

VOLUME I OF II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM ABBEVILLE COUNTY

Eugene C. Griffith, Jr., Circuit Court Judge

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MAY 25 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TONY VERNON JORDAN,

APPELLANT

APPELLATE CASE NO. 2014-002554

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF ABBEVILLE

EIGHTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,)

PLAINTIFF,)

-VS-)

TONY VERNON JORDAN,)

DEFENDANT.)

2014-GS-01-194

TRANSCRIPT OF RECORD

NOVEMBER 10-12-13-14, 2014
ABBEVILLE, SOUTH CAROLINA

BEFORE:

THE HONORABLE EUGENE C. GRIFFITH, JR., JUDGE; AND A JURY

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1 bailiffs will direct you all in here and put you all in the
2 right jury rooms. Just look for the badges and ask for help
3 and they'll be glad to help you. So excellent. Thanks for
4 reminding me of that. I think we're good to go. So you
5 call can be excused for the day. Do you have a badge for
6 them? You all carry this with you, put it in your car and
7 put it on when you get out of your car Wednesday morning.
8 That way people will know when you come into the courthouse
9 that's a juror. I'd better steer clear. Because you'd be
10 amazed how people will try to -- what you doing here? You
11 know, that kind of thing. It's just easier not to. So you
12 all are free to go. See you Wednesday morning.

13 (Whereupon, the jury was released at 11:57 a.m.)

14 THE COURT: We're going to take a break until 1:30.

15 (Whereupon, a lunch recess was held from 12:00 p.m. to
16 1:37 p.m.)

17 THE COURT: Ms. Scott, we had a brief in chambers
18 conference and the lawyers agreed they're going to put forth
19 several of the motions before we do a plea and a bond. And
20 so, Mr. Brown, whatever y'all agreed to in chambers, y'all
21 go in that order. Or Ms. Bolen. Whichever you all agreed
22 let's go in your order.

23 MS. BOLEN: Your Honor, I don't think we specified
24 order, and I'm certainly open to whatever order. But just
25 to kind of give the court an outline of the motions we

1 intend to do today. I think maybe the quickest one would be
2 a motion on a picture. I believe it's just one -- one
3 picture that we'll get into that the State has given me, as
4 far as discovery of the pictures. And the only one that we
5 are contesting, at least based on Mr. Brown and I got
6 together last week and he kind of went over what they were
7 seeking to introduce -- is it just that one? There's really
8 just one picture that we've made a motion to exclude as
9 being overly prejudicial without being probative of any
10 element or fact in dispute.

11 Your Honor, the picture of the victim's face with a
12 good amount of blood on it. We're making our motion under
13 several cases, and I'm just going to sort of streamline
14 those for Your Honor. *State v. Gray*, which is at 408 SC
15 188.

16 THE COURT: Have you all pre-numbered these pictures
17 yet?

18 MR. BROWN: Yes, sir.

19 THE COURT: How many you got?

20 MR. BROWN: I have not counted up --

21 THE COURT: Roughly.

22 MR. BROWN: I'd say roughly 50.

23 MS. BOLEN: 50.

24 THE COURT: Can we number that number 50? That way it
25 doesn't not come in and look like number 1's missing?

1 MS. BOLEN: Yes, sir.

2 THE COURT: The one we're talking about, please number
3 that as State's 50.

4 MR. BROWN: Yes, sir.

5 MS. BOLEN: State's 50. Based on what Mr. Brown showed
6 me, that's the only one we're contesting. And we're making
7 the motion under *State v. Gray*, *State v. Dial*, and
8 additional *State v. Collins*, 409 524. All of the cases I've
9 cited, the pictures in question were admitted, but I believe
10 that in this case we are in a situation that can be
11 distinguished from all of those cases in that in *Gray*, *Dial*,
12 and *Collins* the pictures aided a witness in testifying about
13 a fact or an element that was in dispute for the jury. I
14 believe the pictures in *Gray* and *Dial* were autopsy pictures
15 that assisted the pathologist in claiming the cause of
16 death. And I believe specifically with *Dial* that was a
17 homicide by child abuse case where there was a dispute as to
18 cause of death. With *State v. Collins* the pictures were not
19 of autopsy. They were a little more similar to the picture
20 here. They were of -- this was, Your Honor, an involuntary
21 manslaughter case involving dogs. And the pictures in
22 *Collins* were of the victim after the dogs had attacked the
23 victim. And they were permitted to be admitted, but on the
24 basis that they, again, helped a witness explain some facts
25 that were in dispute to the jury. And in that case the

1 specific facts that were in dispute were the nature of the
2 dog bites and whether that went to whether they were known
3 to be violent, as well as the dogs. There was conflicting
4 testimony about whether the dogs had been malnourished and
5 whether that would have caused an unprovoked attack based on
6 hunger. And so, that those pictures aided one of the
7 State's expert witnesses in explaining his or her opinion
8 about those facts.

9 In this case, Your Honor, I do not see that this
10 picture aids any State's witness or the jury in ascertaining
11 any disputed fact. We are not disputing that the victim was
12 shot in the back of the head and that the died from the
13 gunshot wound. The picture doesn't show anything that --
14 that's in dispute. I don't think it assists the jury in any
15 way in determining what the facts of the case are. And I
16 think given the rather gory and shocking nature of it that
17 it prejudices the jury and it elicits an emotional response
18 without being probative of any element or fact in dispute.
19 And so, for that reason we're asking it to be --

20 THE COURT: That's the one that's number which we've
21 identified -- numbered for identification purposes 50? Is
22 that the only one that you had --

23 MS. BOLEN: Yes. And again, based on what I went over
24 with Mr. Brown, I believe that's the only one we're
25 contesting is the bloody face picture.

1 THE COURT: Mr. Brown, anything from you?

2 MR. BROWN: Judge we would say it is relevant. And
3 based off the -- first, Mr. Jordan gave a statement to law
4 enforcement, which we'll get into here in a little while in
5 *Jackson v Denno*. After he was arrested he goes and tells
6 law enforcement that he did end up ultimately shooting
7 Jeremy Jordan in the back of the head, and then while he was
8 on a bridge he covered his face because he didn't want to
9 look at him anymore. Well, that kind of goes to the whole
10 theory he didn't want to look at him. It's relevant to the
11 case that it's the crime scene. It's what the law
12 enforcement -- what they saw when they were out there on
13 that bridge that night.

14 There's actually no -- there's no exit wound in the
15 forehead. It's more blood on the bearded area of his face.
16 And also, I believe it would help Dr. Brett Woodard go
17 through his report. Before that there are pictures of the
18 shot to the back of Mr. Jordan's head, which that will help
19 Dr. Woodard in his testimony. But in his testimony he'll
20 also say that the bullet, once entering Mr. Jordan's head,
21 was lodged in the sinus cavity, which would make him bleed
22 and cause that blood on the face. And it will also go to
23 explain some of the statements that Mr. Jordan gave law
24 enforcement about the noises and all that were made on the
25 bridge. So I think it's quite relevant.

1 She cited *State vs. Collins*. It's my understanding
2 that those pictures were allowed in and they -- and quite
3 frankly, I've seen those pictures and I think --

4 THE COURT: All the cases you all cited me along the
5 403 analysis are probably prejudicial. That's what the
6 judges are doing, aren't they?

7 MR. BROWN: Yes, sir.

8 THE COURT: And those cases you all are citing?

9 MS. BOLEN: Yes, sir.

10 MR. BROWN: But quite frankly, I've seen the pictures
11 in *State v. Collins* and they're much more gruesome than
12 this. I believe this is -- this shows -- in fact, it shows
13 a lot of the elements that -- not elements. But this is the
14 scene on that bridge. What law enforcement saw. How they
15 were able to identify him. It took a while for them to
16 identify him. But then they were able to recognize him once
17 they got him back to the Sheriff's office.

18 I think it is -- it's relevant and it shows a complete
19 picture of what law enforcement saw on that bridge that
20 night.

21 THE COURT: Here's what I'm going to do, because
22 arguments are noted and I understand it's going to be a
23 prejudicial probative discretionary issue. I'm going to sit
24 on it like a motion in limine. I've been alerted to it.
25 The Defense has an objection. When you get ready to go for

Melissa Skipper Wallace-In-camera direct examination

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1 that picture, you let the Defense know and perhaps we'll
2 have an in camera hearing right then.

3 MR. BROWN: Yes, sir.

4 THE COURT: But anticipating it's already been pre-
5 marked. And if you all want to remark that as the last
6 picture. So if you count them up and it happens to be 47
7 and we can renumber it before we get too far along. I won't
8 object to that either, because it needs to be the last one.

