

VOLUME II of II

STATE OF SOUTH CAROLINA

In The Court of Appeals

 **ORIGINAL**

APPEAL FROM LAURENS COUNTY

Eugene C. Griffith, Jr., Circuit Court Judge

THE STATE,

v.

WILLIAM JARRELL ALEXANDER,

APPELLANT

APPELLATE CASE NO. 2014-002207

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT (dated September 8-12, 2014)	1
TESTIMONY	
TYRONE GOGGINS (In-Camera).....	9
Direct Examination by Mr. Scott	9
Cross-Examination by Ms. McNeill	17
CRYSTAL ROBERTS (In-Camera).....	20
Direct Examination by Mr. Scott	20
Cross-Examination by Ms. Kendall	30
MICHAEL COLLINS (In-Camera)	34
Direct Examination by Mr. Scott	34
Cross-Examination by Ms. McNeill	43
Redirect Examination by Mr. Scott.....	46
J. HARVEY OWENS	46
Direct Examination by Mr. Scott	47
Cross-Examination by Ms. McNeill	53
Redirect Examination by Mr. Scott.....	55
TYRONE GOGGINS (In-Camera).....	57
Direct Examination by Mr. Scott	57
Cross-Examination by Ms. McNeill	64
JEFFERY KINDLEY (In-Camera).....	68
Direct Examination by Mr. Scott	68
Cross-Examination by Ms. Kendall	74
CRYSTAL ROBERTS (In-Camera).....	77
Direct Examination by Mr. Scott	77
Cross-Examination by Ms. Kendall	90
Continued Cross-Examination by Ms. Kendall	108
Redirect Examination by Mr. Scott	116
Re-Cross Examination by Ms. Kendall.....	122
RICK CHARLES	123
Direct Examination by Mr. Stumbo	123
Cross-Examination by Ms. McNeill	134

TYRONE GOGGINS.....	138
Direct Examination by Mr. Stumbo	138
Cross-Examination by Ms. McNeill	144
Redirect Examination by Mr. Stumbo	148
Recross Examination by Ms. McNeill	149
OPENING STATEMENT BY MR. SCOTT	199
OPENING STATEMENT BY MCNEILL	211
TESTIMONY	
DAPHNE TUCKER.....	218
Direct Examination by Mr. Stumbo	218
HENRY SIMMONS	223
Direct Examination by Mr. Scott	223
Cross Examination by Ms. McNeill.....	229
Redirect Examination by Mr. Scott.....	232
Recross Examination by Ms. McNeill	234
JOSH MCCLENDON	238
Direct Examination by Mr. Stumbo	238
Cross Examination by Ms. McNeill.....	247
LAUREN SIMMONS	248
Direct Examination by Mr. Scott	248
Examination (In camera) by Mr. Scott.....	255
Continued Direct Examination by Mr. Scott	261
Cross Examination by Ms. McNeill.....	266
CASEY JONES.....	268
Direct Examination by Mr. Stumbo	268
Cross Examination by Ms. Kendall	280
Redirect Examination by Mr. Stumbo	282
Examination (In Camera) by Mr. Stumbo	286
Continued Redirect Examination by Mr. Stumbo	288
Recross Examination by Ms. Kendall.....	290
TYRONE GOGGINS.....	291
Direct Examination by Mr. Scott	291
Cross Examination by Ms. Kendall	315
Redirect Examination by Mr. Scott	326
Recross Examination by Ms. McNeill	327
KYLE STEWART	328
Direct Examination by Mr. Scott	328
Cross Examination by Ms. McNeill.....	340
Redirect Examination by Mr. Scott.....	343
Recross Examination by Ms. McNeill	344

ROSE STEWART	344
Direct Examination by Mr. Scott	345
Cross-Examination by Ms. McNeill	348
Redirect Examination by Mr. Scott	349
J. HARVEY OWNES	350
Direct Examination by Mr. Stumbo	350
Examination (In Camera) by Ms. McNeill	363
Continued Direct Examination by Mr. Stumbo	364
Cross-Examination by Ms. McNeill	365
Redirect Examination by Ms. Stumbo	367
JEFFERY KINDLEY	368
Direct Examination by Mr. Stumbo	369
Cross-Examination by Ms. Kendall	376
RICK CHARLES	380
Direct Examination by Mr. Stumbo	380
Cross-Examination by Ms. McNeill	388
Redirect Examination by Mr. Stumbo	389
Recross Examination by Ms. McNeill	390
MICHAEL COLLINS	394
Direct Examination by Mr. Scott	394
Cross-Examination by Ms. McNeill	408
Redirect Examination by Mr. Scott	413
CRYSTAL ROBERTS	422
Direct Examination by Mr. Stumbo	422
Cross-Examination by Ms. Kendall	453
Redirect Examination by Mr. Stumbo	470
Recross Examination by Ms. Kendall	473
VICKI HALLMAN	475
Direct Examination by Mr. Scott	475
Cross Examination by Ms. Kendall	506
VERONA GIBSON	508
Direct Examination by Mr. Scott	508
WILLIAM HERRING	514
Direct Examination by Mr. Scott	514
Cross-Examination by Ms. Kendall	518
Redirect Examination by Mr. Scott	520
Recross Examination by Ms. Kendall	521
AMANDA WEBB	522
Direct Examination by Mr. Stumbo	522
Cross-Examination by Ms. McNeill	544

JANICE ROSS, M.D.....	546
Direct Examination by Mr. Stumbo	546
Cross-Examination by Ms. McNeill	567
Redirect Examination by Mr. Stumbo	568
TRACY MILLER.....	569
Direct Examination (In Camera) by Mr. Scott	569
Cross- Examination (In Camera) by Ms. Kendall	574
Direct Examination by Mr. Scott	592
CLOSING ARGUMENT BY MR. STUMBO.....	613
CLOSING ARGUMENT BY MS. MCNEILL	637
CHARGE OF THE COURT.....	653
VERDICT	673
SENTENCING (October 10, 2014).....	681
STATE’S EXHIBIT #5 (Statement)	682
STATE’S EXHIBIT # 7 (Statement)	683
INDICTMENT	685
CERTIFICATE OF COUNSEL.....	687

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

DEFENDANT’S EX. 1 TO DENNO HEARING

1 lab number on it and also a container number so we can
2 actually track on computer what's in the container.

3 Q. Okay. Would you cut that box open for me?

4 A. Sure.

5 **MS. McNEILL:** Judge, may we approach?

6 **THE COURT:** Yes.

7 (Proceedings held at the bench; not reported.)

8 BY MR. SCOTT:

9 Q. Did you open it, Ms. Hallman?

10 A. Yes.

11 Q. All right. Okay. As a result of the autopsy
12 results, what sorts of items did you collect in the
13 second search of the car?

14 A. We collected items such as telephone cords, scarves,
15 lanyards, any type of object that could have been used
16 to strangle.

17 Q. Okay. Specifically, are you able to look through
18 that box and pull out Item 67?

19 A. Yes, sir. It's right here on the top.

20 Q. Okay. Do you have any notes -- go ahead and open
21 it.

22 A. You want it all the way open?

23 Q. Yes, ma'am.

24 A. Okay.

25 Q. What is that?

1 A. It is a USB cable cord.

2 Q. All right. And that was seized out of the car on
3 July 1, 2013?

4 A. That's correct.

5 Q. All right. And why was that noteworthy?

6 A. Ms. Asbill, we were advised by the pathologist that
7 she -- part of her cause of death was strangulation, so
8 we were looking specifically for items that could have
9 been used to strangle someone.

10 (State's Exhibit Number 52 was marked for
11 identification.)

12 BY MR. SCOTT:

13 Q. Okay. So this Exhibit 52 was noteworthy on July 1st
14 after the autopsy and that's why you seized it out of
15 the car?

16 A. That's correct.

17 **MR. SCOTT:** Your Honor, the State would offer
18 State's Number 52 for admission into evidence.

19 **MS. McNEILL:** No objection.

20 **THE COURT:** 52 is admitted without objection.

21 (State's Exhibit Number 52, a USB cord, was admitted
22 into evidence.)

23 BY MR. SCOTT:

24 Q. Okay. What did you do with the USB cord, State's
25 Number 52, after you seized it?

1 A. All of the items that we collected out of the
2 vehicle we took. They were individually packaged at
3 the scene, they were taken and logged into the SLED
4 forensic laboratory and sent to our DNA department for
5 analysis.

6 Q. Okay. And you would have taken that from the scene
7 and taken it to SLED?

8 A. Yes.

9 Q. Okay. Do you remember who you took that to?

10 A. Amanda Webb, who works in our DNA department,
11 actually came down and actually collected it from me.

12 Q. Okay. Did you swab that cord?

13 A. I did not.

14 Q. I guess, do you wear rubber gloves when you seize
15 items like that?

16 A. Yes, sir. We wear latex gloves during the whole
17 processing of the crime scene. Usually I put on a pair
18 before I even walk into the scene and I frequently
19 change them out while I'm at the scene, but any evidence
20 that I handle I do have on gloves.

21 Q. Okay. All right. After that search warrant, you
22 collected -- you collected a bunch of other phone cords
23 out of there, correct?

24 A. Yes, sir. We collected probably somewhere between
25 ten and fifteen items out of the vehicle.

1 Q. Okay. Aside from phone cords, anything else?

2 A. Specifically, there were two scarves, there was
3 a lanyard, a computer cord, a couple of cell phone
4 chargers and things along those lines.

5 Q. Okay. But State's 52 was included in that inventory
6 of cords and scarves and lanyards?

7 A. Yes, sir, it was.

8 Q. And you spoke about the autopsy before. Were
9 you there?

10 A. Yes, sir, I was.

11 Q. Did you collect anything from the autopsy?

12 A. I collected basically what we call autopsy
13 evidence. It would have been the victim's clothing --
14 or Ms. Asbill's clothing, any type of specimens
15 collected from the body, usually blood.

16 Q. Did you collect the blood?

17 A. Yes.

18 Q. What did you do with it?

19 A. Actually, two sets of blood was collected. There's
20 a set that comes down to our toxicology department along
21 with some other items from the body that's usually used
22 for a toxicology report and also they submit one tube of
23 blood for a DNA standard for
24 our DNA department.

25 Q. Did you collect that DNA standard blood?

1 A. Yes, I did.

2 Q. What did you do with it?

3 A. It was logged into the forensic laboratory and given
4 to Amanda Webb, who works in our DNA department.

5 **MR. SCOTT:** I beg the Court's indulgence.

6 BY MR. SCOTT:

7 Q. Okay. Vicki, what was the -- what other
8 involvement did you have after you collected the
9 blood, you collected the swabs from Mr. Beaty and
10 Mr. Alexander, you photographed the scene, you
11 documented the injuries? What else did you do with
12 regards to this case?

13 A. That would be basically the main thing. If there
14 were any items that needed to be processed for latent
15 prints, which there was some beer cans, we processed
16 those for latent prints and did not find any latent
17 prints on those. And I would have issued a report.

18 Q. Okay. Do you know where those beer cans came from?

19 A. They were actually given to us by -- he's now
20 Lieutenant Jeff Kindley with SLED and they came from
21 some place that the -- Mr. Beaty and Mr. Alexander,
22 one or the other, actually took them when they were
23 being interviewed.

24 Q. Okay. You found no latent prints on them was
25 your -- was the result?

1 A. That's correct.

2 Q. I neglected to put this in. This is State's 33.

3 Let me ask you if you recognize that?

4 A. Yes, I do.

5 Q. And what is that?

6 A. This is a photograph of Ms. Asbill's Social Security
7 card, her driver's license, the registration of the
8 vehicle, and the insurance card for the vehicle.

9 Q. All right. Would you have collected that from the
10 Buick?

11 A. Yes, we would have.

12 **MR. SCOTT:** All right. Your Honor, the State offers
13 33 for admission.

14 **MS. KENDALL:** Without objection.

15 **THE COURT:** 33's admitted without objection.

16 (State's Exhibit Number 33, a photograph, was
17 admitted into evidence.)

18 **MR. SCOTT:** All right. Thank you, Ms. Hallman.
19 Please answer any questions Ms. McNeill or Ms. Kendall
20 may have for you.

21 CROSS-EXAMINATION

22 BY MS. KENDALL:

23 Q. Agent Hallman, you previously testified that William
24 Alexander was quite intoxicated. Those were your words,
25 correct?

1 A. He appeared to be, yes, ma'am.

2 Q. And when you got there at -- well, let me back up.
3 You were contacted, I believe, around midnight?

4 A. 12:30 in the morning.

5 Q. And you arrived on-scene when?

6 A. The initial scene, at approximately 1:30.

7 Q. And when you arrived on-scene, it had already been
8 secured by local law enforcement, correct?

9 A. That's correct.

10 Q. And as a result of your job of collecting data,
11 nothing had been moved or changed? Since the original
12 law enforcement had arrived, it had been secured?

13 A. That's my knowledge, yes, ma'am.

14 Q. And y'all secured the vehicle and then worked on it
15 the next day, correct?

16 A. Actually, we worked on it later on that morning and
17 then went back a second time the next day.

18 Q. But through your security measures, nothing would
19 have been tampered with in that vehicle, correct?

20 A. Correct.

21 **MS. KENDALL:** Nothing further.

22 **THE COURT:** Anything else?

23 **MR. SCOTT:** No, sir.

24 **THE COURT:** All right. You may step down, ma'am.

25 (Witness excused.)

1 **THE COURT:** What's the estimate of your next -- the
2 length of your next witness, Mr. Scott, or do you know?

3 **MR. SCOTT:** Very short.

4 **THE COURT:** Very short. All right.

5 **MR. SCOTT:** Verona Gibson.

6 (State's Exhibit Numbers 53 and 54 were marked for
7 identification.)

8 VERONA GIBSON,

9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. SCOTT:

12 Q. All right. Ms. Gibson, where are you employed?

13 A. The South Carolina Law Enforcement Division.

14 Q. And what are your duties there?

15 A. I'm a forensic technician in the DNA processing
16 department.

17 **THE COURT:** I want the spelling of her name for the
18 jury.

19 **MR. SCOTT:** Yes, sir.

20 BY MR. SCOTT:

21 Q. Ms. Gibson, would you, please, spell your name?

22 A. Verona, V-E-R-O-N-A. Gibson, G-I-B-S-O-N.

23 Q. All right. So in the forensics department as a
24 forensic tech -- I mean, how do you spend your days
25 there at SLED?

1 A. We get large pieces of clothing, bed linens, auto
2 parts, guns, and we process those for body fluids such
3 as semen, saliva, urine and blood. And we also do
4 what's called touch DNA or ownership DNA where we swab
5 items to try to collect skin cells off of them.

6 Q. I want you to reference SLED Lab Number L13-08496.
7 Would that be a case you're familiar with?

8 A. Yes, sir.

9 Q. And you had some involvement with that case?

10 A. I did, yes, sir.

11 Q. Okay. What information -- who were the -- who were
12 your listed suspects and victim in that case?

13 A. Emily Asbill was listed as the victim. Michael
14 Beaty, Junior, and Will Alexander are listed as
15 suspects.

16 Q. Okay. And specifically what was your involvement
17 with that particular case and when did you become
18 involved with that case?

19 A. On July 2nd, I received several items of evidence
20 for processing. Would you like me to read all those off
21 or --

22 Q. About how many are there? You received a large --

23 A. It was a large amount. Somewhere around twenty to
24 twenty-five.

25 Q. Let me -- I think I can narrow it down for you

1 specifically. Let me show you State's Number 52. Are
2 there any identifiable features on there that help you
3 recognize that?

4 A. Yes, sir. This is our item number, which is
5 Item Number 67, my initials, the lab number and date I
6 processed or opened the packaging.

7 Q. So you did have the opportunity to analyze or deal
8 with State's Number 52?

9 A. Yes, sir.

10 Q. Okay. Do your notes show what exactly you did with
11 that item?

12 A. Yes, sir. The request for this item was for touch
13 DNA, so I swabbed the middle of -- it's a USB cord or
14 cable. I swabbed the middle of the item and then on
15 separate swabs I swabbed the two ends of the item.

16 Q. Okay. What does it mean to swab an item?

17 A. Basically we get a large Q-tip, we wet it with
18 deionized or vapor water, so sterile water, and then we
19 basically just swab back and forth the entire section
20 that we're interested in.

21 Q. Okay. And what are you trying to pick up when you
22 swab an item?

23 A. That's the skin cells I was talking about with the
24 touch DNA. When you touch something, you have the
25 ability to leave behind skin cells, which can be

1 collected for DNA processing.

2 Q. Okay. And you were able to swab that particular
3 item?

4 A. I did swab that item.

5 Q. Let me show you State's Numbers 53 and 54. Do you
6 recognize those?

7 A. Yes, sir. These are the swabs from the middle and
8 then the swabs from the end.

9 Q. Okay. Of that cord?

10 A. Of Item 67. Our Item 67, your item Exhibit 52.

11 Q. And then after you swab those, what do you do next
12 with them?

13 A. They're sealed in these envelopes, they're sealed
14 in a heat-sealed pouch, which is a plastic pouch that we
15 can determine if it's been tampered with, then it was
16 forwarded to Amanda Webb in the DNA department.

17 Q. Who's she?

18 A. She's a DNA analyst.

19 Q. Okay. So she tests the items that you swab?

20 A. Correct. She runs the computer to see if a DNA
21 profile will develop.

22 **MR. SCOTT:** Your Honor, the State would offer
23 53 and 54 for admission into evidence.

24 **THE COURT:** 53 and 54.

25 **MS. MCNEILL:** Judge, can I see them?

1 **THE COURT:** Okay.

2 **MR. SCOTT:** (Hanging.)

3 **MS. McNEILL:** Without objection to 54 and 53.

4 **THE COURT:** Okay. State's 53 and 54 will be
5 admitted without objection.

6 (State's Exhibit Numbers 53 and 54, DNA swabs, were
7 admitted into evidence.)

8 BY MR. SCOTT:

9 Q. Okay. You swabbed these two and you swabbed a lot
10 of other stuff, too, right, in this case?

11 A. Correct.

12 Q. All right. 53 and 54 are what we're talking about
13 here today?

14 A. Yes, sir.

15 Q. And you turned it over to Amanda Webb you said?

16 A. Yes.

17 **MR. SCOTT:** Thank you. Please answer any questions
18 Ms. McNeill or Ms. Kendall have for you.

19 **MS. McNEILL:** I have no questions of this witness.

20 **THE COURT:** You may step down.

21 (Witness excused.)

22 **THE COURT:** The next witness estimate?

23 **MR. SCOTT:** You want the next witness?

24 **THE COURT:** No, what I'm -- what I'm requesting is,
25 is this the good time to take a lunch break or is it --

1 all right. I'm getting an affirmative.

2 All right. We'll take a lunch break. Y'all step
3 into the jury room and you can go to lunch. By that
4 clock it's twenty-five minutes after twelve. Let's go
5 to 1:45. That will give you an hour and twenty minutes.
6 Is that enough? Too much? About right?

7 All right. Y'all be back in by -- check your
8 watches -- 1:45. Don't -- don't discuss the case.

9 (Whereupon, the jury was excused for lunch at
10 12:23 PM.)

11 **THE COURT:** All right. We'll stand at ease until
12 1:45 PM. I'll be back on the bench at 1:45 by that
13 clock, but I'll be back in the courthouse before then
14 if y'all need something.

15 (Whereupon, a luncheon recess taken.)

16 **BAILIFF:** All rise. Everyone come back to order.

17 **THE COURT:** All right. Gentlemen, are we ready to
18 continue?

19 **MR. STUMBO:** We are.

20 **THE COURT:** We're ready for them.

21 (Whereupon, the jury enters the courtroom at
22 1:47 PM.)

23 **BAILIFF:** All present, Your Honor.

24 **THE COURT:** All right. Mr. Scott, your witness.
25 Or Solicitor.

1 **MR. STUMBO:** Your Honor, the State calls Amanda
2 Webb.

3 (Discussion between Mr. Stumbo and Mr. Scott.)

4 **MR. SCOTT:** Judge, we're gonna switch up and call
5 Will Harrington.

6 WILLIAM HERRING,
7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. SCOTT:

10 Q. All right. Mr. Herring, would you state your full
11 name?

12 A. My name's William Herring.

13 Q. Thank you. And where are you employed?

14 A. I am with Securus Technologies.

15 Q. Securus Technologies. That's S-E-C-U-R-I-S?

16 A. S-E-C-U-R -- S-E-C-U-R-U-S, Securus.

17 Q. Okay. And what is Securus Technologies?

18 A. We're a call management company. We do inmate phone
19 calls.

20 Q. Okay. What do you mean you do inmate phone calls?

21 A. We do -- as a part of our company, we sell inmate
22 phone time. Say, like somebody wants to make a phone
23 call, like an inmate, we give them phone cards where we
24 charge them money for calls.

25 Q. Okay. So you contract with county jails across the

1 state?

2 A. Yes, sir.

3 Q. Is the Laurens County jail one of the jails you
4 facilitate?

5 A. Yes, sir.

6 Q. What services do you provide to that jail?

7 A. Currently at that site we only do phone systems.

8 Q. Okay. Well, if I'm an inmate at Laurens jail,
9 explain to the jury what my access to a telephone would
10 be.

11 A. When you're first booked in, you can make a free
12 call with the booking phone, but once you're inside,
13 your family or friends can buy you phone time, and at
14 that time you can use any phone at the facility to make
15 phone calls to friends and families. They can do
16 collect calls, payment cards, and other calls like that.

17 Q. Okay. Tell me, do you install any warnings on these
18 phones in regards to inmate use of those phones?

19 A. Yes, sir. Every -- every call, including the
20 booking phone, which is a free call, that all calls are
21 monitored and subject to being recorded.

22 Q. Okay. Do you have a sign or anything that says
23 that? Or how is an inmate alerted to the fact that
24 their phone calls will be recorded?

25 A. It says it in the conversation when they make the

1 connection to the phone call and also the other member
2 on the other side also is notified that this call is
3 being monitored.

4 Q. Okay. How would an inmate -- how do they pay for a
5 phone call? Do they slide a quarter in the slot?

6 A. No, sir. It depends on the site. Some are issued
7 PINs or some can call -- they have to have a prepaid
8 account somewhere that their family member or
9 a friend pays for. They can do a collect call. It
10 depends on how their account is set up. If it's a PIN,
11 then they just put their PIN in.

12 Q. Okay. And in that situation, an inmate at the jail
13 would be assigned a specific PIN number?

14 A. Yes, sir.

15 Q. And what do they do, type it into the keypad?

16 A. Yes, sir.

17 Q. Okay. So an inmate would type their PIN number in
18 and before they -- they would make the outgoing phone
19 call, the recording would come on that warned them
20 they're being recorded?

21 A. First, it asks for their name, okay, and then it
22 says please wait while we make the connection, then it
23 begins to give out a warning this call is monitored and
24 subject to be recorded, and it also announces the other
25 party.

1 Q. Okay. So the speaker's hearing it, but the person
2 they're dialing is also hearing that?

3 A. Correct.

4 Q. Okay. And Securus, your company, maintains the
5 system at the jail that maintains the records that are
6 recorded conversations?

7 A. Yes, sir.

8 Q. Okay. And how long do y'all hold on to these
9 recordings?

10 A. Contract-wise one year.

11 Q. Okay. And then would people -- would law
12 enforcement be able to request these recorded phone
13 calls from you guys?

14 A. Yes, sir. Or the site administrator can record them
15 themselves or download the recordings themselves.

16 Q. Okay. So the folks at the jail have access
17 to these recordings where they can download them
18 themselves?

19 A. Yes, sir.

20 Q. But they are kept and maintained by Securus?

21 A. Yes, sir.

22 Q. Let me show you something. This has been identified
23 as State's Number 47. Do you recognize that?

24 A. Yes, sir. It's a recording that Laurens County
25 requested.

1 Q. Okay. In this particular case, State v. William
2 Alexander?

3 A. Yes, sir.

4 Q. Okay. How do you recognize this?

5 A. I listened to the conversation partially where it
6 says the call is being recorded and it gives you Securus
7 Technologies.

8 Q. And specifically that disc in your hand, how do you
9 recognize that?

10 A. It's one that the Solicitor -- or Walter Bentley
11 asked me to look at and verify for him.

12 Q. Okay. Now are your initials on the disc?

13 A. Yes, sir.

14 **MR. SCOTT:** Okay. Thank you. I think that's
15 all the questions I have for you. Please answer any
16 questions Ms. Kendall has for you.

17 CROSS-EXAMINATION

18 BY MS. KENDALL:

19 Q. Mr. Herring, can you tell me again what is your
20 title at Securus Technologies?

21 A. I am a field service technician.

22 Q. So you're not a records custodian?

23 A. I'm sorry, ma'am?

24 Q. You're not a records custodian at Securus?

25 A. I still didn't understand you.

1 Q. You're not a records custodian?

2 A. No, ma'am. I am the maintenance of the equipment
3 and facility.

4 Q. And Securus is a national company, correct?

5 A. Yes, ma'am.

6 Q. I believe it's based in Texas?

7 A. Yes, ma'am.

8 Q. And these phone calls, where are they actually
9 stored?

10 A. In a server located in Dallas.

11 Q. Okay. So you don't have control over the server?

12 A. No, ma'am.

13 Q. And as far as how they maintain that server, you
14 don't have personal knowledge of that, correct?

15 A. No, sir -- I mean, no, ma'am. Sorry.

16 Q. And as far as the PIN number you testified to
17 earlier, nothing would preclude another inmate from
18 using someone else's PIN number, correct?

19 A. That I do not know.

20 Q. But it's entirely possible that an inmate could
21 use someone else's PIN number?

22 A. It's possible, yes.

23 Q. And as far as the actual recordings themselves,
24 you weren't a party to them so you can't say they're
25 accurately recorded, correct?

1 A. I did -- I did hear the recordings.

2 Q. But you weren't a party to them?

3 A. No, ma'am.

4 Q. So you wouldn't have personal knowledge if they
5 were accurately recorded?

6 A. Yeah, I've heard the recordings, but I didn't take
7 part in the recording part of them.

8 Q. So you have no personal knowledge, correct?

9 A. Correct. I just verified them.

10 Q. Do you know when the recordings were requested from
11 the Solicitor's Office?

12 A. No, ma'am, not exactly.

13 **MS. KENDALL:** Nothing further at this time.

