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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM Horry COUNTY  
Court of Common Pleas

Paul Burch, Circuit Court Judge

Case No. 2014-001668

The State of South Carolina,

Respondent,

v.

Anthony E. Adkins,

Appellant.

RECORD ON APPEAL  
VOLUME I

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STATE OF SOUTH CAROLINA) **TRANSCRIPT OF RECORD**  
COUNTY OF Horry )

CASE NO: 2013-GS-26-2849, 2850

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**B E F O R E:** The Honorable Paul M. Burch  
July 21st through the 23rd, 2014  
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STATE OF SOUTH CAROLINA,  
Plaintiff,  
vs.  
ANTHONY E. ADKINS,  
Defendant.

 **ORIGINAL**

-----  
APPEARANCES:

Nancy Livesay, Esq.  
For the Plaintiff,  
State of South Carolina

Stuart Axelrod, Esq.  
Tristan Shaffer, Esq.  
For the Defendant.

Natalie Dahl, RPR  
Court Reporter

## OPENING STATEMENTS - MS. LIVESAY

1           One thing I didn't tell you, though, this is a  
2 criminal case. As all of you probably know, the  
3 burden of proof is on the State of South Carolina and  
4 they have to prove guilt beyond a reasonable doubt.  
5 All defendants that come before the Court in the  
6 United States are presumed innocent until proven  
7 guilty, and that presumption stays with them until  
8 you, the jury, reach a verdict. Because of that  
9 burden of proof, the State gets to go first. Madam  
10 Solicitor, you have the floor.

11           MS. LIVESAY: I'm Nancy Livesay, and I'm the  
12 prosecutor in this case. I'm a prosecutor in Horry  
13 and Georgetown County. You are here today, like the  
14 judge said, to hear a criminal case, but not just any  
15 criminal case, this is a case where this defendant has  
16 been charged with kidnapping and CDV/HAN, which is  
17 criminal domestic violence of a high and aggravated  
18 nature. The victim is Jerica Bryson. The defendant  
19 is Anthony Adkins.

20           I want to right off the bat put your mind at  
21 ease. Ms. Bryson is a victim of a high and aggravated  
22 nature, there is no doubt about it. I'll show you the  
23 pictures. This woman was beaten badly. There is not  
24 going to be a mistake about that. Put your mind at  
25 ease. Early on we'll hear from Ms. Bryson and right

## OPENING STATEMENTS - MS. LIVESAY

1 off the bat you'll see the pictures. There is no  
2 doubt that this woman was beaten badly. Not only was  
3 she beaten, but beaten with a golf club and some other  
4 things. So right off the bat we know we've got high  
5 and aggravated nature. So put your mind at ease, we  
6 already got that. There is no mistake about it. This  
7 woman was beaten with a weapon and threatened.

8 Now, CDV/HAN, that says this isn't just an  
9 assault and battery of a high and aggravated nature,  
10 this says it is an assault and battery of a high and  
11 aggravated nature from your spouse or someone you are  
12 living with, that is what criminal domestic violence  
13 is. It is abuse from your spouse or someone you are  
14 living with. It is domestic violence. We already  
15 know right off the bat that this woman was beat. You  
16 will see the pictures. We know that she was beaten  
17 with a weapon. You'll hear more details about that.  
18 This is just a very brief summary of what you can  
19 expect.

20 The next question is, well, who did it? She's  
21 going to tell you who did it. She'll tell you her  
22 boyfriend, Anthony Adkins, who she was living with at  
23 the time, did it. He's also charged with kidnapping.  
24 She's going to tell you he had her trapped in their  
25 home for three or four days beating her badly. As

## OPENING STATEMENTS - MS. LIVESAY

1 soon as you can confine someone, as soon as you take  
2 away their freedom to leave or move, you have  
3 kidnapping.

4 Now, when you see these pictures and you hear  
5 from Ms. Bryson, there is not going to be a doubt that  
6 she was confined, because nobody would take a beating  
7 like that voluntarily. You are going to know this  
8 woman was held against her will, and you are going to  
9 see the injuries that show it firsthand.

10 She also will tell you how she finally got away.  
11 She will tell you that when he put her in a car on a  
12 Friday night to go to the convenience store, she was  
13 thinking, how am I going to get away, how am I going  
14 to get away. You'll find out that when he went into  
15 that store, this woman jumped out of the car and ran  
16 to a house and hid until he finally left, and then she  
17 knocked on that lady's house, who she didn't know.

18 She got out and ran to a stranger's house in  
19 desperation. You'll also hear from that lady. In  
20 fact, the pictures that you are going to see was taken  
21 in that lady's home as she was sitting there waiting  
22 for the police and for EMS. You will hear from these  
23 people right off the bat. You will hear from Joe  
24 VanVorrhis who investigated this case. You'll hear  
25 from another officer that participated in the

## OPENING STATEMENTS - MR. AXELROD

1 investigation of this case.

2 This is not going to be a long case from the  
3 State's case. We don't have a lot of witnesses.  
4 There is normally not a lot of witnesses in these  
5 cases. Normally, when you have a domestic violence  
6 situation, normally it is just two people in the  
7 house, so there is not a lot of people around to see  
8 it, but that doesn't mean that it is any less  
9 important to the State of South Carolina or to this  
10 victim.

11 I ask you, listen to the evidence. Listen to the  
12 witness statements, look at the pictures, listen to  
13 the details. I'm going to come back to you in closing  
14 statements and I'm going to tell you there is no  
15 doubts this woman was beaten and kidnapped, and I'll  
16 tell you there is no doubt that she'll tell you who  
17 did it; it was Anthony Adkins.

18 I appreciate your time. Like I said, this will  
19 not be a long case. Please be attentive to all of the  
20 witnesses, my witnesses and Mr. Axelrod's and any  
21 witnesses he may put up. Thank you for your time.

22 THE COURT: Counsel.

23 MR. AXELROD: Thank you, Your Honor. May it  
24 please the Court, sir. Good afternoon. Jury duty is  
25 difficult. I'm not speaking about not wanting to be

## OPENING STATEMENTS - MR. AXELROD

1 here because you have to work, and stuff like that,  
2 because I've been on jury duty and I wouldn't want to  
3 be there either. You all have something better to do.  
4 Maybe there is a few of us that don't, but most of us  
5 do.

6 Let's me tell you why it is difficult. The judge  
7 told you and will tell you, and he'll always tell you,  
8 that you cannot form an opinion, you cannot discuss  
9 the case, you can't do anything until you hear all of  
10 the evidence. You can't do anything. Now, the State  
11 put forth their opening statement. I submit to you  
12 that if any of you have formed an opinion, oh, it must  
13 be Anthony because of what she said, you need to tell  
14 Mr. Foreman when you go back to your first break and  
15 you can tell the judge, and the judge will do whatever  
16 is appropriate, that's fine. The hard thing to do is  
17 to come into this room in a sterile environment and  
18 put all of your prejudices aside, all of your internal  
19 prejudices aside and be like a newborn baby in a  
20 diaper. You can't -- we're human, okay. We're human.  
21 I know we're human.

22 It is kind if my wife makes meatloaf and I don't  
23 like it. She made meatloaf, I'm not going to like it.  
24 We make a decision, and we're going to say, hey, she  
25 said look at those pictures, she said it 12 times to

## OPENING STATEMENTS - MR. AXELROD

1 you. You are going to see those pictures, she was  
2 beat up. Well, you know what, I agree. Not by  
3 Anthony. She was beat up. She's -- she told you that  
4 Jerica is going to tell you that Anthony beat her up.  
5 She'll take that witness stand and tell you that.

6 Now, I know this is not CSI or any of those fancy  
7 TV shows, but if you are looking for some forensic  
8 stuff or something to show that Anthony did this, you  
9 are not going to see that, because there is none.  
10 Professional -- professional police work took a  
11 backseat in this case. You are going to see it. If  
12 you go back in that jury room when this is all over  
13 and say, well, why did the police do this or that,  
14 well, that is reasonable doubt. Reasonable doubt is a  
15 doubt that gives a reasonable person a chance to  
16 hesitate.

17 You, as an intelligent jurors, have to be  
18 convinced beyond all reasonable doubt that my client  
19 did that. Not maybe. If you said she got beat up, we  
20 know she got beat up, but I really don't know if  
21 Anthony did it. You have no choice. The judge is  
22 going to tell you that you have to come back with a  
23 not guilty. The judge will tell you in closing charge  
24 that my client, Anthony, 41 years old, college  
25 graduate, four-year degree plus a two-year degree, he

## OPENING STATEMENTS - MR. AXELROD

1 sits there with a cloak, almost like the robe the  
2 judge is wearing, sitting there with a cloak of  
3 righteousness. He is innocent until, and only until,  
4 after all of the evidence that you possibly find him  
5 that he's guilty.

6 Now, I have learned after 18 years of doing this  
7 that jurors sometimes want to say, well, he's got to  
8 prove his innocence. He's guilty until we prove he's  
9 innocent. Which, you know, it is really not the way.  
10 I know you are going to follow the charge of the  
11 judge, and the judge will tell you that you can only  
12 consider the evidence, or as I say to you, the lack of  
13 evidence, because you can consider the lack of  
14 evidence as well as evidence. You can consider direct  
15 evidence, you can consider circumstantial evidence.

16 Direct evidence is testimony that comes from this  
17 bench, this little seat right here, that is direct  
18 evidence. If they put in some pictures or show you  
19 pictures of her being beaten up, which she was, that  
20 is direct evidence. Circumstantial evidence is  
21 evidence that you can infer something from, but it is  
22 not concrete, it wasn't testified to here. I brought  
23 an umbrella with me today because it looked like it  
24 was going to rain this afternoon. I'll show you. I  
25 brought an umbrella. So direct evidence, I brought

## OPENING STATEMENTS - MR. AXELROD

1 the umbrella; circumstantial, you can infer it is  
2 raining, but we don't know. Maybe it is going to  
3 rain, circumstantial. I might go out today and it  
4 hadn't rained. So you have to weigh the credibility  
5 of the witnesses.

6 You will hear from people on this witness stand.  
7 You'll hear whether you want to listen and believe all  
8 of what one person says or maybe just a little bit, or  
9 maybe you believe it all and don't believe a little  
10 bit. You are what is known as the finders of the  
11 facts. The facts are presented. The judge is the  
12 finder of the law. You will have to find the facts  
13 that you want to believe yourself. There is 12 of  
14 you. We picked this jury. I picked this jury. I  
15 picked you for your intelligence, your willingness and  
16 most of all, your common sense. There is a great  
17 chance when this is all over that the verdict will be  
18 not guilty. You might not like that. You might say,  
19 well, I really think he did it, but the judge said if  
20 I have a doubt, I have to come back not guilty. You  
21 have to. I'm sorry, that is what makes America.

22 They are going to ask you to find facts that  
23 don't exist. The police work that wasn't done. They  
24 will tell you to do their work for them. This  
25 occurred on April 12, 2013, 15 months ago, about. The

## OPENING STATEMENTS - MR. AXELROD

1 police had 15 months to do an investigation, not like  
2 two weeks and went to trial. They had a long time.

3 You are going to hear she said that she was  
4 kidnapped for three, four days, held against her will  
5 three, four days and finally broke loose. That's not  
6 true. You'll see. I want you all to listen. The  
7 State is going to put up their case. The state is  
8 going to put their case up. Now, when the State is  
9 getting done putting up their case, if you all say at  
10 the end, if you say, hey, he's guilty, well, then, you  
11 have to tell Mr. Foreman again, who will tell the  
12 judge that I came up with an opinion before I even  
13 heard Mr. Axelrod and his defense.

14 I am going to put up a defense. In fact, I'm  
15 going to call the victim in my case. She might  
16 testify today, I'm not sure, but if she does, I  
17 wouldn't cross-examine her today, I'll call her  
18 tomorrow in my case. It is not a real long trial, but  
19 this is a most serious of all cases. If you lived in  
20 California, trials go for six months. I don't know  
21 how they do it, but we don't. We go a couple of days.  
22 Judge Burch, he is the longest sitting judge in the  
23 State of South Carolina currently. He doesn't tell  
24 anyone that, but I think that is an honor he has.

25 It is so hard to set aside your internal

## OPENING STATEMENTS - MR. AXELROD

1 prejudices and keep an open mind until you hear all of  
2 the evidence, that is the hardest thing. That is the  
3 hardest thing. State will go first today. The system  
4 wants you to -- you are going to go home tonight and  
5 might dream about it, might not even think about it,  
6 eat dinner, watch TV, go to sleep, drive here  
7 tomorrow, and the only things you'll remember is what  
8 you heard today. You do a disservice if you form an  
9 opinion until you hear all of the evidence. That is  
10 all I ask. Render a fair and impartial verdict, that  
11 is all I ask. That is all that Anthony asks. I'm  
12 confident when you hear the evidence, or the lack of  
13 the evidence, you'll come back not guilty. I know it  
14 is hard. I know we have five women on the jury --  
15 seven women, five men and this is a case about spousal  
16 CDV, some type of spousal abuse or  
17 girlfriend/boyfriend abuse. Abuse goes both ways.  
18 Sometimes women abuse men; men abuse women. This is a  
19 very, very emotional set of facts. I'm sorry she was  
20 beaten up, and she was, we won't discount that, but  
21 not by Anthony.

22       The State will never be able to prove that to you  
23 beyond a reasonable doubt. You, as honest jurors,  
24 have to be firmly convinced to convict them. If you  
25 have any doubt, any doubt that causes you the

## JERICA BRYSON - DIRECT EXAMINATION

1 slightest moment to hesitate, the judge will tell you  
2 you are obligated to come back not guilty. Thank you.

3 MS. LIVESAY: At this time, the State calls  
4 Jerica Bryson to the stand.

5 (JERICA BRYSON, having been duly sworn,  
6 testified as follows:)

7 THE CLERK: State your full name spell your last  
8 for the Court.

9 MR. WITTE: Jerica Michelle Bryson, B-R-Y-S-O-N.

10 MR. AXELROD: May we approach, Your Honor?

11 (State's Exhibits 1 through 7 marked.)

12 DIRECT-EXAMINATION

13 BY MS. LIVESAY:

14 Q How old are you?

15 A Thirty.

16 Q And tell us a little bit about your education.

17 A I have a bachelor's degree in elementary  
18 education, associate's in private investigation and an  
19 associate's in pharmacy tech.

20 Q And are you married? Any kids?

21 A No.

22 Q And where are you currently living?

23 A In West Virginia.

24 Q Have you ever lived in Myrtle Beach, South  
25 Carolina?

## JERICA BRYSON - DIRECT EXAMINATION

- 1 A Yes.
- 2 Q If you don't mind, tell the jury when you lived  
3 in Myrtle Beach, South Carolina?
- 4 A We moved down July 4, 2010, and then I left  
5 April 15, 2013.
- 6 Q And who did you move down here with?
- 7 A Anthony Adkins.
- 8 Q And is he in the courtroom?
- 9 A Yes.
- 10 Q And if you don't mind, briefly point him out to  
11 the jury.
- 12 A He's over there by Axelrod.
- 13 Q Okay. And so you moved down here with the  
14 defendant?
- 15 A Yes, ma'am.
- 16 Q If you don't mind, tell the jury what his  
17 relationship was at that time?
- 18 A He was my boyfriend of ten years.
- 19 Q How did you all come about moving to Myrtle  
20 Beach?
- 21 A We was just going to go on vacation --
- 22 Q Make sure you talk in the mic.
- 23 A We was going on vacation to Carry Beach, and he  
24 decided to go to Myrtle Beach. In July 4, 2010, we  
25 moved down here and I had to find a job.

## JERICA BRYSON - DIRECT EXAMINATION

1 Q How long did you all live down here?

2 A From July 4th, and then he's still living down  
3 here, but I moved back April 15, 2013.

4 Q And where did you all live?

5 A We first moved to North Myrtle Beach, and then to  
6 Sea Mist in Myrtle Beach, and then we were renting to  
7 own a trailer in Conway, [REDACTED] in Conway,  
8 South Carolina. And then his parents bought a condo at  
9 [REDACTED] on [REDACTED]

10 Q Did you know anybody in Myrtle Beach or down in  
11 this area when you moved down here?

12 A No, I didn't.

13 Q To your knowledge, did he know anybody?

14 A No, he didn't.

15 Q So when you moved down here, were you able to get  
16 a job?

17 A Yes.

18 Q Tell the jury where you worked.

19 A I first worked at Comfort Inn in North Myrtle  
20 Beach, and then Holiday Inn, and then Caravel Resort,  
21 and then Sleep Inn in Conway, and then the [REDACTED]

22 Q And where did the defendant work?

23 A He didn't work.

24 Q Did he have any income coming in?

25 A He did. Social Security disability from West

## JERICA BRYSON - DIRECT EXAMINATION

1 Virginia.

2 Q And did you all have cars and phones while you  
3 were living here?

4 A Yes, we did.

5 Q Did both of you have a car?

6 A We both had a car, but I got my Jeep later on.

7 Q And did you have a phone?

8 A Yes, we did.

9 Q And what was the address that you all lived at  
10 together the majority of the time while you were down  
11 here?

12 A [REDACTED] Road, Conway, South Carolina.

13 Q Okay. And that is where you all lived the  
14 majority of the time?

15 A Yes.

16 Q Now, have you been back to South Carolina?

17 A Just when I was called to trial last week, three  
18 days of it last week and then today.

19 Q Okay. And when was the last or the date that you  
20 left South Carolina?

21 A April 15, 2013, that was a Monday when I was --  
22 left the hospital.

23 Q Okay. Tell the jury about the incident that  
24 happened that led to you leaving South Carolina?

25 A On Monday, April 8th, 2013 at 9:00 p.m. he was

## JERICA BRYSON - DIRECT EXAMINATION

1 drinking with some buddies, smoking crack, snorting  
2 pills up his nose --

3 MR. AXELROD: Your Honor -- Your Honor, I'll  
4 object to that. I would like to approach for a  
5 minute.

6 (Whereupon, a bench conference was had.)

7 Q (MS. LIVESAY) You say this was on a Monday?

8 A Monday night at 9:00 p.m. It started at 21st  
9 Avenue South, [REDACTED] We were getting ready to  
10 go to bed. He jumped on me, started pounding me with  
11 his fists, beating me to where I had a bloody nose, and  
12 then I was bruised. He threw my phone across the room,  
13 chipped the bottom of it and then took it from me. At  
14 6:00 a.m. Tuesday morning, April 9th, 2013, he put  
15 clothes on me --

16 Q Hold on one second, Ms. Bryson.

17 MR. AXELROD: Can I see it?

18 (State's Exhibit 8 marked.)

19 MS. LIVESAY: Did you have an objection?

20 MR. AXELROD: No. I just wanted to see --  
21 because I thought she said April the 9th, and --

22 MS. LIVESAY: She said Monday, April 8th.

23 MR. AXELROD: Oh, okay. Got you.

24 MS. LIVESAY: Any objection?

25 MR. AXELROD: No, I don't.

## JERICA BRYSON - DIRECT EXAMINATION

1 Q (MS. LIVESAY) Is this helpful in your testimony?

2 A Yes, ma'am.

3 Q I'm showing you what is marked as State's No. 8  
4 for demonstrative purposes. When did all of this  
5 start?

6 A Monday, April 8th at 9 p.m.

7 Q Where did it start?

8 A At [REDACTED] South, [REDACTED] in the  
9 condo, Room 100.

10 Q What city? Myrtle Beach or Conway?

11 A Myrtle Beach, South Carolina.

12 Q Now, if you don't mind, before we get to that,  
13 what had you been doing that day?

14 A He was drinking --

15 Q I'm sorry, what had you been doing?

16 A I had just got off of work and then come home,  
17 and then he was -- he started partying and drinking and  
18 doing everything with his buddies.

19 Q So when you get home, is there anybody at that  
20 condo with him?

21 A There is the neighbor that lives above us that he  
22 always was partying with.

23 MR. AXELROD: I'll object to this. You know, I  
24 don't think there is any basis to say he was doing  
25 drugs and partying. It is -- it's just her statement.

## JERICA BRYSON - DIRECT EXAMINATION

1 There is nothing to corroborate it, and I think it is  
2 done to put Anthony in a bad light. There is no  
3 corroboration.

4 THE COURT: She said the neighbor was there.

5 MR. AXELROD: But --

6 THE COURT: The jury has to be careful with  
7 hearsay that may develop in this, and only what she  
8 actually saw or was in her presence, anything else  
9 needs to be disregarded. Go ahead.

10 Q (MS. LIVESAY) So when you get home, he's there and  
11 the neighbor is there?

12 A Yes, ma'am.

13 Q What happens then?

14 A Then I changed clothes and we all go outside.  
15 They are still drinking their liquor and smoking  
16 cigarettes and snorting pills. We just go in at 9:00  
17 p.m. and get ready to go to bed.

18 Q Who is "we"?

19 A Me and Anthony Adkins.

20 Q What happens then?

21 A And then we lay there, and he jumps on me and  
22 says I cheated on him, and then he starts pounding me  
23 with his fists.

24 MR. AXELROD: May I ask a question? Am I on  
25 Monday, April 8th, or Tuesday, April 9th? Because we

## JERICA BRYSON - DIRECT EXAMINATION

1 got to April 9th, and they brought the calendar up.

2 Which days?

3 THE COURT: What time did she testify just a  
4 minutes ago?

5 MS. LIVESAY: She's saying this started on  
6 April 8th, Monday, is what my understanding is, but if  
7 I'm incorrect about that, tell me.

8 THE WITNESS: No, you are correct.

9 MR. AXELROD: I'm confused, because we go from  
10 April 8th and then April 9th. Are we back to  
11 April 8th, that is the only question?

12 MS. LIVESAY: Yes, sir, Your Honor.

13 MR. AXELROD: Okay.

14 Q (MS. LIVESAY) So that night he starts hitting you  
15 with his fists?

16 A Yes.

17 Q What started that?

18 A He just said I cheated on him. He was drinking  
19 and snorting pills and doing the whole nine yards. He  
20 started to say I cheated on him and jumped on me and  
21 hit me with his fists until I had a bloody nose and  
22 bruised on the face.

23 Q Did you have your phone or any way of  
24 transportation?

25 A No, I didn't.

## JERICA BRYSON - DIRECT EXAMINATION

1 Q Where was your phone and your car?

2 A My car was at [REDACTED] Road, Conway,  
3 South Carolina, and he had taken my phone from me.

4 Q Now, I'll be writing on this board and I want you  
5 to be watching. If I write anything incorrect, you  
6 need to correct me and I'll mark through it.

7 MR. AXELROD: If it is for demonstrative  
8 purposes, I object to the way she's holding it because  
9 it is not for the jury to see.

10 MS. LIVESAY: I plan to introduce it once we've  
11 gone through her testimony.

12 MR. AXELROD: At that point, she can show it to  
13 the jury. It is improper that she's showing it to the  
14 jury before it is admitted into evidence.

15 THE COURT: Overruled. Go ahead.

16 Q (MS. LIVESAY) So at this point you had no car at  
17 this location?

18 A Yes, ma'am.

19 Q And no phone?

20 A No phone.

21 Q He had taken your phone?

22 A Yes. After he threw it across the kitchen in the  
23 condo, he had taken it from me.

24 Q Your car was in Conway?

25 A Yes.

## JERICA BRYSON - DIRECT EXAMINATION

1 Q What were you saying, if anything, while this was  
2 going on?

3 A I just said I never cheated on you, that is all I  
4 really could say.

5 Q How long did this go on for?

6 A Until 6:00 a.m. Tuesday morning, April 9th.

7 Q What happens Tuesday morning?

8 A Tuesday morning he wraps me up in a blanket, puts  
9 me in the Jeep and go to [REDACTED] Road in  
10 Conway, to the trailer.

11 Q This is April. Why are you in a blanket?

12 A Because I'm bruised up and bleeding and he don't  
13 want the neighbors to see me from the condo.

14 Q Now, when you get in the blanket, did you ever  
15 think at that point about running or trying to get away  
16 or doing anything at that point?

17 A No. I just wanted to get in my Jeep and go back  
18 to West Virginia.

19 Q So at that point you were just hoping once you  
20 got to Conway you could get your car?

21 A Yes.

22 Q What is he saying and what is he doing in that  
23 car ride back to Conway?

24 A He's telling me he's going to kill me, beat me to  
25 death and put me in the grave where my mom is, and I'm

## JERICA BRYSON - DIRECT EXAMINATION

1 nothing but a bitch.

2 Q What happens once you get to Conway?

3 A Once we get to Conway and get inside, he rips my  
4 clothes off of me with his fist and hands. I'm butt  
5 naked. He takes a golf club and starts beating me with  
6 it. He takes a picture frame, puts me in the bathtub,  
7 puts cigarettes out on me, puts me in the bath with no  
8 water, pour cigarette ashes over me, takes a wooden  
9 picture frame upside my head with staples in it and  
10 then he takes a glass coaster and beats upside my head.

11 Q And so once you get back, does he tell you why  
12 he's continuing to beat you?

13 A No, he doesn't, it just continues.

14 Q And are you saying anything at this point?

15 A No.

16 Q And what does the golf club look like?

17 A Golf club looks like an "L" at the bottom.

18 Q If I showed you a golf club like that, would you  
19 be able to say, yes, that is like the golf club?

20 A Yes, I would.

21 MR. AXELROD: May we approach?

22 (Whereupon a bench conference was had.)

23 Q (MS. LIVESAY) Ms. Bryson, does this look like the  
24 golf club?

25 A Yes, it does.

## JERICA BRYSON - DIRECT EXAMINATION

- 1 Q Is that the "L" you are referring to?
- 2 A Yes.
- 3 Q If you don't mind, show the jury how he was  
4 hitting you with this type of golf club, do you mind?
- 5 A I don't mind. I was actually on the ground and  
6 when I was on the ground butt naked, he was taking it  
7 and beating me like this, and the pictures will show  
8 because there is marks. The bottom of it broke, and  
9 then he just went like this and broke the rest of it  
10 and continued beating me with it (indicates).
- 11 Q So this goes on Tuesday?
- 12 A Yes.
- 13 Q And are you able to get to your car or to your  
14 phone at this point?
- 15 A No, I'm not.
- 16 Q Tell us what happens as Tuesday is going on?
- 17 A It continues until Wednesday morning. Wednesday  
18 morning he goes into the bedroom, pulls out the gun,  
19 puts it to my head and says he'll kill me, I'm nothing  
20 but a bitch and a liar and cheater and he'll put me in  
21 the grave with my mom.
- 22 Q Then what happens Wednesday?
- 23 A Wednesday, I just sit there basically in tears.  
24 He drags me through the floor into the kitchen, pours  
25 soda over my hair, in my head, everything like that.

## JERICA BRYSON - DIRECT EXAMINATION

1 Then he goes and pulls me through the living room. I  
2 have carpet burns on my knees and back and elbow, and  
3 then he continues to beat me some more.

4 Q And at this point, are you able to get away, get  
5 to a phone, anything?

6 A I'm not able to get away or anything. I had to  
7 call work Wednesday morning. He wouldn't let me call.  
8 Finally, I called about noon, and I just started at the  
9 [REDACTED] He gave me his phone, he wouldn't let me  
10 have a phone.

11 Q Did you tell anybody at work?

12 A I couldn't, he made me sit there beside him and  
13 they knew something was up, but I couldn't say anything  
14 because he wouldn't let me. I knew I would be beaten  
15 more if he would hear me say what was going on.

16 Q During these three days, at any point, does he  
17 leave your side?

18 A He does not. He makes me sit there butt naked.  
19 I'm cold. He won't give me a blanket. I didn't eat.  
20 I didn't shower, and nothing to drink.

21 Q Was he making any phone calls?

22 A Yes, he was. He was calling his parents in West  
23 Virginia. He was calling his ex-girlfriend in  
24 Colorado. He was calling his baby's mama in West  
25 Virginia, who has nothing to do with him, and just

## JERICA BRYSON - DIRECT EXAMINATION

1 making other phone calls.

2 Q Was he saying anything about what was going on at  
3 the house during those calls?

4 A The only one he told was ex-girlfriend in  
5 Colorado, about how I was a whore and a bitch.

6 Q Then how does Wednesday end?

7 A It really doesn't end. He doesn't go to bed. I  
8 can't go to bed. It continues with beating with a golf  
9 club and the gun beside trying to kill me. He is  
10 snorting his Lortabs up his nose that he gets  
11 prescribed. I sit there and watch. So it continues up  
12 to Thursday, and then it continues all day Thursday. I  
13 try to leave Thursday, he won't let me leave. He goes  
14 out and puts my clothes in the Jeep, because I try to  
15 leave, and he won't let me leave. He goes and unplugs  
16 the battery in the Jeep.

17 Q Tell me about that. He puts your clothes in your  
18 Jeep?

19 A Yes, that was hanging up in the room. He puts  
20 them in the Jeep on hangers in the backseat.

21 Q Do you know why he did that?

22 A Because I wanted to leave. I asked if I could  
23 leave.

24 Q Did he let you leave?

25 A No, he didn't.

## JERICA BRYSON - DIRECT EXAMINATION

1 Q At any point, what is he saying on Thursday?

2 A He's just trying to say I'm going to kill you,  
3 you are nothing but a F'in bitch, and you are going to  
4 go to the grave with your mom.

5 Q Were you saying anything to him?

6 A No, I wasn't. I can't say anything because he'll  
7 just continue to beat me like he is.

8 Q And then how did Thursday night end? Did he go  
9 to bed?

10 A He never went to bed. I never went to bed. I  
11 was still in the living room sitting there butt naked  
12 while he continued to beat me Thursday night.

13 Q And then what happened Friday?

14 A Then it continues into Friday, and probably about  
15 10 o'clock Friday he goes, I'm out of cigarettes, I  
16 need to get cigarettes and ice for your face. He puts  
17 sweat pants and a green shirt I had for work on me. He  
18 puts those on me, and then he takes me to the  
19 convenience store across from Sleep Inn in Conway,  
20 South Carolina. He puts me there in the Jeep, and we  
21 go and he gets cigarettes. When he goes into the  
22 store, I kind of was looking, and there was a Mexican  
23 sitting outside of the store, so I barely crept out  
24 of the door. I ran. It was raining, and I ran behind  
25 the store. When I heard him leave, I crawled in the

## JERICA BRYSON - DIRECT EXAMINATION

1 bushes and rang the neighbor's doorbell.

2 Q Were you able to find anybody to help you?

3 A I was. It was the neighbors that I ran to.

4 Q Did you know the people that lived in that house?

5 A I did not.

6 Q Okay. What happened once you got in the house?

7 A When I rang the doorbell, the husband answered.

8 He called for his wife immediately. They called the

9 police and they called EMS.

10 Q Okay. Now, I'll show you some pictures. I want

11 you to look at the pictures that have been marked as

12 State's Exhibits 1 through 7 and tell me if you

13 recognize them; if so, if they are accurate and who

14 they are pictures of.

15 A (Witness examines documents.) they are accurate,

16 and they are pictures of me.

17 MS. LIVESAY: Your Honor, can I ask to proffer

18 State's Exhibits 1 through 7 into evidence and publish

19 them to the jury?

20 MR. AXELROD: I see them. I just want to mark

21 which ones are which.

22 (A brief pause in the proceedings.)

23 (State's Exhibits 1-7 were admitted and

24 published to the jury.)

25 MR. AXELROD: No objection.

## JERICA BRYSON - DIRECT EXAMINATION

1 MS. LIVESAY: Could I ask her to continue down to  
2 go through the pictures together?

3 THE COURT: Yes.

4 MS. LIVESAY: Thank you.

5 Q (MS. LIVESAY) I'm showing you what is State's No.

6 7. Who is that?

7 A That is me, Jerica Michelle Bryson.

8 Q Where was this picture taken?

9 A The lady's house that I ran to.

10 Q I'll show you now State's 6. Who is that?

11 A That is me, Jerica Michelle Bryson.

12 Q What is that a picture of?

13 A A picture of my chest where he hit me with his  
14 fist and put cigarettes out on me?

15 Q When you say "he," who do you mean?

16 A Anthony Adkins.

17 Q It looks like some of these bruises are darker  
18 than others?

19 A That is true, because it continued from  
20 April 8th, 2013 at 9:00 p.m. to like the fresh ones.

21 Q So some of those are more recent than others?

22 A Yes, some of them are more recent.

23 Q I'll show you now what is marked as State's  
24 Exhibit 5. Who is that?

25 A That is me, Jerica Mitchell Bryson.

## JERICA BRYSON - DIRECT EXAMINATION

- 1 Q Is this from the same night?
- 2 A Yes, it is.
- 3 Q Who caused those?
- 4 A Anthony Adkins.
- 5 Q I'll show you what is marked as State's 4?
- 6 A Yes.
- 7 Q Do you recognize those?
- 8 A I do.
- 9 Q What are those from?
- 10 A The golf club.
- 11 Q So these are not scratch marks, these long lines?
- 12 A No. Those are from the golf club, and part of
- 13 that is where the golf club was broken and he continued
- 14 to beat me with it.
- 15 Q Now, if you notice, again, some of these are
- 16 brown, some of these marks are not; do you know why
- 17 that is?
- 18 A Some of them is fresher than the other ones.
- 19 Q I'll show you what is marked as State's No. 3.
- 20 What is that a pictures of?
- 21 A A picture of my arms where he hit me with the
- 22 golf club and with his fists and everything.
- 23 Q Is that what that long mark is?
- 24 A That is. That is before the golf club broke.
- 25 Q Where were these pictures taken at?

