

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from Beaufort County
The Honorable Ernest Kinard, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ANTONIO COLLINS,

APPELLANT

APPELLATE CASE NO. 2013-002343

RECORD ON APPEAL

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(DEFENDANT PRESENT)

1
2 SOLICITOR BANNON: Judge, what we
3 have next is a *Schmerber* Motion with Antonio
4 Collins.

5 THE COURT: Okay. You are Antonio
6 Holmes (sic)?

7 DEFENDANT: Collins.

8 THE COURT: Mr. Collins, I'm
9 sorry.

10 MS. CAMPBELL: May I put him at
11 counsel table?

12 THE COURT: Yes, you may. Let the
13 record reflect that Mr. Collins is present.
14 This is a Motion that has been -- of course,
15 the Motion and all attachments are
16 incorporated fully for the purposes of
17 review, and you may rely on the attachments.
18 I will be happy to hear from you.

19 SOLICITOR BANNON: Thank you, Your
20 Honor. Mr. Collins has been charged with
21 murder, kidnaping, burglary first and
22 possession of a weapon during, uh, a violent
23 crime, and, uh, we've previously matched his
24 DNA to DNA left at the crime scene.

25 Basically it was a shootout where

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1 the victim got shot up before he was killed
2 by Mr. Collins in 2009, in Beaufort. And,
3 uh, we got the sample while Mr. Collins was
4 down in Florida.

5 The State's asking for a second
6 sample so we can assure that the person who
7 gave the sample in Florida, that matched, is
8 Mr. Collins who is actually here and that it
9 does in fact match the DNA left at the crime
10 scene.

11 The State has submitted the
12 affidavit and we would ask that, uh, that --
13 that the affidavit would be accepted instead
14 of testimony.

15 Additionally, there is some question
16 that I am sure defense will get into in
17 regards to the consent that Mr. Collins gave
18 for his buccal swab to be taken in Miami. It
19 is my belief that the officers told him that
20 he was a suspect in a series of child
21 molestations and if he would consent to give
22 his buccal swab, uh, to be cleared of that.
23 The State contends that is an issue for later
24 in time. This is merely a Schmerber hearing,
25 therefore it is a probable cause hearing. We

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1 ask that the Court merely look at whether
2 probable cause exists to grant the Schmerber
3 Motion in this case, not looking at the
4 voluntariness of anything given in Miami.

5 Additionally, if Your Honor would
6 like to look at that and look at it in
7 *limine*, the State would argue that it was
8 consensual, that he knew that he was giving
9 his consent to law enforcement at the time
10 and that it was going to be used for
11 comparison to DNA at a crime.

12 Additionally, the State is seeking
13 this Schmerber Motion in anticipation of this
14 Motion *in limine* at the murder trial so that
15 we can argue discovery by an alternate
16 source, to bring the DNA results out.

17 THE COURT: Ms. Campbell?

18 MS. CAMPBELL: May it please the
19 Court, Your Honor, I believe that the
20 Solicitor is correct in some of her
21 statements to the court thus far. I think
22 what we're dealing with is the situation
23 where I received a report, again from Miami.
24 I've got two detectives down in Miami
25 obviously who've submitted a report to me and

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1 to this State where they do not disclose the
2 manner in which they tricked Mr. Collins, who
3 was in custody in Miami on a completely
4 unrelated matter, a citizen of Florida. They
5 go in there and without detailing for anyone
6 what they're doing, at the direction of law
7 enforcement here, they go and tell him that
8 -- I don't think that it was -- maybe it was
9 -- I don't know. Apparently they disclosed
10 to the solicitor, but to no one else, what
11 they told Mr. Collins; that he was a suspect
12 in some sort of rape situation, or whatever,
13 and that that was all that this was about,
14 that they wanted to clear that up. So under
15 that, what I would classify in my research,
16 misconduct -- flagrant police misconduct,
17 violation of Mr. Collins' fourth amendment
18 rights, which we obviously -- it's a search
19 and seizure, it's a search. The fourth
20 amendment is implicated.

21 They go in there, they put up this
22 ruse, they have him sign off on this for
23 those purposes. They obtain a swab.

24 THE COURT: Let me ask you a
25 question.

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1 MS. CAMPBELL: Yes, sir?

2 THE COURT: First of all, let's --
3 do me a favor. Let's stage it, step it for
4 me.

5 MS. CAMPBELL: Okay.

6 THE COURT: First of all I have --
7 this is being submitted to me on an
8 affidavit. Do you accept that affidavit as
9 establishing the testimony or do you want the
10 opportunity to cross examine the person who
11 testified?

12 MS. CAMPBELL: I do not accept
13 the affidavit. I don't think the affidavit
14 is ---

15 THE COURT: Then I will not do
16 this on an affidavit. We're going to have to
17 have testimony. I think he has the right to
18 confront the affiant, to ask the questions.

19 The question that I have is -- let's
20 put Florida aside. Do you have other
21 probable cause other than the DNA?

22 SOLICITOR BANNON: Yes, Your Honor.
23 Actually the affiant is here in the courtroom
24 if ---

25 THE COURT: Fine. We will proceed

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1 with the testimony. Under Schmerber
2 posturing, I don't have to go through Miami.
3 I can order that based on the testimony that
4 comes before me without including that as a
5 basis for me, I believe. Therefore, I -- I
6 understand that there may be some interesting
7 legal issues that arise later because of
8 certain things but for purposes of a
9 Schmerber, its really whether or not there's
10 probable cause that this may be -- it may be
11 exculpatory or inculpatory. So I -- but I
12 would agree with you that without consent
13 that I can do it just on an affidavit. I'm
14 not comfortable doing it on an affidavit ---

15 MS. CAMPBELL: Neither am I, nor
16 is Mr. Collins.

17 THE COURT: --- given the Crawford
18 issues and other things.

19 SOLICITOR BANNON: And that's fine,
20 Your Honor, except -- I guess it's a pretrial
21 hearing, so hearsay is clearly admissible. I
22 guess it's just how far you're willing to go
23 with this.

24 THE COURT: That's right. You
25 have me -- you're a lawyer and you can --

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1 you're good. I'll be happy to hear from you.
2 We're all in agreement that it is a probable
3 cause showing.

4 SOLICITOR BANNON: All right,
5 then the State calls Sergeant Christine
6 Wilson to the stand.

7 (WITNESS TAKES STAND)

8 CHRISTINE WILSON, having been sworn
9 to tell the truth, and nothing but the truth,
10 testified as follows:

11 DIRECT EXAMINATION

12 BY SOLICITOR BANNON:

13 Q. Sergeant Wilson, I'm not sure that
14 your microphone is on.

15 A. Okay.

16 Q. Where do you work?

17 A. At the Beaufort County Sheriff's
18 Office.

19 Q. What do you do there?

20 A. I am a criminal investigator.

21 Q. Are you familiar with your
22 department's investigation into the murder of
23 Ronald Coleman?

24 A. I am.

25 Q. And did that murder occur on June

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1 29th, 2009?

2 A. It did.

3 Q. Where did that occur?

4 A. It occurred, I believe that it was
5 46 Seabrook Road, Seabrook, South Carolina?

6 Q. And that's here in Beaufort County?

7 A. Yes, it is.

8 Q. And just briefly, what occurred that
9 night?

10 A. The uniform patrol responded to the
11 report of a gunshot victim at that location.
12 Upon their arrival, Ronald Coleman was found
13 deceased from apparent gunshot wounds,
14 numerous. The crime scene search yield blood
15 spatter on the porch and, later on, blood
16 spatter on the roadway. Subsequently a .40
17 caliber semiautomatic pistol that had blood
18 on it was also found. The one person that'd
19 called 911 had revealed to dispatch that they
20 saw two black males running down the road and
21 that one of them had said something about,
22 'I've been shot' or 'I've been shot in the
23 leg', words to that effect.

24 Q. And, now, was there also a witness
25 who was able to see the two men?

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1 A. Yes, there was.

2 Q. How did he have that ability?

3 A. That witness was on his way to Mr.
4 Coleman's house to play video games,
5 associate with him. As he was approaching
6 the back of Mr. Coleman's residence, he saw
7 two black males at the back that were unknown
8 to him and he -- he got their attention.
9 Those two individuals came over to the
10 witness and, uh, they were armed. They held
11 a firearm to him and made him go to the front
12 door and try to coax Mr. Coleman to open the
13 front door.

14 Apparently Mr. Coleman had this
15 policy that you did not go to his front door,
16 that you would go to his back door. Mr.
17 Coleman didn't open the front door.

18 Upon the witness trying to get him
19 to open the front door, the front door was
20 kicked open by -- we believe the defendant.
21 Once the door was kicked open and the
22 defendant entered the residence, gunshots
23 were fired back and forth by Mr. Coleman and
24 who we later identified as the defendant.

25 Q. Now, uh, -- Mr. Coleman died?

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1 A. (Affirmative nod), he did.

2 Q. You said that there was a blood
3 trail, did that trail extend from the
4 victim's house into the road?

5 A. It did.

6 Q. And were you -- it sounds like there
7 was a gunfight. Was there evidence of a gun-
8 fight?

9 A. There was.

10 Q. What type of evidence?

11 A. There was -- there were two
12 groupings of shell casings. One from the .40
13 caliber that was later found to match the .40
14 caliber that was found at the roadside with
15 blood on it. And there was a grouping of
16 shell casings in the same general area, and
17 then on the other side of the living room in
18 the house there was a group of, I believe
19 eight, .45 caliber shell casings.

20 So there was obviously gunfire back
21 and forth, as evidenced by holes in the walls
22 and that sort of thing.

23 Q. In your training and experience, it
24 is theoretically possible to get DNA off
25 shell casings?

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1 A. It is.

2 Q. Is it theoretically possible to get
3 DNA off of a gun?

4 A. Yes.

5 Q. Is it theoretically possible to get
6 DNA from blood?

7 A. Yes.

8 Q. You say that some witnesses saw two
9 black men running and had heard one say that
10 they had been shot?

11 A. Correct.

12 Q. Did you receive a description of the
13 car that these men ---

14 A. The witness that was held at
15 gunpoint and made to go upon a porch
16 described a mid-'90s model Cadillac Deville,
17 beige or tan-in-color. He described that
18 vehicle as driving apparently to the scene
19 and possibly away from the scene after the
20 incident.

21 Q. So were you able to locate those two
22 men that night?

23 A. No, we were not.

24 Q. So what was the next step in your
25 investigation?

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1 A. We exhausted several leads to
2 individuals whose names had come up.
3 Actually several months down the road, we got
4 information from Jasper County of the
5 involvement of a couple different individuals
6 that lead us to a mid-90's model tan Cadillac
7 Deville in Jasper County. In working with
8 authorities in Jasper County, we were able to
9 seize that car and subsequently a search
10 warrant was performed on the vehicle and we
11 were able to find blood evidence inside that
12 vehicle.

13 Q. Who owned that car that you did the
14 search warrant on?

15 A. That was Jeremy Murphy.

16 Q. Does Mr. Murphy live in Jasper
17 County?

18 A. He does.

19 Q. Now, you previously heard that Mr.
20 Collins is from Florida.

21 A. (Affirmative nod).

22 Q. To your knowledge, had he ever been
23 in South Carolina before?

24 A. The information that we'd gotten,
25 yes.

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1 Q. And did that information indicate
2 that Mr. Collins had lived in Jasper County
3 for several months prior to this murder?

4 A. Yes.

5 Q. At some point was Gussie Goldwire
6 involved in this?

7 A. Yes, he was.

8 Q. And as part of a Federal plea
9 agreement, did he disclose information to law
10 enforcement about this murder?

11 A. He did.

12 Q. What did he disclose?

13 A. Gussie Goldwire indicated that he
14 was related to Antonio Collins. Mr. Goldwire
15 said that on the night of Mr. Coleman's
16 murder that the defendant and Jeremy Murphy
17 showed up at his house in Jeremy Murphy's
18 Cadillac and that he was literally carrying
19 the defendant to the house because of a
20 gunshot wound that he'd had to his leg, that
21 he had just sustained. They apparently had
22 dropped a third individual off somewhere on
23 the way to his residence.

24 Q. Is Gussie Goldwire a drug dealer?

25 A. I could tell you what I've heard.

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1 Q. To your knowledge, was the victim
2 Ronald Goldman involved in drugs?

3 A. From what we found there that night,
4 I would say so.

5 Q. Using this information and the blood
6 stains in the backseat of Jeremy Murphy's
7 car, did you collect samples from those
8 stains?

9 A. Yes, we did.

10 Q. And then did a period of time go by
11 before you were able to locate the defendant?

12 A. Yes, a period of time did go by.
13 The -- all blood evidence that had been
14 collected, the evidence from the car, from
15 the scene, from the weapon and that sort of
16 thing was analyzed for DNA and was determined
17 to have originated all from the same source.
18 At that point it was a matter of finding the
19 defendant. We suspected that he was in
20 Florida but had no idea where to find him.

21 Then, I believe that it was in October
22 that I discovered that he was actually
23 incarcerated in Miami.

24 Q. And you've discussed the DNA sample.
25 Did you get that back from Beaufort County?

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1 A. Yes.

2 Q. Did it eliminate or match the
3 defendant in any way?

4 A. The lab report indicated that it did
5 match the defendant.

6 Q. And so your basis for seeking the
7 sample from the defendant in Miami was based
8 on everything you've testified to prior?

9 A. Correct.

10 Q. So the identification of two males,
11 the fact that one had got shot, the blood-
12 stains in the car and Gussie Goldwire's
13 statements?

14 A. Correct.

15 SOLICITOR BANNON: Thank you. I
16 don't have any further questions.

17 THE COURT: You may cross examine,
18 Ms. Campbell.

19 MS. CAMPBELL: Your Honor, if I
20 may, I'm not using my phone but there are
21 notes on the phone and photographs here.

22 THE COURT: No problem.

23 MS. CAMPBELL: Thank you.

24 CROSS EXAMINATION

25 BY MS. CAMPBELL:

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1 Q. Sergeant Wilson, Jeremy Murphy never
2 indicated that Antonio Collins was involved
3 in any kind of shooting involving Ronald
4 Coleman; right?

5 A. He said that he didn't know who was
6 involved but that the defendant and another
7 individual borrowed his car that night.

8 Q. Right. You suspected that his car
9 had been used, had something to do with the
10 shooting on the island; correct?

11 A. Correct.

12 Q. So when you go to him and he says to
13 you, 'I didn't have anything to do with it, I
14 don't know who had anything to do with it.'
15 Right? 'I know these guys borrowed my car.'

16 A. That's what Jeremy ---

17 Q. Didn't he in fact tell you that it
18 was Antonio Wilson? Did he call him Wilson?

19 A. There were a couple of names that
20 apparently the defendant was known by there.
21 Jeremy Murphy may have referred to him as
22 Antonio. I know that they referred to him to
23 'Tonio or Antonio.

24 Q. And in fact, Gussie also talks about
25 an Antonio Wilson; right?

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1 A. He did, (affirmative nod).

2 Q. Okay. And none of them talk about
3 -- well, I can't find anywhere that they talk
4 about Antonio Collins. That's a name that
5 you guys trotted -- that you guys connect up
6 and say, 'well, Antonio Collins is Antonio
7 Wilson.'

8 A. There was one piece of intelligence/
9 information that we'd gotten through
10 interview with Gussie Goldwire, he had told
11 us who he thought some of the defendant's
12 relatives were. He had mentioned the name
13 of, I believe, Levy -- Levy Wilson or -- Levy
14 -- just variations of Levy and who he thought
15 was the defendant's mother's name. Words of
16 intel/information and, uh, -- we did find
17 those names in Mr. Collins' intel report that
18 convinced me at that point that this was the
19 right individual that we were looking for,
20 based on a couple of relatives names.

21 Q. Okay. Isn't it true that -- well,
22 let's just establish this for Gussie. Gussie
23 is sort of the cog in this whole wheel that
24 you say shoots you off down towards Florida
25 and towards Mr. Collins; right?

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1 A. That's correct.

2 Q. You were pretty -- you were
3 completely dead, a cold case kind of thing,
4 until that came up.

5 A. That's right.

6 Q. And Gussie was under indictment in
7 Federal Court; right?

8 A. Yes, he was.

9 Q. And he was trying to work out a deal
10 to lessen up his fate in Federal Court;
11 right?

12 A. That's correct.

13 Q. So he did what they call a Federal
14 proffer letter/agreement with them; right?

15 A. Right.

16 Q. Okay. We don't have any -- do you
17 have a copy of that?

18 A. I don't. I don't have a copy -- I
19 don't believe that I have an official copy of
20 that proffer.

21 Q. Have you seen it?

22 A. I think I've read like a draft
23 version of it but, uh, I've not seen an
24 official proffer letter.

25 Q. And nothing about that proffer was

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1 recorded?

2 A. The actual proffer, I'm not aware
3 of. I know that when I spoke to Gussie
4 Goldwire, his Federal public defender was
5 present at that interview and it was not
6 recorded. They would not allow that.

7 Q. Isn't it true that Gussie told you
8 that there were three people in this car that
9 came up to his house after something had
10 happened, and that one of them had been shot
11 -- not two, but three. Right?

12 A. No, he said that there were two
13 people in the car but that -- to his
14 knowledge that there were three but that one
15 had been dropped off. He couldn't remember
16 the individual's name but said that he was
17 from Feltonville. But that the only two
18 people that were in the car when they came to
19 his residence were the defendant and Jeremy
20 Murphy.

21 Q. So Gussie is the only person who
22 gives you a name that sends you down to
23 Florida looking for your suspect; right?

24 A. That's right.

25 Q. And Gussie, he also tells you that

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1 this person was shot; right?

2 A. That's correct.

3 Q. To the best of your knowledge, did
4 your officers that you guy directed to go get
5 this DNA from Mr. Collins, didn't they take
6 photos of Mr. Collins and his lower body and
7 turn them in, and were they not indicative of
8 the fact that there was no injury -- gunshot
9 injury to Mr. Collins?

10 A. Those photographs were taken when I
11 went to Miami at the end of March and spoke
12 with the defendant. His DNA sample was taken
13 earlier than that. But the photographs --
14 they did take photographs. They weren't good
15 quality photographs. I looked at the
16 photographs of both legs -- frankly saw
17 markings that could have been a scar on
18 either leg.

19 Q. So did they take photographs and did
20 you take photographs?

21 A. They took photographs while he was
22 still in their custody, because we've done
23 nothing with ---

24 Q. And you don't have any photographs
25 that Florida has taken?

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1 A. No.

2 Q. And he, Mr. Collins, was never taken
3 to any physician or anything when he was in
4 the Department of Corrections, or jail, down
5 there in Miami, to determine whether or not
6 any of the scars on his legs were from a
7 gunshot wound. Right?

8 A. No.

9 Q. So there is no evidence that you can
10 give to the court that he, Mr. Collins, was
11 suffering from a gunshot wound in his lower
12 legs; right?

13 SOLICITOR BANNON: Objection. Calls
14 for speculation.

15 THE COURT: I'll allow the
16 question.

17 CROSS EXAMINATION CONTINUED

18 BY MS. CAMPBELL:

19 Q. You don't have ---

20 A. I don't have that.

21 Q. All right.

22 MS. CAMPBELL: I'm almost
23 finished, Your Honor.

24 THE COURT: Sure.

25 CROSS EXAMINATION CONTINUED

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1 BY MS. CAMPBELL:

2 Q. Other than this piece of evidence,
3 this buccal swab, which is the Q-tip looking
4 items that they stick in your mouth and then
5 they take it and analyze it, other than that
6 and this Gussie person, there's nothing that
7 ties this individual to this entire case;
8 right?

9 A. The interviews of Jeremy Murphy
10 might, other than -- you know, the improper
11 last name, that sort of thing. Gussie gave
12 the most compelling information but that --
13 that would have led us to the source of the
14 physical evidence.

15 Q. And this person, Enrique Miles, that
16 was the guy that said he was hijacked and
17 taken up to the house at gunpoint and forced
18 to go into Ronald Coleman's house, now his
19 blood was found all over the place down
20 there; right? His DNA was everywhere, wasn't
21 it?

22 A. That's not true.

23 Q. It wasn't on the porch?

24 A. No.

25 Q. Okay. Well, let me go back and look

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1 at the DNA. Did you not find -- oh, I know.

2 He had blood on his shirt, right?

3 A. The shirt that he was wearing.

4 Q. Right.

5 A. Correct. He had possibly cut
6 himself jumping over the porch rail, but he
7 had blood on his shirt.

8 Q. But you don't know if he had any
9 kind of cuts or bruises or anything that
10 would cause him to bleed all over his shirt?

11 A. Not that we could see. We found him
12 within hours after the incident, brought him
13 in. We recovered the shirt and the blood on
14 his shirt was his blood.

15 Q. Right.

16 MS. CAMPBELL: Just one more
17 second, Your Honor.

18 THE COURT: Take your time.

19 CROSS EXAMINATION CONTINUED

20 BY MS. CAMPBELL:

21 Q. Now, you entered everything into
22 CODIS. Explain to us, just for the record
23 here, what that means for you. What did you
24 do with the DNA profiles that you obtained
25 from the evidence?

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1 A. The DNA profiles, as I said before,
2 all of the blood evidence that was recovered
3 was found to have originated from the same
4 source. Those were submitted into the CODIS
5 database to check against -- you know,
6 matches of anyone whose DNA sample might be
7 in there. There was no DNA match in the
8 system from the state level or from the
9 national level.

10 Q. And do you have some sort of report
11 that prints that out or a date that you would
12 say that that was done and it comes back, you
13 know, 'negative, 'no matches.'

14 A. Whatever we would have gotten back
15 from the South Carolina Law Enforcement
16 Division. They published a report.

17 Q. And you have that somewhere in your
18 paperwork now?

19 A. Correct.

20 Q. Isn't it true that until you hooked
21 up with Gussie that Travis Polite was your
22 primary suspect?

23 A. He was not -- he was a suspect
24 because of prior history that he'd had with
25 the victim. There was a history of violence

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1 between those two. Travis Polite's name was
2 the first name that came up within minutes
3 after the shooting. We saw him -- he
4 cooperated, and as a result we were able to
5 clear him.

6 Q. And the physical description given
7 to you by Mr. Miles, who was the witness at
8 the scene, is that the two black males that
9 he encountered at Ronald Coleman's house --
10 that the one was around twenty-five'ish years
11 old, with this bald spot and receding
12 hairline; correct?

13 A. That's the description that he gave,
14 yes. I believe the age range was twenty-five
15 to thirty-five.

16 Q. How about twenty-five to thirty?

17 A. I ---

18 Q. You report would be accurate?

19 A. --- would have to consult it. It
20 could be. But I thought it was twenty-five
21 to thirty-five.

22 Q. And the other fellow was very young,
23 light skin, very thin. Correct?

24 A. I believe so.

25 Q. No other description that I can find

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1 of the second black male, in terms of ---

2 A. The first black male, he also talked
3 about a scar over that individual's -- in the
4 area of his left eye. He did describe that,
5 as well.

6 Q. Now, did you talk to Mr. Collins and
7 question him about this?

8 A. I did.

9 Q. And Mr. Collins denied any involve-
10 ment in any of this, right?

11 A. That's correct.

12 MS. CAMPBELL: That's all that I
13 have.

14 THE COURT: Redirect?

15 REDIRECT EXAMINATION

16 BY SOLICITOR BANNON:

17 Q. The witness, Enrique Miles, did he
18 take a polygraph?

19 A. He did.

20 Q. And did he pass that?

21 A. He did.

22 Q. And did he also meet with a SLED
23 sketch artist?

24 A. He did.

25 Q. And was the sketch artist able to

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1 make a sketch of the person with the gun?

2 A. He did, yes.

3 Q. Did Mr. Miles also state that the
4 shooter resembled Omar from *The Wire*?

5 A. He did.

6 SOLICITOR BANNON: That's all the
7 questions that I have, Your Honor.

8 THE COURT: Recross?

9 MS. CAMPBELL: Thank you.

10 RECROSS EXAMINATION

11 BY MS. CAMPBELL:

12 Q. Do you have a copy of the sketch?

13 A. I do, if -- it should be in the case
14 file, but I do have copies of those two
15 sketches.

16 Q. I am not able to see that I have
17 one.

18 MS. CAMPBELL: Let me see over
19 here, Your Honor. She is talking about
20 evidence and I want to make sure that I have
21 reviewed it.

22 THE COURT: Do you have a copy in
23 your file, Ms. Bannon?

24 MS. CAMPBELL: I don't ---

25 SOLICITOR BANNON: Your Honor, I do

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1 in my file. It's a big accordion file and
2 it's actually downstairs.

3 THE COURT: Well, I'll let you get
4 a copy of it today.

5 MS. CAMPBELL: Thank you, Your
6 Honor. That's all that I have.

7 THE COURT: Very well. You may
8 step down.

9 (WITNESS STEPS DOWN)

10 THE COURT: Any additional testi-
11 mony, Ms. Bannon?

12 SOLICITOR BANNON: No more
13 testimony. Just some slight argument.

14 THE COURT: I will be delighted to
15 hear from you.

16 SOLICITOR BANNON: The State
17 feels that probable cause has been reached to
18 get to the Schmerber Motion. Additionally,
19 the State would argue that under the DNA
20 database law, South Carolina Section 23-3-620
21 that although it is not funded that it is an
22 effective law and it allows the State to
23 collect Mr. Collins' DNA because he's been
24 indicted and therefore subject to all laws
25 for an arrest for a felony that is subject to

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1 a penalty of more than five years. So that's
2 just around way that the State gets his DNA.

3 THE COURT: Ms. Campbell?

4 MS. CAMPBELL: Your Honor, just
5 for the record, what I -- what I will be
6 addressing at this hearing is how Your Honor
7 split the matter up. It's just the Schmerber
8 situation and -- the entirety of this
9 argument would encompass at trial the fourth
10 amendment violations, the misconduct, the
11 fruit of the poisonous tree, the Motion to
12 suppress any evidence -- because we would
13 take the position that this court cannot go
14 back now and correct the misconduct that has
15 been committed previously.

16 So with that understanding, then I
17 will address myself to the specifics of this
18 probable cause hearing. I would submit to
19 this court that the officer testified that
20 the only connection between Mr. -- well, that
21 Gussie, under Federal proffer, under
22 indictment, throws out a name that law
23 enforcement then tries to connect to my
24 client.

25 THE COURT: For the sake of the

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1 record, "Gussie" is Enrique Miles?

2 MS. CAMPBELL: No.

3 SOLICITOR BANNON: Gussie is Gussie
4 Goldwire.

5 THE COURT: Goldwire. Okay.

6 MS. CAMPBELL: Gussie Goldwire,
7 under Federal indictment, seeking to change
8 his circumstances there, mentions the name of
9 Antonio Wilson, which they then try to
10 connect up to my client, Mr. Collins down in
11 Florida. Gussie is the only piece of
12 evidence that the State has other than this
13 Enrique, who gives a very inexact description
14 that would reflect Mr. Collins. He is not
15 balding, and he's not -- he doesn't have a
16 receding hairline. There is no similarity
17 in any description that is given. And the
18 State offers no evidence that Mr. Collins
19 suffered a gunshot wound.

20 I mean, it's clear that the person
21 that the State would be looking to would have
22 suffered a severe injury to their body. We
23 have no evidence of that at this point.

24 We do know that photographs were
25 taken, which the State cannot tell Your Honor

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1 were in any way indicative of representations
2 of a gunshot.

3 So I would submit to the Court that
4 the State falls, at this point, very far from
5 probable cause with just this extremely
6 suspect assertion by Gussie Goldwire that
7 this is the person that you are looking for
8 in this matter. Thank you, Your Honor.

9 THE COURT: Thank you. You may be
10 right. You may be wrong. That's the reason
11 that it is probable cause. Personally,
12 that's the reason that -- oddly enough, or
13 interestingly enough, I tried a PCR two weeks
14 ago and that's exactly what the defendant was
15 asking for, 'please take my DNA and compare
16 it, because I think that it will help me.'

17 This is -- not that he has to prove
18 anything. This is one way to find out
19 whether Gussie is correct or not.

20 Clearly probable cause has been
21 established, clearly the blood that they
22 follow -- the potential that he was the
23 person, because of Gussie's testimony, who
24 was the one being removed from the car with
25 the gunshot wound. I think we can eliminate

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1 that situation quickly. Very quickly.

2 I think it's very appropriate. I
3 think that's why the legislature passed that
4 act as well as -- for everybody's benefit.
5 We're constantly seeing that, every day, it
6 being established that people could not
7 possibly be the person who committed the
8 offense. DNA today versus seven or eight
9 years ago, as I found out in that hearing, is
10 drastically different. We can be much more
11 specific now, so I think it's very
12 reasonable.

13 The least intrusive way is a buccal
14 swab and I find that to be an appropriate
15 method of obtaining the DNA, so I grant your
16 Motion.

17 MS. CAMPBELL: Your Honor, does
18 your Order -- if the State is going to draft
19 the Order, does it need to include that there
20 is no limitation based on that ruling on the
21 full argument that we would need to make at
22 trial?

23 THE COURT: I'm not going to --
24 I'm not dealing with that. As I stated, I
25 don't have to deal with that. I don't think

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1 that we get into a proposition here of --
2 you're taking the position, as everybody is,
3 that she doesn't know, you don't know.
4 You're saying that it was not. She can't say
5 that it was.

6 So for my purposes, I don't see how
7 you can possibly -- I don't think the State
8 can rely on that. I don't think we're doing
9 two Schmerber situations. This is the first
10 time that this Court has had to deal with it.
11 So I'm not addressing that. That is an issue
12 that will be addressed if it needs to be
13 addressed. I just don't see how that is an
14 issue, frankly.

15 I understand the fruit of the
16 poisonous tree but that's why I wanted to
17 hear the testimony. If there is something
18 else that gets me -- gets in here, and there
19 is based on that testimony. Granted, it's
20 challengeable but not from a probable cause
21 standpoint. Thank you.

22 MS. CAMPBELL: Thank you, Your
23 Honor.

24 SOLICITOR BANNON: Just to clarify,
25 Judge, so you will be signing the proposed

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1 Order that I submitted.

2 THE COURT: I did.

3 SOLICITOR BANNON: Okay. For sake
4 of the file, ---

5 THE COURT: I am happy to do that.
6 I am not ruling on any of your positions, Ms.
7 Campbell, concerning that matter in Florida.
8 I think that those are still -- that's still
9 up for grabs, as far as I am concerned.

10 (HEARING CONCLUDED)

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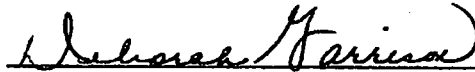
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STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF CHARLESTON)

I, the undersigned Deborah Garrison, Circuit Court Reporter for the 9th Judicial Circuit, hereby certify that the foregoing is a complete and accurate transcript of the hearing held in the within action heard on January 25, 2012, before The Honorable R. Markley Dennis, Jr.;

I further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.



Deborah Garrison

Charleston, South Carolina
September 23, 2014

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT) 14TH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,) TRANSCRIPT OF RECORD
V.) 2011-GS-07-2279
ANTONIO COLLINS,) 2011-GS-07-2378, 2379
DEFENDANT.) 2011-GS-07-2403

OCTOBER 21-24, 2013

BEAUFORT, SOUTH CAROLINA

B E F O R E:

THE HONORABLE J. ERNEST KINARD, JR., JUDGE; AND A
JURY.

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

HUNTER SWANSON, ASSISTANT PUBLIC DEFENDER
ATTORNEY FOR THE STATE

TRASI CAMPBELL, PUBLIC DEFENDER
ARIE BAX, ASSISTANT PUBLIC DEFENDER
ATTORNEYS FOR THE DEFENDANT

SHARON L. VIZER
CIRCUIT COURT REPORTER

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(DW) - DENOTES DEFENSE WITNESS

(IC) - DENOTES IN CAMERA

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3	Photograph		-315
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5	Photograph		-243
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7	Photograph		-164
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9	Photograph		-163
10	Photograph		-163
11	Photograph		-273
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13	Photograph		-273
14	Photograph		-273
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17	Photograph		
18	Photograph		
19	Photograph		
20	Photograph		
21	Photograph		
22	Photograph		-333

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NO.	DESCRIPTION	ID.	EV.
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24 -	Photograph		-336
25 -	Photograph		-336
26 -	Photograph		-334
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28 -	Photograph		-307
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30 -	Photograph	-47	-145
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14	- Photograph		-147
15	- Photograph		-169
16	- Photograph		-256

E X H I B I T S

NO.	DESCRIPTION	ID.	EV.
<u>FOR THE DEFENDANT:</u>			
17	- Photograph		-256
18	- Photograph		-254
19	- Photograph		-254
20	- Photograph		-257
21	- Photograph		-170
22	- Photograph		
23	- Photograph		
24	- Photograph		-288
25	- Photograph		-290
26	- DVD of Interview	-282	-500
27	- Photograph	-297	
28	- Sketch	-526	-528
29	- Sketch	-526	-529
30	- Copy of Arrest Warrant	-550	-553

FOR THE COURT:

1	- BCSO Item 73.....	409
2	- Diagram of Barrel.....	415
3	- Diagram of Projectile.....	415
4	- Note from Jury.....	606
5	- Note From Jury.....	606

1 Monday, October 21, 2013

2 THE COURT: All right, jurors. We are going to see
3 about qualifying a jury in the first case. This is a
4 case that will probably run into Thursday. I think we
5 can finish it by Thursday but, you know, it's out of our
6 control.

7 The solicitor handed me three documents they call
8 indictments. They allege that Antonio Collins committed
9 three crimes --

10 MS. SWANSON: Four, Your Honor. I'm sorry.

11 THE COURT: Well, one stuck together.

12 MS. SWANSON: One of them stuck. Okay.

13 THE COURT: See, I don't know anything about the
14 case. You know what I mean? All occurred allegedly on
15 June 22nd of 2009.

16 Indictments are just charging papers, contain
17 allegations an individual committed various crimes or a
18 crime. The fact that the individual has been charged
19 with the commission of a crime creates no inference of
20 guilt against an individual.

21 Everybody accused of committing a crime is presumed
22 innocent and has no burden to prove that they are not
23 guilty. In order to obtain a conviction it's incumbent
24 upon the State to convince 12 jurors unanimously beyond a
25 reasonable doubt the individual charged by an indictment

1 committed the crime embraced within an indictment.

2 Not in the any particular order, just how they were
3 kind of handed up, this indictment alleges that Antonio
4 Collins committed the crime of burglary by entering the
5 dwelling of Ronald Coleman on Seabrook Road with the
6 intent to commit a crime therein and that at the time he
7 entered he was armed with a weapon, and that the entry
8 occurred during the nighttime.

9 And as alleged, this alleges burglary in the first
10 degree, which I'll explain to you if you get on there,
11 but burglary is entering property with intent to commit a
12 crime. It breaks it down between commercial property,
13 beach houses, residences, outbuildings and so forth, but
14 certain things make burglary first degree, second degree
15 or third degree.

16 The State has to prove the elements that
17 constitutes the crime entering a dwelling in the
18 nighttime which is something that makes a burglary in the
19 first degree. Entering a dwelling armed with a weapon
20 makes a burglary first degree. I'm not saying
21 Mr. Collins did any of that, that's just what the
22 allegations are.

23 The second indictment alleges that on that date
24 Antonio Collins did kidnap Enrekae -- is that how you
25 pronounce it, Miles?

1 MS. SWANSON: Enrekae.

2 THE COURT: Enrekae, E-n-r-a-k-a-e [sic], first
3 name, Miles.

4 The next indictment alleges that on June 22nd, 2009
5 Antonio Collins did kill and murder Ronald Collins and
6 that he shot him and he died, and that he killed him with
7 malice aforethought.

8 And the final indictment, which is just an add-on
9 penalty, alleges that on that day, June 22nd, 2009,
10 Antonio Collins possessed a weapon while committing a
11 violent crime.

12 Now, burglary first is a violent crime, murder is a
13 violent crime, and kidnapping is classified as a violent
14 crime. So it's just an add-on penalty. All right.

15 Now, again, Mr. Collins is presumed innocent of all
16 charges. He has no burden to prove that he's not guilty.

17 And I take it that he is present somewhere?

18 MS. CAMPBELL: He is, Your Honor. Right here.

19 THE COURT: If he would just stand.

20 (The defendant stood.)

21 THE COURT: All right, jurors. That's Mr. Collins.
22 And it looks like the indictment alleges his name is
23 Antonio Collins but apparently his name is Antonio Eugene
24 Collins; is that right?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Jurors, does he look familiar? Is
2 anybody kin to him, related to him directly, indirectly,
3 go to school with him, live in a neighborhood with him,
4 work with him, know him at all? If so, please stand.

5 (There was no response.)

6 THE COURT: All right. Mr. Collins, you can have a
7 seat.

8 But while you all are standing, he's represented by
9 attorneys. Just tell them who you are.

10 MS. CAMPBELL: Hi. Good morning. My name is Trasi
11 Campbell. I'm the public defender for Beaufort County.
12 With me is Arie Bax. He's an assistant public defender.
13 There will be other attorneys from my office that will be
14 coming in and assisting with my case.

15 Should I list those attorneys as well?

16 THE COURT: You should.

17 MS. CAMPBELL: James Bell is an assistant public
18 defender; Lauren Carroway, assistant public defender;
19 Kimberly Jordan, assistant public defender; Jessica
20 Saxon, assistant public defender; and Helen Roper Duvel
21 is also an assistant public defender.

22 I have two investigators that work at the public
23 defender's office, Rick Chapman, formerly with Beaufort
24 County Sheriff's Office; and Bob Harris, formerly with
25 FBI. They may be also assisting with our case. Thank

1 you.

2 THE COURT: All right. Jurors, if anybody has any
3 connection direct or indirect, that's like Ms. Campbell's
4 brothers, your sister's cousin, whatever. You know, have
5 any connection direct or indirect with any of the named
6 public defender or with the public defender's office in
7 general, if you'd please just stand.

8 (There was no response.)

9 THE COURT: All right. Now, the case is going to
10 be prosecuted by assistant solicitors. The chief deputy
11 solicitor is going to tell you who she is and who else is
12 going to be involved.

13 MS. SWANSON: Thank you for the promotion.

14 THE COURT: Uh-huh.

15 MS. SWANSON: My name is Hunter Swanson. I'm one
16 of the assistant solicitors here in Beaufort County.
17 Lynore Musser is going to be sitting with me. She's also
18 an assistant solicitor.

19 Investigator Chris Wilson with the Beaufort County
20 Sheriff's Department is the case officer for my case, and
21 I will also be assisted by Investigator Roger Heaten,
22 formerly with SLED. He is with our office as an
23 investigator.

24 THE COURT: All right. Jurors, if you have any
25 connection, direct or indirect with Ms. Swanson, anybody

1 in the 14th Circuit Solicitor's Office I need for you to
2 stand.

3 POTENTIAL JUROR: I know Chris Wilson.

4 THE COURT: Again, any time you stand just tell us
5 who you are, and if you know your number tell us.

6 POTENTIAL JUROR: Juror 27, Monica Butler.

7 THE COURT: All right. The fact that you know
8 somebody does not disqualify you unless you can't be fair
9 and impartial.

10 POTENTIAL JUROR: I can be fair and impartial.

11 THE COURT: You can be?

12 POTENTIAL JUROR: Yes, sir.

13 THE COURT: Okay. Just have a seat.

14 All right. Now, jurors, if you or an immediate
15 family member -- and any time I say immediate family
16 member I'm talking about up and down and across. I'm
17 talking about parents, children, brothers, sisters, their
18 spouses, all right. If you or an immediate family member
19 currently in the past have been employed by law
20 enforcement at any level the attorneys would like to
21 know. That's, you know, anything from FBI to Jasper
22 County deputy to City of Beaufort police officer, to
23 anybody that's authorized to arrest people, or highway
24 patrolman, or wildlife person, anybody.

25 POTENTIAL JUROR: Juror 178, Robert Payne. My

1 daughter is a Beaufort County sheriff's deputy.

2 THE COURT: After you give us the information if
3 you can be fair and impartial just have a seat.

4 POTENTIAL JUROR: I can be fair and impartial.

5 THE COURT: Okay.

6 POTENTIAL JUROR: Juror 107. I have a daughter
7 that's a police officer in New Jersey, and I can be fair
8 and impartial.

9 THE COURT: Okay.

10 POTENTIAL JUROR: Number 96. My name is Doug Hart,
11 and I have a son that's a police officer in New York.

12 THE COURT: Okay. And jurors, I asked you about
13 14th Circuit Solicitor's Office. If you or an immediate
14 family member currently or in the past been employed by
15 any individual or agency that prosecutes crimes, which
16 would be a solicitor's office anywhere, district
17 attorney's office, jag corp in the service, some county
18 attorney's prosecute cases, you need to please stand.

19 POTENTIAL JUROR: Store detective for Group Four,
20 London, England.

21 THE COURT: Okay. Thank you.

22 POTENTIAL JUROR: Oh, jury number 239.

23 THE COURT: All right. I asked you about Public
24 Defender's Office for 14th Circuit, anybody currently or
25 in the past or your immediate family been employed by a

1 public defender corporation? It doesn't have to be in
2 Beaufort County or the 14th Circuit. It could be
3 anywhere, or if you have been employed or have an
4 immediate family member that's employed by an attorney
5 who defends people accused of crimes, not necessarily
6 full time but just even occasionally the attorneys would
7 like to know.

8 (There was no response.)

9 THE COURT: Jurors, I asked you about employment
10 with law enforcement. If you or an immediate family
11 member while not directly employed by law enforcement are
12 currently or in the past have been employed in a quasi
13 law enforcement position such as a night watchman or
14 security guard, somebody that walks through a block of
15 stores looking for shoplifters attorneys would like to
16 know.

17 POTENTIAL JUROR: I used to do corrections in
18 Ridgeland in Beaufort County.

19 THE COURT: And do you have a name or number?

20 POTENTIAL JUROR: I'm sorry. It's 149, Alicia
21 McQueen.

22 THE COURT: Okay.

23 POTENTIAL JUROR: Juror 25, both of my brothers
24 were correction officers in Columbia.

25 THE COURT: Okay. Thanks.

1 Of course, this applies to probation departments,
2 too. I didn't mention that.

3 Jurors, if you belong to any organization that
4 takes a position on crime in society, and you would know.
5 They all go by alphabet names like CAVE, CADRE, MADD,
6 SADD.

7 (There was no response.)

8 THE COURT: All right. Now, jurors, I have a list
9 of witnesses. There was some duplicates. I think we're
10 going to read them out.

11 Are any of the witnesses present in the courtroom?

12 MS. SWANSON: Just Investigator Wilson.

13 THE COURT: Okay. Sergeant Chris Wilson, potential
14 witness, he's already stood. Staff Sergeant Kevin Bush
15 is a potential witness. All I have are bare names so if
16 you know someone with the same or similar name stand and
17 the attorneys can tell us whether the person you know is
18 the person we are taking about.

19 Sergeant Melissa MacPhee, Sergeant Brent Burns,
20 Staff Sergeant Brian Chapman, Sergeant Jeffrey Lauver,
21 Staff Sergeant Jody Hiers, Staff Sergeant Jeremiah
22 Fraser, Corporal Jeffrey Merrill, Master Sergeant Jeffrey
23 Purdy, Captain Robert Bromage, Sergeant Joel Calandra,
24 Chris Carter, Staff Sergeant Jeffrey Light, Captain James
25 Bukoffsky, John Donahue, who I guess is employed by SLED.

1 I don't know.

2 MS. SWANSON: Beaufort County DNA.

3 THE COURT: Beaufort County. Sergeants Ramona
4 Kuhn; Tim French, employed by the Beaufort County
5 Sheriff's Office; Adam Zsamar, I guess you pronounce it;
6 Andrew Rice, Beaufort County Sheriff's Office; Jennifer
7 Snider, Beaufort County Sheriff's Office; Jean Roberts,
8 Beaufort County Sheriff's Office; Michael Perkins,
9 Beaufort County Sheriff's Office; Chad Smith, employed by
10 SLED; Melanie Smith, Beaufort County; Joey Dunkle,
11 Beaufort County EMS; Debbie Bennett, Beaufort County EMS;
12 Tim McAuliffe, U. S. Drug Enforcement Administration;
13 Alvin Primus or Primus.

14 POTENTIAL JUROR: Juror 152. I represented
15 Mr. Bromage in some real estate matters before.

16 THE COURT: Can you be fair and impartial if that
17 individual testifies?

18 POTENTIAL JUROR: No problem.

19 THE COURT: Okay.

20 POTENTIAL JUROR: My husband is a Beaufort County
21 cop and works with almost all those people, but Bromage
22 I've known for a long time and MacPhee.

23 THE COURT: All right. Your name is?

24 POTENTIAL JUROR: I'm sorry. Christine Doyle. I'm
25 53.

1 THE COURT: All right. Eileen Rios; Ebony Coleman;
2 Julia Wearrien, I guess; Adrian McBeth; John Little;
3 Renita Myers; Nathaniel Green; Enrekae Miles; Gussie
4 Goldwire; Jeremy Murphy; Eric Johnson; George Savage;
5 Charles Dewitt; Ed Allen, who apparently is a Beaufort
6 County Coroner, or was; Chauncey Solomon; Jeff Crosby;
7 Eric Baxter; Jennifer Clayton with SLED; initial L. Giles
8 with SLED; S. Kindard with SLED; Mike Lynch with SLED;
9 Cynthia Schandl, I guess, MUS; somebody named E.
10 Corcrair, MUS; Brian Meehan. Anybody else for the first
11 week jurors?

12 MS. SWANSON: Your Honor, the only additional
13 possible witness would be Anthony Russell with Hampton
14 County Sheriff's Office.

15 THE COURT: Anthony Russell.

16 (There was no response.)

17 THE COURT: Now, jurors, on the next series of
18 questions if the question applies to you I just need you
19 to come up, okay? I'm going to ask a couple so they
20 won't know why you are coming up, meaning the rest of the
21 people.

22 If you or an immediate family member to your
23 knowledge has been the victim of a violent crime as you
24 understand the term, you know, like somebody breaks in
25 your car. You might think that's a violent crime. It's

1 not classified as such but if you think it's violent a
2 crime do that. If you or an immediate family member have
3 ever been accused, whether convicted or not, of
4 committing a violent crime as you understand the term if
5 you would come up.

6 If you have ever testified in a criminal trial or
7 been seated on a criminal jury, and would not have to be
8 in General Sessions Court, could have been in
9 Magistrate's Court, like a driving under suspension or
10 anything, I need for you to come up.

11 All right, you all can come up.

12 (WHEREUPON, the following sidebar was reported.)

13 POTENTIAL JUROR: Hey. How you doing, sir? Juror
14 212. My son was -- he's a truck driver. He got hit in
15 the head last week and robbed last week. You want me to
16 be honest about it?

17 THE COURT: That's all I'll hear.

18 POTENTIAL JUROR: I don't have any compassion for
19 him.

20 THE COURT: We are going to transfer him to another
21 term.

22 THE CLERK: Yes, sir.

23 THE COURT: Civil court.

24 THE CLERK: 212.

25 THE COURT: You'll just get another notice.

1 (WHEREUPON, Juror 212 took his seat, and Juror 107
2 approached for the following sidebar.)

3 POTENTIAL JUROR: Juror 107. I had a sister that
4 was murdered several years ago, but I do believe I can
5 be.

6 THE COURT: Okay. Thank you.

7 (WHEREUPON, Juror 107 took her seat, and Juror 152
8 approached for the following sidebar.)

9 POTENTIAL JUROR: Juror 152. I served on a DUI
10 jury, and my parents' house has been broken into twice.
11 One time they apprehended him, one time they did not.

12 THE COURT: Okay.

13 (WHEREUPON, Juror 152 took her seat, and the next
14 Juror approached for the following sidebar.)

15 THE COURT: Attorneys, you all know you can ask
16 questions if you want.

17 MS. CAMPBELL: What was her number?

18 THE COURT: 152.

19 MS. CAMPBELL: Juror 152?

20 THE COURT: Yes.

21 POTENTIAL JUROR: My son was deputy sheriff here
22 about 8 to 10 years ago. He's a cop now in New York.
23 And while he was here he was hit in the head and lost his
24 job or resigned, got seizures from it. So I don't know
25 whether that's a violent crime or not but that happened

1 while he was a police officer here.

2 THE COURT: Okay.

3 POTENTIAL JUROR: So whatever you want me to do
4 I'll do.

5 THE CLERK: 96.

6 THE COURT: If you can be fair and impartial you
7 can stay with us.

8 POTENTIAL JUROR: Well, I'll stay and serve what I
9 have to serve.

10 THE COURT: Okay.

11 MS. CAMPBELL: Your Honor, could he answer whether
12 or not he would be fair and impartial.

13 THE COURT: He did.

14 MS. CAMPBELL: Okay. I didn't hear him answer.
15 I'm sorry. He said yes?

16 POTENTIAL JUROR: Well, it's all up to you. I
17 mean, I'll sit in if you want me to stay in. If they
18 don't, they don't.

19 THE COURT: Okay.

20 MS. CAMPBELL: Thank you.

21 (WHEREUPON, Juror 96 took his seat, and Juror 57
22 approached for the following sidebar.)

23 POTENTIAL JUROR: I'm 57. I served as a foreman in
24 magistrate's court back in '08 for a simple possession.

25 (WHEREUPON, Juror 57 took his seat, and Juror

1 Number 9 approached for the following sidebar.)

2 POTENTIAL JUROR: Number 9. I served on a DUI case
3 here.

4 (WHEREUPON, Juror 9 took his seat, and the next
5 Juror approached for the following sidebar.)

6 POTENTIAL JUROR: I have to ask the question. I
7 have a cousin who her son has, I believe, shot and killed
8 a person. I don't know if he's been through trial yet or
9 not. I believe that's in Greenville or Pickens County,
10 upstate. I don't know if it would make a difference.

11 THE COURT: It's up to you whether you can be fair
12 and impartial.

13 POTENTIAL JUROR: Oh, yeah.

14 THE COURT: All right.

15 POTENTIAL JUROR: I'll go sit down.

16 THE COURT: Thank you.

17 (WHEREUPON, the Juror took his seat.)

18 THE COURT: All right. You all need anything else?

19 MS. CAMPBELL: Are you concluding the voir dire? I
20 do have other questions that haven't been asked.

21 THE COURT: I'm going to ask them about this and
22 that.

23 MS. CAMPBELL: So you are going to ask eight and
24 nine?

25 THE COURT: And that.

1 MS. CAMPBELL: And seven about the publicity?

2 THE COURT: Yep.

3 MS. CAMPBELL: Okay. Seven, eight and nine. And
4 we asked 11. Okay.

5 THE COURT: Yep.

6 MS. CAMPBELL: Thank you.

7 (WHEREUPON, the sidebar was concluded.)