14 **REDIRECT EXAMINATION**

15 **BY MR. SCOTT:**

16 Q. So aside from the PIN numbers of the inmate, what
17 other ways can a requesting agency ask for specific
18 calls?

19 A. Well, the site usually has an administrator on-site
20 that would do their own downloads although they could
21 send e-mail requests to Securus to request copies of
22 them. Usually it's the administrator person on-site who
23 downloads them for themselves.

24 Q. I'm trying to think of a question I want to ask
25 you. How would -- okay. If an on-site administrator

1 wanted calls from a specific inmate, they could look at
2 a PIN number you've testified to?

3 A. Correct, or last name or a phone number.

4 Q. Okay. Or last name of who, the inmate?

5 A. Yes, sir.

6 Q. Okay. Phone number, what are you talking about?
7 You can request one by a phone number?

8 A. If the administrator has a phone number, they can
9 type it into the system and see who's all called that
10 number.

11 Q. Okay. So that would be -- then you could look it
12 up by a phone number that an inmate was dialing out to?

13 A. Correct.

14 Q. So if I had the phone number of an inmate's mother,
15 I could request all of the calls that inmate made to his
16 mother?

17 A. Yes.

18 **MR. SCOTT:** Thank you.

19 **MS. KENDALL:** Very briefly.

20 **THE COURT:** Yes, ma'am.

21 **RE CROSS EXAMINATION**

22 **BY MS. KENDALL:**

23 Q. You would agree with me generally that just because
24 you have a phone number any number of people could use
25 that phone number, correct, aside from your system?

1 A. Yes.

2 MS. KENDALL: Nothing further.

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

4 (Witness excused.)

5 MR. STUMBO: Now the State would call Amanda Webb,
6 Judge.

7 THE COURT: All right.

8 AMANDA WEBB,

9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. STUMBO:

12 Q. Good afternoon, Ms. Webb.

13 A. Good afternoon.

14 Q. You work at SLED?

15 A. Yes, I do.

16 Q. How long have you been at SLED?

17 A. About six and a half years.

18 Q. And in six and a half years, what types of jobs have
19 you done at SLED?

20 A. I have always been a DNA analyst for them the last
21 six and a half years.

22 Q. Before that did you -- where did you go to college?

23 A. I got a bachelor's of science degree in forensic
24 chemistry from Marshall University, that's in West
25 Virginia, and also a master's of science in forensic

1 science also from Marshall University.

2 Q. Okay. Did you go directly from your master's
3 program to working for SLED?

4 A. Yes, I did.

5 Q. And what other training have you received since
6 you've been at SLED in forensic analysis?

7 A. Once hired at SLED, I trained for about a year and a
8 half under another analyst, and strictly on DNA
9 analysis, and once I completed that year and a half
10 training I was declared competent to be independent to
11 do my own case work, and I do various trainings and
12 conferences throughout each year, I attend the trainings
13 and conferences. And also there is a test, a lab
14 practical test, that I get samples and must give the
15 correct answer, and that's twice a year. It's an
16 outside company that checks my results.

17 Q. How many cases have you -- just an estimate, have
18 you worked on since you've been with SLED?

19 A. I think it's close to seven hundred now.

20 Q. And have you ever had occasion to testify in courts
21 of this state and Federal court as an expert in this
22 field?

23 A. Yes, for the State of South Carolina.

24 Q. In South Carolina courts you've testified before as
25 an expert?

1 A. Yes, sir, I have.

2 Q. And how many times?

3 A. A little over thirty..

4 Q. Okay. In what field were are you qualified as an
5 expert?

6 A. In DNA analysis.

7 **MR. STUMBO:** Your Honor, at this time the State
8 would offer Ms. Amanda Webb as an expert in the field of
9 DNA analysis.

10 **THE COURT:** Any voir dire?

11 **MS. McNEILL:** No objection.

12 **THE COURT:** All right. She's so qualified to
13 provide opinions and testimony in the field of DNA
14 analyzation.

15 BY MR. STUMBO:

16 Q. Ms. Webb, I'll give you SLED Case Number L13-08496.
17 Did you have occasion to do some DNA analysis on that
18 case?

19 A. Yes, I did.

20 Q. And what -- who were the suspects involved in that
21 particular case?

22 A. There were two; Michael Beaty, Junior, and William
23 Alexander.

24 Q. Okay. Who was the victim listed in the case file?

25 A. The victim is Emily Asbill.

1 Q. Okay. Now did you receive a number of pieces of
2 physical evidence to do DNA analysis on in this case?

3 A. Yes, I did.

4 Q. About how many? You don't have to list each and
5 every one. Just an estimate.

6 A. Sure. Let me do a quick count. Approximately
7 fifty-eight samples.

8 Q. Okay. And I'm going to direct you to SLED items --
9 in specific, SLED items 2, 57 and 58. What are those
10 items and did you take those in for testing?

11 A. Yes, I did. These are known standards, and what
12 that means in DNA analysis is it's DNA that's collected
13 from a person so I can develop their DNA profile and
14 compare to any DNA profiles that are developed from
15 evidentiary items. So Item Number 2 is a blood standard
16 from Emily Asbill. Item 57 is a buccal swab. A buccal
17 swab is just when you take a Q-tip, a swab, and swab the
18 inside of a person's cheek. Those skin cells are called
19 buccal cells. So, again, it's DNA from a known person.
20 So 57 is buccal swabs from Michael Beaty, Junior, and
21 Item 58 is buccal swabs from William Alexander.

22 Q. Okay. So you did take in 2, 57 and 58. Were those
23 your known standards in this case?

24 A. Yes, they were.

25 Q. Did you have any other known standards to work with?

1 A. No, I did not.

2 Q. I'm gonna now point you to Item -- SLED Item 67,
3 67.1, and 67.2. Did you have occasion to analyze those
4 particular items?

5 A. Yes, I did.

6 Q. Okay. And what -- in particular, how are those
7 described?

8 A. 67.1 is swabs from the middle of a USB cord and 67.2
9 are swabs from the ends of the same USB cord.

10 Q. Okay. So you just analyzed 67.1 and 67.2, which
11 were the swabs; is that correct?

12 A. Yes.

13 Q. The actual Item 67, the USB cord, you didn't analyze
14 the actual cord itself, correct?

15 A. Correct. That was swabbed and processed before
16 I -- and then the swabs were sent to me for DNA, yes.

17 Q. Okay. And who was the one that did the swabbing of
18 Item 67 with SLED?

19 A. That was Verona Gibson.

20 **MR. STUMBO:** And, Your Honor, if I may approach the
21 witness?

22 **THE COURT:** Sure.

23 BY MR. STUMBO:

24 Q. I'm gonna show you, Ms. Webb, 67, 67.1, 67.2.

25 67 will be State's Exhibit 52 for ID, 67.1 will be

1 State's 53 for ID, and 67.2, the SLED number, would be
2 State's 54 for identification purposes. Are these the
3 items we were just referring to?

4 A. Yes, they are.

5 Q. Okay. And did you conduct a DNA analysis on the two
6 swabs, State's 53 and State's 54?

7 A. Yes, I did.

8 Q. Were you able to develop a DNA profile on those?

9 A. Yes, I was.

10 Q. And you can just say yes or no on that for now.

11 A. Okay.

12 Q. 67 is the actual cord itself that the swabs came
13 from, correct?

14 A. Yes, that's correct.

15 **MR. STUMBO:** Your Honor, at this time --

16 Q. And these were ultimately packaged up and sent back
17 to the agency that sent them, correct?

18 A. Yes, that's right. They were returned to the
19 agency.

20 **MR. STUMBO:** Your Honor, at this time the State
21 would offer State's 52, State's 53 and State's 54 into
22 evidence.

23 **MS. McNEILL:** No objection.

24 **THE COURT:** 52, which is the cord, 53 is the swab
25 from the cord middle, and 54 is the swab from the ends

1 of the cord, correct?

2 **MR. STUMBO:** That's correct.

3 **THE COURT:** They're admitted without objection.

4 (State's Exhibit Number 52, a USB cord, State's
5 Exhibit Number 53, a swab from USB cord middle, and
6 State's Exhibit Number 54, a swab from USB cord ends,
7 were admitted into evidence.)

8 **MR. STUMBO:** I have two other items here, Judge, if
9 I may approach.

10 BY MR. STUMBO:

11 Q. State's 51 and State's 50, I know we mentioned
12 before, SLED items 57 and 58, are those accurate -- is
13 that accurately SLED's 57 and SLED's 58?

14 A. Yes, 57, State's Exhibit 50, is the buccal swabs
15 from Michael Beaty, Junior, and 58, State's Exhibit 51,
16 is the buccal swabs from William Alexander.

17 Q. Okay. And you analyzed these for comparison
18 purposes, too, as known standards for Michael Beaty,
19 Junior, and William Alexander?

20 A. Yes, I did.

21 Q. You made those a part of your report in this matter?

22 A. Yes, I did.

23 Q. And you were able to develop a DNA profile off of
24 both State's 50 and 51?

25 A. Yes, sir, I was.

1 **MR. STUMBO:** Your Honor, the State would offer
2 State's 50 and 51 into evidence as well.

3 **MS. McNEILL:** No objection.

4 **THE COURT:** All right. Now for my recordkeeping,
5 50 is Beaty's --

6 **MR. STUMBO:** 50 is Michael Beaty's standard.

7 **THE COURT:** And 51 is Alexander's?

8 **MR. STUMBO:** Correct. Those are would be buccal
9 swabs. 50 is Michael Beaty's and 51 is William
10 Alexander's.

11 **THE COURT:** They'll be admitted without objection.

12 (State's Exhibit Number 50, DNA standard from
13 Michael Beaty, Junior, and State's Exhibit Number 51,
14 DNA standard from William Alexander, were admitted into
15 evidence.)

16 BY MR. STUMBO:

17 Q. Now you were able to develop profiles you said off
18 of each of these items. Did you produce a report
19 at that time?

20 A. Yes, I did.

21 Q. Okay. And were you able to make some comparisons of
22 the DNA profile developed from 67.1 and 67.2, which is,
23 I guess, State's 53 and 54, and compare that with these
24 three standards that you had?

25 A. Yes, I was.

1 Q. I'm gonna show what we have marked for ID only at
2 this point as State's 44. I want to you to take a look
3 at that briefly. Okay. And is this a condensed version
4 of what you have in your full report?

5 A. Yes, it is.

6 Q. Okay. And this is a chart here that shows what --
7 what does each particular line mean going horizontal?

8 A. Yes, what this is, is a copy of a table that is in
9 my report and it's a list of the DNA profiles that were
10 developed from the standards in then State's Exhibit 53
11 and 54. The chart helps us DNA analysts with our
12 comparisons. What we do is we look at -- the DNA
13 profiles end up being numbers and so what we do is we
14 compare numbers from an evidence item to a standard and
15 if it has the same numbers in each section, it's a
16 match, and it means that that person's DNA profile was
17 present. If the numbers don't match up, then that
18 person's excluded, meaning they did not leave any DNA on
19 that item. So this chart just helps me with my analysis
20 in doing comparisons.

21 Q. Okay. And this is an accurate condensed version
22 your report?

23 A. Yes, that's correct.

24 Q. And it's taking out specific items, the three
25 standards and then 67.1 and 67.2, correct?

1 A. Yes, that's correct.

2 Q. And you say overall you've analyzed over fifty
3 pieces of evidence in this case?

4 A. Yes.

5 Q. So your full report would be several charts that
6 look like this?

7 A. Yes, multiple charts.

8 **MR. STUMBO:** Judge, at this time we'd offer State's
9 44 into evidence.

10 **MS. McNEILL:** I beg the Court's indulgence.

11 **THE COURT:** Yes.

12 **MS. McNEILL:** Judge, may we approach on the record?

13 **THE COURT:** You may.

14 (Proceedings held at the bench out of the hearing of
15 the jury.)

16 **MS. McNEILL:** Judge, I do have an objection and it
17 would be the rule of completeness would cause him to
18 have to introduce the entire chart into evidence.

19 **MR. STUMBO:** We can put in the entire -- her entire
20 report with -- you know, I don't have a problem with
21 that as long as I think the rules allow for a summary
22 of --

23 **THE COURT:** Sure, the whole report, and that can --
24 we can mark the report as another number. Are y'all
25 okay with that?

1 **MS. McNEILL:** Then we would be okay with it.

2 (Bench conference concluded.)

3 BY MR. STUMBO:

4 Q. Now, Ms. Webb, you did mention a second ago you had
5 an entire report on this matter that you produced for
6 your case file?

7 A. Yes, there is a report.

8 (State's Exhibit Number 55 was marked for
9 identification.)

10 **MR. STUMBO:** Ms. Webb -- if I may approach, Your
11 Honor?

12 **THE COURT:** Yes, sir.

13 BY MR. STUMBO:

14 Q. Ms. Webb, I'm gonna show you what we just marked as
15 State's 55. If you can just look that over and let me
16 know when you're done.

17 A. Okay.

18 Q. Is State's 55 a fair and accurate copy of your
19 report -- full report in this case?

20 A. Yes, it is.

21 **MR. STUMBO:** Your Honor, at this time the State
22 would offer State's 55, as well as the condensed poster
23 board, State's 44, into evidence.

24 **MS. McNEILL:** I just need to review it.

25 **THE COURT:** Okay. Go ahead. As I understand it,

1 44 is a portion or parts of State's 55?

2 MR. STUMBO: Correct. As per the rules, we'd offer
3 it as a summary chart of the full report.

4 (Discussion between counsel.)

5 MR. STUMBO: Judge, the defense mentioned there's a
6 couple of markings on here; that they'd like a copy
7 without any markings whatsoever.

8 THE COURT: That's fine.

9 MR. STUMBO: We can re-mark their copy as State's
10 55 --

11 THE COURT: If you'd like --

12 MR. STUMBO: -- and offer it into evidence at this
13 time.

14 THE COURT: I tell you what you can do.
15 Ms. Kendall, is your copy unstapled? Can it be
16 photocopied easily? And then it can be introduced
17 and you'll still have your copy.

18 MS. KENDALL: I was gonna offer just to swap --

19 MR. STUMBO: Okay. That's fine.

20 MS. McNEILL: No objection.

21 MR. STUMBO: We'll re-mark this as 55.

22 THE COURT: All right. So 44 is the table summary
23 and 55 is the unmarked full report, and they're both now
24 admitted without objection.

25 MR. STUMBO: Yes, sir.

1 **THE COURT:** Do the attorneys still have their copies
2 that they had pre-trial?

3 **MS. McNEILL:** We have one.

4 **THE COURT:** You've got one. Okay. I wanted to make
5 sure you didn't give up your copy.

6 **MR. STUMBO:** Okay. And we would offer in at this
7 time, Judge, 55 and 44.

8 **MS. McNEILL:** No objection.

9 **THE COURT:** Yeah, they're admitted.

10 (State's Exhibit Number 44, DNA summary, and
11 State's Exhibit Number 55, DNA report, were admitted
12 into evidence.)

13 **MR. STUMBO:** Your Honor, if Ms. Webb may step down
14 from the stand for this one.

15 **THE COURT:** Sure. She may.

16 (The witness leaves the stand.)

17 BY MR. STUMBO:

18 Q. Okay. Ms. Webb, I've handed you a laser pointer
19 just to highlight some things in this chart. Now you
20 mentioned a second ago about the different sectors of
21 the DNA profile. Could you explain to the jury, and for
22 us, what each of these items mean, these numbers that
23 start with D at the top. The first column, D8S1179,
24 what do those numbers signify?

25 A. Sure. Each of the columns is the location

1 where the DNA is found within a cell. It's actually a
2 chromosome location. It's just to indicate where the
3 DNA was extrapolated from the body at that time. And
4 so I know that the DNA from Emily in this column would
5 be the similar part of DNA that came from an evidence
6 item. So it just lets us know the exact location of
7 DNA to make the comparison to see if it matches or not.
8 And so the totality of the locations is actually
9 sixteen. The first fifteen are numbers, as you can see,
10 and then the last column has an X or an XY. That tells
11 us the specific sex of a person, so just an X is a
12 female and XY means that there's male DNA present.

13 Q. And just to follow up on that, Emily's has an X?

14 A. Yes, meaning female DNA.

15 Q. And William and -- William Alexander and Michael
16 Beaty, 57 and 58, were XY?

17 A. Yes, meaning male DNA.

18 Q. Now if you don't have an exact -- you said a second
19 ago if it matches or not. Do you always get an exact
20 match for DNA in each sector?

21 A. Not -- not every time. For example, some of these
22 items here you can see there's a dash in my table, and
23 what that means is that DNA wasn't recovered from that
24 chromosome location and what that indicates is that
25 there wasn't enough DNA present to recover any

1 information from that specific spot. It's what we call
2 a partial profile. What we do when we first cut out
3 our samples is we see how much DNA there is to work
4 with. We like to target a certain amount to work with
5 and that lets me know I'll get a finished complete
6 profile, meaning numbers in every location to compare
7 with, but sometimes like with touch DNA, for example,
8 that's what the type of DNA is called on the cords, is
9 touch DNA, meaning someone's touched their hands on it,
10 and what that does is it deposits skin cells on that
11 item and that's where the DNA comes from. The skin
12 cells come off your hands from touching it. Touch DNA
13 is a little harder to recover DNA from. It's easier to
14 recover it from like body fluids, blood, saliva, but
15 touch DNA is a little harder because it depends on how
16 often you handled it or how hard you touched it to see
17 how much you can recover. Also it's easier to wipe away
18 touch DNA than it is body fluids. So usually with touch
19 DNA it's normal to find a partial profile or not numbers
20 at every location, but what we do is that the numbers
21 that we do have available, then you can make a
22 comparison to standards from a partial that we call it.
23 Q. That ends up giving us a statistical number of one
24 in X number based on how close -- how closely you
25 compare it based on the sector?

1 A. Yes, that's correct. If I say it matches a person,
2 then there's a formula I can use to create a statistic
3 and give a probability that gives some weight to the
4 match.

5 Q. Okay. Now on this USB cord, 67.1, swabs taken from
6 the middle of the cord, did it match any of the three
7 standards?

8 A. Yes, it does.

9 Q. Okay. If you could demonstrate for the jury why
10 that's the case.

11 A. Sure. For instance, the first location, the USB
12 cord has a 10, 12, and if you will look, Emily Asbill
13 has a 10, 12. So she can't be excluded at this time.
14 I need to look more across the way, I can't just look
15 at one location, but I also see that Michael Beaty has
16 a 10, 15. Now this is a 10, 12 on the evidence item,
17 so it may or may not be there. The 10 matches, but the
18 15 doesn't match, so I need to look further. William
19 Alexander has an 11, 13. Now neither of his numbers
20 are present for the 10, 12, so it looks like he's not
21 going to match, but still you want to look further.
22 But as you keep going across, there's a 30, 32.2 that
23 matches up to Emily, and as you go all the way across
24 everything that is there matches up to Emily, so my
25 assessment is that the DNA profile-- the partial DNA

1 profile developed from 67.1 matches Emily Asbill.

2 Q. And that's the middle of this USB cord, which is
3 67.1?

4 A. Yes, that's correct. The middle of the cord.

5 Q. Now can you have more than one person's DNA mixed on
6 a swab or an item mixture?

7 A. Yes, you can, and that's exactly the case here with
8 the 67.2. It's what we call a mixture of DNA, and what
9 that means is that more than one person's DNA is on this
10 item. With the cord probably multiple people have
11 handled it and so their skin cells are on the cord.
12 This mixture is at least two people. I would say it's
13 likely it's just two people on the cord. And then the
14 comparison's done the same way. You still just look
15 at the numbers that are present and compare it to the
16 standards.

17 Q. Okay. And did you have a mixture on the swabs from
18 the ends of this USB cable or cord?

19 A. Yes, I did. It was a mixture from at least two
20 people.

21 Q. Okay. Was it males or females or can you tell?

22 A. Well, I know there's male DNA present. I can't tell
23 just from looking at this one location if female DNA is
24 present or not because the DNA that I get -- actually
25 what I see before I look at the numbers is a peak and so

1 it's like if you were looking at a heart monitor, those
2 kind of peaks that you see, that's what we get, like a
3 n electric output, a peak. So with the X and the Y,
4 the X is found in one location and the Y is found in a
5 location adjacent to the side of it. So the testing I
6 do doesn't differentiate between male and female DNA.
7 The female is gonna have X, so is a male because the
8 male's got XY. So what I see is one peak here for an X,
9 so what that means is there could be female DNA, it's
10 just in the same peak underneath represented, so I can't
11 -- I can't be certain just from this one location unless
12 I look at more comparisons.

13 Q. But you if you have an XY, that would definitely
14 indicate that at least one person in the mixture is a
15 male?

16 A. Yes, correct.

17 Q. Okay. Now 67.2, looking at this column that
18 is VWA, for example. I want you to look at that and
19 explain that for the jury, what we're seeing here.

20 A. Okay. 67.2 at VWA there is a 16, 17 and an 18
21 number, and if it's just one person, I'd only expect to
22 see two numbers at one location because you inherit
23 half your DNA from your mom and half from your dad.
24 Sometimes they will give you the same number, sometimes
25 they're different, but I only expect two numbers for one

1 person. Now here I'm seeing three numbers, so right
2 away that tells me there's more than one person's DNA
3 here, and I can look at up at the standards and compare
4 it. So there's an 18 here for Emily and there's a 18
5 present in this mixture as well, so she can't be
6 excluded from that specifically. And then also there's
7 16, 17 for Michael Beaty and there is a 16, 17 in the
8 evidence sample for Michael Beaty, Junior.

9 Q. So looking at that sector just from this point,
10 could this potentially be a mix of Michael Beaty and
11 Emily Asbill?

12 A. Yes, that's correct.

13 Q. How about Will Alexander? What does his --
14 what do his readings at that point tell you about this
15 particular piece of evidence.

16 A. He's a 14, 19 and there's no 14 or no 19 at that
17 evidence location, so he's excluded from that location.

18 Q. That in and of itself, that finding, would exclude
19 Will Alexander as being one of the two people in the
20 touch -- the swab that you're getting from the ends of
21 this USB cord?

22 A. Yes. At that specific location, yes.

23 Q. All right. You can return to the stand. Thank you,
24 Ms. Webb.

25 A. You're welcome.

1 (The witness returns to the stand.)

2 Q. Ms. Webb, do you have an opinion as to any
3 comparison from the middle of the USB cord in this
4 package, SLED Item 67, State's Exhibit 52? 67.1 is
5 the swab from the middle. Do you have any findings or
6 opinion as to whose DNA is on that swab?

7 A. Yes, I do.

8 Q. Okay. Could you please tell us what that is?

9 A. The swab from the middle of the USB cord matches
10 the DNA profile of Emily Asbill. And as I said before,
11 if I say it matches somebody, I can give weight to it,
12 give a statistic, so the way the statistic reads is
13 if you were to randomly select anyone out of the
14 population, the world population, if they were to have
15 the same DNA profile it would be one in 290,000.

16 Q. And that's because you have partial -- you didn't
17 have every sector of the chart filled there, correct?

18 A. Right, it was a partial profile. If there was
19 a full profile, I'd expect a more rare statistical
20 calculation, but 290,000 just from my experience is a
21 good statistic with the information that was recovered
22 from the DNA. And then also --

23 Q. And 67.2 would be the -- well, let me back up. 67.1
24 that's the middle of this cord, did you have any touch
25 DNA present from the other two profiles? Can you

1 exclude Michael Beaty as to 67.1?

2 A. Yes, he is excluded.

3 Q. Okay. What about Will Alexander, is he excluded?

4 A. Yes, he is excluded as well.

5 Q. And that would be from the middle of the USB cord?

6 A. Yes, that's correct.

7 Q. How about the swabs from the ends? What are your

8 findings as to 67.2, which is State's 54?

9 A. 67.2, the ends of the USB cord, that's that mixture
10 of DNA of at least two people, and I was able to tell
11 that one person contributed more DNA than the other.

12 In the language in my report, that just means they're
13 a major contributor, and that matches Emily Asbill, and
14 so the probability associated with that match is one in
15 17 million. And so that the minor contributor, meaning
16 the person who has less DNA on the item from that
17 specific area, is Michael Beaty, Junior, and the match
18 calculation for that is one in 2600. And also William
19 Alexander was excluded from that mixture, meaning his
20 DNA was not found.

21 Q. Okay. And that would be based on, as we just showed
22 the jury, several of the locations on the DNA profile
23 that are complete?

24 A. Yes, looking at all of those locations as a whole.

25 Q. And Michael Beaty, Junior, was the minor contributor

1 to that particular swab on that part of the cord?

2 A. Yes, that is correct.

3 Q. Now did you do the same exercise and analysis and
4 comparison on all the evidence -- physical evidence that
5 was brought to you?

6 A. Yes, I did.

7 Q. Okay. How many cords were brought to you from out
8 of the vehicle?

9 A. Let me get a quick count. It looks like there were
10 about nine cords and then a couple of scarves as well.

11 Q. Okay. Ms. Webb, did Will Alexander's DNA profile
12 show up on any of those swabs from those nine cords that
13 you analyzed?

14 A. No, it did not. He was excluded from all of them.

15 Q. Okay. How about Emily Asbill? Was she on -- was
16 her profile found on one or more of these cords?

17 A. Yes, it was.

18 Q. How about Michael Beaty, Junior? Was his DNA found
19 or one or more of these cords?

20 A. Yes, it was.

21 Q. But Will Alexander didn't have any touch DNA from
22 what you could tell on any one of these cords?

23 A. That's correct, William Alexander was excluded.

24 Q. After you submitted your report and packaged these
25 items back up, did you send those to the appropriate

1 places?

2 A. Yes, I did. After I was finished, they were
3 returned to SLED's evidence control unit and then they
4 were picked up at SLED by someone from the Clinton
5 Public Safety Office.

6 **MR. STUMBO:** I beg the Court's indulgence, Your
7 Honor.

8 **THE COURT:** Okay.

9 **MR. STUMBO:** No further questions of Ms. Webb at
10 this time, Your Honor. Please answer any questions the
11 defense attorneys may have for you.

12 **THE COURT:** Okay. Ms. McNeill.

13 CROSS-EXAMINATION

14 BY MS. MCNEILL:

15 Q. Good afternoon, Ms. Webb. How are you?

16 A. Good afternoon. Fine, thank you.

17 Q. When you received the DNA samples, they were
18 packaged, correct, when given to you?

19 A. Yes, that's correct.

20 Q. From other law enforcement?

21 A. Yes, that's correct.

22 Q. To your knowledge, none of this DNA had been altered
23 or tampered with?

24 A. That's correct.

25 Q. Okay. None of the items had been altered or

1 tampered with?