9 MR. BROWN: I could go on and, you know, this afternoon
10 we can pre-mark all these pictures. And then if that's a
11 different number -- I have it kind of in order of how I'm
12 going to present it. I could just stick it back in there.
13 When it gets to that point that it's out of place we could
14 change it.

15 THE COURT: Well, whatever you all can agree upon and
16 the court reporter is pleased with it, because if she's
17 unpleased with you all then we're going with her
18 methodology.

19 MR. BROWN: Yes, sir.

20 THE COURT: So I'm going to reserve my ruling whether
21 it's admitted or not, until we get to that point in the
22 trial where you try to admit it. But I understand the case
23 law and rule that you want to cite, Ms. Bolen.

24 MS. BOLEN: Thank you, Your Honor. Our next -- we've
25 got basically three more motions. One is the *Jackson v.*

1 *Denno*, which --

2 MR. BROWN: Judge, we could -- both witnesses are here
3 for *Jackson v. Denno* if you want to --

4 THE COURT: Let's do it.

5 MR. BROWN: -- proceed with that.

6 THE COURT: Yeah, call them.

7 MR. BROWN: The State calls Melissa Skipper Wallace.

8 MELISSA SKIPPER WALLACE, having
9 been first duly sworn, testified as follows:

10 IN CAMERA

11 DIRECT EXAMINATION

12 BY MR. BROWN:

13 Q Ms. Skipper Wallace, who do you work for?

14 A I work for the South Carolina Law Enforcement Division,
15 commonly known as SLED.

16 Q And how long have you worked there?

17 A About nine and a half years.

18 Q And what are your duties at SLED?

19 A I'm currently assigned to the investigative services
20 division in the Piedmont region.

21 Q And as part of your duties were you actually working
22 last year on November 11th, 2013? Did you get a call with
23 regard to this case?

24 A I did.

25 Q And what was the nature of that call?

Melissa Skipper Wallace-In-camera direct examination

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1 A We were advised that a body had been found on a bridge
2 in the Calhoun Falls area and assistance was requested from
3 us to help with the scene.

4 Q And were you -- what was your position during this
5 investigation?

6 A I was the lead case agent for SLED.

7 Q And during your -- to jump ahead for the purpose of
8 this hearing. Did you speak with Mr. Tony Vernon Jordan,
9 the Defendant in this case?

10 A I did.

11 Q And when was the first time you talked with Mr. Jordan?

12 A Early morning hours of November 12th.

13 Q And that was the day after the body was discovered?

14 A It was the morning after.

15 Q A couple hours after the body was discovered?

16 A That's correct.

17 Q And was he under arrest at that time?

18 A No, he wasn't.

19 Q Did he freely and voluntarily give statements to law
20 enforcement at that point?

21 A Yes.

22 Q Jumping ahead. Did you speak to him later on that day?

23 A Yes.

24 Q And was he under arrest at that time?

25 A No, he wasn't.

1 Q Did he give statements to you and other agents, a
2 statement, or tell you a little bit about what he had been
3 doing?

4 A Yes, sir.

5 Q And were those statements freely and voluntarily given?

6 A Yes, sir.

7 Q At any time was he under arrest or not allowed to leave
8 at those times when he gave the statements?

9 A No.

10 Q Jumping ahead mainly to the reason for this hearing.
11 When was Mr. Jordan arrested in this case?

12 A Thursday afternoon, November the 14th.

13 Q And when you went to -- who went to arrest Mr. Jordan
14 that day?

15 A Myself, Agent Steve Gambrell with SLED, and detective
16 Nick Marshall with the Abbeville County Sheriff's Office.

17 Q And where did you make the arrest?

18 A At his apartment.

19 Q At whose apartment?

20 A Mr. Jordan, the Defendant.

21 Q Tell me what happened when you got to the apartment and
22 made the arrest?

23 A After he was placed in handcuffs Mr. Jordan stated that
24 he thought we were going to let him bury Jeremy. And then
25 he also said that we were just trying to pin this on the

Melissa Skipper Wallace-In-camera direct examination

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1 father because we didn't have anything and we didn't even
2 have a gun yet.

3 Q Were those statements by Mr. Jordan in response to any
4 questions by you?

5 A No.

6 Q Were they in response to any questions by Detective
7 Nick Marshall?

8 A No.

9 Q Were they in response to any questions by Steve
10 Gambrell?

11 A No.

12 Q So those statements were freely and voluntarily given?

13 A Yes.

14 Q And did he say anything else while you were leaving the
15 apartment?

16 A Can I refer to my notes?

17 Q Yes.

18 A That's all I remember.

19 Q Now, once you -- once you had Mr. Jordan back to the
20 Abbeville County Sheriff's Office did you or anybody else
21 speak with Mr. Jordan?

22 A Yes.

23 Q And where did this take place?

24 A At the Sheriff's Office in the interview room.

25 Q And who was present for that interview?

1 A Myself and Detective Marshall.

2 Q And Mr. Jordan?

3 A Mr. Jordan.

4 Q Was he under arrest at that time?

5 A He was.

6 Q At that time did you -- was Mr. Jordan under the
7 influence of any type of alcohol or drugs, or could you
8 tell?

9 A He did not appear to be.

10 Q And did it look like Mr. Jordan -- did he have any
11 physical or mental disability that would impair his ability
12 to understand questions you were asking him?

13 A He did not appear that way.

14 Q What were the kind of physical surroundings of that
15 room that the interview was taking place?

16 A There were three chairs, a table and door. Mr. Jordan
17 sat closest to the door.

18 Q And how long was Mr. Jordan questioned? Do you
19 remember?

20 A At least 30 minutes.

21 Q And was he denied access to a telephone, food, water or
22 a bathroom?

23 A No.

24 Q Were any threats or promises made in exchange for his
25 statement?

1 A No.

2 Q So you already said that Mr. Jordan was under arrest at
3 the time?

4 A That's correct.

5 Q Did you or anybody else read Mr. Jordan his Miranda
6 rights?

7 A I did.

8 Q And was anybody else in the room to hear you read
9 those?

10 A Yes, Detective Marshall.

11 Q And was Mr. Jordan free to go at any time?

12 A Yes.

13 Q And he was able to leave the room at any time, or was
14 he under arrest?

15 A He was under arrest.

16 Q Were his handcuffs on him?

17 A No.

18 Q And was Mr. Jordan advised of the nature of that
19 investigation, why he was there?

20 A Yes.

21 Q And how was he given his Miranda rights?

22 A I provided a form to him. I read them out loud as he
23 read them, and he signed them.

24 (Whereupon, a Miranda form waiver was marked as State's
25 Exhibit 1 for identification.)

1 Q I want to show you what's been marked for
2 identification purposes as State's Exhibit 1. Take a look
3 at that and tell me what is -- tell me what that is.

4 A State's Exhibit 1 is a copy of the Miranda form and
5 waiver of rights.

6 Q Is that the Miranda form that you provided Mr. Jordan
7 that afternoon or read to him?

8 A It is.

9 Q And can you read -- is there a signature on there?

10 A There's three.

11 Q Three signatures. Go to that form with me. What's the
12 first -- what does it say?

13 A The first portion of the Miranda advisement has our
14 agency name on it, South Carolina Law Enforcement Division,
15 and it has the rights, the date and the time. And it says,
16 "Before we ask you any questions you must understand your
17 rights. You have the right to remain silent. Anything you
18 say can and will be used against you in a court of law. You
19 have the right to talk to a lawyer for advice before we ask
20 you any questions and have him or her present with you
21 during questioning. If you have no money for lawyer's fees,
22 the court will appoint one to represent you without cost to
23 you if you wish. If you decide to answer questions now
24 without a lawyer present you will still have the right to
25 stop answering questions at any time. You also have the

Melissa Skipper Wallace-In-camera direct examination

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1 right to stop answering questions at any time to talk to a
2 lawyer. I have read this statement of my rights and
3 understand what my rights are." And Mr. Jordan signed it.

4 Q And what was the date on that at the top?

5 A November 14th, 2013 at 19:13 hours.

6 Q And so, Mr. Jordan signed that advisement of rights?

7 A He did.

8 Q And is your signature on there?

9 A It is.

10 Q Who else was in there?

11 A Detective Marshall.

12 (Whereupon, a Statement of Tony Jordan was marked as
13 State's Exhibit 2 for identification.)

14 Q I want to show you know what's been marked for
15 identification purposes as State's Exhibit 2. What is that?

16 A State's Exhibit 2 is a copy of the statement provided
17 by Mr. Jordan after the arrest.

18 Q And how long after he gave -- or he filled out the
19 advisement of rights, or he signed his name to it, when did
20 he start writing his statement?

