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SC Court of Appeals

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

J. Ernest Kinard, Jr., Deceased Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTONIO COLLINS,

APPELLANT

APPELLATE CASE NO. 2013-002343

RECORD ON APPEAL

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1 here not outside the courtroom.

2 THE COURT: You can do that. Okay. Thank you very
3 much. If something happens to the tape it's just six
4 months in jail.. No problem.

5 (LAUGHTER.)

6 MS. CAMPBELL: I don't have any prepared request to
7 charge. Obviously, when it comes time we can discuss
8 what Your Honor is going to charge.

9 THE COURT: Well, it's the same thing I've done,
10 you know.

11 MS. CAMPBELL: Right.

12 MS. SWANSON: Judge, from the State's side we did
13 briefly touch on hand of one hand of all and there was
14 testimony that there was more than one person part of
15 this incident in this case. Enrekae did testify about --

16 THE COURT: We don't have to do that now. They
17 probably going to create that themselves.

18 MS. SWANSON: Okay.

19 THE COURT: I would anticipate. If that position
20 somebody else did the shooting then that brings --

21 MS. SWANSON: Right. Then we would request hand of
22 one hand of all, and also the felony murder rule.

23 THE COURT: You got it.

24 MS. SWANSON: Thank you.

25 THE COURT: Other than that you all ready?

1 MS. SWANSON: Yes, sir.

2 MS. CAMPBELL: Your Honor, we are ready.

3 THE COURT: Okay.

4 (WHEREUPON, the jury enters the courtroom at
5 approximately 9:32 a.m.)

6 THE BAILIFF: The jury is seated, Your Honor.

7 THE COURT: Okay. You may proceed.

8 MR. BAX: Thank you very much, Your Honor. The
9 defense would call Dr. Brian Meehan to the stand.

10 BRIAN MEEHAN, after having been duly sworn,
11 testified as follows:

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

14 THE WITNESS: Brian Meehan, M-e-e-h-a-n.

15 DIRECT EXAMINATION

16 BY MR. BAX:

17 Q. Morning, Dr. Meehan.

18 A. Morning.

19 Q. Thank you for being here today. First of all,
20 Doctor, I wanted to ask you about your background and
21 education. First of all, could you tell us and the jury
22 what your educational background and your work background
23 is.

24 A. Sure. I have a Ph.D. from the College of William
25 and Mary in population kinetics. I got that in 1983. I

1 worked as a professor there at the College of William and
2 Mary teaching population kinetics for about six years,
3 then went into work for private industry as a director or
4 associate director in a variety of positions, mostly in
5 research and development in human identity typing. I
6 eventually opened up my own company, did that for a few
7 years and now I'm back to teaching at Ohio Northern
8 University and I'm an associate forensic professor of
9 forensic biology.

10 Q. And during the course of your work have you written
11 or been published in any scientific journals?

12 A. Yes, I have.

13 Q. And just roughly how long have you been working in
14 the DNA testing and identification field?

15 A. Well, I hate to tell you, it's been a long time. I
16 started in 1983, and DNA was really at an infancy at that
17 time in human identity typing. So since 1983 I have been
18 involved in human identity typing and have been with it
19 ever since. Have assisted with development of a lot of
20 protocols that we use today in labs.

21 Q. Dr. Meehan, have you ever testified in a court of
22 law or any kind of trials in the past?

23 A. Yes, I have.

24 Q. Can you give us generally if you can about how many
25 times you've testified?

1 A. More than 25 but less than 50.

2 Q. Okay. And during any of those prior times that
3 you've testified have you been qualified as an expert in
4 DNA identification or human typing?

5 A. Yes, every time.

6 MR. BAX: Your Honor, the defense would move to
7 qualify Dr. Meehan as an expert in DNA and human
8 identification.

9 MS. SWANSON: Your Honor, the State does have a few
10 questions regarding his qualifications.

11 THE COURT: Okay.

12 VOIR DIRE EXAMINATION

13 BY MS. SWANSON:

14 Q. Morning, Doctor.

15 A. Morning.

16 Q. Welcome to South Carolina.

17 A. Thanks.

18 Q. You are kind of famous, aren't you, or should I say
19 infamous?

20 A. I don't know that you should say either but...

21 Q. Okay. I've got a copy of your CV that was provided
22 to me by the defense and it says that you were laboratory
23 director and executive president of DNA security?

24 A. That's correct.

25 Q. Is that the same as DSI security or DSI?

1 A. DSI is the acronym for DNA Security, Incorporated.

2 That's correct.

3 Q. All right. And your CV says you were there until

4 2007; is that correct?

5 A. That's correct.

6 Q. Was it 2007 when you got fired from that company

7 that you were a shareholder in?

8 A. Yes.

9 Q. Okay. And the reason you got fired --

10 A. Actually, I wasn't a shareholder.

11 Q. Okay. That was the company that you started

12 though, correct?

13 A. That's correct.

14 Q. And the reason that you got fired from that company

15 was because you did not include test results in a DNA

16 report in a very famous case, correct?

17 A. Well, no, that's not correct.

18 Q. Okay. Was your report in the Duke Lacrosse case in

19 2006 complete?

20 A. Yes, it was.

21 Q. Is that what you told 60 Minutes?

22 A. Well, no, I don't remember everything that was

23 talked about on 60 Minutes but I don't think the question

24 was ever asked if the report was complete. If you have a

25 quote from 60 Minutes we can address that.

1 Q. Okay. Did you tell 60 Minutes that you made a big
2 error?

3 A. Yes, I did.

4 Q. Okay. And did you also testify in court that you
5 failed to follow your own protocol?

6 A. Yes, I did.

7 Q. Okay. So you were fired because you lost
8 credibility?

9 A. I lost credibility with the press, that's right.
10 The Duke Lacrosse case was a very public case and the
11 press had taken a lot of liberties to do what they do and
12 it was determined by the company that the best solution
13 to that was to distance themselves from that bad press.

14 Q. From you?

15 A. Well, from the bad press.

16 Q. And you because they fired you, right?

17 A. Well, they fired me. That's correct.

18 MS. SWANSON: Okay. All right. Beg the Court's
19 indulgence?

20 THE COURT: All right.

21 MS. SWANSON: All right. Your Honor, the State
22 does object to Mr. Meehan being qualified an expert just
23 because the State believes that his credibility here is
24 at issue, but that's certainly something that --

25 THE COURT: I'll qualify him. That's up to the

1 jury, you know.

2 MS. SWANSON: Thank you, Your Honor.

3 THE COURT: Ted Williams hit 400 but he also struck
4 out.

5 MR. BAX: Thank you, Your Honor. May it please the
6 Court to proceed.

7 BY MR. BAX:

8 Q. All right. Now that we've gotten past that,
9 Dr. Meehan, you've been retained by myself and my lead
10 counsel, Ms. Campbell, to consult with us on this case;
11 is that correct?

12 A. That's correct.

13 Q. Okay. And, Dr. Meehan, in the course of working
14 with us have we provided you with materials related to
15 DNA testing that was conducted in this case?

16 A. Yes.

17 Q. Okay. Including all of the background worksheets
18 that were done by Ms. Clayton in this case?

19 A. Yes.

20 Q. And you had an opportunity to review that?

21 A. Yes.

22 Q. As well as the discovery we provided you about the
23 facts surrounding this case?

24 A. Yes, I have.

25 Q. Okay. Now, I want to ask you some questions about

1 this case but also in general based on your experience
2 and in DNA testing. First of all, can DNA -- well, first
3 of all, DNA is basically biological material that's found
4 somewhere involving a crime in these kinds of cases,
5 correct?

6 A. It often is found in crimes, yes.

7 Q. And in the context of a criminal trial like we are
8 doing today that's collected at some point to be used as
9 possible evidence; is that right?

10 A. Often. Today in crime scene investigation it's
11 very often they collect specimens for DNA testing.

12 Q. Can you tell the jury a little bit about why in
13 your experience it's important to make sure that the
14 scene where DNA evidence may be present is protected
15 against contamination or transference.

16 A. Sure, and especially today. When I first started
17 DNA testing we needed lots of volume. We would collect
18 or need to collect sometimes things like tubes of blood
19 to get enough DNA for an analysis.

20 Today, and you probably all know because you watch
21 television and CSI, we have the ability to detect trace
22 DNA, DNA that comes from just a very, very small number
23 of cells. For example, everybody is familiar with
24 dander. When you type on your computer, everybody has a
25 computer and a keyboard, and after a while you look down

1 on that keyboard and you see all those little white
2 specks, well, those often are -- that's dander, and each
3 one of those specks has enough DNA in it to create a
4 profile from a person.

5 So today, more than ever, it's important when you
6 secure a crime scene to create a perimeter and boundary
7 and minimize the traffic and control the traffic in and
8 out and around the crime scene because just your
9 presence, just those chairs that you are sitting in and
10 putting your hands on those arms you are leaving DNA, and
11 what we don't want to do is introduce DNA into that scene
12 that actually wasn't part of the crime.

13 Q. And there's a lot of -- well, let me ask you this.
14 Are you aware of a lot of procedures that have been
15 developed for law enforcement in order to help them
16 ensure that scenes are protected and swabs are protected
17 and things that they collect are protected?

18 A. Yeah. I'm aware of those things and what I'm aware
19 of are the general principles behind securing a crime
20 scene. Now, let me make sure we understand, I am not a
21 crime scene investigator. I'm a DNA analyst.

22 I have been working with police and doing this DNA
23 typing for many years and have an association with a
24 number of investigators or crime scene investigators. I
25 also teach crime scene investigation at ONU. So there

1 are general rules that I used as guidelines. Now, every
2 single law enforcement agency will apply those rules in
3 different ways, different -- you know, there's more than
4 one way to skin a cat, sort of.

5 Q. Now, Doctor, are there's also -- well, let me ask
6 you this. Are there also issues with how evidence such
7 as DNA evidence is collected and handled after it's
8 collected that can affect its integrity?

9 A. Absolutely. That's very important. And there are
10 a number of things that you need to consider. One is
11 that that evidence needs to be secured in a manner so it
12 doesn't become contaminated, if we can use that word,
13 after collection by handling, by investigators handling
14 it or technicians or analysts. In the movement of that
15 specimen from the crime scene to the lab it's very
16 important to shield it, if you would, from any outside
17 exogenous type DNA.

18 You also, in addition to that, need to secure that
19 evidence from becoming degraded. It needs to be
20 protected from moisture, from sunlight, from bacteria
21 which can consume the DNA that's on there.

22 Q. And when it comes to data you talked about the fact
23 that it can be degraded. Is that the reason why a lot of
24 times when swabs are used to pick up some type of
25 serological material, blood or other body fluids, you

1 want it in an environment where it can dry out if
2 necessary but not be exposed to other contaminants?

3 A. That's almost correct. Not dry out if necessary.
4 It must be dried. If you wet a sample to lift it, if
5 there were dry spots up on here and I use a swab to wet
6 it to lift it off of here I then need to dry that swab
7 because if it's moist, and we all know this, if you have
8 moist food on the counter what happens? You get mold and
9 you get bacterial growth on it. So it needs to become
10 dried. Once dried it's essentially good forever.

11 Q. When drying, however, is it your experience that it
12 has to be dried in an area where it cannot be exposed to
13 other possible contaminants, for example, putting it in a
14 block of wood in an open office where people come and go
15 on a shelf that's open to that whole room, would that be
16 a way that you would advise someone to dry out a sample
17 of DNA?

18 A. Probably not. Probably not. For example, I
19 wouldn't put a bunch of swabs on this counter to dry
20 because as soon as I sneeze they become possibly
21 contaminated. They need to be protected. Often times
22 it's simple. Usually when we collect specimens on swabs
23 we put them in little cardboard containers, little
24 cardboard boxes that have holes in them. So now they are
25 protected with a limited amount of exposure but yet air

- 1 flows through there. Or something simple like you see
2 this evidence bag up her, a paper bag. Paper breathes,
3 so they can dry out in there as well. If you are going
4 to hang them to dry though they need to be in a secured
5 covered protected area so people walking in and out
6 aren't going to contaminate them.
- 7 Q. And so it's your experience that small swabs boxes,
8 basically the size of this swab, slightly bigger that are
9 breathable with some kind of venting are usually
10 sufficient?
- 11 A. That's customary to use a box like that. Yes.
- 12 Q. Now, are you familiar with the term presumptive
13 test?
- 14 A. Yes.
- 15 Q. Are you familiar with the presumptive tests for
16 blood, for example?
- 17 A. Yes, I am.
- 18 Q. In your review of the materials that we provided
19 about the testing in this case did you observe in those
20 materials that a presumptive test for blood was used?
- 21 A. Yes, I did.
- 22 Q. And what test was that?
- 23 A. It's a Phenolphthalein test. Basically, it's a
24 colorimetric test. And do you want me to go on and
25 explain?

1 Q. Yeah, please do.

2 A. It's a colorimetric test and what I mean by that is
3 Phenolphthalein is a chemical that will change color when
4 exposed to some components that are associated with
5 blood. Not necessarily human blood but blood. Blood has
6 a characteristic that allows it to perform its duties.
7 It does the same thing in cats, in dogs, in hamsters, and
8 humans. And Phenolphthalein takes advantage of that
9 process and changes color when it's oxidized so it's
10 indicative of blood being present.

11 Q. Now, this particular Phenolphthalein test that was
12 used in this case, are you aware of that particular test
13 having a history of -- or at least it has in the past, in
14 certain times there's been a record of false positives
15 coming from that test?

16 A. Yes. Phenolphthalein is a good test and it's a
17 good field test but it does lend itself to what we call a
18 false positive result. There are other things that can
19 cause that Phenolphthalein to become oxidized, other
20 chemicals and metals that it can interact with that will
21 also change that color.

22 It doesn't mean it's a worthless test. When in the
23 field and you are not sure is that blood or isn't it
24 blood and should I collect it it's a worthwhile test but
25 it's called presumptive for a reason. It's not

1 definitive. It means this could be blood and it could be
2 human blood. All right. And so that would allow you to
3 determine if should you bother to collect that specimen
4 for a future testing.

5 Q. Now, this particular test, and you've touched on
6 this, Dr. Meehan, does it specifically tell the tester
7 that this is human blood or not?

8 A. No. It doesn't. It says it's blood and it could
9 be human blood but it could also be blood from other
10 sources.

11 Q. Now, why can that be important in cases to make a
12 determination of whether the material you are working
13 with is human or not?

14 A. Well, it has to do with a lot of times for crime
15 scene investigators to give credibility to the events of
16 the crime scene. If I swab this countertop, this thing
17 right here for some DNA I'll probably get some DNA on
18 here. And that's good and it indicates that maybe I was
19 here but if I could also say -- and let's suppose there
20 was a crime committed here. Well, I could have been
21 sitting here yesterday and the crime committed today, and
22 my DNA is here. But let's say suppose there's also a
23 spot on here that could be blood, and in this crime blood
24 was shed. If I collect that blood spot specifically and
25 collect the DNA from that blood spot then perhaps that

1 means that that DNA came from the crime not from when I
2 was here doing this and demonstrating.

3 Q. So in other words making a determination of a what
4 material that you are getting can be important when you
5 look at the facts of the crime; is that correct?

6 A. I think it's important for the investigators, yes.

7 Q. Now, in this particular case, as we've talked
8 about, you had an opportunity to review the materials
9 that were worked up by SLED, by Ms. Clayton who testified
10 in front of the jury yesterday. Are you familiar with
11 the process known as quantification of samples?

12 A. Yes, I am. Yes.

13 Q. Can you tell the jury what quantification of
14 samples in a DNA case, what does that mean?

15 A. Well, in the processing of DNA the amount of DNA
16 that we put into the test has an impact on the quality of
17 the results. Now, and too much DNA can cause the results
18 to be erratic or difficult to read. Too little DNA can
19 have the same affect, also. It could create -- we use a
20 term called stochastic events. It means events that are
21 not predictable, events that shouldn't occur normally.

22 And so there's actually a specific requirement by
23 the accrediting agency that specimens are quantified
24 prior to analysis to assure that you get a quality
25 result. And that's how we use it today. We use it

1 strictly for that purpose.

2 I can give away a little more of my age. Back when
3 that first came about the quantification was actually
4 instituted to preserve the amount to be sure that you
5 preserve whatever available DNA you have for testing
6 because it was so critical that you save as much as you
7 could, so we were required to quantify it so we don't use
8 it all up when we don't need to.

9 Q. Now, in this particular case in review of the
10 materials that were provided by SLED to the defense and
11 yourself did Ms. Clayton quantify all of her samples in
12 this case?

13 A. Not all of her samples, no, not based on the
14 worksheets that I have.

15 Q. And as you said, that affects being able to show
16 that you've got enough DNA to put into this test to make
17 sure that your results are as reliable as they can be; is
18 that correct?

19 A. That's the purpose of it, and it is a requirement
20 by the accrediting agency.

21 Q. Now, in this particular case are you familiar with
22 the SLED item 2 where they tested a Smith and Wesson
23 pistol in this case?

24 A. Yes, I am.

25 Q. And that was reported out as a partial match,

1 correct?

2 A. That's correct.

3 Q. Can you tell the jury a little bit about what
4 happens when you have low indications of a particular
5 part of DNA at a location. I think we talked about low
6 copy number. What does that mean?

7 A. Well, and this Smith and Wesson gun sample is a
8 good example of what you all see on TV these days where
9 they collect very minute quantities of DNA, and we call
10 that low copy number DNA. You might have heard that it's
11 called trace DNA, and it's very common today. We collect
12 DNA or investigators collect DNA from almost every kind
13 of a crime scene, and low copy number DNA means we just
14 have low amount, a small amount of DNA. So when that
15 occurs we have over the past few years developed more
16 robust procedures to assure ourselves that we are getting
17 the correct result in that low copy number.

18 I know that this doesn't make a lot of sense to you
19 but if you have a small amount of DNA, what we call low
20 copy number DNA, we get a lot of those stochastic effects
21 that I talked about. We get what we call signal dropout
22 or false positive signals. And to address that issue we
23 require that those specimens are repeated. So as long as
24 your profile that you are getting is reproducible that
25 gives robustness to that low copy number specimen. Is

1 that clear?

2 Q. Well, you know, I know it makes sense to me but
3 there was a lot of terminology in there. Maybe we should
4 go through it. When you say stacat -- I'm not even
5 saying it right, Stochastic events, can you define that
6 in a little bit more layman term for us.

7 A. Okay. A Stochastic event is an event that occurs
8 without predictability. So in a case of DNA testing we
9 expect that every one of you would have a certain number
10 of DNA markers. All right. And that's very predictable.
11 We know you have 23 pairs of chromosomes and on each one
12 of those you've got a marker from your mom and marker
13 from your dad, and we should be able to detect those.

14 If I were to run your specimen and you either had
15 too many markers, all right, or too few marker that's
16 unpredictable. That's not what you should have. And
17 then if I were to repeat that test and get yet a
18 different result, say for example I run a test the first
19 time, and I'll just make up marker names, you have
20 markers A and C, and then I run a second time and you
21 have marker A and D, that's a stochastic event. That was
22 unpredictable. We have two different results. We don't
23 have a real explanation as to why that happened. Does
24 that clear that up?

25 Q. I hope so. Now, in these situations are these

1 unpredictable results more common when there are lower
2 levels of these alleles or human DNA at the locations?

3 A. Yes. That's why we need to do the reproducibility
4 when we get the low copy number. When we have low
5 amounts of DNA we need to repeat that test to verify that
6 typing result.

7 Q. Based on the information that you were provided in
8 this case was the profile that was developed from the
9 Smith and Wesson, was that test repeated based on what
10 you have?

11 A. No. That test wasn't repeated and it appears from
12 the information I have that it qualifies as a low copy
13 number test, that the results in that test show there are
14 incomplete and what we call partial -- by partial in this
15 case we already talked about how you have two markers,
16 one from your mom, one from your dad.

17 In this case for that Smith and Wesson gun where
18 there should be two markers there's only one, or there
19 are some places where there are no results. That could
20 be caused by low copy number. I can't be absolutely
21 certain that it qualifies as low copy number DNA because
22 that's also one of the specimens that there are no
23 quantification results for.

24 Q. Now, and I want to move to a kind of related area
25 if I can use the word. In these low copy number tests

1 where you have certain locations that are not developed
2 or you have only one allele when there's supposed to be
3 two and it's at a low level, in these areas does it make
4 it more difficult to be able to truly determine that a
5 related person such as a cousin, a father or a brother
6 might not also fit what they've gotten in a partial
7 profile?

8 A. I think the answer to -- that was a longwinded
9 question. I think the answer is yes.

10 Q. I'm sorry. I'm prone to those.

11 A. I think what you are trying to say is that -- and
12 if I can step out of the DNA arena, if you would, and
13 just think of DNA markers as your own physical
14 characteristics, blue eyes, blond hair, six feet tall,
15 balding or not, or freckles, and if I have all of those
16 characteristics, if I have 15 characteristics for an
17 individual I can individualize that person and say this
18 is who they are and they are not similar to somebody else
19 out there walking around.

20 And as I pair that down and say, okay, now let's
21 just look at blond hair and blue eyes. Now it becomes
22 likely that someone in your family, even though among our
23 siblings we have variances, but perhaps all of your
24 siblings have blond hair and blue eyes, it's just that
25 you have other characteristics that differentiate you.

1 Same thing with DNA testing. If you have 16 marker
2 systems to compare to people as you bring that in and now
3 you only have ten or maybe now only four it becomes more
4 and more likely that a sibling would also have the same
5 markers at those four. I think that's what you are
6 asking.

7 Q. I think you did excellent and I appreciate it very
8 much.

9 MR. BAX: A moment's indulgence, Your Honor.

10 (PAUSE.)

11 BY MS. BAX:

12 Q. One brief thing I just want to make sure, and I
13 think I kind of missed this before. Part of what DNA
14 techs do in your experience is you have to train with
15 particular kits and things that get used for these
16 testings; is that correct?

17 A. Yes. That's correct.

18 Q. Okay. When you do that -- what, in your
19 experience, how often do you have to make sure that you
20 can be proficient with a particular kit?

21 A. With a particular kit, you know, with any specific
22 kit you really -- there's two parts to that. There's
23 training and then proficiency and then maintaining that
24 proficiency. Your initial training really can happen
25 once, and if that same kit is used for 20 years that's

1 fine. You don't need to be trained on it again. But you
2 do need to be recalibrated or you need to go through
3 proficiency exams periodically. And actually, we are
4 required to demonstrate proficiency every 180 days or
5 every six months.

6 Q. Now, in this particular testing done by SLED,
7 Ms. Clayton, there was a kit known as a Quantifiler or a
8 Quantifiler Duo; is that correct?

9 A. Well, actually, we do have her -- what records I
10 have of her competency test she was qualified for a
11 Quantifiler Duo test, I wanted to say in 2011 but I'm not
12 exactly sure of the date on that. Yeah.

13 Q. Was a slightly different test used actually in the
14 testing of this case though?

15 A. Yeah. In this case -- and it's easy to get these
16 confused. In this case there was a test kit used called
17 Quantifiler, and that's the predecessor to the kit called
18 Quantifiler Duo. So in this case they use the
19 Quantifiler test kit and then it was a couple years after
20 that this the analyst was qualified and shows competency
21 results for the Quantifiler Duo. Yes.

22 Q. Thank you very much for your testimony. Please
23 answer any questions the prosecution may have.

24 A. Sure. Thank you.

25 MS. SWANSON: Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MS. SWANSON:

3 Q. Dr. Meehan, let's simplify things a little bit for
4 the jury. You never interviewed any witnesses in this
5 case, correct?

6 A. That's correct.

7 Q. Okay. You never went to the scene?

8 A. That's correct.

9 Q. You never physically handled any of this evidence
10 up here in this case?

11 A. No. I've never seen it before.

12 Q. Right. You never did any testing on the Smith and
13 Wesson?

14 A. No.

15 Q. Okay. You never spoke to Jennifer Clayton, the DNA
16 expert that testified yesterday?

17 A. You said I never spoke to her?

18 Q. Right.

19 'A. I didn't hear what you said.

20 Q. Right.

21 A. Yes. No, I've never spoken to her.

22 Q. The only things that you've received, the only
23 information that you've received in this case came from
24 the defense who are the ones that are paying you, right?

25 A. That's correct.

1 Q. Okay. And you haven't been here for the testimony.

2 In fact, you just flew in last night or this morning?

3 A. Yes. That's correct.

4 Q. Okay. So you are sitting here critiquing the
5 sheriff's department's procedures and SLED's procedures
6 in this case that you have no firsthand knowledge of when
7 you've in fact admitted in a court of law that you
8 violated your own protocol in the same type of DNA
9 testing.

10 A. Well, I don't agree with the way you paraphrased
11 the Duke Lacrosse stuff but, yes, I am here critiquing
12 the results of --

13 Q. When you botched a case yourself that resulted in
14 the firing of you from the company that you helped find
15 and the firing of a prosecutor who was also disbarred for
16 a misconduct in the mishandling of that Duke Lacrosse
17 case?

18 A. Well, I'm not sure I understand if that's a
19 question or not but if I can parse through it. I didn't
20 botch the case. It was my results that got the kids off
21 from the DNA testing and I'm not responsible for a
22 prosecutor who was, you know, not doing what he was
23 supposed to be doing.

24 Q. Okay. So the results that got the kids off but the
25 results that you didn't include in the report that you

1 turned over to the prosecutor?

2 A. No. The results that got the kids off was what's
3 in the report. If you go back and look at case the
4 results that were not included in the report were not any
5 of those kids.

6 THE COURT: All right. We're not going into that.

7 MS. SWANSON: Okay.

8 THE COURT: They understand. We don't know
9 anything about that case. He made a mistake. He's
10 admitted it.

11 BY MS. SWANSON:

12 Q. All right. Thank you very much. No further
13 questions, Dr. Meehan.

14 MR. BAX: No further questions. We'd ask that this
15 witness be allowed to be excused, Your Honor.

16 THE COURT: He's free to go.

17 MR. BAX: Thank you, sir.

18 THE COURT: All right, jurors. We're going to take
19 a little unscheduled break. Here's the thing. You all
20 have heard that Momma ain't happy nobody is happy? If
21 the Judge needs a break everybody takes a break.

22 (WHEREUPON, the jury leaves the courtroom at
23 approximately 10:06 a.m.)

24 THE COURT: All right. We just had a little too
25 much talking.

1 (WHEREUPON, a brief recess was taken.)

2 THE COURT: Ms. Campbell, you discussed further
3 with Mr. Collins about whether he's going to testify or
4 not?

5 MS. CAMPBELL: I have not. I was going to have my
6 final conversation with Mr. Collins, Your Honor, at the
7 conclusion of the defense -- the witnesses other than
8 Mr. Collins.

9 THE COURT: Anyway. Mr. Collins, you don't have to
10 stand but you do understand you're going to have to make
11 a decision whether to testify or not?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Ms. Campbell says she's going to talk
14 it over with you again a little later.

15 THE DEFENDANT: Okay.

16 (WHEREUPON, Defendant's Exhibit Numbers 28 and 29,
17 Sketches, were marked for identification only.)

18 THE BAILIFF: Your Honor, the jury is entering.

19 THE COURT: Okay.

20 (WHEREUPON, the jury enters the courtroom at
21 approximately 10:16 a.m.)

22 MS. CAMPBELL: May it please the Court?

23 THE COURT: All right.

24 MS. CAMPBELL: At this time, the defense calls Mike
25 Lynch from SLED.

1 MICHAEL LYNCH, after having been duly sworn,
2 testified as follows:

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

5 THE WITNESS: Sure. My name is Michael Lynch.
6 Last name L-y-n-c-h.

7 DIRECT EXAMINATION

8 BY MS. CAMPBELL:

9 Q. Good morning, Mr. Lynch.

10 A. Good morning.

11 Q. Where are you employed?

12 A. South Carolina Law Enforcement Division.

13 Q. And how long have you been with them?

14 A. Approximately eight years.

15 Q. And part of your duties at the South Carolina Law
16 Enforcement Division, do they include preparing sketches?

17 A. Correct.

18 Q. Of suspects?

19 A. Yes.

20 Q. Do you recall preparing sketches in a case back in
21 2009 in Beaufort County involving the death of Ronald
22 Coleman?

23 A. I do.

24 MS. CAMPBELL: May I approach, Your Honor.

25 THE COURT: You can do it.

1 MS. CAMPBELL: Thank you.

2 BY MS. CAMPBELL:

3 Q. Mr. Lynch, I'm going to show you with what's been
4 marked as Defendant's Exhibit 28. Do you recognize this
5 sketch?

6 A. I do.

7 Q. And did you prepare that sketch?

8 A. I did.

9 Q. How do you know you prepared that sketch?

10 A. That's my signature on the bottom of the sketch.

11 MS. CAMPBELL: Your Honor, at this time we'd move
12 Defendant's Exhibit 28 into evidence.

13 THE COURT: Okay.

14 MS. CAMPBELL: Thank you very much.

15 (WHEREUPON, Defendant's Exhibit Number 28, a
16 Sketch, was admitted into evidence.)

17 BY MS. CAMPBELL:

18 Q. I'm also going to show you what's been marked as
19 Defendant's 29. Did you prepare this sketch as well?

20 A. I did.

21 Q. And how do you know you prepared this sketch?

22 A. Again, my signature is at the bottom there.

23 MS. CAMPBELL: And at this time I move Defendant's
24 Exhibit 29 into evidence.

25 THE COURT: Okay.

1 (WHEREUPON, Defendant's Exhibit Number 29, a
2 Sketch, was admitted into evidence.)

3 MS. CAMPBELL: And at this time I'll publish to the
4 jury.

5 THE COURT: You can do it.

6 MS. CAMPBELL: Thank you very much.

7 BY MS. CAMPBELL:

8 Q. Mr. Lynch, in preparing those sketches you met with
9 Enrekae Miles; is that correct?

10 A. That's correct.

11 Q. And Enrekae Miles described to you the two
12 individuals that you have drawn in your sketches; is that
13 correct?

14 A. That's correct.

15 MS. CAMPBELL: That's all the questions I have for
16 Mr. Lynch.

17 MS. SWANSON: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MS. SWANSON:

20 Q. Hi, Mike. How are you?

21 A. I'm doing well. How about you?

22 Q. The sketches that Ms. Campbell handed you are based
23 upon a description of a suspect that you received almost
24 four years ago, right?

25 A. That's correct.

1 Q. Okay. So this was back in 2009?

2 A. Yes.

3 Q. And the sketch that you did of subject one,
4 Defendant's 28, that sketch includes a scar by his left
5 eye, right?

6 A. Yes.

7 Q. And you would agree with me, Mike, that someone's
8 physical appearance can change an awful lot between 2009
9 and 2013?

10 A. Correct.

11 Q. Thanks. No further questions.

12 THE COURT: Free to step down.

13 MS. CAMPBELL: And if he could be released from his
14 subpoena?

15 THE COURT: You're free to go.

16 THE WITNESS: Thank you, Your Honor.

17 MS. CAMPBELL: Your Honor, at this time the defense
18 calls Captain Bob Bromage from the Beaufort County
19 Sheriff's Office.

20 THE COURT: All right.

21 ROBERT BROMAGE, after having been duly
22 sworn, testified as follows:

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

25 THE WITNESS: Robert Bromage, B-r-o-m-a-g-e.

1 DIRECT EXAMINATION

2 BY MS. CAMPBELL:

3 Q. Good morning. Is it Captain Bromage?

4 A. It is.

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

6 A. Beaufort County Sheriff's Office.

7 Q. And how long have you been employed there?

8 A. Twenty-three years.

9 Q. How would you best describe your duties at the
10 sheriff's department and what areas are you in charge of?

11 A. Branch commander of criminal investigations.

12 Q. Do you recall being involved in an investigation in
13 June 2009 at 46 Seabrook Road here in Beaufort County?

14 A. I do.

15 Q. And your involvement in that investigation, do you
16 recall being provided information and evidence from other
17 officers on scene?

18 A. Information, yes, ma'am.

19 Q. Right. You didn't receive any physical evidence in
20 this case?

21 A. That's correct.

22 Q. You were there and they told you what was happening
23 and kind of what the scene looked like and then you came
24 to see for yourself, right?

25 A. That's correct.

1 Q. Now, would it be also correct in that while you
2 were there there was a significant amount of blood at the
3 scene?

4 MS. SWANSON: Objection, Your Honor. Leading.

5 THE COURT: All right. That's okay. Go ahead.

6 BY MS. CAMPBELL:

7 Q. Was there a significant amount of blood at 46
8 Seabrook Road?

9 A. In and around the scene?

10 Q. Yes.

11 A. Yeah. There was a variety of areas of blood, yes.

12 Q. The amount of blood that you saw there, did that
13 give you some concern and cause you to take some action?

14 A. I'm not quite sure what you are suggesting there.

15 Q. Did you believe that there was so much blood that
16 there might be someone that was dead in the area?

17 A. That was a thought, yes.

18 Q. And because there was so much blood and you thought
19 someone might be dead in the area having bled so much did
20 you call for the K-9 dog to search the area?

21 A. I did.

22 Q. Okay. And the K-9 handler at the time, who was
23 that?

24 A. Jeffrey Lauver. He's a sergeant.

25 Q. Were you there then also when Lauver showed up to

1 search the area for possible bodies expiring because of
2 the amount of blood?

3 A. I believe that was two days later, if I'm not
4 mistaken, on the 24th. Out of an overabundance of
5 caution, the blood trail leading from the scene led to
6 the middle of the road and presumed the individual got in
7 a vehicle, and also based on witnesses that told us there
8 was a vehicle with three people in it was parked in that
9 area. So that's over abundance of caution, wanted to
10 make sure there wasn't a body out there that we missed.

