

22165

VOLUME ONE OF TWO

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
J. Michael Baxley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WALKER MANNING HUGHES

APPELLANT

APPELLATE CASE NO.: 2014-000294

RECORD ON APPEAL

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SC Court of Appeals

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COUNTY OF GREENVILLE	)	THE COURT OF GENERAL SESSIONS
	)	THIRTEENTH JUDICIAL CIRCUIT
	)	2011-GS-23-6698;
	)	2012-GS-23-9359A;
	)	2012-GS-23-9360A
	)	
STATE OF SOUTH CAROLINA,	)	
PLAINTIFF,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
WALKER M. HUGHES,	)	
DEFENDANT.	)	
	)	

February 3-7, 2014
Greenville, South Carolina

B E F O R E:

THE HONORABLE J. MICHAEL BAXLEY, JUDGE.

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Official Court Reporter

I N D E X

(PW) - Denotes Plaintiff's Witness

(DW) - Denotes Defense Witness

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	(State's Exhibits)		
S-1	Photograph	12	240
S-2	Photograph	12	240
S-3	Photograph	12	240
S-4	Photograph	12	240
S-5	Photograph	12	240
S-6	Photograph	12	240
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S-10	Photograph	12	240
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S-12	Photograph	12	240
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S-14	Photograph	12	181
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S-133	Photograph	12	218
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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
(State's Exhibits - Continued)			
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S-222	Photograph	12	199
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S-264	Wal-Mart receipt	419	466

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>

(State's Exhibits - Continued)

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S-266	Masters Inn Car	419	465
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S-268	Masters Inn paper	419	464
S-269	Blue jeans	419	470
S-270	BB Gun	419	472
S-271	Backpack	419	474
S-272	Duffle Bag	419	475
S-273	Clothing	419	472
S-274	Blood Swabs	419	
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S-277	Blood Swabs	419	568
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S-284	Blood Swabs	419	568
S-285	Blood Swabs	419	568
S-286	Photograph	510	510
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S-288	Photograph	510	510
S-289	Complaint	534	536
S-290	Transcript	539	
S-291	Order	531	531
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D-1	Inmate Property Record	249	249
D-2	E-mail	281	281
D-3	Statute 17-25-65	636	636

(Court's Exhibit)

C-1	Motion	795	

All Exhibits were retained by the Clerk of Court for Greenville County.

1 THE COURT: Tell me what it is.

2 MS. PAOLETTI: Your Honor, the State intends -- some
3 of this is just in anticipation. And I know we don't know
4 how all this is going to unfold, but the State does intend
5 to introduce and present to the jury evidence that the
6 victim was fearful of the Defendant.

7 THE COURT: Okay. So what other issues do you need
8 other than that for purposes of opening statements?

9 MS. PAOLETTI: Let me -- Your Honor, the final issue
10 for the purposes of that is the admissibility of the fact
11 that the Defendant pled guilty and was put on probation
12 and placed under a no contact order with the victim two
13 days before she was murdered. He pled guilty to forging
14 checks on the trust account.

15 THE COURT: I understand. Tell me what is the reason
16 that you feel it necessary to go into those issues on
17 opening as opposed to just simply taking the position that
18 neither side may approach that on opening?

19 MS. PAOLETTI: Your Honor, if that's your
20 instruction, I'm fine with that. I can work with that.
21 I'm fine with that.

22 THE COURT: But it would seem to be no harm, no foul,
23 we could just leave that issue to be decided after we have
24 our openings?

25 MS. PAOLETTI: Now, as to, specifically, the evidence

1 of the guilty plea two days ahead of time, I do not plan
2 -- I can leave that out of my presentation. I do plan to
3 tell the jury that the evidence will show that the victim
4 was fearful of her son.

5 THE COURT: Okay.

6 MS. PAOLETTI: And did not want any contact with him.

7 THE COURT: Okay. Well, we have a few minutes,
8 actually, three or four, before the jury. I try to be
9 accurate and respectful of the jury when I tell them we're
10 going to do something at a certain time. Let me just hear
11 briefly why you believe if you believe that issue is not
12 admissible.

13 MR. SCALZO: With regard to the fear?

14 THE COURT: Yes, sir.

15 MR. SCALZO: I don't think that the fear of the victim
16 -- I think a little bit more context to the theme right now
17 on these motions is necessary, too. A lot of these
18 statements -- and these are multiple witnesses, so it's not
19 like one witness we're dealing with. We're dealing with
20 multiple witnesses talking about an expression by the victim
21 to that witness, hearsay, and a time frame that is not
22 contemporaneous necessarily, not every witness is
23 contemporaneous and it may be an argument that none of them
24 are contemporaneous with the assault or the incident,
25 however you want to say it, Judge. So I think there's a

1 remoteness question and then there's the basic hearsay and
2 whether or not that can be offered.

3 Again, not a whole lot has been presented to the Court
4 and it's difficult because now you're going to be talking
5 about eight, nine, 10 different witnesses, each with their
6 own context. So I want to try and answer your question, but
7 it's not really a simple question to answer because it is
8 very complicated. But in general, I think that witness is
9 going to be put into those categories of it's a statement of
10 fear made by the victim to them. There's a hearsay element
11 there and then there's a remoteness issue.

12 THE COURT: That's a complicated issue, Counsel.

13 MS. PAOLETTI: I'm going to make it easy, Judge.

14 THE COURT: Okay.

15 MR. RICHARDSON: It's not complicated, actually.

16 Your Honor, I'm going to hand to you State vs. Westin.

17 And Your Honor, that case is a case in which the defendant
18 is charged with murdering his mother. And the specific
19 issue of statements by witness that the victim told them
20 that she was afraid of her on was an issue. And the court
21 very clearly said that statements by a witness that the
22 victim expressed fear of the defendant is admissible. If
23 the victim told the witness why they were -- why the
24 victim was afraid, that part of the statement would not be
25 admissible.

1 So she's told me she was afraid of her son is
2 admissible. She told me she was afraid of her son because
3 he threatened to kill her in the past, that second part of
4 the testimony would not be admissible. And that's in
5 State vs. Westin that I've handed, Your Honor.

6 Your Honor, the Defendant is also charged in this
7 case with grand larceny of the victim's car that he was
8 found driving the day her body was found and burglary of
9 her house. And for those two reasons -- we have to prove
10 to the jury beyond a reasonable doubt that the Defendant
11 had his mother's car without permission. That is an
12 element that we have to prove. The fact that the victim
13 was so fearful of her son that she told a lot of people
14 how afraid she was of her son is directly relevant to
15 whether or not she would have given him -- or he would
16 have had permission to have her car and permission to be
17 in her home that day.

18 THE COURT: Okay.

19 MS. PAOLETTI: If you want to address the remoteness
20 issues, Your Honor, there are statements by the victim
21 going up to the day she was murdered about how afraid she
22 was of her son.

23 THE COURT: So briefly, you want to reply?

24 MR. SCALZO: Well, this is the first I've gotten
25 State vs. Westin, so I don't know that I can reply very

1 quickly with regards to State vs. Westin, but one of the
2 things I will say, Judge, is that this is, essentially, a
3 way, talking about back doors, of getting inadmissible
4 character evidence against the Defendant. This is the
5 State's case again, so the Defendant hasn't testified.
6 And this is a way of back dooring that kind of evidence on
7 top of any hearsay issues.

8 Number two, what the State had just described is
9 multiple levels of different statements at different
10 times, different context. Again, like Your Honor just
11 said and I said that it is a complicated issue to just be
12 able -- for the State to get up in opening statement and
13 say we have evidence that the victim was afraid of the
14 Defendant.

15 This is not talking about one statement. They're
16 talking about multiple witnesses over a wide variety of
17 years in different context. You know, I don't know that
18 -- I think that's a 403 potential violation. It's much
19 more prejudicial than it is probative. These are not
20 witnesses who are going to say I was present there. She
21 said no, you can't have the car. There was no witness
22 that was present during any conversation or any
23 transaction with regard to the vehicle. It's
24 circumstantial and it's speculative. I mean, what the
25 State's trying to do is say hey, jury, you're going to

1 have to speculate about what was in her head at the time
2 that the transaction of the car took place by using
3 statements that may have been said many years before.

4 THE COURT: I cannot gauge that for prejudice 403.
5 I'll just tell you now I'm not able to gauge it because I
6 don't know the lay of the testimony and what other
7 evidence will be in the record. And thus, I accept what
8 Defense says that it may be a 403 issue, but I'm unable to
9 tell you whether it would be excludable under 403. So if
10 we got there and it was in your opening, I simply cannot
11 unring that bell.

12 But my response is that -- and the case is very much
13 on point, State vs. Westin, and rule 803 subsection three
14 would permit it. I would have to simply tell you that the
15 State would proceed at this point in its own peril to
16 bring that in in opening when I cannot gauge it for 403.

17 MS. PAOLETTI: Your Honor, directly on the 403 issue,
18 I just point out again that we have to prove grand larceny
19 and burglary, too. And the relationship between the
20 Defendant and the victim makes the probative value of
21 these statements -- it increases it expeditiously. I'm
22 presumed to have permission to drive my parents' car and
23 be in my parents' house. Could not be further from the
24 truth in this case.

25 THE COURT: Again, I don't disagree with you, I just

1 simply say I cannot at this moment in time gauge it for
2 rule 403. I simply point that out to you as a caveat as
3 you proceed in your argument. I'm not going to prohibit
4 you from saying it because I believe it's admissible under
5 rule 803. That's the best ruling I can give you at this
6 time.

7 MS. PAOLETTI: Yes, sir.

8 THE COURT: All right.

9 Then, ladies and gentlemen, let's just stand down for
10 maybe five minutes and let everyone take a break if you need
11 to, then we'll come back. Since we told the jury we'd start
12 at 3:30, let's try to start at 3:40, which is reasonably
13 close. So we'll be in recess now approximately five
14 minutes.

15 (WHEREUPON, a short break was taken.)

16 (WHEREUPON, the jury enters the courtroom at
17 approximately 3:50 p.m.)

18 THE COURT: It appears that we are all in place.

19 Madam Clerk, if you will swear the jury when they come
20 in.

21 THE CLERK: Yes, sir.

22 MR. SCALZO: Judge, I'm sorry, I didn't ever ask or
23 make a motion to sequester the witnesses in the case. I
24 should have done that earlier.

25 THE COURT: And for what reason do you wish to do that?

1 MR. SCALZO: It's a complicated case. There's a lot of
2 State witnesses in this case. It's an emotional case. You
3 have media. This is a high stakes case in terms of the
4 seriousness of the charge. And for a fair assessment, even
5 if it's not intentional, all human beings, witnesses are
6 human beings, they can take on the words of another witness
7 even unintentionally. So that the Defense would have a fair
8 ability to cross-examine the witness and hear what the
9 witness says, not what the witness heard somebody else say,
10 for those reasons, I would ask for sequestration.

11 THE COURT: What says the State?

12 MS. PAOLETTI: Your Honor, there no witnesses other
13 than the Defendant and the victim to this murder, so there
14 are not going to be opportunities for successive witnesses
15 to try and overlap their stories. I just don't think
16 there's a need, Your Honor.

17 THE COURT: Ladies and gentlemen, if you're a witness
18 in this case, please, raise your hand so I can gauge the
19 impact of which we're talking about.

20 (WHEREUPON, witnesses raised hands.)

21 THE COURT: Okay. Thank you.

22 Just a moment.

23 (Pause.)

24 THE COURT: Of the witnesses who raised their hands,
25 Madam Prosecutor, I would ask you, are some of these

1 family members?

2 MS. PAOLETTI: Your Honor, the victim's
3 daughter-in-law is present. The rest are friends and
4 neighbors; Your Honor.

5 THE COURT: All right. Very good.

6 Well, just a moment.

7 Mr. Scalzo, I try to be fair. And here, I'm trying
8 to balance, of course, the concerns of the Defendant and a
9 fair trial versus the fact that this is a public forum.
10 We have members of the audience here who are witnesses,
11 but over and above, many of them are just citizens who
12 somehow got involved in this unintentionally. I would
13 decline to sequester what appears to me to be a large
14 number of witnesses simply because I believe for those who
15 are family members, they would have a right to be here,
16 they would have a right to hear the testimony. Again, it
17 appears that there is media that has occurred in these
18 proceedings. I would rather these individuals who have an
19 interest in this case to hear and see testimony themselves
20 as opposed to receiving it from a filter when they have
21 some interest in this case having know the parties.

22 For that reason, I'm just -- I don't find there's
23 sufficient prejudice here and concern about your Defendant
24 and his rights that would require me to clear the
25 courtroom of those witnesses. So I'm going to

1 respectfully deny that motion.

2 Anything further?

3 MS. PAOLETTI: Nothing further from the State, Your
4 Honor.

5 THE COURT: All right.

6 Let's bring in the jury, please.

7 (WHEREUPON, the jury entered the courtroom at
8 approximately 3:50 p.m.)

9 THE COURT: All right. Ladies and gentlemen of the
10 jury, welcome back to the courtroom. We trust you had a
11 nice extended lunch hour. We're going to begin this trial
12 with you accepting the oath as jurors in this specific
13 case. Please follow our clerk, Ms. Lanfear's,
14 instructions.

15 THE CLERK: Thank you, Your Honor.

16 Would you, please, stand and raise your right hand?
17 And the response to the oath is "I will".

18 (WHEREUPON, the jury was sworn.)

19 THE CLERK: Thank you, you may be seated.

20 THE COURT: And let me ask, ladies and gentlemen, is
21 there any juror that did not take the oath just administered
22 to you? If you did not take the oath for any reason,
23 please, raise your hand.

24 Let the record reflect that no one has raised their
25 hands. Therefore, all of our jurors are appropriately

1 half a witness or maybe one witness and then took a break
2 and went back and the jury made a preliminary decision based
3 on that and it drove the rest of the case because there are
4 many more witnesses to come and both sides of the case have
5 not been heard. So, please, when we do take breaks and when
6 you're with one another, don't discuss the case until it's
7 given to you at the end of the case. Then and only then is
8 it appropriate to discuss the case.

9 Now, what we intend to do this afternoon is to have
10 opening statements from counsel and then, most likely, due
11 to the hour, we probably will adjourn proceedings for the
12 day and come back tomorrow to, actually, begin the
13 testimony.

14 So with that understanding, the court now recognizes
15 the prosecution for opening statement.

16 Opening Statements

17 MS. PAOLETTI: Thank you, Your Honor. May it please
18 the Court?

19 THE COURT: Yes, ma'am.

20 MS. PAOLETTI: Mr. Ellis, gentlemen.

21 Good afternoon. I know I introduced myself to you
22 briefly before lunch, but I want to tell you again, my
23 name is Leigh Paoletti. I'm a assistant solicitor here in
24 Greenville County. Sloan Ellis is a lawyer in my office,
25 too. We are here today representing the people of

1 Greenville County in this trial. In the rest of the
2 country, we would be called assistant DA's or assistant
3 district attorneys, but through the South Carolina forum,
4 we are sticking with the common word for prosecutors,
5 which is assistant solicitor.

6 Judge Baxley let you know briefly that the grand jury
7 has returned true bill indictments against this Defendant
8 for murder, for possession of a weapon during the
9 commission of that murder, for burglary in the first
10 degree and for grand larceny. All four of these crimes
11 are made up of what we in the law call elements. And
12 Judge Baxley, as he just told you, at the end of the trial
13 is going to spend considerable time talking to you about
14 the elements or the pieces of those four crimes.

15 It's common to think about or to talk about those
16 elements in the form of bricks or building blocks of the
17 State's case. Sometimes, the analogy of a wall has been
18 used where the bricks go on top of each other to build the
19 State's case. I prefer to think of the elements and the
20 evidence that form the elements in those bricks and those
21 pieces of the case more like papers that make a path
22 instead of a wall. And what our job is today is to walk
23 you through the evidence that is going to make up that
24 path to your verdict in this case.

25 By the end of the trial, you will have heard just

1 about every type of evidence or form of evidence that we
2 use in these courtrooms. You're going to hear testimony
3 from witnesses, you're going to see photographs, you're
4 going to see physical evidence from the scene of this
5 crime. There will be forensic evidence. You're going to
6 get a little bit of everything by the time we're finished
7 with all the evidence of this case.

8 And our job is to walk you through that evidence
9 witness by witness. And all of witnesses are going to
10 combine what they have to offer to you to make the mortar
11 and the sand and the gravel and the things that mix
12 together the evidence to make these bricks that are going
13 to lead you to your verdict on these crimes the Defendant
14 is charged with. And what we anticipate that at the end
15 of our walk through this evidence that you will have
16 behind you and under your feet a path that is solid, that
17 is secure to walk on. And the purpose of that would be is
18 to do what Judge Baxley just told you is your job in this
19 courtroom. And that is to determine the facts of the
20 case. What happened and who did it.

21 You heard that the Defendant is presumed to be
22 innocent until we meet our burden of proof. And we bear
23 that in every criminal case every time we come in this
24 courtroom and we're accustomed to it. And we must prove
25 each element of the crime beyond a reasonable doubt.

1 It's easier to talk about reasonable doubt, and we'll
2 do this a little bit later, but before you go into -- or
3 walk through the evidence, I want you to think about
4 reasonable doubt. And it's easier to talk about more in
5 terms of what it is not than what it is. It is not beyond
6 every shadow of a doubt. It is not beyond all doubt. At
7 the end of the evidence, the State must leave you simply
8 firmly convinced of the Defendant's guilty. If at the end
9 of your walk, you are firmly convinced, then the State has
10 met its burden. It's a high burden and it should be, but
11 only doubts for good reason should prevent you from
12 removing the cloak or presumption of innocence from the
13 Defendant and replacing it with an assurance of guilt.

14 Before we start walking through the evidence, there
15 are a few things I just want to bring to your attention.
16 As you gathered earlier when I was reading through the
17 list of witnesses and that y'all were to pay attention to
18 to see if you knew anybody, there are a lot of witnesses
19 in this case. We have prepared a presentation of the
20 evidence that is designed not to be cumulative or to
21 repeat evidence, but as you might imagine, this is a story
22 that does not begin and end on the day that Karen Hughes
23 was killed. We want you to hear as much of that story as
24 the rules of evidence permit you to hear and that's going
25 to take a little bit of time.

1 The evidence in this case will be -- and you have
2 heard in the reading of the indictment, that Karen Hughes
3 died as a result of being struck with a blunt object.
4 That object was a hammer. And the evidence will show that
5 she was struck in the face and in the head with all sides
6 of a hammer. The evidence and testimony in this case will
7 be graphic. There will be some photographs that you will
8 see. We have prepared some digital representations of the
9 victim's injuries so that the pictures are appropriate in
10 this context, but you need to know that the evidence will
11 show that the facts in this case are gruesome.

12 In a murder trial, there's a M word that you'll hear
13 a lot, and it's malice. And that is a requirement, one of
14 the bricks that the State has got to prove to you beyond a
15 reasonable doubt that the Defendant acted with malice.

16 There's another M word that sometimes gets used in
17 the context of a murder that is not an element. It is not
18 a requirement for the State to prove the other M word,
19 which is motive. However, and I think you've heard a
20 little bit about this in voir dire already, there will be
21 evidence of motive of the Defendant that just simply
22 cannot be ignored in this case. Like I said, we are not
23 required to prove motive in order for the Defendant to be
24 convicted beyond a reasonable doubt, but the evidence in
25 this case will include numbers that demonstrate how much

1 the Defendant stood to gain from his mother's death and
2 evidence that he knew what those numbers were. And that
3 evidence, like I said, while it is not required cannot be
4 ignored. It will shed light on his state of mind, the
5 malice in his heart. And it will also serve to let you
6 know how much he stands to lose here today.

7 And you've heard also that the name of the Defendant
8 is Walker Hughes and the name of the victim in this case
9 is Karen Hughes. She was his mother. She called him
10 Chip. He's on trial for murdering her, for stealing her
11 car and for burglarizing her home. The evidence will show
12 that Karen and Chip Hughes had anything but a normal
13 mother/son relationship. Karen Hughes was afraid of her
14 son and she did everything she knew how to do to keep him
15 away from her. And the evidence will show that she
16 failed.

17 We're here to walk you through this story. We're
18 going to give you the material that you need to make a
19 solid path that going to lead you to a verdict of guilty.
20 Thank you.

21 THE COURT: Opening statement now for the Defense..

22 MR. SCALZO: May it please the Court?

23 THE COURT: Yes, sir, Mr. Scalzo.

24 MR. SCALZO: 1917, and Albert Einstein is working
25 somewhere. He's working on trying to come up with some

1 mathematical equation, some physics to explain the
2 universe. So he's working on this and he has in his mind
3 an assumption. And his assumption is that the universe is
4 just one size. It's really big, but it stays one size.
5 It doesn't get bigger and it doesn't get smaller. And he
6 goes into his work to try to figure out some kind of
7 mathematical equation to explain things with this
8 assumption. And in the process, he comes up with this
9 equation and he finds that he has to put in something
10 called a constant, a cosmological constant. It's this one
11 number that he has to keep putting into the equation to
12 make it work, to be consistent with his assumption.
13 That's 1917.

14 Around 1928, a man called Edwin Hubble, the Hubble
15 telescope was named after him. He is a physicist. And he
16 is working on similar things. And what Mr. Hubble does is
17 he takes some evidence and he does not assume that the
18 universe is what they call static, the state and the size.
19 And he starts looking at the evidence and he says where
20 does this lead me? And one of the discoveries that he
21 makes is that the universe is not, actually, static, but
22 that it's expanding.

23 Why am I telling you all that? I'm telling you that
24 because Einstein, brilliant man, unquestioned, made a
25 mistake. And in the later years, he, actually,

1 acknowledged that was a mistake he really regretting
2 making because he ended up agreeing with Hubble.

3 And I'm talking to you about that because I want to
4 talk to you about why he made the mistake. He made the
5 mistake because he went into it with an assumption about
6 what he wanted to get out. He assumed the universe was
7 going to stay this size, not going to get smaller, not
8 going to get bigger. So when he was doing his work, he
9 didn't let the evidence drive him to a conclusion. He
10 fits things into what his assumption was. And Mr. Hubble
11 didn't. And we don't accept Einstein's equation regarding
12 the expansion of the universe, we follow Hubble's and the
13 people who followed him, okay.

14 One more thing about that and then we'll talk about
15 how that applies to this case. It's just a function of us
16 being who we are, we're human being, that we just -- we
17 like to look at things in ways that confirm what we think.
18 It doesn't mean that we're not able to look at things
19 differently, but a lot of times, our first instinct is if
20 I think something now when I look, I want to take this and
21 put it in to say it confirms what I already thought.
22 That's what Einstein did. He believed the universe stayed
23 the same size, so he had to take things and put them in so
24 that they would fit. It wasn't fraudulent. It wasn't an
25 effort to try to deceive anybody. It's just something

1 that sometimes happens to even smart people.

2 That's not your job. But you have to be on guard for
3 that kind of thing. Here's why. The State, Ms. Paoletti,
4 the prosecutor said she liked to think of the case as
5 pavers that make a path to the verdict. And that she was
6 going to walk you through the story as a path. That's
7 what I'm talking about. There's an assumption. There's
8 an assumption about where the path is going to lead.

9 And that may be find for Ms. Paoletti to do that,
10 she's the prosecutor, but that's not your role. Your role
11 is Hubble. Your role is to say okay, there's evidence out
12 there. It's being presented to me. Is it good evidence?
13 Is it reliable evidence? Does it, actually, show what the
14 prosecutor says it shows or does it show something else?
15 And when I take that evidence, where will it lead me is a
16 fair question. But you're going to make Einstein's
17 mistake if you say okay, it's going to get me here.

18 Now, you've all heard reasonable doubt. You've all
19 heard presumed innocent. You've all heard the legal
20 language on TV, you've heard it in court. And I would
21 suggest that it kind of -- and even for lawyers, goes in
22 and out. Because this is not we talk in our everyday
23 life. We don't say beyond a reasonable doubt in everyday
24 life. We don't talk about the presumption of innocence.
25 What happens? We watched TV and on TV, they say man

1 charged with murdering his mother. And we thought oh, my,
2 I can't believe he did that.

3 In the luxury of our home, we can all do that.
4 There's no consequence to that. You don't have that
5 luxury any more, which is why I think the Judge is right,
6 you have the hardest job in the courtroom. Because you
7 are the ones being asked to do something that you just
8 don't normally do.

9 Let's get back to the Einstein.. It's not normal to
10 say don't be like Einstein, but don't be like Einstein.
11 Recognize when you're hearing the evidence, when it's
12 being presented to you, where that evidence leads you is
13 not set by what you assume the end point to be. You're
14 not on a path to a certain place. Because if you decide
15 that you're on a path to a certain place, you will do what
16 Einstein did, you'll grab a constant out of the air and
17 say see, it fits. Because that's how human beings tend to
18 look at things like that. Yeah, see how it fits?

19 It's why you do what Hubble did. You say, okay,
20 what's the evidence look like? Okay. Now, that I look at
21 all of it and where it is leading me to? It may lead me
22 to a universe that's the same size, it may not. Don't do
23 that. That's actually you're duty not to do that. That's
24 the instruction. That's what the Judge was talking about
25 in the presumption of innocence and not assuming somebody

1 did it. Because when you assume somebody did something,
2 it's just the way your brain works. It's why our
3 forefathers came up with this little rule. You naturally
4 will start going, see, it just fits. You need to be
5 critical thinkers and that's hard work. It just is hard
6 work.

7 This case is going to be gruesome and ugly. I think
8 one thing that's not going to be contested in this case is
9 that it's ugly. What happened to Karen Hughes is ugly.
10 You're going to see pictures that aren't going to make you
11 feel good. It's right, you shouldn't feel good about
12 them. The question in the case is not what happened to
13 her. Nobody is going to be arguing that she was not
14 killed.

15 What you've got to figure out is who did it. Well, I
16 take that back, that actually is wrong. You have to
17 figure out does the evidence looked at, not with an
18 assumption that Walker Hughes did, bu with the point of
19 view, what does this evidence show me? The end of the
20 case, it may not show you who did it. It may not show you
21 who did. Your job is not to figure out who did it, your
22 job is to figure out when the evidence that's present,
23 looked at fairly without the assumption that the Defendant
24 did it, does it tell you he did it beyond a reasonable
25 doubt?

1 So in a gruesome case, what can you do? Well, one
2 thing is to make sure that the assumption doesn't begin to
3 creep in. Don't -- you have to make sure that you don't
4 end up back on your couch at home with the luxury of
5 saying that's gruesome. I can't believe somebody would do
6 that. I can't believe he did that. You can't do that.
7 That's not part of your duties. And that's important.
8 And we've had this structure and this set up and the
9 freedoms and liberties that it protects for a reason for a
10 really long time. We're not asking you to do something
11 that we think is easy, but we are asking you to do
12 something that is your duty as jurors to do.

13 So, don't be Einstein, be Hubble. Let the evidence
14 speak for itself and don't assume you know what it's going
15 to say. Then regardless of what verdict you come down
16 with at the end of this case, justice will be done. But
17 only, only if you don't assume from the beginning that the
18 path leads strictly to guilt. Thank you.

19 THE COURT: All right. Counsel, step up a moment and
20 let's talk about scheduling, please.

21 (WHEREUPON, a bench conference was held.)

22 THE COURT: Ladies and gentlemen, counsel tells me
23 that the first witness is a rather length witness, so we
24 would not complete direct examination, most likely, if we
25 proceeded into it and there's no reason to stay late when

1 if any, do we need to resolve or further discuss before we
2 start with our first witness in the morning?

3 And I'll ask of the State first.

4 MS. PAOLETTI: Your Honor, we, certainly, need to get
5 clarification from you about the admissibility of the fact
6 that the Defendant was convicted of the forgeries two days
7 and released from the detention center under a no contact
8 order with the victim.

9 THE COURT: Okay. And what else other than that
10 issue?

11 MS. PAOLETTI: Your Honor, the lead investigator is
12 also going to talk, too, about evidence that the victim
13 was fearful of the Defendant has that relates to the fact
14 that he was found with her car and what role that played
15 in his investigation in the case.

16 THE COURT: And what would that be?

17 MS. PAOLETTI: Your Honor, the evidence that we have
18 is this, the Defendant pled guilty on Wednesday and was
19 released from the detention center, was ordered to have no
20 contact with his mother. For reasons that we're unclear
21 on, the victim was not notified that he was released from
22 the detention center on that Wednesday and she hadn't be
23 notified of the plea. A letter was sent to her from our
24 office, but she was not present. She didn't know that he
25 got out of jail. Her habit and practice was to check the

1 jail screen everyday because she told witnesses that she
2 only slept well when the Defendant was in jail. So it was
3 her habit and practice to check the jail screen everyday.

4 She checked the jail screen on Thursday and saw that
5 he was released and mobilized. She called the solicitor's
6 office asking about whether or not she needed to get
7 another restraining order. She wanted a copy of the no
8 contact order. The evidence will show that she went to
9 the local magistrate's office to try to get a restraining
10 order that Friday that she was killed. She didn't show up
11 -- she was seen last Friday, late evening, 5:30 or 6:00.
12 The estimated time of death was late Friday evening. She
13 didn't show up for work Monday morning. The body was
14 found Monday morning. The Defendant is found with her car
15 Monday evening in Laurens.

16 all of those things the investigator will allude to,
17 at least. We've got witnesses who will come and testify
18 about the particulars of all those, but the lead
19 investigator is going to allude to the evidence that he
20 had that was all contrary to the victim having allowed the
21 Defendant to borrow her car.

22 THE COURT: And is it your intention to put into
23 evidence that there was a conviction or simply that he had
24 been released from the detention under a no contact order?

25 MS. PAOLETTI: Well, Your Honor, we intend to introduce

1 the existence of the conviction to the forgeries. And that
2 is inextricable from this case because the account of which
3 the checks were forged is the trust account that he is now
4 the remainder beneficiary on, that he has made claims to
5 since her death. And we attempt to introduce evidence of
6 that through lawyers who were involved in the probate
7 matter. And that is directly related to what the evidence
8 of malice would be in this case, that his mother was cutting
9 him off and prosecuting him for trying to get to that money.

10 THE COURT: You want to be heard on this, Defense?

11 MR. SCALZO: Well, I guess I go back to our pre-trial
12 motions. Again, the whole amount, not a lot of context of
13 it, out of everything the prosecutor just said, the
14 crucial issue is allude to. I have no idea what manner or
15 what is going to be said as far as he's going to allude to
16 the fear, the threat or attempt or whatever, she said
17 several things. So, again, it's hard to know how to
18 answer the question as far as the alluding to.

19 With regard to the conviction, the issue, as I
20 understand, the prosecutor is trying to prove that he had
21 a motive to obtain the trust. The conviction, for -- he's
22 not charged with forging a trust document so that he can
23 make it look like the trust belonged to him when it didn't
24 belong to somebody else -- when it did belong to somebody
25 else, I'm sorry. It seems like the prosecutor is trying

1 -- is more focused on the fact that he was told to stay
2 away. And if that's where the prosecution is going, then
3 all they need to do is put in evidence that he was court
4 ordered to not have contact with her. The idea of a
5 forgery and the criminal context and all that, again, I
6 think it's a bad door way to get to the credibility of the
7 Defendant to say he's a bad guy, he committed crimes,
8 therefore, you could expect that he would do bad things.
9 And --

10 MS. PAOLETTI: Your Honor, we, certainly --

11 THE COURT: Just one moment.

12 And what are you saying to the State's potential
13 theory that this was a punitive action taken by the
14 Defendant against the victim? That's, certainly, an
15 inference that's in these facts?

16 MR. SCALZO: Punitive in the sense that he's
17 retaliating against the prosecution?

18 THE COURT: Well, that seems to be what the State is
19 telling me. Or put another way, that's an inference that
20 is within the facts that are being argued by counsel.

21 MS. PAOLETTI: Retaliating against his mother for
22 prosecuting him.

23 THE COURT: That's what I said, yeah.

24 MR. SCALZO: I think that if that were the case --
25 and I might have to sleep on it and see, but if it were

1 the case that that's where the Court was going, then
2 there, certainly, at the least, needs to be an instruction
3 that the only way that that evidence is being used is to
4 say what Your Honor just said, which is to say he was
5 being prosecuted, but not to show conformity therewith,
6 which is against the rule..

7 Now, I want to be clear, I haven't thought from that
8 angle, Your Honor just posed that angle to me. I would
9 ask for the ability to kind of think about that. Again, I
10 do think we're in another 403 problem because the forgery
11 and the sentence in terms of everything else, aside from
12 their main issue, which is no contact, begins to get lined
13 up as you're a bad guy, therefore, you're going to do a
14 bad thing.

15 THE COURT: Well, please, understand, this was not
16 the theory the Court poses. I'm simply listening as if I
17 was a juror not involved in the facts of this case. I'm
18 hearing facts from which that inference may be derived.
19 So the real question is, is it evidentiary appropriate to
20 strip the State of that position because you say that it
21 involves the admission of a conviction, that it may be a
22 rule 403 violation, which for our folks who are sitting in
23 the courtroom who are not -- don't have a copy of the
24 rules with you, rule 403 says that is an issue is more
25 prejudicial than probative and that it is prejudicial to

1 the point that it should be excluded because the prejudice
2 so outweighs any probative value.

3 And so, Counsel, I will tell you that as I'm
4 listening, I don't believe it's appropriate to take from
5 the State what really is a res gestae of this crime, which
6 is more than just what happened on the day in question.
7 If it's the State's theory that that was a response to a
8 prosecution event that evoked this unfortunate attack or
9 whatever you wish to call it, if, indeed, that's what the
10 State's position is, then the Court perceives all that to
11 be admissible under the res gestae exception, meaning it's
12 just part of the body of the crime. The only analysis
13 left is if rule 403 requires the Court to exclude it
14 because of it's -- its nature is more prejudicial than it
15 is probative.

16 You want to be heard on that now? Are you prepared
17 to argue that?

18 MR. SCALZO: I don't know that I'm prepared to argue
19 all of that at this moment.

20 THE COURT: I'm just simply saying to you I believe
21 that that is admissible. The only thing that would stop
22 it from being admissible is whether there's a
23 determination made that the prejudice outweighs the
24 probative value.

25 MR. SCALZO: And I understand -- I will say as we're

1 speaking, Your Honor, it does -- if the res gestae, as
2 Your Honor said, meaning the broader context is just
3 another way of saying that legal term, if the State gets
4 to make an allegation, they get to say motive and all the
5 things that go into that, but the Defense is not permitted
6 to talk about all of the things that, actually, would go
7 into that, going back to the original part about motive,
8 there seems an imbalance there to me.

9 THE COURT: But, remember, for each step of this
10 process, they've given me a tangible piece of evidence
11 that is significantly corroborative of what they say.
12 It's not just conjecture. It's not just what they
13 believe. They have positive evidence that supports their
14 belief and thus, it becomes admissible when it reaches
15 that level. At least, that's the Court's perception.

16 So, again, I think we're back to -- I don't feel like
17 -- I hear what you're telling me, that you're being
18 stripped of all these potential defenses while they're
19 getting loaded up on the other side, but, again, what I'm
20 looking for is the evidence that supports these
21 suggestions and allegations and I'm just not seeing it
22 from -- it's not a criticism, we don't -- you know,
23 lawyers don't make the facts, you just develop the facts
24 that have already been made. I'm just not seeing things
25 that would allow you to get into an attack on third

1 parties due to lack of evidence of the culpability of
2 those third parties, which wraps us right back around to
3 where we started. And I realize these are all tied
4 together, but that's the perception of the Court at this
5 juncture.

6 MS. PAOLETTI: Well, Your Honor, if I may just real-
7 briefly, we're, obviously, offering those convictions in
8 under rule 404(b). And the 401, 403 also sort of apply.
9 And that is, specifically, Your Honor, the reason why the
10 State is not offering any evidence of the burglary of the
11 victim's home that was dismissed when he pled to these
12 forgeries.

13 So there are the forgeries. The checks were stolen
14 and then forged. And then there was a separate incident
15 where this Defendant went into his mother's home, the home
16 that he is currently on trial for burglary of. It was
17 dismissed as part of the plea agreement. We are seeking
18 to introduce any of that evidence in order to avoid -- and
19 Your Honor, they're forgery convictions. It's not a
20 violent crime, violent offense. It's a white collar
21 offense. The prejudicial effect, I think, is much reduced
22 when it's offered in that light, Your Honor. And it's not
23 a forgery of a random --

24 THE COURT: I understand.

25 MS. PAOLETTI: -- checking account. It is

1 inextricably related.

2 THE COURT: You say that it's the trust accounts
3 under which this prosecution arises.

4 MS. PAOLETTI: Yes, sir.

5 THE COURT: All right. Now, when you say 404(b),
6 tell me what particular part of 404(b) you believe makes
7 this admissible?

8 MS. PAOLETTI: Your Honor, it goes directly to motive.
9 His mother was -- and the investigator of those forgeries is
10 a witness in our case. And his testimony will be that the
11 victim in this case was the one who was driving the
12 prosecution of those forgeries. And Your Honor, there is a
13 witness who will also testify, we anticipate, who was in the
14 detention center with the Defendant just before he pled, and
15 he will testify to statements that this Defendant made about
16 the victim keeping him in jail in the context of also
17 offering a state of mind to kill her. And Your Honor --

18 THE COURT: As we meander from one point to another,
19 just out of curiosity, what's been offered to that witness
20 for that testimony?

21 MS. PAOLETTI: Nothing, Your Honor. He's doing 25
22 years for CSC. Your Honor, we are completely okay with a
23 limited instruction to the jury that they can only
24 consider the forgery convictions for the purpose for which
25 they're being offered, not to prove once a criminal,

1 always a criminal. We have no objection to that. And
2 we're not -- we are genuinely not offering them for that
3 intent.

4 THE COURT: My fear is we're going to need to start
5 at six in the morning in order to be able to resolve these
6 issues that continue to just wrap around one another.

7 Just a moment.

8 MS. PAOLETTI: Yes, sir.

9 THE COURT: All right. Ladies and gentlemen, let's
10 -- my perception is that I've ruled on these issues,
11 except we're down now at 403 and you've asked for time to
12 think about that overnight and come back and discuss it in
13 the morning. So what I'd like to do is adjourn this
14 proceeding until 9:00 o'clock, but let's just all agree
15 tomorrow morning promptly at 9:30, assuming all the jurors
16 are here, we're going to start with them as we've
17 continually violated our time frames with them. So we
18 will adjourn until 9:00 tomorrow morning.

19 Is there anything else we have need to take up before
20 we conclude these proceedings for the day from the State?

21 MS. PAOLETTI: No, sir.

22 THE COURT: And the Defense?

23 MR. SCALZO: No, sir.

24 THE COURT: All right. Very good. We're in recess
25 until nine o'clock tomorrow morning.

1 (WHEREUPON, State's Exhibit Nos. 141 and 142 were
2 marked for identification.)

3 (WHEREUPON, proceedings were adjourned for the day to
4 be reconvened on Tuesday, February 4, 2014.)

5 TUESDAY, FEBRUARY 4, 2014

6 THE COURT: All right. We are now back in session in
7 the matter of State vs. Hughes.

8 Counsel, we came this morning to determine what issues,
9 if any, needed to be resolved prior to the jury coming in.
10 At some point this morning, I wish to do an on-the-record
11 analysis under what I the QUAF factors about the -- whether
12 or not the prior conviction for forgery should come in in
13 the State's case in chief. Typically, this arises when the
14 Defendant takes the stand and the State seeks to impeach,
15 but, nevertheless, it would still be bringing into evidence
16 the fact that there is a preexisting conviction on the
17 Defendant's record.

18 So if you like, I'll begin with that. If there are
19 other issues that you prefer to take up first, I'll defer
20 you to --

21 I'll ask first, what says the State?

22 MS. PAOLETTI: Your Honor, we're prepared to address
23 that issue of the admissibility of the forgery conviction
24 just prior to the murder. The only other issue that I
25 believe may still be slightly outstanding is the

1 admissibility of the statements that several witnesses
2 will offer by the victim regarding her fear of the
3 Defendant. I think that you've made a preliminary ruling
4 that under Westin that those statements, in general, on
5 their face that she told these witnesses that she was
6 afraid of the Defendant would be admissible. Not the
7 reasons why if she told them why she was afraid of him,
8 but under 803, that exception, the state of mind
9 exception, those statements would be admissible.

10 THE COURT: All right. Thank you.

11 What says the Defense that we need to resolve before
12 we begin this morning?

13 MR. SCALZO: Well, I agree, Your Honor with regard to
14 -- I think the Court is correct, it's got to be an
15 on-the-record evaluation of the Coif factors as well as
16 any 403. And I wasn't really done, so I agree with what
17 Your Honor said in terms of starting there. Then I guess
18 I do agree we need to evaluate, at least, that issue of
19 the threats and the circumstances, if it's going to come
20 in, what are the circumstances and limitations. So I
21 agree with the Court and solicitor as far as the issues
22 go.

23 THE COURT: All right. Very good.

24 Yes, ma'am, do you have anything further?

25 MS. PAOLETTI: No, Your Honor.

1 buy into this and agree to it, you just attempted to
2 contain the damage on behalf of your client. Your
3 objections are not waived. If you want to raise them at
4 the appropriate time, you may.

5 MR. SCALZO: Thank you, Judge.

6 THE COURT: All right. Now, having been late for
7 every time we've began, it would be my recommendation we
8 just -- let's take about two minutes. If someone needs to
9 stop and take a quick restroom break and we'll come back
10 at 9:30 and bring in the jury.

11 (WHEREUPON, a short break was taken.

12 MS. PAOLETTI: Judge, you may want to ask the jury if
13 they would let somebody know if they're having trouble
14 hearing. The clerk's office has got new microphones that
15 we can wear if we need to do that.

16 THE COURT: I'll do that.

17 Now, yesterday -- the only issue that we discussed
18 yesterday that we've not resolved today is a prejudicial
19 analysis, 403, on whether or not the evidence of what
20 someone may have heard the victim say about her fear of
21 the Defendant. If that's coming in the first witness,
22 we'll have to have an objection contemporaneous and will
23 take it up. If it's coming at a later witness, we'll have
24 a chance to resolve that issue at a break, perhaps.

25 MS. PAOLETTI: Yes, sir.

1 THE COURT: All right. Very good. Do you anticipate
2 that with the first witness?

3 MS. PAOLETTI: Your Honor, it will be part of the
4 testimony of the officer, yes, sir.

5 THE COURT: The officer heard the Defendant -- or,
6 excuse me, the victim make that comment?

7 MS. PAOLETTI: No, sir, Your Honor, but he will be
8 testifying that he spoke with several witnesses who let
9 him know that the victim was afraid of her son.

10 THE COURT: And so --

11 MS. PAOLETTI: In the course of his investigation.
12 We're not offering it for the truth through this witness.

13 THE COURT: That's going to be a tough one, Counsel,
14 to get that in through that witness because that's double
15 hearsay. On first impression, but we now have to analyze
16 it by the rules. It's what someone heard someone say that
17 they heard someone say. So that's immediately suspect and
18 we'll have to take it up at the appropriate time. We may
19 have to send the jury out on that issue.

20 MS. PAOLETTI: Yes, Your Honor.

21 THE COURT: Please bring in the jury.

22 (WHEREUPON, the jury entered the courtroom at
23 approximately 9:37 a.m.)

24 THE COURT: Good morning, ladies and gentlemen. We
25 trust you had a nice evening. Welcome back to the

1 courtroom. And let me ask, since we were last together,
2 is there anyone on the jury panel who has had a discussion
3 concerning the facts of this case with anyone? If you
4 have, please, raise your right hand.

5 (There was no response.)

6 THE COURT: Let the record reflect no one has raised
7 their hands. Thank for following the Court's
8 instructions.

9 Yesterday, we had opening statements. We're now
10 ready to move forward with the State's case with them
11 calling their first witness. I will tell you that the
12 attorneys are using some lapel mikes today, so if you're
13 unable to hear at any point, please, raise your hand or
14 let us know.

15 Madam Solicitor, you may proceed.

16 MR. SCALZO: Thank you, Your Honor. The State calls
17 Sergeant Chris Miller.

18 THE COURT: Please come forward to take the oath of a
19 witness.

20 THE CLERK: Place your left hand on the Bible and
21 raise your right.

22 CHRISTOPHER MILLER,

23 after having been duly sworn, testified as follows:

24 THE CLERK: Thank you. You may be seated. Please
25 state your name for the record.

(Christopher Miller - Direct by Ms. Paoletti)

1 THE WITNESS: Christopher Miller.

2 THE COURT: Thank you.

3 DIRECT EXAMINATION

4 BY MS. PAOLETTI:

5 Q Sergeant Miller, by whom are you employed?

6 A Greenville County Sheriff's Office.

7 Q How long have you been with the sheriff's office?

8 A I've been with the sheriff's office since 1998, but I
9 had prior law enforcement experience.

10 Q Would tell us about that, please?

11 A Yes. I was with Anderson County Sheriff's Office and
12 also the Greer Police Department prior to Greenville
13 County.

14 Q All right. Let's start with what your current duties
15 and rank are.

16 A I'm a sergeant in the criminal investigation
17 division. I am currently over the computer lab, auto
18 theft, juvenile investigations and our victim advocates.

19 Q When you say computer lab, what do you mean by that?

20 A Our computer lab does forensic investigations for
21 computers, cell phones and also we work child internet
22 porn.

23 Q All right. Will you tell the jury about some of the
24 training that you've received in your time in law
25 enforcement?

1 A I graduated the basic academy. We have yearly
2 training that we have to keep up with our certifications.
3 As far as homicide goes, I've taken courses through the
4 University of Louisville for homicide investigations,
5 University of Tennessee and also child fatality and child
6 homicide through Fox Valley Technical College, which is in
7 St. Louis, Missouri. And I've taken other Academy courses
8 in reference to homicide investigations. Also, I have
9 taken a court with the FBI for serial murders.

10 Q All right. Now, do you know how many death
11 investigations you've been involved in?

12 A I was homicide investigator for a little over seven
13 years. And on average, which would include homicides,
14 accidental deaths, suicides, sudden infant death syndrome,
15 sometime natural deaths, undetermined deaths, an average
16 of 10 to 15 a month, so you're looking at probably more
17 than 1200 death investigations during that time.

18 Q All right. Let's go back and talk about April of
19 2011. Tell the jury what you were doing for the sheriff's
20 office then?

21 A I was the on-call homicide investigator that day.

22 Q All right. What day are we talking about?

23 A That was April the 11th, 2011.

24 Q All right.

25 A Which was Monday.

1 Q Was a Monday?

2 A Yes.

3 Q And what was the call that you responded to?

4 A There was a female that was found deceased in her
5 home. And that was at 201 Montclair Drive in Greer, South
6 Carolina, which is in Greenville County.

7 Q Do you remember the approximate time that you got the
8 call to go out to Greer?

9 A The uniformed patrol arrived at about 10:02 a.m., so
10 probably right around 10:15 a.m.

11 Q All right. Will you tell the jury the circumstances
12 that surrounded the discovery of the victim on her home
13 that day?

14 A Yes. I was advised that the victim, Karen Hughes,
15 was an employee of the Greenville City Fire Department and
16 that she did not show up for work that morning and did not
17 call, which was highly unusual for her because she was
18 such a good employee.

19 MR. SCALZO: Objection, Your Honor.

20 THE COURT: Overruled.

21 Go ahead.

22 BY MS. PAOLETTI:

23 Q All right. I'll going to show you what's been marked
24 as State's Exhibit No. 230. That's kind of scary. See if
25 you recognize what that is a photo of?

1 A That is an aerial map showing the address in Greer,

2 

3 Q What's the inset there?

4 A Inset there is an aerial view of the house itself.

5 Q All right.

6 MS. PAOLETTI: At this time, Your Honor, the State
7 moves Exhibit No. 230 into evidence.

8 THE COURT: Any objection?

9 MR. SCALZO: No objection, Your Honor.

10 THE COURT: 230 in evidence without objection.

11 (WHEREUPON, State's Exhibit No. 230 was admitted into
12 evidence.)

13 BY MS. PAOLETTI:

14 Q I'm going to move this so the jury can see. Can you
15 tell the jury where -- how do you get there?

16 A The easiest way from here would be to go to Wade
17 Hampton Boulevard, from Church Street to Wade Hampton
18 Boulevard and just stay straight towards Greer. Once you
19 arrive in Greer, you would take a left at -- where Highway
20 290 and 101 split. There's a Taco Bell there on the
21 right. I think there's a QT gas station on the left. You
22 would turn right there and then make an immediate right
23 back onto Taylor Road and then Montclair turns off of
24 Taylor.

25 Q Will you describe for the jury the house and the

1 neighborhood out at 201 Montclair?

2 A This was a two-story brick house with a garage
3 basement. Very nice subdivision, probably in the area of
4 40-year-old subdivision. Lots of neighbors, you know,
5 houses are close together. Big yards, but still a lot of
6 neighbors, a lot of houses in the subdivision.

7 Q All right. I'm showing you what's been marked
8 previously as State's Exhibit Nos. 48 through 78. That's
9 a good number of photographs. I'm going to ask you to
10 look through those and see if you recognize those
11 pictures.

12 A Yes, I do.

13 Q All right. Tell the jury what those photographs are
14 of.

15 A Those are photographs of the residence there at 201
16 Montclair Drive.

17 Q Do the photographs that you've just reviewed
18 accurately reflect the home as you found it to be that
19 morning?

20 A Yes, they do.

21 MS. PAOLETTI: Your Honor, at this time, the State
22 would move in what's been premarked as Exhibits 48 through
23 78.

24 MR. SCALZO: No objection, Judge.

25 THE COURT: Without objection, 48 through 78 for the

1 State in evidence.

2 (WHEREUPON, State's Exhibit Nos. 48 through 78 were
3 admitted into evidence.)

4 THE COURT: And let me just speak to the jury.

5 Ladies and gentlemen, there's a lot of paper that
6 floats around the courtroom during the course of a trial.
7 We keep up with what is in evidence and what is not in
8 evidence because whatever is in evidence goes back with
9 you when you retire to deliberate. Whatever is not in
10 evidence does not. So that's why we make sure we know
11 what is in and what is not in evidence.

12 Please proceed.

13 MS. PAOLETTI: Yes, sir, Your Honor. Thank you.

14 BY MS. PAOLETTI:

15 Q Let me put up State's Exhibit No. 67, Investigator,
16 and ask if you'd take a look at that.

17 A That is the front of the house, which it's a corner
18 house right there on Montclair. I can't think of the name
19 of the street that turns to the right there, but that is
20 the front of Karen's house.

21 Q Were there others at the home when you arrived at 201
22 Montclair?

23 A Yes. There was neighbors and there were co-workers.
24 And I recognized some of the co-workers because they had
25 fire department uniforms on.

1 Q All right. Who called police to the victim's home
2 that day?

3 A That was a neighbor.

4 Q And was that neighbor on scene when you arrived?

5 A Yes. It was Max Few, who lived beside her. The road
6 I spoke that turned to the right, he lives on the other
7 side of Karen, between that road and her.

8 Q Across the street?

9 A Yeah, across the street.

10 Q All right. With a death investigation of this type,
11 it is normal for you to request the assistance of other
12 homicide investigators?

13 A Yes. Due to the number of people that were on scene
14 and also the size of the crime scene, it takes several
15 people to help.

16 Q All right. Did you do that?

17 A Yes, I did.

18 Q Okay. Will you tell the jury who you called in to
19 help you investigate the case?

20 A I called Investigator Wayne Campbell, who also works
21 in homicide and asked him to prepare a search warrant for
22 me since no one lived there as far as I know other than
23 the victim, Karen Hughes. And, also, Deputy Sam Manley
24 was cross-training in homicide and I asked him to respond
25 as well.

1 Q All right. Is Deputy Manley with the sheriff's
2 office any longer?

3 A No, he is not.

4 Q Tell the jury about other personnel who would respond
5 to a scene like this.

6 A Other personnel who would respond would be the
7 coroner's office and, also, forensics to process the crime
8 scene.

9 Q All right. I want to talk to you about what you were
10 able to determine from your initial impression once you
11 got on scene? Had anybody been able to get into the house
12 by the time you got there?

13 A Yes, the house had -- there was forced entry to the
14 house in which the Greenville County Sheriff's Office
15 deputies had forced entry into the house because all doors
16 and windows were found to be locked.

17 Q Okay. I'm showing you State's Exhibit No. 73.
18 You've got a laser pointer up there.

19 A Right there, you can see what looks to be some broken
20 glass and a frame.

21 Q All right. Let me show you State's 74. I'm doing
22 this backwards.

23 A You can see it a little bit better. There's part of
24 the window right there. There's a metal design in the
25 window. That was broken out first, but entry cannot be

1 gained still because there was a dead bolt there. It
2 required a key and the key was not in the door.

3 Q Okay. And this is State's 77. Does that show what
4 you're talking about there from the inside?

5 A Yes. So, eventually, the sheriff's office deputies
6 had forced entry. It took a couple of times to kick the
7 door before they were able to get it opened.

8 Q All right. Were you able to tell where the victim
9 was in the home?

10 A Yes. When deputies arrived, they found a gate, it's
11 like an iron gate that surrounded the house. And they
12 found a padlock. So they had to take a pair of bolt
13 cutters and cut the bolt off the gate to enter the gate.
14 And they approached a screened-in porch, which would be --
15 if you look at the house, it would be on the right side of
16 the house.

17 Q All right. I'll let you look at State's 51. Tell
18 the jury what you're looking at there?

19 A This is the gate. And there is -- the padlock would
20 be right there.

21 Q All right. And this is State's 52?

22 A And that is the latch to the gate. The padlock is
23 now gone, but that's where the padlock was at.

24 Q Then State's 53?

25 A There's what's left of the padlock.

1 Q All right. Now, when the first responders got to the
2 house, can you tell the jury what that procedure is? What
3 we call welfare check.

4 A Welfare check is if someone calls in and says I'm
5 worried about -- someone didn't show up for work, didn't
6 call, haven't seen them in a couple of days. So we'll go
7 out and knock on the door. And most of the time, someone
8 comes to the door and a lot of times, they don't. Or some
9 of the times, they don't. If they don't, we will usually
10 walk around the perimeter of the house and knock on doors,
11 look to see if anything has been disturbed and check doors
12 and windows. And when they were able to get through this
13 gate, they could see that there was a tear in the
14 screened-in porch door.

15 Q All right. I'm going to show you, while we're
16 talking about that, State's Exhibit 79 through 92. Just
17 let you look through those and sigh if you recognize those
18 photographs.

19 A All right.

20 Q What are those photographs of?

21 A Those are the inside of the porch and the porch
22 itself.

23 Q All right.

24 MS. PAOLETTI: Your Honor, at this time, the State
25 moves Exhibits 79 through 92 into evidence.

(Christopher Miller - Direct by Ms. Paoletti)

1 THE COURT: Is there any objection?

2 MR. SCALZO: No, sir.

3 THE COURT: Without objection, 79 through 92 in
4 evidence for the State.

5 (WHEREUPON, State's Exhibit Nos. 79 through 92 were
6 admitted into evidence.)

7 BY MS. PAOLETTI:

8 Q All right. You said that the porch door was cut, is
9 that correct?

10 A Yes, the screen was cut.

11 Q All right. I'm showing State's Exhibit 48. Can you
12 show the jury there what you're talking about?

13 A Right there. And there's a latch on the inside of
14 the door.

15 Q What kind of latch?

16 A It's a little hook latch where you just put it down
17 in a little eyelet.

18 Q All right. And when the deputies first arrived, was
19 that door looked?

20 A Yes, it was.

21 Q And then I'm going to show you State's Exhibit 87 and
22 ask that you tell the jury what that is there that they're
23 looking at?

24 A That right there is the door inside the screened-in
25 porch which leads into the house, which there's a sun room

1 on the other side of that door.

2 Q Where was the victim?

3 A The victim was laying right by the door inside the
4 house.

5 Q All right. Once you arrived, was there a time where
6 you were able to walk through the home?

7 A Yes.

8 Q And tell the jury what the protocol is in a situation
9 like this for walking through.

10 A Protocol is once you uniform patrol has arrived and
11 they do a protective sweep to make sure there's no victims
12 or suspects inside the residence, that's when
13 investigations is called. And once we arrive on scene and
14 the coroner arrives and forensics arrives, then we will do
15 a walk-through. And we do just quick, you know, to not
16 disturb anything. We put these little covers over our
17 shoes like you may see people in the hospital wear so that
18 we don't disturb anything. We, you know, walked through
19 the house quickly and came back out and waited. You know,
20 after the search warrants were secured, we waited for
21 forensics to process the scene.

22 Q All right. Was EMS or medical personnel ever
23 dispatched in this case?

24 A Yes.

25 Q Okay. Can you tell the jury about that?

1 A Yeah, they're dispatched always. But when deputies
2 forced entry into the house and found the victim and the
3 condition that they saw her in, Sergeant McCoy called me
4 and he said that -- he explained to me what he had found.
5 And I advised him to not have EMS -- usually, they'll put
6 leads on someone to make -- to see their vital signs, but
7 I advised them not to so as not to disturb any evidence.

8 Q All right: This initial walk-through that you just
9 described. You're in the house?

10 A Yes.

11 Q Correct? Who else?

12 A Coroner's office and forensics.

13 Q All right. Based on your training and experience in
14 law enforcement and death investigations, were you able to
15 determine an estimated time of death for the victim?

16 A Yes. We usually get with the coroner's office and we
17 share, you know, our thoughts.

18 MR. SCALZO: Objection, Your Honor. I don't know
19 that this witness is qualified to talk about time of death.

20 THE COURT: Well, I'm going to overrule at this point
21 because we're getting ready to hear the foundation for how
22 he determined that.

23 So tell us how you know that first, sir, not what it
24 was, but how you know.

25 THE WITNESS: Through my training and the schools

1 that I've been to, I have been taught that rigor mortis,
2 which is the stiffening of the body after death, sets in
3 somewhere around eight to 12 hours. And it disappears
4 somewhere around 24 -- 18 to 36 hours. So when I
5 touched --

6 MR. SCALZO: Objection, Your Honor. Hold on.

7 THE COURT: All right. I'm going to overrule your
8 objection again. It's for the jury to determine what
9 weight to give the evidence. The basis for the evidence
10 has been given to us to the witness's understanding. The
11 Court finds it appropriate to go into the issue. You may
12 cross-examine on that point if you wish.

13 MR.. SCALZO: And I would ask Your Honor to issue an
14 instruction that he is not an expert. He has not been
15 qualified as an expert.

16 THE COURT: Well, first of all, you've just done
17 that, but I would decline to do that because, again, it's
18 for the jury to determine what weight to give any
19 evidence. And we'll discuss that with them later in the
20 charge on this matter.

21 So let's go back and you ask your question, then
22 we'll let the answer flow from there.

23 BY MS. PAOLETTI:

24 Q Sergeant Miller, based on your training and
25 experience in death investigations, were you able to

1 estimate when Karen Hughes died?

2 A Yes. As I said, the body was cold to the touch, no
3 rigor mortis present, at least, 24 to 48 hours, somewhere
4 in that time frame.

5 Q Then later in your investigation, did you -- were you
6 able to gather evidence that helped you further narrow
7 down when the time of death was?

8 A Yes.

9 Q And based on that, what was the estimated time of
10 Karen Hughes' death -- not time, time frame of her death?

11 MR. SCALZO: Your Honor, I would object again for the
12 same grounds, Judge.

13 THE COURT: And I'm going to ask you to ask what was
14 the further evidence then that was gathered. You asked
15 about other evidence gathered to assist, please, ask the
16 witness about what that evidence was.

17 BY MS. PAOLETTI:

18 Q Did you speak to any witnesses who had last seen the
19 victim?

20 A Yes. I was -- well, I was advised that.

21 MR. SCALZO: Objection, Your Honor.

22 THE COURT: All right. Let's just talk to the jury
23 about this a moment.

24 What the issue is that we're hearing the objections
25 for is about hearsay. And, typically, hearsay -- let's

1 just talk about this for a moment because it's going to
2 come up several times in this case. You probably remember
3 when we were all children and play a game and sit in a
4 circle and someone would whisper something and when it
5 would come back around to the other end of the circle and
6 it would be completely different.

7 The hearsay rule is one that is based on ensuring
8 that evidence is reliable and credible. So, typically,
9 you can't come in and testify about what someone said.
10 The best evidence is bring that other person here and let
11 them say what they said to avoid confusion. Now, there
12 are multiple exceptions to the hearsay rule. And I'm sure
13 we'll see some of those during the course of this trial.
14 Now, you can testify about what you did as a result of
15 what someone said or what you saw, but, typically, what
16 someone said, you can't.

17 Now, I'm going to sustain the objection to the extent
18 that you don't tell us what you were advised.

19 I'll just let you ask your question again and take it
20 from there.

21 MS. PAOLETTI: Yes, sir, Your Honor.

22 BY MS. PAOLETTI:

23 Q Sergeant Miller, were you able to estimate when Karen
24 Hughes died?

25 A Through witness statement.

1 Q Were you able to tell when it was?

2 A Yes.

3 MR. SCALZO: And I'll object again, Judge, based on
4 he's not an expert qualified to do that.

5 THE COURT: And once again, overrule.

6 And the reason I overrule it, ladies and gentlemen,
7 is -- and there may be expert testimony on this point
8 later. Of course, I'm not aware of what the evidence is
9 going to be, but it's for you to determine what weight and
10 credibility you give any evidence in this case. And that
11 applies to this evidence as well.

12 One more time, ask the question, then we'll get the
13 answer.

14 BY MS. PAOLETTI:

15 Q Based on your training and experience in law
16 enforcement and death investigations, were you able to
17 estimate when Karen Hughes died?

18 A Yes.

19 Q When was that?

20 A It was sometime late Friday night.

21 Q What was that date?

22 A That was April the 8th.

23 Q All right. Let me take you back to the screened-in
24 porch. I'm showing you State's Exhibit No. 79 that's in
25 evidence. Will you tell the jury what they're looking at

1 in this photograph?

