 Your Honor?

15 THE COURT: Which one is it?

16 MR. WHITLARK: The Smith & Wesson. Is that
17 all right?

18 THE COURT: Yes. It's in evidence, right?

19 MR. WHITLARK: Yes, ma'am.

20 (Complies.)

21 BY MR. WHITLARK:

22 Q That's the gun that killed Tammy Parker right
23 there, isn't it?

24 A Yes, sir.

25 Q Okay. Now, was it you that told Dr. Marcus that

1 Bryan Capnerhurst's hand was around it like this
2 (indicating)?

3 A No, sir. There was no testimony to that.

4 Q Okay. Well, Dr. Marcus didn't testify that is how
5 that he presumed that gun was found?

6 A I can't help what Dr. Marcus presumed. That's not
7 what the testimony said, and that's not what I know
8 or that the others who have seen it testified to,
9 sir.

10 Q Okay. Well, he testified there is no way he could
11 have held onto that gun, right?

12 A Correct.

13 Q Okay. And this is the same doctor that can't name
14 a single muscle in the left arm, right?

15 A That's not the question you asked. You asked if he
16 could name all the muscles. You didn't ask him to
17 name a certain muscle.

18 Q Sir, could he name anything in the left arm?

19 A I don't know what he could do, sir. He --

20 Q Well, you were here.

21 A You voir dired as to him being an expert, sir. He
22 is the Richland County Medical Examiner. He is a
23 whole lot smarter than I am. This is what --

24 Q Dr. Marcus is smarter than you are?

25 A He is a doctor; I am not.

1 Q Who told him the man was holding the gun with all
2 his fingers, with his index finger through where
3 the trigger is?

4 A There was no information provided to that. He may
5 have assumed that by someone saying the gun was
6 found in his hand.

7 Q Uh-huh. Well, didn't you have a problem with that
8 because you knew that wasn't correct?

9 A On the meeting of the 18th, if I'm not mistaken, we
10 don't talk to Lieutenant Odom and Harvel until
11 later on.

12 Q Well, they actually saw the gun, didn't they?

13 A Correct.

14 Q And they both gave descriptions of what they saw?

15 A Yes, sir, independently, not together, not -- I
16 want to know what you saw, and I want to know what
17 you saw.

18 Q Would you agree with me, sir, that of the -- I
19 believe there is 400 or something pictures in this
20 case. We don't have one of Mr. Capnerhurst holding
21 that gun in his hand like they found him, do we?

22 A We do not. And, again, it has been testified to.
23 When responding to a scene, you have got one shot
24 to make it right. I don't know what is going to be
25 deadly force or what's not.

1 If you have a gun, much like Mr. Whitlark when
2 he holds the 9-millimeter, I couldn't help but
3 grimace, sir, when you put your finger in the
4 trigger. That made me nervous as can be. And I
5 can clearly see a gunlock on it. Guns make me
6 nervous. Guns will kill you. Your hands in your
7 pocket will make me nervous. If I can't see your
8 hands, it makes me nervous.

9 That is beaten into your head as a law
10 enforcement officer. As a law enforcement officer,
11 I want to see your hands. I don't want you to have
12 anything in your hands.

13 Even if I'm just talking to you, I might say,
14 do you mind taking your hands out of your pocket,
15 it makes me nervous. And I have done that to many
16 a people.

17 If there was a gun in his hand, Odom cleared
18 the gun. He eliminated the threat. Would I have
19 loved to have seen a picture? Yes, sir.

20 Q Okay.

21 A It would have been another clock.

22 Q Okay. Let's be clear on one thing. If there was a
23 gun in his hand? There was a gun in his hand,
24 would you agree with that?

25 A I believe there was a gun placed in his hand, yes,

1 sir.

2 Q Okay. There was also a gun taken out of his hand
3 by a law enforcement officer, wasn't there?

4 A Yes, sir.

5 Q And a gun with his fingers wrapped around it,
6 right?

7 A There were at least two fingers that both officers
8 consistently said were wrapped around it.

9 Q Okay. Well, we now know that -- do you have a
10 follow-up report where you go, well, Dr. Marcus,
11 the foot shot was probably not the last shot? I
12 mean, have you contacted him or anything about
13 that?

14 A That would be in his later report, sir.

15 Q Uh-huh. Well, I heard his testimony. His
16 testimony is different than what you've got in your
17 report, though, isn't it, sir?

18 A Sir, this is the 18th. What I have and what I know
19 at the 18th compared to what I know today is night
20 and day different.

21 Q We're going to find out what you know right now,
22 okay?

23 Who told Marcus that the gun was being held
24 like this (indicating) in the hand?

25 A Again, sir, I don't know that anyone told him that.

1 Q Okay.

2 A He says he knew that the deputies found a gun in
3 his hand. He may have assumed that, sir, but there
4 was no testimony that I was there for or anything
5 else when someone said exactly how it was. It was
6 testified that the gun was found in his hand.

7 Q Yeah. It's a pretty important fact in this case,
8 wouldn't you say, sir?

9 A That the gun was found in his hand?

10 Q Yes.

11 A Yes, sir.

12 Q Okay. And it was a pretty important fact that
13 Dr. Marcus said there is no way he could have held
14 onto the gun. That's what he said? Do you agree
15 he said that?

16 A He said that, and he consulted with other experts
17 who said that.

18 Q Okay. Okay. Well, don't you have some difficulty
19 now, or did you when you saw the way he said that,
20 that the gun was held there, that he didn't know
21 how it was held but he said that anyway?

22 A Again, it could be explained. How was the gun
23 found? It was found in his hand and the deputies
24 removed it.

25 I have no testimony. I was never part of any

1 meetings where it was said exactly how it was in
 2 his hand. It's just that it was in his hand.

3 Q Sir, Deputy Odom and Deputy Harvel have given very
 4 specific descriptions of how that gun was found,
 5 haven't they?

6 A They have. And they are slightly different.

7 Q Have you read this --

8 A And I would expect that, yes, sir.

9 Q Do you know what they are different in? One of
 10 them says three fingers, the other says two, right?

11 A Yes, sir.

12 Q But they both say it was the lower fingers and
 13 these two (indicating) were out of the gun, don't
 14 they?

15 A That is what I believe they testified to, yes, sir.

16 Q Well, since we don't have a photograph of it --
 17 right?

18 A Yes, sir.

19 Q And the medical examiner is making opinion
 20 testimony based on it, right?

21 A Yes, sir.

22 Q You probably want to be accurate about that, don't
 23 you?

24 A Sir, he testified there is no way the gun would be
 25 in his hand. He is falling backwards. His bone

1 has been broken.

2 Q Uh-huh.

3 A In defensive tactics they teach you that the way

4 you can disarm someone is by punching right there

5 (indicating).

6 Q Uh-huh.

7 A Just a punch. Not making a golf ball size hole in

8 someone's arm. It will dislodge it.

9 Q Right.

10 A That is his testimony. He would not have held it.

11 Q Yeah, well, I know what his testimony was.

12 A Not holding it would not be in the hand, sir.

13 Q Yeah, I know that. He just didn't know what one

14 muscle or anything was in the arm, I mean --

15 A You asked if he could name all the muscles.

16 Q And he doesn't know how it was held, right? Do you

17 agree that's what he said?

18 A None of us here have a picture to say what it's

19 like.

20 Q Do you agree with what I just said?

21 A I'm sorry?

22 Q That Dr. Marcus was wrong about how the gun was in

23 his -- was claimed to have been in his hand or what

24 he presumed the gun was -- he was wrong about that,

25 wasn't he?

1 A He would not -- there is no information I have that
2 the way Dr. Marcus held the gun was the way that
3 the deputies found the gun in his hand.

4 Q All right.

5 A That part is correct, yes, sir.

6 Q Okay. That's number one. And, number two,
7 Dr. Marcus couldn't name a single muscle in the
8 left arm, left forearm, could he?

9 A Sir, I would --

10 MS. SIMPSON: Your Honor, objection. Asked
11 and answered.

12 MR. WHITLARK: It's an important fact, Your
13 Honor. And I'll tell you why.

14 MS. SIMPSON: It's been asked and answered.

15 MR. WHITLARK: All right. I withdraw the
16 question.

17 THE COURT: All right.

18 BY MR. WHITLARK:

19 Q Sir, you have convinced in this case people that
20 supported him by telling them that he couldn't hold
21 onto the gun, that it's medically proven, and that
22 is what changed their minds. Do you agree you have
23 done that?

24 A No, sir.

25 Q You haven't?

1 A No, sir. There have been numerous witnesses who
2 came here and said that when Brett Parker testified
3 or told them, explained to them, that he went from
4 doing this (indicating) to shooting Capnerhurst, to
5 a trick shot underneath like this (indicating),
6 they said he changed his testimony. They changed
7 how he did it. And that is when they knew he was
8 lying. It wasn't from me.

9 Q Did you hear --

10 A Sir, the first time we meet --

11 Q Okay. If you didn't say that to anybody, just tell
12 me, I didn't say that to anybody --

13 THE COURT: Let's not talk over each other.

14 BY MR. WHITLARK:

15 Q If you didn't say that to anybody, then just tell
16 me that.

17 A I have explained and gone through the evidence,
18 much like it is for the jury to decide what they
19 believe or don't believe. It is for the families
20 to believe or not believe. I've got no one to
21 reward or no one to penalize, sir.

22 Q I understand that, sir. I'm just saying this.
23 There were people that were originally very
24 supportive of Brett Parker in this case, weren't
25 there, that are now -- because y'all proved it to

1 them by the gun couldn't be held in the hand,
2 right?

3 A It's more than just the gun can't be held in the
4 hand. It's more than any one piece. It's the
5 timeline. It's the whole concept that Capnerhurst
6 would go there and immediately shoot Tammy Parker.

7 Why? There is no -- there is not a shred of
8 evidence that says why Capnerhurst would do that
9 and leave Brett Parker downstairs. The male is the
10 threat.

11 Q All the guns were upstairs, weren't they?

12 A No, sir, not all the guns were upstairs. There
13 were several guns downstairs.

14 Q Well, Brett's gun was upstairs, wasn't it?

15 A No, sir. Again, there were several -- there were
16 more guns downstairs than upstairs.

17 Q What, the antique guns under Ms. Parker's bed?

18 A There were numerous guns downstairs. There were
19 more guns downstairs than upstairs.

20 Q Uh-huh. Investigator Holdorf, you haven't
21 corrected -- you haven't ever gone and talked to
22 Dr. Marcus and described for him what Odom said
23 about how the gun was in his hand, have you?

24 A The first time that I've seen Dr. Marcus actually
25 hold a gun was here in court. Any other time it

1 has been diagrammed. There's been pictures. It
2 has been other things.

3 I have never given Dr. Marcus a gun and said,
4 this is how it was. The fact that it was in his
5 hand is what everyone is consistent -- he would not
6 have been able to keep it in his hand. And that is
7 also inconsistent with the blood that's in his
8 hand.

9 Q Uh-huh. Well, if Dr. Marcus is wrong about that,
10 maybe you'll go back and rethink your position on
11 this, huh?

12 A He was shot.

13 Q Okay. I know he was shot. But now we don't know
14 which one was the last shot. Dr. Marcus is saying
15 a different one now, right?

16 A Sir, you're the one that voir dired Dr. Marcus.
17 You admitted him as an expert.

18 Q No, sir, you're mistaken about that. You are sadly
19 mistaken. I objected vehemently about him being an
20 expert.

21 MS. SIMPSON: Objection, Your Honor.

22 THE COURT: All right. The objection is
23 sustained with this line of questions.

24 MR. WHITLARK: Well, Your Honor --

25 THE COURT: Please answer the question that he

1 asks.

2 THE WITNESS: Yes, ma'am.

3 THE COURT: Thank you. Ask the question and
4 he can answer it.

5 All right.

6 BY MR. WHITLARK:

7 Q What was the first official document you filled out
8 in this case, if you can recall?

9 A Advice of Rights.

10 Q Okay. Did you put on there that Brett Parker was
11 an admitted bookie? Did you say anything about
12 that?

13 A It wasn't relevant to what I was talking to him
14 with at the time.

15 Q I'm going to hand you this document and ask you if
16 you can identify it.

17 A Yes, sir. This would be what we filled out or what
18 I filled out when I dropped the computers off at
19 SLED.

20 Q Okay. Do you recall the information in it?

21 A It has been quite a while, but this is my
22 handwriting. This is what I filled out, yes, sir.

23 Q And you call him an admitted bookie, right?

24 A Do you want me to read it?

25 Q Do you call him an admitted bookie or not?

1 A I do.

2 Q All right. Thank you.

3 MS. SIMPSON: Your Honor, if I can just take a
4 look at it.

5 MR. WHITLARK: I'm sorry.

6 (Pause.)

7 BY MR. WHITLARK:

8 Q What is the date of that document, Investigator
9 Holdorf? Do you remember?

10 A No, sir.

11 THE COURT: Let him see it. Let him see it.

12 BY MR. WHITLARK:

13 Q There you go (hands to witness).

14 A 4/17/12.

15 Q Okay. That is April the 17th?

16 A Yes, sir.

17 Q That is four days after this, right?

18 A Yes, sir.

19 Q I mean, Investigator Holdorf, do you admit that the
20 fact that Brett Parker told you, when you first got
21 there, look, I'm a bookie --

22 A Yes, sir.

23 Q -- that that has influenced the way you approached
24 this case?

25 A No, sir. The computers were there to verify what

1 Mr. Parker said. He said there was no gambling on
2 the computers. I expected not to find anything of
3 gambling on the computers.

4 Q Okay.

5 A At that point in time, I didn't -- we talked to
6 Mr. Morgan, and we were starting to develop
7 problems in this case.

8 When Brett Parker tells me that there was
9 nothing on the computer that he did, at that point
10 in time I took him at his word because at that time
11 I didn't have anything to contradict that, sir.

12 Q Do you know what PTSD is?

13 A Are you talking about Post Traumatic Stress
14 Syndrome?

15 Q Yes, sir.

16 A I have heard of it, yes, sir.

17 Q You think it's legitimate?

18 MS. SIMPSON: Objection. Calls for
19 speculation.

20 MR. WHITLARK: If he knows, he knows.

21 THE COURT: Overruled.

22 BY MR. WHITLARK:

23 Q Do you think it's real?

24 A I think there are some people that have a hard time
25 dealing with certain issues, yes, sir.

1 Q Post Traumatic Stress Disorder?

2 A Yes, sir.

3 Q Okay. Do you know the kind of stuff that causes
4 that, what type of things?

5 A Significant life-changing events?

6 Q Things like that, yes. Things like what happened
7 that day over there at the Ascot -- over at their
8 house.

9 Now, you -- Brett Parker, when you got there,
10 was in -- he was in a very excited condition, was
11 he not, sir?

12 A Yes, sir.

13 Q Okay. And you took him immediately, with Major
14 Stan Smith, down to District 4 over on Broad River
15 Road, didn't you?

16 A Yes, sir.

17 Q To take a statement from him?

18 A We wanted to get down in writing what happened.

19 Q Okay. You had to get him calmed down first, right?

20 A He was -- he was kind of flustrated a little bit.

21 It wasn't very hard to keep him calm. It really
22 was not that difficult to keep him calm, sir.

23 Q Sir, when you got there, was he still -- did the
24 EMTs still have him hooked up because he was having
25 heart palpitations?

- 1 A It could have been from running outside before he
- 2 called 9-1-1, sir. I mean, there is video of that.
- 3 There is -- yes, sir, he is -- they were checking
- 4 out his heart. They wanted to make sure that he
- 5 was okay.
- 6 Q Okay. And you took him down to District 4 to give
- 7 a statement, didn't you?
- 8 A We asked him if he would go with us, sir. There
- 9 was no pressure or anything else.
- 10 Q Well, did he drive you there?
- 11 A No, sir, we drove him there.
- 12 Q Okay. Well, you took him down there then, right?
- 13 A Yes, sir.
- 14 Q All right. And you took a statement from him and
- 15 it was about, what, maybe what, 45, 50 minutes
- 16 after this had happened, something like that, would
- 17 you say?
- 18 A You are looking at least two hours after it
- 19 happened when he is advised of his rights, sir.
- 20 Q Okay. Well, did y'all get down there and just sit
- 21 down and start writing?
- 22 A No, sir.
- 23 Q Well, did you ever consider what his mental
- 24 condition was when you were questioning him?
- 25 A Very much so.

- 1 Q Okay. He probably wasn't in the greatest frame of
- 2 mind at that moment, wouldn't you agree with me?
- 3 A A lot of people that I talk to are not in the
- 4 greatest frame of mind.
- 5 Q Especially after something like this happens,
- 6 right?
- 7 A I deal with people who have been through a lot of
- 8 crisis, yes, sir.
- 9 Q Okay. All right. But, sir, part of -- a big part
- 10 of the reasons that you think he did it is because
- 11 he didn't tell you everything that day, right?
- 12 That's a lot of it, right? He didn't fill you in
- 13 on some stuff that day?
- 14 A There were problems with that, yes.
- 15 Q Okay. And he wasn't forthcoming about affairs?
- 16 A Yes, sir.
- 17 Q And he didn't want to tell you who his bookie was,
- 18 right?
- 19 A Correct.
- 20 Q Okay. And this is right after these horrible
- 21 events occurred, right?
- 22 A Sir, there were no hard questions asked of
- 23 Mr. Parker. There was no aggressiveness. There
- 24 was no -- this was not like some of these silly cop
- 25 shows that you see on TV where there is yelling and

1 screaming. There was not a voice raised.

2 About as stern as Mr. Brett Parker was asked.
3 was, did you kill Tammy Parker? He said no. There
4 was no yelling and screaming. You are not going to
5 get very far when you do that.

6 Q How am I doing with you?

7 A I think we're communicating just fine, sir.

8 Q Okay. That was a joke.

9 A I got it.

10 Q Okay. Investigator Holdorf, you're now picking
11 apart that first statement, aren't you? I mean, I
12 understand, you know, that is your job, but, I
13 mean, the guy gave you a statement under some
14 pretty dire circumstances, didn't he?

15 A They were. Yes, sir, I would agree with that.

16 Q And because he left out a detail here or there,
17 that led y'all to go, well, you know, he left
18 something out here, or he is -- and I'm talking
19 some minor details, wouldn't you agree with me?

20 A No, sir. The whole erasing text messages on your
21 phone from a girl that you had a physical
22 relationship with recently on the day that your
23 wife is murdered is not a small detail. That is a
24 significant detail.

25 And it's not just the statements he makes

1 here. It's the statements he makes later on to us.
2 It's the statement he makes later on to other
3 people who have come forward going, hey, this is
4 what he told me.

5 Q I hear you. I didn't say he didn't step outside
6 his marriage, Investigator Holdorf. I said -- I'm
7 asking you this. They were -- they were deleted,
8 weren't they?

9 A They were gone.

10 Q And you know his wife found one or two or something
11 back during Christmas or something, didn't she?

12 A Yes, sir.

13 Q And it caused a big problem, didn't it? I mean,
14 they got -- you know, she got mad at him, right?

15 A Yes, sir.

16 Q All right. You don't think he deleted that to keep
17 y'all from finding it, do you?

18 A I do.

19 Q You do? You think that is why he did it, to keep
20 you guys from finding it?

21 A When we looked on his phone, sir, it wasn't there.
22 If we don't do the search warrant right then and
23 there on the phone records, we don't get them.

24 Q Well, since his wife had already caught him --
25 right?

- 1 A He denied that he was caught, sir.
- 2 Q I'm just --
- 3 A Both parties on that have denied that that was
- 4 physical.
- 5 Q You confirmed that his wife found that type of
- 6 thing back in December, haven't you?
- 7 A Yes.
- 8 Q And on this day he also deleted them, didn't he?
- 9 A He did.
- 10 Q And, of course, you wouldn't have a need to delete
- 11 something like that if you were going to kill your
- 12 wife, would you? Because, I mean, she can't read
- 13 them if she is dead, right?
- 14 A The police would.
- 15 Q So -- and he also had plans to meet this girl, I
- 16 believe, is what you what you found out or
- 17 something, he was going to meet her or they were
- 18 talking or something, right?
- 19 A Yes, sir.
- 20 Q But he said he couldn't do it because he had to
- 21 coach a baseball game on Saturday, right?
- 22 A He wanted to meet at a later date.
- 23 Q Okay. Well, did you ever -- in all fairness,
- 24 Investigator Holdorf, I mean, did you ever consider
- 25 that what you are accusing him of and what you're

1 saying he did here, I mean, he probably wasn't, you
2 know, planning to go to a baseball game or to meet
3 this girl on the next Monday or Tuesday, would he?
4 A There is part of this that was planned out
5 fairly --
6 Q Uh-huh.
7 A There are other parts that Mr. Parker would not
8 know that are reasons why it's clocked, but there
9 is no one part. The affair alone is not reason to
10 believe that Mr. Parker killed his wife or
11 Mr. Capnerhurst. It's the totality, sir. It's the
12 totality of all the evidence.
13 Q Sir, let me ask you something here. Your theory is
14 he killed Ms. Parker before Bryan Capnerhurst got
15 there, right?
16 A He was not on the toilet like he said to us, no,
17 sir.
18 Q I'm just asking you --
19 A Yes, sir.
20 Q -- is that your theory?
21 A Yes, sir, that is my theory.
22 Q Okay. All right, so he has killed her. Brett
23 Parker kills her. And he is waiting.
24 A Yes, sir. He is looking out the blinds. He is
25 walking out the garage. He's waiting for

1 Mr. Capnerhurst to get there. That's on the
2 surveillance video. That's not --

3 Q Do you think that maybe Brett Parker was like
4 hoping he didn't get a flat tire on the way over
5 there?

6 A I bet he was.

7 Q Or hoping he didn't get in a wreck on the way over
8 there?

9 A I bet he was.

10 Q Or hoping he didn't bring somebody with him?

11 A He knew Capnerhurst was dependable. He knew
12 Capnerhurst was punctual. He knew if Capnerhurst
13 said he'd be there at 12:30, Capnerhurst would be
14 there at 12:29, 12:31, but he would be there right
15 at 12:30. If he was told to bring a bag, he knew
16 he would bring a bag.

17 Q Do you know what a Monday meeting is? You have
18 heard talk about Monday meetings between all of you
19 guys?

20 A Yes, sir.

21 Q All right. All right. A lot of people there,
22 right, early on?

23 A A lot of Monday morning quarterbacking, yes, sir.

24 Q Some of these lawyers over here, these prosecutors,
25 were there too, right?

1 A I do not believe on the first one, no, sir. I
2 don't recall that.

3 Q Well, it didn't take long to get the Solicitor
4 involved in this, did it?

5 A On larger cases, murders in particular, it's very
6 common for us to call a Solicitor to say, hey, this
7 is what we have. I don't want to lose a case on a
8 technicality. I don't want to lose a piece of
9 evidence because I didn't do a consent to search or
10 I didn't do a search warrant, or something like
11 that. I'm a police officer, sir. I do not have a
12 law degree. I do not have a doctor's degree.

13 Q Uh-huh.

14 A I consult those people for advice when it comes to
15 an area where I don't want to make a mistake.

16 Q All right. Well, you just now told me, I
17 believe -- you correct if I'm wrong -- that you
18 call the Solicitor in on these important cases and
19 these big cases. And that you considered this one,
20 right?

21 A Probably about 95 percent of the cases where I make
22 an arrest, I consult with the Solicitor before I
23 make an arrest, just to doublecheck what I have
24 done.

25 Q Well, you weren't ready to arrest him like a week

1 after this, were you?

2 A No, sir. We were doing a fair investigation. We
3 had a lot of information to look at. We had a lot
4 of people to talk to. This was not a rush to
5 judgment, sir.

6 Q You had the Solicitor involved very shortly after
7 this happened, didn't you, sir?

8 A They would have been, yes, sir.

9 Q Okay. Well, you had already made your mind up?
10 Wouldn't you agree with that?

11 A No, sir.

12 Q You know all that debt and everything you were
13 showing up here? Do you want to look on those
14 charts? How much is that house or was it valued
15 at? Do you know?

16 A I want to say it was -- and I don't know if this
17 was an actual official appraisal. I didn't see a
18 sheet like that. Where you get a house refinanced,
19 you have to get a written appraisal where you have
20 the picture and they base what they're saying on
21 it.

22 I have heard a figure of 400,000. And, again,
23 I could be off. There are a lot of figures. I
24 haven't seen any one thing written saying, this is
25 what the house appraised for.

1 A Uh-huh.

2 MR. WHITLARK: One second.

3 A Yes, sir.

4 MR. WHITLARK: One second please, Your Honor.

5 THE COURT: Yes, sir.

6 (Pause.)

7 BY MR. WHITLARK:

8 Q Would you be surprised to hear the house was valued
9 at \$750,000?

10 A Yes, sir.

11 Q You would be surprised? Okay.

12 A Again, if you've tried to refinance your house
13 recently, the market has been up, the market has
14 been down. What it used to be worth is not what
15 it's worth now. And I'll tell you, before this
16 incident would have happened. I don't know where
17 that figure came from, sir, so I cannot speak on
18 that.

19 Q All right. Well, you were just up here showing the
20 jury a bunch of figures and pointing to them and
21 saying, you know, about --

22 A Yes, sir, and these are figures that I obtained
23 from reliable sources so I could say, this is where
24 this came from.

25 This wasn't, well, I reckon this is what it

1 might be. This is from reliable sources, sir.

2 This is not --

3 Q All right. Are you saying you didn't prepare these
4 documents here?

5 A I prepared them with the Solicitor's Office.

6 Q Okay. I thought I saw you testifying to the
7 figures in these things.

8 A Yes, sir, these figures came from the credit
9 reports.

10 Q Okay.

11 A On each credit report, you can see what the current
12 balance is and the amount owed.

13 Q Okay. Well, sir, would you agree that about 75 or
14 80 percent of this massive debt you showed for them
15 was for that house?

16 A On the reported credit, yes, sir. But not the
17 24,000 in Brett Parker's own credit card. And that
18 doesn't cover the other stuff that we later found
19 out.

20 Q Okay. Well, you found a bunch of gambling stuff
21 over at his house, didn't you?

22 A We did.

23 Q You found what I'll call, for lack of a better
24 term, I'll call accounts receivable, right? I
25 mean, people that owed him money?

- 1 A Brett Parker and his father had a sheet that was
- 2 tallied up with people that owed him money.
- 3 Q Okay.
- 4 A And people he owed money to, yes, sir.
- 5 Q All right. All right. And you called two of them,
- 6 didn't you?
- 7 A We called a lot of people, sir.
- 8 Q All right. Well, two of them you were very
- 9 particularly interested in, weren't you?
- 10 A We were interested in the people with the higher
- 11 numbers.
- 12 Q Do you remember their names? Saxby and Johnson?
- 13 A Yes, sir.
- 14 Q Nine thousand each?
- 15 A Yes, sir.
- 16 Q Okay. And Brett Parker described to you that that
- 17 was like accounts receivable? That was money
- 18 there, right?
- 19 A Brett explained it that he considered that just
- 20 like money in the safe.
- 21 Q All right. I don't think there is any question
- 22 that Brett Parker is a bookie or was a bookie.
- 23 Okay? We know this, right?
- 24 A Yes, sir.
- 25 Q And if you sell something in a business or if

1 somebody owes -- if I sell something and they owe
2 me the money, I mean, that is, you know, that is
3 like money you can put in the bank, right?

4 A When you talk to these two, again, it wasn't
5 uncommon to, hey, let's make a deal. You pay me
6 2,000 and I'll knock off 4,000.

7 So, no, sir, their debt of \$9,000 was not a
8 \$9,000 cash influx.

9 Q Well, he said they were good for it and had paid in
10 the past, right?

11 A He said a lot of things that weren't true.

12 Q Okay. I know you think that. And he did say some
13 things that weren't true. My point to you is this,
14 sir. You painted a picture of him being in some
15 sort of horrendous debt here, right?

16 A I consider a total of almost a million dollars in
17 debt a pretty substantial debt when your only
18 reported income is \$45,000 a year. That's -- yes,
19 sir.

20 Q Okay. Well, hang on for me. But I was just
21 talking to you about the value of this house.

22 A Yes, sir.

23 Q And I don't know if that is to the penny or what,
24 but it was about something like that. Would you
25 believe me?

1 A This would be a multi-thousand-dollar house.

2 Q Okay. If you subtracted that from that figure,
3 that would knock it down a bit, a whole lot,
4 wouldn't it?

5 A I would say that on their debt, the house would be
6 a majority of that debt that's reported.

7 Q All right. Now, his reported income, I guess we
8 all know now, was probably less than what he was
9 really making. Would you have an opinion about
10 that?

11 A I would agree with that a hundred percent, yes,
12 sir.

13 Q Okay. And Ms. Parker was making sometimes upwards
14 of \$165,000, I believe, one year right in that
15 timeframe, didn't she? Doing well, in other words?

16 A Yes, sir.

17 Q And these exhibits that you put in with all the
18 finances in the binders, and things like that,
19 there is a lot of discussion back and forth between
20 her and him about finances, and they are doing good
21 and sometimes -- sometimes they're doing bad,
22 sometimes they are doing good, but they're working
23 on it. You see this in there, don't you?

24 A There is a lot of talk about their debt, about
25 stressful issues.

1 Q All right. But, again, she made upwards of
2 165,000. He was making 40-something, right,
3 reported?

4 A She was the reported breadwinner.

5 Q Okay. That's my point. And so the answer to his
6 problem was to kill a wife making \$165,000 a year
7 is what you are telling me?