8 THE COURT: Okay, jurors. Now, all I've given you
9 are the allegations because that's all I know, all right?

10 Now, on the next series of questions I need you to
11 come up again if they apply to you. If you have read
12 anything in the newspaper or seen anything on TV about
13 this case before today or heard anything about the case,
14 you know, from somebody who was at work or a neighbor or
15 anything at all, if you've heard anything about the case
16 other than what I told you on those allegations I'm going
17 to need for you to come up.

18 Now, if you have formed an opinion as to how the
19 case should be resolved you need to tell us, but you can
20 come up. Because if you've already formed an opinion,
21 you know, he's presumed innocent. If I told you to vote
22 right now it would have to be not guilty because no
23 evidence has been presented.

24 If you know of any reason why you could not be fair
25 and impartial, whether I have queried you about it or

1 not, like you might not like the way some of the
2 attorneys have their hair fixed. I mean, anything to
3 keep you from being fair and impartial you need to tell
4 us.

5 And if you personally have put any opinions in the
6 media, as media is now defined, concerning crimes the
7 attorneys would like to know, for or against. It could
8 be in the newspaper, it could have been on TV. You could
9 have used a pseudo name. You could have put it on the
10 internet. Anybody need to come up about any of those?

11 (There was no response.)

12 THE COURT: All right. Anything else from the
13 State?

14 MS. SWANSON: No, sir.

15 THE COURT: From the defense?

16 MS. CAMPBELL: No, Your Honor.

17 THE COURT: Okay. Let's draw them out.

18 All right. Now, jurors, we are going to print out
19 a list but I think we have enough that 93 can go?

20 (WHEREUPON, a conversation took place between the
21 Court and the clerk off the record.)

22 THE COURT: All right. So no shouting and clapping
23 but Juror Number 93, you can ease out of here slowly.
24 You'll get another notice about when to come back.

25 Now, other jurors, I have some bailiffs -- we're

1 just going to take a break because we print it -- the
2 computer throws all your names together, it prints out a
3 list so we can go straight down the list. You may not be
4 selected because as you heard -- I normally don't tell
5 people. Since you've heard, each side gets 10 -- they
6 can excuse 10 people for no reason at all, really, and
7 then have a couple of strikes on the alternate. So it's
8 going to take a little while to do that so if you all
9 would follow Mr. Pinson out back there. About 15
10 minutes, I guess. Sixteen if you need it.

11 THE CLERK: Thank you, sir.

12 (WHEREUPON, a brief recess was taken.)

13 (WHEREUPON, the following sidebar took place.)

14 THE COURT: One of the jurors told Al that she now
15 remembers reading about it in the paper.

16 THE BAILIFF: She's right here, Your Honor.

17 POTENTIAL JUROR: Number 143. I read about it in
18 the paper four years ago, but I can be biased.

19 THE CLERK: Do you remember anything about it?

20 POTENTIAL JUROR: Just it was over on an island
21 near us.

22 THE COURT: Can you be fair and impartial?

23 POTENTIAL JUROR: Yes, sir.

24 THE COURT: Can you decide it based on what's
25 presented and not what you've read?

1 POTENTIAL JUROR: Yes, sir. I'm sorry.

2 (WHEREUPON, the sidebar was concluded.)

3 THE COURT: Okay, jurors. Believe it or not this
4 is not going take long. California takes two or three
5 weeks to get a jury seated in a murder trial but we are
6 going to do it in a few minutes, maybe.

7 Now, this is what we are going to do. The clerk is
8 going call your name one at a time. When she calls your
9 name just stand. You don't have to do anything but
10 stand. You don't have to say anything. I hate to put it
11 this way but they going to accept you or reject you, you
12 know. Don't start crying if they say, Strike the juror.
13 All right? But whether they accept you or excuse you
14 they might say seat the juror, excuse the juror,
15 whatever, you'll know, then have a seat.

16 The State goes first then the defense. And when we
17 get 12 jurors and two alternates we'll let those jurors
18 -- we'll tell them what to do. We're going to start the
19 trial in the morning so you'll really be through for
20 today but one of the bailiffs -- how many do I have, just
21 you, Jody?

22 THE BAILIFF: I've got Debbie, too.

23 THE COURT: Oh, Debbie is back.

24 THE BAILIFF: She's going to escort the first one
25 down to courtroom three, Your Honor.

1 THE COURT: They will show you where you will
2 report in the morning at 9:27, so we can start at 9:30.

3 THE CLERK: Judge Kinard, it was my understanding
4 that if they get seated that they would go ahead and
5 proceed out to the bailiffs. They are going to take them
6 to courtroom three.

7 THE COURT: Well, they are going to take them to
8 the jury room. We are not going to --

9 THE BAILIFF: Well, courtroom three is what we are
10 using.

11 THE CLERK: That is the jury room.

12 THE COURT: Or wherever they are going to be that's
13 where they'll report in the morning.

14 THE BAILIFF: Right.

15 THE COURT: All right. Let's start.

16 THE CLERK: Juror number 139, Lauren Marchlewski.

17 (A white female stood.)

18 THE CLERK: What says the State?

19 MS. SWANSON: Please present this juror.

20 THE CLERK: What says the defense?

21 MS. CAMPBELL: Please swear the juror.

22 THE COURT: Just have a seat. We're going to take
23 them all. It takes too long to take them one at a time.

24 THE CLERK: Yes, Judge.

25 Juror number 170, Hilda Norris.

1 (A black female stood.)
2 THE CLERK: What says the State?
3 MS. SWANSON: Please present this juror.
4 THE CLERK: What says the defense?
5 MS. CAMPBELL: Please swear the juror.
6 THE CLERK: Juror number 162, Kathryn Murphy.
7 (A white female stood.)
8 THE CLERK: What says the State?
9 MS. SWANSON: Please present Ms. Murphy.
10 THE CLERK: What says the defense?
11 MS. CAMPBELL: Please excuse the juror from this
12 trial.
13 THE CLERK: Juror number 120, Kevin Kersey.
14 (A white male stood.)
15 THE CLERK: What says the State?
16 MS. SWANSON: I'm sorry --
17 THE CLERK: Juror 120.
18 MS. SWANSON: Please present Mr. Kersey.
19 THE CLERK: What says the defense?
20 MS. CAMPBELL: Please excuse the juror from this
21 case.
22 THE CLERK: Juror 70, Jennifer Fletcher.
23 (A white female stood.)
24 THE CLERK: What says the State?
25 MS. SWANSON: Please excuse Ms. Fletcher.

1 THE CLERK: Juror number 46, Aaron Dempsey.
2 (A white male stood.)
3 THE CLERK: What says the State?
4 MS. SWANSON: Please excuse Mr. Dempsey.
5 THE CLERK: Juror number 107, Pamela Huber.
6 (A white female stood.)
7 THE CLERK: What says the State?
8 MS. SWANSON: Please present Ms. Huber.
9 THE CLERK: What says the defense?
10 MS. CAMPBELL: Please excuse the juror from this
11 trial.
12 THE CLERK: Juror number 81, Travis Gerrard.
13 (A white male stood.)
14 THE CLERK: What says the State?
15 MS. SWANSON: Please excuse number 81.
16 THE CLERK: Juror 60, Barry Enright.
17 (A white male stood.)
18 THE CLERK: What says the State?
19 MS. SWANSON: Please present Mr. Enright.
20 THE CLERK: What says the defense?
21 MS. CAMPBELL: Please excuse the juror from this
22 trial.
23 THE CLERK: Juror 220, William Stevenson.
24 (A white male stood.)
25 THE CLERK: What says the State?

1 MS. SWANSON: Please excuse this juror.
2 THE CLERK: Juror 192, Makina Ricks.
3 What says the State?
4 THE COURT: I don't see the juror standing.
5 (A black male stood.)
6 THE CLERK: Juror 192. What says the State?
7 MS. SWANSON: Please present Ms. Ricks.
8 THE CLERK: What says the defense?
9 MS. CAMPBELL: Please swear the juror.
10 THE CLERK: Juror number 30, Bryan Carter.
11 (A white male stood.)
12 THE CLERK: What says the State?
13 MS. SWANSON: Please excuse this juror.
14 THE CLERK: Juror number 239, Vola Whitcomb.
15 (A white female stood.)
16 THE CLERK: What says the State?
17 MS. SWANSON: Please present Ms. Whitcomb.
18 THE CLERK: What says the defense?
19 MS. CAMPBELL: Please swear the juror.
20 THE CLERK: Juror number 132, Russel Little.
21 (A white male stood.)
22 THE CLERK: What says the State?
23 MS. SWANSON: Please present Mr. Little.
24 THE CLERK: What says the defense?
25 MS. CAMPBELL: Please excuse the juror.

1 THE CLERK: Juror number 143, Janet Matlock.
2 (A white female stood.)
3 THE CLERK: What says the State?
4 MS. SWANSON: Please present Ms. Matlock.
5 THE CLERK: What says the defense?
6 MS. CAMPBELL: Please excuse the juror from this
7 trial.
8 THE CLERK: Juror 6, Dalila Arnold.
9 (A Hispanic female stood.)
10 THE CLERK: What says the State?
11 MS. SWANSON: Please excuse this juror.
12 THE CLERK: Juror number 27, Monica Butler.
13 (A white female stood.)
14 THE CLERK: What says the State?
15 MS. SWANSON: Please present this juror.
16 THE CLERK: What says the defense?
17 MS. CAMPBELL: Your Honor, may we approach?
18 THE COURT: You can approach but, you know, she
19 said she could be fair and impartial.
20 (The following sidebar took place.)
21 THE COURT: Her husband is a cop.
22 MS. CAMPBELL: No. She's friends with Chris Wilson
23 and I just wanted to inquire --
24 THE COURT: Come up.
25 I told you you could ask questions when they were

1 here.

2 MS. CAMPBELL: Thank you, Your Honor.

3 (WHEREUPON, Juror Number 27 approached and the
4 following sidebar was reported.)

5 POTENTIAL JUROR: Yes, sir.

6 THE COURT: They want to know your relationship, if
7 any, with this person.

8 POTENTIAL JUROR: We used to play softball
9 together. I don't think we've actually communicated in
10 about six or seven years.

11 THE COURT: If you'd like to ask her anything you
12 can.

13 MS. CAMPBELL: That's the full extent of the
14 relationship?

15 POTENTIAL JUROR: Yes.

16 MS. CAMPBELL: That's all I need to know. Thank
17 you.

18 (WHEREUPON, the sidebar was concluded.)

19 MS. CAMPBELL: The juror was 27, Your Honor?

20 THE COURT: Yeah.

21 MS. CAMPBELL: Please excuse the juror.

22 THE COURT: I didn't hear what you said.

23 MR. BAX: Please excuse the juror, Your Honor.

24 THE COURT: Okay. That's fine.

25 THE CLERK: Juror number 152, Jane Minnicks.

1 (A white female stood.)
2 THE CLERK: What says the State?
3 MS. SWANSON: Please present this juror.
4 THE CLERK: What says the defense?
5 MS. CAMPBELL: Please excuse the juror.
6 THE CLERK: Juror 57, Donald Edgerley.
7 (A white male stood.)
8 THE CLERK: What says the State?
9 MS. SWANSON: I'm sorry. What number was that?
10 THE CLERK: 57.
11 MS. SWANSON: Please present this juror.
12 THE CLERK: What says the defense?
13 MS. CAMPBELL: Please swear the juror.
14 THE CLERK: Juror number 178, Robert Payne.
15 (A white male stood.)
16 THE CLERK: What says the State?
17 MS. SWANSON: Please present this juror.
18 THE CLERK: What says the defense?
19 MS. CAMPBELL: Please excuse the juror.
20 THE CLERK: Juror number 9, Brian Avery.
21 (A white male stood.)
22 THE CLERK: What says the State?
23 MS. SWANSON: Please present Mr. Avery.
24 THE CLERK: What says the defense?
25 MS. CAMPBELL: Please swear the juror.

1 THE CLERK: Juror 25, Roy Brown.
2 (A black male stood.)
3 THE CLERK: What says the State?
4 MS. SWANSON: Please present this juror.
5 THE CLERK: What says the defense?
6 MS. CAMPBELL: Please swear the juror.
7 THE CLERK: Juror number 179, Caroline Pettigrew.
8 (A white female stood.)
9 THE CLERK: What says the State?
10 MS. SWANSON: Please present this juror.
11 THE CLERK: What says the defense?
12 MS. CAMPBELL: Please swear the juror.
13 THE CLERK: Juror number 155, Michelle Morante.
14 (A white female stood.)
15 THE CLERK: What says the State?
16 MS. SWANSON: Please present this juror.
17 THE CLERK: What says the defense?
18 MS. CAMPBELL: Please swear the juror.
19 THE CLERK: Juror number 47, Samantha Sumner.
20 (A white female stood.)
21 THE CLERK: What says the State?
22 MS. SWANSON: Please present this juror.
23 THE CLERK: What says the defense?
24 MS. CAMPBELL: Please swear the juror.
25 THE CLERK: Juror number 1, Ashley Aiken.

1 (A black female stood.)
2 THE CLERK: What says the State?
3 MS. SWANSON: Please excuse this juror.
4 POTENTIAL JUROR: Thank you. Thank you.
5 THE CLERK: Juror number 19, James Booth.
6 (A white male stood.)
7 THE CLERK: What says the State?
8 MS. SWANSON: Please present this juror.
9 THE CLERK: What says the defense?
10 MS. CAMPBELL: One second, Your Honor.
11 (PAUSE.)
12 MS. CAMPBELL: Please swear the juror.
13 THE CLERK: Juror number 53, Christine Doyle.
14 (A white female stood.)
15 THE CLERK: What says the State?
16 MS. SWANSON: Please present this juror.
17 THE CLERK: What says the defense?
18 MS. CAMPBELL: Your Honor, may we approach?
19 THE COURT: All right.
20 (WHEREUPON, the following sidebar was reported.)
21 MS. CAMPBELL: Your Honor, we would move to strike
22 Ms. Doyle for cause. Her husband works directly with
23 almost every single witness in this case. We feel that
24 she could not be fair and impartial in this case because
25 of the nature of her husband's relationship to all the

1 officers in this case.

2 THE COURT: What do you say?

3 MS. SWANSON: I think that they need to use a
4 strike. She's already said she could be fair and
5 impartial.

6 THE COURT: Yeah, but her husband is a deputy. She
7 knows everybody. We'll just knock her out. We got
8 enough jurors. She can have a seat.

9 (WHEREUPON, the sidebar was concluded.)

10 THE COURT: You can have a seat.

11 THE CLERK: Juror number 156, Robert Morgan.

12 (A white male stood.)

13 THE CLERK: What says the State?

14 MS. SWANSON: Please present this juror.

15 THE CLERK: What says the defense?

16 MS. CAMPBELL: Your Honor, may I check with the
17 clerk one moment?

18 (PAUSE.)

19 MS. CAMPBELL: Please swear the juror.

20 THE CLERK: Now we'll be striking for our first
21 alternate.

22 Juror number 37, James Colwell.

23 (A white male stood.)

24 THE CLERK: What says the State?

25 MS. SWANSON: Please present there juror.

1 MR. BAX: What is the juror's number, please?

2 THE CLERK: I'm sorry. Juror number 37.

3 MR. BAX: Thank you.

4 MS. SWANSON: Your Honor, may we approach briefly?

5 THE COURT: All right.

6 (WHEREUPON, the following sidebar was reported.)

7 MS. SWANSON: I just wanted to let you know that

8 Chris bowled in a league with him, but just in the vain

9 of full disclosure I wanted to tell you that.

10 MS. CAMPBELL: What number?

11 MR. BAX: Number 37.

12 (WHEREUPON, the sidebar was concluded.)

13 MS. CAMPBELL: Please excuse the juror from this

14 trial.

15 THE CLERK: Juror number 151, Maria Mims.

16 (A black female stood.)

17 THE CLERK: What says the State?

18 MS. SWANSON: Please excuse Ms. Mims.

19 THE CLERK: Juror number 189, Kimberly Reardon.

20 (A white female stood.)

21 THE CLERK: What says the State?

22 MS. SWANSON: Please present Ms. Reardon.

23 THE CLERK: What says the defense?

24 MS. CAMPBELL: Please swear the juror.

25 THE CLERK: Juror number 49, Andrea Dixon.

1 (A white female stood.)

2 THE CLERK: What says the State?

3 MS. SWANSON: Please present Ms. Dixon.

4 THE CLERK: What says the defense?

5 MS. CAMPBELL: Please excuse the juror from the

6 from this trial.

7 THE CLERK: Juror Number 61, Robert Evon.

8 (A white male stood.)

9 THE CLERK: What says the State?

10 MS. SWANSON: Please present this juror.

11 THE CLERK: What says the defense?

12 MS. CAMPBELL: Please swear the juror.

13 THE COURT: Okay. Anybody need to take up anything

14 concerning the strikes before we tell them what's

15 happening?

16 MS. SWANSON: Nothing from the State, Your Honor.

17 MS. CAMPBELL: There's nothing from the defense.

18 THE COURT: Okay. Jurors, those that have been

19 selected we are going to call your names out in just a

20 second. You'll go to, I think, courtroom three which is

21 serving as a jury room.

22 THE BAILIFF: That's correct, Your Honor.

23 THE COURT: Don't talk about the case. Don't be

24 looking up old newspaper articles or going on the

25 internet. You know, you have to decide the case based on

1 what transpires in the courtroom and the law that I
2 instruct you. So you don't even discuss the case until
3 everything is over and I tell you to start discussing it.

4 When you get to what's serving as a courtroom if
5 you would elect somebody a foreperson before you go home.
6 You be back in the morning at 9:27. They'll show you how
7 to come back in.

8 Don't get your hopes up. The foreperson doesn't
9 get paid any more than anybody else. It doesn't take a
10 unanimous vote to select a foreperson. It can be anybody
11 except the last two who are alternates who are Kimberly
12 Reardon and Robert Evon. Anybody else want to run for
13 being foreperson you can. As soon as you elect one you
14 all can go home.

15 If you all would call the names out and they can
16 follow them now.

17 THE CLERK: Yes, Judge.

18 (WHEREUPON, the jury leaves the courtroom at
19 approximately 12:26 p.m.)

20 THE COURT: Okay. Jurors that were not selected we
21 had, I think seven or eight that weren't called. If you
22 wonder whether they would have struck you or not just
23 stand up. No. We don't care.

24 (LAUGHTER.)

25 THE COURT: You all have a card with a number on

1 it. If you'd call that card after six there will be
2 instructions on it. It may say come in, it may say call
3 back the next day. The bottom line, we probably call
4 trials if we don't have them ongoing until Thursday. We
5 are not going to start one on Friday. Okay. But if you
6 all can leave orderly now would be a good time.

7 (WHEREUPON, the jury panel leaves the courtroom at
8 approximately 12:28 p.m.)

9 THE COURT: All right. What time you all want to
10 crank it up?

11 MS. CAMPBELL: Your Honor, this morning when I
12 talked with the representative from the sheriff's
13 department I asked that the five witnesses that I needed
14 for the suppression hearing this afternoon be here at two
15 o'clock, so I would say two o'clock is fine.

16 THE COURT: All right. Courtroom what, one, two?

17 THE CLERK: Two.

18 THE COURT: Two o'clock.

19 (WHEREUPON, a lunch break was taken.)

20 THE COURT: Okay. We are here with Antonio Collins
21 and his group of attorneys. What can I help you all
22 with, if anything?

23 MS. CAMPBELL: Please the Court, Your Honor. The
24 first motion that the defense would have pretrial is a
25 motion to sequester all the witnesses in this case. We'd

1 ask that the witnesses not be present in the courtroom
2 while all the witnesses are testifying and that they not
3 discuss and/or text message, e-mail in any form to talk
4 about the questions that defense counsel asks and how
5 they testified, beginning now.

6 MS. SWANSON: Your Honor, the State has no
7 objection except for Investigator Wilson. I would ask as
8 my case officer that she be allowed to remain with me,
9 and then also Ms. Julia Wearrien, the victim's mother is
10 a potential witness in my case and I ask that she be
11 allowed to remain in the courtroom under the victims'
12 rights.

13 THE COURT: Okay. She can stay, Wilson can stay,
14 and after somebody testifies they can stay but if they
15 stay they can't retake the stand.

16 MS. SWANSON: Yes, sir. And, Your Honor, the State
17 would also make a motion to sequester any defense
18 witnesses.

19 THE COURT: Reciprocity.

20 MS. CAMPBELL: Yes, sir.

21 THE COURT: Okay. All right. The defense wins
22 one.

23 MS. CAMPBELL: Number two, Your Honor, the
24 defendant intends to introduce at the hearing this
25 afternoon and then during the course of the trial at this

1 juncture 25 photographs that I provided to the solicitor.
2 It's my understanding she has no objections to the
3 photographs that I've marked Defendant's Exhibits 1
4 through 25; however, the defense does object and seeks to
5 limit the introduction of the photographs that the State
6 intends to introduce.

7 I don't know if her photographs are marked yet but
8 succinctly there are two to three photographs of the
9 deceased's body, in particular one of them he is not
10 clothed from the waist to the knees, basically, and we
11 would object to the introduction of any photos of the
12 victim's body. I can make my argument on that or the
13 State can let Your Honor know what they intend to do.

14 THE COURT: They need to let me know which ones
15 they want to put in and I'll have to look at them.

16 MS. SWANSON: Yes, sir. I've marked the ones that
17 do not have the victim's body and there are three
18 pictures that are in question. Actually, these two are
19 essentially the same. If I may hand them up to Your
20 Honor. The first picture -- and I have not marked these.
21 Maybe I should mark these at this point. I'm sorry.

22 (WHEREUPON, State's Exhibit Number 30, a
23 photograph, was marked for identification only.)

24 MS. SWANSON: I'm handing up State's Exhibit Number
25 30. This picture depicts the position of the victim when

1 he was found dead on arrival. It's not bloody. The
2 State would seek to enter it. I believe it's more
3 probative than prejudicial as it shows the --

4 THE COURT: I have no problem with that one. I
5 operate on the chill bump factor anyway.

6 MS. SWANSON: And then these two pictures are
7 essentially the same things. If I can mark these. I'm
8 sorry.

9 (WHEREUPON, State's Exhibit Numbers 31 and 32,
10 Photographs, were marked for identification only.)

11 MS. SWANSON: These are State's 31 and 32. And,
12 Your Honor, if I may hand them up. The placards that you
13 see are shell casings and I would like to show the
14 position of the body in conjunction with the shell
15 casings. I could crop it and keep the casings in there.

16 THE COURT: Yep. If you crop it it will be all
17 right.

18 MS. SWANSON: Okay.

19 THE COURT: They don't need to see his derriere --

20 MS. SWANSON: Okay. Thank you, Your Honor.

21 MS. CAMPBELL: May it please the Court. I
22 appreciate the State cropping photographs or Exhibit 31
23 and 32 to remove the deceased's body from the photographs
24 in reference to State's Exhibit 30. I know Your Honor
25 felt like it was okay but I do believe that the State is

1 in a position to corroborate the testimony or the
2 evidence that the decedent's body was found in the
3 doorway in a multitude of other ways without actually
4 showing the decedent in the doorway, the actual
5 photograph of him as he has --

6 THE COURT: It's got no gore, it's got no running
7 blood. It's totally harmless. It comes in.

8 MS. CAMPBELL: Thank you, Your Honor. Again, on
9 403, as the State mentioned, we do feel it's more
10 prejudicial to Mr. Collins --

11 THE COURT: It's not prejudicial. The guy died,
12 didn't he?

13 MS. CAMPBELL: Yes, sir.

14 THE COURT: When somebody dies there's a body. All
15 right.

16 MS. CAMPBELL: Thank you.

17 THE COURT: You know, I strike them out, you know,
18 if it's got blood running everywhere, if it inflames, but
19 just to see somebody lying there you can't even tell he's
20 dead, from that photo.

21 MS. SWANSON: Your Honor, and just so we're clear,
22 I'm just going to crop where we see the placards so you
23 will still see a foot.

24 THE COURT: That's fine.

25 MS. SWANSON: Okay.

1 THE COURT: And that just shows shell casings in
2 proximity to the foot.

3 MS. CAMPBELL: Your Honor, at this point if that
4 matter has been resolved the defense does have a motion
5 to suppress DNA that was collected in this case. From
6 what I can ascertain in working on the case DNA was
7 collected from four different locations; number one, on
8 the porch of Mr. Coleman's home, on the roadway on
9 Seabrook Road near Mr. Coleman's home, from a .40 caliber
10 Smith and Wesson that was located sort of in a grassy
11 area off of Seabrook Road, and then lastly from a
12 Cadillac, in the backseat of a Cadillac some time later.

13 Based upon the investigation that we did into the
14 case we believe that -- and, of course, we are going to
15 need the officer to hear the officer's testimony. We
16 believe that the collection procedures and handling as
17 these swabs, if you will, moved through the process
18 suffered contamination and cross-contamination and there
19 would be a concern that we would have on behalf of
20 Mr. Collins that the contamination and
21 cross-contamination led to a situation that should
22 suppress the DNA.

23 THE COURT: All right.

24 MS CAMPBELL: Thank you.

25 MS. SWANSON: Your Honor, if I may respond just

1 briefly. I believe the defense argument would go to the
2 weight of such evidence and not the admissibility. For
3 DNA to be suppressed I believe the defense would have to
4 show that one of the defendant's constitutional rights
5 have been violated. It's not a quality control argument.

6 So it would be the State's position that we don't
7 even need to proffer testimony regarding the collection
8 of DNA because that's actually something that the defense
9 can cross-examine on.

10 MS. CAMPBELL: Well, Your Honor, we would take an
11 opposite position. That's why we are making the motion
12 now, pretrial. If you don't handle the evidence
13 correctly and you put it in the stream and hand it on
14 down for analysis at the origination, and I do believe
15 based on the information that we have that there is
16 significant cross-contamination in this case.

17 THE COURT: Well, we are here with not much to do.
18 Put it up and we'll see.

19 MS. CAMPBELL: Thank you, Your Honor. I know that
20 -- I've asked that six officers be here this afternoon.
21 I believe that four are here and available. We are still
22 waiting on two as far as I know, so I'll begin with the
23 first officers that are here and I'll ask that Officer
24 Burns come in first.

25 BRENT BURNS, after having been duly sworn,

BRENT BURNS (IC) - DIRECT MY MS. CAMPBELL**52**

1 testified as follows:

2 THE CLERK: If you'll state your full name and
3 spell your last name for the record, please.

4 THE WITNESS: Brent Burns, B-u-r-n-s.

5 MS. CAMPBELL: May it please the Court?

6 THE COURT: Sure.

7 MS. CAMPBELL: And also because the solicitor
8 already looked at the photographs and has them I'm not
9 going to show them to her before I show them to the
10 officer.

11 DIRECT EXAMINATION

12 BY MS. CAMPBELL:

13 Q. Officer Burns, did you take photographs at the
14 Seabrook Road crime scene in this case?

15 A. I believe so, yes, ma'am. I don't remember
16 specifically everything.

17 Q. Did you take some measurements as well?

18 A. Yes, ma'am.

19 Q. And if your report said that you placed the CD of
20 photos in evidence you probably took the photos and put
21 them evidence, correct?

22 A. Yes, ma'am.

23 MS. CAMPBELL: May I approach the witness, Your
24 Honor?

25 THE COURT: Okay.

BRENT BURNS (IC) - DIRECT MY MS. CAMPBELL**53**

1 MS. CAMPBELL: With the Court's permission I'm just
2 going to stay right here for a moment.

3 THE COURT: All right.

4 BY MS. CAMPBELL:

5 Q. Officer Burns, I'm going to show you what's marked
6 Defendant's Exhibit 1. Can you tell us what that's a
7 photograph of?

8 A. Yes, ma'am. It's a yard with a little bridge
9 crossing a ditch and the victim's residence, I believe.

10 Q. And are placards 1, 2, 3, and 4 shown in
11 Defendant's 1?

12 A. Yes, ma'am.

13 Q. Do you know when this photograph was taken? Do you
14 know if it was taken the day after, or two days after?
15 Do you have any idea when this photograph was taken?

16 A. Not exactly. No, ma'am.

17 Q. Did you take this photograph?

18 A. Yes, ma'am.

19 Q. Defendant's Exhibit Number 2, what do you see in
20 this photograph?

21 A. The roadway, vehicle, and more placards.

22 Q. Same thing, you took this photograph?

23 A. Yes, ma'am.

24 Q. But we're not sure if it was the next day or a day
25 after?

BRENT BURNS (IC) - DIRECT MY MS. CAMPBELL

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- 1 A. Yes, ma'am.
- 2 Q. Defendant's 3, is this placards 5 through 9?
- 3 A. Yes, ma'am.
- 4 Q. Is that headed down towards Highway 21, the view?
- 5 A. Yes, ma'am.
- 6 Q. Again, placards 9, carrying on down on Seabrook
- 7 Road?
- 8 A. Yes, ma'am.
- 9 Q. Towards 21?
- 10 A. Yes, ma'am.
- 11 Q. Okay. Now, Defendant's Exhibit 5 would be 15
- 12 looking back towards Detour Road; is that right?
- 13 A. Yes, ma'am.
- 14 Q. Okay. Same roadway?
- 15 A. Yes, ma'am.
- 16 Q. Same crime scene, your photographs?
- 17 A. Yes, ma'am.
- 18 Q. Now, Defendant's Exhibit 6 has a placard 15 in it
- 19 as well, and what else is in the Defendant's 6?
- 20 A. Blood on the roadway.
- 21 Q. What you presumed to be blood?
- 22 A. Yes, ma'am.
- 23 Q. Okay. And you took this photograph?
- 24 A. Yes, ma'am.
- 25 Q. And do you know when you took it?

BRENT BURNS (IC) - DIRECT MY MS. CAMPBELL

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- 1 A. Same day as all the other ones but not exactly sure
2 of that date.
- 3 Q. Was it the night that Mr. Coleman was shot and
4 killed?
- 5 A. No, ma'am. It was not that night.
- 6 Q. Was it the next day?
- 7 A. It was either the next day or two days after. I'm
8 not sure exactly.
- 9 Q. Okay. And then in Defendant's Exhibit's 7, can you
10 tell us what that's a photograph of that you took?
- 11 A. A shoe impression.
- 12 Q. A shoe impression. And what else is in the
13 photograph?
- 14 A. A slide ruler.
- 15 Q. Okay. And can you tell us what the substance is on
16 the slide ruler that appears to be blood?
- 17 A. I'm not sure.
- 18 Q. Is that your slide ruler?
- 19 A. It was either mine or another investigator's.
- 20 Q. Do we have a choice on who the other investigator
21 would have been? Who was out there with you?
- 22 A. Should have been either Staff Sergeant Hiers or --
23 I'm not sure.
- 24 Q. Okay. And the placards that we see in the other
25 photographs that I've just shown you, are those your

BRENT BURNS (IC) - DIRECT MY MS. CAMPBELL

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1 placards or Hiers' placards?

2 A. I don't remember specifically.

3 Q. Defendant's Exhibit 8, is that basically a close up
4 of the shoe impression, the ruler and the unknown
5 substance on the ruler?

6 A. Yes, ma'am.

7 Q. Okay. Did you take photographs inside the
8 residence?

9 A. I don't remember.

10 Q. Did you take photographs on the porch?

11 A. I don't think I did.

12 Q. Were you on the scene that night?

13 A. Yes, ma'am.

14 Q. Okay. So Defendant's Exhibit 14, that would be how
15 the front porch area of Mr. Coleman's house looked?

16 A. Yes, ma'am.

17 Q. That night?

18 A. Yes, ma'am.

19 Q. Okay. And Defendant's Exhibit 15, that would be
20 the back of the house?

21 A. Yes, ma'am.

22 Q. Okay. Now, I'm going to show you Defendant's
23 Exhibit 16. Do you see another officer in the
24 photograph?

25 A. Yes, ma'am.

BRENT BURNS (IC) - DIRECT MY MS. CAMPBELL

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- 1 Q. Who is that officer?
- 2 A. Staff Sergeant Chapman.
- 3 Q. Chapman. Okay. Were you there with Chapman taking
- 4 these photographs?
- 5 A. I was there. I don't remember taking the
- 6 photographs inside the residence but I was there.
- 7 Q. Thank you. Just one moment.
- 8 So, Officer Burns, do you know who put the placards
- 9 out at the crime scene in the house on 6-22-09 at the
- 10 trailer?
- 11 A. The night of the incident?
- 12 Q. Yes, sir.
- 13 A. I'm not sure.
- 14 Q. But it wasn't you?
- 15 A. Right.
- 16 Q. Okay. Do you have a standard procedure that you
- 17 follow in putting placards out at a crime scene as to who
- 18 puts them out and how they are handled?
- 19 A. Generally once it started whoever would be putting
- 20 them out would continue throughout the entire time, but
- 21 that night particularly I don't remember exactly who put
- 22 it out or -- I just don't remember.
- 23 Q. And when you placed the placards down the placards
- 24 are sometimes sitting in blood, correct?
- 25 A. I guess they could be.

BRENT BURNS (IC) - DIRECT MY MS. CAMPBELL

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1 Q. Okay. And if the placards are sitting in blood how
2 do you clean them, or do you clean them? Or how do you
3 take care that you don't have a placard that's got blood
4 on it moved somewhere else?

5 A. I have never done that; however, if I had a placard
6 that was contaminated with blood I would personally -- I
7 would see about getting a new set of placards when I was
8 done with whatever I was doing however.

9 Q. So the sheriff's department doesn't have a standard
10 procedure for you to follow should the placard become
11 contaminated with blood from the crime scene?

12 A. I can't say off the top of my head.

13 Q. Did you swab or handle any of the forensic evidence
14 in this case?

15 A. No, ma'am.

16 Q. And the ruler that you laid down in the ditch, you
17 said that was your ruler, right?

18 A. From the picture?

19 Q. Correct.

20 A. It was either mine or Investigator Hiers'.

21 Q. Or Hiers'?

22 A. Yes, ma'am.

23 Q. Okay. And would the same follow for that if you
24 had a ruler that appeared to have blood on it you would
25 clean it before you used it again, right?

BRENT BURNS (IC) - DIRECT MY MS. CAMPBELL

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1 A. Yes, ma'am.

2 Q. Okay. And you testified you have no idea what the
3 substance was on Defendant's 7 and Defendant's 8,
4 correct?

5 A. Correct.

6 Q. And, Officer Burns, do you know if you signed in or
7 out of a crime scene log on 6-22-09?

8 A. I did not directly sign in or out.

9 MS. CAMPBELL: All right. That's all I have.

10 MS. SWANSON: Can I see Defendant's 7 and 8,
11 please, Ms. Campbell?

12 Beg the Court's indulgence.

13 (PAUSE.)

14 MS. SWANSON: I don't have any questions for
15 Officer Burns.

16 THE COURT: You can step down, Officer Burns.

17 I guess he can leave for today?

18 MS. CAMPBELL: For today. He's still under
19 subpoena.

20 THE COURT: Just saying. He's probably got other
21 things he'd rather do.

22 JODY HIERS, after having been duly sworn,
23 testified as follows:

24 THE CLERK: And if you'll state your full name and
25 spell your last name for the record, please.

JODY HIERS (IC) - DIRECT MY MS. CAMPBELL

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1 THE WITNESS: Jody Hiers, H-i-e-r-s.

2 DIRECT EXAMINATION

3 BY MS. CAMPBELL:

4 Q. Officer Hiers, were you a first responder on
5 6-22-09?

6 A. No, ma'am, I was not.

7 Q. When was your first action taken at Ronald
8 Coleman's house on Seabrook Road?

9 A. It would have been on 6-23 around eight o'clock,
10 8:00 p.m.

11 Q. 8:00 p.m.?

12 A. Yes, ma'am.

13 Q. And the crime occurred on 6-22 around 9:15 at
14 night, so about another 24 hours you showed up?

15 A. I believe the time is correct. I didn't -- yes.
16 That's correct.

17 Q. Okay. And when you showed up why were you going
18 there?

19 A. I actually went out there because we got a call
20 from an individual that stated there was blood in the
21 roadway and he wasn't sure if anybody had noticed that
22 the night of the incident.

23 Q. Okay. And the call you got was from a fellow by
24 the name of Enrekae Miles, right?

25 A. That's correct.

JODY HIERS (IC) - DIRECT MY MS. CAMPBELL

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1 Q. And Enrekae Miles is the supposed eyewitness to
2 what happened, right? Did you know that at the time?

3 A. At the time I did not because, again, I didn't
4 respond, you know, to the original call, but later I did
5 find out he was.

6 Q. Okay. So did you touch base with Chris Wilson, the
7 lead investigator, or tell her you were going out to look
8 at the blood in the road?

9 A. I actually talked to Master Sergeant Jeff Purdy to
10 see if anybody had actually observed the blood in the
11 roadway.

12 Q. Do you know if prior to your going out 6-23 about
13 eight -- what time was it again?

14 A. Around 8:00 p.m.

15 Q. Around eight o'clock. Do you know if anyone prior
16 to that had seen or reported the bloody trail on Seabrook
17 Road?

18 A. Not to my knowledge.

19 Q. Okay. So when you head out there I guess in your
20 car you have a camera and placards to put out, correct?

21 A. Correct.

22 Q. And measuring tapes?

23 A. Correct.

24 Q. Did you know of any other evidence that you were
25 looking for in the roadway other than a bloody trail?

JODY HIERS (IC) - DIRECT MY MS. CAMPBELL

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- 1 A. No, ma'am. It was just the blood.
- 2 Q. Did Enrekae meet with you there to show you where
- 3 he had found it?
- 4 A. He did.
- 5 Q. Okay. And when -- part of the other information
- 6 you probably had at that point was that actually Enrekae
- 7 didn't discover this bloody trail. Some people in the
- 8 neighborhood had discovered it and told him about it,
- 9 right?
- 10 A. Now, as far as I knew he was the one that found it,
- 11 from what I can remember.
- 12 Q. Okay. You took a statement from Enrekae Miles
- 13 which was on audio, correct?
- 14 A. Correct.
- 15 Q. And you asked Mr. Miles how he found out about the
- 16 roadway blood, correct?
- 17 A. I may have. I'm not certain.
- 18 Q. Well, if the audio indicates that Enrekae received
- 19 information from the neighborhood that's probably
- 20 correct, right?
- 21 A. If it indicates that, yes, ma'am.
- 22 Q. So he shows you where this trail is. Did he know
- 23 where anything else was?
- 24 A. No, it was just the blood.
- 25 Q. He didn't tell you where you could find a gun?

JODY HIERS (IC) - DIRECT MY MS. CAMPBELL

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1 A. No, ma'am.

2 Q. So tell us how you established a perimeter, if you
3 will, and how you went about collecting samples?

4 A. I was the only officer there so I basically turned
5 my blue lights on in the roadway to make sure nobody
6 actually came down and number one, disturb the scene, and
7 number two, hit me, obviously, and then I began the
8 process of actually observed bloody shoe impressions on
9 the road first and then I actually checked the side of
10 the road for any other type of evidence, and that's when
11 I discovered the gun.

12 Q. Okay. And did you put out placards that night?

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

14 Q. When you put out the placards that night did you
15 take photographs of the placards at night?

16 A. I believe I did, yes. I'd have to review my photos
17 to make sure.

18 Q. Right. You had another deputy come up and shine
19 lights on the roadway, right?

20 A. Correct. I believe he was working that night.

21 Q. Right. Okay. And when you did that did you take
22 out any measuring instruments from your car, anything
23 like that?

24 A. I believe I measured the gun from the side of the
25 roadway approximately five feet from the side of the

JODY HIERS (IC) - DIRECT MY MS. CAMPBELL

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1 road, but again, without reviewing the photos I couldn't
2 say yes or no.

3 Q. And then did you -- when you finished with the
4 placards what did you do with them?

5 A. Put them back in my vehicle.

6 Q. And some of the placards were sitting in blood or
7 no?

8 A. No. They would have been sitting beside it.

9 Q. Beside it.

10 A. Yes.

11 Q. Okay. And do you know that if any other officers
12 went out later and took photographs after you left that
13 night?

14 A. That night?

15 Q. Or, I mean, after you left the scene on the 23rd --

16 A. Right.

17 Q. -- do you know if anybody else went out and took
18 photographs at another time?

19 A. I believe -- I believe Investigator Foskey went
20 back out on the 24th and he took photos, but again, I
21 don't know exactly, you know, what the photos consisted
22 of.

23 MS. CAMPBELL: May I approach?

24 THE COURT: Okay.

25 BY MS. CAMPBELL:

JODY HIERS (IC) - DIRECT MY MS. CAMPBELL

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- 1 Q. Officer Hiers, I'll show you what's been marked as
2 Defendant's Exhibit 1. Do you recognize that photograph?
- 3 A. Yes. I believe that's going to be -- I believe
4 that's going to be the actual incident location.
- 5 Q. And placards 1 through 4 are there, correct?
- 6 A. Correct.
- 7 Q. And whose placards are those?
- 8 A. Not certain.
- 9 Q. Okay.
- 10 A. I guess they were Foskey's.
- 11 Q. Defendant's Exhibit 2, placards 2 through 9, do you
12 recognize that area there?
- 13 A. Yes, I do.
- 14 Q. Okay. And what is that?
- 15 A. That's going to be the bridge or the pieces of wood
16 that I think they used as far as a bridge to get across
17 the ditch, and that's going to be Seabrook Road.
- 18 Q. Okay. Is this a placard that you laid down,
19 placard 15? Did you have numbers 1 through 15 as well?
- 20 A. I did. I don't know if that's the one that I laid
21 down or not. It looks like that's -- I don't know. I
22 couldn't tell you.
- 23 Q. Okay. And Defendant's Exhibit 8, the shoe print,
24 is that what you found as well?
- 25 A. No, ma'am. I don't remember finding a shoe print.

JODY HIERS (IC) - DIRECT MY MS. CAMPBELL

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- 1 Q. You didn't find a shoe print?
- 2 A. I found a shoe dig.
- 3 Q. You fond a show dig. Okay. I'm sorry. What is
- 4 that, a shoe dig?
- 5 A. No. That's an actual print.
- 6 Q. Okay.
- 7 A. A dig is when you're running the front part of your
- 8 shoe basically digs in the ground and kicks dirt
- 9 backwards. There's actually no impression in the ground.
- 10 Q. And do you see the ruler in Defendant's Exhibit --
- 11 I guess that's 6 -- 7?
- 12 A. I do.
- 13 Q. And what is that substance on the ruler there?
- 14 A. I don't know.
- 15 Q. Okay. And it's not your ruler?
- 16 A. No.
- 17 Q. And Defendant's Exhibit 8, not your ruler, you have
- 18 no idea what the red stain is on the ruler, correct?
- 19 A. That's correct. I don't remember using my ruler
- 20 that night.
- 21 Q. Okay. Did you take any photographs in the house?
- 22 A. No, ma'am. I never went in the house.
- 23 Q. Now, I'll show you what's been marked Defendant's
- 24 Exhibit 22. Is this a Smith and Wesson .40 cal that you
- 25 located on Seabrook Road?

JODY HIERS (IC) - DIRECT MY MS. CAMPBELL

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1 A. That appears to be, yes, ma'am.

2 Q. Is that a photograph you took?

3 A. It appears to be one I took, yeah.

4 Q. Defendant's Exhibit -- excuse me. I'm sorry.

5 Defendant's Exhibit 23, which I'm handing you now, what

6 is that?

7 A. That's going to be a photo, it looks like from the

8 wooded area facing the road.

9 Q. Uh-huh.

10 A. Marker number 1, handgun beside it.

11 Q. Great. Defendant's Exhibit 24, is that marker

12 number 1 the handgun and a measuring tape running through

13 the yard there?

14 A. Correct.

15 Q. And that's your measuring tape?

16 A. Yes.

17 Q. This one is yours?

18 A. That would be mine.

19 Q. And you would have rolled that back up. Where did

20 you put it?

21 A. In the back of my vehicle.

22 Q. In the back of your car. And placard number 11 in

23 Defendant's Exhibit 25, that's also your work, correct?

24 A. It looks like it, yes.

25 Q. And that's your ruler?

JODY HIERS (IC) - DIRECT MY MS. CAMPBELL

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1 A. It appears to be, yes.

2 Q. And it's in number 11. It runs through the edge of
3 the blood there, correct, on the roadway; is that right?

4 A. That's on the edge of the bloody impression beside
5 it.

6 Q. Does this appear to be blood on the right side of
7 the ruler and on the left side of the ruler?

8 A. It looks like on the left I can't --

9 Q. On the left and on the right side of the ruler?

10 A. It could be on the right, yeah.

11 Q. And where did that ruler wind up?

12 A. It goes back in my vehicle.

13 Q. Officer Hiers, after you finished looking at the
14 blood trail and the gun what did you do then?

15 A. Took photos, photographed the area, obviously with
16 the markers that you just showed in the photos. Then I
17 collected the gun. I placed latex gloves on my hands. I
18 collected the firearm, placed it in a bag, closed the bag
19 up, placed it in my vehicle.

20 Then I went ahead and took samples or swabs of the
21 bloody shoe impressions and the droplets of blood. Prior
22 to taking the samples of the shoe impressions and the
23 droplets I switched gloves. I changed gloves between the
24 shoe impressions, the gun and the droplets. They were
25 collected, placed in envelopes and placed in my vehicle.

JODY HIERS (IC) - DIRECT MY MS. CAMPBELL

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1 Q. Okay. And after you did that did you go through
2 some sort of airing out process, you called it, where you
3 left the stuff out in the northern division to air out
4 before you placed it in some evidence bags?

5 A. Yes, ma'am. You have to dry any type of wet
6 substance because if you don't dry it it can mildew. So
7 they were dried in separate areas at the northern
8 investigations office.

9 Q. And can you explain to us what you did when you
10 aired it out.

11 A. The swab is basically like a long Q-tip for the
12 blood. You take the swab and you put it in either a
13 block of wood that's designed for it or you can actually
14 use a cardboard holder. You place the swab inside the
15 end of it in that holder so the actual Q-tip portion
16 itself is sticking up, so it can dry.

17 Q. Okay. Now, and the reason you do that is why? Why
18 again?

19 A. It's got to dry. It's got to dry before you place
20 it in a permanent bag because of the DNA. You don't want
21 to compromise it.

22 Q. Right. So if you don't air it out the DNA could be
23 compromised? That's why you do it that way, correct?

24 A. Correct. Yes, ma'am.

25 Q. And that would be your standard operating

JODY HIERS (IC) - DIRECT MY MS. CAMPBELL

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1 procedures for the sheriff's department on the swabbing
2 and handling of the blood evidence, correct?

3 A. Correct.

4 Q. Now, did you swab the gun?

5 A. I did not swab the gun. We have a DNA technician,
6 Donahue, that actually swabbed the gun the next day.

7 Q. Okay. Did you ever handle the swabs from the gun?

8 A. He actually handed them to me the next day.

9 Q. Uh-huh.

10 A. Yes, I did.

11 Q. And the condition of the swabs from the gun was
12 what when you got them back from him? How were they?
13 Still airing out? Were they packaged? How did you get
14 them back?

15 A. I would have aired them out to make sure they were
16 dry.

17 Q. So the swabs back from Donahue were not in a
18 package. They had not been aired out when you got them
19 from him?

20 A. Yes, ma'am.

21 Q. Officer Hiers, when you arrived on 6-23-09 about
22 eight o'clock the condition of the trailer, the
23 surrounding yard area, are you going to -- was there a
24 crime scene tape up all around the whole area or was it
25 just all open to the public?

JODY HERS (TC) - DIRECT MY MS. CAMPBELL

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- 1 A. The crime scene itself:
- 2 Q. Correct.
- 3 A. I was down the road from the crime scene.
- 4 Q. But there was no crime scene tape up in the area
- 5 that Enrekae Miles showed you?
- 6 A. Not on the road, no, ma'am.
- 7 Q. Was there crime scene tape up near the trailer,
- 8 near the ditch in front of the trailer?
- 9 A. In front of incident location itself?
- 10 Q. Yes.
- 11 A. I don't recall.
- 12 Q. Okay. And how long were you there before you
- 13 called the deputy to come shine his lights on the
- 14 roadway?
- 15 A. I don't remember how long I was there.
- 16 Q. And when you are airing out these swabs in the
- 17 little -- I assume because you testified you have a
- 18 little piece of wood that has holes in it you stick the
- 19 swabs in it, you air them out?
- 20 A. Correct.
- 21 Q. Where exactly is that little piece of wood in the
- 22 northern division office?
- 23 A. We all had our own.
- 24 Q. So where was yours located when it was airing out
- 25 the swabs from Seabrook Road?

JORY HIERS (10) - CROSS BY MS. SWANSON

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1 A. I have different locations in my office.

2 Q. Well, was it on your desk, was it in a --

3 A. No. It was a shelf. I had a shelving area that I
4 put them.

5 Q. Okay. In the shelving area, is it open or does it
6 have a door?

7 A. It's open.

8 Q. It's open. Okay. And every officer has a
9 different little piece of wood for themselves, correct?

10 A. I assume they did. I had my own so...

11 MS. CAMPBELL: Just one second, Your Honor.

12 (PAUSE.)

13 BY MS. CAMPBELL:

14 Q. Were you ever at the scene with Officer Burns?

15 A. Recall being at the scene? I never went to the
16 incident location itself, if that's what you're asking
17 me.

18 Q. Okay. Well, the roadway that you photographed is
19 on Seabrook Road right by the trailer, correct?

20 A. It's down from it, yes, ma'am.

21 MS. CAMPBELL: That's all I have.

22 MS. SWANSON: Just briefly. Your Honor.

23 CROSS-EXAMINATION

24 BY MS. SWANSON:

25 Q. Officer Hiers, you testified that the placards that

JURY ROOM (20) CROSS BY MS. CAMPBELL

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1 you used in the photos that Ms. Campbell showed you came
2 from your car, correct?

3 A. Yeah. The ones -- she had several photos there
4 but, yes, I did use placards.

5 Q. They came from the car that you used personally?

6 A. A sheriff's office car, yes, ma'am.

7 Q. Right. And you were not at the scene the night
8 before when the murder took place?

9 A. No, ma'am.

10 Q. Okay. So those placards that you used on the 23rd
11 to mark the bloody footprint trail and murder weapon and
12 all that sort of stuff, those were not at the scene on
13 the 22nd?

