

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Benjamin H. Culbertson, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

SANDY LEE LOCKLEAR,

APPELLANT

APPELLATE CASE NO. 2014-001354

RECORD ON APPEAL

EDWIN THOMPSON KINNEY
Attorney

Mullikin Law Firm
1308 Broad Street
Camden, SC 29090
(803) 425-7771

ROBERT M. DUDEK
Chief Appellate Defender

South Carolina Commission on Indigent Defense
PO Box 11589
Columbia, SC 29211
(803) 734-1330

ATTORNEYS FOR APPELLANT

VOLUME TWO OF THREE
PAGES 501-1000

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Deputy Attorney General

MELODY J. BROWN
Senior Assistant Attorney General
PO BOX 11549
Columbia, SC 29211
(803) 734-6305

JIMMY A. RICHARDSON
Solicitor, Fifteenth Judicial Circuit
PO Drawer 1276
Conway, SC 29526
(843) 915-5460

ATTORNEYS FOR
RESPONDENT

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT

COURT'S EXHIBIT 3 (CD OF INTERROGATION AUDIO)

COURT'S EXHIBIT 4 (AUDIO OF INTERVIEW AT THE JAIL THE NEXT DAY)

Neil Frebowitz - Direct by Mr. Richardson

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1 tactic?

2 A No, sir.

3 Q When she was handcuffed behind her back, what was the
4 purpose in that?

5 A That was a decision I made. It was apparent that she did
6 not get that she had moved from the witness/victim to the
7 suspect. I needed her to know that she was under arrest in no
8 uncertain terms, and the best way to communicate that to
9 someone who didn't seem to grasp was to put them in handcuffs
10 and tell them they were under arrest.

11 Q Okay. But behind her back, was that a --

12 A That's just part of the protocol, sir.

13 Q Okay. And was it any attempt to put her into a pressure
14 position?

15 A Oh, no, sir. Not at all.

16 Q And at some point are those handcuffs removed?

17 A They are.

18 Q And how, how is she secured at that point?

19 A At that point they just take one hand -- we took one
20 handcuff and put it to the arm of a chair.

21 Q Now, we heard some mention about, "Getting on the team,
22 getting on the bus," whatever.

23 A Yes, sir.

24 Q What are you all trying to communicate to her at that
25 point?

Neil Frebowitz - Direct by Mr. Richardson

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1 A Again, there are -- you know, she needed to help herself
2 and she needed to help us find the individuals who did it.

3 Q Okay. Having listened to the interview again, we all
4 heard numerous other voices other than yours --

5 A Yes, sir.

6 Q -- and the Defendant's. Could you educate us as to some
7 of those people?

8 A Yes, sir. I recognize the voices. It was Detective Cox
9 was in the interview room. Detective Vescovi was in the
10 interview room. He specifically is a technician with regard
11 to the cell phone data, cell phone service. Detective
12 Strickland was in the room at the time. He interviewed her.
13 I think those were the voices. Oh, and at one point in time
14 the low-talking individual would have been Detective Williams.

15 Q Detective Darryl Williams?

16 A Darryl Williams. That's correct, sir.

17 Q And that's towards the end?

18 A Yes, sir. That's correct.

19 Q Now, you stated you observed her behaviors while she was
20 left in the room alone. After you all presented her with
21 phone records --

22 A Yes, sir.

23 Q -- after you all discussed the phone records, was she
24 left in the room alone with those records?

25 A I don't recall.

Neil Frebowitz - Direct by Mr. Richardson

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1 Q Okay. That's a fair answer. During the interview, we
2 heard a lot of crying, and you stated that she was crying some
3 when she was left alone.

4 A I said she appeared to be crying when she was left alone.

5 Q Okay. Crying, waling. Was there anything in particular
6 you noticed with regard to this crying?

7 A Yes, sir.

8 Q And what was that?

9 A Well, I had put a bunch of tissues in my pocket before we
10 actually went into the room, and I kept waiting for the tears.
11 I kept waiting for the mucous, you know, the, the, the human
12 responses to crying, and she never asked for a tissue, and I
13 never offered any.

14 Q Did you ever see any tears?

15 A No, sir.

16 Q Mucous?

17 A No, sir.

18 Q A couple of points during the interview, a few points,
19 you and other officers mention that, "It's not your fault.
20 You didn't mean for this to happen."

21 A Yes, sir.

22 Q What was the purpose of that?

23 A Again, that's interview technique. Without going through
24 a lengthy class, you want to give somebody some room. If they
25 feel they're in a corner, that they have no place to go, they

Neil Frebowitz - Direct by Mr. Richardson

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1 may just button up. If you try to say, "Hey, listen. It's
2 going to be okay. It may not be your fault. It's somebody
3 else's fault," let them pass the blame on to somebody else.
4 Again, that is an interview technique.

5 Q Trying to empathize with them?

6 A Empathy's exactly right.

7 Q Try and allow for some kind of excuse?

8 A Exactly.

9 Q And, and this is a customary interview technique?

10 A Yes, sir. It is.

11 Q Not the first time you used it?

12 A No, sir. It's actually called the Reid interview
13 technique. I went through the basic and advanced classes.

14 Q After you, after you took this lengthy statement --

15 A Yes, sir.

16 Q -- from the Defendant, what were your next steps in the,
17 in the investigation? You said it went on for 12 hours. So
18 if we started at 11, I assume it's about 11 o'clock that
19 night?

20 A Yes, sir.

21 Q And you've been on scene since four in the morning?

22 A Yes, sir.

23 Q Did you do anything else that night?

24 A I don't remember getting a lot of sleep. I think we did
25 try to follow up some of the leads. I think we went to Tabor

Neil Frebowitz - Direct by Mr. Richardson

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1 and tried to locate this, this James fellow, also continued to
2 monitor and look at the evidence to see where we were at.

3 Q Okay. And --

4 A Excuse me.

5 Q --- after that night, after Sunday night, the 19th, what
6 were your next steps?

7 A Well, the next step is since she's in custody, we're
8 required to serve her with a warrant within a short amount of
9 time. The next contact I had with Ms. Locklear was at the
10 jail when I went to serve her with the warrants.

11 Q And, and before that, before the service of the warrants,
12 you indicated that you all went to Tabor at some point?

13 A Yes, sir. I believe so.

14 Q To try and identify who James was?

15 A That's correct.

16 Q Were you able, able to ascertain who James was, the more
17 full name?

18 A We were.

19 Q And what was that?

20 A Nehemiah James Evans.

21 Q Now, was that before or after the jail interview?

22 A No. It was before.

23 Q Okay. Before the jail interview. So sometime on that
24 Monday?

25 A Yes, sir.

Neil Frebowitz - Direct by Mr. Richardson

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1 Q And were you able to identify this other guy, James's
2 buddy, James's friend?

3 A I don't believe at that time we had.

4 Q Okay. Now, you stated that you went back out to serve
5 warrants on the Defendant?

6 A That's correct, sir.

7 Q That was for murder?

8 A That's correct.

9 Q And when was that? You said it was on that Monday, the
10 20th?

11 A It was the next day around 10:00 o'clock in the morning.

12 Q Okay. Now, when you went back out to serve her with her
13 warrants, what, if anything, transpired?

14 A I went with the intent of serving the warrants and then
15 getting back in the hunt for, you know, the two remaining
16 Defendants or suspects it turned out to be. After I obtained
17 the warrants, I was informed by a jail guard or a corrections
18 officer that she wanted to talk to somebody.

19 Q Okay. And were you prepared to interview her right then
20 and there?

21 A No, sir. I wasn't.

22 Q Okay. What'd you do upon hearing that she wanted to
23 speak with you?

24 A Went back out to my car, got the case files, got my
25 little recorder, which I didn't carry around with me, and then

Neil Frebowitz - Direct by Mr. Richardson

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1 went into the booking area to interview her.

2 Q Okay. Did you have any photos with you in your case
3 file?

4 A At that point I had -- we'd already identified the
5 Nehemiah James Evans, and I had his photograph.

6 Q Okay. And from that, I mean, so you had to go back out
7 to the car to get your recorder, to get your, to get your
8 pictures?

9 A Yes, sir.

10 Q So you had no intent when you went out there of speaking
11 with her other than serving warrants?

12 A None at all.

13 Q Did you end up speaking with her?

14 A I did.

15 Q And where did that take place?

16 A I think it was one of the interview rooms at J. Reuben
17 Long Detention Center.

18 Q Okay. And prior to speaking with her did you take the
19 steps of advising her of her Miranda Rights again?

20 A No, sir. I didn't.

21 Q And why not?

22 A A couple of reasons. I didn't think at that time she had
23 anything truthful to tell me anymore. I had -- I was done,
24 quite honestly. I was -- and I had given her her rights
25 before. You know, they're pretty ubiquitous. You tell them

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1 once I think they understand it continuously, but I did not
2 issue her her rights at that time.

3 Q Okay. And she had signed her Miranda form the day
4 before?

5 A That's correct, sir.

6 Q And she had been provided those?

7 A Yes, sir.

8 Q At any course during the interview we've already listened
9 to or prior to speaking with you, did she ever tell you she
10 wanted her attorney present?

11 A No, sir.

12 Q Did ever tell you, "Hey, I'm done talking with you?"

13 A No, sir.

14 Q And was this done on video?

15 A No. It wasn't.

16 Q And why not?

17 A The jail doesn't have the video.

18 Q Okay. So you actually have this on an audio recording?

19 A I have a little digital audio recording that was my
20 personal recorder.

21 Q The sound quality a little bit better?

22 A Unfortunately, yes.

23 Q Okay. Now, I'm going to show you what has been marked
24 for Identification State's Number 18.

25 MR. WILSON: No objection, Your Honor.

Neil Frebowitz - Direct by Mr. Richardson

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1 Q Would you take a look at State's Number 18, tell me if
2 you, if you can identify that.

3 A Yes, sir. It appears to be the disk containing the
4 interview of Sandy Locklear.

5 Q And that's the one from August 20th?

6 A August 20th. Yes, sir.

7 Q And this is the interview you conducted at the detention
8 center?

9 A Yes, sir.

10 MR. RICHARDSON: Your Honor, the State would seek to
11 introduce Number 18 into evidence.

12 THE COURT: Any objection?

13 MR. WILSON: Your Honor, only subject to the objections
14 made already on the record.

15 THE COURT: All right.

16 MR. RICHARDSON: Your Honor, at this time the State
17 would seek to introduce and publish it.

18 THE COURT: Wait a minute. State's Exhibit Number 18 is
19 admitted into evidence over Defendant's objection.

20 (Whereupon, State's Exhibit Number 18 [CD, Interview of
21 Defendant, 8-20-12] admitted into evidence and appropriately
22 marked.)

23 THE COURT: All right. You can publish it.

24 MR. RICHARDSON: Thank you, Your Honor.

25 BY MR. RICHARDSON:

Neil Frebowitz - Direct by Mr. Richardson

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1 Q Detective, as this is coming up, this interview is what,
2 about 20 minutes or so?

3 A Yes, sir. I believe that's about right.

4 Q Okay.

5 (State's Exhibit Number 18 is played in open court.)

6 MR. RICHARDSON: Your Honor, I apologize. If we may
7 approach?

8 THE COURT: All right.

9 (Whereupon, a bench conference is held in the presence
10 but out of the hearing of the jury.)

11 MR. RICHARDSON: We'll go ahead, Your Honor.

12 THE COURT: All right.

13 (State's Exhibit Number 18 is played in open court.)

14 BY MR. RICHARDSON:

15 Q Detective Frebowitz, we just heard you say it is now
16 3:37. So what was it at 10:00 o'clock, that you interviewed
17 her or maybe a little bit later?

18 A It must have been a little bit later. I just referred to
19 some of my handwritten notes. In a case like this, there's so
20 many things happening simultaneously that you may start
21 something at 10:00 o'clock and then get side tracked and start
22 again later.

23 Q I understand, and whenever you call out a time like that
24 on an interview you're looking at a time piece?

25 A I'm probably looking at my -- if it's digital like that,

Neil Frebowitz - Direct by Mr. Richardson

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1 I'm probably looking at my phone.

2 Q Okay. And this is a year and a half, two years ago?

3 A Yes, sir.

4 Q Okay. So, once again, during the course of this
5 interview, we hear you mention something about, "It's not your
6 fault," something to that effect. What's the purpose of that
7 again?

8 A Again, you're attempting to give someone an out, elicit
9 some sort of empathy, you know, elicit the truth.

10 Q Okay. And we heard you present or sounded like you were
11 presenting some photographs to her.

12 MR. WILSON: Oh, no objection, Your Honor.

13 Q Allow me to show you what's been marked for
14 identification as State's 26 and 27 see if you can recognize
15 those.

16 A Yes, sir.

17 Q And what are State's or how do you recognize State's 26
18 and 27?

19 A These are the surveillance photographs that I presented
20 to Ms. Locklear for identification purposes.

21 MR. RICHARDSON: Your Honor, at this time the State would
22 seek to introduce 26, 27 into the record.

23 THE COURT: Any objection?

24 MR. WILSON: No objection, Your Honor.

25 THE COURT: All right. State's Exhibit 26, State's

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1 Exhibit 27 admitted into evidence without objection.

2 (State's Exhibit Number 26 and State's Exhibit Number 27
3 [Photographs] admitted into evidence and appropriately
4 marked.)

5 BY MR. RICHARDSON:

6 Q Okay. And there is some handwriting at the bottom of 26.
7 Could you tell us what that is?

8 A Yes, sir. When I was interviewing Ms. Locklear, I
9 actually asked her if she would annotate on the document, and
10 she writes, "James did do anything. I was just there," and
11 she initials the document.

12 Q And so, at this point, you had already identified
13 Nehemiah James Evans?

14 A I believe so. Yes, sir.

15 Q Okay. And the person in the second photograph, at that
16 point did you know who that was?

17 A No, sir.

18 Q I'm sorry. Now, you indicated you knew the name Nehemiah
19 James Evans at this point?

20 A Yes, sir.

21 Q And during this interview. Did there come a time when
22 you learned the identity of the second suspect?

23 A Yes, sir.

24 Q And what was his name?

25 A Odom Bryan Bryant.

Neil Frebowitz - Direct by Mr. Richardson

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1 Q Odom Bryan Bryant?

2 A I believe that's it.

3 Q Now, you've identified Nehemiah James Evans. You've
4 identified Odom Bryan Bryant as the -- as two other Co-
5 Defendants. Did there come a time when you were able to
6 apprehend Nehemiah James Evans?

7 A Well, there came a time when we went out to attempt to
8 apprehend Nehemiah James Evans.

9 Q And when was that?

10 A I think it was just subsequent to that interview.

11 Q Okay.

12 A Later that afternoon or that evening.

13 Q And where'd you go?

14 A Went to Tabor City.

15 Q And was it to an address you knew to be his?

16 A Well, there's -- in the interview you hear Pig being
17 mentioned. We identified Pig, a cousin, and her little red
18 car. She actually told us who Nehemiah James Evans was. They
19 were all related somehow, identified him from the same
20 photograph or a different photograph earlier in that day,
21 which gave us the identification, told us where Nehemiah
22 generally stayed or James usually stayed. We actually put
23 her, myself and Detective Cox, put her in the back of the
24 patrol detective vehicle and drove to the address that she
25 said he was probably at, excuse me. Once we arrived, he was

Neil Frebowitz - Direct by Mr. Richardson

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1 actually standing in the driveway. He was a young man in
2 pretty good shape, and we exited our vehicles, identified
3 ourselves and we're old guys, not in good shape, and he took
4 off running and we didn't catch him.

5 Q Okay. So he beat feet whenever you all hollered out for
6 him?

7 A He fled. Yes, sir.

8 Q Okay. Did there come a time when you were able to
9 apprehend him?

10 A I believe the Marshal Service apprehended him or another
11 -- he was taken into custody. I don't remember exactly how.

12 Q About Friday that week sound about right?

13 A Yes, sir. That's about right.

14 Q Now, after he was taken into custody, without getting
15 into anything he said, were you able to speak with him?

16 A Yes, sir.

17 Q And how about Odom Bryant, you stated that subsequently
18 you were able to identify Odom Bryan Bryant?

19 A Yes, sir.

20 Q Okay. And did there come a time whenever you were able
21 to apprehend him?

22 A Marshal Service apprehended him in North Carolina.

23 Q Sometime later?

24 A Yes, sir.

25 Q And with what were they charged?

Neil Frebowitz.- Direct by Mr. Richardson

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1 A Murder as well.

2 Q Okay. Murder on both Tommy and Amos?

3 A That's correct, sir.

4 Q And subsequent to the arrest of Odom Bryan Bryant, were
5 you able to speak with him?

6 A Yes, sir.

7 Q Once again, without getting into what they say --

8 MR. WILSON: No objection, Your Honor.

9 Q -- let me show you State's 27 -- I'm sorry, 28 and 29.
10 My contact floated on me.

11 A Yes, sir.

12 Q Do you recognize the people -- or what do you recognize
13 28 and 29 as being?

14 A These are, based on the orange attire, they appear to be
15 booking photographs of two individuals. I recognize Nehemiah
16 James Evans and Odom Bryan Bryant.

17 Q And Odom Bryant appears where, State's 28, and State's 29
18 would be --

19 A Nehemiah.

20 Q Okay. Now, from looking at those photographs, you've met
21 with both these gentlemen; right?

22 A Yes, sir.

23 Q When you met with either one of them, either one of them
24 have dreds?

25 A No, sir.

Neil Frebowitz - Direct by Mr. Richardson

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1 Q Either one of them be light-skinned?

2 A No, sir.

3 Q Either of them a white boy with blue eyes?

4 A No, sir. That's a fair and accurate representation of
5 how they looked when I met with them.

6 THE COURT: Excuse me for a second. Did we move -- I
7 know you published them but ---

8 MR. RICHARDSON: I'm sorry, Your Honor. The State --

9 THE COURT: --- but they're not in evidence yet.

10 MR. RICHARDSON: I'm sorry, Your Honor. I apologize.

11 Mr. Wilson said without objection. I would seek to move these
12 into evidence at this time, Your Honor.

13 MR. WILSON: Your Honor, my previous objection was no
14 objection the marking for identification. My -- no objection
15 at this point in time, Judge.

16 MR. RICHARDSON: I apologize.

17 THE COURT: Excuse me. You do or do not have an
18 objection?

19 MR. WILSON: Do not object, Judge, not at all.

20 THE COURT: All right. State's Exhibit Number 28 and
21 State's Exhibit 29 admitted into evidence without objection.

22 (State's Exhibit Number 28 and State's Exhibit Number 29
23 [Photographs] admitted into evidence and appropriately
24 marked.)

25 MR. RICHARDSON: I apologize, Your Honor.

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1 THE COURT: All right.

2 MR. RICHARDSON: And seek to publish at this point.

3 THE COURT: All right.

4 BY MR. RICHARDSON:

5 Q Now, Detective Frebowitz, you were the chief
6 investigating officer. Do you know if a murder weapon was
7 ever recovered from this?

8 A It was never recovered.

9 MR. RICHARDSON: The Court's indulgence.

10 THE COURT: All right.

11 BY MR. RICHARDSON:

12 Q Detective Frebowitz, thank you for being with us. If
13 you'll answer any questions Mr. Wilson may have.

14 A Yes, sir.

15 MR. WILSON: Your Honor, may we approach?

16 THE COURT: Yeah.

17 MR. WILSON: Thank you, Judge.

18 (Whereupon, a bench conference is held in the presence
19 but out of the hearing of the jury.)

20 THE COURT: All right. Ladies and gentlemen, we're going
21 to go ahead and take our morning break right now. Please
22 leave your pads in the jury box. Do not discuss the case even
23 among yourselves at this point in time. You can stretch your
24 legs, use the restroom, get something to drink. You can check
25 your phone messages and return calls, but don't talk about

Neil Frebowitz - Direct by Mr. Richardson

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1 this case. We'll bring you back out in just a second. Thank
2 you very much. Yeah, if you've got the exhibits just leave
3 them there in the jury box and we'll pick them up.

4 (Whereupon, the following takes place outside the
5 presence of the jury.)

6 THE COURT: All right. Mr. Wilson.

7 MR. WILSON: Your Honor, if it please the Court?

8 THE COURT: Yes, sir.

9 MR. WILSON: Judge, during direct examination, and Your
10 Honor, I'm going to go ahead and precede this with an apology
11 to the Court. Your Honor ruled on this before. We talked
12 about this in evidence before I think in chambers. My concern
13 now is that the Prosecutor has asked this gentleman on the
14 record in front of the jury, offered it for evidence that he
15 retired from the police force, and we know that from the
16 chamber conversation, he did not retire from the police force.
17 That is misleading the jury, and at this time, I'm asking the
18 Court to allow the Defense to, one, ask him about his
19 separation from Horry County Police Department, and that
20 evidence, just so we're clear, is used to bolster his
21 testimony as lead detective who retired, and that is not,
22 that's not the situation, Judge, at all. That's completely
23 misleading.

24 THE COURT: All right. All right, Mr. Richardson.

25 MR. RICHARDSON: Your Honor, retire or resignation, it's

Neil Frebowitz - Direct by Mr. Richardson

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1 the same thing. They're interchangeable, and he wasn't fired.
2 He wasn't terminated. It was they both mutually agreed to
3 leave. That is my understanding what a retirement is.

4 THE COURT: Okay. All right. I'll allow you to cross
5 examine him on whether or not he retired, resigned and whether
6 or not it was under disciplinary proceedings, but then that'll
7 be the extent of that.

8 MR. WILSON: Thank you, Judge.

9 THE COURT: All right.

10 MR. WILSON: Thank you very much.

11 THE COURT: Also, before -- when they came in, the
12 bailiff brought me a note from the jury that says, "The jury
13 requests a copy or copies of the interview transcripts during
14 deliberation. We are also having difficulty -- we are also
15 all having difficulty understanding the audio in the
16 interview. It is not a volume issue, lacks quality in sound."
17 So what I was planning on doing is when they come back in just
18 tell them we've got this, to tell them there is no transcript
19 of the interview, they're not entitled to a transcript, that I
20 rule on the admissibility of evidence, but they're to consider
21 whether it's competent and give it the effect, value, weight
22 and truth that they think it deserves, and do it that way.

23 MR. WILSON: Yes, Your Honor.

24 MR. RICHARDSON: Yes, sir, Your Honor.

25 THE COURT: Any objection?

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1 MR. RICHARDSON: No, sir, Your Honor.

2 THE COURT: Any from the Defense?

3 MR. WILSON: None, Your Honor.

4 THE COURT: All right. Let's take about a 10-minute
5 break and we'll come back.

6 MR. RICHARDSON: Thank you, Your Honor.

7 MR. WILSON: Thank you, Judge.

8 THE COURT: Thank you.

9 OFF THE RECORD

10 (On the record. The following takes place outside the
11 presence of the jury.)

12 THE COURT: All right. Anything from the State before we
13 bring the jury back in?

14 MR. RICHARDSON: No, sir, Your Honor.

15 THE COURT: Anything from the Defense?

16 MR. WILSON: Nothing further, Your Honor.

17 THE COURT: All right. Let's bring the jury in. I'm
18 going to go ahead and get this question they marked -- what is
19 this?

20 REPORTER: 20.

21 THE COURT: 20, Court's Exhibit Number 20.

22 (Court's Exhibit Number 20 [Note from Jury] appropriately
23 marked.)

24 (Whereupon, the following takes place in the presence of
25 the jury.)

Neil Frebowitz - Cross by Mr. Wilson

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1 THE COURT: All right. Ladies and gentlemen, welcome
2 back. I hope everybody had a good break. Make sure you have
3 your own notepads and don't have anyone else's notepads.

4 Before we started this morning's session I did receive
5 the question from the jury. It says, "The jury requests a
6 copy or copies of the interview transcripts during
7 deliberations. We're also all having difficulty understanding
8 the audio in the interview. It is not a volume issue, lacks
9 quality and sound."

10 Now, I will instruct you on evidentiary matters when I
11 charge you on the law in the case, but I can give you some
12 preliminary instruction at this point in time which is that
13 there are not any transcripts to be presented to the jury from
14 these interviews. I rule on the admissibility of evidence,
15 but once evidence is admitted into evidence it will be your
16 decision as to whether or not it's competent and whether or
17 not it's truthful, and you give it the weight and value and
18 the effect that you think it deserves. Okay? Thank you very
19 much.

20 All right. Cross examination.

21 MR. WILSON: Your Honor, if it please the Court?

22 THE COURT: Yes, sir.

23 CROSS EXAMINATION

24 BY MR. WILSON:

25 Q Mr. Frebowitz, how you doing today?

Neil Frebowitz - Cross by Mr. Wilson

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1 A Good morning, sir.

2 Q Yesterday when you began testimony in front of this jury
3 you swore that you would tell the truth; correct?

4 A Of course.

5 Q Okay. The Prosecutor asked you whether or not you
6 retired from the Horry County Police Department. Yes or no?

7 A That's true.

8 Q Okay. And you answered to this jury, yes, you retired.

9 A Absolutely.

10 Q Okay. Is that a misleading statement to this jury?

11 A Not a bit. I'm getting a retirement check from the state
12 every month.

13 Q Okay. What were the circumstances of you actually
14 leaving Horry County?

15 A It was by mutual agreement.

16 Q Mutual agreement. So there was a mutual agreement
17 between you and Horry County that you would leave Horry County
18 as a detective?

19 A Yes, sir.

20 Q Okay. So Horry County said they didn't want you anymore,
21 and you said you don't want to be there anymore.

22 A I said I would always stay and serve the citizens of this
23 county and bring my expertise to bear in solving these cases
24 as long as I was treated well and fairly. I stopped being
25 treated well and fairly by the police department, and I left.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q Okay. Were there disciplinary proceedings that took
2 place that led to you resigning?

3 A That was part of it. Yes, sir.

4 Q Okay. So you resigned?

5 A It was a -- sure, you can use that word.

6 Q Fair enough. But you didn't tell the jury that
7 yesterday; did you?

8 A I wasn't asked.

9 Q I'm asking you one question, yes or no. Did you tell the
10 jury yesterday that you resigned under those circumstances?

11 A No, sir.

12 Q Thank you. Thank you very much. Now, let's talk about
13 some things. Let me first talk about this. What time did you
14 actually arrive at the crime scene?

15 A Around 4:30ish.

16 Q Okay. And do you know what time the 911 call was placed
17 by Sandy Locklear?

18 A I believe around 4:00 o'clock.

19 Q Okay. So you got there about 30 minutes after the 911
20 call?

21 A A little later than that.

22 Q Okay. All right. Fair enough. When you get there tell
23 the jury what you do.

24 A Well, the most important thing is to surveille the scene,
25 to make sure that there's certain protocols in place first at

Neil Frebowitz - Cross by Mr. Wilson

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1 the -- I call it a frozen zone from my training in another
2 jurisdiction. You like to make sure that nothing is being
3 tampered with, nothing is being disturbed within the crime
4 scene. In this case Detective Martin, who was the crime scene
5 analyst, investigator, had beat me to the, to the scene. He
6 is very competent at his job. So I knew that was already
7 being taken care of. I could deal with other things.

8 Q So as lead detective, one of your responsibilities is to
9 secure the crime scene; is that correct?

10 A Yes, sir.

11 Q Okay. All right. And you testified under direct
12 examination when the Solicitor asked you that you treated this
13 Defendant like a crime scene?

14 A Absolutely.

15 Q Okay. All right. And so one of the things you want to
16 do with evidence in a crime scene is take control of it;
17 correct?

18 A That's correct.

19 Q All right. And did you take control of this Defendant as
20 well?

21 A Take control of the Defendant?

22 Q Well, did you take control over her? Did you take
23 custody of her? Did you control the crime scene? That's what
24 I'm --

25 A She was not, she was not in custody, but yes, she was

Neil Frebowitz - Cross by Mr. Wilson

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1 under our control.

2 Q Okay. Fair enough. So when you got there on that
3 morning and when you saw this Defendant and you walk, actually
4 walked inside of the actual crime scene; correct?

5 A Yes, sir, I did.

6 Q Okay. Well, let me ask you this. Did you smell any
7 Clorox inside that crime scene when you were there?

8 A I don't recall that.

9 Q Yes or no. Did you smell any Clorox when you walked
10 through that crime scene?

11 A I don't remember.

12 Q You don't remember if you smelled Clorox. You're the
13 lead investigator in this case, and your testimony to this
14 jury is that you don't remember?

15 MR. RICHARDSON: Your Honor, asked and answered.

16 THE COURT: Sustained.

17 Q Did you smell gasoline in the crime scene?

18 A No.

19 Q Did you smell any other cleansers in the crime scene that
20 you can recall?

21 A No.

22 Q Thank you. Now, while you're in the crime scene you said
23 you observed two bodies; correct?

24 A That's correct.

25 Q Okay. Did you also observe anything else, any other

Neil Frebowitz - Cross by Mr. Wilson

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1 evidence in this case?

2 A I observed the pillows that had been placed over their
3 heads. There appears to have been shots to the back of the --
4 through the pillows, and then when we removed the pillows, the
5 victims appeared to have been shot execution style in the back
6 of the head.

7 Q Did you observe any kind of tape inside the residence?

8 A I did.

9 Q Okay. Did you observe what appeared to be a stain on the
10 door inside this residence?

11 A I don't recall that.

12 Q Okay. So you didn't see any of that stuff?

13 A I don't recall it.

14 Q Now, you had an opportunity also to talk that morning
15 with this Defendant; correct?

16 A I did.

17 Q Okay. And what did you observe when you talked to her?

18 A She was initially in the back of the police car. She was
19 what appeared to be upset, distraught, which I thought was
20 normal being a victim of a horrific crime, and I just advised
21 her who I was and that we were going to take her to the
22 hospital.

23 MR. WILSON: Your Honor, may I approach the witness?

24 THE COURT: Yes.

25 BY MR. WILSON:

Neil Frebowitz - Cross by Mr. Wilson

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1 Q I have in my hand what's been marked as State's Exhibit

2 21. Would you take a look at that for me?

3 A Yes, sir.

4 Q On the right side of this Defendant's face, do you see
5 any bruises in that picture?

6 A Well, it's a profile, sir. None of the left side's
7 showing.

8 Q Well, I'm asking you do you see any bruises, yes or no?

9 A No.

10 Q Okay. You don't see any bruises?

11 A No.

12 Q Okay. Thank you very much. Let me ask you also while
13 you've got it in your hand. Does this Defendant look coherent
14 to you? You've been in this business for a long time.

15 A Based on this one photograph?

16 Q Absolutely.

17 A Yes.

18 Q Thank you very much. Now, also that morning did you talk
19 with the Defendant about any injuries she may have had?

20 A No.

21 Q Did you ever ask her if she had any injuries?

22 A I think I said, "Are you all right?"

23 Q You asked her if she was all right?

24 A Yes, sir.

25 Q Did you ask her if she was hurt at all?

Neil Frebowitz - Cross by Mr. Wilson

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1 A Specifically, I don't recall that.

2 Q You didn't do that that morning; did you?

3 A No, sir.

4 Q Okay. Now, that morning also you directed one of the
5 officers or had one of the officers take her into a police
6 car; correct?

7 A Yes, sir.

8 Q And take her where?

9 A Conway Hospital.

10 Q All right. And the purpose of taking her to Conway
11 Hospital was what?

12 A Check her for injuries. She had already advised that she
13 was the victim of a rape, check her for injuries, both
14 internal and external, and perform the standard, have someone
15 else, the certified nurse examiner in this case, perform the
16 rape kit.

17 Q Very good. Did this Defendant ever ask to go to the
18 hospital? Did she ask you to go to the hospital?

19 A No, sir.

20 Q Okay. So she didn't ask to go to the hospital?

21 A No, sir.

22 Q And she wasn't transported in an ambulance; was she?

23 A No, sir.

24 Q Okay. Do you recall the actual name of the officer or
25 detective who transported her?

Neil Frebowitz - Cross by Mr. Wilson

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1 A I believe it was Detective Chatfield.

2 Q Okay. All right. So, Detective Chatfield would have
3 taken her in his police car to the hospital that morning?

4 A That's correct.

5 Q Okay. Very good. Now, also that morning while you were
6 there at the crime scene you actually left the crime scene;
7 didn't you?

8 A I did.

9 Q And you actually went to the hospital?

10 A I did.

11 Q All right. And if Chatfield was at the hospital already
12 what was your point in going to the hospital?

13 A It was my responsibility to ensure that the protocols
14 were being followed. I stopped by the hospital. I spoke with
15 Chatfield to ensure that the protocols were being followed,
16 and then I left.

17 Q All right. Fair enough. Did you speak with any of the
18 nurses?

19 A The nurse examiner had just arrived around the same time
20 I had, and she was walking in, and I told her that we needed
21 her to do her job.

22 Q So you told the nurse to do her job?

23 A Well, I explained that it was -- we had brought a
24 possible sexual assault victim in for her to be examined.

25 Q Okay. So my question to you still stands. What was the

Neil Frebowitz - Cross by Mr. Wilson

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1 reason that you actually went to the hospital?

2 A Just what I said, to ensure that the protocols were being
3 followed.

4 Q Which protocols do you mean?

5 A The rape kit.

6 Q Okay. All right. And did you get the results of the
7 rape kit at the actual hospital?

8 A No, sir.

9 Q Did they tell you?

10 A No, sir.

11 Q They never told you that she wasn't raped --

12 A No.

13 Q -- at the hospital?

14 A No, sir.

15 Q That's your testimony to this jury?

16 A Absolutely.

17 Q Okay. You said you had a lot of training -- right -- for
18 investigations?

19 A Yes, sir.

20 Q And you've done a lot of investigations over the years;
21 haven't you?

22 A I have.

23 Q All right. And in your investigations I guess if you
24 have a person who is obviously at a crime scene where her
25 husband and her stepson have been brutally murdered, as you

Neil Frebowitz - Cross by Mr. Wilson

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1 put it earlier, executed; right?

2 A Yes, sir.

3 Q Okay. Who is normally, based on law enforcement
4 technique and investigation, who is normally going to be held
5 as first suspect in a case like that? I remind you you're
6 under oath.

7 MR. RICHARDSON: Your Honor, he keeps saying, "I remind
8 you you're under oath." That's extrajudicial comments.

9 THE COURT: Sustained.

10 Q Who would be the first suspect in a case like that?

11 A Well, every case is different, but in all honesty,
12 because I'm under oath, when you teach a class in homicide
13 investigation to new investigators, you generally focus on
14 what's called nearest and dearest, so the people in the inner
15 circle and then you branch out from there.

16 Q Fair enough. So in this case who was nearest and dearest
17 to Amos and Tommy Hatfield and who was at the scene?

18 A If this was a normal case, it would be Ms., Ms. Locklear.

19 Q But you testified earlier that she was not a suspect;
20 correct?

21 A Absolutely not.

22 Q So it's not in your training -- you just said nearest and
23 dearest --

24 A Yes, sir.

25 Q -- would be the first person to be the suspect?

Neil Frebowitz - Cross by Mr. Wilson

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1 A Correct.

2 Q And you're telling this jury now that she was not a
3 suspect.

4 A Right. If she had fled the scene and acted like a
5 suspect, she would have been suspect number one. She stayed
6 on the scene, gave a pretty convincing performance that she
7 was a victim. So she's treated as a victim. That's what I
8 thought she was.

9 Q Now, you started interrogating this Defendant at 10:51
10 a.m.; correct?

11 A Interviewing at 10:51 a.m.

12 Q Interviewing at 10:51 a.m.

13 A Yes, sir.

14 Q Okay. And at that time you asked her several questions.
15 Do you recall what you asked her?

16 A I think initially we asked if she wanted something to
17 drink, if she was okay. I think then we just asked her -- I
18 asked her what happened.

19 Q Okay. And what did she tell you happened, specifically?

20 A Well, I think the first time it was a short white guy
21 with a mask, tall black guy with dreds, burst into the back
22 door, proned out, for want of a better term, Tommy and Amos.
23 One of the fellows drug her to the back, raped her. She heard
24 gunshots. Then the other person drug her to the back or they
25 changed places and she was raped again.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q Okay. Did this Defendant, during the first few minutes
2 of the conversation with you, Detective, tell you that she had
3 been slapped and that she had been bitten, yes or no?

4 A Yes, sir.

5 Q Okay. And when she told you that she had been slapped
6 and she had been bitten, is it protocol to investigate that,
7 to take pictures of it, to look at it?

8 A Yes, sir.

9 Q Did you take pictures of that?

10 A Was done right then and there, no, sir.

11 Q My question is, did you ever take any photographs of any
12 of the injuries she told you about, yes or no?

13 A That room is recorded. There were photographs being
14 taken.

15 Q You have photographs?

16 A There are -- room was recorded. I was under the
17 impression that there's a video. In fact, I know there's a
18 video.

19 Q I'm asking you if you ever took photographs of injuries
20 she told you about?

21 A I took, no. I did not personally take the photographs.

22 Q Now, let me ask you this. At 11:17, which is roughly 20
23 some minutes after you began the interview; correct --

24 A Yes, sir.

25 Q -- you actually tell her, "Most rapists don't bite."

Neil Frebowitz - Cross by Mr. Wilson

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1 Isn't that what you said?

2 A I did say something like that.

3 Q Well, if she's a victim at the time, as you suggest to
4 this jury, tell me why it is you tell her, "Most rapists don't
5 bite?"

6 A That was just a spontaneous statement. It was in my
7 experience that most rapists don't, but this obviously isn't
8 like most cases.

9 Q You also ask her if the perpetrators climaxed; correct?

10 A Yes, sir.

11 Q Okay. What was the purpose of asking her that?

12 A If there was any biological DNA evidence that was left,
13 and again, just to further along the crime scene folks, who I
14 believe might have still been on the scene, were there other
15 clothes, and again, this being, in fact, that she was a
16 victim. I had every reason to believe she was still a victim.
17 I've had young women who were -- who changed clothes, who
18 showered, who cleaned, cleansed themselves and were just
19 embarrassed to tell us, and I asked that question because if
20 she had said yes I think that would have answered a whole
21 bunch of other questions as to more evidence we might have
22 been able to develop of who the suspects were.

23 Q Now, you also began asking her about her daughter at
24 11:26 p.m.?

25 A Yes, sir.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q Do you recall that?

2 A Yes, sir.

3 Q And your testimony to this jury under direct examination
4 was that the reason you were asking about her daughter was so
5 that you could secure her; correct?

6 A Yes, sir.

7 Q All right. Because she was in danger? Did you say that?

8 A There -- under those circumstances I think so.

9 Q Okay. Fair enough. So you asked about her at 11:26
10 a.m.?

11 A Yes, sir.

12 Q No doubt in your mind?

13 A Well, I --

14 Q Well, let me ask you this. What did she tell you --
15 where did she tell you her daughter is?

16 A I think with the, with a grandmother.

17 Q With a grandmother, okay. Now, at some point in time you
18 leave the room; correct?

19 A Yes, sir.

20 Q Okay. And then you go somewhere and then you come back?

21 A Yes, sir.

22 Q Is that correct?

23 A Yes, sir.

24 Q Okay. Now, have you ever heard of coercion?

25 A Coercion?

Neil Frebowitz - Cross by Mr. Wilson

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1 Q Coercion, the word coercion, do you know what it is?

2 A Yes, sir, I do.

3 Q Okay. Well, you're a detective, I mean, you've been in
4 this business for a long time. So you would know what
5 coercion is; right?

6 A Yes, sir.

7 Q All right. So what is coercion?

8 A It's undue pressure placed upon an individual to get them
9 to talk, speak.

10 Q Fair enough. Fair enough. Could someone accomplish
11 coercion by threatening someone? Is that one way to coerce
12 someone?

13 A Depending on the individual, sure.

14 Q Okay. Is coercion allowed under the law? Do you know?

15 A No.

16 Q Okay. So as a detective, you can't use coercion -- can
17 you -- to get someone to tell you something, yes or no.

18 A No.

19 Q Okay. All right. So if you threaten somebody is that
20 coercion?

21 A Sometimes. Yes, sir.

22 Q Okay. If you assault someone is that coercion?

23 A Yes, sir. That would be a coercion.

24 Q If you continuously ask them about their children and
25 their family and put them in scenarios of danger, is that

Neil Frebowitz - Cross by Mr. Wilson

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1 coercive?

2 A Not that that happened in this case, but to answer your
3 question, yes.

4 Q But you would say yes?

5 A Yes, sir.

6 Q Fair enough. Now, let me ask you this. When you got
7 back in the room, and you told this jury earlier under direct
8 examination that lying is a technique that's used; correct?

9 A It is.

10 Q Okay. Fair enough. And lying to a Defendant or a
11 suspect is okay; correct?

12 A The courts have ruled that to be okay.

13 Q Fair enough. Now, when you get back in the room you tell
14 this Defendant that there was no evidence to support, excuse
15 me, there was evidence to support what she said; correct?

16 A That's correct.

17 Q That was a lie; wasn't it?

18 A It was.

19 Q Okay. You also tell this Defendant that you got her on
20 video. Was that a lie?

21 A We didn't have a video.

22 Q I'm asking you was it a lie?

23 A It was a -- oh, yes.

24 Q Okay. Was it also a lie that you found fingerprints on
25 tape?

Neil Frebowitz - Cross by Mr. Wilson

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1 A At that time we didn't have the fingerprints. So that
2 was a misstatement of the facts.

3 Q So you're saying at that time?

4 A Yes, sir.

5 Q So you're saying now you have this Defendant's
6 fingerprints on tape?

7 A I don't know what the crime scene has, but at that time I
8 didn't know if we had them or not.

9 Q You're the lead investigator in this case; correct?

10 A I am.

11 Q Okay. I'm asking you a question about your case file.
12 Do you -- are you telling this jury right now that you have
13 this Defendant's fingerprints on tape?

14 A I don't know.

15 Q As lead investigator isn't your responsibility to follow
16 up in this case, to know of the evidence when you come to
17 trial?

18 A As you already pointed out, I separated from the police
19 department and lost track of the case.

20 Q But you understand you're testifying here to the truth of
21 the matter; correct?

22 A And it's the truth as I understand it. Yes, sir.

23 Q All right. So, again, I'm going to ask you. Do you have
24 your case file with you today?

25 A No, sir.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q All right. So you don't have a case file with you today?

2 A No, I don't.

3 Q Would you be surprised to find out that there are no
4 fingerprints on those tapes?

5 A That they weren't able to recover any or there are none?

6 Q There are none. As of now there are none.

7 A As of now, no, sir.

8 Q You know that? Did you know that?

9 A I didn't know.

10 Q Okay. Fair enough. You also said on the tape, as well,
11 that you had people in custody; correct?

12 A Correct.

13 Q At the time was that a lie?

14 A Yeah. That was a lie.

15 Q You also told this Defendant that, "You lie to me. I
16 don't lie to you." Do you recall saying that several times?

17 A Absolutely.

18 Q And that was a lie; wasn't it?

19 A That was a lie.

20 Q In fact, all of the things that you told her about the
21 forensic evidence that you had was a lie.

22 A At that time I had no forensic evidence that had been
23 processed.

24 Q Nothing at all; correct?

25 A Nothing at all.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q All right. Now, let's get back to 12:00 o'clock in the
2 interview room. You actually Mirandize this Defendant at
3 11:55; correct?

4 A Yes. That's about right.

5 Q Around that time.

6 A Yes, sir.

7 Q Okay. And when you Mirandized her, you read her her
8 rights?

9 A Yes, sir.

10 Q Okay. And you told her she had the right to a lawyer and
11 all that good stuff; correct?

12 A It is good stuff. Yes, sir.

13 Q Absolutely. All right. And this Defendant then signed a
14 document; correct?

15 A That's correct.

16 Q When she signed that document did she pause in front of
17 you?

18 A Yes.

19 Q She did?

20 A She did.

21 Q How long would you think that she paused in front of you?

22 A She appeared to be reading the document. She paused to
23 read it several seconds.

24 Q Several seconds. Now, the Prosecutor pointed out and
25 said that you banged on the table referring to, and you said I

1 believe, gunshots; correct?

2 A Yes, sir.

3 Q Okay. All right. And in the video you could be heard
4 actually banging on the table.

5 A That is correct.

6 Q And you actually got up a little bit; didn't you?

7 A I may have. Yes, sir.

8 Q Okay. And leaned over toward the Defendant; correct?

9 A That's -- I, I'm not saying I didn't. I don't recall.

10 Q Okay.

11 A But that's -- yeah, that could possibly happen.

12 Q Well, what were you doing at that time?

13 A As I testified earlier, we had switched to a more of a
14 confrontational, in custody interrogation, and I wanted to
15 refresh her memory to the sound of gunshots. (Knocks on
16 table), that's the best way to do it.

17 Q Okay. So you were showing her pictures at the time;
18 correct?

19 A I don't recall. That's quite possible.

20 Q Do you recall taking pictures of the crime scene putting
21 them in front of her and saying, (knocks on table) "Bang, like
22 that, like that?" (Knocks on table) "Bang, like that, like
23 that." (Knocks on table) "Bang, like that, like that?"

24 A That, that sounds right. I remember that now.

25 Q Does that sound about correct?

Neil Frebowitz - Cross by Mr. Wilson

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1 A Yes, sir.

2 Q Okay. And what was the point of doing that to this
3 Defendant at the time?

4 A Transitioning to a custodial interrogation and getting
5 her to understand that we were of the impression she was
6 directly involved or at least peripherally involved in this
7 homicide.

8 Q And your testimony to this jury is that it wasn't for
9 intimidation purposes; correct?

10 A Intimidation?

11 Q Yes.

12 A Oh, no, sir.

13 Q No. Because you would never try to intimidate a
14 Defendant; would you?

15 A Intimidate a Defendant?

16 Q A Defendant. Yes, sir.

17 A No, sir.

18 Q Would you try to intimidate a suspect?

19 A I'd come close.

20 Q Thank you. Now, at 12:06 after the yelling, you
21 threatened her again and tell her she's not going to see her
22 daughter again. Do you recall doing that?

23 A Something along those lines. Yes, sir.

24 Q Okay. So the first time you actually mention her
25 daughter your testimony to the jury is is that you were

Neil Frebowitz - Cross by Mr. Wilson

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1 concerned about her welfare; correct?

2 A That's correct.

3 Q And now you're telling her that she's not going to see
4 her daughter again; is that right?

5 A The best way to see her daughter again was to tell the
6 truth.

7 Q Okay. All right. So you felt like she was lying. So
8 you were trying to use her daughter against her, yes or no?

9 A Yes.

10 Q You recall hitting on the table after that again?

11 A After that again?

12 Q Yes.

13 A I don't recall.

14 Q Would you dispute it if I said you did?

15 A No, sir. Not at all.

16 Q Okay.

17 MR. WILSON: The Court's indulgence, Your Honor.

18 THE COURT: All right.

19 BY MR. WILSON:

20 Q Now this Defendant at some point in time asked you to
21 talk to family members; did she not?

22 A She wanted to talk to Sylvia, I believe.

23 Q Is Sylvia a family member of hers?

24 A Daughter-in-law.

25 Q Okay. Is that family?

Neil Frebowitz - Cross by Mr. Wilson

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- 1 A Yes, sir.
- 2 Q Okay. So she asked you to talk to someone in her family?
- 3 A Yes, sir.
- 4 Q What did you tell her?
- 5 A No.
- 6 Q You told her no. Tell this jury why you told this
- 7 Defendant she couldn't talk with her family.
- 8 A We needed to have her full time and attention. We didn't
- 9 need any outside influences affecting her stories.
- 10 Q Was she free to go at this time?
- 11 A At that time after I read her her rights, no.
- 12 Q Okay. So she was not free at that time?
- 13 A No, sir.
- 14 Q So at that point in time when you read her her rights
- 15 your testimony to this jury is is that she was in custody?
- 16 A Yes, sir.
- 17 Q Okay. Fair enough. At 1:22 she asked you to go see her
- 18 husband; correct?
- 19 A Yes, sir.
- 20 Q And you recall that?
- 21 A I do.
- 22 Q And you specifically told her what?
- 23 A Specifically?
- 24 Q When she asked you, what'd you tell her?
- 25 A I know I told her no because he was, he was dead.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q My only question is what'd you tell her?

2 A I don't recall.

3 Q Okay. Did you allow her to go see her husband?

4 A No.

5 Q Thank you. Now, there is a -- there are several
6 stretches where you leave this Defendant in the room by
7 herself; correct?

8 A That's correct.

9 Q And a lot has been made of that; right?

10 A Yes, sir.

11 Q Okay. And your testimony is that she was on break,
12 right? She was getting a break?

13 A She wasn't -- she was free to use the restroom, ask for
14 something to eat, drink. We weren't in the room with her at
15 the time.

16 Q You testified earlier though she was in custody already;
17 right?

18 A Well, she wouldn't have been able to get too far. Yes,
19 sir.

20 Q I understand that, but my question is this, you testified
21 she's already in custody.

22 A Okay.

23 Q So when you leave her alone in the room after she's in
24 custody --

25 A Yes, sir.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q -- after you mirandized her --

2 A Yes, sir.

3 Q -- okay. Do you recall what time you mirandized her?

4 A 11:50 something.

5 Q That's right. So by now she's already in custody; right?

6 A Yes, sir.

7 Q So, when you leave her in the room, is she under your
8 control?

9 A She -- after -- if we leave her in the room is she under
10 my control?

11 Q Absolutely.

12 A Well, she's under control of the police department either
13 through video monitoring or through somebody else in the area.

14 Q Well, is --

15 A Not in my direct control.

16 Q If she had got up and tried to leave that room would
17 officers have stopped her? That's my question.

18 A Yes, sir. I'm sure.

19 Q Okay. Very good. Thank you very much. Now, at 1:55 is
20 this Defendant still crying inside the room?

21 A There are sounds of crying inside the room. Yes, sir.

22 Q But you weren't in there at the time; correct?

23 A Probably, maybe not.

24 Q Let me ask you this while I'm thinking about it. Did you
25 ever ask this Defendant about her ankle, about her leg?

Neil Frebowitz - Cross by Mr. Wilson

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1 A I don't believe so.

2 Q Okay. You saw her come in on crutches though; right?

3 A She did.

4 Q You saw them in the room; correct?

5 A I did.

6 Q Did you take a picture of that injury?

7 A I? No.

8 Q Okay. Now, and I'm not really good at military time. So
9 you'll have to excuse me. I'm going to revert to military
10 time. At 14:51 you come back in the room.

11 A That's 2:51. Yes, sir.

12 Q 2:51, thank you very much, sir. I appreciate it. You
13 come back in the room, and do you recall what you said when
14 you came back in the room this time?

15 A No, I don't.

16 Q All right. How long had she been in custody at that
17 point in time?

18 A 12 to -- two hours and change.

19 Q All right. Two hours and change. Okay. And do you
20 remember what you said to her?

21 A No, I don't.

22 Q Okay. Do you recall telling her she set everything up?

23 A Yes, sir.

24 Q Okay. You recall having three officers in the room with
25 you at the time, a total of three?

Neil Frebowitz - Cross by Mr. Wilson

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1 A Could have been. I don't recall, but that's not outside
2 the possibility.

3 Q Let me ask you this. You then say to her they're going
4 to put a needle in her arm. Do you recall saying that to this
5 Defendant?

6 A I'd said that later in the interview. Yes, sir.
7 Something along those lines.

8 Q Well, I'm asking you if at 14:54, which is 2:54, did you
9 tell this Defendant that you were going to put a needle in her
10 arm?

11 A I'm going to put a needle in her arm? No, sir.

12 Q Did you say anybody was going to put a needle in her arm?

13 A I, I don't -- at that time I don't recall saying that.

14 Q You never said that?

15 A I didn't say I didn't say it. I don't recall it.

16 Q You don't recall saying it. At 14:57, which is 2:57 --

17 A Yes, sir.

18 Q -- do you recall saying that she was going to be leaving
19 jail in a coffin?

20 A Yes, sir.

21 Q Okay. Well, let me ask you this. Is that a threat?

22 A A threat?

23 Q Is it a threat when someone says somebody's going to be
24 leaving jail in a coffin? Is that a threat?

25 A I -- based on what I was learning I thought it was an

Neil Frebowitz - Cross by Mr. Wilson

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1 eventuality.

2 Q It's an eventuality?

3 A Yes, sir.

4 Q My question is --

5 MR. WILSON: And Your Honor, I would direct that he
6 answer my question.

7 BY MR. WILSON:

8 Q Is it a threat, yes or no?

9 A Yes, sir.

10 Q Thank you. At 15:11, which is 3:11, correct?

11 A It is, sir.

12 Q Okay. Did you tell this Defendant that you know people
13 who've gotten less than 20 years for this in jail?

14 A That's correct.

15 Q Okay. Did you say at 3:13, "The Prosecutor is on your
16 side?" Isn't that what you said?

17 A Yes, sir.

18 Q Because the Prosecutor was there; wasn't he?

19 A He was monitoring it from afar.

20 Q Was he there, yes or no?

21 A In my room, no, sir.

22 Q Was he there at this interrogation, yes or no?

23 A No.

24 Q So he wasn't monitoring this?

25 A He was monitoring it. He was not there at the

1 interrogation.

2 Q Well, let me ask you this then since you brought it up.

3 Did you interact with the Prosecutor while he was there?

4 A I did.

5 Q You did. You talked to him; didn't you?

6 A I did.

7 Q Okay. And you told this Defendant, basically, that he
8 was going to do everything he could to put her in jail for the
9 rest of her life.

10 A That's correct.

11 Q No doubt about that in your mind.

12 A I remember saying something like that.

13 Q Fair enough. Now, your testimony earlier to this jury
14 was is that she's already in custody; correct?

15 A Yes, sir.

16 Q Now, I want you to explain to this jury and tell them
17 what the purpose of now putting this Defendant, who's been in
18 your company now for, let me add it up, she's been -- now it's
19 3:15 and you had her since 10:51. That's about four hours and
20 something; is that correct?

21 A Sure.

22 Q Four to five hours?

23 A Yes, sir.

24 Q Then you had her six hours before that; correct?

25 A Well, she was with us for six hours before that. Yes,

Neil Frebowitz - Cross by Mr. Wilson

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- 1 sir.
- 2 Q Okay. So about 10 hours at this point in time?
- 3 A Okay.
- 4 Q All right. And this is at three something in the
- 5 afternoon; correct?
- 6 A Yes, sir.
- 7 Q Okay. So you had her in custody already; correct?
- 8 A Uh-huh.
- 9 Q And then you slap handcuffs on her; don't you?
- 10 A I do.
- 11 Q All right. And just so I am not misleading the jury,
- 12 when you handcuff her, you actually tell her to stand up.
- 13 A I do.
- 14 Q All right. And then you put her hands behind her back?
- 15 A Absolutely.
- 16 Q And then you handcuff her like this; correct?
- 17 A I do.
- 18 Q And then you tell her to sit down?
- 19 A That's correct.
- 20 Q Okay. How long does she stay like this in this position
- 21 in this room?
- 22 A I think it was 10, 15 minutes, maybe, maybe a little bit
- 23 more.
- 24 Q 10, 15 minutes is your testimony to this jury?
- 25 A It's my recollection.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q Would you be surprised if I told you that this Defendant
2 was like that in a room for over 45 minutes?

3 A No. It's possible.

4 Q It's possible; isn't it?

5 A Sure.

6 Q Because she was in the room for 45 minutes; wasn't she?

7 A I'm not going to ---

8 MR. RICHARDSON: Your Honor, he's testifying now whenever
9 he says, "She was."

10 MR. WILSON: I said, Judge -- what I said was what he ---

11 THE COURT: Sustained. Let's move on.

12 BY MR. WILSON:

13 Q What was the purpose, what was the purpose, if she was in
14 custody already, what was the purpose of now handcuffing her?

15 A Okay. I knew she was in custody. After talking with
16 her, I wasn't so sure she knew she was in custody. I needed
17 to impress upon her that she was, in fact, under arrest, and
18 the best way I could think of doing that was to put her in
19 handcuffs. There's no mistake in people's minds when they're
20 in handcuffs they're under arrest..

21 Q So this was not to oppress this Defendant further;
22 correct?

23 A What, sir?

24 Q This was not oppressive tactics on your part?

25 A Oppressive, no, sir.

Neil Frebowitz - Cross by Mr. Wilson

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- 1 Q No.
- 2 A It was impressive..
- 3 Q Impressive?
- 4 A Yes, sir.
- 5 Q Impressive, to give her an impression of where she is.
- 6 A Exactly.
- 7 Q And that was your job.
- 8 A Yes, sir.
- 9 Q All right. And that's what you were doing?
- 10 A That's what I was doing.
- 11 Q Again, at 4:09 after she's in handcuffs, you got her down
- 12 like this, you didn't tell her again, any jury, any jury's
- 13 going to convict her; don't you?
- 14 A Yes, sir.
- 15 Q Okay. What was the point of that, telling her that
- 16 again? You had already told her that before; right?
- 17 A Yes, sir.
- 18 Q So what was the point of telling her again?
- 19 A Again, impress upon her the gravity of the situation.
- 20 Q Well, you just said just now that you were trying to
- 21 impress upon her the gravity of the situation by handcuffing
- 22 her.
- 23 A That's correct.
- 24 Q So you don't think that did it?
- 25 A No.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q Had to go further; correct?

2 A Well, based on her statements and lies. Yes. She didn't
3 get it.

4 Q Because you didn't buy it; did you?

5 A Buy what, sir?

6 Q You didn't buy her story; correct?

7 A No, sir. Not at that time.

8 Q You thought she was lying; correct?

9 A She was lying.

10 Q Okay. You thought she was lying; correct?

11 A She was lying.

12 Q 4:11, you bring up her child again; don't you?

13 A Yes, sir.

14 Q And what'd you say this time about her child?

15 A I don't recall exactly.

16 Q Well, do you recall what you normally would say to her
17 about her child? Were you trying to put fear in her?

18 A Was I trying to use her child against her? No.

19 Q You told this jury earlier though in testimony just now,
20 five, ten minutes ago, that you did use her child to put fear
21 in her.

22 A Yeah, but the time you're asking that I remembered I
23 don't think that was the case. I think at the time we still
24 hadn't been able to locate the child and we were trying to
25 find her.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q So she didn't tell you where the child was?

2 A She said something about the grandmother, and somebody
3 else also having custody, but that's something that DSS
4 requires we independently verify.

5 Q So you're saying that this Defendant never told you that
6 the child was in Greensboro, North Carolina?

7 A She may have. I don't recall.

8 Q Okay. So what would have been the purpose if she did to
9 continue to ask about her daughter?

10 A We would have had to send somebody to Greensboro, North
11 Carolina, to verify the welfare of that child.

12 Q Well, since you bring that up, let me ask you. Tell this
13 jury when you dispatched an officer out to find this child.

14 A We were able to locate the child, I think, after
15 contacting Sandy's family members. We didn't have to send
16 anybody out. We were able to verify.

17 Q So you never sent anybody out; did you?

18 A No, sir.

19 Q 4:15, you say to the Defendant, "I hope they put you in
20 jail."

21 A Yes, sir.

22 Q You said that; correct?

23 A Yeah. Sure.

24 Q Okay. 4:19, you tell her, again, she's going to jail for
25 20 years. Do you recall that?

Neil Frebowitz - Cross by Mr. Wilson

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1 A Yes, sir.

2 Q So, again, you're trying to impress upon this Defendant.
3 -- correct -- that's your testimony?

4 A Yes, sir.

5 Q Okay. All right. And again, it's telling her she's
6 going to jail for 20 years. Is that a threat?

7 A I think it's acknowledgment of my experience that that's
8 what happens when people are convicted of the crimes that I
9 believed she committed.

10 Q Is it a threat? Yes or no?

11 A No. It's reality.

12 Q It's reality. You also tell this Defendant that she let
13 Amos die; didn't you?

14 A Yes, sir.

15 Q Okay. And after that -- well, tell me. Why'd you ask,
16 why'd you tell her that? Why'd you say that?

17 A Because it's the truth.

18 Q It's what you believe; correct?

19 A It's what the evidence supports.

20 Q What evidence? Tell me what evidence you had. You keep
21 saying that. What evidence did you have at the time? You
22 just told this jury that you lied to her about all the
23 evidence that you said. So tell me what evidence you had at
24 the time to support that.

25 A Yes, sir. Her communication to me in the room, based on

Neil Frebowitz - Cross by Mr. Wilson

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1 my training and experience, an honest person who is not
2 involved directly in this horrific crime, who loved their
3 family members, would have come forward and given us all the
4 information from the very beginning. The fact that she tried
5 to obfuscate the truth put her squarely in the middle.

6 Q I asked you what evidence you had at the time.

7 A Her testimony was my evidence.

8 Q Was she testifying?

9 A To me she was providing a statement.

10 Q My question is then what evidence, what physical evidence
11 did you have to tie this Defendant to the crime at the time
12 because you just said you had evidence. I'm not talking about
13 her words. I'm talking about what evidence you had.

14 A Her words are the evidence, sir.

15 Q Did you have any physical evidence which tied this
16 Defendant to the crime?

17 A Oh, physical evidence, no. You didn't ask that. No,
18 sir. We didn't. We did not.

19 Q Did you have any forensic evidence?

20 A Not at that time.

21 Q 4:38, you remember bringing up her child again?

22 A I don't, but I -- I agree it probably happened.

23 Q Okay. Well, then tell me about this time. Why would you
24 bring up her child again? You already brought up the child a
25 number of times already, and it's only 4:38. Why would you

Neil Frebowitz - Cross by Mr. Wilson

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1 bring up the child again?

2 A Probably the same set of circumstances as before.

3 Q Impressing upon her the gravity of the situation?

4 A And the need to locate and welfare of the child.

5 Q Again, we're trying to locate the child because the
6 child's in danger?

7 A We're required to make sure the child's safe.

8 Q My question is did you testify earlier the child was in
9 danger?

10 A I had no reason to know if she was in danger, but based
11 on the totality of the circumstances, two of her family
12 members had been murdered. We were under the impression at
13 that time that the other people were the shooters. Yeah.
14 Everybody in her family as at risk.

15 Q Well, let me ask you this. Law enforcement in Horry
16 County, this is a pretty big operation; isn't it?

17 A Well, for Horry County. Yes, sir.

18 Q Yes, sir. I mean, for us here.

19 A Yeah. It is.

20 Q It's big. Okay. And you got tons of officers and
21 detectives and folks who can go find people; don't you?

22 A Well, I don't like the term tons, but I, I -- there's a
23 lot. Yes, sir.

24 Q There are willing and dedicated officers who would go out
25 and find this young lady if she was in danger; correct?

Neil Frebowitz - Cross by Mr. Wilson

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1 A Yes, sir.

2 Q Okay. There's no doubt about that in your mind?

3 A No doubt.

4 Q Okay. So but you never dispatched any of these folks out
5 there to go find this young girl, but you testified earlier
6 that she was in danger. Yes? You did? Did you not?

7 A I did.

8 Q Okay. All right. Now, one minute later, one minute
9 later, again, another detective comes in and says they're
10 going to put her in social services. Do you, do you remember
11 -- recall that?

12 A I, I heard that. Yes, sir.

13 Q Okay. So, now, what's the point now of coming back in
14 front of this Defendant while you're trying to get her
15 statement, I mind you, and tell her that you're going to put
16 her daughter now in social services?

17 A I didn't make the statement.

18 Q You were there when the statement was made; wasn't you?

19 A I do.

20 Q You recall it?

21 A I was. Yes, sir, I do.

22 Q What do you think the point was?

23 A I take that officer at his word, to protect the child.

24 Q To protect the child.

25 A That's what social service does, is a child protective

Neil Frebowitz - Cross by Mr. Wilson

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1 agency.

2 Q Thank you so much. 4:48, nine minutes later, you bring
3 up her child again; don't you?

4 A I do.

5 Q What was the purpose in doing it this time?

6 A Same reasons.

7 Q Same reason. To protect the child again. And your
8 testimony is that at 16 -- excuse me -- at 4:49 that you're
9 not bringing up the child for the purposes of placing this
10 Defendant in fear? Is that your testimony to this jury?

11 A Every single time? There was at least --

12 Q I'm asking, I'm asking you ---

13 A I, I testified earlier there was at least one time that I
14 could see where someone would think that it was used to
15 attempt to intimidate this person, use the child against her,
16 but that was the tone of that conversation. The rest of them
17 were genuinely trying to help the child.

18 Q All right. Well, tell me this. How many times do you
19 think by now, and we've gone over this several times, you've
20 asked about this Defendant's child while she's -- excuse me --
21 while you are trying to get a statement from her, a
22 confession?

23 A Okay. There, there were a lot. I mean, didn't have the
24 child. Once we found the child, we stopped asking those
25 questions.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q 4:55, you mention her child again. You all still looking
2 for the child?

3 A I wasn't. I assume somebody else was.

4 Q Well, do you recall asking about the child once again at
5 16:55, at 4:55, which is six minutes after you just asked
6 about the child?

7 A I don't recall, but I'm not going to dispute it.

8 Q All right. Well, then tell the jury, please, at this
9 point in time, what was the purpose at this point in time of
10 mentioning her child again while you're trying to elicit this
11 confession?

12 A I don't recall.

13 Q You don't recall.

14 MR. WILSON: The Court's indulgence, Your Honor.

15 THE COURT: All right.

16 BY MR. WILSON:

17 Q Now, I want to go back for a second because I want to ask
18 you about something. At 14:54 this Defendant screams while
19 you're screaming at her, and she says, "I'll tell you anything
20 you want me to tell you." Do you recall this Defendant saying
21 that to you?

22 A Yes, sir, I do.

23 Q Tell me why it is you think that she said that? I mean,
24 you're a detective.

25 A Why do I think she said it?

Neil Frebowitz - Cross by Mr. Wilson

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1 Q Yes.

2 A In this particular case I have no reason why Ms. Locklear
3 said anything.

4 Q Is it possible she said it because you told her right
5 before that they were going to put a needle in her arm? Would
6 that surprise you to know that she made a statement right
7 after that?

8 MR. RICHARDSON: Your Honor, once again, that calls for
9 speculation on to what was in her state of mind at that point.

10 MR. WILSON: Judge ---

11 THE COURT: Overruled. I'll allow it. Go ahead.

12 MR. WILSON: Thank you.

13 A I'm sorry, sir. Repeat the question.

14 Q Does it surprise you that she would have made this
15 statement following you telling her they're going to put a
16 needle in her arm?