## JERICA BRYSON - DIRECT EXAMINATION

1 A They were taken at the woman's house that I ran  
2 to who called EMS and the police.

3 Q Again, did you know that woman?

4 A No, I didn't.

5 Q Had you ever been to that house before?

6 A No, I haven't.

7 Q In this picture you are holding a rag?

8 A She puts ice in a baggy and -- to try to cool my  
9 face down because it was so bad and bruised. She  
10 wanted to put ice on it for the swelling.

11 Q This is State's No. 2. Do you recognize that?

12 A I do.

13 Q What is that from?

14 A That is from his fist.

15 Q And you say "his," who do you mean?

16 A Anthony E. Adkins.

17 Q This is State's 1. What is that a picture of?

18 A A picture of my knee.

19 Q How did that injury come about?

20 A That is where he drug me across the floor onto  
21 the carpet.

22 (Published to the jury.)

23 Q How far was that house from the convenient store?

24 A It was right next door.

25 Q If you don't mind, have a seat, Ms. Bryson. I

## JERICA BRYSON - DIRECT EXAMINATION

1 have a few more questions.

2 A (Witness complied.)

3 Q If you don't mind, was it on the same side of the  
4 street -- describe to the jury where the house was in  
5 relationship to that convenient store?

6 A It was on the same side of the street as the  
7 convenient store, and it wasn't probably a yard from  
8 the convenience store. It was right next to the  
9 convenience store.

10 Q When you got to the house, was he looking for  
11 you; did you notice?

12 A When I was in the bushes crawling in the bushes  
13 it was raining. I couldn't hardly move or breathe. I  
14 heard him speed out in the Jeep, and then I finally  
15 made it around to the door to ring the doorbell with a  
16 stick, because I couldn't hardly get up. The husband  
17 answered the door and called for his wife, and that is  
18 when they let me in.

19 Q Did you think about going into the convenience  
20 store and ask for help?

21 A I didn't, because I knew he was there and they  
22 wouldn't do anything.

23 Q And who arrived that night at that house to help  
24 you?

25 A Conway Police, Horry County Police and EMS.

## JERICA BRYSON - DIRECT EXAMINATION

1 Q And who did you leave with that night from that  
2 house?

3 A I left with EMS to Grand Strand Regional  
4 Hospital.

5 Q And how long were you in the hospital?

6 A I was admitted at 11:23 p.m. on April 12th, which  
7 was Friday or Thursday, and I was there until  
8 April 15th, Monday, 3:00 p.m.

9 Q How did you arrive at the hospital?

10 A My sister and her husband came up Monday morning,  
11 April 15th, and picked me up, because I didn't have my  
12 glasses or contacts and I didn't have any information  
13 because it was still with him, my purse and stuff.

14 Q When you were at that house, did you tell the  
15 police and 911 who did this to you?

16 A Yes, I did.

17 Q And who did you tell?

18 A I told them my boyfriend, Anthony Adkins.

19 Q And did you tell whoever came and picked you up  
20 to take you back to West Virginia who did this?

21 A I did, along with the nurse there.

22 Q And who did you tell?

23 A I told my sister, Tasha Davis, and her husband,  
24 Dustin Davis.

25 Q Who did you tell them that did this to you?

## JERICA BRYSON - DIRECT EXAMINATION

- 1 A Anthony E. Adkins, my boyfriend.
- 2 Q After you left with your family to go back to  
3 West Virginia, did you come back down here to make  
4 contact with him at any point?
- 5 A I come back down here to pick up my Jeep I had  
6 towed from the trailer, [REDACTED] Road, to a  
7 towing place. Horry County helped me with that  
8 situation and pick up my purse from the police  
9 department and my belongings, which I didn't even  
10 receive all of them because I just wanted to get what I  
11 wanted and get out of there because I was afraid of  
12 him.
- 13 Q Other than to come back for your car and stuff,  
14 did you ever come back again?
- 15 A No, I didn't.
- 16 Q Since you left the hospital -- or since you even  
17 went into the hospital, have you made contact with this  
18 defendant?
- 19 A No, I haven't.
- 20 Q Now, you just said you haven't been back. Do you  
21 have any friends or family in this area?
- 22 A No, I do not.
- 23 Q Did you have any friends during the time this was  
24 going on?
- 25 A No, I didn't. He wouldn't let me have any

## JERICA BRYSON - DIRECT EXAMINATION

1 friends. He kept me from my family, basically. I  
2 could call them once or twice a year.

3 Q Okay. So you didn't have any friends, really,  
4 down here?

5 A No, I didn't.

6 Q Do you have any friends and family in West  
7 Virginia?

8 A I do.

9 Q And is the majority of your family in West  
10 Virginia?

11 A Yes, they are.

12 Q Now, while you were down here in South Carolina,  
13 did you ever get in any kind of trouble?

14 A No, I didn't.

15 Q Have you ever been in any kind of trouble?

16 A No, I haven't.

17 Q Did you ever -- were you ever able to get your  
18 cell phone from him to call the police?

19 A No, I wasn't.

20 Q Were you ever able to get to his cell phone to  
21 call the police?

22 A No, I wasn't.

23 Q If you don't mind, tell the jury what was going  
24 through your mind when you got out of that Jeep that  
25 night?

## JERICA BRYSON - DIRECT EXAMINATION

1 A I wanted to get away before I died, because I  
2 knew if I was there two more days I probably would be  
3 dead.

4 Q When you were at the gas station that night, do  
5 you remember if it was light or dark outside?

6 A It was dark.

7 Q Had you been outside since that Tuesday when you  
8 were taken back to Conway?

9 A No, I wasn't. I didn't even know if it was  
10 daylight or anything because he kept the curtains  
11 closed.

12 Q Okay. Do you remember how you felt when you got  
13 to that house Friday night?

14 A I felt that my mom was looking over me, and that  
15 if it wasn't for her looking over me, I probably would  
16 be dead, and luckily I'm living.

17 Q Whose Jeep were you in that night at the gas  
18 station?

19 A I was in one of his blue Jeeps.

20 Q And that was the Jeep that you got out of to run  
21 to that house?

22 A Yes, it was.

23 Q Was there anybody else that could have helped you  
24 other than the people in that house?

25 A No, because he had my mouth taped shut where I

## JERICA BRYSON - DIRECT EXAMINATION

1 couldn't scream, and the neighbors at [REDACTED]  
2 [REDACTED], there was a double wide next to us,  
3 there was a double wide behind us and a double wide  
4 beside and in front of us, but he had taped my mouth  
5 and not let me scream. He told me to shut the hell up  
6 or he would kill me if I did scream, so no one could  
7 hear me.

8 Q Did you see any other opportunity of getting out  
9 of that situation other than that Friday night jumping  
10 outside of the car?

11 A No, and if it wasn't for him to get cigarettes  
12 and something to drink, I probably would still be in  
13 that situation.

14 Q Do you remember who called 911 for you?

15 A The lady's name was Joyce who lived in the house.

16 Q Did you know her?

17 A I did not know her.

18 Q Have you had any contact with her outside of this  
19 courtroom?

20 A No, I haven't.

21 Q If you don't mind, what state are you living in  
22 now?

23 A I'm living in Raleigh County, West Virginia.

24 Q Are you currently working?

25 A Yes, I am.

## JERICA BRYSON - DIRECT EXAMINATION

1 Q And how long have you been living back up there?

2 A Since April 15, 2013.

3 Q And have you been working since you have been  
4 back up there?

5 A Yes, I have.

6 Q Has what you told this jury today been the truth?

7 A Yes, ma'am, it has been the truth.

8 Q Have you told anybody else anything different  
9 other than what you are telling this jury?

10 A No, I haven't.

11 MS. LIVESAY: Nothing further.

12 MR. AXELROD: At this time I would like to  
13 reserve the right to call my case in chief, sir. I  
14 would ask the Court to ask her to stay available for  
15 the next few days.

16 THE COURT: Okay. In this case, the present  
17 witness is not excused being called as stated by  
18 counsel. We'll move on to the next witness. You may  
19 step down. Thank you. We'll take ten minutes. We've  
20 been going longer than I realized.

21 (The jury exits at 3:30 p.m., and the  
22 following is heard out of the presence of the jury.)

23 THE COURT: We're in recess for a few minutes.

24 (A recess was taken.)

25 MR. AXELROD: I have a matter before we bring in

## THE COURT AND ATTORNEYS - JURY OUT

1 the jury.

2 THE COURT: Stop the jury. Okay.

3 MR. AXELROD: I sequestered all the witnesses,  
4 and there was someone sitting here, one of his  
5 neighbors. He came up to me and said that things that  
6 the victim testified to on the stand were not true.  
7 He is not in the courtroom now, and I would like to  
8 ask the Court, based on that -- I had no idea that he  
9 could offer something to this case. He came with the  
10 family, but he's saying that what the victim testified  
11 to was not true. He was a neighbor of these people at  
12 the alleged place where the event took place. I would  
13 ask the Court if I could sequester and call him as a  
14 witness? You know, in a rebuttal witness I can  
15 probably call him, you know, at some point, even if he  
16 was in courtroom.

17 THE COURT: Go ahead and sequester him now and  
18 we'll cross the bridge when we get to it, because I'll  
19 give you and the Solicitor time to talk about it to  
20 give her an idea what is going on here.

21 MR. AXELROD: If I could talk to the deputy for  
22 one second.

23 (A brief pause in the proceedings.)

24 THE COURT: He's not to communicate with any of  
25 them, any of the witnesses.

## JOYCE JONES - DIRECT EXAMINATION

1 (A brief pause in the proceedings.)

2 THE COURT: All right.

3 (The jury enters at 3:55 p.m., and the  
4 following is heard in the presence of the jury.)

5 THE COURT: Only the foreperson gets an armrest  
6 (laughing). Solicitor.

7 MS. LIVESAY: The State calls Joyce Jones to the  
8 stand.

9 (JOYCE JONES, having been duly sworn, testified  
10 as follows:)

11 THE CLERK: Spell your last name for the Court.

12 THE WITNESS: Joys Moore Jones, J-O-N-E-S.

## 13 DIRECT-EXAMINATION

14 BY MS. LIVESAY:

15 Q If you don't mind, tell the jury and the Court  
16 how old you are.

17 A 78.

18 Q Where do you currently live?

19 A [REDACTED] West Conway.

20 Q How long have you been living there?

21 A Since 1960.

22 Q Who do you live there with?

23 A My husband.

24 Q Do you have any kids?

25 A Two married children, three grandchildren.

## JOYCE JONES - DIRECT EXAMINATION

1 Q Where do they live?

2 A Both of my children live on Four Mile Road.

3 Q While you have been living at that residence,  
4 have you had an occasion to call 911?

5 A Yes.

6 Q Did you on April 12, 2013?

7 A Yes.

8 Q If you don't mind, tell the jury about that night  
9 and why you called 911.

10 A My husband and I were watching television, and I  
11 heard the doorbell ring. My husband got up and started  
12 to the door that opens under the carport. I said,  
13 Jimmy, that was the front doorbell. He said, I know  
14 that, but no one comes to our front door that doesn't  
15 know us and I'm going to go in the carport and see  
16 who's there. So he went out and stayed outside just  
17 very short period of time, came back in the back door  
18 and said to me, Joyce, do something. I looked, and he  
19 was accompanying a woman coming in the door who was  
20 extremely distraught, emotional, crying. I could  
21 immediately see that she had numerous injuries on her.  
22 I went to her and I said, Have you been in a wreck, and  
23 she said, No, I've been beat. I pulled out a chair and  
24 had her sit down. I got a bag of ice I keep in the  
25 refrigerator, because I have arthritis, and I wrapped

## JOYCE JONES - DIRECT EXAMINATION

1 it in a cloth. I said, Put this on your face. I said,  
2 I'll call 911. She said, Please don't. I said, You're  
3 hurt, you have to go to the hospital and be checked.  
4 She said, I can't, I don't have any health insurance, I  
5 don't even have an ID with me. I said, That doesn't  
6 matter, you've been hurt and you need attention.

7 I dialed 911, and they asked me what the problem  
8 was and I told them that I needed an ambulance, and  
9 they asked me for who, and I said that I didn't know  
10 the lady's name, I've never seen her before. I said,  
11 She came to my door, rang the doorbell, and I said  
12 it's obvious she has been beaten, she's in pain. I  
13 said, I need an ambulance. They said, Can she talk to  
14 us, and I said, yes. I had a portable phone, so I  
15 took it to her for her to -- because I had not asked  
16 who she was at that point. So I had asked her who had  
17 harmed her, and she said her boyfriend. She told the  
18 911 operator who she was. She stayed on the phone  
19 with her, and the police came. Because where I live,  
20 I have not annexed into the city. I am in the county,  
21 but the gas station next door to me and the Tractor  
22 Supply and motels in front of me are both in the city  
23 limits, so I think the city and the county came, but I  
24 was in the county, so they made the report. The  
25 ambulance came.

## JOYCE JONES - DIRECT EXAMINATION

1 Q About how long was she in your house?

2 A Before I called 911?

3 Q Yes, ma'am.

4 A Probably not more than two, three minutes. I  
5 mean, I realized she was in extreme pain.

6 Q And once you called 911, about how long did it  
7 take for help to get there?

8 A I didn't time it, but I would say probably not  
9 more than ten minutes.

10 Q Who all showed up to help you and her?

11 A The police department and then the ambulance.

12 Q And do you know when she showed up if they had  
13 their lights and sirens going?

14 A They did.

15 Q Did anybody else near you notice the commotion at  
16 your house?

17 A Yes. My granddaughter passed the house and went  
18 to my son's house -- they live on Four Mile Road -- and  
19 asked what was wrong with Mama and Granddaddy. My son  
20 called and said, What's wrong, and I said, Nothing is  
21 wrong with your dad and I, but I can't talk right now.  
22 So immediately he came. My husband went outside with  
23 him and explained what was going on.

24 Q So there were enough lights and commotion when  
25 somebody rode by that they knew something was going on?

## JOYCE JONES - DIRECT EXAMINATION

1 A Absolutely. Everybody in the neighborhood. I  
2 had people calling my work. Somebody called my  
3 husband, he had worked part time as a security guard at  
4 Ocean Lakes, and somebody called his friends at Ocean  
5 Lakes and asked him what was going on at Jimmy's house.  
6 So, I mean, it was all over town within a few minutes.  
7 Both police and sirens and the fire truck.

8 Q All came to your house?

9 A All came to my house.

10 Q If you don't mind, I'll show you some pictures.  
11 I'll show you -- if you don't mind stepping down so the  
12 jury can look at them while you are looking at them.  
13 I'll show you what has been marked as State's Evidence  
14 No. 7; do you recognize that?

15 A Yes. That is the lady that came to my house.

16 Q And the surrounding area?

17 A That is in my kitchen.

18 (States No. 7 published to the jury.)

19 Q (MS. LIVESAY) So this picture was taken in your  
20 house that night?

21 A In my house. I was there when the picture was  
22 made.

23 Q I'll show you what is marked as State's evidence  
24 No. 3; do you recognize that?

25 A That is the dishcloth I put the ice in because

## JOYCE JONES - DIRECT EXAMINATION

1 her eyes were in horrible shape and her jaw. I know  
2 ice is supposed to help swelling and pain.

3 Q Now, looking at these bruises, have you seen  
4 these pictures? Do you want to look through them real  
5 quick and make sure these are the same lady and this is  
6 how it appeared that night and they are accurate?

7 A (Witness complies.) Yes, ma'am. All were made in  
8 my kitchen. I was present when he were being made.

9 Q Now, when you look -- you have two kids and how  
10 many grandchildren?

11 A Two children, three grandchildren.

12 Q So you've seen a lot of bruises, maybe just not  
13 that severe?

14 A Right.

15 Q Do you notice anything about these bruises?

16 MR. AXELROD: If we can approach, Your Honor.

17 (Whereupon, a bench conference was had.)

18 Q (MS. LIVESAY) Okay. You can have a seat.

19 MR. AXELROD: Can I have a break for a second?

20 THE COURT: Stand at ease for a second.

21 (A recess was taken.)

22 Q (MS. LIVESAY) Have you ever knocked your hand and  
23 got a bruise?

24 A Yes, ma'am.

25 Q Does it turn purple right away?

## JOYCE JONES - DIRECT EXAMINATION

1 A No, ma'am. I noticed bruises that were purple  
2 and I noticed just red streaks, which, to me, would  
3 indicate --

4 MR. AXELROD: Your Honor --

5 THE COURT: That's fine. Don't go any further  
6 with that.

7 Q (MS. LIVESAY) That's fine, Ms. Jones.

8 A Okay.

9 Q Did she appear -- that night when you saw her,  
10 was she upset?

11 A Extremely.

12 Q Did she appear like she was afraid?

13 A Very much so.

14 Q And did she tell you why she was --

15 MR. AXELROD: Your Honor, I would object on two  
16 grounds. Now she's eliciting hearsay and she's  
17 leading the witness, on both grounds.

18 THE COURT: Careful with the hearsay, but you can  
19 go far because of that is a hearsay exception at this  
20 point.

21 MS. LIVESAY: Thank you, Your Honor.

22 MR. AXELROD: She's leading the witness, and I  
23 object.

24 THE COURT: And I warned her, okay. Rephrase.

25 Q (MS. LIVESAY) What did she tell you in that state

## JOYCE JONES - DIRECT EXAMINATION

1 of mind?

2 A She told me she had been beaten by her boyfriend  
3 since Wednesday night, and this was Friday night, and  
4 that she was just able to get away from him, that he  
5 had gone to the convenience store next door and that  
6 she was able to jump out of the car when he turned in  
7 to stop, ran into the woods behind the store, then into  
8 the woods behind my house and hid in the shrubbery  
9 until she no longer heard him screaming her name and  
10 driving up and down the road hollering for her. That  
11 is when she came to the front door, which is on the  
12 opposite -- away -- had she come in under the carport,  
13 she could have been seen from the store, but coming  
14 from the front door, she rang that bell, she would not  
15 be visible from the store.

16 Q Okay. And could you diagram on this sheet of  
17 paper where your house is relative to that convenience  
18 store and what is around it?

19 A Yes, ma'am.

20 MR. AXELROD: Is that just a blank piece of  
21 paper?

22 MS. LIVESAY: This is for demonstrative purposes.

23 MR. AXELROD: I'm okay. I was asking  
24 Ms. Livesay -- I just want to know if it is a blank  
25 sheet of paper. I want her to, it's good.

## JOYCE JONES - DIRECT EXAMINATION

1 THE WITNESS: I'm no good at drawing.

2 (A brief pause in the proceedings.)

3 MS. LIVESAY: Your Honor, can I ask her to step  
4 down so we can explain it to the jury?

5 MR. AXELROD: May I see that first, possibly? It  
6 is for demonstrative purposes, correct?

7 MS. LIVESAY: Yes.

8 Q (MS. LIVESAY) If you don't mind, Ms. Joyce, using  
9 this map --

10 A I'm no artist. That is not to scale.

11 Q Back up so everyone can see.

12 A Highway 501 runs in front of my house. Four Mile  
13 Road runs the intersection right here (indicates). The  
14 two houses -- first two houses that go down Four Mile  
15 Road, my daughter lives in one, my son lives in the  
16 other one. The store is next door to my house. There  
17 is a ditch and shrubbery between them. In front of my  
18 house is the Tractor Supply, and diagonal to my house  
19 is a motel there. There's, you know, like I said, a  
20 ditch between my house and the store.

21 Q So this is your house and this is the store?

22 A This is 501, it goes this way. Four Mile is down  
23 this way. The store is at the intersection. My house  
24 is back towards Conway.

25 Q Where are the woods?

## JOYCE JONES - DIRECT EXAMINATION

1 A The woods are behind the store and behind my  
2 house.

3 Q So all along there?

4 A All along is woods.

5 Q If she ran to the front door --

6 MR. AXELROD: Your Honor, I don't think that the  
7 foreman or some of the other jurors can see. If she  
8 could redo that because they are leaning to see, and I  
9 don't think they have seen anything. It is important.

10 THE COURT: Can all the jurors see?

11 FOREPERSON: There are some blind spots.

12 THE COURT: Shift down this way.

13 THE WITNESS: I'm not an artist.

14 Q (MS. LIVESAY) I'll stand here and hold it while you  
15 explain. This is your house here?

16 A Right.

17 Q This is the store?

18 A Yeah, and there is a ditch only between us and  
19 shrubbery.

20 Q Are there any buildings between your house and  
21 the store?

22 A No.

23 Q So all you have to run through is the ditch and  
24 the shrubbery?

25 A And the shrubbery.

## JOYCE JONES - DIRECT EXAMINATION

1 Q To get --

2 A From the convenience store where she jumped out  
3 of the car --

4 MR. AXELROD: Objection. I would ask that that  
5 be stricken. The witness does not know where Ms.  
6 Bryson came from. She just testified that when she  
7 jumped out at the store, that is an improper  
8 statement. In fact, the husband was the one that met  
9 her outside, so I would ask that that be stricken and  
10 the jury instructed to disregard that statement,  
11 inadvertent statement I believe.

12 THE COURT: Now, I seldom do this. Was that  
13 relayed to you in the initial conversation, that that  
14 happened, or are you just assuming that that happened?

15 THE WITNESS: The doorbell rang. The lady was at  
16 my front door; that, I know. My husband went to the  
17 front door and brought her in the house. Then,  
18 because she was injured, and after I called 911, he  
19 stepped outside under the carport to give her privacy.

20 MR. AXELROD: Once again, I renew that.

21 THE COURT: Did the victim -- I'm sorry. Did  
22 Ms. Bryson in what she was relating to you had  
23 happened, did she say she crossed that ditch?

24 THE WITNESS: She said she jumped out of the car.  
25 I didn't see it, of course, me sitting in the house.

## JOYCE JONES - DIRECT EXAMINATION

1 She told me she jumped out of the car and ran into the  
2 woods and then came to my front door.

3 THE COURT: All right. With that explanation,  
4 Ladies and Gentlemen of the jury, what was relayed to  
5 her is proper evidence. As far as assumptions, it was  
6 not relayed to her, I'll have to strike that, so  
7 disregard anything that was an assumption. Okay. Go  
8 back to with what you are doing.

9 Q (MS. LIVESAY) You can have a seat. I'll ask you a  
10 couple more questions.

11 A (Witness complies.)

12 Q Does the front door -- where does the front door  
13 of your house face?

14 A Highway 501.

15 Q Okay. And what doorbell did she ring?

16 A The front door.

17 Q Okay. And then when she rang the doorbell, your  
18 husband came at what door?

19 A Out of the door under the carport, which also  
20 faces 501, but the carport is opened, you know, it is  
21 not closed in.

22 Q Are there any other entrances to your house other  
23 than those two?

24 A There is a back door.

25 Q And where --

## JOYCE JONES - DIRECT EXAMINATION

1 A That faces the woods.

2 Q Now, what is between the convenience store and  
3 your house?

4 A Shrubbery along the ditch on our property line.

5 Q Okay. What is behind your house?

6 A Woods.

7 Q Okay. And what is behind the convenience store?

8 A Woods.

9 Q Are there any buildings or any obstructions like  
10 a building between the convenience store and your  
11 house?

12 A No.

13 Q When she showed up to your house that night, was  
14 it light outside or dark?

15 A Dark.

16 Q Did anybody else show up to your house that night  
17 looking for her?

18 A No.

19 Q Okay. And how many vehicles would you say were  
20 at your house with sirens and lights going?

21 MR. AXELROD: Your Honor, I don't see the  
22 relevance in that question.

23 MS. LIVESAY: I see it, Your Honor. Can I ask a  
24 couple more questions, please?

25 THE COURT: Go ahead.

## JOYCE JONES - DIRECT EXAMINATION

1 Q (MS. LIVESAY) Approximately how many vehicles,  
2 emergency type of vehicles, would you say were at your  
3 house?

4 A I would say at least four.

5 Q Okay. From where your house is located and from  
6 where these vehicles were parked, would it be possible  
7 to see them from 501 or the roadway?

8 A Absolutely.

9 Q Would it be possible to see those vehicles from  
10 the roadway?

11 A Yes.

12 Q Was she able to hold that ice pack up to her face  
13 that you gave her?

14 A Yes.

15 Q Had you ever seen her before?

16 A No.

17 Q Had you ever seen her since that incident other  
18 than in this courtroom?

19 A Not until I came into this courtroom today.

20 Q No other time?

21 A No other time.

22 Q And do you know the defendant, Anthony Adkins, in  
23 this case?

24 A No.

25 Q Had you ever seen him other than today in this

## JOYCE JONES - DIRECT EXAMINATION

1 courtroom?

2 A No.

3 Q Did anybody show up to your house looking for  
4 Jerica Bryson that night other than EMS and the police?

5 A No.

6 Q How about the next day?

7 A No.

8 Q How long, total, would you say the police and EMS  
9 were at your house?

10 A I really don't know. I didn't look at my watch.  
11 Naturally, it was upsetting to me because I'd never  
12 seen anything like this before, but from the length of  
13 time that they questioned her in my presence and wrote  
14 a report and made photographers, it probably was 30  
15 minutes or so.

16 Q Is what you told this jury today the truth?

17 A Absolutely.

18 Q Have you told anybody anything other than what  
19 you told this jury today?

20 A No.

21 Q While she was in your presence, did the victim  
22 tell you anything other than what you have told this  
23 jury today?

24 A Nothing that -- I specifically asked her if she  
25 had been beaten or abused by this person before.

## JOYCE JONES - CROSS-EXAMINATION

1 Q Don't answer that question. As to who did this  
2 to her, did she tell you anybody other than her  
3 boyfriend?

4 A No. She told me his name.

5 Q And what did she say his name was?

6 A Anthony Adkins.

7 MS. LIVESAY: Nothing further.

8 CROSS-EXAMINATION

9 BY MR. AXELROD:

10 Q Good afternoon.

11 A Hi.

12 Q How are you?

13 A Fine.

14 Q Where is that map that you drew?

15 MS. LIVESAY: What are you looking for?

16 MR. AXELROD: The map.

17 Q (MR. AXELROD) If I'm heading out 501 going  
18 towards California, is your house on the right-hand  
19 side or the left-hand side?

20 THE WITNESS: Going out towards Aynor, it would  
21 be on the right.

22 Q (MR. AXELROD) So demonstratively, if this was Aynor  
23 here, and we're going that direction, you are on the  
24 right-hand side -- you lost that piece down there.

25 A You leave Conway -- this is Conway -- and this is

## JOYCE JONES - CROSS-EXAMINATION

1 Aynor. When you are going out 501, the store and my  
2 house are on the right-hand side of the road.

3 Q Okay. Come down here a second.

4 A I'm sorry.

5 Q I do the same stuff. Is there any other way to  
6 get to your house other than from the store -- the  
7 store next door? Can I walk up to your house this way  
8 on the road?

9 A If you want to come through the woods, you can.

10 Q How about if I walk on the highway?

11 A You can walk on the highway.

12 Q So your testimony today is that somebody could be  
13 walking up 501? Say I dropped somebody off on 501,  
14 could they walk up and knock on our door?

15 A Yes.

16 Q Thank you. Take a seat, please.

17 MR. AXELROD: I would like to mark this as  
18 Defense --

19 THE COURT: You want to move it in?

20 MR. AXELROD: I think I might.

21 MS. LIVESAY: No objection.

22 MR. AXELROD: I'll mark it for identification. I  
23 would like to move it in.

24 THE COURT: Without objection.

25 MR. AXELROD: Court's indulgence so I can mark

## JOYCE JONES - CROSS-EXAMINATION

1 it.

2 THE COURT: Sure.

3 (Defendant's Exhibit 1 marked and admitted.)

4 Q (MR. AXELROD) So you have no idea from where this  
5 person came from, do you? Tell the jury.

6 A I did not see her, where she came from.

7 Q My question is: You have no idea from which way  
8 she came, do you?

9 A No.

10 Q And you don't know whether Anthony was there that  
11 night or not, do you?

12 A No. I didn't see him, if that is what you are  
13 asking.

14 Q And you could only testify to what you, yourself,  
15 saw or heard; is that fair?

16 A Uh-huh.

17 Q Let me ask you this. The police -- you said the  
18 police wrote a report for approximately 30 minutes, and  
19 that might be a little longer or less?

20 A I don't know. I made that clear, that I couldn't  
21 be exact. I was not timing it.

22 Q Could have been an hour, fair deal? I'm not  
23 trying to pick a specific time. They were there,  
24 filled out a report, felt like 30 minutes, might be a  
25 few minutes more or less, fair deal?

## JOYCE JONES - CROSS-EXAMINATION

1 A (Witness nods head.)

2 Q After that night, how many times did the police  
3 come back to your house?

4 A They did not come back to my house.

5 Q There was two police agencies at your house,  
6 Conway and the Horry County police?

7 A I believe so. I'm not positive, but I think  
8 there were.

9 Q Okay. Conway wears blue uniforms; do you  
10 remember?

11 A No. I wasn't looking at their uniforms.

12 Q You were looking at Ms. Bryson, correct?

13 A Sir?

14 Q You were looking at Ms. Bryson, correct?

15 A Yes.

16 Q That is where you were focusing your attention?

17 A Yes.

18 Q And you remember that day as far as it was  
19 yesterday, because it really shocked you; is that fair?

20 A Yes.

21 Q Your testimony was -- I wrote it down -- that Ms.  
22 Bryson told you she had been beaten by her boyfriend  
23 since Wednesday night. You testified to that; do you  
24 remember? Is that the truth?

25 A She said she had been beaten by her boyfriend.

## JOYCE JONES - REDIRECT EXAMINATION

1 Q You said since Wednesday night?

2 A Yes.

3 Q Is that your testimony?

4 A Yes.

5 Q Because I can have the court reporter play it  
6 back. I'm not trying to trick you. I wrote down that  
7 you said the victim told me she had been beaten by her  
8 boyfriend since Wednesday night.

9 A That's what I remember.

10 Q Thank you.

11 MR. AXELROD: Nothing further.

12 THE COURT: Solicitor, anything else?

13 REDIRECT-EXAMINATION

14 BY MS. LIVESAY:

15 Q Ms. Joyce, do you remember anything about her  
16 clothing that would indicate whether or not she had  
17 been in the woods or just walking down the road?

18 A They were wet.

19 Q Do you know why they were wet?

20 A Well...

21 MR. AXELROD: Your Honor, it is speculation. I'm  
22 not sure where she's going.

23 MS. LIVESAY: I'm not calling for speculation.  
24 Either she knows it, or the victim told her. The fact  
25 that the clothes were wet corroborate that she was in

## JOYCE JONES - RE-CROSS-EXAMINATION

1 the woods, which indicates she wasn't just walking  
2 down the road. I think it --

3 MR. AXELROD: Now the Solicitor is testifying.

4 THE COURT: Let's answer it yes or no and see  
5 where it goes.

6 Q (MS. LIVESAY) Was there anything about her clothes  
7 to you to indicate that she had been hiding in the  
8 woods?

9 A They were wet.

10 Q And while you were there, did you learn whether  
11 or not that was the reason the clothes were wet?

12 A By what she said, yes.

13 MS. LIVESAY: Nothing further.

## 14 RE-CROSS-EXAMINATION

15 BY MR. AXELROD:

16 Q Was it raining that night?

17 A No, sir.

18 Q So could her clothes have gotten wet another way?

19 A She could have went through the ditch and there  
20 is water in the ditch.

21 Q Could she have walked up 501 and hit a ditch?

22 MS. LIVESAY: I think this is outside of the  
23 couple questions I asked.

24 THE COURT: Go ahead.

25 Q (MR. AXELROD) Is there a ditch up 501? Tell the

## KENNETH MOSSI - DIRECT EXAMINATION

1 jury. Tell the jury. Is there a ditch up 501 walking  
2 towards your house?

3 A Probably is.

4 MR. AXELROD: Thank you. That's it. Thank you,  
5 Judge.

6 MS. LIVESAY: Nothing further, Your Honor.

7 THE COURT: You may step down. May this witness  
8 be excused?

9 MS. LIVESAY: Yes, sir.

10 MR. AXELROD: No problems excusing her.

11 THE COURT: You are welcome to stay; otherwise,  
12 you are free to go.

13 THE WITNESS: I'm free?

14 THE COURT: Yes, ma'am. Thank you.

15 MS. LIVESAY: The State calls Ken Mossi to the  
16 stand.

17 (KENNETH MOSSI, having been duly sworn, testified  
18 as follows:)

19 THE CLERK: Your name and spell your last.

20 THE WITNESS: Full name is Kenneth Lee Mossi -  
21 M-O-S-S-I.

## DIRECT-EXAMINATION

22 BY MS. LIVESAY:

23 Q Where are you currently employed?

24 A Horry County Police Department.  
25

## KENNETH MOSSI - DIRECT EXAMINATION

1 Q How long have you been working there?

2 A A little over four years.

3 Q If you don't mind, go through with the jury what  
4 kind of training you've undergone.

5 A Went to the South Carolina Criminal Justice  
6 Academy in Columbia, South Carolina where I attended  
7 legals, driving, shooting, officer scenarios and touch  
8 up on legals and court testimony, things like that?