21 A I don't know what time he started writing.

22 Q But he filled that out after he was advised of his
23 rights?

24 A That's correct.

25 Q Is his signature on there?

1 A It is.

2 Q And did he freely and voluntarily give that statement?

3 A He did.

4 Q And there was no offer or promise or any coercion of
5 you or Mr. Marshall with regard to get that statement from
6 Mr. Jordan?

7 A No.

8 Q Did Mr. Jordan ever change his mind or ask to stop
9 giving a statement or stop filling that out?

10 A No.

11 Q I'm going to get you to read now what did Mr. Jordan --
12 just read from the top what the statement says, or what the
13 top of the form of the statement says and then read the
14 statement also.

15 A "Voluntary Statement." It has basically identifying
16 information. Last name Jordan, first name Tony, middle name
17 Vernon, age 52, date of birth . With his address.
18 Date and time of interview was November 14th, 2013 at 19:13
19 hours at the Abbeville County Sheriff's Office with myself
20 and Detective Marshall present. It says, "I, Tony Jordan,
21 understand I do not have to say anything and I volunteer the
22 following information of my own free will for whatever
23 purposes it may serve. I can read and write and completed
24 the twelfth grade in school." And then he began writing.
25 "Over the last seven years Jeremy had done nothing but lie,

1 cheat and steal from me and his sister. It seems like each
2 month his power turned off or got kicked out of a house. He
3 has been very disrespectful and would not work. He took and
4 took. On Monday, 11/11/13 he needed money to pay child
5 support. We got in an argument about it. We went for a
6 ride. We stopped. He cussed at me, took a swing. I snapped
7 and shot him."

8 Q Is that the end of the statement?

9 A It is.

10 Q And that's all that he reduced to writing in his
11 statement? That's all that he reduced to writing, right?

12 A That's correct.

13 Q Did Mr. Jordan give any other statements that's not
14 reduced to writing?

15 A Yes.

16 Q And what did Mr. Jordan tell you during his interview
17 that was not written in this statement?

18 A He told us where we could find the gun. He said he had
19 wrapped it up in a yellow towel. He also said that the
20 clothes that he had been wearing during the incident he had
21 lied about and they had been in the washing machine while we
22 were searching the apartment. He told us where to find
23 those clothes at that point. He also told us where the gun
24 had been after the incident. He told us that he pulled the
25 shirt over his head because he didn't want to look at him

1 when he was trying to get him over the rail. He couldn't
2 lift him up and he got stuck. We asked if he kept a round
3 in the chamber. He said he normally didn't, but he didn't
4 have to chamber a round when he shot him. I asked him about
5 why he called Jeremy in the early morning hours of the 12th.
6 He said that he had smashed his phone with a hammer and he
7 wanted to make sure it wasn't going to ring. He told us
8 that he got really bloody and he grabbed the rail during the
9 process of trying to get the body on the bridge. He said
10 that after Jeremy was shot he gurgled some but he didn't
11 move. We also asked about some rings that we found in his
12 vehicle and he said they were Jeremy's mother's. They
13 weren't with anything. And Detective Marshall also asked
14 him if it had anything to do with his girlfriend, Audrey
15 Todd, and he said maybe.

16 Q During the portion where he was just talking to you all
17 after the Miranda was given, after he had given the written
18 statement, did he tell you where the gun was?

19 A He did.

20 Q Where did he tell you the gun was?

21 A It was in a creek wrapped in a yellow towel.

22 Q Was that the gun or the cell phone?

23 A I'm sorry. That was his cell phone. I apologize. The
24 gun was in the toy box in his bedroom.

25 Q Did Mr. Jordan tell you where he shot Jeremy?

Melissa Skipper Wallace-In-camera cross-examination

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1 A He said he shot him in the back of the head.

2 Q I might have missed this. You probably already said
3 this. Did he tell you about the clothes that he was
4 wearing?

5 A He did.

6 Q What did he tell you?

7 A He told us that he had lied about -- originally about
8 what he had been wearing during the incident. That he had -
9 - that they had been in the washing machine when we were at
10 the apartment, and they were in the laundry basket with his
11 shoes while we were interviewing him.

12 Q Did he tell you what kind of shoes he had on?

13 A Green and black Nikes.

14 Q And did all these statements, the written statement and
15 the statement Mr. Jordan gave to you that you have outlined
16 in your memorandum of interview, were all those statements
17 from that one big statement, was that given freely and
18 voluntarily?

19 A Yes, sir.

20 Q Did you offer him any promise or hope of a promise if
21 he gave a statement to you that day?

22 A No.

23 Q Was he coerced in any way?

24 A No.

25 MR. BROWN: Judge, that's all the questions I have at

1 this moment.

2 THE COURT: Ms. Bolen.

3 MS. BOLEN: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. BOLEN:

6 Q Agent Skipper Wallace, you testified first about when
7 you arrested him at his apartment, right?

8 A Yes.

9 Q You went to his apartment here in Abbeville, right?

10 A Yes, ma'am.

11 Q And his sister and daughter were there when you
12 arrested him, right?

13 A Yes, ma'am.

14 Q Were any other family members there that you know of?

15 A There were. I'm not sure of their relationship.

16 Q It's a fairly small apartment, right?

17 A Yes, ma'am.

18 Q And you actually arrested him inside or did you ask him
19 to step out?

20 A We asked him to step out.

21 Q And you arrested him outside his apartment and then put
22 him in the police car? Your car?

23 A Yes, ma'am.

24 Q And his sister and daughter stepped out with him,
25 right?

Melissa Skipper Wallace-In-camera cross-examination

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- 1 A Yes, ma'am.
- 2 Q And you said that he stated, "I thought you were going
3 to let me bury my son."?
- 4 A Yes, ma'am.
- 5 Q And also, "You're just pinning it on the dad when you
6 don't even have a gun yet."?
- 7 A Yes, ma'am.
- 8 Q And those were statements he made right outside the
9 apartment?
- 10 A On the way to the car.
- 11 Q On the way to the car. And you were parked right in
12 front of his apartment?
- 13 A The parking spaces don't actually go right up to his
14 apartment. We had to walk around the corner of the
15 building. But we were parked fairly close to his apartment.
- 16 Q And he was handcuffed at that time?
- 17 A Yes, ma'am.
- 18 Q And it was you and Investigator Marshall, correct?
- 19 A And Special Agent Steve Gambrell.
- 20 Q So there were two SLED agents and an investigator with
21 the Sheriff's Office?
- 22 A Yes, ma'am.
- 23 Q So three law enforcement officers?
- 24 A Yes, ma'am.
- 25 Q And when you got back to the Police Department it was -

1 - I'm sorry, the Sheriff's Office, it was you and
2 Investigator Marshall, but Special Agent Gambrell was not
3 part of the interview; is that correct?

4 A That's correct.

5 Q So the three of you took him over to the Sheriff's
6 Office?

7 A He did not ride with us back to the Sheriff's Office.
8 He rode in a marked vehicle. We were in a SLED vehicle.
9 They just waited in the parking lot for us to go get him.

10 Q So who actually drove him back?

11 A One of the deputies for the Sheriff's Office.

12 Q But he was escorted to the car by you, Special Agent
13 Gambrell and Investigator Marshall, correct?

14 A That's correct.

15 Q And once you got to the Sheriff's Office you brought
16 him right to the interview room, right?

17 A I'm not sure where he went in between.

18 Q When you got back here was he already -- when you got
19 back to the Sheriff's Office was he already at the Sheriff's
20 Office?

21 A Yes, ma'am.

22 Q And he was in the interview room?

23 A Yes, ma'am.

24 Q And you left approximately the same time as the deputy
25 who was escorting him back to the Sheriff's Office?

1 A We left a couple minutes after them. The family was.
2 asking us some questions.

3 Q So a few minutes. But by the time you got there he was
4 already in the interview room, right?

5 A Yes, ma'am.

6 Q And this is kind of a smallish room with a window,
7 table and a few chairs?

8 A I don't remember if there's a window in there. A table
9 and three chairs.

10 Q And you said you talked to him for at least 30 minutes?

11 A Yes, ma'am.

12 Q And some of what you testified he said is not in his
13 written statement, right?

14 A That's correct.

15 Q And it's not recorded in any way?

16 A Not to my knowledge.

17 Q Video or audio recorded? Okay. And I think you
18 testified that he told you about what he had done with some
19 of the -- the gun and the clothes, right?

20 A Yes, ma'am.

21 Q And he told you about he and Jeremy arguing, that sort
22 of thing, right?

23 A Yes, ma'am.

24 Q And his advisement of rights is timed -- the time on
25 that is 19:13, right?

1 A Yes, ma'am.

2 Q So that's 7:13?

3 A Yes, ma'am.

4 Q And then kind of walk me through how the interview
5 went. Did he write the statement right away? Did he talk
6 for a while first?