17 A No, sir.

18 Q So I ask you, again, why do you think she made the
19 statement?

20 A She didn't make a statement. She said, "I'll tell you
21 anything." She didn't -- and then proceeded not to tell us
22 anything.

23 Q No. I'm asking you why she said that to you.

24 A I don't know why she said it.

25 MR. WILSON: The Court's indulgence, Your Honor.

Neil Frebowitz - Cross by Mr. Wilson

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1 THE COURT: All right.

2 BY MR. WILSON:

3 Q Now, at some point in time in this interview do you
4 recall telling this Defendant, again, that she's going to be
5 in jail for 40 years?

6 A I don't recall, but I'm sure I did.

7 Q Do you recall telling her that she's going to serve 85
8 percent of this time? Do you recall saying that to her?

9 A Again, I don't recall, but that wouldn't surprise me.

10 Q It wouldn't surprise you?

11 A No, sir.

12 Q Okay. Well, what was the point of telling her that
13 information?

14 A Let her know the consequences of her actions.

15 Q Consequences of her actions?

16 A Yes, sir.

17 Q You testified earlier to this jury though that you
18 already told her many times, one, "You're going to leave in a
19 coffin, going to put a needle in your arm," etcetera,
20 etcetera; correct?

21 A Yes, sir.

22 Q And you wanted to continue to impress upon her the
23 gravity of the situation?

24 A Yes, sir.

25 Q And by now she's in handcuffs; correct?

Neil Frebowitz - Cross by Mr. Wilson

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- 1 A Well, she had been in handcuffs. Yes, sir.
- 2 Q Okay. Well, is she handcuffed to a chair or not?
- 3 A Oh, yes, sir. She's handcuffed to a chair at this point.
- 4 Q Okay. So she's in handcuffs?
- 5 A Yes, sir.
- 6 Q If she has to move, she's going to drag that chair with
- 7 her; correct?
- 8 A Yes, sir.
- 9 Q Okay. Fair enough. Is this funny to you?
- 10 A Well, the fact that the Horry County Police Department's
- 11 holding room for homicide secures them with a chair that they
- 12 could carry down the hall is not really funny. It's sad, but
- 13 that's what we did.
- 14 Q At one point in time, another detective comes in, and he
- 15 says that this Defendant is spitting on Amos's dead body.
- 16 A Yes, sir.
- 17 Q Do you recall that?
- 18 A Yes, sir.
- 19 Q Do you know what the point of that comment was?
- 20 A Hopefully to elicit the truth.
- 21 Q To elicit the truth.
- 22 A Yes, sir.
- 23 Q It wasn't to inflame the Defendant; was it?
- 24 A I don't believe so.
- 25 Q You don't think it was. Was it to serve a purpose to

Neil Frebowitz - Cross by Mr. Wilson

609

1 upset her at all?

2 A Upset her?

3 Q Yes.

4 A I don't know what his purpose was but to elicit the
5 truth.

6 Q Okay. Fair enough. Now, this Defendant at some point in
7 time during the interview also tells you that she's scared to
8 death; doesn't she?

9 A Yes, sir.

10 Q She told you that?

11 A Yes. She did.

12 Q Okay. That she was afraid?

13 A Yes, sir.

14 Q And do you recall what the response from law enforcement
15 was when she said that?

16 A No, sir, I don't.

17 Q Would it surprise you if I told you that law enforcement
18 basically told her that if she didn't tell them what they
19 wanted to know that the killers would get away and if they saw
20 her down the alley one day that they would do her in and that
21 she'd be on her own. Do you recall them saying that to her?

22 A I remember somebody saying that to her.

23 Q What was the point of telling this Defendant that?

24 A That's the --

25 Q Was it to place her in fear?

Neil Frebowitz - Cross by Mr. Wilson

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1 A That is the reality of society, sir.

2 Q That's the reality of society?

3 A That is the reality of this particular case.

4 Q That an officer of the law who's sworn to protect and
5 serve telling her that she's going to find herself in the
6 alley and that's she going to be on her own?

7 A That, that happens.

8 Q Let me ask you this. Just to veer away for a little bit.
9 Now, we hadn't talked about this yet. Is it okay or is it
10 coercive for an officer while he is actually conducting an
11 interrogation to make promises to a Defendant?

12 A Promises?

13 Q Yes. Is that coercive?

14 A I don't know how to answer that question.

15 Q Well, my only question is this. My question, and maybe I
16 should rephrase it.

17 A Yes, sir, please.

18 Q Are you allowed as a detective and law enforcement agent
19 to make promises to a suspect who's being interrogated for a
20 crime, yes or no?

21 A Yes.

22 Q You can make promises?

23 A Yes, sir.

24 Q And that's your testimony to the Court?

25 A Absolutely.

Neil Frebowitz - Cross by Mr. Wilson

611

1 Q Do you recall any promises made to this Defendant?

2 A No.

3 Q You don't recall any promises?

4 A I don't.

5 Q Do you recall a detective saying to this Defendant that
6 if she tells them what they wanted to know that they're going
7 to protect her and protect her child, her four-year-old child?
8 Do you recall that promise?

9 A I do.

10 Q You heard it just now on the tape; didn't you?

11 A Yes, sir.

12 Q And in your words, that's okay?

13 A Yes, sir.

14 Q There's nothing wrong with that?

15 A Nothing wrong with it.

16 Q All right. Now, there was some information on this
17 actual tape that I want to clear up right now. There was a
18 time when at 16:56, which is about 4:56 p.m., if I'm correct;
19 right?

20 A Yes, sir.

21 Q Okay. Fair enough. That you elicit a statement from
22 this Defendant, you're basically telling her at the time,
23 "Look, tell us what we want to know. Tell us what we want to
24 know. You're a liar." You're this. You're that, banging on
25 the table, whatever you do.

Neil Frebowitz - Cross by Mr. Wilson

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- 1 A Yes, sir.
- 2 Q Okay. And she tells you, "I guess it was a robbery."
- 3 A Correct.
- 4 Q She doesn't say, "It was a robbery"; does she?
- 5 A No, sir.
- 6 Q She says, "I guess it was a robbery."
- 7 A Yes, sir.
- 8 Q And so when you look at your supervisor, who is Detective
- 9 Cox, who is out in the hallway during this conversation, you
- 10 say what? What do you say to Detective Cox when she's
- 11 talking?
- 12 A I don't recall.
- 13 Q Would it surprise you to know that what you said on this
- 14 tape and offered for evidence today by the State is that,
- 15 "Must have been a robbery." Isn't that what you said?
- 16 A Sounds, sounds right.
- 17 Q Must have been a robbery.
- 18 A Yes, sir.
- 19 Q That's not what she said; is it? Detective?
- 20 A Those exact words, no. She said something a little
- 21 different.
- 22 Q Well, you just testified in front of the jury a second
- 23 ago that you agreed that she said, "I guess it was a robbery."
- 24 A I guess is a robbery.
- 25 Q Thank you.

Neil Frebowitz - Cross by Mr. Wilson

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1 MR. WILSON: Indulgence, Your Honor.

2 THE COURT: All right.

3 BY MR. WILSON:

4 Q Now, I just told you at 16:56, which is roughly 4:56,
5 that that's when she tells you that statement.

6 A Yes, sir.

7 Q Do you recall what you said to her right before she made
8 that statement?

9 A I don't.

10 Q Do you recall talking about her child and about her kids
11 dying on the floor?

12 A Dying where, sir?

13 Q Dying on the floor, being killed.

14 A Her kids?

15 Q Yes. No one ever said that to her? Is that your
16 testimony?

17 A I don't, I don't remember that.

18 Q Do we need to play it?

19 A I have a transcript. I guess I could look at if you --

20 MR. WILSON: Your Honor.

21 A I'm sorry.

22 THE COURT: All right. Disregard the last statement by
23 the witness. If you want to play it, we'll play it.

24 BY MR. WILSON:

25 Q Do you recall brings up kid, "What if that was your kid

Neil Frebowitz - Cross by Mr. Wilson

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1 lying on the floor?" Do you recall that?

2 A Oh, what if -- the question, "What if that was your kid
3 lying on the floor?"

4 Q Dead and dying.

5 A Dead and, okay.

6 Q Do you recall saying that?

7 A That I remember. Yes, sir.

8 Q Okay. All right. Fair enough. Now, you also make
9 comments about the jury and about the judge again. Do you
10 recall making comments about the judge and the jury?

11 A I do.

12 Q Saying that the judge is not going to believe you.

13 A Correct.

14 Q That the jury is not going to believe you.

15 A Correct.

16 Q The judge is not the trier of fact; is he?

17 A Not in this case.

18 Q Is the judge in this case the trier of fact?

19 A In this case, no, sir.

20 Q Okay. All right. The jury is the trier of fact;
21 correct?

22 A It is.

23 Q Okay. Fair enough. But your statement to her was that
24 nobody would believe her; correct?

25 A That's correct.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q And you impressed that upon her several times; right?

2 A I believe so. Yes, sir.

3 Q In many different ways?

4 A Yeah, I did.

5 Q So why should this Defendant trust you if you're telling
6 her the entire time nobody is going to believe her? I'm
7 asking you.

8 A If she were to tell the truth, we would have believed
9 her, but it was apparent from the way she was making it up as
10 she went along that nobody could believe her.

11 Q My question to you still stands. Why should she trust
12 you if you're telling her the entire time nobody is going to
13 believe her anyway? Why should she trust you? I mean, you
14 should establish trust with a suspect; shouldn't you?

15 A Ordinarily, yes. That's a real good technique.

16 Q Ordinarily. You testified in front of this jury a few
17 minutes ago --

18 A Yes, sir.

19 Q -- that one of the things you try to do, one of the
20 tactics you use is to gain their trust.

21 A That's correct.

22 Q Correct?

23 A Yes, sir.

24 Q Well, now, how is she to trust you if you're telling her
25 the entire time, "No one, not the jury, nobody, not the judge,

Neil Frebowitz - Cross by Mr. Wilson

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1 you're creating work for your lawyer," you're telling her all
2 that stuff; correct?

3 A That's correct.

4 Q So why should she trust you?

5 A She shouldn't.

6 Q She shouldn't, should she?

7 A No.

8 Q Thank you. Now, eventually, on this tape that was played
9 for the jury earlier, this Defendant breaks down, but not in
10 front of you; does it? Does she break down and tell you the
11 story about being scared and about the scare tactic that her
12 and her husband had for this young man?

13 A She talked to somebody else about that.

14 Q She didn't tell it to you; did she?

15 A No, sir.

16 Q Did you hear the detective that was actually on the tape
17 at the time? Do you know who it was?

18 A I, I don't recall.

19 Q You don't recall who it was?

20 A I don't recall it.

21 Q Would it surprise you to know if it was Detective
22 Vescovi?

23 A Could have been.

24 Q Was he yelling at her?

25 A I, I don't recall. I heard the -- I don't recall.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q Do you, do you recall him banging on the table?

2 A I heard the same tape. It was, it was muffled. I don't
3 remember.

4 Q Do you recall him threatening her?

5 A I don't recall.

6 Q Do you recall him using any coercive tactics against her?

7 A I don't, I don't recall.

8 Q You don't recall. Now, I'm going to move on to this
9 second tape. You go out to the jail the next day; correct?

10 A I go out to the jail the next day. Yes, sir.

11 Q Okay. All right. And the next day you actually go to
12 the jail, you say to serve warrants; right?

13 A That -- yes, sir. That's correct.

14 Q All right. And that's why you went?

15 A Yes, sir. It is.

16 Q Okay. No doubt about that in your mind?

17 A No, sir.

18 Q And that's a hundred percent the truth?

19 A Yes, sir.

20 Q Okay. Very good. Now, let me ask you this. When you
21 show up at the jail, do you go to the Defendant's cell with
22 another sheriff officer?

23 A Yes, sir.

24 Q Okay. Tell me which sheriff officer told you that this
25 Defendant wanted to talk to you.

Neil Frebowitz - Cross by Mr. Wilson

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1 A I, I don't remember, sir.

2 Q You are an Horry County deputy, excuse me, investigator,
3 detective. You've been in this county how long doing Horry
4 County Law Enforcement work?

5 A About ten, about ten years.

6 Q And law enforcement, they're a very close-knit community;
7 aren't they?

8 A We are.

9 Q Very close. And you're telling me you don't know who you
10 told that to?

11 A I don't recall who told me. It was a passing
12 conversation in a busy jail setting that she wanted to talk to
13 somebody and that's when I turned around and went back to my
14 car to get my stuff.

15 Q And as lead investigator, you didn't write down who told
16 you that this Defendant wanted to initiate contact with you?

17 A Oh, no. I didn't.

18 Q You didn't do that?

19 A No, sir. I didn't.

20 Q All right. So you can't tell this jury then which Horry
21 County, J. Reuben Long Detention Officer told you she wanted
22 to talk to you?

23 MR. RICHARDSON: Your Honor, asked and answered I believe
24 about five times.

25 MR. WILSON: I withdraw it, Your Honor.

Neil Frebowitz - Cross by Mr. Wilson

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1 THE COURT: Okay. Sustained.

2 MR. WILSON: Withdrawn.

3 BY MR. WILSON:

4 Q Let me ask you this then. When you went there, and if we
5 have to we can play this tape back again, your testimony in
6 front of this jury is that this Defendant wanted to talk to
7 you; correct?

8 A Yes, sir.

9 Q Who asked the first three minutes of questions on this
10 tape?

11 A I did.

12 Q Did this Defendant say, "Look, I want to tell you this?"

13 A Not at that point.

14 Q Did she say, "I have something to say to you?"

15 A Not at that point.

16 Q Did she say to you, "Look, the reason I wanted to talk to
17 you was this?"

18 A No, sir.

19 Q She didn't say anything; did she?

20 A Not on the tape.

21 Q No, not on the tape. But you asked the first several
22 questions.

23 A I did.

24 Q Do you recall what you asked her?

25 A I don't.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q You don't recall what you talked to her about?

2 A Oh, I talked to her about the crime in question.

3 Q Okay. Well, do you recall talking about James Nehemiah
4 Evans?

5 A Yes, sir, I do.

6 Q You talked to her about that; correct?

7 A I did.

8 Q And she was responding to you?

9 A She was.

10 Q Okay. All right. What else did you ask her to do? Did
11 you ask her to identify anything while you're there?

12 A I did. I asked her to identify James's picture.

13 Q So you had the pictures in the car according to your
14 testimony; right?

15 A Yes, sir, I did.

16 Q And you had the tape recorder in the car?

17 A I did.

18 Q You came prepared. Didn't you?

19 A I do.

20 Q Just in case.

21 A Just in case.

22 Q Okay. Fair enough. What else did you have her do while
23 she was there?

24 A Just continued to ask questions.

25 Q Continued to ask questions?

Neil Frebowitz - Cross by Mr. Wilson

621

- 1 A Yes, sir.
- 2 Q Okay. So you continued to ask questions?
- 3 A Yes, sir, I did.
- 4 Q Okay. All right. When did the Defendant say anything to
- 5 you on this tape about wanting to have talked to you?
- 6 A On the tape?
- 7 Q Yes.
- 8 A She didn't.
- 9 Q She didn't; did she?
- 10 A No, sir.
- 11 Q Do you think it odd that she asked, went through the
- 12 trouble of asking a law enforcement officer from the detention
- 13 center to talk to you and then she gets in there and says
- 14 nothing at all? Do you think that's odd?
- 15 A With her, no, not at all.
- 16 Q Not with her?
- 17 A No, not at all.
- 18 Q Let me ask you that. When you went that day this -- did
- 19 this Defendant seem groggy to you?
- 20 A Seem what, sir?
- 21 Q Groggy?
- 22 A Groggy?
- 23 Q Yes, groggy.
- 24 A I don't recall that.
- 25 Q Was her speech at all different or slurred?

Neil Frebowitz - Cross by Mr. Wilson

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1 A No. No, sir.

2 Q Not at all.

3 A I don't know. No, sir.

4 Q Okay. Let me ask you this. When you talked to her that
5 day, did you tell her that she had a right to remain silent?

6 A When I talked to her that day, yes. I did.

7 Q When did you tell her that?

8 A Towards the end of the interview.

9 Q At the end of the interview.

10 A I did.

11 Q You didn't say that in the beginning; did you?

12 A No, sir.

13 Q Why didn't you tell her at the beginning of the interview
14 she had the right to remain silent?

15 A I had, I had told her the day before.

16 Q You had told her the day before, and to you that was
17 sufficient; correct?

18 A It, it was.

19 Q All right. Okay. Now, you also wrote an investigation
20 report in this case; correct?

21 A Yes, sir, I did.

22 Q And you recall that?

23 A I do.

24 Q And do you recall talking about what happened at the
25 hospital in this particular report?

Neil Frebowitz - Cross by Mr. Wilson

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1 A I don't recall.

2 MR. WILSON: Your Honor, may I approach the witness?

3 THE COURT: Yes.

4 BY MR. WILSON:

5 Q I want you to read this paragraph for me where my --
6 excuse me -- my index finger is.

7 A Yes, sir.

8 Q Read that for me. Tell me what it says.

9 A (As read) "On August 19th, 2012, at 7:30, 0730 hours
10 Locklear was contacted in the treatment room at Grand Strand
11 Hospital, interviews the victim. Locklear was clearly
12 distraught. Time began to provide significant different
13 details of the assault. Locklear stated at one point she was
14 pulled into the bedroom and raped, followed by a statement she
15 was pushed down in the hallway and sexually violated there.
16 Given the possible trauma the victim had been exposed to was,
17 it was not extraordinarily improbable for her accounts of the
18 incident to be inconsistent."

19 Q Read that last sentence one more time.

20 A (As read) "Given the possible trauma the victim had been
21 exposed to it was determined it was not extraordinarily
22 improbable for her recounts of the incident to be
23 inconsistent."

24 Q That's your report; isn't it?

25 A It is.

1 MR. WILSON: May I approach, Your Honor?

2 THE COURT: Yes.

3 BY MR. WILSON:

4 Q So in your report you say that it's not improbable for
5 this Defendant's recount to be inconsistent after a traumatic
6 event?

7 A Absolutely. I would expect it to be initially.

8 Q You would expect it to be initially.

9 A Yes, sir.

10 Q Let me ask you this. As lead investigator your job is to
11 follow up on all evidence; correct?

12 A It is.

13 Q Okay. Did the Prosecution ever give you the toxicology
14 report in this case?

15 A No, sir.

16 Q All right. So you don't know if this Defendant at the
17 time you started questioning her at 10:51, excuse me, the time
18 you actually took her into custody at 4:00 o'clock in the
19 morning, you don't know if she was on Ambien; do you?

20 A No, sir.

21 Q You don't know if she was on muscle relaxers; do you?

22 A Do not.

23 Q You don't know if she had been drinking alcohol; do you?

24 A Do not.

25 Q You don't know if she was on Xanax; do you?

Neil Frebowitz - Cross by Mr. Wilson

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1 A Do not.

2 Q You don't know if she had marijuana in her system; do
3 you?

4 A Do not.

5 Q And your job is to follow up, make sure -- correct -- to
6 be prepared for court, yes or no?

7 A Yes.

8 Q Now, I want to back up just a second about some testimony
9 that came out on these tapes and I want to ask you this. When
10 this Defendant talked to you the second day when you came down
11 to J. Reuben Long to see her --

12 A Yes, sir.

13 Q -- all right -- you talked to her and she starts telling
14 you about a robbery.

15 A Yes, sir. She did.

16 Q All right. And then she starts telling you about
17 something happening that, you know, that Amos and her worked
18 on this thing about being scared; correct?

19 A Yes, sir.

20 Q Did you realize at that time that she was telling you two
21 different stories about two different incidences?

22 A No.

23 Q You didn't realize that; did you?

24 A No.

25 Q Because you didn't know she had been on any medication

Neil Frebowitz - Cross by Mr. Wilson

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1 the day before; did you?

2 A No.

3 Q No. Not at all.

4 A No, sir.

5 Q And at 10:51, the day before, when you started
6 questioning her, you didn't know at all because the
7 Prosecution never told you and even though you say ---

8 MR. RICHARDSON: Your Honor, I object at this time. He
9 keeps assuming facts that are not in evidence right now.

10 MR. WILSON: Judge, Your Honor, may we approach?

11 THE COURT: Yeah.

12 MR. WILSON: Thank you.

13 (Whereupon, a bench conference is held in the presence
14 but out of the hearing of the jury.)

15 THE COURT: Sustained.

16 BY MR. WILSON:

17 Q How many times did you threaten this Defendant during the
18 time that you were interrogating her? If you had to take a
19 guess, how many times would you say you did it?

20 A Threaten her?

21 Q Threaten her, threaten her with death, threaten her with
22 a coffin, threaten her kids, how many times?

23 A As I said earlier, with the exception of the one time
24 that I thought in retrospect the kid thing was, the tone of
25 that was probably a little close to being misinterpreted, the

Neil Frebowitz - Cross by Mr. Wilson

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1 rest of it was just the eventuality of what was probably going
2 to happen if, in fact, she was involved in the situation.

3 Q 12 hours is a long time to be in custody; isn't it?

4 A 12 hours?

5 Q Yes.

6 A Oh, no, sir.

7 Q 12 hours is not a long time?

8 A No, sir.

9 Q How about 18 hours; is that a long time?

10 A No.

11 Q That's not a long time either?

12 A No, sir.

13 Q So it's okay to have suspects in custody for 12 hours?

14 That's what you're telling this jury? That's okay?

15 A Under some circumstances. Yes, sir.

16 Q Some circumstances warrant it; right?

17 A Yes, sir.

18 Q And you decided that this was one of those?

19 A Absolutely.

20 Q And that was your decision; wasn't it?

21 A It was.

22 Q Now, let me ask you this. Did Chatfield ever tell you
23 that when he transported this Defendant that she asked to go
24 home?

25 A No, sir.

Neil Frebowitz - Cross by Mr. Wilson

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1 Q Never told you that.

2 A No, sir.

3 Q During your interrogation you said that at some point in
4 time you walked up to the Defendant, and I'm not going to go
5 to the Defendant, I'm going to go to my paralegal, and you did
6 this in her face (claps hands); didn't you?

7 A Yes, sir. I testified to that.

8 Q Tell this jury why you assaulted this Defendant.

9 A I never struck, never touched that Defendant.

10 Q You think she was afraid when you did that?

11 A She was almost in a trance. She didn't even move when I
12 did it.

13 Q She was in a trance.

14 A She was just looking straight out, voice -- something
15 coming out of her mouth, and I kept looking at her and trying
16 to get her attention, and I just went over and I went (claps
17 hands) like that, and she didn't flinch, didn't move, but then
18 a second later she resumed questioning.

19 Q So your testimony to this jury is is that this Defendant
20 was in a trancelike state?

21 A She stopped being responsive. Yes, sir.

22 Q Stopped being responsive?

23 A Yes, sir.

24 Q And your job was to get her back into being responsive;
25 correct?

Neil Frebowitz - Redirect by Mr. Richardson

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1 A Yes, sir.

2 Q And you were going to do whatever you had to to do that?

3 A Not whatever I had to do, but I did that.

4 Q Well, let me ask you this. If a person apprehends fear,
5 is that an assault? You've been a -- excuse me -- you've been
6 a violent crime detective now for how many years?

7 A Several, seven, six, seven, eight, something like that.

8 Q All right. My question to you is is that an apprehension
9 of fear? Is that an assault?

10 A I'm trying to remember what the law says. I don't, I
11 don't think so, no.

12 Q You don't think that?

13 A No, sir.

14 Q But you agree she wasn't all there at that time when you
15 did that?

16 A When I, when I tried to get her attention?

17 Q Yes.

18 A Yes. She was not responsive to me at that time.

19 Q Very good.

20 MR. WILSON: Your Honor, that's all the questions I have.

21 THE COURT: All right. Redirect?

22 MR. RICHARDSON: I'll attempt to be brief, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. RICHARDSON:

25 Q Detective Frebowitz, Mr. Wilson asked about where you've

Neil Frebowitz - Redirect by Mr. Richardson

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1 been. You working currently?

2 A I'm sorry?

3 Q Are you working currently?

4 A Yes, sir, I am.

5 Q For whom?

6 A I'm a contract investigator for the United States
7 Government.

8 Q For the Department of Justice?

9 A Department of Defense.

10 Q Department of Defense. I'm sorry, and I assume you have
11 to have some type of clearance for that?

12 A Yes, sir, I do.

13 Q No problem?

14 A No problem. I have a top secret security clearance
15 issued by the Department of Defense.

16 Q And whenever he talked about Detective Chatfield, I
17 believe yesterday you testified. Did Chatfield take or
18 accompany the Defendant to the hospital?

19 A He drove and she went.

20 Q Okay. And now, he asked about the -- and I believe you
21 called it the nearest and dearest.

22 A Yes, sir.

23 Q Why didn't you go with nearest and dearest at the
24 beginning of this?

25 A Because she was a victim. Like I said, if she had fled

Neil Frebowitz - Redirect by Mr. Richardson

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1 the scene, I think that would have been the very first person
2 we had targeted or certainly looked at. The fact that she was
3 there as a victim, that separated her as part of the process.
4 I didn't even consider her as a victim [sic].

5 Q So at that, so at that juncture you put nearest and
6 dearest away?

7 A Yes, sir.

8 Q Now, Mr. Wilson went on for a while on -- talking about
9 life sentence, death penalty, the children.

10 A Yes, sir.

11 Q Is it commonplace for you to talk to suspects or
12 Defendants about the consequences of their crimes?

13 A Yes, sir.

14 Q And what's the purpose in that?

15 A To let them know that there's certain consequences of the
16 crime and that there's help available to them, that honest
17 people generally in this society get a better sentence.

18 Q Okay. And Mr. Wilson asked about three officers being in
19 the room at a certain point. Were there three officers in the
20 room at all times?

21 A At all times, no, sir.

22 Q Was it most of the time?

23 A Most? No, sir.

24 Q The needle in the arm statements, to your recollection,
25 when did that occur?

1 A Towards the end of the interview right before she
2 acknowledged the text messages.

3 Q About the same time as the cell records got put?

4 A Yes, sir.

5 Q And that was closer to what, about 5:00 o'clock or so?

6 A Yes, sir. That's about right.

7 Q Okay. So it was not 2:00 o'clock, 3:00 o'clock? It was
8 a little bit later?

9 A What I believe. Yes, sir.

10 Q And the statements about the Prosecutor down, down the
11 hall --

12 A Yes, sir.

13 Q -- literally down the hall --

14 A Down the hall.

15 Q -- a couple of doors?

16 A Yes, sir.

17 Q Okay. And he asked about the communication with the
18 Prosecutor. At any point did the Prosecutor tell you what to
19 do?

20 A No, sir.

21 Q How to interview?

22 A No, sir.

23 Q He was there for monitoring purposes?

24 A Yes, sir.

25 Q Mr. Wilson asked you about forensic evidence and all

Neil Frebowitz - Redirect by Mr. Richardson

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1 this, what, what you're talking to her her about what evidence
2 did you have to support that she was complicit in the crime?

3 A Yes, sir.

4 Q At this point you had talked to her at some point;
5 correct?

6 A I had.

7 Q Okay. And you said there wasn't any physical evidence
8 that was pointing to her?

9 A That's correct.

10 Q Was there any evidence to support what she had told you
11 of it to this point?

12 A No.

13 Q Was that important to you?

14 A Yes, sir.

15 Q The lack of supporting evidence for what she told you,
16 and Mr. Wilson asked you about why didn't you just send some
17 of your officers up to North Carolina to take care of the
18 child?

19 A Yes, sir.

20 Q What jurisdiction does Horry County have in North
21 Carolina?

22 A None.

23 Q And what do you have to do if you go to North Carolina?

24 A We, in child protection cases, we have to go work through
25 the Department of Social Services here in South Carolina to

1 make a request into North Carolina. That's the efficient way
2 to do it.

3 Q So you have to follow that chain?

4 A Yes, sir.

5 Q Okay. And as far as taking care of what was done with
6 the child is that done through North Carolina?

7 A It would be.

8 Q And now, you all monitor the Defendant while she was
9 alone. Did she mention her child during that, during the time
10 when she was alone?

11 A I'm sorry, sir. What?

12 Q Whenever she was being -- whenever the Defendant was
13 being monitored --

14 A Yes, sir.

15 Q -- when she was left alone, do you recall any instances
16 where she mentioned her daughter?

17 A No, sir.

18 Q Heard a lot of questions about the children and getting
19 information. How much information is needed when you go to
20 DSS?

21 A Well, it's significant, but you have to know a name, a
22 date of birth, you know, all the stuff I thought she'd
23 volunteer, where the child was, who to contact, you know. I'm
24 a parent. I wouldn't have had to have been asked. My kid
25 might be in danger because --

Neil Frebowitz - Redirect by Mr. Richardson

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1 MR. WILSON: Objection, Your Honor.

2 THE COURT: Sustained.

3 Q Is it, what I'm getting at, is it uncommon to have to go
4 back and ask follow-up questions?

5 A No, sir. Not at all.

6 Q Now, Mr. Wilson also asked you about threats, promises,
7 coercion, actually undue threats?

8 A Yes, sir.

9 Q Undue promises?

10 A Yes, sir.

11 Q Let's talk about promises. Did you ever promise the
12 Defendant, "You'll go home today?"

13 A No, sir.

14 Q What, if anything, was promised to her?

15 A She might able to avoid a death sentence.

16 Q Just basically that you would inform the State of any
17 cooperation.

18 A Yes, sir. That's correct.

19 Q Okay. Is that typical?

20 A Yes, sir. Absolutely.

21 Q But you didn't make any promises of reward or anything?

22 A No, sir.

23 Q Okay. So no undue promises, no undue threats?

24 A No, sir.

25 Q No undue coercion?

Neil Frebowitz - Redirect by Mr. Richardson

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1 A No undue.

2 Q Mr. Wilson asked you about her robbery comment. Now,
3 after you make the comment, actually I believe it's about, "No
4 more silliness, no more BS." She makes a statement that --
5 about a robbery.

6 A "Could have been a robbery," or something like that.

7 Q Okay. Is that the only time she mentions, mentions
8 robbery?

9 A No, sir.

10 Q Okay. And so she does it several times after that?

11 A Yes, sir.

12 Q Does she go into detail about what, what part she
13 volunteers she took place in the robbery?

14 A Yes, sir. She did.

15 Q Mr. Wilson asked you about or compared you with, I
16 believe, Detective Vescovi, about he wasn't hollering, and you
17 weren't hollering. Did you start off hollering?

18 A No, sir.

19 Q And asked about -- Mr. Wilson asked about was she
20 slurring or anything at J. Reuben Long.

21 A Yes, sir.

22 Q Do you recall her slurring?

23 A No.

24 Q Have any speech impediments while speaking with you on
25 Sunday the 19th?

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1 A No, sir..

2 Q Did she appear intoxicated in any way?

3 A No, sir.

4 Q And there were substantial breaks in there?

5 A There were.

6 Q And what comfort, if any, was offered her during those
7 breaks?

8 A She free to use the restroom, beverages were provided,
9 snacks and food of offers were certainly provided, and I think
10 I said somebody actually bought a pack of cigarettes. I think
11 they were Newports that she had requested. So she'd have a
12 smoke break.

13 Q And he asked you about -- he actually made the comment,
14 "Did Detective Chatfield tell you she asked to go home?" If
15 -- would it have been procedure if that would have happened
16 for Detective Chatfield to tell you that?

17 A Yes, sir. Probably.

18 Q Okay. And that was not told to you?

19 A No, sir. I was never told that.

20 Q All right. Thank you.

21 MR. RICHARDSON: Thank you, Your Honor.

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

23 A Thank you, Your Honor.

24 THE COURT: All right. Let me see the attorneys for a
25 second.

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1 (Whereupon, a bench conference is held in the presence
2 but out of the hearing of the jury.)

3 THE COURT: All right. Ladies and gentlemen, it's about
4 12:20. Again, like yesterday, we have ordered you lunch,
5 although it is not here yet. We expect it to be here in the
6 next 10 to 15 minutes. The next witness might take some time.
7 So I think we are going to go ahead and break for lunch at
8 this point in time. Please leave your pads in the jury box.
9 Do not discuss the case. Do not conduct any independent
10 investigations. If you do not want to stay and eat lunch you
11 can leave, but please be back in the jury room at 1:15 if you
12 leave to go to lunch, and we should have lunch here in just a
13 minute. If you do leave, be back at 1:15. Thank you very
14 much.

15 (Whereupon, the following takes place outside the
16 presence of the jury.)

17 THE COURT: All right. Anything from the State before we
18 break for lunch?

19 MR. RICHARDSON: No, sir, Your Honor.

20 THE COURT: Anything from the Defense?

21 MR. WILSON: Nothing, Your Honor.

22 THE COURT: All right. I told them to be back at 1:15.
23 So I'll try to take the bench at 1:30. Okay?

24 MR. WILSON: Yes, sir.

25 THE COURT: All right.

1 MR. WILSON: Thank you, Judge.

2 THE COURT: Thank you.

3 OFF THE RECORD

4 (On the record. The following takes place outside the
5 presence of the jury.)

6 MR. WILSON: Your Honor, may we approach?

7 THE COURT: Yeah.

8 (Whereupon, a bench conference is held.)

9 MR. RICHARDSON: Your Honor, specifically, the State
10 would be seeking to introduce -- I want to make sure we've got
11 them in order, State's 33, 34, 35, 36, 37.

12 THE COURT: Any objections?

13 MR. WILSON: There are only two, Judge, and actually
14 they're nearer in the black and white video, excuse me, black
15 and white pictures as well as the color pictures, this one.

16 THE COURT: State's Exhibit 35?

17 MR. WILSON: Yes, Your Honor, and this one.

18 THE COURT: State's Exhibit 36.

19 MR. WILSON: Yeah, and then there are --

20 MR. RICHARDSON: I haven't had those marked yet, Your
21 Honor, if you want to put them in. Let's take a moment to
22 have the black and whites marked, Your Honor. I apologize to
23 Ms. Hurley. Thank you, ma'am.

24 Your Honor, I'll hand up to you at this time 91, 92, 93,
25 94 and 95.

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1 THE COURT: All right. So the State's tendering 91
2 through 95 in addition to 33 through 37?

3 MR. RICHARDSON: As a substitution if needed, Your Honor.

4 THE COURT: Oh, I see. I see what you're saying. All
5 right. What's the Defense's position?

6 MR. WILSON: Your Honor, my only concern about the two
7 pictures I think which show a close-up, my only concern is
8 that it would be obviously for the purposes of, would tend --
9 be for the purposes of inflaming the passions of the jury and
10 because it's so grotesque obviously, and I think there are
11 other pictures as well inside of the State's exhibits that
12 show accurately where the body was, where it was lying and the
13 blood spatter.

14 THE COURT: All right. Well, do you have objections to
15 State's 94 and 95 coming in in lieu of 35 and 36?

16 MR. WILSON: I do.

17 THE COURT: Okay. Because?

18 MR. WILSON: I have objection to both because I think
19 both are just overly grotesque as well as I think both of them
20 honestly are unnecessary. The bodies are shown already in the
21 other pictures, and I think it accurately depicts how they are
22 at the time. Now, we would prefer the black and whites, of
23 course, to the colors if the Court is so willing.

24 THE COURT: All right. Well, I think the prejudicial
25 effect is kind of obvious. What's the probative value of 35

1 and 36?

2 MR. RICHARDSON: 35 and 36, Your Honor, one to at least
3 lessen any prejudicial effect, the State is prepared to put
4 forward the black and white. The probative value is to show
5 the location of the wound, the exact location. You can
6 actually see it. Your Honor, if I may?

7 THE COURT: Yeah.

8 MR. RICHARDSON: You can see the approximate location of
9 the wound in State's 94 and 95. You can see where the hand
10 is, any smear or whatever as well, Your Honor, and it would
11 assist the trier of fact actually regarding where the body is,
12 learning where the gunshot wound was. There was -- there were
13 statements that were allowed in during the Defendant's
14 statement about how badly they were beaten, and I think it
15 shows the absence of any other wounds as well, Your Honor.

16 THE COURT: All right. All right.

17 MR. RICHARDSON: Sorry, Your Honor.

18 THE COURT: Oh, that's fine.

19 MR. RICHARDSON: 94 and 95 are on the back, regarding
20 these two, Your Honor.

21 THE COURT: Yeah, yeah. I'll go ahead and, you know, you
22 certainly have to lay the foundation, but I am not going to
23 rule, or put it this way, I'll rule in limine 35 and 36
24 inadmissible and will allow the State to go forward with 94
25 and 95, the black and whites, in lieu of 35 and 36. I'm not

1 going to grant any motion in limine to exclude 33, 34, 37.

2 All right?

3 MR. RICHARDSON: Thank you, Your Honor.

4 MR. WILSON: Thank you, Your Honor.

5 MR. RICHARDSON: Okay, and -- Ralph, we still have the --

6 MR. WILSON: Oh, I'm sorry.

7 THE COURT: Here's --

8 MR. RICHARDSON: You'll need these, too, Your Honor.

9 Your Honor.

10 THE COURT: Yeah.

11 MR. RICHARDSON: I'm handing to you now State's 39, 40
12 and 41. It would be -- the State would put forward that it's
13 depicting Tommy Hatfield, Thomas Hatfield. Out of an
14 abundance of caution, the State prepared those exhibits in
15 black and white as well, State's 96, 97 and 98.

16 THE COURT: All right. What's the Defense position?

17 MR. WILSON: Your Honor, the only concern I would have
18 would be I think this photo, Judge.

19 THE COURT: 41?

20 MR. WILSON: I think. Let me see, Judge. I'm so sorry.
21 Yeah, I think that's the only concern I would have.

22 THE COURT: All right. And the probative value?

23 MR. RICHARDSON: Once again, Your Honor, it shows the, it
24 shows the approximate location of the head wound here, Your
25 Honor. As I understand the testimony from speaking with Dr.

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1 Proctor and in speaking with crime scene, shows some blood
2 spatter, shows the location of the body, particularly being
3 the arm under there. That's how the body was found, Your
4 Honor.

5 THE COURT: All right. All right. I'll grant the motion
6 in limine to exclude State's 41, but I will not rule in limine
7 to exclude 39, 40, 96, 97 or 98.

8 MR. RICHARDSON: 96, or I'm sorry, 96 and 97 would just
9 be substitutes, Your Honor.

10 THE COURT: All right.

11 MR. RICHARDSON: So at this time I'll --

12 THE COURT: Now, what was that one I excluded? 40, 40 or
13 41?

14 MR. RICHARDSON: 41.

15 THE COURT: 41, okay.

16 MR. WILSON: Thank you, Your Honor.

17 MR. RICHARDSON: I'm sorry, Your Honor. I believe that
18 should be it and all the other photographs, I believe, Mr.
19 Wilson has seen.

20 THE COURT: All right.

21 MR. WILSON: Yes. Absolutely. Judge, I have. I have no
22 further objections.

23 THE COURT: All right. Anything from the State before we
24 bring the jury in?

25 MR. RICHARDSON: No, sir, Your Honor.

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1 THE COURT: Anything from the Defense?

2 MR. WILSON: Nothing, Your Honor.

3 THE COURT: All right. Let's go ahead and bring the jury
4 in.

5 (Whereupon, the following takes place in the presence of
6 the jury.)

7 THE COURT: All right. Ladies and gentlemen, welcome
8 back. I hope everyone had a good lunch. Please make sure you
9 have your own notepads. We're ready to resume with the trial
10 of this case. The State can call their next witness.

11 MR. RICHARDSON: Thank you, Your Honor. At this time the
12 State would call Detective Jonathan Martin with the Horry
13 County Police Department.

14 THE COURT: All right.

15 Whereupon, Jonathan Martin was called to the stand, duly
16 sworn by the clerk and testified as follows:

17 THE CLERK: Please state your full name and spell your
18 last name.

19 MR. MARTIN: Jonathan Martin, M-A-R-T-I-N.

20 DIRECT EXAMINATION

21 BY MR. RICHARDSON:

22 Q Good afternoon, Detective Martin. Could you please tell
23 us a little bit about yourself, where you're employed, how
24 long and in what capacity?

25 A I'm employed with the Horry County Police Department.

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1 I've been with them approximately eight years. I'm currently
2 a major crimes detective. My background you asked for?

3 Q Yes, sir.

4 A Okay. I have a master's degree in forensic medicine. I
5 went to the South Carolina Criminal Justice Academy where I
6 graduated. I have taken basic detective classes and --

7 Q That's okay. And how long have you been employed with
8 the Horry County Police Department again?

9 A Almost eight years.

10 Q Almost eight years. And you said presently you're
11 assigned to major crimes or violent crimes; correct?

12 A Yes, sir.

13 Q Prior to becoming a major crimes investigator with the
14 Horry County Police Department, did you serve in any other
15 capacity at the Horry County Police Department?

16 A Yes, I did. I was a patrol officer, and then I also
17 served for approximately six months as a crime scene
18 investigator.

19 Q And as a crime scene investigator, that's with the
20 criminal investigations division?

21 A Yes. It is.

22 Q Here in Horry County. Can you tell us what is involved
23 with and what type of work is delegated to that particular
24 unit?

25 A As a crime scene investigator, you're tasked to go out to

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1 scenes with the detectives. Your major responsibility is
2 handling the evidence, the scene, taking pictures, collecting
3 evidence, transporting it back to the police department so
4 there's a chain of custody kept, and sometimes if evidence is
5 say brought in by patrol officers through the, the normal
6 shift, we're also responsible for processing the evidence for
7 prints or packaging it to be sent to SLED.

8 Q Okay. And when you say processing the scene --

9 A Yes.

10 Q -- and collecting evidence?

11 A Photographing, measuring, diagramming, taking all the --
12 taking the -- all the measurements so in court we can say this
13 is where it was sitting. We make graphs up to show where
14 things were at the time we collected them. We use photographs
15 before were collected and upon arrival at the scene.

16 Q And I'm sure one, sure one or two of us have seen CSI
17 whether it's Miami, Vegas or New York. Is that a good
18 description of the job?

19 A No. CSI Horry County it's a little different. It's not
20 like it is on TV. There isn't magic computers that make the
21 evidence tell us who it is in a second. A lot of it involves
22 a lot of police work to go with it.

23 Q Okay. So you work in conjunction with the actual
24 investigators on a case?

25 A Yes, sir.

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1 Q Now, when assigned to assist in an investigation, how
2 does the crime scene unit operate? Do you respond some time
3 after the investigation has begun, contemporaneously or what?

4 A It's usually at the same time, depending on the type of
5 case it is. If it was something where there's a scene that we
6 had the ability to work, we'd be called out the exact same
7 time as the detectives. In this case that was.

8 Q And were you working with the Horry County Police
9 Department back on August 19th, 2012?

10 A Yes, sir.

11 Q In what capacity?

12 A I was a crime scene investigator.

13 Q Okay. So that was back whenever you did your stint in
14 crime scene investigations?

15 A Yes, sir.

16 Q And did you have the opportunity in the course of your
17 duties as a crime scene investigator to respond to [REDACTED]

18 [REDACTED]
19 A Yes. I did, sir.

20 Q And I know we've established it, but what county is that
21 located in?

22 A It's the County of Horry.

23 Q How did you come to arrive at [REDACTED]?

24 A I was contacted by my supervisor at approximately 4:29 in
25 the morning. He asked me to respond to assist in the crime

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1 scene processing at the incident location with the lead
2 detective.

3 Q And you said assist in. Did you have anybody else
4 working with you that day?

5 A That day one of the other detectives, Detective Smith, he
6 assisted with me. He kind of followed along, wrote things
7 down. It makes it a little bit quicker when you don't have to
8 stop and go the whole time.

9 Q Okay. So he acted as your stenographer?

10 A Yeah. He -- yes. He -- all he did was write. He at no
11 point did he do any evidence collection or anything.

12 Q And you just told us that you were notified about 4:29?

13 A 4:29, yep.

14 Q And how long did it take you to arrive at the scene?

15 A I believe I got to the scene about 5:10. It's not too
16 far from where I am.

17 Q Okay. And it's been a year and a half, two years ago.

18 A Yes.

19 Q When you got there, upon your arrival at the scene, what,
20 what is the standard procedure when you arrive on a murder
21 scene?

22 A On a murder scene, the scene's always secured with crime
23 scene tape. In this case it was, too, if there's a scene that
24 we know where it's at. Upon my arrival, the scene was
25 completely surrounded by crime scene, encompassing the entire

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1 property, which I believe was about an acre, was completely
2 surrounded. Upon arrival, you meet with the officer who's
3 over, tasked over the initial area. You meet with him. He'll
4 log you into the scene in a crime scene log. Everybody that
5 goes in after the police set up the log is monitored so we
6 know who comes in, who comes out when and what department they
7 work with.

8 Q Okay. And you said it was, it was taped off?

9 A It was taped off completely, yes.

10 Q And you said it was about an acre. So all the way to the
11 road?

12 A Exactly to the road. It was a very big, big scene.

13 Q Do you remember what the weather conditions were like
14 that day?

15 A I believe it was, it was still dark, but it was clear.
16 It was, it was a little cool, I believe.

17 Q Okay. In August in South Carolina it's going to warm up?

18 A In the afternoon, yes.

19 Q Okay. But it was dark when you got on scene. Upon
20 arrival you entered the crime scene?

21 A Yes.

22 Q What information, if any, were you provided?

23 A I met with the patrol officers who were on scene. They
24 were the initial responding officers. I believe it was an
25 Officer Stevenson and Officer Tindall. They advised me that

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1 they had arrived on scene, and a female had been located in
2 the residence. They had moved her out of the residence and
3 did a security sweep. They advised she made some claims and
4 from there.

5 Q Okay. So you got a brief overview of what --

6 A Very brief, yes.

7 Q -- what we were going to be looking at. Now, after you,
8 after you first spoke with these officers, Officer Tindall,
9 Officer Stevenson, did you immediately go in the house at that
10 point?

11 A No. There was a search warrant being obtained by, I
12 believe it was Detective Strickland.

13 Q Okay.

14 A So at that point we focused everything around the outside
15 of the house, which would not need a search warrant.

16 Q Okay. Now, at that point did you photograph outside the
17 house?

18 A I did.

19 Q All right. I'm going to show you State's Two through
20 Eight, already in evidence.

21 A Okay.

22 Q See if you can identify those.

23 A They're the exterior of the incident location, 1163 Red
24 Bluff.

25 Q And these are the photographs you were taking while you

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1 were waiting on a search warrant?

2 A These are the ones I took -- it was still dark out, that
3 I took these before we entered the property.

4 Q I believe the jury has already seen these. I'll get you
5 your rubber band right back. Now, after you photographed the
6 exterior of the house, all angles?

7 A Yes, sir.

8 Q Did you take any other steps prior to entering the house?

9 A Yes. At the time upon my arrival, there was a patrol
10 vehicle parked within the crime scene tape, in the rear
11 driver's side of the vehicle, the door open. I was told that
12 the female that had been inside the residence was sitting in
13 -- back there. I went to her, just kind of briefly speak to
14 her about if there was any evidence on her that needed to be
15 collected. I completed a gunshot residue test on her at that
16 time, and also I asked her places that may have been touched
17 by the offenders, and I took DNA swabs. I took a DNA swab
18 from her, which she provided me consent, and also I took DNA
19 swabs from the locations on her body. I believe there was two
20 of them that she indicated the perpetrators may have touched.

21 Q Okay. Do you remember what those locations were?

22 A I believe it was the neck and the knee. I have some
23 notes, if I could look, that would help me a little bit.

24 Q Would that help refresh your recollection?

25 A Yes. It would. Is that okay?

1 MR. RICHARDSON: Your Honor, I'd ask the witness be
2 allowed to look at his notes to refresh his recollection.

3 THE COURT: Any objection?

4 MR. WILSON: No objection, Your Honor.

5 THE COURT: All right.

6 A Thank you.

7 Q Take your time.

8 A I believe it was, it was her neck she pointed out. It
9 was just up around the neck area.

10 Q Okay. So all she pointed out was neck?

11 A I believe so, and I think she indicated her ankle had
12 been hurt when she was leaving the scene or --

13 Q Okay. So you spoke to her for a minute?

14 A Just a brief minute. Yes.

15 Q How'd she appear to you?

16 A She seemed fairly calm. She wasn't crying at that point.
17 I didn't really ask her any questions about the incident. I
18 was leaving that up to the detectives who were, you know, in
19 route.

20 Q Did you inform her of what your job was there?

21 A I did. I told --

22 Q That you were the crime scene officer?

23 A Yes. I, I told her I'd just be taking a couple of quick
24 pictures. I didn't want to surprise her with the camera in
25 her face and the flash and stuff. So I just let her know,

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1 "I'm just here to take some evidence. You know, I'm not going
2 to be intrusive, you know."

3 Q I'm going to show you now State's 21 through 25.

4 A Okay.

5 Q And these are already in evidence. Are these photographs
6 you took?

7 A Yes. They are.

8 Q Now, when did you take them?

9 A I took them that morning when she was still in the back
10 of the vehicle.

11 Q As you were speaking with her?

12 A As I was speaking with her.

13 Q Okay. After you informed her of who you were?

14 A Yes.

15 Q Now, on those photographs can you point out for us any
16 bruising that you see?

17 A No.

18 Q Any abrasions that you see?

19 A No.

20 Q Now, you took pictures of her hands?

21 A Yes.

22 Q And --

23 A That was to, to identify if there were any cuts or
24 anything on the palms of her hands.

25 Q Any cuts or anything?

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1 A No. There were no cuts.

2 Q How dirty are her hands?

3 A They're clean.

4 Q Pretty clean?

5 A Yes.

6 Q Do you recall -- tell us if you recall any dirt, grime,
7 anything else you saw on her.

8 A I mean, she was, she was fairly clean. There was -- I
9 didn't notice any dirt or debris.

10 Q Any other observations prior to entering the house?

11 A There was a -- there was a blue sock that was sitting
12 outside the property. It was near the front of the vehicles,
13 kind of very out of place. It was a blue tube sock. It just
14 seemed off. It was collected, photographed.

15 Q Okay.

16 A Before entry, that was all, though.

17 Q Anything, anything you can tell about the sock?

18 A It was just a big sock, like a blue --

19 Q Just one sock.

20 A -- one single blue tube sock. We actually contacted our
21 EMS units. Sometimes they'll carry certain things on there,
22 because they had come and checked her out. Sometimes they'll
23 carry something like socks or things that they can put on a
24 wound or an injury. They indicated it was not theirs.

25 Q Okay. Now, what were you waiting on to enter the house?

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1 A A search warrant.

2 Q And about what time did you get that search warrant?

3 A I believe it was 7:00 o'clock.

4 Q About 7:00 o'clock?

5 A About 7:00 o'clock. Can I check my notes again?

6 Q Sure.

7 A Okay. Approximately seven, 7:00 o'clock, yes, in the
8 morning.

9 Q Okay. Is that, is that the time that you entered the
10 house?

11 A Yes.

12 Q Upon getting that search warrant, can you just take us
13 through the steps of what you do?

14 A We went around the back door of the residence, which had
15 actually been the door the officers had entered upon their
16 arrival. It was slightly cracked. I believe it had a screen
17 type door. A door was open, stepped in. There was a small
18 dog running around the living room area upon entry. The
19 kitchen was to our left, and it went to the living room, which
20 was straight ahead. There was an older gentleman positioned
21 on the floor face down in the kitchen, and straight ahead
22 there was a younger gentleman positioned face down.

23 Q And that's what you encountered when you first entered
24 the residence?

25 A Yes. The door to the -- the door -- the screen door was

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1 opened. We also looked at the front, that door right there,
2 the frame, the frame and the door edge to make sure there was
3 no damage from like a pry mark or some form of a kick or -- it
4 was photographed at that time, and there was no damage noted.

5 Q Okay. Well, let's, let's look at that real quick. Allow
6 me to show you State's 30, 31, 32.

7 A Sure. Okay.

8 Q Do you recognize those photographs?

9 A I do. They're the rear door of the entrance.

10 Q Okay. And when you say the rear door, with regard to Red
11 Bluff Road, we're talking about the door on the opposite side
12 of the mobile home?

13 A The mobile home sits parallel to the roadway. It is on
14 the opposite side of that roadway.

15 Q And you stated that these are photographs you took that
16 night?

17 A They are photographs. Yes.

18 Q Are these a fair and accurate depiction of the back door,
19 the rear door as you found it?

20 A Yes. They are.

21 MR. RICHARDSON: Your Honor, at this time the State would
22 seek to admit 30, 31, 32 into evidence.

23 THE COURT: Any objection?

24 MR. WILSON: No objection, Your Honor.

25 THE COURT: State's Exhibits 30, 31 and 32 are admitted

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1 into evidence without objection.

2 (State's Exhibit Numbers 30, 31 and 32 [Photographs]
3 admitted into evidence and appropriately marked.)

4 MR. RICHARDSON: May I publish them at this time, Your
5 Honor?

6 THE COURT: Yes, sir.

7 BY MR. RICHARDSON:

8 Q Now, prior to publishing, Detective Martin, those steps,
9 how long are the steps?

10 A Approximately maybe 15 inches.

11 Q 15 inches or so?

12 A Yeah.

13 Q And on 31 and 32 you said this is the door, the rear
14 door; correct?

15 A Yes.

16 Q And could you point out --

17 MR. RICHARDSON: Actually, Your Honor, if I could have
18 Detective Martin come down off the stand?

19 THE COURT: All right. As long as he's near a microphone
20 where the court reporter --

21 MR. RICHARDSON: I'll have him right over here, Your
22 Honor.

23 THE COURT: --- can pick him up. The best thing is
24 probably put him on the other side so he's facing back this
25 way.

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1 MR. RICHARDSON: All right.

2 THE COURT: Get you on --

3 MR. RICHARDSON: That's correct. We've got, we've got a
4 lot of them.

5 THE COURT: Or you can get over here on the left side of
6 him. Do it that way.

7 A Here?

8 Q I just want to make sure --

9 THE COURT: You all swap.

10 A Swap.

11 Q Here, you go that way.

12 A Swap.

13 THE COURT: There you go.

14 A There you go, yeah.

15 BY MR. RICHARDSON:

16 Q Detective Martin, on these two photographs, 31 and 32 of
17 the rear door, can you please demonstrate to the jury where
18 the damage on that door is?

19 A There is no, there is no damage.

20 Q Okay. So no damage whatsoever on that door?

21 A I did not observe any damage. No.

22 Q Okay. Here on State's 31 we have the locking mechanism,
23 locking hutch.

24 A For the screen, for the screen door. This is the locking
25 mechanism there, and this is where the, the door, the main

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1 door.

2 Q Okay. And the deadbolt, in or out?

3 A This is the outer edge of the deadbolt.

4 Q Okay. And the deadbolt itself, is it in or out?

5 A That is in. It's in the open position, so not locked.

6 Q Unlocked. All right. And while I've got you up, allow
7 me to show you what has been marked for identification as
8 State's 89.

9 MR. WILSON: No objection.

10 THE COURT: Putting it into evidence?

11 MR. RICHARDSON: Yes, sir. Yes, sir.

12 THE COURT: All right. Any objection?

13 MR. WILSON: No objection, Your Honor.

14 THE COURT: All right. State's Exhibit 89 admitted into
15 evidence without objection.

16 (State's Exhibit Number 89 [Photograph] admitted into
17 evidence and appropriately marked.)

18 MR. RICHARDSON: Permission to publish, Your Honor.

19 THE COURT: All right.

20 MR. RICHARDSON: Madam Court Reporter, would it help if I
21 actually just brought the microphone up a little bit?

22 REPORTER: As long as he's close enough to it I'll hear
23 him. Thank you.

24 BY MR. RICHARDSON:

25 Q I'll tell you what I'll do, move that back a little bit.

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1 Let's see if I can get it where everybody'll be able to see.
2 We've got one juror member right there. Now, Detective
3 Martin, can you tell us, first of all, State's Number 89, what
4 is State's 89?

5 A That is a not scale model of the scene as I drew it on
6 PowerPoint.

7 Q As you drew it on PowerPoint. Okay. And on here can you
8 tell us where the rear door is?

9 A This is the front of the residence. This is the rear of
10 the residence right here.

11 Q Okay.

12 A Facing east.

13 Q Now, this is not to scale you said?

14 A It is not to scale, no.

15 Q And now, what, what did you use to prepare this? What --
16 how'd you get the information to prepare this?

17 A There's photographs, though it's not to scale,
18 measurements, and then just the diagram I made prior to -- on
19 my arrival. As I went through the scene, I actually drew it
20 out on a piece of paper.

21 Q Okay. So this is just basically a --

22 A A fancy version of my picture.

23 Q Okay. So this is just a reflection of basically a
24 summary of what you observed summarily there?

25 A Yes.

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1 Q Okay. Do you think it will assist us all in
2 understanding how you searched through the residence?

3 A Yes.

4 Q All right. Now, can you describe for the jury, you said
5 the door was open; right?

6 A This door. Yes.

7 Q The rear door was open?

8 A Yes.

9 Q And could you take us through how you entered?

10 A I entered through the rear of the residence. As I
11 entered I took pictures as I went just so if say we bumped
12 something as we kept going through, we would have a picture of
13 it before it was moved or altered or anything, which we didn't
14 bump anything, but we did take pictures, took pictures of this
15 room, went into this room, took pictures. At that point
16 because of the little dog running around the living room, I
17 actually went to the front door. It was both dead bolted and
18 locked with the handle. I opened that door and pushed the
19 dog, I scooted the dog out onto the front porch so he wouldn't
20 lick up anything or do anything else in the house that would
21 cause any problems. Went back through. We went down. Took
22 pictures as we went along. Went to this room, took pictures,
23 this room, this room, the bathrooms, also.

24 Q How about if we call bedroom one, two and master bedroom?

25 A Okay.

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1 Q Is that all right? Okay. So you walked through the
2 house and you photographed everything; correct?

3 A Yes, sir.

4 Q As you entered the house, what were the lighting
5 conditions like in the house?

6 A There were TVs on. There was a TV on in this room and
7 this room that actually lit up the rooms. The light was on in
8 this area.

9 Q The light was on in the kitchen?

10 A The kitchen area. Yes.

11 Q Any bathroom lights or anything on?

12 A I believe this bathroom light was also on. I -- if I
13 could check my notes, I might be able to answer that question.

14 MR. RICHARDSON: Your Honor, may I hand the detective his
15 notes?

16 THE COURT: All right.

17 BY MR. RICHARDSON:

18 Q Will it help to refresh your memory?

19 A It will help me. Thank you. Yes. The hallway and the
20 bedroom, the hallway as in -- it was right about here, I
21 believe, the light. It lit up both these rooms and the
22 bathroom light.

23 Q Okay. So the bathroom light was on?

24 A Yes.

25 Q Now, we see what appears to be a couple of bodies here,

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1 the first body up in -- this is the kitchen area?

2 A That is the kitchen area. Yes. It's a -- it's got a --
3 like an eating table here where you can set some stools up and
4 the kitchen and cook-top and stove -- or cook-top and fridge.

5 Q Okay. Who was in here?

6 A The older gentleman, which I believe is Amos Hatfield.

7 Q And down here?

8 A That was the younger gentleman, which was Thomas
9 Hatfield.

10 Q The way the bodies are depicted here on State's Number
11 89, is that the positioning you found them in?

12 A They were positioned slightly differently. Their hands
13 were up, this -- Mr. Amos Hatfield his arms were up more
14 towards his head. Mr. Thomas Hatfield his arm, one arm was
15 slightly under this couch and the other was crouched up
16 towards his head in a motion like this (indicating). I just
17 wasn't able to draw it that way.

18 Q The positioning of the head, the, the -- Thomas
19 Hatfield's head was faced back towards the rear door?

20 A Yes. Their bodies are directionally the same as they
21 were.

22 Q Correct. I couldn't think of the term. Thank you,
23 Detective Martin. If you could retake the stand.

24 MR. RICHARDSON: And Your Honor, I'll keep this out in
25 case we need to refer to it.

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1 BY MR. RICHARDSON:

2 Q Detective Martin, as you photographed the murder scene,
3 did you have a method to how you were going?

4 A We worked in a clockwise position. We started in the
5 kitchen area mainly because that was our main entrance and
6 then worked ---

7 Q You started in the kitchen?

8 A Yes. And then worked to the living room, the hallway,
9 the first bedroom, second bedroom, master bedroom and then the
10 bathrooms.

11 Q Okay. So you can have some kind of logic to how you
12 work?

13 A It makes it a little easier. You know where you've gone.
14 If you start skipping rooms and stuff, it gets a little
15 confusing.

16 Q Okay. And I'm going to show you State's 33, 34, 94, 95
17 and 37. Tell me if you recognize those photographs.

18 A I do.

19 Q And how do you recognize those photographs?

20 A These are the photos I took the morning of the incident.

21 Q Do these photographs fairly and accurately depict the
22 scene as you found it that morning?

23 A They do.

24 Q Will they assist the ladies and gentlemen of the jury in
25 understanding wound positioning, body positioning, whatnot?

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1 A Yes.

2 Q Are those clearly shown in these photographs?

3 A They are. One is an overview picture, and then there are
4 three that are slightly closer so you can see how the body was
5 positioned.

6 Q And how about the wound?

7 A It does show the initial, the, the -- Mr. Amos Hatfield's
8 wound.

9 MR. RICHARDSON: Your Honor, at this time the State would
10 seek to introduce State's Number 33, 34, 94, 95 and 37 into
11 evidence.

12 THE COURT: All right. Give them to me again, 33, 34,
13 94, 95?

14 MR. RICHARDSON: 33, 34, 94, 95 and 37, Your Honor.

15 THE COURT: All right. Plaintiff's Exhibits 33, 34, 94,
16 95 and 37 are admitted into evidence over Defendant's
17 objection.

18 MR. RICHARDSON: Thank you, Your Honor.

19 (State's Exhibits Number 33, 34, 37, 94 and 95
20 [Photographs] admitted into evidence and appropriately
21 marked.)

22 BY MR. RICHARDSON:

23 Q Now, prior to entering this murder scene had you or
24 anyone to your knowledge done anything to disturb the
25 evidence, disturb the bodies in any way?

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1 A I believe EMS had come in and done a slight touch on
2 both, both Amos Hatfield and Thomas Hatfield's necks. I think
3 it was fairly apparent upon their arrival that they were both,
4 both deceased at that point.

5 Q Okay. EMTs are not a part of law enforcement?

6 A No. They aren't.

7 Q Okay. What was their -- what would have been their
8 purpose to be there?

9 A Just to say that the victims did not need any immediate
10 help. With one of them might have still had a heartbeat or
11 something, they would have been removed from the scene. They
12 neither did require it.

13 Q Thank you. Now, in looking at Amos Hatfield, you
14 examined him prior to or after you took photographs?

15 A I took photographs first and then --

16 Q You took --

17 A -- and then took a closer look.

18 Q In examining Amos Hatfield did you notice any wounds?

19 A Yes. There was a significant wound to his -- top of his
20 head.

21 Q Just use me in an approximation, can you point out about
22 where?

23 A I believe it was up in this area (indicating).

24 Q Up in -- where I got a bald spot starting?

25 A Yes. The top of his head.

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1 Q Okay. And let's go through these photographs.

2 MR. RICHARDSON: Your Honor, I would seek to publish
3 these at this time.

4 THE COURT: All right.

5 MR. RICHARDSON: I'll publish them in order.

6 BY MR. RICHARDSON:

7 Q First I want to point out a couple of things to the jury.
8 In State's Number 37 we see what appears to be a yellow marker
9 of some sort with a number two on it. Can you tell me the
10 significance of that yellow marker?

11 A It is actually something to help us when we log the
12 evidence, items photographed without the marker first and then
13 a marker's put down, take a picture of it. That way when we
14 go back later with evidence, the pieces, we, we can keep track
15 of how things were collected and what entries they match up
16 to.

17 Q Okay. In addition to these you took many other pictures?

18 A There was a lot of pictures. Yes.

19 Q And what was the significance of this green and white
20 pillow?

21 A That was a pillow which was positioned in front of Mr.
22 Hatfield's head. There was a visible hole through it with
23 some burn, which was believed to be a gunshot through the
24 pillow.

25 Q Okay. And so you saw some damage on the pillow?

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1 A Yes. And there was blood coming from under the pillow
2 and blood on the one side of the pillow, which we photographed
3 the pillow and collected it as evidence, believing that it
4 might have been something used to cover up a gunshot.

5 Q Now, on State's Number 94, is there anything depicted
6 there?

7 A Yes. That is the victim's head positioned next to the
8 pillow. His hand is slightly under the pillow.

9 Q Can you see the gunshot wound?

10 A And the gunshot wound is positioned right there
11 approximately where I had indicated on the Solicitor.

12 Q The same thing on 95?

13 A Yes, sir.

14 Q And it includes the positioning of the pillow?

15 A Yes.

16 Q Thank you. Detective Martin, you were looking over Amos.
17 You examined him; correct?

18 A Yes, sir.

19 Q The EMTs had already determined he was --

20 A Deceased. Yes.

21 Q -- deceased. Do you see, see any other bruising or
22 tearing on his body?

23 A No. I did not.

24 Q How long you been doing investigations?

25 A I've been an investigator for approximately three years.

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1 Q You familiar with the term offensive or defensive wounds?

2 A Yes, sir.

3 Q Did you see any of that on his hands?

4 A I did not.

5 Q And educate us. What's an, what's a defensive wound?

6 A A defensive wound, if, if you're in a fight, you might
7 have some hits to the arms, the face. Maybe put your hands up
8 if there's a knife involved, you'll have slashes to the hands.
9 Offensive, you'll see injuries to maybe the knuckles where
10 someone's punching. It may be some injuries around the -- if
11 you grabbed up and are hitting, things like that.

12 Q As you looked at Mr. Hatfield, at Amos, what injuries did
13 you see?

14 A I saw one wound to his upper head.

15 MR. RICHARDSON: Ralph.

16 (Whereupon, a bench conference is held in the presence
17 but out of the hearing of the jury.)

18 MR. RICHARDSON: Detective Cox will do that, Your Honor.

19 THE COURT: All right, sir.

20 BY MR. RICHARDSON:

21 Q Detective Martin, I'm going to show you what is about to
22 be marked as State's 99 or 100, 99. You've got gloves on?

23 A I do.

24 Q Okay. If you'll look at State's 99 and tell me what we
25 see?

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1 A It is the green and white pillow that was found next to
2 Amos Hatfield's head.