2 A. Yes, that's correct.

3 Q. So to your knowledge, they came exactly as they were
4 found at the scene of the crime, correct?

5 A. Yes.

6 Q. And just to be clear, I believe Solicitor Stumbo
7 asked you this; Will Alexander is excluded from all of
8 the cords for DNA that you received, correct?

9 A. Yes, William Alexander is excluded from all the
10 cords.

11 Q. Okay. And you testified that a number of cords were
12 found in the car, right?

13 A. Yes, that is correct.

14 Q. Okay. And many of these cords had both Emily
15 Asbill's and Michael Beaty's DNA on it, correct?

16 A. Yes, that's correct.

17 Q. And there were some instances where an unidentified
18 male's DNA was also located in your samples; is that
19 correct?

20 A. Yes, that is correct.

21 Q. Okay. But Will Alexander was also excluded from
22 those?

23 A. Right, that's correct.

24 **MS. McNEILL:** I have no further questions. Thank
25 you.

1 **THE COURT:** Any redirect?

2 **MR. STUMBO:** Nothing in redirect, Judge. I would
3 ask that Ms. Webb be released from her subpoena.

4 **MS. McNEILL:** No objection.

5 **THE COURT:** She may be excused. Thank you for
6 coming.

7 **THE WITNESS:** Thank you, Your Honor.

8 (Witness excused.)

9 **MR. STUMBO:** Your Honor, the State would call
10 Dr. Janice Ross to the stand.

11 JANICE ROSS, M.D.,
12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 **MR. STUMBO:** Your Honor, the State would call
15 Dr. Janice Ross to the stand.

16 BY MR. STUMBO:

17 Q. Good afternoon, Dr. Ross.

18 A. Good afternoon.

19 Q. Where is your practice?

20 A. In Newberry, South Carolina, with Newberry
21 Pathology Associates.

22 Q. Okay. So you're a licensed pathologist?

23 A. Yes.

24 Q. And your primary office is in Newberry?

25 A. Correct.

1 Q. What kind of work do you do as a pathologist?

2 Explain that to the jury.

3 A. Sure. We do hospital pathology and we do autopsies
4 for the coroners. The hospital pathology includes
5 looking at tissues from surgery to find out if you have
6 cancer or not or an infection and using the laboratory
7 to help diagnose disease. As a pathologist, you're
8 taught and trained how to do an autopsy to find the
9 cause of death. A forensic pathologist does
10 further training into doing forensic autopsies and
11 documenting evidence, examining the deceased for
12 patterns of injury and collecting specimens for courts
13 of law. I am Board-certified in the three areas of
14 pathology.

15 Q. And about how many autopsies have you done in your
16 career, Dr. Ross?

17 A. Over seven thousand.

18 Q. And how many years have you been working as a
19 pathologist?

20 A. Thirty-eight years.

21 Q. In the course of that number of seven thousand and
22 some odd autopsies, have you ever been qualified
23 as an expert to testify as to the results of those
24 autopsies?

25 A. Yes, sir.

1 Q. You've testified in courts of this state as an
2 expert witness and been qualified as an expert to render
3 opinions on causation and manner of death?

4 A. Yes.

5 Q. How many times have you done that?

6 A. Probably over eighty times in South Carolina.

7 Q. Other states as well?

8 A. Yes.

9 Q. In Federal court you've been qualified as an expert?

10 A. Yes.

11 **MR. STUMBO:** Your Honor, at this time the State
12 would offer Dr. Ross as an expert in the field of
13 forensic pathology.

14 **MS. McNEILL:** No objection.

15 **THE COURT:** Dr. Ross, tell me -- I didn't hear your
16 answer, but you're Board-certified in which two fields?

17 **THE WITNESS:** Three areas of pathology; anatomic,
18 which is surgical pathology; clinical, which is the
19 laboratory part of the hospital pathology; and forensic
20 pathology.

21 **THE COURT:** Very well.

22 **MR. STUMBO:** We can offer her as an expert
23 probably in all three, Judge, but for the purposes
24 of this hearing we'd offer her as an expert in
25 forensic pathology.

1 **THE COURT:** All right. Ladies and gentlemen of
2 the jury, again, Dr. Ross is being offered as an expert
3 in the field of forensic pathology and can offer her
4 opinions based upon her participation in this, I guess,
5 autopsy. She's been so stipulated by the defense and
6 I find her so qualified and she may render those
7 opinions.

8 BY MR. STUMBO:

9 Q. Dr. Ross, of these seven thousand and some odd
10 autopsies that you've done, did you do an autopsy on the
11 subject in this case?

12 A. Yes, I did.

13 Q. Okay. And who was the victim?

14 A. Emily Asbill.

15 **THE COURT:** Could you speak up just a little
16 louder, Dr. Ross?

17 **THE WITNESS:** Yes.

18 **THE COURT:** You're projecting that way and I'm
19 just having a hard time hearing you because of the air
20 moving in here. I'm sorry.

21 **THE WITNESS:** Yes, sir.

22 BY MR. STUMBO:

23 Q. Dr. Ross, what was the date that Emily Asbill was
24 brought -- or her body was brought to you to conduct an
25 autopsy?

1 A. On June 30, 2013.

2 Q. Okay. About what time did you do this autopsy?

3 A. It was -- we started at 9 AM.

4 Q. About how long did it take you to complete the
5 autopsy?

6 A. A little over an hour probably.

7 Q. Were you able to conclude after this hour long
8 autopsy the cause and manner of death or make a
9 preliminary finding?

10 A. Yes.

11 Q. And did you share those results with anyone else?

12 A. With the coroner, Nick Nichols.

13 Q. The County Coroner is the one who has the authority
14 over a body from a particular county; is that correct?

15 A. That's correct, and they authorize and request the
16 autopsy to be done by us.

17 Q. Okay. And you shared those results with the
18 coroner?

19 A. Yes.

20 Q. Was there anybody else present while you conducted
21 the autopsy?

22 A. Yes, sir. A SLED agent, Vicki Hallman.

23 Q. Now let's back up a little bit, Dr. Ross. When you
24 conduct an autopsy, can you just give the jury a summary
25 of how you go about conducting an autopsy on a deceased

1 person?

2 A. Yes. The body is brought to us in a body bag,
3 which we open, and we take photographs and document any
4 clothing or jewelry or whatever with the body. We take
5 photographs of the body, front and back, clothed if they
6 are clothed, and unclothed, and then we look in detail
7 for injuries and evidence of injury on the body, then
8 we do an internal examination to look at each organ.

9 Q. Okay. Does this help you in your analysis to make
10 a decision on how this person died?

11 A. Yes.

12 Q. Okay. Can you tell the jury what are the possible
13 causes or manners of death that you're looking at?

14 A. The manner of death is how that cause of death
15 came about, you know, whether it was a natural disease,
16 whether it was accidental, whether it was suicidal or
17 homicidal, and sometimes we can't determine and we just
18 have to put undeterminable.

19 Q. Okay. So I'm counting quickly. Is that five?

20 A. Yes, sir.

21 Q. Were you able to take photographs of the body of
22 Emily Asbill in this case?

23 A. Yes.

24 Q. Were you able to determine in the course of your
25 investigation what her age was?

1 A. I was given the age of nineteen.

2 Q. So you were given basic information; date of birth,
3 maybe a Social Security number, if you have that?

4 A. Yes.

5 Q. And Emily Asbill was nineteen years old according
6 to the information you had when you conducted your
7 autopsy of her?

8 A. Yes.

9 Q. Now, Dr. Ross, were you able to take photographs of
10 Emily Asbill's body in this case?

11 A. Yes.

12 Q. Okay. I'm going to show you some pictures that are
13 already in evidence; State's 30, State's 29, State's 28,
14 State's 41, State's 27, State's 35, and State's 34. If
15 you could just take a look at those photographs.

16 A. These are photographs of Emily Asbill at the time
17 of autopsy.

18 Q. Do they fairly and accurately depict her body as
19 per your autopsy that day?

20 A. Yes.

21 Q. Okay. Thank you, Dr. Ross.

22 **MR. STUMBO:** I beg the Court's indulgence.

23 **THE COURT:** Uh-huh.

24 **BY MR. STUMBO:**

25 Q. Dr. Ross, I'm gonna ask you to look at State's 27,

1 and now I'm going to show you what's on this poster
2 board here that's been pre-marked State's 45.

3 **MS. McNEILL:** Subject to previous objection.

4 **THE COURT:** Previous objection noted for the record.

5 BY MR. STUMBO:

6 Q. Now it would be fair to say that State's 45 is
7 an enlarged picture depicting -- or appears to be an
8 enlarged version of State's 27?

9 A. Yes.

10 Q. Now, Dr. Ross, based on photographs -- and let
11 me back up. One other question I wanted to ask you in
12 relation to evidence gathering. Do you get any kind of
13 toxicology screen for the victim?

14 A. Yes, we routinely collect blood, urine, and other
15 tissue specimens for the purpose of toxicology, yes.

16 Q. Okay. And that's taken into account when you render
17 your opinion of causation and manner of death?

18 A. Yes.

19 Q. Did you do that in this case --

20 A. Yes.

21 Q. -- on Emily Asbill?

22 A. Yes.

23 Q. After your information gathering and your hour long
24 hands-on autopsy of Ms. Emily Asbill, were you able to
25 reach a conclusion as to the cause of death?

1 A. Yes.

2 Q. Okay. What is -- and were you able to reach a
3 conclusion as to the manner of Ms. Asbill's death?

4 A. Yes.

5 Q. What was the manner of her death?

6 A. The manner of death was homicide.

7 Q. What was the cause of death?

8 A. Asphyxia, that means to be without oxygen, due to
9 strangulation.

10 Q. Okay. And you were able to determine this within
11 about an hour time period? Those were your preliminary
12 findings?

13 A. Yes.

14 Q. Okay. In determining that Ms. Asbill died by
15 strangulation, what was some of the evidence that you
16 had for that finding?

17 A. She had a -- what we call a ligature mark, a mark,
18 an impression, around the front of her neck that went
19 upward on one side slightly, but basically went around
20 horizontally. She had what we call petechia in the
21 whites of her eyes and also in the facial skin.

22 Petechia are little red marks that are caused by the
23 escape of blood cells from tiny capillaries because the
24 blood vessels are congested or filled up because the --
25 because of the pressure on the neck, the blood cannot

1 return back toward the heart, so the blood backs up into
2 the blood vessels and these blood cells pop out of the
3 little capillaries. They're little red dots and they're
4 called petechia.

5 Q. And that is visible from the whites of a person's
6 eyes to be indicative of strangulation?

7 A. Yes. In this case, they were also on the face.

8 Q. There was petechia on the face and on the whites of
9 the eyes of Ms. Asbill?

10 A. Correct.

11 Q. You mentioned the ligature marks. Were those
12 clear --

13 A. Yes.

14 Q. -- in this case? I'll ask you a couple of other
15 questions, Dr. Ross. Were there any other injuries
16 other than the injuries that you saw indicative of
17 strangulation on Ms. Asbill?

18 A. The -- on the mark across the neck, there was a
19 little bit of a pattern. It was a thin, linear mark
20 such as the size of a shoestring, for instance, or a
21 wire, and above -- above that ligature mark was kind of
22 a rectangular-shaped abrasion. In nature, you don't
23 have anything patterned like that like from a branch,
24 a tree branch or something, so this was what we call a
25 pattern of injury indicating there may be -- it can

1 result from a certain type of apparatus or something
2 that's rectangular shaped.

3 Q. Okay. Would it have been consistent here with a
4 computer cord or a phone cord of some sort?

5 A. Yes.

6 Q. And you said it was in a pattern. We'll look at
7 the pictures in just a moment that you just looked at,
8 but what type of pattern did it make on Emily Asbill's
9 neck?

10 A. That part, to me, looked like a rectangular shaped
11 area of abrasion, which is surface erosion of the skin.

12 Q. Did it appear that this strangulation took place by
13 somebody using their bare hands?

14 A. That was not the pattern, no.

15 Q. Okay. So this ligature mark indicated to you some
16 other type of apparatus that was used to accomplish that
17 purpose?

18 A. Correct.

19 Q. Were there any other injuries on her body that were
20 of note to you, Dr. Ross?

21 A. Yes. She had some abrasions on the back surfaces
22 of the fingers and along the right forearm with actual
23 abrasion of the skin, taking off the surface of the
24 skin, and some of the fingernails, likewise, were
25 basically shredded.

1 Q. Okay. So the types of injuries to the hand that
2 were consistent with a rough surface injury?

3 A. It would be -- yes, rubbing against a rough surface.

4 **MR. STUMBO:** Your Honor, at this time the State
5 would like to publish the photographs that are already
6 into evidence that we've mentioned, obviously subject to
7 the defense's objection. We'd like to publish those to
8 the jury via the overhead if we could have a little bit
9 of time to set that up.

10 **THE COURT:** Okay.

11 **MS. McNEILL:** Subject to the previous objections.

12 **THE COURT:** All right. Previous objections are
13 noted to the photographs. Let's take a short break to
14 get that set up. So we'll take a couple minutes' break.
15 Go step into the jury room and relax a minute. It'll
16 take at least ten minutes. If we need more, we'll do
17 that. You can't begin discussing the case and we'll
18 have you right back out here.

19 (Whereupon, the jury retires to the jury room at
20 2:53 PM.)

21 (Proceedings held at the bench; not reported.)

22 (Recess taken.)

23 **BAILIFF:** All right. Let's keep your seats and
24 come back to order, please.

25 **MS. McNEILL:** Judge, before the jury comes back in,

1 I just have one issue.

2 **THE COURT:** All right. Back on the record.

3 **MS. McNEILL:** At the bench Your Honor reminded
4 the State that they had not yet moved their blown-up
5 photo into evidence and told them to do so at the
6 appropriate time. I'm going to go ahead and, you know,
7 object to that photo being brought in. I objected to
8 the original photo being brought in and now I'm going
9 to be objecting to the blown-up portion. I think that
10 that just highlights the prejudicial effect. I think
11 that they can accomplish the exact same thing they're
12 wanting to accomplish through the regular size actual
13 photo, especially since they're about to publish this
14 on the overhead. I feel it's unnecessary to have that
15 back there with the jury. It's prejudicial.

16 **THE COURT:** Solicitor?

17 **MR. STUMBO:** Judge, I think it's -- because it's
18 blown up, it shows the ligature marks much more clearly,
19 which Dr. Ross is going to discuss in great detail as to
20 causation and manner of death, which from our position
21 makes it highly probative.

22 **THE COURT:** And she's going to describe them off
23 the overhead; is she not?

24 **MR. STUMBO:** She is, Judge.

25 **THE COURT:** Okay. Well, so she's doing that, the

1 other photos are in, I'm gonna suppress the introduction
2 of 45. I think it's a duplicate of 27. I can be used.
3 I mean, you can use it in here, it's demonstrative,
4 but --

5 **MR. STUMBO:** So we can use it for demonstrative
6 purposes?

7 **THE COURT:** Sure. It's not going back to the jury
8 room.

9 **MS. McNEILL:** And clearly I'm going to object to
10 demonstrative purposes as well, if I could get a ruling
11 on that issue, considering that the demonstrative
12 purpose is now being projected onto the screen.

13 **THE COURT:** I don't care which blown-up photograph
14 he uses, but that will stay in here. The small
15 photographs, the handheld photographs, are introduced
16 into evidence.

17 **MR. STUMBO:** You're ruling it's cumulative because
18 we're blowing it up on the screen and it's blown up on
19 the poster board. It's duplicative. I understand.

20 **THE COURT:** 27 -- 27 is the photograph, which is
21 blown up, and if you put 27 on the overhead and use the
22 pointer and describe things, you have that right, and
23 she has the right of cross-examination, but the screen
24 doesn't go back to the jury and the big picture does
25 not.

1 **MS. McNEILL:** Thank you, Judge.

2 **MR. STUMBO:** We understand, Judge. Thank you.

3 **THE COURT:** All right. Are you ready?

4 **MR. STUMBO:** Yes, sir.

5 **THE COURT:** Go get 'em, Mr. Bolt.

6 (Whereupon, the jury returns to the courtroom at
7 3:12 PM.)

8 **BAILIFF:** All present, Your Honor.

9 **THE COURT:** All right, Solicitor. You may
10 continue.

11 **MR. STUMBO:** Thank you, Judge.

12 BY MR. STUMBO:

13 Q. Now, Dr. Ross, before the break we were going
14 to show these pictures to the jury via the overhead
15 projector. I'm gonna hand you -- so you don't have to
16 walk across the room, I'm gonna hand you a little laser
17 pointer here, the red button in the middle there, so
18 you can point anything out.

19 First of all, I'm gonna show you State's Exhibit
20 Number 30, and let me -- okay. State's 30 you
21 mentioned before was consistent with the injuries that
22 you observed on Ms. Asbill's right arm. If you could
23 describe the type of injuries that we see here for the
24 jury.

25 A. Yes, this is what we call an abrasion of the

1 forearm and the hand, as well as the finger -- some of
2 the fingertips. This is before it's been washed off,
3 so there is some speckled blood there, but you can --
4 I don't know if you can see that the fingernails are
5 actually shredded on a couple of fingers, but this is
6 due to rubbing the skin against something rough, an
7 abrasion.

8 Q. Okay. Again, something rough as opposed to a sharp
9 object?

10 A. Correct.

11 Q. Would it being consistent with being dragged along
12 the rough surface of a road?

13 A. Yes. This is very much what we see in -- what's
14 called -- referred to as road rash in motor vehicle
15 collisions when people are ejected out of a car.

16 Q. And the injuries on the fingertips, where it's the
17 fingertips and the fingernails themselves are actually
18 damaged, would that be consistent with someone being
19 dragged with their hands -- their fingertips against
20 that surface?

21 A. Yes.

22 Q. And this was on the right arm, the left arm or
23 both?

24 A. The right arm, forearm and hand.

25 Q. And next I want to show you State's -- excuse me,

1 State's 29, Dr. Ross.

2 A. Yes. This is the top of the left hand and fingers,
3 again, before the blood has been wiped off to show the
4 actual abrasions are here and here, here along the
5 fingertips, and this fingernail you can see is somewhat
6 shredded, as well as this one.

7 Q. And that's on the left hand?

8 A. Yes, the left index finger, the middle finger and
9 fourth finger.

10 Q. Okay. So on both hands the fingertips have
11 substantial rough surface injuries?

12 A. Correct.

13 Q. Okay. State's 28. That, again, would be the left
14 hand. Would you describe what we're looking at there?

15 A. The inside of the left hand. Most of it's blood.
16 There's a little bit of abrasion here and there.

17 Q. Okay. Smaller abrasions?

18 A. Yes.

19 Q. Did these abrasions appear to produce a lot of
20 blood from them?

21 A. They can. Some.

22 Q. The larger part of blood was on the right forearm
23 and right arm here, correct?

24 A. Yes.

25 Q. Now were the injuries to E.A. Asbill's arms and

1 hands, Dr. Ross, were they consistent with someone
2 cutting themselves with a knife or a razor blade?

3 A. No, sir.

4 Q. Were you concerned at all after observing these
5 injuries that these were knife wounds or some sort of
6 sharp cut wounds?

7 A. No, I was not.

8 Q. I'm gonna show you now two different angles of the
9 ligature marks, State's 41 and State's 27. This would
10 be from the right-hand side -- or left-hand side of the
11 body. If you could describe for the jury what
12 we see here.

13 A. Yes, the -- the ligature mark is right here. This
14 is part of an airway tubing and this tube is a plastic
15 tube from resuscitation efforts probably carrying
16 oxygen, but the actual ligature mark -- I'm sorry,
17 actually the ligature mark is here, that thin, linear,
18 cord-like mark.

19 Q. Okay.

20 A. This is -- this is from the chin --

21 Q. Okay. And you --

22 A. -- holding her chin.

23 Q. I'm sorry, Dr. Ross. Are you finished?

24 A. (Nods head.)

25 Q. Now you mentioned earlier and I'm -- where my

1 finger is pointing here, this larger bruise, what is
2 that? Why is that significant?

3 A. Okay. This is the ligature mark that's cord-like
4 and this is just an abrasion, a bruise or an abrasion,
5 above it that when you look at it straight on it's
6 almost rectangular shaped.

7 Q. Okay. Now from a different angle, State's 41. If
8 you could --

9 A. Yes.

10 Q. -- describe what we see here.

11 A. Yes, that's better. This, again, is the ligature
12 mark, a thin, cord-like mark. This is that abrasion
13 that has right angles to it. This is that tube from
14 attempted resuscitation.

15 Q. Okay. So the tubes we see would be from the
16 hospital or from EMS?

17 A. Yes.

18 Q. Okay. Now the ligature marks that we see, would
19 those be consistent with a crisscross pattern of some
20 sort of cord?

21 A. There is some crisscross, yes. This goes fairly
22 straight across. There is a short element here crossing
23 the main ligature mark.

24 Q. State's 27, State's 41, are those consistent with
25 your findings in your report? Do they demonstrate these

1 ligature marks that you found to be substantial?

2 A. Yes.

3 Q. Okay. Are they consistent more with someone using
4 their hands to strangle someone or, again, some other
5 sort of object?

6 A. Something that's cord-like, linear.

7 Q. All right. I'm going to talk about the petechia in
8 the eyes now. This is State's 34 and 35, if I could.

9 **MS. McNEILL:** Subject to previous objection.

10 **THE COURT:** They're all admitted, but I understand
11 your objection.

12 BY MR. STUMBO:

13 Q. State's Number 34 is what I'm gonna put up
14 first and you can feel free to use the laser pointer.
15 Dr. Ross, what do we see here?

16 A. In the eyes, you can see little red dots, which are
17 the petechia. And on the face, there are some freckles,
18 but there are some of these red petechial marks also.

19 Q. Okay. On the whites of the eyes, there's very
20 clear petechia to your -- in your opinion?

21 A. Yes.

22 Q. State's 35 is another part of the eye.

23 A. Yes. Again, shows the little tiny red dots, which
24 we call petechia, and you can see them on the eyelids
25 here.

1 Q. And, again, the petechia on the whites of the eyes
2 signifies what, Dr. Ross?

3 A. Asphyxiation or pressure around the front of the
4 neck, which presses against and closes the blood vessels
5 so that blood returning from the head down toward the
6 heart cannot return back up and spills out into the
7 outside of the little tiny capillaries.

8 Q. And you did produce a report that you submitted to
9 the coroner in this case?

10 A. Yes.

11 Q. And, again, cause of death was homicide?

12 A. Manner of death was homicide.

13 Q. Manner of death was homicide. And cause of death
14 was what again?

15 A. Asphyxia due to strangulation.

16 Q. And you were able to provide this information
17 shortly after your autopsy at 9 AM on Sunday, June 30,
18 2013?

19 A. Yes.

20 Q. And that would be your opinion to a reasonable
21 degree of medical certainty, Dr. Ross?

22 A. Yes.

23 **MR. STUMBO:** I beg the Court's indulgence, Your
24 Honor.

25 **THE COURT:** Yes, sir.

1 BY MR. STUMBO:

2 Q. One last question, Dr. Ross. Were you in any
3 way concerned that this might be an accidental death
4 as opposed to a homicide when you did your autopsy on
5 June 30th of last year?

6 A. Well, to begin with, we look at it with
7 non-prejudice, taking in all the considerations, and
8 I felt that there was no way it could be accidental.

9 Q. And that was at the conclusion of your analysis?

10 A. Correct.

11 MR. STUMBO: Nothing further from Dr. Ross,
12 Your Honor. Please answer any questions the defense
13 attorneys may have for you.

14 CROSS-EXAMINATION

15 BY MS. McNEILL:

16 Q. Ma'am, you testified that you did do a toxicology
17 report; is that correct?

18 A. Yes.

19 Q. And what did you find in your toxicology report? I
20 don't believe you testified to that.

21 A. No, I did not yet. The toxicology report from SLED
22 includes an alcohol level of .23 percent and a small
23 amount of amphetamine, which is probably some allergy
24 medicine.

25 Q. So the blood alcohol level was .23?

1 A. Yes, ma'am.

2 Q. And a small amount of amphetamines?

3 A. Yes.

4 **MS. McNEILL:** Okay. Thank you. No further
5 questions.

6 **REDIRECT EXAMINATION**

7 **BY MR. STUMBO:**

8 Q. As far as that blood alcohol level, a .23, did you
9 believe alcohol poisoning to be the cause of death here?

10 A. No, that would not be toxic. Or it might be toxic,
11 but it would not be lethal, it wouldn't be fatal.

12 Q. Okay. Do you believe that the alcohol level --
13 the blood alcohol content here would contribute to
14 E.A. Asbill's cause of death being strangulation?

15 A. No, I do not.

16 **MR. STUMBO:** Thank you.

17 **MS. McNEILL:** Nothing further.

18 **THE COURT:** All right you may step down.

19 (Witness excused.)

20 **MR. STUMBO:** And obviously, Dr. Ross, she could be
21 released from her subpoena, Judge?

22 **THE COURT:** She's so released.

23 **MS. McNEILL:** No objection.

24 (Proceedings held at the bench; not reported.)

25 **THE COURT:** All right, folks. I've got a matter

1 of law coming up the lawyers are anticipating, so I'm
2 gonna go ahead and deal with it now and that way I
3 won't start and stop, start and stop, and send y'all
4 out. I've got an issue I need to deal with and I'll
5 have y'all back in here in a little bit. So step in
6 the jury room. If you want to step outside, you may do
7 so, and I'll have you back in here in a few moments.
8 You cannot begin discussing the case.

9 (Whereupon, the jury retires to the jury room at
10 3:30 PM.)

11 **MR. SCOTT:** Tracy Miller.

12 **THE COURT:** Come around to be sworn and have a seat.

13 TRACY MILLER,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION (In Camera)

16 BY MR. SCOTT:

17 Q. Okay. You are Tracy Miller?

18 A. I am.

19 Q. Tracy, where are you employed?

20 A. Sir?

21 Q. Where are you employed?

22 A. I work for the Laurens County Sheriff's Office at
23 the detention center.

24 Q. And how long have you been there?

25 A. Nineteen years.

1 **THE COURT:** All right. Wait a minute. She needs
2 to speak up a little bit.

