

STATE OF SOUTH CAROLINA

In The Court of Appeals

ORIGINAL

APPEAL FROM LAURENS COUNTY

Eugene C. Griffith, Jr., Circuit Court Judge

RECEIVED

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SC Court of Appeals
RESPONDENT

THE STATE,

V.

WILLIAM JARRELL ALEXANDER,

APPELLANT

APPELLATE CASE NO. 2014-002207

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

Attorney for Appellant

ALAN WILSON
Attorney General

SUSANNAH R. COLE
Staff Attorney
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

DAVID M. STUMBO
Solicitor, Eighth Judicial Circuit
Post Office Box 516
Greenwood, SC 29648-0516
(864) 942-8800

Attorneys for Respondent

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1 State of South Carolina

Court of General Sessions

2 County of Laurens

5 State of South Carolina)

Transcript of Record

6 vs.)

2013-GS-30-01552

7 William Jarrell Alexander,)

8 Defendant.)

10 September 8-12, 2014

11 Laurens, South Carolina

12 B E F O R E:

13 The Honorable Eugene Griffith, Jr., Judge; and a jury

15 A P P E A R A N C E S:

16 David M. Stumbo, Solicitor

17 C. Dale Scott, Deputy Solicitor

18 Demetrious G. Andrews, Deputy Solicitor

Attorneys for the State

19 Chelsea McNeill, Esquire

Kate Kendall, Esquire

20 Claude H. "Chip" Howe, III, Esquire

21 Attorneys for the Defendant

24 Stacy S. Johnson, RPR

Circuit Court Reporter

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1 y'all give her the -- Mr. Alexander's --

2 **MR. STUMBO:** It's burning right now.

3 **THE COURT:** It's burning right now. Okay. You'll
4 have it momentarily. Anything else before we get to the
5 Jackson v. Denno issues?

6 **MS. McNEILL:** No, Your Honor, other than my motion
7 to sequester witnesses for this purpose as well, for the
8 Jackson v. Denno.

9 **THE COURT:** Okay. That motion will be granted.
10 We'll sequester witnesses even for purposes of this
11 hearing, so let's fix that.

12 (Whereupon, potential witnesses leave the
13 courtroom.)

14 **THE COURT:** All right. Is everybody arranged?

15 **MS. McNEILL:** Judge, just -- never mind. I was
16 just making sure Henry and Cindy Simmons weren't in the
17 courtroom because they are on the witness list for the
18 State.

19 **THE COURT:** I don't know all the witnesses and
20 faces, so if y'all tell me everybody is sequestered,
21 then I'll take that representation from counsel because
22 I don't know.

23 **MR. STUMBO:** Judge, I'll officially say it, and I'm
24 assuming that rule would cover reciprocal motions to
25 sequester since it's being granted as to the defense?

1 **THE COURT:** Yeah, it goes both ways. Absolutely.
2 So are we in compliance with that? Are we good?

3 **MS. McNEILL:** Yes, sir.

4 **THE COURT:** Okay. Good enough. All right.
5 All right, Solicitor. Call your witness.

6 **MR. SCOTT:** I'm gonna call Tyrone Goggins first.

7 TYRONE GOGGINS,
8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION (In Camera)

10 BY MR. SCOTT:

11 Q. Okay. Tyrone, what's your rank with Clinton Public
12 Safety?

13 A. My rank is lieutenant with Clinton Public Safety.

14 Q. Okay. And you were a lieutenant June 30th of last
15 year?

16 A. June 29th, yes, sir.

17 Q. June 29th. What was going on June 29th?

18 A. I was working a special assignment at
19 Apartments. They had -- a call came out. The on-call
20 -- well, the lieutenant on-shift requested that I come
21 to

22 Q. Okay. Who lives at ?

23 A. Henry Simmons and Cynthia Simmons.

24 Q. What was the nature of the call?

25 A. A female at that location. Two male subjects had

1 come to their residence and asked for help from Henry
2 Simmons, stated that this female was either hurt bad or
3 dead.

4 Q. All right. Approximately what time did you arrive
5 to ?

6 A. About 11:29.

7 Q. And who all was there?

8 A. Casey Jones, he was the supervisor over the road.
9 That's who I met with. He had EMS there and first
10 responders at that location.

11 Q. All right. Upon arrival -- and you're talking
12 11:29 PM, correct?

13 A. That's right.

14 Q. And upon arrival, what did you observe?

15 A. When I arrived, I observed an EMS unit at that
16 residence. They appeared to be working on the victim
17 in the back of that EMS unit. Henry Simmons was -- he
18 approached me and stated that his son and a friend of
19 his had knocked on their door and stated that they
20 needed some help.

21 Q. Now who is Henry Simmons' son?

22 A. Michael Beaty.

23 Q. And what is Michael Beaty's friend's name?

24 A. William Alexander.

25 Q. All right. What kind of crime were you

1 investigating at that point or did you even know upon
2 arrival?

3 A. I didn't know that there was a crime committed at
4 this time. One of the lieutenants advised me that it
5 looked suspicious.

6 Q. Okay. So is it safe to say you were trying to
7 gather as much information as possible upon arrival to
8 a scene like that?

9 A. Right.

10 Q. And gathering information, what do you do? Were you
11 questioning witnesses and people who were there present?

12 A. Yes. I --

13 Q. Go ahead. I'm sorry.

14 A. I interviewed William Alexander.

15 Q. Okay. And where was William Alexander when you got
16 there?

17 A. He was inside the residence.

18 Q. Inside Henry Simmons' home?

19 A. That's right.

20 Q. How did you get him out of the home?

21 A. Henry Simmons got to William Alexander and asked
22 him to come outside and talk to me.

23 Q. Okay. And -- all right. What did you do when he
24 came outside? First of all, William Alexander came
25 outside. What do you recall about him? Do you remember

1 anything specifically about his demeanor or anything?

2 A. He seemed to be very unsteady on his feet. He was
3 actually swaying back and forth like he was intoxicated.

4 Q. Okay. Did you smell alcohol on him?

5 A. Yes, I did smell alcohol on his person.

6 Q. At this time, did you learn where they had been
7 prior to showing up at Mr. Simmons' home?

8 A. Right, and I -- I transferred it to a statement on
9 a supplemental form here, if you'd like for me to read
10 it.

11 Q. Well, wait a minute. I mean, did you know where
12 Mr. Alexander had been before going to Henry Simmons'
13 home?

14 A. They were at a friend's house celebrating a deceased
15 friend's life.

16 Q. Okay. Was that at a party at another location?

17 A. Right.

18 Q. At that time, did you have knowledge of how they
19 came to be at Mr. Simmons' home? In other words, do you
20 know how they were transported to Mr. Simmons' home from
21 the party at the other location?

22 A. Yes. Michael Beaty drove Emily Asbill as a front
23 passenger and William Alexander was in a rear street.
24 They were driving in his vehicle.

25 Q. What kind of vehicle was it?

1 A. It's a Buick. A white Buick.

2 Q. And was it at the residence when you
3 got there?

4 A. Yes.

5 Q. And you said E.A., Emily Asbill, was in the
6 ambulance at that point?

7 A. Yes, when I arrived she was in the ambulance. The
8 doors were closed.

9 Q. And you said Will Alexander was inside the home.
10 Where was Michael Beaty?

11 A. He was standing near the garage on the driveway.

12 Q. Okay. What did you ask of Will Alexander when he
13 came outside?

14 A. I asked him what happened to Emily Asbill.

15 Q. All right. Was he under arrest at that point?

16 A. No.

17 Q. Okay. Did you Mirandize him at this point?

18 A. I didn't Mirandize him.

19 Q. Okay. At this point you were just trying to figure
20 out what's going on here, what kind of crime you're
21 investigating?

22 A. Right.

23 Q. All right. So you asked him what happened to Emily
24 Asbill. In fact, did you have knowledge at that point
25 whether she was alive or whether she had passed on?

1 A. No.

2 Q. Okay. You just knew she was in the ambulance being
3 worked on?

4 A. That's right.

5 Q. And that she was unresponsive when EMS had arrived;
6 is that correct?

7 A. Right.

8 Q. Okay. When you asked William Alexander what
9 happened, what did he say?

10 A. He said they had -- he, Michael Beaty and Emily
11 had left from a party, from a friend's house. He was
12 intoxicated, he got in the car. He didn't witness much.
13 He said he blanked out and said the next thing he
14 remembered was he woke up at Henry Simmons' house and
15 he went inside and laid down. Shortly after, he stated
16 that Michael Beaty came to the door and stated he needed
17 some -- needed some help for Emily.

18 Q. Okay. And that was the extent of what he told you
19 in regards to what happened to E.A.?

20 A. Yes.

21 Q. Okay. Did you identify yourself as a police
22 officer?

23 A. Yes, I was in uniform as well. I had a golf shirt
24 on, a badge printed on the left side, a badge on my
25 waist, and my weapon on my side as well.

1 Q. When you're talking to him, where is this taking
2 place; just at the doorstep of the home or out in the
3 driveway or where?

4 A. It was under the garage.

5 Q. Okay. Did you threaten him?

6 A. No, sir.

7 Q. You said he seemed to be intoxicated at least to
8 some degree. Did he have any trouble understanding --
9 did you have any trouble communicating with him?

10 A. No, not -- not unless -- he was understanding what
11 I was saying. He just seemed to be highly intoxicated
12 and swaying back and forth as he was -- he was having a
13 hard time remaining on his feet.

14 Q. Okay. After you questioned him, what did you do?
15 Did you lock him up then?

16 A. No, sir. I asked him would he be willing to
17 come to the Police Department to help out with this
18 investigation.

19 Q. Okay. And he indicated that he would?

20 A. Yes, sir.

21 Q. Tyrone, you were talking about -- when you asked
22 him what had happened to E.A., he sort of gave a
23 description of what he had done; getting in the car
24 and then going inside Henry Simmons' home and going to
25 sleep. Did he offer any explanation of what happened

1 to E.A.?

2 A. Yes, he also stated that she cut herself.

3 Q. Okay. Did he say he had seen her cut herself?

4 A. No. I asked him did he see her cut herself and he
5 stated no.

6 Q. Okay. So those are the only -- that's the only
7 information he would give you at that point?

8 A. That's right.

9 Q. All right. What did you do after you spoke with
10 him?

11 A. With -- after I spoke to William?

12 Q. Yes, sir.

13 A. I -- eventually we went to this party after --
14 before that, I had the officer transport William and to
15 transport Michael to the police department so that we
16 could talk to them later.

17 Q. Okay. But it was a -- so y'all transported him to
18 the police office, but he wasn't under arrest at that
19 time?

20 A. That's right.

21 Q. Who took him to the police department?

22 A. Sergeant Prather and Officer Bagwell.

23 **MR. SCOTT:** Okay. Thank you, Mr. Goggins.

24 And, Judge, we would reserve the right --
25 throughout this hearing I'm probably gonna have to

1 call witnesses a couple of different times just to
2 -- there are seven statements in all, but, again,
3 I'm gonna take them piecemeal.

4 **THE COURT:** A statement at a time?

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

6 **THE COURT:** In the order they were taken?

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

8 **THE COURT:** Okay. All right. Any questions,
9 Ms. McNeill?

10 **MS. McNEILL:** Yes, sir.

11 CROSS-EXAMINATION (In Camera)

12 BY MS. McNEILL:

13 Q. Lieutenant Goggins, do you have your report in front
14 of you?

15 A. I have a supplement of my report in front of me.

16 Q. Okay. And you would agree that you just stated on
17 the record that you had asked Will what happened to
18 E.A. and he stated to you that she cut herself; is that
19 correct?

20 A. Yes.

21 Q. Okay. Could you, please, look at your incident
22 report supplemental, sir. Is that not inconsistent with
23 what you wrote into your report?

24 A. In my report it says Will stated that she was a
25 cutter.

1 Q. Okay. And then you had asked Will if he saw Emily
2 cut herself, correct?

3 A. That's right.

4 Q. And what did he say?

5 A. William said no.

6 Q. Okay. So you would agree with me that the report
7 is inconsistent with what you had testified to on
8 direct?

9 A. No, in my report it stated that Will stated that
10 she was a cutter.

11 Q. Correct. And on direct you responded that he saw
12 E.A. cut herself?

13 A. It says Goggins asked William did he see Emily cut
14 herself and William said no.

15 Q. Okay. And just do clarify, Mr. Alexander did tell
16 you that he did not see anything and that would be
17 consistent with your report, correct?

18 A. Yes, William stated that he didn't see her -- see
19 her cut herself.

20 Q. Okay. And Mr. Alexander was quite intoxicated;
21 isn't that fair to say?

22 A. I would say so, yes, sir.

23 Q. Okay. Swaying on his feet. If he had been driving
24 a vehicle and you had pulled him over, do you think in
25 your opinion with your experience you would have given

1 him a DUI?

2 A. That's right.

3 Q. So isn't it fair to say that if someone's highly
4 intoxicated they probably would have understanding -- or
5 a hard time understanding and comprehension, correct, in
6 your experience?

7 A. Sometimes.

8 Q. Sometimes. And you could smell alcohol coming off
9 of Mr. Alexander?

10 A. Yes, ma'am.

11 Q. Was he slurring his speech?

12 A. He answered -- every question I asked him he
13 understood and he answered.

14 Q. And his speech was slurred?

15 A. I can't recall..

16 Q. You can't recall. But you can recall him swaying
17 on his feet?

18 A. Right.

19 **MS. McNEILL:** Okay. Thank you. No further
20 questions.

21 **MR. SCOTT:** Nothing more from the State, Your
22 Honor.

23 **THE COURT:** All right. Step down.

24 (Witness excused.)

25 **MR. SCOTT:** The State calls Crystal Roberts.

1 CRYSTAL ROBERTS,
2 having been duly sworn, testified as follows:
3 DIRECT EXAMINATION (In Camera)
4 BY MR. SCOTT:
5 Q. All right. Ms. Roberts, you're with Clinton Public
6 Safety?
7 A. Yes, sir.
8 Q. Tell me, what's your rank?
9 A. I'm the police commander over the police side of
10 Clinton Public Safety.
11 Q. Okay. Is that the capacity you were acting in
12 June 29th of last year?
13 A. Yes, sir.
14 Q. Did you respond to the home on in
15 Clinton?
16 A. I did not.
17 Q. Now did you have knowledge of your department's
18 responding to that location?
19 A. Yes, I did.
20 Q. And what was the nature of that investigation?
21 A. I had received a phone call from Detective Goggins
22 advising me that there was a -- possibly gonna be a
23 suspicious death at that residence --
24 Q. Okay.
25 A. -- and the officers were on-scene trying to gather

1 information and I came on duty.

2 Q. Okay. So you were off --

3 A. Yes.

4 Q. -- and then Tyrone is at the scene and he calls you
5 to come on in because -- all-hands-on-deck kind of
6 thing?

7 A. That's right.

8 Q. What time did you -- what did you do, just go
9 straight to the department there, the Public Safety
10 Department?

11 A. Yes, Lieutenant Goggins had asked me to not come to
12 the scene, but he needed me at the station; that he had
13 asked two individuals to come to the station to talk to
14 me to try to get more information about what happened.

15 Q. Okay. Who were those two?

16 A. William Alexander and Michael Beaty.

17 Q. Do you recall about what time did you get to the
18 Department of Public Safety?

19 A. When I got to the police department, it was probably
20 around 12:00, 12:30-ish, somewhere in that area. I'm
21 not exactly a hundred percent sure what time it was.

22 Q. Just around midnight?

23 A. Yes, sir.

24 Q. Did you beat them there or did they arrive after
25 you were there?

1 A. No, whenever I arrived, Sergeant Prather was --
2 he had already placed William Alexander in one of
3 the offices and then had placed Michael Beaty into a
4 different office away from each other.

5 Q. Okay. Just one of the police officer's offices or
6 what kind of office was it?

7 A. One office was an interview room and one was just
8 a -- kind of like a shift office that all the patrol
9 officers used to type their reports.

10 Q. Okay. Did -- now just specifically talking about
11 Alexander, did he have handcuffs on when you saw him
12 first?

13 A. No, he did not.

14 Q. Did they lock him in the room?

15 A. No.

16 Q. What was he doing when you first encountered him?

17 A. He was actually just sitting in a chair sleeping.

18 Q. Sleeping in the chair?

19 A. Yeah.

20 Q. In the interview room?

21 A. Yes.

22 Q. As a matter of fact, he was free to mill about
23 the office, I guess, in the waiting room and smoke
24 cigarettes outside if he wanted to; is that fair to say?

25 A. That's correct.

1 Q. He was not under arrest in other words?

2 A. No.

3 Q. Had SLED been called at that point?

4 A. It's my understanding that SLED had been notified.
5 I'm not exactly a hundred percent sure about that, but
6 I'm assuming Chief Morse had called.

7 Q. Okay. Tell me what happened when you went to the
8 interview room with Will Alexander.

9 A. Lieutenant Goggins, he had asked me to go ahead and
10 -- and Mirandize both Will and Michael and that SLED
11 was gonna be on the way. Just to don't -- don't really
12 question them about anything, just Mirandize them in
13 case, you know, they just wanted to start talking about
14 what happened.

15 Q. In your experience, does that happen from time to
16 time?

17 A. It does.

18 Q. Your intention was to Mirandize them and just sort
19 of sit with them and if they said something, they said
20 something?

21 A. That's correct.

22 Q. Let me show you State's -- for pre-trial purposes,
23 State's Exhibit 1. And when you give Miranda, how do
24 you typically do it? You probably have it memorized.

25 Is that how you do it? Do you just give it to them from

1 memory or do you read it?

2 A. I read it straight off the form. I fill out the
3 top information part and read it off the form and kind
4 of go line by line.

5 Q. Okay. State's Number 1, what is that? Is that the
6 form you're talking about?

7 A. Yes, sir. This is our Miranda form. This is
8 actually one I filled out for William Alexander dated
9 for July 30th at 1:25 AM. He initialled by each one of
10 his Miranda rights, stated he understood them and then
11 stated that he would talk to us without an attorney.

12 Q. Okay. Let me see it real quick. So the top part
13 of it is kind of the informational segment. Did you
14 fill that out? Is that your handwriting?

15 A. Yes, sir, it is.

16 Q. And it's got his name, address, age, date of birth,
17 and time you said it was 1:25 AM?

18 A. That's correct.

19 Q. Okay. And then you talked about his initials down
20 here by the rights. Those are his -- that's his
21 handwriting where the initials are?

22 A. That's correct. That's his handwriting.

23 Q. Okay. If you don't mind, read into the record what
24 each one of those rights are that he initialled.

25 A. You have the right to remain silent. Anything you

1 say may be used against you in a court of law. You have
2 the right to talk to a lawyer for advice before being
3 asked any questions and to have him with you during
4 questioning. If you have no money to pay a lawyer's
5 fee, the Court will appoint one to represent you without
6 cost, if you wish. If you decide to answer questions
7 now without a lawyer present, you will still have the
8 right to stop answering at any time. You also have the
9 right to stop answering questions at any time until you
10 talk to a lawyer.

11 Q. All right. Did he initial by each --

12 A. He initialled by each one of those, correct.

13 Q. All right. And then what did you do after -- well,
14 let me ask you this. Did he seem to have any trouble
15 understanding those rights when you read them to him?

16 A. No, he did not.

17 Q. Did you read those to him or did he read them
18 himself?

19 A. I read them to him.

20 Q. And, of course, he would have had that in front of
21 him where he could read them. Did he indicate his
22 education level on there?

23 A. Twelfth grade and, if I'm not mistaken, he told me
24 he had some college.

25 Q. Okay. So he at least graduated high school. We

1 know that.

2 A. Correct.

3 Q. So he -- did you detect anything that you recall
4 regarding the way he was acting or his demeanor or
5 anything?

6 A. In my personal opinion, he was intoxicated. He
7 smelled of alcohol. He was sleeping prior to me getting
8 there and you could just tell he was intoxicated.

9 Q. Okay. But it's your testimony here under oath that
10 he appeared to understand those rights as given to him?

11 A. Yes, sir.

12 Q. All right. So then what did you do after you read
13 him his rights? Did you just kind of stick with him or
14 what?

15 A. No, I talked to him just a few minutes briefly and
16 told him, you know, that we were investigating this
17 incident that happened at and that, you
18 know, I was just reading him his rights, basically
19 waiting on SLED to get here, and that SLED agents were
20 gonna come in and they were gonna talk to him and gather
21 more information about the event that happened at

22

23 Q. Okay. While you were sitting with Mr. Alexander,
24 did he ask for anything?

25 A. I think before I left out of there he had asked for

1 something to drink and maybe a blanket.

2 Q. And did you get it for him?

3 A. I did.

4 Q. You said you did tell him that y'all were gonna be
5 waiting for SLED to get there?

6 A. That's correct.

7 Q. Did -- after you Mirandized him, after you got him
8 his blanket and his cup of water, did he begin to talk
9 with you about what happened that night?

10 A. He did. He started -- he made some comments that --
11 that he drank a lot that night and that he really didn't
12 know what happened, that sometimes he drinks so much he
13 blacks out, and he blacked out basically in the back
14 seat of the car. He really didn't remember anything
15 other than waking up and seeing tape around E.A.'s car
16 at

17 Q. Okay. And that -- that was the extent of what he
18 said that he could recall happened?

19 A. That's correct. I really didn't go in and question
20 him. I was just letting him talk.

21 Q. But that was what he -- he knew you were a police
22 officer?

23 A. Yes.

24 Q. How did he know that?

25 A. I told him I was.

1 Q. All right. And y'all were in the police department?

2 A. That's correct.

3 Q. But he was not under arrest during these questions?

4 A. No, he was not.

5 Q. Okay. Do you remember about what time SLED got
6 there?

7 A. I want to say they arrived somewhere around 2:00,
8 2 -- 2:30-ish, in that area.

9 Q. All right. So you were with Will?

10 A. I wasn't with Will very long. Once I Mirandized
11 him and we had that short conversation, I was probably
12 in the room with him twenty, twenty-five minutes.

13 Q. Okay. So you Mirandized him at 1:25 AM, then after
14 that you spoke with him for some period and then around
15 2:30 AM you said SLED got there?

16 A. Uh-huh.

17 Q. So maybe all in all an hour of face time with him,
18 give or take?

19 A. I was only in the room probably twenty-five minutes.
20 When I left him, he covered up in his blanket and was
21 just kind of sleeping.

22 Q. And then SLED spoke with him. Do you recall what
23 time he left the station that night?

24 A. He left -- he asked to go home and he left about
25 4 AM.

1 Q. Okay. So he asked to go home and you allowed him
2 to go home?

3 A. That's correct.

4 Q. Does he smoke cigarettes?

5 A. Yes.

6 Q. Was he smoking cigarettes while you were there?

7 A. Yes, in between that period -- I can't -- it's when,
8 I guess, SLED was talking to him, they allowed him to go
9 out and smoke and things of that nature.

10 **MR. SCOTT:** And, Judge, we'd offer -- this is
11 pre-trial motion State's Exhibit 1. That was that
12 Miranda form Ms. Roberts talked about earlier.

13 (State's Exhibit Number 1, Advisement of Rights #1,
14 was admitted into evidence.)

15 BY MR. SCOTT:

16 Q. And I didn't ask you this. Whose signature is that
17 down at the bottom?

18 A. That is Will Alexander's signature and then I'm a
19 witness to the signature at the bottom.

20 Q. So you were the only one in there with him during
21 this 1:25 AM report?

22 A. Yes, I was.

23 Q. And that waiver of rights that he signed down at the
24 bottom, what specifically does that paragraph say?

25 A. It reads I have read the statement of my rights

1 and know what my rights are. I am willing to make a
2 statement and answer questions. I do not want a lawyer
3 at this time. I understand what I am doing. No
4 promises or threats have been made to me and no
5 pressures of any kind have been used against me by
6 anyone in exchange for my statement.

7 **MR. SCOTT:** Thank you, Ms. Roberts. Please answer
8 any questions Ms. McNeill may have. Or Ms. Kendall.

9 CROSS-EXAMINATION (In Camera)

10 BY MS. KENDALL:

11 Q. Captain Roberts, Officer Roberts?

12 A. Either one is fine.

13 Q. I just want to call it correctly. What --

14 A. Commander.

15 Q. Commander. Commander, you testified earlier that
16 he was transported to Clinton Police Department,
17 correct?

18 A. That's correct.

19 Q. By one of your deputies, correct?

20 A. That's correct.

21 Q. So he didn't have a car present with him at the
22 police department?

23 A. No, he did not.

24 Q. And you had testified earlier he was fairly
25 intoxicated, correct?

1 A. Yes.

2 Q. Essentially when you came into the room he was
3 passed out?

4 A. Basically, yes.

5 Q. Okay. So even if he had a car, he couldn't have
6 been able to drive that?

7 A. No.

8 Q. Y'all wouldn't have let him?

9 A. No, not to drive, no.

10 Q. Because he would have been driving intoxicated and
11 y'all would be letting him commit a crime if he left?

12 A. That's correct.

13 Q. Okay. So you would agree with me that he couldn't
14 actually leave because he didn't have transportation or
15 even if he did have transportation he couldn't drive
16 home, correct?

17 A. He had contact with his mother. His mother showed
18 up.

19 Q. When did she show up?

20 A. It was before he asked -- started to ask to go home.

21 Q. Do you have a time frame for that?

22 A. No, ma'am, I don't.

23 Q. So you would agree with me that he himself could not
24 drive home?

25 A. That's correct.

1 Q. Okay. And you have the Miranda form in front of
2 you, correct?

3 A. Yes, ma'am.

4 Q. Okay. In your training, if an individual you were
5 questioning ever asked to stop questioning or asked for
6 an attorney, it's your training to stop immediately,
7 correct?

8 A. That's correct.

9 Q. And part of that training is because if they do
10 that and you continue questioning them, it could be
11 coercive, correct?

12 A. That's correct.

13 Q. So if he ever asked I want an attorney or I don't
14 want to talk with you, you would immediately stop?

15 A. Absolutely.

16 Q. Okay. As far as when he talked with the SLED agents
17 in the early morning hours of the 30th, were you present
18 during those conversations?

19 A. No, I was not.

20 Q. And as far as him being intoxicated, you came to
21 that conclusion by yourself, correct?

22 A. That's correct.

23 Q. By his nature, he was passed out?

24 A. That's correct.

25 Q. He smelled of alcohol?

1 A. That's correct.

2 Q. Did he slur his speech?

3 A. Will has a unique speech, so it was hard -- it was
4 hard for me to say it was slurred.

5 Q. You'd agreed with me that his eyes were incredibly
6 bloodshot?

7 A. Yes.

8 **MS. KENDALL:** And just for the record, since we're
9 stopping and starting, I'll be free to cross her on
10 other statements at a later time?

11 **THE COURT:** Oh, yeah. We're gonna take them one
12 statement at a time as I understand the State's intent.

13 **MS. KENDALL:** At this point I don't have
14 any further questions of Ms. Roberts -- Commander
15 Roberts.

16 **REDIRECT EXAMINATION (In Camera)**

17 **BY MR. SCOTT:**

18 Q. Commander Roberts, how old was Mr. Alexander when
19 you spoke with him that night?

20 A. He was thirty years old.

21 **MR. SCOTT:** Thank you. Nothing further from the
22 State.

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

24 (Witness excused.)

25 **MR. SCOTT:** Your Honor, the State calls Special

1 Agent Michael Collins.

2 MICHAEL COLLINS,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION (In Camera)

5 BY MR. SCOTT:

6 Q. All right. Special Agent Collins, you are employed
7 with SLED; is that correct?

8 A. That is correct.

9 Q. And how long have you been with SLED?

10 A. About two years now.

11 Q. Any prior law enforcement experience before that?

12 A. Yes, sir. I worked at the Anderson County Sheriff's
13 Office from 2006 to about 2013, 2012.

14 Q. What are your primary duties at SLED? SLED, I
15 guess, is an assisting agency to a lot of law
16 enforcement around the state?

17 A. That is correct. We assist small agencies with
18 manpower issues, we come in when there's a conflict of
19 interest within the department, and we just assist other
20 agencies with anything they need.

21 Q. Okay. Do you recall assisting Clinton Public Safety
22 June -- late night June 29th and the early morning hours
23 of June 30, 2013?

24 A. Yes, sir, I do.

25 Q. And why was SLED called in on that case?

1 A. We were called in by the Clinton Public Safety to
2 assist with an investigation involving the death of a
3 female. At the time we didn't know the cause of death.
4 We were told to make contact with the -- Crystal Roberts
5 and Tyrone Goggins.

6 Q. Okay. And where did you come from? Did you come
7 from Columbia or were you up in Anderson or where?

8 A. No, I actually live in Oconee County and I came up
9 from Oconee County.

10 Q. Okay. Do you remember about what time you got into
11 Laurens County?

12 A. It was around 11:30, 12:00. It was still the 29th,
13 I believe, into the 30th.

14 Q. Where did you go first? Did you go to the incident
15 location or the police department or where?

16 A. I went straight to the police department at that
17 time and made contact with Commander Roberts.

18 Q. Okay. What did you -- what did you speak with her
19 about? What was the --

20 A. She gave myself and another agent, Harvey Ownes, a
21 briefing on whatever information they had at the time.
22 She also stated she had already advised two people of
23 their rights and just wanted us to assist them in
24 seeking information.

25 Q. Let me ask you this. What information were y'all

1 were working with at that point?

2 A. At that point, all we knew was that there was a
3 death, they had a situation that had to do with a
4 vehicle, and that was pretty much it at that point.

5 Q. Okay. You said there were two people there that
6 needed to be questioned?

7 A. Yes, sir.

8 Q. Tell me their names.

9 A. Michael Beaty and William Alexander.

10 Q. Okay. Do you recall speaking with William
11 Alexander?

12 A. Yes, sir, I do.

13 Q. Okay. And do you remember approximately what time
14 you began speaking with him?

15 A. Maybe 2:00 or so.

16 Q. AM?

17 A. Yes, sir, on the 30th.

18 Q. And had he been advised of his rights at this
19 point?

20 A. He had because Commander Roberts had advised us
21 that she had already spoken to him, advised him of
22 his rights, and she provided us with a copy of his
23 waiver.

24 Q. Okay. Let me show you a copy of State's Number 1.
25 Do you recognize that?

1 A. Yes, sir.

2 Q. What is it?

3 A. This is the Advisement of Rights Commander Roberts
4 provided to Agent Ownes and I when we first arrived, I
5 believe, around -- yes, around 1:00 or so.

6 Q. Was anyone with you when you went to speak with
7 William Alexander?

8 A. Yes. Again, Agent Harvey Ownes and I interviewed
9 him together.

10 Q. Where did y'all go to talk with him?

11 A. There was an office set up in the Clinton Police
12 Department where he was sitting there waiting.

13 Q. He was already there when y'all got there?

14 A. Yes, sir.

15 Q. Tell me what you remember noticing about him when
16 you first saw him.

17 A. He appeared to be kind of cold. He was sitting
18 in the room by himself. We spoke to him. He seemed
19 coherent. He seemed to understand what we were talking
20 about. He didn't seem in any really distress or
21 anything of that nature. We introduced ourselves, told
22 him who we were, who we worked for, and that we wanted
23 to talk to him.

24 Q. Did he agree to speak with y'all?

25 A. He did.

1 Q. All right. Was he under arrest at this point?

2 A. He was not.

3 Q. You said he appeared cold. What do you mean by
4 that?

5 A. I noticed he had a blanket and the room itself was
6 cold. He kind of had the blanket pulled up over his
7 legs and had his arms tucked up under it. Just a sign
8 of a person being cold.

9 Q. Was this summertime? It was July?

10 A. Correct.

11 Q. All right. You said he -- I think you just noted
12 he appeared coherent. Did you note that -- were you
13 able to tell that he had been drinking?

14 A. A little. We -- he told us that he had been
15 drinking several hours before we got there. Again, we
16 opened up with some general questions and just asked
17 him if he understood and knew what he was talking about,
18 that -- who we were, and if he was still willing to talk
19 with us.

20 Q. And was he willing to speak with you?

21 A. He was.

22 Q. All right. So he appears -- or did he appear drunk
23 or intoxicated?

24 A. No, sir. You could -- like I said, you could tell
25 that he had been drinking, but he wasn't -- it didn't

1 appear to be anything where he would -- he didn't
2 understand what was going on.

3 Q. Okay. So you specifically noted that he appeared
4 to understand your questions?

5 A. Yes, sir.

6 Q. All right. What did you ask of him?

7 A. Basically we asked who was he with, where had they
8 been, if he recalled anything in between being picked
9 up by his friend and what happened when EMS arrived at
10 the incident location and he provided some details as
11 far as being at a party, being there with a female that
12 he referred to as E.A. and his friend Michael. He
13 stated that he had got to Michael's parents' residence,
14 I believe, and they went inside.

15 Q. All right. Did you generate a memorandum of this
16 interview?

17 A. I did.

18 Q. Do you have a copy of that with you?

19 A. I don't have it with me.

20 Q. The party that they went to, did he say about how
21 long he had been there?

22 A. He stated that Mr. Stewart picked him up around
23 2:00 PM that afternoon on the 29th and went back to
24 Mr. Stewart's house on, I believe it was,
25 I don't know the specific address, but he had been there

1 basically from that time on.

2 Q. Are you talking about Kyle Stewart?

3 A. Yes, sir.

4 Q. Is he the owner of that home on ?

5 A. As far as I know.

6 Q. How long did he say he had been there?

7 A. Again, he stated that Mr. Stewart picked him up
8 around 2:00 that afternoon and they went back to his
9 residence. So from the time he picked him up it's my
10 understanding they went straight back to the residence
11 and he was there for that duration.

12 Q. Pretty much had been drinking all day is what he
13 said?

14 A. Yes, sir.

15 Q. Now how did he describe that he left the
16 address to get back to his home?

17 A. He stated that Michael and E.A., when they arrived
18 -- he was intending on staying at the
19 -- I mean, at the Stewart residence on ,
20 but when they arrived he decided that he was gonna leave
21 with them. He stated that Mr. Beaty drove, E.A. sat in
22 the front passenger seat and he sat behind her in the
23 rear passenger seat.

24 Q. All right. So what did he say in regards to Michael
25 Beaty's interaction with E.A.?

1 A. He stated on the car ride to Michael's parents'
2 house -- or to Mr. Beaty's parents' house that there
3 was some tension in the car. He couldn't recall what
4 the tension was about. He stated that there was some
5 tension in the car, that they were kind of talking back
6 and forth to one another, but he didn't recall what it
7 was and, again, when they got to Mr. Beaty's residence
8 -- parents' residence they went inside.

9 Q. Okay. He said they all went inside?

10 A. Yes.

11 Q. Okay. And what happened when they went in
12 inside?

13 A. He stated after they got inside, he went to a --
14 initially I think he stated he went to a back bedroom.
15 Later on he said he tried to sleep on the couch. He
16 was trying to sleep, but he couldn't because they were
17 talking, as he put it, loudly. He stated he got up to
18 use the bathroom at one point, realized that there was
19 EMS out front, saw the EMS lights out front, and that
20 was the first time that he realized there was something
21 wrong and he was informed that E.A. was hurt.

22 Q. What, if anything, did he tell you about his
23 relationship with Michael Beaty?

24 A. He stated that he and Michael Beaty were basically
25 lifelong friends, grew up together. He'd known him for

1 as long as he could remember and that he met E.A. when
2 Mr. Beaty and E.A. started dating about a year and a
3 half -- or a year or so prior.

4 Q. Okay. But when you asked him what happened,
5 essentially all he could tell you was he was partying
6 all day, they left the residence, went
7 to his house, there was some arguing between Beaty and
8 E.A., that they all went inside and then the next thing
9 he knew EMS was there?

10 A. That was his initial statement, yes, sir.

11 Q. Okay. That's all he told you he remembered
12 happening?

13 A. As far as I can recall, yes, sir.

14 Q. Okay. Anything else you recall that Will Alexander
15 may have said about Beaty's relationship with E.A.?

16 A. He did state that it was a physical relationship,
17 that E.A. was physical toward Mr. Beaty, as he described
18 it, that she would bite him some -- she would bite him
19 and he would have to get her off. At one point he
20 indicated -- he described the relationship as "Michael
21 was E.A.'s bitch".

22 **MR. SCOTT:** Okay. All right. Please answer any
23 questions Ms. McNeill or Ms. Kendall has for you.

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

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

1 CROSS-EXAMINATION (In Camera)

2 BY MS. McNEILL:

3 Q. Agent Collins, when you arrived and first saw
4 Mr. Alexander, he was passed out, correct, with a
5 blanket over his head?

6 A. No, I don't think -- I don't think he was passed
7 out, no, ma'am.

8 Q. Was he in and out of consciousness, asleep and
9 being awake?

10 A. After I got there and throughout the night, I think
11 he -- a couple of times he laid his head down on the
12 table and was getting up and walking around and stuff
13 like that.

14 Q. So on and off sleeping and being awake?

15 A. Yes, throughout the night -- or morning.

16 Q. Okay. And could you smell alcohol on Mr. Alexander
17 when you first met him?

18 A. Yes.

19 Q. You could? And when he got up, was he swaying on
20 his feet?

21 A. Not that I recall. I don't think -- my interaction
22 with him was when he was sitting down in the room.

23 Q. Okay. You didn't see him get up then?

24 A. I know he got up a couple of times, but I was off
25 doing some other things.

1 Q. How many years of experience do you have in law
2 enforcement?

3 A. I started in law enforcement in 2006.

4 Q. So that's eight years?

5 A. Yes, ma'am.

6 Q. And in the eight years that you have been in law
7 enforcement, you have been well-trained in Miranda
8 rights, correct?

9 A. I've been trained to give Miranda rights, yes,
10 ma'am.

11 Q. Okay. So at any point in time during questioning
12 or going over that form if someone had requested a
13 lawyer, you would immediately stop all interrogation
14 and honor that request, correct?

15 A. I was not present during the Advisement of Rights.

16 Q. I understand, but just in your experience.

17 A. Can you repeat the question? I'm sorry.

18 Q. Sure. If at any time during an interrogation or
19 going over Miranda rights with a suspect or a witness
20 and they had requested a lawyer, your training tells
21 you to stop questioning immediately, correct?

22 A. Correct.

23 Q. And honor their request, right?

24 A. If they specifically ask for an attorney, yes,
25 ma'am.

1 Q. Okay. Because, otherwise, if you didn't do that,
2 then the statement could be deemed coerced, correct?

3 A. That's -- that's not my decision. That's up for
4 a court to decide.

5 Q. But you're aware that that gives rise to many
6 problems poking into that issue?

7 A. Yes.

8 Q. Okay. Agent Collins, did you take any handwritten
9 notes at any time during this portion of your interview
10 with Mr. Alexander?

11 A. Yes, ma'am, I did.

12 Q. You did. And did you turn those over to the
13 Solicitor's Office?

14 A. No, ma'am.

15 Q. You did not?

16 A. No.

17 Q. And why is that?

18 A. Because my notes were transcribed onto a Memorandum
19 of Interview. Once that report is generated, I destroy
20 my notes.

21 Q. So you no longer have them?

22 A. No, ma'am.

23 Q. Where are they?

24 A. Destroyed. I shred them.

25 Q. At what date did you do that?

1 A. I can't recall. It was probably shortly after the
2 -- I turned in my report.

3 Q. Agent Collins, what is the purpose of shredding
4 your notes?

5 A. To basically make sure that they're not used. They
6 have -- some of them have personal information on them
7 and I don't want it to be compromised.

8 **MS. McNEILL:** Okay. Thank you. No further
9 questions.

10 REDIRECT EXAMINATION (In Camera)

11 BY MR. SCOTT:

12 Q. At any time did Alexander ask for a lawyer?

13 A. No, sir, he did not.

14 Q. Did you threaten him or intimidate him in any way?

15 A. No, sir, I did not.

16 Q. Did he ask to end the interview at any time?

17 A. No, sir, he did not.

18 **MR. SCOTT:** Thank you, Special Agent Collins.

19 **MS. McNEILL:** No further questions.

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

21 (Witness excused.)

22 **MR. SCOTT:** Harvey Ownes.

23 J. HARVEY OWNES,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION (In Camera)

1 BY MR. SCOTT:

2 Q. Special Agent Ownes, do you remember -- do you
3 remember responding to Clinton the late night of
4 June 29th or early morning of June 30, 2013?

5 A. I do.

6 Q. And what was the nature of that call?

7 A. I was called to the Clinton Public Safety Department
8 to assist that agency with an investigation.

9 Q. Approximately what time did you get to the Clinton
10 Public Safety?

11 A. It would have been probably between 1:00 and 1:30.
12 I live a good hour away.

13 Q. Okay. Did you ride with anyone or did you come by
14 yourself?

15 A. I did not. I came by myself.

16 Q. What did you do upon arrival at the police
17 department?

18 A. Once I arrived at the police department, I met
19 with Crystal Roberts. Crystal explained to me that the
20 Public Service Department had received a call and once
21 on-scene they discovered that there was a deceased
22 female and that there were two individuals in the
23 company of the female at the time of death, and those
24 individuals were Michael Beaty and Mr. Alexander.

25 Q. Okay. And what were you tasked with? Were you

1 supposed to interview them?

2 A. She explained to me that Mr. Beaty and Mr. Alexander
3 were both at the police department. She provided me a
4 waiver of rights form with Mr. Alexander's signature and
5 she asked that myself and Special Agent Michael Collins
6 speak with Mr. Alexander in reference to this case.

7 Q. You didn't drive with Special Agent Collins down
8 here?

9 A. No.

10 Q. Y'all met together at the police department?

11 A. That's correct.

12 Q. Are y'all both in the same -- were you out of the
13 Piedmont Region?

14 A. We are.

15 Q. And y'all work together regularly?

16 A. We routinely work together, yes, sir.

17 Q. You mentioned that Miranda form. Did Commander
18 Roberts show it to you before you went into the
19 interview room?

20 A. She did, and I actually took it with me and showed
21 it to Mr. Alexander to verify that it was his signature
22 on the form.

23 Q. Okay. And did he confirm that?

24 A. He did.

25 Q. Let me show you State's Number 1. Do you recognize

1 that?

2 A. I do. It's a Miranda form filled out for
3 Mr. Alexander.

4 Q. Specifically, is that the Miranda form you were just
5 referencing?

6 A. It is.

7 Q. Okay. Tell me about what you observed when you
8 first met with Mr. Alexander.

9 A. I introduced myself to Mr. Alexander and explained
10 why I was there; that I wanted to speak with him in
11 reference to an investigation. I asked him if he could,
12 to the best of his knowledge, explain to me what his
13 activities were that day and the previous day because,
14 like you said, it was Saturday moving into Sunday
15 morning. Mr. Alexander explained that he had spent the
16 day at a wake. I think he described it as a Celebration
17 of Life for a friend that had recently passed away. He
18 initially planned on spending the day and the night at
19 the wake, but shortly after dark Ms. Asbill and
20 Mr. Beaty arrived. They only stayed a few hours and
21 once he realized they were leaving, he decided to leave
22 with them.

23 Q. Okay. Did he mention to you the seating
24 arrangements in the car as they left?

25 A. He did. When they left the wake, he said that

1 the vehicle was being driven by Mr. Beaty. Mr. Asbill
2 rode in the front passenger seat and he rode in the rear
3 seat directly behind Ms. Asbill.

4 Q. Did he indicate where they -- what their destination
5 was after they left the party?

6 A. I did ask him did they go anywhere or where they
7 went after they left the wake. He told me they had left
8 the wake and went straight to the home of Mr. Beaty's
9 parents up in Clinton.

10 Q. What, if anything, did he relay to you in what he
11 remembered happening to E.A.?

12 A. I asked Mr. Alexander what took place on the ride
13 to Mr. Beaty's parents' residence; did he recall any
14 conversation or anything taking place. He told me that
15 he could not, but he did feel that there was tension, as
16 he described, between Beaty and Asbill. I asked him
17 could he give me any specific reason he felt there was
18 tension. He told me he couldn't, but he did feel that
19 there was tension between the two. Once they arrived at
20 Mr. Beaty's parents' home, he tried to go inside and lay
21 down on a couch and get some rest. I asked him was he
22 able to get any rest and he told me no because he
23 described that Mr. Beaty and Ms. Asbill were speaking to
24 one another loudly and it was keeping him from sleeping.
25 I asked him what that loud conversation consisted of and

1 he couldn't provide me that information either. He did
2 recall hearing Asbill tell Beaty at one point "I can't
3 believe you made me do that".

4 Q. He told you he had gone inside the house to go to
5 sleep on the couch then?

6 A. Yes.

7 Q. What did he -- what did he tell you was the nature
8 of the relationship between Michael Beaty and Emily-Anna
9 Asbill?

10 A. I asked him how he knew the two. He explained to me
11 at that time that he had spent almost every weekend with
12 them; that Beaty and Asbill was a couple. He only knew
13 Asbill through Beaty. He described Beaty as a lifelong
14 friend.

15 Q. Tell me what's the dynamic between you and Michael
16 Collins when y'all go to interview somebody. Is one of
17 you the lead interviewer and the other one sits back or
18 do y'all both ask the questions?

19 A. Normally, ideally, one asks the questions and the
20 other one mainly sits there and observes. It just
21 depends on the circumstances. In this particular
22 incident, I seemed to be asking more questions than
23 Agent Collins.

24 Q. Okay. And did Will Alexander appear to understand
25 the questions as you asked them to him?

1 A. Absolutely.

2 Q. Did you note any inebriation of any sort with Will?

3 A. I did not. You know, he explained that he had been
4 at the wake, they had been celebrating the life of a
5 deceased friend he had.. Any question I posed to him he
6 gave me a logical response. There was nothing that he
7 said or anything that he did that led me to believe that
8 he was inebriated in any way or he wasn't aware of the
9 circumstances of the questions posed to him.

10 Q. Okay. Let's be fair. You could tell he had been
11 drinking though; is that fair?

12 A. Yes, he had been drinking.

13 Q. But you're just saying he could understand the
14 questions and the conversations y'all were having with
15 one another?

16 A. That's correct.

17 Q. Okay. That's all he could offer up as far as an
18 explanation; that he had been drinking and he gets to
19 the residence of Mr. Beaty's stepfather; is that what he
20 said?

21 A. He described it as Mr. Beaty's parents' home.

22 Q. And that he had gone inside to sleep and the next
23 thing he knew the ambulance was there?

24 A. He heard -- he heard the two speaking to one another
25 and he actually got off the couch at one point to use

1 the restroom and it was at that time while walking to
2 the restroom that he looks out and sees EMS personnel
3 out front.

4 Q. Okay. He didn't say that he had seen anything else?

5 A. No, sir.

6 **MR. SCOTT:** Okay. Thank you, Special Agent Ownes.
7 Please answer any questions Ms. McNeill or Ms. Kendall
8 may have for you.

9 CROSS-EXAMINATION (In Camera)

10 BY MS. MCNEILL:

11 Q. Agent Ownes, how many years of experience do you
12 have in law enforcement?

13 A. Approximately fifteen.

14 Q. Fifteen years?

15 A. Yes, ma'am.

16 Q. And in your experience with law enforcement, when
17 somebody's going over a Miranda form or they request a
18 lawyer, you would immediately stop all questioning,
19 correct?

20 A. I would.

21 Q. Okay. And you would honor the request for them to
22 have a lawyer; is that correct?

23 A. I would.

24 Q. Because you know that if you don't honor that
25 request and you continue your questioning that the

1 statement that you have taken could be used for -- could
2 be deemed coerced; is that correct?

3 A. I understand that.

4 Q. And when you arrived and first met with
5 Mr. Alexander, I'm confused as to if you thought he
6 was intoxicated or not. Did you think that he was
7 intoxicated?

8 A. I did not.

9 Q. Could you smell alcohol on him?

10 A. I could.

11 Q. You could. Were his eyes bloodshot?

12 A. I don't recall that.

13 Q. You don't recall?

14 A. No, ma'am.

15 Q. Did you ever see him once stand up or was he sitting
16 the entire time you questioned him?

17 A. He was sitting.

18 Q. The entire time?

19 A. The entire time.

20 Q. Never once you saw him get up?

21 A. During questioning?

22 Q. Or any other time during your observation of
23 Mr. Alexander.

24 A. Yes, on one occasion he left the room and may have
25 walked into the lobby.

1 Q. Okay. And was he unsteady on his feet?

2 A. No, ma'am.

3 Q. Would you have been comfortable allowing
4 Mr. Alexander to drive you in a vehicle that night?

5 A. I wouldn't have allowed him to drive me, no, ma'am.

6 Q. Why's that?

7 A. I'm very particular who I ride with.

8 Q. Okay. Would it also be fair to say it was because
9 he was intoxicated?

10 A. No, ma'am.

11 Q. So you would have felt safe riding in a car with
12 Mr. Alexander assuming that he's a safe person?

13 A. I don't know that Mr. Alexander's a safe person.

14 Q. I'm saying assuming that he is.

15 A. I can't assume.

16 Q. Isn't it fair to say that you would not drive in a
17 car with Mr. Alexander because you knew, in fact, how
18 intoxicated he was off of alcohol that night?

19 A. No, that's not fair.

20 **MS. McNEILL:** Thank you. No further questions.

21 **REDIRECT EXAMINATION (In Camera)**

22 **BY MR. SCOTT:**

23 Q. Did Mr. Alexander ask to end the interview at any
24 time?

25 A. He did not.

1 Q. Did he ask for a lawyer at any time?

2 A. He did not.

3 Q. Did you threaten or intimidate him in any way?

4 A. Absolutely not.

5 Q. Did he smoke cigarettes while y'all were
6 interviewing him?

7 A. Not during the interview. Like I said, at some
8 point he did walk out and did smoke. I didn't
9 physically witness him smoke a cigarette.

10 Q. And you didn't stop him from leaving the room when
11 he did that?

12 A. No.

13 **MR. SCOTT:** Thank you, Mr. Ownes.

14 **MS. McNEILL:** Nothing further.

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

16 (Witness excused.)

17 **THE COURT:** The State calls Tyrone Goggins.

18 **MS. McNEILL:** Judge, I would ask for five minutes
19 for just a restroom break.

20 **THE COURT:** Oh, sure. Yes. We'll stand at ease
21 for a few minutes.

22 (Recess taken.)

23 **BAILIFF:** Okay. Let's all rise and come back to
24 order, please.

25 **THE COURT:** All right. Did y'all call before the

1 break Detective Goggins; is that right?

2 MR. STUMBO: I believe so. We called Detective
3 Goggins.

4 MR. SCOTT: Yes, sir. That's correct.

5 THE COURT: Let me remind you you're still under
6 oath.

7 TYRONE GOGGINS,
8 having been previously duly sworn, testified as follows:

9 DIRECT EXAMINATION (In Camera)

10 BY MR. SCOTT

11 Q. Okay. Lieutenant Goggins, your earlier testimony
12 was that you had spoken to Will Alexander at, I guess,
13 the incident location, ?

14 A.

15 Q. And that was -- what time was that?

16 A. Around 11:30, 40, somewhere around that. I arrived
17 on the scene at 11:29, so it was probably right at
18 midnight.

19 Q. Okay. So it was still June 29th. Later that night,
20 I guess in the early morning hours of June 30th, were
21 you able to speak with Mr. Alexander again?

22 A. Yes, I spoke with him again. He arrived back at the
23 police department, I think, around 1:50-ish. I talked
24 to him about 2:00. I --

25 Q. Wait a minute. I'm sorry. 1:50, are you talking

1 about PM, the next day?

2 A. Yes.

3 Q. Okay. So he left sometime that night, but he
4 came back the next afternoon, June 30th afternoon, at
5 1:50 PM?

6 A. That's right.

7 Q. I'm sorry to interrupt, but what happened next?

8 A. Myself and Agent Kindley and Shelton we interviewed
9 Mr. Alexander. I advised him of his Miranda warnings
10 around about 2:00, 2:16, I think, is the time, and we
11 took a statement from him.

12 Q. How did he come to be back at the police department
13 after having left the prior night?

14 A. He drove. From my understanding he drove to the
15 police department. Michael Beaty and -- and Henry
16 Simmons, we called them that morning to ask them to come
17 back to the police department, and apparently he got
18 information that we was talking to them and he arrived
19 back.

20 Q. Oh, so y'all didn't call him, he just came back to
21 speak with you; is that what you're saying?

22 A. Yes.

23 Q. Okay. And he drove there?

24 A. Yes, sir.

25 Q. And you said that you -- upon arrival you read him

1 his Miranda rights?

2 A. I did.

3 Q. Do you remember about what time that was?

4 A. It was about 2:16 in the afternoon.

5 Q. 2:16 PM June 30th?

6 A. Yes.

7 Q. All right. Let me show you State's Number 2.

8 Lieutenant Goggins, do you recognize that?

9 A. Yes, sir.

10 Q. And what is it?

11 A. That's his Miranda warnings.

12 Q. Okay. The top portion there, what is written in
13 the top portion of the Miranda form?

14 A. It's -- I believe it's William Jarrell Alexander.
15 His address there is , . It
16 state's his date of birth and the time is 2:16 PM.

17 Q. ?

18 A. .

19 Q. And then, I guess, the middle section of that form,
20 what is all that?

21 A. That's his Miranda warnings and he initialled beside
22 each one.

23 Q. Okay. Did you read him those warnings?

24 A. I read the warnings out. He read them to himself
25 and he initialled beside each one as he read them.

1 Q. Okay. So typically he would have this sheet in
2 front of him to freely read as you read them out aloud
3 to him and he could go over them himself?

4 A. I think what I did was read the Miranda warnings
5 and then passed him the sheet after I asked him what his
6 educational level was and was he able to read and write.

7 Q. And what was his educational level?

8 A. Some college.

9 Q. Okay. Could you read the rights as you gave them to
10 him?

11 A. You have the right to remain silent. Anything you
12 say may be used against you in a court of law. You have
13 the right to talk to a lawyer for advice before being
14 asked any questions and to have them with you during
15 questioning. If you have no money -- if you have no
16 money to pay a lawyer's fee, the Court will appoint one
17 to represent you without cost, if you wish. If you
18 decide to answer questions now without a lawyer present,
19 you will still have the right to stop answering at any
20 time. You also have the right to stop answering
21 questions at any time until you talk to a lawyer. And
22 the question is do you understand each of these rights
23 as I've explained them to you? Having these rights in
24 mind, do you wish to talk to us now without a lawyer
25 present, and he checked yes.

1 Q. All right. Now this is 2:16 PM on June 30th. Did
2 he appear to understand those questions as you read them
3 to him?

4 A. Yes, he did.

5 Q. Did he appear to have any trouble communicating with
6 you?

7 A. No, sir.

8 Q. Where were you interviewing him?

9 A. He was at Clinton City Police Department.

10 Q. Okay. You stated earlier you noticed some level of
11 intoxication the night prior. Did you notice any of
12 that at 2:16 PM on June 30th?

13 A. No, sir.

14 Q. All right. So what happens after you read him his
15 rights and then he initials the rights and signs the
16 waiver down at the bottom? What did you do next?

17 A. We interviewed him and asked him to explain to us
18 what happened on this previous day the incident
19 happened.

20 **MR. SCOTT:** And, Judge, we would offer State's
21 Number 2 for this trial for Your Honor's review.

22 **THE COURT:** The same as you did the first one?

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

24 **THE COURT:** All right.

25 (State's Exhibit Number 2, Advisement of Rights #2,

1 was admitted into evidence.)

2 BY MR. SCOTT:

3 Q. You asked him what happened. Does he begin an oral,
4 I guess, explanation, does he put pen to paper? How do
5 you do it?

6 A. Yes, before he writes it, we let him tell us
7 verbally and then he wrote a statement, a written
8 statement.

9 Q. What do you recall him stating to you?

10 A. He stated that the events of this day, on the 29th,
11 is that he woke that morning. He was playing with his
12 newborn and, I think, her step-sister and he stated that
13 he went to the store later and bought three cases of
14 beer and cigarettes. He stated later that some friends
15 came and picked him up and they went to a party and he
16 snorted cocaine and he took a drug called Molly. He
17 stated later they had left the party around 12:00,
18 12:30 and they was going back to Henry Simmons' house
19 at

20 Q. Okay.

21 A. He stated that he also, I believe, may have
22 blanked out. All he remembers is that he remembers
23 standing under the garage and then going to the police
24 department.

25 **THE COURT:** I'm sorry, I didn't hear that last

1 statement. Standing in the garage?

2 A. Standing under the garage and then he went to the
3 police department.

4 Q. Okay. So in this statement he talks about standing
5 in the garage?

6 A. Yes.

7 Q. That's on ?

8 A. That's on

9 Q. I'm sorry,

10 A. Yes.

11 Q. Let me show you State's Number 3? Do you recognize
12 that?

13 A. This is a voluntary witness statement not under
14 arrest.

15 Q. Okay. Specifically, what voluntary written
16 statement is that?

17 A. This is the statement that I took from William
18 Alexander on June 30, 2013, at 3:10 PM.

19 Q. All right. So that statement began -- he began
20 putting pen to paper at 3:10 PM?

21 A. Yes, sir.

22 Q. And -- and did you review it with him after he wrote
23 it?

24 A. Yes, sir.

25 Q. All right. Did he endorse it somehow? Did he sign

1 it down at the bottom after reviewing it?

2 A. His signature was at the bottom and then it was
3 witnessed by Agent Kindley.

4 Q. Did you threaten him or coerce him in any way to get
5 that statement from him?

6 A. No, sir.

7 Q. And in this statement he's now telling you that
8 he's standing in the carport; that's the only thing he
9 remembers?

10 A. Yes, sir.

11 Q. Did he say anything about going inside the home to
12 sleep?

13 A. No, sir, not in the statement.

14 **MR. SCOTT:** Your Honor, the State offers for this
15 pre-trial motion State's Number 3.

16 **THE COURT:** For purposes of this hearing, it will
17 be admitted.

18 **MS. McNEILL:** No objection.

19 (State's Exhibit Number 3, a Voluntary Statement,
20 was admitted into evidence.)

21 **MR. SCOTT:** Okay. Lieutenant Goggins, answer any
22 questions Ms. McNeill or Ms. Kendall have for you.

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

24 CROSS-EXAMINATION (In Camera)

25 BY MS. McNEILL:

1 Q. Detective Goggins, are you denying that you actually
2 called Mr. Alexander to come up to the Clinton Police
3 Department that next day?

4 A. I remember William Alexander coming in. I know I
5 called Henry Simmons and asked him to bring Michael
6 Beaty back to the police department himself. I don't
7 recall calling William. I think he just came on his
8 own.

9 Q. How would he have known to come up since you didn't
10 call him?

11 A. I think during some conversation I remember William
12 stating he may have -- or Michael or William stating
13 they were trying to get in contact with each other, but
14 wasn't able to, so I'm not sure.

15 Q. Okay. So your testimony is that you did not call
16 Will, he just voluntarily drove up to the Clinton Police
17 Department to talk to y'all?

18 A. To my knowledge, yes, ma'am.

19 Q. Okay. You would agree with me -- I think you stated
20 earlier on direct that he had drank three cases of beer
21 did cocaine and did Molly's; is that right?

22 A. No, I stated that he stated he went to the store
23 and bought three cases of beer. He did state that he
24 snorted cocaine and did Molly's.

25 Q. Okay. So it's fair to say that one would be pretty

1 hung over the next day after a night of partying to that
2 extent?

3 A. He could be.

4 Q. You would also agree with me that the statement --
5 I'm sorry, do you have it?

6 A. I have it right here.

7 Q. And that is marked as State's Exhibit 3, the
8 voluntary witness statement that says not under arrest,
9 signed by William Alexander at 3:20 on June 30, 2013.
10 You were aware at that time that there was already
11 arrest warrants that needed to be served on Will
12 Alexander for contributing to the delinquency of a
13 minor, right?

14 A. I don't think William was under arrest at that time.

15 Q. But you would agree with me that you knew that those
16 arrest warrants were there, they just hadn't been served
17 on Will, correct?

18 A. I don't think I had that knowledge. That was --
19 this was Laurens County Sheriff's Department.

20 Q. Okay. Did you know that the Chiapattas and the
21 Stewarts had already been served these arrest warrants
22 for contributing to the delinquency of a minor and had
23 already received a PR bond which was either at 9 AM or
24 4 PM?

25 A. At their residence where -- at the residence where

1 the party took place. I think I was aware that they
2 went to jail. I'm not sure about the arraignments after
3 the arrest. I didn't attend those.

4 Q. Okay. But you were aware that the Chiapattas and
5 the Stewarts were arrested for contributing and that
6 William Alexander may have had warrants pending that
7 needed to be served. So, in fact, you had no intention
8 of letting Mr. Alexander go that day; isn't that
9 correct?

10 **THE COURT:** Wait a minute. Go back and say that
11 name again. The Stewarts and who?

12 **MS. McNEILL:** Chiapattas.

13 **THE COURT:** Okay. I'm with you. I remember reading
14 that now.

15 **THE WITNESS:** Can you repeat the question again?

16 BY MS. McNEILL:

17 Q. You would agree with me that you had no intention
18 of letting Mr. Alexander go that day because you knew
19 that arrest warrants still needed to be served on
20 Mr. Alexander for contributing to the delinquency of a
21 minor because they had already been served on other
22 people at the party who had received a PR bond?

23 A. It's probably fair to say that they would have had
24 arrest warrants. I'm not sure if the County was gonna
25 place them under arrest at that time or not.

1 Q. But you knew Mr. Alexander was not leaving the
2 station that day.

3 A. I don't know whether the County was gonna place him
4 under arrest at that time or not.

5 Q. But you would agree with me that you do communicate
6 with Laurens County Sheriff's Office and you had been
7 communicating since the previous night on the 29th?

8 A. Yes, ma'am.

9 Q. About this case?

10 A. Yes, ma'am.

11 **MS. McNEILL:** Thank you. No further questions.

12 **THE COURT:** Okay.

13 **MR. SCOTT:** Nothing further of Lieutenant Goggins.

14 **THE COURT:** All right. You may step down.

15 (Witness excused.)

16 **MR. SCOTT:** The State calls Special Agent Kindley.

17 JEFFERY KINDLEY,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION (In Camera)

20 BY MR. SCOTT:

21 Q. Special Agent Kindley, do you recall June 30th of
22 last year responding to the Clinton Police Department
23 in reference to an incident that occurred on
24 ?

25 A. Yes, sir, I do.

1 Q. Regarding a suspicious death?

2 A. Yes, sir.

3 Q. When did you arrive in Clinton for that case?

4 A. It was after midnight, early in the morning, but it
5 was about a little bit before Agent Collins and Agent
6 Ownes arrived. I was contacted by my supervisor and
7 told to respond and we all arrived around the same time.

8 Q. Okay. What were you doing all night and the early
9 morning hours of June 30th?

10 A. I worked various things. I was a stand-in
11 supervisor at that time, so I was trying to assist
12 different agents with what they needed. I went by the
13 scene, checked on some people there. I went to a party
14 scene and came back later. I was assisting with some
15 matters.

16 Q. The party scene, was that the
17 residence?

18 A. Yes.

19 Q. Kyle and Rose Stewart's house?

20 A. Yes, sir.

21 Q. And you said you went to the incident location?

22 A. Yes, sir.

23 Q. All right. And then the next day, so was that
24 3:10 PM you were at the police department?

25 A. Yes, sir.

1 Q. When did you get to sleep?

2 A. I don't know. We work through it and we sleep a
3 couple of hours and come back, so.

4 Q. And you're with the Piedmont Region, too?

5 A. Yes, sir.

6 Q. Okay. What was going on at the police department
7 at 3:10 PM on June 30th?

8 A. There were interviews taking place at that time.

9 Q. All right. Do you recall an interview with William
10 Alexander?

11 A. Yes, sir.

12 Q. When did you come into that interview?

13 A. The interview had already started. As I said, I
14 was doing different things trying to help out as much
15 as I could. He had already been read his rights and he
16 was putting his words onto a statement form. He was
17 actually handwriting it himself.

18 Q. So you didn't witness him get his Miranda warnings?

19 A. No, sir.

20 Q. All right. And so when you get in there he was
21 already sitting down writing out a statement?

22 A. Yes, sir.

23 Q. All right. And what do you do, just kind of come
24 into the room and watch?

25 A. Yes, sir. I just came into the room to see if I

1 could help. There was -- Officer Goggins and Officer
2 Roberts was there and the Defendant was seated at a desk
3 and they were talking and I just tried to stay out of
4 the way to see if there was any way I could assist them.