3 Q That's the one denoted by the marker number two?

4 A Yes. The two in the picture. Yes, sir.

5 Q Okay. And this is an item you personally collected?

6 A Yes, sir.

7 Q No doubt about it this is the pillow you collected that
8 day?

9 A Yes. It is.

10 MR. RICHARDSON: Your Honor, the State would seek to
11 introduce State's Number 99 into evidence.

12 THE COURT: Any objection?

13 MR. WILSON: No objection, Your Honor.

14 THE COURT: State's Exhibit 99 admitted into evidence
15 without objection.

16 (State's Exhibit Number 99 [Green and White Pillow]
17 admitted into evidence and appropriately marked.)

18 BY MR. RICHARDSON:

19 Q Detective Martin, you had -- you testified just a few
20 minutes ago that there was a hole, and I think you said some
21 burning and soot. If you need to stand up --

22 A Yes.

23 REPORTER: He needs to stay close to that mike. I have
24 trouble hearing him when he turns around.

25 Q I'm sorry.

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1 A I'm sorry.

2 Q I'll bring this over to him.

3 A It's hard to -- you want to hold it?

4 Q Yeah.

5 A Okay.

6 Q Can, can you demonstrate for the jury where the burning
7 and soot is?

8 A It's up in this area. It can be seen when you go into
9 the pillow. There's -- I'm sorry -- there's, there's burning
10 and darkness in the actual pillow there, and there's a
11 straight hole path that exits on the opposite side of the
12 pillow.

13 Q Okay. And the red matter on the opposite side of the
14 pillow?

15 A It's blood.

16 Q And this is the pillow you found at the top of Amos
17 Hatfield's head?

18 A It is.

19 Q From your experience in law enforcement what, what
20 significance does that tell you?

21 A I believe that the pillow was placed, the bullet was
22 fired through and near the head.

23 Q Okay. Detective Martin, allow me to show you State's 37,
24 40, 98, 38, 42, 43, 44, 45 -- actually I'll remove 45.

25 MR. WILSON: No objection to the remainder, Your Honor.

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1 MR. RICHARDSON: Other than --

2 THE COURT: I mean, I don't know what's --

3 MR. WILSON: Other than the --

4 THE COURT: I don't -- you all come up here. I don't
5 even know what you all are talking about.

6 MR. RICHARDSON: I'm sorry, Your Honor. I just removed
7 -- I had an item marked as State's Number 45. I've just --

8 THE COURT: All right.

9 MR. RICHARDSON: -- I'm not going to have it identified
10 any further or use it in evidence. I'm about to get through
11 the rest of it, Your Honor. There was a --

12 (Whereupon, a bench conference is held in the presence
13 but out of the hearing of the jury.)

14 MR. WILSON: Thank you, Your Honor.

15 BY MR. RICHARDSON:

16 Q I apologize for the delay on it. I'm going to go through
17 again, 39, 40, 98, 38, 42, 43, 44, 46, 47, 48, 49 and 50. If
18 you could take a look at those items and tell me if you
19 recognize those.

20 A Yes, sir.

21 Q Do you recognize those?

22 A Yes, I do. They are photographs I took from the inside
23 of the residence, mainly the living room area. There's a
24 slight shot of the eating area, the eating bar of the kitchen.

25 Q Do these fairly and accurately represent the crime scene

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1 photographs you took that day?

2 A They do.

3 MR. RICHARDSON: The State would seek to introduce
4 those items into evidence, Your Honor.

5 THE COURT: Any objection?

6 MR. WILSON: No objection, Your Honor.

7 THE COURT: All right. State's Exhibits 39, 40, 98, 38,
8 42, 43, 44, 46, 47, 48, 49 and 50 are admitted into evidence
9 without objection.

10 (State's Exhibit Numbers 38, 39, 40, 42, 43, 44, 46, 47,
11 48, 49, 50 and 98 [photographs] admitted into evidence and
12 appropriately marked.)

13 BY MR. RICHARDSON:

14 Q State's 39, you said that's just basically a transition?

15 A It's the area that goes from the kitchen to the living
16 room area, the eating bar. There's a sink, a microwave and
17 then a lip where someone could eat.

18 Q Okay. So it shows how you come out of the kitchen and on
19 --

20 A Into the living room, and this would have been taken on
21 upon our arrival. This was my initial photography of the
22 area. That's why it's very just distant. It's not close.
23 There are no close-up pictures right here.

24 Q Okay. And let's go ahead and look at State's Number 30
25 as well.

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1 A Okay. This also the transition area. This is where the
2 eating bar is, and there's a chair and a couple of chairs and
3 some dog toys, a dog bed.

4 Q As we look in State's Number 40, can, can you tell us
5 what we're seeing?

6 A On this photograph you see the living room area. On the
7 floor near the middle of the living room there is a coffee
8 table that is upended, looks like there may have been a, a
9 blanket on top of it when it was upended because it's -- the
10 blanket's completely shaped like the table. There's a
11 television set which is on, an aquarium. Then as you go
12 further to the right, there is the -- Mr. Thomas Hatfield
13 laying on the floor, the deceased. There's the pillow, which
14 is also near his head, a couch and then the front door of the
15 residence also sits in that room.

16 Q And the table, was it flipped over when you all got
17 there?

18 A Yes. It was.

19 Q Do you know if the EMTs might have flipped it over?

20 A No. They did not.

21 Q They did not, and I'm going to point out to you something
22 at the bottom of, I believe, you described as Tommy Hatfield's
23 feet on State's Number 40. Can you tell me what that is?

24 A I do not know the dog's name, but that's, that's their
25 dog.

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1 Q That's, that's the dog you saw?

2 A Yes.

3 Q And that's the one you shooed outside?

4 A Yes.

5 Q Now, the dog was in, in the house whenever you got there?

6 A Yes.

7 Q Did you see any evidence that the dog may have corrupted
8 the crime scene in any way?

9 A I did not.

10 Q That sounds grotesque, but no bloody footprints?

11 A There were -- the dog didn't appear to have walked
12 through any blood evidence or chewed on anything that --

13 Q Just sitting down at Tommy's feet.

14 A It was right near his legs, almost trying -- guarding
15 him.

16 Q Okay. State's 98.

17 A It's a black and white photo of Mr. Thomas Hatfield.
18 He's laying on the floor face down. His right arm is up near
19 his face. His left, his left arm is completely through the --
20 under the couch almost like reaching for something, and then
21 there's a pillow in front of his head.

22 Q Looked like he was reaching for anything. Did you find
23 anything up under the -- up under the couch?

24 A No. We did not when we did --

25 Q Did you search?

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1 A We did search. These were the initial photographs. When
2 we did the final pulling things away and stuff, there was
3 nothing under the couch.

4 Q Okay. Allow me to show you State's 42 and 43.

5 A Okay.

6 Q Can you tell me what we're looking at there?

7 A We're looking at the pillow that was positioned in front
8 of Tommy Hatfield's head. From my photograph it is labeled
9 marker three. You can see, as in the other pillow, a hole,
10 circular hole with a burned area around the hole, and the
11 number 43 is just a close-up with the same marker three, more
12 for a measurement.

13 Q Okay.

14 A It's got a measuring device on it.

15 Q Okay. And it also -- that's why you marked it?

16 A Yes.

17 Q State's 44.

18 A Number four is a pillow that was positioned on top of the
19 couch, which was laying, the one that sat right next to Mr.
20 Thomas Hatfield, the one his arm was under. There's a pillow
21 sitting up in the -- on the armrest area, and there was an
22 area of looks like a smeared red substance on top of it.

23 Q Okay. Did you ever analyze that smear of red substance?

24 A I believe it was blood. Yes.

25 Q You believe it was blood. Any, any other damage to that

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1 pillow?

2 A There was no holes or burning or anything on that pillow,
3 no.

4 Q And that was located up on top of the couch?

5 A Yes.

6 Q As we look at State's 46, 47, 48, what are, what are we
7 seeing here?

8 A Okay.

9 Q And if you'll, you'll describe it by number.

10 A Number 46 is the living room area taken from closer to
11 the aquarium. It's actually looking towards the kitchen. You
12 can see the pillow and then the kitchen area which at this
13 point is lit up because we were, you know, doing a search at
14 that point. There's the chairs you can see, and also in the
15 left corner you can see the pillow that was next to Mr. Thomas
16 Hatfield's head.

17 Q Okay.

18 A Number 47 is a view looking at the television set, the
19 aquarium and the flipped over table is underneath, and you can
20 see the front door in that picture.

21 Q Okay.

22 A Number 48 is when the table was lifted up. It was found
23 that the, the table was a metal table, actually very heavy.
24 It had cut forms where pieces of tile could be placed on it,
25 and then the blanket was placed over it probably to protect

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1 the tile. That was lifted up, and there were a number of
2 items found underneath, including, I believe, a pocketknife
3 and a cell phone.

4 Q And finally 49 and 50.

5 A 49, a little more of a close-up with some of the items
6 that were found under that coffee table. You can see a knife,
7 some medications, cigarette lighter, lighter fluid, a remote,
8 some glasses, an ashtray, and Number 50 is actually a close-up
9 of the cell phone which we collected. It's got an item number
10 five marked on it. It's a camouflage holder and a cell phone.

11 Q Okay. And I see a pill bottle there.

12 A Yes.

13 Q Okay. Do you recall whose name was on the prescription?

14 A I do not.

15 Q Was that collected?

16 A I don't believe it was.

17 Q Okay. Did you mark in your notes anywhere who the pill
18 bottle belonged to?

19 A I did not.

20 Q Okay. But it's a prescription?

21 A It is prescription.

22 MR. RICHARDSON: Your Honor, if I can publish them out to
23 the jury. They're in evidence.

24 THE COURT: All right. Any objection?

25 MR. WILSON: No objection, Your Honor.

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1 THE COURT: All right.

2 BY MR. RICHARDSON:

3 Q Detective Martin, I'm going to show you what's been
4 marked as State's 100 and 101.

5 MR. WILSON: Without objection, Your Honor.

6 Q I'm going to show you State's --

7 THE COURT: All right. Excuse me. State's Exhibits 100
8 and 101 admitted into evidence without objection.

9 (State's Exhibit Numbers 100 and 101 [Pillows] admitted
10 into evidence and appropriately marked.)

11 Q We're going to look at State's 100 first. What do we see
12 here?

13 A This is the pillow that was -- I'm sorry -- this is the
14 pillow that was found from Thomas Hatfield's, in front of his
15 head.

16 Q Okay. I'm going to turn it around.

17 A Okay.

18 Q Can you tell me which side we're looking at on the
19 pillow?

20 A This is the side that was facing upward. Upon my arrival
21 the bullet hole or the hole can be seen here and there is dark
22 black, which is ash believed to be from the gunshot.

23 Q Okay. So you believe that to be a burn?

24 A Yes. A burn.

25 Q Close contact with the pillow?

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1 A Yes.

2 Q And on the opposite side?

3 A There is a large quantity of blood, and there's also a
4 corresponding hole to the other side.

5 Q Okay. And do you recall offhand where Thomas Hatfield's
6 wound was?

7 A It was on the back of his head. It was up in the --

8 Q Above the right ear?

9 A Yes. It was -- I'm going to try to -- right around here.
10 I'm trying not to show, but right about there.

11 Q The pathologist would be the better one to be able to
12 tell us that?

13 A Yes. Yes. Yes.

14 Q State's 101, this that blue pillow you all were talking
15 about?

16 A That's the pillow that we collected from the edge of the
17 couch.

18 Q And can you point to the stain for us?

19 A The stain is right here on the edge of the pillow. It's
20 a red, right there.

21 Q And how would you classify that stain?

22 A A brush, brush. It doesn't -- it's not a spatter. It
23 doesn't seem like it was shot. It's more just like it was
24 brushed along.

25 Q Like someone had blood on their hands?

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1 A Yes.

2 Q Okay. Thank you. Now, on those photographs that we just
3 saw of Tommy, saw I believe it was a -- possibly a red door.
4 Is that the front door?

5 A That is the front door in that picture.

6 Q And when you went to go let the dog out, what was the
7 condition of the door?

8 A The door was locked, deadbolt and handset.

9 Q Deadbolt and handset?

10 A Yes.

11 Q When you shooed the dog outside, did you look at her
12 before shooing her outside?

13 A We did.

14 Q Did she have any blood on her?

15 A No. I didn't observe any blood on the dog. It was a
16 darker colored dog, but I didn't any significant amount.

17 Q No matting?

18 A Did not see any matting.

19 Q Did you see any damage to those tiles from the table?

20 A There was, I believe, cracked slightly, but the
21 corresponding piece was there with it. The rest of them were
22 in place.

23 Q And the TV that we see in those photographs, was it on or
24 off when you went in?

25 A It was on when we arrived.

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1 Q I know it sounds silly, but what type of TV was it?

2 A It was an older tube television.

3 Q A tube television, not, not one of those new-fangled flat
4 screens?

5 A No, sir.

6 Q An older model. Do you recall if the volume was up or
7 down?

8 A I do not recall.

9 Q Now, you indicated on those photographs that the item was
10 flipped over on the table. You said you collected a phone?

11 A Yes.

12 MR. RICHARDSON: The Court's indulgence.

13 THE COURT: All right.

14 MR. WILSON: No objection, Your Honor.

15 THE COURT: What is it?

16 MR. RICHARDSON: According -- I have all ideas when I
17 open it's going to be exactly what it's described, Kyocera
18 cell phone and camouflage case.

19 THE COURT: But I mean, what is the exhibit?

20 MR. RICHARDSON: Oh, Exhibit 102, Your Honor.

21 THE COURT: All right. State's Exhibit 102 admitted into
22 evidence without objection.

23 (State's Exhibit 102 [Kyocera Cell Phone and Camouflage
24 Case] admitted into evidence and appropriately marked.)

25 BY MR. RICHARDSON:

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1 Q Okay. Can you tell us what's in State's 102?

2 A It is an older model Kyocera cell phone with a camouflage
3 phone case.

4 Q Is that the phone we see or the phone case we see in the
5 photographs before the jury?

6 A Yes. It's the phone that's found on the floor, and it's
7 actually in the case. You can't see that in the photos, but
8 you see the camouflage case which holds it.

9 Q How about the knife that we see in the photos, was that
10 collected?

11 A It was not.

12 Q The pocketknife?

13 A It was not. It was briefly looked at. There was no
14 blood observed on it, and it was closed and underneath the
15 table.

16 Q Once you took this phone into evidence, what, if
17 anything, did you do with it?

18 A I didn't do anything with it. I don't -- I'm not sure if
19 anything was done by detectives.

20 Q Okay. No doubt about it, though, this was the cell phone
21 you collected?

22 A This is the same phone. Yes.

23 Q Once again, your main job was the collection of the
24 evidence?

25 A Yes, sir.

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1 Q Now, you told us earlier that you moved in a clockwise
2 fashion from kitchen to the living room? I believe you said
3 next you went into this hallway area.

4 A Yes.

5 Q What was in this hallway?

6 A On the floor in the hallway, the first thing you noticed
7 was a, was like a piece of black duct tape. It was long and
8 stretched out, appeared like it had been used.

9 Q Allow me to show you State's 51, 52, 53, 54, 55, 56, 57
10 and 58.

11 MR. WILSON: No objection, Your Honor.

12 THE COURT: All right. State's Exhibits 51 through 58
13 admitted into evidence without objection.

14 (Whereupon, State's Exhibit 51 through 58 [Photographs]
15 admitted into evidence and appropriately marked.)

16 MR. RICHARDSON: And Your Honor, at this time, I'd just
17 ask Detective Martin if he can identify, take a look at them
18 real quick so he can identify them for us.

19 THE COURT: All right.

20 A They're all photos from the hallway. This one is
21 actually from the living room area. Number, Number 58's from
22 the living room. 51, 2, 53, 54, 55, 56 and 57 are from the
23 hallway area.

24 Q Okay. Well, let's start off with the hallway area.

25 A Okay.

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1 Q 51 and 52, can you tell us from where that photograph was
2 taken?

3 A Standing from in the kitchen area looking into the
4 hallway which goes towards the bedrooms.

5 Q Okay. And anything else other than the tape in, in the
6 hallway? Is it just a hallway or --

7 A There's a washer and dryer, a shelving area for where
8 laundry detergent's stored. There's a cabinet which sits in
9 the -- also in the hallway. It's one of those cabinets that
10 would be over a toilet, but it's just in the hallway set up as
11 a shelving unit. On the floor there's some items kind of
12 strewn about like it's a first-aid kit, and then there's the
13 tape.

14 Q Okay. And we'll come back to the tape in a minute, but
15 the marker number eight in State's Number 52, once again,
16 that's an evidence marker?

17 A That is evidence marker eight, and it is indicating the
18 black tape that I just spoke about.

19 Q Okay. And up on top of the washing machine --

20 A Yes.

21 Q -- what is that?

22 A I believe it's like a -- just a miscellaneous bag. It
23 didn't appear to be of any part of anything. It was, again,
24 had some just maybe some tools or something in it.

25 Q Okay. And so we see the tape, and you said you did

1 collect the tape?

2 A We did. Yes.

3 Q How about on State's 53 and 54, what do we see?

4 A In 53 and 54, we're looking at the shelving unit that's
5 above the washer. It's actually the washer. You can see some
6 laundry detergents, but also you see a roll of black duct
7 tape. It has the same gloss and look of the tape that was
8 indicated on the -- we found on the floor, and it is marked
9 with marker nine, which we had noticed it following the last
10 one, which was eight.

11 Q Okay. And that roll of tape was it collected?

12 A It was.

13 Q As we look at 55 what do we see in there?

14 A 55, we're looking at the opened up bathroom cabinet
15 that's sitting out in the hallway area. It's a white cabinet,
16 and all the doors are open. Looks like there are toiletry
17 items. There's hair gel and some Q-tips and stuff like that
18 in it, but all the doors are open.

19 Q Okay. And is there a spot?

20 A There is a spot. It's a little hard to see on this
21 distant shot, but as you get close up, there's a spot of red
22 sitting on the, on the cabinet door, the upper cabinet. On
23 the lip there's some red.

24 Q So let's look at 57 and 58. I'm sorry, 57 and 56, I
25 believe.

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1 A 57 and 56 are photos of that red spot. It's a red color,
2 appears to be blood.

3 Q Okay. Could you tell how fresh it was?

4 A It looked, looked fairly fresh, and it was slightly
5 smeared, also.

6 Q Okay. And finally 58.

7 A Number 58 is a -- has a marker number seven. It is black
8 duct tape which we found used to secure the wires of the fish
9 tank in the living room area. The black duct tape had -- was
10 wrapped up around the wires to keep them secure so they
11 wouldn't fall down, probably, into the fish tank, but it had
12 the same gloss and look as the duct tape that was found on
13 both the shelf and on the floor in the hallway.

14 Q So it appeared similar in nature to that on the --

15 A Yeah. The same, to be the same type what we could tell
16 at that moment.

17 Q Was that collected as well?

18 A It was also peeled off and collected. Yes.

19 Q Okay. The tape that you collected, did you send it off
20 forensically to be analyzed?

21 A We did not.

22 Q Did you attempt to fingerprint it in any way?

23 A We did. We actually fumed it with superglue, which if
24 there's prints on something will make them harder. So when
25 you actually do work on the item they don't just wash off.

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1 Tape's a little -- because it's sticky, it's already got --
2 it's already a little combative. You just can't put dust on
3 it because all it would be is dust. There's a method using
4 WetWop it's called, and you put down -- it's like a black
5 substance in water, and if there is fingerprints that are very
6 prominent, they'll show up on the tape. Tape in general is
7 not that good for fingerprints, and we did not locate any on
8 it.

9 Q Okay.

10 A There was quite a bit of hair from the tape on the floor
11 most likely from the dog, and the house had some disorder and
12 probably hadn't been cleaned recently.

13 Q Did you notice anything about -- I mean, did you send any
14 of the hairs off or anything?

15 A We did not.

16 Q Okay. And have you sent hairs off in the past?

17 A We have.

18 Q Okay. What do you need when you send hair off?

19 A You need the -- going down all the way to the cuticle.

20 Just the top of the hair doesn't really have your DNA
21 information. It's -- if it's plucked out you'll see the bulb
22 it's where -- that's where your DNA'll be.

23 Q Root ball?

24 A Root ball. Yes.

25 Q Did you see any of those while looking at the tape?

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1 A I did not. It was mainly just, just hair that you'd find
2 in your house.

3 Q Just loose hairs is what it looked like?

4 A Yes. A lot of dog hair.

5 Q State's 103, 104 and 105.

6 MR. WILSON: No objection, Your Honor.

7 THE COURT: All right. State's Exhibits 103, 104 and 105
8 admitted into evidence without objection.

9 (Whereupon, State's Exhibit Number 103 [Black Duct Tape],
10 State's Exhibit Number 104 [Black Duct Tape, shelf, roll] and
11 State's Exhibit Number 105 [Black Duct Tape, aquarium]
12 admitted into evidence and appropriately marked.)

13 Q Take a moment to open those up, Detective Martin, please,
14 sir.

15 A Okay.

16 Q You got them open, Detective?

17 A I do. Yes.

18 Q Great, great. Let's go first with State's -- is it 102?

19 A 104, 103, 105.

20 Q Okay. Well, let's look at 103 first. We'll go in
21 sequential order.

22 A Okay.

23 Q What do we see in State's 103?

24 A 103 is the --

25 MR. RICHARDSON: I believe these are in evidence, Your

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1 Honor, if I may publish them?

2 THE COURT: Right.

3 A Yeah. This is the black duct tape that was collected
4 from the floor in the, in the hallway. It's stretched out,
5 and it's kind of a sticky mess right now because it's duct
6 tape.

7 Q And it's been wadded up.

8 A And it has been wadded up, and wadded up to try to
9 process it.

10 Q The photographs that the jury's got right now, would that
11 depict how you actually found the duct tape?

12 A It would. Yes.

13 Q What condition was it in when you found it?

14 A It was very long and just kind of wrapped up in itself.

15 Q Okay. Was it -- did it appear to be torn in any way?

16 A No. It was just like stretched.

17 Q Stretched a little bit?

18 A Yeah.

19 Q Okay. And I believe, and of course, you've got latex
20 gloves on here.

21 A Well, it's --

22 Q Okay. And we see some hairs in there?

23 A Yes. Some of them are actually strings of the duct tape.
24 When duct tape starts to wear, it'll get -- it looks almost
25 like hair but it's, it's not. It's a form of -- just the

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1 stretched duct tape.

2 Q Okay. Did you find any skin or anything on this duct
3 tape?

4 A We -- I did not observe any. It was very -- it was very
5 messy.

6 Q Did you observe any blood on the duct tape?

7 A No. We did not see any blood.

8 Q No blood. Let's go on to the next, 104.

9 A 104. 104 is the duct tape that was collected from the,
10 the shelf in the hallway area. It appears like it's got a
11 clean, clean -- a rip.

12 Q A clean rip. Did you try and fingerprint this?

13 A We did not.

14 Q Did not. Okay. Would that have been a good surface for
15 fingerprinting or not?

16 A It would not be. It's, it's got some ridges and stuff.
17 It's, it's not a flat system.

18 Q Okay. So it wouldn't -- fingerprints wouldn't adhere to
19 it well.

20 A Yes.

21 Q And finally, State's 105.

22 A 105 is the duct tape collected from the aquarium power
23 cord, and it was just secured to a plastic sheet.

24 Q Used to tie up some wires?

25 A It was used for wires. Yes. We just took it so we could

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1 see if it matched the edges. Since the tape was so ripped up,
2 it was hard to tell if it matched that.

3 Q Okay. But as far as the significance of the tape that
4 was on the back of the aquarium, what, what significance was
5 it?

6 A It has the exact same look and sheen and quality as the
7 duct tape that was on top of the bathroom shelf.

8 Q Okay. Have you had the opportunity to encounter duct
9 tape before?

10 A Yes.

11 Q What color do you typically encounter?

12 A It's usually the gray normal duct tape.

13 Q Now, that blood smear that you said -- I think you said
14 it might be a blood smear?

15 A Yes.

16 Q Did you do anything with that?

17 A I believe we did not.

18 Q All right. Now, let's move to -- I believe we called
19 them bedrooms one and two.

20 A Yes.

21 Q One and two, and this is right behind the laundry area?

22 A It -- yes. The laundry area feeds into -- it borders the
23 same wall as bedroom one. It was more of a storage room.
24 There was actually no bedding in it. It was tools, pieces of
25 just random equipment, storage.

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1 Q Allow me to show you State's Number 59.

2 MR. WILSON: No objection, Your Honor.

3 THE COURT: State's Exhibit Number 59?

4 MR. RICHARDSON: Through 62, Your Honor.

5 THE COURT: 59 through 62, any objections?

6 MR. WILSON: No objection, Your Honor.

7 THE COURT: All right. State's Exhibits 59 through 62
8 admitted into evidence without objection.

9 (Whereupon, State's Exhibit Numbers 59 through 62
10 [Photographs] admitted into evidence and appropriately
11 marked.)

12 A Okay. Okay.

13 Q Do you recognize these photographs?

14 A I do. They are the photographs taken of the two
15 bedrooms. 59's an exterior shot of the, the storage area or
16 bedroom one. The other one is a photograph of the -- from the
17 outer door and the inner area of bedroom two, which based on
18 items that were found in the bedroom, including some paperwork
19 and stuff, it's believed to be Tommy Hatfield's bedroom.

20 Q Okay. Now, in these -- you did a search of these rooms?

21 A We did.

22 Q In State's Number 59 you said that's bedroom one.

23 A Yes.

24 Q Okay. In your experience in law enforcement have you had
25 the opportunity to investigate burglaries before?

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1 A Yes.

2 Q Are you familiar with the term tossed?

3 A Yes.

4 Q What does that mean?

5 A It means that pretty much things are just ripped out,
6 things, people go to places they think they'll store something
7 with money. They'll pull things off shelves because people
8 keep safes up on shelves. They'll pull out drawers, usually
9 lift up beds because people keep guns under beds. Mainly, you
10 know, most people keep stuff in the same space and someone
11 tosses they'll look for the things in the places that most
12 people keep them.

13 Q Okay. And in looking at State's Number 59, 60, 61, 62,
14 these bedrooms looked tossed in your experience?

15 A In 59 one of the drawers is slightly opened. This is the
16 bedroom one. It doesn't seem like things were brought out.
17 One drawer is still shut. There's items in the room which no
18 one I believe would have any value for but, no, the first room
19 does not appear to be just completely tossed.

20 Room 60 is Mr. -- we believe Mr. Tommy Hatfield's
21 bedroom. That is bedroom two, which is on the far, far bottom
22 edge of the -- yes, the far bottom edge there. All of his
23 drawers are still shut onto his long dresser, and his bed is
24 still made perfectly and there's -- the bedding's not tossed
25 up, and in picture 62, there's a small dresser, a bedside

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1 dresser. It's not opened. In the closet, there were still
2 things up in the closet, nothing been pulled down.

3 Q Okay. So, this bedroom didn't look tossed.

4 A It did not look, no.

5 Q And you said bedroom one had one open drawer?

6 A One open drawer in like a filing type cabinet. There
7 wasn't a whole lot in that room.

8 Q Okay. And do you remember looking in that drawer?

9 A We did.

10 Q And you said it didn't look like anything had been pulled
11 up out of it?

12 A No. It was actually packed pretty full.

13 Q Packed pretty full?

14 A Yeah. With the paperwork, miscellaneous items that
15 people keep.

16 Q Junk room?

17 A Junk.

18 Q Okay. So it didn't look like room one or room two had
19 been tossed. Let's go back in the living room one more time.
20 I believe we looked at some photographs, and there was a pill
21 bottle?

22 A Yes.

23 Q Do you remember what kind of pills they were?

24 A I don't. I believe my photograph may have caught the
25 type. I do not know. No.

1 Q In your experience in investigating burglaries and
2 robberies, have prescription medications been the target of
3 robberies before?

4 A Numerous, yes.

5 Q And this is a big old pill bottle still there?

6 A Yes. And it still had items in it.

7 Q Would that be something of value?

8 A Pills usually on the street have a pretty good value.

9 Yes, sir.

10 Q Pretty good value. They're still there.

11 MR. WILSON: Objection, Your Honor. Motion to strike the
12 last statement.

13 THE COURT: Overruled. I think he testified.

14 MR. WILSON: Not, not the witness's statement, Judge.

15 THE COURT: I know, but he was just repeating what the
16 witness said that they were still there.

17 MR. WILSON: Thank you, Your Honor.

18 MR. RICHARDSON: The Court's indulgence, Your Honor.

19 THE COURT: All right.

20 BY MR. RICHARDSON:

21 Q Let's go into the side away from Red Bluff Road.

22 A Okay.

23 Q I think we agreed we'd call this the --

24 A Master bedroom.

25 Q Master bedroom.

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1 MR. RICHARDSON: For the record, Your Honor, State's 63,
2 64, 65, 66, 67, 68, 69, 70 and 71.

3 MR. WILSON: No objection, Your Honor.

4 THE COURT: All right. State's Exhibits 63 through 71
5 admitted into evidence without objection.

6 (Whereupon, State's Exhibit Numbers 63 through 71
7 [Photographs] admitted into evidence and appropriately
8 marked.)

9 MR. RICHARDSON: The Court's indulgence.

10 BY MR. RICHARDSON:

11 Q As we look at State's 63 through 71, can you take a look
12 at those momentarily?

13 A Yes. Yes, sir.

14 Q Okay. And those photographs 63 through 71, can you tell
15 us what we're looking at?

16 A We're looking at the master bedroom area which sits on
17 the far left side of the property. There also is a shot of
18 the bathroom which sits off of the master bedroom. It's the
19 master bedroom's bathroom.

20 Q Okay. And these are the photographs you took that
21 morning?

22 A They are.

23 Q So let's go through them one at a time.

24 A Okay.

25 Q 63, what are we seeing?

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1 A 63, we're looking from the doorway into the master
2 bedroom. We're looking at the bed frame and the bed. There's
3 items on top of the bed frame, look like collectibles like
4 those little round Coke bottles that they give out at
5 Christmas and some -- two beer steins or there's three beer
6 steins in that area.

7 Q Those items looked disturbed in any way?

8 A No. They do not.

9 Q And here on State's 89, this is the door we're talking
10 about leading into the bedroom?

11 A Which one are you pointing at? I'm sorry. Yes. That is
12 the door.

13 Q Okay. So it comes -- the hallway walks right back into
14 the door?

15 A Yes. If you were sitting at the kitchen, when you look
16 straight down, you can see into both the master bedroom and
17 the -- Tommy's bedroom, too.

18 Q Okay. And as you enter that bedroom, on your sketch, is
19 the bed about situated on the sketch as it was in that room?

20 A It is. The bed faces with the headboard facing the
21 roadway, which is at the bottom there.

22 Q And, of course, the pictures would accurately --

23 A Yes.

24 Q -- depict those. As we look at State's 64, where are we
25 looking? I'm sorry, 64 and 65, where are we looking?

1 A 64 and 65, as you step into the room they're looking
2 towards the top of the house in that picture. I believe
3 that's east. They're looking toward the edge of the bed and
4 towards the bathroom door, which is the, the bathroom off the
5 master bedroom.

6 Q Those items down in the bottom right here where my thumb
7 is --

8 A Okay.

9 Q -- on 64 and on 65, I believe they appear to be blue.

10 A It's a blue towel. The first picture it doesn't show up
11 with the picture, but when lighted you can see in the second
12 shot it's a blue common bathroom towel.

13 Q So there's some towels down on the floor?

14 A Yes.

15 Q 66.

16 A 66 is a view while you're standing in the master bedroom
17 looking straight into the bathroom off that bedroom.

18 Q Okay. So that's the bathroom that's attached?

19 A Yes.

20 Q And 67?

21 A 67 is a view when you're sitting at the corner looking
22 toward the door which goes towards the kitchen area. So it's
23 looking the opposite way if you were standing from the
24 kitchen. You're standing looking at all the items on top of
25 the, the bedpost and then the bed, also.

1 Q Okay.

2 A You can still see, as in the ones I indicated before, the
3 two Christmas Coke bottles which are round and the two beer
4 steins.

5 Q Okay. And 68 and 69.

6 A 68 and 69 are just different views of the corners. One
7 is looking from the doorway, and there's a television that
8 looks over the bed. The television is on at that point, and
9 you can see a dresser, and then the opposite is similar to the
10 last picture where you're now in -- it'd probably be easier if
11 I'd show them with there, but you're in the corner of the
12 bedroom looking toward the bathroom door.

13 Q Okay. So the corner of the bedroom?

14 A Right there and you'd be looking toward the bathroom
15 door. In that previous picture, you would be standing in the
16 doorway of the -- and looking toward the opposite corner,
17 which there's a TV.

18 Q Okay. So both, both times you're looking kind of caddy-
19 corner to the back?

20 A Caddy-corner, covering the room. When we do photos we --
21 it's hard to get a -- usually a straight on picture because
22 there's usually furniture, but corners of the room usually you
23 can stand in and get a shot of the whole room if you do the
24 four corners.

25 Q Okay. Down at the bottom of the bed --

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1 A Yes.

2 Q -- towards your left hand --

3 A Okay.

4 Q -- we see some items there. What are we seeing?

5 A In this picture there's a white bra and some black female
6 underwear.

7 Q Let's look on to the next two photographs, the yellow
8 markers on State's --

9 A Number 10 and Number 11. Number 10 is the marked black
10 female underwear, and the 11 is the white bra.

11 Q Okay. And that's on State's 71 and 70?

12 A Yes.

13 Q And did you collect those items?

14 A Both items were collected.

15 Q State's 106 and 107, if you could just take a look at
16 those, see if you can identify them.

17 A Item 106 is the white, white bra that was collected on
18 that date.

19 Q Okay.

20 A Do you want them in?

21 Q Now, no doubt about it this is the white bra that you
22 collected on that date?

23 A Yes.

24 Q And this is the condition in which you found it?

25 A It is.

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1 Q Has this been altered in any way?

2 A No.

3 Q And you found it down at the foot of the bed?

4 A Yes.

5 Q Can you point out to the jury any tearing that you see on
6 the bra?

7 A It's more a straight cut right here in the front.

8 Q In your experience what does that denote, if anything?

9 A Looks more like a, like a cut.

10 Q Looks like it's been cut?

11 A Maybe with scissors or a knife or something.

12 Q Okay. Still hooked in the back?

13 A It is still -- it's hooked with one, one of the, the
14 clasps.

15 Q Okay. And this is the condition you found it?

16 A It is.

17 Q Picked it straight up off the bed?

18 A Yes. And collected it into a bag.

19 Q No doubt about it it was in the bedroom?

20 A Yes. At the foot of the bed.

21 Q How about State's 107?

22 A Oh, sorry.

23 MR. RICHARDSON: And Your Honor, the State would seek to
24 move 106 into evidence.

25 THE COURT: Any objection?

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1 MR. WILSON: Without objection, Your Honor.

2 THE COURT: State's Exhibit 106 admitted into evidence
3 without objection.

4 (State's Exhibits 106 [White Bra] admitted into evidence
5 and appropriately marked.)

6 A Okay. 107 is the black female underwear or panties.

7 Q Okay. And these items they were also found at the foot
8 of the bed?

9 A They were.

10 MR. RICHARDSON: The State would seek to move 107 in,
11 Your Honor.

12 THE COURT: Any objection?

13 MR. WILSON: No objection, Your Honor.

14 THE COURT: State's Exhibit 107 admitted into evidence
15 without objection.

16 (State's Exhibits 107 [Black Panties] admitted into
17 evidence and appropriately marked.)

18 BY MR. RICHARDSON:

19 Q This is the condition in which you found them at the foot
20 of the bed?

21 A They are.

22 Q Okay. And there appears to be some material on them.
23 Any analysis done on, on these?

24 A No.

25 Q Okay. Could you tell what that -- what that stuff was at

1 all?

2 A No. It had a crust to it.

3 Q No doubt about it, though, it was found at the foot of
4 the bed?

5 A The foot of the bed. Yes. Well, right next to the
6 female bra.

7 Q Okay. On top of it?

8 A On -- yes.

9 Q Now, in searching the house did you find any women's
10 undergarments here in the living room?

11 A No.

12 Q Or in the kitchen?

13 A No.

14 Q Any of the other bedrooms?

15 A No.

16 Q The only two items you found were back in the bedroom?

17 A Yes.

18 Q The master bedroom. Now, were there any other items that
19 were taken from the house that we haven't seen a photo of
20 inside the house?

21 A There was some sheets taken from the master bedroom.
22 There was a fitted sheet and the cover sheet. They were both
23 collected. I'd have to look at my list.

24 Q Analyzed?

25 A They were not.

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1 Q Did you take any items to look at fingerprints?

2 A We took a -- the door that went into the master bedroom.

3 There was a dark substance which had a reddish ting looked

4 like maybe it might be blood. There was a fingerprint, a

5 patent fingerprint actually pressed on it. I collected the

6 actual full door. It was a very odd spot of the door. It

7 would have been hard to fingerprint the liquid right there.

8 So I took the door back to the lab. Then we processed it

9 there. It turned out that it was more of a red grease, and it

10 appeared like it had been there a while, and it wasn't a -- it

11 wasn't quality we could use for fingerprint analysis anyway.

12 Q Okay. So you couldn't use it for fingerprint analysis.

13 A No.

14 Q Wasn't blood?

15 A It wasn't blood. No.

16 Q It was old?

17 A Yes. It was hardened.

18 Q And you took it because the door was located where, the

19 grease or --

20 A It was on the, it was on the edge of the door, and to try

21 to fingerprint it that there would have been pretty tough. So

22 it was just much --

23 Q It was where the hinges are?

24 A It was -- yeah. It was -- yes. It was actually, I'd

25 have to look -- show the picture, but yes. It was near the

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1 door edge.

2 Q Okay. How about outside the house? Did you photograph
3 any other items?

4 A Just the, the blue sock. That was the only other item
5 that we photographed.

6 Q Were there any vehicles on scene?

7 A There was a -- it was the vehicle that was registered, I
8 believe, to Mr. Amos Hatfield. It was a Pontiac.

9 MR. WILSON: No objection, Your Honor.

10 A I believe it was a Pontiac Grand Am.

11 MR. RICHARDSON: State's 72 and 73.

12 A Okay. Which was also included on the search warrant.

13 Q Did you search through that vehicle?

14 A We did.

15 MR. RICHARDSON: The State would seek to introduce 72, 73
16 into evidence, Your Honor.

17 THE COURT: All right.

18 MR. WILSON: Without objection, Your Honor.

19 THE COURT: State's Exhibit 72 and 73 admitted into
20 evidence without objection.

21 (State's Exhibit Numbers 72 and 73 [Photographs] admitted
22 into evidence and appropriately marked.)

23 BY MR. RICHARDSON:

24 Q Did you find anything of any evidentiary value in that
25 Pontiac Grand Am?

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1 A No. It was actually very clean. There was no blood or
2 weapons or anything found.

3 Q Okay. Now, later on that day, did you, did you do
4 anything else with regard to this particular investigation?

5 A I, I attended the post examinations at Grand Strand
6 Regional for both Mr., both Mr. Hatfields.

7 Q Okay. And before we get into the -- when you say post,
8 the autopsies?

9 A Autopsy, yeah.

10 Q Let me show you State's 90 for identification.

11 A It's upside down. Yeah. Okay.

12 Q This -- what is State's 90?

13 A State's 90 is the same pictures you've shown before, but
14 with it I've added a legend of where the items were collected
15 from the scene, each with a corresponding number. It's not to
16 scale, but it's approximately the locations they were found.

17 MR. RICHARDSON: The State would seek to introduce 90
18 into evidence, Your Honor.

19 THE COURT: Any objection?

20 MR. WILSON: Judge, without objection.

21 THE COURT: State's Exhibit 90 admitted into evidence
22 without objection.

23 (State's Exhibit Number 90 [Poster] admitted into
24 evidence and appropriately marked.)

25 BY MR. RICHARDSON:

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1 Q So, basically the only difference is all the evidence you
2 collected at the scene, physical evidence, not photographed,
3 but all the physical evidence, you actually denote where it's
4 taken from?

5 A Yes, sir.

6 Q Now, when you got to the autopsy that was done, both Amos
7 and Tommy both done at Grand Strand?

8 A They were both done at the -- within the -- within an
9 hour there at Grand Strand Regional in their morgue.

10 Q And do you remember who performed the autopsy?

11 A It was Dr. Proctor and, I believe, his assistant. I'm
12 not sure of Leroy's last name, but Leroy.

13 Q And during the course of the autopsy what, what were your
14 duties?

15 A I was -- photographed. I collected the victims'
16 clothing. I took any of the evidence that was collected, and
17 then photographed the bodies after their clothes were removed
18 to, you know, denote any -- if there were any additional
19 wounds and then any evidence collected from.

20 Q First of all, allow me to show you what will be marked
21 as State's 108.

22 A I don't want to mix these up. Okay. 108 is a black in
23 color item that was collected from Thomas Hatfield's head. On
24 his head there was a second wound located when he was moved
25 which had kind of like a laceration. Underneath that wound

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1 almost imbedded into the skull was a black substance, and I
2 can open it if that would --

3 Q Certainly.

4 A You want --

5 Q Certainly.

6 A Yeah. Okay. Yeah. Okay. It'll just take me a second.
7 Okay. I got it.

8 Q Okay.

9 A You can see it's got a black and then some slight
10 whiteness to the top of it.

11 Q Did you identify what this item was?

12 A We did not.

13 Q And you witnessed Dr. Proctor remove that from Thomas
14 Hatfield's skull?

15 A Yes.

16 Q And how can you be sure this is the same piece of
17 property you saw Dr. Proctor remove?

18 A After I collected I put it in that box right there,
19 sealed it with tape, and every time it's been looked at it's
20 been resealed.

21 Q Other than sealing it with tape, did you make any
22 markings or any --

23 A I, I initial and date it. It's probably hard to see the
24 initialed ones. It's been taped over several times, but yes.

25 Q And what's the purpose of that taping?

1 A It's to prove custody, to show that I'm the one that
2 opened it and I'm the one who shut it.

3 Q Okay. Once you -- you took this item from Dr. Proctor,
4 what did you do with it?

5 A I took it to Horry County property and evidence, entered
6 it into evidence.

7 Q Okay. And how, how are evidence -- evidentiary items
8 secured at the Horry County Police Department?

9 A We have a video lot that's secured with I think it's
10 maybe a 12-foot fence with barb wire around it, and that's
11 video, and it's only access to law enforcement and with key
12 cards.

13 Q Okay. And key cards, when you say -- does everybody in
14 law enforcement have a key card?

15 A Only people that would have a reason to be in property.
16 This evidence would be stored where only people who have --
17 are actually property and evidence or crime scene
18 investigators are stored.

19 Q As a matter of a fact at this time you're not with crime
20 scene anymore?

21 A No. I'm not.

22 Q Do you have a key card to get back there now?

23 A I, I do not.

24 Q You got to get permission?

25 A I do.

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1 Q It's a pretty secure area?

2 A Yes.

3 Q So not a doubt in your mind that this is indeed the item
4 that you collected at autopsy?

5 A Yes.

6 Q And you got that from Dr. Proctor?

7 A Yes, sir.

8 Q Allow me to show you State's 109.

9 MR. RICHARDSON: Your Honor, the State would seek to
10 introduce 108 into evidence.

11 THE COURT: Any objection?

12 MR. WILSON: Your Honor, the only concern is -- actually,
13 I don't have a problem with marking it for identification,
14 having Dr. Proctor come in and testify that he actually gave
15 this item as he recalls that. That would be a pure chain,
16 Judge.

17 MR. RICHARDSON: I can -- I will establish that chain,
18 Your Honor. However, I do believe the foundation is
19 sufficient. The detective said that he saw Dr. Proctor remove
20 it from his head and he took it immediately.

21 THE COURT: All right. I'll go ahead and admit it into
22 evidence over Defendant's objection.

23 MR. WILSON: Thank you, Your Honor.

24 THE COURT: Thank you.

25 (Whereupon, State's Exhibit Number 108 [black in color

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1 item that was collected from Thomas Hatfield's head during
2 autopsy] admitted into evidence and appropriately marked.)

3 A You might want to have this numbered. There's two
4 projectiles.

5 Q Okay. It should be --

6 A 109 is one of them. You might -- well --

7 REPORTER: Can I put A and B?

8 MR. RICHARDSON: Yes, ma'am. That's fine.

9 REPORTER: It's 109; right?

10 MR. RICHARDSON: 109 A and B.

11 A Make A Amos for A. Amos is A and Tommy's B. Okay.

12 Q All right. You have in your hands State's 109 A and B.

13 A Yes, sir.

14 Q Can you identify State's 109 A?

15 A 109 A is the bronze in color projectile that was removed
16 from Amos Hatfield's skull during autopsy.

17 Q And you witnessed this being removed?

18 A I did.

19 Q And you took this into your possession?

20 A At that time Dr. Proctor passed it to me. It was washed
21 off, handed to me where it was sealed in this box.

22 Q Okay. And after it was sealed in the box, did you do
23 anything to secure?

24 A I did. Like the other item, it was secured with Horry
25 County evidence tape and initialed and dated.

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1 Q Okay. And what was the purpose of doing all that?

2 A To keep it secure and show that I'm the one that, the one
3 that opened it and closed it.

4 Q Okay. And then you -- whenever you left it -- it never
5 left your possession?

6 A Not until it went into property and evidence where it was
7 secured.

8 Q And that's, once again, goes into where only a few people
9 have a key card access?

10 A Yes. At the Horry County evidence lot where it's secured
11 in our -- the video, videoed facility.

12 Q The same reason the seal's there, so you can tell if it's
13 tampered with?

14 A Yes.

15 Q Tamper evidence sealed?

16 A Yes. Any sort of movement and it'll be ripped and you'll
17 -- it'll be opened and it'll show that it's not sealed.

18 Q If that's ever taken out of evidence, what steps are
19 taken?

20 A If it's taken out of evidence, like to be reviewed, it's
21 pulled out, reviewed, and then it is, again, taped before
22 being returned to evidence, initialed by the person that
23 opened it and is sealing it back up.

24 Q But no doubt about it, that is the item, the item 107

25 [sic] A is the one --

1 A 109.

2 Q -- that you got out of --

3 A 109.

4 Q I'm sorry, 109 A was the item that you saw Dr. Proctor
5 remove from --

6 A Amos.

7 Q -- Amos's head?

8 A Yes.

9 Q Let's look at B.

10 A 109 B is the bronze in color projectile removed from
11 Thomas Hatfield's skull during the autopsy. It's a similar
12 bronze, and actually it's kind of broken into two pieces.
13 There's the initial projectile, and part of the casing had
14 broken off, but was collected during the autopsy, also.

15 Q Okay. And the same procedure on collection of that?

16 A Yes. It was collected, placed in the box and sealed.

17 Q Okay. Okay. And then upon sealing, took it back to the
18 Horry County evidence?

19 A Took it back to Horry County evidence where it was
20 entered into property and evidence. There's crime scene or,
21 I'm sorry, evidence tape which is signed and dated on the box,
22 also.

23 Q Are there numbers or anything assigned to that type of
24 evidence for tracking purposes?

25 A For our tracking purposes, it's the Horry County case

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1 number and then 001, 002 depending on how it's entered into
2 our, our, RMS, which is our record management system.

3 Q Do you know the evidence numbers on those?

4 A The projectile from Thomas Hatfield is number 24, and the
5 one from Amos Hatfield is number 30.

6 Q So that's how you track items?

7 A It's how we can -- they're actually -- if they're taken
8 out by a detective or given to somebody like SLED, they are
9 logged out of the system. They have a bar code. They're
10 scanned by our property evidence girls, and they log -- it's
11 given to Detective Martin for transport to SLED or given to
12 Detective Martin like today to bring to court so they can keep
13 track where the item is, and then when they go put it in
14 property and evidence they'll scan it and say, "Taken to
15 property shelf MU5, murder five."

16 Q What would be the purpose for taking it to SLED?

17 A We do not have on-site ballistics analyst. So we would
18 take those items, which they were taken to SLED.

19 MR. RICHARDSON: Your Honor, subject to foundation, the
20 State would seek to introduce 109.

21 THE COURT: Any objection?

22 MR. WILSON: Your Honor, subject to foundation, no
23 objection.

24 THE COURT: All right. State's Exhibit Number
25 109 admitted into evidence without objection.

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1 (Whereupon, State's Exhibit Number 109 A and B
2 [Projectiles] admitted into evidence and appropriately
3 marked.)

4 BY MR. RICHARDSON:

5 Q All right. Getting in the short rows. I'm showing you
6 State's 74, 75, 76, 77, 78, 79.

7 MR. RICHARDSON: Your Honor, once again, that's 74
8 through 79.

9 MR. WILSON: No objection, Judge.

10 THE COURT: State's Exhibits 74 through 79 admitted into
11 evidence without objection.

12 (State's Exhibits 74 through 79 [photographs] admitted
13 into evidence and appropriately marked.)

14 BY MR. RICHARDSON:

15 Q Quickly, if you could look through that Detective Martin.

16 A Yes, sir.

17 Q Can you tell us what we're looking at in 74 through 79?

18 A During the course of the investigation, the morning of
19 the incident, approximately it was seven a.m., a vehicle was
20 called in to be found on fire in the Freemont Road area of
21 Longs, which is just a short distance away from the incident
22 location. The car was completely engulfed. Fire went out,
23 and also because the -- we had a belief that a vehicle was
24 taken from the scene, our detectives responded. It was found
25 to be a Kia. On initial look, it was impossible to tell any

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1 sort of identifiers like a tag or anything. So the vehicle
2 was towed to our Horry County evidence lot, which is the same
3 lot that the other evidence is secured at.

4 Q Were you ever able to, to search that vehicle and find
5 out any particular ID numbers?

6 A I did. Basically because we didn't know who the owner of
7 the vehicle was because initial view you couldn't read a VIN
8 number or a tag number, a search warrant was obtained. Then a
9 full search was done of the vehicle where the trunk was
10 opened, and during that search, a VIN was located, a VIN plate
11 was located, secured on the vehicle's engine, which is
12 something so they can go and check if such as this, a car is
13 burned, we can maybe identify it, and the VIN plate's very,
14 very clean, and it showed the VIN.

15 Q Were you able to identify the owner of the vehicle?

16 A The vehicle owner was actually Kia. I believe the Kia
17 company, the Kia organization.

18 Q Kia of Myrtle Beach?

19 A Kia of Myrtle Beach. Yes.

20 Q And did you get anything of forensic value from this
21 vehicle?

22 A It was completely destroyed. There were no seats, no
23 shift handles. There was no ignition plate to tell if the
24 ignition was keyed with an actual key or ripped out and wires
25 plugged together. Everything was destroyed in the vehicle.

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1 There was no tires, no windows, no door handles.

2 Q Okay. And do you know where the, where the vehicle was
3 located?

4 A I did not go to that scene. I just know it was in the
5 Freemont Road area.

6 Q And with relation to Tabor City and Loris, where is
7 Freemont?

8 A It'd be pretty much between them.

9 Q Right in between them?

10 A Yeah.

11 Q So this actually depicts what you saw?

12 A Yes.

13 Q Let's move on.

14 MR. RICHARDSON: The State would move those into
15 evidence, Your Honor.

16 THE COURT: 74 through 79 is the last I have.

17 MR. RICHARDSON: Yes, sir. Let me make sure of the
18 numbers. Yes, sir.

19 BY MR. RICHARDSON:

20 Q Finally, State's 80 through 88.

21 MR. WILSON: No objection, Your Honor.

22 THE COURT: State's Exhibits 80 through 88
23 admitted into evidence without objection.

24 (State's Exhibit Numbers 80 through 88 [photographs]
25 admitted into evidence and appropriately marked.)

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1 A Okay.

2 Q As they're admitted into evidence without objection,
3 Detective Martin, if you could just identify what we're
4 seeing?

5 A It was a red in color Dodge Neon that was searched in
6 North Carolina. I believe I searched it -- I think it was the
7 next day or a couple of days later.

8 Q Where at in North Carolina?

9 A Tabor City.

10 Q Tabor City, North Carolina.

11 A It was out, it was out, outside their police department
12 in their, their parking lot.

13 Q Their impound lot?

14 A Their impound lot.

15 Q And were you able to identify who that vehicle belonged
16 to?

17 A I believe it owned to a Coteara, Coteara Maria Todd out
18 of Tabor City.

19 Q And you examined that vehicle; correct?

20 A Yes.

21 Q And these pictures are a fair and accurate depiction of
22 the vehicle?

23 A They are.

24 Q Now, could you -- you remember what kind of vehicle this
25 is?

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1 A It's a Dodge Neon, an older model.

2 Q Dodge Neon, older model, four-door sedan?

3 A Four-door, yes.

4 MR. RICHARDSON: The State has introduced 80 through 88
5 in, Your Honor. Publish them to the jury.

6 THE COURT: All right.

7 BY MR. RICHARDSON:

8 Q Now, that, that Dodge Neon, as you searched it, do you
9 remember anything of significance about it?

10 A There was a lot of grass clippings, mainly junk items,
11 had a very strong smell of gasoline, no gasoline tanks or
12 anything located, but it emanated the entire time.

13 Q And where was that gasoline smell coming from?

14 A It originated from the trunk area, but there was -- it
15 was kind of open so you could smell throughout the car, but
16 the trunk is where it was strongest.

17 Q So the trunk of the car smelled strongly of gasoline.
18 Anything else of evidentiary value you found in that vehicle?

19 A No. I believe I took pictures of the ownership
20 paperwork, and that was it.

21 Q And that's depicted?

22 A In the photos. Yes.

23 Q Did you send any items off for DNA analysis from that?

24 A We did. I might have to look at the list. It was pretty
25 much everything that had -- was the blood swabs, the door. We

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1 took swabs of the door knobs at the house and the inner door
2 knob in case maybe someone had touched the door. We took all
3 those and sent them off.

4 Q Do you know if analysis was actually performed for any of
5 the DNA?

6 A I do not know. I was moved out of CSI a couple of months
7 after this. So I -- any follow-up would have been done by
8 other CSI.

9 Q Okay. The same thing with the rape kit or anything?

10 A Yes.

11 Q Did you ever find any fingerprints that were usable in
12 this?

13 A No. No. There was no fingerprints located that were
14 usable.

15 Q Detective Martin, thank you for your testimony. If
16 you'll answer any questions that Mr. Wilson may have.

17 THE COURT: Let's go ahead and take a break. Okay?

18 MR. WILSON: Yes, Your Honor.

19 THE COURT: All right. All right. Ladies and gentlemen,
20 we're going to take our break for the afternoon. Make sure
21 you leave your pads in the jury box. Leave any exhibits in
22 the jury box, and we'll give them back to you when you resume
23 the courtroom. Do not discuss the case even among yourselves
24 at this point in time. You can just leave everything right
25 there in the jury box.

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1 (Whereupon, the following takes place outside the
2 presence of the jury.)

3 THE COURT: All right. Anything from the State before we
4 recess?

5 MR. RICHARDSON: No, sir, Your Honor.

6 THE COURT: Anything from the Defense?

7 MR. WILSON: Nothing, Your Honor.

8 THE COURT: All right. Officer Martin, you're still in
9 the middle of your testimony. So you cannot discuss your
10 testimony with anyone, either what you've testified to thus
11 far or what you anticipate testifying to in the future. All
12 right?

13 A Yes, sir.

14 THE COURT: All right. Let's take about a 15-minute
15 break.

16 MR. WILSON: Thank you, Your Honor.

17 MR. RICHARDSON: Thank you, Your Honor.

18 THE COURT: Thank you.

19 MR. RICHARDSON: And I apologize for it going long.

20 THE COURT: No. That's all right.

21 MR. RICHARDSON: One day I'm going to figure out how to
22 do crime scene a lot quicker.

23 OFF THE RECORD

24 (On the record. The following takes place outside the
25 presence of the jury.)

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1 (Scheduling discussed.)

2 THE COURT: All right. Anything from the State before we
3 bring the jury back in?

4 MR. RICHARDSON: No, sir, Your Honor.

5 THE COURT: All right. Anything from the Defense?

6 MR. WILSON: Nothing, Your Honor.

7 THE COURT: All right. Let's bring the jury in.

8 (Whereupon, the following takes place in the presence of
9 the jury.)

10 THE COURT: All right. Ladies and gentlemen, welcome
11 back. We're ready to resume the trial of the case. Please
12 make sure you have your own notepads and no one else's. All
13 right. Mr. Wilson, cross examination.

14 MR. WILSON: Your Honor, if it please the Court?

15 THE COURT: Yes, sir.

16 CROSS EXAMINATION

17 BY MR. WILSON:

18 Q Good afternoon, Detective. How you doing?

19 A I'm good.

20 Q Let me first talk to you about -- when you came to the
21 scene, you actually did a, a gunshot -- let me back up. When
22 you came to the scene what was the first thing you did?

23 A The first thing I did was speak to the officers on the
24 scene.

25 Q Okay. And you spoke to them about whether or not the

1 scene was secure. Is that correct?

2 A Yes. Kind of the minor details, was there anyone inside,
3 what'd they see. From my view, I could see the female already
4 -- her legs sticking out of the car. So, you know, they told
5 me kind of what she had mentioned and from there.

6 Q Okay. All right. After that, how long before you got to
7 the or after you got to the scene did you actually go inside
8 of the residence?

9 A I got there at about 5:20, 5:15, 5:20, and went in about
10 seven. So almost an hour and 40 minutes. It took a -- to
11 find a judge at, you know, five in the morning on a weekend is
12 tough sometimes.

13 Q It's a tough thing. I know.

14 A Yeah.

15 Q Let me ask you a question. How many people actually
16 entered this crime scene to your knowledge?

17 A I'd have to look at the crime scene log.

18 Q Okay.

19 MR. WILSON: Your Honor, may I approach?

20 THE COURT: Yes.

21 MR. WILSON: Thank you, Your Honor.

22 BY MR. WILSON:

23 Q I apologize. Let me give it to Brad and look at it for a
24 second.

25 A Sure.

Jonathan Martin - Cross by Mr. Wilson

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1 Q I apologize. My apologies.

2 A Okay.

3 Q Tell me how many people entered that crime scene?

4 A There is 17.

5 Q Seventeen folks.

6 A Yes.

7 Q Would you name them all for the jury, please?

8 A Sure.

9 Q Thank you, sir.

10 A Matt Stevenson, Matt Tindall, John Smith, Jamie Jernigan,
11 Toby Boyd, Ken Elliott, some of these based on the copy
12 they're a little hard to read. I'll just --

13 Q Yes, sir.

14 A -- this looks like a Merritt Foster, Brandon Strickland,
15 John Martin, Neil Frebowitz, Damon Vescovi, Jim Chatfield,
16 Captain Dale Buchanan, Lieutenant Jamie DeBerry, Alex Smith,
17 Brad Richardson and Jimmy Richardson.

18 Q Okay. So 17 people according to the log entered the
19 crime scene?

20 A They entered the area around the house. Some of them may
21 have not gone actually into the house, but they were in the
22 area of the house. Yes.

23 Q Okay. Well, let me ask you this. You testified earlier
24 under direct examination that the crime scene was basically
25 encompassed the entire yard; correct?

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1 A Yes.

2 Q And that you sealed it off?

3 A Yes.

4 Q Okay. So if they were in the yard, they were in the crime
5 scene; correct?

6 A Yes.

7 Q Okay. Is that a fair statement?

8 A It is.

9 Q Okay. Let me ask you this. When folks walk through a
10 crime scene, and you just testified that the yard was a crime
11 scene, what happens to evidence when you walk through or
12 trample through a crime scene?

13 A When people walk through a crime scene?

14 Q Yes, sir.

15 A Depends where they're walking. It, I mean, they could
16 step on things if --

17 Q Step on things like what?

18 A Footprints or it depends what you're looking for.

19 Q Okay. Well, let's say that you were looking for
20 footprints. If 17 people walked into a crime scene, does that
21 make it less likely they're going to find footprints in that
22 particular crime scene?

23 A Well, a lot of it you have to look at the timing of that.
24 Seventeen people may have gone into the crime scene.
25 Seventeen people didn't walk the yard. They may have come in

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1 after the crime scene stuff was already. If you look at the
2 times it'll indicate most of those people came in after a lot
3 was already done.

4 Q Okay.

5 A Like the outside, the outside examination or photography,
6 that was done by 7:00 o'clock. So them being in the exterior
7 peripheral of the house doesn't make much difference. I've
8 already walked around it. I've already photographed it with
9 light and such.

10 Q Okay.

11 MR. WILSON: Your Honor, may I approach the witness?

12 THE COURT: Yes.

13 A It, it --

14 Q You said you were already done by 7:00 o'clock?

15 A Yes.

16 Q Tell me how many people on that list had walked through
17 that crime scene by 7:00 o'clock.

18 A There's 15.

19 Q Fifteen of 17?

20 A Yes.

21 Q So if there'd been footprints out there or there'd been
22 some sort of DNA evidence out there, someone could have walked
23 over it; correct?

24 A It's possible, but there wasn't -- like, like I said, 17
25 people aren't walking around the yard. They're just standing

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1 inside the tape, which to describe the scene, there wasn't a
2 lot of places to stand. It was a dark road at night. There's
3 no, no sides of the road. So people -- the tape was actually
4 set very large, more than normal.

5 Q Yes, sir.

6 A And the people may have just been standing inside, not
7 just trampling around the yard. People probably were standing
8 closer to the roadway, I would assume.

9 Q All right. Well, let me ask you this. You assume, but
10 you don't know for sure?

11 A I was not responsible for the outside of the scene. I
12 was more watching the inside. So it was a little tougher to
13 -- I can't account for where people were. You'd have to ask
14 each individually.

15 Q Okay. Let me ask you this, did you --

16 A Sure.

17 Q -- did you collect a blue sock?

18 A I did.

19 Q Into evidence?

20 A I did.

21 Q Okay. And when you collected that into evidence, did you
22 do any -- well, let me ask you this first. Would you explain
23 to this jury what trace evidence is?

24 A It'd be evidence that you can't really see, small hairs,
25 you know, DNA, things such that you just -- you don't look at

1 it and just see automatically.

2 Q Okay. So it'd be fair to say that if it's trace evidence
3 that you can't see it.

4 A Yes.

5 Q Okay. Can you tell the jury what sort of evidence, I
6 think you just were going on to it, what sort of evidence can
7 be considered trace evidence?

8 A Hairs, DNA can be sometimes considered, blood, smaller
9 things that you don't -- you may not see them under the
10 regular eye.

11 Q So it's fair to say that trace evidence you really can't
12 see it with the naked eye; can you?

13 A Not for like just looking at the outside. You almost
14 have to get up into it.

15 Q Okay. Well, let me ask you this, with that blue sock --

16 A Uh-huh.

17 Q -- that you collected, I think it was shown to the jury,
18 did you do any analysis on that sock to determine if there was
19 hair inside the sock or DNA inside the sock?

20 A I did not.

21 Q Okay. Did you collect any hair or DNA samples from
22 inside the sock?

23 A I did not.

24 Q Okay. All right. When you get inside the residence, you
25 said that you actually took swabs from the door; correct?

1 A Yes.

2 Q Did you test it for DNA?

3 A We did. Well, we sent it off for DNA.

4 Q You sent it off for DNA analysis?

5 A Yes.

6 Q All right. Do you know if any results came back on the
7 door for DNA?

8 A I am not aware.

9 Q Okay. Let me ask you this, did you ever take a buccal
10 swab from this Defendant?

11 A I did.

12 Q You did. So you had her DNA on file, the Defendant?

13 A Yes.

14 Q Okay. So if SLED had gone and tested or the law
15 enforcement division had tested these items they could have
16 matched her DNA with some of the items; correct?

17 A It's possible.

18 Q That's the purpose for a DNA analysis?

19 A Yes.

20 Q Okay. All right. Inside the house, you went inside and
21 you said you found some pillows; correct?

22 A Yes, sir.

23 Q Okay. And those pillows, did anyone take any swabs, look
24 for trace evidence?

25 A We took them, photographed them, collected them and that

1 was it.

2 Q All right. But my, my question is this, did anyone do a
3 trace analysis for trace evidence on those pillows?

4 A For hair you mean?

5 Q For hair, for saliva.

6 A We did, we did an external exam on them. There wasn't
7 like any identifiable hairs made. As far as blood, there was
8 blood on the pillows because they were laying in blood.

9 Q Okay.

10 A That would have made doing DNA on them pretty inaccurate
11 because you've just got a pool of blood.

12 Q Well, let me ask you this. You said that the pillows
13 were used, if you -- if I remember correctly -- they were used
14 and laid on top of the victims and then a gunshot was placed
15 through --

16 A Uh-huh.

17 Q -- their heads; correct?

18 A Uh-huh.

19 Q So --

20 THE COURT: Excuse me. You need to answer yes or no.

21 A Oh, I'm sorry. Yes.

22 THE COURT: Okay.

23 Q So if they're standing over their heads and they get down
24 on the pillow for a gunshot --

25 A Yes.

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1 Q -- wouldn't there be possibly trace evidence that would
2 be transferred that you couldn't see with the naked eye?

3 A There is possible.

4 Q So why was there no analysis done on the pillows for
5 trace evidence in a double homicide case?

6 A Where to, where to pick on a pillow? Where would you
7 send off the, I mean, the pillow is very large. How would --
8 what would you cut to consider sending off? I believe there
9 was reasons we didn't have to send off.

10 Q There were reasons you didn't have to send off?

11 A I believe there was some testimony that was made that
12 kind of indicated what we did need to send off.

13 Q Okay. So what did you need to send off then?

14 A As far as the items?

15 Q Yes.

16 A I believe there were some statements made that I went off
17 of what detectives asked that I send off. Like the blood and
18 all that was sent off, but I believe it was not continued
19 through processing because we had testimony that -- from I
20 believe witnesses or Defendants.

21 Q Okay. All right. All right. Let me ask you this. You
22 continued in the residence, and you also found a knife in that
23 residence; correct?

24 A There was.

25 Q Okay. And that knife was where?

Jonathan Martin - Cross by Mr. Wilson

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1 A It was underneath, I believe, the flipped coffee table.

2 Q Okay. On a flipped coffee table.

3 A Underneath.

4 Q Underneath.

5 A A flipped. Yes.

6 Q Okay. And your testimony earlier was that you nor EMS
7 flipped that coffee table; correct?

8 A Yes.

9 Q All right. So somebody had to flip it over -- correct --
10 before you got there or you think it was like that before the
11 murdered happened?