8 A Again, based upon the last time that he ran up a
9 huge debt -- and I consider again \$88,000, whether
10 it's 88 or \$100,000 -- a huge debt.

11 Q Uh-huh.

12 A -- that it was very clear that she was not going to
13 stick around.

14 Q Of course, you don't realize that was paid off by
15 Brett Parker, do you? You didn't know that, did
16 you?

17 A He was not forthcoming on that, no, sir.

18 Q Well, okay. But would you be surprised to hear
19 that that was paid by him?

20 A Paid by Brett Parker? I would be surprised.

21 Q Okay. Good.

22 A And not Jack.

23 Q Then get ready to get surprised.

24 MS. SIMPSON: Objection, Your Honor.

25 THE COURT: Sustained. Please disregard that

1 last comment.

2 MR. WHITLARK: Forgive me, Your Honor.

3 THE COURT: Please refrain from any comments.

4 MR. WHITLARK: Sorry about that, Your Honor.

5 THE COURT: Thank you.

6 BY MR. WHITLARK:

7 Q Anyway, sir, I mean, do you really think that it
8 was realistic to put up a figure up here, like he
9 is a man who is a million dollars in debt, and all
10 this? I mean, would you agree with me that a
11 realistic view of it would be that he really wasn't
12 in that, you know, bad of a shape right there?

13 A I mean, if you're talking about debt to asset
14 ratio, he is still looking at half a million. Even
15 if you could get \$500,000 for this house, which I
16 would say would be a stretch right now, you're
17 still another \$500,000 almost in debt, sir. That's
18 substantial. That's a lot.

19 Q Did you hear Lanny Gunter, his lifelong friend, say
20 he would wipe a \$176,000 off on a phone call --

21 A No, sir.

22 Q -- if his friend called him and asked him to do it?

23 A He said they would work something out, sir, is what
24 Lanny Gunter said. They would work something out.
25 He didn't say he would wipe 100,000 off. He said

1 they would work something out.

2 Q No, sir, he didn't say a hundred. He said 176.

3 A And, again, that they would work something out,
4 sir.

5 Q Well, they had known each other since they were
6 teenagers, right?

7 A Yes, sir.

8 Q And you don't have one shred of evidence -- not
9 one -- that Lanny Gunter was threatening Brett
10 Parker, I want my money or I'm going to do
11 something about it. You never heard -- and you
12 investigated this case. And I'll swear to that
13 right now. Can you produce one witness that will
14 say that Lanny Gunter threatened him to get that
15 money?

16 A No. I never heard anything about anyone
17 threatening anyone to get their money.

18 Q Okay. You heard Mr. -- it is Benenhaley, right?

19 A Yes, sir, there is a Benenhaley.

20 Q And he worked with Lanny Gunter, right?

21 A Yes, sir.

22 Q And he also said that Brett Parker had been paying
23 them, right?

24 A Five thousand here, 5,000 there, yes, sir.

25 Q Well, did you hear him say that Brett Parker had

1 paid between 80 and 100,000 in the not too distant
2 past, maybe a year or so, that he had paid that
3 much money? Did you hear him say that?

4 A That was new. I didn't know that it was even
5 larger than what it is now.

6 Q All right. And, sir, I believe you told me that
7 you don't know a whole lot about the gambling
8 business?

9 A No, sir, I do not.

10 Q I mean, you feel like you've learned something in
11 this case, right?

12 A I learn something in most cases, yes, sir.

13 Q All right. Well, you know, gamblers don't always
14 lose, do they?

15 A No, sir, which is why we think he opened the Hal
16 account, to try to turn his luck around. They both
17 went south.

18 Q Well, he had a better percentage by doing the Hal
19 thing. I believe you are one that said that,
20 right?

21 A No, sir, I didn't say that. That was testified by,
22 I think, Mr. Ron Spence -- not Spence -- but
23 Benenhaley. There is like a 50 percent.

24 Q Well, that was a substantial savings, right? Well,
25 I'm just saying.

1 A Substantial to --

2 Q You're laughing about it, but, I mean --

3 A Right. But you're still looking at \$35,000, sir.

4 That's still a substantial loss to me.

5 Q And Mr. Parker don't think it's funny that you're
6 saying he has a financial motive?

7 A I don't think anything about Mr. Parker's financial
8 issues are funny. I do have a thing where I will
9 smile if I get nervous. It drives my wife nuts.
10 But if I get nervous about something or if I feel
11 uncomfortable about something, I might smile. It
12 doesn't mean I think it's funny. If I have done
13 that to anyone here, then I do apologize. This is
14 not funny about anything.

15 Q Investigator Holdorf, I'm not accusing you of
16 anything like that. But, first of all, have you
17 ever gambled? I'm just wondering if you have the
18 knowledge of winning and losing, can you win it
19 back, that kind of thing, that mentality? You
20 don't know anything about it, do you?

21 A A little bit.

22 Q Well, all right. He has admitted being a gambling
23 addict, right? You have read it, right?

24 A Yes, sir.

25 Q As a matter of fact, you read quite a few things in

- 1 here between him and his wife, right?
- 2 A There is a lot of information in this case, yes,
- 3 sir.
- 4 Q All right. And they've been married about 15
- 5 years. You found that out, right?
- 6 A Two kids.
- 7 Q That's right. And one of them is a five-year-old
- 8 boy?
- 9 A Yes, sir.
- 10 Q And his daughter. They were trying to work on
- 11 things, weren't they?
- 12 A Tammy didn't know about this monster debt. This
- 13 was a time bomb coming. And, yes, sir, at the time
- 14 they were trying to work on what they had on what
- 15 she knew.
- 16 Q Okay. The last time it happened, they worked
- 17 through it, didn't they?
- 18 A And it was pretty much said that that would be the
- 19 last time.
- 20 Q Well, didn't Brett Parker write her a letter back
- 21 then?
- 22 A Yes, sir.
- 23 Q And she wrote one back to him?
- 24 A There was communication, yes, sir.
- 25 Q Did you read them?

1 A I have read a lot of things, sir.

2 Q Well, I'm just asking if you remember these two
3 letters?

4 A There's a number of letters. There's a number of
5 journals. There's a lot of information in this
6 case.

7 MR. WHITLARK: Excuse me one moment, please,
8 Your Honor.

9 THE COURT: Yes, sir.

10 (Pause.)

11 BY MR. WHITLARK:

12 Q He expressed a lot of love for her in those
13 letters, didn't he?

14 A In the letters, yes. To other people, no.

15 Q He expressed a lot of love about his children in
16 those letters, didn't he?

17 A I've never said anything or seen anything that
18 contradicted he loved his children, no, sir.

19 Q Well, and him and his wife were working on things.
20 And you could tell from looking at these documents
21 that they worked together on stuff, didn't they?

22 A You read the journals. You read the documents.
23 They had different styles of doing it. She was a
24 planner. She wanted to do it. Brett was more of a
25 winger. He was more of a spontaneous type person.

1 She was a planner. She wanted to get this
2 organized.

3 Q From reading those letters, sir -- and you're a
4 professional investigator. How long have you been
5 doing this?

6 A Nineteen years this October, sir.

7 Q Okay. It's hard to believe that this man gunned
8 her down the way you're saying, premeditated murder
9 basically, right?

10 A It is.

11 Q It's pretty inconsistent with what you found there
12 that day, wasn't it?

13 A No, sir, I wouldn't classify it as inconsistent.
14 There's a trigger. There's significant issues that
15 would make this person, who is desperate enough to
16 make an attempt at his own life, significant.

17 And, again, this is something when Mr. Parker
18 was asked about it, he said, no, don't know
19 anything about that. It never happened. That is
20 just a bunch of lies. Who is saying that?

21 And then you find in his own handwriting that
22 he said it.

23 Q Investigator Holdorf, he took some
24 over-the-counter --

25 A I don't know what he took.

- 1 Q -- sleeping pills. Well, you know about it?
- 2 A He wasn't forthcoming about it, no, sir.
- 3 Q You do not know this?
- 4 A I apologize. I'm not even talking -- I do know
- 5 about it from, again, reading letters and journals.
- 6 Q Okay. He took some over-the-counter pain pills
- 7 when he was in Las Vegas, right?
- 8 A It was sleeping pills. I don't know.
- 9 Q Okay. All right. And Bryan Capnerhurst knew about
- 10 that, didn't he?
- 11 A I don't recall if Bryan Capnerhurst knew about that
- 12 or not, no, sir.
- 13 Q Uh-huh. It might be something you'd want to find
- 14 out, whether he knew that or not?
- 15 A I don't see how I can really find that out, if he
- 16 knew that or not.
- 17 Q Well, you spoke to everybody that he knew, and they
- 18 were telling you about, well, you know he had a
- 19 suicide attempt way back when? I mean, you knew
- 20 about that, right?
- 21 A As we're talking with Mr. Parker, we're receiving
- 22 information from other investigators who were
- 23 getting information.
- 24 Q Uh-huh. Well, you've got a theory that he killed
- 25 his wife -- and, by the way, and hoping that

1 Capnerhurst don't have a flat tire or get in a
2 wreck or get late or something, right, while his
3 wife is laying there, right?

4 A Yes, sir.

5 Q I mean, did you ever consider that when you had
6 these Monday meetings, that aspect of, you know,
7 that might -- you know, it's kind of --

8 A It is. It is. And it's consistent with him
9 looking out the blinds. It's consistent with him
10 walking out the garage and looking down the
11 driveway. He is not in the bathroom taking a shit
12 like he told us, sir.

13 Q Yeah. Yeah. I got you. Hey, let me say something
14 else about -- let me ask you your thoughts on this.
15 It would be consistent for Bryan Capnerhurst not to
16 tell anybody he has got a 9-millimeter pistol if he
17 planned on killing Tammy Parker with it, number
18 one, and then marching Brett Parker back to the
19 safe and making him open it, and then killing him
20 with the last bullet?

21 A He would have spent seven bullets trying to kill
22 Tammy. He would have gone there, under your
23 theory, knowing that this is what he is going to
24 do. And he's going to go with a loaded gun and an
25 empty clip.

- 1 Q Uh-huh.
- 2 A That is very problematic for me, sir.
- 3 Q Sir, I'm --
- 4 A And then, I'm going to shoot Tammy upstairs.
- 5 Q Uh-huh.
- 6 A And wait for Bryan -- or excuse me -- Brett to come
- 7 upstairs, not knowing if he is going to grab the
- 8 gun that is downstairs or what he is going to do.
- 9 Q Okay.
- 10 A But, hey, I'm going to kill him with just one
- 11 bullet now.
- 12 Q Right.
- 13 A That doesn't fit. That does not make any sense.
- 14 Q It makes a lot more sense for Brett Parker to gun
- 15 his wife down --
- 16 A As horrific as that is.
- 17 Q -- before the guy comes over, before the kids get
- 18 home and everything that day, that makes more
- 19 sentence to you, huh?
- 20 A As horrific as that is, yes, sir. That is the only
- 21 scenario that fits.
- 22 Q It would make a lot of sense with somebody who's in
- 23 the gambling business, wouldn't it, right? These
- 24 guys are in the gambling business together, right?
- 25 A Yes, sir.

- 1 Q Who knows he had a prior suicide attempt, who is
- 2 owed \$21,300?
- 3 A Yes, sir.
- 4 Q Who is obsessed with it, according to his best
- 5 friend? You follow me?
- 6 A That's what Mr. Morgan said.
- 7 Q Who has said that, you know, this is probably going
- 8 to come to violence to some people that you've
- 9 talked to, right?
- 10 A They said at the most they felt it might have
- 11 gotten into like a shoving fistfight, not --
- 12 Q Well. Well. Again --
- 13 A Yes, sir, go ahead.
- 14 Q In his mind he thinks Brett Parker is also about to
- 15 get cut off from some things from his daddy, and
- 16 he's got a situation going with his wife and stuff.
- 17 And that you know that. And you think he's got 80
- 18 to 100 grand in his safe, right? And you ain't
- 19 going to be telling anybody you've got that gun
- 20 because, guess what, you got it from him, right?
- 21 You got it from Parker?
- 22 A That's according to Brett.
- 23 Q And there was one bullet left in the chamber,
- 24 wasn't there?
- 25 A There was.

1 Q And the gun was in his hand when Odom and Harvel
2 got there, wasn't it?

3 A It was.

4 Q And it has enough GSR on it that your own expert
5 from SLED said, I would feel comfortable saying
6 this man discharged this firearm?

7 A No, sir, we have been over this. That's not how I
8 recall it.

9 Q You don't agree that's what he said?

10 A No, sir.

11 Q All right. I'm just wondering if y'all ever had
12 that discussion in your Monday meetings?

13 A Sir, on any homicide case, you want to look at all
14 aspects.

15 Q Okay.

16 A I want to look at every angle. I want to look at,
17 how else could it have happened? I don't look at
18 one piece and go, well, he cheated on his wife so
19 he had to have done it, sir.

20 If that was the case, then that Saturday
21 morning he would have been in jail. That is not
22 probable cause by itself, sir. The fact that he
23 has got a debt, that by itself is not probable
24 cause, sir.

25 Q Well, I am going to tell you something, the last

1 thing. If you could pull out one shred of one
2 piece of paper, a sentence, about what I just said
3 to you to where y'all considered it --

4 A If she can print her screen. If the court reporter
5 can print her screen, yes, sir.

6 Q Well, I'm just asking you, did y'all discuss this
7 at any of your Monday meetings or your weekly
8 meetings or things about this case? You know what,
9 maybe this guy did this. Maybe this Capnerhurst
10 guy, he was upset. His best friend said he was
11 obsessed. You know, you just go crazy sometimes, I
12 believe is what his testimony was, right?

13 A The first day I believed that Capnerhurst did it.
14 Brett Parker had \$4,111 or \$4,511 in his pocket.
15 He kept that money. If I believed that Mr. Parker
16 did it, I would have kept the money. I could
17 easily say it was part of gambling proceeds. That
18 was not kept, sir. That was returned to him.

19 Q Uh-huh.

20 A When we asked to talk to him, it was, hey, can you
21 come in? Hey, when can we meet?

22 Q Well, you just said something that I've been
23 wanting you to say for a while. You believed the
24 first day he did it?

25 A No, sir, the first day I did not believe that Brett

1 did it. The first day it looked pretty good until
2 you get in Capnerhurst's car, and then you start
3 getting all this other information. And it starts
4 mounting and it's mounting and it's mounting. And
5 you can't get around it.

6 Q Investigator Holdorf, do you admit that when you
7 found out what he does for a living, it changed the
8 way you approached this case?

9 A It absolutely did not. At no time was he treated
10 any differently than someone else. I gave him the
11 benefit of the doubt when we first talked to him.
12 I had nothing to contradict what he said.

13 Q Okay. Well, one of your first documents where you
14 were submitting stuff is he is an admitted bookie,
15 right?

16 A The first document, sir, is the Advice of Rights.
17 The second document would be his written statement
18 where he admits to being a bookie.

19 What I'm asking SLED what they're looking for,
20 it's not like they are going to look through every
21 single little bit. They can search it based upon,
22 all right, this is what is relevant in the case.

23 Q I know. But I'm talking about how you approached
24 the investigation of the case.

25 A I really didn't expect to find anything on that

1 computer. Brett Parker said there was nothing to
2 do with gambling on the computer. I thought when
3 we took the computers, it was going to be a huge
4 waste of time, but they ordered me to do it. I was
5 wrong.

6 Q You downloaded his iPhone not long after this
7 happened, didn't you?

8 A Lieutenant McDonald did.

9 Q Or McDonald. I'm sorry.

10 A Yes, sir. It was done by the Sheriff's Department.

11 Q Okay. High profile case, wasn't it?

12 A It got big.

13 Q Yeah. Well, McDonald was there, you there, Smith
14 there, Robinson was there, Lindler was there, the
15 coroner was there, Dr. Marcus was there, it wasn't
16 shortly after that the Solicitor was at the
17 meetings. Am I wrong about this?

18 A It's a team approach. There's a lot of
19 information. There's a lot of footwork that has to
20 be down. This is more than one person can do.

21 Q Well, y'all aggressively investigated it, didn't
22 you?

23 A This was aggressively investigated, yes, sir.

24 Q And you expedited the GSR, you wanted the results
25 back, and Major Smith did it right away, didn't he?

1 A When you send in something to SLED, it's on SLED's
2 time. It can be a month. It can be several
3 months. So if you need something, if you want
4 something now, you try to get it expedited.

5 Q Uh-huh. You didn't arrest him the first day,
6 right, based on what he told you, right?

7 A It wasn't probable cause, sir.

8 Q Okay. But when you got -- I believe -- and you'll
9 have to trust me on this, maybe I'm wrong, I don't
10 think I am -- April 19th, 2012, the GSR tests come
11 back from SLED. Okay?

12 A Yes, sir. Everyone has gunpowder or gunshot
13 residue on them.

14 Q I know. I know. And then the arrest occurred not
15 on April 20th, right?

16 A No, sir.

17 MR. WHITLARK: Beg the Court's indulgence.

18 (Pause.)

19 MR. WHITLARK: Thank you, Your Honor.

20 BY MR. WHITLARK:

21 Q You interviewed the maid in this case, didn't you?

22 A She was talked to, I believe, on the phone, if I'm
23 not mistaken.

24 Q She was Tammy's maid or their maid for 14 years?
25 And her name, was it Darra, what is it? Do you

1. remember?
- 2 A I can go back and look through my notes if that's
- 3 what you want me to do, but there is a maid that we
- 4 did talk to.
- 5 Q Well, it is in your notes and I do want you to look
- 6 at it.
- 7 A Yes, sir.
- 8 Q What is her name?
- 9 A Linda Dessow, D-E-S-S-O-W.
- 10 Q Uh-huh. Do you remember when the Solicitor was
- 11 questioning you in direct exam?
- 12 A Yes, sir.
- 13 Q Do you remember when she was rattling off a whole
- 14 list of names of people you interviewed, right?
- 15 A No, sir, that was not everyone. There were a
- 16 number of names on this list that she did not
- 17 highlight.
- 18 Q Did you say her name?
- 19 A The Solicitor was asking me questions. I did not
- 20 ask her questions.
- 21 Q All right.
- 22 A But, no, sir.
- 23 Q All right.
- 24 A I don't know if her name was called. I would be
- 25 happy to publish what was said.

1 Q Sure. That's fine. Go ahead. Tell the jury. I
2 know it's late in the day, but tell the jury what
3 she said; the maid, who worked 14 years.

4 A And, again, this is Major Smith: Checked his
5 voicemail and returned calls to Linda Dessow, who
6 is the housekeeper and friend of Tammy's. She knew
7 there was a gun in the linen closet in the master
8 bedroom -- excuse me -- bathroom and that Brett was
9 heavy into gambling. She denied that she had ever
10 seen a gun in the office area. And it was
11 important enough for me to document it on my
12 follow-up, which was turned over to everyone.

13 Q She was the maid for how long?

14 A I think I said it.

15 Q I'm just asking, sir. You just read it.

16 A It's been a long day.

17 Q I know. Believe me, I know.

18 A I don't see where it says exactly how long she had
19 been the maid.

20 Q All right.

21 A It had been a while.

22 Q It had been a long time, hadn't it?

23 A Yes, sir.

24 Q And she cleaned the house, didn't she?

25 A I would not expect her to look through desk

1 drawers, no, sir. That will get you fired.

2 Q Sir, I'm just asking you a question. She cleaned
3 the house, didn't she?

4 A According to her. And that is what was documented,
5 yes, sir.

6 Q And she didn't say -- she wasn't unsure of what she
7 said, was she? She said, I've never seen a gun up
8 in that office?

9 A That's what she said.

10 Q Thank you.

11 MR. WHITLARK: No further questions.

12 THE COURT: All right. Anything else from the
13 State?

14 MS. SIMPSON: Brief, brief redirect, Your
15 Honor.

16 THE COURT: All right.

17 REDIRECT EXAMINATION

18 BY MS. SIMPSON:

19 Q You may have said this, but would a maid go through
20 a desk necessarily?

21 A Not --

22 MR. WHITLARK: Objection, Your Honor.
23 Objection.

24 MS. SIMPSON: He just cross-examined the
25 witness on what the maid said, Your Honor.

1 MR. WHITLARK: That is not a proper direct
2 question, Your Honor.

3 THE COURT: Sustained.

4 BY MS. SIMPSON:

5 Q And you mentioned three guns. And I believe
6 Defense counsel said, no guns downstairs, no guns
7 downstairs.

8 This .38 Rossi pistol, where was it located in
9 the Defendant's house?

10 A It would have been in the bathroom.

11 Q And where is the bathroom located?

12 A It's not very far from the stairs that Mr. Parker
13 would have gone up to. It's in the master bedroom.
14 It's a huge bathroom. And it was in the linen
15 closet in the bathroom.

16 Q And that's downstairs?

17 A It is downstairs.

18 Q And was that gun fully loaded?

19 A It was.

20 Q Ready to fire?

21 A Yes, ma'am.

22 Q And the manner of death for Bryan Capnerhurst
23 listed on the death certificate, what is the manner
24 listed as?

25 A I believe it was testified to earlier. It was

1 gunshots.

2 Q For Bryan Capnerhurst, gunshots. And the manner of
3 death is what?

4 A Multiple gunshot wounds to head/chest.

5 Q And is the manner a homicide?

6 MR. WHITLARK: Objection to the leading
7 question, Your Honor.

8 MS. SIMPSON: I'll direct. I'm just trying to
9 streamline, Your Honor.

10 THE COURT: All right. That's sustained.

11 A It is -- I don't see -- I not familiar with this.

12 Q What box is checked off for the manner of death?

13 A Box Number 37 is checked off as homicide.

14 Q And with respect to the betting, Defense counsel
15 made a big deal of Tammy's involvement. Did you
16 ever -- who collected and settled up the actual
17 cash payments and handled the money based on your
18 investigation?

19 A To the best of our investigation, Brett Parker is
20 the one who handled all the money.

21 Q And with respect to a gun in the Defendant's desk,
22 who indicated that a gun was there?

23 A Lindsay Mullins did when she was there in March,
24 end of March.

25 MS. SIMPSON: No further questions, Your

1 Honor.

2 MR. WHITLARK: I have one question, Your
3 Honor. I swear one question.

4 THE COURT: All right.

5 **RECROSS-EXAMINATION**

6 BY MR. WHITLARK:

7 Q The gun that killed Tammy Parker was found in the
8 hand of Bryan Capnerhurst by law enforcement
9 officers that first arrived on the scene, isn't
10 that true?

11 A That is true.

12 Q Thank you.

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

14 THE WITNESS: Thank you.

15 (Witness steps down.)

16 THE COURT: All right, ladies and gentlemen of
17 the jury, it is almost 6:30. The air conditioner
18 is off. I think they turned it back on. I have
19 already started working on that to make sure that
20 it stays on.

21 We will start back in the morning at 9:30. I
22 am going to order lunch tomorrow. So she will have
23 the sheets for you all in the morning, and I'll let
24 you all choose what you want, where you want to
25 order from. We don't have too many choices, but we

1 will let you choose.

2 All right. Y'all have a great evening. Thank
3 you.

4 (WHEREUPON, the jury is excused at 6:24
5 p.m.)

6 THE COURT: All right. We will start at 9:30
7 and we will take an abbreviated lunch break and try
8 to finish up tomorrow.

9 All right, see y'all in the morning.

10 MR. WHITLARK: Thank you, Your Honor.

11 MS. SIMPSON: Thank you, Your Honor.

12 (WHEREUPON, the proceedings concluded
13 at 6:25 p.m.)

14 MAY 22, 2013

15 THE COURT: Are you ready to bring them in?

16 MS. CAMPBELL: The State is ready.

17 (WHEREUPON, the jury came into open
18 court at 10:28 a.m.)

19 THE BAILIFF: The jury is seated, Your Honor.

20 THE COURT: All right, good morning, ladies
21 and gentlemen of the jury. I apologize for the
22 delay this morning. I'm feeling a little under the
23 weather. But we are ready to get started.

24 And we are going to ask the State to call
25 their next witness.

1 MS. CAMPBELL: May it please the Court? The
2 State would call Sheriff Leon Lott.

3 (Witness approaches.)

4 THE BAILIFF: Place your left hand on the
5 Bible, and raise your right hand, please.

6 (Witness complies.)

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

11 THE WITNESS: I do.

12 THE CLERK: Have a seat in the witness box.

13 (Witness complies.)

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

16 THE WITNESS: Leon Lott.

17 LEON LOTT,
18 after being duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. CAMPBELL:

21 Q Sheriff Lott, you are currently the Sheriff for
22 Richland County?

23 A That's correct.

24 Q And how long have you been the elected sheriff,
25 sir?

1 A Seventeen years.

2 Q Can you tell this jury a little bit about your
3 background in law enforcement?

4 A I started in 1975 at the Richland County Sheriff's
5 Department as a uniformed deputy. I pressed
6 through the ranks: Investigator, and was in charge
7 of narcotics for nine years with a rank of captain.
8 I left the Sheriff's Department. Chief of Police
9 in St. Matthews for three and half years. And in
10 1996 was elected Sheriff for Richland County.

11 Q In your department, sir, approximately how many
12 deputies are actually within your department?

13 A We have probably 700 people that I call cops,
14 people that carry guns.

15 Q I want to turn your attention back to April the
16 13th of 2012. Did you become aware of a double
17 homicide that occurred in Ascot in your
18 jurisdiction?

19 A Yes, I did.

20 Q And how were you briefed on that case that day?

21 A I was actually on the way to an out-of-town trip
22 and received a phone call from Major Stan Smith
23 letting me know that the incident had occurred.

24 Q And is that customary when a homicide occurs, that
25 you would be alerted as far as that?

1 A That's correct. Major events I'm usually called
2 and advised.

3 Q That same day or the next day, did you also receive
4 a phone call from the Defense attorney, Mr. Dave
5 Fedor?

6 A That same day, probably an hour after Major Stan
7 Smith called me, Mr. Fedor called me also.

8 Q And without getting into what he said to you, what
9 did you advise him of?

10 A He was trying to find the location of Mr. Brett
11 Parker. I gave him Stan Smith's cellphone number
12 so he could get in contact with him since I was out
13 of town. And Major Smith was heading up the
14 investigation at that time, so I wanted him to get
15 in contact with him.

16 Q And as the investigation in this case progressed,
17 typically what people in your department handled
18 the investigative duties such as in a homicide?

19 A Major Stan Smith is in charge as our major crime
20 investigator.

21 Q I want to turn your attention to the 1st of May.
22 Can you tell this jury what events transpired that
23 led you to get in contact ultimately with Brett
24 Parker?

25 A I work out at Gold's Gym in Harbison. Brett

1 Parker's father Jack also works out at Gold's Gym.
2 I knew him to recognize him and I know who he was.

3 One morning, probably the 1st of May, Brett's
4 father Jack approached me as I was working out and
5 had a conversation with me concerning the case,
6 concerning Brett, and wanting to know if I would
7 talk to Brett. There was frustration about the
8 case. There was questions about the case. And
9 just asked would I talk to Brett.

10 I explained to him that Mr. Fedor was his
11 attorney, that I could not approach Brett to talk
12 to him. That if he wanted to talk to me, he would
13 have to contact me, it would have to be on them to
14 approach me to have a conversation, that I could
15 not be the one to initiate it, would not be the one
16 to make the first phone call, that I would just
17 respond to their phone call.

18 Q And within a day or two, did you receive some
19 messages from Brett Parker?

20 A I believe the first one was on May 2nd. Around
21 2:15 p.m. there was a voicemail with him. Brett
22 Parker called and left his cellphone number for me
23 to call him back.

24 Q And the next day did he also call your office
25 requesting to speak to you?

1 A There was another phone call made on May the 3rd
2 also at 11:24 a.m. where he had called me.

3 Q I show you State's Exhibit 541. Do you recognize
4 that?

5 A That's correct. These are the copy of the phone
6 messages that my assistant took and wrote up and
7 gave to me.

8 Q Thank you.

9 MS. CAMPBELL: Your Honor, at this time we
10 would offer State's Exhibit 541.

11 MR. FEDOR: No objection.

12 THE COURT: All right. That will be entered
13 without objection.

14 (WHEREUPON, State's Exhibit No. 541 was
15 marked for identification and received
16 into evidence.)

17 BY MS. CAMPBELL:

18 Q At this point, who is initiating contact with you?

19 A Initially it was Jack Parker, Brett's father, and
20 then Brett himself called me.

21 Q On that first day, the first message you got I
22 believe was on May the 2nd of 2012?

23 A That's correct.

24 Q Did you return Brett Parker's phone call?

25 A Yes, I did.

1 Q And at that point, what was the gist of that phone
2 call?

3 A To begin with, I wanted to make sure that he
4 understood that he initiated it, that this was not
5 me doing it. He was represented by an attorney. I
6 know his attorney. Mr. Fedor and I have been
7 friends for many, many years, and I respect him
8 professionally and also respect him personally. I
9 would not do anything behind his back concerning
10 one of his clients.

11 I wanted Brett Parker to understand that him
12 talking to me, he was doing it on his own free
13 will. If he wanted to come in to see me, I wanted
14 him to understand that he was doing this, this was
15 not me. That he was -- if he wanted to come see
16 me, I would consent to see him and ask him to talk
17 to his attorney and let his attorney know about him
18 coming in, that he was not under arrest, he was
19 free to go, but that he was the one that is coming
20 in to see me.

21 Q And at this point, were you aware that the
22 investigation was still progressing in this case?

23 A That's correct.

24 Q After having that initial phone call on May the 2nd
25 when you called him back, then he called you back

1 the next day, I believe?