3 Q. Yeah, Tracy, just scoot up for me, please, and
4 speak a little louder.

5 A. I've been there nineteen years.

6 Q. Okay. What are your current duties there?

7 A. I'm an administrative assistant.

8 Q. Okay. Tell us how your duties as an administrative
9 assistant relate to, I guess, the maintaining of jail
10 calls at the -- at the detention center.

11 A. We have a contract with Securus, an independent
12 telephone company that handles all our inmate telephone
13 calls.

14 Q. And do you have access to the recorded phone calls
15 there at the jail?

16 A. I do.

17 Q. And tell us how inmates come to be able to use the
18 telephone at the jail?

19 A. Well, they have -- each inmate is -- when they come
20 in, they have an account set up, a commissary account,
21 and funds are deposited in that account and they can use
22 those funds to purchase phone minutes and the canteen.

23 Q. Okay. Are the -- the accounts there at the jail,
24 are they, I guess, registered to an inmate name or an
25 inmate PIN number? We heard something about PIN numbers

1 earlier.

2 A. The accounts are set up with the inmate name, date
3 of birth, housing unit, and they each have an individual
4 PIN number.

5 Q. Okay. How do PIN numbers come into play in regards
6 to telephone calls?

7 A. An inmate has to have a PIN number to be able to
8 place any kind of order for commissary or telephone.

9 Q. Okay. And do you ever have two or more inmates in
10 the jail at the same time assigned the same PIN number?

11 A. No.

12 Q. Okay. What, if any, knowledge do you have in
13 regards to a recording that an inmate hears upon placing
14 an outgoing phone call from the jail?

15 A. There's a prompt that comes on that the inmate and
16 the person they're placing the call to can hear that
17 states it's coming from a detention facility, that it's
18 subject to being recorded, and that they can either
19 accept or decline.

20 Q. Okay. If -- if I came to you and I needed some
21 inmate phone calls in regard to a specific detainee,
22 what information would you ask of me?

23 A. I would need a specific telephone number that could
24 be searched.

25 Q. Okay. And that would be a target number, a number

1 that the inmate would be reaching out to?

2 A. Yes.

3 Q. Okay. And what else? Would I also give you, okay,
4 if I just searched by telephone number what multiple
5 people in the jail were all calling that telephone
6 number?

7 A. The way you tell who's making a telephone call is by
8 that PIN number.

9 Q. Okay. In other words, if I only gave you a
10 telephone number --

11 A. Anybody could call that number.

12 Q. -- you'd have recordings from both ways?

13 A. Right.

14 Q. All right. What if I gave you a target phone number
15 and I asked you to cross-reference it with an inmate PIN
16 number?

17 A. Then that's gonna pull up that specific inmate's a
18 telephone calls.

19 Q. Okay. To that specific target number?

20 A. To that specific phone number.

21 Q. And you were able to, yourself, access those
22 recordings?

23 A. I can.

24 Q. Okay. Did you have an occasion to pull inmate phone
25 records from a William Alexander?

1 A. Yes.

2 Q. And who asked you to do that?

3 A. Mr. Goggins with the Clinton Department of Public
4 Safety.

5 Q. Okay. And did you do so?

6 A. I did.

7 Q. And did you have them e-mailed to Mr. Goggins?

8 A. I contacted Ashley, who is my rep with Securus that
9 I deal with individually, and she pulled those phone
10 records. I gave her the telephone numbers and
11 the specific PIN numbers and she pulled those records
12 for me, e-mailed them to me, and I forwarded those to
13 Mr. Goggins.

14 Q. Okay. And you would have received the telephone
15 number from Tyrone Goggins, correct?

16 A. Say that one more time.

17 Q. Tyrone Goggins would have given you the target
18 telephone number?

19 A. He gave me two target telephone numbers.

20 Q. But specifically for Mr. Alexander. Did he ask for
21 some for Michael Beaty as well?

22 A. He did.

23 Q. But how many do you recall -- how many target phone
24 numbers do you recall him giving you for William
25 Alexander?

1 A. I just remember two telephone numbers.

2 Q. Okay. And he would have provided you with a number
3 and then you would have provided the inmate PIN number?

4 A. Right. Well, Securus also has access to the PIN
5 numbers as well.

6 Q. Okay. They would have PIN numbers for inmates at
7 facilities they service?

8 A. Right.

9 Q. Okay. So it's your testimony that you did use that
10 information to request phone records for a target phone
11 number provided to you by Tyrone Goggins and a specific
12 inmate PIN number?

13 A. Yes.

14 **MR. SCOTT:** Okay. Thank you.

15 CROSS-EXAMINATION (In Camera)

16 BY MS. KENDALL:

17 Q. Ms. Miller, the independent company you contract
18 with, Securus, where are they based?

19 A. I'm not exactly sure where they're based. I have a
20 rep, Lisa Horn, who resides in Texas.

21 Q. Where is Lisa based?

22 A. She -- she's from Texas.

23 Q. Do you know where in Texas?

24 A. Dallas, I think.

25 Q. You think?

1 A. Uh-huh.

2 Q. As far as the maintaining of the phone calls, it's
3 all done by Securus, correct?

4 A. Yes, ma'am.

5 Q. You can't testify from your own personal knowledge
6 of how it's secured, correct?

7 A. I cannot.

8 Q. Are you aware of where they are stored, the phone
9 calls?

10 A. No, I'm not.

11 Q. And you're not aware of their security measures to
12 preserve these calls, correct?

13 A. No, ma'am.

14 Q. As far as the PIN number is concerned, nothing
15 would prohibit another inmate in the jail, if they knew
16 someone else's PIN number, utilizing it himself?

17 A. If an inmate lets another inmate have access to that
18 PIN number, yes, they can use it.

19 Q. So even if you have a PIN number, you can't say with
20 absolute certainty who it came from, just who you say
21 the PIN number is assigned to?

22 A. Right.

23 Q. And as far as a target number on the receiving end,
24 you can't say with certainty or personal knowledge who's
25 on the other line, just that it came from a particular

1 phone number?

2 A. Right.

3 Q. And you're by no means a records custodian of these
4 phone calls, correct?

5 A. No, ma'am.

6 Q. You can't testify if they're kept in the normal
7 course of business for Securus Technologies?

8 A. No.

9 Q. And as far as the phone calls on these cases, you
10 can't testify if they're an accurate depiction of the
11 actual calls, correct?

12 A. I cannot, no.

13 Q. Do you have the date when Officer Goggins requested
14 these calls from you?

15 A. I don't have the specific date. It's been about
16 maybe a month or so ago.

17 **MS. KENDALL:** I have nothing further.

18 (End of proffered testimony.)

19 **MR. SCOTT:** Judge, at that point we would offer to
20 publish the phone calls to the jury. At this point
21 we've got Tyrone's testimony that he requested those
22 phone numbers, he had access to Mr. Alexander's mother's
23 phone number, which he did provide to Tracy Miller.
24 Further testimony was that he reviewed those records,
25 did recognize Mr. Alexander's voice having spoken to him

1 on multiple occasions, interviewing him face-to-face,
2 and did recognize that being his voice. We had Securus
3 talking about how they maintain these records for a year
4 and how he services the actual equipment there at the
5 jail. He talked about the warnings as far as being
6 recorded. Ms. Miller's testified to the PIN numbers
7 that are associated and how she is able to pull records
8 herself or have Securus pull records.

9 Article 9, Rule 901, Subsection (b)(6) in regards
10 to telephone conversations, the general provision is
11 that the admissibility is satisfied by evidence
12 sufficient to support the finding that the matter in
13 question is what the proponent claimed it is.
14 Specifically, that (b)(6), telephone conversations by
15 evidence that the call was made to the number assigned
16 at the time by the telephone company of a particular
17 person would be self-identification. The voice
18 identification standard is fairly low. Identification
19 of a voice, whether heard firsthand or through
20 mechanical or electronic transmission or recording based
21 upon hearing the voice at any time under circumstances
22 connecting it with the alleged speaker.

23 We have voice recognition on Tyrone's part,
24 we have this PIN number, we have this target phone
25 number and we have method of how these records are

1 kept. I think at this point we have met the burden
2 of admissibility satisfied by evidence sufficient to
3 support the finding of the matter in question as what
4 the proponent claims it to be; those of an outgoing
5 call made by William Alexander to his mother.

6 **MS. KENDALL:** May it please the Court, Your Honor,
7 there are a number of different objections regarding
8 the argument the State's making. Number one, I don't
9 believe it would fall under Rule 901; that a proper
10 foundation has been laid. As far as the testimony
11 that's been provided, I would first offer a hearsay
12 objection, but from the testimony that's provided no
13 one can say that the recording is accurate. They're
14 guessing. They've listened to it, they're guessing it's
15 accurate, but no one's said it's accurate. As far as
16 any party to the recording, there's been no testimony as
17 to that. Certainly it wouldn't fall under a business
18 records exception because from the testimony given
19 there's been no one from the actual business in Texas
20 where it's been stored. You have someone, I believe
21 witness Herring, who installed the system, couldn't
22 say with personal knowledge of individuals on the
23 call, couldn't say how it was stored, couldn't say the
24 security measures in place. I believe he testified that
25 other people can use PIN numbers, other people can use

1 phone numbers. You can't say for certainty the parties
2 on the call with accuracy. Essentially the same
3 argument goes to Ms. Miller, who's also testified that
4 different people use PIN numbers, different people use
5 phone numbers, and can't say with accuracy that it is
6 what it claims to be. As far as Tyrone Goggins, he
7 wasn't a party to these phone calls either to say that
8 they're accurate.

9 **THE COURT:** No, but his testimony was he recognized
10 the voice.

11 **MS. KENDALL:** He recognized Will's voice, not
12 Jane's voice. His testimony was he had a phone number
13 from his mother, that's who he thinks it is, but not
14 personal knowledge of her voice, so I don't believe that
15 a proper foundation has been laid for those reasons and
16 certainly not a business records exception coming in.

17 And while we're on the topic of the phone calls,
18 obviously Your Honor's listened to them. It's not
19 just Will's voice on those phone calls, it's another
20 individual's voice. Entering these phone calls into
21 evidence raises a proffer issue. We're not able to
22 cross-examine that person. It's one-sided presumably,
23 as well as if the State were gonna redact it, there
24 still wouldn't be proper foundation.

25 **THE COURT:** Well, whose other voice is on the phone?

1 **MS. KENDALL:** So far it's just speculation that is
2 it Jane Alexander's.

3 **THE COURT:** Okay.

4 **MR. STUMBO:** We can proffer her testimony as well,
5 Your Honor, but I would agree -- I would call
6 that non-testimony. I would say furthermore, it's not
7 a hearsay issue. It's not being offered, anything she
8 says, for the matter of -- the truth of the matter
9 asserted. It's not hearsay on Will Alexander's part
10 because he's a party opponent. The business records
11 exception, I think that's a hearsay provision, but I'm
12 unclear of what the specific objection is.

13 **THE COURT:** Well, she's made two; one, you can't
14 authenticate it and, two, it's not a business record
15 thus far as far as what she's heard testimony. That's,
16 so far, what she said, I think.

17 **MS. KENDALL:** That's correct, Your Honor. As
18 far as the proffered issues, these are conversations of
19 contact, they're not in a vacuum. As far as being able
20 to cross-examine the other person on the line or what
21 certain references are talking about in the case with
22 Mr. Alexander, we're not able to go into this issue
23 because that person is not being called as a witness.
24 And as an off-hander, she hasn't been sequestered.
25 She's been in the courtroom the entire time if that is

1 who's on the other side of the phone and there's been
2 no testimony with certainly that's who it is.

3 **MR. SCOTT:** We can recall Tyrone Goggins and I would
4 argue that her voice is non-testimony and is not being
5 offered -- anything she says, as being offered for the
6 truth of the matter asserted. I don't think that -- I
7 think it would be a statement by a party opponent on
8 behalf of Mr. Alexander. I'm not viewing this as a
9 hearsay issue, Your Honor, and so I don't know why the
10 business records exception would even come into play at
11 this point. I think we've authenticated the voice
12 identification through Tyrone Goggins and really the
13 whole procedure of how these things are recorded. I'm
14 not doing this as a hearsay issue unless it's his
15 mother's voice on there that would be the issue.

16 **MS. KENDALL:** It's hearsay on both accounts from
17 our position. As the Court, I believe, is aware, there
18 are several cases e-mailed on phone calls that other
19 courts have --

20 **THE COURT:** It's not hearsay with the mother because
21 you can call her as a witness and cross-examine her.

22 **MS. KENDALL:** She's not been sequestered. We're not
23 waiving that.

24 **THE COURT:** Certainly you can do that. That
25 argument is not holding a lot of water for me. She's

1 available to cross-examine, but I don't believe it's
2 her testimony you're concerned about.

3 **MS. KENDALL:** Judge, we're not obligated to call
4 this witness --

5 **THE COURT:** I'm not suggesting you are, but her
6 availability is not a question. She's available, but
7 her testimony is not what you're trying to keep out.

8 **MS. KENDALL:** Judge, we would disagree with that.
9 She's unavailable in the sense that she has not been
10 sequestered here and --

11 **THE COURT:** All right. I'm not buying that. That
12 part of your argument I'm gonna deny. She's available,
13 but her testimony is not what you're objecting to. It's
14 his comments to his mother, so leave momma out. I'm not
15 gonna -- I'm not -- I disagree with you on the reasoning
16 behind the mother being unavailable. She's been sitting
17 in here, but her comments are not what you're trying to
18 prevent this jury from hearing.

19 **MS. KENDALL:** Judge, for the record, we do believe
20 it would be an issue and she's also making comments
21 about her son's behavior on these phone calls, and
22 we're not able to cross-examine, and that leads into a
23 separate issue, which is in these phone calls there's a
24 lot of irrelevant material, a lot of which is highly
25 prejudicial under Rule 401 and 403 and it needs to be

1 highly redacted, and some we're not gonna consent that
2 they come in.

3 What I'm referring to are various phone calls.
4 in different parts, I have a rough transcription since
5 we got these late and then we got these specific seven
6 on Monday, so essentially these are my rough typed
7 notes, but paraphrasing, a lot of the phone calls
8 contain a lot of complaining about a bond, a lot of
9 just complaining about the jail. As far as through
10 different phone calls with particular instances, the
11 first call he's complaining about Haldol, which is an
12 antipsychotic, I believe, referencing mental health
13 issues, which would be prejudicial.

14 As far as the second phone call, there's a lot of
15 discussion of pot use, passing a hair test which would
16 reference prior bad acts, not touching anything anymore,
17 which would be more bad acts, he was touching drugs
18 previously. He discusses a lot about smoking pot. I'm
19 paraphrasing again. I don't have an exact transcript,
20 just my notes. I do have a statement from the second
21 phone call about taking Adderall. The third phone
22 call we have discussions not relevant of post office
23 funds, talking about a fight in jail, which would be
24 prejudicial just referencing his location at the jail.
25 The fourth phone call, which involves Jane's testimony;

1 presumably Jane, if that's who we're all assuming it
2 is, referencing a third-party statement about Will
3 straightening up this time, which would be additional
4 bad acts. And also another layer of hearsay, her
5 referencing another party who's not on the phone call,
6 which would be another hearsay and proffer issue.

7 The fifth phone call has more improper character
8 evidence as far as whining is the best way to phrase it.
9 A number of phone calls have a reference to a lockdown,
10 which could presume that he was in a fight. It's just
11 not clear. I don't want the jury to presume that or
12 what lockdown means. As far as some of the other phone
13 calls, they reference suing the police department.

14 Aside from all the other prior objections that I've
15 noted, what we don't want to happen in this case is the
16 jury hearing these phone calls un-redacted and they just
17 don't like Will and they convict him on that basis from
18 the complaining, from the prior bad act evidence, from
19 the prior drug use, from irrelevant, highly prejudicial
20 statements that are in these phone calls that have no
21 relevance to this case.

22 So if -- if Your Honor is overruling the prior
23 objections, which I believe are preserved on the
24 record, these calls would need to be highly redacted.

25 **THE COURT:** Well, what I overruled you on was

1 the fact that the mother's unavailable. She's
2 available. She's not testifying to any facts thus far
3 that have been in contest. She was just a party to the
4 conversation. That portion is what I'm saying I think
5 was a very weak argument. Your prejudicial argument
6 that you've just summarized is a much stronger argument.
7 Let me hear you on that, Mr. Scott.

8 **MR. SCOTT:** Judge, I -- I mean, the opening
9 statement was all about how self-centered and how dumb
10 he was on that night. I mean, a little bit of whining
11 kind of fits right in with the defense's opening
12 statement to me. As far as drug use, they've questioned
13 many times, cross-examined witnesses, he was taking
14 Molly that night, he was on cocaine. That's part of
15 the defense, his drug use. That's been brought out by
16 them on multiple occasions. I think that we're all
17 pretty keenly aware of Mr. Alexander's, you know,
18 propensities. That's been an on-going theme of this
19 case. I don't know -- I cannot -- I cannot buy the
20 argument that a little bit of weed use in the past
21 would be prejudicial at this point. How many times
22 did they talk about him drinking two cases of beer on
23 that day and snorting Molly. We all know what Molly
24 is now and cocaine and everything else. I don't really
25 buy that.

1 The lockdown, as far as the fight, I recall that
2 particular conversation and he references other inmates
3 carrying on and all of them having to suffer for that.
4 We all know he's in jail by the nature of he's making
5 jail phone calls. Redacting it to the extent they're
6 talking about, I don't think, you know, it would make a
7 whole lot of sense to the jury if we did that. Under
8 the rule of completeness, I think they're entitled to
9 hear these jail conversations straight from the
10 Defendant's mouth after being warned he's being
11 recorded. And they're his own words and I think
12 they're entitled to hear it. They're highly probative
13 to the case we're trying right now.

14 **MS. KENDALL:** Briefly in response, the testimony
15 and the emphasis has been on drug use that day, about
16 how drunk he was that night, not his prior history.
17 That has -- that falls straight into bad character
18 evidence. The propensity to use drugs is that night.
19 As far as selfishness is concerned, that's essentially
20 because he's looking out for himself on these -- on the
21 30th, not afterwards, as far as these phone calls. I
22 don't know how you enter all this in with all the bad
23 character evidence not being relevant and highly
24 prejudicial. It needs to be redacted and that's the
25 State's burden. They want to move this in, they

1 selected these seven phone calls on Sunday and this is
2 a quick summary of notes I've been able to do throughout
3 this trial, and I believe there's potentially evidence
4 of that in about every phone call. If it's gonna be
5 introduced subject to our previous objections, they need
6 to be redacted.

7 **MR. SCOTT:** How does drug use affect the Defendant?
8 That's his defense; that he's so blasted that he can't
9 remember anything.

10 **MS. KENDALL:** I instruct the Solicitor to talk
11 to the Court.

12 **THE COURT:** I --

13 **MR. SCOTT:** And I think that's the crux of the
14 argument. I cannot fathom how that would prejudice
15 him. That's his defense. He's so drunk he don't
16 remember anything. I think the conversation on the
17 phone is just little bit of pot use in the past. I
18 think the probative value of these phone calls far
19 outweighs that prejudice and I just don't see that as
20 being that prejudicial as to warrant a redacting to the
21 extent they're talking about.

22 **THE COURT:** All right. I'm gonna take a break. So
23 we'll have a break. Stand down for a few minutes.

24 (Recess taken.)

25 **BAILIFF:** All right. Let's keep your seats and

1 come back to order, please.

2 **THE COURT:** All right. Anything else from the
3 State?

4 **MR. SCOTT:** No, sir.

5 **THE COURT:** Ms. Kendall?

6 **MS. KENDALL:** No, Your Honor.

7 **THE COURT:** All right, folks. I don't believe
8 these telephone calls are hearsay, so they don't fall
9 under any hearsay exception, and the business record
10 rule and that, those exceptions don't apply. It's a
11 recorded phone call -- or, plural, phone calls made
12 from the jail, there's no expectation of privacy.
13 There's a notice during the call prior to any
14 conversation that it's being recorded, so there's no
15 expectation of privacy by either party to their call.
16 The context of the calls with the two parties, I think
17 that the calls don't make sense at all if you don't get
18 the context, so both sides have to be heard. Detective
19 Goggins laid the foundation that it was -- he recognized
20 the voice of the caller or the inmate to be that of the
21 Defendant here in this case. I think based upon that
22 the calls are more or less self-authenticating.

23 Regarding 403 -- so I think the threshold under
24 self-authenticating under 901 and that rule is the
25 admissibility threshold is low because the weight is an

1 argument that the cross-examination of the -- I mean,
2 it's arguable. It goes to weight, it doesn't go to
3 admissibility under a 403 analysis. Unless I've missed
4 something, the entire defense has been predicated upon
5 a huge consumption of alcohol, drugs and a combination
6 thereof over a better part of a ten or twelve-hour part
7 of a day and that that has created a factual issue of
8 whether or not the statements given to police, which is
9 a factual issue for the jury to determine, as to whether
10 the statements were voluntary, whether the statements
11 were truthful and all the weight given -- given the
12 weight issue. And the prejudicial effect under 403, I
13 think -- I think it's a cumulative question. It's been
14 consistent with the testimony, cumulative testimony,
15 that's been heard by this jury all the way down the
16 line is a lot of drinking, drugs going on, something
17 happened, memory was poor, memory seemed to get better
18 according to the testimony as the sobriety increased.

19 I think it's admissible. I think its probative
20 value outweighs the prejudicial effects because of what
21 the jury's already heard. I think it's already out
22 there. It's a weight question, it's an arguable
23 question, it's a question of fact, and the jury's got
24 to answer that. And so that's my ruling, is that they
25 come in, they're self-authenticated based upon all

1 three witnesses providing the structure for how the
2 jail copies them, they're told they're being recorded.
3 I'm just -- I'm not certain that if someone's told
4 ahead of time that their phone calls can be recorded
5 that you can object to the methodology of how it was
6 recorded. I mean, there could be a lady listening on
7 the other end on shorthand. I don't see that's -- if
8 they're self-authenticating, their self-authenticated.

9 Now any further argument on that -- those rules --
10 that issue or issues? There's multiple issues regarding
11 that one series of phone calls and I'll be glad to let
12 you put anything on the record y'all need to.

13 **MS. KENDALL:** So for the record, you're denying any
14 motion on the redaction, correct?

15 **THE COURT:** Yes, ma'am. I think they come in in
16 total. I think the context of the conversation, the
17 prejudicial effect, it's arguable, but I think the
18 probative effect and the cumulative nature of the phone
19 calls is consistent with the testimony and the evidence
20 that's been presented thus far, so I don't see redaction
21 as being necessary. All right.

22 **MR. SCOTT:** Judge, I'm done with my proffered
23 questions. I don't have any further argument.

24 **THE COURT:** Okay.

25 **MR. SCOTT:** We're ready to proceed.

1 **THE COURT:** Okay. Are y'all ready? All right.
2 Get me the jury, please.

3 (Whereupon, the jury returns to the courtroom at
4 4:19 PM.)

5 **BAILIFF:** All present, Your Honor.

6 **THE COURT:** All right. Mr. Scott, you can continue.

7 **MR. SCOTT:** Your Honor, the State would offer
8 State's Number 47, the recorded jail calls, for
9 admission into evidence.

10 **THE COURT:** All right. Those will be admitted
11 subject to the hearing we had moments ago regarding the
12 -- all of the objections presented by the defense. The
13 record is complete and so they'll be admitted subject
14 to those objections.

15 **MR. SCOTT:** Thank you, Your Honor. And permission
16 to publish to the jury.

17 **THE COURT:** Yes, sir. Hang on. Stop. Mr. Scott,
18 we didn't ask her questions in the jury's presence yet,
19 so you need to call her.

20 **MR. SCOTT:** Judge, I jumped ahead of myself.

21 **THE COURT:** Place her under oath, please, ma'am.

22 TRACY MILLER,

23 having been duly sworn, testified as follows:

24 **THE COURT:** Speak loudly into the microphone,
25 please.

1 DIRECT EXAMINATION

2 BY MR. SCOTT:

3 Q. Okay. What's your name?

4 A. Tracy Miller.

5 Q. Tracy, where do you work?

6 A. I work for the Laurens County Sheriff's Office.

7 Q. And what are your duties there?

8 A. I'm the administrative assistant.

9 **THE COURT:** I can't hear her.

10 **THE WITNESS:** I'm the administrative assistant.

11 **THE COURT:** Pull that microphone a little closer to
12 you. It moves around. You're really soft-spoken.

13 BY MR. SCOTT:

14 Q. Okay. And you've been working there for
15 nineteen years you said?

16 A. Yes.

17 Q. And tell me your duties one more time. I'm sorry.

18 A. I'm the administrative assistant.

19 Q. Okay. How does that job relate to jail calls?

20 A. We have a contract with Securus, who handles all our
21 inmate telephone calls.

22 Q. Okay. And tell us how inmates when they're booked
23 into the jail there how they come to be able to make
24 phone calls out of the jail.

25 A. Each inmate has an individual account that's set up

1 with our commissary and through that commissary they can
2 purchase phone time minutes through Securus.

3 Q. Okay. Tell us about inmate PIN numbers.

4 A. Each inmate has an individual PIN number that's
5 assigned specifically to them.

6 Q. Okay. So there are -- no two inmates have the same
7 PIN number in the jail at the same time?

8 A. No.

9 Q. Okay. Once they have money on their account and
10 they have a PIN number assigned, how do they go about
11 making an outgoing phone call?

12 A. They use the telephones that are supplied within
13 each pod and they have to have that PIN number and funds
14 on their account to make a telephone call.

15 Q. Okay. So they have to have a PIN number assigned
16 before they can make an outgoing phone call?

17 A. Right.

18 Q. Do you have any knowledge of any recordings that an
19 inmate would hear upon making an outgoing phone call?

20 A. The inmate and the person that they are calling
21 there's a prompt that lets both of them know that
22 there's a call coming through from a detention facility
23 and that it's subject to being recorded.

24 Q. And do you, in fact, maintain recordings of these
25 phone calls?

1 A. Securus does.

2 Q. Okay. And do you have access to the recorded phone
3 calls?

4 A. Yes.

5 Q. And if I'm a law enforcement agent and I request
6 phone calls from you from a specific inmate, what
7 information would you need from me in order to pull
8 those records?