2 A That is a blanket and a towel.

3 Q All right. And the blue thing right there?

4 A That is dog bone, a toy bone.

5 Q Okay. Were you -- what else was on the porch when
6 deputies first arrived that's not in that photograph?

7 A The victim's dog.

8 Q All right. While I'm asking this question, let me go
9 ahead and hand you these photographs and start looking at
10 them. These are State's Exhibits 14 through 25 and 155
11 through 163. Take you back to your initial walk-through
12 of this house. Did you walk through the entire house?

13 A I did.

14 Q Do you recognize those photographs?

15 A I do.

16 Q What are they pictures of?

17 A That is the inside of the residence of 201 Montclair
18 Drive.

19 Q And do they accurately reflect the home as you found
20 it to be that day?

21 A They do.

22 MS. PAOLETTI: Your Honor, at this time, the State
23 would move Exhibits 14 through 25 and 155 through 163 into
24 evidence.

25 THE COURT: Is there any objection?

(Christopher Miller - Direct by Ms. Paoletti)

1 MR. SCALZO: No, sir.

2 THE COURT: Without objection 14 through 25, 155
3 through 163 in evidence without objection for the State.

4 (WHEREUPON, State's Exhibit Nos. 14 through 25 and
5 155 through 163 were admitted into evidence.)

6 MS. PAOLETTI: Thank you, Judge.

7 BY MS. PAOLETTI:

8 Q Sergeant, I'm showing you State's 155, just by way of
9 example. Tell the jury what your initial impression was
10 of this scene when you first did the walk-through?

11 MR. SCALZO: Objection, Your Honor. She's trying to
12 get him to give an opinion about the scene. They've got
13 pictures. They can make their own impression about the
14 scene. He can't describe his impression as the police at
15 the scene.

16 THE COURT: Any response?

17 MS. PAOLETTI: Your Honor, I believe that he
18 absolutely may do that based on his years in training and
19 experience in investigating the scene of homicides and
20 burglaries. He may give his impression of the scene. And
21 if you want me to ask more foundational questions, I'll be
22 happy to do that.

23 THE COURT: Just one moment.

24 Please ask your foundational questions and the Court
25 will rule.

1 MS. PAOLETTI: Yes, sir.

2 BY MS. PAOLETTI:

3 Q Sergeant Miller, in the course of your training and
4 experience in investigating homicide cases, is it typical
5 that you also investigate a burglary case?

6 A Yes.

7 Q And while you're investigating homicide and potential
8 burglary case, is it part of your duty and your training
9 to survey the entire scene of a homicide?

10 A Yes, my job is to try to discover any clues that may
11 be present.

12 Q And that is based on your visual inspection of the
13 scene?

14 A Yes.

15 Q And things that you see when you walk through the
16 house?

17 A That's correct.

18 Q What about things that you don't see when you walk
19 through the house?

20 A I mean, there's times you don't catch it the first
21 time walking through the house. We spend a lot of time --
22 especially on a scene like this, we spend hours looking
23 for evidence.

24 Q All right. And then based on what you see or don't
25 see in the house, will that determine what you might do

1 next in the course of your investigation?

2 A Yes, ma'am.

3 MS. PAOLETTI: Your Honor, those the foundational
4 questions I would proffer from this witness on that
5 question.

6 THE COURT: All right.

7 Response? Anything further from the Defense?

8 MR. SCALZO: Well, is she asking the exact same
9 questions she asked before this or is there some different
10 questions?

11 THE COURT: I anticipate the next question to come
12 will be the same question you objected to, so any followup
13 you wish to state on the record as to your objection?

14 MR. SCALZO: Yeah, he's a fact witnesses. He can't
15 give his opinion. He's not an expert. He's a fact
16 witness. He can't give his opinion on what he thinks the
17 evidence means.

18 MS. PAOLETTI: I'll ask it a different way, Your
19 Honor.

20 BY MS. PAOLETTI:

21 Q Sergeant Miller, does anything appear to be disturbed
22 in this bedroom?

23 A Nothing at all.

24 Q What about this room?

25 A Nothing.

1 Q This bathroom?

2 A Nothing was disturbed.

3 Q How big a house is this?

4 A It's quite a large house. I believe it's over 4000
5 square feet.

6 Q Is that photograph taken from inside this home?

7 A Yes.

8 Q State's Exhibit 15, anything disturbed in that room?

9 A Nothing at all.

10 Q Let me show you this one. This is 16. It's a little
11 bit lighter and easier to see.

12 A Nothing at all. It's a fairly clean immaculate house.

13 Q State's Exhibit 19?

14 A Nothing.

15 Q State's Exhibit 20?

16 A That would be the den area. Nothing.

17 Q Is that upstairs or downstairs?

18 A That's downstairs. That's the first room to the
19 right as you walk in the front door.

20 Q State's Exhibit 22, anything disturbed?

21 A That's the living room. There's nothing disturbed
22 there.

23 THE COURT: Counsel, at this point, the Court
24 overrules the objection. You may ask the witness about
25 his impression based on the evidence that we've seen here

1 as well as his impressions at the scene. Objection
2 overruled. You may proceed.

3 BY MS. PAOLETTI:

4 Q Sergeant, tell the jury what your impression was of
5 this scene after seeing all of these rooms that were
6 undisturbed.

7 A My impression was that this was a personal crime.
8 That this was not a random crime. This was not a home
9 invasion, a random burglary, a robbery. This was a
10 targeted crime. This was someone that knew -- this person
11 knew this house, knew the layout of the house.

12 Q All right. Now --

13 MR. SCALZO: Judge, I'll renew my objections. He's
14 not a criminologist. He's not a psychologist. He doesn't
15 have the expertise to describe that.

16 THE COURT: All right. Counsel, one more time for
17 the jury, it's up to the jury to give any weight and
18 credibility to any evidence.

19 And with that understanding, the Court overrules the
20 objection and you may proceed to your next question.

21 BY MS. PAOLETTI:

22 Q And there may have been a photograph, but were there
23 electronics left in the house?

24 A TV's, jewelry. Nothing appeared to be taken.

25 Q All right. Was there an exception to the undisturbed

1 areas of the home?

2 A Yes, there was.

3 Q More than one?

4 A There was more than one. There was the sun room area
5 where the victim was found. There was a kitchen to the
6 right of that room and, also, there's a laundry room and a
7 bathroom right there as you walk out of the kitchen as
8 well.

9 Q All right. What about the victim's bedroom upstairs?

10 A And the bedroom upstairs was the victim's and it was
11 disturbed. Some dresser drawers were pulled out and
12 stacked on the floor.

13 Q All right. We'll go to her bedroom in just one
14 moment.

15 A Okay.

16 Q I'm showing you what's been marked as State's
17 Exhibits 26, 27, 33, 34, 35, 36, 37 and 38. Those are out
18 of order, I apologize. Can you just take a look at those
19 and see if you recognize those photographs.

20 A Yes, ma'am.

21 Q What do those photographs show you?

22 A Those are the photos of the area where the victim was
23 found. There was hardwood flooring. And there is several
24 bloody footprints in that area.

25 MS. PAOLETTI: Your Honor --

1 THE WITNESS: It's only one shoe, but several prints
2 leading from where the victim was found away from the
3 body.

4 BY MS. PAOLETTI:

5 Q And did these photographs that you just reviewed
6 accurately reflect the scene in the home as you found it
7 that day?

8 A Yes.

9 MS. PAOLETTI: Your Honor, at this time, the State
10 would move those exhibits into evidence. They're 26, 27,
11 33, 34, 35, 36, 37 and 38.

12 THE COURT: Is there an objection?

13 MR. SCALZO: No, sir.

14 THE COURT: All right. 26, 27 and 33 through 38 in
15 evidence for the State without objection.

16 (WHEREUPON, State's Exhibit Nos. 26, 27, and 33
17 through 38 were admitted into evidence.)

18 BY MS. PAOLETTI:

19 Q I'm going to show you, Investigator, State's Exhibit
20 No. 27 and ask you to tell the jury what they're looking
21 at here?

22 A That is the room where the victim, Karen, was found.
23 And those are -- that is blood where it's smeared and some
24 of the shoe impressions that I spoke of.

25 Q All right. I'm going to show you State's Exhibit 34

1 and ask you to let the jury know about that photo?

2 A That's more of the same. That is the tread of the
3 shoe impression, which was the only shoe impression that
4 we -- type that we found in the house.

5 Q All right. I'm going to show you just one more here,
6 State's 26, and ask you to let the jury know what that is.

7 A It's the same shoe impression, a little more defined,
8 showing the ridges of the shoe.

9 Q And No. 38?

10 A That's much better.

11 Q Should have gone with that one.

12 A You can see the detail of the shoe imprint.

13 Q All right. Let me show you now what's been marked as
14 State's Exhibits 28 through 32 and ask you if you
15 recognize those?

16 A Yes, I do.

17 Q What are those photographs of?

18 A They are of the door leading from the sun room out to
19 the front porch and of the floor by the door and, also,
20 the molding around the floor and the door.

21 Q And do those photographs accurately represent the
22 scene as you found it to be that day?

23 A Yes..

24 MS. PAOLETTI: Your Honor, we've move those exhibits
25 into evidence at this time.

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1 THE COURT: Is there an objection to 28 through 32?

2 MR. SCALZO: No, sir.

3 THE COURT: Without objection, for the State 28
4 through 32 in evidence.

5 (WHEREUPON, State's Exhibit Nos. 28 through 32 were
6 admitted into evidence.)

7 BY MS. PAOLETTI:

8 Q Now, I'll show you 39, 40, 41 and 42 and ask if you'd
9 take a look at those.

10 A I recognize these, too.

11 Q Will you describe what those photographs are?

12 A It's more photos of the floor with the blood and,
13 also, a pillow, which is blood soaked and one of the
14 victim's sneakers that is near a large pool of blood and
15 some chairs. And, also, a cabinet where the dog's bowl
16 and leash and stuff were kept.

17 Q Do those photographs accurately represent the scene
18 as you found it to be that day?

19 A They do.

20 MS. PAOLETTI: Your Honor, we move 39 through 42 into
21 evidence at this time.

22 THE COURT: Is there an objection?

23 MR. SCALZO: No, sir.

24 THE COURT: Without objection, 39 through 42 for the
25 State in evidence.

1 (WHEREUPON, State's Exhibit Nos. 39 through 42 were
2 admitted into evidence.)

3 BY MS. PAOLETTI:

4 Q Sergeant Miller, I just want to move us back around
5 to my original question about undisturbed and disturbed
6 areas or areas that had been disturbed or evidence of a
7 disturbance in the house. All of these photographs --

8 A Yes.

9 Q -- show that?

10 A Yes.

11 Q Show the jury what they're looking at right there.

12 A They're looking at right there is a pillow that was
13 on the couch that was in the floor that was covered in
14 blood. More of the same foot impressions in blood and
15 there was blood smeared on the floor. There's the cabinet
16 I spoke of where the dog bowl and dog leash and things
17 were contained.

18 Q And then this is State's Exhibit No. 29. Can you
19 tell the jury what they're looking at in that photograph?

20 A Right here in this void is where we found the
21 victim's body. And this is the blood that was surrounding
22 the body, the smears. And there's foot impressions in
23 there as well and then there's the door that leads out to
24 the porch.

25 Q That goes to the screened porch?

1 A Yes.

2 Q State's Exhibit 39.

3 A That's another angle of the pillow, which you can see
4 it's soaked with blood right here.

5 Q And then No. 40?

6 A And there's the victim's shoe. She had one shoe on
7 and one shoe off. And there's some smearing right there.

8 Q These photographs were, obviously, taken after the
9 victim's body was removed from the scene?

10 A That's correct. That's why there was the void there
11 in the blood.

12 Q All right. Will you tell the jury what was
13 underneath the victim's head when she was found?

14 A Found the victim lying in a fetal position on her
15 right side. And a blue blanket was placed under her head.

16 Q I'm showing you what's been marked as State's Exhibit
17 241. Can you take a look at that and tell us what it is?

18 A That's is the blue blanket that we found under the
19 victim's head.

20 Q And was that collected at the scene that day?

21 A Yes, it was.

22 Q And does it appear to be in substantially the same
23 condition that you saw it that day in Karen Hughes' home?

24 A Yes.

25 MS. PAOLETTI: Your Honor, at this time, the State

1 would move Exhibit 241 into evidence.

2 THE COURT: Is there an objection?

3 MR. SCALZO: No, sir.

4 THE COURT: 241 in evidence for the State without
5 objection.

6 (WHEREUPON, State's Exhibit No. 241 was admitted into
7 evidence.)

8 BY MS. PAOLETTI:

9 Q I'll take that from you. I'm showing you what's been
10 marked now as State's Exhibit -- tell me the numbers.

11 A 106 and 107.

12 Q Tell the jury what those photographs are of.

13 A This is of the kitchen area, the refrigerator.
14 There's two shots of the floor and the refrigerator.

15 Q All right. What's in the photograph?

16 A Partially under the -- if you're looking at the
17 refrigerator, it's a double-door refrigerator, if you look
18 partially under the right door, there's a can of pepper
19 spray or mace lying on the floor.

20 Q All right. And those photographs accurately
21 represent the scene and that pepper spray as it was found
22 that day in Karen Hughes' home?

23 A Yes.

24 MS. PAOLETTI: Your Honor, we would move 106 and 107
25 into evidence at this time.

1 THE COURT: Is there an objection?

2 MR. SCALZO: No objection.

3 THE COURT: Without objection, 106 and 107 into
4 evidence for the State.

5 (WHEREUPON, State's Exhibit Nos. 106 and 107 were
6 admitted into evidence.)

7 BY MS. PAOLETTI:

8 Q And this is 107, Sergeant Miller.

9 A This is the refrigerator, left door, right door and
10 there's the can of pepper spray.

11 Q And then 106, just for point of reference there?

12 A That's a bigger shot of the refrigerator and the
13 hardwood floor. And right there is the pepper spray.

14 Q All right. Before we move to the upstairs of the
15 home, I want to talk to you about other evidence that was
16 that located downstairs. You mentioned the laundry room
17 off of the kitchen?

18 A Yes.

19 Q Tell the jury what you observed in the laundry room.

20 A We found -- as we were looking, there's a washing
21 machine and dryer in the laundry room. And we opened the
22 washing machine and located a hammer that was wrapped in a
23 hand towel and, also, a scrub brush that was inside there.
24 And the -- both were clean.

25 Q All right. I think that's Exhibits 93 through 105 is

1 what I just handed you, is that correct?

2 A Ninety-two, 94 and 95.

3 Q Can you review those photographs and tell me if you
4 recognize them?

5 A I recognize them.

6 Q All right. Do those photographs accurately represent
7 and reflect the scene in the laundry room at Karen Hughes'
8 house?

9 A Yes, they do.

10 MS. PAOLETTI: Your Honor, at this time, we'd move
11 State's Exhibits 93 through 105 into evidence.

12 THE COURT: Did you say 92? Is there 92 in there as
13 well and you're not moving that into evidence?

14 MS. PAOLETTI: I'll let Sergeant Miller look at that
15 number again. It's a little hard to read.

16 THE WITNESS: Ninety-three, I'm sorry.

17 THE COURT: All right. To 93 through 105, is there
18 an objection?

19 MR. SCALZO: No, sir.

20 THE COURT: Without objection, 93 through 105 in
21 evidence for the State.

22 (WHEREUPON, State's Exhibit Nos. 93 through 105 were
23 admitted into evidence.)

24 BY MS. PAOLETTI:

25 Q All right. This is State's 94. Tell the jury what

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1 that is, please?

2 A That's the washing machine I spoke of. And this is
3 the laundry room, the dryer.

4 Q All right. What's there on top of the dryer?

5 A There is a bottle of detergent.

6 Q State's 98. That same bottle of detergent?

7 A Yes.

8 Q This is State's 97. Can you tell the jury what that
9 is there? I've got it upside down. There you go.

10 A That looks to be part of the detergent bottle.

11 Q What's the blue stuff on there?

12 A The blue stuff on there is a chemical that forensics
13 uses to discover protein, which protein is in blood. It's
14 called LCV. And if there is any blood present or any
15 protein present, it will turn -- it goes on clear and it
16 will turn blue if there is some present.

17 Q All right. This is State's Exhibit No. 100. Tell
18 the jury what they're looking at here.

19 A That is what I found after opening the washing
20 machine. There is the towel, which is -- or the hammer
21 which is wrapped in a hand towel and there's the scrub
22 brush.

23 Q All right. And I'm not positive, I'm going to pull
24 this out of order, showing you State's Exhibit No. 84.
25 See if you recognize that?

1 A Yes, that's the outside of the door on the
2 screened-in porch.

3 Q And does that also accurately reflect the door as you
4 found it to be on that Monday?

5 A Yes, it is.

6 MS. PAOLETTI: Your Honor, if we have not already
7 moved State's 84 into evidence.

8 THE COURT: You moved 79 through 92 into evidence
9 earlier. 84 is already in evidence.

10 MS. PAOLETTI: Yes, sir. Good. Thank you.

11 BY MS. PAOLETTI:

12 Q Sergeant Miller, I'm going to show you State's
13 Exhibit No. 84 and ask you to tell the jury what they're
14 looking at again here, going back to the porch?

15 A This is the exterior door. This is the screened-in
16 porch here and this is the exterior door and this is blood
17 here at the bottom of the door.

18 Q And can you describe to the jury the way that that
19 blood on the bottom of the door appeared?

20 A It appears that someone attempted to clean. It
21 smeared. You can see the brush marks.

22 Q All right. And I'm going to show you State's Exhibit
23 101 and ask you to tell the jury what this is?

24 A That is the hammer that we found in the washing
25 machine after the towel was removed from it.

1 Q I'm going to show you, just by way of example,
2 State's Exhibit 213 and see if you recognize that?

3 A Yes, I do.

4 Q All right. And does that photograph fairly and
5 accurately represent part of the scene as you found it
6 that day?

7 A It does.

8 Q And can you tell me what that is?

9 A That is the cover to a light switch.

10 Q All right.

11 MS. PAOLETTI: Your Honor, at this time, we'd move
12 213 into evidence.

13 THE COURT: Is there an objection?

14 MR. SCALZO: No, sir.

15 THE COURT: Without objection, 213 into evidence for
16 the State.

17 (WHEREUPON, State's Exhibit No. 213 was admitted into
18 evidence.)

19 BY MS. PAOLETTI:

20 Q Sergeant Miller, I'm going to put this up and ask you
21 to describe and let the jury know what they're looking at
22 in that photograph?

23 A What you're looking at is the light switch cover and
24 what you're looking at is blood. And those initials there
25 are from the forensics person. They usually do their

1 initials and then whatever number the piece of evidence
2 is. So that's his initials, number six. And this is
3 blood and it is in a fabric impression. That would be
4 consistent with someone wearing gloves.

5 Q I'm going to show you just so we can get -- have
6 these in evidence from the home, Exhibits 210, 211, 212
7 and then 214 through 223 and ask if you recognize those?

8 A Yes, I do.

9 Q All right. Do they fairly and accurately represent
10 the scene as you found it that day?

11 A They do.

12 MS. PAOLETTI: Your Honor, at this time, we'd move
13 210 through 223, with the exception of 213, into evidence.

14 THE COURT: Is there an objection?

15 MR. SCALZO: No objection, Your Honor.

16 THE COURT: Very good. 213 already in evidence, is
17 it not?

18 MS. PAOLETTI: Yes, sir.

19 THE COURT: Then it's 210 through 223 in evidence
20 without objection.

21 (WHEREUPON, State's Exhibit Nos. 210 through 212 and
22 214 through 223 were admitted into evidence.)

23 BY MS. PAOLETTI:

24 Q All right. Sergeant Miller, did anyone live at this
25 address with the victim?

1 A No.

2 Q What about the Defendant's father?

3 A No. They were going through a divorce and he was not
4 living there any longer.

5 Q Were you able to determine where he lived?

6 A Yes, he lived with his sister. And that was [REDACTED]

7 [REDACTED] in Greer.

8 Q All right. As part of your investigation into this
9 case, did anyone speak with Mr. Hughes about his wife's
10 death?

11 A Yes. I instructed -- when I found out about Douglas
12 Hughes, I instructed Deputy Manley to find him and talk to
13 him.

14 Q All right. And did he do that?

15 A Yes, he did.

16 Q All right. During the course of your investigation,
17 were you able to learn anything about Douglas Hughes that
18 was instructed to you in this case?

19 A Yes. Once we made contact, I discovered that
20 Mr. Hughes had been involved in a serious horseback riding
21 accident in 2009 and he suffered a pretty bad brain injury
22 and he was not capable of taking care of himself any
23 longer, so that's why he was staying with his sister.

24 Q All right. And at some point in your investigation,
25 did you speak with Mr. Hughes?

1 A Yes, I did.

2 Q All right. Will you tell the jury about your
3 interaction with him and your observations of Mr. Hughes?

4 A I went to the residence and I was greeted by
5 Mr. Hughes' sister.

6 Q What's her name?

7 A One second, please.

8 Q Sure. We can go back to that. Don't worry about
9 Mr. Hughes' sister's name. Did Karen have any other
10 family?

11 A Yes, she did.

12 Q All right. Who was her other family?

13 A She has another son, which was Lawrence Hughes, who
14 most people refer to as Larry.

15 Q All right. Where did Larry Hughes live?

16 A He lives in Charlotte, North Carolina.

17 Q And did he come to Greenville during this time?

18 A He did the day that Ms. Hughes was discovered.

19 Q And did you speak to him?

20 A I did. I spoke with him by phone that day.

21 Q All right. At some point in the future, did you
22 interview him?

23 A Yes, I did. I believe that was on 14th of December.

24 Q April?

25 A April, I'm sorry.

1 Q All right. I want you to describe for the jury
2 Mr. Hughes' demeanor when you were speaking to him about
3 his mother's death?

4 A He was emotional. He just looked completely drained,
5 defeated. He was upset as we were talking. Talking about
6 a grown man sitting there with tears in his eyes. And
7 just what any reasonable person would expect someone to
8 act like when they just found out that their mother had
9 been murdered.

10 Q All right. You testified earlier that it was your
11 impression that this crime was personal?

12 A Absolutely.

13 Q As part of your investigation into the case, did you
14 try to get -- or did you get evidence from Larry, Karen
15 Hughes' other son?

16 A Yes.

17 Q What did you collect from him?

18 A I asked him to give me a DNA sample. And some people
19 refer to it as a buccal swap, some say buccal swab, but it
20 is a -- looks like a long Q-tip, a wood stick with a
21 cotton tip. It comes in a sterile pack and it has a
22 plastic lid, which you flip open and you push up on the
23 stick and then you take that cotton swab and then you rub
24 it between the cheek and the gum and have them keep it
25 there for about 30 seconds. And then -- I normally do

1 both sides to make sure I get a sample that's good enough
2 to test.

3 Q All right. We're talking about that, is that
4 something that you do in a normal course of your work in
5 death investigations?

6 A Yes.

7 Q Can you even guess how many buccal swabs you've
8 collected?

9 A It would have to be several hundred, I would imagine.

10 Q Do you have a specific protocol for collecting that
11 evidence?

12 A Yes. We ask for consent. If consent is not given,
13 then we obtain a search warrant or sometimes we have to
14 have a hearing for it, it just depends. But under normal
15 circumstances, most people consent to it. And then the
16 procedure would be to put on Latex gloves, such as these,
17 so as not to contaminate that with my DNA. Because you
18 can do touch DNA and contaminate it. So it would be to
19 show them it's in a sterile pack. It's not going to harm
20 them, it's not going to hurt. It's going to be painless.
21 It's just a matter of a few seconds of sticking that in
22 their mouth. And normally, what I'll do is once I open it
23 up -- and I don't have gloves on, but I'll tell them that it's
24 in a sterile pack and it's sealed. And I will open it and
25 I will have them grab the end of the applicator and then

1 have them pull it out and explain to them that the top
2 just flips open like that and to push it up and to take it
3 and stick it inside their mouth and rub it and leave it in
4 there for a few seconds. Take it, cap it, have them put
5 it back in the package. And I'll usually write the case
6 number, their name, the date and time in which they did
7 it. And then I'll take another one and do the other side
8 of the mouth. Then we take those and then place them in
9 an envelope or some -- we have boxes. If we don't have
10 the boxes, then we'll place them in an envelope and we
11 seal them up.

12 Q All right. Do you have to do that in a particular
13 way before DNA will even test them?

14 A Yes. They have to be sealed with tape and initialed
15 that you are the one that took the sample and you're the
16 one that placed it into property and evidence to keep the
17 chain of custody.

18 Q Did Larry Hughes give you a DNA sample?

19 A He did.

20 Q All right. Let's talk about Doug, Mr. Hughes. Did
21 you eventually get a DNA sample from Douglas Hughes?

22 A I did.

23 Q All right. Do you remember when that was?

24 A That was February the 8th of last year, 2013.

25 Q So sometime after?

1 A Yes.

2 Q Why did you go back and get Douglas Hughes' DNA?

3 A That was at the request of the DNA analyst for
4 comparison, elimination purposes.

5 Q All right. Were you able to determine in the course
6 of your investigation where Larry Hughes was around the
7 time Karen Hughes was murdered?

8 A Yes, he was at his home in Charlotte.

9 Q Is Larry married?

10 A Yes, he is.

11 Q Who is his wife?

12 A His wife is Terry Hughes.

13 Q All right. Sergeant Miller, Larry Hughes is not
14 listed as a witness in this trial. Can you tell the jury
15 why that is?

16 A Larry died in 2012.

17 Q Okay.

18 A In September 2012.

19 Q All right. Let's talk about -- we'll go back to
20 April 11th, 2011. When you're at the house, was this
21 Defendant a suspect in the murder of the victim?

22 A Yes, he was.

23 Q Okay. Can you tell the jury about what you learned
24 about the Defendant's location close in time to the
25 murder, where he was?

1 A Where he was prior to the murder?

2 Q Yes. Let's talk specifically about Wednesday prior
3 to when Karen Hughes was killed?

4 A He was in Greenville.

5 Q Okay. And how did you know he was in Greenville?

6 A I discovered that in my investigation that he was in
7 Greenville.

8 Q Okay. Had the Defendant been recently released from
9 the detention center?

10 A Yes.

11 Q Okay. Tell the jury what the Defendant had been
12 incarcerated at the detention center for?

13 A He was in the detention center for forgery. And the
14 -- that was in reference to the trust account. Those were
15 checks that were written on the trust account that was in
16 his mother's name.

17 Q All right.

18 THE COURT: All right. Let me interrupt you at this
19 time, Counsel.

20 Ladies and gentlemen, let me give you an instruction
21 that has to do with this evidence. Typically, in a
22 criminal trial, evidence of some prior criminal charge or
23 prior conviction against a defendant is not admitted into
24 evidence because it is considered unfairly prejudicial.
25 The fear is that the jury hearing that information will

1 perceive that the defendant is more likely to commit the
2 crime for which he is currently on trial because he
3 committed some past crime.

4 I tell you that the question before this Court today
5 is not did the Defendant commit a past crime, it is
6 whether or not the State can prove beyond a reasonable
7 doubt that the Defendant committed the crime for which he
8 is presently on trial. So to that end, I charge you that
9 this evidence of a prior arrest that has just come in is
10 not being admitted on the issue of the Defendant's
11 credibility or believability or his character. And you
12 should take no inference from that, from this evidence on
13 those issues. But it is permitted for the State to offer
14 as proof on the issue of a potential motive if you deem
15 that relevant to that issue.

16 With that understanding now, Counsel, you may
17 proceed.

18 MS. PAOLETTI: Thank you, Judge.

19 BY MS. PAOLETTI:

20 Q Sergeant Miller, did the Defendant -- how was the
21 Defendant convicted of those forgeries? Was it a trial or
22 a guilty plea?

23 A It was a guilty plea.

24 Q All right. Can you tell the jury what one of the
25 conditions that was imposed on the Defendant was as part

1 of that guilty plea?

2 A It was a no contact order issued by the judge.

3 Q All right. Tell them that what means.

4 A What that means is that when someone is either given
5 a bond or they are on probation, sometimes there's a no
6 contact order.

7 Q No contact with whom?

8 A With the victim. And that if they violate that at
9 any time during that time period, then they can be put
10 back in jail.

11 Q Who issues that no contact order?

12 A It would be a judge or magistrate.

13 Q All right. Will you tell the jury how that's
14 different from a Restraining Order?

15 A This is part of bond agreement or this is part of the
16 sentence and probation. Restraining Order is something
17 that's issued by a magistrate that's for a specific
18 incident, you know, stalking or harassment.

19 Q All right. And if there's a Restraining Order in
20 place and it's violated, can the person who violated it be
21 arrested immediately?

22 A Yes.

23 Q Okay. Versus a no contact order, how is that
24 different?

25 A Then that would have to be taken back before the

1 judge before they could be arrested.

2 Q All right. When you were at 201 Montclair Drive on
3 August 11th 2011, the witnesses that you spoke to, were
4 they adamant about knowing who had done this?

5 A They were very adamant about it.

6 Q What about Karen's coworkers?

7 A Yes.

8 Q How did that affect your investigation?

9 A My main focus on the investigation was the crime
10 scene itself and the evidence. That's why I called other
11 people to help me take statements so I could focus on the
12 crime scene and the evidence.

13 Q All right. And you mentioned earlier that the
14 department of public safety processed this scene for
15 evidence, is that correct?

16 A That's correct.

17 Q All right. Obviously, you didn't have the results
18 from that on that date, is that correct?

19 A Right.

20 Q In a case like this, what's one way that you might
21 develop evidence before you get any forensic evidence from
22 the house?

23 A Stolen property and -- try to find someone that may
24 have that property, looking at the pawnshops to see if any
25 property would arrive there and just pounding the streets

1 and looking.

2 Q All right. And were you able to determine whether
3 anything that been stolen from Karen Hughes' house that
4 day?

5 A The only thing I could determine was that her car was
6 gone. And the keys to the car. And there was a garage
7 door opener that was the only way to open up the house
8 through the garage -- only way to get the car in the
9 garage and get out of the garage with the car is with a
10 garage door opener.

11 Q What kind of car was it?

12 A It was a 2000 Volkswagen Jetta.

13 Q And were you able to estimate the value of the car?

14 A Yes.

15 Q What was that?

16 A As of today, that car is valued, according to Kelly
17 Blue Book, at 2260, 2,260-dollars. And that's in good
18 condition.

19 Q All right. I'm going to show you State's Exhibits
20 148 through 154 and ask you if you recognize those
21 photographs?

22 A Yes, I do.

23 Q Who are those pictures of?

24 A This is a picture of the inside of the house as you
25 walk through the front door, to the right is the den that

1 is sunken down. Then you walk past there, there's a door
2 and that's leads down to the basement, to the garage
3 basement area.

4 Q Do those photographs fairly and accurately represent
5 Karen Hughes' home as you found it that day?

6 A They do.

7 MS. PAOLETTI: Your Honor, we'd move 148 through 154
8 into evidence.

9 THE COURT: Is there an objection?

10 MR. SCALZO: No, sir.

11 THE COURT: 148 through 154 for the State in evidence
12 without objection.

13 Counsel, when you proceed to be an appropriate break
14 time, we'll take our morning break. I'll just let you
15 stop when you think it's appropriate.

16 MS. PAOLETTI: I've got two more questions and I
17 think we'll be ready to take a break. We'll be finished
18 with the basement.

19 THE COURT: Okay. Go ahead.

20 (WHEREUPON, State's Exhibit Nos. 148 through 154 were
21 admitted into evidence.)

22 BY MS. PAOLETTI:

23 Q Let me go back and ask you again. Were you able to
24 find the keys to Karen's car in her home?

25 A No.

1 Q All right. And the garage door opener?

2 A No.

3 Q Spare key?

4 A No.

5 Q Did you put out a BOLO for the car?

6 A Yes.

7 Q Would you tell the jury what that is?

8 A A BOLO is just an acronym for be on the lookout. You
9 hear on TV APB, most people don't use that anymore.

10 That's -- it's a BOLO.

11 Q Were there any specific details about the scene of
12 the murder released to the media that day?

13 A We have a standard protocol; we go through our public
14 information officer. And, normally, at the beginning of
15 an investigation, just generic. We're investigating the
16 death of a Greer woman in the Greer community. And they
17 may give the name of the road. I wouldn't think they
18 would give the street number of the house. And that this
19 time it is being investigated as possible foul play
20 involved, maybe not even say that, just being
21 investigated.

22 Q Any details about a trust account?

23 A No.

24 Q Any details about the victim's dog being on the
25 porch?

1 A I can't imagine that would ever be put out.

2 MS. PAOLETTI: Your Honor, we can take a break.

3 THE COURT: Very good.

4 Ladies and gentlemen, we'll be in recess
5 approximately 15 minutes, perhaps; 20, give you an
6 opportunity to enjoy your break. Please don't discuss the
7 case, but enjoy your break. We'll remain where we are
8 while you depart the courtroom.

9 (WHEREUPON, the jury leaves the courtroom at
10 approximately 10:54 a.m.)

11 THE COURT: Officer Miller, I'm going to ask you not
12 to speak to lawyers on either side of this case because
13 you're a witness under testimony, but you may step down
14 and take a break.

15 All right. Ladies and gentlemen, before we stand
16 down, the jury is out of the room now. This case is
17 rather fact intensive. And it would be my intention to
18 give the jurors an opportunity to take notes if they wish.
19 What I generally do is give them that opportunity. I
20 don't demand it of them. But I explain to them at the
21 beginning that if they take notes, they are for their
22 personal use to refresh their own recollection during
23 deliberations and those would be taken up each night and
24 not reviewed. They would be kept in confidence and at the
25 end of the case, they would be destroyed.

1 Is there an objection from either side to the Court
2 offering the opportunity to jurors who wish to take notes?

3 What says the State?

4 MS. PAOLETTI: No, sir.

5 THE COURT: And the Defense?

6 MR. SCALZO: No, sir.

7 THE COURT: We'll do that when we return. The Court
8 is now in recess approximately 15 minutes..

9 (WHEREUPON, a short break was taken.)

10 THE COURT: It appears that we are in place now. The
11 jury has completed and ready to bring in. Are we ready to
12 proceed?

13 MS. PAOLETTI: Yes, sir.

14 THE COURT: All right, let's bring in our jury,
15 please.

16 (WHEREUPON, the jury enters the courtroom at
17 approximately 11:15 a.m.)

18 THE COURT: All right. Welcome back, ladies and
19 gentlemen. Two other matters I want to take up with you
20 before we begin. I failed to ask you this morning, I
21 asked you if you had had a conversation with anyone about
22 the case, but I didn't ask you if you had seen any media
23 reports about this case if there are any media reports.
24 And I ask you if you have seen a media report about this
25 case, please, raise your hand.

1 (There was no response.)

2 THE COURT: Let the record reflect that everyone has
3 complied with the Court's instructions. Thank you again
4 for that. And, also, I think either Ms. Pierce or maybe
5 Mr. Anderson may have mentioned to you that if you wish to
6 take notes, we will definitely make that available to you,
7 or provide you pen and paper or pencil, however, you wish
8 to take your notes.

9 Just to comment about that. People learn and process
10 in different ways, remember in different ways. You may
11 not wish to take notes, that's fine. But if you do, we
12 will, certainly, give you that opportunity. And this is
13 the way we handle jurors' notes. Just to protect the
14 confidentiality of the proceedings, at the end of the day,
15 we take the notes up. They are not reviewed, no one looks
16 at them, but we secure them. Then we give them back to
17 you the next morning. And at the end of the case, we
18 destroy them, again, without reviewing them because the
19 deliberations and decision of the jury is reached in
20 absolute confidentiality and we allow nothing to breach
21 that. If you wish to take notes, if you simply would let
22 Mr. Anderson or Ms. Piece know, they will provide you a
23 note pad for that purpose. Is there anyone who wishes one
24 now?

25 (There was no response.)

(Christopher Miller - Direct by Ms. Paoletti)

1 THE COURT: If you change your mind at some point,
2 just let our bailiffs know.

3 You will recall, we ended the morning session in
4 direct examination of the witness and we remain there.

5 So, please, proceed.

6 MS. PAOLETTI: Thank you, Your Honor.

7 CONTINUED DIRECT EXAMINATION

8 BY MS. PAOLETTI:

9 Q Sergeant Miller, we talked a little bit about buccal
10 swabs. Let's go back to State's Exhibits 232 and 233 and
11 ask if you recognize those two items?

12 A Yes, I do.

13 Q All right. We'll start with 232. And first tell us
14 how you recognize what those are?

15 A There's a bar code on here which is put on by our
16 property and evidence technicians. And it has the type
17 specimen, which is a buccal swab, and it states that is
18 from Lawrence W. Hughes.

19 Q All right. I'm going to ask you to turn it over. Is
20 there a notation on the back?

21 A Also, there is the case number, the date that it was
22 placed into evidence and my initials. And that's on the
23 evidence tape where it's sealed.

24 Q All right. And then 233?

25 A It's the same bar code. Specimen is buccal swab.

1 And this is from Lewis Douglas Hughes. Then again, on the
2 back, there's the evidence tape with the case number, the
3 date of February 13th, 2013 and my initials.

4 Q And who's DNA is that?

5 A That's Lewis Douglas Hughes.

6 Q Douglas Hughes?

7 A Yes.

8 MS. PAOLETTI: All right. Your Honor, at this time
9 the State would move Exhibits 232 and 233 into evidence.

10 THE COURT: Is there an objection?

11 MR. SCALZO: No, sir.

12 THE COURT: Then 232 and 233 in evidence without
13 objection for the State.

14 (WHEREUPON, State's Exhibit Nos. 232 and 233 were
15 admitted into evidence.)

16 BY MS. PAOLETTI:

17 Q All right. I want to go back and talk, too, about
18 your interaction with Douglas Hughes when you took his DNA
19 sample. Will you describe your interaction with Mr.
20 Hughes for the jury, please?

21 A After I was greeted at the door -- and I remember his
22 sister's name was Donna Marie.

23 Q Who else does he live with, do you know?

24 A I don't know. His sister is the only one I know. So
25 I was taken into the kitchen area where I met Douglas.

1 And it immediately came to me that he had some issues with
2 his motor skills. Speech is a little slow. He can
3 communicate, but it's a little -- you know, it's a little
4 delay in the communication. It's not as a normal person
5 was sitting and talking and communicating with you. It's
6 obvious he has had a brain injury.

7 Q All right. And physically speaking, sitting,
8 standing, do you remember?

9 A He had trouble getting up and standing and he does
10 not walk well. I mean, he could walk, but it is not your
11 normal motor skills that you would expect from someone his
12 age.

13 Q And just to be clear, when you had this interaction
14 with him, it was sometime after Karen Hughes' murder, is
15 that correct?

16 A Yes.

17 Q All right. I'm going to show you -- go back to the
18 house and show you State's Exhibits 113 through 147 and
19 let you review those.

20 A I recognize them.

21 Q Do those photographs that you just reviewed fairly
22 and accurately represent more photographs or more pictures
23 of the scene at Karen Hughes' house on 201 Montclair
24 Drive?

25 A They do.

1 MS. PAOLETTI: Your Honor, at this time, we would
2 move State's 113 through 147 into evidence.

3 THE COURT: Is there an objection?

4 MR. SCALZO: No, sir.

5 THE COURT: Then 113 to 147 for the State in evidence
6 without objection.

7 (WHEREUPON, State's Exhibit Nos. 113 through 147 were
8 admitted into evidence.)

9 BY MS. PAOLETTI:

10 Q And Sergeant Miller, I want to talk a little bit more
11 about what these photographs show. And I'm going to try
12 to give you some representative ones. This is State's
13 116. Can you tell the jury where all those photographs
14 are taken from, the entire set?

15 A These are from the upstairs of the residence. And
16 there's a TV.

17 Q Okay. And then State's 117?

18 A That's another room in the upstairs.

19 Q All right. This is State's 119, tell the jury what
20 that is?

21 A This is Karen Hughes' bedroom door. There's a dead
22 bolt on the bedroom door, which I found to be odd.

23 Q I'm going to show you State's 118 as well. Is that
24 the same door?

25 A Same door, dead bolt.

1 Q All right. This is State's 124, what's that?

2 A It's Karen Hughes' bedroom, her bed, her purse and
3 contents of the purse spread out on the bed.

4 Q And this is State's 126?

5 A It's another photo of the bed with contents of the
6 purse, purse, makeup bag, a set of keys.

7 Q Is there a car key on that set of keys?

8 A No, there's not.

9 Q This is State's 139, tell the jury what that is?

10 A This is another part of Karen's bedroom. This is the
11 dresser drawers. And as you can see they were opened and
12 then a couple of the dressers taken out and placed on the
13 rug on the floor.

14 Q All right. This is 138.

15 A This is another dresser and these are other drawers
16 that were taken out and neatly stacked on the floor.

17 Q All right. And 141?

18 A This is the master bathroom and the cabinets were
19 opened.

20 Q And 144?

21 A This is a sink countertop and a basket with some
22 watches and jewelry.

23 Q I want to show you one photo. This is State's 127,
24 tell the jury what that is?

25 A As you can see, this a DayTimer, business and phone

1 directory. And right there, you can see the number
2 271-5210.

3 Q What's that number?

4 A That is the number to the Greenville County Sheriff's
5 Office dispatcher.

6 Q And can that DayTimer be seen in that photograph?

7 A Yes, it's right there.

8 Q Speaking of phone numbers, did you collect the
9 victim's cell phone as part of this investigation?

10 A I did.

11 Q Can you tell the jury what kind of phone it was?

12 A (No response).

13 Q Not exactly. If you don't know exactly what the
14 model was.

15 A I believe it was a flip phone.

16 Q Was it a smart phone?

17 A No.

18 Q Okay. And as part of your investigation, did you
19 have an analysis performed on her phone?

20 A Yes, I did.

21 Q All right. Were you able to find any information on
22 her cell phone that was informative about the time of her
23 death?

24 A No, just -- I believe it was outgoing calls or
25 whatever that was on there.

1 Q Okay. Let's change directions again, sir, and talk
2 about the victim again. Was an autopsy performed in this
3 case?

4 A Yes.

5 Q Did you attend the autopsy?

6 A I did.

7 Q Is that your standard practice in a death
8 investigation?

9 A Yes. Any death that's questionable, whether it be --

10 Q Okay. And we saw photographs of the scene at the
11 house where the victim was found, can you describe for the
12 jury the injuries that you were able to see on the victim
13 as she was found in her home?

14 A Yes. As I stated before, she was lying on her right
15 side. I could see blood on her head, trauma to the head
16 that I recognized to be blunt force trauma. I could also
17 see that the bridge of her nose had been severed and it
18 was hanging down by flesh.

19 Q I'm going to ask you to look in the box here that I
20 put in front of you. And you may need to stand up so the
21 jury can hear you. I'm going to start with State's
22 Exhibit 237?

23 A This is the brown sweat pants that we found the
24 victim wearing.

25 Q All right. Were those collected at autopsy?

1 A Yes, they were.

2 Q I'm going to show you what's been marked State's
3 Exhibit 46 and ask you if you recognize that photograph?

4 A Those are the same pants.

5 MS. PAOLETTI: Your Honor, we've move State's Exhibit
6 46 into evidence.

7 THE COURT: Is there an objection?

8 MR. SCALZO: No, sir.

9 THE COURT: 46 into evidence for the State without
10 objection.

11 (WHEREUPON, State's Exhibit No. 46 was admitted into
12 evidence.)

13 BY MS. PAOLETTI:

14 Q What's that exhibit number again? I'm sorry.

15 A 237.

16 Q All right. Do you recognize the contents of that
17 package?

18 A I do.

19 Q And what is it?

20 A That is the brown sweat pants.

21 Q All right. In State's Exhibit 46?

22 A Yes.

23 MS. PAOLETTI: Your Honor, at this time, we'd move
24 State's 237 into evidence.

25 THE COURT: Is there an objection?

(Christopher Miller - Direct by Ms. Paoletti)

1 MR. SCALZO: No, sir.

2 THE COURT: Then 237 in evidence for the State
3 without objection.

4 (WHEREUPON, State's Exhibit No. 237 was admitted into
5 evidence.)

6 BY MS. PAOLETTI:

7 Q And, Sergeant, I'm going to ask you to go through the
8 remainder of the items that are in this box, tell us the
9 exhibit number and the contents of the package. You don't
10 have to open it.

11 A Okay. This is item No. 236. And this is a brown
12 sweat shirt and ID bracelet with suspected blood.

13 Q All right.

14 A This is item No. 240 and this is a sock with
15 suspected blood. Item No. 238, a sneaker with sock, both
16 having suspected blood. And the last one is 239, a pink
17 shirt with suspected blood.

18 Q And those are all items that were collected at the
19 autopsy of the victim?

20 A Yes, they were.

21 THE COURT: All right. Your Honor, at this time, we
22 would move those items into evidence 238, 239, 240, 246 --

23 COURT REPORTER: Ms. Paoletti, I haven't marked 246.

24 MS. PAOLETTI: 236, I'm sorry.

25 THE COURT: Is that the list or are there more?

1 MS. PAOLETTI: 236, 238, 239, 240.

2 THE COURT: Is there an objection?

3 MR. SCALZO: No, sir.

4 THE COURT: Then 236, 238, 239 and 240 in evidence
5 without objection for the State.

6 (WHEREUPON, State's Exhibit Nos. 236, 238, 239 and
7 240 were admitted into evidence.)

8 BY MS. PAOLETTI:

9 Q Now, Sergeant, I'm going to show you State's 235 and
10 ask what that is and if you recognize it?

11 A Yes, this is what is referred to as a blood spot.
12 And this is from the victim, Karen Hughes. And what that
13 is at the time of autopsy, the medical examiner will take
14 a drop of their blood and put it on a piece of paper and
15 then they will air dry it. Then that is saved for DNA
16 purposes at a later date.

17 Q All right. And you have your initials on that?

18 A Yes.

19 Q Where did you get that?

20 A I got that from the medical examiner's office from
21 his nurse.

22 Q All right. And then where do you take it from there?

23 A From there, I take it to property and evidence and
24 it's place in an envelope and it's sealed with the case
25 number, date and my initials.

1 MS. PAOLETTI: Your Honor, at this time, we'd move
2 State's 235 into evidence.

3 THE COURT: Is there an objection?

4 MR. SCALZO: No, sir.

5 THE COURT: Without objection, 235 in evidence from
6 the State.

7 (WHEREUPON, State's Exhibit No. 235 was admitted into
8 evidence.)

9 BY MS. PAOLETTI:

10 Q All right. I want to talk to you about other
11 injuries that the victim had that were observed at
12 autopsy. I show you State's Exhibits 108 through 112.

13 A I recognize those.

14 Q All right. First, tell the jury, these photographs
15 that you just reviewed, do they accurately represent or
16 reflect a knife that was found at the scene?

17 A Yes, they do.

18 MS. PAOLETTI: Your Honor, we'd move State's 108
19 through 112 into evidence.

20 THE COURT: Is there an objection?

21 MR. SCALZO: No, sir.

22 THE COURT: Without objection, then 108 through 112
23 for the State in evidence.

24 (WHEREUPON, State's Exhibit Nos. 108 through 112 were
25 admitted into evidence.)

1 BY MS. PAOLETTI:

2 Q The victim had injuries, cuts that were discovered at
3 autopsy?

4 A She did. There was cuts found on her neck, there was
5 defense-type injuries found on her hands, her wrists and
6 her finger was -- her pinky finger on the left hand was
7 almost amputated. It was just hanging by a piece of
8 flesh.

9 Q I'm showing you State's Exhibits 43 through 47 and
10 ask you if you would review those and if you recognize
11 those?

12 A I recognize them.

13 Q And do those photographs fairly and accurately
14 represent the injuries that you observed on the victim at
15 autopsy?

16 A They do.

17 MS. PAOLETTI: Your Honor, we'd move 43 through 47
18 into evidence.

19 THE COURT: Is there an objection?

20 MR. SCALZO: Can I just see those? No objection.

21 THE COURT: Without objection, 43 through 47 for the
22 State in evidence.

23 (WHEREUPON, State's Exhibit Nos. 43 through 47 were
24 admitted into evidence.)

25 BY MS. PAOLETTI:

(Christopher Miller - Direct by Ms. Paoletti).

1 Q Sergeant Miller, I've got Exhibit 112 up here in
2 front of the jury. Can you tell them what they're looking
3 at there?

4 A That is the white-handled, kitchen-type knife that we
5 found on the kitchen counter when we arrived at the scene.

6 Q All right. I'm going to show you 111 and ask you if
7 you would point out where the knife is in that photograph?

8 A It's right there on the corner by that book. There's
9 a lamp and book and then there's the knife.

10 Q And to the extent you're able, show the jury where
11 the victim was found?

12 A She was found back this way.

13 Q All right. I'm showing you State's Exhibit 45, can
14 you tell the jury what that is?

15 A That is the left hand of Karen Hughes.

16 Q All right. And that's the pinky that you described
17 that was almost severed?

18 A Yes.

19 Q Okay. It's not -- part of her finger is not in that
20 photograph, can you tell the jury when that happened, how
21 that happened?

22 A That was done during autopsy.

23 Q And then on -- by her ring finger, can you tell the
24 jury about that injury of her ring finger knuckle?

25 A That is a cut that is consistent with a sharp-edged

1 object.

2 Q Would you use your pointer?

3 A Yes, right there.

4 Q And this --

5 A And that's indicates a defensive wound.

6 Q And this is State's 47?

7 A That's the wrist, right wrist of Karen Hughes. Those
8 are more injuries that are indicative of defense wound.

9 Q What do you mean when you say that?

10 A She would be holding her hands up trying to block the
11 blows or from a knife.

12 Q Okay. Were the things that were stolen from Karen
13 Hughes' house ever located?

14 A Yes.

15 Q All right. Will you tell the jury where and remind
16 them what we're talking about?

17 A We received a call as we were beginning to clear from
18 processing the residence in Greer from our dispatch that
19 Ms. Hughes' car was located in Laurens County and that the
20 driver was Walker Manning Hughes.

21 Q All right. I'm showing you 164 through 173 and ask
22 you if you would look at those photographs?

23 A I do.

24 Q Do those photographs fairly and accurately represent
25 the victim's car as it was located later that Monday?

1 A It does.

2 Q All right. Tell the jury again about what time.

3 A We cleared the residence sometime around seven p.m.,
4 so it would have taken us probably 45 minutes or so to get
5 to the Hot Spot there on Highway 221 in Laurens.

6 Q All right. And did you request that forensics report
7 to the car as well?

8 A I did. I wanted to document the car as it was found
9 since we were in Laurens County. We didn't have
10 jurisdiction there, so I asked our forensics to respond to
11 photograph the car as it was found and also to seal it
12 with evidence tape so we would know that the inside had
13 not been disturbed.

14 Q All right. And this is State's 167, can you tell the
15 jury what they're looking at there in the photo?

16 A This is Ms. Hughes' car, the 2000 Volkswagen Jetta
17 four door. It was backed into a parking space, kind of
18 out of the way in a dark area at the Hot Spot store.

19 Q And that's 169 and this is State's 170. Is that
20 where the victim's car was when you arrived?

21 A It is. There's the license plate in the back of the
22 vehicle.

23 THE COURT: Counselor, are you moving 164 through 173
24 into evidence?

25 MS. PAOLETTI: I need to do that, Your Honor, yes,

1 sir.

2 THE COURT: Is there an objection?

3 MR. SCALZO: No, sir.

4 THE COURT: Without objection, 164 through 173 for
5 the State in evidence.

6 MS. PAOLETTI: Thank you, Judge.

7 (WHEREUPON, State's Exhibit Nos. 164 through 173 were
8 admitted into evidence.)

9 BY MS. PAOLETTI:

10 Q Was the car key to the victim's car located?

11 A It was.

12 Q What about the garage door opener?

13 A The car key and the garage door opener were both
14 located in the driver's side door pocket.

15 Q I'm going to show you State's Exhibits 182 and 183
16 and ask if you recognize those?

17 A Yes, I do.

18 Q What are those photographs of?

19 A Those are the photographs of the contents of the left
20 pocket on the driver's side door, driver's side front
21 door.

22 MS. PAOLETTI: Your Honor, at this time, we'd move
23 182 and 183 into evidence.

24 THE COURT: Is there an objection?

25 MR. SCALZO: No, sir.

1 THE COURT: Hearing none, 182 and 183 for the State
2 in evidence.

3 (WHEREUPON, State's Exhibit Nos. 182 and 183 were
4 admitted into evidence.)

5 BY MS. PAOLETTI:

6 Q And this has the items were found?

7 A Yes.

8 Q Okay. Can you show the jury?

9 A This is the door. This is the pocket. There is the
10 garage door opener, a couple of receipts, a card and a --
11 type of credit card and then a cigarette pack.

12 Q All right. Now, I'm going to hand you the remainder
13 of State's 174 through 209, excluding those two I just
14 handed you and ask you to look through those photographs.

15 A I recognize them.

16 Q All right. Do those photographs fairly and
17 accurately represent the interior of the victim's car that
18 was found that day?

19 A They do.

20 MS. PAOLETTI: Your Honor, at this time, we would
21 move the remainder of State's 174 through 209 into
22 evidence.

23 THE COURT: All right. 182 and 183 are already in?

24 MS. PAOLETTI: That's correct, Your Honor.

25 THE COURT: Is there an objection?

1 MR. SCALZO: No, sir.

2 THE COURT: Without objection, then inclusive 174
3 through 209 in evidence for the State.

4 (WHEREUPON, State's Exhibit Nos. 174 through 181 and
5 184 through 209 were admitted into evidence.)

6 BY MS. PAOLETTI:

7 Q All right. Would you tell the jury who found the
8 victim's car?

9 A It was Deputy Penland with the Laurens County
10 Sheriff's Office.

11 Q All right. Was he at the Hot Spot when y'all arrived
12 as well?

13 A Yes, he was.

14 Q And you mentioned who was driving the victim's car.
15 Can you tell the jury again who was driving the victim's
16 car?

17 A Walker Manning Hughes.

18 Q All right. Was he put under arrest in Laurens?

19 A He was.

20 Q For what?

21 A Possession of a stolen vehicle.

22 Q All right. Let's talk about that. This is his
23 mother's vehicle, is that correct?

24 A That's correct.

25 Q In the entire course of your investigation, did you

1 find any evidence that the victim let the Defendant borrow
2 her car?

3 A There was known whatsoever.

4 Q All right. In fact, would you tell the jury what
5 your investigation revealed about the last place Karen had
6 been before she got to her neighborhood that day she was
7 killed?

8 A She left work early and went to Magistrate's office.

9 MR. SCALZO: Objection, Your Honor. I don't know if
10 you want me to describe the basis or that's a legal issue.

11 THE COURT: Counsel, let me get you to step up for a
12 moment, if you would, please.

13 (WHEREUPON, a bench conference was held.)

14 THE COURT: All right. Very good. I sustain the
15 objection. Please move to your next question.

16 MS. PAOLETTI: Yes, sir.

17 BY MS. PAOLETTI:

18 Q All right. Let me show you State's 186 through 188
19 and ask you to tell us what those are?

20 A Those are photos of the interior of Ms. Hughes'
21 vehicle and, also, the contents that were in the back
22 seat.

23 Q All right. This is 186.

24 A The back seat of her vehicle. That's a pillow case.
25 There's some toiletry items, like shampoo, that type

1 stuff.

2 Q Where are those? Point those out for the jury,
3 please.

4 A Those are in the back seat of the vehicle.

5 Q And on the floorboard?

6 A And on the floorboard as well.

7 Q This is 188.

8 A That's another view from the other side.

9 Q All right. All right. Let me show you what is in
10 evidence as State's 191 and ask you to let the jury know
11 what that photograph is of?

12 A This is the inside of the trunk of Ms. Hughes'
13 Volkswagen. And these are the contents. There's an
14 atlas, a clothes basket full of clothes, there's some
15 books, kids' toys. There's all kind of stuff, just a lot
16 of different type items in here.

17 Q All right. I'm going to show you State Exhibit 192,
18 and ask you what that is?

19 A This is a blue nylon-type bag that was located under
20 all that stuff that you just saw. And there was a BB gun
21 inside there and there was also some tools inside this
22 bag.

23 Q All right. I'm going to show you 193, is that the
24 same bag?

25 A It is, just a better view of the BB gun, the level

1 and some of the other tools.

2 Q All right. I'm going to show you State's Exhibit 180
3 and ask you to tell the jury what they're looking at in
4 that photograph?

5 A You're looking at the bottom of the driver's side
6 front seat. That is the lever where you adjust the seat.
7 And if you look there, there is suspected blood evidence
8 right there.

9 Q Okay. All right. Let's go back to this trunk full
10 of items. All right. Was there anything that you found
11 in the trunk that led you to want to speak to a witness in
12 this case?

13 A Yes. There was some like composition book, ledgers,
14 whatever that somebody was documenting different days of
15 their life.

16 Q Like a notebook?

17 A Yeah, like a notebook.

18 Q This is 207?

19 A And I noticed the name Ali Ruth Mell on that list. I
20 had no idea at that time who that was. That name had
21 never came up during the investigation.

22 Q All right. I'm showing you 209 as well?

23 A There's the composition-type book I was speaking of
24 that has the name Austin Mell and what I recognized to be
25 in the fifth grade.

1 Q Okay. I guess you wanted to speak to her?

2 A Yes, I did.

3 Q Were you able to do that eventually?

4 A I was, I was able to locate an address for her.

5 Q We'll come back and talk about Ali in just a minute.

6 All right. Based on some of the things that you found in
7 the car, were you able to determine where the Defendant
8 had been in his mother's car?

9 A Yes, I was.

10 Q All right. I'm showing you what's been marked as
11 State's Exhibit 225. Have you seen that?

12 A Yes.

13 Q Tell the jury what this is?

14 A That is a map of the house, the Hot Spot where the
15 vehicle was found and address in Laurens that we were told
16 that he had frequented in the past. There was an address
17 in Cayce, which was the Masters Inn, and then there's also
18 an address in Kershaw County, which is in Lugoff, South
19 Carolina.

20 Q All right. What's that address?

21 A That is the address of Ali Mell and that was [REDACTED]
22 [REDACTED] in Lugoff.

23 Q All right. And you said that you were able to speak
24 with Ali at some point, is that correct?

25 A That's correct.

1 Q And based on your interview with her, were you able
2 to determine where the items in the car came from?

3 A Yes. I took a couple photos with me and showed them
4 to her and asked her if she recognized them.

5 Q And did she?

6 A Yes..

7 Q Okay.

8 A She did.

9 Q Did she live at Linda Lane?

10 A No, she explained that she no longer lived there and
11 she had not lived there in a year or more. And that she
12 couldn't afford the bills that went along with living
13 there, so she just left it as it was.

14 Q And did you go there?

15 A I did.

16 Q All right. Will you describe what you found at that
17 address in Lugoff?

18 A The yard was all grown up with weeds. It was obvious
19 that no one had lived there in quite a long time. The
20 windows were opened there. The back door was standing
21 wide open. The porch was falling in. Once you get
22 inside, it was as she described, it was cluttered with
23 clothes and just similar stuff that was found in the
24 trunk, I mean, just toys scattered everywhere. It was
25 just a wreck.

1 Q Where was she living at the time that you were
2 talking to her?

3 A She was living with a friend. We found her at [REDACTED]
4 [REDACTED] in Lugoff.

5 Q Will you describe for the jury what Ms. Mell's
6 reaction was when she saw her things in the victim's car?

7 THE CLERK: Objection, Your Honor. It's not relevant
8 what her reaction was.

9 THE COURT: What's the relevance, Counsel?

10 MS. PAOLETTI: Your Honor, the relevance is that the
11 inquiry and what the investigator is trying to determine
12 is whether or not this individual was involved in all this
13 murder. And her reaction to seeing her things in the
14 victim's car is relevant to that.

15 THE COURT: I'm going to overrule the objection. You
16 may proceed.

17 MR. SCALZO: Your Honor, can we approach for a
18 second?

19 THE COURT: Go ahead, state your reason where you
20 are.

21 MR. SCALZO: They're going to determine she's not
22 involved.. Her reaction is irrelevant. There's no
23 allegation that she's involved in this case against the
24 State, so her reaction is irrelevant.

25 THE COURT: Well, actually, you jumped forward and

1 given the jury where this testimony is headed. But I
2 would decline to strip the State of its ability to exclude
3 others if that's an issue here. Thus, I will overrule
4 your objection.

5 You may proceed if you wish or you may move to
6 another issue.

7 MS. PAOLETTI: Yes, sir.

8 BY MS. PAOLETTI:

9 Q Sargent Miller, were you able to determine whether
10 Ali Mell was involved in Karen Hughes' murder?

11 A No, there was no indication of that.

12 Q Was she cooperative with you?

13 A She was.

14 Q All right. Let's go back to Laurens County on
15 Monday, April 11th, 2011. You testified that the
16 Defendant was placed under arrest for possession of a
17 stolen vehicle?

18 A That's correct.

19 Q Did forensics take photographs of the Defendant at
20 that time?

21 A Yes, per my request.

22 Q I'm going to show you what's been marked as State's
23 Exhibits 1 through 13 and ask if you recognize those?

24 A I do.

25 Q All right. Did you have the opportunity to observe

1 the Defendant that night?

2 A Yes, I did.

3 Q Do those photographs fairly and accurately represent
4 the way the Defendant appeared that evening in Laurens
5 County?

6 A They do.

7 MS. PAOLETTI: Your Honor, at this time, we'd move
8 State's 1 through 13 into evidence.

9 THE COURT: Is there any objection?

10 MR. SCALZO: No, sir.

11 THE COURT: One through 13 without objection into
12 evidence for the State.

13 (WHEREUPON, State's Exhibit Nos. 1 through 13 were
14 admitted into evidence.)

15 BY MS. PAOLETTI:

16 Q All right. You testified earlier that you observed
17 footprints throughout the victim's home in blood earlier
18 that day, is that correct?