9 Q And what are your general responsibilities right  
10 now at the police department?

11 A I am a patrol officer working central precinct in  
12 the Conway section of Horry County.

13 Q What were your responsibilities in April of 2013?

14 A Just answering patrol calls, domestic, stuff like  
15 that.

16 Q And you are wearing a uniform today; do you  
17 normally wear a uniform?

18 A Yes, sir.

19 Q Do you drive a marked car?

20 A Yes, ma'am.

21 Q Were you wearing a uniform and driving a marked  
22 car in April of 2013?

23 A Yes, ma'am.

24 Q Are you familiar with the incident that we're  
25 here today for?

## KENNETH MOSSI - DIRECT EXAMINATION

1 A Slightly, yes. Yes.

2 Q And were you involved at all --

3 A Yes.

4 Q -- in assisting in this case?

5 A Yes.

6 Q If you don't mind, tell the jury what you did to  
7 assist in this case.

8 A All right. On that date, April 12, 2013, I was  
9 dispatched by Corporal, and Sergeant asked me to go to  
10 the address of [REDACTED] Road and try to  
11 locate a possible subject living there. So I went to  
12 that address and looked for the subject and the  
13 vehicle. I went and did that and located the vehicle  
14 and tried to attempt to locate the suspect at that  
15 residence at the time.

16 Q When you say "the suspect," who are you looking  
17 for?

18 A I was looking for Anthony Adkins.

19 Q And you were looking for him at what address?

20 A [REDACTED] Road.

21 Q And were you familiar with the house or location  
22 the victim was at during that time?

23 A I was given directions to go there. It was the  
24 first time I had been to that house.

25 Q And are you familiar with how close to that house

## KENNETH MOSSI - DIRECT EXAMINATION

1 where you were looking for the Defendant, do you know  
2 how close that was to that convenience store?

3 A It wasn't a close distance. I mean, you had to  
4 go from Four Mile Road to 319 and cut 319 a little  
5 ways, so about 5 miles.

6 Q And do you remember what time you responded to  
7 that location looking for the Defendant on Homewood?

8 A West Homewood. Yes, it was about 10 o'clock from  
9 the time I responded.

10 Q And did anyone go with you that night?

11 A I believe Sergeant Larrimore was there, and I  
12 can't remember the other officer there later on as  
13 well, I believe. I can't remember. Sergeant Larrimore  
14 was with me.

15 Q Was there a certain car you were looking for as  
16 well?

17 A It was -- yes, I believe it was a Jeep Cherokee  
18 -- sorry, I can't remember. I have to look at my notes  
19 real quick.

20 Q That's okay.

21 A (Witness examines document.) Yeah, it was a Jeep  
22 Cherokee.

23 Q When you went to that location on West Homewood  
24 Road, was that car located there?

25 A Yes.

## KENNETH MOSSI - DIRECT EXAMINATION

1 Q Did you go to the door to try to locate the  
2 Defendant?

3 A Yes. We went to the front and back doors,  
4 knocked several times. We were there for awhile doing  
5 that, yeah.

6 Q And was there a light on, anything to indicate  
7 anybody was at that house?

8 A I can't remember about the light being on.

9 Q I'm sorry, you may have told me, how long were  
10 you out there?

11 A We were out there for awhile. I can't say an  
12 exact time. We were out there for a good time trying  
13 to get that -- talked to the neighbor across the yard  
14 and stuff like that. I can't give you an exact time  
15 how long we were out there.

16 Q While you were there, did anybody open the door  
17 to that house?

18 A No.

19 Q Did anybody drive up to that house?

20 A No.

21 Q Was there anyone coming to or from that house?

22 A No, not while I was there.

23 Q Not during the entire time you were there?

24 A No.

25 Q When you were out there, did you have your lights

## KENNETH MOSSI - DIRECT EXAMINATION

1 on?

2 A Yeah -- well, not my blue lights, just lights to  
3 the car, yes.

4 Q And were you in a marked car?

5 A Yes.

6 Q So when you showed up, you had a light on and you  
7 were in a marked car?

8 A Yes. I did announce myself when I knocked on the  
9 door. I believe my lieutenant did as well, announcing  
10 ourselves "Horry County Police Department."

11 Q And nobody came in or out of the location the  
12 entire time you were out there?

13 A No.

14 Q Did you ever go back to that location looking for  
15 the Defendant?

16 A Yes.

17 Q About how many times did you go back to that  
18 location to locate Anthony Adkins?

19 A I can't recall, but usually when I begin a shift  
20 I would drive out there, park across the street, go to  
21 the residence, knock. I'd park there for awhile or  
22 just a couple of shifts. I can't recall how many  
23 times.

24 Q Were you ever able to locate him at that  
25 location?

## KENNETH MOSSI - CROSS-EXAMINATION

1 A No, I was not.

2 Q While you were at the location looking for him,  
3 did you see anybody coming or going from that location?

4 A No, I did not.

5 Q What, if anything else, did you do to assist in  
6 this particular case?

7 A All I did was just try to locate the suspect, and  
8 that was it.

9 Q And you were never able to locate him that night  
10 or later that day while you were out?

11 A I was not, no.

12 Q And, again, I'm sorry, what time did you go out  
13 there?

14 A Around 10 o'clock.

15 MS. LIVESAY: Nothing further.

16 CROSS-EXAMINATION

17 BY MR. AXELROD:

18 Q Good afternoon, Officer.

19 A How are you doing?

20 Q Why did you go to [REDACTED] Road in the  
21 first place? Tell the jury.

22 A I was told to try to locate a suspect to see if  
23 he was there to talk to him and find out what is going  
24 on.

25 Q Did Ms. Bryson tell you that is where she was

## KENNETH MOSSI - CROSS-EXAMINATION

- 1 held hostage at?
- 2 A I never talked to her. I have no idea about  
3 that.
- 4 Q Did you talk to any other officers about that?
- 5 A My corporal, who was talking with Ms. Bryson.
- 6 Q So you -- did you have any idea why you were  
7 going to find Anthony?
- 8 A Just to locate and speak with him.
- 9 Q Can I see the report you made that night?
- 10 A I did not type a report. I was just another  
11 officer.
- 12 Q So is it your testimony to the jury that when you  
13 go looking for somebody on several shifts, and you take  
14 your car and you go places, you don't make a report of  
15 that?
- 16 A No. There is no instances of anything happening,  
17 so there wouldn't be a report.
- 18 Q So is it your testimony here today that your  
19 training at the academy tells you not to make police  
20 reports when you go and do an investigation?
- 21 A If there is an incident, I would do a police  
22 report, but there was no incident. I go and knock and  
23 might call out to dispatch that I'm responding to this  
24 address to attempt to locate, and that would be it.
- 25 Q All right. So that night you went at 10 o'clock

## KENNETH MOSSI - CROSS-EXAMINATION

1 to locate Anthony, and he was not there, was he?

2 A No -- well, I couldn't say he's not there, but no  
3 one answered.

4 Q All right. Who sent you there?

5 A My corporal where the incident occurred where we  
6 very first responded, where we were dispatched to.

7 Q Why did you -- who told the corporal to send you  
8 there, if you know?

9 A I don't. I don't know about that. It was his  
10 information. I can't testify who told him that.

11 Q Okay. If you had known that to be a major crime  
12 scene, say you knew -- are you a detective?

13 A No.

14 Q On major crime scenes, do they send out  
15 detectives?

16 A Yes.

17 Q And you are trained for that, aren't you? When a  
18 major crime scene comes, you notify your superiors and  
19 say I think I need a detective over here, this is a  
20 major crime scene?

21 A Yes.

22 Q And in a case of criminal domestic violence of a  
23 high and aggravated nature where allegedly somebody has  
24 been kidnapped for five days, beaten, drugged, burnt  
25 stabbed -- not stabbed, but beaten --

## KENNETH MOSSI - CROSS-EXAMINATION

1 MS. LIVESAY: I have to object as to the  
2 relevance and where this is going. This officer said  
3 he's not a detective, he's a road officer. He assists  
4 on calls he's dispatched out to, not a crime scene  
5 investigator.

6 MR. AXELROD: I think the question is  
7 appropriate, I would like the answer.

8 THE COURT: Please state the question, but don't  
9 editorialize outside of the evidence presented.

10 MR. AXELROD: I apologize for that, Your Honor.

11 Q (MR. AXELROD) you knew that [REDACTED] --  
12 if [REDACTED] Road was a major crime scene,  
13 would you have acted differently?

14 A I was not the lead officer there on scene, so I  
15 cannot make that call. I was just attempting to  
16 locate.

17 Q Got you. But the question was -- and I'm not  
18 trying to confuse you, but the specific question is:  
19 If you had known it was a major crime scene, would you  
20 have treated that crime scene differently?

21 MS. LIVESAY: Your Honor, if I may, again, this  
22 officer is a road officer, he is not a sergeant. He  
23 is not in any position to mark off a crime scene, nor  
24 is he in any position to tell whether or not a  
25 detective goes out for a certain call. I'm unsure of

## KENNETH MOSSI - CROSS-EXAMINATION

1 the relevance of asking these questions.

2 MR. AXELROD: I think it is an allowable  
3 question, would he have treated the crime scene  
4 differently if it was a major crime scene.

5 MS. LIVESAY: He's asking about a crime scene to  
6 a road officer who is called out when he is  
7 dispatched. He's not a crime scene investigator and  
8 not a detective. I'm not sure how these questions are  
9 relevant to this officer.

10 THE COURT: I'll let him answer it.

11 MR. AXELROD: Thank you, Your Honor.

12 Q (MR. AXELROD) I'll repeat the question. If you had  
13 known that this was a major crime scene, would you  
14 have treated the scene differently?

15 A If I would have known it was a crime scene or  
16 access to the crime scene, yes.

17 Q What would you have done if you had known that?  
18 What would you do in a normal case if there is a crime  
19 scene?

20 MS. LIVESAY: Again, I believe this calls for  
21 speculation.

22 MR. AXELROD: No, it doesn't. It calls for --  
23 she had him testify that he went to the academy and  
24 they teach him at the academy what you do at a crime  
25 scene. I'm not asking for speculation, I'm asking for

## KENNETH MOSSI - CROSS-EXAMINATION

1 knowledge, if he knows.

2 MS. LIVESAY: I think as soon as the question  
3 started with "if," we have speculation.

4 THE COURT: We're getting a little far. Ask the  
5 question and let's get on with it.

6 Q (MR. AXELROD) At a major crime scene, what do you  
7 do?

8 A At a major crime scene, if I recognize it is a  
9 crime scene, I tape it up, prevent people from being  
10 there, start a crime scene log and let my supervisor  
11 know what I've got.

12 Q Have you ever investigated major crime scenes?

13 A Define "investigated."

14 Q I'll do it a different way. At a major crime  
15 scene, if there is nobody at a residence, are the  
16 police able to get search warrants?

17 MS. LIVESAY: I have to ask, what is considered a  
18 major crime scene?

19 THE COURT: I'm stopping this right now. Move on  
20 to something else.

21 Q (MR. AXELROD) Did you ever secure a search warrant  
22 for this residence?

23 A Did I? No, not as just the bottom patrol  
24 officer.

25 Q Do you know if anybody did?

## KENNETH MOSSI - CROSS-EXAMINATION

1 A I don't know, no.

2 Q And it is your testimony here today that you  
3 don't need to file any type of written report based on  
4 your activity?

5 A From my activity -- not when there is another  
6 officer doing a report on the same incident.

7 Q Don't multiple police officers do follow-up  
8 reports?

9 A Follow-up reports if an incident occurs or  
10 something needs to be documented.

11 Q Have you ever done a follow-up report?

12 A Yes.

13 Q Do you think you should have documented that you  
14 went to the house several times and no one was there?

15 A No, not with -- I don't think so, no. I've done  
16 several ATL's and not done reports looking for people.

17 Q What is "ATL"?

18 A Attempt to locate.

19 Q At that time you had three years of experience,  
20 approximately?

21 A Approximately; yes, almost three years.

22 MR. AXELROD: That is the questions I have at  
23 this time.

24 MS. LIVESAY: Nothing further, Your Honor.

25 THE COURT: Does this witness need to be excused?

## KENNETH MOSSI - CROSS-EXAMINATION

1 MS. LIVESAY: I'll ask him to be excused, Your  
2 Honor.

3 MR. AXELROD: I would ask that if I need to  
4 recall him that he be available for me tomorrow or the  
5 next day. If he can give me a number, I might need  
6 him.

7 THE COURT: You'll be on duty the next couple of  
8 days?

9 THE WITNESS: Yes.

10 THE COURT: Leave a number with Mr. Axelrod. You  
11 are excused once you do that. Thanks.

12 MS. LIVESAY: I think we may need to break today.  
13 The next witness is rather lengthy.

14 MR. AXELROD: Thank you, Your Honor. Thank you  
15 for the opportunity.

16 THE COURT: All right. It's almost 5 o'clock,  
17 beat the rush traffic if we let out now, otherwise,  
18 we'll get caught up in it. We have done all we can  
19 today. We'll start back in the morning at 9:30.

20 MS. LIVESAY: Yes, sir, Your Honor.

21 THE COURT: Okay. See you at 9:30 in the  
22 morning. Remember, don't discuss the case with  
23 anyone.

24 (The jury exits at 4:45 p.m., and the  
25 following is heard out of the presence of the jury.)

## THE COURT AND ATTORNEYS

1 THE COURT: Anything before we quit for today?

2 MS. LIVESAY: Nothing from the State today.

3 MR. AXELROD: No, sir.

4 (A pause in proceedings.)

5 MS. LIVESAY: My victim advocate has approached  
6 me as to Ms. Bryson. We're looking for guidance as to  
7 whether or not we need to put her somewhere to stay,  
8 or if Mr. Axelrod will be handling that? Because  
9 we're ready to excuse her at this point. I'm not sure  
10 why we would still be responsible for somewhere for  
11 her to stay as well as her arrangements back.

12 MR. AXELROD: State has a lot of money. I ask  
13 the State -- they handled her last week. Sorry, but I  
14 don't have the means to put her up or any of that. I  
15 have covered a lot of expenses here.

16 THE COURT: The burden is on the State.

17 MR. AXELROD: Thank you, sir.

18 THE COURT: Try to minimize it as much as we can.  
19 In the morning, you need to notify the airline ahead  
20 of time, otherwise, you lose what credits are there.  
21 I know that from experience.

22 (A pause in the proceedings.)

23 MS. LIVESAY: This young lady is ready to get  
24 back to West Virginia and she said if she doesn't have  
25 a subpoena, she's leaving.

## THE COURT AND ATTORNEYS

1 THE COURT: I'm tired of hearing it. If she's  
2 not here in the morning, it is a mistrial, and then  
3 we'll let the supreme court determine whose fault this  
4 is. I've never had this happen in 23 years, something  
5 like this. The State has the burden of proof. He  
6 hasn't released her. I told her to stay here, and if  
7 I hear anything else about it, this case is over.  
8 Now, do what you got to do. Let me talk to both of  
9 you all back here in chambers.

10 (Whereupon, the proceedings for July 21, 2014  
11 concluded and reconvened July 22, 2014 where the  
12 following was had.)

13 MR. AXELROD: I told your clerk, and I'll  
14 maintain it, I canceled my doctor's appointment for  
15 tomorrow because I know I'll have a slight delay this  
16 morning. I have a real estate closing that's been  
17 scheduled over 60 days. They then are coming here  
18 with the documents to sign for me in Courtroom 3A. I  
19 just talked to the real estate lady, she's an attorney  
20 with George Cox' office getting the paperwork. They  
21 had to change something on the HUD. When they get  
22 here, at some point I just have to take a break.

23 THE COURT: We'll take care of that.

24 MR. AXELROD: And can I get a bottle of water  
25 now, please? There is no water. If I can get one

## THE COURT AND ATTORNEYS

1 bottle, I'll be ready to go.

2 THE COURT: All right. Are we ready to go?

3 MS. LIVESAY: Your Honor, the State is going to  
4 rest this morning, so once the jury comes out, we  
5 won't call any more witnesses.

6 THE COURT: Well, if everybody is in agreement,  
7 we'll cover what we want to at this time instead of  
8 playing musical chairs with the jury.

9 MR. AXELROD: State rests now?

10 MS. LIVESAY: I mean, I'm assuming if the jury is  
11 going to be called back we do it in front of them, or  
12 do the motions now, however you want to do them.

13 THE COURT: Technically, I have to bring them out  
14 and do that unless both of you agree that you waive  
15 that technicality on the waiver.

16 MR. AXELROD: I won't waive that. I ask that  
17 they be brought out.

18 (The jury enters at 9:44 a.m., and the  
19 following is heard in the presence of the jury.)

20 THE COURT: Good morning. Hope everybody had a  
21 restful night. All right. Solicitor -- oh, I'm  
22 sorry, we have one more.

23 MS. LIVESAY: At this time, the State rests.

24 THE COURT: Any matters of law?

25 MR. AXELROD: Yes, Your Honor, I have a matter of

## MOTIONS

1 law to take up with the Court.

2 THE COURT: Certain protocols we have to go  
3 through the old English system we follow. The State  
4 rests, and now I have to take up matters of law. I  
5 hate to play musical chairs, but if you will step back  
6 to your room, take care of this and we'll bring you  
7 right back in.

8 (The jury exits at 9:47 a.m., and the  
9 following is heard out of the presence of the jury.)

10 THE COURT: What do you have for the record?

11 MR. AXELROD: Your Honor, I make a motion for a  
12 directed verdict. The only evidence the State put up  
13 is the victim in this case. Pretty much the only  
14 witness they put up -- they put up Joyce Jones, the  
15 lady that lived at that house, and they put up Officer  
16 Mossi that didn't know anything, and they put up  
17 Jerica. The only thing that Jerica said was that  
18 Anthony did it. That is the only evidence that this  
19 Court has. They never were able to establish my  
20 client's presence even in the State of South Carolina  
21 at that time, Your Honor. At this time I ask for a  
22 directed verdict.

23 THE COURT: I deny that motion. It was on the  
24 record that it occurred in Myrtle Beach, which all of  
25 Myrtle Beach is in Horry County, so that takes care of

## MOTIONS

1 that jurisdictional question. Like many other cases,  
2 it's the victim's testimony that certainly can survive  
3 a summary judgment motion -- or directed verdict --  
4 excuse me, directed verdict motion. Therefore, on the  
5 record, the motion for directed verdict is denied.

6 MR. AXELROD: Now, Your Honor -- thank you. I  
7 take exception to that. For some housekeeping, Your  
8 Honor, I actually have been taken slightly back by the  
9 state not putting up even the police officer that did  
10 the arrest in this case. I have scheduled my  
11 witnesses at 11:00 because I imagined that she would  
12 be putting up the police officer. If she had told me  
13 yesterday afternoon when we left that she would close,  
14 I would have contacted everybody to be here at 9:00.  
15 The first moment that I heard -- and I know Nancy,  
16 maybe she thought she was going to put somebody up,  
17 but the first time I heard she wasn't going to put  
18 anybody up was approximately two, three minutes ago.  
19 So I would ask the Court if I could take a ten-minute  
20 break and call my investigator and see if I could move  
21 the witnesses faster, if I may, sir.

22 THE COURT: Nothing preventing you from  
23 calling -- of course I don't know if the arresting  
24 officer is here.

25 MS. LIVESAY: Ms. Bryson is here and she's ready

## MOTIONS

1 to testify. We made arrangements for her to fly out  
2 tomorrow morning.

3 THE COURT: I said the arresting officer.

4 MS. LIVESAY: Yes, sir.

5 THE COURT: Take ten minutes.

6 MR. AXELROD: Thank you, sir, I'll make some  
7 calls.

8 (A recess was taken.)

9 MR. AXELROD: The real estate people said they  
10 will be here in 15 minutes to sign the papers,  
11 whatever the Court wants to do. The witnesses are all  
12 on their way, I'm okay that way. Whatever the Court  
13 wants to do. If you want to wait until I get the  
14 papers signed, it will take me ten minutes.

15 THE COURT: That's fine.

16 MR. AXELROD: For continuity, I think that is  
17 best.

18 MS. LIVESAY: Tasha is here.

19 MR. AXELROD: Yeah. The real estate people are  
20 coming, and you know, Judge, I haven't had a trial  
21 here in about nine months and I had a doctor's  
22 appointment scheduled, the real estate closing and  
23 then I have a trial.

24 THE COURT: No problem. Sheriff, tell Madam  
25 Bailiff to make sure the jury is comfortable, drinks

## MOTIONS

1 and water and all that. Stand at ease.

2 (A recess was taken.)

3 MR. AXELROD: I'm signing the document in two  
4 minutes. The lead officer was getting ready to leave,  
5 and I told him, I'm going to call you as my first  
6 witness please do not go. He said, Am I under  
7 subpoena? I said, No, I haven't placed you under one,  
8 but let me get the judge and have the judge have you  
9 held here until I call you.

10 MS. LIVESAY: Here's the issue I have. At this  
11 point we have this officer here, we have my  
12 investigator here, we have a victim from West Virginia  
13 here, we have another witness from West Virginia in  
14 the hallway. He's telling us he has nobody to call  
15 and we need to wait until 11:00, yet we have four  
16 people here off their jobs, two which are not getting  
17 paid for their time. If he's the first witness, let's  
18 bring the jury out, call him and get it started. This  
19 young lady is ready to go. We have another lady from  
20 out of state. This has been continued from last week.  
21 This was supposed to be tried last week. He never  
22 issued a subpoena until yesterday. I think we need to  
23 get the trial started. If this is the first witness,  
24 bring the jury out and get started. Are you ready?  
25 MR. AXELROD: Your Honor, I ask that you ask the

## JOE VANVORRHIS - DIRECT EXAMINATION

1 officer to stay here, I'll sign the documents and I'm  
2 ready to go in a few minutes. They're in the parking  
3 lot.

4 MS. LIVESAY: He hasn't even issued a subpoena  
5 for this witness, Your Honor.

6 MR. AXELROD: If the solicitor's position is that  
7 I did not issue a subpoena, I'll go downstairs and get  
8 one issued.

9 THE COURT: Can I make it any clearer to you all  
10 that no witness leaves here until I excuse them? Did  
11 I not make that perfectly clear last night to both of  
12 you?

13 MR. AXELROD: Yes, sir.

14 THE COURT: Now, bring it up one more time and  
15 this trial will end because both of you all are going  
16 to be in jail. Don't test my patience anymore, either  
17 one of you. Get out there and sign those documents  
18 and let's get going.

19 (A recess was taken.)

20 MR. AXELROD: All right, Judge, ready.

21 THE COURT: Sheriff, tell the Madam Bailiff we're  
22 ready and to bring the jury in.

23 (The jury enters at 10:31 a.m., and the  
24 following is heard in the presence of the jury.)

25 THE COURT: Foreman, Ladies and Gentlemen of the

## JOE VANVORRHIS - DIRECT EXAMINATION

1 jury, thank you so much for your patience we had some  
2 problems because we're moving a lot faster than we  
3 anticipated, that's the basic situation we face.  
4 Thank you for your patience. Counsel.

5 MR. AXELROD: Thank you, Your Honor. Your Honor,  
6 at this time we would call Officer Joe VanVorrhis.

7 (JOE VANVORRHIS, having been duly sworn,  
8 testified as follows:)

9 THE CLERK: State your name for the record.

10 THE WITNESS: Joe VanVorrhis,  
11 V-A-N-V-O-O-R-H-I-S.

## 12 DIRECT-EXAMINATION

13 BY MR. AXELROD:

14 Q Good morning, sir.

15 A Good morning.

16 Q Can you tell the jury who you're employed with?

17 A Horry County Police Department.

18 Q And how long have you been employed there?

19 A A little over eight years.

20 Q Okay. And you are sitting with the Solicitor  
21 today, yesterday as well, correct?

22 A Yes, sir.

23 Q And you are on her side of the table, basically?

24 A Yes, sir.

25 Q And she didn't call you in her case in chief, did

## JOE VANVORRHIS - DIRECT EXAMINATION

1 she?

2 A No, sir.

3 Q Now, have you worked for Horry County police the  
4 whole eight years?

5 A Yes, sir.

6 Q And before the Horry County police, did you work  
7 for any police?

8 A Just military.

9 Q So when you came out of the military you became  
10 an officer?

11 A Shortly after.

12 Q Okay. And what rank do you hold now?

13 A Corporal.

14 Q What rank did you hold on April 12, 2013?

15 A Corporal.

16 Q Tell the jury about your training as an Horry  
17 County police officer. Let's go through that. Explain  
18 to them -- start with the academy, explain when you  
19 went to the academy, how long the academy was and what  
20 you learned at the academy.

21 A It is a long list of what you learn at the  
22 academy, sir.

23 Q All right. Well, go through it. Do you remember  
24 it?

25 A Not all of it, but went through, I believe --

## JOE VANVORRHIS - DIRECT EXAMINATION

1 November 2005 through roughly February of 2006  
2 intermediate breaks for holidays. Supposed to be eight  
3 weeks of training at that time, it is now I think 12  
4 weeks.

5 Q Do you know why they made it longer now versus  
6 when you went there, if you know?

7 A No, sir.

8 Q Okay. So you went for training. Tell the jury  
9 what your training consists of.

10 A Legals.

11 Q Excuse me?

12 A Legals.

13 Q Explain what "legals" means?

14 A Overview -- rough overview of the law.

15 Q Is that all you went to the academy for?

16 A No, sir.

17 Q What else did you learn there?

18 A Driving, shooting and scenarios.

19 Q So you learned how to drive?

20 A Some equipment.

21 Q A police car. I know you knew how to drive  
22 before that. You learned how to shoot a weapon to  
23 their standards?

24 A Yes, sir.

25 Q What else did you learn?

## JOE VANVORRHIS - DIRECT EXAMINATION

- 1 A Basic scenarios.
- 2 Q Okay. Was that all you learned at the police  
3 academy?
- 4 A Roughly at that time, yes, sir.
- 5 Q Okay. That was in 2005/2006?
- 6 A Yes, sir.
- 7 Q About eight years ago?
- 8 A Yes, sir.
- 9 Q At the time of the event it would have been seven  
10 years ago?
- 11 A Yes, sir.
- 12 Q Since 2006, have you gone back to the academy at  
13 all for any future training?
- 14 A Just new law enforcement training on traffic  
15 stops.
- 16 Q And when was that?
- 17 A Roughly three years ago.
- 18 Q Was a traffic stop involved in this case?
- 19 A No, sir.
- 20 Q So from 2006 until now you haven't had any more  
21 training other than what you said?
- 22 A Legal updates every year and CDV updates and  
23 other annual training.
- 24 Q Did you ever have any training in major crime  
25 scenes?

## JOE VANVORRHIS - DIRECT EXAMINATION

1 A A little bit, yes, sir.

2 Q And tell the -- when did you have that training?

3 A We go briefly over it --

4 MS. LIVESAY: If I may inquire what is considered  
5 a "major crime scene"?

6 MR. AXELROD: I'll clarify that.

7 Q When you are confronted with a crime that  
8 allegedly has kidnapping and criminal domestic violence  
9 of a high and aggravated nature, do you consider that a  
10 major crime?

11 A It depends on the circumstances.

12 Q Did you consider this a major crime?

13 A I considered it a crime, but at the time, with  
14 the information that we had, I could not consider it a  
15 major crime.

16 Q So you still don't consider this a major crime?

17 A I do with certain circumstances found, but at  
18 that moment, no.

19 Q When did you consider this a major crime?

20 A Just -- actually, I didn't since I wasn't the  
21 original case officer.

22 Q I didn't understand.

23 A I didn't really consider it a major crime at that  
24 time, no, sir.

25 Q Did you ever?

## JOE VANVORRHIS - DIRECT EXAMINATION

1 A No, sir. I considered it a crime, but not a  
2 crime scene or major crime, no, sir.

3 Q Okay. When Jerica told you she was kidnapped,  
4 you didn't consider that a crime that would have a  
5 crime scene?

6 MS. LIVESAY: Your Honor, I'm not sure that there  
7 has been any testimony in the record that Ms. Bryson  
8 said she was kidnapped.

9 MR. AXELROD: Your Honor, she read to the jury --  
10 the Court read the indictments, she told the jury she  
11 was kidnapped in her opening statement and the officer  
12 took out a warrant for her.

13 Q (MR. AXELROD) Did you take out a warrant for  
14 kidnapping?

15 MS. LIVESAY: If I may, I think the Judge told  
16 them that the indictment is not evidence in this case,  
17 only the testimony from the witness stand.

18 THE COURT: Go ahead.

19 Q Did you take out a warrant for kidnapping?

20 A I had it presented for one, but did not take the  
21 warrant out.

22 Q Was the warrant signed for kidnapping?

23 A Yes, sir.

24 Q Why was the warrant signed for kidnapping?

25 A She said she was held against her will.

## JOE VANVORRHIS - DIRECT EXAMINATION

1 Q Okay. Now, when someone says they are held  
2 against their will, do you believe there would be a  
3 crime scene?

4 A As I said, it depends on circumstances.

5 Q Did she tell you that she was held at [REDACTED]  
6 [REDACTED] Drive in Conway? Did she tell you that?

7 A She said she was assaulted there, not held there  
8 at that moment.

9 Q Where did she tell you where she was held?

10 A I did not get that information at that time, sir.  
11 My original report says she was held -- or beat for  
12 three days and could not leave.

13 Q Did you ask her where she was beaten for three  
14 days and could not leave?

15 A I did not. I had to make sure her welfare was  
16 taken care of first, sir.

17 Q Was her welfare taken care of?

18 A She was transported by EMS, yes, sir.

19 Q And then did you talk to her after that?

20 A No, sir, I did not have the opportunity due to  
21 call volume and manpower.

22 Q How many officers work for the Horry County  
23 Police Department? Tell the jury.

24 A I don't know, sir.

25 Q Let's take a guess. 200?

## JOE VANVORRHIS - DIRECT EXAMINATION

- 1 A I don't know, sir.
- 2 Q 300?
- 3 A I did have another officer meet her there.
- 4 Q Excuse me?
- 5 A I had an officer meet her.
- 6 Q Where?
- 7 A At the hospital.
- 8 Q Okay. Now, you are confronted with a crime of
- 9 kidnapping. Did you call your superiors?
- 10 A He was already on scene.
- 11 Q Who was your superior?
- 12 A At that time it was Lieutenant Larrimore.
- 13 Q Did Lieutenant Larrimore do a police report?
- 14 A No, sir.
- 15 Q You were the only one that did the police report?
- 16 A Yes, sir.
- 17 Q And it consists of one-and-a-half pages?
- 18 A Yes, sir.
- 19 Q Now, in the Horry County Police Department, is
- 20 there anybody that has the job title of "detective"?
- 21 A Yes, sir.
- 22 Q How many detectives, if you know?
- 23 A I don't know.
- 24 Q Okay. You don't know how many people were in the
- 25 police department?

## JOE VANVORRHIS - DIRECT EXAMINATION

- 1 A I'm not human resources, sir, no.
- 2 Q If you were to take a guesstimate, seriously?
- 3 A Between the ballpark of 2-, 300.
- 4 Q That is all I'm asking. I understand it is an  
5 estimate. And how many detectives in the detective  
6 department?
- 7 A I don't know, sir.
- 8 Q Have you ever visited the detective department?
- 9 A Every once in awhile, yes, sir.
- 10 Q And how many do you think are in there, if you've  
11 been there? How many desks are there?
- 12 A They all move around, sir.
- 13 Q Okay. So is it fair to say there is 50  
14 detectives?
- 15 A I don't think so.
- 16 Q Forty?
- 17 A Possibly.
- 18 Q Did you call any detectives?
- 19 A Yes, sir.
- 20 Q Who did you call as a detective?
- 21 A Sergeant Trossel (phonetic).
- 22 Q What did you tell him?
- 23 A What I had at the time.
- 24 Q What happened? Did he go out there?
- 25 A No, sir.

## JOE VANVORRHIS - DIRECT EXAMINATION

- 1 Q How come your report doesn't say that you called  
2 Tim Trossel?
- 3 A It says I called our criminal investigations  
4 department, CID, sir. It is one of the last two lines.  
5 I also said I contacted Sergeant Phillips to meet the  
6 victim at the hospital, but that is not the original  
7 report.
- 8 Q Is this your completed report?
- 9 A That is called the Report of Investigation.
- 10 Q It is your completed, typed report from your  
11 notes?
- 12 A Yes, sir.
- 13 Q This is your full report?
- 14 A Yes, sir.
- 15 Q Okay.
- 16 A So looking at the original report I can tell you  
17 what line, but it was on the original report.
- 18 Q Now, you went to Joyce Jones' house?
- 19 A Yes, sir.
- 20 Q You responded there, and that is where you saw  
21 Jerica?
- 22 A Yes, sir.
- 23 Q And did Jerica tell you that her boyfriend had --  
24 MS. LIVESAY: If I may, I think that is a leading  
25 question.

## JOE VANVORRHIS - DIRECT EXAMINATION

1 MR. AXELROD: I'm asking under the rules that I  
2 treat him as a hostile witness.

3 THE COURT: You can.

4 MR. AXELROD: Thank you.

5 MS. LIVESAY: Your Honor, I don't believe there  
6 has been any asked and answered question that would  
7 describe this witness as hostile.