9 A. A telephone number and their PIN number.

10 Q. Okay. Now when you say a telephone number, is that
11 a number -- a target number that the inmate would be
12 calling out to?

13 A. Yes, sir.

14 Q. And then you would also need the inmate's PIN
15 number?

16 A. Yes, sir.

17 Q. Did you have -- or do you recall Tyrone Goggins
18 requesting phone records of a William Alexander?

19 A. Yes, sir.

20 Q. And did you have his PIN number?

21 A. I did.

22 Q. And did he provide you a target phone number
23 that he would be looking for conversations between that
24 person and William Alexander?

25 A. He did.

1 Q. And did you see to it that those records were
2 pulled?

3 A. I did. I contacted my rep with Securus who pulled
4 those records for me, e-mailed them to me, and I
5 forwarded those to Mr. Goggins.

6 Q. Okay. So you would have provided the PIN number of
7 William Alexander and the target phone number to the
8 Securus rep?

9 A. Yes, I gave Securus the PIN number and the number.

10 Q. Okay. And do you remember about when that request
11 was made to Tyrone Goggins?

12 A. It's been a little over a month ago now.

13 **MR. SCOTT:** Okay. Thank you, Ms. Miller.

14 **THE COURT:** Do you want to cross her before the
15 tapes are offered?

16 **MS. KENDALL:** No, Your Honor. Just subject to our
17 previous objections.

18 **THE COURT:** Okay.

19 **MR. SCOTT:** Now, Judge, the State would offer
20 State's 47 to be admitted into evidence.

21 **THE COURT:** All right. They'll be so admitted
22 subject to the defense's objections presented at the
23 in-camera hearing.

24 (State's Exhibit Number 47, CD of jail calls, was
25 admitted into evidence.)

1 **MS. KENDALL:** Judge --

2 **THE COURT:** Yes. Hang on.

3 (Discussion between defense counsel.)

4 **MR. SCOTT:** Your Honor, can we excuse Ms. Miller?

5 **THE COURT:** Sure. She can step down.

6 **MR. SCOTT:** Thank you.

7 (Witness excused.)

8 **THE COURT:** What exhibit number is this?

9 **MR. SCOTT:** 47, Your Honor.

10 **THE COURT:** So State's 47 is admitted and now
11 published to the jury subject to the defense's
12 objections. Go ahead.

13 (Whereupon, the jail phone calls, State's Exhibit
14 Number 47, were played for the Court and jury commencing
15 at 4:26 PM and concluding at 5:25 PM.)

16 **MR. STUMBO:** Your Honor, the State rests its case.

17 **THE COURT:** All right, folks. The same time in the
18 morning, 9:15. Go home for the evening. Don't discuss
19 the case with anybody, don't discuss the case amongst
20 yourselves, keep an open mind. Put your stuff in the
21 jury room and we'll see y'all at 9:15 in the morning
22 ready to go.

23 (Whereupon, the jury was excused for the day at
24 5:26 PM.)

25 **THE COURT:** Ms. McNeill and Ms. Kendall, do y'all

1 want to make y'all's motions in the morning?

2 **MS. KENDALL:** Yes.

3 **MS. McNEILL:** Yes.

4 **THE COURT:** I thought you would. That's a good
5 idea. I'll be very fresh then and I'll appreciate it
6 also.

7 All right. We'll stand at ease. In the morning at
8 8:45? Is that okay?

9 **MS. KENDALL:** Yes, sir.

10 **THE COURT:** All right. 8:45 we'll hear defense's
11 motions.

12 (Whereupon, the proceedings were concluded for
13 September 11, 2014, at 5:26 PM.)

14 (Whereupon, the following proceedings were held on
15 September 12, 2014.)

16 **BAILIFF:** Let's all rise. Court will come to order,
17 please.

18 **THE COURT:** Y'all be seated.

19 All right, folks. Thank y'all for allowing me that
20 opportunity. No broken bones. At ninety-five that's
21 the second time she's fallen in less than a week.

22 All right. When we adjourned yesterday, the State
23 had rested. The jury should be back at 11:45?

24 **BAILIFF:** I'll go check now.

25 **THE COURT:** I don't need them yet. I have something

1 else to do first, but they should be back at 11:45-ish;
2 is that right, Ms. Lancaster?

3 **THE CLERK:** Yes.

4 **BAILIFF:** Okay. I'll wait.

5 **THE COURT:** So, Ms. McNeill or Ms. Kendall, do y'all
6 have motions?

7 **MS. MCNEILL:** Yes, sir. The first motion we have
8 is we're moving for a mistrial based on the jail calls
9 coming in yesterday. The case I'm citing is State
10 versus Johnson. It was decided in 2007. It's a
11 Supreme Court of South Carolina case. I think it's out
12 of Spartanburg. Basically it states, you know, that the
13 judge allowed admissible evidence to come in and the
14 judge realized after the admissible came in, in this
15 case it was a polygraph examination, that it created
16 prejudice.

17 Judge, basically what the defense's position
18 is, is that, you know, these jail calls, a lot of this
19 could never have been testified to by a live witness
20 from the witness stand in this courtroom and just
21 because it's a recording of jail calls doesn't eliminate
22 the requirement of relevance under Rule 401 and 402.
23 The prohibition against bad acts and character evidence
24 of Rule 404(a) and (b) and Rule 403, prohibition against
25 prejudicial effect outweighs probative value, in this

1 case, you know, just one example of highly prejudicial
2 material was, you know, the fact that his mother said,
3 you know, don't be sacrilegious, Will, on a jail call.
4 There's no way that that would have ever been able to
5 be testified to by a live witness in the courtroom
6 other than a jail call and not to mention that the
7 Ten Commandments are listed on the courthouse wall, so
8 that would be our basis for moving for a mistrial due
9 to the jail calls coming in. Thank you.

10 **THE COURT:** Solicitor.

11 **MR. STUMBO:** Your Honor, we rest on Mr. Scott's
12 argument on this very issue yesterday. Jail calls are
13 not hearsay, they're non-hearsay in this situation,
14 and we believe they were highly probative. They're
15 non-hearsay statements of a party opponent first and
16 foremost, and then under a 403 analysis, they're highly
17 probative. We don't believe in any way, shape or form
18 anything that's in any one of those calls is unduly
19 prejudicial in light of the highly probative nature of
20 the calls as a whole. You know, for us to slice and
21 dice any statements out, I think that's the rule of
22 completeness, Judge, and unless there is something
23 that's unduly prejudicial it needs to come in in its
24 complete form and so under Rule 106 -- all of the rules
25 of evidence that we cited, Rule 106, 403, 404 (a) and a

1 statement made by party opponent is not hearsay under
2 Rule 801, and for all those reasons, Your Honor, we
3 believe they're admissible and properly put in front of
4 the jury.

5 **THE COURT:** All right. Considering the analysis I
6 made yesterday regarding the calls, I didn't mention it,
7 I noticed when the calls were played as far as
8 self-authentication they were identified each time as
9 the caller was Will, singular, a one syllable word,
10 first name Will, to alert the target phone call who
11 was calling, and I think that also provides some
12 self-authentication in and of itself on every call.

13 Under 403, this is a -- it is a weighing of the
14 comments about the prior bad acts, the religious, the
15 trouble he'd been in before, whether it be a conviction
16 or a prior bad act versus probative value, I just think
17 the probative value outweighs the prejudicial effect, so
18 I respectfully deny that. It is a close call, the calls
19 were made, and I believe the probative value outweighs
20 it under 403, and so I will decline to grant a mistrial
21 on that basis.

22 **MS. KENDALL:** Thank you, Your Honor. I believe at
23 this time it would also be appropriate to renew
24 essentially all of our prior objections. I just want
25 to briefly mention those and I incorporate our former

1 arguments herein.

2 **THE COURT:** Those on all the Jackson v. Denno
3 issues?

4 **MS. KENDALL:** Your Honor, the call of the case,
5 the Rule 5 Brady violation, essentially preventing us
6 from being able to present our client a full and
7 complete defense under the U.S. and the State
8 Constitution, namely there could be exculpatory evidence
9 on the phone calls of Michael Beaty, we were unable to
10 review them given their untimely disclosure. And also
11 that a motion for continuance was also denied based upon
12 those phone calls. All arguments regarding Jackson v.
13 Denno regarding the issue of if Miranda was properly
14 given and the statements were not voluntarily given,
15 namely that there are clear instances on the recording
16 that we listened to of threats being made by Commander
17 Roberts.

18 Also, again, I understand the Court's ruled
19 on this, but to preserve the record, all arguments
20 regarding the phone recordings not being authenticated,
21 that's irrelevant and highly prejudicial and also
22 violates the confrontation clause as well. And Your
23 Honor's denial of the mistrial that was made a minute
24 ago and any other objections that we made throughout
25 the course of this trial we're incorporating by

1 reference now.

2 At this point in time we are moving for a directed
3 verdict in this case.

4 **THE COURT:** All right. Let me rule on that motion
5 first. All your motions are renewed. I'm not gonna
6 change my mind and -- I'm gonna consistently rule the
7 same way. I've ruled on the Jackson v. Denno and
8 on the continuance and on the Rule 5 alleged violations
9 that the jail calls came in that were given three weeks
10 ahead, the statements analyzed under Jackson v. Denno
11 were allowed, and your objection was preserved each and
12 every time. Any of those statements, whether they be
13 oral or written, was preserved.

14 **MS. KENDALL:** And just, I think, the only thing
15 left to be mentioned is I believe a denial of mistrial
16 when there was additional testimony through Agent Ownes
17 that was not proffered during the Jackson v. Denno.

18 **THE COURT:** Okay.

19 **MS. KENDALL:** Moving on, we are requesting a
20 directed verdict from the Court in this case. There's
21 not been competent evidence presented to the Court
22 throughout this trial regarding Mr. Alexander's actions
23 rising to the level of accessory after the fact. I
24 believe the indictment has specific language of the
25 intent to assist the principal with harbor, aiding or

1 assisting his evasion from law enforcement. Judge,
2 there's been no testimony given that's competent enough
3 to rise to that level of fact. Essentially, his intent
4 has not been shown. There's been a large number of
5 testimony that kind of boils down to the theory of a
6 twenty-four hour period of I don't know, I don't know,
7 I know something. During that period for the most part
8 and through testimony law enforcement already said they
9 had a primary suspect and wasn't gonna change their
10 mind. There's been no testimony as far as harboring,
11 but essentially no testimony of assistance or aiding in
12 this case where law enforcement's already testified they
13 were gonna charge Michael Beaty with murder no matter
14 what. As far as the intent portion of accessory, I
15 believe there's been no competent evidence of intent
16 to assist Michael Beaty, but his intent was to assist
17 himself.

18 Judge, this is an unusual case for a number of
19 reasons, but as far as accessory after the fact is
20 concerned, generally when we see these type of cases, or
21 this charge, it's someone moving a body or destroying
22 evidence or things of that nature. It usually arises to
23 an affirmative action, which I don't believe has been
24 held in this case. I've been at a little bit of a loss
25 to try and find a similar situation. I am gonna cite

1 two cases, which I believe can illustrate my point
2 regarding not having the competent evidence to prove
3 intent, which is needed to assist the principal,
4 Michael Beaty. In People versus Plengsangtip -- it's
5 P-L-E-N-G-S-A-N-G-T-I-P. It's a California case. It's
6 148 California Appellate 4th 825. Essentially in that
7 case the language, which I believe would be similar to
8 this, the mere passive failure to reveal a crime or
9 refusal to give information or denial of knowledge
10 motivated by self-interest, is what I believe the
11 testimony's been in this case, does not constitute the
12 crime of accessory. That case goes on to cite another
13 California case, People versus Nguyen, N-G-U-Y-E-N.
14 It's 21 California Appellate 4th 518. That's a case
15 about three individuals who were aware of a cohort in a
16 robbery who committed a sexual assault. That case kind
17 of stands for the proposition that simply refusing to
18 talk to the police about the crimes, and one of the
19 co-defendant's merely stating he was present at the
20 scene to downplay his role, was not enough to rise to
21 accessory. It quotes: The offense of accessory was not
22 committed by a passive failure to reveal a known felony
23 by refusal to give information to authorities, or by
24 denial of knowledge motivated by, again, self-interest,
25 which, I believe, is what this case has really been

1 about. Another case -- and, again, it's kind of hard
2 to find something similar to this because usually an
3 accessory has much more action. Fields versus State,
4 which is 213 Arkansas 899, has similar language. The
5 mere passive failure to disclose the commission of a
6 crime would not make one an accessory. It has been
7 held by this court -- and I understand it's Arkansas,
8 but it has been held by this court that the fact of a
9 person knowing of a crime conceals his knowledge of
10 its commission for his own safety does not raise a
11 presumption that he is an accomplice.

12 So, essentially, in summation of the directed
13 verdict motion, the intent hasn't been proven in this
14 case. There's been no aiding, harboring or assistance
15 of rendering, all evidence was preserved that night,
16 law enforcement already had the individual in custody,
17 I believe, at 11, already had made a charging decision,
18 nothing was benefitted by Mr. Beaty, and through the
19 testimony shown has essentially been Mr. Alexander's, if
20 the Court considers I don't know, I don't know, I know
21 something, was motivated by self-interest, not with an
22 assistance to intent to aid Michael Beaty.

23 Thank you, Your Honor.

24 **THE COURT:** Mr. Stumbo.

25 **MR. STUMBO:** Just briefly, Judge. The cases

1 cited by Ms. Kendall keep using the term mere passive
2 failure to report. Judge, the evidence here shows that
3 Mr. Alexander's actions went far beyond that. There was
4 a conversation that he has that he admits to in State's
5 7, which is his final statement to law enforcement,
6 where he talks about this agreement, meeting of the
7 minds, if you will, that he has with Michael Beaty when
8 Michael Beaty comes and tells him I messed up, I think
9 I took her life, and they have this conversation back
10 and forth about well, if you don't say anything, they'll
11 never know and he responds back well, I'll do my best,
12 but if it comes down to it, I might have to tell them he
13 says. Mr. Beaty in response says well, they may not be
14 able to find out, they may not be able to know. Judge,
15 I think that interchange in and of itself shows the aid,
16 the assistance, to Mr. Beaty to evade arrest in this
17 case, evade detection by law enforcement as being the
18 perpetrator of a crime. Here he admits in the jail
19 calls numerous times that he witnessed a murder. And
20 not only that, then he comes back and says not only
21 did I witness it, but I covered up the murder, and he
22 says I'm guilty, I committed a crime. He uses several
23 statements to show his intent initially to assist
24 Michael Beaty in covering up the murder.

25 And so, Judge, I think the evidence -- there's been

1 more than enough evidence by Will Alexander's own mouth
2 here to get by DV and to put this in front of the jury
3 as an issue of fact, Judge, and in the light most
4 favorable to the State -- viewing the evidence in the
5 light most favorable to the State is the standard for a
6 directed verdict. There's plenty of evidence here to
7 present this case to the jury, and we'd ask Your Honor
8 to deny the directed verdict motion. Thank you, Judge.

9 **THE COURT:** I think it's a question of fact and
10 intent's -- if that's your best issue, I agree with the
11 defense team, that's their weakest part of the State's
12 case and the strongest part of the defense case, but I
13 think it's a factual question for the jury to resolve.
14 I'm gonna respectfully deny your motion, but I agree
15 basically with y'all's summary of the facts presented.
16 It's gonna be a tough question for the jury to answer,
17 but it all boils down to that, just what y'all
18 summarized. So, respectfully, the motion for directed
19 verdict is declined.

20 **MS. KENDALL:** Thank you, Your Honor. There is one
21 more matter I want to address with the Court before the
22 jury back comes in.

23 **THE COURT:** Okay.

24 **MS. KENDALL:** I believe the defense is gonna rest
25 without calling any witnesses. Instead of having the

1 jury come back in and then have to leave in order to for
2 Mr. Alexander be admonished of his rights, we'd ask to
3 do that now on the record.

4 **THE COURT:** That will be perfectly fine. All right.
5 Mr. Beaty, stand up, please.

6 **MS. KENDALL:** Your Honor, Mr. Alexander.

7 **THE COURT:** I'm sorry. I'm still driving my car.
8 All right. Place him under oath.

9 (Whereupon, William Jarrell Alexander, the
10 Defendant, was duly sworn by the Clerk of Court.)

11 **THE COURT:** All right. Mr. Alexander, you're
12 standing there with your two lady lawyers, and
13 Mr. Howe's there, too. You've been present for the
14 whole trial. You understand that it's your decision
15 today, and you've had -- I'm very confident these ladies
16 have advised you that you can testify or you can choose
17 not to testify, but it's your decision. Have you had
18 an opportunity to discuss your right to testify or your
19 right to remain silent with them?

20 **THE DEFENDANT:** Yes, sir.

21 **THE COURT:** And you understand that right?

22 **THE DEFENDANT:** Yes, sir.

23 **THE COURT:** And understand that if you don't
24 testify, and from what I'm hearing from your attorney
25 is you've basically made the decision already to not

1 testify, if you choose to not testify I'm gonna
2 instruct the jury that they'll have to base their sole
3 consideration and verdict on the evidence presented and
4 not on your failure to present any testimony. They
5 won't be able to discuss that in any manner whatsoever.
6 Their discussions on guilt or innocence are confined
7 to what's been presented by the State and not by your
8 exercising your right to remain silent.

9 Now do you need any additional time with your
10 attorneys to speak to them about your right to testify?

11 **THE DEFENDANT:** No, sir.

12 **THE COURT:** You're comfortable in your decision?

13 **THE DEFENDANT:** Yes, sir.

14 **THE COURT:** And you're gonna elect to not testify?

15 **THE DEFENDANT:** Yes, sir.

16 **THE COURT:** Very good. All right. You're so
17 advised.

18 All right. Are y'all ready to go?

19 **MR. STUMBO:** Judge, if we could just maybe have
20 a couple of minutes.

21 **THE COURT:** Okay.

22 **MR. STUMBO:** I'm gonna use a few PowerPoint slides
23 in my closing and if we can get that set up --

24 **THE COURT:** All right. That will be fine.

25 **MS. KENDALL:** And, Judge, we still need to do

1 the charge conference and then let the defense rest.
2 Can we do that?

3 **THE COURT:** It's a pretty good --

4 **MR. STUMBO:** The only charge we -- I think
5 Mr. Andrews is gonna e-mail that out, if he hasn't
6 already, will be a voluntary intoxication.

7 **MR. ANDREWS:** I just e-mailed it.

8 **THE COURT:** Okay.

9 **MS. KENDALL:** My only concern is when I go straight
10 into closing without having an opportunity to review
11 Your Honor's charge --

12 **THE COURT:** Okay. And I worked on that this morning
13 at about 5 AM. If y'all want to hear briefly what I had
14 intended, several things to put in there, I can tell you
15 that. Do y'all want a sit-down conference or would you
16 just like for me to tell you the things that I have
17 placed in here?

18 **MS. KENDALL:** Would it be possible for you to e-mail
19 it so we can visually read it over?

20 **THE COURT:** Sure. Now I'll tell you this. I've not
21 amended it yet to have the names of the three experts
22 because I couldn't remember them from memory because my
23 notes were here, but I named the three experts that have
24 testified, and I generally call them by name in my
25 charge, and so the names are not there. And I've not

1 named the foreperson and I normally call him by name or
2 her by name. So except for that and the portion that
3 has -- I wasn't certain whether Mr. Alexander was gonna
4 testify or not. I have not put in my instructions on
5 the jury's consideration of the evidence and not
6 considering his testifying. That's not in here yet.
7 Aside from that, I think I've got everything else that
8 I intended to do. Voluntary intoxication was not in
9 there, but we can add that, too. I'll be glad to send
10 y'all what I've got.

11 **MS. KENDALL:** Yes, sir.

12 **THE COURT:** All right. Let me see.

13 All right. I've just e-mailed it to you, to the
14 attorneys seated, but not Mr. Howe since he doesn't have
15 a computer. That was not intentional. I just didn't
16 send it to you, Mr. Howe. Now that's rough, but it's
17 close.

18 All right. Y'all take a couple of minutes getting
19 stuff set up and then we'll have the charge --
20 I mean, while they look over it and y'all look over it
21 because it doesn't take all of y'all to set it up, does
22 it?

23 **MR. STUMBO:** No, we'll be fine, Judge. Thank you.

24 **THE COURT:** Okay.

25 (Recess taken.)

1 **THE COURT:** All right. Let's go. Y'all are going
2 first, they're going second.

3 Ms. Kendall, you're gonna formally rest when I bring
4 them back in, then I'll explain to them what we're doing
5 next.

6 **MS. KENDALL:** Yes, Your Honor.

7 (Whereupon, the jury enters the courtroom at
8 12:00 PM.)

9 **BAILIFF:** All jurors present, Your Honor.

10 **THE COURT:** All right, folks. When we adjourned
11 yesterday, the State had rested its case; meaning they
12 will present no further evidence. It's the defense's
13 opportunity this morning. Ms. Kendall.

14 **MS. KENDALL:** Your Honor, the defense rests.

15 **THE COURT:** All right. Now what that tells me is
16 that there's no further evidence to be received in the
17 trial. So what's gonna happen next is each side gets
18 to summarize their respective positions and what they
19 believe the evidence and the testimony has shown or not
20 shown in the case. What my intent is since the defense
21 has placed no evidence, they get to argue to you last,
22 the State will go first. Mr. Stumbo will give his
23 closing summary and then Ms. Kendall will give hers.
24 Upon those closing summaries being finished, we're gonna
25 take another break and then after that break you'll

1 receive my instructions on the law, all right?

2 Now for purposes of my instructions, tell me your
3 name, please, sir.

4 **JUROR:** Brian Moseley.

5 **THE COURT:** Mr. Moseley. Any objection to
6 Mr. Moseley being my foreperson? Look-y there,
7 unanimously elected.

8 **THE FOREPERSON:** Thank you, Your Honor.

9 **THE COURT:** I noticed you held the door open every
10 time we've gone on break and so for that reason I select
11 you to be the foreperson. You can stay there. If
12 you're comfortable there, you don't have to move. I'm
13 going to give you --

14 **THE FOREPERSON:** I'll stay here during the closing
15 arguments.

16 **THE COURT:** Very good. All right. That being said,
17 Solicitor Stumbo.

18 **MR. STUMBO:** Thank you, Your Honor. May it please
19 the Court? Emily-Anna Asbill. That's her. After all
20 the legal rambling between the attorneys in this case,
21 after all the scientific and medical testimony that
22 y'all heard -- I believe we ended up hearing eighteen or
23 nineteen different witnesses throughout the course of
24 two days. Many law enforcement agencies, statement
25 after statement after statement. EMS personnel, other

1 first responders.

2 After all you've heard over that two-day period, it
3 would be real easy to lose sight of the fact of why
4 we're here, and we're here because that beautiful young
5 lady on the screen, the one that Mr. Scott described in
6 his opening statement to you as compassionate, caring,
7 loved people. You heard from Mr. Kyle Stewart, who
8 hosted this party earlier in the day that she died, talk
9 about she came and hugged everybody. Was so outgoing,
10 so young. Nineteen years old. She's not here anymore.

11 And we're here because Will Alexander, sitting over
12 there at the defense table, was a part of the whole
13 scenario which took Emily-Anna Asbill off this earth.
14 He didn't do it. He didn't want to kill her. He's
15 not being charged with that. He's being charged with
16 accessory after the fact of murder, which the judge is
17 gonna give the instruction on at end of this case on
18 that what is, the accessory after the fact of murder.
19 It's what he did. He made the choice after this young
20 lady left this earth to assist and aid his friend in
21 avoiding arrest and responsibility for this. That's it.
22 That's what accessory after the fact is.

23 Michael Beaty, what about him? He's not on trial
24 this week, but his day's coming. It's coming soon. But
25 what you folks that have sat patiently here all week to

1 do is not to deal with Michael Beaty. That will come
2 at a later date for another twelve citizens of Laurens
3 County to decide.

4 Our criminal justice system devised many, many years
5 ago by our Founding Fathers and our Constitution gave
6 you the right to do two things when you're charged with
7 a crime. You either plead guilty or plead not guilty,
8 and we're here this week, folks, because Will Alexander
9 has pled not guilty.

10 What does that mean? In the Constitution, that
11 means that the State of South Carolina, which is all of
12 us collectively -- I'm not some, you know, faceless man
13 up here for the State, I'm the Solicitor who's elected
14 by the citizens of Laurens County to prosecute cases,
15 and so this is the State of South Carolina being
16 collectively the State, the people, that's each and
17 every one of us that lives in this state, against
18 William Alexander. Michael Beaty will have the same
19 right. If he pleads not guilty, chooses his right to
20 a jury trial, we'll go through the same process, and
21 Mr. Scott and Mr. Andrews and I, representing the people
22 of Laurens County, will come into this courtroom and
23 present evidence sufficient to prove him guilty of
24 killing this beautiful, caring, sweet, young lady, E.A.
25 Asbill, but today we have the chance to hold into

1 account the other guy that's participating in this, the
2 other one that's responsible for this situation, and
3 that's Will Alexander.

4 Now I'm gonna go through a few slides here on the
5 law. We're gonna talk a little bit about the law in
6 this State and what we're here to do this week is. When
7 you stood up at the beginning of the week and took an
8 oath, not only one of them, you guys took two; the first
9 oath was when the Clerk of Court put you under oath as
10 the whole jury panel to answer questions truthfully for
11 purposes of jury selection, but then when you were sworn
12 to this particular case, she said "will you truly decide
13 the facts of this case on the laws of this State", and
14 that's a very serious thing. Now that's a burden that
15 should be very easy to bear in this case. The facts
16 aren't very unclear here and the Judge, as he's gonna
17 explain to you, the law is fairly simple in this case as
18 well. The burden that we bear in this case is to prove
19 the case beyond a reasonable doubt and I can tell you
20 right now, folks, that's a burden that Mr. Scott and
21 Mr. Andrews and I, we gladly bear that burden in this
22 case. Because after you've heard the facts, seen the
23 exhibits and apply the law as the Judge gives it to you,
24 there's no doubt that Will Alexander aided, abetted,
25 harbored, helped his friend that night get away with

1 murder.