2 A That's correct.

3 Q And did you return that phone call as well on May
4 the 3rd?

5 A That's correct.

6 Q And what was the gist of that phone call?

7 A Basically the same. Just trying to arrange a time
8 that we could meet.

9 Q Were there certain events that occurred that
10 delayed the meeting between y'all?

11 A That's correct. Initially we set up for the
12 following Wednesday, which would have been maybe
13 May the 11th. My father had congestive heart
14 failure and was in the process of dying, and had
15 actually died on May the 8th. I spent the previous
16 weekend with him and was with him when he passed
17 away. My wife had some serious injuries, illness,
18 and she was facing major surgery. So I had quite a
19 few things going on. My father died on May the
20 8th. We had the funeral that following Friday,
21 which was -- excuse me, May the 11th was the
22 funeral. Mother's Day was that Sunday, which was a
23 difficult time. And then my wife had major surgery
24 on Monday, May the 14th. So I was not able to keep
25 the initial appointment that we had made, and I had

1 to rearrange it for a later time.

2 Q Turning your attention to May the 17th of 2012,
3 did you make -- or did Jack Parker make contact
4 with you again?

5 A I believe so.

6 Q And that was Brett's father, again?

7 A That's correct.

8 Q And at that point did y'all set up another time for
9 Brett to come in and speak to you?

10 A Right. We had set a time for him to come in I
11 believe on May the 21st.

12 Q And at that point did you request anything from
13 Major Stan Smith as far as a series of questions?

14 A Yes. This was an opportunity for Brett -- Brett
15 wanted to come in and talk to me. So this was an
16 opportunity for him to come in and ask me
17 questions, to give his side of what had happened,
18 and us discuss it.

19 So I asked Major Stan Smith, who was more
20 familiar with the case, and things, to give me a
21 list of questions that they wanted answered, that
22 investigators wanted answered. So Major Smith gave
23 me a list of questions.

24 Q And specifically on May the 21st of 2012,
25 approximately what time did this interview occur?

1 A I started it at 1:30, and I think Brett left at
2 approximately 2:15.

3 Q And where did this take place, sir?

4 A In my office.

5 Q At the Sheriff's Department?

6 A At the Sheriff's Department.

7 Q And can you just go through and tell the jury
8 specifically what questions you asked him and what
9 answers he gave you at that point.

10 A Tell us again why you kept saying that you had
11 \$20,000 in the safe and in reality only \$389 there.

12 His answer was: Because I had a dummy wrap of
13 \$20,000, hundreds on one side and ones in the
14 middle.

15 Tell us again why you failed to mention
16 Lindsay Mullins' physical affair in the first
17 interview.

18 The girl at the bank and Dana from Oregon were
19 just sex. Tammy didn't know about the affairs.
20 They weren't having sex with another one, which
21 meant Brett and Tammy were not having sex.

22 Did you tell Bryan adamantly to be there at
23 12:30? And, if so, why?

24 Brett's answer was: Told him around 12:30
25 because Tammy and I were eating at 12:00.

1 Tell us again why you were adamant that Bryan
2 bring a bag when the amount you intended to give
3 him would fit neatly into your pocket.

4 His answer was: He always brought a bag. The
5 bag was for the division of betting tickets, as
6 well as the money. He says that he was going to
7 give him \$5,000, but only had a little over \$4,000
8 in his pocket. Bryan had already collected some
9 previously. He was going to give Bryan some
10 paperwork, betting collection sheets, to collect
11 the rest himself.

12 Tell us again whether you are aware of any
13 life insurance on Tammy with you as a beneficiary.

14 He says he did not know.

15 You mentioned an alarm going off on the 9-1-1
16 call. Which alarm did you mean?

17 He stated he had an ADT alarm that they had
18 problems with. Tammy was going to call them. He
19 thought of setting it off to lead responding
20 officers to his home.

21 Why did you take out a title loan on January
22 on GMC?

23 He said he simply needed cash at the time.

24 Did Tammy tell you that Joseph Stuart, an
25 interior designer, had a tentative planned delivery

1 of heavy artwork scheduled for that Friday mid-day
2 and had to cancel that same a.m.?

3 He said he didn't know, that he was always
4 coming and going from the home as a regular
5 visitor.

6 Do you have a separate post office box?

7 Yes, got one after burglary but never used it.
8 It was at Kennerly and Broad River Road, but thinks
9 it is gone from there now.

10 Can you tell us about all your bank accounts?

11 He said he had one at Palmetto Citizens.

12 Tammy had an account at Carolinas Telco Credit
13 Union. And he had a checking account for a small
14 business at Wells Fargo.

15 Why did you lie about previous suicide attempt
16 in Vegas when we have written documentation in your
17 own handwriting that you brought sleeping pills and
18 took them. What was that about?

19 It was embarrassing, but not enough pills to
20 have done the job anyway.

21 Tell us again why you didn't include the
22 zip-up case for the gun when you gave it to Bryan?

23 He says he just didn't think about it.

24 Was Tammy on the phone when you left her? Do
25 you know if she was about to get on the phone?

1 He says she had just gotten on the phone when
2 he was leaving the office.

3 Q And that was the information he gave you that day?

4 A That's correct.

5 Q And did you actually make notes about that?

6 A Yes, I did.

7 Q And did you forward his answers at that point into
8 the investigative unit, specifically Major Stan
9 Smith?

10 A Right. It was forwarded to Stan Smith.

11 Q Was there another meeting set up between you and
12 Brett Parker, specifically on June the 6th of 2012?

13 A That's correct.

14 Q And how did that second interview transpire?

15 A Again, the conversation was that he wanted to come
16 in and talk to me.

17 Q So, again, he was the one that wanted to talk to
18 you?

19 A He was the one that was wanting to talk to me,
20 again. The whole thing was he wanted to come talk
21 to me. And that is what I was doing was allowing
22 him to come in and talk. Give him the opportunity
23 to tell his side of the story. For him to
24 basically just tell me what had transpired.

25 Q And at this point, were you aware that, during the

1 investigation, that his story had some problems?

2 A Yes. I had been told by investigators there were
3 some issues that were coming up, that things were
4 just not matching up. With the version that Brett
5 had told was not matching up with the evidence, and
6 there was some issues.

7 Q At that point, on the 6th of June, where did the
8 interview take place?

9 A Again, at my office on Two Notch Road.

10 Q And approximately what time was that interview?

11 A I don't exactly have the time on that one.

12 Q When he came in at that point, was he coming in --
13 at his request, right?

14 A This was his request. Everything was at --

15 Q So did you advise him of any rights or anything at
16 that point?

17 A No. He just requested to come speak with me.

18 Q And was he in custody or under arrest at that
19 point?

20 A He was not in custody, he was not under arrest.
21 That all had been explained to him, that at any
22 point if he wanted to get up, he was free to
23 walk -- get up and walk out.

24 Q In that second interview on June the 6th, can you
25 tell the jury what questions you asked him and then

1 what his answers were.

2 A Right. Again, I had Major Stan Smith give me some
3 questions that the investigators wanted answered.
4 And this had been explained to Brett, that he could
5 ask me any questions and that I would ask him
6 questions. That is kind of the way the
7 conversation -- I guess, that was an agreement that
8 we had was that he was able to ask me anything and
9 I would try to give him answers, and I would ask
10 him stuff and he could give answers too.

11 The first question was: It took approximately
12 ten minutes from the time Capnerhurst got there
13 until the time you called 9-1-1. Can you explain
14 why the additional time lapse when the sequence of
15 events outlined in your story would seemingly have
16 taken place within several minutes?

17 His answer was: It seemed to me to be quicker
18 than that. I don't know.

19 Once again, I asked you about the alarm. You
20 clearly told the 9-1-1 dispatcher that day on two
21 separate occasions that the alarm went off when he
22 shot your wife. What alarm were you referencing?
23 Why did you fail to mention that to the initial
24 interviewing detectives?

25 His answer was: I think it was a fire alarm.

1 It did go off when he shot Tammy. I tried to set
2 the alarm system off so they could find the house.

3 And that was his answer. He didn't explain
4 why he failed to mention it.

5 You said you went downstairs and took some
6 magazines for disposal. You said you then went to
7 the bathroom. Why did you fail to mention to the
8 interviewing detectives that you peered out the
9 garage one time and opened and closed the blind in
10 the side door as well?

11 His answer was: I did open the garage door.
12 I may have looked out my son's bedroom window.

13 Q Which bedroom window did he say he may have looked
14 out?

15 A My son's bedroom window.

16 Q Thank you. What was your next question?

17 A Why did you change the appointment time with
18 Bryan Capnerhurst from 1400 hours to 1230 hours?

19 I didn't know I had changed it. I just told
20 him to come. There was no schedule. At
21 12:00 o'clock I was going to have lunch with Tammy.

22 Were you scheduled to play golf that day at
23 noon? If so, why didn't you call anyone to
24 postpone the game?

25 I play on Friday with Joe McGillis and Mike

1 Moody, but we were not scheduled that day.

2 Can you explain why you have said you were not
3 involved in online gambling when we have Lanny
4 Gunter claiming you owe him \$100,000?

5 There is \$100,000, but it is just not a
6 hundred-thousand-dollar bet. It has something to
7 do with an ongoing situation me and Lanny.

8 Can you explain why we found at least two
9 online gambling sites on your computer with clear
10 gambling activity on them? The sites were BETCC
11 and RACEBOOK.

12 RACEBOOK may be Lanny's site. BETCC is a site
13 that I use for Division II football, and I do that
14 for another guy. I use SPORTSOPTIONS.COM.

15 Q So in that answer he mentioned three different
16 betting sites?

17 A That's correct.

18 Q That he used?

19 A That's correct.

20 Q What was your next question, sir?

21 A Who is your life insurance through, and when
22 did you get or update the policy?

23 I didn't know anything about life insurance
24 until after her death. I did know what we had on
25 me.

1 Did you ever suspect Tammy of infidelity?

2 And his answer was, No.

3 You have stated that when you left Tammy in
4 the office area she was on the phone. We have no
5 record of calls coming from the house that day.
6 Can you explain this?

7 Yes, she was on the phone, either 407-1351 or
8 1352.

9 Why would Bryan have worried about this
10 meeting and calling everyone telling them that if
11 he were not out in an hour to call 9-1-1?

12 I would have met him anywhere, so I have no
13 idea. If I had told my wife such a thing, she
14 would have not let me go.

15 Tell me again about transferring the gun to
16 Bryan. When was it that this occurred?

17 February timeframe.

18 Was it loaded at the time?

19 Yes.

20 Was a round in the chamber?

21 I don't know.

22 Was the second magazine loaded?

23 No.

24 Why didn't you include the case for the gun as
25 well?

1 I don't know.

2 Why would he have not told anyone about you
3 giving him the gun?

4 I don't know.

5 Q I'm going to turn your attention to June the 25th
6 of 2012.

7 A Okay.

8 Q Was Brett scheduled to come in and be interviewed
9 at that point?

10 A That's correct.

11 Q And did he show up?

12 A No.

13 Q On June 26th, the next day, of 2012, was Brett
14 scheduled to come in and talk to y'all?

15 A Correct. He did not show.

16 Q And again on June the 27th of 2012?

17 A That's correct.

18 Q Was he scheduled to come in?

19 A That's correct. He did not show.

20 Q And July the 6th of 2012, that afternoon did you
21 speak with Brett again?

22 A Yes, I did.

23 Q And can you tell the jury some of what information
24 he related to you at that time?

25 A Again, we had a conversation in my office. We

1 talked about what he had told dispatch.

2 His response was that he told dispatch, I shot
3 him. Dispatch wanted to know, Is he dead. His
4 response was, I think I killed him.

5 At that time he told me, I checked under the
6 neck of Capnerhurst and I checked -- and his wrist.

7 Q Did he say what he was checking for signs of?

8 A To see if he was alive.

9 At that point we also discussed Tammy.

10 He told me that Tammy's eyes were open, that
11 she was gurgling, that he shook her, that he felt
12 under her neck, he pushed her ribcage, and he tried
13 to close her eyes. And he said he was scared and
14 didn't know what to do.

15 Q When he said he shook her, specifically where did
16 he say he shook her?

17 A He just said he shook her.

18 Q At that point, did you turn that information over
19 to Major Stan Smith as well?

20 A That's correct.

21 Q And again on July the 11th of 2012, was there
22 another meeting with Brett Parker?

23 A That's correct.

24 Q And who wanted to meet at that point?

25 A Again, this is a meeting that he had requested.

1 Q All these are things that he requested?

2 A That's correct.

3 Q And during the meeting, again, on July the 11th,
4 what information did he give you at that point as
5 y'all discussed the events?

6 A We were back in my office again and discussing it.

7 He said at that time that -- talking about
8 Capnerhurst -- he said, I did not check his neck, I
9 checked under his nose. I picked his arm up to
10 check his pulse. I don't remember the bag.

11 And then he followed up and said the last few
12 months Bryan had been pissed at his boss and pissed
13 at his wife. And that is quotes from him.

14 Q At that point he told you he didn't remember the
15 bag?

16 A That's correct.

17 Q And at this point he said how did he check
18 Capnerhurst for signs of life?

19 A He said he did not check under -- did not check his
20 neck, he checked under his nose. He picked his arm
21 up to check his pulse.

22 Q At this point in this interview, did you confront
23 Brett that there may be some problems with what he
24 is telling you?

25 A No.

1 Q During the course or at the end of this interview,
2 again, as he is trying to tell you this story, does
3 he request to meet you personally somewhere?

4 A Yes.

5 Q Where was that?

6 A My daughter plays softball at Friarsgate Park, his
7 little boy played baseball at Friarsgate Park also.
8 During this period we had seen each other at the
9 ball field. And he met me at the ball field on a
10 Sunday after practice. My daughter was playing
11 All-Stars and we had a Sunday practice, so he
12 wanted to meet -- he met me there. So he met me at
13 the ballpark. I actually met him and spoke with
14 him twice at Friarsgate Ballpark during this period
15 of time.

16 Q At some point did he want to set up a meeting to
17 show you what had happened?

18 A That's correct. He wanted me to come to the house
19 so he could actually show me.

20 Q And was that scheduled on July the 19th of 2012?

21 A That's correct.

22 Q And did you actually go to the house at 12 Tackeria
23 Court?

24 A Yes, I did.

25 Q And when you got there, who was there?

1 A Brett's father Jack was there and met me in the
2 driveway. Brett was there also. Jack stayed for a
3 few minutes and he left, and then it was just Brett
4 and I.

5 Q And at that point did Brett acknowledge certain
6 things to you as he was showing you what happened?

7 A He was walking me through to show me how -- his
8 version of what happened that day.

9 Q And at that point did he tell you anything about
10 looking out the blind?

11 A Yes. Yes, he did. Later on in the conversation
12 that day he followed up with what he had said about
13 blinds. That was in a later conversation that day.

14 Q And the specific blinds we are referring to, are
15 those the downstairs blinds where gunshot residue
16 was found?

17 A That's correct. That's correct.

18 Q And did he acknowledge whether or not he actually
19 looked out those blinds that day?

20 A Yes, he did.

21 Q At that point, after Brett tries to show you his
22 version of what happened, what did you say to him?

23 A We sat at his kitchen table. And at that point,
24 that was the first time that I told him that -- and
25 during this whole conversation I kept telling him

1 that we had to make things fit. That his version
2 had to fit what the evidence showed.

3 And when we sat at that kitchen table was the
4 very first time I said that his story just did not
5 fit the evidence. That he was trying to take a
6 square peg and put in a round hole, and it just did
7 not fit.

8 And that was the first time that -- I am not
9 going to say I was confrontational with him,
10 because I didn't, we didn't raise voices, I just
11 acknowledged to him that his story just didn't fit,
12 that what he was telling me did not match the
13 evidence that we had, and that there was nothing
14 else that I could do at that point.

15 Q And did you advise him about whether or not charges
16 were going to be brought?

17 A I told him that it would be discussed with the
18 Solicitor's Office, that the Solicitor's Office
19 would make a determination, and that if the
20 Solicitor's Office -- if a decision was made that
21 he would be charged, that I would give him a phone
22 call and allow him to come turn himself in.

23 Q Later that day, did he try to call you back to talk
24 to you more?

25 A We had left -- when I left his house that day, I

1 said, Brett, just think about it. If there is
2 anything else you want to say or anything changes,
3 call me by 3:00 o'clock.

4 And he did place a phone call to me at
5 3:00 o'clock.

6 Q The next day, did you try to make contact with
7 Brett Parker?

8 A Yes, I did.

9 Q And what was the purpose in that phone call?

10 A To tell him that the Solicitor's Office had
11 approved the warrants and that investigators were
12 obtaining warrants and that he needed to make
13 arrangements for him to turn himself in.

14 Q And approximately what time was that when you made
15 the initial call?

16 A The initial call, 9:00-ish, 9:30, somewhere around
17 that time.

18 Q Did Brett answer the phone?

19 A Initially there were some things that -- ended up
20 that he was at the hospital that morning.

21 I talked to Brett and I also talked to his dad
22 that morning, and that Brett had been in the
23 hospital, but that he was going to be released
24 very shortly, and so we made arrangements for what
25 time for him to come in.

1 Q And he was released shortly after that and turned
2 himself in that day?

3 A That's correct, that afternoon.

4 Q The man you met with, Brett Parker, do you see him
5 in the courtroom?

6 A Yes, that is Brett Parker, reddish-looking coat,
7 glasses, reddish-looking tie.

8 MS. CAMPBELL: Your Honor, may the record
9 indicate he has indicated the Defendant?

10 THE COURT: So noted.

11 MS. CAMPBELL: Thank you.

12 BY MS. CAMPBELL:

13 Q Thank you, sir.

14 THE COURT: Yes, sir, Sheriff, please answer
15 any questions that Mr. Fedor has.

16 CROSS-EXAMINATION

17 BY MR. FEDOR:

18 Q Good morning, Leon.

19 A Good morning.

20 Q Leon, you and I have been in the criminal justice
21 system and the justice system in South Carolina for
22 a long time, haven't we?

23 A That's correct.

24 Q Over 40 years, right?

25 A I met you September of 1975.

1 Q Now, so the jury can know something about us, I
2 have supported you in every election you have ever
3 had, haven't I?

4 A That's correct. I consider you a friend.

5 Q And you also, in considering me a friend and a
6 lawyer that you, I hope, respect, recommended me to
7 the Criminal Justice Academy to teach out there,
8 did you not, sir?

9 A That's correct.

10 Q And you know that I have represented many, many of
11 your deputies in their works?

12 MS. CAMPBELL: Objection, Your Honor, as to
13 the relevance of this. I am not trying to be
14 disrespectful.

15 MR. FEDOR: This is cross-examination.

16 THE COURT: All right. And the objection is
17 relevance. Any response, Mr. Fedor? She is asking
18 how is this relevant.

19 MR. FEDOR: It is relevant because I think the
20 Sheriff's Department, especially the Sheriff,
21 trusts me and knows I would not do anything
22 unethical.

23 MS. CAMPBELL: We aren't alleging that.

24 THE COURT: All right. If the Sheriff can
25 answer it, I'll let him answer it, but we need to

1 move on.

2 A Mr. Fedor, I respect you as a friend and I also
3 respect you as an attorney.

4 Q Now, you have over 800 deputies out there at the
5 present time, do you not?

6 A About 700 deputies and probably another 100 support
7 personnel, total of about 800 people.

8 Q And you, as their leader, cannot be every place at
9 one time, can you?

10 A That's correct.

11 Q And you have to let deputies and personnel in your
12 organization do the jobs that you can't be there to
13 do all of, true?

14 A That's correct.

15 Q On some occasions deputies make mistakes, don't
16 they?

17 A We are all human.

18 Q You make mistakes and I make mistakes, true?

19 A Humans make mistakes.

20 Q But we want -- our bottom line, both of us as
21 professionals, want our justice system to work?

22 A That's correct.

23 Q And we both believe that under our justice system
24 every citizen is guaranteed a right to a full and
25 complete trial, do we not?

1 A That's correct.

2 Q And we also know that the Defendant in any criminal
3 case is entitled to present his witnesses in the
4 Defense after the Prosecution?

5 A That's correct.

6 Q And we hope, do we not, sir, that the jury system
7 as it is set up will understand the laws you have
8 just stated?

9 A That's correct. And I respect the jurors.

10 Q Now, sir, let's consider the things that we can
11 agree on that you have come to learn through your
12 reports of your deputies, okay?

13 A Okay.

14 Q You know the 9-millimeter Smith & Wesson gun was
15 found in Capnerhurst's hands, do you not?

16 A That's correct.

17 Q And we know that seven pistol shots were fired from
18 that weapon with one remaining in the magazine?

19 A I read that in the report.

20 Q And you know that when the officers got to the
21 scene, the first thing they did was see Capnerhurst
22 with a pistol and shake his shoulder three times to
23 loosen the pistol, true?

24 A I don't know that.

25 Q All right. If I tell you that was already

1 testified to, would you agree to that?

2 A I don't think you'd lie to me, Mr. Fedor.

3 Q Okay. Now, there was no picture taken at any time
4 of this pistol in Capnerhurst's hands, was there?

5 A Not to my knowledge.

6 Q And we also know that a great deal of gunshot
7 residue was found on Capnerhurst's left hand and he
8 was proven to be left-handed, is that not true?

9 A I can't answer that. I just know there was gunshot
10 residue found on everybody.

11 Q Now, Sheriff, you didn't do a bit of this
12 investigation at the scene, did you?

13 A No. I was out of town.

14 Q And you do not know, except through the comments of
15 your deputies, what really did happen when they
16 investigated, do you?

17 A I rely on my investigators to investigate the crime
18 and complete a full investigation.

19 Q We do know that Tammy Parker was hit five times
20 with bullets from a gun that was found in
21 Capnerhurst's hands, do we not, sir?

22 A If you say so. I haven't seen that report.

23 Q And you do know that Brett, in his statement from
24 the very beginning, admitted he was a gambler,
25 admitted he ran around on his wife, but, sir, that

1 does not prove he is a murderer, does it?

2 A No, but the evidence our investigators obtained
3 does.

4 Q But you did not receive any of them except through
5 your deputies, did you? You didn't investigate?

6 A I wasn't at the scene, but I think I have testified
7 through the conversations and meetings I have had
8 with Brett Parker, that his version of the story
9 doesn't match the evidence, and I don't believe
10 him.

11 Q According to your synopsis that you make now, that
12 you didn't see the scene and you just relied on
13 your deputies, who occasionally make mistakes, he
14 is entitled to present his full case to this jury,
15 is he not, sir?

16 A Yes, sir.

17 Q And you knew that Brett Parker was a very peaceful
18 man, didn't you?

19 A No, sir.

20 Q You never knew that?

21 A I never met Brett Parker until the day he came in
22 my office.

23 Q Okay.

24 A I don't know anything. I didn't know anything
25 about him prior to this.

1 Q The statement that he gave an hour or so after his
2 arrest has not changed insofar as how this scenario
3 occurred, did it, sir?

4 A I believe it has. I believe there was quite a few
5 changes in it. I believe initially from the very
6 beginning he said he didn't cheat on his wife, and
7 now I know that is definitely not true.

8 Q Does cheating on his wife make him a murderer?

9 A No, sir, but through my experience of 38 years of
10 being a cop, that is a good motive sometimes.

11 Q Well, in my 45 years being a lawyer I don't think
12 it makes him a murderer, do you, sir?

13 A I think the evidence makes him a murderer.

14 Q And he is a gambler, right?

15 A That's been verified, yes.

16 Q And let me ask you, Sheriff...

17 (Pause.)

18 Q Now, I don't know if you talked to any of your
19 deputies, or the deputy that answered all the
20 questions yesterday for a long time, the testimony
21 yesterday, Sheriff, is that Brett borrowed \$5,000
22 sometime before this incident. Will you accept
23 that as true?

24 A Yes, sir.

25 Q And the interest rate on that \$5,000 was

1 119 percent interest, okay?

2 A Okay.

3 Q Which means he would have had to pay back \$13,000
4 on a \$5,000 debt, okay?

5 A Okay.

6 Q On that fact alone, can you agree with me Brett
7 Parker is not the smartest guy in the world?

8 A He's a gambler.

9 Q He's a gambler. Okay, let's talk about his
10 gambling.

11 A statement was made yesterday by your deputy
12 that he lost \$176,000 in one year as a bookie,
13 okay?

14 A I don't know. I can't agree to that because I
15 don't know if that has been testified to if that is
16 what he lost in here or not. I don't know.

17 Q If it was said yesterday by one of your deputies --

18 A Okay.

19 Q -- \$176,000. Sir, have you ever heard in your life
20 of any bookie losing \$176,000 in a year?

21 A I don't know. I don't associate with bookies, so I
22 wouldn't have any clue how much they lose or make.

23 Q I do, and I have never seen one lose that kind of
24 money.

25 A I don't deal with bookies like you do, Mr. Fedor.

1 Q Only as a representative, not as a gambler, because
2 I'm as bad as you are at that.

3 Now, that alone proves he is not too bright,
4 can we agree to that?

5 A I don't think Mr. Parker is a dumb man. He went to
6 college. He graduated from high school. He went
7 to college. I don't think he is dumb. He may
8 just -- I don't know -- I can't testify about his
9 finances and what he does.

10 Q Okay. But Dennis Rodman went to college too,
11 didn't he?

12 A Yes, sir.

13 Q Okay. Now, let's look at another factor in this
14 case that was reported to you by your deputies.

15 Capnerhurst arrived, according to the
16 statements they have, at 12:31:55, just about five
17 seconds from 12:32?

18 A Okay.

19 Q Right?

20 A (Nods affirmatively.)

21 Q The death certificate shows that Tammy Parker died
22 at 12:36, agreed?

23 A I don't know.

24 Q Okay. Capnerhurst died at 12:40. And I'll tell
25 you that is what the certificate says, and trust

1 me.

2 A Okay.

3 Q Now, if that being the situation, Brett called
4 9-1-1 at 12:41, is that correct, or do you know?

5 A I don't know.

6 Q So it is nine minutes from Capnerhurst arriving
7 there that Brett Parker called in a frantic tone --
8 I'm sure you heard the tape -- to 9-1-1. So if
9 that be the situation, sir, in nine minutes Brett
10 Parker is said to have completely created this
11 criminal scene, it would be impossible to do in
12 nine minutes, do you agree with that?

13 A I disagree with that.

14 Q You disagree with that?

15 A Yes, sir. And one point I'd like to point out is
16 that you may be shot at one time, but that doesn't
17 mean you are going to die at that exact moment, so
18 you can be shot earlier and die later. So I --

19 Q Well, sir --

20 A -- don't agree with that.

21 Q -- since you were not there, unfortunately, we have
22 to go on what the deputies have told us, do they
23 not?

24 A (WHEREUPON, there was no response.)

25 Q Now, let's talk about the subject that has come to

1 everybody's attention in the last several months,
2 in fact, year, 1.2 mil -- million -- Brett was
3 supposed to have collected from his wife's life
4 insurance, true?

5 A I'll go along with what you say, yes, sir. I don't
6 know for a fact, but I will go with what you say.

7 Q Okay. Now, from the very beginning Brett has
8 stated to everybody, including the life insurance
9 people, he had no idea what his wife had in
10 insurance. Do you go along with that?

11 A I don't know.

12 Q Okay. Two weeks after the death of Tammy Parker,
13 MetLife, the general manager who will appear here
14 tomorrow, received a letter from his home office
15 saying, get in touch with Brett Parker to
16 straighten this situation out with paperwork. I
17 assume you don't know that?

18 A No, sir.

19 Q Certainly. But Brett went into the office of the
20 general manager, said he didn't know what kind of
21 money was involved, and the manager helped him fill
22 out all the papers.

23 Shortly thereafter, while in his office, he
24 told the general manager, I don't want a nickel of
25 that money. I want it all to go to my children

1 now.

2 And do you know or have you been advised that
3 an irrevocable trust, which means Brett could never
4 touch that money all his life from here on in, was
5 signed and the money went straight into the
6 children's account?

7 A No, sir.

8 Q You don't know that?

9 A No, sir.

10 Q And Brett Parker, as a result, never collected a
11 penny on his wife's life insurance. Do you now
12 know that?

13 A No, sir.

14 Q All right. Well, if I tell you and if the Court
15 allows us to show tomorrow through the evidence of
16 MetLife and the Probate Court that that money has
17 been given directly to the children and Brett
18 didn't make a nickel, would that make a difference
19 in your opinion?

20 A No, sir.

21 Q Okay. You are just stuck with that and you are
22 going to stay with it, right?

23 A I'm stuck with the fact that Brett Parker killed
24 his wife and Bryan Capnerhurst, yes, I am.

25 Q The issue in this case, sir, and I tell it to you

1 right now, is one and one only: Who shot Tammy
2 Parker. Is that not true?

3 A Correct.

4 Q And you have no evidence showing anybody shot that
5 pistol, 9-millimeter Smith & Wesson, except Bryan
6 Capnerhurst?

7 A No, sir, that is not correct.

8 Q Well, when we prove it to you tomorrow, will you
9 then revisit the same?

10 A (Nods negatively.)

11 Q You say we go by in our justice system that you and
12 I both respect, that the evidence is the only thing
13 that counts, true?

14 A Yes, sir.

15 Q This evidence has not been disproven and even
16 though we don't have the burden of proof, you do,
17 true?

18 A The burden is on us to present our evidence to this
19 jury, yes, sir.

20 MR. FEDOR: One second, Your Honor.

21 (Pause.)