11 Q. Right. And in your 23 years of experience there
12 was so much blood you thought perhaps someone might be
13 dead in the woods?

14 A. Could be. Over abundance of caution. Again, I'm
15 paid to make prudent decisions so...

16 Q. And so you called for the K-9 dog and the dog came
17 out?

18 A. Yeah, on the 24th, correct.

19 Q. That's great. Thank you. That's all I have.

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

21 CROSS-EXAMINATION

22 BY MS. SWANSON:

23 Q. Captain Bromage, Ms. Campbell asked you if, you
24 know, there was a possibility that there was someone dead
25 in the area. Well, there was someone dead, right?

1 A. There was.

2 Q. Yeah. He was in the doorway of his own home shot
3 to death, right?

4 A. That's correct.

5 Q. Laying in a pool of his own blood, right?

6 A. Right.

7 Q. Okay. And you testified that Lauver was actually
8 called out with his cadaver dog?

9 A. Cadaver dog, two days later.

10 Q. Right, two days later on the 24th?

11 A. That's correct.

12 Q. And this is after the bloody footprints and
13 everything had been reported on the 23rd, the swabs were
14 taken, this was the day after all of that?

15 A. It was almost two days after, yes, ma'am.

16 Q. Okay. Thank you, Captain Bromage. No further
17 questions.

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

19 THE COURT: Free to go.

20 MS. CAMPBELL: We call Officer Lauver.

21 THE COURT: Okay.

22 JEFFREY LAUVER, after having been duly
23 sworn, testified as follows:

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

1 THE WITNESS: Sergeant Jeffrey Lauver, L-a-u-v-e-r.

2 DIRECT EXAMINATION

3 BY MS. CAMPBELL:

4 Q. Morning, Officer Lauver. Where are you employed?

5 A. Beaufort County Sheriff's Office.

6 Q. How long have you been employed there?

7 A. Thirteen years.

8 Q. And what are your job responsibilities with the
9 Sheriff's Department today?

10 A. Today I am a road patrol supervisor and K-9
11 officer.

12 Q. In 2009 were you a K-9 officer?

13 A. Yes, ma'am.

14 Q. And did you have a K-9 at that time by the name of
15 Cody?

16 A. I handled a dog named Cody, yes.

17 Q. Did you prepare a report in the case of Ronald
18 Coleman?

19 A. Yes.

20 Q. And you dated that report sometime in July. I
21 think July 15th, 2009?

22 A. Yes, ma'am.

23 Q. And in that report and in your work on this case
24 did you take Cody out to 46 Seabrook Road?

25 A. Yes, ma'am.

1 Q. Okay. Does your report indicate exactly when you
2 took Cody to 46 Seabrook Road?

3 A. My report does not.

4 Q. Okay. Does your report indicate that the incident
5 occurred on 6-22-09?

6 A. Yes, ma'am.

7 Q. Who called you to come out to 46 Seabrook Road?

8 A. Captain Bromage.

9 Q. And when you brought Cody out there did you start
10 him on a blood trail?

11 A. Yes.

12 Q. Okay. And where was that blood trail?

13 A. As far as an exact location I just put that, Led
14 from the grass to the road.

15 Q. Okay. Do you recall or does your report indicate
16 and help you refresh your memory what Cody did in the
17 blood trail?

18 A. Yes, ma'am. He laid down. He alerted to it.

19 Q. He laid down in the blood?

20 A. Yes, ma'am.

21 Q. And did you work Cody in that whole area?

22 A. I assume there was designated areas that I was
23 asked to work in because obviously he's a cadaver dog so
24 if there was a body or person laying in the ditch it
25 would be pretty visible. So I worked him in an area of

1 woods and I guess behind 18 Seabrook Road and a field
2 over across from 29 Seabrook Road.

3 Q. Do you remember if Cody took you after getting on
4 that blood trail, did he take you anywhere down towards
5 Detour Road?

6 A. Well, he's not going to really take me anywhere as
7 far as he's not going to track something. His job is
8 just specifically to, you know, alert now. If he had
9 some type of scent that would take him there as far as a
10 body or, you know, other fluids, so on, from the body, he
11 may take you there but as far as a tracking of a person,
12 no.

13 Q. So if there had been blood that led down towards
14 Detour Road Cody might have gotten on that and taken you
15 down there, right?

16 A. It's possible.

17 Q. Yes. And he did not?

18 A. No.

19 Q. Thank you so much.

20 A. Sure.

21 CROSS-EXAMINATION

22 BY MS. SWANSON:

23 Q. How are you doing, Officer Lauver?

24 A. Okay.

25 Q. Okay. We just heard from Captain Bromage and

- 1 Captain Bromage was the one that called you out with
2 Cody, right?
- 3 A. Right.
- 4 Q. Okay. And if Captain Bromage said that he called
5 you out with Cody on June 24th does that sound correct?
- 6 A. Yes.
- 7 Q. Two days after the incident?
- 8 A. Yes.
- 9 Q. The day after swabs had been taken from that blood
10 on Seabrook Road?
- 11 A. I would assume.
- 12 Q. Okay. And that blood that Cody laid down in, was
13 that wet or dry?
- 14 A. I would say it was dry.
- 15 Q. Did Cody get up and have blood all over him?
- 16 A. No.
- 17 Q. Okay. So he didn't require a bath after he went
18 out the Seabrook Road?
- 19 A. No.
- 20 Q. All right. I have nothing further. Thank you.
- 21 MS. CAMPBELL: He's released.
- 22 THE COURT: Okay. Free to go.
- 23 THE WITNESS: Thank you.
- 24 BRENT BURNS, after having been duly sworn,
25 testified as follows:

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

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

4 DIRECT EXAMINATION

5 BY MS. CAMPBELL:

6 Q. Good morning.

7 A. Morning.

8 Q. Do you recall going out to -- let me back up. Who
9 do you work for?

10 A. Beaufort County Sheriff's Office.

11 Q. Thank you. And how long have you been employed
12 with them?

13 A. Nearly nine years.

14 Q. And what are your responsibilities today?

15 A. I'm a patrol supervisor.

16 Q. And in 2009, June 2009 what were your
17 responsibilities then?

18 A. I was an investigator.

19 Q. And did you go out to 46 Seabrook Road to
20 investigate a crime?

21 A. Yes, ma'am.

22 Q. On 6-22-09?

23 A. Yes, ma'am.

24 Q. And in your travels to 46 Seabrook Road did you
25 take photographs and participate in any collection of

1 evidence?

2 A. My primary duties was on the 24th and the 25th,
3 after the initial investigation began.

4 MS. CAMPBELL: May I approach?

5 THE COURT: Okay.

6 BY MS. CAMPBELL:

7 Q. I show you what's been marked as Defendant's
8 Exhibit 1. Do you recognize that area?

9 A. Yes, ma'am.

10 Q. And what is depicted in the area there?

11 A. It's the residence of 46 Seabrook Road and the
12 yard..

13 Q. And this is when you were there with this other
14 officer taking photos of the area; is that correct?

15 A. Yes, ma'am.

16 Q. Okay.

17 MS. CAMPBELL: At this time, I'd move Defendant's
18 Exhibit 1 into evidence.

19 THE COURT: All right..

20 (WHEREUPON, Defendant's Exhibit Number 1, a
21 Photograph, was admitted into evidence.)

22 BY MS. CAMPBELL:

23 Q. I show you what's marked as Defendant's Exhibit 7.
24 Do you recognize this photograph?

25 A. Yes. It's a photograph of a shoe impression.

1 Q. Okay. And do you recognize the ruler that's in the
2 photograph?

3 A. Yes, ma'am.

4 Q. Okay. And do you recall who laid that ruler down
5 in the shoe print?

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

7 Q. And do you know what this red substance is on the
8 ruler?

9 A. No, ma'am.

10 MS. CAMPBELL: At this time we'd move Defendant's 7
11 into evidence.

12 THE COURT: Okay.

13 (WHEREUPON, Defendant's Exhibit Number 7, a
14 Photograph, was admitted into evidence.)

15 BY MS. CAMPBELL:

16 Q. And I now show you what's been marked as
17 Defendant's Exhibit 2. Depicted in this photograph, is
18 this the same day you were there investigating and taking
19 photographs?

20 A. Yes, ma'am.

21 Q. Okay. And whose placards are these?

22 A. I'm presuming whoever's Durango is in the picture.
23 I'm not sure.

24 Q. Do we know whose Durango that is?

25 A. I think it belonged to Sergeant Foskey but I can't

1 be certain.

2 Q. Is Foskey with the sheriff's department any longer?

3 A. No, ma'am.

4 MS. CAMPBELL: We move Defendant's Exhibit 2 in
5 evidence.

6 THE COURT: All right.

7 (WHEREUPON, Defendant's Exhibit Number 2, a
8 Photograph, was admitted into evidence.)

9 MS CAMPBELL: And I'd like to publish to the jury
10 at this time.

11 THE COURT: Okay.

12 BY MS. CAMPBELL:

13 Q. In Defendant's Exhibit 1 can you describe for the
14 jury the boards that cross this ditch in front of 46
15 Seabrook Road?

16 A. Just wooden boards.

17 Q. And the ditch in front of Seabrook Road has two
18 wooden boards that cross it, correct?

19 A. Yes.

20 Q. And another angle on those boards and the ditch is
21 in Defendant's Exhibit 2, correct?

22 A. Yes, ma'am.

23 Q. Okay. Now, having been out there to 46 Seabrook
24 Road -- I'm going to try to bring these over here to you
25 so you don't have to come down. Do you recognize this

- 1 area as being the aerial view of 46 Seabrook Road?
- 2 A. Yes, ma'am.
- 3 Q. Okay. And the ditch that runs down 46 Seabrook
- 4 Road, can that be seen in this particular exhibit?
- 5 A. Yes, ma'am.
- 6 Q. Okay. And the one set of boards that cross that
- 7 ditch, are depicted in Defendant's Exhibits 1 and 2?
- 8 A. Yes, ma'am.
- 9 Q. Okay. Thank you. You took some measurements, did
- 10 you not, Officer Burns, when you were out at 46 Seabrook
- 11 Road?
- 12 A. Yes, ma'am.
- 13 Q. And if you'd like to I don't mind if you refer to
- 14 your report in making sure we get the measurements
- 15 correct. Did you measure from the front porch to the
- 16 first described bloody footprint in the road?
- 17 A. I don't have my report in front of me.
- 18 Q. I'll bring it to you.
- 19 A. Thank you, ma'am.
- 20 Q. Did you take a measurement on that distance?
- 21 A. Yes, ma'am.
- 22 Q. Okay. And what was the measurement you got?
- 23 A. 280.5 feet.
- 24 Q. And did you take another measurement from the first
- 25 bloody footprint to the firearm that was located on

1 Seabrook Road?

2 A. I did take a measurement but I believe it was to
3 the area where the firearm was found, not the firearm
4 specifically.

5 Q. Okay. Thank you for clarifying that. And how far
6 was that?

7 A. 383.8 feet.

8 Q. Did you take an additional measurement?

9 A. From that location to the end of the bloody
10 footprint trail.

11 Q. Can you tell us exactly what that says there in
12 your report, the third line down.

13 A. Location of the firearm to end of blood trail.

14 Q. And how far was that?

15 A. 38.8 feet.

16 Q. So the total distance between the residence and the
17 end of the blood trail was how far?

18 A. 703.10 feet.

19 Q. Officer Burns, you participated in an interview of
20 Enrekae Miles with Officer Hiers, correct?

21 A. Yes, ma'am.

22 Q. And we've listened to that. Are you the other --
23 one of the other officers that we would hear questioning
24 Mr. Miles about this incident?

25 A. Yes, ma'am.

1 Q. Okay. And do you recall telling Mr. Miles that his
2 story didn't jive?

3 A. Not off the top of my head, no, ma'am.

4 Q. If it said it on the tape would that be fair?

5 A. Yes, ma'am.

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

7 CROSS-EXAMINATION

8 BY MS. SWANSON:

9 Q. Just briefly. Sergeant Foskey retired from the
10 sheriff's office a couple years ago, right?

11 A. Yes, ma'am.

12 Q. And Ms. Campbell showed you a picture of what she's
13 calling a ditch, which I'm going to show you Defendant's
14 1 and 2. It looks like a depression in the ground?

15 A. Yes, ma'am.

16 Q. Did you measure how deep that ravine was?

17 A. No, ma'am.

18 Q. Okay. Was it deep?

19 A. No, ma'am.

20 Q. All right. If you had to guess, about how much of
21 a depression in the ground would it be?

22 A. A few inches.

23 Q. Inches. Okay.

24 MS. SWANSON: No further questions.

25 MS. CAMPBELL: Just one quick thing.

1 THE COURT: All right.

2 REDIRECT EXAMINATION

3 BY MS. CAMPBELL:

4 Q. The depression that you were referring to in
5 inches, was that the shoe print or the ditch?

6 A. The ditch.

7 Q. It's just a few inches deep?

8 A. Yes, ma'am.

9 Q. Okay. Thank you.

10 THE COURT: Free to go.

11 THE WITNESS: Thank you.

12 BRIAN CHAPMAN, after having been duly sworn,
13 testified as follows:

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

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

18 DIRECT EXAMINATION

19 BY MS. CAMPBELL:

20 Q. Officer Chapman, you are employed with the
21 sheriff's department?

22 A. Yes, ma'am.

23 Q. How long have you been there?

24 A. Since November of 2002.

25 Q. Were you on the scene at 46 Seabrook Road on

1 6-22-09 to investigate the death of Ronald Coleman?

2 A. Yes, ma'am.

3 Q. And in investigating the death of Ronald Coleman
4 you participated and helped Officer Wilson place
5 placards, perhaps take photos, things of that nature,
6 correct?

7 A. I was present there, yes, ma'am.

8 MS. CAMPBELL: May I approach?

9 THE COURT: Okay.

10 BY MS. CAMPBELL:

11 Q. I show you what's been marked as Defendant's
12 Exhibit 9. Do you recognize the placard and the shell
13 casing as being on the scene at 46 Seabrook Road when you
14 were there?

15 A. Yes, ma'am.

16 MS. CAMPBELL: We move defendant's 9 into evidence
17 at this time.

18 THE COURT: All right.

19 (WHEREUPON, Defendant's Exhibit Number 9, a
20 Photograph, was admitted into evidence.)

21 MS. CAMPBELL: Your Honor, that's all I have for
22 Officer Chapman.

23 THE COURT: Okay.

24 CROSS-EXAMINATION

25 BY MS. SWANSON:

1 Q. Hello again.

2 A. Ma'am.

3 Q. I think we covered everything the first time.

4 Thank you.

5 A. Thank you, ma'am.

6 THE COURT: Free to go.

7 MS. CAMPBELL: Your Honor, we call Officer Merrill
8 from the sheriff's department.

9 JEFFREY ALLEN MERRILL, after having been
10 duly sworn, testified as follows:

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

13 THE WITNESS: My name is Jeffrey Allen Merrill,
14 M-e-r-r-i-l-l.

15 MS. CAMPBELL: May it please the Court?

16 THE COURT: Okay.

17 DIRECT EXAMINATION

18 BY MS. CAMPBELL:

19 Q. Officer Merrill, you are employed with the
20 sheriff's department?

21 A. Yes, I am.

22 Q. How long have you been employed with them?

23 A. Seventeen years.

24 Q. Part of your duties would be transportation of
25 individuals to and from the county jail?

1 A. Yes.

2 Q. Do you recall in the case of the State of South
3 Carolina vs. Antonio Collins, do you recall going down to
4 Miami, Florida to pick up Mr. Collins and bring him back
5 here?

6 A. Yes, ma'am.

7 Q. And do you recall when you did that?

8 A. I believe it is November 9th, 2011.

9 MS. CAMPBELL: Thank you. That's all I have for
10 this officer.

11 CROSS-EXAMINATION

12 BY MS. SWANSON:

13 Q. Thank you. Officer Merrill, you spent a little bit
14 of time around Antonio Collins transporting him from
15 Miami back to South Carolina. Did you notice the scar
16 above his left eye?

17 A. He was in the backseat the whole time. I would say
18 no.

19 Q. And it's been about four years?

20 A. Yes, and I wasn't that involved in the
21 investigation, just driving him.

22 Q. I understand. Thank you, Officer Merrill.

23 MS. CAMPBELL: That's all.

24 THE COURT: Free to go.

25 MS. CAMPBELL: Your Honor, may we approach?

1 THE COURT: You can do it.

2 (WHEREUPON, a bench conference was had.)

3 THE COURT: All right, jurors. We just have a
4 witness that's on the way and that's all that was about.
5 So we're going to take another unscheduled short break.
6 Don't talk about the case.

7 (WHEREUPON, the jury leaves the courtroom at
8 approximately 10:50 a.m., and a brief recess was taken.)

9 (WHEREUPON, Defendant's Exhibit Number 30, an
10 Arrest Warrant, was marked for identification only.)

11 THE COURT: Okay. What's the game plan?

12 MS. CAMPBELL: Your Honor, it appears at this time
13 we have one additional witness and then I think we are
14 going to be prepared to close the defense's case.

15 THE COURT: All right. You discussed in detail
16 with Antonio Collins about whether he wants to testify or
17 not?

18 MS. CAMPBELL: I have, yes.

19 THE COURT: Mr. Collins, your choice, you
20 understand that?

21 MS. CAMPBELL: Yes, sir.

22 THE COURT: Can't take it back now, you know, later
23 say I should have testified. You either have to testify
24 or not. I mentioned good reasons for doing it, good
25 reasons for not. Did you discuss it with both the

1 attorneys?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And you're not going to testify, I take
4 it?

5 THE DEFENDANT: No.

6 MS. CAMPBELL: Mr. Collins has made the decision
7 not to take the stand.

8 THE COURT: All right. So what happens is we put
9 up your witness, which is, what, a two minute witness?

10 MS. CAMPBELL: For me about two minutes.

11 THE COURT: Then we just break for lunch, then
12 we'll move on.

13 MS. CAMPBELL: Yes, sir. After we finish with my
14 one witness I'll rest at that point.

15 THE COURT: And nothing in reply I take it?

16 MS. SWANSON: No, sir.

17 THE COURT: Okay. And then we'll break for lunch.

18 THE COURT: Well, we'll discuss charges and things
19 like that.

20 MS. CAMPBELL: Oh. Yes, sir.

21 (WHEREUPON, the jury enters the courtroom at
22 approximately 11:25 a.m.)

23 THE BAILIFF: Your Honor, the jury is seated.

24 THE COURT: Okay. You may proceed.

25 MS. CAMPBELL: Please the Court. The defense calls

1 Ms. LaSandra Young from the clerk's office.

2 THE COURT: Okay.

3 LASANDRA YOUNG, after having been duly
4 sworn, testified as follows:

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

7 THE WITNESS: My name is LaSandra Young,
8 L-a-S-a-n-d-r-a.. Young, Y-o-u-n-g.

9 DIRECT EXAMINATION

10 BY MS. CAMPBELL:

11 Q. Ms. Young, where do you work?

12 A. Beaufort County Clerk of Court's Office.

13 Q. And approximately in total how long have you been
14 working for the Clerk's Office?

15 A. About 39 years next year..

16 Q. Part of your duties at the Clerk's Office, does
17 that involve General Sessions Court?

18 A. Yes, it is.

19 Q. And does the Clerk's Office maintain records of
20 arrest warrants and things of that nature down the hall?

21 A. Yes, we do.

22 MS. CAMPBELL: May I approach the witness?

23 THE COURT: You can do it.

24 BY MS. CAMPBELL:

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

1 Exhibit 30 and ask you if that's a certified true copy of
2 an arrest warrant for a murder for Jeremy Lavone Murphy?

3 A. Yes, it is.

4 MS. CAMPBELL: And this document at this time the
5 defendant would move into evidence, Your Honor.

6 THE COURT: Okay.

7 (WHEREUPON, Defendant's Exhibit Number 30, an
8 Arrest Warrant, was admitted into evidence.)

9 BY MS. CAMPBELL:

10 Q. Ms. Young, this particular arrest warrant for
11 Jeremy Lavone Murphy was served on Jeremy Murphy on
12 October 7th, 2013; is that correct?

13 A. That's correct.

14 Q. Okay. And it was issued by one of our magistrate's
15 on October 3rd, 2013?

16 A. That's correct.

17 Q. Okay. And within the body of the arrest warrant
18 for Jeremy Murphy it indicates that the defendant did
19 during a home invasion burglary shoot the resident Ronald
20 Coleman, Jr. who died as a result of his gunshot wounds;
21 is that correct?

22 A. That's correct.

23 Q. It alleges that Jeremy Murphy is a co-defendant to
24 Mr. Collins; isn't that right?

25 A. That's correct.

1 Q. And that would be a murder that took place on
2 6-22-09 at 46 Seabrook Road, right?

3 A. That's correct.

4 Q. Okay. Thank you.

5 MS. CAMPBELL: That's all I have for this witness.

6 CROSS-EXAMINATION

7 BY MS. SWANSON:

8 Q. And, Ms. Young, just so that it's clear. In the
9 body of this arrest warrant two names are listed, and
10 that's Defendant Jeremy Murphy, along with Co-Defendant
11 Antonio Collins, that committed this murder?

12 A. That's correct.

13 Q. Okay. Thank you.

14 MS. SWANSON: Nothing further, Your Honor.

15 MS. CAMPBELL: That's all for this witness.

16 THE COURT: You can step down.

17 THE WITNESS: Thank you, sir.

18 MS. CAMPBELL: Thank you, Your Honor. And with the
19 conclusion of Ms. Young's testimony the defense rests.

20 THE COURT: Okay. Anything in reply?

21 MS. SWANSON: No, sir.

22 THE COURT: All right. Jurors, we just finished
23 with the witnesses a little quicker than we anticipated.

24 Did you order lunch?

25 THE BAILIFF: Mr. Sargos ordered it.

1 THE COURT: Oh, no, then it's pizza --

2 THE BAILIFF: It is, sir.

3 THE COURT: So some of you all smoke. This will be
4 the last chance you get to smoke until lunch comes, then
5 we'll have pizza. We are just doing that to speed it up
6 so we can get it to you as soon as you finish lunch. All
7 right.

8 Lunch will be here 15, 20 minutes probably?

9 THE BAILIFF: Yes, 20 minutes.

10 THE COURT: About 20 minutes. Don't talk about the
11 case just yet.

12 (WHEREUPON, the jury leaves the courtroom at
13 approximately 11:30 a.m.)

14 THE COURT: Okay. The jury is clear.

15 MS. SWANSON: For charges, Your Honor, the State
16 would request a hand of one hand of all charge as well as
17 the felony murder.

18 THE COURT: All right. Have to do it now.

19 MS. CAMPBELL: Your Honor, just for recordkeeping,
20 at this time the defendant would renew his motion for
21 directed verdict at the close of his case.

22 THE COURT: Okay. Motions respectfully denied.

23 MS. CAMPBELL: Thank you, Your Honor.

24 THE COURT: Except for I do have on the burglary
25 charge we do have circumstantial evidence that the

1 property was entered.

2 MS. SWANSON: That what? I'm sorry.

3 THE COURT: You have at least circumstantial
4 evidence that the property was entered.

5 MS. SWANSON: Yes.

6 THE COURT: Okay. And hand of one hand of all,
7 what about mere presence? You don't concede that he was
8 ever there but --

9 MS. CAMPBELL: I think that as far as the defendant
10 is concerned we'd like you to charge criminal intent.
11 Are you going to charge reasonable doubt, that reasonable
12 doubt is the kind of doubt that would cause a reasonable
13 person to hesitate to act, in addition to the firmly
14 convinced? We'd would request that.

15 THE COURT: Yeah. That's right.

16 MS. CAMPBELL: Obviously, your standard charge on
17 the presumption of innocence. You're going to charge
18 circumstantial evidence, the defendant's not taking the
19 stand, his decision not to the testify? We'd also ask
20 for a charge on that.

21 I believe that after talking with Mr. Bax I think
22 if you are going to charge the hand of one hand of all
23 that mere presence --

24 THE COURT: Well, I mean, I have to once you put
25 the --

1 MS. CAMPBELL: I understand. I understand. Mere
2 presence would be appropriate.

3 THE COURT: All right.

4 MS. CAMPBELL: Obviously, you'll have a charge on
5 the experts?

6 THE COURT: Yep.

7 MS. CAMPBELL: Are we allowed -- some judges allow
8 us to see your charge before we argue so we can --

9 THE COURT: That would be good because 26 years
10 I've never written one down.

11 MS. CAMPBELL: Okay.

12 THE COURT: You remember I'm a speed reader. I've
13 never read one, even the first day I took the bench. I
14 practiced law for 25 years.

15 MS. CAMPBELL: And is there going to be a verdict
16 form or are you sending the indictment?

17 THE COURT: I asked you all to prepare one. So I
18 don't have one.

19 MS. SWANSON: Oh, I'm sorry. The judge's law clerk
20 normally --

21 THE COURT: Yeah, but we aren't down here. We
22 don't have printer and things.

23 MS. SWANSON: Okay. I will ask Caroline for a
24 verdict form. I just don't have one.

25 THE COURT: Verdict is either guilty or not guilty

1 of all the charges, as I understand it. There's no
2 lesser included.

3 MS. CAMPBELL: Right, and they would need to be
4 listed separately.

5 MS. SWANSON: Okay.

6 THE COURT: Right, separately. Four separate
7 verdict forms.

8 MS. SWANSON: All right.

9 THE COURT: I would let you do it except I asked
10 them yesterday to do it so they've got to do --

11 MS. SWANSON: I apologize. I must have
12 misunderstood.

13 THE COURT: No problem. I said any requested
14 charges and verdict forms. But it's just guilty or not
15 guilty by unanimous verdict.

16 MS. CAMPBELL: And, Your Honor, the time when we
17 would begin the closings?

18 THE COURT: Well, lunch won't be here for 20
19 minutes and then it will take them 20 minutes to eat so I
20 would say we start at, what, 12:30.

21 MS. CAMPBELL: Okay.

22 THE COURT: Roughly.

23 MS. CAMPBELL: And may I inquire as to whether the
24 State intends to open then close.

25 MS. SWANSON: I'm going to waive opening on the

1 law, Your Honor.

2 MS. CAMPBELL: Okay.

3 THE COURT: Okay.

4 MS. CAMPBELL: All right.

5 THE COURT: If that suits you.

6 MS. CAMPBELL: Thank you.

7 MS. SWANSON: Thank you, Your Honor.

8 THE COURT: You know, I just got a -- if you want
9 to see what I'm charging I just jot down a few things,
10 and it just occurred to me I need to with specificity say
11 it's incumbent upon the State to prove beyond a
12 reasonable doubt the identity of the person --

13 MS. CAMPBELL: Oh, yes. A charge on
14 identification.

15 THE COURT: Well, I'm not charging on
16 identification because there was no identification but
17 I'm going to say just, you know, the State has got to
18 prove beyond a reasonable doubt that the defendant was
19 the person, they have the burden of proving identity
20 beyond a reasonable doubt.

21 MS. CAMPBELL: Right. That's fine.

22 THE COURT: I think that's about it that we haven't
23 talked about. All right. If you all come up with
24 something, you know, we got time or if you want something
25 charged with specificity if you hand it up I'll read it

1 out. Okay.

2 MS. CAMPBELL: We are going to get Mr. Collins some
3 lunch as well.

4 THE COURT: All right.

5 (WHEREUPON, a lunch break was taken.)

6 THE COURT: Okay. You all check the verdict form?

7 MS. CAMPBELL: I've not seen it yet.

8 THE COURT: She handed up one like that but I told
9 her to make four separate ones, which is what I'm going
10 to use. She put all four numbers up there but it's got
11 the four charges.

12 (PAUSE.)

13 MS. CAMPBELL: For the record, Your Honor, I have
14 reviewed the four separate verdict forms prepared in the
15 case. While I might prefer that not guilty be the first
16 choice on the indictment -- on the verdict forms I
17 understand that guilty was placed first. I would assume
18 Your Honor would instruct the jury that that makes no
19 difference.

20 THE COURT: I'll certainly tell them that. I'll
21 also tell them that the solicitor did it and they always
22 do that, and if I ask defense counsel to do it they
23 always put not guilty.

24 MS. CAMPBELL: Thank you, Your Honor.

25 THE COURT: You all ready?

1 MS. SWANSON: Yes, sir.

2 MS. CAMPBELL: Uh-huh.

3 THE COURT: All right. The jury is ready. Bring
4 them in.

5 You all want me to tell them about him not
6 testifying before? I'll also tell them during the
7 charge.

8 MS. CAMPBELL: That's fine.

9 THE COURT: It's up to you all.

10 MS. CAMPBELL: That's fine.

11 (WHEREUPON, the jury enters the courtroom at
12 approximately 12:40 p.m.)

13 THE COURT: Okay, jurors. We are coming into the
14 final phase of the trial. In just a second the attorneys
15 are going to sum up. The State has the option of opening
16 and closing. They've waived that. So you'll just hear
17 two summations. Some call it closing argument. You
18 know, you don't get to talk back so summation not really.

19 Now, the defendant obviously did not testify.
20 Remember, he does not have to prove he's not guilty.
21 He's presumed innocent. The fact that he didn't testify
22 created no presumption of guilt against him, no inference
23 of guilt. You shouldn't even discuss whether he
24 testified or not when you are deliberating.

25 Beyond that, I'm not going to say anything else on

1 that point, and I think the defense is going to proceed.

2 MS. CAMPBELL: Yes, sir. Thank you, Your Honor.

3 Please the Court.

4 THE COURT: Okay.

5 MS. CAMPBELL: Good afternoon. There is a gaping
6 hole in the State of South Carolina's case against
7 Antonio Collins. And that gaping hole in the State's
8 case is this. There is no gaping hole in the body of
9 Antonio Collins. If the State of South Carolina had
10 evidence that Antonio Collins was shot anywhere on his
11 body in 2009 you can be guaranteed that you would have
12 that evidence. And the reason you don't have that
13 evidence is because there is no evidence to give you.

14 The fact that the State of South Carolina has
15 failed to produce any evidence to show you that Antonio
16 Collins has been shot and wounded and bled on the porch
17 at 46 Seabrook Road, on the road at 46 Seabrook Road, and
18 in the Cadillac at 46 Seabrook Road is reasonable doubt.
19 And under our justice system reasonable doubt requires
20 you to find Antonio Collins not guilty.

21 Now, I will not have an opportunity to speak with
22 you again once I sit down and the solicitor gives you her
23 closing argument. I'm simply going to ask that you
24 listen to her and you ask yourselves what would
25 Ms. Campbell have to say or what do you have to say to

1 what the solicitor is telling you.

2 I believe, I don't know, but I believe that the
3 solicitor will hit back on what she told you when she
4 first spoke to you a few days ago. She'll tell you
5 something like Antonio Collins left his trademark on
6 Seabrook Road, that trademark being DNA.

7 And make no mistake, the State believes Antonio
8 Collins shot and killed Ronald Coleman, and that Antonio
9 Collins bled for some 700 feet away from 46 Seabrook
10 Road, down the road. And I'll say to you, DNA is a piece
11 of evidence. DNA is just one factor for you to consider,
12 if you can even rely on the DNA evidence in this case.

13 You are dealing with issues of improper collection,
14 improper handling, airing out, you heard testimony about
15 this, in nonsecure areas in violation of SLED procedures
16 and certified agency protocols. Contamination,
17 cross-contamination: There will be photos that are in
18 evidence that you will have an opportunity to take a
19 look at.

20 Crucial pieces of evidence that were not even sent
21 to SLED; you'll see items placard number 9 and placard
22 number 15. There was a substance on one of those, shell
23 casings, SLED ballistics. Expert testified, yeah, I
24 swabbed it, I packaged it up, I sent it back. It was
25 never analyzed. The shell casing at placard number 9,

1 also never analyzed. It appears to have blood on it.

2 Item 73 was missing. Had to go looking for it.

3 Never sent to SLED. And item number 74 was never tested
4 either. You heard Jennifer Clayton tell you, I only got
5 four swabs. There were 10 swabs total. Six swabs were
6 not even sent.

7 You know, you can consider every other piece of
8 evidence and the lack of evidence against that science,
9 that expert testimony and you can throw it out. That's
10 up to you. This DNA in this case can never fill the
11 gaping hole. So let's look at that gaping hole and what
12 makes that gaping hole even larger. Let's look at the
13 evidence that the State did give you.

14 Now, I will fall back on and remind you, some of
15 the evidence we had to pull out. We had to get the
16 officers to go further, to give you more. We had to
17 bring witnesses in here to get the full picture in front
18 of you. And I need you to remember that there is no
19 burden on a defendant, on any one of us, should we find
20 ourselves at that table, to produce any evidence. The
21 lack of the State bringing it forward required us to
22 bring some of that to you.

23 And you might be saying to yourself right now, who
24 killed Ronald Coleman? And you did get an answer in this
25 trial and it came from Enrekae Miles. And Enrekae Miles

1 lied. He splintered the truth with fiction and
2 misdirection to all of us.

3 I'm not going to reiterate everything we heard from
4 Mr. Miles. It's clear eight hours missing, we don't know
5 where he went. Blood on his shirt, it's the shooter's
6 blood. But Enrekae Miles tells you most clearly on his
7 taped interview that we played, I'm not going to play the
8 whole thing. I'm just going to play a portion where he
9 says to Hiers and Burns, he says, Hey, Cuz, I can't do
10 this.