7 A We advised him of his rights. As soon as he actually
8 signed the form he threw the pen down and said, "I did it."
9 We talked to him for a little bit and then we asked him if
10 he wanted to write a statement. He wrote a statement. And
11 he helped us a little bit with finding the clothes and the
12 gun and the phone. And then he was later escorted back to
13 the jail.

14 Q So he talked to you verbally, he then writes a
15 statement, and then he tells you about where some of the
16 items are, correct?

17 A Yes, ma'am.

18 Q And his statement -- the Miranda is signed at 17:13 and
19 his statement is signed at -- I'm sorry, 19:13. So about
20 7:13. And then the statement is signed 19:43, right?

21 A Yes, ma'am.

22 Q So you talked to him for about a half hour before he
23 writes the statement?

24 A That end time is after he's finished writing it.

25 Q Okay. But it's a fairly short statement, right?

- 1 A Yes, ma'am.
- 2 Q And obviously you've done interviews before, correct?
- 3 A Yes, ma'am.
- 4 Q As has Investigator Marshall?
- 5 A I don't know his complete background.
- 6 Q But it's not uncommon for law enforcement to ask people
7 being interviewed to include stuff in their statement that
8 they said, outline what they said?
- 9 A I'm sorry?
- 10 Q It's not uncommon for an officer to ask the person
11 being interviewed to reduce everything to writing, correct?
- 12 A I can't speak to other officers.
- 13 Q Okay.. But there's things he told you that are not in
14 his statement, right?
- 15 A Correct.
- 16 Q And at the time you talked to him, this was on November
17 14th at about 7:00 at night, right?
- 18 A Yes, ma'am.
- 19 Q And you had already talked to Tony several times,
20 right?
- 21 A Twice prior to it.
- 22 Q And to your knowledge other officers had also talked to
23 him in the about three days before his arrest?
- 24 A Two days. Yes, ma'am.
- 25 Q And at the time you met with him he had talked to

1 officers before and his son's funeral was the next day,
2 right, to your knowledge?

3 A Yes, ma'am.

4 Q And when you went to arrest him you did not Mirandize
5 him at the apartment, right?

6 A No, ma'am.

7 Q So he was read Miranda and signed Miranda for the first
8 time at the Sheriff's Office?

9 A Yes, ma'am.

10 MS. BOLEN: I have nothing further. Thank you.

11 MR. BROWN: Just one last thing.

12 REDIRECT EXAMINATION

13 BY MR. BROWN:

14 Q When you arrested him at the apartment were any
15 questions ask of him at that time to elicit those statements
16 that he gave you at the apartment?

17 A No, sir.

18 Q So he freely and voluntarily offered that without any
19 questions being asked of him?

20 A That's right.

21 MR. BROWN: No further questions.

22 THE COURT: Anything else?

23 MS. BOLEN: No, ma'am. Thank you.

24 THE COURT: You may step down.

25 THE WITNESS: Thank you.

Nick Marshall-Direct Examination

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1 (Whereupon, witness steps down from the witness stand.)

2 MR. BROWN: State calls Nick Marshall.

3 NICK MARSHALL, having been first
4 duly sworn, testified as follows:

5 IN CAMERA

6 DIRECT EXAMINATION

7 BY MR. BROWN:

8 Q Mr. Marshall, where do you work?

9 A Abbeville County Sheriff's Office.

10 Q How long have you worked there?

11 A A little over four years.

12 Q And what are your duties with the Abbeville County
13 Sheriff's Office?

14 A I'm an investigator.

15 Q Have you been an investigator the entire time you've
16 been there?

17 A No, sir.

18 Q How long have you been an investigator?

19 A Approximately two years.

20 Q And while you've been an investigator have you had the
21 opportunity to question individuals after they've been
22 arrested?

23 A Yes, sir.

24 Q And that's part of your investigative work, right?

25 A Yes, sir.

1 Q And, Mr. Marshall, were you working an investigation
2 back on November -- the week of November 11th through the
3 14th?

4 A Yes, sir. I was.

5 Q And were you working a specific case during that time?

6 A Yes, sir. I was.

7 Q And what case would that be?

8 A That would be the murder case of Tony Jordan.

9 Q Tony Jordan or Jeremy Jordan?

10 A I mean, excuse me, Jeremy Jordan.

11 Q And jump forward to the reason why we're at this
12 hearing. Did you -- were you part of the group that went to
13 arrest Mr. Tony Jordan?

14 A Yes, sir. I was.

15 Q And who was with you at that time?

16 A Steve Gambrell with SLED and Skipper with SLED.

17 Q And where did you all go to arrest him?

18 A We went to the in the city.

19 Q And at that time did Mr. Jordan give any statements why
20 he was being arrested?

21 A To my knowledge, the only thing I remember him saying
22 distinctly was that he made the comment, "You guys aren't
23 going to let me go to my son's funeral," or something to
24 that effect.

25 Q That's what you remember there?

Nick Marshall-Direct Examination

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1 A Yes, sir.

2 Q And if another agent remembered something else it might
3 be you were --

4 A Could have been in a different -- yeah, I might have
5 missed it.

6 Q At that time had you Mirandized Mr. Jordan?

7 A No, sir.

8 Q Did you ask him any questions to elicit that response?

9 A No, sir.

10 Q Was that freely and voluntarily given by Mr. Jordan?

11 A Yes, sir.

12 Q After you all put the cuffs on him what did you all do
13 with Mr. Jordan?

14 A He was transported to the jail -- well, actually to the
15 Sheriff's Office by a marked unit, and we stayed and talked
16 to the family for just a moment and we went back to the
17 Sheriff's Office.

18 Q And were you involved in the interview with Mr. Jordan?

19 A Yes, sir. I was.

20 Q Who all was involved in that interview?

21 A Myself and Agent Skipper with SLED.

22 Q Where did that interview take place?

23 A It's in the Abbeville Sheriff's Office interview room.

24 Q And was this interview recorded?

25 A No, sir.

1 Q Was there any audio of it?

2 A No, sir.

3 Q Why?

4 A At that time we had just gotten the capabilities of
5 audio/video recording, and about a week prior to this we had
6 some problems with it. And we were waiting on a guy to come
7 fix it, but it was not operable at that time.

8 Q Not operable at that time?

9 A Huh-uh.

10 Q While you all had Mr. Jordan in the interview room,
11 tell me the layout of that room.

12 A Well, as soon as you walk in you've got windows up top
13 on the very back wall. White walls, small table, a chair at
14 the end, a chair on the side and a chair on this end closest
15 to the door. Maybe a few bookshelves with some statute
16 books on it.

17 Q And who was all in that room?

18 A Myself and Ms. Skipper and Tony Jordan.

19 Q And Mr. Jordan was under arrest at that time?

20 A Yes, sir.

21 Q Did Mr. Jordan have his handcuffs on the entire time he
22 was in that room?

23 A No, sir. He did not.

24 Q When were those handcuffs removed?

25 A To the best of my knowledge, I took those off of him

Nick Marshall-Direct Examination

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1 almost immediately as we went in the room.

2 Q And before any questions were asked were Mr. Jordan's
3 rights read to him?

4 A Yes, sir.

5 Q I'm going to show you what's been marked -- and who
6 read those rights to him?

7 A That would be Agent Skipper.

8 Q I'm going to show you what's been marked for
9 identification purposes as State's Exhibit 1. Take a look
10 at that and tell me what that is.

11 A This is a Miranda advisement form. A SLED Miranda
12 advisement form.

13 Q Do you recognize that particular one?

14 A Yes, sir.

15 Q How do you recognize that?

16 A I recognize it by the date and the time and the
17 signatures.

18 Q And whose signatures are on there?

19 A Mine, Tony Jordan's and Ms. Skipper's.

20 Q And Mr. Jordan, was he -- how was Mr. Jordan offered
21 those rights or read those rights? Just tell me what
22 happened when that form was brought to the table?

23 A When this form was brought to the table it was
24 explained to him that we -- Ms. Skipper was going to read
25 him his Miranda rights and to make sure he understood those

1 rights.

2 Q Were all those points on that page read?

3 A Yes, sir.

4 Q And during that time did Mr. Jordan appear to
5 understand everything that was read to him?

6 A Yes, sir.

7 Q Did it look like he was under the influence of any
8 drugs or alcohol?

9 A No, sir.

10 Q Do you know if he had any type of disability or mental
11 disability that he couldn't understand what you all were
12 asking him?