19 A Yes.

20 Q Did you have forensics photograph the shoes the
21 Defendant was wearing when he was located that Monday?

22 A I did.

23 Q All right. I'm showing you State's Exhibit 12, ask
24 you what that is?

25 A That is the shoe that Mr. Hughes was wearing at the

1 time that he was arrested.

2 Q All right. I'm going to show you State's No. 11,
3 what's that?

4 A That is the right foot of Mr. Hughes.

5 Q Now, were you able to tell just from looking at his
6 shoes whether or not they were the same ones that had been
7 in that house?

8 A No.

9 Q You could tell or --

10 A I could not tell at the time.

11 Q Okay. Let me show you State's Exhibit No. 7. Tell
12 the jury what that is?

13 A That is the back of Mr. Hughes as he was that night.

14 Q All right. Did you notice anything about his hair?

15 A Yes, his head -- the back of his head was shaved.

16 Q All right. Can you see that in that photograph?

17 A Yes.

18 Q Was that consistent with anything you found in the
19 car?

20 A It was. Found a pair of clippers, electric clippers
21 in the car.

22 Q I'm showing you State's 196. Can you tell the jury
23 what they're looking at there?

24 A It's a box of Conair electric clippers.

25 Q And this is State's 203, what is that?

1 A That's the same box with the forensic technician's
2 initials circled and suspected blood spot.

3 Q All right. And then State's 202?

4 A That is the clippers that were taken out of the box.
5 And that is the technician's initials again and circled
6 the suspected area where blood was thought to be located.

7 Q All right. Let me show you what has been marked as
8 State's Exhibit 231, ask you if you recognize that item?

9 A I do. That's another buccal swab.

10 Q All right. Did you collect that swab?

11 A No, I had forensic collect this swab.

12 Q Okay. All right. I'll take that from you. All
13 right. I'm going to show you State's Exhibit 2, ask you
14 what that is?

15 A That is the right hand of Mr. Hughes.

16 Q And then State's Exhibit 6?

17 A Those are the palms of Walker Hughes while in
18 handcuffs.

19 Q And were these taken the Monday that he was found
20 with the victim's car?

21 A Yes, they were.

22 Q All right. I'm showing you -- let me put up State's
23 Exhibit 3. Is that also the Defendant's hand?

24 A Yes, it is.

25 Q I'm going to hand you State's Exhibit 234 and ask if

1 you recognize that item?

2 A I do. It's a plastic bag containing two rings.

3 Q All right. Then I reference you to State's Exhibit

4 3. Is that the rings that you're describing?

5 A Yes. Located right there, there and right there.

6 Q Okay. Tell the jury what that one says.

7 A That one right there says mom.

8 Q All right. You mentioned earlier -- and I need to
9 find a photograph that --

10 MS. PAOLETTI: Your Honor, may I have one moment to
11 locate a picture in this sea of photographs?

12 THE COURT: Well, let's do this, ladies and
13 gentlemen. We've been back for about an hour, so let's
14 just take a five-minute break. We'll let you return to
15 the jury room while we get organized here and then we will
16 resume questioning. Please don't speak to lawyers on
17 either side during the break. Ladies and gentlemen, you
18 may return to the jury room. Please don't discuss the
19 case. Enjoy your brief break.

20 (WHEREUPON, the jury left the courtroom at
21 approximately 12:05 p.m.)

22 THE COURT: All right. We'll be in recess
23 approximately five minutes.

24 (WHEREUPON, a short break was taken.)

25 THE COURT: I'm told that the State has, perhaps, 10

1 more minutes with Officer Miller, so are you ready to
2 proceed in your cross?

3 MR. SCALZO: I mean, what you're honest thoughts on
4 when you want to break for lunch and how long you want to
5 go?

6 THE COURT: Well, it's driven by how long you believe
7 your cross will be.

8 MR. SCALZO: Well, I don't think it will be short. I
9 don't know if it'll be as long as the solicitor's, we have
10 different purposes, but it's a lot. He's talked about a
11 lot of things, so I can't imagine -- if you're asking me
12 about a 10 or 15-minute cross, I don't think I have a 10
13 or 15-minute cross.

14 THE COURT: Why don't we break for our lunch and come
15 back and let you --

16 MR. SCALZO: Okay. That's fine. Yeah, I can't say I
17 have a short cross.

18 THE COURT: Okay. Very good.

19 MR. SCALZO: Thank you, Judge.

20 THE COURT: All right. Please bring in the jury.

21 Counsel, while the jury is coming in, why don't you
22 step up real quick and let me mention something to you.

23 (WHEREUPON, a bench conference was held.)

24 (WHEREUPON, the jury entered the courtroom at
25 approximately 12:20 p.m.)

1 THE COURT: Welcome back, ladies and gentlemen. The
2 State is now ready to proceed.

3 So, please, continue.

4 MS. PAOLETTI: Thank you, Judge.

5 BY MS. PAOLETTI:

6 Q Sergeant Miller, you mentioned earlier that the
7 Defendant was under a court order to have no contact with
8 his mother?

9 A Yes.

10 Q Did you find any evidence in the car to corroborate
11 your understanding of that order?

12 A Yes. There was -- the form that you're showing, the
13 picture was found beside the vehicle.

14 Q All right. Will you tell the jury what that is.
15 This is State's 195.

16 A That is from the probation and parole and pardon
17 offices. And that is a condition of his sentence and that
18 he is to have no contact.

19 Q Can you use the pointer and show where it says that?
20 I forgot to highlight it.

21 A Let's see.

22 Q Let me show you this. This is 194. What's the
23 address there at the top?

24 A [REDACTED]. And then will have to move, due
25 to no contact.

1 Q Where was this located?

2 A This was inside Ms. Hughes' vehicle.

3 MS. PAOLETTI: Your Honor, if I may have just one
4 moment to make sure I moved everything in.

5 THE COURT: You may.

6 MS. PAOLETTI: All right.

7 Sergeant Miller, thank you. Will you answer any
8 questions the Defense might have for you?

9 MS. PAOLETTI: Yes.

10 THE COURT: All right. Ladies and gentlemen, rather
11 than going to cross-examination now, we're going to take
12 our lunch break at this time. This is what we're going to
13 do.

14 Sergeant Miller, I need to say to you in front of
15 everyone, over the lunch break, I'm going to ask you not
16 to speak to the lawyers on either side of this case
17 because you remain a witness under testimony. All right?

18 THE WITNESS: Yes, sir.

19 THE COURT: Now, what we're going to do is we're
20 going to break. And let's go by the clock on the back
21 wall and we'll take lunch until 1:45. That's almost an
22 hour and a half. That's time for the lawyers as well to
23 be ready for the afternoon and give you plenty of time to
24 get you to a lunch site and then come back. Lunch is on
25 your own, ladies and gentlemen. With whomever you have

1 lunch today, please, don't discuss the case. Just have a
2 good lunch and come back at 1:45. We'll see you at that
3 time in the jury room. We'll remain where we are while
4 you depart the courtroom. Have a good lunch, ladies and
5 gentlemen.

6 (WHEREUPON, the jury left the courtroom at
7 approximately 12:24 p.m.)

8 THE COURT: All right. Anything for the record
9 before we close the morning hour from the State?

10 MS. PAOLETTI: No, sir, Judge.

11 THE COURT: From the Defense?

12 MR. SCALZO: No, sir.

13 THE COURT: Then we're in recess until 1:45. Court
14 is in recess now.

15 (WHEREUPON, a lunch break was taken.)

16 (WHEREUPON, Defendant's Exhibit No. 1 was marked for
17 identification.)

18 MR. SCALZO: Your Honor, I've got an exhibit that I
19 have marked. The prosecutor and I have talked about that
20 exhibit, it's a document from the Greenville County
21 Detention Center. It's, actually, a property sheet for
22 Mr. Walker Hughes.

23 THE COURT: Very good.

24 MR. SCALZO: My understanding from the State is that
25 we don't need to call the witness to authenticate it, that

1 you're okay with us moving it in without calling that
2 witness at this stage?

3 MS. PAOLETTI: Yes.

4 MS. SCALZO: I wanted to make the Court aware of
5 that.

6 THE COURT: If there's no objection, that's fine.

7 MR. SCALZO: Can it be admitted now and be able to be
8 used with this witness or do you need me to go through it?

9 THE COURT: No, that's fine if there's no objection
10 from the State. If the State recognizes it as an
11 authentic document, then the Court will do the same. That
12 is Defendant's 1?

13 MR. SCALZO: Yes, sir, Defendant's 1.

14 THE COURT: Well, then, Defendant's 1 in evidence
15 without objection.

16 MS. PAOLETTI: Yes, sir.

17 (WHEREUPON, Defendant's Exhibit No. 1 was admitted
18 into evidence.)

19 THE COURT: All right, then. Our jury is back, so,
20 please, bring in the jury.

21 (WHEREUPON, the jury entered the courtroom at
22 approximately 1:50 p.m.)

23 THE COURT: Welcome back, everyone. We trust you had
24 a nice lunch. As you will recall, the State at the end of
25 our morning session concluded their direct examination.

1 We now move to cross.

2 Counsel, you may proceed.

3 MR. SCALZO: Thank you, Your Honor. May it please
4 the Court?

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. SCALZO:

8 Q Investigator Miller, good afternoon. I want to start
9 with a piece of evidence that's been put in and marked as
10 Defendant's Exhibit 1. I'll let you take a look at that
11 for a second and we'll tell the jury what that is. It's
12 already in evidence, so when you can, would you please
13 tell the jury what that is?

14 A This is a Greenville County Detention Center inmate
15 property record.

16 Q And is it for Walker Hughes?

17 A It is.

18 Q And is the property date or the record date for
19 February of 2011?

20 A February 23rd, 2011.

21 Q I appreciate that. Let me have that back. I'm going
22 to put this up here. Can you see that, Investigator?

23 A It's a little hard.

24 Q Is that better? Okay. Would you take a look up at
25 the top, I guess, right under the blue sticker there's

- 1 sort of an area that's circled. Do you see that?
- 2 A Yes.
- 3 Q Looks like that first line says one bracelet, right?
- 4 A Yes.
- 5 Q And the second line says, looks like one earring?
- 6 A Yes, sir.
- 7 Q Clear and stone, is that right?
- 8 A That's right.
- 9 Q Go down a couple -- there's some blank lines, but
- 10 then there's a line that says a four on it, do you see
- 11 that?
- 12 A Yes.
- 13 Q And that's rings, correct?
- 14 A Correct.
- 15 Q And then it's got some description of, apparently,
- 16 the rings, right?
- 17 A Yes.
- 18 Q And the last set, it says one, looks like a 1YM and
- 19 does that look like a BLK to you? BLK stone, does it look
- 20 like one black stone?
- 21 A Yes, it does.
- 22 Q And the YM, you would consider that to be yellow
- 23 metal?
- 24 A Yes.
- 25 Q Is that fair to say?

1 A Yes, sir.

2 Q Now, we were looking at earlier when the prosecutor
3 was asking you some questions about Mr. Hughes' hands when
4 he was arrested and he had handcuffs on. He had several
5 rings on there, correct?

6 A Correct.

7 Q And you remember that she showed a picture of one of
8 the rings, which was yellow metal, gold?

9 A Yes.

10 Q And it had a black stone?

11 A Yes.

12 Q And then you all focused on it and you kind of used
13 the little thing to circle around it, correct?

14 A Correct.

15 Q Okay. And your experience is when somebody goes into
16 the jail, they don't let you keep like your rings and
17 personal property on you, they collect it, right?

18 A Correct.

19 Q And then when you get out, they'll give you back what
20 you had when you went in?

21 A Yes.

22 Q Okay. So as you said before, the date was February
23 23rd, 2011, correct?

24 A Correct.

25 Q And this would have been -- well, let me give this

1 back to you. At the bottom, there's a date for when he's
2 released, is that right?

3 A Yes.

4 Q And that's April 6, 2011?

5 A It is.

6 Q And he would have to sign that to say hey, this is
7 what I was given when I got out?

8 A Yes.

9 Q Essentially, that's what the form is about, correct?

10 A Yes, sir.

11 Q So you go in with a set of things and you come out
12 and want to make sure you've got the same set of things?

13 A Yes, sir.

14 Q Okay. Thank you. The prosecutor had asked you and
15 there was some pictures shown about the shoe prints, the
16 bloody shoe prints on the scene?

17 A Yes.

18 Q So I want to try to get us talking about that for a
19 moment, okay? Through the course of your investigation,
20 you determined that there were some -- there was a shoe
21 there that appeared to be Ms. Hughes' shoe, correct?

22 A Yes.

23 Q And through the course of your investigation, you
24 were able to determine that some of those shoe prints were
25 not hers?

1 A Correct.

2 Q Didn't match that shoe she was wearing?

3 A Correct.

4 Q And the shoe print that you found on the scene, I
5 think we have kind of a close-up was -- there was no shoe
6 in the house that matched that shoe?

7 A Not that we found, no.

8 Q Okay. And there was another picture shown to you by
9 the prosecutor that showed the shoe that was being worn by
10 Mr. Hughes when he was arrested on the 11th?

11 A Yes.

12 Q Do you recall that?

13 A Yes.

14 Q Correct?

15 A Yes.

16 Q And that was the shoe where it looked like his foot
17 was just picked up?

18 A Yes.

19 Q Y'all took the photograph of the bottom of the shoe?

20 A Yes, sir.

21 Q And that shoe, the tread seemed to have a long stripe
22 this ran right down the middle of it, do you recall that?

23 A Yes, sir.

24 Q And knowing and having seen the pictures before and
25 the footprint that was on the scene, it doesn't appear

1 that that shoe matches the shoe prints that were at the
2 scene?

3 A It did not.

4 Q Okay. We have this map here that I guess we'll use.
5 And I think you saw it?

6 A Yes, sir.

7 Q Are you familiar enough with it? Do I need to turn
8 it towards you?

9 A Maybe just for a second.

10 Q The map I'm talking about is State's 225. And this
11 is the map where it has various places that you believe
12 that the Defendant traveled?

13 A That's correct.

14 Q Is that fair?

15 A That's fair.

16 Q So, of course, you've got the house, Ms. Hughes'
17 house, and you've got one, two, three, four, five, six
18 other locations?

19 A Yes.

20 Q One of the things you were talking to the prosecutor
21 about was this Ali Mell?

22 A Yes, sir.

23 Q And you were talking about her living in Lugoff?

24 A Yes.

25 Q Correct? Now, the address that you had given, this

1 Lynn Lane, that's where she lives now?

2 A No.

3 Q That's where she used to live?

4 A Where she used to live.

5 Q Okay. And it was your understanding that some of the
6 items you found in the car would have had to have come
7 from that location?

8 A Yes, that's correct.

9 Q And that was when you were describing having visited
10 that location where it looked overgrown and it didn't seem
11 like anybody had been there in a long time?

12 A Yes.

13 Q And that he, obviously, had some items that might
14 have come from there was, essentially, what you were
15 trying to figure out?

16 A Yes, sir.

17 Q Okay. Now, you drove here to Lugoff, correct?

18 A Correct.

19 Q How long did it take -- or would you be able to tell
20 us how long would it take from [REDACTED] to get
21 to Lugoff?

22 A It took us about two hours from the law enforcement
23 center, so I would say probably two, somewhere in the same
24 range, two to two hours and 15 minutes.

25 Q Three hours or less is a fair --

1 A Yes.

2 Q And that appears to be kind of the furtherest place
3 on the map, but maybe not. Let's talk about Cayce.
4 There's a Masters Inn there, correct?

5 A Yes.

6 Q And you believe he moves there?

7 A Correct.

8 Q And then you've got another Masters Inn also in
9 Cayce, but just a different location?

10 A That's correct.

11 Q And you've got this Wal-Mart in Abbeville or --

12 A It was in Greenwood.

13 Q Then there's this 2276 Indian Mountain Road, that's
14 in Laurens?

15 A Yes.

16 Q And then, finally, you've got the Hot Spot, which is
17 the location where he was arrested, correct?

18 A Yes.

19 Q And knowing that, obviously, the Hot Spot is the last
20 location, you said the Hot Spot was 45 minutes away -- it
21 took you 45 minutes to get there?

22 A Yes.

23 Q So to be fair, basically, an hour or less from
24 Ms. Hughes' residence?

25 A Yeah.

1 Q Roughly?

2 A Roughly.

3 Q I'm not asking for an exact number. So we've got
4 under three hours and then about an hour or so, right?

5 A Yes.

6 Q From Lugoff to Laurens?

7 A Yes.

8 Q And I think you testified to this, that the car --
9 there was a picture of the car had been backed into a
10 parking spot?

11 A Yes.

12 Q And you said it was a dark area, I think is the word.
13 I think that's the word that you used?

14 A Yes, sir.

15 Q Do you remember that?

16 A Yes, sir.

17 Q But that -- it was an open -- it's a convenient
18 store, correct?

19 A Yes.

20 Q It's an open parking lot?

21 A Yes, it is.

22 Q And it was nighttime?

23 A It was.

24 Q And the car is not parked like literally behind the
25 convenient store where maybe employees would park and a

1 lot of people wouldn't go?

2 A Right.

3 Q It's, essentially, out in the open?

4 A It is.

5 Q Okay. And your understanding is that Mr. Hughes,
6 Walker Hughes was on scene when the police officer from
7 Laurens County arrived, he was there?

8 A He was there.

9 Q And isn't it true that Mr. Hughes was, essentially,
10 sitting on the curb or right next to the car?

11 A He was next to the car.

12 Q Okay. Did you get an impression from the officer
13 like Mr. Walker Hughes didn't know the officer was there
14 or never saw her or anything like that?

15 A That I --

16 Q You don't know? That's fair. That's fair enough.
17 But you also didn't get any report that he ran away or
18 anything like that?

19 A No. And describing the -- if I can back up to where
20 the parking lot is, the pumps are covered and there's
21 lights.

22 Q Right.

23 A So the parking space is away from the pumps, so it is
24 darker where the cars park.

25 Q I understand. But we're talking about kind of a big

1 gas station that has a convenience store attached to it
2 and gas stations seems to be pretty big areas, correct?

3 A Correct.

4 Q No trees by the area that he parked the car?

5 A No.

6 Q According to the picture, correct? Okay. You were
7 able, obviously, to identify the vehicle, right?

8 A Yes.

9 Q And one of the ways, I'm assuming, you identified the
10 vehicle was the license plate tag had not been changed?

11 A That's correct.

12 Q The VIN number, nothing was done to try to change the
13 serial number or the VIN number on the vehicle, correct?

14 A Correct.

15 Q Okay. And is it your understanding that he was out
16 of gas, that the car was out of gas?

17 A That was my understanding.

18 Q Okay. I apologize for keeping you so long. Let me
19 ask you this, your understanding -- well, you've talked
20 about the CSI people or the forensic people, you called
21 them to come process the car?

22 A Yes. Well, I called them to come photograph it and
23 seal it?

24 Q Okay. And that would be processed later?

25 A Yes.

1 Q Okay. And I believe one of the pictures that was
2 shown -- there are a lot of pictures and I've not gone
3 through all of them just yet, but one of the pictures that
4 was shown and you identified was what looked like the
5 little lever that's right next to the driver's seat either
6 to move the car seat back or open the gas tank or
7 whatever. The little lever right there, correct?

8 A That's correct.

9 Q And you remember that, and there was a little spot of
10 red that you said was assumed to be blood?

11 A That's right.

12 Q And, in fact, there were other little areas in the
13 car, because you're familiar with it, that were blood
14 spots in the car, correct?

15 A Correct.

16 Q And you're not aware that any of those blood spots
17 have now been determined since processing to be a profile
18 of --

19 MS. PAOLETTI: Your Honor, I object.

20 THE COURT: On what basis?

21 MS. PAOLETTI: Your Honor, that is not in evidence at
22 this point, whose blood in the car.

23 THE COURT: Just a moment. He's on cross-examination.
24 His question was you were not aware and thus, I will
25 overrule the objection.

1 You may proceed.

2 MR. SCALZO: Thank you, Your Honor.

3 BY MR. SCALZO:

4 Q You're not aware that that blood or any of the blood
5 in the car has been determined to Ms. Hughes' blood?

6 A That's correct.

7 Q Let's talk about -- I guess in your -- you're the
8 lead investigator and I realized you talked earlier about
9 not doing everything in the case, you needed help --

10 A Right.

11 Q -- so I understand that you might not have talked to
12 everybody, but you did talk to some people?

13 A Yes.

14 Q You interviewed a variety of people? I don't know
15 how many, but I'm sure it was quite a bit?

16 A It was a few.

17 Q Okay. And you -- I'm assuming you would take
18 statements from them. We've got some in the case,
19 correct?

20 A I did not on the scene. I had other people do that
21 for me.

22 Q Let me be clear, I wasn't necessarily talking about
23 on the scene, but in the general course of your
24 investigation, at some point, you would have been talking
25 to various witnesses and at some time some of the

1 witnesses, you would have taken a statement from them?

2 A That's correct.

3 Q And what I want to understand is the process of
4 what's going on when you're taking the statement. Is it
5 you ask questions and then you write something down or do
6 you ask questions, then they write something down? How
7 does that work?

8 MS. PAOLETTI: Your Honor, I would ask that he be
9 specific about which witness he might be talking about.

10 THE COURT: Again, he's on cross-examination. I'm
11 going to give him latitude. If you wish to address that
12 on redirect, you may.

13 Go ahead.

14 MR. SCALZO: Thank you, Your Honor.

15 BY MR. SCALZO:

16 Q Let's just talk in general, then we can get specific
17 if we need to, if I can say the word. In general, what's
18 your sort of standard operating procedure if you're
19 talking to a witness and you're going to get a statement
20 from them?

21 A I ask them for permission to type it for them.

22 Q And do you say here, I've got a bunch of questions,
23 let's have a conversation to let me understand what you're
24 doing and then you make a statement?

25 A Yes, I ask the questions, we talk and then I would go

1 back and then type a statement and then I give them a copy
2 of the statement to proofread and make sure that is what
3 they told me.

4 Q And to a certain extent, not everything in the
5 statement, but to a certain extent, the statement is guided
6 somewhat by your conversation, right?

7 A Correct.

8 Q You have some things you want to know, you have a
9 conversation and then you write down kind of what's said?

10 A Yes.

11 Q And in the conversations you're having with, for
12 instance, Teri Hughes, it appears from that that the
13 subject was Walker Hughes, is that fair?

14 MS. PAOLETTI: Your Honor, I object.

15 THE COURT: On what basis?

16 MS. PAOLETTI: That calls for a hearsay response.

17 MR. SCALZO: And, Judge, I'm not going to ask him
18 what's in the statement, I just was asking about the focus
19 of it.

20 THE COURT: Once again, overruled.

21 THE WITNESS: I don't have a copy of that statement
22 in front of me.

23 BY MR. SCALZO:

24 Q Okay. Do you -- will it help you if I give you a
25 copy?

1 A Yes.

2 Q Take a look at that and let me know if that appears
3 to be the statement we're talking about.

4 A This is the statement that Detective Manley took that
5 I was present.

6 Q You were present?

7 A Yes.

8 Q Okay. All right. So you would have heard and been
9 part of the conversation or the discussions that led up to
10 that statement?

11 A Yes.

12 Q Okay. And would you agree with me that a primary
13 focus, not every detail, but the primary focus of that
14 statement is about Walker Hughes?

15 A Correct.

16 Q Okay. The same thing happened in terms of your
17 discussion with Larry Hughes?

18 A Yes.

19 Q You're involved in that discussion, correct?

20 A I took that statement.

21 Q You took that statement?

22 A Yes.

23 Q And, essentially, I'm going to ask you the same
24 question, but if you need me to give you the copy of the
25 statement, I can. My question is going to be is the

1 primary focus of that interview or that statement Walker
2 Hughes?

3 A Some of it is background on Larry and the
4 relationship between him and his brother and his mother.
5 And there is -- a good deal of the statement does talk
6 about Mr. Hughes.

7 Q Okay. Now, again, if you need me to give you the
8 statements back for this question, just let me know.
9 Neither statement talks about whether either of them was
10 at that time frame that you were investigating?

11 A No.

12 Q The statements don't?

13 A No.

14 Q Because you mentioned on direct examination that you
15 did have a conversation with them about that, correct?

16 A I did.

17 Q All right. In the course of your investigation, did
18 you go out to Charlotte at all?

19 A No, I did not.

20 Q And that means you would not have interviewed
21 neighbors or coworkers or anybody else regarding them?

22 A I did not, no.

23 Q And then, obviously, you were never in their house or
24 anything like that?

25 A In Charlotte, no.

1 Q And you didn't send anybody else?

2 A No.

3 Q When I say you, I also mean any of your officers?

4 A No, I did not.

5 Q You collected some -- I think the prosecutor asked
6 you about collecting some samples from Larry as well as
7 Doug Hughes, the buccal swabs they were talking about?

8 A Yes, sir.

9 Q That was for DNA?

10 A Yes, sir.

11 Q And I wanted to kind of clarify one thing. Don't
12 think it's a big deal, but I want to make sure everybody
13 understands. I was a little bit lost when you were
14 talking about taking the buccal swab from Doug Hughes,
15 Walker's father, Ms. Hughes' husband?

16 A Yes.

17 Q And she was getting you to describe his condition and
18 how he appeared and things like that, do you remember
19 that?

20 A Yes.

21 Q That conversation took place when?

22 A That conversation took place in February of 2013.

23 Q Okay. So that's almost two years after the murder
24 that we're talking about here, correct?

25 A Correct.

1 Q Okay. And what about Doug -- not Doug, I'm sorry,
2 what about Larry? I don't remember if I recall you saying
3 when you took the buccal swab.

4 A That was April 14th.

5 Q April the 14th. So that's three days later?

6 A Yes.

7 Q And I think you described they were coming to you?

8 A Yes.

9 Q Did you ask them to come to you or they were already
10 here?

11 A They had come down on April the 8th and I had spoken
12 to them by phone, but then they came back to meet with me
13 on April the 14th.

14 Q Okay. You did not take a buccal swab of Teri?

15 A No.

16 Q And I want just to be sure because you seem to be
17 describing who you got the buccal swabs from, so I want to
18 make sure we know who we're dealing with.

19 A No, I did not take one from Teri.

20 Q At the time that you would have been talking to Teri
21 or Larry or anybody at that time, that would have been
22 before any of the DNA or anything like that was processed?

23 A Yes.

24 Q So you wouldn't have had profiles or anything like
25 that?

1 A No, I wouldn't have.

2 Q All right. And you mentioned to the prosecutor, she
3 asked you -- I'm trying to find it, bear with me one
4 second. I want to make sure I get the right words. Here
5 it is. She asked you about the witnesses you encountered,
6 I guess, on scene on the 11th?

7 A Yes.

8 Q And she used the word adamant about who did it. They
9 were adamant that it was Walker?

10 A Correct.

11 Q She asked you that and you agreed?

12 A Yes.

13 Q And what your response then was well, that didn't
14 affect me, I was doing my investigation?

15 A That's correct.

16 Q Is that a fair representation of what you said?

17 A Yes.

18 Q All right. That would have been on the 11th?

19 A Yes.

20 Q On the scene or even in the days right around that
21 time, correct?

22 A That was on the scene.

23 Q And as we established, that was before any DNA or
24 anything like that would have come back?

25 A That's correct.

1 Q And on the scene, you would not have even encountered
2 Walker Hughes yet?

3 A No.

4 Q Because you describe you don't get the call about
5 Walker until, I guess, it was after 7:00 o'clock in
6 evening?

7 A That's correct.

8 Q Okay. Ms. Paoletti asked you about the forgery
9 convictions and was talking about the probation form, do
10 you remember that?

11 A Yes, sir.

12 Q Let just talk about that for a second. I guess,
13 first, the form -- I'm not going to be able to find it,
14 but you would agree with me that the form doesn't appear
15 to have any blood or anything on it?

16 A No, it did not.

17 Q And that was found inside the car?

18 A Yes, sir.

19 Q And your understanding and y'all's contention is
20 that's what would have been given to Walker Hughes when he
21 left court?

22 A Yes, it would have been.

23 Q The forgeries -- you, obviously, investigated the
24 case, so is it fair to say that one of the -- you learned
25 through the course of your investigation that the

1 forgeries were checks that Mr. Hughes, Walker Hughes
2 obtained from his father's residence, right?

3 A Right.

4 Q And they were not obtained from the mother's
5 residence?

6 A That's my understanding, yes, sir.

7 Q Now, they were checks for the trust, correct?

8 A Correct.

9 Q But not taken out of her home?

10 A Correct.

11 Q And at one point, Mr. Hughes, Doug Hughes, was the
12 trustee for the trust?

13 A Yes.

14 Q And your understanding he had the ability to sign
15 checks and write checks, correct?

16 A Yes.

17 Q And he had given some checks or money to both Walker
18 and Larry, his sons, at some point?

19 A That's what I learned, yes, sir.

20 Q Okay. And this may be obvious to us because we do it
21 so much, but I want to make sure the jury gets it. We
22 were talking about he went to court and pled guilty and
23 got probation, right?

24 A Right.

25 Q Probation means he left?

1 A Yes.

2 Q Right. He didn't go to prison for years, he left?

3 A That's correct.

4 Q And the fact he would have come into a courtroom like
5 this, right?

6 A Right.

7 Q Pled guilty, right?

8 A Right.

9 Q Meaning, I did it, give up my right to go to trial,
10 I'm pleading guilty saying I did it, right?

11 A Right.

12 Q Then after talking to the probation people, sent him
13 back to the jail, gave him his stuff back and released
14 him, correct?

15 A That's correct.

16 Q Okay. You talked about at some point, I don't know
17 exactly when it was, I don't know that that matters, but
18 at some point making your own determination as the
19 investigator that Doug Hughes wasn't somebody that you
20 were pursuing very hard, for lack of a better way of
21 saying it, right?

22 A Correct.

23 Q And one of the things that is in common, even though
24 you weren't pursuing him, but one of the things that's in
25 common is motive, correct? Between Walker and Doug,

1 right?

2 A Yes.

3 Q Now, at some point you're saying your assumption is
4 Doug didn't do it, correct?

5 A Later in the investigation, yes, sir.

6 Q But that wouldn't change motive, he still would have
7 had a motive to do it?

8 A That's possible.

9 Q Based on your investigation, correct?

10 A Correct.

11 Q And the way that's coming about is your understanding
12 they were going through a divorce?

13 A Yes.

14 Q And there was animosity just in general for the
15 divorce, but there was animosity that you're familiar
16 with, correct?

17 A Yes.

18 Q And venture to say that there is evidence that Doug
19 may not have been happy about either losing money or not
20 having access to money?

21 A Sure.

22 Q Right. And there was large amounts of money that he
23 was able to use or get use of when he was a trustee and
24 involved in the marriage, correct?

25 A Correct.

1 Q And all that generally would be a motive, correct?

2 A Yes, sir.

3 Q But your assumption was he didn't do it, so the
4 motive didn't matter at that point?

5 A That was not my assumption at the time that I arrived
6 at the scene.

7 Q But at some point in your investigation, you did come
8 to that assumption, right?

9 A Yes.

10 Q And, again, the assumption was he didn't do it and
11 the motive really didn't factor in anymore for you as the
12 investigator?

13 A Correct.

14 Q I guess you did sort of the same thing with Larry,
15 correct? At some point, you made an assumption that you
16 didn't think he was a viable suspect?

17 A After speaking with him, that's correct.

18 Q And that was based on that conversation you're
19 saying?

20 A Based on that conversation, conversation with his
21 wife.

22 Q Okay. But the same thing would have stood, but maybe
23 a little bit different. Larry is a beneficiary of the
24 trust in the same way that Walker is a beneficiary of the
25 trust? You learned that in this case, right?

1 A Correct.

2 Q And, essentially, they're equal beneficiaries?

3 A Yes.

4 Q And I don't know if this -- you're going to have to
5 tell me, but what it would seem like you're saying is on
6 scene, you wouldn't have decided that meant they didn't
7 have -- that Larry didn't have a motive, you would have
8 decided that later on?

9 A That's correct.

10 Q And again, just like with Doug, when you decided that
11 your assumption was that Larry didn't do it, the motive
12 didn't go away, it just didn't factor in anymore?

13 A That's correct.

14 Q Based on your assumption that he didn't do it?

15 A That's correct.

16 Q But it didn't change that he also had a motive with
17 regard to obtaining the money?

18 A No, there was a motive.

19 Q Okay.

20 MR. SCALZO: One moment, let me double-check
21 something.

22 BY MR. SCALZO:

23 Q I'm being overly cautious, I'm not sure if I asked
24 you this question or not. I don't believe we have any of
25 the shoes that you or any other officers have collected

1 that we're going to see other than what was collected from
2 Mr. Hughes when he was arrested?

3 A No, we do not.

4 Q That's the ones that were pictured we've talked
5 about, correct?

6 A Yes.

7 Q Let me make sure. All right. Let me ask you this,
8 in the course of your investigation, and I think you
9 talked about this with the prosecutor, you were learning
10 or being given information regarding Ms. Hughes' fear, I
11 think that's the word that was used, fear of Mr. Walker
12 Hughes?

13 A Yes.

14 Q Okay. As fear as being afraid, is that the right
15 impression you were being given?

16 A That's the impression I was given.

17 Q That is while you're investigating the case, getting
18 impressions from various witnesses, correct?

19 A Correct.

20 Q I think it's obvious, but let make everything clear.
21 You didn't every talk to Ms. Hughes directly?

22 A No.

23 Q Never met her?

24 A Never met her.

25 Q Okay. One of the people you talked was a Patsy

1 McBride? Did you communicate with Patsy McBride in any
2 way?

3 A I don't recall that name.

4 Q Okay. What about -- and I can show you if I need to.
5 Did you receive an e-mail from Patsy McBride?

6 A If you could show me.

7 Q I can show it to you and you tell me if you recall.

8 A Yes, I did receive this. I just did not remember.

9 Q That's okay. I mean, do you remember it now?

10 A I do.

11 Q Okay. And that would be an e-mail that she forwarded
12 to you?

13 A Yes.

14 Q Am I right?

15 A That's correct.

16 Q And would that have been -- obviously, was during the
17 course of your investigation, is that correct?

18 A Yes.

19 Q And it is your understanding that Patsy McBride was a
20 friend of Ms. Karen Hughes?

21 A Yes.

22 Q And you were, obviously, talking to friends and
23 people like that in your investigation?

24 A Yes.

25 Q And that's how you came across her?

1 A Yes. And some -- either another investigator or
2 somehow this got to me.

3 Q Okay. Then that e-mail gets forwarded to you,
4 correct?

5 A Correct.

6 Q And your understanding was that that e-mail was being
7 forwarded to you to let you see an e-mail exchange between
8 Karen Hughes and Patsy McBride?

9 A Yes.

10 Q So that you could do what you needed to do with
11 regard to your investigation, I presume, is that fair?

12 A That's fair.

13 Q And the date is contemporaneous with -- in other
14 words, you're receiving it contemporaneous at the same
15 time as your investigating, right?

16 A Yes.

17 Q You didn't get this yesterday or a year or two later?
18 This was within, basically, days of the murder?

19 A That's correct.

20 Q And is it your understanding through your
21 investigation that the e-mail exchange was also around the
22 same time as the murder, Ms. Patty and Ms. Hughes?

23 A Yes, that's correct.

24 Q All right. And is it your impression that Ms. Hughes
25 is expressing fear of Walker Hughes in that e-mail?

1 A Yes.

2 Q It is? What about it says that you -- tells you that
3 she was fearful?

4 A She says that she was glad that he got -- that it was
5 a little unnerving to know that he's out there.

6 Q The unnerving part, is that what you're ascribing the
7 fear to?

8 A Yes.

9 Q Is this during the same time as you were informed
10 that she just learned that he had gotten out of jail?

11 A That's correct. This is April the 7th.

12 Q Right. And your understanding, the impression that
13 people were giving is that she was, actually, afraid of
14 him, not unnerved by him, but afraid of him, correct?

15 A Correct.

16 Q And in that e-mail, she is not describing or asking
17 her friend for any assistance, she just simply describing
18 the feeling of being unnerved?

19 A Yes.

20 Q Okay. Thank you. Oh, I almost forgot. Take that
21 back for a second.. And you were, again, still
22 investigating and still trying to make a determination of,
23 I would assume, about this fear issue that Ms. Hughes had
24 with her son, correct?

25 A Correct.

1 Q And in that e-mail, there is information regarding
2 Karen Hughes communicating with either another friend or
3 some other person about the fact that Walker had just been
4 released from jail, isn't that right? Harriet or some
5 other person?

6 A Yes, Harriet.

7 Q And there seems to be a discussion about whether or
8 not this Harriet should tell the father that Walker got
9 out?

10 A Correct.

11 Q And in what seems to be a response to that, Ms.
12 Hughes, apparently, is saying no, don't tell him about it?

13 A That's correct.

14 Q And there's also an indication in there that the
15 Harriet person says something to the effect that it's
16 killing or she's very emotional about this whole issue
17 that he's being released and what's going on, isn't that
18 right?

19 A That's right.

20 Q And in parentheses, Ms. Hughes says well, I don't
21 know about all that, isn't that right?

22 A She says I don't think I would say that.

23 Q And that's in connection with Harriet's response to
24 what's going on?

25 A Yes.

1 Q You may not have it up there, but do you have this
2 e-mail in your files?

3 A Yes, I do. Not up here, but in my files.

4 Q And does that look, appear to be the one that would
5 have been in your file?

6 A Yes.

7 Q Does it appear anything was changed about it?

8 A Not they I see right off.

9 Q Not the substance of the words that are written on
10 the page, correct?

11 A No.

12 Q And, in fact, it is to you, right, you're the one
13 that receive that in an e-mail, correct?

14 A Correct.

15 Q And you would have printed it out? You would have
16 been, actually, the person who would click print and let
17 it come out of there?

18 A Yes.

19 Q There's a print date on it?

20 A Yes.

21 MR. SCALZO: Judge, I would move for this to be
22 admitted.

23 THE COURT: Is there an objection?

24 MR. SCALZO: It's not been marked.

25 THE COURT: Let's take a moment and mark it.

1 (WHEREUPON, Defendant's Exhibit No. 2 was marked for
2 identification.)

3 THE COURT: Defendant's 2 now in evidence without
4 objection.

5 MR. SCALZO: Thank you, Your Honor.

6 (WHEREUPON, Defendant's Exhibit No. 2 was admitted
7 into evidence.)

8 BY MR. SCALZO:

9 Q Through the course of your investigation, you also
10 came across a journal that Ms. Hughes had been keeping?

11 A Yes.

12 Q And it's your understanding that this was her
13 personal journal?

14 A That's correct.

15 Q That she was writing in over a course of years,
16 months, do you remember how long that would have been?

17 A A couple of years maybe, a year.

18 Q Okay. And she documents in there things that were
19 not so good or bad things that had happened to her during
20 a period of time, isn't that right?

21 A Yes.

22 Q One of the entries does talk about Walker Hughes
23 cursing at her at some point?

24 A Yes.

25 Q But in that journal, she does not document Walker

1 physical assaulting her or doing anything other than this
2 one line where it says he cursed at her, is that correct?

3 A I don't believe so, but like I said before, I don't
4 have it in front of me.

5 Q As you're sitting here now, you don't remember
6 something jumping out at you saying --

7 A No.

8 Q -- on such and such a day, Walker came by and he
9 threatened me or he was going to do this to me or anything
10 like that?

11 A That I don't recall.

12 Q Okay. But what is in there is -- I mean, this wasn't
13 just generalized things. She was very specific about
14 being assaulted not by Walker, but by someone else?

15 A Yes.

16 Q Okay. And that was Doug?

17 A That's correct.

18 Q Her husband. And this was during their marriage and
19 part of the divorce?

20 A That's right.

21 Q One of the things that you observed and I think you
22 were talking about your impressions on the scene with the
23 prosecutor. She was asking you about when you were
24 walking through and what you were seeing and you described
25 it as, I guess, impressions?

1 A Yes.

2 Q Is that a fair -- and you meant that as an
3 investigator, right, your impressions as an investigator?

4 A My impressions? I was talking about foot
5 impressions.

6 Q Okay. That's why I wanted to be clear. At some
7 point, you used the word impression when you weren't
8 talking about just the footwear. It was sort of your
9 impressions about as you were walking through and the
10 evidence you were observing, you were getting an
11 impression about the scene. She asked you about that?

12 A Yes.

13 Q And, again, I thought you used impression. If you
14 think there's a different word, fine, that's okay.

15 A I understand what you mean.

16 Q And you at some point said you thought -- I guess,
17 your theory at some point when you were walking through
18 the house and looking at the evidence that it was not a
19 home invasion, I think was the term you used?

20 A Burglary, home invasion.

21 Q That you didn't think it was that kind of a crime,
22 that you thought it was personal?

23 A That's correct.

24 Q And, obviously, that's factoring into how you're
25 going about your investigation and what you're looking

1 for, what you might not be looking for and things like
2 that, correct?

3 A Correct.

4 Q And some of the things that you're taking in and, U
5 guess, evaluating as an investigator is some of the
6 pictures we saw, which was you saw what looked like wiping
7 of the blood?

8 A Yes.

9 Q And I'm talking about that outside screen porch door
10 at the bottom, there was a picture that looked like it was
11 sort of wiped?

12 A Yes.

13 Q Is that the impression you got when you saw it?

14 A Yes.

15 Q In other words, sort of trying to clean it?

16 A That's correct.

17 Q Didn't completely clean it, but trying to. Is that
18 how you would have taken it when you saw it?

19 A Yes.

20 Q Is that how you did take it when you saw it?

21 A That's exactly how I observed it.

22 Q And the other thing was the hammer in the -- was it a
23 wash cloth or what was it?

24 A It was a wash cloth or hand towel.

25 Q Hand towel, okay. That being wrapped around the

1 hammer and put in the washing machine, the blue stuff on
2 -- the laundry detergent. That was all your impression of
3 somebody trying to clean up?

4 A Yes.

5 Q Essentially, I don't want to leave evidence, so
6 anybody could figure out what I did?

7 A Correct.

8 Q Is that how you took that?

9 A Exactly.

10 Q So we've got the wiping of the door, closing it,
11 making it harder for you to see from the outside that
12 there might be blood. Fair assessment?

13 A That's fair.

14 Q I mean, Is that something you were thinking or
15 looking at?

16 A That or just trying to clean up the evidence.

17 Q Okay. And then the hammer goes in the washing
18 machine along with the towel?

19 A Yes.

20 Q And then you also mentioned that in your assessment
21 gloves were being used?

22 A Yes.

23 Q Okay. And again, that all is part of the cleanup or
24 I don't want to get caught idea?

25 A That's correct.

1 Q And that is your impression as you took it in looking
2 at the scene?

3 A Yes, the scene was attempted to be covered up.

4 Q It's still your impression today about those items?

5 A Same impression, yes.

6 Q Okay. Bear with me just a moment. You mentioned
7 that and you saw a picture of the screen door, the back
8 screen door, correct?

9 A Yes.

10 Q And that was photographed when the forensics people
11 got on the scene, right?

12 A Yes.

13 Q And they would have arrived after the initial first
14 responders, correct?

15 A Yes.

16 Q And the initial first responders are the guys,
17 patrolmen who got out there, cut the lock and kind of went
18 around and looked through the back?

19 A Yes.

20 Q And is it your understanding the way they got back
21 there is somebody put their hand through there and
22 unlatched it --

23 A That's --

24 Q -- opened it and kind of went in?

25 A That's what's in the deputy's report.

1 Q Okay. And it was not photographed before he put his
2 hand in, correct?

3 A Correct.

4 Q He didn't have a camera with him to photograph, I
5 understand that, but he didn't photograph it?

6 A No.

7 Q And do you have a photograph of it prior to that day?

8 A No, I do not.

9 Q Okay. Are you aware of any either DNA or fingerprint
10 evidence coming from either the rip or the locks? I think
11 you described it as a hook with a little eyelet. Anything
12 from either of those two pieces on the door?

13 A Not that I'm aware of.

14 Q And one other thing I think is obvious, but I don't
15 know that we've talk about it and I don't know that we
16 talked about it with the prosecutor, but that back door
17 has a lock on the inside and you can turn it with your
18 fingers?

19 A Yes, sir.

20 Q On the outside, you would need a key?

21 A Yes.

22 Q So if you were on the outside, you couldn't just get
23 in, you'd have to break the door in to, actually, get in
24 the house, correct?

25 A Correct.

1 Q Unless somebody opened it?

2 A Correct.

3 Q Okay.

4 MR. SCALZO: That's all I have for right now, Judge.

5 Thank you.

6 THE COURT: All right. Ladies and gentlemen, the
7 witness is presented, you have direct and cross. If new
8 issues were brought up on cross, then a proponent of that
9 witness is allowed on what we call redirect to address
10 those new issues.

11 Do you have any redirect, Counsel?

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

13 THE COURT: Please proceed.

14 REDIRECT EXAMINATION

15 BY MS. PAOLETTI:

16 Q All right. Let me just take these one by one. First
17 thing Mr. Scalzo asked you about was this property, which
18 the Defendant had some rings in his possession when he was
19 discharged from the detention center on April 6th, 2011 --

20 A Yes.

21 Q -- in Defendant's Exhibit No. 1? All right. I'm
22 going to show you State's Exhibit No. 234 and ask if you
23 recognize that?

24 A I do.

25 Q All right. Tell the jury what that is.

1 A That is a sealed plastic bag with two rings.

2 Q And those rings that we saw in the photographs?

3 A Yes.

4 Q Is that correct?

5 A That's correct.

6 MS. PAOLETTI: Your Honor, at this time, we'd move
7 234 into evidence.

8 THE COURT: All right. Is there any objection?

9 MR. SCALZO: No, sir.

10 THE COURT: 234 in evidence without objection.

11 (WHEREUPON, State's Exhibit No. 234 was admitted into
12 evidence.)

13 BY MS. PAOLETTI:

14 Q All right. Again, what were you able to determine
15 had been stolen from Karen Hughes' home?

16 A Her vehicle, the keys and the garage door opener.

17 Q Okay. All right. Mr. Scalzo asked you about a
18 photograph of the inside of Karen Hughes' car on the seat
19 adjuster on the driver's side seat?

20 A Yes, ma'am.

21 Q In that photograph, there's a blood spot, is that
22 correct?

23 A That's correct.

24 Q All right. Were samples taken throughout that car of
25 blood in the car?

1 A Yes.

2 Q Whose blood is it?

3 A It is Mr. Hughes.

4 Q All right. I'm going to show you State's Exhibit 231
5 and ask you to look inside and see if you recognize what's
6 inside there.

7 A Two boxes labeled Walker M. Hughes, dated April 3,
8 '11, collected by me at 2:41 p.m.

9 Q And what's inside those?

10 A That is the oral buccal swabs.

11 Q And they're in this envelope together as 231?

12 A Yes.

13 MS. PAOLETTI: All right. Your Honor, at this time,
14 we'd move State's 231 evidence.

15 THE COURT: Is there any objection?

16 MR. SCALZO: No, sir.

17 THE COURT: 231 in evidence for the State without
18 objection.

19 (WHEREUPON, State's Exhibit No. 231 was admitted into
20 evidence.)

21 BY MS. PAOLETTI:

22 Q All right. I want to talk to you about the financial
23 element of this investigation, okay. You were able to
24 determine that the Defendant stood to benefit financially
25 from his mother's death, correct?

1 A Yes, that's correct.

2 Q And his brother, Larry, as well, is that correct?

3 A That's correct.

4 Q All right. In what shares?

5 A Half.

6 Q Okay. And half of what?

7 A Half of the trust fund and the house that Ms. Hughes
8 was living in.

9 Q The house was included in the trust?

10 A Yes.

11 Q All right. All right. Let's talk about that first.

12 Okay. As to Larry, was there any evidence that Larry had
13 had any contact with his mother around the time of her
14 murder?

15 A No.

16 Q Was Larry found driving his mother's car?

17 A No, he was not.

18 Q Was Larry under a no contact order from his mother?

19 A No.

20 Q Had Larry been convicted of stealing money from the
21 trust account?

22 A No.

23 Q What about Teri?

24 A Teri, no.

25 Q Okay. Now, let's talk about Doug, Karen's husband.

1 He was no longer involved in this trust account, is that
2 correct?

3 A That's correct.

4 Q At one point, had he been trustee?

5 A He was.

6 Q Okay. At the time that Karen was murdered, was he
7 still the trustee?

8 A No, he was not.

9 Q And I'll ask you this question in conjunction with
10 the reference to the journal that Ms. Hughes kept that
11 Mr. Scalzo asked you about. Will you tell the jury who
12 gave you that journal in the course of your investigation?
13 Where did you get it?

14 A I got that from her attorney.

15 Q And her attorney in what? What kind of attorney?

16 A He was a divorce attorney.

17 Q Do you know when Karen Hughes originally filed for
18 divorce from Doug?

19 A I can't recall the exact date.

20 Q Do you remember -- do you know when Doug Hughes had
21 his horseback riding accident?

22 A That was in 2009. I do recall that.

23 Q And these incidents that Mr. Scalzo referenced here
24 in this journal between her and Doug happened before his
25 horseback riding accident, is that correct?

1 A That's correct.

2 MS. PAOLETTI: That's all I've got.

3 THE COURT: All right. Very good.

4 Sir, you may step down.

5 Before we call our next witness, we've been here
6 approximately an hour, so we'll take a break at this time.

7 We'll take approximately a 10-minute break, ladies
8 and gentlemen. Please enjoy your break as you return to
9 the jury room and we will resume shortly.

10 (WHEREUPON, the jury leaves the courtroom at
11 approximately 2:42 p.m.)

12 THE COURT: All right. Again, we'll be in recess for
13 10 minutes.

14 (WHEREUPON, a short break was taken.)

15 THE COURT: Everyone appears in place.

16 Let's bring back the jury.

17 (WHEREUPON, the jury entered the courtroom at
18 approximately 2:56 p.m.)

19 THE COURT: All right. Welcome back, ladies and
20 gentlemen. We remain in the State's case.

21 Please call your next witness.

22 MS. PAOLETTI: Yes, sir, Your Honor. The State calls
23 Investigator Wayne Campbell.

24 THE COURT: Please come forward to take the oath,
25 Investigator.

1 THE CLERK: Place your left hand on the Bible and
2 raise your right hand and face the Judge, please.

3 WAYNE CAMPBELL,

4 after having been duly sworn, testified as follows:

5 THE CLERK: Thank you. You may be seated. Would you
6 please state your name for the record.

7 THE WITNESS: Wayne Campbell.

8 DIRECT EXAMINATION

9 BY MS. PAOLETTI:

10 Q Investigator, who do you work for?

11 A Greenville County Sheriff's Office.

12 Q What do you do with the sheriff's office?

13 A I'm a homicide investigator.

14 Q How long you been in homicide?

15 A Since 2009.

16 Q And before that?

17 A I worked -- went with the sheriff's office in 1998.

18 I started off with a forensic officer with Greenville
19 County for over three years. And then I went into the
20 sheriff's office as an investigator.

21 Q What about before you were in Greenville?

22 A I spent 13 years with the City of Laurens.

23 Q All right. Does that include all your time in law
24 enforcement?

25 A It's approximately 28 years.

1 Q Okay. You've been busy this week?

2 A This has been quite a busy week or last week was.

3 Q I want to talk to you about in general investigations
4 of homicide. Is it the normal course of the sheriff's
5 office for more than one investigator to work on a
6 homicide case?

7 A It is. There could be up to as many as eight to 10
8 investigators or there might just be two or three. It's
9 according to the size of the case.

10 Q All right. Did you assist Sergeant Miller in the
11 investigation into the homicide of Karen Hughes?

12 A I did.

13 Q All right. I want to ask you if you'll just kind of
14 start chronologically and tell the jury what you did to
15 assist in that investigation?

16 A Own Monday morning, which was April the 11th of 2011,
17 we got to work just about like, I guess, a normal day if
18 you want to call it that. The call came in that a body
19 had been found at [REDACTED] in Greer. Sergeant
20 miller was the officer that was on call that particular
21 week, so he responded to the scene.

22 Once he arrived at the scene, he called me, asked me
23 to get a search warrant so we could enter the residence to
24 do an investigation. At that point in time, I got in
25 touch with the uniform patrol unit to get the necessary

1 information. Upon getting that, I obtained a search
2 warrant for the residence from Magistrate James Hudson,
3 who was at the law enforcement center there in Greenville.

4 Q All right. Did you respond to the house with a
5 search warrant?

6 A I did. I responded and gave it to Deputy Sam Manley.

7 Q Did you interview witnesses while you were assisting
8 Investigator Miller or Sergeant Miller in the
9 investigation?

10 A I spoke with Sergeant Miller and he stated that
11 several coworkers and friends were outside. And he asked
12 me to try to locate them and interview some of the friends
13 and family. Which I did interview one friend and talked
14 with a couple of other people on the phone.

15 Q All right. And who was the friend that you reference
16 that you spoke to?

17 A I hope I'm pronouncing the last name right, it was
18 Diane Kuhl.

19 Q And is she a neighbor?

20 A She is.

21 Q All right. Did you speak with Margo Green?

22 A I spoke with her over the phone.

23 Q And tell the juror who Margo Green is?

24 A Margo Green described herself as one of Karen Hughes'
25 best friends. She is also employed at the Bannister Law

1 Firm here in Greenville.

2 Q All right. And why was that significant?

3 A The Bannister Law Firm was the firm handling the
4 divorce procedures with her husband, Douglas.

5 Q All right. Did you speak to any other potential
6 witnesses in the case? Did you interview other
7 individuals in relationship to this case?

8 A I did on later times. Later that morning, I did
9 speak with a lady at a magistrate's office by the name of
10 Dee Dee. But as the investigation progressed, I
11 interviewed a couple more young ladies.

12 Q And without telling the jury what those young ladies
13 had to tell you, what was the focus of your investigations
14 related to those individuals?

15 A Basically, trying to get -- like the neighbor, trying
16 to find out when Ms. Hughes was last seen, trying to get
17 an established time of death, when do we need to focus on
18 and what her tendencies were. You might not have seen
19 her, but what didn't fit in right, what was wrong. And I
20 learned through speaking with a neighbor that she was last
21 seen on Friday, April 8th, 2011, between the hours of 4:30
22 and 5:00 p.m. while she was walking her dog, Jack, around
23 the neighborhood. She had spoke in passing and continued
24 to go. As far as some of the habits that Ms. Hughes had
25 was that at nighttime, she always left her front porch

1 light on. This particular Friday night, April 8th, the
2 porch light was not on.

3 Q What about the remainder of the weekend?

4 A It was never on as far as my understanding. Then I
5 mentioned Jack, her dog. Monday morning, they had heard a
6 dog whining on the side screened-in porch and that was
7 highly unusual because Jack was her pride and joy.

8 Q Normally inside?

9 A Oh, yeah. She never let him out except to use the
10 bathroom and he never stayed outside.

11 Q All right. During the course of your investigation,
12 did you become familiar with the victim's family members?

13 A The immediate family, I do know the dynamics.

14 Q Just so we can all stay clear, I'm going to write
15 these down and let you tell me how they're related to the
16 victim, okay? All right. Karen Hughes is the victim, is
17 that correct?

18 A Correct. Douglas or Doug is her husband to whom she
19 was seeking a divorce from.

20 Q Okay.

21 A Then you had Larry, who lived in Charlotte, with his
22 wife, Teri.

23 Q Who was Larry to Karen?

24 A That's her son.

25 Q All right.

1 A And like I said, he was married to Teri and they
2 lived in Charlotte, North Carolina.

3 Q So Teri to Karen is her daughter-in-law?

4 A That's correct.

5 Q All right. And the Defendant?

6 A Then you have Walker Hughes.

7 Q What did she call him?

8 A Chip was her nickname for him.

9 Q And he lived in Greenville?

10 A He lived in multiple places from any understanding.

11 Q Including where?

12 A My understanding, he's been known to stay in Lugoff
13 as well as Laurens County and Greenville County, so there
14 were multiple places.

15 Q Okay. Did you speak with other witnesses about
16 whether or not they had any contact with the Defendant?

17 A Later in the investigation, I did, yes.

18 Q All right. And during the course of your
19 investigation, were you able to identify anybody who had
20 had contact -- other than the victim who had contact with
21 the Defendant after he was released from jail on
22 Wednesday, April 6th?

23 A We talked with a Sonja Whittner and we also talked to
24 a son I can't whit neither. And we also talked to a Leann
25 Taylor and Ali Mell were the three that I had interaction

1 with.

2 Q Okay. And based on your investigation in your
3 interview -- or your interviews and your conversations
4 with those three women, were you able to determine whether
5 or not any of them had seen the Defendant after he was
6 released from jail on Wednesday, August -- or April 6th,
7 2011?

8 A If I'm not mistaken, Ms. Whittner might have, but
9 Ms. Taylor, I knew had not.

10 Q All right. I'm going to -- give me one second, here.
11 I'm going to show you a document and ask if you recognize
12 that.

13 A This is Sonja Whittner's statement that I notarized.

14 Q All right. And if you will, not out loud, but review
15 it and see if that doesn't refresh your recollection about
16 your conversation with Ms. Whittner?

17 A Okay.

18 Q Did she see the Defendant after he was released from
19 jail Wednesday, April 6th?

20 A No, ma'am, she did not.

21 Q All right. You mentioned Ali Mell?

22 A Yes.

23 Q Were you involved in the investigation and interview
24 with Ms. Mell?

25 A I went to Kershaw County to Lugoff to be a part of

1 the interview and look at the trailer that Sergeant Miller
2 had discussed earlier.

3 Q All right. And this is State's Exhibit 225 and that
4 address there [REDACTED], is that what you're
5 referencing?

6 A That's correct.

7 Q And you went and saw that trailer?

8 A Yes, sir.

9 Q Did it appear that anyone was living there?

10 A I should hope not.

11 Q Bad shape?

12 A It had been, basically, destroyed. It had furniture,
13 old food, clothing, toys. It was in total disarray and
14 had a lot of dirt and dust in the area as well as the back
15 wooden deck was falling apart.

16 Q You mentioned also as part of your investigation you
17 spoke with a woman name Edie, is that correct?

18 A That's correct.

19 Q And where is Edie employed?

20 A Magistrate Garrett's office. It's the Chick Springs
21 Magistrate's office in Taylors.

22 Q And where is that located?

23 A It's on Wade Hampton Boulevard behind the hold Sonic,
24 right there close to Easley Road.

25 Q All right. Let me show you State's Exhibit 228 and

1 ask you if you recognize the points on that map?

2 A Yes, ma'am I do.

3 Q All right.

4 MS. PAOLETTI: Your Honor, at this time, we'd move
5 State's 228 into evidence.

6 THE COURT: Is there an objection?

7 MR. SCALZO: No, sir.

8 THE COURT: Without objection, State's Exhibit 228 in
9 evidence for the State.

10 (WHEREUPON, State's Exhibit No. 228 was admitted into
11 evidence.)

12 BY MS. PAOLETTI:

13 Q All right. I'm going to ask you to come down.

14 A (The witness complies.)

15 Q Is this Judge Garrett's office on the map here?

16 A Yes, ma'am, it is.

17 Q Okay. And can you point out there?

18 A It's this red dot here on State's on 29. That's in
19 Taylor's.

20 Q All right. Thank you.

21 MS. PAOLETTI: One moment, please, Judge.

22 Please answer any questions the Defense might have
23 for you Investigator Campbell.

24 THE COURT: Cross-examination.

25 MR. SCALZO: I don't have any questions for

1 Investigator Campbell.

2 THE COURT: Very good, sir. You may step down.

3 THE WITNESS: Thank you.

4 THE COURT: Please call your next witness.

5 MR. ELLIS: Thank you, Your Honor. If it pleases the
6 Court, the State calls Deputy Dan Acord to the stand.

7 THE COURT: Please come forward and take the oath of
8 a witness.

9 MS. PAOLETTI: Your Honor, may Investigator Campbell
10 be released from the subpoena?

11 THE COURT: Defense have an objection?

12 MR. SCALZO: No, sir.

13 THE COURT: Then absolutely, you may leave.

14 MS. PAOLETTI: Thank you, Your Honor.

15 THE CLERK: Place your left hand on the Bible and
16 raise your right.

17 DANIEL ACORD,

18 after having been duly sworn, testified as follows:

19 THE CLERK: Would you please state your full name for
20 the record.

21 THE WITNESS: It's Daniel Acord.

22 DIRECT EXAMINATION

23 BY MR. ELLIS:

24 Q Deputy Acord, where are you employed?

25 A I'm employed by the Greenville County Sheriff's

1 Office.

2 Q What do you do there?

3 A I'm currently a master deputy in the uniform patrol
4 division.

5 Q And as a master deputy, what are some of your duties
6 and responsibilities?

7 A I'm primarily responsible for training all the new
8 hires and also responsible for responding to 911 calls,
9 alarms, burglaries, things of that nature, typical, what
10 we call road work.

11 Q Before you were master deputy, were you just a normal
12 deputy?

13 A Yes, sir.

14 Q Did you have training and -- what kind of experience
15 did you have to have before you got promoted?

16 A There's a tenure period that you have to go through.
17 You have to pass an oral interview Board to be promoted
18 and once that happens, you're brought before command staff
19 and then they promote you at that point.

20 Q Were you working on June 24th, 2010?

21 A Yes, sir, I was.

22 Q What were you doing that day?

23 A My regular duties in uniform patrol.

24 Q And what part of the county were you in?

25 A I work in an area known as area two, which is,

1 typically, the Taylors, Greer area.

2 Q Was anybody else working with you that night?

3 A Yes, sir, I had a trainee named Frank Abella.

4 Q And did you get a call about something going on at
5 201 Montclair Drive?

6 A Yes, sir, we did.

7 Q What was the nature of that call?

8 A I believe it was some type of disturbance.

9 Q And do you remember approximately what time you
10 arrived there?

11 A No, sir, I don't.

12 Q Was it after dark?

13 A Yes, sir, I believe so.

14 Q And when you arrived at that location, what did you
15 see and who were the people that were there?

16 A That was an older female there and there was someone
17 else there who she said was her son.

18 Q Do you remember the names of either one of those
19 people?

20 A No, sir, not independently, no.

21 Q If I hand you a copy of your report, would that help
22 refresh your recollection?

23 A Yes, sir, it would. The names are Karen Hughes and
24 also a Walker Manning Hughes.

25 Q And when you arrived on scene, what happened next?

1 A It's a typical call. It's a trespass notice given.
2 It's a very common call for us. We, typically, talk to
3 both parties and find out what happened. We identify the
4 owner of the home and if that person then wants to place
5 the other party on trespass notice, then we do that in
6 their presence.