11 (WHEREUPON, a portion of Defendant's Exhibit Number
12 26 was played for the jury.)

13 MS. CAMPBELL: Cuz is Darrin Amadi. And remember
14 this. I'm going to ask you to remember and, you know,
15 again, you had some of the witnesses testify, you watch
16 these shows on television, you may know some about our
17 system of justice in the United States, but two founding
18 principles, two bedrock principles that we rely on, every
19 single one of us every day in the United States is that
20 no man, no man must prove that he is innocent.

21 The State, the government must bring you, each
22 individual one of you evidence that convinces you in this
23 case that Antonio Collins is guilty beyond a reasonable
24 doubt. And as I said, don't let the State get up here
25 and tell you that Antonio Collins should provide you with

1 a single piece of evidence. If that were not the
2 standard then it's irreparable damage to every single one
3 of us.

4 The other bedrock principle, and His Honor will
5 tell you about this, is that presumption of innocence.
6 Every single defendant puts on, and he may use these
7 words, what they call a robe of innocence or
8 righteousness, and that robe stays on the defendant,
9 stays on Mr. Collins throughout your deliberations and
10 cannot be removed until 12 of you unanimously come
11 together and say, you know what, we are going to take it
12 all. We are going to find him guilty. We have no
13 reasonable doubt.

14 Now, remember when the solicitor got up here at the
15 beginning of this case and she told you quite simply this
16 was a home invasion, this was a robbery gone wrong and
17 then she sat down. And I told you, quite honestly, from
18 the evidence, from the start that this was personal.
19 This was no home invasion. This was about kill or be
20 killed. This case was about and is about the conclusion
21 of lives lived on the Atlanta-Beaufort drug pipeline.
22 This is personal.

23 I want you to look at the photos, and you'll have
24 them in the jury room, of 46 Seabrook Road. This was no
25 home. This was a trap house. This is a trap house where

1 drugs were sold when the supply came in. This was a
2 location that was shot up from previous bad blood between
3 Ronald Coleman, and here's Mr. Coleman's stash of
4 ammunition, and Travis Polite.

5 This is the kind of place where bullets and shell
6 casings not related to anything on June 22, 2009 are just
7 left lying around on the floor. This was a location that
8 had a front door nailed shut.

9 Now, we don't nail our front doors shut. Drug
10 dealers nail their front door shut. And remember who
11 nailed that front door shut? Enrekae Miles. And not
12 like he told you some months prior but as you heard him
13 telling the investigators who testified, just a couple of
14 days earlier nailed it shut.

15 Now, let's ask ourselves, what's the likelihood --
16 we've talked about statistics and probability through
17 Jennifer Clayton. What's the likelihood that Enrekae
18 Miles just happens to stumble up on these alleged robbers
19 at the lighted back door, the front porch no light,
20 lighted back door at exactly the moment on June 22nd that
21 they are busting in? I would say to you that
22 statistically it would be like those bizarre numbers that
23 Jennifer Clayton gave you for the alleged DNA match to
24 Antonio Collins, about 1 in 4.9 quadrillion.

25 And the same goes for these alleged robbers with no

1 connection to Seabrook Road knowing exactly where the
2 only boards are on that road to cross over the ditch that
3 runs along the entire road. What's the likelihood that
4 they know how to get over that ditch at those boards?
5 About 1 in 4.9 quadrillion.

6 Who knows how to cross the ditch on Seabrook Road?
7 People who live on Seabrook Road, people who go to
8 Seabrook Road. Who lives on Seabrook Road? Enrekae
9 Miles. Who goes to Seabrook Road? Darrin Amadi.

10 You have evidence from this witness stand that
11 Ronald Coleman wanted a car packed with guns to meet him
12 in Atlanta. And he was planning on meeting with Darrin
13 Amadi. And we know Darrin Amadi delivered up Byron
14 Coleman to his execution in Atlanta. And we have
15 testimony from the officer through the investigation that
16 Ebony Coleman, Ronald Coleman's sister, was supposed to
17 bring the guns. She did not and Ronald was angry.

18 You have evidence in this case that Ronald Coleman
19 is the kind of fellow that tried to run down Travis
20 Polite with his car and then shot a crack head over on
21 Poppy Hill.

22 Now, you have other evidence from Tim who came in
23 from the Federal Government about this Gussie Goldwire
24 who, testimony has been given to you, is a major drug
25 trafficker on that Atlanta-Beaufort pipeline.

1 Now, he was caught in the Federal Government web
2 and he was stuck, and when he was stuck, well, Gussie
3 Goldwire became a rat and he sold out every single drug
4 dealer on that pipeline.

5 And you know what? He's our ghost. We can't find
6 him. They say they can't find him. We can't find him.
7 We don't even know what he looks like. I suggest to you
8 that perhaps he has a new identity.

9 Who was on the pipeline together? Who do we have
10 testimony from Solomon, from Tim, the DEA? Goldwire, and
11 Amadi, and Gussie all on the pipeline together.

12 How do you know that a .40 cal is used? You know
13 that a .40 cal is used because you are there. That's
14 information from Goldwire. And, you know, I'd like to
15 see that photo of Gussie Goldwire. I'd like to know if
16 this is Gussie Goldwire. I'd like to know if this is
17 Gussie Goldwire. We don't know. No idea. He is a
18 ghost.

19 What else you don't have? Enrekae Miles. Believe
20 him, don't believe him, part of him, part of the
21 testimony. I think His Honor will tell you about the
22 believability of witnesses, the credibility of witnesses.
23 He never sat there and he never pointed across the room
24 and he never said to you, That's the man that kidnapped
25 me. That's the man that shot Ronald Coleman. He never

1 said that. He didn't say that. He couldn't say that.
2 He didn't give you that piece of evidence that you would
3 need. Reasonable doubt.

4 And make no mistake, the State of South Carolina
5 and His Honor will tell you they must prove identity. If
6 they fail to prove identity, not guilty. You can believe
7 Enrekae Miles was never kidnapped. You can believe like
8 he said on his tape, Hey, Cuz, I can't do this. Can't do
9 this.

10 You also have absolutely not one piece of evidence
11 that Antonio Collins was ever even in Beaufort County in
12 2009. We did give you the evidence from Officer Merrill
13 that he had to go to Miami, Florida, where Mr. Collins is
14 from, and pick him up and bring him up here, and move
15 this matter forward.

16 Reasonable doubt. Reasonable doubt, as I've said,
17 the Judge will instruct you on but the simplest way to
18 understand it is it's a hesitation to act. It's a pause.
19 It's a moment when you feel I can't move forward as if
20 you were crossing a bridge and you say, Enrekae Miles
21 built this bridge for me. I can't step on it. There's a
22 mile long drop. Then put your child on that bridge.
23 Reasonable doubt, not guilty.

24 In this case, the State can get up here in a few
25 minutes and they can take all the shell casings, and all

1 the bullets, the guns, and the foam dummies, and the
2 swabs from here and there and they can line up all day
3 long and try to keep pointing them at Antonio Collins but
4 what you don't have, what you will never have, what the
5 State cannot produce for you because it isn't there is
6 that there's any evidence to fill the gaping hole that
7 there is no bullet wound, there is no gunshot wound to
8 the body of Antonio Collins.

9 And I will say to you as I conclude, that gaping
10 hole is large enough at this point for you, each one of
11 you, the 12 of you to stand shoulder to shoulder and walk
12 through that gaping hole back into this courtroom and
13 return a verdict that does speak the truth, which is not
14 guilty. Thank you.

15 MS. SWANSON: Thank you, Your Honor. May it please
16 the Court?

17 THE COURT: Okay.

18 MS. SWANSON: Good afternoon. I really appreciate
19 the attention that you guys have paid to this case over
20 the past four days. It has been kind of lengthy and
21 tedious at times. We had lot of technical terms that
22 were thrown out there on the stand. So I do want to say
23 thank you. Thank you for your time. This is an
24 important job.

25 I don't have to tell you that murder is an

1 extremely serious charge. It's the most serious charge
2 we have in South Carolina and this case is just as
3 important to Antonio as it is to Ronald Coleman, Jr.'s
4 victims who have been here in the gallery all week long.

5 I hope that you feel like throughout this case I
6 have respected your time and intelligence and I just ask
7 for you to be patient with me for a few more minutes
8 while we go through everything. I want to make sure that
9 I've done my job by presenting a clear and convincing
10 case to you.

11 I want to start by responding to some of the
12 points that Ms. Campbell made in her closing, and the
13 first is identity. Enrekae Miles was not able to point
14 to Antonio Collins and say that's the man. Well, we did
15 prove identity. What better way to prove identity than
16 somebody's DNA, the DNA that nobody else would have
17 except an identical twin. His DNA was all over the
18 place..

19 Enrekae actually did testify that he picked Antonio
20 Collins out of a lineup. He did not say definitively
21 that that was him. We did hear that testimony, because
22 it was two years later and now today it's been four years
23 later. Who knows what he's done to change his appearance
24 in the past four years.

25 The gaping hole. Well, maybe there is not a gaping

1 hole but there certainly was a flesh wound that night
2 because he bled all over the place. It was his blood.
3 You look at the pictures. It's not dog blood. Dog blood
4 doesn't test for DNA, it doesn't come up as human blood
5 that matches Antonio Collins' profile.

6 Jennifer Clayton testified to all that. She
7 testified that there was no other DNA profile in any of
8 the items that she tested. She said if there had been it
9 would have either not registered because there wasn't
10 enough of a contaminant or it would have registered and
11 she would have a major profile and a minor profile.

12 Now, the defense did spend a lot of time on DNA.
13 Well, I wonder why? Because that is our strongest
14 evidence. They tried to attack the DNA on many levels
15 and they brought in an expert, an expert who you heard
16 him. He was fired. He made big mistakes in a really big
17 case and he was fired.

18 He didn't look at any of this evidence. He didn't
19 conduct any testing on any of this evidence. You might
20 as well throw that testimony away. Notice that Ms.
21 Campbell didn't talk at all about her expert in her
22 closing. I wonder why?

23 Even Dr. Meehan, the expert that was paid for the
24 by the defense, did say that swabs should be package
25 inside boxes. Some more swabs packaged in boxes, more

1 swabs packaged in boxes, more swabs packaged in boxes,
2 boxes of swabs, boxes of swabs, swabs in boxes.

3 Ms. Campbell also told you about a crazy fantastic
4 story about this Atlanta-Beaufort drug pipeline. I'm not
5 sure what we heard about that. I really didn't hear
6 anything about that. We heard that J. R. did have some
7 marijuana at his house. Enrekae saw it.

8 You, know, sometimes he may have sold some
9 marijuana to someone here and there, probably a
10 neighborhood guy. I don't know. He had \$145 dollars in
11 his house. And you can look at the pictures. This was
12 not someone that had, you know, gold pieces laying
13 everywhere, kilos of cocaine and sleeping on pallets of
14 money. He was surviving. And, yes, it was marijuana.
15 Set aside what you feel about marijuana because it's just
16 not relevant here.

17 We cannot paint this victim as someone that's not
18 worthy of the protection of the laws of this State
19 because he had marijuana in his house. That's
20 ridiculous. That doesn't mean he deserved to be ambushed
21 and killed in his own home. That is ridiculous.

22 You can look at the pictures. The house was
23 actually kept pretty neat. I mean, did he have a whole
24 lot of electronics and things like that, you know, to
25 know that he was living high on the hog? Look, he's got

1 his vacuum cleaner out. Some pictures of his family.

2 The picture that she's painting is not the picture
3 of J. R. It's not. He lived in a family home that he
4 grew up in with relatives all up and down Seabrook Road.
5 Yeah. They notice things that went on in that
6 neighborhood because they all know each other. They
7 noticed strangers in the neighborhood. They noticed
8 strange cars in the neighborhood, and that's what made
9 them good witnesses.

10 Let me tell you about a story that does make
11 sense. I'm not using technology. I'm using this as a
12 prop. I looked for an easel but it seems to have
13 disappeared as the death penalty case is over. So here I
14 am stuck with this.

15 Okay. So let's talk about this story that does
16 make sense. Enrekae Miles. Enrekae Miles, who if you
17 think Enrekae Miles was coached then I'm not sure who you
18 were listening to. If you think that his testimony was
19 anything but extremely candid and consistent throughout
20 this four years since this incident happened then I don't
21 know what to say.

22 You know, you get to judge his credibility but you
23 heard over and over again his same story, the same
24 things. You know, if somebody testifies exactly to the
25 tee like they did two years ago, four years ago when they

1 first talked to law enforcement then maybe you should be
2 worried because it sounds like maybe they just memorized
3 their testimony, but that's not what we got here. We got
4 the truth. Okay.

5 So Enrekae, Enrekae is worried about J. R., his
6 cousin. Okay. He wants justice for his cousin because
7 he loved his cousin. They hung out all the time. He
8 lives right down road. So, yeah, it is normal that he
9 was going over to see his cousin. He saw him almost
10 daily.

11 So he walks behind his Aunt Renita's house and he
12 comes upon two guys. Those two guys, I don't know what
13 they were planning but whatever they were planning went
14 to hell and hand basket when he walked up because they
15 weren't counting on that. Okay.

16 So Antonio Collins, the gunman, holds Enrekae Miles
17 at gunpoint, walks him up to the front, makes him knock
18 on the door. He's able to scramble away. He thinks he
19 got hit. As he kicks in the door breaking the plain of
20 the front entryway -- which means that he did make an
21 intrusion into that house. He was not invited. He's
22 right here. Antonio Collins kicks in the door.

23 We know Antonio Collins is right here kicking in
24 the door because when he gets hit by one of the bullets
25 that J. R. fires at him he drops his blood. These bloods

1 droplets that were dry when Investigator Wilson swabbed
2 them came back to him, matched his DNA profile.

3 We know that he broke the plain because Enrekae
4 says he kicked in the door and moved forward into the
5 entryway. We also know he broke the plain committing a
6 burglary because Investigator Chapman who took the stand
7 and did this diagram testified that typically if a gun is
8 fired in a normal manner and the ejection port is on the
9 right the casings go up and to the right. These are the
10 casings from the .40 caliber Smith and Wesson that
11 Antonio Collins' DNA was found on. All right.

12 We know for a fact that these casings came from
13 that Smith and Wesson. We know this because Chad Smith
14 from SLED testified. He testified that he was able to
15 compare the casings he test fired to the casing that we
16 collected from the scene and definitively say these
17 casings found right here came from this gun, this gun
18 that Enrekae Miles described as a nine millimeter with a
19 chrome barrel.

20 Well, you heard Investigator Wilson say that a nine
21 millimeter looks an awful lot like a Smith and Wesson .40
22 caliber. They are both semiautomatic guns. They are not
23 revolvers. And boy, what do we see here? Something that
24 looks an awful lot like a chrome barrel. I'd stay the
25 description of the gun was pretty good. And remember,

1 this is the gun found with Antonio Collins' DNA on it at
2 the end of Antonio Collins' blood trail.

3 Enrekae tells investigators, Well, there is some
4 blood on my shirt. Maybe it's from the gunman. Well,
5 why did he think it was from the gunman? Because he
6 thought the gunman got shot. And guess what? The gunman
7 did get shot and he bled.

8 He bled here on the front porch, he bled all the
9 way down this roadway, and he bled in the getaway car,
10 the getaway car which was the 1995 beige Cadillac Deville
11 that Enrekae remembers seeing. He didn't remember
12 exactly what color it was. It's been four years. Okay.
13 This Cadillac.

14 And you all remember Mr. Green? Mr. Green
15 remembered this Cadillac, too. He didn't tell anyone
16 about it that night because they didn't ask him about the
17 Cadillac. Okay. Well, Mr. Green is a man of few words.

18 The blood. The blood that had been cleaned up from
19 the backseat of this Cadillac, the blood that had been
20 cleaned from the Cadillac that Enrekae saw three heads
21 in. Remember his interview that Ms. Campbell played with
22 Jody Hiers and Brent Burns from the sheriff's department?

23 Enrekae remembered when the Cadillac was coming
24 down Seabrook Road. When it was first coming down
25 Seabrook Road he saw one head, but then when it came back

1 up this way and made its California stop somewhere around
2 here, when maybe someone's leg started to hurt too bad
3 and they slowed down, ditched the murder weapon, climbed
4 in the backseat of the Cadillac that has blood all over
5 it, blood that came back to Antonio Collins, he saw three
6 heads. There was a driver, a gunman, and an accomplice.
7 The gunman in this case, Antonio Collins. The murder
8 weapon, the Smith and Wesson .40 caliber.

9 The three bullets that came out of the victim,
10 three projectiles that Chad Smith from SLED tested, these
11 bullets were most consistent with a .40 caliber Smith and
12 Wesson. He could not say that they were definitively
13 from this specific gun but what other .40 caliber Smith
14 and Wesson was at the scene? There was not another .40
15 caliber Smith and Wesson at the scene.

16 The shell casings came from this gun. The
17 projectiles came from this gun. The only reason he
18 couldn't say that for certain was because they had passed
19 through flesh, muscle and major structures of J. R.

20 You heard the pathologist, Dr. Schandl, come up
21 here and tell you that he bled out. There was a lot of
22 blood. These bullets went through his body. They were
23 in his body, they came out of his body. They came out
24 originally from this Smith and Wesson .40 caliber.

25 This case makes sense. Like I told you in the

1 beginning, it just makes sense. The story Ms. Campbell
2 has told doesn't make sense. I couldn't follow it. I
3 have no idea what she's talking about and it's not
4 supported by any of the testimony or evidence presented
5 in this case.

6 Don't be swayed by the defense strategy of
7 distraction or gross exaggeration. Do not be swayed by
8 that. Maintain your common sense. Maintain your
9 intelligence and find Mr. Collins guilty of these four
10 crimes.

11 Law enforcement has done their job. These
12 witnesses have done their job. They got up on this
13 stand. They cooperated fully from the beginning with
14 this investigation. And I hope I've done my job
15 presenting a clear and convincing case for you to
16 deliberate in your jury room.

17 It's now time for you to do your job, and you are
18 going to get this right. Find Mr. Collins guilty on all
19 four indictments. Thank you.

20 THE COURT: Okay, jurors. We're entering into the
21 final phase of the trial. I have to instruct you on the
22 law. The attorneys didn't take that long summing up but
23 if anybody needs a break we can take one. But if
24 everybody is all right we'll go ahead. Is everyone okay?

25 (There was no response.)

1 THE COURT: As you recall, when the trial started I
2 held up these documents that were just handed to me. I
3 didn't know anything about the case. I went over them
4 with you. They're called indictments. They contain
5 allegations. They allege that Antonio Collins committed
6 four crimes on June the 22nd of 2009.

7 The fact that the indictments were issued creates
8 no inference of guilt against Mr. Collins. He's presumed
9 innocent at the start of the trial. That presumption
10 stays with him unless after I instruct you on the law you
11 go back, apply the law that I instruct you to the facts
12 as you find them to be and find beyond a reasonable doubt
13 that the State has met its burden of proof, by convincing
14 each of you 12 beyond a reasonable doubt that he
15 committed a crime or crimes embraced within these
16 indictments. All right. I'm going to just go over the
17 indictments in a little bit.

18 It takes a unanimous decision of 12 jurors to reach
19 a verdict. You'll have verdict forms with you while you
20 deliberate. I asked the attorneys to prepare the verdict
21 forms. They have four verdict forms prepared. There are
22 two forms of verdict on each one. The 12 jurors have to
23 agree. They say guilty or not guilty.

24 The State prepared them so guilty comes first. If
25 the defense had prepared them they would put not guilty

1 first. The order in which the forms of verdict are up
2 there have no bearing at all.

3 So, of course, the verdict forms are not evidence.
4 It lists the four cases on there but it spells out like
5 kidnapping, burglary, murder and possession of a weapon.
6 You know, so you have to make an independent
7 determination on three of the counts.

8 You'll have to think about the fourth one, which is
9 possession of a weapon because the charges of kidnapping,
10 murder or burglary in the first degree are all felonies
11 and they are all crimes of violence as classified by the
12 legislature, so if you find him not guilty of all three
13 charges you don't even consider the last.

14 If you find him guilty of one of the violent crimes
15 the verdict needs to be consistent so you should find him
16 guilty of the other charge. But by saying that I'm not
17 suggesting how you should rule. That's just it. So you
18 really only have -- you have to reach four verdicts but
19 you only have to think about three of them. The State
20 and the defendant is entitled to an independent
21 evaluation on each of the charges against him.

22 Now, alternate juror, you need to still pay
23 attention but when I conclude these instructions I'm
24 going to ask the jury to step out. If they are all still
25 with us at that point if you would just stay in the

1 court. All right? You won't participate in the
2 deliberations even though you did rip us off for lunch.

3 Now, Mr. Foreman, you preside over deliberations.
4 You either check or circle whichever verdict the jury
5 comes to unanimously on each of the four charges, and you
6 sign it. Do not require 12 signatures, only the foreman.
7 The foreman really vouches that everybody has agreed.
8 And we'll ask you if even though he is the one that
9 signed it if everybody agreed with that, after the fact.
10 So your vote counts no more than anybody but somebody has
11 to preside.

12 And if questions occur during deliberations if you
13 would write them down with some specificity I will confer
14 with counsel and see if I can answer the question. Just
15 to forestall some questions. If you saw something during
16 the trial and there was no objection to it you can
17 consider it. All right.

18 If it was formally introduced into evidence, a
19 document or photograph, it will be with you while you
20 deliberate. You will have all the evidence that has been
21 introduced and marked with you while you deliberate with
22 three exceptions. I haven't told the attorneys but I'm
23 not going send the pistols back. If you want to see them
24 you can come in here and we can look at them. It's just
25 why send them back? Bad things happen when pistols are

1 around. So anyway, I think you know what a pistol looks
2 like anyway.

3 And I'm also not sending back the video. If you
4 actually need to see it again we can play it but if I
5 send the video back there you all will watch Days of Our
6 Lives or something like that. So the video doesn't come
7 back but it's in evidence so you are entitled to see it
8 if you really need to see it again.

9 Now, various documents were exhibited during the
10 trial that were not formally introduced into evidence.
11 Most of the officers that testified refreshed their
12 memory from various things that were filled out. Lots of
13 expert witnesses looked at documents that they had when
14 they were asked questions. You can consider their
15 answers to questions and what they said after looking at
16 that but those refreshing documents or notes were not
17 introduced in evidence so I can't produce it.

18 Let's see. What else will you all ask? Where were
19 the fingerprints? No evidence of fingerprints. So don't
20 send that back, a question like that. If you heard a
21 name mentioned of a person who had knowledge of the case
22 or that could have testified that didn't testify you
23 can't speculate as to what that person would have said,
24 and I cannot produce another witness for you.

25 When the witnesses testified it may be that you

1 personally would have liked to have asked another
2 question or two. Sorry. You can't ask anymore
3 questions. You have to decide the case based upon the
4 admitted evidence and the weight that you jurors
5 attribute to the admitted evidence.

6 During the trial I advised jurors upon request that
7 you could take notes. I told you at the time that once
8 deliberation commenced you couldn't take notes back, so
9 the bailiff is going to collect the notepads from you
10 when you start back to deliberate. If you want them
11 later you can tear them out, take them with you, sell
12 them to New York Times. Good luck. But you can't have
13 them with you while you deliberate.

14 If you need to look at your notes before you go
15 back when I tell the jury to step back if you just wait
16 in here we'll allow you to just scan your notes before
17 you go back because you just highlighted what you think
18 is important, probably, or you could be just drawing
19 do-dads on there. But anyway, you can look at them if
20 you want to.

21 Now, we've been in the trial a good little while.
22 You are not seasoned jurors, obviously. You don't do
23 this all the time. I will tell you that all the
24 attorneys did a good job putting it up. You might think
25 they took too long. They have to cover what they feel

1 they need to cover. Okay.

2 And if they objected and I sustained, you know,
3 that's what they are supposed to do. If they hear
4 something that's not right they are supposed to object.
5 Don't hold it against anybody that objected, and don't
6 try to decide the case based upon how the Judge ruled on
7 objections or what the Judge said during the trial and so
8 forth or what the Judge looks like. For all you know I'm
9 working crossword puzzles up here. So don't speculate
10 what the Judge thinks the outcome should be.

11 If they wanted to waive the jury and have me decide
12 the case it would have taken a lot less time but I'm not
13 suggesting what I would -- how I would have ruled, so
14 don't you speculate as to that.

15 Just running over the indictments. I'm not going
16 to send the indictments back, generally because people
17 write on the indictments. And if it comes back I can't
18 -- if I black out what's written on there the first
19 question back will be what was blacked out.

20 All right. So the indictments are charging papers.
21 This indictment, which creates no inference of guilt,
22 remember, against the defendant, it just alleges the
23 crime that was committed, basically says that Antonio
24 Collins committed the crime of kidnapping on June the
25 22nd, 2009 in that he did kidnap Enrekae Miles.

1 It's got other words in there like without
2 authority of law and so forth but as I'll explain to you
3 it alleges that on that date he kidnapped an individual
4 and that person was Enrekae Miles.

5 The second indictment alleges that on that date the
6 defendant, Antonio Collins, did enter the dwelling of
7 Ronald Coleman at 46 Seabrook Road, basically in Beaufort
8 County, South Carolina without consent with intent to
9 commit a crime.

10 It further alleges that the unlawful entry occurred
11 during the nighttime or the defendant was armed with a
12 deadly weapon or caused physical injury to the person,
13 and this indictment alleges that the crime that was
14 committed allegedly by Antonio Collins was burglary in
15 the first degree, as I will define that for you in a
16 little bit.

17 The next indictment alleges that on that same date,
18 June 22nd, 2009, with malice aforethought Antonio Collins
19 did kill and murder Ronald Coleman by means of shooting
20 and that Ronald Coleman did die in Beaufort County as a
21 proximate result thereof in violation of a certain
22 statute of South Carolina which statute constitutes the
23 crime of murder. I'll define that for you in a little
24 bit.

25 And the last indictment which is an add-on

1 situation as I've explained to you alleges that in
2 Beaufort County on that date, June 22nd, 2009, the
3 defendant, Antonio Collins, did possess a gun during the
4 commission of a violent crime. It lists all of them but
5 the bottom line I'll explained that to you again.

6 Mr. Collins is presumed innocent of those charges.
7 The fact that the charges have been made creates no
8 inference of guilt against him. In order to obtain a
9 conviction it's incumbent on the State to convince you 12
10 jurors unanimously beyond a reasonable doubt that he
11 committed a crime embraced within one or more of these
12 indictments.

13 Now, what is beyond a reasonable doubt? It's the
14 kind of doubt that would cause an ordinary person to
15 hesitate to act. It's evidence that leaves you firmly
16 convinced of the guilt of an accused. I'm not going to
17 define that for you anymore than that.

18 If you say you want to hear something about it, I
19 mean, I'll tell you about the same thing. It might be a
20 word or two off because as you observe I don't really
21 read charges like lots of judges, never have. I have to
22 keep eye contact because people drop off on me. I'll
23 tell the bailiff to go tap that one, you know.

24 So that would be the sense of what I would charge
25 you, would be the same, that which would cause an

1 ordinary person to hesitate to act could do basically
2 anything to constitute a reasonable doubt.

3 Now, how do you reach a verdict? You weigh all the
4 evidence. One of the things that you do is you pass upon
5 the credibility of all the witnesses that testify.
6 Understand, when I'm instructing you on the law I'm not
7 getting fact specific other than I have to tell you who
8 the participants are. All right.

9 It's the law in the abstract throughout. Like
10 murder is the unlawful killing of one human being by
11 another with malice aforethought express or inferred, as
12 I will explain further. That is instructed in every
13 murder case not just this case. Okay.

14 Often times some little variations that you give to
15 the charge depending upon the facts but we don't comment,
16 we being the judges, on the facts as such other than to
17 tell you what's obvious at some points like that.

18 So how do you pass on credibility of witnesses?
19 Well, it's just like you evaluate a witness. You know,
20 like would I buy a car from this person based on what
21 they tell me? Use your common sense when you are
22 evaluating testimony.

23 Among the things that you would take into account,
24 and this applies again to all witnesses who testified not
25 just one, you take into account the appearance of the

1 witness, the demeanor of a witness, whether the witness's
2 testimony is consistent or inconsistent, whether the
3 testimony from a particular witness becomes stronger in
4 your opinion or is made weaker by other testimony or
5 other evidence in the case.

6 Obviously, you would consider any interest or bias
7 that a witness had in the outcome of a proceeding.
8 Certainly you would consider the opportunity that a
9 witness had to see, hear or observe what the witness
10 testified to.

11 As I mentioned, the defendant did not testify. You
12 noticed that. I didn't have to mention that. But the
13 reason I mention it is because you're not to discuss the
14 fact that he didn't testify during deliberations. He has
15 no burden of proof as to his innocence.

16 It's incumbent on the State throughout to meet its
17 burden of proof beyond a reasonable doubt. So the fact
18 that he didn't testify, just not a fact in the case. He
19 didn't testify, doesn't have to testify. All right. You
20 are not to discuss that in deciding the case.

21 During the trial a good many individuals actually
22 were qualified as an expert. I explained to you that in
23 order to qualify a person who is an expert they simply
24 have to demonstrate, they being the party that offers an
25 individual as an expert, that offered individual through

1 education, training, work experience has acquired more
2 knowledge in a particular field than you or I have, and
3 once that's done the expert is entitled to testify within
4 their field of qualified expertise.

5 They have to give opinions within that field, and
6 if they give opinions they have to be within the field in
7 which they were qualified in. And even when they give
8 you opinions within their field the opinion is only as
9 good as the underlying facts on which the opinion is
10 based. I think you understand that.

11 When you are deciding which expert opinions to
12 accept certainly you would consider the other factors I
13 told you about the demeanor, consistency and so forth.
14 You consider the training that the person had and their
15 opportunity to evaluate or observe whatever they are
16 testifying to, and you use the test that I just mentioned
17 in evaluating anybody's testimony, including testimony of
18 experts. The fact that they are qualified as an expert
19 does not mean I vouch for them.

20 This is not the kind of case, but I qualify in like
21 a condemnation case, somebody is an MAI appraiser and
22 says the property being taken by the State is worth
23 \$600,000. The State puts up somebody else that's got an
24 MIA and he says it's worth 120. It's up to the jury to
25 decide whether they accept either of those expert

1 opinions or any of them.

2 Anyway, a lay person is not entitled to give
3 opinions in court, generally. Although, you heard a
4 couple of hearsay opinions in this case. But anyway,
5 that's a person who is testifying and somebody objects,
6 and they can't give an opinion, not an expert in that
7 field, but it's common knowledge your opinion is good as
8 anybody or a guess is a guess, you know. Big difference,
9 experts can't guess.

10 Now, I've eluded a couple of times to the documents
11 coming in. You weigh all the evidence. Evidence is of
12 two types, I explained that to you at the start, direct
13 evidence and circumstantial evidence.

14 The law makes no differentiation on circumstantial
15 evidence and direct evidence. The case can be proved or
16 disproved by direct evidence or circumstantial evidence
17 or a combination of both.

18 To the extent that the State relies on
19 circumstantial evidence all the circumstance relied on by
20 the State must be consistent with each other and must
21 convince you of the guilt of the accused beyond a
22 reasonable doubt. The fact that evidence presented
23 creates a strong suspicion that an individual has
24 committed a crime does not meet the burden of proof
25 beyond a reasonable doubt.

1 Direct evidence tends to prove the truth of a fact,
2 the fact sought to be proved without the necessity of
3 drawing an inference. You have to draw an inference in
4 the area of circumstantial evidence.

5 Generally, where a person testifies to something he
6 or she has observed through the senses that's direct
7 evidence, where you have to take a fact or facts and from
8 that infer the existence of other facts in the area of
9 circumstantial evidence.

10 And without going over it all, you know, DNA
11 evidence obviously is circumstantial evidence and so
12 forth. In addition to testimony, jurors, you weigh all
13 the other admitted evidence, photographs and so forth.

14 You don't decide cases based upon the number of
15 witnesses that have testified. I gave you those tests,
16 you know. You don't have to believe all that a witness
17 says. You have an absolute right, you being the jurors,
18 to pick and choose portions of testimony that you believe
19 are true or believable.

20 After you've done that the relative weight that you
21 attribute to believable testimony is entirely up to you
22 jurors. Again, you will weigh all of the evidence in the
23 case in deciding whether the State has met its burden of
24 proof on these four indictments.

25 Now, all the crimes charged are intentional crimes.

1 I'm not going into each indictment but for instance as
2 I'm going to instruct in a minute on kidnapping, you
3 know, when you detain somebody it has to be intentional.

4 It's like if somebody -- like if I'm in the judge's
5 chambers there and Mr. Kramer comes by and he locks the
6 door and I'm still in there, unless that evil-hearted
7 person intended to do that, knew I was in there that
8 wouldn't be kidnapping. Although it would be kidnapping
9 if he intended to lock me in there. All right.

10 Same thing, you got to intend to kill somebody for
11 it to be murder. Intention means everything is carried
12 it its natural obvious conclusion. You don't speculate
13 as to what somebody intended. The State has to prove
14 intent on each of the crimes that they allege were
15 committed. That's an element of each crime.

16 In addition, the State has to prove the identity of
17 the perpetrator of a crime. And where the State alleges
18 that a specific individual, in this case Mr. Collins,
19 committed four crimes they've got to prove he was the
20 person that committed the crime. All right. Of course,
21 they can do that by direct evidence or circumstantial
22 evidence or a combination.