5 Q. What did you observe, anything? Just him sitting
6 down writing?

7 A. Yes, sir, writing and speaking with them.

8 Q. Anything noteworthy about his demeanor, anything he
9 was saying?

10 A. No, sir. He was cooperative and seemed to be
11 cognizant of what was going on.

12 Q. Did he appear to understand what he was doing, I
13 guess?

14 A. Yes, sir.

15 Q. All right. Was he under arrest at that time?

16 A. No, sir, he was not.

17 Q. What room were y'all in when this interview was
18 taking place?

19 A. To my knowledge, it was the old police chief's
20 office. I don't really know how to describe it. It's
21 near an exterior door. It's kind of a midsized white
22 room. It had a desk and two chairs or three chairs.
23 There was no place for me to sit, so I just kind of sat
24 on the window ledge and watched.

25 Q. Okay. Let me show you State's Number 3.

1 A. Let me get my glasses out. Okay. Sir.

2 Q. All right. Do you recognize that?

3 A. Yes, sir.

4 Q. And how do you recognize it?

5 A. I recognize it because it has my signature and my
6 notary commission on the bottom of it.

7 Q. Okay. That was the extent of your involvement
8 with that statement, just witnessing it?

9 A. Well, after he completed it, I notarized it. So
10 what I do when I get ready -- do you want to me to go
11 through what I do on the notarization?

12 Q. Well, now that you mention it, yes, sir.

13 A. Okay. What I do is I ask -- at that point, as a
14 witness, I ask the Defendant is this your statement and
15 I'm gonna swear you to it, so is everything here true
16 and correct, and I get him to raise his right hand and I
17 say do you swear that the content of this statement is
18 the truth, the whole truth and nothing but the truth so
19 help you God, and he raised his right hand and said I
20 do, and that's when I put my signature on the bottom.

21 Q. Oh, I'm glad you said that because I didn't realize
22 that's what that entailed. So you actually swear him
23 under oath to that statement, the truthfulness of that
24 statement?

25 A. Yes, sir.

1 Q. And he indicated that he fully endorsed that
2 statement there?

3 A. Yes, sir.

4 Q. And he swore under oath to the truthfulness of that
5 statement?

6 A. Yes, sir.

7 Q. Okay. Thank you. And that's the -- that was your
8 complete involvement with that statement then; is that
9 correct?

10 A. Yes, sir.

11 Q. Okay. And then what happened after the statement
12 was done and you swore him to it?

13 A. He was provided with a copy at some point and I
14 don't remember -- I didn't stay in the room a long time
15 after that. I was trying to do -- notarize different
16 statements and help out, so that was about the extent
17 there.

18 Q. Well, let me go ahead and ask you this. At any time
19 during that statement did he say stop, I need a lawyer,
20 I want to end this statement now?

21 A. No, sir, he did not.

22 Q. All right. Did you witness him being threatened or
23 intimidated in any way?

24 A. No, sir.

25 **MR. SCOTT:** Okay. If you would answer any questions

1 Ms. McNeill or Ms. Kendall have for you.

2 CROSS-EXAMINATION (In Camera)

3 BY MS. KENDALL:

4 Q. Agent Kindley, you testified essentially that your
5 role was just witnessing and notarizing the statement,
6 correct?

7 A. Yes, ma'am.

8 Q. So you didn't personally see him be Mirandized,
9 correct?

10 A. No, ma'am.

11 Q. Or personally see who handed him a copy of the
12 statement?

13 A. After he completed it, I saw him being provided his
14 statement.

15 Q. Who handed him a copy?

16 A. I believe it was Officer Goggins.

17 Q. Did you make any notes of that?

18 A. No, ma'am.

19 Q. And in the course of your investigation through
20 this case, did you make any personal notes regarding
21 any aspect of your investigation?

22 A. On this part?

23 Q. Any part.

24 A. Any part? I have some notes, yes, ma'am.

25 Q. Do you have those notes with you?

1 A. No, ma'am, they're in the case file.

2 Q. Has the Solicitor's Office asked for those notes?

3 A. Yes, ma'am.

4 Q. Have you provided a copy of those notes to them?

5 A. Yes, ma'am.

6 Q. Are they handwritten notes?

7 A. No, they're typewritten.

8 Q. Do you have a copy of them with you up there?

9 A. No, ma'am.

10 **MS. KENDALL:** I just want to make sure that I have
11 a copy of these notes. Can the Solicitor's Office
12 provide me what he's referring to?

13 **MR. SCOTT:** Are you talking about --

14 **MR. STUMBO:** You can ask on redirect --

15 **THE COURT:** Get him to clarify.

16 **MR. SCOTT:** Are you talking about your Memorandum
17 of Interview, Special Agent Kindley?

18 **THE WITNESS:** No, sir.

19 **MS. KENDALL:** I don't have that.

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

21 BY MS. KENDALL:

22 Q. If I may, while they're looking for that, do you
23 know when you gave them those notes -- the Solicitor's
24 Office those notes?

25 A. Those notes I actually gave to Officer Casey with

1 the police department. There's also some photographs.
2 It's not in reference to the interview. It's actually
3 later on.

4 Q. Is it in a Memorandum of Interview form or how are
5 the notes documented?

6 A. It's in a -- I can't remember the name of the form.
7 It's where we -- it's our case notes and we type them
8 on the computer and there's two or three paragraphs of
9 actually taking him in the vehicle and going out to
10 different locations and taking photographs.

11 Q. Is this document something that you authored?

12 A. Yes, ma'am.

13 **THE COURT:** I tell you what, Ms. Kendall. Why don't
14 we stop for a second and let him help him find what he's
15 -- he's describing something very specific.

16 **MR. SCOTT:** May I approach, Your Honor?

17 **THE COURT:** Sure.

18 **MR. SCOTT:** I'll just ask him on the record if --
19 well, I guess we need to --

20 **THE COURT:** Show it to him first.

21 **MR. SCOTT:** Is this what you're talking about?

22 **THE WITNESS:** Yes, it is.

23 **THE COURT:** All right.. Show them to Ms. Kendall.

24 **MS. KENDALL:** And just for the Court's
25 clarification, we do have a copy of this. It doesn't

1 have any -- where it's authorized by it, so I understand
2 what their confusion was, but we did have a copy of
3 that.

4 **THE WITNESS:** Okay.

5 **MS. KENDALL:** At this time I don't have any more
6 questions.

7 **THE COURT:** All right. Mr. Scott?

8 **MR. SCOTT:** No, sir. Nothing more from the State.

9 **THE COURT:** Okay. You may step down.

10 **THE WITNESS:** Thank you, sir.

11 (Witness excused.)

12 **MR. SCOTT:** The State calls Crystal Roberts.

13 **THE COURT:** I'll remind you, ma'am, you're still
14 under oath.

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

16 CRYSTAL ROBERTS,

17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION (In Camera)

19 BY MR. SCOTT:

20 Q. Commander Roberts, earlier we were talking about an
21 oral statement given about 1:25 AM in the early morning
22 hours of June 30th. Do you recall interviewing Will
23 Alexander again at approximately 5:35 PM on June 30th?

24 A. Yes, sir, I do.

25 Q. And how did that interview come to be -- first of

1 all, where was that interview conducted?

2 A. That interview was conducted in the -- in the old
3 chief's office. One of the offices we had been using
4 throughout the night.

5 Q. Like an interview room that y'all used?

6 A. No, just like a patrol office.

7 Q. Why? Is it bigger than the other offices there
8 or --

9 A. It was just available to us.

10 Q. Okay. Well, how did Mr. Alexander come to be there
11 again?

12 A. He had arrived back at the police department
13 earlier that day and I think he had already spoken with
14 Lieutenant Goggins and gave a statement prior to me
15 talking to him.

16 Q. Do you have any knowledge how he got to the station
17 to speak with Goggins?

18 A. I do not.

19 Q. Were you aware whether or not he drove?

20 A. I'm not a hundred percent sure.

21 Q. You wouldn't have any knowledge of whether y'all
22 called him up there or how he came to be there?

23 A. I did not call.

24 Q. Why was he still there after speaking with Goggins
25 and giving a written statement?

1 A. We were continuing to try and gain information about
2 what happened that night and we were getting into so
3 many -- based on what they found at the scene was not
4 adding up to what William Alexander and Michael were
5 telling us.

6 Q. All right.

7 A. So we were continuing to talk to them to try to
8 gather more information.

9 Q. All right. 5:35 PM, was he under arrest at that
10 point?

11 A. No, he was not.

12 Q. Okay. Was he free -- where was he between the time
13 he wrote the statement for Goggins and the time he spoke
14 with you?

15 A. I can't recall. I don't know if he was sitting out
16 in the lobby or -- I can't say.

17 Q. All right. But he was free to move around though;
18 is that accurate?

19 A. That's correct.

20 Q. Well, could he have gone home?

21 A. That's correct.

22 Q. What was he still doing over there? Were y'all just
23 asking him to wait around while you checked some things
24 out or how was that going on?

25 A. We had just asked him -- I don't know what per se

1 we asked him, but he never asked to leave, so we
2 didn't volunteer to, I guess, offer him a ride home or
3 something along those lines.

4 Q. Okay. But you don't remember whether he got a ride
5 home from his mother or he drove there?

6 A. I'm assuming his mother brought him, but I don't
7 know.

8 Q. Does he drive?

9 A. I'm not exactly sure.

10 Q. Okay. But you weren't holding him there against
11 his will?

12 A. No.

13 Q. All right. 5:35 in the old chief's office, who all
14 was in there?

15 A. Myself and Special Agent Collins.

16 Q. Okay. How did -- what did you start off the
17 conversation with Will Alexander with?

18 A. Well, again, we Mirandized him again -- or I should
19 say I Mirandized him again.

20 Q. Were you aware that he had just been Mirandized by
21 Tyrone Goggins at 2:16?

22 A. I wasn't certain, so I wanted to, just for safety's
23 sake, re-Mirandize him.

24 Q. You said earlier that night about 1:25 AM he had
25 signs of having been drinking?

1 A. That's correct.

2 Q. Did you detect any of that the next day at 5:35 PM?

3 A. No, sir.

4 Q. All right. And did he appear to have any trouble
5 communicating with you?

6 A. No, sir, he did not.

7 Q. All right. Let me show you State's Exhibit No. 4.
8 Do you recognize that?

9 A. I do. It's our Miranda form. Again, I filled out
10 the top information part with William Alexander's
11 information below. It is his rights and waiver of
12 rights.

13 Q. How are you getting all that information to fill out
14 up top?

15 A. He's providing it to me.

16 Q. Okay. And read the Miranda warnings as you gave
17 them to him.

18 A. You have the right to remain silent. Anything you
19 say may be used against you in a court of law. You have
20 the right to talk to a lawyer for advice before being
21 asked any questions and have them with you during
22 questioning. If you have no money to pay a lawyer's
23 fee, the Court will appoint one to represent you without
24 cost, if you wish. If you decide to answer questions
25 now without a lawyer present, you will still have the

1 right to stop answering at any time. You also have the
2 right to stop answering questions at any time until you
3 talk to a lawyer. And below that it asks do you
4 understand each of these rights that I've explained to
5 you and it has check boxes yes or no and then below that
6 it's got having these rights in mind, do you wish to
7 talk with us now without a lawyer present, and it has a
8 box to check yes or no.

9 Q. Okay. Well, earlier when you read him his rights
10 and he initialled them, did -- did he initial those or
11 did you initial them?

12 A. Will initialled those.

13 Q. And are you reading those rights to him or is he
14 reading them to himself?

15 A. I read the rights to him and then I provided him
16 with the Miranda form and asked him to read it and
17 initial it provided he understood it and if he didn't,
18 if he had any questions, to ask.

19 Q. Okay. May I hold that?

20 A. (Handing.)

21 Q. You talked about the bottom waiver of rights
22 paragraph -- oh, I'm sorry. Below the rights it has do
23 you understand each of these rights as I have explained
24 them to you, and he checked "yes". Having these rights
25 in mind, do you wish to talk to us now without a lawyer

1 present? I see a checkmark in the "yes" box. Can you
2 speak to that?

3 A. When I read that out to him, Will said that he was
4 willing to talk to us without a lawyer present. When I
5 handed him the form, he checked "yes" for the top and
6 then checked "yes" for the bottom. Whenever I pointed
7 that out to him, he indicated to me that that was an
8 error and he clarified with me that he did not want a
9 lawyer with him at that time --

10 Q. Okay.

11 A. -- that it was a mistake and I had him to initial
12 over it and scratch it out.

13 Q. Okay. Those are his initials there?

14 A. Those are his initials.

15 Q. You were willing to ceased the interview with him
16 once he checked that "yes" box?

17 A. Yes.

18 Q. And you asked him if that's, indeed, what he wanted
19 to do and he said that was an accident; is that correct?

20 A. That's correct, because he was telling me as he was
21 checking, because he was checking quickly, that he was
22 willing to talk to us and he didn't want a lawyer.

23 Q. Okay.

24 A. And so that's why I -- I pointed it out to him and
25 he indicated that he checked that he did want a lawyer

1 and then he corrected me and said that he didn't want a
2 lawyer.

3 Q. And those are his initials over the top of that?

4 A. Those are his initials.

5 Q. Okay. And, furthermore, after he did that and he
6 signed the bottom, he did waive his rights?

7 A. That's correct.

8 **MR. SCOTT:** Okay.. Your Honor, the State offers
9 Number 4 for purposes of this hearing.

10 **THE COURT:** State's 4 is admitted for the purpose
11 of this hearing.

12 (State's Exhibit Number 4, Advisement of Rights #3,
13 was admitted into evidence.)

14 BY MR. SCOTT:

15 Q. Okay. What happened after y'all went over his
16 rights?

17 A. We started talking to him about the -- about the
18 incident, you know, got him to go back over the details
19 of that night, that early morning. He started out
20 indicating that he had went to that party and that he
21 and E.A. and Michael had left that party around 12:00
22 or 12:30 that early morning on the 30th and that
23 everyone was fine. He couldn't recall any conversation
24 or anything taking place inside the car. He indicated
25 that they didn't stop anywhere, that they drove straight

1 to the residence, which is Michael
2 Beaty's parents' house. He said that the next thing
3 that he remembered was talking with Henry Simmons and
4 seeing the yellow tape around the car.

5 At that point, after speaking with Will on
6 numerous occasions starting earlier that morning and
7 then up until this point, we pointed out to him his
8 inconsistencies as far as what he was telling us and
9 what we were seeing as far as what happened, the way
10 E.A. looked and things of that nature on the scene. We
11 pointed out the time discrepancy and was trying to see
12 if he could recall any -- if any kind of an accident
13 happened. We asked him if E.A. tried to jump out of the
14 car, she said no -- he said no. He denied pushing her
15 out of the car. He denied Michael pushing her out of
16 the car..

17 We were just trying to gather facts as to how E.A.
18 obtained the injuries that she obtained. He got to
19 talking about that E.A. and Michael fought a lot. He
20 admitted to drinking, I think his words were about
21 twenty-six or so beers, took some cocaine and some Molly
22 that previous morning or, excuse me, on the 29th at the
23 party at the Stewarts' residence, so he was indicating
24 that he didn't remember a whole lot and was trying to
25 say that he blacked out.

1 After being told that E.A. was, in my words, choked
2 to death, his response was "damn", it was just like
3 he didn't have any emotion to it, so at that point
4 we talked to him about his inconsistencies in the
5 statement, her injuries, the manner in which she died,
6 and the fact that she was fine when they left the
7 Stewarts' house and then whenever they arrived at
8 Mr. Beaty's house that -- that she was possibly
9 deceased, so something had to have happened in that
10 car during that car ride and there's no way that he
11 could not know something about it.

12 Eventually he came out and said that -- that he
13 might have saw something, but he couldn't recall
14 clearly, and then after we kept talking to him about
15 his inconsistencies and the fact that either he had to
16 do something or Michael had to do something or they
17 had to have been working together or either Will was
18 covering up for him, he had to know something about
19 this case, and that's when he came forward and said
20 that -- that Michael Beaty had come up to him while he
21 was smoking a cigarette in the garage and told him that
22 "I think I've gone too far, I might have ended her
23 life", and then Will was asked to provide a written
24 statement and he wrote a written statement as to those
25 comments that he said that Michael told him.

1 Q. All right. So after two oral statements and one
2 prior written statement, this is the first time y'all
3 are hearing this?

4 A. Yes, sir.

5 Q. And did he write that down?

6 A. Yes, sir, he did.

7 Q. Let me show you State's Number 5. Do you recognize
8 that?

9 A. Yes, sir. This is a voluntary witness statement
10 from William Alexander dated 6-30 at 6:17 PM. In his
11 statement he wrote Michael Beaty said to me "I think I
12 messed up, I may have ended her life". I was standing
13 in the garage smoking a cigarette when he said this. I
14 told him we needed to call 9-1-1, then we got Henry and
15 Henry went to check on her, then I remember the tape
16 around the car, and that was signed by Will Alexander.

17 Q. Okay. And you witnessed that?

18 A. I did.

19 **MR. SCOTT:** Your Honor, the State for purposes of
20 this hearing would offer State's Number 5 for admission.

21 **THE COURT:** For purposes of the Jackson v. Denno
22 hearing, it will be admitted.

23 (State's Exhibit Number 5, a Voluntary Statement,
24 was admitted into evidence.)

25 BY MR. SCOTT:

1 Q. Okay. So that statement was freely and voluntarily
2 given; is that correct?

3 A. Yes, sir.

4 Q. And you did not threaten or intimidate him in any
5 way?

6 A. No, sir.

7 Q. And it's your testimony that when he checked "yes"
8 as far as wishing to end the statement and hire a
9 lawyer, that was by a mistake on his part?

10 A. That's correct.

11 Q. And it's your testimony that's his signature
12 endorsing that mistake?

13 A. That's correct.

14 Q. And you testified that he appeared to understand all
15 his rights as read to him?

16 A. Yes, sir, he did.

17 Q. Okay. After that conversation, did you release him
18 to speak with Special Agent Rick Charles?

19 A. Yes, sir, I did.

20 Q. Okay. And that would have been the extent of, I
21 guess, your dealings with William Alexander that day?

22 A. That's correct.

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

24 **THE COURT:** Sure.

25 **BY MR. SCOTT:**

1 Q. Crystal, I'm sorry, I want to ask you -- I'm reading
2 this wrong. Okay. Read for the Court this sentence,
3 the last sentence before the waiver of rights. Would
4 you read it into the record, please?

5 A. Yes, sir. It says having these rights in mind, do
6 you wish to talk to us now without a lawyer present. I
7 got it messed up, too. It's got check box "yes" or
8 "no". Both of them are checked. It looks like he
9 scratched out the wrong one.

10 Q. What did he indicate -- what did he indicate that
11 he wanted to do, speak to you with a lawyer or without
12 a lawyer?

13 A. Verbally he indicated that he would speak with us
14 without a lawyer present.

15 Q. Okay. Just explain to us -- he's got two boxes
16 checked?

17 A. That's correct.

18 Q. Which one did he scratch out?

19 A. The one that is -- that is marked "yes".

20 Q. Which one did he initial over?

21 A. The one that was marked "yes".

22 Q. Okay.

23 A. And then there's initials by the one that says "no".
24 It's confusing, and I didn't catch it, but all I can do
25 is testify that he verbally stated that he wanted to

1 talk to us without a lawyer present. If I'm not
2 mistaken, our conversation was recorded, so, you know,
3 if there's any question, we could go back and look at
4 that.

5 Q. Okay. That would be your testimony though; that he
6 voluntarily waived his rights to a lawyer and that was a
7 mistake, I guess, on your part? Do you own that mistake
8 now?

9 A. Yes, absolutely.

10 Q. But it is your testimony though that he indicated
11 to you that he wished to proceed without a lawyer?

12 A. Yes.

13 Q. Okay.

14 A. Had he requested a lawyer, it would have ended right
15 there.

16 Q. Okay. Let me ask you this. To your knowledge, did
17 he give statements later that day to other officers?

18 A. Yes, sir, he did.

19 **MR. SCOTT:** Okay. Thank you. Please answer any
20 questions Ms. Kendall or Ms. McNeill have for you.

21 CROSS-EXAMINATION (In Camera)

22 BY MS. KENDALL:

23 Q. Since there seems to be some confusion about this
24 Miranda form, may I look at it?

25 A. Yes, ma'am.

1 Q. And you would agree with me on this form that
2 Mr. Alexander affirmatively checked through the "yes"
3 box, to having these rights do you wish to talk to us
4 now without a lawyer present, correct?

5 A. Yes.

6 Q. That it took effort to cross that out and initial
7 it, correct?

8 A. Yes.

9 Q. And you witnessed that, correct?

10 A. That's correct.

11 Q. And when you did this, was Agent Collins in the
12 room?

13 A. Yes, he was.

14 Q. He would have also saw that, correct?

15 A. (Nods head.)

16 Q. And this is not your first time doing a Miranda form
17 in the case, correct?

18 A. No.

19 Q. And not the first time in this case, you've done
20 them before?

21 A. That's correct.

22 Q. Okay. And then after he crossed through that,
23 initialled that, he checked the "no" box to the question
24 having these rights in mind, do you wish to talk to us
25 now without a lawyer present, he checked "no", then

1 initialled that box, correct?

2 A. That's correct.

3 Q. And that would indicate to you on this form that he
4 did not want to talk to you without an attorney present,
5 correct?

6 A. Say that again. I'm sorry.

7 Q. That checking "no" after initialling and correcting
8 his first checked "yes", then checked "no", that would
9 indicate that he did not want to speak to you without an
10 attorney, correct? That's what that reads.

11 A. What he was telling me, he was taking it off so that
12 he could correct what he indicated on that paper.

13 Q. But you would agree with me that that form clearly
14 indicates that he took the effort to cross out "yes",
15 correct?

16 A. Yes.

17 Q. And that he initialled that correction, correct?

18 A. That's correct.

19 Q. And then he checked --

20 A. As a matter of fact, I had him to initial it to
21 indicate that there was an error on that paper.

22 Q. Okay. So he indicated there was an error that he
23 wanted to speak with y'all -- excuse me. The error was
24 that he wanted to change his mind from speaking to y'all
25 without an attorney present and he changed that to "no",

1 correct? That's what the form shows?

2 A. When I pointed out the error, he went back and he
3 checked the appropriate box and initialled it.

4 Q. The appropriate box in that case was checking "no",
5 correct?

6 A. The appropriate box was -- he was telling me, and
7 I clarified it with him, do you want a lawyer with you
8 when you talk to us, and he said no.

9 Q. But on that form, he affirmatively checked "no" and
10 then corrected himself when he checked "yes". That's
11 what the form says.

12 A. He checked both boxes and initialled both boxes.

13 Q. But you agree with me that crossing through the
14 "yes" is an affirmative action, but not to correct it,
15 correct? The form's not unclear. You would agree with
16 that?

17 A. We're having problems with it now.

18 Q. And this discussion that you're saying that you're
19 having, you said that's on a recording?

20 A. Yes, ma'am, it is.

21 Q. Speaking of that, you stated earlier that you never
22 threatened him, correct?

23 A. No, I did not threaten him.

24 Q. You said he was free to go to at any time, correct?

25 A. Yes, he was.

1 Q. Did you take any -- and I apologize, just for the
2 record. She didn't need to hold the other form. You
3 would disagree with me that you told William Alexander
4 that if he didn't tell you something he was gonna be
5 charged with murder?

6 A. I told him there was a possibility that he could
7 be charged with murder. I was just telling him the
8 facts.

9 Q. Would you disagree with me you that said your arrest
10 warrant is going to read William Jarrell Alexander is
11 charged with the murder of Emily Asbill? And then you
12 said tell us something.

13 A. That's correct. It was possible that -- that he was
14 gonna have an arrest warrant that stated that.

15 Q. In that statement, there's no statement of possible
16 or probability. The statement says your arrest warrant
17 is going to say William Alexander is charged with the
18 murder of Emily Asbill, tell us something. You'd agree
19 with me that has no probability or possibility in that?

20 A. What were the prior statements prior to that?

21 Q. The prior questions are from Agent Collins. But
22 aside from that, do you agree with me that you also said
23 we need you to tell us today, you're going to be charged
24 with murder, killing Emily Asbill? You agree with me
25 you told him that?

1 A. There was a possibility. Yes, ma'am.

2 Q. The possibility of you saying that or --

3 A. That he would have been charged.

4 Q. You would agree with me that your statement, we need
5 you to tell us today or you're going to be charged with
6 murder, does not have possibility or probability in
7 that, correct?

8 A. I'd have to go back and read this thing. I don't
9 know word for word what I said.

10 Q. You would agree with me that if you told somebody
11 they're gonna be charged with murder unless you tell us
12 something, they're not exactly free to leave, correct?

13 A. He could have ended it.

14 Q. Or he was gonna be charged with murder and go to the
15 jail?

16 A. That was possible.

17 Q. But that's not exactly what you're telling him.
18 You told us you need to tell us today or you're gonna be
19 charged with murder.

20 A. He likely would have been charged with murder, yes,
21 ma'am.

22 Q. Well, what I'm concerned with is what you told him.
23 You understand that a reasonable person with those two
24 statements, you're gonna be charged with murder unless
25 you tell us something, would understand they're not free

1 to leave, correct, or they're gonna be charged with
2 murder?

3 A. Not necessarily.

4 Q. You wouldn't characterize those as threats; that
5 you're gonna threaten to charge him with murder unless
6 he told you something?

7 A. I was telling him the facts. I mean, it was clear.
8 I mean --

9 Q. So -- I didn't mean to interrupt you.

10 A. No, you're fine.

11 Q. So in your statement it was a fact he was gonna be
12 charged with murder if he didn't tell you anything?

13 A. Yes.

14 Q. You don't take that as a threat?

15 A. No.

16 Q. Okay. And, again, you're stating he was free to
17 leave despite the fact that you were gonna charge him
18 with murder?

19 A. At that time he was.

20 Q. And now backing up, you would agree with me that
21 you sought the arrest warrant for accessory after the
22 fact of murder?

23 A. I would have to see the warrant. I don't recall.

24 Q. But you, being one of the lead investigators in
25 this case, were present during those conversations of

1 what was probable cause, correct?

2 A. Yes.

3 Q. Okay. And you would agree with me that the probable
4 cause was based upon essentially I don't know, I don't
5 know, and then telling you something, correct?

6 A. I'm sorry, I don't understand the question.

7 Q. When Will gave the last statement, I believe that's
8 up there, the last written statement, that he did, in
9 fact, know something, that probable cause for accessory
10 after the fact of murder was essentially he was
11 withholding information and then told you something,
12 correct?

13 A. Correct.

14 Q. And kind of going back to what you testified to
15 earlier, throughout investigation from your observations
16 the first night and the questioning, you were aware he
17 was intoxicated, had drank about twenty-three,
18 twenty-four beers, correct?

19 A. That's correct. Yes, ma'am.

20 Q. And taken Molly?

21 A. That's correct.

22 Q. Which is pure MDMA, I believe?

23 A. I'm not exactly sure what the chemical makeup is.

24 Q. And had also taken cocaine?

25 A. Yes.

1 Q. And smoked marijuana?

2 A. I know about the cocaine and the Molly. I'm not
3 sure about the marijuana.

4 Q. Okay. Would you dispute that he gave you that
5 information in one of his statements?

6 A. Would I dispute it, no. I just don't recall it.

7 Q. Okay. Well, aside from the marijuana, from the
8 cocaine, the Molly and that amount of alcohol and seeing
9 that he was intoxicated the night before and had been
10 swaying and had bloodshot eyes and kind of passing in
11 and out, you wouldn't dispute he was hung over the next
12 day?

13 A. It was possible.

14 Q. You would agree with me that if you had taken that
15 amount of substance or half that substance, you would
16 have had a pretty bad hangover?

17 A. I don't ordinary take those, so I don't know how
18 often he uses those, what his tolerance levels are. I
19 can't answer that question.

20 Q. You would agree with me that it's reasonable to
21 assume he was hung over with that amount of alcohol and
22 drugs in his system from the day before?

23 A. It was possible.

24 Q. Okay. And you -- you have general knowledge of
25 what a hangover is, correct?

1 A. Yes.

2 Q. Okay. And you would agree with me that if you had
3 taken that amount of substance or had been hung over,
4 given that's a reasonable case, that it can impair you
5 the next day as far as just being able to focus, being
6 in some pain, correct?

7 A. He didn't appear to be having any issues.

8 Q. In your opinion?

9 A. That's correct.

10 Q. But assuming that he had taken those items, which
11 would have been corroborated by his behavior the night
12 before, he could have been very hung over?

13 A. It's possible.

14 Q. As far as -- I believe your testimony was he came
15 back to the police station around 2 PM?

16 A. Somewhere in that area. I'm not exactly sure.

17 Q. When did he leave the police station that night?

18 A. If I'm not mistaken, I don't know if the County --
19 I want to say the County arrested him that night.

20 Q. Did you transport him to the jail that night?

21 A. I want to say yes, but after my statement that I
22 took from him at 5:30 he had spoke with other agents and
23 Lieutenant Goggins and I'm not sure what happened after
24 that.

25 Q. You -- earlier in your testimony you referenced a

1 statement, I believe, that was written around 9:30,
2 9:40, correct?

3 A. That would have been -- I wasn't involved in that
4 statement.

5 Q. You testified earlier that he said at some point
6 when you were involved "I think I messed up, I may have
7 taken her life"?

8 A. That's correct. That was around 6:00 PM.

9 Q. As lead investigator, your testimony is that you
10 don't know when he was arrested for contributing to the
11 delinquency?

12 A. You say lead investigator, but with this
13 investigation it was myself and Lieutenant Goggins and
14 there were several other agents working the case, so
15 there wasn't really a, per se, lead investigator.

16 Q. So it's your testimony that SLED was involved,
17 correct, at this time?

18 A. That's correct.

19 Q. And they were present during the questioning,
20 different agents at this point, at the Clinton Police
21 Department?

22 A. That's correct.

23 Q. So your testimony is that no one from the sheriff's
24 office communicated to you that there was a warrant for
25 contributing to the delinquency?

1 A. Not to me, no. I knew there was an investigation
2 into that.

3 Q. Who --

4 A. I didn't know how far along it was.

5 Q. I'm sorry I cut you off. Who communicated to you
6 there was an investigation?

7 A. Well, I knew from previous dealings with Lieutenant
8 Goggins that agents were investigating this party out
9 in the county along with Laurens County sheriff's
10 deputies.

11 Q. And Goggins never communicated to you that there
12 was an arrest warrant waiting for him?

13 A. No.

14 Q. And you wouldn't dispute that the Chiapattas and the
15 Stewarts had already been served those arrest warrants,
16 correct?

17 A. I would have no knowledge of that.

18 Q. How many recordings did you make in this case both
19 for Mr. Alexander and for Mr. Beaty?

20 A. One for Mr. Alexander and then I want to say two
21 for Beaty, but they were -- I would step out of the room
22 and get phone calls and that type thing, and what I was
23 attempting to do was record their conversations with my
24 iPhone and a problem, unbeknownst to me, was every time
25 I got a phone call my recording stopped. So once I

1 figured out that I couldn't record a whole conversation,
2 I just quit trying.

3 Q. Are you aware of any other recordings made in this
4 case?

5 A. No, ma'am.

6 **MS. KENDALL:** Judge, at this time I would like to
7 play the recording that she's referencing. I don't have
8 a physical CD to document as a Court's exhibit, I have
9 it on my computer. If you want, I can do that now, I
10 believe it's about thirty minutes, or we can wait until
11 morning. I have no preference.

12 **THE COURT:** Mr. Scott, what else? Assume we listen
13 to that, how much more you got behind that?

14 **MR. SCOTT:** I've got a witness to this statement
15 that will be brief and then the final written statement
16 would take some time. It's kind of a longer one. If
17 she wanted to publish that, that would fine. We can
18 burn a copy. That's kind of what we're working on right
19 now.

20 **THE COURT:** So you've got a copy of the same one
21 that she's talking about?

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

23 **THE COURT:** You can burn a copy and we can make that
24 a Court's exhibit.

25 **MR. SCOTT:** Yes, sir. I was gonna say, just to

1 expedite things, if she wants to go ahead and publish
2 that for Your Honor, we could burn -- see, we've got it
3 on a disc with a bunch of other files. We can separate
4 that onto another disc and then enter it in as a defense
5 exhibit. I just need to get my hands on a blank CD to
6 be honest with you. Walter can do it right here.

7 **THE COURT:** I'd like that made as a Court's exhibit
8 and played that you're talking about.

9 **MS. KENDALL:** My only issue is I would like to be
10 able to play it and then further cross.

11 **THE COURT:** Sure. I'm not gonna limit you on
12 that, but if we can prepare it, then we have the
13 interview audio recording on a DVD that will be marked
14 as a Court's exhibit that Ms. Johnson will have.

15 **MS. KENDALL:** And just to make sure I'm tracking,
16 do you want to do all that tonight or suspend this cross
17 and call your last short witness? Because playing it
18 and recrossing her is gonna take --

19 **THE COURT:** I think that we'll stop tonight and come
20 back in the morning as early as I can get y'all here and
21 we do that in the morning. That's what I'm thinking.

22 **MR. SCOTT:** What about this? Collins, this is the
23 last time I'm gonna need him, he's here. He's just
24 gonna talk about witnessing that statement. I don't
25 mind going ahead and calling him. As far as a witness,

1 he'll be fifteen minutes, Judge, and then I'd like to
2 release him and we can recall Crystal tomorrow morning.

3 **THE COURT:** Because she's gonna be here?

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

5 **MS. KENDALL:** Agent Collins has a number of
6 statements on this recording and I'll need to cross him
7 as well.

8 **THE COURT:** Okay. If she needs him back, I'm not
9 gonna be able to do that. All right. Y'all burn a copy
10 of that interview. Y'all know what she's talking about?

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

12 **THE COURT:** Put that on an individual DVD for us to
13 introduce as a Court's exhibit so that we can publish it
14 and we'll have a Court's record of it.

15 How about -- 8:30 in the morning sound good to
16 y'all?

17 **MS. KENDALL:** Fine with me.

18 **MS. McNEILL:** Yes, sir. And, Judge, just to bring
19 up one additional point, I'm assuming that the witnesses
20 are continuing to be sequestered?

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

22 **MS. McNEILL:** And that should include the
23 Solicitor's Office being able to discuss anything that
24 they're about to testify to for purposes of this
25 particular hearing?

1 **THE COURT:** For purposes of this hearing, yes.
2 They can't take her outside and prep her further. I
3 mean, she's -- she should be ready to continue
4 testifying.

5 **MS. McNEILL:** Or with Agent Collins.

6 **THE COURT:** Agent Collins, the same thing.

7 **MS. McNEILL:** Thank you.

8 **THE COURT:** All right. I'll see y'all in the
9 morning as early as I can get here, 8:30.

10 (Whereupon, the proceedings were concluded for
11 September 8, 2014, at 5:42 PM.)

12 (Whereupon, the following proceedings were held
13 September 9, 2014.)

14 **BAILIFF:** All rise. Court will come to order.

15 **THE COURT:** Y'all be seated. Ms. Kendall, did we
16 get a copy of the recording you wanted to play?

17 **MS. KENDALL:** I can play it through my computer. I
18 just didn't have a physical copy to mark as a Court's
19 exhibit.

20 **MR. STUMBO:** I just handed it --

21 **MS. KENDALL:** I apologize.

22 **THE COURT:** Okay. Now, so what your intent would be
23 is to play that now and then resume the testimony of the
24 witness?

25 **MS. KENDALL:** That would be fine.

1 **THE COURT:** That's what I want to make certain
2 because that's what we can start with, okay, because
3 that's where we broke yesterday?

4 **MS. KENDALL:** Yes.

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

6 **THE COURT:** Okay.. Well, y'all get a computer device
7 to play it and it will be marked as a Court's Exhibit.

8 **MS. McNEILL:** I actually have the physical copy
9 from Mr. Stumbo. She's gonna play the copy that we have
10 that is contained in the computer.

11 **THE COURT:** And that will be marked as which
12 exhibit?

13 **MS. McNEILL:** Defense --

14 **THE COURT:** For purpose of this hearing, Defense 1?

15 **MS. McNEILL:** Yes, sir.

16 **THE COURT:** Nothing else has been premarked?

17 **MS. McNEILL:** That's correct..

18 (Defense Exhibit Number 1, CD of iPhone recording,
19 was marked for identification.)

20 **MS. KENDALL:** Judge, are you ready to proceed?

21 **THE COURT:** Yeah, go ahead.

22 **MS. KENDALL:** And just so we don't have to call
23 Commander Roberts back to the stand, I'm playing the
24 portion in response to testimony about the possible and
25 probable arrest of Will Alexander.

1 **MR. STUMBO:** Judge, we would like her back on the
2 stand for purposes of redirect.

3 **THE COURT:** I thought she reserved the right to
4 continue cross-examining her.

5 **MR. STUMBO:** That was my understanding, too.

6 **MS. KENDALL:** My thought was we were still under
7 cross-examination.

8 **THE COURT:** Yeah, that's what I understood, too.
9 We're playing the tape and then she can come back up.

10 **MR. STUMBO:** That's correct, Judge. I must have
11 misunderstood Ms. Kendall. I thought she said so we
12 don't have to recall her.

13 **THE COURT:** Well, I mean, as soon as it's over,
14 she'll just take a seat. It's as simple as that. She
15 can sit where she's sitting. She doesn't have to sit up
16 here.

17 (Whereupon, the iPhone recording CD, Defense
18 Exhibit Number 1, was played for the Court.)

19 **MR. STUMBO:** Judge, if we could pause this real
20 quick. I think to clarify for the Court, this is
21 starting, I think, mid-audio. I was under the
22 impression we were gonna listen to the entire thing.

23 **MS. KENDALL:** Judge, it's starting about twenty-four
24 minutes in. For purposes of my cross-examination, I
25 was playing the relevant part. If the State in their

1 redirect wants to play the entirety, I don't know what
2 would bar them from doing so.

3 **MR. STUMBO:** Well, we plan to do so, Judge. I
4 just wanted to clarify for the record here that my
5 understanding when we handed over the audio yesterday
6 is it would be played, so we will do so on redirect.

7 **MS. KENDALL:** Judge, we'll just start from the
8 beginning.

9 **THE COURT:** Okay.

10 (Whereupon, the iPhone recording CD, Defense
11 Exhibit Number 1, was played for the Court commencing
12 at 8:39 AM and concluding at 9:13 AM.)

13 **MS. KENDALL:** Your Honor, that's the end of the
14 recording.

15 **THE COURT:** All right.

16 **MS. KENDALL:** Your Honor, at this time we'd call
17 Commander Roberts for recross.

18 **THE COURT:** I'll remind you you're still under oath.

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

20 CRYSTAL ROBERTS,
21 having been previously duly sworn, testified as follows:

22 CONTINUED CROSS-EXAMINATION (In Camera)

23 BY MS. KENDALL:

24 Q. Commander Roberts, you would agree with me
25 throughout that 30-minute -- or approximate 30-minute

1 conversation that you had with Mr. Alexander that we
2 just listened to that at no point you said possible or
3 probable arrest of Will Alexander, correct?

4 A. That's correct.

5 Q. And yesterday you testified that you did say that,
6 correct?

7 A. It was the wording, yeah.

8 Q. That's a yes?

9 A. That's correct, I did not.

10 Q. It's correct that you did say yesterday that it was
11 possible or probable?

12 A. Yes.

13 Q. Okay. And yesterday when going over the questions,
14 did you agree with me that you said you need to tell us
15 today because if we don't get anything today before you
16 walk out that door I'm telling you you're going to be
17 charged with murder, of killing Emily Asbill? Do you
18 agree with me that you did say that, correct?

19 A. That's correct, I did.

20 Q. And that none of the questions preceding that said
21 probable or possible, correct?

22 A. Not those words, that's correct.

23 Q. In fact, none of the words before that would give
24 the indication of possible or probable?

25 A. None of my words, that's correct.

1 Q. You'd agree that none of Collins' words would say
2 that?

3 A. I disagree. Well, using those -- those exact words,
4 yes, I agree.

5 Q. You would agree with me that the phrasing of your
6 words, not Agent Collins, we need you to tell us today,
7 refers to that day, correct?

8 A. Correct.

9 Q. That what he had told previously, essentially I
10 don't know or some version of that, you weren't
11 accepting, correct?

12 A. That's correct.

13 Q. That if he said -- did not -- if he kept saying
14 that, we need you to tell us today because if you don't
15 get anything today, meaning anything -- not the same "I
16 don't know", if we don't get anything, before you walk
17 out that door I'm telling you you're going to be charged
18 with murder --

19 A. That's correct.

20 Q. -- you'd agree with me that's a promise that he was
21 gonna be charged with murder unless he said something
22 new, correct?

23 A. That's correct.

24 Q. So essentially you promised him that if he kept
25 saying "I don't know" you were gonna charge him with

1 murder, correct?

2 A. Yes, ma'am.

3 Q. That's your testimony?

4 **THE COURT:** She's answered that question several
5 times.

6 **MS. KENDALL:** I apologize to the Court.

7 **THE COURT:** I guess I'm confused. Can y'all tell
8 me right now what did he say new that day? Because
9 y'all have been piecing these things together and I'm
10 missing that piece and I want to hear that right now,
11 so I'm listening for it. What did say new during that
12 interview?

13 **MS. KENDALL:** To re-read through the interview?

14 **THE COURT:** No, I've heard the interview. What did
15 he give her that day new? He said go one and do what
16 you're gonna do more or less at the very end. What did
17 he give her?

18 **MS. KENDALL:** Essentially, according to -- I believe
19 Commander Roberts would agree with me, a version of "I
20 don't know".

21 **THE COURT:** Okay. Now I agree. He said "I don't
22 know, I don't know, I don't know, I don't know, I wish I
23 could give you something". What did he tell her that
24 we're trying to -- what am I listening for?

25 **MS. McNEILL:** Judge, what you're going to hear

1 because the way the State is going through the Jackson
2 v. Denno hearing, there are several statements that
3 this --

4 **THE COURT:** All right. Well --

5 **MS. McNEILL:** This written statement, what they're
6 going through --

7 **THE COURT:** That written statement about "I did
8 something wrong", that was given the night before, not
9 during this interview.

10 **MS. McNEILL:** There was a statement given at
11 1:25 AM, then there was a statement that -- this one
12 that Ms. Kendall is going over now was given at three
13 something.

14 **MS. KENDALL:** 5:35.

15 **MS. McNEILL:** Or five --

16 **MS. KENDALL:** Then he gave a verbal statement, I
17 believe, a written statement through Tyrone Goggins that
18 we heard testimony from yesterday prior.

19 **THE COURT:** So did he give a written statement to
20 her? I just need to know that just so I can piece it
21 together.

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

23 **THE COURT:** Y'all are giving it to me too slow.
24 I want to see it all and then I can piece it back
25 together. I don't know what I'm listening for. Does

1 that make sense?

2 **MR. STUMBO:** Judge, in State's 5 it was put into
3 words.

4 **THE COURT:** Okay. That's what I thought.

5 **MR. SCOTT:** (Handing.)

6 **THE COURT:** Y'all are familiar with this stuff
7 and I'm not. That's why I had to come down and listen.
8 It's just -- y'all have got all the pieces and y'all
9 are laying them out wide apart and it's hard to follow
10 your argument.

11 All right. This statement, put in writing, was
12 given orally not during this interview, but in a prior
13 interview that Michael said something to me.

14 **MS. KENDALL:** If I may approach.

15 **THE COURT:** I may have messed up or something like
16 that.

17 **MS. KENDALL:** The portion of Michael saying I think
18 I messed up, I may have ended her life -- yeah, I may
19 have ended her life, was not included in the recording
20 that we just listened to.

21 **THE COURT:** I agree.

22 **MS. KENDALL:** The "I think I messed up" in the
23 recording it says Tyrone said I think I missed up.

24 **THE COURT:** Earlier?

25 **MS. KENDALL:** Yes.

1 **THE COURT:** In an earlier interview?

2 **MR. STUMBO:** Judge, I think, just to clarify this,
3 that came -- timing-wise this recording started about
4 5:35. The written statement on the form is afterwards.
5 It's after it cuts off he finally --

6 **THE COURT:** Gives her something.

7 **MR. STUMBO:** -- admits in the statement that hey,
8 he came up to me and said "I think I messed up". That
9 happened a few minutes after this recording cuts off.

10 **THE COURT:** But those words -- more or less those
11 words were given to Detective Goggins earlier orally?

12 **MS. KENDALL:** No.

13 **MS. McNEILL:** Yes, sir, that's correct, and you
14 heard that on the recording that --

15 **THE COURT:** They referred to it.

16 **MS. McNEILL:** On the recording that we just heard,
17 they did refer that the prior night Will had stated to
18 Detective Goggins "I think I missed up".

19 **THE COURT:** Yeah, something along the lines of well,
20 you told Detective Goggins last night that.

21 **MS. McNEILL:** Correct. They already had that
22 information that night.

23 **THE COURT:** Okay. So this is not -- that
24 statement's really not new, it just hadn't been put in
25 writing yet, but it had been told several hours before.

1 **MS. McNEILL:** Yes, sir.

2 **THE COURT:** That's what I'm wanting to know. I've
3 got it now.

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

5 **THE COURT:** Okay. That's where I was making certain
6 I'm following y'all's --

7 **MR. STUMBO:** But the writing was memorialized, there
8 again, after the recording cut off.

9 **THE COURT:** Okay. Now I understand the sequence of
10 events as I stand right now.

11 All right. Now I'm sorry, Ms. Kendall, I
12 interrupted you. You're still cross-examining her.
13 I apologize for that.

14 **MS. KENDALL:** Yes, sir. And if I may, I've just
15 got to refocus myself on what it was I was talking
16 about.

17 BY MS. KENDALL:

18 Q. Commander Roberts, just, again, listening to that
19 recording, Will Alexander told you he was scared,
20 correct?

21 A. That's correct.

22 Q. And you observed that, correct?

23 A. That's correct.

24 Q. And he told you that before you promised him that
25 if he didn't tell you anything different that he was

1 gonna be charged with murder, correct?

2 A. I believe so. That's correct.

3 **MS. KENDALL:** I have nothing further at this time.

4 **THE COURT:** All right. Mr. Scott.

5 REDIRECT EXAMINATION (In Camera)

6 BY MR. SCOTT:

7 Q. Okay. Commander Roberts, did that refresh your
8 memory, that recording, as far as the mixup we talked
9 about yesterday with the waiver of rights?

10 A. Yes, sir.

11 Q. And clearly, as the recording demonstrated, he
12 wished to waive his right to an attorney?

13 A. That's correct. I asked him if he wanted a lawyer
14 with him and he said no and then the mixup came, and it
15 was my mistake, and I clarified it with him and asked
16 him again did he want a lawyer and he stated no, that he
17 was fine.

18 Q. All right. Now during that interview, that was
19 June 30th, sometime between 5:35 PM and 6:17 PM; is that
20 right?

21 A. That's correct.

22 Q. What information did you have at that point?

23 A. I had the information that E.A., Emily Asbill, was
24 murdered by strangulation.

25 Q. You had the autopsy report at that point?

1 A. I did not have the actual report, no.

2 Q. Did you have a cause of death?

3 A. Asphyxiation by strangulation.

4 Q. What was that, a coroner's report or just like an
5 autopsy report?

6 A. I don't recall when it was sent. I know one of our
7 police officers went to the autopsy and that's what once
8 the autopsy was finished he conveyed to us.

9 Q. Okay. So 5:35 PM on June 30th the information you
10 had was that E.A. had been strangled to death, that was
11 the cause of her death, you knew that three people left
12 the party alive but only two were alive
13 by the time they arrived at ; is that
14 correct?

15 A. That's correct.

16 Q. Did you have any DNA or forensic evidence in at that
17 point?

18 A. No, not at that time.

19 Q. Okay. How many suspects did you have at that point?

20 A. I had two suspects.

21 Q. Were either of them charged at that point?

22 A. No, they were not. Well, I take that back. I
23 misspoke. I'm sorry. Michael Beaty was arrested prior
24 to that interview.

25 Q. What was he arrested for?

1 A. Can I -- can I review the arrest warrants before I
2 misspeak and say something out of line?

3 Q. As far as who was the primary suspect in the
4 homicide investigation, was it clear whether you were
5 looking at Beaty or whether you were looking at
6 Alexander or were they both equal suspects at that
7 point?

8 A. Michael Beaty was a stronger suspect. He was the
9 one that had the relationship with E.A., he's the one
10 that had blood on his clothing, he was driving the
11 vehicle in the front seat with access to her, and the
12 nature of their volatile relationship is -- we saw him
13 as a stronger suspect.

14 Q. A stronger suspect?

15 A. Yes, sir.

16 Q. And at that point, 5:35 on June 30th --

17 (State's Exhibit Numbers 8 and 9 were marked for
18 identification.)

19 BY MR. SCOTT:

20 Q. Let me show you State's 8 and 9 and see if you
21 recognize those.

22 A. I do. These are the arrest warrants for Michael
23 Beaty and William Alexander.

24 Q. Okay. When was the arrest warrant for Michael
25 Beaty?

1 A. The arrest warrant for Michael Beaty is for murder.
2 And to answer your earlier question, Michael Beaty was
3 arrested that night on County charges. We didn't arrest
4 him.

5 Q. And what were those County charges?

6 A. If I'm not mistaken, it was contributing to the
7 delinquency of a minor.

8 Q. Okay. Let's speak to the murder warrant though.
9 When was that sworn out?

10 A. This warrant was sworn out on 6 -- I'm sorry,
11 7-1-2013.

12 Q. The day after this interview?

13 A. That's correct.

14 Q. Okay. So what about Beaty -- excuse me,
15 Alexander's?

16 A. Alexander's arrest warrant was also sworn out on
17 7-1-2013.

18 Q. Okay. So the day after this interview?

19 A. That's correct.

20 Q. All right. So June 30th at 5:35 PM you're still
21 trying to gather as much information as possible.

22 **MS. KENDALL:** Judge, I'm going to object. I know
23 we're in Jackson v. Denno, but would you advise counsel
24 not to lead his witness?

25 **THE COURT:** Sure. Keep moving.

1 BY MR. SCOTT:

2 Q. What is the function of this interview? What are
3 you doing June 30th?

4 A. To find out some information, to find out the truth,
5 to find out what happened in that car ride from Joanna
6 to Clinton. That was -- our primary purpose was to find
7 out the truth.

8 Q. June 30th at 5:35, did you know which charges which
9 defendant would catch?

10 A. No.

11 Q. Okay. And in your mind, was it a real possibility
12 at that point that Alexander could be charged with
13 murder?

14 A. Absolutely.

15 Q. Did you threaten him with that charge?

16 A. I was advising him. I was telling him what he
17 could expect.

18 Q. That was a possibility at that point?

19 A. That it was a possibility. That we wanted to get
20 to the truth of the matter.

21 Q. June 30th you had cause of death but no forensics?

22 A. That's correct.

23 Q. You know three people leave the location alive, but
24 only two are alive when you get to a designation; is
25 that right?

1 A. That's correct.

2 Q. That recording, how did you -- how did you make that
3 recording?

4 A. I attempted to record the whole conversation with
5 my iPhone. The iPhone was fairly new to me at that
6 time, so I didn't understand all the functions. I had
7 used the voice notes app on the phone to record it not
8 knowing that any incoming calls would stop the
9 recording.

10 Q. Is that why it ends, I guess, kind of abruptly
11 there?

12 A. Yes, sir.

13 Q. So what happened, a phone call came in?

14 A. Yes, sir, and it stopped. It wasn't until later
15 that I realized that was going on and why it was going
16 on.

17 Q. Okay. So it's your testimony that during that
18 interview at 5:35 PM and then the subsequent Miranda
19 at 5:35 PM, the statement began at 6:17 PM, did you feel
20 William Alexander understood your questions as you asked
21 them to him?

22 A. Yes, sir.

23 Q. He understood his rights?

24 A. Yes, sir.

25 Q. Did he appear intoxicated at this point?

1 A. No, sir.

2 Q. Did you threaten or intimidate him in any way?

3 A. No, sir.

4 Q. Did he ask to end the conversation?

5 A. No, sir.

6 Q. Did he understand his rights to an attorney?

7 A. He did.

8 **MR. SCOTT:** Thank you, Commander Roberts. Answer
9 any questions Ms. McNeill or Ms. Kendall have for you.

10 **RECROSS EXAMINATION (In Camera)**

11 **BY MS. KENDALL:**

12 Q. Just briefly to follow-up on the last questions that
13 Solicitor Scott just mentioned, as far as asking to end
14 the interview, you'd agree that he said "go ahead and do
15 it", referring to arrest me, correct?

16 A. That's correct, he did say that.

17 Q. Did you understand that to mean if you're gonna make
18 a decision, do it now, correct?

19 A. I didn't interpret that way, no, ma'am.

20 Q. You would agree that could be interpreted as I
21 want to stop, go ahead and arrest me, you made your
22 decision?

23 A. I don't think so.

24 Q. And, again, you said possibility to Solicitor
25 Scott, but you agreed earlier that it was a promise

1 that if he didn't tell you something different than
2 what he'd already told you he was gonna be charged with
3 murder; is that correct?

4 A. That's correct, he would have been.

5 **MS. KENDALL:** Nothing further.

6 **THE COURT:** Okay. You may step down.

7 (Witness excused.)

8 **MR. STUMBO:** Your Honor, the State calls Special
9 Agent Rick Charles to the stand:

10 RICK CHARLES,
11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION (In Camera)

13 BY MR. STUMBO:

14 Q. Morning, Agent Charles.

15 A. Morning.

16 Q. You work with SLED?

17 A. Yes, sir.

18 Q. And what do you do at SLED? What's your primary
19 role, investigations?

20 A. Yes, sir, investigations.

21 Q. Okay. You work out of the Piedmont Region?

22 A. That's correct, out of Greenville.

23 Q. Did you have occasion to work the murder of
24 E.A. Asbill?

25 A. Yes, sir, I assisted.

1 Q. Okay. Did you assist with other SLED agents?

2 A. Yes, sir, that's correct.

3 Q. And what other agencies?

4 A. I believe the Clinton Police Department and Laurens
5 County Sheriff's Office.

6 Q. So Clinton Police Department was the lead?

7 A. They were the primary. Yes, sir, they were the
8 primary.

9 Q. And you and your colleagues were there to assist?

10 A. That's correct.

11 Q. Did you conduct interviews in this case?

12 A. Yes, sir.

13 Q. And what other specialty do you have at SLED, the
14 State Law Enforcement Division?

15 A. I'm a polygraph examiner.

16 Q. You conduct polygraphs?

17 A. That's correct.

18 Q. Now in the case involving E.A. Asbill, who were the
19 two suspects in that case -- or who were the suspects?

20 A. Michael Beaty and William Alexander.

21 Q. Okay. Did you have occasion to interview one or
22 both of them?

23 A. Both of them, yes, sir.

24 Q. Okay. Now had they already been interviewed by
25 other investigators at that point?

- 1 A. Yes, sir, they had been interviewed previously.
- 2 Q. By the time you interviewed -- you said you
- 3 interviewed Mr. Alexander?
- 4 A. That's correct.
- 5 Q. What time did that interview start?
- 6 A. I think it was around 6:30; 6:15, 6:30.
- 7 Q. I'm gonna hand you what's been premarked for ID as
- 8 State's 6. Do you recognize that?
- 9 A. Yes, sir, it's a Miranda form.
- 10 Q. Okay. And it's the two pages. What's the second
- 11 page?
- 12 A. The second page is a consent to interview using
- 13 polygraph.
- 14 Q. Okay. Now first page of State's 6 -- well, let me
- 15 -- you say you did this form. You wrote it up?
- 16 A. Yes, sir.
- 17 Q. Okay. And your signature's on there?
- 18 A. That's correct, yes, sir.
- 19 Q. And are there initials on there by a party?
- 20 A. Yes, sir, Mr. Alexander initialled each line on
- 21 report.
- 22 Q. Okay. His initials?
- 23 A. Yes, sir, that's correct.
- 24 Q. The Defendant at defense table?
- 25 A. That's correct.

1 Q. Okay. And what did he initial to?

2 A. He initialled that I had went over with him his
3 Miranda rights. There's a line on here that says do you
4 understand your rights. He wrote the word "yes". And I
5 asked do you wish to talk with us at this time. He also
6 wrote the word "yes". At the bottom is a waiver of
7 rights and it says I have read the statement of my
8 rights and I understand what my rights are. I'm willing
9 to talk now without a lawyer present. I understand and
10 know what I'm doing. No promises or threats have been
11 made to me and no pressure or coercion of any kind have
12 been used against me, and he also signed that waiver of
13 rights.

14 Q. Okay. And you witnessed his signature?

15 A. That's correct.

16 Q. And then you signed it yourself?

17 A. That's correct.

18 **MR. STUMBO:** Judge, we'd offer State's 6 into
19 evidence for purposes of this hearing.

20 **THE COURT:** Okay. All right. Before we go much
21 further, tell me timing-wise where we stand. Yesterday
22 I was led to believe there was a lengthy statement.

23 **MR. STUMBO:** I'd say, Judge, we -- we have one more
24 statement after this one, so it would be, I think, one
25 more witness. We'll be recalling Detective Goggins to

1 the stand. He took the last witness statement, which
2 will be State's 7, and then we'll be done.

3 **THE COURT:** Timing-wise, I understand one more, but
4 one page takes a long time sometimes.

5 **MR. STUMBO:** It's actually a two-page statement,
6 Judge, but it's -- I don't see us going much past 10:00
7 depending on how long cross is.

8 **THE COURT:** What do y'all think, ladies?

9 **MS. McNEILL:** I don't think this would be a very
10 lengthy cross.

11 **MR. STUMBO:** We would offer State's --

12 **THE COURT:** For purposes -- that's admitted for
13 purposes of this hearing, the Jackson v. Denno hearing.

14 (State's Exhibit Number 6, Advisement of Rights #4,
15 was admitted into evidence.)

16 **MS. KENDALL:** My guess, I don't know, with this
17 and then with Goggins it probably will be maybe an hour
18 given the length of that statement, if the concern is to
19 let the jury know when they're coming in.

20 **THE COURT:** Well, my concern is we're all gonna need
21 a break of ten to fifteen minutes. If we go an hour and
22 get a break, that's an hour and twenty minutes the jury
23 is sitting in a room and that's just not very nice of
24 us.

25 **MR. STUMBO:** Your Honor, yesterday afternoon took

1 a little bit longer than obviously, I think, we all
2 anticipated, but certainly we need to get through this
3 part of it.

4 **THE COURT:** Mr. Bolt, tell the jury, if you would,
5 the ones that are here, if they're all here, that I'm
6 sorry about this, but I'm thinking 11:00. Anybody
7 disagree with that math?

8 **MS. McNEILL:** I'm sorry, Judge?

9 **THE COURT:** 11:00.

10 **MS. McNEILL:** No, sir.

11 **MR. STUMBO:** I think that's fair.

12 **THE COURT:** I don't need them until 11:00. I wish
13 I'd known this yesterday. I probably would have told
14 them 1:00. They can be gone for -- until 11:00. Be
15 back in the jury room at 11:00.

16 **BAILIFF:** I told them you were in here working,
17 Judge.

18 **THE COURT:** Okay. All right. Now continue.

19 **MR. STUMBO:** Thank you, Judge. State's 6 we'd offer
20 into evidence at this time for purposes of this hearing.
21 I think we already did that, Judge. Is it in?

22 **THE COURT:** I said it twice. We're in twice.

23 **MR. STUMBO:** I just want to make sure before we
24 published it.

25 **BY MR. STUMBO:**

1 Q. Agent Charles, what were the rights that you read
2 off this form to Mr. Alexander?

3 A. It says verbatim: Before we ask you any questions,
4 you must understand your rights. You have the right to
5 remain silent. Anything you say can be used in court
6 as evidence against you. You're entitled to talk to a
7 lawyer now and have him present now or any time during
8 questioning. If you cannot afford an attorney, one will
9 be appointed to you without cost. If you decide to
10 answer questions now without a lawyer present, you will
11 still have the right to stop answering at any time. You
12 also have the right to stop answering at any time until
13 you talk to a lawyer. And then the next statement is:
14 Do you understand your rights and do you wish to talk to
15 us at this time, and then the waiver of rights follows
16 below.

17 Q. Okay. Did he answer -- how did he answer those
18 questions?

19 A. The two questions, do you understand your rights, he
20 wrote the word "yes", and do you wish to talk to us at
21 this time, he also wrote the word "yes".

22 Q. Did he initial beside each right individually?

23 A. Yes, sir, he did.

24 Q. And the waiver of rights at the end, right before he
25 signs his name, what does it say?

1 A. It says: Waiver of rights. I have read this
2 statement of my rights and I understand what my rights
3 are. I am willing to talk now without a lawyer present.
4 I understand and know what I am doing. No promises or
5 threats have been made to me and no pressure or coercion
6 of any kind have been used against me, and he signed it.

7 Q. Okay. At any time during this process, did he ever
8 request a lawyer?

9 A. No, sir.

10 Q. Did he ever say he wanted to stop the interview?

11 A. No, sir.

12 Q. Did he give you a statement, Agent Charles?

13 A. He gave me a verbal statement at the end of the --

14 **MS. McNEILL:** Objection, Judge. I believe that
15 Agent Charles is about to go into a polygraph
16 examination, and we'd object to anything being
17 discussed about that. We can talk about the Miranda
18 and the voluntariness of the statement, but we object
19 to them mentioning the polygraph.

20 **MR. STUMBO:** We're omitting anything in the interim
21 that had to do with answers -- questions and answers to
22 the polygraph, Judge. This is at the conclusion of all
23 of that there is a verbal statement given under Miranda
24 that is outside of what we're asking about.

25 **THE COURT:** So post-polygraph examination, the

1 statement is verbal?

2 **MR. STUMBO:** Correct. Obviously we're not putting
3 in any results of the polygraph or even mentioning it.

4 **MS. McNEILL:** And, Judge, we don't have the
5 substance of the statement other than the actual
6 polygraph.

7 **MR. STUMBO:** Well, it's written in a verbatim
8 form in the report, the written report, post --
9 post-polygraph.

10 **MS. McNEILL:** Which is in the polygraph examination
11 report itself.

12 **THE COURT:** But you've got the statement. I mean,
13 I've got to hear it before I rule on it. I don't -- I
14 mean, I'm flying blind. Y'all are telling me something
15 I don't have in my hand. I mean, I'm guessing.

16 **MR. STUMBO:** And obviously we're not gonna put it
17 into evidence, Judge. If you'd like to see the report,
18 we'd be glad to --

19 **THE COURT:** I just want to make sure they've seen
20 it. I mean --

21 **MS. McNEILL:** I've seen the report. What I'm
22 objecting to is we were -- obviously we didn't think
23 any substance that was written in a polygraph report
24 would be presented to the Court. It's not admissible.

25 **THE COURT:** But if the testimony is he gave me an

1 oral statement and then I reduced it to writing, he can
2 provide the oral statement for purposes of this hearing,
3 can't he?

4 **MS. McNEILL:** The written statement was provided
5 to, I think, Detective Goggins, who is the next witness
6 they're gonna call. The purpose of Mr. Charles was
7 strictly to come in and give a polygraph examination.

8 **THE COURT:** All right. Maybe I'm confused. I
9 thought the question the Solicitor asked was did he
10 give you an oral statement at the end and then you said
11 you didn't have the substance of the oral statement.
12 So, I mean, either you do or you don't.

13 **MR. STUMBO:** They have the statement, Judge.

14 **MS. McNEILL:** Which, again, is in the polygraph
15 report and I believe Detective Goggins was in the room
16 when all of this conversation took place, so he can
17 testify to it.

18 **THE COURT:** All right. I mean --

19 **MR. STUMBO:** I'm just trying to cover all the bases,
20 Judge.

21 **THE COURT:** The polygraph report's not coming in,
22 but anything he received that happens to have a
23 memorandum of the oral statement, he can answer that
24 question.

25 **MR. STUMBO:** That's correct, Judge.

1 BY MR. STUMBO:

2 Q. Now, Agent Charles, what was the statement that
3 was given to you under Miranda by this Defendant, Will
4 Alexander?