13 A No, sir.

14 Q Were any threats or promises made in exchange for his
15 statement?

16 A No, sir.

17 Q We've already gone over that he was under arrest at the
18 time?

19 A Yes, sir.

20 Q Did you all deny him any access to a telephone, water
21 breaks or bathroom?

22 A No, sir.

23 Q Did he ever ask for it?

24 A No, sir.

25 Q How long do you think you all were in there questioning

1 Mr. Jordan?

2 A I can't give you an exact time. But, you know, 30, 45
3 minutes maybe. Something of that nature.

4 Q Did Mr. Jordan's answers to any questions you all had,
5 they seemed rational or responsive?

6 A Yes, sir.

7 Q After he filled out and signed that Miranda form just
8 tell me what -- tell me what happened.

9 A Well, as soon as he -- as soon as he signed the waiver
10 form he immediately went into telling us that he had shot
11 and killed Jeremy.

12 Q Did he ultimate reduce his statement to writing?

13 A Yes, sir.

14 Q I'm going to show you what's been marked as State's ID
15 Number 2. Just take a look at that and see if you recognize
16 that.

17 A I do.

18 Q What is that?

19 A This is a volunteer statement given by Mr. Jordan that
20 night.

21 Q How do you recognize that?

22 A I recognize this because it's got his name and date of
23 birth, and I also remember reading it the night that he gave
24 it, and this is what he had on there.

25 Q Did you sign that sheet?

1 A Yes, sir. I did.

2 Q Again, it's already been read into the record, but was
3 that statement freely and voluntarily given?

4 A Yes, sir.

5 Q No offers or any promises made to Mr. Jordan for him to
6 write that?

7 A No, sir.

8 Q Did Mr. Jordan provide any other information to you or
9 Ms. Skipper Wallace after he wrote this statement?

10 A May I refer back to my notes?

11 Q Yes.

12 A I'm just going to read to you pretty briefly about some
13 of the stuff that's not on that form.

14 Q Are those your notes from --

15 A This is the direct notes that I put that were in the
16 reports from my case file. Tony advised us right off the
17 bat that around 10:00, 10:30 he had killed Jeremy Jordan on
18 the 11th of 2013. Told us he shot Jeremy in the back of the
19 head one time and afterward attempted to push Jeremy over
20 the top of the bridge railing but was unable to physically
21 do so. So he attempted to shove the body between two wooden
22 rails. He stated that Jeremy's body got stuck and he left
23 the scene. You know, through further talking with him he
24 told us where we could find the pistol. Well, first of all,
25 he told us what type of pistol it was that he had used, and

Nick Marshall-Direct Examination

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1 he told us where we could find it. The clothing that he was
2 wearing. His shoes. He also went on to tell us where we
3 could find Jeremy's cell phone, which was wrapped in a towel
4 and a plastic bag in a creek bed off of Cedar Springs South.

5 Q At the time that he told you, was it 10:00 or 10:30 or
6 was it 8:00 or 8:30 do you think in your notes?

7 A I'm sorry. 8:00 to 8:30. I apologize.

8 Q And after he told you where to find the clothes and the
9 gun and cell phone what did you do?

10 A What I was doing at the time, I would step out and
11 advise other investigators what we were -- the information
12 we were given. And they also had other investigators
13 actively out a search warrant for his apartment based on the
14 information he gave us. And they coordinated that to
15 recover the stuff.

16 Q And after you stepped back into the interview room did
17 you ask him more questions?

18 A I think at that point the only other thing I may have
19 said to him -- I believe I said to him was I asked him if
20 his girlfriend, I believe her name was Audrey, had anything
21 to do with the murder of Jeremy, that he had just admitted
22 to us that he had done, and he said maybe.

23 Q Did he also tell you why he had done it?

24 A He gave reasons, you know, that his son wouldn't pay
25 his bills and things like that. Just irrational things.

1 Q Did he tell you what -- more about what happened going
2 out there that night, or what led to --

3 A Yeah. He -- I'll read to you exactly what I took here.
4 He stated that Jeremy had been stealing from him and other
5 family members. He stated that Jeremy had not been paying
6 his child support. That he was just fed up with him. He
7 stated, quote, "I just snapped." He kept saying that
8 several times during the interview. He advised us that the
9 night of the incident he and Jeremy had been at home at the
10 . He then stated that he had just
11 finished walking his dog as he usually does every night, and
12 that he still had his .380 pistol in the pocket of his
13 hoodie. He takes it with him whenever he walks his dog. He
14 then stated that when he returned back to his apartment
15 Jeremy began asking him for money. Tony told us that
16 eventually Jeremy asked him to ask his friend Billy Norris
17 for money for him and he told Jeremy that Billy was camping
18 in Calhoun Falls at the state park. They both got in his
19 Jeep Liberty and left the apartments and headed down Old
20 Calhoun Falls towards the campsites. Said while they were
21 driving they were involved in an argument with each other.
22 Tony stated to us that he pulled the Jeep over on Little
23 River Bridge, at which time they both exited the vehicle.
24 Tony then advised us that Jeremy took a swing at him and
25 missed, at which time Jeremy turned around as if to walk

Nick Marshall-cross-examination

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1 away. And that's when Tony pulled out his already loaded
2 .380 pistol and shot Jeremy one time in the back of the
3 head. I remember asking him, you know, at what point did
4 you realize he was dead. And he said that once he shot
5 Jeremy, that Jeremy hit the ground and made a few grunting
6 sounds and knew -- gurgling and grunting sounds, and he knew
7 that he was dead at that point.

8 Q Was that the extent of the interview with Mr. Jordan?

9 A Yes, sir.

10 Q And all that information in the written statement and
11 what he told you all and what you put in your notes, that
12 was all stated to you all after he was Mirandized?

13 A Yes, sir.

14 Q And he freely and voluntarily gave you that
15 information?

16 A Yes, sir.

17 Q And you never made any promise or coerced him to give
18 those statements?

19 A No, sir.

20 MR. BROWN: No further questions.

21 MS. BOLEN: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MS. BOLEN:

24 Q Investigator Marshall, just a couple questions for you.
25 You said at the apartment the only thing you remember him

1 saying was something to the effect of "You're not going to
2 let me go to my son's funeral"?

3 A Something to that nature, yes.

4 Q And that statement is not reflected in your report,
5 right?

6 A That's correct.

7 Q And in your report, in fact, you say that he was
8 arrested without incident?

9 A Yeah, without incident, right.

10 Q While you and Agent Skipper Wallace were recording him
11 did either of you have body cams on or anything like that?

12 A Recording him?

13 Q I mean were interviewing him. Did either of you have
14 body cams or --

15 A No, ma'am.

16 Q Did either of you have a cell phone on you that might
17 have had audio or video recording capabilities?

18 A Yes, ma'am.

19 Q You had a cell phone?

20 A I can speak for myself. I had a cell phone, yeah.

21 Q And that cell phone you could have recorded either --

22 A To my understanding, it's SLED's policy not to record
23 interviews. So that's why the interview was not recorded by
24 myself.

25 Q And you said the interview took somewhere between 30

Nick Marshall-cross-examination

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1 and 45 minutes?

2 A Yes, ma'am.

3 Q And in terms of the timing of it, Tony was already in
4 the interview room when you arrived at the Sheriff's Office?

5 A Yes, ma'am. I believe he was.

6 Q And I think you said you were the one taking the
7 handcuffs off him?

8 A I was the one -- I remember distinctly taking his
9 handcuffs off when we got in the room.

10 Q Okay. And you talked to him for a little while, right?

11 A Yes.

12 Q And he gave the written statement, which we've already
13 --

14 A Yes, ma'am.

15 Q And then it looks like you left the room for a minute
16 and then you came back in and you too talked some more?

17 A Yes, ma'am. Well, during the time they were still
18 talking, so...

19 Q So Agent Skipper Wallace was there the whole time?

20 A Yes, ma'am.

21 Q And you've done interviews before?

22 A Yes, ma'am.

23 Q And have you ever asked someone to -- either a victim,
24 or a Defendant, or anyone giving a statement, have you ever
25 asked them to make sure everything that they told you was

1 reduced in writing in their statement?

2 A I'm not sure if I understand your question.

3 Q You've done interviews of victims, witnesses, people
4 charged with crimes, right?

5 A Yes, ma'am.

6 Q And you've often had -- people in those categories give
7 written statements?

8 A Yes, ma'am.

9 Q And have you ever asked someone, in any of those
10 categories, to make sure things that they were telling you
11 were reflected in their written statements?

12 A Make sure that they put key elements in their
13 statement?

14 Q Yes, sir.

15 A Is that what you're saying?

16 Q Yes, sir.

17 A I asked them to put what they want in the statement.
18 Whatever they feel they need to put.

19 Q And there was -- what you're testifying to and what
20 your report reflects is that he told you a good bit more
21 than --

22 A Yes, ma'am.

23 Q -- than in his statement, right?

24 A Yes, ma'am.

25 Q And when he was arrested there were three officers

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1 there, right?