7 Q What's trespass notice?

8 A Basically, she explains to them that they're not
9 welcome back on the property. If they do come back on the
10 property, they can be arrested for trespassing after
11 notice.

12 Q Did Ms. Hughes put Walker Hughes on trespass notice
13 in your presence?

14 A Yes, sir, she did.

15 Q Did he appear to understand?

16 A Yes, sir, he did.

17 Q Did he leave the location at that point?

18 A Yes, sir, we gave him a ride.

19 Q Where did you take him?

20 A He was taken to the Dodge store on Wade Hampton
21 Boulevard.

22 MR. ELLIS: Deputy, that's all the questions I have
23 for you. Please answer any questions the Defense may
24 have.

25 THE WITNESS: Yes, sir.

1 THE COURT: Cross-examination?

2 MR. SCALZO: Thank you, Your Honor, may it please the
3 Court.

4 CROSS-EXAMINATION

5 BY MR. SCALZO:

6 Q You said this was June 24th, 2010?

7 A Yes, sir.

8 Q So, roughly, 10 months before April 11th, 2011?

9 A Yes, sir.

10 Q And --

11 MR. SCALZO: That's all I have, Judge.

12 THE COURT: Is there redirect on that lone issue?

13 MR. ELLIS: No redirect, Your Honor.

14 THE COURT: Any objection to releasing this witness?

15 MR. SCALZO: None, Your Honor.

16 THE COURT: Sir, you're not required to leave, but
17 you're free to leave.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: Please call your next witness.

20 MR. ELLIS: Thank you, Your Honor. The State calls
21 Detective Drew Palmer to the stand.

22 THE COURT: Please come forward to take the oath of
23 the witness.

24 THE CLERK: Sir, please place your left hand on the
25 Bible and raise your right.

1 DREW PALMER,

2 after having been duly sworn, testified as follows:

3 THE CLERK: You may be seated. State your name for the
4 record..

5 THE WITNESS: It's Carlson Drew Palmer.

6 DIRECT EXAMINATION

7 BY MR. ELLIS:

8 Q Detective Palmer, where are you employed?

9 A I'm employed with Greenville County City Police
10 Department.

11 Q In what capacity?

12 A I'm a detective.

13 Q What do you do as a detective?

14 A I work financial crimes or white collar crimes.

15 Q About how long have you been doing that?

16 A Real close to 10 years now.

17 Q Did you have any other roles before you started
18 investigating financial crimes?

19 A I did. For a short period of time, I did property
20 crimes, burglar or breaking and before that, uniform
21 capacity.

22 Q And how many years do you have with the Greenville
23 City Police Department?

24 A I have 25..

25 Q Do you know this Defendant?

1 A No, I don't.

2 Q Have you interacted -- or did you have an occasion to
3 investigate an incident involving him?

4 A I did.

5 Q And, please, tell the jury about the circumstances
6 surrounding that investigation?

7 A Sure. On December 29th of '09, Karen Hughes came to
8 the law enforcement center. She wanted to file a report
9 in reference to a forgery case. I spoke with her in
10 person. From what I recall, I, actually, brought her into
11 my office. We discussed that she was there -- she told me
12 to file a report of a forgery on the behalf of her
13 husband. I asked her why she was there and not her
14 husband. She explained to me that he had had an accident.
15 From what I recall, it was a horseback accident, I
16 believe. He had fallen and suffered some brain damage.
17 Thus, he was not able to file a report for himself, so she
18 was there to file a report on his behalf. Then she gave
19 us some details about what had happened in that case.

20 Q And then how many checked were involved in this
21 incident?

22 A There was two.

23 Q And what were the allegations that Ms. Hughes made
24 about her son's involvement?

25 A She told me that the account was a Hilliard Lyons

1 Capital account, trust account, owned by her husband and
2 that the Defendant, she said, had taken the two checks
3 that I dealt with and from what I understand, possibly,
4 some other checks in the county. I only dealt with these
5 particular two checks because it was in the City limits
6 that they were presented or cashed.

7 Q Okay. So does this mean that Mr. Hughes was a victim
8 of the forgeries, also?

9 A That's correct.

10 Q Was he the trustee of that trust account at that
11 time?

12 A Yes, sir, that's correct.

13 Q Did you contact him to see if he wanted to prosecute
14 the forgery?

15 A No, in talking with her, she told me he was,
16 basically, incapable of that at that time.

17 Q What ended up happening with those two forgery
18 charges?

19 A Actually, it didn't take a lot of investigation, I
20 would say, in that. In fact, the next day, on the 30th of
21 December, I signed two warrants for forgery on the
22 Defendant. And I believe they were served on him sometime
23 after that.

24 Q During this time in your investigation, in your
25 involvement with Ms. Hughes, did she -- how much

1 interaction did you have with her during this time?

2 A I would say close to a year almost.

3 Q Did you exchange e-mails?

4 A We did.

5 Q Did you exchange telephone calls?

6 A We did.

7 Q During your extensive communication with Ms. Hughes,
8 how would you describe her feelings towards this
9 Defendant?

10 A She relayed to me that she was --

11 MR. SCALZO: Objection, Your Honor, hearsay.

12 THE COURT: Counsel, what would be the exception to
13 the hearsay rule?

14 MR. ELLIS: These are statements about her present
15 sense impression, her current feelings about the
16 Defendant.

17 THE COURT: And tell me what date, please, of this
18 event that you're asking about is.

19 MR. ELLIS: Her interaction with Detective Palmer
20 starts in late 2009, Your Honor. And State vs. Westin is on
21 point in this issue because she's expressing her feelings
22 about the fear that she had to this investigator. So the
23 investigator can testify about those feelings that she
24 had --

25 THE COURT: Very good.

1 MR. ELLIS: -- about the Defendant.

2 THE COURT: You want to be heard on that, Mr. Scalzo,
3 you want to respond?

4 MR. SCALZO: I'll withdraw the objection.

5 THE COURT: Objection withdrawn. You may proceed.

6 BY MR. ELLIS:

7 Q Detective Palmer, how would you describe the victim's
8 feelings about this Defendant during your interaction with
9 her?

10 A She expressed her concern to me not once, but several
11 times during my communicating with her that she was afraid
12 of the Defendant, her son.

13 Q As a result of her statements to you, did you make
14 any recommendations to her?

15 A I did.

16 Q What did you recommend that she do?

17 A This, actually, came later, after several
18 conversations with her, mostly on the phone. She would
19 call my office and we discussed the forgery case. But
20 after several times of telling me that she was afraid of
21 her son, I said, you know, it probably would be prudent
22 for you to get a weapon.

23 Q Did you give her the names of any stores that she
24 could go get a weapon at?

25 A I did.

1 Q Do you remember any of those names?

2 A Not exactly. I'm wanting to say I probably told her
3 some of the more common places around Greenville, Academy
4 Sports. I know I talked to her Alanar's on Poinsett
5 Highway. And there was a reason for that as well.

6 Q And in your experience investigating forgeries, is it
7 common for a victim to have this level of fear --

8 MR. SCALZO: Objection, Your Honor. What other
9 victims might feel is not relevant.

10 THE COURT: Very good. I understand. Just a moment,
11 please.

12 I'm going to sustain the objection, Counsel.

13 MR. ELLIS: Yes, sir, Your Honor. Thank you.

14 Your Honor, at this time, we'd ask to approach about
15 a matter of law.

16 THE COURT: You may.

17 (WHEREUPON, a bench conference was held.)

18 THE COURT: Remember, ladies and gentlemen, just like
19 you're the judges of the facts and when you're back in the
20 jury room deciding the facts, we will not be back there
21 with you. Sometimes I have a matter of law that comes up
22 that I need to take up outside of your preference. It's
23 not to hide anything from you, it's just simply a legal
24 issue that I need to resolve and I need to do this outside
25 of your presence based on the objection which was just

1 raised a moment ago. So what I'll ask you to do is just
2 return to the jury room, enjoy a little bit of an
3 unexpected break here and we'll be back with you shortly.
4 Please do not the discuss the case while you're there.
5 Enjoy your break.

6 (WHEREUPON, the jury left the courtroom at
7 approximately 3:25 p.m.)

8 THE COURT: All right. Let's just go first to the
9 State, if you would tell us what it is you propose to do and
10 then we'll hear from the Defense.

11 MR. ELLIS: Thank you, Your Honor. I propose to
12 introduce an e-mail that Karen Hughes sent to Detective
13 Palmer on December 30th, 2009, at 2:54 p.m. This document
14 I'm holding in my hand is a series of e-mails, one from
15 Detective -- the first one is from Detective Palmer to
16 Ms. Hughes inquiring as to Karen, are you certain that Lewis
17 will want to prosecute him? I have to ask since he is,
18 actually, the victim. The second e-mail is an e-mail from
19 Ms. Hughes where she explains in detail her level of
20 certainty, including some background information. And based
21 on our conversation at the bench a moment ago, I understand
22 that's not the part that Defense counsel has an objection
23 to. Moving up is Detective Palmer's response: Thanks. If
24 you have any -- if any of you has any instance of threats
25 from him, just let me know and it will be taken care of.

1 Finally, Your Honor, the objectionable part based on
2 our conversation, I'll read it to the court, it is Ms.
3 Hughes' reply to Detective Palmer. She says, Thank you. He
4 made the threats to his old girlfriend in West Virginia. He
5 told her he was going to get me, his dad, his grandmother,
6 his uncle. He said he's going to do some damage. His
7 girlfriend, Cheryl, said he didn't have anything to lose and
8 everything to gain. She took him very seriously and she
9 said he would come down -- and she could come down to
10 Greenville, South Carolina to testify or do what was needed.

11 Your Honor, that goes directly to Ms. Hughes' state of
12 mind, particularly, whether or not she would have let him
13 borrow the car, would let him into her house. It's directly
14 on point on one of the elements the State has to prove in
15 this case.

16 THE COURT: All right. Let's just analyze this from
17 the rules of evidence. How do you get that e-mail in? Tell
18 me what rule would permit that e-mail to simply be published
19 here and admitted into evidence.

20 MR. ELLIS: First of all, Your Honor, I think it falls
21 under the present sense impressions. Obviously, it's her
22 state of mind at the time. It's not -- we're not offering
23 it for the truth of the matter asserted. If the girlfriend
24 or threats, we're not offering the threat for the truth of
25 the matter asserted. And furthermore, the Defense just

1 introduced an e-mail three witnesses ago that had some
2 similar language in it. And that person was not here to
3 testify about that e-mail.

4 THE COURT: But may I respond to that last point you
5 made, there was no objection. Again, the Court does not
6 self-start. One side raises an objection and I respond to
7 it. But my recollection of that exchange was there was a
8 consent and no objection to that evidence that was put in
9 by Defense.

10 All right. So just a moment.

11 All right. What do you say in response, Mr. Scalzo?

12 MR. SCALZO: A couple of things, Judge. And I want
13 to be clear because up at the bench, I did say that that
14 was -- the top portion of the e-mail that I had a concern
15 with. In reading the bottom portion, the larger portion,
16 I do have a concern that I didn't express up there, so I
17 realize the State may need to respond to that.

18 But with regards to the top portion, there's multiple
19 sets of hearsay. It's a double hearsay problem. We've
20 got a witness that they say is in West Virginia saying
21 they said something to Ms. Hughes and now Ms. Hughes is
22 now reporting it through the hearsay document. So they've
23 got several layers that they want to lay out there. I
24 don't see how it's not intended or going to be taken as,
25 essentially, character evidence and bad character evidence

1 against the Defendant.

2 THE COURT: May I see it?

3 MR. ELLIS: You want me to ask them to make a copy of
4 it?

5 THE COURT: No, I just want to look at it. I'll give
6 it right back to you in just a moment. And rather than
7 take further argument, let me review it and then if I need
8 further argument, I'll be back to you soon.

9 MR. ELLIS: Your Honor, to save the Court some time
10 and Defense counsel, we've decided we won't use it with
11 this witness.

12 THE COURT: Probably a good decision. And I will
13 hand it back to counsel.

14 All right. Now, we have the jury out of the room,
15 does anyone need to take a break for a moment?

16 MS. PAOLETTI: I'm so sorry, yes, sir.

17 THE COURT: Well, while the jury's out, let's just
18 ourselves stand down about five minutes or so and then
19 we'll come back and reconvene and, perhaps, conclude the
20 afternoon business.

21 The Court is in recess now. We'll take about five
22 minutes.

23 (WHEREUPON, a short break was taken.)

24 THE COURT: It appears we're all in place.

25 Please bring in the jury.

1 (WHEREUPON, the jury entered the courtroom at
2 approximately 3:43 p.m.)

3 THE COURT: All right. Ladies and gentlemen, we have
4 resolved the matter. The State has withdrawn the potential
5 exhibit.

6 Please proceed with your question.

7 MR. ELLIS: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MR. ELLIS:

10 Q Detective Palmer, during this time that you got to
11 know Ms. Hughes, would you please describe her interaction
12 with you? Did she appear to have reasonable expectations
13 about your work?

14 A Yes, she did.

15 Q How would you describe her as a person?

16 MR. SCALZO: Objection, Your Honor, I'm not sure
17 where -- that's relevant. He an officer, another
18 investigation.

19 THE COURT: I'll ask you to be more specific in your
20 question, Counsel. I'll sustain the objection in that
21 fashion.

22 BY MR. ELLIS:

23 Q Was she -- if you had questions about your
24 investigation, was she helpful in providing you answers?

25 A She was responsive to those, yes.

1 Q And when you gave her information, was she reasonable
2 in the dialogue that you had back and forth?

3 A I believe so, yes.

4 MR. ELLIS: Thank you, Detective Palmer. Please
5 answer any questions the Defense may have for you.

6 THE COURT: Now, cross-examination?

7 MR. SCALZO: Thank you, Your Honor. May it please
8 the Court, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. SCALZO:

11 Q Detective Palmer, this is 2009 when you began having
12 conversations with Ms. Hughes?

13 A Yes, that's correct.

14 Q And that's December 30th, 2009, correct?

15 A She came in on December the 29th of '09 to the law
16 enforcement center.

17 Q The end of 2009?

18 A Yes.

19 Q All right. And the checks that would have been the
20 subject of your investigation were from like June of 2009,
21 is that correct?

22 A That's correct.

23 Q What was the total, like 1500-dollars?

24 A That's correct.

25 Q And you're aware that she was murdered April 8th,

1 2011?

2 A I am.

3 Q Thank you.

4 MR. SCALZO: That's all I have, Your Honor.

5 THE COURT: Is there redirect?

6 MR. ELLIS: No, Your Honor.

7 THE COURT: Sir, you may step down.

8 Any objection to releasing this witness?

9 MR. ELLIS: None from the State, Your Honor.

10 THE COURT: You're not required to leave, but you're
11 free to leave, if you wish.

12 Please call your next witness.

13 MR. ELLIS: Thank you, Your Honor. We call Deputy
14 Picone to the stand.

15 THE CLERK: Sir, please come forward to take the
16 oath. Place your left hand on the Bible and raise your
17 right.

18 DAVID PICONE,

19 after having been duly sworn, testified as follows:

20 THE CLERK: Please be seated. Please state your name
21 for the record.

22 THE WITNESS: David Daniel Picone.

23 THE COURT: Would you spell your last name for us,
24 please?

25 THE WITNESS: P-I-C-O-N-E.

1 THE COURT: Thank you.

2 DIRECT EXAMINATION

3 BY MR. ELLIS:

4 Q I believe I misstated when I called your name, it's
5 Investigator Picone now, right?

6 A Yes, sir.

7 Q And, Investigator Picone, where are you employed?

8 A Greenville County Sheriff's Office.

9 Q How long have you been employed there?

10 A Seven years this month.

11 Q What do you do there?

12 A Currently, I'm employed as a property crimes
13 investigator.

14 Q And did you -- when did you receive your promotion to
15 investigator?

16 A January of last year, January 9th.

17 Q What did you do before that?

18 A Worked uniform patrol for six year.

19 Q What were some of your duties as a uniform patrol
20 deputy?

21 A Respond to calls for service, you know, be proactive,
22 traffic stops, things like that, take reports.

23 Q And were you working on April the 11th, 2011?

24 A I was.

25 Q What were you doing that day?

1 A Just normal daily shift. I was working the normal
2 beat I work, which is area two, which is the Taylors,
3 Greer area.

4 Q And at some point during your work that day, did you
5 have an occasion to go out to 201 Montclair Drive?

6 A I did.

7 Q Is that in Greenville County?

8 A It is.

9 Q Why did you go there?

10 A I received a call from dispatcher to do a welfare
11 check at 201 Montclair.

12 Q What's a welfare check?

13 A Basically, someone will call in and want a deputy to
14 go out there, maybe they can't get phone contact with
15 somebody, whether it be a family member or just another
16 friends. Basically, just go out there, knock on their
17 door, you know, try to make contact with somebody,
18 determine if they've been to a hospital or anything like
19 that. Just, basically, make sure somebody is okay.

20 Q When you arrived on scene, was anybody already there?

21 A Yes, the neighbor was. I believe his name was Max
22 Few.

23 Q And as a result of the conversation that you had with
24 Mr. Few, what did you do?

25 A I checked around the residence. He told me that he

1 received a phone call from Ms. Hughes coworker saying that
2 she didn't show up for work. So I checked around the
3 residence to see if I could look in any windows. All the
4 windows were closed. I checked the doors to see if any
5 doors were unlocked. All the doors were located. I
6 noticed that her vehicle was missing. Just talked to
7 Mr. Few just to find out what her daily routines were. I
8 had dispatch contact the hospitals to make sure she hadn't
9 been transported to a hospital, which she hadn't been. By
10 that time, probably about 20 or 30 minutes had lapsed and
11 the coworker had showed up at that time.

12 Q While you were look around the outside of the house,
13 were any windows opened?

14 A No windows were opened.

15 Q Was there a fence around the backyard?

16 A There was a -- I believe it was a black fence about
17 4-foot high.

18 Q Was the fence locked?

19 A It was locked with a padlock.

20 Q Detective Picone, I'm going to show you what's
21 already been admitted into evidence as State's Exhibit No.
22 51.

23 MR. ELLIS: If you can pull that screen down, please.

24 BY MR. ELLIS:

25 Q You just described the fence. Is this the fence that

1 you were describing?

2 A That's the exact fence.

3 Q And is that the latch on the fence that you just
4 referenced that was locked with a padlock?

5 A That is.

6 Q I notice there's no padlock there, what happened to
7 that padlock?

8 A As I was on scene, I, actually, asked for some other
9 deputies to respond just because the situation kind of
10 seemed a little different than usual. So I waited until
11 Deputy Edwards arrived on the scene. He was the next
12 deputy to respond. And he had a bolt cutter in his trunk.
13 So to gain access into the fence, we used the bolt cutter
14 to cut the padlock off.

15 Q I'm showing you what's been marked as State's Exhibit
16 53, already into evidence, do you recognize what that's a
17 photograph of?

18 A Yes, that's the padlock that was on the latch of the
19 fence.

20 Q After you cut the lock on that gate, what did you do
21 next?

22 A There was a screened-in porch. We went up there
23 because there was another door there that I hadn't been
24 able to check yet. I wanted to make sure that that wasn't
25 unlocked. And there was some more windows that we could

1 possibly look inside and see if we could see anything.

2 When we went up to the porch, there was like a slit in the
3 screen, little cut on the side of door. Deputy Edwards
4 reached his hand through there and unlocked the latch so
5 that you could gain access to the porch, which was also
6 where her dog was at, outside.

7 Q So the dog was on the porch?

8 A Yes.

9 Q The screen door was latched, is that what you
10 testified to?

11 A Yes, the dog was on the porch and the screen door was
12 latched. Once we unlocked that, we gained access into
13 there and I attempted to open the door that entered to the
14 residence, but it was also locked.

15 Q I am showing you what's already been admitted as
16 State's Exhibit No. 48. What is this showing right here?

17 A That's the porch, the screened in porch and that's
18 the door that we had to stick our hand through the screen
19 to gain access.

20 Q I'm showing you now what's been marked as State's
21 Exhibit 50. Is that a closer view of the screen there?

22 A That is.

23 Q You mentioned making entry on the porch and
24 discovering a dog?

25 A Yes.

1 Q What happened to that dog?

2 A I don't remember who it was, but we had somebody walk
3 in there with us and take the dog out so we could continue
4 doing what we were doing because we didn't know what was
5 going on. He was acting rambunctious, jumping around, so
6 we wanted to make sure he got out of there and somebody
7 take possession of him while we figured out what was going
8 on.

9 Q You mentioned a second ago that you tried to open the
10 door?

11 A Yes.

12 Q As I understood your testimony, open the door to the
13 inside of the house?

14 A Yes.

15 Q Were you wearing gloves at the time?

16 A I wasn't.

17 Q Why not?

18 A At that point, I didn't really know what the
19 situation was in there, that there was an actual deceased
20 person inside the residence. I was just doing like I
21 normally would, making sure that -- you know, maybe a door
22 is unlocked, we can open a door and maybe yell in there
23 and say is anybody home, something like that.

24 Q So you testified that door was locked, is that
25 correct?

1 A That is correct.

2 Q Could you see into the house from where you were?

3 A Once I checked to see if the door was unlocked and it
4 wasn't, I went over to some windows and the blinds were
5 shut, but there was a little gap in between the window and
6 the blinds. I was able to see into -- basically, right
7 behind the door. Once I did that, I observed a female, an
8 older female lying on the floor and I could see blood all
9 around her head.

10 At that point, I notified my sergeant. We went
11 around to the front of the residence, where, at that time,
12 two other deputies had responded. One of them had a
13 sledge hammer, I believe it was, and we busted the window
14 out of the front door because at that time, we needed, of
15 course, to make entry into the residence and check on the
16 victim lying on the floor, make sure -- you know, if we
17 could render aid to them.

18 Q What is a protective sweep?

19 A A protective sweep is once we entered the residence,
20 I think there was maybe three or four deputies. I'm not
21 exactly sure of the number of us that went inside. We do
22 a protective sweep of the residence to make sure there's
23 no suspects in the residence, no other, you know,
24 subjects, another victim in the residence, anything like
25 that. It's, basically, secure the residence and make sure

1 there's not any harm to the deputies or anybody else in
2 the house.

3 Q I'm showing you what's been admitted as State's
4 Exhibit No. 743. Is that the front door that you just
5 testified about?

6 A That is.

7 Q I'm going to show you a closer-in photograph of that
8 door. This has been admitted as State's Exhibit 74. Is
9 that the window that was busted out to try to gain acces
10 to the house?

11 A Yes, we, actually, busted it out ourselves.

12 Q Could you gain access to that house just by what you
13 did, busting out that window?

14 A We attempted to, but the inside lock, you have to use
15 a key, so we couldn't, actually, unlock it ourselves.

16 Q So was the purpose of this, to bust it out, to try to
17 reach in and --

18 A Yes.

19 Q Okay. I'm showing you what's been admitted as
20 State's Exhibit 77. What does that show the jury?

21 A It's showing the door has been forced open. You can
22 see the panels laying on the ground there.

23 Q And you do have a laser pointer sitting up there if
24 you want to be more specific. It's kind of hard to see.

25 A Right there, you can tell where they kicked the door

1 open. The door is still locked. That's where this came
2 from right there.

3 Q So the dead bolt just remained opened and broke the
4 frame off?

5 A Yes. And the reason why first we wanted to break the
6 window is because we wanted to do as least damage as we
7 possibly could to the residence.

8 Q Okay. This is State's Exhibit 78, just another view.
9 Is that showing why you couldn't reach in with your hand
10 and open that door?

11 A Yes. Right there is where you'd have to use a key to
12 unlock the dead bolt.

13 Q Let's talk about your protective sweep.

14 A Okay.

15 Q When you went in the house, did you first go to where
16 you saw the victim?

17 A Yes, that's the first place we went to. Of course,
18 we had other deputies -- we were recovering each other as
19 we were making our way to the victim.

20 Q What did you observe about the victim's condition
21 when you saw her?

22 A She was laying on the ground, blood was around her, a
23 lot of blood. And it was -- it was dry, so you could tell
24 she had been there a little bit of time. I didn't check
25 personally, but I believe another deputy checked for a

1 pulse and didn't have one. So at that time, one of the
2 deputies stayed downstairs right there and myself and my
3 sergeant went upstairs and cleared the rest of the
4 residence to make sure nobody else was in there.

5 Q Was there anybody else in the house?

6 A There wasn't.

7 Q While you were there, you and the other officers, did
8 you disturb the scene in any way?

9 A No.

10 Q Did you touch anything?

11 A No.

12 Q With the exception of when you tried to open the back
13 door?

14 A Yes.

15 Q During the protective sweep, did you observe whether
16 or not there was a car in the garage?

17 A There was no car in the garage.

18 Q What did you do when you noticed there was no car in
19 the garage?

20 A At this time, I believe my sergeant had already
21 contacted homicide investigators and they asked us to go
22 ahead and place the car in NCIC.

23 Q What's NCIC?

24 A It stands for National Crime Information Center.

25 It's an FBI-ran database where if you have a stolen

1 vehicle or even a stolen computer, anything with a serial
2 number or VIN number that's reported stolen, it's plugged
3 into this system by the agency where it's stolen from.
4 And any agency in the United States of America can run the
5 VIN number on that vehicle and it will come back as
6 stolen. And we had it tagged as a possible homicide,
7 stolen in a homicide. So would be notified that it was a
8 stolen car and it was involved in a possible homicide.

9 Q After you took part in the protective sweep, was the
10 scene -- how was the scene secured at that point?

11 A Everybody immediately existed the residence as soon
12 as we determined there was nobody else in there. Another
13 deputy, Deputy Seigers was given the crime scene tape to
14 mark off the whole property where nobody was allowed to
15 enter unless it was a deputy EMS.

16 Q After you participated in the protective sweep, what
17 were you next assigned to do?

18 A I took a statement at the request of the
19 investigators from the coworker, Kim.

20 MR. ELLIS: Investigator Picone, that's all the
21 questions I have for you. Please answer any questions the
22 Defense may have.

23 THE COURT: Cross-examination?

24 MR. SCALZO: Thank you, Judge.

25 CROSS-EXAMINATION

1 BY MR. SCALZO:

2 Q Investigator Picone, you talked about arriving on the
3 scene for a well check, correct?

4 A Yes.

5 Q And the well check was to see if somebody was okay,
6 if they were in the house?

7 A Yes, sir.

8 Q And you described arriving on scene, you were the
9 only officer on scene at that point?

10 A Yes.

11 Q The first officer?

12 A First officer.

13 Q And you encountered Mr. Few?

14 A Yes.

15 Q The neighbor?

16 A Yes.

17 Q Were you both kind of looking around the house or was
18 it just you?

19 A Yeah, he was walking with me around the back outside
20 the fence, you know, showing me, basically, the dog
21 outside, no lights were on, things like that.

22 Q Right. And I'm assuming -- is he kind of reporting
23 to you that it's unusual is on the back porch and all this
24 stuff is unusual?

25 A Yep.

1 Q All right. Could you hear the dog?

2 A Yes.

3 Q And so you all go to that fence that was shown in the
4 picture, correct?

5 A Uh-huh.

6 Q Investigator Miller, I think, described it as an iron
7 fence, is that, essentially, what it is, an iron fence?

8 A Yes.

9 Q Not aluminum fence, a hard iron fence?

10 A Yes.

11 Q And it was locked with a padlock?

12 A Yes.

13 Q And I'm assuming, standing there, you're right where
14 the dog is on the porch, it's like right there, isn't it?

15 A Well, I mean, you couldn't, actually, reach the porch

16 --

17 Q Right, you can't reach it, but --

18 A You can see it, yes.

19 Q As far as we are, further?

20 A Maybe from your desk.

21 Q From the desk?

22 A Yes, somewhere --

23 Q Like 15, 20 feet away was my point, correct?

24 A Uh-huh.

25 Q And you're on the scene for how long before Deputy,

1 was it Edwards?

2 A I'm not exactly sure the amount of time, maybe 20 or
3 so, if that.

4 Q Your best guess is 20 minutes or so?

5 A Twenty or 30 minutes.

6 Q And it was Deputy Edwards that had the bolt butters?

7 A Yes.

8 Q And he came over, cut the bolt and that's when you
9 all went in to check the back of the house?

10 A Yeah.

11 Q Okay. And you said you didn't disturb the scene
12 other than the breaking in of the door?

13 A Yeah, breaking in the door and touching the door
14 handle trying to get in.

15 Q I wanted to ask you, you said you're property crimes
16 investigator right now, correct?

17 A Yes, sir.

18 Q I guess for the past year or so?

19 A Yeah.

20 Q And you mentioned NCIC for the car or stolen items
21 that can get put on NCIC, right?

22 A Uh-huh.

23 Q And you're familiar with that because you investigate
24 property crimes, right, stealing things?

25 A Yes.

1 Q Another thing that happens is like a pawn, if you go
2 to a pawnshop to try to pawn something, there's certain
3 requirements for that, right?

4 A Yes..

5 Q And one of the requirements is you've got to show
6 your ID?

7 A Yep.

8 Q And what happens is the pawnshop's got to put the
9 information like in a computer, correct?

10 A Yes.

11 Q And you, as an investigator, would have access to
12 that database?

13 A I do.

14 Q And that's a database of like the pawnshops
15 everywhere?

16 A Yes.

17 Q I'll say it like this, the pawnshops statewide?

18 A Well, it can be nationally, but it just depends on
19 who participates in that program.

20 Q And you use that, obviously, as an investigator in
21 assisting your investigation into those kinds of
22 investigations where people bring stolen stuff to
23 pawnshops?

24 A We do..

25 Q Okay. I'm sure you've identified people that way

1 before in your investigations?

2 A Absolutely.

3 Q Okay.

4 MR. SCALZO: That all I have for this witness, Judge.

5 MR. ELLIS: No redirect, Your Honor.

6 THE COURT: Sir, then you're free to step down. You're
7 free to leave if you wish, but you may remain if you wish.

8 MR. ELLIS: Your Honor, at this time, the State calls
9 Deputy Edwards to the stand.

10 THE CLERK: Deputy, please, come forward to be sworn
11 in. Place your left hand on the Bible and raise your right.

12 TODD EDWARDS,

13 after having been duly sworn, testified as follows:

14 THE CLERK: Thank you. You may be seated. State your
15 name for the record.

16 THE WITNESS: Anthony Todd Edwards.

17 DIRECT EXAMINATION

18 BY MR. ELLIS:

19 Q Deputy Edwards, where are you employed?

20 A Greenville County Sheriff's Office.

21 Q How long have you worked there?

22 A A little over four years.

23 Q What are your job responsibilities?

24 A At the time of this incident, I was uniform patrol.

25 I was answering 911 calls, alarm calls, those types of

1 things.

2 Q What do you do now?

3 A I'm on a DUI enforcement team for the sheriff's
4 office.

5 Q And approximately how long have you been employed by
6 the sheriff's office?

7 A Four years two months.

8 Q What did you do before that?

9 A I worked at Spartanburg County Sheriff's Office.

10 Q How long did you work there?

11 A Three and a half years.

12 Q Were you working on April 11th, 2011?

13 A I was.

14 Q What were you doing that day?

15 A I was on regular uniform patrol and I got a call for
16 a welfare check on Montclair.

17 Q And did you go to 201 Montclair?

18 A I did.

19 Q Who was there when you got there?

20 A Deputy Picone from the sheriff's office was already
21 on scene.

22 Q And what was he doing when you arrived?

23 A He was standing in the front yard. There were a
24 couple of neighbors there. He was on the phone attempting
25 to gain some information from some employers that worked

1 with the victim in this case to find out where she may
2 have been and what kind of vehicle she drove, those type
3 things.

4 Q When you arrived on scene, did you check around the
5 house?

6 A Did, walked around the house to see if there was any
7 forced entry into any doors, any windows, see if any glass
8 was broken, any physical signs of entry.

9 Q Were there any physical signs of entry?

10 A No, the house was -- it was locked up tight.

11 Q Speaking of the -- moving forward a little bit, did
12 you go around to the backyard?

13 A I did. There was approximately a 5-foot black-type
14 gate with pointy rod things on the top of them. I looked
15 around to the back, saw no entry there. I went around to
16 what we call the number four side of the house, which
17 would be the right front of the house. The fence came all
18 the way around connected to the house. There was no way
19 of getting back there without getting in the fence.

20 Q How did you decide to get to the backyard through
21 that fence?

22 A Due to the height of the fence and the pointy, sharp
23 things on the top of the fence and the heavy gear that we
24 wore, I went to my vehicle and retrieved a bolt cutter and
25 cut a lock, a small Master lock that was on one of the

1 gates. And that's where I made entrance into the
2 perimeter of the house of the outside.

3 Q So what you're saying is the fence was so high, you
4 didn't feel comfortable climbing over it?

5 A No, I didn't. With that 40 pounds of gear and those
6 sharp, pointy things, you could really get hurt doing
7 that.

8 Q I know it's been a while, but could you stand up and
9 maybe show on your body how tall that fence was?

10 A Sure. Standing up, the fence would have come up to
11 probably about right there (indicating), about shoulder
12 height.

13 Q All right. And talking about the bolt cutters, and
14 these exhibits have already been admitted into evidence,
15 so I'm going to be quick with them. This is State's
16 Exhibit 52. Is that the latch on the gate you just
17 described?

18 A Yes, sir, it is.

19 Q And this is State's Exhibit 53, is that the lock that
20 you just described cutting with your bolt cutters?

21 A It is.

22 Q After you cut that lock, did you then go to the back
23 porch?

24 A I did. I observed a screened-in back porch on the
25 house. There was an entry door there, a wooden entry

1 door. There was a screen that appeared to be away from
2 the wood frame on the door like it had been cut or pushed
3 to the side. I pulled on the door, the door was locked.
4 And I reached inside and there were latches on the inside,
5 just regular metal latches that go through a loop-type and
6 removed those and opened the door and made entry into the
7 patio.

8 Q This is State's Exhibit 50, is that the door that
9 you're referring to?

10 A It is.

11 Q So just to get it straight, so it was, actually --
12 you're the person that reached through there and unlatched
13 it?

14 A I am.

15 Q Was there a dog on the porch?

16 A There was a small dog.

17 Q About how big was that dog?

18 A Not medium-sized dog, I would say in relation to
19 between small and medium.

20 Q Okay. When you got on the porch, did you try to open
21 the back door?

22 A I did. I turned the knob on the door and gave it a
23 little push and we saw that it was locked.

24 Q Did you have gloves on then?

25 A I did not.

1 Q Why not?

2 A I -- just at the house trying to locate a female that
3 lived in the house. There was no reason for me to put
4 gloves on.

5 Q So at that point, you didn't know it was a murder
6 scene, did you?

7 A Absolutely not.

8 Q At some point, while you and Investigator Picone were
9 standing on the porch, did one of you look inside the
10 house and see a body?

11 A Yes. Deputy Picone first -- where the glass patio
12 door is, there's a set of blinds that were turned down.
13 You couldn't really see inside good, so we were attempting
14 to look inside and see what we could see inside the house,
15 any movement or if we could see anyone inside the house.
16 There was a little crack between the glass and the
17 shutters there and you could see a woman laying on the
18 floor.

19 Q And what did you and Investigator Picone do at that
20 time?

21 A At that time, he asked me to come over and look at it
22 just to make sure we both were seeing what we were seeing.
23 And yes, I did affirm it looks like a female's body laying
24 there, looks like blood laying around her.

25 Q Why didn't you just kick in the back door?

1 A She was laying in pretty close proximity to the back
2 door. So Investigator Picone called our supervisor and
3 let him know what we saw. Other deputies were arriving,
4 so I had them go ahead and tape up the front yard and
5 secure it and move all unessential personnel out of the
6 yard and on the other side of the tape.

7 Q Why did you do that?

8 A At that point, something was not right. So we wanted
9 all people that weren't involved in this case, weren't law
10 enforcement or medical personnel to get out of the scene.

11 Q After doing that, did you and some other deputies
12 move around to the front of the house and attempt to gain
13 entry?

14 A We did. We -- like I said, the house was locked up
15 solid. The front door was a solid wood door and had glass
16 on both sides.

17 Q I'm showing you State's Exhibit 74 and you can talk
18 about this while you're talking about what you did.

19 A Okay. Like I said, the door was pretty solid, so I
20 took a sledge hammer and busted the right part of that
21 glass, reached my arm inside the door and attempted to
22 undo the dead bolt, but the dead bolt was not to the point
23 where you could latch it. It was a key. You needed a key
24 to unlock the door from the inside, also, as well as the
25 outside.

1 Q This is State's Exhibit 78. Is that what you're
2 talking about?

3 A That is.

4 Q When you realized that you couldn't reach through
5 there and unlock the door, then what did you do?

6 A We kicked the door. It took two of us to kick the
7 door in it was so slid. It took more than one kick from
8 two deputies to get the door opened.

9 Q Is that what it looked like after you kicked it?

10 A It is. I can remember once the door flung open that
11 the dead bolt still remained on the outside and the whole
12 door facing just kind of busted open.

13 Q You're looking at State's Exhibit 75 right now and
14 this is State's Exhibit 77. Is that a photograph of what
15 you described?

16 A Yes, sir.

17 Q Were you involved in the protective sweep of the
18 residence?

19 A I was. I made entry into that front foyer and as
20 soon as I made a right back here into the living room area
21 in close proximity where we saw the female from the
22 outside and we affirmed that she was laying there. Then a
23 protective sweep was done on the inside to make sure
24 nobody else was in the house.

25 Q Did you make a determination about whether she was

1 alive or deceased at that point?

2 A I did. It was pretty evident at the time that I made
3 contact with her while she was laying on the floor that
4 she was not alive.

5 Q Did you or anyone else touch the victim?

6 A I did.

7 Q Why did you touch her?

8 A Just to see if she had a pulse. It was very evident
9 she didn't have a pulse. Her skin was cold to the touch.

10 MS. PAOLETTI: Deputy, thank you for answering my
11 questions. Please answer any questions the Defense may
12 have for you.

13 THE WITNESS: Sure.

14 THE COURT: Cross-examination?

15 MR. SCALZO: Yes, sir. Thank you.

16 CROSS-EXAMINATION

17 BY MR. SCALZO:

18 Q I guess the only question I have is you're the one
19 that brought the bolt cutters?

20 A Yes, sir.

21 Q And I'm assuming you and Deputy Picone are
22 communicating while you're on your way or before you get
23 started?

24 A Started to cut the bolt or --

25 Q No, on your way to the location?

1 A No, I didn't speak with him in route there.

2 Q In other words, you were just dispatched over there?

3 A I was dispatched there.

4 Q Okay.

5 A And he just made it first before I did.

6 Q And he didn't communicate to you that he needed the
7 bolt cutters?

8 A No, once we walked around the house and were
9 attempting to see if there was any forced entry into the
10 house, there was no way we could get up to the house
11 because of the fence because of the lock. So that was the
12 best way to make entry back there.

13 Q And you knew you had bolt cutters, so you went and
14 got them and actually made the entry?

15 A Yes.

16 MR. SCALZO: That's all I have, Judge.

17 THE COURT: Redirect?

18 MR. ELLIS: No redirect, Your Honor. Thank you.

19 THE COURT: Sir, you may step down.

20 MS. PAOLETTI: Your Honor, may we approach?

21 THE COURT: You may.

22 (WHEREUPON, a bench conference was held.)

23 THE COURT: You may call your next witness.

24 MS. PAOLETTI: Your Honor, the State would call Neil
25 Collier

1 THE CLERK: Please come forward to take the oath.
2 Place your left hand on the Bible and raise your right.

3 NEIL COLLIER,
4 after having been duly sworn, testified as follows:

5 THE CLERK: You may be seated. State your name for the
6 record.

7 THE WITNESS: Neil Collier.

8 DIRECT EXAMINATION

9 BY MS. PAOLETTI:

10 Q Mr. Collier, will you tell the jury who you work for?

11 A South Carolina Department of Probation, Parole and
12 Pardon Services.

13 Q And where is your office?

14 A It's in this building.

15 Q And where did we drag you down from?

16 A I was in my office.

17 Q You're finished for the day?

18 A Right.

19 Q When we're in court, where do you normally work?

20 A In the courtroom.

21 Q And what do you do when you're working in the
22 courtroom?

23 A As people are sentenced and receive probation, it's
24 mostly me and one other person that swap duties each day,
25 but we either sit in front of the Judge or take

1 information to the courtroom and go over the paperwork
2 with them and send them to your main office and make an
3 appointment for them to go up there.

4 Q To report to probation?

5 A Right.

6 Q How long have you been working for probation?

7 A Twenty-five years.

8 Q I'm going to show you what's been marked as State's
9 Exhibit 242 and just ask you to take a look at that. Is
10 your signature on that document?

11 A Yes, ma'am.

12 Q All right. Do you also recognize your handwriting in
13 other places on that document?

14 A Yes.

15 MS. PAOLETTI: Your Honor, at this time, the State
16 moves Exhibit No. 242 into evidence.

17 THE COURT: Is there an objection?

18 MR. SCALZO: No, sir.

19 THE COURT: 242 in evidence without objection for the
20 State.

21 (WHEREUPON, State's Exhibit No. 242 was admitted into
22 evidence.)

23 BY MS. PAOLETTI:

24 Q All right. Neil, I'm going to ask you to tell the
25 jury what this form is?

1 A That's called a CIP11, and when somebody receives
2 probation, we generally fill that out with their name and
3 the sentence the Judge had given to them and any special
4 conditions there on the blank line. We usually put those
5 in there.

6 Q Neil, there's a laser pointer right there in front of
7 you on the stand there. Can you show the jury where
8 you're talking about for the special conditions?

9 A Right in those three.

10 Q And what does that say?

11 A Pay restitution per order, plus 20 percent fee. No
12 victim contact, receive counseling and testing.

13 Q Where do you get that information that you put on
14 that form?

15 A From what the Judge fills out on the sentence sheet.

16 Q What's the date on that form underneath your
17 signature there?

18 A April 6th, 2011.

19 Q All right. And the name up at the top?

20 A Walker Manning Hughes.

21 Q And just so we're clear, do you have an independent
22 recollection of going over this form with the Defendant?

23 A No, ma'am.

24 Q How many of these have you done in your career, do
25 you know?

1 A We do anywhere from 30 to 50 per day, four days a
2 week usually.

3 Q For 25 years?

4 A Right.

5 Q You don't remember this. All right. Let's go down
6 to the second part of the document where it says offender
7 information. All right. Where do you get that
8 information?

9 A From the person that's been sentenced.

10 Q All right. So under offender information, it says
11 address, [REDACTED], Greer, correct?

12 A Right.

13 Q And that's what the Defendant told you his address
14 was?

15 A Yes.

16 Q And then just under that, it says proprietor,
17 correct?

18 A Yes.

19 Q And what does it say there?

20 A I think in that one it says his mother and will have
21 to move because he has a no contact with the victim. So
22 in that case, when we found out that that was his mother's
23 address that he had just given to us in the courtroom, put
24 a note on there that he would have to give another
25 address.

1 Q Because he couldn't have contact with her?

2 A Right.

3 Q All right. Do you know whether or not the Defendant
4 ever, actually, lived at that address?

5 A No, I do not.

6 Q Down at the bottom on my left, it says distribution.
7 What does that mean?

8 A To give one to the offender and one copy goes to our
9 office.

10 Q And when do you go over and fill out this form with
11 an offender, when does that happen?

12 A Almost immediately after sentencing.

13 Q And before release?

14 A Yes.

15 Q If they're in jail?

16 A Yes.

17 Q And who orders that again? Who puts the special
18 conditions on the --

19 A The judge.

20 Q And where was he sentenced?

21 A In Greenville.

22 Q Where does that form indicate where he was sentenced?

23 A In Greenville County.

24 Q Okay. Just wanted to make sure. All right. I'm
25 going to show you State's Exhibits 194 -- well, I'm just

1 going to show you 195. Is that the same copy of that
2 form?

3 A Yes.

4 MS. PAOLETTI: All right. Thank you. If you'll
5 answer any questions that the Defense might have for you.

6 THE COURT: Cross-examination.

7 MR. SCALZO: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. SCALZO:

10 Q Good afternoon, Neil.

11 A Hey.

12 Q I guess we'll be simple about it. Probation means
13 you don't stay in jail or in prison, right?

14 A Well, you can have a split sentence.

15 Q You're right. You're right. But in this case, you
16 were in the courtroom, he pled guilty in front of a judge
17 like this and the judge said probation, time served,
18 essentially, talk to probation, go back to the jail, get
19 release, correct?

20 A Correct.

21 Q And talked about there restitution and so forth as
22 conditions of probation, is that right?

23 A Did I go over those with him?

24 Q Well, I'm going to ask you about that, but on the
25 form, it has on there conditions of probation, like paying

1 restitution --

2 A Right.

3 Q -- paying money back, correct?

4 A Uh-huh.

5 Q And a condition of probation means you've got to go
6 do that, that if you don't do that then you could be in
7 violation of your probation?

8 A Right.

9 Q And he would have -- at some point, he would get a
10 probation agent?

11 A Uh-huh.

12 Q And the probation agent, part of their job is to make
13 sure that they do meet the conditions, they don't violate
14 a condition, correct?

15 A Correct.

16 Q And if an offender violates a condition, the agent
17 can go get a warrant and arrest them, correct?

18 A Correct.

19 Q So it is possible without any extra work on the part
20 of let's say a victim to get any other document. If the
21 offender violates the condition of no contact, the agent
22 can arrest the offender if they get a warrant for it,
23 right?

24 A They would issue -- probation issues their own
25 warrants and they would issue a warrant for violating

1 probation by making contact.

2 Q Okay. And that can be initiated by the probation
3 agent is the point?

4 A Correct.

5 Q And no victim contact is a standard condition often?

6 A It's not a standard condition, but it's often imposed
7 by a judge in cases where the victim doesn't want contact.

8 Q Or the judge want them to have contact?

9 A Correct.

10 Q But it's not uncommon -- I guess maybe that was the
11 way to say it. It's not uncommon for that to take place?

12 A Correct.

13 Q And it's also not uncommon for victims to have
14 contact with the offender even though the Court has issued
15 an order to not have contact?

16 A That would be correct.

17 Q Because you're also present at probation violation
18 hearings as well, right?

19 A Right.

20 Q And you observe and listen and, very often, one of
21 violations is there is contact between the victim and
22 offender?

23 A Yes.

24 Q And in some instances, the victim doesn't want the
25 contact, you've heard that?

1 A Yes.

2 Q And, also, sometimes the victim initiates the contact
3 and doesn't mind the contact?

4 A Correct.

5 Q Okay. I forgot to ask you about the money. This
6 said restitution. Restitution is money to be paid back to
7 somebody, correct?

8 A Right.

9 Q And part of the job of probation is to collect that
10 money, isn't that right?

11 A Yes.

12 Q And standard operating procedure would be probation
13 would figure out, essentially, a payment plan because
14 you're not expected to pay all that money the day you show
15 up to probation?

16 A That's correct.

17 Q Would you agree with me that normally that's,
18 basically, how long you're on probation, how much do you
19 owe and it's divided on how much time you're on probation
20 and you get a monthly payment?

21 A That would be correct.

22 Q Okay. And in this case, it was three years of
23 probation? I'll let you look at it, State's 242. Am I
24 right about that?

25 A Yes.

1 Q So they would just divide this whole amount by three
2 and you pay a monthly payment?

3 A Yeah. I think they generally take off the month
4 beginning and month at the end and divide it.

5 Q Take a month off in the beginning?

6 A Like you said 36, it would be divided by 34.

7 Q Okay. But, essentially, my point being, you have
8 time to pay, you don't have to show up with all the money
9 or go to jail?

10 A Correct.

11 Q And you meet with a person -- like if they were in
12 this courtroom, you would meet with the person right
13 outside in a little room, talk to them?

14 A If they're on the street. If they're in jail, we
15 meet with them in a holding cell.

16 Q Right, and go over everything?

17 A Yes.

18 Q Then on this form, it says that there, apparently, is
19 an appointment date?

20 A Yes.

21 Q April 19th, 2011, at 1:30?

22 A Correct.

23 Q That's just here's your appointment, you've got to go
24 down there and talk to people at probation?

25 A Well, that's not just -- that's included in what we

1 tell them, but that's not the entire conversation with
2 them.

3 Q Right. I understand that. I wasn't saying that.
4 What I'm saying is one of the things that comes on this
5 form is they know when their intake is, the day they've
6 got to go back?

7 A Right. That's one of the main purposes of
8 interviewing them is to give them an appointment to go to
9 the office and receive an agent.

10 Q And in this case, that date was April 19th, 2011?

11 A Yes.

12 MR. SCALZO: That's all I have, Judge. Thank you.

13 THE COURT: Redirect?

14 MS. PAOLETTI: No, sir, Your Honor. May Mr. Collier
15 be excused?

16 THE COURT: Without objection, yes, sir, you're free
17 to leave.

18 Call your next witness.

19 MS. PAOLETTI: Yes, sir, Your Honor. The State calls
20 Margo Green.

21 THE CLERK: Ms. Green, please, come forward to be
22 sworn in. If you would, place your left hand on the Bible
23 and raise your right.

24 MARGO GREEN,

25 after having been duly sworn, testified as follows:

(Margo Green - Direct by Ms. Paoletti)

1 THE CLERK: Thank you. You may be seated. Would you
2 please state your full name for the record.

3 THE WITNESS: Margo Green.

4 THE CLERK: Thank you.

5 DIRECT EXAMINATION

6 BY MS. PAOLETTI:

7 Q Ms. Green, do you live in Greenville?

8 A I live in Greer.

9 Q Greer. All right. Tell the jury what you do.

10 A Well, I'm retired now.

11 Q All right. Tell the jury what you did.

12 A I was a paralegal in a law firm.

13 Q For how long?

14 A Well, the last attorney I worked for was about 22
15 years.

16 Q And before that?

17 A I worked, I guess, about 10, maybe 15. Took about 16
18 years off to have our children. And then before that, I
19 worked about five years in a law firm.

20 Q And the last attorney that you worked for, who was
21 that?

22 A Bill Bannister.

23 Q What kind of attorney is Mr. Bannister, what does he
24 do?

25 A He is a criminal defense, domestic, civil, a little

1 probate.

2 Q All right. And when you say domestic, what does that
3 mean?

4 A It means any matter that has to be heard in Family
5 Court, divorces.

6 Q When did you retire?

7 A February of last year.

8 Q Are you from Greer? Did you grow up in Greer?

9 A Yes.

10 Q All right. Did you know Karen Hughes?

11 A I did.

12 Q Will you tell the jury what your relationship was
13 with Karen Hughes?

14 A I've known Karen since we were in second grade. We
15 were in school together all the way through high school.
16 We were classmates and friends.

17 Q Was there a time when you talked to her more often
18 than you had in the past in between?

19 A Yes. It started when our class was planning our 45th
20 high school reunion. And then in a little while, Karen
21 decided she wanted to change attorneys, so she came to our
22 law firm for us to represent her in her domestic action
23 against Mr. Hughes.

24 Q Okay. So at some point, Mr. Bannister became her
25 Family Court lawyer?

1 A Yes.

2 Q Okay. Do you remember when that was?

3 A I think it was sometime in 2010. I'm not really
4 sure.

5 Q Okay.

6 A Late 2010, I think.

7 Q There's been some discussion about a journal that
8 Karen kept?

9 A Uh-huh.

10 Q Are you familiar with the journal that we're talking
11 about?

12 A I know that there was one that we had in our file.

13 Q And will you explain to the jury what the purpose of
14 that would have been?

15 A It was just sort of chronological diary of what all
16 had happened with her in her marriage with Doug Hughes.

17 Q And that journal is focused on her relationship with
18 her husband, is that correct?

19 A Right. Uh-huh.

20 Q And that's why y'all had it in your file in
21 Mr. Bannister's office?

22 A Yes.

23 Q Okay. Do you know Doug Hughes?

24 A I know him. He was several years ahead of me in
25 school, I think. I know who he is. I don't know him.

1 Q During the course of the divorce litigation with
2 Karen and Doug, did you have a chance to see him during
3 that time?

4 A I did not, no.

5 Q Were you aware of the accident he was in in September
6 of 2009?

7 A I heard about it through Karen.

8 Q Okay. All right. We've established that y'all knew
9 each other from a very early age. And then sometime in
10 2010, she became a client of the firm, is that correct?

11 A Yes.

12 Q Were you also friends?

13 A Yes.

14 Q Did she talk to you about what was going on in her
15 live on a regular basis?

16 A She talked to me often.

17 Q Did she talk to you about her son who lived in
18 Greenville?

19 A She talked to me about her son, Chip, yes.

20 Q Is that what she called him?

21 A Yes.

22 Q Okay. What did she tell you about her son, Chip,
23 about her fear of him?

24 A She told me --

25 MR. SCALZO: Objection, Your Honor.

1 THE COURT: On what basis?

2 MR. SCALZO: What she said would have been hearsay.

3 THE COURT: I'm going to sustain it, first of all, on
4 the issue of leading because you suggested the answer to
5 the witness in your question. So sustain on the point of
6 leading.

7 Now, what do you say about the hearsay issue?

8 MS. PAOLETTI: Your Honor, I'll refer again to State
9 vs. Westin and the 803 exception as to the victim's state
10 of mind.

11 THE COURT: What do you say to the precedent that
12 Counsel has presented to the Court earlier?

13 MR. SCALZO: The way she's framed her question is
14 much broader than that.

15 THE COURT: All right.

16 Counsel, we'll have to come to some sort of
17 contemporaneous event or proof that has something to do
18 with the time relation to the events that we're talking
19 about here. So, please, ask questions along that line
20 before I can rule on the question.

21 MS. PAOLETTI: Yes, sir.

22 BY MS. PAOLETTI:

23 Q Do you remember the last time you talked to Karen
24 Hughes?

25 A I do.

1 Q When was that?

2 A It was Friday, April the 8th, 2011.

3 Q All right. Did you talk to her on the phone?

4 A I did.

5 Q Can you describe her demeanor when you were speaking
6 to her on the phone?

7 A She sounded agitated.

8 Q All right. Was she upset?

9 A Yes.

10 MR. SCALZO: Objection, Your Honor, she's leading.

11 MS. PAOLETTI: I asked if she was --

12 THE COURT: Let's talk to the jury about that for a
13 moment.

14 It's the first time that objection has been raised,
15 is when there's a leading question. And let's talk a
16 little bit about the art of presenting witness. When you
17 have your own witness on the stand, you cannot ask a
18 question that is leading. A leading question is a
19 question that contains the answer. So, for example, if
20 this was a car wreck case, which, clearly, it's not, and
21 you said was the car blue and you had your own witness on
22 the stand, that's a leading question because the answer is
23 inside that question. So you would have to say what color
24 is the car? Now, when you're on cross-examination, you
25 can lead a witness at any time and see if that witness

1 holds to what they testified on direct.

2 Sustained on leading. Please don't suggest the
3 answer to your witness.

4 BY MS. PAOLETTI:

5 Q Tell the jury what Karen's voice sounded like?

6 A She was -- her voice was just a little shaky. She
7 was talking a little fast than she normally did.

8 Q All right. Did she tell you why she was agitated?

9 A Yes, she did.

10 Q Okay. What did she tell you?

11 THE COURT: All right. Now, just a moment. I'm
12 going to overrule your objection based on the date and the
13 fact that that's contemporaneous. The Court finds it to
14 be an exception to the hearsay rule.

15 You may proceed. I didn't mean to break in. If you
16 would just ask your question again, we'll go from there.

17 BY MS. PAOLETTI:

18 Q Why was she upset?

19 A She was upset because she had found out that her son,
20 Chip, had been released by the court, that the solicitor's
21 office had failed to notify her, that she was now going to
22 have to seek -- be especially careful. She was going to
23 have to be especially careful now that he was back out on
24 the street.

25 Q Did she tell you that she was afraid?

1 A She didn't tell me that day.

2 Q She tell you anything about about loaning her car to
3 the Defendant?

4 A No. No.

5 Q And during the course of Mr. Bannister's
6 representation of Karen, did she ever express fear of her
7 husband, Doug?

8 A No.

9 Q Did she ever express fear about her son, Larry?

10 A No.

11 Q On that Friday, April 8th, when you talked to her for
12 the last time, did she say anything about agreeing to
13 speak with the Defendant?

14 A No.

15 Q When did you find out Karen was dead?

16 A Monday morning, April the 11th.

17 Q What did you do when you found out?

18 A I left the office and went over to her house and
19 stood out in front with Kim Jones and some of her other
20 friends.

21 MS. PAOLETTI: Ms. Green, if you'll answer any
22 questions that Mr. Scalzo may have for you.

23 THE COURT: Now, cross-examination.

24 MR. SCALZO: Thank you, Your Honor.

25 CROSS-EXAMINATION

1 BY MR. SCALZO:

2 Q Ms. Green, I understand that you talked to Karen, I
3 think you said, was it April 8th?

4 A Yes.

5 Q Okay. And I think you said that was last time?

6 A Yes.

7 Q And I don't know if you said what time that was.
8 What time was that?

9 A I don't know exactly. I had gotten an e-mail from
10 her that morning.

11 Q Okay.

12 A So it was sometime that morning.

13 Q All right. If I showed you the e-mail, would you be
14 able to sort of give us a reference point if it had the
15 times on it?

16 A Yes.

17 Q Okay. Let me show you that. Take a look at that and
18 let me know when you feel like you know when the time
19 frame might have been.

20 A Well, she sent me the e-mail at 8:31. I came to work
21 at nine o'clock. I didn't always get an opportunity to
22 check my e-mail first thing. I don't know the exact time.
23 As soon as I read it, I called her.

24 Q Okay.

25 A I would say it was sometime that morning.

1 Q Okay. Again, you don't have to be specific down to
2 the number, but, essentially, you're talking about in the
3 morning time before lunch, would that be fair or was it
4 after lunch? What would be fair?

5 A It would be before lunch.

6 Q So before lunch, you spoke to her on the phone?

7 A Yes.

8 Q And is that what you were relaying when the
9 prosecutor was asking you about a conversation?

10 A Yes.

11 Q Okay. Bear with me one moment. I want to be
12 accurate. Her e-mail to you is, actually, the response to
13 an e-mail that you had previously sent to her, is that
14 right?

15 A Yes.

16 Q And it was a couple of days before. Do you remember
17 when you would have sent it? I can show you again if it
18 would help or if your memory serves you?

19 A She sent me an e-mail about something to do with the
20 domestic case. And I think it was April the 7th that I
21 e-mailed her to see if she had found out what she needed
22 to know or needed us to do something. And that's when she
23 responded with April 8th.

24 Q Let's talk about this a little bit. Because of the
25 divorce, there was, obviously, financial issues and there

1 was a concern over one of the bank accounts related to the
2 divorce, right?

3 A Yes.

4 Q That's what your initial e-mail to her was about?

5 A Yes.

6 Q And she was concerned about some money her husband
7 might not have reported in the divorce?

8 A Yes.

9 Q And when you were following up with her, you were
10 wanting to know did she get any more information about the
11 accounts and things like that, correct?

12 A That's right, yes.

13 Q And in her response, she's talking to you about well,
14 not the bank account, but the fact that she learned that
15 Walker had been released?

16 A Yes. She told me that and said she had not checked
17 on the bank matter because of that.

18 Q So the context is -- that a fair context of this
19 exchange between the two of you?

20 A Yes.

21 Q All right. And again, at the time she's e-mailing
22 you, I know as a friend, but as well as you worked for
23 her attorney?

24 A Yes.

25 Q And she does not request of you -- and you can look

1 at it again or you may remember it from your memory. She
2 does not request that either you or Mr. Bannister assist
3 her in getting any kind of restraining order against
4 walker, is that correct?

5 A That's correct.

6 Q And in her e-mail, she does not use the word afraid?

7 A Not in her e-mail.

8 Q She, actually, uses the word bittersweet, is that
9 correct?

10 A That's in an earlier e-mail.

11 Q But is it part of that same chain?

12 A No. Not this.

13 Q Okay. But you're saying she used that term in a
14 prior e-mail or prior exchange?

15 A Prior e-mail. When she told me that she had found
16 out that Chip was in jail. And as a mother, I didn't know
17 how to respond. So I responded to her and then she
18 e-mailed back to me that it was bittersweet, but that she
19 had slept better.

20 Q Okay. In that e-mail, again, you're not discussing
21 any assistance she's requiring either of you as a friend
22 or the law office in carrying out a Restraining Order or
23 things of that effect?

24 A That's right.

25 Q And the e-mail you were just referring to, is it fair

1 to say that was earlier, in February, same year?

2 A Yes.

3 Q When you were talking about using the term
4 bittersweet and she had slept better, correct?

5 A Yes.

6 Q With regard to -- Ms. Paoletti had asked you about
7 having a conversation with Ms. Hughes about loaning the
8 car?

9 A Yes.

10 Q As you said, your last voice conversation with her
11 was on April 8th, you said, around before lunchtime, is
12 that correct?

13 A That's correct.

14 Q So you didn't talk to her after lunchtime?

15 A No. No.

16 Q And at that point, she hadn't said that anybody --
17 that Walker had tried to have contact with her or had any
18 contact with her?

19 A No.

20 Q Bear with me one moment. You mentioned -- the
21 prosecutor asked you about Karen's fear of Doug and she
22 had asked you if she had expressed that to you and you
23 said no.

24 A That's correct.

25 Q In the divorce, I'm assuming that in assisting with

1 the divorce, you became aware of a lot of the allegations
2 and so forth?