5 A. Well, at the end of my interview with Mr. Alexander
6 -- can I refer to that portion of my report?

7 Q. That's fine, to refresh your memory.

8 A. At the end of my interview, he admitted to me that
9 the victim, Ms. Asbill, and her boyfriend argued in
10 the car and they stopped the car, got into a physical
11 altercation with the victim and left to drive to the
12 boyfriend's parents' home. He said that he saw the
13 boyfriend get on top of the victim and appeared to
14 choke her, and he provided a written statement to the
15 investigator, which was Lieutenant Goggins. And he
16 gave me this verbally. At that point in time, this
17 information was relayed to Detective Goggins.
18 Additionally, Mr. Alexander said that he wanted to talk
19 -- he asked me personally can I go and talk to those
20 guys and tell them basically what happened, and I said
21 sure, we'll go ahead and do that, and at that point in
22 time we went to Detective Goggins and at that time that
23 information that he gave me was put into a written
24 statement.

25 Q. Okay. So you were there during this time and

1 Lieutenant Goggins was there as well, right?

2 A. No, Lieutenant Goggins was not in there at the end
3 of my interview. He relayed this information to me and
4 then he said I want to tell these guys -- can I talk
5 to these guys and tell them what happened, and I said
6 absolutely. So at that point in time I advised
7 Lieutenant Goggins of the information I had and that
8 he wanted to talk to them, and at that time he basically
9 went and sat down with them and gave them the written
10 statement about what happened.

11 Q. Okay. And that -- that happened right after your
12 interview with him --

13 A. That's correct.

14 Q. -- and right after he gives you this statement
15 verbally?

16 A. Yes, sir, that's correct.

17 **MR. STUMBO:** Thank you, Agent Charles. Please
18 answer any questions Ms. McNeill or Ms. Kendall may
19 have.

20 CROSS-EXAMINATION (In Camera)

21 BY MS. MCNEILL:

22 Q. Agent Charles, what time did you say that you began
23 the interview of with Mr. Alexander?

24 A. Approximately somewhere between 6:15 and 6:30, and
25 I can give you the exact time because I have another

1 form that has the -- has that on there.

2 Q. Okay. Where would that form be?

3 A. It would be in the package -- this package here that
4 I gave to the Solicitor.

5 Q. Okay. Please refert to that and --

6 A. Sure.

7 Q. -- and while you're doing that, this interview took
8 place on what date?

9 A. I believe it was the 30th. It's written on the
10 forms.

11 **MS. McNEILL:** May I approach?

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

13 BY MS. McNEILL:

14 Q. Is this what you're referring to, sir?

15 A. This is -- yeah, yeah. He was advised of his rights
16 at 6:39. We actually sat down in the room at 6:30 PM.

17 Q. At 6:30 PM on June the 30th?

18 A. Yes, ma'am.

19 Q. Okay. And what time did your interview conclude?

20 A. Approximately 9 PM.

21 Q. So two and a half hours?

22 A. That's correct.

23 Q. At what time did Mr. Alexander ask you -- well, let
24 me back up. When you just stated that Mr. Alexander
25 said can I go and talk to those guys, was it just you

1 and he in the room together?

2 A. That's correct.

3 Q. Okay. So you were by yourself?

4 A. That's correct.

5 Q. All right. And what time did he say that
6 approximately?

7 A. Approximately -- well, somewhere around nine.

8 Q. Somewhere around nine?

9 A. Yeah, I would say probably between 8:30 and 9:00.

10 Q. So between 8:30 and 9:00 he asked you if he could
11 go and talk to the detectives?

12 A. After -- after we discussed the results of the
13 examination.

14 Q. And at what time did those results conclude or what
15 time did the test conclude?

16 A. Probably -- let's see here. I can tell you. Close
17 to 8:00, I believe.

18 Q. You said, I'm sorry, sir, 8:00 PM?

19 A. Approximately 7:45.

20 Q. So then you took about 45 minutes to an hour to talk
21 to him after?

22 A. Well, part of that -- part of that time was
23 evaluating the results --

24 Q. Sure.

25 A. -- of the test.

1 Q. Okay. And then him giving you information and then
2 immediately you went and turned that information over to
3 Detective Goggins; is that correct?

4 A. Yes.

5 Q. And that was around -- between 8:30 and 9:00 PM?

6 A. Somewhere in there, yes.

7 Q. On June the 30th?

8 A. I believe that's June 30th.

9 **MS. McNEILL:** No more questions.

10 **MR. STUMBO:** Nothing on redirect, Judge.

11 **THE COURT:** All right. You may step down.

12 (Witness excused.)

13 **MR. SCOTT:** Your Honor, the State calls Tyrone
14 Goggins.

15 **THE COURT:** I tell you what. I want a break.
16 We've been going an hour and fifteen minutes, at least
17 most of us have. I want a bathroom break.

18 (Recess taken.)

19 **BAILIFF:** Court come back to order.

20 **THE COURT:** All right. Have a seat. You were
21 called and I left.

22 **MR. STUMBO:** And, Judge, Deputy Solicitor Scott
23 actually stood up and called Lieutenant Goggins. I'm
24 gonna do the direct here.

25 **THE COURT:** Okay. Hang on. Let's wait on the

1 other side. I didn't realize they weren't in the
2 courtroom. At the next break, I'll just announce a
3 time I'll be back on the bench rather than not telling
4 y'all. That'll be easier.

5 Next break we take I'm gonna give a specific time
6 to come back in. That way everybody will know when I'm
7 coming back out like I used to a couple of years ago.
8 That will make everybody able to predict my entrance.

9 **MS. McNEILL:** Judge, we can go ahead and start.

10 **THE COURT:** I don't want to start without
11 Mr. Alexander.

12 **MS. McNEILL:** There he is.

13 **THE COURT:** All right. Detective, I remind you
14 you're still under oath.

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

16 TYRONE GOGGINS,
17 having been previously duly sworn, testified as follows:

18 DIRECT EXAMINATION (In Camera)

19 BY MR. STUMBO:

20 Q. Lieutenant Goggins, multiple interviews were given
21 of this Defendant, Will Alexander, that you were
22 provided a statement where you were present, correct?

23 A. That's right.

24 Q. The last statement, written statement, that he
25 gives that day, were you present for that?

1 A. I was.

2 Q. Okay. Now was this before or after he had spoken
3 with the Agent Charles from SLED?

4 A. After.

5 Q. Okay. Were you there for parts of the time where
6 he was with Agent Charles or not?

7 A. I wasn't present in the room with them, but I was --
8 I was still at the office.

9 Q. Okay. Now after Agent Charles interviews Will
10 Alexander, does he give a statement after that?

11 A. He does.

12 Q. I'm gonna show you what's been premarked as State's
13 7. Do you recognize that?

14 A. I do.

15 Q. Okay. How many pages is the document? And I
16 believe it's in a little sleeve there, if you could
17 remove that.

18 A. It's two pages.

19 Q. Okay. And did you sign that -- the bottom of that
20 -- both pages of that statement?

21 A. At the top, I'm the officer that -- that's he's
22 talking to. My name's printed at the top. I presented
23 the form to him and it was signed at the bottom by
24 William Alexander, his signature, and witnessed by Bryan
25 Cheek with the Laurens County Sheriff's Department.

1 Q. Okay. So Lieutenant Cheek from the Sheriff's Office
2 was in the room with you as well?

3 A. That's right.

4 Q. Agent Charles, was he in and around as well at that
5 time?

6 A. He was in and out.

7 Q. Okay. Now the signature at the bottom of both
8 pages of William Alexander, that was his signature?

9 A. Yes, sir.

10 Q. You watched him sign it, the one sitting at the
11 defense table?

12 A. Yes, sir.

13 **MR. STUMBO:** Okay. Judge, at this time the State
14 would offer State's 7 for purpose of this hearing.

15 **THE COURT:** For purposes of this hearing, it'll be
16 admitted.

17 (State's Exhibit Number 7, a Voluntary Statement,
18 was admitted into evidence.)

19 BY MR. STUMBO:

20 Q. All right. Now at this point, Lieutenant Goggins,
21 Mr. Alexander, is he still under Miranda?

22 A. Yes, sir.

23 Q. Okay. And you had given him Miranda earlier in the
24 afternoon. I believe that was --

25 A. Around two something.

1 Q. That's correct. That would have been State's --
2 State's Number 2, 2:16 PM. You signed that form,
3 correct?

4 A. That's right.

5 Q. And we went over that?

6 A. Yes, sir.

7 Q. And he was read his Miranda rights again by other
8 officers, is that correct, to your understanding?

9 A. Yes, sir.

10 Q. Now at this time, before he gives you that written
11 statement, did he ever request a lawyer?

12 A. No, sir.

13 Q. Did he appear to give that statement free and
14 voluntary?

15 A. Yes, sir.

16 Q. Did you threaten him or coerce him in any way to
17 give you that statement in State's 7?

18 A. No, sir.

19 Q. Did you promise anything or hold out any hope of
20 reward to get him to sign that statement in State's 7?

21 A. No, sir.

22 Q. From start to finish, the time -- what's the time
23 on that that he gives that statement?

24 A. 9:04 PM.

25 Q. Okay. 9:04 PM. And at any time before or after he

1 gives that statement does he say I want a lawyer?

2 A. No, sir.

3 Q. Does he ever ask for you to stop the interview?

4 A. No, sir.

5 Q. If he had asked to have a sip of water or a cup of
6 coffee or a soda, would you have given that to him?

7 A. He actually had something to drink and he had a
8 sandwich.

9 Q. If he needed to get up to go to the bathroom, would
10 you have stopped him?

11 A. No, sir.

12 Q. Did you ever yell at him or try to intimidate him?

13 A. No, sir.

14 Q. I want to do this, Lieutenant Goggins, if we could.
15 This is in evidence for this hearing. What did Will
16 Alexander write in that statement?

17 A. He started off by stating Michael Beaty, E.A., and
18 I left Kyle Stewart's house around 9 PM. We rode around
19 the county roads smoking weed and drinking beer. They
20 were arguing about her cheating on him with a guy in
21 Florida. He was also upset about her giving me unusual
22 attention. They continued to argue about -- about that
23 while we rode around. We made several stops on the
24 county roads to use the bathroom. On two of these
25 stops, Michael pushed her down. On one of these stops

1 he drug her down the road about twenty or thirty feet.
2 I ran after him telling him to stop, and he did. When
3 she was getting into the car, I noticed the injury on
4 her arm. He looked -- it looked like the skin was
5 peeled back. It was her right arm. She said her arm
6 hurt like hell. When we arrived at Henry Simmons'
7 house, they continued to argue and hit each other. I
8 got out of the car and went into the garage and
9 continued drinking beer and smoking cigarettes. Michael
10 got on top of E.A. and it looked like they were making
11 out. His hands were at her throat. He got out of the
12 car and walked up to me and said I think I messed up, I
13 may have taken her life. If I didn't tell anyone -- if
14 I did, don't tell anyone if you are my friend. I said I
15 will do my best, but I don't want to be involved. So it
16 -- I don't want to be involved in it. If I have -- I
17 have to am -- I have to, I am going to tell them. He
18 said act like you don't know what's going on. I said
19 the police got their way of finding out. He said maybe
20 they don't. He then went and got Henry up and Henry
21 checked her pulse and there -- there was none. Then
22 Henry called 9-1-1. He said he will never confess and
23 they will never know I strangled her. He was pacing
24 back and forth, then EMS arrived and taped off the
25 scene, then we were taken to the station for

1 questioning. That ends the statement. Signed by
2 William Alexander.

3 Q. Did he write that statement in his own handwriting?

4 A. Yes, he did.

5 Q. And you watched him write the entire thing?

6 A. Yes, sir.

7 Q. You watched him sign it?

8 A. Yes, sir.

9 **MR. STUMBO:** If I may approach, Judge?

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

11 **MR. STUMBO:** State's 7. No further questions of
12 Lieutenant Goggins at this time. Please answer any
13 questions of Ms. McNeill or Ms. Kendall.

14 CROSS-EXAMINATION (In Camera)

15 BY MS. MCNEILL:

16 Q. Detective Goggins, at this point -- what time did
17 you start your interrogation of Mr. Alexander at this
18 point?

19 A. That statement was started at 9:04, so he would
20 have verbally have told us, then he would have put it
21 in writing, so just momentarily before 9:04.

22 Q. Okay. Approximately how long do you think you
23 verbally talked to Mr. Alexander before he reduced it to
24 writing?

25 A. To give you an approximate time, maybe thirty

1 minutes.

2 Q. Thirty minutes. So probably around 8:30 PM that
3 night you started talking to him?

4 A. Approximate time.

5 Q. And that was after he met with SLED agent Charles?

6 A. Yes, ma'am.

7 Q. And Mr. Alexander was aware that he was speaking
8 with a SLED agent when he was talking to Mr. Rick
9 Charles to you knowledge?

10 A. To my knowledge, yes.

11 Q. And he certainly knew that you were a law
12 enforcement officer?

13 A. Yes, ma'am.

14 Q. Okay. And so what time did his statement conclude?

15 A. Can I refer to the statement?

16 Q. Of course. (Hanging.)

17 A. Thank you. 9:48.

18 Q. And he had gotten back to Clinton Police Department
19 at what time on the 30th?

20 A. I'd say right before 2:00.

21 Q. Okay. So from two to approximately 10:00 PM, 9:45,
22 10:00 PM, he was at the Clinton Police Department?

23 A. Yes, ma'am.

24 Q. He never left the police department that day, did
25 he?

1 A. No. No.

2 Q. And he was being interrogated for approximately
3 seven, eight hours?

4 A. I think he was actually given -- he was breaking.
5 He was there probably that length of time, but he was
6 smoking cigarettes, walking in and out.

7 Q. Okay. Did anybody accompany him when he was smoking
8 these cigarettes?

9 A. I didn't.

10 Q. You did?

11 A. I didn't.

12 Q. Did not?

13 A. Did not.

14 Q. Do you know if anybody did?

15 A. I don't know.

16 Q. Somebody could have?

17 A. I'm not sure. It's possible.

18 Q. Okay. All right. And how many officers had
19 Mr. Alexander talked to that day?

20 A. At least -- I would say somewhere between five and
21 eight.

22 Q. Five to eight officers?

23 A. I would say so. Several of them at the same time.

24 Q. Several at the same time?

25 A. Yes.

1 Q. Okay. And then at any point in time did you tell
2 Mr. Alexander that he would be charged with murder?

3 A. That he would be charged with murder, no, ma'am.

4 Q. Did you say he could be charged with murder?

5 A. Not that I recall.

6 Q. Okay. And on the night -- well, let me back up.

7 When was the first time that you interviewed

8 Mr. Alexander? I know that you testified to it

9 yesterday. Was it somewhere on the 29th?

10 A. On the 29th at initially arriving at the scene, I
11 spoke with Alexander at that

12 Q. Okay. And that's where he told you that Michael
13 Beaty came to him and said he thought he messed up?

14 A. No, that was the 9:04 statement that I just
15 presented where he stated that he just messed up.

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

17 Q. And isn't it true, sir, that you stated that
18 Mr. Alexander told you sometime that night, either late
19 on the 29th or early morning hours on the 30th, that
20 Mr. Alexander had told you at that time that Mr. Beaty
21 had come to him and said I think I messed up?

22 A. Prior to writing this statement, he -- just
23 verbally he would have said it before he transferred it
24 to writing.

25 Q. And you would agree that you conveyed that to

1 Commander Roberts the next day -- either that night or
2 the next afternoon that Mr. Alexander said Mr. Beaty
3 told him he messed up?

4 A. After this statement was received at 9:04, we all
5 would have talked about it at 9:04 PM on June the 30th.

6 **MS. McNEILL:** I beg the Court's indulgence. I have
7 no further questions.

8 **THE WITNESS:** Thank you.

9 **MR. STUMBO:** Just very briefly, Judge.

10 REDIRECT EXAMINATION (In Camera)

11 BY MR. STUMBO:

12 Q. Lieutenant Goggins, throughout the afternoon and
13 evening that these interviews were conducted with the
14 Defendant, did you and the other investigators have
15 knowledge -- any knowledge or any evidence at all that
16 this was a homicide?

17 A. As of June the 30th, that morning, an autopsy was
18 done. After that autopsy, we received information that
19 the cause of death was asphyxiation by strangulation.

20 Q. All right. So at that point the evidence that you
21 had was that she was killed by somebody else?

22 A. Right.

23 Q. It wasn't a suicide; you were dealing with a
24 homicide?

25 A. That's correct.

1 Q. And through other witnesses had you been able to
2 narrow down who was with the victim at the time she was
3 killed?

4 A. Yes, sir.

5 Q. And who was it?

6 A. Michael Beaty and William Alexander.

7 Q. So at that point was the investigative team looking
8 at those two for murder if you didn't get any other
9 information from those two individuals?

10 A. Yes, sir.

11 Q. Okay. That wasn't a threat. That was just reality,
12 correct?

13 A. Right.

14 **MR. STUMBO:** No further questions.

15 **THE COURT:** Anything else?

16 **RE CROSS EXAMINATION (In Camera)**

17 **BY MS. MCNEILL:**

18 Q. And so, sir, you had received the information from
19 the autopsy report at what time?

20 A. The autopsy was done at 9:00 that morning, so it
21 would have been shortly after the examination.

22 Q. Okay. And at this time on the 30th, you had also
23 received information that -- through a fellow officer
24 perhaps that Michael Beaty had confessed to his father;
25 isn't that correct?

1 A. That he confessed to his father?

2 Q. Yes, sir.

3 A. No, I hadn't received anything at that time.

4 Q. You weren't present in the room when that happened?

5 A. No, ma'am.

6 Q. Okay. And then you would agree with me then, sir --

7 and I have your incident report supplemental done on

8 June the 30th, 2013, that Beaty stated you can bury me

9 for this, it's all my fault, I will take the blame.

10 Does that refresh your memory?

11 A. I remember Beaty saying that -- he stated that on

12 the 29th.

13 Q. He stated that on the 29th?

14 A. Yeah, while I was at his residence.

15 Q. Okay. At what time approximately did he state that

16 to you?

17 A. I arrived on the scene around 11:29, so sometime

18 after -- it could have rolled over right before

19 midnight, right after midnight.

20 Q. Okay. And you thought that was an important enough

21 statement to include it in your incident report, your

22 supplemental, correct?

23 A. Oh, yes, ma'am.

24 Q. Because that certainly sounds like an admission of

25 guilt, correct?

1 A. I didn't know at the time. I didn't know actually
2 what was the cause of death at that time.

3 Q. Uh-huh. But it was suspect?

4 A. Right, it was important, yes, ma'am.

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

6 **THE COURT:** All right. You may step down.

7 (Witness excused.)

8 **MR. STUMBO:** Judge, we don't have any other
9 witnesses for the Jackson v. Denno. We're ready to
10 argue as to the statements were voluntary.

11 **THE COURT:** All right. Anything from Ms. McNeill
12 or Ms. Kendall?

13 **MS. McNEILL:** I'm sorry, Judge?

14 **THE COURT:** Are you gonna call any witnesses or --

15 **MS. McNEILL:** No, sir.

16 **THE COURT:** I didn't expect you to, but I didn't
17 ask.

18 All right. Are we ready to summarize all this?

19 **MS. McNEILL:** Yes, sir.

20 **THE COURT:** All right. Let me hear from Mr. Scott
21 first.

22 **MR. SCOTT:** All right, Judge. I apologize. That
23 was lengthy, but it was important. What we have are
24 seven different statements given within twenty-four
25 hours to a number of law enforcement agents. Just

1 briefly summarizing the first statement we heard from
2 Tyrone, that was at the scene. Obviously at that point
3 there's no arrest. They're responding to an incident
4 where there's an unresponsive female. It certainly
5 looks suspicious, but they're investigating at that
6 point. That was the initial statement, I believe, where
7 Will basically tells Tyrone they had just come straight
8 from the party to the Simmons' house and Alexander
9 blacks out in the car. When they arrive, he goes inside
10 to sleep and Beaty comes to the door asking for help.
11 He spontaneously tells Tyrone that she's a cutter. So
12 that's about 11:30 PM June 29th.

13 At approximately 1:25 AM, June 30th, that would be
14 the oral interview with Commander Roberts at the Clinton
15 Police Department. There we had Miranda given. That
16 was testified to by Commander Roberts. At that point,
17 it is noted that he's intoxicated; however, he fully
18 understood the questions and the rights that were given
19 to him. He states at that time they drove to Simmons'
20 house and E.A. was fine inside the car. Again, he said
21 he passed out and the only thing he remembers is coming
22 out of the house and seeing the tape. So that's our
23 first Miranda warning. That's approximately 1:25 AM at
24 the police department. Roberts testified as well that
25 essentially she had Mirandized him and continued to

1 just sit with him while SLED made their way into
2 Clinton, but read him his rights in case he decided to
3 say anything. Than was pretty much what he had to say
4 after being Mirandized.

5 2:15 AM, Judge, this is Statement Number 3.
6 Another oral statement. This one's made to SLED. At
7 that point, we have Special Agent Collins and Ownes
8 interviewing him; approximately a 45-minute interview.
9 They worked off the prior Miranda that Commander Robert
10 had advised Will of. They did confirm with him that he
11 understood his rights and that he had been given his
12 Miranda warnings. They indicated that he did seem to be
13 -- or have some alcohol in him, but fully understood the
14 questions and were able to communicate with them. He
15 stated to them he got to the party at approximately
16 2:00 PM on June 29th. At some point decided to ride
17 home with E.A. and Michael Beaty. He even goes so far
18 as to tell the officers the seating arrangement in the
19 car. He tells the SLED agents at that time that he
20 noticed some tension between the two at .
21 He said they all went inside and he tried to go to sleep
22 on the couch, but E.A. and Beaty were arguing. He says
23 the next thing he knows EMS was there.

24 Okay. So that's 2:15 AM. He's allowed to go
25 home, Judge. He comes back the next afternoon. At

1 approximately 3:10 PM he gives his first written
2 statement. That's to Tyrone.. Again, Miranda is given.
3 Detective Goggins Mirandized him and took the statement
4 that we heard from Special Agent Kindley, the witness
5 statement, and we had introduced that Miranda form.
6 Written Statement Number 1, essentially he went to the
7 party around noon and drank. E.A. and Beaty arrived
8 after dark. They left about 12:30 AM and went to Henry
9 Simmons' home. The next thing he remembers is speaking
10 to SLED.

11 Approximately three hours later at 6:17 PM,
12 he makes Written Statement Number 2. That's to
13 Commander Crystal Roberts of the Clinton Police
14 Department. This is the third time he's read his
15 Miranda rights. Judge, this would the recording we
16 heard and this written statement was generated after
17 that oral interview was memorialized on the recording.
18 We do have that issue we covered with Crystal Roberts
19 with the box: Having these rights in mind, do you wish
20 to talk to us now without a lawyer present, he had
21 checked both boxes and he initialled over both boxes on
22 the form. That was entered for purposes of this
23 hearing.

24 Commander Roberts did testify that he fully
25 understood his right to have a lawyer, to cease

1 questioning. He indicated that he wished to proceed
2 without a lawyer. Him checking both boxes was a
3 mistake, and I think that seemed fairly clear to me,
4 Your Honor, when we listened to the recording that he
5 made a mistake and sort of indicated -- you could hear
6 it in the audio. She then testified that no threats or
7 intimidation was used in her interview with him. This
8 is the first time he tells officers Beaty says I think
9 I messed up, I may have ended her life. He's disclosing
10 this in Written Statement Number 2 and now he's saying
11 he was in the garage. He tells Beaty in this statement
12 that they need to call 9-1-1, but they end up getting
13 Henry Simmons instead.

14 Okay. After that, Judge, he goes in with Rick
15 Charles. That was the SLED agent we heard from earlier
16 this morning. In an oral interview, he indicates to
17 Rick Charles that Beaty and E.A. began arguing in the
18 car, they stop the car during the ride and get into a
19 physical altercation, Judge. This is new information
20 he disclosed at 6:39 PM on June 30th. It says they
21 went to , Mr. Simmons' home. There he
22 saw Beaty get on top of E.A. and appeared to choke her.
23 This statement was given, again, after he was read his
24 Miranda warning for the fourth time, and we have
25 entered that Waiver of Rights form into evidence as

1 well.

2 Subsequently after this he -- he tells Special
3 Agent Charles let me go talk to these guys again. I
4 think at that point he gives Written Statement Number
5 3. The final statement that was just covered with
6 Lieutenant Goggins, that was given at 9:04 PM at the
7 Clinton Police Department. So here we have, again,
8 less than twenty-four hours, about twenty-two hours,
9 had passed and he's given seven statements. We had
10 almost seven different officers involved in these
11 questions, we have four Miranda warnings given during
12 this time.

13 Written Statement Number 3 was entered. At this
14 point, he kind of goes into great detail of them all
15 hanging out at the party, getting into the car together.
16 He remembers the exact seating arrangement. Again,
17 riding around trying to make their way to Mr. Simmons'
18 home, they stop and he talks about an incident where
19 Beaty and E.A. get into a fight and Beaty ends up
20 dragging her on an asphalt road. He talks about sitting
21 in the garage and smoking a cigarette and actually
22 witnessing Michael Beaty getting on top of E.A. He said
23 it looked like they were making out, but his hands were
24 at her throat. He got out of his car and walked up and
25 he said I think I messed up, I may have taken her life.

1 At that point, he indicates that Beaty told him Will, if
2 you're my friend, you're not gonna tell anybody. Will
3 says he'll do the best he can to cover up for him, but
4 if police find out, they're gonna find out essentially.
5 He says that Beaty says act like you don't know
6 anything's going on. He said police have their way of
7 finding out and, Judge, basically he says Beaty said
8 they'll never arrest if Will plays ball and they're not
9 going to catch Will {sic} Beaty, he's gonna get away
10 with it. That's the third and final statement. Oh, I'm
11 sorry, Judge. Michael Beaty.

12 Judge, it seems pretty clear, and I know all these
13 statements we dealt with one at a time, but I think
14 that was the only way to clearly understand how they
15 all unfolded, but in every one of them I think the
16 voluntariness of the statements given were pretty
17 unquestioned. All the testimony was that the night of
18 June 29th and the early morning hours of June 30th he
19 did have some level of intoxication; however, he, you
20 know, fully understood his rights as read to him, he
21 fully understood the questions that were posed to him
22 and he answered freely and voluntarily. At no point
23 did he ask to end the conversation of the questioning,
24 at no point did he ask for a lawyer. There was a lot of
25 testimony that he was free to kind of walk around the

1 police department in between questioning, would go
2 outside and smoke a cigarette and come back in, ask for
3 a cup of coffee and a blanket. He actually left after
4 his second oral statement -- or third oral statement
5 that was given to the SLED agent that was about 2:15 AM
6 and then came back the next day. No -- no custody, and
7 that was not in question. In fact, I think Commander
8 Roberts indicated that the arrest warrants were sworn
9 out July 1st, which was the day after the final written
10 statement was given.

11 And, Judge, I'm happy to answer any questions you
12 may have. I just covered a lot there. We would say
13 all seven of those statements would come in and they
14 were all voluntarily given in accordance with Miranda.

15 **THE COURT:** All right. I may come back to you.
16 Ms. McNeill.

17 **MS. McNEILL:** Thank you, Your Honor. Judge,
18 pertaining to the first statement, the first written
19 statement that was obtained, and oral actually, we have
20 Mr. Alexander who we know drank about twenty-six beers,
21 ingested cocaine, pure MDMA.

22 **THE COURT:** All right. Wait a minute. Back up for
23 me. You said first written or first oral statement?
24 Which?

25 **MS. McNEILL:** The first oral statement that was

1 obtained by Detective Goggins at the home at
2 and then followed by the written statement that was
3 reduced to writing, I believe, at 1:25 AM.

4 **THE COURT:** Who took that written statement? I
5 thought there was a --

6 **MS. McNEILL:** I meant written by SLED, Judge.

7 **THE COURT:** All right. I'll tell you what. Hand
8 those to me. I'm working off memory and I don't have
9 the familiarity y'all do with these statements. I
10 thought the first written statement was the next morning
11 with Detective Goggins.

12 **MR. SCOTT:** I think she's talking about the
13 Memorandum of Interview.

14 **MS. McNEILL:** That is what I'm talking about, Judge.

15 **THE COURT:** All right. That's what's confusing me
16 is it was night, early morning hours, oral statement,
17 oral statement, oral statement --

18 **MS. McNEILL:** Yes, sir.

19 **THE COURT:** -- to Goggins, Roberts and SLED.

20 **MS. McNEILL:** Yes, sir. My apologies.

21 **THE COURT:** I'm with you.

22 **MS. McNEILL:** Mr. Alexander we now know drank
23 twenty-six beers, ingested cocaine, ingested pure MDMA,
24 known as Molly, ingested marijuana. There's testimony
25 from the officers themselves that he was swaying on his

1 feet, he had bloodshot eyes, he smelled of alcohol.
2 They would not have allowed him to drive because of a
3 possible DUI and they would have been committing a
4 crime had they let him drive. He was in and out of
5 sleep. They even gave him a blanket at one point.
6 They testified he was in and out of sleep. So we are
7 contending that that statement that was taken from
8 Mr. Alexander Will would have been incapable of
9 understanding what was going on. He was trying to
10 recall certain details, he couldn't recall, and he was
11 incapacitated due to his level of intoxication.

12 On the next statement dealing -- that we're dealing
13 with, which is the second written statement --

14 **THE COURT:** Which is Number 5, the one given to
15 Roberts at the interview we listened to here in court
16 this morning?

17 **MS. McNEILL:** Yes, sir. That's correct.

18 **THE COURT:** All right.

19 **MS. McNEILL:** Judge, we do have the issue of the
20 waiver check box. I understand that the State's
21 position is it was clarified on audio of Ms. Roberts
22 saying oh, you messed up or whatever she said, but the
23 waiver continues until an individual being questioned
24 indicates that he wants to revoke the waiver and remain
25 silent or circumstances exist which establishes that

1 his will has been overborne and his capacity for
2 self-incrimination has been critically impaired, and
3 that's citing State v. Moultrie. Further, the
4 confession may not be extracted by any sort of threat
5 or violence or obtained by any direct or implied
6 promises, however slight, or by the exertion of improper
7 influence, and that's citing Hutto v. Ross.

8 Judge, on the audio that we listened to, they
9 admitted -- or Crystal Roberts and Detective -- I'm
10 sorry, SLED Agent Collins stated he was scared. Well,
11 Agent Collins said that to Mr. Alexander on the audio
12 and Ms. Roberts testified that she could tell he was
13 scared. He was scared, he was constantly being
14 threatened with a murder charge. His attempts to end
15 -- he did attempt to end the interview at one point,
16 maybe by not saying the magical words of "I want a
17 lawyer", but he did say "just go ahead and do it then",
18 you know, meaning just arrest me for the murder charge.
19 And at one point he said "I'm being arrested for murder,
20 just go ahead and do it". That, we would contend,
21 that he -- that is an attempt by him to end the
22 interrogation. Conveniently enough, the tape is cut off
23 as the interrogation really gets heated up, so we don't
24 know what else happened throughout that interrogation
25 except for what we heard before, which was, you know,

1 tell us something today or you're gonna be charged with
2 murder. He did at one point tell them that he would
3 give them more details as his memory came back to him,
4 he said that on the audio, and we would contend that
5 that's another attempt to end the interrogation; meaning
6 I'll come back tomorrow perhaps just like I came back
7 today to give you more details. He had clearly already
8 stated to Officer Goggins, which we heard maybe not
9 through Detective Goggins, but we did hear it in the
10 interrogation on the audio from Crystal Roberts and
11 SLED, that do you remember telling Detective Goggins the
12 night before or that -- that same day early morning
13 hours that Michael Beaty said that he messed up? So we
14 do know that he had already said that. As his memory
15 was coming to him, he was willing to give more details.
16 He clearly stated that, which was another attempt to end
17 the interview. Crystal Roberts said but we need it now,
18 we need it today. If we do not get it today, you will
19 be charged with murder. Your arrest warrant will read
20 William Jarrell Alexander murdered Emily-Anna Asbill,
21 and she did testify that was a promise, which goes back
22 to the cases that I cited: State v. Moultrie and Hutto
23 v. Ross, so threats were clearly used.

24 He was interviewed by two different officers who
25 were constantly tag-teaming him and then Solicitor

1 Scott just admitted that throughout these entire
2 interrogations, which if you go from Statement 1 to the
3 very last statement, that's a nineteen-hour time frame
4 that we're talking about here. He did have a break when
5 they let him go home at like four in the morning or
6 whatever it was and then he came back voluntarily to
7 Clinton Police Department at around -- between 1 and
8 2 PM the next day. He had been interviewed by at least
9 seven different officers tag-teaming him constantly and
10 he had been at the Clinton Police Department for at
11 least eight hours straight.

12 So, again, Judge, we would contend that he had
13 multiple attempts to try to end the interview. One time
14 even saying go ahead and arrest me, meaning for murder.
15 He clearly maybe didn't say the magical words, but he
16 did receive threats, he was coerced, and attempted to
17 end the interview, which was not honored.

18 Judge, and just to add briefly to that, during the
19 audio they also implied that they would help him out by
20 not charging him with murder if he gave a statement, and
21 that came with SLED Agent Collins saying fear is good,
22 fear keeps you out of prison, fear minimizes jail time,
23 and then Crystal Roberts saying, you know, tell us
24 something and we're giving you the benefit of the doubt,
25 tell us something so that you're not charged with

1 murder, and under Miranda he could end the interview
2 without asking for an attorney.

3 **THE COURT:** All right. I'm gonna go read all these
4 things.

5 **MS. McNEILL:** I'm sorry?

6 **THE COURT:** I'm gonna go read all these. I've read
7 parts of them. I'm gonna read them.

8 (Recess taken.)

9 **BAILIFF:** All come back to order.

10 **THE COURT:** Y'all be seated. Solicitor, would it
11 be the State's intent to introduce the recording that
12 was played in court?

13 **MR. STUMBO:** Judge, we had not intended to do so.
14 Now that it's out and we made it a part of the Denno
15 hearing, so we probably will at this point.

16 **THE COURT:** What about that, Ms. McNeill? That was
17 a question from --

18 **MR. STUMBO:** Quite frankly, Judge, I think we need
19 to at this point. It clarifies the mixing up or the
20 checking of the box on the Miranda form, so we would
21 intend to put it in as a State's exhibit in our case in
22 chief.

23 **MS. McNEILL:** Judge, and, you know, at the
24 appropriate time there's various points where there's
25 hearsay. The beginning obviously is hearsay. There's

1 points where, I believe, Crystal Roberts talks about
2 -- or maybe it's SLED Agent Collins talks about his
3 misdemeanors, his prior criminal history, which we would
4 obviously want to be excluded.

5 **THE COURT:** They didn't use it to impeach him.

6 **MS. McNEILL:** I'm sorry?

7 **THE COURT:** I think that the way they characterized
8 it is you've never really done anything wrong other than
9 a few silly odds and ends. I mean, it was a concession
10 by them that he's not known for being a troublemaker was
11 what they -- how they said it. I mean, how is that
12 prejudicial to him? You see what I'm saying?

13 **MS. McNEILL:** Yeah, I see what you're saying. The
14 only other issue that Ms. Kendall just brought to my
15 attention is there's certain points within the recording
16 about other witnesses' statements to him, Michael
17 Beaty's statements, that sort of thing, that would be
18 hearsay.

19 **MS. KENDALL:** And, Judge, I kind of have it noted
20 in my homemade transcript. It wouldn't be a large
21 portion that would be, but there are various portions
22 where they refer to other witnesses' statements and
23 Beaty's statements, so I could stop and -- or stop
24 resume at the appropriate time because I know when
25 they're coming up.

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

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

3 **MS. McNEILL:** Judge, there was just a concern about
4 that, but if Your Honor overrules it we just wanted it
5 noted for the record.

6 **THE COURT:** Sure. I didn't know whether they
7 intended to or not. It didn't seem like they did and
8 now I asked and it seems like they might. So they
9 might not, I don't know, so I don't have to rule on that
10 yet. It did -- it did clarify the exhibit -- State's
11 Exhibit 4, which the question of waiving their right to
12 have a lawyer present is written -- initialled, struck
13 out -- initialled, struck, initialled yes and no both
14 ways. The conversation seemed clear. The form still
15 seems confusing.

16 Remind me again the oral statement to Detective
17 Goggins, the first one taken, and that was without the
18 benefit of Miranda, that was early on, one of the first
19 statements made.

20 **MR. STUMBO:** That's correct, Judge.

21 **THE COURT:** And what was that statement?

22 **MR. STUMBO:** That was on-scene and essentially --
23 it was between -- sometime between 11:29 when he gets
24 there and midnight. The essence of it is he said he was
25 drinking, drank a lot and blacked out, went inside and

1 went to sleep --

2 **THE COURT:** Got it.

3 **MR. STUMBO:** -- then was brought back outside and
4 then he responded, I think, maybe -- or spontaneously
5 said that she's a cutter or she cut herself, something
6 to that effect, and that was the substance of that oral
7 statement.

8 **MS. McNEILL:** And, Judge, from the recording it was
9 also mentioned at that moment that Michael Beaty had
10 told Will that he thinks he messed up.

11 **THE COURT:** That was one of the comments made by
12 the interrogators to him.

13 **MS. McNEILL:** Yes, sir. Yes, sir. Exactly.

14 **THE COURT:** Where you told us last night that
15 Beaty said -- something along those lines was said in
16 the interview before the Statement Number 5.

17 **MS. McNEILL:** Yes, sir. They had referred to the
18 previous oral statement to Detective Goggins during that
19 audio recording.

20 **THE COURT:** All right. My ruling under the
21 parameters of Jackson v. Denno is all the statements
22 come in; the three oral statements, the three written
23 statements. The recording, subject to objections on
24 redaction of potential hearsay, it seemed to explain
25 the portion that I'm speaking of, explained the rights

1 given and waived or amended on State's Exhibit Number 4
2 where there was both boxes checked whether he wanted a
3 lawyer or didn't want a lawyer. That seemed to explain
4 that, so I don't want to -- the recorded interview seems
5 admissible subject to some redaction issues that the
6 defense may make at the appropriate time, and we'll
7 consider them at that appropriate time, but it seemed
8 to explain a lot of things in understanding for me as
9 to the rights given, the waiver given and then the
10 interview conducted by the law enforcement, Goggins and
11 -- I'm sorry, Collins and Roberts, at that time, and
12 so that interview recording we identified as Defense
13 Exhibit 1 for purposes of this hearing.

14 All right. What else?

15 **MS. McNEILL:** There's the issue of the jail calls.

16 **THE COURT:** Do y'all have any case law on that?
17 Because this sounds like a confession to your cellmate
18 type thing to me and I don't know what -- having not
19 heard the calls, they've only given me a summary of
20 what you believe they say, I don't have any idea.

21 **MR. STUMBO:** Judge, all seven calls are from
22 Mr. Alexander to his mother. All of them have a
23 variation of kind of the same thing. It corroborates
24 his final statement of what he saw and what he heard
25 that night and he says "I witnessed a murder". He says

1 at one point "I committed a crime", you know, he admits
2 that to his mother. And all these calls, that's all
3 jail calls I would imagine around the state at the very
4 beginning of each recording, it's a collect call, it
5 identifies who they are and it says that this call is
6 subject to recording and monitoring and so it's very
7 clear to the participants of the call that it's being
8 recorded. My experience has been, Judge -- there again,
9 I don't have any case right at my fingertips right now,
10 but my experience has been they're always admissible as
11 statements by a party opponent when a defendant is on
12 trial. And, essentially, in this case they strongly
13 corroborate the prior statements that he gave and the
14 version -- the final version of events that he gives to
15 law enforcement, which was, I believe, State's 7, Your
16 Honor, in Denno.

17 **THE COURT:** All right. What do you say,
18 Ms. McNeill?

19 **MS. MCNEILL:** Judge, what we're seeking is for
20 exclusion of them for Rule 5 Brady violations. It is
21 the State's -- as he just stated, that they do say
22 subjects -- or conversations are subject to be recorded.
23 Clearly that's a Laurens County -- or that's a law
24 enforcement statement on the calls. It the State's
25 burden to go out and get this material; especially, if

1 they're gonna use it in their case in chief. It's not
2 our burden to go and seek these things out. I do know
3 that Mr. Stumbo was trying to burden shift yesterday
4 saying it was our responsibility to go out and get these
5 things, it's not, but Rule 5 --

6 **THE COURT:** Well, they don't need it to prove their
7 case. As I understand it, they'd already gotten ready
8 for trial and this was further getting ready for trial,
9 so it's not --

10 **MS. McNEILL:** Exactly.

11 **THE COURT:** -- something, it's additional.

12 **MS. McNEILL:** Yes, sir. And it's late discovery.
13 We got it August 14th. You know, we were noticed for
14 trial sometime in July, the 25th, 26th, then we had the
15 continuance hearing in front of Your Honor in Newberry,
16 but Rule 5(a)(1)(A) specifically is what I'm citing and
17 what we're saying -- what our position is, is that they
18 should be excluded for late discovery issues, late --
19 late in the game.

20 We, again, did not have any opportunity to review
21 the other recordings, Michael Beaty's recordings, so
22 we have no idea if there's exculpatory information on
23 those and, you know, (a)(1)(C) I'm citing for needed to
24 prepare a defense. We were trying to prepare a defense
25 as quickly as possible in this case as you know and,

1 again, the continuance -- the continuance Your Honor
2 granted me for one week so that I could have some
3 subpoena power to get people to return documents and
4 abide by subpoenas because we didn't have a court term
5 where that was possible, that was the sole reason for us
6 being granted a continuance.

7 **THE COURT:** And also to help with an expert -- a
8 potential expert witness that was -- I don't know
9 whether y'all will call them or not, but --

10 **MS. McNEILL:** Well, that was -- that was the other
11 thing, Judge; that we got all these funding orders in
12 place, we were in communication with all these experts,
13 and then we had to totally switch gears once we got
14 these jail phone calls in two weeks out from trial and
15 so we had to really have only two weeks to prepare for
16 this trial instead of a month because prior to this
17 August 14th date we were preparing a different defense
18 with experts in mind. And, like I said, we didn't even
19 have --

20 **THE COURT:** All right. Tell me how it's different
21 if -- if the substance of the calls, and this is all
22 just for the purpose of the hearing right now, if
23 the phone calls to the mother are, in essence, a
24 regurgitation of what was told to Detective Goggins,
25 how does that change your defense because you had that

1 statement the whole time?

2 **MS. McNEILL:** It's not a regurgitation if there's
3 statements on the jail phone calls where Mr. Alexander
4 said I committed a crime. I mean, he had been told
5 that he had been committing a crime throughout this
6 entire interrogation process, so that was ingrained
7 in his brain and then, you know, two months after the
8 interrogation ended he's still saying that to his
9 mother. So our false confession expert, false statement
10 expert, that we had on retainer down in Florida and
11 my pathologist that I had on retainer at MUSC in
12 Charleston, we had to go with a totally different
13 defense because of these jail calls, so now we only
14 had two weeks to prepare instead of the full month
15 that Your Honor thought we were preparing the same
16 case for.

17 It shifted us greatly and we -- Ms. Kendall and I
18 had to sit two days straight, Judge, from 9 AM to 9 PM
19 two days in a row listening to these jail calls from
20 Mr. Alexander and then we have a year's worth of jail
21 calls, or over a year now, of Michael Beaty's jail
22 calls, which we have not even listened to, not a single
23 one, because, frankly, we did not have enough time due
24 to the late discovery. They had these jail calls --
25 you know, maybe not in their physical possession, but

1 the ability to get them. It is up to -- it's their duty
2 to get them. Mr. Alexander has been out on bond since
3 September, I believe, of 2013. They could have turned
4 them over far in advance. I'm just saying that the
5 defense was at a very great disadvantage from the late
6 discovery and the remedy would be exclusion.

7 **MR. STUMBO:** Judge, we've burned a lot of hours
8 listening to these calls as well over the last several
9 weeks. I understand that. We certainly understand
10 being crunched trying to get ready for court despite
11 the defense constantly claiming that we had all these
12 resources at our disposal. The guys at this table are
13 the resources and I'm counting three attorneys there,
14 three attorneys here, and one investigator, so I'm --
15 I'm not sure how we were at any greater advantage at all
16 listening to those calls close to four weeks ago. We're
17 talking about discovery handed over close to four weeks
18 ago.

19 Judge, there again, if Ms. McNeill felt like at the
20 time we handed them over or even as recently as last
21 Tuesday when we had pre-trial motions, if she had not
22 had enough time to review these calls, I would have
23 thought that would have been her basis for a motion for
24 continuance last Tuesday, yet we're hearing about it
25 today or yesterday afternoon after we've already picked

1 a jury. I just -- I don't buy that, Judge, that they
2 have had no time to listen to these calls. They've had
3 as much time as we have to listen to them. There's
4 nothing new in the calls other than it corroborates the
5 statement he gave Lieutenant Goggins, which we intend to
6 introduce. It's very strong corroboration and we think
7 it's very important to the trial of this case.

8 Quite frankly, we're not prepared to go forward
9 without them. We were under the impression that under
10 the Rules of Evidence they're admissible and so if
11 there's some kind of request from the defense that they
12 haven't had enough time and need a continuance, we
13 oppose that. We believe they've had enough time.
14 They've had as much time as we have and had the people
15 to review them. There again, it's evidence that we're
16 -- we believe is critical to the case; not in the sense
17 that we didn't already have probable cause and enough
18 evidence to try this case, but, you know, we're talking
19 about confessions of the Defendant that corroborate
20 prior confessions, you know. So, there again, we
21 believe that they strongly corroborate and we're
22 prepared to go forward.

23 **THE COURT:** All right. Ms. McNeill, let me hear
24 from you again because here's what I'm -- what I'm
25 hearing is the State put you on notice sometime around

1 the first of August because the hearing in Newberry
2 was August 4th. I went back and looked. That was the
3 Newberry afternoon hearing when we had the motion for --
4 you argued the motion for continuance and Ms. Kendall
5 was not there --

6 **MS. McNEILL:** Correct.

7 **THE COURT:** -- Mr. Howe was there, the two of y'all
8 were there, and argued the continuance. At that time
9 the State didn't have this and they were ready to go to
10 trial with what they had.

11 **MS. McNEILL:** Correct. And, Judge --

12 **THE COURT:** So assuming -- assuming a cellmate of
13 Mr. Alexander walked up to the Solicitor and says well,
14 guess what Mr. Alexander told me when we were in --
15 locked up last year, and he didn't know that, the guy
16 just walked in his office and said I've got something
17 to tell you, that's kind of the substance of what I'm
18 hearing, is that these recorded calls is they hadn't
19 ever considered them and didn't need them.

20 **MS. McNEILL:** But, Judge, they did have them in
21 their possession or the ability to go and get them.
22 They knew that they existed, so that's how it's
23 different from some jail snitch coming up last minute
24 late in the game. And as far as Solicitor Stumbo
25 saying, you know, that we have enough resources to

1 listen to these calls is flat false.

2 **THE COURT:** I'm -- y'all have to come and ask for
3 money when y'all need additional help. I agree with you
4 there.

5 **MS. McNEILL:** Exactly. And he had Mr. Bentley,
6 who's an investigator, listening to those. I know that
7 Tyrone Goggins also was listening to Michael Beaty's
8 statements. Who else he had listening to them, I have
9 no idea, but it was me and Kate listening to these calls
10 ourselves.

11 Just to put on the record, Rule 5(d)(2), failure to
12 comply with the request. If at any time during the
13 course of the proceedings it is brought to the attention
14 of the Court that a party has failed to comply with this
15 rule, the Court may order such party to permit discovery
16 or inspection, grant a continuance, or prohibit the
17 party from introducing evidence not disclosed, or it
18 may enter such other order as it deems just under the
19 circumstance. The Court may specify the time, place and
20 manner of making the discovery and inspection and may
21 prescribe such terms and conditions as are just. You
22 know, and, Judge, that is also why I'm asking for a
23 continuance right now based upon that.

24 **THE COURT:** How much continuance do you want? I
25 mean, the afternoon? A day?

1 **MS. McNEILL:** Judge, at this point, we would need
2 to listen to all of Michael Beaty's recordings in order
3 to --

4 **THE COURT:** All right. Now how --

5 **MR. STUMBO:** Judge, can I respond to that?

6 **THE COURT:** No, no. That's what I want to --

7 **MR. STUMBO:** Those calls in no way, shape or form
8 are admissible in this trial whether I try and introduce
9 them or them. They're hearsay. I don't see under any
10 circumstance how any of his calls would come in, so I'm
11 not sure how that's relevant.

12 **MS. McNEILL:** Under Rule 804 of the South Carolina
13 Rules of Evidence, that's how I could get it in.

14 **THE COURT:** No, no. Tell me what could be there
15 that would help you in your defense.

16 **MS. McNEILL:** What could be there? Speculate?

17 **THE COURT:** Give me a -- yeah.

18 **MS. McNEILL:** The fact that Michael Beaty may feel
19 bad that he got his friend involved in this when he knew
20 that his friend knew nothing. That sort of thing. That
21 he had already --

22 **MR. STUMBO:** Again, it would be objectionable and
23 it would be hearsay even if that were the case, Judge,
24 if they tried to offer them, and they wouldn't come in.
25 It's not relevant.

1 **MS. McNEILL:** It's hard to argue what you don't
2 know, Judge. And, you know, also that Michael Beaty
3 had confessed, maybe that's in there, we're not sure,
4 but if the continuance is not granted -- you know, I
5 would move for a 90-day continuance. If it's not
6 granted, the only remedy I see fit is to exclude the
7 jail call tapes.

8 The State has a constant problem with, you know,
9 trying to have a blindfold on certain evidence and then
10 to try to shift it to the burden of the defense to go
11 out and seek this information when they had it at their
12 fingertips since September of last year when William
13 Alexander got out on bond, but they decide to disclose
14 it, you know, just weeks before our trial date.

15 **MR. STUMBO:** And as we said yesterday, we didn't
16 have possession, we didn't have it at our fingertips..
17 We handed it over less than twenty-four hours after we
18 got it before we even had a chance to listen to them,
19 Judge. So that being said, it's not a burden shifting
20 thing at all to say that we got them as we started to
21 really lock down and prepare for this trial. That's
22 just reality in the world both of us work in, and we
23 have lots of cases, when we really start getting ready
24 for trial. We're talking about close to four weeks,
25 Judge, and I don't know if I've ever tried a case where

1 there wasn't something within four weeks as you start
2 talking to witnesses and preparing both ways that comes
3 up. So, Your Honor, quite frankly, we're not buying the
4 argument they haven't had enough time to listen to them.

5 And the Michael Beaty calls, you know, there again,
6 Judge, it's inadmissible in this trial for either side
7 to try to put those statements in. They're hearsay and
8 I don't believe there's any relevance to this case for
9 those calls at this time, at this juncture, Judge, and I
10 think -- I think I've made my point here. We believe
11 the time's been sufficient for both sides to review the
12 audio recordings. They are what they are. There's
13 nothing new. I don't know what expert could come in
14 and change the game as far as what those -- the
15 substance of those calls are. It's a fact issue that
16 the jury's gonna have to determine, not an expert
17 witness issue.

18 So, you know, this is not -- and just for
19 comparison's sake, Judge, it's not like a DNA report
20 that comes out and we find at SLED or they give to us
21 a week before. This is much, much different. Most of
22 the time in those situations we would obviously continue
23 the case ourselves. That's not what we're looking at
24 here. We're looking at audio statements made by their
25 client. They had access to their client and obviously

1 the statements he made and we didn't have possession of
2 them until we started getting ready for trial and, quite
3 honestly, asked the question amongst ourselves is there
4 any jail calls in this case. Many times we'll get jail
5 recordings and they won't have anything of any substance
6 in them and they don't make any difference in a case.
7 Here it corroborates his prior statements, quite so.

8 And that's where we are, Judge, and ultimately we
9 believe we did comply with Rule 5. For that matter, the
10 Beaty calls that have been mentioned in my mind aren't
11 even part of Rule 5. Rule 5 doesn't even come into play
12 because we're required under Rule 5 to give over
13 evidence that's material to our -- to our prosecution,
14 our case in chief. We knew right away that the Beaty
15 calls would never be admissible in our case in chief, so
16 I don't even believe Rule 5 applies to that assertion.

17 **THE COURT:** Okay.

18 **MS. McNEILL:** And just to remind the Court that we
19 had submitted several renewal motions for Rule 5 and
20 Brady.

21 **THE COURT:** I think I've already mentioned on the
22 record that y'all continually asked.

23 **MR. STUMBO:** And we continually provided as we
24 received, Judge, every time.

25 **THE COURT:** I sure wish y'all would have brought

1 this up last week.

2 **MR. STUMBO:** I would have loved to have argued it
3 last Tuesday.

4 **THE COURT:** Or Wednesday, Thursday, or Friday. I
5 was here all week. I mean, we were working on Jackson
6 v. Denno until late in the afternoon and started early
7 this morning. I tell you what I want to do. We're
8 gonna send the jury out, we're gonna take a lunch break.
9 I want to read some case law on this because, I mean,
10 we do have that luxury of a little bit of time and
11 there's no reason to start this if I haven't read what
12 I want to read. Y'all have only argued Rule 5 over
13 and over and over and that's not what I'm asking for.
14 I want something a little more than that.

15 All right. I'm gonna say let's stand down until
16 1:00. Just give me time to eat and do a little research
17 and I can send the jury on and let them eat lunch and
18 we'll start back at 1:00. Has anybody got a problem
19 with that?

20 **MS. McNEILL:** No, sir.

21 **MR. STUMBO:** That's fine.

22 **THE COURT:** And if y'all come up with something
23 you want me to consider, Zach is available. Tell the
24 jury 1:00.

25 (Whereupon, a luncheon recess taken.)

1 (State's Exhibit Numbers 10 through 47 were marked
2 for identification.)

3 **BAILIFF:** All rise. Come to order.

4 **THE COURT:** All right. Y'all be seated.

5 Ms. McNeill and Ms. Kendall, I've been considering
6 your motion, I've read a few cases. Unfortunately, I've
7 found more cases that I can read in thirty minutes and
8 eat lunch. I want to take the opportunity to listen to
9 the exhibit, which is being copied.

10 Has that been done, Mr. Stumbo?

11 **MR. STUMBO:** It is, Judge.

12 **THE COURT:** The seven calls?

13 **MR. STUMBO:** It is, Judge. Actually, it was
14 premarked as State's 47 over lunch. We went ahead and
15 premarked.

16 **THE COURT:** And did y'all tell me yesterday it was
17 fifty-five or so minutes or more?

18 **MR. STUMBO:** It's between fifty minutes and an hour.
19 I can't give you an exact time, but it's not -- not
20 quite an hour long.

21 **THE COURT:** All right. I want to take the
22 opportunity to listen and read these cases that I've
23 tried to get through, but y'all brought me four or five
24 back there, I found several, and then the Solicitor's
25 office sent me three, I believe. Solicitor Andrews did.

1 I want to read them all and so --

2 **MS. McNEILL:** Yes, sir. And for the Court's record,
3 in the packet of the case law and my summary that I
4 handed to your law clerk, I also provided a copy of that
5 -- that same packet of information to Solicitor Stumbo.

6 **THE COURT:** All right. Here's my concern. I don't
7 know how long it's gonna take me. It may take me two
8 hours, it may take me three hours. I don't want to
9 start this afternoon at 2:15, 3:15 more likely, or 4:00
10 and do openings and come back in the morning, so -- my
11 grandmother took a fall last week. I meant to check on
12 her yesterday, this morning. I've not done either of
13 those. I kind of want to do that, too, so we're gonna
14 -- I'm gonna adjourn for the afternoon so I can do that
15 work and go by and check on her.

16 Here's what I want y'all to do. Anything -- so
17 y'all will have the afternoon to find and supplement any
18 cases you want to me, either side, and get them to me.
19 I'll review them, I'll listen to these recordings and
20 then I'll make my ruling in the morning after due
21 consideration. I want -- and I'll allow people to put
22 anything else on the record tomorrow morning at 9:00
23 sharp. I'm gonna tell the jury to be back at 9:30. Do
24 y'all understand?

25 **MS. McNEILL:** Yes, sir.

1 **THE COURT:** Is that good? You're okay with that?

2 **MS. McNEILL:** Yes, sir.

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

4 **THE COURT:** All right. 9:30 in the morning I want
5 the jury back, please, sir. Tell them my apologies.
6 This one's on me. This morning was on others.

7 All right.

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

9 **THE COURT:** Y'all can e-mail that stuff would be
10 the best way to get it to me, all right?

11 **MS. McNEILL:** Okay.

12 **MR. STUMBO:** That will be fine, Judge. Thank you.

13 (Whereupon, the proceedings were concluded for
14 September 9, 2014, at 1:16 PM.)

15 (Whereupon, the following proceedings were held
16 September 10, 2014.)

17 **BAILIFF:** Let's all rise and come to order, please.

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

19 All right. Ms. McNeill, I think when we left you
20 and Ms. Kendall were granted leave to discuss further
21 the Rule 5 disclosure of the phone calls from the jail
22 that were recorded and provided to y'all mid August.

23 **MS. McNEILL:** Yes, sir.

24 **THE COURT:** Anything further from you on that?

25 **MS. McNEILL:** Just to clarify for the record that

1 I handed up information to Your Honor along with
2 Solicitor Stumbo citing Strickland v. Washington,
3 Padilla v. Kentucky, Ard v. Catoe, State v. Lawton.

4 Also, just -- okay. And, Judge, if you are not
5 going to rule that these jail calls are to be
6 inadmissible, there would have to be heavy redactions,
7 and I'll address that at the appropriate time.

8 **THE COURT:** All right. Well, I have a concern
9 having listened to them now. You said there were five
10 or six. I'm gonna guess there were closer to ten. I
11 didn't count them, but --

12 **MS. McNEILL:** There's seven.

13 **THE COURT:** I thought it was more than that, but --

14 **MR. STUMBO:** I think seven on that audio, Judge.

15 **THE COURT:** Okay. It seemed like more than that --

16 **MS. McNEILL:** Yes, sir.

17 **THE COURT:** -- but all of them were similar in
18 nature.

19 **MS. McNEILL:** Yes, sir.

20 **THE COURT:** Y'all received those on --

21 **MS. McNEILL:** August 14th.

22 **THE COURT:** Now my query to you and the State both
23 is the State made an offer for a plea to your client --

24 **MS. McNEILL:** Yes, sir.

25 **THE COURT:** -- that surrounded a week and this was

1 in the middle of that week by my calendar.

2 **MS. McNEILL:** Yes, sir.

3 **MR. STUMBO:** Judge, I think the offer was extended
4 August 12th. Mr. Bentley hand-delivered the calls
5 August 14th. My understanding from Ms. McNeill is they
6 had a chance to listen to those before the deadline of
7 the offer, which was August 19th.

8 **THE COURT:** Well, that's your understanding. I
9 want to hear from her.

10 **MR. STUMBO:** Okay.

11 **THE COURT:** That's why I was talking to her.

12 **MR. STUMBO:** The 19th was the expiration of the
13 plea offer.

14 **THE COURT:** I'm aware of that, too.

15 **MS. McNEILL:** We did not have a chance to review
16 the seven. Obviously we didn't know which ones they
17 were going to want to use and I believe the Solicitor
18 stated that he just figured that out on Sunday.

19 **MR. STUMBO:** We finally whittled it down to seven
20 on Sunday, Judge, and we didn't want to waste the
21 Court's time and the jury's time by playing hours upon
22 hours of jail calls.

23 **THE COURT:** And I -- I agree with you.

24 **MR. STUMBO:** We listed seven, which was a little
25 under an hour.

1 **MS. McNEILL:** And we did have a summary. We
2 listened to a summary of those jail calls. We didn't
3 listen to them -- like transcribe them at that point.
4 And, again, we never had an opportunity to listen to
5 the jail calls concerning Co-Defendant Michael Beaty.

6 **THE COURT:** Well, it seemed to me it would be
7 appropriate to consider the offer made by the State
8 in light of those phone calls if you did not have an
9 opportunity to do so.

10 **MS. McNEILL:** We did have an opportunity to do so.

11 **THE COURT:** All right. Well, I think it would be
12 appropriate for us to publish the offer made, the time
13 you had to consider it, and put it on the record that
14 your client turned it down.

15 **MR. STUMBO:** I think that's appropriate, Judge.
16 Quite frankly, for PCR purposes down the road, we'd like
17 to hear from Mr. Alexander under oath that it was his
18 decision to turn down the offer.

19 **MS. KENDALL:** Judge, our concern is obviously
20 there's press involved in this case at this point.
21 Anything done in the courtroom is published. What I
22 don't want to have happen is that specific offer as it
23 was through e-mail coming out unsealed because I think a
24 big concern is for PCR purposes to try to protect
25 Mr. Alexander from anything being published at this

1 point as far as the press is concerned.

2 **THE COURT:** How's it harmful to him through the
3 press?

4 **MS. KENDALL:** Judge, our concern is, you know,
5 we can't -- we're not being allowed to put all the
6 stipulations, all the concerns through the negotiation
7 process, we're getting a one-sided portion of it
8 through what the offer is and its denial as far as the
9 other concerns that went into that. As far as the
10 stipulations, I believe you put in the past e-mail
11 that we had discussed at the prior hearing about I
12 think last Monday or so -- or Tuesday, that would be
13 appropriate. We're fine stipulating to that. There
14 was an offer made. We had, I think, a week or so, I'm
15 not remembering the dates off the top of my head. In
16 light of these phone calls, instead of having six or
17 seven, but did have a summary of the two days' worth,
18 having reviewed those, did play the pertinent portions
19 to our client, reviewed them. We did not play Michael
20 Beaty's. I have not had time to review the years' worth
21 of phone calls for that.

22 **THE COURT:** All right.

23 **MS. KENDALL:** And I think that summary would
24 preserve what I think Your Honor's concerns are on the
25 record without having to publish the offer.

1 **THE COURT:** I'm -- I guess I'm not following. How
2 is it harmful to publish the offer on the record? If
3 y'all want to approach and tell me without saying -- I
4 mean, I'm not following you.

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

6 **THE COURT:** Let's step outside.

7 (Recess taken.)

8 **BAILIFF:** Come to order, please.

9 **THE COURT:** All right, folks. Back on the record.

10 All right. We had a chambers conference and
11 basically I wanted to discuss with the lawyers that this
12 is what I believe would be appropriate to protect the
13 record for the State and the defense is that -- so,
14 Ms. Kendall or Ms. McNeill, either one, there was an
15 offer made by the State on the 12th of August to
16 Mr. Alexander for a plea. It was a week long open
17 offer. You received additional discovery on the 14th
18 or 15th of August of the recordings of numerous
19 telephone calls from your client to different people.
20 What I want to be certain of since I've now reviewed
21 the calls yesterday to make an admissibility ruling is
22 did you have an opportunity to review the calls, the
23 contents and the other evidence and defenses or whatever
24 y'all have, with your client in considering the offer
25 made by the State?

1 **MS. KENDALL:** Your Honor, in light of the dates
2 you gave, which are correct, on August 15th we met with
3 our client and reviewed the phone calls, the pertinent
4 portions, and he knew about it in light of the offer.

5 **THE COURT:** And so he considered the offer in light
6 of the phone calls and the specific terms of the offer,
7 which we have reduced to writing?

8 **MS. KENDALL:** Yes, Your Honor.

9 **THE COURT:** All right. And he's declined it on the
10 19th, which was the Tuesday of the next week?

11 **MS. KENDALL:** That's correct.

12 **THE COURT:** All right.

13 All right. Regarding the telephone calls, the
14 Court was provided a DVD with approximately seven or
15 eight calls of fifty several minutes. All the calls the
16 Court has reviewed, they were all made from the Laurens
17 County Detention Center, the Johnson Detention Center,
18 and I'm -- I don't know this, but it seemed like they
19 were all made collect from Mr. Alexander to his mother
20 and there's some sort of recording that's a lead-in to
21 each of them that says this is a call from the Johnson
22 Detention Center, something along those lines, it's a
23 computer voice, all those calls were made roughly a week
24 apart, I don't know, but for several weeks calls were
25 made and the conversations were between Mr. Alexander

1 and his mother.

2 Based upon the nature of the calls, they were a
3 noncustodial interrogation situation, he was calling
4 his mother, it was not a police interrogation. There
5 was a recitation from the computer voice that the
6 calls were being recorded given to both parties to the
7 conversation. There was no expectation of privacy. The
8 calls were made and provided copies to the defense on
9 the 14th of August, which is some three weeks before
10 trial, and so the Court would allow them with a proper
11 foundation and with a potential redaction argument at
12 the appropriate time.

13 Is that consistent with our chambers discussions?

14 **MS. McNEILL:** Yes, it is, Judge.

15 **THE COURT:** Okay. Solicitor, is that right?

16 **MR. STUMBO:** It is, Judge. Thank you.