8 THE COURT: What did I just say? Proceed.

9 MR. AXELROD: Thank you, sir.

10 Q (MR. AXELROD) Did Ms. Bryson tell you that her  
11 boyfriend pulled into the convenience store, went into  
12 the convenience store, got cigarettes for himself and  
13 ice for her, and she jumped out of the car and  
14 skid-daddled away? Did she tell you that?

15 A I believe roughly that is what I had.

16 Q Excuse me?

17 A I believe that is roughly what she told me.

18 Q Roughly?

19 A Can't say word for word, yes, sir.

20 Q What does your report say?

21 A I don't have a copy with me right here in front  
22 of me, sir.

23 Q Roughly she said that?

24 A (Witness nods head.)

25 Q Have you ever been in a convenience store before,

## JOE VANVORRHIS - DIRECT EXAMINATION

- 1 yourself?
- 2 A Yes, sir.
- 3 Q And would it be fair to say that convenience  
4 stores have cameras?
- 5 A Yes, sir.
- 6 Q Specifically, as an example, you know you buy a  
7 lottery ticket and they have a camera right at you at  
8 the counter, correct?
- 9 A I would imagine so.
- 10 Q Because a lot of times when people buy lottery  
11 tickets and steal, or something, they have pictures so  
12 they know who took them all the time, correct? So  
13 would it be fair to say that if Anthony went to the  
14 convenience store and bought cigarettes, which are  
15 located behind the counter usually --
- 16 A I don't smoke, don't know, sir.
- 17 Q Have you ever seen cigarettes other than behind  
18 the counter at a convenience store?
- 19 A Yes, sir.
- 20 Q You are an observant person. I think they have  
21 to keep them behind the counter, don't they?
- 22 A Or in lockup.
- 23 Q So kids don't get them, okay. So it would be  
24 fair to say that Anthony would be on film at the  
25 convenience store?

## JOE VANVORRHIS - DIRECT EXAMINATION

- 1 A Yes, sir.
- 2 Q Fair deal? And would it be possible that -- do  
3 convenience stores have cameras in the parking lot?
- 4 A Not all of them, no.
- 5 Q Do some of them?
- 6 A Some of them.
- 7 Q Did this one?
- 8 A At this time, I cannot say. I know they have  
9 them inside.
- 10 Q You can't say because you never went there, did  
11 you?
- 12 A I went --
- 13 Q It's not in your report.
- 14 A Not in my original report, no, sir.
- 15 Q You didn't think that is an important thing to  
16 write in your report?
- 17 A I couldn't write it if they didn't have the  
18 video.
- 19 Q You didn't even write that you went in to get a  
20 video?
- 21 A They didn't have it, sir.
- 22 Q They had one at the counter, didn't they?
- 23 A I believe so, yes, sir.
- 24 Q Okay. And did you bring that video with you?
- 25 A I could not get it, sir.

## JOE VANVORRHIS - DIRECT EXAMINATION

- 1 Q You could have subpoenaed it, couldn't you,  
2 search warrant?
- 3 A Only if they can get it, sir.
- 4 Q Okay. Did you go back because you had training  
5 about how to get videos from convenience stores, right?  
6 You've had that training?
- 7 A They don't train that in that, sir.
- 8 Q No?
- 9 A No, sir.
- 10 Q So you don't have a clue how to do that?
- 11 A We ask for it, sir.
- 12 Q Who has a clue in the Horry County Police  
13 Department how to get videos? Would a detective?
- 14 A Everyone has a clue, sir. We ask, but only one  
15 person normally has access to get the video.
- 16 Q Who is that?
- 17 A Usually the manager.
- 18 Q Did you ask the manager -- did you go and give  
19 him a spoliation letter? Tell the jury what a  
20 spoliation letter is.
- 21 A I don't know.
- 22 Q You know what it is, they taught you that in the  
23 academy, didn't they?
- 24 A No, sir.
- 25 Q Is it fair to say that spoliation letter is

## JOE VANVORRHIS - DIRECT EXAMINATION

1 saying to the manager, here, I have a major crime -- or  
2 a crime as you would call it -- I have a crime that  
3 might have been committed, and there is a possibility  
4 that the alleged defendant came into your store, this  
5 spoliation letter is to tell you, Mr. Manager, I know  
6 your stuff is on the loop in a tape, please separate  
7 that tape aside and let me call a detective to come out  
8 here and get the video so we can prove he's on it so we  
9 can show it to the jury, you could have done it,  
10 couldn't you have?

11 A Detectives were not coming out, sir.

12 Q Did you tell the detectives that it wasn't  
13 necessary that they come out?

14 A No, sir, that is why I contacted them.

15 Q Do you think it would have been good to have at  
16 this point, yourself?

17 A I would love to have it, sir, but I couldn't get  
18 it.

19 Q Show me in your report -- get your reports --  
20 show me in your report where it says you went to the  
21 convenience store. Get your reports. We can wait a  
22 minute. If you don't have them, I have copies.

23 A I don't have them.

24 Q You didn't think it was important to bring your  
25 report with you?

## JOE VANVORRHIS - DIRECT EXAMINATION

1 A I didn't put it in the report, I already said,  
2 sir.

3 Q Would it be fair to say that after you met Ms.  
4 Bryson, you didn't do anything else?

5 A I repeatedly searched for him to speak with him.

6 Q Did you drive to the residence?

7 A Which residence, sir?

8 Q The one where she said she was held hostage at  
9 31 --

10 A Yes, sir.

11 Q I knew before -- [REDACTED] you went  
12 there?

13 A Yes, sir.

14 Q And isn't it true in your investigation that when  
15 you went there that you were told that the neighbor  
16 thought that Anthony was actually in West Virginia at  
17 the time?

18 A That was a different date.

19 Q What date was that?

20 A I'm not sure, but I believe that was three, four  
21 days later.

22 MR. AXELROD: Court's indulgence.

23 (A brief pause in the proceedings.)

24 Q (MR. AXELROD) Mossi went out there that night, did  
25 he not?

## JOE VANVORRHIS - DIRECT EXAMINATION

1 A Yes, sir.

2 Q And Mossi testified nobody was at the house?

3 A No one answered the door, is what I believe he  
4 said.

5 Q Okay. Now, you think that there might be a  
6 suspect in this house at [REDACTED] Drive in Conway,  
7 correct?

8 A Can't say for sure, no, sir.

9 Q You just told the jury nobody answered the door,  
10 so a logical inference is that you felt that somebody  
11 might have been there, but didn't answer the door?

12 A Might be, but you can't prove that.

13 Q We can't in this courtroom today, I agree with  
14 you, but let me ask you this: In all of your training  
15 and experience, did you decide -- well, when Mossi told  
16 you nobody answered the door, why didn't you put a  
17 perimeter, a police -- you know that police yellow tape  
18 that you have?

19 A Crime scene tape.

20 Q There you go. You knew this might be a crime  
21 scene?

22 A A possible one; I can't say for a hundred  
23 percent.

24 Q There you go. I got you, and I'm not trying to  
25 make you say 100 percent, but from your recollection

## JOE VANVORRHIS - DIRECT EXAMINATION

- 1 and knowledge, you think it could be?
- 2 A An incident location, not crime scene.
- 3 Q But could have been a crime scene?
- 4 A Depends on the definition of "crime scene."
- 5 Q Where she was held hostage for a week, or
- 6 whatever?
- 7 A Where she was assaulted, yes.
- 8 Q So you -- tell the jury, do you have police
- 9 yellow tape in back of your car?
- 10 A Yes, sir.
- 11 Q Is that a standard thing that you carry in your
- 12 police car?
- 13 A Yes, sir.
- 14 Q Okay. Was it raining that night?
- 15 A Can't say for 100 percent, but I think it rained
- 16 earlier in the day.
- 17 Q So there was nothing in the weather that
- 18 prohibited you from opening up your trunk and getting
- 19 out that tape?
- 20 A No, sir.
- 21 Q And nothing prohibited you from tying that piece
- 22 of tape on a tree where the -- were trees there?
- 23 A He's got some trees; I can't remember all.
- 24 Q Was it a house, trailer, what was it?
- 25 A Single wide.

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## JOE VANVORRHIS - DIRECT EXAMINATION

1 Q Trailer. Could you have tied a rope -- tie a  
2 yellow ribbon that says "Police, do not cross" and just  
3 basically go around that whole trailer with it, could  
4 you have done that that night and then just tied it  
5 off?

6 A Yes, sir. I could have walked.

7 Q And then could you have called somebody to say,  
8 hey, there might be a dangerous person in this house,  
9 can we get a search warrant? Could you have done that?

10 A I called Sergeant Tim Trossel already.

11 Q And you told him maybe you need a search warrant?

12 A I told him possibly, I couldn't say 100 percent  
13 certain.

14 Q So the police didn't do any investigation; is  
15 that fair? You did all you could do. You told Tim  
16 Trossel, and you didn't do anything else?

17 A I tried to find the other address, I think North  
18 Myrtle Beach. We tried finding it.

19 Q Why did you not tell Tim Trossel -- in your vast  
20 experience and eight years with the police, why didn't  
21 you tell them, hey, I think we need a search warrant,  
22 he might be there? Why didn't you do that?

23 A I did tell him he might been in there, sir.

24 Q Why didn't you follow it up?

25 A Because I didn't know if he was in there

## JOE VANVORRHIS - DIRECT EXAMINATION

1 100 percent.

2 Q But you wouldn't know until you looked, right?

3 A I called -- we don't do normal search warrants,  
4 our detectives do.

5 Q But you wouldn't know if he was in there unless  
6 you looked, right?

7 A Yes, sir.

8 Q And you didn't look, right?

9 A No, sir.

10 Q So you don't know if he was in there, right?

11 A Yes, sir.

12 Q And you don't even know if he was in South  
13 Carolina, do you?

14 A Can't say at this time, no, sir.

15 Q Did you go to the condo at the beach?

16 A I had other officers try to find it.

17 Q Which officers?

18 A I don't -- I spoke with dispatch to find  
19 officers, I don't know which ones.

20 Q That was in Myrtle Beach, right?

21 A Myrtle Beach or North Myrtle Beach somewhere.

22 Q But it wasn't in your jurisdiction?

23 A It wasn't in my precinct, no, sir.

24 Q Would it be fair to say that -- let me ask you  
25 this. Let me ask you this. Did she tell you -- did

## JOE VANVORRHIS - DIRECT EXAMINATION

1 Ms. Bryson tell you that she was beat up by Anthony?

2 A Yes, sir.

3 Q Did she tell you she was beat up with a golf  
4 club?

5 A Yes, sir.

6 Q Did she tell you that he took her from the condo,  
7 I believe, on Tuesday morning to Conway?

8 A No, sir.

9 Q She testified in court, and you were here, that  
10 on April 9th, 6:00 a.m. he took her to Conway, [REDACTED]  
11 [REDACTED]; would you disagree with Ms. Bryson's  
12 testimony today?

13 A I wouldn't disagree, but I didn't hear that, no.

14 Q Were you listening when we were doing this trial?

15 A Yes, sir. I'm just saying I wasn't advised of  
16 that.

17 Q But she testified to it today, would you have any  
18 -- yesterday; would you have any reason not to believe  
19 that?

20 A That is her testimony, sir.

21 Q And she said she was held for Tuesday the 9th,  
22 Wednesday the 10th, Thursday the 11th and Friday the  
23 12th, four days at [REDACTED] Drive, she told you  
24 that, correct?

25 A She told me Wednesday to Friday.

## JOE VANVORRHIS - DIRECT EXAMINATION

- 1 Q I'm not going to argue that with you, I  
2 understand. She told different people different  
3 stories. I understand what she told you, okay. So she  
4 told you for three days that she was held at 1837  
5 Homewood Drive, held hostage. Did she tell you that  
6 she was duct taped and rolled up in a blanket and held  
7 against her will?
- 8 A No, sir.
- 9 Q Did she tell you he tried to drown her?
- 10 A No, sir.
- 11 Q Did she tell you that he put cigarettes out on  
12 her?
- 13 A I can't remember, sir.
- 14 Q So [REDACTED] Drive, that would pretty much  
15 have been what you would call a crime scene, wouldn't  
16 it?
- 17 A If I was advised of certain things, yes, sir.
- 18 Q And if she advised you, you would realize that  
19 was a crime scene?
- 20 A I wasn't advised of that, sir.
- 21 Q She advised you at some point?
- 22 A I was advised of the hands and the golf club.
- 23 Q You were advised that she was beaten with a golf  
24 club and with hands, correct?
- 25 A Yes, sir.

## JOE VANVORRHIS - DIRECT EXAMINATION

1 Q And did she tell you that the golf club was  
2 broken?

3 A No, sir.

4 Q Let me ask you this. So [REDACTED] Drive you  
5 would consider to be a possible crime scene with a  
6 possible golf club in it?

7 A I considered it an incident location.

8 Q And if she was hit with a golf club, would her  
9 DNA be on that golf club?

10 A Possibly, but it could be there from holding it  
11 before.

12 Q Excuse me?

13 A If she held it before, the DNA would still be on  
14 the golf club.

15 Q Where?

16 A Where she's touched it.

17 Q If somebody beats somebody, as she demonstrated  
18 in front of you yesterday, if somebody beats somebody  
19 with a golf club -- and we know it is not this one,  
20 this is a demonstrative piece of evidence -- but if  
21 somebody beats somebody with a golf club, is there a  
22 possibility that you would have DNA on this part like  
23 skin, blood, stuff like that, you know, little  
24 capillaries and --

25 A Might be skin, yes, sir.

## JOE VANVORRHIS - DIRECT EXAMINATION

1 Q And to further assist the jury -- to further  
2 assist the jury in trying to do away with the doubt in  
3 this case, wouldn't it be helpful that you could have  
4 secured that alleged golf club?

5 A Yes, sir.

6 Q Thank you. And if you had secured the golf club,  
7 wouldn't it be true -- grab that -- wouldn't it be true  
8 that Anthony's DNA or fingerprints could have been on  
9 that?

10 A As I said, if they both lived there and both  
11 touched it.

12 Q Would it be fair to ask you today to tell the  
13 jury that there is absolutely no forensic evidence that  
14 Anthony did this, and you know what I mean by forensic  
15 evidence, correct? Tell the jury what forensic  
16 evidence is?

17 A Evidence to be tested or saved for later  
18 purposes.

19 Q And there is no forensic evidence, is there?

20 A No, sir.

21 Q And I'm not mixing words with you about her. She  
22 was beaten. She was beat up. We all agree on that,  
23 correct?

24 A Yes, sir.

25 Q And the only reason you think Anthony might have

## JOE VANVORRHIS - CROSS-EXAMINATION

1 done it, is that she told you that?

2 A Yes, sir.

3 Q Has a victim ever lied to you in your entire  
4 police experience?

5 A Yes, sir.

6 MR. AXELROD: Court's indulgence a moment,  
7 please.

8 (A brief pause in the proceedings.)

9 MR. AXELROD: I have nothing further at this  
10 time.

## 11 CROSS-EXAMINATION

12 BY MS. LIVESAY:

13 Q If you don't mind, I want to go over a little bit  
14 about the responsibilities of the officers at Horry  
15 County Police Department so we can get it straight.

16 What were your responsibilities in April of 2013?

17 A Call responsive as all patrol officers are,  
18 answer calls for service for people in distress,  
19 burglaries, larcenies.

20 MR. AXELROD: If I may, if the witness could move  
21 a little closer to the microphone.

22 Q (MS. LIVESAY) So you respond to dispatch calls,  
23 people that are calling 911?

24 A Yes, ma'am.

25 Q And in the course of a night, how many calls

## JOE VANVORRHIS - CROSS-EXAMINATION

1 would you say you all respond to?

2 A On a busy night, as primary officer, between 10  
3 to 20; back-up, you can take on another ten calls.

4 Q On average?

5 A 10 to 20 as primary.

6 Q 10 to 20 calls you are trying to get to?

7 A In my precinct.

8 Q That is just your particular district?

9 A Yes, ma'am.

10 Q When you are out on a call, are you continuously  
11 getting this dispatch information where you need to be  
12 next?

13 A Yes, ma'am.

14 Q And do you wear a uniform?

15 A Yes, ma'am.

16 Q And are you in a marked car?

17 A Yes, ma'am.

18 Q So in the course of one night, you can respond to  
19 20 different calls?

20 A As a primary officer, but you can tack on, like I  
21 said, as a back-up officer another ten calls probably.

22 Q When you roll out the next night for your next  
23 day of work, are the calls still coming in?

24 A I mean, they are not stopping.

25 Q So on an average night that you are working, and

## JOE VANVORRHIS - CROSS-EXAMINATION

1 this is every night from Monday to Sunday, you are  
2 responding to 10 to 20 dispatch calls?

3 A Yes, ma'am.

4 Q I want to talk a little bit about what a  
5 detective does at Horry County. Are you familiar with  
6 what they do?

7 A Roughly.

8 Q Do they wear a uniform?

9 A No, ma'am, badge and gun.

10 Q What do they normally wear, shirt and tie, khaki  
11 pants?

12 A Yes, ma'am.

13 Q Do they have a marked car?

14 A No, ma'am.

15 Q Are they going out to every call that is  
16 dispatched?

17 A No, ma'am.

18 Q When do they normally come out?

19 A Normally when there is a major crime scene  
20 involving criminal sexual conduct, rapes, death  
21 investigations that have suspicions to them, some other  
22 high profile type of cases.

23 Q So they are responding to murderers, attempted  
24 murderers, that kind of stuff?

25 A Yes, ma'am.

## JOE VANVORRHIS - CROSS-EXAMINATION

1 Q Now, when did they come out?

2 A When we contact them.

3 Q And it is their discretion then, upon you  
4 contacting them, whether to come out or not?

5 A Yes, ma'am.

6 Q Now, are you their boss?

7 A No, ma'am.

8 Q Let me ask you something. You said earlier that  
9 you contacted Sergeant Tim Trossel; is that correct?

10 A Yes, ma'am.

11 Q And in April of 2013, what was his department?

12 A He was in the detective division.

13 Q Sorry?

14 A He was in charge of the detectives at that time.

15 Q And are there different units of detectives such  
16 as property crimes, violent crimes?

17 A Yes, ma'am.

18 Q And what department was his?

19 A He is over most of the property and major crimes.

20 Q Okay. And where was he at in April of 2013?

21 A Probably at his house.

22 Q So could he have come out or dispatched another  
23 detective out?

24 A Yes, ma'am.

25 Q And does Tim Trossel work on murder cases?

## JOE VANVORRHIS - CROSS-EXAMINATION

- 1 A Sometimes, yes, ma'am.
- 2 Q And he works on attempted murder cases?
- 3 A Yes, ma'am.
- 4 Q Does he respond to every call in Horry County?
- 5 A No, ma'am.
- 6 Q So he only responds to the ones he feels needs  
7 his assistance?
- 8 MR. AXELROD: Objection as speculation. He can  
9 answer what he knows, but that is a speculative  
10 question.
- 11 THE COURT: I'll allow her to go forward. You  
12 went pretty deep into a lot of doors. Go ahead.
- 13 Q (MS. LIVESAY) So it is at his discretion what he  
14 comes out on?
- 15 A Yes, ma'am.
- 16 Q And his discretion whether he sends another  
17 detective out?
- 18 A Yes, ma'am. He is the one that calls them out  
19 for us -- or at that time he did.
- 20 Q And did you make contact with him that night?
- 21 A Yes, ma'am.
- 22 Q And did he come out?
- 23 A No.
- 24 Q Now, Mr. Axelrod asked you a lot about search  
25 warrants and getting a search warrant. How long have

## JOE VANVORRHIS - CROSS-EXAMINATION

1 you been with a police department?

2 A Over eight years, almost nine.

3 Q How many times have you gotten a search warrant?

4 A One.

5 Q In your entire eight years?

6 A Yes, ma'am.

7 Q Who normally is the one getting search warrants  
8 from the police department?

9 A Detectives.

10 Q And do they get them all the time?

11 A I believe so, yes, ma'am, when I see them at the  
12 judge's office.

13 Q Okay. Now, do you call a detective every time  
14 you respond to a CDV?

15 A No, ma'am.

16 Q But you called one this time?

17 A Yes, ma'am.

18 Q Why did you call one this time?

19 A Just the state of injuries. We didn't know her  
20 well-being at that time. Like I said, we had to have  
21 the ambulance come out. She went as a Trauma 2 to  
22 Grand Strand ER because of the severity of the  
23 injuries.

24 Q So in your mind this warranted getting a  
25 detective out there?

## JOE VANVORRHIS - CROSS-EXAMINATION

- 1 A From the assault, yes, ma'am.
- 2 Q Now, what could you do -- what did you do to try  
3 to collect evidence?
- 4 A Went to the property. I believe Officer Mossi  
5 looked at the vehicle, see if it was there. I took the  
6 photographs on scene at that time.
- 7 Q These pictures, State's evidence 1 through 7, you  
8 recognize these pictures?
- 9 A Yes, ma'am.
- 10 Q How do you recognize them?
- 11 A I was the one that took them.
- 12 Q So you were there trying to collect whatever  
13 evidence you could collect?
- 14 A I was at a little rushed at the time, making sure  
15 she got out to the ambulance, getting information from  
16 her, possible locations and what exactly happened.
- 17 Q Now, after that night, did you have a suspect?
- 18 A Yes, ma'am. She said it was her boyfriend.
- 19 Q And it was?
- 20 A Her boyfriend, Mr. Adkins.
- 21 Q Did you try to locate Anthony Adkins?
- 22 A Yes, ma'am.
- 23 Q Did you eventually locate him?
- 24 A Yes, ma'am.
- 25 Q And where was he when you located him?

## JOE VANVORRHIS - CROSS-EXAMINATION

- 1 A At his residence.
- 2 Q What address was that?
- 3 A [REDACTED] Road.
- 4 Q On what date were you eventually able to locate  
5 him?
- 6 A I believe April 27th, around lunchtime.
- 7 Q Sorry, what day?
- 8 A April 27th.
- 9 Q I'll show you this. What date did you respond  
10 out on?
- 11 A April 12th, Friday.
- 12 Q So you responded here (indicates)?
- 13 A Yes, ma'am.
- 14 Q Did you go to that house prior to the  
15 27th looking for this defendant?
- 16 A Yes, ma'am.
- 17 Q About how many times did you go?
- 18 A Roughly three to five times, spoke to the  
19 neighbors several times, seen if they heard or seen  
20 anything. Eventually, it was one of them that called  
21 that led to the arrest.
- 22 Q And you were able to locate him on the 27th?
- 23 A Yes, ma'am.
- 24 Q When you located him, tell me about that. Did  
25 you show up in a marked car?

## JOE VANVORRHIS - CROSS-EXAMINATION

- 1 A Yes, ma'am.
- 2 Q Where was he at?
- 3 A When I eventually saw him, he was coming out the  
4 rear door.
- 5 Q Which door?
- 6 A The back door.
- 7 Q And then what happened?
- 8 A He turned around like he was going back in the  
9 house, but I was able to grab him.
- 10 Q Okay. And at that time, did you detain him and  
11 take him to the police department?
- 12 A No, ma'am.
- 13 Q Where did you take him?
- 14 A To J. Reuben Long.
- 15 Q When you were at the house, do you remember if  
16 there were any vehicles in the yard?
- 17 A I believe several vehicles.
- 18 Q What kind of cars?
- 19 A I believe most were all Jeeps, Jeep Cherokees  
20 were most of them.
- 21 Q And did you notice anything about the cars, if  
22 there were clothes in the cars, doors opened, anything?
- 23 A Yes, ma'am. There was one car with a door open  
24 and clothes in it.
- 25 Q One car with what?

## JOE VANVORRHIS - CROSS-EXAMINATION

1 A Clothes in it.

2 Q Could you tell if they were women or men's  
3 clothes?

4 A At the time, I just see if they -- I think they  
5 were women's clothes. We were looking for the suspect.

6 MR. AXELROD: I would ask him to clarify. I  
7 understand he testified they were clothes. She asked  
8 were they women's clothes or not. If he knows them to  
9 be clothes, I would ask him to confirm that answer.

10 THE COURT: He said, I thought, they were women's  
11 clothes, correct me if I'm wrong.

12 THE WITNESS: Yes, sir.

13 Q (MS. LIVESAY) So you thought -- just for Mr.  
14 Axelrod -- you thought there were women's clothes in  
15 that Jeep?

16 A Yes, ma'am. I believe the defendant said that  
17 they were her clothes.

18 Q Somebody said they were her clothes?

19 A The defendant.

20 Q And do you remember who said that?

21 A Mr. Adkins.

22 Q Now, were you in here when she testified?

23 A Yes, ma'am.

24 Q Do you recall her saying that on Thursday he was  
25 putting her clothes in the Jeep and she thought she was

## JOE VANVORRHIS - CROSS-EXAMINATION

1 going to be able to leave?

2 A Yes, ma'am.

3 Q So you remember her saying that?

4 A Yes, ma'am.

5 Q So would you say seeing those clothes in that  
6 Jeep that corroborated that?

7 A Yes, ma'am.

8 Q Now, while we are talking about the victim and  
9 what evidence you were able to collect, when you saw  
10 her was she bleeding?

11 A I believe there might have been some on the top  
12 of her head, but she wasn't currently bleeding, no.

13 Q So when you showed up, there was not blood  
14 everywhere?

15 A Bruises everywhere, ma'am.

16 Q No blood?

17 A I can't recall, no.

18 Q Now, when you saw the bruising and the injuries,  
19 did anything about them stick out to you when you were  
20 trying to figure out what was going on?

21 A Just the shape of the bruises. There was a long  
22 line on her arm, I believe there was probably a fist  
23 mark here and there, but they were everywhere. Some  
24 were discolored, some old, some new, it appeared that  
25 way.

## JOE VANVORRHIS - CROSS-EXAMINATION

1 Q When you took this picture, if you don't mind  
2 looking at State's Evidence No. 3, it looks like you  
3 got a close-up of that?

4 A Yes, ma'am.

5 Q Why is that?

6 A Because of the shape of the bruise going along  
7 the arm above the elbow.

8 Q What is that shape?

9 A It could be a stick, could corroborate her story  
10 being a golf club shaft.

11 Q Is that why you took this picture?

12 A Yes, ma'am.

13 Q Now, when you are looking at these pictures and  
14 you are looking at this one, if you don't mind, I'm  
15 showing you now State's Evidence No. 7, State's  
16 Evidence No. 4. One is a picture of her back, looks  
17 like red marks, and one is a picture of her face. When  
18 you look at this picture, State's Evidence No. 7, is  
19 her face swollen?

20 A Yes, ma'am.

21 Q Are those bruises -- do they look recent to you?

22 A Some still are red and some are dark purple, so  
23 they are older.

24 Q Would you say some were older than others?

25 A Yes, ma'am.

## JOE VANVORRHIS - CROSS-EXAMINATION

1 Q Would you say that that corroborated her story  
2 that she was hit on a Wednesday, Thursday and a Friday?

3 A Proved she was hit several different times, yes,  
4 ma'am.

5 Q Now, if you don't mind, when you talked with her  
6 at the house, how would you describe her demeanor?

7 A Mostly nervous, a little bit fearful, scared. I  
8 can't remember exactly, but I remember her just being  
9 scared and in a lot of pain.

10 Q Now, was she able to convey to you who did this  
11 to her?

12 A Yes, ma'am.

13 Q And who did she say had done it?

14 A Her boyfriend, Mr. Adkins.

15 Q Now, has she ever come to you at any time and  
16 told you anything other than that?

17 A No, ma'am.

18 Q Now, Mr. Axelrod talked to you a little bit about  
19 going to the house and getting DNA off of a golf club  
20 or DNA out of the house. When you were talking to her,  
21 did you know whether or not they lived together?

22 A Yes, ma'am.

23 Q And did they live together?

24 A She said for ten years, yes, ma'am.

25 Q Now, if you went to a house where two people

## JOE VANVORRHIS - CROSS-EXAMINATION

1 lived together, would you think that both people's DNA  
2 would be throughout the house?

3 A Yes, ma'am.

4 Q So even if you swabbed this golf club, if they  
5 lived together, is it possible in the course of living  
6 together she touched this golf club?

7 A Yes, ma'am.

8 Q Would you know whether or not this forensic  
9 evidence, DNA, would you know whether or not if it  
10 struck her or if she just held it like this?

11 A No, ma'am.

12 Q When you saw her that night and you look at the  
13 pictures to refresh your memory, what does it look like  
14 she was wearing?

15 A Green T-shirt, I want to say gray sweat pants.

16 Q Would you say her hair is fixed like she was out  
17 somewhere?

18 A No, ma'am.

19 Q Would you say those clothes looked like she had  
20 been out to eat or to a job?

21 A No, ma'am.

22 Q About how long did you talk with her?

23 A Between myself being there and EMS taking care of  
24 her, maybe ten minutes.

25 Q And you said her demeanor was?

## JOE VANVORRHIS - CROSS-EXAMINATION

- 1 A Nervous and fearful, in a lot of pain; that is  
2 why EMS had to come in.
- 3 Q Did you ever go back to sit down with her again  
4 when she was in a safe environment and had already been  
5 treated?
- 6 A No, ma'am.
- 7 Q So at that time, would it be fair to say, you  
8 were just trying to figure out who did it and what to  
9 do to help her?
- 10 A Yes, ma'am.
- 11 Q Now, while you were at the house, were you there  
12 the entire time until she left?
- 13 A Yes, ma'am.
- 14 Q Did anybody else come up to the house looking for  
15 her or looking to try to help her?
- 16 A Just the first responders, Conway and EMS.
- 17 Q Did you ever see Anthony Adkins come to the house  
18 looking for her?
- 19 A No, ma'am.
- 20 Q How many vehicles would you say were in the  
21 driveway?
- 22 A Later on, I believe four, five, multiple Jeeps.
- 23 Q Were the lights going on on all of them?
- 24 A None of them were running.
- 25 Q Did anybody ever call you or the police

## JOE VANVORRHIS - CROSS-EXAMINATION

1 department looking or report her missing, to your  
2 knowledge?

3 A No, ma'am.

4 Q So she was never in any sort of missing persons  
5 NCIC?

6 A No, ma'am.

7 Q Now, Mr. VanVorrhis, did you see any part of this  
8 assault happen?

9 A No, ma'am.

10 Q Is there any information you can give us other  
11 than what other people have told you?

12 A No, ma'am.

13 Q And did you hear the two people testify, Ms.  
14 Bryson and Ms. Joyce?

15 A Yes, ma'am.

16 Q And is that what you -- they told you that night?

17 A Yes, ma'am.

18 Q So there is no information you can give us other  
19 than what has already been told to this jury?

20 A No, ma'am.

21 Q And you were not present for the assault?

22 A No, ma'am.

23 Q And you did call Tim Trossel, who is a detective?

24 A Yes, ma'am, and so did Lieutenant Larrimore.

25 Q And the detectives are normally the ones that

## JOE VANVORRHIS - REDIRECT EXAMINATION

1 come out and focus just on that case; is that correct?

2 A Yes, ma'am.

3 Q They are not out there being dispatched to 10, 20  
4 calls; is that correct?

5 A Yes, ma'am.

6 Q And did Tim Trossel choose to come out and focus  
7 on this case?

8 A No, ma'am.

9 MS. LIVESAY: Nothing further for this witness.

## 10 REDIRECT-EXAMINATION

11 BY MR. AXELROD:

12 Q You just testified -- Solicitor asked you, did  
13 you hear Ms. Bryson's testimony and was that what she  
14 told you that night, and you answered in the  
15 affirmative and said, yes?

16 A Yes, sir.

17 Q Well, she testified -- you've testified that she  
18 told you she was beat up since Wednesday night; that is  
19 what you testified that she told you, right?

20 A Yes, sir.

21 Q Okay. But she testified that she had been beat  
22 up since Monday?

23 A Yes, sir.

24 Q So that is contradicting what she told you?

25 A I was advised, but I had the West Homewood --

## JOE VANVORRHIS - REDIRECT EXAMINATION

1 Q Please answer my question. Please answer my  
2 question.

3 A The answer is, yes, sir.

4 Q I'll ask the question again. She testified  
5 first -- you said that -- you testified just now with  
6 the Solicitor, you said that the testimony that Ms.  
7 Bryson gave was the same thing she told you, correct?

8 A Yes, sir.

9 Q And you testified that she said she was assaulted  
10 since Wednesday night; that is what she told you?

11 A Yes, sir.

12 Q And she testified that she was assaulted since  
13 Monday night or Monday?

14 A Yes, sir.

15 Q So that contradicts what she told you?

16 (A brief pause.)

17 Q That's a question.

18 A You said "so." Yes, sir.

19 Q You said that when you first saw her, she was  
20 nervous and scared or whatever, and you just tried to,  
21 I guess, comfort her, secure the scene, stuff like  
22 that?