2 A Yes, ma'am.

3 Q And he had already spoken with multiple officers over
4 the course of the past two to three days, right?

5 A Yes, ma'am. To my understanding.

6 Q To your understanding, there were a number of officers
7 involved?

8 A Yes.

9 Q And to your understanding, the funeral was the very
10 next day, correct?

11 A Yes, ma'am.

12 Q So when you were talking with Solicitor Brown you
13 talked about the fact that Abbeville Sheriff's Office has
14 video recording equipment, right?

15 A We do now, yes.

16 Q You do now.

17 A Yes.

18 Q And it was broken at the time --

19 A Prior to Sheriff Watson's term we didn't have that.

20 Q And Sheriff Watson has been in at least a year, right?

21 A Now, yes.

22 Q But you were saying on direct that the equipment was
23 broken and didn't work at the time of this interview, right?

24 A That's correct.

25 Q But, in fact, you just testified that SLED's policy is

1 not to record, right?

2 A That's correct.

3 Q So even if the equipment had been working you wouldn't
4 have used it, right?

5 A That's correct.

6 MS. BOLEN: That's all I have, Your Honor.

7 THE COURT: Anything else?

8 MR. BROWN: I don't have anything further.

9 THE COURT: You may step down. Is that all you've got?

10 MR. BROWN: Judge that's all I have for the *Jackson*
11 hearing.

12 THE COURT: All right, Ms. Bolen. Let me hear your
13 motion now with particularity the written statement and the
14 secondary oral statements.

15 MS. BOLEN: Thank you, Your Honor. We're asking under
16 *Jackson v. Denno* that his statements be excluded as not
17 having been given voluntarily, freely and intelligently.
18 Your Honor, I think I came across some testimony this was a
19 situation where Mr. Jordan was -- had been talking to
20 officers for several days. He was with three officers at
21 the time which is obviously, I think, an intimidating sort
22 of stressful situation. The statements varied between the
23 two officers of what he said, and in addition they varied
24 quite a bit between what's in writing and what is reduced to
25 their reports. We're asking for all of his statement to be

1 excluded under *Jackson v. Denno*, but if Your Honor were not
2 to grant that we'd ask for anything that's not reduced to
3 writing to be excluded.

4 THE COURT: Mr. Brown.

5 MR. BROWN: Judge, after listening to Melissa Skipper
6 Wallace and Nick Marshall, both stated that when he was
7 arrested there were no questions asked. That they had put
8 cuffs on him and he freely and voluntarily gave those
9 statements without any questioning. Once he got back to the
10 law enforcement center they read him his rights. He went
11 through there. His initial -- or his signature is on there.
12 He signed it, two witnesses and dated on the 14th of last
13 year. His signature is also on the statement that he had
14 written. It was in his own language, his own words, his own
15 handwriting on that date after dates and times, or after he
16 signed his Miranda form.

17 Judge, law enforcement can't force him to add any more
18 to a written statement. That would violate, you know, his
19 rights. They can't make him write any more or force him to
20 write any more than he wants to. He offered more to law
21 enforcement officers. And since he offered more they wrote
22 that down in their notes. So they both said that all these
23 were -- these statements were freely and voluntarily given.
24 There were no offers or promises made to coerce Mr. Jordan
25 to give these statements. He didn't have any handcuffs on,

1 even though he was -- he was arrested at the time. They
2 didn't -- they didn't tie him down in the chair and tell him
3 he couldn't leave until he gave a statement. He gave a
4 statement once he got in there. Signed his rights and gave
5 a statement.

6 So, Judge, based on all that, the State feels that
7 these were freely and voluntarily given, which should be
8 admitted to the jury.

9 THE COURT: All right. Based upon what's been
10 presented to me, it appears that he was afforded his rights.
11 He understood them. Explained and read to him. He read
12 them all. He acknowledged them and waived them. I believe
13 that the requirements of *Jackson v. Denno* were met. That
14 they were voluntarily given so that all the statements,
15 whether they're written or oral, could come in. Unless you
16 call can tell me something otherwise. I think the State met
17 it's burden of showing you advice of rights, waiver of
18 rights, and the discussion of law enforcement after those
19 rights had been given. That generally means the State has
20 given -- even though culpable can come in. So that's my
21 ruling on it.

22 MS. BOLEN: Thank you, Your Honor.

23 MR. BROWN: Thank you, Your Honor.

24 THE COURT: Do y'all want a break?

25 MR. BROWN: Yes.

1 MS. BOLEN: Yes.

2 (Whereupon, a brief recess was held.)

3 THE COURT: We're ready to go back on the record with
4 whatever motions you've got left, Ms. Bolen.

5 MS. BOLEN: Thank you, Your Honor. We have two
6 remaining motions, Your Honor, and I guess they're kind of
7 related. We've got a Fourth Amendment challenge to the two
8 search -- two of the search warrants issued in this case.
9 And to give Your Honor some background, there were three
10 search warrants in the case. There's a search warrant on
11 the Jeep, a search warrant on the house, and a search
12 warrant issued to Verizon. The two we're contesting are the
13 warrants on the Jeep and the one through Verizon. And in
14 addition to a -- we're actually making a challenge under
15 both the Fourth Amendment and the South Carolina Code. And
16 I'll pull up the Code section for Your Honor, 17-13-140.
17 Those were issued -- the one on the Jeep was issued without
18 probable cause and the one on the phones was issued -- was
19 executed before it was issued.

20 Additionally, Your Honor, I'm going to sort of flesh
21 this out as I explain our motions to you. We've also got a
22 motion on the text messages themselves. We've got a motion
23 on the search warrant to obtain the text messages, and then
24 we have a -- if Your Honor rules against us on that, we've
25 got a motion as to relevance of the text messages. But I'll

1 first go through the Fourth Amendment ones, Your Honor.
2 With respect to the search warrant on the Jeep. Our first
3 challenge is that it's an overbroad warrant. In the body of
4 the warrant, Your Honor, it -- and if I can give a little
5 background as to the timing. At this point though, the
6 search warrant for the Jeep was issued on November 12th.
7 The incident occurred the evening -- late evening of
8 November 11th. And at that time all -- from what I can tell
9 from the law enforcement file, all that law enforcement knew
10 at that time that this issued -- that this warrant was
11 issued was that the body they found on the bridge was Jeremy
12 Jordan, that Tony Jordan, my client, was Jeremy's father,
13 and that Tony and Jeremy lived together. At that time I
14 don't believe they had any other knowledge or any other
15 evidence that gave them probable cause to believe that my
16 client was involved in the shootings. And on the warrant,
17 Your Honor, under the description of property sought, again
18 it's an over broad statement. They state that they're
19 seeking any firearms or other weapons to include, but not
20 limited to, semiautomatic pistols or rifles, revolvers,
21 blunt instruments, cutting instruments, or any other types
22 of items that could be used as a weapon. It's our petition
23 that there's no evidence that any blunt instruments or
24 cutting instruments were used and that section is overbroad.
25 The next sentence goes on to read, "Law enforcement is

1 seeking any and all ammunition." We believe that's
2 overbroad. And then the next sentence after that is, "Law
3 enforcement is also seeking any and all items or materials
4 that could have been used as binding or restraints in a
5 homicide." Again, that's overbroad as there's no evidence
6 that there was any binding or restraint in this case.
7 Jumping down. The next sentence we're challenging is, "Law
8 enforcement is seeking any cellular phones, tablet style
9 devices, computers, any other type of device that can be
10 used to transmit dialog between individuals or other
11 electronic devices. Any and all documents or other type of
12 written or typed records of statement, or any other type of
13 thoughts put down in writing or print which may be
14 affiliated with this incident." It's our position that all
15 of that is overbroad as again at that point all the -- all
16 law enforcement had knowledge of is that Jeremy Jordan had
17 been shot. There was no evidence that -- there's no
18 evidence at that time that law enforcement had that would
19 allow them to have probable cause that any of these items
20 would be sought in the Jeep. So we're asking for those
21 parts of the warrant to be --

22 THE COURT: Those warrants are for the victim's phone
23 or the Defendant's phone?

24 MS. BOLEN: This is for the Defendant's Jeep, Your
25 Honor. This is the first search warrant on the Defendant's

1 Jeep.

2 MR. BROWN: Judge, do you want us to kind of separate
3 them out?

4 THE COURT: Yeah, because it's easier to follow when
5 they're piecemeal.

6 MS. BOLEN: Piecemeal, okay. So I guess I'll talk
7 about the Jeep search warrant first and then the phone
8 search warrant. So that's the body of the description of
9 the property sought on the Jeep search warrant.