17 **THE COURT:** Okay. Are we ready to go?

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

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

20 **THE COURT:** All right. Mr. Bolt, bring in the jury,
21 please.

22 **MS. McNEILL:** And, Judge, just for the Court's
23 record, to protect the record, I am renewing my
24 continuance at this time.

25 **THE COURT:** Okay. And for the record, that's

1 respectfully denied, and under the same basis, the Rule
2 5 discovery. Rule 5 and Brady.

3 **MS. McNEILL:** Yes, sir.

4 (Whereupon, the jury enters the courtroom at
5 9:58 AM.)

6 **THE COURT:** All right, folks. They can sit wherever
7 they like.

8 All right. Y'all be seated.

9 All right, folks. Sorry for the delay. We had
10 several things going on this morning. My wife called
11 with her hair on fire. My daughter's account got
12 hacked; somebody trying to charge \$16,000 to my
13 daughter's account that my have a hundred bucks in it.
14 Anyway, I had to deal with that this morning and all
15 sort of things.

16 Now the fourteen of y'all can sit wherever you like.
17 If you'd like to sit further down, you can. Mr. Bolt
18 likes you up this way. I think it's better to hear up
19 this way, but if you want the space between you, that's
20 y'all's box. Make yourself comfortable, okay? The gist
21 of this is y'all get to listen. You don't get to ask
22 questions. I just need your proper attention to the
23 witnesses. And if you need a break -- you're gonna be
24 the one sitting in the corner in the orange shirt -- if
25 you want my attention or anything, let Mr. Bolt know, if

1 y'all need a break, so y'all get the word down to him.
2 Because he's on the end, it's gonna be his job to do
3 that.

4 Now normally breaks occur naturally between
5 witnesses. The way this works is in a few minutes the
6 State and the defense will get to present opening
7 statements describing what they believe that the
8 evidence will show and what they intend to present.
9 The State will go first, they're sitting a little
10 closer to you, and the defense will go second. Once
11 they finish their opening statements, the State will
12 begin calling its witnesses.

13 Now as I told you, this is the indictment for which
14 we're here in this trial for. The indictment is mere
15 notice from the State to Mr. Alexander of what to be
16 prepared to come to court to answer regarding charges.
17 It's not proof of anything, it's an allegation. The
18 State's got to prove the allegation, each and every
19 element of it, beyond a reasonable doubt. At the very
20 end of the trial, I'm gonna tell y'all what a reasonable
21 doubt is.

22 Now until you get all of my instructions at the very
23 end, you're really not gonna be ready to understand all
24 the law. I've got to give you a summary of the law and
25 the law says that the State's got the burden of proof.

1 The Defendant is presumed innocent sitting right there.
2 He remains presumed innocent throughout the trial until
3 the State presents its evidence and convinces you
4 unanimously beyond a reasonable doubt of each and every
5 element of these allegations. So because of that, the
6 State has the burden, and they call their witnesses
7 first. The defense may choose to call no witnesses.
8 They don't have to. They don't have anything to prove
9 or disprove.

10 So not knowing which witnesses the State's gonna
11 call or if the defense chooses to not call any or
12 chooses to call two, I don't know that. They may not
13 have decided that yet and they don't have to. They
14 don't have to tell us ahead of time we're gonna call
15 three or we're gonna call none. We don't get to find
16 that out. We get to sit and listen. It's kind of like
17 watching a movie. The movie goes, the movie's over.
18 Once it's over, then I give you my instructions and then
19 y'all begin your deliberations.

20 Now when y'all begin deliberations, assuming
21 everybody's still with us, the alternates will come out
22 and just the twelve -- the first twelve jurors will be
23 discussing the case. Y'all will be back there and y'all
24 can then discuss about what was testified to; what about
25 that piece of evidence, what about this piece of

1 evidence. Y'all will have all the evidence that gets
2 introduced in the trial.

3 My court reporter, Ms. Johnson, right there, she
4 takes down the numbers of the exhibits. So State's
5 Exhibit 1 through however many they put in, y'all get.
6 Now I don't know whether the State numbered theirs ahead
7 of time or the defense numbered theirs ahead of time.
8 Sometimes they do trying to be more efficient and
9 sometimes they'll skip Number 3 or Number 7 because they
10 decide they don't want it, they'll just use Number 5 or
11 6, so the numbers make no difference. It's just how
12 they decide to present the case to you and so the
13 numbers are basically for the benefit of the court
14 record. They have nothing to do with admitting some
15 evidence, leaving some out. Some of them are
16 photographs. They may have five pictures of the same
17 thing and they only need one, so the other four won't
18 be put in, so don't worry about that too much. But
19 understand this. Everything that gets introduced y'all
20 will have in the jury room and y'all will get to review
21 it and look at it as long as you'd like. They may have
22 you pass something around or put something up on the
23 video screen when they pull it down and if you didn't
24 get to look at it or study it like you'd like, you'll
25 get that opportunity in the jury room. Now y'all will

1 be able to do that. It will just be y'all. I won't be
2 back there, Mr. Bolt won't be back there, so y'all will
3 be deciding questions of fact.

4 All right. My job is to determine or rule on the
5 legal issues. Now I got a little preview of some of
6 the evidence that I needed to hear to determine whether
7 or not y'all could hear it because there's certain
8 parameters that's got to be done a certain way or a
9 certain fashion, and I've done that. That's what we
10 were doing earlier. Well, several things may not have
11 come up yet and so if one of the lawyers, it could be
12 any one of the six lawyers in the courtroom, says Judge,
13 I've got a matter of law, I've got an objection, I've
14 got an issue, I'd like to discuss it further, that means
15 that I've got a little more work to do on that piece of
16 evidence and generally the lawyers want to discuss in a
17 little greater detail about well, Rule 11 says this,
18 this and this and, Judge, we don't think that Rule 11 is
19 being met because of these reasons and the other lawyer
20 says Judge, it certainly is being met because of these
21 reasons.

22 When I'm doing that, I need to make a record of it,
23 but I really don't need y'all sitting here and listening
24 because y'all don't know what Rule 11 is, okay? So when
25 I'm doing my job, I don't need y'all in here, and when

1 y'all are back doing y'all's job, I won't be in there
2 with you. So it's kind tit for tat. Do you understand?
3 So I'm the judge of the law, I'm the instructor of the
4 law. Y'all are the judges of the facts, okay? I won't
5 interfere with y'all's job as long as y'all don't
6 interfere with mine.

7 Now as I told you, I want to be certain that we
8 hear this case and consider this case based upon the
9 evidence that's presented in this courtroom, this
10 witness stand, the witnesses the State and defense
11 call, and not something that was heard or thought to be
12 heard or read or seen outside. TV, Internet, beauty
13 shop, anything like that's off limits. So I give y'all
14 those instructions. Disregard anything y'all have
15 heard. If you believe you've heard something, I'd like
16 to know that. You can tell Mr. Bolt you'd like to
17 speak to me and we'll make a record of that. If you
18 think somebody's tried that or you inadvertently read
19 something, I need to know that because you twelve,
20 fourteen, that's why I've got extras, y'all have got
21 to decide this case on the evidence presented here
22 in the courtroom and not on talk, assumptions,
23 presumptions, and gossip. That's important. Every
24 case is that way. You've got to decide it in the
25 courtroom based upon evidence properly admitted through

1 the court system and the judicial system, and so I'm
2 gonna emphasize that to you over and over and over.
3 That is so important to do that.

4 So y'all understand, I instruct the law. Y'all
5 listen attentively. If y'all need a break and the break
6 doesn't come naturally, ask me. Normally the witnesses
7 will go forty-five minutes to an hour. When the witness
8 gets finished, that's a good time to take a break, and
9 if I've had a cup of coffee, I'll need to take a break,
10 so it's pretty predictable.

11 Remember, you can't discuss the case during any
12 break. You can't discuss it until I say okay, here's
13 the evidence, begin discussing. And I'll say that at
14 the very end and every time until then when we take a
15 break I'll say don't do it.

16 All right. Those are my preliminary instructions
17 to you as a group. Y'all will now all stand and
18 Ms. Lancaster will place you under oath. I did look
19 over here. As promised, here is my bowl of candy. As
20 soon as y'all take the oath, I'll hand it to you.

21 **THE CLERK:** Please raise your right hand.

22 (Whereupon, the jurors were sworn by the Clerk of
23 Court at 10:07 AM.)

24 **THE COURT:** All right. I'll pass it around. I've
25 got plenty more in the back, so don't think that's it.

1 All right, Solicitor. Oh, I'm sorry. Mr. Scott.

2 **MR. SCOTT:** Thank you, Your Honor. May it please
3 the Court?

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

5 **MR. SCOTT:** Ladies and gentlemen of the jury, I want
6 to tell you about a girl. I want to tell you about a
7 beautiful, caring, compassionate, talented, sometimes
8 silly girl, a Clinton girl, went to Clinton High School,
9 lived in Clinton her whole life, a goalie for the
10 lacrosse team, a member of the First Baptist Church in
11 Clinton. The kind of girl who never had anything bad to
12 say about anyone, the kind of girl who was a volunteer
13 at an animal rescue group, always wanting for others,
14 always looking out for others, and talented. She was a
15 singer, got a guitar when she was in fifth grade and
16 taught herself to play. It became kind of a lifelong
17 hobby for her. A daddy's girl, a tomboy growing up.
18 She loved to fish with her father. She was a
19 granddaughter, a daughter, a sister.

20 This girl had a name. She was Emily-Anna Asbill,
21 but nobody called her that. She was E.A. to everyone.
22 E.A. was nineteen years old June the 29th of 2013, and
23 that's when she left this earth. She died where she
24 grew up in the town of Clinton. What happened to the
25 beautiful, caring, compassionate, warmhearted, talented

1 girl? What happened to E.A. that night? What led to
2 her boyfriend, Michael Beaty, being charged with murder
3 and Michael Beaty's lifelong friend, Will Alexander,
4 being charged with accessory after the fact of murder?

5 What happened that night? That's where you guys
6 come in. As the judge said, you are the finders of
7 facts in this case and you're gonna hear the facts,
8 you're gonna hear the testimony and you're gonna see
9 evidence, and at the end of this thing you're gonna
10 determine the culpability of William Alexander.

11 William Alexander is the one we're all hearing
12 about this week. Michael Beaty is gonna have his day in
13 court. This is the first step in the adjudication of
14 this case. This is the first step in figuring out how
15 E.A. left this earth June 29, 2013. We must first
16 consider William Alexander's role in this. And we're
17 gonna look at all the facts and we're gonna look at
18 exhibits and hear testimony and everything and we're
19 gonna have to determine what makes sense because none of
20 us were there. We weren't there. We have to rely on
21 all this evidence that was collected at the scene, we're
22 gonna have to rely on the people who were there that
23 day, the last people who saw E.A. As a matter of fact,
24 there were only three people present when E.A. died.
25 That was E.A. herself, that was her boyfriend, Michael

1 Beaty, and that was the Defendant here this week,
2 William Alexander.

3 Let me tell you what I expect the testimony will
4 show you. June 29, 2013, on -- or, excuse
5 me, in Clinton there was a party. The
6 people who were there characterized it as a Celebration
7 of Life party. Probably more commonly called a wake.
8 It was a get-together of former classmates, I think most
9 of them went to Thornwell, and they were remembering
10 a friend who had passed away probably too early. I
11 understand this fella was in his early thirties and died
12 of a heart attack. At any rate, all these folks were
13 getting together at the home of Kyle and Rose Stewart in
14 Clinton to remember this fella and they were gonna be
15 drinking and they were gonna be remembering and telling
16 stories and everything like that.

17 Sometime around noon of June 29th, Kyle Stewart,
18 the homeowner where this party was gonna take place,
19 drove his car over to in to pick
20 up Mr. Alexander. Mr. Alexander jumped in the car with
21 two cases of beer and rode over to the
22 address in Clinton. By all accounts he drank all day.
23 Everybody there was drinking. They were, again,
24 remembering this fella they were holding this party in
25 honor of. Sometime later in the afternoon, let's say

1 around 8:00, 8 PM, Michael Beaty shows up in a white
2 Buick, and he's got E.A. with him. Now Michael Beaty
3 knows all these folks at the party, he was a classmate
4 of theirs. E.A. was a good deal younger than these
5 folks. They're all in their late twenties, early
6 thirties, and here she was nineteen years old. She was
7 meeting a lot of these folks for the first time. She
8 gets out and immediately begins making friends with
9 these people. She and Michael Beaty are drinking as
10 well. By all accounts nothing out of the ordinary
11 happened between Michael Beaty and E.A. during the
12 party. They may have gone over to the car and had
13 discussions amongst themselves, but nothing outright
14 that would have gotten anybody's attention.

15 The testimony I submit to you will say that sometime
16 between 9:00 PM and 9:30 Michael Beaty decided it was
17 time to leave the party. The partygoers watched as
18 Michael Beaty got into the driver's seat, E.A. got in
19 the passenger seat, the front passenger seat, and during
20 this time it was decided that Will Alexander would ride
21 with them. Although he had come to the party with Kyle
22 Stewart, he was gonna leave with these people and they
23 were gonna drop him off at his home or he was gonna stay
24 with him. It's unclear what the exact arrangement was,
25 but at any rate the partygoers watched as he got -- Will

1 Alexander got into the rear passenger seat of the Buick
2 and they watched as the car pulled off that night, and
3 that was the last time anyone other than Will Alexander
4 and Michael Beaty saw E.A. alive. It was the last time
5 anyone saw her breathe.

6 Now at approximately 11:12 PM that night there's a
7 9-1-1 call that comes from dispatch. It's Henry Simmons
8 on the phone. Henry Simmons calling from his home on
9 in Clinton city limits. And Henry
10 Simmons is the stepfather of Michael Beaty, okay? And
11 he's telling 9-1-1 I need somebody out here immediately.
12 My son and his best friend, Will Alexander, show up on
13 my doorstep, they tell me there's a girl outside, she's
14 not breathing, something's wrong with her, she's hurt or
15 she may even be passed away. While he's on the phone,
16 he goes out there and checks her pulse, he can't find
17 one. He does what he's supposed to. He calls 9-1-1.
18 An ambulance arrives around the exact same time the fire
19 department gets there. Immediately something is just
20 not right. The emergency workers put a note that E.A.
21 is sort of jammed down into the passenger floorboard
22 almost sitting Indian style. Her head is back in the
23 seat, the top of her head is touching the backrest of
24 the front passenger seat. Her forearm -- there's road
25 rash all over her forearm. Both of her knuckles are

1 busted up so bad the skin is peeled back, they're
2 bleeding, and then there's that mark. There's that
3 mark. It's gonna be very important. There's a mark
4 around her neck. Something's not right. They pull her
5 out of the car and try to resuscitate her, they work
6 with her in the ambulance, but she's gone.

7 Clinton police arrive on the scene. They see
8 Michael Beaty walking around, he's got blood on him.
9 Will Alexander's in the house. They ask him to come out
10 and speak. These boys' only explanation they can offer
11 to the police is she must have cut herself. That makes
12 absolutely no sense considering her appearance and some
13 of these injuries. Officers ask Will Alexander and
14 Michael Beaty, you guys come on into the police station.
15 You're not under arrest, but we've got to figure out
16 what happened. You're the only two who really know what
17 happened. You were the last two to be with this girl.
18 Three people left alive. There's only two
19 alive when they get to . What happened?

20 At 1:25 AM, Will Alexander gives his first statement
21 -- or his second statement other than the one at the
22 scene, but it's an oral statement he gives to Crystal
23 Roberts of the Clinton Police Department. Essentially
24 he says they drove to Henry Simmons' home, E.A. was fine
25 inside the car. He said he passed out and the only

1 thing he remembers is seeing police tape outside. Okay.
2 So you don't remember anything, Will? That's all he's
3 willing to tell officers at that time.

4 SLED is called in. About 2:15 AM they arrive. At
5 this point he elaborates a little bit more. He says he
6 gets to the party about 2:00 PM, decided to ride home
7 with E.A. and Beaty. At that point he can even recall
8 the exact seating arrangements inside the car. He said
9 he noticed some tension between E.A. and Beaty during
10 the ride home. He tells officers at that time they all
11 went inside the home to go to sleep. He's trying to get
12 some sleep, he hears them arguing and so he can't fall
13 asleep, and the next thing he remembers is officers
14 getting there. That's Statement Number 2.

15 He's allowed to leave the police department while
16 officers try to gather more information. The autopsy
17 report comes in. The cause of death comes in. Of
18 course, she died by strangulation. She was strangled
19 to death.

20 Alexander comes back in the next afternoon. This
21 would be June 30, 2013, at approximately 3:10 PM, and
22 gives his first written statement at this point. He
23 went to the party around noon and drank. E.A. and
24 Beaty arrive around dusk, they left at 12:30 AM he says
25 and went to Henry Simmons' home. The next thing he

1 remembers is going to sleep. The officers will note
2 that that's inconsistent. 12:30 AM is about an hour
3 after the 9-1-1 call is received and over at Henry
4 Simmons' nobody went in that house on . So they
5 bring him back in, okay?

6 If you're tracking, this is Statement Number 5,
7 but it's only the second written statement. It's about
8 6:17 PM. Now at this point he tells officers Beaty came
9 to him and says "I think I messed up, I may have ended
10 her life". At this point he says he was in the garage
11 when he heard this. He told Beaty -- in his statement,
12 he recounts that he told Beaty they need to call 9-1-1.
13 Of course, they didn't. They went inside and got Henry
14 Simmons. Henry Simmons is the one that called 9-1-1.

15 He goes in after this interview and talks with a
16 SLED agent named Rick Charles. At this point he begins
17 coming clean. This was 6:39 PM the evening after this
18 incident occurs, the next day. Beaty and E.A. began
19 arguing in the car. He said they stopped the car and
20 got into a physical altercation on the side of the road.
21 They went to Simmons' home. At this point, a day later,
22 is when he's finally coming clean to officers. He tells
23 Rick Charles he watched Beaty get on top of E.A., saw
24 Beaty's hands up near her neck and he appeared to be
25 choking her. At this point he was finally coming clean

1 to the officers.

2 He admits to them in his last written statement he
3 gave at 9:04 PM on June 30th there was this physical
4 altercation. Michael Beaty was a little bit upset at
5 E.A., jealous, because he perceived her giving undue
6 attention to other party members. That's what Michael
7 Beaty was mad about. She's not paying him enough
8 attention, she's giving too much attention to everybody
9 else. They're riding down the road, they're fighting
10 back and forth. Eventually they come to the side of the
11 road. His testimony is Michael Beaty drug her down the
12 road, which would account for this rash, her busted up
13 knuckles. He says they get to the home of Henry Simmons
14 and finally admits at this time he was in the carport
15 smoking a cigarette, he looks back at the Buick and
16 there's Michael Beaty straddling E.A. with his hands up
17 around her throat. He gets out of the car, comes to
18 Will Alexander and says "I think I may have ended her
19 life". You're my friend, Will Alexander, you're gonna
20 shut your mouth and say you didn't see anything because
21 if you do that, I get away with it. If you don't play
22 ball and you don't answer questions and you act dumb and
23 you act like you don't know anything, they ain't ever
24 gonna catch me. Because that's what friends do, that's
25 what lifelong friends do, and that's exactly what he

1 did for a full day.

2 While officers are trying to get to the bottom of
3 this, figure out what happened, Will Alexander's playing
4 dumb. One of only two people who knew what happened to
5 a beautiful, caring, compassionate, talented girl who
6 left this earth at the age of nineteen. That's what
7 this case is about, okay? This is the first step in
8 figuring out what happened to E.A. We're gonna deal
9 with Will Alexander. Michael Beaty is gonna have his
10 day in court. This is Will Alexander and this is his
11 accessory after the fact charge.

12 What is accessory after the fact? You guys have
13 probably heard this one. Legally speaking, what we're
14 gonna have to prove to you is that Will Alexander knew
15 a felony had been committed. The intentional killing
16 of a human being is a felony any which way you go. He
17 knew it happened. Number two, he knew the principal
18 committing the felony. The principal in this case would
19 be Michael Beaty. We ain't saying Will Alexander killed
20 the girl, but he knew who did. He knew Michael Beaty
21 did. Michael Beaty told him. And, finally, that he
22 attempted or did assist the principal, assist Michael
23 Beaty, in trying to get away with it, in trying to cover
24 up this crime. That's what he did. You're gonna hear
25 from his own mouth, you're gonna read those statements,

1 you're gonna hear how he said he attempted to cover for
2 his best friend, you're gonna hear his recorded voice
3 telling his momma how he tried his dangelst to cover for
4 his best friend. And that's what the evidence is gonna
5 be.

6 Now, guys, I'll introduce myself now. I think we
7 did yesterday. I'm Dale Scott and I am an Assistant
8 Solicitor here in this circuit. I work with David
9 Stumbo, who's gonna try this case. He is your elected
10 solicitor. We're prosecutors. Our job is to try to
11 prove this case, to try to get some kind of truth in
12 this case, to try to present this case to you guys in a
13 way that makes sense, and we've got to do all this piece
14 by piece. And it's gonna be tedious because I just went
15 over seven statements with you guys and we're gonna have
16 to go through it witness by witness, but I've got to be
17 careful and I've got to dot all my I's and cross all my
18 T's because the standard here is beyond a reasonable
19 doubt.

20 Every prosecutor from here to Seattle has to abide
21 by that same standard. We have to prove our case beyond
22 a reasonable doubt. So sometimes it gets a little
23 tedious the way we pick through the case and almost
24 repeat ourselves sometimes. We try not to, but beyond
25 a reasonable doubt is a high standard. It's a legal

1 term of art. It does not mean beyond all doubt. It
2 does not mean you must know every fact of this case
3 with a 100 percent certainty. That's not what
4 reasonable doubt is, but we do have to firmly convince
5 you of our theory of the case of what happened and we
6 do firmly have to convince you that Will Alexander is
7 guilty of each one of those three elements; that he knew
8 a felony was committed, that he knew Michael Beaty had
9 done it, and that he tried to assist him. We do have to
10 do that at least, but the evidence -- I'm competent that
11 all of the evidence we're gonna show y'all is gonna meet
12 beyond a reasonable doubt and you are gonna be firmly
13 convinced of his guilt.

14 So y'all this is an important case. I know they're
15 gonna say it's important for Will Alexander. It's
16 important for the State. It's so important for E.A.'s
17 family, so important to this community, so I just ask
18 you guys for your attention and I ask you to ask
19 yourself what sounds reasonable and if you catch
20 yourself trying to jump to a conclusion, stop yourself
21 and say what does the evidence show? What makes sense?
22 I think if you constantly do that, if you're attentive
23 and you use logic and not conjecture, you use common
24 sense, then I think this case will be easy. I think it
25 will be -- at the end I think all the evidence will

1 force you to the conclusion of Will Alexander's guilt
2 beyond a reasonable doubt, and that's what we're gonna
3 ask of you at the end of this trial, to find him guilty
4 beyond a reasonable doubt to accessory after the fact.
5 Thank you.

6 **THE COURT:** Thank you, Mr. Scott. Ms. McNeill.

7 **MS. MCNEILL:** Thank you. May it please the Court?
8 Good morning, ladies and gentlemen. My name is Chelsea
9 McNeill and I'm defending Mr. William Alexander, who
10 sits over there. Also with me is Ms. Kate Kendall and
11 Mr. Chip Howe.

12 No one disputes the fact that a tragedy occurred on
13 June 29, 2013. A lovely girl, E.A., did pass away that
14 night. That is not in dispute. What is in dispute is
15 the actions of Mr. William Alexander. It is our belief,
16 the defense's belief, that Will Alexander's actions did
17 not arise to the level of accessory after the fact to
18 murder. That is what you're here to decide; whether or
19 not his actions arose to the level of accessory after
20 the fact of murder.

21 Mr. Scott just went over some elements with you.
22 I'm gonna do the same. Accessory after the fact is one
23 who knowing a felony to have been committed, okay? So
24 he must have known a felony to have been committed.
25 Mr. Scott sort of misstated a couple of Mr. Alexander's

1 statements to law enforcement. You're going to hear
2 about those statements. He repeatedly says that he saw
3 Mr. Beaty, his co-defendant charged with murder, okay,
4 that he saw Mr. Beaty's hands around E.A.'s neck and he
5 thought that they were making out. That's not him
6 knowing a felony is being committed. That's thinking
7 somebody is making out. Making out is not a felony.

8 The second thing is that he receives, relieves,
9 comforts or assists the felon or in any manner aids
10 him or her to escape arrest, detection -- arrest or
11 detection, okay? You're going to hear that William
12 Alexander was extremely intoxicated that night. This
13 incident occurred around 11:30 to midnight on June 29,
14 2013.

15 As Mr. Scott stated to you earlier, they had all
16 been at a -- what they call a Celebration of Life
17 ceremony to celebrate the passing of a friend. They
18 had all gone to this house party, there was a lot of
19 drinking, a lot of drug use, and E.A., Michael Beaty
20 and William Alexander were some of the attendees at
21 this party. You're going to hear testimony that
22 William Alexander drank about twenty-five or twenty-six
23 beers throughout the entire day. You're also going to
24 hear testimony that William Alexander ingested cocaine,
25 along with marijuana. He also ingested what's call

1 Molly, which is a pure form of MDMA, otherwise known
2 as Ecstasy. Imagine the state of mind that William
3 Alexander was in. He was highly, highly intoxicated
4 that night; twenty-six beers, cocaine, weed, Ecstasy.

5 You're going to hear testimony from law enforcement
6 that William Alexander, my client, was so intoxicated
7 that night that he was swaying on his feet, he had
8 bloodshot eyes and he reeked of alcohol. You're also
9 going to hear testimony that he was in and out of
10 passing out. Officers gave him a blanket at Clinton
11 Police Department and he took that blanket and he would
12 fall asleep and he would wake up.

13 You're going to hear testimony that upon arrival at
14 , which is the incident location where
15 the Simmonses live, who is Michael Beaty's stepfather,
16 you're going to hear testimony that Detective Goggins,
17 one of the officers in this case, had to go and have
18 somebody retrieve Will, my client, from inside the
19 house where he was asleep. While all of this tragedy
20 is going on outside on the driveway, while all these
21 EMS personnel and law enforcement are showing up on the
22 driveway, my client is inside sleeping, passed out from
23 twenty-six beers, cocaine, weed, Ecstasy. Now you've
24 got to ask yourself would a reasonable person pass out
25 inside while all this is going on outside? I doubt

1 that. But because of his highly intoxicated state, he
2 was doing that.

3 You're going to hear testimony that that night
4 on-scene around 11:30, 12:00, after law enforcement
5 arrived, after EMS personnel arrived, Michael Beaty
6 was on the scene, William Alexander was on the scene.
7 William Alexander told officers that night "I don't know
8 what happened, you know, she was a cutter". He didn't
9 say she cut herself. He said she was a cutter. Then
10 law enforcement asked did you see her cut herself? He
11 answers no. He doesn't make up a lie to say that she
12 had cut herself that night. He said she's a cutter, but
13 he didn't see her cut herself that evening and that was
14 to explain the road rash that's on her arm.

15 You're also going to hear testimony that that night
16 he said I know they were arguing and Michael Beaty came
17 to me and said "I think I messed up". That's really
18 important and I want you to focus on that. That he said
19 Michael Beaty came to him and said "I think I messed
20 up". This was on either the 29th between 11:30 and
21 12:00 or the early morning hours of the 30th. Why is
22 that important? Because that goes to show you he is not
23 trying to assist Michael Beaty in avoiding detection or
24 arrest.

25 We have a girl who is dead. We have three people

1 who got in the car and only two came out alive. That
2 leaves either Will Alexander or Michael Beaty that's
3 either responsible for what happened or knows something
4 about what happened. Will Alexander was in and out of
5 passing out in the backseat of the car, at the house
6 once EMS personnel arrived, and at the police station.
7 Twenty-six beers, Molly, cocaine, weed. You get the
8 picture? Swaying back and forth, bloodshot eyes,
9 reeking of alcohol.

10 You'll also hear testimony from officers who'll
11 state that there's no way they would have let him leave
12 the police station and drive himself home. He would
13 have gotten a DUI, there's no way, but he does not help
14 or assist Michael Beaty in avoiding detection or arrest.
15 He immediately says on-scene Michael Beaty came up to
16 me and said "I think I messed up". That's that night.

17 The next morning he's allowed to go home around
18 4 AM or something like that. Will Alexander voluntarily
19 goes back to the police station and gives another
20 statement. You're gonna hear a statement that he tells
21 Commander Crystal Roberts of Clinton Police Department.
22 You're gonna hear in that statement that he says
23 Detective Goggins told me last night I said Michael
24 Beaty messed up, I don't remember saying that. And then
25 you're gonna hear another officer, well, do you remember

1 talking to me last night, and he's gonna say vaguely.
2 He is not trying to cover up a body, he's not trying to
3 help move a body, he didn't go and purchase supplies at
4 like Wal-Mart to help clean up after a body. He doesn't
5 do any of that. He doesn't even try to help Michael
6 Beaty avoid detection or arrest. What he's trying to do
7 is keep his own butt out of trouble.

8 You're gonna hear some calls and you're gonna hear
9 how selfish Will Alexander sounds. Now don't get me
10 wrong, I have a great rapport with my client, but what
11 Will is guilty of is being stupid. What Will is guilty
12 of is being a drunk. What Will is guilty of is acting
13 like a drug addict. What Will is guilty of is being
14 incredibly self-centered and selfish. What is he not
15 guilty of? A criminal intent to help Michael Beaty
16 out. There's no way he wants to do that. He is only
17 concerned about himself and you will hear that.

18 Also, remember you're going to hear testimony that
19 Michael Beaty was in custody. Michael Beaty was at the
20 police department that night, that night into early
21 morning hours. He was in custody or if he wasn't in
22 custody, under arrest as law enforcement loves to put
23 it, he was definitely being questioned in a room, being
24 interrogated. He was also in custody the next day.
25 Will knew he was in custody. He refers to Michael Beaty

1 being in custody during his own interrogation. How is
2 that trying to avoid detection or arrest? He knows
3 he's under arrest. Will knows Michael Beaty is being
4 questioned. Will knows Michael Beaty is detected. Will
5 knows Michael Beaty is arrested. Will is guilty of
6 being stupid, of being intoxicated, of making poor
7 choices, but, ladies and gentlemen, he is not guilty of
8 trying to assist someone else in covering up to avoid
9 detection or arrest.

10 And I think at the end of this trial -- it is going
11 to be an emotional trial, it's easy to get lost in the
12 horrific details of what happened to that young lady,
13 but you have to remember to keep your focus on the time
14 frame. What this trial really is asking you to do is
15 assess what happened within a 19-hour period of time.
16 A 19-hour period of time. That is what this trial is
17 about, Will's statements between a 19-hour period of
18 time, and the State is trying to say that he is guilty
19 of accessory after the fact to murder when the whole
20 time they were questioning Michael Beaty, they were
21 questioning William Alexander, they were threatening
22 William Alexander if you do not tell us something today,
23 you are going to be charged with murder. You will hear
24 this and at the end of this trial I'm asking you to find
25 Will Alexander not guilty of accessory after the fact to

1 murder. Thank you.

2 **THE COURT:** Thank you, ma'am. All right, folks.
3 Are y'all good? We can keep going, but it's a good time
4 to take a break right now. If you want ten minutes,
5 I'll give it to you. If not, we're gonna roll on.
6 You're good?

7 Okay. Go ahead. Call your first witness.

8 **MR. STUMBO:** Thank you, Judge. The State's first
9 witness in this case is Ms. Daphne Tucker. Judge,
10 obviously because of the sequestration, I think one of
11 our witnesses --

12 **THE COURT:** All right, folks. I can explain that
13 to you. The witnesses that are being called to testify,
14 except for the lead investigator and Mr. Alexander, are
15 outside the courtroom so they don't get the benefit of
16 hearing one another. That's called sequestration. It
17 means they're not sitting in here with us. They're
18 sitting here and sitting there and so we've got to send
19 for them, so that's the delay just so y'all know.

20 DAPHNE TUCKER,
21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. STUMBO:

24 Q. Good morning, Ms. Tucker. How are you doing?

25 A. Good.

1 Q. I take it by the shirt you're wearing there, you
2 work for Laurens County?

3 A. 9-1-1.

4 **THE COURT:** Can y'all hear her? She's very
5 soft-spoken.

6 BY MR. STUMBO:

7 Q. Ms. Tucker, this microphone is pretty sensitive,
8 but if you would put it right up. You work for Laurens
9 County?

10 A. Yes, Laurens County.

11 Q. Okay. And what division of Laurens County do you
12 work for?

13 A. 9-1-1 Dispatch.

14 Q. Okay. So when a 9-1-1 call comes in, you're one of
15 the people that answers it; is that correct?

16 A. Yes.

17 Q. Okay. How long have you been with Dispatch?

18 A. Thirteen years.

19 Q. Were you working there at Laurens County Dispatch
20 on the night of June 29th, 2013, last year?

21 A. Yes, I was.

22 Q. Okay. Did you have occasion to take a call
23 originating from that night?

24 A. Yes.

25 Q. Okay. And do you remember who it was that made that

1 call?

2 A. Henry Simmons.

3 Q. Okay. Mr. Simmons to your knowledge was the
4 homeowner or the resident there at ?

5 A. Yes.

6 Q. And that's down in Clinton?

7 A. Right.

8 Q. Now could you just briefly explain to the jury when
9 you take a call, what's -- what's the first thing on
10 your mind? What are you trying to do when that call
11 comes in?

12 A. The first thing we do is find out -- make sure we
13 know what area it is and then try to find out what's
14 going on, what type of emergency it is, and I'll take
15 the call and send it out to EMS dispatch or fire
16 dispatch or Clinton.

17 Q. Okay. Do you focus on where it is so you know which
18 agency within the county to call?

19 A. Yes.

20 Q. 502, where is that?

21 A. Clinton city limits.

22 Q. So which agency would be the responding agency?

23 A. Clinton Police Department and then the EMS unit
24 that's stationed in Clinton at the Clinton Police
25 Department and the Fire Department.

1 Q. Okay. There in Clinton it's the Department of
2 Public Safety; is that right?

3 A. Right.

4 Q. The fire department and police department are
5 together?

6 A. That's right.

7 Q. Now do y'all record these calls?

8 A. Yes.

9 Q. Okay. Was this call recorded?

10 A. Yes.

11 **MR. STUMBO:** Your Honor, if I may approach the
12 witness.

13 **THE COURT:** You may.

14 BY MR. STUMBO:

15 Q. I'll hand you what's been marked just for ID
16 purposes as State's Number 46. It's not in evidence
17 yet, but it's marked as State's 46. Have you had a
18 chance to review the contents of this disc before you
19 came to court today?

20 A. Yes, I have.

21 Q. Okay. And is it a fair and accurate representation
22 of a call that you took last June 29, 2013?

23 A. Yes, it's the call.

24 Q. Okay. It's the call from from Henry
25 Simmons?

1 A. That's right.

2 Q. And it's the call in its entirety?

3 A. Yes.

4 Q. Is it a long or a short call?

5 A. It's a short call.

6 **MR. STUMBO:** Okay. Judge, I think the proper
7 foundation having been laid for State's Number 46, we
8 would move it into evidence at this time with permission
9 to publish to the jury.

10 **MS. McNEILL:** No objection.

11 **THE COURT:** No objection. It's State's 46?

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

13 **THE COURT:** It's now in evidence.

14 (State's Exhibit Number 46, an audio recording of
15 the 9-1-1 call, was admitted into evidence.)

16 **MR. STUMBO:** We're going to put the microphone up
17 to the computer.

18 (Whereupon, State's Exhibit Number 46, the 9-1-1
19 recording, was played for the Court and jury.)

20 **THE COURT:** Can y'all hear?

21 **MR. STUMBO:** Okay. We might try to get the volume
22 up on it, Judge.

23 **THE COURT:** Yeah, start that back over. That
24 initial part I had difficulty hearing.

25 (Whereupon, State's Exhibit Number 46, the 9-1-1

1 recording, was re-played for the Court and jury.)

2 BY MR. STUMBO:

3 Q. All right. Ms. Tucker, after this call who did you
4 dispatch to this location?

5 A. I sent it to the EMS dispatcher and Clinton Police
6 Department dispatcher and they dispatched EMS, fire and
7 police department.

8 Q. Okay. So you made both of those, EMS and the
9 first responders, or the fire department and police
10 department?

11 A. That's right.

12 MR. STUMBO: Okay. No further questions, Judge.

13 THE COURT: Cross?

14 MS. McNEILL: No questions, Judge.

15 THE COURT: No questions. Thank you, Ms. Tucker.
16 (Witness excused.)

17 MR. SCOTT: The State calls Henry Simmons.

18 HENRY SIMMONS,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. SCOTT:

22 Q. Hello, Mr. Simmons. How are you doing?

23 A. Just fine.

24 Q. Where is your home?

25 A. , Clinton, South Carolina.

1 Q. I'm sorry, Clinton?

2 A. Clinton, yes, sir.

3 Q. And that's in Laurens County?

4 A. Yes, it is.

5 Q. Is that where you were living June 29th of last
6 year?

7 A. That's correct.

8 Q. Who is your son?

9 A. My son is Michael Beaty.

10 Q. Tell us what happened that night at your home
11 June 29th of last year.

12 A. My wife and I were sleeping. At approximately
13 11:00 the doorbell rang. I went to the door and there
14 stood Michael and Will, and Will was behind Michael.
15 Michael made the comment "she's hurt, she may be dead,
16 she may be dead, come help". I run and got some shoes
17 and shirt to go outside not expecting what I'd find.
18 Mike had gone out preceding me and I said "move" and
19 immediately I tried to check for a pulse on E.A.'s wrist
20 and her neck and could not find a pulse. I ran in the
21 house and picked up the phone and called 9-1-1.

22 Q. All right. You mentioned Will. Who is Will?

23 A. Will Alexander.

24 Q. How do you know Will Alexander?

25 A. Will's dad and mom was friends of ours. I've known

1 Will since he was adopted by the Alexanders, so I've
2 known him all his life.

3 Q. What was the relationship between he and your son,
4 Michael?

5 A. They'd been friends, I guess, forever.

6 Q. Do you see Will Alexander here?

7 A. Yes, I do. (Indicting.)

8 Q. Okay. That's him over there sitting at the defense
9 table?

10 A. Yes, sir.

11 Q. And E.A., how did you know her?

12 A. I've probably known E.A. for a number of years,
13 particularly in the last couple of years. She and
14 Michael dated off and on, so I've known her for quite
15 a while.

16 Q. Okay. So when you went out to the car, you were
17 certain that was E.A. in the car? You recognized it to
18 be E.A. when you went out there?

19 A. Yes, I did.

20 Q. All right. Tell me -- how was she positioned in the
21 car?

22 A. The door was open when I -- when I got there. I
23 said, "Michael, move aside". She was in the floorboard,
24 sitting in the floorboard with her back against the
25 front seat. As you mentioned earlier, her head was

1 back, so she was down in the floorboard essentially.

2 Q. Did you notice anything else about her?

3 A. When I went to take her pulse, I did notice that
4 her right wrist was wrapped with some cloth on her
5 wrist, and so I reached for her wrist and I checked her
6 neck, but that's all I noticed.

7 Q. Now you say when Michael and Will got there they
8 rang the doorbell?

9 A. That's correct. The front door.

10 Q. And did you see -- you didn't hear them drive up,
11 did you?

12 A. No.

13 Q. Did you have any knowledge of how long they were
14 there before they rang the doorbell?

15 A. Not for sure, no. I just -- the doorbell rang, I
16 went to get it. There were no lights on in the house,
17 so as far as I know that's the first --

18 Q. Did -- before you got -- got to the door, did you
19 have any knowledge of whether or not E.A., Michael Beaty
20 or Will Alexander had come into the home?

21 A. I didn't. I never heard them. I don't have any
22 direct knowledge, but I never heard them in the house,
23 no.

24 Q. Did they offer any explanation for what happened to
25 her?

1 A. The only time I spoke to Will was when I was asked
2 by an officer where Will was and would I bring him
3 outside. When I went out and checked for a pulse and
4 called 9-1-1 and came back out and waited on the first
5 responders, I went in and called a second time, if I'm
6 not mistaken. Sometime during that time after they
7 arrived and Michael was in the driveway, I said
8 Michael --

9 MS. McNEILL: Objection; hearsay.

10 THE COURT: Okay. Rephrase your question. You
11 can't testify to what somebody else told you.

12 BY MR. SCOTT:

13 Q. Was any explanation ever offered to you of what
14 happened?

15 A. By either one of the boys?

16 Q. Yes, sir.

17 A. I never asked that question of -- I never asked
18 that question of Will because I was occupied. I asked
19 Michael briefly in the driveway, Michael, what happened
20 and he said --

21 MS. McNEILL: Objection; hearsay.

22 THE COURT: All right.

23 BY MR. SCOTT:

24 Q. There was an explanation? You're saying yes, there
25 was some offered?

1 A. Yes. Excuse me, may I clarify that?

2 Q. Well, just what the -- the -- I guess, the direction
3 is you can't say what somebody else has told you, but
4 there was some explanation offered?

5 A. As to where they had been.

6 Q. Okay. To your knowledge, where had they been?

7 A. To Kyle's house.

8 Q. And that's Kyle Stewart?

9 A. Yes.

10 Q. And you just talked about Will coming outside to
11 talk to the officers. How did he wind up inside the
12 house?

13 A. Again, when I opened the door, Michael was right
14 at the door, I could see Will over his shoulder. When
15 Michael told me there was a problem outside, I
16 immediately threw on a shirt and went outside. I had
17 no knowledge at that time where Will was. I was
18 outside trying to attend to things outside. I never
19 saw Will outside, so when the officer asked me later
20 where was Will, I assumed he was still inside, and I
21 went inside at that time.

22 Q. So he just went inside sometime when you were
23 outside. You didn't see him go inside?

24 A. They were stepping in as I was going to get a pair
25 of shoes and a shirt to throw on to go outside.

1 Q. Okay. When you first see Will Alexander, he's at
2 your doorstep and he's awake, I guess?

3 A. He's standing behind Michael. That's correct.

4 Q. Did he say anything?

5 A. Not a thing.

6 **MR. SCOTT:** Thank you, Mr. Simmons.

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

8 CROSS-EXAMINATION

9 BY MS. McNEILL:

10 Q. Good morning, Mr. Simmons. How are you?

11 A. Just fine.

12 Q. That night when you saw Will Alexander standing
13 behind Mr. Beaty, he did not say anything?

14 A. No, he did not.

15 Q. Did he appear to be intoxicated?

16 **MR. SCOTT:** Leading question, Your Honor. We'd ask
17 for no leading questions.

18 **THE COURT:** It's cross-examination.

19 **MS. McNEILL:** Yes, it's cross-examination.

20 **THE COURT:** Next question.

21 **MS. McNEILL:** Thank you.

22 BY MS. McNEILL:

23 Q. Did he appear to be intoxicated?

24 A. At that time, Michael told me he needed some help
25 and I really did not pay much attention to Will. He

1 was just standing behind Michael, so I saw him only
2 briefly.

3 Q. When the officer asked you to go back inside to
4 retrieve Will, where did you find Will? Was he
5 sleeping?

6 A. At that time, he was facedown, lying facedown on
7 the sofa in my den. He was not asleep. He -- he was
8 groggy. I said Will? Huh? Will? Leave me alone, I
9 want to sleep. I said Will, they need you outside.
10 Come outside.

11 Q. So he wasn't acting like anything serious was going
12 on?

13 A. He was trying to sleep on my sofa.

14 Q. He was facedown on your sofa?

15 A. Yes.

16 Q. Do you have personal knowledge that E.A. had ever
17 cut herself?

18 A. Yes.

19 Q. Have you -- do you have personal knowledge that
20 she ever had to attend a hospital because she cut
21 herself?

22 A. Yes.

23 Q. Do you have personal knowledge that this happened
24 within a year of this horrible incident?

25 A. I'm saying the last year or two. I'm not sure

1 about the date.

2 Q. Okay. Sir, isn't it true that you told Officer
3 Bryant Cheek that when Michael and Will rang your
4 doorbell that night you asked what happened and Michael
5 Beaty said I murdered E.A.?

6 A. Michael Beaty's never told me that and I have never
7 told anyone else that Michael told me that.

8 Q. Okay. Are you aware that an officer says that you
9 said that?

10 A. Yes, I am aware of that.

11 Q. Okay. So you did not say Henry began to tell --
12 Officer Cheek after asking him what had happened, he
13 stated that he was in the bed, the doorbell woke him up,
14 he went to the front door of the home, not the garage
15 door, and found Michael Beaty outside. He stated he,
16 quote, killed E.A., and Simmons then went outside to the
17 driveway where he found the victim slumped in the seat
18 of the vehicle and he checked for a pulse.

19 **THE COURT:** You need to ask a question.

20 Q. Did you say that?

21 A. Mike has never made that statement to me that he
22 killed E.A. and I have never told anyone, including an
23 officer, that Michael killed E.A.

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

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

1 BY MS. McNEILL:

2 Q. Sir, the next day, on June 30th, when you went
3 back into Clinton Police Department to give a written
4 statement, did Officer Cheek remind you of the fact that
5 you said that to him the night before?

6 A. I don't recall that statement being made during that
7 time, no.

8 Q. Okay. So that never happened in front of Detective
9 Goggins in an interview room?

10 A. No.

11 **MS. McNEILL:** Okay. No further questions.

12 **THE COURT:** Any redirect?

13 REDIRECT EXAMINATION

14 BY MR. SCOTT:

15 Q. Well, she asked you if Michael Beaty had told you
16 that he had killed her. If that's not what he said,
17 what he did he say?

18 A. When he opened the door, "she's hurt, she's hurt,
19 she may be dead, she may be dead". He was quite
20 animated and excited when he said that.

21 Q. No explanations as to what happened?

22 **MS. McNEILL:** Objection; hearsay.

23 **MR. SCOTT:** I think they were asking what Mr. Beaty
24 said. I believe she opened the door for what his
25 explanation for what happened was.

1 **MS. McNEILL:** And that statement was Henry's
2 statement to law enforcement.

3 **MR. SCOTT:** Regarding what Michael Beaty said.

4 **THE COURT:** Didn't he just testify to what Beaty
5 told him right then? He just -- he's repeated it twice.
6 He did it in direct and he's done it in redirect.

7 **MR. SCOTT:** I think he's wanting to go into
8 something else.

9 **THE COURT:** Rephrase your question. Maybe I
10 misunderstood it.

11 **BY MR. SCOTT:**

12 Q. Okay. In cross, Ms. McNeill asked you did Michael
13 Beaty tell you he had killed E.A. The answer was no,
14 correct?

15 A. That's correct.

16 Q. All right. What did he tell you?

17 A. At the door, he said "she's hurt, she's hurt, she
18 may be dead, she may be dead, come help", and later in
19 the night in the driveway I asked him what happened, so
20 I'm unsure as to whether I can answer that now.

21 **THE COURT:** And that's where she had the objection.

22 **MS. McNEILL:** Yes, sir.

23 **THE COURT:** All right. I don't think he can answer
24 that question because that would be not an excited
25 utterance that we just heard at the door, so I'm gonna

1 sustain her objection. If you want to proffer it, we
2 can do that.

3 BY MR. SCOTT:

4 Q. You mentioned the wrist. Any other injuries you
5 noticed on E.A. when you observed her in the car?

6 A. No. Of course, I wasn't looking for any other
7 injuries. I was trying to see if there was any pulse
8 and immediately as soon as I couldn't find a pulse, I
9 ran into the house to make a phone call.

10 MR. SCOTT: Yes, sir. Okay. Thank you.

11 MS. McNEILL: Just briefly?

12 THE COURT: Yes, ma'am.

13 RECROSS EXAMINATION

14 BY MS. McNEILL:

15 Q. You were allowed to leave the police station after
16 you gave your written statement, correct?

17 A. That's correct.

18 Q. And you were never charged with a crime such
19 as accessory after the fact to murder, were you?

20 A. No, I was not.

21 MS. McNEILL: Thank you. No further questions.

22 THE COURT: All right. Now you may step down,
23 Mr. Simmons.

24 (Witness excused.)

25 THE COURT: All right. Now the Court's in need of

1 a break, so this is my break. Y'all step in the jury
2 room. Remember, you can't begin discussing the case.
3 Y'all let Mr. Bolt know when you're ready to come back.
4 I'm gonna say ten minutes. If you want fifteen, if
5 you've got to step outside, just tell him. I don't want
6 to hurry y'all through this one because we may have a
7 ten minute break. I've got so many people in here it
8 helps me to know when y'all are ready to go so that I
9 can get them back in because there's a lot in and out
10 of the courtroom, okay?

11 So I'm gonna figure fifteen minutes and have them
12 back in here at twenty minutes after. So everybody
13 knows, that's gonna be my goal, all right? That way
14 there's a little predictability for the break.

15 (Whereupon, the jury retires to the jury room at
16 11:05 AM.)

17 (Recess taken.)

18 **BAILIFF:** All rise. Come back to order.

19 **THE COURT:** Have a seat.

20 **MR. STUMBO:** Judge, before the jury walks back
21 in, just to put something on the record, Mr. Grose
22 approached me at the break and asked if Mr. Simmons
23 could stay in here. He's under our subpoena and
24 obviously I don't have any problem with that at all.
25 We don't plan to recall him. And, as well, I think his

1 wife, Cynthia, is on the defense list. I don't have any
2 problem with her being in here with Mr. Simmons during
3 this time. I don't know if they're gonna call her or
4 not, but as far as that one witness I would, you know,
5 exempt her from sequestration if they do call her later
6 on. I don't have a problem with her in particular being
7 in here.

8 **MS. McNEILL:** That's fine, Judge.

9 **THE COURT:** I mean, any witnesses once they're
10 called, as long as they're not gonna be recalled, I
11 don't mind them staying in after they've testified.

12 **MR. STUMBO:** Correct. But Ms. Cynthia, I believe,
13 she's not on our witness list, she's on theirs, but I'm
14 saying as far as I'm concerned I'm not gonna oppose that
15 later if they try to call her and she's been in here the
16 whole time.

17 **THE COURT:** Okay. You're waiving her sequestration
18 then?

19 **MR. STUMBO:** Yes.

20 **THE COURT:** Fair enough.

21 **MR. STUMBO:** I wanted to make sure we established
22 that. The second matter with that, Coroner Nichols,
23 and I believe his Deputy Coroner, Ms. Cheek, are here.
24 They're on our witness list. I believe we agree with
25 the defense that these are chain witnesses taking this

1 vial of blood from Point A to Point B, they're not gonna
2 contest those, so we'll stipulate at least the minor
3 chain witnesses, and that's all they're on the witness
4 list for, and I just wanted to bring that to the Court's
5 attention, they're in here, so long as the defense
6 agrees with that.

7 **THE COURT:** Defense, what, State v. Valentine allows
8 you to stipulate to the chain; is that right? Is that
9 the right case?

10 **MS. McNEILL:** Yes, sir.

11 **THE COURT:** I think it is. You can fill the gaps
12 with -- okay. Yeah, I don't see them being fact
13 witnesses.

14 **MR. STUMBO:** I just wanted to make sure we were
15 upfront and had it on record as to that.

16 **THE COURT:** Okay. All right. Are we ready to
17 proceed?

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

19 **MS. McNEILL:** Yes, sir.

20 **THE COURT:** All right. Go get 'em.

21 (Whereupon, the jury returns to the courtroom at
22 11:24 AM.)

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

24 **THE COURT:** All right. Very good. We'll continue,
25 Solicitor.

1 **MR. STUMBO:** Thank you, Judge. The State will call
2 Josh McClendon to the stand.

3 JOSH McCLENDON,
4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. STUMBO:

7 Q. Good morning. I believe it's Sergeant McClendon,
8 correct?

9 A. That's correct.

10 Q. Sergeant, you're a law enforcement officer, I
11 assume?

12 A. Yes, and fire-certified. We do both.

13 Q. Okay. What agency do you work for?

14 A. Clinton Public Safety.

15 Q. And how long have you been certified as a law
16 enforcement officer?

17 A. This year will be eleven years.

18 Q. How long have you been with the City of Clinton?

19 A. I've been with the City eleven years, nine total in
20 the Public Safety Department.

21 Q. You're also qualified if you get called out on a
22 house fire or a fire?

23 A. Yes, sir.

24 Q. You're qualified to do basic CPR, EMS, that sort of
25 thing?

1 A. Yes.

2 Q. The best term may be first responder?

3 A. That's the correct term, yes, sir.

4 Q. Sergeant McClendon, were you working the night of
5 June 29th and in the early morning hours of June 30th
6 of last year, 2013?

7 A. Yes, sir.

8 Q. And do you recall or did you have occasion to
9 respond to a call from Dispatch to ?

10 A. Yes, sir, we did.

11 Q. And that's within the city limits of Clinton?

12 A. That's correct.

13 Q. It's in Laurens County obviously?

14 A. That's correct.

15 Q. What was the nature of that call, sir?

16 A. The call we received was for a cardiac arrest
17 patient.

18 Q. Okay. So you received a call that someone's
19 unresponsive?

20 A. That's correct.

21 Q. And was there a description that you had of who was
22 unresponsive?

23 A. No, sir, they don't give that on initial response.
24 You just get the nature of the call.

25 Q. Okay. So you respond to -- and by the

1 way, you went -- did anybody else go with you from the
2 department?

3 A. Yes. I'm actually the supervisor and I had one of
4 my guys that worked with me. We had two at the main
5 station.

6 Q. Okay. And who was that?

7 A. Daron Vincent.

8 Q. Okay. And so is he a firefighter or a police
9 officer?

10 A. He's just fire.

11 Q. Just fire. He's riding with you. What kind of
12 vehicle did y'all take to the scene?

13 A. We took the fire engine. He was the driver and I
14 was the passenger.

15 Q. How far is it from the Department of Safety out
16 here on Broad Street down to --

17 A. I'd say it's probably a half a mile the way the
18 crow flies probably, maybe a little bit more.

19 Q. How long did it take y'all to get there once you
20 got in the truck?

21 A. It was 11:13 when we received the call and, of
22 course, by that time we were probably asleep and bedded
23 down and it took us seven minutes to get up, to get in
24 the truck and arrive. Just seven minutes.

25 Q. Seven minutes from the time you get the call, get

1 dressed, get out in the truck and drive over to

2 ?

3 A. That's correct.

4 Q. So you get there about 11:20?

5 A. 11:20.

6 Q. Now what -- if you could tell the jury, Sergeant
7 McClendon, what did you see when you pulled up on the
8 scene?

9 A. As we pulled up, we found a white vehicle that
10 had a female patient in the passenger seat who, to me,
11 appeared to be deceased already, and what caught my eye
12 to start with is the manner she was laying in the car.
13 From her waist down, probably I'd say a quarter of her
14 back down, was crammed in the passenger floorboard and
15 her right arm was wrapped in some kind of shirt or
16 towel. I could see blood stains on her shirt. Michael,
17 who I've known from school, he was calling my name;
18 "Josh, I don't know what's wrong", hysterical, you know,
19 of course, saying "I don't know what's wrong with her".

20 **MS. McNEILL:** Objection; hearsay.

21 **MR. STUMBO:** Judge, that's an excited utterance and
22 it's obviously an exception to the hearsay rule.

23 **THE COURT:** I'll allow the excited utterance. It's
24 overruled as to the hearsay.

25 **THE WITNESS:** And I asked Michael -- I said

1 "Michael, what's happened to her" and he said "I don't
2 know" and I asked again. I said "I mean, what was
3 happening --

4 **MS. McNEILL:** Objection at this point.

5 **MR. STUMBO:** Judge, it's not hearsay in the sense
6 of the first part here. We did say excited utterance.
7 I don't think it's hearsay because he's responding.
8 It's not being offered for the truth of the matter
9 asserted. It's being offered for what this individual
10 did next.

11 **MS. McNEILL:** At this point he's asked twice. At
12 this point it's no longer an excited utterance.

13 **THE COURT:** I'm gonna overrule your objection.
14 I'll allow this one.

15 BY MR. STUMBO:

16 Q. Continue, please.

17 A. I asked to try to get what might have caused the
18 incident or what have you. Well, he -- the second time
19 he told me she might have cut herself and I said okay,
20 but in my past experience something just didn't catch me
21 to be what the call come out as, a cardiac arrest. It
22 appeared to me that this was a person who had been down
23 for some time because she had lost the color in her body
24 from no circulation and then, like I say, the manner in
25 which she was lying in the car just didn't strike me so

1 as to be normal and so I told my partner, Daron -- and
2 EMS arrived approximately -- maybe one minute after us,
3 maybe not even quite that. So I told him -- I said help
4 them and -- I said assist them in what y'all need to do,
5 all right? I said I'm going to the truck, I need to
6 call for somebody.

7 So I went back to our truck and I radioed to our
8 dispatch I need police division to come immediately, and
9 then I went back and assisted them. They had already
10 taken her out of the car, started CPR, which is normal
11 procedure, because they -- he had said she'd only been
12 down approximately five minutes, so by that information
13 we just can't -- I mean, we have a duty to give life
14 support, so we assisted them for a short period of time
15 until I saw a truck pull up that I was familiar with and
16 I knew her mother was inside of that truck, so I didn't
17 want her to come around the scene and see what was going
18 on. So I informed them that I was going to leave to go
19 stop her and at that time they were loading her, still
20 doing CPR, into the truck.

21 Q. Okay. And did you -- when you first came up, did
22 you check -- did you recognize who this young lady was?

23 A. I couldn't. I did not.

24 Q. Okay. But you -- afterwards you said you knew her
25 mother?

1 A. That's correct.

2 Q. So during the course of the time you were there,
3 you started to realize who she was?

4 **MS. McNEILL:** Objection; leading.

5 **THE COURT:** Don't lead. Sustained.

6 BY MR. STUMBO:

7 Q. Why did you know she was her mother?

8 A. When I'd asked -- or I overheard someone say is
9 this Ms. Asbill, then I -- of course, I knew who it was
10 then and then when I saw the truck pull up, then I knew
11 that she would probably be in that truck, the mother.

12 Q. Did you check this young lady who appeared to be
13 deceased, did you check her vital signs?

14 A. Yes, as soon as I walked up, that's the first thing
15 I done. I checked for a pulse on her neck and there was
16 none to be found.

17 Q. I believe a moment ago you testified that EMS pulls
18 up about a minute later?

19 A. Probably no more than a minute.

20 Q. At that point, what -- does EMS take her and put her
21 in the ambulance? What do they do at that point?

22 A. They took her out the car and placed her directly
23 on the ground beside the car and that's where we started
24 CPR, on a good solid surface, because you couldn't do
25 it in the car. They started CPR there and they started

1 doing their -- what they do, you know, their IVs, and
2 they got the stretcher around and they put her on the
3 stretcher and loaded her into the ambulance.

4 Q. You said you went and called in -- called in your
5 police colleagues?

6 A. Yes.

7 Q. And this -- this night you were working as a
8 firefighter or law enforcement?

9 A. I was a supervisor in the fire division.

10 Q. So you called in someone from Clinton police to
11 come in?

12 A. Yes.

13 Q. Who did you call?

14 A. I just called Dispatch over the radio and I just
15 told them I needed a police officer immediately.

16 Q. And how were you treating this scene at this point?

17 A. I mean, as far as I know I still was treating it
18 as far as we go as a patient, you know, whatever we can
19 do to assist the patient, and as soon as the police
20 division arrived, I informed Lieutenant Jones of my
21 findings and then we immediately decided it was a good
22 idea to quarantine off that area where the car was.

23 Q. Secure the scene?

24 A. That's correct.

25 Q. With crime scene tape?

1 A. That's correct.

2 Q. You said Lieutenant Jones. Is he the first one to
3 arrive from the police department?

4 A. Yes, sir.

5 Q. And was he working uniformed patrol that night?

6 A. Yes, sir.

7 Q. You said you were familiar with Michael Beaty, you
8 knew him from childhood. How about Will Alexander? Did
9 you know him?

10 A. Will I knew of. I think Will went to Thornwell. We
11 were around in Clinton, the same age, so we pretty much
12 knew each other. Not socially, but like just being in
13 the same community.

14 Q. All right. And could you describe to the jury what
15 the demeanor of Michael was that night?

16 A. Very hysterical, of course. Just really starting
17 to want to ask me a bunch of questions, you know, what's
18 going on, how's she doing. Of course, I didn't -- I
19 neglected to answer any of those then because I knew
20 that something wasn't right. I wasn't gonna answer
21 anything that could jeopardize anything down the road.

22 Q. How about Will Alexander? And you know Will
23 Alexander that's seated at the defense table?

24 A. Yes, sir.

25 Q. Sitting there in a striped tie?

1 A. Yes, sir.

2 Q. What was his demeanor like during this period of
3 time?

4 A. Until Lieutenant Goggins got him out of the
5 residence, I didn't see him on the initial response. It
6 was a few minutes after she had already been loaded and
7 taken to the ER before he asked for him to come outside.

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

9 **THE COURT:** Sure.

10 **MR. STUMBO:** Thank you, Sergeant McClendon. Please
11 answer any questions Ms. McNeill or Ms. Kendall may
12 have.

13 **CROSS-EXAMINATION**

14 **BY MS. McNEILL:**

15 Q. Sergeant, you just testified that you didn't want
16 to jeopardize anything, you knew something wasn't right,
17 and then you had decided to help clear the scene with
18 some crime scene tape around the area; is that correct?

19 A. Yes, ma'am.

20 Q. And is that because at that point you felt it was a
21 suspicious death?

22 A. To me, that's the way it appeared, yes, ma'am.

23 **MS. McNEILL:** Okay. Thank you. No further
24 questions.

25 **MR. STUMBO:** Nothing further for the Sergeant.

1 **THE COURT:** All right, Sergeant. You may step down.

2 (Witness excused.)

3 **MR. SCOTT:** The State calls Lauren Simmons.

4 LAUREN SIMMONS,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SCOTT:

8 Q. Ms. Simmons, where are you employed?

9 A. Laurens County EMS.

10 Q. Okay. How long have you been with that agency?

11 A. Since April of 2009.

12 Q. Okay. What kind of training did you have to undergo
13 to be an EMS worker?

14 A. I went to school for two years and got an
15 associate's degree in EMS, which, in turn, you take
16 anatomy and physiology, and to become a paramedic you
17 start as an EMT basic and go all the way through the
18 paramedic training and test at each level per your skill
19 through DHEC and National Registry.

20 Q. Okay. And is that something where you have to get
21 annual educational credits, do you have to update your
22 license or anything? Are you licensed?

23 A. Yes, through the State of South Carolina, and
24 every two years we have to re-certify. We can do that
25 through continuing education credits that we get through

1 in-service training here at Laurens County EMS. We take
2 classes every month. We have four hours once a week
3 that we go and take classes and get our continuing
4 education credits in order to keep our certifications
5 up.

6 Q. Okay. Have you worked for Laurens County EMS that
7 entire five years until now?

8 A. Yes. Not full-time the whole entire time. I
9 left back in 2011 and went to part-time and worked at
10 Greenville Hospital System for eight months and then
11 came back here full-time.

12 Q. Okay. Do you drive the ambulance or --

13 A. Yes. Well, it depends on what the call is. If
14 it's an ALS call, or advanced life support call, my
15 partner would drive and I would be in the back with
16 the patient doing patient care. If it's a basic life
17 support call such as a car wreck with neck and back
18 pain, then my partner may ride in the car.

19 Q. How many -- how many calls do you think you've
20 responded to in five years?

21 A. It's hard to say. We run approximately thirty-five
22 hundred calls or more a year, so it's really hard to say
23 depending on what truck you're on and how busy we are
24 that day. It varies from day to day on the calls we
25 run.

1 Q. How many times would you say that you responded to
2 an emergency call where the patient was already deceased
3 by the time you got there?

4 A. It varies from shift to shift. We work
5 twenty-four hours on, forty-eight off, so in a given
6 shift we may have no deaths or what we call a Signal 9,
7 which are dead on arrival, and some shifts we may have
8 three or four. It just really all depends.

9 MR. SCOTT: Judge, I'm going to ask to qualify
10 Ms. Simmons as an expert in emergency medical treatment
11 at this time.

12 THE COURT: Voir dire on that?

13 MS. McNEILL: That's fine, Judge.

14 THE COURT: She'll be qualified as an expert -- as
15 an emergency medical treatment first responder. Is that
16 what you're offering her as?

17 MR. SCOTT: Yes, sir.

18 THE COURT: All right. Ladies and gentlemen, what
19 that means is Ms. Simmons has been offered as an expert
20 in that narrow field of EMT first responder and she's
21 allowed to give opinions in regard to her job in that
22 field of emergency medical technology or treatment.