12 A It could have been like that before the murder happened.
13 We weren't, you know, we weren't there before the murders. So
14 I don't know.

15 Q I'm glad you said that. Let's get to that. You weren't
16 there before the murder happened; correct?

17 A I was not.

18 Q All right. But you told the Prosecutor just now when he
19 asked you a question about the crime scene whether it looked
20 tossed or whether it looked like it was in disarray, your
21 testimony to the jury was no.

22 A He asked me about the bedrooms.

23 Q Okay. All right. Do you know how the bedrooms looked
24 before you got there?

25 A I do not.

1 Q Do you know if the drawers were open before you got
2 there?

3 A I do not.

4 Q Do you know if there were items around the room before
5 you got there?

6 A I do not.

7 Q You weren't there; were you?

8 A I was not.

9 Q And you also don't know if somebody was in there what
10 they were looking for; correct?

11 A I do not.

12 Q Okay. Let me back up one second and ask you about the
13 gunshot residue test. When you first got to the scene you
14 conducted a gunshot residue test on this Defendant; correct?

15 A I did.

16 Q Okay. And explain to the jury what that means and how
17 that works, how it -- how you go about doing that.

18 A It's a test. There's several pieces. It's a sealed
19 envelope. You open it up. There's some swabs that you wet
20 with some form of an acid. I'm not sure of the name right
21 now, but and you -- each tube you have is marked with a like
22 left hand, left palm, left -- right hand, right palm, and you
23 take the swabs, and then put them into the tube, and then
24 there are some larger, larger type of, almost like a transfer
25 pad, that you transfer the left palm, the left or left palm,

Jonathan Martin - Cross by Mr. Wilson

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1 left top, right palm, right, right top, and then you put it
2 all together. You fill out a short questionnaire and then
3 it'd be sent to SLED. What they do is they test for evidence
4 of gunshot, which is going to be certain chemicals that are in
5 gunpowder.

6 Q Okay.

7 A And typically when a gun is fired, it can have -- be
8 found on a body or, or a person.

9 Q And did -- I apologize. Did you, did you do that test
10 that morning?

11 A I did do it on Ms. or Ms. Locklear.

12 MR. WILSON: Your Honor, I'd like to have this marked for
13 identification purposes.

14 THE COURT: All right. That'll be Defense Exhibit?

15 REPORTER: One.

16 THE COURT: Excuse me?

17 REPORTER: One, I'm sorry.

18 THE COURT: Okay.

19 MR. WILSON: Thank you.

20 (Defense Exhibit Number One [GSR Kit] marked for
21 identification.)

22 BY MR. WILSON:

23 Q Open that and tell me if you recognize that particular
24 kit.

25 A I do. Well, the sealed kit I do.

Jonathan Martin - Cross by Mr. Wilson

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1 Q Okay. So this was the kit that you actually performed
2 that morning?

3 A It is.

4 Q Okay. And you would have done what with this after you
5 collected the actual evidence from Ms. Locklear?

6 A After a short questionnaire was filled out, it would have
7 been sat in there and would have been sealed. This tape is
8 the actual tape that comes with the kit, and it's meant to be
9 sealed and initialed by the, the detective or officer or crime
10 scene tech that seals it, and then it'd be sent off to SLED
11 like that. There's no, there's no more altering of it needed.

12 Q Okay.

13 A Like you don't have to add anything or anything from the
14 scene. It's ready to go.

15 Q Okay. And when you say there's a questionnaire that's
16 filled out, explain to the jury what that is, what that means.

17 A The questionnaire is very basic. It's name of the
18 person, date of birth, what they say they did after the
19 shooting, have they washed their hands, have they -- if you
20 have a casing or a shell that also you're supposed to write
21 down the type of model and stuff because certain firearms
22 their ammunitions have different, different quantities or
23 types of, you know, gunshot residue.

24 Q Thank you very much. Now, did you ever send this off to
25 SLED for analysis?

1 A It was.

2 Q Okay. All right. Thank you very much.

3 MR. WILSON: Your Honor, I'd have the -- move at this
4 time, Judge, to have this entered as Defense Exhibit One.

5 THE COURT: Any objection?

6 MR. RICHARDSON: Subject to foundation, Your Honor.

7 THE COURT: All right. Defendant's Exhibit Number One
8 admitted into evidence without objection.

9 MR. WILSON: Thank you, Your Honor.

10 MR. RICHARDSON: But subject to foundation, if he's going
11 to go through the GSR.

12 THE COURT: If he goes through that, but we're putting in
13 -- you have any objection?

14 MR. RICHARDSON: For the purpose that is the GSR kit that
15 he took that day, no objection to that.

16 THE COURT: All right. Defendant's Exhibit One admitted
17 into evidence without objection.

18 MR. WILSON: Thank you, ma'am.

19 (Defense Exhibit Number One [GSR Kit] admitted into
20 evidence and appropriately marked.)

21 BY MR. WILSON:

22 Q Now, when you got to the residence, you had an
23 opportunity to go into the scene because you're the crime
24 investigator; correct?

25 A Yes, sir.

1 Q Okay. When you got there, can you tell me if you smelled
2 any Clorox?

3 A I did not.

4 Q Did you smell any cleanser?

5 A I did not.

6 Q Did you smell any gasoline?

7 A I did not.

8 Q And you had an opportunity to observe the actual crime
9 scene for a good period of time; correct?

10 A I was there -- I was inside for over two and a half
11 hours, I believe.

12 Q Thank you very much. Now, let me ask you this. While
13 you were in the crime scene and you were going through it, did
14 you ever notice that anything had been tampered with? Had the
15 bodies been tampered with? Had there been somebody trying to
16 clean up blood, any of that?

17 A I do not believe so. I, like you said before, I wasn't
18 there before. So I don't know what was done before I got
19 there.

20 Q Well, based on your experience and with blood spatter,
21 which I know you have a lot of experience with --

22 A Uh-huh.

23 Q -- blood smears --

24 A Yes.

25 Q -- which you testified about earlier --

1 A Yes.

2 Q -- based on that evidence would you say that someone had
3 tampered with the blood evidence at the crime scene?

4 A It did not appear to be tampered with. No.

5 Q Thank you very much. Now, you've said that when you got
6 there that you had a chance to examine both Amos Hatfield and
7 Thomas Hatfield -- correct -- when you got to the crime scene?

8 A When I got in the crime scene. Yes.

9 Q Okay. And you had a chance to examine their wounds on
10 their head; correct?

11 A Yes. I do a, I do a preliminary. You know, I'm not
12 going to lift up their clothes, take off their clothes or
13 anything, but I do an overview.

14 Q Correct. Yes, sir.

15 A Yes.

16 Q Okay. All right. And during the examination that you
17 testified about under direct examination, you said your
18 conclusion was is that there was one wound on each of them;
19 correct?

20 A From what exposed parts of the body I could see, I
21 observed, well, one wound on Mr. Amos, and there was what I
22 could see from where I was sitting before he was moved, was
23 one wound on Tommy..

24 MR. WILSON: The Court's indulgence, Your Honor.

25 THE COURT: All right.

Jonathan Martin - Cross by Mr. Wilson

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1 BY MR. WILSON:

2 Q Now, you had an opportunity to go to the hospital;
3 correct?

4 A Yes.

5 Q Okay. And at the hospital -- well, let me back up for a
6 second.

7 A Sure.

8 Q When you do a preliminary inspection of a body when you
9 get to a crime scene --

10 A Yeah.

11 Q -- can you always tell exactly what's going on with the
12 person as far as their injuries are concerned?

13 A No. There could be internal wounds that we can't see,
14 broken ribs, parts of the body, without taking all their
15 clothes and doing the autopsy wouldn't be able to see.

16 Q Things you can't see with the naked eye.

17 A There you go.

18 Q Okay. Very good. All right. And in this case when you
19 went to the hospital, and you were there during the actual
20 autopsy; correct?

21 A Yes, sir.

22 Q Okay. Then you discovered that there were how many
23 wounds on each of the victims?

24 A On Mr. Amos Hatfield there was one observed trauma,
25 gunshot trauma, and I believe on Thomas Hatfield there was

Jonathan Martin - Cross by Mr. Wilson

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1 two. There was a gunshot trauma and then also a laceration
2 that a black piece, which I believe was entered into evidence,
3 was found.

4 Q Let me ask you this. While you were there, you say that
5 Amos Hatfield only had one injury?

6 A I believe so.

7 Q Isn't it true that he actually had two injuries, one was
8 above his right forehead, above his eye measuring two by one
9 centimeter?

10 MR. RICHARDSON: Your Honor, this would be a better
11 question for the pathologist.

12 THE COURT: Well, it's cross examination.

13 MR. RICHARDSON: Yes, sir.

14 THE COURT: I'll allow it if he knows. Go ahead.

15 A It's possible he did. I -- what I'm saying is what I
16 saw.

17 Q But --

18 A When, when he was washed off, he had a lot of blood on
19 his face and stuff, when he was washed off, he may have had
20 that and it would have been photographed and noted. I don't
21 remember that wound. I'm sorry.

22 Q Did you take notes at the actual --

23 A I did, and I have notes with me, and if you'd allow me to
24 look at them, I might be able to be a little more --

25 Q Absolutely. Please do.

Jonathan Martin - Cross by Mr. Wilson

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1 A -- you know. Thomas, you are correct. I'm sorry. There
2 was a laceration approximately here (indicating). I noted it
3 on the -- a body diagram, which I marked, and I believe was
4 provided to you.

5 Q Very good. Thank you so much. And let me ask you about
6 Thomas Hatfield.

7 A Yes, sir.

8 Q What sort of injury did he have other than the bullet to
9 his head? What other injury did he have to his head?

10 A There was a laceration in a similar location. You mind
11 if I look here --

12 Q Oh, absolutely. No, please, please.

13 A --- just to see. It's right about, right about here
14 (indicating). Yes. Right about here.

15 Q Okay. Do you know what they call that? Did they term it
16 anything? Did they call it anything while you were at the
17 pathologist?

18 A A laceration.

19 Q Okay. Did they ever say he had blunt force trauma?

20 A He may have used those words. I, I did not note that.
21 There wasn't head injuries or anything that -- the head injury
22 from the back was so massive, trauma in that location wouldn't
23 have been really able to be -- tell -- the blood actually had
24 a lot of -- the brain had a lot of blood around it, so.

25 Q Well, let me ask you this. Do you recall the doctor,

Jonathan Martin - Cross by Mr. Wilson

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1 while you were at the -- you were at the pathology, you were
2 at the actual autopsy; correct?

3 A I was.

4 Q -- ever saying that there was a blunt force injury --

5 MR. RICHARDSON: Hearsay, Your Honor. He's calling for
6 statements of the doctor.

7 MR. WILSON: Judge, he said he was there.

8 THE COURT: I sustain.

9 MR. WILSON: Thank you, Your Honor.

10 BY MR. WILSON:

11 Q All right. I'll move on. Now, there was a portion that
12 was removed from Thomas Hatfield's head; correct? There was
13 an object?

14 A Object. You said portion.

15 Q I'm sorry. I apologize.

16 A That's fine.

17 Q There was an object removed. My apologies to you.

18 A Yes.

19 Q Okay. And do you know what that object is?

20 A I do not.

21 Q Okay. Did you have that tested at all?

22 A I did not.

23 Q Did anyone do any analysis on that object?

24 A Not that I know of.

25 Q To determine where it came from?

Jonathan Martin - Cross by Mr. Wilson

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1 A Not that I know of.

2 Q Okay. Thank you very much. In your report -- do you
3 have your report with you?

4 A The one that was provided to you, yes.

5 Q In your report you say that when you went to the crime
6 scene that Thomas Hatfield was laying in such a manner that
7 his left arm or one of his arms was underneath the couch;
8 correct?

9 A Left arm. Yes, sir.

10 Q Left arm. Okay. All right. And in your report is it
11 fair that you say -- well, let me ask you what you said. Let
12 me --

13 MR. WILSON: May I approach, Your Honor?

14 THE COURT: Yes, sir.

15 BY MR. WILSON:

16 Q I want you to read this highlighted area right here for
17 me if you don't mind.

18 A (As read) "I checked under the couch to see if the victim
19 had been reaching for a weapon. I did not locate," I'm sorry,
20 "I did not locate anything under the couch."

21 Q So you checked under the couch to see if Tommy had been
22 looking for a weapon; correct?

23 A Yes, sir.

24 Q All right. Meaning that during this altercation that he
25 possibly was reaching under the couch to get a weapon?

Jonathan Martin - Cross by Mr. Wilson

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1 A It's possible.

2 Q Well, that's why you looked under the couch; correct?

3 A Yes, sir.

4 Q Okay. Now, there's been conversation about a
5 prescription bottle that you didn't really collect; correct?

6 A Yes, sir.

7 Q Okay. You didn't look at the bottle to see what pills
8 were in there; correct?

9 A I did not.

10 Q Did you shake it to see if pills were in there?

11 A It did. There was -- there were pills in it.

12 Q All right. And but you didn't collect it. Why didn't
13 you collect that particular piece of evidence?

14 A It was mixed amongst other property underneath the table,
15 and it just didn't seem to have evidentiary value, evidentiary
16 value at that moment.

17 Q All right. But you're not testifying to this jury today
18 that you knew that the pills matched the prescription that was
19 inside that particular bottle?

20 A No. I'm not.

21 Q Okay. Now, there is a blue pillow. This is the pillow
22 which the Prosecutor asked you about what looks to be a smear
23 mark.

24 A Yes.

25 Q Correct?

Jonathan Martin - Cross by Mr. Wilson

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1 A Yes.

2 Q Okay. Did anyone test this to see what this is?

3 A I believe there was a presumptive test at the police
4 department done.

5 Q And what was the presumptive test results?

6 A It was blood, I believe.

7 Q Okay. And did you do a DNA analysis on this pillow?

8 A We did not.

9 Q To determine whose blood it was?

10 A We did not.

11 Q Why was there no DNA analysis done on this pillow to
12 determine whose blood it was?

13 A Just wasn't done. I -- there was quite a bit of blood
14 around the scene there. There was blood going onto the couch.
15 I guess it was assumed it was the blood of the victims.

16 Q So you assumed it was the blood of the victims?

17 A I believe so.

18 Q Let me ask you this question: Is it possible that one of
19 the assailants could have gotten injured and spread blood on
20 that pillow?

21 A It's possible, I suppose.

22 Q Fair enough.

23 A There was no other blood found, though, around the --
24 there was just the victim's blood there out.

25 Q Well, you found several what you called to be spots of

Jonathan Martin - Cross by Mr. Wilson

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1 blood in different places; correct?

2 A That's true.

3 Q You found smears. You found spots of blood.

4 A Yes.

5 Q You didn't test any of those. Did you?

6 A Well, the smears and that -- the -- from the cabinet and
7 stuff --

8 Q Yes.

9 A -- they were collected and sent off to SLED.

10 Q All right. Did you all do analysis on those?

11 A I'm unaware right now if that was done.

12 Q Okay. Let's talk about this duct tape that was found.

13 A Yes, sir.

14 Q Now, your testimony earlier on direct examination was is
15 that you didn't see any skin, you didn't see any blood;
16 correct?

17 A Yes, sir.

18 Q With your naked eye?

19 A With -- yes.

20 Q Did you test the tape for DNA or skin or saliva or sweat
21 or blood at all? That is trace evidence that you couldn't see
22 with the naked eye?

23 A No. We searched for fingerprints.

24 Q Okay. So you never tested it for any sort of trace
25 evidence on the tape?

Jonathan Martin - Cross by Mr. Wilson

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1 A No.

2 Q But you tested for fingerprints?

3 A We did.

4 Q Did you find this Defendant's fingerprints on that tape,
5 on the stretched tape?

6 A No. We did not.

7 Q Let me ask you this about this roll of tape.

8 A Yes, sir.

9 Q It's marked as State's Exhibit 104.

10 A Yes, sir.

11 Q Did you at all conduct any tests or analysis for
12 fingerprints on this particular tape?

13 A We did not.

14 Q You did not. Did you look for any other trace evidence?

15 A On this?

16 Q On the tape.

17 A No. We did not.

18 Q And why was that?

19 A We just did -- we just didn't.

20 Q Okay. Fair enough. Fair enough. Now, let me ask you a
21 question. With these two pieces of evidence, one that's
22 marked as State's Exhibit 103, the other marked as State's
23 Exhibit 104, are there tests out there that could determine --
24 and I apologize. I'm going to give these to you -- are there
25 tests out there that can determine whether or not those tapes

Jonathan Martin - Cross by Mr. Wilson

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1 come from the same stock or that they are so similar that they
2 had to come from the same stock?

3 A The exact same?

4 Q Well, so similar that they --

5 A May be the same type?

6 Q -- are close to being exact. Yeah.

7 A The same type?

8 Q Are there tests that can do that out there is what I'm
9 asking?

10 A Probably to determine same similar brand or not
11 identifiable, saying this is the exact tape that matches this
12 based on just look and feel.

13 Q Yes, sir. But there are tests out there that can
14 determine whether or not they're the same tape; correct?

15 A Most likely. I'm not a tape expert. I'm sorry.

16 Q I understand.

17 A I can, I can look at the tape and tell you that they're
18 very similar model and break and color.

19 Q Okay.

20 A And as you can see sheen.

21 Q Okay. Thank you very much.

22 A Yeah.

23 Q Thank you very much. All right.

24 MR. WILSON: The Court's indulgence, Your Honor.

25 THE COURT: All right.

Jonathan Martin - Cross by Mr. Wilson

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1 MR. WILSON: My apologies.

2 BY MR. WILSON:

3 Q Let me ask you about the bedroom as well. In the master
4 bedroom you did one pretty big thing. You took the door off
5 the master bedroom. Is that correct?

6 A Yes.

7 Q Okay. And then you took that back to, I guess,
8 headquarters?

9 A The, the Horry County Central Precinct where the property
10 and evidence is and crime scene. Yes.

11 Q Okay. And the purpose of taking that particular door was
12 what?

13 A The red substance with what looked like a fingerprint.

14 Q Okay. And, and based on your experience as a CSI,
15 obviously detective, that you've been doing for a while I
16 know, that one of the reasons you would have took that door
17 was because if that was blood it's possible, obviously, that
18 this Defendant would have transferred it; correct?

19 A It's possible. Yes. The fingerprint was more the, the
20 genesis of what we wanted. There was, there was a fingerprint
21 and a very -- it looked like a very good fingerprint.

22 Q You, you knew when you got to the scene that this
23 Defendant was found at the crime scene; correct?

24 A Yes.

25 Q Okay.

Jonathan Martin - Cross by Mr. Wilson

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1 A Inside the crime scene.

2 Q Okay. And so when you took the door you were going to
3 basically test the actual door for blood and for fingerprints?

4 A For the -- yes.

5 Q Did you find this Defendant's fingerprint or her blood,
6 DNA on this particular door?

7 A No.

8 Q Okay. Did you have access to her fingerprints and to her
9 DNA to test it?

10 A She provided us a DNA swab. We didn't take fingerprints
11 at that time.

12 Q Okay. Well, let me --

13 A If she was in the system we would have it.

14 Q Let me ask you this then. What is the proper protocol
15 when someone is processed in after they're arrested?

16 A After they're arrested they are fingerprinted.

17 Q They're fingerprinted?

18 A Yes.

19 Q All right. So, law enforcement would have had her
20 fingerprints on file to test whether or not there was some
21 sort of fingerprint match; correct?

22 A Yes.

23 Q Okay. Now, the Prosecutor asked you about a black pair
24 of panties. Do you recall that?

25 A Yes, sir.

Jonathan Martin - Cross by Mr. Wilson

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1 Q All right. And I recall you saying on direct
2 examination, he asked you a question of whether or not the bra
3 was torn or cut, and you said it was cut; correct?

4 A It looked -- had the appearance of cut, yes.

5 Q Okay. And then he didn't ask the question regarding that
6 as far as the bra went. Was that bra cut or was it torn?

7 A Actually he asked me about --

8 Q I apologize. I'm sorry.

9 A Yeah. That's fine.

10 Q Were the panties cut or were they torn?

11 A He did not ask me, no. Neither is -- there's little rips
12 and stretch, but there is not cuts.

13 Q My question is do you see a clean cut mark on those
14 panties?

15 A No.

16 Q All right. Thank you. You also collected some sheets
17 from the crime scene; correct?

18 A I did.

19 Q Did you do any trace analysis on the sheets for hair or
20 DNA?

21 A We did not.

22 Q On all of the evidence that you collected that day at the
23 crime scene can you tell me, and if you can't, obviously you
24 can't tell me, but can you tell me, based on what you know, if
25 any DNA, whether it be hair follicles, whether it be saliva,

Jonathan Martin - Redirect by Mr. Richardson

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1 whether it be any sort of DNA, even those I can't think of
2 because I'm not a DNA expert but -- and you are, but any DNA
3 that came back to match this Defendant?

4 A No.

5 Q Thank you.

6 MR. WILSON: I have no further questions, Your Honor.

7 THE COURT: All right. Redirect?

8 MR. RICHARDSON: Very briefly, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. RICHARDSON:

11 Q Mr. Wilson asked you a few questions on that GSR kit.
12 GSR, is this some kind of magic dust that just sticks with
13 you?

14 A No, it -- actually SLED has a six-hour limit on it
15 because it's, it has the ability to be wiped off, washed off.
16 It's not a constant.

17 Q Do you need Clorox?

18 A No.

19 Q Do you need cleaning solution?

20 A Probably do it with just general water, but soap and
21 water will probably do the best.

22 Q Okay. And you said that you can just wipe it off?

23 A Yeah. That's one of the reasons that they ask, though,
24 it's kind of a silly question, that is it -- has the person
25 washed their hands because people may not tell you the truth,

1 but they still ask it. Washing will take it off.

2 Q And Mr. Wilson asked you a lot of questions about DNA.
3 How often do you look for DNA?

4 A You can't see DNA. DNA's everywhere and nowhere. You
5 don't really know what's touched or when it's touched. DNA is
6 one of those things we take, we take swabs here and there.
7 It's not like on TV where every swab they take produces a DNA
8 sample. I could take 30 swabs from say the pillow and one
9 comes up. It's also very expensive and time-consuming thing.
10 So we're very limited on what we do take and send.

11 Q So you have a targeted area where you look for DNA?

12 A You look in the areas where most likely would assume
13 something would be and that's usually what you swab. If you
14 see blood, it's a good place to swab, but if you just say a
15 tabletop, if you saw a fingerprint maybe you could swab there,
16 but other than that you don't know where to look or where to
17 swab.

18 Q You just can't reach out and grab everything?

19 A You can't grab everything.

20 Q This isn't TV? This isn't Hollywood. So you're looking
21 -- most of the time you're looking for fluids and whatnot?

22 A Fluids, blood, hairs, not always that specific because it
23 has to be hair that has the root, and there's hair everywhere
24 and which hair do you choose? Could be dog hair or human
25 hair. So you kind of have to shoot for the best things,

1 usually blood or fingerprints, and -- or if there's a sexual
2 assault kit done, there'd be semen or other or, you know.

3 Q Mr. Wilson asked you about Tommy's arm being under the
4 couch.

5 A Yes, sir.

6 Q Did you see any evidence of any kind of weapons under
7 that couch?

8 A There was not. I did not find anything under that couch.
9 You know, we looked under there and thought that maybe a
10 weapon or something, maybe someone thought he was reaching for
11 something. His arm was still under the couch, and there was
12 nothing in his hand, nor anything under the couch.

13 Q And Tommy had been pushed down on the floor?

14 A I assume he was on the floor. I can't say he was pushed,
15 but he was on the floor.

16 Q Now, on this tape, you said you all did try and look at
17 some fingerprints, whatever. The tape was, I think, it was
18 marker number eight on the floor?

19 A From the hallway, yes.

20 Q Okay. And you looked for fingerprints, couldn't find
21 anything.

22 A Yes.

23 Q Didn't even find the Defendant's fingerprints on there?

24 A No.

25 Q And with regard to looking at the hairs and stuff, are

1 you familiar with the term cross-contamination?

2 A Yes.

3 Q Okay. What's that mean?

4 A That means that there's an outside source that might
5 contaminate it. If you say have a dog or a lot of people
6 living in a house there might be hairs, lots of hairs. Hairs
7 fall out. I think it's quite a scary rate. I think it's like
8 seven hairs per day. So there might be hairs.

9 Q Some of us drop hair a lot quicker?

10 A You know, there's probably hairs in here right now. Yes.

11 Q Detective Martin, Mr. Wilson kept saying, "Now, when you
12 got on scene the Defendant was in the car." The Defendant was
13 here. She was actually a victim at that point; wasn't she?

14 A She had identified that she had been sexually assaulted.
15 That's what she told the officers. So she was brought outside
16 as a victim. She was found in the residence. So looking for
17 her DNA would have been -- she was identified. She was in the
18 house.

19 Q Fingerprints the same way?

20 A The same way. She said she was there, and she actually
21 identified she was the wife of the victim. So I had an
22 assumption at that point that I just -- there'd be DNA and
23 fingerprints in that house of hers.

24 Q And the fingerprint on that door you took back to your
25 stationhouse --

Jonathan Martin - Redirect by Mr. Richardson

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1 A Yes.

2 Q -- you said during direct that -- what was the condition
3 of that fingerprint?

4 A It was not a print that could be put in our system. It
5 wasn't -- was -- it looked good, but when you got it back to
6 the lab it wasn't good, didn't have definable ridges, plus it
7 was in a hard -- we assumed it was some form of grease, maybe
8 had worked around the house and just maybe he wanted to put
9 the door up. There was grease on the door. So it may have
10 been made through that, but it was definitely not blood.

11 Q Okay. And it was unreadable?

12 A It was not able to put in the system. So it wasn't
13 comparison quality nor AFIS quality, which AFIS is the
14 national system you put fingerprints in and they match up.

15 Q So even with the Defendant's fingerprints you couldn't
16 say, "Hey. There it is."

17 A Yes.

18 Q And it's old?

19 A It was, it was old. It was not assumed to be from that
20 incident.

21 Q Wouldn't have told us anything?

22 A No.

23 Q Finally, those panties, Mr. Wilson said they appeared
24 ripped; correct?

25 A Which one are you talking?

Jonathan Martin - Redirect by Mr. Richardson

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1 Q The black panties.

2 A The black panties, I believe he asked me if they were cut
3 or ---

4 Q Or ripped, and what'd you tell him?

5 A Looked stretched.

6 Q Okay. And that's State's 107. Could you tell if they
7 had been ripped off of somebody or just ripped up in
8 somebody's hands?

9 A I wouldn't be able to tell. If they were -- they looked
10 more stretched to my personal.

11 Q Looked more stretched?

12 A Yes.

13 Q Okay.

14 MR. RICHARDSON: Nothing further from this witness, Your
15 Honor.

16 THE COURT: All right. You may step down. You can step
17 down.

18 A Oh, I'm sorry.

19 MR. RICHARDSON: He'd gotten comfortable up there after
20 three hours, Your Honor.

21 THE COURT: All right. You can call your next witness.

22 MS. WOOTEN: The State would next call Jill Domogauer
23 from Horry County Police Department.

24 Whereupon, Jill Lee Domogauer was called to the stand,
25 duly sworn by the clerk and testified as follows:

Jill Domogauer - Direct by Ms. Wooten

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1 THE CLERK: Please state your full name and spell your
2 last name.

3 MS. DOMOGAUER: Jill Lee Domogauer, and it's D-O-M-O-G-A-
4 U-E-R.

5 DIRECT EXAMINATION

6 BY MS. WOOTEN:

7 Q Investigator Domogauer, is that the correct --

8 A Yes. My title is a crime scene investigator.

9 Q Investigator, could you just tell the jury what you do,
10 where you're employed and in what capacity?

11 A I'm employed with the Horry County Police Department.
12 I've been employed there for approximately, I believe, five
13 years this year. I've been a crime scene investigator with
14 Horry County for three years. Previously, I was in law
15 enforcement with the City of Conway for 11 years, and a crime
16 scene investigator there for seven years. I have about a
17 total of 10 years experience with crime scene, and that's what
18 I do for Horry County right now at this moment.

19 Q So with that amount of experience you work a lot with
20 evidence; is that correct?

21 A Yes. I've been trained, classes, exposure, you -- I've
22 had a lot of it.

23 Q And with your training and your employment in the time
24 that you've been with Horry County and working as an
25 investigator, do you handle evidence a lot?

Jill Domogauer - Direct by Ms. Wooten

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1 A On a daily basis. Yes, ma'am.

2 Q Okay. And when you're handling evidence, and I'm sure
3 you know all kinds of details about, could you explain to us
4 how is evidence stored in the Horry County Police Department?
5 Where, what's the process?

6 A It can be stored in various different ways. If a crime
7 scene investigator works a case and they bring their evidence,
8 it goes into an intake area that's separate from the officer's
9 intake area. A crime scene agent themselves package and
10 prepare those items for either further testing or what we call
11 storage. Our officers have a similar fashion only they --
12 it's locked up in lockers and has to go through an intake
13 process just like our evidence does, but eventually everything
14 will get packaged and stored either to go to a private lab,
15 when I say a private lab I mean the state lab, or it goes to a
16 warehouse for pending trial or storage, but it has to be
17 packaged a certain way.

18 Q Okay. When you say state lab, does that mean the South
19 Carolina Law enforcement Division?

20 A Yes. SLED.

21 Q SLED. And why do things go to the state lab instead of
22 say like a lab here? Do we have a lab here?

23 A We might have private labs. Our protocol for Horry
24 County is we use our state facility unless the state facility
25 needs to outsource, but we use the State Law Enforcement

Jill Domogauer - Direct by Ms. Wooten

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1 Division.

2 Q Okay. And were you involved in this case that it was the
3 two, two murders on August 19th, 2012, with three possible
4 suspects, one including the Defendant today?

5 A I was involved in reference to transporting evidence to a
6 lab. That's the extent of my dealings with this particular
7 matter.

8 Q Okay. And what lab did you transport certain evidence?

9 A I took evidence from the Horry County Police Department
10 and transported it to the State Law Enforcement Division's
11 forensic lab in Columbia, South Carolina.

12 Q And do you know when you did that?

13 A I would have to see our sheets. I can't recall off the
14 top of my head.

15 Q We have this marked for State's for identification
16 purposes State's Exhibit 110. Could you tell me what this is?

17 A It's a chain of custody provided by the State Law
18 Enforcement Division on items brought to their lab.

19 Q Okay. So this isn't from Horry County Police
20 Department? This is from SLED; correct?

21 A This is SLED's. Yes, ma'am.

22 Q Okay. And does it indicate when or if you personally
23 delivered anything from Horry County Police Department?

24 A Yes. On the start of this document.

25 Q Okay. And what day does it say?

Jill Domogauer - Direct by Ms. Wooten

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1 A August, or wait a minute. I'm sorry. I believe it's
2 September 6, 2012.

3 Q Okay. And, and this has been -- this document has been
4 marked as, for identification purposes, State's Exhibit 111.
5 Could you tell me what this is?

6 A This is what we call our I lab submission. We do a
7 submission form, electronic submission form to the State Law
8 Enforcement Center. We do that at our facility in Horry
9 County. This would be the one that was done in reference to
10 this case to where I transport the evidence on the designated
11 date.

12 Q Okay. So that document was created by Horry County?

13 A Horry County.

14 Q Okay. And what day does it say -- does it indicate what
15 day it was transported or by whom?

16 A Not on this particular paper, but I believe it's August
17 27th is it says submission information is when the paperwork
18 was submitted to SLED.

19 Q Okay. And does it list just the evidence that was
20 probably going to be tested at SLED being transported?

21 A Yes.

22 Q Okay.

23 MS. WOOTEN: At this time the State would like to enter
24 Exhibit 111.

25 THE COURT: Any objection?

Jill Domogauer - Direct by Ms. Wooten

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1 MR. WILSON: No objection, Your Honor.

2 THE COURT: State's Exhibit 111 admitted into evidence
3 without objection.

4 (State's Exhibit Number 111 [I-Lab Submission Form]
5 admitted into evidence and appropriately marked.)

6 BY MS. WOOTEN:

7 Q And I'll just keep this just in case you need to refer
8 to it for your recollection. So you transported some evidence
9 in this case; correct?

10 A Yes, I did.

11 Q Okay. And I'm going to just ask you if this is it.
12 Could you tell me what this is?

13 MS. WOOTEN: I'm showing the witness State's Exhibit 109
14 A and B.

15 A It's an envelope containing items in reference to this
16 case. I can go more into specific based upon the labels if
17 you like.

18 Q Sure. That would be great.

19 A A bronze in color projectile from Amos Hatfield, a
20 bronze in color projectile from Thomas Hatfield.

21 Q And from the document from Horry County Police
22 Department listing the items that were transported to SLED,
23 are the two projectiles, 109 A and B, State's Exhibit listed
24 on that document?

25 A Yes. There will be items -- SLED items 009 and 010.

Jill Domogauer - Direct by Ms. Wooten

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1 Q Okay. And could you explain, and I'm just going to ask
2 you out of all the evidence that was taken to SLED I'm just
3 going to be asking you about these two projectiles, so 109 A
4 and B, how would it have been packaged -- how was it packaged
5 when you received it from Horry County and took it to SLED?

6 A May I open this?

7 Q Sure.

8 A The items themselves are packaged in these cardboard
9 boxes with evidence tamper seals placed on them. Then those
10 items were placed in this envelope, and this envelope is then
11 sealed by the sealing agency when it is transported to SLED.
12 The submitting officer, which would be myself in this
13 particular case, I might not have been the one to put them in
14 this envelope, but it's already sealed. I then have it
15 resealed with this yellow SLED tape. Then after it's
16 submitted and checked in, they then take the evidence and
17 submit it to the various labs, whichever field of discipline
18 it's going to.

19 Q And do you remember if that particular evidence, State's
20 Exhibit 109, which contained the bullet fragments or
21 projectiles, was that sealed on the day that you took it to
22 SLED?

23 A Yes, it was. SLED has a protocol for intake. If it
24 does not meet their standards, which is a sealed item with
25 evidence tamperproof tape, which means it cannot be

Jill Domogauer - Direct by Ms. Wooten

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1 manipulated or messed with or basically messed with by the
2 transporting officer or anybody, if it is not sealed in a
3 certain fashion SLED denies it on spot and will never accept
4 the evidence.

5 Q Okay. And is -- and I understand that it's open today
6 because we opened it, but is that a fair and accurate
7 representation of how Horry County transports and seals and
8 works with evidence?

9 A Yes. Certain pieces of evidence. Yes.

10 Q And what's the purpose of all of this?

11 A To ensure integrity. You've got the inner packages are
12 sealed. Your outer packages are sealed. Then they'll be
13 resealed and so on and so forth. It's preservation of
14 integrity of the evidence.

15 Q Okay. And whenever you drop it off with SLED, did you
16 have any other handling of this particular evidence?

17 A I don't know if I brought it back from SLED, but I
18 believe I -- if, if anything else the only other thing I would
19 have done would be transporting it back after it was tested.

20 Q Okay. You never actually opened it from the time that
21 you took it?

22 A No, ma'am.

23 Q You never tamped with it --

24 A No, ma'am.

25 Q -- from Horry County to SLED and SLED back?

Jill Domogauer - Direct by Ms. Wooten

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1 A No, ma'am.

2 Q Okay. Do you know if anyone else was in the evidence
3 presence in transportation from Horry County to SLED?

4 A With me?

5 Q With you?

6 A No. I go by myself.

7 MS. WOOTEN: The Court's indulgence, Your Honor.

8 THE COURT: All right.

9 BY MS. WOOTEN:

10 Q Okay. Let's go over just a quick timeline one more
11 time. I know it indicates on one of the documents that I
12 handed you. When exactly did you pick it up from Horry County
13 and when did you drop it off at SLED?

14 A SLED has me submitting it on September 6th, 2012.

15 Q Is that --

16 A That's according to theirs. Ours is -- this is a copy
17 of our document. So the original submission form is going to
18 have my signature so.

19 Q And --

20 A But my signature is on this form as the day it was
21 submitted.

22 Q Okay. And can you flip to where it, it talks -- it
23 lists the projectiles, those two projectiles and just say if
24 it says the same date and whether you signed.

25 A I believe -- I think I found it. Please excuse me. I'm

Jill Domogauer - Direct by Ms. Wooten

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1 trying to read their forms.

2 Q You're fine. Take your time.

3 A I found them. Yes, ma'am.

4 Q Okay. And what date does it say in time, if it lists
5 it?

6 A Submission time is September 6th, 2012, at 09:51 in the
7 morning.

8 Q And you signed?

9 A I signed. Yes, ma'am. I signed for each individual
10 piece of item that I drop off.

11 Q Okay.

12 A And every -- I mean, not just for the case itself, but
13 each piece of that that I -- I have to sign for each piece of
14 everything. So my signature is next to everything.

15 Q Okay. So for both projectiles?

16 A That I've, that I've transported. Yes, ma'am. It's on
17 both.

18 Q And do you know who at SLED you provided this to
19 whenever you arrived, if you can remember?

20 A I believe it was Ms. Doris. I'm not --

21 Q And is she a SLED personnel?

22 A She's employed by SLED as a forensic. I believe she
23 checks intake.

24 Q Okay. So it was someone that was authorized to take
25 evidence, sealed evidence?

Jill Domogauer - Direct by Ms. Wooten

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1 A The only person that's authorized for intake. Yes,
2 ma'am.

3 Q Okay.

4 A They have their designated group just like we have our
5 designated group. I just -- I have to give it to a specific
6 division.

7 Q Okay. And I know --

8 A And that's considered their intake division.

9 Q Oh, okay. I know and I feel like I'm getting into the
10 itty-bitty details, but I'm sure you understand how important
11 it is, and before you got to SLED, when you were here at Horry
12 -- in Horry County at you all's office, do you know exactly
13 what evidence locker that came out of or what warehouse, if
14 any, or what building that came from?

15 A I can't really recall where it was pulled from, but it
16 was pulled from one of our secured areas. Once evidence comes
17 to our department it's housed in a secured facility.

18 Q And when you say secured, what does that mean?

19 A That means it's key card -- we operate on a key card
20 system, which you have a little key card and you buzz it and
21 it unlocks the door for you. In Horry County there's only
22 specific personnel who works with the crime scene and the
23 evidence who are allowed access to those secured areas in
24 which evidence is stored. For an example, I know this might
25 sound silly, but a road officer can't get into those areas.

Jill Domogauer - Direct by Ms. Wooten

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1 It is only for secured authorized personnel only so.

2 Q And that's again to make sure that it's not tampered
3 with in any way?

4 A It's, it's - yes. It's in a secured facility from the
5 moment it is dropped off as evidence till the moment it, well,
6 from that point on, basically.

7 Q Do you have one of these key cards to get in?

8 A Yes, ma'am. I'm authorized.

9 Q And do you know if you're the one that went back there
10 to pick up these items that day or were they handed to you by
11 Horry County personnel?

12 A For the day of transport?

13 Q Yes, ma'am.

14 A I'm the one who took them. I took them from our intake
15 facility which is -- then the crime lab.

16 Q And that would've been documented at -- before you
17 remove anything like that? I know they have scanning barcodes
18 and things like that. Would that have been documented that
19 you were transporting them to SLED?

20 A This documentation tells you I took it that day to SLED,
21 from our facility to the SLED facility. I'm having microphone
22 issues. I'm sorry.

23 Q And does it say a time or was it the same day that you
24 removed it from Horry County and took it to SLED?

25 A Oh, I'm sorry.

Jill Domogauer - Direct by Ms. Wooten

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1 Q Does it say a specific time that you took it from Horry
2 County?

3 A Probably not, but I make my SLED trips -- I leave Horry
4 County at 6:00 o'clock in the morning so I am at SLED by 8:30
5 on all my SLED trips.

6 MS. WOOTEN: The Court's indulgence, Your Honor.

7 THE COURT: All right.

8 BY MS. WOOTEN:

9 Q And these items particular -- I'm not going to touch
10 those because I don't have gloves on -- and the boxes that
11 were in this, these were sealed and these were the items that
12 you delivered to SLED in August 2012?

13 A Yes. They have labels from our agency that match.
14 These inner containers have labels with specific assigned
15 numbers and barcodes that match the outer labels and barcodes.

16 Q And this is the SLED tape as well?

17 A Yes. SLED tape gets put on it. It gets their lab
18 number, which has a barcode. Then the SLED tape gets sealed,
19 and then it goes on its way to the lab, and when it comes back
20 it also gets sealed.

21 Q And from your recollection nothing was tampered with or
22 anything in any way. It was sealed, of course, under SLED
23 regulations and Horry County's?

24 A Yes. They would not have accepted it nor would they
25 have tested it. I would have never -- I would've been leaving

Jill Domogauer - Cross by Mr. Wilson

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1 the same day with it if it wasn't to that criteria of sealed.

2 Q Please answer any questions Mr. Wilson may have.

3 A May I please put these back in the --

4 Q Sure.

5 A Yes, ma'am.

6 MR. WILSON: Your Honor, if it please the Court.

7 THE COURT: Yes, sir.

8 CROSS EXAMINATION

9 BY MR. WILSON:

10 Q Good afternoon, Investigator. How you doing?

11 A I'm doing well.

12 Q Good. Good. Good. Did you have a chance to be
13 involved in this case with a gunshot residue test? Do you
14 recall that?

15 A I believe I did a transportation of that as well.

16 MR. WILSON: Your Honor, may I approach the witness?

17 THE COURT: Yes.

18 MR. WILSON: Thank you.

19 BY MR. WILSON:

20 Q Thank you, ma'am. Does that look like the item that you
21 received from, I would assume, a law enforcement officer?

22 A Yes.

23 Q Okay. And would you have stored that item inside your
24 secure room?

25 A This was -- yes. It would've been stored in the secured

Jill Domogauer - Cross by Mr. Wilson

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1 facility until transportation.

2 Q And did you tamper with it at all or alter it at all
3 when you took it into the evidence room?

4 A No, sir. It was in -- this, this packet here is sealed
5 by the officer who collects it, which is intact, and then this
6 particular officer put it in a heat seal and then signed the
7 heat sealed areas and labeled the item. That's how he secured
8 it, and from there, for transportational purposes, we put it
9 in the manila envelope and seal it again.

10 Q Thank you, ma'am.

11 A So when I got it, it was already sealed in this heat
12 seal.

13 Q Thank you, ma'am. Now, when you store it in your
14 facility -- obviously I'm not going to go back over the same
15 monotonous stuff, but I'm going to ask you, when you store it
16 in that facility no one else can get in there and mess with
17 this evidence; correct?

18 A Not unless you're an authorized person.

19 Q Not unless you're authorized?

20 A Yes, sir.

21 Q And it's a pretty high-tech system?

22 A Yes, sir.

23 Q Okay. All right. But you are authorized to do that;
24 correct?

25 A Yes, I am.

Jill Domogauer - Cross by Mr. Wilson

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1 Q Okay. Do you recall ever transporting this, this
2 particular item to SLED?

3 A I, I do recall.

4 Q Okay. I'm going to hand you this, and let me ask you if
5 this looks familiar, if you know what that document is.

6 A It's the State Law Enforcement's chain of custody.

7 Q Okay. And did -- I guess -- well tell me this. When
8 did you transport this item to SLED?

9 A It's saying on August 6th, 2012.

10 Q August 6th, 2012?

11 A September, I am sorry. I --

12 Q It's okay. It's okay. That's all right. September of
13 2012?

14 A Yes. I can't count the months properly. Yes.

15 Q That's okay. That's all right. It's okay. It's all
16 right. It's okay. All right. Well, let me ask you this,
17 when you transported that item, did you alter it at all from
18 the time you left Horry County facility till the time you got
19 to SLED?

20 A No. It's sealed before I transport.

21 Q Okay. And you didn't unseal it; correct?

22 A Oh, absolutely not.

23 Q Absolutely not. And when you got to SLED who did you
24 hand it over to? Does it say?

25 A The intake personnel would be Ms. Doris, I believe.

Jill Domogauer - Cross by Mr. Wilson

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1 Q Okay. And is there any doubt in your mind that you
2 actually gave her what was already sealed when you got to
3 SLED?

4 A I'm not following.

5 Q I apologize. Let me rephrase the question. Is there
6 any doubt in your mind that what you have there is what SLED
7 received when you got there?

8 A There's no doubt that this is what they got.

9 Q All right. Thank you, ma'am.

10 A You want me to put this back in?

11 Q Yeah. I'll put it in if you want me to.

12 A Okay.

13 Q Let me ask you this, also. You also recall being
14 involved in this case with a blood and urine analysis that was
15 taken?

16 A I can't recall, but that doesn't mean that I didn't
17 transport in any fashion to SLED.

18 Q Okay. Well, let me hand some documents to you. Is that
19 okay?

20 A Yes, please.

21 MR. WILSON: May I approach, Your Honor?

22 THE COURT: Yes, sir.

23 MR. WILSON: Thank you, Judge.

24 MR. WILSON:

25 Q Take a brief moment to look at it and I think I've

Jill Domogauer - Cross by Mr. Wilson

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1 highlighted some areas that might help you a little bit.

2 A Yes. I recall.

3 Q Okay. All right. And when you received that blood and
4 urine analysis would it have been an officer who would have
5 brought that to you?

6 A I actually am not the one who submitted this items. I
7 brought it back from SLED to Horry County.

8 Q Okay. You brought it back from SLED?

9 A I picked it up.

10 Q Okay. All right. And when you brought it back from
11 SLED did you alter it at all once you got it back from SLED?

12 A No.

13 Q Okay. And what'd you do with it when you got back to
14 Horry County Police Department?

15 A It goes -- it gets checked back into our system and then
16 gets stored in a facility, most likely our evidence warehouse.

17 Q So it would've been stored in there at this point in
18 time; correct?

19 A Yes, sir. Unless we have it here in court today.

20 Q Okay. All right.

21 MR. WILSON: No further questions, Your Honor.

22 THE COURT: All right.

23 MR. WILSON: Thank you so much, ma'am.

24 THE COURT: You may step down. Excuse me, redirect?

25 MS. WOOTEN: Nothing on redirect, Your Honor.

Jill Domogauer - Cross by Mr. Wilson

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

2 A Do you want me to leave this stuff here?

3 THE COURT: Yeah, you can leave it right there. Let me
4 see the attorneys for a second.

5 (Whereupon, a bench conference is held in the presence
6 but out of the hearing of the jury.)

7 MS. WOOTEN: May Ms. Domogauer be excused, Investigator
8 Domogauer be excused?

9 THE COURT: Any objection?

10 MR. WILSON: No objection, Your Honor.

11 THE COURT: All right. She's free to go. Thank you.
12 All right. Ladies and gentlemen, we've reached the time where
13 we're going to break for today, and we've been going at it
14 hard this week. We've got some scheduling matters we need to
15 tend to. So we will not be holding any court tomorrow or
16 Friday. I apologize, but we will need to resume next Monday,
17 but you will have Thursday and Friday free. Okay? I caution
18 you, do not discuss the case even among yourselves at this
19 point in time, don't conduct any independent investigations,
20 don't listen to any news reports about the case, don't go
21 looking through the newspaper to find out anything about the
22 case. I'm going to ask that you please be back in the jury
23 room Monday morning at 9:15 and we'll be ready to go at that
24 time. Thank you very much.

25 (Whereupon, the following takes place outside the

Jill Domogauer - Cross by Mr. Wilson

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1 presence the jury.)

2 THE COURT: All right. Anything from the State before we
3 recess?

4 MR. RICHARDSON: No, sir, Your Honor.

5 THE COURT: Anything from the Defense?

6 MR. WILSON: Nothing, Your Honor.

7 THE COURT: All right. We'll be in recess. I'll take
8 the bench, we'll resume the trial Monday morning, 9:30. Okay?

9 MR. RICHARDSON: Thank you, Your Honor.

10 MR. WILSON: Thank you, Judge.

11 THE COURT: Thank you.

12 (Adjourned for June 4th, 2014.)

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State v. Locklear

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1 (State v. Sandy Lee Locklear, 2013-GS-26-302, 304. On the
2 record, June 9, 2014. The following takes place outside the
3 presence of the jury.)

4 THE COURT: All right. Anything from the State?

5 MS. WOOTEN: Nothing, Your Honor.

6 THE COURT: All right. Anything from the Defense before
7 we bring the jury in?

8 MR. WILSON: Nothing at this time, Your Honor.

9 THE COURT: All right. Let's go ahead and bring the jury
10 in.

11 (Whereupon, the following takes place in the presence the
12 jury.)

13 THE COURT: All right. Ladies and gentlemen, welcome
14 back. I hope everyone had a nice weekend. I appreciate your
15 patience in this matter. We are now ready to resume the trial
16 of this case. As I said, I hope everybody had a good weekend.
17 I understand one of our jurors might not be feeling too well,
18 has a headache or something. If things get too tough, just
19 raise your hand, and we'll, we'll let you -- we'll do
20 something at that time, but we are ready to resume the trial
21 of this case. The State can call their next witness.

22 MS. WOOTEN: Thank you, Your Honor. May it please the
23 Court?

24 THE COURT: Yes, ma'am.

25 MS. WOOTEN: The State calls Ms. --

Janet Moore - Direct by Ms. Wooten

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1 THE COURT: Oh, wait a minute. Excuse me. I apologize.
2 Thank you. Do you have their notepads or where have we got
3 their notepads? About forgot. Thank goodness I got help up
4 here that kind of keeps reminding me of what I need to do.
5 Did I forget anything else? There we go.

6 (Notepads handed out to jury.)

7 THE COURT: Please make sure that you do have your own
8 notepad and no one else's. Has that got it? All right.
9 Everybody has their own notepads? All right. Thank you very
10 much. The State can call their next witness.

11 MS. WOOTEN: Thank you, Your Honor. The State calls
12 Janet Moore.

13 THE COURT: All right.

14 MS. WOOTEN: SANE nurse with Conway Medical Center.

15 Whereupon, Janet Moore was called to the stand, duly
16 sworn by the clerk and testifies as follows:

17 THE CLERK: Please state your full name and spell your
18 last name.

19 MS. MOORE: Janet Moore, M-O-O-R-E.

20 DIRECT EXAMINATION

21 BY MS. WOOTEN:

22 Q Good morning, Ms. Moore.

23 A Good morning.

24 Q I know you're -- it's early in the morning and you've
25 never testified in court before. So just take a deep breath,

Janet Moore - Direct by Ms. Wooten

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1 and thank you so much for being here today. Can you tell us a
2 little bit about yourself? Where are you employed currently?

3 A I'm currently employed in the emergency department at
4 Conway Medical Center.

5 Q And what do you do in the emergency department?

6 THE COURT: Excuse me for one second. I apologize for
7 interrupting, but let me see the attorneys for a second.

8 (Whereupon, a bench conference is held in the presence
9 but out of the hearing of the jury.)

10 THE COURT: All right. Ladies and gentlemen of the jury,
11 I just wanted to make sure, I omitted to ask you during voir
12 dire about this particular witness. Is there any member of
13 the jury that has any type of relationship, a personal
14 relationship, business relationship, social relationship or
15 any other type of relationship with Ms. Moore, with this
16 witness because I did not ask her name during voir dire?

17 (No response.)

18 THE COURT: All right. Thank you very much. All right.
19 I apologize. You can go forward.

20 MS. WOOTEN: Thank you, Your Honor.

21 THE COURT: Thank you.

22 BY MS. WOOTEN:

23 Q Okay. How long have you -- what, in what capacity do
24 you work at Conway Medical Center ER Department?

25 A I'm an R.N. I also operate as the SANE nurse, which is

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1 a sexual assault nurse examiner.

2 Q And how long have you been a nurse?

3 A For 23 years.

4 Q How long have you been working with Conway Medical
5 Center?

6 A For 15 years.

7 Q How long have you been a SANE nurse?

8 A Since 2012.

9 Q And you said that was sexual assault examiner nurse?

10 A Yes, ma'am.

11 Q Okay. And in your experience, how many, you can just
12 ballpark it per year, how many possible rape victims do you
13 work with at Conway Medical Center?

14 A Fourteen to 20 a year, maybe.

15 Q And you've been working as a SANE nurse since 2000 and
16 --

17 A Well, I went through formal training in 2012. I've
18 actually been doing the SANE kit since 2007.

19 Q And what other educational background do you have?

20 A I have a bachelor' degree from the University of Texas
21 at Arlington.

22 Q And Ms. Moore, were you working at Conway Medical Center
23 emergency room as an RN or a SANE nurse on August 19th, 2012?

24 A Yes.

25 Q What time did you start that day?

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1 A 7 a.m.

2 Q 7 a.m. So during that -- during those early morning
3 hours, can you tell us whether or not you treated the
4 Defendant in this case?

5 A Yes, I did.

6 Q And on the morning of August 19th, 2012?

7 A Yes.

8 Q Okay. And do you recognize the Defendant here today?

9 A Yes.

10 Q And that's the woman you treated that morning?

11 A Yes.

12 Q Okay. And what did you treat her for?

13 A For an alleged assault, a rape.

14 Q All right. Let's go through what typically do nurses,
15 SANE nurses do? What's your typical protocol with sexual
16 assault victims at the hospital?

17 A Basically is to obtain any DNA evidence that might have
18 been left behind by the assault and to act as advocate for the
19 patient.

20 Q And could you tell the jury just a -- kind of a step-by-
21 step process before we get into the nitty-gritty of everything
22 that happened at the hospital that day. About how long does
23 it usually take and kind of what's the steps?

24 A Well, the whole process takes about three to four hours
25 depending on how quick it can be done. The steps basically

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1 are to introduce myself to, to let the patient know that, that
2 I'm there for them, that they're the ones that have been hurt,
3 and I will be their advocate. I explain the process of DNA
4 collection, and I also do the pelvic exam that is required to
5 rule out any injury and to collect DNA.

6 Q And that whole process, you went through that entire
7 process with the Defendant in this case?

8 A Yes.

9 Q Do you know what time the Defendant arrived at the
10 hospital?

11 A She was there before I got there.

12 Q Okay. And at any time during, while I'm questioning
13 you, do you have any notes that you took on the day that you
14 treated the Defendant with you?

15 A Yes, I do.

16 Q Would it assist you in testifying properly for the jury
17 and for the Court to reflect on those notes?

18 A Probably.

19 Q Okay. Feel free to reflect on your report any time you
20 need to to answer these questions. What part of the hospital
21 did the Defendant check into?

22 A The emergency department.

23 Q So she got there before, before you got there at 7:00
24 o'clock?

25 A Yes.

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1 Q Okay. And do you know what time you started the exam?

2 A According to my paperwork, she was admitted into the ER
3 at 6:33. I wouldn't have started it until after we were able
4 to get in there and get to talking, get some of the paperwork
5 out of the way. So it was probably anywhere between eight,
6 8:30-ish.

7 Q Was she your first patient for that day?

8 A Yes.

9 Q Okay. Do you know -- I know that you said that she got
10 there before you got to work. So you don't know how she
11 arrived at the hospital; do you?

12 A No. I don't know how she arrived.

13 Q How do rape victims usually arrive at the hospital in
14 your experience?

15 A Either by EMS or police.

16 Q So it's normal if a possible rape victim would show up
17 with a police escort?

18 A Yes.

19 Q And do you know where they placed the Defendant?

20 A They put her in one of the pelvic rooms. In this case
21 it was room 18.

22 Q And so she had her own room, some privacy?

23 A Yes.

24 Q And were you -- do you remember if you were the first
25 medical personnel that talked to her that day or did another

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1 nurse meet with her before you got there?

2 A I don't remember.

3 Q Okay..

4 A With her being there at 6:30 it's a possibility that
5 anybody could have talked to her.

6 Q Is there initial assessment that nurses usually do
7 before the sexual assault examination begins?

8 A Yes. The, the SANE nurses prefer to do it themselves,
9 but there is a triage process where we get the basic history,
10 medical history and vital signs.

11 Q And you don't remember whether or not you did that or
12 not that day?

13 A I don't remember.

14 Q All right. Were you the nurse that administered the
15 Defendant sexual assault exam that day?

16 A Yes.

17 Q Were you the only nurse?

18 A Yes.

19 Q Did you have a physician assist you at all?

20 A If I did it was just to have him look at either the
21 ankle or to ask about having that ankle x-rayed because she
22 had said she had hurt it.

23 Q And do you know if there was anyone in the room besides
24 you and the Defendant, and that time the victim, while you
25 were, you know, doing initial paperwork and the exam?

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1 A According to my notes, I had the rape crisis advocate
2 there during the exam.

3 Q And do you remember her name? Did you write her name
4 down on your paperwork?

5 A I did. Her name was Lenore Bolig.

6 Q And is that normal to have a rape crisis victim, a
7 victim's advocate or a counselor of some form or volunteer
8 there?

9 A Yes.

10 Q And what's the purpose of that?

11 A It's so that the, the protocols are followed
12 appropriately and that the, the victim feels like they have
13 somebody there with them.

14 Q And do you remember anything about her demeanor when you
15 first walked in or her behavior, the Defendant?

16 A Well, according to my notes I had down that she was --
17 wait a minute.

18 Q And please take your time looking through. I know it's
19 a couple of pages long.

20 A I'm sorry.

21 Q Oh, take your time.

22 A In my notes the questions are, (as read), "Describe her
23 physical appearance, the hair was uncombed, clothes were askew
24 and she was very tearful. Her general demeanor was tearful,
25 sobbing at times. She was anxious but cooperative," and

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1 that's what I have written.

2 Q And let's just start from the beginning. Do you -- what,
3 what do you do at first?

4 A I walk in and introduce myself and tell her that -- why
5 I'm there and who -- what I do.

6 Q And do you start with the paperwork next or do you do
7 something else?

8 A I tend to start with the paperwork because there is a
9 consent that has to be signed before I can do the kit.

10 Q Okay. And let's go -- let's talk about this paperwork,
11 get that out of the way. There's this -- there's a rape kit
12 and then there's this paperwork. Is that all together? Could
13 you explain for the jury what all that means?

14 A Well, this, this entire packet consists of about eight
15 pages, and it has to be fully filled out. There is
16 information there about the exam. That very first page holds
17 consent to having the kit done and who does it. It also has
18 the name of the law enforcement officer that is investigating
19 the case and who they're with, what, what -- whether they're
20 with Horry County or like Conway Police, Myrtle Beach City.
21 It states where they're at, but it also acts as kind of a
22 chain of custody at the very end as well.

23 Q And do you fill out one of those protocol forms for
24 every possible rape victim?

25 A Yes, I do.

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1 Q So it's part of your protocol?

2 A It's part of the protocol.

3 Q And is that your handwriting on the form that you're
4 using today to check your notes?

5 A Yes. It is.

6 Q Okay. And is that what you reported or is that
7 something the Defendant said and you wrote it down verbatim
8 what she said or is it both?

9 A It's both.

10 Q Okay. So there are, there are areas on the application
11 where you self-report or the Defendant self-reports?

12 A Yes.

13 Q What does that mean?

14 A It means that I have written down what I was told.

15 Q Instead of your opinion?

16 A Correct.

17 Q Okay. On the form, do you ever go through -- did you
18 make any notations about the Defendant's medical history?

19 A Yes.

20 Q And what did it say?

21 A The medical history, it starts with her last menstrual
22 cycle ,and it states that, (as read), "She had had a
23 hysterectomy, that she had been pregnant twice and that she
24 had had two children." It says, (as read), "Any recent anal
25 or genital injuries, surgeries, diagnostic procedures, medical

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1 treatment that may affect the interpretation of the current
2 physical findings." The answer was no. "Any pertinent
3 medical conditions or injuries that may affect the
4 interpretation of current physical findings," the answer was
5 no. "Any current medications," there's a place to list them.
6 The answer was none and then it goes --

7 Q And -- oh, I'm sorry. Keep going.

8 A -- on to, to ask about sexual activity.

9 Q And what do you -- why do you ask about that?

10 A Well, it's so that DNA doesn't get mixed with DNA.

11 Q And in her medical history that, that she -- this is
12 self reporting; correct?

13 A Correct.

14 Q So you were writing down what she told you?

15 A Correct.

16 Q You didn't go and pull her medical records or anything
17 like that?

18 A No.

19 Q Did the Defendant ever mention a brain tumor?

20 A No.

21 Q What about any kind of back pain or ailments besides
22 from the assault?

23 A No.

24 Q Did you question the Defendant if she -- like you said,
25 you did question if she was prescribed any medications and she

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1 said no?

2 A Yes.

3 Q And what's the purpose of asking something like that?

4 A We also obtain blood samples and urine samples for tox
5 screens just in case they had been drugged prior to the
6 alleged assault. That way it actually acts as an advocate for
7 the patient.

8 Q And the Defendant didn't list any prescribed medication
9 she had taken before her examination?

10 A No.

11 Q Do you ask if she's --

12 (Jurors exits courtroom.)

13 THE COURT: That was the juror who was ill this morning.
14 He was an alternate, had a bad headache. We gave him some
15 Ibuprofen, but evidently it must have gotten too bad. So I'm
16 going to go ahead and excuse him.

17 MR. RICHARDSON: All right. I just wanted to make sure
18 we didn't need to stop, Your Honor

19 THE COURT: Yeah. That's right.

20 MR. RICHARDSON: The State has no, no objection to him
21 being excused.

22 THE COURT: Any objection from the Defense?

23 MR. WILSON: No objection, Your Honor

24 THE COURT: All right. I'll go ahead and excuse that
25 juror. Thank you.

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1 MR. RICHARDSON: Thank you, Your Honor.

2 MS. WOOTEN: Thank you.

3 BY MS. WOOTEN:

4 Q Did you ever and we talked about medications and whether
5 or not she was prescribed anything. Did you ever ask her
6 whether or not she had done any drugs or drink any alcohol or
7 anything like that?

8 A Yes. That's also in, in the paperwork.

9 Q And what did she say?

10 A The question was, (as read), "Ingestion of alcohol or
11 drugs by patient." The answer was no. It also asks if it was
12 voluntary or involuntary, and there was all the answers were
13 no. Voluntary use of alcohol 12 hours prior, the answer was
14 no. Voluntary use of drugs 96 hours prior, the answer was no.
15 Any voluntary use of alcohol or drugs between the time of the
16 assault and the forensic exam, and the answer was no.

17 Q So, between four days before the examination began,
18 that's 96 hours, she didn't do any drugs or take any
19 medications?

20 MR. WILSON: Objection, Your Honor.

21 THE COURT: Grounds?

22 MR. WILSON: Speculation, Judge.

23 THE COURT: Okay. Sustained.

24 MS. WOOTEN: I apologize, Your Honor. I was just
25 repeating what she just told me.

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1 THE COURT: Sustained.

2 BY MS. WOOTEN:

3 Q Is there a 96-hour time period that you question about
4 drugs?

5 A Yes.

6 Q Did she say that she took any medications or drugs in
7 the 96-hour time period?

8 A No.

9 Q Prior to the exam?

10 A Correct.

11 Q Okay. And in your opinion, in your experience because I
12 know that you've met with a lot of possible rape victims, did
13 the Defendant at any time from the beginning to end throughout
14 the whole exam, did she ever appear, besides being tired or
15 sad, did she ever appear under the influence of alcohol,
16 drugs, anything?

17 A That I can't answer. What I can answer is that her
18 answers were precise. Usually if a person is under the
19 influence of anything, a drug or otherwise, they will be
20 tired, sometimes forgetful. If the assault has like a date
21 rape drug mixed in with it, the, the, the memory will be
22 sketchy. It comes and goes. We don't get a definite answer.
23 The answers that I got were definite.

24 Q And she never mentioned she took any medications before
25 she showed up at the hospital?

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1 A No.

2 Q What about recent sexual activity, do you ask about
3 that?

4 A Yes.

5 Q And what's the purpose of that?

6 A Well, because if they've had -- if they have a spouse,
7 and they've had sex within the last seven days, we can still
8 pull DNA. Sometimes there will be sperm that will be active.

9 Q And what timeframe does that cover that you ask about?

10 A It covers about a week actually, but within -- I got to
11 find it -- seven days.

12 Q And what did the Defendant report?

13 A She reported no to all of it.

14 Q And for the sexual assault that she said occurred, the
15 alleged sexual assault, did she say whether or not a condom
16 was used?

17 A She said no.

18 Q And why is that important?

19 A Well, because if a condom is used then there will be no
20 DNA evidence.

21 Q Okay. Now, that we've covered the general information
22 that you gathered, we'll get into next the actual story and
23 what she told you about her alleged assault. Generally, what
24 questions do you ask an alleged rape victim during the exam?

25 A We ask about whether or not they've been to the

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1 bathroom, brushed their teeth, used any body wipes, taken a
2 shower, changed their clothes. All of that's important
3 because there could possibly be some kind of DNA that we can
4 take off of the body or the clothing. We also ask about the
5 date of the assault, the time of the assault because if it is
6 seven days out, and we've had people come in seven days out,
7 there won't be any DNA evidence, and then we ask if the -- the
8 patient to tell us what happened.

9 Q Okay. And did you take notes during this part of the
10 examination?

11 A I did.

12 Q And this is more self reporting from the Defendant?

13 A Correct.

14 Q So the notes on this part of the paperwork are what the
15 Defendant told you?

16 A Correct.

17 Q What notations did you make about the time and location
18 of the sexual assault, the alleged sexual assault the
19 Defendant was telling you about?

20 A The time was after midnight, and the location was in the
21 bedroom.

22 Q And what date did she say it was?

23 A The 18th, which was actually the day before, but
24 sometimes you get that mix up between -- if it's like after
25 midnight, they include the night of as part of the day before.

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1 So that can be a mix-up.

2 Q That makes sense. And she said it was in the bedroom?

3 A Yes.

4 Q Did the Defendant mention any other place in which she
5 was allegedly raped?

6 A The living room, I believe it was.

7 Q Okay. So she only told you she was raped in a bedroom
8 and a living room?

9 A Yes.

10 Q And did she state that anyone witnessed it, if anyone
11 saw it happen?

12 A According to my notes Amos, who was her spouse,
13 witnessed it.

14 Q And did she say where he witnessed it?

15 A In the bedroom as far as I can tell. That's the only
16 place I have written down.

17 Q Okay. And what did she say else about the assault?
18 What other details did she give you?

19 A What do you mean?

20 Q I'm sorry. What other details did she give you about
21 the story of the alleged assault in, in describing it, the,
22 the timeline of what happened?