2 Let's talk a little bit more about reasonable
3 doubt. The Judge is going to tell you a couple of
4 things. He's gonna say that the burden is on the State
5 of South Carolina, which is the prosecution, to prove
6 each and every element beyond a reasonable doubt. He's
7 gonna tell you what a reasonable doubt is, and I want
8 you to listen to two words: Firmly convinced. You will
9 hear those words come out of Judge Griffith's mouth and
10 he'll define them, too. Reasonable doubt, folks, is not
11 some magical standard, it's not some standard that's
12 impossible to figure out or impossible to overcome.
13 It's very simply you firmly feel or are convinced in
14 your gut after you've heard the evidence and heard from
15 the witnesses and seen the exhibits, heard the audio of
16 the jail calls, all the things that you've heard and
17 saw in this case, after that if you're firmly convinced
18 that Will Alexander did what he's accused of doing,
19 which is being an accessory after the fact of murder,
20 if you're firmly convinced that, that's the standard.
21 Don't make it more complicated than it is. It could be
22 very easy here to make this into some scientific formula
23 or mathematical equation. It's not that. It's after
24 you've heard -- it's like an airplane flying at
25 10,000 feet and seeing the whole picture and after

1 you've seen the whole picture in this case, if you're
2 firmly convinced that he's guilty of accessory after the
3 fact, then there's one verdict, and that's guilty.
4 Firmly convinced.

5 Now what about the elements we have to prove?
6 There's three elements to accessory after the fact of
7 murder. Mr. Scott reviewed this in opening and you're
8 gonna hear this from the Judge, a felony's been
9 completed. That's the first element. Has there been a
10 felony committed? I'll submit to you Dr. Ross here in
11 conjunction with the other evidence and the result of
12 the her autopsy, this was a homicide. Very clearly in
13 our mind it was a homicide accomplished by the method
14 of strangulation, asphyxiation, and E.A. Asbill died
15 because she was strangled and it was a clearly a
16 homicide, and that was Dr. Ross's finding. So has a
17 felony been completed here? Yes, it has. This is the
18 easy one.

19 What else do we have to prove? The accused must
20 have knowledge that the principal committed the felony.
21 His own words, folks, and we're gonna talk a little bit
22 more about his own words in a second, but did Will
23 Alexander know that the crime had been committed? Did
24 he either see it or did the person who did it tell him
25 he did it? That's the second element.

1 The third, that in response to that knowledge, that
2 the accused, Will Alexander, did he harbor or assist the
3 principal felon? Harbor or assist. What exactly does
4 that mean under the law to harbor or assist someone in
5 getting away with a crime? This is what the law defines
6 it as. The assistance or harboring rendered must be for
7 the purpose of enabling the principal felon to escape
8 detection or arrest. Not just escape detection. So
9 here both of these individuals were already going to the
10 police station. It wasn't a question of being detected
11 here, was it? But what I want you to focus on is did
12 the -- the assistance, was it for the purpose of
13 allowing the principal felon, which is Michael Beaty in
14 this case, escape arrest? If he had knowledge, if he
15 misled, if he made an agreement with the principal
16 felon, and I'm gonna help you try to cover this up so
17 they won't know, that's what it means to harbor or
18 assist.

19 Now how by the evidence in this case can we show
20 that? Ladies and gentlemen, I would submit to you that
21 this case is more about the words from Will Alexander's
22 own mouth than anything else, and we have a lot of them
23 here to digest, so let's try to make some sense of this.
24 Seven statements that he makes to investigators. Three
25 of them were written, they've been put into evidence,

1 you'll have those in the jury room to look at. The
2 other four were given to you on the witness stand by the
3 investigators. By their words they said here's what
4 Will Alexander told us.

5 Seven statements. Let's go through them
6 chronologically one at a time because I know that
7 was probably hard to follow when Mr. Scott and I were
8 putting up different law enforcement witness who talked
9 to him at different times. Sometimes I think I got
10 confused, and I'm trying this case, as to which
11 statement came when, so let's make some sense out of it.

12 The first statement. , at 11:30
13 PM approximately, we had Lieutenant Goggins arrive on
14 the scene after the first responders had gotten there,
15 they call on investigations, and that's Detective
16 Goggins from Clinton City. You heard from Detective
17 Goggins as to what he did. He gets there, he tries to
18 figure out what -- size up the scene, what's going on.
19 By that point when he gets there he says E.A. is already
20 in the ambulance and the first responders are working
21 on her, and he sees three parties ultimately out there
22 in the yard. The three that he wanted to talk to were
23 the one that made the call initially, Mr. Simmons, the
24 one who owned the house, then Michael Beaty and Will
25 Alexander. What he's the first thing that Will

1 Alexander tells Lieutenant Goggins? And I submit to you
2 this is one of the most important statements out of his
3 mouth in this entire case. The first thing he says to
4 law enforcement in response what happened to E.A., how
5 did this happen? He responds to Lieutenant Goggins
6 "she's a cutter". Isn't it interesting that in a --
7 separately Lieutenant Goggins talks -- or, excuse me,
8 isn't it interesting that separately at the time that
9 EMS gets to the scene, remember Lauren Simmons, y'all
10 heard from her, the young lady who's the EMS worker, she
11 gets to the scene and she -- immediately they size up
12 the situation, come in and lays E.A.'s body out on the
13 ground and start performing CPR, Michael Beaty's right
14 there. What does she say that Michael Beaty said to
15 her? Will Alexander no where around. In fact, I think
16 at that point according to Mr. Simmons and other
17 testimony Will Alexander had gone in the house and was
18 hiding in there until they asked him to come back out.
19 Michael Beaty says she's a cutter, too. That's the
20 first thing he says. You don't think there was some
21 conversation before 9-1-1 was called, before they went
22 and knocked on the door of Mr. Simmons' house as to what
23 our story is gonna be? The story is already set in
24 stone. Those two had talked and they said listen, her
25 arm's all bloodied up, let's just say she cut her arm

1 and we'll wrap her arm in a shirt and when they get
2 here, just tell them she cut herself. They'll never
3 know the difference.

4 Well, the problem with that is in their drunken
5 haze they didn't think out -- Will Alexander didn't
6 think out the fact that she probably -- if she was
7 deceased would have an autopsy and that there might be
8 a lot of other things going on there that would show
9 that her death had nothing to do with cutting herself.
10 You heard Dr. Ross yesterday. That's why I asked her
11 the question. Dr. Ross, did E.A. have any evidence on
12 her arms of a cutting by a sharp object? No, it looked
13 like road rash. Her fingers had been chewed up from
14 being dragged against a hard surface like a road. There
15 again, that's gonna be important later when we talk
16 about his future statements as well.

17 After he says she's a cutter, which I would submit
18 to you that statement in and of itself would allow me to
19 go sit down right now and you'd have everything you
20 needed in this case based on that information to find
21 him guilty of accessory after the fact, that tells the
22 whole story. From the get-go he was trying to cover for
23 his friend and they had their story worked out.

24 But there's much more. Now the second thing he
25 says, well, I just don't remember anything, I blacked

1 out. I left the party, blacked out and I don't remember
2 anything until y'all got here. I went into the house
3 and laid down, then Michael Beaty came to the door for
4 help. Now we know from Mr. Simmons' testimony that
5 that's not true either. Mr. Simmons and his wife were
6 in the house and already in bed, lights were off,
7 nobody's in the house, but his first story was when they
8 got to he'd gone in to lay down on the couch
9 and then Michael came inside to get him and said I need
10 help. So we know that he's already telling lies to law
11 enforcement from the beginning to not only try to cover
12 for his friend by giving an alternate explanation as
13 to why E.A. was in the condition she was in, but also
14 trying to cover for himself. Not only is she a cutter,
15 and that's probably how she died and even though I saw
16 it, I'm not telling them that, I didn't remember
17 anything. I saw nothing, heard nothing. I was just
18 drunk, passed out. I can't remember.

19 Statement Number 2. He goes to the police
20 department there in Clinton at City Hall and he tells
21 Crystal Roberts this time under Miranda -- remember, we
22 have our Miranda forms, you'll have those in the jury
23 room, that's been entered in. He's already been read
24 his Miranda rights, he's a suspect at this time for the
25 killing of E.A. Asbill, as well as Michael Beaty. He

1 continues to maintain I passed out in the back seat of
2 the car, I didn't see or hear anything, all I remember
3 is walking outside and seeing the -- seeing EMS there
4 and the tape around the scene. He's still hiding what
5 he knows. Covering for his friend. He's covering his
6 own rear end.

7 Statement Number 3. This is a short time
8 later. SLED arrives. You heard from SLED agent
9 Harvey Ownes and SLED agent Michael Collins, the tall
10 African-American gentleman who was involved in several
11 of these interviews, he was there from the beginning,
12 and this time Will Alexander tells the SLED agent a
13 little bit more detail about this party they were at
14 during the day out at Kyle and Rose Stewart's house out
15 on . Again, he gives detailed arrangements.
16 There's information about the seating arrangement in the
17 car. Again, he tries to maintain that I really just
18 went inside as soon as we got there, I didn't see or
19 hear anything, I went straight in the house and tried to
20 sleep, and at this time there's some story about Michael
21 and E.A. talking loudly to each other in the house and
22 there being tension between those two and because they
23 were fighting there in the Simmons house, which, there
24 again, we know not to be true, because of that he
25 couldn't sleep, and that sometime later he finds out

1 E.A.'s hurt. No further information is what he says at
2 that time.

3 2:15 in the morning he's given a third chance to
4 talk to law enforcement. Again, I don't have anything
5 else to tell you, I was just drunk. I didn't see
6 anything, didn't hear anything. He leaves the police
7 department and comes back on his own. We don't know why
8 he came back. Law enforcement didn't go pick him up and
9 bring him back. He comes back. I think there was some
10 suggestion there on the scene, it could have been from
11 the officers, that someone else, it might have been
12 Mr. Simmons or Mr. Beaty that asked him to come back
13 up there or one of the other officers, but at any
14 rate Will Alexander comes back to the Clinton Police
15 Department on his own.

16 What does he say to Lieutenant Goggins and Agent
17 Kindley in this fourth statement, and this one is
18 State's Exhibit Number 3? This is the first time he
19 writes in his own handwriting the things he's told law
20 enforcement, and I would submit to you, ladies and
21 gentlemen, we heard a lot about Will Alexander being
22 intoxicated in this case; twenty-five, twenty-six
23 beers. We heard about by his own words snorting
24 cocaine, doing Molly. This was around 2:00 the next
25 day and he ultimately gives a written statement at

1 3:10 PM. Now I don't think at that point he's been
2 described from the officers and the other evidence we
3 have as being intoxicated or maybe he's hung over, I
4 don't know, but there is no testimony from any of the
5 officers that we had on this witness stand in this case
6 that has said that when he comes back the next day he
7 was incoherent or unable to understand our questions,
8 but he had a chance to sober up and what did he say? He
9 talked about all the alcohol and drugs he done the night
10 before. He said at this point that the time line was
11 they left the party at 12:30 AM and went straight from
12 the party over to the Simmons residence at
13 in Clinton. He remembers standing in the driveway
14 and coming to the police station, but that's all he
15 remembers, just vague memories and he didn't remember
16 everything, and caps it with "I did nothing to harm
17 E.A." So I would submit to you he's given a little bit
18 of truth mixed in with the misleading information.

19 12:30 AM. We know that the 9-1-1 call came in
20 to law enforcement about 11:13. That's when dispatch
21 received the call. They dispatched the officers and
22 they arrived at the scene about 11:20, over an hour
23 before he says they even left the party out on

24 . There again, that's unaccounted for time and the
25 investigators ultimately confront him about that later,

1 and you'll have that statement -- this statement on the
2 screen, it's in evidence, and you'll have that in the
3 jury room with you.

4 How about the next statement? This was handwritten
5 and it was also recorded with the iPhone, or part of
6 it. I think you heard from Commander Roberts that the
7 reason why it cut off, she wasn't aware at the time
8 that's the way her iPhone worked, it cuts off in the
9 middle of this, but it captures at least the first part
10 of this interview, the first half of it. The part that
11 I'm sure that the defense is gonna assert to you were
12 a bunch of threats, they were just threatening him the
13 whole time or you were threatening Will Alexander,
14 weren't you? Remember they said that to Commander
15 Roberts and Michael Collins? Y'all heard the audio.
16 There wasn't nothing threatening with their tone, they
17 were very conversational at the beginning, they're
18 talking small talk, talking about all kinds of stuff,
19 talking about life. No threats there, folks. You saw
20 Commander Roberts and how soft-spoken she is. And
21 Michael Collins, our SLED agent, like I said before,
22 the tall African-American gentleman with the beard. He
23 came and they talked to Will Alexander and what did they
24 tell him? They say to him if this is all we have, that
25 that's all you've got to say to us here, you just don't

1 remember anything, let me tell you something, you and
2 Michael Beaty will both be charged with murder because
3 three of you left the party, we know that she was
4 strangled to death, and two of you are still alive when
5 you get to . So if that's all we
6 have, then we will charge you both with murder and
7 you can continue to play dumb and you just don't know
8 anything and you didn't see anything, especially with
9 statements -- not just I didn't know anything or see
10 anything, intentionally misleading statements like
11 she's a cutter. You know that's not true. And so they
12 confronted him not with a threat, ladies and gentlemen,
13 but I will submit to you that they confronted him with
14 the truth; that there was sufficient evidence, not
15 eyewitness evidence at this point because the only
16 eyewitnesses to this crime were E.A., who's no longer
17 with us, Michael Beaty, and Will Alexander, who's giving
18 them some stuff that just doesn't make sense. Well,
19 they had evidence that she was killed and she left this
20 party with two people and so the facts were you will be
21 charged with murder along with Michael Beaty, and that
22 was just the truth. He was confronted with the cause of
23 death for the first time. They say she was strangled to
24 death and how does he respond? There was a pause and he
25 says "damn". He says it twice. He's kind of quiet and

1 doesn't really offer a lot at that time I would submit
2 trying to soak in the fact that they know she was
3 strangled to death.

4 Finally, by the end of this interview after he's
5 confronted with the facts here and confronted with what
6 he knows law enforcement knows at this point, what does
7 he tell them? Finally, he starts to come clean. He
8 says when they get back to the house he goes to smoke a
9 cigarette by the garage and he's standing in the garage
10 and he says at some point when he's smoking a cigarette
11 Michael Beaty comes up to him and says "I think I messed
12 up, I may have ended her life". Finally we're starting
13 to get a little bit of truth as to what happened here.
14 This is 6:17 PM. You'll have the written statements to
15 see the time on that. About nineteen hours or so after
16 the murder, but the whole nineteen hours before that
17 it's evasion, it's misleading, it's lies and it's "I
18 don't know", but finally, oh, okay, maybe I do know
19 something. He came up to me and told me that he may
20 have ended her life, he may have killed her.

21 Statement Number 6. We're starting to get a little
22 more detail. SLED Agent Charles, what did he tell you?
23 He was the gentleman with the mustache from SLED, the
24 gentleman who testified, I believe, two days ago,
25 Wednesday afternoon. He admits to Agent Charles at this

1 point that E.A. and Michael had argued in the car during
2 this car ride. They got out of the car. They were
3 driving around. It wasn't them going directly from the
4 party to . Now the facts come out. We did
5 drive around the county. There was this time when we
6 were joyriding for lack of a better term. Michael and
7 EA argue, at some point the car stopped and there's a
8 physical altercation in the road. He says that Michael
9 pushes her down. After returning to the Simmons', what
10 he tells Agent Charles is that he sees Michael get on
11 top of E.A. in the car and appear to choke her. And
12 it's interesting at that point when he realized okay, I
13 better come clean with everything, remember what Agent
14 Charles says? He says that Will asks him can go I back
15 and talk to the others now. Finally a guilty conscious
16 is setting in from all those things that he had told
17 law enforcement to mislead them. Remember Lieutenant
18 Goggins was asked by Deputy Solicitor Scott what's
19 the most important time in a criminal investigation?
20 Right after it happens, immediately. Investigators
21 are gathering information. The sooner they know
22 information, the better. So for nineteen hours we have
23 William Alexander misleading law enforcement. He feels
24 guilty about that. He's finally yeah, I want to talk to
25 the others, I need to tell them I haven't been straight.

1 The final statement. It's 9:04 PM. This is right
2 after he gets -- leaves the room with Agent Charles.
3 This is Lieutenant Goggins and others are
4 in the room we heard from. This is State's Exhibit
5 Number 7. Again, you'll have this in the jury room.
6 There's some more detail about what happens in this
7 altercation in the road. At this point he hasn't seen
8 pictures of her arm or those sorts of things, but he
9 tells the detectives what happened, and I would submit
10 to you completely consistent and corroborative of what
11 happened in the road that night. He sees Michael push
12 her down. He says twice in this statement. You can
13 read it when you get back in the jury room. He picks
14 her up by her feet and she's face down and he's dragging
15 her down the street about -- pulls her and drags her
16 about twenty to thirty feet, which I would submit is
17 very consistent with the tips of her fingers on both
18 hands being chewed up for lack of a better term. The
19 injury to her arm on the right arm is more severe. So
20 at this point, ladies and gentlemen, we're finally
21 getting to some truth about, well, how did she get hurt,
22 how are her arms all bloodied up?

23 He gets back to the house he says in his statement
24 here -- and, again, don't trust what I say on this
25 necessarily. When you go back in the jury room, you

1 pick the statement up, pass it around and y'all read
2 it. He sees Michael on top of E.A. and his hands up
3 around her head or her throat. Again, the same words
4 essentially that he had given Commander Roberts several
5 hours earlier when he finally starts fessing up. He
6 says Michael Beaty said "I think I messed up, I think I
7 may have taken her life" when he walks up to him.

8 So, folks, we have seven written statements that by
9 his own words this man admits to helping Michael Beaty.
10 Now what else is in this statement? This is the same
11 statement we just talked about, State's 7. There's a
12 conversation that he relays between them. He indicates
13 Michael says if I did it, don't tell anyone if you are
14 my friend. Will responds I'll do my best, and I think
15 in addition to that, which is not typed there, but if I
16 have to, I'll do what I've got to do. Beaty says act
17 like you don't know what's going on. Will says the
18 police got their way of finding out. I don't have the
19 last line on there, but Beaty says well, maybe they
20 don't. You can read that statement. That's in Will
21 Alexander's own handwriting. Those are his own words
22 put in his mouth. Those are not words that were
23 threatened by any of these officers. Those are his
24 words. And by his own words, folks, even if all you
25 have is this statement to law enforcement at 9:04,

1 we're talking about twenty-two hours, the homicide call
2 comes in about 11:00 the night before, so close to a
3 day later he's finally coming clean with everything he
4 knows.

5 What else do we have here? We've got the jail calls
6 and, folks, I'm not gonna go through those jail calls
7 line by line by line. You heard them. There were about
8 an hour's worth of calls yesterday that he made to his
9 mother after being warned on the tapes this is being
10 recorded, this can be used again you. I committed a
11 crime. He says that to his mother. He says I did it
12 to myself. He talks about Michael flipping out, being
13 homicidal. He said I witnessed it. I'm not making that
14 up. That's what happened. He strangled her. What else
15 does he say? He said I know what I saw. He said I
16 know I'm guilty of trying to cover up a murder. He's
17 insistent even after his mother tries to tell him no,
18 that's not really what you saw. I don't believe Michael
19 Beaty would do that. He insisted. That's what I saw
20 and that's why I'm in here. I tried to cover up a
21 murder. I'm guilty. I committed a crime. So if you
22 didn't already have a firm conviction after his seven
23 statements to law enforcement that he was guilty, folks,
24 those words that he gives several months after that to
25 his mother on those calls, I would submit to you he's

1 gonna be as -- probably as real and authentic as anybody
2 on a phone call to his mother, he's admitting that he
3 committed a crime.

4 Instead in the midst of all this he's trying to
5 already blame it on somebody else. Already trying to
6 blame it on the police. Sloppy -- he says sloppy police
7 work. They don't know what they're doing. We're gonna
8 sue them. Everything's about everybody else doing
9 something to Will Alexander. It's all about him. These
10 officers of the law, they sacrifice themselves every
11 day. There were many that were involved in this case;
12 first responders, investigators from the local agencies,
13 from SLED. You know, last night I sat down at the
14 TV and was watching some 9/11 coverage and every year
15 it never ceases to amaze me, the one image of
16 September 11th that constantly comes back to me is the
17 firefighters coming up the stairs in the World Trade
18 Center.

19 **MS. McNEILL:** Objection; arguing facts not in
20 evidence.

21 **THE COURT:** I sustain the objection.

22 **MR. STUMBO:** Your Honor, it's argument at this
23 point.

24 **THE COURT:** Continue to argue.

25 **MR. STUMBO:** Okay. That the -- that the first

1 responders, the firemen, the police officers --

2 **MS. McNEILL:** Objection. You sustained my
3 objection.

4 **THE COURT:** I'm gonna sustain the objection; not
5 facts in evidence.

6 **MR. STUMBO:** Okay. Well, let's contrast for a
7 second the sacrifice of members of our law enforcement
8 and first responders with the actions of this guy.
9 Let's talk about that. There's one thing I agreed with
10 in Ms. McNeill's opening statement. She told you that
11 "my client's actions were incredibly self-centered".
12 I agree with that. Isn't that the heart of about any
13 crime though, folks? Think about any crime that
14 you could commit. Isn't the heart of that being
15 self-centered, saying I'm gonna get mine, I'm gonna
16 look out for myself? A self-centered attitude. I
17 agree with that wholeheartedly. That's Will Alexander
18 to a tee.

19 Now, folks, I won't get a chance to argue again.
20 This is the way the rules are set up. Ms. McNeill will
21 be the last one to speak with you before you hear the
22 Judge's charge and I would submit to you that what
23 you're gonna hear is much of what we heard in her
24 opening statement, which is what I would call "the no
25 big deal" defense. Will was drunk, he was drunk, he

1 wasn't in his right mind and he's self-centered and he's
2 stupid. That's what we kept hearing. He made a stupid
3 mistake. No big deal. It's just a stupid mistake he
4 made. He didn't commit a crime. You think it's not a
5 big deal to this family out here that they never get to
6 hug E.A. again? You think it's not a big deal to them
7 that they never get to get in the car and take a trip to
8 the beach together? Do you think it's not a big deal
9 to her sister Amanda that they can't do that or to her
10 mother, that they can't sit down and have dinner
11 together? Not a big deal? Just a stupid mistake?

12 Folks, the word verdict, and that's what you're
13 gonna be able to go back to the jury room and determine,
14 what's our verdict gonna be? You'll hear the word
15 verdict. It comes from two Latin words, *verus dictum*,
16 and all those two words mean is speak the truth. So
17 verdict literally means to speak the truth. And I would
18 submit to you under your oath if you apply the law the
19 Judge is gonna give you to the facts of this case, most
20 importantly Will Alexander's own words, then there's
21 only one verdict here that will speak the truth, and
22 that's guilty. It's by his own words he admits that
23 Michael and I talked about this and I'll do my best,
24 in his own words, State's Exhibit 7, you'll have it
25 back in the jury room, I will do my best to help you

1 get away with what I just saw. Of course, they're
2 gonna say well, the first time he said all I saw was I
3 thought they were making out. Well, that's not what
4 Agent Charles says. Agent Charles says that he tells
5 him in that interview with him that he saw Michael get
6 on top of her and try to choke her. That's not making
7 out.

8 Speak the truth. And after you have an opportunity
9 as twelve citizens of Laurens County from all walks of
10 life to come together, reason together, use your logic,
11 use your common sense, and with one mind consider this
12 evidence and the law, I'm confident that one verdict
13 will be reached in this case, and that's that Will
14 Alexander, William Jarrell Alexander, is guilty of
15 accessory after the fact of murder. Thank you.

16 **THE COURT:** Ms. McNeill.

17 **MS. McNEILL:** Thank you, Your Honor. May it please
18 the Court?

19 **THE COURT:** Yes, ma'am.

20 **MS. McNEILL:** There are four things that happened
21 at the scene that night to put Michael as the primary
22 suspect in this murder case. Four things: Will's
23 statements, DNA to include touch DNA that we heard about
24 yesterday from Amanda Webb, and blood on Michael Beaty,
25 Michael's own statements that he was solely responsible

1 for this. He said you can bury me for this. He said
2 that to a law enforcement officer that very night.

3 **MR. STUMBO:** Your Honor, objection. That didn't
4 come into evidence.

5 **MS. McNEILL:** It did, Judge.

6 **THE COURT:** I'm sorry, I didn't hear what she said.
7 If it's in evidence, it's arguable.

8 **MS. McNEILL:** It is in evidence.

9 **MR. STUMBO:** I'll argue that it did not come into
10 evidence, that statement.

11 **THE COURT:** All right. Y'all come here and tell me.
12 (Proceedings held at the bench; not reported.)

13 **MS. McNEILL:** Henry Simmons, Michael Beaty's father,
14 testified that he was aware another officer said that he
15 stated when he answered the door that night that Michael
16 Beaty said he killed E.A. This is information that law
17 enforcement already had when they arrived on the scene.
18 This case is very difficult. There is a young lady who
19 is not with us anymore. And she is beautiful and she
20 was young, and it's not fair to her, it's not fair to
21 the family. This isn't a case where the defense would
22 ever claim that it's no big deal. It is a huge deal.
23 The defense takes very seriously when someone is no
24 longer with this earth. The defense also takes very
25 seriously when someone is being accused of a crime that

1 they did not commit. This case is not "no big deal".
2 This case is a huge deal. A huge deal. You've seen
3 this whole courtroom packed with people. You see a lot
4 of people in support of that young lady, Ms. E.A. They
5 have a right to be here. This is very important to
6 them. You also see a whole courtroom side of people in
7 support of William Alexander. This is hell on them,
8 too. This case is a huge deal and the implication that
9 it would be no big deal is ridiculous.

10 Those pictures of Emily-Anna Asbill are really
11 difficult to look at. They really are. And you know
12 what, if you found them difficult to look at, too, that
13 makes people human, but what you can't do is direct your
14 anger about what happened to that young lady towards
15 William Alexander. Who it needs to be directed at is
16 Michael Beaty. Michael Beaty was E.A.'s boyfriend. He
17 was supposed to have protected her. He was supposed to
18 have loved her and cared for her and tended to her. You
19 heard a lot of testimony that they had a very volatile
20 relationship towards each other. She bit him, she hit
21 him, he was her bitch, and I'm not suggesting in any
22 way that Michael Beaty probably didn't reciprocate that
23 very volatile behavior towards her, too. Clearly that's
24 why we're here, but Will Alexander is not the person who
25 did anything to her. He did not cause those horrible

1 injuries to her. You're angry. We're all angry.
2 Direct it at Michael Beaty. Solicitor Stumbo did state
3 Michael Beaty will have his day in court very soon. He
4 will go through his whole murder trial and a jury just
5 like yourselves will sit in judgment of Michael Beaty
6 and determine Michael Beaty's guilt or innocence at the
7 appropriate time. What we are here today for is to
8 determine over, what I said in opening, a nineteen-hour
9 time frame of actions. That's what we're here to look
10 at. It's easy to get lost in the emotions of a
11 deceased, young, beautiful lady. That's horrible, but
12 that focus will come on Michael Beaty's trial. Today
13 we are here to whittle it down to a nineteen-hour time
14 frame and actually throughout the testimony you could
15 whittle it down to even less.