23 BY MR. SCOTT:

24 Q. Okay. You mentioned earlier, I guess, different
25 probably levels of urgency that are attached to a

1 dispatch. Is that what you were describing earlier?

2 A. Correct. We don't have what is known as emergency
3 medical dispatching, so if you called in and -- they
4 go by what you say your complaint is as to how they
5 dispatch our ambulance out and then once we arrived on
6 the scene we determine the nature of the call, whether
7 it be an advanced life support call or a basic life
8 support call, as to what level of care is given.

9 Q. Okay. June 29th of last year, did you have
10 occasion to respond to a call out to in
11 Clinton?

12 A. I'm sorry, can you repeat that?

13 Q. Yeah. June 29th of last year, did you work that
14 night?

15 A. Yes, sir.

16 Q. Did you have occasion to respond to
17 ?

18 A. Yes, we did.

19 Q. What was the nature of that call?

20 A. It came out -- it was dispatched to us as an
21 unconscious person.

22 Q. Okay. Do you remember approximately what time that
23 was that you responded to the scene?

24 A. I want to say it was a little before 11:30 at night,
25 so maybe 11:15, 11:20.

1 Q. All right. Tell the jury what did you see when you
2 first got there.

3 A. When we arrived on the scene, we were directed to
4 the car where the patient was. We found her in the
5 passenger side floorboard unconscious. At that time, we
6 removed her from the car and placed her on our cardiac
7 monitor where we noted her to be in asystole, which is
8 no pulse. She was also not breathing. We initially
9 started CPR and began ventilation with a bag valve mask,
10 attached oxygen, and we moved her to the ambulance to do
11 further treatment on her.

12 Q. All right. So when you respond to a scene like
13 this, are you trying to assess what the injuries are?

14 A. Yes. When we arrive on-scene, we do what's called
15 an initial assessment where -- it's actually called a
16 doorway assessment. So for this instance it would be
17 from myself to the door of the car where I would look
18 and observe to see what the surroundings are, what kind
19 of things are going on with a patient, what their
20 complaint may be, and if there's any family there, then
21 we would kind of ask them to direct us and ask what may
22 be the complaint of the patient if the patient cannot
23 tell us themselves.

24 Q. Okay. Was this patient able to tell you herself?

25 A. No.

1 Q. All right. Do you seek out information from others
2 on the scene?

3 A. We did. We asked the --

4 **MS. McNEILL:** Objection; hearsay.

5 **THE COURT:** What was the objection?

6 **MS. McNEILL:** Matter of law, Judge.

7 **THE COURT:** All right. Ladies and gentlemen, I've
8 got to take up a matter of law, so I'll have y'all step
9 in the jury room and I'll have y'all back out here when
10 I'm done. So you can't discuss the case. Step into the
11 jury room.

12 (Whereupon, the jury retires to the jury room at
13 11:45 AM.)

14 **THE COURT:** All right. Ms. Kendall or Ms. McNeill.

15 **MS. McNEILL:** Judge, the objection is to hearsay,
16 number one. It's testimony on the nature of they're
17 trying to get in statements from Co-Defendant Michael
18 Beaty. So not only is it hearsay, but it also violates
19 Mr. Alexander's confrontation clause.

20 **THE COURT:** All right. I heard the question your
21 initial assessment, you went to the car and she said I
22 observed this, this and this. I didn't hear the next
23 question and then that's when your objection was, so I
24 don't want to rule on it yet. What was the question?

25 **MR. SCOTT:** Well, further when she talked about

1 assessment, she talked about how she has to observe and
2 she also -- if the patient is unresponsive, she has to
3 rely on others who are there to determine what the chief
4 complaint is and what happened, and I asked her did you
5 do that, did you ask -- was she able to respond? Of
6 course, no was the answer. Were you able to elicit any
7 explanation as to what happened in order for you to
8 better treat her?

9 **THE COURT:** And that's when the objection came.

10 **MR. SCOTT:** Yes, sir. The argument against hearsay,
11 Judge, is it's not offered for the truth of the matter
12 asserted. It's offered in order for Ms. Simmons to
13 explain why she went about doing what her job was, what
14 her assessment was and how she --

15 **THE COURT:** All right. Let's proffer her answer.
16 The question is she received more information in order
17 to further treatment. What information she received, I
18 believe, would be the question you were asking.

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

20 **THE COURT:** I want to hear her answer. That's
21 where your objection was?

22 **MS. McNEILL:** Yes, sir. And I understand the
23 treatment is not relevant to accessory after the fact
24 for Will.

25 **THE COURT:** Let me hear it.

1 EXAMINATION (In Camera)

2 BY MR. SCOTT:

3 Q. Okay. Lauren, let's back up. All right. So you
4 talked about the doorway assessment. What is the
5 doorway assessment when you're treating an unresponsive
6 patient?

7 A. Initially we would from a doorway -- initially
8 when we arrived on the scene, there was a light on, of
9 course, in the car because the door was open. So we
10 were initially able to see that when we walked up and
11 observed the patient that she was not -- there was no
12 breathing that we could see. So initially I would walk
13 up and I could observe that. If I'm close enough to you
14 as I was to her, that I would be able to observe your
15 chest rise and fall if you were, in fact, breathing, and
16 we were not able to observe that. And so we immediately
17 checked for a pulse and were not able to observe that
18 either, and that's when we started our more in-depth
19 assessment of applying heart monitors and treatment.

20 Q. But I think what I asked you earlier, aside from
21 the doorway assessment, your personal observations, what
22 were your personal observations as far as the patient?

23 A. When we arrived on-scene, like I said, she was in
24 the passenger side floorboard of the car and she was
25 noted to be unresponsive, not breathing, as we would

1 refer to it, apnea, which means not breathing in medical
2 terms, and she also -- once we noted that she was not
3 breathing, we removed her from the car and noted that
4 she did not have a pulse. From there we moved her to
5 our stretcher after we applied the heart monitor and
6 initiated CPR and immediately went to the back of our
7 truck. I believe, if I recall my report right, and I
8 don't want to say one hundred percent sure, but I don't
9 believe that we were actually on the scene very long.
10 I'd have to look at my times on my report to be one
11 hundred percent sure of that, but we did not spend very
12 much time out in the actual -- outside our truck. We
13 moved her to our stretcher and took her to our truck to
14 do further assessments where we had more light to work
15 with and equipment.

16 Q. Okay. What did you --

17 **THE COURT:** So far we've not gotten to her
18 objection.

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

20 BY MR. SCOTT:

21 Q. All right. But those were personal observations.
22 What about the injuries? Did you note any injuries that
23 you personally observed?

24 A. Not initially when we first got her out of the car
25 because it was so dark. Like I said, we only had the

1 very little light from the car light inside the car.
2 When we removed her from the car, we noted that she had
3 a shirt tied around her right arm and when we asked what
4 that was for we were informed that she had cut her wrist
5 to try to harm herself and that they had applied a shirt
6 to her arm to control bleeding. That was the only
7 injury that I noted initially before we got her to our
8 truck.

9 Q. All right. Now there is the alleged hearsay. Let
10 me ask why would you have asked the question like that
11 of anyone?

12 A. Because we were told when we arrived on-scene what
13 -- when we asked what happened, she was -- we were told
14 that she was unconscious because she had cut her wrist
15 and that they had tied a shirt around her wrist to
16 control the bleeding. So we -- that was initially why
17 we were called out was for an unconscious. It wasn't
18 until after we arrived on the scene that we noticed that
19 she did not have a pulse and was not breathing. So we
20 asked about the shirt because we were told that she had
21 cut her wrist and they had applied it to control the
22 bleeding.

23 Q. All right. As an EMS worker, why ask anyone what
24 happened to a patient?

25 A. If the patient is not able to tell us themselves,

1 we have to use whoever or whatever is around to try and
2 deduct what may have happened to this patient because
3 they are not able to tell us themselves.

4 Q. And how to treat them, correct?

5 A. Yes.

6 Q. So you respond out to a unconscious patient, you do
7 your doorway assessment and then you ask other people
8 there for information in order to treat the patient. Is
9 that what you're saying?

10 A. Correct, such as allergies, history of the patient,
11 what kind of medical problems they may have, any kind of
12 medications they may have, what happened to them to make
13 them unconscious.

14 **MR. SCOTT:** All right. So, Judge --

15 **THE COURT:** All right. Who was there providing the
16 information to her? That's not been told.

17 BY MR. SCOTT:

18 Q. Who was it that provided you the information as far
19 as what her injury was and how she came to be that way?

20 A. The boyfriend.

21 Q. Do you know his name?

22 A. Mr. Beety (phonetic).

23 Q. Beaty?

24 A. Beaty.

25 **MR. SCOTT:** Judge, it's an out of court statement

1 not being offered for the truth of the matter asserted,
2 merely to explain why Ms. Simmons -- what information
3 she was going on in order to treat this patient who
4 was unresponsive. She could not herself explain what
5 happened to her. That is essentially the reasons we
6 would offer.

7 **MS. McNEILL:** Thank you, Judge. It's our position
8 that it's still hearsay and that it does still violate
9 the confrontation clause. This information that she's
10 testifying that she was seeking from Michael Beaty that
11 she cut her wrist, that would not change the treatment
12 that EMS provided to Emily-Anna Asbill considering that
13 when they arrived she was unconscious, not breathing,
14 no pulse, which she had already testified to. Anything
15 further than that is not gonna change the course of
16 treatment. They're trying to resuscitate her one way
17 or the other. The fact that, you know, she's seeking
18 other information about the wrist is irrelevant and
19 highly prejudicial.

20 **THE COURT:** How's it prejudicial?

21 **MS. McNEILL:** They're trying to put in position
22 that Michael and Will agreed -- tried to agree that she
23 was a cutter and that that was part of their story.
24 They're trying to back in Michael Beaty's statements
25 without calling him and that would violate the

1 confrontation clause.

2 **THE COURT:** I think that comes in to be offered
3 that it was said for -- not for the truth of what was
4 said, but it was a statement made to a medical treatment
5 person trying to render aid to this young lady. I think
6 it comes in. I don't find it unduly prejudicial under
7 403, and understanding the trial issue here, it's not
8 made or referred to be made by the Defendant in this
9 trial. It comes in, but I don't believe further
10 statements -- this is -- it's like the initial responder
11 gets what happened, where is she, all that little
12 capsule within a couple of minutes. I mean, it can't
13 be long they were there, but the several minutes they
14 were there that she received the information for the
15 purpose of treatment comes in.

16 **MS. McNEILL:** I would ask Your Honor to admonish
17 her to refer to law enforcement instead of they every
18 time.

19 **THE COURT:** I think that's appropriate. She can
20 testify who provided this or who was there with her.
21 That way the indirect or the plural pronoun, to be more
22 specific --

23 **MR. SCOTT:** I'm sorry, I didn't catch that myself.
24 I'm sorry, Your Honor.

25 **MS. McNEILL:** So, Judge, just to -- for the record

1 to be clear, are you overruling my objection on the
2 confrontation clause?

3 **THE COURT:** Yes.

4 **MS. McNEILL:** Thank you.

5 **THE COURT:** All right. Go get 'em.

6 (Whereupon, the jury returns to the courtroom at
7 11:56 AM.)

8 CONTINUED DIRECT EXAMINATION

9 BY MR. SCOTT:

10 Q. All right. Ms. Simmons, we were talking about
11 some of your observations when you get out there at
12 . You talked about a doorway assessment.

13 Would you describe that again?

14 A. Well, it's initially when we arrive on-scene we
15 would do an assessment that requires us to assess
16 whether or not you were conscious and alert, whether
17 you were breathing. If we were close enough to you,
18 we would be able to tell if your chest was rising and
19 falling so that we would know if you were breathing
20 or not. And then from there we would assess whether
21 you were awake, conscious, were you able to answer
22 questions, and we would begin asking questions as far
23 as to the reason you called EMS for your assistance
24 that day.

25 Q. Okay. Was this patient responsive? Could she

1 answer questions?

2 A. No, sir.

3 Q. All right. So who did you have to ask questions
4 of?

5 A. We, my partner and I, asked questions of Mr. Beaty
6 that was on-scene because he was the person who we were
7 told was in the car with the patient at the time of the
8 incident.

9 Q. Okay. And what type of questions would you have
10 asked him?

11 A. We initially asked him as to why she was
12 unconscious when he found her like that, how long she
13 had been unconscious prior to EMS arriving and/or
14 calling EMS, and we were informed that she had been
15 that way approximately five minutes prior to EMS
16 arriving.

17 Q. Okay. That way, what is that way?

18 A. Unconscious or as it came out to us unconscious and
19 when we arrived on-scene we noticed her to be pulseless
20 and apneic or not having a pulse and not breathing.

21 Q. Any other -- you were trying to assess injuries.
22 Was there any explanation given as to how she had become
23 that way?

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

25 **THE COURT:** Okay. Your objection's noted for the

1 record.

2 A. We were informed that she was unconscious because
3 she had cut her wrist and they had -- the boyfriend,
4 Mr. Beaty, had driven her to to call
5 9-1-1 and seek medical attention for her and when he
6 went to remove her from the car, he noted that she was
7 unconscious.

8 Q. All right. Were you able to -- in treating her,
9 were you able to -- first of all, her, do you know who
10 the patient was you were treating?

11 A. Yes.

12 Q. And what was her name?

13 A. Emily-Anna Asbill.

14 Q. Were you able to observe her injuries?

15 A. Once we removed her from the car and got her into
16 our truck on our stretcher, we were able to observe her
17 injuries because we had better lighting. Initially when
18 we removed her from the car because it was dark there
19 was not much lighting outside of the residence, we were
20 not initially able to observe any injuries. It wasn't
21 until we got her into the back of our ambulance that we
22 observed her injuries.

23 Q. Did you see any injuries consistent with cutting?

24 A. No, sir.

25 Q. The information you gathered is that she had been

1 pulseless or unconscious at least for five minutes?

2 A. Yes, sir.

3 Q. As far as your observations and your experience,
4 was that consistent with what you observed?

5 A. When we -- when we arrived on-scene, we noted her
6 to be very pale and she had some bruising we noted once
7 we got her in the back of the ambulance, but initially
8 we noted her to be very pale and what we call cyanotic,
9 which is when you don't have oxygen going into your
10 blood your lips, your fingers, your toes turn blue from
11 the lack of oxygen in your blood, and that was not
12 consistent with only having been pulseless and apneic
13 or unconscious for five minutes or less.

14 Q. Did you have a general opinion as to how long she
15 had been pulseless?

16 A. I cannot say that with a hundred percent surety
17 because I am not a medical examiner and we have no
18 actual way of determining other than by standard
19 information or family information how long a patient
20 is noted to have been down.

21 Q. Okay. So how were you able to determine that five
22 minutes was not an accurate time period?

23 A. Just from our -- my assessment, what we're taught
24 in school and the presentation of her body, the
25 cyanosis of the lips, the hands and the toenails and

1 the fingernail beds, and the paleness of her skin, did
2 not coincide with the fact of down time.

3 Q. Okay. So your opinion is she was out shorter or
4 longer than five minutes?

5 A. Longer.

6 Q. Okay. Did you notice about anything else -- you
7 talked about paleness, you talked about discoloration
8 of the fingernails and toenails. Anything else that
9 happens when somebody is without a pulse for some period
10 of time?

11 A. Depending on how long they have been without a pulse
12 and not breathing, sometimes they will have pooling of
13 blood where they're sitting and if their extremities or
14 body parts are touching hard surfaces the blood will
15 pool there. We did not note any of that as far as on
16 Ms. Asbill when we observed her after we took her out
17 of the car and placed her onto the stretcher.

18 Q. All right. The -- the arm that you're talking
19 about --

20 A. The right arm?

21 Q. The right arm. What did you observe with the right
22 arm?

23 A. We were initially told that she had cut her wrist
24 and that they had tied a -- Mr. Beaty had tied a shirt
25 around the wrist to control the bleeding and drove to

1 to seek further medical attention.
2 When we placed the patient in the truck, we removed the
3 shirt from her arm and noted her to have what appeared
4 to be a road rash-type burn or injury to her arm,
5 nothing consistent with a cutting of the wrist. There
6 were no lacerations noted.

7 Q. What's road rash?

8 A. It would be consistent with if you fell off your
9 bike and skinned your knee. When you just kind of
10 burned the skin and rubbed the skin raw from the
11 asphalt or the concrete is what it appeared to be to
12 me.

13 Q. What, if anything, did you observe, I guess, in
14 regards to Ms. Asbill's upper extremities?

15 A. We noted -- once we removed all of her clothing
16 while we were doing treatment, initiating CPR, placing
17 a heart monitor on her, that she had some bruising to
18 her neck area that I'm not able to determine how long
19 that had been there, but she did have some bruising
20 noted to her neck area.

21 **MR. SCOTT:** Okay. Thank you, Ms. Simmons.

22 CROSS-EXAMINATION

23 BY MS. McNEILL:

24 Q. How long did it take you to arrive on scene at
25 after the dispatch call came out?

1 A. I would not be able to tell you that without
2 looking at my report and seeing the times. I don't
3 recall exactly how long it took us to get there.

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

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

6 BY MS. McNEILL:

7 Q. Would you be able to tell from the CAD report?

8 A. Yes.

9 **MS. McNEILL:** May I approach?

10 **THE COURT:** Sure.

11 Q. (Hanging.)

12 A. According to this CAD, we were dispatched at
13 23:13 or 11:13 PM. We were en route at 23:14 and we
14 arrived on-scene at 23:20, so it took us approximately
15 six minutes to arrive on-scene.

16 Q. Six minutes. Okay. Thank you.

17 A. (Hanging.)

18 Q. Thank you. Just to be clear, you never spoke to
19 William Alexander that night, did you?

20 A. No, I did not.

21 Q. You didn't see him anywhere around the scene when
22 you were there?

23 A. Correct.

24 Q. How long were you on the scene there?

25 A. Again, I'd have to look at the CAD report. I don't

1 believe it was very long, but I can't say with any
2 amount of certainty unless I looked at the time again.

3 Q. (Hanging.)

4 A. We were on-scene -- we departed from
5 at 23:31, so we were on-scene approximately
6 eleven minutes.

7 Q. And during that eleven-minute time frame you never
8 saw William Alexander?

9 A. That's correct.

10 **MS. McNEILL:** Okay. Thank you. No further
11 questions.

12 **THE COURT:** Any recross -- redirect, I mean?

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

14 **THE COURT:** Ms. Simmons, you may step down.

15 (Witness excused.)

16 **MR. STUMBO:** Judge, the State would call Lieutenant
17 Casey Jones to the stand.

18 CASEY JONES,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. STUMBO:

22 Q. Good morning, Lieutenant Jones.

23 A. Morning.

24 Q. Where are you a lieutenant?

25 A. I work for the Clinton Department of Public Safety

1 located here in Laurens County.

2 Q. How long have you been with the City of Clinton?

3 A. I've been employed there since 2006.

4 Q. And you've been through the academy?

5 A. Yes, sir.

6 Q. You're certified?

7 A. Yes, sir, certified police officer.

8 Q. And you have risen through the ranks to the rank of
9 lieutenant?

10 A. Yes, sir, that's correct.

11 Q. What's your role there? Are you in investigations
12 or on road patrol?

13 A. I'm a shift supervisor for uniformed patrol.

14 Q. Were you working the night of June 29th into the
15 early morning hours of June 30, 2013?

16 A. Yes, sir, I was.

17 Q. And did you receive a call and have occasion to
18 respond to a call out at ?

19 A. Yes, sir, that's correct.

20 Q. Who made the call to you to get you there that
21 night?

22 A. Our first responders had responded along with EMS
23 to and Sergeant McClendon, one of the
24 first responders, had called for a PD unit to respond.

25 Q. So you came in response to Sergeant McClendon's

1 call?

2 A. Yes, sir.

3 Q. Was he already on the scene?

4 A. Yes, sir.

5 Q. Okay. When you arrived at , would you
6 tell the jury what you see?

7 A. Sure. When I arrived there, it was dark. It was
8 a residence located on the corner of an intersection.
9 Both the streets were lit. There was a white car, which
10 was belonging to Ms. Emily-Anna Asbill, that was parked
11 down the side of the street nearest the curb closest to
12 the residence. When I arrived, EMS was on the scene
13 along with our first responders. Ms. Asbill was in the
14 back of the ambulance. I never actually physically seen
15 her; however, I did note that a Mr. Alexander, which is
16 William Jarrell Alexander, and a Michael Vernon Beaty,
17 Junior, were on-scene, along with the complainant who
18 actually called 9-1-1, a Henry Allen Simmons, they were
19 all standing up towards the residence in the driveway.

20 Q. Whose house was -- who owned the house at
21 ?

22 A. I believe the homeowner is Henry Simmons.

23 Q. And he was out there by the time you get there?

24 A. Yes, sir.

25 Q. All right. 's in the city limits of

1 Clinton?

2 A. Yes, sir.

3 Q. It is in Laurens County, correct?

4 A. Yes, sir, it is.

5 Q. By the time you get there, you just indicated that
6 who you believed to be E.A. Asbill was in the back of
7 the ambulance?

8 A. Yes, sir, that's correct.

9 Q. How were you treating this scene?

10 A. At that time, we didn't really know exactly what
11 was going on and from the way I understood it from EMS
12 that things didn't look good for Ms. Asbill, so I went
13 ahead and secured the crime scene -- or secured the
14 scene to be worked as a crime scene, if necessary,
15 because at that time we didn't exactly know what
16 happened to her.

17 Q. Why do you secure a crime scene?

18 A. The reason we typically do that is if that scene
19 is not secured initially and it turns out later to be a
20 crime scene, we lose all the evidence in there because
21 it becomes spoiled at that point, contaminated, per se,
22 so we always want to try and secure the scene as soon as
23 we can to keep everybody out of it and to maintain that
24 evidence.

25 Q. Okay. Do you keep up with who comes onto the crime

1 scene once it's taped off?

2 A. Yes, sir, I do.

3 Q. Okay. Who came onto the scene?

4 A. The -- I began a crime scene log. The people that
5 arrived on the scene, it was Sergeant Josh McClendon
6 from Clinton DPS, firefighter Daron Vincent from Clinton
7 DPS, Lauren Simmons, Michael Culbreth, and Captain Matt
8 Pennington, all of Laurens County EMS, myself, Detective
9 Goggins, Officer Prather from Clinton DPS, Chief Morse
10 from Clinton DPS, and there were two personnel from
11 crime scene, from SLED.

12 Q. Is that the extent of the list?

13 A. Yes, sir.

14 Q. So you say SLED crime scene analysts get there.
15 Was that right away when you get there?

16 A. No, sir, it took them a while to get there.

17 Q. Okay. How much later did they arrive?

18 A. They arrived at approximately 0233 AM.

19 Q. Okay. At the time that you were there, say
20 Ms. Asbill has already been put in the back of the
21 ambulance, at that time were you able to take any
22 pictures of how her body was positioned?

23 A. No, sir, I was not. She'd already been taken out
24 of the car and was placed in the ambulance.

25 Q. What did you observe just initially about this

1 scene after Ms. Asbill was placed in the back of the
2 ambulance?

3 A. There were --

4 Q. When I say the scene, around -- I'm sorry, around
5 the car.

6 A. Around the car? From what I recall, I noted there
7 was some blood on the passenger side front door of the
8 car. I didn't go through that vehicle at that time.
9 Like I said, I secured the scene and I left it to SLED
10 crime scene to process that vehicle.

11 Q. Was the passenger door still open at that point?

12 A. I don't remember.

13 Q. Okay. I'm gonna show you what's been marked for
14 ID as State's 10, State's 11, State's 12, State's 13,
15 State's 14, State's 15, State's 16 and State's 31. If
16 you'd look at those pictures for me.

17 A. Sure.

18 Q. Okay. And those pictures that I just listed off,
19 have you had a chance to review those?

20 A. Yes, sir.

21 Q. Is that a fair and accurate representation of the
22 scene around the car that you observed that night
23 yourself?

24 A. Yes, sir, that's correct.

25 **MR. STUMBO:** Your Honor, at this time the State

1 would move State's 10 through 16 and State's 31 into
2 evidence.

3 **MS. KENDALL:** I'd just like to be able to review
4 the photographs.

5 **MS. McNEILL:** No objection.

6 **THE COURT:** State's 10, 11, 12, 13, 14, 15, 16, and
7 31 admitted without objection, which are crime scene --
8 or scenes of that evening.

9 **MR. STUMBO:** Correct, Judge.

10 (State's Exhibit Numbers 10 through 16, photographs,
11 and State's Exhibit Number 31, a photograph, were
12 admitted into evidence.)

13 **MR. STUMBO:** Permission to publish.

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

15 BY MR. STUMBO:

16 Q. All right. Lieutenant Jones, this is -- you said
17 it was a street corner. Is this the intersection --

18 A. Yes, sir.

19 Q. -- the house was located? That's and

20 ?

21 A. (Nods head.)

22 Q. Where is that close to?

23 A. It's near Presbyterian College.

24 Q. Okay. A couple blocks from the PC campus?

25 A. Yes.

1 Q. That's not very bright. Let me see if I can
2 brighten it up a little bit. Okay. Is this the --
3 well, describe this for the jury.

4 **MR. STUMBO:** And, Your Honor, I'm gonna hand
5 Lieutenant Jones a little laser pointer.

6 **THE COURT:** Okay.

7 BY MR. STUMBO:

8 Q. The red button in the middle there.

9 A. Sure. The residence here is , which is
10 actually the side of the residence. This was the
11 vehicle that belonged to Ms. Asbill. In and around
12 this area is the garage, which is where I had observed
13 Mr. Alexander and Mr. Beaty and Mr. Simmons, in that
14 area, when I arrived on-scene.

15 Q. Where was the ambulance parked at this point?

16 A. The ambulance was parked up in front of the car
17 along with the fire truck, and all of our law
18 enforcement vehicles were parked back behind there.

19 Q. Okay. So it was up the street a little way off of
20 this picture?

21 A. Yes.

22 Q. This is State's 12 I'm putting up now. Was that
23 just a different angle?

24 A. Yes, sir. The same vehicle and the house is off
25 to the left. This is almost standing from approximately

1 where the driveway meets the street looking back towards
2 the vehicle.

3 Q. Is this approximately where the ambulance would have
4 been up this way?

5 A. Yes, sir, just a little bit off to the right facing
6 -- facing the same direction as the white vehicle there.

7 Q. State's 13. The same angle from the back; is that
8 correct?

9 A. Yes, sir.

10 Q. And this -- did you ever run this tag and verify
11 that this was Ms. Asbill's vehicle?

12 A. Yes, sir.

13 Q. We're a little closer. That's from the street side
14 looking back into the yard; is that correct?

15 A. Yes, sir, that's correct.

16 Q. And that would be State's 14. Now you mentioned
17 before -- I'm gonna show you now what's been marked as
18 State's 15. Could you describe this, what's on the
19 ground beside the car?

20 A. Yes, sir. As I mentioned previously, I noted that
21 there was blood on the passenger side of the vehicle.
22 That pool that you see there is gonna be what appeared
23 to be blood and that's right there along the curbside.

24 Q. State's Number 16. What side of the vehicle is in
25 State's 16?

1 A. This is gonna be the passenger side of the vehicle.
2 If I remember correctly, you'll see some little dots
3 in and around that area is what was -- what we initially
4 believed to be blood spatter.

5 Q. Did you alter, omit or add anything or mess with
6 these parts of the evidence of the crime scene at that
7 point?

8 A. No, sir.

9 Q. And at the point you're initially observing this,
10 there's no crime scene investigators on the scene yet,
11 correct?

12 A. No, sir.

13 Q. Anybody else that you could see that would mess
14 with any of these areas that appeared to be something
15 that would be helpful for evidence?

16 A. No, sir.

17 Q. State's 31. Is this the inside of the white car?

18 A. Yes, sir, it is. That's a shot from the driver's
19 side door.

20 Q. You were able to look into the car, correct?

21 A. Yes.

22 Q. At that time did you conduct any kind of crime
23 scene analysis, take any swabs or evidence?

24 A. No, sir, I did not.

25 Q. When were the SLED crime scene folks called in?

1 A. As far as exactly what time SLED was notified, I
2 couldn't tell you.

3 Q. Who did that? Did you do that or was it a
4 supervisor?

5 A. No, I had called Detective Tyrone Goggins to the
6 scene and him along with Chief Morse responded and they
7 took over the investigation at that point.

8 Q. They handled that part of it?

9 A. Yes, sir.

10 Q. At some point -- you say at 2:33 AM is when SLED
11 crime scene arrives?

12 A. Let me check my notes. Yes, sir, that's correct.

13 Q. So other than those individuals you just listed
14 from the City, from EMS, and from SLED, did anyone else
15 come into that scene and bother the scene?

16 A. No, sir.

17 Q. Let me go back just a moment. You indicated that
18 Mr. Simmons, Mr. Alexander, the Defendant, was that --
19 by the way, who is Mr. Alexander? Is he in the
20 courtroom today?

21 A. (Indicating.)

22 Q. Okay. You pointed beside Mr. Howe?

23 A. Yes, sir, there in the -- what looks like a blue
24 jacket and red tie and white shirt.

25 **MR. STUMBO:** Just for the record, Your Honor, we'd

1 note the witness has identified the Defendant.

2 BY MR. STUMBO:

3 Q. Were you able to gather any other information from
4 those three individuals that night?

5 A. At the point in time I arrived, there wasn't much
6 said. I believe when Detective Goggins arrived on the
7 scene, he field-interviewed both Mr. Simmons, Alexander,
8 and Beaty.

9 Q. So your role at that point was not to do these
10 interviews; is that correct?

11 A. No, sir. Detective Goggins arrived, it was shortly
12 after I got on the scene, and he began the initial
13 investigation.

14 Q. And your job was to secure the scene?

15 A. Yes, sir.

16 **MR. STUMBO:** I beg the Court's indulgence, Your
17 Honor.

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

19 BY MR. STUMBO:

20 Q. Did anybody -- did they -- you said Mr. Simmons,
21 Mr. Alexander and Mr. Beaty were there by the garage
22 when you arrived. Did they go anywhere else that night
23 or did they stay there at ?

24 A. Did they go anywhere else that night?

25 Q. Correct.

1 A. Once Detective Goggins got on the scene and
2 conducted his field interviews, Mr. Beaty and
3 Mr. Alexander were requested to come to the police
4 department there in Clinton to be interviewed. They
5 were advised that they were not under arrest and both
6 voluntarily came to the police department. If I recall,
7 I believe Mr. Simmons went to the police department on
8 his own accord as well.

9 Q. Okay. At that point you turned the scene over to
10 Detective Goggins?

11 A. Yes, sir.

12 **MR. STUMBO:** No further questions, Lieutenant Jones.
13 Please answer any questions the defense attorneys may
14 have.

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

16 CROSS-EXAMINATION

17 BY MS. KENDALL:

18 Q. Lieutenant Jones, through the course of your
19 limited investigation of securing the scene, you didn't
20 receive any information that the white Buick we just saw
21 pictures of was ever moved once it originally stopped,
22 correct?

23 A. No, ma'am, not that I'm aware of.

24 Q. And that would be consistent with you found the
25 pool of blood that there's a picture of that we just

- 1 saw, correct?
- 2 A. Yes, ma'am.
- 3 Q. And you didn't see any other pools of blood
- 4 elsewhere on the sidewalk, correct?
- 5 A. Not that I recall, no.
- 6 Q. Okay. Because if you had seen them, you would have
- 7 taken pictures, correct?
- 8 A. Yes, ma'am.
- 9 Q. And throughout this investigation -- or your
- 10 testimony, excuse me, you're referring to notes. Can I
- 11 see what you're referring to?
- 12 A. Sure. The same thing you have in your hand.
- 13 Q. I'm making sure. After your role as being the,
- 14 I guess, lead responder with the Clinton Police
- 15 Department, you also made a report of investigative
- 16 notes from your activities, I guess, on July the 1st,
- 17 correct?
- 18 A. Let me verify that date.
- 19 Q. I believe authored on the 14th, but it was from an
- 20 event on July 1st, correct?
- 21 A. Yes, ma'am, that's correct.
- 22 Q. In both -- your original incident report from
- 23 June 29th, you noted that Mr. Alexander voluntarily
- 24 agreed to go to law enforcement, correct?
- 25 A. They were both asked to come to the police

1 department and both voluntarily agreed to come to the
2 police department.

3 Q. Okay. And on July 1st, so this was the morning
4 hours of the 29th and 30th, one day later, right --

5 A. Okay.

6 Q. -- Mr. Alexander also voluntarily assisted you,
7 correct?

8 A. Yes, ma'am. That was myself, Special Agent Kindley
9 from SLED, and Investigator Shelton of Laurens County
10 Sheriff's Office.

11 Q. And nothing in that report noted he was
12 uncooperative with you, correct?

13 A. No, sir. No, ma'am. I'm sorry.

14 Q. That's fine. And throughout that day he assisted
15 you in finding some forensic evidence, correct?

16 A. For a short period, yes, ma'am.

17 Q. Okay. So, again, nothing uncooperative either on
18 the 29th or on the 1st. He agreed and nothing in your
19 reports note otherwise, correct?

20 A. Not that I witnessed, no, ma'am.

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

22 **MR. STUMBO:** Just briefly, Your Honor.

23 **THE COURT:** All right.

24 **REDIRECT EXAMINATION**

25 **BY MR. STUMBO:**

1 Q. This incident on the 1st when you ride around with
2 SLED Agent Kindley and, I believe, Lieutenant Shelton
3 with the Clinton Police Department, that's when y'all
4 escorted Mr. Alexander to these places, correct?

5 A. Yes, sir, that's correct.

6 Q. And he gave y'all a statement at that time about
7 what he observed --

8 **MS KENDALL:** Objection.

9 **MR. STUMBO:** I believe he can answer that, Judge.

10 **THE COURT:** All right. I'm not sure when this is.

11 **MR. STUMBO:** This was on the July 1st ride-around.

12 **MS. KENDALL:** This would have been outside the
13 hearing, Judge.

14 **THE COURT:** Okay. I'll tell you what let's do.
15 It's 12:30. Let's take a lunch break and I'll see where
16 we stand here.

17 All right. Folks, y'all go by the jury room, get
18 your stuff, whatever you've got to do, go to lunch. An
19 hour and 15 minutes, so 1:45, quarter to two, be back in
20 the jury room, okay? You can't begin discussing the
21 case.

22 (Whereupon, the jury was excused for lunch at
23 12:30 PM.)

24 **THE COURT:** All right. I understood the objection
25 was when they rode around looking at some sights or

1 scenes or something. You were about to ask him did he
2 give a statement and I'm unaware that there was a
3 Statement 8. Would this be Statement Number 8?

4 **MR. STUMBO:** Correct, Judge. I'm gonna ask did
5 y'all do this ride-around and did he give you a
6 statement. You know, I'm not gonna ask what the
7 statement was at this point.

8 **THE COURT:** So why ask the question?

9 **MS. KENDALL:** So long as it's not he gave a
10 statement I don't have an issue with it. My concern is
11 to have a statement that's outside the Jackson v. Denno
12 hearing.

13 **MR. STUMBO:** Judge, we can have another Denno
14 hearing on that eighth statement. It's the day after
15 he's already arrested and he's in an orange jumpsuit
16 and they're riding around.

17 **MS. KENDALL:** If that was the case, he should have
18 done it already. We've already had the jury sworn and
19 had two days' of testimony.

20 **THE COURT:** What was the nature of the statement?
21 Can you at least proffer that?

22 **MR. STUMBO:** Simply he had given a statement the
23 night before about the victim being drug down the
24 street. There's this incident that happens out when
25 they're riding around the county --

1 **THE COURT:** When they stopped to go to the bathroom.

2 **MR. STUMBO:** -- that caused the injuries to the arm.

3 This ride-around was simply him -- he's gonna give them,
4 okay, where did this happen, so they hit some spots down
5 56 going towards Joanna, there's a loop made, I guess,
6 back towards and back to Clinton. But, quite
7 frankly, Judge, none of the statements say anything that
8 wasn't already said in the statement the night before.

9 **THE COURT:** Well, I mean, is it not sufficient to
10 say --

11 **MR. STUMBO:** We don't have to get into it. I
12 don't --

13 **THE COURT:** -- he rode around and saw some of the
14 scenes in the area? Well, that's -- you've already
15 asked that and he said yes, and he was cooperative.

16 **MS. KENDALL:** To give assistance.

17 **MR. STUMBO:** Right. Essentially the question
18 was gonna be riding around some scenes referencing
19 statements he had made the night before to
20 investigators. You know, I don't even have to go
21 that far. You know, it's, quite frankly, not that
22 important to our case. If they're objecting to the
23 voluntariness of the statement -- they're statements
24 of the Defendant, so they obviously come in assuming
25 they're voluntary, willful and they pass the Jackson v.

1 Denno muster, but, you know, quite frankly, he'd
2 already given seven statements. We don't have to get
3 into it.

4 **THE COURT:** If we don't have to get into it,
5 let's leave it alone and say he rode around and he
6 was cooperative. How about that?

7 **MR. STUMBO:** And, Judge, there again, I --
8 Mr. Scott mentioned this. I think it's a valid point
9 and, you know, I think -- can I just proffer the
10 testimony?

11 **THE COURT:** Yeah. Of course.

12 **MR. STUMBO:** That may be easier, then we can --
13 we have to talk about what the testimony is gonna be
14 before we can argue it.

15 EXAMINATION (IN CAMERA)

16 BY MR. STUMBO:

17 Q. Lieutenant Jones, what was the purpose of this
18 July 1st ride-around with Mr. Alexander that was
19 referenced by Ms. Kendall?

20 A. Mr. Alexander had agreed to show law enforcement
21 where they had been the prior night prior to arriving
22 at , once they had left the residence
23 at , and he pointed out several locations
24 around the county that I made note of and he basically
25 tried to explain what had happened when they had stopped

1 at those few little locations along the roadway.

2 Q. Okay. At this point was he actually under arrest
3 and charged with this case?

4 A. He had not been charged with accessory after the
5 fact yet, if I recall correctly. He had been charged by
6 the County for contributing, I believe.

7 **MS. KENDALL:** Judge, if it's to that limited amount,
8 I have no issue with it. My only concern is further
9 statements throughout the course of the investigation.
10 If it's just that, I have no problem with it.

11 **THE COURT:** Okay. That's -- I think you were
12 trying to say that's what you were trying to do. Okay.

13 **MR. STUMBO:** That's all I would ask.

14 **THE COURT:** All right. For the limited purpose of
15 basically those two questions; rode around and pointed
16 out where they had been the night before, before they
17 arrived at , Ms. Kendall is consenting to
18 that question, so we'll allow that one when we come back
19 from lunch.

20 **MR. STUMBO:** Okay.

21 **THE COURT:** All right. Y'all have got an hour and
22 ten minutes -- an hour and five minutes really because
23 you've got to be here before the jury and I gave them
24 until a quarter till. All right.

25 (Whereupon, a luncheon recess was taken.)

1 **BAILIFF:** All rise. Court will come back to order,
2 please.

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

4 **BAILIFF:** Are you ready for them?

5 **MR. STUMBO:** Were ready.

6 **THE COURT:** Yeah, we're ready. All right. When
7 the jury comes in, let's all stay seated because when
8 we've got too much movement and -- that's an old
9 tradition to stand when the jury comes in, but let's
10 just stay seated and make it a little simpler on them.
11 I think it was making them feel a little overwhelmed
12 because there were so many people in the courtroom. So
13 we'll let them come in, sit down, and we'll get to work.

14 (Whereupon, the jury returns to the courtroom
15 at 1:49 PM.)

16 **BAILIFF:** All jurors present, Your Honor.

17 **THE COURT:** All right. Ready to continue,
18 Solicitor, with your witness.

19 **MR. STUMBO:** Thank you, Your Honor.

20 CONTINUED REDIRECT EXAMINATION

21 BY MR. STUMBO:

22 Q. Lieutenant Jones, I believe I asked you about this
23 July 1st ride-around, for lack of a better term, that
24 you had with Defendant William Alexander. What other
25 officers were with you at that time?

1 A. Special Agent Kindley from SLED and Detective
2 Lieutenant Shelton from Laurens County Sheriff's Office.

3 Q. Okay. Now at this time was Will Alexander in
4 custody?

5 A. Yes, sir, he was. He had been charged, to my
6 knowledge, with contributing to the delinquency of a
7 minor by the sheriff's office.

8 Q. Okay. So he had a jumpsuit on at that point?

9 A. Yes, sir, that's correct.

10 Q. Okay. So this is the day after he had been in
11 the Department with the other investigators giving
12 statements, correct?

13 A. Yes, sir.

14 Q. Now what was the purpose of this the next day where
15 you had this ride-around?

16 A. When I came into the office that morning,
17 Mr. Alexander had volunteered to show law enforcement
18 where he, Mr. Beaty and Emily-Anna had been the night
19 prior after they left the residence on prior
20 to arriving to the in the city of
21 Clinton.

22 Q. Showing the location between the party when they
23 left and when they got to ?

24 A. Yes, sir.

25 Q. After that ride-around, he returned back to the

1 detention center?

2 A. Later on that evening, I believe so, yes, sir. He
3 was housed at our city jail for a time, if I recall.

4 Q. Did you have any interaction with the Defendant
5 after that day?

6 A. No, sir.

7 Q. Just a couple of more questions to back up a little
8 bit. The night at the scene when you arrived, did the
9 Defendant, Will Alexander, appear to you to be in any
10 way grief stricken or upset?

11 **MS. KENDALL:** Objection.

12 Q. Can you describe Mr. Alexander at the scene that
13 night?

14 **THE COURT:** The objection's sustained as to the
15 first question.

16 **MR. STUMBO:** Okay. I'll re-ask it.

17 BY MR. STUMBO:

18 Q. Can you describe him for the jury?

19 A. From what I recall, I mean, there wasn't a whole lot
20 said. Very solemn would be a good way to describe him
21 then.

22 **MR. STUMBO:** No further questions, Judge.

23 **MS. KENDALL:** Very briefly.

24 **RE CROSS EXAMINATION**

25 BY MS. KENDALL:

1 Q. You just testified in your own words he volunteered
2 to assist you, correct?

3 A. Yes, ma'am.

4 Q. And his assistance was trying to find physical
5 evidence to help convict Michael Beaty, correct?

6 A. Yes, ma'am. I can't speak for what his intentions
7 were, but, yes, ma'am, he did cooperate with us.

8 Q. Cooperated to assist you in trying to find evidence?

9 A. Yes, ma'am.

10 Q. And that was on July 1st?

11 A. Yes, ma'am.

12 **MS. KENDALL:** No further questions.

13 **THE COURT:** All right. You may step down.

14 (Witness excused.)

15 **MR. SCOTT:** The State calls Tyrone Goggins.

16 **MR. STUMBO:** And, Your Honor, we would ask that
17 Lieutenant Jones be released from his subpoena.
18 Obviously, he's free to come and go.

19 **MS. KENDALL:** No objection.

20 **THE COURT:** If we need him back, we can find him.
21 He's released from his subpoena.

22 TYRONE GOGGINS,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. SCOTT:

1 Q. Lieutenant Goggins, where are you employed?

2 A. Clinton City Department of Public Safety.

3 Q. All right. How long have you been with that agency?

4 A. Approximately sixteen years.

5 Q. Okay. Were you on duty June 29th of last year
6 between the hours of 11:00 PM and midnight?

7 A. I was.

8 Q. Did you have occasion to respond to an incident at
9 ?

10 A. Yes, I did.

11 Q. All right. And how did you come to respond to that
12 scene?

13 A. I was called by Casey Jones. He's a road lieutenant
14 and he called me and stated that I needed to respond to
15 that location.

16 Q. Why did -- what was the nature, as you understood
17 it, of the call?

18 A. It was a victim that was unconscious and thought
19 was in cardiac arrest.

20 Q. Okay. Do you remember approximately what time you
21 went out there?

22 A. Approximately 11:29 PM.

23 Q. Okay. When you got to the scene, what did you see
24 when you got there?

25 A. When I arrived, I observed Lieutenant Casey Jones

1 placing yellow crime scene tape around the area. The
2 EMS unit was still in the area with doors closed. Some
3 personnel was in the rear of that ambulance. They
4 appeared to be working on a victim on the inside. I
5 saw a white sedan, which was a Buick, on the back side
6 of the garage -- or in front of the garage of that
7 residence at

8 Q. Okay. Where was the car? Was it in the driveway?

9 A. It was on the side of the road right by the
10 driveway. Right before the driveway on the side of the
11 road.

12 Q. Okay. Are you just saying it was sort of in front
13 of the garage, but in the road is what you said?

14 A. Right.

15 Q. What did you say a minute ago about the doors being
16 closed? You're talking about the ambulance?

17 A. The EMS unit, the doors were closed on it, but I
18 could see personnel inside the ambulance that appeared
19 to be working on the patient at the time.

20 Q. All right. So did you learn who the patient was?

21 A. Yes.

22 Q. Who was it?

23 A. That was Emily Asbill.

24 Q. So by the time you got there, she was not in the
25 Buick, she was in the ambulance?

1 A. That's right.

2 Q. Besides EMS and Fire Department personnel, who else
3 was there on the scene?

4 A. They had first responders, Josh McClendon and Daron
5 Vincent. Henry Simmons was there, Michael Beaty,
6 William Alexander.

7 Q. Okay. Whereabouts were they on the property when
8 you first saw them?

9 A. When I arrived, Henry Simmons approached me and
10 he stated to me that his son, along with his friend,
11 William, had rung his doorbell and stated that E.A.,
12 which is Emily Asbill, was either hurt or dead.

13 Q. Okay. Henry Simmons is the owner of that residence?

14 A. Yes.

15 Q. Okay. What was Michael Beaty doing when you first
16 got there?

17 A. Michael was walking around on the outside. Michael
18 stated --

19 **MS. McNEILL:** Objection; hearsay.

20 **THE COURT:** Rephrase. Sustained as to hearsay.

21 A. Michael was on the outside of the residence walking
22 around in the driveway area.

23 Q. What did you observe regarding Michael Beaty or
24 what did you observe as far as demeanor? How was he
25 behaving?

1 A. It seemed like he was emotional or appeared to be
2 emotional, walking around. He had on khaki shorts, no
3 shirt. I observed blood on his stomach, his chest area,
4 his arms. He stated that he loved Emily Asbill. He
5 didn't think --

6 **MS. McNEILL:** Objection as to hearsay.

7 **THE COURT:** Sustained as to hearsay.

8 BY MR. SCOTT:

9 Q. Tell me about Will Alexander. Where was he when
10 you got there?

11 A. Will was inside of the residence. I had Henry
12 Simmons to ask Will, or William, to come out and talk
13 to me. He exited the residence to the garage and we
14 talked under the garage, it was open. We talked under
15 the garage. William stated that -- I asked him what
16 happened.

17 **MS. McNEILL:** Objection; subject to the previous
18 objection.

19 **MR. SCOTT:** Go ahead, I'm sorry.

20 **THE COURT:** Objection's noted for the record.
21 Continue.

22 BY MR. SCOTT:

23 Q. Go ahead. What were you saying? Will said what
24 now?

25 A. I asked William what happened to Emily Asbill and

1 he stated to me that he, Michael Beaty, and E.A. had
2 left from some friend's house and drove to

3 . He stated to me that once they arrived at that
4 location he got out of the car and he went inside the
5 house to lay down. He also stated once he got in the
6 car when he left from the friend's house he said that
7 he passed out and he just remembered once they arrived
8 at he got out and went inside to lay
9 down.

10 Q. Okay. Did he ever offer any kind of explanation as
11 to what happened to E.A.?

12 A. Yes, he did. He stated to me that she was a cutter.
13 I asked him did he see her cut herself and he stated no
14 and I also asked him well, how do you know Michael
15 didn't cut her and he stated to me that he could tell
16 Michael didn't cut her because when Michael came to
17 the door to get help he stated that he could see in
18 Michael's eyes that he -- he was hurt, so he knew that
19 Michael didn't do it.

20 Q. All right. So he spontaneously tells you she's a
21 cutter; is that what you said?

22 A. Yes, sir.

23 Q. Did he seem to have any difficulty communicating
24 with you?

25 A. He was clear with his communication. I could smell

1 alcohol odor coming from his body. He was swaying
2 back and forth and seemed to be under the influence of
3 alcohol.

4 Q. I don't know, but what degree of intoxication would
5 you say there was? I mean, was he so drunk he couldn't
6 talk to you and communicate clearly?

7 A. No, he was able to talk with me. He didn't fall or
8 anything. It just seemed that he was swaying back and
9 forth. His speech, I don't recall it being slurred. It
10 was just vague as far as -- as far as what he remembers.
11 He just remembered blanking out and going in the house
12 to lay down and after Michael approached him for help,
13 he did state she was a cutter.

14 Q. Okay. All right. Did you ask him to come into the
15 police department to speak with you?

16 A. Yes, I asked him would he come to the police
17 department and to talk to us and he agreed.

18 Q. All right. And Beaty as well?

19 A. Yes, I did.

20 Q. Were they transported there by you guys?

21 A. Sergeant Prather with road patrol and Officer
22 Bagwell transported both of them to the police
23 department.

24 Q. Did they transport them together?

25 A. No, they was separated.

1 Q. Okay. And are you aware -- did you respond to the
2 police department as well?

3 A. No, I didn't respond. Once they was transported
4 there, I stayed on the scene.

5 Q. Okay. Are you aware of any statements -- not the
6 substance of the statements, but are you aware of
7 whether he, William Alexander, gave any statements that
8 night upon arriving at the Clinton Police Department?

9 **MS. McNEILL:** Objection; subject to previous
10 objection and personal knowledge.

11 **THE COURT:** Objection noted for the record and he
12 can -- he was the investigator, so I'll allow him to
13 answer.

14 BY MR. SCOTT:

15 Q. Okay. Do you have any personal knowledge or are
16 you aware of whether or not William Alexander did
17 speak with law enforcement that night at the police
18 department?

19 A. Yes, that's the reason he was being transported,
20 to assist in the investigation. I did speak with him,
21 but we also had assistance from SLED as well that was
22 assisting with the interviews.

23 Q. If you know, who did he speak with that night? I'm
24 talking about -- I guess we're transitioning into the
25 very early morning hours of June 30, 2013. Do you have

1 knowledge of who he spoke with that night or early
2 morning hours?

3 A. Yes.

4 Q. Who did he speak with first?

5 A. Commander Crystal Roberts.

6 Q. All right. Anyone else after he spoke with Crystal
7 Roberts that night that you're aware of him speaking
8 with?

9 A. I think Michael Collins and Harvey Ownes.

10 Q. Who is Michael Collins?

11 A. They both work with SLED.

12 Q. Okay. So you have personal knowledge of two
13 statements he gave at the police department that night?

14 A. Yes.

15 Q. Did you have an occasion to speak with
16 Mr. Alexander?

17 A. I did.

18 Q. And when was that?

19 A. That was on June the 30th. William Alexander
20 arrived back at the police department at approximately
21 1:56 PM.

22 Q. All right. Did you ask him to come back over there?

23 A. I don't think so. I don't recall calling him to
24 come back to the police department.

25 Q. But he did come back?

1 A. He did. He was there around 1:56.

2 Q. All right. Was he -- well, I guess, obviously he
3 was not under arrest at this time?

4 A. No, sir.

5 Q. Was he with anyone when he came back?

6 A. No, sir.

7 Q. What happens when he first gets to the Clinton
8 Department of Public Safety?

9 A. I had the opportunity to talk to him. At
10 approximately 2:16 PM I advised him of his Miranda
11 warnings.

12 Q. Let me show you --

13 **MS. McNEILL:** Judge, I'm renewing my objection.

14 **THE COURT:** All right. It's noted throughout since
15 we've already ruled on that one, which you've noted on
16 the record.

17 BY MR. SCOTT:

18 Q. All right. Lieutenant Goggins, that's State's
19 Number 2. Do you recognize that?

20 A. I do.

21 Q. And what is that?

22 A. This is Miranda warnings from the Clinton City
23 Department of Public Safety.

24 Q. All right. How are you able to recognize that,
25 State's Number 2?

1 A. My signature is at the bottom of this Miranda
2 warnings as witnessing William Alexander initialling and
3 signing off on here.

4 Q. All right. And is that the original copy of the
5 Miranda warning form that you and Mr. Alexander filled
6 out that date?

7 A. It is.

8 **MR. SCOTT:** Your Honor, the State would offer
9 State's Number 2 into evidence.

10 **THE COURT:** Subject to previous objection put on the
11 record --

12 **MS. McNEILL:** Yes.

13 **THE COURT:** -- it'll be admitted.

14 (State's Exhibit Number 2, Advisement of Rights,
15 was admitted into evidence.)

16 BY MR. SCOTT:

17 Q. Okay. Lieutenant Goggins, the top part of that
18 form -- what is the top block of your Miranda form
19 there?

20 A. It says William Jarrell Alexander,

21 . It asks for age, date of birth. The time
22 is 2:16 PM. His educational level was some college and
23 the question was: Are you able to read and write, and
24 he answered "yes", and the location being Clinton DPS.

25 Q. All right. Is that your handwriting or his?

1 A. That's my handwriting.

2 Q. How did you get that information about his address,
3 his date of birth, his educational level?

4 A. I asked William that information.

5 Q. The middle of this form, what is that?

6 A. Those are the Miranda warnings, they're called
7 rights, that are on the form.

8 Q. Okay. Did you give him those rights? Did you make
9 him aware of his rights?

10 A. Yes, I did.

11 Q. How did you do that?

12 A. I read them off and then I also give -- gave Will --
13 William the opportunity to read them and as he read them
14 he had to put his initials beside each sentence.

15 Q. All right. So there's six rights. Would you read
16 each right as you read them to Mr. Alexander.

17 A. Yes, sir. You have the right to remain silent.
18 Anything you say may be used against you in a court of
19 law. You have the right to talk to a lawyer for advice
20 and before being asked any questions and to have them
21 with you during questioning. If you have no money to
22 pay a lawyer's fee, the court will appoint one to
23 represent you without cost to you. If you decide to
24 answer questions now without a lawyer present, you will
25 still have the right to stop answering at any time. You

1 also have the right to stop answering questions at any
2 time until you talk to a lawyer.

3 Q. Okay. So after you read all those to him, how did
4 he indicate that he understood those rights?

5 A. The next line states: Do you understand each of
6 these rights as I have explained to you?, and he checked
7 the box "yes". And also, behind it, it states: Having
8 these rights in mind, do you wish to talk to us now
9 without a lawyer present? William checked the box
10 "yes".

11 Q. Okay. And the initials you talked about earlier
12 beside each one of those rights, whose handwriting is
13 that?

14 A. William Alexander's.

15 Q. And then, finally, at the very bottom, the waiver
16 of rights, what's that paragraph?

17 A. It's -- the waiver of rights states that I have
18 read this statement of my rights and know what my rights
19 are. I am willing to make a statement and answer
20 questions. I do not want a lawyer present at this time.
21 I understand what I am doing. No promises or threats
22 have been made to me. No pressure of any kind has been
23 used against me by anyone in exchange for my statement,
24 and then it's signed by William Alexander, dated 6-30
25 2013.

1 Q. Okay. Now after you give him his rights and read
2 him his Miranda form and go over that with him, what's
3 the next thing that happens in an interview like this?

4 A. I asked him what happened that night on June the
5 29th with Emily Asbill.

6 Q. All right. Now what are y'all doing now? Is he
7 writing or is he just having a conversation back and
8 forth with you?

9 A. Just verbally. A verbal conversation.

10 Q. All right. What did he say?

11 A. He stated to me that he and Michael and E.A. had
12 left a friend's house. They drove -- they got in the
13 car and he blanked out. They arrived at
14 , which is Michael's house. Once he got there,
15 he stated that he went inside to lay down.

16 Q. Okay. Did he tell you anything further in regards
17 to his knowledge of how E.A. died?

18 A. I don't recall.

19 Q. Okay. After you interviewed with him, was he asked
20 to write his statement down?

21 A. Yes.

22 Q. Okay. And did he do that?

23 A. Yes, he did.

24 Q. Let me show you State's Number 3. Do you recognize
25 this?

1 A. This is a voluntary witness statement that states
2 not under arrest. It's William Alexander's statement.

3 Q. Okay. Is that the one we were just referencing?
4 Is that the written statement he gives after the Miranda
5 warning?

6 A. Yes, it is.

7 Q. Okay. What time did he give that statement?

8 A. It's 3:10.

9 Q. What does he write in his statement -- well, is that
10 the original copy there?

11 A. This is the original copy.

12 Q. And you personally witnessed him handwrite that?

13 A. Right, I witnessed him handwrite this, yes, sir.

14 **MR. SCOTT:** Your Honor, the State would offer
15 State's Number 3 for admission.

16 **THE COURT:** Subject to objection put on the record
17 earlier.

18 **MS. McNEILL:** Thank you.

19 **THE COURT:** It'll be admitted as State's Number 3.
20 (State's Exhibit Number 3, a Voluntary Statement,
21 was admitted into evidence.)

22 BY MR. SCOTT:

23 Q. All right. Tyrone, what does he say -- or,
24 Detective Goggins, what does he say in the statement?

25 A. He wrote: I woke up at 9 AM and played with my

1 newborn baby and her half-sister. At 11 I drove to the
2 store and bought three cases of beer and cigarettes. I
3 started drinking at 12:00 PM. At 1:30 PM, Kyle, Tim,
4 and Nick came to pick me up for a party. I took Molly
5 and snorted cocaine. At 9:00 PM, Michael and E.A.
6 arrived. We left around 12:30 and went back to Henry
7 Simmons' house. The only thing I remember is standing
8 in the driveway and then coming up to the police station
9 and talking to SLED detectives. I got -- I got the
10 Molly and cocaine for Tim. I did nothing to harm E.A.

11 Q. Okay. And that's as much as he was telling you on
12 June 30th at 3:10 PM?

13 A. Yes, sir.

14 Q. Okay. After that statement, what do y'all do with
15 him? Where does he go next?

16 A. After that statement, he went to talk to another
17 investigator.

18 Q. Okay. Do you know -- do you have any personal
19 knowledge of who he spoke with next?

20 A. No.

21 Q. When was the next time you had any dealings with
22 William Alexander?

23 A. I talked to Will again at 9:04 PM that same night.

24 Q. All right. So about six hours after that statement
25 you just read into the record you see him again?

1 A. Yes, sir.

2 Q. Okay. Was he under arrest at that point?

3 A. No, sir.

4 Q. Okay. Did he -- did you interview him again?

5 A. I did.

6 Q. Okay. Again -- well, was he read his Miranda rights
7 when you interviewed him at this point?

8 A. I didn't read him his rights again.

9 Q. Okay. Well, did you have any knowledge of whether
10 he had recently been Mirandized?

11 A. Yes.

12 Q. Okay. Did you confirm with him that he understood
13 his rights?

14 A. No, I didn't at that time.

15 Q. Well, did he -- again, was it kind of like where
16 you have an oral interview at that point?

17 A. Yes.

18 Q. Okay. What's he talk about at that time, 9:04 PM,
19 June 30th?

20 A. He confirmed again that he was at a party. He
21 stated that he, Michael Beaty, and Emily left and drove
22 -- headed towards Clinton and
23 During the way, he stated that they made several --
24 they made several stops to pee. He stated during those
25 stops, I think two of them --

1 **MS. McNEILL:** And, Judge, objection subject to
2 previous objection.

3 **THE COURT:** Okay. The objection's noted for the
4 record. You can continue.

5 A. -- two of those stops he stated that he witnessed
6 Michael Beaty push Emily Asbill to the -- to the road.
7 He stated on one of them that he witnessed Michael pick
8 up Emily by her legs and drug her on the asphalt. He
9 stated that she had -- he could tell -- see the skin
10 peeled back on her arm. He stated that they continue
11 to -- they smoke weed. They arrived at

12 . He stated that he got out of the car and he
13 walked under the garage and he continued to smoke --
14 smoke cigarettes and drink beer and he said that he
15 witnessed Michael Beaty on top of Emily Asbill and
16 stated that his hands was up towards her -- her neck.
17 He stated that Michael -- shortly after Michael came up
18 to him and stated that "I think I messed up, I think I
19 took her life".

20 Q. Anything else?

21 A. He also stated that Michael asked him not to say
22 anything to law enforcement. He stated that if he
23 didn't say anything that they would never find out and
24 Mike -- William stated that he didn't want to get
25 involved, but he stated that they were -- they would

1 find out, law enforcement, he indicated that they would
2 find out, but he would try.

3 Q. And did you ask him to write this statement out?

4 A. I did.

5 Q. And did he do it?

6 A. Yes, sir.

7 Q. I'll show you State's Number 7.

8 A. This is a voluntary written statement, not under
9 arrest form, dated June 30, 2013, at 9:04 PM. William
10 Alexander, the name is printed on. It says

11

12 Q. All right. That's the original statement that he
13 wrote that night?

14 A. This is the original statement.

15 Q. And you watched him write it out?

16 A. Yes, sir.

17 **MR. SCOTT:** Your Honor, the State offers State's 7
18 for admission into evidence?

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

20 **THE COURT:** It'll be admitted subject to the
21 objection put on the record prior.

22 (State's Exhibit Number 7, a Voluntary Statement,
23 was admitted into evidence.)

24 BY MR. SCOTT:

25 Q. All right. Lieutenant, when he wrote that at 9:04,

1 to your knowledge is this the first time he's telling
2 law enforcement this story?

3 A. Yes.

4 Q. All right. The statement he gave you, the first
5 statement, what did he tell you back then?

6 A. He -- basically he didn't remember much. He blanked
7 out in the car. He went and laid down in the residence.
8 It's just different.

9 Q. All right. Now what's he saying in State's
10 Number 7? Read to the jury what he's telling you now.

11 A. Michael Beaty, E.A., and I left Kyle Stewart's house
12 around 9:00 PM. We rode around county roads smoking
13 weed and drinking beer. They were arguing about her
14 cheating on him with a guy in Florida. He was also
15 upset about her giving me unusual attention. They
16 continued to argue -- argue that while we rode around.
17 We made several stops on county roads to use the
18 bathroom. On two of these stops Michael pushed her
19 down. On one of these stops he drug her down the road
20 about twenty or thirty feet. I ran after him telling
21 him to stop and he didn't -- and he did. When she was
22 getting into the car, I noticed injury on her arm. It
23 looked like the skin was peeled back. It was her right
24 arm. She said her arm -- her arm "hurt like hell".
25 When we arrived at Henry Simmons' house, they continued

1 to argue and hit on each other. I got out -- out of the
2 car and went into the garage and continued drinking beer
3 and smoking cigarettes. Michael got on top of E.A. and
4 it looked like they were making out. His hands were at
5 her throat. He got out of the car and walked up to me
6 and said "I think I messed up. I may have taken her
7 life". If I did, don't tell anybody if you are my
8 friend. I said I will not -- I will do my best, but I
9 don't want to be involved -- I don't want to be
10 involved, so if I have to -- so if I have to, I am going
11 to tell them. He said act like you don't know what --
12 what's going on. I said the police got their way of
13 finding out. He said maybe they don't. He then went
14 and got Henry up and Henry checked her pulse and there
15 was none. Then Henry called 9-1-1. He said he will
16 never confess and they will never know I strangled her.
17 He was pacing back and forth, then EMS arrived and taped
18 off the scene, then we were talking to -- we were taken
19 to the station for questioning, and it states end of
20 statement of William -- WJA initials across the bottom
21 and signed by William Alexander.

22 Q. All right. Did -- was Michael Beaty eventually
23 charged with a crime?

24 A. Yes.

25 Q. What was he charged with?

1 A. At this time, he was charged with contributing to
2 the delinquency of a minor by the Laurens County
3 Sheriff's Department.

4 Q. All right, sir. Was he eventually charged with
5 any other crime?

6 A. Yes, he was charged with murder.

7 Q. Do you know when was that?

8 A. That was the next day at approximately 4 PM.

9 Q. Okay.

10 A. It should be July 1st.

11 Q. What about Alexander, do you know if he was ever
12 charged with anything?

13 A. Yes, William was charged with contributing to the
14 delinquency of a minor as well on the 30th of June, I
15 think, at approximately ten or so, 10:00 PM, and he was
16 also charged with accessory -- accessory after the fact
17 of murder on July 1st around 4:00 PM.