3 A Yes.

4 Q And you're aware that there were instances where he
5 had physically assaulted her at some time during their
6 marriage?

7 A I have read that, yes.

8 Q And I believe a police report or the police were
9 called on, at least, one occasion?

10 A Yes.

11 Q And she never described being afraid of him in that
12 sense?

13 A No, never.

14 Q In her divorce, did she allege domestic abuse as part
15 of the allegation of divorce?

16 A She did.

17 Q Okay.

18 MR. SCALZO: That's all I have right now, Judge.

19 REDIRECT EXAMINATION

20 BY MS. PAOLETTI:

21 Q Ms. Green, these incidents that Mr. Scalzo asked you
22 about regarding Doug, were those all before his accident
23 in September of 2009?

24 A Yes.

25 Q He also referenced statements that Karen made to you

1 back in February of 2011?

2 A Yes.

3 Q And the e-mail that he references when Karen told you
4 that the Defendant had been picked up and went to jail,
5 correct?

6 A Yes.

7 Q And she described her feeling about that as being
8 what?

9 A She said that it was bittersweet, but that she had
10 slept better.

11 Q Tell the jury about that, what she would tell you
12 about how she slept?

13 A She was just always afraid and would lock herself in
14 her bedroom at night with a dead bolt lock and always on
15 guard when he was not in jail.

16 MS. PAOLETTI: Your Honor, that's all I've got.

17 MR. SCALZO: Your Honor.

18 THE COURT: You want to followup on that point?

19 MR. SCALZO: Yes, sir.

20 THE COURT: Go ahead.

21 RE CROSS-EXAMINATION

22 BY MR. SCALZO:

23 Q The prosecutor asked you again about the bittersweet?

24 A Yes.

25 Q And you had said earlier it was almost like, I guess,

1 two mothers -- I don't want to put words in your mouth,
2 but you sounded like you were explaining two mothers
3 having a conversation?

4 A That's right.

5 Q Is that fair?

6 A Yes.

7 Q And this is, I guess, the February exchange?

8 A The e-mail, yes.

9 Q Yes. You were, essentially, saying you want to check
10 in on her. Now that her son had gone into jail, you were
11 sort of checking in on her?

12 A Well, she told me that he was in jail.

13 Q Okay.

14 A And as a mother, I didn't really know how to respond
15 to that because I have two sons, I can't imagine living
16 under those conditions. I didn't know what to say. So I
17 did respond to her as best I could and her response back
18 to me was it's bittersweet, but I slept better.

19 Q Okay. Now, the locking of the door when she went to
20 sleep, I understand you're saying -- you're taking that
21 from a conversation you had with her, correct?

22 A Yes.

23 Q I think it's obvious, but I need to be clear, you
24 didn't live at her house, you weren't at her house
25 everyday? You didn't necessarily know day she forgot to

1 lock it, one day she didn't, one day she felt differently
2 than the other?

3 A No.

4 Q Okay. This is simply something she would have said
5 to you on an occasion?

6 A Yes.

7 Q Thank you.

8 THE COURT: This is your witness, you want to
9 followup on those points?

10 MS. PAOLETTI: Yes, sir, I do.

11 FURTHER REDIRECT EXAMINATION

12 BY MS. PAOLETTI:

13 Q Ms. Green, over the entire time you -- when you and
14 Karen sort of reconnected, was there ever a time when she
15 told you that she had re-established contact with her son?

16 A No, never.

17 THE COURT: All right. You may step down. And
18 having testified, if you wish to leave, you may, but if
19 you wish to remain, you may. Thank you.

20 All right. Counsel, step up and let's talk about
21 scheduling for a moment, if we may, please.

22 (WHEREUPON, a bench conference was held.)

23 THE COURT: Ladies and gentlemen, our next witness
24 would run us beyond the five o'clock hour, so we're going
25 to end proceedings for the day.

1 member of the jury panel who has had a discussion
2 concerning the facts of this case with anyone or seen any
3 media reports that may be out there about this case? If
4 that applies to you, either of those, please, raise your
5 hand.

6 (There was no response.)

7 THE COURT: Let's let the record reflect no one has
8 raised their hand. Thank you again for complying with the
9 Court's instructions. Again, you will recall, we ended
10 the day with the State's case. We remain there this
11 morning.

12 Madam Solicitor, please call your next witness.

13 MR. ELLIS: Thank you, Your Honor. May it please the
14 Court. The State calls Lieutenant Ronald David Lendway to
15 the stand.

16 THE COURT: Please come forward and take the oath.

17 THE CLERK: Sir, please place your left hand on the
18 Bible and raise your right.

19 RONALD DAVID LENDWAY,

20 after having been duly sworn, testified as follows:

21 THE CLERK: Thank you. You may be seated. Would you
22 please state your name for the record?

23 THE WITNESS: Ronald David Lendway.

24 THE CLERK: Thank you.

25 DIRECT EXAMINATION

1 BY MR. ELLIS:

2 Q Lieutenant Lendway, good morning.

3 A Morning.

4 Q Where are you currently employed?

5 A The Department of Public Safety forensics division
6 within the crime scene unit.

7 Q What do you do there?

8 A I'm the lieutenant for the crime scene section.

9 Q How long have you worked there?

10 A In April, it will be 13 years.

11 Q What did you do before you were employed by the
12 Department of Public Safety?

13 A Prior to going to forensics, I was in the Coast Guard
14 and also the Greer Police Department.

15 Q Tell the jury a little bit about what you did at the
16 Greer Police Department?

17 A At the Greer Police Department, I was patrol. Would
18 you like for me to list the certifications or training?

19 Q Please.

20 A I completed the South Carolina Criminal Justice
21 Academy in Columbia. I was Datamaster certified, radar
22 certified. I had classes in street level narcotics. I
23 was also a field training officer, which I trained new
24 officers coming in. We had annual firearms
25 qualifications. I had annual legal update training,

1 annual criminal domestic violence training, firearms
2 simulator training, emergency vehicle response training.

3 Q And I forgot to ask you, how long were you in the
4 Coast Guard?

5 A I was in the Coast Guard for six years in the
6 Reserves.

7 Q When did you start at the forensic division?

8 A April of 2001.

9 Q What was your job when you first started?

10 A When I started in forensics, I completed a field
11 training program. And once -- again, would you like me to
12 --

13 Q Yes, please.

14 A Okay. Once I completed the field officer program
15 with forensics, I attended a fingerprint course in
16 Columbia, which was 40 hours. I also had training in
17 courtroom testimony, annual firearms qualifications,
18 annual legal update training, annual criminal domestic
19 violence training, child sexual abuse training, crime
20 scene investigation training, fire investigation training,
21 which is 40 hours, footwear and tire track evidence
22 training in Columbia, recovery of fingerprint evidence
23 from human skin in Lugoff, South Carolina, behavior
24 aspects of death investigation in Columbia, the science of
25 forensic anthropology in Columbia, weapons and mass

1 destruction and terrorism awareness and emergency
2 responders, AFIS life scan update, forensic question
3 document examination, footwear impression evidence and
4 courtroom testimony.

5 Q And at some point -- were you finished, I'm sorry?

6 A No.

7 Q Okay. Please finish, I'm sorry.

8 A Bloodstain pattern analysis with a three-hour course,
9 investigating murder, massacre and mayhem in North Myrtle
10 Beach, South Carolina, behavior analysis of crime scenes
11 in Columbia, Triple A driver improvement program, which
12 we're required to take every three years, crime scene
13 investigation and reconstruction, where I reviewed and
14 completed 16 chapter tests, bloodstain pattern analysis
15 course in Huntersville, North Carolina, which is 40 hours,
16 advanced bloodstain pattern analysis course in
17 Huntersville, North Carolina the following year, which was
18 32 hours. And January of 2007, I was promoted to sergeant
19 within the crimescene unit. After that, I had disaster
20 mass fatality training for 15 hours, also, combating
21 mercenary in our community training, identity theft training,
22 alcohol and drug abuse policy training, introduction to
23 management and supervision with seven individual sessions,
24 recognition and documentation of bullet ricochet
25 characteristics and predicting shot directionality, annual

1 bloodstain analysis proficiency test through Collaborative
2 Testing Services, mid-level management training, forensic
3 entomology training in Columbia, death investigation
4 training, intellectual property theft and organized crime
5 training, forensic entomology for the crime scene
6 investigator through the West Virginia University online
7 course, management training, also, qualified as an expert
8 witness in evidence collection and evidence packaging. In
9 November of 2012, I was promoted to lieutenant within the
10 crime scene unit. Last year, I began training to include
11 bloodstain pattern analysis at a facility in Piedmont
12 where we have some crime scene rooms set up. Currently,
13 I'm enrolled in the County of Greenville leadership
14 development series, which is a year-long course and, also,
15 a member of the South Carolina International Association
16 of Identification, which is based out of Columbia.

17 Q And you mentioned that you were recently promoted to
18 lieutenant. Are you currently the head of the forensics
19 division?

20 A I'm the head of the crime scene unit within the
21 forensics division.

22 Q And about how many people report directly to you?

23 A Thirteen.

24 Q What are your job responsibilities as head of the
25 crime scene division?

1 A I supervise the 13 crime scene employees and also
2 investigate criminal investigations.

3 Q And approximately how many crime scenes have you
4 investigated throughout your career?

5 A Over 5000.

6 Q And approximately how many death investigations have
7 you investigated and/or processed?

8 A Over 200.

9 Q And in general terms, please tell the jury about how
10 you go about processing a crime scene, just generally?

11 A Generally, when we arrive, we get the basic
12 information, as much is known at the time. We get the
13 victim's name, if there's any point of entry, just,
14 basically, whatever is known at the time without really
15 getting into the scene. Basically, it's from the first
16 initial responding officer as our investigators.

17 Q And once you gather that information, do you do an
18 initial walk-through of the crime scene?

19 A Yes, we do.

20 Q What's the purpose of that walk-through?

21 A Depending on the severity of the scene, if it's a
22 more severe scene, we'll do a walk-through with members of
23 the crime scene unit, the lead investigator of the agency
24 and, also, the coroner.

25 Q And during that walk-through, are you identifying

1 areas that might need processing later?

2 A Yeah, we're looking just to see the scope of the
3 crime scene, get an idea of how big the scene is, some of
4 the things and equipment we may need while we're
5 processing the scene. The investigators also see the
6 severity of it as well as the coroner's office and then
7 they can report those findings to what they observe there
8 to their supervisors.

9 Q And after that initial walk-through, are photographs
10 and video taken?

11 A Yes.

12 Q Please explain to the jury how you start taking
13 photographs and how you progress with those photographs?

14 A In the crimes that we go to, it could be from an
15 assault of a person or somewhere up to a more severe case,
16 we'll start with the photographs. And we'll start
17 outside, we'll go around the whole entire scene. So if
18 it's just one person, we want to make sure we get a
19 photograph of the person. We may do a mid-shot of an
20 injury they may have and we may do a close-up with or
21 without a scale. If you're talking about a house, we will
22 go around the outside of the house, photograph the
23 different sides of the house. Come in a little bit
24 closer, do some mid-shots and then we'll focus in on doing
25 some closer once we get inside or once we come upon some

1 items of evidence that we're going to collect.

2 Q. And let's talk a little bit about the collection of
3 evidence. Please tell the jury a little bit about how you
4 collect the evidence and in what order you collect
5 evidence.

6 A We'll go through a crime scene. First, we'll
7 establish what items that we're going to be collecting on
8 a crime scene. We'll put evidence placards down beside
9 those. Sometimes, we're unable to do that. If we have
10 evidence on a wall, we may, actually, just write the
11 evidence number on the wall and maybe photograph it.
12 We'll document the date and the time, the location that
13 we're collecting these items. And we'll package them
14 each. Going down the line, we'll start with the first
15 item that we're going to collect, you know, documenting
16 it, everything, the case number, the date, time, location.
17 And we'll package it in a clean unused package or
18 container that we have. We'll seal it up. We'll put our
19 initials on it and then we'll put aside and just keep
20 going down until all of our evidence is collected.

21 Q What does the term biological evidence mean?

22 A Biological evidence, it can be any body fluids,
23 blood, semen, saliva, brain matter, things like that.

24 Q And when in relation -- also, do you dust for
25 fingerprints at some point?

1 A Yes, we do.

2 Q When in relation to the collection of the biological
3 evidence do you dust for fingerprints?

4 A We'll dust for fingerprints last, after we've taken
5 video, photographs, collected the evidence.

6 Q Why is that?

7 A So we don't contaminate any of the evidence.

8 Q That would be with the powder from the fingerprint
9 dust?

10 A Right.

11 Q Moving forward to April the 11th, 2011, were you
12 working that day?

13 A Yes.

14 Q What were you doing that day?

15 A I was at work at the crime scene unit and we got a
16 call about a death down in Greer.

17 Q And do you remember about what time you arrived --
18 and this is at 201 Montclair Drive?

19 A That's correct.

20 Q Do you remember what time you arrived at 201
21 Montclair?

22 A Investigator Gamble, he arrived at approximately
23 12:07, right after noon, right in the middle of the day,
24 and I arrived a few minutes after, approximately 12:15, so
25 just a few minutes after he arrived.

1 Q Who is Investigator Gamble?

2 A He was one of the members of the crime scene unit at
3 the time.

4 Q What did you see when you first got to the crime
5 scene?

6 A I pulled up on the crime scene. There was a lot of
7 deputies out there. Investigator Gamble was there. The
8 coroner was there. The house had yellow crime scene
9 barrier tape around it and was secured.

10 Q Did you speak to the lead investigator at the time?

11 A Yes, I did.

12 Q And as a result of that conversation, did you learn
13 come background information about this scene and the
14 victim?

15 A Yes.

16 Q Did you -- at this point, did you know anything about
17 this Defendant?

18 A No.

19 Q And after speaking with Investigator Miller, did you
20 go inside the house?

21 A Yes. We conducted an initial walk-through.

22 Q Who was with you during that initial walk-through?

23 A It was myself, Investigator Gamble, Investigator
24 Miller and, also, Deputy Coroner Selfridge.

25 Q Moving forward a bit, were some photographs taken at

1 the crime scene?

2 A Yes.

3 Q Lieutenant, I'm going to hand you what's previously
4 been marked as State's Exhibits 121 through 140. Please
5 take a look at those photographs and then I'll ask you a
6 question about them.

7 A (The witness complies.)

8 Q All right. Lieutenant, what are those photographs
9 of?

10 A These are inside the residence in the area of the
11 victim's bedroom, the master bathroom and, also, the
12 closets.

13 Q Do these photographs fairly and accurately represent
14 what the crime scene looked like that day when you were
15 out there?

16 A Yes, they do.

17 MR. ELLIS: Your Honor, at this time, the State would
18 move Exhibits 121 through 140 into evidence.

19 THE COURT: Is there an objection?

20 MR. SCALZO: No, sir, Your Honor.

21 THE COURT: Without objection in evidence for the
22 State.

23 (WHEREUPON, State's Exhibit Nos. 121 through 140 were
24 admitted into evidence.)

25 MR. ELLIS: Thank you, Your Honor.

1 BY MR. ELLIS:

2 Q Lieutenant, I'm going to show you what's been
3 previously marked as State's Exhibit 254. Do you
4 recognize that disk label?

5 A It's a copy of the crime video that was taken at the
6 scene.

7 Q Who took that video?

8 A I did.

9 Q And have you had a chance to review the video?

10 A I have.

11 Q And does it fair and accurately represent the video
12 you took that day?

13 A Yes, sir, it does.

14 MR. ELLIS: Your Honor, at this time, the State moves
15 Exhibit No. 254 into evidence.

16 THE COURT: Is there an objection?

17 MR. SCALZO: No, sir.

18 THE COURT: Than 254 in evidence without objection
19 for the State.

20 (WHEREUPON, State's Exhibit No. 254 was admitted into
21 evidence.)

22 BY MR. ELLIS:

23 Q Lieutenant, what I'd like to do at this point is I
24 want to show you the video and as the video is playing, I
25 might ask you some questions and get you to narrate for

1 the ladies and gentlemen of the jury. You do have a laser
2 pointer right there, so if I ask you a specific question,
3 maybe you can help by pointing out what we're talking
4 about.

5 So before I start it, is this the front of the house
6 at 201 Montclair?

7 A Yes, it is.

8 (WHEREUPON, State's Exhibit No. 254, the video, was
9 played for the jury.)

10 THE WITNESS: This is zooming in on the front door of
11 the residence here.

12 BY MR. ELLIS:

13 Q And was that like that when you arrived on scene?

14 A Yes, it was.

15 Q Notice the crime scene tape up, was that up when
16 where you arrived on scene?

17 A Yes, it was.

18 Q Who was inside the perimeter of the crime scene tape?

19 A At this point right now, there was nobody.

20 Q After you do the initial walk-through with the
21 coroner and the lead investigator, who remains inside the
22 house?

23 A Could you repeat that?

24 Q I'm sorry. After your initial walk-through, when
25 it's you and the deputy coroner and the lead investigator,

1 who remains inside the house working the crime scene?

2 A After the initial walk-through, the investigator and
3 the coroner, they exited the residence and it was just
4 myself and Investigator Gamble.

5 Right here, there was a small glass window that went
6 up and down just to the right of the front door. It had
7 some glass that was broken out. The initial information I
8 had when I arrived on scene was that the house was locked
9 and that a deputy had forced entry and broke that glass
10 out to make entry into the house.

11 Q What did you notice about the gate that we're looking
12 at right now?

13 A Coming up on this black metal gate, it was to the
14 right side of the residence. There was a metal gate that
15 had a padlock. The padlock had been cut. And some of the
16 information that I got when I initially arrived on scene
17 was that the deputy had cut the padlock so he could get
18 back to the right rear of the residence. So it was a cut
19 padlock from that gate door.

20 Q About how tall would you estimate that fence is?

21 A From the bottom to the top points of the fence, it
22 was approximately five feet tall.

23 Q Is that the lock you just discussed?

24 A Right, that's part of the lock that had been cut.
25 And I was told that one of the deputies had cut that

1 padlock. And that's the other part of it right there.

2 Q I notice that you have gloves on. Is that standard
3 procedure when you're processing a crime scene?

4 A Yes, it is. We wear gloves. And once we're inside
5 the scene, we had booties on which cover our shoes. This
6 is just some of the patio furniture. And you can see in
7 the back top right there, there's a screened-in porch.

8 Q What did you notice about the door of the screened-in
9 porch?

10 A The screened-in porch had an area that looked like it
11 was pushed in on the screen door right where the little
12 hook goes on the screen door.

13 Q Was there a dog on the porch when you got there?

14 A When I got there, I did not see a dog, but I was told
15 that there was a dog. And I believe the dog was taken to
16 a neighbor with some food and water, I believe.

17 Right in this area of the screen door, there is an
18 area right there where it was opened, like it had kind of
19 been pushed open, forced open.

20 Q What are some of the things you noticed when you
21 walked into the porch?

22 A I noticed there was a little bit of pollen on the
23 floor. There was also some blood. There was also a pink
24 blanket, almost like a pink bedsheet, which is right here.
25 This on top of it is a greenish towel and a blue dog toy.

1 And all three items right here had what appeared to be
2 blood on them.

3 Q In a subsequent investigation, did that reveal
4 whether or not there was anything under those two blankets
5 right there?

6 A Yes, once they're documented with the photographs,
7 there was also a welcome mat that had what appeared to be
8 blood on it underneath this area right here.

9 Q What did you notice about the bottom of that door?

10 A The bottom of the door, in this area right here, we
11 could see where it appeared that it had been wiped.
12 There's some wipe marks along this area right here on the
13 bottom of the door.

14 Q Could you get any idea of what substance had been
15 wiped there?

16 A It appeared to be blood.

17 Q Was there a dog bowl, water bowl on the porch?

18 A Again, I don't recall a dog bowl. I remember
19 somebody trying to get the dog to a neighbor because it
20 was in part of the scene and we had to wait for that dog
21 to be removed.

22 Q Did you notice any footwear impressions of the porch?

23 A Yes, I did.

24 Q Please tell the jury about what you noticed?

25 A On this pink sheet right here, I noticed that there

1 was a partial footwear impression that appeared to have
2 blood. It appeared to be a partial blood footwear
3 impression.. And, also -- and there's some areas right
4 here, there was a little bit of blood on the door and the
5 door frame.

6 Q Is there --

7 A There was a little bit of blood. This rusted metal
8 right here that also appeared to have some blood on it.

9 Q You mentioned some pollen being on the porch earlier,
10 did you notice any footwear impressions in that pollen?

11 A Yes, I did.

12 Q Were those bloody footwear impressions or not bloody
13 footwear impressions?

14 A Those were not bloody footwear impressions. Those
15 were just stepped in the pollen.

16 Q And did those footwear impressions appear to be made
17 by the same shoe as the bloody footwear impressions?

18 A They appeared to be a similar pattern, yes.

19 Q Is this a close-up shot of the wiping that you
20 mentioned?

21 A Right. Yeah, this is it right here at the base of
22 the door. Also, some hair.

23 Q With the exception of the torn screen, did you notice
24 any signs of forced entry into the house?

25 A Just what was on the front door by the deputy, but

1 there was no other signs of forced entry anywhere at the
2 residence.

3 Q Did you look at all the windows?

4 A Yes, I did. I looked at all the windows that were on
5 the lower level where somebody -- where it was possible
6 somebody could enter from the ground level. And all those
7 screens were in place and there were no signs of forced
8 entry to any of those windows. There's also some smaller
9 windows that are by the garage. There's no signs of
10 forced entry to those. And, also, looked in the bushes in
11 the back yard and the front yard around the mulch area for
12 any signs of disturbance and I did not see any.

13 Q Are those the garage windows that you're talking
14 about?

15 A Right, down on this level here.

16 Q And are the garage doors over to the right of this
17 shot?

18 A Right.

19 Q Over the side of the house?

20 A Yeah, if you hook around to the right where the
21 driveway is, it goes right into a two-car garage.

22 Q Were those doors opened or closed when you got there?

23 A They were closed. And again, on those doors, there
24 was no signs of forced entry. Just a closer shot of
25 windows that looked down into the garage.

1 Q What are some things that you might be looking for
2 when you're closely inspecting those windows?

3 A Just any signs of tampering, any signs of forced
4 entry, any pry marks, anything made with a pry tool, any
5 disturbance in the ground from someone's foot, a ladder,
6 that kind of thing, any paint transfer from a tool, an
7 object use to break a window or something like that. And
8 none of these windows here had any signs of that, any
9 signs of forced entry. And just another shot of the lock
10 that was cut there on the gate. Just a shot near the
11 front of the residence to the right of the front door.
12 And, again, I'm just documenting the front area, the door,
13 the windows, that kind of thing. But after the video was
14 done, I went back and, actually, took another look at that
15 area. Me taking the look wasn't the video. It was,
16 actually, going back there and taking another look.

17 This is just a closer shot of the entry where the
18 deputy had broken out. You can see part of -- there's
19 some metal right there, actually, kind of bending out and
20 the broken glass right in here. And there's the broken
21 glass hear down on the ground.

22 Q And we walk around towards the driveway?

23 A Right, this is the driveway, comes in off the
24 roadway. Come down to the garage.

25 Q Was there a car in the garage when you got there?

1 A There was no cars in the garage.

2 Q What's that structure behind the house?

3 A That was a outbuilding that was in the rear of the
4 property. There's just a shot of the garage doors.

5 Q Did you look in that trash can?

6 A Yes.

7 Q Anything of interest in the trash can?

8 A No.

9 Q And after you do the video of the outside of the
10 house, do you then go inside?

11 A Yes.

12 Q Is that where we're headed now?

13 A I believe so. There's some wood from the door frame
14 from the forced entry and, again, some broken glass there
15 on the floor. There's part of the door frame that's
16 splintered.

17 Q So coming in, what's immediately to your right?

18 A Immediately to the right is a room. And it stepped
19 down about, I believe, two steps. You take two steps down
20 into another room, almost like a little den room. Then
21 immediately right to the front, you have a stairwell that
22 goes straight up right there to the right. Then coming
23 out here in the foyer, it goes into a little sun room with
24 some couches. And there's a hallway right here to the
25 left. Then just back behind this shot, right here, is a

1 door that goes down into the basement. Here, we're
2 leading down into the hallway.

3 Q I'll talk to you about this part of the house and
4 these rooms. Based on your investigation, was anything
5 disturbed in this room that we're looking at here?

6 A No. This room didn't look disturbed at all.

7 Q Any drawers opened?

8 A No, no drawers opened. It was neat and orderly.

9 What we're, basically, doing with the video is we're
10 just doing and overall of the whole entire scene. Whether
11 we think there was anything that occurred in that room or
12 not, we'll still document it with video and photographs.

13 Q Anything disturbed in this what appears to be a home
14 office that you're looking at now?

15 A No.

16 Q I know that closet door was open, but was anything
17 riffled through or rummaged through that you could tell?

18 A No, it didn't appear that anything was rummaged
19 through in that room.

20 Q None of those desk drawers were opened?

21 A No, they weren't.

22 Q What's that closet straight ahead? Can you tell
23 right there?

24 A This one right here?

25 Q Yeah.

1 A I believe it was a linen closet. And some of the
2 information, also, was that some of the detectives had
3 went in their just to do a welfare check just to make sure
4 that there wasn't anyone else in the residence besides the
5 victim.

6 Q So would it be a standard practice during the welfare
7 check to open some doors?

8 A Yes.

9 Q Was there any disturbance in this bathroom that we're
10 looking at?

11 A This one right here, no.

12 Q What about this room?

13 A This is another bedroom and there did not appear to
14 be anything rummaged through or moved around in that room.
15 It was orderly.

16 Q What about this bathroom?

17 A That one there, there was also nothing out of place.

18 Q Any evidence that shower had been used?

19 A No.

20 Q Was there any evidence that the other shower had been
21 used that we just saw?

22 A No.

23 Q What about this, what are we looking at there?

24 A We're looking at a little desk with some drawers and
25 it had a collection of jewelry sitting on top.

1 Q Were any of those drawers opened.

2 A No, there was no drawers opened. And the jewelry
3 appeared to be just as somebody laid it there. Nothing
4 seemed to be out of place. Another dresser, those are all
5 closed.

6 And this is coming back down the hallway towards the
7 foyer. And this door right here was the door that led
8 down into the basement. There was just a closet here.

9 Q Is the basement where the garage was?

10 A Yes, this door right here goes down a set of stairs
11 to the right and down to the basement. And here's the
12 front door right there.

13 Q Why are you zooming in on this?

14 A It's the -- I believe that's the temperature control,
15 which is something we'll just commonly document in the
16 residence. This is, of course, the door knob, the dead
17 bolt up here. And this area right here was -- appeared to
18 be suspected blood and appeared to be a fabric impression.
19 It appeared to be a glove, a fabric-type glove with bloody
20 transfer left on the door.

21 Q What are some characteristics about that impression
22 that tells you that's a fabric impression?

23 A The lines in the pattern itself is pretty distinct.
24 It's not like ridge detail like you would see from your
25 fingers. It's more of a fabric, which we see quite

1 commonly on crime scenes. Sometimes, we can see it in
2 dust or oil or things like that.

3 Q Is it based on your training and experience?

4 A There's some of the bloody fabric impression right
5 there.

6 Q So based on your training and experience, looking at
7 that fabric impression, what does that indicate about how
8 that was made and the person that made it made that?

9 A That they had gloves on and there was blood on the
10 gloves and transferred onto the door.

11 This is just down into the basement. There's no cars
12 in basement. It's miscellaneous items around where would
13 be commonly stored in a basement. Over to the right,
14 there was a refrigerator, also, a bench with some tools on
15 it, that kind of thing. This is a shot just looking back
16 up the staircase.

17 Q Based on your observations, did it appear that those
18 garage doors could be manually opened or did they have to
19 have a garage door opener to open it?

20 A There was a garage door opener there at the basement,
21 so I believe it was. I'm not sure if you could manually
22 do it, but there was a garage door there, also.

23 Q Like a button on the wall that you could push?

24 A I don't recall seeing a button that you could push.
25 I know most of them do or they have something that they

1 can pull down.

2 Q Did you observe any footprints in the garage?

3 A No, I didn't. There were some tire impressions on
4 the basement floor, which appeared to be from a vehicle
5 where it would be parked for an extended period of time.

6 Q Those windows to our left, were those the same
7 windows that we saw a while ago from the outside of the
8 house?

9 A Yes, they are.

10 Q That were on the ground level?

11 A That's right. That's correct.

12 This is a shot out the window, down the driveway
13 towards the roadway.

14 Q What's that thing in the upper right-hand corner
15 right there? It's off the screen now. Does it appear to
16 be -- outside the normal of what you would expect to find
17 in a garage, did there appear to be any disturbance in
18 this material?

19 A No, there didn't appear to be any disturbance. It
20 was a lot of common items you would see in a basement.

21 Q Is that a TV?

22 A Yes. TV right there.

23 Q That's the item I was talking about.

24 A You're referring to the TV right here?

25 Q No, it's on the floor right there on the right. Did

1 you get a good look at that?

2 A You're talking about this area right here?

3 Q Yes. I'll come back to it later. It's not critical
4 right now. Do you remember what that was?

5 A I don't recall.

6 Q Okay.

7 A This right here is the tire track impression that I
8 was talking about earlier. And it just appeared --
9 sometimes you see these on concrete in garages where the
10 vehicles park for an extended period of time and it will
11 leave some sort of impression. You see the dirt and mud
12 and that kind of thing here, but this is just a basement
13 floor, concrete floor.

14 Q We just jumped forward a bit. Where are we not?

15 A We're in the sun room, directly -- if you're coming
16 in the front door, directly straight ahead.

17 Q Does there appear to be anything disturbed in that
18 sun room?

19 A No. This is just looking back at the front door.
20 The door to the basement right there on the left. Coming
21 up through this way, there's more of a formal dining room,
22 dining area. And with this hardwood floor, right in this
23 area and walking up into this room here is when we started
24 noticing -- I started noticing what appeared to be bloody
25 footprints. The footprints in blood, the blood was dried.

1 But we can see some partial ones on the hardwood floor.

2 Q We'll get another view of that in a second and I'll
3 let you talk about that. Did there appear to be anything
4 disturbed in this den?

5 A No. There's a little den area, if you're coming in
6 the front door, it's immediately to the right, in that
7 room where I had mentioned it comes down about two steps.
8 And then there's the front door area with the bannister
9 going upstairs. There did not appear anything was
10 disturbed in this area.

11 Q Was there a TV in there?

12 A I believe there was.

13 Q Is that a TV?

14 A That's it right there.

15 Q Was anything disturbed about the TV? Was there any
16 electronics associated with the TV?

17 A Not that I observed. This is just the splintered
18 door frame and broken glass on the floor. This is a look
19 into the formal dining area right here.

20 Q Is the hardwood floor right in there where you were
21 talking about beginning to observe --

22 A Yes, I guess some sunlight coming in there. Yeah,
23 right in this area and headed this way.

24 Q Is this the room where the victim was found?

25 A Right. The victim was on the opposite side of this

1 area of the room over to the far right.

2 Q Is there some impressions?

3 A Right, this is some of the footwear impressions here
4 in the blood. You can see part of the tread right there.
5 And this blood here had already dried.

6 Q Based on your observation of the shoe that was found
7 at the scene, did those footwear impressions match the
8 victim's shoe?

9 A No, they were a different pattern.

10 Q What are we looking at there?

11 A This right here is the interior side of the porch
12 door and a little dining area in close proximity where the
13 victim was. And those, again, are what appear to be
14 bloody fabric impressions transfers near the door handle.
15 This right here is a big area of blood, which was in close
16 proximity of the victim. There was one sneaker that
17 appeared to be the other shoe. The victim had one shoe on
18 and one shoe off. That appeared to be the shoe that had
19 come off. This is some more dried blood here on the
20 hardwood floor. That was in close proximity to the
21 victim.

22 Q Where was that blue blanket in proximity to the
23 victim?

24 A The blue blanket -- there was a blue blanket that was
25 underneath the victim's head. And all this blood that you

1 see right here was already dried. These are the transfer
2 marks on the interior of the dinning area, slash, porch
3 door. That's the one that led out to the screened-in
4 porch. And this right here is more of the hardwood floor.
5 There's a blood droplet right there. And then this leads
6 into the kitchen if you go this way straight up. There
7 was a blood droplet right there. This right here is
8 leading into the kitchen. And immediately to the right,
9 you can the countertop. You have a small lamp that was on
10 and there was also a large knife that had what appeared to
11 be blood on it right here. And on the handle to this
12 knife was the same type of bloody fabric impression that's
13 visible on some of the doors and, also, some of the light
14 switches that were throughout the residence.

15 Q When you first arrived on scene and did your initial
16 walk-through, was there one particular room that your
17 attention was drawn to other than immediately where the
18 victim was?

19 A Right. This is the kitchen area here. Further
20 through the kitchen, we started to get away from some of
21 the direct sunlight from that living area and it was a
22 little bit darker. And there was a bathroom over in one
23 corner. And on the opposite corner, there was a light on
24 and there wasn't too many lights on in the residence. And
25 I went over to see where that light was coming from.

1 Here's just some bloody transfer here from a partial
2 footwear impression. But when I walked over to where the
3 light was, there was a small laundry room where it had a
4 washer and a dryer. This is showing some bloody transfer,
5 some partial footwear impressions on the hardwood floor.

6 Right now, I'm standing in the kitchen. Over right
7 here is where the knife was and looking out into the
8 living area, which is where the victim was. This is the
9 light on the left that I was referring to that I noticed
10 was already on when we got there. And I walked over to
11 this area. There's the dryer on the left and the washing
12 machine on the right. And I opened the washing machine
13 and found some items inside.

14 Q What did you find inside the washing machine?

15 A I found a claw hammer. I also found a household
16 duster where you would dust and, also, a small hand towel.
17 And the hand towel was wrapped around the handle to the
18 duster. Right here is the light switch and this appeared
19 to be blood right here beside the light switch to the
20 laundry room.

21 Q Based on your observations of the items that you
22 found in the washing machine, could you tell whether or
23 not a cycle had been run?

24 A Yes. Those items all appeared to be clean and
25 appeared to have been washing through a cycle. This is

1 the claw hammer right here. There's the feather duster
2 right there. And then there's a white wash cloth that was
3 wrapped around. And as I said, all these items were
4 clean. And this hand towel was stiff, almost as if the
5 wash had gone through -- the cycle had gone through, the
6 items laid there and it air dried and just stiffened up.

7 Q Kind of like if you leave a load of laundry in the
8 washing machine and don't put it in the dryer?

9 A It would just air dry and become stiff. It was
10 stiffened right around that duster handle.

11 This a just a small half bathroom directly across
12 from the washer and dryer area. And nothing in there
13 appeared to be disturbed or the sink did not appear to be
14 use. The toilet did not appear to be used.

15 Right in this area, there were some partial faint
16 bloody footwear impressions on the hardwood floor.

17 Q We'll talk more about that later, but do you have a
18 method that you can use to enhance those footwear
19 impressions?

20 A Yes, we do.

21 Q Did you do that in this case?

22 A Yes, I did. Also, there were some partial bloody
23 footwear impressions along this route right here and then
24 back down towards this way, towards the kitchen. And this
25 is just more of the faint footwear impressions in the

1 blood there.

2 Q Based on your observations, how many sets of
3 footprints in the blood did you observe?

4 A There was numerous, some better than others, some
5 partial.

6 Q Did they all appear to be made by the same footwear?

7 A They all appeared to be the same footwear. They're
8 the similar pattern as to what was on the rear porch and
9 the partial bloody one on the pink blanket and, also, the
10 one in the pollen.

11 Q I notice we just walked up the stairs. Was there
12 anything disturbed in this upstairs den?

13 A No, this was nothing disturbed in this area.

14 Q Any electronics that you could see were missing?

15 A No. This is a -- as soon as you get to the top of
16 the stairs, it's to the right, almost like a bonus-type
17 room. There's a TV there. It didn't appear appear to be
18 anything missing or out of place.

19 You may see some flashes of light in the background
20 and that's Investigator Gamble taking photographs with his
21 camera. This is shot down back the stairs to the front
22 door.

23 Q What are we looking at there? Is that just another
24 room?

25 A Yeah, this is the upstairs hallway there looking into

1 the rooms.

2 Q Did you observe anything about the door going into
3 this room?

4 A This one right here?

5 Q That's right.

6 A Are you referring to the victim's bedroom?

7 Q Yes. So is this the victim's bedroom?

8 A Right here, I believe that's the victim's bedroom
9 that we're heading into now from upstairs.

10 Q What observations did you make about the door knob or
11 that thing that's above the door knob?

12 A What was odd about this door is there was a dead bolt
13 on the bedroom door. I didn't notice any other dead bolts
14 on any other previous rooms downstairs. The only other
15 door that I saw that had a dead bolt was the door that led
16 down into the basement. Coming up the basement stairs,
17 there was a dead bolt, the one that was off of the foyer,
18 which had a partial bloody fabric impression on it. But
19 none of the other bedrooms had a dead bolt leading up the
20 stairs and down the hallway to the left to where the
21 victim's master bedroom was. She did have a dead bolt on
22 that door, which I found odd.

23 Q Based on your investigations of thousands of crimes
24 and being in thousands of homes, how common it is that
25 someone would have a dead bolt on their bedroom door?

1 MR. SCALZO: Objection, Your Honor. One is not
2 relevant to --

3 THE COURT: Sustained.

4 Please move to your next question.

5 MR. ELLIS: Thank you, Your Honor.

6 THE WITNESS: Right in here, you see some dresser
7 drawers that were on the floor. And this is entering the
8 victim's bedroom right here. These drawers to the right
9 had all been opened. And there was some dressers to the
10 left and those drawers were pulled out and they were
11 stacked on top of each other. This is the victim's bed
12 here. There's a purse that's right here and had some
13 items that appeared to have been from the purse laying out
14 on top of the bed.

15 Q I want to talk to you a little bit about the drawers
16 here. What did you observe about the contents of those
17 drawers that were pulled out?

18 A All the contents in those drawers did not appear to
19 be disturbed.

20 Q What do you mean by that?

21 A Everything was -- just like in the bedrooms
22 downstairs, everything was neat and orderly. Nothing
23 appeared to be missing. Nothing appeared to be rummaged
24 through. It's the same thing looking at these drawers.
25 Yes, they're pulled open. Yes, some of them are pulled

1 out and stacked. But the way they were done was
2 different. And to me, it looked like it was staged.
3 There was nothing from those drawers that was on the
4 floor. There was nothing in those drawers that looked
5 like it was moved around, shuffled around or anything. It
6 looked like those drawers to the left were pulled out and
7 neatly stacked on top of each other without having
8 somebody go through them. There was nothing dumped out on
9 the floor. And to me, it looked staged. Here, you see
10 the items in here. Everything's neat. There's nothing
11 out of place.

12 Q Are you referring to there would appear to be
13 something folded in there?

14 A Right. I mean, the articles of clothing that were
15 folded were folded, little knick-knacks were all squared
16 away. And that's just not common on what I see on a daily
17 basis.

18 This is the other dresser drawer where these were
19 pulled out and the drawers were stacked on top of each
20 other. To the right -- or to the left and to the right
21 are closets. And again, with a lot of that residence,
22 everything was neat and orderly. Clothes, shoes, that
23 type of thing were all in it's place. Nothing appeared to
24 be disturbed in the closets. On the other side of the bed
25 over in the corner, there's a small little dresser with

1 some small drawers. Those were pulled out as well. And,
2 again, all the contents in those drawers are similar to
3 these where everything was neat and orderly. It only
4 looks like those drawers were pulled out and were just put
5 right there. Nothing was tossed, nothing looked like it
6 was gone through.

7 This right here is the other closet directly across
8 from the other one. This one here, everything was
9 orderly, the shoes, the clothing. The only thing I
10 noticed were on these drawers right here were the same
11 type of bloody fabric impressions that we had noted
12 throughout different parts of the house. Those drawers
13 were not -- they were closed. Nothing in them appeared to
14 be rummaged through, nothing appeared to be, obviously,
15 missing. But there were some transfer marks on the white
16 drawers. And directly above this is an angled wall and
17 there was some partial bloody fabric impressions above
18 that as well. It's as somebody just went and just touched
19 those spots. You can see part of the bloody fabric
20 impression right there. The one directly above, you can,
21 actually, see the lines going up and down. The ridge
22 details in the fingers will not leave that type of mark.

23 Q Same thing here?

24 A Same thing here. You see the little swipes right
25 there, that would be consistent with fabric-type glove.

1 Q Is this the angled wall that you're talking about?

2 A Yes, it is, directly above those drawers. You see
3 the lined pattern up and down this one right here?

4 Q Yes.

5 A That one right there. Again, that's consistent with
6 a fabric-type glove having blood on it, transferring on
7 that wall. And that was common through different parts of
8 the house.

9 This is back looking into the victim's bedroom here
10 with the drawers. Again, these drawers here and the
11 dresser to the right, what you see there, it's -- when you
12 do it everyday, you know, when something just doesn't look
13 normal. And that really stood out to me, the way those
14 drawers were positioned and the way the items were in
15 those individual drawers.

16 Q And it stood out the reason you said before, the same
17 reasons it stood out?

18 A Right. It appeared to be that somebody made it to
19 look staged.

20 Q What are we looking at in this general area here?

21 A This general area, you can see some items in this
22 area here and an item here. Those appear to have come
23 from that purse that's on the other side of the bed.

24 Q I don't know if you can see it very well, but do you
25 see an object lying on the floor right there?

1 A Right in here, Investigator Gamble noticed a hammer,
2 looked like an older-type handle with an older-type of
3 wood. And it was back in here against the wall, close to
4 the bed. We both looked at that hammer. That hammer did
5 not appear to have been used in the crime. It just
6 appeared to be somebody had a hammer near the bed.

7 Q Okay.

8 A And it was also consistent with some of the tools
9 that we saw down in the basement where it was an older
10 type of tool. There were some older type of tools down in
11 the basement.

12 Q Okay.

13 A This is the purse here and these are some items that
14 were scattered on top of the bed there.

15 Q Was there a set of keys in that set of items?

16 A Yes, there was a set of keys.

17 Q Was there a car key on that set of keys?

18 A There was no car key on the set of keys. This is
19 like a small change purse.

20 Q Was there any money in that small change purse?

21 A No. To the right was the purse. Here's some more
22 contents that appeared to come from the purse that were
23 laying on top of the sheets on the bed.

24 Q Was the purse empty?

25 A The purse?

1 Q Did it appear to have been dumped out on the bed, is
2 that where --

3 A Right. Yeah, it appeared to have been dumped and
4 those are the contents from the purse. And there was also
5 some bonus-type cards, those little small plastic cards
6 that were -- that were out scattered. The type of cards
7 that you would keep on a key ring. Here's the purse here.
8 Here's another type of a cosmetic bag. I believe it was
9 an Estee Lauder bag. And then some keys there, a date
10 book. To the right up here, this is that smaller little
11 bedside table I had mentioned earlier where it had been
12 pulled out. Even the little cough drops right here were
13 all still somewhat together. And nothing was on the
14 floor, no contents that looked like they had been pulled
15 out or riffled through. They just simply looked like they
16 were pulled out and laid right there.

17 This is a shot back with the contents of the purse,
18 the opened drawers. The closets to the left and right
19 here and then to the left is down the hallway. Those
20 drawers right there, there was nothing out of place in
21 those drawers.. They were just simply opened and left
22 opened.

23 Q We're now walking into the master bath -- or not
24 quite yet.

25 A As you can see, there's nothing in these areas that

1 appeared to have come from the drawers. This is going
2 into the master bathroom here. And this cabinet door was
3 opened. And there was also a hand towel. This cabinet
4 was opened. There's another sink and there's a tub to the
5 left, like a garden-type tub. There was a shirt right
6 here and there was a stain on it. And Investigator Gamble
7 tested that stain for blood, which tested negative for
8 blood.

9 Q Do you have the capability to test a sink or a bath
10 or a shower for the presence of blood?

11 A Yes, we do.

12 Q Did you do that in this case?

13 A Yes. We tested all the sinks, all the showers and it
14 was negative for blood.

15 THE COURT: Mr. Ellis, why don't we stop at this time
16 and take a morning break.

17 MR. ELLIS: Yes, sir, Your Honor.

18 THE COURT: All right. Ladies and gentlemen, just
19 one moment, please.

20 Ladies and gentlemen, when we take our break here,
21 we'll take a few extra minutes because I'd like for you to
22 do a couple of things for us if you would.

23 First of all, let me speak to our two alternates,
24 which are Ms. Coletta and Ms. Ryggs. What I'd ask you all
25 to do is preside during this time, if you will, as

1 When that does, we'll stop and take somewhere between
2 45 minutes and an hour. The lawyers still need a little
3 bit of time to focus and prepare for the afternoon
4 session. We'll have a shortened lunch period today, so
5 you'll have a chance to eat lunch, plus take a little
6 break if you wish to do that.

7 You will recall we were in direct examination of the
8 witness when we broke and we remain there.

9 Mr. Ellis, please proceed.

10 MR. ELLIS: Thank you, Your Honor.

11 CONTINUED DIRECT EXAMINATION

12 BY MR. ELLIS:

13 Q Lieutenant, we are about finished with this video,
14 but I would like to watch the last few minutes here. I
15 believe we left off in what you described as the master
16 bathroom, so we're going to pick it up there. So under
17 the sink here, were these cabinets like you found them?

18 A Right, they were found open.

19 Q And you mentioned before, there was a wash cloth or
20 something in one of the sinks?

21 A Right, that's correct. And the wash cloth was dry
22 and did not appear to have any blood on it.

23 Q Okay.

24 A This right here is the light switch that appears to
25 have blood transfer.

1 Q Is that consistent with the other blood transfer
2 patterns you found in the house?

3 A Yes, it is. It had similar lines up on the top area
4 of the switch.

5 Q So, Lieutenant, it goes without saying that that
6 video -- is that the way the crime scene looked that day?

7 A Yes, it is.

8 Q I want to move forward now and talk a little bit
9 about your job and how you process a scene. You've told
10 the jury a little bit about it before, but, specifically,
11 after you do your initial walk-through and maybe before or
12 after the photographs are done, do you and your colleague
13 on the scene divide up the responsibilities of who's going
14 to do what?

15 A Yes, we did.

16 Q How was that determined in this case and who got what
17 responsibilities?

18 A It was just the two of us. And Investigator Gamble
19 was going to do the photographs and I was going to do the
20 video. And as we walked through the scene, we noticed
21 items of evidence that were obvious. And the downstairs
22 area near where the victim was, the kitchen area and the
23 items located in the washer, those items, I decided to go
24 ahead and collect those. So I marked those with evidence
25 placards and I also took my own photographs. I believe

1 there was 88 of the few hundred that were taken, 88 of
2 those were mine, which were, specifically, the items of
3 evidence that I collected and put evidence placards down
4 next to.

5 Q And when you collected those individual items of
6 evidence, did you use the procedure that you told the jury
7 about when you first got on the stand?

8 A Yes, I did.

9 Q And after you got a new brown paper bag and a new set
10 of gloves and packaged something, what did you do with it?
11 Did you just sit it beside where you were or did you put
12 it at a location in the home? How did you handle that?

13 A Right, we'll seal it and we'll initial the evidence
14 tape. We'll log, make a list of all of the items we're
15 collecting. We number the items in the photographs that
16 were taken of the evidence. The placard numbers that you
17 see downstairs near where the victim was, the kitchen
18 area, you see these evidence placards with numbers, those
19 numbers correspond with my evidence items. And what I,
20 typically, do when I collect an item of evidence is I'll
21 use my first and last initial, which is RL, then I'll make
22 a dash and if the evidence placard is one, I would make
23 that item RL-1. So those RL dash numbers are consistent
24 -- or they correspond with the evidence placard numbers.
25 So if you see a placard number 10, that would correspond

1 with RL-10. There some places where you can't put an
2 evidence placard, so those we have to make do. Sometimes
3 we have to use a Sharpie on the wall or in a vehicle,
4 things like that.

5 Q And after you bag the item and number it and make a
6 notation of where you found it, where do you physically
7 put the item?

8 A We put it out of the way from the main scene. That's
9 where we keep our -- most of our gear that we bring into
10 the house, off to the side in another room. And as we
11 start collecting evidence, we'll start putting that
12 evidence right next to where all of our gear is located
13 at.

14 Q And after you process the scene and you're finishing
15 up, what do you do with that evidence that you collected?

16 A If we're done with a scene, all that evidence gets
17 loaded into our vehicles with our gear. It gets taken
18 back to the crime scene office.

19 Q Do you have a secured location to store it there?

20 A Yes, we do.

21 Q And at some point, does the -- do the items make
22 their way to the property and evidence department at the
23 sheriff's office?

24 A Yes, they do. When we bring the evidence back to our
25 office, each officer has their own secured locker that

1 they keep locked and only they have access to their
2 locker. So in this case here, this items that I brought
3 back to the office, I would put them in my secured locker
4 that I have access to. When there's time, we make
5 evidence labels. Some of the evidence here has bar code
6 labels to them. That's something we create. We create it
7 in a computer. It will print out a bar code label. And
8 we'll enter all the information pertaining to that
9 individual item, the item number. And when it prints out
10 the bar code label, we'll put it on that specific piece of
11 evidence. Then once we take it to property and evidence
12 at the law enforcement center, they have a scanner that
13 will scan the item in. And once they scan it, all the
14 information that we had entered for that particular item,
15 they'll have access to it down there once they've scanned
16 that item. It also follows the chain of custody as well.

17 Q Is the property and evidence department a secure
18 location?

19 A Yes, it is.

20 Q Please tell the jury about the individual items that
21 you collected from the house and the location from which
22 you collected that item. And if you can just go down your
23 list and we'll talk more specifically about the individual
24 items later, but I'd like for you just to list the items
25 that you collected.

1 A The first item that I collected was a -- the brand
2 name was Fiery, it was a pepper spray can, which was small
3 in size. It was collected from the kitchen floor under
4 the front edge of the refrigerator. It was under the
5 front lip of the refrigerator, which is labeled RL-1.
6 RL-2 was a knife with suspected blood on it with a duck
7 design on the handle from the kitchen counter which is
8 right of the refrigerator. That was the knife that was up
9 on the countertop that a small lamp was on that had
10 suspected bloody fabric impressions on the handle. RL-3,
11 the brand name was Bond. It was a 19-ounce claw hammer
12 and it was collected from inside the washing machine.
13 RL-3A was a small white hand towel that was dried and
14 around the wooden handle to the duster from inside the
15 washing machine. RL-4, was a tape lift from the top of
16 the victim's pants that she was wearing. RL-4A was a tape
17 lift from the victim's pants. RL-5 was a tape lift from
18 the victim's sweatshirt that she was wearing. RL-5A was a
19 tape lift from the victim's sweatshirt. RL-6 was a blue
20 blanket with suspected blood on it from underneath the
21 victim. RL-7 was a brand name Acis size nine left sneaker
22 with suspected blood on it with cuts across the mid-sole
23 from the living room floor. RL-8, suspected tissue paper
24 with suspected blood on it from the living room floor.
25 RL-9 was a pillow with suspected blood on it from the

1 living room floor near the kitchen entrance.

2 RL-10 was a small hand towel with suspected blood on
3 it from the living room floor near a cabinet. RL-11 was a
4 clump of hair from the living room floor. RL-12 was a dog
5 toy with suspected blood on it from the screened-in porch.
6 RL-13 was a towel with suspected blood on it from the
7 screened-in porch. RL-14, a pink bedsheet with suspected
8 blood and partial footwear impression on it from the
9 screened-in porch. RL-15 was a welcome mat with suspected
10 blood on it from the screened-in porch. RL-16 was a
11 footwear impression enhanced naturally by the pollen on a
12 black gel lift from the floor in the screened-in porch.
13 RL-17, brand name Tiganelo purse with miscellaneous
14 contents from on top of the bed in the master bedroom.
15 RL-18 was the video and DVD of the crime scene footage
16 that I took.

17 Q When you were listing some of those items, many of
18 them had suspected blood on them. Please tell the jury
19 why you use the term suspected blood.

20 A We have a way of testing if an item is blood, but it
21 doesn't tell us if it's human blood. That testing would
22 be done at the DNA lab, DNA facility. So the fabric
23 impression or it's blood, typically, what we will say is
24 suspected blood. This case here, there was a lot of blood
25 shed. There was blood transfer. But for the purposes of

1 us collecting it, we'll use suspected blood most of the
2 time.

3 Q Lieutenant, at this time, I'm going to ask you to
4 come down off of the witness stand and look at some
5 individual items with me.

6 A (The witness complies.)

7 Q Why don't we both put on some gloves. Lieutenant,
8 first thing I'm going to hand you is what's been
9 previously marked as State's Exhibit 251. Please open
10 this item and without showing it to the jury yet, look and
11 tell me what that item is.

12 A This is item RL-1, the Fiery pepper spray can from
13 the kitchen floor under the front lip of the refrigerator.

14 Q Will you please open it up?

15 A (The witness complies.)

16 Q Just take a look to make sure it matches with your
17 description, if you would.

18 A Yes.

19 MR. ELLIS: At this time, the State moves Exhibit 251
20 into evidence, Your Honor.

21 MR. SCALZO: No objection.

22 THE COURT: Without objection, 251 in evidence for
23 the State.

24 (WHEREUPON, State's Exhibit No. 251 was admitted into
25 evidence.)

1 BY MR. ELLIS:

2 Q Lieutenant, I'm next going to hand you what's been
3 marked as State's Exhibit 243. Do you recognize that
4 item?

5 A This is RL-2, which is the knife with suspected blood
6 on it and the duck design on the handle with the bloody
7 fabric impression on the handle.

8 Q Okay. Start opening that for the jury, please.

9 MR. ELLIS: Your Honor, at this time, the State moves
10 to admit Exhibit 243 into evidence.

11 THE COURT: Is there an objection?

12 MR. SCALZO: No, sir.

13 THE COURT: Without objection, 243 in evidence for
14 the State.

15 (WHEREUPON, State's Exhibit No. 243 was admitted into
16 evidence.)

17 BY MR. ELLIS:

18 Q Show that to the jury. And that's the knife that ou
19 found on the kitchen counter?

20 A Yes, it is.

21 Q All right. I'm now going to hand you what has been
22 marked as State Exhibit 245. Do you recognize that item?

23 A This is RL-3, which is the Bond 19-ounce claw hammer
24 that I located in the washing machine.

25 Q Would you please open that item?

1 MR. ELLIS: Your Honor, the State moves Exhibit 245
2 into evidence.

3 THE COURT: Is there an objection?

4 MR. SCALZO: No, sir.

5 THE COURT: Without objection, 245 in evidence for
6 the State.

7 (WHEREUPON, State's Exhibit No. 245 was admitted into
8 evidence.)

9 BY MR. ELLIS:

10 Q Would you please hold that up for the jury?

11 A (The witness complies.)

12 Q Is that the item that you found in the washing
13 machine?

14 A Yes, it is.

15 Q And it was wrapped in that cloth?

16 A It was down in the washing machine with a feather
17 duster and also a white wash cloth.

18 Q Okay. Lieutenant, I'm handing you what's been marked
19 as State's Exhibit 247. Please take a look at that and
20 tell me what it is.

21 A This is RL-3A, a small white hand towel that was
22 dried that was located around the wooden handle to the
23 duster.

24 Q Was that from the washing machine?

25 A Yes, it was.

1 MR. ELLIS: Your Honor, the State moves Exhibit 247
2 into evidence.

3 THE COURT: Is there an objection?

4 MR. SCALZO: No, sir.

5 THE COURT: 247 in evidence for the State without
6 objection.

7 (WHEREUPON, State's Exhibit No. 247 was admitted into
8 evidence.)

9 THE WITNESS: This is the feather duster with a
10 wooden handle to the duster that was found wrapped up and
11 this was down in the washing machine along with the
12 hammer.

13 BY MR. ELLIS:

14 Q With this hammer?

15 A Yes, it was.

16 Q And, Lieutenant, let me get you to take a look at
17 States 241, which has already been admitted into evidence,
18 and tell the jury what this item is.

19 A This is a blue blanket with suspected blood on it
20 that was located underneath the victim in the dining area
21 where she was located.

22 Q Lieutenant, I'm handing you State's Exhibit 246.
23 Would you please tell me what that is?

24 A This is RL-7. This is the left sneaker that was
25 located in close proximity to the victim that had

1 suspected blood on it.

2 MR. ELLIS: Your Honor, the State moves Exhibit 246
3 into evidence.

4 THE COURT: Is there an objection?

5 MR. SCALZO: No, sir.

6 THE COURT: 246 in evidence for the State without
7 objection.

8 (WHEREUPON, State's Exhibit No. 246 was admitted into
9 evidence.)

10 BY MR. ELLIS:

11 Q Please hold that up.

12 A (The witness complies.)

13 Q Was this shoe on the victim or was it somewhere else?

14 A This was not on the victim. This was several feet
15 away. And she did have one sneaker on that matched this
16 and this one was located several feet away that not on her
17 foot.

18 Q Okay. All right. I'm handing you what's been marked
19 as State's Exhibit 244. Please take a look at that for
20 me. Do you recognize that item?

21 A This is RL-10, which was a small hand towel with
22 suspected blood on it from the front living room floor
23 near the cabinet.

24 Q Please start opening that.

25 MR. ELLIS: Your Honor, the State moves Exhibit 244

1 into evidence.

2 THE COURT: Is there an objection?

3 MR. SCALZO: No, sir.

4 THE COURT: Hearing none, Exhibit 244 in evidence
5 without objection for the State.

6 (WHEREUPON, State's Exhibit No. 244 was admitted into
7 evidence.)

8 BY MR. ELLIS:

9 Q And I see some markings on that item, can you tell
10 the jury what those marking are?

11 A This is from a phenolphthalein test that tested
12 positive for blood.

13 Q Lieutenant, I'm handing you what's been marked as
14 State's Exhibit 249. Please take a look at that and tell
15 me what it is?

16 A This is RL-12.. This is the dog toy from the outside
17 on the rear porch just beside the door with suspected
18 blood on it from the screened-in porch.

19 MR. ELLIS: Your Honor, the State moves Exhibit 249
20 into evidence.

21 THE COURT: Is there an objection?

22 MR.. SCALZO: No, sir.

23 THE COURT: Hearing none, without objection, 249 for
24 the State in evidence.

25 (WHEREUPON, State's Exhibit No. 249 was admitted into

1 evidence.)

2 BY MR. ELLIS:

3 Q Lieutenant, I'm now handing you what's been marked as
4 State's Exhibit 248. Please take a look at that and tell
5 the jury what that is.

6 A This is RL-13. This is a towel with suspected blood
7 on it from the screened-in porch.

8 MR. ELLIS: Your Honor, the State moves Exhibit 248
9 into evidence.

10 THE COURT: Is there an objection?

11 MR. SCALZO: No, sir.

12 THE COURT: Hearing none, then so ordered.

13 (WHEREUPON, State's Exhibit No. 248 was admitted into
14 evidence.)

15 BY MR. ELLIS:

16 Q You said this towel was from the screened-in porch.
17 Where was this located on the porch?

18 A This was located just outside the door leading into
19 the small dining area where the victim was located. This
20 had the dog toy on it and this towel was on a pink
21 bedsheet.

22 Q And was the pink bedsheet the one that was on top of
23 the welcome mat?

24 A Yes, it was.

25 Q And I see some markings on that towel, are they

1 similar to the ones that we just observed on the other?

2 A Yes, they are.

3 Q Lieutenant, I'm now handing you what's been marked as
4 State's Exhibit 250. Would you please take a look at that
5 and tell us what that is.

6 A This is RL-14. This is the pink bedsheet with
7 suspected blood on it and partial footwear impression.
8 This was on top of the welcome mat on the screened-in
9 porch. It had the green towel on it and the dog toy.

10 Q Will you please begin opening that?

11 MR. ELLIS: Your Honor, the State moves Exhibit 250
12 into evidence.

13 THE COURT: Is there an objection?

14 MR. SCALZO: No, sir.

15 THE COURT: 250 in evidence for the State without
16 objection.

17 (WHEREUPON, State's Exhibit No. 250 was admitted into
18 evidence.)

19 BY MR. ELLIS:

20 Q Are those the spots that you describe as suspected
21 blood?

22 A Yes, they are.

23 Q I notice it's not red, why is that?

24 A That's because it's been on there for an extended
25 period, so it will turn this type of color. And this is

1 also where the partial footwear impression was and the
2 blood. You can see it right in this area right here.

3 Q And you previously described that that footwear
4 impression on this pink sheet was similar in nature to the
5 footwear impressions from inside the house, is that
6 correct?

7 A That's right. And, also, similar to the footwear
8 impressions in the pollen that was on the porch over to
9 the side.

10 Q That was not in blood?

11 A That was not in blood, that's right.

12 Q Okay. Lieutenant, I'm now handing you what's been
13 marked as Exhibit 224, will you please take a look at that
14 and tell me what it is?

15 A This is RL-15. This is the welcome mat with
16 suspected blood on it that was underneath the pink
17 bedsheet underneath the green blanket underneath the dog
18 toy in the screened-in porch area.

19 Q Please begin opening that.

20 MR. ELLIS: Your Honor, at this time, the State moves
21 Exhibit 224 into evidence.

22 THE COURT: Is there an objection?

23 MR. SCALZO: No, sir.

24 THE COURT: Hearing none, 224 for the State in
25 evidence without objection.

1 (WHEREUPON, State's Exhibit No. 224 was admitted into
2 evidence.)

3 BY MR. ELLIS:

4 Q Same here, is this what you described as suspected
5 blood?

6 A That's right.

7 Q And is this the item that you described was
8 underneath the pink sheet underneath the towel?

9 A Yes, with the dog toy on the top of all that.

10 Q Okay.

11 A There's also some on the back side.

12 Q This is blood?

13 A Where it seeped through.

14 Q Suspected blood seeped through here on the back?

15 A That's right.

16 Q Lieutenant, I'm handing you what's been marked as
17 State's Exhibit 253. Will you please take a look at that
18 and tell the jury what it is?