14 A. No, ma'am, they were not.

15 Q. Because they were with you?

16 A. Correct.

17 Q. In your car?

18 A. Correct.

19 Q. Okay. Were you present for John Donahue swabbing
20 the Smith and Wesson?

21 A. I was.

22 Q. Okay. So you watched him swab it and he
23 immediately gave those Q-tips to you?

24 A. Yes, ma'am.

25 Q. Swabs.

1 A. Correct.

2 MS. SWANSON: All right. Beg the Court's
3 indulgence.

4 That's everything, Your Honor.

5 MS. CAMPBELL: I have nothing else.

6 THE COURT: Can Officer Hiers go?

7 MS. CAMPBELL: For today, yes.

8 MS. SWANSON: Thank you.

9 MS. CAMPBELL: Your Honor, we are going to call
10 Chris Wilson at this time.

11 THE COURT: All right.

12 CHRISTINE WILSON, after having been duly
13 sworn, testified as follows:

14 THE CLERK: If you'd state your name and spell your
15 last name for the record, please.

16 THE WITNESS: Christine Wilson, W-i-l-s-o-n.

17 DIRECT EXAMINATION

18 BY MS. CAMPBELL:

19 Q. Officer Wilson, were you the lead investigator on
20 the Seabrook Road case involving Ronald Coleman?

21 A. I was.

22 Q. And as the lead investigator were you on the scene
23 that night?

24 A. I was.

25 Q. When you got on the scene who else was there?

1 A. Beg the Court's indulgence.

2 I know that there were approximately three road
3 deputies, and I don't recall if any medical personnel
4 were still there. Then as time went on other
5 investigators showed up.

6 Q. And the medical personnel would have come in,
7 treated him and then left?

8 A. Yes.

9 Q. And do you recall in being there that night that
10 Nathaniel Green, who is a neighbor, was sort of on
11 Ronald's porch waving down the initial deputies?

12 A. According to the report, yes. I didn't see that.

13 Q. Okay. And so Nathaniel Green from the neighborhood
14 was on the porch where blood stains were found, correct?

15 A. I couldn't testify to that. The deputy that wrote
16 the report, I believe he documented that. I did not see
17 him.

18 Q. Right. And so as the lead investigator you
19 received information from the first deputy who got there,
20 correct?

21 A. Correct.

22 Q. That someone had been inside the crime scene,
23 Nathaniel Green, correct?

24 A. The information I got was that Nathaniel Green got
25 the information from Enrekae Miles. At that particular

1 point I wasn't aware of where Nathaniel Green had been.

2 Q. Now, at some point that night you began looking for
3 evidence, correct?

4 A. Correct.

5 Q. And as you were looking for evidence did you
6 discover something on the front porch that you believed
7 to be blood?

8 A. I did. At that point they were viewed as red
9 spots, potential blood.

10 MS. CAMPBELL: May I approach?

11 THE COURT: Okay.

12 BY MS. CAMPBELL:

13 Q. I'm going to hand you what's been marked as
14 Defendant's Exhibits 10, 11, and 12 and ask you if you
15 can recognize what's in those photographs.

16 A. I believe they are all the same thing, but three
17 red spots in question on the porch.

18 Q. Did you take these photographs?

19 A. I did.

20 Q. You did. After you found what you believed to be
21 blood in Defendant's 10, you saw 11 and 12 purport to
22 show the same thing, what did you do in terms of
23 collecting that evidence?

24 A. I would have -- those spots were dry so I would
25 have put a saline solution on the swabs and used that to

CHRISTINE WILSON / 101 - DIRECT BY MS. CAMDELL 77

1 moisten the spot to collect it with the swab.

2 Q. And you were there how long after Mr. Coleman had
3 been shot?

4 A. Several hours.

5 Q. And the blood stains on the front porch, it's your
6 testimony that they were dry?

7 A. Yes.

8 Q. Okay.

9 A. By the time we did a walk-through of the residence
10 to see what we had it had dried up. The porch was pretty
11 porous and rotted out.

12 Q. And so how did you collect it then? Continue.

13 A. Used a saline solution to wet the swab and then
14 scrub the red spot to collect samples of it on the swabs.

15 Q. And where did you put the swab -- well, how many
16 swabs did you take?

17 A. I got three.

18 Q. And did you take a separate swab from each separate
19 stain?

20 A. I believe I did.

21 Q. Is there any particular reason you didn't circle
22 the swabs and label them?

23 A. No. They appeared to have come from the same
24 source.

25 Q. So where did you put the swabs after you swabbed

1 THE POWER

2 how I choose to handle that sort of evidence that may be

5 car, let them air out in my patrol car then put them in

7 Q. And how were you airing them out in your patrol

9 A. I would have laid them out on a paper bag or if I

11 I'm not really sure exactly how I aired it out other than

12 to make sure that they were separated and exposed to some

13 air, locked in my patrol car.

14 Q. Did you put out the placards on 6-22-09?

15 A. I'm not sure if those are my placards or if those

16 are Staff Sergeant Chapman's placards because he and I

17 both marked that evidence. I'm not sure whose placards

18 we used.

19 Q. Okay. So we know they are not Hiers', we know they

20 are not Burns'?

21 A. Correct.

22 Q. They are either yours or Chapman's?

23 A. Correct.

24 Q. Is that what you are saying?

25 A. Yes.

1 Q. They wouldn't be anybody else's?

2 A. I don't see any other reason they would be anybody
3 else's.

4 Q. Okay. And the placards, because I know you are
5 familiar with the photographs, many of the placards are
6 sitting in and/or near DNA, blood all throughout the
7 house, correct?

8 A. Not necessarily in blood. There may be a couple
9 possibly where contact with blood might have been
10 possible but for the most part I think that we would have
11 exercised some care not to have them sitting in blood.

12 MS. CAMPBELL: May I approach?

13 THE COURT: Okay.

14 BY MS. CAMPBELL:

15 Q. I show you what's been marked as Defendant's
16 Exhibit 13. That is placard 15 in the crime scene on
17 6-22-09 and there appears to be a shell casing with what
18 appears to be blood on it, correct?

19 A. Correct.

20 Q. Blood all around the placard, correct?

21 A. That's correct.

22 Q. All right. After you took the swabs off the paper
23 bag in your patrol car what did you do with them then?

24 A. I put them -- I believe it was a manila envelope
25 that I put them in and sealed them and submitted them as

1 evidence.

2 Q. Did you do it that night? When did you put them in
3 evidence?

4 A. I believe that they would have been put in a manila
5 envelope possibly that night. I don't specifically
6 recall.

7 Q. Would it have been the next day? You just don't
8 know?

9 A. I don't know.

10 Q. You don't. As the lead officer on the case that
11 night on 6-22-09 did you put up the crime scene tape to
12 keep the integrity of the crime scene secure?

13 A. I did not. Typically the patrol will do that. I
14 did not.

15 Q. Did you go back out there on 6-23-09?

16 A. I did not.

17 Q. When you left on 6-22-09 are you testifying that
18 there was crime scene tape up around the yard area?

19 A. I don't specifically recall. Usually -- well,
20 crime scene tape will be up when we get there and if we
21 feel it's too close we will have them move it back or
22 whatever the scene dictates, but I don't specifically
23 recall that night where crime scene tape would have been
24 or if there was any.

25 Q. I show you what's been marked as Defendant's

1 EXHIBIT 1. DO you see any crime scene tape in that
2 photograph of the long shot across the yard up to the
3 trailer?

4 A. This was the daytime crime scene. This was not the
5 night I was out there. I don't see any in that
6 photograph, no.

7 Q. This would have been, I believe Burns testified,
8 the next day. There is no crime scene tape?

9 A. There's no crime scene tape in that daytime photo,
10 no.

11 Q. Officer Wilson, as the lead investigator did you
12 start a crime scene log to document when officers
13 arrived, when they left on 6-22, 6-23, and 6-24?

14 A. On the night of 6-22, I did not. I know there is a
15 copy of one attached to the case file. Typically that is
16 a function of patrol deputies, and on this particular
17 night I don't know -- it would have either been Officer
18 Bush, Officer Light or Officer Carter. I don't know
19 which of the three it would have been.

20 Q. And the vehicle that you laid the swabs down in on
21 the paper, that's a vehicle that you transport detainees,
22 suspects in that vehicle, correct?

23 A. Typically, no. Every now and again I may have a
24 witness or that sort of thing. If we have someone that's
25 in custody we try to have a caged unit. I'm trying to

1 remember what I was even driving then. I believe it was a
2 blue Crown Vic. But typically, no, I do not transport
3 people, but if I do put evidence in my car I lay it on an
4 opened up paper bag that I later discard.

5 Q. On 6-22-09 about 9:15ish is when you believe that
6 Ronald Coleman was shot and killed, correct?

7 A. The call was received 911 at 9:20 p.m.

8 Q. Okay. And it's dark on Seabrook Road, correct?

9 A. At that time, yes.

10 Q. Yeah. And how many officers would you estimate
11 drove off of Highway 21 down Seabrook Road to get to
12 Ronald Coleman's house?

13 A. I couldn't begin to guess.

14 Q. Eight, nine, ten, probably, right?

15 A. Possibly.

16 Q. If there's eight or nine guys in the crime scene
17 log coming in there that night, eight or nine or ten
18 officers' cars came down that road on 6-22-09 right
19 through the blood trail, correct?

20 A. Depending on the route they took to get there I
21 would imagine they would have come in off of 21 and drove
22 down that stretch of road. Just going with the number of
23 people on that crime scene log they would of had to have
24 gotten there some route. There are about 14 on the log.

25 Q. Did you have a suspect on 6-22-09 that you went

INTERVIEW WITH [REDACTED] (S) DIRECT BY MS. CAMPBELL 82

1 LOOKING FOR?

2 A. We did not.

3 Q. Did you have officers searching the yard and the
4 area looking for who might have killed Ronald Coleman?
5 Were they out and about in the area?

6 A. At the time of the call I don't know that the yard
7 was scoured. We weren't really sure at that point what
8 we had. We knew we had a scene contained in and just
9 outside of a residence, but how far out into the yard
10 that scene went I have no idea. I know that there were
11 officers standing in the yard, but as far as looking
12 around not that I'm aware of.

13 Q. When did Officer Bromage show up that night?

14 A. I don't recall what time he arrived.

15 Q. Was he on the scene on 6-22-09, Captain Bromage?

16 A. He was, according to the log. He got there at
17 10:40 p.m. He was on the scene. I don't remember
18 specifically what he did.

19 Q. And do you recall that Captain Bromage brought in
20 Officer Lauver with the K-9 Unit?

21 A. I have no idea.

22 Q. Do you have Officer Lauver as one of the officers
23 who showed up on 6-22-09?

24 A. I don't see him on the log.

25 Q. Do you know when Officer Lauver showed up at

INTERVIEW WITH MS. SWANSON / 101 - CROSS BY MS. SWANSON 2A

1 Seabrook Road to search the area with his K-9 dog --

2 A. I do not.

3 Q -- or the K-9 cadaver dog?

4 And did you ever go back to Seabrook Road to
5 investigate after you left on 6-22-09?

6 A. Crime scene, no.

7 Q. Not at all back to the crime scene?

8 A. No.

9 MS. CAMPBELL: That's all I have.

10 MS. SWANSON: Thank you, Your Honor. Just briefly.

11 CROSS-EXAMINATION

12 BY MS. SWANSON:

13 Q. I think Ms. Campbell showed you a picture of some
14 blood spots that you found on the front porch. I'm going
15 to show you what's been marked State's Exhibit Number 8
16 and have you identify this.

17 A. This is a photograph of three red spots on the
18 wooden porch, and I believe these are the same spots that
19 Ms. Campbell showed me.

20 Q. Okay. And you testified that you swabbed those
21 spots and they were dry on June 22nd of 2009?

22 A. Yes. They were dry to the point that I had to
23 stimulate them with some type of saline water to get them
24 to lift.

25 Q. Approximately how large were the spots; dime size,

1 quarter size?

2 A. Probably about the size of a penny --

3 Q. Okay.

4 A. -- a dime, small change.

5 Q. Do you recall seeing any large puddle of blood at
6 or around the crime scene besides the puddle that the
7 victim was laying face down in?

8 A. I did not.

9 Q. And on June 22nd or June 23rd of 2009 did you
10 transport Antonio Collins in your car?

11 A. I did not.

12 Q. Had he ever been in your car?

13 A. Never.

14 MS. SWANSON: Thank you. That's everything I have
15 for Investigator Wilson.

16 MS. CAMPBELL: That's all for today for of her.

17 THE COURT: You can step down.

18 MS. CAMPBELL: We would call Deputy Sheriff
19 Chapman.

20 BRIAN CHAPMAN, after having been duly sworn,
21 testified as follows:

22 THE CLERK: If you'll state your full name and
23 spell your last name for the record, please.

24 THE WITNESS: Staff Sergeant Brian Chapman,
25 C-h-a-p-m-a-n.

DIRECT EXAMINATION

2 BY MS. CAMPBELL:

3 Q. Good afternoon, Officer Chapman.

4 A. Good afternoon, ma'am.

5 Q. Were you on the scene 6-22-09 at Ronald Coleman's
6 house on Seabrook Road?

7 A. Yes, ma'am.

8 Q. And what role did you play on 6-22-09? What were
9 you there to do?

10 A. I arrived on scene and met with the other officers
11 there, was told the events, what they had on scene, what
12 they had done. Then I went and obtained a search warrant
13 for the residence.

14 Q. And while you were there did you go inside the
15 residence before you went to get the search warrant?

16 A. Yes, ma'am.

17 Q. And you walked around the residence, correct?

18 A. Yes, ma'am.

19 Q. Where did you park your vehicle when you arrived?

20 A. I believe it was on the roadway.

21 Q. On the roadway toward Highway 21?

22 A. Yes, ma'am.

23 Q. And so you went inside the residence and then you
24 came out of the residence, got back in your vehicle,

25 walked along the roadway to get in the vehicle and left

1 out Highway 21, right?

2 I don't remember the exact route. Coming from

3 where I live, coming down I would have pulled down off of

4 Highway 21 going toward where the high school is now. so

5 I would have been facing that way. I probably would have

6 kept going straight and gone around Detour.

7 Q. Okay. Exactly. Now, did you take any photographs

8 at Ronald Coleman's house?

9 A. I don't remember taking any photographs. I know

10 they were taken. I don't remember if I took them or not.

11 Q. Okay. On 6-22-09 when you were there you left to

12 get a search warrant, you came back. What did you do

13 when you returned with the search warrant?

14 A. Again, met with the officers on scene and provided

15 it to them then assisted doing whatever they needed me to

16 do.

17 Q. Okay. And when you get there were the placards

18 already down in Ronald Coleman's house?

19 A. I don't believe so.

20 Q. Marking the evidence?

21 A. I don't believe so.

22 Q. When you got back were the placards down?

23 A. I honestly don't remember then.

24 Q. Did you use your placards to mark the evidence

25 inside the house?

1 A. I don't remember whose plaques we used.

2 Q. Do you know who cleaned up the plaques?

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

4 Q. Did you ever go back to Ronald Coleman's house on
5 Seabrook Road or the yard area on 623, 24, 25, anything
6 follow-up the next few days?

7 A. Yes, ma'am.

8 Q. What did you do?

9 A. I went back with Officer Burns and did another
10 walk-through of the residence and documented some more
11 stuff.

12 MS. CAMPBELL: May I approach?

13 THE COURT: Okay.

14 BY MS. CAMPBELL:

15 Q. I show you what's been marked as Defendant's
16 Exhibit 1. Can you tell us what's in the photograph on
17 Defendant's 1?

18 A. In the foreground there's four evidence markers
19 along a ditch line, some boards going across the ditch,
20 then the background is Mr. Coleman's residence, and then
21 an officer there.

22 Q. All right. And on Defendant's 3, that would be
23 plaques 5 through maybe -- I don't know, on up into 10,
24 11 there. Is that headed towards Highway 21?

25 A. Yes, ma'am.

JAMES STEPHEN (10) DIRECT BY MR. CAMPBELL

29

1 Q. Down Seabrook Road.

2 A. Yes, ma'am. That's Will Branch Middle School or
3 Elementary.

4 O. And if we look at placard 15 here on Seabrook Road.
5 that's headed down towards Detour Road, correct, the
6 view?

7 A. Yes, ma'am, it appears to be.

8 O. And Defendant's Exhibit 8, what does that appear to
9 be?

10 A. That appears to be some sort of shoe impression.

11 Q. And what else is in the photograph with the shoe
12 impression?

13 A. There is a ruler.

14 Q. And what appears to be on the ruler there across
15 numbers three, four and five?

16 A. There's a red marking.

17 Q. Do you know what that red marking is?

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

19 Q. Is that your ruler?

20 A. I don't know whose ruler that is, ma'am.

21 Q. Okay. Did you process any evidence in this case?

22 A. I assisted Officer Wilson processing stuff.

23 Q. What is that?

24 A. I did process a window that was removed from the
25 house for fingerprints.

1 Q. Okay. Did you swab the window for DNA?

2 A. I did that as well.

3 Q. When you swabbed the window for DNA tell us how you
4 swabbed it for DNA.

5 A. There were impressions on the window that you could
6 see with the naked eye. I first processed it with
7 fingerprint powder, and then once I saw the impressions
8 on the window, there were some smudges in the different
9 areas where the hands were, I took swabs of the smudged
10 areas. There were no ridge detail impressions on there
11 that I took the swabs from. I just simply took a cotton
12 swab and swabbed it through the smudge.

13 Q. And what did you do with that swab?

14 A. It was turned into evidence.

15 Q. Officer Chapman, when you swabbed the window what
16 did you do with the swab as soon as you swabbed the
17 window? Did you put it in a package?

18 A. I would have put it back in a package, yes, ma'am.

19 Q. You didn't air it out?

20 A. No, ma'am.

21 Q. Now, when you went to the scene on 6-22-09 did you
22 see crime scene tape up anywhere?

23 A. I believe there was crime scene tape. I don't
24 remember if it was there when I first got there but there
25 was crime scene tape when I got back.

1 Q. Great. How far out was the crime scene tape?
2 mean, was it looped around some trees on the outer area
3 or just around the trailer there?
4 A. I don't remember exactly how far out it was but I
5 do remember seeing crime scene tape.
6 Q. Was it there on the next day or the next day when
7 you went out there?
8 A. I don't remember.
9 MS. CAMPBELL: That's all I have for this officer.
10 Thank you.
11 MS. SWANSON: I don't have any questions.
12 THE COURT: You can step down, Officer.
13 THE WITNESS: Thank you, Judge.
14 MS. CAMPBELL: Your Honor, the two witnesses that
15 we are waiting on, Lauver and Donahue, I'm not sure if
16 they are here yet. I'm having someone from my office
17 check.
18 They are. Okay. Great.
19 JEFFREY LAUVER, after having been duly
20 sworn, testified as follows:
21 THE CLERK: If you'll state and spell your last
22 name for the record, please.
23 THE WITNESS: Sergeant Jeffrey Lauver. It's
24 L-a-u-v-e-r.

25 DIRECT EXAMINATION

- 1 BY MS. CAMPBELL:
- 2 Q. Good afternoon, Officer Lauver.
- 3 A. How you doing?
- 4 Q. Fine. Thank you for being here. You submitted an
- 5 incident report in this case, correct?
- 6 A. Yes, ma'am.
- 7 Q. Okay. How did you wind up at Seabrook Road at
- 8 Ronald Coleman's house?
- 9 A. It's basically I was a K-9 handler for a cadaver
- 10 explosive dog at the time. It appears, I guess Captain
- 11 Bromage had notified me and asked me to come and run the
- 12 dog for a cadaver search to make sure there was nobody
- 13 out in the area.
- 14 Q. And when Captain Bromage asked you to come run the
- 15 dog for a cadaver search where did you start the dog?
- 16 A. I mean, according to the report there was a blood
- 17 trail leading from the grass out to the roadway, so I
- 18 started there.
- 19 Q. So someone had located a blood trail in the grass
- 20 and that's where you started the dog, in the grass?
- 21 A. I believe so. I believe that was the case.
- 22 Q. And you ran the dog along the blood trail; is that
- 23 right?
- 24 A. Yes, ma'am.
- 25 Q. Where did you run the dog after you ran him along

1 the blood trail?

2 A. Out to the road and then worked him in some woods
3 behind number 18 Seabrook Road, and those woods
4 encompassed -- I guess it went back to a dirt road
5 somewhere behind there, and then I believe there was
6 another dirt road on one side of the woods. That was the
7 21 side of the woods.

8 Did you follow the blood trail?

9 A. Yes.

10 Q. And after he laid down in the blood trail you
11 picked up and then he went on, correct?

12 A. Yes.

13 Q. In the search?

14 A. Okay. One second.

15 A. Certainly.

16 Q. All right. Now, Captain Bromage asked you to come
17 do this. Did you have a flashlight with you or how did
18 you work that?

19 A. I believe this was during daylight times.

20 Q. Okay. So you were there when?

21 A. I'm not sure of the exact day. I would assume it
22 was the next day or the day after.

23 Q. But we don't know?

24 A. I don't have it written down in here, no.

----- DIRECT EXAMINATION -----

1 Q. Okay. Was there a crime scene log or any way for
2 us to determine when you and Captain Bromage were there
3 with the cadaver dog?

4 A. I should have a paper that says a date and time,
5 yes.

6 Q. Do we have that?

7 A. I will have to check for you.

8 Q. So as we're testifying today we don't know the date
9 or the time that you and Cody were there with him running
10 through the blood trail on Seabrook Road?

11 A. Correct.

12 Q. Correct?

13 A. Correct.

14 MS. CAMPBELL: That's all I have.

15 CROSS-EXAMINATION

16 BY MS. SWANSON:

17 Q. Officer Lauver, you testified that it was daylight
18 outside?

19 A. Yes.

20 Q. When Cody was there with you?

21 A. Yes.

22 Q. Okay. Is it possible that you may have noted the
23 date on your supplemental report wrong?

24 A. As far as?

25 Q. It says on 6-22 -- oh, that's -- I'm sorry.

1 A. That's just when the incident occurred.
2 Q. Oh, right. Yes. Okay.
3 A. I put no date on my actual supplement of when I
4 went there?
5 Q. Got you. So that's not actually when you went out
6 there?
7 A. No.
8 Q. It was not at night? It was during the daylight
9 hours?
10 A. No. It was during the daylight hours.
11 Q. Okay. And Cody has paws, right?
12 A. Yes.
13 Q. He doesn't wear boots?
14 A. No.
15 MS. SWANSON: Thank you.
16 MS. CAMPBELL: Thank you, Officer.
17 THE WITNESS: Okay.
18 THE COURT: Free to go.
19 THE WITNESS: Thank you.
20 MS. CAMPBELL: For today.
21 THE WITNESS: Okay.
22 MS. CAMPBELL: And then the last witness in
23 reference to the DNA suppression motion is Officer
24 Donahue with the sheriff's department.
25 THE COURT: All right.

1 JOHN DONAHUE, after having been duly sworn,
2 testified as follows:

3 THE CLERK: If you'll state your full name and
4 spell you last name for the record, please.

5 THE WITNESS: John Donahue, D-o-n-a-h-u-e.

6 DIRECT EXAMINATION

7 BY MS. CAMPBELL:

8 Q. Good afternoon.

9 A. Hi.

10 Q. Officer Donahue, who do you work for?

11 A. I work for the Beaufort County Sheriff's Office.

12 Q. In what capacity do you work for them?

13 A. I am the DNA technical leader at the forensics
14 services laboratory.

15 Q. Did you participate in processing any evidence in
16 the Ronald Coleman case?

17 A. I did.

18 Q. Okay. And can you tell us what that evidence was?

19 A. I processed a handgun on June 24th, 2009, and I
20 processed a Cadillac on January 27th of 2010.

21 Q. And the handgun that you processed, I'm sorry, you
22 said it was on the 24th of June?

23 A. I believe it was the 24th of June.

24 Q. And on the 24th of June when you were processing
25 the handgun do you recall how you received the handgun,

1 who you received it from?

2 A. I went to the northern investigations office and I
3 received the weapon from Staff Sergeant Hiers.

4 Q. And when you received the weapon from Staff Agent
5 Hiers how did you receive it, in what sort of condition
6 or packaging?

7 A. I don't recall.

8 Q. What did you do with it once you received it from
9 Officer Hiers?

10 A. I collected swabs from the grips and from the
11 magazine for DNA testing.

12 Q. Can you tell us the procedures that you used to
13 handle the weapon and collect the swabs?

14 A. Sure. I laid out some paper that I had brought
15 with me on the table over at investigations. I brought
16 sterile water with me and some swabs, some sterile swabs
17 that we use in the laboratory. I have moistened the
18 swabs with the water, collected the swabs from the grips
19 and then I used two swabs for that, then one swab for the
20 magazine, using the same process.

21 Q. Okay. And then what did you do with the swabs?

22 A. I packaged them and gave them to Staff Sergeant
23 Hiers.

24 Q. And when you say you packaged them, how did you
25 package them?

THE UNITED STATES DEPARTMENT OF JUSTICE

22

1 A. I believe I put them in swab boxes. I think I did.
2 But that would be our normal procedure.

3 Q. And so part of your normal procedure would not be
4 to air out the swabs, as you testified package them
5 immediately?

6 A. We didn't have a good facility there that I felt
7 really comfortable about airing them out for too long so,
8 no.

9 Q. So airing out swabs with DNA potential evidence on
10 it in the northern division on a file cabinet would not
11 be proper procedure, correct?

12 A. I probably wouldn't have done that. no.

13 Q. And the reason you wouldn't do that because why?

14 A. I would rather keep them segregated away from
15 everything else.

16 Q. Because why?

17 A. The potential of transferring DNA from some other
18 item onto them.

19 Q. Officer Donahue, the second item that you processed
20 in this case would be, I believe, a Cadillac, correct,
21 the backseat of a Cadillac?

22 A. Yes.

23 Q. Can you tell us how you processed that scene?

24 A. I went to the scene with Sergeant Wilson. was
25 there, and after the vehicle was opened, after the seals

1 were broken on everything we looked in the backseat.

2 The backseat appeared to be fairly clean on top and
3 we lifted it up, pulled it out to remove it and it
4 appeared to be reddish stains with visual appearance of
5 blood draining down or what appeared to have been drained
6 down then running along the edge where the seat met the
7 carpeting. And we also found some stains on the -- I
8 guess it would be the vent on the console. Not on the
9 top of the ridges but down underneath.

10 So the processing for that would have been
11 collecting the stains off of those nonporous surfaces
12 would have been the same methods; wetting swabs with
13 sterile water, collecting the reddish stains on them.

14 I believe I did a presumptive test as well as the
15 type for blood to determine if it was even something that
16 might be blood or wouldn't be blood. It tested positive
17 for the presumptive test so we went ahead and packaged
18 them up and turned them over to Sergeant Wilson.

19 Q. Okay. And if I recall correctly, although I don't
20 think I have a photograph of it here right now, but I
21 think you circled some of those swabs, maybe put a JD-1
22 or a JD-2 next to it; is that right?

23 A. That sounds correct, yes.

24 Q. Why do you do that?

25 A. So I can identify them for future reference.

1 Q. Because they are separate blood stains, correct?

2 A. I collected them separately, yeah.

3 Q. Right. So if you had three stains you separate and

4 designate one, two, three, correct, if you are going to

5 collect three separate samples, right?

6 A. I'm collecting them separately, yes.

7 Q. Correct, because do you really want to swab all of

8 them together?

9 A. If it's a big stain like that there's really no

10 reason to.

11 Q. Okay. So if you have three separate stains it

12 depends on the circumstances as to whether you swab them

13 altogether or do it separately?

14 A. If they are located close to each other -- well,

15 let me back up. If they are discrete stains I would

16 collect them individually, yeah.

17 Q. Is that what you did in this case?

18 A. I believe so. I'd have to check the photographs

19 and the report.

20 Q. Okay. Did you swab anything else in the car?

21 A. Other than the vent, no. I believe we cut out some

22 areas in the carpet or the floorboard, I think.

23 Q. And you swabbed them and you took the swabs and you

24 put them in an envelope and you processed them further,

25 right?

1 A. I don't know if we swabbed the carpet or just cut a
2 piece out. Once we turned them over that was the end of
3 my involvement with this case.

4 Q. And the Cadillac swabs were not aired out, correct?

5 A. No. No.

6 Q. Okay.

7 MS. CAMPBELL: One second, Your Honor.

8 (PAUSE.)

9 BY MS. CAMPBELL:

10 Q. Officer Donahue, did you also do a cutting from the
11 backseat in addition to a cutting from the floor in this
12 case?

13 A. I believe so, yes.

14 Q. Okay. And you packaged that and sealed it up for
15 processing, correct?

16 A. Yes.

17 Q. And just so I'm clear, on the Smith and Wesson .40
18 cal you swabbed it, packaged it and gave it to Hiers,
19 correct?

20 A. That's my recollection, yes.

21 Q. Okay. On the Cadillac, swabbed, packaged,
22 processed, right, for the blood stains on the scene,
23 correct? There's no airing out of either one of those?

24 A. I swabbed it and packaged it and turned it over. I
25 didn't do any processing after that.

1 Q. If you did a presumptive test on the Cadillac and
2 you do a presumptive test on the handgun?

3 A. I didn't notice any blood so, no, I did not.

4 Q. Okay. And as far as the rest of the Cadillac is
5 concerned, the front seat, the door handles, the steering
6 wheel, anything else in the Cadillac, you didn't process
7 it for any forensic evidence, right?

8 A. I don't recall seeing any stains in the front. We
9 looked there and just didn't see anything offhand.
10 Everything that I can remember from that case was in the
11 back.

12 MS. CAMPBELL: That's all I have.

13 MS. SWANSON: I don't have any questions.

14 THE COURT: You can step down.

15 MS. CAMPBELL: Your Honor, that's all the witnesses
16 that the defense has in reference to the DNA suppression
17 motion in regard to contamination, cross-contamination
18 and improper procedure, and the collection and preserving
19 of the evidence for the ultimate processing that was done
20 at SLED.

21 THE COURT: So what did you want me to do?

22 MS. CAMPBELL: If you're ready for me to make my
23 argument I'll make my argument at this point, Your Honor.
24 It seems clear that the different procedures, different
25 officers, there's no standard procedure that they've

1 testified to in the handling -- excuse me, first of all
2 in securing the crime scene. Some officers have
3 indicated it was secure. others have not.

4 Clearly witnesses to the incident were inside the
5 crime scene and left. If you go farther out from that we
6 have testimony from Officer Lauver in the daylight he
7 worked Cody along a blood trail; however, you know,
8 Officer Hiers wasn't out there until the nighttime. He's
9 not really even clear when he was there, how long he was
10 there, what he was doing there.

11 We have a situation with the blood trail, with the
12 gun and the porch. Those items we believe and would
13 argue based on the testimony from the officers that
14 there's cross-contamination, that there's transference.

15 Officer Chapman testified that he went into the
16 crime scene, that he walked around, that he came out and
17 walked right down Highway 21 right along the blood trail,
18 got back in his car and left. Came back, walked right
19 back through it again, moved it back.

20 There's not a clear indication for Your Honor at
21 this point, I believe, that we have had a situation of
22 contamination of the crime scene, contamination of the
23 Seabrook Road blood trail, the gun, and with Officer
24 Donahue's testimony as to the proper procedure for
25 handling of the evidence by officer Hiers sticking the

1 swabs in a piece of wood and airing them out on a file
2 cabinet in the northern division.

3 You had Officer Donahue testify that's just simply
4 improper, and the reason we don't do that is because it
5 is improper and it allows for contamination and
6 cross-contamination.

7 THE COURT: All right. All that comes in and you
8 can cross-examine all you want. As I listen to
9 everything, not being a DNA expert but having heard many
10 of these things, they did about as good a job as most law
11 enforcement does. You don't have perfection in that.

12 As far as contamination goes, people do it this way
13 and that way but the bottom line if your DNA is not there
14 it's not going to show up. The first witness that
15 testified, I guess Burns, he says the reason that he airs
16 it out is to keep it from being molded. Well, I haven't
17 heard anybody testify. You know, I don't know what DNA
18 results are.

19 But and as far as finding the gun down the blood
20 trail, well, isn't that shocking. You can argue all that
21 to the jury that you want to but it comes in.

22 MS. CAMPBELL: Your Honor, and I would also say
23 that in the photographs it's very clear that none of
24 these officers were able to identify what they laid down
25 in the crime scene was a ruler with what purports to be

1 blood on it, and that is a clear visual indication that
2 there's blood on an item moved from one location to
3 another location in the crime scene. That will in and of
4 itself creates the cross-contamination. We don't even
5 know where that blood came from.

6 THE COURT: You can argue that. You know, just
7 like at the Country Bear Jamboree, blood on the saddle,
8 blood on the ground, a great big puddle of blood all
9 around. I mean, that's just something you can talk
10 about. That doesn't keep it out. They can testify they
11 saw blood on the saddle, blood on the ground, a great big
12 puddle of blood all around.

13 You can say, Well, we don't have pictures
14 documenting that but they've got pictures of blood,
15 blood, blood and they say they saw blood. You can argue
16 it to the jury. I won't keep you from arguing whatever
17 but good luck with it.

18 MS. CAMPBELL: Thank you, Your Honor.

19 THE COURT: It comes in.
20 What else can I help you with?

21 MS. CAMPBELL: Those are the only motions that the
22 defense has for this afternoon.

23 THE COURT: Well, somebody at a pretrial said
24 something about a photo ID. I don't know anything about
25 it but I don't want to be doing it in the morning if

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1 there's a problem.

2 MS. SWANSON: Yes, sir. And I'm not honestly at
3 this point not sure I'm going to get into it but I
4 suppose we should go ahead and take it up if the defense
5 is going to assert that it is suggestive in any way.

6 THE COURT: Well, I don't know anything about the
7 case but Ms. Campbell has been in it a long time, Mr. Bax
8 been in it.

9 MS. CAMPBELL: Well, I just can't -- I mean, I
10 don't have a clear answer from the State whether or not
11 she intends to use it. If she's going to use it then,
12 yes, we need to have a Biggers hearing.

13 THE COURT: All right.

14 MS. SWANSON: Right. Let's go ahead and have the
15 hearing. If I chose later not use it then so be it.

16 THE COURT: We can do it.

17 MS. SWANSON: Okay. So the State calls Chris
18 Wilson.

19 THE COURT: You're still sworn.

20 MS. SWANSON: Thank you.

21 DIRECT EXAMINATION

22 BY MS. SWANSON: .

23 Q. Investigator Wilson, can you tell us how the --
24 well, first of all, was a photo lineup prepared in the
25 case against Antonio Collins?

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1 A. Yes, there was.

2 Q. And how was that photo lineup prepared?

3 A. At the time -- if I could view that I could give
4 dates to --

5 Q. Yes, I'm sorry. Let me hand you what's been marked
6 as State's Exhibit 1. And how do you describe that?

7 A. This is a photo lineup containing six color
8 photographs of black males. And this was prepared -- I
9 believe it was prepared possibly in 2010. At that
10 particular point in time we did not have anybody under
11 arrest. I enlisted the help of officials from Miami Dade
12 Police Department and one of their intelligence analysts
13 provided this photographic lineup.

14 Q. Okay. And how did they get that photographic
15 lineup to you?

16 A. By e-mail.

17 Q. And describe the background in that lineup.

18 A. The background is equal. They all have the same
19 shade of blue in the background of each photo.

20 Q. And do the people in the photo appear to be in
21 inmate clothing or jail clothing or is it more like DMV
22 pictures or what --

23 A. It appears to be DMV pictures because in a couple
24 of them I can definitely tell that they are street
25 clothes that these people are wearing.

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1 someone else?

2 A. We left all the evidence in place.

3 Q. Staff Sergeant Light, Deputy Sheriff Carter were
4 there with you, correct?

5 A. Yes, ma'am.

6 Q. Now, you've already testified that as you went in
7 and did your sweep and moved around the house you saw
8 large blood stains on the floor, particularly in the
9 living room area, correct?

10 A. Yes.

11 Q. Okay. And did you walk around that trailer that
12 night? Did you go outside and walk around?

13 A. Yes, we did.

14 Q. Okay. Great. When you were walking around outside
15 were you looking for evidence?

16 A. At the time we were there we were mainly looking
17 for other victims or suspects at that point.

18 Q. So you walked all the way around the trailer,
19 right?

20 A. Yes.

21 Q. Outside?

22 MS. CAMPBELL: May I approach?

23 THE COURT: Okay.

24 BY MS. CAMPBELL:

25 Q. I show you what's been marked as Defendant's

KEVIN BUSH - CROSS BY MS. CAMPBELL

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1 Exhibit 15, ask you if you can identify what's in that
2 photograph. Would that will be the back of the trailer?

3 A. Yes.

4 MS. CAMPBELL: At this time, we'd move Defendant's
5 Exhibit 15 into evidence, Your Honor.

6 THE COURT: All right.

7 (WHEREUPON, Defendant's Exhibit Number 15, a
8 Photograph, was admitted into evidence.)

9 BY MS. CAMPBELL:

10 Q. Now, in Defendant's Exhibit 15 that's now in
11 evidence there's a light on at that back porch, isn't
12 there?

13 A. Yes, sir, there is.

14 Q. That light was on when you walked around the
15 trailer, correct? You didn't cut it on?

16 A. I don't recall.

17 Q. Well, you wouldn't tamper with the scene by cutting
18 the light on, would you?

19 A. No.

20 MS. CAMPBELL: I'm going to publish this to the
21 jury now, Your Honor.

22 THE COURT: All right.

23 (PAUSE.)

24 BY MS. CAMPBELL:

25 Q. Officer Bush, if you protective sweep -- and you've

KEVIN BUSH - CROSS BY MS. CAMPBELL

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1 already testified that you located marijuana and money.

2 I'm going to show you what's been marked as Defendant's

3 Exhibit 21. Do you recognize that? Did you see that

4 when you did the sweep of the trailer?

5 A. Yes. I believe that's the same stuff that we saw.

6 Q. I'm going to show you what's been marked as

7 Defendant's Exhibit 19. Do you recall finding that large

8 container of marijuana?

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

10 Q. But this looks familiar to you?

11 A. Yes, it does.

12 MS. CAMPBELL: At this time, we'd move Defendant's

13 Exhibit 21 into evidence, Your Honor.

14 THE COURT: All right.

15 (WHEREUPON, Defendant's Exhibit Number 21, a

16 Photograph, was admitted into evidence.)

17 BY MS. CAMPBELL:

18 Q. Did you also locate in Defendant's Exhibit 18, as

19 you were searching, the items below?

20 A. No, ma'am, I --

21 Q. That's fine. If you didn't you didn't. That's

22 fine. Officer Bush, when you were on the scene 6-22-09

23 you received information about a fellow by the name

24 Enrekae Miles may have been a witness, right?

25 A. Yes.

KEVIN BUSH - CROSS BY MS. CAMPBELL

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1 Q. And you tried to locate Enrekae Miles that night
2 but could not?

3 A. I personally did not.

4 Q. Okay.

5 MS. CAMPBELL: That's all I have.

6 MS. SWANSON: Thank you, Your Honor. I ask that
7 Officer Bush be excused.

8 THE COURT: Okay.

9 And, jurors, we're going to take a break. There
10 are no restroom facilities in the courtroom that you all
11 are using as a jury room. They are going to take you to
12 the public restroom area. It's supposed to be clear of
13 anybody except you all. If somebody else is in there
14 tell the bailiffs and don't talk about the case, until we
15 get to the end anyway. Take a break. It will be about
16 14 minutes.

17 (WHEREUPON, the jury leaves the courtroom at
18 approximately 11:13 a.m.)

19 THE COURT: All right. Good job, attorneys, so far
20 on a time basis. I'm not talking about performance.

21 MS. CAMPBELL: Can we have 15 minutes?

22 THE COURT: Yeah.

23 (WHEREUPON, a brief recess was taken.)

24 THE COURT: Okay. The jury is ready if you all are
25 ready.

1 MS. SWANSON: Yes, sir.

2 (WHEREUPON, the jury enters the courtroom at
3 approximately 11:30 a.m.)

4 MS. CAMPBELL: Your Honor, may we approach?

5 THE COURT: You know how that irritates me when
6 I've been sitting in here for 10 minutes and you all
7 could have approached before the jury came in.

8 (WHEREUPON, a bench conference was had.)

9 THE COURT: Okay. Jurors, during the break the
10 bailiff indicated that some of you wanted to take notes.
11 I said give you some notepads, but here is how it
12 operates. You take notes throughout the trial, you can
13 look at them. You have to leave your pads here at night.
14 You can't take it home with you. You can take notes all
15 the way until I tell you to go back and start
16 deliberating. At that point you have to leave them in
17 here. You can't take them to the jury room.

18 The reason for that is you all start discussing and
19 one of you says, Well, I have it written right here.
20 Well, you do have it written right there but it might not
21 be exactly what the people said.

22 For instance, I can a little bit habla espanol, so
23 interpreters don't always interpret like somebody says
24 and I call them on it. For instance, like last week
25 setting bond for some Hispanic and got an interpreter and

1 they say he did X, Y, and Z, and no prior record and
2 needs bond. I ask if he wants to say anything, and he
3 says, Blah, blah, blah, blah.

4 You know, the interpreter says, My client, Your
5 Honor, says he wants this honorable court to know that
6 he's not a flight risk.

7 I said, Really?

8 What he really said was, Judge, I ain't done
9 nothing.

10 (LAUGHER.)

11 THE COURT: So anyway, you write down what you
12 hear, you shorthand it, so you can't take your notes back
13 there. All right?

14 And then on evidence, I haven't looked at all these
15 pictures and everything but I told the attorneys to get
16 together. If they were going to have any objections to
17 any documents that they were placing in I would rule on
18 them outside of your presence to move things along. So I
19 looked at few documents, said some could come in, said
20 some couldn't come in. I haven't looked at all of them,
21 but that's why it's moving.

22 Otherwise, like on TV, you see they show it to the
23 witness, they go back and show it to the other side, then
24 they look like they don't want it in, then they bring it
25 up. Moving right along. Unless somebody forget to show

1 something to somebody else then they might make an
2 objection. Generally, everything has been.

3 Now, when they allow evidence to come in that
4 doesn't mean that you should believe whatever. You know,
5 that just means it comes in, you can consider it. And
6 while we are talking about that, and I'll tell you later,
7 already you've seen several people refer to notes they
8 made, just like you're talking about, that were not
9 introduced. Anything that's introduced formally into
10 evidence when you start deliberating, you'll have it.

11 If you heard something during the trial and there's
12 no objection to it you can consider it, but when somebody
13 is refreshing their memory or something that was not
14 introduced that document does not come in because there
15 might be all kind of other things written on there. Like
16 they write down next-door neighbor probably did it, you
17 know. I'd go talk to them. Things like that. So that's
18 why those don't come in.

19 MS. SWANSON: Thank you, Your Honor. The State
20 calls Enrekae Miles.

21 ENREKAE MILES, after having been duly sworn,
22 testified as follows:

23 THE CLERK: And if you'll state your full name and
24 spell your last name for the record, please.

25 THE WITNESS: Enrekae Miles, E-n-r-e-k-a-e.

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ENREKAE MILES - DIRECT BY MS. SWANSON

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1 as State's Exhibit 2 and ask that you identify what you
2 see in this picture.

3 A. Yes. Ronald Coleman's home from 2009.

4 Q. And if I told you it was 46 Seabrook Road does that
5 sound correct?

6 A. Yeah. I know it's 40 something.

7 Q. Okay.

8 A. Yeah.

9 Q. Is that the way it appeared back in 2009?

10 A. Yes.

11 MS. SWANSON: Judge, the State would offer Exhibit
12 Number 2 into evidence.

13 THE COURT: All right.

14 MS. SWANSON: And ask to publish to the jury.

15 THE COURT: Okay.

16 (WHEREUPON, State's Exhibit Number 2, a Photograph,
17 was admitted into evidence, and published to the jury.)

18 BY MS. SWANSON:

19 Q. Enrekae, do you recall about how long J. R. had
20 lived at 46 Seabrook Road?

21 A. Well, he stayed there most of his life. He moved
22 when he was in his childhood. Growing up he moved over
23 to Hilton Head, then he came back. He was staying with
24 his father for a little time but when he, you know, got
25 older he resided back on Seabrook Road. So you can

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1 basically say he was there his whole life but he did live
2 other places.

3 Q. Okay. And in 2009 about how long had he been back
4 on Seabrook Road? Was it a matter of months or a matter
5 of years?

6 A. Since 2009?

7 Q. No. In 2009 had he lived on Seabrook Road for a
8 while?

9 A. Yes.

10 Q. Okay.

11 A. Yes.

12 Q. Did he live with anyone there?

13 A. No. It was just him.

14 Q. And I referred to him as J. R. Is that what you
15 guys knew him as?

16 A. J. R., Ron G.

17 Q. J. R. and Ron G. are his nicknames?

18 A. Yes.

19 Q. Okay. Do you know what J. R. did for money?

20 A. Yes.

21 Q. Okay. And can you just describe that. Did he have
22 a job?

23 A. At the present time, no, he didn't a job.

24 Q. And what did he do to make money sometimes?

25 A. He sold a little marijuana.

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- 1 Q. Okay. Do you know if he ever sold anything besides
2 marijuana?
- 3 A. No. That's the only thing I know of.
- 4 Q. So you saw some marijuana at his home. You had
5 seen -- you knew that he sold some marijuana sometimes
6 but no crack cocaine, anything like that?
- 7 A. No.
- 8 Q. Okay.
- 9 A. Never seen none of that.
- 10 Q. Was he living high on the hog or was he surviving?
- 11 A. He was just a survivor, a two-bit hustler surviving
12 just to pay bills and to support his kids.
- 13 Q. Okay. How many kids does he have?
- 14 A. Two.
- 15 Q. What did you guys -- did you hang out with J. R.?
- 16 A. Yes, I did.
- 17 Q. Okay. And what did you guys do when you hung out?
- 18 A. Basically, we were big Madden players,
19 PlayStation 3. From time to time, not much but we will
20 hang out, go to, like, Savannah to a nightclub but it's
21 not like on a regular basis or anything like that.
- 22 Q. Okay. Was J. R. out and about a lot or was he kind
23 of a homebody?
- 24 A. He was a homebody.
- 25 Q. Did he frequently have a lot of people over at the

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1 house?

2 A. No. It was a very handful -- a very few select,
3 some childhood friends, a couple girlfriends. That's
4 about it. No hangout spot, you know, like that's the
5 spot to hang out. Nothing like that.

6 Q. You guys have family that live on Seabrook Road?

7 A. Yes.

8 Q. About how many family members live on Seabrook
9 Road?

10 A. About six or seven.

11 Q. Okay. And how many different houses would you say?

12 A. About five. Five or six.

13 Q. So you are surrounded by family on Seabrook Road?

14 A. Correct.

15 Q. Do you remember going over to J. R.'s house on the
16 night of June 22nd of 2009?

17 A. Yes, I do.

18 Q. Okay. And why did you go over there that night,
19 Enrekae?

20 A. Just woke up from a nap and we just buried his
21 brother so my mom was on him because, you know, he lost
22 his brother, and basically I just wanted to go up there
23 and check on him and make sure he was all right.

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

25 A. Yes. It was evening time. Somewhere in the range

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- 1 of about 7 -- about 7:30, close to about eight o'clock.
- 2 Up in that range.
- 3 Q. Was it dark outside?
- 4 A. Yes. It was dusk, getting ready to be dark. Yes.
- 5 Q. And you mentioned that J. R.'s brother had just
- 6 died. Where did his brother live?
- 7 A. At the time in Atlanta.
- 8 Q. And had J. R. been in Atlanta?
- 9 A. Only when he got the word that his brother was in
- 10 the hospital at the time.
- 11 Q. Okay. And did you watch his house for him?
- 12 A. Yes.
- 13 Q. All right. Was that something that you would
- 14 normally do?
- 15 A. Right. Correct.
- 16 Q. Did you have a key to his house?
- 17 A. I didn't have a personal key. I would use his key.
- 18 Q. Did you have a key at the time you went over there?
- 19 A. Yes.
- 20 Q. How did you enter -- how did you typically enter
- 21 J. R.'s house?
- 22 A. I always go to the back door.
- 23 Q. Okay. I'm going to show you what's been marked as
- 24 State's Exhibit 3 and ask for you to identify this
- 25 photograph.

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1 A. In this photograph, this is the back part of the
2 house, of Ronald Coleman's house, the back door.

3 Q. Is that the door that you would typically enter?

4 A. Correct.

5 Q. Okay. And is that the way it appeared back in
6 2009?

7 A. Yes.

8 MS. SWANSON: I ask to publish to the jury?

9 THE COURT: Okay.

10 BY MS. SWANSON:

11 Q. Now, why would you not go to the front door?

12 A. It was just something, you know, never go to the
13 front door. Basically, as young we were raised, you
14 know, as a sign of respect when you go to a family member
15 or a friend's house that you use the back door.

16 Q. Okay. And was there anything special about the
17 front door of J. R.'s house?

18 A. At the time the door was loose. It wasn't really,
19 you know, secure. It wasn't really -- you know, it will
20 lock but you can push it down with some force, so we had
21 that nail shut up [sic].

22 Q. Okay. You had it nailed shut?

23 A. Well -- yeah. A nail going through the door to
24 keep it closed.

25 Q. I'm going to show you what's been entered as

ENREKAE MILES - DIRECT BY MS. SWANSON

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- 1 State's Exhibit 9. Is this how you recall --
- 2 A. Yes.
- 3 Q. -- the door was nailed shut?
- 4 A. Yes, ma'am.
- 5 Q. And did you nail the door shut?
- 6 A. No, I didn't.
- 7 Q. Did you help nail it shut?
- 8 A. Yes.
- 9 Q. Okay. And why did you all nail it shut?
- 10 A. One day I was coming over there and the door was
- 11 wide open, and he wasn't there at the time so when he got
- 12 -- you know, when I got in contact with him and touched
- 13 bases with him I told him about that, that your door was
- 14 wide open. Anybody could have just came up in there.
- 15 Q. Going back to June 22nd of 2009, can you please
- 16 describe for the jury everything that you remember about
- 17 going over to J. R.'s that night.
- 18 A. Okay. Well, that night I was -- in passing --
- 19 passed my father by in the house to go walk over there
- 20 through J. R.'s. it's a couple blocks away so I took the
- 21 -- what I call the scenic route. Instead of staying on
- 22 the highway road I just took the back end way through my
- 23 uncle's yard into a relative and another relative, behind
- 24 their houses, and took the back way near the woods.
- 25 Q. Okay. Let me stop you right there. I'm going to

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1 have you look at a picture of the area and this might
2 help describe exactly which route you took.