18 Q. Okay. So that would have been -- Beaty and
19 Alexander were charged by the City the day after that
20 statement?

21 A. Yes.

22 Q. That would be Beaty for murder and Alexander for
23 accessory?

24 A. Yes, sir.

25 Q. Now you mentioned that contributing to the

1 delinquency charge. That's a County charge, but do you
2 know when they were served with those warrants?

3 A. It was a County charge. From my recollection, it
4 was the 30th of June that Laurens County may have
5 charged them.

6 Q. All right. That statement, the State's Number 7,
7 that last one you just read into the record --

8 A. Yes, sir.

9 Q. -- was Michael Beaty under arrest at that point?

10 A. No, sir.

11 Q. Was William Alexander under arrest at that point?

12 A. I'm sorry, I -- Michael Beaty, I think, was arrested
13 earlier that day. William Alexander was not arrested.

14 Q. Okay. Do you know the time?

15 A. Michael Beaty, I think, around five -- four or five.
16 William Alexander was arrested that night after this
17 statement sometime around ten or so.

18 Q. All right. Did you continue to investigate this
19 case?

20 A. Yes, sir.

21 Q. All right. Let me show you State's Number 47, and
22 ask if you can identify that?

23 A. Yes, sir. This is a DVD that has my initials on it.
24 It's phone conversations from William Alexander while he
25 was at Johnson Detention Center.

1 Q. How do you know that's William Alexander's?

2 A. I listened to the conversations. I could tell it
3 was his voice.

4 Q. You've heard his voice before?

5 A. Yes, sir.

6 Q. When did you hear it?

7 **MS. McNEILL:** Objection.

8 A. During the investigation.

9 **MS. McNEILL:** Objection.

10 **THE COURT:** Grounds?

11 **MS. McNEILL:** Improper foundation to lay for the
12 jail calls.

13 **MR. SCOTT:** I'm not introducing them, Your Honor.
14 I'm just asking if he recognizes --

15 **THE COURT:** Okay. Go ahead.

16 BY MR. SCOTT:

17 Q. Did you listen to those calls?

18 A. Yes, sir.

19 Q. All right. And you recognized the voice on that?

20 A. Yes, sir.

21 Q. And whose was it?

22 A. William Alexander's.

23 Q. And how do you know that?

24 A. Because I can -- I knew his voice from these
25 previous interviews with him.

1 Q. Okay.

2 A. I also provided a telephone number to Laurens County
3 Sheriff's Department and I had knowledge that it would
4 be his parents' phone number.

5 MR. SCOTT: Okay. Thank you, Lieutenant. Please
6 answer any questions Ms. McNeill or Ms. Kendall have for
7 you.

8 THE WITNESS: Yes, sir.

9 CROSS-EXAMINATION

10 BY MS. McNEILL:

11 Q. You're not a records custodian for the police
12 department, are you, Detective Goggins?

13 A. No, ma'am.

14 Q. So anybody can use a phone number, correct?

15 A. Yes, ma'am.

16 Q. Yesterday when we had a pre-trial hearing, you
17 testified to the level of intoxication of Mr. William
18 Alexander when you first interviewed him on the night of
19 the 29th; is that correct?

20 A. Yes, ma'am.

21 Q. Okay. And what did you testify yesterday?

22 A. I testified that William swayed, seemed to be
23 intoxicated. I could smell the odor of alcohol coming
24 from his breath.

25 Q. In fact, didn't you say he was very unsteady on his

1 feet?

2 A. That may have been the choice of words.

3 Q. Isn't it true, sir, that when you interviewed
4 Mr. William Alexander on the night of the 29th that he
5 at that time told you that Mr. Beaty told him "I think I
6 messed up"?

7 A. No, ma'am.

8 Q. So there would never be any other testimony to that
9 effect?

10 A. Not that I'm aware of.

11 Q. Okay. You were the lead investigator on this case
12 for your department?

13 A. I'm one of the investigators on this case.

14 Q. So you would be well aware of all the reports that
15 have been done on this case, correct?

16 A. I'm somewhat familiar with them.

17 Q. Okay. And how many times have you reviewed this
18 case with the Solicitor's office in preparation for your
19 testimony today?

20 A. We've -- we've briefed on it.

21 Q. I'm sorry?

22 A. We've briefed on it one time, I think. I couldn't
23 tell you.

24 Q. More than one time?

25 A. That's fair.

1 Q. Okay. And you were the officer who took down
2 the statement of Henry Simmons on June 30th; is that
3 correct?

4 A. Yes.

5 Q. And in that room was also Officer Bryan Cheek; is
6 that correct?

7 A. Yes.

8 Q. And you work with Officer Cheek?

9 A. Officer Cheek works with the Laurens County
10 Sheriff's Department, but he was present that day, yes,
11 ma'am.

12 Q. And he was present in the room during the time you
13 took that statement from Henry Simmons; correct?

14 A. Yes.

15 Q. So then isn't it true that while you were taking
16 the statement from Henry Simmons that Officer Cheek
17 reminded Mr. Simmons that his son had confessed to
18 murdering E.A. on the 29th?

19 **MR. SCOTT:** Probably, Judge, what -- the proper
20 witness is gonna be Lieutenant Cheek. She's welcome to
21 call him.

22 **MS. McNEILL:** He has personal knowledge of this
23 information, Judge. He was present in the room.

24 **MR. SCOTT:** I don't think he said that; otherwise,
25 it's hearsay as well. The proper witness -- she's free

1 to call Lieutenant Cheek if it's something that he said
2 or he heard. I don't know if he can testify to what
3 another man heard.

4 **THE COURT:** All right. It seemed to be a confusing
5 question to me. While you were talking to this person,
6 did you overhear this other person say something else?

7 **MS. McNEILL:** I can rephrase it.

8 **THE COURT:** That was -- you lost me a little bit on
9 it.

10 **MS. McNEILL:** I can rephrase it.

11 BY MS. McNEILL:

12 Q. When you were interviewing Mr. Simmons and
13 Mr. Simmons was giving you a written statement, which
14 I'll show you --

15 **MS. McNEILL:** May I approach?

16 **THE COURT:** Yeah.

17 BY MS. McNEILL:

18 Q. This is the statement that you took from
19 Mr. Simmons, is that correct, on June 30th?

20 A. That's correct.

21 Q. Okay. And Mr. Cheek was in the interview room with
22 you at that time, correct?

23 A. He was.

24 Q. Okay. I'm gonna show you another report. Isn't it
25 true that Mr. Cheek reminded Henry while you were taking

1 Henry's statement that Henry had confessed -- or had
2 told Officer Cheek that his son confessed to murdering
3 E.A.?

4 A. This is a report from Brian Cheek. It's not my
5 report.

6 **MR. SCOTT:** The proper witness is gonna be Officer
7 Cheek. I mean, I don't know how he can testify to what
8 Cheek heard or --

9 **MS. McNEILL:** He can testify to what he heard.

10 **THE WITNESS:** I don't recall hearing that.

11 **MS. McNEILL:** Okay.

12 **THE COURT:** And you will have latitude with
13 Lieutenant Cheek or Sergeant Cheek, whatever his rank
14 was, to cross-examine him on any statements made.

15 BY MS. McNEILL:

16 Q. As far as your statement that you took from William
17 Alexander at 9:04 PM --

18 A. Yes, ma'am.

19 Q. -- you had an oral conversation before reducing that
20 oral conversation to this writing, correct?

21 A. We had a verbal conversation and William reduced
22 this to writing, I didn't.

23 Q. And yesterday you testified of what time that took
24 place. Can you, please, testify again today what time
25 did that conversation take place?

1 A. The statement was taken at 9:04 PM.

2 Q. And what time did you start that conversation orally
3 before reducing it to writing?

4 A. Basically approximate time?

5 Q. Yes, sir.

6 A. Maybe thirty minutes, an hour.

7 Q. So between 8:00 and 8:30 PM?

8 A. That's approximate time. This is 9:04. It wasn't
9 very long before he reduced it to writing.

10 Q. Okay. Thank you. And the statement that he
11 provided you, which you testified to on direct, you
12 stated Will told you "if I did, don't tell anybody if
13 you are my friend". Now that's Michael Beaty saying
14 that to Will, correct?

15 A. That's what William stated on his -- on his
16 statement, yes.

17 Q. Okay. And then Will said "I will do my best, but I
18 don't want to be involved, so if I have to I'm going to
19 tell them", correct?

20 A. I think that's what his statement was, yes, ma'am.

21 Q. (Hanging.) Is that what that says?

22 A. I will do my best, but I don't want to be involved,
23 so if I have to, I'm going to tell them.

24 Q. Thank you.

25 A. He said act like you didn't know what's going on.

1 Q. Okay. But he said if I have to, I'm going to tell
2 them. The police have their way of finding out, right?

3 A. Yes, ma'am.

4 Q. And, in fact, that is what he did, is it not, tell
5 the police what he saw, correct?

6 A. Eventually.

7 Q. So that's a yes?

8 A. Yes.

9 **THE COURT:** He answered it.

10 Q. Will had bloodshot eyes on the night of the 29th,
11 right?

12 A. I don't recall his eyes. I didn't describe his
13 eyes as being bloodshot in my statement.

14 Q. Okay. You did not accompany him to the police
15 department, is that right, that night?

16 A. No, ma'am.

17 Q. Okay. When you got to the residence of
18 where Mr. Simmons lives, where was Will?

19 A. He was inside of the residence.

20 Q. Okay. And you had an opportunity to view Will,
21 correct, that night?

22 A. Yes.

23 Q. And he didn't have blood on him, did he?

24 A. No, ma'am.

25 Q. In fact, no blood was ever seen on him at all,

1 correct?

2 A. That's right.

3 Q. And you have no reason to believe that he changed
4 his clothes at his friend's house, right?

5 A. No.

6 Q. Mr. Beaty was covered in blood, correct?

7 A. That's right.

8 Q. There was crime scene tape at
9 when you arrived; is that correct?

10 A. He was placing the crime scene tape, yes, ma'am,
11 when I arrived.

12 Q. Because at that point it was a suspicious death,
13 right?

14 A. It was suspicious, that's right.

15 Q. And you knew that three people got into a car alive
16 and only two came out alive, correct?

17 A. Right.

18 Q. So that left either Will Alexander or Michael Beaty
19 as suspects in a suspicious death; is that not correct?

20 A. That's a fair statement.

21 Q. If Will Alexander had invoked his right to counsel
22 on that night, would Michael Beaty eventually have been
23 arrested, you think, or Will or both?

24 **MR. SCOTT:** I think, Your Honor, that is highly
25 speculative. I think she's asking for speculation on

1 the part of Lieutenant Goggins.

2 **THE COURT:** Rephrase your question, Ms. McNeill.

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

4 BY MS. McNEILL:

5 Q. Isn't it true that if Will Alexander had invoked
6 his right to counsel, an arrest still would have been
7 made in the murder of Emily-Anna Asbill?

8 **MR. SCOTT:** It's the same question, Judge. If he
9 asked for a lawyer, wouldn't he have been arrested I
10 think was the question.

11 **THE COURT:** I don't know if that was the question
12 or not. It may have been the arrest of the other one,
13 Beaty. I'll sustain the objection. That just seems
14 like speculation because that's not what happened.

15 BY MS. McNEILL:

16 Q. You have -- or you know that Michael Beaty and Will
17 Alexander were both taken to Clinton Police Department
18 between 11:30 and midnight on the 29th of June, right?

19 A. That's fair. Yes, ma'am.

20 Q. And there they were being interrogated by officers.
21 Whether they were technically in custody or not, they
22 were being questioned by officers, correct?

23 A. Yes.

24 Q. And then the next day both boys also voluntarily
25 came back to Clinton Police Department, right?

1 A. That's right.

2 Q. And you also testified that when they were
3 transported on the night of the 29th they were
4 transported separately giving them no opportunity to
5 talk at that time, correct?

6 A. They was transported separately, yes, ma'am.

7 Q. And Mr. Beaty was being questioned at the police
8 department on the 29th and the 30th, right?

9 A. It would have been on the 30th because it would have
10 been after midnight, so on June 30th.

11 Q. June 30th?

12 A. Yes, ma'am.

13 Q. You're an officer of the law, right?

14 A. That's right.

15 Q. And you know the law quite well, right?

16 A. I hope so. It changes every day.

17 Q. And you know that Emily-Anna Asbill was
18 nineteen years old on the date of 29th of June, 2013?

19 A. Yes.

20 Q. And yet arrest warrants were taken out for
21 contributing to the delinquency of a minor and served
22 upon four people, right?

23 A. That's fair.

24 Q. And are you aware that those other charges against
25 those other people are being pursued, prosecuted?

1 A. Those are Laurens County charges. I don't know what
2 the outcome of those charges are.

3 Q. The contributing to the delinquency of a minor
4 requires that a person be under the age of eighteen,
5 eighteen or under, correct?

6 **MR. SCOTT:** Your Honor, I think that's sort of a
7 legal question, Your Honor.

8 A. I would have to look that up.

9 Q. You don't know?

10 **THE COURT:** I'm gonna sustain the objection. I
11 mean, that charge is not relevant here to this.

12 **MS. McNEILL:** We think it is, Judge.

13 **THE COURT:** I don't. I disagree with you, so I
14 think it's not relevant.

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

16 BY MS. McNEILL:

17 Q. In Will's statement that you reduced to writing at
18 9:04 PM, you would agree with me that he wrote that
19 statement that he would tell law enforcement if he had
20 to, right?

21 A. Yes.

22 Q. Okay. And, in fact, he assisted law enforcement in
23 securing arrests against Michael Beaty, correct?

24 A. Eventually, yes.

25 **MS. McNEILL:** No further questions.

1 **THE COURT:** Redirect?

2 REDIRECT EXAMINATION

3 BY MR. SCOTT:

4 Q. Lieutenant, when's the most critical time as far
5 as investigating a serious crime? When is the most
6 important time to jump on a case like this?

7 A. Right from the beginning of the case. Within a very
8 few hours you get the most information.

9 Q. Well, what was Will Alexander doing those first few
10 hours?

11 A. In my opinion, he was misleading law enforcement.

12 Q. All right. What were the gists of his first
13 statement to you?

14 A. He stated that he was -- he blanked out. He stated
15 that he went inside of the house at
16 and that he laid down.

17 Q. Well, in his last statement to you he admits that
18 he told Beaty I'll do my best do cover up for you?

19 A. Yes.

20 Q. And that's what he did the very first few hours of
21 the investigation?

22 **MS. McNEILL:** Objection; leading.

23 **THE COURT:** Sustained as to leading. The statement
24 speaks for itself, so don't --

25 A. Yes.

1 Q. And what time was it that he gave that third and
2 final statement to you?

3 A. 9:04 PM on June 30, 2013.

4 **MR. SCOTT:** Thank you, Lieutenant.

5 **THE COURT:** Recross?

6 **RE CROSS EXAMINATION**

7 **BY MS. McNEILL:**

8 Q. You would agree that William Alexander was
9 intoxicated on the night of the 29th, correct?

10 A. Yes.

11 Q. And in your experience as a law enforcement officer,
12 isn't it sometimes true that people start to remember
13 details to something as they sober up?

14 A. That's fair.

15 Q. And then I know that this statement will speak for
16 itself, but just to clarify what Mr. Scott asked you, he
17 doesn't say I'll do my best to cover up. He says I'll
18 do my best, but I don't want to be involved or if I have
19 to, I'm gonna tell them, right?

20 **THE COURT:** The statement speaks for itself.

21 **MS. McNEILL:** Thank you. No further questions.

22 **THE COURT:** Please step down.

23 (Witness excused.)

24 **MS. McNEILL:** Judge, may we take a five-minute
25 break?

1 **THE COURT:** We may. All right. I tell you what.
2 We're gonna take a five minute break. Y'all step in the
3 jury room. I tell you what. It's -- I'm gonna look at
4 one clock, at my watch, so I can -- and my watch says --
5 we'll see y'all in ten minutes, okay? By this clock it
6 will be eight minutes till.

7 (Whereupon, the jury retires to the jury room at
8 2:43 PM.)

9 **BAILIFF:** Let's keep your seats and come back to
10 order, please.

11 **THE COURT:** All right, folks. Are we ready to
12 proceed?

13 **MR. SCOTT:** The State calls Kyle Stewart.

14 **THE COURT:** We've got to get them for you first.

15 (Whereupon, the jury returns to the courtroom at
16 2:53 PM.)

17 (State's Exhibit Number 48 was marked for
18 identification.)

19 **THE COURT:** All right, Mr. Scott.

20 **MR. SCOTT:** Your Honor, the State calls Kyle
21 Stewart.

22 KYLE STEWART,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. SCOTT:

- 1 Q. All right. Mr. Stewart, where do you live?
- 2 A. , Clinton, South Carolina.
- 3 Q. Okay. Is that -- was that your residence June 29th
- 4 of last year?
- 5 A. Yes, sir.
- 6 Q. Do you remember June 29, 2013?
- 7 A. Yes, sir, I do.
- 8 Q. What was going on that day?
- 9 A. We were having a gathering for a dear friend of mine
- 10 that had passed away. He -- he lived in Ohio when he
- 11 passed away and everyone couldn't go up, so we decided
- 12 to have a memorial service for him here.
- 13 Q. Okay. A classmate of yours?
- 14 A. Yes, we went to school together.
- 15 Q. Where did you go to school?
- 16 A. Thornwell.
- 17 Q. For the most part this party was a bunch of
- 18 Thornwell students that went to school with this man?
- 19 A. More or less, yes, sir.
- 20 Q. So was it an all-day party?
- 21 A. Pretty much. It was an all-day thing. It was
- 22 just -- because everybody was busy and everybody has
- 23 schedules, so it was kind of just a drop-in thing. Just
- 24 come when you can and stop by thing.
- 25 Q. Okay. Were y'all cooking burgers?

1 A. Yeah, we cooked burgers and chicken around 2:00,
2 3:00, I guess.

3 Q. Were you drinking?

4 A. Yes, sir.

5 Q. What, beer, liquor?

6 A. Mostly beer. There was a little liquor there, but
7 mostly beer.

8 Q. Okay. June 29th was a Saturday?

9 A. (Nods head.)

10 Q. All right. Who is Will Alexander?

11 A. I know him. We went to school together. I've known
12 him since I was a child. We played baseball together.

13 Q. Did he go to Thornwell with you?

14 A. Yes, he went to Thornwell as well. Heck, he was
15 already -- he went to Thornwell previously before I went
16 there. I was in public school for a while.

17 Q. Okay. Was he invited to your party?

18 A. Yes. Yes, it was just more or less an open
19 invitation. We posted it on the Internet in memory of
20 Eddie and posted it and everybody just kind of clicked
21 on it said yeah, we'll attend, we'll be there, and that
22 was how -- more or less how word spread.

23 Q. Okay. How did Mr. Alexander get to the party?

24 A. We actually went and picked him up, I guess, around
25 11:00 or so, I guess, on Saturday.

1 Q. Are you talking AM?

2 A. Yes.

3 Q. All right. And where did you go to pick him up?

4 A. We went to his father's house on the lake. Bill
5 Alexander's house on the lake in .

6 Q. All right. So does Will not drive or why were you
7 picking him up?

8 A. Well, he -- I guess he didn't have a ride and we
9 just told him we'd come get him. He'd been wanting to
10 come and so he didn't have a way, so we went and picked
11 him up.

12 Q. All right. So where's the house on the lake? What
13 town is that?

14 A. It's in . Pineland Shores, something like
15 that.

16 Q. How long does it take to get from your house to his
17 house?

18 A. I'd say twenty-five minutes or so.

19 Q. Okay. So you drive out there to pick him up.
20 What's he doing when you get there?

21 A. I don't know. He's just out the yard. He and his
22 dad were out the yard and we got out and talked and he
23 got -- he got his stuff. He got a cooler -- he had a
24 cooler full of beer and had another -- I guess another
25 case or so of beer and we just put everything in the car

1 and stood out and talked.

2 Q. And you went back to the house?

3 A. Then left and went back to my residence.

4 Q. Okay. All right. So what happens -- what time do
5 you get back there, around noon or so?

6 A. Yeah.

7 Q. What's going on the rest of the afternoon?

8 A. Just more or less a good time. We gathered, had
9 people come by and stop, you know, drop in, hadn't seen
10 in a while, they didn't have long. Cooked and drank
11 and ate and laughed and carried on about old times.

12 Q. Nothing out of the ordinary; just what you call a
13 get-together?

14 A. That's it.

15 Q. Who is Michael Beaty?

16 A. Michael Beaty, I know him from Thornwell. We
17 grew up together as well as young kids, you know,
18 skateboarding and whatnot around town. I never really
19 had a lot of association with Michael until I went to
20 Thornwell and had a little more association with him
21 then, but other than that --

22 Q. So did you personally invite him or was this like
23 a --

24 A. No, everybody was invited over the Internet. I
25 never called anyone or personally said, you know. I

1 put it on the Internet and everyone who got on the
2 website was more or less invited.

3 Q. At some point did he show up?

4 A. Yes.

5 Q. And about what time was it?

6 A. I'm gonna say 6:00-ish. 6:00, 6:30-ish would be a
7 best guess.

8 Q. Okay. Do you know about how long he was there?

9 A. Two hours, I guess. Something like that.

10 Q. So you think he left around -- he left around 8:00
11 or so?

12 A. Yeah, 8:00, 8:30. It was right at that time right
13 before -- right before dark there.

14 Q. Did you -- how did he get to your house?

15 A. He drove.

16 Q. Do you remember what he was driving?

17 A. He was driving a white Buick Regal or Century. It
18 was a white Buick. I'm not sure which. It may have
19 been a Regal, I'm not sure, but it was white.

20 Q. Okay. Well, let me show you -- I'll show you
21 State's Number 12. Do you recognize that?

22 A. Yes, sir.

23 Q. What's that?

24 A. That looks like it.

25 Q. That looks like the car he was driving?

1 A. That looks like the car he was driving.

2 Q. Who was he with?

3 A. At the time I was told -- E.A. was all I was given,
4 and I didn't poke and I didn't ask any more. I said
5 what's your name, I got E.A., I said okay. I left well
6 enough alone.

7 Q. You'd never met her before?

8 A. No. No, I had never.

9 Q. All right. What was your understanding of their
10 relationship?

11 A. Just -- I never asked about it. What are you --

12 Q. Well, I mean --

13 A. I just assumed that was his girlfriend. I didn't
14 ask.

15 Q. This was the first time you'd ever seen her though;
16 is that correct?

17 A. Yes.

18 Q. I'll show you State's Number 48. Do you recognize
19 that person?

20 A. I mean, I recognize her, yes.

21 Q. Who is it?

22 A. That's Emily Asbill.

23 Q. That was the girl who was there that night?

24 A. I'm pretty sure that's her.

25 Q. Is this how she appeared that night?

1 A. She had her hair pulled back in a ponytail. Her
2 hair seemed a little darker, but she had it pulled back.

3 Q. Is that her?

4 A. (Nods head.)

5 **MR. SCOTT:** Your Honor, the State would offer
6 State's Number 48 for admission into evidence.

7 **MS. McNEILL:** Objection; not a proper foundation is
8 laid, and relevancy.

9 **MR. SCOTT:** That's how she appeared that night.

10 **MS. McNEILL:** And he said it was not accurate.

11 **THE COURT:** I'm gonna admit it subject to objection.
12 He recognized her.

13 **MR. SCOTT:** I'm sorry?

14 **THE COURT:** I'm gonna allow it subject to the
15 objection.

16 **MS. McNEILL:** Judge, and also my objection for
17 relevancy.

18 **MR. SCOTT:** It's identifying the person who was
19 there, Judge.

20 **THE COURT:** Overruled on relevance. It's probative.
21 (State's Exhibit Number 48, a photograph, was
22 admitted into evidence.)

23 BY MR. SCOTT:

24 Q. How was E.A. -- what did you observe about her? I
25 mean, what was her demeanor that day?

1 A. She was a very sweet person. She seemed very kind,
2 very loving. She came out, she -- she wanted to -- you
3 know, she wanted to give everybody a hug and, you know,
4 just -- she just seemed like an outgoing, lively person.
5 I mean, she struck me as just -- you know, because most
6 people don't come across, you know --

7 Q. I guess you'd describe her mood was friendly?

8 A. Uh-huh. Yeah.

9 Q. And you already said Will Alexander was having a
10 good time, she's being friendly. What's Michael Beaty
11 doing there at the party?

12 A. More or less just standing around talking, carried
13 on about old times and --

14 Q. So do you recall anything out of the ordinary that
15 happened?

16 A. No, there was nothing ever that struck me as -- that
17 would have caught my attention to a point where I would
18 have thought there may have been a situation or anything
19 of that nature.

20 Q. Okay. What -- what, if anything, do you remember
21 about, I guess, levels of intoxication; be it E.A.,
22 Michael Beaty, or Will Alexander?

23 A. Well, now they were already -- they were already
24 drinking when they got to my house. When they got out
25 of their car, they -- they already had beer in their

1 hands.

2 Q. You're talking about E.A. and Michael Beaty?

3 A. Both of them.

4 Q. Okay.

5 A. And he had some gin. He had an open bottle of gin.
6 I guess apparently they had already been drinking, I'm
7 not sure, I didn't ask, but it was already open, and
8 they just got out and came around the picnic area where
9 we were gathering at.

10 Q. Did you ever see the two of them having words?

11 A. No, I never -- I noticed that they walked over to
12 their car once or twice, but I never heard any -- you
13 know, any argument or anything that caught my attention
14 like something was inappropriate or --

15 Q. They were just having a private conversation; is
16 that what you're saying?

17 A. Yes, sir.

18 Q. Okay. Well, what about Will? I mean, he's drinking
19 with you all day; is that what you said?

20 A. (Nods head.)

21 Q. How was he behaving?

22 A. He seemed all right. I mean, he was -- I mean,
23 just a little intoxicated, you know, but he didn't seem,
24 you know, erratic or seemed like he had any -- any
25 tendencies that needed to be worried about.

1 Q. Had you been drinking?

2 A. Oh, yeah.

3 Q. But you remember pretty much everything that
4 happened?

5 A. Pretty well.

6 Q. Do you remember Will falling down, carrying on like?

7 A. I don't know.

8 Q. Tell me -- do you remember when Michael Beaty left?

9 A. Yes, I do remember when Michael left.

10 Q. Do you remember about what time it was?

11 A. It was about 8:30 or so.

12 Q. Okay. And what was decided as far as how Will
13 Alexander was gonna get home?

14 A. I asked Will. I said would you like me to take you
15 home? I came and got you, I'll take you home tomorrow,
16 and he said no, Michael's gonna take me home. We're
17 just gonna go and we're gonna stay at at my
18 dad's house and that will save you a trip so you don't
19 have to go all the way back to .

20 Q. Okay. So he told you the initial plan was they were
21 gonna stay at his home in ?

22 A. Yes.

23 Q. Did you watch them when they left?

24 A. Yes.

25 Q. Do you remember seeing E.A. fall down or stumble?

- 1 A. Yeah, she was stumbling around. She fell. Of
2 course, I've got potholes in my yard as well, too. But
3 she fell, but there was no injury, she wasn't -- you
4 know, she was okay. It wasn't anything like a fall
5 where you'd be like oh, goodness, you know, they're hurt
6 or anything like that.
- 7 Q. Did she want to stay or anything that you recall?
- 8 A. Not that I recall. She was just more or less
9 whatever.
- 10 Q. Tell me what you remember about them when they left.
11 Who was driving?
- 12 A. Michael.
- 13 Q. Who was the front passenger?
- 14 A. E.A.
- 15 Q. Where was Will?
- 16 A. Will was in the back behind her.
- 17 Q. Okay. And did you see anyone of those three again
18 that night?
- 19 A. No.
- 20 Q. Did William Alexander have beer?
- 21 A. Yes, sir.
- 22 Q. What else did he have?
- 23 A. Just beer. That's all, to my recollection, that he
24 had.
- 25 Q. You don't remember him snorting cocaine?

1 A. No, I do not.

2 Q. Do you know what Molly is?

3 A. I've heard what -- I've heard what Molly is. I'm
4 not sure exactly what it is. Some form of Ecstasy is
5 all I've heard it is.

6 Q. You remember him doing Molly that night, don't you?

7 A. No, sir.

8 Q. You didn't see him do Molly?

9 A. No, sir.

10 Q. Or cocaine?

11 A. No, sir.

12 Q. Just beer?

13 A. Just beer.

14 **MR. SCOTT:** All right. Thank you.

15 CROSS-EXAMINATION

16 BY MS. McNEILL:

17 Q. Mr. Stewart, you would agree with me that drugs
18 were found at your house, correct?

19 A. Yes.

20 Q. And so it's your testimony today that you were not
21 doing Molly or cocaine with Mr. Alexander?

22 A. No, ma'am.

23 Q. The drugs were found at your house?

24 A. Yes.

25 Q. And you stated that they left around -- before dark,

1 8:00 or 8:30?

2 A. Yeah, I suppose.

3 Q. And Will Alexander was pretty intoxicated that
4 night, right?

5 A. Yeah, he was -- he was fairly intoxicated.

6 Q. And he fell getting into the car?

7 A. Yeah, he was stumbling around and whatnot. I
8 don't remember him actually just falling to the ground,
9 but --

10 Q. Okay.

11 **MS. McNEILL:** May I approach, Judge?

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

13 BY MS. McNEILL:

14 Q. I'm gonna show you a statement that you gave on
15 June 30th. Take your time and read over that statement
16 and then let me know if you wrote down that Will
17 Alexander did fall.

18 **MR. SCOTT:** Probably the best way to ask the
19 question is to refresh his memory.

20 A. (Reading document.)

21 Q. On down right around here you wrote --

22 **THE COURT:** No.

23 Q. -- or you stated --

24 A. He was staggering.

25 Q. Okay. And did you say he also fell?

1 A. No.

2 Q. You did not?

3 A. No. Where did I put that he fell?

4 Q. Sir, to refresh your memory, can you just read that
5 sentence?

6 **THE COURT:** No, no, no, no. Don't read the
7 sentence.

8 **MS. McNEILL:** Refreshing his memory to read it for
9 himself.

10 **THE COURT:** Yeah, read it to yourself if it will --
11 may refresh his memory.

12 BY MS. McNEILL:

13 Q. Okay. Did you not that say that he staggered and
14 he fell?

15 A. Yes, ma'am, I did.

16 Q. Okay. You were also charged due to this incident
17 this night on the 29th, correct?

18 A. Uh-huh.

19 Q. What were you charged with?

20 A. Contributing to the delinquency of a minor.

21 Q. And what happened to that charge?

22 A. I -- it was dismissed.

23 Q. It was dismissed?

24 A. Uh-huh.

25 **MS. McNEILL:** Okay. Thank you. No further

1 questions.

2 **THE COURT:** Any redirect?

3 REDIRECT EXAMINATION

4 BY MR. SCOTT:

5 Q. That was -- there's no question about that Will
6 Alexander had been drinking. He was intoxicated?

7 A. Yeah.

8 Q. Now you remember him falling?

9 A. (Nods head.)

10 Q. You read the statement. It was in your statement?

11 A. Yeah.

12 Q. E.A., do you remember her staggering around and
13 falling?

14 A. Yes.

15 Q. What kind of drugs were found at your house?

16 A. Marijuana.

17 Q. The contributing to the delinquency charge, was that
18 a County charge or do you even know?

19 A. I'm not sure. I guess. I don't -- I'm a County
20 resident.

21 Q. And you said it was dropped? Where was it dropped?

22 A. At the preliminary.

23 Q. The magistrate dropped it?

24 A. Yes.

25 **MR. SCOTT:** All right. Thank you, Mr. Stewart.

1 RE CROSS EXAMINATION

2 BY MS. McNEILL:

3 Q. Sir, you would agree with me that your time line
4 that you testified that they left between 8:00, 8:30 is
5 probably off, right?

6 A. No.

7 **THE COURT:** That's outside the scope of recross.8 Q. And that your memory is hazy from that night from
9 being intoxicated yourself?10 **THE COURT:** That's outside the scope of cross.11 **MS. McNEILL:** Judge, he asked about memory of E.A.12 **MR. SCOTT:** That was direct examination, Your Honor.13 **MS. McNEILL:** On his redirect.14 **THE COURT:** Maybe he did. I'll allow the question.

15 BY MS. McNEILL:

16 Q. Sir, isn't it true that your memory might be hazy
17 that night from being intoxicated yourself?

18 A. Yes, I guess it could.

19 **MS. McNEILL:** Thank you very much. No more
20 questions.21 **THE COURT:** You may step down.

22 (Witness excused.)

23 **MR. SCOTT:** Your Honor, the State calls Rose
24 Stewart.

25 ROSE STEWART,

1 having been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. SCOTT:

4 Q. Ms. Stewart, where do you live?

5 A. , Clinton.

6 Q. ?

7 A. .

8 Q. And are you married to Kyle Stewart?

9 A. Yes, sir.

10 Q. Do you remember June 29th of 2013?

11 A. Yes, sir.

12 Q. Y'all were having a Celebration of Life party?

13 A. Yes, sir.

14 Q. Tell us what you remember about that day at the
15 party.

16 A. What do you mean? That's a little vague.

17 Q. When did it start? I mean, the party, when did it
18 begin that you recall?

19 A. It was an all-day event. There were people in and
20 out all day.

21 Q. Okay. Will Alexander, do you remember when he got
22 there?

23 A. My husband and his friend went to pick him up. It
24 was probably two or three when he got back.

25 Q. All right. And do you remember him hanging out

1 during the day?

2 A. Yes.

3 Q. And anything out of the ordinary you recall about
4 him?

5 A. No, sir.

6 Q. Was he drinking?

7 A. Yes.

8 Q. Were you drinking?

9 A. Yes, sir.

10 Q. Was everyone drinking?

11 A. Everyone but a pregnant woman that was there.

12 Q. Okay. Good. Do you remember Will Alexander taking
13 anything other than alcohol?

14 A. No, sir.

15 Q. Do you know what Molly is?

16 A. No, sir.

17 Q. Do you know what Ecstasy is?

18 A. I've heard of it.

19 Q. Did you see him take Ecstasy?

20 A. No.

21 Q. Did you see him snort cocaine?

22 A. No.

23 Q. Michael Beaty, do you know who he is?

24 A. Yes, sir.

25 Q. Do you remember him arriving to the party?

- 1 A. Yes, sir.
- 2 Q. And do you remember who he was with?
- 3 A. Emily-Anna Asbill.
- 4 Q. Did you know Emily-Anna before that?
- 5 A. No, sir.
- 6 Q. What do you recall about Emily-Anna?
- 7 A. She was a friendly person.
- 8 Q. Okay.
- 9 A. She got out, she hugged everybody that she had just
- 10 met. Mostly everybody there.
- 11 Q. Did you interact with her?
- 12 A. Yes.
- 13 Q. How so? Y'all went to the gas station together; is
- 14 that right?
- 15 A. Yes, sir, we went to get cigarettes.
- 16 Q. Michael Beaty, do you recall anything out of the
- 17 ordinary about him?
- 18 A. No, sir.
- 19 Q. Do you remember when Michael Beaty left?
- 20 A. Around 9:00, 9:30.
- 21 Q. 9:00 or 9:30 at night?
- 22 A. (Nods head.)
- 23 Q. Okay. What did he leave in?
- 24 A. A white Buick.
- 25 Q. Was he driving it?

1 A. Yes.

2 Q. Do you remember if -- did E.A. leave with him?

3 A. Yes.

4 Q. Where did she sit?

5 A. Passenger seat front.

6 Q. What about Will Alexander? Kyle picked him up.

7 Did he -- how did he get back home?

8 **MS. McNEILL:** Objection; leading.

9 **THE COURT:** Rephrase it.

10 BY MR. SCOTT:

11 Q. How did Will Alexander get home?

12 **THE COURT:** That's not leading.

13 A. From Michael Beaty.

14 Q. Do you remember where he sat?

15 A. In the back seat, passenger side.

16 Q. Okay. Okay. That's the extent of what you recall
17 about those three?

18 A. Pretty much.

19 Q. Did you see any one of those three again that night?

20 A. No, sir.

21 **MR. SCOTT:** That's all I have. Thank you,

22 Ms. Stewart.

23 CROSS-EXAMINATION

24 BY MS. McNEILL:

25 Q. Ms. Stewart, who all was at the party that night?

1 A. Me, Kyle, Nicholas Chiapatta, Charity Chiapatta,
2 Anthony McMurray, his wife, Heather, her friend Jenna,
3 Will, Michael, and E.A.

4 Q. Was Tim Sink not there, too?

5 A. Oh, yes, sir -- yes, ma'am, he was there.

6 Q. And what about Marcus and Cameron Davis?

7 A. There were plenty of people there throughout the
8 day.

9 Q. They could have been there, too?

10 A. I don't remember them being there at that time.

11 Q. And you were not with Will the entire time that he
12 was at your house, were you?

13 A. No, I left to go to the store to get cigarettes.

14 Q. Okay. And, ma'am, you were also charged with a
15 crime this night, correct?

16 A. Right.

17 Q. And what was that charge?

18 A. Contributing to the delinquency of a minor.

19 Q. And what happened to that charge?

20 A. It was dismissed in court. There was no minor.

21 **MS. McNEILL:** Thank you. I have no further
22 questions.

23 REDIRECT EXAMINATION

24 BY MR. SCOTT:

25 Q. You said it was dismissed in court by a magistrate?

1 A. Yes.

2 MR. SCOTT: Okay.

3 THE COURT: You may step down.

4 (Witness excused.)

5 MR. STUMBO: Your Honor, the State would call
6 J. Harvey Ownes to the stand.

7 J. HARVEY OWNES,
8 having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. STUMBO:

11 Q. Good afternoon, Agent Ownes. Do you work with SLED?

12 A. Yes, sir.

13 Q. And how long have you been with the State Law
14 Enforcement Division?

15 A. February of 2013 was my hire date.

16 Q. Okay. And where did you work before that?

17 A. I worked with the Cherokee County Sheriff's Office.

18 Q. Okay. That's up in Gaffney, correct?

19 A. Yes. Upstate, yes, sir.

20 Q. How long had you been -- did you work for Cherokee
21 County?

22 A. About fourteen years.

23 Q. Did you go to the Academy before that?

24 A. Yes, sir.

25 Q. You're a certified law enforcement officer?

1 A. Yes, sir.

2 Q. Now with SLED, do you just investigate general
3 crimes there?

4 A. Yes, sir, we're actually an assisting agency.
5 Normally a local agency will call and ask for our
6 assistance either with equipment or manpower and we
7 respond according to that request.

8 Q. Okay. And which SLED office do you work out of,
9 the Upstate office?

10 A. Yeah, I'm assigned to what they call the Piedmont
11 Region, which is Upstate South Carolina. We're based
12 out of Greenville.

13 Q. Okay. Did you have occasion to work with your
14 fellow agents on a case involving the Defendant, Will
15 Alexander?

16 A. Yes, sir, I did.

17 Q. Did you interview him in the course of your
18 assisting in this case?

19 A. Yes, sir.

20 Q. Okay. What time -- what was the date and time of
21 that interview?

22 A. It would have been June 30th of 2013. I think it
23 would have been about 2:00, 2:15 in the morning.

24 Q. Okay. Did you interview him with any other agents
25 or were you by yourself?

1 A. I did. It was myself and Special Agent Michael
2 Collins, also with SLED.

3 Q. Okay. One of your partners?

4 A. Yes, sir.

5 Q. Now Mr. Alexander at the time, describe for me where
6 and in what kind of room you interviewed him in?

7 A. It was a room directly off of a hallway in the
8 Public Safety Department. It would have been across the
9 hall from a -- what I describe as a BA room. A BA room
10 is normally where the road officers would take someone
11 under a DUI investigation. It was across the hall from
12 that room. Just your basic interview room is what I
13 would describe it as.

14 Q. Okay. There at the City Hall in Clinton?

15 A. Yes, sir.

16 Q. Now at the time you come in the room with Agent
17 Collins, had Mr. Alexander been read his rights at that
18 point?

19 A. He had. Before I introduced myself to
20 Mr. Alexander, when I first got to the Public Safety
21 Department, I met with Crystal Roberts. She had
22 provided me a Waiver of Rights that had Mr. Alexander's
23 signature on it. I took that in with me, I showed that
24 to him, he acknowledged it was his signature, and he
25 agreed to speak with me.

1 Q. I'm gonna show you what's marked for ID at this
2 point only as State's 1. If you could review that for
3 me and let me know when you're done.

4 A. Okay.

5 Q. Do you recognize State's 1?

6 A. Yes, sir.

7 Q. Okay. Is it a fair and accurate representation of
8 something you've seen before?

9 A. It is.

10 Q. Okay. And what is it?

11 A. That's the Waiver of Rights that was given to me by
12 Crystal Roberts and signed by Mr. Alexander.

13 Q. Okay. The original form that you were shown that
14 night before you started your interview?

15 A. Yes, sir.

16 **MR. STUMBO:** Okay. Your Honor, the State would
17 offer State's 1 into evidence.

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

19 **THE COURT:** Admitted subject to the objection
20 previously made.

21 (State's Exhibit Number 1, Advisement of Rights #1,
22 was admitted into evidence.)

23 BY MR. STUMBO:

24 Q. Now what are those rights that you went over with
25 him on that form?

1 A. I'm just gonna read it like I normally would. It
2 just states that you have the right to remain silent.
3 Anything you say may be used against you in a court of
4 law. You have the right to talk to a lawyer for advice
5 before being asked any questions and have him with you
6 during questioning. If you have no money to pay a
7 lawyer's fee, the Court will appoint one to represent
8 you without cost if you wish. If you decide to answer
9 questions now without a lawyer present, you will still
10 have the right to stop answering questions at any time.
11 You will also have the right to stop answering questions
12 at any time until you talk to a lawyer. And then after
13 those rights are read, the two additional things that
14 are read and marked on this form is: Do you understand
15 each of these rights as I have explained them to you.
16 And then the other is: Having these rights in mind, do
17 you wish to talk with us now without a lawyer present.

18 Q. Did he ever at any time exercise his right to remain
19 silent?

20 A. No, sir.

21 Q. Did he ever at any time ask y'all for a lawyer?

22 A. No, sir.

23 Q. Now what did he tell you about what happened in the
24 preceding hours of that -- the early morning hours of
25 the 30th and during the day of the 29th?

1 A. Mr. Alexander explained to me that the previous day,
2 which would have been the 29th, again, this was just
3 past midnight on the 30th, that he had attended a wake,
4 a Celebration of Life, for a friend of his that had
5 recently passed away. His initial plan was to spend the
6 day and the night at the wake and return back to his
7 home the following morning. Shortly around dark, or
8 just after dark, Mr. Alexander said that he saw a
9 Michael Beaty and E.A. Asbill arrive at the wake. The
10 two only stayed at the wake for a few hours and as they
11 prepared to leave Mr. Alexander decided to leave the
12 wake with them.

13 Q. Okay. Did he say where they were going after they
14 left the wake?

15 A. I did ask him where they left once they left the
16 wake. He said that once they left the wake they went
17 directly to Mr. Beaty's parents' home, which is located
18 in Clinton.

19 Q. Okay. He said they went directly to
20 from the party?

21 A. Yes, he -- I can't tell you if he specified the
22 address. He said Beaty's -- Mr. Beaty's parents' in
23 Clinton. And, yes, I did ask him did you stop anywhere,
24 make any detours and he said no, directly there.

25 Q. Okay. What else did Mr. Alexander, the Defendant,

1 say to you?

2 A. I asked him, you know, as far as when they were in
3 the car what was the general conversation, where was
4 each of the parties seated. He said that Mr. Beaty was
5 operating the vehicle, Ms. Asbill was in the front
6 passenger seat, and he rode in the back seat directly
7 behind Ms. Asbill. As far as any conversation, he told
8 me he couldn't recall anything specific that came to
9 mind that was being discussed in the car, but he did
10 tell me that he picked up on the sense that there was
11 tension between Mr. Beaty and Ms. Asbill. I did ask him
12 was there anything specific that he heard, that he saw
13 that led him to believe there was tension, he told me
14 no, that he just felt that there was tension between the
15 two.

16 Q. Did he say how well he knew E.A. Asbill and Michael
17 Beaty?

18 A. At that time he described to me that he had spent
19 almost every weekend with the couple. As far as his
20 relationship or involvement with Ms. Asbill, he only
21 knew her through Mr. Beaty, and he described Mr. Beaty
22 as a lifelong friend.

23 Q. Did he know anything about their relationship? What
24 the nature of their relationship was?

25 A. Did --

1 Q. Did Mr. Alexander know of the nature of E.A. Asbill
2 and Michael Beaty's relationship?

3 A. I did ask him that, you know, with him saying that
4 they had spent time, many weekends together. I asked
5 him if he could describe what the dynamic was. He -- in
6 his words, he described the Asbill/Beaty relationship as
7 physical.

8 Q. Did you ask him at any point anything else about
9 that night or what happened to E.A.?

10 A. I did. I asked him once they left the wake, again,
11 where did they go? He told me that they went directly
12 to Mr. Beaty's parents' home. He said that once they
13 arrived at that residence, he went inside and laid on
14 the couch and tried to get some sleep. He said that
15 he couldn't sleep because he described Mr. Beaty and
16 Ms. Asbill speaking with one another loudly, you know,
17 and it was keeping him awake. I followed up by asking
18 well, what was that loud conversation about? He told me
19 he didn't know. He did recall one specific statement
20 that he overheard. He overheard Ms. Asbill telling
21 Mr. Beaty "I can't believe you made me do that".

22 Q. Did he say he had anything to do with her injuries?

23 A. He did not. I actually asked him was he aware or
24 did he observe if Ms. Asbill had any injuries, was there
25 anything that he knew of that would require her to need

1 medical attention, and he said he did not. At one
2 point, sometime after he heard the loud conversation
3 between the two --

4 **MS. McNEILL:** Objection, Judge. Matter of law.

5 **THE COURT:** All right. Y'all step in the jury room.
6 We've got a little bit of work we need to do. You can't
7 begin discussing the case and I'll have you back in here
8 shortly.

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

11 **THE COURT:** All right, Ms. McNeill.

12 **MS. McNEILL:** Judge, this is outside of the scope
13 of the Jackson v. Denno hearing. This is also
14 additional information than he testified to during the
15 pre-trial.

16 **THE COURT:** Proffer the question because I thought
17 we were about to the extent of the statements given
18 myself from what my recollection was.

19 **MR. STUMBO:** He was about to rap it up, Judge. I
20 think he's covered about everything in his MOI that was
21 testified to in the Denno hearing.

22 **MS. McNEILL:** Judge, at this time I would ask for
23 a mistrial because there's additional information that
24 he's testified to in front of the jury.

25 **THE COURT:** What -- which was additional?

1 **MR. STUMBO:** I don't know what that is.

2 **THE COURT:** What was the additional testimony?

3 **MS. McNEILL:** The additional testimony that he was
4 just testifying to; that he -- that he was -- you know,
5 did he see any injuries and that sort of thing. He
6 didn't testify to that in the Denno hearing.

7 **THE COURT:** I thought the question was did he --

8 **MR. STUMBO:** I think I asked did Mr. Alexander
9 give any explanation as to what happened to E.A. or her
10 injuries. I think that's the question. I can withdraw
11 that and ask a specific question.

12 **MS. McNEILL:** He volunteered that information, I
13 believe.

14 **THE COURT:** Hang on one second. Stacy, can you turn
15 to that question? It was something to do with injuries.
16 Just stand at ease until she looks it up.

17 (Whereupon, a portion of the record was read back.)

18 **THE COURT:** Okay.

19 **MR. STUMBO:** I think what I meant to ask, Judge, is
20 did Mr. Alexander say he had anything to do with E.A.'s
21 death. I said injuries. I misspoke. His Memorandum of
22 Interview actually asked the question about death, so I
23 can strike that question and re-ask it.

24 **MS. McNEILL:** And, Judge, at this point the
25 defense's stance would be that that information is now

1 highlighted. You can't just strike what was said and
2 make it go away, and that's our basis for a mistrial.

3 **THE COURT:** All right. Characterize it one more
4 time for me, Ms McNeill, so I understand. I'm not sure
5 I heard your grounds. I want to hear what you said,
6 just that last comment.

7 **MS. McNEILL:** Yes, sir. I said that the remedy
8 that Stumbo -- David Stumbo is trying to suggest to the
9 Court to adopt is just to simply strike it and withdraw
10 it. My position is you can't just strike that and
11 withdraw it. The new information that's been testified
12 to in front of the jury is prejudicial and that's our
13 basis for a mistrial. And it also wasn't covered in
14 Jackson v. Denno and it's also not in the report, the
15 Memorandum of Interview, that Special Agent J. Harvey
16 Ownes provided on June 30, 2013, so it would also be a
17 Rule 5 Brady discovery violation.

18 **MR. STUMBO:** Judge, I can read the statement in
19 Mr. Ownes MOI, if you'd like me to, in regards to this
20 question. I don't believe that would be considered --

21 **THE COURT:** All right. Let me read it.

22 **MR. STUMBO:** -- in any way, shape or form a
23 Rule 5 Brady violation. That will be on Page 2, the
24 reference Ms. McNeill made.

25 **THE COURT:** All right. Let me think about this.

1 I'm trying to figure out how to give a curative
2 instruction and let you rephrase that last question and
3 considering Ms. McNeill's issue. So stand at ease for
4 just a couple of minutes and let me step back here.

5 (Recess taken.)

6 **BAILIFF:** All rise. Come back to order, please.

7 **THE COURT:** All right.

8 **MR. STUMBO:** I'm not sure where Mr. Scott is. I
9 think he's right outside.

10 **THE COURT:** All right. Tell me again what was the
11 question you asked which was outside the scope of the
12 memorandum, the summary of the interview.

13 **MR. STUMBO:** I think the question was, I'm
14 paraphrasing here, Judge, something to the effect of
15 did Will Alexander give you any indication he knew
16 anything about E.A.'s injuries.

17 **THE COURT:** Her injuries. All right. And he didn't
18 answer that.

19 **MR. STUMBO:** I think he -- I think he got a
20 sentence out as read by Ms. Stacy during the --
21 before you stepped out. I'm not sure if it was a full
22 sentence that Agent Ownes got out. Ultimately, Judge,
23 it would be my position that the two questions are
24 slightly different. It may be a difference with that
25 distinction. Her death was caused by her injuries,

1 you know, so the two are very interrelated. But,
2 again, I said injuries. I probably should have asked
3 death, but I don't think there's any -- absolutely no
4 prejudice to the defense that I could see.

5 **MS. McNEILL:** Obviously our stance would be it was
6 an additional different statement.

7 **THE COURT:** All right. I'm not certain exactly
8 what kind of curative instruction to give the jury.
9 I'm gonna deny the request for a mistrial. I understand
10 it was a distinguishable question, injury versus
11 cause of death or what caused her -- whatever that
12 characterization is on the summary. I'm kind of
13 inclined to do nothing; deny the motion and tell you
14 to rephrase your question and ask the question which
15 was, if you want to, did he give you an indication of
16 anything of his knowledge of her death or whatever that
17 last statement was. I'm not gonna tell you -- you
18 understand?

19 **MS. McNEILL:** Just as long as our objection is
20 noted for the record, Judge.

21 **THE COURT:** Yes.

22 **MS. McNEILL:** And also there's one other matter
23 before the jury comes back in. I just wanted to
24 bring to the Court's attention that Special Agent
25 J. Harvey Ownes, despite being sequestered, did have

1 communications with David Stumbo and Solicitor Andrews
2 while Your Honor stepped out.

3 **MR. STUMBO:** And, Judge, he did approach us and I
4 told him immediately when he walked up I can't talk to
5 you, it's improper.

6 **THE COURT:** Okay. I mean, would you like to
7 question him on that? You can.

8 **MS. McNEILL:** Yes.

9 **THE COURT:** All right. Go ahead. Make your record.

10 EXAMINATION (In Camera)

11 BY MS. McNEILL:

12 Q. What was the communication going on when you walked
13 over to David Stumbo and Demetri Andrews?

14 A. I approached the Solicitor and said that was covered
15 in my MOI. He immediately said I can't speak to you
16 about the matter and I walked away.

17 Q. And you would agree with me that you were laughing
18 with the three of them while standing over there?

19 A. I would disagree with that.

20 **MS. McNEILL:** All right.

21 **THE COURT:** And for the record, Ms. McNeill, the
22 conversation you're describing just now for the Court
23 was outside the presence of the jury?

24 **MS. McNEILL:** It was, Judge, but he was a
25 sequestered witness and the three of them were standing

1 over there and Agent Ownes did not leave the group until
2 Demetri Andrews saw Ms. Kendall and I staring at them.

3 **THE COURT:** All right. And upon cross-examination,
4 if you'd like to address that, you may, all right?

5 **MS. McNEILL:** Yes, sir.

6 **THE COURT:** All right. Bring in the jury.

7 (Whereupon, the jury returns to the courtroom at
8 3:53 PM.)

9 **THE COURT:** All right, folks. We're ready to
10 continue. Please enjoy the candy.

11 Solicitor, it's still your witness.

12 **MR. STUMBO:** Thank you, Your Honor.

13 CONTINUED DIRECT EXAMINATION

14 BY MR. STUMBO:

15 Q. Agent Ownes, did Mr. Alexander in the course of
16 this interview ever give any explanation -- or not --
17 let me reword that.

18 Did Mr. Alexander ever give you any indication or
19 anything about E.A.'s death?

20 A. He did not.

21 Q. He affirmatively said he didn't have any knowledge
22 about it?

23 A. He did. He affirmatively said he had no knowledge.

24 **MR. STUMBO:** That's all I have.

25 **THE COURT:** All right. Ms. McNeill, your witness.

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

2 CROSS-EXAMINATION

3 BY MS. McNEILL:

4 Q. Didn't he actually say that -- he stated that he
5 had no further information to provide; isn't that
6 correct?

7 A. May I look at the document you're referring to?

8 Q. Sure. (Handing.)

9 A. May I read from the page?

10 **THE COURT:** No.

11 Q. No, sir. In your memorandum, didn't Will actually
12 state he had no further information to provide?

13 A. Did Mr. Alexander say he had no further information
14 to provide? Do I understand the question?

15 Q. Yes, sir.

16 A. That was one response to many ones.

17 Q. Okay. Thank you. And you took this statement on
18 June 30, 2013?

19 A. Yes, ma'am. Correction. May I correct that? I
20 did not take a statement. That's a Memorandum of
21 Interview, which is --

22 Q. My apologies. You didn't take a statement. This
23 is an oral communication that you had?

24 A. Yes. Yes, ma'am.

25 Q. Okay. And this was around 2:15 in the morning?

1 A. Yes, ma'am.

2 Q. Okay. And Mr. Alexander gave you several points
3 of information about Michael Beaty's relationship with
4 Emily-Anna Asbill, right?

5 A. Can you give me examples of the points of
6 information? I can tell you whether he told me that or
7 not.

8 Q. He gave you information about their relationship
9 being physical, right?

10 A. Yes, ma'am, he described the relationship as
11 physical.

12 Q. And he also stated that on occasion E.A. would bite
13 Michael Beaty, right?

14 A. He did.

15 Q. And that Michael Beaty was E.A.'s bitch, correct?

16 A. He did describe that.

17 Q. And you would agree with me that this information
18 doesn't help Michael Beaty at all, right, if he's a
19 suspect in a murder?

20 A. It's not my place to make a determination of whether
21 it helps or hurts somebody, ma'am.

22 Q. Sir, do you have any handwritten notes from your
23 investigation pertaining to this case?

24 A. No, ma'am. No, ma'am.

25 Q. Did you at any time?

1 A. At some time I would have and that would have been
2 the information that I transferred over to my Memorandum
3 of Interview.

4 Q. Is it SLED policy to destroy any and all handwritten
5 notes after reducing it to a memorandum?

6 A. I can answer that by saying it's my common practice
7 that if I take handwritten notes after an interview is
8 complete and I transferred the information in the notes
9 to my memorandum, yes, I destroy them.

10 Q. Why do you destroy them?

11 A. Because the information contained in the notes are
12 then contained in the memorandum, so there's no reason
13 to duplicate the paperwork.

14 Q. There's also not any reason to destroy it, correct?

15 A. They have no reason to keep them.

16 **MS. McNEILL:** Thank you. No further questions.

17 **THE COURT:** Any redirect?

18 REDIRECT EXAMINATION

19 BY MR. STUMBO:

20 Q. You said, Agent Ownes, that's your personal
21 preference in the course of your investigation to do
22 that?

23 A. It's a common practice of mine, yes, it is.

24 Q. Okay. A typed memorandum is more legible than your
25 handwriting?

1 A. Absolutely.

2 MR. STUMBO: No further questions.

3 THE COURT: Any in recross?

4 MS. McNEILL: No, sir.

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

6 (Witness excused.)

7 THE COURT: All right. Ladies and gentlemen, I
8 just want y'all to understand as he's stepping down,
9 there's statements written by witnesses and there's
10 notes of interviewees. The notes aren't admissible.
11 The witness is here. They can ask them all the
12 questions they want to their heart's content. That's
13 the best witness rather than the memorandum and that's
14 why y'all don't see it come into evidence, just so you
15 understand, all right? Sometimes that's hard for jurors
16 to pick up on as to why it isn't introduced, why it's
17 not needed. They've got the witness here.

18 MR. STUMBO: Judge, I meant to ask this before we
19 ended the examination, but just that Agent Ownes be
20 released from his subpoena.

21 THE COURT: Sure.

22 MR. STUMBO: Your Honor, the State calls Agent Jeff
23 Kindley to the stand.

24 JEFFERY KINDLEY,
25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MR. STUMBO:

3 Q. Good afternoon, Agent Kindley.

4 A. Good afternoon.

5 Q. You work with SLED?

6 A. Yes, sir.

7 Q. Out of the Piedmont office up in Greenville?

8 A. Yes, sir.

9 Q. Did you have occasion to work an investigation
10 involving the Defendant, Will Alexander?

11 A. Yes, sir.

12 Q. And was that -- what type of investigation was that
13 when you became involved in it?

14 A. Initially it was a -- we thought it was an injured
15 person and then it turned into -- as we received
16 information, it turned into a deceased person.

17 Q. Okay. An individual victim who was dead in this
18 case and what was the deceased person's name?

19 A. Emily Asbill, or E.A.

20 Q. Okay. Now about what time did you first come down
21 to Clinton to help in this investigation?

22 A. It was -- it was late. It was probably after
23 midnight. I didn't write down exactly what time it was,
24 but it was late. I was contacted by my captain as to
25 bodily injuries and advised to respond down and can I

1 help to help coordinate the statements.

2 Q. Did you ever have occasion to interview the
3 Defendant, Will Alexander, be part of one of those
4 interviews?

5 A. Yes, sir, I was part of it.

6 Q. I want to hand you what's been already introduced
7 into evidence as State's Exhibit Number 3.

8 A. Yes, sir.

9 Q. Take your time and review that.

10 A. Okay, sir.

11 Q. Do you recognize State's 3?

12 A. Yes, sir.

13 Q. What is it?

14 A. It's a handwritten statement that was taken from
15 the Defendant that I actually notarized his signature
16 on.

17 Q. Okay. So you witnessed this statement being given?

18 A. Yes, sir. Not the -- not in its entirety. I came
19 in at some point while he was discussing the content
20 of the statement and writing it himself with Officer
21 Goggins and Crystal -- Officer Roberts.

22 Q. So Lieutenant Goggins and Commander Roberts were
23 conducting the interview with Will Alexander?

24 A. Yes, sir.

25 Q. Okay. Can you identify him for the Court? Is he

1 in the courtroom?

2 A. Yes, sir.

3 Q. And where's he seated?

4 A. He's sitting there at the defense table with the
5 red tie and the blue jacket.

6 Q. Now were you around the other times there that
7 day -- how long were you there at the Police Department
8 of Clinton, just ball park?

9 A. Oh, I have no idea. When we work a case like this,
10 we work from the time that we're called until we get --
11 until we basically run out of all leads, so I was there
12 for a couple of days for sure.

13 Q. Okay. During the time that you were in and around
14 the interview process of Mr. Alexander, did you ever
15 hear him ask for a lawyer?

16 A. No, sir.

17 Q. Did he ever say he wanted to stop the questioning
18 and go home?

19 A. No, sir.

20 Q. Did you ever hear him being threatened by any of the
21 officers involved in this case?

22 A. No, sir.

23 Q. Did you ever hear him given any promises whatsoever
24 by any of the officers in this case?

25 A. No, sir.

1 Q. Did you ever hear him given any hope of reward by
2 any officers in this case?

3 A. No, sir.

4 Q. The statement that you witnessed, which is in
5 State's 3, by your estimation was that given freely and
6 voluntarily by Mr. Alexander?

7 A. Yes, sir.

8 Q. Now that was June 30th, I believe, you witnessed
9 that statement, correct, marked as State's 3?

10 A. Yes, sir, that's correct.

11 Q. The next day would have been July 1st; is that
12 correct?

13 A. Yes, sir.

14 Q. Did you participate with any of the other
15 investigators in a ride around the county with the
16 Defendant, William Alexander?

17 A. Yes, sir, I did.

18 Q. What was the purpose of this ride around the county?

19 A. That morning I was told that Mr. Alexander could
20 better show us locations. I'm from Greenville and not
21 familiar with certain road names and the locations and
22 that he had agreed to go and show us places where he
23 said that things happened, so he was brought over. And
24 we asked him if he'd had anything to eat or drink and
25 went and got him a pack of crackers and a Coke because

1 he hadn't had breakfast and then we actually got into my
2 vehicle and he directed us on what he thought was the
3 route that he travelled on the night before.

4 Q. Okay. Which other investigators were with you at
5 that time; do you recall?

6 A. I had -- at the time I think it was Sergeant Casey,
7 Casey Jones. I'm sorry. I think Officer Goggins was
8 in another vehicle. In my vehicle it was myself, the
9 Defendant, Casey Jones, and I believe a Laurens County
10 deputy. His name was --

11 Q. At this point on July 1st was William Alexander in
12 custody at that point and during this ride-around?

13 A. He -- he was -- not on this case, no, sir.

14 Q. Okay. But was he in custody in a jumpsuit and he'd
15 been to the detention center?

16 A. Yes, sir.

17 Q. He was in the custody of Laurens County?

18 A. Yes, sir.

19 **MR. STUMBO:** I beg Court's indulgence.

20 BY MR. STUMBO:

21 Q. Just a couple of more questions, Agent Kindley.
22 State's 3, do you still have that up there with you?

23 A. Yes, sir, I do.

24 Q. Okay. You mentioned before that you notarized that
25 written statement by Will Alexander. Can you describe

1 for the jury what you do to notarize a statement?

2 A. Yes, sir. What I do to notarize the statement is I
3 swear them to the authenticity of the statement. What I
4 do is I -- and this is the same thing I tell everybody.
5 I ask them is this your statement and all I'm gonna ask
6 you to do is to swear to the content of the statement.
7 I tell them I'm gonna swear you, so you're gonna have to
8 raise your right hand. I got him to raise his right
9 hand and say -- I say to them, okay, do you swear or
10 affirm that the content of this statement is the truth,
11 the whole truth and nothing but the truth so help you
12 God. He indicated that it was and that's when I
13 notarized his signature. He signed it and I notarized
14 it at the bottom.

15 Q. Okay. And the several sentences there, the content
16 of this statement in State's 3, could you read that for
17 the jury, please?

18 A. At the bottom?

19 Q. No, the body of the statement that was written by
20 the Defendant.

21 A. Oh, the entire statement?

22 Q. Yes, sir.

23 A. Yes, sir. It starts out it's a voluntary written
24 statement. It says not under arrest. Date of the
25 statement was 6-30-2013. The time started is 3:10. It

1 has his name, William Jarrell Alexander, his address,
2 his birth date, he completed some college, and it says:
3 I, William Alexander, am not under arrest, nor am I
4 being detained for any criminal offenses concerning
5 the events I am about to make known to Officer Tyrone
6 Goggins. I understand that I am free to walk away
7 without saying anything and I volunteer the following
8 information of my own free will for whatever purposes it
9 would serve. In the handwritten portion it says I woke
10 up at 9 AM and played with my newborn baby and her half
11 sister. At 11 AM I drove to the store and I bought --

12 **MS. KENDALL:** Judge, subject to our previous
13 objection.

14 **THE COURT:** Subject to your prior objection.

15 **MS. KENDALL:** I wanted to make sure it's preserved.
16 I apologize.

17 **THE COURT:** That's okay. It's noted for the record.
18 Continue.