23 A Do you want me to read this?

24 Q If you can't remember it, if it will help you recollect
25 what she said, that's totally fine?

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1 A Well, basically, she said somebody broke into the house,
2 and she was in the kitchen, and from the kitchen she was
3 pulled to the living room, and she was raped in the bedroom,
4 I'm sorry, from the kitchen -- she was in the kitchen. She
5 was pulled to the bedroom, and she was raped there. She said
6 that he -- she was being bitten all over. He, he was pulling
7 her hair, and then she was in the living room and said that
8 she could hear beating on Thomas, Tommy and Amos, and heard a
9 gunshot. Then she was tied up, and tape was put over her
10 mouth and she was raped again in the living room.

11 Q So the Defendant told you that day, that morning that
12 they entered through the kitchen, the assailants entered
13 through the kitchen, she was raped in her bedroom where Amos
14 witnessed it, and when they drug her to the living room, Tommy
15 and Amos were being beaten, they were still alive?

16 A Yes.

17 Q And she was raped in the living room as well?

18 A Yes.

19 Q And she says after the alleged rapes, then she was tied
20 up and tape was put over her mouth?

21 MR. WILSON: Objection, Your Honor. She's leading the
22 witness, judge.

23 THE COURT: Sustained.

24 MS. WOOTEN: I apologize, Your Honor.

25 BY MS. WOOTEN:

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1 Q Did the Defendant mention any other kinds of methods or
2 ways in which she was assaulted?

3 A She -- yes, she was -- her hair was pulled, she was
4 bitten, she had told me that she had been kicked in her back,
5 and she had been hit in the face and head and tied up with
6 tape.

7 Q Was she hit in the face and head more than once?

8 A I honestly don't know.

9 Q Did -- okay. So all this happened. You -- you're --
10 she's telling you all this happened, and once you got all of
11 this, did you ask her about any physical injuries that she
12 suffered, as far as any pain that she felt or injuries on her
13 body?

14 A I did ask her. The, the injuries that she was telling
15 me she was feeling were the face, the head, the back and she
16 was complaining of pain in her ankle.

17 Q So the face and the head, the back and ankle. Did she
18 mention that she had any pain in her genital area?

19 A No.

20 Q Did you physically examine her body?

21 A Yes.

22 Q Okay. So what's the process for the physical exam? Is
23 she in her own clothing or --

24 A No. The physical -- the actual process is to start by
25 having them stand on a debris sheet, and that's a piece of

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1 paper that has another sheet under it, and when they're being
2 undressed, if there is any debris on the body, the sheet
3 usually will -- it will fall and then we fold that sheet up
4 and it's sent to the crime lab with the kit. Once the clothes
5 are off, they go into a bag, and that bag is sealed, and
6 they're placed in a gown. From there, they're examined from
7 the head to the foot and it's very meticulous. It's a lot of
8 swabs, a whole lot of checking. There can be pictures if we
9 suspect there could be any injuries. So it's, it's very
10 meticulous.

11 Q And is there a place on the form where you list any
12 injuries that you see?

13 A Yes.

14 Q And how, how is that documented?

15 A It's documented on a page that looks like this, and each
16 individual injury that is stated or anything that I see is
17 placed on this piece of paper and explained.

18 Q And you examined yourself her entire body?

19 A Yes. I did.

20 Q And the Defendant mentioned to you several ways in which
21 she was assaulted. Can you describe any specific type of
22 injury that you saw and listed and observed on the Defendant
23 that morning?

24 A I listed suspected bite marks. She had stated that she
25 had been bit. Evidently there was discoloration. I couldn't

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1 state definite bite marks. If I had seen teeth marks I would
2 have stated definite bite marks. This had to have been a
3 discoloration. It could have been a bruise from a sucking or
4 a pinching. It could have been anything that caused them, but
5 they were on the abdomen and thigh. Then I also noticed a
6 discoloration in the lower left back. She said that her head
7 was tender, but I didn't notice any injuries or redness there,
8 and then with the rest of the exam, I've got no tears,
9 swelling, bruising, cuts, rashes or abrasions are noted.

10 Q And we'll start with the bite marks. You said that they
11 didn't have teeth marks?

12 A If they had had definite teeth marks I would have put
13 obvious bite marks.

14 Q So that's why you put -- I'm sorry -- suspected bite
15 marks?

16 A Correct.

17 Q And in your experience working with rape victims, have
18 you seen bite marks on rape victims before?

19 A Yes. I have.

20 Q Where in your experience, after viewing up to possibly a
21 hundred victims, where do you usually see bite marks on rape
22 victims?

23 A It's generally on the upper torso and neck, the, the
24 breasts, the neck, the upper arms, but this is different.

25 This -- these, these are in different places..

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1 Q And you talked about some discoloration on her lower
2 back, possibly a bruise?

3 A Correct.

4 Q Did you -- can you tell whether or not that bruise was
5 fresh or old?

6 A No.

7 Q Was there any redness where that bruise was?

8 A Generally, if a bruise is new, it will be a bright red
9 color, less bruisey looking, like the dark purple that people
10 are accustomed to seeing on a bruise. Usually a fresh bruise
11 will be red, and this was discoloration. So I, I don't know
12 how old that bruise was.

13 Q And the Defendant in this case mentioned to you during
14 the exam that she was drug around the house sometimes even by
15 her hair?

16 A Yes.

17 Q Did she have any red marks, burns or abrasions on her
18 backside or her front side, any around her body?

19 A No.

20 Q What about her arms and hands?

21 A No.

22 Q Did she appear dirty?

23 A I don't remember.

24 Q And what about on her head, did you see any redness or
25 bald spots where hair was pulled out?

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1 A No.

2 Q Any contusions or bruises?

3 A Just the one on her back and ankle.

4 Q What about her face, any redness, bruising?

5 A If I had seen it, I would have put it in my notes.

6 Q The Defendant -- did the -- did the Defendant ever --
7 did you make any notation in your paperwork that the Defendant
8 mentioning her bra or underwear being ripped off?

9 A No.

10 Q Well, in your experience if -- I'll just ask this. Did
11 the Defendant have any bruising or redness in her diaphragm
12 area where a bra is usually located and/or in the pelvic area
13 where underwear is worn?

14 A No.

15 Q And did you do a pelvic exam as well?

16 A I did.

17 Q And so you performed a pelvic exam?

18 A I did.

19 Q And when you observed the genital area of the Defendant
20 did you see any kind of redness, tears, anything like that?

21 A No.

22 Q And did she say whether or not that area was hurt or
23 injured in any way?

24 A No.

25 Q So besides slight bruising on her back, some odd

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1 bruising on her torso and one on her thigh and her ankle
2 hurting, did she have any other physical injuries that
3 corroborated with her version of what happened in the alleged
4 assault?

5 A No.

6 Q With her version of the alleged assault, the Defendant's
7 version of the alleged assault, with your experience, did the
8 physical observations that you made in your report match what
9 the Defendant said happened to her prior to her examination?

10 A That's a difficult question to answer because we've had
11 victims that didn't have any injury at all and they were
12 horrific. So it's, it's hard to answer.

13 Q With -- is, is it normal in your experience for a
14 Defendant say that they were drug around, had their hair
15 pulled out, physical blows to the face, raped twice, tied up
16 and bound, hit ---

17 MR. WILSON: Objection, Your Honor. This has been asked
18 and answered several times already, Judge.

19 THE COURT: Sustained. Excuse me. Sustained.

20 BY MS. WOOTEN:

21 Q Did you perform any lab tests?

22 A Yes.

23 Q What kind of lab test did you perform?

24 A We draw blood. Besides -- okay. Besides doing a
25 regular complete blood count and a complete metabolic panel

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1 which rule out any kind of blood loss or any electrolyte
2 imbalance, we also do a complete hepatitis panel. We do swabs
3 for, for chlamydia and gonorrhea. Where is that paper? Okay.
4 We do a wet prep to determine whether or not there's any modal
5 sperm or any sign of trichomonas. As a rule, the gonorrhea,
6 chlamydia and wet prep, if they're going to show up anything,
7 it's going to be further out than 24 hours. So we don't
8 always do that anymore. Back when I did this this was
9 protocol. It's not typically done now. We also do a rapid
10 HIV, and in her case we also did an x-ray to the left ankle to
11 rule out a fracture.

12 Q And all of these lab tests that you are listing, all of
13 those were performed on the Defendant?

14 A Yes.

15 Q As a part of protocol?

16 A Yes.

17 Q And did you collect any evidence off of, off of her
18 body?

19 A Besides the -- well, yeah, we did, we did swabs. Where
20 she had said that she had been bit, I did what they call a wet
21 dry swab which is you take a clean cotton swab, and you dampen
22 it with water, and you rub over the area, and then you dry it
23 with the other swab. Both swabs are sent to the crime lab in
24 an, in an envelope after drawing. So besides the -- we do
25 fingernail scrapings. We do buccal swabs. We do vaginal

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1 swabs. There's a whole lot of DNA evidence collected. We do
2 fingernail scrapings and there's a lot of stuff.

3 Q And the purpose of all of this you're trying to?

4 A We're trying to prove to -- for the -- we're trying to
5 be an advocate for the victim to, to gain the DNA.

6 Q And in your lab test, did you collect blood from the
7 Defendant?

8 A I did.

9 Q Do you remember what time that might have been that you
10 took the blood?

11 A I don't remember, but I time and date all of the tubes
12 that I send in. We also got urine and sent that in the kit as
13 well.

14 Q And what's the purpose of collecting her blood and
15 urine?

16 A Because sometimes if a patient or a victim has been
17 given a drug and they don't realize they've been given a drug,
18 then this acts as an advocate for them. It's a tox screen so
19 that they can actually prove or rule out, whichever way it
20 should go.

21 Q So you want to make sure she wasn't drugged or anything
22 by --

23 A Right.

24 Q -- a possible assailant?

25 A Right.

Janet Moore - Direct by Ms. Wooten

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1 Q And after collecting all this evidence did you collect
2 her clothes as well?

3 A Yes..

4 Q What role do you have, once it's collected, what do you
5 do? Is it all put into the -- in the rape kit or do you just
6 leave it right there?

7 A The clothing bag is sealed with a DNA tape, I mean, an
8 evidence tape, and that has my initial on it so that if the
9 tape is broken you can tell that somebody has been into it.
10 The rest of it is folded up and placed in a box, and that is
11 sealed after the police officer that is taking the chain of
12 custody from me, it's sealed in front of the police officer
13 and sent with them. I sign it. The police officer signs it.
14 It's timed, and it's dated so that it has a direct chain of
15 custody.

16 Q So the kit and the paperwork is in your possession until
17 the officer comes to pick it up?

18 A I don't let it go.

19 Q And you seal it right in front of the officer?

20 A I do.

21 Q Did you do that in this case?

22 A I did.

23 Q Do you remember what -- who the officer was?

24 A The person that signed it was Jim Chatfield.

25 Q And do you know what time he picked it up?

Janet Moore - Direct by Ms. Wooten

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1 A At 9:45.

2 Q And what time was she discharged from the hospital?

3 A At 10:15.

4 Q That morning?

5 A Yes.

6 Q Okay. After the examination, did you prescribe her any
7 medication that she might need?

8 A Yes. She was given 250 milligrams of Rocephin, which is
9 a very broad-spectrum, high-powered antibiotic. She was also
10 given a gram of Zithromax, which is also an antibiotic, but
11 that is prophylaxis for gonorrhea and chlamydia. She was also
12 given a tetanus toxoid, and she was given 600 mg of ibuprofen.

13 Q And are those pretty typical of rape victims'
14 medications that you prescribe?

15 A Yes.

16 Q So she was discharged around 10 a.m. Did she -- did you
17 see her leave? Did she leave alone or with someone?

18 A She left with police.

19 Q Is that typical? Is that normal for a rape victim?

20 A It is.

21 Q And do you know if she was ever in handcuffs or kept in
22 a locked room at any time while she was at the hospital?

23 A No.

24 Q Was, was she a suspect at any time she was at the
25 hospital?

Janet Moore - Direct by Ms. Wooten

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1 A No.

2 MR. WILSON: Objection, Your Honor.

3 THE COURT: Sustained.

4 Q In your experience, did you treat her as a victim the
5 entire time she was at the hospital?

6 A Yes.

7 Q Is it common -- excuse me. In addition to the physical
8 evidence that he took, the sealed kit, Detective Chatfield,
9 from the medical center, did he receive anything else from
10 you?

11 A Her clothes, her -- the dress that was in the bag.

12 Q And did, did you provide a copy of your report?

13 A Oh, yes. I did.

14 Q Did you talk about the report with Detective Chatfield?

15 A No.

16 Q Did you talk about the report with Detective Frebowitz?

17 A No.

18 Q Did you talk to anybody about what happened in this case
19 in detail before this exam even started?

20 A No.

21 Q So did you have any information about what occurred
22 before?

23 A I got a little bit because I always talk to the police
24 officer so I know what I'm walking into. I don't like to walk
25 into something like that blind, to get a little background on

Janet Moore - Direct by Ms. Wooten

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1 what had occurred prior to, you know, to them coming in. So I
2 get, I get kind of a feel for where their mind is at before I
3 confront them.

4 Q And back to the medications you prescribed as protocol
5 purposes, would any of those medications at all affect the
6 Defendant or any patient in answering questions, staying awake
7 or alert or their demeanor whatsoever?

8 A No. They shouldn't.

9 Q There aren't any side effects possible?

10 A No.

11 Q Did you have any other interaction with law enforcement
12 about this case?

13 A No.

14 Q And did you have any other interaction with the, at that
15 time the victim and the Defendant in this case?

16 A No.

17 MS. WOOTEN: The Court's discretion, Your Honor.

18 THE COURT: All right.

19 BY MS. WOOTEN:

20 Q Please answer any questions Mr. Wilson may have. Thank
21 you.

22 MR. WILSON: May it please the Court, Your Honor?

23 THE COURT: Yes, sir.

24 MR. WILSON: Thank you, Judge.

25 CROSS EXAMINATION

Janet Moore - Cross by Mr. Wilson

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1 BY MR. WILSON:

2 Q Ms. Moore, let me ask you this. In your experience as
3 an RN at the hospital, what is the only surefire way to
4 determine whether or not someone is on drugs?

5 A A tox screen.

6 Q Okay. So it's really not -- you can't really look at
7 someone all the time and tell if they're on narcotics;
8 correct?

9 A Correct.

10 Q Okay. So is it possible that this Defendant was on
11 drugs that day?

12 A It's always possible.

13 Q It's always possible. All right. Let me ask you this.
14 When you actually interview a person who has come in and say,
15 that they say they've been assaulted or sexually assaulted,
16 has there ever been a time in your experience when they
17 reported inconsistencies in their story?

18 A Yes.

19 Q Why do you think that is? As a nurse, I mean, you're
20 obviously trained to note that. Why is that?

21 A Nerves.

22 Q Nerves?

23 A Anxiety, it could be any number of things.

24 Q Basically it could be anything that may have lent itself
25 to a traumatic event; correct?

Janet Moore - Cross by Mr. Wilson

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1 A Correct.

2 Q Now, Madam Prosecutor asked you about a urine test that
3 you did, a urine and blood test that you did?

4 A Correct.

5 Q And, and could you explain to the jury how -- what --
6 how that works? How do you take blood from someone in your,
7 your position? How would, how would you go about doing that?

8 A I would put a tourniquet on their arm and swab the arm
9 and put a needle in the arm and draw blood.

10 Q Okay. And did you do that in this case?

11 A Yes.

12 Q Okay. And then what would you do with that blood and
13 urine?

14 A They go -- well, part of it went directly to the lab.
15 The other part went into the kit.

16 Q Okay. Do you mean the rape kit?

17 A Yes.

18 Q Okay. And then would you yourself have sealed that kit?

19 A Yes.

20 Q Okay. And did you alter anything in that kit at the
21 time when you sealed it, before you sealed it?

22 A No. I don't.

23 Q Okay. Thank you very much, ma'am. Now, you had a
24 chance to begin to observe the Defendant. You said you came
25 in at 7:00 o'clock that morning; correct?

Janet Moore - Cross by Mr. Wilson

811

1 A Correct.

2 Q All right. Do you recall at all whether or not when you
3 first got there this Defendant had her eyes closed the
4 majority of the time? Do you recall that?

5 A I don't.

6 Q Okay. So you don't recall if she had her eyes closed
7 during the examination?

8 A I remember her being tearful. I don't remember her eyes
9 being closed.

10 Q Okay. All right. Thank you, ma'am.

11 MR. WILSON: The Court's indulgence, Your Honor.

12 THE COURT: All right.

13 BY MR. WILSON:

14 Q Now, under direct examination, you also stated that you
15 did a physical, I guess, exam of the Defendant in this matter;
16 correct?

17 A Correct.

18 Q Okay. And during that physical exam you said you
19 noticed some bruises?

20 A I noticed discoloration. Yes.

21 Q Okay. Where was the discoloration at when you noticed
22 it?

23 A According to my notes there was one definitely on the
24 back, the lower right back. There was discoloration on the
25 abdomen, the pelvic area and the left thigh.

Janet Moore - Cross by Mr. Wilson

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1 Q Okay. And the discoloration on the back, what sort of
2 discoloration are we talking about? I mean, was this a small
3 discoloration? Was it big? Was it small? I mean, tell me --
4 can you describe it for me?

5 A I honestly don't remember it.

6 Q Okay. So you can't really describe the coloration of
7 it; can you?

8 A No.

9 Q Okay. And you can't tell me how severe it was based on
10 your recollection?

11 A No.

12 Q Okay. Now, the Prosecutor also asked you about this
13 Defendant's hair being pulled, and you said that you didn't
14 note during your examination any particular swelling in the
15 head; correct?

16 A Correct.

17 Q Is it always necessary if your hair is pulled that
18 you're going to have swelling in your head?

19 A Depends on how hard it's pulled.

20 Q Okay. So you don't know how hard it was pulled in this
21 case; do you?

22 A No, but -- no.

23 Q Thank you, ma'am. Now, just a few more questions. My
24 last question is going to be about the abdomen. You said that
25 during your examination there were several, I guess, blotches

Janet Moore - Cross by Mr. Wilson

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1 or discoloration on the Defendant's stomach; correct?

2 A I only noted four.

3 Q Okay. So four blotches?

4 A Yes.

5 Q Okay. And you said that you also swabbed those blotches
6 for, I guess, to collect DNA?

7 A Correct.

8 Q Okay. Do you know if that was ever done in this case?

9 A What?

10 Q Do you know if DNA was ever collected or tested for DNA?

11 A I don't know.

12 Q Okay. All right. And let me ask you this, also. When
13 you do that the particular reason that you're doing that is to
14 look for DNA; correct?

15 A Correct.

16 Q Okay. Now, the Prosecutor also asked you whether or not
17 the Defendant was dirty; correct?

18 A Yes.

19 Q Okay. Were you aware at the time of any dirty crime
20 scene or dirt or anything or mud that the Defendant was
21 allegedly dragged over?

22 A No.

23 Q Okay. So if she wasn't dragged in the dirt or mud was
24 there any reason why she'd be dirty?

25 A I guess not.

Janet Moore - Redirect by Ms. Wooten

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1 Q Okay. Is it possible for a victim to be sexually
2 assaulted without having being penetrated or raped?

3 A Not, not in our term of sexual assault. No.

4 Q Okay. Explain to me your term of sexual assault.

5 A Sexual assault would mean penetration.

6 Q Okay. Then, I guess, let me ask this. Is it possible
7 for anyone to be assaulted without being sexually assaulted?

8 A Yes.

9 Q Okay.

10 MR. WILSON: I have no further questions, Your Honor.

11 THE COURT: All right. Redirect?

12 MS. WOOTEN: Briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. WOOTEN:

15 Q Did the Defendant say she was penetrated?

16 A Yes.

17 Q Where did she say she was penetrated?

18 A Vaginally.

19 Q By what?

20 A A penis.

21 Q How many times?

22 A Twice.

23 Q Did you collect or see any -- did you physically see any
24 saliva on her abdomen?

25 A No.

Janet Moore - Redirect by Ms. Wooten

815

1 Q Did you collect or see any semen?

2 A According to our wet prep, there was none visualized.

3 Q Okay. And just wanted to clarify with you if there was
4 any confusion when I asked if she was dirty. She mentions in
5 her story to you in her alleged assault that she was drug
6 around the house several times. Did you see any redness or
7 abrasions on her body besides the discoloration?

8 MR. WILSON: Objection, Your Honor. She's leading the
9 witness, Judge. She's clearly leading.

10 THE COURT: Overruled. I'll allow that.

11 MR. WILSON: Thank you, Your Honor.

12 A I didn't see any other abrasions, no.

13 Q Okay. If a victim had a severe wound, would you most
14 likely or possibly put that it was severe in your paperwork?

15 A Absolutely.

16 Q So suspected is a term that you use that wouldn't be
17 severe?

18 A Correct.

19 THE COURT: I sustain that.

20 MR. WILSON: Thank you, Your Honor.

21 Q What does the term to you suspected mean?

22 A That it was reported, but I didn't see it.

23 Q No further questions. Thank you.

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

25 MS. WOOTEN: Your Honor, at this time may Ms. Moore be

Faye Hunt - Direct by Mr. Richardson

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1 excused?

2 THE COURT: Any objection?

3 MR. WILSON: No objection, Your Honor.

4 THE COURT: She's free to go.

5 MR. WILSON: Thank you, Your Honor.

6 THE COURT: Thank you very much.

7 MR. RICHARDSON: Thank you, Nurse Moore.

8 THE COURT: All right. The State can call their next
9 witness.

10 MR. RICHARDSON: The State calls Faye Michelle Hunt. Go
11 up there to Madam Clerk.

12 Whereupon, Faye Michelle Hunt was called to the stand,
13 duly sworn by the clerk and testified as follows:

14 THE CLERK: Okay. If you'll speak into the microphone
15 and state your full name and spell your last name.

16 MS. HUNT: My name is Faye Hunt, H-U-N-T, Hunt.

17 DIRECT EXAMINATION

18 BY MR. RICHARDSON:

19 Q Ms. Hunt, thank you for being here today. Could you
20 tell us a little bit about yourself, where you're from, where
21 you grew up, what you do for a living and so forth?

22 A I don't work. My boyfriend don't want me to work. So I
23 don't have to work.

24 Q Okay.

25 A And I live in Scranton, South Carolina, but I grew up in

Faye Hunt - Direct by Mr. Richardson

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1 Dillon, South Carolina.

2 Q Okay. And as we get started, first of all, do you know
3 the Defendant, Sandy Lee Locklear?

4 A Yes, sir.

5 Q How do you know Ms. Locklear?

6 A She's my first cousin.

7 Q She's your first cousin, okay. Before we go any
8 further, you've got a prior conviction for a criminal domestic
9 violence; correct?

10 A Correct.

11 Q Okay. And are you on any kind of medications today, Ms.
12 Hunt?

13 A Yes, sir.

14 Q What medications are you on?

15 A My blood pressure, my cholesterol, my arthritis and my
16 Neurontin.

17 Q And your -- I'm sorry. What was that last?

18 A My Neurontin.

19 Q What's Neurontin for?

20 A It's for neuropathy in your legs or hands and stuff, the
21 tingling and numbness in your legs and stuff.

22 Q Any of these drugs affect your ability to reason or talk
23 or think?

24 A No, sir.

25 Q Okay. Now, you stated that you and the Defendant are

Faye Hunt - Direct by Mr. Richardson

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1 first cousins?

2 A Correct.

3 Q How close of a relationship did you all have growing up?

4 A I'd say it was close.

5 Q Okay. And did you all grow up in the same town, what?

6 A No. When -- about like, I think when she was like --
7 they came -- they was living -- she lived in the country, but
8 they moved to a trailer park like she was like 11 years old.

9 Q Okay. And that's when you all were little girls?

10 A Little girls.

11 Q Did there come a point -- now, whenever you all were
12 little children, did you all play together?

13 A Yes, sir.

14 Q So you basically have known her your entire life?

15 A Entire life, we went to school together in --

16 Q Okay. Did there come a time -- you said she lived out
17 in the country. That's in Dillon County, too, though?

18 A Yes, sir.

19 Q Out in Hamer?

20 A Hamer.

21 Q Okay. And in growing up with the Defendant, did there
22 come a time whenever she left Dillon County?

23 A Yes, sir.

24 Q Yes, sir?

25 A Yeah, yes.

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1 Q About how, how old were you whenever, whenever that
2 happened?

3 A When she left?

4 Q Yes, sir. Yes, ma'am.

5 A I, I want to say 12, 13.

6 Q Okay. Now, and she left town. So you all didn't hang
7 out as much?

8 A I didn't know where she was at.

9 Q Did there -- after, after she, she and her family left
10 town, did you ever have the opportunity to talk with her, mail
11 or anything?

12 A No, sir.

13 Q Did you all ever reconnect at any point while you all
14 were still teenagers or anything?

15 A Yeah. When I was 17.

16 Q What happened when you were 17?

17 A She came down, and she and I went to Florida, Fort
18 Lauderdale, and I didn't like where I was at. So my mama sent
19 me a ticket to come back home the next day.

20 Q Okay. So you went down to Florida with her and then
21 came back to Dillon?

22 A Yes, sir.

23 Q Now, after that, did you have a lot of dealings with the
24 Defendant over the next several years?

25 A No. I didn't see her, too.

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1 Q Okay. And why not?

2 A She moved away.

3 Q Okay. And during that point -- you said you saw her
4 when you were 17. Did you have any children or anything?

5 A Yes, sir.

6 Q So you were raising children after that?

7 A Well, when I turned 21. Yeah.

8 Q Okay. Now, you didn't see her for some time. Did there
9 come a time when you and the Defendant reconnected?

10 A Yes, sir.

11 Q About when was that?

12 A About the end of 2011.

13 Q Okay. And how did that occur?

14 A She and her sister, Tammy, went to my daughter's house,
15 and they found me by my, through my daughter.

16 Q Where was your daughter living at the time?

17 A In Hamer.

18 Q In Hamer?

19 A No -- yeah, Hamer.

20 Q And that's over in Dillon County?

21 A Yes, sir.

22 Q And where was the Defendant living at that time?

23 A I don't know.

24 Q Okay. Now, after you all reconnected, you said it was
25 towards the end of 2011. You all just hey that one time or

Faye Hunt - Direct by Mr. Richardson

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1 what kind of relationship did you all have after that?

2 A She -- they came and got me. We went in Pee Dee --

3 Q Uh-huh.

4 A -- and I went and stayed with her at her house in Tabor
5 City.

6 Q And could you describe that house to us?

7 A It's a nice brick home, two car, like a two-car garage.

8 Q Okay. Do you know --

9 A Beautiful landscape, it was beautiful.

10 Q Okay. And that was shortly after you all got back
11 together at the end of 2011?

12 A Yes, sir.

13 Q Now, do you know how she got that house?

14 A She told me it was through her husband, Amos.

15 Q So Amos had bought the house for her. Now, was this the
16 only time you all got back together that one weekend or
17 whatever?

18 A Yeah.

19 Q Did you all ever hang out after that?

20 A Yes, sir.

21 Q How often would you all hang out?

22 A About every other weekend or every weekend, sometime I
23 stayed a week or two.

24 Q Okay. So, so quite frequently?

25 A Yes, sir.

Faye Hunt - Direct by Mr. Richardson

822

- 1 Q A whole lot. Now, whenever you all would hang out --
- 2 A Sorry about --
- 3 Q -- did you all hang out over in Scranton or Hamer or
- 4 Tabor or where?
- 5 A Tabor City and Myrtle Beach.
- 6 Q Okay. And what type of activities would you all get
- 7 involved in whenever you all were hanging out together?
- 8 A We would go to like mostly strip bars.
- 9 Q Okay. And what would you all do when you were there?
- 10 A Drink.
- 11 Q Okay. And did you all ever hang out at the Defendant's
- 12 house?
- 13 A Yes, sir.
- 14 Q Now, during that course in time, you said that she had
- 15 told you her husband bought her that house, that big brick
- 16 house. Did you ever have the opportunity to meet her husband,
- 17 Amos Hatfield?
- 18 A Yes, sir.
- 19 Q How often would you see Amos?
- 20 A It was about every time I go over there, every time I
- 21 stayed over there.
- 22 Q Okay.
- 23 A He would come and go.
- 24 Q Okay. Did Amos live at the house with her?
- 25 A No, sir.

Faye Hunt - Direct by Mr. Richardson

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1 Q Did you ever witness any interaction between the
2 Defendant and Amos Hatfield?

3 A What do you mean?

4 Q Did you ever see them talk to one another, how they
5 dealt with one another?

6 A They would talk.

7 Q Okay. And whenever you would see Amos, what was he
8 doing?

9 A He was smoking him a cigarette and sit down and talk.

10 Q But Amos wasn't living at the brick house in Tabor City?

11 A No, sir.

12 Q When he came over, would he, would he do anything, would
13 he bring anything, what?

14 A When he came he mostly brought food, cigarettes or beer.

15 Q Okay. And then after he would deliver the food or
16 cigarettes or beer?

17 A He had to go.

18 Q He had to go. Why did he have to go?

19 A Because Sandy didn't want him to stay no longer than 10
20 minutes.

21 Q Okay. So Sandy just wanted him to deliver the goods and
22 then she wanted him gone?

23 A Yes, sir.

24 MR. WILSON: Objection, Your Honor

25 THE COURT: I'll allow it. Go ahead.

Faye Hunt - Direct by Mr. Richardson

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1 Q Now, whenever you would see him over there you said that
2 you all would, you all would drink, you all would party;
3 correct?

4 A Yes, sir.

5 Q Now, when you would see Amos over there, would you be
6 drinking?

7 A Some time.

8 Q How about the Defendant, would she be drinking with you?

9 A Yes, sir.

10 Q Now, so you knew the state of the relationship between
11 Amos and the Defendant. You knew that Amos had bought her a
12 big brick house, and he'd come there and you saw them
13 interact; correct?

14 A Correct.

15 Q Now, at some point in time, you'd seen them interact and
16 all this, did there come a time when you decided you needed to
17 come down and meet with the Horry County Police Department?

18 A Yes, sir.

19 Q Okay. You need a minute?

20 MR. RICHARDSON: Your Honor, if I may approach just to
21 bring her some Kleenex?

22 THE COURT: All right.

23 A Sorry about that.

24 Q That's all right.

25 A Thank you.

Faye Hunt - Direct by Mr. Richardson

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1 Q Now, Faye, and I know it's a little difficult. Now,
2 now, when Amos would come over to visit, would you, would you
3 speak to him?

4 A All the time.

5 Q Okay. And how did Amos appear to you?

6 A A good person.

7 Q A good person?

8 A I loved him. I mean, he was a sweet person.

9 Q Real sweet. So when he'd come to bring food, groceries?

10 A I mean, he even bring me cigarettes if she asked, you
11 know.

12 Q Okay. Now, at some point you decided that you wanted to
13 go to speak with the Horry County Police Department, okay.
14 What brought that about?

15 A Okay. My nephew works with her brother Timmy.

16 Q Uh-huh.

17 A And I guess they got the news and my nephew called me
18 and said --

19 Q Now, we can't get into what somebody else told you other
20 than --

21 A Well, what -- I got the news that I was involved. So I
22 went and --

23 Q Okay. And let's clear the record. Did you have
24 anything to do with the murder of Amos Hatfield or Tommy?

25 A No, sir. I wouldn't have the heart to do nothing like

Faye Hunt - Direct by Mr. Richardson

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1 that.

2 Q Now after, after you got this phone call from, I think
3 you said was your brother, your nephew?

4 A My nephew.

5 Q Your nephew. Did you see anything in the news, on the
6 TV, on the radio or anything?

7 A I saw it on the news that same morning.

8 Q That same morning, and was that the day after the
9 murders?

10 A No. It was the same day.

11 Q Okay. Same day. Now, after you saw these stories on
12 the news and you talked to people on the phone, what did you
13 do?

14 A I went and -- I went straight to the Horry County Police
15 Department or sheriff's department or whatever it was.

16 Q Okay. And now, where were you when you saw these
17 stories? Were you at your home or where?

18 A At my daughter, where my daughter was staying at in
19 Dillon.

20 Q Okay. So you were over in Dillon?

21 A Dillon.

22 Q So you had to drive from Dillon?

23 A To Horry.

24 Q To Horry County?

25 A Yes, sir.

Faye Hunt - Direct by Mr. Richardson

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1 Q Okay. And you did this on your own accord?

2 A Yes, sir.

3 Q Did you call the police before you came in or did you
4 just show up or what?

5 A I just, I just went and showed up.

6 Q Now, how, how did you travel to the Horry County Police
7 Department?

8 A My vehicle, my van.

9 Q Your van, and were you driving, somebody else?

10 A My sister was because I was too upset.

11 Q How about your daughter, was she with you?

12 A Yeah.

13 Q Now, you don't recall what time you arrived; do you?

14 A No, sir.

15 Q Now, at some point after you arrived at the Horry County
16 Police Department did you have the opportunity to speak with
17 the police?

18 A Yes, sir.

19 Q How long did you talk to them?

20 A About 10, 15 minutes, I guess.

21 Q You talked to them for about 10 or 15 minutes. Now,
22 after speaking with them, what, if anything, did you do?

23 A After I talked to them, I left, and then when I got to
24 the store, he called me back and asked me could I come back
25 and write a statement.

Faye Hunt - Direct by Mr. Richardson

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1 Q Okay. So you'd given them your phone number so they
2 could contact you?

3 A Exactly.

4 Q And they did contact you, and you came on back?

5 A Yes, sir.

6 Q And you were just at the store, just down the street or
7 you weren't back in Scranton?

8 A Just, just getting some gas.

9 Q Okay. And who was paying for the gas, you?

10 A Me.

11 Q Okay. Now, whenever they asked you to write your
12 statement, what'd you do? Did you go back to the police
13 department?

14 A Yeah. I go back to the police department and write --
15 wrote the statement.

16 Q Now, the statement that you gave the police, they asked
17 you to write out a statement. Did you write it all on your
18 own or did anybody assist you?

19 A My daughter helped me because I broke down and I
20 couldn't take, I mean, my daughter helped me because I
21 couldn't.

22 Q What was causing you to break down?

23 A Because of Amos and his son.

24 Q You had met Amos, and, and you were too -- you were
25 upset, and your daughter, what's her name?

Faye Hunt - Direct by Mr. Richardson

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1 A Whitney.

2 Q Whitney. So Whitney helped you write the statement?

3 A Yes, sir.

4 Q Now, did she write down stuff on her own or did she
5 write down what you told her to?

6 A What I was telling her to write.

7 Q And after, after she helped you write that statement
8 out, did you read over it?

9 A Yes, sir.

10 Q And did you sign it?

11 A Yes, sir.

12 MR. WILSON: Without objection, Your Honor.

13 THE COURT: All right.

14 Q I'm going to hand you what's been marked for
15 identification as State's Number 112. Can you take a look at
16 that and just take a moment. If you need to dry your eyes, go
17 ahead. Have you had time to read it, Faye?

18 A Yes, sir.

19 MR. RICHARDSON: Just for identification at this point,
20 Your Honor.

21 THE COURT: All right.

22 MR. RICHARDSON: Actually, she's identified it as
23 her, her statement. So she -- Your Honor, I just ask if she
24 needs to refresh her recollection that she be allowed.

25 THE COURT: I didn't hear her. Did she identify that as

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1 her statement?

2 BY MR. RICHARDSON:

3 Q I ask, is that your statement?

4 THE COURT: Oh?

5 A Yes, sir.

6 Q Did you -- is that your statement?

7 A Yes, sir.

8 Q That's the one you signed?

9 A Yes, sir.

10 Q Okay, so that is -- those are your words on there?

11 A My words.

12 Q Okay.

13 MR. RICHARDSON: Your Honor, just if she'd be allowed to
14 use it to refresh her recollection if needed.

15 THE COURT: All right.

16 BY MR. RICHARDSON:

17 Q Now, Faye, what did you tell the police about this case?
18 What do recall telling the police about this case?

19 A I told them that she had a pearl-handled gun, and it was
20 gold. About all I can remember real good it was, it was
21 pearl-handled because she wanted to sell it to my, my
22 boyfriend, and he wasn't interested in a girl's gun. That's
23 what he called it.

24 Q Okay. Why did he call it a girl's gun? How big was it?

25 A Because it was a little gun. I think he said it was

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1 like a 22 or 25.

2 Q Okay.

3 A I don't know nothing about no.

4 Q Did you tell the police it was a 25?

5 A Yeah. Well, he, he -- I called him, and, and he told me
6 what she said it was, Sandy called it.

7 Q Okay.

8 A Called it out.

9 MR. WILSON: Objection, Your Honor.

10 THE COURT: Sustained.

11 Q Okay. What caliber did you identify it to as?

12 A A 25.

13 Q A 25 is what you told the police, and no doubt about it,
14 you said it was a pearl-handled. That's what you remembered.

15 Q Pearl-handled. Yes, sir.

16 Q Now, did you -- when you first started talking to police
17 what'd you tell them, what'd you tell them your purpose was
18 for being there?

19 A My purpose was to clear my name, and when he said my
20 name wasn't even on the list, but I did volunteer to get, I
21 mean, to tell them about a policy that I knew about.

22 Q Okay. And what kind of policy did you tell them about?

23 A All right. It was supposed to have been a million
24 dollar policy.

25 Q A million dollar policy. Now, how did you become aware

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1 about this million dollar policy?

2 A We was out there in the garage smoking. I don't know if
3 we were drinking then, but we was smoking a cigarette, and he
4 came up and handed her the paper, and he said, "Put that up
5 because you're going to need it," and he handed it to her and
6 after he left.

7 Q Okay. Now, when you say he, who are you talking about?

8 A Amos, after Amos left.

9 Q Okay. So Amos came and, and handed it to her. Who are
10 you talking about when you say her?

11 A Sandy Locklear.

12 Q And he handed her a set of paperwork?

13 A Yes, sir.

14 Q And he said, "You're going to need it?"

15 A He told her it was a policy and to put it up because he
16 was going to -- she was going to need it.

17 Q Okay.

18 A "So put it in a safe place."

19 Q Okay. Now, what caused Amos to leave after that? He
20 just brought this, this policy?

21 A He never stayed long, like I said. He just didn't stay
22 long.

23 Q Now, after Amos left, after he's handed this policy to
24 Sandy Locklear, do you all talk about it any?

25 A Yeah. After he left she said -- can I say these words?

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1 Q Yeah. Just tell us exactly what you heard, and I know
2 you don't want to curse, but exactly what you heard?

3 A Well, she says, "That son of a bitch died today I'd be a
4 rich bitch tomorrow."

5 Q Did you ask her about the paperwork?

6 A I knew what it was because he was bringing it to the
7 house.

8 Q What did she tell you about the -- did she tell you
9 anything about how much the policy was worth?

10 A She told me it was a million dollars, but I thought she
11 was just exaggerating a little bit.

12 Q So she told you it was a million dollar policy. Now,
13 after you, after you heard her say, "If that son of a bitch
14 died tomorrow I'd be a rich bitch," what'd you say, if
15 anything?

16 A I told her, I said, "Shoot, I got a" -- I told her she
17 shouldn't talk like that, he's a good man, and because --

18 Q You told her he was a good man, she ought not to talk
19 like that?

20 A Yeah. I mean, I got an older boyfriend and he does for
21 me just like Amos did for her.

22 Q How'd she respond whenever you told her not to talk like
23 that?

24 A She, "I don't give a damn." I mean, she was like she
25 didn't care.

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1 Q So you told the police about the million dollar policy
2 that she said she had, she told you about. Did you tell them
3 where, where you saw her with it?

4 A What she did with it?

5 Q Yes, ma'am.

6 A Yeah. I knew she put it in a drawer over there by the
7 dishwasher after you go in their kitchen. The dishwasher is
8 right here, and the drawer's right there on the left. She put
9 it in the drawer right there.

10 Q At this time whenever you saw -- I know it's been almost
11 2 years ago since the murders -- when you saw that policy,
12 how, how long before the murder did you see that policy?

13 A I never seen it after, and that was the first time and
14 my last time seeing it.

15 Q When did this occur that --

16 A Oh, when? Oh, God.

17 Q About, winter, fall, spring, summertime?

18 A Yeah. I think it was like summer, I mean, summertime.

19 Q Okay. And you all were out in the garage smoking,
20 drinking, whatever?

21 A Uh-uh.

22 Q Okay. And you were there. And you told the police
23 about the pearl-handled 25?

24 A Yes, sir.

25 Q And you actually said it's gold; right?

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- 1 A I ---
- 2 Q -- gold. How close did you see the gun?
- 3 A I held the gun.
- 4 Q You --
- 5 A I held the gun.
- 6 Q Were you inside or outside when you held the gun?
- 7 A Inside.
- 8 Q You were inside. Okay. And the thing that stuck out to
- 9 you was that pearl-handle?
- 10 A Yes, sir.
- 11 Q Now, you said she asked your, your boyfriend if he
- 12 wanted to buy it or sell it or something like that. Did your
- 13 boyfriend ever do that?
- 14 A No. He didn't buy it. He said it, it was a woman's
- 15 gun. He didn't have no use for it.
- 16 Q Okay. Now, did you also talk to the police about any
- 17 other guys you had seen at the Defendant's house?
- 18 A Yes, sir. I did. There was two black guys that was up
- 19 there, and she had a brand-new riding lawnmower, and she asked
- 20 them to cut her grass, and they had a lawnmower, a riding
- 21 lawnmower in their car, in the back of their trunk, and then
- 22 after they cut her grass, well, one was taking a shower and
- 23 the other one was cutting the grass. After he cut her grass,
- 24 she told -- she gave the riding lawnmower to the guy and told
- 25 him that if they keep her, her land up and her and Amos's land

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1 up -- she wouldn't say husband -- she said Amos's land up then
2 they can keep it, but I couldn't understand the reason, I
3 mean, I couldn't understand why she would do, I mean, give up
4 her brand-new riding lawnmower like that.

5 Q Okay. So the person she gave the lawnmower was, was --
6 the lawnmower to, was that the one inside taking a shower?

7 A No. It was the one that was cutting the grass.

8 Q Okay. All right. The one who was cutting the grass was
9 the one who got the lawnmower?

10 A I'm going to -- I'm going to -- I guess so, yeah.

11 Q You said they were both black?

12 A Yes, sir.

13 Q And you said, I think you just stated that they already
14 had a riding mower in their trunk. Was it a riding mower or a
15 push mower they had in the back?

16 A A push mower.

17 Q Okay, a push mower. I didn't, I didn't -- didn't know
18 how a riding mower was going to fit in the trunk. Wanted to
19 make sure we got that clear. Now --

20 MR. RICHARDSON: The Court's indulgence.

21 THE COURT: All right.

22 BY MR. RICHARDSON:

23 Q The person who, who went inside to shower in the house,
24 did you get a good look at them?

25 A I probably -- I don't remember.

Faye Hunt - Direct by Mr. Richardson

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1 Q You just don't remember anything other than --

2 A No. I don't remember.

3 Q Okay. Did you ever see them over there any other time,
4 either one of these guys?

5 A No, sir.

6 Q And all of this information in your written statement
7 that's what you gave to police; correct?

8 A Correct.

9 Q And you called the police, they didn't call you?

10 A No. I called them.

11 Q And whenever you gave that written statement was there
12 an officer present in the room whenever you gave that
13 statement?

14 A There was two of them in there.

15 Q There were two officers in there. Did they tell you
16 what to say?

17 A No, sir.

18 Q So everything you told them is from your knowledge?

19 A It's from my heart. I wanted to tell it.

20 Q Okay. It's things that you actually witnessed?

21 A Yes, sir.

22 Q All right. Faye, thank you. If you'll answer any
23 questions Mr. Wilson may have.

24 A You're welcome.

25

CROSS EXAMINATION

Faye Hunt - Cross by Mr. Wilson

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1 BY MR. WILSON:

2 Q Good morning, Ms. Hunt. How you doing?

3 A I'm doing fine. Well, a little bit.

4 Q Let me ask you a few questions. You actually smoked
5 marijuana with one of the Co-Defendants; didn't you?

6 A I don't smoke.

7 Q You never smoked marijuana with one of the Co-
8 Defendants?

9 A I don't smoke marijuana.

10 Q So you don't know Odom Bryant then; do you?

11 A Odom Brian?

12 Q Do you know Odom Bryant?

13 A No, sir.

14 Q So you never smoked dope with him at all?

15 MR. RICHARDSON: Your Honor, asked and answered. She's
16 already stated she didn't smoke marijuana with them.

17 THE COURT: Sustained.

18 Q Did you ever smoke marijuana with James Nehemiah Evans?

19 A No, sir.

20 Q Did you know James cut Ms. Locklear's grass?

21 A I don't know their names.

22 Q All right. But you were over there and you're telling
23 me that you never smoked marijuana with Sandy Locklear, with
24 James Nehemiah or Odom Bryant?

25 A I'm not allowed to smoke marijuana because I have to

Faye Hunt - Cross by Mr. Wilson

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1 take drug tests.

2 Q You got to take drug tests. Why do you have to take
3 drug tests?

4 A Because I'm on pain, pain management.

5 Q Now, you went to the police that day you say to clear
6 your name; correct?

7 A Correct.

8 Q Because you got information that somebody was blaming
9 you for actually being in cahoots with Odom Bryant and James;
10 isn't that right?

11 A No. In cahoots with Sandy Locklear.

12 Q So you're saying -- your testimony to this jury today is
13 is that basically somebody said that you were in cahoots with
14 Sandy and so you went to go clear your name?

15 A Yes, sir.

16 Q So you were afraid when you went to the police; correct?

17 A Correct.

18 Q All right. And you didn't want anybody out there saying
19 that you did anything with Sandy Locklear. Is that correct?

20 A I wanted to clear my name.

21 Q And you were going to make sure that you cleared your
22 name; correct?

23 A Correct.

24 Q All right. And you were going to do whatever you had to
25 do to clear your name; is that correct?

Faye Hunt - Cross by Mr. Wilson

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- 1 A I was going to tell the truth.
- 2 Q You were going to tell the truth. All right. Well,
- 3 isn't it true, also, that Odom Bryant had a 25-caliber weapon
- 4 that you saw at Sandy Locklear's house?
- 5 A I have no clue of that.
- 6 Q Had no clue about that?
- 7 A Huh-uh.
- 8 Q Isn't it true, also, that Sandy Locklear didn't take the
- 9 policy out and you know that?
- 10 A Say that again, sir.
- 11 Q Did Sandy Locklear take out the policy, the insurance
- 12 policy? Was it Amos or was it Sandy?
- 13 A Amos brought it to her.
- 14 Q Okay. Well, then based on your knowledge, because you
- 15 were there; correct?
- 16 A Correct.
- 17 Q All right. You were in the house when this happened?
- 18 A We was out there in the garage.
- 19 Q You were at the house; correct?
- 20 A Correct.
- 21 Q Okay. So when he brought the policy to her it was your
- 22 understanding that he took out the policy; correct?
- 23 A Yes, sir.
- 24 Q Did you ever read the policy?
- 25 A No, sir.

Faye Hunt - Cross by Mr. Wilson

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1 Q So you don't know what it says; do you?

2 A No, sir.

3 Q You don't know if it's a million-dollar; do you?

4 A No. Well, I'm going by what Sandy's told me.

5 Q You're going by what Sandy's telling you. Now, this 25
6 that you say you saw, isn't it true that Odom Bryant was over
7 there at the house with the 25-caliber weapon and you saw it
8 when you all were smoking marijuana?

9 A No, sir.

10 Q That's not correct.

11 MR. RICHARDSON: Your Honor, is he trying to call her a
12 liar on the stand because that would be improper. He just
13 said what she said is not correct.

14 MR. WILSON: That's not.

15 THE COURT: No, this is cross examination. Overruled.

16 BY MR. WILSON:

17 Q Now, you testified under direct examination to the
18 Prosecutor two different things. You said first that Amos is
19 over there all the time, that he came over. You recall saying
20 that?

21 A I didn't say he was there all the time. I said he would
22 go over there when she wants, when she asked for something.

23 Q You didn't testify under oath a second ago that -- to
24 this jury -- that he was over there all the time, that he came
25 over all the time and then testified later on that she shooed

Faye Hunt - Cross by Mr. Wilson

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1 him away all the time?

2 A Well, if I said that I didn't mean it. The only time he
3 would go over there is when he brought something.

4 Q Okay. Well, let me ask you this way. Let me rephrase
5 this question. Do you recall testifying to this jury that
6 every time you were over there you saw him over there?

7 A Right. Every time I was there and she needed something
8 he will come.

9 Q He would come then?

10 A Yes, sir.

11 Q Okay. And he brought you cigarettes; right? Is that
12 what you testified to?

13 A If I needed a pack he would brought -- bring me a pack,
14 also, but I had money to pay him, but he wouldn't take the
15 money.

16 Q Ma'am, I want you to tell this jury isn't it true that
17 actually on that day when Amos brought that policy over to the
18 house you told this Defendant she was going to be a rich
19 bitch? Isn't that exactly what happened?

20 A No, sir. She said she was going to be a rich bitch if
21 that son of a bitch died today.

22 Q And you never said that; did you?

23 A No, sir. I wouldn't never say nothing like that.

24 Q You wouldn't never say nothing like that because you
25 wanted to clear your name; correct?

Faye Hunt - Cross by Mr. Wilson

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1 A I want justice for Amos.

2 Q I'm asking you, did you go to the police department to
3 clear your name?

4 A Yes. I did, sir.

5 MR. WILSON: The Court's indulgence, Your Honor.

6 THE COURT: All right.

7 MR. WILSON: Your Honor, may I approach the witness?

8 THE COURT: Yeah.

9 BY MR. WILSON:

10 Q Let me ask you this, Are you any sort of gun expert?

11 A No, sir.

12 Q You're not a gun expert; are you?

13 A Not at all.

14 Q Okay. How long before you made this statement to the
15 police did you actually sit down and talk with those two
16 detectives or officers in that room? How long did they talk
17 to you?

18 A Like I said, 15 minutes.

19 Q So they talked to you for 15 minutes before you gave a
20 statement; is that correct?

21 A Well, I mean, we talked, and then I gave the statement.

22 Q No, no. I'm asking you a question.

23 A Oh, I don't have a -- I don't -- I'm not good with time.
24 I don't know how long we talked.

25 Q So you don't know if it was 10 minutes, it was five

Faye Hunt - Cross by Mr. Wilson

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1 minutes, it was 20 minutes?

2 A It could have been 15, 20 minutes.

3 Q Okay. And during that time the police talked to you
4 about the case; didn't they?

5 A No. They never did talk about no case.

6 Q They never talked to you about the case?

7 A No, sir.

8 Q What were you all discussing during this 10, 15 minutes,
9 five minutes of conversation?

10 A I was -- I went up there to tell them -- to clear my
11 name, and like they said, my name wasn't even on the, nowhere
12 on the list.

13 Q Fair enough. But my question still stands. I'm asking
14 you what you all talked about. Do you know how long 15
15 minutes is?

16 A Yes. I do.

17 Q It's a long time; isn't it?

18 A Yes, sir.

19 Q All right. So when you're sitting there with two
20 detectives who are investigating a double homicide murder,
21 okay, tell me what you all talked about for those 15 minutes?

22 A I told about what I said on that statement.

23 Q Now, let me ask you this question.

24 A And I also called my boyfriend and he stated what kind
25 of gun it was because he remembered what Sandy told him.

Faye Hunt - Cross by Mr. Wilson

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1 Q You call your boyfriend, and you know I'm going to ask
2 you -- you know what I'm about to ask you. You said in this
3 statement right here that it was a 25-caliber weapon; didn't
4 you?

5 A That's what my boyfriend called it.

6 Q But you don't have any idea what a 25-caliber weapon is;
7 do you?

8 A No, sir.

9 Q And at the time when you talked to the police you didn't
10 know what a 25-caliber weapon was; did you?

11 A No. Till they let me call my boyfriend in the, in the
12 office.

13 Q They let you call your boyfriend in the office?

14 A And my boyfriend told them what -- told me what it was
15 and I told the officers.

16 Q So your testimony to this jury is is that while the
17 police have you in there, and before you make your statement,
18 they allow you then to call an outside source who you say then
19 tells you what caliber weapon to put down on the document?

20 A Correct. Because I didn't know what kind of gun it was.
21 I don't know a 22 from a 28 or whatever. I don't know nothing
22 about no gun.

23 Q But you admit you don't know anything about guns; right?

24 A Correct.

25 Q Okay. Now, you also state that this Defendant after she

Faye Hunt - Cross by Mr. Wilson

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1 got married to Amos made him take off his ring?

2 A He did. She did.

3 Q Let me ask you this. When Amos came over to this
4 Defendant's house did he not always have his wedding ring on?

5 A Never.

6 Q Why is that?

7 A She, for some reason she didn't want nobody to know she
8 was married to him.

9 Q No. I'm asking you. Do you know from him why he never
10 wore his wedding ring?

11 A Oh, she took it from him.

12 Q She took it from him?

13 A Yes, sir.

14 Q She stole it from a grown man?

15 A No. She told him to take it off his finger and she took
16 hers off and put it in a jury box.

17 Q And what did she do with it? She put it in a jury box?

18 A Yeah. Yes, sir.

19 Q And just so I'm correct in your testimony, you testified
20 earlier that you were at Sandy's house all the time; correct?

21 A Well, when we first got together I was.

22 Q You were over there all the time?

23 A When we first got -- when she first moved back and we
24 got together, yeah.

25 Q Okay. All right.

Faye Hunt - Redirect by Mr. Richardson

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1 A Yes, sir.

2 Q All right. Then tell me this then, while you were over
3 there did you ever sit down and have a drink of beer with
4 Amos?

5 A I never drank none with Amos.

6 Q You never drank beer with Amos?

7 A Never.

8 Q You never smoked marijuana with anybody over there?

9 A I don't smoke marijuana, sir.

10 Q You don't do any kind of drugs; do you?

11 A No.

12 MR. WILSON: No further questions, Your Honor.

13 A Except what my doctors give me.

14 MR. WILSON: No further questions, Judge.

15 THE COURT: All right. Redirect?

16 REDIRECT EXAMINATION

17 BY MR. RICHARDSON:

18 Q Mr. Wilson asked you about Amos coming over there and
19 questioned you about on your direct you said something about
20 he was, he was always over there. How frequently would the
21 Defendant call Amos and ask him to bring her stuff?

22 A Whenever she didn't have the money to get anything,
23 well.

24 Q Was that quite often?

25 A It was quite often.

Faye Hunt - Redirect by Mr. Richardson

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1 Q Okay. And whenever you sat down and talked with the
2 police, did the police ever talk to your boyfriend on the
3 phone?

4 A No. He, he wouldn't -- no. My boyfriend didn't want to
5 get in it.

6 Q And why did you call your boyfriend to ask about what
7 caliber of gun?

8 A Because I wanted him to be right about the gun.

9 Q Okay.

10 A Because she talked -- called -- she talked to him on the
11 phone about the gun.

12 Q Okay. Okay. And so that's where you got the 25?

13 A That's where I got the 25 from.

14 MR. RICHARDSON: Your Honor, I just ask that Ms. Hunt
15 be allowed to go back home?

16 THE COURT: All right. Any objection?

17 MR. WILSON: No objection, Judge.

18 THE COURT: All right. You may step down. You're free
19 to go.

20 A Thank you.

21 THE COURT: Thank you. All right. Ladies and gentlemen,
22 we'll take our morning break. We'll take about a 10 or 15
23 minute break. Leave your notepads in the jury box. You can
24 check your phones, return calls, but do not discuss the case
25 even among yourselves at this point in time. Don't conduct

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1 any independent investigation. We'll take about a 15 minute
2 break and bring you back shortly. Thank you very much.

3 (Whereupon, the following takes place outside the
4 presence the jury.)

5 THE COURT: All right. Anything from the State before we
6 recess?

7 MR. RICHARDSON: No, sir, Your Honor.

8 THE COURT: Anything from the Defense?

9 MR. WILSON: Nothing at this time, Your Honor.

10 THE COURT: All right. Let's take about a 15-minute
11 recess.

12 OFF THE RECORD

13 (On the record. The following takes place outside the
14 presence of the jury.)

15 THE COURT: Thank you very much. Please be seated.

16 MR. RICHARDSON: Your Honor, my next witness is in the
17 courtroom. We're prepared to go forward.

18 THE COURT: All right. All right. Anything from the
19 State before we bring the jury in?

20 MR. RICHARDSON: No, sir, Your Honor.

21 THE COURT: Anything from the Defense?

22 MR. WILSON: Nothing, Your Honor.

23 THE COURT: All right. Let's go ahead and bring the jury
24 in.

25 (Whereupon, the following takes place in the presence of

Benjamin Hardie - Direct by Mr. Richardson

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1 the jury.)

2 THE COURT: All right. Ladies and gentlemen, welcome
3 back. Please make sure you have your own notepads. We're
4 ready to proceed with the trial of the case. The State can
5 call their next witness.

6 MR. RICHARDSON: Yes. Yes, sir, Your Honor. I did
7 note, we may want to collect the juror who was excused, may
8 want to collect his notepad. We already got it, good.

9 THE COURT: All right.

10 MR. RICHARDSON: All right. When you said notepad just
11 made me think of it, Your Honor.

12 THE COURT: All right, sir.

13 MR. RICHARDSON: The State would call Benjamin Larry
14 Hardie, with an I-E, Madam Reporter.

15 Whereupon, Benjamin Larry Hardie was called to the stand,
16 duly sworn by the clerk and testified as follows:

17 THE CLERK: Please speak into the microphone, state your
18 full name and spell your last name.

19 MR. HARDIE: Benjamin Larry Hardie, H-A-R-D-I-E.

20 DIRECT EXAMINATION

21 BY MR. RICHARDSON:

22 Q Good morning, Mr. Hardie. If we could just start, if
23 you could tell us a little bit about where you're from, where
24 you work and so forth?

25 A Tabor City. I work at a convenience store.

Benjamin Hardie - Direct by Mr. Richardson

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- 1 Q That's Vasco Convenience Store?
- 2 A Correct.
- 3 Q Okay. And how long have you been employed with Vasco?
- 4 A Three years now.
- 5 Q Three years. You actually are in a management position
- 6 now; correct?
- 7 A Correct.
- 8 Q Now, so for three years. So you were employed back
- 9 August 2012?
- 10 A Correct.
- 11 Q Now, your store, is it equipped with video surveillance?
- 12 A Correct.
- 13 Q And the convenience store, it's a gas station,
- 14 convenience store?
- 15 A Correct.
- 16 Q While working at the Vasco Convenience Store were you
- 17 approached by detectives with the Horry County Police
- 18 Department with regard to a murder investigation on or about
- 19 August 20th, 2012?
- 20 A I was approached by some well-dressed people with badges
- 21 on their hips but, you know, I don't recall the date, no.
- 22 Q Okay. Appeared to be police officers?
- 23 A Yes. Yes. Yes.
- 24 Q Okay. And did you, did you give a statement to them
- 25 that day?

Benjamin Hardie - Direct by Mr. Richardson

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1 A I did. Yeah.

2 Q And you've listened to that statement?

3 A I did. I did. Uh-huh.

4 Q That help refresh your recollection a little bit?

5 A You know, I remembered, you know, speaking to a well-
6 dressed fellow about, you know, but I don't really remember
7 what was said, but I mean, I listened to the tape, you know,
8 and that's me on the tape.

9 Q Does that remind you a little bit about that day a
10 little bit?

11 A You know, it's really foggy because it's been so long
12 ago.

13 Q Okay. Well, having refreshed your recollection by
14 listening to that, do you remember what type of information
15 the detective was looking for?

16 A I mean, I told him I seen a guy with a gun.

17 Q Okay.

18 A You know.

19 Q Were you able to identify that guy by any particular
20 nicknames or anything?

21 A I mean, it's been so long I really don't recall.

22 Q Okay. Did you, did you tell the officer, in relation to
23 when you spoke with him --

24 A Right.

25 Q -- when did you, when did you say you had seen the guy

Benjamin Hardie - Direct by Mr. Richardson

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1 with the gun?

2 A Gosh. I don't remember. I mean, I know I seen him at
3 the store, you know.

4 Q Was it -- you seen him at the store. Could it have been
5 the day before?

6 A I mean, I mean -- yeah. I mean, I remember him picking
7 up his T-shirt and I seen a pistol, you know.

8 Q Do you remember what the pistol looked like?

9 A A silver pistol.

10 Q Did it have any kind of handle on it?

11 A Yeah. I think it was pearl.

12 Q It was pearl handle. How big was the pistol?

13 A It was a small pistol.

14 Q Do you know anything about guns?

15 A A little bit.

16 Q Okay. Did you identify to the officers what kind of
17 pistol it might have been that day?

18 A I believe I told it was a -- looked like a 25.

19 Q Looked like a 25?

20 A Uh-huh.

21 Q And you said it was silver and pearl-handled?

22 A Yeah.

23 Q Now, did you give them the name Pooh-Pooh by any chance?

24 A I really don't remember, you know, it's been so long.

25 Q Okay. That's fine. Do you recall if you talked to them

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- 1 about anybody named James? I know it's been a long.
- 2 A Yes, sir.
- 3 Q You've met, you've met with a lot of people at the
4 convenience store between.
- 5 A I have. I have. Yes. Yes. From now and then it's,
6 you know, I've seen a lot of people come in and out.
- 7 Q The -- about how many people you see every day?
- 8 A Hundreds, you know.
- 9 Q How many times have officers come and talked to you
10 about a murder case?
- 11 A Once.
- 12 Q Once?
- 13 A Yes, sir. Once.
- 14 Q This was it?
- 15 A Yes. This was it.
- 16 Q The fellow that you saw with the gun, do you remember
17 any description of him, race, height, anything?
- 18 A He was, he was a black gentleman.
- 19 Q A black gentleman?
- 20 A Yes, sir.
- 21 Q Young, old?
- 22 A Uh-huh, young.
- 23 Q Younger?
- 24 A Young.
- 25 Q All right. On that date did you provide -- you said you

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1 had some video surveillance. Did you provide some still
2 photos from, from that video?

3 A I, I believe I did. Yes.

4 Q Okay. And on those still photos, does it print out a
5 time on there?

6 A It should, yes.

7 Q Okay. Print out the time that you're printing them out?

8 A It -- yes. It should.

9 Q Okay.

10 MR. RICHARDSON: I believe it is, I guess it's 113, 114,
11 115 and 116 or if we just want to do them as a collection,
12 Your Honor.

13 THE COURT: However you want to do it.

14 MR. RICHARDSON: You've already got the stickers. Let's
15 just -- it'd be easier to do that.

16 THE COURT: All right.

17 (State's Exhibit Numbers 113 through 116 [Surveillance
18 Photographs] marked for identification.)

19 BY MR. RICHARDSON:

20 Q No doubt about it you provided them with your stills
21 that day?

22 A I believe so, yes.

23 Q Okay. Let me show you State's 113, 114, 115 and 116.
24 If you could look at those and see if you can just -- see if
25 you can identify them.

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1 A I mean, that's no doubt the store I work at, you know.

2 Q That's your store?

3 A That's, that is my store. Yes.

4 Q Okay. And you don't have independent recollection of
5 who is in those photos?

6 A Not really. No, sir.

7 Q But you provided some stills to law enforcement?

8 A I did. Yes. I do believe. Yes.

9 Q Okay. And did you tell law enforcement that there was a
10 black man? You don't recognize any of these gentlemen?

11 A No. Not really. No, sir.

12 Q And how well do you know your customers that come in?

13 A I mean --

14 Q Some on first-name basis?

15 A Yeah. Yeah. Yeah.

16 Q Was there ever a gentleman -- describe any gentleman
17 that, that you were familiar with that frequently drove his
18 lawnmower to the gas station.

19 A I can't, you know.

20 Q It's been two years.

21 A Yes. It's been a very long time.

22 Q Okay. The date on those stills that would be from
23 whenever you printed them out?

24 A Yeah. Or I think the date on them is when they come
25 into the store.

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1 Q Okay.

2 A Is the time the camera captured them in the store.

3 Q Okay. All right. Did you provide a video to the
4 officers at that time as well?

5 A Say that one time.

6 Q Did you provide a copy of the video, store video to
7 them?

8 A I believe I did. I --

9 Q Okay.

10 A -- I may not. I know I give them something, you know.

11 Q Okay. All right.

12 MR. RICHARDSON: The Court's indulgence.

13 THE COURT: All right.

14 BY MR. RICHARDSON:

15 Q All right. No doubt about it that's your store?

16 A That is. It is.

17 Q And what's the time or date on there?

18 A It's hard to see. It says 2012. Looks like 8, 20.

19 Q 8-20, 2012?

20 A That's what it looks like. Yes.

21 Q At 1300.

22 A It's 1300.

23 Q 1315 hours?

24 A Uh-huh.

25 Q 1:00 o'clock.

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1 A It's there. So, yeah.

2 Q All right.

3 MR. RICHARDSON: Just for identification at this time,
4 Your Honor.

5 THE COURT: All right.

6 BY MR. RICHARDSON:

7 Q And you don't remember the name of the officer you spoke
8 with?

9 A No, I do not.

10 MR. RICHARDSON: Your Honor, I have no further questions
11 of this witness at this time.

12 THE COURT: All right. Cross examination.

13 MR. WILSON: May it please the Court, Your Honor?

14 THE COURT: Yes, sir.

15 CROSS EXAMINATION

16 BY MR. WILSON:

17 Q Mr. Hardie, you don't want to be here today; do you?

18 A I don't think no one wants to be in here today.

19 Q Okay. But I'm asking you a question. You don't want to
20 be here today; do you?

21 A No. Not really.

22 Q Okay. And can you tell this jury why it is that you're
23 afraid to be here today?

24 A Say that one more time.

25 Q Why don't you want to be here today? Tell this jury why

Benjamin Hardie - Cross by Mr. Wilson

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1 you don't want to be here today.