22 BY MR. FEDOR:

23 Q Do you agree, Mr. Lott, that your own SLED experts
24 who worked this case said they were comfortable
25 with the fact that Capnerhurst fired this pistol?

1 A No, sir, I haven't heard that anywhere.

2 Q Well, if I should tell you as an officer of the
3 court that is what Richards, the SLED officer, did
4 testify to --

5 A If it is Stan Richards, he worked for me.

6 Q No, he works for SLED.

7 A Okay. Sergeant Stan Richards works in the Forensic
8 Lab in the Richland County Sheriff's Department.

9 Q Okay. It was a SLED man who said he is very
10 comfortable with the fact that Capnerhurst fired
11 this weapon.

12 A I haven't heard that. I haven't seen a report on
13 that.

14 MR. FEDOR: No further questions.

15 BY MR. FEDOR:

16 Q Still friends?

17 A We're still friends.

18 THE COURT: Yes, ma'am?

19 MS. CAMPBELL: Nothing further, Your Honor.

20 THE COURT: All right. Any objection to this
21 witness being excused?

22 MS. CAMPBELL: Thank you.

23 MR. FEDOR: No objection.

24 THE COURT: All right, Sheriff, you are free
25 to leave? Thank you.

1 THE WITNESS: Thank you, ma'am.

2 (Witness steps down and is excused.)

3 THE COURT: Call your next witness.

4 MS. WALKER: Your Honor, the State calls Pat
5 Pruitt to the stand.

6 (Witness approaches.)

7 THE BAILIFF: Place your left hand on the
8 Bible, and raise your right hand, please.

9 (Witness complies.)

10 THE CLERK: Do you swear or affirm the
11 testimony you are about to give in this case will
12 be the truth, the whole truth, and nothing but the
13 truth, so help you God?

14 THE WITNESS: I do.

15 THE CLERK: Have a seat in the witness box.

16 (Witness complies.)

17 THE CLERK: State your name for the record,
18 and spell your last name, please.

19 THE WITNESS: It is Pat Pruitt, P-R-U-I-T-T.

20 PAT PRUITT,

21 after being duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. WALKER:

24 Q Is it Agent Pruitt?

25 A That's correct.

1 Q Agent Pruitt, where are you -- where do you live?

2 A Here in Columbia.

3 Q Okay. And what do you do for a living?

4 A I work for the Secret service.

5 Q What is it exactly that you do for the Secret
6 Service?

7 A I have been a special agent with the Secret Service
8 for about 15 years. You know, we do -- we have a
9 dual mission. You know, we protect the president,
10 vice-president, and other heads of state. But the
11 other portion of that mission is to investigate
12 white collar crimes, computer fraud, that type of
13 stuff.

14 Q Would gambling be one of crimes you investigate?

15 A That's correct.

16 Q And back in the spring of last year, did you become
17 involved in a gambling investigation?

18 A That's correct. We have an Electronic Crimes Task
19 Force, and Richland County sits on that task force,
20 and they made us aware of a gambling investigation.

21 Q And as a result of that gambling investigation,
22 were a number of bookies in this town indicted?

23 A That's correct.

24 Q Don't tell me who they are. But would Lanny Gunter
25 be one of those bookies?

1 A That's correct.

2 Q Harry Benenhaley?

3 A Yes, ma'am.

4 Q And others?

5 A And others.

6 Q As part of that investigation, did you investigate
7 any booking that Bryan Capnerhurst may have done?

8 A That's correct.

9 Q Can you tell this jury about that aspect of the
10 investigation?

11 A Initially we were kind of giving Richland County a
12 lot of leeway to conduct their portion of this
13 investigation. And I think we started out, I want
14 to say around May 10th we interviewed Ms. Cindy
15 Capnerhurst.

16 Q Uh-huh.

17 A Went out to her home myself, and Ric Stephens, with
18 Richland County. We sat down and interviewed her.
19 She was very candid about her husband's involvement
20 with Mr. Parker.

21 And I requested that she give us consent to
22 search his computer, and she did so.

23 Q Did she show you around their home?

24 A She did.

25 Q Did she show you around the outside of the home?

1 A That's correct.

2 Q And there has been mention of a burn pile here.
3 Did you see that burn pile?

4 A Yes, ma'am.

5 Q Over the course of your investigation, did you
6 become aware of what was burned there?

7 A That's correct. Over the course of the
8 investigation we learned that Brett -- or Bryan
9 would take these -- the gambling receipts home at
10 Brett's request and burn them at that little pile
11 outside of their house.

12 Q And that was corroborated by what you saw?

13 A That's correct.

14 Q You said that you got consent to search Bryan
15 Capnerhurst's computer?

16 A That's correct.

17 Q In terms of the gambling business, can you tell
18 this jury what, if anything, you found on Bryan
19 Capnerhurst's computer?

20 A There was no evidence of Bryan actually gambling.
21 He went to numerous gambling type websites to
22 download odds and keep up with what I believe to be
23 his involvement with Brett in the booking business.

24 Q Did he go to gambling websites where he placed
25 wages himself?

1 A No, ma'am.

2 Q In terms of your investigation, the extent of Bryan
3 Capnerhurst's gambling was the work that he did for
4 Mr. Parker?

5 A That's correct.

6 Q Thank you, Agent Pruitt.

7 MS. WALKER: No further questions.

8 THE COURT: Yes, sir.

9 MR. WHITLARK: May it please the Court?

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. WHITLARK:

13 Q Agent Pruitt, what would be the purpose of burning
14 the receipts?

15 A To destroy them.

16 Q Destroy evidence, right?

17 A Sure.

18 Q Okay. Now, when you went out there -- as a matter
19 of fact, you did a lot of work on this case, didn't
20 you?

21 A On the gambling investigation, yes.

22 Q Right. And y'all were asked to do this by Richland
23 County, were you not?

24 A Yes, sir. As I said, we have a task -- we have a
25 task force, and Richland County sits on that task

1 force for the Secret Service.

2 Q Okay. And a lot of the description of stuff y'all
3 were doing was, it says, In furtherance of the
4 Brett Parker homicide case, right?

5 A I don't know if it was said that way. This was, in
6 my mind, a separate investigation.

7 Q I understand that. But, I mean, in your reports,
8 and so forth, it said this all stemmed from this
9 homicide out on Tackeria Court, though, right?

10 A That's correct.

11 Q All right. So they asked you to do it. All right.
12 Now, I believe, and you correct me if I'm wrong,
13 one of the things y'all were finding out when y'all
14 were getting into this -- there was a number of
15 people y'all were looking at, a large number,
16 wasn't it?

17 A That's correct.

18 Q Is that some people were wiping computers clean
19 or -- what -- tell us what they were doing.

20 A A lot of folks realized that we were knocking on
21 people's doors, especially bookies, and they were
22 in the process of destroying evidence.

23 Q Okay. And is there actually a site -- wasn't there
24 one guy in particular that was doing it for people,
25 I think, or something like that?

- 1 A Yes, there was a guy that was an IT person.
- 2 Q Yes.
- 3 A And he worked for one of the bookies, so.
- 4 Q Right. And I can't recall, you can correct me, I
- 5 think, did you catch him right before -- he was in
- 6 the process of doing somebody's or something?
- 7 A We went to his residence. Now, he was never
- 8 charged with anything.
- 9 Q Right.
- 10 A So he was fully cooperative. So, yes, we went to
- 11 this individual's residence.
- 12 Q I think you caught him before he -- he was about to
- 13 go do somebody else's or something, though, wasn't
- 14 he? Something like that? Or somebody called him
- 15 and said, come on in?
- 16 A He had a bunch of computers there that he was in
- 17 the process of scrubbing, if you will.
- 18 Q Okay. And you didn't find anything of that nature
- 19 in Mr. Bryan Capnerhurst's computer, though, right?
- 20 A No, sir.
- 21 Q And you didn't find any of those sites there. Now,
- 22 when did you actually go out to the Capnerhurst
- 23 house?
- 24 A Sir, this was, I want to say, the first part of
- 25 May.

1 Q Okay. All right. And did you -- I mean, did you
2 find the ash pile where receipts were burned or --

3 A Yes, sir. We were actually escorted out there by
4 Ms. Capnerhurst.

5 Q Okay. All right. Did you find anything? Did you
6 sift or take a look?

7 A I didn't sift through anything. We just saw where
8 stuff was burned there. It was not legible as to
9 what it was, so.

10 Q Do you know what they -- do you know exactly what
11 they were burning? I mean, was it told to you
12 or --

13 A Well, we had evidence it was recovered from Brett's
14 residence. I have an idea of what was being burned
15 there.

16 Q Right.

17 A But, no, we don't know exactly what was being
18 burned.

19 Q What do you think it was?

20 A Well, I think it was tickets that they had taken,
21 you know, written down for games, you know, that
22 night and they were transported back to his -- to
23 Bryan's house.

24 Q Okay. Right. Were these -- how big are these
25 tickets? Are they on a little pad?

1 A Well, some -- a lot of stuff was on pads, but they
2 also had a little ticket that they would, you know,
3 write each person's name or a derivation of
4 somebody's name or a nickname on a ticket, so.

5 Q Right. Do you think that is probably a common
6 practice with these folks doing that?

7 A I would say so.

8 Q Okay. Sometime in May you went out there? Okay.
9 Do you know whether or not these tickets are
10 individuals -- or do you know -- like so-and-so
11 called and wants to bet on this and then there
12 would be another ticket so-and-so, you know? Was
13 it like that?

14 A From what we recovered at the residence there in
15 Irmo, a lot of them were separated by name, so.

16 Q Okay. You would need a bag to carry that stuff in
17 if you didn't have big pockets, wouldn't you?

18 A The stuff that was recovered, there was a decent
19 amount of evidence, so, yes you would need
20 something to probably transport it.

21 MR. WHITLARK: No further questions.

22 BY MR. WHITLARK:

23 Q Thank you, Agent.

24 THE COURT: Anything else?

25 MS. WALKER: Nothing, Your Honor.

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

2 (Witness steps down.)

3 THE COURT: Any objection to this witness
4 being excused?

5 MS. WALKER: None from the State.

6 MR. WHITLARK: Nothing from the Defense, Your
7 Honor.

8 THE COURT: You are free to leave.

9 (Witness excused.)

10 THE COURT: All right, call your next witness.

11 MS. CAMPBELL: Thank you, Your Honor.

12 The State calls Ben Staples.

13 (Witness approaches.)

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

16 (Witness complies.)

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

21 THE WITNESS: Yes.

22 THE CLERK: Have a seat in the witness box.

23 (Witness complies.)

24 THE CLERK: State your name for the record.
25 Spell your last name, please.

1 THE COURT: One second, Mr. Staples.

2 All right, ladies and gentlemen of the jury,
3 before we get started with Mr. Staples, we'll take
4 a short ten minute bathroom break.

5 Thank you.

6 THE WITNESS: Can I go to the bathroom too?

7 THE BAILIFF: Remain seated until the jury
8 leaves.

9 (WHEREUPON, the jury retires to the jury
10 room at 11:32 a.m.)

11 THE COURT: All right, Mr. Staples, you can
12 step down.

13 (Witness steps down.)

14 THE COURT: And we will take about ten
15 minutes.

16 (WHEREUPON, a break was taken.)

17 THE COURT: You can bring them in.

18 (Witness returns to witness stand.)

19 (WHEREUPON, the jury came into open
20 court at 12:02 p.m.)

21 THE BAILIFF: The jury is seated, Your Honor.

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

23 MS. CAMPBELL: May it please the Court?

24 BEN STAPLES,
25 after being duly sworn, testified as follows:

DIRECT EXAMINATION

1
2 BY MS. CAMPBELL:

3 Q Mr. Staples, how old are you?

4 A Sixty-two.

5 Q And you live here in the Columbia area?

6 A Lexington.

7 Q How long have you been living in Columbia?

8 A I moved back in '84.

9 Q Back in '84?

10 A Yes.

11 Q And do you have any specialized training as far as
12 being a CPA?

13 A Nothing specialized. You are a CPA or you are not
14 a CPA.

15 Q But you are a CPA?

16 A I am a CPA.

17 Q And as a certified public accountant you deal with
18 money matters or figures all the time?

19 A Yes, I do.

20 Q Did you know Tammy Parker?

21 A Knew Tammy very well.

22 Q Did you know Brett Parker?

23 A Knew Brett very well.

24 Q And how did you know Tammy and Brett Parker?

25 A Well, I knew Brett through Tammy. I was in the

1 mortgage business for about 17 years. And Tammy
2 was selling phones for Alltell. So I met her at
3 the office. And she is trying to gain my business.
4 And we became very good friends.

5 Q All right, sir. And what year was that, or how
6 many --

7 A That would have been approximately '93.

8 Q 1993?

9 A '93, '94, something like that. Well, actually it
10 was 13 years ago, so whatever that math is.

11 Q Thirteen years ago? So in getting to know Tammy,
12 you also got to know Brett?

13 A Correct.

14 Q And did Tammy and Brett -- when you first met them,
15 how many children did they have?

16 A **B.P.** was born. The first time I met Tammy she
17 brought **B.P.** into the office in a bassinet, so it
18 was --

19 Q And then later on they had a second child as well?

20 A Yes.

21 Q And what was that child's name?

22 A **Z.P.**

23 Q Over the years, did you remain close with Tammy?

24 A Absolutely.

25 Q You mentioned when you first met her she worked for

1 Alltell?

2 A She worked for Alltell.

3 Q And at some point was she able to get another job?

4 A I encouraged her -- this was I think in 2001. I
5 had a friend that was in pharmaceuticals, in sales.
6 His name was Brian Celis.

7 And at that time, if they recruited someone
8 who was employed, then they received a bonus.

9 So I encouraged Tammy with her skills, sales
10 skills, to pursue.

11 And she was a little reluctant, but I was
12 persistent, and eventually she made contact with
13 Brian. And once she made the interview, then they
14 hired her immediately.

15 Q And that was with what company?

16 A Novartis Pharmaceuticals.

17 Q And she was a pharmaceutical representative, I
18 believe you said?

19 A Very successfully.

20 Q And that had been her profession for the past 10 or
21 11 years?

22 A Correct.

23 Q Did Tammy have any special talents as far as
24 decorating?

25 A She had a wonderful talent for decorating and

1 singing.

2 Q In fact, did she assist you with decorating your
3 house?

4 A She did. It took a long time, but her taste is
5 impeccable.

6 Q As far as Brett, did you know what he did for a
7 living?

8 A Yes. I knew he was a bookie, through Tammy.

9 Q A bookie?

10 A A bookie. As well as a part-time job later.

11 Q And in the last few years he had taken -- gotten a
12 legitimate job?

13 A He had gotten a legitimate job on a part-time basis
14 after the 2007 fiasco where Tammy insisted that he
15 get a job doing something to help.

16 Q As far as Tammy and Brett, over the years y'all
17 were very close?

18 A We were very close. She leaned on me a lot
19 financially. I don't mean -- I mean as far as
20 financial advice for her family. So even Brett
21 from time to time called me, yes.

22 Q And as far as financial advice that you would give
23 them, specifically would you help Tammy with the
24 taxes?

25 A Absolutely.

1 Q And y'all did that on a yearly basis?

2 A On a yearly basis.

3 Q And as part of the taxes, did Tammy report at least

4 some of Brett's income as a bookie?

5 A Correct.

6 Q And where did she get that amount from? Do you

7 know?

8 A From Brett.

9 Q As the years progressed, did Tammy confide in you

10 about her marriage?

11 A Yes.

12 Q And what did she tell you about her marriage?

13 A She was unhappy -- excuse me -- unhappy.

14 MR. FEDOR: Your Honor, objection. Hearsay.

15 A She told me.

16 THE COURT: Yes, ma'am?

17 MS. CAMPBELL: Your Honor, I think he is just

18 going to the present sense impression as far as her

19 marriage. And this goes pretty much to develop

20 what developed with them.

21 THE COURT: All right. I'm going to sustain

22 the objection.

23 MS. CAMPBELL: I'll rephrase.

24 THE COURT: And ask you to rephrase the

25 question.

1 BY MS. CAMPBELL:

2 Q Did you become -- well, how did Tammy feel about
3 her marriage?

4 A Well, as the years went by she was unhappy. She
5 had conversations -- we had conversations regarding
6 leaving. Brett did not believe in God and going to
7 church. That was important to her. She wanted her
8 kids in church. She gave her tithes. She was
9 very -- very close to God.

10 And in her weeks or months prior to her death,
11 she had made the statement once again, as she had
12 in other times that we talked about it.

13 MR. FEDOR: Objection.

14 THE COURT: Sustained.

15 BY MS. CAMPBELL:

16 Q You can't say what she said.

17 A I cannot?

18 Q You were aware of the state of her marriage?

19 A Yes.

20 Q And at some point -- y'all were extremely close?

21 A Yes.

22 Q And at some point did your relationship become more
23 intimate?

24 A Yes.

25 Q And approximately how many years ago was that?

1 A About three years ago.

2 Q And did that end?

3 A It did. It did not end our friendship. We
4 remained best friends until her murder.

5 Q And how many years prior to that -- to this
6 occurring did that end?

7 A I think that was in 2010.

8 Q And y'all remained friends?

9 A We were best friends. Nothing interfered with our
10 friendship.

11 Q Tell this jury about Tammy and her children.

12 A Tammy was very, very concerned about her children.
13 Her children were the most important things in her
14 life. Her mother would be second to that. She
15 wanted the best for them. She spent the time
16 necessary. She had a very, very close relationship
17 with B.P. . She took immense pains to make sure
18 that she did everything she could for B.P. . She
19 spent a lot of time with B.P. . She went to all
20 these competitions. She never complained, not
21 once, about the time that it took to do what she
22 did with B.P. . They were very, very important to
23 her. Very, very important.

24 Q Well, why did Tammy stay in this marriage?

25 A For these two kids. She could not be the one to

1 break up the family. Her convictions were strong
2 enough that she couldn't do that.

3 Q Were you aware of an incident some five or six
4 years prior to this happening involving Brett and
5 some gambling debt?

6 A Yes, I am. She called me --

7 Q You can't say what she said.

8 A I can't? Okay. She called me very upset.

9 Q Okay. And eventually that situation got resolved?

10 A It did get resolved.

11 Q With help from his family?

12 A Yes. Jack was the one that bailed him out. I
13 actually loaned the money against the house to help
14 during that, call it crisis, which was paid back
15 from the funds -- from Jack.

16 Q As a result of that crisis, did Tammy have strong
17 feelings about gambling, the gambling itself with
18 Brett?

19 A She did. She let it be known that she would not
20 tolerate it again. She was very, very cognizant of
21 that fact. She was not going to do it again. He
22 was a very successful bookie. Did very well. But
23 obviously he was a very poor player.

24 Q That week before this occurred, the week that this
25 occurred, were you aware of any vacation plans that

1 Brett and Tammy had?

2 A Yes. They took a Disney cruise. She wanted always
3 to take the kids on vacation. She did that in
4 April. She got a better deal by taking the kids at
5 that time than waiting until summer.

6 Q Turning your attention to that week, when was the
7 last time you spoke to Tammy?

8 A Approximately 38 minutes before she was killed. No
9 later than 38 minutes.

10 Q And without saying what she said, what was the gist
11 of y'all's conversation?

12 MR. FEDOR: Objection, Your Honor.

13 A That was Friday the 13th.

14 MR. FEDOR: Objection, Your Honor.

15 THE COURT: Overruled.

16 MS. FELDER: Hearsay.

17 THE COURT: Overruled. She is asking what was
18 the nature of the --

19 MS. CAMPBELL: Conversation. Not what was
20 said.

21 BY MS. CAMPBELL:

22 Q Not saying what Tammy said specifically, but what
23 was the nature of the conversation?

24 A That was Friday the 13th, which meant that Monday
25 was the last tax day. So she had some more pieces

1 of tax information in order for me to plug in to
2 give her the bottom line due on the taxes that
3 would be due April 15th.

4 Q And that was the gist of the conversation?

5 A It was only for four minutes because I'm very busy
6 at that time because I don't have many hours left
7 before April 15th. Even though I'm not a
8 practicing CPA on an ongoing basis, I have a
9 tremendous number of friends and family that lean
10 on me to do for them.

11 Q And I believe that was that morning. When did you
12 hear about what had happened?

13 A Approximately 3:00 o'clock-ish I get a frantic call
14 from Woody. Woody is in the band with Tammy. A
15 very good friend of Tammy's. He calls me extremely
16 upset. And he can only give me a few words. Did
17 you hear about Tammy, whatever. I kept that all
18 these months.

19 But, anyway, so I immediately turned around
20 and turned on the computer, WIS, and I see Tammy's
21 house with police cars there.

22 So my son, my oldest son was there. So we get
23 in the car and go to Tammy's, about a 40-minute
24 ride or so. And I spend the next couple of hours
25 out on the street trying to figure out what is

1 going on.

2 Q That day did you try to make contact with Brett
3 Parker about what had happened?

4 A I called Brett six or eight times over and over.
5 Not over and over, but at least six times.

6 And then he called me back that Friday night
7 around 10:00 something that night. And we spoke
8 for about 25 minutes.

9 Q And what exactly -- because you can tell what he
10 said -- did Brett Parker tell you when you had that
11 phone conversation around 10:00 o'clock that Friday
12 the 13th?

13 A I wanted to know what was going on because I had
14 very little information. And he was extremely
15 calm, wasn't upset. Gave me the story about Bryan
16 coming to the house, announcing himself. He told
17 Bryan to go on upstairs, Tammy was upstairs in the
18 office, he would be up in a minute.

19 He tells me that he hears, at that point he
20 told me, loud noises. And he runs upstairs and is
21 presented a gun by Bryan. He says he can see Tammy
22 partially in the bathroom.

23 And that Bryan says to him something to the
24 effect of, Brett, take me to the safe, or, I want
25 my money. He said something like that. He did not

1 use the verbiage that he stated later.

2 He said he went to the attic space and he went
3 to the safe and he was able to retrieve a gun and
4 shoot Bryan.

5 He said he then jumped over Bryan, went to
6 check on Tammy. He said he put his fingers to her
7 neck to check for a pulse. He then ran back to
8 Bryan and he said he lifted his arm up, checked for
9 a pulse. He did not say which arm.

10 Then he runs out and calls 9-1-1.

11 That is the story he gave me that night.

12 Q That night?

13 A It did come up about the 9-millimeter that night.
14 We were talking and he stated that he had given
15 Bryan the gun.

16 And I said, well, Brett, why did you give
17 Bryan the gun?

18 And he said, I did not want that dangerous a
19 weapon -- or powerful weapon, is what he said --
20 dangerous or powerful weapon in the house with
21 then a five-year-old kid.

22 And I did not know what -- at that time what
23 the gun was that he used to kill Bryan with.

24 Other conversations we had over the weeks and
25 months, some of those things began to change

1 slightly. I had no reason to doubt him that night.

2 Q Okay. And that night basically he related that
3 story to you?

4 A Yes.

5 Q As the weeks went by, as far as you being a CPA,
6 did you then become involved in the estate left by
7 Tammy?

8 A Yes, I did.

9 Q And tell the jury how you became involved in it and
10 what steps you were trying to take to protect these
11 children.

12 A Well, at that point, the estate needed to be dealt
13 with, just the estate.

14 Q Yes, sir.

15 A So I was assisting Brett in gathering the
16 information necessary to get the estate opened of
17 which he would be the personal representative.

18 She died intestate, meaning without a will, so
19 he would be in line to be the personal
20 representative.

21 So I assisted him in telling him what
22 information he needed to gather for me in order to
23 file the -- or to begin the process of setting up
24 the estate of Tammy.

25 Q And did Brett want your assistance?

1 A Yes.

2 Q And he --

3 A He had no expertise in this whatsoever. And so I
4 had to push him along as far as what was needed to
5 gather in order to begin that process.

6 Q And can you explain to this jury very simply what
7 Tammy left behind as far as her estate, including
8 life insurance?

9 A Ultimately she had \$868,000 of life insurance with
10 MetLife. She had a 401(k), which was dollars short
11 of \$200,000, or \$199,728 and some change. She had
12 a \$51,924, I think in a retirement account. Her
13 checking account had approximately \$10,000 in it.
14 She had a stock option plan that had at that point
15 about \$20,000.

16 Stock options have to be exercised. I had
17 suggested that she exercise some of them because
18 she was going through the process, or Novartis was,
19 of having a massive layoff. They actually hired
20 that out to another firm. So no one knew if they
21 had a job or not. So the way some of these stock
22 options read, if you are not employed, then you
23 could not exercise those options even once they
24 vested.

25 So some of those options were, as could be,

1 were exercised in anticipation of worst-case basis.
2 But obviously Tammy, being the salesperson that she
3 was, you don't let your best people go, and she
4 kept her job.

5 Q Who was the beneficiary of the eight hundred and
6 sixty-eight, was it, thousand dollars?

7 A \$868,000 was the ultimate amount.

8 Q And who was the beneficiary listed on that?

9 A Brett.

10 Q Who was the beneficiary listed on the 401(k),
11 almost \$200,000?

12 A Actually, the official form had Brett and **B.P.**
13 named as beneficiaries. But because of ERISA laws,
14 in 2001 when she filled out the form, she wasn't
15 aware that because of ERISA laws the spouse is the
16 beneficiary.

17 Now, that can be changed, but only with the
18 spouse's consent. That section of the form was
19 never filled out.

20 Q So Brett would have had to consent for him not to
21 be the --

22 A Correct. He would have received the entire amount
23 himself. Even though **B.P.**'s name was on it, it
24 was ineffective because Brett did not sign that
25 allowing it to be. He would have received the

1 entire amount.

2 Q And as far as the -- is it \$58,000?

3 A \$51,000.

4 Q \$51,000, I'm sorry. \$51,000 in the retirement
5 account?

6 A In the \$51,000 retirement account, Brett was the
7 beneficiary on that. However, there was some
8 discrepancy on that as to whether B.P. was the
9 beneficiary. So --

10 Q Ultimately --

11 A Go ahead. I'm sorry.

12 Q As time passed when you were dealing with the
13 estate, did you take steps to ensure the children,
14 no matter what, were taken care of?

15 A Yes, I did. After Brett was arrested -- this was
16 right in the middle of the process of getting him
17 named as PR for the estate. Then it had to shift
18 gears because he could not be the PR and be in
19 jail. Therefore, Jerry Carswell became the PR of
20 the estate.

21 Q And Jerry Carswell is actually Tammy's father, or
22 stepfather?

23 A Jerry is Tammy's stepfather, yes.

24 Q And at that point he became the -- what is a PR?

25 A Personal representative, called a PR.

1 Q Did you have a period of conversation with Brett
2 about what he needed to do to ensure his children
3 were taken care of?

4 A Yes. Should I explain?

5 Q Yes, please explain this to the jury.

6 A Okay. Early on Mr. Fedor had stated to the press
7 that he fully expected Brett to be charged with
8 murder.

9 And at a point -- as it became obvious to me
10 that something needed to be done because of the
11 risk factors that are out there as relates to this
12 money, the bookie business is on the table, you've
13 got the Secret Service with their immense powers of
14 seizure out there that they could step in and seize
15 the assets. That is a very, very big risk. You
16 have got the IRS. Very, very powerful. You have
17 tax returns that have gambling income on it. It is
18 not all of the gambling income.

19 Therefore, once an audit would be started,
20 then you couldn't move any monies at that point.
21 They would have control of that.

22 Because Tammy signed the tax returns, because
23 they are joint tax returns, there is something
24 called Innocent Spouse where had Tammy been unaware
25 of the gambling, unaware that the income is

1 underreported, she could claim Innocent Spouse and
2 she would not be held liable.

3 Now, in this case she signed the returns. She
4 is aware that all of the income from Brett is not
5 being reported. She died intestate. Therefore,
6 her estate could be held liable jointly and
7 severally for whatever they may determine is the
8 correct amount of taxes. It is tax fraud. There
9 is no statute of limitations. They can go back as
10 far as they so desire, whatever they can prove.

11 By the time you pay taxes, whatever that would
12 be, immense penalties, fraud penalties, interest,
13 it could be a staggering amount.

14 Those are two very real liabilities facing
15 these monies.

16 Q Specifically as to what you said to Brett Parker
17 about -- let's take it one at a time -- the life
18 insurance.

19 A Okay.

20 Q What did you advise him, or whose idea was it for
21 him to renounce himself as beneficiary?

22 A Okay. Once I explained these liabilities or
23 potential liabilities, as well as there are other
24 ones I can explain.

25 Q Yes, sir.

1 A I advised him the best course of action was to
2 disclaim his interest in these assets.

3 Q Was he receptive at first?

4 A No. Okay? I kept pushing on him, explaining all
5 the potential liabilities that are out there.

6 Q Uh-huh.

7 A I suggested he talk with his attorney, Mr. Fedor.
8 I said, take it to anybody you want to explain.
9 Even though Mr. Fedor may not have expertise in
10 that area, he's been an attorney a long time. He
11 certainly would know who to contact.

12 I discussed the house situation, where that
13 liability lies. And I discussed with him what
14 would happen if he is found innocent.

15 We met about this a number of times. I
16 explained to him that -- and I asked him, I said,
17 well, what do you think would happen to the
18 money -- Mr. Fedor has already stated that he fully
19 expects you to be charged, that is on the table --
20 if you are found innocent, what is going to happen
21 to the money?

22 He says, well, I would get it.

23 I said, no, Brett, you would not get it. I
24 said, in this state we have something that is
25 referred to as the slayer statute. And we talked

1 about the OJ Simpson case in particular. In that
2 case he was found innocent of double murder. He
3 was then sued for 30-some million dollars on the
4 civil side.