3 MS. SWANSON: Your Honor, I'm showing the witness
4 what's been marked as State's Exhibit 46.

5 Q. If you can just describe what you see there.

6 A. Yes. Actually, this road right here is the main
7 road.

8 Q. What road is that?

9 A. That's Seabrook Road.

10 Q. Okay. And do you see 46 Seabrook Road on here?

11 A. Right here (indicated).

12 Q. Okay. Is this familiar to you?

13 A. Yes.

14 Q. Okay. Is this an area in the road that you live
15 on?

16 A. Yes, it is.

17 MS. SWANSON: Okay. Your Honor, at this time the
18 State would offer Exhibit 46 into evidence.

19 THE COURT: All right.

20 (WHEREUPON, State's Exhibit Number 46, an Aerial of
21 the Scene, was admitted into evidence.)

22 BY MS. SWANSON:

23 Q. Enrekae, if you can step down for me, please, and
24 I'm going to hold this and you can show the jury which
25 route. Okay?

ENREKAE MILES - DIRECT BY MS. SWANSON

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- 1 A. All right.
- 2 (The witness stepped down from the witness stand.)
- 3 Q. Are you sure you don't want me -- here. I'll hold
- 4 it like this.
- 5 A. Okay. All right. Basically, when I'm coming to go
- 6 to his house instead of me walking this way I will come
- 7 from back behind and I will end up in the back right here
- 8 (indicated).
- 9 Q. And whose house is that right there that you are
- 10 going behind?
- 11 A. This house?
- 12 Q. Uh-huh.
- 13 A. That is Renita Myers'.
- 14 Q. And who is Renita Myers?
- 15 A. She's also a relative.
- 16 Q. Okay.
- 17 A. Yes.
- 18 Q. All right. So you were going back behind Renita
- 19 Myers' house?
- 20 A. Uh-huh.
- 21 Q. Okay. Keep going.
- 22 A. Just walking up. And back here is a clear shot.
- 23 So from his back door I can see anything that moves.
- 24 Anything that was going to be right there I got the clean
- 25 shot to see. There were two guys at the back door,

ENREKAE MILES - DIRECT BY MS. SWANSON

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1 looked like they were fidgeting a little bit, you know.

2 And basically when I'm walking up I'm screaming
3 out, Hey, like who you all came to see, because I never
4 seen these guys before, on this block before.

5 And they walk slowly towards me, the two guys, and
6 I wasn't scared or anything like that. I just saw them
7 coming up. So I'm walking towards them. By the time we
8 get about right here (indicated) he was about -- maybe
9 about 20 yards before he drew his gun out on me.

10 When he drew his gun out on me, at then I raised my
11 hands up and just collapsed down to the ground, let him
12 know that, you know, I don't have any money. I work.
13 I'm doing -- you know, I don't have nothing. But they
14 didn't care about me at that time.

15 He just -- he walked up on me and when he drew out
16 he came towards me. He put the gun to my head and he
17 just told me to get up. We want you to get him out the
18 house.

19 So at that time my mind is going about 100, you
20 know, like thinking of something what to do. So I got up
21 and I did what he asked. I was kind of stiff and
22 hesitant of doing it. So when we walked up onto the
23 porch I made some stomping noise to let J. R. know that
24 something is going down, you know, right here on his
25 porch. So I kind of, you know, made my footsteps, you

ENREKAE MILES - DIRECT BY MS. SWANSON

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1 know, my presence to be known by stomping like that.

2 We got to the door and he got me to knock to the
3 door. J. R. answered, and I told him this is Reet
4 (phonetic). And he was like, Reet, go to the back door.

5 And I told him, I can't.

6 And I just -- you know, he was like, What?

7 And I told him, I said, I can't Enrekae. I just
8 can't. I can't do it. I can't do it, and he knows that,
9 you know --

10 MS. CAMPBELL: Objection, Your Honor.

11 THE COURT: All right. That's his opinion. But
12 the jury understand, he can't know what he's thinking.

13 Go ahead.

14 A. Thank you. So at the time, I'm conversing and I'm
15 trying to send a signal off that look, this guy got me
16 out here with a gun to my head.

17 At this time, I'm hearing him pacing in the house
18 hoping that he will come around from the back door and to
19 help me out, but at that time the gunman that had the gun
20 to me kicked down the door, like -- well, before all that
21 I kind of faked that I had a pain on my side. So I'm
22 telling him, trying to plead with him because I'm faking
23 it saying, Look, I don't know what's going on, man,
24 please don't hurt me, because he got the gun, don't hurt
25 me, you know.

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1 And he's like, I don't know if he could catch on to
2 it or what we was trying to do but he kicked down the
3 door. He kind of, like, just motioned me out the way and
4 kicked down the door.

5 When he kicked down the door that's when the first
6 shot let off and I heard like a little, Ah, like, you
7 know, a little ping when somebody, like, Ah. When I
8 heard that I saw the gunman lift his gun with a clip,
9 hold it up -- you know, hold it up to the door and just
10 started firing it off. At this time, I'm getting away.
11 I'm running off the porch, running behind the house
12 trying to get away.

13 Q. Okay. Show the jury how you ran away from the
14 house once you were able to get away from the gunman?

15 A. Basically, if this is the house, the front part and
16 this is the porch, basically, what I did once he motioned
17 me, you know, just, like, out of the way I just came
18 around him and while, you know, he was going off and they
19 were, you know, I simply came down, ran right across and
20 behind this rig right here, went behind this rig.

21 Once I got behind there and I didn't hear anymore
22 shots or anymore, you know, nothing I came out and the
23 first thing I did, I ran right here (indicated) and I
24 screamed out his name. I was like, Ron G. Well, I was
25 louder than that. I said, Ron G. And when I didn't hear

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1 no answer or movement of the door the last time I
2 remember I said, J. R. And when I say J. R. I still
3 didn't see any movement from the door.

4 So I ran over here to Ms. Renita's house, and if
5 you see this side right here I didn't even wait to go up
6 to knock. I just beat up on the side of her trailer. At
7 the time when she was coming out she was already on the
8 phone with 911.

9 Q. If you want to take a seat.

10 A. (The witness complied.)

11 Q. All right. Let's go back to the gunman. You said
12 when you were about 20 yards away he pulled out the gun?

13 A. Correct.

14 Q. Do you remember what the gun looked like?

15 A. Yes. It was a clip gun.

16 Q. Okay. And a clip gun meaning not a revolver?

17 A. No, not a revolver. You know, the clip to the
18 bottom.

19 Q. Okay. Do you remember anything significant about
20 the gunman and the way he appeared?

21 A. Yes. His hairline, if you look at like right here
22 at the top was like kind of receded (indicated). Also,
23 the scar on his eye right here (indicated) like a little
24 nick like. I remember also seeing that.

25 Q. Left or right eye?

ENREKAE MILES - DIRECT BY MS. SWANSON

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- 1 A. I don't want to guess.
- 2 Q. Okay. But did you describe that to investigators
- 3 when they talked to you later?
- 4 A. Correct.
- 5 Q. Okay. About how old? About how old would you say
- 6 the gunman was?
- 7 A. No more than -- at least no more than 35. Anywhere
- 8 from the range of 25 to 35.
- 9 Q. Okay. And you said that there was someone else
- 10 with him?
- 11 A. Yes.
- 12 Q. And was that person older or younger?
- 13 A. Younger.
- 14 Q. And did he have a gun?
- 15 A. No.
- 16 Q. And what did he do while the gunman had you at
- 17 gunpoint?
- 18 A. Actually, he was following the gunman. He was to
- 19 the step just sitting there. Like I said, I was telling
- 20 the investigators, this probably was his first time ever
- 21 doing it or whatever because he wasn't too -- how can I
- 22 say? He wasn't too busy or anything. He was just
- 23 basically just by the step.
- 24 Q. Okay. Did he ever step onto the porch?
- 25 A. No.

ENREKAE MILES - DIRECT BY MS. SWANSON

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1 Q. So the only person that stepped onto the porch was
2 the gunman?

3 A. And myself.

4 Q. And yourself. Okay. Had you ever seen these two
5 people before?

6 A. No.

7 Q. Were the two men wearing anything on their faces or
8 on their hands?

9 A. No.

10 Q. When they had you -- when the gunman had you at
11 gunpoint did you feel like you could get away?

12 A. No, because I felt that -- I felt as though the way
13 how he was pointing it.

14 Q. And how did he point it?

15 A. Please forgive me for marking myself but basically
16 right here behind the head (indicated) and once we got on
17 the porch and when we was talking, when I was talking to
18 Ronald he went down and he had it like posted up on the
19 side.

20 Q. So at first he had the gun to your head?

21 A. Correct.

22 Q. Then he had it on your side?

23 A. When we were up on the porch.

24 Q. Up on the porch.

25 A. Right.

ENREKAE MILES - DIRECT BY MS. SWANSON

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- 1 Q. Okay. Were you armed, Enrekae?
- 2 A. No, not at all.
- 3 Q. Did they check to see if you were armed?
- 4 A. Oh, yes.
- 5 Q. Okay. Prior to going over to 46 Seabrook Road and
- 6 seeing these two men behind the house had you seen anyone
- 7 unusual or any cars that you didn't recognize that day?
- 8 A. The Cadillac, I didn't recognize it. It was pacing
- 9 up and down on Seabrook Road.
- 10 Q. What kind of Cadillac did you see?
- 11 A. Anywhere from a '93 to a '95 Cadillac Sedan
- 12 Deville. The reason why I'm familiarized with it because
- 13 I had previous owned a Cadillac Sedan Deville and it was
- 14 just like the body shape I had.
- 15 Q. And did you give that information to investigators?
- 16 A. Yes, I did.
- 17 Q. And what color was that Cadillac Deville?
- 18 A. I couldn't really tell because like I tell you it
- 19 was dusk, getting kind of dark. Basically, I could tell
- 20 that the tag light was out.
- 21 Q. Do you recall if it was a light color or a dark
- 22 color?
- 23 A. I want to say it was a dark color.
- 24 Q. The Cadillac or the tag?
- 25 A. The Cadillac.

ENREKAE MILES - DIRECT BY MS. SWANSON

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- 1 Q. Okay. But you said it was dusk out?
- 2 A. Right.
- 3 Q. Okay. And do you recall seeing anyone or a number
- 4 of people inside of it? How many people did you see
- 5 inside or could you see inside?
- 6 A. Actually, I saw that there was a driver on my way
- 7 up there. After all this, on the way back when I ran
- 8 over coming from my uncle's house through all the
- 9 aftermath I could see that the Cadillac was coming back
- 10 down and that it made a little break and for a little
- 11 pause or whatever then kept on going. But as far as
- 12 seeing what was inside of it to see what was inside of
- 13 that car, no, I couldn't really -- I couldn't really make
- 14 it out.
- 15 Q. Okay. So you saw the Cadillac multiple times on
- 16 June the 22nd of 2009?
- 17 A. Yes, pacing down Seabrook Road.
- 18 Q. Okay. How many times would you say, approximately?
- 19 A. About three. Three to four times.
- 20 Q. Okay. After you went to Renita Myers' house and
- 21 she called 911, what did you do after that?
- 22 A. Well, when I was there she was on the phone with
- 23 911.
- 24 Q. Okay.
- 25 A. Okay. So after all that I simply ran over to my

ENREKAE MILES - DIRECT BY MS. SWANSON

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1 uncle's to tell him what happened and I wanted to borrow
2 his gun because one of the guys was still out there. So
3 I ran over to him because I wanted borrow his gun, but he
4 didn't let me have it.

5 Q. Okay. What kind of gun does your uncle have?

6 A. A shotgun.

7 Q. All right. What were you feeling at this point in
8 time?

9 A. I was scared, mad, all the above. I just lost my
10 cousin, childhood friend. I mean, a lot of emotion was
11 running through me that day.

12 Q. Okay. And after Nathaniel Green, your uncle,
13 wouldn't give you the gun, what did you do after that?

14 A. Simply, I said some -- you know, some bad words,
15 ran out, and when I ran out I saw the car riding by
16 again.

17 Q. Okay. And by the car you mean the Cadillac
18 Deville?

19 A. Correct.

20 Q. All right. And it was heading in what direction?

21 A. The direction of 21, Highway 21.

22 Q. Highway 21?

23 A. Yes.

24 Q. Okay. And what exactly did the car do? You said
25 it stopped?

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- 1 A. Well, it didn't make a complete stop. More like a
2 California stop.
- 3 Q. What's a California stop?
- 4 A. When you have -- when you like pause and have like
5 a simple roll. Like a little roll when you don't come to
6 a complete stop. You are just really pausing but the car
7 is still a little in motion.
- 8 Q. Okay.
- 9 A. Yes.
- 10 Q. All right. And you don't recall seeing how many
11 people were in the car?
- 12 A. No.
- 13 Q. Okay. After you saw the Cadillac and after you
14 went to Nathaniel Green's did you go anywhere else that
15 night?
- 16 A. Yes.
- 17 Q. Where did you go?
- 18 A. Simply, I ran over across the street over to
19 Bonita's, which is another good friend of mine, Travis
20 Johnson, his fiancée's house, you know, looking for him
21 but he wasn't there. So I ran over to his father,
22 because I heard music over there, so I ran over to his
23 father's house. I let them know what happened and at
24 that time he gave me a ride and we went over to a
25 relative's house.

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- 1 Q. Okay. And what relative's house was that?
- 2 A. Actually, his name is Quentin Fields.
- 3 Q. Okay. Did law enforcement eventually catch up with
- 4 you?
- 5 A. Yes. After I left Quentin Fields' house I went
- 6 over to my sister's house that's located in Polk Village.
- 7 That's the name of the area. By that time about 20
- 8 minutes later I heard a knock to the door and the police
- 9 was there.
- 10 Q. Okay. And why did you leave Seabrook Road that
- 11 night?
- 12 A. Basically, I was scared. I know that the guy that
- 13 had the gun on me, he was on the loose. My house is just
- 14 a couple of blocks away and I didn't want him to see me
- 15 running to my house, knowing where I stay. So at the
- 16 time I was very scared, mixed up, and I thought the best
- 17 thing to do was just to leave the scene because I didn't
- 18 -- I didn't know, you know, where he was.
- 19 Q. Okay. And when law enforcement knocked at the door
- 20 did you go with them?
- 21 A. Yes, I did.
- 22 Q. Okay. And did you go with them freely?
- 23 A. Yes.
- 24 Q. All right. And where did you all go?
- 25 A. To their -- I want to believe their office, which

- 1 is across the street.
- 2 Q. Oh, from here?
- 3 A. Yes, from here.
- 4 Q. The office on Ribaut Road?
- 5 A. Yes, ma'am.
- 6 Q. And who did you go with?
- 7 A. Actually, I don't remember who I went with but I
- 8 could tell you that I went with who was interviewing me
- 9 and was --
- 10 Q. Yes, sir.
- 11 A. Can I point them out.
- 12 Q. Yes, sir.
- 13 A. Okay, I'm sorry. Right over there (indicated).
- 14 Q. Okay. And that's Investigator Chris Wilson?
- 15 A. Yes, Ms. Wilson.
- 16 Q. All right. And so did you guys talk for a while?
- 17 A. Yes.
- 18 Q. Did you tell her everything that you remembered?
- 19 A. Yes.
- 20 Q. Were you interviewed more than once?
- 21 A. Yes.
- 22 Q. Did they -- did Investigator Wilson ask you about
- 23 anyone who may have had a problem with J. R.?
- 24 A. Yes.
- 25 Q. And did you give them some names?

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- 1 A. Yes, I did.
- 2 Q. And was one of those names Travis Polite?
- 3 A. Yes. That was actually the first name that she
- 4 gave me.
- 5 Q. That was the first name that --
- 6 A. Right.
- 7 Q. -- you gave to investigator Wilson?
- 8 A. No, I did not give her. She asked me. That was
- 9 one of the first names she asked me. You know, she said
- 10 Travis Polite.
- 11 Q. Okay. And what did you know about Travis Polite
- 12 and J. R.'s relationship?
- 13 A. It's not -- they are not the best of friends. I'll
- 14 tell you that. They are enemies. Basically, you know,
- 15 they are just -- they are enemies. They don't like each
- 16 other.
- 17 Q. Okay. Do you know where the dislike stems from?
- 18 What was the beef about?
- 19 A. I can't really -- I can't honestly say but it's
- 20 really, you know, basically it's over a female. At the
- 21 time Travis Polite had her, you know, as his girlfriend.
- 22 I guess things didn't work out or whatever like that so
- 23 at that time her and Ronald Coleman, they were really
- 24 good friends, and then they started seeing each other.
- 25 Q. Do you know about an incident that occurred about a

ENREKAE MILES - DIRECT BY MS. SWANSON

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- 1 month before J. R.'s murder?
- 2 A. On Mother's Day, yes, I do.
- 3 Q. Okay. Tell the jury about what you know about that
- 4 incident.
- 5 A. On Mother's Day probably around about 10, 10:30, 11
- 6 o'clock his house was shot up.
- 7 Q. Okay. And was anyone -- do you know who shot his
- 8 house up?
- 9 A. I can't honestly say that I saw the person but
- 10 through describing of the car and, you know, yes.
- 11 Q. Okay. And who was that?
- 12 A. Travis Polite.
- 13 Q. Okay. And what does Travis Polite drive?
- 14 A. A red Pontiac.
- 15 Q. Okay.
- 16 A. Grand Am.
- 17 Q. So are you familiar with Travis Polite?
- 18 A. Yes, I am. We all went to school together.
- 19 Q. Okay. If you saw Travis Polite would you recognize
- 20 him?
- 21 A. Yes.
- 22 Q. And did you see him on June the 22nd of 2009?
- 23 A. No, I didn't.
- 24 Q. All right. So you did not see Travis Polite the
- 25 night of J. R.'s murder?

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- 1 A. No.
- 2 Q. He did not hold a gun to your head?
- 3 A. No.
- 4 Q. And he did not stand off of the porch while the
- 5 gunman held it --
- 6 A. No.
- 7 Q. -- to your side?
- 8 A. No.
- 9 Q. All right. The day after the murder, June the
- 10 23rd, and after you spoke to investigators did you call
- 11 law enforcement again?
- 12 A. Yes, I did. The reason for that, I was just
- 13 talking to some friends and a relative and we saw a bunch
- 14 of blood on the road, like he was stepping in his own
- 15 blood making a trail. And they were like, you know, I
- 16 don't think they got nothing. And I was like, They ain't
- 17 got nothing, all this blood on the road?
- 18 So basically, I called the investigator, the card
- 19 that I had, and about not even 15 minutes I want to say
- 20 an officer came out and I told him and he started taking
- 21 up blood samples.
- 22 Q. Okay. Did you meet with law enforcement again
- 23 after that?
- 24 A. Yes.
- 25 Q. Okay.

ENREKAE MILES - DIRECT BY MS. SWANSON

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- 1 MS. SWANSON: Beg the Court's indulgence.
- 2 (PAUSE.)
- 3 BY MS. SWANSON:
- 4 Q. Enrekae, do you remember when you went towards the
- 5 back door of J. R.'s house, do you remember if the light
- 6 was on or off?
- 7 A. I can't remember.
- 8 Q. Okay. But you felt comfortable that you could see
- 9 the people?
- 10 MS. CAMPBELL: Objection, Your Honor. She's
- 11 leading the witness.
- 12 THE COURT: All right.
- 13 MS. SWANSON: Sorry, Your Honor.
- 14 BY MS. SWANSON:
- 15 Q. But could you see the two people in question?
- 16 A. Yes.
- 17 Q. Okay. Did you have any trouble seeing them?
- 18 A. No. No trouble.
- 19 Q. All right. You stated that the gunman kicked the
- 20 door in?
- 21 A. Correct.
- 22 Q. Did he move forward into the doorway at that point?
- 23 A. Yes.
- 24 Q. Okay. All right, Enrekae. Thank you very much.
- 25 Please answer any questions that Ms. Campbell might have

ENREKAE MILES - CROSS BY MS. CAMPBELL

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1 for you.

2 A. Yes.

3 MS. CAMPBELL: May it please the Court?

4 THE COURT: Sure.

5 CROSS-EXAMINATION

6 BY MS. CAMPBELL:

7 Q. Enrekae, before coming to court here today did you
8 meet with this prosecutor?

9 A. No, I didn't.

10 Q. Did you meet with this investigator here next to
11 her?

12 A. Okay. When you say before coming to court you mean
13 today?

14 Q. Correct.

15 A. Have I met with them?

16 Q. I mean any time before you walked in this courtroom
17 and got on that stand have you met with this prosecutor
18 right here?

19 A. Yes.

20 Q. You have?

21 A. Yeah.

22 Q. Okay. Thank you. And when you met with that
23 prosecutor did you discuss your testimony?

24 A. I heard my tapes that I gave.

25 Q. So, yes. You discussed the testimony, right?

ENREKAE MILES - CROSS BY MS. CAMPBELL

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- 1 A. Okay.
- 2 Q. And you've met with this investigator here, right?
- 3 A. No.
- 4 Q. Before --
- 5 A. When I met with that investigator that was during
- 6 the time of the aftermath when Ronald Coleman was shot.
- 7 Q. Right. At some point before coming to court today
- 8 you met with this investigator, right?
- 9 A. Correct.
- 10 Q. Okay. Now, Enrekae, you know that the police make
- 11 reports about what they do when they are investigating a
- 12 case, right?
- 13 A. Right.
- 14 Q. And so when the police reports say that you were
- 15 missing for eight hours after this happened are you going
- 16 to argue with that or that's about right?
- 17 A. It could be. I mean, it was a long time ago.
- 18 Probably close to eight hours but not saying exactly on
- 19 eight hours, I was missing for eight hours. Probably,
- 20 you know, an estimate time that for eight hours I was
- 21 missing but it's not like I was -- you know, I was gone,
- 22 just (made noise). I just wanted to leave the scene. I
- 23 just didn't want that drama floating over where I stay.
- 24 Q. You remember that you told -- well, do you remember
- 25 an Officer Burns and an Officer Hiers who sat you down

ENREKAE MILES - CROSS BY MS. CAMPBELL

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- 1 and interviewed you a second time? Do you remember those
2 officers?
- 3 A. Okay.
- 4 Q. So that's a yes?
- 5 A. Yes.
- 6 Q. Okay. And do you remember telling them in that
7 interview that you -- after you left Ronald Coleman's
8 house you went to Renita Myers' house, right?
- 9 A. (Nodded).
- 10 Q. Then you went to Nathaniel Green's house, right?
- 11 A. (Nodded).
- 12 Q. You're nodding your head but is that a yes?
- 13 A. Yes. That's correct. Yes, ma'am.
- 14 Q. Okay. So you're going to need to answer me out
15 loud yes or no, okay?
- 16 A. Okay.
- 17 Q. You went to Renita Myers' house?
- 18 A. Yes.
- 19 Q. Then you went to Ronald --
- 20 A. Yes --
- 21 Q. I mean -- excuse me, Nathaniel Green's house?
- 22 A. Yes.
- 23 Q. And then you went to someone named Bonita's house,
24 right?
- 25 A. Correct, but no one was there.

ENREKAE MILES - CROSS BY MS. CAMPBELL

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1 Q. No one was there?

2 A. No one was there.

3 Q. Okay. You told Officer Burns and Officer Hiers
4 that after you went over to Bonita's house is when you
5 say you saw this Cadillac driving down Seabrook Road?

6 A. No, I did not say that.

7 Q. So if the tape says different -- well, we'll just
8 listen to it later. Okay?

9 Now, you testified that you are just moseying along
10 through the backyards heading over to Ronald Coleman's
11 house and you're going up to the back door; is that
12 right?

13 A. Correct.

14 Q. Okay. Now, Ronald Coleman's front porch does not
15 have a light, right?

16 A. Not sure.

17 Q. Okay. But the back door has a light, right?

18 A. Like I said, right now I'm not sure. I'm pretty
19 sure that both of them, you know, there was a front --
20 when the house was there there was a light there and a
21 light in the back but was it on or not during when it was
22 happening I can't remember.

23 MS. CAMPBELL: May I approach?

24 THE COURT: Yeah.

25 BY MS. CAMPBELL:

ENREKAE MILES - CROSS BY MS. CAMPBELL

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- 1 Q. Enrekae, I'm going to show you what's been put in
2 evidence as Defendant's Exhibit 14. Is that the front
3 porch there of Ronald Coleman's trailer?
- 4 A. Correct.
- 5 Q. Okay. Where is the light on that front porch? Do
6 you see one?
- 7 A. No, I don't see one.
- 8 Q. And I'm going to show you what's been put in
9 evidence as Defendant's Exhibit 15. Is that the back of
10 Ronald Coleman's trailer?
- 11 A. Correct.
- 12 Q. Okay. And do you see a light in that?
- 13 A. Right here (indicated).
- 14 Q. And that light is on, correct?
- 15 A. Correct.
- 16 Q. Okay. Thank you.
- 17 One more. In Defendant's Exhibit 15, this is the
18 door you said you were walking up to when you saw two men
19 at the back door, right?
- 20 A. Right.
- 21 Q. Okay. Now, these two men that you see at this back
22 door, you said about 20 yards away one of them pulls a
23 gun on you, right?
- 24 A. Correct.
- 25 Q. Okay. And puts it to your head, right?

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- 1 A. Well, actually at that time they were walking up.
2 Once he whipped it out he was still walking up until he
3 got close to me, but at this time I was down on the
4 ground.
- 5 Q. Okay. So you are on the ground. This guy is
6 putting a gun to your head. You're on the ground when
7 he's putting a gun to your head, right?
- 8 A. Correct, patting me down, making sure I don't have
9 a gun.
- 10 Q. Okay. I'm glad you brought that up. Which one of
11 them patted you down?
- 12 A. Actually, it was the -- the -- the gunman and the
13 other guy, but I don't know who he was or what he was
14 trying to do. The second guy, he came up and he patted
15 me down. The gunman also put his hands on me. I really
16 couldn't tell but I could tell you that both of them had
17 their hands on me patting me down.
- 18 Q. While you are on the ground?
- 19 A. Yes.
- 20 Q. Okay. So the gunman is patting you down on the
21 front with the gun to your head?
- 22 A. Actually, it's behind my head, ma'am.
- 23 Q. Okay. Behind your head.
- 24 A. Yes.
- 25 Q. I thought you said he was patting you down in the

ENREKAE MILES - CROSS BY MS. CAMPBELL

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- 1 front?
- 2 A. Ma'am, I don't know if you are misunderstanding me
- 3 or I don't know.
- 4 Q. I'm just trying to get it straight, Enrekae.
- 5 A. Right, so let's get it straight.
- 6 Q. You said that the gunman had a gun to the back of
- 7 your head?
- 8 A. Correct.
- 9 Q. Did the gunman pat you down from behind you or in
- 10 front of you?
- 11 A. Well, I was laying down. At this time I'm down on
- 12 the ground.
- 13 Q. Oh, you're all the way on the ground?
- 14 A. Right.
- 15 Q. Your face is in the ground?
- 16 A. And he came from behind, because I'm seeing him
- 17 walk. He was the only one with the gun. All right. So
- 18 while I'm down on the ground I'm telling him that, Look,
- 19 please, you know, don't shoot me. I ain't got no money.
- 20 I don't have nothing.
- 21 At this time, he was feeling me and his partner was
- 22 feeling me. And, you know, he told me to get up, come
- 23 on. We're going to use you to get him out the house.
- 24 Q. Now, Enrekae, Ronald Coleman kept guns in his
- 25 house, didn't he?

ENREKAE MILES - CROSS BY MS. CAMPBELL

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- 1 A. Yes, he did.
- 2 Q. He kept marijuana in his house, didn't he?
- 3 A. Yes, he did.
- 4 Q. Ronald Coleman sold marijuana, right?
- 5 A. Surviving.
- 6 Q. For surviving?
- 7 A. He was selling marijuana to survive.
- 8 Q. Okay. And so he keeps guns, he's selling
- 9 marijuana, he's surviving. Now, you know that his
- 10 brother, I guess, was killed in Atlanta, right?
- 11 A. Correct.
- 12 Q. A couple weeks before, right?
- 13 A. Correct.
- 14 Q. What is his brother's name?
- 15 A. Byron Coleman.
- 16 Q. Byron Coleman. And Byron Coleman was shot in the
- 17 head and killed in Atlanta and your cousin, Darrin Amadi,
- 18 was with him, right?
- 19 A. Not sure. I can only go by hearsay. I wasn't
- 20 there.
- 21 Q. Okay. Is Darrin Amadi your first cousin?
- 22 A. Yes, he is. That's my father's sister's child.
- 23 Q. And Darrin Amadi and Byron Coleman were buddies in
- 24 Atlanta, right?
- 25 A. Actually, they're cousins.

ENREKAE MILES - CROSS BY MS. CAMPBELL

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1 Q. Okay. Cousins, buddies. They ran together in
2 Atlanta, right?

3 A. I can't say that. I can't say that they ran
4 together because there have been times where he came down
5 to visit and he's telling me that, you know, he's doing
6 his thing while Darrin, he's on this side doing his
7 thing.

8 Q. When the officers asked you about possible
9 connections to Atlanta you indicated to them in your
10 interview that you thought this was an Atlanta hit on
11 Ronald Coleman, didn't you?

12 A. Yes, because it was so close.

13 Q. Right. And you indicated during your interview
14 that you had -- this is your interview from Hiers and
15 Burns, that you -- in an effort to flee the scene, you
16 actually jumped over the side railing of the porch. You
17 did not walk down the stairs, as you've testified today;
18 is that correct?

19 A. Well, actually, if you want to say walk, jump,
20 whatever you want to say, ma'am. If you was in that
21 predicament you'd do the same thing, too.

22 Q. Well, I'm trying to get it straight exactly what
23 you are trying to tell this jury happened. Now, you've
24 given statements previously, three statements now that
25 we've got what you are saying here today.

ENREKAE MILES - CROSS BY MS. CAMPBELL

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- 1 A. Correct.
- 2 Q. Did you jump over the side of the porch or did you
3 walk down the stairs?
- 4 A. You can say basically I just jumped off, ran off.
- 5 Q. Why did you change your shirt after you left?
- 6 A. Because I was sweaty at the time and it was some --
7 at the time, I was real sweaty, paying off real bad. So
8 I changed my shirt because I was pouring down in sweat.
- 9 Q. Do you remember telling the police officers that
10 were there there was blood on your shirt and it was the
11 shooter's blood?
- 12 A. Yes. That's what I thought it was because I was by
13 him.
- 14 Q. Are you saying that you were by him when he shot?
- 15 A. What I'm saying is when I was up on the porch and
16 when all this commotion was going off and when I heard
17 the first shot or whatever the way how, you know, if you
18 know what a bullet does when it hits flesh, blood will
19 splurt. So I'm thinking that, you know, however -- you
20 know, when firing was going off that, you know, blood
21 that hit me -- you know, it hit my shirt because at the
22 time I wasn't bleeding. So it wasn't -- it shouldn't
23 have been -- it shouldn't have been mine because when I
24 got to the investigator's office I even looked everywhere
25 to see if I was scratched or if I had a cut, or whatever

ENREKAE MILES - CROSS BY MS. CAMPBELL

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- 1 like that.
- 2 Q. Did the investigators examine your body?
- 3 A. Yes.
- 4 Q. To see if you had been hit by a bullet?
- 5 A. Well, they didn't exam -- well, they were right
- 6 there looking at me like, you know --
- 7 Q. Uh-huh.
- 8 A. -- making sure.
- 9 Q. Uh-huh. And do you remember telling the officers
- 10 during your interview that the -- that you saw -- after
- 11 you jumped off that you saw these two people who had just
- 12 done this run off -- I'm not going to have you come down.
- 13 Do you remember telling them that you saw these people
- 14 running this way (indicated)?
- 15 A. Correct.
- 16 Q. Okay. And --
- 17 A. Well, actually I took -- I saw -- when I took
- 18 off --
- 19 Q. Uh-huh.
- 20 A. -- shots firing, the other guy that was to the
- 21 step --
- 22 Q. Uh-huh.
- 23 A. -- he ran out that way.
- 24 Q. Oh, okay.
- 25 A. He ran that way. The other gunman, the gunman that

ENREKAE MILES - CROSS BY MS. CAMPBELL

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- 1 was on the porch, you know --
- 2 Q. Uh-huh.
- 3 A. -- at that time I'm believing that he ran that way
- 4 also and came back down, came back down. I mean, he
- 5 couldn't --
- 6 Q. Well, I'm understanding what you are believing but
- 7 I'm asking what you saw. Okay? So you told the
- 8 investigators when you were interviewed right after this
- 9 that you saw the two men running down this way.
- 10 A. Down that way?
- 11 Q. Correct.
- 12 A. Correct.
- 13 Q. Towards Detour Road, right?
- 14 A. The trailer park.
- 15 Q. Detour Road is that way.
- 16 A. Correct.
- 17 Q. Right. And Highway 21 is that way, right?
- 18 A. Right.
- 19 Q. And right after this happened you're interviewed
- 20 and you say, Yeah, two guys take off down towards Detour
- 21 Road, right?
- 22 A. Correct.
- 23 Q. Thank you. Now, Enrekae, have any thought then on
- 24 these two fellows that you say were at the back door, put
- 25 you down on the ground, search you, how did you all move

ENREKAE MILES - CROSS BY MS. CAMPBELL

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- 1 to that front porch? How did you get there?
- 2 A. Well, actually, when I screamed out, like, Hey, who
- 3 you all came to -- like, Hey, to get their attention, and
- 4 when they were walking over, when they were like patting
- 5 me down and when the gunman had the gun to my head he
- 6 told me, Come on. We are going up to the front door so
- 7 that you can get them out.
- 8 Q. Okay. So you are telling us that the gunman says
- 9 to you, We are going to the front door so that you can
- 10 get them out?
- 11 A. Not in those exact words that you just said.
- 12 Q. Did you tell the investigators that information?
- 13 A. Yes, I did.
- 14 Q. Okay. If we went through your statements and that
- 15 information is not in there --
- 16 A. Well --
- 17 Q. -- do you have any explanation for that?
- 18 A. No, I don't, but I truly believe that -- I want to
- 19 remember that when I was telling -- telling them what
- 20 went on there that I told them that, yes, they got me up
- 21 to get me to the front door.
- 22 Q. Also your statement, previous statements to the
- 23 police don't include any information about this stomping
- 24 up the steps to try and alert Ronald Coleman.
- 25 A. Can you repeat that again? I'm sorry.

ENREKAE MILES - CROSS BY MS. CAMPBELL

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1 Q. Yes. In your previous statements you never
2 mentioned that you stomped up the front steps in an
3 effort to alert Ronald Coleman to what was going on.

4 A. I believe that I -- I'm not sure if I did or if I
5 did say that at the time but I want to say I do believe
6 that I did tell them that that's what I did to try to
7 draw attention to let him know somebody is on that front
8 porch.

9 Q. Do you remember giving a statement to the police
10 that the neighbors, the people in the neighborhood are
11 the ones who came with information to you that they
12 thought there might be some blood in the road?

13 A. Actually, coming from the investigator's office
14 there was some relatives. We were standing up back on
15 the road talking and when I told them, you know, Did you
16 see them get, you know, anything or, you know, what's
17 going on?

18 And they were like, We didn't see them getting any
19 blood or anything like that.

20 And I was like, What?

21 So I called the investigators to let them know that
22 hey, you got a pool -- you got a lot of blood on this
23 road here, you know. And like I said, it wasn't even 20
24 minutes, like 10, 15 minutes one of the investigators
25 came up to take that blood sample.

ENREKAE MILES - CROSS BY MS. CAMPBELL

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- 1 Q. Do you remember that that was during the day or at
2 night, when he came up --
- 3 A. Evening.
- 4 Q. It was in the evening?
- 5 A. Yes, ma'am.
- 6 Q. And do you remember that Ronald Coleman packed up a
7 car loaded with guns to head to Atlanta?
- 8 A. I think that is totally false.
- 9 Q. Okay. Do you know that Ronald Coleman went to
10 Atlanta when his brother was shot?
- 11 A. Yes.
- 12 Q. Okay. Do you know Adrianna McBeth?
- 13 A. Yes, the baby mother.
- 14 Q. Yes. Ronald Coleman's -- one of Ronald Coleman's
15 children's mother, right? Adrianna McBeth is the mother
16 of one of his children?
- 17 A. I know that she's the mother of his child, yes.
- 18 Q. Okay. And you know who Ebony Coleman is, right?
- 19 A. The sister.
- 20 Q. That's Ronald Coleman's sister, right?
- 21 A. Correct.
- 22 Q. Do you know that Ebony Coleman drove to Atlanta at
23 the same time that Ronald Coleman drove to Atlanta?
- 24 A. I did not -- I did not see when they -- when they
25 left the house it was only Ronald Coleman, and I remember

ENREKAE MILES - CROSS BY MS. CAMPBELL

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- 1 seeing Adrianna, and they left. I did not remember
2 seeing Ebony at the house that left with them to go to
3 Atlanta.
- 4 Q. Do you remember telling Investigator Wilson that
5 the gun that the gunman had to your head was a chrome
6 nine millimeter?
- 7 A. Yes, chrome barrel.
- 8 Q. Chrome nine millimeter?
- 9 A. Chrome barrel.
- 10 Q. Okay. Chrome-barrel nine millimeter?
- 11 A. Yes.
- 12 Q. Okay. Other than Ronald Coleman and you who else
13 knew the front door was nailed shut?
- 14 A. Any neighborhood childhood friends that we grew up,
15 we played ball together with.
- 16 Q. Well, how long before 6-22-09 did you go in Ronald
17 Coleman's house and nail up his front door?
- 18 A. How many times?
- 19 Q. No. How long before 6-22-09 did you nail up that
20 front door?
- 21 A. Oh. It was like a couple months back, I want to
22 say.
- 23 Q. So months before you nailed up that front door?
- 24 A. No. It wasn't -- I want to say it was a couple
25 months back that I notified him what happened with that

ENREKAE MILES - CROSS BY MS. CAMPBELL

217

1 front door.

2 Now, that door comes open -- you know, it comes
3 open. He could have, you know, went behind me, nailed it
4 shut. But when I remember telling him about it when I
5 seen it open, yeah, when I saw him he came back and
6 nailed it shut, yes.

7 Q. What did you do with the hammer that you used to
8 nail it shut?

9 A. I don't remember.

10 Q. Did you leave it on --

11 A. I don't remember, ma'am.

12 Q. When is the last time you saw Darrin Amadi, your
13 first cousin?

14 A. Last time I saw Darrin Amadi he was down with Byron
15 Coleman. I want to believe it was a holiday. I don't
16 remember what holiday or when it was but he came down.

17 Q. The boys came together from Atlanta?

18 A. Right. Correct.

19 Q. Do you remember being shown a photographic lineup
20 by this officer, Chris Wilson, and telling her, I don't
21 see anybody in there. I can't -- the shooter is not in
22 that lineup?

23 A. Correct.

24 Q. Enrekae, in your neighborhood after this happened
25 were the neighbors out and about the day after --

ENREKAE MILES - CROSS BY MS. CAMPBELL

218

- 1 A. I cannot -- the day after?
- 2 Q. Uh-huh.
- 3 A. I can't say the neighbors.
- 4 Q. Were the folks in the neighborhood out and about
- 5 walking around Seabrook Road talking about what had
- 6 happened?
- 7 A. I only remember there was three, three of us.
- 8 Q. Okay. Did you show the cops where to find the gun?
- 9 A. No, I didn't.
- 10 Q. Okay. Did you direct them anywhere close to the
- 11 blood trail where the gun was found?
- 12 A. Actually, I showed him the blood trail and I
- 13 remember when I was showing him the blood trail he was
- 14 walking and I can tell that he startled up on something,
- 15 and when he did that he got his truck, turned on his
- 16 lights, stopped traffic and he was putting out markers.
- 17 And when I seen him he went to the trail, which was the
- 18 footsteps of the trail, and when I seen him come back out
- 19 I saw him with the evidence bag with the evidence in it.
- 20 Q. Okay. Enrekae, thank you for giving us the
- 21 information you have. I want to ask you a couple more
- 22 questions and then we'll be all finished.
- 23 Byron Coleman, Darrin Amadi, these two fellows,
- 24 they were also drug dealers like Ronald, right?
- 25 A. Wrong.

ENREKAE MILES - REDIRECT BY MS. SWANSON

219

1 Q. Okay. You never gave information to anybody that
2 either one of these fellows was involved in the Atlanta
3 drug trade?

4 A. No, I don't.

5 Q. Okay. And you don't have any information that
6 Byron and Darrin were involved in moving drugs from
7 Atlanta to Beaufort?

8 A. No.

9 MS. CAMPBELL: That's all I have.

10 MS. SWANSON: Thank you, Your Honor. Just a few
11 questions.

12 REDIRECT EXAMINATION

13 BY MS. SWANSON:

14 Q. Enrekae, do you remember what hand the gunman had
15 the gun in? If you don't remember it's okay.

16 A. No, I don't remember.

17 Q. Okay. Ms. Campbell asked you about a shirt that
18 you were wearing that you took off.

19 A. Correct.

20 Q. Did you give that shirt to law enforcement?

21 A. Yes, I did.

22 Q. Okay. And why did you think it could have been the
23 gunman's blood on that shirt?

24 A. Because it's just like the statement I said before.

25 You know, if somebody fire off and if you are by an

ENREKAE MILES - REDIRECT BY MS. SWANSON

220

1 explosion, any kind of explosion, could be paint or
2 whatever it is, some of that is going to slash on you
3 because you are right there.

4 Q. Okay. And did you have any reason to believe that
5 the gunman could have been hit by a bullet?

6 A. Yes.

7 Q. Okay. Do you know what -- why did Byron move to
8 Atlanta?

9 A. A better life. Better opportunities.

10 MS. CAMPBELL: Your Honor, objection. This is
11 calling for speculation.

12 THE COURT: Well, it's the same thing you went into
13 over and over, didn't you?

14 A. Thank you, Judge.

15 Q. What sort of opportunities, what sort of employment
16 was he after in Atlanta; do you know?

17 A. I don't know really the employment that he was
18 after but he went there for a better opportunity. As you
19 can -- anybody can tell, wages are high, you know, the
20 pay rate is higher in Atlanta than it is in Beaufort, you
21 know.

22 Q. Okay. But you don't know what industry he was in
23 or anything like that?

24 A. No.

25 Q. The last photo lineup that you were presented with

ENREKAE MILES - RECROSS BY MS. CAMPBELL

221

1 by Investigator Wilson two years later you testified that
2 you could not definitively pick out someone from that
3 lineup?

4 A. No, I couldn't.

5 Q. Did anyone in that lineup look familiar?

6 A. Yes.

7 Q. Okay.

8 A. There was somebody that looks familiar.

9 Q. Okay. But you just weren't comfortable saying a
10 hundred percent?

11 A. Correct, because there was certain body -- certain,
12 like, a scar or a tattoo or something. I couldn't
13 really, you know, tell about it, about how -- if that was
14 the gunman or not because it was like two years later, a
15 little bit more weight, and I didn't see, like, no
16 notifications to indicate that yeah, that was him.

17 Q. Okay. Thank you, Enrekae. Please answer any
18 further questions by Ms. Campbell.

19 MS. CAMPBELL: Just following up on what the
20 solicitor went into. May I approach?

21 RECROSS-EXAMINATION

22 BY MS. CAMPBELL:

23 Q. Mr. Miles, do you remember giving a description of
24 the shooter to --

25 A. Yes, I do.

ENREKAE MILES - RECROSS BY MS. CAMPBELL

222

- 1 Q. -- a sketch artist from SLED?
- 2 A. Yes.
- 3 Q. Okay. Is this the picture that the SLED sketch
- 4 artist did for you?
- 5 A. Yes.
- 6 Q. Okay. And this is how you believe the shooter that
- 7 night looked?
- 8 A. Correct.
- 9 Q. Correct. And do you see anything unusual here
- 10 about the shooter's chin area? Is there a scar anywhere
- 11 on that chin?
- 12 A. No. I don't see a scar there.
- 13 Q. Okay. Thank you.
- 14 MS. SWANSON: If I may view the photo lineup that
- 15 you just questioned him on.
- 16 MS. CAMPBELL: You don't have a copy of this?
- 17 MS. SWANSON: Well, since you have it right in your
- 18 hand...
- 19 MS. CAMPBELL: I'm not offering it.
- 20 MS. SWANSON: Okay. Judge, just briefly on
- 21 redirect.
- 22 THE COURT: Okay.
- 23 MS. CAMPBELL: I'm not finished.
- 24 MS. SWANSON: Oh, I'm sorry.
- 25 MS. CAMPBELL: That's okay.

ENREKAE MILES - FURTHER REDIRECT BY MS. SWANSON 223

1 (PAUSE.)

2 MS. CAMPBELL: That's all we have.

3 MS. SWANSON: Thank you. Now on redirect.

4 FURTHER REDIRECT EXAMINATION

5 BY MS. SWANSON:

6 Q. Enrekae --

7 MS. SWANSON: If I may approach the witness.

8 Q. The sketch artist sketched something based on your
9 description of the gunman. Do you see anything by the
10 gunman's left eye?

11 A. Yes, I do.

12 Q. And what is that?

13 A. It's like a scar, nick.

14 Q. Okay. And was that based on your description of
15 the gunman?

16 A. Yes, my description. Yes, ma'am.

17 MS. SWANSON: Okay. Thank you. No further
18 questions.

19 THE COURT: All right. You can step down.

20 THE WITNESS: Thank you.

21 MS. SWANSON: I ask that Enrekae Miles be excused.

22 THE COURT: I don't know. He may be under
23 subpoena.

24 MS. CAMPBELL: I believe we have him under subpoena
25 as well so...

NATHANIEL GREEN - DIRECT BY MS. SWANSON**224**

1 MS. SWANSON: Okay. So he's subject to recall?

2 THE COURT: Subject to recall.

3 MS. SWANSON: The State calls Nathaniel Green.

4 NATHANIEL GREEN, after having been duly
5 sworn, testified as follows:

6 THE CLERK: And if you would state your name and
7 spell your last name for the record, please.

8 THE WITNESS: Nathaniel Green, G-r-e-e-n.

9 DIRECT EXAMINATION

10 BY MS. SWANSON:

11 Q. Mr. Green, where do you live?

12 A. 32 Seabrook Road.

13 Q. How long have you lived there?

14 A. Since '75.

15 Q. Since 1975. So a good long while?

16 A. A good long while.

17 Q. Were you home on the night of June 22nd, 2009?

18 A. Yes.

19 Q. All right. Do you recall anything unusual that
20 happened that night?

21 A. Yes. My nephew, Enrekae Miles, he came to the
22 house. He run over to the house and said, Goober --
23 Uncle Goob, lend me your gun.

24 So I said, What do you want my gun for?

25 He said, Somebody shot J. R.

NATHANIEL GREEN - DIRECT BY MS. SWANSON

225

- 1 I tell him I couldn't give him my gun because he
2 would get in trouble.
- 3 Q. Can you describe how Enrekae was acting?
- 4 A. He was screaming, you know, like it was a way I
5 never saw him before.
- 6 Q. Okay. Was he upset?
- 7 A. Yeah. He was upset. You know, never saw him that
8 way before.
- 9 Q. I'm sorry?
- 10 A. I said I never saw him that way before.
- 11 Q. Okay. You had never seen him that way before.
12 What did you do after you refused to let Enrekae have the
13 gun?
- 14 A. Well, I ran out to Ronald Coleman's house and when
15 I arrived two deputies arrived, me and two deputies
16 arrived at the same time. So we walked toward the porch.
17 I stop at the step because I saw the body, and the two
18 deputies ran on the porch and checked. Then I tell them,
19 you know, no use I go and disturb a crime scene so I'll
20 walk back out to the road.
- 21 Q. Okay. At some point were you on the porch waving
22 deputies down? Do you remember?
- 23 A. No. I was coming up and when they came I just
24 waved.
- 25 Q. Okay. Did they go past the house at first?

NATHANIEL GREEN - DIRECT BY MS. SWANSON

226

- 1 A. They might of.
- 2 Q. Okay. And you just don't remember? That's okay.
- 3 Do you know most of the people that live on Seabrook
- 4 Road?
- 5 A. Who?
- 6 Q. Do you know most everyone who lives on Seabrook
- 7 Road?
- 8 A. Yes.
- 9 Q. Are a lot of you all related?
- 10 A. Yes.
- 11 Q. You got a lot of family on that road?
- 12 A. Yeah, because it ain't nothing but a little area.
- 13 Q. Okay. Do you recall seeing any cars or people that
- 14 you didn't recognize that day?
- 15 A. I saw a car, a white Cadillac.
- 16 Q. A white Cadillac?
- 17 A. Yes. It was riding up, he came down Seabrook first
- 18 then he ride back up. And then he stop out the head of
- 19 the road and he was sitting there for a little while, and
- 20 then he pulled off.
- 21 Q. Okay. Were you able to see inside the car at all?
- 22 A. No.
- 23 Q. No?
- 24 A. No.
- 25 Q. Okay. Thank you, Mr. Green. Please answer any

NATHANIEL GREEN - CROSS BY MS. CAMPBELL

227

1 questions that Ms. Campbell might have for you.

2 CROSS-EXAMINATION

3 BY MS. CAMPBELL:

4 Q. Good afternoon, Mr. Green.

5 A. Good afternoon.

6 Q. Can you hear me good?

7 A. Yeah, you plain.

8 Q. Good. Do you remember taking to Investigator Chris
9 Wilson right here, right here in the middle, about what
10 happened out there on Seabrook Road that night?

11 A. Yes.

12 Q. Okay. Do you remember that she made a taped
13 statement, she took a tape of your statement? You know,
14 there's a recording of it?