2 A I'm not getting paid.

3 Q Okay. Well, let me ask you this. Your store is in a
4 place called the bottom, near the bottom; correct?

5 A I, I guess.

6 Q Okay. But it's in Tabor City?

7 A Yes. It is.

8 Q Are you familiar with the bottom?

9 A No.

10 Q You're not familiar with the bottom at all?

11 A No. I mean, no.

12 Q Do you know where it is, where it's located?

13 A Sort of, yeah.

14 Q Okay. All right. And would you describe it as being a
15 dangerous place? Yes or no.

16 A Yeah, I mean, someone got killed not too long ago there.
17 Yes. So, I mean, I would.

18 Q Okay. Well, let me ask you this question then. You
19 stated that you know your customers pretty well that work at
20 this store; correct?

21 A Say that one more time.

22 Q This is a small place, Tabor City?

23 A Yes. It is.

24 Q All right. So it's a small town?

25 A Well, yeah.

Benjamin Hardie - Cross by Mr. Wilson

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1 Q All right. And so the folks that come up there all the
2 time are normally customers that you know; correct?

3 A Yeah.

4 Q Okay. All right. Now, you just testified when the
5 Prosecutor asked you on direct examination whether or not you
6 knew these two gentlemen?

7 A Right.

8 Q That's not entirely true. Is it?

9 A They may have been customers, you know. They could have
10 been customers.

11 Q They may have been customers.

12 A But it's been so long ago. It's been two years.

13 Q They may have been customers.

14 A I couldn't tell you what I eat two weeks ago, but you're
15 asking me to identify somebody two years ago.

16 Q Fair enough. Let me ask you this. Tell this jury
17 whether or not you know who these gentlemen are in these
18 photographs?

19 A No. I do not. I do not know their first name. I do
20 not know their last name. No. I do not.

21 Q Been marked State's Exhibit 114.

22 MR. WILSON: May I approach the witness, Your Honor?

23 THE COURT: Yes, sir.

24 BY MR. WILSON:

25 Q Take a look at that. Take a long, hard look at it?

Benjamin Hardie - Cross by Mr. Wilson

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1 A Okay.

2 MR. WILSON: And Your Honor, at this time could you
3 remind this Defendant, excuse me, this witness he's under
4 oath.

5 THE COURT: He knows he's under oath. Go ahead.

6 MR. WILSON: Thank you, Judge.

7 BY MR. WILSON:

8 Q I'm asking you if you know who that person is in that
9 picture?

10 A No. I do not. A customer, I'm assuming, because he's
11 in my store.

12 Q A customer you're assuming?

13 A I'm guessing. Yes.

14 Q Okay. Well, let me ask about this. On this particular
15 day when this incident occurred, there was some altercation
16 that occurred; correct?

17 A Do what now?

18 Q Do you recall an incident occurring where someone showed
19 a gun to another patron in your store?

20 A No. I just remember a guy pulling his T-shirt up.

21 Q A guy pulling his T-shirt up?

22 A Uh-huh. And seeing a pistol.

23 Q And seeing a pistol?

24 A Correct.

25 Q Okay. Was it one of these gentlemen who pulled their

Benjamin Hardie - Cross by Mr. Wilson

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1 shirt up and you said you saw a 25?

2 A Say that again.

3 Q Did you not tell the police in your statement, which you
4 said you've heard already --

5 A Yeah.

6 Q -- that you saw a gentleman, a black gentleman pull up
7 his shirt and that you identified a pearl-handled pistol which
8 was a 25?

9 A Yeah. I did.

10 Q Do you know a guy named Pooh Pooh?

11 A No. I do not.

12 Q Never heard of a guy named Pooh Pooh? Never heard of a
13 guy named Odom Bryant either?

14 A No. I have not.

15 Q Never heard of James Nehemiah?

16 A No. I have not.

17 Q And you don't know a gentleman who comes up to your
18 store all the time driving a lawnmower getting gas?

19 A Oh, my God, I mean, there's people come up there all the
20 time. People drive all kinds of things up there to the store
21 and get gas.

22 Q I'm asking you to tell this jury if you know there's a
23 gentleman --

24 A No. I don't. I really don't recall. No. I mean, it's
25 a convenience store. People come and people go.

Benjamin Hardie - Cross by Mr. Wilson

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1 MR. WILSON: Your Honor, may I approach the witness?

2 THE COURT: Yes.

3 BY MR. WILSON:

4 Q It's marked State's Exhibit 113. Take a long hard look.

5 A Okay.

6 Q Do you know who that gentleman is?

7 A No. I do not. I assume a customer because he's inside
8 my store.

9 Q You assume a customer --

10 A Yeah.

11 Q -- because he's inside your store?

12 A Yeah.

13 MR. WILSON: May I approach, Judge?

14 THE COURT: Yes.

15 BY MR. WILSON:

16 Q Mr. Hardie, isn't it true that the reason you won't
17 identify these gentlemen is because you're afraid of them or
18 afraid of their family?

19 A No. It's not.

20 Q That's not true; is it?

21 A No.

22 MR. WILSON: I have no further questions, Judge.

23 THE COURT: All right. Redirect?

24 MR. RICHARDSON: No, sir, Your Honor. I just ask that
25 Ms. Hardie be, Mr. Hardie be excused to return to his home.

Brian Wilson - Direct by Mr. Richardson

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1 THE COURT: Any objection?

2 MR. WILSON: No objection, Your Honor.

3 THE COURT: All right. He's free to go. Thank you very
4 much.

5 A Thank you.

6 MR. RICHARDSON: The State would call Detective Brian
7 Wilson.

8 Whereupon, Brian Wilson was called to the stand, duly
9 sworn by the clerk and testified as follows:

10 THE CLERK: State your full name and spell your first and
11 last name.

12 MR. WILSON: Brian Wilson, B-R-I-A-N, W-I-L-S-O-N.

13 DIRECT EXAMINATION

14 BY MR. RICHARDSON:

15 Q Good morning, Detective. How are you doing today?

16 A Good. Yourself?

17 Q Doing good. Thank you. Thank you for being with us
18 this morning. Could you tell us a little bit about yourself,
19 where you're employed, how long and in what capacity?

20 A I'm currently employed with the Horry County Police
21 Department. I'm assigned to the Major Crimes Division as a
22 detective. I've worked with the county for just over eight
23 years.

24 Q Okay. The Major Crimes Division, what kind of crimes do
25 they investigate?

Brian Wilson - Direct by Mr. Richardson

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1 A Homicides, rapes, armed robberies, that sort.

2 Q How about back in August, August 19th through the 21st,
3 2012, where were you assigned back then?

4 A At that time we were the Violent Crimes Division. I was
5 assigned as a detective to that part.

6 Q Now, as a, as a detective assigned to the Violent Crimes
7 Unit back in August 2012, did you have the occasion to become
8 involved in the investigation into the murders of Thomas
9 Hatfield or Tommy?

10 A Uh-huh.

11 Q And Amos Hatfield?

12 A Yes, I did. I was called out that Sunday morning to be
13 part of that investigation.

14 Q Okay. What time did you get called out?

15 A Just after four in the morning, I believe.

16 Q And is it uncommon in a case where you have a double
17 homicide and a reported rape that many detectives get called
18 out?

19 A Yeah. Something of that nature pretty much our whole
20 unit we get called out.

21 Q Everybody who's in town gets dumped out?

22 A Pretty much.

23 Q Okay. Now, did you actually go to the scene that
24 morning?

25 A Yeah. I was called to the scene.

Brian Wilson - Direct by Mr. Richardson

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1 Q Okay. And while you were at the scene what, if
2 anything, did you do?

3 A At the scene I was assigned to do a canvas of the
4 neighbors to see if anybody heard anything, saw anything.

5 Q Now, in speaking with those neighbors, do you recall
6 talking to anybody that was a witness?

7 A No. We -- a lot of people didn't hear much.

8 Q Okay.

9 A Being that early in the morning.

10 Q So you were doing the canvas? You were kind of leading
11 the canvas?

12 A No. I was just -- several of us were told by Sergeant
13 Squires just to go knock on doors, see if anybody heard
14 anything.

15 Q To your knowledge was there any other witnesses found
16 around that area?

17 A I believe that Ms. Locklear was found on scene, and she
18 was transported to the hospital for, I think she was claiming
19 she had been raped.

20 Q How about the neighbors, did you talk to them?

21 A Yeah. We talked to them. They didn't really have much
22 to say.

23 Q Okay. So they, they didn't witness anything?

24 A No.

25 Q Okay. Didn't have any dealings with Ms. Hatfield?

Brian Wilson - Direct by Mr. Richardson

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1 A Not as far as I know.

2 Q I mean, Ms. Locklear. Now, you were out at the scene.
3 How long were you out at the scene doing canvassing?

4 A Probably about a little over an hour, maybe two hours.

5 Q An hour or two. So from four in the morning on a little
6 while?

7 A Yeah.

8 Q And you weren't pulling people out of bed at four in the
9 morning?

10 A No.

11 Q Was it daylight whenever you were talking to people?

12 A It, it just became daylight. It was right around the
13 early morning.

14 Q Okay. And after you got done at the crime scene, what'd
15 you do?

16 A We were -- myself and Detective Cox were told to go to a
17 -- there was a car fire up 905 that we -- they believe was may
18 have been part of this, and that's where Detective and I --
19 Cox and I went to investigate that part of it.

20 Q Okay. And let me show you what's been marked as State's
21 Number One. Let's see. We've already had Pfc. Matt Tindall
22 --

23 A Uh-huh.

24 Q -- indicate the crime scene's here?

25 A Yes.

Brian Wilson - Direct by Mr. Richardson

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- 1 Q The area where you said you reported to a burning car --
- 2 A Uh-huh.
- 3 Q -- can you find that on here approximately?
- 4 A Let's see. It's on 905 just north of Highway 9. I'm
- 5 trying to --
- 6 Q If you want to take a look at it?
- 7 A -- get my bearings straight here. Where are we at? I
- 8 don't think it's on this map. No. It's got to come a little
- 9 bit further this way, I believe.
- 10 Q Okay. Is 905, was that in Horry County or --
- 11 A Yeah.
- 12 Q It was in Horry County?
- 13 A Yes, sir.
- 14 Q Okay. About half hour away from [REDACTED] was
- 15 that burned car?
- 16 A Probably about eight miles, I'd imagine.
- 17 Q Okay. And where it was located, is that in between
- 18 Tabor City and Loris or the crime scene?
- 19 A Yeah. It could be. Yeah.
- 20 Q About how far away would that be from Tabor City?
- 21 A Not far, about the same distance really.
- 22 Q Okay. So eight miles, eight miles, 16 miles?
- 23 A Yeah.
- 24 Q Around. What'd you find whenever you got there?
- 25 A The fire department was on scene. It was the shell of a

Brian Wilson - Direct by Mr. Richardson

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1 burning car really.

2 Q Okay. Subsequently, you all got a search warrant and
3 took that car in?

4 A Uh-huh.

5 Q Okay. And that was reported as possibly involved in
6 this?

7 A Yeah.

8 Q Okay. Did -- while you or Detective Cox were on scene
9 did you all do anything to manipulate that car whatsoever?

10 A No. Like I said, it was still smoldering. We couldn't
11 do anything with it anyways.

12 Q So it was burnt slap up?

13 A Yeah. We were just trying to get any kind of
14 identifying marks off it to see where -- who it belonged to.

15 Q What time of day was that?

16 A That was just as the sun was coming up. It was probably
17 about 7:00 o'clock in the morning.

18 Q About 7:00 o'clock or so?

19 A Yeah.

20 Q Okay. Were there any other people around?

21 A No.

22 Q Did you talk with any witnesses out there?

23 A We canvassed the neighboring area, and one, I believe,
24 one of the road officers said that someone had passed by and
25 saw it which called it in, which was there shortly after six.

Brian Wilson - Direct by Mr. Richardson

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- 1 Q They saw the burning car?
- 2 A Yeah.
- 3 Q They didn't see?
- 4 A They didn't see anybody around.
- 5 Q Okay. Now, anything else later on that day?
- 6 A Not that I can recall that day.
- 7 Q Okay. What, what all were officers doing that day? You
- 8 were involved in the investigation. After you all found the
- 9 burning car, and burned-out or whatever, you all brought it
- 10 back, did you do anything else that day?
- 11 A Yeah. We all came back to the department and kind of
- 12 everybody kind of put their heads together and tried to figure
- 13 it out, and shortly thereafter, Ms. Locklear was brought back
- 14 to the police department for an interview.
- 15 Q So you were there while she was being interviewed?
- 16 A Yeah.
- 17 Q Did you ever get sent out on any assignments during the
- 18 course of her interview?
- 19 A Not that I can recall, no.
- 20 Q Okay. How about other officers sent out to --
- 21 A Yeah. We kind of come back and everybody gets kind of a
- 22 task to do.
- 23 Q Okay. Now, and so you didn't take, take part in the
- 24 interview?
- 25 A No.

Brian Wilson - Direct by Mr. Richardson . . .

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1 Q Okay. Let's move on to the next day, Monday, August
2 20th, 2012. Did you have the opportunity to speak with any
3 witnesses in this murder case?

4 A Yeah. I was at the office, and we had received a phone
5 call that a Ms. Faye Hunt was in the front lobby, had
6 information pertaining to this homicide or this investigation.

7 Q Okay. So when you say you got a phone call, from the
8 front you got a phone call?

9 A Yeah. From the front, they subsequently call their
10 supervisor's name. She was up in the front lobby.

11 Q Okay. And how many detectives were over -- you say at
12 the office. Is that the M.L. Brown Building?

13 A Yes, sir.

14 Q That's over here near the post office in Conway?

15 A Yes, sir.

16 Q All right. And so you got the call? You're the only
17 detective back there?

18 A Yeah. I was the lonely man there.

19 Q Okay. Now, whenever you got this call that there was a
20 Faye Hunt up front, did -- had you heard the name Faye Hunt
21 before?

22 A No. I hadn't.

23 Q What'd you do?

24 A I went up and got a little information from her and
25 brought her back into an interview room and sat her down and

Brian Wilson - Direct by Mr. Richardson

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1 she went on to explain the information that she had.

2 Q Okay. So she talked to you?

3 A Yes.

4 Q And this wasn't recorded?

5 A No.

6 Q Okay. Now, prior to her talking to you, did you tell
7 her any of the details of the case?

8 A No.

9 Q Did you tell her anything about the weapon used?

10 A No.

11 Q Did you tell her what type of weapon was used?

12 A No.

13 Q Did you tell her anything about any insurance policies?

14 A No.

15 Q Did you give her any information?

16 A Not -- none, whatsoever. I was just letting her talk.

17 Q Okay. So she came in, and she drove to the police
18 department?

19 A Yes, sir.

20 Q Never heard her name before and she gives you this
21 information?

22 A Uh-huh.

23 Q How long do you all talk?

24 A Probably about an hour maybe.

25 Q About an hour possibly?

Brian Wilson - Direct by Mr. Richardson

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1 A Yeah.

2 Q Now, do you remember what time of day it was?

3 A It was after lunch, I believe.

4 Q It was after lunch. So it was in the afternoon?

5 A Uh-huh.

6 Q Now, after she gets through telling you her story, while
7 she's in there, does she make any calls or, or --

8 A Yeah. I believe she called her boyfriend or significant
9 other while we're in there to ask her -- ask him about a gun
10 that may have been purchased.

11 Q Okay. And this was information she had provided to you?

12 A Yes.

13 Q And was she asking about the caliber of the weapon or --

14 A I can't recall if she asked about the caliber or it was
15 just -- I believe a gun was mentioned in that.

16 Q Okay. And who brought up the, the gun?

17 A She did.

18 Q Okay. She brought up the gun, and then you -- did you
19 have any follow-up questions after that?

20 A Yeah. Just a matter of where it may have been gotten
21 from and whatnot.

22 Q Questions likes what type of gun?

23 A Yeah. What it looked like, you know.

24 Q Okay. And so she called to verify?

25 A Yeah.

Brian Wilson - Direct by Mr. Richardson

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1 Q Okay. Now, you talked to her for maybe an hour?

2 A Uh-huh.

3 Q What happens after you talk to her?

4 A She leaves. I forget where she was going back to, but
5 she left, and after she left I called Detective Frebowitz, who
6 was the lead investigator, told him what she had provided to
7 us, and he asked her -- asked me to get her to come back and
8 put it on a voluntary statement just because it may have some
9 influence.

10 Q Okay. Okay. And how soon after you -- after she left
11 did you call her back in?

12 A Within 20 minutes, maybe a half-hour.

13 Q Within 20 minutes to a half an hour?

14 A Yeah.

15 Q Allow me to show you what has been marked -- yes, yeah,
16 for identification State's 112. Do you recognize that?

17 A Yes. I do.

18 Q And what do you recognize State's 112 as being?

19 A It's one of our police department voluntary statements
20 that we give to whoever was willing to give a statement.

21 Q Okay. And prior to, to actually writing the statement
22 out, is there any information that the witness provides to
23 you?

24 A Just her name.

25 Q Any identifying information?

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1 A Yeah. Just her name, date of birth, address and so on.

2 Q Is there any place on there where dates or times are
3 recorded?

4 A Yeah. Right on the -- actually the first line is the
5 date, time and location.

6 Q Okay. So what, what date and what time does she give?

7 A She gives 3:30 p.m. on August 20th, 2012, at the M.L.
8 Brown Building.

9 Q Now, at the time she, she speaks to you, there's no
10 doubt it, this is the statement you gave --

11 A Yes. It is.

12 Q -- or Faye Hunt gave to you all?

13 A Uh-huh.

14 Q And did you provide any of the information contained in
15 that statement?

16 A No. I explained to her what this form was and that what
17 we had talked about she could put it into a statement for us
18 would be great.

19 Q And her daughter helped her write it out?

20 A Yeah.

21 Q Did he -- you witnessed it was her daughter just like a
22 scrivener, just taking it in?

23 A Yeah.

24 Q And no doubt about it, did Faye sign that?

25 A Uh-huh.

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1 THE COURT: Excuse me. You need to answer yes or no?

2 A Oh, yes. Yes, sir.

3 THE COURT: Thank you.

4 MR. RICHARDSON: Yes, sir, Your Honor.

5 BY MR. RICHARDSON:

6 Q Now, after you got this written statement from Faye --

7 A Uh-huh.

8 Q -- Faye Hunt, at this point did, did the police know the
9 caliber of weapon that was used --

10 A Yeah.

11 Q -- to kill Amos and Tommy?

12 A Yeah. At that point they did.

13 Q You all, you all knew about it?

14 A Uh-huh.

15 Q Okay.

16 REPORTER: Yes?

17 A Yes.

18 Q If you'd just say yes or no. I know, I know we talk in
19 uh-huh and --

20 A Uh-huh.

21 Q -- yes, sir. Detective, you get this written statement
22 at 3:30. She comes in about 20 minutes after she'd given her
23 original statement?

24 A Yes.

25 Q You all had spoke to her for about an hour before that.

Brian Wilson - Direct by Mr. Richardson

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1 So she came in between one and 2:00 o'clock, maybe?

2 A Yes.

3 Q Okay. Now, after she reduced her statement to writing,
4 did you keep her here any longer?

5 A No.

6 Q So she was free to go?

7 A Yes.

8 Q And once again, her name had not come up in the
9 investigation prior to that?

10 A No. She had come because she heard it on the news or
11 something, wanted to clear her name.

12 Q Okay. All right. Did you all discuss that?

13 A Uh-huh. Yes.

14 Q About her wanting to clear her name?

15 A Yes.

16 Q Okay. Did she tell you about talking to any people on
17 the phone, not what was said, but did she talk to you about
18 talking to people on the phone and that's why she wanted to
19 clear her name?

20 A Yeah.

21 Q Okay. Now, Detective, after you took this written
22 statement, you get all the information from Faye Hunt, did you
23 all have any knowledge about any insurance policy prior to
24 Faye Hunt coming in?

25 A No.

Brian Wilson - Direct by Mr. Richardson

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1 Q And after getting this statement, what, if anything, did
2 you do with this statement?

3 A I provided it to Detective Frebowitz, and with that
4 information we, we believed we had probable cause to get a
5 search warrant for the house in Tabor City. We went up to
6 Tabor City Police Department, explained what we had with the
7 statement, and through our investigation at that point, and we
8 got a search warrant for the house in Tabor City.

9 Q Okay. So, the judge in Tabor City didn't have any
10 problem giving you a search warrant?

11 A No, sir.

12 Q And whose house was it?

13 A It was actually -- it's Amos's house, but that's where
14 Sandy was living.

15 Q Okay. Do you remember the address?

16 A No. I don't.

17 Q Off Fair Bluff Road?

18 A Yes.

19 Q Okay. And to your knowledge it was the house where the
20 Defendant had been living?

21 A Yes.

22 Q Okay. And whenever you went into that house what were
23 you going to be looking for?

24 A The life insurance policy that Faye had said would be in
25 the house in a particular location.

Brian Wilson - Direct by Mr. Richardson

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1 Q Were you looking for any weapons when you entered the
2 house?

3 A Yeah. We were looking for a firearm as well.

4 Q Okay. Now, and Faye is the only one that gave you all
5 statements about what was in the house; correct?

6 A Yes.

7 Q Now, when it -- were -- did you assist in the execution
8 of this search warrant?

9 A Yes, I did.

10 Q Can you tell us how the search warrant was conducted?

11 A Just pretty much routine. We made our presence known at
12 the door. No one was home. We actually had to make forced
13 entry into the home because all the doors were secured. As we
14 went in the house, we were looking for a life insurance policy
15 or weapon, anything that pertained to the, to this
16 investigation that was specified in the search warrant, and I
17 believe there's five of us there. We kind of each took a
18 section of the house and just went room by room looking for
19 what we were looking for.

20 Q Did you find any items of evidentiary value?

21 A Yes. In the bedroom we found in a, like a briefcase
22 portfolio was the life insurance policy that Faye had said
23 that Sandy had had.

24 Q And you said it was in a briefcase?

25 A Yeah. Like a organizer.

Brian Wilson - Direct by Mr. Richardson

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- 1 Q Like a folio type thing?
- 2 A Yes.
- 3 Q Okay. Somewhere where you keep important paperwork?
- 4 A Yes.
- 5 Q And so -- and you -- was it located in the kitchen?
- 6 A No. It was located in the master bedroom.
- 7 Q The master bedroom?
- 8 A Uh-huh.
- 9 Q So where the person who lived in that home was living?
- 10 A Yes.
- 11 Q Okay. Detective, I'm going to open it now and then --
- 12 I'm going to show you two items. I'm going to show you
- 13 State's 118 and 117. If you can take just a few minutes to
- 14 look at these items?
- 15 A Uh-huh.
- 16 Q And tell us if you identify them and if so how?
- 17 A 117 was part of the life insurance policy, and I believe
- 18 this part goes on just more of the same showing payments and
- 19 whatnot and beneficiaries to it.
- 20 Q Okay. Are these the policies you all found in the folio
- 21 or whatever under the master bedroom bed?
- 22 A Yes, sir.
- 23 Q No doubt about it these are what you all found and that
- 24 was on August 20th, 2012?
- 25 A Yes, sir.

Brian Wilson - Direct by Mr. Richardson

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1 Q In the house in which the Defendant lived?

2 A Yes, sir.

3 MR. RICHARDSON: The Court's indulgence, Your Honor.

4 THE COURT: All right.

5 BY MR. RICHARDSON:

6 Q One second. Wasn't just the insurance papers in there?

7 Were there other items as well?

8 A Yeah. There was quite a few items in there, all

9 pertaining to insurance of some sort.

10 Q Okay. Maybe a deed as well?

11 A Yeah.

12 Q Possible there were two actual policies in that?

13 A Yeah. They're divided between the two pamphlets there or

14 whatever.

15 Q All right. I'm going to show you some of the

16 documentation from State's 117.

17 MR. WILSON: No objection, Your Honor.

18 Q First of all, you can just identify them for the paper by

19 that first paragraph?

20 A Uh-huh.

21 Q First of all, who's that, that set of documents, who's it

22 drafted to?

23 A Amos Hatfield.

24 Q Okay. And that first paragraph, how does it identify

25 that particular set of documents?

Brian Wilson - Direct by Mr. Richardson

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1 A It says it's your accidental death insurance plan is
2 enclosed.

3 Q All right. I'll flip over one, two, three, I'm going to
4 show you item --

5 MR. RICHARDSON: For the, for the record, Your Honor,
6 page four of this stapled amount.

7 BY MR. RICHARDSON:

8 Q Could you go to the section that says loss of life
9 benefits?

10 A Uh-huh.

11 THE COURT: Is that a yes?

12 A Yes.

13 Q Okay. Can you just read that, that paragraph out?

14 A (As read), "Loss of life benefits. If while insured
15 under this policy an insured person sustains a covered injury
16 which results in loss of life within 360 days following the
17 date of the injury we will pay loss of life benefit shown on
18 the policy schedule. Loss in the classification of injuries
19 provisions, the loss of life benefit payable for the primary
20 insured will be A, class one injury a hundred percent, B is
21 class two injury 30 percent, and C, class three injury is 20
22 percent.

23 Q Now, in anywhere in there does it define what a class
24 one, two or three class is?

25 A No. It does not.

Brian Wilson - Direct by Mr. Richardson

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1 Q Okay. And that's in the small print?

2 A Yeah.

3 Q In the definitions now. Now, if you flip over, can you
4 tell us what a class one is?

5 A Yeah. It's for -- it states a class one common carrier
6 or scheduled airline injury.

7 Q Okay. Class two?

8 A Private automobile pedestrian injury.

9 Q And class three?

10 A All other unspecified injuries.

11 Q Okay. And it said a hundred percent, 30 percent and 20
12 percent on those respectively?

13 A Yes.

14 Q Okay. And this was buried in the middle of all the
15 paperwork?

16 A Yeah. There's a whole bunch of papers in there.

17 Q Okay. And you looked at the paperwork that day?

18 A Yes.

19 Q Did it, did it appear to have been rifled through or
20 anything?

21 A No.

22 Q Was it sealed whenever you saw it?

23 A No. It was the way it was, the top was ripped open.

24 Q Okay. And can you tell me what the -- by looking back
25 on the first page out of 117, can you, can you tell me what

Brian Wilson - Direct by Mr. Richardson

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1 the coverage ID number is?

2 A It's 454915-28M.

3 Q Okay. Now, I'm going to hand to you what is one of the
4 pages from State's 118, a separate document?

5 A Uh-huh.

6 Q Now, you just read the policy ID number. Can you read
7 the policy number on there?

8 A It's E42ADR52-454915-28M.

9 Q Okay. And so that pertains to that policy we were
10 talking about?

11 A Yes. Yes.

12 Q Okay. And when, when is the policy date on that?

13 A The policy date is August 6th, 2011.

14 Q Okay. So it went into effect August 6th, 2011?

15 A Yes.

16 Q And this is labeled loss of life benefits payable as
17 shown below. How much on the primary insured for a class one?

18 A \$1 million.

19 Q Okay. A class two?

20 A 300,000.

21 Q And class three?

22 A 200,000.

23 Q Okay. And the primary insured was Amos Hatfield?

24 A Yes.

25 Q Okay. I'm going to try to keep these straight. Once

Brian Wilson - Direct by Mr. Richardson

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1 again, this is buried in a bunch of other paper; right?

2 A Yes.

3 Q Now, this is also out of State's 118 page styled Mutual
4 of Omaha Insurance Company, application of Mutual of Omaha
5 Insurance Company accidental death insurance available
6 applicant's. If you'll take a look at this?

7 A Uh-huh.

8 Q Now, this document, does it -- is there a portion where
9 it states who the beneficiaries are on the policy?

10 A Beneficiary. Yes. It has Sandy L. Hatfield wife.

11 Q How much?

12 A 50 percent.

13 Q Okay. And how about the other 50 percent?

14 A Sylvia Adkins, I can't read the last name, 50 percent.

15 Q 50 percent. Okay. And that was buried in all those
16 documents as well; correct?

17 A Yes.

18 Q In the envelope where those were found and there's also
19 the deed, there's a whole bunch of things?

20 A Yes.

21 Q Those other documents that you read, at any point does
22 it, does it state anything about any other beneficiaries?

23 A No. Just the two.

24 Q Just the two. Okay.

25 MR. RICHARDSON: The State would seek, Your Honor -- I

Brian Wilson - Direct by Mr. Richardson

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1 can't remember if I said it, Your Honor. The State would seek
2 to introduce 117, 118 into evidence.

3 THE COURT: Any objection?

4 MR. WILSON: Your Honor, without objection.

5 THE COURT: State's Exhibits Number 117, State's Exhibit
6 118 admitted into evidence without objection.

7 (State's Exhibit Number 117 [Insurance Policy] and
8 State's Exhibit Number 118 [Insurance Policy] admitted into
9 evidence and appropriately marked.)

10 BY MR. RICHARDSON:

11 Q Now, the house, whenever you all entered it, it was
12 unoccupied, it was locked and secured?

13 A Yes.

14 Q Now, after entering the house did you all take anything
15 else of evidentiary value?

16 A Yeah, her -- a purse was in there with some other -- I
17 believe there was a couple of other documents.

18 Q Take a look at State's 119. Can you identify that item?

19 A That was a purse that was found inside the house.

20 Q And whenever you all found it, was it empty or did it
21 have stuff in it?

22 A I believe it had some, a couple of things in it.

23 Q Okay. Did you inventory the purse at the scene?

24 A I did not personally, no.

25 Q What did you all do with the purse?

Brian Wilson - Direct by Mr. Richardson

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1 A It was collected into evidence and then turned all over.

2 Q To Horry County?

3 A It was actually turned to Tabor City, and then they
4 subsequently turned it over to us through chain of custody.

5 MR. RICHARDSON: Your Honor, I believe I've spoken
6 with counsel. I have no objection without bringing Detective
7 Martin up putting the contents. He actually searched the
8 purse back at Horry County.

9 THE COURT: Any objection to State's Exhibit 119?

10 MR. WILSON: Your Honor, we'll stipulate.

11 MR. RICHARDSON: Or the contents.

12 MR. WILSON: Or the contents, Judge, and I think
13 honestly, Judge --

14 (Whereupon, a bench conference is held in the presence
15 but out of the hearing of the jury.)

16 THE COURT: All right. So right now we'll just dealing
17 with State's Exhibit 119?

18 MR. RICHARDSON: That's the purse.

19 MR. WILSON: Yes, Your Honor.

20 THE COURT: All right. State's Exhibit 119 admitted into
21 evidence without objection.

22 (Whereupon, State's Exhibit Number 119 [Purse] admitted
23 into evidence and appropriately marked.)

24 MR. RICHARDSON: Your Honor, so that the record can be
25 clear, I believe stipulating to -- I think we're stipulating

Brian Wilson - Direct by Mr. Richardson

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1 to the chain on, on the remainder of these, including a
2 receipt. So I'll have them all marked as one unit, Your
3 Honor. It's the contents of the purse.

4 MR. WILSON: Your Honor, we stipulate.

5 THE COURT: All right. So, what are they marked as?

6 MR. RICHARDSON: They'd be marked as 120?

7 REPORTER: You're putting them all as one together?

8 MR. RICHARDSON: I'll put them as one thing.

9 REPORTER: 120.

10 MR. RICHARDSON: I figured that'd be the easiest way.

11 THE COURT: All right. State's Exhibit Number 120
12 admitted into evidence without objection.

13 (Whereupon, State's Exhibit Number 120 [Contents of Purse
14 (119)] admitted into evidence and appropriately marked.)

15 MR. RICHARDSON: We've got -- for the record, Your Honor,
16 items contained therein: a small amount of green, leafy
17 substance, one set of keys, one key fob. I believe I've
18 already identified a receipt, one bottle of perfume, one piece
19 of candy, one pair of sunglasses, one New Testament with the
20 name of [REDACTED] in it, looks like a few items of
21 makeup, Your Honor, a bottle of lotion, microfiber clothe for
22 you to clean sunglasses, one pen, three sticks of gum, one
23 tape measure, one change purse, and I believe 11 cents, Your
24 Honor. Anything else in there? Also one pair of tweezers,
25 Your Honor.

Brian Wilson - Direct by Mr. Richardson

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1 THE COURT: All right.

2 MR. RICHARDSON: Make that 12 cents.

3 BY MR. RICHARDSON:

4 Q Now, the receipt I'm going to ask you about is part of
5 120. Detective, have you got a knife on you because I need to
6 get you to open it.

7 A I can read through.

8 Q You can read through there. Can you tell what that --
9 where that receipt's from?

10 A It says the IGA in Loris.

11 Q IGA in Loris. Can you tell what time of day that
12 receipt was issued?

13 A It's at 20:58.

14 Q 20:58, military time, that -- what, what time would that
15 be for normal people?

16 A 8:58 p.m.

17 Q So right about 9:00 p.m.?

18 A Yes, sir.

19 Q Okay. And can you tell what items were bought?

20 A Newport cigarettes, an 18-pack of Bud Light and
21 something else that doesn't really -- cardless -- Pall Mall.

22 Q Two packs of Pall Malls?

23 A Yes.

24 Q Okay. No sugar on there?

25 A No.

Brian Wilson - Direct by Mr. Richardson

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1 Q Okay. Does it tell you whether it was paid for cash,
2 check, credit card?

3 A It says personal check.

4 Q Personal check, and how much did the items being
5 purchased add up to?

6 A 25.89.

7 Q How much was the check for?

8 A 45.89.

9 Q So \$20 and change back?

10 A Yes, sir.

11 Q Okay. And that was all -- those were all items found in
12 the purse we stipulated to?

13 A Yes.

14 Q And the date was August 18th?

15 A Let me just double check, yes, 2000 --

16 Q August 18th, 2012?

17 A Yes, sir.

18 Q Now, in -- you all did a thorough search of the house;
19 correct?

20 A Yes.

21 Q Anywhere in the house did you all find any handgun?

22 A No.

23 Q Where all did you all look in the house?

24 A Everywhere, every drawer, every closet, underneath every
25 bed, you name it, we looked through.

Brian Wilson - Direct by Mr. Richardson

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1 Q So you all did an exhaustive search, no handguns?

2 A No handguns.

3 Q And any ammunition?

4 A I don't believe so.

5 Q To your knowledge was there ever a murder weapon
6 actually recovered in this case?

7 A Not that I -- no.

8 Q Now, prior to speaking with Faye Hunt did the Horry
9 County Police Department know anything about any insurance
10 policies?

11 A No.

12 Q Prior to speaking to Faye Hunt did the -- did you tell
13 her anything about the caliber of weapon used?

14 A No.

15 Q Did you give any kind of description of any weapon to
16 her?

17 A I don't believe I did.

18 Q And that is the extent of your portion of this
19 investigation?

20 A Yes.

21 Q Thank you, Detective. If you'll answer any questions
22 the Defense may have.

23 THE COURT: Cross examination.

24 MR. WILSON: May it please the Court, Your Honor?

25 THE COURT: Yes, sir.

Brian Wilson - Cross by Mr. Wilson

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1 CROSS EXAMINATION

2 BY MR. WILSON:

3 Q Detective, you just said just now you don't believe that
4 you did give her any sort of example or any information by
5 accident regarding this particular weapon; correct?

6 A Yes.

7 Q Okay. So when you tell this jury you don't believe you
8 did you're not sure or you are sure?

9 A I'm sure.

10 Q You're a hundred percent sure?

11 A Uh-huh.

12 Q Okay. Let me ask you this. Now, when you normally take
13 a statement from a witness in a murder case --

14 A Uh-huh.

15 Q -- you normally record it? Is that normal protocol at
16 Horry County Police Department?

17 A No. We don't have a protocol if we record or not.

18 Q Okay. So when you took her statement you never recorded
19 this; did you?

20 A No.

21 Q Okay. Why didn't you record her statement after you
22 brought her back? You didn't record it the first time;
23 correct?

24 A Huh-uh.

25 Q Okay.

Brian Wilson - Cross by Mr. Wilson

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1 THE COURT: Is that a no.

2 A No.

3 Q Okay. And you didn't record it the second time she came
4 back?

5 A No.

6 Q So there is no record of the conversation that you had
7 with her for about an hour?

8 A No.

9 Q And then there's no record of the conversation you had
10 with her for 20 minutes after that; correct?

11 A No.

12 Q During the time that you talked to her, do you ever
13 recall asking her if she was under the influence of any
14 narcotics?

15 A No.

16 Q Now, before you got this statement from Faye Hunt, which
17 Horry County Police Department then admittedly used to go and
18 get a search warrant --

19 A Uh-huh.

20 Q -- for the house of Sandy Locklear, Horry County Police
21 Department didn't have the basis to get a search warrant for
22 her home at the time before you got this statement from, from,
23 from Fay Hunt; did you?

24 MR. RICHARDSON: Calls for a legal conclusion, Your
25 Honor.

Brian Wilson - Cross by Mr. Wilson

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1 THE COURT: Overruled.

2 MR. RICHARDSON: It's the absence of a legal.

3 THE COURT: Overruled. I'll allow it.

4 Q Did you have a basis for going to get a search warrant
5 for this Defendant's home before Faye Hunt came in and gave
6 you a statement about a policy and a gun?

7 A No.

8 Q Had you attempted to get a search warrant for this
9 Defendant's home before you talked with Faye Hunt?

10 A No.

11 Q Thank you. Now, the Prosecutor asked you on direct
12 examination whether or not you did an exhaustive search, and I
13 believe you said yes?

14 A Uh-huh. Yes.

15 Q Something like that; correct?

16 A Yes.

17 Q Okay. Tell this jury what a search, what it inquires,
18 what, what, actually what it requires. What, what do you do
19 when you go and do a search? What's the first thing you start
20 doing when you go to a house and this house in particular?

21 A We always do a protective sweep, make sure there's no
22 one else in the home, no one hiding in a closet, underneath a
23 bed, and then room by room we go through every drawer, every
24 pocketbook, anything that can hold or contain whatever we're
25 looking for.

Brian Wilson - Cross by Mr. Wilson

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1 Q Okay. And in this particular search warrant, without
2 actually having to pull it out unless it's necessary, you were
3 looking for a policy or papers; correct?

4 A Yes.

5 Q And you were also looking for a weapon?

6 A Yes.

7 Q Okay. All right. And so, based on that, you really
8 could've looked anywhere in the house; right?

9 A Yes.

10 Q All right. So would you have looked in the closets?

11 A Yes.

12 Q Would you have looked in suitcases?

13 A Absolutely.

14 Q Okay. Would you have looked in pocketbooks or purses?

15 A Yes.

16 Q Would you have looked in small containers?

17 A Yes.

18 Q Okay. Would you have looked in the kitchen in the
19 refrigerator and elsewhere in the house?

20 A Yes.

21 Q You guys are very good at going in to do searches;
22 correct?

23 A Oh, yeah.

24 Q Okay. All right. So you didn't find any bullets in
25 that house which were 25 caliber; correct?

Brian Wilson - Cross by Mr. Wilson

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1 A We didn't find any bullets I don't believe.

2 Q Well, let me ask you this. Did you find any bullets at
3 all in that house?

4 A I, I don't remember.

5 Q I'm asking you. This is a murder case.

6 A Yes.

7 Q I want to know if you recall finding any bullets in this
8 house.

9 A I don't recall finding any bullets in the house.

10 Q Okay. All right. Do you recall finding any gun boxes
11 in this house?

12 A I don't recall. No.

13 Q Do you recall finding any sort of material that relates
14 to guns in this house?

15 A No.

16 Q Now, let's talk about this insurance policy. You
17 testified under direct oath or direct examination under oath
18 that when you found the policy you read over it.

19 A Uh-huh.

20 Q Is that correct?

21 A Yes.

22 Q Okay. All right. And when you read over it, how many
23 classes are there in this policy?

24 A Three.

25 Q Okay. And have you had a chance to look over the policy

Brian Wilson - Cross by Mr. Wilson

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1 or do you need me to get a copy of it for you right now?

2 A I've read over it.

3 Q Okay. All right. And in the first class of that
4 particular policy does it pay out \$1 million for a death in an
5 airplane?

6 A Yeah. It stated it paid out \$1 million.

7 Q So based on your knowledge of the actual policy, you'd
8 have to die in an airplane accident to get the policy paid out
9 to you; correct?

10 A For the million dollars, yes.

11 Q For the million dollars. Okay. Well, what about the
12 class two, how much would you get for a class two payout?

13 A 500,000.

14 Q Okay. And that was for what kind of accident?

15 A I believe a vehicle accident or pedestrian injury.

16 Q Okay. All right. And who else was the beneficiary on
17 this policy?

18 A We found out it was Amos's daughter.

19 Q Okay. Well, let me ask you this. Did you ever discover
20 who took this policy out?

21 A It was Amos.

22 Q Okay. So the Defendant didn't take this policy out; did
23 she?

24 A No.

25 Q Okay. And the last class, which is class III, what does

Brian Wilson - Cross by Mr. Wilson

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1 it pay out?

2 A I believe 250,000.

3 Q 250,000 or 200,000?

4 A It might be 200.

5 Q Would you dispute it if I said it was 200,000?

6 A No.

7 Q Okay. All right. And half of that was going to go to
8 who if you read the actual policy?

9 A Half would go to Sandy and half would go to Amos's
10 daughter.

11 MR. WILSON: The Court's indulgence, Your Honor.

12 THE COURT: All right.

13 BY MR. WILSON:

14 Q Now, you also collected the -- was it the car, the
15 burning car? Did you respond to that particular --

16 A Yes.

17 Q -- crime scene location? You all didn't just find a
18 burning car. Did you find another piece of evidence at that
19 crime scene?

20 A I believe there's some cigarette butts around that we
21 collected just because they were fresh like they were just
22 flicked out over there.

23 Q Oh, there were fresh butts around the car. Is that what
24 you're saying?

25 A Yes.

Brian Wilson - Cross by Mr. Wilson

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1 Q All right. And you would have collected those?

2 A Yeah.

3 Q Okay. Why did you collect those? Tell this jury why.

4 A Because of the time of day it didn't look like they had
5 any previous -- they hadn't been there long because there was
6 no dew or anything on them.

7 Q Okay. And, and you've been a detective for how long?

8 A Just over two years.

9 Q Okay. All right. And if you collected those cigarette
10 butts, what would have possibly happened with those cigarette
11 butts after you collected those?

12 A Oh, they'd be turned into evidence, and if seemed deem
13 fit they would send to SLED for a possible DNA match.

14 Q Is it typical to get DNA off of cigarettes? Is that
15 typical? Can it be done?

16 A Yes.

17 Q Okay. To your knowledge were those cigarette butts ever
18 tested?

19 A Not to my knowledge.

20 MR. WILSON: Your Honor, I have no further questions.

21 THE COURT: All right.

22 MR. WILSON: Thank you, Detective. I appreciate it.

23 A Thank you.

24 THE COURT: Redirect?

25 MR. RICHARDSON: The Court's indulgence..

Brian Wilson - Redirect by Mr. Richardson

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1 THE COURT: All right.

2 REDIRECT EXAMINATION

3 BY MR. RICHARDSON:

4 Q When you talked with Faye Hunt, did she appear to be
5 intoxicated in any way?

6 A No, sir.

7 Q And you've been a patrol officer?

8 A Yes, sir.

9 Q Make some DUI arrests?

10 A Yes.

11 Q So you're familiar with what people look like when
12 they're under the influence?

13 A Yes, sir.

14 Q And you were able to ascertain payouts and whatnot on
15 the insurance policy because you actually read it?

16 A Yes.

17 Q No further questions.

18 THE COURT: All right. You may step down. Call your
19 next witness.

20 MR. RICHARDSON: Your Honor, the next could be long. I
21 do -- I have a SLED agent coming in at 1:30.

22 THE COURT: Okay.

23 MR. RICHARDSON: I didn't know if you wanted to break for
24 lunch.

25 THE COURT: All right. Ladies and gentlemen, we'll go

Brian Wilson - Redirect by Mr. Richardson

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1 ahead and break for lunch. We do have lunch coming for you.
2 Hopefully it'll be here shortly if it's not here now. Leave
3 your pads in the jury box. We'll take about an hour for
4 lunch. You can return phone calls, but do not discuss the
5 case even among yourselves at this point in time. If you do
6 not want to eat lunch here and you want to leave, you are free
7 to leave if you have to run an errand or something, but please
8 be back in the jury room at 1:20 and we'll try to get started
9 soon after that. All right? Thank you very much.

10 (Whereupon, the following takes place outside the
11 presence of jury.)

12 THE COURT: All right. Anything from the State before we
13 break for lunch?

14 MR. RICHARDSON: No, sir, Your Honor.

15 THE COURT: Anything from the Defense?

16 MR. WILSON: Nothing, Your Honor.

17 THE COURT: All right. We'll be in recess till 1:30.

18 MR. WILSON: Thank you, Judge.

19 THE COURT: Thank you, Your Honor.

20 MS. WOOTEN: Thank you.

21 THE COURT: Thank you.

22 OFF THE RECORD

23 (On the record. The following takes place outside the
24 presence of the jury.)

25 THE COURT: All right. Anything from the State before we

James Green - Direct by Mr. Richardson

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1 bring the jury in?

2 MR. RICHARDSON: No, sir, Your Honor.

3 THE COURT: Anything from the Defense?

4 MR. WILSON: Nothing, Your Honor.

5 THE COURT: All right. Let's go ahead and bring the jury
6 in.

7 (Whereupon, the following takes place in the presence of
8 the jury.)

9 THE COURT: All right. Ladies and gentlemen, welcome
10 back. Hope everyone had a good lunch. We're ready to resume
11 the trial of the case. Make sure you have your own notepad
12 and no one else's. All right. The State can call their next
13 witness.

14 MR. RICHARDSON: Thank you, Your Honor. The State would
15 call Special Agent James W. Green, Jamie Green.

16 Whereupon, James W. Green was called to the stand, duly
17 sworn by the clerk and testified as follows:

18 THE CLERK: Please state your full name and spell your
19 last name.

20 MR. GREEN: James William Green, G-R-E-E-N.

21 DIRECT EXAMINATION

22 BY MR. RICHARDSON:

23 Q Agent Green, could you tell us a little bit about
24 yourself, where you are employed, how long and in what
25 capacity?

James Green - Direct by Mr. Richardson

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1 A I'm employed by the South Carolina Law Enforcement
2 Division, commonly referred to as SLED, in the firearms and
3 tool marks department of the SLED forensic services
4 laboratory, and I've been in the firearms department since
5 June of 2005.

6 Q Now, what is the purpose of SLED?

7 A We lend technical and expert assistance to agencies that
8 may not have the capabilities that we have.

9 Q And in the firearms and tool mark identification division
10 that's under, that's under the forensic evidence division;
11 correct?

12 A Yes, sir.

13 Q Could you educate us a little bit about the field of
14 forensic firearms identification? What exactly does that term
15 mean?

16 A Firearms identification is a sub-discipline of forensic
17 science, and basically what we do is we determine whether a
18 fired ammunition component, a fired bullet or a fired
19 cartridge case was fired from a specific firearm if one is
20 submitted to us. In the absence of a submitted firearm, we
21 can look at the evidence to see how many guns may be involved
22 possibly, was there one gun used, was there two guns, three
23 guns, four guns, on down the line, and the way we do that is
24 we use a comparison microscope, and it's basically two
25 microscopes connected by one optical bridge that lets us look

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1 at the tiny microscopic striations or scratches left on the
2 bullet or the cartridge case as it's being marked by the
3 firearm in which it was fired as a result of firing. When
4 there -- firearms are manufactured each barrel, slide,
5 anything that touches the working surface of the ammunition
6 component, which is a bullet or a cartridge case, is made by a
7 tool, and if every one of you are a firearm or just for
8 example and I was the tool used to make each one of you, each
9 one of you would be made differently based on the microscopic
10 wear and tear on the tool as it moves from one tool to the
11 next, to the next. That's how we're able to differentiate
12 consecutively made firearms.

13 Q For example, if I took A to a hammer and I struck right
14 here I might leave one mark here?

15 A Yes, sir.

16 Q And then if some damage was done to the hammer in making
17 that mark, you'd be able to see that damage the next time I
18 struck?

19 A Yes, sir. Which would separate the two marks.

20 Q And here you're looking for very fine details?

21 A Yes, sir. Very microscopic scratches.

22 Q And what's your education like in this field?

23 A I'm sorry?

24 Q What's your education and training like in the field of
25 forensic firearm identification?

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1 A When I was hired at SLED I began the firearm and tool
2 mark course of instruction. It's a basically three and a half
3 to a four-year course of instruction studying under court-
4 qualified firearms examiners. At first you just sit back and
5 watch what they do, learning how they do what they do, and as
6 you progress further through the training, you're given
7 written tests, oral tests, practical problems, practical
8 exercises to see that you're grasping the concepts. At the
9 end of the training cycle, I was given a fairly in-depth final
10 exam with practical problems, essays, and that sort of thing.
11 Once I passed that, I was deemed competent and let work cases.

12 Q Now, so as I understand it, how long have you been doing
13 forensic firearms identification?

14 A Nine years.

15 Q Nine years you been doing this. Does that include your
16 training or just --

17 A That includes training. Yes, sir.

18 Q Okay. So six years you've been on your own?

19 A Yes, sir.

20 Q All right. And so the modern firearm, the particular
21 marks they make, whatnot that help you identify certain
22 projectiles or cartridge cases to certain guns?

23 A Yes, sir.

24 Q And that's if you have a gun to compare it to?

25 A Correct.

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1 Q The projectiles themselves, that's the -- the actual
2 part that actually expelled from a, from a bullet; correct?

3 A Expelled from a cartridge case goes down the barrel.
4 Yes, sir. People call them bullets.

5 Q Is there anything you can tell about a certain
6 projectile just by looking at it, weighing it, measuring it?

7 A In the absence of a gun, we can give the caliber of the
8 bullet based on its -- what we call the OPCs or the observable
9 physical characteristics, and that's the weight of the bullet
10 itself and the measurements of the diameter at the base which
11 will give you the caliber. We can also count the number of
12 lands and grooves on a bullet, which is their rifling. It's
13 imparted in a rifle barrel, and what that is everybody watches
14 football or a lot of people watch football and you see a
15 quarterback throw a nice tight spiral. That's the effect the
16 rifling has on the bullet. It causes the bullet to spin,
17 giving the bullet stability so it goes farther and it's more
18 accurate. When the barrel is rifled, the manufacturers tell
19 the people making the tool what they want those land and
20 groove widths to be, and the land and grooves make up the
21 rifling. It's based on those measurements and the caliber,
22 the number of lands and grooves and the direction of the
23 twist, which will be right or left, we can plug that into a
24 program given to us by the FBI, the Federal Bureau of
25 Investigation. They call it the GRC program for general

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1 rifling characteristics, and when we put those search criteria
2 in there, in the absence of a gun, it can give us a list of
3 possible known manufacturers with rifling specifications like
4 those exhibited on the bullets we have.

5 Q Now, in your field of expertise, forensic firearms
6 identification and tool mark identification, is there a term
7 that it's more commonly called on TV, books, radio?

8 A People commonly call it ballistics.

9 Q Okay. Just want to make sure we all know what we're
10 talking about. With regard to forensic firearms
11 identification, you told us you've been involved in it nine
12 years, six years on your own. In that time, six years on your
13 own, approximately how many times have you done, conducted
14 analysis on projectiles?

15 A I've done roughly probably between eight to 10,000
16 microscopic examinations.

17 Q That's a lot?

18 A Yes, sir.

19 Q Have you issued reports with regards to many of these?

20 A Yes, sir. Every case that we do we issue a formal
21 report on.

22 Q Have you testified in courts in this state as an expert
23 in the field of forensic firearms identification in the past?

24 A Yes, sir.

25 Q Approximately how many times?

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1 A Actually 27.

2 Q Twenty-seven times?

3 A Yes, sir.

4 Q This make 28?

5 A Yes, sir.

6 Q If allowed.

7 MR. RICHARDSON: Your Honor, at this time the State would
8 seek to introduce or move to allow the witness to testify and
9 give opinion with regard to the field of forensic firearms
10 identification.

11 THE COURT: Any questions or challenges?

12 MR. WILSON: No objection, Your Honor. We stipulate he's
13 an expert.

14 THE COURT: All right. I'll stipulate this witness to be
15 an expert in the field of forensic firearm identification.
16 Now, ladies and gentlemen of the jury, I'll give you some
17 instructions on expert testimony when I charge you on the law,
18 but for right now, I can tell you that typically a witness can
19 only testify to their personal knowledge, what they saw, what
20 they tasted, what they smelled, things of that nature. There
21 is an exception for witnesses who are qualified as experts,
22 which means that in addition to testifying as to what this
23 witness personally knows, he can render an opinion in the
24 field in which he is qualified as an expert, and as I said, I
25 will, I will charge you with the law on expert testimony at a

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1 later time, but it just means that he can give an opinion in
2 addition to his personal knowledge. All right. Mr.
3 Richardson.

4 MR. RICHARDSON: Thank you, Your Honor.

5 BY MR. RICHARDSON:

6 Q Agent Green, you've already talked to us a little bit
7 about the mechanics that come into play about the spiraling or
8 the rifling, whatnot in modern firearms when bullets are
9 fired. Could you explain to us a little bit about different
10 calibers of ammunition? What we mean when we say caliber?

11 A A caliber as far as firearms is twofold. One is the
12 diameter of the bullet at the base, and the second is actually
13 the diameter of the chamber of the barrel, excuse me, the
14 diameter of the barrel. In say a 40 S and W caliber the
15 bullet diameter is .40 inches and that's the same diameter of
16 the barrel. So when we talk about calibers, we're talking
17 about the actual firearm itself, the barrel that the bullet
18 travels down and also the caliber of the projectile or the
19 size.

20 Q Okay. So you're talking about how big around the bullet
21 is?

22 A Correct.

23 Q The projectile?

24 A Yes, sir.

25 Q And can you tell anything with regard to the fired

James Green - Direct by Mr. Richardson

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1 projectiles using their weight or any other measurements?

2 A Yes, sir. With the OPCs, which I said before are the
3 observable physical characteristics, and the weight, even the
4 absence of a pristine bullet, if the bullet is damaged, we can
5 still obtain measurements and information which may lead us
6 back to a caliber.

7 Q So even in the absence of actually having a firearm to
8 match a projectile to, you can take a fired projectile, that
9 tip of the bullet that's been fired, and you can tell what
10 caliber it is?

11 A Yes, sir.

12 Q Okay. Now, with regard to calibers, you said that it
13 pertains to the bullet and to the rifle barrel?

14 A Yes, sir.

15 Q Or the barrel of the weapon?

16 A Correct.

17 Q I think the example you gave was a 40 Smith & Wesson is
18 fired from a 40 caliber handgun?

19 A Yes, sir.

20 Q Now, are there any of these calibers that are
21 interchangeable?

22 A Some of them are. Yes, sir. Like a 357 magnum caliber
23 and 38 special, you can shoot 38 special caliber cartridges in
24 a firearm chamber for a 357 magnum caliber cartridges, but you
25 can't shoot a 357 in a firearm chamber for a 38 due to the

James Green - Direct by Mr. Richardson

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1 differences in length.

2 Q Okay. And so those kind of work one way?

3 A Yes, sir.

4 Q In particular the 25 caliber, is it interchangeable with
5 any other firearms?

6 A Without modifications, no, sir.

7 Q Let me pose a question to you regarding a couple of
8 specific calibers, and I think you just answered it. Could
9 any other weapon other than a 25-caliber semiautomatic handgun
10 fire a 25-caliber round?

11 A A 25 auto, there's 25 caliber is a broad spectrum.

12 Q Okay.

13 A Inside 25 auto you have a 25 06, which is a rifle
14 cartridge. It's a 30 06 six caliber cartridge case nicked
15 down to accommodate a 25 caliber bullet. It differentiates or
16 looks different from a 25 auto bullet based on the shape and
17 the observable physical characteristics.

18 Q Okay. So, so a 25 auto loader for a pistol would look
19 different than a 25 caliber projectile from a rifled round?

20 A Yes, sir.

21 Q So, if a 25-caliber auto load projectile is found it goes
22 to reason that a 25-caliber pistol was used?

23 A Correct.

24 Q Let's go to the case at bar today. Were you employed
25 with SLED back in 2012?

James Green - Direct by Mr. Richardson

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1 A Yes, sir.

2 Q And from, from whom does SLED receive evidence for the
3 purpose of testing?

4 A From any law enforcement agency in the State of South
5 Carolina.

6 Q And how does this occur? How does evidence get to SLED?
7 How does it arrive on your work table?

8 A A submitting agency has one of two things they can do.
9 They can pre-log it through our I-lab system electronically,
10 and they go ahead and they put in the system what evidence
11 they want to bring to SLED. They show up to the laboratory to
12 our evidence control department, and since it's pre-logged,
13 the evidence control technicians pull up the information, make
14 sure what they say they're bringing to us is actually what
15 they brought. SLED, excuse me, the evidence is then given a
16 SLED laboratory case number, and it's put into however many
17 packages there are. Commonly we'll get cases that will come
18 in and go to toxicology, to DNA, to firearms, and to trace.
19 So all the evidence going to each individual department will
20 be packaged accordingly and given separate bar code numbers
21 and each individual item is given a particular item number to
22 where toxicology doesn't get item one, which is a tube of
23 blood, and the firearms department will get item one, which is
24 a bullet. It goes sequentially. So firearms has their own
25 items they look at. Toxicology does DNA and so forth. Once

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1 that's done and the evidence is logged in, the person bringing
2 the evidence to SLED from whatever agency, they sign over
3 custody to SLED electronically, and all transfers of evidence
4 after that are kept track of electronically in our evidence
5 tracking system. The evidence is put into whatever evidence
6 intake bin for the department. For my department it would be
7 the firearms intake bin, and whenever I'm notified I have an
8 assignment, I will call or e-mail evidence control, set up an
9 appointment time and go down and retrieve the evidence, bring
10 it up, put it in my evidence locker, which is a secured room,
11 and it's stored there until I have a chance to work the case.

12 Q Okay. Now, when evidence does come in to SLED, are there
13 any efforts that are taken to make that evidence tamper
14 resistant?

15 A Yes, sir.

16 Q Or tamper evident?

17 A Yes, sir. If it's in an envelope, a bag or a heat-sealed
18 pouch or whatever the case may be, if it's an envelope or a
19 bag, like a, or excuse me, an envelope or a box, it's taped
20 closed and then it's -- evidence tape is put on the seals, and
21 the evidence tape is signed and initialed by the agency or the
22 -- a law enforcement officer bringing it to SLED. So if I
23 were to get a box that had been opened, the tape wouldn't be
24 continuous, you could tell where it had been cut and the seal
25 wouldn't be intact.

James Green - Direct by Mr. Richardson

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1 Q And if a box wound up or a box or envelope wound up on
2 your desk with a broken seal what would happen?

3 A I would try to backtrack and find out what happened. If
4 somebody had opened it before, I'd see who had custody before
5 me, or if not, I would contact evidence control, find out who
6 specifically submitted the evidence and see what, what
7 happened between when they brought it in and when the tape
8 seal was broken.

9 Q Okay. And if you couldn't determine what happened, what
10 would happen?

11 A I would send it back downstairs to be returned until it
12 was figured out.

13 Q You would do no analysis?

14 A Correct.

15 Q Now, Agent Green, I want to show you what has -- now,
16 now, in the course of policies and procedures at SLED, you've
17 testified that, I believe, everybody is documented who touches
18 it.

19 A Right.

20 Q Does everybody have a code or --

21 A We all have bar codes that are specific to each
22 individual analyst.

23 Q Okay. And when evidence is tracked, is there some kind
24 of form or anything they use to track that evidence?

25 A Yes, sir. Each individual item will have a chain of

James Green - Direct by Mr. Richardson

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1 custody that's separate and unique to that individual item.

2 Q And the scanner with the bar codes you all use, is that
3 scanned every time somebody touches it?

4 A Yes, sir. Every time -- like if, if you -- if I were
5 giving evidence to you, I would hand it to you, and as soon as
6 you had it, you would scan it and it'd take, it'd take note
7 like a time stamp of on this day and this time you took
8 custody of the evidence from me.

9 Q And those records, the scanning and everything, you all
10 keep copies of those records?

11 A Yes, sir.

12 Q And is that kept during the normal, ordinary course of
13 business?

14 A Yes, sir.

15 Q Allow me to show you what's been marked as State's 110.

16 MR. WILSON: Without objection, Your Honor.

17 Q For identification. If you'll take a moment to look at
18 State's 110 and tell me if you recognize that item.

19 A Yes, sir. This is a verified SLED chain of custody
20 report for a SLED laboratory number or SLED laboratory case
21 number L12-10850.

22 Q And that number you just cited, what does that pertain
23 to?

24 A It pertains to a homicide that Horry County Police
25 Department submitted to SLED.

James Green - Direct by Mr. Richardson

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1 Q Okay. And is that the certified chain for this
2 particular case?

3 A Yes, sir.

4 Q Now, and that form is kept during the ordinary course of
5 business?

6 A Correct.

7 Q And from what you're talking to us about, keeping the
8 records and where evidence moves and whatnot, would that show
9 where everything had moved?

10 A Yes, sir. This shows from the minute it was submitted
11 to SLED each individual item where it went and to whom it
12 went.

13 Q Any piece of evidence received by SLED?

14 A Correct.

15 Q And that would identify everybody?

16 A Correct. The only, the only case may be different is
17 if, when you said received by SLED, if I were to look at a
18 bullet and find a fiber and I would remove that, you know, it
19 would become a sub-item. So it would show that it originated
20 with me or with whoever found it.

21 Q Okay. In this particular case did you remove any
22 fibers?

23 A No, sir.

24 Q Okay. So this would pertain to any piece of evidence
25 that SLED took in?

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1 A Correct.

2 Q All right.

3 MR. RICHARDSON: Your Honor, the State would seek to
4 introduce State's 110 into evidence.

5 THE COURT: Any objection?

6 MR. WILSON: Without objection, Your Honor.

7 THE COURT: All right. State's Exhibit Number 110
8 admitted into evidence without objection.

9 (State's Exhibit Number 110 [SLED Chain of Custody]
10 admitted into evidence and appropriately marked.)

11 BY MR. RICHARDSON:

12 Q We'll come back to that in a second. In this particular
13 case, did, did you obtain or did you receive some evidence for
14 firearm, forensic firearms analysis?

15 A Yes, sir.

16 Q And now I'm going to show you State's 109, and I believe
17 109 A and B are in there?

18 A Ladies and gentlemen of the jury, if you see me rolling
19 a piece of evidence around on my fingers, whenever evidence
20 comes to SLED, particularly the firearms department, if it's
21 big enough we'll actually scribe or engrave the laboratory
22 number, our initials and the case number, excuse me, the case
23 number, the item number and our initials on each piece of
24 evidence. So if you see me looking through the plastic bag,
25 that's what I'm doing, is to make sure these are the evidence

James Green - Direct by Mr. Richardson

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1 I looked at.

2 All right. State's Exhibit 109 A is the SLED item 10
3 bullet I observed or examined in this case. State's Exhibit
4 109 B is the item 9 fired bullet and bullet fragment I
5 examined in this case.

6 Q Okay. So no doubt about it these are items you examined
7 in this particular case?

8 A Yes, sir.

9 Q All right. Looking back at State's 110, I've marked a
10 couple of spots there with green flags. From looking at
11 State's, what is it 110? Can you tell when and where those
12 items were received by SLED?

13 A Yes, sir.

14 Q 109 A and B that is? If you could just take us through
15 the chain of each item?

16 A Okay. Both of them came in the same container. So
17 State's Exhibit 109 A and B the chain is going to be the same.

18 Q Okay.

19 A On 9-6 of 2012, I apologize for the last name, Jim, Jill
20 Domogauer of Horry County Police Department submitted the
21 items to the SLED forensic services laboratory. They were
22 taken in by forensic technician Doris Garber. From there she
23 put them into the firearms evidence intake storage which I
24 mentioned a few minutes ago, when it comes in they'll put it
25 -- place until we can retrieve it. On September the 11th,

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1 2012, Patricia Crooks, who is also a forensic technician in
2 evidence control, retrieved them from firearms evidence intake
3 storage, gave them to me. I worked the case, and I gave the
4 evidence back to evidence control Nikki Hughes on September
5 the 21st of 2012. Then she put them on a bin to be returned on
6 the same day. On September 26th, 2012, Patricia Crooks
7 retrieved them from the bin and gave them to Jill Domogauer
8 again on 9-26-12 for return to the agency.

9 Q Okay.

10 MR. RICHARDSON: Your Honor, at this time the State would
11 seek to introduce the chain as being complete on State's 109.

12 THE COURT: Any objection?

13 MR. WILSON: No objection, Your Honor.

14 THE COURT: All right. State's Exhibit 109 admitted into
15 evidence without objection.

16 (State's Exhibits Number 109 A and B [Projectiles]
17 admitted into evidence and appropriately marked.)

18 MR. RICHARDSON: The Court's indulgence. Thank you, Your
19 Honor.

20 BY MR. RICHARDSON:

21 Q Now, let's go back to 109 A and B. You said you did
22 receive those. What was the date you received those?

23 A The chain, thank you. It would have been September the
24 11th, 2012.

25 Q September 11, 2012. Upon your receipt of those items

James Green - Direct by Mr. Richardson

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1 you said they were, they were packaged together?

2 A Yes, sir. They were both in this envelope, which was
3 closed like this, and evidence tape sealed.

4 Q Okay. And they're sealed. So all the seals were
5 intact. Upon receiving that envelope, what did you do?

6 A I put in my evidence locker to be -- to wait for a
7 couple of days or till whenever I could get the chance to work
8 it.

9 Q Okay. And, and when did you -- who has access to that
10 locker?

11 A Myself or my supervisor or his supervisor.

12 Q Okay. And with -- did there come a time when you
13 retrieved it back from your locker?

14 A Yes, sir.

15 Q And upon retrieving State's 109, the projectile, from
16 your locker, what, if anything, did you do?

17 A I printed out the paperwork that came with it so I know
18 exactly what was supposed to be in the container and what
19 evidence I was supposed to have. Then I started out -- I do
20 this with every case, not just this specific case. I'll take
21 pictures of everything I get as I receive it so when I'm going
22 back to package it back, especially in cases where it's
23 really, really big with a lot of evidence items, I know which
24 goes where. I took a picture of the outside of the envelope,
25 opened it up and then took pictures of each like piece of a

1 puzzle as I opened it up. Once I did that, I photographed all
2 my pictures, uploaded them to my computer. They were stored
3 and started examining the evidence, looking at the bullets to
4 see their weights, try to answer the questions, what caliber
5 they are, were they fired by the same firearm, and since no
6 firearm was submitted could I give a list or lists of firearms
7 that could have possibly fired them.