5 Because on the murder side you have to be
6 convicted beyond a reasonable doubt. On the civil
7 side --

8 Q Bottom line, in this case --

9 A In this case.

10 Q -- as far as what you advised Brett Parker about --

11 A Yes.

12 Q -- what was his ability to ever get this money if
13 he remained --

14 A Zero. There is no scenario that he could ever get
15 this money. Zero. No scenario that he could have
16 the money.

17 Q And after Brett consulted with other people and
18 talked to you on multiple occasions, did he come to
19 this realization?

20 A He did. He had Mr. Fedor call Dave Sojourner.

21 Q And who is Dave Sojourner?

22 A Dave Sojourner is an estate planner, a financial
23 planner, attorney, who has also helped me in the
24 past with my own personal estate from a legal
25 standpoint.

1 Q And Brett -- whose idea was it to have him
2 renounced as the beneficiary?

3 A Entirely my idea, to protect this money for Tammy's
4 children.

5 Q And ultimately did he sign off renouncing his
6 interest?

7 A Ultimately he did. Reluctantly, but ultimately he
8 did.

9 Q And once he did that, what happened to the
10 \$868,000?

11 A The \$868,000 we had to of course go to probate,
12 through probate --

13 Q Uh-huh.

14 A -- to get conservators appointed because he had
15 minor children. You can't just give them money.

16 So we went through probate. And Jerry
17 Carswell was appointed as the conservator of these
18 monies.

19 I then contacted someone I'm familiar with at
20 Wells Fargo, Ron Shealy, an expert, financial
21 planner with Wells. And he assisted in setting up
22 the actual bank accounts.

23 We then moved that money ultimately from
24 MetLife, split that into two accounts, conservator
25 accounts, one for B.P. and one for Z.P.

1 Now, they are not -- they are not irrevocable
2 trusts, as the Defense has said. They are
3 conservator accounts. There is a big difference
4 between the two.

5 Q And who has custody of Brett and **Z.P.** now that
6 Tammy is dead?

7 A Linda Parker has legal custody.

8 Q At this point?

9 A At this point.

10 Q But if he weren't charged in this case, who would
11 have custody of the children?

12 A Brett would.

13 Q Did you also take steps to try to get the 401(k)
14 and the other money --

15 A Taking the same steps of disclaimers, which we
16 initially had prepared and had Brett sign, because
17 we were moving quickly -- when you deal with
18 companies like Novartis and Fidelity, getting
19 information is extremely difficult, time-consuming.

20 So Dave Sojourner prepared the disclaimers
21 based on the best available information. In the
22 disclaimer it says, if the kids are not the
23 contingent beneficiaries, then it is null and void.

24 Therefore, once we obtained the correct
25 information, then those disclaimers had to be

1 redone and resigned. And Mr. Sojourner's office
2 sent someone out to the Detention Center for Brett
3 to sign the disclaimers.

4 Q And at that point, is that still in the process of
5 being done?

6 A At that point those are still in the process of
7 trying to protect those.

8 Q The house, was that also part of the estate?

9 A The house was part of the estate.

10 Q And when was the last time a payment was made on
11 that mortgage?

12 A I believe May of '12 was the last payment.

13 Q What is the current status of the house?

14 A The house is in foreclosure. The first mortgage
15 holder is foreclosing it.

16 Q You mentioned that Brett told you this initial
17 story that night?

18 A Yes.

19 Q As the months went on, did you talk to Brett on
20 multiple occasions about what happened?

21 A Multiple occasions we talked about many things,
22 including what went on.

23 Q In fact, did you actually go out to the house --
24 had you ever been in that attic area?

25 A I had never been in the attic at that time, so I

1 did not know the orientation.

2 Q Did parts of his story start changing?

3 A Parts of his story started changing, yes.

4 Q And can you tell the jury what changed as you spoke
5 to him?

6 A Well, I'm asking him one day, I said, well, Brett,
7 how were you able to -- if Bryan has a gun on you,
8 how are you able to grab a gun and shoot him three
9 or four times?

10 His story was -- and, again, at that point in
11 time I had not seen the attic to understand the
12 orientation of the safe relative to the rectangular
13 shape of the room.

14 He said he glanced back and Bryan had the gun
15 down. And he indicated like this (indicating).
16 Giving him time to grab the gun and fire.

17 Now, after seeing the room, and of course that
18 didn't make sense because the safe faces the wall
19 in the rectangular shape, so he would have been
20 facing the safe, Bryan would have been to his
21 right. He would not have looked back. He would
22 see him at a peripheral vision or simply glance and
23 he would see him. So that didn't seem to ring true
24 that he could glance back and able to fire off
25 these shots with someone holding a gun on him.

1 Q Did you meet with investigators from the --
2 Mr. Fedor's office in this case?

3 A Well -- yes, I did. Yes..

4 Q Did you also meet with investigators from the
5 Sheriff's Department?

6 A Yes.

7 Q Did you continue to stay in contact with Brett
8 after his arrest?

9 A Yes, I did.

10 Q And you have been in the house on multiple
11 occasions?

12 A Numerous occasions, yes.

13 Q Is there a lock on the door to that attic area?

14 A There was no lock on the door, which was, again, a
15 concern that I had, knowing Tammy, he is telling me
16 that he did not want a 9-millimeter because it was
17 so powerful, but yet you have got a Judge, which I
18 didn't understand until I looked into what that
19 was, you have got an extremely powerful gun that is
20 loaded, and I think it has been testified that
21 there is not even a lock on it. I'm talking about
22 the gun itself.

23 Q Yes.

24 A And there is no lock on this door. You are going
25 to leave that there for a five-year-old, who is a

1 boy, who is going to plunder. Tammy would have had
2 a fit. That is not something that Tammy knew
3 existed, because I don't think it existed.

4 Q On your last phone call with Brett Parker as this
5 trial was coming up --

6 A Uh-huh.

7 Q -- did he ask you to do anything for him?

8 A He wanted me to change my testimony regarding his
9 knowledge of the life insurance.

10 Q And specifically what did he want you to say?

11 A That he wasn't aware of the amount of the
12 insurance.

13 He called me ten times that day. I answered
14 on the 11th call.

15 Q And he asked you to change your testimony about
16 whether or not he knew about the life insurance?

17 A Yes.

18 Q Because he did in fact have knowledge of the life
19 insurance?

20 A He did. Back when Novartis -- he met with a
21 Novartis rep regarding the amount of the life
22 insurance, and I knew he was having that meeting,
23 so I asked him about it afterwards.

24 So I said, well, Brett, how much was the life
25 insurance? And this goes back some time.

1 And of course this is something that I will
2 always remember, not just what he said, but the way
3 he said it, even though it was incorrect.

4 He said, and I quote, 703, like he had just
5 hit the jackpot.

6 Now, the 703 -- again, the Novartis rep was
7 incorrect because one policy was a double indemnity
8 of 165, so the 703 and the 165 made the ultimate
9 amount of 868.

10 Q And when you spoke with Brett and after he had
11 spoken to his lawyers -- and you can't say what
12 Mr. Fedor said -- but did they want Brett at that
13 point to disclaim after they --

14 A Yes. He was very -- Mr. Fedor called
15 Mr. Sojourner. And, yes, I can't say what he said.
16 But he was all in favor of that.

17 As a matter of fact, some days later Mr. Fedor
18 called me. We talked. He asked if I would come to
19 his office.

20 I went to his office to talk about it. And
21 Mr. Whitlark was there. I had a meeting with them
22 about it. They were all for it. They went on to
23 state that, especially Mr. Whitlark, that I should
24 be well paid for this, this was great, that that is
25 going to take the motive off the table, which was

1 incorrect.

2 MS. CAMPBELL: Thank you. No further
3 questions. I don't have anything further.

4 THE COURT: All right. Yes, sir, Mr. Fedor.

5 CROSS-EXAMINATION

6 BY MR. FEDOR:

7 Q Mr. Staples, you seem to know an awful lot about
8 what goes on in Dave Fedor's office, don't you?

9 A No, sir, I do not. I do know what went on that day
10 in the conversation between you, I, and
11 Mr. Whitlark.

12 Q We know you are lying.

13 A You do?

14 Q Yes.

15 A Okay, how do we know that?

16 Q I'll proceed to tell you.

17 A Please do.

18 Q Now, first of all, sir, do you recognize this
19 document? Look on the last page and see if that is
20 your signature.

21 A Well, I recognize the document. It is a letter I
22 wrote to Brett.

23 Q Is that your writing? Is that --

24 A Yes, I have a copy right here.

25 Q Okay. You have it?

1 A I have a copy.

2 Q Now, the next question I'm going to ask you -- and
3 pay strict attention.

4 A Okay.

5 Q Were you having an adulterous affair with Tammy
6 Parker?

7 A At what point in time, sir?

8 Q Any time?

9 A I just testified that in 2010, sir.

10 Q 2010? So tell us about that love affair you had
11 with Ms. Parker.

12 A Why would you attack Ms. Parker as a victim in this
13 case, Mr. Fedor?

14 Q I'm asking the questions.

15 MS. CAMPBELL: Objection, Your Honor.

16 THE COURT: All right. Hold on one second.

17 Sir, you have to answer the questions. The
18 lawyer will object if there is an objection.

19 And your objection?

20 MS. CAMPBELL: Asked and answered. Admitted.

21 At this point he is just grandstanding.

22 THE COURT: All right. I am going to overrule
23 the objection. I am going to allow him to ask the
24 question --

25 MR. FEDOR: Okay.

1 THE COURT: -- one time, and move on,
2 Mr. Fedor.

3 BY MR. FEDOR:

4 Q Now, at the time of the death of Ms. Parker, you
5 were having an affair with her, were you not, sir?

6 A No, sir.

7 Q I'm going to hand you a series, not one, but a
8 bunch of cards and love letters.

9 A I see them, sir. They are cards.

10 Q Are they signed by you?

11 A They are signed by me. Copies that I received from
12 you, yes.

13 Q And, you, sir, did not happen to tell Brett Parker
14 you were having an affair with his wife, did you?

15 A No, sir, I don't think that ever came up in
16 conversation.

17 Q I don't believe it would either.

18 A Thank you.

19 Q Now, do you know, sir, two weeks, less than two
20 weeks, ten days after this incident occurred,
21 MetLife, a gentleman by the name of Brad Spehl
22 contacted Brett to come into his office? Do you
23 know that?

24 A No, sir, I have no knowledge of that.

25 Q None?

1 A I have zero knowledge of that.

2 Q There is a lot of things you don't have any
3 knowledge of except for your affair, right?

4 A Sir, there is a lot of things I have very good
5 knowledge of, okay? But you continue to want to
6 attack Tammy Jo. She is a victim in this. She had
7 nothing to do with her own murder.

8 Q No kidding?

9 A No kidding.

10 Q This is to be a revelation to Fedor?

11 A No, sir, you are well aware of that. She had no
12 contribution to her murder.

13 Q Why certainly she didn't. Who contributes to their
14 own murder? Have you ever heard of anybody doing
15 that?

16 A Suicide.

17 Q Now, when he went into Mr. MetLife's, the general
18 manager's office, and Brad Spehl, who will testify
19 tomorrow, advised him of the money and what he
20 wanted to do with it, Brett Parker told the manager
21 of MetLife, who had control of any assets, that he
22 wanted to give it to his children. Were you aware
23 of that, sir?

24 A No, sir. That is totally inconsistent, because
25 Brett had no knowledge, okay, that -- or I had no

1 knowledge that he talked to anyone. When I
2 discussed this course of action with him at that
3 point in time he had no knowledge of giving -- he
4 had no indication he was going to give this money
5 away.

6 Q Let me tell you this, sir. Less than ten days
7 after this incident he was in the office of the
8 MetLife general manager who advised him to do what
9 he did.

10 A I have no knowledge of that, sir.

11 Q You have no knowledge --

12 A I have zero knowledge of that.

13 Q Well, it is not your business to have any knowledge
14 of it. You are having an affair with his wife.

15 A Well, I will agree it is not my business to have
16 any knowledge of that.

17 MS. CAMPBELL: Objection, Your Honor.

18 Objection.

19 THE COURT: Sustained. Please rephrase the
20 question.

21 BY MR. FEDOR:

22 Q I hand you this letter from MetLife, April 23rd,
23 ten days after the death of Tammy. Are you aware
24 of that, sir?

25 MS. CAMPBELL: Your Honor, we would just -- we

1 have asked repeatedly if they have documents if
2 they could show it to us. That is all we want.

3 THE COURT: Could you show it to the State?
4 And then you have to have it marked so you can
5 identify it for purposes of the court reporter.

6 Can you show, Mr. Fedor, show them a copy of
7 what you have just handed up? You need to show it
8 to her now. She doesn't know what you are
9 referring to.

10 A Do I have time to read it?

11 THE COURT: Hand it back to Mr. Fedor.
12 Mr. Fedor, show it to Ms. Campbell.

13 (Complies.)

14 MS. CAMPBELL: Thank you.

15 (Pause.)

16 MS. CAMPBELL: Thank you, Your Honor.

17 (WHEREUPON, Defendant's Exhibit No. 3
18 was marked for identification only.)

19 BY MR. FEDOR:

20 Q Mr. Staples, you have always had a bias against
21 Brett Parker, have you not, sir?

22 A No, sir, that is incorrect.

23 Q That is incorrect even when you are making love to
24 his wife?

25 A Mr. Fedor, you continue to --

1 Q You answer the questions.

2 A -- attack Ms. Tammy Jo park, okay? And that is
3 very offensive.

4 Q Well, it might be offensive, but you are the one
5 that committed the offensive acts, not --

6 MS. CAMPBELL: Objection, Your Honor.

7 A What does that have to do with the murder of Tammy
8 Jo --

9 THE COURT: Hold on one second.

10 A -- and Bryan Capnerhurst --

11 THE COURT: Hold on one second, sir. Your
12 objection?

13 All right, Mr. Fedor, you have to let him
14 answer the question.

15 Yes, ma'am?

16 MS. CAMPBELL: The objection, Your Honor, it
17 is asked and answered. You told him to move on.
18 He refuses to do what the Court tells him to do.
19 And at this point --

20 THE COURT: Sustained. Objection -- please
21 move on, Mr. Fedor.

22 MR. FEDOR: All right.

23 THE COURT: I think he has answered the
24 question.

25 BY MR. FEDOR:

1 Q Mr. Staples, you weren't there when this incident
2 happened, were you?

3 A No, sir, I was not.

4 Q And I have noticed you have been in the courtroom
5 every day of this trial, have you not, sir?

6 A That is correct.

7 Q You heard the testimony of the officers who removed
8 the gun from Capnerhurst's hands, have you not?

9 A I have heard that testimony, yes.

10 Q You have heard of the testimony of the gunpowder
11 residue on Capnerhurst's hands after firing seven
12 times?

13 A I have heard that everyone had gunpowder on their
14 hands, yes, sir, including Tammy.

15 Q And you noticed the testimony of the SLED agent who
16 testified that it didn't come as a surprise to him
17 that firing a pistol would have evidence on
18 Capnerhurst's hands?

19 A Well, I think he testified that if you fire a gun
20 you are going to have gunpowder residue. If you
21 are in the room with it you are going to have
22 gunpowder. Tammy had gunpowder. She didn't fire a
23 gun.

24 Q Will you answer my questions, sir?

25 A Yes, sir.

1 Q And we will not get into any arguments. If a man
2 fires a weapon seven times, five hits and two
3 misses, as Capnerhurst did --

4 A Yes, sir.

5 Q -- he would have a ton of gunshot residue on his
6 hands, would he not, sir?

7 A Would you allow me to answer that question?

8 Q I asked it. Go ahead and answer.

9 THE COURT: Let him answer, Mr. Fedor.

10 A Let me explain the way I see that, okay?

11 Q No --

12 A You have got to rely on Brett's story --

13 Q -- not at this point.

14 A How can I answer the question if I am not allowed
15 to answer the question?

16 THE COURT: Sir, answer the question yes, no,
17 or if you can't answer it just say you can't answer
18 it, and then you can explain.

19 A Would you repeat the question, sir?

20 Q The question was, if a man fires a pistol seven
21 times, as the officer said the pistol was fired,
22 wouldn't you expect to have a ton of gunshot
23 residue on Capnerhurst's hands?

24 A I have no way of knowing a ton, but I can explain
25 why he would have a substantial amount if it were

1 there.

2 Q Okay.

3 A If it --

4 Q A substantial amount --

5 A If it were there.

6 Q Okay.

7 A Could I explain that?

8 THE COURT: Let him answer the question.

9 BY MR. FEDOR:

10 Q You are going to explain how the gun residue works?

11 A I could. It is logical.

12 Q Go ahead.

13 A You are having to rely on Brett's story of what
14 happened that day, as I have in the early stages of
15 this.

16 He was in that room for a very few seconds
17 after he shot Bryan.

18 His story to me is that he immediately jumps
19 over Bryan, leaves the room. He is there for
20 seconds. He goes to Tammy, he checks on Tammy,
21 comes back into the room, checks on Bryan. Again,
22 there for a few seconds.

23 This is an enclosed area. And this gunpowder
24 filters down. Bryan is laying there for hours.
25 Brett is in that room for 15 seconds. There is

1 going to be substantially more on Bryan than ever
2 would be on Brett.

3 He also took the brunt of the gunpowder from
4 the .410. So I have no problem with speculating
5 that there was much more on Bryan than there would
6 be on Brett.

7 Q Have you ever considered offering your services to
8 the Richland County Sheriff's Department?

9 MS. CAMPBELL: Objection, your Honor.

10 A They don't pay enough, sir.

11 THE COURT: Sustained. You don't have to
12 answer that question.

13 BY MR. FEDOR:

14 Q You have always had a bias with Brett Parker
15 because of your relationship with Tammy, haven't
16 you?

17 A No, sir. Initially I believed Brett's story fully,
18 until it became evident that his story was full of
19 holes. Initially I believed Brett.

20 Q In fact, sir, you took him to your lawyer, David
21 Sojourner, who is a genius in trust estates, and so
22 forth, to get this all accomplished, did you not,
23 sir?

24 A I certainly did.

25 Q And you are proud of what you got accomplished,

1 right?

2 A Well, I'm not finished, but I am proud of
3 protecting \$868,000 for Tammy's children, yes.

4 Q But Brett Parker got not one penny of this?

5 A He would not be allowed to get one penny, sir.

6 Q When did you become an expert on trust law?

7 A Sir, I don't have to be an expert. But I do have a
8 good bit of common sense and I do have a background
9 in this. And I know who to go ask for what the
10 technical issues are.

11 Q You also have a background in understanding what
12 police officers say, do you not, sir?

13 A I have a very good understanding of common sense,
14 sir.

15 Q Have you heard one iota of evidence thus far that
16 Brett Parker fired a pistol and killed Tammy?

17 A It could be inferred that --

18 Q No, I asked you.

19 A -- when that window blind opened --

20 MR. FEDOR: Your Honor --

21 THE COURT: Let him answer the question.

22 MR. FEDOR: It is not -- it is unresponsive.

23 Let me rephrase.

24 THE COURT: All right.

25 MS. CAMPBELL: Your Honor, he can't stop him

1 just because he doesn't like his answer.

2 MR. FEDOR: Oh, I like his answers.

3 THE COURT: Let him answer the question and
4 then you can ask another question, Mr. Fedor.

5 Yes, sir, answer the question.

6 A It is very, very clear to me that when that window
7 blind opened at 12:24 and there is GPR on that
8 window blind, Bryan Capnerhurst didn't get there
9 until 12:32, Tammy is dead by this time, okay?
10 Tammy is dead. That is my belief.

11 Q That's your belief?

12 A The only way Tammy could have put that there is if
13 she fired a gun in the house prior to 12:24:55.

14 Q You know it was 43 days after this incident
15 occurred that they even looked into the blind
16 situation?

17 A I think it was 40 days is the testimony, but I
18 think that is when they discovered it.

19 Q If they didn't discover it and the answer was about
20 the gunpowder, it was inconclusive, was it not,
21 sir?

22 A Well, I'm not a GPR expert. And my understanding
23 is there are three elements of GPR, and one element
24 was there. Unless Tammy Jo decided to change her
25 car battery that day, or Brett, which that didn't

1 occur.

2 Q You don't know a thing about what happened in there
3 that day, though, did you, sir?

4 A Well, sir, I know what has been testified to, okay?

5 Q Okay. What has been testified to?

6 A I can draw my own conclusions based on that
7 testimony, which this jury will do.

8 Q And do we have any evidence thus far that you have
9 heard in your all-knowing mind who fired the pistol
10 that killed Tammy Parker?

11 MS. CAMPBELL: Objection, Your Honor. Asked
12 and answered.

13 THE COURT: Sustained.

14 BY MR. FEDOR:

15 Q Have you ever talked to any of the officers at
16 MetLife?

17 A No, sir, not to my recollection. I think Dave
18 Sojourner handled the actual contact.

19 Q Thank you, sir.

20 MR. FEDOR: No further questions.

21 MS. CAMPBELL: Nothing further, Your Honor.

22 THE COURT: You don't have anything else?

23 MS. CAMPBELL: No, Your Honor.

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

25 (Witness steps down.)

1 THE COURT: Any objection to this witness
2 being excused?

3 MS. CAMPBELL: No objection from the State.

4 MR. FEDOR: No objection.

5 THE COURT: All right, sir, you are free to
6 leave.

7 THE WITNESS: Okay.

8 (Witness excused.)

9 THE COURT: She is checking to see if your
10 lunch is here. If it is, we will go ahead and take
11 our break. If not, we will keep on going.

12 MR. FEDOR: Your Honor, I move to take a
13 break.

14 THE COURT: Well, we are going to see if the
15 lunch is here. If not, we are going to keep on
16 moving, and we will take a break as soon as it gets
17 here.

18 (Pause.)

19 THE CLERK: I don't think so.

20 THE COURT: Let me see y'all a second.

21 (WHEREUPON, a bench conference was held
22 in the presence of the jury but out of
23 the hearing of the jury.)

24 THE COURT: They say lunch has arrived. We'll
25 go ahead and take our lunch break. We'll probably

1 take about 45 minutes and come back so we can
2 continue with the testimony. Hopefully we won't
3 have to stay too late tonight.

4 Enjoy your lunch.

5 THE JURY: Thank you.

6 (WHEREUPON, the jury retires to the jury
7 room at 12:57 p.m.)

8 THE COURT: All right, we will start back
9 about a quarter till.

10 (WHEREUPON, a lunch break was taken.)

11 THE COURT: All right, you can bring them in.

12 (WHEREUPON, the jury came into open
13 court at 2:06 p.m.)

14 THE BAILIFF: The jury is seated, Your Honor.

15 THE COURT: All right. I hope that you had a
16 good lunch. At this time I am going to ask the
17 State to call their next witness.

18 MS. CAMPBELL: May it please the Court? The
19 State calls Major Stan Smith.

20 (Witness approaches.)

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

25 THE WITNESS: I do.

1 THE CLERK: Have a seat in the witness box.

2 (Witness complies.)

3 THE CLERK: And state your name for the
4 record, please.

5 THE WITNESS: James Standin Smith,
6 S-T-A-N-D-I-N.

7 JAMES STANDIN SMITH,
8 after being duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. CAMPBELL:

11 Q Major Smith, where are you employed?

12 A The Richland County Sheriff's Department.

13 Q What do you do there, sir?

14 A I am a supervisor in the investigative division,
15 criminal investigative division of the Sheriff's
16 Department.

17 Q Can you tell this jury what your duties include as
18 a supervisor in the criminal investigative
19 division?

20 A I basically supervise approximately 80 detectives,
21 all parts of the division, including property
22 crimes, robberies, burglaries. However, from time
23 to time I do get involved with some of the major
24 crimes, and I have some involvement in murders
25 occasionally.

1 Q How long have you been in law enforcement, sir?

2 A I started in June of 1984.

3 Q And did you start with the Richland County
4 Sheriff's Department?

5 A I did.

6 Q And you are now head of the investigative division?

7 A I actually answer to a deputy chief who is right up
8 under the sheriff who is over the investigative
9 division and the lab and narcotics. But, yes, to
10 answer your question.

11 Q I want to turn your attention back to April the
12 13th, that Friday of last year. Did you become
13 aware that a double homicide had occurred?

14 A I did.

15 Q And how did you become aware of that?

16 A I heard basically some talk about the call going
17 out at 12 Tackeria Court, in the Ascot subdivision.
18 And I immediately started en route to that
19 location. I was working.

20 Q Once you got to the location, about what time was
21 it, do you remember?

22 A I actually got there around 1:25 in the afternoon.

23 Q And what did you observe when you got to the scene?

24 A When I got there -- I had learned a little bit on
25 the way through radio transmissions. You can

1 actually hear me on that 9-1-1 call calling in
2 asking for an update as soon as possible. That is
3 me, Richland 6.

4 When I arrived at the scene, I observed the
5 homeowner, Mr. Parker, the Defendant, seated on a
6 cooler over to the adjacent area of the driveway
7 being tended to by EMS.

8 Q And when you got there, were there a lot of road
9 deputies already there?

10 A Yes, a number of road deputies. And I believe I
11 might have been the first detective on the scene.
12 Matt Ellis, who y'all heard from, Sergeant Ellis at
13 the time was right behind me. We arrived
14 simultaneously.

15 Q And is it unusual for the number of people at that
16 scene to be there when there is a homicide or even
17 a double homicide?

18 A No, that is not unusual.

19 Q When you got to the scene, had it been secured in
20 any way?

21 A They were in the process I believe of securing the
22 scene at that time. They usually use crime scene
23 tape. Our procedure is to get the scene secured.

24 In a residence like this, it is not like an
25 open field, you have to make a determination of

1 whether you are going to get a search warrant to
2 process the scene or whether you are going to try
3 to get consent.

4 In this particular instance we opted for a
5 search warrant. So I directed some efforts in that
6 regard.

7 Q When you got there, were you briefed as to what
8 information they had at that point?

9 A Yes. I got a basic briefing that there had been
10 what was alleged to be some sort of attempted
11 robbery by an acquaintance of the homeowner. The
12 acquaintance allegedly had come in and killed the
13 homeowner's wife and then held the homeowner at
14 gunpoint and attempted to rob him, at which point
15 in time the homeowner was able to secure a weapon
16 and kill the intruder.

17 Q Were you also given any information about whether
18 or not the homeowner that was the sole survivor of
19 this had been Mirandized at any point?

20 A Yes, Deputy Ryan, who y'all heard from previously,
21 had verbally Mirandized the homeowner, who was
22 Brett Parker.

23 Q And what is the purpose of giving the Miranda
24 warnings?

25 A We just don't know what we have in that situation

1 fully. You don't know how it is going to play out.
2 And it is just out of an abundance of caution.
3 Before you try to listen to any kind of account on
4 his part, you want to make sure he understands his
5 rights and he has a right to remain silent and he
6 has a right to representation. You just don't know
7 what he is going to say.

8 Q And once you got there, did you make contact with
9 the person that you later discovered to be Brett
10 Parker?

11 A I did. I made contact with him, introduced myself.
12 The first thing I did was I asked the deputies to
13 remove the restraints from him. They had him in a
14 double set of handcuffs. He was no threat at that
15 time obviously. And I actually did advise him
16 again verbally of his rights myself.

17 Q What rights did you go over with him there that
18 day?

19 A I advised him that he had the right to remain
20 silent and anything he said could be used against
21 him in court. And he had a right to talk to a
22 lawyer before we asked him any questions and to
23 have one with him during questioning. If he could
24 not afford one, one would be appointed to him
25 before any questioning if he wished. And he would

1 have the right to stop answering questions without
2 a lawyer present, or he could stop answering at any
3 time, basically.

4 Q And did he appear to understand what his rights
5 were?

6 A Yes.

7 Q Did you promise him anything to make him talk to
8 you?

9 A No.

10 Q Did you threaten him in any way?

11 A No, ma'am.

12 Q Did you use any coercion or any type of force to
13 make him talk to you?

14 A No, ma'am.

15 Q And did he appear to want to talk to you at that
16 point?

17 A Yes, he was forthcoming at that point. And one of
18 the first things I wanted to ask him was who this
19 male individual who he was claiming was a robber or
20 whatever, what was his relationship to him.

21 He didn't want to answer that question in
22 front of the EMT's.

23 Q Let me back up. Were the EMT's there on the scene
24 that day?

25 A Yes. They had some monitor things on him and they

1 were checking his pulse, that kind of thing. And
2 they were winding up. And they heard that. And
3 they indicated they were about through with their
4 procedures. And so that -- as they finished up,
5 Brett Parker and myself, we walked over towards
6 sort of a fence area that you can see on that video
7 towards the back of the driveway so we could sort
8 of talk in private.

9 Q And the EMT's were checking him out?

10 A Yes, they had checked him out.

11 Q Did they indicate whether or not there was any need
12 for him to go to the hospital?

13 A They said he was okay.

14 Q And did he request any further assistance other
15 than that he had already requested?

16 A No.

17 Q Once they had cleared him, he said -- he indicated
18 to you he wanted to talk to you somewhere else?

19 A He didn't want to talk about the response to that
20 question about the relationship of the man to him
21 in front of the EMT's. And I didn't --

22 Q Can you tell the jury basically as you approached
23 him after you Mirandized him basically what the
24 conversation was and how it evolved to that point?

25 A He immediately informed me when we got over to the

1 private area that he was a sports bookie.