15 A. Yes. Yes.

16 Q. Okay. Great. Did you also make a written
17 statement? Did you write down what happened?

18 A. No.

19 MS. CAMPBELL: Okay. I'm going to ask the Court if
20 I could approach the witness?

21 THE COURT: All right.

22 BY MS. CAMPBELL:

23 Q. Mr. Green, do you recognize that signature --

24 A. Yes, but I didn't write that. I signed it.

25 Q. Okay. So who wrote this, if you didn't write it?

NATHANIEL GREEN - CROSS BY MS. CAMPBELL

228

- 1 A. Probably I told the story and they wrote it.
- 2 Q. So the information you are giving to this officer
- 3 here, Investigator Wilson, she's writing it down and then
- 4 you just sign it. Is that what you are telling us?
- 5 A. Well, she write down what I told her.
- 6 Q. Right. That's what I'm saying. And if you told
- 7 her what happened she wrote it down, right?
- 8 A. Right.
- 9 Q. Okay. Mr. Green?
- 10 A. Yes.
- 11 Q. In the statement we just talked about there's
- 12 nothing in this statement about a Cadillac being on
- 13 Seabrook Road.
- 14 A. Because she never asked me about the Cadillac on
- 15 Seabrook Road.
- 16 Q. I understand that.
- 17 A. Well, how was I supposed to know she wanted to know
- 18 if a Cadillac was on Seabrook Road?
- 19 Q. I understand. But when you sat down with her and
- 20 she asked you what happened the day that J. R. got shot
- 21 you told her everything you knew?
- 22 A. I explained what I could explain what I remember at
- 23 the time.
- 24 Q. Okay. So at the time?
- 25 A. At that time.

NATHANIEL GREEN - CROSS BY MS. CAMPBELL

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1 Q. This is everything you knew, everything you told
2 her?

3 A. Well, that wasn't everything I knew because I
4 didn't -- the car, that didn't really bother me at that
5 time to tell her about the car.

6 Q. Do you remember also talking to her and telling her
7 that you believed the people from Atlanta --

8 A. No.

9 Q. -- were going to kill the whole Coleman family?

10 A. No.

11 Q. That's not in the recorded statement that you gave
12 to this officer?

13 A. No. I probably -- I probably said someone in
14 Atlanta killed one of their brothers.

15 Q. I'm sorry. What?

16 A. Her son had got killed from about two weeks before
17 that.

18 Q. Right. Was there talk in the Coleman family that
19 they might need to --

20 A. I don't know. I don't live at the Coleman.

21 Q. I understand.

22 A. Okay. So don't ask me about what you know. Don't
23 put words in my mouth.

24 Q. I am going to ask you about what you told the
25 investigator in this case.

NATHANIEL GREEN - CROSS BY MS. CAMPBELL

230

- 1 A. Well, you got it right there, ma'am.
- 2 Q. Mr. Green, we are going to try one more time.
- 3 A. Okay.
- 4 Q. Maybe two more times until we get there.
- 5 A. Okay. Well, explain what you want me to tell you
- 6 off the paper. Could you do that, please?
- 7 Q. I'm going to try again.
- 8 A. Okay.
- 9 Q. Do you remember telling this officer that there was
- 10 talk they needed to move Ronald out of town for his
- 11 safety?
- 12 A. Is that on that paper?
- 13 Q. Yes, it is.
- 14 A. Could I see it?
- 15 Q. Those are my notes of the recording.
- 16 A. I need to know. Could I see it? I don't know
- 17 what's on that paper. You might tell me anything, ma'am.
- 18 THE COURT: Yeah, give him the paper.
- 19 MS. SWANSON: Your Honor, if he could just see his
- 20 statement.
- 21 MS. CAMPBELL: These are my notes from the audio
- 22 recording.
- 23 MS. SWANSON: You need a copy of his statement?
- 24 It's right here.
- 25 MS. CAMPBELL: I got it. I got it all.

NATHANIEL GREEN - CROSS BY MS. CAMPBELL

231

1 BY MS. CAMPBELL:

2 Q. Can you read that?

3 A. Uh-uh.

4 Q. You can't read that?

5 A. No.

6 Q. Okay.

7 A. Let me see this one.

8 I don't see anything in there that tell about the
9 Coleman had moved or nothing because the family wanted to
10 kill him.

11 Q. Do you remember telling the officer that you didn't
12 hear any gunshots?

13 A. I didn't hear no gunshot.

14 MS. CAMPBELL: May I approach, Your Honor?

15 (WHEREUPON, a bench conference was had.)

16 THE COURT: You can step down.

17 Hold it just one minute. One minute. Do you have
18 any actual knowledge of what happened? Did you hear
19 anything, see anybody shoot anybody?

20 THE WITNESS: No, I didn't see nobody.

21 THE COURT: Adios.

22 MS. CAMPBELL: Your Honor, I'm going to have to
23 object.

24 THE COURT: I understand. There's a reason for
25 that because you're making him talk about what he thinks

JULIA WEARRIEN - DIRECT BY MS. SWANSON

232

1 and what he thinks and what he thinks.

2 All right.

3 MS. SWANSON: The State calls Julia Wearrien.

4 JULIA WEARRIEN, after having been duly
5 sworn, testified as follows:

6 THE CLERK: And if you'll state your full name and
7 spell your last name for the record, please.

8 THE WITNESS: Julia W. Wearrien, W-e-a-r-r-i-e-n.

9 DIRECT EXAMINATION

10 BY MS. SWANSON:

11 Q. Ms. Wearrien, how were you related to Ronald
12 Coleman, Jr.?

13 A. Mother.

14 Q. You were his mother?

15 A. Yes.

16 Q. Okay. And what did you call your son?

17 A. J. R.

18 Q. Did you have a close relationship with J. R.?

19 A. Yes.

20 Q. Had you met many of his friends?

21 A. No.

22 Q. No. Where did J. R. live at the time of his
23 murder?

24 A. 46 Seabrook Road.

25 Q. How long had he lived at 46 Seabrook?

JULIA WEARRIEN - DIRECT BY MS. SWANSON

233

- 1 A. About 2007, 6 or 7.
- 2 Q. Okay. So a couple years at the time of his death?
- 3 A. Yes.
- 4 Q. All right. Who does that property belong to?
- 5 A. Me.
- 6 Q. So has it been in the family for a long time?
- 7 A. It's a family house. That's where he grew up at.
- 8 Q. Okay. Did he live there with anyone?
- 9 A. No.
- 10 Q. Did he ever have a roommate there?
- 11 A. No.
- 12 Q. Do you know an Antonio Collins?
- 13 A. No.
- 14 Q. Had you ever met an Antonio Collins?
- 15 A. No.
- 16 Q. Do you have any reason to believe Antonio Collins
- 17 had permission to be at J. R.'s house on June 22, 2009?
- 18 A. No.
- 19 MS. SWANSON: Beg the Court's indulgence.
- 20 (PAUSE.)
- 21 MS. SWANSON:
- 22 Q. Thank you, Ms. Wearrien. Oh, one more thing. Your
- 23 son, Byron, was he pursuing an opportunity in Atlanta?
- 24 What did he do for work?
- 25 A. He used to work for Starbucks warehouse but he went

JULIA WEARRIEN - CROSS BY MS. CAMPBELL

234

1 to Atlanta to be a model.

2 Q. Okay. He was in the modeling industry?

3 A. That's what he wanted to do.

4 Q. Okay. Did he get work that way?

5 A. A couple of times he did.

6 Q. Okay.

7 A. Yeah.

8 Q. All right. Thank you, Ms. Wearrien. Please answer
9 any questions that Ms. Campbell might have for you.

10 CROSS-EXAMINATION

11 BY MS. CAMPBELL:

12 Q. Ms. Wearrien, you have a son Ronald?

13 A. Yes.

14 Q. You have a son Byron?

15 A. Yes.

16 Q. And you have a daughter Ebony?

17 A. Yes.

18 Q. When Byron was shot and killed in Atlanta did

19 Ronald and Ebony want to go to Atlanta?

20 A. Yes.

21 Q. And do you know if they went to Atlanta?

22 A. Yes. My son went with his baby's -- kid's mother,
23 and Ebony went with me.

24 Q. With you?

25 A. With me, yes.

JULIA WEARRIEN - CROSS BY MS. CAMPBELL

235

- 1 Q. And the baby's mother is Adrianna McBeth, right?
- 2 A. Correct.
- 3 Q. So the four of you guys got to Atlanta, right?
- 4 A. Yes.
- 5 Q. Was there something in Ebony's car that you
- 6 objected to?
- 7 A. Ebony didn't go in her car. I went in my car.
- 8 Q. Had there been something that Ebony was going to
- 9 take to Atlanta that you objected to?
- 10 A. Not that I know of.
- 11 Q. Okay. Do you remember telling the officers about
- 12 guns being in Ebony's car?
- 13 A. No.
- 14 Q. You don't remember telling them that?
- 15 A. No. No, I didn't, not that I remember.
- 16 Q. Was Byron -- excuse me. Was Ronald upset with
- 17 Ebony at all in Atlanta?
- 18 A. Not that I recall.
- 19 Q. And while Ronald was in Atlanta were you aware if
- 20 he had a meeting with Darrin Amadi?
- 21 A. No. No. Not that I know of. I knew he went to my
- 22 cousin's house to get his clothes.
- 23 Q. And his cousin's house is who?
- 24 A. Rebecca Green.
- 25 Q. Rebecca Green?

JULIA WEARRIEN - CROSS BY MS. CAMPBELL

236

1 A. Yes.

2 Q. And is there information that Ronald was angry with
3 Darrin Amadi because he dropped Byron off at the
4 apartment complex where he was shot in the head?

5 A. I don't know anything about that.

6 Q. You don't know anything about that?

7 A. No.

8 Q. You don't remember telling that to Officer Wilson?

9 A. No. No.

10 Q. And you don't remember telling Officer Wilson that
11 Ronald had a meeting with Amadi while he was in Atlanta?

12 A. No.

13 MS. CAMPBELL: That's all.

14 MS. SWANSON: Thank you. Nothing further from the
15 State. I just ask that Ms. Wearrien be allowed to step
16 down.

17 THE COURT: Okay. You can step down.

18 Okay, jurors. We are going to break for lunch.
19 Don't talk about the case over lunch or anything. Try to
20 come back by at least 2:15. All right?

21 (WHEREUPON, the jury leaves the courtroom at
22 approximately 12:58 p.m.)

23 MS. CAMPBELL: May it please the Court?

24 THE COURT: Sure.

25 MS. CAMPBELL: Before we break for lunch I'd like

1 to just briefly address the matter of Mr. Green and his
2 different testimony from his prior statements, and under
3 the rule --

4 THE COURT: Before you go on and on aren't you
5 going to question some officers that took the statement?

6 MS. CAMPBELL: Perhaps, yes.

7 THE COURT: You can clear anything up at that
8 point, seems to me.

9 MS. CAMPBELL: Thank you, Your Honor.

10 THE COURT: He's on notice that you got a
11 statement, if you can call him.

12 MS. CAMPBELL: I'll take it up with the officer.
13 Thank you. That's all I have.

14 THE COURT: I mean, I'm not prohibiting you from
15 asking the officer did he say such and such, and such and
16 such, but you'll spend all day with that guy because he
17 just says I don't know nothing except what I said, what
18 they wrote down.

19 All right. We'll crank it back up 2:15.

20 MS. SWANSON: Thank you, Your Honor.

21 (WHEREUPON, a lunch break was taken.)

22 THE COURT: The jurors all wandered in. Everybody
23 ready?

24 MS. SWANSON: Yes, sir.

25 MS. CAMPBELL: Yes, sir.

BRIAN CHAPMAN - DIRECT BY MS. SWANSON**238**

1 THE COURT: All right. Bring them in.

2 (WHEREUPON, the jury enters the courtroom at
3 approximately 2:15 p.m.)

4 THE BAILIFF: The jury present.

5 THE COURT: Okay. You may proceed.

6 MS. SWANSON: Thank you, Your Honor. The State
7 calls Brian Chapman.

8 BRIAN CHAPMAN, after having been duly sworn,
9 testified as follows:

10 THE CLERK: If you'll state your name for the
11 record and spell your last name, please.

12 THE WITNESS: Staff Sergeant Brian Chapman,
13 C-h-a-p-m-a-n.

14 DIRECT EXAMINATION

15 BY MS. SWANSON:

16 Q. Good afternoon, Investigator Chapman.

17 A. Good afternoon, ma'am.

18 Q. How long have you been with the sheriff's
19 department?

20 A. Since November of 2002.

21 Q. Okay. And what is your current position?

22 A. I am the staff sergeant in charge of investigations
23 for the Hilton Head and Bluffton area.

24 Q. All right. And back in 2009 what was your
25 position?

BRIAN CHAPMAN - DIRECT BY MS. SWANSON

239

1 A. I was an investigator with the northern section
2 criminal investigations.

3 Q. And were you involved in the investigation of a
4 murder in June of 2009?

5 A. Yes, ma'am.

6 Q. Can you tell the jury about your involvement in
7 that.

8 A. After the initial incident and after deputies were
9 responded I received a phone call for assistance from
10 Sergeant Wilson to respond to the scene.

11 Q. And how did you aid her in the investigation of
12 this case?

13 A. I met with her and we talked about the information
14 that -- the facts that had gone on at that point. Then
15 we talked and I left the scene and went and obtained a
16 search warrant for the residence.

17 Q. Okay. About how long after law enforcement got to
18 the scene did you arrive, if you recall?

19 A. I would say probably within 20 to 30 minutes.

20 Q. Okay. And the first thing that you did was go
21 obtain a search warrant?

22 A. After I met with Sergeant Wilson and other officers
23 on the scene.

24 Q. What did you see when you got to the scene?

25 A. Officers were on scene doing various things. The

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- 1 victim was still in the doorway.
- 2 Q. Where did you go to prepare the search warrant?
- 3 A. I went back to the investigation's office.
- 4 Q. And who signed the search warrant?
- 5 A. The Honorable Judge Sproatt.
- 6 Q. Did you collect any of the evidence from that
- 7 search warrant?
- 8 A. I believe I collected a window then I assisted
- 9 Sergeant Wilson with everything else.
- 10 Q. So did you keep track of what Sergeant Wilson was
- 11 collecting via a search warrant return?
- 12 A. Yes, ma'am.
- 13 Q. Do you have that in front of you?
- 14 A. I do not.
- 15 MS. SWANSON: If I may, Your Honor, I'm going to
- 16 hand up the return.
- 17 THE COURT: Okay.
- 18 BY MS. SWANSON:
- 19 Q. And this is an attachment to the search warrant
- 20 return.
- 21 A. Thank you.
- 22 Q. Investigator Chapman, did you notate that you
- 23 collected a quantity of marijuana?
- 24 A. Yes, ma'am.
- 25 Q. And did you note that you collected any cash?

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- 1 A. There's a notation of \$45 in U. S. Currency with
2 assorted bills, then there's another notation with \$100
3 in U. S. Currency, various bills.
- 4 Q. So total of \$125 -- I'm sorry, \$145 in cash was
5 located at the house?
- 6 A. Yes, ma'am.
- 7 Q. \$145. Did you assist Sergeant Wilson with the
8 placing of placards in locating shell casings found
9 within the residence?
- 10 A. Yes, ma'am.
- 11 Q. Okay. I'm going to hand you four different
12 pictures. These are State's Exhibits 4, 5, 6 and 31. If
13 you could hand through those and please tell me what you
14 see in those pictures.
- 15 A. This first one, the smallest one you can see the
16 victim's feet, and then placards 9, 10, 11, 12, 13, 14,
17 15, and 16.
- 18 Q. And tell me what exhibit that is, on the back?
- 19 A. This is Exhibit 31, State's Exhibit.
- 20 Q. So State's Exhibit 31, is that how those placards
21 and the victim's feet looked the night that you were at
22 46 Seabrook Road?
- 23 A. Yes, it does.
- 24 Q. It's a fair and accurate depiction?
- 25 A. Yes, ma'am.

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1 MS. SWANSON: The State moves 31 into evidence.

2 THE COURT: All right.

3 (WHEREUPON, State's Exhibit Number 31, a
4 Photograph, was admitted into evidence.)

5 A. The next one, which is State's Exhibit 4, this is a
6 picture of the living room with placards 1, 2, 3, and 4.
7 Then you can just see the corner of number 6 on the left.

8 Q. Okay. And is that a fair and accurate depiction of
9 how the living room appeared that night?

10 A. Yes, it is.

11 MS. SWANSON: All right. The State moves 4 into
12 evidence.

13 THE COURT: Okay.

14 (WHEREUPON, State's Exhibit Number 4, a Photograph,
15 was admitted into evidence.)

16 A. The next one is again a different view of the
17 living room. There is a -- like a blue chair, like a
18 wingback chair. You can see placards 1, 2, 3, 5, 6, 7,
19 and 8.

20 Q. And is that how it appeared that night?

21 A. It is, and that's State's Exhibit Number 5 in that
22 picture.

23 MS. SWANSON: Okay. The State moves Number 5 into
24 evidence.

25 THE COURT: All right. It comes in.

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1 (WHEREUPON, State's Exhibit Number 5, a Photograph,
2 was admitted into evidence.)

3 A. The next one, again, is another view of the living
4 room in the victim's residence. You can see a couch.
5 Again, the wingback chair, living room, then going back
6 to where the victim's bedroom was and you can see
7 placards 4, 5, 6, and then another one is obscured, and
8 that's State's Exhibit 6.

9 Q. Okay. And is that a fair and accurate depiction of
10 the view that you had of the living room that night?

11 A. Yes, ma'am.

12 MS. SWANSON: State moves Exhibit 6 into evidence.

13 THE COURT: All right.

14 (WHEREUPON, State's Exhibit Number 6, a Photograph,
15 was admitted into evidence.)

16 MS. SWANSON: I'd like to publish those to the
17 jury.

18 THE COURT: You can do it.

19 MS. SWANSON: I'm just going to hand those to you
20 all and you can take a look at them.

21 Meanwhile, I'm going ask Investigator Chapman to
22 step down.

23 (The witness stepped down from the witness stand.)

24 BY MS. SWANSON:

25 Q. And I'd like for you to identify what's been marked

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- 1 as State's Exhibit 45.
- 2 A. This is a blown up version of a crime scene sketch
- 3 that I made.
- 4 Q. Okay. And is it the same except for it's just
- 5 bigger?
- 6 A. Correct.
- 7 Q. Okay. And when did you make that diagram?
- 8 A. I would have made that the next couple days after
- 9 the initial incident.
- 10 Q. Okay. Based on what you found at the scene?
- 11 A. Yes, ma'am.
- 12 Q. And the pictures that you all took?
- 13 A. Yes, ma'am.
- 14 MS. SWANSON: Okay. State would request to move 45
- 15 into evidence.
- 16 THE COURT: Okay.
- 17 (WHEREUPON State's Exhibit Number 45, a Diagram of
- 18 the Scene, was admitted into evidence.)
- 19 BY MS. SWANSON:
- 20 Q. All right. If you can describe what you found at
- 21 the residence, what placards denote what, for the jury.
- 22 A. Okay. Again, this will be just a basic layout of
- 23 the victim's house.
- 24 Q. Where is the front porch?
- 25 A. This will be the front porch right here and this

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1 will be Seabrook Road going this way (indicated).

2 Q. And tell us where the victim's body was found?

3 A. The victim's body was found just within the
4 threshold of the front door (indicated).

5 Q. So that's the front doorway. Where did you find
6 the .45 caliber casings.

7 A. The .45 caliber casings, they would be marked, the
8 evidence would be marked with numeric numbers. Items 1
9 through 8 are marked as 45 shell casings. This will be
10 this right here. Right here (indicated) going back
11 towards this bedroom.

12 Q. And that would be the living room, dining area?

13 A. Yes, ma'am.

14 Q. All right. And then did you find .40 caliber
15 casings?

16 A. Yes, ma'am, we did.

17 Q. And where were those located?

18 A. Again, the evidence is marked with numbers and on
19 this key here .40 caliber casings are marked number 9
20 through 17. And this is in this general area here within
21 the threshold of this front door (indicated).

22 Q. Okay. And so those were marked with placards 9
23 through 17?

24 A. Yes, ma'am.

25 Q. Okay. And that is -- if you can describe this area

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1 for the jury. Is that like an entryway?

2 A. It is. When you walked into the residence there
3 was an entryway. There was like a little small raised
4 island. It was very thin. Right here on the left-hand
5 side there was an open area above that, I believe. Then
6 this area right here, I believe this was a closet that
7 just opened up with a door, then this was another closet
8 in this area right here (indicated).

9 Q. Okay.

10 A. So you would have to go around this way to get
11 inside. You'd have to go around this little area here
12 (indicated).

13 Q. So there was like a raised barrier?

14 A. Yes, ma'am.

15 Q. All right. And then the .40 caliber casings were
16 found inside of the residence and actually some of them
17 through this little entryway?

18 A. Yes, ma'am. They were found in the entrance into
19 the living room. This area (indicated).

20 Q. And, let's see. Number 20, can you describe what
21 number 20 is?

22 A. Yes, ma'am. Again, the evidence is marked with
23 numbers. Number 20 is a Colt National Match .45 caliber
24 handgun right here.

25 Q. Okay. And that was the gun that was located by the

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- 1 victim?
- 2 A. Yes, ma'am, by the victim.
- 3 Q. And that was a .45 caliber?
- 4 A. Yes, ma'am.
- 5 Q. All right. If you can just take a seat.
- 6 A. Thank you.
- 7 (The witness returned to the witness stand.)
- 8 Q. How many shell casings total of each type did you
- 9 all -- did you note on the search warrant return?
- 10 A. On the return for the .45 caliber shell casings
- 11 there were eight .45 casings located. For the .40
- 12 caliber there were 10 shell casings located.
- 13 Q. Are you familiar with semiautomatic weapons?
- 14 A. Yes, ma'am.
- 15 Q. Do you carry one in the line of duty?
- 16 A. I do, every day.
- 17 Q. What kind of weapon do you carry?
- 18 A. I carry a Glock .40 caliber handgun.
- 19 Q. All right. So you carry a .40 caliber, and is it a
- 20 gun with a magazine or is it a revolver?
- 21 A. It's a gun with a magazine.
- 22 Q. And is that what you would call a semiautomatic
- 23 handgun?
- 24 A. Yes, ma'am.
- 25 Q. All right. Typically, if the gun is functioning

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1 properly how would a casing eject from a semiautomatic
2 gun?

3 A. It depends on which side area of the eject port was
4 located on the handgun. If the injection port is located
5 on the left-hand side of the gun then they would go up
6 and out to the left. If the ejection port is located on
7 the right side of the gun they would go up and out to the
8 right.

9 Q. Based on what you observed at the scene and in the
10 diagram could you form an opinion about where the victim
11 was standing when he was shooting and where the gunman,
12 the intruder was standing when he was shooting?

13 A. Yes, ma'am. I can make an opinion on that.

14 Q. If you can tell us what your thoughts were about
15 that.

16 A. If I could refresh with the diagram.

17 Q. Oh, yes.

18 A. Can I step down there?

19 THE COURT: You can do it.

20 (The witness stepped down from the witness stand.)

21 A. These right here (indicated) would be placards 1
22 through 8, which would be .45 caliber shell casings.
23 Again, with a properly functioning handgun if it was on
24 the right-hand side the victim would have been somewhere
25 in this area for these shell cases to go over this way

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1 (indicated).

2 These right here which would have been -- these are
3 marked with the .40 caliber handgun casings. The
4 perpetrator would have had to be somewhere within this
5 proximity for those to -- those shell casings to have
6 been in this area (indicated).

7 Q. For those shell casings to eject in that manner?

8 A. Yes, ma'am.

9 Q. And that's if the ejection port was on the right?

10 A. Yes, ma'am.

11 Q. Okay. Thank you, Investigator. If you can have a
12 seat.

13 A. (The witness complied).

14 Q. Did you assist with any interviews to help try and
15 establish leads in this case?

16 A. Yes, ma'am.

17 Q. Okay. And what interviews were you a part of?

18 A. I believe we interviewed a gentleman by the name of
19 Travis Polite.

20 Q. And did you also interview Adrianna McBeth?

21 A. McBeth, yes, ma'am.

22 Q. And who is Adrianna McBeth?

23 A. I believe she was related to Mr. Polite. I believe
24 it was maybe his girlfriend or something. I don't
25 remember exactly.

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- 1 Q. If you don't remember that's fine.
- 2 A. Yeah, I don't remember.
- 3 Q. Did those leads end up going anywhere?
- 4 A. No, ma'am.
- 5 Q. They did not help you establish a suspect?
- 6 A. Not in that instance, no, ma'am.
- 7 Q. And on June 25th of 2009 did you go back to the
- 8 scene?
- 9 A. Yes, ma'am, I did.
- 10 Q. Okay. And tell us why you went back to the scene.
- 11 A. During our interview with Mr. Polite information
- 12 was brought forward that he had actually shot at that
- 13 residence months prior to this, Mr. Coleman being
- 14 murdered. So we went out there to see if we could try to
- 15 determine if there were any projectiles or entry holes
- 16 into the residence associated with that incident with
- 17 Mr. Polite.
- 18 Q. Were you able to deduce that any of the bullet
- 19 holes or casings or projectiles came from that Mother's
- 20 Day shooting that Travis Polite was involved in?
- 21 A. Yes, ma'am.
- 22 Q. All right. And what were your conclusions
- 23 regarding that?
- 24 A. The holes and projectile -- the areas of trajectory
- 25 we located seemed to be coming from outside the residence

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1 into it, from if you are looking at the front of the
2 house, on the left side.

3 Q. Okay. Where were the casings and projectiles that
4 you collected? Where were those located, the ones that
5 you believe to be part of that Mother's Day shooting?

6 A. I don't remember about the shell casings but I do
7 remember -- I can't remember if there were any
8 projectiles inside the house either. I can't remember
9 off the top of my head.

10 Q. Okay. If you can refer to the search warrant
11 return.

12 A. Sure.

13 Q. And see if you --

14 A. The search warrant return is just for the
15 incident --

16 Q. Okay.

17 A. -- with Mr. Coleman.

18 Q. Okay. Where did -- let me ask you this. Did you
19 observe anything in the master bedroom that led you to
20 believe that that was an area where gunfire took place on
21 June 22nd of 2009?

22 A. Like I said, the entry holes were coming from the
23 outside into the residence. They didn't match the shell
24 casings and stuff that we found the night of
25 Mr. Coleman's murder.

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1 Q. Okay. The ones that came from?

2 A. From inside the residence. They would have been
3 going to the left of the house, what we found that day
4 coming inside the house.

5 Q. Okay. So the ones that were found in the master
6 bedroom are ones that you believe to be from the night
7 that Mr. Coleman was shot or the Mother's Day shooting
8 that Travis Polite was involved in?

9 A. The ones we located the following days would have
10 been from Mr. Polite's incident.

11 Q. Okay. And do you recall where the ones you located
12 the following day were?

13 A. Various locations in the house. I couldn't tell
14 you where they were.

15 MS. SWANSON: Your Honor, may I hand Investigator
16 Chapman a copy of his report?

17 THE COURT: Okay.

18 A. Thank you.

19 Q. If you can refer to your report, and if you can
20 find it in there great. If not, we can move on. Who did
21 you go to the scene with on the 25th?

22 A. That would be Investigator Burns.

23 MS. SWANSON: Beg the Court's indulgence.

24 (PAUSE.)

25 BY MS. SWANSON:

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1 Q. Thank you, Investigator Chapman. Please answer any
2 questions that Ms. Campbell might have for you.

3 A. Okay.

4 MS. CAMPBELL: Please the Court?

5 THE COURT: Sure.

6 MS. CAMPBELL: May I approach the witness?

7 THE COURT: You can do it.

8 CROSS-EXAMINATION

9 BY MS. CAMPBELL:

10 Q. Officer Chapman, you participated in the search of
11 the interior of 46 Seabrook Road, right?

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

13 Q. I'm going to show you some photographs now.

14 A. Okay.

15 Q. This is marked Defendant's Exhibit 18. Do you
16 recognize the contents of that photo?

17 A. Appears to be a quantity of green leafy substance
18 which would probably be marijuana, some cash, and some
19 plastic bags, containers of plastic bags, appears to be a
20 pair of scissors and some other items in that picture.

21 Q. Where was this bureau located within the residence?

22 A. I would say probably in Mr. Coleman's bedroom.
23 Without having a wider picture I couldn't tell you for
24 sure.

25 MS. CAMPBELL: Your Honor, we'd move Defendant's

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1 Exhibit 18 into evidence at this time.

2 THE COURT: Okay.

3 (WHEREUPON, Defendant's Exhibit Number 18, a
4 Photograph, was admitted into evidence.)

5 BY MS. CAMPBELL:

6 Q. I show you what's been marked as Defendant's
7 Exhibit 19. Did you also find that container in the
8 residence?

9 A. Yes, ma'am.

10 Q. Okay. And what does that container appear to have
11 inside it?

12 A. It's a clear plastic Tupperware container with a
13 plastic bag inside of it. There appears to be some green
14 leafy substance which again probably would be the
15 marijuana.

16 MS. CAMPBELL: We'd move Defendant's Exhibit 19 in.

17 THE COURT: It comes in.

18 (WHEREUPON, Defendant's Exhibit Number 19, a
19 Photograph, was admitted into evidence.)

20 BY MS. CAMPBELL:

21 Q. I show you what's been marked Defendant's Exhibit
22 13. Do you recognize that placard?

23 A. Yes, ma'am.

24 Q. Is that a placard that you placed out?

25 A. It's a placard that was placed here. I couldn't

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1 tell you for sure if I was the one who placed that one.

2 Q. Who placed the placards at the crime scene that
3 night?

4 A. It would have been one of the investigators there.
5 I couldn't tell you exactly who placed them.

6 Q. All right. But this is from the crime scene that
7 night?

8 A. Yes, ma'am.

9 MS. CAMPBELL: And we'd move Defendant's Exhibit 13
10 into evidence.

11 THE COURT: Okay.

12 (WHEREUPON, Defendant's Exhibit Number 13, a
13 Photograph, was admitted into evidence.)

14 BY MS. CAMPBELL:

15 Q. What appears to be sitting there in Defendant's 13
16 next to placard 15?

17 A. There's a shell casing.

18 Q. Okay. And what appears to be on the exterior of
19 the shell casing?

20 A. It appears to be blood.

21 Q. Okay. Thank you. I'll show you what's been marked
22 as Defendant's Exhibit 16. Who is that in the photo?

23 A. That's me.

24 Q. That would be you. And that's the interior of the
25 residence there, correct?

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1 A. Yes, ma'am. I couldn't tell you exactly which room
2 that was but that is the interior.

3 MS. CAMPBELL: And we'd move Defendant's Exhibit 16
4 in.

5 THE COURT: All right.

6 (WHEREUPON, Defendant's Exhibit Number 16, a
7 Photograph, was admitted into evidence.)

8 BY MS. CAMPBELL:

9 Q. Again, Defendant's Exhibit 17, a further photo
10 there of the interior of the residence?

11 A. Yes, ma'am.

12 MS. CAMPBELL: And we'd move Defendant's 17 into
13 evidence.

14 THE COURT: Okay.

15 (WHEREUPON, Defendant's Exhibit Number 17, a
16 Photograph, was admitted into evidence.)

17 BY MS. CAMPBELL:

18 Q. And lastly, Defendant's 20. Is this a photograph
19 of additional items found, being Mr. Coleman's
20 ammunition?

21 A. That is a box of ammunition with several rounds
22 taken out of it.

23 Q. There are how many rounds missing?

24 A. There are eight rounds missing.

25 MS. CAMPBELL: We'd move Defendant's 20 into

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1 evidence at this time.

2 THE COURT: It comes in.

3 (WHEREUPON, Defendant's Exhibit Number 20, a
4 Photograph, was admitted into evidence.)

5 BY MS. CAMPBELL:

6 Q. Officer Chapman, you participated in two taped
7 interviews in this case; is that right?

8 A. Yes, ma'am.

9 Q. The first interview, the tape recorded interview
10 that you participated in was with Adrianna McBeth, right?

11 A. I believe so. Yes, ma'am.

12 Q. And obviously because the solicitor has already
13 shown you, you wrote down your notes from that interview,
14 right?

15 A. Yes, ma'am.

16 Q. And your notes are accurate, right?

17 A. Yes, ma'am.

18 Q. Okay. In your interview of Adrianna McBeth you
19 were seeking information, correct, to further your
20 investigation, right?

21 A. Yes, ma'am.

22 Q. Okay. Because at that point, you know, you were
23 trying to find out -- are you the officer who used the
24 word victimology?

25 A. I might have. I don't know.

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1 Q. I think when you talked to Adrianna you told her
2 you were doing a victimology. You were trying to get all
3 kind of information about Ronald and his associates,
4 right?

5 A. If that's the terminology.

6 Q. Okay. And trying to kind of maybe get inside the
7 mind of Ronald Coleman, too, right?

8 A. We would have done that, too. Yes, ma'am.

9 Q. And information that led you to have some concerns
10 over his threats to kill his cousin, Darrin, that's the
11 information you got?

12 A. I believe that information about Darrin did come
13 out in the interview.

14 Q. And that Ronald was in the business of selling
15 drugs?

16 A. Yes, ma'am.

17 Q. And that, you know, there was this trip to Atlanta,
18 right?

19 A. There was a trip to Atlanta mentioned. Yes, ma'am.

20 Q. And that Ronald's sister, who is Ebony Coleman,
21 right? Do you know that that's his sister?

22 A. I don't know if I ever got a name.

23 Q. There was some concern that Ebony was supposed to
24 bring some guns to Atlanta for Ronald, right?

25 A. Yes, ma'am.

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- 1 Q. And I think you told the solicitor that you got
2 this information and then you tried to follow up on it.
3 So can you tell us what specific steps you individually
4 took to follow up on the information about what happened
5 in Atlanta between Darrin Amadi and Ronald Coleman?
6 A. I believe I would have given the information to
7 Sergeant Wilson. Where it went after that I don't know.
8 Q. So you personally did nothing to follow up on it?
9 A. Not on this, no, ma'am.
10 Q. Okay. Now, the second interview that you conducted
11 was also recorded, right?
12 A. Yes, ma'am.
13 Q. That was with Travis Polite?
14 A. Yes, ma'am.
15 Q. The fellow that has had ongoing problems with
16 Coleman over the years, right?
17 A. I couldn't tell you exactly what their problems
18 were ongoing. I know there was a previous incident with
19 those two.
20 Q. Well, you were present for the interview and so the
21 information you got from the interview. Would you like
22 to see a copy of that as well to refresh your
23 recollection?
24 A. Yes. The report that I was given only has three
25 pages, so there are two pages I have Mr. Polite's

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1 interview on. Can you hand me that to refresh my memory?

2 Q. I will.

3 MS. CAMPBELL: May I approach?

4 THE COURT: Okay.

5 BY MS. CAMPBELL:

6 Q. Okay. So now that you have the notes from the
7 taped interview with Travis Polite, there was some
8 conjecture and assertion on the part of Mr. Polite that
9 this was a mob hit from Atlanta on Mr. Ronald Coleman,
10 wasn't there?

11 A. I don't mean to interrupt you, ma'am, but this is
12 Sergeant Wilson's report.

13 Q. I realize that but you were present for the
14 interview, correct?

15 A. Yes, ma'am, I was.

16 Q. So in reviewing her notes about the interview since
17 you don't have any notes about the interview, is that
18 helpful to you or not?

19 A. You'll have to give me several minutes to read her
20 portion.

21 Q. That would be fine. I'm happy to do that.

22 A. Thank you.

23 (PAUSE.)

24 Okay, ma'am.

25 Q. Thank you so much.

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1 A. Yes, ma'am.

2 Q. Now that you've refreshed, hopefully, your memory
3 about that incident with Travis Polite I'll ask you, was
4 there some information you received that this was a hit
5 put out on Ronald Coleman from the people in Atlanta?

6 A. Mr. Polite said that there was a -- he had heard
7 that there was possibly a mob hit on him.

8 Q. And the other information you received during this
9 interview was that Mr. Coleman's brother, that would be
10 Byron, was robbing the drug dealers in Atlanta and
11 bringing the drugs to Ronald down here in Beaufort; is
12 that also true? It's the second paragraph on page 3 of
13 17.

14 A. Yes. He's saying that Mr. Coleman's brother would
15 rob some drug dealers in Atlanta.

16 Q. And that Enrekae Miles -- actually, let's see. How
17 is this put? Enrekae Miles knows who did it; is that
18 right?

19 A. That's what Mr. Polite said, yes.

20 Q. And you got information during that interview with
21 Travis Polite that Ronald Coleman had in the past been
22 the kind of person who had tried to run Travis down with
23 his car, right?

24 A. Again, I'll have to keep reflecting to this. I
25 didn't write this portion.

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1 Q. Okay.

2 (PAUSE.)

3 A. According to Sergeant Wilson's notes Mr. Polite did
4 say that Mr. Coleman tried to hit him with a vehicle.

5 Q. Some of the other information that you got in
6 working up the victimology about who this individual was
7 was that Mr. Ronald Coleman had been robbed by a drug
8 dealer and went to Poppy Hill and shot a crack head in
9 retaliation; is that correct? That would be on page 17
10 of 17 at the top.

11 A. Again, Mr. Polite told us that Mr. Coleman had been
12 robbed from some guys from Poppy Hill, then he went back
13 and shot a crack head.

14 Q. I'll take that back.

15 Now, in reference to this particular interview, you
16 were present, correct? We've established that?

17 A. Yes, ma'am.

18 Q. So you didn't need to give the information to
19 Officer Wilson because she was there, right?

20 A. Yes, ma'am.

21 Q. Did you individually do anything to follow up on
22 any of this information to corroborate it or to look into
23 it whatsoever?

24 A. No, ma'am.

25 Q. Okay. Now, you talked about the placards that were

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1 at 46 Seabrook Road.

2 A. Yes, ma'am.

3 Q. Who put the placards out again?

4 A. It would have been one of our investigators that
5 went with us. I don't know exactly who put those down
6 and which ones were put where.

7 Q. So who were the investigators there on scene on
8 6-22-09?

9 A. Myself, Sergeant Wilson, Investigator Burns, and I
10 can't remember who else off the top of my head. It will
11 be noted on the crime scene log, probably.

12 Q. So an investigator on 6-22-09 would have put out
13 the placards and you are not the one who did it, right?

14 A. I don't remember if I was the one who put the
15 placards out. Again, I don't know who put them out.

16 Q. Okay. So actually, you don't remember if you put
17 them out. You could have put them out?

18 A. I could have but I just don't remember.

19 Q. Did you go back and take them up?

20 A. I don't know who took them all up. We would have
21 probably taken them up as a team.

22 Q. Okay. Do you know where they went after you picked
23 them up from the house and from the front entryway area?

24 A. Whose ever placards they were would have gone back
25 in their vehicle.

BRIAN CHAPMAN - CROSS BY MS. CAMPBELL

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- 1 Q. And we have no record of that to your knowledge?
- 2 A. No, ma'am. I don't know whose placards they were.
- 3 Q. Did you walk the yard looking for evidence that
- 4 night on 6-22-09?
- 5 A. I believe so.
- 6 Q. Did you walk the road looking for evidence on
- 7 6-22-09?
- 8 A. I remember walking back to my car several times to
- 9 get various items but I don't remember myself walking the
- 10 roadway.
- 11 Q. You came and left?
- 12 A. Yes, ma'am.
- 13 Q. And came and left?
- 14 A. I came, I left to go get the search warrant, then
- 15 came back. Then after everything was over I would have
- 16 left.
- 17 Q. Do you recall crime scene tape being up when you
- 18 left the last time?
- 19 A. I don't remember one.
- 20 Q. Do you recall seeing a glass pile kind of swept
- 21 together on that front porch?
- 22 A. I don't remember the first night, the night of the
- 23 incident but I remember there being a swept pile several
- 24 days later when I had gone back with Investigator Burns.
- 25 Q. Okay. Do you know if anybody ever collected that

BRIAN CHAPMAN - CROSS BY MS. CAMPBELL

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1 pile of glass as evidence in this case?

2 A. Not to my knowledge, no, ma'am.

3 MS. CAMPBELL: Court's indulgence one moment, Your
4 Honor.

5 THE COURT: Okay.

6 (PAUSE.)

7 MS. CAMPBELL: I have a photograph, Your Honor, and
8 I may need to look for it at the break. So if I need to,
9 could I have the opportunity to recall? He is under my
10 subpoena.

11 THE COURT: Okay.

12 BY MS. CAMPBELL:

13 Q. Officer Chapman, on 6-22-09 during the time you
14 were seen at 46 Seabrook Road were you one of the
15 officers that came up with the idea of bringing a dog on
16 scene to run the dog around looking for evidence or
17 people who might have been shot or deceased?

18 A. No, ma'am. I wouldn't have been part of that
19 decision making process. I was a corporal at that point.
20 I wasn't in a supervisory role.

21 Q. Do you know when that happened?

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

23 MS. CAMPBELL: For now, with the caveat about the
24 photo, that's all I have.

25 MS. SWANSON: Just briefly, Your Honor. If I may

BRIAN CHAPMAN - REDIRECT BY MS. SWANSON

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1 approach the witness and hand him the summary of Sergeant
2 Wilson's interview with Travis Polite.

3 REDIRECT EXAMINATION

4 BY MS. SWANSON:

5 Q. In case you need to refer to that, Investigator
6 Chapman. Were you all interviewing Travis Polite as a
7 possible suspect in the murder of Ronald Coleman, Jr.?

8 A. His name had come up in the investigation. Yes,
9 ma'am.

10 Q. So he was actually considered a suspect when you
11 interviewed him?

12 A. Yes, ma'am.

13 Q. And did he have personal knowledge of these things
14 that Ms. Campbell asked you about, the hit and --

15 MS. CAMPBELL: Objection.

16 THE COURT: Well, I don't understand why she didn't
17 object when you read it the first time, but go ahead.
18 You can go ahead.

19 BY MS. SWANSON:

20 Q. Or did he qualify that with people were saying?
21 Was this something he heard on the street or he had
22 personal knowledge? What did he tell you?

23 A. He told me that that's what he was hearing.

24 Q. Okay. Thank you.

25 THE COURT: All right. You can step down but you

JODY HIERS - DIRECT BY MS. SWANSON

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1 are under subpoena so you can't leave. You have to go
2 back to the sequestering spot --

3 THE WITNESS: Thank you, Judge.

4 THE COURT: -- where you got all the popcorn and
5 peanuts.

6 MS. SWANSON: The State calls Jody Hiers.

7 JODY HIERS, after having been duly sworn,
8 testified as follows:

9 THE CLERK: If you'll state your full name and
10 spell your last name for the record, please.

11 THE WITNESS: Jody Hiers, J-o-d-y H-i-e-r-s.

12 DIRECT EXAMINATION

13 BY MS. SWANSON:

14 Q. Good afternoon.

15 A. Afternoon.

16 Q. Who do you work for?

17 A. I work for the Beaufort County Sheriff's Office.

18 Q. And how long have you been there?

19 A. A little over 19 years.

20 Q. Back in 2009 what was your position with the
21 Sheriff's Department?

22 A. I was a criminal investigator.

23 Q. And what is your position today?

24 A. I supervise a C. R. O. Program, which is a

25 community resource officer program where we actually put

JODY HIERS - DIRECT BY MS. SWANSON

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1 deputies into elementary schools.

2 Q. Okay. And were you involved in the investigation
3 of Ronald Coleman, Jr.'s murder back in June of 2009?

4 A. Yes, ma'am, I was.

5 Q. Okay. And can you describe for the jury what your
6 involvement entailed?

7 A. I was actually the duty investigator on the 23rd.
8 The incident occurred on the 22nd. I was not involved in
9 that part of the investigation. I got called out by our
10 dispatch at about 7:50 p.m. and they advised me that an
11 individual by the name of Enrekae Miles had discovered
12 additional evidence and he wanted to know if we actually
13 had observed the evidence that night.

14 Well, I wasn't at the scene on the 22nd, so I
15 contacted my direct supervisor and asked him if they had
16 processed the evidence on the roadway. He told me that
17 they had not. They didn't see it. I responded and I met
18 with Enrekae in front of number 38 Seabrook Road.

19 Q. Okay. And go ahead and describe for us what you
20 found when you arrived on Seabrook Road.

21 A. I arrived, Enrekae was standing out in front of 38.
22 I observed numerous bloody shoe impressions on the left
23 side of Seabrook Road and they were headed in the
24 direction of 21. I counted approximately 60 shoe
25 impressions. They all appeared to be from the left shoe.

JODY HIERS - DIRECT BY MS. SWANSON

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1 That's how, you know, blood had made the outline of the
2 shoes or the shoe.

3 I observed that the first shoe impression began
4 around number 38 Seabrook Road. On the edge of the road
5 in the dirt there was what we call a shoe dig which was
6 basically when someone is moving at a hurried pace or
7 they are running they are basically running on the balls
8 of their feet and the tip of their toes or their shoe
9 will kick up dirt, and then I observed the first shoe
10 impression at 38.

11 Further down the road the last shoe impression was
12 at number 28 Seabrook Road, and that shoe impression
13 appeared to be angled towards the middle of the road.
14 There were several drops of blood in the road which also
15 appeared to be angled towards the middle of the road.
16 There were no other shoe impressions, there were no other
17 blood droplets after that last one around number 28.

18 At that time, I went ahead and checked the left
19 side of the road just to make sure there was no other
20 evidence there. I checked the left side of the road and
21 around across from number 29 Seabrook Road I observed a
22 black in color Smith and Wesson handgun, model SW40C,
23 serial number WAP0205. It was laying in the grass
24 approximately five feet off of Seabrook Road across from,
25 obviously, number 29.

JODY HIERS - DIRECT BY MS. SWANSON

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1 Q. I'm going to stop you right there and hand you
2 what's been marked as State's Exhibit 37. I'm sorry.
3 Let me make sure Ms. Campbell is aware of what number 37
4 is, and have you describe this for us.

5 A. This is going to be the evidence bag that I placed
6 the firearm in. It has any initial on it.

7 Q. Is this the gun that you located across from 29
8 Seabrook Road?

9 A. Give me one second.

10 Yes, ma'am, it is.

11 Q. Okay. What were you just checking there?

12 A. The serial number to make sure it corresponded with
13 the serial number that I documented that night.

14 Q. Okay. And that's a match?

15 A. It is.

16 Q. And is the gun in the same condition that you
17 recall finding it that night?

18 A. The gun was actually -- the slide was racked back
19 and the magazine was still inside the gun. Once I placed
20 latex gloves on my hands and retrieved the gun from the
21 ground I observed that there was no ammunition inside the
22 gun or the magazine.

23 Q. Okay. And when the slide is locked back what's
24 significant about that?

25 A. Well, it depends on what type of handgun it is.

JODY HIERS - DIRECT BY MS. SWANSON

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1 Most handguns, semiautomatics or newer models if there is
2 a magazine inside the gun it will lock back when the last
3 round is fired. Now, some semiautomatic handguns will
4 lock back without the magazine in it but obviously this
5 one had the magazine in it and it locked back.

6 Q. And the magazine was empty?

7 A. It was empty, yes, ma'am.

8 MS. SWANSON: The State would move 37 into
9 evidence. Oh, I'm sorry. Actually, just for
10 identification purposes at this point. I apologize.

11 BY MS. SWANSON:

12 Q. Were you able to determine how many bloody shoe
13 prints were on Seabrook Road?

14 A. I counted 60.

15 Q. And were they -- okay. Looking towards Highway 21,
16 which is Trask Parkway, were they on the left side of the
17 road or on the right side of the road?

18 A. They were on the left side of the road.

19 Q. I'm going to hand you State's Exhibits 11 through
20 21. These are State's Exhibits 11 through 21. And if
21 you can just tell us what this series of pictures depict.

22 A. The first photo is going to be marked number 1.
23 That's where the handgun was located. I had the marker.
24 I marked it with number 1. There's also bloody shoe
25 impressions in that photo.

1 Q. If you just want to flip through those and tell us
2 generally what they are and if they are a fair and
3 accurate depiction of how the scene appeared that night
4 when you got there on the 23rd.

5 A. Okay.

6 Q. Then we'll go through each one.

7 A. That's fair and accurate depiction.

8 Q. Okay.

9 A. The second one is the handgun. It is a fair and
10 accurate depiction. The third one is going to be more
11 bloody shoe impressions with markers 13 and 15 in the
12 photo, and it's an accurate depiction. The next one is
13 going to be markers 13, 14, and 15, and it's an accurate
14 depiction. The next photo shows 11, 12 on down the way.
15 I can't make out the numbers of the markers on that one
16 but it is an accurate depiction. The next one is bloody
17 shoe impression. It's an accurate depiction. These
18 photos here I think were taken the next -- these weren't
19 part of the group.

20 Q. Okay. So those are not the same photos from when
21 you arrived on the 23rd?

22 A. No. These were the ones I believe taken by another
23 investigator.

24 Q. Okay. And which ones -- I'm sorry. Those are --

25 A. That would have been on the 24th, daylight.

JODY HIERS - DIRECT BY MS. SWANSON

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1 Q. Okay.

2 A. You can actually see his vehicle in there --

3 Q. Okay.

4 A. I don't know if the other ones are.

5 MS. SWANSON: All right. These are Exhibits 17
6 through 21. So 11 through 16 I would move into evidence
7 at this time.

8 (WHEREUPON, State's Exhibit Numbers 11 through 16,
9 Photographs, were admitted into evidence.)

10 BY MS. SWANSON:

11 Q. And if you can explain for the jury what they are
12 seeing here in these pictures, and hold them up.

13 A. Again, the first picture indicated by the marker
14 number 1, bloody shoe impressions, the handgun. You
15 can't see it because it's in high grass there but it was
16 marked with the number 1 marker.

17 The second photo is a photo of the handgun, how it
18 was laying on the ground. And, again, you can make out
19 the number 1 marker there.

20 The next photo, now, this photo shows marker number
21 14 and 15. I started out with number 5 marker to
22 indicate the direction of travel, which is towards 21 on
23 the left-hand side of the road on Seabrook Road. So
24 number 5 would have been back here, and this is the last
25 shoe impression. So that shows 14 and 15 on the roadway.

JODY HIERS - DIRECT BY MS. SWANSON

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1 The next photo shows 13, 14, and you can barely
2 make out 15, and a photo of my vehicle on the right-hand
3 side of the road with the bloody shoe impressions.

4 And then the next one is 11, 12. You can see the
5 bloody shoe impressions. You can also -- you can't make
6 out the numbers on the other markers but that's the end
7 of the bloody shoe impressions back here.

8 And then the last one is a photo of a bloody shoe
9 impression.

10 Q. Okay. Thank you.

11 A. You're welcome.

12 MS. SWANSON: Beg the Court's indulgence.

13 THE COURT: All right.

14 (PAUSE.)