19 BY MR. STUMBO:

20 Q. Continue.

21 A. Yes, sir. At 11 AM I drove to the store and bought
22 three cases of beer and cigarettes. I started drinking
23 at 12:00 PM. At 1:30 PM, Kyle, Tim, and Nick come and
24 pick me up for a party. I took Molly and snorted
25 cocaine. At 9:00 PM Michael and E.A. arrived. We left

1 around 12:30 AM and went back to Henry and Cynthia's
2 house. The only thing I remember was standing in the
3 driveway and then coming up to the police station --
4 coming to -- all right -- coming up to the police
5 station and talking to the SLED detectives. I got Molly
6 and cocaine for Tim. I did nothing to harm E.A.

7 Q. And what time was that statement given?

8 A. It was completed at 3:20 on 6-30.

9 Q. 3:20 PM or AM?

10 A. AM. Did I read that right?

11 Q. I don't believe it indicates on the form, but --

12 A. I believe it is AM. My apologies, sir.

13 Q. You didn't record this part of the statement on the
14 time and date that it was given?

15 A. No, sir.

16 **MR. STUMBO:** Nothing further of this witness, Your
17 Honor. Please answer any questions Ms. McNeill or
18 Ms. Kendall may have.

19 **THE COURT:** Ms. Kendall.

20 **MS. KENDALL:** Just briefly.

21 CROSS-EXAMINATION

22 BY MS. KENDALL:

23 Q. Agent Kindley, as part of your role in this case
24 you notarized several statements, correct?

25 A. Yes, ma'am.

1 Q. Do you know off the top of your head how many
2 statements you notarized?

3 A. No, ma'am. I would estimate half a dozen maybe.

4 Q. And you would agree with me that those would be
5 various witnesses at the party, correct? Or the
6 Celebration of Life; however, you want to phrase it.

7 A. I -- probably, yes, ma'am.

8 Q. And you would agree with me, and if it's helpful I
9 can show you what, I believe, statements were notarized,
10 but you notarized the Chiapattas' statements, Nicolas
11 Chiapatta and Charity Chiapatta?

12 A. If I could see it.

13 Q. (Handing.)

14 A. Yes, ma'am, I notarized this one, Nicholas
15 Chiapatta, and Charity, yes, ma'am.

16 Q. And you also notarized the statements of Kyle
17 Stewart and Rose Stewart, correct?

18 A. Yes, ma'am, I did.

19 Q. You were also present during the interview with
20 Henry Simmons, correct?

21 A. If I may look at it. I'm sorry.

22 Q. (Handing.)

23 A. Yes, ma'am, you're right.

24 Q. Do you remember whether you were present during that
25 entire interview?

1 A. No, ma'am, not without looking at --

2 Q. If there was anything of interest in that interview,
3 say, a confrontation between an officer and Henry
4 Simmons regarding his statement, you would be aware of
5 that, correct?

6 A. Is that the -- and I can't recall off the top of my
7 head. Was this at the party?

8 Q. This is the statement, and I can give it back to
9 you, of Henry Simmons. Are you aware of who that is?

10 A. Not off the top of my head. No, ma'am.

11 Q. (Handing.)

12 A. Okay. All right. Yes, ma'am. What was the
13 question again? I'm sorry.

14 Q. Let me back up. You agree with me that Henry
15 Simmons is Michael Beaty's father, correct?

16 A. Yes, ma'am.

17 Q. And you notarized a statement he gave on June 30th
18 at the police department, correct?

19 A. Yes, ma'am.

20 Q. And since you notarized that, you were aware of what
21 he told law enforcement, correct?

22 A. Yes, ma'am.

23 Q. And if there was a confrontation between an Officer
24 Cheek and Mr. Simmons regarding the validity of that
25 statement, you would be aware of that, correct?

1 A. Yes, ma'am. I don't recall one.

2 Q. All right. But that's something you would know
3 somewhere?

4 A. Yes, ma'am.

5 Q. And as far as notes are concerned, you wrote a case
6 management history, correct?

7 A. Yes, ma'am.

8 Q. And that's essentially a typed up report from
9 July 1st of the ride-along you were describing
10 previously, correct?

11 A. Yes, ma'am.

12 Q. And you would agree with me that in the body of the
13 report there was never any note of Will Alexander being
14 uncooperative?

15 A. No, ma'am.

16 Q. In fact, he was trying to assist you, correct?

17 A. Yes, ma'am.

18 Q. And through the course of your notes, you did
19 collect some forensic evidence, I believe, a beer can,
20 correct?

21 A. Yes, ma'am.

22 Q. So he was trying to help you find evidence against
23 Michael Beaty, correct?

24 A. He was helping us to retrace the route and -- and
25 better recall the statements that he had given us.

1 Q. So he was trying to help you?

2 A. Yes, ma'am.

3 **MS. KENDALL:** Nothing further.

4 **THE COURT:** Any redirect?

5 **MR. STUMBO:** Nothing from Agent Kindley, Your Honor.
6 We'd ask that he be excused.

7 **MS. KENDALL:** Without objection.

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

9 (Witness excused.)

10 **MR. STUMBO:** The State calls Agent Rick Charles to
11 the stand.

12 RICK CHARLES,

13 having been duly sworn, testified as follows:

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

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

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

17 **MR. STUMBO:** Are you ready, Judge?

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

19 DIRECT EXAMINATION

20 BY MR. STUMBO:

21 Q. Good afternoon, Agent Charles.

22 A. Good afternoon.

23 Q. It's actually Senior Agent --

24 A. Correct.

25 Q. -- Senior Special Agent Rick Charles?

- 1 A. Yes, sir.
- 2 Q. You work with SLED?
- 3 A. Yes, sir.
- 4 Q. Which office do you work out of?
- 5 A. I work out of the Piedmont Region, which is in
- 6 Greenville.
- 7 Q. And SLED I've heard many times is considered an
- 8 assisting agency; is that correct?
- 9 A. That's correct.
- 10 Q. What does that mean?
- 11 A. We provide services that some of the smaller
- 12 agencies may not have.
- 13 Q. Okay. And when you say other agencies, you mean
- 14 local law enforcement?
- 15 A. That's correct. Police departments and sheriff's
- 16 offices, correct.
- 17 Q. Did you have occasion to assist in the investigation
- 18 involving the Defendant, Will Alexander?
- 19 A. Yes, sir.
- 20 Q. And that was June of 2013?
- 21 A. That's correct.
- 22 Q. About what time did you arrive to Clinton to help
- 23 in your assisting in this investigation?
- 24 A. I arrived around noon that afternoon. Just after --
- 25 after noon.

1 Q. Okay. Just after noon on June 30th; is that
2 correct?

3 A. Yes, sir, I believe it was June 30th.

4 Q. I assume that was a Sunday?

5 A. Solicitor, I can't remember what day of the week it
6 was.

7 Q. June 30th though a little bit after noon?

8 A. That's correct.

9 Q. And did you ever -- did you have any occasion to
10 participate in an interview of this Defendant, Will
11 Alexander?

12 A. Yes, sir, I did.

13 Q. Okay. Is he in the courtroom today?

14 A. Yes, sir, he is.

15 Q. And where is he sitting?

16 A. He's sitting at the defense table.

17 Q. Okay. Did you read him his Miranda rights?

18 A. Yes, sir, I did.

19 Q. How did you go over his Miranda rights with him?

20 A. I read them verbatim off the form.

21 Q. What time did you execute this Miranda with
22 Mr. Alexander?

23 A. I think it was somewhere between 6:00 and 6:30 PM,
24 somewhere in there.

25 Q. Okay. I want to show you what's been marked for ID

1 purposes as State's Exhibit Number 6?

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

3 **THE COURT:** Objection's noted for the record.

4 BY MR. STUMBO:

5 Q. Do you recognize what's been marked for ID as
6 State's 6?

7 A. Yes, sir.

8 Q. And what is it?

9 A. This is a Miranda rights form.

10 Q. Okay. And is that your handwriting on it?

11 A. Yes, sir, my signature. I filled out the top form,
12 the bottom form, and then my signature is at the bottom.

13 Q. Okay. How did you review the rights with the
14 Defendant?

15 A. I read each line to him verbatim.

16 Q. Okay. And could you read those lines, individual
17 rights, for the jury, please?

18 A. Yes, sir. Before we ask you any questions, you must
19 understand your rights. You have the right to remain
20 silent. Anything you say can be used in court as
21 evidence against you. You are entitled to talk to a
22 lawyer now and have him present now or at any time
23 during questioning. If you cannot afford an attorney,
24 one will be appointed for you without cost. If you
25 decide to answer questions now without a lawyer present,

1 you will still have the right to stop answering at any
2 time. You also have the right to stop answering at any
3 time until you talk to a lawyer. And then there are two
4 questions. Do you understand these rights and do you
5 wish to talk to us at this time.

6 Q. Is that a fair and accurate representation or copy
7 of the Miranda form that you conducted that night?

8 A. Yes, sir.

9 **MR. STUMBO:** Your Honor, the State would offer
10 State's 6 into evidence at this time.

11 **THE COURT:** It'll be admitted subject to --

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

13 **THE COURT:** -- subject to the previous objection.

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

15 (State's Exhibit Number 6, an Advisements of Rights,
16 was admitted into evidence.)

17 BY MR. STUMBO:

18 Q. Now did Mr. Alexander appear to understand these
19 rights?

20 A. Yes, sir. Yes, sir, he did. In fact, he initialled
21 each line on here that he understood with his initials,
22 WJA.

23 Q. Okay. That was in his handwriting?

24 A. That's correct.

25 Q. He initialed beside each right?

- 1 A. That's correct, yes, sir.
- 2 Q. And you signed the bottom after he completed it?
- 3 A. After going over the waiver with him, yes, sir. I
- 4 signed the bottom -- he signed the bottom and I signed
- 5 as a witness.
- 6 Q. Did the Defendant ever ask for a lawyer during the
- 7 time you were interviewing him?
- 8 A. No, sir.
- 9 Q. Did he ever ask that the interview be stopped at
- 10 that time?
- 11 A. No, sir.
- 12 Q. Did he ever exercise his right to remain silent in
- 13 any way, shape or form?
- 14 A. No, sir.
- 15 Q. Did you threaten him?
- 16 A. No.
- 17 Q. Did you make him any promises, Agent Charles?
- 18 A. No, sir.
- 19 Q. Was it a cordial interchange that you had with him?
- 20 A. Yes, sir.
- 21 Q. You weren't yelling at him or anything like that?
- 22 A. No, sir.
- 23 Q. Did he give you a statement at the conclusion of
- 24 your interview?
- 25 A. He gave me an oral statement, yes, sir.

1 Q. What -- what did he say to you?

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

3 **THE COURT:** Subject to previous objection, the
4 statement can be testified to.

5 BY MR. STUMBO:

6 Q. What did the Defendant, Will Alexander, tell you
7 Agent Charles?

8 A. He told me that Ms. Asbill and Mr. Beaty had argued
9 after they had left the party on the way back to
10 Mr. Beaty's stepfather's house and his mother's house
11 and that the argument became physical, that they were
12 hitting on each other in the car. He told me that they
13 had stopped at some point in time, he was not aware of
14 exactly where they stopped, but it was on the road and,
15 again, the argument became physical. There was some
16 pushing and shoving and he pushed her down. He told
17 me after they arrived at Mr. Beaty's mother and
18 stepfather's house that he had gotten out of the car
19 and that he had looked back and that Mr. Beaty had
20 gotten out of the driver's side, came over to the
21 passenger side, got in the car with Ms. Asbill and it
22 looked like -- he initially told me that it looked like
23 they were making out, and I asked him why do you say
24 that and he said well, he had his hands up around her
25 face and her neck area. At that point in time, he asked

1 me "Can I talk to those other guys?" And I took that to
2 mean the other investigators, Lieutenant Goggins, who
3 was the primary investigator, and I said yes, we can
4 do that. So I took him -- escorted him to Lieutenant
5 Goggins' office and basically told them that he wants to
6 talk to you guys and to explain what's going on. So at
7 that point in time I turned him over to Lieutenant
8 Goggins.

9 Q. Okay. Did he reduce that statement to writing for
10 you?

11 A. I found out subsequently that he did reduce what he
12 told me to a written statement. I think he went into
13 further detail than he went into with me.

14 Q. Okay. And what's already in evidence is State's
15 Exhibit 7, and if you hadn't seen it before, you can
16 just let us know that. Have you ever seen this
17 statement?

18 A. Yes, sir, I have.

19 Q. Okay. And is this the statement that was written
20 subsequent to him giving you this information?

21 A. Yes, sir.

22 Q. Thank you. At any time during this process that
23 you interacted with the Defendant, Will Alexander, did
24 he ever ask for a lawyer, Agent Charles?

25 A. No, sir.

1 Q. Did he ever indicate to you that he wanted out of
2 the room or wanted y'all to stop these interviews?

3 A. No, sir.

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

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

6 BY MR. STUMBO:

7 Q. One other question, Agent Charles. About what time
8 did he give you this -- this oral statement?

9 A. Somewhere around 9:00 PM, maybe a few minutes
10 before. I'd say between 8:30 and 9:00 PM.

11 Q. And ultimately in State's 7, the written statement,
12 was reduced -- or began at what time?

13 A. It says here 9:04 PM.

14 Q. So it would have been sometime shortly before that
15 you spoke to him?

16 A. Yes, sir.

17 **MR. STUMBO:** No further questions at this time.
18 Please answer any questions the defense attorney may
19 have for you.

20 CROSS-EXAMINATION

21 BY MS. McNEILL:

22 Q. Good afternoon, Mr. Charles. How are you?

23 A. Fine.

24 Q. Good. So you arrived and Mirandized Mr. Alexander
25 between 6:15 and 6:30 PM; is that right?

1 A. Somewhere in there, yes, ma'am. It's on the form.
2 I think it says 6:39.

3 Q. Okay. And then you started an oral communication
4 with him where he gave you this statement that you just
5 testified to between 8:30 and 9:00?

6 A. That's correct.

7 Q. Okay. And then that oral communication to you was
8 reduced to the writing which is State's Exhibit 7?

9 A. Yes, ma'am.

10 Q. Okay. Thank you. And you testified -- was
11 Mr. Alexander cooperative with you once he started
12 giving you his statement?

13 A. Yes, ma'am.

14 Q. Okay. And he wanted to, in fact, talk to even more
15 officers, correct?

16 A. I'm sorry, I couldn't --

17 Q. And he wanted to, in fact, talk to additional
18 officers other than you and tell them this statement as
19 well; is that correct?

20 A. That's correct.

21 **MS. McNEILL:** No further questions.

22 **THE COURT:** Any redirect?

23 REDIRECT EXAMINATION

24 BY MR. STUMBO:

25 Q. You said you'd been there since noon?

1 A. Yes, sir.

2 Q. Sometime around noon?

3 A. That's correct.

4 Q. Were the versions of his statements he gave before
5 you talked to him later that night consistent with what
6 he gave you that night?

7 A. No, sir.

8 Q. Is it fair to say he didn't know what happened, that
9 he blacked out?

10 A. Initially -- yes, sir. Initially he said he didn't
11 have any knowledge of what happened and I believe it was
12 that he woke up at Mr. Simmons' house, initially I think
13 he said on a couch, and he woke up and there were police
14 outside and they were putting up crime scene tape.

15 Q. So those earlier versions were much different than
16 what he gave you and reduced to writing in State's 7?

17 A. Yes, sir.

18 Q. And that was about 9:00 PM the night after the
19 homicide, correct?

20 A. Yes, sir.

21 Q. Close to twenty-four hours later?

22 A. Pretty close, yes, sir.

23 **MR. STUMBO:** No further questions, Judge.

24 **RECROSS EXAMINATION**

25 **BY MS. McNEILL:**

1 Q. And just to be clear, he was cooperative once he
2 talked to you around 8:30 PM?

3 A. Yes, ma'am.

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

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

6 (Witness excused.)

7 **MR. STUMBO:** And, Your Honor, we'd ask that Agent
8 Charles, as the other agents, be free to return to his
9 busy schedule.

10 **THE COURT:** Sure.

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

12 **MR. STUMBO:** I beg the Court's indulgence. Judge,
13 can we take about five or ten minutes?

14 **THE COURT:** We sure can. All right. Y'all step
15 outside and be back -- I'll give you ten good minutes.
16 By this clock, twenty minutes till, okay?

17 (Whereupon, the jury retires to the jury room at
18 4:29 PM.)

19 (Recess taken.)

20 **BAILIFF:** Let's all keep your seats and come back
21 to order, please.

22 **THE COURT:** Are y'all ready?

23 **MR. STUMBO:** We are, Judge. Just for scheduling
24 purposes, our next witness is a SLED agent. It
25 shouldn't be a really long witness. The one following

1 that is Commander Roberts, who is one of the lead
2 investigators. Her's will probably be fairly lengthy
3 with direct and cross. My suggestion, if everybody's
4 okay with it, would be to finish up with Agent Collins
5 and start back in the morning with Commander Roberts.

6 **THE COURT:** Would fresh in the morning with
7 Commander Roberts suit y'all?

8 **MS. KENDALL:** I would suspect that's completely
9 fine. I don't want to wear the jury out.

10 **THE COURT:** Okay. I mean, that sounds good to me.
11 A longer witness early in the morning suits me better,
12 too, so everybody's on that same page.

13 **MR. STUMBO:** And overall, Judge, I think we've
14 been very efficient. This would be our twelfth witness.
15 I don't see any reason why we might not get the case
16 up by the end of the day tomorrow, at worse maybe
17 Friday morning, to be ready to turn the case over to
18 the defense.

19 **MS. McNEILL:** Roberts?

20 **MR. STUMBO:** No, Agent Collins. The SLED agent,
21 Michael Collins.

22 **THE COURT:** The tall --

23 **MR. STUMBO:** Yeah, the tall African-American
24 gentleman.

25 **THE COURT:** All right. Bring in the jury.

1 **MR. STUMBO:** The other reason for that is I'd like
2 to get him out of here today.

3 **THE COURT:** And she's got to stay here anyway.

4 **MR. STUMBO:** Exactly.

5 **MS. McNEILL:** Wait. We're confused. Is --

6 **THE COURT:** Collins is the last one today. We're
7 starting tomorrow with Commander Roberts. Since she'll
8 be lengthy, do her in the morning.

9 **MS. McNEILL:** Collins might be a little bit lengthy,
10 Judge. I don't know that --

11 **THE COURT:** He's figuring --

12 **MR. STUMBO:** He's gonna be short with us.

13 **MS. McNEILL:** Okay.

14 **THE COURT:** Yeah, if you go thirty minutes, we're
15 still 5:15, 5:30 --

16 **MS. McNEILL:** That's fine.

17 **THE COURT:** -- but then Commander Roberts is in the
18 morning and she'll be --

19 **MS. McNEILL:** Yeah, that was a miscommunication
20 with myself and Ms. Kendall.

21 (Whereupon, the jury returns to the courtroom at
22 4:42 PM.)

23 **THE COURT:** All right, folks. We've got one more
24 witness today. I noticed you were covered up earlier
25 and you're uncovered. Are you comfortable, ma'am?

1 **JUROR:** I am.

2 **THE COURT:** Okay. I'm a little warm because I've
3 got on two layers and some of the people said warm, some
4 said cool, so I'm just trying to get a good average
5 comfort zone for us, okay?

6 All right. Call your witness, Mr. Scott.

7 **MR. SCOTT:** Judge, Michael Collins.

8 MICHAEL COLLINS,

9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. SCOTT:

12 Q. Mr. Collins, where are you employed?

13 A. I'm employed with the State Law Enforcement
14 Division, also known as SLED.

15 Q. And you remember June 29th of 2013 or the early
16 morning hours of June 30, 2013?

17 A. Yes, sir, I do.

18 Q. All right. Did you have an occasion to respond to
19 Clinton to assist a local agency?

20 A. Yes, sir, I did.

21 Q. What was the nature of the call that you were coming
22 down for?

23 A. When I first received the call from my supervisor,
24 all that we knew at this point was there was a deceased
25 human female and there were two subjects in the vehicle

1 with her, they were at the Clinton Police Department,
2 and we were called -- Clinton Police Department had
3 requested us to come in and assist.

4 Q. And you came down from Anderson County?

5 A. I'm from Oconee County.

6 Q. About what time do you remember getting to the
7 Department of Public Safety?

8 A. I think I got the call just before midnight, so I
9 might have got there around 1:30, 2:00 maybe.

10 Q. Okay. Do you remember Will Alexander being there?

11 A. Yes, sir, I do.

12 Q. And what was your understanding of Will -- who was
13 Will Alexander?

14 A. When we got to the Clinton Police Department, we
15 received information from Commander Roberts who informed
16 us that Will Alexander was one of the male individuals
17 in the vehicle with the deceased female.

18 Q. Where was he when you first got there?

19 A. He was in one of the big offices in the back near
20 their dispatch area.

21 Q. Did you have a chance to speak with him?

22 A. Yes, sir, I did.

23 Q. Do you remember about what time that was?

24 A. Around 2:15, 2:20.

25 Q. In the morning?

1 A. Yes, sir.

2 Q. Who was with you when you spoke to him?

3 A. At that time there was Special Agent Harvey Ownes.

4 Q. Okay. Where did you go to speak with -- where did
5 you go to speak with Will Alexander?

6 A. We met him in that vacant office, the room that he
7 was in, at the Clinton Police Department.

8 Q. All right. What was your understanding -- do you
9 know what he had been doing just prior to you arriving?

10 A. Just a little bit. We understand that he was at a
11 party. Commander Roberts informed me that he was at a
12 party and that they had left that residence and went to
13 another residence and a 9-1-1 call came in about the
14 deceased female.

15 Q. All right. So that was the only information you
16 were working on at that point?

17 A. Yes, sir.

18 Q. Your role was to collect as much information from
19 them as you could --

20 A. That is correct.

21 Q. -- in order to investigate this death, is that what
22 your role was at that point?

23 A. Yeah, it was basically to assist Clinton Police
24 Department with whatever they needed and to see if we
25 could establish what happened, what caused the death or

1 who might have been involved or if anybody else -- or if
2 anybody was involved at all.

3 Q. Okay. And you get there and start speaking to
4 him about 2:15 AM. My question is just prior to you
5 arriving, did you know -- do you have any personal
6 knowledge of whether he had been speaking with any of
7 the other officers at the police department?

8 A. Again, when we first arrived, Agent Ownes and I
9 made contact with Commander Roberts who informed us
10 that she had spoken with Will Alexander and had advised
11 him of his rights. She provided us with a copy of that
12 advisory and at that point gave us a briefing on what
13 information she had at the time and we took that
14 information and we went in to speak with Mr. Alexander.

15 Q. Okay. So she had just been speaking with him just
16 prior to you arriving and had already informed him of
17 his Miranda rights?

18 A. From my understanding, yes, sir.

19 Q. Okay. And you just go into the room that he's
20 already in with Special Agent Ownes and do you Mirandize
21 him again or is he under the Miranda that Crystal
22 Roberts had read to him?

23 A. We did not Mirandize him again. We were still
24 acting under the first Miranda from Commander Roberts.

25 Q. Was he under arrest at this point?

1 A. He was not.

2 Q. Okay. What did you observe about him when you first
3 made contact with him at 2:15 AM?

4 A. When we entered the room, we noticed that he had
5 a blanket. He appeared to have been cold. It looked
6 like he had been sleeping a little bit. When we first
7 made contact with him, you could smell alcohol on him,
8 so we kind of opened up with some general questions to
9 see if he gave appropriate responses and it appeared
10 that he was coherent and understood what was going on.
11 We wanted to make sure that he understood what we were
12 doing there and what our purpose was.

13 Q. Okay. Did you inform him that you were law
14 enforcement?

15 A. Yes, sir, we did.

16 Q. And did he appear to understand the questions you
17 asked of him?

18 A. That's correct.

19 Q. Did you two -- were you three -- were you able to
20 communicate with one another?

21 A. Yes, we had no problem communicating.

22 Q. Did he appear to understand everything you were
23 talking about?

24 A. Yes, sir, he did.

25 Q. Okay. What exactly did y'all talk about?

1 A. After we introduced ourselves, told him who we were,
2 basically we just asked him what he did for the day. At
3 that point that's when he told us that he had been
4 picked up by one of his friends at his house. He had
5 been drinking all day.

6 MS. McNEILL: Sorry. Subject to the previous
7 objection.

8 THE COURT: Subject to previous objection, it be
9 admitted.

10 BY MR. SCOTT:

11 Q. All right. He had been picked up by a friend?

12 A. Yeah, he had been picked up by a friend from his
13 residence. They went to -- back to the friend's
14 residence, I believe, on in Clinton. They
15 continued to drink. From my understanding they were
16 celebrating or they were attending a wake, what they
17 called a Celebration of Life, I believe, of a mutual
18 friend. He continued to drink and more people continued
19 to arrive as the night went on.

20 Q. Okay. Did -- what did he say in regard to how
21 Michael or E.A. were behaving at the party?

22 A. He stated when they arrived -- initially he stated
23 that E.A. stayed in the car for most of the time, but he
24 said as they drank -- from what I remember, he don't
25 remember there being any conflict or anything at the

1 party, but, like I said, he said that E.A. stayed in the
2 car most of the time and they just were drinking and
3 when they decided to leave -- he had intended on staying
4 at the residence, but when E.A. and Michael arrived he
5 decided he was gonna leave with them. At that point,
6 his friend Michael Beaty was driving, E.A. was sitting
7 in the front passenger seat and he was sitting behind
8 her in the rear passenger seat.

9 Q. He remembered the seating arrangement?

10 A. Yes. Yes, sir.

11 Q. Okay. And then where did he say he went after that?

12 A. He stated they drove to Mr. Beaty's parents' house.
13 I don't remember the address. I never went out to the
14 residence. They drove to his parents' residence, stated
15 that they -- originally stated they went inside. He
16 could tell there was -- on the drive over he could tell
17 there was some tension in the car between E.A. and
18 Michael, but he never really expanded on what that
19 tension was about. He said he really didn't remember,
20 he was in and out of consciousness. He stated when he
21 got to the residence, they went inside. He was getting
22 ready to lay -- he was trying to go to sleep on the
23 couch, but he was having problems going to sleep because
24 they were speaking loudly to one with another while he
25 was trying to sleep. He stated the next thing that he

1 knew EMS was in the front yard and that's when he found
2 out that E.A. had been hurt.

3 Q. So he said he went inside the house to go to sleep?

4 A. Yes.

5 Q. Did he advise you of the nature of his relationship
6 with Michael Beaty?

7 A. He stated that he and Michael were basically
8 lifelong friends, had known each other for a very long
9 time, and that he only had met E.A. since E.A. and
10 Michael had been dating, about a year or so prior.

11 Q. Did he describe the nature of E.A. and Michael
12 Beaty's relationship?

13 A. He did. He said that E.A. was violent towards
14 Michael, that she was the dominant person in the
15 relationship. At one pointed he actually described it
16 as Michael Beaty was E.A.'s bitch. He said she would
17 bite him sometimes and he would have to get her off of
18 him.

19 **MS. McNEILL:** Judge, may we approach the bench?

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

21 **THE COURT:** All right.

22 BY MR. SCOTT:

23 Q. And that's pretty much the extent of the interview
24 that night --

25 A. Yes.

1 Q. -- at 2:15 AM? And y'all released Will Alexander
2 after that interview?

3 A. Yes. I actually went out and observed a search
4 warrant on the vehicle and when I returned back to
5 the Clinton Police Department, I was informed that
6 Mr. Alexander had already left, was released and went
7 home.

8 Q. Let me just fast-forward to the next day or the late
9 afternoon June 30th. Do you recall being at the Clinton
10 Office of Public Safety?

11 A. Yes, sir, I do.

12 Q. All right. And what were you doing there at that
13 time?

14 A. We were still looking into the -- into the death
15 of E.A. at that time. We had been informed through
16 the autopsy the cause of death and at that point we
17 contacted Michael Beaty and Alexander and we asked them
18 to come back in.

19 Q. Okay. So at 5:30 PM, what were you doing?

20 A. I believe I was in an interview with Commander
21 Roberts speaking with Mr. Alexander.

22 Q. And let me show you State's Number 4. Let me ask
23 you if you recognize it?

24 A. Yes, I recognize this.

25 Q. And what is that?

1 A. This is the Miranda rights -- Waiver of Rights
2 that Commander Roberts read to -- read to Mr. Will
3 Alexander and he waived and I witnessed it.

4 Q. Okay. And then you signed down at the bottom there?

5 A. Yes.

6 Q. And did you -- did you observe that document being
7 generated?

8 A. Yes, sir, I did.

9 Q. Okay. So now the initials by the right, whose
10 initials are those?

11 A. Mr. Will Alexander's.

12 Q. Did you watch him write his initials on there?

13 A. Yes, sir, I did.

14 **MR. SCOTT:** Your Honor, the State would offer
15 State's Number 4 for admission.

16 **MS. McNEILL:** Subject to objection.

17 **THE COURT:** Subject to the objection previously
18 noted.

19 (State's Exhibit Number 4, Advisement of Rights #3,
20 was admitted into evidence.)

21 BY MR. SCOTT:

22 Q. Okay. Did -- at 5:35 or the late afternoon of
23 June 30th, did Mr. Alexander appear to be sober at this
24 point?

25 A. Yes, sir, he did.

1 Q. Did he appear to understand all those questions when
2 they were asked of him?

3 A. Yes, sir, he did.

4 Q. All right. And did he subsequently answer some
5 questions you and Captain -- or Commander Roberts had
6 for him?

7 A. Yes, sir.

8 Q. Did he give a statement at that point?

9 A. Yes, sir, he did.

10 Q. And what was the statement that -- do you remember
11 when that statement was given?

12 A. I believe it was on the 30th. I can't remember the
13 -- I don't remember the time.

14 Q. Let me show you this: This is State's Exhibit 5.
15 Do you recognize that?

16 A. Yes, sir.

17 Q. Would that have been the statement that you sat in
18 on with Commander Roberts?

19 A. Yes, sir.

20 Q. Is that the statement that comes after the Miranda
21 warnings in State's Number 4?

22 A. Yes, I believe that's when we spoke with him.

23 Q. Okay. And you witnessed Mr. Alexander write that
24 statement?

25 A. Yes, sir.

1 **MR. SCOTT:** Your Honor, the State would offer
2 State's Number 5 for admission into evidence.

3 **THE COURT:** Also subject to --

4 **MS. McNEILL:** Subject to objection.

5 **THE COURT:** -- the objection already placed on the
6 record.

7 (State's Exhibit Number 5, a Voluntary Statement,
8 was admitted into evidence.)

9 BY MR. SCOTT:

10 Q. What was he saying in this statement? This
11 statement begins at what time on June 30th?

12 A. At 6:17 PM.

13 Q. Okay. What does he say?

14 A. Again, he says I, William Alexander, am not under
15 arrest for, nor am I being detained for any criminal
16 events concerning the events I am about to make known to
17 Officer Crystal Roberts. I understand that I am free to
18 walk away without saying anything and I volunteer the
19 following information of my own free will for whatever
20 purpose it may serve. Michael Beaty said to me "I think
21 I messed up, I may have ended her life". I was standing
22 in the garage smoking a cigarette when he said this to
23 me -- when he said this. I told him he needed to call
24 9-1-1. Then we got Henry and Henry went and -- went
25 and checked on her -- went and checked on her, then I

1 remembered the tape around the car.

2 Q. Okay. Did he say anything else in addition to what
3 he wrote down in that statement?

4 A. Basically, in addition, the information -- this
5 information was in addition to what happened after
6 they got to Mr. Beaty's parents' house. Like I said,
7 initially he stated that they had gone inside, he was
8 trying to sleep, they were talking loudly, he couldn't,
9 and this is what he amended it to.

10 Q. Okay. So there's -- there's different information
11 in that statement than what he had told you in your
12 first oral interview with him at 2:15 AM?

13 A. That is correct.

14 Q. And you said now he's saying he did not go inside
15 and go to sleep. And what difference -- what else is he
16 saying in this statement that he hadn't previously told
17 you?

18 A. That he was standing in the garage smoking and that
19 Mr. Beaty came up to him and said I think I might have
20 gone too -- I think I might have messed up. I may have
21 ended her life.

22 Q. Okay. All right. So you sat in there with
23 Commander Roberts when she read him Miranda?

24 A. Yes, sir.

25 Q. Did he indicate that he needed a lawyer?

1 A. No, he did not.

2 Q. Okay. Did you threaten him or intimidate him?

3 A. No, sir.

4 Q. You did inform him though that he could be charged
5 with murder at that time though, didn't you?

6 A. Yes.

7 Q. At that time was it clear to you what the charges
8 would be if -- had they applied to Mr. Beaty and they
9 applied to Mr. Alexander?

10 A. Was it clear to me? Yes, sir.

11 Q. What was your understanding of what charges were
12 being brought down at that point? We're talking about
13 at 5:35 PM on June 30th.

14 A. At that point, the coroner had ruled the cause
15 of death as strangulation by -- asphyxiation by
16 strangulation and at that point it would have been
17 either murder or some type of homicide most likely
18 charged.

19 Q. Let me ask this question. Did you know which one,
20 if not both of them, would be charged with murder?

21 A. Oh, no, sir, I did not.

22 Q. Did you have -- is it safe to say there was still
23 evidence out there that hadn't been collected yet or
24 analyzed yet?

25 A. That's correct.

1 Q. So at that point you didn't know whether or not
2 Mr. Alexander would be charged with murder?

3 **MS. McNEILL:** Asked and answered, Judge.

4 **THE COURT:** Asked and answered.

5 BY MR. SCOTT:

6 Q. It's your testimony you didn't threaten him into
7 writing this statement?

8 A. No, sir, I did not threaten him.

9 Q. Did you intimidate him?

10 A. No, sir, I did not.

11 Q. Do you have knowledge of whether Commander Roberts
12 recorded that particular statement?

13 A. I was aware she had recorded it at that time.

14 **MR. SCOTT:** Okay. Thank you. Please answer any
15 questions Ms. McNeill has for you.

16 CROSS-EXAMINATION

17 BY MS. McNEILL:

18 Q. Agent Collins, you stated that at 5:35 is when you
19 did know that the coroner's report came back?

20 A. I'm not exactly sure what time it was, but we had
21 been informed at least later that afternoon.

22 Q. Okay. And that was during your -- you knew previous
23 to your interview of Mr. Alexander; is that correct?

24 A. What, the second interview?

25 Q. Yes, sir.

- 1 A. Yes, ma'am.
- 2 Q. Okay. So you knew that you were dealing with a
3 homicide at that point?
- 4 A. We knew that we were dealing with a suspicious death
5 that was caused by strangulation.
- 6 Q. Okay. And you knew that Michael Beaty was in a
7 relationship with E.A., is that right, at that point?
- 8 A. Yes, ma'am.
- 9 Q. Okay. And at that point, was Mr. Beaty your primary
10 suspect?
- 11 A. Primary? I think both were primary suspects at that
12 point.
- 13 Q. Okay. Weren't you trying to elicit information out
14 of William Alexander to further implicate Mr. Beaty?
- 15 A. We were trying to get more facts than what they
16 were giving us. As far as evidence against anybody, we
17 were just trying to get more facts.
- 18 Q. But at that point you knew that she had been
19 strangled to death?
- 20 A. Yes, based on the coroner's report.
- 21 Q. And the night that you initially interviewed
22 Mr. Alexander, what time was that at?
- 23 A. Around 2:00, 2:15, 2:20.
- 24 Q. In the morning?
- 25 A. Yes, ma'am.

1 Q. And he had been drinking, correct?

2 A. Yes, ma'am.

3 Q. And he smelled of alcohol?

4 A. Yes, ma'am.

5 Q. And he was in and out of sleeping in the police
6 department with a blanket?

7 A. Not during the interview he was not.

8 Q. Right. Maybe not during the interview, but you
9 witnessed him sleeping on and off with a blanket in the
10 police department?

11 A. Yes, ma'am.

12 Q. Okay. In your experience, Agent, isn't it
13 reasonable to say that if someone is intoxicated they
14 start to recall more details as they sober up?

15 A. I would say that's a case by case basis.

16 Q. Okay. And your statement that you took from
17 Mr. Alexander, which is marked as State's Exhibit 5,
18 that's when it was reduced to writing that William
19 Alexander told you Michael Beaty told him he thinks he
20 messed up, he may have ended her life?

21 A. Yes, ma'am.

22 Q. And that statement was reduced to writing at
23 6:17 PM, correct?

24 A. Yes.

25 Q. Okay. Isn't it also true, Agent Collins, that you

1 repeatedly along with Commander Roberts threatened to
2 charge Mr. Alexander with murder if he did not tell you
3 something that you two wanted to know that day?

4 A. No, ma'am.

5 Q. You did not say that?

6 A. No, ma'am.

7 Q. Do you remember Mr. Alexander saying to you at the
8 5:35 recorded interview with Crystal Roberts, Commander
9 Roberts, excuse me, Mr. Alexander saying, in fact,
10 Tyrone Goggins told him last night that they -- that I
11 said Beaty messed up, yet I don't even remember talking
12 to Tyrone last night?

13 A. I do recall that.

14 Q. You do recall that?

15 A. (Nods head.)

16 Q. So then one would conclude that Mr. Alexander told
17 Officer Goggins the night before that Beaty messed up,
18 correct?

19 A. I'm sorry, repeat that.

20 Q. Based on what Mr. Alexander told you, you can
21 conclude that Mr. Alexander had told Officer Goggins the
22 night before that Beaty had messed up; is that correct?

23 A. I hadn't spoken with Officer Goggins at that point,
24 so I wasn't sure.

25 Q. Well, Will would have gotten that information from

1 somewhere, right?

2 A. Right.

3 Q. And you had asked him do you remember taking to me
4 last night and he said vaguely, but I don't remember
5 what we talked about, correct?

6 A. Right.

7 Q. Agent, when you were interviewing Mr. Alexander
8 along with Commander Roberts at 5:35 PM, that recorded
9 session --

10 A. Yes, ma'am.

11 Q. -- do you remember Commander Roberts saying your
12 arrest warrant is going to say William Jarrell Alexander
13 is charged with the murder of Emily Asbill?

14 A. I don't recall those exact words, but I do remember
15 something like that being said.

16 Q. And do you also recall, sir, you ask -- you telling
17 Will I can see you're scared, I can tell you're scared.
18 Fear is a good thing. Fear keeps people alive. Fear
19 keeps people out of jail. Fear minimizes jail time?

20 A. I probably said that. I remember saying something
21 to that effect.

22 Q. But you wouldn't admit that's a threat?

23 A. No, ma'am.

24 Q. Or a promise?

25 A. No, ma'am.

1 Q. That's just a friendly conversation?

2 A. No. I -- again, I was -- we were trying to get more
3 facts, but, again, I did not threaten him. I mean, I
4 didn't make him any promises.

5 Q. You just talked about his fear; is that right?

6 A. Yes.

7 Q. And you are aware then, sir, that during that
8 recorded interview you also told William Alexander that
9 Michael Beaty had already been arrested, correct?

10 A. Probably I did at that point.

11 Q. He's trying to put this on you, he's arrested?

12 A. Maybe. I -- I think I might have said something to
13 that effect.

14 Q. And then he said something along the lines of maybe
15 as things come to me as days pass, I could tell you
16 more, and y'all responded we need it now. Do you
17 recall?

18 A. Yes.

19 **MS. McNEILL:** No further questions.

20 **THE COURT:** Any in redirect?

21 REDIRECT EXAMINATION

22 BY MR. SCOTT:

23 Q. Okay. Agent Collins, at 6:17 you really didn't know
24 which one would be charged with murder, did you?

25 A. No, sir.

1 Q. You didn't have all the evidence in at that point?

2 A. No, sir.

3 Q. All you knew was three people left alive and two
4 showed up alive at ?

5 A. That is correct.

6 **MS. McNEILL:** Judge, outside the scope of my cross.

7 **MR. SCOTT:** That's what I was thinking.

8 **THE COURT:** I agree. Withdrawn. That will be
9 stricken. All right. You may step down, Agent.

10 (Witness excused.)

11 **THE COURT:** All right, folks. I don't have
12 anything to do pre-trial tomorrow, so we're gonna be
13 able to start promptly and meet up at 9:15. Would that
14 be comfortable for y'all?

15 All right. Y'all be in the jury room shortly after
16 nine. I'll have some candy waiting on you. You cannot
17 begin discussing the case. Remember that. Don't go on
18 the Internet or do any research. Everything you'll
19 need, you'll hear in here, okay? See y'all in the
20 morning.

21 (Whereupon, the jury was excused for the day at
22 5:09 PM.)

23 **MR. STUMBO:** Your Honor, may Agent Collins be
24 released from his subpoena? I forgot to ask that.

25 **THE COURT:** Sure. You may.

1 **MR. STUMBO:** Thank you.

2 **THE COURT:** All right. They should be ready to go
3 at 9:15. If y'all are, we will.

4 **MR. STUMBO:** Judge, one other issue we would like
5 to raise before we adjourn for the evening. It's always
6 been my position, Judge, that as of the moment a jury is
7 sworn that bond ends. That's always been my position.
8 I'll leave that in Your Honor's discretion, but it's
9 always been our position that the Defendant needs to be
10 in custody during the trial after a jury is sworn. I
11 believe legally the bond's been satisfied at this point.

12 **MS. KENDALL:** Judge, I don't believe this is
13 necessary. We're three days into this hearing. He's
14 been present every day, been early. There's been no
15 issue with his attendance.

16 **THE COURT:** Well --

17 **MR. STUMBO:** The only concern we have is based on
18 we've listened to the jail calls and they will be put in
19 evidence tomorrow.

20 **MS. KENDALL:** Judge, he's aware of the jail phone
21 calls. If he was gonna run, he'd do it by now. I don't
22 think that's --

23 **THE COURT:** Well, I understand --

24 **MR. STUMBO:** I'm not saying run, Judge, but on the
25 jail calls he's indicated that he might take his own

1 life, so.

2 **MS. KENDALL:** Judge --

3 **THE COURT:** I didn't hear that. On the jail calls?

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

5 **THE COURT:** Not the ones I heard.

6 **MS. KENDALL:** Not from the seven that were provided
7 to us... We listened to them again yesterday.

8 **THE COURT:** All right. Here's the deal. He's been
9 very mindful of the obligations under his bond. If he
10 chooses to not come in the morning, he'll be -- the
11 trial's gonna continue with or without him.

12 **MR. STUMBO:** That's fine, Judge. Like I said, we'll
13 leave it in your discretion, but I -- that's always been
14 my position.

15 **THE COURT:** I noticed when we had the pre-trial
16 issues that he remained out on bond. I saw him walking
17 to his car when I was driving around the construction
18 area, and I'm gonna take him on his word. He's been out
19 for about a year and so I caution him the trial will
20 continue if he does not come.

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

22 **THE COURT:** So he'll remain on bond out and he's to
23 report back at his lawyer's direction tomorrow morning.

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

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

1 **MS. KENDALL:** Judge, just one more thing for
2 scheduling purposes. Prior to the break when Solicitor
3 Stumbo was referring to tomorrow and Commander Roberts,
4 can we get an estimate of how long or how many witnesses
5 they have tomorrow so if we need to prepare to go ahead
6 and start arranging ours to be here after lunch?

7 **THE COURT:** Well, I thought he said he might get
8 theirs put up by the end of the day.

9 **MR. STUMBO:** That will carry us through the end of
10 the day, Judge.

11 **THE COURT:** So you're looking at Friday morning,
12 all right? Does that help?

13 **MS. KENDALL:** Yes.

14 **THE COURT:** And I tell you what. If you want to,
15 we'll just commit to that. Tomorrow's their day and if
16 they end, then that's a perfectly logical thing to tell
17 the jury is that y'all were told today be ready Friday
18 morning. We'll just have to deal with it that way.

19 **MR. STUMBO:** That suits us fine, Judge.

20 **THE COURT:** All right. Let's just handle it that
21 way. Y'all be ready Friday morning. If they don't get
22 done, then we'll push them back a little bit.

23 **MS. McNEILL:** Thank you.

24 (Whereupon, the proceedings were concluded for
25 September 10, 2014, at 5:12 PM.)

1 (Whereupon, the following proceedings were held on
2 September 11, 2014.)

3 **BAILIFF:** Let's all rise and come to order, please.

4 **THE COURT:** Y'all be seated. Ms. Kingsborough,
5 would you come up here, please, ma'am.

6 (Whereupon, Ms. Kingsborough, approaches the bench.)

7 **THE COURT:** All right, that's fine. I'm taking
8 a record of your and my conversation so Ms. Johnson
9 hears and takes it down. Ma'am, do you remember our
10 conversation we had earlier when we were selecting the
11 jury about you having to come back for jury service?
12 Since you weren't gonna sit on the jury, I declared you
13 to be a trial observer so you could meet your terms of
14 service by sitting in the courtroom during the trial.
15 Do you remember that?

16 **MS. KINGSBOROUGH:** Yes.

17 **THE COURT:** Was I clear in my instructions?

18 **MS. KINGSBOROUGH:** Yes.

19 **THE COURT:** Where have you been?

20 **MS. KINGSBOROUGH:** I had to go to Royston, Georgia
21 to be with a member of my family that they amputated his
22 leg. I'm his power of attorney and so they called me
23 yesterday and told me that he had pneumonia, they did
24 the x-ray and all that stuff, and I had to go down there
25 yesterday.

1 **THE COURT:** Where were you Tuesday?

2 **MS. KINGSBOROUGH:** Tuesday?

3 **THE COURT:** Yes, ma'am. We started -- this all
4 started Monday.

5 **MS. KINGSBOROUGH:** Monday?

6 **THE COURT:** Yeah.

7 **MS. KINGSBOROUGH:** Yeah, and I called the number
8 after 6:00 and it said to call back Wednesday.

9 **THE COURT:** Well, I didn't tell you to call the
10 number. I told you to be in here.

11 **MS. KINGSBOROUGH:** I'm just going by the phone --
12 what they said on the phone.

13 **THE COURT:** Okay. Well, you're gonna get to sit
14 here with me today, so have a seat.

15 **MS. KINGSBOROUGH:** Sir, is it possible I can get a
16 note? Because I have an interview for CNA classes at
17 10:30.

18 **THE COURT:** The Clerk will give you a note at the
19 end of the day saying you've served today in court in
20 Laurens County. Certainly.

21 **MS. KINGSBOROUGH:** So do I have to come back
22 tomorrow?

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

24 **MS. KINGSBOROUGH:** Okay. That's gonna be a problem
25 because I have a three-year-old child that my

1 mother-in-law is supposed to keep, but she went to the
2 doctor and she has to go to the doctor tomorrow.

3 **THE COURT:** Well, you have tonight to make those
4 arrangements, okay?

5 **MS. KINGSBOROUGH:** I don't know nobody else to get.
6 My sister-in-law works and I have three other children.

7 **THE COURT:** Uh-huh. Yes, ma'am. It seems you keep
8 adding to the end of the pile. It was religious beliefs
9 when we first talked and now it's become an issue and an
10 issue and an issue --

11 **MS. KINGSBOROUGH:** It is.

12 **THE COURT:** -- and just -- have a seat.

13 (Whereupon, Ms. Kingsborough returns to her seat in
14 the gallery.)

15 (The bench conference was concluded.)

16 **MS. KENDALL:** Judge?

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

18 **MS. KENDALL:** One thing before the jury comes
19 in and, candidly, we probably should have done this a
20 little earlier. I think at this point there's probably
21 at least three or more objections about the statements
22 that have already been ruled on in Jackson v. Denno.
23 Just for purposes of the record, I'm asking the Court
24 to allow those objections to be noted on the record now
25 as far as the Miranda and the oral statements given to

1 Commander Roberts and the written statements. The
2 concern is, Judge, we don't want to keep objecting to
3 preserve the record in front of the jury and if Your
4 Honor would preserve that issue for the jury so we won't
5 have to keep doing that.

6 **THE COURT:** All right. Well, would it be
7 appropriate that each time those come up I make the
8 comment the record is preserved consistent with this?
9 That way it's not in response to your jumping up, but
10 it is in response to protecting your record, it'll be
11 my comment. Because I've tried to do that to alleviate
12 y'all having to say noted for the record, noted for the
13 record. I will say objection noted for the record and
14 we'll move on without the requirement of y'all standing
15 up to prompt me.

16 **MS. KENDALL:** I'd appreciate that.

17 **THE COURT:** Okay. And I think that will protect the
18 record both ways and it will be -- it will remove y'all
19 jumping up and down having to draw attention away from
20 what's going on.

21 **MR. STUMBO:** We're fine with that, Judge. Thank
22 you.

23 **THE COURT:** All right. Are we ready to go?

24 **MR. STUMBO:** I believe we are, Judge, yes. I wanted
25 to make sure these are spread out here.

1 **THE COURT:** Okay. Go get 'em.

2 (Whereupon, the jury enters the courtroom at
3 9:19 AM.)

4 **THE COURT:** Good morning, everyone. Ready to
5 continue, Solicitor.

6 **MR. STUMBO:** Thank you, Your Honor. The State would
7 call Commander Crystal Roberts to the stand.

8 CRYSTAL ROBERTS,
9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. STUMBO:

12 Q. Good morning, Commander Roberts.

13 A. Good morning.

14 Q. You work for the Clinton Department of Public
15 Safety?

16 A. I do.

17 Q. And currently your rank is commander; is that
18 correct?

19 A. That's correct.

20 Q. Were you at one time the interim chief or the
21 interim director for the Department for a short period
22 of time?

23 A. That is correct.

24 Q. Okay. And that was before Director Morse, Robin
25 Morse, came in last year sometime?

1 A. Yes.

2 Q. Did you have an occasion to work an investigation
3 involving this Defendant, William Alexander?

4 A. I did.

5 Q. Okay. And that was in June of last year, I believe?

6 A. That's correct.

7 Q. Now what all hats do you wear at Clinton Police
8 Department right now?

9 A. I do pretty much anything and everything. I'm over
10 the uniformed patrol division.

11 Q. Crystal, can you pull -- I'm sorry to interrupt.
12 Can you pull it a little bit closer to you? That
13 air-conditioner has cut on.

14 A. I'm over the uniformed patrol division. I oversee
15 the daily operations, do some investigations, handle
16 evidence, handle court information for General Sessions.
17 I do pretty much everything.

18 Q. Okay. How long have you been in law enforcement?

19 A. Fourteen, going on fifteen years.

20 Q. How many cases have you investigated during that
21 time? Hundreds?

22 A. I couldn't tell you. Numerous, hundreds.

23 Q. Now in this case, you and Lieutenant Goggins -- he's
24 one of your colleagues; is that correct?

25 A. That's correct.

1 Q. And did y'all work this together, this case?

2 A. Yes, we did.

3 Q. Did you have any other assisting agencies involved?

4 A. Yes. The State Law Enforcement Division, SLED, they
5 assisted us. Laurens County Sheriff's Department
6 assisted us.

7 Q. Now when did you first get involved with this case?

8 About what time did you respond to work on this case?

9 A. I had received a phone call from Lieutenant Goggins
10 telling me that there was a suspicious death on

11 and he had asked me to respond to the police
12 department to meet with two individuals that had come up
13 there and had agreed to cooperate with the
14 investigation.

15 Q. Okay. About what time did you get to the
16 department?

17 A. I arrived at the police department -- it was
18 probably about 12:00, somewhere along in there I arrived
19 there. Mr. William Alexander, he was sitting in one of
20 our interview rooms, and Michael Beaty was sitting in
21 one of our other offices.

22 Q. Okay. So they were separated?

23 A. That's correct.

24 Q. Is that a common practice?

25 A. It is.

1 Q. At that point in the investigation, who were your
2 suspects?

3 A. They were our two suspects -- two primary suspects.
4 As a matter of fact, our only suspects.

5 Q. You were working this case. At that point, by the
6 time you get to the police department, what's the status
7 of the victim, E.A. Asbill, at that point?

8 A. It was my understanding that -- that at the time I
9 got there EMS was working on her, but it did not appear
10 that she was going to survive, so we were working off
11 the assumption that the victim had -- was deceased.

12 Q. Now you say that the Defendant -- and just for the
13 record, is Will Alexander in the courtroom?

14 A. He is.

15 Q. Where?

16 A. He's sitting there at the defense table.

17 **MR. STUMBO:** And, Your Honor, just for the record,
18 let the record reflect that Commander Roberts has
19 pointed out the Defendant.

20 **THE COURT:** I think Mr. Alexander's been identified
21 by two or three, so he's been sufficiently identified.

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

23 **BY MR. STUMBO:**

24 Q. Commander Roberts, what was your first interaction
25 with Will Alexander? What did you do?

1 A. I spoke to Will. He was -- like I said, he was in
2 our interview room. He was -- I had asked him if he was
3 okay, if he needed anything. He requested a cup of
4 water and if he could have a blanket. I told him, you
5 know, why I was there, that we were basically waiting
6 on SLED at that point to arrive on the scene to help us
7 with this investigation. I told him I was gonna go
8 ahead and Mirandize him, and that's what I did.

9 Q. Okay. And I'm gonna hand you what's already in
10 evidence as State's Exhibit Number 1.

11 **MR. STUMBO:** If I may approach the witness, Your
12 Honor?

13 **THE COURT:** You may.

14 BY MR. STUMBO:

15 Q. And is that the Miranda form you're referring to?

16 A. It is.

17 Q. Okay. And you read him his rights as they're listed
18 on the form?

19 A. I did.

20 Q. Did he ever exercise his right to an attorney during
21 this conversation?

22 A. He did not.

23 Q. Did he exercise his right to remain silent?

24 A. He did not.

25 Q. Okay. So he was willing to talk to you at that

1 point?

2 A. Yes, sir.

3 Q. You said you got him a blanket and made sure he was
4 comfortable?

5 A. Yes, sir. I went and got him something to drink and
6 I got him a blanket to cover up with.

7 Q. Okay. Did you ever yell at him or threatened him or
8 anything at that point in time?

9 A. No, I did not.

10 Q. Now after this first interaction where you execute
11 State's 1, the Miranda rights, and
12 Mr. Alexander, the Defendant, waives those rights,
13 what happened next?

14 A. We exchanged some conversation. He tells me that --
15 that he went to Mr. Simmons' house.

16 **MS. KENDALL:** Judge --

17 **THE COURT:** Subject to prior ruling. I've got it.
18 We're good.

19 **MS. KENDALL:** Thank you.

20 A. That he had arrived at Mr. Simmons' house, he had
21 rode with Michael and E.A., and that he really didn't
22 remember anything beyond that other than seeing the
23 crime scene tape and EMS personnel showing up. He did
24 say that all three of them were fine whenever they left
25 and he had no idea what had happened. I think he did

1 tell me that he -- he did not do anything to hurt her,
2 and that was basically the conversation we had. We were
3 kind of, like I said, in a holding pattern waiting on
4 SLED to get there before we get any further into the
5 investigation.

6 Q. Okay. He said he didn't remember anything happening
7 to her?

8 A. That's correct.

9 Q. Can you describe his -- this first conversation that
10 you had with Will Alexander? What's his demeanor at
11 that point?

12 A. He's calm, appeared to be sleepy. It appeared that
13 he was -- smelled of alcohol. It appeared that he was
14 intoxicated.

15 Q. Despite this smell of alcohol and apparent
16 intoxication, he appeared to understand your questions?

17 A. He did. He fully understood my questions. He did
18 not have any problem communicating to me. He answered
19 all my questions, gave me his information, such as his
20 name and date of birth, where he lived, how old he was,
21 all that stuff, so he knew what I was asking him.

22 Q. Did he tell you whether he had drank that night?

23 A. Yeah, he said he had drank a lot that night.

24 Q. And did he tell you where in the car he was sitting
25 during this car ride?

1 A. He stated that he was in the back seat of the car
2 and, if I'm not mistaken, in that interview he said that
3 he passed out or blacked out on the ride home from the
4 party to Mr. Simmons'.

5 Q. And the only thing he remembers is the crime scene
6 tape?

7 A. That's correct.

8 Q. And talking to EMS?

9 A. That's correct.

10 Q. Now that early morning hours -- during those early
11 morning hours at the police department, was the
12 Defendant further interviewed?

13 A. He was.

14 Q. Who was involved at that interview?

15 A. SLED agents arrived probably around 2:00, somewhere
16 along in there, and then Special Agent Collins and
17 Special Agent Harvey Ownes spoke with Mr. Alexander
18 after that.

19 Q. Okay. And were you in the interview room during
20 that interview?

21 A. No, I was not.

22 Q. Did you provide Agent Ownes and Agent Collins with
23 State's 1?

24 A. I did. I had actually briefed them when they
25 arrived what information we had and what was going

1 on and provided them with the Miranda form that
2 Mr. Alexander had signed and that's when they went in
3 and spoke with Mr. Alexander.

4 Q. Okay. Did -- what happened to Mr. Alexander? Where
5 did he go after he finished his interview with the SLED
6 agents?

7 A. He went home.

8 Q. Okay. Voluntarily? Did someone take him home or
9 did he drive?

10 A. No. I'm sorry. He voluntarily went home. We did
11 not take him home. If I'm not mistaken, his mother
12 picked him up.

13 Q. Now did he return to the police department at any
14 point here in the next twenty-four hours?

15 A. He did. He arrived back at the police department
16 somewhere in the area of 2:00.

17 Q. Okay. Was that at your request?

18 A. I didn't ask him and I'm not sure if somebody
19 on my investigation team had asked him to, but he
20 voluntarily came back.

21 Q. Okay. Now who interviewed him -- was he interviewed
22 when he came back to the police department?

23 A. He was.

24 Q. And who participated in that interview?

25 A. That interview was conducted by Detective Goggins.

1 Q. Okay. And that was mid afternoon. I'm gonna show
2 you what's been marked as State's 3 and what's in
3 evidence as State's 3. Have you seen that before?

4 A. Yes, sir, I have.

5 Q. Okay. And was that part of y'all's case file?

6 A. It is.

7 Q. That is the written statement that memorializes
8 Detective Goggins' interview?

9 A. It is.

10 Q. Okay. Thank you.

11 **THE COURT:** That's already been admitted.

12 **MR. STUMBO:** It is.

13 **THE COURT:** Subject to my prior ruling.

14 BY MR. STUMBO:

15 Q. Now during that interview, and you've had a chance
16 to review that -- let me move past that. You weren't in
17 the room at the time that interview was given, correct?

18 A. No, I was not.

19 Q. After this interview -- well, during the other
20 course of the evening and early morning hours into the
21 early afternoon on June 30th, did you ever speak with
22 Michael Beaty?

23 A. I did.

24 Q. Okay. You interviewed him as well?

25 A. That's correct.

1 Q. After Lieutenant Goggins takes this written
2 statement from William Alexander, where are you and your
3 other investigators in terms of how to proceed with this
4 case?

5 A. At that point in the investigation, we didn't have
6 -- we had all agreed that we needed to continue to speak
7 with Mr. Alexander and Mr. Beaty in an effort to get to
8 the truth of the matter because at that point
9 we had no idea or no reason or explanation as to what
10 caused Emily Asbill's death, so we continued our efforts
11 in speaking with Mr. Alexander and Mr. Beaty to try and
12 get to the truth of the matter.

13 Q. Okay. At that point, did you have the results of
14 the autopsy from Newberry?

15 A. We had the preliminary findings that -- that Emily
16 Asbill, E.A., that she had died from asphyxiation by
17 strangulation, so. We also knew that a ligature was
18 used in her manner of death and we also knew that she
19 had severe road rash.

20 Q. Let me stop you there. You said ligature marks or
21 ligature. What is that? What is ligature?

22 A. A ligature is an item used in the process of
23 strangling somebody. It can be anything used to wrap
24 around somebody's neck to strangle them.

25 Q. Okay. Do you have some evidence of ligature at this

1 point in the investigation?

2 A. Yes.

3 Q. Okay. Did you have pictures?

4 A. We had some photographs of what the ligature
5 indication or marks looked like.

6 Q. Okay. So at this point, the afternoon of June 30th,
7 you have evidence that E.A. Asbill had been strangled to
8 death by the autopsy report and the pictures, is that
9 what I hear you say?

10 A. That's correct.

11 Q. It did not appear that it was some kind of a suicide
12 or accident or that sort of thing at that point?

13 A. No, sir.

14 Q. Y'all were investigating it as a homicide?

15 A. That's correct.

16 Q. And what -- who were your suspects at that point?

17 A. Our suspects were William Alexander and Michael
18 Beaty.

19 Q. Okay. Why were they your two suspects?

20 A. Through their own admissions in speaking with us,
21 they admitted that --

22 **MS. KENDALL:** Objection; calls for hearsay.

23 **MR. STUMBO:** Let's limit it to based on
24 Mr. Alexander's statements.

25 **THE COURT:** Okay. Just let me rule on the record.

1 I sustain her objection. Rephrase and go ahead.

2 **MR. STUMBO:** I'll rephrase the question.

3 BY MR. STUMBO:

4 Q. Who had you receive statements from at that point?

5 A. We had received a statement from William Alexander.

6 Q. Okay. And you received a statement from Michael
7 Beaty?

8 A. That's correct.

9 Q. And you received statements from people at a party
10 they may have been at the night before?

11 A. That's correct.

12 Q. Okay. Based on the statements you had at the time,
13 who was with E.A. around the time that you believe that
14 she was killed?

15 A. William Alexander and Michael Beaty. And through
16 those statements, they were the only people that were
17 with her during that time.

18 Q. There was a party the day before, correct?

19 A. That's correct.

20 Q. That was -- the Laurens County investigators had
21 gone and interviewed those witnesses and worked that?

22 A. That's correct.

23 Q. That would have been out at Kyle and Rose Stewart's
24 house out in the county, correct?

25 A. That's correct.

1 Q. And the information you had was that the --
2 E.A. Asbill, Michael Beaty and William Alexander left
3 that party together, correct?

4 A. Correct.

5 Q. And who showed up at sometime
6 later?

7 A. William Alexander and Michael Beaty, they arrived at
8 , and Emily Asbill was found in the
9 vehicle at that address unresponsive.

10 Q. Okay. Will Alexander and Michael Beaty, they
11 knocked on the door at or rang the doorbell?
12 What did they do?

13 A. That's correct. Through the statements that we had
14 obtained, they had both went to the front door and
15 either rang the doorbell or knocked the door -- knocked
16 on the door and got the attention of Mr. Henry Simmons.
17 At that point Mr. Simmons was told --

18 **MS. KENDALL:** Objection.

19 **THE COURT:** All right. Sustained as to hearsay.

20 BY MR. STUMBO:

21 Q. And that's fine. At that point, you had three
22 people coming back to the house; is that correct?

23 A. That's correct.

24 Q. All right. Those three people were E.A. Asbill,
25 Michael Beaty, and Will Alexander, right?

1 A. That's correct.

2 Q. And who was still alive at this point?

3 A. William Alexander and Michael Beaty.

4 Q. And the other evidence you had from the autopsy and
5 the pictures you had was this young lady was strangled
6 to death sometime on June --

7 **MS. KENDALL:** Objection; leading.

8 **THE COURT:** Don't lead.

9 BY MR. STUMBO:

10 Q. What else did you have in terms of cause of death?

11 A. The cause of death was asphyxiation by
12 strangulation.

13 Q. Okay. So based on all that information we
14 just talked about, where were you and your other
15 investigators at this point in the investigation?

16 A. We were still searching for the -- we were not
17 getting to the truth of the matter. We had -- we had
18 all sat down and basically we had Mr. Alexander telling
19 us that he don't remember anything, he blacked out, so
20 it was our intention to continue to talk to him and ask
21 him questions and to try and find out what happened. We
22 were factfinding. That's kind of where we were in our
23 investigation. I mean, we were still actively pursuing
24 any and all information that we could gather.

25 Q. And just as a follow-up to that, the discussion

1 y'all had, did you believe it was a homicide at that
2 point?

3 A. Most definitely. It was definitely a homicide and
4 we were investigating the murder of E.A. Asbill.

5 Q. And you had two primary suspects at that point,
6 correct?

7 A. That's correct, two primary suspects.

8 Q. Had you been able to gather information about what
9 the relationships were and who Michael Beaty was
10 to E.A. Asbill?

11 A. Yes, sir. Through our investigations, we learned
12 that Michael Beaty and Emily Asbill were a couple; that
13 they had an abusive on-and-off relationship. Through
14 the investigation, we learned that whenever Lieutenant
15 Goggins first arrived on the scene Michael Beaty
16 conveyed to him that Emily Asbill was a cutter.

17 **MS. KENDALL:** Objection.

18 **THE COURT:** Sustained as to hearsay.

19 **MR. STUMBO:** Right.