23 A Get her treated, yes, sir.

24 Q You just testified that in a secured setting  
25 later that you never decided to go back and get

## JOE VANVORRHIS - REDIRECT EXAMINATION

- 1 additional information, did you?
- 2 A I tried to have an officer meet her there.
- 3 Q That wasn't what I asked. You did not, did you?
- 4 A I did not.
- 5 Q And you were the number one officer on that  
6 scene?
- 7 A On that scene, yes, sir.
- 8 Q Now, the Solicitor said he's lived with her for  
9 ten years?
- 10 A Yes, sir.
- 11 Q According to what she said?
- 12 A Yes, sir.
- 13 Q And you testified to the Solicitor that if people  
14 live together, there is a good chance that DNA or  
15 fingerprints could be on household items?
- 16 A Yes, sir.
- 17 Q As an example, a toaster?
- 18 A Yes, sir.
- 19 Q One of those -- like one of those stainless steel  
20 shiny toasters, right?
- 21 A Yes, sir.
- 22 Q The ones that when you pull out from underneath  
23 the -- are you married?
- 24 A Yes, sir.
- 25 Q You pull -- do you have a shiny toaster?

## JOE VANVORRHIS - REDIRECT EXAMINATION

1 A No, sir.

2 Q Do you have a toaster?

3 A Yes, sir.

4 Q Okay. Could you imagine if you had a shiny  
5 toaster, you have your fingerprint smudges?

6 A Yes, sir.

7 Q Do you have a stainless steel refrigerator?

8 A No, sir.

9 Q Appliances?

10 A No, sir.

11 Q Have you ever been in a house with stainless  
12 steel appliances?

13 A Yes, sir.

14 Q Have you seen shiny toasters?

15 A Yes, sir.

16 Q You could understand when you touch a shiny  
17 toaster, aluminum, whatever it is, that you get finger  
18 marks?

19 A Yes, sir.

20 Q And that would be understandable if you live  
21 together for ten years?

22 A Yes, sir.

23 Q Unless on one occasion you never use the toaster?

24 A Yes, sir.

25 Q Okay. But if I took that toaster and I hit it

## JOE VANVORRHIS - REDIRECT EXAMINATION

- 1 upside your head so many times that it broke, is there  
2 a chance that there would be more on that toaster?
- 3 A Possibly, yes, sir.
- 4 Q Tell the jury what could have been on that  
5 toaster.
- 6 A Hair, possibly blood if someone was bleeding.
- 7 Q Anything else?
- 8 A Possibly saliva.
- 9 Q Anything else?
- 10 A Not that I can recall -- possibly tears.
- 11 Q Anything else?
- 12 A Couldn't tell you.
- 13 Q How about skin?
- 14 A Yes, sir.
- 15 Q If I took this golf club and I hit somebody and  
16 hit somebody and hit somebody and hit somebody and hit  
17 somebody and hit somebody and hit somebody and hit  
18 somebody and hit somebody to the point I break it, tell  
19 them what will be on it.
- 20 A Depends where you hit them, sir. Don't know.  
21 Possibly blood, everything I just said, skin, blood,  
22 hair.
- 23 Q You don't know if my client was in Horry County  
24 then, do you?
- 25 A I've already said that, no, sir.

## COUNSEL AND THE COURT - JURY OUT

1 Q You don't know if he was in the State of South  
2 Carolina?

3 A I already said no, sir.

4 Q And victims lie sometimes, don't they?

5 A Yes, sir.

6 MR. AXELROD: That is all, Judge.

7 MS. LIVESAY: No further questions.

8 THE COURT: You may step down. Thank you.

9 MR. AXELROD: Could I take a five-minute break  
10 please?

11 THE COURT: We'll be in recess for ten minutes.

12 (The jury exits at 11:31 a.m., and the  
13 following is heard out of the presence of the jury.)

14 MR. AXELROD: At this time I ask the Clerk may --  
15 we're going to do a PowerPoint. I would like to bring  
16 the screen down before the jury comes out, because in  
17 our courtroom the lights go off and the screen comes  
18 down, and we'll turn the lights back on. We'll do it  
19 with lights on. My projector is bright enough.

20 THE COURT: Where is the screen?

21 MR. AXELROD: It's right up there. But the  
22 lights go off when they do it initially, I don't know  
23 why.

24 MS. LIVESAY: Is this something you want to show  
25 the jury?

## COUNSEL AND THE COURT - JURY OUT

1 THE COURT: Solicitor wants to know what is in  
2 store here.

3 MS. LIVESAY: I don't know, Your Honor, I'm  
4 waiting to find out. I haven't seen whatever is going  
5 to be put up, so I want to get a look at it before the  
6 jury comes out.

7 MR. AXELROD: I'll ask Ms. Bryson if she texted  
8 my client certain statements.

9 MS. LIVESAY: Your Honor --

10 MR. AXELROD: I'll show the statement and ask  
11 her.

12 MS. LIVESAY: I've already talked to Mr. Axelrod  
13 about this. She told me that is not her phone number.  
14 He has given me nothing to authenticate that is,  
15 indeed, her number or anything otherwise. I do not  
16 know how it is relevant to put in front of the jury a  
17 statement or a message when we already know she said I  
18 didn't text that, that is not my phone number. It is  
19 unduly prejudicial. There is no need to show them  
20 something that he can't authenticate. The only way he  
21 can use it and show it to jury, my understanding is,  
22 is if we put it in evidence and publish it to the  
23 jury. He can't put it into evidence because she's  
24 saying that is not my phone number, that is not my  
25 message. So I don't see how it is relevant to show a

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1 message when she's saying that is not my message or  
2 phone number.

3 THE COURT: Do we have a rule book around?

4 MR. SHAFFER: Here is 901, which is the  
5 authentication rule. I made a copy for you.

6 Your Honor, I suppose now is a good time to get  
7 into this. We have several cases I can actually --  
8 I'll hand you up cases -- I'll hand you first one is  
9 State versus Thompson, case out of North Dakota, Your  
10 Honor. It creates sort of an interesting problem with  
11 authenticating text messages when people say they are  
12 not the people who did it.

13 Your Honor, there is a couple of ways you can  
14 authenticate something. One -- and this is directly  
15 from 901 -- one is to -- telephone companies have  
16 somebody who can testify, but another way to do it is  
17 testimony of a witness with knowledge on the subject.  
18 In this situation what we're planning on doing is  
19 calling our client. Our client is going to testify  
20 that he received these numbers (sic) and he was aware  
21 that these numbers belonged to these people, okay.

22 There is a case out of, I believe, Pennsylvania,  
23 another case I would hand up. This one is In the  
24 Interest of F.P., the citation is 878 A.2d 91. In  
25 that case, essentially, what they said was that the

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1 context of the writing -- or the context of the  
2 message that was sent, as well as the name of the  
3 person, that one party was aware that that was their  
4 phone number, aware that that was their name, that was  
5 sufficient to authenticate it.

6 The other case I have given you, Thompson, 777  
7 N.W.2d 617, North Dakota case, Thompson has a similar  
8 holding, and what it holds is a stored name along with  
9 a signature at the bottom of it and it was sufficient  
10 to say that it was from that person. I think that  
11 given these messages, the context of them, along with  
12 our client testifying that he knows they came from  
13 that person, the context is stuff that only the other  
14 party would know, only the victim would know in this  
15 situation. Given the fact he'll testify that they  
16 were sent to him, it is at least enough to meet the  
17 requirements of 901. It is a question for the jury  
18 whether or not they believe she sent them or not.

19 MS. LIVESAY: Very briefly. I think that is an  
20 excellent argument. If we throw out the fact that --  
21 we have to throw out that these are business records,  
22 we would have to throw out the idea -- there has to be  
23 a chain of custody or they have to be  
24 self-authenticated. I would love if I could put  
25 somebody from SLED on the stand and say this is what

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1 it is and I don't have to create a chain, but the  
2 rules didn't allow for that. I would love to put  
3 witnesses up regarding this person texted me. It has  
4 never been allowed. I have always had to call -- and  
5 I did it a month ago -- a lady from Verizon Wireless  
6 to say, I'm from Verizon Wireless, these are kept in  
7 the normal course of business records, I can vouch  
8 they have not been tampered with and I vouch this is  
9 the number that this person is assigned.

10 I cannot -- there is no way to authenticate a  
11 text message from this Defendant, which is typed up on  
12 a documentation not showing anything from that  
13 wireless company to authenticate it. It is a business  
14 record. There is nothing to protect me or this Court  
15 from the fact that it has not been tampered with.  
16 That is why we have the rule for business records,  
17 that is why we have the rule for chain of custody, to  
18 protect myself and this Court and the witnesses from  
19 anybody typing up anything and bringing it in here and  
20 saying, well, I'm saying this is what it is, that  
21 should be good enough.

22 The rule for business records clearly says you  
23 have to have someone to say this is what it is, these  
24 are Verizon Wireless' records and I'm here -- I'm here  
25 to say that I keep them in the normal course of

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1 business and they have not been tampered with. I  
2 don't have that. I don't even have a phone record  
3 that says Verizon or Sprint or anything on it to  
4 authenticate it.

5 It's fine that he can say this is Jerica's  
6 number, the only problem is I need somebody to say  
7 this has not been tampered with and this is Jerica's  
8 number. I can put in my phone Stuart's number and I  
9 can label it "Santa Clause," and when I print off  
10 something that says this is the number for Santa  
11 Clause and it is typed up and I'm here to say it, that  
12 doesn't make it so.

13 There has to be some chain, somebody here to  
14 authenticate that that is what it is; indeed, that  
15 number belongs to Jerica Bryson. The records I have  
16 don't even show the phone number that those records  
17 belong to. Just because he can get up and say these  
18 are something that has been typed up, doesn't make it  
19 authenticated. It doesn't meet the rules for business  
20 records. I can appreciate he wants to get it in, and  
21 if has the appropriate witness to get it in, I'm fine  
22 with it, but the Defendant getting up and saying this  
23 is something that doesn't even have "Verizon Wireless"  
24 on it and this is my text message to Jerica, the rules  
25 don't allow for it, Your Honor.

## COUNSEL AND THE COURT - JURY OUT

1 MR. SHAFFER: She's mixing up a whole bunch of  
2 different rules. Hearsay -- she's saying a "business  
3 record" to get around hearsay. We're not introducing  
4 it as a business record to get around hearsay. We're  
5 saying -- the statement of opposing counsel, I think,  
6 is directly relevant -- you know, it is inconsistent  
7 to what she said previously, and it is directly  
8 relevant to the case.

9 I think that -- Rule 901 definitely governs the  
10 admission of the evidence. It has nothing to do with  
11 whether or not it is a business record. That has  
12 absolutely nothing to do with it. The question is  
13 whether or not we can -- we can meet the requirements  
14 of Rule 901. The list that is given -- and perhaps  
15 the Solicitor's Office here has been for a long time  
16 just wearing a belt and suspenders making sure they  
17 meet 901(b)6 involving getting a representative from a  
18 phone company in, but if you will notice, that is not  
19 exclusive. It specifically is in the rule. I  
20 highlighted it for you. This is by way of  
21 illustration and not by limitation, Your Honor.

22 If we have somebody who can authenticate them as  
23 the courts in North Dakota and in Pennsylvania have  
24 found and, Your Honor, I did a pretty extensive record  
25 search on it and federal courts basically find the

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1 same thing if you can find one where they couldn't  
2 find, you know, what phone subscriber it was or with  
3 drop phones, they basically find the same thing.

4 Every court I found where you couldn't  
5 necessarily find who the owner of the phone was  
6 through the company, where it is not a registered  
7 phone, has allowed this, Your Honor. These are courts  
8 that address this very issue. You know, her argument  
9 is that anyone could -- she could put Santa Clause's  
10 name in the phone and say Santa Clause text messaged  
11 her. That is an argument for the jury. She can get  
12 up and say that in her closing argument and make that  
13 statement, and that is exactly what Pennsylvania  
14 addressed. If you go to the Pennsylvania case, that  
15 is exactly what they are saying. They are saying the  
16 same risk you run with E-mails or message -- letters  
17 can be forged, anything can be forged. That is an  
18 argument for the jury, not or whether or not it is  
19 admissible.

20 MS. LIVESAY: Your Honor, if I may very briefly.  
21 As to Rule 901 -- and I'm obviously reading from the  
22 blue book, and this is on point as to phone records.  
23 This is addressing a telephone conversation where we  
24 have an identification of the voice, which is more  
25 than what we have in this case. They said in this

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1 case you have to show that the number assigned that  
2 you are calling is assigned to that person. There is  
3 no way to show that in this case other than Jerica  
4 saying that that is my number. She told us that is  
5 not her number.

6 To allow testimony from the Defendant to come in  
7 and say, This number belongs to Jerica Bryson and I'm  
8 showing you a text message between us, that is unduly  
9 prejudicial and it is not authenticated. He has  
10 nobody from Verizon or the telephone company to say  
11 that is Jerica Bryson's number. This is not a  
12 question of fact. This is clearly a question of law,  
13 and as far as business records, that is exactly what  
14 telephone records are. They are business records.  
15 They are kept in the normal course of business. To  
16 say that this is okay that he typed this up and  
17 brought it in here -- I could do that with anything.  
18 I could type up any phone record and bring them in  
19 here and ask my witness, well, is this the phone  
20 number? Yeah. There is nothing to even show on a  
21 text message. We don't have nothing to show that that  
22 is her phone number. We don't even have that she's  
23 saying it is. The problem we have with these phone  
24 records is we have no idea if they have been tampered  
25 with or not. We have got nothing to protect the

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1 integrity of this information. If these are indeed  
2 the phone records from this company between him and  
3 Jerica, where is the person from the phone company to  
4 come in and say these are the records, this is who is  
5 assigned to this number. To allow him to come up here  
6 and say it is authenticated just because the Defendant  
7 says I'm texting this number and it is Jerica's, that  
8 is not enough. It is far too prejudicial to put in  
9 front of the jury. He has nothing, nothing at all, to  
10 authenticate it.

11 He doesn't have anybody from the phone company.  
12 He don't even have the girl receiving the text to say  
13 it is her number. He's got nothing. The documents  
14 don't even show any sort of proof that indeed these  
15 documents came from Verizon and they haven't been  
16 tampered with.

17 MR. SHAFFER: Your Honor, if I may pass up -- and  
18 I'm glad that Jack Swirl or whoever wrote that book  
19 had advised that you have to have phone records, but  
20 the thing is that is not what the rule requires. That  
21 is not an exclusive list of what is required. You  
22 can't use that as a basis to say, no, that is not  
23 there.

24 The reason I'm citing the page, and it is not  
25 dealing with 901, but what it deals with -- and this

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1 is State V. Page, 406 South Carolina 272, Court of  
2 Appeals case. Basically, the judge found that a  
3 voicemail message that was left was not relevant,  
4 okay. The person denied making the voicemail message  
5 and he said, well, it is not relevant. Basically, the  
6 Court said even though he is denying leaving the  
7 message, that was him saying it is fabricated, it is  
8 still relevant, Your Honor. This was basically a case  
9 that they ended up reversing, and actually find -- the  
10 Court of Appeals found abusive discretion. It is my  
11 understanding that the AG's Office decided not to  
12 pursue it any further, which is somewhat odd.

13 If you look at Page 9, you know, that is where it  
14 starts going through it. Basically, the record  
15 here -- and I'll probably cite to this case for a  
16 different point, but this is to show even though  
17 somebody will say, hey, I didn't leave that, that is  
18 not my message, and in that case they didn't have  
19 phone records to back it up, but it is still relevant  
20 and admissible. It is a question that she can argue.

21 You know, because the State decides to call up --  
22 decides to call Verizon each time, that is because the  
23 defense attorney would say, well, there is nothing  
24 proving that he did it. It is not because it is not  
25 authentic or not admissible. All that is needed for

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1 the rules is some evidence that the jury can  
2 reasonably say it is authentic. My client testifying  
3 that that came from her is enough evidence to say it  
4 is reasonable -- reasonable to assume that that was  
5 authentic. Whether they believe it or not, that is a  
6 different question. I know the State will argue it is  
7 not authentic in closing, but it is admissible.

8 MS. LIVESAY: I'm not arguing that the jury  
9 should decide whether this is authentic. I'm arguing  
10 this is definitely a question of law as to whether or  
11 not the jury should view messages that aren't even  
12 stamped "Verizon," aren't even stamped anything to  
13 show that they came from any legitimate phone company.  
14 I'm saying we don't have it, so we definitely don't  
15 have a self-authenticating document. I'm saying in  
16 the rules, even on a phone call, they require some  
17 proof that the phone company has assigned this number  
18 to that individual. I'm saying we don't have anybody  
19 from any phone company saying that is Jerica Bryson's  
20 number. We don't have anybody to authenticate the  
21 number, and we don't have anybody to authenticate that  
22 these records haven't been fabricated.

23 I've been handed some records over a month of  
24 time, from May, not even from April when this incident  
25 happened, but from May, that ironically include some

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1 messages including Jerica and her sister. Ironically,  
2 those are the only two people that have been texted  
3 from this phone during this month time period. I've  
4 looked at the records, and I'm going to be honest, I  
5 have some serious concerns as to the fabrication of  
6 the records.

7 THE COURT: Let me see what you are all talking  
8 about.

9 MR. AXELROD: Let me give you a clean copy.

10 MS. LIVESAY: Mine are noted, but here is a clean  
11 copy.

12 MR. AXELROD: Judge, I'll give you a clean copy  
13 of what we gave Nancy. This is a clean copy, sir. At  
14 this time it doesn't have any page numbers. If you  
15 would like me to, I can paginate it.

16 MS. LIVESAY: This is what was E-mailed to me  
17 from them, so this is what I was working off of.

18 MR. AXELROD: I sent it a couple of times to make  
19 sure she had it.

20 THE COURT: Where did this come from?

21 MR. SHAFFER: We have an investigator that pulled  
22 it off my client's phone. Basically, he's willing to  
23 testify that he obtained my client's phone and pulled  
24 the messages directly from there. My client can  
25 further authenticate saying that the numbers belonged

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1 to her and they've had communication through that  
2 number.

3 MS. LIVESAY: Pulled the messages off the phone  
4 with a device?

5 MR. AXELROD: Yes, I believe so.

6 MR. SHAFFER: You have to ask him further. We  
7 can have him testify.

8 MR. AXELROD: The records are from approximately  
9 April the 7th or 8th to May the 27th. The records are  
10 from before the event to after the event.

11 MS. LIVESAY: My victim is ready to testify that  
12 those on the 8th, that is her phone number. She said,  
13 yes, those are my text messages, I texted him. She  
14 said then on the 9th when my phone was taken away, she  
15 said during the night of the 8th and the 9th is when I  
16 never saw the phone again. Ironically, there are no  
17 more further text messages taking place to that number  
18 or from that number. A new number -- actually, three  
19 other numbers are then used under the name of "Jerica"  
20 which are back and forth between this Defendant and  
21 this alleged person called "Jerica," but it is three  
22 different numbers all with the same name in the  
23 contact list "Jerica." She claims none of those  
24 numbers belong to her. I have spoken to her sister,  
25 none of them looked familiar to her.

## COUNSEL AND THE COURT - JURY OUT

1 I have some concerns. We're talking about three  
2 different phone numbers over a month that has been  
3 texted back and forth all with the contact name  
4 "Jerica." We don't have anybody from any sort of  
5 phone company to say indeed that number was ever  
6 listed to her. I have concerns, and I do not believe  
7 that the Defendant getting up saying, well, it is in  
8 my contact list as "Jerica" authenticates these phone  
9 records.

10 When you dump a phone, our drug enforcement unit  
11 regularly dumps phones, we get that information and  
12 hand it over. When you dump a phone, you get  
13 pictures, phone calls, text messages, all the  
14 information on that phone. I have none of that. I'm  
15 led to supposedly believe this is a phone that has  
16 been dumped on a device with no phone calls, no  
17 pictures, no other information and no contact list?  
18 When we dump a phone, your entire contact list is  
19 dumped. All of the information is given.

20 MR. SHAFFER: If she wants to know how it is  
21 done, I'll put the investigator to proffer it, Your  
22 Honor. You know, if she's wondering if this got  
23 dumped or not, I think he can answer it.

24 THE COURT: A man got three years for filing a  
25 false document in court. His name was Brent. Now, if

## COUNSEL AND THE COURT - JURY'OUT

1 something was falsified after the incident occurred  
2 and her name was put on her, and somebody attempts to  
3 file, in effect, could be construed a forged document,  
4 that is serious business now, Counsel.

5 MR. SHAFFER: Yes, Your Honor. If I was aware --

6 THE COURT: How are you going to prove that this  
7 phone was hers from these numbers that can't be  
8 connected to her after this incident -- you sit down,  
9 only one attorney can argue. You all want to get  
10 technical with me, it's been this and that and the  
11 other. We're going by the rules. Tell me how you are  
12 going to prove that those phone numbers were hers.

13 MR. SHAFFER: Your Honor, what I can do -- this  
14 is exactly what I can do, I can get my investigator up  
15 here to say that he pulled them off my client's phone  
16 and get my client to say that there were numbers he  
17 contacted her on, which was sufficient in both the  
18 North Dakota case and the Pennsylvania case I cited to  
19 you, enough to authenticate them. Your Honor --

20 THE COURT: I disagree. I disagree. You can't  
21 prove it.

22 MR. SHAFFER: Your Honor, there is an interesting  
23 side argument to this a lot of cases address. The  
24 interesting thing about this is what it creates or  
25 what we're deciding, I guess, because there is no

## COUNSEL AND THE COURT - JURY OUT

1 South Carolina case directly on point as to what level  
2 of proof you need in order to establish authenticity.  
3 My belief is based off of the rule, and the way most  
4 courts have interpreted it is -- all you need is some  
5 reasonable enough evidence that there is a reasonable  
6 belief or a reasonable juror could believe that they  
7 did it. You don't have to prove beyond a reasonable  
8 doubt. We don't have to prove beyond a reasonable  
9 doubt that they are authenticated. I think they can  
10 definitely argue otherwise, Your Honor.

11 THE COURT: You all come back here in chambers.

12 (A recess was taken.) is

13 MR. AXELROD: Madam Clerk, I think we can raise  
14 it. We might not be using that. Your Honor, I'll let  
15 Mr. Shaffer put up my client and we'll put on the  
16 record certain issues.

17 THE COURT: I'm going to turn the jury loose.  
18 Mr. Shaffer, I know we have that judge waiting for you  
19 to call. Let me get this jury out of here.

20 MR. AXELROD: Why don't you go out there and call  
21 right now.

22 THE COURT: Go ahead. Bring in the jury,  
23 Sheriff, please.

24 (The jury enters at 12:34 p.m., and the  
25 following is heard in the presence of the jury.)

## COUNSEL AND THE COURT - JURY OUT

1 THE COURT: Mr. Foreman, Ladies and Gentlemen Of  
2 the Jury, I sincerely apologize about the amount of  
3 time we're having to take outside of your presence.  
4 I'm still having to sort through some legal issues.  
5 As I told you, I am the judge of the law and you all  
6 are the judge of the facts. It will take me awhile  
7 later to get things on the record about some matters  
8 of law. So what we're going to do, we'll let you go  
9 to lunch. We're going to stay here and work, get that  
10 straightened out. Hopefully, we can get back on track  
11 with the testimony at 2:15, okay. So you can go ahead  
12 to lunch. Remember my instructions, don't discuss the  
13 case with anyone, don't even discuss it amongst  
14 yourselves. We will see you back at 2:15.

15 (The jury exits at 12:36 p.m., and the  
16 following is heard out of the presence of the jury.)

17 MR. AXELROD: Let me find Mr. Shaffer and then  
18 I'll tell my witnesses 2:15.

19 THE COURT: 2:15.

20 MR. AXELROD: I have other witnesses, yes.

21 (Whereupon, Mr. Axelrod exits.)

22 THE COURT: Mr. Shaffer, while we wait on Mr.  
23 Axelrod to come back in from our discussion at the  
24 bench and back in chambers, all of us have a basic  
25 understanding of how these documents line up and

## COUNSEL AND THE COURT - JURY OUT

1 certain things have been brought to light to the  
2 Court, but for future review purposes, we are going to  
3 do a proffer. We need to be as concise and clear as  
4 we can for possible review later on, so let's go ahead  
5 and get on the record, for proffer, and I'll rule, and  
6 then after lunch hopefully we can get back on track  
7 with the testimony.

8 I was hoping Mr. Axelrod would come on back in,  
9 but relay to him that when we do finish this, I don't  
10 know what his line up of witnesses are, but I'm going  
11 to have to step in concerning the victim. We -- if he  
12 wants her to testify, we have to get her up and down,  
13 because I am not going to tax taxpayers of this state  
14 by keeping her over. She's risked losing her job as I  
15 understand it, and all of us are paying for any room  
16 and board, and another plane fee, that is not  
17 happening.

18 MR. SHAFFER: I believe she's probably going to  
19 be the next witness concerning the proffer in order  
20 for me to properly do it. It is going to be two  
21 questions to each question, basically. Is there a  
22 possibility I can call her and the other witness that  
23 is going to deal with this as well? It won't be long,  
24 probably two questions for each person. His will be  
25 about three or four.

## ANTHONY ADKINS - PROFFER - DIRECT EXAMINATION

1 THE COURT: Okay.

2 MR. SHAFFER: First, we call Anthony Adkins to  
3 the stand.

4 (ANTHONY ADKINS, having been duly sworn,  
5 testified as follows:)

6 THE CLERK: State your full name and spell your  
7 last for the Court.

8 THE WITNESS: Anthony Edward Adkins, A-D-K-I-N-S.

9 DIRECT-EXAMINATION-PROFFER

10 BY MR. SHAFFER:

11 Q Mr. Adkins, you indicated to us, Mr. Axelrod,  
12 that you had text messages?

13 A Yes, sir.

14 Q That are relevant in this case?

15 A Yes, sir.

16 Q Who are those text messages from, the ones you  
17 thought were relevant in this case?

18 A Jerica Bryson and her sister, Tasha.

19 Q Now, how do you know that it was Tasha that was  
20 text messaging you?

21 A By the context.

22 Q Did she ever identify herself?

23 A Yes.

24 Q Did she identify herself as "Tasha"?

25 A Yes. She's called, also.

## ANTHONY ADKINS - PROFFER - DIRECT EXAMINATION

1 Q She's called you?

2 A Uh-huh.

3 Q Do you recognize her voice?

4 A Yes.

5 Q Did she call from the number that she texted you  
6 from?

7 A Yes.

8 Q And outside of this communication with her, would  
9 you recognize her voice?

10 A Yes, sir.

11 Q And you recognized the voice that called you to  
12 communicate to you from the number that you had --  
13 well, let me ask you this. Did you save her number in  
14 your phone?

15 A Yes, I did.

16 Q What did you save it as?

17 A "Tasha."

18 Q In any way -- when did you notify Mr. Axelrod of  
19 these text messages?

20 A Immediately. I got out of -- I was put in jail,  
21 I think it was on the 28th, so the day after, the 29th,  
22 let him know. Let him know just Jerica had texted  
23 then, but like a month later her sister started texting  
24 me about her line and stuff.

25 Q Did you ever have a conversation with me about

## ANTHONY ADKINS - PROFFER - DIRECT EXAMINATION

1 these text messages?

2 A You?

3 Q Yes.

4 A When we were in the office not too long ago.

5 Q Were other people present?

6 A Yes.

7 Q Who was present?

8 A Mr. Stevens and Mr. Axelrod.

9 Q Did I ever tell you to make these text messages  
10 up?

11 A No, sir.

12 Q Did Mr. Axelrod ever tell you to make them up?

13 A No, sir.

14 Q Did you tamper with them in any way?

15 A No, sir.

16 Q Did you delete any of the messages?

17 A No.

18 Q Did you give them to -- give your phone to Mr.  
19 Stevens?

20 A Yes, I did.

21 Q Related to Jerica, did she contact you from one  
22 or multiple numbers, do you recall?

23 A Multiple numbers. She kept changing her number  
24 after awhile. I had a girlfriend at the time, so she  
25 was harassing both of us. She would change her number,

## ANTHONY ADKINS - PROFFER - DIRECT EXAMINATION

1 we would tell her to quit texting, she would change the  
2 number and do it again. I finally got my number  
3 changed, and that is when it ended, because I was sick  
4 of being harassed.

5 Q That was the ex-girlfriend harassing you?

6 A Yes.

7 Q From the numbers you received from Jerica, do you  
8 recall -- how do you know they were from Jerica?

9 A Context of the messages.

10 Q By "context," what do you mean?

11 A Asking me what I'm doing, you know, about my  
12 personal organs, sending me naked pictures of herself  
13 and things of that sort.

14 Q And were the pictures from -- pictures of her?

15 A Yes.

16 Q And the pictures that she sent you, were they --  
17 are you familiar with her home -- where were the  
18 pictures taken from?

19 A When I looked at the pictures, it was at her --  
20 it was at her grandmother's house. She said it was in  
21 her cousin's or Uncle Joe's room, so I could tell it  
22 was his room because I had been there before.

23 Q So you had seen the room she was in?

24 A Yes.

25 Q Have you -- now, on each of the phone numbers --

## ANTHONY ADKINS - PROFFER - DIRECT EXAMINATION

1 there is three phone numbers, correct, from Jerica?

2 A Yes, sir.

3 Q From each of those phone numbers, did you ever  
4 talk to her over the phone?

5 A Yeah. She called a few times on all of the  
6 phones asking me to send her money Western Union and  
7 she was coming back. It's all in -- it is not  
8 something I would make up.

9 Q Okay. And are you familiar with her voice?

10 A Certainly, yes.

11 Q Did you receive phone calls from someone with her  
12 voice over those phones?

13 A No. It was her voice.

14 Q It was her voice?

15 A Definitely.

16 Q Do you have any reason to think that those phone  
17 numbers are not --

18 A No, sir.

19 Q Did you tamper with them in any way?

20 A No, sir.

21 Q So you have no reason to think they are  
22 fabricated?

23 A No.

24 MR. SHAFFER: No further questions.

25 CROSS-EXAMINATION (PROFFER)

## ANTHONY ADKINS - PROFFER- CROSS-EXAMINATION

1 BY MS. LIVESAY:

2 Q Mr. Adkins, I'm Nancy Livesay, the prosecutor in  
3 this case. I know we haven't met yet. What was your  
4 phone number in April 2013?

5 A 4658 -- 8485 -- something like that. I don't  
6 remember it. It is on your paper right there. I had  
7 to change my number because she kept calling and  
8 harassing me.

9 Q So you don't remember what your number was in  
10 April of --

11 A 465.

12 Q 8485?

13 A I think so.

14 Q And you are absolutely sure of that?

15 A No.

16 Q So you are not sure of that if that was your  
17 phone number?

18 A No, but they have my phone and my records with  
19 all of the numbers on it.

20 Q Do you still have that phone?

21 A I think I do.

22 Q You still have the phone that these messages are  
23 on?

24 A Certainly. I can find it.

25 Q And what was the provider from that phone number?

## ANTHONY ADKINS - PROFFER- CROSS-EXAMINATION

- 1 A Virgin Mobile, the same as hers.
- 2 Q Virgin Mobile?
- 3 A Uh-huh.
- 4 Q Okay. And was that something you pay every  
5 month?
- 6 A Yes, ma'am.
- 7 Q So it was like you got a bill every month?
- 8 A No. It is like a no-contract phone, so you pay  
9 per month or whatever contract you are on.
- 10 Q Were you on a contract?
- 11 A No, ma'am.
- 12 Q So when you say you got your number changed, did  
13 you just get a new phone?
- 14 A I think I did get a new phone, because I turned  
15 my phone in because it had all of her texts and her  
16 sister texting me, so I turned that into the  
17 investigator for my attorney.
- 18 Q So they currently have the phone you had from  
19 April 2013?
- 20 A Yes.
- 21 Q And when did you get a new phone number?
- 22 A It's been -- I have no idea. I don't know the  
23 time. Like I said, after she harassed me and my  
24 girlfriend for like three months, then I got a new  
25 number.

## ANTHONY ADKINS - PROFFER- CROSS-EXAMINATION

- 1 Q Would you say April, May, June?
- 2 A I think so. Around that time.
- 3 Q But you don't know for sure?
- 4 A No. It's been a year-and-a-half ago.
- 5 Q So the phone with all of the messages and  
6 everything on it still exists?
- 7 A Yes.
- 8 Q And nothing has been erased off of it?
- 9 A No, ma'am.
- 10 Q Now, have you seen these records?
- 11 A Of course, it is my phone.
- 12 Q Now, I don't have any phone calls, so were you  
13 making phone calls as well?
- 14 A Nope. She called me, and like I said, she would  
15 ask me for money. She only called about nine to ten  
16 times, but they were -- like nine to ten times she  
17 called. After that, it was like 1200 text messages, so  
18 I tried not to talk to her on the phone.
- 19 Q So did she leave voicemails?
- 20 A She did, but Virgin Mobile, it would erase them  
21 after like 14 days, so all the voicemails were gone, so  
22 I kept letting her text message me.
- 23 Q So you have no voicemails?
- 24 A No, ma'am.
- 25 Q Do you have phone records showing the phone calls

## ANTHONY ADKINS - PROFFER- CROSS-EXAMINATION

1 you were making from that phone?

2 A If it is on, yeah. I mean, they got my phone, so  
3 of course they do.

4 Q On that phone it shows all the phone calls you  
5 were making back and forth?

6 A I would say so.

7 Q Now, when you had that phone, the attorney asked  
8 you, you know, whose number and name is in that phone.  
9 Who assigns the name to that phone number?