2 And one of first things he told me in an
3 effort to legitimize it was that he had a federal
4 gaming stamp. And I don't -- I didn't know
5 anything about gambling at the time, I didn't know
6 what he was talking about, but I just accepted what
7 he said at that point in time.

8 But he said that the gentleman was an employee
9 of his and that he had owed him some money, and
10 that was the reason why he had come to the house
11 that day.

12 Q Did he also go through -- and it has already been
13 testified to -- his first version of the events
14 that day?

15 A Yes.

16 Q And specifically what did he relate to you?

17 A He related that, again, the story that -- part of
18 the story that y'all heard, it has changed several
19 times, but that he was -- he had had some
20 communications with Bryan Capnerhurst about money
21 owed. There had been some communications that
22 morning, as late as that morning, and that he was
23 going to be coming home to -- his wife was home,
24 which was uncharacteristic, she normally wasn't
25 home during that time of day, and he invited him to

1 come over that -- middle of the day because he was
2 going to be bringing her lunch home.

3 He had been up -- after eating lunch, he had
4 been upstairs with her in the office.

5 Q Uh-huh.

6 A He basically had wanted to take some magazines
7 downstairs to dispose of them. While he was
8 downstairs he felt the need to go to the bathroom.
9 He had left the garage door open. Mr. Capnerhurst
10 would come freely in and out of the house.

11 As he was winding up in the bathroom, he heard
12 Capnerhurst come in. The door does have an alarm,
13 it has a bell, when the door opens you can hear it.

14 And he said he yelled at him, go on up, Tammy
15 is in the office, he would be up there in a minute.

16 He said within just a short period of time he
17 heard shots. And he ran to the top of the stairs
18 and was greeted by, he said, Capnerhurst at the top
19 of the stairs holding a gun on him and making some
20 reference to, open the M.F. safe, take me to the
21 safe, M.F., that kind of thing. Definitely the "F"
22 word was used.

23 He said he was -- couldn't understand what was
24 going on. He asked him what he was doing. He took
25 him to the safe, at which time it dawned on him

1 that he had a pistol of his own secreted in that
2 area.

3 And he said when he got to the safe he was
4 able to get to that pistol and turn and do away
5 with Mr. Capnerhurst. He then called 9-1-1.

6 Q Did he indicate whether or not prior to calling
7 9-1-1 he went to check on his wife?

8 A Yes. He said he did run over and jump over
9 Mr. Capnerhurst and went back and checked on his
10 wife and said he -- he didn't describe any sort of
11 lifesaving efforts, he checked for a pulse in her
12 neck and realized that she was dead or dying, and
13 then called 9-1-1.

14 Q Did he indicate where he ran in order to get a
15 phone?

16 A He ran downstairs to get the portable handset
17 phone.

18 Q And he indicated that that is when he went and
19 called 9-1-1?

20 A Yes.

21 Q At that point is when you started asking him
22 questions specifically about Bryan Capnerhurst, is
23 that correct?

24 A Yes, about the relationship. You know, why was he
25 owed money, what was he doing there, that kind of

1 thing.

2 Q And at that point, what did he tell you he needed
3 to do?

4 A With regard to what?

5 Q The EMT's?

6 A Oh, he --

7 Q At that point did he want to say what his
8 relationship with Bryan was in front of the EMT's?

9 A No, not in front of the EMT's. He made a specific
10 point of saying he wanted to talk about that in
11 private.

12 Q And at that point he explained to you about his
13 business and Bryan's role in it?

14 A That he was a sports bookie and he had a federal
15 gaming stamp and that Bryan Capnerhurst worked for
16 him, and he owed him some money.

17 Q What was his demeanor like?

18 A He was, I would say, upset. He was -- he
19 demonstrated anger.

20 He kept making reference to the fact that, I
21 guess it is my fault because I gave him the gun.
22 And we kind of got through that so I could
23 understand that.

24 He kept acting like he was going to throw up,
25 but he wouldn't -- he would spit, and he kept doing

1 that repeatedly.

2 I never saw him cry at all.

3 As we proceeded to get into my automobile,
4 because he agreed to go with us to be further
5 interviewed -- in an incident like this we need to
6 get him in an isolated location and get his version
7 down on paper, which is what we try to do in these
8 situations as quickly as we can while it is fresh
9 on his mind.

10 And he had a Gatorade bottle or a water bottle
11 I think the EMT's had given him.

12 As he was approaching my vehicle, he slammed
13 it down on the asphalt as if in anger.
14 Demonstrated anger about the situation.

15 Q His general appearance that day, do you recall
16 generally what he was wearing?

17 A He was wearing some gray or dark brown slacks and a
18 red shirt that had -- I think it had the logo of
19 the company he worked for.

20 Q And did you see any type of forensic evidence such
21 as blood or anything else on his clothes?

22 A No. I looked him up and down pretty closely.

23 Investigator Holt had come over and also did a GPR
24 test, which y'all have heard about, on him before
25 we left. And neither of us, I later confirmed, saw

1 any sight of blood on the clothing.

2 Q While there at the scene, did you also coordinate
3 with another investigator concerning his children?

4 A Yes. We had learned by this time that he did have
5 two children and they would -- it wasn't too long
6 before school was out. And we didn't want the
7 children to get off the school bus and see
8 something happening at their house.

9 So I have to commend our Victim Services
10 section, they did an excellent job of coordinating
11 this to try to handle it in such a way where that
12 didn't occur.

13 And we learned what schools they went to and
14 they dispatched different individuals to those
15 schools.

16 And I think they had sort of a cover story
17 that something happened in the neighborhood and
18 that, you know, they had to stay there with them
19 for a period of time.

20 And the idea was, once we were through
21 interviewing Mr. Parker -- and he wanted to tell
22 his children what happened, and we wanted to honor
23 that request. So the idea was to marry them up
24 after the interview so he would have an opportunity
25 to tell his children what happened.

1 Q Once he had told you his story, his story at the
2 scene, did y'all then transport him down to Region
3 4 headquarters?

4 A He did. He got in my automobile. Investigator
5 Holdorf, who was on call for homicide at the time,
6 as he testified to, we then went to Region 4, which
7 is a short -- relatively short distance away.

8 Q Located in what area?

9 A It is off of Beatty Road off of Broad River near
10 Widewater Square. You might know the area.

11 Q And once you got him there, what, if anything, did
12 y'all do?

13 A Once again, he was advised of his rights, this time
14 from a written form. Again, this is out of an
15 abundance of caution. He was not in custody at the
16 time. It really wasn't mandated that we do that.
17 It was, again, out of an abundance of caution.

18 Investigator Holdorf advised him of his
19 rights, as he testified to. And, once again, Mr.
20 Parker waived his rights and agreed to go ahead and
21 talk to us some more.

22 Q And at this point was a written statement taken
23 from the Defendant?

24 A Yes.

25 Q That has been testified to?

1 A It was.

2 Q And were you able to get more details out of him in
3 this written form?

4 A We did. We took a detailed written statement from
5 him, sort of a question-and-answer statement, which
6 y'all heard about.

7 Q And specifically was there some information about
8 money that was owed to Bryan Capnerhurst that came
9 out?

10 A Yes. He indicated -- or the Defendant indicated
11 that he owed him, in his estimation, somewhere less
12 than \$15,000 and he just didn't have it. And he
13 had some cash in his pocket that he was prepared to
14 give him that day. He actually pulled the cash out
15 and showed it to us. I think it was \$4,511 that he
16 was going to give to Mr. Capnerhurst.

17 Q Did he indicate to you where that money came from
18 that he pulled out of his pockets?

19 A He said it was as a result of collections that had
20 been made.

21 Q Collections?

22 A Yes.

23 Q As in collections from whom?

24 A From people that had gambled and lost with him.

25 Q Did he mention anything about it being from a loan?

1 A He did not mention anything about it being a loan.
2 Of course later on we found out it was from a loan
3 and not collections.

4 Q Specifically, did you ask him any information about
5 what was in the safe?

6 A Yes. He indicated that there would be \$20,000 in
7 the safe.

8 Q And did he vacillate or say the equivalent of
9 \$20,000, or what did he say about the amount?

10 A He said there would be \$20,000 in the safe. And I
11 assumed there would be \$20,000 in the safe.

12 Q Did you then make contact with certain people back
13 at the scene in order to advise him of this
14 information?

15 A Yes. It is important for these people processing
16 the scene to understand -- we only had one survivor
17 in this situation. We only had one verbal account
18 of what happened. So we needed to describe to the
19 crime scene people what that account was so they
20 would know what is in play, what is not in play.
21 It is a huge house. They needed to know where --
22 obviously the sequence of events occurred, where
23 the bodies occurred, but there were other details
24 alluded to in the statement that they needed to
25 know about to do their job.

1 Q After taking a written statement, did you continue
2 to talk to the Defendant and ask him certain
3 questions?

4 A Yes.

5 Q And specifically what questions were asked of him
6 after he actually signed off -- and he signed off
7 freely on the form?

8 A He did.

9 Q Okay.

10 A And when you have a situation like this, you
11 just -- you need to make sure you cover all bases.
12 And, again, there was only one story at this point,
13 and the story -- it was a story he was telling.
14 But we owed it to these two victims to press the
15 veracity of that story to make sure it was true, to
16 press it for every possible detail.

17 And one of the questions that we were
18 concerned about, was there any infidelity. And
19 that question was asked.

20 And he indicated that he had not had any
21 affairs. At that time he told us about an incident
22 around Christmastime where his wife Tammy had found
23 some text messages of kind of a flirtatious nature.
24 He named the individual. Her name was Natasha.
25 And it was somebody he met through work. And he

1 said it was harmless flirting, that Natasha would
2 support that.

3 Q Did he also indicate whether or not that had been
4 resolved in his marriage?

5 A Yes. He said they were over that and they had
6 moved on from there.

7 Q In the post-written statement, did you also talk
8 about -- did -- how did Bryan[sic] describe Tammy
9 when he went back to check on her?

10 A Again, and these are some things that just came up
11 in discussion after the statement. He used the
12 word "gurgling," referring to the noise that Tammy
13 was making when he got to her.

14 He also said that he shot Bryan at least once
15 in the face. And that was something that wasn't in
16 the written statement.

17 During this period of time we had learned some
18 things from the scene. Some of our detectives at
19 the scene had gained some information about an
20 alleged suicide attempt that Mr. Parker had several
21 years prior in Las Vegas.

22 We asked him about this in the post-statement.
23 And he denied that. He said he had sort of a
24 getaway trip to get away from it all in Vegas.

25 He said he called Tammy while he was there and

1 said he wasn't coming home, but he was on a plane
2 the next day.

3 Q Later did you find out that in fact there was more
4 to that story than what he admitted?

5 A Yes. We later learned that it did involve a
6 suicide attempt and he had taken a number of
7 sleeping pills in that incident.

8 Q And at a later time did you find actually his
9 handwritten version of that account?

10 A We did.

11 Q And where was that found, sir?

12 A It was found in the office area when we searched
13 the following morning.

14 Q And I show you what has been marked as State's
15 Exhibit Number 540. Do you recognize that?

16 A Yes. This is the text that we reviewed. It is
17 titled: Gambling, An Addict's True Story. And it
18 is a number of pages long where it talks about that
19 incident in detail.

20 MS. CAMPBELL: Your Honor, at this time we
21 offer State's Exhibit 540 into evidence.

22 THE COURT: Any objection?

23 MR. WHITLARK: No objection, Your Honor.

24 THE COURT: All right, it is admitted without
25 objection.

1 (WHEREUPON, State's Exhibit No. 540 was
2 marked for identification and received
3 into evidence.)

4 BY MS. CAMPBELL:

5 Q But when you asked about that, with the information
6 you had at that point, what did he say about that
7 incident?

8 A He said it just involved a getaway trip, it wasn't
9 a suicide attempt, so he denied it.

10 Q And did he mention anything to you about the amount
11 of debt he had gotten himself into that caused it?

12 A We learned that he had accrued a debt of about
13 \$100,000 at the time.

14 Q But he didn't mention that?

15 A No, ma'am.

16 Q Did he also advise you of another pistol in the
17 home?

18 A Yes. And this just came up again in conversation.
19 He said that there was a loaded .38 pistol in the
20 towel area on the top shelf in the master bathroom.
21 And that is one of things I communicated back to
22 the crime scene people so they could locate it and
23 photograph it where it was.

24 Q Did you ask Brett for any information concerning
25 the safe?

1 A I did. I asked him for the combination to the safe
2 because, again, we wanted to verify his story. At
3 this point in time everything -- everything he is
4 telling us should be the truth and verifiable. So,
5 again, this is one of those things. And he gave us
6 a combination, which I relayed to Lieutenant
7 Cavanagh, who testified earlier, and they were
8 unable to get the safe open.

9 Q Did you make any efforts to coordinate with
10 Investigator Yturria about the children?

11 A Yes. At the culmination of the interview and these
12 other follow-up questions, we did go ahead and
13 coordinate -- we wanted to get him to his children
14 so he could tell them what happened.

15 And we coordinated with Lieutenant Yturria,
16 who testified earlier, or Sergeant Yturria, and we
17 coordinated with them and met them back at his
18 father's house on Old Road, which is near Lake
19 Murray, or on Lake Murray.

20 Q And who actually transported him to his parents'
21 house?

22 A I did. Myself and Holdorf.

23 Q And when you got there, who did you meet up with?

24 A When we got there, it was actually Yturria and the
25 kids, and I can't remember who was with her at the

1 time.

2 They were actually at an intersection waiting
3 for us to come by. So they waited until we came by
4 and actually followed us in the driveway so that
5 there would be no separation.

6 Myself and Holdorf waited outside. Mr. Parker
7 entered his parents' home with the two victim
8 advocates and the children.

9 Q So you weren't actually there when Brett told his
10 children about it?

11 A I wasn't present in the house, no.

12 Q While you were there at the house, after Brett and
13 his children went inside, did you make contact with
14 a John Lucas?

15 A Yes. John Lucas was an uncle, and he was sort of
16 important because, again, this assertion that the
17 gun that Capnerhurst had was the one that Brett
18 said he had given the gun to him, a gun that he had
19 received from some family members earlier, and Mr.
20 Lucas would be that family member. It was an
21 uncle. He testified as a result of the death of
22 another family member he disseminated some
23 handguns. And I believe that Mr. Lucas indicated
24 it was on his son's birthday and he turned the gun
25 over to Brett's parents, who then in turn turned

1 the gun over to him.

2 So it would have -- and we verified the son's
3 birthday later was like the first or second week of
4 December.

5 Q Were you asking specific questions about this gun
6 bag because of information you got from the scene?

7 A Yes. We learned from the scene that the gun came
8 with an extra magazine, a box of ammo, and one of
9 these zip-up cases with fur-looking stuff on the
10 inside.

11 Well, I learned from the crime scene
12 investigators that that case was in the office
13 laying open adjacent to the back wall or a file
14 cabinet and it had not been included in part of the
15 items turned over, according to the Defendant's
16 story, to Bryan Capnerhurst.

17 Q Did you specifically ask him why he had not given
18 Bryan the bag?

19 A Yes. And that was a little bit of a problem at the
20 time. It wasn't astronomical. But we asked him,
21 and he didn't really have an explanation.

22 Q So was he specific about giving him the ammunition
23 and the clip?

24 A Yes, he was.

25 Q Did you also receive additional information about

1 some receipts that had been found at the scene that
2 kind of outlined the events of that morning?

3 A Yes. In trying to set up a timeline, which was
4 important in these things, there were some
5 receipts. We learned that Tammy had gone to, I
6 believe it was Staples, a receipt where she had
7 checked out at Staples. There was a receipt where
8 Brett Parker had bought some subs. And it sort of
9 matched up with the times, to kind of set the times
10 up for this thing.

11 But then we were -- once Holdorf and I left
12 the Parkers' house and went back to the scene, that
13 is when we learned that there was a surveillance
14 video that further outlined the specific times.

15 Q And at that point you said you left the scene.
16 Where was Brett Parker when you left the scene?

17 A I mean, left Old Road, his parents' house.

18 Q Which was his parents' house?

19 A Returned to the scene.

20 Q Okay. And you left him at his parents' house?

21 A Yes.

22 Q Did you arrest him that night?

23 A No, ma'am.

24 Q Why not?

25 A There was no probable cause to believe that he had

1 committed these crimes.

2 Q And at that point had you been able to check out
3 any of the information given to you?

4 A No. We had his preliminary account. And at that
5 point in time, there weren't any red flags that had
6 arisen. By the following morning, however, that
7 would change.

8 Q However, as the investigation continued over the
9 next month or two -- is it important to complete
10 your investigation?

11 A Yes. Again, we only had one story coming from
12 this. And we owed it to Tammy Parker and Bryan
13 Capnerhurst to press the truthfulness of that story
14 as hard as we could. A story should hold up under
15 all scrutiny, and we try to do that.

16 Q And at this point, are you targeting Brett Parker?

17 A No, ma'am.

18 Q And, in fact, what would be the easiest thing to
19 do?

20 A The easiest thing, I mean, quite frankly, the
21 easiest -- because we worked, you know, very hard
22 on this case, as we do all of them -- the easiest
23 thing to do was just believe the story, pack up,
24 and move on, you know. Say, all right, man, you
25 are telling the truth, we believe you, you know,

1 and move on.

2 Q Once you got back to the scene -- that would be the
3 house at Tackeria Court?

4 A That's correct.

5 Q What did you observe?

6 A We observed the surveillance video. We had
7 summoned Mr. Metz to the scene, who testified, he
8 is here. It is sort of his specialty.

9 And in conjunction with this -- and I'm not
10 sure which event occurred first -- we learned from
11 an acquaintance of Mr. Capnerhurst who he had
12 communicated with, Mr. Morgan who testified, that
13 there was some discussion about bringing a bag to
14 the scene.

15 And Metz actually had, by this time, all three
16 individuals pulling up and had Mr. Capnerhurst
17 pulling up and getting out with the bag, which he
18 threw over his shoulder and loped up to the house,
19 and we found the bag.

20 Q You had video of that?

21 A We had video of that. And in conjunction with
22 that, we were learning from this Morgan individual
23 that we learned about, who we called in, that there
24 was a bag in play, and then we understood the
25 significance of the bag.

1 Q And at that point did you relate this information
2 to investigators at the scene so that they could
3 attempt to locate that bag?

4 A Yes.

5 Q And were they able to locate it?

6 A Yes. The bag was in the general area where
7 Mr. Capnerhurst was shot.

8 Q Had Mr. Parker told you anything about the bag at
9 that point?

10 A No, ma'am. And the reason why -- I mean, this is a
11 very cluttered area, a lot of Christmas
12 decorations, Halloween decorations, and that bag
13 just blended in, you didn't know that it was in
14 play in the scheme of events until we learned about
15 it on the video and from Mr. Morgan.

16 Q That night did you send investigators or Sergeant
17 Lindler to interview Cindy Capnerhurst?

18 A Yes.

19 Q And she was interviewed and that information was
20 related to you?

21 A Yes.

22 Q While there at the scene, did you also get some
23 more information from Lieutenant Elsey about the
24 bathroom that Mr. Parker said he was in for that
25 period of time prior to this happening?

1 A This is one of the things that we had relayed back
2 to the scene. Lieutenant Elsey, who is now
3 Cavanagh, indicated -- and only probably a woman
4 would pay attention to this as she did, but she
5 indicated the toilet seat was up in the bathroom
6 that he said he had been in. And that was odd.

7 Q Did she indicate -- did you also find out through
8 your investigation, was the fan on in that
9 bathroom?

10 A Yes, the fan was on.

11 Q However, the lights were --

12 A Off.

13 Q Did you have to leave the scene that night?

14 A Yes. One of my detective's son had been killed in
15 an automobile accident, and his wake was that
16 night. And I was trying to hustle to get there to
17 the wake. I left the scene and proceeded to that
18 location. And actually was late getting there, had
19 to go to the home, but I still made it in time to
20 offer condolences to him.

21 Q When you left there that night, was personnel
22 within your department still working there?

23 A They were still working, yes, ma'am.

24 Q Turning your attention to Saturday the 14th, did
25 you go back to the scene at Tackeria Court?

1 A Yes, ma'am, I did. A number of us returned to the
2 scene. We still had the scene under control of the
3 search warrant, which would mean it was secured all
4 night by deputies.

5 And I returned to the scene with some other
6 detectives, some other forensic people, to complete
7 the search and the processing.

8 Q And there has been some talk about a crime scene
9 log. Is there any question that the scene was
10 secured all night?

11 A None whatsoever.

12 Q And once you got back to the scene, what, if
13 anything, did you do?

14 A I wanted to meet Brett back at the scene. First of
15 all, I wanted him to open the safe so I could check
16 that out, which he did. And it wasn't \$20,000, it
17 was \$383 in it, which it was --

18 Q Was the money in the safe packaged a certain way?

19 A It was packaged as if to look like there were
20 bundles of \$10,000. As y'all heard, it was
21 hundreds over ones.

22 And we did discuss that a little bit. He had
23 sort of an explanation about that. That it
24 involved money floating, or something.

25 Q Once he had opened the safe and you had gotten that

1 information about the money, did you ask him a
2 series of -- some questions?

3 A Yes. We had formulated a series of questions over
4 the night based on some things we had learned from
5 the scene, interviews we had done by that point in
6 time.

7 It included Cindy Capnerhurst and James Morgan
8 and the surveillance video, some of the things that
9 it told us.

10 Q And can you tell the jury what information you
11 asked him and what his response was?

12 A Well, in going through this, we asked him to kind
13 of show us again what occurred because when I was
14 interviewing him Friday night, I had not been in
15 the scene, I didn't understand the layout of this
16 house. So we had to go through it showing us the
17 layout of the house.

18 He showed us which set of stairs he went up.
19 He demonstrated that to us.

20 Q And which set of stairs did he indicate he went up?

21 A If you come out of that bathroom, there is a set of
22 stairs that goes upstairs to the left that comes
23 off the front door and to the right. It comes out
24 of like a great room.

25 He said he ducked left and came up the ones by

1 the foyer. And then as he came up, he demonstrated
2 as he got to the top, how Bryan stood there -- and
3 I actually took on the role as Bryan Capnerhurst.

4 And I stood there like, okay, he was right
5 here (indicating)?

6 And he said, yes.

7 And then he indicated he could have seen -- he
8 had told us he could see in the office when we got
9 to the top of stairs.

10 Well, where I was standing and where he was
11 standing at the top of the stairs you couldn't see
12 in the office. I actually had to back up about
13 five feet. So then he could see into the office.

14 And that was just one of those things that we
15 had to kind of try to work through.

16 We asked him about this bag. This bag
17 situation had become significant. And he said he
18 did tell him -- to Bryan to bring something over to
19 put the cash in so the neighbors wouldn't see him
20 bringing cash.

21 And that didn't make a whole lot of sense to
22 me because the cash he intended to give him dug out
23 of his front pants' pocket, and I didn't understand
24 why he needed a bag when he pulled the money out of
25 his own pocket. And he didn't really explain that

1 further to me.

2 We asked him -- and we had had some
3 misinformation at that point about him telling
4 Bryan where to park. That was not correct. So,
5 you know, he said that he didn't -- that Bryan
6 always parked where the car was found when he came
7 over.

8 And he was again asked about the gun case. He
9 said -- he didn't really have an explanation other
10 than to say he had not thought of it. But he did
11 say he gave Bryan an extra magazine and a box of
12 bullets when he gave him the gun. He did say that.

13 We asked him about the toilet seat. He had no
14 explanation other than he sometimes does that when
15 he goes to the bathroom, when he does number two.

16 Q What do you mean? He does what when he goes to the
17 bathroom?

18 A Sometimes leaves the toilet seat up.

19 We asked if he thought of anything new. And
20 he said he felt like he had told us everything.

21 We asked him who his accountant was, and he
22 mentioned Mr. Staples for the first time.

23 We asked him about Tammy's life insurance
24 policies. He said he had no idea what her benefits
25 were. He did say he had a million-dollar policy on

1 himself, though.

2 I asked him about who his own bookie was and
3 if there was some debt in that regard. And he said
4 that he didn't want to answer that question.

5 By this time, Lieutenant McDonald had done an
6 exigent circumstance request from the cellphone
7 company with his phone and learned about some
8 suggestive text messages between he and a Lindsay
9 Mullins.

10 And, again, he had told us the day before
11 there weren't any marital problems. And the text
12 messages were indicative of the fact that, you
13 know, that there was an ongoing, right-then type
14 thing. There was some activity that Friday morning
15 prior to the murders.

16 Q Friday the 13th?

17 A Yes.

18 Q As late as 11:00 something?

19 A Yes. And the messages were of the nature that it
20 was definitely a sexual relationship.

21 And he told us that he -- you know, he kind of
22 hung his head and admitted that he had an affair.

23 And he said that it was with a bank teller at
24 the bank, that they had only met one time, and he
25 said it was about a week and a half prior, that

1 Tammy had no idea about it, that they had had a
2 meeting at the house when Tammy was out of town
3 with her daughter.

4 And of course we would later interview Lindsay
5 Mullins. And she would confirm that meeting, but
6 also one that occurred three days before the
7 murders on that Tuesday, the 10th.

8 Q And where did that one occur?

9 A At the Executive Inn in West Columbia.

10 Q Did she also give you additional information about
11 when she was in the house?

12 A Yes. She indicated that it was within several
13 weeks of the incident. She couldn't remember the
14 exact date.

15 Q And she testified here in court that she -- that
16 they had had this sexual relation take place in
17 what room?

18 A She said it was the bedroom adjacent to the office.
19 And the bedroom adjacent to the office would be his
20 son **Z.P.**'s room.

21 Q So the five-year-old's room is where they had sex?

22 A That is what she indicated.

23 Q And I want to back up a little bit. You also
24 mentioned that Sergeant McDonald had done a search
25 warrant for some records, and that is where you got

1 the texts?

2 A Yes.

3 Q At some point did y'all also obtain the cellphone
4 from Brett Parker?

5 A Yes, we did. And the kind of disturbing thing
6 about that was the texts were gone from the phone,
7 but they were on the records.

8 Q And where was the cellphone when Brett Parker
9 handed it over to y'all? Where did he get it from?

10 A He had it on his person when we arrived at the
11 scene. We allowed him to, you know, keep it with
12 him. He was actually fielding calls at the
13 substation where we were taking his statement. And
14 we actually asked for consent to go through the
15 phone at the culmination of the statement. So the
16 phone was turned over to Lieutenant McDonald that
17 evening. By then the text messages were gone off
18 the phone, but they were again on the records.

19 Q And the cellphone came off his person?

20 A Yes.

21 Q Was that the phone that he used to call 9-1-1?

22 A No, he used the house phone to call 9-1-1.

23 Q In the office area where Tammy's body is, are you
24 aware that there were additional phone lines?

25 A Yes. They had three lines in the house. They had

1 two bookie lines that had similar numbers, like
2 they were off one digit. They had the house line,
3 which was a 781 number. And then of course he had
4 his cellphone as well.

5 Q But where did he go to make the 9-1-1 call?

6 A He went downstairs and got the house -- the 781
7 phone, the portable handset.

8 Q That wouldn't have been linked to the booking in
9 any way?

10 A No, ma'am.

11 Q What else did you ask Brett that day?

12 A We asked him if he placed bets himself, you know,
13 whether -- I mean, he is a bookie, does he bet
14 himself. And he said he didn't want to answer that
15 question either.

16 Q What else did you ask him?

17 A We got back into this thing about \$300 and some
18 change being in the safe when he told us there
19 would be \$20,000 in there.

20 That is when he went into this long, drawn-out
21 explanation about -- well, at first he said he
22 grabbed \$5,000 for the cruise he had been on out of
23 there.

24 Q From where?

25 A From the safe.

1 Q He said he grabbed \$5,000 for the cruise?

2 A Yes.

3 Q Okay.

4 A Then he said he had a lot of cash out there
5 floating, was the way he described it. And he
6 asked him to -- he asked us to come down to his
7 automobile to show us. And I went down there, I
8 think Holdorf went too.

9 And he said that -- basically he had a list
10 there of people that owed him. And his
11 explanation, the way I understood it, was that
12 there was over \$20,000 with people that owed him,
13 so it might as well be in the safe. It was as good
14 as there because it was owed, is what I understood
15 him to say.

16 Q Did you also ask him about how he thought he could
17 pay him \$5,000 when he didn't even have \$5,000?

18 A Yes. He -- I asked what he meant by that when he
19 said he could pay him \$5,000 when he only had
20 \$4,500 in his pocket.

21 And he said he would have gotten I guess the
22 rest of it out of the safe.

23 I don't believe that would have added up.
24 That would still be less.

25 Q Did you ask him specifically about an old debt he

1 had to pay Mr. Capnerhurst?

2 A We learned about that from interviews with some of
3 the family, that Capnerhurst felt like he was owed
4 \$6,000 from a previous season.

5 And he said that he didn't really owe that
6 because that is money he never collected himself,
7 was his explanation. So even though it was money
8 he was owed by people that had lost to him, if he
9 didn't collect it, there was no way he owed it to
10 Bryan, was what I understood him to explain.

11 So he backed -- the Capnerhurst family and
12 Mr. Morgan felt like the total was closer to
13 \$21,000. He backed that down to the \$15,000 range
14 as far as what he thought he owed Bryan
15 Capnerhurst.

16 Q Did he indicate anything about Bryan's knowledge of
17 what was in the safe?

18 A He said Bryan would have no way of knowing what was
19 in the safe, that he never would have divulged it
20 to Bryan. He said he would have no way of knowing.