19 A This is RL-17. This is the purse and handbag that
20 was located on top of the victim's bed that had the items
21 scattered beside it on the bed.

22 Q Will you please open it up for the jury.

23 MR. ELLIS: Your Honor, the State moves Exhibit 253
24 into evidence.

25 THE COURT: Is there an objection?

1 MR. SCALZO: No, sir.

2 THE COURT: Without objection into evidence for the
3 State, 253.

4 (WHEREUPON, State's Exhibit No. 253 was admitted into
5 evidence.)

6 BY MR. ELLIS:

7 Q I see some items in there. Will you take it out and
8 see what's in there?

9 A Right. A change purse. These are items that were
10 scattered on the bed.

11 Q So when you collected this, did you take everything
12 from the bed and put it inside this purse?

13 A Well, when I brought it back to the office, there
14 were some things that were separated as they were found on
15 the bed and I took additional photographs at the crime
16 scene office of those items. Some of those items included
17 the bonus-type cards that you would commonly see on a key
18 ring that had been scattered on the bed. I took
19 additional photographs at the crime scene office of those
20 items. And also took a swab of blood from the Estee
21 Lauder bag.

22 Q All right.

23 A And photographed that as well.

24 Q I might ask you some questions specifically about
25 some of these items. What are those two items right

1 there?

2 A These are little day planners for addresses and phone
3 numbers. A little directory.

4 Q And what does that say right there? Is that a name?

5 A Right. It says Drew Palmer. It's got a phone number
6 on here. It's got a desk phone number. It also says tip
7 line and has a phone number on there as well in this area.

8 Q I believe you said this item, this change purse was
9 on the bed and it was empty when you found it?

10 A That's right. It was on the left side of the bed.
11 If -- at the foot of the bed, if you're looking at the
12 foot of the bed.

13 Q Lieutenant, I'm now handing you what's been marked as
14 State's Exhibit 252. Will you please tell the jury what
15 that item is?

16 A This is RL-17A. It's the Tiganelo purse with
17 miscellaneous contents -- miscellaneous contents removed
18 from the Tiganelo purse.

19 MR. ELLIS: Your Honor, the State moves Exhibit 252
20 into evidence.

21 MR. SCALZO: No objection.

22 THE COURT: Exhibit 252 into evidence as well for the
23 State without objection.

24 (WHEREUPON, State's Exhibit No. 252 was admitted into
25 evidence.)

(Ronald David Lendway - Direct by Mr. Ellis)

1 THE WITNESS: Glasses, miscellaneous cards.

2 BY MR. ELLIS:

3 Q I notice there's a film on the outside of these
4 cards, would you please tell the jury what is?

5 A This is remnants of fingerprint powder, the black
6 powder that you see there. And there's some also on the
7 outside of the purse.

8 Q I see what appeared to be some store bonus cards in
9 here, also?

10 A That's right. These were scattered -- these cards
11 were scattered on top of the bed. There's numerous bonus
12 cards. And these cards here, they weren't processed at
13 the scene. They were taken back to the crime scene
14 office. And there were some items, including the bonus
15 cards that were laid out and photographed prior to latent
16 fingerprint processing.

17 Q More bonus cards here?

18 A Yeah.

19 Q Miscellaneous items that would be in a purse?

20 A Right, yeah. Small tape measure, some Band-aids,
21 some lipstick.

22 Q I'm going to ask you about this card. What does it
23 say on this card?

24 A This says Alan Arms indoor range. This is some more
25 mints, cough drops.

1 Q All right. Lieutenant, I'm going to give you a break
2 from standing up for a second and ask you to return to the
3 witness stand and I'll ask you some other questions about
4 the house?

5 A Okay.

6 Q What is Leuco Crystal Violet?

7 A It's a type of chemical that we sometimes use if
8 we're going to try to enhance something that had blood on
9 it.

10 Q What does it do? How does the enhancement work?

11 A It will react with the blood and enhance it a little
12 bit better. We used it -- there was some faint partial
13 bloody footprints, shoe prints on the hardwood floor.
14 Some of those were visible more than others. One of the
15 things I decided to do was to use this chemical, spray it
16 on those areas of the partial footwear impressions.

17 Q And did using that chemical, did that enhance the
18 footwear impressions?

19 A Yes, it did.

20 Q I'm going to show you a few photographs of what have
21 already been admitted into evidence. Okay. I believe the
22 jury can see it well enough without me messing up the
23 technology. Is this showing an image after you sprayed
24 with the LCV?

25 A Yes, it is.

1 Q And did the footwear impressions pop out at you after
2 you used this chemical?

3 A Yes, they. If you see on the hardwood floor this
4 area right here, those darker areas, those are where the
5 lighter partial footwear impressions were located. We can
6 see what the chemical will do, it will darken it for us
7 and, actually, show more than what we can, actually, see
8 with our eyes. The color of it, it turns it into a darker
9 purplish color. And that's the dark area on the wood that
10 you see right there after it's been sprayed.

11 Q Now, that's State's Exhibit No. 37 that you were just
12 referring to. I'm going to show you State's Exhibit 34.
13 Is that a similar --

14 A Right.

15 Q -- situation that we were just looking at?

16 A Right. Where these dark areas on the wood, that's
17 all areas where we had sprayed the Leuco Crystal Violet on
18 the partial footwear impressions.

19 Q And this is State's Exhibit No. 26, that's a little
20 bit harder to see, but is that also --

21 A Right. Right in this area right here.

22 Q This is changing gears just a little bit, but while
23 we're talking about footwear impressions, I need to show
24 you what's been marked as State's Exhibit 80 and already
25 admitted and see if you recognize that?

1 A This area right here is on the screened-in back porch
2 area on the tile. To give you a relationship of where
3 this photograph was taken, the door that had the dog toy
4 and the blanket and the towel was over in this area right
5 here. This would be to the left over in that corner.
6 There was a patio table to the left over here and this is
7 the legs of a chair that was out there in the screened-in
8 porch. This area over here had a quantity of pollen that
9 had come in. And, specifically, this area right here, you
10 could see a footwear impression in the pollen. This
11 footwear impression right here did not appear to have any
12 blood associated with it. However, that pattern was
13 similar to the patterns in the blood in the house. Also,
14 these areas right here, it also looked at some point the
15 table had been slid over further to the left. This right
16 here appeared to be a little skip or drag marks in the
17 pollen.

18 Q What is oblique lighting testing?

19 A Oblique lighting is simply just cross lighting or
20 side lighting something. We'll use raised lights. And if
21 we're looking for something on the floor, we'll just have
22 the light come down at a sharp angle. If we're looking on
23 the table top, we'll have it coming down -- instead of
24 straight down on it 90 degrees, we'll come down -- we'll
25 put our lights maybe flat with it, maybe come up a little

1 bit at an angle and we'll be able to see if there's any
2 signs of disturbance or anything like that. We'll use
3 that sometimes on floors and on counters.

4 Q And did you use that technique throughout your
5 investigation of this crime scene?

6 A Yes, I did.

7 Q I want to move to a different topic now. When you
8 were talking about your training and experience, you
9 mentioned something called blood stain pattern analysis.
10 Will you please tell the jury what that means?

11 A Blood stain pattern analysis is the physical
12 characteristics of blood stains and tells us how they're
13 created. Sometimes they'll tell us how they were put
14 there and, also, what did not happen.

15 Q And based on your observations of this crime scene,
16 were you able to make any determinations about the blood
17 stain pattern analysis? And I'm going to show you some
18 photographs to help refresh your recollection. This is
19 Exhibit --

20 MR. SCALZO: Judge, I'm sorry to interrupt. We're
21 now getting into an area that would require an opinion
22 that he's not been qualified for.

23 THE COURT: Sustained.

24 BY MR. ELLIS:

25 Q Lieutenant Lendway, please tell the jury about your

1 course work in blood stain pattern analysis?

2 A Years ago, I had a short three-hour blood stain
3 pattern analysis course. A couple of years ago, I
4 attended a basic blood stain pattern analysis course in
5 Huntersville, North Carolina, which covered 40 hours. In
6 that 40 hours, we did nothing but use blood. We had
7 different types of blood stain patterns. We had an
8 instructor that was an expert in his field and he taught
9 us nothing but blood that whole week. The following year,
10 I attended the same school, however, I had a different
11 instructor from Miami, Florida, who was also an expert in
12 his field. And that course was the advanced blood stain
13 pattern analysis course, which was 32 hours. So combined,
14 I've had 75 hours in blood stain pattern analysis. And on
15 top of that, last year, I started some training in
16 Piedmont at a facility where we used blood and trained
17 some of our technicians in the blood stain pattern
18 analysis.

19 Q And do you receive ongoing testing sometimes in blood
20 stain pattern analysis?

21 A Yes. Every year, I have a proficiency test in blood
22 stain pattern analysis. That test usually gets here
23 August, September. And I've taken that for the last
24 several years.

25 Q And have you passed each year?

1 A Yes, I have.

2 Q And the tests, what do they involve? Tell the jury a
3 little bit about what the tests are like?

4 A The tests are, typically, you may have four large,
5 glossy, colored photographs with different types of blood
6 stains on them. One of them could be one blood stain
7 pattern. Another photograph may have multiple blood stain
8 patterns in them. And we have to explain what type of
9 pattern that is. And there's also one additional sheet
10 that has small blood droplets and they're from different
11 angles. What we have to do is measure those blood
12 droplets and we divide the length and width and we have a
13 formula that we use that will determine the angle of
14 impact that made that droplet.

15 Q And have you had the occasion to observe blood stain
16 patterns at crime scenes in your career?

17 A Yes, I have.

18 Q About how many times?

19 A I've had over 5000 crime scenes, over 200 death
20 investigations, but mixed in there, there's been
21 shootings, stabbings, assaults, where you would,
22 typically, see a small, medium or large amount of blood.
23 I'd say several hundred.

24 MR. ELLIS: Your Honor, at this time, the State
25 offers Lieutenant Lendway as an expert in the field of

1 blood stain pattern analysis.

2 THE COURT: All right.

3 Let's talk about that for a moment, ladies and
4 gentlemen. Our previous witnesses in this case have been
5 lay witnesses. Lay witnesses come in and testify about
6 what they saw or heard or did. In fact, you may remember
7 from our first witness, there were some objections about
8 whether the witness had been qualified as an expert. An
9 expert witness can come in if they're qualified as an
10 expert and testify about what they saw or heard or did.
11 But also based on their training or knowledge and
12 experience, they can testify as to what opinion they
13 derived from what they saw or heard. That's the
14 difference between a lay witness and an expert witness.

15 Now, the State has moved to qualify the witness as an
16 expert in this particular area. What we do is we stop
17 right then and we give the other side an opportunity to
18 question the witness about expertise.

19 Are there questions of voir dire for the witness on
20 expertise?

21 MR. SCALZO: No, sir, Judge.

22 THE COURT: Is there an objection to it/

23 MR. SCALZO: No, sir.

24 THE COURT: Then without objection, the witness is
25 permitted as an expert in the area of, I believe it was

1 blood splatter analysis?

2 MR. ELLIS: Blood stain pattern analysis, Your Honor.

3 THE COURT: Blood stain pattern analysis.

4 One more point, ladies and gentlemen, when an expert
5 witness is offered, it's not given for the purposes of
6 controlling your judgment, it's given for the purpose of
7 assisting you in finding matters of fact that are before
8 you that may be within the purview of the expert. But you
9 should weigh the credibility and believability just as you
10 would any other witness and you give it what weight you
11 deem it to be entitled to.

12 With that understanding, you may proceed.

13 MR. ELLIS: Thank you, Your Honor.

14 BY MR. ELLIS:

15 Q Lieutenant, I'm going to show you what's been
16 previously admitted as State's Exhibit No. 29. And I want
17 you to look at this photograph and also think about the
18 crime scene as you remember it that day. Based on your
19 observations of the crime scene and the characteristics of
20 the blood stain patterns that you observed, were you able
21 to form any opinions about the directionality or the --
22 how the blood stain pattern developed in this crime scene?

23 A What I could gather from looking at this area right
24 here, this is the door that leads to the screened-in
25 patio. This is the area where the victim had been. And

1 this area in here, it's all blood right here, which had
2 already dried. This is another area that appeared that
3 one time the victim's head was at, which she was found
4 over in this area when I came across her.

5 But the pattern on the floor, what that tells me --
6 here's the door. On this wall where this door was, there
7 was no -- there was no blood that was much higher than
8 your knees. There was a couple of drops here and there,
9 but 99 percent of it was below knee level. All of it was
10 down low. What that tells me and based on the little bit
11 of blood that was outside on the other side of this door
12 tells me that the victim was attacked at the doorway. She
13 went down very quickly and the attack continued when she
14 was down on the floor. Everything happened down on the
15 floor. If it occurred any other way, if there was a
16 struggle with somebody standing up, you would have more
17 blood patterns up above that area. But this,
18 specifically, told me that there was an attack that
19 appeared to happen at the doorway to the screened-in
20 porch. The victim went straight down and stayed down.
21 And that's where the attack occurred, down low on the
22 floor.

23 Q Lieutenant, I'm going to show you what's been marked
24 as State's Exhibit 30 and previously admitted. These
25 blood splatters, is that consistent with the testimony

1 that you just gave?

2 A Yes, it is.

3 Q There is a -- I'm going to show you now what's been
4 marked as Exhibit 28. And that's a zoomed view of what we
5 just observed in State's Exhibit 30. On the door frame
6 there, there appears to be a different pattern?

7 A That's right.

8 Q Can you tell the jury about that pattern?

9 A Right. The pattern we're looking at starts right
10 here and it comes in a linear pattern this way. And you
11 can see how the droplets, how close and small they are
12 together. Well, these droplets continue in a line down
13 this way. As you can tell, it's different than this area
14 right here. What this tells me right here that this is
15 cast off from one of the weapons used that came off of the
16 weapon at a downward angle very quickly and the blood was
17 cast off in a linear form that landed in this area right
18 here. And this right here is the lower left corner of the
19 door that leads out into the screened-in porch.

20 Q And is the cast off low in relation to the bigger
21 scene?

22 A It is very low. I mean, it's just a couple of inches
23 off the floor. This is the floor where the victim was on.
24 And this here, just talking a couple of inches above that.
25 It's down low.

1 Q Lieutenant, I'm going to change gears now. So after
2 you conduct all your testing at the crime scene, at the
3 that house and you collect all the evidence and take all
4 the photographs, do you do another walk-through before you
5 leave?

6 A Yes, we do a final walk-through.

7 Q Why do you do that?

8 A We want to make sure we covered everything. We want
9 to make sure we didn't miss anything. We want to make
10 sure we gather all our equipment. Make sure we gather all
11 the evidence and, also, make sure that -- we just take
12 another look and make sure that we did not miss anything
13 else in the house.

14 Q And about approximately what time did you leave the
15 house?

16 A I believe it was 8:15 at night.

17 Q And I can't remember what you testified before about
18 what time you got to the house?

19 A Investigator Gamble got there I believe at 12:07, or
20 just after noontime. And I got there approximately 12:15.
21 So I was at the residence for approximately eight hours.

22 Q When you left the residence, where did you go?

23 A When I left the residence, I went to the crime scene
24 unit to drop the evidence off in my locker.

25 Q While you were at the crime scene unit, did you get

1 another call regarding this case?

2 A Yes, I did.

3 Q As a result of that phone call, what did you do?

4 A I was requested to respond to a Hot Spot in Laurens
5 County. And I was advised that the victim's vehicle was
6 located in parking lot with the Defendant. And I was
7 requested to come out there and photograph the vehicle
8 and, also, seal the doors. And the Hot Spot was located
9 at 4036 Highway 221 South in Laurens, South Carolina.

10 Q It is typical in an investigation such as this that
11 you take photographs and then seal the car up?

12 A Yes, it is.

13 Q Is that what you did in this case?

14 A Yes, it is.

15 Q Why did you seal the car up?

16 A We sealed the car because the vehicle was going to be
17 towed to another facility so it could be processed. That
18 night, I went out to the Hot Spot and I photographed the
19 vehicle as it was. I sealed the doors. And the vehicle
20 was towed by a tow company the Laurens County Sheriff's
21 Office had called. I was advised that it would be towed
22 to a secure facility and placed indoors.

23 Q After taking the photographs of the car at the Hot
24 Spot and sealing the vehicle, where did you go next?

25 A I then was requested to respond to the Laurens County

1 Sheriff's Office.

2 Q What were you asked to do when you got there?

3 A I was asked to photograph the Defendant.

4 MR. ELLIS: Beg the Court's indulgence.

5 BY MR. ELLIS:

6 Q Lieutenant, I'm going to show you what's previously
7 been admitted as State's Exhibit No. 6 and see if this is
8 one of the photographs that you took? I'll try to zoom
9 this in a little bit and see if it can stay focused for
10 me. Now, is that one of the photographs that you took?

11 A Yes, it is.

12 Q What are we looking at there?

13 A This is the Defendant's hands at the Laurens County
14 Sheriff's Office.

15 Q I want you to look at the, I guess, it would be his
16 left hand, but the hand that's on the right side of the
17 screen. Look at the tip of his index finger?

18 A Right.

19 Q Did you notice anything right there?

20 A There was a small cut right there. This photograph
21 is, actually, upside down. This is his left side.

22 Q Let me turn it real quick. Is that better?

23 A Right. Be this finger here had that small cut right
24 there.

25 Q After you left the sheriff's office, where did you go

1 next?

2 A I was requested to respond to the Laurens County
3 Detention Center.

4 Q And did you collect the clothes at the detention
5 center?

6 A Yes, I did.

7 Q What time did you leave the Laurens County Detention
8 Center?

9 A I cleared the Laurens County Detention Center at
10 approximately 11:55 p.m.

11 Q At some point in the days following the murder, did
12 you have an opportunity to process the car?

13 A Yes, I did. Initially, the vehicle was secured in
14 Laurens County at the Hot Spot, which I did. The vehicle
15 was towed to a secured facility in Laurens County.
16 However, the vehicle was then towed to our facility in
17 Greenville. At our crime scene office, we have a vehicle
18 bay where we can bring in a vehicle to our facility, which
19 it was, and I processed that on April 13th, 14th and 15th.

20 Q When the vehicle arrived at your vehicle bay, was the
21 seals -- were the seals that you put on the car still
22 intact?

23 A Yes, they were. And when I put the seals on the
24 door, I also initialed the evidence tape. And when the
25 vehicle was brought over to our office, the evidence seal

1 was still intact with my initials on it.

2 Q Generally speaking, please tell the jury about how
3 you process an automobile for evidence.

4 A I processed the vehicle similar to a crime scene
5 where I start outside the vehicle. And I'll go ahead and
6 I'll photograph all the way around it. And it's like
7 cutting a piece of pie. You start with one location and
8 you just methodically work through the vehicle. In this
9 case, I'll photograph the exterior and then I'll go ahead
10 and start to photograph the interior. As I'm
11 photographing the interior, I'm also looking around for
12 potential evidence inside the vehicle. And then I'll go
13 collecting those items as I would in a crime scene.

14 Q Did you find any blood spots in the car?

15 A Yes, I did.

16 Q And did you test those spots in any way?

17 A I tested some spots yes, I did.

18 Q How do you do that?

19 A We have a phenolphthalein kit which we use that test
20 for the presence of blood. It won't tell if it's human
21 blood, it will tell me it's blood. And it's just a
22 presumptive test that we can use if we see a stain and we
23 can test it. And if it turns a bright pink, then it's a
24 positive. If there's no reaction, then it's negative.

25 Q I'm going to show you a few photographs that have

1 been marked and admitted into evidence already and ask if
2 you recognize some of these. Do you recognize that?

3 A Yes, I do.

4 Q What is that?

5 A Those are areas of suspected blood that I labeled RLJ
6 and RLK, where I circled with a Sharpie.

7 Q And can you tell -- you might not be able to tell by
8 looking at this photograph, but do your notes reflect
9 where these spots were?

10 A RL-J is a swab of suspected blood from the right edge
11 of the driver's seat, right here. And RL-K is a swab of
12 suspected blood from the plastic housing between the
13 driver's seat and the emergency brake.

14 Q So in this car was the emergency brake on --

15 A On the right side, right here.

16 Q Let me show you what's been marked as State's Exhibit
17 184 and tell me if you recognize that item.

18 A This is an area right here that appeared to have
19 suspected blood on it. And this is the driver's sun visor
20 that was down.

21 Q Let me show you State's Exhibit 180?

22 A This area right here, if you're sitting in the
23 driver's seat of the vehicle, down under where your left
24 hand would go for the seat adjuster -- this is the seat
25 adjuster lever right here. This area right here is

1 suspected blood right below the seat adjuster lever for
2 the driver's seat.

3 Q I'm going to show you State's 185, what is that?

4 A This right here is an indication for a positive test
5 for a blood swab.

6 Q And State's Exhibit 189?

7 A This is the center console. This right here is the
8 driver's seat. You have the front passenger seat over
9 here. This is the center console, center pocket. This is
10 the lid that was opened and right where you see this black
11 circle, that's a Sharpie marker that I made with
12 additional suspected blood right in this area right here.

13 Q Based on your observations of the vehicle, were there
14 any blood marking on the passenger seat?

15 A No.

16 Q Were there any blood markings in the back seat?

17 A No.

18 Q Where were the blood markings centered around?

19 A They were centered around the driver's seat, the
20 driver's sun visor, the driver's control for the seat, the
21 lever adjuster, and between the driver's seat to the
22 right, down to where the emergency handle is, where the
23 housing is, and, also, in the center console, which would
24 be right between the front seats on each side of the lid
25 and, also, on a pizza menu that was inside of the console.

1 Q Did you collect any items from the car?

2 A Yes, I did.

3 Q Please tell the jury each item you collected.

4 A What I did for the evidence for the vehicle, instead
5 of using numbers, I used letters. And the reason why I
6 did that because I didn't want to duplicate two RL-1's.
7 So the RL dash numbers were from the residence. The
8 letters are going to be from the vehicle.

9 So the first one I collected was RL-A, which was a
10 tape lift from the driver's seat. RL-B was a tape lift
11 from the front passenger seat. RL-C was the floor mat
12 from the driver's floorboard. RL-D was the floor mat from
13 the front passenger floorboard. RL-E was a swab of
14 suspected blood from below the driver's seat adjustment
15 lever control. This area right here was tested for the
16 presence of blood, which tested positive. RL-F was a swab
17 of suspected blood from underneath and the side of the
18 driver's seat adjustment lever. RL-G was an unopened
19 Marlboro cigarette pack from the driver's door pocket.
20 RL-G1 was a torn piece of Masters Inn paper with suspected
21 blood on it from the driver's door pocket. RL-G2 was a
22 torn Masters Inn paper with handwritten phone numbers on
23 it from the driver's door pocket. RL-G3 was a Masters Inn
24 membership card dated four of nine -- or April 9th with a
25 folio number 214246 from the driver's door pocket. RL-G4

1 was a Murphy USA receipt 508A Bypass 72 Northwest
2 Greenwood, South Carolina. The receipt was dated 04/11 of
3 2011 from the driver's door pocket. RL-G5 was a Wal-Mart,
4 store number 1382 receipt, dated 04/11 of '11 from the
5 driver's door pocket. RL-G6 was an AT&T card from the
6 driver's door pocket. RL-G7 was a Volkswagen key and Lift
7 Master garage door opener from the driver's door pocket.
8 RL-H was a tape lift from the driver's floorboard. RL-I
9 was a cut section of the sun visor with suspected blood on
10 it from the driver's sun visor. RL-J was a swab of
11 suspected blood from the right edge of the driver's seat.
12 RL-K is a swab of suspected blood from the plastic housing
13 between the driver's seat and emergency brake. RL-L was a
14 green Dellaventura's Pizzeria menu with suspected blood on
15 it from center console arm rest between the front seats.
16 RL-M, swab of suspected blood from interior lid to center
17 console arm rests between front seats. RL-N was six paper
18 documents with victim's name, address on it from the glove
19 compartment. RL-O was a pillow case with suspected blood
20 on it from rear driver's side seat. RL-O1 was a
21 Department of Probation and Parole document dated 04/06 of
22 2011 from inside the pillow case, RL-O, from rear driver's
23 side seat. RL-O2 was a Page Plus receipt showing
24 40-dollars for phone number 803-391-5273 and Samsung flip
25 phone from inside pillow case, RL-O, from rear driver's

1 side seat. RL-03, remaining miscellaneous items inside
2 pillow case, RL-0, from rear driver's side seat. Those
3 were collected on April 13th of 2011. I do have more
4 items that were collected the following day on the 14th.

5 Q Please, go ahead.

6 A Okay. On the 14th, I collected RL-P, a swab of
7 suspected blood from the front cover to State Farm
8 insurance atlas from top of clothes basket in the trunk.
9 RL-P1, a State Farm insurance atlas from top of clothes
10 basket in trunk. RL-Q was Hanes 36/38 light blue
11 underwear with suspect blood on it from clothes basket in
12 the trunk. This was also tested for the presence of
13 blood, which tested positive. RL-R was a rebel bikini top
14 with suspected blood on it from the clothes basket in the
15 trunk. This also tested positive for blood. RL-S was a
16 Chaps 36 by 32 blue jeans with suspected bleach stains on
17 it from inside a camouflaged back pack, RL-T, in the
18 trunk. RL-T was a camouflaged back pack containing
19 miscellaneous clothes from the trunk. RL-T1 was a Conair
20 12-piece haircut kit from inside camouflaged back pack,
21 RL-T, in the trunk. RL-T2 was a swab of suspected blood
22 from Conair box from inside the camouflaged back pack,
23 RL-T, in the trunk. RL-T3 was a swab of suspected blood
24 from the side of hair clippers from inside the camouflaged
25 back pack, RL-T, in the trunk. RL-U was a blue nylon bag

1 with miscellaneous tools from the trunk. RL-U1 was a
2 Daisy PowerLine 990 BB gun, 177 caliber from inside blue
3 nylon bag, RL-U, in the trunk. RL-V, paper towel with
4 suspected blood on it from rear driver's side seat. RL-W,
5 miscellaneous clothing, toiletry items, candy, paper towel
6 roll, lighter, key, binoculars from rear seating area.
7 RL-W1, suspected -- swab of suspected blood from edge of a
8 flip top Suave Men Body Wash bottle from rear seating
9 area. RL-X, Department of Probation and Parole and
10 miscellaneous paper from top of rear driver's side seat.
11 RL-Y, clear yellow, red, blue tackle box from the trunk.
12 There was an area on this that also tested positive for
13 blood. RL-Y1, swab of suspected blood from top of lid to
14 tackle box, RL-Y, from the trunk. RL-Z, swab of possible
15 DNA from the steering wheel. This is where I had to be
16 creative with my numbering.

17 THE COURT: Let me ask, sir, how many more do you
18 have?

19 THE WITNESS: Approximately five, six.

20 THE COURT: Go ahead and give us those six.

21 THE WITNESS: RL-AA was plastic bag from the trunk.
22 RL-AA1, swab of suspected blood from plastic bag, RL-AA,
23 from trunk. The remaining -- there's just a couple that
24 were collected the following day on April 15th.

25 BY MR. ELLIS:

1 Q Please read those few more.

2 A RL-BB, miscellaneous books, paper documents,
3 photographs from the trunk. RL-CC, white clothes basket
4 with miscellaneous clothing items. RL-DD, three baskets
5 with miscellaneous household goods from the trunk. RL-EE,
6 empty Sierra Mist bottle, two CD's from the front seating
7 area.

8 Q Are those are the items that you collected from the
9 vehicle?

10 A Those are all the evidence items that I collected,
11 yes.

12 THE COURT: All right. Let's stop you there,
13 Counsel, because I'm told lunch has arrived for the jury.
14 Let's step up and talk about scheduling just one
15 moment, please.

16 (WHEREUPON, a bench conference was held.)

17 THE COURT: All right. Ladies and gentlemen, we're
18 going to take our lunch break now. Lunch, of course, as
19 you know, you've already ordered it, so it's being
20 provided for you. What we're going to do is just so the
21 lawyers will have a little bit of time to prepare, we're
22 going to break for 40 minutes. So that will give you a
23 few minutes to eat and then if you want to step outside,
24 enjoy yourself, take a break, then feel free to do so. We
25 will reconvene at 1:30. So if you want to leave the

1 Q Lieutenant Lendway, if you recall, we ended with you
2 going over a list of items that you collected from the
3 car. I would like to now take the opportunity to look at
4 some of those items with you. So if you'd come down off
5 the stand with me in front of the jury, please.

6 A (The witness complies.)

7 Q This is Exhibit 268. Please identify that item.

8 A Item RL-T1, which is a torn piece of Masters Inn
9 paper with suspected blood.

10 Q Is that something you collected from the car?

11 A Yes, it is. I collected it from the driver's door
12 pocket.

13 MR. ELLIS: Your Honor, the State moves Exhibit 268
14 into evidence.

15 THE COURT: Is there an objection?

16 MR. SCALZO: No, sir.

17 THE COURT: 268 in evidence without objection for the
18 State.

19 (WHEREUPON, State's Exhibit No. 268 was admitted into
20 evidence.)

21 THE COURT: And let me just ask, will there be any
22 objection to any of these, Counselor?

23 MR. SCALZO: I don't believe so. I mean, I'd like to
24 hear which ones they are, but I don't believe so.

25 THE COURT: Then what I'd ask you to do is just speak

1 up with an objection if there is one and then we'll
2 proceed.

3 MR. SCALZO: Thank you, Your Honor.

4 BY MR. ELLIS:

5 Q Next is RL-G2, it's been identified as State's
6 Exhibit 267.

7 A RL-G2 is torn Masters Inn paper with handwritten
8 phone numbers on it.

9 MR. ELLIS: The State moves 267 into evidence, Your
10 Honor.

11 THE WITNESS: That was also in the driver's door
12 pocket.

13 THE COURT: State's 267 without objection.

14 (WHEREUPON, State's Exhibit No. 267 was admitted into
15 evidence.)

16 BY MR. ELLIS:

17 Q I hand you Exhibit 266. Please identify that item.

18 A RL-G3, which is a Masters Inn membership card, dated
19 April 9th.

20 Q Where was that located?

21 A RL-G3 was also from the driver's door pocket.

22 MR. ELLIS: State moves Exhibit 266 into evidence,
23 Your Honor.

24 THE COURT: Without objection, in evidence.

25 (WHEREUPON, State's Exhibit No. 266 was admitted into

1 evidence.)

2 BY MR. ELLIS:

3 Q I'm handing you State's 265, please identify that
4 document.

5 A This is item RL-G4, this is a Murphy USA receipt.
6 That was also from the driver's door pocket.

7 MR. ELLIS: The State moves 265 into evidence, Your
8 Honor.

9 THE COURT: Without objection, 265 in evidence.

10 (WHEREUPON, State's Exhibit No. 265 was admitted into
11 evidence.)

12 BY MR. ELLIS:

13 Q This is Exhibit No. 264, please identify that
14 document?

15 A Item RL-G5, this is a Wal-Mart receipt dated
16 April 11th, 2011. This is also from the driver's door
17 pocket.

18 MR. ELLIS: Your Honor, 264 into evidence, please.

19 THE COURT: Without objection, 264 in evidence from
20 the State.

21 (WHEREUPON, State's Exhibit No. 264 was admitted into
22 evidence.)

23 BY MR. ELLIS:

24 Q Next, Lieutenant, I'm handing you 263, please
25 identify that document.

1 A This is item RL-G6, which is credit card, an AT&T
2 card from the driver's door pocket.

3 MR. ELLIS: Your Honor, the State moves 263 into
4 evidence.

5 THE COURT: Without objection, 263 in evidence.

6 (WHEREUPON, State's Exhibit No. 263 was admitted into
7 evidence.)

8 BY MR. ELLIS:

9 Q Next, Lieutenant, I'm handing you what's been marked
10 State's Exhibit 262. Please tell the jury what that is
11 and open it if you will.

12 A RL-G7, it's a Volkswagen key and Lift Master garage
13 door opener from the driver's door pocket.

14 MR. ELLIS: Your Honor, the State moves Exhibit 262
15 into evidence.

16 THE COURT: Without objection, 262 in evidence for
17 the State.

18 (WHEREUPON, State's Exhibit No. 262 was admitted into
19 evidence.)

20 BY MR. ELLIS:

21 Q All right. Lieutenant, I'm handing you 260. Please
22 identify that document.

23 A This is RL-O1. This is a Department of Probation and
24 Parole document, which was dated April 6th, 2011, from
25 inside the pillowcase from the rear driver's side seat.

1 MR. ELLIS: Your Honor, 260 into evidence, please.

2 THE COURT: Without objection, 260 in evidence by the
3 State.

4 (WHEREUPON, State's Exhibit No. 260 was admitted into
5 evidence.)

6 BY MR. ELLIS:

7 Q Lieutenant, I'm handing you State's 259, please
8 identify what that is.

9 A RL-P, this is a swab or suspected blood. This is
10 from the cover of a State Farm insurance atlas from on top
11 of the clothes basket in the trunk.

12 Q Did you take that swab?

13 A Yes.

14 MR. ELLIS: Your Honor, the State moves 259 into
15 evidence.

16 THE COURT: Without objection, 259 in evidence.

17 (WHEREUPON, State's Exhibit No. 259 was admitted into
18 evidence.)

19 BY MR. ELLIS:

20 Q Lieutenant, I'd like for you to look at this item.
21 This is State's 258. Please identify it and open it up
22 for us, please.

23 A RL-P1. This is a State Farm insurance atlas from on
24 top of clothes basket in the trunk.

25 MR. ELLIS: Your Honor, the State moves 258 into

1 evidence.

2 THE COURT: Without objection, 258 in evidence.

3 (WHEREUPON, State's Exhibit No. 258 was admitted into
4 evidence.)

5 BY MR. ELLIS:

6 Q Would you tell the jury what this circle is on the
7 bottom of this?

8 A This is a circle that I made right here. There was
9 an area of suspected blood right here, which is RL-G.

10 Q Thank you, Lieutenant. I'm handing you 256, please
11 identify that and open it for us.

12 A Item RL-R, this is a rebel bikini top with suspected
13 blood on it. This is from the trunk.

14 Q From the trunk?

15 A Yes.

16 MR. ELLIS: Your Honor, the State moves 256 into
17 evidence, please.

18 THE COURT: Without objection, 256 in evidence.

19 (WHEREUPON, State's Exhibit No. 256 was admitted into
20 evidence.)

21 BY MR. ELLIS:

22 Q Where did you say this item was located?

23 A In the trunk.

24 Q I see some markings on that item, can you tell the
25 jury what those are?

1 A Right. These are the areas of suspected blood were.
2 And these were, apparently, tested and cut out by another
3 examiner.

4 Q Thank you. I'm handing you 269. Please identify
5 that and open it for us.

6 A Item RL-S, this is a pair of Chaps blue jeans with
7 bleach stains on it. This was inside of a camouflaged
8 back pack, which was located inside the trunk.

9 MR. ELLIS: Your Honor, the State moves 269 into
10 evidence, please.

11 THE COURT: Without objection, 269 in evidence.

12 (WHEREUPON, State's Exhibit No. 269 was admitted into
13 evidence.)

14 BY MR. ELLIS:

15 Q I want to ask a question about these blue jeans. At
16 some point after you collected these jeans, did you do any
17 additional testing on them?

18 A Yes, I did.

19 Q What kind of testing did you do?

20 A I tested five years for suspected blood.

21 Q What were the results of those tests?

22 A In the areas tested, they came back negative.

23 Q Okay. All right. Lieutenant, I'm handing you 257,
24 please identify that and open it for us.

25 A Item RL-T1, this is a Conair 12-piece hair cut kit

1 from inside the camouflaged back pack located in the
2 trunk.

3 MR. ELLIS: Your Honor, the State moves 257 into
4 evidence.

5 THE COURT: 257 in evidence without objection.

6 (WHEREUPON, State's Exhibit No. 257 was admitted into
7 evidence.)

8 BY MR. ELLIS:

9 Q I notice some markings on the front of that, will you
10 tell the jury what that is?

11 A This right here is RL-J2, this is an area where I
12 swabbed for suspected blood. I circled it and put the
13 item number there.

14 Q What were the results of that test?

15 A RL-J2 -- excuse me, it's RL-T2.

16 Q Okay.

17 A There was no -- it wasn't tested for blood. It
18 appeared to be blood. I swabbed it and put that item in
19 as evidence.

20 Q Okay. Go ahead and open this up. On the clippers,
21 is there another notation on the clippers?

22 A There is. It's RL-T3, which is in a gray Sharpie
23 that's circled here. This is another area suspected blood
24 that I swabbed off the clippers.

25 Q Okay. All right. I'm handing you what's been marked

1 as State's Exhibit 270. I'm going to tell you it is a
2 firearm. Our courtroom deputies have checked it and it is
3 safe. So you know this before you handle it. So I'm
4 handing you 270. If you would, please, tell the jury what
5 that is.

6 A RL-U1, this is a Daisy PowerLine 990 BB gun, 177
7 caliber. It was located inside the blue bag inside the
8 trunk.

9 MR. ELLIS: The State moves 270 into evidence, Your
10 Honor.

11 THE COURT: Without objection, 270 in evidence for
12 the State.

13 (WHEREUPON, State's Exhibit No. 270 was admitted into
14 evidence.)

15 BY MR. ELLIS:

16 Q You said that's a BB gun?

17 A Yes.

18 Q Lieutenant, I'm handing you 273. Please identify
19 that, tell us where you found it and open it up?

20 A RL-W, miscellaneous clothing and toiletry items,
21 paper towel roll, a lighter, a key, binoculars from the
22 rear seating area.

23 MR. ELLIS: Your Honor, the State moves 273 into
24 evidence.

25 THE COURT: Without objection, 273 in evidence.

1 (WHEREUPON, State's Exhibit No. 273 was admitted into
2 evidence.)

3 BY MR. ELLIS:

4 Q I'll talk about what's on the table first, then we'll
5 get some more items here. I know the jury is seeing it.
6 For the record, I want to talk about some of these items,
7 too. So starting over here, what are we looking at?

8 A Got a small watch right here, a receipt right here.
9 This is a Volkswagen key, flashlight, a plastic container
10 that has some rolled-up coins -- the little packaging for
11 rolling coins. Got a Dr. Pepper bottle, got a Hershey's
12 milkshake bottle, a paper towel roll, a scrungie, a set of
13 binoculars, some hair care products, Head & Shoulders, a
14 swab, body wash and also some [undiscernible]. And
15 there's also a yellow plastic that's got some candy in it.

16 Q What are we looking at here, Lieutenant?

17 A This is some miscellaneous clothing items. There's a
18 rubber top container, a glove, tee-shirt, long-sleeved
19 shirt. Here's another shirt that's got a knot on the top.

20 Q Okay. All right. Lieutenant, I'm handing you what's
21 been marked as State's Exhibit 261, please identify what
22 that is?

23 A RL-X, this is a Department of Probation and Parole
24 paper.

25 Q Would you please open that up for the jury?

1 A This was on top of the rear driver's side seat.

2 MR. ELLIS: Your Honor, the State moves 261 into
3 evidence.

4 THE COURT: Without object then, 261 in evidence for
5 the State.

6 (WHEREUPON, State's Exhibit No. 261 was admitted into
7 evidence.)

8 BY MR. ELLIS:

9 Q All right. I am handing you 271. Please tell the
10 jury what that is and where you found it and open it up
11 for us?

12 A RL-T, this is a camouflaged back pack containing
13 miscellaneous clothes from inside the trunk.

14 MR. ELLIS: Your Honor, the State moves 271 into
15 evidence.

16 THE COURT: Without objection, 271 in evidence.

17 (WHEREUPON, State's Exhibit No. 271 was admitted into
18 evidence.)

19 BY MR. ELLIS:

20 Q Where was this item located again?

21 A It was located inside the trunk of the vehicle.

22 Q What do we have in here?

23 A Miscellaneous clothing items.

24 Q There's some leaves and dirt in the bottom of that,
25 too?

1 A Yes, sir, it is.

2 Q Okay. Let's package that back up, please. Finally,
3 Lieutenant, I'm handing you what's been marked as State's
4 Exhibit 272. Please tell the jury what that is and where
5 you found it.

6 A RL-U, this is a blue nylon bag with miscellaneous
7 tools in it. It was located inside the trunk of the
8 vehicle.

9 MR. ELLIS: Your Honor, the State moves 272 into
10 evidence.

11 THE COURT: 272 in evidence without objection.

12 (WHEREUPON, State's Exhibit No. 272 was admitted into
13 evidence.)

14 BY MR. ELLIS:

15 Q And do your notes reflect where in the trunk this was
16 located and whether it was top of other things or
17 underneath other things?

18 A When I opened the trunk, I did take some photographs.
19 It was full of so much stuff, I would need to refer back
20 to the photographs to see exactly where it was located in
21 the trunk because there was clothes and just miscellaneous
22 items.

23 Q Okay. What are we looking at here?

24 A Here's the metal detector from Radio Shack.

25 Q Let's go through these items as you pull them out and

1 let's talk about them.

2 A Okay. This is a small plastic hand tool. This right
3 here is a bag of what appears to be some sort of tent
4 stakes. This is a rusted hand saw, roll of twine, back
5 scratcher, a measuring tape. There's a rusted hatchet, a
6 rusted crow bar, a level, a marker. These appear to be
7 some tent stakes. Also, a claw hammer.

8 Q Lieutenant, I'm going to show you while I'm standing
9 here what's been previously admitted as State's Exhibit
10 191 and 192. These are photographs of the interior of the
11 trunk. And I'd like for you to tell the jury where this
12 bag, including the hammer and saw and various things was
13 found in relation to the other things that were in the
14 trunk.

15 A Okay. This is a photograph right here when I first
16 opened the trunk of the vehicle. If you can see how many
17 items were located in the trunk, it was pretty full.

18 Q All right. Lieutenant, I can put it up on the
19 overhead so everyone can see. Okay.

20 A This photograph, as I just mentioned, was -- I hadn't
21 been in the vehicle yet or into the trunk area. I lifted
22 the trunk open, took an initial photograph and this is
23 what I saw. It was pretty much loaded down with the
24 baskets of clothes, just miscellaneous items in there.
25 The atlas, the camouflaged back pack, those types of items

1 were located in here. This blue bag right here with the
2 miscellaneous tools, it was located on the bottom portion
3 of the items that you see here. It was located underneath
4 them.

5 Q Okay. I put up State's Exhibit 191. Zoom out a
6 little bit for you. What is that?

7 A That is the area underneath the piles of clothes. As
8 I started taking those out, I had clean paper down on the
9 floor. I was putting those items down there on the floor
10 and just going through the items in the trunk. This is
11 the blue bag with the miscellaneous tools and the BB gun.
12 That was inside the trunk over towards the left side
13 underneath all that pile of clothing.

14 Q All right. Lieutenant, I'm going to ask you to have
15 a seat on the witness stand.

16 MR. ELLIS: Your Honor, if I might have a minute to
17 make sure we've got everything in evidence.

18 THE COURT: Yes, sir. Go ahead.

19 MR. ELLIS: Thank you.

20 BY MR. ELLIS:

21 Q Lieutenant, after you processed Ms. Hughes' car, did
22 you have any further involvement in this case?

23 A No.

24 MR. ELLIS: Thank you for taking the time to answer
25 my questions. Please answer any questions Mr. Scalzo has

1 for you.

2 THE COURT: Now cross-examination.

3 MR. SCALZO: May it please the Court.

4 CROSS-EXAMINATION

5 BY MR. SCALZO:

6 Q Lieutenant Lendway, I guess let's start -- you
7 described collecting a lot of evidence, I understand, but
8 let's, specifically, talk about some blood in the car,
9 sort of where we left off. Let's talk about it for a
10 couple of minutes. You collected swabs of blood from
11 Ms. Hughes' car, the silver Jetta, correct?

12 A Correct.

13 Q And do you know exactly how many swabs there were?
14 If it's a rough guess, that's fine.

15 A Six to 10 maybe.

16 Q Six to 10. Okay. And those were swabs of what you
17 believed to be blood?

18 A Right.

19 Q And I think there was a picture that showed one
20 example where you were showing how the example showed that
21 it was positive for blood because you tested it?

22 A That's correct.

23 Q Did you do that with every swab?

24 A No, not with every single one.

25 Q With just one?

1 A I can go back to my report.

2 Q Okay. So a couple of them you tested Phenolphthalein
3 or how do you say it?

4 A That's right.

5 Q So not on all 10 or six, but a couple of them?

6 A It was five.

7 Q Okay. So it was like a presumptive test? You wanted
8 to check and see if you were on right the track, so to
9 speak?

10 A Yes, test for the presence of blood.

11 Q Right. And, eventually, that's going to get sent
12 maybe for later testing?

13 A That's not a decision I make, that's -- you know,
14 we'll take the swab and put it into property and evidence
15 and an investigator -- if that's what they choose, they
16 can put items and send them off or put a lab request in.

17 Q But the point of what you're doing and wearing gloves
18 and you're collecting it in a certain way is so that if
19 needs to be tested later, it can be tested and contained?

20 A That's right.

21 Q And it's not contaminated by you or other thing,
22 correct?

23 A That's correct.

24 Q So you talked about six or 10 swabs. And you're also
25 processing the car in other ways, not just taking the

1 swabs, is that right?

2 A After I was done swabbing, collecting my evidence, I
3 did process it for fingerprints.

4 Q Okay. And we'll maybe talk about fingerprints in a
5 second, but let's stay on blood for a minute, okay?

6 A All right.

7 Q Not just swabs, did you ever take any cuttings or
8 remove a piece of clothing or cardboard or anything like
9 that?

10 A Part of the sun visor.

11 Q Part of the sun visor. So that's removed because it
12 visually appeared to you that it might be blood, so you
13 removed it so it could be tested?

14 A That's right.

15 Q Is that included in the six or 10 you were talking
16 about?

17 A Yes.

18 Q But that's a swab you took, correct, and then you
19 also cut it out?

20 A Yes, RL-I, which is a cut section of the sun visor
21 from above the driver's seat.

22 Q Okay. And you're aware that the blood was later
23 tested, correct?

24 A I don't know.

25 Q You don't know? You did not review whether or not

1 the blood was tested later on or came back to a particular
2 person?

3 A That's not -- what we do when we get called to a
4 crime scene, in this case, it was the sheriff's office for
5 Greenville County, which I don't work for. It's their
6 case. They'll call for our assistance to come out to a
7 crime scene or process an area or vehicle. And --

8 Q So you're saying you just collected it?

9 A That's right.

10 Q So you have no idea whether or not any of the blood
11 is Ms. Hughes' blood?

12 A I believe there was some areas that were tested and
13 some of it -- some of the blood was tested, but I cannot
14 tell you, specifically, which items were tested.

15 Q All right. I'm a little confused, so I'm going to
16 break it down. You just said that you collected it, but
17 you didn't know what the conclusion was, right?

18 A Right, because that would be out of my hands from
19 there.

20 Q Then I ask you so you don't know if any of the blood
21 was Ms. Hughes' blood, correct?

22 A What I was -- I was informed that some of the blood
23 had been tested or sent off, but I don't know the results.
24 I can't tell you which items were sent and if all the
25 items were sent or if only a couple of the items were

1 sent. I can't tell you the specifics to that.

2 Q So the answer to my question is yes, you don't know
3 if it was her blood?

4 A That's right.

5 Q Now, while we're on, again, the topic of blood, you
6 were describing the footprints -- or the shoe prints, I
7 should say, correct, in the house?

8 A Correct.

9 Q And I think, specifically, you were talking about the
10 wooden floor, right?

11 A Yes, there was some on the wooden floor.

12 Q And what you described doing and shown in the
13 pictures, I guess, also, in the video was, there were very
14 clear shoe prints, which showed a lot of the tread and the
15 pattern, correct?

16 A There were some that were partial and there were some
17 a little bit better than others.

18 Q All right. So as you got to the -- closer to the
19 kitchen, there were some that were a little harder to see
20 with the naked eye?

21 A Getting closer to the kitchen was also getting closer
22 to the victim, which was also getting closer to the large
23 amount of dried, pooled blood on the floor, so you didn't
24 have the detail. There may have been some with a pool of
25 blood covering it and drying. There was nothing

1 specifically close right there. It was more on the outer
2 side of the blood pool.

3 Q All right. And I may be confusing, so let me try to
4 clarify. If this area is where Ms. Hughes' body was found
5 and here's the door, right. If I move away from that
6 toward the interior of the house, okay, that's what I'm
7 talking about?

8 A Right.

9 Q As you moved out, the pattern on the shoe print kind
10 of faded more and more, is that a fair way to say it?

11 A Yes.

12 Q So much so that what you decided to do was use that
13 LCV stuff to spray?

14 A That's right. But there was also some areas that
15 were a little bit closer that were also faded, too.

16 Q Okay.

17 A So it was used to cover that whole area.

18 Q All right. Fair enough, but my point is with regard
19 to the shoe prints that seemed faded, whether they're
20 close or far away, okay, let me make this simple, you used
21 this LCV to try to enhance it?

22 A That's right.

23 Q And when you started out looking at a shoe print that
24 you really couldn't see all the detail, you thought hey, I
25 need to use the LCV on it, your eye couldn't see

1 everything?

2 A Right.

3 Q Before the LVC?

4 A We used LCV on all of what we thought was footwear.

5 Q And the LCV, I think you described it, but the LCV is
6 a chemical that when we spray it on there, it lifts up and
7 has a chemical reaction, I guess, with the blood and then
8 shows up?

9 A It darkens.

10 Q It darkens. But it wouldn't darken if it was orange
11 juice or something like that?

12 A That's right.

13 Q It's made so that when you spray it, it interacts
14 with blood and not other things?

15 A That's right.

16 Q That's why you're using it on blood?

17 A That's right.

18 Q And you sprayed it on the hardwood floor. Are you
19 able to spray it on other substances?

20 A Yes.

21 Q Surfaces?

22 A Yes.

23 Q So if it was on a wall, you could spray it on a wall?

24 A Yes.

25 Q Could you have sprayed in on the Oriental rugs?

1 A Yes.

2 Q You could have sprayed it on there?

3 A Which was covering the -- the way the footwear
4 impressions were going, there was a small amount of the
5 hardwood floor going from near where the victim was, going
6 out towards the middle part of the house.

7 Q Interior of the house?

8 A Right. The area that was covered was that small area
9 of the hardwood where we could see some visibly, but
10 without enhancing it and also covering part of that
11 oriental rug.

12 Q But my question is you're not limited really by the
13 surface that you can spray that LCV on?

14 A Some surfaces are better than other, but.

15 Q But carpet or hardwood floors, things you might find
16 in a house?

17 A If you spray it on the carpet, depending on the type
18 of carpet, if it's the big, thicker carpet, of course, the
19 detail isn't going to be as good on that.

20 Q But it would assist you?

21 A It may assist in finding which somebody had may be
22 gone.

23 Q And the chemical, once it comes in contact with
24 blood, even if it's blood you can't visually see, it's
25 going to turn a color? It is purple or black or what

1 color is it?

2 A Purple.

3 Q Right?

4 A Right.

5 Q So even if you sprayed something and you couldn't see
6 the pattern, it might come out purple?

7 A Right.

8 Q And you can get that on tile or hardwood floor,
9 potential carpet, but would still come up a color?

10 A Right.

11 Q Even if you can't see the pattern? Do we agree on
12 that, is that fair?

13 A Right.

14 Q Okay. The prosecutor, Mr. Ellis, was talking to you
15 about this blue bag, the nylon bag you described as being
16 in the trunk and at the bottom of the trunk when you
17 approached it, correct?

18 A That's right.

19 Q And removed the items. And if you need to come down
20 here, let me know that and you're welcome to come down and
21 answer the question, but is it fair to say that the items
22 that were in the bag, including the bag itself appeared to
23 be old?

24 A Some items. As far as the age, I don't think if I
25 can determine an age on all of items.

1 Q I'm not asking you about age. I'm just simply saying
2 they're not brand new, maybe I'll say it that way?

3 A Right.

4 Q And would you agree with me this appears to be brand
5 new?

6 A I don't know if it's brand new, but it's in good
7 condition.

8 Q Would it appear that this is newer than this?

9 A Yes.

10 Q And this red hammer is the hammer that was inside the
11 bag inside the trunk?

12 A That's right.

13 Q And you understand that this black-handled hammer is
14 the hammer that -- well, you know, you saw it inside the
15 washing machine, correct?

16 A Yes.

17 Q The hatchet that was in that bag was rusted, correct?

18 A Yes.

19 Q Crowbar is rusted?

20 A Yes.

21 Q When you were in -- I'm sorry to jump around, but
22 when you were in the master bedroom, you were describing
23 not only on the video, but at some point, you were
24 collecting evidence, so you took the video and then at
25 some point collected the evidence, am I right?

1 A Yes.

2 Q At some point when you went in to collect the purse
3 that was on the bed, I guess you took everything and put
4 it inside the and then took the purse?

5 A No.

6 Q You took each item separately?

7 A Not each individual, let's say, bonus card, but
8 everything that was sprawled out, as far as the bonus
9 cards, that was in a bag. The other ones went into
10 separate bags. When I brought those items back -- I was
11 busy after this scene because I was only at the crime
12 scene office for approximately 20 minutes before I ended
13 up going to Laurens County and finishing at those areas.

14 Q Right.

15 A But when I came back to work, I had additional time
16 and I went back into my evidence locker and those items
17 that were on there, I laid out, took additional
18 photographs before I did any other processing, swabs for
19 blood, fingerprint processing or anything like that. So
20 they weren't just thrown all in together.

21 Q . . I'll try to be clearer with my question. What I'm
22 getting at is you, the person sitting there, collected the
23 items from the bed?

24 A Yes.

25 Q All right. So you not only videotaped it, you

1 physically picked the items up?

2 A Yes.

3 Q And I'm going to make an assumption because you
4 didn't testify to it, but it seems a fair assumption based
5 on what you've already testified to, you were -- if there
6 was blood on those items, you would have looked for them,
7 correct?

8 A There was one on the small cosmetic purse that did
9 have some blood on it that was swabbed.

10 Q Okay. So let's start that one out for a second.

11 A It was the white and green one.

12 Q Did any of the other items have blood that you're
13 aware of?

14 A Not that I saw.

15 Q And the purse itself as well did not have blood on
16 it?

17 A Not that I saw, just the cosmetic bag that was right
18 there.

19 Q And was the cosmetic bag also on the bed?

20 A Yes.

21 Q I'm trying to picture the picture in my head. Let's
22 talk about downstairs. You described being on the porch
23 and there's a pink sheet, I guess, it was described and
24 also a towel and the mat?

25 A And the dog toy.

1 Q And the dog toy. And I'm guessing you're working
2 your way down, at some point, you're going to collect the
3 dog toy first, I would guess?

4 A Yes.

5 Q And then you're going to take the towel?

6 A Yes.

7 Q Then you'll get to the pink sheet, right? Which the
8 this, which is State's Exhibit 250, right?

9 A Yes.

10 Q And when you pulled it out earlier, you mentioned not
11 only that there was blood on it but there was always a
12 pattern, shoe patterns on it, correct?

13 A There was a partial bloody footwear impression, yes.

14 Q And fair to say that that's laid first if the person
15 probably walked on it and left a shoe print?

16 A I can't tell you as far as the order of.

17 Q Okay. Well, I guess, I'll ask it this way. You
18 don't think this had a shoe print in blood on it before it
19 was laid down, do you?

20 A I don't know.

21 Q Okay. Well, you're trained in I think you said blood
22 analysis. How do you think the pattern of the shoe print
23 got on the pink?

24 A Whether it was put on there where I found it or if it
25 was put on somewhere else in the house, I don't know.

1 Q Okay. So you're saying location-wise. Okay. Let's
2 say -- forgot about location of the towel -- of the pink
3 sheet, although I don't remember if it was a sheet, but
4 the pink sheet. At some point, a blood pattern that's
5 consistent with the other shoe impressions got on that
6 pink sheet, right?

7 A That's correct.

8 Q And this pink sheet is laid out right on top of the
9 mat, right?

10 A It was somewhat folded.

11 Q You would agree with me that the shoe print is on
12 top, not under the bottom that's facing the mat?

13 A Right.

14 Q Fair to say it's pretty logical that the person
15 probably laid it out, stepped on it while they were doing
16 whatever they were doing, laying down things?

17 A There's different scenarios, that could probably
18 happen.

19 Q All right. The green -- State's Exhibit 248, is that
20 the green towel that you found on top of the pink?

21 A Yes.

22 Q All right. Do you recall -- and I can go look at my
23 notes, was there a pattern on this?

24 A You're talking about the footwear pattern?

25 Q Yes, sir.

1 A Not that I saw.

2 Q All right. And were either of those sprayed with
3 LCV?

4 A No, they weren't.

5 Q You were describing that -- with the fingerprint, you
6 don't want the powder to get everywhere, so it's sort of
7 the last thing that you did, right?

8 A That's the last thing that Investigator Gamble did.

9 Q Oh, Gamble, okay.

10 A Yeah, I did some processing and some other things at
11 the crime scene office.

12 Q I thought you mentioned and I may be wrong, so just
13 correct me. Did you process the handbag, the purse that
14 was on the bed for fingerprint? I thought we talked about
15 that earlier, but I may be wrong?

16 A The cosmetic bag.

17 Q Just the cosmetic bag, but not the purse itself?

18 A Because of the texture of the purse.

19 Q You didn't think you'd get something off of that?

20 A That's right.

21 Q Was it swabbed?

22 A Was it -- the purse, the actually purse?

23 Q Yes, sir.

24 A No.

25 Q Let me ask you something while -- I was looking for

1 something else, but let me ask you this, you talked about
2 processing or that you're trained in the footwear
3 impression of the shoe impression, is that right?

4 A I've had a class in it. You're talking about
5 footwear?

6 Q Yeah, the footwear or shoe, I don't know what the
7 forensic term is, but what we're talking about is shoe
8 impression like was in the blood. Okay. Am I right? Are
9 we on the same page as far as that?

10 A (Witness nods head.)

11 Q And you mentioned several times that you had an
12 opinion that the patterns that you found in different
13 areas seemed to be the same shoe?

14 A Had a similar-type pattern in blood.

15 Q I mean, it seems to me like what you're doing is
16 you're looking at a pattern and you're looking at another
17 pattern and you're sort of following and seeing if they,
18 actually, just look alike. Is that what you do?

19 A I wasn't examining them. You're talking about as far
20 as an examiner?

21 Q Yeah, okay.

22 A But out on the scene, they were of similar pattern,
23 the one in the pollen, the one on the pink sheet and the
24 ones in the blood.

25 Q And I guess what I'm trying to ask you is are you

1 doing anything besides visually making a -- looking at it,
2 evaluating it that way?

3 A No, just, you know, finding the location of those and
4 later on enhancing it with the LCV.

5 Q I would suspect that because you've had some training
6 and looked at a lot of shoe prints, you're bringing that
7 experience to it, also?

8 A Right.

9 Q In comparing -- to make the opinion that you offered,
10 which was this shoe impression looks like this one, looks
11 like this one?

12 A They were all similar in pattern.

13 Q Okay. You describe being in the garage with the
14 video camera, you went through the garage?

15 A Yes.

16 Q Is the -- what we saw on the video camera, is that
17 the only time you were in the garage or did you go back
18 later on?

19 A I went back later on.

20 Q Is that just your own personal visual inspection
21 without the camera?

22 A No, I sprayed LCV down there.

23 Q You sprayed LCV down there?

24 A Yes.

25 Q There were no pictures or anything saying that it

1 showed anything purpose, I'm assuming there was nothing
2 found?

3 A That's right.

4 Q Okay. When you sprayed, you're saying you sprayed
5 the ground? What did you spray?

6 A The ground in the garage and also the stairway
7 leading upstairs.

8 Q All right. If I remember correctly, on the video --
9 I don't have the time, but you might remember, there's the
10 door that goes to the garage where you go down the steps.
11 Remember that?

12 A The one in the foyer?

13 Q Yes. So you walk in the front door, you walk a
14 little bit, on your right would be the door that if you
15 open, you can go down the steps to the basement?

16 A Yes.

17 Q All right. And I saw it, I don't remember if you
18 remember it, but at the handle, there was some -- it's a
19 white door, so it's either black or a discoloration where
20 the handle is, is that correct?

21 A Yes.

22 Q And I don't recall anything being on the knob which
23 you can turn to lock. Do you recall if there was anything
24 found, blood or anything on that knob?

25 A On the dead bolt or --

1 Q Yeah, the dead bolt, I'm sorry.

2 A I didn't see anything -- are you referring to blood,

3 possible blood?

4 Q Yeah, blood primarily, yes, sir.

5 A I didn't see any there.

6 Q Okay.

7 A I did see some in close proximity to that area.

8 Q Right, that's on the actual door handle?

9 A No, it's on the actual door.

10 Q But near the handle, I guess, is a better way to say

11 it, right?

12 A Yes.

13 Q So you've got the handle that's down here, you've got

14 the knob that's up here?

15 A Right.

16 Q Or dead bolt, sorry, the dead bolt. Nothing on the

17 dead bolt, but right by the handle, is that right?

18 A I did not see any on there.

19 Q So the answer to my question is yes, right?

20 A Investigation Gamble was also on scene. He did most

21 of the swabbings of the blood from upstairs and in the

22 closet. I was more focus on near where the victim was and

23 in the kitchen area and in the laundry room as far as

24 collecting evidence.

25 Q All right. Mr. Ellis also asked you -- and speaking

1 of upstairs, Mr. Ellis also asked you about checking the
2 drains, do you remember that?