10 A I did, because she kept changing her number so I  
11 kept putting like -- I put a "C" at one and "K" at the  
12 end of her name because she kept harassing me.  
13 Finally, I just got sick of it, changed my number.  
14 Then, the other number on there, I didn't put a name.  
15 You know, she was doing it so much. Then it went to --  
16 it was an 843 number, and then she changed it to 304.  
17 So there is probably a couple more numbers. They say  
18 three, but I think there is five total after she  
19 started whatever -- she started using the 304 number.

20 Q But you assigned her name to that number in her  
21 phone?

22 A Yeah, but it should have the number with the  
23 phone also.

24 Q So when a number comes in, you save it in your  
25 contact. You put like -- you say sometimes you would

## ANTHONY ADKINS - PROFFER- CROSS-EXAMINATION

1 put Jerica with a "K" sometimes and sometimes with a  
2 "C"?

3 A Yes, ma'am. But then she started a new number,  
4 and you can tell by the context.

5 Q So you saved the text messages, but not the  
6 voicemails?

7 A Like I said, the voicemails erased after 14 days,  
8 so, no.

9 Q Were you all on the same plan?

10 A No, ma'am.

11 Q So you had your own plan, and she had her own  
12 plan?

13 A Correct.

14 Q You think at one time your number was  
15 (843)465-8485?

16 A Yes, ma'am.

17 Q You do?

18 A I think so.

19 Q So when I'm looking at these phone records and  
20 the number is (843)465-8485, that is your number?

21 A I think so. One of them was 8455 and one was  
22 8485. I've had a few phones.

23 Q So you had two phones at one time?

24 A Nope. After she was harassing me, I got another  
25 phone and another number.

## ANTHONY ADKINS - PROFFER- CROSS-EXAMINATION

- 1 Q So at one time it was 465-8485?
- 2 A Whatever it says on the paper.
- 3 Q This paper says "to Jerica," And her number is  
4 listed 465-8485.
- 5 A Then that's her number. I was 8455, then. I  
6 might have been 8455.
- 7 Q So now you are saying that 465-8485 is not your  
8 number?
- 9 A If it says "Jerica" that means it is her number,  
10 then that is not my number.
- 11 Q But would you agree with me, earlier when I asked  
12 you what your attorney number was, that was the phone  
13 number you thought was your number?
- 14 A Yeah. We had similar numbers.
- 15 Q Just wondering. Earlier you gave me this number,  
16 you thought it was your number, but now that we've  
17 looked at these numbers and seen that at some point  
18 that number was 465-8485, that was Jerica's number?
- 19 A Yep.
- 20 Q Now, I don't want to belabor this point, so I'm  
21 clear, because I'm trying to keep up with whose number  
22 is whose. You don't know for sure, because I don't --  
23 you don't know for sure what your phone number was?
- 24 A If you can read the text, you can know whose  
25 phone number it was.

## ANTHONY ADKINS - PROFFER- CROSS-EXAMINATION

- 1 Q I'm looking at the text now and it has the phone  
2 number you gave me as yours listed as "Jerica." So is  
3 there another number that you think might be yours?
- 4 A No. I had one phone at that time. When the text  
5 messages quit is when I got sick of being harassed, me  
6 and my new girlfriend at the time. I switched my phone  
7 and got another phone number.
- 8 Q But you are unsure what that phone number was?
- 9 A Yeah, I'm unsure.
- 10 Q It is not a big deal, I'm just wondering.
- 11 A No. No.
- 12 Q You are not for sure?
- 13 A Nope.
- 14 Q Let me ask you this. Does the number  
15 (843)467-1716 ring a bell?
- 16 A Yeah. That is my number.
- 17 Q Your number?
- 18 A Uh-huh.
- 19 Q And you can confirm that?
- 20 A Yes.
- 21 Q When was that your number?
- 22 A 2012, 2013.
- 23 Q Was it your number during this incident?
- 24 A Yes.
- 25 Q Was it your number shortly after this incident in

## ANTHONY ADKINS - PROFFER- CROSS-EXAMINATION

- 1 May?
- 2 A I think so.
- 3 Q You do not think so?
- 4 A I think so.
- 5 Q You do think so?
- 6 A Yeah, I think so.
- 7 Q You think so?
- 8 A Yeah. Just like I said, if you went through the  
9 text and dialect and dialogue with her sister and all  
10 this stuff, I was sick of getting harassed, threatening  
11 me with jail, so I got a new phone number and never  
12 heard from her again, thank God.
- 13 Q So I'm clear, this 467-1716 was your phone number  
14 in April and May?
- 15 A Yes, ma'am. That is my phone number. I don't  
16 know if it -- I'm pretty sure April and May. If that  
17 is what it says on the text, then that is what it is.
- 18 Q Was that the only phone number you had at that  
19 time?
- 20 A Yes.
- 21 Q And then your number changed, when did you say,  
22 three months, like maybe August?
- 23 A Around August.
- 24 Q And is that the number you currently have now?
- 25 A No.

## ANTHONY ADKINS - PROFFER- CROSS-EXAMINATION

1 Q So what was your number then; do you remember?

2 A No.

3 Q When did you change your phone number again?

4 A I don't know.

5 Q But you had one number in April and May, and then

6 you had a different number in August, and sometime

7 between August and now you have changed numbers again?

8 A Yes, ma'am. They had to have my phone, so I had  
9 to get another.

10 Q And you don't remember what the prior two numbers  
11 were?

12 A No. .1716.

13 Q Now, have you always had a 843 number since you  
14 have been down here?

15 A Yes, ma'am.

16 Q And how long have you been down here?

17 A July 4, 2010, I think -- I moved down 4th of  
18 July, I think 2010.

19 Q Okay. You said earlier she was sending you  
20 pictures of herself?

21 A Yes, ma'am.

22 Q And could you see her face in the pictures?

23 A No.

24 Q So by looking at the picture, I couldn't confirm  
25 that indeed that was Jerica?

## ANTHONY ADKINS - PROFFER- CROSS-EXAMINATION

- 1 A You couldn't.
- 2 Q Sorry?
- 3 A You couldn't.
- 4 Q I mean was --
- 5 A I could.
- 6 Q Was her face in the picture?
- 7 A No.
- 8 Q And the pictures that were sent to your phone,
- 9 her face was not in those pictures?
- 10 A No, just her hair and body.
- 11 Q And even though the text messages were saved, you
- 12 don't have any voicemails?
- 13 A No, I've answered that. It erases after 14 days.
- 14 Q I'm trying to see how much we have to work with.
- 15 So we have no pictures with her face, nor voicemails?
- 16 A Just plenty of texts and all of that.
- 17 Q Okay. And you've had three -- at least three
- 18 numbers from May until now?
- 19 A I believe that would be her. She's had three to
- 20 five.
- 21 Q How many numbers have you had? Three? At least
- 22 three?
- 23 A Two, that I can think of.
- 24 Q Okay. Then I'm wrong, because you said you had
- 25 one number, which was 467-1716?

## ANTHONY ADKINS - PROFFER- CROSS-EXAMINATION

1 A Yes, ma'am.

2 Q And then you said you had another one in August,  
3 a different number; is that correct?

4 A Uh-huh.

5 Q And then you had a different number from then  
6 until now; is that correct?

7 A I really -- only thing I remember is I had the  
8 phone where she kept texting --

9 Q I'm not asking about --

10 A I'm trying to go through it with my head. Let me  
11 go through that. I had that phone for awhile, she kept  
12 texting. I turned my phone into my attorney, got  
13 another phone, and that was the number -- two numbers.

14 Q So the number you turned into your attorney is  
15 467-1716?

16 A Yes, ma'am.

17 Q And then you changed phones in August?

18 A Yes.

19 Q And you do not remember that number?

20 A Nope.

21 Q And the number you have today is a different  
22 number than the one in August?

23 A I'm not sure.

24 Q So you don't know -- so what is your number now?

25 A 467-0498. I don't like to give that out while

## ANTHONY ADKINS - PROFFER- CROSS-EXAMINATION

- 1 she's in here, but.
- 2 Q And that is the same number from August?
- 3 A I think so. I'm not sure.
- 4 Q So you don't know if you've had three different  
5 numbers, five --
- 6 A Yeah, I do. Not over three.
- 7 Q Three?
- 8 A Not over three.
- 9 Q Not over three?
- 10 A Yeah. You know, I jumped in a pool one time with  
11 one of my phones. If I had three, that is the reason.
- 12 Q So basically you've testified that you had one  
13 number -- and I'm just trying to get it straight,  
14 because I don't want to put words in your mouth --  
15 around April or May, a different number in August, and  
16 you have a different number now?
- 17 A Yeah. I think that is it.
- 18 Q The only one you remember is the one from April  
19 and May, and the one you have today?
- 20 A Yeah.
- 21 Q And the number you originally gave me that you  
22 thought was yours, it was 8485, and you say that is  
23 definitely not your number?
- 24 A We've traded phones back and forth, so I've used  
25 her phone a bunch of times, too.

## ANTHONY ADKINS - PROFFER - REDIRECT EXAMINATION

1 Q So 8485 could possibly be your number at one  
2 point?

3 A No.

4 Q Okay. So now you are saying that number could  
5 never have possibly been yours?

6 A I think it was 8455, and hers was 8485.

7 Q But you would admit when we first talked you gave  
8 me 8485?

9 A Yeah, because I was looking at the phone numbers  
10 over there going through it (indicates).

11 Q Okay.

12 A But I do remember seeing her name on the 8485,  
13 now that I remember looking over there, so it is her  
14 number. Again, if you read the dialect, you can tell  
15 who it is.

16 Q Were you working anywhere around April or May?

17 A No, ma'am.

18 Q I'm asking to see if they had a number for you at  
19 your workplace.

20 REDIRECT-EXAMINATION

21 BY MR. SHAFFER:

22 Q Why do you save people's phone numbers in your  
23 phone?

24 A So I know who they are.

25 Q Do you remember every phone number given to you?

## ANTHONY ADKINS - PROFFER - REDIRECT EXAMINATION

1 A No..

2 Q That is why you have to save them?

3 A Exactly.

4 Q So tell me this. If you had a phone number and  
5 you saved it as "Jerica," you would know it was Jerica  
6 because you had saved it that way, right?

7 A Yes.

8 Q When you registered your phone through Virgin  
9 Mobile, did you give a name or anything like that?

10 A Yeah, of course. You have to give a name and  
11 address and all of that.

12 Q So you can give a name and address through Virgin  
13 Mobile?

14 A Uh-huh.

15 Q Did you pay with a credit card?

16 A Yeah. Sometime -- usually most of the time  
17 credit card or rarely a top-up card.

18 Q Describe that, what do you mean by "top-up card"?

19 A You buy like a \$35 or \$55 card, and it will have  
20 a scratch-off thing. You scratch it off and give them  
21 the number, and that is like a credit card to the phone  
22 company.

23 Q You don't have any notes in front of you now, do  
24 you?

25 A No, sir.

## ANTHONY ADKINS - PROFFER - REDIRECT EXAMINATION

- 1 Q Do you recall -- can you recite each one of  
2 Jerica's numbers off the top of your head?
- 3 A No.
- 4 Q Can you recite each one of yours?
- 5 A No.
- 6 Q Can you recite Tasha's number off the top of your  
7 head?
- 8 A No. It's been so long ago.
- 9 Q If it was in your phone, would you believe that  
10 those numbers would be the correct number?
- 11 A Of course.
- 12 Q Saved in your phone?
- 13 A Yes, sir.
- 14 Q Now, you made other calls to other people or  
15 served text messages from other people on that phone?
- 16 A Yes, sir.
- 17 Q Who is Ashley?
- 18 A She was a girlfriend at the time.
- 19 Q Who is Keisha?
- 20 A Keisha is Ashley's friend.
- 21 Q You received text messages from them, right?
- 22 A Yes, sir.
- 23 Q You wouldn't be surprised if that is indicated in  
24 the records, right?
- 25 A No, I wouldn't be surprised at all.

## ANTHONY ADKINS - PROFFER - RECROSS-EXAMINATION

1 Q You won't be surprised if both of them texted you  
2 on 5/22/13, would you?

3 A No.

4 Q Who is Christy H.?

5 A That is my daughter's mother.

6 Q She texted you on that phone, too, correct?

7 A Yes, sir.

8 Q You wouldn't be surprised if some of those are on  
9 here, right?

10 A No, I wouldn't be surprised.

11 Q Did you delete any of the messages from Jerica or  
12 Tasha?

13 A No. I tried to keep every one -- I kept every  
14 one I could. I knew it would help me in court.

15 MR. SHAFFER: No further questions.

16 THE WITNESS: Thank you.

17 MR. SHAFFER: We do have a couple other.

18 RECROSS-EXAMINATION

19 BY MS. LIVESAY:

20 Q Earlier, you testified that sometimes you would  
21 switch phones back and forth; is that right?

22 A Every now and then.

23 Q So sometimes you would have her phone, and  
24 sometimes she would have your phone?

25 A No. She would -- like maybe if she walked

## ANTHONY ADKINS - PROFFER - REDIRECT EXAMINATION

1 outside or something like that and grabbed my phone by  
2 accident -- because we kind of had two pink covers or  
3 whatever, kind of similar.

4 Q So when you said earlier you would switch back  
5 and forth, you meant what?

6 A I meant we would use each other's phone,  
7 basically.

8 Q So sometimes you would use her phone, and  
9 sometimes she would use your phone?

10 A Yeah.

11 Q So it is possible --

12 A When she didn't pay her bill, she would use my  
13 phone, because it is not a contract. So like maybe she  
14 didn't pay her bill and let time go over, I would let  
15 her use my phone and vice-versa, you know.

16 Q So maybe at one time your phone number -- you  
17 were using 8485; is that correct?

18 A I probably used that phone before.

19 Q You probably have used that number before?

20 A Uh-huh.

21 Q Fair enough. Shaking your head "yes."

22 MR. SHAFFER: Since she went into one thing, can  
23 I ask one question?

24

25

## JATHER STEVENS - PROFFER - DIRECT EXAMINATION

1 REDIRECT EXAMINATION

2 BY MR. SHAFFER:

3 Q Was that before the alleged incident?

4 A Definitely before.

5 Q So none of these from May of 2012 (sic) could  
6 have been --

7 A No.

8 MR. SHAFFER: No further questions. We would  
9 like to --

10 THE COURT: You said "2012"?

11 MR. SHAFFER: Sorry, 2013. It is 2013.

12 THE COURT: You may step down.

13 MR. SHAFFER: We would like to call Jather  
14 Stevens.

15 (JATHER STEVENS, having been duly sworn,  
16 testified as follows:)

17 THE CLERK: State your name and spell your last  
18 name.

19 THE WITNESS: Jather Stevens, S-T-E-V-E-N-S.

20 DIRECT-EXAMINATION

21 BY MR. SHAFFER:

22 Q You are retained as an investigator for the  
23 defense in this case?

24 A That's correct.

25 Q If you could, you received a telephone as a

## JATHER STEVENS - PROFFER - DIRECT EXAMINATION

1 result of your investigation, correct?

2 A That's correct.

3 Q And that telephone, where did you get it from?

4 A The defendant, Mr. Anthony Adkins.

5 Q Who directed you to get the phone?

6 A Attorney Stuart Axelrod.

7 Q And what did you do whenever you received the  
8 phone?

9 A Basically went through and pulled off all the  
10 cell phone messages -- text messages and photographs  
11 from the cell phone.

12 Q And the text messages and photographs, how  
13 exactly did you pull them off?

14 A Basically, I mean, to get into detail, there is  
15 different ways you can get into a cell phone. There is  
16 stand-alone devices. A cell phone is essentially a  
17 computer, and you need to link that with another  
18 computer and use software to allow the two to  
19 communicate to pull the data. I plugged into a  
20 computer, found the software compatible and allowed the  
21 text messages and photographers to be pulled.

22 Q You did that yourself, right?

23 A Yes, sir.

24 Q And what happened whenever -- let me do this.

25 MR. SHAFFER: Your Honor, may I see the clean

## JATHER STEVENS - PROFFER - DIRECT EXAMINATION

1 copy real quick?

2 MS. LIVESAY: I believe the thinner copy is  
3 theirs. The thicker is the one they E-mailed me that  
4 I printed off.

5 MR. SHAFFER: Thank you.

6 (Defendant's Exhibit 2 marked.)

7 Q I'll show you what is marked as Defendant's  
8 Exhibit 2 for purposes of identification. Could you  
9 review that?

10 A Yes, sir.

11 Q Does that appear to be a true and accurate copy  
12 of the records that you received from the cell phone?

13 A Yes, sir, it is.

14 Q You printed that off, or a copy of that, correct?

15 A Yes, sir, I did.

16 Q What did you do with that copy?

17 A I delivered it to Attorney Stuart Axelrod's  
18 office.

19 Q Did you make any alterations to the text  
20 messages?

21 A No, sir, I made no alterations.

22 Q And based on your knowledge, did you -- do you  
23 know of any alterations that were made to those text  
24 messages?

25 A No. To my knowledge, it was a hard copy.

## JATHER STEVENS - PROFFER - DIRECT EXAMINATION

- 1 Q But do you know of any -- to your knowledge, do  
2 you know of any alterations that were made before you  
3 created the hard copy?
- 4 A No, sir.
- 5 Q Whenever you received this cell phone, was Mr.  
6 Axelrod present?
- 7 A No, sir.
- 8 Q Did you speak to the Defendant about the cell  
9 phone?
- 10 A The Defendant delivered the cell phone to me at  
11 my office.
- 12 Q Did you talk to him whenever he delivered it?
- 13 A Yes, sir, of course.
- 14 Q Did he tell you anything about making alterations  
15 to any of the messages?
- 16 A No, sir.
- 17 Q Did he tell you it was a correct copy or true  
18 copy of the cell phone?
- 19 A Yes, sir.
- 20 Q The numbers on there, you did further  
21 investigation based off the numbers, correct?
- 22 A Yes, sir.
- 23 Q Did you contact the phone company?
- 24 A Yes, sir.
- 25 Q And how did you go about doing that?

## JATHER STEVENS - PROFFER - DIRECT EXAMINATION

- 1 A Actually, what I do is I use database searches  
2 that allow me to get subscriber information off  
3 different telephone numbers.
- 4 Q Did you receive any subscriber information?
- 5 A No, sir. Both are what you call "burner phones."  
6 One was a Boost mobile phone, the other was an AT&T.  
7 Both are like prepaid subscriber burner phones.
- 8 Q Those are the phones you are talking about from  
9 Tasha and the phone that -- allegedly belonged to Tasha  
10 and the phone that belonged to the victim, right?
- 11 A Yes, sir.
- 12 Q The victim had multiple phones, right? Do you  
13 recall that?
- 14 A In reviewing the cell phone records, yes, it  
15 appeared that she changed cell phones at one point,  
16 because there was messages that the Defendant indicated  
17 that came from the victim from a separate number.
- 18 Q Did you search for that number?
- 19 A No, sir, I did not.
- 20 Q Did you only do the most recent ones?
- 21 A I did the most current ones, the ones he had  
22 listed -- listed in the phone index with Jerica's name,  
23 is what I searched for.
- 24 Q But Jerica's name is listed several different  
25 times with several different numbers?

## JATHER STEVENS - PROFFER - CROSS-EXAMINATION

1 A Correct.

2 Q Did you call more than one company or search one  
3 -- search the database more than one time about  
4 Jerica's phone number?

5 A No, sir. It was the first phone number, is the  
6 only one I looked at.

7 MR. SHAFFER: Nothing further.

8 CROSS-EXAMINATION (PROFFER)

9 BY MS. LIVESAY:

10 Q I think we've met before, haven't we?

11 A Yes, ma'am.

12 Q What device did you use again to dump this phone?

13 A The actual device was a desktop computer.

14 Q So you didn't use -- obviously some police  
15 departments have a device for dumping a phone; are you  
16 aware of that?

17 A Yes, ma'am.

18 Q What are those called?

19 A Cellebrite, CellDEK. There is different ones.

20 Q That's right. But you didn't use that kind of  
21 device?

22 A No, ma'am.

23 Q And, in fact, there is training that goes along  
24 with that device; is that correct?

25 A Yes, ma'am.

## JATHER STEVENS - PROFFER - CROSS-EXAMINATION

- 1 Q Do you have that training?
- 2 A Yes, ma'am.
- 3 Q But you just don't have the device?
- 4 A No, ma'am.
- 5 Q Now, when you -- you said that you plugged it  
6 into the computer?
- 7 A Yes, ma'am.
- 8 Q And if you don't mind, I've never seen it that  
9 way, so when you plugged it into the computer, what did  
10 you see?
- 11 A It doesn't come up with anything. You have to  
12 get the software that would read the phone. Some of  
13 those --
- 14 Q What is the software?
- 15 A The software I used on this one was -- you have  
16 to look at the phone, kind of phone. This was an  
17 Android based phone. There were four that I used in  
18 this case, Android Backup and Restore. Android.
- 19 Q Android Backup and Restore was the software?
- 20 A Yes, ma'am. Another was San Maxi SIM Card Data  
21 Recovery.
- 22 Q So you used two different kinds of software?
- 23 A Actually four.
- 24 Q Four different kinds of software. If you don't  
25 mind, tell me how that works. You put all the software

## JATHER STEVENS - PROFFER - CROSS-EXAMINATION

1 on the computer, plug it in? Tell me about it.

2 A Put the software on the computer and that allows  
3 the computer to talk to the cell phone to get the  
4 information from the cell phones. Cell phones  
5 generally are locked by the subscriber, could be locked  
6 by the manufacturer. For example, on an AT&T phone,  
7 they will lock the phone --

8 Q I'm not worried about those phones, just this  
9 one.

10 A They are locked, so you have to have software to  
11 unlock it to have the cell phone or computer  
12 communicate with cell phone. The first one, this one,  
13 One Click Root, which is a key that unlocks the phone  
14 allowing the phone to speak with the computer,  
15 therefore, allowing the information to be downloaded  
16 from the phone to the computer.

17 Q So that unlocked it. So that allowed you to get  
18 the information off of the phone?

19 A Yes, ma'am.

20 Q And then what did the other three softwares do to  
21 get the information?

22 A Trying hit or miss to get it to work. Some will  
23 work text messages, some work photographs. I think I  
24 pulled one photograph, and the other is text messages.  
25 You pull them in raw format. The printout you see is

## JATHER STEVENS - PROFFER - CROSS-EXAMINATION

1 basically a raw format. It is not in a Word document  
2 or Excel, just basically a notepad document, that is  
3 how it comes out in.

4 Q And did the data, missed calls, all of that  
5 information come out on the software, who he called,  
6 who called him as if you were looking at phone records?

7 A Yes, ma'am. I understand what you are asking.  
8 The only thing I got off was several photographs and  
9 text messages. I did not get any phone calls, like  
10 actual calls.

11 Q So you got no missed calls, who he called, who he  
12 had not called?

13 A No, ma'am.

14 Q None of that information?

15 A I wasn't asked to get that at the time. I was  
16 asked to get photographs and text messages, that is  
17 what I obtained from the phone.

18 Q You had training in dumping the phone on the  
19 other devices that the police departments use. Are you  
20 familiar with when you dump a phone on those, the  
21 contacts are dumped, everything is dumped just as if  
22 you're looking through the phone? Are you familiar  
23 with that?

24 A Yes, ma'am.

25 Q You would agree that that is how it looks? You

## JATHER STEVENS - PROFFER - CROSS-EXAMINATION

1 can look at the contact list --

2 A It doesn't look like you see it on the phone,  
3 but, yes. But even in those cases it does not pull  
4 every single time. It depends on the phone. You can  
5 use Cellebrite, CellDEK, they don't necessarily pull  
6 contacts, phone books, missed calls, all of that.

7 Q So it can get that information?

8 A I've seen it work, depending which device. Some  
9 work on some phones, some don't, for whatever reason.  
10 Sometimes it just does not pull the information.

11 Q But on some phones using that device you can get  
12 the contact list, phone calls, text messages everything  
13 on the phone?

14 A Yes, ma'am.

15 Q And you are telling me that the device or  
16 information you got off of this phone was only text  
17 messages for this period of time right? Is that  
18 correct?

19 A It was every text message on the phone is what I  
20 pulled off the phone.

21 Q So the text messages on this phone ran from  
22 March 28th to May 27th, 2013?

23 A That is what was on the phone, that is what I  
24 pulled off.

25 Q None before that, and none after?

## JATHER STEVENS - PROFFER - CROSS-EXAMINATION

- 1 A If they were on the phone, they would have come  
2 off. If that is all on the phone, that is all I pulled  
3 off the phone.
- 4 Q And this is the only information you retrieved  
5 off the phone?
- 6 A Yes, ma'am.
- 7 Q So we don't have -- so I'm clear, we don't have  
8 any contact lists or any missed calls, received calls?
- 9 A No, ma'am, we do not.
- 10 Q Okay. You are the investigator dealing with  
11 these phone records?
- 12 A Yes, ma'am.
- 13 Q Now, are you familiar with TLO, which is like a  
14 looking for phone numbers type --
- 15 A Yes, ma'am.
- 16 Q And if you don't mind, tell the Court a little  
17 bit about what TLO does.
- 18 A TLO is a database you can use to locate people,  
19 addresses, phone numbers, sort of like a background  
20 investigation tool, address history, utility history,  
21 data.
- 22 Q Did you use TLO or any other device to find out  
23 who -- what number belonged or who was associated with  
24 465-8485?
- 25 A Yes, ma'am.

## JATHER STEVENS - PROFFER - CROSS-EXAMINATION

1 Q And who was it associated with?

2 A It did not come back with any subscriber  
3 information.

4 Q Did it come back from where that phone came from?

5 A I don't remember off the top of my head.

6 Q Let me ask you, because my investigator used TLO  
7 to look at these numbers and what they told me is that  
8 it came back to a number out of Conway, wireless number  
9 out of Conway; is that what you got?

10 A Yes, ma'am.

11 Q So what you are telling me is this number that  
12 was used in May of 2013 didn't come out of West  
13 Virginia, not out of North Carolina, it came right out  
14 of Conway, South Carolina?

15 A Those databases would show where the number was  
16 issued from, so it would be a cell phone service from  
17 Conway.

18 Q That's right. So if you live in West Virginia  
19 and this TLO is saying Conway, you are telling me that  
20 number was issued out of Conway, South Carolina?

21 A That would tell me that somebody had the phone in  
22 Conway and potentially went to West Virginia with a  
23 Conway telephone.

24 Q But it was issued out of Conway, South Carolina?

25 A Yes, ma'am.

## JATHER STEVENS - PROFFER - CROSS-EXAMINATION

- 1 Q That is what TLO told you?
- 2 A Yes, ma'am.
- 3 Q Now, I also -- did you look at (843)465-8699, did  
4 you look that up in TLO?
- 5 A I only looked up two.
- 6 Q What numbers did you look up?
- 7 A (843)465-8485.
- 8 Q That is out of Conway; is that correct?
- 9 A Yes, ma'am. (304)719-6606.
- 10 Q You didn't look up any other 843 numbers?
- 11 A No, ma'am.
- 12 Q You didn't look any of the other numbers that  
13 were on these phone records other than this 8485?
- 14 A No, ma'am.
- 15 Q Okay. Give me that 304 number, I'll write it  
16 down.
- 17 A (304)719-6606.
- 18 Q That one is bad luck, close to it, ain't it. Who  
19 did that number come back to?
- 20 A That came back with no subscriber information.
- 21 Q Did it come back to a place like Conway or?
- 22 A It came back -- I think the wire center was  
23 Charleston, West Virginia, Boost Mobile I think.
- 24 Q But no subscriber name?
- 25 A No, ma'am.

## JATHER STEVENS - PROFFER - CROSS-EXAMINATION

1 Q Okay. So the two numbers you looked up, you  
2 didn't find any name that belonged to that number?

3 A No, ma'am.

4 Q And the 843 number that was on the text messages  
5 at -- do you have these records in front of you? I  
6 want you to correct me if I'm wrong. I'm not as good  
7 with phone records as I'm sure you all are. Would you  
8 agree that on these text messages this 8485 was used  
9 May the 12th, 2013?

10 A Yes, ma'am, it appears it was used several times  
11 on May 12, 2013.

12 Q That was the number that came out of Conway?

13 A Yes, ma'am.

14 Q But you don't have a name that goes with that  
15 number?

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

17 Q You didn't look up -- that was one of the numbers  
18 on these messages, and you didn't look up  
19 (843)465-8699?

20 A No, ma'am.

21 Q You didn't put that in TLO or do anything to find  
22 out who that number belonged to?

23 A Not that I can remember.

24 Q How about (843)465-8703?

25 A Not that I recall, I did not.

## JATHER STEVENS - PROFFER - CROSS-EXAMINATION

1 Q So you have no idea who that number belongs to?

2 A No, ma'am.

3 Q So the three numbers on these text messages --  
4 would you agree that the person's name beside that  
5 number, whoever has the phone enters that name; is that  
6 correct?

7 A Yes.

8 Q So if it says "Joe Bob," whoever has the phone  
9 assigned "Joe Bob" to that number?

10 A Yes.

11 Q Would you agree that the number listed as Jerica  
12 on these text messages are 465-8485, 465-8699,  
13 465-8703?

14 A Bear with me. If you will give --

15 Q It is 60 pages, so I won't rush you.

16 A 8485 is listed as Jerica. The second number?

17 Q 8485 is Jerica in those records?

18 A Yes, ma'am. The second number that you asked  
19 about?

20 Q What is the next one you see listed as her  
21 number?

22 THE COURT: While we're waiting, if anyone has  
23 representatives you want to send out to get some  
24 lunch. Madam Court Reporter, I'll get yours, too.  
25 Send out whoever you got and get a sandwich, because I

## JATHER STEVENS - PROFFER - CROSS-EXAMINATION

1 see that we won't have but 15 minutes to eat.

2 A I only analyzed two numbers on here, so you are  
3 asking about numbers I didn't run a check on.

4 Q (MS. LIVESAY) If I may, I have one more question  
5 and I'll be done talking.

6 THE COURT: Do what you have to do. I'm not  
7 trying to deter you, I'm trying to look after  
8 everyone's interest here.

9 Q (MS. LIVESAY) Would you be -- go ahead.

10 A I found (843)465-8703 listed belonging to Jerica.

11 Q And did you look up to see who that number  
12 belonged to?

13 A I did not.

14 Q So the numbers that were listed as Jerica, you  
15 only looked up one of them?

16 A Correct.

17 Q And that came out of Conway?

18 A Correct.

19 Q And you have no idea or weren't able to link  
20 those numbers to any particular subscriber?

21 A No, ma'am. There is no subscriber information  
22 for those numbers.

23 Q And you would agree that all of those numbers  
24 were 843 from Jerica Bryson?

25 A With the exception of the 304 number, which is

## JATHER STEVENS - PROFFER - CROSS-EXAMINATION

1 allegedly listed as someone else.

2 Q So all the others were 843?

3 A Yes, ma'am.

4 Q You agree that 843 comes out of this area?

5 A 843 could extend all the way to Charleston all  
6 the way west of Dillon.

7 Q Definitely South Carolina?

8 A Yes, ma'am.

9 Q Could you get a phone -- and I really don't know,  
10 I'm asking, could I go to West Virginia and buy a phone  
11 and put it with an 843 number?

12 A I don't believe you can.

13 Q So if -- out of curiosity, if I'm somewhere  
14 outside of where 843 encompasses, I could not go -- say  
15 I'm in Wyoming, I could not go in there and say, Give  
16 me an 843 number?

17 A I do not believe you can.

18 Q Out of curiosity, why didn't you look up the  
19 other numbers in TLO?

20 A My official responsibility for this case was --  
21 when I was initially contacted by Axelrod it was that  
22 the Defendant was going to come with me with a cell  
23 phone and he asked me to pull text messages off the  
24 phone, because there was no medium to get it from his  
25 phone to a computer to present it in this way

## JATHER STEVENS - PROFFER - CROSS-EXAMINATION

1 (indicates). That is all I did. I printed the things,  
2 the data off of the cell phone and turned it into  
3 Attorney Axelrod. About a week ago, we went back  
4 through it, then I didn't look at anything other than  
5 Jerica's phone number or the one associated with her.  
6 It was used initially after the time of the incident,  
7 that is the one I looked at.

8 Q When you looked up the first number and saw it  
9 wasn't associated to Jerica, you didn't look at any of  
10 the other ones?

11 A It came back as a burner phone. It's not that it  
12 is not her phone, it is a burner which cannot be proven  
13 one way or the other. No, I did not look at any  
14 others.

15 Q Do you know what is that phone number that you  
16 pulled these phone records off from?

17 A I'm sorry?

18 Q The phone number that is correlated with these  
19 phone records, what is that?

20 A I didn't associate it with a phone number. It  
21 was pulled off of the cell phone device. They are  
22 stored on the device.

23 Q I was trying to write it down. If you don't have  
24 it, it is no big deal, but you don't have a number  
25 associated with these phone records?