15 MS. SWANSON: For the record, we are just unsealing
16 what has been marked as State's Exhibit 41 so that we can
17 separate. There are four items in here, BCSO items 9,
18 11, 12, and 14.

19 BY MS. SWANSON:

20 Q. Officer Hiers, I'm going to hand you what's been
21 marked as State's Exhibit 41, and inside of that there
22 are two brown paper bags that are marked BCSO number 9
23 and number 11. If you can please describe what those
24 items are.

25 A. The first two?

JODY HIERS - DIRECT BY MS. SWANSON

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1 Q. Numbers 9 and 11.

2 A. Okay. Number 9 is an evidence bag with my initials
3 on it indicating that I submitted it to our evidence
4 division. It contains three DNA swabs from Smith and
5 Wesson Model SW40C handgun, serial number WAP0205.

6 Q. Okay. Now, were you the person that took those
7 swabs or did somebody else take those swabs in your
8 presence?

9 A. Yeah. The actual swabbing of the handgun was done
10 the next day, which would have been on 6-24 around 11:00
11 a.m. We have a DNA technician, Technician Donahue. He
12 met me at our office and he actually swabbed the gun.
13 That's what he does, basically for a living. So he
14 swabbed the gun for me. I was present when he swabbed
15 it. He handed the swabs to me and I actually air dried
16 them and submitted them into evidence.

17 Q. Okay. And those were the swabs from the Smith and
18 Wesson, and that was BCSO item number 9 which came out of
19 State's Exhibit 41?

20 A. Number 9 is correct, yes, and it came out of
21 Exhibit 41.

22 Q. I know there's several numbers on there, right?

23 A. Yes, ma'am.

24 Q. And then if you can tell us, please, what item 11
25 is. That's BCSO item 11 on the brown bag.

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1 A. Item 11 is going to be an evidence bag. It has my
2 initials on it indicating that I actually submitted it
3 into evidence. It also has my initials on the back. The
4 first one had it also on the back. This is four DNA
5 swabs of suspected blood spots on Seabrook Road between
6 number 38 and number 28.

7 Q. Okay. And so tell us the process of how you
8 swabbed those blood spots on the road.

9 A. First of all, any time you collect evidence you
10 wear latex gloves. If the blood is dry, obviously, you
11 can't take a -- basically, Q-tip swap is what it is.
12 It's a long Q-tip swab, for lack of a better term, is
13 what the swab is.

14 If the blood is dry then you just can't simply take
15 it and try to swab it because obviously it won't adhere
16 to the swab itself. So you take a saline solution, a
17 sterile saline solution, you put several drops on the tip
18 of the swab itself at probably two or three inches from
19 the tip so you don't contaminate it. And then you take
20 that swab and actually rub it on wherever the blood is,
21 and in this case on the blood droplets on the road.

22 Q. Okay. Did you dust -- okay. I'm sorry. Moving on
23 now. We can put those items back into State's Exhibit
24 41. And I'm just going to keep it up here. Thank you.

25 A. You're welcome.

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1 Q. Did you dust the .40 caliber Smith and Wesson that
2 you found across from 29 Seabrook Road for prints?

3 A. I did. When Donahue met me at the office he
4 advised me that I could dust the magazine, the handgun
5 magazine. He said the dust would not affect any type of
6 DNA collection, so I dusted the magazine of the gun.

7 Q. Did you get any results from that?

8 A. No, ma'am. I did not find any prints on the gun or
9 on the magazine.

10 MS. SWANSON: Beg the Court's indulgence.

11 THE COURT: Okay.

12 (PAUSE.)

13 BY MS. SWANSON:

14 Q. Officer Hiers, if you can come down, if you don't
15 mind, and identify what's been marked as State's Exhibit
16 47, and then I'll turn it around for the jury.

17 A. Oh, I'm sorry.

18 Q. Yeah. If you can just tell us what this depicts.

19 A. This is Seabrook Road.

20 Q. Okay.

21 A. And as indicated on the numbers for the houses, you
22 have number 46, 38, 34, 32. You have a handgun depicted
23 on the --

24 Q. All right. Is this an aerial view of Seabrook Road
25 leading up Trask Parkway which is also known as Highway

JODY HIERS - DIRECT BY MS. SWANSON

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1 21?

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

3 Q. Okay. And is it a fair and accurate depiction of
4 that area as you know it?

5 A. Yes, ma'am.

6 MS. SWANSON: The State would move 47 into
7 evidence.

8 THE COURT: Okay.

9 (WHEREUPON, State's Exhibit Number 47, an Aerial of
10 the Scene, was admitted into evidence.)

11 BY MS. SWANSON:

12 Q. Okay. So tell us what we are seeing here and if
13 this is an accurate depiction of what you found, the
14 evidence that you found at the scene on the 23rd of June
15 in 2009.

16 A. Yeah. This indicates number 38 which, you know,
17 right on the roadway here obviously I found the dig mark
18 and the bloody shoe impressions going down the left side
19 and the gun was, you know, basically right across from
20 29. As far as that being right on the money as far as
21 measurements, yeah, I can't say it is.

22 Q. Right.

23 A. But that's the general area where the gun was
24 found, about five feet off the roadway in the grass.

25 Q. Okay. You can take the stand again. Thank you.

JODY HIERS - DIRECT BY MS. SWANSON

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- 1 A. (The witness complied).
- 2 Q. Did you get a measurement of how far those bloody
3 shoe prints stretched down Seabrook Road? I know that
4 you had stated before you saw 60, or you counted 60.
- 5 A. Right. I don't believe the night of the incident I
6 actually measured the length because I went by the actual
7 house number.
- 8 Q. Okay.
- 9 A. But I believe another investigator went out and
10 actually measured, took some measurements.
- 11 Q. Who was with you out at the scene that night?
- 12 A. It was just me and a road officer showed up to
13 provide additional lighting for me but he didn't do
14 anything but basically hold the flashlight during the
15 process.
- 16 Q. And did you interview Enrekae Miles after
17 collecting evidence on the 23rd?
- 18 A. I talked to him briefly on the 23rd. The actual
19 interview --
- 20 Q. When did that take place?
- 21 A. That was myself and Investigator Burns. That was
22 on 6-23 around -- let me look at this report real quick
23 because he actually submitted a supplement on it. I'm
24 sorry. It was 6-24 at our investigations office.
- 25 Q. All righty. And based on the information that you

JODY HIERS - CROSS BY MS. CAMPBELL

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1 had on the case was his rendition of the events
2 consistent with what he had previously told
3 investigators?

4 A. I believe it was but, again, I was more or less
5 assisting Investigator Burns in the interview because I
6 wasn't present during the initial crime scene process.

7 Q. I understand. Did you collect a DNA swab from
8 Enrekae Miles?

9 A. Investigator Burns did.

10 Q. Okay. But he did provide a sample?

11 A. He did. He provided Investigator Burns one and he
12 actually turned it over to me on 6-24 in reference to me
13 submitting the buccal swab from Enrekae Miles into our
14 evidence.

15 Q. Okay. Thank you, Officer Hiers. Please answer any
16 questions that Ms. Campbell might have for you.

17 A. Yes, ma'am.

18 CROSS-EXAMINATION

19 BY MS. CAMPBELL:

20 Q. Officer Hiers, you were present for the audio
21 recording interview of Enrekae Miles, correct?

22 A. Yes, ma'am.

23 Q. And one of the reasons you were present for that
24 interview is because some of the information you had
25 gotten from Miles and other officers had gotten from

JODY HIERS - CROSS BY MS. CAMPBELL

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1 Miles just didn't add up with the scene that you were
2 investigating, right?

3 A. He -- I wasn't real certain, obviously, what was
4 going on because I wasn't there the night of the incident
5 when they actually processed it. So I think we were
6 trying to basically understand what he was trying to tell
7 us. Like I say, when I interviewed him it was a little
8 hard to keep up with him.

9 MS. CAMPBELL: Okay. Your Honor, at this time
10 co-counsel, Mr. Bax, is going to bring our laptop in. I
11 would like to play the interview that Hiers participated
12 in of Enrekae Miles, who has previously testified.

13 THE COURT: All right.

14 MS. CAMPBELL: Until we get it set up I'll continue
15 with some questions that I have for Officer Hiers.

16 BY MS. CAMPBELL:

17 Q. When you went to 46 Seabrook Road it was 24 hours
18 after Ronald Coleman was killed, correct? Roughly 24
19 hours later, right?

20 A. Yes, ma'am.

21 Q. Okay. And when you arrived you were the only
22 officer there, right? I mean --

23 A. The only investigator, yes, ma'am.

24 Q. Okay. Who else was there besides you?

25 A. A road officer showed up to assist with lighting.

JODY HIERS - CROSS BY MS. CAMPBELL

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1 Q. All right. Well, just so we are clear, when you
2 arrived there there were no deputies there, right?

3 A. No, ma'am, not to my recollection.

4 Q. The scene was open, correct? There were no
5 deputies guarding the crime scene, correct?

6 A. That's correct.

7 Q. Okay. Thank you.

8 A. Yes, ma'am.

9 Q. Now, you said you found some shoe -- did you call
10 it a shoe impression?

11 A. I call it a shoe impression on the road but the
12 outline of the blood.

13 Q. Well, what about the -- are you the officer that
14 discovered the shoe print in the ditch?

15 A. I don't know when that was taken. Can I see the
16 photo? I'm not sure when it was taken.

17 Q. Sure. I'll be happy to show you.

18 A. I don't recall finding an actual shoe impression.

19 Q. I'm going to hand you what's been marked as
20 Defendant's Exhibit 7.

21 A. No. I don't believe I took that photo there.

22 Q. Okay. Thanks.

23 A. Looks like that was taken actually in the daylight
24 hours.

25 MS. CAMPBELL: I'm going to mark this as

JODY HIERS - CROSS BY MS. CAMPBELL

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1 Defendant's 26.

2 (WHEREUPON, Defendant's Exhibit Number 26, a DVD,
3 was marked and played for the jury.)

4 THE COURT: Anything else you all need to hear on
5 that? Turn it off. This could go on forever.

6 (WHEREUPON, the DVD was stopped.)

7 MS. CAMPBELL: Your Honor, I explained to the
8 solicitor just a moment ago that's as far as I needed to
9 go in reference to my questioning of Enrekae Miles.

10 THE COURT: You all can play more if anybody wants
11 to but --

12 MS. CAMPBELL: I'm done. If the solicitor wants to
13 hear it to the end --

14 THE COURT: The friendly jury is about to throw
15 things at me. I told them an hour and a half to an hour
16 and 45 and we're two minutes and two hours.

17 So hurry out you, jurors. Don't talk about the
18 case.

19 (WHEREUPON, the jury leaves the courtroom at
20 approximately 4:09 p.m.)

21 THE COURT: Okay. We're at ease for 15.

22 You can step down but you can't talk about the case
23 with anyone.

24 MS. SWANSON: Thank you, Your Honor.

25 MS. CAMPBELL: Thank you, Your Honor.

JODY HIERS - CROSS BY MS. CAMPBELL

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1 (WHEREUPON, a brief recess was taken.)

2 MS. CAMPBELL: For the record --

3 THE COURT: Yeah.

4 MS. CAMPBELL: -- we are going to stop the tape at
5 this point.

6 THE COURT: All right.

7 MS. CAMPBELL: And proceed with the questioning.

8 THE COURT: Okay. All right. The jury is ready.
9 I know it hasn't been long but the six stalls work better
10 than the jury room. You need anybody else in here?

11 MS. SWANSON: We can go ahead and proceed. They
12 should be back in in just a minute.

13 THE COURT: Okay.

14 MS. SWANSON: Judge, just for scheduling purposes.
15 Ideally, I would like to get three more witnesses after
16 Officer Hiers who will be relatively short on my part. I
17 know we don't know exactly how that's going to go with
18 defense. There is one in particular that I'd like to not
19 have to bring back. So if we could maybe go a little bit
20 after 5:00. If we are close with these witnesses that
21 would be great.

22 THE COURT: We talking about trying to get out of
23 here by 5:30.

24 MS. SWANSON: Okay. Thank you, Your Honor.

25 THE COURT: Twenty-eight minutes to 6:00.

JODY HIERS - CROSS BY MS. CAMPBELL

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1 (WHEREUPON, the jury enters the courtroom at
2 approximately 4:24 p.m.)

3 THE COURT: All right. You may proceed.

4 Oh, with a heavy heart, they aren't going to play
5 anymore of that video.

6 MS. CAMPBELL: Thank you, Your Honor.

7 BY MS. CAMPBELL:

8 Q. Officer Hiers, you've testified that you swabbed
9 the roadway, correct?

10 A. Yes, ma'am.

11 Q. Okay. And you took those swabs and you aired them
12 out at the northern division offices; is that correct?

13 A. Correct.

14 Q. And when you talk about airing them out, you know,
15 how are you doing that? How are you airing these swabs
16 out?

17 A. Well, the end of the swab is basically like a Q-tip
18 and the other end is wood. We had -- or I'm no longer in
19 investigations so I can't speak for them now, but at the
20 time I had basically blocks of wood that we drilled holes
21 into that were slightly larger than the actual end of the
22 swab. It was placed upright so the end of the swab that
23 actually had the specimen, suspected blood, was up top,
24 and it was aired out like that.

25 I had a shelving unit in my office that had

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1 different levels of shelves on it, and I would place one
2 -- if I wanted to keep DNA samples separated I'd put one
3 on one shelf and then another one, another one, so on and
4 so forth. They were not placed in the same block.

5 Q. And this shelving unit has no covers on it,
6 correct?

7 A. No, ma'am.

8 Q. It's just open to the air, it's open to anybody
9 who's coming and going in and out of that particular area
10 of the northern division office, correct?

11 A. In my office, yes, ma'am. It was in my back corner
12 office.

13 Q. So it's open, yes?

14 A. Yes, ma'am.

15 Q. Thank you.

16 A. Yes, ma'am.

17 Q. Officer Donahue who works for the sheriff's
18 department swabbed the handgun that was found on Seabrook
19 Road, correct?

20 A. Correct.

21 Q. And when Officer Donahue gave you the swabs from
22 the handgun tell us again how you received them and in
23 what condition they were.

24 A. We both had gloves on. I received them. I believe
25 it was three swabs. It was three swabs. He handed them

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1 to me. I placed them in one of the blocks of wood, for
2 lack of a better term, and I placed it on the shelf in my
3 office.

4 Q. So when Officer Donahue handed you the three swabs
5 they were not in an envelope, correct?

6 A. Correct.

7 Q. Now, you interviewed a witness down there on
8 Seabrook Road called -- his name was John Little; is that
9 right?

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

11 Q. And the information about possible suspects in the
12 case from John Little indicated that one of the suspects
13 were people he saw walking down the road that night had a
14 doo-rag on his head; is that right?

15 A. That's correct.

16 Q. Can you tell us what that is.

17 A. Just a rag put on top of your head. Some people
18 call it a handkerchief or it could be pantyhose. You
19 probably seen that on people's heads before.

20 Q. Did you ask Mr. Little to be specific with you or
21 you just wrote down doo-rag?

22 A. Just wrote down doo-rag.

23 Q. Was it also information you received that one of
24 the people he saw had own a white tank top?

25 A. Yes, ma'am.

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1 Q. And also one of the individuals he saw was wearing
2 sunglasses and talking on the cell phone?

3 A. That's correct.

4 MS. CAMPBELL: May I approach?

5 THE COURT: Okay.

6 BY MS. CAMPBELL:

7 Q. Officer Hiers, I show you what's been marked as
8 Defendant's Exhibit 24. Do you recognize what's depicted
9 in that photograph?

10 A. Yes, ma'am.

11 Q. And what is that?

12 A. That's the handgun.

13 Q. And what else is in the photo?

14 A. A tape measure.

15 Q. A tape measure. Is that your tape measure?

16 A. Yes, ma'am.

17 MS. CAMPBELL: Defendant's Exhibit 24, move that
18 into evidence at this time. Thank you.

19 (WHEREUPON, Defendant's Exhibit Number 24, a
20 Photograph, was admitted into evidence.)

21 BY MS. CAMPBELL:

22 Q. I'm going to show you what's been marked
23 Defendant's Exhibit 5. Is that a photograph of Seabrook
24 Road there with the blood trail on it?

25 A. Yes, ma'am.

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1 Q. But you didn't take this photograph, right?

2 A. No, ma'am.

3 Q. Do you know when this photograph was taken?

4 A. I believe that was taken on -- I believe Sergeant
5 Foskey actually took that photo.

6 Q. It's clearly in the daylight hours, correct?

7 A. Yes, ma'am. And that looks like his vehicle at the
8 end.

9 MS. CAMPBELL: And we move Defendant's Exhibit 5
10 into evidence at this time.

11 THE COURT: Okay.

12 (WHEREUPON, Defendant's Exhibit Number 5, a
13 Photograph, was admitted into evidence.)

14 BY MS. CAMPBELL:

15 Q. Now I show you what's been marked as Defendant's
16 Exhibit 25. Do you recognize the contents of that photo?

17 A. Yes, ma'am.

18 Q. And what is that?

19 A. It's a bloody shoe impression with a ruler beside
20 it and the marker number 11.

21 Q. And is that your ruler?

22 A. Yes, ma'am.

23 MS. CAMPBELL: And at this time we move Defendant's
24 Exhibit 25 in.

25 THE COURT: Okay.

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1 (WHEREUPON, Defendant's Exhibit Number 25, a
2 Photograph, was admitted into evidence.)

3 BY MS. CAMPBELL:

4 Q. I show you what's been marked as Defendant's
5 Exhibit 6. Do you recognize what's inside that photo or
6 what's depicted in that photo?

7 A. Yeah. It looks like a bloody shoe impression with
8 the marker 15, but I can't tell if that was done by
9 Foskey or myself unless I look at my actual CD. It looks
10 light on that so I don't know.

11 Q. Okay. And same thing with this Defendant's Exhibit
12 4. Do you recognize the scene there in Defendant's
13 Exhibit 4?

14 A. Yes, ma'am.

15 Q. Okay. And what is that depicted?

16 A. Seabrook -- looks like Seabrook Road.

17 Q. Heading out towards 21?

18 A. Yes, ma'am. It looks like that's the school.

19 Q. And in the daylight hours?

20 A. Correct.

21 MS. CAMPBELL: And we move Defendant's Exhibit
22 Number 4 into evidence now.

23 THE COURT: Okay.

24 MS. CAMPBELL: Thank you very much.

25 (WHEREUPON, Defendant's Exhibit Number 4, a

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- 1 Photograph, was admitted into evidence.)
- 2 BY MS. CAMPBELL
- 3 Q. Officer Hiers, did you discover any footprints
- 4 other than the ones on the road?
- 5 A. The shoe impressions, the bloody shoe impressions.
- 6 That's the ones I -- yes, ma'am, that was it.
- 7 Q. So you had nothing do with any shoe impressions in
- 8 the ditch?
- 9 A. I believe that might have been Foskey but I can't
- 10 say for sure.
- 11 Q. And based upon the shoe impressions that you saw on
- 12 the road were you able to get an idea about the size of
- 13 the shoe that that person would have been wearing?
- 14 A. If it was depicted in a photo I would have.
- 15 Q. And did you take a photo of it and try to determine
- 16 the size of the shoe?
- 17 A. With the ruler beside it, the one you showed me.
- 18 Q. So what was your determination then?
- 19 A. I didn't -- honestly, I didn't even look at the
- 20 size of the shoe.
- 21 Q. So no?
- 22 A. No.
- 23 Q. And, again, I apologize if I've asked this but I
- 24 want to make sure. When you arrived at 46 Seabrook Road
- 25 24 hours later there were no Beaufort County Sheriff's

1 Officers on the scene, guarding the scene, keeping it
2 secure, correct?

3 A. Correct.

4 Q. Thank you?

5 A. Yes, ma'am.

6 REDIRECT EXAMINATION

7 BY MS. SWANSON:

8 Q. Just briefly. The interview that you conducted
9 with Enrekae Miles took place two days after the
10 incident, right?

11 A. I believe it was. It was on the 24th. Yes, ma'am.

12 Q. Back in 2009?

13 A. Correct.

14 Q. Almost four years ago?

15 A. Correct.

16 Q. And to your knowledge Antonio Collins has never
17 been in your former office at northern investigations in
18 Beaufort, South Carolina?

19 A. Not to my knowledge. I didn't -- again, I didn't
20 know anything about the investigation. I went out and
21 processed the scene for the bloody shoe impressions on
22 the road and, I mean, my extent of the involvement in
23 this case was really limited so, no.

24 Q. Thank you.

25 A. You're welcome.

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1 THE COURT: All right. You can step down and be
2 excused, I guess.

3 Ms. Campbell?

4 MS. CAMPBELL: He is still under my subpoena, Your
5 Honor.

6 THE COURT: You can leave but be on call.

7 THE WITNESS: All right, sir. Thank you.

8 MS. SWANSON: The State calls Tim McAuliffe.

9 TIM MCAULIFFE, after having been duly sworn,
10 testified as follows:

11 THE CLERK: If you'll state your name for the
12 record and spell your last name, please.

13 THE WITNESS: Yes, ma'am. Timothy McAuliffe. My
14 last name is spelled M-c-A-u-l-i-f-f-e.

15 DIRECT EXAMINATION

16 BY MS. SWANSON:

17 Q. Thank you. And, Mr. McAuliffe, what agency do you
18 work for?

19 A. I'm a special agent with the United States Drug
20 Enforcement Administration.

21 Q. Okay. And how long have you been with the DEA?

22 A. Approximately 18 years.

23 Q. So back in 2009 you were employed by the Drug
24 Enforcement Agency?

25 A. Yes, ma'am.

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1 Q. All right. And did you have an opportunity to
2 interview someone named Gussie Goldwire around January of
3 2010?

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

5 Q. Where did that interview take place?

6 A. For the most part the interview took place at the
7 Hampton County Sheriff's Department, after the arrest of
8 Mr. Goldwire.

9 Q. Was there more than one interview?

10 A. I think Mr. Goldwire was interviewed on two
11 separate occasions, on January 22nd and again briefly on
12 January the 25th.

13 Q. Okay. And you were a part of one or both of those
14 interviews?

15 A. Both the interviews.

16 Q. All right. And why were you interviewing Gussie
17 Goldwire?

18 A. I had just arrested Mr. Goldwire on a federal
19 arrest warrant for a drug trafficking crime.

20 Q. Okay. Who attended those interviews?

21 A. Myself, two Hampton County officers, Chauncey
22 Solomon, Anthony Russels -- Anthony Russel. Excuse me.
23 And I believe on the second one my partner, Henry Meehan
24 was possibly there as well.

25 Q. Did Gussie Goldwire provide any information on

1 knowledge of crimes?

2 A. Yes, ma'am.

3 Q. Did he indicate that he knew information on several
4 different crimes?

5 A. Yes, ma'am. Initially after Mr. Goldwire was
6 arrested I read him his Miranda rights. He waived his
7 rights and agreed to answer a series of questions.
8 Primarily, the first part of the interview was about
9 Mr. Goldwire's drug trafficking activities and he
10 discussed those at great length.

11 At the end of the interview, as I do with every
12 interview, I ask him do you have any other information
13 about any other crimes, and in fact he did.

14 Q. Okay. And was one of those crimes about a murder
15 that occurred in Seabrook back in 2009 in Beaufort
16 County?

17 A. Yes, ma'am, it was.

18 Q. Okay. And at that juncture in that first interview
19 and in the second interview was he under any sort of
20 protection from the Federal Government for that
21 information?

22 A. No, ma'am. He was not.

23 Q. Okay. What's the federal proffer?

24 A. A federal proffer is an agreement that is provided
25 by the United States Attorney's Office to a particular

TIMOTHY MCAULIFFE - DIRECT BY MS. SWANSON 296

- 1 defendant or target of an investigation that basically
2 states that anything that that defendant says won't be
3 used against him at a later point in time.
- 4 Q. Okay.
- 5 A. As long as it's truthful.
- 6 Q. Okay.
- 7 A. That's a summary of it.
- 8 Q. And did he eventually enter into a federal proffer?
- 9 A. He eventually entered into a plea agreement.
- 10 Q. Okay.
- 11 A. With the United States Government regarding the
12 drug charge that he had been indicted and that I had
13 arrested him for.
- 14 Q. To your knowledge, is he still under any type of
15 federal supervision?
- 16 A. No, ma'am. To my knowledge he's not.
- 17 Q. And when he provided you information on a murder
18 that occurred in Seabrook in Beaufort County what did you
19 do with that information?
- 20 A. I took that information and made contact with
21 Beaufort County, the investigating agency. I believe it
22 was Jeff Purdy, an investigator with Beaufort County, as
23 well as Chauncey Solomon who was also present during the
24 interview. He actually followed up with Beaufort County,
25 and I believe Jeff Purdy and possibly another detective.

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1 Q. Okay. Thank you, Agent. Thank you. Please answer
2 any questions that Ms. Campbell might have for you.

3 A. Yes, ma'am.

4 CROSS-EXAMINATION

5 BY MS. CAMPBELL:

6 Q. When is the last time you had contact with Gussie
7 Goldwire?

8 A. Following -- I don't know an exact time.

9 Mr. Goldwire was arrested at the beginning of 2010,
10 January 2010, cooperated for a period of time on an
11 ongoing investigation. I would say probably for
12 approximately one year plus or minus. And I've actually
13 been in the Raleigh resident office for a year so it's
14 been at least, I would say 14, 15 months. Possibly a
15 little longer.

16 (WHEREUPON, Defendant's Exhibit Number 27, a
17 Photograph, was marked for identification only.)

18 BY MS. CAMPBELL:

19 Q. Officer McAuliffe?

20 A. Yes, ma'am.

21 Q. I'm going to show you what's been marked as
22 Defendant's Exhibit 27. I'm going to ask you if you
23 recognize the individual depicted here. Is this Gussie
24 Goldwire? Is this the fellow you were working with?

25 A. I don't believe so.

TIMOTHY MCAULIFFE - CROSS BY MS. CAMPBELL

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- 1 Q. Do you have a date of birth?
- 2 A. Do I have -- off the top of my head?
- 3 Q. On your records here.
- 4 A. On my report. I may have asked him that at the
- 5 beginning of the interview.
- 6 Q. Does Gussie Goldwire in your records live at 81 MLK
- 7 Lane, Pineland, South Carolina, black male?
- 8 A. Mr. Goldwire is definitely a black male. That does
- 9 not look like Mr. Goldwire. That picture doesn't look
- 10 like Mr. Goldwire. It's been a while since I've seen him
- 11 but I don't believe that's going to be him.
- 12 Q. You want to take a chance and look in your notes
- 13 and see if you have a date of birth for him?
- 14 A. Sure.
- 15 (PAUSE.)
- 16 Q. Any identifying information about who this fellow
- 17 is?
- 18 A. Who, Gussie Goldwire?
- 19 Q. Correct, in your records.
- 20 A. Not in the records that I brought with me. I'm
- 21 looking through. I've got a copy of the report that I
- 22 wrote after the interview then I've got a copy of the
- 23 plea agreement that he signed with the government. If
- 24 you just give me a moment I'll look through this and see
- 25 if there's any other.

TIMOTHY MCAULIFFE - CROSS BY MS. CAMPBELL 299

- 1 Q. That's fine. Absolutely.
- 2 A. There doesn't appear to be a date of birth on the
- 3 documents that I have.
- 4 Q. And on the plea agreement that you have in front of
- 5 you, is there anything on there about a Rule 5(c) in the
- 6 plea agreement? I'm sorry. It's Rule 35.
- 7 A. Rule 35?
- 8 Q. Yes. Did he have a Rule 35 agreement with the
- 9 Federal Government?
- 10 A. I'm not the prosecutor or the United States
- 11 attorney on the case. I just don't know.
- 12 Q. Does the plea agreement reference that he got any
- 13 5K1 departures downward for cooperation with the Federal
- 14 Government in his sentencing?
- 15 A. I don't think the plea agreement -- the plea
- 16 agreement with the United States attorney basically
- 17 identifies the set of circumstances that the particular
- 18 defendant in this case, Gussie Goldwire, was pleading
- 19 guilty to. I don't believe the document makes any other
- 20 promises on behalf of the government or what his sentence
- 21 would be from the judge.
- 22 Q. Is he currently in custody of the Federal
- 23 Government right now?
- 24 A. Not to my knowledge.
- 25 MS. CAMPBELL: That's all I have.

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1 MS. SWANSON: Thank you. Nothing further.

2 THE COURT: Free to go.

3 THE WITNESS: Thank you, sir.

4 MS. SWANSON: May Mr. McAuliffe be excused?

5 MS. CAMPBELL: He's not under any of my subpoenas.

6 THE COURT: You can leave.

7 THE WITNESS: Thank you, sir.

8 MS. SWANSON: Chauncey Solomon.

9 CHAUNCEY SOLOMON, after having been duly
10 sworn, testified as follows:

11 THE CLERK: If you'll state your full name and
12 spell your last name for the record, please.

13 THE WITNESS: My name is Chauncey Solomon. Last
14 name S-o-l-o-m-o-n, Solomon. First name is Chauncey,
15 C-h-a-u-n-c-e-y.

16 DIRECT EXAMINATION

17 BY MS. SWANSON:

18 Q. Good afternoon.

19 A. Hello.

20 Q. Officer Solomon, who do you work for?

21 A. I'm employed by the Hampton County Sheriff's Office
22 assigned to DEA which is Drug Enforcement Administration.

23 Q. Okay. Is that your current position?

24 A. Yes.

25 Q. And is that the position that you also held back in

CHAUNCEY SOLOMON - DIRECT BY MS. SWANSON 301

1 2009?

2 A. 2009 I was a lieutenant with the Sheriff's Office
3 over the Narcotics Division assigned to DEA Drug
4 Enforcement Administration as a task force officer, case
5 specific at the time.

6 Q. Okay. Are you familiar with Gussie Goldwire?

7 A. Yes.

8 Q. And were you present for an interview in January of
9 2010?

10 A. Yes, I was.

11 Q. And did he relay information regarding a 2009
12 Seabrook murder from Beaufort County?

13 A. Yes, he did.

14 Q. What did you do with that information?

15 A. Well, of course, we documented it. Tim McAuliffe,
16 who is with the DEA, he did it on the federal side and I
17 did an affidavit on the Hampton County side. Just a
18 basic affidavit of facts of what he said.

19 Q. Okay. And did you relay that information to the
20 Beaufort County Sheriff's Department?

21 A. Yes. I think sometime later I notified Sergeant --
22 Staff Sergeant Jeff Purdy about what information that we
23 received and we turned that information over to them.

24 Q. Okay. And were you asked recently to locate Gussie
25 Goldwire?

CHAUNCEY SOLOMON - CROSS BY MS. CAMPBELL

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- 1 A. Yes.
- 2 Q. Were you able to?
- 3 A. No.
- 4 Q. Did you receive a subpoena for Gussie Goldwire to
- 5 be served on him for the trial of this case?
- 6 A. The Hampton County Sheriff's Office did, yes.
- 7 Q. Okay. And were they able to serve that subpoena?
- 8 A. He was unable to be found.
- 9 Q. Okay. Is he under any type of federal supervision
- 10 to your knowledge?
- 11 A. He was at one point. I don't think so right now.
- 12 I'm not sure, actually.
- 13 MS. SWANSON: Beg the Court's indulgence.
- 14 (PAUSE.)
- 15 BY MS. SWANSON:
- 16 Q. Thank you. Please answer any questions
- 17 Ms. Campbell might have for you.
- 18 A. Okay.
- 19 CROSS-EXAMINATION
- 20 BY MS. CAMPBELL:
- 21 Q. Hi, Mr. Solomon. How are you?
- 22 A. Hello. How are you?
- 23 Q. Fine. You are Hampton County; is that right?
- 24 A. Yes. Yes.
- 25 Q. Where is that in relation to Pineland?

ERIC BAXTER - DIRECT BY MS. SWANSON

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1 29.

2 THE COURT: Okay.

3 MS. SWANSON: And if I may publish to the jury.

4 (WHEREUPON, State's Exhibit Numbers 28 and 29,
5 Photographs, were admitted into evidence, and published
6 to the jury.)

7 BY MS. CAMPBELL:

8 Q. So after you conducted surveillance, saw this beige
9 Cadillac what did you do?

10 A. I actually observed Jeremy Murphy get into the
11 passenger seat of that vehicle and through my
12 investigation of the subject for the surveillance I
13 learned that he was suspended in the State of South
14 Carolina to operate a motor vehicle.

15 He actually got in as I was conducting the
16 surveillance. He actually got into the passenger seat
17 and pulled out onto a state highway and passed me and I
18 was able to identify him as he went by me from his
19 driver record photo, and I initiated a traffic stop at
20 that point.

21 Q. All right. And did you subsequently arrest Jeremy
22 Murphy?

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

24 Q. And what did you arrest him for?

25 A. Driving under suspension.

ERIC BAXTER - DIRECT BY MS. SWANSON

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- 1 that address and drove that vehicle.
- 2 Q. What was the date that you conducted surveillance
- 3 at that residence?
- 4 A. It was January 26th, 2009. I'm sorry.
- 5 Q. 2009 or 2010?
- 6 A. 2010. I'm sorry.
- 7 Q. Okay. Mr. Baxter, I'm going to hand you what's
- 8 been marked as State's 28 and 29. If you can please
- 9 identify what you see in these two pictures.
- 10 A. That is the tan in color '90's model Cadillac that
- 11 was registered to Jeremy Murphy.
- 12 Q. Is that the same one that you saw at the residence
- 13 that you were conducting surveillance on?
- 14 A. Yes, ma'am, it is.
- 15 Q. And how do you know that?
- 16 A. I know that because I was the officer that affected
- 17 the traffic stop on that vehicle and...
- 18 Q. Did you take a license plate number down?
- 19 A. I did. I believe it's AUK -- AUK216.
- 20 Q. Okay. And the car in those pictures, is that how
- 21 it appeared when you conducted surveillance on it that
- 22 day with the exception of maybe the evidence tape on it?
- 23 A. Yes, ma'am, it is.
- 24 Q. Okay.
- 25 MS. SWANSON: The State would move to enter 28 and

ERIC BAXTER - DIRECT BY MS. SWANSON

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1 remains on standby that's fine.

2 THE COURT: Subject to call, free to go.

3 THE WITNESS: Thank you.

4 MS. SWANSON: The State calls Eric Baxter.

5 ERIC BAXTER, after having been duly sworn,
6 testified as follows:

7 THE CLERK: If you'll state your full name and
8 spell your last name for the record, please.

9 THE WITNESS: Eric Baxter, B-a-x-t-e-r.

10 DIRECT EXAMINATION

11 BY MS. SWANSON:

12 Q. Thank you, Mr. Baxter. Thank you for being with us
13 there afternoon. Who did you work for back in 2009.

14 A. Jasper County Sheriff's Office.

15 Q. And did you have contact with the Beaufort County
16 Sheriff's Office who was working on a murder
17 investigation?

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

19 Q. All right. And what did you do after Beaufort
20 County Sheriff's Office made contact with you?

21 A. I conducted the surveillance on a residence at 843
22 Cyprus Branch Road in the Pineland area of Jasper County,
23 and it was in reference to a '90's model Cadillac, was
24 tan in color, and a subject by the name of Jeremy Murphy
25 who was a person of interest in the case that resided at

CHAUNCEY SOLOMON - CROSS BY MS. CAMPBELL

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- 1 A. No, ma'am.
- 2 Q. I'm going to show you what's been marked as
- 3 Defendant's Exhibit 27 and ask you if you recognize the
- 4 person in this photo as the person you know as Gussie
- 5 Goldwire?
- 6 A. No, ma'am. That's not Gussie.
- 7 Q. Do you know where Gussie lives?
- 8 A. I think he lives somewhere in Jasper County.
- 9 Q. Does he not live in Pineland?
- 10 A. No. That's not him.
- 11 Q. When you tried to look for Gussie for this trial to
- 12 serve the subpoena where did you look?
- 13 A. Me, personally --
- 14 Q. Right.
- 15 A. -- I didn't.
- 16 Q. Who looked for him?
- 17 A. Someone from the Hampton County Sheriff's Office.
- 18 MS. CAMPBELL: I don't have anything else. Thank
- 19 you, Your Honor.
- 20 MS. SWANSON: Thank you. That's all I have for
- 21 Officer Solomon.
- 22 THE COURT: Free to go. I guess he's dismissed.
- 23 MS. SWANSON: Dismissed.
- 24 MS. CAMPBELL: Officer Solomon should be under a
- 25 subpoena for the defense as well and as long as he

CHAUNCEY SOLOMON - CROSS BY MS. CAMPBELL

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- 1 A. It's north of Pineland. Hampton County, yes, it
2 would be a little northwest of Pineland.
- 3 Q. Do you know Gussie Goldwire?
- 4 A. Yes.
- 5 Q. Do you have a date of birth on Gussie Goldwire on
6 your documents that you brought today?
- 7 A. No, ma'am.
- 8 Q. Do you know that Gussie was involved in drug
9 trafficking in the Hampton County area? Jasper County,
10 Hampton County?
- 11 A. Yes.
- 12 Q. Did you know that he was also involved in Beaufort
13 County area and up in Atlanta? Did you have that
14 information?
- 15 A. Yes.
- 16 Q. Okay. Part of your information that you had on
17 Gussie Goldwire involved multiple dealings between
18 Atlanta, Hampton, Jasper and Beaufort, correct? Sort of
19 a highway, if you will, of drugs and money up and down,
20 right?
- 21 A. I guess that would be fair to say.
- 22 Q. Gussie Goldwire is not in federal custody to your
23 knowledge, right?
- 24 A. No, ma'am, he's not.
- 25 Q. You can't find him?

ERIC BAXTER - CROSS BY MS. CAMPBELL

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1 Q. And what happened to the Cadillac?

2 A. The Cadillac, I was in contact with Investigator
3 Wilson with the Sheriff's Office in Beaufort and we had a
4 wrecker come to our location and tow the vehicle.

5 Q. Okay. Did you have a search warrant to seize that
6 vehicle?

7 A. They had obtained a search warrant.

8 Q. Okay. I'm sorry. You may have stated that Jeremy
9 Murphy got into the passenger side of the vehicle but did
10 he, in fact, drive the vehicle? He got in the driver's
11 seat?

12 A. If I said passenger side I misspoke. It should
13 have been the driver's seat of the vehicle.

14 Q. Okay. All right. Thank you, Mr. Baxter. Please
15 answer any questions Ms. Campbell might have.

16 A. Okay.

17 MS. CAMPBELL: Thank you. May it please the Court.

18 CROSS-EXAMINATION

19 BY MS. CAMPBELL:

20 Q. Is it Officer Baxter now? Are you still employed
21 with law enforcement?

22 A. No, ma'am, I'm not.

23 Q. Where are you working now?

24 A. I work for CSX Transportation.

25 Q. All right. Now, this car that you said you stopped

ERIC BAXTER - CROSS BY MS. CAMPBELL

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1 was registered you said to Jeremy Murphy, right?

2 A. Yes, ma'am.

3 Q. And that registration places Jeremy Murphy's
4 residence as Pineland, South Carolina, correct?

5 A. That's where he was residing, was in Pineland,
6 South Carolina.

7 Q. Right. And the car was registered in Pineland?

8 A. I'm not sure which address it was now but it was
9 registered to Jeremy Murphy.

10 Q. Right. Well, if your report indicates it's
11 registered to Jeremy Murphy in Pinewood, South Carolina
12 would your report be accurate?

13 A. Yes, ma'am.

14 MS. CAMPBELL: Okay. Thank you very much. That's
15 all I have.

16 MS. SWANSON: We'd ask that Mr. Baxter be excused.

17 THE COURT: Okay. Free to go.

18 MS. SWANSON: Thank you, Your Honor. Your Honor,
19 at this point it might be a good time for us to break.

20 The next witness I would be calling is the case officer.

21 THE COURT: All right. She said she had three
22 more. I said put up seven if you're finished by 5:30.

23 Finish by 5:00. Report back in the morning 5:35. Give
24 you five minutes longer since we're breaking early, but

25 we may go to 6:00, you know. Won't go longer than 6:00

1 tomorrow.

2 THE BAILIFF: So back in the morning at what time?

3 THE COURT: Well, they will be here at 9:30.

4 THE BAILIFF: 9:30.

5 (WHEREUPON, the jury leaves the courtroom at
6 approximately 4:58 p.m.)

7 THE COURT: So, Ms. Swanson, how we coming time
8 wise?

9 MS. SWANSON: Yes, sir. We appear to be on
10 schedule. I intend to call 11 witnesses tomorrow;
11 however, about seven of those are chain witnesses so they
12 should be very quick.

13 THE COURT: Okay.

14 MS. SWANSON: I will finish my case tomorrow, and I
15 think Ms. Campbell is prepared to put up a couple
16 witnesses.

17 MS. CAMPBELL: That's correct. And I'd like to
18 take that matter up now, Your Honor, if I could.

19 THE COURT: All right.

20 MS. CAMPBELL: I hold in my hand our motion in
21 reference to our DNA expert. Originally, Judge Mullen
22 had signed an initial order for an expert. We retained
23 one. He's worked on the case. He's in Ohio now. We'd
24 like funding. I'm sure the State doesn't object. We'd
25 like you to sign giving us funding. We've got to fly him

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1 down here tomorrow night and he'll be here pretty much
2 all day Thursday testifying about the DNA in this case.

3 And so I'll show this to the solicitor which
4 indicates our request. We're asking that it not exceed
5 \$6,000 at this point and we'd ask for you to approve that
6 so we can purchase the plane ticket and get him here.

7 THE COURT: All right. What did Judge Mullen do on
8 her expert?

9 MS. CAMPBELL: She initially allowed us \$1500, and
10 that was quickly expended, and much of the materials that
11 we've received from SLED and some initial work that he
12 did reviewing the case file. I would say it's gone, well
13 gone. I would add to that, part of the reason that this
14 matter comes to Your Honor late is because we are still
15 receiving information from SLED in compliance with our
16 subpoena and we are still feeding it to our expert.

17 THE COURT: Okay. Well, you need to sign the
18 motion.

19 MS. CAMPBELL: Thank you, Your Honor.

20 THE COURT: At ease until in the morning, I guess.

21 MS. SWANSON: Thank you, Your Honor.

22 (WHEREUPON, the trial of this case was recessed for
23 the day.)

24 Wednesday, October 23, 2013

25 THE COURT: Everybody ready?

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1 MS. SWANSON: Yes, sir.

2 THE COURT: Well, then let's bring the jury in.

3 (WHEREUPON, the jury enters the courtroom at
4 approximately 9:32 a.m.)

5 THE COURT: Okay. You may proceed.

6 MS. SWANSON: Thank you, Your Honor. The State
7 calls Investigator Chris Wilson to the stand.

8 CHRISTINE WILSON, after having been duly
9 sworn, testified as follows:

10 THE CLERK: If you'll state your name and spell
11 your last name for the record, please.

12 THE WITNESS: My name is Christine Wilson,
13 W-i-l-s-o-n.

14 DIRECT EXAMINATION

15 BY MS. SWANSON:

16 Q. Good morning, Investigator.

17 A. Good morning.

18 Q. Can you tell us who you work for and how long
19 you've worked for them.

20 A. I'm a sergeant with the Beaufort County Sheriff's
21 Office. I have been with the Sheriff's Office for over
22 17 years. I've got about 23 and a half years of law
23 enforcement experience and an additional five and half
24 years as an investigator for the public defender's
25 office.

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1 Q. And do you have any special training or law
2 enforcement certifications that have helped you in your
3 investigatory endeavors?

4 A. Yes. I'm a latent print examiner for the Sheriff's
5 Office. I conduct all fingerprint and crime scene
6 fingerprint analyses for the Sheriff's Office and
7 surrounding agencies as well.

8 Q. All right. If you would just start by telling the
9 jury what your role was in the investigation of the
10 murder of Ronald Coleman, Jr. on June 22nd, 2009?

11 A. On the evening of June 29th -- I'm sorry, June
12 22nd, 2009, I was the on-call investigator which means
13 that I was on call for any major crimes that might have
14 occurred in northern Beaufort County, I would be called
15 out to investigate those. On the evening of June 22nd of
16 2009, I was on call and a call for a gunshot victim at 46
17 Seabrook Road was broadcast and my presence at that scene
18 was requested.

19 Q. Okay. And when you first got to the scene what did
20 you see?

21 A. When I got to the scene there were deputies there.
22 I don't recall if there were still medical personnel
23 there or not. I realized a death was involved and I was
24 going to need additional assistance so I requested the
25 assistance of other investigators.

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1 Q. And who all came out as a result?

2 A. Brian Chapman came out, Brent Burns, Master
3 Sergeant Jeff Purdy. Those were the initial responders.

4 Q. Okay. And what was one of the first things that
5 you did when you arrived on the scene?

6 A. Walked around the incident location, and once Brian
7 Chapman arrived we did a walkthrough just to see what we
8 were dealing with so we could have the facts to
9 articulate in a search warrant that we would need to
10 search the residence for evidence.

11 Q. And so did you wait for that search warrant prior
12 to collecting any evidence?

13 A. I did. While awaiting the arrival of the search
14 warrant I went ahead and took exterior photos of the
15 outside of the residence, and then once Staff Sergeant
16 Chapman arrived with the search warrant then we went in
17 and conducted the interior search.

18 Q. I'm going to show you what's been marked as State's
19 Exhibit Number 3 and ask for you to describe what you see
20 in this picture, and tell us if it's a fair and accurate
21 representation of what the back of the residence looked
22 like that night.

23 A. This is the back of the residence at 46 Seabrook
24 Road, the residence of Ronald Coleman.

25 MS. SWANSON: Okay. The State moves Exhibit Number

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1 3 into evidence. Your Honor, the State moves -- okay.

2 Thank you.

3 THE COURT: All right.

4 (WHEREUPON, State's Exhibit Number 3, a Photograph,
5 was admitted into evidence.)

6 BY MS. SWANSON:

7 Q. And this was just the back of the residence.

8 So you photographed both the exterior and interior
9 of 46 Seabrook Road?

10 A. I did.

11 Q. I'm going to hand you what's been entered as
12 State's Exhibit 2 and ask if you took this picture.

13 A. I did. Should I describe it?

14 Q. It's not necessary. But this is how the residence
15 appeared when you came upon it that night?

16 A. Correct.

17 Q. Okay. When did you start putting placards down?

18 A. Once Staff Sergeant Chapman arrived he and I or one
19 or the other of us started -- we identified evidence or
20 potential items of evidence at the residence and we
21 started marking those with numbered placards.

22 I don't recall who exactly laid what placards down
23 or in what order or whose placards we even used but we
24 used those to mark evidence so that we can demonstrate
25 through photography where those items are located.

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- 1 Q. Okay. And I'm going to show you what's been
2 entered as State's 4, 5, 6 and 31 and ask you to identify
3 these pictures. Are these pictures that you took of the
4 inside of that residence?
- 5 A. They are.
- 6 Q. Okay. And if you can just go one picture at a time
7 and tell us what is in that picture. And cite the
8 exhibit number please, Investigator Wilson.
- 9 A. Should I go in the order that you gave them to me?
- 10 Q. That's fine.
- 11 A. Okay. The first photograph is a grouping of
12 placards that are numbered 9, 10, 11, 12, 13, 14, 15, and
13 16, and those designate a grouping of .45 caliber shell
14 casings that were found inside the front door at the
15 residence of Ronald Coleman.
- 16 Q. And did you collect those casings?
- 17 A. I did.
- 18 Q. Okay. And you said those were .45 caliber casings?
- 19 A. Yes.
- 20 Q. Placards 18 --
- 21 A. Placards 9 through 16.
- 22 Q. Nine through 16?
- 23 A. And that is on State's Exhibit 31.
- 24 Q. Okay. I'm going to show you what's been marked as
25 State's Exhibit 33-A through 33-H and ask that you

1 identify these items.

2 A. These are eight plastic evidence bags. Each one
3 contains one .40 caliber -- I'm sorry, a .45 caliber
4 shell casings. If I may correct myself. I believe when
5 I identified this first photograph I identified those as
6 .45 caliber casings there. They are .40 caliber casings
7 marked by 9 through 16. It's my mistake.

8 Q. That's okay. Okay. Where did you collect these
9 casings, the .45 caliber casings that you have in your
10 hands right now?

11 A. These eight casings are .45 caliber casings --

12 Q. Right.

13 A. -- that were collected from further into the living
14 room at Ronald Coleman's residence. They do not
15 correspond with these pictures.

16 Q. Okay. What picture do those casings correspond
17 with? You have a couple other pictures.

18 A. Right. The first picture that I identified 9
19 through 16 are .40 caliber shell casings.

20 Q. Okay. Hang onto the .45 caliber shell casings.
21 I'm going to hand you what's been marked as State's
22 Exhibit 34-A through J and ask that you identify these
23 items.

24 A. These are 10 individual evidence bags. Each one
25 contains one spent .45 -- I'm sorry, .40 caliber shell

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1 casing that were collected in a grouping from the area of
2 inside the front door at 46 Seabrook Road.

3 Now, this photograph only shows, I believe, eight
4 of those casings and then there are two others that would
5 add up to the ninth and tenth one that are not in this
6 particular photograph.

7 Q. Okay. Where were the ninth and tenth casings
8 found?

9 A. They were on the front porch of the residence.

10 Q. Okay. But those were also .45 caliber casings?

11 A. Yes, they were.

12 Q. Okay. And how were you able to determine that they
13 were .40 caliber casings?

14 A. On the bottom of the shell casings it's called a
15 head stamp and identifies it. It will state .40 cal then
16 the brand of the actual shell casings.

17 Q. And what brand were those shell casings?

18 A. Smith and Wesson CBC, and Smith and Wesson
19 Winchester.

20 Q. Okay. Did you personally collect those shell
21 casings from the scene?

22 A. I did.

23 Q. Okay. And how do you know that?

24 A. On each evidence bag it bears my signature on the
25 line where it says from, collected by. At the top

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1 C. Wilson with my badge number, and then my number at the
2 bottom, from C. L. Wilson to the person that I turned it
3 over to.

4 Q. All right. And that's State's 34-A through J. If
5 you want to hand those back to me. We can move on to the
6 other pictures and describe what they depict, please.

7 A. These next three pictures depict the same area of
8 the residence which is across the living room floor
9 towards the far end of the house. This would probably be
10 the furthest view followed by closer up views. And what
11 these placards designate, and there are eight of them,
12 are .45 caliber shell casings that were found in the end
13 of the living room into the dining area of 46 Seabrook
14 Road.