8 Q Now, you said you weighed them, you measured them?

9 A Yes, sir.

10 Q And you didn't have a firearm to try and track them
11 with; correct?

12 A Correct.

13 Q Nothing for comparison?

14 A No, sir. Just the two bullets.

15 Q Now, in your analysis, were you able to determine what
16 caliber those projectiles were?

17 A Yes, sir.

18 Q And could you educate us as to your opinion?

19 A They were most consistent with bullets loaded into some
20 25 auto caliber cartridges.

21 Q Some auto 25 caliber cartridges?

22 A Yes, sir.

23 Q So that would've been projectiles fired from a 25
24 caliber pistol?

25 A Correct.

James Green - Direct by Mr. Richardson

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1 Q All right. And what was significant in leading you to
2 this conclusion?

3 A Their weights, nominally or usually approximately a
4 bullet weight of a 25 auto is going to be right around 50
5 grains. If you think about pennies weigh usually about 35 to
6 40 grains, depending on the copper content. So each bullet
7 weighs just a little bit more than a penny, and then I
8 measured them, their diameters at the base. So I had the
9 diameters at the base, just physically looking at them through
10 all my experience of seeing all different types of bullets,
11 and the weight led me to the conclusion they're most
12 consistent with 25 auto.

13 Q And when you're saying the number of grains that are in
14 this weight, I mean, you're not guessing by the weight of a
15 penny; right?

16 A Oh, no, sir. We have, we have instruments that are
17 calibrated monthly and yearly. They're certified as the
18 weights. A grain is a unit of weight.

19 Q And I know you mentioned earlier that there are -- there
20 is a -- at least one type of rifle round that would fire a 25
21 caliber diameter bullet. Would the weight be significantly
22 more on one of those?

23 A Yes, sir.

24 Q Have any idea?

25 A No, sir. Not off the top of my head. I know it'd be

James Green - Direct by Mr. Richardson

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1 heavier and longer. It wouldn't look like a small pistol
2 round.

3 Q So in your expert opinion, no doubt about it, these are
4 25 caliber auto loads for a pistol?

5 A Correct.

6 Q And no rifle fires 25 caliber auto loads for a pistol?

7 A Correct.

8 Q Now, you said that -- I believe if I understand your
9 testimony, that you said you go by the lands and grooves.
10 Were there lands and grooves on these?

11 A Yes, sir.

12 Q And what could you gather from those lands and grooves?

13 A Let me look at my notes real quick just to make sure
14 they're right. Both bullets had six lands and grooves with a
15 right twist. Both bullets were approximately the same width
16 in their lands and their grooves, and when I looked at the
17 bullets microscopically -- we have four answers we, we give
18 out. That's positive they were fired by, negative not fired
19 by, inconclusive, which is just a fancy word for I don't know
20 due to a whole host of reasons. It could be damage. It could
21 be a poor marking firearm or it could be just not enough
22 markings to make a determination, and an unsuitable, which is
23 usually just there's nothing on there to make any
24 determination as to whether yes or no. When I looked at these
25 bullets microscopically, I saw some similarities there, but it

James Green - Direct by Mr. Richardson

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1 didn't rise to the level that I could say they were fired by
2 the same gun. It could've been different guns with similar
3 rifling characteristics. So I reported an inconclusive answer
4 because I couldn't tell whether State's Exhibit 109 A and B
5 were fired by the same firearm or by different firearms with
6 similar rifling.

7 Q Okay. So, and that's a fair answer, I mean. You
8 couldn't tell, you couldn't tell a hundred percent they're
9 from the same gun?

10 A Correct.

11 Q But no doubt about it they were fired from a pistol?

12 A Correct.

13 Q Now, I believe you indicated that from the lands and
14 grooves you were able to determine a host of weapons that
15 these could have come from?

16 A Correct.

17 Q Approximately how many total pistols could they have
18 come from?

19 A Hang on one second. Let me count.

20 Q Or were they most consistent with?

21 A Probably about 50 or so.

22 Q About 50?

23 A Fifty, about 50 different manufacturers. Yes.

24 Q About 50 different manufacturers could have manufactured
25 the handgun that these were fired from?

James Green - Cross by Mr. Wilson

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1 A Yes, sir.

2 Q Is one of those a Lorcin engineering?

3 A Yes, sir. Lorcin is on the list.

4 Q Lorcin is on the list, and without the gun, you can't
5 really track it back to any particular gun; correct?

6 A Correct.

7 Q So specifically these guns could have been fired from a
8 Lorcin or any of the other we'll say 49 to 55 manufacturers?

9 A Yes, sir..

10 MR. RICHARDSON: Your Honor, I have no further questions
11 of Agent Green.

12 THE COURT: All right.

13 MR. RICHARDSON: Please answer any questions the Defense
14 may have?

15 A Yes, sir.

16 THE COURT: Cross examination.

17 CROSS EXAMINATION

18 BY MR. WILSON:

19 Q Good afternoon, Agent.

20 A Good afternoon.

21 Q How you doing today?

22 A I'm doing well. How are you?

23 Q Doing well. I just have a few questions for you. Will
24 you explain to the jury what you mean when you say most
25 consistent with? Why is that terminology used when you're

James Green - Cross by Mr. Wilson

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1 referring to these sorts of issues?

2 A They're most consistent with due to what I have. If I
3 would have had a firearm and I could have shot it to get a
4 test specimen, I could have said definitively they were 25
5 auto. Since I don't have a firearm, I'm going on observable
6 physical characteristics, the weight and the diameter at base
7 which leads me to say they are most consistent with being 25
8 auto.

9 Q And you developed an actual report in this case; didn't
10 you?

11 A Yes, sir.

12 Q Okay.

13 MR. WILSON: Your Honor, may I approach?

14 THE COURT: Yeah.

15 BY MR. WILSON:

16 Q I'd like for you to read your report in its entirety to
17 the jury as well as read off the names of the different
18 versions of firearms?

19 A Do you want me to start off with who the report is to,
20 everything, or just where it says items of evidence down?

21 Q I apologize. My apologies to you.

22 MR. RICHARDSON: Your Honor, if he's going to publish it
23 to the jury in its entirety then it needs to be in evidence I
24 would think, I mean.

25 THE COURT: All right. Yeah, before you publish it.

1 MR. RICHARDSON: And certainly he can give a summary.

2 Q Let me ask you this. Let me ask you this. Do you
3 recognize this document?

4 A Yes, sir.

5 Q Okay. And what is that document to you?

6 A This is the firearms report that was issued in this
7 case.

8 Q Okay. And as, I guess, a part of your job, one of the
9 things that you would do is produce a report for a ballistics
10 test that you would do; correct?

11 A Correct. Everything I do a report is issued for.

12 Q Okay. And did you recall receiving an actual, I guess
13 a, I guess, is it 109, 110? Do you have that up there?

14 A 109 A and B are the bullets.

15 Q Okay. Did you receive 109 and 110 as marked in evidence
16 already at any point in time in this case?

17 A Yes, sir.

18 Q Okay. And did you have a chance to observe those two
19 items at any point in time and analyze them?

20 A Yes, sir.

21 Q Okay. And did you develop an actual report based on
22 your analysis of those two items?

23 A Yes, sir, I did.

24 Q Okay.

25 MR. WILSON: Your Honor, I'd like to have this identified

James Green - Cross by Mr. Wilson

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1 at this point in time.

2 THE COURT: All right. Mark it for identification.

3 (Defense Exhibit Number Two [SLED Ballistics Report]
4 marked for identification.)

5 BY MR. WILSON:

6 Q Now, what's been marked as identification, excuse me,
7 for identification purposes only at this time Defense Exhibit
8 Number Two, can you tell me if, in fact, that's your report
9 and that's your opinion, your expert opinion in this case?

10 A Yes, sir.

11 Q Okay. And there's no doubt about it in your mind;
12 correct?

13 A No, sir. I have a copy I printed off myself right here.

14 Q Okay. Thank you very much.

15 MR. WILSON: Your Honor, I'd like to have this moved into
16 evidence at this time.

17 THE COURT: Any objection?

18 MR. RICHARDSON: Without objection, Your Honor. I
19 think it's been highlighted on, but that's fine, without
20 objection.

21 THE COURT: Defendant's Exhibit Number Two is admitted
22 into evidence without objection.

23 MR. WILSON: Thank you, Your Honor.

24 (Defense Exhibit Number Two [SLED Ballistics Report]
25 entered into evidence and appropriately marked.)

James Green - Cross by Mr. Wilson

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1 BY MR. WILSON:

2 Q And you said you have a copy in your records for your
3 case file?

4 A Yes, sir.

5 Q Okay. Could you at this point in time read it in its
6 entirety, read the actual report that you wrote based on your
7 expert opinion on this particular set of bullets?

8 A Yes, sir. The report is addressed to Detective Neil
9 Frebowitz, Horry County Police Department, 2560 North Main
10 Street, Suite 7, Conway, South Carolina, 29526. On the right
11 side of the header it says Firearms Department, September 19th,
12 2012, SLED lab L1210850, your case number 12083828, incident
13 date of 08-19-2012, V or victim deceased is Amos Hatfield,
14 victim deceased Thomas Hatfield, S for subject Sandy Locklear,
15 S for subject Nehemiah Evans and S for subject Odom Bryant.
16 There's a little byline in here that states, (as read) "This
17 is an official report of the South Carolina Law Enforcement
18 Division Forensic Services Laboratory. It is to be used in
19 connection with an official criminal investigation. These
20 examinations were conducted under your assurance that no
21 previous examination of persons or evidence submitted in this
22 case have been or will be conducted by any other laboratory or
23 agency, Mark A. Keel, Chief, South Carolina Law Enforcement
24 Division," and it says, "Items of evidence, item 9, one fired
25 bullet and one fired bullet fragment." In quotes we have,

James Green - Cross by Mr. Wilson

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1 "From body of Thomas Hatfield." "Item 10, one fired bullet,"
2 and quotes, "From body of Amos Hatfield." "Results, the item
3 9 bullet and bullet fragment were at one time parts of the
4 same bullet. Examinations of items 9 and 10 revealed that
5 they were most consistent with bullets loaded into some 25
6 auto caliber cartridges. Due to damage and inconsistent
7 corresponding marks of value, the results of microscopic
8 comparisons between item 9" -- excuse me -- "items 9 and 10
9 were inconclusive. While some extremely limited individual
10 similar" -- excuse me -- "extremely limited individual
11 characteristics were noted, it could not be determined whether
12 items 9 and 10 were fired by the same firearm or by different
13 firearms with similar rifling specifications: Based on the
14 general rifling characteristics, possible makes and/or origins
15 of firearms that could have fired items 9 and 10 include, but
16 may not be limited to, the following: ALKAR, American Arms,
17 American Derringer, Atlas, Austria," and you have to forgive
18 me. Some of these are foreign names and I'm horrible with the
19 pronunciations, "Azpiri," which is A-Z-P-I-R-I, "Bauer,
20 Beretta, Bernardelli, Bernedo, Ceska, Zbrojovka," I'll spell
21 it, Z-B-R-O-J-O-V-K-A, "Czechoslovakia, Dickson, Duo, Dusek,
22 Echasa, Erma, F-I-E, F-I-E-L, F-N/Browning, France, Frasier
23 Firearms, Galesi, Gecado, Hawes," H-A-W-E-S, "Heckler and
24 Koch, Indian Sales, Intratec, Italian Fabico, Jager." I'll
25 spell this one, too, J-I-E-F-F-E-C-O, "L.A. Distributors, Le

James Green - Cross by Mr. Wilson

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1 Rapide, Lignose, Lorcin, M-A-B, Mannlicher Schoenauer,
2 Manufrance, Mauser, Melior, Modesto Santos, Ortgies," which is
3 O-R-T-G-I-E-S, "O-W-A, Parker, P-I-C," which Precise Imports,
4 "Radium, RB Industries, Reck, Retolazo Hermanos, RG
5 Industries, Rhoner, Rigarmi, Rohm, Ruby, Sauer and Sohn,
6 Simson Spain, Spesco, Star, Tanfolgio, Titan, Unique, Valor,
7 Walther, Webley and Scott, Western Arms and Wischo," which is
8 W-I-S-C-H-O, and that's the -- it for the list, "and items 9
9 and 10 may be suitable for identification with a specific
10 firearm or firearms. Items 9 and 10 were not entered into the
11 integrated ballistics identification system, IBIS, as they did
12 not meet the current SLED criteria for entry," and it has my
13 electronic signature, James W. Green, forensic scientist.

14 Q Okay. All right. And if I told you that there were 67
15 types of actual manufacturers on that list, would you disagree
16 with that?

17 A No, sir.

18 Q Okay. And there were definitely over 50; correct?

19 A Yes, sir.

20 Q And based on your computer readout, when you entered
21 those actual marks into the computer, the computer spit back
22 all those manufacturers as being possible contributors to this
23 weapon?

24 A Yes, sir.

25 Q Okay. Meaning that the weapon could have -- any of

James Green - Cross by Mr. Wilson

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1 those weapons, any of those weapon makers, the guns produced
2 by them could have fired that, those weapons, those rounds;
3 correct?

4 A Yes, sir.

5 Q Okay. Let me ask you this question. Any evidence that
6 you collected that you tested, anything at all connect this
7 Defendant to those bullets at all?

8 A No, sir.

9 Q Thank you very much.

10 MR. WILSON: No questions, Your Honor, no further
11 questions.

12 THE COURT: All right. Redirect?

13 MR. RICHARDSON: No, sir, Your Honor.

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

15 MR. WILSON: Thank you, Agent.

16 MR. RICHARDSON: Your Honor, I'd just ask that Agent
17 Green be allowed to return to his duty, be excused.

18 THE COURT: Any objection?

19 MR. WILSON: No objection, Your Honor.

20 THE COURT: All right. He's free to go.

21 MR. RICHARDSON: The State calls Tim Bazinet. Thank you,
22 Agent.

23 Whereupon, Tim Bazinet was called to the stand, duly
24 sworn by the clerk and testified as follows:

25 THE CLERK: State your name and spell your last name.

Tim Bazinet - Direct by Mr. Richardson

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1 MR. BAZINET: Tim Bazinet, B-A-Z-I-N-E-T.

2 DIRECT EXAMINATION

3 BY MR. RICHARDSON:

4 Q Mr. Bazinet, I apologize for calling you Mr. Bazinet.

5 A That's all right.

6 Q Mr. Bazinet, could you tell us a little bit about
7 yourself, where you're employed, how long, what capacity?

8 A I've been in Myrtle Beach 10 years now. Been working at
9 Myrtle Beach Kia for it'll be four years in July.

10 Q Okay. So for four years you've been with Kia of Myrtle
11 Beach?

12 A Correct. Myrtle Beach Kia.

13 Q So you were employed by Myrtle Beach Kia back in August
14 2012?

15 A Yes, sir.

16 Q What are your duties at Kia?

17 A Sales, internet sales.

18 Q Okay. Now, in your duties at Myrtle Beach Kia, do you
19 interact with customers from time to time?

20 A Yes. Everyday.

21 Q And were you so employed and working in your capacity as
22 a salesman back on August 18th, 2012?

23 A Yes.

24 Q Now, back in August of 2012 -- first of all, where is,
25 where is Myrtle Beach Kia located at?

Tim Bazinet - Direct by Mr. Richardson

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1 A 501.
2 Q 501?
3 A 4811 501. Yeah.
4 Q Over in the Carolina Forest area?
5 A Right next to Carolina Forest.
6 Q Okay. How about back in August 2012, where was --
7 A Jason Boulevard next to Chrysler and Jeep.
8 Q Right near Chrysler and Jeep?
9 A Yeah. Service road on --
10 Q El Burro Loco?
11 A Yeah. Behind Burro Loco.
12 Q Okay. And back on that date, or back on August 18th,
13 2012, a Saturday, were you working?
14 A Yes.
15 Q And in the course of your duties did you have the
16 opportunity to meet with Amos Hatfield and Sandy Lee Locklear?
17 A Yes.
18 Q Could you tell us how that occurred?
19 A From what I understand, see, back then our service
20 department was separate from our sales building. We were
21 working Chrysler Jeep and Kia out of the same service
22 department, which is the building right across the parking
23 lot, the main Chrysler and Jeep building. That day, from what
24 I understand, they had some issues in service with a vehicle
25 that they had purchased about a year before then, and whatever

Tim Bazinet - Direct by Mr. Richardson

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1 transpired in the service department progressed from them
2 coming over to -- back to the Kia sales building to get a
3 loaner vehicle for the weekend, I guess, or for the day, for
4 the night, for the weekend.

5 Q And you said they had bought the vehicle that they had
6 at the service department about a year before?

7 A Correct. Yeah. About a year.

8 Q Okay. And you weren't the salesman on that?

9 A No.

10 Q who was the salesman?

11 A My brother.

12 Q Your brother?

13 A Yeah.

14 Q And that's Matt Bazinet?

15 A Matt. Yeah. Yeah. He's, he's still with Kia. He's a
16 manager now. I think he was -- I think he had moved to
17 finance at that time. So he was no longer a salesperson then
18 and now he's a sales manager.

19 Q And so that's how you ended up dealing with the
20 Hatfields, Mr. Hatfield, and the Defendant?

21 A Correct. Yeah. He, he has a lot of old customers, and
22 more times than not, if somebody comes in that was -- he was
23 their salesperson back then, the management or anybody there
24 will usually come try to get me first.

25 Q Now, are you the only two Bazinets there?

Tim Bazinet - Direct by Mr. Richardson

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1 A Yep.

2 Q Okay.

3 A Yep.

4 Q Now, you said you -- as you recall they were sent over
5 from service?

6 A Correct.

7 Q Which is in a separate building?

8 A Uh-huh.

9 Q Okay. How about now, is it all under one roof?

10 A All under one roof. Yeah.

11 Q Now, did you have the opportunity to observe Amos
12 Hatfield and the Defendant whenever they came over to meet?

13 A Yeah.

14 Q Okay. And what was the purpose in it? You said they
15 were getting a loaner vehicle?

16 A Yep. Yep. They had to come over to our side so they
17 could fill out a little bit of paperwork, and we had to put
18 them on a temporary registration slip so they could legally
19 drive the vehicle.

20 Q Okay. Do you recall any, any type of behavior they
21 exhibited that day?

22 A I, I just -- I kind of remember -- recall him as being,
23 you know, very quiet and didn't really have too much to do
24 with it, and her was kind of the opposite. She was, you know,
25 she had kind of a presence in the room.

Tim Bazinet - Direct by Mr. Richardson

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1 Q Boisterous?

2 A Yeah.

3 Q Okay. Now, is it common to give a rental car to
4 somebody getting service done?

5 A No. Very uncommon.

6 Q Very uncommon?

7 A Yeah. More times than not when we put people on a, on a
8 dealer tag and, and have them, you know, fill out a test drive
9 agreement, 99 percent of the time it's so, it's so that we can
10 keep them excited about the vehicle they're looking to
11 purchase, and they can take it home and maybe show their
12 husband or wife who couldn't be there.

13 Q Okay. And they weren't buying this car?

14 A Right.

15 Q That they got put in that day?

16 A Right.

17 Q Do you recall who was leading the charge on, on getting
18 that rental?

19 A From, from everything that it appeared, it was, it was
20 her.

21 Q Okay.

22 A It was the wife.

23 Q She wanted that rental vehicle?

24 A Yes.

25 Q Allow me to show you what will now be marked.

Tim Bazinet - Direct by Mr. Richardson

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1 MR. WILSON: No objection, Your Honor.

2 MR. RICHARDSON: Without objection, Your Honor. I'd move
3 them into evidence, State's 133 and 134.

4 THE COURT: Any objection?

5 MR. WILSON: No objection, Your Honor.

6 THE COURT: State's Exhibits 133 and 134 are admitted
7 into evidence without objection.

8 (State's Exhibit Numbers 133 (Kia Test Drive Agreement)
9 and State's Exhibit Number 134 (Kia Repair Order) admitted
10 into evidence and appropriately marked.)

11 BY MR. RICHARDSON:

12 Q Mr. Bazinet, can you take a look at State's 133 and tell
13 me if you recognize that document?

14 A Yep.

15 Q What do you recognize that as being?

16 A This is a -- we call it a test drive agreement. This is
17 basically the customer's copy of a form that, that we would
18 have to basically fill out in order for them to take a vehicle
19 on one of our dealer plates, one of our vehicle's that's
20 registered in the dealership's name.

21 Q And, and --

22 A The customer would have another copy in their car.

23 Q Okay. So, you'd give, you'd give a copy to them and
24 you'd keep a copy?

25 A Correct. Yep.

Tim Bazinet - Direct by Mr. Richardson

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1 Q And you stated previously that it's not customary to
2 give out a rental car to somebody getting service?

3 A Not for service, no, no. We have -- our store policy
4 is, no, we don't do loaner vehicles.

5 Q And who, who is this or who is this agreement made out
6 to?

7 A The customer would be Amos Hatfield and Sandy Locklear.

8 Q Amos Hatfield and Sandy Locklear?

9 A Uh-huh.

10 Q And does it indicate anything with regard to identifying
11 the vehicle?

12 A That they were in, yes. Yeah. It has a stock number,
13 has the VIN number to the vehicle and the license plate, the
14 dealer plate that was on the vehicle.

15 Q Does it indicate anything with regard to what kind of
16 mileage was on the vehicle?

17 A Yep. Mileage as well.

18 Q And what was the mileage on the vehicle?

19 A 13,495.

20 Q 13,495?

21 A Uh-huh.

22 Q And their signatures appear at the bottom?

23 A Yes.

24 Q Both had to sign?

25 A Yes, sir.

Tim Bazinet - Direct by Mr. Richardson

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1 Q And there's no date or time on here about when it was
2 signed; correct?

3 A Correct.

4 Q Do you remember when it was signed?

5 A It would have, it would have been early afternoon, late
6 morning. Our service department closes at 3 p.m. on
7 Saturdays. So it would have had to have been before that.

8 Q Early afternoon or early afternoon, late morning?

9 A Yeah.

10 Q And the service department closes at three?

11 A On Saturday.

12 Q And that service department, how many days a week is it
13 open?

14 A Six.

15 Q Okay. So six days a week?

16 A Uh-huh.

17 Q What day is it closed?

18 A Sunday, everything's closed Sunday.

19 Q Okay. So service could have been done Monday, Tuesday,
20 Wednesday, Thursday, Friday or Saturday?

21 A Yes.

22 Q Now, I'm going to show you what has been admitted into
23 evidence as State's 134. Can you take a look at that
24 document?

25 A Uh-huh.

Tim Bazinet - Direct by Mr. Richardson

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1 Q In looking at State's Number 134, can you tell us what
2 that document is?

3 A It's a -- looks like a repair order from our service
4 department. Any time somebody comes in to get any, any kind
5 of service work done, this is the documentation. It would --
6 looks just like this. It has the vehicle that they had in
7 service, the year, make, VIN number, the day they bought the
8 vehicle, the date of the repair order is on there and a lot of
9 information about what kind of work was going to be performed
10 or was performed on the vehicle.

11 Q From looking at State's 134 can you tell, can you tell
12 what's being repaired and why?

13 A Steering, looks like it says, (as read), "Customer
14 states large power steering leak, replace steering rack."

15 Q It says customer states that there's a --

16 A Correct.

17 Q -- power steering leak?

18 A Yeah.

19 Q From looking at State's 134, can you tell if this was
20 warranty work that was being done?

21 A I wouldn't know by looking at this.

22 Q Okay.

23 A Most stuff like that would be covered under warranty.

24 Q That stuff --

25 A You know, that, that's not considered a normal wear and

Tim Bazinet - Direct by Mr. Richardson

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1 tear item. So it would be considered a warranty item.

2 Q Okay. Are there some charges on there --

3 A Yep.

4 Q And --

5 A Labor, parts.

6 Q Okay. And would you charge somebody for warranty work?

7 A Well, it doesn't necessarily mean, I guess, that they're
8 going to be charged, but that's the cost of the service so.

9 Q All right. Do you know what time those, those repairs
10 were to be completed in?

11 A I don't.

12 Q So you all close at 3:00 o'clock that day?

13 A Saturday, yeah. Every Saturday is 3:00 o'clock service.

14 Q Once again, you, you met with the Defendant and the
15 victim -- one of the victims in this case, Amos Hatfield.

16 What was the Defendant's behavior like again while she was at
17 the dealership what you observed?

18 A I would say just kind of commanded presence in the room.
19 You know, you knew that she was in the room. She was -- I
20 wouldn't say mean or anything like that, but it was definitely
21 just kind of loud and, you know, she -- you know, everybody
22 that was in the building knew that she was in the building,
23 just kind of had a presence, I guess you could say.

24 Q She stuck out in your mind?

25 A Yeah. Yep.

Tim Bazinet - Direct by Mr. Richardson

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1 Q She wasn't a shrinking violet?

2 A Wasn't a what? I'm sorry?

3 Q Shrinking violet.

4 MR. WILSON: Objection, Your Honor.

5 THE COURT: Sustained.

6 MR. RICHARDSON: The Court's indulgence.

7 THE COURT: All right.

8 BY MR. RICHARDSON:

9 Q And from looking at that, at the repair agreement, it
10 states that the customer stated there was a problem?

11 A Yes.

12 Q And you all did some work on it?

13 A That I do not know.

14 Q Don't know, but it's just what the customer reported
15 there were problems, and do all customers stick out in your
16 mind?

17 A No.

18 Q But you remember this one?

19 A Yeah.

20 Q Mr. Bazinet, thank you. If you'll answer any questions
21 the Defense might have.

22 MR. WILSON: May it please the Court, Your Honor.

23 THE COURT: Yes, sir.

24 CROSS EXAMINATION

25 BY MR. WILSON:

Tim Bazinet - Cross by Mr. Wilson

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1 Q Mr. Bazinet, is that how you pronounce it?

2 A Yes, sir. Yes, sir.

3 Q I just have a few questions. Let me ask you this. When
4 someone comes in to get their car taken care of --

5 A Uh-huh.

6 Q -- by Kia, Myrtle Beach Kia, would Myrtle Beach Kia do
7 work on that car if it didn't need it unnecessarily?

8 A No.

9 Q Okay. All right. So if I brought my car in today to
10 Myrtle Beach Kia and you guys were open until what time today?

11 A Sales is open till eight p.m., service closes at six.

12 Q Okay. And if I go in and I complain in the morning
13 time, and I say, "Look, there's something wrong with, I don't
14 know, my ignition won't turn over," okay, would the, I guess,
15 the routine there be that they would check that out first
16 before they would actually cut me a sheet and tell me it's
17 going to cost me X amount of dollars?

18 Q Well, again, I'm in the sales department. So I don't
19 know exactly from front to back how the service operations
20 work. I know that they would definitely check the vehicle out
21 before doing any work to it.

22 Q Okay. So it's not your testimony today to this jury
23 that this Defendant brought that car there to get work done
24 unnecessarily? That's not your testimony; is it?

25 A Correct. Yeah. I don't know what transpired over, you

Tim Bazinet - Cross by Mr. Wilson

945

1 know, across the building before they came over to get the
2 vehicle, the loaner vehicle.

3 Q Okay. Let me ask you this question. You said that you
4 guys close that day at 3:00 o'clock; correct?

5 A The service department closes at three o'clock on
6 Saturdays.

7 Q On Saturday.

8 A So they would have been closed at three. We were there
9 till at least seven p.m.

10 Q Okay. All right. Who was there at least till seven
11 p.m.?

12 A Sales, the sales department.

13 Q The sales?

14 A Yeah.

15 Q But not the service department?

16 A Correct.

17 Q Okay. Well, let me ask you this. Do you know if this
18 Defendant went and had lunch while she was waiting on the
19 service department?

20 A I don't.

21 Q Okay. All right. And do you know -- did you ever talk
22 with anyone in the service department about the status of the
23 vehicle and why it was broken or anything like that?

24 A Nope.

25 Q Do you recall anything like that at all?

Tim Bazinet - Redirect by Mr. Richardson

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1 A No, sir.

2 MR. WILSON: I have no further questions, Judge.

3 THE COURT: All right. Redirect.

4 MR. RICHARDSON: One thing.

5 REDIRECT EXAMINATION

6 BY MR. RICHARDSON:

7 Q State's 134, you were directed on State's 134 to this
8 middle portion right there. If you could just read that
9 portion?

10 A Date, time promised 8-18-2012, 3 p.m.

11 Q Other than that's the date and time promised, you don't
12 know what else that means; correct?

13 A I don't.

14 MR. RICHARDSON: Thank you, Your Honor.

15 THE COURT: All right. You may step down. You may step
16 down.

17 MR. RICHARDSON: Your Honor, I'd just ask that Mr.
18 Bazinet be allowed to return to his work.

19 THE COURT: Any objection?

20 MR. WILSON: No objection, Your Honor.

21 THE COURT: He's free to go.

22 MR. WILSON: Thank you, Judge.

23 THE COURT: All right. The State can call their next
24 witness.

25 Whereupon, Brandon Strickland was called to the stand,

Brandon Strickland - Direct by Mr. Richardson

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1 duly sworn by the clerk and testified as follows:

2 THE CLERK: I need for you to spell your last name,
3 state your full name and spell your last name.

4 MR. STRICKLAND: Brandon Strickland, S-T-R-I-C-K-L-A-N-D.

5 DIRECT EXAMINATION

6 BY MR. RICHARDSON:

7 Q Good afternoon, Sergeant?

8 A How you doing, sir?

9 Q Sergeant Strickland, could you tell us where you're
10 employed, how long and in what capacity?

11 A I'm employed with the Horry County Police Department.
12 I've been employed -- it's ninth year and I'm a sergeant on
13 patrol now.

14 Q Prior to being promoted to the rank of sergeant on
15 patrol, was there a time when you were assigned to the violent
16 crimes unit?

17 A Yes, sir. I was prior to my being promoted.

18 Q And how long were you assigned to violent crimes?

19 A Around two years in the actual violent, on the violent
20 crimes side of CID.

21 Q Before that had you worked in any other investigatory
22 capacity?

23 A Yes, sir. In property crimes, burglary, theft, stuff
24 like that.

25 Q How much total time in investigations?

Brandon Strickland - Direct by Mr. Richardson

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1 A Three years, three, three and half, somewhere like that.

2 Q And are you originally from Horry County?

3 A State line, pretty well born and raised here, family
4 right across the line kind of on both sides, North and South
5 Carolina.

6 Q Okay. So you're familiar with the area?

7 A Yes, sir. Very.

8 Q Now, back on August 18, 2012, did you have the
9 opportunity to become involved in the investigation into the
10 murders of Tommy and Amos Hatfield?

11 A Yes, sir, I did.

12 Q And tell us how you came to become involved.

13 A It was around 4:00 o'clock in the morning I received a
14 call from my supervisor -- I can't remember if it was my
15 sergeant or the lieutenant at the time -- requesting I respond
16 out to Red Bluff Road to the Hatfield residence to assist in
17 an investigation.

18 Q And that was [REDACTED]?

19 A Yes, sir.

20 Q Now, upon your arrival at [REDACTED], do you
21 know what time you arrived approximately?

22 A Around 4:30-ish.

23 Q Okay. Still dark outside?

24 A Yes, sir. Still dark.

25 Q Now, once you got there, who was in charge of the scene?

1 A There was several road officers there who already had
2 the scene secure. I believe I was one of the first detectives
3 to get there, and I contacted Detective Frebowitz, who was the
4 lead on the case, and asked him what he wanted me to begin
5 doing.

6 Q What assignments, if any, were you given at that point?

7 A He asked me to get a search warrant for that residence.

8 Q Okay

9 A 1163.

10 Q Did you do that?

11 A Yes, sir, I did.

12 Q Do you know what time you got the search warrant?

13 A By the time I got there and received that information
14 and went and got it typed up, and I had to wake up the judge
15 and go to his house, and the sun was just coming out good. I
16 don't know the exact time.

17 Q So you had to go to an office somewhere, type up a
18 search warrant?

19 A Yes, sir.

20 Q Go visit a judge, get the search warrant signed and then
21 come on back?

22 A Yes, sir.

23 Q Once you had a signed a search warrant, what'd you do?

24 A I called Detective Frebowitz, let him know, hey, the
25 search warrant had been, you know, I had been sworn in and got

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1 the search warrant, called Mr. Frebowitz, let him know and I
2 started back towards the address on Red Bluff Road.

3 Q And at that point they could enter the house?

4 A Yes, sir.

5 Q Now, did you assist in the search of that house, [REDACTED]

6 [REDACTED]?

7 A I -- when I got there, I took the search warrant, and I
8 had to go make a copy of it and all, but when I got there they
9 were already in the house processing it. I did step inside
10 where I viewed Mr. Amos and Tommy in the residence. I didn't
11 do any processing, but I was in the house.

12 Q Where was Amos?

13 A Mr. Amos was when you walk in the back door and the
14 kitchen's here to your left, he was laying face down in the
15 floor there on the -- to the left of the back door when you
16 walk in.

17 Q And Tommy?

18 A When you walk in the back door, straight shot through
19 the living room, there was a couch. Tommy was laying beside
20 the couch on the floor.

21 Q And you didn't process the scene?

22 A No, sir.

23 Q But you walked through?

24 A Yes, sir.

25 Q And Detective John Martin, he was working the crime

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1 scene at that point?

2 A Yes, sir. He was.

3 Q So he was already working and photographing and all that
4 by the time you got back?

5 A Yes, sir.

6 Q Did you encounter the Defendant out there at the crime
7 scene?

8 A I believe she was already, she was already gone when I
9 -- when I first got there originally in the morning, I think
10 she was in a police car over to the side away from everything.
11 I was just there briefly just long enough to look at the
12 house, get a description. Then when I come back she was gone.

13 Q At that juncture in time, did you have any discussions
14 with her, did you talk with her?

15 A No, sir.

16 Q Now, after the search warrant was obtained, you stated
17 that you went back to the crime scene, the murder house and
18 you kind of walked through to kind of get the lay of the land?

19 A Pretty well, sir. Just see what was there and take,
20 take the search warrant in to Mr. Martin, Detective Martin.

21 Q And how long did you stay at the crime scene?

22 A I was there long enough when Detective Martin finished
23 the coroner was on scene, and I helped them move the bodies,
24 put them in the bag to transport the bodies out of the house.
25 Then I left right after that. I don't, I don't know exactly.

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1 It's been a while.

2 Q Midmorning?

3 A Probably, probably so. Yes, sir.

4 Q After you left [REDACTED], where'd you go?

5 A When I left there I began -- I left that scene. I began
6 canvassing the area, you know, Loris, stuff, was trying to
7 find out, you know, like I said, I was where I went to school
8 and, you know, where I was raised, just trying to find
9 information and talking with Detective Frebowitz just trying
10 to follow up, you know, check certain places, just trying to
11 get some information on this, what had happened.

12 Q Okay. So you were in contact with Detective Frebowitz
13 throughout this?

14 A Yes, sir. On -- by telephone.

15 Q And is it customary for the lead detective to call and
16 ask certain detectives to do certain things?

17 A Yes, sir. It is.

18 Q And so you were trying to canvas the area and just
19 search around Loris?

20 A Yes, sir.

21 Q What were you looking for?

22 A Anything that could tell what happened to -- at the time
23 what happened to Ms. Locklear and the Hatfields.

24 Q Okay. And you said what happened to Ms. Locklear,
25 because she was a victim initially; correct?

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1 A At the time, yes, sir.

2 Q Okay. Now, we're all aware of the interview of -- did,
3 did there come a time when you were aware of the Defendant
4 being interviewed?

5 A Yes, sir. When, when I was out and about, I, you know,
6 received, I received a call from Detective Frebowitz saying,
7 "Hey, how about check on this, and go to these, you know, go
8 here, go here, see what you can find, and you know." So I
9 knew she was being interviewed because he was obtaining
10 information.

11 Q Can you tell us some of the places you went to?

12 A The IGA Grocery Store in Loris, and the -- it's not a
13 Sonoco now, but it was a Sonoco at the time behind Hardee's in
14 Loris there like Main Street and Highway 701.

15 Q And what was your purpose in going to those places?

16 A To check surveillance, to look, you know, see if they
17 had any surveillance video from what Detective Frebowitz had
18 obtained and through his investigation to see if there was
19 anything to corroborate what Ms. Locklear was saying when she
20 was there.

21 Q Did Detective Frebowitz give you any timeframes to look
22 in?

23 A Yes. Right off hand I can't remember exactly what it
24 was at the time, but I, I called him and, and got that
25 information.

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1 Q Okay. So at that time you were aware of what timeframes
2 you were supposed to be looking at?

3 A Yes, sir.

4 Q And this is Detective Frebowitz telling you to look,
5 look in these timeframes in these particular areas?

6 A Yes, sir.

7 Q And you were looking for video surveillance?

8 A Yes, sir. Video surveillance, and, you know, if anybody
9 saw, you know, anything that would match up to the information
10 that was given.

11 Q When you were looking at this video surveillance and
12 looking for witnesses, what if anything did you find?

13 A Nothing. I mean, well, at these -- at those two initial
14 places, the IGA and the Sonoco, I found nothing to match up
15 with anything that I was being told to look for.

16 Q Okay. So the particular times you were told to look at
17 the video surveillance you didn't see the Defendant on the
18 videos?

19 A No, sir.

20 Q You're aware that other people were arrested in this
21 case?

22 A Yes, sir.

23 Q You know what they look like now?

24 A Yes, sir.

25 Q Did you see them on these videos?

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1 A No, sir.

2 Q And these videos, did you ever see a white boy, blonde
3 hair, blue eyes?

4 A No, sir. I didn't.

5 Q Light-skinned black dude with short dreds?

6 A No, sir.

7 Q Now, at some point, you're running back and forth,
8 you're doing a lot of leg work; correct?

9 A Yes, sir.

10 Q How often is it that Detective Frebowitz is calling you?
11 Is it throughout the afternoon or just once?

12 A It was more than, it was more than once. It was
13 throughout the, you know, the afternoon, and he finally called
14 me back and said, "You know, if you'd come, come on back to
15 the PD, and, you know, we'll get together with what all we,
16 what all we do have."

17 Q So at the point when you got called back to the PD, you
18 had been searching and searching and searching and didn't find
19 anything?

20 A Yes, sir. That's correct.

21 Q Now, when you got back to the PD, the M.L. Brown
22 Building, the police department, did there ever come a time
23 when you actually took part in the actual interview of the
24 Defendant?

25 A I did, sir. Yes.

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1 Q In the course of your interview, what or what, what
2 caused you to become involved in the interview?

3 A I had been to the places, you know, where I asked Ms.
4 Locklear to describe to Detective Frebowitz as where she had
5 been, and I'd been to those places and, you know, pretty much
6 to step in there and find out for sure, you know, yeah, you
7 know, we have, I have been there, you know, and just it's
8 always good, also, well sometimes, you know, with an interview
9 other detectives will step in to give other ones a break or
10 stuff like that, so.

11 Q And this interview had been going on for some time?

12 A Yes, sir.

13 Q Now, you're familiar with the lay of the land. You've
14 been out on the road. Is it a typical tactic of investigators
15 to change interviewers?

16 A Yes, sir.

17 Q And that's just to get a fresh eye in?

18 A One, one, one interviewer may pick up on something and
19 another one doesn't or, you know, may, you know.

20 Q A fresh perspective?

21 A Just fresh perspective. Yes, sir. Yes, sir.

22 Q Do you recall how you approached the interview of the
23 Defendant?

24 A I believe Detective Frebowitz was in the room when I,
25 when I stepped in there initially. I approached her as, you

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1 know, trying to figure out -- I knew that something wasn't
2 right -- she was not -- there was something that she was
3 holding back for some reason. I pretty much, I guess,
4 approached her as a -- I was unsure exactly what she was at
5 the time, to be honest with you. I didn't, I didn't know what
6 was going on.

7 Q You know you had tried to investigate what she had told
8 police?

9 A Yeah. Yes, sir.

10 Q Couldn't find any evidence?

11 A No, sir. I found no evidence.

12 Q Okay. So you had the feeling she wasn't being honest?

13 A Yes, sir.

14 Q Now, by the time you began speaking with the Defendant
15 she had been at the precinct for a while. Once again, why was
16 she still at the precinct?

17 A Well, she was brought there initially as a, as a victim,
18 and, I guess, as the interview went on with Detective
19 Frebowitz and all the stuff that I was investigating didn't
20 line up, we were trying to determine exactly what was going
21 on, still an active investigation.

22 Q And her stories couldn't be verified?

23 A No, sir.

24 Q So, so the information you had when you entered was that
25 she said she had been at some places and you could find no

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1 evidence of it?

2 A That's right.

3 Q During the course of the interview, could you summarize
4 for us what she actually told you?

5 A Well, I started out with her, you know, my -- honestly,
6 in the very beginning I, I thought that she was just scared to
7 tell me what was going on, whether she had been threatened,
8 you know, as I spoke with her. I hadn't listened to this tape
9 at all or it's been a while, but I honestly thought that she
10 was scared to tell me, you know, what had taken place, and it
11 went from there, and as more stuff she said, inconsistencies
12 in her story, started realizing, and I felt like she had more
13 to do with it. So as she spoke, you know, names starting
14 coming out. She mentioned the name Bo Bo, then later on that
15 name James that cut her grass come out, and that, you know, as
16 it went through and towards the end, toward the end of our
17 actual interview is when she actually stated that, when I
18 asked her, you know, about being tied up, she actually said
19 she let them tie her, actually let them tape her up and that
20 she, she did unlock the door for them to come in and --

21 Q Now ---

22 A I'm sorry. It's --

23 Q No. No. No.

24 A I'm trying to remember.

25 Q It's been a while. I appreciate you telling us what you

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1 remember. While you were speaking with her, did there come a
2 time whenever she was presented with cell phone records?

3 A Yes, sir.

4 Q Did the nature of her, of her statement change once she
5 was presented with those cell phone records?

6 A It did.

7 Q And did you see the cell phone records?

8 A Yes, sir. I did.

9 Q And what, what was the nature of those cell phone
10 records?

11 A I don't know the exact verbiage on it but something to
12 the effect of "the back door is open" or "the back is open",
13 and in another message, there was a message in, in those there
14 that said "it's locked" or something to that effect.

15 Q And that's -- the timeframes on those was about 2:39 to
16 almost 3:00 o'clock?

17 A Yes, sir. In the morning.

18 Q Now, how did she change after this was presented to her?

19 A After that, you know, like I said, she was, she was
20 sobbing and, I mean, she, she started telling a little bit
21 more about, you know, what occurred with the door opening.

22 Q And she indicated it was supposed to be a robbery?

23 A Yes, sir. Yes, sir. She did.

24 Q Prior to getting the cell phone records put in her face,
25 did she ever mention the term robbery before?

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1 A No, sir.

2 Q Did there come a time when you or someone discussed
3 possible sentences with her?

4 A I remember I did ask her did she know what 85 percent of
5 25 years was.

6 Q And what was the purpose in that?

7 A Try to help her realize what kind of situation she's in,
8 to be, you know, to -- I felt like she was holding back
9 information, that she held the key to what happened to these
10 two individuals, and I was just trying to make her realize,
11 "Hey, you know, this is, this is serious. I mean, you're
12 talking, we're talking about a lot of time here." So and
13 that's all I discussed with her, I believe.

14 Q Okay. It wasn't meant to threaten her?

15 A No. No, sir.

16 Q Wasn't meant to kind of force a statement out of her?

17 A No, sir.

18 Q You were just telling her the cold reality?

19 A Yes, sir.

20 Q And when -- after Detective -- it's Detective Frebowitz
21 that actually brings the cell records in; correct?

22 A I believe so. Yes, sir.

23 Q No doubt about it, after he brings them in, he actually
24 discusses the death penalty with her?

25 A Yes, sir. He did.

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1 Q When she mentions robbery, you are there. Do you -- do
2 you remember what she told you, if anything, about the
3 robbery?

4 A Yes, sir. She said the back door -- I remember she said
5 the back door was kicked, that she was in there, and the back
6 door was knocked down, knocked down or kicked, something to
7 that effect, and I told her it wasn't.

8 Q Did she ever tell you what she was supposed to do with
9 regard to the robbery and the back door?

10 A Just to unlock the door, nobody was supposed to get
11 hurt, it was just supposed to be a robbery.

12 Q And, and the whole nature of this interview changes.
13 It's about 5:00 o'clock whenever you all present her with the
14 records?

15 A Probably so. Yes.

16 Q Probably so. Still daylight outside?

17 A It was still daylight. Yes, sir.

18 Q Now, I know the recording we've heard is a little bit
19 difficult to understand at points. Can you summarize for us
20 what she told you with regard to the planning of this robbery
21 or any involvement she had?

22 A After speaking for, for a while she said she was out at
23 the Vasco Store in Tabor City where she saw James, who cuts
24 her grass, and she said he began telling her about shooting
25 another individual in Tabor City, I guess the week before or

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1 something like that, and she, sorry, she mentioned about being
2 -- about, I guess, James wanting to rob Amos and that -- I'm
3 trying to remember exactly the order. It was back and forth,
4 but was going to rob Amos, and at one time she said that,
5 "Well, Amos didn't have any, have any money, and I told them
6 to just -- I needed -- leave me out of it," something to that
7 effect, and ---

8 Q Did you ever question her with about why she was alive?

9 A Yes, sir. Yes, sir. Especially after she told me that
10 the same guy, you know, told her that he had killed someone
11 else the week before, and I said, "Well, there's three
12 people," that she knows about this guy's killed. You know, if
13 he's, you know, killing people, I mean, why is he going to
14 leave, you know, her behind as a witness. Yes, sir.

15 Q And what was the purpose in that?

16 A Why, why to ask her that? Just try to figure it out
17 because it completely bumfuzzled me. I didn't understand
18 that.

19 Q And you were in that house?

20 A Yes, sir.

21 Q Describe what you saw of value to be robbed in that
22 house?

23 A Nothing, I mean, nothing honestly there. I didn't see
24 anything really.

25 Q Did you ever, did you ever beat her?

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1 A No, sir.

2 Q Did you ever make any undue promises of leniency or
3 reward?

4 A No, sir.

5 Q Did you ever say anything like, "You just tell us the
6 truth and we'll send you home?"

7 A No, sir.

8 Q And I think earlier you said she finally mentions the
9 name James; correct?

10 A Yes, sir.

11 Q After she mentioned that name James, what if any steps
12 do you take to identify who James is?

13 A I guess, you know, checking the RMS, different things,
14 checking any type of ties I could find, you know, around Loris
15 and Tabor City. That day, you know, pretty much just checking
16 records. It wasn't till the next day that I, I went over to,
17 to Tabor City and started doing some more on it.

18 Q Okay. That day after she gives you the name James,
19 tells you about the robbery and everything and you're trying
20 to identify who James is?

21 A Uh-huh.

22 Q Do you know if anyone is in the room with the Defendant,
23 is she left alone or what?

24 A She was left, she was left alone for a little while in
25 there when we -- when I was out, you know, looking up some

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1 information. I don't, I don't know exactly.

2 Q Okay.

3 A I took the information I had and pretty much run with it
4 to try to find out more.

5 Q And you had limited information at that point?

6 A Yes, sir.

7 Q So it would have taken a while to try and track that
8 information?

9 A Yes, sir.

10 Q The next day, you said you did do some other steps the
11 next day August 20, 2012. What'd you do to proceed with the
12 investigation?

13 A We had the information about the Vasco Store and about
14 this gentleman named James, and we had the name Bo Bo and that
15 James cuts Ms. Locklear's grass, and she made a reference to
16 about getting gas in the lawnmower, and I went to the Vasco
17 Store, which is on Fair Bluff Highway. I don't, I don't know
18 if there's -- and it's a very short distance up the street
19 from Ms. Locklear's house. I mean, it was right off the road.
20 I went there and met with the manager that was on duty, Mr. --
21 I think his name was -- it was Mr. Benjamin Hardie, I believe,
22 or Benji Hardie, something like that.

23 Q Okay.

24 A And asked him if he knew of a black male that would ride
25 a lawnmower up here, and he said, "Yeah." I said, "What's his

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1 name?" He said, "James." I said, "Well, I'm in the right
2 place," and I continued from there.

3 Q Now, once you got the name James, were you -- did you
4 get any photographs or anything of James?

5 A At, at that point, I don't -- I didn't get -- I
6 mentioned the name Bo Bo, and he said, "Well, Bo Bo was in
7 here yesterday morning. He's, you know, he's friends with
8 James," and he had surveillance of this. "Yeah, Bo Bo was in
9 here yesterday morning," which would have been the 19th, the
10 same morning as this incident. Later on in the day, you know,
11 and said that he was in there and had an altercation with a
12 man and the children that were inside the store, him and some
13 other guys.

14 Q Now, this Bo Bo, did you ever get a name of like Pooh
15 Pooh for him or anything?

16 A I didn't mean to say Bo Bo. I meant to say Pooh Pooh.
17 I'm, I'm sorry. I apologize saying Bo Bo.

18 Q Okay. So, so the Defendant mentions Bo Bo in her
19 statement, but you identify somebody as Pooh Pooh?

20 A I think she told me -- I think she told me Pooh -- I
21 think she told me Pooh Pooh, it was Pooh Pooh, and I'm sorry I
22 said Bo Bo and Pooh Pooh is the real thing. I apologize.

23 Q You're on patrol now. You work swing shift; right?

24 A That's right, sir.

25 Q And this has been almost two years ago?

Brandon Strickland - Direct by Mr. Richardson

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1 A Yes, sir.

2 Q So you talk with Benji Hardie for some time and he -- is
3 he able to help you identify who Pooh Pooh is?

4 A He had the video, I mean, had the still shots from the
5 video from when he was in there and, and I -- that led me on
6 from that point to my next step, to identify, in identifying
7 who he was.

8 Q How'd you go about identifying because I guess Pooh
9 Pooh's not a birth certificate name. How'd you go about
10 identifying James and Pooh Pooh? Did you ever get a full name
11 for James?

12 A I didn't ever get a full name from him -- for him, but I
13 did get one for Pooh Pooh.

14 Q Uh-huh.

15 A When I got the still shots from there from that morning
16 before I went over to Taborville Apartments, it was I think
17 Detective Frebowitz had found out information that the James
18 individual lived there before with a woman by the name of Pig,
19 named Pig. So I went there, and seen an old lady walking
20 around in the parking lot, and I asked her, I said, "Ma'am, do
21 you know who Pig is?" She said, "Yeah. Yeah. They used to
22 stay here. They don't -- her and her boyfriend James," and I
23 asked her what her real name was and she said it was something
24 like Coteara or Katoria or I can't remember what the last.

25 Q Coteara Todd?

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1 A Todd. Yes, sir. And so I went from there to the Tabor
2 City Police Department, met with -- he was Lieutenant Sarvis
3 at the time, and asked him if he, you know, knew these guys,
4 and he said he didn't but he knew somebody that, that probably
5 would.

6 Q Okay. So you were able to identify Pig as Coteara Todd?

7 A Yes, sir.

8 Q And she is girlfriend of --

9 A James.

10 Q -- James?

11 A Yes, sir.

12 Q All right. And were you able to identify where Coteara
13 Todd lived?

14 A When I was originally in the interview with Ms.
15 Locklear, she gave the general area behind a church near a
16 funeral home down a road on the left in a white doublewide,
17 something to that effect, but I can't remember exactly where I
18 heard the exact location other than that.

19 Q And you all worked with then Lieutenant now Major Jerry
20 Sarvis?

21 A Yes, sir.

22 Q Tabor City Police Department. He helped you all in
23 finding out names and whatnot?

24 A Yes, sir. He did.

25 Q And who did you finally identify Pooh Pooh as being?

Brandon Strickland - Direct by Mr. Richardson

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- 1 A I'm sorry. My mind is drawing a blank on his full name.
2 James, Nehemiah James Evans and Odom Brian Bryant.
- 3 Q Odom Brian Bryant?
- 4 A I'm sorry. I apologize.
- 5 Q I can understand where that might be confusing.
- 6 A Yep.
- 7 Q So, Pooh Pooh equals Odom Bryant?
- 8 A Yes, sir.
- 9 Q And James is Nehemiah James Evans?
- 10 A Yes, sir.
- 11 Q And Pig equals Coteara Todd?
- 12 A Yes, sir.
- 13 Q And I believe you indicated that Benji Hardie said that
14 the stills he provided you with were from the day before?
- 15 A Yes, sir.
- 16 Q And they had Pooh Pooh in it, who he knew as Pooh Pooh?
- 17 A Yes, sir. He actually called me back while I was still
18 in Tabor City and I needed to come back.
- 19 Q So you were back -- he called you back and said they had
20 just been in?
- 21 A Yeah. Right after I left Taborville Apartments.
- 22 Q Okay. And you were over in Tabor City the afternoon of
23 August 20th; correct?
- 24 A Yes, sir.
- 25 Q All right. Are these the stills he provided to you,

Brandon Strickland - Direct by Mr. Richardson

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1 State's 113 through 116? Are these the stills he provided to
2 you for, for that Monday?

3 A Yes, sir.

4 Q And the date on those stills are?

5 A I'm trying to read it. I apologize. The 20th of 2012,
6 8-20.

7 Q Okay. So that, that is from where -- these are the ones
8 he identified? Do you have independent recollection of who is
9 who in these photographs?

10 A It's been a while.

11 Q That's fine. If you don't have independent recollection
12 I understand.

13 A No, sir. All right.

14 Q Okay. But these are the ones that Mr. Hardie told you
15 they'd come back in the store that afternoon?

16 A Yes, sir.

17 Q And you just couldn't get over there before they left?

18 A That's right. By the time I got there, they were gone.

19 Q And Mr. Hardie stated that he had seen the same
20 gentleman in there the morning before?

21 A Yes, sir. The --

22 Q The same day as the murder?

23 A Pooh Pooh. Yes, sir.

24 Q He's seen Pooh Pooh the day before, the same day as the
25 murders?

Brandon Strickland - Cross by Mr. Wilson

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1 A Yes, sir.

2 Q And I believe you've already testified that Pooh Pooh
3 had been in some kind of altercation or something that day?

4 A Yes, sir.

5 Q Sergeant, did you take any further steps in this
6 investigation with regard to the Defendant?

7 A In regards to her, no, sir.

8 Q And to your knowledge, you worked with this case for a
9 while; correct?

10 A Yes, sir.

11 Q Did you all ever find the murder weapon?

12 A To my knowledge, no, sir.

13 Q Okay. Thank you. If you'll answer any questions that
14 Mr. Wilson might have.

15 MR. WILSON: May it please the Court, Your Honor?

16 THE COURT: All right.

17 CROSS EXAMINATION

18 BY MR. WILSON:

19 Q Detective -- Sergeant, should I say? I apologize?

20 A No problem.

21 Q Let me ask you a question.

22 A Yes, sir.

23 Q During your interviewing with this Defendant, do you
24 recall saying to her, "What if it was your two children lying
25 down dead in the floor?"

Brandon Strickland - Cross by Mr. Wilson

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1 A Yes, sir. I do.

2 Q You said that to her; didn't you?

3 A Yes, sir.

4 Q That's when you first came in the room to talk to her;
5 right?

6 A I'd probably been in there a little while before I said
7 that.

8 Q Okay. And what time do you recall getting back to the
9 M.L. Brown Building?

10 A I'm not sure. It was probably mid, mid-afternoon,
11 around three-ish maybe.

12 Q Okay. Do you recall what time you actually went into
13 the interview room?

14 A Not exactly. No, sir. Not without --

15 Q Well, if I told you you went in and Frebowitz was in
16 there, would that make sense to you?

17 A Yes, sir.

18 Q Okay. All right. Now, had you been aware or did
19 Frebowitz bring you up to speed about the tactics he'd already
20 used or what he'd already said to this Defendant, what he'd
21 already took her through for the last six, seven hours?

22 A No, sir.

23 Q Did you ask him at all?

24 A I believe he was already in the room when I walked in
25 there.

Brandon Strickland - Cross by Mr. Wilson

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1 Q No. I'm asking you, did you ask him what tactics he
2 used on this Defendant to interrogate her before you got in
3 there asking her questions?

4 A No, sir.

5 Q Okay. He never discussed that with you; correct?

6 A No, sir.

7 Q Okay. When you got in the room was this Defendant
8 handcuffed yes or no?

9 A Sir, I can't remember.

10 Q Well, would it surprise you to know that she was
11 handcuffed?

12 A No, sir.

13 Q Okay. All right. So based on your recollection, you
14 can't recall if she was handcuffed or not?

15 A I can't, sir. It's been a while.

16 Q Do you recall this Defendant being mirandized at any
17 point in time?

18 A No, sir. I wasn't there when she was originally
19 mirandized.

20 Q Well, I'm asking you this, do you recall mirandizing
21 her?

22 A No, sir. I didn't.

23 Q Okay. Let me ask you this, do you recall this Defendant
24 being told --

25 MR. WILSON: The Court's indulgence, Your Honor.

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1 BY MR. WILSON:

2 Q If I told you you came in the room around 15:49, would
3 that make sense?

4 A Probably.

5 Q Okay.

6 A Probably so.

7 Q All right. And do you recall this Defendant being
8 handcuffed to the chair at the time?

9 A Sir, like I said before, I -- it's been a while. I
10 can't remember.

11 Q Do you recall the comment, "Any jury is going to convict
12 you?"

13 A I, I don't recall that. I haven't listened to the
14 video.

15 Q Do you recall asking her why she's alive?

16 A Yes, sir.

17 Q Do you recall telling her that she's going to go to jail
18 for 20 years?

19 A I know I referenced her going to jail.

20 Q Well, let's talk about that. At that point in time, you
21 don't know if Frebowitz has already told her she's going to go
22 to jail or she's going to get life or you don't know what he
23 said; correct?

24 A No, sir.

25 Q Okay. So what was the point when you came in of telling

Brandon Strickland - Cross by Mr. Wilson

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1 her that she's going to get 20 years in jail?

2 A I don't recall exactly what I said when I first come in
3 there, but if I told her that it was because I was trying to
4 show her the seriousness of what was going on, try to help
5 make her realize, you know, what's going on.

6 Q Okay. Fair enough. So you told her -- you were trying
7 to explain to her the seriousness of what was happening;
8 correct?

9 A Yes, sir.

10 Q Okay. Well, then tell me then why after that you told
11 her that it could be her children who were lying on the floor
12 shot dead. Why did you tell her that?

13 A Because the two people that were dead were somebody's
14 children, and I, that's the way I looked at it.

15 Q Now, my question is why did you tell this Defendant
16 during the interrogation of her, and nobody else was being
17 interrogated; correct? Was anybody else other than Sandy
18 Locklear being interrogated?

19 A No. That was it.

20 Q So why did you tell this Defendant that?

21 MR. RICHARDSON: Asked and answered, Your Honor. He's
22 already answered the exact same question just now.

23 THE COURT: Overruled.

24 MR. WILSON: Judge.

25 THE COURT: Overruled.

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1 MR. WILSON: Thank you, Your Honor.

2 A I told her -- I was trying to make her realize that, you
3 know, this could be your children. It could be anybody's
4 children, you know. That's, that's how serious it is, two
5 dead people.

6 Q Again, trying to tell her how serious it was; correct?

7 A Yes, sir.

8 Q Did you ever tell this Defendant while she was being
9 interrogated that she's spitting on her husband's dead body?

10 A Yes, sir.

11 Q You said that to her; didn't you?

12 A Yes, sir.

13 Q All right. Tell this jury one minute after you made the
14 other statement why you said that?

15 A Trying to make her, I mean, because I -- she was holding
16 back information. I felt like she was holding back
17 information, not being truthful. She said she loved her
18 husband, and it's like she's spitting on his grave.

19 Q You said you felt like she was holding back information;
20 correct?

21 A Yes, sir. I did.

22 Q You felt that way?

23 A Yes, sir.

24 Q All right. Well, tell me at the time what evidence you
25 had in your possession which contradicted what she had said

1 already? What physical evidence did you have in your
2 possession to determine that she's not telling you the truth
3 other than the fact that you went to IGA and you said you
4 didn't find anything?

5 A Uh-huh.

6 Q Did you know there was a receipt found later on?

7 A I'm not aware of that.

8 Q You're not aware of that?

9 A No, sir.

10 Q Nobody told you that?

11 A No, sir. I'm not aware of that.

12 Q Okay. Well, then tell me what did you have in your
13 possession at this time that would lead you to believe that
14 she was not telling you the truth?

15 A She didn't go to the -- I didn't find her on the Sunoco
16 video either where she wasn't there and just in her statement
17 she was making she was back and forth and just, you know, I've
18 been policing for, you know, going in my ninth year.

19 Q So you been policing for nine years?

20 A Yes, sir.

21 Q And now, it was the information that Sandy Locklear gave
22 you that led you to the Vasco; isn't it?

23 A Yes, sir.

24 Q Now, you also told this jury under direct examination --
25 well, actually under cross examination, explained to this jury

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1 that you actually didn't participate in the beginning of the
2 interrogation of this particular Defendant; correct?

3 A In the very beginning, no, sir.

4 Q All right. You weren't there?

5 A No, sir.

6 Q Okay. Did you talk with Frebowitz about what happened
7 when he first got there? Did you all have a conversation
8 about what she had told Frebowitz?

9 A Not -- I don't believe not prior to me going in there
10 initially speaking with her. No, sir.

11 Q Not, not prior to you going in there?

12 A I don't believe so, sir.

13 Q Okay. And you said that the reason for you going in
14 there was to relieve another officer?

15 A I was just going in there because I had followed,
16 followed up on the information that she had give Detective
17 Frebowitz, and it just wasn't panning out.

18 Q Well, then tell me this --

19 A Yes, sir.

20 Q -- you told the Prosecutor under direct examination that
21 you went to every place that she's told you to go or that, I
22 guess, Frebowitz told you to go; correct?

23 A Yes, sir.

24 Q And that during that time he gave you a timeframe to
25 look for; correct?

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1 A Yes, sir.

2 Q All right. Well, tell this jury what timeframe you
3 looked at that you didn't catch the IGA stuff; correct?

4 A No, sir.

5 Q All right. So tell me what timeframe Frebowitz told you
6 to go look at these places?

7 A Sir, I can't remember. If I tried to make up a number
8 I'd be lying to you.

9 Q All right. Well, you have notes?

10 A No, sir.

11 Q You didn't take any investigation notes?

12 A If I'm on the phone and he tells me a time I didn't --
13 wouldn't write it down. I would know it at the time.

14 Q So your testimony to this jury is you don't know the
15 timeframe of the video you looked at at these several
16 locations; correct?

17 A No, sir. Not right off the top of my head. No, sir.

18 Q But your testimony also is is that you garnered no
19 evidence which would corroborate what this Defendant was
20 telling you; correct?

21 A That's right.

22 Q Okay. Did you develop a report in this case, Sergeant?

23 A I did a report of investigation. Yes, sir.

24 Q Okay. Can you tell the jury what the report or a report
25 of investigation is, why you would have done one?

Brandon Strickland - Cross by Mr. Wilson

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1 A Stating what I -- that I was called out to the scene,
2 and, you know, what I did in the investigation.

3 Q What you did in the investigation?

4 A What I, you know, what I, you know, just some of the
5 steps I took, what I did to give it to Detective Frebowitz so
6 he'd have it for the case file.

7 Q How many times have you interrogated witnesses over the
8 years?

9 A I've interviewed a bunch of people.

10 Q How many, I mean, how many would you say?

11 A I wouldn't know an exact number.

12 Q Okay. All right. Well, let me ask you this, you ever
13 used this tactic before on a, on a, on a person you're
14 interviewing (claps hands)? You ever slap your hands in their
15 face like that?

16 A To my knowledge, no, sir.

17 Q To your knowledge. Why wouldn't you do something like
18 that? Tell this jury why you wouldn't do that?

19 A I just hadn't ever done it before.

20 Q So you're saying you would do this?

21 A Depends on my situation I guess.

22 Q So you're saying that's acceptable at the Horry County
23 Police Department?

24 A What, to smack your hands together?

25 Q In somebody's face, officer, detective, sergeant. My

Brandon Strickland - Cross by Mr. Wilson

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1 apologies.

2 A I mean, it's -- if it's a tactic that somebody uses, I
3 don't, I don't see anything wrong with it.

4 Q So you don't see anything wrong with it?

5 A To smack, no, sir.

6 Q Okay. All right. Well, let me ask you this, is it
7 acceptable practice when you're interrogating someone or you
8 interview someone to bring up their child over and over again?
9 Is that acceptable?

10 A I would say. Yes, sir.

11 Q So it's okay to mention the children over and over
12 again? That's okay?

13 A To me, yes, sir. I --

14 Q All right. Well, let me ask you this, did you ever ask
15 about this Defendant's child ever?

16 A I think I did, sir.

17 Q You did; didn't you?

18 A Yes, sir.

19 Q Tell me why you asked her about her child? What were
20 you asking about?

21 A I think I may -- I think I asked her her children's
22 names and how old they were or their date of birth and where
23 they were.

24 Q Well, tell the jury why you were asking that question?

25 A Number one, to find out where they were.

1 Q To find out where they were?

2 A Uh-huh. Yes, sir.

3 Q So you and the rest of the detectives, including
4 Frebowitz, were trying to find out where this child was?

5 A Find out, you know, what the situation. She said she
6 was scared, and, you know, she was at the police department.
7 At the time I didn't know exactly what she was or what was
8 going on in this whole situation.

9 Q Do you know if there was ever an officer dispatched to
10 go and find the young child of the Defendant?

11 A To my, to my knowledge I believe she told us or told
12 somebody her child was with a, with a grandmother or something
13 up in North Carolina somewhere.

14 Q Do you know what time?

15 A Later on.

16 Q Tell this jury what time she made that statement?

17 A I don't know, sir. I remember a little bit, but I don't
18 remember exactly what time.

19 Q Would it surprise you to know that she told the
20 detectives that in the morning at 11 a.m.?

21 A I'm not going to argue. I don't, I don't know. I'm not
22 going to argue with you if that's what you've got.

23 Q Okay. Well, let me ask you this. Did you ever call
24 DSS, the Department of Social Services, get in contact with
25 them about this child?