10 Your Honor, we're also challenging the search warrant
11 on the Jeep and asking that any evidence seized as a result
12 of the search warrant on the Jeep be excluded under the
13 Fourth Amendment, as well as under the state statute
14 regarding search warrants on several bases.

15 First is that by my reading of the law enforcement
16 file, the car -- the Jeep was impounded -- was seized prior
17 to the warrant being issued. And I think case law is clear
18 that the seizure and search -- there's a very, very strong
19 preference for searches to happen only with a search
20 warrant. And I don't believe in this situation any of the
21 recognized exceptions to the search warrant requirement fit.
22 Of course, there is an automobile exception, but that, I
23 believe, is limited to situations when someone is arrested
24 in their car. And the Supreme Court cases that talk about
25 the automobile exception, exceptions specifically talk about

1 the mobility of automobiles and the necessity to search them
2 then before they can be driven away. And that exception
3 doesn't apply here, Your Honor, because at the time that
4 this Jeep was seized it was parked in a parking lot at my
5 client's apartment building. He was there with several law
6 enforcement officers. At the time that they decided to
7 seize the Jeep he voluntarily went back with them to the law
8 enforcement center. And one officer, and I believe from the
9 report that officer was Nick Marshall, he stayed behind with
10 the car. So there was no risk of the car going anywhere.
11 There was no risk of any of the evidence being destroyed.
12 So for law enforcement to seize the vehicle before a search
13 warrant was issued by impounding it I believe goes against
14 our federal and state constitutions and the state statute on
15 search warrants. And we'd ask that it be suppressed on that
16 ground.

17 THE COURT: So, in other words, are you saying the
18 police officer, investigator, stayed with the Jeep while
19 they took the suspect for more questioning, whether in
20 custody or not?

21 MS. BOLEN: Yes, sir.

22 THE COURT: And then the search warrant was retrieved,
23 or --

24 MS. BOLEN: Yes, sir. From our reading he -- how it
25 happened is they went to my client's apartment. The Jeep

1 was parked out in the parking lot. They observed what they
2 thought might have been blood on it. They -- my client went
3 back with some of the law enforcement officers back to the
4 Sheriff's Office and Nick Marshall stayed with the Jeep.
5 They were obtaining a search warrant, but the Jeep was
6 impounded prior to the search warrant being issued. And
7 that's actually on Investigator Marshall's affidavit. On
8 the document it's stated, "Reason for affiant's belief that
9 the property sought was on the subject premises." The very
10 last line of that. So this is what he presented to Judge
11 Gladden, the magistrate. And in that -- in what he
12 presented to her to try to seek the warrant he stated, "Due
13 to the discovery of this information, the vehicle was towed
14 to Abbeville County Sheriff's Office." So based on that
15 it's clear that the car was impounded prior to them actually
16 getting the search warrant which we believe violates our
17 client's --

18 THE COURT: Well, the State's already -- exigent
19 circumstances. They've got to seize it before something's
20 lost, or someone tapered with it.

21 MS. BOLEN: And, Your Honor, our response to that would
22 be that there's officers standing there with it. Nick
23 Marshall in his report states that he was there with the
24 vehicle. I don't -- I don't see how anything could have
25 happened to the vehicle with an officer there with my client

1 back at the Sheriff's Office.

2 THE COURT: Okay.

3 MS. BOLEN: Would you like me to go over all of my
4 issues with the Jeep warrant or --

5 THE COURT: Yeah, let's hear -- let's hear it on the
6 Jeep.

7 MS. BOLEN: Our next issue, Your Honor, with the search
8 warrant on the Jeep -- just make sure I've got my notes
9 here, Your Honor, is the timing of it. Your Honor, what I
10 have been provided Judge Gladden, who is the magistrate,
11 dates the warrant November 12, 2013, and she puts a time of
12 1:04 p.m. And then Officer -- I'm sorry. Investigator
13 Marshall's return is dated November 12th, 2013 at 13:00,
14 which is 1:00. So the return was signed and dated four
15 minutes before the search warrant was actually issued. And
16 the return, of course, is after something has been searched.
17 So it's our position that the Jeep was searched prior to a
18 warrant being issued, which again is in violation of our
19 client's Fourth Amendment statutory right. And there is a
20 case on point, Your Honor, which I want to direct Your
21 Honor's attention to. *State v. Covert*, 368 SC 188, in which
22 the higher court states that -- and this was a case that
23 dealt primarily with the state statute on search warrants.
24 That there is no search warrant until it is issued, and that
25 the issuance occurs when the magistrate signs. So it's our

1 position that this warrant did not exist until 1:04 p.m.,
2 and that any search that happened prior to, which it appears
3 from the documents we've been given, the search had to
4 happen before the warrant was issued.

5 THE COURT: What's on the return?

6 MS. BOLEN: The return says 1:00.

7 THE COURT: But what's on the item? Is there a list of
8 items or just the Jeep?

9 MS. BOLEN: Yes, sir. It states that the following is
10 an inventory of the property taken. One black Cobra
11 firearms gun case, nine sets of glove swabs -- nine sets of
12 swabs believed blood, and one GSR kit. So our position
13 under Covert, as well as under the Fourth Amendment
14 jurisprudence is that they searched this Jeep without the
15 search warrant which violates his constitution rights and
16 any evidence from that should be suppressed.

17 And finally, Your Honor, with regards to the Jeep, our
18 last argument is that the search warrant itself does not
19 contain -- should not have been issued by the judge at all
20 because it does not contain probable cause.

21 Again, Your Honor, at this point in law enforcement's
22 investigation, all they knew was that Jeremy Jordan had been
23 shot and was on the bridge. That Jeremy was Tony's son and
24 that they lived together. There was -- at least from what
25 I've been provided, there's no other evidence to suggest

1 that my client had any involvement. How they end up getting
2 the search warrant is they go to his home, which is an
3 apartment complex, and his Jeep is parked out front. And
4 the SLED agents, I believe it was SLED Agent Donahue and
5 SLED Agent Kenley, as well as Detective Marshall, go to his
6 home at around noon, and they state that they see reddish
7 brown substance on several locations on the car's exterior.
8 There's no mention of any of this being blood. No mention
9 of anything inside. Nick Marshall, his report does indicate
10 that he sees some blood inside. But, Your Honor, prior to
11 those three officers going to my client's house, a SLED
12 officer had been at his house earlier in the day. He didn't
13 mention anything about seeing any reddish brown on his car.
14 In additionally, my client saw three local police officers
15 from the Abbeville Police Department earlier in the day, and
16 again they don't mention anything about that. So it's our
17 position that seeing a reddish brown substance without --
18 without anything more -- and again, Your Honor, the pictures
19 of this from the Jeep show it to be very, very, very small
20 dots. There's maybe one dot on the driver's side door, a
21 very faint smudge on the driver's side handle, and a smudge
22 on the gearshift. That seeing this, what they described as
23 reddish brown substance, coupled with their only knowledge
24 at that time, which is the relationship between my client
25 and Jeremy, that does not amount to probable cause to search

1 his car. So our position is that the warrant was issued
2 without probable cause entirely and that everything
3 resulting from the search warrant, all evidence seized as a
4 result, should be suppressed.

5 And, Your Honor, I didn't find any cases directly on
6 point. But there are some cases in *State v. Weaver*, 361 SC
7 73. This is a case where they do get a search warrant for a
8 car but the -- and there is probable cause for it. But what
9 they have in the *Weaver* case is far more than what we have
10 in this case here. The *Weaver* case someone saw -- there was
11 a shooting at a club essentially. Someone saw the Defendant
12 run and get in the car. The Defendant had asked for some
13 other people to give him some bleach and to burn some bloody
14 clothes of his. There was a lot more to tie the Defendant
15 and his car to the crime committed. And here there just
16 isn't that. There's an absence of evidence connecting my
17 client with the crime at that point. And *State v. Weaver*
18 also references the automobile exception. And again, our
19 position is that the automobile exception does not apply,
20 because unlike in other situations where someone is pulled
21 over and there might be a limited right to search the car
22 because of the readily mobile, I believe is the language the
23 Supreme Court issues -- but the readily mobile nature of the
24 car. This car is not readily mobile. My client, I believe,
25 is the only one with keys and he was back at the Sheriff's

1 Department, and there was an officer there to stand by the
2 car. So there was no way for any evidence, if there was
3 any, to be destroyed.

4 So, Your Honor, our position -- and I know it's sort of
5 a multi-tiered argument. But our position is, first, that
6 there's not probable cause for the warrant itself. Second,
7 that it's an overbroad warrant. Third, that it was -- the
8 car was impounded prior to the search warrant even being
9 issued, which is a violation of his constitutional rights.
10 And fourth, that under *Weaver*, as well as our state statute,
11 that the car was searched prior to the warrant being issued,
12 and that our case law holds that if a warrant is not issued
13 then it doesn't exist. So to search without a warrant,
14 which is in violation of our client's constitution rights
15 and statutory rights, so we're asking that all evidence
16 seized from the Jeep be suppressed.