3 A Checking the sinks and tubs.

4 Q The sinks and tubs?

5 A Yes.

6 Q I'm assuming based on the way you answered the
7 question that it's possible for you to get results?

8 A Yes. In those areas, I sprayed LCV as well.

9 Q And you wouldn't have sprayed LCV if you thought it
10 was not possible to, actually, get a result?

11 A Right.

12 Q And you didn't get any result?

13 A That's right, not in those area.

14 Q And there's no pictures of anything purple in the
15 sinks or the tub or anything like that?

16 A No.

17 Q And this I'm talking about upstairs in the master
18 suite, right?

19 A Yes.

20 Q The bathroom in the master suite?

21 A Well, I was referring to all the ones in the
22 residence.

23 Q But let's be specific, master suite bathroom, no
24 purple stuff?

25 A Right.

1 Q In one of the closets, I guess it is, that's right by
2 the bathroom, there is this set of drawers, right?

3 A Besides the --

4 Q The white drawers inside the actual closet?

5 A Yes.

6 Q And in the video -- and I think you referred to you
7 maybe took swabs or, at least --

8 A Investigator Gamble took swabs.

9 Q But you visually saw what appeared, at least, to you
10 to be blood on the drawers in certain areas?

11 A With a fabric impression.

12 Q Fabric impression. And then above with a fabric
13 impression as well on the arch?

14 A On the entry wall, yes.

15 Q Okay. And that is the closet that's in the master
16 bedroom, right?

17 A Right.

18 Q Connected to the master bedroom?

19 A Right.

20 Q Also connected to that bathroom we were just talking
21 about?

22 A You have the two closets and then you have the main
23 bedroom area and then you have the bathroom on the far
24 side of that.

25 Q But that's my point, that's all a connected area?

1 A Right, that all appeared to be the master suite with
2 the master bedroom with the master walk-in closets and the
3 master bathroom, yes.

4 Q Okay.

5 MR. SCALZO: Bear with me one moment, Judge.

6 THE COURT: Yes, sir.

7 BY MR. SCALZO:

8 Q You talked about the pollen that was on the porch?

9 A Yes.

10 Q You observed it, we saw it in the picture, right?

11 A Right.

12 Q Did you observe any other pollen inside the house,
13 any areas where you saw pollen inside the house?

14 A That would be very difficult to do.

15 Q Okay. That's not what I asked you. Did you observe
16 it?

17 A I observed a lot in the house.

18 Q Okay, but did you observe pollen in the house?

19 A I did not observe fallen pollen in the house.

20 Q And you processed the car, right?

21 A Yes.

22 Q And did -- other than the blood that you talked about
23 being on the seat, there's the blood on the driver's seat
24 that's to the right right by the console, right? There's
25 the blood that's right at the bottom by the lever for the

1 seat to go back and forth?

2 A Right.

3 Q Ou didn't observe any blood on the floor mats?

4 A No, but I did collect the floor mats.

5 Q You collected them, but you haven't observed what you
6 think would be blood on the floor mats?

7 A Right.

8 Q And that includes the driver's side?

9 A Yes.

10 Q And I think you said this, but there was not what you
11 might have thought or collected thinking was blood on the
12 exterior of the car?

13 A No, I did not see any on the exterior.

14 Q Just to be thorough, sorry, the papers, those various
15 papers that you collected from inside the car that you
16 talked about with the prosecutor, am I right?

17 A I did collect some papers.

18 Q Right. I think there was the Masters Inn receipt and
19 it was like the Masters Inn membership card and some other
20 document from the Masters Inn, right?

21 A Yes.

22 Q Do you remember those?

23 A Yes.

24 Q Then you've got the probation document?

25 A Right.

1 Q I think there were sort of miscellaneous maybe cards
2 or things like that. Any blood on any of that?

3 A On any of the documents in the car?

4 Q Yeah, the documents?

5 A In those particular documents, no, but there was some
6 blood on a Pizzeria menu that was inside the console.

7 Q So you have the Pizzeria menus and the atlas, right?

8 A That's right.

9 Q As far as paper or cardboard, those are the only two
10 pieces?

11 A And there was also a tissue.

12 Q Like, I think, you described it like a paper towel?

13 A That's right.

14 Q Those three things in that sort of category of
15 evidence had blood, but everything else, the cards, the
16 receipts and all that, the probation document, that didn't
17 have any blood on it?

18 A No, but there were other items that had blood on it.

19 Q I understand that, but that item did not?

20 A The Masters Inn specifically?

21 Q Yes.

22 A No.

23 Q And --

24 A But there was part of it that was also torn.

25 Q I understand. This didn't have any blood on it, the

1 blue nylon bag, correct?

2 A I didn't see any.

3 Q And the items inside of it didn't have any, didn't
4 test for it, did you?

5 A No.

6 Q Okay. State's 262 is key and the garage door opener.
7 In here today, it doesn't appear to be any blood, but did
8 you observe any blood on it when you collected it?

9 A No.

10 Q And you would agree with me that it doesn't have a
11 little ring that you could put on a key chain on it, does
12 it?

13 A It's different than the other Volkswagen key that did
14 have a ring on it inside the car. There was two.

15 Q Right. And that key is, actually, like a standard
16 key, right?

17 A Not necessarily.

18 Q What do you mean?

19 A The key to me is a little bit different.

20 Q Not this one, I'm talking about the other key?

21 A Right. It's not -- Volkswagen has a different type
22 of key.

23 Q Right. I guess what I'm asking is does it have the
24 buttons where you open the door, lock the door, open the
25 trunk?

1 A Yes.

2 Q That key does?

3 A Which key are you referring to?

4 Q I'm talking about this key. Let's start here. This
5 key has the button for unlock, button for lock, button for
6 the trunk and a panic button on it, right?

7 A Right.

8 Q And then when you press this little button, that key
9 pops out, you stick it in and turn the car on, right?

10 A Right.

11 Q You said and I understood that it doesn't have a
12 little hook on it where you would put it on a key chain,
13 this one?

14 A That one, no.

15 Q You said other one does, so my question is the other
16 key, because we haven't seen it yet, the other key, does
17 it have the buttons on it?

18 A I would have to look again at that key specifically.

19 Q As you're sitting here today, do you recall it having
20 the buttons on it?

21 A I can't recall.

22 Q Okay. Possible that's what they call a valet key?

23 A Explain a valet key.

24 Q A valet key is when you give a key --

25 MR. ELLIS: Your Honor.

1 MR. SCALZO: Go ahead.

2 MR. ELLIS: Defense counsel can show the witness a
3 key if he's going to ask that question about the key.

4 THE COURT: Overrule your objection. He has his own
5 strategy and tactics for his questioning. I'll let him
6 proceed.

7 BY MR. SCALZO:

8 Q When I ask you -- first asked you about whether that
9 key had a ring, you didn't agree, but you said another key
10 has a ring and that's the key we started talking about. I
11 asked you does that sound like a valet key. We're on the
12 same page?

13 A Right.

14 Q And you're saying you don't know what a valet key is?

15 A That's right.

16 Q Okay. Has it been your experience that sometimes
17 when you get a car, especially newer cars, you get more
18 than one set of keys?

19 A Yes.

20 Q And sometimes you might want to give a key to
21 somebody to use the car that doesn't have the ability to
22 unlock the car with the trunk and the unlock buttons and
23 all that, is that right?

24 A There's spare keys I'm aware of, some have key box,
25 some don't. It's a Volkswagen, I'm just not familiar with

1 Volkswagen.

2 Q Okay. So we're talking about potentially a spare
3 key. You didn't like valet, okay. You don't remember
4 whether or not it had the buttons on it?

5 A That's right. The one that was also located in the
6 car that had a key ring?

7 Q Right.

8 A Right.

9 Q I'm jumping to a different thing, sorry. We've seen
10 the pictures of the back porch door from inside the house.
11 So you're inside the house, the back porch door is closed,
12 you open it up and you go out to the screen porch. That's
13 the area we're talking about, okay?

14 A Okay.

15 Q And what we see in the pictures is there's a lot of
16 blood, but there's a void where there's no blood or not as
17 much blood, am I right?

18 A I don't know if I would call that a void.

19 Q Okay.

20 A Would you like me to explain?

21 Q Well, let me ask it this, is there any disagreement
22 that there's an area with a lot of blood, area with not so
23 much blood and you think that's where she was lying?

24 A At one point, yes.

25 Q Okay. And you would agree with me that if she hadn't

1 always been lying there and somebody had stepped or walked
2 or moved the body that that could have wiped the blood?

3 A The victim appeared to be moved.

4 Q Okay.

5 A Slightly..

6 Q Okay.

7 A And there was an area on the oriental rug that
8 appeared to have been where her head had rested at one
9 time. And she was a little ways from there.

10 Q Okay.

11 A The void area that you're referring to, I wouldn't
12 classify so much as a void pattern, but it appeared to me
13 that the victim was closer to where that small cabinet was
14 and the victim was moved slightly away. Her clothing,
15 actually, created that void you're referring to and,
16 actually, wiped some of that blood.

17 Q When you said small cabinet, you're talking about the
18 small cabinet to the right if you're facing the doorway?

19 A That's right. Where I believe there was some dog
20 toys or something like that.

21 Q And I guess what I'm getting at, I'm not trying to
22 beat around the bush, I hope it doesn't appear that way,
23 if she at some point was standing because she had shoes on
24 as well, right?

25 A She had one sneaker on.

1 Q If you assume she had two or she only had one, at
2 some point, she might have been standing, you said she was
3 moved, the body. Even if it wasn't all that much, she was
4 moved?

5 A Yes.

6 Q And is it possible that her shoe print or footprint
7 or whatever could have been wiped over or blood could have
8 just made it go away?

9 A She went down very fast. She was not walking around
10 in blood. She would not have left bloody footprints
11 around that area.

12 Q And I didn't ask you whether she would leave them all
13 around the area. What I asked you was if there was one
14 that had been left and she was -- either her body moved
15 and we talked about the more blood got on top of it, that
16 might have caused whatever shoe prints or footprints to
17 sort of disappear and you're not able to see them. Is
18 that possible?

19 A It's hard to say based on the amount of blood that
20 was on the floor. You're referring to if that floor was
21 clean and then stepped on with her bloody footwear,
22 because there was a lot of blood in that one area.

23 Q Uh-huh.

24 A So if somebody had stepped in that pool of blood,
25 they're not necessarily going to leave a footwear

1 impression.

2 Q Uh-huh.

3 A Depending on the volume of blood.

4 Q Let's do it this way, if Ms. Hughes is either walking
5 to -- if she's at the door from the inside going out or
6 either reverse on the outside going in and we don't have
7 the amount of blood that we see there or any blood at all,
8 if she stepped and left any kind of shoe print, we'll take
9 it from that point first, whether it was dirt, pollen,
10 whatever, with the amount of blood and the fact of her
11 body ended up in that area could very well have obscured
12 any shoe prints she might have left originally?

13 A Without blood, just day-to-day --

14 Q We'll start there. There's no blood on the scene and
15 she steps, might she not have left a shoe print? No blood
16 yet.

17 A Yes.

18 Q Whether she's going out or coming in?

19 A Yes.

20 Q All right. Now, if we had all the blood that we
21 ended up seeing on the pictures, happens on the scene and
22 wouldn't that potentially obscure any of her shoe prints
23 that would have been there before the blood?

24 A Yes.

25 Q Okay. As well, either her body being moved or just

1 her movement through that area could as well have obscured
2 any shoe prints that she may have left?

3 A Prior to the bloodshed?

4 Q Yes, the shoe prints prior to the bloodshed.

5 A Yes.

6 MR. SCALZO: That all I have, Judge.

7 THE COURT: Is there redirect?

8 MR. ELLIS: Yes, sir, Your Honor. Thank you.

9 THE COURT: Briefly, please.

10 MR. ELLIS: Yes, sir, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. ELLIS:

13 Q Lieutenant, were there any Volkswagen keys found in
14 the house?

15 A No, there was not.

16 Q I'm going to show you what's been previously admitted
17 into evidence as State's Exhibit 182. Do you recognize
18 that photograph?

19 A Yes.

20 Q What is that showing?

21 A That's the interior driver door pocket.

22 Q And on the right there, does that appear to be the
23 garage door opener that we've been talking about?

24 A Yes, it does.

25 Q I'm showing you what's been marked as 183. Is that

1 the contents of that driver's door pocket?

2 A Yes, it is. This photograph was taken by me back at
3 the crime scene office.

4 Q And I believe there are a key and garage door opener
5 there?

6 A Yes. This is the key here and this is the garage
7 door opener.

8 Q And is that the same key and garage door opener
9 that's in State's Exhibit 262?

10 A Yes, it is.

11 (WHEREUPON, State's Exhibit Nos. 269 through 288 were
12 marked for identification.)

13 BY MR. ELLIS:

14 Q Lieutenant, I'm going to show you what's been marked
15 as State's Exhibit 286, 287 and 288. Please review those
16 and tell me if you know what they are?

17 A These are photographs of the interior of the vehicle,
18 the Volkswagen. Near the front seat, there's a photograph
19 of the items on the rear seat. And there's also items
20 from the rear seating area that were taken at the crime
21 scene office.

22 Q Did you take those photographs?

23 A Yes, I did.

24 Q Do they fairly and accurately reflect the way those
25 items looked the day that you were doing your examination?

1 A Yes.

2 MR. ELLIS: Your Honor, the State moves 286, 287 and
3 288 into evidence at this time.

4 THE COURT: Without objection, 286 through 288 in
5 evidence for the State.

6 (WHEREUPON, State's Exhibit Nos. 286 through 288 were
7 admitted into evidence.)

8 BY MR. ELLIS:

9 Q Lieutenant, I'm going to show you 286 first. Where
10 was that -- when and where was that photo taken?

11 A This photograph was taken of the vehicle in the
12 parking lot of the Hot Spot in Laurens. And this was
13 taken the same night that I was called out to Montclair in
14 Greer.

15 Q What do you observe on the passenger seat?

16 A This time at the Hot Spot is when I went down there
17 to photograph the vehicle and seal the doors. Also, you
18 see the window is rolled down, so right now, I'm just
19 taking my initial photographs without, actually, touching
20 the vehicle. This is the way it was parked. And this is
21 the front seating area and on the front seat, there is a
22 Volkswagen key and there is also a drink bottle to the
23 left of it.

24 Q Does that key appear to be in open position?

25 A Yes, that key was in that open position.

1 Q I'm now going to show you what's been marked as
2 State's Exhibit 287. When and where was that photograph
3 taken?

4 A This photograph was taken -- this is also -- this is
5 the rear seating area of the vehicle and taken at the
6 crime scene office.

7 Q How did the car get to the crime scene office from
8 the Hot Spot?

9 A It was loaded up on a flat bed trailer and it was
10 towed to our facility.

11 Q Can you see a key in the bottom right-hand corner of
12 that photograph?

13 A There was a key that was located right in this area
14 right here.

15 Q Is that key in the open position?

16 A Yes.

17 Q When the car got to the crime scene office, was there
18 a key in the front passenger seat?

19 A No, there wasn't. There was just a drink bottle.

20 Q Almost finished, Lieutenant. This is 288, what is
21 that a photograph of?

22 A Those are items in the rear seating area. This is a
23 chocolate milk bottle. There's a bag of candy, a lighter,
24 a plastic box with coin envelopes in it. There's a set of
25 binoculars and there's a Volkswagen key in the open

1 position that had a loop right here.

2 Q All right. Lieutenant, I'm opening up what we
3 previous talked about a State's Exhibit 273. I'm handing
4 you something out of State's Exhibit 273, would you please
5 take a look at this and tell me what it is?

6 A This is the key that you see in this picture over on
7 the right-hand side. This key was on the front passenger
8 seat when I was in Laurens and, apparently, in transient
9 loading on a flat bed coming to our office, the key had
10 slipped down and it was located behind the rear passenger
11 seat on the floorboard. And those items right there were
12 collected from the rear seating area. And this key right
13 here was not on the front passenger seat where I had
14 originally observed it in Laurens at the Hot Spot.

15 Q How does that compare -- will you please hold up the
16 key from State's Exhibit 262 so the juror can see both of
17 them.

18 A (The witness complies.)

19 Q Thank you, Lieutenant. I'll take this one back so we
20 don't get them mixed up. One more question, Lieutenant.
21 I'm handing you the key again, State's 263, take a look at
22 that. Does it have the lock, unlock, trunk and panic
23 buttons on it?

24 A Yes, it does.

25 Q Thank you.

1 A It also has a ring here on the end.

2 THE COURT: Any further questions?

3 MS. PAOLETTI: Not from the State, Your Honor.

4 MR. SCALZO: Your Honor, can I just revert to the
5 key?

6 THE COURT: Well, tell me what new issue was brought
7 up about it, please? What was the issue that came up?

8 MR. SCALZO: The new issue was that he compared the two
9 keys, pulled them out and compared the two keys.

10 THE COURT: I'll let you followup on that. Go ahead.

11 MR. SCALZO: Thank you, Your Honor.

12 RECROSS-EXAMINATION

13 BY MR. SCALZO:

14 Q The two keys, while made the Volkswagen, are
15 different, aren't they?

16 A Slightly.

17 Q Slightly because one has the ring and one is a little
18 bit busted up, right?

19 A Right.

20 Q The One that doesn't have the ring that we were
21 talking about earlier that was with the garage door opener
22 is a little bit more busted up, correct?

23 A Correct.

24 Q And this one, while not pristine, is not nearly as
25 beaten up, okay. Let me ask you this, did anybody -- did

1 you drive the car?

2 A No, I didn't.

3 Q Was the car already unlocked? What was done with the
4 car as far as locking it and all that?

5 A The vehicle was unlocked. And it was sealed in
6 Laurens with evidence tape with my initials on it.

7 Q Okay. And, again, the old busted-up one and the
8 garage door opener were together?

9 A When you say busted up --

10 Q Well, the old one, I'm sorry. It's busted up at the
11 top, isn't it? It's kind of separated at the top?

12 A Very slightly.

13 Q Whereas this one is not, right?

14 A Yeah, the end's not opened.

15 Q Okay. And I guess my question was, did you use the
16 keys? Did you test the keys? Did you do anything with
17 the keys?

18 A The keys were evidence, so I didn't do anything --

19 Q Okay. All right.

20 A -- As far as I just collected the keys.

21 Q All right. And last thing, I think this is pretty
22 obvious, but this is pretty big key as well as the other
23 key, right? It's a big jumbo thing, isn't it?

24 A I wouldn't consider it jumbo --

25 Q Bigger than a normal key?

1 A The key itself.

2 Q Yeah.

3 A I've got one similar shape. I don't know if it's
4 extremely big.

5 Q Okay. Compared to say a house key?

6 A Just a house key?

7 Q Yeah.

8 A Yeah.

9 Q All right.

10 MR. SCALZO: That's all I've got.

11 THE COURT: All right. Sir, you may step down and
12 return to your seat. You're free to leave if you wish
13 unless the lawyers wish to retain you here.

14 All right. Let's take a break, ladies and gentlemen.
15 We've been in here for a while, so let's take about a
16 15-minute afternoon break. Please don't discuss the case,
17 but enjoy your break. We'll let you return to your jury
18 room.

19 (WHEREUPON, the jury left the courtroom at
20 approximately 3:00 p.m.)

21 THE COURT: All right. We'll be in recess for 15
22 minutes.

23 (WHEREUPON, a short break was taken.)

24 THE COURT: All right. Welcome back.

25 Let's bring in the jury.

1 (WHEREUPON, the jury entered the courtroom at
2 approximately 3:20 p.m.)

3 THE COURT: All right. Welcome back, ladies and
4 gentlemen.

5 Madam Solicitor, call your next witness.

6 MS. PAOLETTI: Yes, sir, Your Honor. The State calls
7 Dr. James Wallace.

8 THE COURT: Please come forward and take the oath of
9 a witness.

10 THE CLERK: Place your left hand on the Bible and
11 raise your right.

12 JAMES WALLACE, M.D.,

13 after having been duly sworn, testified as follows:

14 THE CLERK: Thank you. You may be seated. State your
15 name for the record.

16 THE WITNESS: My name is James Edwin Wallace, Jr.

17 DIRECT EXAMINATION

18 BY MS. PAOLETTI:

19 Q Dr. Wallace, will you tell the jury what kind of
20 physician you are?

21 A I'm a family practitioner.

22 Q Where did you get your undergraduate degree?

23 A Furman University.

24 Q All right. And postgraduate?

25 A University of South Carolina School of Medicine. I

1 did my residency at Greenville Hospital System and have
2 been practicing at Milestone Family Medicine here in
3 Greenville for almost 25 years.

4 Q All right. Are you a member of any professional
5 organizations?

6 A Well, yeah. Do you want to know which ones or?

7 Q I do, and, specifically, as they relate to your
8 medical profession.

9 A Well, technically, our practice is related with St.
10 Francis Bon Secours Health System of which St. Francis
11 Health System is a part. Within that organization, I sit
12 on the St. Francis Physician Services Board and medical
13 director. I'm a member of American Academy of Family
14 Physicians and Greenville County Medical Society.

15 Q Okay. Are you Board certified?

16 A Yes, ma'am.

17 Q In what areas?

18 A Family medicine.

19 Q All right. Have you been retained to offer expert
20 medical opinion in the past?

21 A Yes.

22 Q Okay. Have you ever testified before?

23 A In depositions in my office.

24 Q Okay. Not in the courtroom?

25 A I have testified once before in a courtroom.

1 Q Okay. Have you every been qualified as an expert
2 before?

3 A I'm not sure.

4 Q Okay. We'll find out here in a minute or two. You
5 said that you've been practicing for how many years at
6 Milestone Family Practice?

7 A I've been with Milestone Family Medicine since 1989.

8 Q Okay. Is that where you went immediately when you
9 finished your training?

10 A Yes, ma'am. Me and a couple of my partners
11 established that practice at that time.

12 MS. PAOLETTI: Your Honor, at this time, the Stat
13 would offer Dr. Wallace as an expert in general family
14 practice.

15 THE COURT: Are there questions on expertise?

16 MR. SCALZO: No, sir.

17 THE COURT: Then is there an objection?

18 MR. SCALZO: No, sir.

19 THE COURT: Without objection, then so ordered.

20 You may proceed.

21 MS. PAOLETTI: Thank you, Judge.

22 BY MS. PAOLETTI:

23 Q All right. Dr. Wallace, I want to talk to you about
24 your patient Douglas Hughes. How long have you been
25 treating Mr. Douglas Hughes?

1 A I'm not sure exactly, but it's probably 15 or 20
2 years. It's been a long time.

3 Q All right. I want to talk to you specifically about
4 what happened to Mr. Hughes in September of 2009. Did he
5 have a significant medical event in September 2009?

6 A Do you want me to just kind of give my accounting of
7 that event?

8 Q Yes, please. Yes, sir.

9 A In September of 2009, it's my understanding that he
10 was riding a horse and was thrown from the horse. He
11 sustained a very severe head injury at that time and was
12 hospitalized. I wasn't his caregiver at that time, so my
13 knowledge comes from the medical records I've reviewed
14 over the years. But his initial injury was severe brain
15 injury, including subdural hematomas, which required
16 surgery to remove a portion of his skull to relieve the
17 pressure because of the underlying -- and also to help
18 with the pressure related to the underlying swelling of
19 the brain.

20 Q Would you tell the jury what a subdural hematoma is?

21 A It's, basically, a collection of blood in the
22 subdural space. I mean, you can have all types of brain
23 hemorrhages, both inside the brain itself and on the
24 outside. And this is more kind on the outside, but it
25 pushes on the brain and that creates swelling, which

1 creates injury.

2 So he had that evacuated at that time. He had a long
3 complicated hospital stay. And, subsequently, I believe
4 several months later after his original discharge, he went
5 back in the hospital to have that bone flap replaced, I
6 believe, and during that procedure, he developed a
7 different kind of bleeding inside of his skull called
8 epidural hematoma, which resulted in a right-sided stroke,
9 leaving him with partial paralysis on the left side of his
10 body. He had another long, complicated hospital stay.
11 And after that was discharged into a rehab facility.

12 Q All right. And can you tell the jury in which
13 capacity you treated Mr. Hughes after this accident in
14 September 2009?

15 A Well, after he was discharged from the rehab
16 facility, he showed up in my office and that's where we
17 began trying to figure out exactly what happened and how
18 we could best support him. At that time, he was, you
19 know, very devastated. This is a very, very devastating
20 injury, which left him with a number of cognitive and
21 physical deficits.

22 Q And when you say devastated, you don't mean
23 devastated the way that we might typically use it, you
24 mean it in a more medical sense, is that correct?

25 A Yes, ma'am. Not emotional. I mean, his life was

1 forever changed the moment he came off that horse.

2 Q Did he have permanent damage?

3 A Permanently changed when he came off that horse.

4 Q All right. Now, from between September of 2009 with
5 the initial brain injury, did Mr. Hughes recover to some
6 degree?

7 A I believe he did recover to some degree. He was in
8 extensive rehab for -- I don't remember exactly, but I
9 believe over a year. Certainly, much of 2010 was, you
10 know, occupied by intensive, you know, to try to help him
11 recover his cognitive faculties as well as maximize his
12 physical recovery.

13 Q All right. And I'm going to show you -- I haven't
14 had this marked yet, but I'm going to go ahead and do that
15 to help you refresh your recollection.

16 (WHEREUPON, State's Exhibit No. 292 was marked for
17 identification.)

18 BY MS. PAOLETTI:

19 Q And you mentioned you were treating him in 2010, is
20 that correct?

21 A Yes, ma'am.

22 Q Okay. Let's talk about the best he ever got after
23 his September 2009 accident, okay. Did he have cognitive
24 impairments at the height of his recovery?

25 A Yes, ma'am.

1 Q Will you explain to the jury about Mr. Hughes'
2 cognitive limitations, please?

3 A Again, I didn't do the assessments myself, but from
4 the records I've gotten from -- I mean, he had numerous
5 deficits and required speech therapy and occupational
6 therapy and physical therapy and psychological evaluation.
7 Because when he came to us, he had a brain injury, which
8 resulted in fairly significant memory issues. He also had
9 a general unawareness of some of his deficits and had very
10 significant problems with processing complex tasks. And
11 that's kind of what the frontal lobe, the front part of
12 our brain helps us do. We call that executive function.
13 And my sense, based on the information I got and from my
14 conversations and interactions with Mr. Hughes was that
15 his executive function had been badly damaged. Does that
16 answer your question?

17 Q It does, thank you. And I'm still recovering to the
18 height of his recovery from that brain injury and that he
19 still continued to have those problems, is that correct?

20 A Yes.

21 Q Did those deficits affect his ability to plan things
22 out logically?

23 A Yes. And that was commented on in some of the rehab
24 notes.

25 Q Would you talk to the jury about the physical

1 repercussions that he had as a result of his accident in
2 2009?

3 A Mr. Hughes had a fairly substantial weakened of his
4 left side, especially his left upper extremity. He had
5 very, very signification balance issues and some
6 coordination issues. I only ever saw him in the company
7 of a family member, usually it was his sister. And,
8 usually, he had to kind of hold on to get up and down the
9 hall. And that's my recollection.

10 Q And that's from your office visits with him?

11 A Yes, ma'am.

12 Q All right. And you mentioned that his left upper
13 extremity was effected. Would you tell the jury?

14 A His left arm.

15 Q To your knowledge, while you were treating him, was
16 he driving a car?

17 A No. And, specifically, you know, his assessments in
18 rehab, it was identified that he was not capable of
19 driving a car.

20 Q Okay.

21 A I'm not aware that he's driven a car since his
22 accident. And I, certainly, would not have recommended
23 that.

24 Q I'm going to show you -- I'm going to put this up
25 here on the projector, Doctor, so the jury can see, too.

1 This is what's been marked as State's Exhibit No. 63 in
2 this case. In your opinion, the height of his recovery,
3 would Mr. Hughes have been able to climb over a fence of
4 that size?

5 A Climb over it?

6 Q Yes.

7 A No.

8 Q All right. Have you reviewed the autopsy report in
9 this case?

10 A I did.

11 Q And based on your medical training, were you able to
12 understand the autopsy report and the injuries to the
13 victim?

14 A Yes, ma'am.

15 Q All right. Did you review some photographs from her
16 autopsy?

17 A I did.

18 Q All right. Do you have an opinion as to whether or
19 not Doug Hughes, at the height of his recovery from the
20 injuries he sustained in 2009 would have been capable of
21 inflicting those injuries on Karen Hughes?

22 A I think it would be highly unlikely. I just don't
23 think he could do it. I mean, he's just too unsteady, too
24 weak. I mean, it was a fairly, you know, brutal attack
25 that would have required -- I mean, it would have required

1 a great deal of physical exertion. My interpretation of
2 the autopsy is that she did try to defend herself that her
3 hands were substantially damaged in that process. So
4 whoever killed her had to exert a fairly intense amount of
5 physical energy. And I just don't think he could do it.
6 I think that physically alone, I just don't think he could
7 do it. He's too weak. He could hardly walk down my hall
8 without staggering.

9 Q And let me ask you, Doctor, what you saw in
10 Mr. Hughes in your office with your own eyes, was that
11 substantiated with the records that followed him during
12 this treatment?

13 A I believe it was.

14 Q And is there anything about his cognitive function
15 that contributes to your opinion that he was not capable
16 of inflicting those injuries on Karen Hughes?

17 A Well, I don't know the specifics about this
18 particular court case, but what I do know based on our
19 brief conversations and what you showed me is that,
20 apparently, it's believed that the person that killed
21 Ms. Hughes drove to her house, somehow managed to climb
22 that fence, get in and then participate in a very, very
23 violent physically demanding effort that resulted in her
24 death. And I think that when you put all those things
25 together, I mean, it just seems implausible to me that he

1 could have done that. And probably the most convincing
2 thing to me is that injury to the front head, his
3 forebrain, because you would have to plan that, I would
4 think. And even -- you know, even with -- even if the
5 idea occurred to him spontaneously, there's still planning
6 that's involved that requires executive function in terms
7 of what am I going to do, you know, how am I going to get
8 over this fence or how am I going to get in the house
9 after I get over this fence. So based on that, I just
10 don't think he has -- I don't think he's had that ability
11 since 2009 when he came off that horse.

12 Q Doctor, will you answer any questions that Mr. Scalzo
13 might have for you?

14 A I'd be happy to.

15 THE COURT: Cross-examination.

16 MR. SCALZO: I don't have any questions, Judge.

17 THE COURT: Then, sir, you are free to leave.

18 THE WITNESS: Thank you.

19 MS. PAOLETTI: Your Honor, the State calls Ben
20 Leaphart.

21 THE CLERK: Sir, if you would come forward to take
22 the oath. Please place your left hand on the Bible and
23 raise your right.

24 BEN LEAPHART,

25 after having been duly sworn, testified as follows:

1 THE CLERK: Thank you. You may be seated. Please
2 state your name for the record.

3 THE WITNESS: My name is Ben Leaphart.

4 THE CLERK: Thank you.

5 DIRECT EXAMINATION

6 BY MS. PAOLETTI:

7 Q Mr. Leaphart, will you tell the jury what you do?

8 A I'm a lawyer.

9 Q Where do you practice?

10 A Greenville.

11 Q What kind of work do you do?

12 A I guess I describe myself as a business and estate
13 planner and litigate.

14 Q All right. How long have you been doing that kind of
15 work?

16 A That kind of work I've been doing for about 34 years.

17 Q Did you ever do any work in here?

18 A No, not here. In the old courtroom, I did.

19 Q So on that side?

20 A The other side, yes.

21 Q Yes, sir. Did you --

22 A Most of my litigation is done today in the probate
23 court.

24 Q Did you know Karen Hughes?

25 A I did know Karen Hughes, yes.

1 Q How did you know Karen?

2 A Karen Hughes was a client of mine.

3 Q All right. I want to show you what's been marked as
4 State's Exhibit No. 291 and ask you -- it's a set of
5 documents in one exhibit and ask you if you recognize what
6 those documents are?

7 A Yes, I do.

8 Q All right... Tell the jury what that is.

9 A This is a set of documents from the lawsuit -- or the
10 action that I filed on behalf of Karen Hughes in probate
11 court to have her husband removed as trustee of two trusts
12 that her parents set up for her in their Wills. The top
13 document is the final order that was issued by the court
14 as a result of my filing what we call a motion for summary
15 judgment in this case. There was also -- the next
16 document attached is a memorandum in support of that
17 motion where I set out facts and the law and a little
18 argument about why the judge ought to decide in my favor.
19 And then the last two documents are the Wills, Exhibit A
20 is the Last Will and Testament of Wilson Manning Dillard,
21 and B would Ms. Dillard's Last Will and Testament. The
22 order, as I say, resulted in Mr. Hughes stepping down as
23 trustee.

24 Q All right. And you said that there are two trusts?

25 A Yes.

1 Q And whose Will established the first trust?

2 A Let me just say this, the facts of this -- this
3 particular situation was that there were two Wills and
4 they're what we call mirror Wills, which is they're,
5 basically, the same Wills, one for Mr. Dillard and one for
6 Ms. Dillard. Each Will created a trust for the life of
7 the survivor of the two of them. And then at the
8 survivor's death, the trust continued for the life of
9 Karen Hughes.

10 Q Okay. And do you remember how close in time the
11 Dillards passed away?

12 A Not exactly, but it was within weeks or months. I
13 think it was less than two months.

14 Q Very close?

15 A Very, very close. Their estates were probated
16 simultaneously.

17 Q And Inez Dillard is related to Karen Hughes how?

18 A I'm sorry, say that again.

19 Q Ms. Dillard, how was she related to Karen?

20 A Oh, it was her mother.

21 Q And then Wilson?

22 A He was her father. I'm sorry.

23 Q No, that's all right. We've got a chart going up
24 here and I wanted to add that to it.

25 A I can't see it, so I don't know what you're looking

1 at.

2 Q All right. And when those trusts were established at
3 their death, who was the trustee?

4 A Karen Hughes' husband, Douglas.

5 Q All right. And you said that she retained you to
6 replace him as trustee?

7 A Right, that's correct.

8 Q Okay. And was Mr. Hughes eventually replaced as
9 trustee?

10 A He was replaced. I initially sent a letter and asked
11 him to voluntarily resign and he refused to, so I filed a
12 petition. After some prolonged filing documents,
13 preparing, legal maneuvering, his attorney and I and
14 everybody reach an agreement where he stepped down.

15 Q And did you become aware that Karen Hughes was also
16 divorcing Douglas?

17 A Yes.

18 Q And was that close in time to this action?

19 A I think the petition or the complaint for the divorce
20 was filed and started before that action was, actually,
21 filed, my action to remove him.

22 Q Before your action was, actually, filed, but she had
23 retained you to work on it before that?

24 A Correct.

25 MS. PAOLETTI: And, Your Honor, I would go ahead and

1 move State's Exhibit 291 into evidence.

2 THE COURT: Is there an objection?

3 MR. SCALZO: No, sir.

4 THE COURT: 291 then in evidence without objection.

5 (WHEREUPON, State's Exhibit No. 291 was admitted into
6 evidence.)

7 BY MS. PAOLETTI:

8 Q All right. And the caption on these pleadings, what
9 we call the papers that make up the suit, is Karen Hughes
10 versus Lewis Douglas Hughes. And that's Doug, who was the
11 trustee?

12 A Correct.

13 Q And then Lawrence Douglas Hughes?

14 A That was one of her sons.

15 Q And Walker Manning Hughes?

16 A That's her other son.

17 Q Will you tell the jury why Larry and Chip were named
18 as parties in that suit?

19 A Because they were named as -- well, let me back up.
20 They were beneficiaries under that trust. The trust was
21 set up so that Ms. Hughes, Karen Hughes, was entitled to
22 receive income, at least, quarterly from each trust.

23 Q And that would be interest income, is that correct?

24 A Well, it could be interest, it could be dividends,
25 just income that's generated from what we call the

1 principle of the trust.

2 Q Okay.

3 A The trust -- I don't want to get too boring with
4 this, but the two trusts had interest in the house and a
5 fairly large brokerage account at Healy and Lyons.

6 Q All right.

7 A A little under a million dollars when they were first
8 funded. So that's the principle of the trust. The
9 trustee would then invest that money and produce income.
10 And she was entitled to all of the income. It's what we
11 call a mandatory income distribution.

12 Q All right. And what happened to what was left in the
13 trust at Karen's death?

14 A It was to go to her two sons equally.

15 Q And we've been talking about a trust, but there are,
16 actually, two trusts --

17 A Correct.

18 Q -- is that correct? And each boy gets half of each
19 trust?

20 A Correct.

21 Q So total 50 percent, okay. And is that why they were
22 named as parties in this lawsuit?

23 A That's correct.

24 Q Because they had an interest?

25 A They had an interest in the trusts, correct.

1 Q In the pleadings, did you include the value of the
2 trust at the time of the pleadings? And I will hand 291
3 back to you.

4 A Yes, I did.

5 Q The value of the trust was included in those
6 pleadings?

7 A That's correct.

8 Q And the dollar amounts -- when I say dollar amounts,
9 I mean you put the dollar amounts in the pleadings?

10 A Yes. And that was -- I did not have a value on the
11 house. I just mentioned there's a half interest in each
12 trust and then the dollar amounts would have been the
13 value of the brokerage account.

14 Q All right. Who was the successor trustee to
15 Mr. Hughes?

16 A The Palmetto Bank.

17 Q And when this action was filed, did you -- and this
18 Defendant was named as a party, correct?

19 A That's correct.

20 Q Mr. Hughes, Walker Manning Hughes. Did you have that
21 -- those pleadings served on him?

22 A Yes.

23 Q All right. I want to fast forward. I show you
24 what's been marked as State's Exhibit No. 289.

25 (WHEREUPON, State's Exhibit No. 289 was marked for

1 identification.)

2 BY MS. PAOLETTI:

3 Q And this is also a packet of documents, not just one
4 thing, so if you want to review that and see if you
5 recognize those documents.

6 A Yes, I do..

7 Q All right. What are those documents?

8 A These are -- this is my complaint in what we call a
9 declaratory judgment action that I brought after Karen
10 Hughes was killed.

11 Q Why did you do that -- first of all, let me ask you
12 what that means, what is that?

13 A Okay. A declaratory judgment action is brought when
14 there may be a dispute over -- a lot of times person has a
15 -- we're trying to interpret law or we're trying to
16 interpret a situation and nobody knows exactly what to do.
17 So we ask the Court to review the set of facts and the law
18 and tell us what to do.

19 Q All right. And who is your client in that action?

20 A The Palmetto Bank is trustee of the two trusts.

21 Q And why did you file that action?

22 A I was asked by Marion Beachum, who was the trust
23 officer to bring this action because Mr. Walker Hughes had
24 -- somebody on his behalf had approached him asking for
25 money to be distributed from the trust to him. And

1 because of the law that applies to this situation,
2 Mr. Beachum had an issue or concern about whether he could
3 make a distribution. So I brought the action for the
4 Court to make that determination.

5 Q When did you file that?

6 A April 25th, 2011 -- I'm sorry, August 25th.

7 Q August. All right.

8 MS. PAOLETTI: Your Honor, at this time, I would move
9 State's Exhibit 289 into evidence.

10 THE COURT: Is there any objection?

11 MR. SCALZO: No, sir.

12 THE COURT: So 289 in evidence then without
13 objection.

14 (WHEREUPON, State's Exhibit No. 289 was admitted into
15 evidence.)

16 BY MS. PAOLETTI:

17 Q All right. So this action was filed after Karen
18 Hughes was murdered, correct?

19 A That's correct.

20 Q And the Defendant has been charged with her murder?

21 A That's correct.

22 Q And you said because of the situation surrounding
23 this. Will you explain to the jury what you mean by that?

24 A Well, in South Carolina and in most states, we have a
25 law that's referred as the slayer or killer statute, which

1 provides that a person cannot benefit or be enriched by
2 the death of another which they caused. So a person can't
3 kill somebody and then inherit from them or get property
4 because of that death. And because Mr. Walker Hughes was
5 accused and had been arrested and was asking for money,
6 the bank wanted to know whether they could because of this
7 statute make a distribution.

8 Q And they wanted the Court's direction?

9 A That's correct.

10 Q All right. And as part of the pleadings in that case
11 -- and let me direct you to the specific paragraph.

12 Paragraph 19 of your summons for relief, which is on Page
13 3 and 4 total of that --

14 A Yes, ma'am.

15 Q -- whole package of documents. What is that
16 allegation in that?

17 A You want me to read it?

18 Q Yes, sir.

19 A Plaintiff, which would be Palmetto Bank as trustee,
20 is further informed and believes that the Defendant,
21 Walker Manning Hughes, has no children or other issue,
22 therefore, Lawrence Douglas Hughes, is entitled either to
23 50 percent or 100 percent of the trust estate. The
24 statute that I referred to earlier states that if a person
25 is found to prohibited from taking because they killed --

1 because they are convicted of murder, it's as if that
2 person predeceased the person they killed.

3 Q That how the law treats them as far as --

4 A They're deemed to have died first. And so, then you
5 would look to the document to see what would happen in
6 that -- if that happened. And under the trust, it would
7 have passed to his decedents. And it's my understanding
8 he had no children or other decedents.

9 Q All right. And did you serve this summons and
10 complaint the Defendant?

11 A Yes, ma'am.

12 Q All right. And did he answer?

13 A Yes, he did.

14 Q All right. And I'm going to direct your attention to
15 his answer that's part of that packet that's State's
16 Exhibit 289.

17 A May take it apart?

18 Q Yes, you may take it apart, yes, sir.

19 A Okay.

20 Q All right. And you had a chance to review the
21 Defendant's answer, is that correct?

22 A Yes, ma'am.

23 Q All right. And in his answer does he allege that he
24 has any children or issue, what we call issue?

25 A No, ma'am.

1 Q Okay.. Tell the jury the position that the Defendant
2 took regarding his share of the trust?

3 A He was taking the position in these pleadings as I
4 read them that the law did not apply to the trust.

5 Q Which law?

6 A The law that I was just -- I'm sorry, the law that I
7 was just describing, what we call the slayer or killer
8 statute did not apply to trusts and that he would have
9 inherited -- that it was not her money, it was his
10 grandparents' money and it didn't apply and he would be
11 entitled to it any way.

12 Q When you say he would be entitled to it anyway, he
13 would be entitled to it whether he was convicted of her
14 murder or not?

15 A Correct.

16 (WHEREUPON, State's Exhibit No. 290 was marked for
17 identification.)

18 BY MS. PAOLETTI:

19 Q And I'm going to show you what's been marked as
20 State's Exhibit No. 290 and just ask -- you've probably
21 not seen that before, but you're familiar with that
22 format, I would imagine?

23 A Correct, I am.

24 Q Tell me what that is.

25 A It appears to be a transcript of our hearing in this

1 case we're referring to, the declaratory judgment action.

2 Q So you had a hearing --

3 A Yes, we did.

4 Q -- on this issue? And where was that hearing held?

5 A It was held in the Greenville County Probate Court.

6 Q Was the Defendant present?

7 A Yes, he was.

8 Q Did y'all make arrangements to have him there?

9 A Yes, we did.

10 Q Okay.

11 MS. PAOLETTI: Your Honor, at this time, the State
12 would move Exhibit 290 into evidence.

13 MR. SCALZO: One moment, Judge, because this is
14 sealed.

15 THE COURT: Counsel, that's the trial transcript?

16 MS. PAOLETTI: Yes, sir.

17 THE COURT: Does it contain the testimony of the
18 Defendant in it?

19 MS. PAOLETTI: It does.

20 THE COURT: Do you intend to introduce that?

21 MS. PAOLETTI: I do -- well, Your Honor, we won't
22 offer the transcript from the hearing.

23 THE COURT: Very good.

24 BY MS. PAOLETTI:

25 Q Did you have a hearing in this case?.

1 A Yes, ma'am.

2 Q Did the Judge make a decision?

3 A He did.

4 Q All right. And tell the jury what he decided?

5 A The Judge decided a couple of things, actually. He
6 decided that he did not have proper jurisdiction to make a
7 decision on whether or not the killer statute applied.
8 And in addition to that, because Mr. Walker Hughes had not
9 been convicted, he could not make a decision on that. But
10 he went on to decide that under the terms of the trust
11 that Mr. Walker Hughes was not entitled to any type of
12 distribution from the trust because it was a total
13 discretionary trust as far as distribution of principle
14 and it was up to the trustee to make that decision. He
15 also decided that because under the terms of the trust, it
16 terminated at Karen Hughes' death, that there was really
17 no more trust in place. It was just a -- the bank was
18 just to hold the trust to make a final determination of --
19 under there was a determination of what he could take.

20 Q As it relates to the other beneficiary of the trust,
21 Lawrence, would that 50 percent be free to be distributed
22 at the trustee's discretion?

23 A At the trustee's discretion, yes, that particular
24 share would not have been effected by it. So it was only
25 as to the half that would have gone to Walker Hughes.

1 Q That's the only half that's in question in probate
2 court?

3 A Correct.

4 Q I'm going to refer you again to, I think, 289. I
5 just put that up, the declaratory judgment action. Did
6 the Defendant offer to pay attorney's fees in his
7 response, do you remember? If you don't, that's fine.

8 A I do not remember that, no.

9 Q All right. During the course of your representation
10 of Karen, did she state to you about her son, Chip?

11 A Yes, we had discussions about Chip. I don't ever
12 recall her referring to him as Chip, though.

13 Q What did she call him?

14 A Walker. She could have called him Chip, but I don't
15 remember.

16 Q And in all the pleadings, you used his given name, is
17 that correct?

18 A Correct.

19 Q What did she tell you about how she felt about her
20 son, Walker?

21 MR. SCALZO: Objection, Your Honor, hearsay.

22 THE COURT: On the basis of hearsay?

23 MR. SCALZO: Yes, sir.

24 THE COURT: What say you to that?

25 MS. PAOLETTI: Your Honor, we're offering it under

1 the State vs. Westin case, the victim's state of mind.
2 And if I may be heard on the issue of the proximity, I
3 would like to make a record.

4 THE COURT: Go ahead. Please do.

5 MS. PAOLETTI: Your Honor, yesterday during
6 cross-examination, the Defense asked Margo Green about
7 whether or not the victim vacillated, some days she was a
8 afraid, some days she was not, some days maybe she locked
9 her door, some days she maybe did not. Your Honor,
10 consistently, the witnesses are going to testify.

11 MR. SCALZO: Objection, Your Honor.

12 THE COURT: Yeah, don't tell me, but I understand
13 what you're saying, so just one moment, please.

14 And, again, so our record will be clear in case
15 there's a review, let's ask the witness, specifically,
16 when he is referring to these conversations so we
17 establish a time frame for the record.

18 MS. PAOLETTI: Yes, sir, Your Honor.

19 BY MS. PAOLETTI:

20 Q Mr. Leaphart, I'm going to hand you these exhibits
21 back again just so you can see the dates. And, obviously,
22 289 is after she's deceased. When did you represent Karen
23 Hughes?

24 A I can't remember the first day she came to see me,
25 but it was during the years '08, '09, maybe into '10.

1 Q All right. What's the date of that final order on
2 the issue of Doug Hughes being the trustee?

3 A July 20th of 2009.

4 Q Did that end your representation of her in that case?

5 A No, it didn't. It didn't end my representation
6 because we had to go through the process of moving assets
7 -- or getting assets out of the name of Douglas Hughes
8 over into the trust, Palmetto Trust. So I continued to
9 represent her after this in that respect.

10 Q All right. Do you happen to remember the last time
11 you may have spoken to Karen?

12 A No, I don't.

13 Q Your representation would have been into 2009,
14 midway, at least?

15 A It would have been beyond July of 2009. I think it
16 was -- it took us a while to get assets transferred
17 because of Douglas Hughes' accident.

18 Q Okay.

19 A Because it happened fairly soon after this.

20 Q Yes, sir.

21 A And we had to get a deed for the house out of his
22 name as trustee into the bank's, so that went on for six
23 or eight months, maybe, just trying to get that done
24 logistically.

25 Q All right.

1 MS. PAOLETTI: Your Honor, I think that gives us a
2 little better idea of the proximity that we're speaking of
3 and that would, certainly, go into 2010.

4 THE COURT: Very good.

5 What say you?

6 MR. SCALZO: Your Honor, my primary concern is the
7 way she framed her question was pretty broad as far as him
8 speaking to Ms. Hughes. That could encompass a variety of
9 hearsay. If we're going to discuss that, there's an
10 appropriate way to discuss that.

11 THE COURT: Just one moment, please.

12 MS. PAOLETTI: And, Your Honor, I have additional
13 case law that I'd ask to offer for your consideration on
14 this specific witness. It may be more appropriate outside
15 the presence of the jury.

16 THE COURT: Well, Counsel, I tell you, I'm prepared
17 to rule.

18 MS. PAOLETTI: Yes, sir.

19 THE COURT: What I would ask you to do is limit your
20 questioning to toward the end of his relationship with the
21 deceased, which would make this more proximate in time.
22 The Court believes that to be appropriate. Please
23 remember that while the state of mind may be admissible,
24 the reason for that is not under the case law, so please
25 be aware.

1 And you may proceed. The objection is overruled.

2 BY MS. PAOLETTI:

3 Q Mr. Leaphart, will you tell the jury what Karen
4 Hughes told you about how she felt about her son?

5 A We had discussions about her son, Walker. The most I
6 can tell you about it was that she was not comfortable
7 around him. She had some concerns about his -- what I
8 understand was some -- his drug use and his lifestyle.
9 And they do -- I do know for a fact that she talked about
10 getting into some verbal altercations with him.

11 Q All right.

12 A And that's about it.

13 Q All right. And if I can direct you back to the
14 litigation involving Mr. Hughes as trustee, was her son,
15 Walker, a factor in some of her concerns about Doug as
16 trust?

17 A Yes, there was. There was some concern about the
18 fact that Mr. Hughes was enabling Walker Hughes by giving
19 him money out of the trust.

20 Q Yes, sir.

21 A And that was part of her concern, among other things.

22 Q Yes, sir.

23 MS. PAOLETTI: Will you answer any questions that
24 Mr. Scalzo may have for you.

25 THE COURT: Cross-examination.

1 MR. SCALZO: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. SCALZO:

4 Q Mr. Leaphart, you talked about two beneficiaries,
5 that would be Larry and Walker?

6 A The remainder --

7 Q Yes, I'm sorry, remainder beneficiaries?

8 A Correct.

9 Q That's correct?

10 A That's correct.

11 Q And the documents that -- I know we've got two sets,
12 one relating to Doug and one relating to the remainder
13 beneficiaries?

14 A Yes, sir. Which one you want, that one.

15 Q That's 289, the remainder beneficiaries?

16 A Correct.

17 Q That would have been served on Larry as well,
18 correct?

19 A That's correct, yes.

20 Q And at the hearing that you talked with the
21 prosecutor about where you brought the complaint as a
22 declaratory judgment to get the Court to tell you all what
23 to do, you remember that?

24 A Yes..

25 Q You were talking about you representing the Palmetto

1 Bank at that time?

2 A That's correct.

3 Q Not Karen, but the Palmetto Bank?

4 A That's correct.

5 Q And you were bringing that on behalf of the Palmetto
6 Bank to get some kind of explanation?

7 A Guidance.

8 Q Guidance is a better way to say it. And Walker
9 Hughes was there?

10 A Correct.

11 Q And he was transported from the jail?

12 A That's correct.

13 Q And he was there by himself? He didn't have counsel?

14 A He did not have counsel.

15 Q You were counsel for Palmetto Bank, he was by
16 himself, correct?

17 A Correct.

18 Q And you drafted the complaint of declaratory judgment
19 and a lot of the documents that go along with it?

20 A Correct, that's right.

21 Q And that would require your, I think, 34 years as a
22 lawyer.

23 A Forty years as a lawyer, 34 doing this.

24 Q Doing this, okay. Sorry. And, obviously, went to
25 law school and that's what's involved. You've got to pass

1 a test to be a lawyer?

2 A Right. Twice, I'm a member of the Georgia Bar, too.

3 Q There you go. And, for instance, Palmetto Bank is
4 hiring you to make certain legal arguments to the Court on
5 its behalf, correct?

6 A Correct.

7 Q And your job is to try to figure out or advise them
8 what's their best legal argument in order to carry out
9 what they want to do, is that correct?

10 A That's correct.

11 Q And Walker Hughes did not have somebody advising him
12 in the way, at least, not at the table at that time in the
13 way you were advising Palmetto Bank, isn't that right?

14 A That's right.

15 Q And he made what, essentially, is a legal assertion,
16 isn't that correct, with regard to the trust really being
17 the grandparents' trust versus Karen's trust?

18 A Yes.

19 Q That would be a legal argument that the Judge had to
20 decide?

21 A Yes, it was. He was quoting and citing sections of
22 the uniform probate code, so, obviously, he had access to
23 that. He wasn't -- his problem was he wasn't citing the
24 South Carolina probate. But he had -- he made a pretty
25 good argument.

1 Q Right. And your impression by that was he was
2 attempting to make a legal argument to the Court by citing
3 the statutes and so forth, correct?

4 A Correct.

5 Q Bear with me one moment. Mr. Leaphart, in the
6 request that Walker Hughes was making of the trust that
7 prompted, I guess, Palmetto Bank to then seek you out --
8 didn't you say that Palmetto Bank sought you out to try to
9 get some kind of clarification because Walker Hughes was
10 asking for money?

11 A Yes.

12 Q From the trust?

13 A Correct.

14 Q And isn't it your understanding that what he was
15 asking for was money so he could hire a lawyer in the
16 case?

17 MS. PAOLETTI: Your Honor, I object.

18 THE COURT: On what basis?

19 MS. PAOLETTI: I think counsel is testifying. If he
20 wants to ask the witness if he knows why the Defendant was
21 asking for money, I think that would be appropriate. He's
22 testifying.

23 THE COURT: He's on cross. He can lead.

24 You may proceed.

25 BY MR. SCALZO:

1 Q Do I need to say it again or you've got it?

2 A Yes, ask me again.

3 Q Okay. Palmetto Bank brought you in when they got a
4 request from Walker Hughes for a distribution from the
5 trust, is that right?

6 A That's correct.

7 Q And is it your understanding in the course of your
8 representation that the request was for money to hire a
9 lawyer and defend the case that was brought against him?

10 A I don't know that it came from Palmetto Bank. I got
11 that impression during -- looking at the pleadings and
12 during the hearing and things of that nature. Quite
13 honestly, I don't know whether it came from Palmetto Bank
14 or whether it came from the request.

15 Q Sure.

16 A Mr. Beachum, the trust officer, received -- I did see
17 a written note from an attorney here in town. I think
18 he's deceased now.

19 Q Okay.

20 A Seeking money.

21 Q Okay.

22 A I guess we would have to assume since Mr. Walker
23 Hughes was in jail that if he was wanting a distribution
24 that would probably be what he would want it for. But
25 that's purely an assumption.

1 Q Regardless -- without you having to figure out who
2 was, actually, making the requests, was it your assumption
3 in the action that you were taking that that was part of
4 the reason why he was asking for the money?

5 A I would have to look my pleadings and see if that's
6 what I said. And I can if you want me to.

7 Q Sure, if you think you can find it in there.

8 A If it's in there.

9 Q Okay. Go ahead.

10 A The only allegations in the complaint regarding
11 Walker Hughes' inquiries is just I said that the
12 Defendant, Walker Manning Hughes, has made inquiries to
13 the Plaintiff, which would be Palmetto Bank, as to
14 possible distributions from the trust.

15 Q Do you have in your packet an order filed by the
16 Greenville County Probate Court June 25th, 2012?

17 A Correct.

18 Q Do you have that?

19 A Yes.

20 Q Would you look at Page 2. And that says -- under
21 Page 2, does it say findings of facts?

22 A Okay.

23 Q And does it not say at the very bottom of the page,
24 subsequent to Karen's death, Mr. Beachum was contacted by
25 Wayne Shures, an attorney and legal investigator in

5 | Q Okay.

7 THE COURT: Is there redirect?

9	REDIRECT EXAMINATION

11 Q Mr. Leaphart, tell the jury what your impression was
12 of the Defendant's answer to the declaratory judgment
13 action?

16 THE COURT: Because you're on redirect, so what did
17 he bring up in cross that would make that a relevant
18 question?

23 THE COURT: Very good. That's fair play.

24 MR. SCALZO: And Your Honor, that handles scope of
25 cross-examination. My objection is his impression of what

1 Mr. Hughes is thinking or approaching is not relevant.
2 They can't know what's in his head.

3 THE COURT: But her response is you opened the door
4 when you asked him about his assumptions of what the
5 Defendant was doing. And the Court's going to permit it.
6 If somehow you're surprised or have an issue you want to
7 take up, we'll give you recross on it if you wish.

8 Go ahead, ma'am. Objection overruled.

9 BY MS. PAOLETTI:

10 Q Mr. Leaphart, on cross-examination, Mr. Scalzo was
11 asking you about the fact that Mr. Hughes, the Defendant,
12 did not have an attorney present during the hearing in
13 probate court on the declaratory judgment action. All
14 right. And you received the Defendant's written answer to
15 your complaint, correct?

16 A That's correct.

17 Q And you had a chance to review it?

18 A Correct.

19 Q You've been doing this for 40 years, correct?

20 A Correct.

21 Q All right. And you said you been doing probate court
22 work for 34 now. What was your impression of the quality
23 of his response to your complaint?

24 A My impression was that it was a fairly -- I think the
25 term I used was fairly astute. He appeared to be fairly

1 astute. It was -- obviously, it was a layman's approach
2 to a response, but it was a pretty good response in that
3 he was, in fact -- he, obviously, had access to the
4 uniform probate code and was citing sections of that and
5 drawing conclusions from that. So I thought was a fairly
6 astute response to my pleadings.

7 Q And let's talk about when the judge made a ruling at
8 that hearing. And you said that the ruling was that the
9 Defendant was not going to get any money from the trust,
10 is that correct?

11 A Correct.

12 Q How did the Defendant respond?

13 A He didn't like it too much. The only way I can
14 describe it is he became agitated and sort of took on the
15 judge a little bit more than he should have. When I say
16 that, arguing with the judge?

17 MS. PAOLETTI: Thank you.

18 THE COURT: You want to followup on those issues?

19 CROSS-EXAMINATION

20 BY MR. SCALZO:

21 Q Let me be clear on what I was asking you. He was
22 attempting to make a legal argument, correct, from your
23 assessment?

24 A Correct.

25 Q He cited some rules. Even if he wasn't right about

1 them or as well versed as you might have been, he tried to
2 cite rules, correct?

3 A Uh-huh.

4 Q And when you as a lawyer advance a legal argument,
5 what you're asking the Court is you're saying I believe
6 the law says this. And if the court agrees with you, then
7 that's the correct interpretation of law, that's the point
8 you're trying to make, right?

9 A That's correct.

10 Q And you interpreted what he was doing was,
11 essentially, that, maybe not as well as a lawyer, but a
12 pretty good effort to do that kind of thing?

13 A I don't know if I understand your question. I'm
14 sorry.

15 Q That's okay, that's my fault. You took it to be a
16 legal argument as we've established, an attempt to make a
17 legal argument, correct?

18 A Correct.

19 Q And when you try to make a legal argument, you're
20 trying to say I believe the law says this, that's what
21 you're trying to say to the Court?

22 A Yes.

23 Q And either the Court agrees with you or they don't,
24 but you're trying to get what is the actual law?

25 A Right.

1 Q That's the back and forth, right?

2 A Are you asking me did I think he was stating it for a
3 fact, is that what you're asking me?

4 Q Right. I think he was making a legal argument is
5 what you said, is that right?

6 A He was citing the law to back up a factual position
7 that he was taking.

8 Q Which is what you kind of do as a lawyer when you're
9 making a legal argument?

10 A Right.

11 Q That's all I was asking you. Thank you.

12 MR. PAOLETTI: Your Honor, may Mr. Leaphart be
13 excused?

14 THE COURT: Mr. Leaphart, you're free to leave, sir.
15 You don't have to leave, but you're free to go.

16 MR. ELLIS: Your Honor, may I approach?

17 THE COURT: You may.

18 (WHEREUPON, a bench conference was held.)

19 THE COURT: All right. Ladies and gentlemen, counsel
20 says based on the time with the witness, it's probably
21 best to take about a five to 10-minute break at this point
22 since we've been in the courtroom for a while. Let's take
23 a break until about 4:30 and we'll reconvene at that time.
24 So please return to the jury room.

25 (WHEREUPON, the jury leaves the courtroom at

1 approximately 4:20 p.m.)

2 THE COURT: Court's in recess for 10 minutes.

3 (WHEREUPON, a short break was taken.)

4 THE COURT: All right. It appears we're all in
5 place, please bring the jury in.

6 (WHEREUPON, the Court enters the courtroom at
7 approximately 4:35 p.m.)

8 THE COURT: All right. Welcome back, ladies and
9 gentlemen.

10 State, please call your next witness.

11 MR. ELLIS: Thank you, Your Honor. The State calls
12 Caleb Gamble to the stand.

13 THE CLERK: Mr. Gamble, if you would come forward to
14 be sworn, please. Place your left hand on the Bible and
15 raise your right.

16 DAVID CALEB GAMBLE,

17 after having been duly sworn, testified as follows:

18 THE CLERK: Thank you. You may be seated. Would you
19 please state your name for the record.

20 THE WITNESS: David Caleb Gamble.

21 DIRECT EXAMINATION

22 BY MR. ELLIS:

23 Q Mr. Gamble, where are you currently employed?

24 A I'm currently employed in Columbia, South Carolina.

25 I work as a special agent for the Division of

1 Investigations under the Department of Social Services.

2 Q Where were you employed on April 11th, 2011?

3 A Greenville County forensics division as a crime scene
4 investigator.

5 Q What were your duties as a crime scene investigator?

6 A To investigate any type of crime scene that the
7 county, city or other municipalities in Greenville County
8 requested us to.

9 Q Did you work for Lieutenant Lendway?

10 A Correct. He was Sergeant Lendway during the date
11 that you're asking. We worked together. He was my
12 supervisor.

13 Q And did you before becoming a forensics investigator,
14 did you have extensive training in the area of forensics
15 and crime scene investigation?

16 A Not before I came to work for Greenville County
17 forensics. I was a law enforcement agent for two years
18 before that.

19 Q After that, did you? What kind of forensics training
20 have you had?

21 A Oh, since I've been employed, okay, sorry. I've gone
22 to several state trainings and I've been down to Florida
23 twice and trained at the National Forensics, Science and
24 Technology Center.