## JATHER STEVENS - PROFFER - REDIRECT EXAMINATION

- 1 A No, ma'am, I don't.
- 2 MS. LIVESAY: Nothing further.
- 3 REDIRECT-EXAMINATION
- 4 BY MR. SHAFFER:
- 5 Q Mr. Stevens, you were asked about the stand-alone
- 6 units. You didn't use one here, right?
- 7 A I did not.
- 8 Q Stand-alone units, can you choose different
- 9 options what you want to pull off the phone and what
- 10 you don't?
- 11 A Yes.
- 12 Q So I could say I just want to pull off text
- 13 messages?
- 14 A Correct.
- 15 Q Or I just want to pull off contacts?
- 16 A Correct.
- 17 Q In this case, did you ever look for telephone
- 18 numbers off of this phone?
- 19 A No, sir.
- 20 Q Did you ever look for contact information off of
- 21 this phone?
- 22 A No, sir.
- 23 Q Did you ever look for relevant -- recent calls
- 24 made off of this phone?
- 25 A No, sir.

## THE COURT AND ATTORNEYS - JURY OUT

1 Q If I had a Boost Mobile phone that I bought here  
2 in Myrtle Beach and I took it to West Virginia, is  
3 there any way for you to know how to -- whether I  
4 recharged it here or there?

5 A No, sir.

6 Q These Boost Mobile phones, do they generally --  
7 Boost Mobile or the other burner phones in general, you  
8 can use a credit card to add minutes, right?

9 A Yes.

10 Q If we looked at someone's credit card statement,  
11 could we go back and trace it back to that person, or  
12 at least say they paid for service for it?

13 A Yes.

14 Q We didn't ask you to do that, obviously, right?

15 A No, you didn't.

16 Q If I had two, three Boost phones I bought in  
17 Myrtle Beach and I reloaded them up in West Virginia,  
18 you wouldn't know that they were reloaded in West  
19 Virginia, right?

20 A No, sir, I would not.

21 Q Okay.

22 MR. SHAFFER: Nothing further.

23 THE COURT: You may step down.

24 MR. SHAFFER: The two short witnesses, you know,  
25 I would like to call them.

## THE COURT AND ATTORNEYS - JURY OUT

1 THE COURT: No, sir. I'm going to reach a  
2 decision now. You can take five days and you are not  
3 going to be able to prove the faults that I have with  
4 trying to get this in, and I just want to ask a  
5 question or two. Time of -- Madam Solicitor, you have  
6 to help me with the testimony already given.

7 MS. LIVESAY: Sorry, Your Honor?

8 THE COURT: I need some times and dates.  
9 Ms. Jones' testimony and the police officer's  
10 testimony, what time of night was it that the police  
11 officers responded to Ms. Jones' house on April 12,  
12 2013?

13 MS. LIVESAY: I think it was around 10 o'clock on  
14 the night of April 12th. I think it was around 10  
15 o'clock is when they responded out there to that house  
16 on April 12. I believe she said it was nighttime and  
17 her and her husband were watching TV, and he said the  
18 front door -- she said the front door rang, but he  
19 said people that know us don't come to the front door,  
20 so he went around the side to see who it was.

21 THE COURT: Is there any testimony to indicate  
22 what time she was released from the hospital?

23 MS. LIVESAY: She said she was in the hospital --  
24 she gave that date, Your Honor. I'm not sure right  
25 off hand when it was, and I think it was like the

## THE COURT AND ATTORNEYS - JURY OUT

1 15th, maybe longer. I can check, Your Honor.

2 THE COURT: How many days in the hospital?

3 MS. LIVESAY: I think...

4 MS. BRYSON: Three days in the hospital.

5 MS. LIVESAY: So the 15th they took her from  
6 Conway to West Virginia. She did testify to that,  
7 Your Honor, that they picked her up. Her sister,  
8 Tasha Evans, who is here to testify, picked her up and  
9 took her back to West Virginia.

10 THE COURT: Out of curiosity, and it doesn't  
11 affect my decision about what I do, but what is the  
12 testimony as to when and approximately what time that  
13 Ms. Bryson says that her phone was taken away from  
14 her?

15 MS. LIVESAY: She said the phone was taken away  
16 that Monday night, which was April 8th, that night. I  
17 believe that is the testimony -- either the 8th or  
18 9th. There is no other text messages from that phone  
19 number after that date. There is four phone numbers.  
20 The first phone number she says; yes, that is my phone  
21 number. The last text was sent from that phone, Your  
22 Honor, on -- either the 8th or the 9th. She will say  
23 that is her number. She says that is my next message,  
24 and that phone number is 465-8039. The last message  
25 from that phone was sent April 9th at 1:22 in the

## THE COURT AND ATTORNEYS - JURY OUT

1 afternoon. There is not another message sent to or  
2 from that phone number on these phone records.

3 THE COURT: That has nothing to do with how I'm  
4 ruling, but I would be taking her word against  
5 possibly a lot of other things. But, Mr. Shaffer, you  
6 just don't have enough here to get it by. Let me say  
7 something. I'm as liberal as any judge about getting  
8 evidence in, and it's gotten me into trouble, but this  
9 right here, there is no question in my mind, I just  
10 can't allow it in.

11 The other problem you have, it doesn't affect  
12 that reasoning about why I'm not letting it in, but  
13 the other problem is I'm looking at these reports --  
14 no, I'm wrong.

15 MS. LIVESAY: My biggest concern is when I  
16 questioned the investigator he made an attempt on one  
17 number who it belonged to, could not find out, and  
18 found out it came out of context. They made no  
19 efforts through their investigator to find out who  
20 those numbers belonged to. Now they are ready in  
21 court today to testify that they belong to Jerica  
22 Bryson. That is very concerning to me.

23 The second thing that is concerning to me is  
24 these numbers, 843 numbers, that come out of this area  
25 that he said you got to be in this area to get one of

## THE COURT AND ATTORNEYS - JURY OUT

1 these phones, she was in West Virginia on those dates.  
2 So now we're saying that she came back to Conway to  
3 buy three separate phones with three separate numbers  
4 all within the month of May. He's already said if you  
5 are in West Virginia, you can't get an 843 number.  
6 All of these numbers they are trying to tie to her in  
7 the month of May are 843 numbers, Your Honor.

8 MR. SHAFFER: I know you ruled, but just so I can  
9 be clear for the record. We do assert the right to  
10 present relevant evidence, Constitutional right as  
11 well. I think we have a Sixth Amendment right to get  
12 information. We believe it is relevant under 608  
13 404(a) and 405 of the South Carolina Rules of  
14 Evidence, and also think that we will meet the burden  
15 under 901. I know you ruled, I just want to be sure  
16 that all of the basis is preserved. Thank you, Your  
17 Honor.

18 MS. LIVESAY: One other thing I want on the  
19 record, while we're talking about these phone records.  
20 His client testified that he thought his number was  
21 8485. That is the number that is listed in these  
22 phone records belonging to Jerica Bryson. I'm putting  
23 that on the record for the totality of my concerns as  
24 to these records and who the numbers belong to and the  
25 fact that you have to get the number out of Conway.

## JERICA BRYSON - DIRECT EXAMINATION

1 MR. SHAFFER: We think it also is directly  
2 relevant as well going to impeachment and her state of  
3 mind.

4 THE COURT: Okay. Thank you. We have 35  
5 minutes.

6 (Whereupon, a lunch recess was taken.)

7 THE COURT. We need to take care of Ms. Bryson.

8 MR. AXELROD: I'm going to call her.

9 THE COURT: We need to get her out of here.

10 MR. AXELROD: He didn't tell me that, but she's  
11 my first witness.

12 (The jury enters at 2:30 p.m., and the  
13 following is heard in the presence of the jury.)

14 THE COURT: All right.

15 MR. AXELROD: Thank you, Judge. At this time we  
16 call Ms. Bryson.

17 (JERICA BRYSON, having been duly sworn, testified  
18 as follows:

19 THE CLERK: State your full name spell your last  
20 for the Court.

21 THE WITNESS: Jerica Michelle Bryson,  
22 B-R-Y-S-O-N.

23 DIRECT-EXAMINATION

24 BY MR. AXELROD:

25 Q Good afternoon, ma'am.

## JERICA BRYSON - DIRECT EXAMINATION

1 A Good afternoon.

2 Q You testified on Monday -- that on Monday, April  
3 the 8th, you testified that Anthony chipped your tooth  
4 by throwing a phone at you?

5 A I didn't say he chipped my tooth, I said he threw  
6 it across the kitchen room.

7 Q You testified yesterday that your tooth was  
8 chipped by a phone that was thrown.

9 A I never said anything about a chipped tooth  
10 yesterday.

11 Q Okay. You testified yesterday that on Monday,  
12 April 8th, he was hitting you with his fists?

13 A That is correct. He started Monday at the condo  
14 on Palmetto I have take, room 100.

15 Q Then you testified on Tuesday, April 9th, that he  
16 took you to Conway at approximately 6:00 a.m.?

17 A That is correct.

18 Q And I believe your mouth was taped and you were  
19 wrapped in a blanket?

20 A He taped my mouth at the trailer that night. I  
21 was wrapped in a blanket so the bruising would not  
22 show.

23 Q And you testified yesterday that on April 9th he  
24 ripped your clothes off and put cigarettes out on you?

25 A That is correct. He ripped them off with his

## JERICA BRYSON - DIRECT EXAMINATION

- 1 fists and hands. I had no clothes. I was bare naked.
- 2 Q And he put cigarettes out on you?
- 3 A That is correct. He threw them at me, poured
- 4 ashes over me in the bathtub.
- 5 Q And he began to hit you with a golf club?
- 6 A That is correct.
- 7 Q On Tuesday, April 9?
- 8 A That is correct.
- 9 Q And he took an ashtray to your head that day?
- 10 A It was not an ashtray, sir, it was a glass
- 11 coaster.
- 12 Q Okay. And he hit you with a golf club many
- 13 times?
- 14 A Correct.
- 15 Q And at some point the golf club even broke?
- 16 A Yes.
- 17 Q And then on Wednesday you were dragged by Anthony
- 18 on the rug?
- 19 A That is correct, into the living room, out of the
- 20 kitchen into the living room where he poured soda over
- 21 my head.
- 22 Q And you had carpet burns?
- 23 A I did, on my knees, and I still have the
- 24 scarring.
- 25 Q And he poured soda on your head?

## JERICA BRYSON - DIRECT EXAMINATION

1 A He did, that is why my hair looks like that in  
2 the photos.

3 Q What kind of soda?

4 A Coca-Cola from a big glass of a 7-up...

5 Q Where did he pour the soda, what room?

6 A The kitchen in front of the stove.

7 Q And on Thursday, April 11th, he kept hitting you  
8 with a golf club all day, you testified?

9 A That is correct, along with his fists.

10 Q And you testified that Thursday evening he never  
11 went to sleep?

12 A That is correct. He sat in the living room in  
13 the rocker and I had to sit there with him. He never  
14 went to bed because he was snorting pills up his nose.

15 Q And then Friday night he needed cigarettes, and  
16 he took you to the convenience store?

17 A Correct. He ran out of cigarettes and he was  
18 saying he was going to get ice for my face because it  
19 looked so bad. In my head, I was thinking I'm going to  
20 die if I don't get away. Therefore, he was noting  
21 getting ice because he didn't give a damn about me. He  
22 was going to get him something to drink because he was  
23 thirsty.

24 Q Okay. Did you see him go into the convenience  
25 store?

## JERICA BRYSON - DIRECT EXAMINATION

1 A I did, and that is when I creeped out, because I  
2 seen a Mexican standing in front of the store, and I  
3 was trying to be very quiet.

4 Q So he took you to the condo on April the 9th,  
5 Tuesday morning?

6 A He took me to [REDACTED] Road the  
7 trailer.

8 Q I apologize. I'm sorry. He took you to Conway  
9 April the 9th in the morning?

10 A That is correct. Before daylight, so no one  
11 could see me, but it was already turning daylight, that  
12 is why he put a blanket over me.

13 Q And you're sure of that?

14 A I'm a hundred percent positive.

15 MR. AXELROD: I would like to have this marked as  
16 Defendant's Exhibit 3.

17 (Defendant's Exhibit 3 marked.)

18 Q I'll let you look at that for a little while and  
19 we'll discuss if it would help you. Have you seen  
20 that?

21 A I have seen it because he followed me to West  
22 Virginia.

23 Q Can you turn to the, I guess, the second page?

24 A (Witness complied.)

25 Q Midway in there it says he tried to drown you?

## JERICA BRYSON - DIRECT EXAMINATION

1 A He did. That is when I was in the bathtub and he  
2 poured ashes on me and put me in the bathtub trying to  
3 let me relax, and then he kept beating me in the  
4 bathtub.

5 Q I asked you did he try to drown you?

6 A He did. He put his hand over my throat and he  
7 pushed me down in the water.

8 Q It says in this report that on Wednesday,  
9 April 10th -- Wednesday, April 10th it says in this  
10 report -- Wednesday April 10th -- you were in Myrtle  
11 Beach at the condo, that is what the report says?

12 A The report is from West Virginia. It has nothing  
13 to do with South Carolina. This is where he followed  
14 me to West Virginia trying to locate me, calling my  
15 grandmother's house trying to locate me, and then he  
16 had to lie and say he was in Colorado with his  
17 ex-girlfriend and, therefore, when you are smoking  
18 crack, on pills, drinking liquor and I'm almost at my  
19 death bed, which I still have scarring for and now I'm  
20 about to lose my job because I'm here for him because  
21 he brutally beat me, and I still have the scarring -- I  
22 have marks on my legs, bruises. I have a cut under my  
23 eye and knot on my head. I still have scarring from  
24 where he brutally beat me. He would not let me have  
25 any friends, talk to anybody. If I worked with a guy,

## JERICA BRYSON - DIRECT EXAMINATION

1 he had to know about it. I could not be around any  
2 guys. That is how jealous he was of me.

3 Q May I go back to my question? Do you remember my  
4 question?

5 A I do remember your question. This has nothing do  
6 with this. This what I had in West Virginia.

7 Q Did you fill this form out?

8 A I did, with my grandmother, because he followed  
9 me to West Virginia.

10 Q Turn to the last page. Read the first paragraph  
11 to the jury.

12 A This has nothing to do with the incident.

13 MR. AXELROD: Your Honor --

14 THE WITNESS: This was in West Virginia where he  
15 followed me.

16 THE COURT: He asked you to read the first  
17 paragraph, and you can explain.

18 A I, the claimant, hereby under the penalties of  
19 perjury and falsification that this application of  
20 three pages has been prepared or read by me, and that  
21 all the information given herein -- attached bills,  
22 records and certificates is true.

23 Q (MR. AXELROD) Let me read it to you. I, the  
24 Claimant -- meaning you -- hereby state under the  
25 penalties of perjury and falsification that this

## JERICA BRYSON - DIRECT EXAMINATION

1 application of three pages has been prepared or read  
2 by me, and that all of the information given herein  
3 including bills, records or certificates is true and  
4 complete. You signed your name and it was notarized,  
5 correct?

6 A Yes, because it is true and complete.

7 Q Okay. Well, in this form it says that on  
8 Wednesday, April 10th -- Wednesday April 10th -- you  
9 were at the condo in Myrtle Beach. Your testimony  
10 yesterday was that you were in the condo in Myrtle  
11 Beach on Monday, and you just testified that you went  
12 to Conway on the 9th. So it is not true when you  
13 filled out that report that you said on Wednesday you  
14 were in Myrtle Beach, is that?

15 A Well, when you are brutally beaten and you are  
16 not all in your head --

17 Q I asked you to answer the question.

18 A I'm answering, but I'm explaining it as well.

19 Q After you answer it. It is not true?

20 A It is true, but I'm not in my straight mind when  
21 I'm brutally beaten.

22 Q Ma'am?

23 A If you had been brutally beaten you would  
24 understand. You have never been brutally beaten.

25 Q When did you get your state of mind?

## JERICA BRYSON - DIRECT EXAMINATION

- 1 A It was the end of April.
- 2 Q And when was this form written?
- 3 A Form was written February the 6th, is when it was  
4 notarized. May 16th is when it was. It took me awhile  
5 to heal.
- 6 Q It was written in May?
- 7 A That is what I just said, May 16th. It took me  
8 awhile to heal.
- 9 Q You said you healed in April.
- 10 A The end of April, but I couldn't -- I didn't have  
11 a vehicle, a phone, I didn't have anything until I came  
12 down May 11.
- 13 Q Correct. And you said you healed the end of  
14 April and you --
- 15 A I still had a cast on my hand the end of April  
16 and going through therapy.
- 17 Q Ma'am, what you wrote down here wasn't true, was  
18 it?
- 19 A Yes, it was true. It is a hundred percent true.
- 20 Q But you testified that you were at the condo on  
21 Monday, not Wednesday as in here. So which one is it?
- 22 A It started Monday.
- 23 Q Where were you --
- 24 THE COURT: Wait a minute. Don't argue. Ask  
25 questions.

## JERICA BRYSON - DIRECT EXAMINATION

1 Q (MR. AXELROD) When did you leave the condo?

2 A Tuesday morning at 6:00 a.m. it started in the  
3 condo.

4 Q When did you leave the condo?

5 A 6:00 a.m. Tuesday morning, April the 9th.

6 Q Why did you write you left the condo a month  
7 later on Wednesday?

8 A When you are not in your state of mind, when they  
9 have you on so much medication because you are brutally  
10 beaten, I have scaring to show for it, even the  
11 hospital can relay how bad it was.

12 Q Did he ever go to sleep?

13 A No, he didn't, because he was snorting crack and  
14 snorting Lortab up his nose when he did it.

15 Q So you are saying the whole time in Conway he was  
16 awake?

17 A Yes.

18 Q Are you sure of that?

19 A Hundred percent sure, with a gun beside his  
20 chair.

21 Q I'm reading to you --

22 MR. AXELROD: I would like to admit this into  
23 evidence so the jury can have this, too.

24 MS. LIVESAY: No objection.

25 (Defendant's Exhibit 3 admitted.)

## JERICA BRYSON - DIRECT EXAMINATION

1 Q (MR. AXELROD) I'll read to you what you wrote  
2 May 16th, 2013. On Wednesday, April 10th, 2013, at  
3 the condo in Myrtle Beach, he began to hit me and beat  
4 on me, and before it was daylight he took me to the  
5 other place we had in Conway, and he kept hitting on  
6 me, and then he went to sleep. Then he went to sleep.  
7 Then he woke up and continued to hit me, except this  
8 time with a golf club. This would be Thursday?

9 MS. LIVESAY: I'll ask that he read that complete  
10 statement just for the completion.

11 MR. AXELROD: I will finish it, Your Honor. At  
12 some point I'll read it. The jury has it, they can  
13 read it.

14 Q (MR. AXELROD) So you wrote, He hit me this time  
15 with the golf club, which would be Thursday, but you  
16 testified on Monday he hit you with the golf club on  
17 Tuesday.

18 I'll read the complete statement. Suspect said I  
19 cheated on him and at 11 o'clock, Wednesday,  
20 April 10th, 2013, at the condo in Myrtle Beach, he  
21 began to hit me and beat on me, and then before  
22 daylight he took me to the other place we had in  
23 Conway, South Carolina and kept hitting on me, and  
24 then he went to sleep. Then woke up and continued to  
25 hit me, except this time with a golf club, tried to

## JERICA BRYSON - CROSS-EXAMINATION

1 drown me, broke glass upside my head, picture upside  
2 my head, put cigarettes out on me, punched me with his  
3 fists and would not let me leave.

4 And you put that you lost wages. You were  
5 working at the [REDACTED]

6 A Yes.

7 Q You signed this form saying it was all true?

8 A Yes.

9 MR. AXELROD: Judge, that's it.

## 10 CROSS-EXAMINATION

11 BY MS. LIVESAY:

12 Q Just a few questions. Ms. Bryson, were you ever  
13 married to this defendant?

14 A Never.

15 Q Did you all have any children in common?

16 A No.

17 Q Did you have any obligation to stay with him,  
18 whatsoever, from any binding contract?

19 A No, I didn't.

20 Q So if you wanted to get up and leave him at any  
21 time, you could have?

22 A Yes.

23 Q You don't have any kids in common, no house  
24 together, no finances together?

25 A No.

## JERICA BRYSON - CROSS-EXAMINATION

- 1 Q So you didn't need to make up a story to get up  
2 and leave him, did you?
- 3 A No, I didn't.
- 4 Q And you have no reason to have contact with him  
5 now?
- 6 A No, I do not.
- 7 Q And there wasn't any sort of divorce litigation  
8 or anything to get you away from him?
- 9 A No, it didn't. It took this brutal beating to  
10 get away.
- 11 Q I want to ask you about this documentation that  
12 Mr. Axelrod asked you about. I'll show you what is on  
13 Page 2, when you are talking about your lost wages,  
14 okay. Look at that and tell me what day you had to  
15 call in to work because you had already been beaten?
- 16 A I had to call on Tuesday.
- 17 Q And why did you have to call in?
- 18 A Because I was so bruised, I didn't want to go to  
19 work because I already had been to work once like that  
20 at North Myrtle Beach at Comfort Inn.
- 21 Q So these lost wages, you already had to call in  
22 on that day because you already had been beaten?
- 23 A Yes.
- 24 Q Now, you've already seen this paperwork; is that  
25 correct?

## JERICA BRYSON - CROSS-EXAMINATION

- 1 A Yes.
- 2 Q Now, I'll go through some of this stuff. You say  
3 on this paper that he accused you of cheating on him?
- 4 A Yes, that is correct.
- 5 Q Is that what you testified to earlier?
- 6 A Yes. That is correct.
- 7 Q Now, in this paperwork you say that he beat you  
8 at a condo in Myrtle Beach?
- 9 A That is correct.
- 10 Q And did you testify to that earlier?
- 11 A Yes.
- 12 Q This paperwork says he then took you to Conway to  
13 the place in Conway; is that correct?
- 14 A That is correct.
- 15 Q And is that what you told this jury earlier?
- 16 A Yes.
- 17 Q Did you tell this jury earlier he kept hitting  
18 you during that course of time?
- 19 A Yes.
- 20 Q Is that true?
- 21 A True.
- 22 Q And in this paperwork it says he continued to hit  
23 you in Conway, except this time with a golf club?
- 24 A That is correct.
- 25 Q Is that what you told this jury?

## JERICA BRYSON - CROSS-EXAMINATION

- 1 A Yes. That is correct.
- 2 Q You talked about breaking glass upside your head  
3 and putting cigarettes out on you?
- 4 A That is correct.
- 5 Q Is that what you told this jury earlier?
- 6 A That is correct.
- 7 Q And how about the punching with the fist?
- 8 A I also relayed that to the jury and testified to  
9 that as well.
- 10 Q Have you told anybody, between the time on or  
11 around April 10th to now, anything other than what  
12 you've told this jury today?
- 13 A I have not.
- 14 Q Is there any other paperwork other than this one,  
15 anywhere, saying anything other than this man beat you  
16 with his fists and his golf club?
- 17 A There is not.
- 18 Q And, in fact, is that what this paperwork says?
- 19 A That is correct.
- 20 MS. LIVESAY: No further questions, Your Honor.
- 21 MR. AXELROD: Nothing further, Your Honor.
- 22 THE COURT: You may step down.
- 23 MR. AXELROD: She's excused for me.
- 24 MS. LIVESAY: Thank you.
- 25 MR. AXELROD: At this time, I call Ginger Pop.

## GINGER POP - DIRECT EXAMINATION

1 (GINGER POP, having been duly sworn, testified  
2 as follows:)

3 THE CLERK: State your name and spell your last.

4 THE WITNESS: Ginger Pop, P-O-P.

5 DIRECT-EXAMINATION.

6 BY MR. AXELROD:

7 Q Hi, Ms. Pop.

8 A Good morning -- good afternoon.

9 (Defendant's Exhibit 4 marked.)

10 Q (MR. AXELROD) I'll let you peruse this. It is two  
11 pages, but the second page is pretty much blank. I'll  
12 let you refresh your memory.

13 A Okay. (Witness examines document.)

14 Q Can you tell the jury who you are -- where you  
15 work, actually?

16 A I'm an investigator here at the Solicitor's  
17 Office.

18 Q And how long have you been an investigator for  
19 the Solicitor's Office?

20 A A little over a year, maybe a year-and-a-half.

21 Q We've had cases together.

22 A We have.

23 Q And before you worked at the Solicitor's Office,  
24 what were you?

25 A I was an investigator for the Georgetown County

## GINGER POP - DIRECT EXAMINATION

1 Sheriff's Office, and prior to that I was a game  
2 warden.

3 Q So at the Georgetown County Sheriff's Office, how  
4 long did you work there?

5 A Three-and-a-half years.

6 Q And game warden?

7 A Eleven years -- I've been in law enforcement  
8 since 1999.

9 Q About 15 years?

10 A Working on it.

11 Q Bless you. Did you have the opportunity to  
12 become involved in this case at some point?

13 A Yes, sir.

14 Q And tell the jury how you became involved in this  
15 case.

16 A As an investigator for the Solicitor's Office  
17 we're asked to do follow-up investigations when a  
18 Solicitor asks us to. So I was asked to speak with the  
19 victim in this case over the phone about the injuries  
20 that she obtained from this incident.

21 Q Did you actually talk to Ms. Bryson?

22 A Yes, sir.

23 Q And you have a summary. Let's go one by one.  
24 Start on the first one. What did she tell you?

25 A I just basically asked her to summarize the

## GINGER POP - DIRECT EXAMINATION

1 injuries that she incurred on this incident with Mr.  
2 Adkins. I asked her to go basically by body part so it  
3 was easier for me to summarize it. So the first one  
4 she discussed was her chest injuries.

5 Q And let's read it to the jury what you wrote.

6 A Read it word for word?

7 Q Yes, ma'am.

8 A Chest injuries came from being hit with his  
9 fists, a golf club and cigarette burns.

10 Q And the second sentence?

11 A Leg injuries came from being hit with his fist  
12 and a golf club.

13 Q Third?

14 A Knee injuries came from being dragged across the  
15 carpet.

16 Q Fourth one?

17 A Arm injuries came from being hit with his fists  
18 and with the golf club.

19 Q Fifth one?

20 A Her back injuries came from being hit with his  
21 fists, with a golf club and being dragged on her back  
22 across the carpet.

23 Q Sixth one?

24 A Head injuries came from a glass coaster that he  
25 hit her with and also from being hit with a wooden

## OBJECTION OUTSIDE THE PRESENCE OF THE JURY

1 picture frame.

2 Q Seventh one?

3 A Hand injuries came from her pinky being bent  
4 back.

5 Q Eighth one?

6 A Facial injuries came from being hit with his fist  
7 and golf club.

8 Q And the last and ninth one?

9 MS. LIVESAY: If I may object. I think this  
10 needs to be heard outside of the jury's presence.

11 THE COURT: All right. Ladies and Gentlemen of  
12 the jury, if you will step back, please.

13 (The jury exits at 2:57 p.m., and the  
14 following is heard out of the presence of the jury.)

15 MS. LIVESAY: Your Honor, the last one is  
16 regarding her vaginal injuries. I didn't elicit that  
17 testimony from her because I didn't charge him with  
18 any sort of criminal sexual conduct, so I only  
19 elicited the injuries I thought were appropriate for  
20 CDV. My issue is now he's going to try to bring that  
21 up as a way to say that her statement is inconsistent.  
22 It is not inconsistent. I talked with her prior to  
23 calling her and told her that I wanted only to talk  
24 about her injuries as to the CDV. I explained to her  
25 I did not charge him with any sort of criminal sexual

1 OBJECTION OUTSIDE THE PRESENCE OF THE JURY  
2 conduct, any sort of spousal rape, anything regarding  
3 that type of injury.

4 MR. AXELROD: It is not hearsay. We're  
5 introducing it for impeachment to show that it did not  
6 happen. It is contrary to the prior statements.  
7 We've gone through each one. This is there, and she  
8 told her that she had vaginal injuries from having the  
9 tubular end of a vacuum inside of her twice. I  
10 believe she can testify to that.

11 MS. LIVESAY: She also told the people at the  
12 hospital that. It is in the medical records that she  
13 told them that it was vaginal injuries.

14 MR. AXELROD: There won't be any problem then,  
15 because I'm calling the doctor next.

16 MS. LIVESAY: The problem is I don't think that  
17 it is appropriate testimony for criminal domestic  
18 violence of a high and aggravated nature. I didn't  
19 elicit that testimony due to the fact I didn't think  
20 it was appropriate for this case because I did not  
21 charge him with criminal sexual conduct.

22 THE COURT: Overrule you on that objection, but  
23 looking at it as a neutral party, it is a two-edged  
24 sword.

25 MR. AXELROD: Thank you.

THE COURT: Bring them back.

GINGER POP - DIRECT EXAMINATION (CONT) - JURY PRESENT

1 (The jury enters at 3:00 p.m., and the  
2 following is heard in the presence of the jury.)

3 Q (MR. AXELROD) We were going through this list and  
4 you read one, two, three, four, five, six, seven and  
5 the eighth statement. We were interrupted at the  
6 ninth. Please plead to the jury the ninth and final  
7 statement.

8 A Yes, sir. It was vaginal injuries that came from  
9 the tubular end of the vacuum cleaner which was  
10 inserted into her twice.

11 Q Now, this is a demonstrative piece of evidence.  
12 Would you call this a tubular end of a vacuum cleaner,  
13 ma'am?

14 A I would call that the tubular end of a vacuum  
15 cleaner.

16 Q Of a vacuum cleaner?

17 A I'm assuming it goes to the other side of the  
18 vacuum cleaner, yes, sir.

19 Q So her testimony to you was -- read that again.

20 A Vaginal injuries came from having the tubular end  
21 of a vacuum inside of her twice.

22 Q And in your 15 years of police experience, this  
23 looks like a piece of a vacuum cleaner?

24 A In my regular life experience it appears to be a  
25 part of a vacuum cleaner.

## GINGER POP - CROSS-EXAMINATION

1 Q And in your police experience?

2 A Yes, sir.

3 Q That was the extent of your conversation?

4 A Yes, sir.

5 MR. AXELROD: Answer any questions the Solicitor  
6 might have for you.

## CROSS-EXAMINATION

8 BY MS. LIVESAY:

9 Q Did you go into any further questions regarding  
10 with the incident with the vacuum?

11 A No, ma'am.

12 Q So you don't have a description of what that  
13 tubular device looked like?

14 A No, ma'am. I don't know what size or -- I don't  
15 know anything about the vacuum cleaner.

16 Q Have you looked over anything else regarding this  
17 case?

18 A No, ma'am.

19 Q Okay. So when you took this statement, you  
20 didn't know that she told the hospital on April 12,  
21 2013 that she was struck in the head, chest, abdomen  
22 and vagina?

23 A She did say when she was mentioning it to me that  
24 she told the hospital about all of these injuries,  
25 including the vaginal injuries, yes.

## GINGER POP - CROSS-EXAMINATION

- 1 Q So it would not shock you when she was at the  
2 hospital on April 12, 2013, and it is in the medical  
3 records, that she mentioned it to them as well?
- 4 A No, that would not shock me. She said she told  
5 them.
- 6 Q And did she also mention that she told them  
7 regarding all the other April injuries that you put in  
8 your summary?
- 9 A Yes, ma'am.
- 10 Q Now, as to these notes that you have seen --
- 11 A Yes, ma'am.
- 12 Q -- is this a transcript of the conversation you  
13 had?
- 14 A No, ma'am.
- 15 Q And who else was in the room?
- 16 A Just you and I.
- 17 Q And who was asking her the questions?
- 18 A I was asking her the questions.
- 19 Q Is this a full write-up of the entire  
20 conversation?
- 21 A No. You know, like she said, she said she told  
22 the hospital those types of things. I was mainly  
23 documenting her injuries body part by body part.
- 24 Q So is it safe to say this is just a summary of  
25 some of the things that she said?

## GINGER POP - REDIRECT EXAMINATION

1 A It is a brief summary, yes, ma'am.

2 Q About how long did that conversation last?

3 A It wasn't very long, maybe 15 minutes.

4 MS. LIVESAY: Nothing further. Thank you.

5 THE WITNESS: Thank you.

6 REDIRECT-EXAMINATION

7 BY MR. AXELROD:

8 Q You testified maybe it was a smaller vacuum  
9 cleaner?

10 A No. I don't know what size.

11 Q But it could have been smaller?

12 A Sure.

13 Q Something like this maybe?

14 A I suppose, yes, sir.

15 Q A little smaller?

16 A A little smaller.

17 Q Let's me ask you this.

18 A Here, you want it up here?

19 Q That works. If someone sticks the tubular end of  
20 a vacuum cleaner inside of you -- you are a police  
21 officer?

22 A Yes, sir.

23 Q You still carry a gun and badge?

24 A Yes, sir.

25 Q If somebody sticks a tubular end of a vacuum

## GINGER POP - REDIRECT EXAMINATION

1 cleaner inside a woman, would you consider that a  
2 sexual assault?