23 Now, there's one thing that hadn't been mentioned
24 before that I'm just going to briefly mention. It's
25 called accomplice liability, and to give an example you

1 basically get in trouble if you do one on the exact facts
2 that you have in this case because you think I'm talking
3 about that. But if two or more individuals are
4 participating in the commission of a crime, for instance,
5 and just say it was armed robbery and one person shoots
6 another person, didn't kill them but just shot them, you
7 know, it doesn't matter who pulled the trigger. They
8 would both be guilty of the consequences having shot, if
9 they were there doing it. They call that legally
10 speaking the hand of one is the hand of all if you are
11 both participating in the crime.

12 You know, like if two people steal a car. One
13 opened the door and one gets in and one drives off. They
14 both drove off even though only one drove off. Hand of
15 one hand of all is what the law says on it.

16 Now, I went over the indictments, what they
17 allege. I'm just going to go over the law applicable to
18 them not in length. The State basically has to prove
19 every word in the indictment but when they say either or
20 they don't necessarily have to prove it all, as I'm going
21 to tell you.

22 Burglary in the first degree, which is what
23 Mr. Collins is accused of, entering Mr. Coleman's
24 residence. So burglary in the first degree is defined as
25 entering the dwelling house of another. All right. It

1 has to be a dwelling house. It can't be an outbuilding.
2 Without consent with the intent to commit a crime
3 therein.

4 Now, burglary is just entering the dwelling of a
5 person with intent to commit a crime. Burglary in the
6 first degree requires that you jurors find what we
7 legally speaking call a circumstance of aggravation,
8 something that raises from just simple burglary up to
9 burglary in the first degree, and there are several
10 things.

11 The State does not have to prove beyond a
12 reasonable doubt on all of them, just that one or more of
13 them occurred while the burglary was committed before
14 burglary can be raised to burglary in the first degree.

15 And I'm not going define burglary in the second
16 degree, burglary in the third degree and so forth for
17 you. This is just he's either in this case not guilty or
18 guilty of burglary in the first degree under the facts as
19 presented.

20 So while entering a dwelling the defendant or his
21 accomplice is armed with a deadly weapon or causes
22 physical injury to anyone not participating in the crime.
23 Like if you entered and hurt an accomplice that wouldn't
24 raise anything. Displays what is or appears to be a
25 knife, pistol, revolver, rifle, shotgun, machine gun or

1 other firearm, or the entering occurred at night, night
2 being defined -- no question in this case. If it
3 happened, it was at nighttime. All right.

4 Now, in order to constitute an entering, and again
5 the State can prove cases by direct evidence and
6 circumstantial evidence, the State's got to convince you
7 that some portion of the defendant's body entered the
8 house. The whole body does not have to go in.

9 The State's got to convince you that entry was
10 without consent and must convince you that the building
11 entered was a dwelling house and must convince you that
12 the defendant intended to commit a crime while in the
13 house. And I don't think I have to explain to you what a
14 dwelling house is. That's where somebody sleeps at
15 night. All right.

16 And beyond that I'm not going define burglary,
17 although I've got seven pages on it. But you all
18 understand. Burglary is entering a dwelling house of
19 another person with intent to commit a crime. Burglary
20 in the first degree requires for you to be armed, hurt
21 somebody, happen in the nighttime and so forth.

22 Now, kidnapping. And as I explained to you, all of
23 the crimes charged are intentional crimes. So kidnapping
24 is the intentional taking of a person and compelling that
25 person to be detained against his will. That's really

1 all I need tell you on that.

2 I mean, I can go on and on but the elements of
3 kidnapping are to unlawfully seize, confine or carry away
4 another person by any means whatsoever without authority
5 of law. It's unlawful intention of another person that
6 constitutes the crime of kidnapping. It can be done with
7 force or threat of force and so forth.

8 Anyway, I don't think I need to define that to you
9 anymore. The State's got the burden of proof that the
10 victim in this case was detained against his will. The
11 period of detainment does not have to be lengthy. He
12 just has to be detained for a while.

13 Then murder, jurors, again, it requires intent.
14 Murder by statute is the unlawful killing of one human
15 being by another human being with malice aforethought
16 express or inferred.

17 Express malice is where somebody for instance says
18 I hate you. Next time I see you I'm going to stab you in
19 the back, and the next time they see them they stab them
20 in the back. All right. That's express.

21 Malice indicates a form, purpose and design to do a
22 wrongful act under the circumstances that exclude any
23 legal right to do it. Express malice and inferred malice
24 are not two different types of malice. It's just
25 different ways that the State has of proving malice

1 existed.

2 A jury can conclude by deductive reasoning that
3 under circumstances of a particular case malice may
4 arise. Malice may be inferred if it's proved beyond a
5 reasonable doubt that there was a willful, deliberate
6 and intentional doing of an unlawful act without just
7 cause or excuse.

8 If one intentionally kills another, jurors, during
9 the commission of a felony an implication of malice might
10 arise. If facts are proved beyond a reasonable doubt
11 sufficient to raise an inference of malice to your
12 satisfaction this inference would be simply an
13 evidentiary fact by you, jurors, to take into
14 consideration. You give that -- if a killing occurred
15 while a felony was being -- consider it such weight as
16 you feel it's entitled to in determining whether or not
17 the State has proved malice. Malice does not have to
18 exist for any period of time. It just has to be before
19 the act.

20 You know, in the case where somebody accidentally
21 kills somebody like hunting, you know, and then says
22 Well, had the accident killed somebody and I'm glad it
23 was you because I never liked you, that still wouldn't be
24 murder. All right.

25 Now, while I mention that the State always has to

1 prove in these crimes intent just to forestall a question
2 coming back the State does have to prove in order to get
3 a conviction of murder that the defendant intended to
4 commit the crime of murder but does not -- the State does
5 not have to prove motive.

6 If you watch a lot of TV you say, Well, they didn't
7 prove any motive. They don't have to prove motive. They
8 only have to prove the killing occurred with malice
9 aforethought, express or inferred.

10 Motive is sometimes helpful, you know. That's why
11 I don't have a 10-million-dollar life insurance policy.
12 I've been with my wife for 50 years. That takes away
13 that motive. She gains nothing if I kick the bucket.
14 All right. Anyway, they don't have to prove motive.

15 Now, again, while you deliberate you will not have
16 the two pistols. You can look at them. Anything else
17 that was introduced into evidence except for the video
18 will be with you.

19 I mentioned that the State has to prove the
20 identity of a defendant beyond a reasonable doubt. I'd
21 also instruct you that mere presence at the scene of a
22 crime, you know, if you just happen to be there and you
23 just happen to be in the store and somebody comes in with
24 a shotgun and robs somebody, if you are not a participant
25 you are not guilty.

1 So mere presence at the scene of a crime does not
2 make you guilty of committing the crime if you weren't.
3 the actual perpetrator. You had to be an accomplice in
4 order to be convicted of a particular crime.

5 Beyond that, I don't think I'm going to instruct you
6 at this point, jurors. I'm going to send you out except
7 for the alternate jurors. If I bring you back in it
8 could be I overlooked something, it could be I said
9 defendant and I meant to say State, you know, something
10 like that. But I will intend no emphasis on it. I'll
11 just be clarifying something I said.

12 So don't deliberate quite yet. While you are
13 deliberating you will have all the admitted evidence plus
14 the four verdict forms.

15 Alternates, if you will all step out and let them
16 all go on.

17 (WHEREUPON, the jury leaves the courtroom at
18 approximately 1:48 p.m.).

19 MS. SWANSON: Your Honor, I apologize but I'm not
20 sure I heard the felony murder rule. I think you
21 covered --

22 THE COURT: I charged it, accomplice liability.

23 MS. SWANSON: Yes, sir. Okay. Okay. Within that
24 I think you did use the term robbery. Okay.

25 THE COURT: I actually covered it.

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

2 THE COURT: I told them if one intentionally kills
3 another during the commission of felony the implication
4 of malice may arise, verbatim is what I told them.

5 You all need anything?

6 MS. CAMPBELL: We're good. No objections to the
7 charge.

8 THE COURT: All right. Gather up the evidence,
9 send it back.

10 (WHEREUPON, the jury was instructed to begin their
11 deliberations at approximately 1:55 p.m., and court was
12 in recess while awaiting a verdict from the jury.)

13 THE COURT: All right. I understand the jury has
14 reached verdicts. Is the State ready to receive the
15 verdicts?

16 MS. SWANSON: Yes, sir.

17 THE COURT: The defense ready?

18 MS. CAMPBELL: Yes, sir.

19 THE COURT: You ready to read them?

20 THE CLERK: Yes, sir.

21 THE COURT: Good.

22 (WHEREUPON, the jury enters the courtroom at
23 approximately 3:38 p.m.)

24 THE COURT: All right. Mr. Foreman, has the jury
25 reached verdicts in the four matters submitted to you?

1 THE FOREMAN: Yes, we have.

2 THE COURT: And you have signed the verdict?

3 THE FOREMAN: Yes, I have.

4 THE COURT: I know you've been back there
5 practicing reading them but that's not how we do it.

6 THE CLERK: The State of South Carolina vs. Antonio
7 Collins. As to indictment number 2011-GS-07-2379, the
8 charge of kidnapping, we, the jury, unanimously find the
9 defendant, Antonio Collins, not guilty.

10 As to indictment number 2011-GS-07-2378, the charge
11 of burglary in the first degree, we, the jury,
12 unanimously find the defendant, Antonio Collins, guilty.

13 As to indictment number 2011-GS-07-2279, the charge
14 of murder, we, the jury, unanimously find the defendant,
15 Antonio Collins, guilty.

16 As to indictment number 2011-GS-07-2403, the charge
17 of possession of a weapon during the commission of a
18 violent crime, we, the jury, unanimously find the
19 defendant, Antonio Collins, guilty.

20 Mr. Foreman and ladies and gentlemen of the jury,
21 if this is a decision of each and every one of you if you
22 would indicate by raising your right hand, please.

23 (All hands were raised.)

24 THE COURT: Thank you. Anything else required of
25 the jury?

1 MS. CAMPBELL: Your Honor, we'd ask that the jury
2 be polled.

3 THE COURT: Okay.

4 MS. CAMPBELL: Your Honor, may we be seated while
5 the jury is polled.

6 THE COURT: You can certainly be seated.

7 THE CLERK: If you'll stand, please, when I call
8 your number.

9 Juror number 139, is this your verdict?

10 JUROR 139: Yes.

11 THE CLERK: Is it still your verdict?

12 JUROR 139: Yes.

13 THE CLERK: Thank you.

14 Juror number 170, is this your verdict?

15 JUROR 170: Yes.

16 THE CLERK: Is it still your verdict?

17 JUROR 170: Yes.

18 THE CLERK: Juror number 192, is this your verdict?

19 JUROR 192: Yes.

20 THE CLERK: Is it still your verdict?

21 JUROR 192: Yes.

22 THE CLERK: Juror number 239, is this your verdict?

23 JUROR 239: Yes.

24 THE CLERK: Is it still your verdict?

25 JUROR 239: Yes.

1 THE CLERK: Juror number 57, is this your verdict?
2 JUROR 57: Yes.
3 THE CLERK: Is it still your verdict?
4 JUROR 57: Yes.
5 THE CLERK: Thank you.
6 Juror number 9, is this your verdict?
7 JUROR 9: Yes.
8 THE CLERK: Is it still your verdict?
9 JUROR 9: Yes.
10 THE CLERK: Juror number 25, is this your verdict?
11 JUROR 25: Yes.
12 THE CLERK: Is it still your verdict?
13 JUROR 25: Yes.
14 THE CLERK: Juror number 179, is this your verdict?
15 JUROR 179: Yes.
16 THE CLERK: Is it still your verdict?
17 JUROR 179: Yes.
18 THE CLERK: Juror 155, is this your verdict?
19 JUROR 155: Yes.
20 THE CLERK: Is it still your verdict?
21 JUROR 155: Yes.
22 THE CLERK: Juror 47, is this your verdict?
23 JUROR 47: Yes.
24 THE CLERK: Is it still your verdict?
25 JUROR 47: Yes.

1 THE CLERK: Juror number 19, is this your verdict?

2 JUROR 19: Yes.

3 THE CLERK: Is it still your verdict?

4 JUROR 19: Yes.

5 THE CLERK: Juror number 156, is this your verdict?

6 JUROR 156: Yes.

7 THE CLERK: Is it still your verdict?

8 JUROR 156: Yes.

9 THE CLERK: Thank you.

10 THE COURT: Okay. Jurors, I used to just go ahead

11 and sentence but I started asking and most jurors don't

12 want to hang around. A sentence like burglary carries up

13 to life, first degree; murder is 30 to life, serve it

14 day-for-day. So massive time whatever, and I haven't

15 heard anything.

16 So you all can hang around if you'd like. If

17 you'd like to go step out. The bailiffs will collect

18 your cards. You don't have to come back tomorrow, you

19 don't have to call in. We were going to have those rib

20 eyes for supper if you all would have hung around. You

21 all can step out. If you want to come back in you can

22 come back in.

23 (WHEREUPON, the jury leaves the courtroom at

24 approximately 3:41 p.m.)

25 (WHEREUPON, Court's Exhibit Numbers 4 and 5, Notes

1 from the Jury, were marked and made a part of the
2 record.)

3 THE COURT: Okay. The jury reached a verdict.

4 MS. CAMPBELL: May it please the Court, Your Honor?

5 THE COURT: Sure.

6 MS. CAMPBELL: I'm not sure if the solicitor's
7 office has the sentencing information for you ready to
8 go.

9 MS. SWANSON: If I may pass up sentencing sheets on
10 murder, burglary first and possession of a weapon during
11 a violent crime. Did you wish to hear from the State
12 first or from the defense?

13 THE COURT: State goes first.

14 MS. SWANSON: Thank you, Your Honor. Just briefly.
15 I've spoken with the victims. They do not wish to
16 address the Court at this time.

17 Your Honor, you've heard all the facts of this
18 case. This was a senseless tragedy, didn't have to
19 happen. It went unresolved for four years. The State
20 requests a life sentence at this stage.

21 THE COURT: Okay.

22 MS. SWANSON: As far as prior record goes, Judge,
23 the only conviction that Mr. Collins has on his record is
24 a larceny. When he was extradited to South Carolina it
25 appears that a number of charges including the strong

1 armed robbery were nolle prossed in Miami when he was
2 located in the Miami Dade correctional facility.

3 THE COURT: Okay.

4 MS. CAMPBELL: May it please the Court, Your Honor.
5 You may have seen that Mr. Collins' family has been here
6 with him the entire week. I just wanted to let you see
7 that they remain here with him and they stand here with
8 him as Your Honor pronounces his sentence.

9 We're asking Your Honor to sentence Mr. Collins to
10 the minimum sentence, which is the 30-year sentence in
11 the Department of Corrections, for his conviction today
12 by this jury on the charge of murder, to run a burglary
13 sentence that you feel is appropriate concurrent with
14 that sentence, and we realize that you have discretion as
15 well to some degree on the other, on the third
16 indictment. Mr. Collins was found not guilty on the
17 kidnapping. Obviously, there is no need to address that.

18 Mr. Collins has just a minimal, as the State said,
19 previous criminal record, which is just the larceny out
20 of State of Florida.

21 I've come to know Mr. Collins over the time that
22 I've represented him since 2011, and Mr. Collins is a
23 bright, intelligent young man. Our time together has
24 always been productive and courteous. I've never had an
25 issue with Mr. Collins and never seen a side of him that

1 was described in this case.

2 I'd ask now if there are any members of his family
3 that would like to address Your Honor before you
4 pronounce sentence.

5 THE COURT: Okay.

6 FEMALE SPEAKER: I want to say something. My name
7 is Carlene Jones, and Antonio is my nephew. And I truly
8 believe in my heart Antonio didn't commit no murder.

9 MS. CAMPBELL: Thank you, Your Honor.

10 THE COURT: Of course, Mr. Collins, if you'd like
11 to say something you can.

12 THE DEFENDANT: I just would like to ask you for
13 your mercy. That's it.

14 THE COURT: Okay. Well, Mr. Collins, you
15 understand, you talked it over with your attorneys, both
16 the burglary first and the murder are classified as
17 violent crimes, most serious crimes and they constitute
18 strikes in South Carolina. You heard that one strike
19 you're out, two strikes your out, three strikes your out.
20 You pick up two strikes. If you commit any other violent
21 crimes, if you ever get out, the State can ask for life
22 without parole even though the time provided for the
23 sentence for the crime you might commit would be violent
24 it wouldn't carry that much time.

25 You don't have a bad prior record but this is a bad

1 situation. You do have some record. I sentence you to
2 33 years. I'm just doing that because it's day-for-day
3 on the murder. That puts you at 69. That's when you'll
4 be able to start drawing Social Security, probably. They
5 may kick it to 70 but, you know, you're not going to be
6 able to earn anything for 33 years.

7 Thirty-three on the burglary, that's concurrent.
8 Five years on the weapon thing, which I don't add time
9 for that. That's just concurrent. So what you are
10 looking at is 33 years.

11 MR. BAX: Thank you, Your Honor.

12 MS. CAMPBELL: Thank you, Your Honor.

13 THE COURT: All right.

14 MS. SWANSON: Thank you, Your Honor.

15 (WHEREUPON, the trial of this case was concluded.)

16

17

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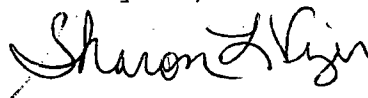
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C E R T I F I C A T E

I, Sharon L. Vizer, Official Court Reporter for the
14th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete transcript of record of all the proceedings had
and the evidence introduced in the trial of the captioned
case in Circuit Court on the 21st through 24th days of
October 2013.

I do further certify that I am neither of kin, counsel
nor have an interest to any party hereto.

May 10, 2014



SHARON L. VIZER

CIRCUIT COURT REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT) COURT OF GENERAL SESSIONS

State of South Carolina,)
v.) Case No. 11-GS-07-02279 et al
Antonio Collins,)
Defendant.)

TRANSCRIPT OF HEARING

The within Hearing in the above-captioned matter was held on January 25, 2012, before The Honorable R. Markley Dennis in Courtroom B of the Beaufort County Courthouse, Government Square, Beaufort, South Carolina; attended by counsel as follows:

APPEARANCES:

Meredith Bannon, Assistant Solicitor
Appearing for State of South Carolina

Trasi Campbell, Public Defender
Appearing for Defendant

Deborah Garrison
Circuit Court Reporter – 9th Judicial Circuit
P O Box 901
Johns Island, South Carolina 29457
dgarrison@sccourts.org

State of South Carolina v. Antonio Collins

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Case No. 11-GS-07-02279

Hearing of January 25, 2012

Before The Honorable R. Markley Dennis

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(DEFENDANT PRESENT)

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

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

7 DEFENDANT: Collins.

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

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

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

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

25 Basically it was a shootout where

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

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

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

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

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

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

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

17 THE COURT: Ms. Campbell?

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

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

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

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

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1 MS. CAMPBELL: Yes, sir?

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

5 MS. CAMPBELL: Okay.

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

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

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

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

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

25 THE COURT: Fine. We will proceed

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

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

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

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

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

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

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

7 (WITNESS TAKES STAND)

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

11 DIRECT EXAMINATION

12 BY SOLICITOR BANNON:

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

15 A. Okay.

16 Q. Where do you work?

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

19 Q. What do you do there?

20 A. I am a criminal investigator.

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

24 A. I am.

25 Q. And did that murder occur on June

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1 29th, 2009?

2 A. It did.

3 Q. Where did that occur?

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

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

7 A. Yes, it is.

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

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

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

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1 A. Yes, there was.

2 Q. How did he have that ability?

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

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

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

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

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1 A. (Affirmative nod), he did.

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

5 A. It did.

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

9 A. There was.

10 Q. What type of evidence?

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

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

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

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1 A. It is.

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

4 A. Yes.

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

7 A. Yes.

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

11 A. Correct.

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

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

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

23 A. No, we were not.

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

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

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

15 A. That was Jeremy Murphy.

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

18 A. He does.

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

21 A. (Affirmative nod).

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

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

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

4 A. Yes.

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

7 A. Yes, he was.

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

11 A. He did.

12 Q. What did he disclose?

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

24 Q. Is Gussie Goldwire a drug dealer?

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

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

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

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

9 A. Yes, we did.

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

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

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

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

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1 A. Yes.

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

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

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

9 A. Correct.

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

14 A. Correct.

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

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

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

22 THE COURT: No problem.

23 MS. CAMPBELL: Thank you.

24 CROSS EXAMINATION

25 BY MS. CAMPBELL:

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

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

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

11 A. Correct.

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

16 A. That's what Jeremy ---

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

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

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

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1 A. He did, (affirmative nod).

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

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

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

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1 A. That's correct.

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

5 A. That's right.

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

8 A. Yes, he was.

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

12 A. That's correct.

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

15 A. Right.

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

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

21 Q. Have you seen it?

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

25 Q. And nothing about that proffer was

1 recorded?

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

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

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

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

24 A. That's right.

25 Q. And Gussie, he also tells you that

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1 this person was shot; right?

2 A. That's correct.

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

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

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

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

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

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1 A. No.

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

8 A. No.

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

13 SOLICITOR BANNON: Objection. Calls
14 for speculation.

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

17 CROSS EXAMINATION CONTINUED

18 BY MS. CAMPBELL:

19 Q. You don't have ---

20 A. I don't have that.

21 Q. All right.

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

24 THE COURT: Sure.

25 CROSS EXAMINATION CONTINUED

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1 BY MS. CAMPBELL:

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

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

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

22 A. That's not true.

23 Q. It wasn't on the porch?

24 A. No.

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

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

2 He had blood on his shirt, right?

3 A. The shirt that he was wearing.

4 Q. Right.

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

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

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

15 Q. Right.

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

18 THE COURT: Take your time.

19 CROSS EXAMINATION CONTINUED

20 BY MS. CAMPBELL:

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

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

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

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

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

19 A. Correct.

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

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

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

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

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

16 Q. How about twenty-five to thirty?

17 A. I ---

18 Q. You report would be accurate?

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

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

24 A. I believe so.

25 Q. No other description that I can find

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

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

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

8 A. I did.

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

11 A. That's correct.

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

14 THE COURT: Redirect?

15 REDIRECT EXAMINATION

16 BY SOLICITOR BANNON:

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

19 A. He did.

20 Q. And did he pass that?

21 A. He did.

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

24 A. He did.

25 Q. And was the sketch artist able to

1 make a sketch of the person with the gun?

2 A. He did, yes.

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

5 A. He did.

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

8 THE COURT: Recross?

9 MS. CAMPBELL: Thank you.

10 RECROSS EXAMINATION

11 BY MS. CAMPBELL:

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

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

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

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

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

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

25 SOLICITOR BANNON: Your Honor, I do

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

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

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

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

9 (WITNESS STEPS DOWN)

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

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

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

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

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

3 THE COURT: Ms. Campbell?

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

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

25 THE COURT: For the sake of the

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1 record, "Gussie" is Enrique Miles?

2 MS. CAMPBELL: No.

3 SOLICITOR BANNON: Gussie is Gussie
4 Goldwire.

5 THE COURT: Goldwire. Okay.

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

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

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

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

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

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

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

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

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1 that situation quickly. Very quickly.

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

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

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

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

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

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

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

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

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

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1 Order that I submitted.

2 THE COURT: I did.

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

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

10 (HEARING CONCLUDED)

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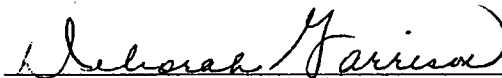
Hearing of January 25, 2012

Before The Honorable R. Markley Dennis

STATE OF SOUTH CAROLINA)
) CERTIFICATE
COUNTY OF CHARLESTON)

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

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



Deborah Garrison

Charleston, South Carolina
September 23, 2014

STATE OF SOUTH CAROLINA
14TH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF GENERAL SESSIONS
CASE NO'S. 2011-GS-07-02279, 2011-GS-07-02379,
2011-GS-07-02378, & 2011-GS-07-02403

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

SEPTEMBER 19, 2012

TRANSCRIPT OF HEARING

BEAUFORT, SOUTH CAROLINA

ANTONIO COLLINS

DEFENDANT

B E F O R E:

HON. STEPHANIE MCDONALD, JUDGE.

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

ON BEHALF OF PLAINTIFF:

HON. MEREDITH BANNON

ON BEHALF OF DEFENDANT:

HON. TRASI CAMPBELL

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

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1 BEGINNING 9:45 A.M.

2 BY THE COURT:

3 THE COURT: All right. I think we're here for State
4 v. Antonio Collins. And I am ready whenever you all are.

5 MS. CAMPBELL: May it please the Court, your Honor.

6 THE COURT: Yes, ma'am.

7 MS. CAMPBELL: At this time, on behalf of Mr. Collins
8 -- and for the record, my name is Trasi Campbell, and I'm
9 the public defender here in Beaufort -- we would make a
10 motion to suppress the DNA evidence that was collected
11 from Mr. Collins in Miami, Florida.

12 We would also make a motion to suppress the
13 subsequent collection of DNA evidence from Mr. Collins
14 pursuant to Judge Dennis' court order after a *Schmerber*
15 hearing that we had here in this courtroom, after Mr.
16 Collins had been brought back to South Carolina.

17 Very briefly, for the record, we would submit that
18 the manner in which the Miami-Dade police officers
19 obtained Mr. Collins' DNA in Miami was in violation of
20 his constitutional rights, in particular, his *Fifth*
21 *Amendment* rights and *Sixth Amendment*. We would assert
22 the *Fourth Amendment* violation and the *Fourteenth*
23 *Amendment*, as well.

24 We would then assert that, based upon our position,
25 that the DNA was illegally obtained and in violation of

1 his constitutional rights; that any subsequent DNA would
2 also be -- should be suppressed as Fruit of the Poisonous
3 Tree, that original taint, and would flow from that.

4 Thank you, your Honor. And I believe that the
5 officer from Miami is here for the State.

6 THE COURT: Okay. Whenever you all are ready, we can
7 call him. And I'm happy to hear from whichever witnesses
8 you all want to put up and any constitutional arguments
9 that you all want to make and any case law you can give
10 me. Okay.

11 MS. BANNON: Just to clarify, your Honor. I want to
12 make sure I understand the full scope of this hearing;
13 that the buccal swap taken pursuant to the *Schmerber*
14 order, as ordered by Judge Dennis, is being moved to be
15 suppressed by Fruit of the Poisonous Tree and not looking
16 to pierce the order from Judge Dennis as -- which would
17 be more of a *Frank's* hearing, in the State's opinion.

18 THE COURT: Well, I don't know what was argued before
19 Judge Dennis exactly. It's my understanding, from what
20 you all shared with me before the hearing, is that he did
21 not address the issue of the Miami DNA; that, you know,
22 that was for another time. And so, if the issue of Miami
23 DNA taints the probable cause that he found as Prong 1
24 under the *Schmerber* analysis, I believe we would get into
25 that.

1 I don't think that standing alone, the defense is
2 challenging the *Schmerber* finding, but to the extent that
3 they are challenging, though, Judge Dennis' finding,
4 based on what may come out today that didn't come out,
5 I'm going to find that they've preserved everything that
6 they need to preserve, and we will go into that to the
7 extent that we need to. And if there is a *Frank's* issue,
8 you all can argue that to me, as well.

9 Does that make sense to everybody?

10 MS. CAMPBELL: Yes, your Honor.

11 MS. BANNON: Yes, your Honor.

12 THE COURT: Okay.

13 MS. BANNON: At this time, the State calls Master
14 Sergeant Jeff Purdy.

15 THE COURT: Okay. Master Sergeant, if you'd come
16 forward and be sworn, please.

17 WITNESS SWORN.

18 MASTER SERGEANT JEFF PURDY

19 DIRECT EXAMINATION, MS. BANNON:

20 A Jeff Purdy. Last name spelled P, as in Paul,
21 u/r/d/y.

22 Q And where do you work, Master Sergeant Purdy?

23 A The Beaufort County Sheriff's Office.

24 Q And what do you do there?

25 A I manage criminal investigations north of the Broad

1 River.

2 Q And how large have you worked for the sheriff's
3 office?

4 A Nineteen years.

5 Q And are you familiar with your department's
6 investigation into the murder of Ronald Coleman?

7 A I am.

8 Q And did that murder occur at 46 Seabrook Road, in
9 Seabrook, South Carolina?

10 A Yes, ma'am.

11 Q On June 29, 2009?

12 A 29th or 22nd?

13 Q When did the murder occur?

14 A June 22nd.

15 Q And could you briefly explain your investigation.

16 A We responded out to Seabrook Center Road reference to
17 a murder victim. Upon arrival, we got there, Sergeant
18 Wilson was with me. There were several other uniform
19 officers, as well as investigators.

20 We found Ronald Coleman there deceased. We processed
21 the crime scene. As a result of the crime scene,
22 briefly, we had blood on the front porch. Looked like it
23 led away from the house, up to the roadway.

24 We followed the blood. We ended up documenting the
25 blood, getting buccal swabs of the blood, because it was

1 obvious to us that it was not the deceased that was on
2 scene. It was obvious to us that the person that was
3 responsible for his death was also injured. So we
4 collected that evidence.

5 We had a witness that provided us with information
6 about a vehicle. We continued to work -- work the
7 information we had. We were struggling with it, and we
8 later got information through an individual named Gussie
9 Goldwire that a group of folks were involved in it. He
10 provided us with some names and some information. As a
11 result of -- direct result of the information that he
12 provided, we recovered a vehicle out in Hampton County.
13 We seized the vehicle. We processed the vehicle. We
14 found blood on the back seat, and which was a good
15 indication of what we were looking for. We believed that
16 the individual that was shot left blood all over the car.
17 And we processed that.

18 Also, the information that was provided by that
19 individual that the person responsible for this was a guy
20 named -- I believe he used the name Antoni or Tony. I'd
21 have to look at my notes, but he provided a name, which,
22 after great research and a lot of work from Sergeant
23 Wilson, we came up with the name Antonio Collins.

24 And as a result of that, we did some more research
25 and found out that he was incarcerated in Florida, and

1 pursued his DNA there compared to the DNA on the scene.

2 Let me back up a minute. We also recovered a gun
3 from the scene. The vehicle and the blood, the blood
4 from the vehicle, the blood from the gun or the DNA from
5 the gun and the blood from the porch on the scene were
6 all from the same individual, which was consistent with
7 the information that we were provided by Gussie Goldwire.

8 As a result of that, contact was made with the Miami
9 -- I believe it was Miami Police Department, Detective
10 Segovia. Ask him to help us out with a DNA sample from
11 the defendant. As a result, he did.

12 Q And was Mr. Collins incarcerated at Miami-Dade
13 Detention Center on these charges?

14 A No, ma'am.

15 Q On unrelated charges?

16 A I believe so.

17 Q Was Detective Segovia able to collect the buccal
18 swap?

19 A Yes, he was.

20 Q And what did he do with it after he collected it?

21 A I believe he FedEx'd it to us. I'd have to look at
22 the way he mailed it to us, but it was mailed to us.

23 Q And how did it arrived to you?

24 A It arrived at the sheriff's office. As a result, I
25 got it, and turned it in to evidence.

1 Q And was it opened? Was it sealed?

2 A Sealed.

3 Q And after you turned it in to evidence, what happened
4 to the buccal swab?

5 A A request was put in to have it processed to compare
6 it with DNA from the scene, from the vehicle, and from
7 the gun that was used. And the DNA came back as a match.

8 MS. BANNON: Permission to approach the witness, your
9 Honor.

10 THE COURT: You may.

11 Q Officer, I'll show you what's been labeled Court's
12 Exhibit 2. Do you recognize this?

13 THE COURT: That's Court's 2, you say?

14 MS. BANNON: Yes, ma'am.

15 A This is a SLED forensic lab report. Also has a SLED
16 forensic lab request.

17 Q And is that lab report developed from the buccal swab
18 taken from Mr. Collins in Miami?

19 A Yes, ma'am.

20 MS. BANNON: At this point, the State would move for
21 Court's Exhibit 2 into evidence, your Honor.

22 MS. CAMPBELL: For the purposes of this hearing?

23 MS. BANNON: Yes.

24 THE COURT: Court's 2 is permitted for the purpose of
25 this hearing, without objection.

1 COPIES OF DOCUMENTS REFERRED TO AS
2 SLED FORENSIC LAB REPORT AND REQUEST
3 MARKED COURT'S EXHIBIT NUMBER 2, AND
4 ADMITTED AS EVIDENCE.

5 BY MS. BANNON:

6 Q And was a *Schmerber* hearing conducted in January of
7 this year?

8 A I believe so. I wasn't -- I don't believe I was part
9 of the *Schmerber* hearing.

10 Q To your knowledge, was a subsequent sample collected
11 from Mr. Collins?

12 A To my knowledge, it was, as a result of the *Schmerber*
13 hearing, yes.

14 MS. BANNON: The State has no further questions of
15 this witness, your Honor.

16 THE COURT: Okay. Thank you. Cross-examination.

17 MS. CAMPBELL: Thank you, your Honor. May it please
18 the Court.

19 MASTER SERGEANT JEFF PURDY

20 CROSS-EXAMINATION, MS. CAMPBELL:

21 Q Officer Purdy, you said this incident took place on
22 June 22, 2009, correct?

23 A I believe so.

24 Q Okay. And you were at the scene, correct?

25 A Yes, ma'am.

1 Q All right. Now, if I go through the report, because
2 there were a lot of different officers involved, would it
3 be fair to say that this case went cold and didn't get
4 ignited again until some time in October of 2010, because
5 of Gussie?