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- 1 A I didn't.
- 2 Q Okay. Well, who did?
- 3 A I don't know if any -- I don't know. I wasn't there.
- 4 Q You weren't there?
- 5 A No, sir.
- 6 Q Well, you were there interrogating her; weren't you?
- 7 A I was there interviewing her. Yes, sir.
- 8 Q So you weren't engaging in interrogation?
- 9 A I was interviewing her.
- 10 Q You were interviewing her?
- 11 A Yes, sir.
- 12 Q So if she's handcuffed and you're telling her about her
- 13 child, you're not interrogating her? You're interviewing her?
- 14 A I consider that interviewing.
- 15 Q So basically what you were doing, she wasn't in custody
- 16 yet? Is that what you're telling this Court?
- 17 A No. She was in custody. She wasn't going -- she was
- 18 not free to leave.
- 19 Q Okay. Well, what do you call that when someone's in
- 20 custody and you're asking them questions?
- 21 A I call it an, I call it an interview.
- 22 Q You call it an interview?
- 23 A Yes, sir.
- 24 Q You ever heard of custodial interrogation?
- 25 A Yes, sir.

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1 Q What is that? Tell this jury what that is.

2 A Custodial interrogation is when somebody is in custody
3 and you're, you're interrogating them.

4 Q So, now, you just told this jury a second ago and you're
5 a sergeant?

6 A Yes.

7 Q You've done this a number of times; correct?

8 A Yes, sir.

9 Q You just told this jury under oath that you're
10 interviewing?

11 A That's -- I call it an interview. I -- that's what I've
12 always called it. I mean, you want to call it interrogation.
13 I call it an interview. I interviewed her.

14 Q I'm not asking what I call it.

15 A Okay.

16 Q I'm not a law enforcement officer.

17 A Okay.

18 A You are. You're under oath.

19 A Yes, sir.

20 Q My question to you is, were you not interrogating this
21 Defendant?

22 A I would say what I was -- when I was talking with her,
23 you could probably construe that as an interrogation. Yes,
24 sir. But it was -- I was interviewing her the way I look at
25 it.

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1 Q Do you recall doing a report in this matter?

2 A A report of investigation. Yes, sir.

3 MR. WILSON: May I approach the witness, Your Honor?

4 THE COURT: Yes, sir.

5 BY MR. WILSON:

6 Q If you could read for me -- well, let me ask you first,
7 can you identify that as being your report?

8 A Yes, sir.

9 Q Okay. So and this report would have been done based on
10 your investigation in this case; correct?

11 A Yes, sir.

12 Q Okay.

13 MR. WILSON: Your Honor, may I have this marked at this
14 time?

15 THE COURT: All right.

16 MR. WILSON: For identification purposes only.

17 THE COURT: All right.

18 MR. WILSON: Thank you, Your Honor. Thank you.

19 (Defense Exhibit Number Three [Report of Investigation -
20 Strickland] marked for identification.)

21 BY MR. WILSON:

22 Q Now, there's no doubt in your mind this is your report;
23 correct?

24 A Yes, sir.

25 Q All right. And you would have developed this based on

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1 your investigation in this matter?

2 A Yes, sir.

3 Q Okay. And basically it would detail the things that you
4 did and, you know, what you went through, etcetera; correct?

5 A Yes, sir.

6 Q Okay.

7 MR. WILSON: Your Honor, I'd like to have this moved in
8 at this time into evidence.

9 THE COURT: Any objection?

10 MR. RICHARDSON: Well, Your Honor, that's not a business
11 record subject to the, the hearsay exception.

12 THE COURT: So there's an objection?

13 MR. RICHARDSON: I'd, I'd object, Your Honor. There's --

14 THE COURT: All right.

15 MR. WILSON: Just want to have him publish something to
16 the jury, Judge.

17 THE COURT: Okay. Well, go ahead and you can have him
18 publish it to the jury without it --

19 MR. WILSON: Thank you, Your Honor.

20 BY MR. WILSON:

21 Q If you could, please, start reading right here for me
22 and end right here?

23 A All the way to there?

24 Q That's right. Correct. Thank you, sir.

25 A (As read) "Hardie advised Pooh Pooh and several of his

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1 friends were in the store using foul language when an older
2 white male and two children came into the store. Hardie
3 advised after making a purchase the white male came back in
4 the store and told Pooh Pooh and his friends they needed to
5 have more respect. He stated that the males in the store
6 became angry and actually followed the male back outside. The
7 white male left the scene, as well as the other males, except
8 Pooh Pooh. Hardie stated Pooh Pooh then began trying to
9 justify why he argued with the man. He stated he told Pooh
10 Pooh the man would shoot him and Pooh Pooh told Hardie he had
11 a gun. Hardie stated he observed a 25-caliber pearl-handled
12 silver handgun tucked in Pooh Pooh's smaller pocket above his
13 pant's pocket on the front. Hardie provided a video from the
14 time of the incident as well as still shot pictures of Pooh
15 Pooh inside the store. These pictures, as well as the new
16 information, were provided to Detective Frebowitz. Also,
17 Hardie's interview was digitally recorded for future reference
18 and provided to Frebowitz."

19 Q Thank you, sir. So during the course of your
20 investigation you determined that Pooh Pooh, a.k.a. Odom
21 Bryant as the Prosecution has already said, had a gun;
22 correct?

23 A Yes, sir.

24 Q And he said it was a 25 caliber gun; correct?

25 A Yes, sir.

1 Q And that's based on your report?

2 A Yes, sir.

3 Q Okay. All right. There's no denying that?

4 A That's what I wrote down there.

5 Q Okay. Did you have a chance to interview Teresa
6 Phillips? Did you ever talk to her?

7 A I don't believe I spoke with a Teresa Phillips.

8 Q Okay. Do you know who Odom Bryant is?

9 A Yes, sir.

10 Q Okay. And you know who his girlfriend at the time was
11 through your investigation?

12 A I don't believe I -- I don't know if I actually met her
13 or not.

14 Q Fair enough.

15 A I don't believe so.

16 Q Fair enough.

17 MR. WILSON: Your Honor, I have no further questions.

18 THE COURT: All right.

19 MR. WILSON: Thank you.

20 THE COURT: Redirect.

21 REDIRECT EXAMINATION

22 BY MR. RICHARDSON:

23 Q The description was a silver pearl-handled 25-caliber;
24 correct?

25 A Yes, sir.

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1 MR. RICHARDSON: No further questions, Your Honor.

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

3 A Thank you, Your Honor.

4 THE COURT: Let's go ahead and take a break.

5 MR. RICHARDSON: That's what I was going to ask, Your
6 Honor.

7 THE COURT: All right. All right. Ladies and gentlemen,
8 we'll take our afternoon break at this time. Leave your pads
9 in the jury box. We'll take about a 15 minute break. Do not
10 discuss the case even among yourselves at this point in time.

11 MR. RICHARDSON: Your Honor, may Sergeant Strickland be
12 --

13 MR. WILSON: No objection, Your Honor.

14 THE COURT: He's free to go. Thank you.

15 (Whereupon, the following takes place outside the
16 presence the jury.)

17 THE COURT: All right. Anything from the State before we
18 take a break?

19 MR. RICHARDSON: No, sir, Your Honor. For the record,
20 I've got -- I know we discussed earlier Dr. Proctor would be
21 here he said about four or 4:15. I've got one witness in
22 between that, Your Honor.

23 THE COURT: Okay. All right. Anything from Defense?

24 MR. WILSON: Nothing, Your Honor.

25 THE COURT: All right. Let's take about a 15 minute

1 break.

2 OFF THE RECORD

3 (On the record. The following takes place outside the
4 presence of the jury.)

5 MR. RICHARDSON: You want to go ahead and approach now on
6 these, Ralph?

7 MR. WILSON: Yeah. Absolutely.

8 (Whereupon, a bench conference is held.)

9 THE COURT: All right. What you got?

10 MR. RICHARDSON: This isn't for the next witness, Your
11 Honor. This'll be for Dr. Proctor, who should be here. Here,
12 I'll state the numbers for the record, State's 121 through
13 132, Your Honor, and I'll let Ms. Wooten argue it. It'll be
14 her witness.

15 THE COURT: So this is, you're objecting to these?

16 MR. WILSON: Yes, Your Honor.

17 THE COURT: Prejudicial?

18 MR. WILSON: Prejudicial, Judge, highly prejudicial, and
19 not only that, it would tend to, I think, inflame the passions
20 of the jurors. Autopsy photos, as you know, well know, are
21 not normally admissible unless absolutely necessary for the
22 doctor to do his job. I don't think they're necessary. He
23 could point to a number of those little sketches, etcetera,
24 etcetera. I think that they're just prejudicial, and I don't
25 mind the bullets, the fragments or whatever that is. I do

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1 mind the pictures which are highly grotesque and don't show
2 the body in the, in the actual crime scene and how they were
3 at the time.

4 MS. WOOTEN: And Your Honor, the State would just argue
5 that they are not highly grotesque considering they are in
6 black and white, and in any murder case you're going to have
7 autopsy photos. They already know that the people were
8 murdered. So I don't think it will establish any kind of --
9 arouse them an emotion in any way because they already know
10 that an autopsy was done. They already know someone was
11 murdered. I think it'll assist the trier of fact in this
12 case, and I also think it'll -- and as we talked to Dr.
13 Proctor ahead of time, it'll assist him in his testimony.

14 THE COURT: All right. And this is a motion in limine to
15 exclude it. So I'm going to deny your motion. Once they lay
16 the foundation and they tender it at that time, I'll make a --
17 raise your objection. I'll make a ruling as to the probative
18 value because right now I don't know what the probative value
19 is.

20 MR. WILSON: Yes, Your Honor.

21 THE COURT: And I'll have to wait until the witness gets
22 up and how much the witness needs it as part of the testimony.

23 MR. WILSON: Yes, Your Honor.

24 THE COURT: So, I'm going to deny the motion in limine
25 and raise your objection when they seek to introduce them and

1 I'll address it at that time.

2 MR. WILSON: Yes, Your Honor. Thank you, Judge.

3 THE COURT: All right.

4 MS. WOOTEN: Thank you, Judge.

5 MR. RICHARDSON: Thank you, Judge.

6 THE COURT: Thank you.

7 MR. RICHARDSON: We're ready to proceed, Your Honor.

8 My next witness is actually in the courtroom already.

9 THE COURT: All right. Anything from the Defense before
10 we bring the jury in?

11 MR. WILSON: Nothing, Your Honor.

12 THE COURT: All right. Let's bring the jury in.

13 (Whereupon, the following takes place in the presence of
14 the jury.)

15 THE COURT: All right. Ladies and gentlemen, welcome
16 back. Please make sure that you have your own notepads.
17 We're ready to resume the trial of the case. The State can
18 call their next witness.

19 MR. RICHARDSON: Thank you, Your Honor. At this time the
20 State would call Detective Damon Vescovi.

21 WHEREUPON, Damon Vescovi was called to the stand, duly
22 sworn by the clerk and testified as follows:

23 THE CLERK: Please state your name and spell your last
24 name.

25 MR. VESCOVI: Damon Vescovi, V-E-S-C-O-V-I.

Damon Vescovi - Direct by Mr. Richardson

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1 DIRECT EXAMINATION

2 BY MR. RICHARDSON:

3 Q Good afternoon, Detective. If you need any water there's
4 a pitcher right there with some cups.

5 A Thank you.

6 Q Could you tell us where you're employed, how long and in
7 what capacity?

8 A Horry County Police. I've been employed there for going
9 on 13 years now. Currently, I'm assigned to narcotics
10 division.

11 Q Okay. And prior to being assigned to the narcotics and
12 vice unit with the Horry County Police Department, criminal
13 investigation division, what was your, what was your previous
14 assignment?

15 A At the time it was, it was called violent crimes. I was
16 assigned to the CID division of violent crimes.

17 Q Okay. And that was back in August 2012?

18 A Yes, sir.

19 Q In the course of your duties as a violent crime detective
20 with the Horry County Police Department, did you have the
21 opportunity to become involved in the investigation into the
22 murders of Tommy and Amos Hatfield?

23 A Yes, sir.

24 Q I'll get that box of Kleenex out of your way.

25 A Ah, it's fine.

Damon Vescovi - Direct by Mr. Richardson

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1 Q Could you tell us briefly how you assisted in the
2 investigation in this matter?

3 A Initially, I was called to the scene as a general
4 investigator to aid the -- what would essentially be the case
5 agent. As the preliminary investigation continued there was
6 some cellular phones that needed investigating, analyze, if
7 you will. I do have some specialized training in that field
8 and was requested to pretty much concentrate on that, that
9 area of the investigation.

10 Q Okay. So, so initially, you responded as the, I guess, a
11 generalist to help out at the crime scene?

12 A Yes, sir.

13 Q And then eventually did you assist in any canvassing or
14 anything?

15 A Initially. We, we showed up on scene. Obviously,
16 through the preliminary steps, we were privy to information
17 that developed with cell phones and pretty quickly that's what
18 I started aiding on.

19 Q Well, talk to us. What type of training have you
20 received with regard to cell phone data recovery and analysis?

21 A I attended a training class in Mt. Pleasant, South
22 Carolina, hosted by CAST, which is a sister group of the
23 Federal Bureau of Investigation, that, and I attended a
24 conference in Washington, ISS, Telecoms, which began cellular
25 data analysis.

Damon Vescovi - Direct by Mr. Richardson

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1 Q Okay. Do you get certificates at the end of these
2 conferences?

3 A I do. I don't have them with me, but I do.

4 Q Just can you briefly tell us what -- how this training is
5 conducted?

6 A It walks you through identifying cell phone carriers, how
7 to make requests to these carriers, say AT&T or Sprint, what
8 have you, recognizing their records, being able to interpret
9 their records, take that information, analyze it in a, in a
10 multitude of different ways, more specifically plotting
11 historically where these cellular devices would be
12 geographically.

13 Q Now, you said these cell phone providers. How many major
14 cell phone providers are there to the best of your knowledge?

15 A Five, six.

16 Q Okay. Who?

17 A AT&T, Sprint, Verizon, T-Mobile, Cricket.

18 Q Those first four, are those the four major ones around
19 here?

20 A Yes, sir.

21 Q And to your knowledge, the TracFones, these phones you
22 pick up at convenience store, Wal-Mart, pay as you go --

23 A Yes, sir.

24 Q -- are those served through these major carriers?

25 A They are a mobile virtual operator. They, they operate

Damon Vescovi - Direct by Mr. Richardson

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1 as a -- their own business, but they depend solely on one of
2 these network providers, TracFones, specifically AT&T. They
3 use AT&T's network.

4 Q So kind of like Horry County Electric Cooperative, they
5 don't produce electricity. They buy it from Santee Cooper.

6 A Correct.

7 Q Okay. Now with your training, you've been trained up on
8 how to, how to go and ask for the data?

9 A Yes, sir.

10 Q From these cell phone providers?

11 A Yes, sir.

12 Q And then once if it is sent to you you're trained in how
13 to analyze it?

14 A Yes, sir.

15 Q From the data that's provided to you, from the data
16 that's typically provided to you, what kind of things can you
17 do with that data?

18 A Well, basically, what I would essentially ask for,
19 there's, there's only a handful of things, call detail
20 records, tower lists, tower logs. Those two items basically
21 give me the, the data that I need to place them on a map, if
22 you will. Most of it's coded. So you kind of got to know
23 what, what number goes with what, but in the end of the
24 analysis you would have different plots on a, on a map that
25 are related to the tower information and the information out

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1 of the call detail record, which you -- both you receive from
2 the phone company.

3 Q We'll come back to that hopefully in a moment. Now, on
4 August 19th, 2012, did you make any requests with regard to the
5 phone number of Sandy Lee Locklear?

6 A I did.

7 Q Okay. Do you recall that number?

8 A Not fully. 910, I have it.

9 Q Do you have it written down in your notes?

10 A I have it on one of the forms. 910-918-7987.

11 Q Okay. Do you know how you all got that phone number?

12 A It was provided by her initially.

13 Q And whenever you got a hold of that phone number, what
14 were you trying to do or what time -- do you remember about
15 what time you got that phone number?

16 A It was pretty early on. I mean, it was, it was in the
17 preliminary stage --

18 Q Okay.

19 A -- responding out to the scene, investigators speaking to
20 her briefly I think before she went to a -- to the hospital,
21 during that timeframe.

22 Q Now, once you got that, once you got that phone number,
23 what kind of request did you make?

24 A I made an exigent request with, I believe it was Verizon,
25 and basically requested call detail record information, text

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1 messaging content, as well as detail, location information,
2 all within the last 48 hours.

3 Q What was the purpose in this request?

4 A The urgency of the crime itself. Initially, coming on
5 scene, the only thing that we knew was two individuals entered
6 their -- a home, murdered two individuals, supposedly raped
7 another, stole that victim's cell phone and car and fled the
8 scene. Those two individuals, giving the spontaneous nature,
9 if you will, of the, of them committing this crime, having no
10 real idea as to why, being in that area, that was an urgent
11 request.

12 Q Okay. And that was your understanding as you made this
13 request?

14 A Yes, sir.

15 Q That the Defendant's -- the cell phone of one of the
16 victims had been stolen was what you had been told?

17 A Yes, sir.

18 Q And what were you hoping to do with looking at those cell
19 records, looking at the locations?

20 A Locate the two individuals.

21 Q Okay. So you were going to try and use that cell phone
22 to track where that cell phone was?

23 A Yes, sir.

24 Q And if it was with these two, two guys, you were going to
25 be able to find them?

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1 A Yes, sir. Possibly.

2 Q Do you know what, what and what type of request did you
3 make?

4 A An exigent request.

5 Q Okay. And that means you need that information now;
6 correct?

7 A Yes, sir.

8 Q Because these guys allegedly had killed two people, raped
9 a woman, stole some stuff?

10 A Yes, sir.

11 Q And they were a danger to the community?

12 A Yes, sir.

13 Q And so you all wanted to find them?

14 A Yes, sir.

15 Q Do you know what time you made that exigent request?

16 A I don't recall the specific time. It would be on the fax
17 where I, where I sent it in.

18 Q Sometime in the afternoon?

19 A I believe so around about.

20 Q Now, in the exigent request, you indicated you wanted
21 cell location; correct?

22 A Yes, sir.

23 Q Data location, what'd you call it?

24 A The cell location is where they force a location signal
25 on the phone itself. That's done by the phone company.

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1 Q Okay. And they're able to tell what tower it's bouncing
2 off of?

3 A Yes. Yes, sir.

4 Q Okay. And you -- did you request anything with regard to
5 texts?

6 A I did, text messaging content and detail.

7 Q Now, do all cell providers keep copies of text messages?

8 A No, sir. Not all of them.

9 Q Is it common knowledge that cell -- in your experience is
10 it common knowledge that cell phone providers keep text
11 messages?

12 A I wouldn't say it's common knowledge to the general
13 public, but --

14 Q In law enforcement it's common knowledge?

15 A Right.

16 Q And now, you made the exigent request. Did you get some
17 cell records?

18 A I did.

19 Q And at some point did you follow up with a search
20 warrant?

21 A Yes, sir. I did.

22 Q That's kind of just a prophylactic act?

23 A Yes, sir.

24 Q And did you receive those records that you requested?

25 A I did.

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- 1 Q How were the records received on August 19th, 2012?
- 2 A Through, through a fax.
- 3 Q Through a fax?
- 4 A Yes, sir.
- 5 Q Did you ever receive a digital copy of them?
- 6 A Yes, sir. The, the actual raw data came via e-mail.
- 7 Q Okay.
- 8 A The request was sent through fax.
- 9 Q Okay. So you faxed the request, and the data came back
- 10 via electronic mail?
- 11 A To, to my e-mail. Yes, sir.
- 12 Q And at some point did you print those records?
- 13 A I did.
- 14 Q For what purpose?
- 15 A For the investigation, for the lead agent, and to be able
- 16 to have a hard copy to look at for investigative purposes.
- 17 Q I'm going to show you what's been previously identified
- 18 and introduced into evidence as State's Number 13. Take a
- 19 moment to look at that. Is that the -- are those some of the
- 20 records you received on August 19th, 2012?
- 21 A Yes, sir.
- 22 Q And you stated that you printed them out once you got
- 23 them and give them to the lead investigator?
- 24 A Yes, sir.
- 25 Q Now, what, if anything, did you note upon -- did you

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1 review these records prior to handing them off?

2 A I did. I remember them. I remember looking at them.

3 Q Did you note anything about them? Was there anything of
4 particular interest to you?

5 A Yes, sir. There was a text communication between what we
6 now know to be one of the principal participants and Ms.
7 Locklear referring to the back door of the crime scene.
8 I don't know exactly which page that's on.

9 Q I'm handing you what's folded over to four page from the
10 back of State's Number 13 I believe. If you'd look down at
11 the bottom of that page. Do you recognize that communication?

12 A Yes, sir. That's the one -- to the one I was referring,
13 the text message.

14 Q Okay. And can you tell from looking at that -- you're
15 familiar with cell phone records; correct?

16 A Yes, sir.

17 Q And do all cell phone providers send records in the same
18 format?

19 A Oh, no. No, sir. No, sir.

20 Q It would be too easy for them to do that.

21 A Yes, sir.

22 Q Okay. From that can you tell what number was texting at
23 that point?

24 A You can. It, it identifies the sender and the receiver.

25 Q Okay.

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1 A In this particular text the sender was 91 -- the number
2 is 910-212-0698.

3 Q 0698?

4 A Yes, sir.

5 Q And that is to the Defendant's cell phone?

6 A Yes, sir.

7 Q And the time of that is 2:39 in the morning?

8 A Yes, sir. 2:39 in the morning on the 19th.

9 Q And in looking through all those documents, it's multiple
10 pages that you got; correct?

11 A Yes, sir.

12 Q Was that the first thing that grabbed your attention?

13 A Yes, sir.

14 Q And why did it grab your attention?

15 A Because of the content of the message. It is obvious
16 that the sender at the time unknown was communicating with Ms.
17 Locklear to unlock the back door.

18 Q Okay. Was the timing of the message, it being at 2:39 in
19 the morning --

20 A Yes, sir.

21 Q -- was that important?

22 A Because that was the time of the crime.

23 Q Okay. Now, and there are other text messages after that;
24 correct?

25 A Yes, sir.

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1 Q Back and forth between the phone. We don't need to go
2 through all those.

3 A Right.

4 Q But that -- that's what really triggered you into looking
5 deeper in these records?

6 A Yes, sir.

7 Q And then you provided that to Detective Frebowitz?

8 A Yes, sir.

9 Q In your experience are the times and dates in cell phone
10 records are those accurate?

11 A Oh, yeah. Yes, sir.

12 Q Kind of GPS coordinator or whatever?

13 A Yes, sir.

14 Q All right. Did you ever receive any information with
15 regard to the locations from where calls were made or received
16 from the phone number 910-918-7987?

17 A Yes, sir.

18 Q Now, at the time these texts were made, where -- do you
19 recall anything you did to determine where that phone was,
20 910-918-7987?

21 A Ms. Locklear's number?

22 Q Yes.

23 A I mean, I didn't have to. It was there, but yes, we did,
24 we did receive the information, the data, to discern that
25 fact.

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1 Q And that confirmed that Ms. Locklear's phone was in the
2 same tower area?

3 A Yes, sir.

4 Q And so that we can all learn a little bit here, if you
5 get, if you get your -- you said you get longitude and
6 latitude on each time a phone is pinged or used; correct?

7 A Yes, sir.

8 Q And what's that referring to?

9 A It's referring to the coordinates where that device is.
10 It's referring to information received from the tower and
11 that's done, that's done through the phone company. What I do
12 from a historical aspect is use the tower information along
13 with the call detail record which contains certain information
14 to allow me to plot it on a map.

15 Q Okay. So longitude and latitude actually corresponds to
16 the cell towers?

17 A The tower. Yes, sir.

18 Q And whenever a phone call is made, I assume that you're
19 familiar with how cell phones work.

20 A Uh-huh.

21 Q Can you just briefly tell us how cell phones work?

22 A Yeah. Basically, a cell phone has -- is capable of
23 looking at six different options at any given time. It picks
24 the closest and the best receiving tower, interacts with that
25 tower, goes through a network, and basically, calls are

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1 received or made in that respect. It talks to a tower.
2 Towers are located -- are broken up into a market, then on a
3 smaller scale into a switch or a lack, and then the switch and
4 a lack has their own respective cell phone antennas, a tower,
5 if you will, that has a specific number. Those towers are, in
6 turn, usually for the most part, are broken into three sides,
7 usually denoted sectors one, two and three or alpha, beta,
8 gamma. The information that you receive on a call detail
9 record identifies the switch that these transactions occur in
10 as well as the cell phone antenna or the tower, and it gives
11 you the side of that tower and the azimuth which basically
12 that particular sector is facing. So and, and in, in a case
13 where you have an azimuth of 65 degrees that would be 65
14 degrees from dead north. Pulling that direction that would be
15 whatever that sector is.

16 Q Okay. And that's a lot of technical terms, but as I
17 understand it you've got three sides to a tower?

18 A Yes, sir.

19 Q Okay. So if it says, and we'll use the term if it says
20 off of A, comes out at one triangle?

21 A Uh-huh.

22 Q Says B comes off at another triangle?

23 A Yes, sir.

24 Q And C is off yet another one?

25 A Yes, sir.

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1 Q And so if those cell phone records tell you that is in A,
2 it's within that cone of A?

3 A Yes, sir.

4 Q And that's -- so you can't say the person is within two
5 feet, three feet, 40 feet of the cell phone tower?

6 A No, not always. There are some records that allow you to
7 do that, but not these, not the ones in question.

8 Q And how does a phone know when to switch over to a new
9 tower?

10 A Based on signal strength. It's what they refer to as a
11 handoff. Like I said, a cell, a cell device is looking at six
12 different options at one time. So that's how you are able to
13 go mobile. It knows that when it's -- it gives out a range of
14 one, it's talking, already talking to another.

15 Q And the closest tower to [REDACTED], do you know
16 about how far away it was?

17 A I know it's -- yeah. It's not far at all. I have the
18 longitude and latitude.

19 Q Okay.

20 A I would, I would estimate within a mile easily.

21 Q Okay. And that is where the Defendant's cell phone
22 number was bouncing off of at 2:39 in the morning?

23 A Yes, sir.

24 Q Okay. Did you get anything about where the phone was
25 pinging later on that day?

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1 A Yes, sir. The -- at 5:27 a.m. that same morning, it was
2 located in an area off of -- in Longs off of Highway 905. I
3 had the longitude and latitude as well. That, but that -- the
4 tower in question at 5:27 was in the -- basically on top of
5 where the Defendant's car was found burned, destroyed.

6 Q Were there any, were there any other numbers you were
7 able to track to that same location?

8 A The, the -- I have the number. I don't know which person
9 it belonged to.

10 Q Is it 910-212-0698?

11 A Yes, sir.

12 Q Okay. The same number that had been texting to Ms.
13 Locklear's phone before?

14 A Ms. Locklear. Yes, sir.

15 Q The same number that had gotten texts from Ms. Locklear?

16 A Yes, sir.

17 Q And both those phones are side by side at 5:30 in the
18 morning, bouncing off the same tower?

19 A Right. That, at 2:41 and then 5:27.

20 Q How about any of the times in between there?

21 A I don't recall right off --

22 Q That's all right.

23 A -- the top of my head. I know the 212-0698 at 2:41 it
24 had registered a tower near the crime scene, and then at 5:27
25 a.m. it registered a tower basically right beside the

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1 Defendant's burned vehicle.

2 Q Okay. Now, did -- you had the opportunity to speak with
3 the Defendant at some point; correct?

4 A Briefly.

5 Q Okay. And when did that occur?

6 A On scene initially, and I believe I may have stepped in
7 the interview room or spoken with her at the police department
8 concerning the records.

9 Q Late in the evening?

10 A Yes, sir.

11 Q And what was the purpose of you going in the interview
12 room?

13 A To confirm some of the information that I was analyzing
14 at the time.

15 Q Do you recall anything else she told you? That's fine if
16 you don't recall.

17 A No. No. Not right off the top of my head I don't.

18 Q All right. And your main purpose in there was to ask her
19 about the cell phones?

20 A Yes, sir.

21 Q Okay. Now, let's move on to the next day. Did you
22 further assist in the investigation?

23 A I did. Yes, sir.

24 Q You did? Give me one second.

25 MR. RICHARDSON: The Court's indulgence, Your Honor.

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1 THE COURT: All right.

2 BY MR. RICHARDSON:

3 Q Now, where did you go to assist in the investigation?

4 A Initially the crime scene.

5 Q How about the next day, Monday?

6 A The, yeah, the Tabor City Police Department, Tabor City,
7 North Carolina. There was a ---

8 Q Did you have the, did you have the opportunity to assist
9 in a search, in a search of [REDACTED]?

10 A Yes, sir.

11 Q Okay. And whose house was that?

12 A I do not recall the -- I only remember the nickname, the
13 nickname being Pig.

14 Q Pig?

15 A Yeah.

16 Q Okay. And I think we've heard testimony that's Coteara
17 Todd.

18 A Yeah. I believe so. Yeah.

19 Q Now, in, in looking at Pig's house, did you all ever
20 request any kind of permission to look in Pig's house?

21 A Yes, sir. She was present when we, when we responded,
22 and she gave consent to look into her house.

23 Q Let me see what that is. And how was Pig related to this
24 as far as you knew?

25 A I believe she was dating the individual we were looking

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1 for, dating or related to him somehow.

2 Q That being Nehemiah James Evans?

3 A Yes, sir.

4 Q And did you witness her sign a consent form or anything?

5 A Yes, sir. She did.

6 Q Okay. Just a moment. While you were, while you were
7 searching, did you assist in that search?

8 A I did.

9 Q Okay. Did you have any law enforcement from Tabor City
10 with you all?

11 A Yes, sir.

12 Q And why were they there?

13 A Well, basically because they had jurisdiction, and we
14 didn't.

15 Q Their jurisdiction?

16 A Yes, sir.

17 Q Did you find anything of any evidentiary value while
18 searching [REDACTED]?

19 A Yes, sir.

20 Q Tell us about it.

21 A I found a piece of paper with Ms. Locklear's name, I
22 believe her name was on it with her, this telephone number,
23 the 910-918-7987, and a form of ID for the Jeremiah
24 individual.

25 Q Nehemiah James Evans?

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- 1 A Yeah.
- 2 Q Allow me to show you what has been -- I'll let Madam
- 3 Clerk mark that. Let me show you what's been marked as
- 4 State's 135 and 136. Tell me if you can identify those items.
- 5 A Yes, sir. These are the two items in which I was
- 6 referring, the phone number to Ms. Locklear and Mr. Evans'
- 7 South Carolina identification card.
- 8 Q Also State's 137 and 138?
- 9 A Yeah. Mr. Evans' Social Security card and a South
- 10 Carolina beginner's permit.
- 11 Q Okay. And those are items you actually found where?
- 12 A These were found in the front left bedroom facing the
- 13 house, and I believe it was some sort of entertainment center,
- 14 shoe box, shoe box maybe or a drawer in that entertainment
- 15 center.
- 16 Q Okay. And both IDs were for Nehemiah James Evans?
- 17 A Yes, sir.
- 18 Q And the, the note with the phone number on it, whose
- 19 phone number?
- 20 A Ms. Locklear's.
- 21 Q Okay. The same one you had searched records on earlier?
- 22 A Yes, sir.
- 23 Q And the Social Security card what, whose name is on
- 24 there?
- 25 A Mr. Evans, Nehemiah James Evans.

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1 MR. RICHARDSON: The State would seek to introduce all
2 those items, Your Honor, 135, 136, 137, 138.

3 THE COURT: Any objection?

4 MR. WILSON: No objection, Your Honor.

5 THE COURT: All right. State's Exhibits 135, 136, 137
6 and 138 are admitted into evidence without objection.

7 (Whereupon, State's Exhibit Number 135 [Note with
8 telephone number], State's Exhibit Number 136 [Evans' ID
9 Card], State's Exhibit Number 137 [Evans' Social Security
10 Card], and State's Exhibit Number 138 [Evans' Beginner's
11 Permit] admitted into evidence and appropriately marked.)

12 BY MR. RICHARDSON:

13 Q In searching the house, did you all find any weapons in
14 that house?

15 A I don't recall.

16 Q Would that be something you would recall if you all had
17 found one?

18 A More than likely I would imagine.

19 Q And you've already identified that the 910-212-0698
20 number, that was, that was bouncing off the same tower as Ms.
21 Locklear's at 2:39 in the morning?

22 A Yes, sir.

23 Q And again at approximately 5:30 in the morning?

24 A Yes, sir. Yes, sir.

25 Q And the tower it was bouncing off of at 5:30 in the

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1 morning, the 212 number as well as the 918 number, those are
2 both located near where the burning car was?

3 A Yes, sir.

4 Q And that was the rental car that was burned up?

5 A The one that she claimed had been stolen.

6 MR. RICHARDSON: The Court's indulgence.

7 THE COURT: All right.

8 BY MR. RICHARDSON:

9 Q Detective, thank you. Is that the -- does that conclude
10 your involvement in this case?

11 A Yes, sir.

12 Q If you will answer any questions Mr. Wilson may have.

13 A Okay.

14 CROSS EXAMINATION

15 BY MR. WILSON:

16 Q Detective, how you doing today?

17 A Good. Good.

18 Q All right. Let me ask you this, did you have an
19 opportunity to go with Frebowitz to Tabor City and meet with
20 Teresa Phillips in this case?

21 A The name again?

22 Q Teresa Phillips. She was the girlfriend of Odom Bryant.
23 Didn't you meet with her?

24 A I was present. I was present. I did not ---

25 Q You were present?

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1 A Yes, sir.

2 Q Okay. Didn't you actually go on her cell phone and get
3 some pictures off her cell phone?

4 A I personally did not.

5 Q You did not?

6 A I don't, I don't remember -- I remember the cell phone,
7 but I don't know if -- who specifically went into the phone.
8 I remember some pictures being shown.

9 Q Let me ask you a question. Can you identify this as a
10 picture you took off Teresa Phillips cell phone during that
11 interview?

12 A I don't -- I didn't take any pictures off anybody's phone
13 I don't believe.

14 Q Your testimony is that you never took a picture off
15 Teresa Phillip's cell phone, that this is not the picture you
16 took off her cell phone?

17 A I remember seeing pictures from her phone, but I, I don't
18 recall taking any, personally taking any pictures off of it.

19 Q Okay. Well, did Detective Frebowitz take a picture off
20 her cell phone in your presence?

21 A I don't remember if he actually took it or not. I
22 remember looking at them. I don't know if they were actually
23 --

24 Q So your testimony to this jury is that either you or
25 Detective Frebowitz talked to Teresa Phillips about a gun that

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1 she had on her cell phone that belonged to her baby's father?

2 A Yes, sir.

3 Q You did talk to her about it?

4 A I, I didn't specifically, but I was present.

5 Q Okay. Well, you overheard the conversation that they
6 were talking about, yes or no?

7 A Yes, sir.

8 Q Okay. So you were there in the room?

9 A Yes, sir.

10 Q Okay. All right. So did Teresa Phillips tell you and
11 Detective Frebowitz ---

12 MR. RICHARDSON: Your Honor, objection. If he's trying
13 to elicit testimony about anything said by Teresa Phillips
14 that would be hearsay.

15 MR. WILSON: Judge, I'm not talking about Teresa
16 Phillips.

17 MR. RICHARDSON: He's just asking did Teresa Phillips
18 tell you?

19 THE COURT: That's true. Sustain the objection.

20 MR. WILSON: I'll rephrase, Judge.

21 THE COURT: Yeah.

22 MR. WILSON: Withdrawn.

23 BY MR. WILSON:

24 Q Let me ask you this question. During your investigation
25 and your conversation with Teresa Phillips, without telling me

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1 what she said, did you discover she had a gun, a picture of a
2 gun on her cell phone before this murder?

3 A To the times when this picture was developed on her
4 phone, I, I don't remember. I don't recall those times, and I
5 didn't, I didn't speak to her specifically. I was just
6 present at the station when she talked to, and I believe it
7 was Detective Frebowitz.

8 Q My question --

9 A The, the, the meat and potatoes, if you will, from her
10 talking with the investigators was relayed to me. I wasn't
11 privy to the conversation.

12 Q So you weren't a part of the conversation?

13 A No, sir.

14 Q You were never in the room?

15 A I was in the room with her at one point in time but for
16 questioning, no. I don't believe so. I really don't recall.
17 I know I was there. I don't remember being in a room where
18 she was interviewed.

19 Q All right.

20 A But I do remember the information that was gained from
21 her interview.

22 Q All right. Well, let me ask you this. Do you recall a
23 conversation that was recorded by you or Detective Frebowitz
24 with this witness, Teresa Phillips?

25 A I don't recall.

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1 Q Okay. Then let me ask you this. Do you recall making
2 statements or asking questions to Teresa Phillips about this
3 investigation?

4 A I could have. I just don't recall it.

5 Q You just don't recall it?

6 A Yes, sir.

7 Q Okay.

8 A I'm not disputing it.

9 Q Are you disputing that the picture I just showed you was
10 taken by you and Detective Frebowitz?

11 A I'm, I'm not disputing it. No. I don't recall taking a
12 picture, but that looks like, to the best of my recollection,
13 something that she showed us from her phone.

14 Q Okay.

15 MR. WILSON: Your Honor, I'd like to have this marked for
16 identification purposes only.

17 THE COURT: All right.

18 BY MR. WILSON:

19 Q Let me ask you this since you don't dispute it. Let me
20 ask you this.

21 A Uh-huh.

22 Q What sort of gun is that?

23 A It appears to be some sort of silver or chrome pearl
24 handle, white handle compact semiautomatic pistol.

25 Q Okay. Well, you've been a police officer and I know a

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1 good one for a long time, tell this jury what caliber of
2 weapon you believe that is.

3 A What I believe it is?

4 Q Yes, sir.

5 A A 22 or a 25, maybe a 38.

6 Q 22 or 25, maybe a 38.

7 A Yes, sir.

8 Q And can you describe that pistol in that picture for the
9 jury?

10 A Yeah. It's a silver, small, appears to be small compact,
11 maybe a pearl handle or white handle pistol.

12 Q Okay. Let me ask you this. Still hold on to it because
13 we're not done with it just yet.

14 A Okay.

15 Q Let me ask you this. During your conversation, during
16 the time that you interviewed or sat in on the interview of
17 this particular witness, did Detective Frebowitz ever get up,
18 look at the witness's cell phone and take that picture off her
19 cell phone?

20 A I honestly do not remember. I remember them looking at a
21 cell phone, her cell phone. As far as taking, removing a
22 picture, I do not know.

23 Q Okay. During your investigation, did you discover who
24 Odom Bryant was? Let me ask you that.

25 A I'm sure they did. Yeah.

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1 Q Okay. Well, how'd you get to Teresa Phillips? You all
2 got there at some point in time. Who was Teresa Phillips to
3 Odom Bryant?

4 A I really don't remember.

5 Q Well, didn't you just testify about this under direct
6 examination?

7 A I, I believe she's a girlfriend, maybe, but I --

8 Q Well, that's what you told the Prosecutor; isn't it?

9 A I didn't tell him anything about Teresa.

10 MR. RICHARDSON: Your Honor, I object. I said nothing
11 about Teresa Phillips before.

12 Q Didn't you say that she was a girlfriend --

13 THE COURT: I'll allow it. Hold for a second. I'll
14 allow the question. Go ahead.

15 A No. No. No. No. We were referring to Pig, whoever
16 that lady was.

17 Q Did you ever discover that Teresa Phillips was a
18 girlfriend of Odom Bryant?

19 A I believe so, but I'm -- I, I wasn't part of that. I was
20 doing the phone analyst. I did attend the, the search warrant
21 or the consent at Queen Street, but my main, my main concern,
22 my main objectives was the cell phones.

23 Q So your testimony to this jury is is that you never
24 investigated or questioned or had any conversation about a gun
25 on Teresa Phillips' cell phone?

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1 A No, sir.

2 Q Which matched the caliber of gun in this case?

3 MR. RICHARDSON: Your Honor, I object. He did not
4 testify to that previously.

5 THE COURT: Sustained.

6 Q Which could have matched the caliber in this case? Did
7 you ever talk with her about that?

8 A No, sir.

9 Q You never talked to her about that?

10 A No, sir.

11 Q Now, your testimony to this jury under direct examination
12 you're not testifying to this jury that you know that Sandy
13 Locklear sent a text message to another number? That's not
14 what you're testifying to; is it?

15 A I'm sorry?

16 Q Are you testifying to this jury that you know for a fact
17 that this Defendant sent a text message at 2:39 in the
18 morning?

19 A Yes, sir.

20 Q This Defendant, you were there?

21 A This cell phone, the -- which was identified by her as
22 910-918-7987 had ---

23 Q That's not what I asked you. What I'm asking, what I'm
24 asking you is this, did you -- were you there when this text
25 message was sent?

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1 A No. I would solve the crime if that was the case.

2 Q Exactly. So you weren't there; were you?

3 A No. I wasn't.

4 Q Okay. But you track numbers; right? You track what a
5 number does. If a number calls, you can track that. If
6 someone sends a text message, you can track that. You can't
7 tell this jury whether this Defendant sent a text message; can
8 you?

9 A No, sir. No.

10 Q Okay. All right. Well, then, let me ask you this.
11 Right now I send a text message from your phone that says, "I
12 love so and so," doesn't mean it necessarily came from you;
13 does it?

14 A Correct.

15 Q Okay. So you can't tell us whether she sent a text
16 message or who sent the other messages; correct?

17 A Correct.

18 Q Okay. Now, during your investigation, did you discover
19 at any point in time that Nehemiah James cut the grass of this
20 Defendant?

21 A I believe -- I remember hearing that.

22 Q You remember hearing it?

23 A Yes, sir.

24 Q Is that the case or not? Did you recall discovering that
25 no? Yes or no?

Damon Vescovi - Cross by Mr. Wilson

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1 A The detectives did. Yes, sir. The lead detective. I
2 was not part of that --

3 Q Okay. Well, let me ask you --

4 A -- investigative avenue, if you will.

5 Q All right. My apologies. I didn't mean to interrupt
6 you.

7 A No.

8 Q My -- let me ask you this then. You said you found a, a
9 number that you say belonged to this Defendant at Nehemiah
10 James' house; correct?

11 A A piece of paper with her number on it. Yes, sir.

12 Q All right. It said Sandy's number or something like
13 that?

14 A Sandy Locklear and it had -- the phone number at the
15 bottom.

16 A Okay. Well, if she [sic] cut his grass would that be
17 atypical to have the number of the person she's cutting grass?

18 A I would imagine so.

19 Q During your investigation, I mean, doesn't that make
20 sense to you as a detective?

21 A Uh-huh. Yes, sir.

22 Q Okay. Now, you said that you recall going into the
23 interrogation room, the interview room, whatever you want to
24 call it. Do you recall going into the room at some point in
25 time while this Defendant was handcuffed; correct?

Damon Vescovi - Cross by Mr. Wilson

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1 A I don't remember if she was or wasn't.

2 Q Well, do you recall ever going in the room and talking to
3 her?

4 A I believe so.

5 Q Okay. Do you recall what time it was? Was it dark
6 outside? Was it light outside?

7 A I don't recall.

8 Q All right. Was it late at night?

9 A I don't recall that either.

10 Q Is it possible that you were the last detective to talk
11 with her that evening?

12 A Possible.

13 Q Okay. Well, let me ask this. During your conversation
14 with this Defendant, what did she tell you?

15 A Just confirmation on what I had asked her about this,
16 this phone number.

17 Q This Defendant didn't tell you anything else?

18 A Not that I recall. No.

19 Q Did you not sit in this conference room with this
20 Defendant at 10:20 at night and have a conversation with her
21 about what happened? Yes or no?

22 A I don't, I don't remember interviewing her at all.

23 Q You never talked to her?

24 A Not specifically about any of the facts, just this phone
25 number.

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1 Q All right.

2 A That's the extent of my knowledge speaking with Ms.
3 Locklear.

4 Q So you're saying this Defendant never told you that Amos
5 and her planned to only scare Tommy? She never told you that?
6 Is that your testimony to this jury?

7 A I do not recall it. I don't.

8 Q Are you disputing that?

9 A No, I'm not. I just don't recall it. I don't recall
10 the, the conversation.

11 Q You don't recall this Defendant telling you while you
12 were in the conference room with her, interview room or
13 whatever you want to call it, you don't recall her telling you
14 that not only were they trying to scare him, that he had drug
15 problems. Do you recall talking to her? Do you recall
16 talking very softly to her, being nice to her?

17 A I remember the information from the interviews, but I
18 don't remember me getting it. I remember Detective Frebowitz
19 interviewing her. I remember Detective Strickland
20 interviewing her. As far as me sitting down with her and
21 interviewing her, I do not recall any of that.

22 Q Detective, let me ask you this, what time did you get
23 back to the M.L. Brown Building that day from doing all the
24 things you were doing?

25 A I would have, I would estimate at probably 10:00 o'clock,

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1 11 o'clock.

2 Q P.M. or A.M?

3 A A.M.

4 Q A.M.

5 A I believe so. I'm not sure.

6 Q Okay. And so you would have had an opportunity to go in
7 the room and talk with her; correct?

8 A Yes, sir. I have had -- I would have an opportunity.

9 Yes, sir.

10 Q Okay. And your testimony here today is that you don't
11 recall ever talking to her at the end of the night?

12 A No, sir.

13 Q No recollection whatsoever?

14 A I'm, I'm not disputing it either, though. I just don't
15 recall it.

16 Q Well, would you dispute it if I told you that you had a
17 long conversation with her over 20 minutes where she told you
18 what she said was the truth?

19 A She could have. I just do not recall it.

20 Q Okay. Well, let me ask you this. After she told you
21 that, did you go out and do any investigation on what she told
22 you? Since you don't recall it, I would assume not, but I'm
23 asking you.

24 A Specifically related to that -- a conversation you're
25 saying took place, I do not. I know we went to North Carolina

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1 and followed up on leads that were obtained through interviews
2 from Detective Strickland, Frebowitz and whoever else sat, sat
3 in that -- in the room with her.

4 Q And if you -- you say you don't recall in Tabor City;
5 correct, that you don't recall the details of what happened in
6 that interview with Teresa Phillips?

7 A Oh, I'm sorry.

8 Q I'm sorry. You just said that you went to Tabor City,
9 North Carolina; right?

10 A Yes, sir.

11 Q All right. And you all went through the trouble of
12 actually getting a warrant; right?

13 A Yes, sir.

14 Q Okay. And you actually sat down with Teresa Phillips?
15 You recall being in the room; correct?

16 A I don't dispute it. I don't remember if we were in the
17 room when she was being interviewed or --

18 Q Did you take notes from that interview at all?

19 A I don't believe so.

20 Q Okay. So you just don't remember anything about Teresa
21 Phillips or you don't recall anything about talking with this
22 Defendant?

23 A I remember the investigators --

24 Q Okay.

25 A -- locating Teresa Phillips. She came to the police

1 department.

2 Q Right.

3 A She sat down and she talked to other detectives, but as
4 far as me leading an interview with her, I did not. I may
5 have been in the room when this transpired, but as far as me
6 leading an interview, that did not -- I don't believe that
7 took place.

8 Q Have you heard the tape of that interview? Did you
9 review it before you came today?

10 A No, sir.

11 Q Would you be surprised if your voice is on there talking
12 to her about this picture?

13 A No. I just don't recall it.

14 Q Okay. Thank you much.

15 MR. WILSON: No further questions, Your Honor.

16 THE COURT: All right. Redirect?

17 MR. RICHARDSON: Very briefly.

18 REDIRECT EXAMINATION

19 BY MR. RICHARDSON:

20 Q Have you got a picture up there? This photo Mr. Wilson
21 showed to you, any date on it?

22 A No, sir. Not that --

23 Q Anything you can see?

24 A No, sir.

25 Q Any idea to tell who's taking the picture?

Damon Vescovi - Redirect by Mr. Richardson

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1 A No, sir.

2 Q Anything else you can tell about it?

3 A No, sir.

4 Q And once again, your focus when you spoke with Ms.

5 Locklear on that Sunday night the 19th was on the cell phone
6 records basically?

7 A Yes, sir.

8 MR. RICHARDSON: No further questions, Your Honor. I'd
9 ask that Detective Vescovi be allowed to return to his duties.

10 THE COURT: Any objection?

11 MR. RICHARDSON: Your Honor, just subject to recall
12 for Defense.

13 THE COURT: All right. As long -- can the State make him
14 available?

15 MR. RICHARDSON: I do know that he's got some issues with
16 family, Your Honor. I believe he would be around though.

17 A Yes, sir. If you need me, I can come.

18 THE COURT: All right. Subject to recall by the Defense
19 we'll allow him. I'll allow him to go.

20 MR. WILSON: Thank you, Your Honor.

21 THE COURT: Thank you. All right. The State can call
22 their next witness.

23 MS. WOOTEN: The State next calls Dr. Edward Lee Proctor,
24 pathologist from Grand Strand Regional Medical Center.

25 Whereupon, Edward Leroy Proctor, Jr., was called to the

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1 stand, duly sworn by the clerk and testified as follows:

2 THE CLERK: Please state your full name and spell your
3 last name.

4 MR. PROCTOR: Yes, ma'am. I'm Edward Leroy Proctor, Jr.,
5 and that's P-R-O-C-T-O-R.

6 DIRECT EXAMINATION

7 BY MS. WOOTEN:

8 Q Good afternoon, Dr. Proctor. How are you?

9 A Doing good.

10 Q Thank you so much for being here. Could you please tell
11 the courtroom and the jury where you're employed and in what
12 capacity?

13 A I am self-employed. I have an office at Grand Strand
14 Medical Center, and I'm engaged in the practice of pathology.

15 Q And how long have you been with Grand Strand?

16 A Well, I have been -- had an office at Grand Strand since
17 1986.

18 Q And what kind of educational background do you have to
19 have to be a pathologist?

20 A I have a Bachelor of Science Degree from Clemson
21 University, an MD Degree from the Medical University in
22 Charleston, a four-year residency certificate from Walter-Reed
23 Army Medical Center and subspecialty training in forensic
24 pathology.

25 Q And could you explain to everybody what, what is a

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1 pathologist?

2 A Okay. Pathologist is engaged in the study of disease,
3 and as a pathologist, we do anatomic pathology, where we look
4 at biopsies and stuff to determine what they are. We also run
5 the clinical side, which includes the microbiology, blood bank
6 and chemistry labs. Forensic pathology we do the medical,
7 legal investigation of death, trying to determine cause and
8 manner of death.

9 Q So not only do you work with evidence in possibly persons
10 or bodies for -- after, after they're deceased and determine
11 cause of death, but you also work with disease, illness and
12 things like that?

13 A That's correct.

14 Q And out of all your years of experience, I know you've
15 been doing this for a really long time, how many autopsies do
16 you think you've performed?

17 A Probably over 5000.

18 Q And, and could you just give your kind of definition of
19 what an autopsy is?

20 A Okay. What we do specifically for forensic autopsy we,
21 we are asked by the coroner to do a medical, legal
22 investigation of a death. We get whatever history the coroner
23 may or may, you know, usually has or law enforcement, and we
24 take that history. Then we get the deceased. We do an
25 external examination. We do an internal examination. We

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1 obtain samples that we may need for microscopic evaluation,
2 and we obtain samples for toxicology, and once all of those
3 things are done and we get all of the results, we put that
4 together and come up with a cause and manner of death.

5 Q And have you ever testified in court before?

6 A Yes. I have.

7 Q And have you ever testified in a courtroom about an
8 autopsy?

9 A Yes, ma'am.

10 Q How about autopsies involving a shooting of any kind or a
11 murder investigation?

12 A I have.

13 Q And ballpark, how many times have you testified in court
14 as an expert of forensic pathology?

15 A Probably 1500 to 2000 times.

16 Q That's a lot of times.

17 MS. WOOTEN: Your Honor, at this time the State would
18 request to tender Dr. Proctor as an expert in the field of
19 forensic pathology.

20 THE COURT: Any questions or objections?

21 MR. WILSON: Your Honor, we're well aware, and we
22 stipulate to the expertise of this doctor, Judge.

23 THE COURT: All right, I find this witness to be an
24 expert in the field of forensic pathology.

25 BY MS. WOOTEN:

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1 Q Dr. Proctor, you've explained to us -- what's the
2 difference between an autopsy and a forensic autopsy?

3 A Regular autopsies is a medical autopsy. We, we find what
4 disease processes are present in the deceased, not necessarily
5 coming up with a definitive cause and manner of death.
6 Forensic autopsy specifically designed for medical legal
7 evaluation we determine why they died and give the manner of
8 why they died.

9 Q Thank you. In the course -- and the purpose of the
10 specific forensic autopsy is because it's -- the manner and
11 cause of death is probably under investigation?

12 A That's correct.

13 Q Did you in the course of your work in 2012 have the
14 opportunity to work with the forensic autopsies of Amos and
15 Thomas or Tommy Hatfield around August 19th, 2012?

16 A I performed an autopsy on a Mr. Amos Hatfield and a Mr.
17 Thomas Hatfield on the 19th of August that year.

18 Q And I see that you're looking at some notes. Did you
19 bring some notes with you today?

20 A I brought copies of the autopsy reports. Yes. I did.

21 Q Okay. And please feel free to look over your notes at
22 any time to assist you in testifying if you need to recollect
23 your memory. Where were these autopsies performed?

24 A They were performed in the morgue at Grand Strand
25 Hospital.

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1 Q And how do -- how did the bodies in this case, and
2 forgive me for calling them bodies, how did the victims'
3 bodies get from wherever they were to Grand Strand Regional
4 Medical Center?

5 A The, the case -- the coroner involved in the case was Mr.
6 Robert Edge, and Mr. Robert Edge goes to the scene along with
7 law enforcement, and at the scene he determined that there
8 needed to be a forensic examination, and from that point they
9 have a service that has a contract with the county that
10 actually brings the deceased to the hospital for us.

11 Q And they have a form of transport for that kind of thing?

12 A That's correct. Uh-huh.

13 Q Okay. And when were you called in?

14 A Mr. Edge probably called me in, let's see, they died,
15 they died in the early morning hours of the 19th. He may have
16 called me from the scene because it looks like I performed
17 these that afternoon of the 19th.

18 Q Could you tell us the specific time of death listed on
19 both autopsies?

20 A I can tell you that the time, the date and time of death
21 listed on these autopsies approximately 3 a.m. was a time
22 given to me by the coroner.

23 Q And was that on August 19th, 2012?

24 A That is correct.

25 Q And did you determine the time of death or is that done

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1 at the scene?

2 A That was done at the scene by the coroner and his
3 investigators.

4 Q And he's most likely trained to do something like that.

5 A I, I can't attest to that.

6 Q Okay. Thank you. Prior to conducting these two
7 autopsies that afternoon, did you get any information about
8 this case? I know you said Mr. Edge, the coroner, called you.
9 Did you know anything in specific about this case?

10 A The only thing that I knew is what you see in that case
11 history. I was told there was a probable home invasion during
12 which time these men were shot.

13 Q Okay. Now, let's -- I'm going to talk with you about the
14 external examination because you do that first; correct?

15 A That's correct.

16 Q And then we'll discuss a little bit about the internal
17 investigation.

18 A Okay.

19 Q If that's okay.

20 MS. WOOTEN: Your Honor, may I approach the witness?

21 THE COURT: Yes.

22 BY MS. WOOTEN:

23 Q I've kind of -- we've got some photos here, and I'm just
24 going to show them to you for identification purposes as of
25 right now.

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1 MR. WILSON: Judge, no objection to that for
2 identification purposes only.

3 THE COURT: All right.

4 MR. WILSON: Thank you, Your Honor.

5 Q And I believe that the numbers are out of order.

6 A Okay.

7 Q I've kind of put them in --

8 A Okay. That's fine.

9 Q -- stacks where they -- so this is --

10 MS. WOOTEN: I'm showing the witness, Dr. Proctor,
11 State's 128, 129, 130, 131 and 132.

12 BY MS. WOOTEN:

13 Q Could you tell us what you see here?

14 A Okay. These photographs reveal --

15 Q And I can give you these two at the same time. That
16 might help you differentiate.

17 A Okay. Okay.

18 Q State's Exhibit 121, 122 and 126 for identification
19 purposes.

20 A Okay.

21 Q All right. The, the first group 128, 29, 30, 31 and 32
22 appear to be of the older gentleman, and there is a gunshot
23 wound visible within the posterior aspect of the head pretty
24 much in the midline occipital area, fairly uniform, showing no
25 residue, which is the powder or burning powder that comes out

1 of the gun.

2 A And those photos you said were 128, 29, 31 and 32?

3 A 32, that is correct.

4 Q Of the older gentleman?

5 A That's the older gentleman. Yes, sir. Yes, ma'am.

6 Q So, Mr. Amos Hatfield most likely?

7 A Be Amos Hatfield.

8 Q Okay.

9 A Okay. The second group is of the younger man, which
10 would be Thomas Hatfield, and it shows a -- above the right
11 ear a semicircular looks like a blunt force traumatic injury
12 above the ear.

13 Q Okay. And what number exhibits are those?

14 A Those are 121, 122 and 126.

15 Q Thank you, Dr. Proctor. And I'm going to ask you some
16 more details about these photos. I understand that this
17 autopsy was almost two years ago. So will these photos assist
18 you in your testimony today?

19 A They, they can. Yes.

20 Q Well, do they provide you information that might not be
21 in your notes?

22 A I don't think so.

23 Q Okay. If you need to look over them or explain anything
24 in placement just --

25 A Okay.

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1 Q -- go right ahead and take a look. We'll start with,
2 with Tommy. What time did you begin Tommy's external autopsy?

3 MR. WILSON: Judge, I'm going to go ahead and object.

4 THE COURT: Okay. Come on up for a second.

5 MR. WILSON: Thank you, Your Honor.

6 (Whereupon, a bench conference is held in the presence
7 but out of the hearing of the jury.)

8 THE COURT: All right. Overruled, go ahead.

9 MR. WILSON: Thank you, Your Honor.

10 MS. WOOTEN: Thank you, Your Honor.

11 BY MS. WOOTEN:

12 Q I apologize, Dr. Proctor. What -- around what time did
13 you do -- perform Tommy's autopsy, Mr. Thomas Hatfield's
14 autopsy before Mr. Amos?

15 A I, I performed that autopsy on Mr. Thomas Hatfield at
16 approximately 1 p.m. and the -- followed by that of Mr. Amos
17 Hatfield at approximately 1:45.

18 Q Could you tell us how the forensic autopsy was conducted
19 on Thomas Hatfield?

20 A This autopsy consisted first of the external exam, then
21 the internal evaluation, then the obtaining of samples for
22 further evaluation as needed and the drawing of blood for the
23 toxicologic evaluation.

24 Q Okay. And I'll ask you a bunch of questions about that
25 soon. After the initial external examination of Tommy's body,

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1 what, if any, and I know you already stated some, but just to
2 clarify for the jury, what, if any, injuries did you find on
3 Thomas Hatfield?

4 A Thomas Hatfield had two injuries. The first was a blunt
5 force traumatic injury above the right ear. This injury did
6 cause a depressed skull fracture. Depressed skull fracture
7 means you've actually fractured the skull. It appeared to be
8 with some sort of rock or something because there was a piece
9 of rock, granite, or whatever it was from that blunt force
10 object within the bony area adjacent to the subdural space.
11 The second wound was in the right occipital area, which was a
12 gunshot wound to the right occipital area. Of interest there
13 was no residue present around the entrance site.

14 Q Now, the, the first injury, on what side did you say? I
15 apologize.

16 A It was on the right side above the ear.

17 Q Do you know the cause of that injury at all?

18 A The -- I can tell you that it was a blunt force traumatic
19 injury, and when I say blunt force, it was an object used to
20 hit this man in the head, and we found a piece of rock or some
21 sort of foreign matter in the entrance site where it caused
22 the depressed skull fracture.

23 Q And, and can you identify a specific weapon at all?

24 A Other than a blunt force object. No, ma'am.

25 Q And you say blunt force trauma, you mean something hit --

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1 A Hit, he was hit. That's blunt force. Correct.

2 Q Any evidence externally on Mr. Tommy or Thomas Hatfield
3 of extensive beating or any other blunt force trauma?

4 A He, he, he had no evidence of any beating other than the
5 one blunt force injury to the right head. The gunshot wound,
6 did external inspection, there were no defense wounds, and
7 that's pretty much it.

8 Q Okay. So just the two injuries over his entire body.

9 A That's correct.

10 Q In your experience, which you clearly have a lot, if
11 there was extensive beating, brutal in nature, of any kind to
12 a victim's body prior to dying, is it possible that there's
13 evidence, have you ever seen evidence of that on the external
14 part of the victim's body?

15 A There -- it's always a possibility that there could be.
16 Depending on the objects used to beat someone with, they may
17 or may not leave bruises or whatnot. That's a very difficult
18 question to answer. Sometimes they're there. Sometimes
19 they're not.

20 Q If it was any kind of object is it -- have you seen
21 bruises on --

22 A Yes, ma'am. I have.

23 Q Have you seen redness?

24 A I have.

25 Q And along with external injuries, you didn't see many in

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1 this case with Tommy except for the two injuries. Could there
2 possibly be internal injuries as well?

3 A Well, we did an internal examination.

4 Q Okay.

5 A Internally there was the gunshot wound to the right
6 occiput, passed in a posterior to anterior and left direction
7 through this brain. It caused extensive maceration or just
8 injury to the brain with associated hemorrhage into the head.
9 We recovered a small bullet in the left frontal area of his
10 brain. The remaining dissection, internal examination
11 revealed some disease processes, but no specific traumatic
12 injury.

13 Q Okay. And I'll -- so no defensive or offensive wounds
14 that you could detect outside or inside Thomas's body?

15 A No, ma'am.

16 Q And could you explain to the jury what an offensive or a
17 defensive wound could be?

18 A Well, not exactly sure what an offensive wound is because
19 he'd be the one administering that, but a defensive wound
20 would be any wound say on the hands, arms as if he were
21 putting up his hands to avoid some sort of injury. That I did
22 not see.

23 Q And I apologize. Could you tell us if there was an exit
24 wound where the bullet --

25 A There was no exit wound.

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1 Q And where did the bullet enter?

2 A The bullet entered the right occiput, which is the right
3 side of the back of the head, and was lodged in the brain on
4 the left front. So it passed posterior to anterior, right to
5 left through the brain.

6 Q And when you're explaining this, do you think it would be
7 helpful to the jury if they saw photos, black and white photos
8 from the autopsy to assist them throughout this trial?

9 A I have --

10 MR. WILSON: Your Honor, Your Honor, objection. That
11 calls for speculation by this witness.

12 THE COURT: Sustained.

13 MS. WOOTEN: I apologize, Your Honor.

14 BY MS. WOOTEN:

15 Q Did you make any conclusions -- we talked about residue.
16 Did you make any conclusions about the distance from which the
17 firearm was fired in your notes?

18 A Okay. When a, a gunshot wound occurs, there can be a
19 contact wound, which usually you see residue from the end of
20 the weapon in the wound site. Close contact up to about 18 to
21 24 inches, you should see some of the gunpowder or burning of
22 the skin from the hot, burning powder that comes out of the
23 end of the gun. In this case I did not.

24 Q And what conclusion did you have?

25 A Based upon that, I, I, I conclude that the gunshot was

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1 fired from a distance probably greater than 18 to 24 inches.

2 Q Okay. And is it possible whenever you make that kind of
3 conclusion, is that a typical conclusion, the 18 to 24 inches?

4 A It's, it's, it's pretty concrete evidence based on
5 usually in handguns, which this was a bullet type weapon, that
6 that's the distance. Now, shotguns and larger caliber weapons
7 may be slightly further, but most, most handguns is 18 to 24
8 inches.

9 Q And is it possible that something could have been placed
10 in between the gun and the victim's head to come --

11 A It's certainly possible. Yes, ma'am.

12 Q In order to come to that kind of conclusion?

13 A Well, if something was placed between the barrel of the
14 gun and the head where the bullet entered, it certainly could
15 have absorbed the residue. So, I, I, I was not given any of
16 that information. So other than the fact that there was no
17 residue, that's what I have to say.

18 Q Okay. If -- in your examination of Tommy, did you make
19 any conclusions about the kind of gun used or the kind of
20 caliber?

21 A This was a small caliber. It's -- I did not other than
22 say that it was small.

23 Q That it was small.

24 A Uh-huh.

25 Q Okay. And you'd mentioned before that you had to remove,

1 I believe, you said two objects.

2 A That's correct.

3 Q And would you explain how that's done, and again, what
4 those objects are --

5 A Okay.

6 Q -- from Mr. Tommy.

7 A The, the, the first object was the piece of rock or hard
8 material from the blunt force object that was used to hit him
9 in the right side of the head. That was removed from the
10 subdural space on the right side and the bullet was removed
11 from his left frontal brain.

12 Q Let's talk about, you mentioned a tox screen. What is a
13 toxicological screen?

14 A All right. On all forensic cases, we do a basic
15 toxicology, which includes blood alcohol and drugs of abuse,
16 and the standard toxicology drugs of abuse are marijuana,
17 cocaine, opiate drugs, benzodiazepines and barbiturates.

18 Q And did you perform a toxicology --

19 A Yes. We did. We did.

20 Q -- on Tommy?

21 A We did.

22 Q Okay. And this is something you usually do as you said;
23 correct?

24 A We perform these on all forensic cases. Yes.

25 Q And how's that process performed?

E.L. Proctor, Jr. - Direct by Ms. Wooten

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1 A We actually take blood from the heart, and it is under
2 chain of custody transferred to a national forensic testing
3 lab called National Medical Laboratories, and they perform the
4 forensic evaluation.

5 Q And what kind of findings were found in Tommy's tox
6 screen?

7 A Okay. The toxicologic screen on or toxicologic
8 evaluation on Mr. Thomas Hatfield revealed a negative blood
9 ethanol, and the blood drug screen was positive for
10 hydrocodone.

11 Q Okay. So, negative for ethanol. What does that mean?

12 A No alcohol.

13 Q And positive for hydrocodone.

14 A That means that he had, had some opiate drug within his
15 system.

16 Q And is hydrocodone a prescription medication or an
17 illegal narcotic?

18 A Hydrocodone is, is a prescription medication.

19 Q Okay. And you don't possibly know if Tommy was
20 prescribed that kind of medication?

21 A I have no idea.

22 Q Okay. Did the blood test show anything like cocaine in
23 his system?

24 A No. The, the -- it was screened, it was screened for
25 opiates, which include the hydrocodone, alcohol, cocaine,