16 You heard on the audiotape of the interrogation
17 done by Commander Roberts and SLED Agent Collins, who
18 both testified, and you'll have the audio tape, you
19 can listen to it as many times as you want. Will
20 Alexander stated in that audio interrogation "Tyrone
21 Goggins said that I told him last night that Beaty said
22 he messed up. I don't remember saying that". And then
23 SLED Agent Collins said do you remember talking to me,
24 and he says vaguely. What does that tell you? Does
25 that sound like somebody who's trying to cover up for a

1 friend? You know that there is a deceased girl on the
2 property and Tyrone Goggins comes and interviews you and
3 you say Michael Beaty said he messed up at the scene
4 before he was even taken to Clinton Police Department.
5 You have to ask does that help or does that hurt Michael
6 Beaty? We would submit that hurts and that directly
7 points a finger. Oh, she's dead? Michael Beaty says he
8 messed up. That's pointing a finger to your friend
9 y'all, it's not covering up. And how do we know that
10 that's what he said to Tyrone Goggins? Because it's
11 on audio. It is on audio. You can listen to that.

12 In order to believe that Will is guilty of accessory
13 after the fact, you have to believe that he prevented
14 law enforcement from solving this case, and that is just
15 not what you have heard this week. In fact, let's look
16 at a little bit about what we have heard. Let's look
17 at the forensic evidence. We heard numerous agents
18 testifying that that scene was secured almost
19 immediately. Crime scene tape was put up. Why was
20 crime scene tape put up? You heard testimony because
21 it was at that point considered a suspicious death.
22 Red flag, y'all. People are on alert. You have Clinton
23 Police Department, Laurens County Sheriff's Office and
24 SLED, the South Carolina Law Enforcement Division, all
25 over this case. All over the case. They immediately

1 rope it off with crime scene tape, secured evidence,
2 made sure nothing was destroyed. What you didn't hear
3 was Will going and destroying evidence. You didn't
4 hear that. You didn't hear about him going to the car
5 and start wiping down USB cords or touch DNA. You
6 didn't hear any of that. You didn't hear him try
7 to -- hey, Michael Beaty, go change your clothes,
8 there's blood all over you, let's burn those clothes
9 and change them out. You didn't hear that. You didn't
10 hear any of that. What you heard was Michael Beaty
11 said he messed up to a law enforcement officer that
12 night.

13 Yes, Will was intoxicated; twenty-five,
14 twenty-six beers, cocaine, weed, Molly, and, you know,
15 the Stewarts, the people that had the house that the
16 party was at that testified yesterday, I believe it was
17 yesterday, you know, Kyle Stewart got up here and denied
18 knowing about cocaine use going on and that he denied
19 that he did cocaine with him as well. Look at the DNA
20 report. The DNA report is going to be back there with
21 you. You have a tox screen that I believe it was
22 Dr. Ross testified to, the pathologist. E.A.'s blood
23 alcohol level was at a .23 and there was testimony that
24 she had been at the party for a couple of hours. Will's
25 been drinking all day, we know that, so he had to have

1 had at least a .23 blood alcohol level, if not more than
2 E.A., considering she was only there for a few hours and
3 he was there all day. They weren't with Will the entire
4 time. There was a lot of things going on at that party.
5 There was drugs found at the party, there was also weed
6 found in the car that E.A. and Michael Beaty and Will
7 Alexander were riding in. So not only do you have to
8 consider the toxicology report of her blood alcohol
9 level for being there for just two hours, but also look
10 at the DNA report. There's DNA in there that E.A. was
11 involved with that doesn't belong to Will Alexander and
12 it doesn't belong to Michael Beaty, and you'll have that
13 report.

14 Those jail calls. Let's talk about that for a
15 minute. You heard on there that Will takes shots of
16 Haldol, you heard on there that Will does not like jail,
17 that he does not like mental health facilities. Will
18 suffers from mental illness.

19 **MR. STUMBO:** Objection.

20 **MS. McNEILL:** You heard that.

21 **MR. STUMBO:** Your Honor, objection. I don't think
22 that ever came into testimony in this case.

23 **MS. McNEILL:** It was on the tapes that were played,
24 the State sought to introduce it, we have the right to
25 argue it.

1 **THE COURT:** She can comment what was said on the
2 tapes.

3 **MS. McNEILL:** He has a mental illness, he takes
4 shots of Haldol. He at one point does talk about seeing
5 a green man. This kid is mixing mental illness with
6 drugs and alcohol. He's confused. He doesn't know what
7 he saw right away, but just like we refresh witnesses'
8 memories with their own reports, which y'all have seen
9 done all this week; oh, you don't recall that, let me
10 refresh your memory, take a look at this report, is your
11 memory refreshed, now can you testify to it? Think
12 about how that's done and think about the interrogation
13 that you heard on that audiotape.

14 You know, Solicitor Stumbo said that he hadn't
15 received any -- or Will hadn't received any of the
16 evidence at that point so there was no way that he
17 could have known that, you know, she was missing skin.
18 That's not true, ladies and gentlemen. You know how
19 you know that? By listening to the audiotape. You
20 have Commander Roberts and SLED Agent Collins telling
21 Will that girl was drug by that car, there's blood all
22 over the outside of that car, that girl is missing
23 skin, she's missing skin on her fingertips and on her
24 forearms, she was drug by something. The entire time
25 they are feeding him this information as they're

1 interrogating him. Information that they already knew,
2 that they already had. They weren't relying on Will
3 to give them that information. They had the coroner's
4 report, I believe it was testified, at 9 AM or somewhere
5 around there. Asphyxiation due to strangulation was
6 the cause and manner of death. They had that at 9 AM.

7 Guess what never changed? The fact that Will
8 and Michael Beaty rode in a car, and that car that E.A.
9 was involved in may or may not have been involved in her
10 death, that car was never destroyed, that car was never
11 moved. You heard testimony from Vicki Hallman say that
12 area was always secured. They still had all the touch
13 DNA, they still had all of those USB phone cords in
14 there. If Will had invoked his right to counsel, his
15 right to remain silent, his right to an attorney, would
16 they not have had all that evidence? They would have.
17 It was still there, it was still secured, it was still
18 preserved, and it still points to Michael Beaty. All of
19 it does.

20 You heard a lot of testimony about touch DNA; that
21 there was Michael Beaty's DNA and Emily-Anna Asbill's
22 DNA on the middle and the ends of those phone cords.
23 That was always there, y'all. That would not change no
24 matter what Will said. You heard Commander Roberts
25 testify about the arrest. When Ms. Kendall got up here

1 and cross-examined Commander Roberts, one of the first
2 things that came out of Ms. Kendall's mouth was you were
3 always going to arrest Michael Beaty for murder; isn't
4 that correct? And she stated yes. She stated yes. So
5 really what is this about? They always had two
6 suspects. You constantly heard testimony about that.
7 Always there was two suspects. There was Will and it
8 was Michael Beaty. Two suspects in a suspicious death
9 that they already knew -- had determined was suspicious.
10 They were already looking at these two boys. All of the
11 forensic evidence was the same. Will never did anything
12 to destroy that, change the course of path. Really what
13 it comes down to is they're angry because they couldn't
14 figure out whether or not they could also charge Will
15 Alexander with murder, not Michael Beaty. This is an
16 independent situation. Michael Beaty was going to be
17 charged with murder irregardless. It was just what
18 charge could they pin Will on. That's what this really
19 is about. Michael was always gonna be charged with
20 murder and nothing Will did ever changed that.

21 And if you look at the indictment, you will see the
22 indictment which places the defense on notice for what
23 they are coming to court to defend says that William
24 Jarrell Alexander in Laurens County on or about June 29,
25 2013, did feloniously, willfully and unlawfully harbor

1 -- harbor, aid, abet and/or assist Michael Beaty,
2 Junior, with knowledge that the said Michael Vernon
3 Beaty, Junior, had completed the act of murder. He did
4 not harbor, he didn't give him a place to hide. He
5 didn't harbor him. In fact, he pointed him out to
6 Detective Goggins that night. Michael Beaty said he
7 messed up. He didn't aid Michael Beaty. He didn't go
8 to Wal-Mart and buy some materials to help clean up
9 some mess. He didn't rent a truck to help move that
10 body. He didn't destroy evidence. And he didn't
11 assist. They are prosecuting this kid over there, a
12 mentally ill person, who has a problem with substances
13 for not recalling clearly until the nineteenth hour.
14 That's what this is coming down to.

15 I said in the beginning Will is guilty of a lot of
16 things. He is guilty of being an idiot. He is guilty
17 of being selfish, self-centered, but what he's not
18 guilty of is a criminal act. He is not guilty of a
19 criminal act to protect Michael Beaty. How do we know
20 that? We're back to the very first night. Michael
21 Beaty said he messed up. If you're trying to help
22 somebody avoid detection or arrest, are you gonna say
23 that? No, of course not. You heard a lot of testimony
24 that Will had bloodshot eyes, he was sweating, he was
25 very unsteady on his feet, he was in and out of passing

1 out. Vicki Hallman, the SLED agent that was up here,
2 testified that he was very incoherent when she was
3 taking pictures of him that night. Will didn't mislead
4 anybody. Law enforcement already knew who they were
5 primarily after. Law enforcement already knew Michael
6 Beaty was gonna be charged with murder. Again, this is
7 more about what they could charge Will with. And at one
8 point during that audio recording when they say tell us,
9 tell us today, tell us something today or you'll both be
10 charged with murder, Michael Beaty is already arrested
11 they said. They tell Will Michael Beaty is already
12 arrested time and time and time again. Will knows --
13 will believes his friend is arrested. He can't recall
14 correctly because he's wasted that night, but he does
15 say that Michael Beaty messed up. He voluntarily comes
16 back to the police department -- and by the way,
17 Mr. Stumbo stated that there was testimony that Henry
18 Simmons or Michael Beaty may have called him to come
19 back to the station. There was no testimony of that.
20 What there was testimony of was from Commander Roberts
21 who said she didn't call him to come back, she knew he
22 voluntarily came back, but it was possible another law
23 enforcement officer asked him to come back. That was
24 what the testimony was.

25 Irregardless, Will is doing his damndest to

1 cooperate. Will is doing his best to try to remember as
2 many details as possible. And, like I said, when you're
3 up here refreshing a witness's memory with their own
4 report, that is what was going on in that interrogation
5 room. She must have been drug by something. Y'all were
6 wasted. Michael said you pushed her out of the car.
7 Okay. Memories start to come back to people once they
8 start to sober up. And that's what we have here, y'all.

9 We're gonna play you one of these jail calls.

10 (Whereupon, a portion of the jail calls, State's
11 Exhibit Number 47, was played for the Court and jury.)

12 **MS. McNEILL:** All right. Well, Ms. Kendall is
13 informing me that she can't find the right call, but
14 here's what it says. Call 4. And you will have these
15 calls back there if you want to listen to it again. It
16 starts around six minutes and fifteen seconds. I told
17 Tyrone that night I can't really recall because it's not
18 my fault, I don't know what I really saw, but he told me
19 that he messed up. That's what he's even telling his
20 mom, y'all. You've heard it twice now; once in the
21 audio interrogation and now once on the jail call with
22 his mom.

23 And I'm gonna leave y'all with this. Imagine being
24 so drunk, imagine making such a stupid decision and
25 being so intoxicated and by the time you're having fun,

1 you get into a car and then you show up at somebody's
2 house and somebody is dead and you're so intoxicated
3 that you go inside and lay down face first on a couch,
4 which is what Henry Simmons said that he saw Will do,
5 you're that intoxicated and then the next morning when
6 law enforcement starts to question you about it, imagine
7 how that would feel. Oh, my God, I got so wasted, I
8 could have stopped this, and you'll hear him say that a
9 couple of times on those tapes. You heard it yesterday.
10 I believe what he said was what I should have done is
11 kick the shit out of him. I think those were his exact
12 words. Imagine how that would feel and how that would
13 change your life. And instead of saying Will helped
14 them to gather more information regarding this death,
15 they're punishing Will. They're punishing Will for
16 starting to eventually remember, which he said at one
17 point as the days pass and I remember more information,
18 I'll come back and tell you. No, we need it now or
19 you're going to be charged with murder. So instead of
20 saying thank you for starting to help us clarify some of
21 this weirdness, how she got those injuries, we always
22 knew we were gonna arrest Michael Beaty because the
23 forensics always showed that, but instead of thanking
24 him they're prosecuting him for a criminal action, for
25 accessory after the fact to murder. If anything,

1 he's guilty of providing false information to law
2 enforcement. False information to law enforcement is
3 a totally different charge and that's not what he's on
4 trial for today. If he was, I can see how anybody could
5 convict Will of giving false information seeing as that
6 is what he's guilty of, but not accessory after the fact
7 to murder.

8 So you have to be careful is what society is
9 learning from this. Be careful. If you delay helping
10 them out, they will come after you, too. That's the
11 message that this trial is sending to our community, and
12 I'm asking you to find William Alexander not guilty of
13 accessory after the fact to murder. Thank you.

14 **THE COURT:** All right. Mr. Moseley and ladies and
15 gentlemen of the jury, I'm gonna have a brief break.
16 I'm gonna go over my instructions I'm gonna give to you
17 with the lawyers, then I'll give that to you. So let's
18 take a few minutes break and y'all step in the jury
19 room.

20 What's our status on -- all right. So y'all have
21 got to get your lunch order ready, then I can give you
22 my instructions and that way they'll be bringing it and
23 y'all can work while you eat, okay? So y'all can square
24 away the lunch order while I square away my instructions
25 and we'll have you back in here in a few minutes. You

1 can't begin discussing the case yet. It's still off
2 limits until I give you everything.

3 (Whereupon, the jury retires to the jury room at
4 1:08 PM.)

5 **THE COURT:** All right, folks. We'll stand at ease
6 for a few minutes also.

7 (Recess taken.)

8 **THE COURT:** All right. The defense rested after
9 making the directed verdict motions, which the Court
10 ruled on. The Court did not allow them to renew their
11 motions, the closing arguments were made, they've now
12 renewed their motion for directed verdict, and all the
13 motions are re-published and re-made by the defense
14 and, again, declined for the same reasons as the Court
15 declined them before and so they're protected as they
16 have renewed their motions for directed verdict prior
17 to the jury beginning their deliberations.

18 All right. Are they protected?

19 **MS. KENDALL:** Yes, Your Honor.

20 **BAILIFF:** Let's all be seated and come back to
21 order, please.

22 **THE COURT:** All right. Is everybody ready?

23 **MR. STUMBO:** We're ready, Judge.

24 **THE COURT:** All right. Go get the jury, please.
25 Did it come through?

1 **THE CLERK:** No.

2 **THE COURT:** When it does, go ahead and print it out
3 and I'll give it to Stacy or Jackie or both.

4 (Whereupon, the jury enters the courtroom at
5 1:29 PM.)

6 **BAILIFF:** All jurors present, Your Honor.

7 **THE COURT:** Very well. All right. Ladies and
8 gentlemen of the jury, it's now time for me to give
9 you the instructions on the law. I've got them on my
10 computer screen. I tried to print a copy out, but I
11 couldn't get that done. In any event, some parts I have
12 to read to you and I apologize for not being able to
13 speak directly to you, but I do not have all these
14 instructions committed to memory; thus, what's important
15 is that I get the instruction right.

16 Mr. Moseley and members of the jury, the State of
17 South Carolina charges the Defendant, William Alexander,
18 with the crime of accessory after the fact to murder.
19 You will, of course, bear in mind that Mr. Alexander has
20 pled not guilty and by that plea he denies -- can y'all
21 hear me okay? I'll try to speak up -- he denies all
22 the charges alleged in that indictment.

23 As I told you earlier in my preliminary
24 instructions, Mr. Alexander comes into this court
25 clothed with a presumption of innocence and this

1 presumption stays with him and remains with him
2 throughout the case and entitles him to a verdict of
3 not guilty unless and until it is dispelled by evidence
4 satisfying you, the jury, beyond a reasonable doubt of
5 his guilt of the offense charged. I remind you the
6 State must prove each and every element of the alleged
7 crime beyond a reasonable doubt.

8 Now the same constitution and law which makes you,
9 the jury, the finders of the facts in this case makes me
10 the judge and the sole and only instructor of the law.
11 You must accept it as correct the law which I'm
12 instructing to you at this time, apply it to the
13 evidence which has been received and as you find the
14 facts reach a verdict.

15 Now if I should make an error in the law as I
16 am instructing it to you, there is another time and
17 another place where that error can be considered and,
18 if necessary, corrected. But for the purpose of the
19 case here today, you must accept the law as I am
20 instructing it to you. As I tell you that, neither you
21 nor I should be concerned about what we believe the law
22 ought to be or what we believe the law should be, but
23 only concern ourselves with the law as I am instructing
24 it currently with you now.

25 Now in every criminal prosecution in South Carolina

1 the State has the burden of proof. A defense -- or
2 defendant has no burden whatsoever as the defendant is
3 presumed innocent. According to our constitution, the
4 prosecution must prove their case to the standard of
5 proof called beyond a reasonable doubt before a finding
6 of guilt may occur. If the State fails to meet this
7 high burden, then the Defendant is entitled to an
8 acquittal or a verdict of not guilty. Those mean the
9 same thing.

10 Now under our constitution, you twelve are the
11 sole finders of facts in this case. I am not allowed to
12 suggest in any way what I may think about the guilt or
13 innocence of Mr. Alexander. As the sole factfinders,
14 you should have listened closely to the evidence
15 presented during the trial. I tell you now that the
16 weighing of the evidence is entirely a mental process.
17 You must weigh the evidence presented using your good
18 judgment and common sense. As factfinders, necessarily,
19 you're also judges of the credibility and the
20 believability of the witnesses who have testified in
21 this case.

22 Now in passing upon one's credibility, you may take
23 into consideration many things that you have encountered
24 in your everyday life, but you may also consider such
25 things as what was the manner and appearance of the

1 witness who testified, was he or she straightforward or
2 was he or she hesitant in answering, how did the witness
3 come to know the facts that he or she testified to, what
4 was her ability or his ability to know these facts, is
5 there any reason or some reason a witness would want to
6 give some testimony which would help or hurt one side
7 or the other? In other words, was the witness biased
8 or prejudiced in any manner? Also what -- was the
9 testimony of the witness strengthened or weakened by
10 other testimony or other evidence? You, the jury, may
11 believe as much or as little of each witness's testimony
12 as you deem appropriate. You may believe the testimony
13 of a single witness against that of many or just the
14 opposite; you may believe part of a witness's testimony
15 and disbelieve the rest. The fact that testimony is not
16 controverted does not mean you must accept it as true
17 and undisputed. You must still gauge the credibility of
18 the witness who provided that testimony to determine its
19 believability or the truth of the facts offered through
20 that testimony.

21 Now I also told you during the trial there were
22 several witnesses qualified as expert witnesses. Our
23 rules of evidence ordinarily do not permit witnesses
24 to testify as to opinions and conclusions. An
25 exception exists to this rule for which we call expert

1 witnesses. An expert witness is a person who by
2 education and experience has become an expert in some
3 art, science, or profession may give or provide an
4 opinion as to the subject the witness claims to be an
5 expert in and may also give reasons for the opinion.
6 Three expert witnesses were qualified and testified in
7 this case. First, Dr. Janice Ross was qualified as an
8 expert in the field of forensic pathology. Lauren
9 Simmons was qualified in the field of emergency medical
10 treatment as a first responder in the assessment of
11 trauma. Amanda Webb was qualified as an expert in the
12 field of DNA analysis. You should consider any expert
13 opinion given by the witness and like any other evidence
14 give it the weight you believe it deserves. If you
15 decide that an expert's opinion is not based on
16 sufficient education and experience or if you decide
17 that the reasons given in support of the opinion are
18 not sound or that the opinion is outweighed by other
19 evidence, you may disregard the opinion entirely. An
20 expert witness's testimony is to be given no greater
21 weight than that of an ordinary lay witness simply
22 because the witness is an expert; thus, you do not
23 have to accept an expert's opinion even though it is
24 not contradicted.

25 Now generally during a trial there are two types of

1 evidence which are presented. There's direct evidence
2 and circumstantial evidence. Direct evidence is
3 testimony of a person who asserts or claims to have
4 actual knowledge of facts, such as an eyewitness.
5 Circumstantial evidence is proof of a chain of facts and
6 circumstances indicating the existence of a fact. Our
7 law makes absolutely no distinction between the weight
8 or value to be given to either direct or circumstantial
9 evidence; nor is a greater degree of certainty required
10 of circumstantial evidence than that of direct evidence.
11 As in all trials, you should weigh all of the evidence
12 in the case. After weighing the evidence, if you're not
13 convinced of the guilt of the Defendant, Mr. Alexander,
14 beyond a reasonable doubt, you must find the Defendant
15 not guilty. And I tell you again you must weigh the
16 evidence, follow these instructions and using your good
17 judgment and common sense.

18 Now the term has been told to you, and I told
19 you early on, the definition of a reasonable doubt.
20 What is a reasonable doubt? It is simply this. A
21 reasonable doubt is the kind of doubt which would cause
22 a reasonable person to hesitate to act. Reasonable
23 doubt may arise from evidence which is in the case or
24 from the lack of or absence of evidence in the case.
25 Proof beyond a reasonable doubt is proof that leaves

1 you firmly convinced of the Defendant's guilt. It is
2 a doubt to which one can assign a reason, if the
3 assignment can be done reasonably, firmly and
4 convincingly.

5 Now I charge you further that a defendant is
6 entitled to every reasonable doubt that may arise in the
7 case and what this means is if any of you have had a
8 doubt about anything during the trial, you'd be required
9 to resolve that doubt in favor of the Defendant. I tell
10 you also that the very fact that a jury engages in a
11 full and free discussion on the guilt or innocence of
12 the Defendant in this case does not automatically mean
13 that a reasonable doubt exists. You, the jury, must
14 make the determination of whether or not a reasonable
15 doubt exists as to the guilt of the Defendant in this
16 case. If you find that the State has not met the burden
17 of proof beyond a reasonable doubt, then Mr. Alexander
18 will be entitled to a verdict of not guilty.

19 Now criminal intent is a necessary element of
20 each crime that must be proved by the State beyond
21 a reasonable doubt. Criminal intent is always a
22 matter that must be determined by the jury from the
23 circumstances surrounding the situation. There is no
24 way to prove intent to a mathematical certainty,
25 there's no way medical science can dissect a person's

1 brain and determine what he or she had in mind, so our
2 law states that criminal intent may be inferred from
3 the circumstances shown to have existed both before and
4 after the fact. This is how you, the jury, make the
5 determination of whether or not the element requiring
6 an intent was present. Criminal intent is a state of
7 mind that operates jointly with an act or an omission
8 in the commission of a crime. Criminal intent is a
9 mental state of conscious wrongdoing, so it is up to
10 you, the jury, to determine what the Defendant intended
11 to do based upon the circumstances shown to have
12 existed. Now I tell you also that the State must prove
13 criminal intent beyond a reasonable doubt just as they
14 must prove every element beyond a reasonable doubt.

15 Now in this case specifically, William Alexander's
16 charged with the offense of accessory after the fact to
17 murder. In order to sustain a conviction for accessory
18 after the fact to murder, the State must prove beyond
19 a reasonable doubt that William Alexander knew that
20 another person, the principal, committed a felony and,
21 after the crime, intentionally helped the principal
22 to escape from arrest, conviction or punishment.

23 Intentionally means willfully intending the
24 result which actually occurs; not accidentally or
25 involuntarily. Intent may be shown by acts and conduct

1 of the Defendant and other circumstances from which you
2 may naturally and reasonably infer intent. Absence is
3 not an element of the crime of accessory after the fact.
4 If you find that the Defendant was merely present at the
5 scene at the time of the crime and did not participate
6 in the crime but became involved after the commission
7 of the crime, you may find the Defendant of being guilty
8 of accessory after the fact.

9 Now although the actions of the Defendant may have
10 helped the principal to escape detection or arrest,
11 this is not enough to be an accessory after the fact.
12 The State must also prove that the Defendant acted
13 with the intention or with the purpose of helping the
14 principal to escape detection or arrest. So if a person
15 charged with being an accessory after the fact did not
16 intend that his act should help the principal escape
17 detection or arrest, then he is not an accessory after
18 the fact even though his acts, in fact, may have
19 resulted in helping the principal escape detention or
20 arrest. There must be some affirmative act tending
21 toward concealment of the commission of the crime.
22 Silence alone is not sufficient to make a person an
23 accessory after the fact to a felony.

24 Now, several other laws which I must instruct you
25 on. First, regarding voluntary intoxication. I

1 instruct you that insanity caused by the use of drugs
2 or alcohol may be a defense if the insanity is permanent
3 and destroys the Defendant's ability to know right from
4 wrong; however, when voluntary intoxication has not
5 produced permanent insanity, it is not a defense to a
6 crime. A person who voluntarily becomes intoxicated
7 is just as responsible for the acts committed while
8 intoxicated as when a person is not intoxicated.

9 I instruct you that the statements made by the
10 Defendant -- that some statements alleged to have been
11 made by the Defendant have been admitted into evidence
12 in this case and that while the Court has determined
13 that these statements are admissible, I instruct you
14 that you must make the ultimate decision of whether or
15 not the Defendant made the statement. If the Defendant
16 did make the statement, you must determine whether the
17 statement was made by the Defendant voluntarily and of
18 his own free will. This means that the statement was
19 not caused by pressure, force, fear, threats, coercion,
20 or intimidation, or by hope or a promise of leniency or
21 reward of any kind.