3 A If it's non-consensual, yes, sir.

4 Q Was it consensual -- in your summary, when you  
5 talked to the victim, was it consensual or --

6 A It appeared to me that nothing that happened to  
7 her was consensual.

8 Q Therefore, it would be a sexual assault?

9 A If it was non-consensual, it would be.

10 Q Therefore, if it was non-consensual, it would be  
11 a sexual assault, correct?

12 A Yes, sir.

13 MR. AXELROD: Thank you. That is all. Nothing  
14 further. Release the witness.

15 THE COURT: Anything further?

16 MS. LIVESAY: No, sir, Your Honor.

17 MS. POP: May I be released of my subpoena?

18 THE COURT: Witness is excused.

19 MR. AXELROD: We call Dr. Sciarretta.

20 (DR. JASON SCIARRETTA, having been duly sworn,  
21 testified as follows:)

22 THE CLERK: State your full name and spell the  
23 last for the Court.

24 THE WITNESS: Dr. Jason Sciarretta.

25

## DR. JASON SCIARRETTA - DIRECT EXAMINATION

## DIRECT-EXAMINATION

1

2 BY MR. AXELROD:

3 Q Hi, Doctor. Can you tell the jury where you are  
4 employed?

5 A Grand Strand Regional Medical Center.

6 Q And you are a medical doctor?

7 A I am.

8 Q MD?

9 A MD, correct.

10 Q And let's go back to -- where did you go to  
11 college?

12 A Nova Southeastern in Fort Lauderdale.

13 Q What year did you graduate from college?

14 A Ninety-eight.

15 Q And after that, what did you do?

16 A Then I went to medical school in the Caribbean  
17 where I trained for medical school for four years  
18 there, two years in the United States.19 Q When you trained two years in the United States,  
20 where was that?

21 A All over the country.

22 Q So now you have four years of medical school  
23 completed?

24 A Correct.

25 Q Are you a doctor yet?

## DR. JASON SCIARRETTA - DIRECT EXAMINATION

1 A I am.

2 Q Did you go back to school for any further  
3 specialized training?

4 A I did five years of general surgery residency,  
5 two fellowships, one in trauma surgery and another in  
6 surgical critical care.

7 Q How many years was that?

8 A Another seven.

9 Q Now, we have 11 years?

10 A I'm losing track.

11 Q More than a decade?

12 A That's right.

13 MR. AXELROD: At this time I would like to admit  
14 the Doctor as an expert as a trauma surgeon.

15 MS. LIVESAY: I have no objection.

16 THE COURT: So qualified.

17 Q (MR. AXELROD) Now, did you have the opportunity --  
18 let me mark --

19 MR. AXELROD: At this time I would like to  
20 housekeep and move in Ginger Pop's report.

21 MS. LIVESAY: Into evidence? That is fine, Your  
22 Honor.

23 (Defendant's Exhibit 5 marked and admitted.)

24 Q (MR. AXELROD) I'll let you look over this for a  
25 minute or so, familiarize yourself with the documents.

## DR. JASON SCIARRETTA - DIRECT EXAMINATION

- 1 A (Witness examines document.)
- 2 Q On April 12th, is it fair to say that you treated
- 3 Ms. Bryson?
- 4 A Yes.
- 5 Q And she stated to you that she was assaulted?
- 6 A Correct.
- 7 Q Over the past several days?
- 8 A Yes.
- 9 Q With fists and a golf club?
- 10 A Correct.
- 11 Q She said that she had been struck in the head,
- 12 the chest, the abdomen, and she was struck on the
- 13 vagina, correct?
- 14 A Correct.
- 15 Q Did she deny sexual assault?
- 16 A She did.
- 17 Q Read it to the jury, what is in your report.
- 18 A States: She has been struck in the head, chest,
- 19 abdomen and vagina. She denies sexual assault.
- 20 Q Now, you did something called a "social history"?
- 21 A Correct.
- 22 Q Did she tell you that she was single?
- 23 A Yes.
- 24 Q When she was talking with you, was she in a safe,
- 25 secure environment inside the hospital?

## DR. JASON SCIARRETTA - DIRECT EXAMINATION

- 1 A In the emergency room.
- 2 Q She told you that she was single?
- 3 A Correct.
- 4 Q And she lived with her friend?
- 5 A Correct.
- 6 Q And did she not tell you that she was unemployed?
- 7 A Correct.
- 8 Q Now, you did an exam, full exam on her. I want  
9 you to look on Page 2, look over the exam.
- 10 A (Witness examines document.) okay.
- 11 Q Did she have any cigarette burns on her body?
- 12 A Not that I recall.
- 13 Q Are there any cigarette burns -- if there were  
14 cigarette burns on her body, you would have seen it and  
15 it would be in your report?
- 16 A It would have been.
- 17 Q So would it be fair to extrapolate that if it is  
18 not in your report, you did not see cigarette burns?
- 19 A Correct.
- 20 MR. AXELROD: Before I forget. At this time I  
21 would like to move that into evidence, if I may.
- 22 MS. LIVESAY: Can I get a look at it?
- 23 THE COURT: Solicitor would like to see it.
- 24 MR. AXELROD: Sorry.
- 25 MS. LIVESAY: It's okay.

DR. JASON SCIARRETTA - CROSS-EXAMINATION

1 THE COURT: Without objection.

2 (Defendant's Exhibit 4 admitted.)

3 THE COURT: Okay.

4 MR. AXELROD: Nothing further.

5 CROSS-EXAMINATION

6 BY MS. LIVESAY:

7 Q I'm Nancy Livesay. I'm the prosecutor in this  
8 case. I have a few questions. You remember Ms.  
9 Bryson?

10 A I do.

11 Q These pictures look like what you remember?

12 A Yes, ma'am.

13 Q If you don't mind, look through those pictures.  
14 I know you say you remember them, but maybe give them  
15 one glance through there.

16 A Sure. (Witness examines pictures.)

17 Q Looking at those bruises, especially the ones on  
18 her face, do those look recent or like some time  
19 passed?

20 A Some time had passed.

21 Q Would you say looking at those bruises that some  
22 were more recent than others?

23 A Yes.

24 Q Now, we qualified you as -- I'm sorry, Mr.  
25 Axelrod did -- a trauma surgeon. If you don't mind,

## DR. JASON SCIARRETTA - CROSS-EXAMINATION

- 1 tell the jury -- because you don't work in the  
2 emergency room, do you?
- 3 A It is part of my job.
- 4 Q But are you a regular ER doctor?
- 5 A No, ma'am.
- 6 Q But there is such a thing as the regular ER  
7 doctor that is there to see whoever walks in?
- 8 A Correct.
- 9 Q And she was brought in via -- by ambulance; is  
10 that correct?
- 11 A As far as I know, yes.
- 12 Q How did you get brought in to see her as a  
13 patient?
- 14 A I was brought in as a consultation more to  
15 evaluate the extent of her injuries.
- 16 Q So the regular ER doctor looked at her, assessed  
17 her and then consulted a trauma doctor?
- 18 A Correct.
- 19 Q So he felt like her injuries appeared so severe  
20 he called you in; is that correct?
- 21 A Correct.
- 22 Q Do you get called in for every patient that walks  
23 through the ER?
- 24 A I do not.
- 25 Q So this is a specialty?

## DR. JASON SCIARRETTA - CROSS-EXAMINATION

1 A Correct.

2 Q Now, you saw her, and correct me if I'm wrong, on  
3 April 12, 2013?

4 A That sounds right.

5 Q You can look at the calendar, because I'm bad on  
6 dates except for my birthday, and not the year, just  
7 the date. So you saw her April 12th, that is Friday?

8 A Yes.

9 Q And you would say those bruises were more than a  
10 day old, some of them?

11 A I would.

12 Q So the beating had to have occurred probably  
13 prior to the 12th, or at least part of it?

14 A Yes.

15 Q Now, Mr. Axelrod talked to you a little bit about  
16 her history, what you take in. If you don't mind, read  
17 that first sentence. And these are your notes,  
18 correct?

19 A (Witness nods head.)

20 Q You typed them in or dictated them?

21 A Dictated them along with another individual.

22 Q Wonderful. If you don't mind, read that first  
23 sentence to the jury as to the history of her present  
24 illness.

25 A I would need that paperback.

## DR. JASON SCIARRETTA - CROSS-EXAMINATION

1 Q What does that first sentence as to her history  
2 of present illness --

3 A The patient is -- it's left blank -- year-old  
4 female who states that she has been assaulted over the  
5 past several days with fists and golf clubs.

6 Q So she told you that she had been assaulted over  
7 several days, not one day?

8 A Correct.

9 Q By fists and golf clubs?

10 A Correct.

11 Q Do those bruises, are they consistent with  
12 somebody that has been beaten over several days?

13 A I would say assaulted, yes.

14 Q Assaulted over several days?

15 A Yes.

16 Q Those bruises are consistent with that?

17 A Correct.

18 Q Now, if you don't mind, did she tell you where  
19 she had been struck?

20 A Specifically on questioning on my part, probably  
21 not. It was more of the physical exam.

22 Q If you don't mind, tell us generally what you put  
23 in her notes as to where she had been struck?

24 A It would be the head, the chest, abdomen and  
25 vagina.

## DR. JASON SCIARRETTA - CROSS-EXAMINATION

1 Q Now, when you examined her, did you examine the  
2 vagina region for injuries?

3 A Myself, no.

4 Q So you could not testify as to whether or not  
5 there was an injury in that area?

6 A Correct.

7 Q Now, she denies sexual assault, is that correct,  
8 on these notes?

9 A Correct.

10 Q Now, did you define to her what you meant by  
11 "sexual assault"?

12 A No, ma'am.

13 Q Okay. So she was just kind of going on what she  
14 thought sexual assault was; is that correct?

15 A Correct.

16 Q Could it be possible that she didn't think using  
17 something else to penetrate a woman's vagina was not  
18 sexual assault?

19 A It is possible.

20 Q Now, if you don't mind, looking through your  
21 notes, we read a little bit about her patient history.  
22 If somebody is not married to somebody else, would they  
23 be single?

24 A I believe so.

25 Q Okay. And let me ask you this. When people that

## DR. JASON SCIARRETTA - CROSS-EXAMINATION

1 come in and fill out their paperwork for a doctor's  
2 office, the options are normally, what, "married" or  
3 "single"; is that correct?

4 A Correct.

5 Q There is also something else on her social  
6 history. When you saw her, did it appear that she was  
7 under the influence of any kind of drugs or alcohol?

8 A No.

9 Q So she didn't appear to be impaired in the  
10 slightest?

11 A No.

12 Q Was there anything about her that appeared that  
13 she was not in -- her mind was impaired from some sort  
14 of substance?

15 A No.

16 Q And did you run any blood work?

17 A Based on this H&P, yes.

18 Q And if she had some sort of narcotic, drugs in  
19 her system, would it have been noted on this report?

20 A I would have to look back.

21 Q Okay. Does it stick out in your mind that she  
22 tested positive for any sort of narcotic?

23 A No.

24 Q Was she prescribed any sort of medication for her  
25 injuries?

## DR. JASON SCIARRETTA - CROSS-EXAMINATION

1 A As an inpatient, she was. On discharge, I would  
2 have to check on the full discharge summary.

3 Q And --

4 A It says she was.

5 Q What was she prescribed?

6 A She was given prescriptions for Percocet, Ambien,  
7 Xanax, Bactrim.

8 Q Now, does this say anything about her discharge  
9 in this last paragraph?

10 A On Page 3.

11 Q Does it say who took her out of the hospital that  
12 day?

13 A It says, The patient will therefore be discharged  
14 today in the company of her sister and brother-in-law  
15 who will assist in transporting the patient to West  
16 Virginia to her grandmother's house which has been  
17 deemed a safe location.

18 Q Okay. So her sister and her brother-in-law came  
19 and picked her up from the hospital. From these notes,  
20 was it your understanding they took her back to West  
21 Virginia?

22 A Correct.

23 MS. LIVESAY: Just one second, Doctor, I'm sorry.

24 (A brief, pause in the proceedings.)

25 Q (MS. LIVESAY) Had you seen her before this date?

DR. JASON SCIARRETTA - REDIRECT EXAMINATION

1 A Before the 12th of April? No.

2 Q Have you seen her since that date?

3 A Not that I can recall.

4 Q And those pictures you saw, that looks like how  
5 you remembered her when you treated her?

6 A Yes.

7 Q Do you remember every patient that comes in that  
8 you treat?

9 A I try to.

10 MS. LIVESAY. Nothing further.

11 (Defendant's Exhibit 6 marked.)

12 REDIRECT-EXAMINATION

13 BY MR. AXELROD:

14 Q Let me ask you this. If a nonconsensual act of a  
15 tubular end of a vacuum cleaner is put up a woman's  
16 vagina, would you call that a sexual assault?

17 A I don't know how to answer that. I would imagine  
18 it's non-consensual.

19 Q I'm prefacing it. If it is non-consensual and  
20 someone shoves a tubular end up a woman's vagina, would  
21 you consider that a sexual assault?

22 A I would.

23 Q Now, would that cause damage, do you think?

24 A I would imagine so.

25 Q Okay. And can you tell the jury -- this is Dr.

## DR. JASON SCIARRETTA - REDIRECT EXAMINATION

1 Pepe's notes?

2 MS. LIVESAY: Are we looking at his notes, this  
3 doctor's notes?

4 MR. AXELROD: What I just showed you.

5 MS. LIVESAY: Dr. Pepe?

6 MR. AXELROD: With Dr. Sciarretta.

7 MS. LIVESAY: I thought it said Dr. Pepe, I'm  
8 sorry. Let me see it again. These were dictated by  
9 this doctor (indicates).

10 MR. AXELROD: Okay. Dictated by a lot of people,  
11 but he's on here.

12 MS. LIVESAY: He was the attending physician.  
13 Those are not his notes.

14 MR. AXELROD: I got you, but I'm asking him to  
15 review it.

16 Q (MR. AXELROD) I'll let you review it, and  
17 specifically I'll question you right there.

18 MS. LIVESAY: If I may, the notes he's reading  
19 from now are another doctor's notes, so I'm not sure  
20 how this doctor can testify as to what another doctor  
21 dictated, and I'm not sure how I can cross-examine him  
22 on another doctor's notes.

23 THE COURT: Well, it can get complicated because  
24 you know the rules are more liberal on expert  
25 witnesses who have been qualified in this case, just

DR. JASON SCIARRETTA - RE-CROSS-EXAMINATION

1 according to what it is. So you'll just have to  
2 object according to what the question is, because they  
3 certainly can refer to other documents and evidence  
4 and other doctors' opinions.

5 Q On that report, was genitalia examined?

6 A Yes.

7 Q And tell the jury what the outcome of that was.

8 A It is labeled as genitalia, female, with no blood  
9 noted.

10 Q Thank you. You do not know who beat up Ms.  
11 Bryson, do you?

12 A I do not.

13 MR. AXELROD: Thank you. I ask that the doctor  
14 be released.

15 THE COURT: Any objection?

16 MS. LIVESAY: Yes. I do have a couple.

17 RE-CROSS-EXAMINATION

18 BY MS. LIVESAY:

19 Q Doctor, you're familiar with sexual assault type  
20 of cases?

21 A No, I'm not.

22 Q Are you familiar with -- not only with women, but  
23 also children -- how quickly their body heals after a  
24 sexual assault?

25 A No, ma'am.

## OBJECTION - JURY IS NOT PRESENT

1 Q So you won't know if that time limit --

2 MR. AXELROD: I believe she's testifying. She's  
3 going to put out facts.

4 MS. LIVESAY: He's an expert, Your Honor.

5 MR. AXELROD: He just testified that --

6 THE COURT: Repeat the question, but don't answer  
7 it, Doctor.

8 Q (MS. LIVESAY) So you wouldn't know if the body  
9 heals within 24 hours or within three days or within a  
10 week, you wouldn't know after a sexual assault how  
11 quickly a child or a woman's body heals?

12 A After a sexual assault, I wouldn't.

13 Q Okay. So it is possible --

14 MR. AXELROD: Your Honor, here is where I'm at, I  
15 have a matter of law to take up.

16 THE COURT: Okay. Jury step back.

17 (Whereupon, the jury exits as 3:32 p.m., and the  
18 following is heard out of the presence of the jury.)

19 THE COURT: I want to give you as much leeway as  
20 I can, but, I mean, the charges here, they don't  
21 allege the sexual assault aspects. I know -- I think  
22 I know where you might be headed with this testimony  
23 and evidence, but we've gone out on a tangent, way out  
24 about Pluto somewhere with the relevance. We are  
25 getting off base here. Go ahead.

## OBJECTION - JURY IS NOT PRESENT

1 MR. AXELROD: Your Honor, the doctor testified  
2 that he doesn't have any knowledge concerning the  
3 issue of sexual assaults. She is now going to testify  
4 as a witness in this trial and say isn't it true that  
5 something could happen, as an example, maybe they can  
6 heal quickly. She can't lay a foundation to his  
7 knowledge, she cannot ask him the question. If he  
8 said, yes, I'm an expert in sexual assaults, I can  
9 answer these questions. He said he is not, and she's  
10 trying to testify. I stopped it the first time. You  
11 had her ask the question again, she asked the first  
12 question and he said he does not know. Now she's  
13 going to say, Isn't it true that -- is it possible  
14 that somebody can heal quickly in a sexual assault.  
15 He just said that he has no knowledge of that. So I  
16 would ask that she be precluded from asking that  
17 question. If he was an expert in that and said he  
18 was, I have no problem. He is now going outside of  
19 his expertise. He was qualified as a trauma surgeon,  
20 as an expert.

21 THE COURT: Yes, but you questioned him about  
22 sexual assault, asked his opinion of that.

23 MR. AXELROD: If it might be --

24 THE COURT: And a doctor -- certainly most  
25 doctors should be qualified to testify about wounds

## QUESTION PROFFERED - JURY IS NOT PRESENT

1 and healing processes are no matter whether it's --

2 MR. AXELROD: If we could proffer the question?

3 THE COURT: That's what I was thinking.

4 MR. AXELROD: Let's see what it is, because I  
5 don't want to create an issue if there wasn't one.

6 THE COURT: Pose your question and see where it  
7 goes.

8 MS. LIVESAY: I was go --

9 Q (MS. LIVESAY) Is it possible for that injury to  
10 heal within 24 hours, or do you know?

11 A I don't know.

12 Q So you wouldn't know -- all I'm asking -- so you  
13 wouldn't know whether or not that injury was there or  
14 not and already healed?

15 A Correct, I wouldn't know.

16 MR. AXELROD: I ask that that be kept out. I  
17 mean, he has no knowledge of it, no reason for the  
18 question.

19 MS. LIVESAY: Your Honor, he's brought up that  
20 there was an examination regarding this sexual  
21 assault. He knew enough to be able to testify from  
22 another doctor's notes, not even his own, about an  
23 examination that was done in correlation to this  
24 sexual assault, so he's already testified there was no  
25 injuries.

DR. JASON SCIARRETTA - RECROSS-EXAMINATION (CONT) - JURY

1 THE COURT: Okay. <sup>PRESENT</sup> Okay. This is the only two  
2 questions. Ask it, answer it and move on, okay.

3 MR. AXELROD: Fine.

4 THE COURT: We're getting too technical here.

5 MR. AXELROD: After this, Your Honor, I have one  
6 more witness.

7 (The jury enters at 3:37 p.m., and the  
8 following is heard in the presence of the jury.) 337

9 MS. LIVESAY: Just a couple more questions.

10 Q (MS. LIVESAY) Doctor, you've seen these notes; is  
11 that correct?

12 A Correct.

13 Q And who were these notes dictated by?

14 A Would have been dictated by the physician's  
15 assistant, John del Asandro (phonetic), along with Dr.  
16 Pepe.

17 Q These are a different set of notes than the notes  
18 that you did; is that correct?

19 A Correct.

20 Q And these were dictated by a different doctor,  
21 Dr. Pepe?

22 A Correct.

23 Q So this is a whole different report?

24 A Correct.

25 Q If you don't mind, tell me what Dr. Pepe dictated

DR. JASON SCIARRETTA - RE-CROSS-EXAMINATION (CONT) - JURY

1 as to his history of the <sup>PRESENT</sup> patient?

2 A The patient is -- left blank -- year-old female  
3 who was reportedly assaulted over several days with  
4 fists and golf clubs. The patient states she was  
5 struck in the head, chest, abdomen and vagina as well  
6 as extremities. She denies any sexual assault. She  
7 complains of pain everywhere. She arrived fully  
8 immobilized through EMS protocol.

9 Q Again, different report, same history, struck on  
10 several days, fists and golf club?

11 A Correct.

12 Q And pain -- or struck in the head, chest, abdomen  
13 and vagina?

14 A And extremities, correct.

15 Q And that was what was dictated by you as well in  
16 your report; is that correct?

17 A Correct.

18 Q And this is, again, what Dr. Pepe has dictated?

19 A Correct.

20 Q Okay. Now, if you don't mind, what was

21 Dr. Pepe's assessment of this patient?

22 A Assessment states: Number 1, status post  
23 assault. Number 2, multiple contusions. Number 3,  
24 dehydration. Number 4, urinary tract infection.

25 Q What did dehydration come from?

DR. JASON SCIARRETTA - RE-CROSS-EXAMINATION (CONT) - JURY

1 A The lack of oral <sup>PRESENT</sup> intake.

2 Q So, basically, somebody that has not had enough  
3 water to hydrate their body?

4 A Correct.

5 Q And would you say just after one day of me not  
6 drinking water, is that enough for me to be dehydrated?

7 A By a laboratory value, probably not.

8 Q So one day without me drinking any liquids, I  
9 would be dehydrated; is that correct?

10 A A full day of zero intake, yes. You possibly at  
11 the end of the day would be dehydrated.

12 Q Now, this was his assessment along with the  
13 contusions and urinary tract infection?

14 A Correct, his assessment.

15 Q How do you treat dehydration?

16 A In the hospital, oral intake and IV fluids.

17 Q Now, if you don't mind me asking, looking at  
18 Dr. Pepe's notes, did this as well describe anything in  
19 her labs? Looks like he has labs on admission; is that  
20 correct?

21 A Correct.

22 Q Is there anything in these results that would  
23 lead you to believe that there was any narcotic or  
24 alcohol in her system when she came in?

25 A No.

DR. JASON SCIARRETTA - RE-CROSS-EXAMINATION (CONT) - JURY

1 Q Now, on that third <sup>PRESENT</sup> page, does it talk again about  
2 her -- the plan for her in the hospital?

3 A Yes. That sounds like an overall plan for her,  
4 inpatient care.

5 Q Does it again talk about her leaving the hospital  
6 to go to West Virginia with her family?

7 A Correct.

8 Q Okay. Does either your notes or Dr. Pepe say  
9 anything -- that she said anything other than she had  
10 been assaulted for several days with fists and golf  
11 clubs?

12 A No.

13 Q So that is what you said, and that is what  
14 Dr. Pepe put in his notes?

15 A Correct.

16 Q Now, does it say anything other than she had  
17 injuries to her head, chest, abdomen and vagina?

18 A Not that I can see between the reports.

19 Q Would you like to look at your report again? You  
20 have both of them?

21 A Only difference would be the mention of  
22 extremities.

23 Q And this is, again, from two different doctors  
24 that dictated the information they gained from Jerica  
25 Bryson on the 12th?

DR. JASON SCIARRETTA - REDIRECT EXAMINATION

1 A Correct.

2 MS. LIVESAY: Nothing further, Your Honor.

3 (Defendant's Exhibit 7 marked.)

4 REDIRECT-EXAMINATION

5 BY MR. AXELROD:

6 Q These are the laboratory results of Ms. Bryson;  
7 is that correct? Look at them for a second. I don't  
8 know if you've ever seen them.

9 A (Witness examines document.) Okay.

10 Q The Solicitor asked you based on your report was  
11 there any evidence that there was no narcotics in her  
12 system, and you said, no?

13 A Correct.

14 Q On that complete lab result, they never tested  
15 for narcotics, did they? There is nothing there, is  
16 there?

17 A If this is her full report, I did not see any  
18 toxicology screening.

19 Q Thank you.

20 MR. AXELROD: I ask that he be released. I'm  
21 done.

22 THE COURT: Anything further, Solicitor?

23 MS. LIVESAY: No further questions.

24 THE COURT: Thank you, Doctor, you are excused.  
25 We need about a five-minute recess. Step back,

THE COURT AND ATTORNEYS - JURY IS NOT PRESENT  
1 please.

2 (The jury exits at 3:46 p.m., and the  
3 following is heard out of the presence of the jury.)

4 (A recess was taken.)

5 MS. LIVESAY: Mr. Frebowitz is my next witness,  
6 and I would have it proffered because he wasn't an  
7 officer in this case, so I'm not sure the testimony  
8 would be admissible. My question is if they are  
9 trying to proffer him as an expert, we need to do that  
10 outside the presence of the jury and decide whether,  
11 indeed, he'll be an expert.

12 MR. AXELROD: I'm going to bring him as my expert  
13 witness. I think I can do it on the stand, go into  
14 history and ask him to be qualified as an expert.

15 MS. LIVESAY: I think we need to do it at  
16 pretrial.

17 MR. AXELROD: We did the doctor with the jury.  
18 Let's just do it. I've always done it with the jury.  
19 He's a cop of 40 years. I think he'll be an expert on  
20 investigation. I'll move him as an expert on police  
21 investigation.

22 MS. LIVESAY: Your Honor, he is an officer that  
23 was with the Horry County Police Department who is no  
24 longer in the police department. He has never been  
25 qualified as an expert, even on the cases that he

## NEIL FREBOWITZ - PROFFER - DIRECT EXAMINATION

1 worked, so I'm unsure why he would be qualified as  
2 anything on a case that he did not work.

3 MR. AXELROD: He reviewed it, and now he's in a  
4 new career as an expert, just like doctors that  
5 retire.

6 THE COURT: I'll have it proffered. I won't mess  
7 up the record this far in this trial.

8 (NEIL FREBOWITZ, having been duly sworn,  
9 testified as follows:)

10 THE COURT: Neil Frebowitz.

## DIRECT-EXAMINATION (PROFFER)

11 BY MR. AXELROD:

12 Q Good afternoon, Detective.

13 A Good afternoon.

14 Q Detective, can you tell the Court your full name?

15 A Neil Frebowitz.

16 Q And spell the last name for the court reporter.

17 A F-R-E-B-O-W-I-T-Z.

18 Q How old are you, sir?

19 A 58.

20 Q And we're attempting to introduce you as an  
21 expert, so I'll go back to where you started law  
22 enforcement, if I may.

23 A Yes, sir.

24 Q What year did you start law enforcement?  
25

## NEIL FREBOWITZ - PROFFER - DIRECT EXAMINATION

- 1 A 1978.
- 2 Q And in 19 --
- 3 A I'm sorry, 1974, as a desk officer in Springfield  
4 Township, Montgomery County.
- 5 Q White Marsh Road?
- 6 A Real close.
- 7 Q In 1974?
- 8 A Yes, sir.
- 9 Q You were a?
- 10 A Desk officer.
- 11 Q What is a desk officer?
- 12 A The point of contact for the police department if  
13 a citizen were to walk in and request to file a  
14 complaint or report an event, the uniformed officer at  
15 the desk takes the report.
- 16 Q Prior to that, did you go to the academy?
- 17 A Prior to that, no, sir.
- 18 Q So you just became a desk officer?
- 19 A Yes, sir.
- 20 Q Is that how they did it in the old days?
- 21 A That is how they did it.
- 22 Q How long were you a desk officer?
- 23 A Four-and-a-half years, sir.
- 24 Q So approximately in 1978?
- 25 A Yes, sir.

## NEIL FREBOWITZ - PROFFER - DIRECT EXAMINATION

- 1 Q Did you move anywhere?
- 2 A Washington DC.
- 3 Q Why did you move to Washington DC?
- 4 A I was appointed to the Metro Police Department in  
5 Washington DC.
- 6 Q Promotion or demotion?
- 7 A At the time it was a promotion.
- 8 Q And what were your duties with the Metro Police  
9 Department in Washington DC?
- 10 A Initially, I did go to the academy. The academy  
11 was seven months long. I graduated the academy on St.  
12 Pattie's Day in 1979. I started as a patrol officer,  
13 and within three years I was promoted to sergeant.  
14 During the course of that time as an officer I worked  
15 uniformed patrol as well as undercover. As a  
16 supervisor, I supervised the patrol section, as well as  
17 managed an investigative unit.
- 18 Q Okay. And in three years you were promoted to  
19 sergeant?
- 20 A That's correct.
- 21 Q That was a promotion?
- 22 A Yes, sir, it was.
- 23 Q And is that when you became a supervisor?
- 24 A That's correct. That is a supervisory position  
25 with that police department.

## NEIL FREBOWITZ - PROFFER - DIRECT EXAMINATION

1 Q How many people did you supervise?

2 A Initially a squad containing ten people.

3 Q Now, that was in '79 you joined? Did you get any  
4 further promotion?

5 A Yes, sir. I was promoted to section leader and  
6 eventually the watch commander. I retired as a watch  
7 commander with Metro Police.

8 Q Let me ask you this. When did you become a  
9 section leader?

10 A In the early '90s.

11 Q So at that point you were with the DC?

12 A Metro Police, yes, sir.

13 Q About 15 years?

14 A That's about right.

15 Q And you became a watch commander?

16 A Yes, sir.

17 Q Could you tell the Court what a watch commander  
18 is and what it does?

19 A Our responsibility was for the operation of the  
20 entire police department in lieu of the chief of  
21 police. I was on the night shift and our  
22 responsibility was for all operations to ensure that  
23 all the services were provided and all reports and  
24 complaints were dealt with according to policy.

25 Q How many people did you supervise as watch

## NEIL FREBOWITZ - PROFFER - DIRECT EXAMINATION

- 1 commander?
- 2 A Several hundred.
- 3 Q And you retired as a watch commander?
- 4 A Yes, sir, I did.
- 5 Q What year?
- 6 A 2004.
- 7 Q Tell the Court -- in 2004, is that when you came  
8 to Horry County?
- 9 A Yes, sir, I did.
- 10 Q And did you come here to play golf, join the  
11 police department? What was your purpose in coming?
- 12 A I came here to retire.
- 13 Q And did you retire?
- 14 A Well, for about 35 days.
- 15 Q And tell the Court why you are only retired for  
16 35 days?
- 17 A Well, actually I ran into a former police chief's  
18 wife. The chief attended the FBI National Academy,  
19 which I'm a graduate of that school too. He  
20 recommended that I try to apply for the county police,  
21 that they may be able to use my experience and  
22 expertise.
- 23 Q And you went to Horry County Police, what  
24 experience and expertise did you tell them you had?
- 25 A Over 25 years of law enforcement experience,

## NEIL FREBOWITZ - PROFFER - DIRECT EXAMINATION

1 including supervisory. My training record reflected at  
2 the time that I attended the FBI National Academy.  
3 That is arguably the most prestigious law enforcement  
4 school anywhere in the country. In fact, we invite  
5 students from other countries to come to our FBI  
6 academy. During the course of the academy, the course  
7 of instruction includes not only management classes,  
8 but also investigations, as well as the latest  
9 techniques and best practices and standards of  
10 investigations and law enforcement techniques.

11 Q At the FBI academy, were you taught major crime  
12 scene?

13 A Absolutely.

14 Q Was that specialized trainings?

15 A Very specialized. I actually -- similar to  
16 college, get to pick your course curricula, I was  
17 assigned a course curricula with the Behavioral Science  
18 Unit where not only crime scenes were taught, but what  
19 is known as profiling, interviewing and interrogation  
20 was highlighted.

21 Q So you went to Horry County, you told them you  
22 had this expertise and this experience?

23 A I have documentation I showed them. I didn't  
24 necessarily tell them.

25 Q And did they hire you?

## NEIL FREBOWITZ - PROFFER - DIRECT EXAMINATION

- 1 A Yes, sir.
- 2 Q And when did you get hired, if you remember?
- 3 A December of 2004.
- 4 Q And what were you hired as?
- 5 A Initially, a patrol officer.
- 6 Q And how long did you stay a patrol officer?
- 7 A About a year.
- 8 Q Around 2005?
- 9 A 2006, early 2006.
- 10 Q In 2006, tell the Court what you did.
- 11 A I was promoted to rank of corporal with the  
12 county police.
- 13 Q And did you investigate crime scenes at that  
14 point?
- 15 A Not thoroughly investigate. Road supervisors  
16 responsibility is short of the management of the crime  
17 scene, to ensure the management of the crime scene. A  
18 crime scene is protected, evidence preserved and the  
19 officers maintain the appropriate protocols with regard  
20 to safe guarding evidence and crime scenes.
- 21 Q So you actually managed crime scenes?
- 22 A Supervised and managed crime scenes, yes, sir.
- 23 Q All right. When you say "supervised," does that  
24 mean managed?
- 25 A Yes, sir.

## NEIL FREBOWITZ - PROFFER - DIRECT EXAMINATION

1 Q So you supervised the crime scenes. Now, did you  
2 become anything other than a corporal?

3 A Yes, sir. I was reassigned to the detective  
4 bureau, detective division at the time, the violent  
5 crimes unit specifically, and that would have been  
6 early 2008.

7 Q Early 2008?

8 A Early 2008, maybe a little earlier.

9 Q In 2008, you began as a detective with violent  
10 crimes?

11 A That is correct, sir.

12 Q And did you stay there for the rest of your  
13 career?

14 A Yes. Yes, sir. They had reorganizations. I  
15 left as detective with what was called the major crimes  
16 unit. The work was very similar, basically just a  
17 title change. We did certainly focus more on the most  
18 horrific crimes, murder and sexually based offenses.

19 Q Was that when you were with major crime, or is  
20 that after the major crimes?

21 A Major crimes and violent crimes unit.

22 Q And how long were you there in the major crimes  
23 unit?

24 A Until March of 2014.

25 Q Now, if you know, when you were a detective with