20 BY MR. STUMBO:

21 Q. Now let me back up a second. What at that point did
22 you know about Will Alexander's relationship to Michael
23 Beaty? Who was Will, this Defendant, to Michael Beaty?

24 A. Will was best friends with Michael.

25 Q. Okay. And who -- and so did he have any other

1 relationship with E.A. outside of his friendship with
2 Michael?

3 A. No, he did not other than hanging out with them
4 through Michael is how William Alexander knew E.A.

5 Q. Okay. So you knew that Will Alexander and Michael
6 Beaty were good friends?

7 A. That's correct.

8 Q. You knew they were the only two with E.A. Asbill
9 when she was killed?

10 A. That's correct.

11 Q. So who would have been charged at that point if you
12 had no other information from anyone?

13 A. At that point in time, if we had not been able
14 to get any more information, at that very point we had
15 enough circumstantial evidence to charge both of them
16 with the murder. That's basically where we were.

17 Q. And that was the determination y'all made as a team
18 going forward; that at that point if you had no other
19 information given, then they both would be charged with
20 murder?

21 A. That's correct. We had all agreed that if we didn't
22 get any more information out of this case and William
23 Alexander continued to say I don't know, I don't
24 remember, I blacked out, then we were gonna charge him
25 with murder.

1 Q. Along with Michael Beaty?

2 A. Along with Michael Beaty.

3 Q. All right. Let's fast-forward then to 5:35 PM
4 on June 30th. Did you have occasion to interview the
5 Defendant again?

6 A. I did.

7 Q. I'll hand you what's already in evidence as State's
8 Exhibit 5.

9 **THE COURT:** That was admitted yesterday subject to
10 my ruling.

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

12 BY MR. STUMBO:

13 Q. Do you recognize State's 5?

14 A. I do. This is the voluntary witness statement that
15 I took from William Alexander at 6:17 PM.

16 Q. Okay. Was this given at the end of the interview
17 that had started sometime earlier?

18 A. Yes, sir.

19 Q. Now was William Alexander Mirandized again before
20 this interview?

21 A. He was. I Mirandized him.

22 Q. Okay. I'm gonna show you what's already been
23 admitted into evidence as State's Exhibit 4. Do you
24 recognize that?

25 A. I do.

1 Q. Is that your handwriting on that form?

2 A. The top portion, yes, where it identifies
3 Mr. Alexander by name and address, date of birth, that
4 type of thing.

5 Q. Did you read Mr. Alexander his rights yet again?

6 A. I did.

7 Q. You had already done it the night before in State's
8 1?

9 A. I did.

10 Q. At this time did he ever say he wanted a -- tell you
11 that he wanted a lawyer?

12 A. No, sir.

13 Q. Did he ever indicate that he wanted to stop the
14 interview, didn't want to talk anymore?

15 A. No, sir, he did not.

16 Q. Did you make him any promises if he'll talk to you?

17 A. No, I did not.

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

19 **THE COURT:** Yes, sir. That will be marked. If you
20 want to make a separate copy and keep it separate
21 exhibits, that's fine, too. We can do that.

22 **MR. STUMBO:** Mark this as State's --

23 **THE COURT:** Exhibit Number 1, which is the
24 Advisement of Rights form, that's been admitted subject
25 to my prior ruling. That way all the first seven are in

1 and I don't have to keep addressing that issue, okay?

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

3 **THE COURT:** And now this one has not been.

4 **MR. STUMBO:** I just want to make sure it was
5 properly marked for purposes of this hearing.

6 **THE COURT:** Hang on one second.

7 (State's Exhibit Number 49 was marked for
8 identification.)

9 **THE COURT:** Let me tell the jury. I told y'all we
10 had some preliminary hearings. Everything we talked
11 about in the preliminary hearings was marked for that
12 hearing and then they're kind of being remarked and
13 we've got numbers that -- Ms. Johnson does an excellent
14 job of keeping track of it, and she and I are trying to
15 keep on the same page and keep the lawyers on the same
16 page as far as the numbering, and so that's what I'm
17 trying to demonstrate just so y'all know.

18 **MR. STUMBO:** Ready?

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

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

22 **THE COURT:** You may.

23 BY MR. STUMBO:

24 Q. Ms. Roberts, this has been premarked for ID as
25 State's 49. Did you audio-record this particular

1 interview with Mr. Alexander?

2 A. I did.

3 Q. Okay. What did you audio-record it with?

4 A. I recorded it with my iPhone.

5 Q. Okay. And is this a full recording of the entire
6 interview that you captured with your iPhone?

7 A. It's the complete recording that I have; however,
8 unbeknownst to me, whenever a phone call came in to me,
9 my recording stopped. I didn't know that was happening;
10 otherwise, we would have the complete interview. So
11 midway during that interview I received a phone call and
12 my recording stops.

13 Q. Okay. So when an incoming call comes in, whether
14 you answer that call or not, it stops the recording
15 portion of your iPhone?

16 A. That's correct, and I didn't know that at that time.

17 Q. Later on after the interview you retrieve off the
18 iPhone a partial recording of this interview?

19 A. Yes, sir, the recording that I started and it had
20 stopped whenever I received the call.

21 Q. Okay. Does it capture you giving the Defendant some
22 Miranda rights again?

23 **MS. KENDALL:** Objection.

24 A. Yes, sir, it does.

25 **MR. STUMBO:** Okay. Judge, we'll publish it at this

1 time if there's no objection.

2 **MS. KENDALL:** Subject to the previous objection.

3 **THE COURT:** Subject to previous objection because
4 that one hasn't been addressed. That's State's 49 for
5 purposes of this trial.

6 (State's Exhibit Number 49, CD of iPhone recording,
7 was admitted into evidence.)

8 **MR. STUMBO:** State's 49 we would go ahead and
9 publish at this time, Judge. I believe it's about
10 roughly thirty minutes.

11 **THE COURT:** If y'all want a piece of candy, get you
12 some.

13 **MS. McNEILL:** Judge, briefly can we take about a
14 five-minute break?

15 **THE COURT:** Sure. Because Mr. Scott had to step
16 out, too. All right. Y'all want to sit in here or
17 y'all want to step in the back? I can stand at ease and
18 y'all can sit here or y'all can step to the back.

19 I'm gonna step off. Y'all step into the jury room
20 real quick. That will be easier. You can't discuss the
21 case.

22 (Whereupon, the jury retires to the jury room at
23 9:50 AM.)

24 **BAILIFF:** Keep your seats and come back to order.

25 **THE COURT:** All right. Bring them on in.

1 **MR. STUMBO:** Your Honor, as long as Mr. Scott
2 can -- can come in the back door, he's gonna be bringing
3 some exhibits in that we're gonna put in through this
4 witness. He's sorting them out.

5 **THE COURT:** If he creates -- outside of his
6 presence, him not in here, if he creates a distraction,
7 I'm gonna hold him in contempt.

8 **MR. STUMBO:** Okay. You want me to send him a text
9 and tell him that?

10 **MS. McNEILL:** Judge, we would prefer as to those
11 exhibits he go ahead and get set up before the jury
12 comes in. I just don't want --

13 **THE COURT:** No, he's not setting anything up with
14 the jury here. He can bring something in, but he's not
15 gonna set anything up while the tape's going. No.

16 **MR. STUMBO:** Yeah, that's not our intention. I just
17 need him to get back in here to hand them to me so I can
18 properly examine this witness.

19 **THE COURT:** Okay. But we're not changing
20 contraptions or putting up easels and that kind of
21 nonsense while listening to the tapes. That's a
22 distraction. I'm not doing that.

23 **MR. STUMBO:** Yes, sir. Understood.

24 (Whereupon, the jury returns to the courtroom at
25 9:56 PM.)

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

2 **THE COURT:** All right. We're about to play an
3 audio. Mr. Andrews.

4 (Whereupon, State's Exhibit Number 49, an
5 audio recording, was played for the Court and jury
6 commencing at 9:57 AM and concluding at 10:30 AM.)

7 BY MR. STUMBO:

8 Q. Commander Roberts, right there where it cuts out,
9 is that when you get an incoming call?

10 A. That's correct.

11 Q. And it cuts your iPhone off?

12 A. That's correct.

13 Q. If it had ended there and you didn't get any other
14 information, was it true that both Michael Beaty and
15 Will Alexander would have been charged with murder?

16 A. Absolutely. If he would have stopped that interview
17 either by asking for a lawyer or just saying, you know,
18 I'm done, I'm not gonna talk with you anymore, I want to
19 leave, he would have been charged with murder. That was
20 a certainty.

21 Q. So you weren't lying to him or misleading him when
22 you told him what we just heard?

23 A. No, no.

24 Q. And the interview continued on despite the fact that
25 the iPhone was disengaged by the call?

1 A. It did. Shortly after the recording stopped,
2 Mr. Alexander, he gave us some additional details by
3 saying that Michael Beaty had come up to him when he was
4 standing in the garage smoking a cigarette and told him
5 that he thought he might have ended her life.

6 Q. Okay. Did he give any other details at that point?
7 That's the first time he said I did see something?

8 A. That's correct. That's the first time this has ever
9 come up in any of my discussions.

10 **THE COURT:** And that's admitted subject to my prior
11 ruling.

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

13 BY MR. STUMBO:

14 Q. And he said he saw Michael Beaty get on top of her?

15 A. I think that was in a later statement.

16 Q. Okay. State's Number 5, which has already been
17 admitted into evidence, this is the written statement
18 that he gives with his own handwriting, correct?
19 State's 5 already in evidence.

20 A. That's correct, he did.

21 Q. Okay. The reason I ask that question is, was that
22 you that witnessed that statement?

23 A. Yes, sir. This is my signature and dated
24 6-30-2013.

25 Q. Okay. Who else was there?

1 A. Mr. Alexander and Special Agent Collins.

2 Q. All right. And that was the other voice we heard on
3 the tape?

4 A. That's correct.

5 Q. That's Agent Collins, the tall, African-American
6 agent who testified yesterday?

7 A. Yes, sir.

8 Q. What did he write on the page for y'all at that
9 point? Can you read that for the jury?

10 A. Michael Beaty said to me "I think I messed up. I
11 may have ended her life". I was standing in the garage
12 smoking a cigarette when he said this and I told him we
13 needed to call 9-1-1. Then we got Henry and Henry went
14 and checked on her and then I remember the tape around
15 the car, and that was his statement.

16 Q. Okay. And that was what time again?

17 A. At 6:17 PM on the 30th.

18 Q. Okay. Now was the Defendant interviewed subsequent
19 to this statement by other agents that
20 night?

21 A. Yes, sir. After he wrote that statement for
22 us, we asked him if he would be willing to speak with
23 another investigator. He said yes and he did so. He
24 spoke to Special Agent Rick Charles after that
25 interview.

1 Q. And that was the gentleman with the mustache from
2 SLED that we heard from yesterday?

3 A. That's correct.

4 Q. That's Agent Charles. Did he speak with anybody --
5 any other agents that night?

6 A. Yes, sir. After speaking with Rick Charles,
7 Will had asked to go and talk to some more investigators
8 and he finished up with Special Agent Charles and then
9 Lieutenant Goggins took another statement from him.

10 Q. And that's the final statement that y'all get as an
11 investigative team, which is already in evidence as
12 State's Exhibit Number 7?

13 A. That is correct.

14 **MR. STUMBO:** If I may approach, Your Honor?

15 **THE COURT:** Yes.

16 **THE WITNESS:** That's correct.

17 BY MR. STUMBO:

18 Q. That's a more detailed statement. That's two pages
19 there?

20 A. This is a two-page statement. The top's filled out
21 by Lieutenant Goggins and witnessed by Mr. Cheek, who's
22 with the Laurens County Sheriff's Department, and then
23 it's signed by William Alexander and dated on the 30th.

24 Q. Now based on -- fast-forward to the next day,
25 July 1st, did your department bring charges in this

1 homicide investigation?

2 A. The following day, yes, sir, we brought charges
3 against Michael Beaty and William Alexander.

4 Q. Okay. What was Michael Beaty charged with?

5 A. Michael Beaty was charged with the murder of Emily
6 Asbill.

7 Q. And Michael Beaty was Emily Asbill's boyfriend,
8 correct?

9 A. That's correct.

10 Q. And what was this Defendant, Will Alexander, charged
11 with?

12 A. Mr. Alexander, he was charged with accessory after
13 the fact to murder.

14 Q. Okay.

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

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

17 BY MR. STUMBO:

18 Q. Now Commander Roberts, did you collect any physical
19 evidence from these two suspects?

20 A. Yes, sir, I did. I had obtained some DNA samples
21 from both Michael Beaty and William Alexander.

22 Q. Okay. You say samples. How did you do that? As
23 law enforcement, what do you do when you take a sample
24 from somebody?

25 A. It's basically a large Q-tip and I'll hand them

1 a Q-tip and have them stick it in their mouth, stroke it
2 around, and then take that Q-tip from them and put it a
3 container and seal it up.

4 Q. Okay. So you took swabs from both this Defendant,
5 Will Alexander, and from Michael Beaty?

6 A. Can I see that? Because I want to make sure that --

7 **MR. STUMBO:** If I may approach the witness, Your
8 Honor.

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

10 **MR. STUMBO:** If I may pre-mark these for ID, Judge,
11 at this time. I believe, Judge, this will be 50 and 51.

12 (State's Exhibit Numbers 50 and 51 were marked for
13 identification.)

14 BY MR. STUMBO:

15 Q. I'm gonna hand you back these two packets, which
16 have now been marked for ID as State's 50 and 51. Did
17 you collect those standards and seal them up in the bag?

18 A. I did.

19 Q. Did anybody else have a hand in that, in putting the
20 swabs in the bag after taking it from their cheeks?

21 A. After I collected them from Mr. Alexander and Will
22 {sic}, they directly handed them to me and then I sealed
23 them up and nobody else had any interaction with the
24 sample at that point.

25 Q. And you took both of these on June 30th, I believe?

1 A. That's correct.

2 Q. Okay. Who did you turn these over to in the chain
3 of custody at that time?

4 A. I handed the samples -- or I turned over the samples
5 to the SLED agent with the crime scene team. I want to
6 say it Vicki Hallman at that point.

7 Q. Vicki Hallman from SLED?

8 A. That's correct. She was one of the individuals that
9 came down for the forensic crime scene.

10 Q. So you handed them directly to her?

11 A. I did.

12 Q. And then at some point after they were analyzed at
13 SLED, they come back to your custody at the police
14 department?

15 A. That's correct. I actually picked it up from SLED
16 and then brought it and put it in our evidence storage.

17 Q. Okay. In all of that time has anybody else had --
18 altered, amended or added anything to these buccal
19 swabs?

20 A. No, sir.

21 Q. Okay. They've been in your possession until you
22 brought them here this week for court?

23 A. That's correct.

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

25 **THE COURT:** All right.

1 **MR. STUMBO:** No further questions at this time.
2 Commander Roberts, please answer any questions the
3 defense may have for you.

4 **THE COURT:** Let's take a break first. This would be
5 a good time to do that.

6 All right, folks. This is the longer break, so
7 we'll take about fifteen minutes. Y'all step in the
8 jury room. If you want to step outside, you may. You
9 can't discuss the case. We'll see you back in a few
10 minutes.

11 (Whereupon, the jury retires to the jury room at
12 10:42 AM.)

13 **THE COURT:** All right, folks. By the clock to
14 my right, I'm gonna be back on the bench at 11:00. So
15 that's a little longer than fifteen minutes. That's so
16 everybody can get in and out.

17 (Recess taken.)

18 **THE COURT:** All right. Is the State ready?

19 **MR. STUMBO:** We're ready.

20 **THE COURT:** Ms. Kendall, are you ready?

21 **MS. KENDALL:** We're ready.

22 **THE COURT:** All right. Bring in the jury, please.

23 (Whereupon, the jury returns to the courtroom at
24 11:02 AM.)

25 **BAILIFF:** All the jurors are present, Your Honor.

1 **THE COURT:** All right. Ms. Kendall.

2 CROSS-EXAMINATION

3 BY MS. KENDALL:

4 Q. Absolutely. That was a certainty. Those were your
5 words, weren't they, Commander Roberts previously; that
6 both Will Alexander and Michael Beaty would be charged
7 with murder, right?

8 A. That's correct. I said that.

9 Q. So essentially no matter what Will Alexander told
10 you, Michael was already gonna be charged with murder,
11 right?

12 A. Rephrase that, please, or --

13 Q. Let me put it back in your words. Absolutely, that
14 was a certainty, that both boys would have been charged
15 with murder, right?

16 A. Yes, had we not gotten any other information.

17 Q. What you testified earlier was that was what you had
18 already decided prior to talking to Will at that point?

19 A. No, a decision had not been made.

20 Q. What you testified earlier was that you already had
21 probable cause to charge them both?

22 A. That's correct, we did.

23 Q. So Michael was gonna be charged with murder no
24 matter what, correct?

25 A. That's correct.

1 Q. Okay. So essentially no matter what Will said,
2 Michael's situation was never gonna change?

3 A. No, ma'am.

4 Q. Again, you already said that he was gonna be charged
5 with murder no matter what, right?

6 A. Michael Beaty, yes.

7 Q. Yes. So if Will had been silent, Michael still
8 would have been charged with murder?

9 A. That's correct.

10 Q. So what he said didn't matter; you already made
11 a decision regarding Michael. At this point you were
12 trying to figure out what to charge Will with, correct?

13 A. We were trying to get to the truth of the matter.

14 Q. Okay. Speaking of the truth, wouldn't you agree
15 with me that previously when you testified in this case
16 that you said Michael Beaty was your primary suspect?

17 A. That's correct, he was. We felt like Michael Beaty
18 killed Emily Asbill.

19 Q. And that was something you felt early on?

20 A. That's correct.

21 Q. And that was because you previously testified that
22 Michael was covered in blood that night, correct?

23 A. That's correct.

24 Q. And that you had knowledge that he had a tumultuous
25 relationship with E.A.?

- 1 A. That's correct.
- 2 Q. And that the forensics and the motive was Michael's?
- 3 A. That's correct.
- 4 Q. And you hadn't --
- 5 **THE COURT:** A little slower.
- 6 **MS. KENDALL:** Okay. I apologize.
- 7 **THE COURT:** You're going quite fast.
- 8 BY MS. KENDALL:
- 9 Q. What I want to discuss at this point is primary
- 10 suspect, Commander Roberts. Michael had the motive,
- 11 correct?
- 12 A. That's correct, he did.
- 13 Q. He had the forensics, correct?
- 14 A. That's correct.
- 15 Q. And you knew that pretty much immediately in this
- 16 case, correct?
- 17 A. That's correct.
- 18 Q. Okay. And no matter what Will said, he was always
- 19 gonna be charged with murder?
- 20 A. That's correct.
- 21 Q. And from the get-go of this case you knew how
- 22 serious it was?
- 23 A. Yes, ma'am.
- 24 Q. Every murder case is serious?
- 25 A. Yes, ma'am.

1 Q. And any time there's a suspicious death it's
2 serious, correct?

3 A. Yes, ma'am.

4 Q. And immediately from the get-go you had three
5 different law enforcement agencies involved, correct?

6 A. Yes, ma'am.

7 Q. The State Law Enforcement Division, your office, the
8 Clinton Police Department, and the sheriff's office,
9 correct?

10 A. That's correct.

11 Q. Part of the reason that you had this
12 all-hands-on-deck approach was because of how serious
13 it was?

14 A. That's not the only reason.

15 Q. That is a good reason why?

16 A. It's a factor in it, yes, ma'am.

17 Q. Okay. And probably another factor is that with
18 these different agencies you could pool your resources
19 together, correct?

20 A. They would assist us, yes.

21 Q. Okay. They would have assisted you in any way
22 possible, correct? You had asked for it?

23 A. That's correct.

24 Q. Okay. And throughout this assistance, y'all
25 communicated with each other, correct?

1 A. That's correct.

2 Q. And that at different points, especially these first
3 three days that we've heard mostly about in this case,
4 they were all involved, correct?

5 A. All agencies?

6 Q. Yes.

7 A. Yes.

8 Q. On the night of, there were members from the
9 sheriff's office, SLED, and your department on-scene,
10 correct?

11 A. That's correct.

12 Q. And at the Clinton Police Department the next day
13 when Will was being questioned, all three agencies were
14 present, correct?

15 A. That's correct.

16 Q. And the next day when there was a ride-along, all
17 three agencies were present, correct?

18 A. That's correct.

19 Q. And isn't it safe to say, especially when you were
20 talking earlier about this meeting prior to the
21 recording that you were gonna charge both of them, that
22 you had probable cause, that all of the agencies had
23 collaborated at that time, y'all had shared information?

24 A. A majority of them. I can't say that every single
25 one of them was in that meeting.

1 Q. But if there was any extremely important
2 information, it would have been discussed in that
3 meeting?

4 A. That's correct.

5 Q. Okay. So you were aware at that time what other
6 agencies knew, correct?

7 A. For the most part, yes, ma'am.

8 Q. During that meeting when y'all were discussing
9 probable cause prior to the recording, Detective Goggins
10 was present, correct?

11 A. Yes, ma'am.

12 Q. During that meeting was it not communicated to you
13 that Beaty told him the night before "you can bury me
14 for this, it's all my fault, and I will take the blame"?

15 A. No, that was not discussed.

16 Q. That wasn't communicated to you?

17 A. No, ma'am.

18 Q. Okay. Throughout this investigation as lead
19 investigator you've been in touch with Tyrone quite a
20 bit, correct?

21 A. That's correct.

22 Q. And y'all have had the opportunity to review each
23 other's reports, correct?

24 A. That's correct.

25 Q. Have you had the opportunity to review that?

1 (Hanging.)

2 A. Yes, ma'am.

3 Q. So during that meeting, wouldn't it be correct that
4 Tyrone Goggins told you --

5 **MR. STUMBO:** Your Honor, I think it's competing
6 witnesses. Objection.

7 **MS. KENDALL:** Judge, it goes to their investigation.
8 There's been a lot of discussion and she's testified
9 about what was discussed, if I recall correctly.

10 **THE COURT:** All right. I don't want her to comment
11 on what the deputy -- the other testimony is. You can
12 characterize your question without doing that
13 to her.

14 **MS. KENDALL:** And, Judge, just for the record, the
15 portion that I'm wanting to have -- the objection
16 you've ruled on is if that was through the course of
17 her investigation, she would have known.

18 **THE COURT:** Okay.

19 BY MS. KENDALL:

20 Q. But, again, in that meeting Michael was the primary
21 suspect?

22 A. That's correct. We felt very strongly that Michael
23 killed E.A.

24 Q. Okay. As far as the thirty-minute recording that we
25 just listened to, throughout that recording you would

1 agree with me that you and Agent Collins told Will that
2 Michael was already arrested?

3 A. That's correct, we did.

4 Q. And throughout that thirty-minute investigation --
5 or, excuse me, conversation, you were talking about the
6 murder, correct?

7 A. Yes, ma'am.

8 Q. So it's safe to assume that Michael thought Will had
9 already been -- excuse me -- that Will could safely
10 assume that Michael had already been charged with
11 murder, correct?

12 A. I can't comment to what he thought.

13 Q. Okay. But you told him repeatedly that Michael had
14 already been arrested?

15 A. Probably so, yes, ma'am.

16 Q. And you're talking about murder, correct?

17 A. Yes, ma'am.

18 Q. And in your own words, your arrest warrants were
19 gonna read the same, murder, correct?

20 A. I said that in the conversation, yes, ma'am.

21 Q. So it's safe to assume that Will thought Michael was
22 already arrested for murder?

23 A. Again, I can't say.

24 Q. Throughout the recording you and Agent Collins were
25 essentially trying to refresh Will's memory, correct?

1 A. No, ma'am.

2 Q. Did you not tell him the facts that y'all learned
3 the next morning, correct?

4 A. Yes, that was discussed.

5 Q. And he wasn't disagreeing with you, he was just "I
6 don't know", correct?

7 A. That's what he was saying, yes, ma'am.

8 Q. And you would agree with me he told you "yeah, I
9 think so. In fact, Tyrone Goggins said I told him last
10 night Beaty said he messed up", correct?

11 A. He said that, yes, ma'am.

12 Q. So y'all already had the information that the night
13 previously Will had told law enforcement Beaty said
14 something to the effect that "I think I messed up",
15 correct?

16 A. I didn't have any information at the time.

17 Q. So throughout this meeting that was just never
18 communicated to you?

19 A. It was chaos.

20 Q. Do you and Tyrone Goggins have a lot of
21 communications problems?

22 A. No, ma'am.

23 **MR. STUMBO:** Your Honor, objection to that. I don't
24 think that's an appropriate question.

25 **THE COURT:** I'll sustain the objection. Rephrase

1 it.

2 BY MS. KENDALL:

3 Q. Would it be normal for Tyrone Goggins to not tell
4 you pertinent information?

5 A. No, ma'am, not --

6 Q. You would agree that would be pertinent information?

7 A. Yes, ma'am.

8 Q. You would agree with me that in Mr. Alexander's
9 case, you were the only officer that had forethought to
10 record anything, correct?

11 A. I tried to, yes, ma'am.

12 Q. And part of that I'm assuming, and correct me if I'm
13 wrong, is that the recording later could be played for a
14 jury so they could hear with their own ears what you
15 said and exactly what Will said?

16 A. Absolutely.

17 Q. And you recorded it with your iPhone, correct?

18 A. Yes, ma'am.

19 Q. You would agree with me that the police department
20 has other ways of recording statements, correct?

21 A. We don't have an interview room --

22 Q. You don't have --

23 A. -- with audio recordings.

24 Q. So you have no other ways of recording anything?

25 A. Nothing that we -- we use, no, ma'am.

1 Q. Oh. You make DUI arrests at the Clinton Police
2 Department, correct?

3 A. That's correct.

4 Q. You'd agree with me that in any standard DUI that
5 there's at least two videos being made, correct?

6 A. That's correct.

7 Q. So for a misdemeanor charge you can create two
8 videos, but not for an investigation of a murder?

9 A. Well, those video recording devices, number one,
10 one's in a patrol car and, number two, one is set up
11 in a specialized room for -- it's hooked up to a SLED
12 DataMaster and it's only activated when we administer
13 like a BA test.

14 Q. But for a charge that simple you need two videos,
15 correct?

16 A. That's what the law wants, yes, ma'am.

17 Q. And you're not the only person in the police
18 department that has an iPhone, correct?

19 A. No, ma'am.

20 Q. So you're telling me that the Clinton Police
21 Department -- you've been there fifteen years --

22 A. Yes, ma'am.

23 Q. -- has never recorded a statement in any other case
24 other than use through an iPhone?

25 A. No, ma'am, I can't say that. We've recorded

1 statements.

2 Q. How were those statements recorded?

3 A. I think on occasion we've utilized a videocamera.

4 Q. You couldn't utilize one in this case or you chose
5 not to?

6 A. Honestly, we didn't think to did so. Or I didn't
7 think to do so.

8 Q. But you did think to record this statement, correct?

9 A. I did.

10 Q. So Tyrone Goggins or any of the other members of law
11 enforcement just didn't think to do so?

12 A. Commonly we don't interview -- I mean, record
13 interviews.

14 Q. Really?

15 A. It's not an every day practice on every case.

16 Q. So it's not an every day practice to preserve the
17 evidence for a jury?

18 A. That's not what I'm saying.

19 Q. You did agree with me that that would be the best
20 thing for the jury to hear so there's no distinction
21 between what you said and what Will Alexander said,
22 correct?

23 A. In my opinion, absolutely an audio recording would
24 be the best thing for a jury to hear.

25 Q. Okay. You did agree earlier that you had three

1 different law enforcement agencies involved, correct?

2 A. That's correct.

3 Q. You would be aware that, if you had asked, anyone
4 from the sheriff's office would have given you a body
5 camera, correct?

6 A. I suppose so. The thought didn't cross my mind.

7 Q. So you didn't ask?

8 A. No, ma'am.

9 Q. Or that the sheriff's office has a continuously
10 running interview room and you could have gone over
11 there. You never asked that, right?

12 A. Honestly, I didn't know they had it -- had that,
13 what you're speaking of.

14 Q. So either you didn't know or just didn't ask, but
15 you could record this one statement, correct?

16 A. Yes, ma'am, I tried to.

17 Q. But you didn't record the statement at 1:20 in the
18 morning, did you?

19 A. No, ma'am, I didn't.

20 Q. You had the capacity at that time to record it,
21 correct?

22 A. Yes, ma'am, I did.

23 Q. In fact, you recorded Michael Beaty's statement that
24 morning, correct?

25 A. Yes, ma'am, I did.

1 Q. So you recorded Michael's, but not Will's?

2 A. That's correct.

3 Q. And as far as what you did with Michael, since
4 he was the primary suspect, he stayed until 7 AM that
5 morning, correct?

6 A. Michael, yes, ma'am.

7 Q. And came back at 11 AM, correct?

8 A. Yes, ma'am.

9 Q. And your agency contacted someone to bring him back,
10 correct?

11 A. Contacted someone to bring Michael back?

12 Q. Yes.

13 A. Yes, ma'am.

14 Q. So he stayed longer and came back earlier than Will
15 ever did, correct?

16 A. That's correct.

17 Q. That's because he was the primary suspect?

18 A. Yes, ma'am.

19 Q. And the 11 AM, that was shortly after the autopsy
20 was done, correct?

21 A. Yes, ma'am.

22 Q. So when y'all found out, y'all immediately got
23 Michael back in?

24 A. Yes, ma'am, as quick as we could.

25 Q. And since then, since Michael came back that day,

1 he's never left custody, correct?

2 A. No, ma'am.

3 Q. Never gone home because he was charged with murder,
4 correct?

5 A. Yes, ma'am, he was charged with murder.

6 Q. And that was a decision you basically already made
7 after your meeting for probable cause, correct?

8 A. Say that one more time, please.

9 Q. The meeting that you had discussed previously on
10 direct, you had already decided there was probable cause
11 to charge both of them with murder?

12 A. Yes.

13 Q. And just because someone's arrested y'all continue
14 to investigate, correct?

15 A. That's correct.

16 Q. You're still trying to find what's out there,
17 correct?

18 A. Yes, ma'am.

19 Q. And earlier you testified that since this was
20 so serious that you had three agencies involved,
21 immediately y'all treated this as a crime scene?

22 A. Yes, ma'am.

23 Q. Immediately started preserving the evidence?

24 A. Yes, ma'am.

25 Q. I believe the car was towed that night?

1 A. That's correct.

2 Q. Nothing was lost from it?

3 A. No, ma'am.

4 Q. Pictures were taken?

5 A. Yes, ma'am.

6 Q. Everything was well-documented that night?

7 A. Yes, ma'am.

8 Q. So nothing would have been lost as a result of that,
9 correct?

10 A. No, ma'am.

11 Q. You had the capacity on the 30th to take a swab,
12 correct, DNA, from Mr. Alexander?

13 A. That's correct.

14 Q. You also had the capacity to do a blood draw, if you
15 wanted to, to determine BA or drug use, correct?

16 A. I think we could possibly do that, yes, ma'am.

17 Q. You didn't do that?

18 A. No, ma'am, we did not.

19 Q. Okay. And you previously testified that when
20 you talked to him the first night around 2 AM, what you
21 didn't record, that he was drunk, correct?

22 A. Yes, ma'am.

23 Q. That you gave him a blanket and you previously
24 testified he was kind of passing in and out, correct?

25 A. That's correct.

1 Q. That he smelled of alcohol, correct?

2 A. Yes, ma'am.

3 Q. He had bloodshot eyes, correct?

4 A. Yes, ma'am.

5 Q. That if he had tried to drive there or drive home,
6 you wouldn't have let him, you would have charged him
7 with a DUI?

8 A. That's correct.

9 Q. And if you'd charged him with a DUI, you'd have had
10 two videos, right?

11 A. Yes, ma'am.

12 Q. So the scene was already secure and by the middle of
13 the next day after this meeting you already knew Michael
14 was gonna be arrested, correct?

15 A. It was an inevitability, yes, ma'am.

16 Q. A certainty is what, I believe, you testified
17 earlier.

18 A. Yes, ma'am. For Michael, yes, ma'am.

19 Q. And Will voluntarily stayed at the department?

20 A. He did. He voluntarily came back and he stayed at
21 the police department.

22 Q. And he voluntarily gave you DNA, correct?

23 A. Yes, ma'am.

24 Q. And, again, at the point of this recorded interview,
25 no matter what Will said, you were gonna charge Michael

1 no matter what?

2 A. That's correct.

3 **MS. KENDALL:** No further questions.

4 **THE COURT:** Redirect.

5 **MR. STUMBO:** Thank you, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. STUMBO:

8 Q. Commander Roberts, Mr. Alexander could have said
9 anything in this interview you had with him, right?

10 A. Yes.

11 Q. If he confessed to the murder or confessed to
12 killing E.A., you wouldn't have charged Michael Beaty
13 with murder, would you?

14 A. That's true, and I wasn't thinking of that whenever
15 I answered her question.

16 Q. But at the time before you go into that interview,
17 the evidence you have is enough to charge both of them
18 with murder?

19 A. Yes, we had enough evidence to charge both of them
20 at that time.

21 Q. And you conveyed that information to him in that
22 interview?

23 A. Yes. We felt like he needed to know what charges he
24 was facing.

25 Q. Now this question asked about DUI cases. Doesn't

1 the law require law enforcement to have in-car video and
2 video in the breathalyzer room?

3 A. That's correct. The law requires for those
4 components to be in place.

5 Q. If you don't have those, the DUI cases get thrown
6 out, right?

7 A. Yes.

8 Q. And many of them do?

9 A. Yes.

10 Q. The law doesn't require you to video and audio every
11 interview you do with every suspect, does it?

12 A. No, it does not.

13 Q. But despite the fact that you weren't required by
14 law to do any of that, we just listened to an audiotape
15 that you attempted to record with your phone, right?

16 A. That's correct.

17 Q. And inadvertently with a call coming in, it cut off,
18 right?

19 A. Yes.

20 Q. You didn't intentionally cut it off?

21 A. No.

22 Q. And the law doesn't require you to do even that?

23 A. That's correct.

24 Q. But you did?

25 A. Yes, sir.

1 Q. In the statements we've been -- they're already into
2 evidence, I believe it's -- the statements are three,
3 five and seven, State's Number 3, State's Number 5 and
4 State's Number 7, those were Will Alexander writing
5 those in his own handwriting, correct?

6 A. That's correct.

7 Q. So it's not y'all writing down something on the page
8 and making it up for him?

9 A. No, sir.

10 Q. Those were his words?

11 A. Those were his words.

12 Q. Would it change the fact if his handwriting was
13 audio-recorded?

14 A. I'm sorry?

15 Q. If you had audio-recorded it, that wouldn't change
16 the fact that this is his handwriting, would it?

17 A. No, it would not.

18 Q. Ms. Kendall asked you at that point -- she said
19 there's no forensic evidence at this point when y'all
20 were in a meeting about the case. Did you have the
21 autopsy preliminary findings at that point?

22 A. We knew that E.A. had been asphyxiated by
23 strangulation, so we did know that.

24 Q. And that's forensic evidence, correct?

25 A. Yes. Yes.

1 Q. How about ligature marks?

2 A. Yes, we were made aware of the ligature marks and
3 the injuries that she had sustained.

4 Q. And those were --

5 A. We did have -- we did have that information.

6 Q. And those were documented at the hospital?

7 A. That's correct.

8 Q. Before she even left the hospital and was taken for
9 her autopsy?

10 A. That's correct.

11 Q. You had all that information at the time before you
12 go in and interview William Alexander at 5:35 PM?

13 A. Yes, sir.

14 **MR. STUMBO:** No further questions, Your Honor.

15 **THE COURT:** Ms. Kendall.

16 **RE CROSS EXAMINATION**

17 **BY MS. KENDALL:**

18 Q. The law doesn't require you to do your job to your
19 fullest, but you certainly try to, don't you?

20 A. Yes, ma'am.

21 Q. And you thought in this case it was important enough
22 to record so eventually if it went to a jury they could
23 hear what was said, correct?

24 A. Yes, ma'am.

25 Q. But you didn't do it every time in this case?

1 A. No, ma'am, I did not.

2 Q. Who called you when the phone cut off?

3 A. I'm sorry?

4 Q. You said someone -- you had an incoming call. Who
5 called you?

6 A. I couldn't tell you. So much was going on that
7 night, I couldn't tell you at that specific time who
8 called.

9 Q. And you didn't think to try to start the phone
10 later?

11 A. No, ma'am, I didn't.

12 Q. And no phone call barred you from trying to record
13 on the previous night?

14 A. To be honest with you, I -- I wasn't aware at that
15 time that that was what was going on with my phone.

16 Q. To answer my question, it wouldn't have barred you
17 from the prior night to record the statements because
18 you recorded Michael Beaty's statement?

19 A. I'm sorry, I don't understand the question.

20 Q. A phone call coming in --

21 A. Yes, ma'am.

22 Q. -- it wouldn't have stopped you from recording a
23 statement in the early morning hours of the 30th since
24 you were clearly able to record Michael Beaty's,
25 correct?

1 A. It would have stopped that recording.

2 Q. You didn't have a recording to be stopped, correct?

3 A. I did with Michael Beaty, yes, ma'am.

4 Q. But not with Will?

5 A. No, ma'am.

6 **MS. KENDALL:** Okay. No further questions.

7 **THE COURT:** All right. You may step down,
8 Commander.

9 **THE WITNESS:** Thank you.

10 (Witness excused.)

11 **MR. SCOTT:** The State calls Vicki Hallman.

12 VICKI HALLMAN,

13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SCOTT:

16 Q. Good morning, Ms. Hallman.

17 A. Good morning.

18 Q. Okay. You're a special agent with SLED?

19 A. Yes, sir, I am.

20 **THE COURT:** Could say she her name again? I'm
21 having trouble when they call out there. Y'all have not
22 been -- I'd like to hear her name.

23 **THE WITNESS:** Vicki Hallman.

24 BY MR. SCOTT:

25 Q. Vicki, how long have you been with SLED?

1 A. I've been with SLED since April of 2004, so
2 approximately ten years.

3 Q. And what are your primary duties as a SLED agent?

4 A. I'm a senior agent assigned to the crime scene
5 latent prints unit.

6 Q. What's that mean?

7 A. Basically the crime scene unit is -- SLED, as a
8 whole, is an assisting agency. We assist local law
9 enforcement agencies in the investigation of crime
10 scenes. We have been called to work anything from a
11 burglary up to a homicide. My job specifically, and
12 the other people in my unit, is to actually process
13 the crime scene for evidence and usually to take that
14 evidence back to SLED and log it into the different
15 departments for examination.

16 Q. Okay. And on the night of June 30, 2013 -- or,
17 I guess, the early morning hours, however you want to
18 put it, did you have occasion to respond to a crime
19 scene in Clinton?

20 A. Yes, sir, we did.

21 Q. And what was the nature of that call as you
22 understood at that time?

23 A. The initial call that I received was from our
24 operations department. Usually we ask for basic
25 information and a point of contact. My point of

1 contact for this case was Chief Robin Morse. I was
2 given a phone number. I called him. I was told that
3 there was an incident involving an underaged female
4 who had been injured. They were unsure of what type of
5 injury she actually had; that she had been transported
6 to the hospital and she was not expected to survive.

7 Q. Okay. And where did you respond first?

8 A. The initial scene that we responded to was where the
9 vehicle was located, which was in
10 Clinton.

11 Q. Okay. Do you remember about what time that was you
12 got there?

13 A. I received the call at approximately 12:30 in the
14 morning, so I probably would have arrived around 1:30 in
15 the morning.

16 Q. Okay. And where are you coming from, Columbia?

17 A. Actually, at that time, I was at home and I was
18 actually coming from Saluda.

19 Q. Okay. So approximately 1:30 AM you get to
20 and what are you doing when you get
21 there?

22 A. We're actually briefed by the officers who were on
23 the scene because a lot of time we don't get a lot
24 of information, just the basic information. I was
25 briefed a little bit more on the scene by the officers

1 who were there. My partner, who is Special Agent Haley
2 Quam, also responded. We documented the scene with
3 photographs. We processed -- or actually because we had
4 a vehicle in this case, we were gonna take the vehicle
5 to a more secure location so we weren't processing on
6 the street. So we documented the vehicle with
7 photographs and any type of evidence that was actually
8 on the street or on the vehicle that we thought might
9 be damaged or altered by being towed we actually
10 photographed or collected at the scene, and then the
11 vehicle was towed from there.

12 Q. Okay. At that time did you sketch out the scene in
13 a notebook?

14 A. Yes, we would have done a rough sketch. That's part
15 of what we do. We document our scenes with photographs.
16 We take what we call rough notes and we
17 do like a rough sketch and then when we get back to our
18 office after everything is complete. We do a final
19 sketch and a then a final set of notes.

20 Q. All right. Let me show you State's Number 43. All
21 right. What's that?

22 A. That would be just a blown-up version of the final
23 sketch that we submitted in this case.

24 Q. Okay. That's just a -- that's what you just
25 referenced as far as based on your observations you

1 kind of did a rough sketch of what you observed?

2 A. Yes. That -- that sketch was actually done on
3 a computer. We would have done a rough sketch like
4 with pencil or pen that night, but this would have been
5 the final drawing that was then issued in this case.

6 Q. Okay. So this is not to scale, but this is just
7 kind of to help you, I guess, illustrate what you were
8 observing at the scene?

9 A. That's correct. They're not done to scale.

10 **MR. SCOTT:** Your Honor, we would offer State's 43
11 for admission into evidence.

12 **MS. KENDALL:** Without objection.

13 **THE COURT:** State's 43 is admitted without
14 objection.

15 (State's Exhibit Number 43, a blown-up diagram, was
16 admitted into evidence.)

17 BY MR. SCOTT:

18 Q. What sorts of information -- what information have
19 you noted in your sketch here?

20 A. Basically we do a legend area, which basically gives
21 us the date that we respond, our lab number, what
22 agency, what type of case, and usually we put our victim
23 information and a suspect or subject information if we
24 have that, and then my name is on here and also Special
25 Agent Quam, who worked the scene with me.

1 Basically this is how we found the scene when we
2 arrived. , which is a residence, is here.
3 The vehicle was parked basically on the side of the
4 street a little bit down from and before the
5 intersection of , which is here. We
6 notated on the little legend area over here some of the
7 items that we collected from around the vehicle and
8 everything was collected basically within this dotted
9 box line that we collected, that's listed here.

10 Q. Okay. And then in addition to your sketch, you have
11 photographs you've talked about --

12 A. Yes, sir.

13 Q. -- that you took. I think these have been admitted,
14 but State's -- here's 11, 12, and 14. Are these -- what
15 are these pictures of?

16 A. These are the photographs of the vehicle as we found
17 it when we responded that morning to the scene.

18 Q. Okay. And, likewise, 13, 15, 16, 31?

19 A. Yes, sir, that's correct.

20 Q. Okay. So you document through photographs,
21 but then you also -- I guess, to put everything in
22 perspective, you've done a sketch as well?

23 A. Yes, sir.

24 Q. And, here, let me show you State's 42, and ask you
25 if you recognize this?

1 A. Actually I've never seen this before.

2 Q. Do you recognize what it is?

3 A. It appears to be an overhead view of the area where
4 this vehicle was located where we processed the scene.

5 Q. Okay. In looking at the aerial, I guess, do you
6 recognize where the scene was and specifically where the
7 white Buick was?

8 A. It has to be basically -- let me make sure I'm
9 orientated correctly. It has to be in, I believe, this
10 general area here because we're actually on

11 . runs across here and it's near
12 the intersection of and , so it's
13 in this general area here, I believe.

14 Q. Okay. Well, I'm not gonna -- you couldn't testify
15 about where the car was then?

16 A. Not exactly, no, sir.

17 Q. Okay. But, I guess, on your sketch it's -- it
18 almost sort of looks not directly -- where would the
19 carport be?

20 A. The carport is actually farther up here. We could
21 actually see the house itself, but the vehicle is
22 farther down the street. It's not pulled up in the
23 driveway or close to the driveway. It's a little ways
24 down.

25 Q. Did you measure the distance from the car to the

1 driveway?

2 A. I don't believe we did that, sir.

3 Q. Okay. Could you give a distance -- a general
4 distance that you observed from the carport to the car?

5 A. Maybe a hundred feet or less. I'm not real sure, to
6 be honest. I'm not good with measurements. I'm sorry.

7 Q. All right. So after , where did you go
8 next?

9 A. We were advised that the two young men who had been
10 in the vehicle with Ms. Asbill were being held or being
11 detained or questioned at Clinton Public Safety, so we
12 responded to that location to take photographs of them.

13 Q. Okay. Did you do that?

14 A. Yes, we did.

15 Q. Who were the two individuals you took pictures of?

16 A. William Alexander and Michael Beaty, and I believe
17 he's a Junior. I'm not a hundred percent sure on that.

18 Q. What, if anything, did you observe in regard to
19 William Alexander?

20 A. Mr. Alexander was in a room by himself. He was
21 wearing shorts and a T-shirt and he actually appeared to
22 be quite intoxicated. He was kind of unsteady on his
23 feet when we asked him to stand up so that we could take
24 photographs of him.

25 Q. And Beaty, Michael Beaty, what did you observe of

1 him?

2 A. He appeared to be -- he was more talkative than Mr.
3 Beaty {sic} because we asked him just some basic
4 questions and we also photographed him, but -- and he
5 actually had some blood on -- or what appeared to be
6 blood on his hands, but Mr. Alexander didn't seem to be
7 quite as coherent as Mr. Beaty.

8 Q. Okay. So blood on Michael Beaty, but no blood on
9 William Alexander?

10 A. That's correct.

11 Q. Let me show you State's 17, 19, and 20. Do you
12 recognize those?

13 A. Yes, sir, I do.

14 Q. All right. What are they?

15 A. These are the photographs that we took of
16 Mr. Alexander at Clinton Public Safety.

17 Q. Okay. And what are you trying to document there;
18 just their physical appearance and things?

19 A. We're basically trying to document their physical
20 appearance, what they're wearing. We're also looking
21 for is there any type of blood or anything on their
22 clothing. Just a general documentation. We actually
23 look to see if we saw any injuries on his hands, his
24 legs or anything along those lines.

25 Q. All right. I'll show you 21, 22 --

1 **MR. SCOTT:** Before I do that, let me offer State's
2 17, 19, and 20 for admission into evidence.

3 **MS. KENDALL:** Without objection.

4 **THE COURT:** 17, 19, and 20 are admitted without
5 objection. Photographs, correct?

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

7 (State's Exhibit Numbers 17, 19, and 20,
8 photographs, were admitted into evidence.)

9 BY MR. SCOTT:

10 Q. Let me show you State's 21, 22, 23, 24, 25, and 26.
11 What are those pictures of?

12 A. These are the photographs that we took also right
13 after with Mr. Alexander. These are of Mr. Beaty.

14 Q. Okay. And what do those pictures depict in regards
15 to Mr. Beaty?

16 A. Basically we do like a facial shot or a head shot.
17 We actually photographed the inside and outside of his
18 hands. He actually did have blood on him, so we
19 documented the shorts that he had on because there was
20 blood on the shorts. He had blood on his legs, so we
21 photographed that. And he also had blood on his shoes,
22 so we photographed that.

23 Q. And those are -- those are reflected in the photos
24 that you're holding there?

25 A. Yes, sir, they are.

1 **MR. SCOTT:** Okay. So we'll offer those into
2 evidence. I think it's 21 through 26.

3 **MS. KENDALL:** Without objection.

4 **THE COURT:** State's 21, 22, 23, 24, 25, and 26 are
5 admitted without objection.

6 (State's Exhibit Numbers 21, 22, 23, 24, 25,
7 and 26, photographs, were admitted into evidence.)

8 BY MR. SCOTT:

9 Q. All right. Ms. Hallman, where did you go next?

10 A. From that location -- okay. From that location we
11 actually went to the Laurens County Hospital to the
12 morgue to photograph the victim.

13 Q. Okay. So at this point -- what was the victim's
14 name?

15 A. Emily-Anna Asbill.

16 Q. All right. And so at this point you had knowledge
17 that she had passed on?

18 A. Yes, I was notified when I arrived on the scene that
19 she had passed away.

20 Q. Okay. At that point did you -- about what time was
21 it that you went to the hospital?

22 A. By that time it was probably approximately 4:00 in
23 the morning, maybe a little bit later than that. I
24 don't have the exact times in front of me.

25 Q. Did you have a positive cause of death at that

1 point?

2 A. No, we did not. We knew she had some injuries to
3 her arms and that there were injuries to the neck, but
4 we did not have a definitive cause of death at that
5 time.

6 Q. I want to show you State's 36, 37, 38, 39, and 40.
7 What are those photographs of?

8 A. These would be photographs of the clothes that we
9 took custody of later on that morning at autopsy that
10 belonged with Ms. Asbill.

11 Q. Those were clothes that belonged to Ms. Asbill?

12 A. They were with her body, yes.

13 **MR. SCOTT:** Your Honor, the State offers 36, 37, 38,
14 39, and 40 for admission.

15 **MS. KENDALL:** Judge, we'd like to go over them.

16 **THE COURT:** Sure.

17 **MS. KENDALL:** No objection.

18 **THE COURT:** State's 36, 37, 38, 39, and 40 are
19 admitted without objection.

20 (State's Exhibit Numbers 36, 37, 38, 39, and 40,
21 articles of clothing, were admitted into evidence.)

22 **THE COURT:** All right.

23 BY MR. SCOTT:

24 Q. What did you observe in regards to her clothes?

25 A. Some of the clothing had blood on it, some had

1 actually been cut apparently when she was taken to the
2 hospital, but they were all with her body.

3 Q. All right. And then did you have occasion to
4 photograph Ms. Asbill?

5 A. Yes, we did photograph her at that time.

6 Q. What did you observe in regard to Ms. Asbill?

7 A. She -- apparently there were some lifesaving
8 attempts because some of her clothing had been removed,
9 she was in a hospital gown. She had some injuries to
10 the left fingertips, some -- appeared to be some -- I
11 would call it road rash. Also on the underside of the
12 right arm there was extensive damage that appeared to be
13 road rash and there were some markings around the neck
14 and she had other little small bruises or nicks at
15 different parts of her body.

16 Q. And did you document that through photographs?

17 A. Yes, we did.

18 **MS. KENDALL:** Judge, we have a brief matter of law
19 to address with the Court.

20 **THE COURT:** All right. Ladies and gentlemen of the
21 jury, I need to take up a matter of law, so y'all step
22 into the jury room. Don't begin discussing the case.

23 (Whereupon, the jury retires to the jury room at
24 11:43 AM.)

25 **THE COURT:** All right. I don't think the

1 photographs that are going to be addressed have been
2 identified yet.

3 **MS. KENDALL:** I don't think they've been identified.

4 **MR. SCOTT:** No, she describe what she observed.

5 **THE COURT:** So what's the issue?

6 **MS. KENDALL:** If I may look at the photographs again
7 so I can tell you with clarity which ones we have issue
8 with.

9 **MR. SCOTT:** (Handing.)

10 **MS. KENDALL:** Judge, just for the record, what's
11 been identified as State's Exhibit 28, State's 29,
12 State's 30, we don't have an objection to those.

13 **THE COURT:** 28, 29, and 30?

14 **MS. KENDALL:** Yes.

15 **THE COURT:** No objection.

16 **MS. KENDALL:** The ones that we do have an objection
17 to are State's 34, 35, 41, 27 --

18 **THE COURT:** All right. Hang on. You turned around
19 on me. Tell me those exhibit numbers again.

20 **MS. KENDALL:** 34, 35, 41, and 27.

21 **THE COURT:** All right. Now go ahead.

22 **MS. KENDALL:** Your Honor, what those pictures are,
23 are close-ups of Ms. Asbill's face while she's deceased.
24 They're fairly gruesome, showing blue lips, which are
25 not relevant to this case other than to have gruesome

1 information as far as William Alexander's trial.
2 Certainly it's different for Michael Beaty, but for
3 William Alexander's trial I don't believe they're
4 relevant. Essentially I think what the State is gonna
5 try to do is show petichea and ligature marks and in
6 Mr. Alexander's case we would stipulate that she had
7 petechia and ligature marks. So that's -- our
8 suggestion for the Court is for that stipulation and
9 also that under 401 and 403 they're incredibly
10 prejudicial. We're not on trial for murder, but for
11 accessory.

12 **THE COURT:** All right. Mr. Scott, do you want
13 to be heard on that?

14 **MR. SCOTT:** Yes, I do.

15 **THE COURT:** And I'd like to see them.

16 **MR. SCOTT:** Oh, yes, sir. (Hanging.) One of
17 the elements that -- as we talked about, we've got to
18 prove that he knew a felony was committed and, in fact,
19 a felony was committed and that he knew a felony was
20 committed. The presentation of our case is we've got
21 to produce our theory of how Ms. Asbill died.

22 There's a new case right now, State v. Collins.
23 Just because a photograph appears gruesome to a defense
24 lawyer does not necessarily exclude it if it tends to
25 prove Mr. Alexander's guilt through the fact that a

1 felony was committed and, Your Honor, those pictures
2 clearly depict that there was a felony committed in our
3 opinion.

4 I can't guess what their defense is, but if
5 they claim accident or something, I think we have an
6 opportunity --

7 **THE COURT:** I thought she said she stipulated to the
8 two medical conditions.

9 **MR. SCOTT:** I don't think petichea that she
10 stipulated to -- if she stipulated to a homicide, then
11 maybe we can get somewhere.

12 **MS. KENDALL:** I can stipulate to what that picture
13 shows, a ligature mark. And I don't believe this
14 witness is qualified to testify to a homicide. That
15 would have to come through a pathologist. That these
16 pictures show that there's a mark or petechia, we'd
17 stipulate it that. And I don't think State versus
18 Collins would still take it out of the Court's authority
19 to overrule something as being prejudicial under 401 and
20 403 in Mr. Alexander's case.

21 **MR. SCOTT:** I agree the trial judge would have
22 discretion and it would be our contention that in order
23 to fully present our case we would need to show that
24 a felony had been committed and that there's strong
25 evidence in my eyes that a felony had been committed,

1 Your Honor.

2 I think, you know, under the analysis, Judge,
3 the probative value and prejudicial, everything we
4 introduce hopefully has some prejudice that leans our
5 way. They are prejudicial, but, Your Honor, I think
6 the probative value of those in regards to manner of
7 death far outweighs any prejudicial effect.

8 **THE COURT:** I think these pictures are relevant
9 and probative and they're not unduly prejudicial under
10 a 403 analysis, so I'll allow them.

11 Now I don't think it's necessary to go into huge
12 detail and try to elicit lengthy testimony about what
13 those pictures depict, they speak for themselves, and I
14 don't want any grandstanding by the State of exploiting
15 the pictures because they are -- they're close-up
16 pictures of an officer investigating a homicide.

17 **MR. SCOTT:** Your Honor, just to tell you how I
18 intend to use them, I'm only gonna introduce them
19 through Ms. Hallman. Dr. Ross will put, I guess, a
20 medical explanation behind those pictures and discuss
21 why they're relevant.

22 **THE COURT:** Okay. All right. The objection's
23 noted on the record for 403 and when we get to that,
24 that's what I'll say. The objection will be noted on
25 the record at the time when the jury is back in.

1 All right. While the jury's out, does anybody need
2 a break?

3 **MR. SCOTT:** I wouldn't mind two or three minutes.

4 **THE COURT:** All right. How about three minutes if
5 anybody wants to step out and step back in? That will
6 be appropriate. I'll be right back in and we'll get
7 started as soon as everybody's back in their seat.

8 (Recess taken.)

9 **BAILIFF:** Let's everyone keep your seats and come
10 back to order, please.

11 **MS. KENDALL:** Judge, I have one quick thing for the
12 record.

13 **THE COURT:** All right. We'll put one thing
14 on the record before I bring the jury back in.

15 Ms. Kendall.

16 **MS. KENDALL:** To further the objection to the
17 pictures that we were just discussing, that if the
18 State is trying to introduce them to prove that Will
19 knew that these marks were there, there's been no
20 testimony thus far that he had been close up enough to
21 have that knowledge, so we would object additionally
22 upon that ground as well to try to prove that he knew,
23 he had never seen, there's been no testimony of up close
24 viewing of the face.

25 **THE COURT:** I think coupled with the testimony

1 that's been presented that, I may have gone too far, or
2 whatever it is, I did something, the pictures go to the
3 weight. They'll be admissible. I understand that
4 there has been, and I agree with you, no testimony that
5 Mr. Alexander saw the marks on the neck. I don't
6 believe that's been testified by anyone thus far at
7 pre-trial or now, so I agree with you there.

8 **MS. KENDALL:** And, additionally, no testimony
9 regarding petechia or anything of that nature.

10 **MR. STUMBO:** Which, Judge, I intend to call
11 Dr. Ross today to tie that in.

12 **THE COURT:** Okay. I understand and note your
13 objection, but under 403 they're gonna come in as not
14 unduly prejudicial.

15 All right. Ready?

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

17 **THE COURT:** Go get 'em.

18 **MR. SCOTT:** Did we already get 28 to 30 in?

19 **THE COURT:** She said she had no objection, but you
20 have not attempted to get them in.

21 **MS. KENDALL:** No objection.

22 **THE COURT:** So 28, 29, and 30 are gonna come in at
23 the time without objection. 34, 35, 41, and 27 are the
24 ones that are gonna be let in over your objection
25 if he tries to introduce them.

1 **MS. KENDALL:** Yes, Your Honor.

2 (Whereupon, the jury returns to the courtroom at
3 11:56 AM.)

4 **BAILIFF:** All jurors present, Your Honor.

5 **THE COURT:** All right. You may continue,
6 Mr. Scott.

7 BY MR. SCOTT:

8 Q. All right. Ms. Hallman, when we left off you were
9 at the hospital. What hospital were you at?

10 A. The Laurens -- the hospital in Laurens.

11 Q. Okay. And you noted some injuries you observed on
12 Ms. Asbill's arms?

13 A. That's correct.

14 Q. And on her knuckles?

15 A. Yes.

16 Q. Let me show you State's 28, 29, and 30. Do you
17 recognize those pictures?

18 A. Yes, sir.

19 Q. Is that what you were talking about with those
20 injuries?

21 A. Yes, sir, it is.

22 Q. And that's what you observed in the early morning
23 hours of June 30th?

24 A. Yes.

25 **MR. SCOTT:** Your Honor, the State would offer 28,

1 29, and 30 for admission into evidence.

2 **THE COURT:** And those are without objection?
3 Without objection?

4 **MS. KENDALL:** Yes.

5 **THE COURT:** All right. So 28, 29, and 30 are in
6 without objection.

7 (State's Exhibit Numbers 28, 29, and 30,
8 photographs, were admitted into evidence.)

9 BY MR. SCOTT:

10 Q. Then, furthermore, did you take any other pictures
11 of Ms. Asbill?

12 A. Yes, we did.

13 Q. And at the same time you were there for -- June 30th
14 in the early morning hours?

15 A. Yes.

16 Q. And what kind of pictures were those?

17 A. Basically, if we have a victim, we take overall
18 photographs. If there's injuries that we observe, we
19 actually document the injuries themselves. Just like
20 we did with those -- the State's exhibits that you just
21 showed me, there was some extensive injuries to the arms
22 that we documented with photographs. We examined the
23 body. There were some other areas that had injuries and
24 we documented that with photographs also.

25 Q. Okay. At this point, what kind of crime were you

1 investigating?

2 A. At that point for us it was a suspicious death and
3 it did not appear that she had caused the injuries to
4 herself, so it probably would have been between a
5 suspicious death and a possible homicide.

6 Q. And I may have asked this, but did you have the
7 cause of death at that point?

8 A. No, sir, we did not.

9 Q. Let me show you State's Number 34 and 35. I'm not
10 asking for a medical explanation of what you're seeing
11 there, but what are those pictures of?

12 A. They're photographs of Ms. Asbill's eyes.

13 Q. Okay. And you took those -- those two pictures in
14 the early morning hours of June 30, 2013?

15 A. Yes.

16 Q. And those fairly and accurately represent what you
17 observed at Laurens Memorial?

18 A. Yes.

19 **MR. SCOTT:** Your Honor, the State offers State's 34
20 and 35 for admission into evidence.

21 **THE COURT:** And those will be admitted subject to
22 the objection presented by the defense.

23 (State's Exhibit Numbers 34 and 35, photographs,
24 were admitted into evidence.)

25 BY MR. SCOTT:

1 Q. State's 27 and 41, do you recognize these pictures?

2 A. Yes, sir, I do.

3 Q. And what do those depict?

4 A. It's basically some areas of discoloration around
5 the neck.

6 Q. Okay. And is that what you observed yourself
7 June 30, 2013?

8 A. Yes, sir, it is.

9 Q. And those were noteworthy to you at the time?

10 A. Yes. We document any type of injury that we find
11 and these were injuries that we found to the body, so we
12 did document them.

13 Q. Okay. Did you document any other injuries other
14 than the neck, the road rash you testified on the
15 forearm and then the knuckles you talked about being --

16 A. Or the fingertips actually.

17 Q. The fingertips?

18 A. Yes. She had one or two areas on her legs or lower
19 part of the body that she had like a little -- like a --
20 it looked to me like a little strawberry abrasion. Any
21 type of injury to that effect we would have also
22 documented with photographs.

23 **MR. SCOTT:** All right. And, Your Honor, the State
24 offers 27 and 41 for admission into evidence.

25 **THE COURT:** 27 and 41 are also admitted, but subject

1 to defense's objection, the defense is protected.

2 (State's Exhibit Numbers 27 and 41, photographs,
3 were admitted into evidence.)

4 BY MR. SCOTT:

5 Q. All right. After the hospital, where did you go
6 Ms. Hallman?

7 A. The vehicle had been towed to the City of Clinton
8 shop, which is the Public Works Department, and we
9 responded to that location to actually process the
10 vehicle.

11 Q. Okay. And you were involved in the processing
12 of the vehicle?

13 A. Yes, sir.

14 Q. I meant to ask you this before. State's Number 32,
15 what's that a picture of?

16 A. That is a picture that we took during the processing
17 of the vehicle and it is the center console in the
18 vehicle opened up so that you can see the contents.

19 Q. Okay. And you would have taken that when you were
20 processing -- what kind of car was it?

21 A. If I can refer to my notes, I'll tell you
22 specifically. It's a 2003 white Buick Century.

23 Q. All right. So 32 you've talked about, that was when
24 you were processing the car and that's the center
25 console?

1 A. That's correct.

2 **MR. SCOTT:** All right. Your Honor, the State would
3 offer State's 32 for admission into evidence.

4 **MS. KENDALL:** No objection.

5 **THE COURT:** 32 is admitted without objection.

6 (State's Exhibit Number 32, a photograph, was
7 admitted into evidence.)

8 BY MR. SCOTT:

9 Q. And 31, that's already in evidence, is that the
10 interior of the car as you viewed it?

11 A. Yes, it is. This photograph is taken from the
12 driver's side of the vehicle and to the driver's
13 compartment.

14 Q. All right. And did you have an opportunity to take
15 any items out of the automobile?

16 A. When we initially processed it, we collected swabs
17 because we thought there was a possibility that there
18 was some blood in the vehicle and on the vehicle. We
19 actually did search the interior of the vehicle at that
20 time. There were some items in the vehicle itself that
21 had possible blood and we collected the knife -- the
22 box cutter or the knife that you saw -- or that's
23 in the center console. There was another knife that was
24 in the vehicle. There were several cell phones in the
25 vehicle, which were collected by the investigators, and

1 there was a pill container that had some green plant
2 material in it and there was also a V8 Splash bottle
3 that appeared to have something more than the V8 Splash
4 in it that we collected.

5 Q. Okay. Did you go back a second time and search the
6 vehicle again?

7 A. Yes. After we searched the vehicle the first time,
8 we also attended Ms. Asbill's autopsy, which was held a
9 little bit later that morning. After the outcome of the
10 autopsy, we went back the next morning, which would have
11 been July the 1st, and completed a second search warrant
12 of the vehicle.

13 Q. Okay. Well, what changed the nature of your
14 investigation as a result of the autopsy or how did
15 the nature of your investigation change after the
16 autopsy?

17 A. Once we were told by the doctor, Dr. Ross, what the
18 manner of -- or the cause of death was, there were other
19 items that we had seen in the vehicle that could have
20 been used as the instrument at that point, so we went
21 back a second time to collect those items out of the
22 vehicle.

23 Q. Let me get you to -- what is this?

24 A. That is actually a sealed box. The yellow sticker
25 up in the top corner is actually a -- it has the SLED