21 Q Did he indicate anything else about why he had
22 these fake \$10,000 stacks in the safe?

23 A He indicated that he had anticipated the
24 possibility of a robbery, and he based it on that
25 burglary that we have heard about, and that is why

1 he put the gun, the Judge, on top of the safe, and
2 he had the dummy \$10,000 stacks in there, I guess
3 the inference was in case he was robbed and
4 couldn't get to the gun, he would be giving the bad
5 guy a couple of hundred bucks instead of \$20,000, I
6 guess is what the point was.

7 Q That day did y'all collect any computers?

8 A Yes, we did take the large computer the SLED agent
9 testified to, the Mac that was on the desk in the
10 office where the gambling was, and we took Tammy
11 Parker's laptop.

12 Q And those were later forwarded to SLED?

13 A Yes.

14 Q Did you also collect any other items there that
15 day?

16 A We took some paperwork, the suicide -- the
17 Confession of a Gambler that y'all heard about. A
18 notebook with some letters back and forth to each
19 other, sort of a personal nature, outlining some of
20 the marriage problems. These appeared to be a
21 couple of years old because there was a date in one
22 of them that referenced about two years earlier. I
23 think it referenced their ages, is what it actually
24 was, and the ages put it two years old.

25 Q Later that day, did you ask Brett any additional

1 questions?

2 A I asked him if he told anyone about he had given
3 that gun to Bryan. And he said he hadn't told
4 anyone and he wasn't sure whether Bryan had told
5 anyone that he had become the recipient of the gun.

6 Q While you were there at the scene, who all
7 accompanied Brett to the scene that day?

8 A His father came with him and an aunt came, and we
9 let her in to get some clothing for the children.

10 Q During the rest of that weekend, did other
11 investigators continue to conduct interviews, and
12 things of that nature?

13 A Yes. Officer Holdorf worked throughout the
14 weekend, Holdorf. We actually dispatched him to
15 Greensboro, North Carolina Sunday to interview
16 James Morgan. Y'all have heard about that.

17 Q Did you also have Alvin Kelly interviewed that
18 weekend?

19 A Yes.

20 Q And later that Saturday did you make contact with
21 Lieutenant Joe Odom?

22 A Yes. I wanted to talk to him personally about the
23 nature of the removal of the pistol from
24 Capnerhurst's hand. He described that to me. And
25 he described why he did it, you know, his

1 justification during that time, what he felt.

2 And I have learned in this business a long
3 time ago -- and I have been the first responder to
4 volatile situations -- I don't second-guess
5 officers and what they perceived at the time,
6 because you want to go home, like Investigator
7 Holdorf testified to. You know, you have only got
8 one opportunity to go home. You want to go home.
9 You don't take chances. And I never second-guessed
10 his rendition of what he did. He perceived that as
11 a threat at the time.

12 Q And he was able to give you a description of what
13 he observed?

14 A Yes.

15 Q As well as the second deputy, Harvel, I believe?

16 A That's correct.

17 Q That Monday morning did y'all continue with your
18 investigation?

19 A Yes. There were several phone calls that came to
20 my attention. People were calling us with
21 information. I returned a couple of those calls.

22 I actually talked to Keith Lang. Keith has
23 not testified in here these last couple of weeks,
24 but he is a close friend of Bryan Capnerhurst who
25 was at the beach with him that week. And he had

1 returned to Michigan by that point in time, but he
2 had some things that he wanted to relay.

3 Q And was that information that you confirmed through
4 other witnesses?

5 A Yes.

6 Q That day was there a meeting where what information
7 had developed at that point when y'all talked about
8 it?

9 A Yes. We always have a get-together the first
10 chance we get after we have a homicide, whether it
11 is a whodunit or a open-and-shut, just to make sure
12 everybody is on the same page.

13 We had that meeting that morning where the
14 forensic people talked about what they discovered.
15 Sergeant Richards talked about some of the things
16 that he had found out about. Investigator Holdorf
17 reported to us his interview with Mr. Morgan. We
18 learned about the interviews that Lindler and
19 Robinson had done over the weekend with some of
20 Tammy's friends, an Angela Leon and a Kathy Hodges.

21 We also learned -- Major Stewart, who was in
22 investigations at the time, brought in a piece of
23 paper that had been anonymously dropped off to the
24 Irmo Police Department, and it was a list of
25 bookies who worked with -- and it was -- it said

1 Brant Parker. And it had a number of names on
2 that. We went over that list at the time.

3 Q And included in those names, was it Larry -- I
4 mean, Lanny Gunter?

5 A The names, there was some misspelling on it, but
6 Jack Parker was on there; Harry Benenhaley, who
7 y'all heard from; Lanny Gunter, who you heard from;
8 Darren Shealy; Frankie Freeman; and a Fred McCrary.

9 Q Had -- by that time had y'all made contact with
10 Natasha Nadkarni?

11 A Yes. The only interview that we conducted was Don
12 Robinson, who y'all heard about, talking to
13 Natasha Nadkarni, who would be the Natasha that was
14 referenced by the Defendant with the flirtatious
15 text messages from Christmastime.

16 Q That day did you also get the 9-1-1 tape?

17 A Yes. We had the 9-1-1 tape secured. Towards the
18 end of that meeting we listened to it.

19 The call -- actually the significant thing
20 about the 9-1-1 tape, as far as setting up the
21 time, was the call actually came in around 12:42,
22 within 11 minutes or so of Capnerhurst arriving.
23 And we matched it up to the -- Metz actually
24 matched the 9-1-1 tape up to the surveillance
25 video. And the times were dead on. So we are

1 looking at the surveillance video, it is realtime
2 with the 9-1-1 tape. And that became significant.

3 Q That day did you also get the search warrant for
4 the additional phone lines within the house?

5 A Yes. Lieutenant McDonald handled that.

6 Q At that point, did you think it was important to
7 talk to additional members of the Parker family?

8 A Yes. We wanted to talk to Jack Parker
9 specifically, because it had come up through
10 interviews with James Morgan and Cindy that Jack
11 Parker had been communicating with Bryan
12 Capnerhurst in the days preceding this about this
13 money-owed situation. And we wanted to understand
14 that a little better.

15 Q And did you make contact with Jack Parker?

16 A Yes, we did.

17 Q And was he able to meet with you that day?

18 A He wasn't able to come in that day, but we set up a
19 tentative time a couple of days later.

20 Q Did he indicate why he was not able to come in that
21 day?

22 A They were in the process of making some
23 arrangements with regard to the funeral.

24 Q That day did you also speak to the coroner in this
25 case?

1 A Yes.

2 Q And the coroner is Gary Watts?

3 A Yes.

4 Q Was he able to relate some information to you that
5 became significant later in your investigation?

6 A Yes. Around noon that day -- let me back up just a
7 minute.

8 Q Sure.

9 A And when I did talk to Jack that morning, he said
10 he was pressed for time. He mentioned the
11 visitation, but he also indicated that Mr. Fedor
12 wanted to see Brett in his office.

13 Q And what day was this?

14 A That was on the Monday that would be the 16th. I
15 did speak to Gary Watts that day around noon.
16 Dr. Marcus had conducted his autopsy by then. And
17 one of the major things that he told us that
18 created one of the initial red flags that was
19 pretty significant was that Bryan Capnerhurst was
20 shot through his left arm, a substantial wound,
21 that he would have had no muscle control and would
22 have been unable to hold that pistol in his hand.

23 Q And did you ever get the deputies to go with
24 Dr. Marcus and say exactly how the pistol was being
25 held?

1 A No, ma'am.

2 Q Why not?

3 A Dr. Marcus made it clear he wouldn't have been able
4 to hold anything in his hand. It didn't matter
5 whether they had a picture of it or a description
6 of it. He said he couldn't hold it in his hand
7 with that wound. And I have seen the wound. And
8 it is substantial. And I'm not a medical doctor,
9 but you could literally put a golf ball through the
10 hole in his foreman.

11 Q At that point, that afternoon, did you meet with
12 your investigators to talk about issues that had
13 come up in the case?

14 A Yes. And I refer to them in my notes as red flags,
15 because that is what they were, in my opinion, at
16 the residence. Those included the following.

17 It bothered me, bothered us, that this
18 gentleman would come in and shoot Brett's wife
19 first, leaving him unaccounted for in the down part
20 area of the house, if the idea was he intended to
21 rob them and leave no witnesses behind. You know,
22 otherwise there would have been no reason to kill
23 Tammy. His dispute was with Brett.

24 Let's come over here and talk about the money.
25 Now, why go upstairs and kill his wife. There was

1 no testimony or no rendition by Mr. Parker that
2 there was an argument. He said the man came into
3 his house, went upstairs and immediately shot his
4 wife. That didn't make sense. That was
5 problematic.

6 The fact that Brett said he gave the gun and
7 the ammo and the extra magazine to Bryan but didn't
8 give him the case that the gun came in, that
9 created a problem for us.

10 Then the case was located in the very room
11 where Ms. Parker was shot with that weapon. That
12 was a red flag.

13 One of the things that had come to our
14 attention by this point in time and once we learned
15 about the bag, when we unzipped the bag, the box of
16 ammunition and this empty magazine, which is
17 another thing that didn't make sense, I guess the
18 idea was that was supposed to be some type of
19 murder bag, you take the bullets, you take the
20 extra magazine in case you get -- you know, but he
21 goes over there with an empty magazine in the bag,
22 which didn't make any sense. But both of those
23 items are laying right on top of the gym shorts and
24 the toothpaste and the deodorant, and everything
25 else that was in there.

1 And it is just common sense when you see that
2 video, and it has been testified to, when you see
3 that video and you see Mr. Capnerhurst casually
4 getting out of his automobile, reaching back
5 grabbing that nylon bag, he slings it over his
6 shoulder. Those items shouldn't have been on top.
7 It is just common sense.

8 And then the other thing is, and y'all have
9 seen the video, he casually lopes across the
10 driveway, you know, like he is at the ballpark
11 going to get a hot dog. He is not skulking up
12 there like he is getting ready to commit a double
13 murder.

14 Those are things we learned from the
15 surveillance video. They were problematic.

16 Q In addition to that, were there other concerns?

17 A The fact that the \$20,000 wasn't in the safe, and
18 it was \$380 something bucks, that just -- that
19 didn't make any sense. Even with the floating
20 explanation, that didn't make any sense.

21 Lieutenant Cavanagh told us -- this was a
22 forensic troubling factor -- where Mr. Capnerhurst
23 should have been holding -- was holding that gun,
24 there was blood that had gone down into the palm
25 area. There should have been a void there. If the

1 gun was pressed against that palm, there should
2 have been a void where that gun was, but there was
3 no void, there was blood in that area. That was
4 problematic. That was problematic of -- that was
5 one of these forensic details that was problematic
6 to us.

7 The fact that he didn't admit to us about this
8 affair, you know. You know, it has been testified
9 to, you know, it was only sex, and that kind of
10 thing. I can imagine me going home and telling my
11 wife that, you know. I don't think that would go
12 over too well.

13 But he didn't tell us about it. And at that
14 point in time he needed to tell the truth about
15 everything. That created a problem.

16 This thing about the bag was problematic. The
17 fact that he had stressed, and at least two people
18 by this time, I think three, I think Lang had told
19 us too, that Capnerhurst felt it so unusual that he
20 mentioned to them, he wants me to bring a bag.

21 There is no way these people could have known
22 he brought a bag other than him telling them that.
23 And three people had told us that he was insistent
24 he bring a bag. And what do we find in the bag but
25 a box of bullets and an empty magazine. That was

1 problematic.

2 The toilet seat issue created some red flags
3 to us.

4 The fact that Mr. Parker didn't want to talk
5 about his own bookie situation was problematic.

6 This 11 minute timeframe, you know, if you
7 take the details as the Defendant described that it
8 occurred, that should have happened in less than a
9 couple of minutes.

10 You know, okay, if that happens in a couple of
11 minutes, where is the other nine minutes, you know?
12 And that -- I mean, y'all saw the surveillance
13 video. That is a long time. We wonder what was
14 going on during that timeframe.

15 If he immediately ran upstairs and shot
16 Capnerhurst -- Capnerhurst immediately came in and
17 shot his wife, he ran upstairs and shot
18 Capnerhurst, ran and called 9-1-1, that happens
19 like that (indicating). Where is that other nine
20 minutes? That was problematic to us.

21 The comments that Maria Yturria overheard from
22 the Defendant, what does my father think happened.
23 That created a dilemma for us.

24 And then Dr. Marcus' account of the hole in
25 Capnerhurst's arm, there is no way he could retain

1 the firearm, that was a big red flag.

2 Q And that is all the information that you figured
3 out by Monday morning?

4 A That was on Monday, yes. So things had turned
5 pretty quickly in that 48 hours. We went from
6 accepting his story at face value to having these
7 issues that we had to get over, we had to get by.

8 And, again, we've got one account from this
9 household and we are -- we had a duty to press the
10 veracity of this one account to determine if it is
11 the truth or not. And by this time it was taking
12 on some serious leaks.

13 Q And just to recap too, in his statement as he wrote
14 in his written statement, the Defendant, when this
15 just happened -- and you have taken statements from
16 people who suffered trauma?

17 A Yes.

18 Q And is it important to try to take a statement soon
19 after, even though the person may be grieving?

20 A Yes. Again, if it happened the way he said it did,
21 you hate to be in an intrusive situation to be
22 interviewing him, but you have got two people that
23 are dead. You have got to get his account, you
24 know. This is not like, all right, we can wait
25 till Monday week to talk about it. And you want to

1 get while it is fresh in his memory details.

2 Q And specifically in that statement did he give you
3 a lot of details about Capnerhurst and his
4 financial situation, his possible motive?

5 A No, ma'am.

6 Q That day did you talk to Linda Durso?

7 A We did. That was a call that we returned. She was
8 a maid, had been a maid in the home.

9 Q And were you able to get certain information from
10 her?

11 A Yes. She told us about the pistol being in the
12 linen closet in the master bedroom. Of course by
13 that time we knew about that.

14 And she said that she wanted to relay to us
15 that Brett was heavy into gambling himself. And
16 that was something we would later learn to be true.
17 And, again, that is one of those things he had not
18 told us the truth about.

19 So those were two significant pieces of
20 information she gave us.

21 Q And I want to back up to my question. I think I
22 didn't phrase it correctly.

23 State's Exhibit Number 2, at the bottom of
24 Page 3, did you ask him about Cap and his
25 situation? Do you remember that?

1 A He -- he went in a lot of detail. He said he was
2 tired of living -- that Cap said that on Monday he
3 was tired of living off of a credit card. I know
4 he was borrowing money from her parents. And he
5 tried to refinance his house, but her credit was so
6 bad it messed him up. They couldn't even refinance
7 their home.

8 Q So at that point he was forthcoming about Cap's
9 debt, but not his own?

10 A Yes. But that -- again, that didn't explain a
11 motive that we would later learn that would be
12 better explained by what we learned about him.

13 Q Okay. That day did you also make contact with
14 other people, including Ben Staples?

15 A Yes. We needed to contact Ben Staples because he
16 was alleged -- he had told us he was the
17 bookkeeper.

18 Q And who had told you that?

19 A Brett Parker.

20 Q That day did y'all also get search warrants to get
21 copies of tax returns?

22 A Yes.

23 Q The next day, on the 17th, what was going on?

24 A That is the day that -- I believe the funeral took
25 place that day. And obviously interviews with

1 family, and that kind of thing, wouldn't be
2 conducted that day.

3 But we did on that afternoon meet with Dr.
4 Marcus. He wanted us to actually come to his
5 office so he could give us a visual representation
6 of these -- of the autopsy findings.

7 I have done that before in cases, and I wanted
8 to do that. And he wanted to -- in other words, it
9 is easier to show you rather than just tell you.

10 So he had an overhead sort of thing prepared
11 for us, and we went over there and listened to what
12 he had to say.

13 Q And he testified -- I want to turn your attention
14 to the 18th. Did you try to make contact with some
15 more of Tammy's friends, Kim Moore?

16 A Yes. I spoke to Kim Moore. She was a co-worker at
17 Novartis. She gave us some information.

18 Q At 10:00 o'clock that morning on the 18th, which
19 would have been that Wednesday, I believe?

20 A Yes.

21 Q Did you interview Jack Parker?

22 A Myself and Holdorf sat down with Jack -- that would
23 be the day after the funerals. Jack was able to
24 come in at that time. And we talked to him about
25 the information we received that he had actually

1 had interaction with Bryan Capnerhurst that week
2 about some money owed.

3 And he explained that to us. He said that he
4 had talked to Bryan about the money. He was
5 adamant that he had only offered to lend Bryan
6 \$2,000 and not the whole amount.

7 He said that Bryan had complained of the fact
8 that his wife had him in debt.

9 Jack recalled that -- and he told us about the
10 gun.

11 And during that conversation we talked about
12 some of these names that we had received. And he
13 said that Jimmy Helms and Lanny Gunter were both at
14 the funeral. He didn't recognize the name Frankie
15 Freeman.

16 And he did mention to us during that interview
17 that Gunter might be the biggest fish of the group.

18 Q And in that, specifically did you ask Jack Parker
19 if he knew who his son was gambling with?

20 A Yes.

21 Q Did he know?

22 A No.

23 Q At 12:45 that day, did Brett Parker come in and
24 provide y'all with some -- a DNA sample and some
25 prints?

1 A Yes. For elimination purposes, we wanted a DNA and
2 fingerprint from him, which he came in and did.

3 Q After that did you ask him some additional
4 questions?

5 A Yes. Again, I wanted to press this issue with him
6 again about who his bookie was and whether he was
7 in debt to a bookie.

8 And he said that the only bookie he dealt with
9 was a guy named Ron. And that is when he explained
10 to us this betting hedging.

11 And the way I understand it is, if you are a
12 bookie, let's say Clemson and Carolina are playing
13 and all your customers want to bet up against
14 Carolina, they are Clemson fans. Well, you can't
15 take that kind of loss if Clemson wins, so you have
16 got to go lay-off with another bookie, sort of like
17 an insurance policy. And that is the way he
18 explained laying-off.

19 And he said that is the only time he would
20 ever bet with another bookie was in that insurance
21 scenario where he would lay-off.

22 Q And, in fact, and when you asked him specifically
23 who his bookie was, did he ever mention the name
24 Lanny Gunter or Harry Benenhaley?

25 A No, he said Ron. And we later learned that there

1 was a Ron. There was a Ron Spence, who we later
2 interviewed, who indicated he did do some betting
3 with Brett, but it was sort of the same kind of
4 scenario. And we later learned that really wasn't
5 true.

6 Q And that day did you also ask him specifically if
7 he was doing any online betting?

8 A Yes. When we interviewed Keith Lang, we learned
9 that there was some assertions that Capnerhurst had
10 found a screen up one day that was indicative of
11 online betting, screen in that room, in that office
12 room. And Brett denied that he was involved with
13 online betting.

14 Q Again, on the 18th, did you make contact -- or did
15 you meet with Tammy's family, the Carswells?

16 A We did. We met with Libby Carswell, Tammy's
17 mother; Jerry, who y'all heard from; his wife
18 Nancy; and an aunt that was there, who has been
19 here in the courtroom with us the whole time. But
20 we talked to them about the case.

21 Q And what was their attitude or their demeanor?

22 A They were supportive of Brett. And we weren't, you
23 know, telling them, hey, Brett did this, you know,
24 back at that point in time. But they were
25 supportive of him and didn't think that he could

1 have done something like this.

2 Q That day did you also become aware that there was a
3 UPS package on the front porch?

4 A Yes. Getting back to that interview, there is one
5 other point that I wanted to make.

6 Q Yes, sir.

7 A Jerry confirmed with us that during that
8 interview -- and we would later take a statement
9 from him -- that Bryan -- we wanted to settle this
10 issue about where Bryan parked. You know, he said
11 Bryan always parked there. The reason why Bryan
12 parked there was because he was courteous and
13 wanted to allow people in and out, the people in
14 the home, so he would back near the basketball
15 goals. And Jerry even told us that he would cut
16 shrubbery away from there to clear that area for
17 Bryan, and that is the way -- he knew he always
18 parked there. So it kind of cleared that up.

19 Q Did you also learn about a UPS package that was
20 found on the front porch when the scene was
21 processed?

22 A Lieutenant Cavanagh told us that a UPS package was
23 found. Lieutenant McDonald researched that, got
24 the driver's name, and we wound up interviewing
25 him. And, coincidentally, he had made delivery

1 around ten minutes after 12:00 that day. And we
2 wanted to know if he saw or heard anything. And he
3 didn't really have anything significant. He
4 thought he recalled seeing a man in the yard or
5 near the driveway, but he couldn't give a lot of
6 details.

7 Q That day, at this point, with the information you
8 have now been able to develop, did you think it was
9 prudent to go back and try to collect Brett
10 Parker's clothing he was wearing that day?

11 A Out of an abundance of caution we did go back and
12 retrieve the clothing. We had not taken them on
13 the first night because, again, at that point he
14 wasn't a suspect. Had not seen any blood on him,
15 but we just wanted to go ahead and have them.

16 Q And were you aware whether or not the clothes had
17 been cleaned prior to you taking them?

18 A They were. They had been washed.

19 Q That day did you schedule any kind of interviews
20 for the children?

21 A Yes. The Assessment Resource Center is a -- I
22 worked sex crimes for a while, I was familiar with
23 it. They do a lot of interviews, forensic
24 interviews, with children who have been
25 traumatized, are victims of crimes.

1 In this case obviously these two children are
2 obviously traumatized by the loss of their mother.
3 It is one of the avenues we use. And they have
4 follow-up post-trauma resource referrals, and that
5 kind of thing. So we helped coordinate that for
6 the following day, like at 1:30 the following day.

7 Q Late in the day of the 19th, did you get some
8 information from SLED?

9 A Yes. We learned that all three of the individuals
10 in the home -- that would be Brett, Tammy and
11 Bryan -- all had GPR on their hands. And that was
12 kind of expected because a number of shots were
13 fired, seven in the office, four in the attic. And
14 it was presumed that it would be a lot of GPR in
15 those areas, based on the number of shots, in an
16 indoor area, as opposed to shooting someone out in
17 the middle of a meadow on a windy day, that kind of
18 thing.

19 Q The next day, did you send investigators to attend
20 the ARC interviews?

21 A Yes. I think Lieutenant McDonald and Sergeant
22 Lindler attended those interviews.

23 Q And that was of Z.P. and B.P. ?

24 A Yes.

25 Q The 19th, also did you try to make contact with

1 Jimmy Helms and Lanny Gunter?

2 A We did. They were close to the family. Both had
3 attended the funeral. And we wanted to talk to
4 them.

5 Q And did you find anything out about the
6 relationship between Lanny Gunter and Brett Parker?

7 A Well, you know, Jack had told us he was sort of the
8 big fish. And we knew that they were good friends.
9 We learned that they were good friends. And based
10 on that, we wanted to talk to him.

11 Q At 11:00 o'clock that day, did you then proceed to
12 the Executive Inn in West Columbia?

13 A Based on the information we had received from
14 Lindsay Mullins, we did go to that location.

15 Q And where is that located?

16 A It is across -- it is on a frontage road across the
17 street from the Lexington Medical Center.

18 Q The hospital?

19 A Yes, ma'am.

20 Q And when you got there, what information were you
21 able to collect, or observe?

22 A Well, we -- Brett had not checked in there because
23 it was a -- one of those hourly rental deals where
24 a name is not written down, but we have video of
25 him checking into the office. And the only

1 video -- the only indication on the register was a
2 person that actually cleaned the room and checked
3 in after him.

4 But we were able to view the video. Videos
5 are pretty telling, just like at the house. We
6 have a video of him checking in, getting a room.
7 And then a reverse camera showed him going to the
8 room, and then a little bit later the young lady
9 pulls up and goes to that room. And 30 minutes or
10 so goes by, and they both exit, get back in their
11 cars, and leave.

12 Q And approximately what time of day did you observe
13 him actually entering the room?

14 A He checked in around 10:00. And they left around
15 1:00.

16 Q And are you familiar with the area where Mr. Parker
17 worked on his --

18 A He worked in West Columbia. And I think the young
19 lady worked at a bank in West Columbia.

20 Q And this was in close proximity?

21 A It was.

22 Q As he was leaving, did they depart at the same
23 time, around what time?

24 A Around 1:00.

25 Q That day did you also try to make contact with

1 Lanny Gunter?

2 A We went up to Lanny's house on Mount Vernon Church
3 Road in Chapin and left a card in the door. Nobody
4 came to the door.

5 Q I want to turn your attention to April the 20th.
6 Did you make contact with a Joseph Stuart?

7 A Joseph was an acquaintance of Tammy's. She took
8 him out for a birthday lunch the day before the
9 murders. He was very close to her. And he had
10 some information for us.

11 Q That evening was there another event that occurred
12 in Richland County that diverted your attention?

13 A We had another murder on the 20th. And I am
14 involved with murder, so I had to divert my
15 attention to that one for a short period of time.
16 And I might mention, that murder remains unsolved,
17 unfortunately.

18 Q The week of 23rd, did you get some information back
19 as far as DNA found on the bag?

20 A Yes. Bryan Capnerhurst's DNA was on his own bag,
21 which you would expect. But Brett Parker's DNA was
22 not present.

23 Q And there was no one's DNA found on the zipper, is
24 that --

25 A No one at all.

1 Q And in this case there has been some talk about a
2 second -- there were two fingerprints taken from
3 that box, and I will get to those in a minute. Did
4 you feel a need to try to test for Bryan
5 Capnerhurst's DNA?

6 A No, ma'am. The box of shells and the magazine were
7 dropped in the gym bag where there is toiletries
8 and gym shorts and shirt, and the one he used every
9 day, because his wife verified that. It would have
10 been a smorgasbord of DNA of Bryan Capnerhurst, so
11 you would expect to find his DNA on anything in
12 that bag, which we did.

13 Q At this point did you think you needed to sit down
14 and talk to Brett Parker again?

15 A We did. We wanted to do another interview.

16 Q And what were some of the things you wanted to go
17 over with him?

18 A It was another laundry list of things that we
19 had -- that we needed to get -- again, you know, we
20 are just trying to clarify this story, trying to
21 make things fit. The sheriff testified to that
22 prior. We were trying to make things fit into
23 this -- this round peg in a round hole, if you can
24 find a round peg.

25 Q Can I look at your notes for a second?

1 (Pause.)

2 Q Did you go through the ones -- as to what questions
3 you wanted to ask him?

4 A We wanted to know what he had handled as far as the
5 pistol, the magazine, the box of bullets, when he
6 possessed the items before giving them to Bryan.

7 This was questioned due to the fact that his
8 prints by this time had been matched to the box of
9 bullets. And we didn't know yet what the DNA
10 results might be on the ejected shell casings.

11 Clarification as to the manner in which he
12 delivered the items. In other words, did he give
13 them to him in a bag and hand them to him, that
14 kind of thing.

15 We wanted to know whether the gun was loaded
16 when he transferred it to Bryan.

17 We wanted to know with regard to the UPS
18 delivery had he heard the doorbell ring and what
19 was in the box.

20 We wanted to know if he had heard Tammy scream
21 when the shots rang out.

22 We wanted to discuss the blood on Bryan's hand
23 and this substantial wound. We wanted to talk to
24 him about that a little bit.

25 The discrepancy between the assertion that

1 there was \$20,000 in the safe versus the \$300 and
2 something that was found.

3 We had been -- you know, that previous answer
4 about floating the money, that didn't float with
5 me, and I was wanting some clarification of that.

6 We wanted to know why he had not mentioned
7 Lindsay Mullins on the Friday after the killings
8 again.

9 We wanted to know why he was so adamant Bryan
10 got there at 12:30.

11 Why he was so adamant Bryan bring a bag, when
12 the amount that he needed to give him fit neatly in
13 a pocket.

14 Discussion and the full identification of this
15 person named Ron.

16 We wanted to question him about why he made
17 the statement, what does his dad think happened,
18 that day when he arrived at the scene, what did he
19 mean by that.

20 We wanted to ask him again about his purported
21 lack of knowledge about the fact that Tammy had 700
22 and something in life insurance with him as the
23 beneficiary. He had told us he had no idea what
24 her life insurance was.

25 We wanted to talk about the smoke alarm.

1 Reference had been made from the 9-1-1 tape. That
2 hadn't come up in his statement, but yet he
3 mentioned it two times on the 9-1-1 recording.

4 We wanted him to get -- to describe some of
5 the distancing between him and Bryan as he actually
6 fired the shots, again relay that with a little
7 more detail.

8 Again, this 11 minute timeframe between
9 Bryan's arrival and the 9-1-1 call was too long for
10 the sequence of events to take place like he
11 described, and we wanted to kind of ask him about
12 that again.

13 We wanted him to clarify his denial of the
14 suicide attempt from several years earlier, as he
15 fully described the pill overdose in this document
16 here (indicating).

17 In one of the letters he also mentioned a P.O.
18 Box. We wanted clarification on that, you know,
19 whether he had a P.O. Box, why he had one, if there
20 was one.

21 We wanted him to explain a \$4,780 title loan
22 that he took out on a GMC in January that we didn't
23 know about initially.

24 And the reason why that was important is
25 because January with a football and basketball

1 bookie is going to be when your cash is flowing in.
2 That is going to be when the money is coming in, in
3 January. And he didn't need to, in our opinion,
4 be taking out a \$5,000 title loan if he is a
5 bookie.

6 We desired to talk to him about -- you know,
7 when we talked to Stuart, he indicated that he
8 might have been delivering some artwork that day to
9 the house. That was, again, the interior
10 decorator, the friend of Tammy's that she had lunch
11 with the day before. He indicated he might have
12 been delivering some artwork that day and wanted to
13 know if Brett was aware of that.