25 Q And as part of that job, is that to investigator and

1 process homicide crime scenes?

2 A That is correct.

3 Q Approximately how many death investigations have you
4 been involved in processing?

5 A Death investigations, probably between 30 and 40.
6 And that's any type of death investigation, not
7 specifically homicide death investigation. That would be
8 suicide, traffic fatality, things of that nature.

9 Q And I think you previously said that, but were you on
10 duty on April the 11th, 2011?

11 A Yes, I was.

12 Q Did you get a call to go out to 201 Montclair?

13 A Yes, I did. I responded to that scene -- I received
14 a call and was in route at 11:15 that morning.

15 Q And was Sergeant Lendway then, Lieutenant Lendway,
16 was he there when you got there or were you on the scene
17 first?

18 A I believe I pulled up right before he pulled up. We
19 left the office and went together in separate vehicles.

20 Q And I'm moving a little quickly now, but did you
21 subsequently do a walk-through of the crime scene with
22 Lieutenant Lendway and some other individuals?

23 A Yes. I walked through the crime scene with
24 Lieutenant Lendway, Investigator Miller with the
25 Greenville County Sheriff's Office and Deputy Coroner

1 Selfridge.

2 Q I want to move forward to when you, actually, began
3 processing the crime scene. Speaking specifically about
4 the room and the home of where Ms. Hughes' body was found,
5 did you take some measurements of that room?

6 A Yes. I secured measurements of that room for the
7 completion of a diagram.

8 Q How did you take those measurements?

9 A We have portable laser measuring device that we use.

10 Q And did you record those measurements in a notebook?

11 A Yes. I recorded them on my sketch sheet. I'll draw
12 a rough draft of what I think the sketch is going to look
13 like and I'll write down all my measurement on that. And
14 from that sheet, I will put them into our program and make
15 an official-looking diagram.

16 Q What's the purpose of that diagram?

17 A The diagram is a helpful tool at any point in time
18 that you're trying to explain what happened or show the
19 crime scene to people who may have to go back and do a
20 followup if they weren't at the initial crime scene or to
21 people that aren't privy to the crime scene videos or
22 photos, it helps tell the story or show a depiction. So
23 if you're reading my report and you're confused about what
24 certain things I'm describing, you can look at the diagram
25 and it will help put the picture together.

1 Q And I'm going to show you what's been previously
2 marked as State's Exhibit 226. Can you identify that for
3 the jury, please?

4 A Yes, that's an enlargement of the diagram that I did
5 in this case.

6 Q Does it fairly and accurately represent, number one,
7 your diagram, but, also, the way the crime scene looked
8 that day?

9 A Yes.

10 MR. ELLIS: Your Honor, the State moves Exhibit 226
11 into evidence.

12 THE COURT: Is there an objection?

13 MR. SCALZO: No objection.

14 THE COURT: Without objection, 226 in evidence for
15 the State.

16 (WHEREUPON, State's Exhibit No. 226 was admitted into
17 evidence.)

18 BY MR. ELLIS:

19 Q Mr. Gamble, I'm going to ask you if you would come
20 down off the witness stand and take a look at this diagram
21 with me. And just to ask you some questions about this, I
22 see there's an A and a B and some measurements related to
23 the A and the B. Can you explain why you have the A and
24 the B and some measurements?

25 A Yes. Can y'all hear me? The A and the B are what we

1 call our concrete measurements. They're our weight
2 points. Something that is definitive that will not be
3 changed or moved, we have to have those on each crime scene
4 that we do a diagram on. So if we have to come back later
5 on, we know that the corner of the house A and the corner
6 of the house B are going to be the same in case we have to
7 recreate anything versus if we're out in the field and
8 there's possibly a tree, we try not to use those because
9 the trees may be cut down. So any A and B type
10 measurement are supposedly and hopefully will always be
11 the same.

12 Q And this figure in the middle, does that represent
13 Ms. Hughes' body?

14 A Yes, that is the victim in the case as we found her.

15 Q And I see there's some measurements and lines appear
16 to go around the waist of the victim?

17 A Yes. We have measurements that go from A to the
18 victim's head, A to the victim's torso, and B to the
19 victim's head and B to the victim's torso. Because if you
20 had to do any type of followup investigation at this scene
21 after we've cleared, the victim, obviously, will no longer
22 be there, so we have to have weight points so we can put
23 the victim in the position that we found her.

24 Q And is this thing here that extends from her head,
25 what does that represent?

1 A That is supposed to be a towel or a blanket. I did
2 not look at those pictures specifically, but that's what
3 it represents.

4 Q And I notice several markings of RL-4 and RL-4A and
5 RL-11 and RL-9, what are those items?

6 A Those are items, actually, that Lieutenant Lendway
7 collected and if I look at my report, I can tell you
8 specifically what they are, but right now, I can't tell
9 you what they are without reading my piece of paper.

10 Q Okay. So it's fair to say they are individual pieces
11 of evidence?

12 A Yes, they should be pieces of evidence. I just don't
13 know what specific pieces of evidence those are.

14 Q Okay. What is this Z-looking this up here at the
15 top?

16 A That Z-looking thing is -- in our program, it's an
17 architect's rendering of what a door is. So when we have
18 our diagrams and you see a weird Z, that's an overhead
19 looking of what a door should be. So that is a door.

20 Q Does this -- okay, another question I have, down here
21 at the bottom in red, I notice that it says scale, not to
22 scale. Why does it say not to scale?

23 A We always put not to scale because this is a rough
24 program. This is not a high end architect's program. We
25 put in our measurements, but we haven't measured the

1 different furniture in the room if we didn't think that it
2 needed to be measured if we did the basic 15-foot by
3 25-foot room. Those are our measurements. If it was to
4 scale, then we would have measured every single possible
5 piece for us to, actually, be able to call it to scale.

6 Q From about this point down, notwithstanding these red
7 footprints here, did this part of the room appear to be
8 undisturbed?

9 A Correct. This part of the room appeared, in my
10 opinion, how it always would have been. There's nothing
11 out of the ordinarily on that portion of the room.

12 Q And this probably goes without saying, but what are
13 those red things right there?

14 A These red things are the footprints that we saw in
15 suspected blood. Some of them with the naked eye and some
16 of them with the help of LCV, which is Leuco Crystal
17 Violet, the purple stuff that we use that reacts with the
18 proteins in blood.

19 Q Okay. This says drawn by Gamble, D.C., is that you?

20 A That is correct, David Caleb Gamble and then my unit
21 number at the top with the crime scene unit.

22 Q Okay. Thank you. You can return to the witness
23 stand.

24 A Yes, sir.

25 Q Mr. Gamble, did you also take some blood swabs from

1 the crime scene?

2 A Yes, sir, I did.

3 Q Would you please briefly tell the jury in general how
4 you collect a blood swab at a crime scene?

5 A I have a little swab if you would like a visual
6 example. At a crime scene, I will have at any given time
7 several pair of latex gloves on, that way I'm not
8 constantly putting on new gloves. I will use a pair of
9 gloves with a swab, take them off, discard them and then I
10 still have two or three pairs of gloves on. While I'm
11 gloved up and I identify an area that needs to be swabbed,
12 specifically, these areas with suspected blood, I would
13 take a fresh swab out of my kit, which would be something
14 very similar to this in an enclosed packet. I'll break
15 the seal of the packet, remove the swab, take off the
16 protective barrier and then if I need to take a swab of
17 blood that is fresh blood or wet blood, then you don't
18 have to wet the tip because the blood will just drip down
19 onto this or stick to it. If it's dried blood, I'll take
20 a bottle of distilled water and put one or two droplets on
21 here to wet the cotton and then do a rubbing motion to try
22 and pick up a piece of dried blood. And once I have my
23 sample, I seal it, I put it back in its container and then
24 I label the evidence item, the time I collected it and
25 what I collected it from. Sometimes, I won't write where

1 I collected it from on here, sometimes I will, it depends
2 on how many swabs I have to do. And if I don't write it
3 down on here, I write it down on my crime scene log on my
4 notebook. And then it will go into one of these boxes to
5 be sealed and labeled as to what the evidence item is to
6 match what this is. And then it will be turned for
7 analysis.

8 Q I'm Going to hand you what has previously been marked
9 as State's Exhibits 275 through 285. Will you please take
10 a look at those items and one at a time identify what the
11 item is, using your initials and, also, the exhibit
12 numbers so the court reporter can keep track and from
13 where you collected each one of those items?

14 A I will. This is DCG-1, meaning David Caleb Gamble
15 one, that's how I label all of my evidence. And DCG-1 was
16 a swab of suspected blood taken from a clock radio
17 upstairs at 1530. That's DCG-1.

18 Q And what's the State's Exhibit sticker on it?

19 A The State's Exhibit number is 275.

20 Q And I'll get you to discuss all of them first and
21 then I'll ask the Court to move them into evidence.

22 A Okay. DCG-2 was a swab of suspected blood taken from
23 upstairs bedroom closet, State's Exhibit 276. DCG-3, swab
24 of suspected blood from the upstairs bedroom closet,
25 State's Exhibit 277. DCG-4, swab of suspected blood from

1 the upstairs bedroom closet, State's Exhibit 278. DCG-5,
2 swab of suspected blood from the upstairs bedroom closet,
3 State's Exhibit 279. DCG-6, swab of suspected blood from
4 the upstairs bedroom light switch, State's Exhibit 280.
5 DCG-7, swab of suspected blood from the laundry room light
6 switch, State's Exhibit 281. DCG-8, swab of suspected
7 blood from the living room door/curtain, Exhibit 282.
8 DCG-9, swab of suspected blood from the exterior living
9 room door, State's Exhibit 283. DCG-10, swab of suspected
10 blood from the patio furniture, Exhibit 284. DCG-11 is
11 swab of suspected blood from the kitchen floor, Exhibit
12 285.

13 Q All those items, did they have your initials on them?

14 A Correct.

15 Q Is that in your handwriting?

16 A Correct. There are additional markings on here that
17 appear to be from the DNA lab, but the original markings
18 are all mine.

19 MR. ELLIS: Your Honor, at this time, the State moves
20 State's Exhibits 275 through 285 into evidence.

21 THE COURT: Hearing no objection, without objection
22 in evidence 275 through 285 for the State.

23 (WHEREUPON, State's Exhibit Nos. 275 through 285 were
24 admitted into evidence.)

25 BY MR. ELLIS:

1 Q Mr. Gamble, when you were taking those swabs, do you
2 also take photographs from where you take a swab?

3 A Yes.

4 Q I'm showing you State's 210, which is already in
5 evidence. And you've got a laser pointer up there is you
6 need to use it. That appears to be an item, are those
7 your initials?

8 A That is correct.

9 Q And this is you, actually, using the swab on DCG-1?

10 A Correct. That's a picture of me taking the swab off
11 of DCG-1 and that was a clock radio that I was swabbing.

12 Q This is State's 211. That is hard to see those
13 individual markings, but is that in your handwriting on
14 the wall and the drawers?

15 A It does appear to be my handwriting on two places on
16 the wall and on two separate drawers.

17 Q And were those locations where you took some swabs
18 that we just discussed?

19 A Correct.

20 Q This is State's 212, it appears to be DCG-3, is that
21 correct?

22 A Yes, DCG-3 from the upstairs bedroom closet.

23 Q That's State's 213, is that your initials again,
24 DCG-6?

25 A That is correct. And that would be the upstairs

1 bedroom light switch.

2 Q I'm showing you 214?

3 A Also, mine, and that is the laundry room light
4 switch.

5 Q I notice some purple material on the right side of
6 that light switch. What is that?

7 A I believe that is where it was sprayed with LCV to
8 show blood.

9 Q Okay. This is 216?

10 A That is a living room door/curtain, one of the little
11 paper curtains covering the window.

12 Q And this is 217, is that the same door you were just
13 talking about?

14 A Yes.

15 Q DCG-8, I believe?

16 A Oh, sorry, yeah, yeah, that's the same. It's the
17 living room door and the curtain.

18 Q This is State's 218.

19 A Yes, that was taken from the exterior living room
20 door.

21 Q This is State's 219, is that just a wider view of
22 that door we just discussed?

23 A It does appear to be, yes, sir.

24 Q I'm going to show you this one, this is State's 220,
25 then I'm going to zoom in a little bit more. That's

1 State's 220. Is that out on the screened-in porch?

2 A That looks like it's out on the screened-in porch.
3 It looks like the piece of patio furniture where I saw
4 suspected blood that I took a swab of.

5 Q That is very difficult to see, but that's State's
6 221, DCG-10 right there?

7 A Yes.

8 Q Is that the patio furniture you just mentioned?

9 A Correct.

10 Q I'm going to show you State's 223, is that DCG-11?

11 A Yes, the swab of suspected blood from the kitchen
12 floor.

13 Q And this is State's 222, which was a zoomed-out
14 photograph and you could barely see the area on the right
15 side of the screen, but does that appear to be the same
16 area?

17 A Yes. That is the area from the living room, I
18 believe, walking into the kitchen with the refrigerator on
19 the right and the cabinets and sink area on the left.

20 Q Okay. Thank you.

21 A Yes, sir.

22 Q Mr. Gamble, at some point, did you do something
23 called bagging the hands of the victim?

24 A Yes.

25 Q Please tell the jury what that is and what you did.

1 A When we bag the hands of a victim on the scene, we
2 take medium to small-sized brown paper bags, clean bags,
3 and we place them one over each of the victim's hands and
4 then we tape around the wrist area with white tape or
5 evidence tape and we initial it to preserve any type of
6 evidence that may be on the victim's hands, under the
7 fingernails, things of that nature. We always bag the
8 victim's hands before the victim goes into the body bag
9 and is transported by whichever courier service removes
10 the body.

11 Q Did you also dust the house or crime scene for
12 fingerprints?

13 A Yes, I did.

14 Q Where did you process for fingerprints?

15 A I processed the interior and exterior of the porch
16 door, the basement door, the front door, the washing
17 machine, the refrigerator handles, the dresser drawers in
18 the victim's bedroom, the light switch fixtures upstairs
19 and the telephone next to the victim's bed for latent
20 prints.

21 Q Did you have any positive results?

22 A Yes. I did have a positive result on the porch door.
23 And by positive, meaning, I saw what I believed to be
24 ridge detail, which is left by fingerprints, and enough
25 ridge detail where I wanted to lift the print using

1 fingerprint tape, put it on a latent card and send it to
2 the experts in the latent division and have them examine
3 it to see if it was comparable or not because on scene, I
4 can't tell if it's comparable or not. I have to send it
5 off.

6 MR. ELLIS: Thank you, Mr. Gamble. Please answer any
7 questions Mr. Scalzo has for you.

8 THE WITNESS: Yes, sir.

9 THE COURT: Cross-examination.

10 MR. SCALZO: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. SCALZO:

13 Q Good afternoon. I want to talk to you a little bit,
14 just in general, you were talking about the swab?

15 A Yes, sir.

16 Q I guess this is the one you had. And you have opened
17 it, I believe it goes like this, slid it down and you got
18 like a Q-tip head?

19 A Correct.

20 Q And you're saying you use the Q-tip head to collect
21 evidence?

22 A Correct.

23 Q And it's my understanding your intention is this is
24 then going to be sent off to be analyzed by somebody else?

25 A Yes, sir.

1 Q With blood, a lot of times, that's going to be DNA,
2 is that right?

3 A Yes, sir.

4 Q And you mentioned that if what you were going to swab
5 was wet blood, you wouldn't do anything, just dip it in
6 and take the sample?

7 A Yes, sir.

8 Q Then you said if it was dry, you might put distilled
9 water on it so you could remove some of that dried blood
10 to get it on the tip of this --

11 A Yes, sir.

12 Q -- Q-tip for all intents and purposes, is that right?

13 A Yes, sir.

14 Q Now, I don't need that, but I'm going to put
15 something up there and ask you to explain kind of how you
16 do that?

17 A Yes, sir.

18 Q Let me make sure I get the right photo. Let's use
19 this one. This is that DCG-6, do you see that?

20 A Yes, sir.

21 Q And that's a light switch. And, obviously, on the
22 right, what looks like blood, streaked blood right
23 underneath the switch?

24 A Yes, sir.

25 Q And you wrote DCG-6 there because that was to

1 indicate you were taking a swab?

2 A That was so after everything is all said and done and
3 what we call biological evidence, meaning DNA or suspected
4 blood, when it's there and nobody can see it, I wanted
5 everyone to be able to find exactly where I was taking the
6 swab from, that's why I wrote on it, yes, sir.

7 Q Okay.. And am I correct that one number or DCG-6
8 means you took one swab?

9 A That is correct.

10 Q And you wouldn't put multiple swabs without putting
11 their own separate number?

12 A If it's the same area, sometimes what -- if I had to
13 take multiple swabs off of that, leaving it as DCG-6, I
14 would label DCG-6A, DCG-6B, DCG-6C if I needed multiple
15 from that same location.

16 Q Right. And then you would have those put on and in
17 the location where you were taking the swab?

18 A In the general area, yes.

19 Q And so with this one, it's obvious that you took one
20 swab, correct?

21 A Yes, sir.

22 Q And the swab that you've taken, is it contained just
23 in the blood area or are you all over? How are you doing
24 that?

25 A I'm taking the swabs of the suspected blood at that

1 point in time.

2 Q So you're confined to, essentially, what looks like
3 the -- what's red, what looks like blood?

4 A Yes, sir.

5 Q You wouldn't have taken the blood and then gone up to
6 the top left or the top right or whatever?

7 A Correct.

8 Q Just in that suspected area?

9 A Yes, sir.

10 Q Bear with me one moment. Let's take a look at DCG-8.
11 Okay. Now, DCG-8, it's one number, the DCG-8, whether on
12 A, B, C or D, correct?

13 A Yes, sir.

14 Q But there's multiple spots that look like blood, am I
15 right?

16 A Yes, sir.

17 Q So when you took your swab, are you doing all those
18 multiple spots or are you picking one, what do you do?

19 A I pick the largest sample to take from. So it would
20 appear that I probably have taken it in the middle under
21 where the D is, more than likely.

22 Q All right. You got the pointer, please, point to
23 which one you're talking about?

24 A I would have probably taken it from that one.

25 Q Okay. To get the sample, is that why you do the

1 biggest sample?

2 A Yes, sir. It would appear that that would have given
3 me the best take-away sample.

4 Q All right. And then on this one, I want to ask you
5 about the purple stuff, we keep calling it, the LCV?

6 A Yes, sir.

7 Q I notice that wasn't in the other pictures that you
8 were showing. It was only in this picture. Do you recall
9 that?

10 A Yes, sir.

11 Q Does that mean that the other ones weren't sprayed or
12 just that it didn't show up?

13 A That I'm not aware. I'm not sure.

14 Q Okay. That's fine. Now, when you're taking the
15 sample for something like this, it's a little hard to see,
16 but DCG-7 is written on the actual plate and then you've
17 got the purple stuff on the side. Are you taking it just
18 from the plate or are you taking it from the purple stuff?

19 A I wouldn't have taken from the purple, I don't
20 believe. I believe I took the sample from the actual
21 light plate. In this picture, I can't see any of it, but
22 I can't say that it's not on there. If I wrote it on
23 there, I would have done it for a reason, yes, sir.

24 Q But I'm just trying to understand, you're saying you
25 don't take it from the purple stuff, you take it from what

1 you believe the real stuff you want to test?

2 A Yes, sir.

3 Q Okay. All right. And you mentioned that you wear
4 several pairs of gloves?

5 A Yes, sir.

6 Q I guess, you were saying you wear several pairs of
7 gloves and then take one off just for the convenience so
8 you don't have to keep switching gloves?

9 A When your hands get sweaty on bare hands and you try
10 to put on another pair of latex gloves, it's kind of a
11 bugger to get it on there, so if you can work several
12 pairs on and still have the dexterity to do your job, it's
13 easier to peel off a layer at a time than trying to get
14 your hands dried off and put new ones on.

15 Q Okay. That makes sense.

16 A Yes, sir.

17 Q What you said was you would change your gloves
18 between each sample?

19 A Correct.

20 Q But you're wearing gloves in the first place because
21 you don't want to contaminate the scene, correct?

22 A Exactly.

23 Q And your understanding of contaminating the scene is
24 not just a chemical that's on your hands, but it's,
25 essentially, your DNA?

1 A Correct.

2 Q Because it's very easy to leave a piece of DNA just
3 about anywhere?

4 A In certain situations, yes.

5 Q But, certainly, if you're trying to take a sample of
6 something and scrubbing something or touching something,
7 you would leave your DNA?

8 A Correct. If I did it improperly, yes.

9 Q And that's why you're wearing gloves?

10 A Yes, sir.

11 MR. SCALZO: That's all I have, Judge.

12 THE COURT: Is there any redirect?

13 MR. ELLIS: No redirect, Your Honor.

14 THE COURT: Any objection then to releasing this
15 witness?

16 You're free to leave, sir, if you wish.

17 THE WITNESS: Thank you, sir.

18 THE COURT: You're not required to leave, but you're
19 free to go.

20 Step up, Counsel, let's talk about scheduling for a
21 moment if we can.

22 (WHEREUPON, a bench conference was held.)

23 THE COURT: All right. Ladies and gentlemen, we are
24 just talking a little bit about scheduling and logistics.
25 First of all, we're going to start tomorrow morning at

1 MR. ELLIS: Thank you, Your Honor. The State calls
2 Diane Kuhl to the stand.

3 THE CLERK: Ms. Kuhl, if you would come forward to be
4 sworn, please. Place your left hand on the Bible and
5 raise your right.

6 DIANE KUHL,
7 after having been duly sworn, testified as follows:

8 THE CLERK: Thank you. You may be seated. Would ou
9 please state your name for the record.

10 THE WITNESS: My name is Diane Kuhl.

11 THE CLERK: Thank you.

12 DIRECT EXAMINATION

13 BY MR. ELLIS:

14 Q Good morning, Ms. Kuhl. Where do you live?

15 A I live on Montclair Road in Greer, South Carolina.

16 Q Is that near [REDACTED] ?

17 A It is.

18 Q Did you know the victim, Ms. Hughes?

19 A Yes.

20 Q How did you know her?

21 A We were good neighbors, friends, walked our dogs
22 together. I met Karen probably 40 years ago when I was a
23 child. Her parents were neighbors of mine growing up and
24 they were very dear to me. So I would go pop in and visit
25 with them and sometimes Karen and her family would be

1 there, so that was the first time I met her, but we didn't
2 get to know each other until she moved back to Montclair.

3 Q Was that Mr. and Mrs. Dillard that you're talking
4 about?

5 A Yes.

6 Q Did they live in the house at [REDACTED] ?

7 A They did.

8 Q Had you gotten to know Karen better over the last
9 several years since she moved into her parents house?

10 A Yes.

11 Q Did you interact with her on a regular basis?

12 A Fairly regularly. We both walked our dogs every day,
13 usually around the same time, so everybody walking their
14 dogs gets together and makes the same walk.

15 Q What was her dog's name?

16 A Jack.

17 Q What kind of dog was Jack?

18 A He was a Jack Russell named Jack.

19 Q Did Karen and Jack have a pretty set schedule about
20 when they walked their dog?

21 A They did.

22 Q When they walked?

23 A Uh-huh.

24 Q What was that schedule like?

25 A She would usually walk him in the morning before she

1 went to work, earlier than I was out walking. And then
2 she would walk him in the afternoon when she got in. So
3 she was usually out somewhere between 4:30 and 6:00
4 walking him.

5 Q Do you remember the last time you saw Karen?

6 A Yes.

7 Q When was that?

8 A The Friday before we found out that she had been
9 killed.

10 Q Would that have been about Friday, April the 8th,
11 2011, does that sound right?

12 A Yes.

13 Q Do you remember about what time you saw her?

14 A I do. It was around 4:30.

15 Q And that's a long time ago and sometimes it's hard to
16 remember things. How do you remember seeing her at that
17 time?

18 A Because it was a bit of an out of character
19 encounter. My husband and I were loading the truck to
20 take recycles off and Karen and Jack came by and just as I
21 reached up to say hi to Karen, I almost fell out of the
22 truck. And she stopped and was laughing and teasing me
23 about why my mother didn't name me Grace. And it was just
24 -- Karen was a very internal person. I mean, she was
25 friendly and warm, but she had a lot of walls up. And I

1 didn't see her laugh out loud that many times. And she
2 was laughing out loud with me falling out of the truck.
3 And I remember it.

4 Q So she was teasing you a little bit?

5 A She was teasing me, maybe more than a little bit. I
6 deserved it.

7 Q Do you remember anything about what she was wearing
8 when you saw her?

9 A I do. She was wearing a brown sort of track
10 warmup-type suit. I remember it had long sleeve. I
11 thought that was -- I was like it's April, Karen. But she
12 was wearing long sleeves. And the jacket and the pants,
13 they matched.

14 Q Ms. Kuhl, I'm going to show you what has previously
15 been admitted into evidence as State's Exhibit 237. I'm
16 going to show this to you and ask if this looks familiar
17 to you?

18 A Yeah.

19 Q When you say yeah, what do you mean?

20 A That's what she was wearing.

21 Q Ms. Kuhl, I'm now going to show you what has been
22 previously admitted as State's Exhibit 236. Do you
23 recognize this?

24 A That looks like it.

25 Q When you say it?

1 A The outfit that she had on.

2 Q Ms. Kuhl, over the remainder of that weekend, did you
3 see Karen again?

4 A No.

5 Q Do you remember anything unusual about her house
6 during that weekend?

7 A Yes. When -- my husband and I usually take our dog
8 for a walk in the evenings after dark, somewhere around
9 nine or ten, somewhere in there, and the lights were off
10 at Karen's house. And we remarked on that both Saturday
11 and Sunday. I thought maybe Karen had gone out of town.
12 But she still -- even if she went out of town, she left a
13 light on outside. Outside of the house was always lit up
14 like a Christmas tree. And it was dark.

15 MS. ELLIS: Ms. Kuhl, thank you for being here today.
16 Please answer any questions that Mr. Scalzo has for you.

17 THE WITNESS: Sure.

18 THE COURT: Questions?

19 MR. SCALZO: May it please the Court.

20 CROSS-EXAMINATION

21 BY MR. SCALZO:

22 Q Good morning, Ms. Kuhl.

23 A Morning.

24 Q You were just describing doing recycling and almost
25 falling out of the car -- or the truck. And I think you

1 described in your statement to the police that day, that
2 April 11th, you didn't describe that incident, but you
3 describe Karen being in a good mood, I think was the term
4 you used. Do you recall that?

5 A I do.

6 Q Is that what you meant? Is that sort of the exchange
7 that took place?

8 A I think my police statement, actually, says that we
9 were recycling and I almost fell out of the truck.

10 Q What I'm talking about is you used the term she was
11 in a good mood. What I'm asking, is that what you were
12 referring to is that exchange that took place between the
13 two of you?

14 A Yes, where she was laughing and teasing me.

15 Q And then the extent of the conversation was sort of
16 about that?

17 A That was it.

18 Q About how long did y'all talk?

19 A A couple of minutes.

20 Q All right. And talk about anything else other than
21 sort of what happened with you and the truck and just
22 walking the dog?

23 A Just average neighbor stuff, you know, see you later,
24 have a good day, pet Jack for me, you know.

25 MR. SCALZO: Thank you. That's all I have.

1 THE COURT: Redirect?

2 MR. ELLIS: No, sir, Your Honor.

3 THE COURT: All right. Ma'am, you are free to step
4 down and leave or you're free to remain if you wish.

5 Please call your next witness.

6 MS. PAOLETTI: Thank you, Your Honor. The State
7 calls Teri Hughes.

8 THE CLERK: Ms. Hughes, please come forward to be
9 sworn. Place your left hand on the Bible and raise your
10 right.

11 TERI HUGHES,

12 after having been duly sworn, testified as follows:

13 THE CLERK: Thank you. You may be seated. Would you
14 state your name for the record, please?

15 THE WITNESS: Teri Hughes.

16 DIRECT EXAMINATION

17 BY MS. PAOLETTI:

18 Q Teri, is your name up here on this chart that we've
19 done --

20 A Yes.

21 Q -- for the jury. Tell the jury how you're related to
22 Karen?

23 A I was married to her other son, Larry Hughes. She
24 was my mother-in-law.

25 Q Okay. Where are you from?

(Teri Hughes - Direct by Ms. Paoletti)

1 A Charlotte, North Carolina.

2 Q Is that where you grew up?

3 A When I was a teenager, I moved there from New York.

4 Q Is that where you went to high school?

5 A Yes.

6 Q Is that where you lived with Larry?

7 A Yes.

8 Q Will you tell the jury where you live now?

9 A At [REDACTED].

10 Q Okay. When did you move there?

11 A The end of September of 2011?

12 Q Okay. After Karen died?

13 A Yes.

14 Q Okay. We'll go back and talk about that time period
15 in just a minute, okay. I want to talk about the house
16 for just a moment. Is there an alarm system on that
17 house?

18 A There is.

19 Q Okay. Are you working anywhere right now, Teri?

20 A No, I'm not.

21 Q What kind work have you done in the past?

22 A Waitress.

23 Q Is that what you were doing in Charlotte before y'all
24 moved?

25 A Yes.

1 Q Are you a little bit nervous today?

2 A Yes.

3 Q Let me finish asking my question before you answer.
4 I know that you're nervous, but let me finish, okay, so
5 you know what I'm going to ask, okay. I want to talk to
6 you now about your husband, Larry, okay. When did you
7 meet Larry?

8 A When I was 36 years old in August. I'm 42 now, I'll
9 be 43 in February, so I guess what, six years ago.

10 Q All right. And did y'all date for some period of
11 time?

12 A For a year.

13 Q Okay. And when did you get married?

14 A We got married on Halloween when I was 37. So I'm
15 not sure what year. I'll be 43 in February.

16 Q 2008?

17 A I guess.

18 Q All right. Did Larry go to college?

19 A Yes, he went to University of South Carolina.

20 Q Okay. And after y'all got married in October of
21 2008 -- where did you get married?

22 A At the courthouse in Charlotte.

23 Q And did y'all live in Charlotte?

24 A Yes, we did.

25 Q Was Karen at your wedding in 2008?

1 A Yes.

2 Q All right. I want to talk to you for just a little
3 bit about your financial situation, okay?

4 A Uh-huh.

5 Q From the time you got married and moving forward,
6 okay? You were working at the time?

7 A Yes.

8 Q Did Larry work?

9 A On and off.

10 Q What did he do when he was working?

11 A He was a service advisor at a car dealership.

12 Q Did y'all have a house?

13 A Yes, we did.

14 Q How were you able to buy that house?

15 A He had it before I met him.

16 Q Okay. So he had already bought the home before y'all
17 met?

18 A Uh-huh.

19 Q He owned the house?

20 A Yes.

21 Q All right. When was the last time that Larry worked,
22 can you remember that?

23 A In 2010.

24 Q Okay.

25 A I don't remember the month.

1 Q Okay. Was there a time that y'all began to struggle
2 financially?

3 A Yes, bad.

4 Q Okay. And was there a point when you were in
5 jeopardy of losing the home?

6 A Yes.

7 Q Okay. What did you want Larry to do about that
8 situation?

9 A Well, I would have liked him to ask his family for
10 some help, but he refused. He refused to ask them for a
11 dime.

12 Q Okay. During that time period, would you talk to
13 Karen Hughes on the phone?

14 A I talked to her when Karen started going through the
15 divorce and I talked to her then, yes, I talked to her on
16 the phone.

17 Q Okay. Would she call you or would you call her?

18 A Both.

19 Q What about Larry, would he talk to his mom?

20 A No. During the divorce, he, basically, chose a side
21 and he was with his father.

22 Q Okay. But did Karen want to speak to him?

23 A Yes. I was trying. I told him a million times, call
24 your mother, call your mother, call your mother.

25 Q And that's part of the reason why she was calling you

1 because she --

2 A She wanted me to get Larry --

3 MR. SCALZO: Your Honor, objection, leading.

4 THE COURT: All right. Just a moment, please, ma'am.
5 Counsel, please don't lead your witness.

6 BY MS. PAOLETTI:

7 Q Would she ask you about having Larry call her?

8 A Yes, oh, yes.

9 THE COURT: Now, the appropriate question is what
10 would she ask you about because having Larry call her
11 would be a leading question.

12 MS. PAOLETTI: Yes, sir.

13 THE COURT: Please don't lead your witness.

14 BY MS. PAOLETTI:

15 Q Did she talk to you during those phone conversations
16 about her son, Walker?

17 A Yes.

18 Q What did she tell you about her son, Walker?

19 MR. SCALZO: Objection, Your Honor, it's going to be
20 hearsay. What did you tell her about --

21 THE COURT: I understand. I heard the question.

22 MS. PAOLETTI: Your Honor, I'm offering this under
23 the same exception, victim's state of mind. She said this
24 was during the time of the divorce and several witnesses
25 have already testified about what the victim told them

1 about her son, Walker, at this time.

2 THE COURT: All right. Just a moment. You're
3 referring to rule 803?

4 MS. PAOLETTI: Yes, sir, State vs. Westin.

5 THE COURT: Just a moment. I'm going to sustain the
6 objection to this extent. The state of mind exception
7 would require you to ask some foundational questions about
8 what it is we're talking about. You ask a very broad
9 question, what did she tell you about the Defendant. So I
10 would like for you to ask the witness first a little bit
11 more about her general state of mind with respect to the
12 Defendant. Then you may proceed if the foundation is laid
13 if the witness knows. So sustained to that point.

14 MS. PAOLETTI: Yes, sir.

15 BY MS. PAOLETTI:

16 Q All right, Teri, you testified that when you and
17 Karen were having these conversations, it was when the
18 divorce was going on, is that correct?

19 A Yes.

20 Q I want to make sure I understand the time frame that
21 you're talking about. Okay. Do you remember if it was
22 before or after Doug's accident?

23 A Before.

24 Q It was before September 2009?

25 A Uh-huh.

1 Q Okay. Did she express to you that she had some
2 concerns?

3 A About Chip?

4 Q Yes.

5 A Yes.

6 Q And what were those concerns that she expressed to
7 you?

8 A Well, she told me -- well, she told me that she only
9 felt safe when he was locked up. And that she used to
10 check the computer all the time to make sure he was still
11 in there. But she was really on top of that.

12 Q All right. Now, I want to go and talk to you about
13 April of 2011?

14 A Uh-huh.

15 Q Do you know what time period I'm talking about?

16 A Yes.

17 Q Y'all still continued to struggle financially?

18 A Yes.

19 Q Okay. Were you still working at the time?

20 A Yes.

21 Q Where were you working?

22 A Alexander Michael's, it's a restaurant.

23 Q In Charlotte?

24 A Yes.

25 Q What was your normal schedule?

1 A I would go take a cycle class from 11:30 to 12:15. I
2 would come home and just do house stuff. I would leave
3 for work between four and five.

4 Q And was that most days?

5 A Yes, uh-huh.

6 Q Okay. Do you remember -- and I'll -- let me forward
7 your attention to Monday, April 11th, 2011. Do you
8 remember that day?

9 A I remember it perfectly.

10 Q Okay. Then I want to take you backwards to earlier
11 in the week, okay. Earlier that week, did you work a
12 normal schedule?

13 A Yes.

14 Q Let's talk about that Friday, April the 8th. Did you
15 work a normal schedule?

16 A Yes.

17 Q Do you remember if Larry was at home when was left to
18 go to work?

19 A Yes.

20 Q You do remember?

21 A Yes.

22 Q Was he home?

23 A Yes.

24 Q Do you remember if he was home when you got home from
25 work?

(Teri Hughes - Direct by Ms. Paoletti)

1 A Yes.

2 Q What time would you have gotten home from work?

3 A It was a Friday?

4 Q Yes.

5 A The kitchen closes at 11:00, so anywhere between
6 11:15 and 12:00.

7 Q Okay. What about that Saturday?

8 A Same thing.

9 Q Okay. That Sunday?

10 A We were closed on Sunday.

11 Q So you didn't work on Sundays?

12 A No.

13 Q All right. Let's talk then about Monday, April 11th,
14 all right. How did you find out that Karen was dead?

15 A I was leaving cycle class, it was between 12:15 and
16 12:30. I looked on my phone and I got a text from Larry
17 and it said my mother was murdered.

18 Q Okay. Did you talk to him?

19 A I called him immediately and he was hysterical.

20 Q Okay. Did you go -- did you eventually go back home?
21 Did you go to see him?

22 A Yeah, I ran right home.

23 Q Then what did y'all do for the remainder of that day?

24 A He was just in consolable. I had to call my boss and
25 tell them I couldn't be to work that night. My boss was

1 like grab your clothes and everything and come to the
2 restaurant because there's an apartment above the
3 restaurant because he was concerned about my safety.

4 Q Okay. At some point, did y'all come to Greenville?

5 A Yes.

6 Q All right. I want to talk you -- do you remember when
7 it was that you came to Greenville?

8 A I really don't remember.

9 Q Okay. On the way from -- did you leave from
10 Charlotte?

11 A Yes.

12 Q On the way from Charlotte to Greenville, did your
13 husband get a phone call?

14 A He did.

15 Q Okay. And I'm not asking you about the conversation,
16 okay. Will you describe Larry's demeanor during that
17 phone call? Do you know what I mean when I say demeanor?

18 MR. SCALZO: Objection, Your Honor, Larry's demeanor
19 on the phone call is irrelevant to this case.

20 THE COURT: Overruled.

21 THE WITNESS: He was so mad and so -- just upset.

22 BY MR. PAOLETTI:

23 Q Was he yelling?

24 A Oh, yeah, he was yelling in the phone.

25 Q And was this conversation scary to you?

1 A Yes, because we were driving 85 miles an hour down
2 I-85. He drove very fast. And I was terrified.

3 Q Was he animated during this phone call?

4 A Just like that kind of thing.

5 Q All right. You came to Greenville. And this was --
6 when in relation to when you found out that Karen was
7 dead, you remember? What day of the week?

8 A Just like a day or two. We might have come back on
9 the 12th, but I really don't remember.

10 Q Okay. At some point, did you and Larry move into
11 that house?

12 A Yes, we did.

13 Q Did you want to move to Greer?

14 A No.

15 Q Do you have any friends in Greer?

16 A No. I have Larry's family.

17 Q Why did y'all move into that house?

18 A Our house was in foreclosure, just so happens out
19 house went into foreclosure, so we had nowhere to go.

20 Q Do you have any family here?

21 A No.

22 Q Do you like living here?

23 A No.

24 Q All right. I want to talk to you again -- let me ask
25 you this first since we're talking about the house. I'm

1 showing you what's in evidence as State's 126. Can you
2 see that, Teri?

3 A Yes.

4 Q Okay. Do you recognize what I'm pointing out right
5 there, the keys on the bed?

6 A Uh-huh.

7 Q Why do you recognize that?

8 A I have them.

9 Q Is the house key on that key ring?

10 A I -- honestly, I don't know.

11 Q Okay. But you have that key ring?

12 A Yes.

13 Q And you know where that came from?

14 A Officer Miller, I believe, gave it to my husband.

15 Q Okay. I'm going to take you back to the alarm
16 system. Do you have a remote for that alarm system?

17 A No.

18 Q Were you ever able to find one?

19 A No. I can't find who the manufacturer is.

20 Q Okay. I want to talk to you again about Larry, okay.
21 Did Larry have a problem with alcohol?

22 A Yes.

23 Q Okay. When is the first time that you noticed Larry
24 had a problem with alcohol?

25 A I noticed that he was a heavy drinker when we first

1 started dating, but I liked him so much that I didn't
2 care.

3 Q After y'all moved to Greer after Karen died, did that
4 get worse?

5 A A million times worse.

6 Q Okay. How did Larry -- well, the jury heard
7 testimony today that Larry passed away, is that correct?

8 A (Witness nods head.)

9 Q How did he die?

10 A He died of cirrhosis.. But he didn't have cirrhosis
11 when we moved to Greer. He saw a doctor and he only had
12 liver damage. And the doctor said if he wouldn't drink
13 and take some medication, he'd be fine. And he did that
14 for a month and then after that, he just went off the deep
15 end.

16 Q Did he ever tell you or talk to you about that?

17 A About his drinking?

18 Q Yes.

19 A Yes.

20 Q Why was he drinking so much after he moved here?

21 MR. SCALZO: Objection.

22 THE COURT: All right. Your objection is to what?

23 MR. SCALZO: My objection is it, essentially, calls
24 for speculation of what he was thinking as well as
25 hearsay.

1 THE COURT: I'm going to sustain as to hearsay,
2 Counsel. Please move to your next question.

3 BY MS. PAOLETTI:

4 Q When did Larry die?

5 A September 28th, 2012..

6 Q Is that about a year after y'all moved to this house?

7 A Exactly a year.

8 Q All right. Teri, will you tell the jury what your
9 understanding is of who gets all this money if the
10 Defendant is convicted?

11 A Well, first, I know this sounds weird, but I didn't
12 even know it was a trust fund under after Karen died. So
13 I had no idea. And Larry got half of it and Chip has half
14 of it. Since Larry passed away, I'm his wife, I've got
15 half of it now instead.

16 Q Okay. Do you know what happens to the other half
17 after this trial?

18 A I have no idea.

19 Q Okay. If you could, would you give it all back?

20 A I want my husband back.

21 MS. PAOLETTI: Answer any questions by Mr. Scalzo may
22 have for you.

23 THE COURT: Cross-examination.

24 MR. SCALZO: Thank you, Judge.

25 CROSS-EXAMINATION

1 BY MR. SCALZO:

2 Q Ms. Hughes, you talked about having conversations
3 with Karen Hughes.

4 A Yes.

5 Q You're both Ms. Hughes, is it okay if I use your
6 first name?

7 A Absolutely.

8 Q You talked about having phone conversations with
9 Karen, correct?

10 A Yes.

11 Q And that began -- sounded like it began in 2009?

12 A Before Doug's accident when they first started going
13 through the divorce.

14 Q So we're talking about in 2009 and then continuing
15 forward?

16 A Well, I only -- honestly, I only talked to her on the
17 phone for a few months.

18 Q Okay.

19 A Because Larry wasn't speaking with her and got very
20 upset, so I had to stop.

21 Q Okay. And that would have still been in 2009 or
22 2010?

23 A 2010 because Doug's accident was in 2009 -- I mean,
24 2008 and '09.

25 Q Okay. You didn't have a phone conversation with her

1 the week we're talking about of April --

2 A No.

3 Q -- the 6th through the 11th?

4 A No.

5 Q You had no phone conversations with her?

6 A No.

7 Q And is it your understanding that Larry had not
8 talked with her that week either?

9 A Yes, he didn't.

10 Q And do you know how long it had been that he and her
11 had spoken on the phone?

12 A Well, they would talk on the phone occasionally
13 because Larry became his dad's representative. And
14 sometimes they would have to meet for court-related stuff.

15 Q Okay.

16 A But as like a casual phone conversation, probably
17 like a year.

18 Q Okay. Now, you talked about that at this time, you
19 lived in Charlotte, correct?

20 A Yes.

21 Q And the jury may know, though, but we've got to
22 establish back how far is Charlotte from here?

23 A One hundred miles.

24 Q And, normally, how long did it take you to get here?

25 A Hour and a half.

1 Q Thank you. And Investigator Miller, when he
2 testified earlier, he said he had not been to Charlotte to
3 y'all's house to talk to you in Charlotte. You talked to
4 him here?

5 A Yes.

6 Q Were there any other officers you talked to in
7 Charlotte?

8 A No.

9 Q You just talked to officers here, correct?

10 A Yes.

11 Q You were talking about Larry not wanting money from
12 the family and you meant the Hughes family?

13 A Yes.

14 Q Isn't it true that his father, Doug, when he was the
15 trustee of the trust had given either y'all or Larry a
16 check?

17 A Yeah, I think it was for maybe \$2500, but I'm not
18 sure.

19 Q Okay. And that would have been the time during when
20 y'all were struggling a little bit?

21 A Yes.

22 Q Bear with me one minute. I'm just trying to make
23 sure I cover everything. Thank you.

24 MR. SCALZO: That's all I have right now, Judge.

25 THE COURT: Redirect?

1 that was going on.. We resolved the issues which we were
2 discussing and we're ready to move on.

3 Please call your next witness

4 MR. ELLIS: Thank you, Your Honor. The State calls
5 Michael Isakson.

6 THE CLERK: Mr. Isakson, please come around to be
7 sworn in, please. Please place your left hand on the
8 Bible and raise your right.

9 MICHAEL ISAKSON,

10 after having been duly sworn, testified as follows:

11 THE CLERK: Thank you. Please be seated. Please state
12 your name for the record.

13 THE WITNESS: Michael Joseph Isakson.

14 DIRECT EXAMINATION

15 BY MR. ELLIS:

16 Q Mr. Isakson, I can't help but notice what you're
17 wearing today. Please tell the jury where you currently
18 live?

19 A I currently reside at McCormick Correctional
20 Institution at 386 Redemption Lane, McCormick, South
21 Carolina.

22 Q Why are you at the McCormick Correctional
23 Institution?

24 A I pled guilty to assault with intent to commit CSC in
25 the first degree.

1 Q What is CSC?

2 A Criminal sexual conduct.

3 Q How long is your sentence?

4 A Twenty-five years.

5 Q Were you convicted of that or did you plead guilty?

6 A I pled guilty.

7 Q When did you plead guilty?

8 A June 12th -- June 20th, 2012.

9 Q During the guilty plea, did the State make any
10 recommendation as to what sentence you should get?

11 A Not that I'm aware of, no, sir.

12 Q Why did you plead guilty?

13 A Because I'm guilty. I committed a crime. I deserve
14 to be where I'm at.

15 Q Other than the charge that you're currently serving
16 time for, do you have other criminal record?

17 A Yes, sir, I do.

18 Q When are you going to get out of jail?

19 A My current max out date is March 8th, 2032.

20 Q How old are you today?

21 A I'm 51 years of age.

22 Q Do you know the Defendant sitting over there?

23 A Yes, sir, I do.

24 Q How do you know him?

25 A We were housed in unit U & V in the Greenville County

1 Detention Center.

2 Q Did you know him before you met him during the time
3 you were in jail?

4 A No, sir.

5 Q During the time that you were housed together, did
6 you talk to him?

7 A Yes, sir, I did.

8 Q Do you remember a specific conversation that took
9 place?

10 A Yes, sir.

11 Q When did that take place?

12 A The day that he was supposed to go to -- it was,
13 actually, about 3:30 in the morning the day he was
14 supposed to go for a bond hearing.

15 Q You said 3:30 in morning?

16 A Yes, sir.

17 Q Were y'all in the same cell together?

18 A In U & V, it's an open pod.

19 Q What do you mean by open pod?

20 A It used to be two separate units, but they took the
21 center wall down so it's one open unit, that's why they
22 call it U & V.

23 Q How did you start to have this conversation with the
24 Defendant?

25 A He had previously had a conversation with another

1 inmate and I was reading a book because I was trying to
2 finish the book. And when I got done, I had briefly
3 caught some of his conversation and I told him I
4 empathized with him about a little brother being a pain in
5 the rear end. Because I have one that is a pain in the
6 rear end.

7 Q Tell us about that conversation about the little
8 brother.

9 A I would guess it's what you would call a pity party.
10 In my opinion, we were both feeling rather down because we
11 were in jail and our little brothers were out on the
12 streets and mom and dad taking care of them and them,
13 basically, getting away with whatever they wanted to when
14 they wanted to.

15 Q What did he say to you about his younger brother?

16 A That he was upset because his younger brother was,
17 basically, in control of everything on the street. He
18 wasn't happy about that situation. He didn't feel his
19 brother deserved to be treated -- he being treated better
20 than how he felt he was being treated.

21 Q Did he mention anything about an inheritance?

22 A He said that if anything happened to his mom and dad
23 that his brother would be in control of everything.

24 Q Did he specify what everything meant?

25 A The home, the insurance policies, taking care of his

1 dad. I was under the impression at that time that his dad
2 was in Hospice care.

3 Q Did he mention any value associated with those
4 insurance policies or the home or anything like that?

5 A At that time, he said it was worth about two million.

6 Q Did he -- during this conversation, did he tell you
7 anything about his relationship with his mother?

8 A He said it was strange. She had a restraining order
9 against him.

10 Q Did he express his feelings to you about his mother?

11 A He wasn't happy about the fact that she had
12 restraining order against him. He was very, in my
13 opinion, angry about it.

14 Q Did he ask you to do anything in relation to his
15 mother?

16 A He said his mom should be beat to death and it was
17 worth \$70,000 for him to have that done.

18 Q So was he offering you \$70,000?

19 A He told me that it would be worth \$70,000 to him if I
20 could get out and do it. Naturally, I laughed about it
21 because I knew the amount of time I was facing and I
22 wasn't getting out. And I couldn't see somebody killing
23 their mother anyway. He said if I couldn't get out and do
24 it, if I knew anybody that would and if I didn't, he said
25 that when he got out he guessed he'd have to do it

1 himself.

2 Q When he offered that money to you, did he tell you
3 any specifics about anything about his mother or where she
4 lived or anything like that?

5 A He told me if I chose to do that for him, he would
6 tell me where she lived, the address of where she lived at
7 in Greer, what kind of car she had, that she had a small
8 dog in the yard. And if I chose to do that and did it at
9 the house, I'd have to put the dog in the house because
10 the neighbors would see the dog outside and wonder why.
11 If I didn't want to do it at the house, he would tell me
12 the route she took to walk her dog, what time she walked
13 the dog and where would be the best place to do it.

14 Q Other than beating her to death, did he tell you --
15 did he make any suggestions about what you would have to
16 do at the scene?

17 A No.

18 Q Did he give you any instructions about anything
19 inside -- doing anything inside of the house after this
20 beating was to happen?

21 A He said that the best thing to do would probably make
22 it look like it was a burglary gone wrong.

23 Q Did he tell you what he was going to do after he got
24 out of jail?

25 A He said that he was going to his mom's house to

1 collect some money and stuff. And I asked him getting out
2 on bond, if he's got a restraining order, wasn't that a
3 stupid idea because he would be right back in jail. And
4 he said he didn't care. She owed him.

5 Q Were you promised anything in exchange for your
6 testimony today?

7 A No, sir.

8 Q Are you getting any benefit or special treatment
9 because you're here today testifying?

10 A No, sir.

11 Q If you aren't getting anything out of this, why did
12 you agree to come here and testify?

13 A I can't see somebody doing harm to their mom. This
14 is a woman that's carried you for nine months, given you
15 breath, took care of you. I just lost my mother not even
16 a year ago. And it's still a touchy subject. The person
17 that committed the crime needs to stand up and be a man
18 about it and take the punishment for what they did.

19 MR. ELLIS: Mr. Isakson, thank you. Please answer
20 any questions Mr. Scalzo has for you.

21 THE WITNESS: Yes, sir.

22 THE COURT: Cross-examination.

23 MR. SCALZO: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. SCALZO:

1 Q Mr. Isakson, you didn't always live in South
2 Carolina, right?

3 A No, sir, I did not.

4 Q You used to live -- what state did you used to live
5 in?

6 A I moved from Oregon to Kansas and from Kansas to
7 here.

8 Q And which state were you convicted of sexual abuse in
9 the first degree?

10 A Oregon.

11 Q Oregon. And the victim in that case was a child?

12 A Yes.

13 Q And you did 72 months in jail or prison?

14 A I, actually, did ten and a half years.

15 Q And that was in 1993?

16 A Yes, sir.

17 Q Let's fast forward. You sometime made your way to
18 South Carolina, correct?

19 A Yes, I did.

20 Q And you said that you pled guilty to assault with
21 intent criminal sexual conduct, correct?

22 A Correct.

23 Q That was in the first degree?

24 A Yes.

25 Q And it was a child in that case, correct?

1 A Yes.

2 Q That was the victim?

3 A Yes.

4 Q The victim you were attempting to commit the sexual
5 assault on was a child?

6 A A 15-year-old, yes.

7 Q A 15-year-old child. Child looking in Oregon and a
8 child here, right?

9 A Yes. And your point is?

10 Q I'll get to my point in a second. You testified
11 about -- the prosecutor asked you if you were convicted or
12 you pled guilty, right? Do you remember that question?

13 A Correct.

14 Q Let's take the jury through the process of how you
15 got there, okay, to that pleading guilty. That's what I'm
16 going to talk to you about, all right? You're in jail and
17 you asked your lawyer to get with the solicitor's office
18 before you ever pled guilty, isn't that right?

19 A No.

20 Q You didn't? You didn't have your lawyer go to the
21 solicitor's office to try to get a deal going so you would
22 testify?

23 A I did not.

24 Q Did you try to do it?

25 A No, I did not.

1 Q On your own?

2 A No, I did not.

3 Q You didn't make any contact with the solicitor's
4 office?

5 A I spoke with religious provider, Dennis Weathers.

6 Q Oh, you went to a religious provider and you got him
7 to go to the solicitor office, right?

8 A No, he went to the solicitor's office on his own.

9 Q Okay. So the whole point of him going to the
10 solicitor's office was so they would know that you had
11 information, correct?

12 A Yes.

13 Q And at that time, you weren't pleading guilty, you
14 were waiting to go to court?

15 A Yes, I was waiting to go to court.

16 Q All right. And, eventually, the State, through your
17 attorney, you got the information that they didn't want to
18 talk to you about, they weren't interested in this
19 information, right?

20 A That's correct.

21 Q Then you, ultimately, were put on a trial docket, am
22 I right?

23 A Yes.

24 Q And then you pled -- you came into court, there was
25 going to be a trial and then you decided you were going to

1 plead guilty?

2 A Yes, sir.

3 Q And you were looking at how much time?

4 A Twenty-five years.

5 Q That was the maximum you were looking at or that what
6 you got?

7 A That was the maximum I was looking at and that's the
8 maximum I got.

9 Q And at that time, you hadn't helped anybody? You
10 hadn't testified like you're trying to do today, right?

11 A That's correct.

12 Q And you were at a trial -- now, you understand that
13 at any time, the State wanted you to plead guilty, they
14 didn't want you to go to trial? They had wanted you to
15 plead guilty before that day, right?

16 A That's any state.

17 Q Well, I'm not asking about any state. I'm asking
18 about this state. In this state, they had wanted you to
19 come to court before that trial date and plead guilty?

20 A Yes.

21 Q And you said something about you pled guilty because
22 you did it and you should man up and say you did it,
23 right?

24 A Correct.

25 Q And I think you testified that you pled guilty

1 June 20th, 2012?

2 A Yes.

3 Q When were you put in jail, originally arrested on
4 that charge here in South Carolina?

5 A September 4th, 2010.

6 Q Took you two years, huh? Right?

7 A Yes.

8 Q Okay. Now, let me ask you this, the children, did
9 you try to convince them to do something with you or did
10 you grab them? How did you go about that?

11 MR. ELLIS: Your Honor, I object to the relevance of
12 that question. That's completely not relevant, the
13 specific facts of the crimes that he's already testified
14 to.

15 THE COURT: Sustain that objection.

16 MR. SCALZO: Well, let me ask it this way, Judge.

17 BY MR. SCALZO:

18 Q Did you try to manipulate the children to get them to
19 do something you wanted them to do?

20 MR. ELLIS: Your Honor.

21 THE COURT: I'm going to overrule that specific
22 objection. You may ask that question.

23 THE WITNESS: No, I did not.

24 BY MR. SCALZO:

25 Q You did not try to manipulate to get them to do

1 something you wanted them to do?

2 A No.

3 Q What did you do?

4 A I was living with them at the time.

5 Q You were living with them at the time?

6 A Yes.

7 Q Okay. That's not a crime. So you had to do more
8 than that?

9 A I was there with them all the time.

10 Q Okay. And so you took advantage of them, is that
11 what you're saying?

12 A Yes.

13 Q But you don't define that as manipulating them?

14 A Manipulation is where you're offering something in
15 return for something else. It's, certainly, prostitution.

16 Q Say that again. I mean, I didn't hear your last
17 part. I'm being honest with you.

18 A I said when you manipulate somebody, that's offering
19 them something in return for something else. It's sort of
20 like prostitution or anything else.

21 Q It ain't tricking them into getting them to do
22 something you want them to do?

23 A Did I not answer that once already for you?

24 Q No. What I'm asking you isn't a form of manipulation
25 tricking the other person into getting them to do

1 something you want them to do?

2 A I'm pretty sure it could be considered that way.

3 Q You talked about empathizing with each other and the
4 fact that you both have little brothers on the outside,
5 right?

6 A Yes.

7 Q Are you not aware that Larry is his older brother?

8 A No. He kept saying little brother. Actually, his
9 exact term was younger brother.

10 Q Younger brother. Now, you're in pod. I think you
11 called it a pod, but let's explain to the jury what that
12 is. When you're in jail, you're in, basically, a big room
13 and there's a whole bunch of people with beds all living
14 in the same room, isn't that right?

15 A No. U & V has 18 two-man cells.

16 Q That's not a whole bunch of people?

17 A And they've got 10 on each walk.

18 Q Okay. So there's a lot of people in one big room
19 together?

20 A Yes.

21 Q All right. One of the things that happened in this
22 case is that you went to prison for 25 years?

23 A Yes.

24 Q And you're aware that in prison if you make a deal
25 with the State, even after you get to prison, you can get

1 your sentence reduced, isn't that right?

2 A I was not aware of that until your private
3 investigator came down and saw me and brought that up.

4 Q Oh, really? So you mean to tell me there's a state
5 statute that says a prosecution can reduce your sentence
6 if you cooperate and nobody in prison knows that? Nobody
7 in prison is talking about that? You've got no idea about
8 that?

9 A The only thing we talk about is where we've heard the
10 law going through for the 85 percent to be dropped down to
11 65 percent and 51 percent going down to 40.

12 Q Because y'all are about wanting to get out? That's
13 why you're talking about that. And you're talking about
14 reducing the percentages so you can get out as quickly as
15 you can, right?

16 A Mister, I don't know where you're leading to, but I
17 have nothing to get out to.

18 Q You got nothing to get out to?

19 A Correct.

20 Q Okay. Let me ask you this, you're telling us that
21 you're not familiar with a law that would say they could
22 provide you or make a recommendation to a judge who's like
23 Judge Baxley here to reduce this current sentence that
24 you?

25 A Correct.

1 Q And you're telling me that you're here because -- let
2 me use your words. You want -- I can't see somebody doing
3 that to their mother. I just lost my mother. That's your
4 motivation is what you're saying, right? That's what you
5 said your motivation was?

6 A My motivation was I was subpoenaed to be here.

7 Q Oh, you were subpoenaed to be here. And you want us
8 to believe that being subpoenaed to be here, you're not
9 hoping that the prosecution at some point might help you
10 out?

11 A They didn't offer and I'm not going to ask.

12 Q You're not going to ask?

13 A Correct.

14 Q You're not going to ask to get a 25-year sentence
15 reduced?

16 A Correct.

17 Q Even though you were trying to get your sentence -- a
18 deal or a better deal than the 25 years you got before you
19 pled guilty?

20 A I am not asking for any reductions.

21 Q Now, you realize that there was a lot of press and
22 media about this case, right?

23 A Well, where I'm at, we never saw anything on TV, but
24 if there was, it's probably going on now since I've been
25 in here.

1 Q You mean you don't think there was any TV media about
2 this case when it first happened?

3 A Well, I know it was on the news that she was killed.

4 Q Right. There was news reports about her being
5 killed, wasn't there?

6 A Yes.

7 Q I want to show you something and ask you to tell me
8 what you think it looks like. Those look like cut-outs
9 from the newspaper?

10 A Yeah.

11 Q I want you to take a look in there and tell me if it
12 talks about Karen Hughes' death? You don't have to tell
13 me what it says, but does it talk about it?

14 A Yes..

15 Q And is there a picture of a little Jack Russell
16 terrier on that?

17 A Yes.

18 Q Now, something that would have happened was that, I
19 want to say, and you correct me if I'm wrong, but in
20 November of 2013, just a couple of months ago,
21 Ms. Paoletti and Mr. Ellis came down to talk to you at
22 McCormick in the Department of Corrections, right?

23 A Correct.

24 Q And they talked to you about this case?

25 A Yes.

1 Q And did they have a recording device?

2 A No.

3 Q So it wasn't recorded?

4 A No.

5 Q And you didn't write a statement, like write anything
6 down?

7 A No.

8 Q And in that conversation, I'm sure they talked about
9 all sorts of stuff, right?

10 A Yeah.

11 Q Wanting to find out what you knew?

12 A I told them what I knew. They didn't have to ask.

13 Q You mean they didn't ask you any questions?

14 A They did, but they didn't have to.

15 Q They didn't have to because you're motivated to do
16 the right thing, is that what you're trying to tell us?

17 A (There was no response.)

18 Q It's your motivation, not mine, so you get to answer
19 the question?

20 A I was asked about information that I had that I
21 didn't want to have. I told them willing what it was.

22 Q You're in jail with a prior record from 1993 for
23 having assaulted a child and you have a pending charge
24 where you've assaulted a child, my guess is -- and you
25 spent -- you ended up saying you were in there from 2010

1 and didn't plead guilty until 2012, am I right?

2 A Twenty-one and a half months.

3 Q You were in there 21 and a half months. Means you
4 couldn't get out on bond?

5 A I was out on bond.

6 Q You were out on bond and they put you back in?

7 A I requested to go back in because it was detrimental
8 to my mother's health and the doctor said that extra
9 stress would have killed her.

10 Q You asked to go back in the jail?

11 A Yes, I did.

12 Q But then you were trying to negotiate a deal later on
13 so you wouldn't be in jail as long as the 25 years, right?

14 A No.

15 Q You didn't ever try to negotiate a deal?

16 A No.

17 Q You always wanted to plead guilty to 25 years?

18 A Nobody wants to plead guilty to 25 years, but I did.

19 Q That's the point. All right. Let me get back to the
20 fact that you were in jail and, essentially, you weren't
21 getting out, right? You're in jail --

22 A The point is I'm still not getting out.

23 Q That's not my point. Answer my question. My point
24 is you were in jail and you weren't getting out?

25 A Correct.