6 A I'm not sure of the dates, but yes, it went cold.
7 And as a result of the information from Gussie, we
8 started digging into it again.

9 Q Okay. And so, the evidence that you had collected in
10 that 12 to 15 months was insufficient for you to develop
11 a suspect in any way, shape, or form, correct?

12 A Correct.

13 Q Okay. Now, at some point in 2010, then, this fellow
14 Gussie comes forward. And he's under indictment in
15 federal Court, correct?

16 A As far as I know, yes, ma'am.

17 Q And basically, if I understand, what he said was,
18 hey, I know a little something about a little something
19 that happened down in Beaufort; right; I'd like some help
20 with my charges.

21 A I didn't have that conversation with him. I was not
22 a part of this proffer, if he even had a proffer. I know
23 that he met with Sergeant Wilson and provided information
24 on this case.

25 Q Okay. And so, you're familiar with the fact, though,

1 that he gave information that said, you know, I think
2 that Ronald Coleman murder involved a fellow by the name
3 of Antonio; I think he was involved; and there might have
4 been a fellow named Jeremy Taylor or Murphy or something
5 like that from maybe Hampton. Isn't that about what he
6 said? To look into these fellows.

7 A Correct.

8 Q Okay. And did he add a little thing in there about
9 the fact that, you know, sort of a -- I don't know if
10 you'd call it you'd call it -- he called it like a little
11 enterprise or side business where this Murphy fellow and
12 Herman Dessasure (phonetic spell), I think from Jasper,
13 they would -- Murphy's white and Herman's black, right?

14 A Murphy's black.

15 Q Okay. Well, then they were the two black males that
16 were described at the scene, correct?

17 A I can't answer that.

18 Q Okay. But they had a little side business where they
19 went around and robbed drug dealers; didn't they?

20 A Apparently, that's what the plan was.

21 Q Okay. Now, with this name and with the information
22 about Jeremy, there is some additional, almost a year
23 that goes by, before you actually find the car might be
24 the car that was involved back in '09. Is that about
25 right?

1 A I don't know what the dates are, but the information
2 that we received from Gussie Goldwire led us to Jeremy
3 Murphy's car that was seized.

4 Q Right.

5 A As a direct result of that, we processed that car for
6 DNA.

7 Q Right.

8 A And physical evidence. And we got blood out of the
9 back seat of that vehicle.

10 Q Right.

11 A And compared it to the blood on the scene and the gun
12 from the scene.

13 Q Right. And both, basically, were just from an
14 unidentified male. It wasn't that they matched each
15 other; it's just both reports say this blood from the
16 porch is from an unidentified male; it's not the victim's
17 blood. And the same thing is true for the carpet in the
18 back seat of the Cadillac, right?

19 A Correct, other than the fact that Gussie said that it
20 was Mr. Collins'.

21 Q Okay. Right. But scientifically, there's no
22 statement saying that the blood on the Cadillac matches
23 the blood on the porch, right? At that point.

24 A Can you rephrase that?

25 Q Right. The blood on the porch and the blood on the

1 back of the Cadillac, at that point, there's nothing
2 scientifically saying that those two samples match each
3 other.

4 A I believe they did.

5 Q Can I see the reports.

6 MS. CAMPBELL: Just one second, your Honor. I
7 apologize.

8 THE COURT: That's fine.

9 MS. CAMPBELL: May I approach, your Honor.

10 THE COURT: You may.

11 BY MS. CAMPBELL:

12 Q Officer Purdy, I'm going to hand you a lab report
13 from July 2009 here. And Item Number 6 would be swabs
14 from that front porch at 46 Seabrook Road, right? It
15 says blood's been indicated, correct.

16 A Correct.

17 Q And then, the results here indicate that the DNA
18 profile developed was from an unidentified male
19 individual, correct?

20 A That's correct.

21 Q And that they entered that into CODIS, and that,
22 Ronald Coleman, the victim, is excluded, correct? Here.

23 A That's correct.

24 Q But there's no indication on this report that it's a
25 match to anything else at this point, correct?

1 A That's correct. I don't believe we compared the
2 blood from the car to that, because we didn't have the
3 car at that time.

4 Q I'm going to get to that.

5 A Okay.

6 Q Okay. On this report, all we have is an unidentified
7 male, right?

8 A That's correct.

9 Q And then the report that we have that's in evidence
10 in this case is indicating that there is swabs from the
11 back seat, which is Number 8. I'll hand that back to
12 you.

13 A That's correct.

14 Q And this is the report. Once you have Mr. Collins'
15 DNA subsequent to the, I believe, *Schmerber* hearing here
16 in Beaufort County that says Mr. Collins matches the
17 blood in the back seat of the car of the Cadillac and he
18 matches the blood on the porch, correct?

19 A Correct.

20 Q I just don't see a DNA report that says prior to
21 that, that the porch matches the back seat of the
22 Cadillac; that they're the same person. And you know, do
23 you have that?

24 A I don't have it with me. I don't --

25 Q But you think there is such a report?

1 A I believe there is. I would have to look through the
2 file.

3 Q All right. So, in March of -- is it 2011, Officer
4 Wilson develops a suspect down in Miami, Florida, right?

5 A Yes, ma'am.

6 Q Okay. And so, she contacts Miami, Florida and
7 enlists their assistance to go and talk to a fellow by
8 the name of Antonio Collins, who is in custody in their
9 detention center, correct?

10 A Ultimately, that -- that's correct.

11 Q Now, you were not present for the conversation that
12 took place between those two officers and Mr. Collins,
13 right?

14 A You talking about the folks from Miami and Mr.
15 Collins?

16 Q Correct.

17 A I was not present.

18 Q Right.

19 A Correct. I was here.

20 Q So you can provide no information to this Court what
21 transpired between those officers and this gentleman,
22 correct?

23 A No.

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

25 THE COURT: Any re-direct?

1 MS. BANNON: Yes.

2 MASTER SERGEANT JEFF PURDY

3 RE-DIRECT EXAMINATION, MS. BANNON:

4 Q Just to clarify, Investigator Purdy, the only
5 evidence that's entered into evidence right now is
6 Court's Exhibit 2, which is the DNA report from the
7 buccal swab collected from Miami, correct?

8 A Yes, ma'am.

9 MS. BANNON: No further questions.

10 THE COURT: Sir, you may step down.

11 A Thank you.

12 MS. BANNON: The State calls Detective Juan Segovia.

13 DETECTIVE SEGOVIA: Good morning.

14 THE COURT: Sir, if you'd come forward and be sworn,
15 please.

16 WITNESS SWORN.

17 DETECTIVE JUAN SEGOVIA

18 DIRECT EXAMINATION, MS. BANNON:

19 A Juan Segovia. It's J/u/a/n S/e/g/o/v/i/a.

20 Q Detective Segovia, where do you work?

21 A Miami-Dade Police Department.

22 Q And how long have you worked there?

23 A Almost 15 years.

24 Q And what do you do there?

25 A I'm homicide investigator.

1 Q And how long have you been a homicide investigator?

2 A About seven-and-a-half years.

3 Q Are you familiar with Beaufort County investigation
4 into the murder of Ronald Coleman?

5 A Yes.

6 Q And could you briefly tell us how you became involved
7 in that investigation.

8 A Sure. It was on March 14th of 2011. I was contacted
9 by Sergeant Purdy of the Beaufort County Sheriff's Office
10 who advised me that they were conducting a homicide
11 investigation, and a person of interest or a suspect in
12 the case was incarcerated in our correctional facility.
13 And he requested assistance in obtaining DNA from this
14 individual.

15 Q And do you know why Mr. -- do you know who the
16 suspect was?

17 A He gave me the name of Antonio Collins, and he
18 provided a date of birth, as well.

19 Q And do you recognize that person, Mr. Collins, in the
20 courtroom today?

21 A I do.

22 Q Would you please state what color of shirt he's
23 wearing.

24 A Yellow shirt.

25 Q After talking with Mr. Master Sergeant Purdy, what

1 did you do?

2 A I -- the next day, my partner and I went to the
3 correctional facility, the county jail, and we requested
4 to speak to Mr. Collins. They brought him out to us, and
5 at that point, I introduced myself to him.

6 Q And just to clarify, do you know what charges Mr.
7 Collins is being held on in Miami-Dade?

8 A It was burglary with a battery; a robbery, I believe;
9 and something domestic related.

10 Q So unconnected to the events here in Beaufort County.

11 A Correct.

12 Q And so, when you met with Mr. Collins, he was in
13 custody?

14 A Yes.

15 Q Please describe your meeting with Mr. Collins.

16 A They brought us out. They set us in a room at the
17 correctional facility. I introduced myself to him. I
18 advised Mr. Collins that there was an investigation going
19 on, and that we need permission to obtain his DNA.

20 Q And what did Mr. Collins say?

21 A He asked me who I worked for. Again, I told him I
22 worked for Miami-Dade Police. He tried to look at my
23 I.D. at that time. I don't know if he was able to see it
24 said homicide or not. He kind of hesitated for a second;
25 thought about it; and then I presented him with a consent

1 form to obtain his DNA.

2 MS. BANNON: Permission to approach the witness.

3 THE COURT: You may.

4 Q Detective Segovia, I'm showing you what's when
5 labeled as Court's Exhibit 1. Do you recognize that?

6 A Yes, I do.

7 Q What is it?

8 A It's a Miami Police Department Consent to Provide
9 Specimen for the laboratory analysis form, basically
10 seeking permission from the individual to voluntarily
11 provide his DNA.

12 Q Is that the form that you provided to Mr. Collins?

13 A Yes, it is.

14 Q And how do you know it's the form that you provided
15 to him?

16 A I have a copy of it, as well, but it's got my name
17 typed, a signature, my partner's, and it's got the date
18 and time on it.

19 MS. BANNON: At this time, the State would move
20 Court's Exhibit 1 into evidence.

21 MS. CAMPBELL: No objection for this hearing.

22 THE COURT: Court's 1 is admitted for purposes of
23 this hearing only, without objection.

24 COPY OF DOCUMENT REFERRED

25 TO AS MIAMI POLICE DEPARTMENT

1 CONSENT TO PROVIDE SPECIMEN FORM
2 TO OBTAIN DNA MARKED COURT'S
3 1, ADMITTED AS EVIDENCE.

4 BY MS. BANNON:

5 Q Investigator, do you know how long you spent with Mr.
6 Collins?

7 A Less than ten minutes.

8 Q Are the times written on that form?

9 A Yes.

10 Q What times are written on that form?

11 A 4:30 p.m. is when he signed it.

12 Q And does it state what time you met with him?

13 A No, not exactly. That's just the time that he signed
14 the form.

15 Q And you state that he hesitated, and the consented to
16 the swab?

17 A Yes, and apologize. If I could backtrack for a
18 second. I actually met with him at 4:24 p.m. He signed
19 the form at 4:30. And he provided his DNA right after he
20 signed the form. And we left right after that. So, less
21 than ten minutes.

22 Q And did Mr. Collins ask you why you wanted his DNA
23 swab?

24 A He did.

25 Q And what did you answer?

1 A I told him we were investigating a series of crimes.
2 And I was never specific. And then he told me that he
3 had been incarcerated for however long he was in Dade
4 County Jail. And I told him, *Well, I guess you have*
5 *nothing to worry about, then.*

6 And that's when he read the whole form, and he
7 provided his DNA.

8 Q And did you specify what type of crime you were
9 investigating for?

10 A No, I never specified. Never asked specifically,
11 because I was never asked. I never told him anything.

12 Q Did you allow him opportunity to review that form?

13 A Absolutely. He actually read the whole form himself.

14 Q And did he have any questions for you about that
15 form?

16 A No.

17 Q Would you mind reading the language that's on that
18 form for the Court.

19 A Absolutely. It's got, you know, fill in the name and
20 address and the Social Security Number. And then it
21 says:

22 I, -- he filled in his name -- *Antonio Collins,*
23 *hereby freely and voluntarily consent to provide*
24 *Miami-Dade Police Department Police Officers*
25 *with a mouth swab specimen for investigative*

1 purposes.

2 I have been fully informed that the specimen
3 will be entered into a -- into a DNA database
4 after analysis. I have been fully informed that
5 the information may be available to my physician
6 upon my request, and it will remain confidential
7 and be used for no purpose other than
8 investigation, which may lead to criminal
9 prosecution.

10 I fully understand that I have a right to refuse
11 to give the specimen.

12 I have read and understand the above statement
13 and I consent to provide the specimen of my own
14 free will, without any threats or promises being
15 made to me.

16 Additionally, in the event I cannot provide
17 proper identification, I voluntarily agree to
18 provide my thumb print at the time of the swab
19 collection to Miami-Dade Police Department Police
20 Officers.

21 Q And how were you able to properly identify Mr.
22 Collins?

23 A Because he was incarcerated, by his identification.

24 Q And did you threaten Mr. Collins to obtain the buccal
25 swab?

1 A Never.

2 Q Did you use force to obtain the buccal swab?

3 A Absolutely not.

4 Q Did you have a back-up plan in the case that Mr.
5 Collins did not agree to taking the buccal swab?

6 A Yes.

7 Q Briefly, what was that?

8 A I had already contacted the state attorney's office,
9 and one of the prosecutors had already told me, if he
10 refused to give it, that I would just go over to the
11 state attorney's office; they would give me an order for
12 his DNA; and I would just return right back to the jail
13 and get it from him.

14 Q You all do search warrants for DNA in Florida?

15 A Yes, it's orders.

16 Q What did you do after you collected the swab from Mr.
17 Collins?

18 A I went right back to the office. I impounded the DNA
19 swabs, and I shipped them out to Sergeant Purdy here.

20 Q Do you have any further involvement in this case?

21 A No. A while later, lead investigator responded to
22 our police department. We took Mr. Collins out of jail,
23 and they interviewed him.

24 Q Were you present for that interview?

25 A I was in the office. I was not there in the room

1 during the interview.

2 MS. BANNON: No further questions for this witness.

3 THE COURT: Thank you. Cross-examination.

4 MS. CAMPBELL: Thank you, your Honor.

5 JUAN SEGOVIA

6 CROSS-EXAMINATION, MS. CAMPBELL:

7 Q Officer, did you bring any of your reports with you
8 today that have some written reflection of what you did
9 in this case?

10 A Yes, ma'am, I did.

11 Q Okay. May I obtain a copy of those, please.

12 A I'm sure the State will provide one for you, ma'am.

13 MS. CAMPBELL: Your Honor, may I have a copy of that
14 prior to questioning this witness?

15 THE COURT: You may.

16 MS. BANNON: Your Honor, it should actually be part
17 of the discovery that Ms. Campbell received, as it's part
18 of the BCSO report.

19 THE COURT: Okay. Well, we've got plenty of time for
20 this hearing, so why don't you all take a minute and find
21 it for her, and we'll go from there. And if not, the
22 Detective can provide it.

23 MS. CAMPBELL: Thank you, your Honor.

24 If I may have a moment, your Honor.

25 THE COURT: You may.

1 MS. CAMPBELL: Briefly, on the record.

2 THE COURT: Sure.

3 BY MS. CAMPBELL:

4 Q Officer, did you just submit a one-page report?
5 That's all you have with you today that reflects your
6 actions in this case?

7 A Yes, ma'am.

8 Q Thank you. One moment, your Honor.

9 Thank you, your Honor.

10 THE COURT: You're welcome.

11 BY MS. CAMPBELL:

12 Q Detective, you are familiar, based on your
13 experience, with *Miranda* rights, correct?

14 A Yes, ma'am.

15 Q And what would you say would be the *Miranda* rights
16 that you would advise someone of when they were in
17 custody and being questioned by you and is suspect of a
18 crime? What would those rights be?

19 A Well, in this case, -- you're asking about
20 specifically about this case?

21 Q I'm asking you, in your experience as a detective,
22 what *Miranda* rights would you advise someone of if
23 they're in custody and the suspect of a crime and being
24 questioned by you.

25 A If I was questioning anybody about any crime, I would

1 read them the *Miranda* rights before I even ask anything.

2 Q And what are those rights?

3 A Do you want me to read them off, recite them to you?

4 Q I would like for you to tell the Court what you
5 believe are the rights that you needed to give someone
6 who was in custody and being questioned by you, yes.

7 A Yes, ma'am. *You have the right to remain silent.*

8 *You do not have to speak to me if you do not*
9 *wish to do so. If you decide to speak to me,*
10 *anything that you say may be introduced into*
11 *court as evidence against you.*

12 *You have the right to an attorney. If you*
13 *cannot afford an attorney, one will be*
14 *provided for you at no cost.*

15 *Knowing these rights, are you now willing to*
16 *speak to me?*

17 Q Now, Mr. Collins was clearly in custody. He couldn't
18 leave, correct?

19 A That's correct, ma'am.

20 Q Okay. And you were questioning him in reference to a
21 homicide investigation that you knew about in South
22 Carolina, correct?

23 A Incorrect.

24 Q Okay. You were meeting with him to obtain evidence
25 to assist a homicide investigation in South Carolina,

1 correct?

2 A That's correct.

3 Q Okay. And in meeting with him to obtain evidence
4 from him to assist in the homicide investigation in South
5 Carolina, you failed to give Mr. Collins any of his
6 *Miranda* rights, correct?

7 A That's -- that's incorrect, ma'am. I was not
8 questioning him. There was no need to read him *Miranda*
9 rights. I'm not required to read him his *Miranda*
10 warnings in order to obtain DNA from him. What I needed
11 to get from him was his permission to provide the DNA,
12 which I did perform.

13 Q Okay. While I appreciate your answer, I'm asking you
14 whether or not you gave him his *Miranda* rights. Yes or
15 no?

16 A No.

17 Q Okay. In custody, obtaining evidence from him, and
18 you gave him no *Miranda* rights, correct?

19 A That's correct.

20 Q Okay. So, having not given him his *Miranda* rights,
21 Mr. Collins would have, then, not been informed that he
22 had the right to speak to an attorney, correct?

23 A He knew what -- his rights are specifically detailed
24 in the form that he was provided.

25 Q Okay. Well, --

1 A So he knew he didn't have to give me his DNA.

2 Q And in this form, there is nothing in here about him
3 obtaining the services of an attorney to advise him of
4 his legal rights, correct?

5 A That is correct, your Honor [sic].

6 Q Thank you. Now, this place that you met with Mr.
7 Collins, was this the actual detention center?

8 A Yes.

9 Q Okay. And I assume that, that detention center is
10 equipped with video and audio surveillance, correct?

11 A I'm not sure if it is in the room that we were in,
12 ma'am. I can't say for sure.

13 Q Do you traditionally interview individuals without
14 video and audio surveillance in an investigations?

15 A Yes, ma'am, all the time.

16 Q So, in this case, you would present to this Court
17 that there is no video of your conversation with Mr.
18 Collins. Is that what you're telling us?

19 A That's correct.

20 Q And that there is no audio of your conversation with
21 Mr. Collins.

22 A Well, let me take that back. There's no video or
23 audio that I recorded. I don't know how the corrections
24 facility records or what they record, but I can tell you
25 that I myself did not record anything.

1 Q Thank you. Now, obviously, you have to log in to
2 visit anyone at the detention center, correct?

3 A Yes, ma'am.

4 Q And there's a login. How do you do that? Do you
5 swipe a card? Or do you sign in?

6 A No, I just respond to the correction facility; I show
7 my I.D.; I have to go to the shift commander's desk
8 inside the jail; and I have to request to see an inmate;
9 and then they -- I have to sign in my credentials. And
10 if that inmate is going to come out and speak to me,
11 then, they bring him out.

12 Q And so, there's a time stamp record of when you
13 arrived, correct?

14 A There should be somewhere in the correction facility,
15 yes.

16 Q All right. And you testified before this Court that
17 you spent approximately six minutes talking with Mr.
18 Collins about this case, correct?

19 A I believe it was no longer than ten minutes what I
20 said.

21 Q Well, your testimony said that at 4:24 you began
22 speaking with him; and that at 4:30, he signed this
23 Miami-Dade DNA Specimen Consent Form, correct?

24 A Correct. At 4:24, I introduced myself to him. And
25 then, shortly thereafter is when he was presented with

1 the form, correct.

2 Q So, for about six minutes, you're with Mr. Collins,
3 and you're talking to him about this piece of paper and
4 what's going on with a series -- how did you say it -- an
5 investigation of a series of crimes, right?

6 A Correct.

7 Q In those six minutes, did you have an opportunity to
8 tell Mr. Collins that he was suspected of committing a
9 rape in Miami?

10 A Never.

11 Q And that you wanted to help clear his name of that
12 rape.

13 A I never said anything about a rape or clearing
14 anybody's name, ma'am.

15 Q And that we could just sort of put this thing to rest
16 right now if you give us a buccal swab; give us your DNA
17 and we'll just strike you out. Never said that.

18 A I never said -- never said that, ma'am.

19 Q Now; you said that, when the Solicitor asked you
20 about having this back-up plan, that you called over to
21 the state's attorney's office, right?

22 A Yes, ma'am.

23 Q And do you remember who you talked to?

24 A No, there's a lot of prosecutors work over there. I
25 don't remember specifically who I spoke to.

1 Q And why did you think you might need a back-up plan?

2 A Many times, when you go to get DNA from an inmate,
3 they refuse to give it to you. It happens all the time.

4 Q And so, as a matter of course, you would just get a
5 warrant?

6 A Correct.

7 Q Okay. And you've been allowed to do that before for
8 an out-of-state homicide investigation, in Florida, to go
9 get a warrant.

10 A Yes.

11 Q How many times do you think you've done that?

12 A I actually got an order for the DNA, you saying or?

13 Q Yeah, on the out-of-state homicide investigation.

14 A I'm not sure, ma'am. I couldn't give you a number,
15 but I've assisted multiple agencies in my ten year in
16 homicide.

17 Q Now, you had a partner with you there, right?

18 A Yes, ma'am.

19 Q He's not in court today; is he? Does he work for
20 Miami-Dade any longer?

21 A He does.

22 Q He's still employed.

23 A Yes, ma'am.

24 Q Okay. Just one second, your Honor.

25 Detective, when you first answered questions for the

1 Solicitor, you said that Mr. Collins was engaging you and
2 inquisitive. Asking questions like who do you work for,
3 right?

4 A Yes, ma'am.

5 Q And that he was trying to look at your I.D. and
6 determine who you were, right?

7 A Yes, ma'am.

8 Q Okay. And that it concerned him, obviously, because
9 he wanted to know who you were and who you were
10 representing and what you were doing there trying to talk
11 to him, right?

12 A Yes.

13 Q And he's already in the detention center in Miami
14 under a series of crimes, correct?

15 A Correct.

16 Q Lots of different ones, right?

17 A I don't remember exactly how many, but yes.

18 Q And so, your testimony to this Court is that, you
19 come in saying that you're investigating a series of
20 crimes; he's down there in jail on a series of crimes;
21 and that he never further inquired what series of crimes
22 you're talking about?

23 A That's correct, ma'am. He asked. I just never
24 specifically told him what they were.

25 Q Well, what did he ask, then?

1 A Exactly what I already testified to. He asked me
2 what I was investigating, who I worked for, and what I
3 was investigating. And I told him I was investigating a
4 series of crimes.

5 Q And that was it. He never asked another question.

6 A That's correct. Because immediately thereafter, I
7 presented him with a form to provide me with DNA, and he
8 read the whole form.

9 Q So that brief conversation is what took up that whole
10 six minutes.

11 A Yes.

12 MS. CAMPBELL: That's all I have for this officer.

13 THE COURT: Okay. Any re-direct?

14 MS. BANNON: No, your Honor.

15 THE COURT: Sir, you may step down.

16 MS. BANNON: The State calls Master Sergeant Chris
17 Wilson.

18 WITNESS SWORN.

19 MASTER SERGEANT CHRISTINE WILSON

20 DIRECT EXAMINATION, MS. BANNON:

21 A Christine Wilson, C/h/r/i/s/t/i/n/e. Last name
22 W/i/l/s/o/n.

23 Q Ms. Wilson, where do you work?

24 A Beaufort County Sheriff's Office.

25 Q And how long have you worked there?

1 A Approximately 17 years.

2 Q And what do you do there?

3 A I'm a criminal investigator.

4 Q And are you familiar with your department's
5 investigation into the murder of Ronald Coleman?

6 A I am.

7 Q What was your role in that case?

8 A I was the lead investigator in that case.

9 Q And you've heard the testimony here today.

10 A I have.

11 Q And does that coincide with your recollection of this
12 case and the events of this case?

13 A For the most part, yes.

14 Q Is there anything you'd like to clarify?

15 A Just maybe the time frame.

16 MS. CAMPBELL: Your Honor, I object. If the State
17 would like to ask this officer a specific question, I'm
18 happy to participate, but just would you like to clarify
19 the case for us is --

20 THE COURT: Sustained. You can ask her more
21 specifically, but without leading. So that's a little
22 more difficult.

23 BY MS. BANNON:

24 Q Please give us an overview of this case, Investigator
25 Wilson.

1 A Following the murder of Ronald Coleman on June 22nd
2 of 2009, following our entire investigation, the trail
3 went cold, so to speak, until approximately January of
4 2010, when information came forward leading us to revive
5 the investigation.

6 I believe there was some confusion as to it didn't
7 revive until October of 2010, but it was actually January
8 of 2010, in that a series of events occurred during that
9 time that led us to Mr. Collins as a suspect in this
10 case. Other than that, I don't know how much more detail
11 you'd want.

12 Q What happened in January of 2010 that led to the
13 revival of this case?

14 A In January of 2010, we received information from --
15 excuse me -- the Hampton County Sheriff's Office
16 regarding information received from Gussie Goldwire
17 regarding this incident.

18 Q And did you speak with Mr. Goldwire?

19 A Subsequently, -- we got the information in January of
20 2010, and we spoke with Mr. Goldwire in April of 2010.

21 Q And what did Mr. Goldwire tell you?

22 A Mr. Goldwire had said that he was at his residence in
23 Hampton County, and that Jeremy Murphy and his cousin,
24 Antonio Collins, arrived there, and that Antonio had been
25 shot in the lower leg. And he wavered between whether it

1 was the little or right leg. At any rate, he'd been shot
2 and was bleeding profusely. Apparently, there was some
3 discussion as to what had occurred, how it had been
4 sustained.

5 They went to -- they came to Beaufort and went to
6 commit a crime. Subsequently, Antonio was shot. They
7 jumped in the car, came back to Mr. Goldwire's house.
8 They didn't know what to do. And Mr. Murphy and Mr.
9 Collins ended up leaving, because Mr. Goldwire had to
10 leave. And that was pretty much all he said at that
11 point.

12 Q Now, did Mr. Goldwire say that he was one of the
13 people who went to the crime scene?

14 A That Antonio Collins was one of the ones?

15 Q Was Mr. Goldwire? Did he put himself in the car?

16 A No, he did not.

17 Q Who did he identify as going in the car to the crime
18 scene?

19 A Jeremy Murphy and Antonio Collins. He said there was
20 a third person that apparently went, but he could not
21 remember that person's name.

22 Q What did you do with this information?

23 A We were -- we were able to -- we, of course,
24 conducted interviews with Jeremy Murphy. Following the
25 seizure of his vehicle, we were able to locate Jeremy

1 Murphy's vehicle, or Cadillac, registered to him in
2 Jasper County. We found that vehicle. We seized -- we
3 seized it. Impounded it. Conducted a search warrant on
4 it and retrieved blood samples from the vehicle.

5 Prior to serving that search warrant, we conducted
6 the first of a couple of interviews with Mr. Murphy to
7 get his story. And this, and Mr. Murphy had said that he
8 had loaned his car to a guy named Antonio from Florida
9 and another fellow named George Savage. They were
10 supposed to just use the car to go buy some illegal
11 something or other, and they'd have the car back in an
12 hour.

13 And an hour came and went. The car didn't -- all of
14 a sudden, the car just appeared back in his yard. He
15 didn't hear it pull up, but he went out to feed his dogs,
16 there was his car. He looked in it, and there was blood
17 all over his car. Mr. Murphy claims that he doesn't know
18 anything other than he loaned these two guys a car, and
19 it came back with blood in it.

20 He talked to Mr. Savage a few days later, wanting to
21 know what happened. And Mr. Savage -- the initial story
22 from Mr. Murphy was that Savage said that they went to, I
23 believe he said go do a lick and it went bad.

24 Another interview with Mr. Murphy later, he didn't
25 remember telling me that. But at any rate, -- excuse me

1 -- he identified Mr. Collins and Mr. Savage as the two
2 that had supposedly borrowed his car and brought it back
3 filled with blood.

4 We did get blood samples from the car during the
5 search warrant. Those samples were analyzed, found to
6 be, in fact, human blood. And they were compared to the
7 remainder of the evidence that had been seized from the
8 crime scene.

9 From that point, could not identify Antonio Collins
10 at that point. And messed around with a few names, just
11 trying to run some intel inquiries. I think it was in
12 July of 2010 I came up with the name of Antonio Eugene
13 Collins. I don't recall how I came up with that. I
14 believe I ran a rap sheet at that point, and it showed
15 prior arrests, but nothing -- nothing current. And I
16 believe it was in October -- no, it was in February of
17 2011 I ran just an updated rap sheet just to see if there
18 was anything new on there. And that is when I
19 discovered, when I ran the new rap sheet from February
20 2011, that Mr. Collins was currently incarcerated in
21 Miami. And that's one of the steps we're undertaking to
22 have them assist us.

23 Q And Detective Segovia said that you went down to
24 Miami somewhat to interview Mr. Collins.

25 A I did. It was in March of 2011.

1 Q And did you *Mirandize* Mr. Collins?

2 A I did, I *Mirandized* Mr. Collins. We typically use a
3 form. He wouldn't sign it, but he did not refuse to
4 answer questions. So he was read his *Miranda* warning.

5 Q And at that point, did he mention being threatened by
6 Detective Segovia?

7 A No, he did not.

8 Q Did he mention Detective Segovia at all?

9 A No, he did not.

10 Q What did you do after you interviewed Mr. Collins?

11 A After I interviewed him, I traveled back to Beaufort.
12 I believe that, once that interview was completed, I
13 contacted my agency here, and had the process started to
14 go ahead and have him served with a warrant for murder.

15 Q And did you have what's been entered as Court's
16 Exhibit 2 at that time as part of your investigation?

17 A That would be -- refresh my memory on what that is.

18 REPORTER HANDED WITNESS COURT'S

19 EXHIBIT NUMBER 2.

20 A That's correct.

21 Q And was some point was Mr. Collins extradited back to
22 South Carolina?

23 A He was.

24 Q And were you present for a *Schmerber* hearing January
25 of 2012?

1 A I was.

2 Q And did you testify during that hearing?

3 A I did.

4 Q And was a buccal swab ordered to be taken?

5 A It was.

6 Q Who took that swab?

7 A I did.

8 Q Of Mr. Collins?

9 A Yes, ma'am.

10 Q What did you do after you took that swab?

11 A I took a swab and submitted it as evidence. And then
12 requested that forensic lab work be done to compare his
13 known DNA sample to that of the evidence acquired in this
14 case.

15 Q And are you familiar with the results of the
16 analysis?

17 A I am.

18 Q What were those?

19 A The results of that analysis from the buccal swab
20 from the *Schmerber* hearing was that Mr. Collins' DNA
21 profile matched the DNA evidence collected from the
22 roadway, Seabrook Road; the Smith & Wesson model handgun;
23 the front porch of 46 Seabrook Road; a swab taken from
24 underneath the back seat of the Cadillac and a swab from
25 underneath the rear console vent of that vehicle.

1 Q So the *Schmerber* buccal swab had the same results as
2 the Miami buccal swab.

3 A It did.

4 Q But those two were not compared to each other.

5 A I don't know.

6 Q You said the DNA matched to Mr. Collins from a gun.
7 Where was the gun found at the scene?

8 A The gun was found off the side of the roadway on
9 Seabrook Road, some distance from 46 Seabrook Road, which
10 was the incident location. A -- a trail of bloody
11 footwear impressions were followed down Seabrook Road and
12 suddenly just stopped.

13 And the handgun was found just off the roadway, where
14 that bloody foot trail left. And we had suspected that
15 possibly a person had gotten into a vehicle, rather than
16 just simply stop bleeding.

17 Q Does that gun look to be the murder weapon?

18 A It is.

19 Q And was there an eyewitness to the murder?

20 A There was.

21 Q And was he able to provide a describe of the murder
22 of Ronald Coleman?

23 A Yes, he was.

24 Q And did a SLED sketch artist come down and generate a
25 sketch, as well?

1 A They did.

2 Q Were other witnesses in the neighborhood able to
3 corroborate this witness statement?

4 A There was a woman that lived next door that heard --
5 heard gunshots, and got up and looked out the front door
6 and saw two black males running down the road in front of
7 her house. And it seemed to her that one of them might
8 be injured. He said, *I've been shot or I've been shot in*
9 *the leg.*

10 Q And was anyone able to describe the get-a-way car?

11 A I believe Mr. Miles was, the eyewitness, described
12 the vehicle.

13 Q How did he describe that?

14 A He described it as a -- I believe he described it as
15 a tan Cadillac. And I can't -- I think a Deville. I
16 believe he was sure of that, because he, apparently, used
17 to own one of those himself, so he's familiar with that
18 vehicle.

19 Q And you said previously that you searched Mr.
20 Murphy's car, and you collected these blood swabs. What
21 type of car was it?