15 Q. Okay. And I already handed you what's been marked
16 as State's Exhibit 33-A through H. Can you please
17 describe what those exhibits are.

18 A. These are eight individual evidence bags. Each one
19 contains a spent .45 caliber shell casing of the brand
20 name Aguila, is the brand name of that casing. And also
21 on these evidence bags I notated which placard each one
22 was found next to so on this particular bag it says
23 placard one and corresponds to placard number one that's
24 in the photograph. And again, these were collected by me
25 and they bear my signature on each bag.

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1 Q. Okay. Thank you. You want to hand me those
2 pictures.

3 All right. You stated earlier that two of the .40
4 caliber casings were found on the front porch. Did you
5 find anything else on the front porch?

6 A. I did. I noted a .45 caliber Colt handgun as well
7 as what appeared to be three red spots on the porch that
8 appeared to possibly be blood.

9 Q. Okay. And did you collect that .45 caliber
10 handgun?

11 A. I did.

12 Q. Okay. I'm going to hand you what's been marked as
13 State's Exhibit 42, and some scissors, and ask for you to
14 identify what is in this box and if this is the handgun
15 that you personally collected.

16 A. Yes, it is.

17 Q. Okay. And how do you know?

18 A. The handgun and the magazine that was with the
19 handgun is strapped down with zip ties in this handgun
20 collection box. The serial number that's displayed on
21 that handgun is 70N37225. On the box with my signature
22 the same serial number is displayed.

23 Q. And was this the handgun that was located next to
24 the victim?

25 A. Yes, it was.

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- 1 Q. And you said it was a .45 caliber?
- 2 A. That's correct.
- 3 Q. What else was located on the porch?
- 4 A. There were three small red spots that appeared to
- 5 possibly be blood.
- 6 Q. Okay. I'm going to hand you what's been marked as
- 7 State's Exhibit 8 and have you to identify what is in
- 8 this picture and if it's a fair and accurate depiction of
- 9 what you saw that night.
- 10 A. These are the red spots that I referred to and this
- 11 is an accurate depiction.
- 12 MS. SWANSON: Okay. The State move 8 into
- 13 evidence.
- 14 THE COURT: Okay.
- 15 (WHEREUPON, State's Exhibit Number 8, a Photograph,
- 16 was admitted into evidence.)
- 17 BY MS. SWANSON:
- 18 Q. Okay. Please describe for the jury what they are
- 19 seeing in this picture.
- 20 A. In this picture there are three red spots located
- 21 very closely together. They appear to be from the same
- 22 source. Just by the spatter it appears they dropped down
- 23 onto the porch.
- 24 Q. About how big were they?
- 25 A. Probably the biggest one here I would say about the

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- 1 size of a nickel.
- 2 Q. Okay. And were they wet or dry?
- 3 A. They were dry.
- 4 Q. And did you swab those spots?
- 5 A. I did.
- 6 Q. Can you explain how you swabbed those spots?
- 7 A. The spots were dry so I took a sterile unused swab
- 8 and wet it with saline solution and then scrubbed the red
- 9 spot to -- of course, I had to have the water to lift
- 10 that spot, and I used three swabs, one for each spot and
- 11 wet it and swabbed it.
- 12 Q. Okay. All right. I'm going to hand you what's
- 13 been marked as State's Exhibit 41, and in State's Exhibit
- 14 41 is BCSO number 14. If you can please identify the
- 15 brown bag contained inside State's 41.
- 16 A. This paper evidence bag contains a manila envelope
- 17 that also bears my handwriting. And the manilla envelope
- 18 that was in this paper bag contains three swabs that were
- 19 taken from the stains on the wooden front porch at 46
- 20 Seabrook Road.
- 21 Q. Those are the same swabs that you took?
- 22 A. Yes.
- 23 Q. And that has your initials?
- 24 A. Yes, ma'am.
- 25 Q. What did you do with those swabs after you took

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- 1 them?
- 2 A. After I took them, once they dried I packaged them
- 3 and submitted them as evidence.
- 4 Q. Okay. A couple more things I want to show you,
- 5 Investigator Wilson, and ask for you to identify for us.
- 6 I'm going to show you what's been marked as State's 38.
- 7 I'm going to ask for you to identify that, please.
- 8 A. This is an evidence bag containing a -- it's one
- 9 50-count box of Aguila brand .45 caliber cartridges.
- 10 Q. Where were those found?
- 11 A. Those were on a shelf in the master bedroom of
- 12 Ronald Coleman. Inside this box is a plastic frame
- 13 containing -- these are unspent rounds, and there are
- 14 eight rounds of .45 caliber ammunition missing out of
- 15 this Aguila box.
- 16 Q. Okay. And those were found in the victim's
- 17 bedroom?
- 18 A. Yes.
- 19 Q. All right. Did you find those?
- 20 A. I did.
- 21 Q. And did you submit those into evidence?
- 22 A. Yes, I did.
- 23 MS. SWANSON: The State moves -- I'm sorry.
- 24 BY MS. SWANSON:
- 25 Q. What is the exhibit number on it?

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- 1 A. Thirty-eight.
- 2 MS. SWANSON: Thirty-eight into evidence.
- 3 THE COURT: All right.
- 4 MS. CAMPBELL: No objection.
- 5 (WHEREUPON, State's Exhibit Number 38, a Box of
- 6 Ammunition, was admitted into evidence.)
- 7 MS. CAMPBELL: May we approach?
- 8 THE COURT: Sure.
- 9 (WHEREUPON, a bench conference was had.)
- 10 BY MS. SWANSON:
- 11 Q. Investigator Wilson, since we have opened this Colt
- 12 .45 can you please place a lock on it.
- 13 A. Sure.
- 14 Q. Okay. Thank you.
- 15 (WHEREUPON, the gun was secured by Investigator
- 16 Wilson.
- 17 Q. Thank you. And I'm going to hand you what's been
- 18 marked as State's Exhibit 36 and ask you to tell us what
- 19 this is, please.
- 20 A. This bag contains a spent projectile that was found
- 21 on the linoleum of the front door area, near the open
- 22 front door at 46 Seabrook Road.
- 23 Q. Did you find that spent projectile?
- 24 A. I did.
- 25 Q. And it was on the linoleum close to the victim?

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- 1 A. It was.
- 2 Q. Okay. And what did you do with that projectile
- 3 when you found it?
- 4 A. I collected it and placed it into this evidence
- 5 bag.
- 6 Q. Okay. Are your initials on that bag?
- 7 A. Yes, they are.
- 8 Q. Okay. Though it might be fairly obvious, what were
- 9 you able to determine from what you viewed at the scene?
- 10 What did you think happened?
- 11 A. Without having any witness information or anything
- 12 at that point we were searching a crime scene and
- 13 developing a theory. It appeared as though the front
- 14 door had been forced open and that an exchange of
- 15 gunfire, several rounds occurred from the front door
- 16 across the living room, two people shooting at each other
- 17 across the room.
- 18 Q. Okay. And what did you guys find in the master
- 19 bedroom? Did you find evidence of any gunfire in the
- 20 master bedroom?
- 21 A. Yes, we did. There was a .357 shell casing under
- 22 the bed in the master bedroom, and a bullet hole in the
- 23 wall near the blinds of the master bedroom, and that may
- 24 be it. But there was evidence of gunfire in the master
- 25 bedroom.

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1 Q. Okay. And did it appear to be evidence of gunfire
2 from June 22nd of 2009?

3 A. It did not. It did not appear to be related to
4 that incident.

5 Q. Okay. Were you able to determine what incident it
6 was related to?

7 A. Yes.

8 Q. And what was that?

9 A. On Mother's Day, I don't recall the exact date that
10 year, in May of 2009 there was a report of what was
11 called a drive-by shooting where someone had gone by
12 Ronald Coleman's residence at 46 Seabrook Road and shot
13 several rounds at the residence and struck the residence.

14 Q. Okay. Did you all take any fingerprints at the
15 scene?

16 A. On the night of June 22nd, yes. There was -- we
17 collected a window that was processed for latent
18 impressions, and several latent impressions were
19 recovered from that window.

20 Q. And what were the results of those impressions?

21 A. I analyzed those impressions and determined that
22 the source of those impressions was Ronald Coleman?

23 Q. Okay. Ronald Coleman, Jr.?

24 A. Yes.

25 Q. The victim in this case?

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- 1 A. Yes.
- 2 Q. Okay. After processing the scene -- well, actually
- 3 let me go back. Let me ask you this. Did you observe
- 4 the victim in the doorway?
- 5 A. Yes.
- 6 Q. Did you observe blood coming from the victim in the
- 7 doorway?
- 8 A. Yes, I did.
- 9 Q. Did you see any footprints in that blood or
- 10 anything to indicate that someone had tracked through
- 11 some blood?
- 12 A. I did not.
- 13 Q. Okay. After processing the scene did you locate
- 14 and interview any witnesses?
- 15 A. Yes, we did. We left the scene early morning of
- 16 June 23rd, and at four or five clock in the morning we
- 17 located Enrekae Miles at his sister's residence.
- 18 Q. All right. And was he cooperative?
- 19 A. Yes.
- 20 Q. What was his demeanor like when you located him?
- 21 A. He was very afraid when we located him. He was
- 22 completely cooperative and wanted to cooperate, he wanted
- 23 to render assistance in this case, tell us what he knew,
- 24 and we brought him down to the investigations office, the
- 25 sheriff's office and conducted an interview with him

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1 there.

2 Q. Okay. Through the course of this investigation how
3 many times did you speak with Enrekae?

4 A. I spoke with Enrekae, I believe twice. I know
5 other investigators spoke with him as well.

6 Q. So he was interviewed multiple times?

7 A. Yes, he was.

8 Q. And did his story remain consistent over the course
9 of two years --

10 A. Yes.

11 Q. -- that this case was under investigation?

12 A. It did.

13 Q. Did you interview a lot of witnesses in conjunction
14 with the investigation of this case?

15 A. I did.

16 Q. And why is that?

17 A. When you are conducting an interview -- or an
18 investigation into a murder and you literally have
19 nothing to go on you interview witnesses that come
20 forward voluntarily and people that you may develop as
21 persons of interest just through associations, that sort
22 of thing. So a few people were interviewed as a result
23 of that.

24 Q. Okay. And did your interviews of witnesses and the
25 people who knew Ronald Coleman, Jr., did that generate

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- 1 any leads that you followed up on?
- 2 A. It did not. The only person that we investigated
- 3 pursuant to this incident that knew Ronald Coleman was
- 4 Travis Polite, and we quickly cleared him as a suspect in
- 5 this case.
- 6 Q. Okay. Did you all pursue phone records in this
- 7 case?
- 8 A. Yes, we did.
- 9 Q. Did they lead to anything?
- 10 A. They did not.
- 11 Q. Did you pursue firearms traces on the weapons that
- 12 were found at the scene?
- 13 A. Yes, we did. The .40 caliber Smith and Wesson,
- 14 according to ATF trace, was registered to a gentleman in
- 15 Fairfax, South Carolina. And I don't have the ATF trace
- 16 from the .45 caliber but I believe it was registered to
- 17 Ronald Coleman, Jr.
- 18 Q. Okay. Were you all -- did you send off the
- 19 possible DNA evidence to be analyzed?
- 20 A. The DNA evidence was submitted to State Law
- 21 Enforcement Division.
- 22 Q. Okay. But at that time did you have anyone to
- 23 compare it to?
- 24 A. We did not.
- 25 Q. All right. So you didn't have a suspect to compare

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- 1 it to?
- 2 A. We did not.
- 3 Q. Is it fair to say the case went cold?
- 4 A. Yes, it did.
- 5 Q. Okay. And how long did the case remain cold?
- 6 A. This incident occurred on June 22nd, 2009. January
- 7 2010 we received new information and were able to resume
- 8 our investigation.
- 9 Q. Where did that new information come from?
- 10 A. It came from Chauncey Solomon of the Hampton County
- 11 Sheriff's Office.
- 12 Q. Okay. And as a result of the information you
- 13 received from Chauncey Solomon, who is Hampton County law
- 14 enforcement, what did you do?
- 15 A. I contacted investigators from the Jasper County
- 16 Sheriff's Office. The information in part resulted in
- 17 our locating a Cadillac, a 1995 Cadillac Sedan Deville
- 18 tan in color that was registered in Jasper County. We
- 19 enlisted the help of Jasper County investigators and we
- 20 were able the seize that vehicle.
- 21 Q. Okay. And who was that vehicle registered to?
- 22 A. It was registered to a Jeremy Murphy.
- 23 Q. All right. I'm going to show you what's been
- 24 marked as -- or what's been entered as State's 28 and 29
- 25 and ask if this is the vehicle that you are referring to?

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- 1 A. Yes, it is.
- 2 Q. Okay. And how were you able to seize that vehicle?
- 3 A. Detective Baxter -- then Detective Baxter from
- 4 Jasper County Sheriff's Office observed Mr. Murphy get in
- 5 the car and drive away and he conducted a traffic stop on
- 6 the vehicle. He seized the vehicle under a search
- 7 warrant in Jasper County and they released the vehicle to
- 8 me. We had it transported back to Beaufort County where
- 9 we executed a warrant for the search of the vehicle.
- 10 Q. So you also obtained a search warrant in Beaufort
- 11 County?
- 12 A. Yes.
- 13 Q. In order to search this vehicle?
- 14 A. Yes.
- 15 Q. Okay. And what were you looking for in this
- 16 vehicle?
- 17 A. We were looking for any type of biological
- 18 evidence, specifically blood. Let me look through my
- 19 search warrant.
- 20 We were looking for forensic evidence affiliated
- 21 with murder; blood, bodily fluids, hair, fibers, other
- 22 biological trace evidence.
- 23 Q. Okay. And when did you go out to process the
- 24 Cadillac for this type of evidence?
- 25 A. I was accompanied by John Donahue and Tim French

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1 from the sheriff's office DNA lab and we went out to the
2 impound lot on -- I received the search warrant on
3 January 26, 2010, and on that same afternoon John Donahue
4 actually processed the vehicle in my presence.

5 Q. Okay. Can you describe how the car was stored at
6 the impound lot once it was seized to prevent tampering?

7 A. Let me correct myself. We actually executed the
8 search warrant to obtain the evidence on the 27th of
9 February 2010.

10 Q. So the day following?

11 A. Correct.

12 Q. All right. And if you can just describe how the
13 Cadillac was stored at the impound lot to prevent
14 tampering.

15 A. We had our county wrecker tow the vehicle to
16 Beaufort, and prior to the vehicle being turned over it
17 was -- all the doors and any areas that could be opened
18 on the vehicle, the trunk lid was sealed with evidence
19 tape and initialled to prevent any tampering, and if it
20 was tampered with then obviously that evidence tape would
21 have been broken.

22 Q. Okay. I'm going to hand you what's been marked as
23 State's 22. If you can describe what's in this picture.

24 A. This is the backseat of Jeremy Murphy's Cadillac.
25 It's the rear passenger compartment, and actually the

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1 seat cushion that you would sit on was pulled up and
2 turned over. So this is the bottom of the seat cushion,
3 the bench seat in the rear passenger compartment.

4 Q. Were you there when it was pulled up and is that an
5 accurate depiction of that seat?

6 A. Yes, I was present.

7 MS. SWANSON: Okay. State moves 22 into evidence.

8 THE COURT: Okay.

9 (WHEREUPON, State's Exhibit Number 22, a
10 Photograph, was admitted into evidence.)

11 BY MS. SWANSON:

12 Q. What did you guys find when you pulled that seat
13 up?

14 A. We located -- from the rear passenger compartment
15 we found a line of blood where if the seat cushion was
16 pushed down onto the carpet we found a line of blood on
17 the bottom of that vinyl seat portion where it meets with
18 the carpeting.

19 Q. Okay. And I'm going to just have you point out on
20 State's 22 where you're talking about.

21 A. This is the seat cushion and it was originally like
22 this (indicated). So then when it was flipped over right
23 along the bottom edge of the seat there are dark spots
24 here that we tested (indicated).

25 Q. Okay. Dark spots that were tested. I'm going to

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1 hand you what's been marked as State's 26 and 27 and ask
2 if those were the spots that were tested?
3 A. Yes, they are.
4 Q. And who were they collected by?
5 A. These bear the initials J. D. which would be John
6 Donahue from the DNA lab.
7 Q. Okay. Were they collected in your presence?
8 A. Yes, they were.
9 Q. And are those an accurate picture of the spots the
10 way you recall them that day?
11 A. Yes.
12 MS. SWANSON: Okay. The State moves 26 and 27 into
13 evidence.
14 THE COURT: Okay.
15 (WHEREUPON, State's Exhibit Numbers 26 and 27,
16 Photographs, was admitted into evidence.)
17 BY MS. SWANSON:
18 Q. And were these just two of the spots? Were there
19 more than two spots?
20 A. There were more than two spots.
21 Q. I'm going to show you what's been marked as State's
22 23 and ask for you to describe what's in this picture.
23 A. This is a photograph of the doorway of the
24 passenger door behind the driver's door. This is where
25 you would step in to get into the backseat of the car.

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1 There's a white powdery substance along the edge of the
2 doorway and the edge of where the seat cushion was at
3 that appeared and smelled like laundry detergent.

4 Q. Okay. And do you recall anything significant about
5 how the carpeting appeared? Did you observe anything
6 about the backseat of that car?

7 A. The carpeting -- the padding underneath the
8 carpeting of the seat -- or the floorboard was wet, and
9 on top of the carpeting was wet as well as if someone
10 made an effort to try to clean the area.

11 Q. Okay. And is that a fair and accurate depiction?

12 A. It is.

13 Q. Of the way the car appeared?

14 A. Yes.

15 MS. SWANSON: The State moves 23 into evidence.

16 THE COURT: Okay.

17 (WHEREUPON, State's Exhibit Number 23, a
18 Photograph, was admitted into evidence.)

19 BY MS. SWANSON:

20 Q. I'm going to show you what's been marked as 24 and
21 25 and have you describe what you see in these pictures.

22 A. If you are sitting in the backseat of this vehicle
23 this area that goes across the top would be the console,
24 and this is the console vent that is on the back of the
25 console, and then, of course, the vent ribs at the bottom

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1 of that console vent. And this is an enlargement of the
2 ribs on the bottom of that console vent, and looking up
3 underneath there there were more of those dark brownish
4 stains in those ribs that were collected.

5 Q. Okay. And is that a fair and accurate depiction of
6 the way the rear console and vent appeared?

7 A. Yes.

8 MS. SWANSON: The State moves 24 and 25 into
9 evidence.

10 THE COURT: Okay.

11 (WHEREUPON, State's Exhibit Numbers 24 and 25,
12 Photographs, was admitted into evidence.)

13 BY MS. SWANSON:

14 Q. And did you all take swabs from those dark brown
15 stains?

16 A. Yes.

17 Q. Okay. And who did that?

18 A. John Donahue.

19 Q. And was that in your presence?

20 A. Yes, it was.

21 Q. Okay. Were those swabs sent off to SLED?

22 A. Yes, they were.

23 Q. Okay. So they were sent off for analysis?

24 A. Yes.

25 Q. And after you obtained the forensic material from

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1 the Cadillac what was the next step in the investigation?

2 A. Prior to processing the Cadillac for the evidence
3 we had interviewed the owner of the Cadillac, Jeremy
4 Murphy.

5 Q. Okay. And did you interview him multiple times?

6 A. I interviewed Mr. Murphy personally three times.

7 Q. All right. Was his story consistent or
8 inconsistent?

9 A. Inconsistent.

10 MS. CAMPBELL: Your Honor, I'm going to object.

11 THE COURT: All right.

12 MS. CAMPBELL: Would you like us to approach? This
13 comes back to the issue that we discussed pretrial with
14 Jeremy Murphy.

15 THE COURT: Come up.

16 (WHEREUPON, a bench conference was had.)

17 BY MS. SWANSON:

18 Q. All right. Moving on. Mr. Murphy was interviewed.
19 Was anybody else interviewed?

20 A. The vehicle was processed. Initial interviews of
21 Jeremy Murphy was January and April. Well, there was a
22 woman that we interviewed in February that would be
23 related to Jeremy Murphy.

24 Q. Okay. We can -- let's see. Were you -- did you
25 eventually interview Gussie Goldwire?

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- 1 A. Yes.
- 2 Q. Okay. And when did that interview take place?
- 3 A. That interview occurred on April 27th, 2010, three
- 4 months after we seized the vehicle.
- 5 Q. Okay. So three months after you initially got
- 6 information from Hampton County?
- 7 A. Correct.
- 8 Q. Okay. And who was present for that interview?
- 9 A. Present at that interview was Master Sergeant Jeff
- 10 Purdy, and Mr. Goldwire's attorney, Mary Gordan Baker.
- 11 Q. Okay. And was that an attorney on his federal
- 12 charges?
- 13 A. Yes.
- 14 Q. Was that interview recorded?
- 15 A. It was not.
- 16 Q. Okay. Were you able to confirm that he had
- 17 information regarding the 2009 Seabrook murder of
- 18 Coleman, Jr.?
- 19 A. We were.
- 20 Q. And did you begin looking at a suspect who was
- 21 related to Gussie Goldwire?
- 22 A. Yes, we were.
- 23 Q. Okay. And who is that relation to Gussie Goldwire?
- 24 A. According to Mr. Goldwire it was his first cousin.
- 25 Q. And who did he tell you his first cousin was?

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1 A. He referred to him as Tonio, and then I believe he
2 identified him as Antonio Wilson, initially.

3 Q. Okay. Did he say where his cousin Tonio was from?

4 A. Yes. He said he was from Miami, Florida.

5 Q. What did you then do with that information?

6 A. With that information I started trying to conduct
7 some type of intelligence search to identify this Antonio
8 Wilson that Gussie Goldwire referred to.

9 During the interview with Mr. Goldwire he gave us
10 names of who he thought were Tonio's relatives. He
11 thought his father was Levi Tyson, and he thought his
12 mother went by the name of Mel and that they lived in the
13 Miami, Florida area.

14 He also said that Tonio had a cousin that lives in
15 the Jasper County area, so took bits and pieces of this
16 information and had our intelligence department run some
17 queries using databases that they have access to, and
18 from that we were able to develop a suspect in the case.

19 Q. Okay. And what is the suspect's name that you were
20 able to develop in the case as a result of all of that
21 information?

22 A. As a result of all of the queries it was Antonio
23 Eugene Collins.

24 Q. Okay. And were you able to locate Antonio Eugene
25 Collins?

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- 1 A. Not immediately. We had to requisition some help
2 from an outside agency.
- 3 Q. Okay. And were you eventually able to locate him?
- 4 A. Yes.
- 5 Q. And where was he located, just the area?
- 6 A. Miami, Florida.
- 7 Q. Okay. And once he was located what happened next?
- 8 A. We requested the assistance of authorities in Miami
9 in obtaining a DNA sample from Mr. Collins so that we
10 could compare it to the evidence in our case, and they
11 did assist us in that.
- 12 Q. So you did obtain that sample. And result of
13 obtaining that sample did you then secure an arrest
14 warrant for Mr. Collins?
- 15 A. Yes, we did.
- 16 Q. Okay. And he was brought back to South Carolina?
- 17 A. He was. He was charged here in Beaufort County on
18 November 9th, 2011.
- 19 Q. Okay. Can you please identify Antonio Eugene
20 Collins.
- 21 A. Antonio Collins is sitting between Ms. Campbell and
22 Mr. Bax at the defense table.
- 23 Q. Okay. Once Mr. Collins was back in South Carolina
24 did you then obtain another DNA sample?
- 25 A. Yes, we did.

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1 Q. Okay. And I'm going to show you what's been marked
2 as State's Exhibit 40 and have you identify this, please.

3 A. Yes. This is the paper bag in which I put what's
4 called a buccal swab or interior mouth swab that I
5 obtained from Antonio Collins.

6 Q. Okay. How many swabs did you obtain?

7 A. I believe -- let me see. Two.

8 Q. Okay. And were you the actual officer who swabbed
9 Mr. Collins' mouth?

10 A. I was.

11 Q. And what did you do with those swabs once you
12 collected them?

13 A. Once the swabs dried I packaged them and submitted
14 them as evidence, and then they were from there submitted
15 to the State Law Enforcement Division.

16 Q. Thank you, Investigator.

17 MS. SWANSON: Beg the Court's indulgence.

18 THE COURT: Okay.

19 (PAUSE.)

20 BY MS. SWANSON:

21 Q. Investigator Wilson, going back to the porch swabs,
22 and forgive me if I've asked you this already, how did
23 you -- did you allow those to dry and place them in a
24 secure area prior to submitting them into evidence?

25 A. I did. I typically with DNA evidence try to use

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1 special care with these to keep from contaminating them,
2 and I secured those in my patrol vehicle. I believe I
3 probably laid them out on a paper bag that I might have
4 torn open, let them air dry before sealing them in the
5 manila envelope.

6 Q. Okay. And were the firearms and the casings and
7 projectiles found in this case sent off for testing by
8 another agency?

9 A. Yes, they were.

10 Q. Okay. And where were they sent off?

11 A. They were sent off to the south Carolina Law
12 Enforcement Division Firearms Lab.

13 MS. SWANSON: Thank you, Your Honor.

14 Investigator Wilson, please answer any questions
15 that Ms. Campbell might have for you.

16 THE COURT: Ms. Campbell, it's no problem. You're
17 entitled to full cross. It took an hour on direct. The
18 jury is not good for two hours.

19 MS. CAMPBELL: We could take a 15, 10-minutes break
20 if you'd like.

21 THE COURT: It's up to you.

22 MS. CAMPBELL: I would like to do that. I may be a
23 while.

24 THE COURT: Don't talk about the case, jurors.

25 We'll see you back.

1 (WHEREUPON, the jury leaves the courtroom at
2 approximately 10:24 a.m.)

3 THE COURT: Officer Wilson, you can step down but
4 you can't talk about the case.

5 THE WITNESS: Yes, sir.

6 MS. CAMPBELL: Could we have 15 minutes?

7 THE COURT: We've got time. I'm just waiting for
8 Mr. Hinson to come back in. I don't know the juror's
9 name or number, the English lady. The English lady said
10 she recognized the mother when she testified because she
11 never knew her name but she works at the church that she
12 has attended. But that's all she knew.

13 She just didn't want to say later, Well, you should
14 have known her and stood up, because she didn't have a
15 clue what her name was. She never spoke to her at all.
16 She recognizes her as having worked there.

17 MS. CAMPBELL: Well, thank you for that information
18 and I'll consider my response.

19 THE COURT: And we can bring her in and question
20 her if you want to but basically -- Mr. Hinson talked to
21 her.

22 Mr. Hinson, is that what she said, basically?

23 THE BAILIFF: Yes, sir. When she saw her on the
24 stand she realized she worked at the Episcopal church in
25 the kitchen. She'd seen her but didn't really know her

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1 or her son so...

2 THE COURT: All right.

3 MS. CAMPBELL: Thank you.

4 MS. SWANSON: Thank you, Your Honor.

5 (WHEREUPON, a brief recess was taken.)

6 THE COURT: All right. Let's bring them back in.

7 (WHEREUPON, the jury enters the courtroom at

8 approximately 10:43 a.m.)

9 MS. CAMPBELL: May it please the Court?

10 THE COURT: Sure.

11 MS. CAMPBELL: Thank you.

12 CROSS-EXAMINATION

13 BY MS. CAMPBELL:

14 Q. Officer Wilson, you considered Enrekae Miles your
15 eyewitness, right?

16 A. Yes, that's correct.

17 Q. And your eyewitness testified in this trial, right?

18 A. He did.

19 Q. And your eyewitness did not point out Mr. Collins
20 as the shooter, correct?

21 A. That's correct.

22 Q. Now, you had to go looking for this eyewitness
23 Enrekae Miles, didn't you?

24 A. Briefly, yes.

25 Q. And the reason you had to go looking for him is

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- 1 because he left Seabrook Road and he went where? Do you
2 know?
- 3 A. He was afraid and he went to his sister's house.
- 4 Q. But didn't he tell you he stopped at three
5 different locations prior to going to his sister's house
6 in those eight hours that he was missing?
- 7 A. He went to a Quintin Fields', which I believe is
8 his cousin, then from there he went to his sister's.
- 9 Q. And that's what he told you. Did you talk to
10 Quintin Fields?
- 11 A. I don't recall if we spoke to him or not but we did
12 ultimately find Mr. Miles at his sister's house.
- 13 Q. Okay. So you are the lead investigator on this
14 case, correct?
- 15 A. Correct.
- 16 Q. And would it be fair to say you have a very good
17 working knowledge of this case and the facts, right?
- 18 A. Yes.
- 19 Q. And that you've reviewed this case for this trial,
20 correct?
- 21 A. I did.
- 22 Q. So did you talk to Quintin Fields or not?
- 23 A. I did not talk to Quintin Fields.
- 24 Q. Did any of your officers talk to Quintin Fields to
25 confirm that that's where Enrekae Miles was during those

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1 eight hours?

2 A. I don't believe that we did. I know that I did
3 not, but I don't believe anybody did.

4 Q. Now, when Enrekae Miles left and was missing for
5 eight hours would it be fair to say that he took pretty
6 much all of his physical evidence with him away from the
7 scene? Anything forensic that might have been on him
8 left Seabrook Road, right?

9 A. If there was any from him to take, certainly. I
10 think we recovered a shirt from him.

11 Q. Right, you did. You got a shirt from him. And so
12 on that shirt was blood, right?

13 A. Yes.

14 Q. And Enrekae is telling you when you are talking to
15 him after he's been missing, Oh, that's the shooter's
16 blood. I mean, it must have splurged on me, right?

17 A. That was his theory, correct.

18 Q. Right. So there was forensic material on him,
19 right?

20 A. Yes.

21 Q. Okay. And so any other forensic material; pants,
22 shoes, hands, as in gunshot residue, left with him,
23 right?

24 A. Yes.

25 Q. Did you test Enrekae Miles' hands for gunshot

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1 residue if he had fired a gun recently?

2 A. No, we did not. SLED's policy, and SLED being
3 South Carolina Law Enforcement Division, they do not --
4 they will not accept transmittal of gunshot residue kits
5 if more than six hours has elapsed from the time of the
6 incident.

7 Q. Okay. Did you check his shirt for gunshot residue?

8 A. I don't believe. I know I did not. Somebody else
9 collected that evidence but I don't believe that it was
10 checked for gunshot residue.

11 Q. How about his pants?

12 A. No.

13 Q. Enrekae Miles is telling you that at exactly the
14 moment when these subjects are trying to go into Ronald
15 Coleman's house he just happens to walk up at exactly
16 that moment, right?

17 A. Yes.

18 Q. And that they are at this back door, right?

19 A. Correct.

20 Q. And that he's forced then to walk around and bring
21 them to the front door, right?

22 A. Correct.

23 Q. Okay. Now, isn't it true that you received
24 information from Enrekae Miles that on -- that the front
25 door to Ronald Coleman's house, that he nailed it shut,

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- 1 right?
- 2 A. That's correct.
- 3 Q. And that in fact he nailed that front door shut
- 4 right before Byron Coleman's funeral, and that would be
- 5 on page 10 of 15 of your report if you'd like to check
- 6 that.
- 7 A. Correct. I do recall him saying that.
- 8 Q. Now, Byron Coleman was shot around June 9th, 2009
- 9 in Atlanta, correct?
- 10 A. That's correct.
- 11 Q. And it would be about a week before Byron Coleman
- 12 was buried, before his funeral, right?
- 13 A. A week prior that the door was nailed shut?
- 14 Q. No. I'm saying if Byron Coleman was killed in
- 15 Atlanta June 9th, 2009, on or about that day, about a
- 16 week later the family would have had his funeral.
- 17 A. The funeral was on the 18th of June.
- 18 Q. Right. So the 18th or the 19th?
- 19 A. Correct.
- 20 Q. And this incident occurred on 6-22-09, correct?
- 21 A. Correct.
- 22 Q. So right before Byron Coleman's would put us at
- 23 16, 17 of June '09, correct?
- 24 A. He stated shortly before the funeral.
- 25 Q. And shortly before the funeral was the 16th or 17th

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1 of 2009, right?

2 A. I guess it depends on definition of shortly. He
3 said shortly before Byron's funeral. I don't know what
4 that means.

5 Q. But clearly not several months prior?

6 A. That was my --

7 Q. Which is what he told us.

8 Now, when you finally caught up with Mr. Miles you
9 got a description of who he said this shooter was, right?

10 A. Yes.

11 Q. And he told you he had a bald spot, he had a
12 receding hairline and he looked like a fellow named Omar
13 from the Wire, right?

14 A. That was his description, yes.

15 Q. And you brought down a SLED sketch artist, did you
16 not, Mike Lynch to draw a picture of who Enrekae says the
17 shooter was, right?

18 A. Yes.

19 Q. And Enrekae is telling you also that, You know,
20 Officer Wilson, it was raining that day, 6-22-09.

21 You want to check your records on that? It's in
22 there.

23 A. It rained prior to him walking to Ronald Coleman's
24 house, yes.

25 Q. Correct, for about an hour, about 50 minutes.

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- 1 A. Don't know exactly how long. If you want to direct
2 me to the page number.
- 3 Q. It's page eight of 15, third paragraph down about
4 seven lines down, Rained for about 45 to 50 minutes.
- 5 A. That's correct.
- 6 Q. So we've got wet grass, wet ground, wet roads at
7 the time this is happening, correct?
- 8 A. I know that at the time of the incident it was not
9 raining and it was raining prior to that. As far as how
10 much water that created or standing water I have no idea.
- 11 Q. Well, you weren't at 46 Seabrook Road at the time
12 the incident happened?
- 13 A. I was not --
- 14 Q. So you don't know that it wasn't still raining,
15 right?
- 16 A. I do not, no. I know that when I arrived there it
17 was not raining.
- 18 Q. What time did you arrive?
- 19 A. Probably within a half hour or so after the --
- 20 Q. So maybe around 10:00 p.m.?
- 21 A. That would be a fair estimate I guess.
- 22 Q. Thank you. Mr. Miles is also telling you, as
23 you've testified, you believe him, he's your witness,
24 he's consistent that the shooter had a chrome nine
25 millimeter gun, correct?

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- 1 A. That was the description that he gave, yes.
- 2 Q. And that this second fellow was unarmed?
- 3 A. Correct.
- 4 Q. Now, you did not find, nor did any of your
- 5 investigators or those searching the scene, a chrome nine
- 6 millimeter gun on Seabrook Road, correct?
- 7 A. No, we did not.
- 8 Q. Okay. Now, you have testified that you interviewed
- 9 a lot of people and I think -- is that correct?
- 10 A. That's correct.
- 11 Q. And that in fact one of your officers was
- 12 conducting what he called a victimology, Who is Ronald
- 13 Coleman, who does he know, where can we follow a lead;
- 14 right?
- 15 A. Correct.
- 16 Q. Okay. And one of the leads that you got was that
- 17 Byron, Ronald's brother, was jacking, robbing drug
- 18 dealers in the Atlanta; is that not true?
- 19 A. Can you tell me where jacking came from? I'm
- 20 trying to recall where I saw that in print or in an
- 21 interview.
- 22 Q. I believe that's from Adrianna McBeth, her
- 23 interview. Do you recall getting that information?
- 24 A. I did.
- 25 Q. Okay. Now, additional information that you

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- 1 received from Adrianna McBeth -- well, you also
2 interviewed Ebony Coleman, correct, Ronald's sister?
3 A. Yes.
4 Q. Byron's sister?
5 A. Staff Sergeant Chapman interviewed Adrianna McBeth.
6 I do have a copy of his report, and I did speak with
7 Ebony Coleman.
8 Q. And the information that you received from these
9 individuals is that Darrin Amadi took Byron Coleman to
10 the location where he was shot and killed, correct?
11 A. According to Ms. McBeth, that is correct.
12 Q. And Darrin Amadi is Enrekae Miles' first cousin,
13 correct?
14 A. That's correct.
15 Q. Based on your investigation in this case the term
16 drug dealer was used for Roland Coleman, right?
17 A. By a couple people, I believe so.
18 Q. Also for Byron Coleman, correct?
19 A. Yes.
20 Q. This Gussie Goldwire, this federal drug trafficking
21 fellow who you talked to, right?
22 A. Correct.
23 Q. This fellow, we can't find him? Have you looked
24 for him?
25 A. Currently, he's not been located. That's all I

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1 know.

2 Q. He's not in prison anywhere or we could find him,
3 right?

4 A. From what I've been told, no, he's not
5 incarcerated.

6 Q. And Gussie Goldwire is a drug trafficker, correct?

7 A. I don't --

8 Q. He pled to it.

9 A. I don't know. I know that DEA testified to that.
10 I have no personal knowledge of any cases involving him.

11 Q. And you dealt with DEA in this investigation,
12 correct?

13 A. I dealt with Chauncey Solomon from Hampton County.
14 I did not deal with DEA.

15 Q. Ronald Coleman could be called a Beaufort boy,
16 right? He's local?

17 A. Correct.

18 Q. And Byron Coleman, same thing. He's a local
19 fellow, right?

20 A. Originally from Beaufort, yes.

21 Q. Then moved to Atlanta?

22 A. Correct.

23 Q. Do you know where Darrin Amadi originated? Was he
24 a Beaufort boy, too?

25 A. I don't know. I don't know where he is from.

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1 Q. Having been given Darrin Amadi as a player in this
2 what investigation did you do into Darrin Amadi?

3 A. I spoke with -- I spoke with an investigator in
4 Dekalb County, the jurisdiction where Byron Coleman was
5 murdered, and their investigation did not reveal any
6 connection to Ronald Coleman in this case or any other
7 Beaufort connections.

8 I believe that Darrin Amadi was not, for lack of a
9 better term, didn't make himself that available to them.
10 I believe I may have tried to call him once or twice and
11 did not speak with him, but that was not a viable lead.

12 Q. You couldn't find Darrin Amadi, right?

13 A. I did not --

14 Q. They couldn't find Darrin Amadi. That's what you
15 are saying because that's what the information is?

16 A. That's probably -- he probably could not be located
17 but I don't know if he didn't want to be cooperative or
18 he was scared. I was given the names by Dekalb County of
19 people that they were looking at on this and Darrin Amadi
20 was not one of them.

21 Q. Ronald Coleman had planned a trip to Atlanta and
22 asked Ebony Coleman to pack her car with guns, correct?

23 A. He did, and I'm trying to locate that interview.
24 If you could tell me what page that's on.

25 (PAUSE.)

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1 Q. Let's just back up a little bit then. Ebony
2 Coleman's mother is Julia Wearrien, correct? Julia has
3 testified, right?

4 A. That's correct.

5 Q. The information you received from Julia was that
6 Ebony was to pack her car with guns and take them to
7 Ronald in Atlanta, right?

8 A. That is -- I'm looking for that specific --

9 Q. That's on page 7 of 17 of your report dated
10 10-14-2010.

11 A. Thank you. That is correct. She had learned from
12 Ebony that Ronald had put three guns in the trunk of her
13 car. That is correct.

14 Q. And Byron was angry with Darrin Amadi and planned
15 to meet with him when he got to Atlanta, correct?

16 A. According to what Julia conveyed to me Ebony had
17 told her this, told Ms. Wearrien there and they took the
18 guns out of the trunk. Ronald was angry with Darrin
19 Amadi, who dropped Byron Coleman off at the apartment in
20 Atlanta where he was killed.

21 Q. Now, Ebony never did take those guns to Atlanta as
22 far as you are aware, right?

23 A. She did not. They removed the weapons from the
24 trunk.

25 Q. And that infuriated Ronald Coleman, correct?

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1 A. According to Ms. Wearrien, yes.

2 Q. Adrianna McBeth drove Ronald Coleman to Atlanta for
3 this meeting with Darrin Amadi and Adrianna McBeth is the
4 mother of one of his children, correct?

5 A. That's correct. I know that they went to Atlanta
6 because Byron Coleman had been shot and killed and she
7 did take him there.

8 Q. Now, this Jeremy Murphy, with the Cadillac, he's a
9 Pineland boy, right?

10 A. He is.

11 Q. And this Gussie Goldwire, he's a Pineland boy, too,
12 isn't he?

13 A. He's also from Pineland, yes.

14 Q. And we got Gussie Goldwire drug trafficking,
15 according to testimony and information we have, in
16 Atlanta down to Jasper, Hampton, Beaufort, correct?

17 A. I don't know specifically where Gussie Goldwire was
18 convicted of dealing at specifically.

19 Q. Okay. Did you review any of the information from
20 the DEA or Chauncey Solomon about Gussie Goldwire before
21 you interviewed Gussie Goldwire?

22 A. I did not.

23 Q. Now, you've testified that Gussie Goldwire is a
24 blood relative to Antonio Collins; is that correct?

25 A. That is correct, what he told me, yes.

CHRISTINE WILSON - CROSS BY MS. CAMPBELL

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1 Q. And Gussie Goldwire's home in Pineland, that area,
2 did you have reason to believe that you might find
3 forensic evidence in that home, in or around that home
4 based on information you received?

5 A. I don't -- oh, based on the -- should I go into the
6 information we received?

7 Q. I'm just asking you the question. Based on the
8 information you received in this case did you form an
9 opinion that you might have forensic evidence in or
10 around Gussie Goldwire's home?

11 A. I don't believe so. Without going into, you know,
12 the specific items, no.

13 Q. Okay. So for instance if there's an allegation
14 that the shooter is at Gussie Goldwire's home and
15 bleeding would there be forensic evidence there?

16 A. Probably on clothing that was worn from the
17 residence.

18 Q. If the shooter's bleeding and sits down or stands
19 on the front porch at Gussie Goldwire's house could there
20 be forensic evidence at Gussie Goldwire's house?

21 A. Possibly if it was not destroyed a few months after
22 this.

23 Q. Well, does DNA disappear?

24 A. It does not.

25 Q. So DNA doesn't disappear, could be forensic

CHRISTINE WILSON - CROSS BY MS. CAMPBELL

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1 evidence in around Gussie Goldwire's house related to
2 this case. Did you or anyone in this case go to that
3 home and conduct a forensic investigation into that home?

4 A. No, we did not.

5 Q. Based upon the information you received in this
6 case were you led to believe that the second suspect was
7 also armed?

8 A. According to Enrekae Miles the second suspect was
9 not armed.

10 Q. But I'm asking you, other information received in
11 this case did you receive information that the second
12 suspect was in fact armed?

13 A. There was offhand a statement made where the second
14 suspect may have been armed.

15 Q. Okay. And did you also receive information that as
16 part of your investigation that this second suspect who
17 was armed then went back to the crime scene that night,
18 picked up his gun and left sometime during the dark hours
19 of 6-22-09?

20 A. That is the information that we got, yes.

21 Q. And it's fair to say you had a pretty big presence
22 of law enforcement on Seabrook Road that night?

23 A. We did, and we don't know what night he went. It
24 was a shotgun that that person went back and retrieved,
25 allegedly.

CHRISTINE WILSON - CROSS BY MS. CAMPBELL

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1 Q. Okay. And so it's unlikely that someone could
2 penetrate the perimeter that night and go in and get a
3 shotgun and pull it out of the crime scene, right?

4 A. It depends on how far down the road from the crime
5 scene this was.

6 Q. And when you talked with other officers and
7 continued your investigation into this case you received
8 information that a .40 caliber handgun was used, correct?

9 A. Correct.

10 Q. Okay. And a .40 caliber handgun, the handgun I
11 think you looked at in some of the photos that was found
12 on Seabrook Road in the grass, that is not a chrome nine
13 millimeter gun, correct?

14 A. It is not.

15 Q. In fact, the information about the 40 -- well, let
16 me just withdraw that. Let me go back to the scene on
17 9-22-09 -- excuse me, 6-22-09. Can you tell the jury who
18 placed the placards inside 46 Seabrook Road --

19 A. As I testified earlier, I'm not sure specifically
20 who set those placards out. We are all issued placards.
21 When we assist each other at crime scenes it's -- we
22 don't have any way of knowing whose placards we use or
23 who set a specific number of ones out.

24 Q. So they are in order, the placards, 1 through 18,
25 or whatever it is, right, inside the residence --

CHRISTINE WILSON - CROSS BY MS. CAMPBELL

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- 1 A. Correct.
- 2 Q. -- in the photos? Marking the shell casings,
3 correct?
- 4 A. Correct.
- 5 Q. So someone there is taking the time to mark
6 placards 1 through 8 in a certain area, right?
- 7 A. Yes.
- 8 Q. And then someone is taking time to mark 9 through,
9 I think 16, in another area?
- 10 A. Correct.
- 11 Q. Okay. Was that you?
- 12 A. I don't know if I specifically set those placards
13 or if I directed that they be set there. I'm not sure
14 who physically put them there.
- 15 Q. And who picked up the placards?
- 16 A. I don't recall that either.
- 17 Q. And where were they put? Do you have any idea
18 where they were put after they were picked up?
- 19 A. I have no recollection of that.
- 20 Q. You said that you collected some swabs from the
21 front porch of Coleman's house?
- 22 A. Yes.
- 23 Q. And is it your normal technique when you collect
24 swabs of what you think might be evidence in a case to
25 lay it in the backseat of your car?

CHRISTINE WILSON - CROSS BY MS. CAMPBELL

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- 1 A. Yes.
- 2 Q. And when it's laid in the backseat of your car it's
- 3 open to the air, obviously, right?
- 4 A. Yes.
- 5 Q. Other officers go in your car?
- 6 A. No.
- 7 Q. Never?
- 8 A. If there's evidence laying out to dry in the
- 9 vehicle, no.
- 10 Q. No?
- 11 A. That's correct.
- 12 Q. And would you have gone back into your car coming
- 13 and going from 46 Seabrook Road?
- 14 A. Most likely, yes.
- 15 Q. And you walked around 46 Seabrook Road, correct?
- 16 A. Excuse me?
- 17 Q. Did you walk around 46 Seabrook Road?
- 18 A. I did.
- 19 Q. That night?
- 20 A. Yes.
- 21 Q. Okay. Did you look for evidence in the yard?
- 22 A. Not far from the residence. Maybe close to the
- 23 residence but not an extended search, no.
- 24 Q. Did you look for evidence on the road or anywhere?
- 25 A. No.

CHRISTINE WILSON - CROSS BY MS. CAMPBELL

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1 Q. On the road at all?

2 A. No, I did not.

3 Q. Okay. Now, this kind of -- this mobile home on 46
4 Seabrook Road, is this the kind of place where prior
5 shootings, the bullets are just left laying on the
6 ground? I mean, you found them, right, just laying on
7 the floor of the house?

8 A. I can't testify on Mr. Coleman's housekeeping.
9 There was a shooting there a month earlier and there was
10 evidence of that still on the scene the night of June
11 22nd.

12 Q. Can you tell us what you did when you testified
13 that you were looking for hair and fibers in the
14 Cadillac? What exactly did you do? I mean, I know
15 Donahue was looking at the backseat but what else did you
16 do to the Cadillac to try and find hairs and fibers?

17 A. That would have -- that was all we found was the
18 blood spots and then I think looked through some
19 paperwork to establish ownership of the vehicle.

20 Q. Did you vacuum out the Cadillac for the hairs and
21 fibers?

22 A. No, did not.

23 Q. Did you use any forensic processing method on the
24 Cadillac at all other than looking at that backseat?

25 A. No. We found the blood spots and collected them,

CHRISTINE WILSON - CROSS BY MS. CAMPBELL

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1 that was it.

2 Q. Did you fingerprint the Cadillac?

3 A. No, we did not.

4 Q. Okay.

5 A. Not six months after the -- no.

6 Q. Well, I understand you are saying six months after
7 but did you make any effort to fingerprint any parts of
8 that Cadillac?

9 A. No.

10 Q. Okay. Now, you remember when you testified that
11 you took swabs from my client?

12 A. Correct.

13 Q. You remember doing that, right?

14 A. I do.

15 Q. And actually did that right here in this courtroom,
16 correct?

17 A. Yes.

18 Q. Do you remember when you were doing that, the swabs
19 for Mr. Collins, that you put on your gloves?

20 A. I did.

21 Q. Do you remember that after you put on your gloves
22 you retrieved a pen out of your briefcase and wrote on
23 the envelope what you were doing, the information? Do
24 you recall doing that?

25 A. Not specifically but I'm sure I did.

CHRISTINE WILSON - REDIRECT BY MS. SWANSON 364

1 Q. Now, the reason that you put on gloves when you are
2 handling DNA evidence is so as to not contaminate the
3 evidence, correct?

4 A. Correct.

5 Q. Okay. And so by putting on the gloves, holding
6 your pen, going in the briefcase there's a possibility of
7 contamination; isn't that true?

8 A. Not -- I would say no.

9 MS. CAMPBELL: Just one second, Your Honor.

10 (PAUSE.)

11 MS. CAMPBELL: That's all I have.

12 REDIRECT EXAMINATION

13 BY MS. SWANSON:

14 Q. Thank you, Investigator Wilson. I have a few
15 questions for you. Ms. Campbell asked you about whether
16 the .40 caliber was a chrome gun or identified as a
17 chrome gun. Now, did Enrekae Miles state that it was a
18 chrome nine millimeter or a chrome barrelled?

19 A. I believe he said that the top of it was chrome but
20 then in another interview he said it was gray.

21 Q. Okay. And for those members of the jury who are
22 not that familiar with firearms, does a nine millimeter
23 look anything like a .40 caliber semiautomatic gun?

24 A. Yes. They do resemble each other.

25 Q. Do they look similar?

CHRISTINE WILSON - RECROSS BY MS. CAMPBELL 365

1 A. Yes, they do.

2 Q. Okay. Through your investigation did you receive
3 any information from anyone, even Mr. Coleman's enemies,
4 that he ever had or sold any drugs besides marijuana?

5 A. No, I did not.

6 Q. Ms. Campbell asked you about some information that
7 you received about someone possibly at the scene who had
8 another firearm and that they went back to the scene and
9 found that firearm, a shotgun. Did that information also
10 state that there was a gun that could not be located that
11 night?

12 A. Yes.

13 Q. And what type of gun was that?

14 A. .40 caliber.

15 Q. .40 caliber. Thank you. Nothing further.

16 MS. CAMPBELL: One other thing.

17 RECROSS-EXAMINATION

18 BY MS. CAMPBELL:

19 Q. Isn't it true that also in Ronald Coleman's house
20 you found a sawed-off shotgun? You secured it and took
21 it into evidence in this case?