22 In determining whether the statement was voluntarily
23 given, you should consider both the characteristics of
24 the Defendant and the details of the questioning. Some
25 of the factors that you may consider are the age of the

1 Defendant, the Defendant's education or lack thereof,
2 the Defendant's mental ability or capacity, the
3 Defendant's IQ or intelligence, the Defendant's
4 background and environment, the place and length of the
5 detention, the nature of the questioning, the advice or
6 lack of advice of the Defendant to his constitutional
7 rights, including, but not limited to, the right to
8 remain silent, that any statement could be used against
9 him in a court of law, the right to have a lawyer
10 present, and that if he could not afford a lawyer, that
11 a lawyer would be appointed to him to represent him
12 without any costs, and that he could stop making any
13 statement at any time. So you must carefully consider
14 all of the surrounding circumstances before you give any
15 weight to an alleged statement.

16 The State has the burden of proving beyond a
17 reasonable doubt that the alleged statements were
18 voluntary and if you determine it was, you may give
19 the statement -- you may give the statement further
20 consideration that you deem proper. You must decide
21 what weight, if any, should be given to the statements
22 and if you determine the statements were not free and
23 voluntarily given by the Defendant, you should not
24 consider the statement at all.

25 I instruct you that mere presence at the scene

1 is not sufficient to prove someone guilty of a crime.
2 A defendant's present where a crime is being committed
3 or mere association with a person who commits a crime
4 does not make a defendant an accomplice or an aider or
5 an abettor of the person committing the crime. The
6 burden is upon the State to prove every element of the
7 crime charged. If you find after reviewing the evidence
8 that the State has proved that the Defendant was only
9 present at the scene of the crime and that they have not
10 proved beyond a reasonable doubt any other participation
11 in the crime, then you must find the Defendant not
12 guilty. The law is that proof of at the scene of the
13 crime is not sufficient to prove someone guilty.

14 Now there have been some evidence presented
15 that there was some prior statements which were not
16 consistent with the witness's present statements. You
17 may use this evidence to decide whether to believe the
18 statements or believe the witness's statement given at
19 the time. You may use evidence of earlier contradictory
20 statements to determine the truth of those statements,
21 but it is up to you to decide whether to believe the
22 earlier statements or the testimonies which were given
23 at the trial.

24 Now you've also heard testimony and evidence that
25 the Defendant was convicted of a crime or committed some

1 bad acts which are not subject to a conviction other
2 than the one for which he's now on trial. This evidence
3 may only be considered by you if you conclude it's true
4 and only in deciding whether the Defendant's testimony
5 or statements given were believable but for no other
6 purpose. You must not consider the evidence of the
7 Defendant's prior record or prior bad acts as evidence
8 of the Defendant's guilt to the charge of which he is
9 now upon trial today.

10 You heard testimony and comments through the
11 evidence concerning the penalty a person can receive
12 for the alleged indictment. In determining his guilt
13 or innocence, you cannot consider any possible penalty
14 for any particular time. The punishment for that crime
15 is a matter for the Court, the Judge, to determine and
16 should never be considered by you in any way whatsoever
17 in arriving at a fair and impartial verdict as to his
18 guilt or his innocence.

19 Now I instruct and emphasize to you that the fact
20 that the Defendant, Mr. Alexander, did not testify is
21 not a factor to be considered by you in any way in your
22 deliberation and in your consideration on the question
23 of guilt or innocence of him. It must not be considered
24 by you in any manner whatsoever. A defendant has a
25 constitutional right to remain silent and his assertion.

1 of this right must not be considered by you in your
2 deliberations. So I repeat to you that under your oath
3 you're to draw no conclusion whatsoever from the fact
4 that Mr. Alexander has asserted his right and did not
5 testify in this trial. The very fact that he did not
6 testify should not even be discussed in the jury room.
7 As I told you, the burden of proof is upon the State.
8 The State must prove its case beyond a reasonable doubt.
9 It is not incumbent upon a defendant to prove his
10 innocence.

11 Mr. Moseley, and members of the jury, as you retire
12 to begin your deliberations I wish and express the hope
13 that each of you will be mindful of the importance of
14 your duty and your responsibility as jurors. You're not
15 called upon very often to be jurors. You and I are
16 acting for this community and this State and is why we
17 must see to it that this trial is fair and the verdict
18 is just. It has been my responsibility in the trials
19 that I've presided over, including this one, to make
20 certain that everyone tried receives fair and impartial
21 justice. I'm not trying to tell y'all how to decide
22 the case. It is up to you twelve. Under the laws of
23 this state you, the jury, are the sole judges of all
24 questions of fact. It would be improper for me to try
25 to influence you in doing your duty. So what I'm

1 telling you is that I'm convinced that whatever verdict
2 you find will be the result of going in the jury room,
3 confining your consideration to the evidence which has
4 been presented in the trial, the law that I have
5 instructed to you, weighing the evidence received
6 fairly and impartially, and reaching a unanimous
7 verdict. Your verdict must be unanimous and I'm
8 convinced that you will find a fair verdict.

9 Now the indictment will be with you, as will
10 all the rest of the evidence. Once you begin your
11 deliberations -- lunch will be brought in shortly.
12 Once you begin your deliberations, I'll pull the two
13 alternates out and they will not participate in the
14 deliberations. I didn't have the need to substitute
15 any one of them in, but as you do your deliberations,
16 if y'all want to take a break and eat lunch and not
17 discuss the case, that's up to the twelve of you.
18 It's on your time now. If you want a break and someone
19 needs to step outside, deliberations stop. If someone
20 wants to do anything to stop discussing, y'all can stop.
21 You don't have to send word to me that we want to take
22 a break. That's for y'all to decide, the bailiffs will
23 be there, but once someone wants to step out or step in
24 the restroom, the discussion of the case stops.

25 Now if you need assistance with the DVD's, we have

1 a device, a computer, or a player that can play
2 the recordings. If you'd like to hear any of them
3 again, you may ask for that device. I don't know
4 whether it will be a computer or a DVD player, but
5 we'll provide you something where y'all can listen to
6 those recordings. Now if you'd like to hear testimony
7 which was presented in the trial, write me a note;
8 Judge, we'd like to hear the testimony of. If you can't
9 remember the name, describe them. It was the officer
10 who or the person who said or something along those
11 lines. Y'all -- I mean, y'all can remember that with
12 the -- alert me to what it is. Ms. Johnson can retrieve
13 it from her recording device and we can replay that,
14 but I'll have to bring you back in here to let you
15 listen to it. I'll be more than happy to do that.

16 Now if you've got a question regarding any
17 instruction I've given you, you say Judge, we want to
18 hear the instruction on the specific of law or the
19 charge of accessory after the fact, let me know that and
20 it may be that I can provide to you a portion of what
21 I've read to you in response to your question. It may
22 be that it's easier to bring you back in the courtroom
23 and reinstruct you again, and I'll be glad to do that.

24 So basically once you begin your deliberations,
25 we're on your time and we'll be waiting on you. If you

1 have a question, write it down, give it to Mr. Bolt,
2 he'll bring it to me, I'll discuss with the lawyers how
3 to respond to you, whether to bring you in or that sort
4 of thing, but as long as all twelve of you are in there
5 y'all can discuss and deliberate. If one of you wants
6 a break, all twelve of you get a break. Do you
7 understand?

8 All right. Those are my instructions. Y'all step
9 in the jury room. I get to ask the lawyers again were
10 my instructions complete based upon what we discussed
11 earlier and if they were, subsequent to that we'll send
12 you the evidence and the indictment. That's when you
13 can begin discussing the case; not until then.

14 All right. Y'all step in the jury room, everybody,
15 the alternates, too. Then if I need the alternates out,
16 I'll bring them right back out.

17 (Whereupon, the jury retires to the jury room at
18 1:51 PM.)

19 **THE COURT:** All right. Any exceptions to the
20 instructions given to the jury from the State or
21 defense?

22 **MR. STUMBO:** Fine with us, Judge.

23 **MS. KENDALL:** None from the defense, Your Honor.

24 **THE COURT:** All right. Whoever or multiple
25 attorneys, y'all review with Ms. Johnson because she's

1 about to close the record -- or she's gonna stand up and
2 go through the evidence. Y'all make certain what you
3 believe is in goes back to the jury room, okay, and once
4 y'all agree with her, let me know and I'll give you the
5 indictment to put with it, so.

6 All right. We're standing at ease.

7 (Recess taken.)

8 (Whereupon, the alternates were excused and the
9 jury received the evidence and begin their deliberations
10 at 1:59 PM.)

11 (Recess taken.)

12 (Court's Exhibit Number 1, a jury note, was marked
13 for identification.)

14 **THE COURT:** All right. I've received a note that's
15 been marked Court's Exhibit Number 1 regarding the
16 jury's request. Hey, hey, I'm making a record here.
17 Sorry. They're wanting to hear the recordings and so
18 we're gonna -- the parties have agreed to allow my law
19 clerk to take his computer and play the recordings that
20 the jury's requested and upon completion, he'll depart
21 and not take part or listen to any deliberations. All
22 right. And that stays here.

23 All right. Do you understand my instructions?

24 **BAILIFF:** That he can go in, but as soon as they're
25 finished he comes out.

1 **THE COURT:** That he can go in, but you're not to let
2 them discuss the case in your presence. You ask them
3 what you want to hear, play it as many times as they
4 want, and tell them that I can only play it and once you
5 y'all want to discuss the case, I've got to leave. And
6 so if they want to keep you outside the door and play
7 some and make you leave, you're gonna be there at their
8 beck and call. They're not to --

9 **LAW CLERK:** So I can leave?

10 **THE COURT:** No, you stay with it and run it for
11 them.

12 **MR. SCOTT:** I'm sorry, could we not just cue it up
13 and leave it? Because they probably want to talk.

14 **LAW CLERK:** Yeah, I can get it ready to play
15 and --

16 **MR. HOWE:** Judge, I don't have a problem with that.
17 If he can just queue it up and show them how to play it
18 and then -- and then if they want to leave --

19 **MR. STUMBO:** Cut your wi-fi off.

20 **MR. HOWE:** -- then if he wants to leave, we have no
21 problem with that.

22 **MR. SCOTT:** Yeah, I imagine they probably want to
23 discuss it and stop it and start it.

24 **THE COURT:** Y'all agree that's okay?

25 **MR. HOWE:** Yes, sir.

1 **THE COURT:** Okay.

2 **MR. HOWE:** We've done it that way before, Judge,
3 and had no problem.

4 (Whereupon, a laptop was sent to the jury room to
5 play the requested recordings at 2:43 PM.)

6 (Recess taken.)

7 **BAILIFF:** All right. Let's everyone keep your seat.
8 Court come back to order.

9 **THE COURT:** All right, folks. While we're waiting
10 -- we're waiting on the Clerk of Court before I bring
11 the jury in. Let me remind everybody this has been a
12 week-long trial, it's been difficult, I've got a
13 courtroom full. There are no winners here. I don't
14 want a show of emotion one way or the other. This jury
15 has worked very hard in my observation all week and I
16 do not want them to think anything other than we
17 appreciate them taking their time to listen to this
18 case, so I caution everybody. It would -- I would
19 greatly appreciate it if we respect whatever decision
20 they make.

21 All right. We're ready. Mr. Bolt, go get them.

22 (Whereupon, the jury returns to the courtroom to
23 report its verdict at 5:06 PM.)

24 **THE COURT:** All right, Mr. Moseley. Has the jury
25 reached a verdict?

1 **THE FOREPERSON:** We have, Your Honor.

2 **THE COURT:** And was your verdict unanimous?

3 **THE FOREPERSON:** It was.

4 **THE COURT:** You may hand it to me, please.

5 **THE FOREPERSON:** (Handing.)

6 **THE COURT:** Madam Clerk, you may publish.

7 **THE CLERK:** Your Honor, in the case of the
8 State versus William Jarrell Alexander, Case Number
9 2013-GS-30-1552, the indictment for accessory after
10 the fact, the verdict is guilty. Signed by Brian M.
11 Moseley, the Foreman.

12 Ladies and gentlemen, if that be your verdict,
13 please indicate by raising your right hands.

14 (All hands raised.)

15 **THE CLERK:** Thank you.

16 **THE COURT:** All right. Any further issues for the
17 jury, Ms. McNeill?

18 **MS. MCNEILL:** I'd like to have them polled, please.

19 **THE COURT:** All right. Please poll the jurors.

20 **THE CLERK:** Ladies and gentlemen, the verdict I
21 just published was the verdict you reached in the jury
22 room. I ask you was it your verdict then and is it your
23 verdict now? As I call your name, if you'll please
24 answer yes or no. Brian M. Moseley?

25 **JUROR:** It is, yes.

1 **THE CLERK:** Darleen L. Melton?

2 **JUROR:** Yes, ma'am.

3 **THE CLERK:** Crystal A. Crowe?

4 **JUROR:** Yes.

5 **THE CLERK:** Diana H. Anderson?

6 **JUROR:** Yes.

7 **THE CLERK:** Gerrye H. Stroud?

8 **JUROR:** Yes.

9 **THE CLERK:** Regina F. Jones?

10 **JUROR:** Yes.

11 **THE CLERK:** Lisa M. Dowell?

12 **JUROR:** Yes.

13 **THE CLERK:** Debra F. Newman?

14 **JUROR:** Yes.

15 **THE CLERK:** Joey L. Fowler?

16 **JUROR:** Yes.

17 **THE CLERK:** Jeremy T. Willis?

18 **JUROR:** Yes.

19 **THE CLERK:** Tara L. Hand?

20 **JUROR:** Yes.

21 **THE CLERK:** And Joyce I. Rambo?

22 **JUROR:** Yes.

23 **THE CLERK:** Thank you.

24 **THE COURT:** All right. Folks, I would like for

25 y'all to step in the jury room so I can come back and

1 speak to you, but your duty has ended, all right?

2 (Whereupon, the jury was excused and retires to the
3 jury room at 5:08:PM.)

4 **THE COURT:** It is signed?

5 **THE CLERK:** Yeah.

6 (Recess taken.)

7 **THE COURT:** All right. A couple of the jurors
8 wanted to come in momentarily, but we'll wait on them.

9 **MS. KENDALL:** Judge?

10 **THE COURT:** Yes, ma'am.

11 **MS. KENDALL:** While we're waiting for the jurors,
12 may I put the appropriate motions on the record?

13 **THE COURT:** Absolutely.

14 **MS. KENDALL:** Thank you, Your Honor. At this time,
15 the defense would move for a motion for a new trial as
16 such based upon there hasn't been sufficient evidence
17 that's been presented. Also there hasn't been a fair
18 and impartial trial. In summation -- and I could
19 briefly go through them if the Court needs a more
20 expounded version of the argument. I'm more than happy
21 to do that.

22 We're renewing our prior objections that were made
23 at the close of the State's case and the defense case;
24 those objections mainly being our prior motions
25 regarding the call of the case; not being continued;

1 the Rule 5 Brady violation under the reasons cited, in
2 large part as we were unable to review the year's worth
3 of phone calls of the Co-Defendant, Michael Beaty, to
4 see if there was any exculpatory evidence to be used
5 in the trial of this case; renewal of all arguments
6 incorporated in the Jackson versus Denno hearing; that
7 statement were admitted that were in violation of
8 Miranda and were not voluntary, namely that the
9 statements happened after there were threats by
10 Commander Roberts and Officer Collins.

11 Further, we would renew all the arguments
12 surrounding the phone calls that had been admitted from
13 the jail as not being properly authenticated, containing
14 hearsay, and issues with the confrontation clause that
15 was rife with evidence that was either irrelevant and
16 highly prejudicial under Rule 401, 403 and 404 submitted
17 as character evidence.

18 We also renew all mistrial motions made and any
19 other objections previously made, either throughout
20 the trial or during our directed verdict motion, we're
21 incorporating now to fully protect Mr. Alexander for the
22 record.

23 **THE COURT:** Okay. And consistent with my motions
24 along pre-trial, middle of the trial, post-trial,
25 post-evidence, I respectfully deny your motions. And

1 now, post-verdict, also, likewise, I'll deny your motion
2 for a new trial.

3 Are we ready to proceed with sentencing this
4 afternoon?

5 **MR. STUMBO:** Judge, considering the unique
6 circumstances of this case and the fact that we're
7 after 5:00 on Friday, we would move, and we think it
8 would not be inappropriate to take Mr. Alexander into
9 custody this evening, and have sentencing held in
10 abeyance, but if Your Honor is ready to proceed, we
11 would certainly have a victim impact and we'd be ready
12 to go, and we'll leave that in Your Honor's discretion,
13 but we believe withholding sentencing would be
14 appropriate.

15 **THE COURT:** And you want to hold it in abeyance
16 until the other trial is complete or just for some
17 period of time?

18 **MR. STUMBO:** That would be our request, Your Honor.

19 **THE COURT:** All right. Ms. McNeill and Ms. Kendall,
20 I don't know if y'all anticipated that request.

21 **MS. McNEILL:** We did not anticipate that, Judge,
22 but we do object to that and we're ready to proceed with
23 sentencing now.

24 **MR. STUMBO:** And, Your Honor, we'll leave that to
25 Your Honor's discretion. I don't have -- I don't know

1 how that could in any way hurt this Defendant, if,
2 anything, to help him, in the long run. So we don't
3 know what the future holds, but we'll leave that in
4 Your Honor's discretion. The family is here and they're
5 ready to address Your Honor at the appropriate time, but
6 they've also been told that we would ask Your Honor if
7 you would consider holding it in abeyance.

8 **MS. McNEILL:** And, Judge, if that's gonna be the
9 Court's position, then we would like the opportunity to
10 take the weekend to brief the issue and argue before the
11 Court on Monday.

12 **THE COURT:** And you'd have to come find me in
13 Newberry. Would that be okay? Because I'm scheduled
14 for Newberry.

15 **MS. McNEILL:** That's fine. We would also request
16 that Will Alexander remain out until he is sentenced.

17 **MR. STUMBO:** Your Honor, we would completely oppose
18 that. If that would be your position to let him out,
19 we'd be fine with going ahead with sentencing.

20 **THE COURT:** All right. This is what I'm gonna do.
21 I'm gonna take Mr. Alexander into custody. The jury
22 has reached a verdict. I'm going to hold sentencing in
23 abeyance and allow the defense to be heard at a mutually
24 agreeable time next week. I know there's court going on
25 here next week and I'm just one county over in Newberry,

1 and so it doesn't have to be Monday, but I'm not very
2 far away, and if need be, for me to run back up to
3 Laurens for this issue to be heard on how far to defer
4 it, I'll be glad to try to accommodate the Solicitor's
5 Office and the Public Defender's Office. I've been to
6 Newberry twice today already, it's not that far, and I
7 don't mind making that accomodation. If people want to
8 come to Newberry, again, it's not that far.

9 **MR. STUMBO:** And that will be during Common Pleas?

10 **THE COURT:** Yes, sir. And I can have Court
11 Administration grant me that authority for this case to
12 hear that and that won't be any problem.

13 So we'll take him into custody. Sentencing will be
14 held in abeyance until we can reconvene. And we're not
15 gonna do it on short notice because of the victims and
16 the families. It will be something predictable and
17 scheduled so that we all know when it will be. I'm not
18 gonna do it on a half day's notice unless everybody
19 agrees, so that's what we'll do, all right?

20 **MR. STUMBO:** Understood, Your Honor. Thank you.

21 (Whereupon, the proceedings were concluded for
22 September 12, 2014, at 5:19 PM.)

23 (Sentencing was held on October 10, 2014, and
24 reported by Joy Holston, Official Court Reporter.)

25

State of South Carolina)
) Court of General Sessions
County of Laurens) 2013-GS-30-01552

State of South Carolina)
 vs.) Transcript of Record
)
William J. Alexander)
 DEFENDANT _)

October 10, 2014
Laurens, South Carolina

B E F O R E:

Honorable Eugene C. Griffith, Jr., Judge

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

David Stumbo, Solicitor
Attorney for the State

Kate Kendall, Assistant Public Defender
Chelsea McNeill, Assistant Public Defender
Attorneys for the Defendant

Joy E. Holston
Official Court Reporter

1 problem as well as mental health problems. The sentence
2 of the Court is, that you be confined to the Department of
3 Corrections for a determinate term of 7 years. That is
4 suspended upon the service of 3 years. Cost and
5 assessments are imposed, probation for 3 more years. You
6 get 104 days credit for time served under 24-13-40. While
7 he is at the Department of Correction, I want him to be
8 referred to addictions treatment unit. When he is
9 released from his incarceration I want him to further to
10 continue substance abuse counseling and be randomly tested
11 for drugs and alcohol and continue mental health
12 counseling while under supervision, pay the public
13 defender assessments. And y'all find that consistent with
14 the other charges of similar facts.

15 MS. KENDALL: Yes, Your Honor.

16 MS. MCNEILL: Yes. Thank you.

17 THE COURT: Good luck.

18 *** END OF REQUESTED TRANSCRIPT OF RECORD ***
19
20
21
22
23
24
25

Voluntary Witness Statement

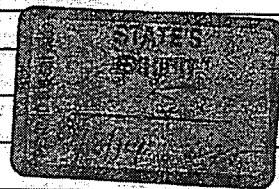
NOT UNDER ARREST

Page(s) 1 of 1Date of Statement: 6-30-13 Time Statement Started: 6:17 pmName: William Alexander Address: 50 Jaybird LnDate of Birth: 9-30-82 Social Security Number: 251-55-2821 Phone Number(s): 864-923-5476I completed the 15 grade in school and Can ☒ Cannot ☐ read and write.

I, William Alexander am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Officer Constable Rogers

I understand that I am free to walk away without saying anything, and I volunteer the following information of my own free will, for whatever purposes it may serve.

Michael Brady said to me "I think I messed up. I may have ended her life." I was standing in the garage smoking a cigarette when he said this. I told him we needed to call 911. Then we got Henry and Henry went and check on her. Then I remember the tape around the car.



I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, or any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at 6:17 pm (time) on the 30 day of June, 2013

Witnessed: [Signature]Date: 6/30/13Signature: [Signature]Date: 6-30-13

Voluntary Witness Statement

NOT UNDER ARREST

Page(s) 1 of 2

Date of Statement: 6-30-13 Time Statement Started: 9:09 PM
 Name: William Tarrell Alexander Address: 50 Tapbird Ln Cross Hill, SC
 Date of Birth: 9-30-82 Social Security Number: 291-55-2821 Phone Number(s): 864-923-5410
 I completed the 15 grade in school and Can ☒ / Cannot ☐ read and write.

I, William Tarrell Alexander am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Officer Tyrone Goggin.

I understand that I am free to walk away without saying anything, and I volunteer the following information of my own free will, for whatever purposes it may serve.

Michael Beatty, EA, and I left Kyle Stewart's house around 9:00 PM. We rode around country roads smoking weed and drinking beer. They were arguing about her cheating on him with a guy in Florida. He was also upset about her giving me unusual attention. They continued to argue about that while we rode around. We made several stops ~~the~~ ^{on} the country roads to use the bathroom. On two of those stops Michael pushed her down. On one of those stops he drug her down the road about 20 or 30 feet. I ran after him telling him to stop and he did. When she was getting into the car I noticed the injury on her arm. He looked like the skin was peeled back. It was her right arm. She said her arm hurt like hell. When we arrived at Henry Simmons' house they continued to argue and hit each other. I got out of the car and went into the garage and continued drinking beer and smoking cigarettes. Michael got on top of EA, and it looked like they were making out. His hands were at her throat. He got out of the car and walked up to me and said "I think I messed up. I may have taken her life."

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, or any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at 9:14 PM (time) on the 30 day of June, 2013.

Witnessed:

[Signature]
Off

Date: 6/30/13

Signature:

[Signature]
Will Alexander

Date: 6-30-13

VOLUNTARY STATEMENT

SUPPLEMENTAL

William Jarrell Alexander

Statement of, Continued.

"If I did don't tell anybody if you are my friend." I said "I will do my best but I don't want to be involved so if I have to I am going to tell them." ~~When we got there~~ He said "Act like you don't know bullets going on." I said "The Police got there way of finding out." He said "Maybe they don't." He then went and got Henry up and Henry checked her pulse and there was none, then Henry called 911. He said he would never confess and they will never know I strangled her. He was crying black out tears. Then EMS arrived and taped off the scene, then we were taken to the station for questioning.

End of Statement

~~WJA~~

Will Alexander

WITNESSES

Tyrone Goggins
Clinton Police Department

WARRANT NUMBER

2013A3020100361

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

September Term, 2013

Indictment # 13GS30- 1552

THE STATE

vs.

William Jarrell Alexander

VERDICT

GUILTY

Brian M. Mosley
Foreman

9/12/14

INDICTMENT FOR

Accessory After the Fact
16-01-0055

CDR: 2413

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

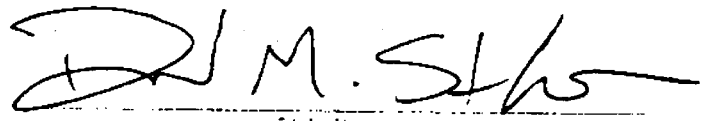
COUNTY OF LAURENS

Accessory After the Fact
16-01-0055

At a Court of General Sessions, convened on the 6th day of September, 2013, the Grand Jurors of Laurens County present upon their oath:

That William Jarrell Alexander, in Laurens County, on or about June 29, 2013 did feloniously, willfully and unlawfully harbor, aid, abet and/or assist Michael Vernon Beaty Jr. with knowledge that the said Michael Vernon Beaty Jr. had completed the act of Murder, in violation of the Laws of South Carolina and Section 16-1-55 of the South Carolina Code of Laws, 1976, as amended.

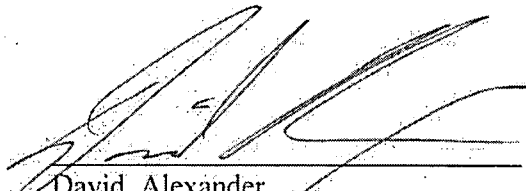
Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

September 28th, 2015



David Alexander
Appellate Defender

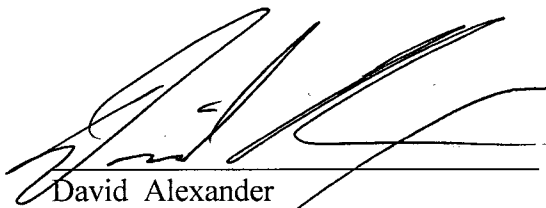
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

September 28th, 2015



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