22 A It's a '93 Cadillac Deville.

23 Q What color is it?

24 A Tan, eggshell white color.

25 MS. BANNON: Permission to approach the witness.

1 THE COURT: You may.

2 Q Let me show you what's been labeled as Court's
3 Exhibit 3. Do you recognize this?

4 A I do.

5 Q What is it?

6 A This is a lab report prepared by the South Carolina
7 Law Enforcement Division regarding their DNA analysis.

8 Q And do you know which buccal swab it is a report on?

9 A This buccal swab is from -- this would be Item 14.
10 This is a buccal swab collected from Antonio Collins
11 during the *Schmerber* hearing.

12 Q And also, had you previously collected a buccal swab
13 from Jeremy Murphy?

14 A I did.

15 Q And was that compared to the items that you took from
16 the crime scene?

17 A It was.

18 Q And was that a match?

19 A There was no match with Mr. Murphy.

20 Q Did you have the results before or after you had Mr.
21 Collins' DNA?

22 A Well before.

23 MS. BANNON: I have no further questions for this
24 witness.

25 MS. CAMPBELL: May it please the Court.

1 THE COURT: Yes.

2 MS. CAMPBELL: Thank you.

3 MASTER SERGEANT CHRISTINE WILSON

4 CROSS-EXAMINATION, MS. CAMPBELL:

5 Q You got some DNA from Jeremy Murphy, right?

6 A Correct.

7 Q You gave him his *Miranda* rights; didn't you? I mean,
8 it's in evidence prior to getting his DNA, right?

9 A We read him his rights because we did an interview
10 with him. During the interview, we collected his DNA.

11 Q Okay. So he's a suspect in this murder; you're
12 interviewing him; he's in custody; you give him his
13 *Miranda* rights; and then you get his DNA. That's how
14 that worked, right?

15 A Right.

16 Q Okay.

17 A We *Mirandized* him, and then interviewed him, which is
18 why we *Mirandized* him, and collected his DNA during that
19 process.

20 Q Now, you were pretty darn sure that you had your man
21 when you called down to Miami-Dade and asked them to go
22 over and see Antonio Collins at the detention center;
23 weren't you?

24 A He was a very strong suspect, yes.

25 Q So you weren't just ruling him out; you thought he

1 had done this, right?

2 A I believed he was a very strong suspect, yes.

3 Q And you talked to this detective who's testified here
4 today, right?

5 A At some point, I did, yes.

6 Q And between the two detectives, you let him know this
7 was your man; you thought he committed this murder,
8 right?

9 A I actually did not speak with Detective Segovia until
10 I was making arrangements to come down there. I had
11 actually spoken to a Detective McCullum, trying to enlist
12 help from Miami-Dade through him. This was before Mr.
13 Collins was back in jail. At the time I talked to
14 Detective McCullum, I had asked him if he could possibly
15 locate Mr. Collins and somehow secure DNA from him. And
16 he said that they would attempt to go find him. Of
17 course, we're talking Miami, Florida. And I did not hear
18 back from Mr. McCullum. And I believe, in the initial
19 contact with Mr. Segovia, or Detective Segovia, after
20 that was initiated by Detective Purdy.

21 Q So you made it clear to whoever you talked to,
22 whichever detective, during your conversations with them,
23 that this was your guy. You believed he had committed
24 this crime, correct?

25 A I felt strongly that he was a strong suspect, yes.

1 Q Okay. Now, were you ever told by any of these
2 detectives in Florida that they had this back-up plan
3 with the state attorney's office?

4 A I was not.

5 Q Okay. Were you even aware? I mean, did anybody ever
6 tell you, hey, why don't you just go down to the state's
7 attorney's office and get a search warrant for this
8 individual?

9 A I had no conversation regarding acquisition of DNA.

10 Q That was Mr. Purdy?

11 A Yes.

12 Q Okay. You went down and interviewed Mr. Collins,
13 correct?

14 A I did.

15 Q You said in your testimony that you'd got -- well,
16 maybe it's just in the report -- you got a video of that?

17 A I did. He was picked up from the detention center by
18 I believe it was detective Segovia and another
19 investigator and -- and brought to the police department
20 in Miami-Dade, into it, and it was a recorded interview
21 room.

22 Q Is there an audio of that or just video?

23 A It's video and audio.

24 Q Okay. Great. Now, in looking at your reports, every
25 single individual that I can see, like Abe Travis Polite,

1 Jeremy Murphy, George Savage, Enrique Miles, I mean, you
2 know, Enrique Miles, these individuals you were
3 questioning about this and ruling them out or including
4 them, they all received their *Miranda* rights, correct?

5 A If -- if they are -- if they are a suspect or even
6 perceived to be in custody, and there's going to be any
7 questioning about a crime taking place, they're going to
8 be read *Miranda*. If we're not going to question them
9 about a crime, we're not going to read them *Miranda*.

10 Q I understand. All of these individuals were given
11 their *Miranda* rights prior to any conversation you had
12 with them about this murder investigation.

13 A I don't believe -- I don't believe there was reason
14 to *Mirandize* Enrique Miles. He was a witness. But
15 anybody that would have been considered a suspect, yes,
16 would have been read their *Miranda* rights.

17 Q Okay.

18 A Before questioning.

19 MS. CAMPBELL: That's all I have. Thank you, your
20 Honor.

21 THE COURT: Any re-direct?

22 MASTER SERGEANT CHRISTINE WILSON

23 RE-DIRECT EXAMINATION, MS. BANNON:

24 Q Investigator Wilson, would it have changed your --
25 would you still have gotten the arrest warrant had the

1 DNA not matched?

2 A For Antonio Collins?

3 Q Correct.

4 A Probably at some point I would have, absolutely. I
5 think that the DNA strengthened what we already suspected
6 at that point. The DNA definitely, you know, made the
7 case stronger, but I think the direction that we were
8 going in at that point and information we had regarding
9 identity of family members and cooperation that we'd
10 gotten from Gussie Goldwire at that point, at some point,
11 even without doing that, I think that we could have.
12 Maybe not right at that second, but I think we're well on
13 the way to him with or without it.

14 Q If it had not matched, would it have changed your
15 perception of the case?

16 A If Mr. Collins' DNA had not matched?

17 Q Correct.

18 A Then we would have gone to another suspect.

19 Q So there was a potential that it would exclude him as
20 a contributor, and then change your opinion of him being
21 the shooter.

22 A That's correct.

23 MS. BANNON: No further questions.

24 MS. CAMPBELL: May I have just briefly, your Honor.

25 THE COURT: Um-hmm.

1 MASTER SERGEANT CHRISTINE WILSON

2 RE-CROSS-EXAMINATION, MS. CAMPBELL:

3 Q Just so the record's clear, you did not get with a
4 magistrate and try to get an arrest warrant for Antonio
5 Collins prior to Miami-Dade Police obtaining his DNA,
6 correct?

7 A An arrest warrant prior to obtaining DNA, no.

8 Q No, that never happened.

9 A That did not happen.

10 Q And you never tried to get one before that, right?

11 A Did not.

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

13 THE COURT: Okay. Thank you. Ma'am, you may step
14 down.

15 MS. BANNON: The State has no further witnesses, your
16 Honor.

17 MS. CAMPBELL: Your Honor, may I have just one moment
18 with my client?

19 THE COURT: You may.

20 MS. CAMPBELL CONFERRING WITH CLIENT.

21 BY THE COURT:

22 MS. CAMPBELL: May it please the Court.

23 THE COURT: Yes.

24 MS. CAMPBELL: If the State has finished presenting
25 what they would present to your Honor, I would offer Mr.

1 Collins' testimony for the limited purpose of the
2 conversation that he had and the questions that were
3 asked of him by the detective in Miami, and request that
4 it be solely limited to that six-minute time frame.

5 THE COURT: We can do that, but let's talk a minute
6 about the *Fifth* and *Sixth Amendment* before you go through
7 that.

8 MS. CAMPBELL: All right.

9 THE COURT: DNA evidence and the taking of a buccal
10 swab, even the taking of blood under *Schmerber* itself is
11 non-testimonial. The *Fifth Amendment* has no
12 applicability. There's no adversarial proceeding that
13 had attached for purposes of the *Sixth Amendment*. The
14 *Sixth Amendment's* offense specific. So the fact that he
15 was in the Miami-Dade Detention Center on something else
16 doesn't protect him on this Beaufort County homicide.

17 So, I say that in light of the -- that may help you
18 table your questions to limit him as much as possible.

19 To me, this is a *Fourth Amendment* issue and a
20 voluntariness issue. You're certainly welcome to put
21 anything you want to on regarding the *Sixth Amendment*,
22 but I think that law is really clear under *Pennsylvania*
23 *v. Muniz*, *State v. Klutt*, and just a whole litany of
24 cases.

25 So, before you put him up there and start asking him

1 questions, just keep that in mind. Okay?

2 MS. CAMPBELL: I appreciate that. Thank you very
3 much, your Honor. If I could have an additional moment
4 to talk with my client.

5 THE COURT: You may. Sure.

6 MS. CAMPBELL: All right. Thank you very much.

7 THE COURT: In fact, I'm going to take five. We'll
8 be at ease. You all chat for a minute.

9 OFF THE RECORD 10:50 A.M.

10 BACK ON THE RECORD 10:55 A.M.

11 BY THE COURT:

12 MS. CAMPBELL: May it please the Court.

13 THE COURT: Yes.

14 MS. CAMPBELL: I've had an opportunity to confer with
15 my client. And understanding your position, he is going
16 to testify with regard to those six minutes with the
17 officer in Miami.

18 THE COURT: Okay. That sounds fine, then. If he
19 would come forward and be sworn. If it'd be easier for
20 him to be right there. Whatever's easier for law
21 enforcement.

22 WITNESS SWORN.

23 DEFENDANT ANTONIO COLLINS

24 DIRECT EXAMINATION, MS. CAMPBELL:

25 A Name's Antonio Collins. A/n/t/o/n/i/o

1 C/o/l/l/i/n/s.

2 Q Mr. Collins, do you remember meeting with a detective
3 in Miami, Florida, probably about a year or so ago now?

4 A Yes.

5 Q Okay. Do you remember the detective who came to see
6 you? Was he here in court today?

7 A Yes, the one that just -- yes, just testified. The
8 male.

9 Q And do you remember what happened when that detective
10 came to see you?

11 A Yes. He told me that he was coming to exclude me
12 from a -- some rapes that happened in -- in -- in the
13 north -- north -- north -- north -- North Dade County.
14 That's Miami. And he have a list of names, like, I don't
15 know how many names is on the list, but it was -- it was
16 -- it was a couple of names.

17 And he told me that my name -- he told me that my
18 name was similar to -- to a name that -- that was given
19 to him on a -- on a rape that happened, so he had to take
20 my DNA to exclude me from -- from -- from the -- from --
21 from the -- from the rape that happened whatever.

22 So he -- he had a list of names. And he say he was
23 going around from place to place to different address,
24 looking for those -- those persons' names that was on the
25 list. And he said I was easiest to find because I was in

1 jail.

2 So he told me -- and I was like, well, I ain't got no
3 problem with giving you my DNA, because I know I ain't --
4 I know I ain't raped nobody. Because, before my charges
5 got dismissed in Miami, I was -- I was sitting in jail
6 about the whole year. So I was like, no problem; I give
7 you my DNA. So.

8 Q And you agreed to give him your DNA solely for the
9 purposes of excluding you --

10 A For the rape.

11 Q -- as a rape suspect?

12 A Yeah, because he said that he had a list. He was --
13 he was going through the list of names. He said I was
14 easiest to find. He's trying to -- know what I'm saying?
15 exclude me from -- from -- from the rape thing, whatever.

16 Q What did you think would happen if you didn't give
17 him your DNA?

18 A Well, he told --

19 Q Did you think you would be charged? What did you
20 think would happen?

21 A I -- to be honest with you, he -- he -- he -- he told
22 me, he was like, well, if you don't give me your DNA, I'm
23 going -- I'm going to go -- I'm going to go to the judge
24 and get it, and she gonna -- she gonna -- she gonna grant
25 me the warrant to get the DNA regardless. So.

1 Q Did you feel threatened?

2 A Yeah, I felt threatened, because I really didn't want
3 to do it, because I was like I ain't know who he was. I
4 was like, who you with and what you want. He was like,
5 -- I'm like, I'm already in jail for -- I'm already in
6 jail, you know, I'm sitting here. I'm sitting in jail
7 already, so what's it about. And he like, oh, this is
8 about a rape that happened in North -- North Miami-Dade,
9 and I need -- I need to exclude your name off this list.
10 He had a list of names. And he was like, well, if you
11 been in jail, you ain't got no problem; don't worry about
12 nothing. I was like, okay, well, yeah, but I done been
13 in jail for the last eight, nine months, so I know I
14 ain't doing no rape. So he like, just don't worry about
15 nothing; just your name -- your name matches the name
16 that -- that was -- that was similar to -- to this list
17 of names that the person gave me. So, he gave -- he had
18 a list, and he said my name was similar to whatever that
19 victim was or something.

20 And -- and he told me if I didn't give the DNA, that
21 he was going to go -- go through the judge and get a
22 warrant to make me get -- make me give a DNA, so. At
23 first, I was hesitant, because I was going to do it. I
24 was like, I ain't got nothing -- I don't know what you're
25 talking about. I don't know nothing about that. And

1 he's like, well, if you don't do it, I'm gonna -- I'm
2 gonna -- I'll be back in a -- in -- I'll be -- I'll be --
3 I'll be back in a day or two to -- to get the DNA
4 regardless, you know, what I'm saying. So I was like,
5 well, I guess I ain't got no choice. So I -- I went on
6 ahead and did it, because I felt I ain't got no choice.

7 MS. CAMPBELL: Thank you very much, Mr. Collins.
8 That's all the questions I have. Just one second.

9 THE COURT: Okay. Cross-examination.

10 DEFENDANT ANTONIO COLLINS

11 CROSS-EXAMINATION, MS. BANNON:

12 Q Mr. Collins, you didn't tell Detective Segovia that
13 he could only use that DNA for the rapes; did you?

14 A I didn't know what he was using it for. He told me
15 that it was for a rape.

16 Q All right. But you knew that it was for a criminal
17 investigation.

18 A I knew it was for a criminal investigation.

19 Q Yes, sir.

20 A Well, -- well, he -- be honest with you, he -- he --
21 he told me that I was in -- he told me don't worry about
22 it. He said, *If you been in jail for the last eight,*
23 *nine months, you ain't got nothing to worry about.*

24 Q Right. Okay. But you'll agree with me that you knew
25 he was a cop.

1 A I didn't know where he was from. I was like who are
2 you. Be honest with you, I thought he was --

3 Q You knew he was a cop.

4 A I thought he was a public defender from my case.

5 Q Did he tell you he was a lawyer?

6 A When he first came in, he didn't say anything. He
7 just came in and just -- he didn't flash no badge or none
8 of that. I had to ask all -- I had to ask like two or
9 three questions before he finally -- cause he was -- he
10 -- he was trying to be like -- like -- like Detective
11 Slick. I mean, he's a city -- he's a city detective. I
12 mean, he -- he was trying --

13 Q So he was a detective.

14 A He didn't say that till I ask like two or three
15 questions. All he did was come in, oh, Mr. Collins, I'm
16 here. You know what I'm saying, because of some -- some
17 -- some -- some rapes victims and this and that and that
18 and that and that.

19 Q Mr. Collins, you can read, right?

20 A Yes. I graduated high school. Yeah, I can read.

21 MS. BANNON: Permission to approach.

22 THE COURT: You may.

23 Q I'm showing you what's been made as Court's Exhibit

24 1. You recognize that?

25 A Be honest, I didn't even read it when he gave it to

1 me. I just signed it. I just -- I just -- I just
2 believed what he told me. I mean, I -- I see my
3 signature, yeah, but I didn't -- I didn't read it,
4 because I -- he told me it was for a rape, and he was
5 excluding my name from -- from a list of like five or ten
6 people names he had on the list. And he said my name
7 matches and that's the name that was on the list. So I
8 really -- I believe his word. I just signed it just to
9 -- just to get it over with.

10 Q Mr. Collins, what's the title on top of that in big,
11 bold letters?

12 A I can't see that far. Miami-Dade Police Department
13 Consent to Provide DNA Specimen.

14 Q And you signed that form. You signed it?

15 A Yeah, that's my -- that's my signature.

16 MS. BANNON: No further questions.

17 THE COURT: Yes, ma'am.

18 MS. CAMPBELL: Nothing further.

19 BY THE COURT:

20 THE COURT: Sir, you may step down. Anything
21 further?

22 MS. CAMPBELL: No, your Honor.

23 THE COURT: Okay. Then, I'm happy to hear from you
24 all.

25 MS. BANNON: Your Honor, briefly, if I may.

1 THE COURT: You may.

2 MS. BANNON: It was brought to my attention that I
3 failed to move to admit Court's Exhibit 3 into evidence.
4 And the State would ask to re-open and allow us to admit
5 that at this time.

6 THE COURT: What is Court's 3?

7 MS. BANNON: It's the results of the *Schmerber* buccal
8 swab.

9 THE COURT: Okay. I mean, I think it's admissible
10 for purposes of this hearing. The defense, obviously,
11 doesn't think it's admissible for purposes of any trial
12 that might go forward, but I'm happy to hear from you.

13 MS. CAMPBELL: It's fine, your Honor.

14 THE COURT: For purposes of this hearing alone, we
15 will admit State's 3 -- or Court's 3. Okay?

16 COPY OF DOCUMENT REFERRED TO AS

17 SCHMERBER BUCCAL SWAB MARKED

18 COURT'S EXHIBIT NUMBER 3,

19 ADMITTED AS EVIDENCE.

20 THE COURT: Okay. I think it's your motion, Ms.
21 Campbell, so.

22 ARGUMENT ON MOTION ON BEHALF

23 OF DEFENDANT, MS. CAMPBELL:

24 MS. CAMPBELL: It is, your Honor. It I may. For the
25 record, I'll continue to place my objection.

1 THE COURT: Sure.

2 MS. CAMPBELL: Understanding the Court's position on
3 our objection based on the *Fifth Amendment* and the
4 failure to give him his *Miranda* rights, and also, his
5 right to counsel at that proceeding.

6 But focusing on the *Fourth Amendment*, I would say
7 that, obviously, it's a search. It's an intrusion into
8 his body. It is, per se, unreasonable without a search
9 warrant. And the burden is upon the State to overcome
10 that. And we would take the position that they have not.

11 At *South Carolina Code 17-13-140*, the government can
12 issue a warrant to procure evidence from a person's body.
13 I don't think there's an argument against that. They
14 might. The statute allows that.

15 I think it's clear, under *Schmerber*, the taking of
16 bodily fluids constitutes a search under the *Fourth*
17 *Amendment*, and that, under the scenario that we've been
18 given here factually, this officer went in; talked to Mr.
19 Collins; searched him, in essence, by taking his bodily
20 fluids without a search warrant, under artifice and
21 device that led Mr. Collins to feel threatened, to feel
22 intimidated, to feel that he was a suspect in a crime;
23 that if he did not give them what they wanted, that he
24 was going to be charged with it.

25 And factually, we would then submit to the Court that

1 it violates his constitutional rights, and that, that
2 violation would then flow to the rest of the DNA in this
3 case that was secured back here in South Carolina.

4 Thank you, your Honor.

5 THE COURT: Okay. Anything further? Yes, ma'am.

6 ARGUMENT ON BEHALF OF STATE

7 MS. BANNON:

8 MS. BANNON: Your Honor, briefly, the State
9 recognizes that we have submitted a written brief
10 outlining each of our arguments and rebutting each
11 allegation by Ms. Campbell. We do not intend to go
12 through that. However, briefly, we would like to state
13 on the record that the State believes the *Fifth* and *Sixth*
14 *Amendments* do not apply, as your Honor has previously
15 stated; that this is a *Fourth Amendment* search issue.
16 And while one does need a search warrant for the *Fourth*
17 *Amendment*, that's unless exception apply. Here, consent
18 is one of the most common and most well-known exceptions,
19 and that is what the State is arguing why we did not need
20 such a warrant.

21 We heard unrefuted testimony from the officers today
22 that consent was given. Mr. Collins himself admitted to
23 signing the form, read the form. He's literate. He
24 understood the form.

25 The State believes that the Miami buccal swab was

1 legal under our laws. It should be admissible. If there
2 was any misrepresentation by Detective Segovia, law
3 enforcement is allowed to lie to people. And the State's
4 contention is that there was no misrepresentation by
5 Detective Segovia.

6 Additionally, should the State find that the Miami
7 buccal swab was improperly taken, the State argues that
8 the *Schmerber* buccal swab should not be suppressed due to
9 exceptions to the Fruit of the Poisonous Tree Doctrine,
10 mainly, inevitable discovery, and that a separate
11 probable cause hearing was held for the *Schmerber* buccal
12 and independent probable cause was found on that swab.
13 Therefore, it should not be suppressed as a result of
14 Fruit of the Poisonous Tree.

15 Thank you, your Honor.

16 RULING, BY THE COURT:

17 THE COURT: Okay. Just for purposes of the record, I
18 will put again my ruling regarding the *Fifth Amendment*
19 and *Sixth Amendment* being inapplicable here as the *Fifth*
20 *Amendment* privilege against self-incrimination protects
21 the accused from being compelled to give evidence of
22 testimonial or cumulative nature, but not from being
23 compelled to produce real or physical evidence. DNA and
24 the taking of a buccal swab, even the taking of blood,
25 all of that is non-testimonial.

1 So, while I think that the *Miranda* issue would go to
2 the totality of the circumstances and the analysis under
3 the *Fourth Amendment*, the *Fifth Amendment* does not
4 invalidate the taking of the Miami swab. Likewise, the
5 *Sixth Amendment* right to counsel attaches only when
6 adversary judicial proceedings have been initiated,
7 either by way of formal charge, preliminary hearing,
8 indictment information, or arraignment. None of that had
9 happened here. And the *Sixth Amendment* is offense
10 specific. It can't be invoked once for whatever charge
11 he was in custody on in Miami. Even if he'd already been
12 indicted, it's offense specific to that, and there was no
13 indication or any attachment. So the *Sixth Amendment*,
14 likewise, does not apply.

15 So what I'm looking at here is an analysis of whether
16 -- well, Judge Dennis made the *Schmerber* ruling with
17 respect to the South Carolina buccal swab that was taken.
18 With respect to the Miami buccal swab, I have to look at
19 the voluntary nature or involuntary nature of the consent
20 that was given.

21 Based on the testimony that I heard from the Miami
22 detective and from the defendant, along with, I believe
23 it was it was Court's 1, the Consent to Provide DNA
24 Specimen for Laboratory Analysis, I find that, under the
25 totality of the circumstances, the consent was voluntary/

1 This defendant's will was not overborne by the detective.
2 And under *State v. Meyer* and numerous United States
3 Supreme Court cases and South Carolina Supreme Court
4 cases, while misdirection or misstatements by law
5 enforcement are not the favored method, generally, to
6 gain custodial statements, but here, non-testimonial
7 consent, they don't invalidate the consent that's given.
8 I have to look at the totality of the entire
9 circumstances.

10 This defendant was savvy enough to ask a few
11 questions, to take a look at the badge. And the entire
12 conversation, it appears, only lasted about six minutes.
13 Both of the law enforcement officers who testified
14 regarding any taking of the DNA swab indicated that it's
15 not an interrogation. It's not a custodial
16 interrogation. That's why they don't give *Miranda*.

17 So I do find that the Miami-Dade swab and the consent
18 given was voluntary. However, even if it were not
19 voluntary, it would have, inevitably, been discovered
20 through the independent source of an order being issued
21 under *Schmerber* for the defendant's DNA.

22 Under *Schmerber*, and as Judge Dennis already ruled
23 with respect to the South Carolina swab, what I have to
24 look at is whether there was probable cause to believe
25 the suspect committed the crime; a clear indication that

1 relevant material evidence will be found; and the method
2 sued to secure that evidence is safe and reliable.

3 As you know, *Schmerber* permitted the taking of blood.
4 Here, we're talking about a buccal swab. There's not a
5 much safer or more secure, assuming the chain of custody
6 is intact, method of getting the DNA that would be
7 necessary. I think that Prong 3 is pretty established in
8 terms of a buccal swab.

9 With respect of the first two prongs of the test,
10 here, we had abundant probable cause, more than I
11 normally see in a *Schmerber* setting. We had Gussie
12 Goldwire's identification. The Murphy fellow who, I
13 believe, owned the car that was tracked to Hampton
14 County. His indication that Antonio Collins, the fellow
15 from Florida, and one other gentleman were the ones that
16 had taken the car to do the lick that had gone bad.

17 In addition to the sketch artist that was eventually
18 sent down from SLED, all of those provide abundant
19 probable cause to believe that the suspect who committed
20 the crime. With respect to a clear indication that
21 relevant material evidence will be found, again, we have
22 more here than we normally have in that there was blood
23 all over the car. Apparently, what they were looking at
24 was blood from an unidentified male that was on the car,
25 the gun, and two other places that I noted, and that

1 didn't belong, had already been excluded as belonging to
2 the victim.

3 So they knew they had something for comparison
4 purposes, and that whatever buccal swab they took or
5 whatever evidence they found from the person for whom
6 they had probable cause to believe had committed the
7 crime, it would be relevant and material.

8 So, for that reason, I'm going to deny the motion to
9 suppress for those several reasons. But I note your
10 excellent advocate for your client. I mean, you all did
11 a great job. This one is a tough one, so. Okay. Thank
12 you.

13 MS. CAMPBELL: Thank you, your Honor.

END HEARING 11:14 A.M.

CERTIFICATE OF REPORTER

SEPTEMBER 19, 2012 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

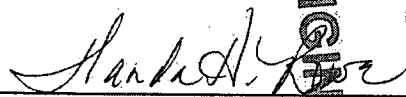
COUNTY OF BEAUFORT

I, Wanda H. Rowe, CVR-M, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing September 19, 2012 Transcript of Hearing is a true, accurate, and complete record of the proceedings had and evidence introduced at said proceeding in the case of State versus Antonio Collins, Case Numbers 2011-GS-07-02279, 2011-GS-07-02379, 2011-GS-07-02378, and 2011-GS-07-02403.

I further certify that I am of neither kin, counsel, or interest to any party hereto.

The original of this transcript nor any copy of same is not certified to be, nor authorized by me for use as, true, accurate, and complete without my original signature and stamp affixed hereto.

Witness my signature December 24, 2012.


Wanda H. Rowe, CVR-M
Official Court Reporter

MIAMI-DADE POLICE DEPARTMENT

CONSENT TO PROVIDE DNA SPECIMEN FOR LABORATORY ANALYSIS

NAME: COLLINS, ANTONIO EUGENE RACE: BLACK SEX: MALE DOB: 04/29/1977

ADDRESS: 1821 NW 151 ST. MIAMI, FL 33054

S.S. NUMBER: 265-79-3715

I.D. TYPE & NUMBER FLORIDA D.L. C 452-005-77-149-0

I, Antonio Collins, JAIL #100078678, HEREBY FREELY AND VOLUNTARILY CONSENT TO PROVIDE MDPD POLICE OFFICERS WITH A MOUTH SWAB SPECIMEN FOR INVESTIGATIVE PURPOSES. I HAVE BEEN FULLY INFORMED THAT THIS SPECIMEN WILL BE ENTERED INTO A DNA DATABASE AFTER ANALYSIS.

I HAVE BEEN FULLY INFORMED THAT THE INFORMATION MAY BE AVAILABLE TO MY PHYSICIAN UPON MY REQUEST, AND IT WILL REMAIN CONFIDENTIAL AND BE USED FOR NO PURPOSES OTHER THAN INVESTIGATION, WHICH MAY LEAD TO CRIMINAL PROSECUTION.

I FULLY UNDERSTAND THAT I HAVE A RIGHT TO REFUSE TO GIVE THIS SPECIMEN. I HAVE READ AND UNDERSTAND THE ABOVE STATEMENT AND I CONSENT TO PROVIDE THIS SPECIMEN OF MY OWN FREE WILL WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

ADDITIONALLY, IN THE EVENT I CANNOT PROVIDE PROPER IDENTIFICATION, I VOLUNTARILY AGREE TO PROVIDE MY THUMB PRINTS AT THE TIME OF THE SWAB COLLECTION TO MDPD POLICE OFFICERS.

Antonio Collins
SIGNATURE OF CONSENTING INDIVIDUAL

3/15/11
DATE AND TIME

DET. JUAN SEGOVIA Juan Segovia
WITNESS (Print and Sign) 4684
Badge No.

4:30 p.m.
DATE AND TIME

3/15/11 - 4:30 PM

9105 NW 25 ST. MIAMI, FL 33172
ADDRESS

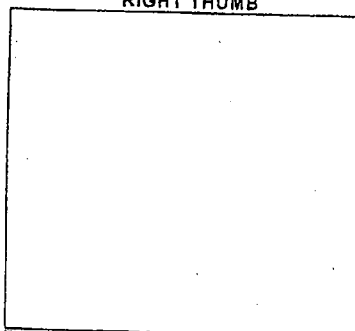
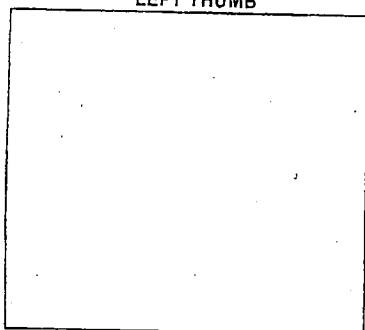
DET. JONATHAN SABEL JS
WITNESS (Print and Sign) 4471
Badge No.

3/15/11 4:30 p.m.
DATE AND TIME

9105 NW 25 ST. MIAMI, FL 33172
ADDRESS

LEFT THUMB

RIGHT THUMB



SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



REGINALD I. LLOYD
Director

Sgt. Chris Wilson
Beaufort County Sheriff's Office
PO Box 1758
Beaufort, SC 29901.

DNA ANALYSIS
March 25, 2011
SLED LAB: L09-07639
Your Case No: 20090622659
Incident Date: 6/22/2009
[V] Ronald Coleman, Jr.
[S] Antonio Collins

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Reginald I. Lloyd, Director
South Carolina Law Enforcement Division

SUPPLEMENTAL REPORT

DNA ANALYSIS

ITEMS ANALYZED:

- 13 Buccal swabs from Antonio Eugene Collins
- 1 Swabs from Seabrook Rd.
- 2 Swabs from Smith & Wesson Model SW40C S/N WAP0205
- 6 Swabs from front porch of 46 Seabrook Rd.
- 8 Swab from underneath backseat
- 10 Swab from underneath rear console vent



EXAMINATIONS

DNA analysis was performed on the items above. The results of Short Tandem Repeat (STR) PCR DNA analysis are shown in Table 1.



SLED LAB No. L09-07639
March 25, 2011

Page 2 of 3

RESULTS

The DNA profile developed from items 1, 6, 8, and 10 matches the DNA profile of Antonio Collins. The probability of randomly selecting an unrelated individual having a DNA profile matching these items is approximately 1 in 4.9 quadrillion.

The partial DNA profile developed from item 2 also matches the DNA profile of Antonio Collins.

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.



Jennifer L. Clayton
Forensic Scientist



Table 1 – Identifier

Items	D8S1179	D21S11	D7S820	CSF1PO	D3S1358	TH01	D13S317	D16S539	D2S1338	D19S433	vWA	TPOX	D18S51	D5S818	FGA	Amelogenin
13 Antonio Collins	14,15	29,33.2	9,11	10	14,16	6,9.3	9,12	11	21	13,14.2	16,17	8,11	15	12	19,25	XY
1 Seabrook Rd.	14,15	29,33.2	9,11	10	14,16	6,9.3	9,12	11	21	13,14.2	16,17	8,11	15	12	19,25	XY
2 Smith and Wesson	14,15	29,33.2	(9)	10	14,(16)	6,9.3		11	-	13,14.2	16,17	8,(11)	15	12	-	XY
6 Front porch	14,15	29,33.2	9,11	10	14,16	6,9.3	(9,12)	11	21	13,14.2	16,17	8,11	15	12	19,25	XY
8 Backseat	14,15	29,33.2	9,11	10	14,16	6,9.3	9,12	11	21	13,14.2	16,17	8,11	15	12	19,25	XY
10 Vent	14,15	29,33.2	9,11	10	14,16	6,9.3	9,12	11	21	13,14.2	16,17	8,11	15	12	19,25	XY

() = alleles between 75 and 149 rfu - = no results



Laboratory Analysis Electronic Packing Slip

Case Information

Sent electronically to Lab: (04/11/2012 @ 10:41)

SLED Forensic Services



Department Case: 200906220659 Submission # 2

- Department: Beaufort County Sheriff's Office [SC0070000] / User Name: Beaufort County Sheriff's Office
- Department Case: 200906220659
- Submission Number: 2
- Officer Name: Wilson, Chris
- Officer Email: jsnider@bcgov.net
- Officer Phone: 843-255-3409
- Offense Date: 06/22/2009
- Offense Location: 46 Seabrook Road, Seabrook, SC 29940
- County: Beaufort
- Case Type: HOMICIDE
- Case Comments: Additional submission
- Cross Reference: L09-07639

L09-07639

Sub# 4 Received (4/11/2012)
 Beaufort County Sheriff's Office
 Agency Case #: 200906220659

Submission Information

- Comments: BCSO item#98 is a DNA known standard from Antonio Collins. Please compare to SLED items 1,2,6,8 and 10.
- Date Sent: 04/11/2012

Name Information

Name Type	Full Name	Date Of Birth	Sex	Race
Victim	Coleman Jr, Ronald	9/23/1981	Male	Black/African American
Suspect	Collins, Antonio		Male	Black/African American

Analysis Request Information

Item Number	Package	Item Type Code	Item Description	Serial Number	Exam Requests	Date Collected
14 98	paper bag	[009]Buccal swab	Antonio Collins		DNA-Known Standard	01/25/2012 12:40

Tox Questions

Death:

- ☒ Yes, if yes: ☐ Traffic Fatality ☐ Child Fatality ☐ Accident ☐ Natural ☐ Unexplained
☐ No

Traffic Fatality:

- ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Motorcyclist ☐ Bicyclist ☐ Boating ☐ Other

Other Causes:

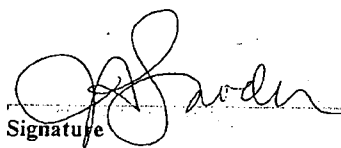
- ☐ Gunshot ☐ Stabbing ☐ Beating ☐ Strangulation/Suffocation ☐ Drug/Poison/Alcohol ☐ Fire ☐ Disease
☐ Carbon Monoxide ☐ Hanging ☐ Electrocution ☐ Heart Related ☐ Drowning ☐ Other

DUI:

- Felony ☐ Yes ☒ No Resulting in Death ☐ Yes ☒ No (if yes, victim required) Breath Test Given ☐ Yes ☒ No if yes, reading:

Drugs

- Suspected ☐ Yes ☒ No if yes, list drugs:


Signature

J.A. Snider
Print Name

This Space Reserved For Lab Receipt Barcode



SLED LABORATORY FORENSIC SERVICES REQUEST

SLED LAB No. L09-07639
Submission: 4/11/2012 10:46:57AM

Name of Investigating officer: <u>Sgt. Christine Wilson</u>		ORI No: <u>SC0070000</u>
Agency: <u>Beaufort County Sheriff's Office</u>	Phone No: <u>843-470-3200</u>	Agency Case No: <u>200906220659</u>
Fax No: _____	Email: _____	Offense: <u>HOMICIDE</u>
Mailing Address: <u>PO Box 1758</u>		County: <u>Beaufort</u>
City / State / Zip: <u>Beaufort, SC 29901</u>		Offense Date: _____
CC: _____		Officer Involved Shooting ☐ Yes
		Rush: ☐ Yes

Is this evidence related to another lab number?