14 So those are some of the questions that we
15 had.

16 We called Brett and asked him about a meeting.
17 And he indicated he wanted to run it by his --
18 Mr. Fedor first.

19 Q And did he get back in touch with you and was a
20 meeting scheduled?

21 A Yes. The meeting was scheduled for Wednesday, the
22 25th, at 11:00 o'clock, at Mr. Fedor's office on
23 Lady Street.

24 Q Turning your attention to April 25th at 11:00
25 o'clock, did you go to Lady Street?

1 A Myself and Holdorf went to Lady Street.
2 Mr. Whitlark joined us for that meeting. He was
3 there. Mr. Fedor told us initially that the
4 questions would be restricted to the content of
5 Brett's prior statement, he didn't want us to go
6 out of the bounds of that statement.

7 We didn't do a Miranda because this is a
8 non-custodial interview in their office.

9 We started asking the series of questions that
10 I previously just went over, some of things that we
11 wanted to talk about.

12 Q And, specifically, what was the first question you
13 asked him?

14 A Asked him about his gun transfer question.

15 And he said that he had loaded the gun --
16 talking about the transfer of the gun to Bryan
17 Capnerhurst when he gave it to him. He said he
18 loaded the gun, gave it to Bryan in the condition
19 that it was in. He did give him the shells and the
20 other empty magazine at the same time. And he said
21 that Bryan immediately placed all of the items into
22 his bag. Ostensibly he is talking about the gym
23 bag.

24 Q Okay. And that is what he said he did when he
25 received the gun?

1 A Correct.

2 Q That he put those items in his gym bag?

3 A Correct.

4 Q And what time period did he indicate that he had
5 given the gun, the ammunition, and the magazine to
6 Bryan Capnerhurst?

7 A About a month or so prior.

8 I asked him about the UPS delivery and whether
9 the doorbell rang. He said he didn't hear the
10 doorbell that day and that the delivery man usually
11 never rang the doorbell.

12 He said he didn't hear a scream.

13 These are, again, things I just went over with
14 y'all that we wanted to ask him.

15 We started getting into the proximity question
16 to Bryan as he started -- his proximity, his
17 distance from Bryan as he started to fire. And
18 whether he advanced on Bryan as he started to fire,
19 whether he was firing as he is coming towards him.
20 He said he didn't recall that, but he said he was
21 never right up on him.

22 And that would later prove significant
23 because, as you heard our distance testing expert,
24 our GPR expert, our gun expert testified that he
25 was shot from two to five feet. And that would

1 become significant.

2 As we got into the blood and the hand and the
3 nature of the wound, the interview got shut down at
4 that point.

5 Q And at that point did you give Mr. Whitlark one of
6 your cards?

7 A I did. I gave Mr. Whitlark a card, indicated that,
8 you know, we had some more questions and wanted to
9 get them answered and for him to give me a call.

10 Before we left there, Mr. Fedor asked about a
11 copy of a statement we had taken from Jack Parker,
12 which I supplied to them.

13 Q Then you were out for part of that same week?

14 A I had a medical procedure on the 26th and 27th that
15 kept me out of the office.

16 Q Did you become aware of an interview that was
17 conducted by Investigator Holdorf of Lanny Gunter?

18 A On the 26th while I was gone, a significant
19 interview took place with Lanny Gunter in Jake
20 Moore's office, an attorney over in West Columbia.

21 In that interview, Gunter would now divulge
22 that Brett owed him \$100,000 from online betting.

23 Q And that is the first time you had a figure of any
24 sort?

25 A That's right.

1 Q As far as the online betting?

2 A That's right.

3 Q And that came from whom?

4 A That came from Lanny Gunter.

5 Q Moving on to the next meeting, April 30th, 2012,
6 did y'all get together and discuss some things that
7 needed to be done?

8 A Yes, we had a meeting, which it has been alluded to
9 we have a lot of meetings, we do, a lot of details,
10 you have got to go over them. We talked about a
11 number of things.

12 We talked about reaching out to some of these
13 customers from the bookie sheets that had been
14 taken out of his car and to get some detail from
15 them.

16 We wanted to do a comprehensive review of all
17 the cell records in obtaining up-to-the-date
18 cellular information, in other words, not just up
19 to the murders, but up to this date on Brett's
20 phone.

21 One of the people that had written checks to
22 Brett, a guy by the name of Trent Crider. We found
23 out about that last time. We wanted to interview
24 him.

25 By this time we found out that the Ron in

1 question was probably Ron Spence. We wanted to
2 talk to him.

3 We wanted to meet again with Tammy's father
4 and the Capnerhurst family.

5 We carried out some of those things.

6 Q Okay. And that day did you reach out to Ron
7 Spence?

8 A That same day, I did. And he agreed to meet with
9 us, but he wanted to run it by his attorney first.
10 That meeting was later set up for Wednesday
11 morning, and we did meet with him.

12 Q Did you then do some additional research on people
13 that supposedly owed Brett money off those sheets?

14 A Yes. We went through the sheets trying to identify
15 the people. We matched up some of the names on the
16 sheets with the identity cell download from Brett's
17 phone. That is where we were able to reach a lot
18 of them. That is cross-referencing numbers. Just
19 calling them. And we talked to a bunch of them
20 based on that in that regard.

21 Q And did that include Hal Saxby?

22 A Yes.

23 Q Damon Johnson?

24 A Yes.

25 Q You attempted to get in touch with Anthony Wright?

1 A Anthony Wright, Trent Crider, Clarence Carroll, to
2 name a few.

3 Q Turning your attention to May the 1st of 2012, did
4 you make contact with Natasha Nadkarni?

5 A Yes, this was the female again who he was text
6 messaging around Christmastime that we learned
7 about. We wanted to get a written statement from
8 her. She agreed to meet us the following Monday.
9 She was out of town at the time. She agreed to
10 meet us later.

11 Q And did you also review the crime scene 3D
12 instrument?

13 A Yes. The jury has seen that. We viewed that
14 instrument at the time. It kind of gives you a
15 unique perspective of the crime scene. It is
16 almost as if you are there. It is kind of a 3D
17 deal.

18 Q Turning your attention to May the 2nd, did
19 Investigator Holdorf meet up with Ron Spence?

20 A Myself and Holdorf met with Ron Spence at Henry
21 Taylor's office, which would be his attorney, over
22 in West Columbia.

23 Q And was he able to give you certain information?

24 A He did.

25 Q Was he able to give you any information about

1 whether or not Ron was his -- the Defendant's
2 bookie?

3 A He indicated that they had done some business
4 together, but Brett didn't owe him a dime at that
5 point.

6 But he said that he talked about how if they
7 did bet with each other, that he would limit it to
8 \$500.

9 Q Okay. That day did you make contact with MetLife?

10 A I did. About around 5:15 we wanted to further
11 check on the numbers on the life insurance. I
12 talked to Kay Fleming at MetLife to get some
13 accurate numbers from them.

14 Q And I believe on the 7th, did you actually make
15 contact with Kay Fleming?

16 A Yes.

17 Q And was she able to give you certain information?

18 A She did.

19 Q And were you able to determine the total amount of
20 the life insurance policy?

21 A Yes. I can give you the breakdown or just the
22 final total.

23 Q You can give me the breakdown and then the final
24 total.

25 A When Tammy was hired by Novartis back on March 9th,

1 2001, she had a policy for \$165,000. Another
2 \$165,000 was added in case of an accidental death
3 or homicide. She got \$269,000 of optional
4 additional coverage, which she took out based on
5 three times of her yearly salary at the time.

6 And in January of 2011, a little over a year
7 before the murder, she doubled that \$269 to make it
8 six times her yearly salary, or \$538,000 of
9 additional coverage.

10 So the grand total of her life insurance that
11 she was -- at the time of her murder was \$868,000.

12 Q Again, who was the beneficiary on that policy?

13 A The Defendant, Brett Parker.

14 Q During the course of your investigation, did you
15 also become familiar with certain assets or part of
16 her estate?

17 A Yes.

18 Q Including the life insurance?

19 A I did.

20 Q Is there an additional policy?

21 A She had a 401(k) and some other retirement pension
22 benefits.

23 Q And who were the beneficiaries on all of those
24 policies?

25 A The Defendant, Brett Parker.

1 Q In one of those policies I believe she also listed
2 her daughter?

3 A Yes, there is some kind of co-beneficiary thing.
4 Mr. Staples explained that sufficiently.

5 Q And, again, I want to show you what has been marked
6 as State's Exhibit Number 539. Do you recognize
7 that?

8 A I do.

9 Q Does that accurately reflect the -- three of the
10 assets we are talking about?

11 A Up to a million -- over a \$1,100,000.

12 MS. CAMPBELL: Your Honor, at this time we
13 would offer it into evidence.

14 THE COURT: Any objection?

15 MR. WHITLARK: No objection, Your Honor.

16 THE COURT: All right, it will be entered
17 without objection.

18 (WHEREUPON, State's Exhibit No. 539 was
19 marked for identification and received
20 into evidence.)

21 BY MS. CAMPBELL:

22 Q So as far as what Brett Parker would be the
23 beneficiary on these, the 401(k) was how much at
24 the time?

25 A \$198,000 and some change. It would be \$199,000.

1 The pension was \$51,500. And the insurance again,
2 \$868, or a million one eighteen.

3 Q And the total amount would be how much?

4 A \$1,118,502.12.

5 Q Moving your attention to May 3rd of 2012, did y'all
6 meet with a computer analyst?

7 A We did.

8 Q And who was that?

9 A Britt Dove, who has testified.

10 Q And limiting it to what was talked about, did he
11 uncover certain online gambling activity?

12 A He did. He found that BETCC.COM that y'all have
13 heard about, which turned out to be Lanny Gunter's
14 site.

15 Q And did it appear what type of losses the Defendant
16 had incurred on that BETCC in a week?

17 A Britt Dove saw \$100,000 in one week lost to that
18 BETCC.

19 Q Is there another site on there?

20 A Yes, RACEBOOK was on there. And it involved some
21 kind of betting of horses.

22 Q Did it also have certain bank facilities with
23 computer activity?

24 A There was. Palmetto Citizens, Citibank, Wells
25 Fargo, and SunTrust Mortgage. There was some

1 reference to that on the computer.

2 Q Later that day did you meet with the Capnerhurst
3 family?

4 A We did.

5 Q And who all was present at that meeting, sir?

6 A Heyward Barnes, who you heard from; his sister, Liz
7 Myers; Brooke Barnes, Heyward's wife; and Cindy
8 Capnerhurst.

9 Q At that point did you ask them to look at some
10 photographs?

11 A We did. We wanted to show them photographs of the
12 bag, this bag that y'all have heard a lot about.

13 And Stan Richards, my lab sergeant, printed me
14 off some pictures, and we wanted to show them those
15 pictures so they could make an ID of the bag.

16 And it was during that discussion that Heyward
17 talked to us about Cap's aversion to guns. He told
18 us the turtle-duck story that y'all heard at that
19 time.

20 And we went over some other things.

21 Q And they were able to relate information about
22 their father, his habits, and conditions?

23 A Yes. Discussion of, you know, carrying the bag
24 every day, working out with the bag, that kind of
25 thing.

1 Q On the morning of May 4th of 2012, did you meet
2 with Officer Harvel?

3 A Yes. He was the back-up officer you heard from.
4 We wanted to get his description again of the way
5 the gun -- the approach and the way the gun was
6 removed from Capnerhurst's hand.

7 Q That same morning did y'all decide to split up
8 Brett's phone directory?

9 A Yes. We just wanted to basically talk to everybody
10 that we could. We had a directory. We split the
11 list up I think in thirds, maybe fourths. We each
12 began to try to make contact with people.

13 Q May the 7th around 8:30 that morning, did you
14 finally make contact and have Natasha Nadkarni come
15 in?

16 A Early that morning Natasha Nadkarni came in. We
17 took a written statement from her.

18 Q And that same day you had to actually attend court,
19 I believe?

20 A I had a juvenile waiver hearing on that morning.
21 On the way back I got a call from Mr. Fedor, my
22 friend Mr. Fedor, asking me if we had gotten to the
23 point of charging Brett yet.

24 Q That same day did you meet with Ben Staples?

25 A I did.

1 Q And he had some questions and gave you certain
2 information?

3 A Ben had requested a meeting. He was seeking the
4 truth.

5 Q And did he express concern for anyone involved in
6 this case?

7 A He was deeply concerned for the children based on
8 how he felt, what Tammy would want.

9 Q May the 8th of 2012, did you meet and interview a
10 man named Jim Headley?

11 A I did. The jury has heard from Mr. Headley, a
12 co-worker of Bryan's at the recreation center.

13 Q Later that day did you get a call from a man you
14 know as Jay Phillips?

15 A I did.

16 Q And who is Jay Phillips?

17 A Jay Phillips was a former Lexington County
18 investigator who I have known for years. He used
19 to be a friend of mine. And he was seeking some
20 information about the case.

21 Q And at that point did you know in what capacity he
22 was asking?

23 A He indicated to me that he was -- had been
24 approached about working the case and wanted some
25 details as to whether I thought he ought to take it

1 or not.

2 Q And later did you find out in fact he was already
3 working the case?

4 A I found out that the person who he hangs his
5 license under was already working on it, a guy
6 named David Bird.

7 Q That same day did you talk to Jeff Beneker?

8 A I did.

9 Q And who is Mr. Beneker?

10 A Jeff Beneker was an individual that I knew
11 personally, previous relationship, who just
12 happened to be Tammy Parker's boss a couple of
13 years prior to the murders. And I just kind of
14 wanted to reach out to Jeff and see what he could
15 tell me about any history.

16 Q And without going into details, was he able to give
17 you certain information about Tammy and Brett and
18 their marriage?

19 A He did.

20 Q That day did you also speak with Fidelity
21 Investments?

22 A Yes, I did. And that was the 401(k) company. I
23 wanted to get some numbers from them.

24 Q Did you also talk to a Jonathan Joseph, who was the
25 original owner of the house at Tackeria Court?

1 A We did. He is a pastor -- current pastor of
2 recreation at the Riverhills Baptist Church. And
3 we were talking about the sale of the home, that
4 kind of thing.

5 Q Later that day, did Liz Myers bring you any
6 information?

7 A Yes, Liz brought in one of the tablets that you
8 have seen testified to that had some amounts that
9 Bryan Capnerhurst wrote down that would ostensibly
10 be the amount that he felt like he was owed, and it
11 came to \$21,300.

12 Q And did she actually produce the physical evidence?

13 A She brought in the tablet, yes.

14 Q And the amounts that were reflected there were
15 what?

16 A He had broken down three sets of numbers: \$6,300,
17 \$9,000, and then \$6,000, for a total of \$21,300.

18 Q I want to turn your attention to May the 14th. Did
19 you all try to make contact with Jack Parker again?

20 A Myself and Lieutenant McDonald wanted to go talk to
21 Jack. The main thing we were seeking some
22 clarification of was a flurry of phone activity on
23 the morning of the murders, particularly between
24 him, Brett, and Bryan.

25 And then James Morgan had indicated to us in

1 his statement that Jack and Linda had given Brett
2 \$5,000 for the cruise. And we wanted to talk to
3 him about that.

4 By this time we also, as a result of the Lanny
5 Gunter interview, we had learned that Brett was
6 betting away gambling profits. I mean, that is
7 basically what it came down to at this point in
8 time. And we wanted to talk to Jack about that.
9 And he was forthcoming. And we met him at his
10 house up on the lake and had a frank discussion
11 with him about that.

12 Q And at that point did you go over a series of phone
13 calls?

14 A We did. We went over the calls in question. There
15 was a call early that morning at 7:07 in the
16 morning. It was from Tammy. And she was calling,
17 he said, in reference to borrowing the newspaper
18 every now and then if there was something in the
19 paper she was interested in. In this case it was
20 an obituary. We actually found the article printed
21 off-line in the house. It was a friend of hers who
22 had passed away. She had called him wanting the
23 paper that morning.

24 At 7:43 there was a call from Capnerhurst.
25 And in that call, Jack would relate to us, it was

1 significant, because he called Jack to tell him
2 that he was going to Brett's house that day to get
3 his money.

4 Q That was significant to you in what way?

5 A It was tremendously significant, because if you
6 believe the Defendant's story that this was a
7 premeditated, heinous double murder, planned ahead
8 of time robbery, why would the man call one of his
9 intended murder victims' father and tell him he was
10 coming by there? He wouldn't have been a very
11 smart criminal, certainly, and we would have
12 certainly had a pretty good trail to follow if it
13 had been carried out that way. It just didn't make
14 sense.

15 Q At 8:39 was there another call?

16 A Yes, another call from Jack, this time back to
17 Capnerhurst.

18 Q Jack was the one that actually initiated that?

19 A Right. And he didn't recall the contents of that
20 call.

21 And then there were a series of calls, like
22 four of them, that were exchanged between Jack and
23 Brett.

24 Q At that point did Jack ask you a series of
25 questions?

1 A Jack -- Jack had some serious doubts at that point,
2 and he expressed those doubts and wanted to ask us
3 some questions about the investigation.

4 And we told -- we told Jack some things about
5 the investigation at that point in time.

6 Q As you were departing, what happened?

7 A I asked Jack about this thing about the money
8 before the cruise, and he -- I asked him if he
9 would ask Linda. He denied he had given him money
10 and said he would ask his wife.

11 And we also wanted to ask him if he could ask
12 her about the statement, did Brett kill Tammy, when
13 they first arrived at the scene. Y'all have heard
14 about that.

15 You know, Jack had asked us not to, if we
16 could keep from it, not to interview Linda. And we
17 honored that --

18 Q And Linda is his wife?

19 A Yes. We honored that request. We let sort of Jack
20 relay the information back and forth. And we were
21 respectful of his request and we wanted to try to
22 keep the lines of communication open with Jack. He
23 was being cooperative with us at that point in
24 time.

25 Q I want to turn your attention to May the 15th of

1 2012. At that point had there been some further
2 review of the video in the case?

3 A Yes. My lieutenant, who I will commend for doing a
4 thorough job here, went back at another camera
5 angle and just sat there and watched that video
6 from that house that day.

7 He would later report to me he watched them
8 that morning going to their respective locations
9 that morning.

10 We actually, about six minutes before Bryan
11 Capnerhurst gets there, he sees these blinds flash
12 open, that y'all saw on the video. And we wanted
13 to make sure that that wasn't some kind of, you
14 know, the sun -- the cloud passing the sun or a
15 reflection or something, you know. So we wanted to
16 go do a recreation during similar lighting
17 conditions, similar time of day, to see if that is
18 indeed -- that was somebody looking out of those
19 blinds. And if indeed it was somebody looking out
20 those blinds, we wanted to process the blinds.

21 Q For possible evidence?

22 A That's correct.

23 Q And the process that was going to be used was what?

24 A It was to process it for GPR.

25 Q And at that same meeting did y'all also review some

1 information that Lieutenant McDonald developed
2 about the Capnerhurst phone records?

3 A Yes. This was one of those things that -- it was
4 just inexplicable upon examination of the
5 Defendant's story.

6 At 12:33 and 20 seconds on the date of the
7 incident, and it would be a little over two minutes
8 after Capnerhurst gets there, there was an attempt
9 to dial a phone number. And the digits that were
10 dialed were 7*4401*5. And send was hit on the
11 phone.

12 So that call went and hit a tower. It hit a
13 tower, and the tower tried to connect that call and
14 identify it as a legitimate number for 14 seconds,
15 but it dropped it because it wasn't a legitimate
16 number.

17 That became significant to us because we
18 believe Capnerhurst was attempting to make a phone
19 call.

20 MR. WHITLARK: Objection, Your Honor. I
21 object to that.

22 THE COURT: What is the objection?

23 MR. WHITLARK: He is theorizing about -- he is
24 telling the jury about some theory he has got on
25 something he is not an expert in.

1 MS. CAMPBELL: It is part of his investigation
2 and the conclusion he reached from it. It is
3 within his investigative experience.

4 MR. WHITLARK: Your Honor, they had their
5 experts up here, or whatever, for that purpose
6 earlier in this trial. We have heard from all of
7 them. I think that -- he is not an expert in this
8 trial. I object to it, Your Honor.

9 THE COURT: All right. Objection overruled.

10 MS. CAMPBELL: Thank you.

11 BY MS. CAMPBELL:

12 Q Go ahead.

13 A It was Capnerhurst's phone.

14 Q Got it.

15 A It was an attempt to make a call from the phone.
16 The phone was found in his pocket, in his left
17 pocket.

18 It was important to us because if the gun is
19 in his left hand and the phone is in his left
20 pocket, how is he going to be dialing a phone with
21 a gun in his hand? That was the significance of
22 that.

23 Q And what was the time that that phone call was
24 attempted?

25 A 12:33 and some 20 seconds, about two minutes after

1 Capnerhurst gets there.

2 Q And I show you what has been marked as State's
3 Exhibit Number 264. What is that -- you can't show
4 it to the jury.

5 A I understand.

6 Q Okay.

7 A It appears to be the outline of a cellular
8 telephone in the left pocket of Bryan Capnerhurst.

9 Q And that picture is taken where?

10 A At the scene of the crime. And the jury earlier
11 heard Jane Powell testify that the gun was
12 retrieved from the left pocket.

13 MS. CAMPBELL: I'll wait for
14 cross-examination.

15 BY MS. CAMPBELL:

16 Q Did you try to check with Investigator Holt about
17 which pocket he thought it came out of?

18 A Yes. He couldn't really recall. He thought it
19 might have been the right pocket, but Jane
20 Powell --

21 Q Ms. Powell actually recovered --

22 A Jane Powell recovered the phone, and he obviously
23 yielded to her.

24 Q That day did you also make contact with Jack Parker
25 again?

1 A We did. We wanted to get back with him about had
2 he asked his wife about the statement that Sergeant
3 Yturria testified to about, did Brett kill Tammy.

4 And she was forthcoming about that and said
5 that she may have made such a statement, according
6 to Jack's account.

7 And then during this call, Jack also
8 acknowledged to us that Cap had told him that he
9 had seen something of the online gambling involving
10 Brett. He told him that.

11 Q During the course of this investigation, did you
12 become aware that Brett Parker and his father were
13 attempting to communicate directly with the
14 sheriff?

15 A I did.

16 Q And at the sheriff's direction, after Brett Parker
17 made contact with him, did you set up a meeting?

18 A I did.

19 Q And where did that meeting take place and when?

20 A It took place at the Sheriff's Department.

21 Q And prior to the sheriff meeting with Brett, had he
22 asked you to do anything?

23 A Yes. The sheriff wasn't working the case. He
24 would get updates, but if he was going to conduct
25 an interview, which was requested, he wanted to

1 have some questions that were relevant to the
2 investigation provided to him, which I did.

3 Q And I believe you started formulating those
4 questions on the 17th, and the interview actually
5 took place on what date?

6 A It actually took place on the 21st of May.

7 Q And you provided a series of questions?

8 A I did.

9 Q And after the sheriff and Brett Parker met, did he
10 then provide you with the information that was
11 given to him?

12 A Yes. The sheriff called me to his office. I went
13 over the answers as provided. I was able to reduce
14 them, type them out.

15 Q And in reviewing that information, turning to Page
16 41 of your follow-up, did you then compare the
17 information that he provided to the sheriff to the
18 information he had previously provided to you?

19 A There were some inconsistencies that were -- again,
20 there were inconsistencies every time he told the
21 story, but in the first question Brett alluded to
22 the dummy stack, the dummy stack in the safe.

23 But in the interviews with him back on
24 Saturday the 14th, he had come up with a different
25 story. The story then was about the robbery

1 defense plan, but it was a whole lot more detailed
2 about \$20,000 being in there or not.

3 Back on the 14th when I asked him about the
4 \$300 and something when he told us it was \$20,000,
5 he said he grabbed \$5,000 for the recent cruise, as
6 you recall.

7 He also was asked -- he asked us to follow him
8 to the SUV where he produced the current collection
9 sheet. He explained he had a lot of cash floating.
10 He considered it just as good as actually
11 possessing it. Two people on the list did owe him
12 \$10,000. He said that they were good customers and
13 would pay him several thousand at a time, so he let
14 them float money. He said that what he meant when
15 he told us he could pay Bryan \$5,000 that Friday is
16 that he would get him the rest when he could
17 collect it.

18 As it turned out, Brett couldn't have even
19 made \$5,000 that day with the \$380 and something
20 and the \$4,500.

21 The gambling records from the SUV were seized
22 as evidence. The gambling records from the house
23 were also seized as evidence.

24 And Brett explained that they were -- the
25 numbers circled on the sheets in red meant that he

1 was a winner and the black numbers meant he was
2 loser. The red far outnumbered the black.

3 And Parker explained the bookie process in
4 detail at that time. He said he oftentimes never
5 got all what he was owed. And the extra \$6,000
6 that Bryan told people he was owed to make it
7 \$21,000 that Bryan thought he was owed was money
8 that they never collected from the football season.
9 He said he couldn't pay Bryan because he didn't get
10 it for himself.

11 It was also during that conversation that
12 Brett said that Bryan would have no way of knowing
13 how much cash was in the safe. He said that he
14 would never have divulged this to Bryan. And Brett
15 also outlined the fact that he had anticipated the
16 possibility of a robbery and this was based on the
17 burglary that he had suffered the year prior.

18 Based on that fact, he had the Judge gun on
19 top of the safe, and inside the safe he had hundred
20 dollar bills on top of a stack of one dollar bills
21 with a \$10,000 wrapper on the stack.

22 Lieutenant Cavanagh would report that there
23 were two stacks like this. Brett said that they
24 were there in case of a robbery so he could fool
25 the suspects and give it to them, a lot less in

1 reality. And that was his explanation. So there
2 were inconsistencies about that.

3 Q In additional questions, were there
4 inconsistencies?

5 A In Question 4 about the bag, he alluded to the
6 collection of the collection sheets. He had never
7 mentioned this before as a reason for him to bring
8 the bag, he had told us it was for the money.
9 There was never even a mention about collection
10 sheets.

11 In Question 6 it was about the alarm. He said
12 that he was referring to the ADT alarm system and
13 that he had been having problems with.

14 And in the 9-1-1 tape he specifically says the
15 alarm went off when Bryan shot his wife. And on
16 the recording, I actually went back and listened to
17 it again, the quote was: The fucking alarm went
18 off when he shot.

19 And then moments later he says: When he shot
20 the fucking gun, the alarm went off. I don't know
21 what it fucking was, if it was a fucking fire or
22 what. Fuck me.

23 So he was talking about the smoke alarm, not
24 the ADT alarm.

25 In Question 13 he was adamant that Tammy was

1 on the phone when he left the office area. He said
2 that in his written statement. However, in
3 Lieutenant McDonald's review of the phone records,
4 there were no calls made from any of the lines
5 during that timeframe.

6 So those were some of the inconsistencies with
7 that interview.

8 Q On May the 23rd of 2012, did you return with a
9 search warrant to 12 Tackeria Court?

10 A That is the day we did the reenactment, yes, ma'am.

11 Q And prior to going there, did y'all obtain a lawful
12 search warrant from a judge?

13 A We did.

14 Q So prior to entering you had a legal right to go
15 in?

16 A We did.

17 Q Once you got in, what happened?

18 A Ric Stephens had joined us that day with another
19 Secret Service agent, and we executed an extensive
20 search in conjunction with the reenactment.

21 Q So there were some additional -- at the
22 reenactment, did it confirm what you had seen on
23 the video?

24 A It did. The simulation of opening the blinds was
25 exactly what we had seen -- or what Lieutenant

1 McDonald had seen at approximately 12:25 on the day
2 of the murders.

3 Q And that day, did Stan Richards actually collect
4 GSR kits from those blinds?

5 A GSR was done on the slider on the blinds, that's
6 correct.

7 Q And there were two sets of blinds that were
8 collected from, is that correct?

9 A There were some blinds in the laundry room adjacent
10 to the room where the door was opening, and he went
11 ahead and got those too, and they would prove --

12 Q Both have a view of what?

13 A The driveway. The approach to the house.

14 Q Did you also search the office again for additional
15 information?

16 A We did. And Ric Stephens collected a good bit of
17 paperwork that day with regard to the gambling
18 investigation. And that is the day we found the
19 gun oil that has been testified to, that is not
20 really gun oil, it is used for something else. And
21 it was actually found in the midst of a shredding
22 bin in the office.

23 And that was significant because Ms. Mullins
24 had indicated that they had had a liaison in that
25 area or had been in that area and then had the

1 liaison in the bedroom, and it sort of matched that
2 up.

3 Q Did you also recover some additional shell casings?

4 A Yes. We -- our forensic people, our ballistics
5 people wanted some exemplars or some actually ammo
6 from the same lot of the .410, and we actually
7 recovered some more .410 shells in the office area
8 in the drawer to the desk there, which I want to
9 point out is not where the Judge, according to the
10 Defendant's story, was being stored, it was
11 supposedly being stored on the safe. These shells
12 were found in the desk in the office.

13 Q And within that desk -- and there have been
14 pictures already put in of the office. I will show
15 you State's 376. Is that the additional ammunition
16 that was recovered?

17 A Yes.

18 Q And the desk area with the drawer where that shell
19 was in it, was there information you had gotten
20 from Lindsay Mullins about where the Defendant
21 indicated he kept the gun?

22 A It is in the statement from Lindsay Mullins. There
23 had been some discussion about him having a gun,
24 and he had pointed to that area, or something, of
25 that desk.