22 A. It's a rifle. It was a .22 rifle with the barrel
23 cut off.

24 Q. Okay. Capable of sort of being held down and then
25 like this (indicated)? You could conceal it and then

JOHN DONAHUE - DIRECT BY MS. SWANSON

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1 pull it up and shoot it, correct?

2 A. Certainly. Certainly.

3 Q. Well, the solicitor is thankfully walking across
4 the courtroom with it. This is gun, correct?

5 MS. SWANSON: If I may we mark it, Your Honor?

6 THE COURT: Sure.

7 MS. SWANSON: Then we can have Investigator Wilson
8 identify it.

9 (WHEREUPON, State's Exhibit Number 48, a Gun, was
10 marked for identification only.)

11 BY MS. CAMPBELL:

12 Q. That's the other gun?

13 A. That's the gun that was on a gym bag in
14 Mr. Coleman's closet.

15 Q. Correct. Thank you. That's all I have.

16 THE COURT: You can step down.

17 MS. SWANSON: The State calls John Donahue.

18 JOHN DONAHUE, after having been duly sworn,
19 testified as follows:

20 THE CLERK: If you'll state your full name for the
21 record and spell you last name, please.

22 THE WITNESS: John Donahue, D-o-n-a-h-u-e.

23 DIRECT EXAMINATION

24 BY MS. SWANSON:

25 Q. Morning, Mr. Donahue. How are you?

JOHN DONAHUE - DIRECT BY MS. SWANSON

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1 A. I'm well.

2 Q. Thanks for being here. Can you tell us who you
3 work for and how long you've been there.

4 A. I work for the Beaufort County Sheriff's Office
5 Forensic Services Laboratory as a DNA technical leader.
6 I've been there since January of 2008.

7 Q. Okay. What sort of special training have you
8 received as part of your position?

9 A. I've got a Bachelor's Degree from the University of
10 Tennessee in Zoology. I've got a Master's Degree from
11 Indiana University in Microbiology. I've been in this
12 field for 16 years. I started in October of 1997 at the
13 Texas Department of Public Safety Laboratory in Garland,
14 Texas right outside Dallas.

15 It was there that I was initially trained in basic
16 forensic serology, which is the collection of biological
17 materials from evidence from crime scenes, identification
18 of body fluids, testing, presumptive and confirmatory
19 testing on those body fluids, as well as forensic DNA
20 testing. So any fluids or any biological materials that
21 I might recover I would perform DNA testing on those.

22 Q. Okay. And did you help process the evidence found
23 in the 2009 Seabrook murder investigation of Ronald
24 Coleman, Jr.?

25 A. I did.

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- 1 Q. Okay. And what did you help with?
- 2 A. I helped process a pistol.
- 3 Q. All right.
- 4 A. And I helped process a vehicle.
- 5 Q. Okay. I'm going to hand you what's been marked as
- 6 State's Exhibit 41 and ask that you look inside of this
- 7 and refer to BCSO number 9 and tell us what's contained
- 8 in that brown bag?
- 9 A. What's contained in this bag is two cardboard swab
- 10 boxes containing swabs from a pistol that I collected on
- 11 June 24th of 2009. I have two swabs that I collected
- 12 from the handle and the grips of Smith and Wesson .40
- 13 caliber serial WAP0205, then one swab from the magazine
- 14 that was within -- that was with the pistol.
- 15 Q. Okay. I'm going to hand you what's been marked as
- 16 State's Exhibit 37 and ask you if this is the same Smith
- 17 and Wesson that those swabs came from. You can refer to
- 18 the serial number.
- 19 A. WAP0205. Yes, it is.
- 20 Q. Okay. And where did you take those swabs of this
- 21 gun?
- 22 A. I collected two swabs from the grip and handle
- 23 area, and then one swab from the overall surface of the
- 24 magazine.
- 25 Q. Did you meet anyone somewhere to take these swabs?

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- 1 A. I collected those swabs at the Beaufort County
2 Sheriff's Office Northern Investigations Office. I was
3 called by Staff Agent Jody Hiers that morning. He asked
4 if I could help him process this. So I met him at the
5 Northern Investigations Office. Our laboratory was not
6 yet completed at that time so I went and processed this
7 car over in his office with him present at all times.
- 8 Q. Okay. And do you recall if you -- what you did
9 with those swabs? Did you hand them back to Staff
10 Sergeant Heirs or did you place them in the cardboard box
11 yourself, or do you recall?
- 12 A. I placed them in the box myself. These boxes have
13 my handwriting, my initials, and the date that I did it.
14 So I wrote all this on the boxes and then placed them in
15 here, and then turned them over to him.
- 16 Q. How did you make sure that those swabs were not
17 contaminated?
- 18 A. I placed them in the boxes.
- 19 Q. Did you allow them to dry before you placed them in
20 the box?
- 21 A. I wouldn't have, not there. No.
- 22 Q. Okay. I'm going to show you some pictures that
23 we've entered. This is State's 28 and 29, and ask if
24 this is the car that you helped process?
- 25 A. It appears to be, yes.

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1 Q. Okay. I'm going to hand you State's 25, 26 and 27
2 and ask if these depict the areas of the Cadillac that
3 you swabbed?

4 A. Yes, they do.

5 Q. I'm going to show you what's been marked as State's
6 Exhibit 39. And we are going to have to open this, so
7 I'm going to give you some scissors and if you can just
8 open this.

9 A. (The witness complied).

10 Q. And I'm going to ask you to pull out BCSO numbers
11 70, 71, and 72 and describe for the jury what these items
12 are.

13 A. Number 70 is a swab that I collected. It's labeled
14 in the photograph or identified in the photograph which
15 is number 26. I labeled this as item JD-1, which is a
16 stain that I collected from the backseat, underneath the
17 backseat of the Cadillac.

18 Number 71 has not been opened but -- since it was
19 sealed, but it's listed as a swab in a box labeled JD
20 number 2, which is depicted in photograph number 27,
21 which is a stain that I collected from the backseat and I
22 labeled that JD number 2.

23 And item 72, a swab in a box labeled JD number 3,
24 and that depicts a stain that I collected from underneath
25 the seat vent, the rear seat vent, which was in

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1 photograph number 25.

2 Q. Okay. And what did you do with those swabs after
3 you took them and packaged them?

4 A. I placed them in the swab boxes and turned them
5 over to Sergeant Wilson.

6 Q. Okay.

7 MS. SWANSON: Beg the Court's indulgence.

8 (PAUSE.)

9 BY MS. SWANSON:

10 Q. All right. Mr. Donahue, do you remember anything
11 significant about the car and the backseat?

12 A. The top of the backseat was fairly clean when we
13 pulled the seat up and removed it. There were what
14 appeared to be stains that had the visual appearance of
15 blood, they looked like blood, kind of on the front, I
16 guess, down here where the seat meets the carpeting.

17 Q. Okay. I'm going to hand you State's 22, and if
18 that helps you describe what you recall seeing.

19 A. So we took the seat out and looked at it like this.
20 And so there were stains kind of down here that were --
21 looked, appeared to be running, as if they had run and
22 sort of spread out along the edge where the seat meets
23 the carpeting on the floorboard.

24 And then there were also -- on this console in the
25 back there were some reddish-brown stains. Not on the

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1 top but down here that weren't really easy to see until
2 you actually got down and looked for them.

3 The other thing that I noticed was that the
4 backseat, the floorboard not seat, the floorboard was wet
5 and squishy and appeared that there was some detergent,
6 maybe some powdered laundry detergent back in the back
7 area of the car.

8 Q. Okay. And I'm handing you State's 23, and is that
9 what this photo depicts?

10 A. Yes. The powder in the back floorboard area of the
11 vehicle.

12 Q. Okay. Please answer any questions that
13 Ms. Campbell might have for you.

14 MR. BAX: Please the Court, Your Honor?

15 THE COURT: Okay.

16 MS. SWANSON: Or Mr. Bax. I'm sorry.

17 CROSS-EXAMINATION

18 BY MR. BAX:

19 Q. Morning, Mr. Donahue.

20 A. Hello.

21 Q. How are you doing?

22 A. I'm doing well.

23 Q. A couple of questions for you. I just want to kind
24 of go back a little bit. You indicated that you
25 processed the firearm you've identified here today as

JOHN DONAHUE - CROSS BY MR. BAX

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- 1 part of this case, correct?
- 2 A. Yes.
- 3 Q. As well as this Cadillac you've just got done
- 4 describing for the jury, correct?
- 5 A. Yes.
- 6 Q. Was there any other evidence that you processed
- 7 related to this case?
- 8 A. Not that I can recall, no.
- 9 Q. Okay. You've indicated that one of the things that
- 10 you mentioned in your direct testimony of the jury that I
- 11 want to make sure we go over is the fact that Beaufort
- 12 County has a lab and you work at that lab now, correct?
- 13 A. Yes.
- 14 Q. And you do some of the things that SLED did in this
- 15 case there at that lab now, correct?
- 16 A. Yes.
- 17 Q. Okay. At the time, in 2009, 2010 when this
- 18 occurred though I think you indicated the lab was not
- 19 finished; is that correct?
- 20 A. Correct. Our building was not completed in
- 21 construction.
- 22 Q. So the building wasn't completed, you didn't have a
- 23 facility, no accreditation, nothing like that at that
- 24 time?
- 25 A. Correct.

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1 Q. So your purpose was for to help with processing
2 scenes at that point?

3 A. I only processed when it was, I guess, expedient to
4 do so. I think in this case they wanted the firearm
5 tested quickly at SLED so they wanted to swab. What
6 happens, when you submit a firearm to SLED if nothing
7 else is done with it they look -- they are going to
8 collect DNA swabs off of it first, which adds a couple
9 extra steps in there.

10 So they wanted to get swabs from the pistol to DNA
11 immediately and get the firearm to ballistics immediately
12 to determine if the firearm even had anything to do with
13 the crime. So in this case they wanted me to help them
14 so they could expedite that process.

15 Q. And that's basically what Jody Hiers or Officer
16 Hiers was contacting you about --

17 A. Yes.

18 Q. -- when it came to the gun?

19 Okay. And I believe when you testified about your
20 qualifications you also testified that some of your
21 training was in the collection of biological material
22 and/or fluids, correct?

23 A. Yes.

24 Q. You've testified that you swabbed this firearm for
25 Officer Hiers and that you placed them in those boxes,

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1 and you know that because you've written on those boxes,
2 correct?

3 A. Yes.

4 Q. And those boxes -- in your training those boxes
5 would have preserved that evidence until it could be
6 tested?

7 A. Yes.

8 Q. Okay. Because it's not a sealed plastic container.
9 It's a box, correct?

10 A. Correct. It's a ventilated box.

11 Q. So that ventilated box allows them to dry out but
12 without being exposed to the open air of people around,
13 correct?

14 A. And the other thing -- that's correct, and the
15 other thing it does is it prevents mold growth. So if
16 you seal something up in a non breathable package for
17 long-term storage, especially if that item is wet, you
18 will get mold growing in it.

19 Q. And if you have something that is wet, that is out
20 in the open air, one of the dangers is that there can be
21 contamination of that item if it's open to a general
22 area; is that correct?

23 A. True.

24 Q. And is that why you testified you would not have
25 aired those out openly in the sheriff's northern

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1 investigation office?

2 A. Yes.

3 Q. When you handed those boxes over to -- well, let me
4 ask you this. You specifically remember placing them in
5 those boxes and then handing the boxes to Sergeant Hiers,
6 correct?

7 A. Yeah. I would not have labeled the boxes if I
8 hadn't done that.

9 Q. So if Sergeant Hiers testified that you handed him
10 just the swabs that would be -- that wouldn't be your
11 recollection; is that correct?

12 A. It would not be my recollection, no.

13 Q. Okay. Did you have a conversation with Sergeant
14 Hiers, I'm sorry, about taking them out of the box and
15 airing them out after you handed them to him?

16 A. I don't remember. I may have but I don't remember
17 that, no.

18 Q. Would you have instructed him to do that?

19 A. I don't think I would have, no.

20 Q. Now, moving on to the Cadillac. Can you tell the
21 jury -- you might have answered this already, when was it
22 that you met Sergeant Wilson to process this vehicle?

23 A. January 27th of 2010.

24 Q. Okay. And that was a number of months after you
25 processed this gun; is that correct?

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- 1 A. Yes.
- 2 Q. Okay. So it was your understanding that whatever
3 evidence you were looking for could have been there for
4 some period of time?
- 5 A. Correct. I had no knowledge of how long any
6 materials could have been in that vehicle.
- 7 Q. Now, in that case you also placed swabs that you
8 took into swab boxes just like you described with the
9 gun, correct?
- 10 A. Yes.
- 11 Q. And those you placed in the bags you described and
12 turned those over to Sergeant Wilson, correct?
- 13 A. Yes.
- 14 Q. But you labeled each of the swabs with your
15 initials and a number associated with that swab, correct?
- 16 A. Yes. That was for identification purposes.
- 17 Q. Okay. And that identification is so that you can
18 later identify basically where you took each of those
19 swabs from in that vehicle, correct?
- 20 A. Yes.
- 21 Q. Now, I just want to ask you real quickly. I heard
22 in your direct testimony as you were examining the
23 packaging that would have contained what you had labeled
24 as JD number 2, I believe you testified it does not
25 appear that it had been opened. Does it appear that it's

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1 ever been opened to be tested or does it appear that it's
2 never been opened since you sealed it up?

3 A. Well, the other packages in those SLED bags had
4 been cut open but this one did not appear, at least from
5 my glance, to have been opened and tested. I don't know
6 if it's been tested or not.

7 Q. Okay. And that is for JD number 2. It did not
8 appear to be cut open?

9 A. It didn't look like it, no. I mean, I can look at
10 it again if you want me to but I didn't see a cut mark
11 across the top of it.

12 Q. Okay. I'm going to give you one more chance to
13 look at that. I want to make sure that I pick up the
14 correct one.

15 MS. SWANSON: It would be State's 39.

16 MR. BAX: State's 39. Thank you.

17 MS. SWANSON: I think between the Smith and Wesson
18 and the photographs.

19 MR. BAX: All right. So we have State's Number 41
20 here then State's Number 39. Thank you.

21 I'm going approach the witness, Your Honor.

22 THE COURT: Okay.

23 MR. BAX: Thank you, sir.

24 BY MR. BAX:

25 Q. I'm just going to hand that back to you and let you

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1 take one more look at that. I think that was JD number 2
2 that we talked about.

3 A. No. It's labeled with a SLED lab number but there
4 is no -- there's no cut on the packaging.

5 Q. Okay. Thank you very much, Mr. Donahue. I
6 appreciate it. A couple final questions for you. Was
7 swabs the only thing that you collected from the Cadillac
8 in this case, Mr. Donahue?

9 A. We took some cuttings from the floorboard and I
10 believe a cutting from the seat as well.

11 Q. And when you take cuttings do you also package
12 those?

13 A. Yes.

14 Q. In some way?

15 A. Yes.

16 Q. Do you recall the way you packaged the cuttings in
17 this case?

18 A. They should have been in paper bags, I believe.

19 Q. And do you recall taking cuttings from the backseat
20 as well as from the carpet in the floorboard?

21 A. I believe that's correct, yes.

22 Q. And if that's what your report indicates that would
23 be correct?

24 A. Yeah.

25 Q. Did you have anything to do with the shipment of

JOHN DONAHUE - CROSS BY MR. BAX

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- 1 this evidence to SLED for testing?
- 2 A. No.
- 3 Q. So you turned this over to Sergeant Wilson and from
- 4 then on you had no contact with it?
- 5 A. That's correct.
- 6 Q. Until today?
- 7 A. Yes.
- 8 Q. Thank you very much.
- 9 MR. BAX: A moments indulgence, Your Honor?
- 10 THE COURT: Okay.
- 11 MR. BAX: No further questions. Thank you.
- 12 MS. SWANSON: No questions, Your Honor.
- 13 THE COURT: You can step down.
- 14 MS. SWANSON: Thank you. May Mr. Donahue be
- 15 excused?
- 16 MS. CAMPBELL: He's still under our subpoena.
- 17 THE COURT: Okay. Free to go but you have to be
- 18 available.
- 19 THE WITNESS: Okay.
- 20 MS. SWANSON: The State calls Dr. Cynthia Schandl.
- 21 Your Honor, may Ms. Campbell and I approach?
- 22 THE COURT: Okay.
- 23 CYNTHIA SCHANDL, after having been duly
- 24 sworn, testified as follows:
- 25 THE CLERK: And if you'll state your full name and

CYNTHIA A. SCHANDL - DIRECT BY MS. SWANSON 381

1 spell your last name for the record, please.

2 THE WITNESS: Cynthia Anna Schandl.

3 DIRECT EXAMINATION

4 BY MS. SWANSON:

5 Q. Good morning, Dr. Schandl.

6 A. Morning.

7 Q. I'm just going to have my investigator bring up an
8 item that's going to help us demonstrate what your
9 findings were in this case. If we can just wait one
10 moment, please.

11 (PAUSE.)

12 BY MS. SWANSON:

13 Q. Okay. And before we get to this guy can you tell
14 us where you work and how long you've worked there.

15 A. Yes. I am at the Medical University of South
16 Carolina.

17 MS. CAMPBELL: Your Honor, could we move -- I'm
18 sorry to interrupt you. Could we move the dummy here. I
19 can't see the witness. Thank you.

20 MS. SWANSON: Sure. Make sure I don't get my eye
21 poked out. Is that better?

22 MS. CAMPBELL: That's good. Thank you.

23 A. At the Medical University of South Carolina in the
24 Department of Pathology and Laboratory Medicine. I'm a
25 forensic pathologist and I've been working there as a

CYNTHIA A. SCHANDL - DIRECT BY MS. SWANSON 382

1 forensic pathologist since 2004.

2 In order to become a forensic pathologist first you
3 have to be a medical doctor. I completed my medical
4 school and also I completed graduate school in 1999 and
5 got my M. D. and Ph.D. degrees.

6 Following that there is training in pathology. I
7 completed my residency in anatomic and clinical pathology
8 between the years of '99 and 2004, and also during that
9 time completed a one-year fellowship specifically in
10 forensic pathology.

11 And following that training I took the board
12 certification examinations for anatomic pathology,
13 clinical pathology, and forensic pathology and I am
14 American Board of Pathologist certified in those three
15 fields.

16 Q. Okay. Describe what you do as a pathologist.

17 A. Well, as a pathologist, pathology is the study of
18 disease. What I'm representing here today is the field
19 of forensic pathology, and that's where the study of
20 disease states and injuries intersects with the law.

21 So a forensic pathologist is someone who performs
22 autopsies on individuals who die under circumstances that
23 are not known to be natural. So, for example, if someone
24 died at home and they don't have a medical history that
25 would also be a forensic pathologist case because there's

CYNTHIA A. SCHANDL - DIRECT BY MS. SWANSON 383

1 no known history to suggest a natural death.

2 Other things that would fall under a forensic
3 pathologist's job for a performance of autopsy are things
4 that might be considered suicide or homicide or
5 accidents, so those things where circumstances of
6 someone's death intersect with the law.

7 Q. And how many autopsies have you performed,
8 Dr. Schandl?

9 A. I've performed over 2,000 autopsies.

10 Q. Have you ever testified in court?

11 A. Yes, ma'am.

12 Q. Approximately how times?

13 A. Sometime over 50.

14 Q. And have you been declared an expert in the field
15 of forensic pathology?

16 A. Yes, ma'am.

17 MS. SWANSON: Your Honor, at this time the State
18 would ask that Dr. Schandl be declared an expert.

19 MS. CAMPBELL: No objection.

20 THE COURT: Okay.

21 BY MS. SWANSON:

22 Q. Did you perform an autopsy on Ronald Coleman, Jr.
23 on June 23rd of 2009?

24 A. Yes, ma'am.

25 Q. Okay. And can you please describe what your

CYNTHIA A. SCHANDL - DIRECT BY MS. SWANSON

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1 findings were.

2 A. Yes. So Mr. Coleman came to us with multiple
3 gunshot wounds. It turned out through the course of our
4 investigation and the autopsy that he was shot four
5 times. He was shot through the arm and into the chest.
6 He was shot into the abdomen and to the back, and he was
7 shot into the leg and through to the back, and then he
8 was shot through the left leg. So he was shot four times
9 altogether in my investigation.

10 Q. Okay. And if I could actually have you step down,
11 with the Court's permission.

12 (The witness stepped down from the witness stand.)

13 BY MS. SWANSON:

14 Q. And if we can just go through each of the four
15 gunshot wounds, and if you want to label them an entrance
16 wound, if there is an exit wound the cards are right
17 here.

18 A. Well, I'll just describe them --

19 Q. Sure.

20 A. -- if that's all right. So one of the gunshot
21 wounds, like I was mentioning, went through the left arm,
22 like this is showing, and into the chest (indicated).

23 Q. Would this be the entrance?

24 A. This would be the entrance, and then this would be
25 an exit there at the arm. So it goes through the arm,

CYNTHIA A. SCHANDL - DIRECT BY MS. SWANSON 385

1 in, out, and then back into the chest.

2 It then went through the lung in the left chest
3 cavity and then we retrieved the bullet from his back,
4 sort of the middle of the back (indicated). So that's
5 that one. So it went through the lung and behind the
6 spine. There was about 800 milliliters, almost a liter
7 of blood in the left chest cavity that was associated
8 with that gunshot wound.

9 This one should actually be pointing back because
10 this one although -- yeah, it's about in the right place
11 but it goes a little bit back instead. Something like
12 that (indicated). So this one goes into the abdomen,
13 behind the spleen and right to behind the spine. So this
14 is another one that we retrieved from the back, in the
15 middle of the back. So middle of the back high, middle
16 of the back kind of low.

17 This one is a through and through. So you might
18 consider that to be a flesh wound. Right through the
19 sides of the leg.

20 And then there's one here that's also not right.
21 That is in about this place, the entrance wound. So it's
22 going in here but it's going in an upward direction and
23 sort of that way (indicated).

24 And this one that's going in the back of his leg
25 passes by the left groin area and transects the femoral

CYNTHIA A. SCHANDL - DIRECT BY MS. SWANSON 386

1 artery. So it's a fairly large artery, about as big as
2 my pinky with high pressure blood flow.

3 And then after traveling through and disrupting
4 that artery it goes through some small bowel and ends up
5 over here (indicated), in his back over here (indicated).
6 So we got that bullet out as well.

7 So four gunshot wounds. One goes through and
8 through. We don't get that bullet. We're just dealing
9 with whatever is with the body. And then one through the
10 arm and into the chest, that went through the lung and
11 made a lot of blood in the chest. We got that one out of
12 the mid back.

13 One through the belly, didn't hit any organs, went
14 behind the spine. We got that bullet out. And this one,
15 it went through the leg, hit the femoral artery and over
16 to the back. We have that bullet. So we retrieved three
17 bullets.

18 And this one, the one that hit the femoral artery,
19 was also associated with almost a liter of blood in the
20 belly, so 800 milliliters of blood. So all together,
21 1600 milliliters of blood shy of a two-liter bottle, but
22 a good bit of blood in the body. So those are the four
23 gunshot wounds.

24 Q. Okay. And in your report did you classify some of
25 these gunshot wounds as contributory and fatal?

CYNTHIA A. SCHANDL - DIRECT BY MS. SWANSON 387

1 A. Yes. Well, the thing about gunshot wounds is any
2 one of them can kill you given the right circumstances.
3 So let's say just take the one that went through the leg.
4 If maybe he didn't go get help and maybe it got infected
5 even that wound could have killed him.

6 But the ones that were more -- would have been
7 fatal more quickly, that I called the cause of death, was
8 the one to the chest with 800 milliliters of blood in the
9 chest, and the one to the leg that went through the
10 femoral, the 800 milliliters of blood in the abdomen. So
11 those are the two that I called the cause of death.

12 And then I called the other two, this one that
13 didn't hit any internal organs and ended up behind the
14 back, and the one that was the flesh wound as
15 contributory because he could still be dead with just
16 those two but that was not the circumstances of this
17 particular victim. In this particular victim we have two
18 that caused a lot of bleeding that I considered the cause
19 of death.

20 Q. Okay. Thank you. And you can retake the stand.

21 A. (The witness complied).

22 Q. Now, I think you used the term flame hemorrhage in
23 your report. Can you please describe for the jury what
24 this is and what you used it in reference to.

25 A. Sure. A flame hemorrhage is a finding that we see

CYNTHIA A. SCHANDL - DIRECT BY MS. SWANSON 388

1 in the heart. What it indicates to us is that the person
2 probably had a loss of blood, he was in shock. And I
3 find that very believable considering the amount of blood
4 that he lost. But it's just a finding in the heart where
5 you have a little bit of hemorrhage in a particular spot
6 of the heart that is highly suggestive of shock. In this
7 case we would call it hypovolemic meaning low volume, low
8 blood volume shock.

9 Q. And did you note any soot or stippling on any of
10 these gunshot wounds?

11 A. Let me double check. If you'll give me a second.

12 No, ma'am. No soot and no stippling.

13 Q. What are soot and stippling?

14 A. When we are looking at gunshot wounds, particularly
15 entrance gunshot wounds, we can get -- sometimes we can
16 get an idea of how far away the muzzle or the end of the
17 gun is from the target by looking for soot or stippling.
18 So if the muzzle of the gun is up against the target then
19 you get soot deposited on that target or in this case
20 would be the skin or the shirt or the clothing.

21 If it was a little bit further back particulate
22 matter comes out of the muzzle of the gun and can scrape
23 the skin, and that's what we call stippling. So you look
24 for those two things to give you some idea of how far
25 away was the muzzle of the gun from the target.

CYNTHIA A. SCHANDL - DIRECT BY MS. SWANSON 389

1 In this case, I don't have soot to suggest contact
2 gunshot wound, and I don't have stippling to suggest a
3 close range gunshot wound. So that leaves me with the
4 third option which is distant, which can also be
5 considered indeterminate.

6 Now, the reason I say it's distant or indeterminate
7 is because I don't see anything on the skin. That
8 doesn't mean that he wasn't close or contacted but it
9 does mean I don't see anything.

10 You can have a closer contact wound through
11 something else, a door, a pillow or some other object
12 that collects that soot or throws particles and you are
13 still not going to see anything on the skin.

14 So distant, which just means you didn't see
15 anything on the skin, is essentially the same to me as
16 indeterminate because I don't know -- there's a lot of
17 things that I don't know about what was between here and
18 the target.

19 Q. What are the different manners of death that you
20 can find in an autopsy report?

21 A. Well, that's going to depend on the state that you
22 work. So in our State of South Carolina we have five
23 choices; homicide, suicide, accident, undetermined, and
24 natural. Those are the five choices that we get.

25 Q. And what was the manner of death that you

CYNTHIA A. SCHANDL - DIRECT BY MS. SWANSON 390

1 determined to be the case in Ronald Coleman's death?

2 A. The manner of death in this case is homicide.

3 Q. Dr. Schandl, I'm going to show you what's been
4 marked as State's 35. You testified earlier that you
5 were able to remove three projectiles from the victim's
6 body. If you can please identify what I'm handing you.

7 A. Yes. So in this bag we have the containers that we
8 put the bullets in with our autopsy labels on them and
9 the appropriate writing, bullet number one with
10 fragments, bullet number two, and number three, and then
11 the actual projectiles themselves are now in separate
12 little baggies here. So these are the bullets that came
13 from Mr. Coleman's body --

14 Q. Okay.

15 A. -- at autopsy.

16 Q. Those are the three projectiles that you removed?

17 A. That's correct.

18 Q. And what did you do with those projectiles once you
19 removed them?

20 A. Well, after we remove projectiles from a body they
21 are photographed, measured, and then placed into those
22 types of containers or something similar for transfer as
23 evidence to the body that is investigating the case.

24 Q. Okay. And did you transfer -- did anyone else
25 handle those projectiles?

CYNTHIA A. SCHANDL - CROSS BY MS. CAMPBELL 391

1 A. I work with a team in the autopsy room, and so in
2 this case the pathologist assistant, Ms. Eowyn Corcrain,
3 also handled the bullets and assisted me in photographing
4 them and wrapping them as evidence and handing them to
5 the investigating official.

6 MS. SWANSON: Okay. Thank you, Your Honor. Beg
7 the Court's indulgence?

8 THE COURT: All right.

9 BY MS. SWANSON:

10 Q. Please answer any questions that Ms. Campbell might
11 have for you.

12 A. Thank you, ma'am.

13 CROSS-EXAMINATION

14 BY MS. CAMPBELL:

15 Q. Thank you, Dr. Schandl, and thank you for your
16 testimony. You have no way of telling us the order in
17 which Mr. Coleman received these gunshot wounds, correct?

18 A. That is correct, not in this case. There is no
19 evidence that I can give you.

20 MS. CAMPBELL: Thank you. That's all I have.

21 THE COURT: You can step down. Free to go.

22 MS. SWANSON: Thank you. May Dr. Schandl be
23 excused?

24 THE COURT: We just dismissed her.

25 MS. SWANSON: Okay. The State calls Eowyn

EOWYN CORCRAIN - DIRECT BY MS. SWANSON

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1 Corcrain.

2 EOWYN CORCRAIN, after having been duly
3 sworn, testified as follows:

4 THE CLERK: If you'll state your full name for the
5 record and spell your last name, please.

6 THE WITNESS: Eowyn Corcrain, E-o-w-y-n
7 C-o-r-c-r-a-i-n.

8 DIRECT EXAMINATION

9 BY MS. SWANSON:

10 Q. Ms. Corcrain, can you please tell the jury where
11 you work and how long you've worked there.

12 A. I work at the Medical University of South Carolina
13 in the autopsy, forensic and medical autopsy section.

14 Q. And what sort of position do you hold there?

15 A. I've been for six years a pathologist assistant
16 there.

17 Q. Okay. And did you assist Dr. Schandl on June 23rd
18 of 2009 in an autopsy?

19 A. Yes, I did.

20 Q. Was that autopsy of a Ronald Coleman, Jr.?

21 A. Yes.

22 Q. Okay. Were you present the entire time for that
23 autopsy?

24 A. It's possible that I may have went to the restroom
25 at some point in time during the autopsy but other than

EOWYN CORCRAIN - DIRECT BY MS. SWANSON

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1 that, yes.

2 Q. Did you handle some projectiles that were removed
3 from the victim in this case?

4 A. Yes, I did, three of them.

5 Q. All right. I'm going to show you what's been
6 marked as State's Exhibit 35 and ask that you identify
7 this for me, please.

8 A. These are the three projectiles and one projectile
9 fragment in their container that I labeled and sealed at
10 the time of that autopsy.

11 Q. Okay. And who did you turn those projectiles over
12 to?

13 A. After we recovered the projectiles and at the end
14 of the autopsy I signed them over, I believe to Corporal
15 Melissa MacPhee of the Beaufort County Sheriff's Office.

16 Q. Okay. Ms. Corcrain, I'm just going to show you a
17 document and ask that you identify it, please.

18 A. This is the evidence transfer form on which I
19 described the evidence that we collected at that autopsy
20 on Mr. Coleman. And then I signed transferring it over
21 to Corporal Melissa MacPhee.

22 Q. Okay. And that's just documentation that that's in
23 fact who you provided these projectiles to?

24 A. Yes. And also to make sure that everything that I
25 gave her was on the page.

MELISSA MACPHEE - DIRECT BY MS. SWANSON**394**

1 Q. Okay. Thank you.

2 MS SWANSON: Beg the Court's indulgence.

3 (PAUSE.)

4 BY MS. SWANSON:

5 Q. All right. Thank you, Ms. Corcrain. Please answer
6 any questions that the defense might have for you.

7 MS. CAMPBELL: I have no questions.

8 THE COURT: You're free to go.

9 THE WITNESS: Thank you. Thank you.

10 MS. SWANSON: The State calls Melissa MacPhee.

11 MELISSA MACPHEE, after having been duly
12 sworn, testified as follows:

13 THE CLERK: If you'll state your full name and
14 spell your last name for the record, please.

15 THE WITNESS: Sergeant Melissa MacPhee,
16 M-a-c-P-h-e-e.

17 DIRECT EXAMINATION

18 BY MS. SWANSON:

19 Q. Good afternoon, Sergeant MacPhee. It's probably
20 fairly obvious by your uniform but who do you work for?

21 A. Beaufort County Sheriff's Office.

22 Q. Okay. And what position did you hold back in June
23 of 2009?

24 A. I was a victim's advocate.

25 Q. Were you contacted to attend an autopsy of Ronald

MELISSA MACPHEE - DIRECT BY MS. SWANSON**395**

1 Coleman, Jr. on June 23rd of 2009?

2 A. I was.

3 Q. Okay. Who contacted you?

4 A. Master Sergeant Jeff Purdy.

5 Q. And did you in fact go to MUSC and attend that
6 autopsy?

7 A. I did.

8 Q. All right. I've got State's Exhibit 35 that I'm
9 going to hand you, and if you can please describe what
10 this is.

11 A. These were the items that were handed to me that I
12 turned into evidence. They came from the autopsy and I
13 took them back to the sheriff's office with corresponding
14 paperwork and turned it into evidence.

15 Q. So you turned those items into evidence from MUSC?

16 A. Yes, ma'am.

17 Q. Okay. Thank you, Sergeant MacPhee. If you can
18 answer any questions that the defense might have for you.

19 MS. CAMPBELL: No questions.

20 THE COURT: You are free to check out.

21 Connecting up witnesses, the jury is about ready
22 for a break.

23 MS. SWANSON: Yes, sir. That's fine.

24 THE COURT: Or we can break for lunch and save 15
25 minutes, whichever. You can tell me because I don't know

RAMONA S. KUHN - DIRECT BY MS. SWANSON

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1 who you got out there doing what.

2 MS. SWANSON: May we approach, Your Honor?

3 THE COURT: We are going to take a break one way or
4 the other but it's whether they go on to lunch or not.

5 MS. SWANSON: Right.

6 (WHEREUPON, a bench conference was had.)

7 THE COURT: All right, jurors. We are just going
8 to break for lunch. Be back at 1:17.

9 (WHEREUPON, the jury leaves the courtroom at
10 approximately 12:02 p.m., and a lunch break was taken.)

11 THE COURT: The jurors say they are ready. You all
12 ready?

13 MS. SWANSON: Yes, sir.

14 THE COURT: All right. Let's bring them in.

15 (WHEREUPON, the jury enters the courtroom at
16 approximately 1:18 p.m.)

17 THE COURT: Okay. You may proceed.

18 MS. SWANSON: Thank you. The State calls Ramona
19 Kuhn.

20 RAMONA S. KUHN, after having been duly
21 sworn, testified as follows:

22 THE CLERK: If you'll state your full name for the
23 record and spell your last name, please.

24 THE WITNESS: It's Ramona Sue Kuhn, K-u-h-n.

25 DIRECT EXAMINATION

RAMONA S. KUHN - DIRECT BY MS. SWANSON

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- 1 BY MS. SWANSON:
- 2 Q. Who do you work for?
- 3 A. The Beaufort County Sheriff's Office.
- 4 Q. And what is your position?
- 5 A. Currently I am the operations manager for the
- 6 criminal intelligence unit.
- 7 Q. And did you at one point work in the evidence
- 8 department?
- 9 A. Yes, ma'am.
- 10 Q. And did you formerly go by Ramona Cooper?
- 11 A. Yes, ma'am.
- 12 Q. As part of your duties did you receive evidence
- 13 from officers?
- 14 A. Yes.
- 15 Q. Okay. I'm going to show you a number of items.
- 16 This is State's 35, and if you can tell us what -- if you
- 17 received that in evidence.
- 18 A. Yes, ma'am.
- 19 Q. And what is the description of that item?
- 20 A. The description is a clear plastic evidence bag
- 21 containing bullet number 1 with fragment from T-12,
- 22 bullet number 2, and bullet number 3.
- 23 Q. And who did you receive that from?
- 24 A. It actually came to me from Corporal MacPhee.
- 25 Q. Okay. And that's your signature on that bag?

RAMONA S. KUHN - DIRECT BY MS. SWANSON

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- 1 A. Yes, ma'am.
- 2 Q. Okay. Thank you. That's State's 35. I'm going to
3 hand you State's 27, and ask if you received this item.
- 4 A. Yes, ma'am.
- 5 Q. Okay. And you noted that by your signature?
- 6 A. Yes.
- 7 Q. Okay. And what is that that you are holding?
- 8 A. It is a weapon. It looks like a Smith and Wesson.
- 9 Q. Okay. Thank you. I'm going to hand you what's
10 been marked as State's 41. There are four envelopes in
11 here and we are concerned with what's been marked as
12 number 9, 14, and 11.
- 13 A. Okay.
- 14 Q. If you can please read the description and tell us
15 if you received these items in evidence.
- 16 A. Okay. Item 9, yes, I did receive it, and it was
17 three DNA swabs from a Smith and Wesson model SW40C. And
18 it does have a serial number if you need me to read that.
- 19 Q. That's not necessary.
- 20 A. Item 11, yes, I did receive it, and it is four DNA
21 swabs of suspected blood spots from Seabrook Road between
22 38 and 28.
- 23 Q. Okay.
- 24 A. And item number 14, yes, I did receive that one,
25 and it says it's a manilla envelope containing three

- 1 swabs taken from the stains on the wooden front porch.
- 2 Q. Okay. Thank you. Did you also handle delivering
- 3 evidence for testing to SLED?
- 4 A. Yes. One of my responsibilities was to transport
- 5 evidence for any examinations to SLED.
- 6 Q. Okay. I'm going to hand you back what's been
- 7 marked as State's 41 and ask if you delivered these items
- 8 to SLED.
- 9 A. Yes, ma'am.
- 10 Q. And how do we know that?
- 11 A. On the bag itself it has my signature and the date.
- 12 This was packaged while I was at SLED because they were
- 13 all going to go to the same facility for examination, and
- 14 I've also marked on here which of our item numbers that
- 15 were placed inside this bag. And it says items that were
- 16 inside it were 9, 11, 12, and 14.
- 17 Q. And when you brought these items to SLED did they
- 18 seal that bag?
- 19 A. Yes. It is sealed when I -- they put all of them
- 20 in the plastic bag and then they heat seal it, then I
- 21 initial and date the heat seal at the same time.
- 22 Q. Okay. So it was sealed when you left it at SLED?
- 23 A. Correct.
- 24 Q. Okay. Thank you, Ms. Kuhn. Thank you. Please
- 25 answer any questions that the defense might have for you.

RAMONA S. KUHN - CROSS BY MS. CAMPBELL

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1 CROSS-EXAMINATION

2 BY MS. CAMPBELL:

3 Q. Ms. Cooper -- or Kuhn, did you receive any evidence
4 in this case from the Cadillac?5 A. I'm not sure which one those are. I'd have to have
6 a list of the evidence and what their descriptions are.

7 Q. Let me find it for you.

8 That would be BCSO item number 70, 71, 72, 73. Did
9 you have any contact -- excuse me, and 74. So 70, 71,
10 72, 73, 74, those are the BCSO evidence item numbers.
11 Did you handle any of those items?12 A. I am looking in my records right now to see if I
13 have dealt with those.

14 (PAUSE.)

15 I do not have any documentation as to whether or
16 not I received those items.17 Q. Okay. Thank you. And did you testify that items 9
18 -- BCSO item 9, which was the three DNA swabs from the
19 Smith and Wesson handgun; item number 14, which is three
20 swabs from the front porch; item number 11, which are
21 swabs taken from Seabrook Road; and then item number 12,
22 which are swabs taken from a window at Seabrook Road were
23 all put in the same container that you took to SLED,
24 correct?

25 A. Once at SLED, yes, they were all put in that one

EILEEN RIOS - DIRECT BY MS. SWANSON

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1 container.

2 MS. CAMPBELL: Thank you very much. That's all I
3 have.

4 MS. SWANSON: Nothing further.

5 THE COURT: Step down.

6 MS. SWANSON: The State calls Eileen Rios.

7 EILEEN RIOS, after having been duly sworn,
8 testified as follows:

9 THE CLERK: If you'll state your full name and
10 spell your last name for the record, please.

11 THE WITNESS: My last name is Rios, R-i-o-s. First
12 name Eileen.

13 DIRECT EXAMINATION

14 BY MS. SWANSON:

15 Q. Who do you work for?

16 A. Beaufort County Sheriff's Office.

17 Q. And in what department?

18 A. The evidence division.

19 Q. And what are your duties in the evidence division?

20 A. Receive and maintain evidence.

21 Q. Okay. I'm going to show you a number of items and
22 ask if you received each of these items. I'm handing you
23 what's been marked as State's Exhibit 42.

24 A. Yes. I received this from Sergeant Wilson on the
25 6th -- on June the 25th at 12:35, 2009.

EILEEN RIOS - DIRECT BY MS. SWANSON

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- 1 Q. And what is the description of that item?
- 2 A. It's a semiautomatic Colt, MK5 series gun, handgun.
- 3 Q. Thank you. I hand you what's been marked as
- 4 State's Exhibit 38, and ask if you received this item?
- 5 A. I also received this from Sergeant Wilson on the
- 6 25th of June at 12:35, 2009.
- 7 Q. And what is that item description?
- 8 A. It's a box of 50 count .45 caliber cartridges.
- 9 Q. Thank you. This one, I'm going to hand you State's
- 10 Exhibit 40, and you can actually cut the top of this so
- 11 it's a little bit easier to see the brown bag, and I'm
- 12 going to ask if you received that brown bagged item.
- 13 Here are some scissors.
- 14 A. Yes. I received this from Sergeant Wilson January
- 15 the 25th, 2012 -- 14 at 2:05 in the afternoon. It has
- 16 the two buccal swabs collected from Antonio Collins.
- 17 Q. Okay. Thank you. I'm handing you State's 36.
- 18 A. Again, I received it from Sergeant Wilson on June
- 19 the 25th, 2009. It's one spent projectile.
- 20 Q. Thank you. I'm handing you what's been marked as
- 21 State's 33-A through H.
- 22 A. I received them all from Sergeant Wilson on the
- 23 25th of June 2009, and they are all labeled shell
- 24 casings.
- 25 Q. Does it note what caliber?

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- 1 A. .45 caliber.
- 2 Q. Okay. I'm handing you what's been marked as
- 3 State's 34-A through H.
- 4 A. I took these from Sergeant Wilson on June the 25th,
- 5 2009. They are all .40 caliber shell casings. Yes.
- 6 Q. Thank you. I'm handing you what's been marked as
- 7 State's 39. They are items 70, 71, and 72. Did you
- 8 receive these items?
- 9 A. Again, I received these from Sergeant Wilson on
- 10 January the 28th, 2010. We have one, our item number 74,
- 11 which is cuttings from the carpet. They were taken from
- 12 the rear passenger floorboard of the Cadillac. And we
- 13 have three swabs --
- 14 Q. What item number?
- 15 A. Our item number 70, 71, and 72.
- 16 Q. Okay.
- 17 A. And they are all swabs taken from -- two of them
- 18 from the red stain underneath the backseat of the 1995
- 19 Cadillac, and one from the red stain from the rear
- 20 console vent of the 1995 Cadillac.
- 21 Q. And you received those from Sergeant Wilson?
- 22 A. Correct.
- 23 Q. Okay. I may have misspoken earlier when I asked
- 24 you to identify State's 34. That would be 34-A through
- 25 J. And those were the .40 caliber Smith and Wessons. I

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1 just want to make sure that I got A through J. I may
2 have stated A through H.

3 A. A through J.

4 Q. Okay. And you in fact received all of those?

5 A. Correct.

6 Q. Okay. Thank you. Please answer any questions that
7 the defense may have for you.

8 CROSS-EXAMINATION

9 BY MS. CAMPBELL:

10 Q. Ms. Rios, do you have your evidence log with you,
11 BCSO evidence log, seven pages long, all the items?

12 A. I have I believe what I've taken in. No, I don't
13 have -- I didn't bring that with me.

14 Q. Okay. So item number 70 you testified was the
15 swabs taken, JD-1, right? It's in your baggy with your
16 initials on it?

17 A. Yes.

18 Q. And then 72 was JD-2 with your initials on it, and
19 that would be from John Donahue. Looks like Chris Wilson
20 then to you, right?

21 A. May I see that?

22 Q. Sure.

23 A. Yes. Uh-huh.

24 MS. CAMPBELL: May I stay with the witness?

25 THE COURT: You can do it.

EILEEN RIOS - CROSS BY MS. CAMPBELL

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1 BY MS. CAMPBELL:

2 Q. Item 72, again, Donahue, Wilson to you, and that
3 would be the swab labeled JD-3?

4 A. Correct. This one from Wilson to me, yes.

5 Q. Uh-huh. And item number 73 would be one sealed
6 paper evidence bag containing cutting from the rear seat
7 of the 1995 Cadillac. Do you have item number 73 on your
8 list?

9 A. Yes.

10 Q. Okay. Where is that?

11 A. As far as I know it's with the evidence.

12 Q. It's not in this bag with everything else that came
13 from the Cadillac, is it?

14 A. It's not in this bag, no.

15 Q. Do you know where it is?

16 A. As far as I know it was all picked up and brought
17 over.

18 Q. Independently, you don't know where it is, right?

19 A. Should be here.

20 Q. I understand that --

21 A. No --

22 Q. But at this moment item number 73, which is the
23 cutting from the rear seat of the 1995 Cadillac, you
24 don't now where it is?

25 A. It's not in that bag.

EILEEN RIOS - REDIRECT BY MS. SWANSON

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1 Q. It's not in that bag.

2 MS. CAMPBELL: That's all I have.

3 REDIRECT EXAMINATION

4 BY MS. SWANSON:

5 Q. Ms. Rios, can I have you identify what is number 74
6 out of State's 39, please.

7 A. Cuttings from the carpet from rear passenger
8 floorboard, 1995 Cadillac.

9 Q. Is it possible that you may have misnumbered
10 something on the evidence list?

11 A. Yes.

12 Q. Okay. Thank you.

13 A. This is 74.

14 Q. Okay. And these were the cuttings from the rear of
15 the Cadillac?

16 A. The carpet from the rear passenger floor.

17 Q. Which is contained in State's 39, the SLED bag with
18 70, 71, and 72?

19 A. Yes.

20 Q. Thank you.

21 MS. CAMPBELL: May I approach the witness?

22 THE COURT: Okay.

23 MS. CAMPBELL: Thank you.

24 RECROSS-EXAMINATION

25 BY MS. CAMPBELL:

EILEEN RIOS - RECROSS BY MS. CAMPBELL

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- 1 Q. Just so we are clear. You print out a list of all
2 the items that you receive in the evidence room, correct?
- 3 A. Yes.
- 4 Q. Item number 70 is JD-1, and you have that, right?
- 5 A. Yes.
- 6 Q. You have item number 71, which is JD-2, correct?
- 7 A. Yes.
- 8 Q. You have item number 72, which is JD-3, correct?
- 9 A. Correct.
- 10 Q. And those three items are the swabs taken from the
11 Cadillac, correct?
- 12 A. Yes.
- 13 Q. Item number 73, which indicates should contain one
14 sealed paper evidence bag containing a cutting from the
15 rear seat of the 1995 Cadillac, that's item number 73,
16 correct?
- 17 A. Yes.
- 18 Q. Do you have item number 73 in this bag with these
19 items?
- 20 A. No. I have 74, which says cuttings from carpet
21 from rear passenger floorboard.
- 22 Q. You do not have item number 73. You have item
23 number 74, correct? That would be this one.
- 24 A. Yes.
- 25 Q. All right. Thank you. And we've already

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1 established you don't know where item number 73 is at
2 this moment, correct?

3 A. Correct, 74 -- 73 is not in there.

4 FURTHER REDIRECT EXAMINATION

5 BY MS. SWANSON:

6 Q. Ms. Rios, did I just present you with all of the
7 evidence that you received in this case? Was there other
8 evidence that you received in this case?

9 A. I'd have to -- I want to say no.

10 Q. Okay.

11 A. I have other evidence but not what you presented
12 me.

13 Q. Right. That's all I mean.

14 A. Uh-huh.

15 Q. What I presented today is not exhaustive --

16 A. Yes.

17 Q. -- of what was received in this case?

18 A. Correct.

19 Q. Okay. Thank you.

20 FURTHER RECROSS-EXAMINATION

21 BY MS. CAMPBELL:

22 Q. I really need make this point clear. Item number
23 73 is from the Cadillac and you don't have it and you
24 don't know where it is?

25 A. I believe 74 is cuttings from the carpet.

EILEEN RIOS - FURTHER REDIRECT BY MS. SWANSON 409

1 Q. I'm talking about item 73, which is the backseat
2 cutting.

3 A. Uh-huh. From rear passenger floorboard.

4 MS. SWANSON: Your Honor, beg the Court's
5 indulgence while I attempt to locate 73.

6 (PAUSE.)

7 MS. SWANSON: May I approach the witness, Your
8 Honor?

9 THE COURT: All right.

10 FURTHER REDIRECT EXAMINATION

11 BY MS. SWANSON:

12 Q. Can you please describe what I'm handing you.

13 A. Item 73 is cuttings from the rear seat of the 1995
14 Cadillac.

15 Q. Okay. Thank you.

16 MS. SWANSON: If I could please mark this as a
17 Court's exhibit.

18 THE COURT: All right.

19 (WHEREUPON, Court's Exhibit Number 1, BCSO Item 73,
20 was marked and made a part of the record.)

21 BY MS. SWANSON:

22 Q. Seventy-three, BCSO 73?

23 A. Yeah.

24 MS. SWANSON: Okay. Thank you.

25 FURTHER RECROSS-EXAMINATION

JEAN ROBERTS - DIRECT BY MS. SWANSON

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1 BY MS. CAMPBELL:

2 Q. So now we found 73. Chris Wilson, correct?

3 A. Yes.

4 Q. And then that's your name on it, correct?

5 A. Yes.

6 Q. Okay. And this item, item 73, was never sent to

7 SLED; is that correct?

8 A. Correct.

9 MS. CAMPBELL: Thank you.

10 MS. SWANSON: May this witness be excused?

11 THE COURT: Okay. Free to go.

12 MS. SWANSON: The State calls Jean Roberts.

13 JEAN ROBERTS, after having been duly sworn,
14 testified as follows:

15 THE CLERK: If you'll state your full name and
16 spell your last name for the record, please.

17 THE WITNESS: Jean Roberts, R-o-b-e-r-t-s.

18 DIRECT EXAMINATION

19 BY MS. SWANSON:

20 Q. Who do you work for?

21 A. The Beaufort County Sheriff's Office.

22 Q. And in what department?

23 A. I'm the victim advocate on the north side of the
24 river.

25 Q. Back in 2009 what department were you working in?