☐ Yes ☒ No

If yes, Lab Number: _____

SLED ITEM NO LAB ONLY		Agency Item No.	Description of Evidence	Analysis Requested
14	98		Buccal swab - Antonio Collins	DNA ANALYSIS

Subject(s)	Sex	Race	DOB	SSN
Antonio Collins	M	B	04/29/1977	

Victim(s)	Sex	Race	DOB	SSN
Ronald Coleman, Jr	M	B	09/23/1981	
Ronald Coleman Jr	M	B	09/23/1981	

Comments

Case Comments: Additional submission

All sealed evidence packages accepted by the laboratory are assumed to contain what they are "said to contain" by the submitter. The laboratory does not conduct a detailed inventory of evidence package contents during the evidence intake process.

This Space Reserved For Lab Receipt Barcode



**SLED LABORATORY
FORENSIC SERVICES REQUEST**

SLED LAB No. L09-07639

Submission: 4/11/2012 10:46:57AM

Submitted By :

Received By :

J Snider

Jennifer Snider

Nikki P. Hughes

Nikki Perry Hughes
Forensic Technician

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT	)	2011 NOV 29 PM 4:09
STATE OF SOUTH CAROLINA	)	JERIN ANN ROSENEAU
	)	BEAUFORT COUNTY CLERK OF COURT
	)	NOTICE OF MOTION AND ORDER
v.	)	
	)	Indictment No. 2011-GS-07-2279
Antonio Collins,	)	
Defendant.	)	

TO: Defendant, Antonio Collins; by and through his counsel, Trasi Campbell.

The above named defendant shall take notice that the Solicitor of the Fourteenth Judicial Circuit will move before the Presiding Judge during the General Sessions Term of court beginning December 12, 2011 at the Beaufort County Courthouse to request that the defendant submit to the taking of buccal swabs for DNA testing purposes.

This motion is made on the following grounds:

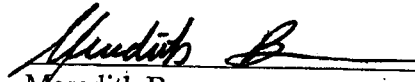
1. That on June 29, 2009, Ronald Coleman lived at 46 Seabrook Road in Seabrook, SC in Beaufort County.
2. That at around 9 pm on June 29, 2009, Enrique Miles went to Coleman's house.
3. That upon approaching the house, Miles saw 2 black men in white t shirts and black pants at the back door of Coleman's house.
4. That these men approached Miles.
5. That Miles did not know these men.
6. That the men pulled out a gun and held it to Miles's head.
7. That one of the men was Antonio Collins.
8. That Collins forced Miles to go to the front door at gun point.

9. That the Defendant made Miles attempt to lure Coleman to the door.
10. That the Defendant held a gun at Miles's head the entire time.
11. That Miles did try to alert Coleman to the situation.
12. That the Defendant threw Miles to the ground.
13. That the Defendant kicked open the front door that was nailed shut.
14. That a gunfight ensued between the Defendant and Coleman.
15. That Coleman was shot 5 times in his left side.
16. That Coleman died from his injuries.
17. That the Defendant was struck with a bullet and left a blood trail.
18. That the blood trail extended from Coleman's house to the middle of the road.
19. That Miles notified the police.
20. That a witness observed 2 black men run by her window just prior to Miles reporting the crime.
21. That numerous gun casings were found at the scene.
22. That numerous blood samples were taken from Coleman's home and roadway.
23. That a gun was located at the scene.
24. That Miles took and passed a lie detector test.
25. That a composite of the Defendant was made.
26. That a 1993 or 1994 Gold or beige Cadillac was observed in the neighborhood prior to the shooting.

27. That Law Enforcement received information regarding who was involved with the shooting.
28. That Law Enforcement interviewed Jeremy Murphy as the possible getaway driver.
29. That Murphy owns a 1995 cream colored Cadillac.
30. That Law Enforcement obtained a search warrant for Murphy's car.
31. That Murphy stated he lent his car to the Defendant and George Savage the night of the murder.
32. That Murphy's alibi did not corroborate his story.
33. That Law Enforcement observed what appeared to be blood stains in the back seat of Murphy's car.
34. That Law Enforcement collected samples of the blood in Murphy's car.
35. That a hold was placed on the Defendant when he was arrested in Miami-Dade County on unrelated charges.
36. That a consent sample was taken of the Defendant's DNA.
37. That the Defendant's DNA sample matched the blood samples taken from Murphy's car.
38. That the Defendant's s DNA sample matched the blood samples taken from the crime scene in Seabrook.
39. That the Defendant is now back in Beaufort County.
40. That another DNA sample is needed to confirm the Defendant is the person whose DNA was on the swab from Miami-Dade County.

41. That such confirmation will aid in further substantiating or eliminating the Defendant as the perpetrator of this crime.
42. That such a procedure is minimally intrusive and can be conducted in complete safety to the defendant.
43. That such an order is necessary and compelling in order to further the ends of justice.

Therefore, the State prays for an Order from this Court to require the defendant to submit to such an examination for the taking of a buccal swab for a DNA sample.


Meredith Bannon
Assistant Solicitor
14th Judicial Circuit

Beaufort, South Carolina
November 29, 2011

SCHMERBER MOTION FOR ANTONIO COLLINS

In that on June 22, 2009, Ronald Coleman lived at 46 Seabrook Road in Seabrook, SC in Beaufort County.

In that at around 9 pm on June 22, 2009, Enrique Miles went to Coleman's house.

In that upon approaching the house, Miles saw 2 black men in white t shirts and black pants at the back door of Coleman's house.

In that these men approached Miles.

In that Miles did not know these men.

In that the men pulled out a gun and held it to Miles's head.

In that one of the men was Antonio Collins.

In that Collins forced Miles to go to the front door at gun point.

In that the Defendant made Miles attempt to lure Coleman to the door.

In that the Defendant held a gun at Miles's head the entire time.

In that Miles did try to alert Coleman to the situation.

In that the Defendant threw Miles to the ground.

In that the Defendant kicked open the front door that was nailed shut.

In that a gunfight ensued between the Defendant and Coleman.

In that Coleman was shot 5 times in his left side and died from his injuries.

In that the Defendant was struck with a bullet and left a blood trail.

In that the blood trail extended from Coleman's house to the middle of the road.

In that Miles notified the police.

In that a witness observed 2 black men run by her window just prior to Miles reporting the crime.

In that numerous gun casings were found at the scene.

In that numerous blood samples were taken from Coleman's home and roadway.

In that a gun was located at the scene.

In that Miles took and passed a lie detector test.

In that a composite of the Defendant was made.

In that a 1993 or 1994 Gold or beige Cadillac was observed in the neighborhood prior to the shooting.

In that Law Enforcement received information regarding who was involved with the shooting.

In that Law Enforcement interviewed Jeremy Murphy as the possible getaway driver.

In that Murphy owns a 1995 cream colored Cadillac.

In that Law Enforcement obtained a search warrant for Murphy's car.

In that Murphy stated he lent his car to the Defendant and George Savage the night of the murder.

In that Murphy's alibi did not corroborate his story.

In that Law Enforcement observed what appeared to be blood stains in the back seat of Murphy's car.

In that Law Enforcement collected samples of the blood in Murphy's car.

In that a hold was placed on the Defendant when he was arrested in Miami-Dade County on unrelated charges.

In that a consent sample was taken of the Defendant's DNA.

In that the Defendant's DNA sample matched the blood samples taken from Murphy's car.

In that the Defendant's s DNA sample matched the blood samples taken from the crime scene in Seabrook.

In that the Defendant is now back in Beaufort County.

In that another DNA sample is needed to confirm the Defendant is the person whose DNA was on the swab from Miami-Dade County.

In that such confirmation will aid in further substantiating or eliminating the Defendant as the perpetrator of this crime.

In that such a procedure is minimally intrusive and can be conducted in complete safety to the defendant.

In that such an order is necessary and compelling in order to further the ends of justice.

In that there is probable cause to believe that s/Antonio Collins did commit the offense of Murder of Ronald Coleman on June 22, 2009.

Further, in that there is probable cause to believe that s/Antonio Collins did commit the offense of kidnapping of Enrique Miles on June 22, 2009.

Additionally, there is probable cause to believe that s/Antonio Collins did commit the offense of Burglary 1st at 46 Seabrook Road in Seabrook, SC on June 22, 2009.

In that based on the above, there is evidence to believe Antonio Collins provided a DNA sample in Miami that matches the DNA found at the scene of the crime and in the getaway car.

Affiant: Christine L. Wilson

Date: November 29, 2011

Notary Public: Jody R. Hiers

Expiration of Commission: April 21st, 2015

M056720

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

STATE OF SOUTH CAROLINA)

v.)

Antonio Collins,)

Defendant.)

IN THE COURT OF GENERAL SESSIONS

ORDER

Indictment No. 2011-GS-07-2279

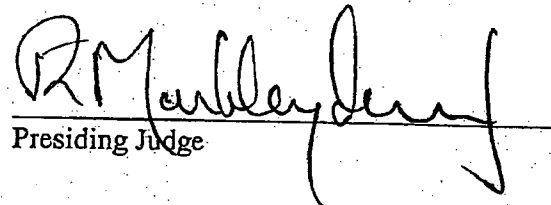
2012 FEB -9 AM 9:18
 BEAUFORT COUNTY
 CLERK OF COURT

This matter came before the Court on ~~December 25, 2011~~ ^{January 25, 2012}, upon the motion of the State, represented by Assistant Solicitor Meredith Bannon. The defendant was represented by counsel, Trasi Campbell, Esquire.

It appears to this Court that the State requires a DNA sample from the defendant in order to further the investigation of this case. The Court orders the collection of a buccal swab from defendant and finds the taking of said sample to be reasonable and justifiable intrusions which do not violate the defendant's Fourth Amendment Rights.

Accordingly, it is hereby

ORDERED that the State may collect a DNA sample via buccal swab from the defendant.


 Presiding Judge

Beaufort, South Carolina
 This 25th day of ~~December~~ ^{January}, 2011



2011GS072378
2011GS072379
2011GS072403

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)
STATE OF SOUTH CAROLINA)
v)
Antonio Collins,)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
Indictment No. 2011-GS-07-2279, 2011-GS-07-2379
2011-GS-07-2378, 2011-GS-07-2403
STATE'S RESPONSE TO DEFENSE
MOTION TO SUPPRESS BUCCAL SWAB

12 SEP 19 AM 8:52
CLERK OF COURT
BEAUFORT COUNTY, S.C.

COMES NOW, the State of South Carolina, by the 14th Circuit Solicitor and through the undersigned Assistant, hereby asks this Court to deny the Defendant's motion to suppress and find that both buccal swabs were lawfully acquired from the Defendant.

ISSUE

Whether a buccal swab taken with the Defendant's consent and a buccal swab taken pursuant to a *Schmerber* Order are admissible at the Defendant's murder trial?

FACTS

On June 29, 2009, Ronald Coleman lived at 46 Seabrook Road in Seabrook, SC in Beaufort County. At around 9 pm on June 29, 2009, Enrique Miles, Coleman's childhood friend, went to Coleman's house. A 1993 or 1994 Gold or beige Cadillac was observed in the neighborhood prior to the shooting. Upon approaching the house, Miles saw two black men in white t-shirts and black pants at the back door of Coleman's house. The two men approached Miles and he did not recognize them. One of the men, who has been identified as Antonio Collins, pulled out a gun and held it to Miles's head. Miles was forced to go to the front door of the house and attempt to lure Coleman to the door. Miles was able to alert Coleman to the

situation prior to Collins throwing Miles to the ground and kicking in the door which had been nailed shut. A gunfight between Coleman and Collins ensued. Coleman was struck with five bullets in his left side and died from his injuries. The Defendant was hit with a bullet and left a blood trail to his getaway car. The blood trail extended from Coleman's house to the middle of the road.

A neighbor observed two black men run by her window just prior to Miles notifying Law Enforcement of the crime. Numerous shell casings were found at the crime scene. A gun was located on the scene. Samples were taken from suspected blood stains both in Coleman's home and in the roadway. Miles submitted to and passed a lie detector test. A composite sketch of the Defendant was created.

Through the course of the investigation, Law Enforcement received information regarding who was involved with the shooting. This led to Law Enforcement interviewing Jeremy Murphy as the possible getaway driver. Murphy owns a 1995 cream colored Cadillac. Murphy stated he lent his car to the Defendant and George Savage the night of the murder. Murphy's alibi did not corroborate his story. Law Enforcement obtained a search warrant for Murphy's car. Law Enforcement observed what appeared to be blood stains in the back seat of Murphy's car. Law Enforcement collected samples of the blood in Murphy's car. The samples did not match either Murphy or the Victim. An informant came forward and revealed the name of the Defendant as the person who killed the Victim pursuant to a federal plea agreement. This informant provided Law Enforcement with Antonio Collins's name and identifying information.

In the fall of 2010, a hold was placed on the Defendant when he was arrested in Miami-Dade County, Florida on unrelated charges. Inv. Chris Wilson and MSGT. Jeff Purdy contacted Detective Juan Segovia with the Miami-Dade Police Department. In their conversations,

MSGT. Purdy off handedly suggested to Det. Segovia that he tell the Defendant that he was a suspect in a series of brutal child rapes to secure the Defendant's consent to a buccal swab.

On March 13, 2011, Det. Segovia met with the Defendant in the Miami-Dade County jail. He advised him of his rights and asked him to consent to a buccal swab. No mention of the crime for which he was submitting the DNA was made. Further, Det. Segovia provided the Defendant with a written "Consent to Provide DNA Specimen for Laboratory Analysis" contemporaneous with collecting his buccal swab. (See Exhibit A). Det. Segovia made no allusions or direct statements concerning the Defendant's status as a suspect in a series of molestations nor was the Defendant lied to in order to obtain his consent. This meeting lasted six minutes. This buccal swab was sent via Federal Express to the Sheriff's office. This sample matched the blood samples taken from Murphy's car and the blood samples taken from the crime scene. (See Exhibit B).

A *Schmerber* hearing was conducted on January 25, 2012 in front of Judge Markley Dennis where probable cause for another buccal swab was found. An analysis of this buccal swab again showed that the Defendant was a DNA match to the blood samples taken from Murphy's car, the roadway and the victim's porch. (See Exhibit C).

LAW

Voluntary Sample

A DNA buccal swab constitutes a search and seizure under the Fourth Amendment.

"Warrantless searches and seizures are reasonable within the meaning of the Fourth Amendment when conducted under the authority of voluntary consent." *State v. Pichardo*, 367 S.C. 84, 105; 623 S.E.2d 840 (S.C.Ct. App. 2005). The police do not have to tell a person that he has the right

to refuse consent. *State v. Forrester*, 343 S.C. 637, 541 S.E.2d 837 (2001). Threats of future prosecution do not negate consent. *State v. Battle*, 304 S.C. 191, 403 S.E.2d 331 (Ct. App. 1991)(where Defendant freely and voluntarily consented to a search of his home where he was told by officers that his girlfriend "could go to jail for what was in the house;" was told that he could sign a written consent to the search or the officers would seek a search warrant; was advised of his Miranda rights, and pointed out to the officers the location of the cocaine in a dresser.). One being in custody does not negate their consent to search. *State v. Brannon*, 347 S.C. 85, 552 S.E.2d 773 (Ct. App. 2001)(where the police detained and handcuffed defendants because of the fear of flight, evidence found after they signed a written consent to search their car was admissible.).

The prosecution has the burden of establishing that the consent was willful. *State v. Pichardo*, 367 S.C. 84, 105, 623 S.E.2d 840 (S.C.Ct. App. 2005). Voluntary consent "is a question of fact to be determined from the totality of circumstances." *State v. Adams*, 377 S.C. 334, 339, 659 S.E.2d 272 (S.C. Ct. App. 2008). Once consent is given for a buccal swab, the privacy of the DNA is relinquished when given "without any limitation on the scope on consent." *State v. McCord*, 349 S.C. 477, 562 S.E.2d 689 (S.C. Ct. App. 2002). The *McCord* court cites *Bickley v. State*, 489 S.E.2d 167 (Ga. Ct. App. 1997), which states "DNA results are like fingerprints which are maintained on file by law enforcement authorities for use in further investigations." *McCord*, 349 S.C. at 484, 562 S.E.2d 689 (S.C. Ct. App. 2002).

This "totality of the circumstances" test for consent on a buccal swab is similar to the "totality of the circumstances" test used to determine whether a confession is made voluntarily. Both the South Carolina Supreme Court and the US Supreme Court have held that misrepresentations made by law enforcement in obtaining a confession, while not encouraged, is

not by itself conclusive that the confession is coerced. *State v. Von Dohlen* 322 S.C. 234, 244 (1996). Instead, such misrepresentations are one of many factors in the totality of the circumstances for the court to consider. For example, in *State v. Myers* 359 S.C. 40 (2004), police misrepresented to the defendant that his DNA matched DNA found at the scene. While the Court acknowledged that the misrepresentation was a relevant factor to consider, it nonetheless determined that the confession was voluntary based on the fact that the defendant had been advised of his rights multiple times, that no interrogation lasted longer than a couple of hours, and that the police made sure that the defendant was well rested. *Id.* at 47.

Exceptions to the Fruit of the Poisonous Tree Doctrine

Under the Fruit of the Poisonous Tree Doctrine, “evidence must be excluded if it would not have come to light but for the illegal actions of the police, and the evidence has been obtained by the exploitation of that illegality.” *State v. Copeland*, 321 S.C. 318, 323, 468 S.E.2d 620 (S.C. 1996). Just because evidence was discovered through the illegal actions of the police does not necessarily mean that it is the “fruit of the poisonous tree.” *Wong Sun v. United States*, 317 U.S. 471, 83 S. Ct. 407 (1963).

“If the prosecution can establish by a preponderance of the evidence that the information ultimately or inevitably would have been discovered by lawful means, the information is admissible despite the fact it was illegally obtained.” *State v. Spears*, 393 S.C. 466, 482, 713 S.E.2d 324 (S.C. Ct. App. 2011). The State does not have to prove the absence of bad faith on the part of the police. *Nix v. Williams*, 467 U.S. 431, 104 S. Ct. 2501(1984) (*where police would have discovered victim’s body even if defendant had not given information as result of improper interrogation*). “Suppression of evidence, however, has always been our last resort, not our first impulse. The exclusionary rule generates ‘substantial social costs,’ which sometimes include

setting the guilty free and the dangerous at large. We have therefore been ‘cautio[us] against expanding’ it, and ‘have repeatedly emphasized that the rule’s ‘costly toll’ upon truth-seeking and law enforcement objectives presents a high obstacle for those urging [its] application.’ We have rejected ‘[i]ndiscriminate application’ of the rule, and have held it to be applicable only ‘where its remedial objectives are thought most efficaciously served,’ that is, ‘where its deterrence benefits outweigh its ‘substantial social costs.’” (Citations omitted.) *Michigan v. Hudson*, 547 U.S. 586, 591 126 S.Ct. 2159, 2163 (2006).

The benefits of deterrence must outweigh the substantial social costs of suppression. The standard is high: “[t]he rule’s costly toll upon truth-seeking and law enforcement objectives presents a high obstacle for those urging [its] application.” *Herring v. U.S.*, ___ U.S. ___, 129 S.Ct. 695, 701 (2009). Suppression is not an automatic consequence of a Fourth Amendment violation. Instead, the question turns on the culpability of the police and the potential of exclusion to deter wrongful police conduct. *Id.* The prerequisites to the suppression of evidence under the exclusionary rule are as follows:

1. “The exclusionary rule applies only where exclusion of the evidence would result in appreciable deterrence, *i.e.*, exclusion would appreciably deter Fourth Amendment violations by law enforcement in the future. The extent to which the exclusionary rule is justified varies with the culpability of the law enforcement conduct.” *Herring v. U.S.*, *supra*.

2. “To trigger the exclusionary rule, police conduct must be sufficiently deliberate that exclusion can meaningfully deter it, and sufficiently culpable that such deterrence is worth the price paid by the justice system. ... [T]he exclusionary rule serves to deter deliberate, reckless, or grossly negligent conduct, or in some circumstances recurring or

systemic negligence.” *Id.* at 702

“Exclusion of physical evidence that would inevitably have been discovered adds nothing to either the integrity or fairness of a criminal trial Suppression, in these circumstances, would do nothing whatever to promote the integrity of the trial process, but would inflict a wholly unacceptable burden on the administration of justice.” *Nix v. Williams*, 467 U.S. 431 at 446-447, 104 S. Ct. 2501 at 2510. The inevitable discovery exception to the exclusionary rule does not apply without a showing that a required warrant would have actually been sought and obtained. *United States v. Allen*, 159 F.3d 832 (4th Cir. 1998) and *State v. Jenkins*, 727 S.E.2d 761, 2012 S.C.App. LEXIS 166, (2012), (*where the trial court initially found the search warrant for DNA to be valid. The Court of Appeals found that the search warrant was defective. The State argued that the DNA should nevertheless be admitted based on the inevitable discovery exception to the exclusionary rule. In a footnote, the Court says that the prosecutor must establish that the DNA would have inevitably been obtained and that it could have been used.*)

Argument

1. The Miami buccal swab is admissible due to consent.

Collins signed a consent form stating that he freely and voluntarily consented to the taking of his DNA for laboratory analysis. The form further states that he had been informed of his right to refuse to give the sample. Additionally, the form explicitly states the DNA swab was being given exclusively for investigative purposes which may result in criminal prosecution. Further, Det. Segovia’s report indicates that he met with Collins starting at 4:24pm and that Collins consented to give the sample at 4:30pm. The consent form also indicates that Collins signed the form at 4:30pm. A six minute long conversation can hardly be characterized as

unduly burdensome. Det. Segovia did not convey any threats or misrepresentations to Collins to obtain the buccal swab. There is no indication that Collins was tired or malnourished or otherwise altered when he signed the form. There is no indication that he suffered from a mental condition that would prevent him from understanding the form. Based on all of these circumstances, Collins knowingly and voluntarily gave Det. Segovia his buccal swab.

2. The Miami buccal swab is admissible through consent obtained by misdirection.

Assuming one disregards the voluntary waiver sheet and Det. Segovia's testimony and one believes that Det. Segovia followed MSGT. Purdy's advice, the buccal swab from Miami is still admissible. Law Enforcement can lie and make misrepresentations to a suspect. Here, if the Defendant was told he was a suspect in a series of molestation cases, he still would be aware he was giving a sample of bodily fluids to be used by Law Enforcement for comparison with evidence. As in *McCord*, one cannot limit the scope of the sample given. Therefore, if the Defendant consented to giving Law Enforcement a buccal swab in one case, he did not have an expectation of privacy that the results of the swab would not be used in another case. Additionally, no allegations of force or threats have been alleged. Misdirection by law enforcement is not so powerful as to overbear the independent thought and decision making process of the Defendant. Therefore, he gave Law Enforcement willing consent to take his buccal swab for an investigation. As such, the consent exception to the warrant requirement is met.

3. The Miami buccal swab is admissible by both exceptions to the Fruit of the Poisonous Tree Doctrine.

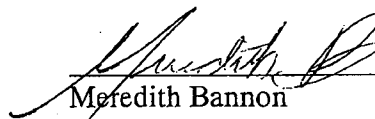
If the Court finds that the misdirection by Law Enforcement is so severe as to warrant the suppression of the Miami buccal swab, the buccal swab taken pursuant to the *Schmerber* hearing is still admissible under the Independent Source and Inevitable Discovery exceptions to the Fruit of the Poisonous Tree Doctrine. A *Schmerber* hearing was conducted in front of a Circuit Court judge where probable cause was found to substantiate the collection of a buccal swab from the Defendant. This buccal swab provided an independent source of the Defendant's DNA from the Miami buccal swab. The *Schmerber* buccal swab was not obtained through any misdirection or exertion of police power. Therefore, regardless of the admissibility of the Miami swab, the *Schmerber* buccal swab should be admissible.

Additionally, the fact that the Circuit Court ordered the buccal swab to be taken supports that the Defendant's DNA, regardless of what happened in Miami, would have been inevitably discovered by the State. In contrast with the situation in *Jenkins*, this case has already had another buccal swab ordered and the inevitable discovery argument is timely. Again, the *Schmerber* buccal should be admissible regardless of the Miami buccal due to being independently collected and ultimately ordered by the Court. The Miami buccal should be admissible under the Inevitable Discovery Doctrine.

Applying the *Herring* test, these circumstances do not meet the prerequisites for suppression even if a violation is found to have occurred. The deterrent value of suppressing the buccal swab which would have been inevitably discovered would add nothing to the integrity of a criminal trial. Rather, just as posited in *Nix*, suppression in this instance would unfairly burden the justice system without a benefit of prevention.

CONCLUSION

Generally, a buccal swab which is given with consent is admissible. Alternatively, if deception was found to be used to obtain the Defendant's buccal swab, his consent is still valid as he was aware he was giving his DNA to Law Enforcement for investigative purposes and as such a buccal swab obtained under such circumstances is admissible. Further, a buccal swab which was obtained through a probable cause *Schmerber* hearing in front of a Circuit Court Judge is admissible as it offers proof that the buccal swab was going to be inevitably taken. As the source of the buccal swab through the *Schmerber* hearing is different than the consent buccal swab, it is from an independent source and not subject to suppression by virtue of the Fruit of the Poisonous Tree Doctrine. Therefore, the subsequently obtained buccal swab from the *Schmerber* hearing is admissible. As such, the undersigned humbly requests this Court to find the DNA results from the Miami buccal swab and the DNA results from the *Schmerber* buccal swab to be admissible at trial.



Meredith Bannon
Assistant Solicitor
14th Judicial Circuit

Beaufort, South Carolina
September 19, 2012

EXHIBIT A

**MIAMI-DADE POLICE DEPARTMENT
CONSENT TO PROVIDE DNA SPECIMEN FOR LABORATORY ANALYSIS**

NAME: COLLINS, ANTONIO EUGENE RACE: BLACK SEX: MALE DOB: 04/29/1977

ADDRESS: 1821 NW 151 ST. MIAMI, FL 33054

S.S. NUMBER: 265-79-3715

I.D. TYPE & NUMBER FLORIDA D.L. C 452-005-77-149-0

I, Antonio Collins, JAIL # 100078678 HEREBY FREELY AND VOLUNTARILY CONSENT TO PROVIDE MDPD POLICE OFFICERS WITH A MOUTH SWAB SPECIMEN FOR INVESTIGATIVE PURPOSES. I HAVE BEEN FULLY INFORMED THAT THIS SPECIMEN WILL BE ENTERED INTO A DNA DATABASE AFTER ANALYSIS.

I HAVE BEEN FULLY INFORMED THAT THE INFORMATION MAY BE AVAILABLE TO MY PHYSICIAN UPON MY REQUEST, AND IT WILL REMAIN CONFIDENTIAL AND BE USED FOR NO PURPOSES OTHER THAN INVESTIGATION, WHICH MAY LEAD TO CRIMINAL PROSECUTION.

I FULLY UNDERSTAND THAT I HAVE A RIGHT TO REFUSE TO GIVE THIS SPECIMEN. I HAVE READ AND UNDERSTAND THE ABOVE STATEMENT AND I CONSENT TO PROVIDE THIS SPECIMEN OF MY OWN FREE WILL WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.

ADDITIONALLY, IN THE EVENT I CANNOT PROVIDE PROPER IDENTIFICATION, I VOLUNTARILY AGREE TO PROVIDE MY THUMB PRINTS AT THE TIME OF THE SWAB COLLECTION TO MDPD POLICE OFFICERS.

Antonio Collins
SIGNATURE OF CONSENTING INDIVIDUAL

3/15/11
DATE AND TIME

DET. JUAN SEGOVIA Juan Segovia
WITNESS (Print and Sign) 4684
Badge No.

4:30 p.m.
DATE AND TIME
3/15/11 - 4:30 PM

9105 NW 25 ST. MIAMI, FL 33172
ADDRESS

DET. JONATHAN SABEL JS
WITNESS (Print and Sign) 4471
Badge No.

3/15/11 4:30 p.m.
DATE AND TIME

9105 NW 25 ST. MIAMI, FL 33172
ADDRESS

LEFT THUMB

RIGHT THUMB

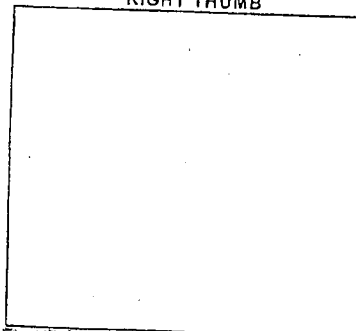
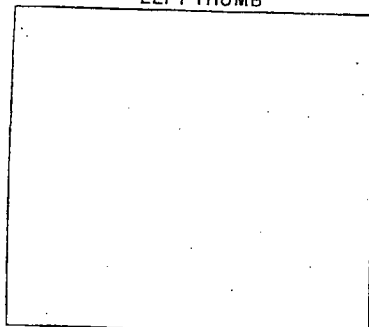


EXHIBIT B

SOUTH CAROLINA LAW ENFORCEMENT DIVISION
FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



REGINALD I. LLOYD
Director

Sgt. Chris Wilson
Beaufort County Sheriff's Office
PO Box 1758
Beaufort, SC 29901

DNA ANALYSIS
March 25, 2011
SLED LAB: L09-07639
Your Case No: 20090622659
Incident Date: 6/22/2009
[V] Ronald Coleman, Jr.
[S] Antonio Collins

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Reginald I. Lloyd, Director
South Carolina Law Enforcement Division

SUPPLEMENTAL REPORT

DNA ANALYSIS

ITEMS ANALYZED:

- 13 Buccal swabs from Antonio Eugene Collins
- 1 Swabs from Seabrook Rd.
- 2 Swabs from Smith & Wesson Model SW40C S/N WAP0205
- 6 Swabs from front porch of 46 Seabrook Rd.
- 8 Swab from underneath backseat
- 10 Swab from underneath rear console vent

EXAMINATIONS

DNA analysis was performed on the items above. The results of Short Tandem Repeat (STR) PCR DNA analysis are shown in Table 1.



SLED LAB No. L09-07639
March 25, 2011

Page 2 of 3

RESULTS

The DNA profile developed from items 1, 6, 8, and 10 matches the DNA profile of Antonio Collins. The probability of randomly selecting an unrelated individual having a DNA profile matching these items is approximately 1 in 4.9 quadrillion.

The partial DNA profile developed from item 2 also matches the DNA profile of Antonio Collins.

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.



Jennifer L. Clayton
Forensic Scientist



Table 1 - Identifier

Items	D8S1179	D21S11	D7S820	CSF1PO	D3S1358	TH01	D13S317	D16S539	D2S1338	D19S433	vWA	TPOX	D18S51	D5S818	FGA	Amelogenin
13 Antonio Collins	14,15	29,33.2	9,11	10	14,16	6,9.3	9,12	11	21	13,14.2	16,17	8,11	15	12	19,25	XY
1 Seabrook Rd.	14,15	29,33.2	9,11	10	14,16	6,9.3	9,12	11	21	13,14.2	16,17	8,11	15	12	19,25	XY
2 Smith and Wesson	14,15	29,33.2	(9)	10	14,(16)	6,9.3	-	11	-	13,14.2	16,17	8,(11)	15	12	-	XY
6 Front porch	14,15	29,33.2	9,11	10	14,16	6,9.3	(9,12)	11	21	13,14.2	16,17	8,11	15	12	19,25	XY
8 Backseat	14,15	29,33.2	9,11	10	14,16	6,9.3	9,12	11	21	13,14.2	16,17	8,11	15	12	19,25	XY
10 Vent	14,15	29,33.2	9,11	10	14,16	6,9.3	9,12	11	21	13,14.2	16,17	8,11	15	12	19,25	XY

() = alleles between 75 and 149 rfu - = no results



EXHIBIT C

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

Sgt. Chris Wilson
Beaufort County Sheriff's Office
PO Box 1758
Beaufort, SC 29901

DNA ANALYSIS
May 21, 2012
SLED LAB: L09-07639
Your Case No: 200906220659
Incident Date: 6/22/2009
[V] Ronald Coleman, Jr.
[S] Antonio Collins

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

SUPPLEMENTAL REPORT

DNA ANALYSIS

ITEMS ANALYZED:

- 13 Buccal swabs from Antonio Eugene Collins
- 14 Buccal swabs from Antonio Collins
- 1 Swabs from Seabrook Rd.
- 2 Swabs from Smith & Wesson Model SW40C S/N WAP0205
- 6 Swabs from front porch of 46 Seabrook Rd
- 8 Swabs from underneath backseat
- 10 Swabs from underneath rear console vent

EXAMINATIONS

DNA analysis was performed on the items above. The results of Short Tandem Repeat (STR) PCR DNA analysis are shown in Table 1.



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

JUN 06 2012

SLED LAB No. L09-07639
May 21, 2012

Page 2 of 3

RESULTS

The DNA profile developed from items 1, 6, 8, and 10 matches the DNA profile of Antonio Collins. The probability of randomly selecting an unrelated individual having a DNA profile matching these items is approximately 1 in 4.9 quadrillion.

The partial DNA profile developed from item 2 also matches the DNA profile of Antonio Collins.

Note: Any remaining evidence and/or packaging will be returned to the requesting agency.



Jennifer L. Clayton
Forensic Scientist



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

JUN 06 2012

2012 5 21 PM 3:00

Table 1 - Identifier

Items	D8S1179	D21S11	D7S820	CSF1PO	D3S1358	TH01	D13S317	D16S539	D2S1338	D19S433	vWA	TPOX	D18S51	D5S818	FGA	Amelogenin
13 Antonio Collins	14,15	29,33.2	9,11	10	14,16	6,9.3	9,12	11	21	13,14.2	16,17	8,11	15	12	19,25	XY
14 Antonio Collins	14,15	29,33.2	9,11	10	14,16	6,9.3	9,12	11	21	13,14.2	16,17	8,11	15	12	19,25	XY
1 Seabrook Rd	14,15	29,33.2	9,11	10	14,16	6,9.3	9,12	11	21	13,14.2	16,17	8,11	15	12	19,25	XY
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10 Vent	14,15	29,33.2	9,11	10	14,16	6,9.3	9,12	11	21	13,14.2	16,17	8,11	15	12	19,25	XY

() = alleles between 75 and 149 rfu - = no results



STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT	)	
STATE OF SOUTH CAROLINA	)	Order Denying Defense Motion to
	)	Suppress Buccal Swabs
v.	)	Indictment No. 2011-GS-07-2279
	)	2011-GS-07-2378
Antonio Collins,	)	2011-GS-07-2379
Defendant.	)	2011-GS-07-2403

This matter came before the Court on September 19, 2012, pursuant to the Defendant's Motion to Suppress the two buccal swabs collected from the Defendant, Antonio Collins. The Defendant's objection to the evidence is based on violations of the Defendant's Fourth, Fifth, and Sixth Amendment rights. After reviewing the evidence presented during the hearing on this matter, including witness statements, a voluntary consent order, and DNA lab reports, this Court hereby **DENIES** the Defendant's Motion to Suppress both buccal swabs collected from the Defendant.

FACTS

On June 29, 2009, Ronald Coleman lived at 46 Seabrook Road in Seabrook, South Carolina, which is located in Beaufort County. At around 9:00 pm on June 29, 2009, Enrique Miles, Coleman's childhood friend, went to Coleman's house. A 1993 or 1994 gold or beige Cadillac was observed in the neighborhood prior to the shooting. Upon approaching the house, Miles saw two black men in white t-shirts and black pants at the back door of Coleman's house. Although Miles did not recognize them, the two men approached him. A gunfight ensued between Coleman and Collins. Coleman was struck with five bullets in his left side and died from his injuries. The Defendant was also hit with a bullet, and left a blood trail from Coleman's house to the middle of the road, where he entered his getaway car.

A neighbor observed two black men run by her window just prior to Miles notifying law enforcement of the crime. Numerous shell casings and a gun were found at the crime scene. Samples were taken from suspected blood stains both in Coleman's home and in the roadway, and a composite sketch of the Defendant was created.

Through the course of the investigation, Law Enforcement received information regarding the men involved with the shooting. This information led Law Enforcement to interview Jeremy Murphy, who owns a 1995 cream colored Cadillac, as the possible getaway driver. Murphy stated he lent his car to the Defendant and George Savage the night of the murder. Law Enforcement obtained a search warrant for Murphy's car. Law Enforcement observed what appeared to be blood stains in the back seat of Murphy's car and collected samples of the blood observed in Murphy's car. The samples matched neither Murphy nor the Victim. Subsequently, Gussie Goldwire came forward, and revealed the name of the Defendant as the person who killed the Victim pursuant to a federal plea agreement. Goldwire provided Law Enforcement with Antonio Collins's name and identifying information.

In the fall of 2010, a hold was placed on the Defendant when he was arrested in Miami-Dade County, Florida on unrelated charges. MSGT. Jeff Purdy contacted Det. Juan Segovia with the Miami-Dade Police Department. In their conversations, MSGT. Purdy suggested that Segovia tell the Defendant that he was a suspect in a series of brutal rapes to secure the Defendant's consent to a buccal swab.

On March 13, 2011, Segovia met with the Defendant. He advised him of his rights and asked him to consent to a buccal swab. No mention of the crime for which he was submitting the DNA was made. Further, Segovia provided the Defendant with a written "Consent to Provide DNA Specimen for Laboratory Analysis" contemporaneously with collecting his buccal swab.

SPM
-2-

(Court's Exhibit One). Segovia testified that he made no allusions or direct statements concerning the Defendant's status as a suspect in a series of molestations and that he did not lie to the Defendant to obtain his consent. Their meeting lasted six minutes. This buccal swab was sent via Federal Express to the Sheriff's office. This sample matched the blood samples taken from Murphy's car and the blood samples taken from the crime scene. (Court's Exhibit Two).

Judge R. Markley Dennis, Jr. found probable cause existed for another buccal swab at a *Schmerber* hearing conducted on January 25, 2012. An analysis of that buccal swab again showed that the Defendant was a DNA match to the blood samples taken from Murphy's car, the roadway, and the victim's porch. (Court's Exhibit Three).

ISSUES AND ANALYSIS

The Defendant moves this Court to suppress the buccal swab collected in Miami, Florida alleging violations of his Fourth, Fifth and Sixth Amendment rights. The Defendant further moves for an order suppressing the buccal swab collected pursuant to Judge Dennis' order following the *Schmerber* hearing, due to the Fruit of the Poisonous Tree Doctrine.

The issues before the Court are (1) whether the buccal swab in Miami constitutes an illegal search and seizure, (2) whether the protections of *Miranda* are required when Law Enforcement obtains the Defendant's consent for a buccal swab, (3) whether the Sixth Amendment right to counsel attaches to a defendant who is being held in a detention center on unrelated charges, and (4) whether the buccal swab collected pursuant to the *Schmerber* order should be suppressed as the Fruit of the Poisonous Tree.

1. The Court finds that the consensual taking of a buccal swab is a valid exception to the Fourth Amendment's requirement for a search warrant.

APM
-3-

A DNA buccal swab constitutes a search and seizure under the Fourth Amendment. "Warrantless searches and seizures are reasonable within the meaning of the Fourth Amendment when conducted under the authority of voluntary consent." *State v. Pichardo*, 367 S.C. 84, 105, 623 S.E.2d 840, 851 (Ct. App. 2005). The police do not have to tell a person that he has the right to refuse consent. *State v. Forrester*, 343 S.C. 637, 541 S.E.2d 837 (2001). Threats of future prosecution do not negate consent. *State v. Battle*, 304 S.C. 191, 403 S.E.2d 331 (Ct. App. 1991) (where Defendant freely and voluntarily consented to a search of his home where he was told by officers that his girlfriend "could go to jail for what was in the house;" was told that he could sign a written consent to the search or the officers would seek a search warrant; was advised of his Miranda rights, and pointed out to the officers the location of the cocaine in a dresser). One being in custody does not negate their ability to give consent to search. *State v. Brannon*, 347 S.C. 85, 552 S.E.2d 773 (Ct. App. 2001) (where the police detained and handcuffed defendants because of the fear of flight, evidence found after they signed a written consent to search their car was admissible.)

The prosecution has the burden of establishing that the consent was willful. *State v. Pichardo*, 367 S.C. 84, 105, 623 S.E.2d 840, 851 (Ct. App. 2005). Voluntary consent "is a question of fact to be determined from the totality of circumstances." *State v. Adams*, 377 S.C. 334, 339, 659 S.E.2d 272, 275 (Ct. App. 2008). Once consent is given for a buccal swab, the privacy of the DNA is relinquished when given "without any limitation on the scope on consent." *State v. McCord*, 349 S.C. 477, 562 S.E.2d 689 (Ct. App. 2002). The *McCord* court cites *Bickley v. State*, 227 Ga.App. 413, 489 S.E.2d 167 (Ga. App. 1997), which states "DNA

results are like fingerprints which are maintained on file by law enforcement authorities for use in further investigations." *McCord*, 349 S.C. at 484, 562 S.E.2d at 693 (Ct. App. 2002).

Analyzing the testimony presented under a totality of circumstances test as posited in *State v. Myers*, the Court finds the buccal swab collected in Miami does not need to be suppressed. *State v. Myers*, 359 S.C. 40, 596 S.E.2d 488 (2004). The Defendant was fully informed of his right to deny consent to the buccal swab. Det. Segovia did not use force or threats to obtain the Defendant's consent. The Defendant's meeting with Det. Segovia lasted for six minutes. The Defendant was provided a notice of his right to refuse consent in writing and signed the waiver form. The Defendant was aware that Law Enforcement was seeking a sample of his bodily fluids for investigative purposes. Under a totality of the circumstances, the Court finds the Defendant willingly consented to providing a DNA sample in Miami.

2. As the collection of DNA is nontestimonial, the protections of *Miranda* do not apply.

Pursuant to *Nix v. Williams* and its progeny, the protections of *Miranda* do not apply to the collection of nontestimonial evidence. *Nix v. Williams*, 467 U.S. 431, 104 S. Ct. 2501 (1984). As the collection of bodily fluids is nontestimonial, the Defendant was not required to be informed of his Fifth Amendment right against self-incrimination. Further, as the Defendant did not make any statements, either inculpatory or exculpatory, *Miranda* is inapplicable in the case at bar.

3. As the Sixth Amendment right to counsel is case specific, the Defendant's rights were not violated when Det. Segovia spoke with him without his counsel on the Florida charges present.

APM
5-

The Sixth Amendment right to counsel is offense-specific, and the mere fact that an attorney was appointed in one matter does not invoke the right to counsel in an unrelated matter. *State v. Harvin*, 345 S.C. 190, 547 S.E.2d 497 (2001). Police can interrogate a suspect after *Miranda* on an investigation of a related but not yet charged offense. *Texas v. Cobb*, 532 U.S. 162, 121 S. Ct. 1335 (2001). Here, the Defendant was being detained in the Miami-Dade Detention Center on domestic violence charges completely unrelated to the murder investigation in South Carolina, which was uncharged at the time of the buccal swab collection. As such, the Defendant's Sixth Amendment right to counsel was not violated.

4. As the Miami buccal swab is found to be lawfully collected and admissible, the Fruit of the Poisonous Tree Doctrine is inapplicable. Further, as the second buccal swab was collected after a Circuit Court Judge made a finding that probable cause existed for a court order for DNA collection, the *Schmerber* buccal swab should not be suppressed and is admissible.

Under the Fruit of the Poisonous Tree Doctrine, "evidence must be excluded if it would not have come to light but for the illegal actions of the police, and the evidence has been obtained by the exploitation of that illegality." *State v. Copeland*, 321 S.C. 318, 323, 468 S.E.2d 620, 624 (S.C. 1996). The Fruit of the Poisonous Tree Doctrine pivots on the existence of an illegal search. If a search is found to be legal, the Fruit of the Poisonous Tree Doctrine is inapplicable. As there was no illegal search of the Defendant and no violation of his Fourth, Fifth and Sixth Amendment Rights, the Fruit of the Poisonous Tree Doctrine is not triggered. Therefore, the *Schmerber* buccal swab will not be suppressed and is admissible.

OPM
-6-

In light of the foregoing, the Court hereby **DENIES** the Defendant's Motion to Suppress the two buccal swabs collected in the above captioned case.

AND IT IS SO ORDERED.


The Honorable Stephanie P. McDonald
Presiding Judge

October 9, 2012
Beaufort, South Carolina

ARREST WARRANT

M-056720

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

THE STATE 2009-0622-0659
against

Antonio Eugene Collins

Address: [REDACTED]

Phone: [REDACTED] SSN: [REDACTED]
Sex: M Race: B Height: 6 Weight: 180

DL State: [REDACTED] DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0070000

Prosecuting Agency: Beaufort County Sheriff

Prosecuting Officer: C Wilson - 5507

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant.

on

6/22/09 Antonio E. Collins

[Signature]

Signature of Constable Law Enforcement Officer

RETURN WARRANT TO:

- Beaufort County General Sessions
PO Box 1128
102 Ribaut Road, Rm. 208
Beaufort, SC 299011128

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Personally appeared before me the affiant C Wilson

being duly sworn deposes and says that defendant Antonio Eugene Collins

did within this county and state on or about 06/22/2009

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Beaufort)

in the following particulars:

DESCRIPTION OF OFFENSE Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That at approximately 2120 hours on June 22, 2009, the defendant, Antonio Eugene Collins, did, at 46 Seabrook Rd, Seabrook
(Beaufort County), SC, commit the offense of Murder. The defendant did, during a home invasion burglary, shoot the resident,
Ronald Coleman, Jr., who died as a result of the gunshot wounds. The defendant was identified through DNA test results. Affiant
and others are witnesses to prove the charge.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Affiant's Address 2001 Duke Street

Beaufort, SC 29902-

Affiant's Telephone (843)255-3200

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 6/22/2009 defendant Antonio Eugene Collins

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Beaufort) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 06/25/2011

Signature of Issuing Judge

Mark F Fitzgibbons

Judge Code: 7060

Judge's Address Post Office Box 2207

Beaufort, SC 29901-

Judge's Telephone (843)470-5202

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

RECEIVED

County Sheriff's Office



State of South Carolina

Office of the Governor

Nikki R. Haley
Governor

803-734-5283 (Ofc)
803-734-6453 (Fax)

1205 Pendleton Street
Columbia, S. C. 29211

May 17, 2011

The Honorable Rick Scott
Governor, State of Florida
State Capitol - Room 209
Tallahassee, Florida 32399-0001

COPY

Attention: Susan Smith, Extradition Coordinator

RE: State of South Carolina v. Antonio Eugene Collins: Extradition

Dear Sir:

At the request of Governor Haley, I am enclosing a requisition for the return of **Antonio Eugene Collins** to the State of South Carolina. If this request is honored, please furnish the necessary papers to:

Milyn Sosa, Detective
Miami-Dade Police Department
9105 NW 25th Street
Doral, Florida 33172
Telephone 305-471-1710; Fax 305-471-3239.

If this requisition is honored, the South Carolina contact to be notified when this subject is available for release to South Carolina authorities is:

Sergeant C. L. Wilson
Beaufort County Sheriff's Department
Post Office Box 1758
Beaufort, South Carolina 29901
Telephone 843-255-3409 or 843-812-7777; Fax 843-255-9462.

I am informed that this subject is in custody at the Pre-Trial Detention Center, 1321 NW 13th Street, Miami, Florida 33125. Thank you for your consideration and assistance.

Sincerely,

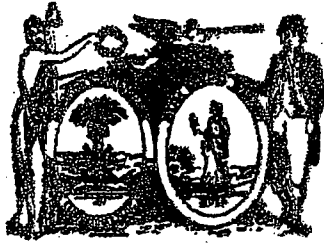
A handwritten signature in black ink, appearing to read "Joe Dorton".

Joe Dorton,
Extradition Coordinator

Enclosures

cc: The Honorable Isaac McDuffie Stone, Solicitor, Fourteenth Circuit Solicitor's Office

Executive Department



State of South Carolina

COPY

Requisition and Agent Commission

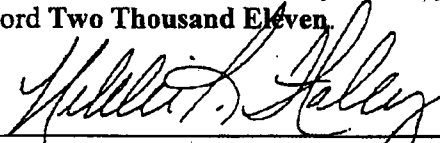
To His Excellency the Governor of Florida:

It appears by the attached documents, which are hereby certified to be authentic, that **Antonio Eugene Collins** stands charged in Beaufort County, State of South Carolina, with the crime of **Murder**, such offense having occurred on or about the 22nd day of **June**, 2009. It has been represented to me that the accused was present in this State when the crime was committed and that he has fled the justice of this State and has taken refuge in the State of Florida.

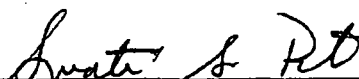
Therefore, pursuant to the Constitution and Laws of the United States in such cases, I respectfully demand that **Antonio Eugene Collins** be apprehended, secured and delivered to an agent appointed herein.

I do hereby appoint and commission **Sheriff P. J. Tanner, Beaufort County [SC] Sheriff's Department**, and his duly appointed agent(s), to receive **Antonio Eugene Collins** from the appropriate authorities of the State of Florida and convey him to the State of South Carolina, here to be dealt with according to law.

Witness my hand and the seal of the Executive Department of South Carolina, affixed at Columbia, this 17th day of **May** in the year of our Lord Two Thousand Eleven.


Governor of South Carolina




By the Governor's Legal Counsel

State of South Carolina
OFFICE OF THE SOLICITOR
FOURTEENTH JUDICIAL CIRCUIT

ALLENDALE, BEAUFORT
COLLETON, HAMPTON AND
JASPER COUNTIES

POST OFFICE BOX 1880
BLUMFTON, SOUTH CAROLINA 29910
TELEPHONE: (843) 255-5880
FACSIMILE: (843) 815-2002

Isaac McDuffie Stone, III
SOLICITOR

May 12, 2011

Honorable Nikki R. Haley, Governor
State of South Carolina
1205 Pendleton Street
Columbia, South Carolina 29201

Re: State of South Carolina vs. Antonio Collins

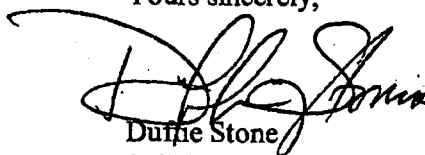
Dear Governor Haley:

This will request issuance of an extradition requisition for Antonio Collins, charged in Beaufort County with murder. Please find the necessary documents enclosed.

The fugitive is in custody of the Miami Dade County Jail, Miami Florida.

Thank you for our cooperation in this matter.

Yours sincerely,



Duffie Stone
Solicitor
Fourteenth Judicial Circuit

IMS:ld

Enclosures

FILE COPY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 THE STATE,)
)
 vs.)
)
 ANTONIO COLLINS)

APPLICATION FOR EXTRADITION REQUISITION

NOW COMES ISAAC McDUFFIE STONE, III, SOLICITOR FOR THE 14TH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, AND CERTIFIES:

- (A) That Antonio Collins is the name of the person for whom extradition is asked and that it is requested that Sheriff P. J. Tanner and/or his lawful designee(s) be designated to act as Agent for the State.
- (B) That in the opinion of the undersigned the ends of public justice require that the fugitive named herein be brought to this State at public expense for trial.
- (C) That the undersigned believes that he has sufficient evidence to secure the conviction of Antonio Collins.
- (D) That the person named is Agent herein as a proper person, and said Agent has no private interest in the arrest of said fugitive.
- (E) That there has been no former application for requisition for the said fugitive growing out of this or any other transaction.
- (F) That the accused is under criminal arrest in the State of Florida.
- (G) That this application is not made for the purpose of enforcing the collection of a debt, or for any private purpose whatsoever, and if the requisition herein applied for be granted, the criminal proceedings shall not be used for any of said objects.
- (J) The fugitive is charged with Murder, violations of Sections 16-03-0010 and 16-03-0020, South Carolina Code of Laws, as detailed in the documents attached and has not been arrested in this State on this charge.
- (K) Such Fugitive has fled from the justice of this State.
- (L) Such Fugitive has taken refuge in the State of Florida.
- (M) Such Fugitive was present in this State at the time such crime was committed.

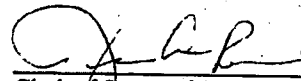
FILE COPY

EXEMPLIFICATION COPY OF RECORD

State of South Carolina)
)
 County of Beaufort) State vs. Antonio Collins
) Warrant No./Indictment No.: M-056720

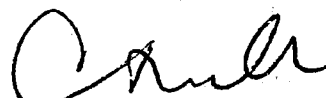
I, Jerri Ann Roseneau, Clerk of the Courts of Common Pleas, General Sessions, and Family Courts, in and for the County of Beaufort, State of South Carolina, having by law the custody of the seal and all records, books, documents and papers of, or appertaining to, said Courts, do hereby certify that the foregoing papers are true copies of papers appertaining to said Courts, and on file or of record in the office of said Courts, all of which we have caused by these presents to be exemplified, and the seal of our said Court to be hereunto affixed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Court, the 9 day of May, in the year of our Lord; two thousand eleven and in the two hundred and eighth year of the sovereignty and independence of the Untied States of America.


 Clerk of Courts of Common Pleas,
 General Sessions and Family Courts
 For Beaufort County, South Carolina

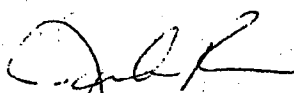
I, Carmen Tevis Mullen, Judge of the General Sessions Court in and for the County of Beaufort, State of South Carolina, do hereby certify that Jerri Ann Roseneau, whose signature is subscribed to the preceding exemplification, is the Clerk of said Courts of Common Pleas, General Sessions, and Family Courts of the County of Beaufort, State of South Carolina, and that full faith and credit are due to her official acts. I further certify that the seal affixed to the exemplification is the seal of our said Courts, and the attestation is in due form, and according to the form of attestation used in this State.

Dated at Beaufort, South Carolina, this 9 day of May, A.D. 2011.


 Judge of the General Sessions Court
 Of Beaufort County South Carolina

I, Jerri Ann Roseneau, Clerk of the Courts of Common Pleas, General Sessions, and Family and for the County of Beaufort, State of South Carolina, do hereby certify that Judge Carmen Mullen, whose name is subscribed to the preceding certificate, is the Presiding Judge of said duly elected, sworn and qualified, and this her signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court, this 9 day of May, A.D. 2011.


 Clerk of Courts of Common Pleas,
 General Sessions and Family Courts
 For Beaufort County, South Carolina

ARREST WARRANT

M-056720

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

THE STATE 2009-0622-0659
against

Antonio Eugene Collins

Address: 1821 Nw 151st Street
Miami, FL 33054-Phone: SSN: 265-79-3715
Sex: M Race: B Height: 6 Weight: 180

DL State: DL #: DOB: 4/29/1977 Agency ORI #: SC0070000

Prosecuting Agency: Beaufort County Sheriff

Prosecuting Officer: C Wilson - 5507

Offense: Murder / Murder

Offense Code: 0116
Code/Ordinance Sec: 16-03-0010, 0020This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions
PO Box 1128
102 Ribaut Road, Rm. 208
Beaufort, SC 299011128

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Personally appeared before me the affiant C Wilson

being duly sworn deposes and says that defendant Antonio Eugene Collins

did within this county and state on or about 06/22/2009

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Beaufort

in the following particulars:

DESCRIPTION OF OFFENSE Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That at approximately 2120 hours on June 22, 2009, the defendant, Antonio Eugene Collins, did, at 46 Seabrook Rd, Seabrook
(Beaufort County), SC, commit the offense of Murder. The defendant did, during a home invasion burglary, shoot the resident,
Ronald Coleman, Jr., who died as a result of the gunshot wounds. The defendant was identified through DNA test results. Affiant
and others are witnesses to prove the charge.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Affiant's Address 2001 Duke Street
Beaufort, SC 29902-

Affiant's Telephone (843)255-3200

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY
It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 6/22/2009 defendant Antonio Eugene Collins

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Beaufort

as set forth below

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 06/25/2011

Signature of Issuing Judge

Mark F Fitzgibbons

Judge Code: 7060

Judge's Address Post Office Box 2207

Beaufort, SC 29901-

Judge's Telephone (843)470-5202

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

768

CERTIFIED TRUE COPY

Notary for State of South Carolina
My commission expires: 5/25/2015RECEIVED
JUN 23 2009
Beaufort County Sheriff's OfficeCertified to be a true and correct
copy of the original document on file
with the Office of Sheriff for Beaufort County.
Michael A. Hedfield
Deputy, Beaufort County Sheriff's Office

CERTIFICATION FORM

STATE OF SOUTH CAROLINA)

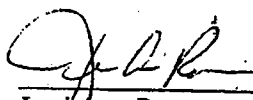
COUNTY OF BEAUFORT)

Warrant No.(s): M-056720
Defendant: Antonio Collins

I, Jerri Ann Roseneau, Clerk of the Court of Common Pleas and General Sessions for said County, located within said County, the same being a Court of Record, having by law a seal, do hereby certify that:

Magistrate Judge Mark F. Fitzgibbons before whom the affidavit supporting the foregoing referenced arrest warrant was sworn and who subscribed his/her name to the warrant as issuing authority, was at the time of such issuance a Magistrate Judge in and for the said County, duly commissioned and sworn and authorized by the laws of said State to take and certify affidavits and other written instruments to be recorded in said State; and further, that I am well acquainted with the handwriting of Magistrate Judge Mark F. Fitzgibbons and verily believe the signature to the said certificate of proof or acknowledgement is his/her genuine signature.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Beaufort, South Carolina, this 5 day of May 2011.



Jerri Ann Roseneau
Clerk of Court, Beaufort County



**OFFICE OF SHERIFF
BEAUFORT COUNTY**

POST OFFICE BOX 1758
BEAUFORT, SOUTH CAROLINA 29901

AREA CODE (843)

SHERIFF	470-3200
CHIEF DEPUTY	470-3192
CRIMINAL RECORDS	470-3186
CIVIL RECORDS	470-3188
JUDGMENTS	470-3189
FAX #	470-3187

P.J. Tanner
Sheriff

April 11, 2011

STATEMENT REGARDING REASON FOR NON-AVAILABILITY OF FINGERPRINTS

From: Sergeant C. L. Wilson, Beaufort County Sheriff's Office

Regarding fugitive Antonio Eugene Collins
Black Male
Date of Birth: 4-29-1977

The criminal record of Antonio Eugene Collins reflects no arrests in the State of South Carolina, only in the State of Florida. Therefore, local arrest fingerprints are not available.

C. L. WILSON
Sergeant

Sworn to and subscribed before me
this 11th day of April 2011.

Notary Public for State of South Carolina
My commission expires: 5/25/15

Certified -- A True Copy

Notary Public for South Carolina
My commission expires: July 28, 2014

COPY

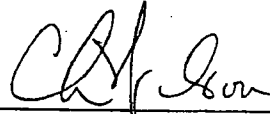
STATE OF SOUTH CAROLINA)

V.)

ANTONIO EUGENE COLLINS)

AFFIDAVIT OF IDENTIFICATION

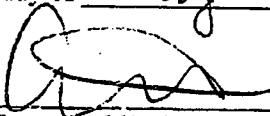
Sergeant C. L. Wilson, being duly sworn, states that the individual depicted in the accompanying photograph is Antonio Eugene Collins, for whom extradition is being requested in the accompanying documents.



C. L. WILSON

Sworn to and subscribed before me this

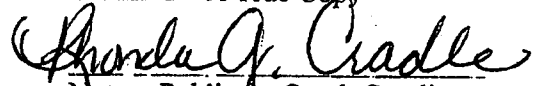
1st day of May, 2011



Notary Public for South Carolina

My commission expires: 10/25/20

Certified - A True Copy



Notary Public for South Carolina

My commission expires: July 28, 2014

COPY

WITNESSES

Inv. C. Wilson-BCSO

ARREST WARRANT NUMBER

M056720

ACTION OF GRAND JURY

True Bill

Butt Wolf
Foreperson of Grand Jury
Date:

DEC 15 2011

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2011GS0702279

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2011

THE STATE

vs.

Antonio Collins

Indictment for

Murder / Murder

SC Code: 16-03-0010; 16-03-0020
CDR Code:0116

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

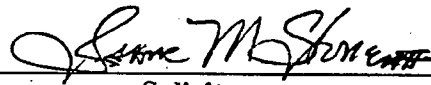
INDICTMENT
2011GS0702279

At a Court of General Sessions, convened on December 15, 2011, the Grand Jurors of Beaufort County present upon their oath:

Murder / Murder

That in Beaufort County on or about June 22, 2009, with malice aforethought, Antonio Collins did kill and murder Ronald Coleman by means of shooting, and that Ronald Coleman did die in Beaufort County as a proximate result thereof on June 22, 2009; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

WITNESSES

J. C. Wilson-BCSO

ARREST WARRANT NUMBER

011GS0702378

RETURN OF GRAND JURY

True Bill

Robert Wolf
Foreperson of Grand Jury
Date:

DEC 15 2011

INDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2011GS0702378

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2011

THE STATE

vs.

Antonio Collins

Indictment for

Burglary / Burglary (After June 20, 1985) - First
degree

SC Code: 16-11-0311
CDR Code:0079

After being fully advised as to my legal
rights, I hereby waive presentment to the
Grand Jury.

Defendant

I _____
Hereby appear in my own proper person
and plead guilty to the within indictment or
to _____

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

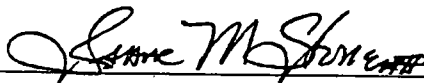
INDICTMENT
2011GS0702378

At a Court of General Sessions, convened on December 15, 2011, the Grand Jurors of Beaufort County present upon their oath:

Burglary / Burglary (After June 20, 1985) - First degree

That in Beaufort County, South Carolina, on or about June 22, 2009, the Defendant, Antonio Collins, did enter the dwelling of Ronald Coleman, located at 46 Seabrook Rd, Seabrook, SC, without consent and with the intent to commit a crime therein. That, in addition, such unlawful entry occurred during nighttime or the Defendant was armed with a deadly weapon or caused physical injury to a person who is not a participant in the crime; in violation of Section 16-11-311 of the South Carolina Code of Laws (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WITNESSES

Inv. C. Wilson-BCSO

ARREST WARRANT NUMBER

2011GS0702379

ACTION OF GRAND JURY

True Bill

Brian W. Wilson
Foreperson of Grand Jury
Date:

DEC 15 2011

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2011GS0702379

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2011

THE STATE

vs.

Antonio Collins

Indictment for

Kidnapping / Kidnapping

SC Code: 16-03-0910
CDR Code:0095

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

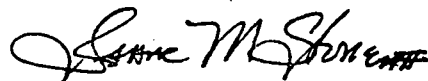
INDICTMENT
2011GS0702379

At a Court of General Sessions, convened on December 15, 2011, the Grand Jurors of Beaufort County present upon their oath:

Kidnapping / Kidnapping

That in Beaufort County, South Carolina, on or about June 22, 2009, the Defendant, Antonio Collins, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Enrekae Miles, without authority of law; all in violation of Section 16-3-910 of the Code of Laws of South Carolina, (1976, as amended)

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

WITNESSES

Inv. C. Wilson-BCSO

ARREST WARRANT NUMBER

2011GS0702403

ACTION OF GRAND JURY

True Bill

Burt Wells
Foreperson of Grand Jury
Date:

DEC 15 2011

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2011GS0702403

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

December Term 2011

THE STATE

vs.

Antonio Collins

Indictment for

Weapons / Poss. weapon during violent crime

SC Code: 16-23-0490
CDR Code:0549

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

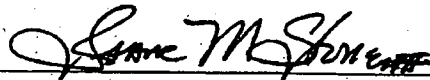
INDICTMENT
2011GS0702403

At a Court of General Sessions, convened on December 15, 2011, the Grand Jurors of Beaufort County present upon their oath:

Weapons / Poss. weapon during violent crime

That in Beaufort County, South Carolina, on or about June 22, 2009, the Defendant, Antonio Collins, did possess a gun or visibly display what appeared to be a gun during the commission, or attempted commission, of murder and/or burglary 1st degree and/ or kidnapping, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

May 5, 2016

By: 

M. Rita Metts
Attorney for Appellant

Robert M. Dudek
Chief Appellate Defender

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

ATTORNEYS FOR APPELLANT

RECEIVED

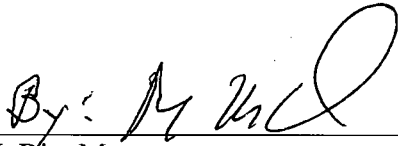
780

MAY 05 2016

CERTIFICATE OF COUNSEL FOR APPELLANT
SC Court of Appeals

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

May 5, 2016

By: 

M. Rita Metts
Attorney for Appellant

Robert M. Dudek
Chief Appellate Defender

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

ATTORNEYS FOR APPELLANT