17 THE COURT: All right. Mr. Brown, let's hear from you.

18 MR. BROWN: Judge, to go back first, I guess, to the
19 first point the Defense is bringing up, that the search
20 warrant is overly broad. Judge, when they -- what they
21 asked to be searched in the search warrant is a 2002 Jeep
22 Liberty. They had already got -- and this will kind of
23 knock out several points. Leading up to this, law
24 enforcement, SLED and the Sheriff's Department investigators
25 had talked to Tony earlier that morning. He said that the

1 only two people that drive around in that Jeep are Tony and
2 Jeremy. Law enforcement went to his apartment earlier that
3 morning, but at that time the Jeep was not at his apartment.
4 It was at Lynn's. So they never saw the Jeep at that time.
5 But once they did go back to the house, I think, with the
6 consent to search, the Jeep was there. Tony was there. The
7 Jeep was there. And that's when they noticed the blood
8 stains on the car on the outside, and also inside the Jeep.
9 The items that are in the description of property, first
10 it's narrowed down to a 2000 Jeep Sport. I mean, that's not
11 overly broad. Usually the broad search warrant you're
12 thinking if somebody says we want a search warrant for this
13 piece of property and it's going to anything and everything
14 that could possibly be a crime. This is narrowed down to
15 they're looking for a weapon. They have not gotten it
16 analyzed yet. They don't know what kind of caliber gun it
17 is. Is it a rifle, pistol, whatever else. They're looking
18 for any type of weapon, any type of ammunition there.
19 They're also looking for -- this time, I believe, they
20 already had -- at 10:30 they had an autopsy. And I know one
21 of the investigators, crime scene agents reported that there
22 was some bruising to Jeremy's ankle. So honestly you could
23 probably put in there binding or restraints for a homicide.
24 If somebody's has binding -- or bruise marks on an ankle, I
25 would put that in a search warrant to see if there's

1 anything he might drag him with or tied him up with. So I
2 can see why that would be in the description of the property
3 to look for in the car. Any article of clothing; shirts,
4 jackets, pants or shoes. They already know that he had been
5 shot. The pathologist said it was close range. They were
6 probably looking for anything that could have blood splatter
7 on there, which is a reasonable item to be looking for in a
8 car. Any trace of biological specimens. That was put in
9 the search warrant because once they did go out to the
10 location, to Mr. Jordan's apartment, they did see what
11 appeared to be blood marks. Fresh blood marks on the
12 outside of the car, on the gearshift, on the steering wheel.
13 And that's seen through the car. That's not anything where
14 they opened up the door to search the car. They just saw
15 that in plain view. So that was also put into the body of
16 the search warrant.

17 A lot of times left in a car, people leave their cell
18 phones, or any other type of paperwork or any type of notes.
19 So that's a logical thing to put in a search warrant is
20 somebody's cell phone. At that time they'd already gone
21 back to the apartment looking for Jeremy's cell phone. They
22 couldn't find his cell phone. After Tony had already given
23 them a statement saying that Tony and Jeremy are the only
24 ones that drive that car. So logically they'd look for his
25 cell phone, or any other type of electronic devices, to see

1 what could have happened to Jeremy that night.

2 Any type of written threats or statements. People put
3 stuff in cars all the time. Notes -- jotting notes or
4 anything like that. So that's a reasonable item to put in a
5 car, for it to be searched in a car.

6 So, Judge, the description of the property that's put
7 in the body of the search warrant to be searched is relevant
8 and it's not overly broad for what you would normally find
9 in a car. And with Ms. Bolen's argument that the car was
10 impounded before the search warrant, Judge, as you've
11 already said, the law enforcement believes -- you know,
12 who's got a key to his car? Exigent circumstances, that
13 somebody could come. If they left, somebody could come, or
14 just go by and wash it off. Spray it off. Do something
15 that would tamper with the -- what they believe to be
16 evidence on the outside of the car. So they went on and
17 impounded that. They didn't start the search warrant -- or
18 they didn't start the search of the car or the doors or
19 anything like that until the search warrant was signed by a
20 magistrate judge.

21 Your Honor, the search warrant was signed on 11/12/2013
22 at 1:04. As you see on the return, when they said that the
23 return also has the same time, that's -- that's obviously a
24 scrivener's error. That is November 12th at 13:00. That's
25 typed in there. It's typed in there when the warrant was

1 actually drafted. There's no way we'd have one black Cobra
2 firearm gun case or nine sets of swabs taken off of the car
3 in that amount of time. In less than -- or actually back to
4 when it was actually signed, 1:04. That was a scrivener's
5 error. As the law enforcement records show, the SLED crime
6 scene agents that actually got there to examine the car got
7 there at 1:33 p.m. That's when they started the examination
8 of the car. And so, obviously a search warrant was issued
9 for 1:04. They started their exam at 1:33, which is after
10 the search warrant, after they had it in hand, and after it
11 was signed by the magistrate. So they did everything as
12 they were supposed to with regard to searching that car.

13 Also, the Defense says that they didn't have any other
14 kind of probable cause to be searching that car for any kind
15 of gun or any type of bullet. Well, earlier that day they
16 had already spoken with several other witnesses. They had
17 spoken with Crystal Collins earlier that morning, who she
18 stated -- and for Your Honor to just know who that is.
19 Crystal Collins had a child in common with Jeremy Jordan.
20 And so, she was around the family a good bit. And she told
21 law enforcement that ever since this other murder occurred
22 in Abbeville a couple days -- 10 days before, or seven days
23 before, that Mr. Tony Jordan had been carrying a .380 -- or
24 what appeared to be a black and silver pistol around with
25 him. So law enforcement had that in the back of their

1 heads. They had gone out there. They had seen the Jeep
2 with blood spot marks on there. And so, all kind of -- they
3 also had gotten word from Tony Jordan's mouth that only he
4 and Jeremy had driven the car. So with all that, there's
5 probable cause to search the car. They didn't know who had
6 a key to that car, so they impounded it to make sure it was
7 in safe keeping, and then once they had the search warrant
8 they executed the search warrant.

9 THE COURT: When did the magistrate sign the return?

10 MS. NELSON: We don't have a -- . . . It's blank.

11 MR. BROWN: I'm not actually sure when the return was
12 submitted back or when the judge signed it.

13 Judge, after going through all that, if you feel that
14 there was probable cause to search the Jeep and it was not
15 overly broad in what is to be searched of the Jeep, and with
16 regard to the date that the return on the top in the typed
17 portion where it says November the 12th, 13:00 p.m., and
18 that was a scrivener's error that was typed in when the
19 warrant was drafted, and that the return -- that the actual
20 search was done after it was signed by the magistrate judge.

21 THE COURT: Well, we don't know when the magistrate was
22 presented by the searcher the evidence he'd seized from the
23 search of the car. We don't know that.

24 MR. BROWN: After he -- after he --

25 THE COURT: Let's assume everything was done right.

1 You've got probable cause. The limit of the search warrant
2 is the Jeep. They go and search it. They swab. They pick
3 up a gun case. It's not dated before it was issued. The
4 officer goes back to the magistrate and says, all right,
5 here is a form listing what I seized from the Jeep.
6 Magistrate, please sign it. That's not been done? Doesn't
7 that have to be done somehow, or am I mistaken?

8 MR. BROWN: Judge, actually it looks like -- actually
9 looks like it was returned on December 2nd, based on our
10 notes. Looked like it was returned in December.

11 THE COURT: You don't see anything?

12 MS. BOLEN: Your Honor, I do believe that under 17 --
13 this is the South Carolina code, 17-13-140, the return has
14 to be made within 10 days. And if it's dated December
15 that's clearly beyond the 10 days. Additionally, 17-13-141
16 requires that the date and time of the return be recorded,
17 under subsection 6.

18 THE COURT: I'm kind of concerned about that return,
19 but let's move onto the next issue. I'm going to sit on
20 that one for a minute.

21 MS. BOLEN: Yes, Your Honor. Our next issue, Your
22 Honor -- I believe that's everything I had on the Jeep. Can
23 I very briefly respond to Solicitor's Brown's argument or --

24 THE COURT: I've heard enough on that one.

25 MS. BOLEN: All right. Regarding the search warrant on

1 the Verizon cell phones -- cell phone, Your Honor. We have
2 a similar argument on that. We do not have a -- that the
3 search occurred prior to the warrant being issued. So we're
4 again making a motion under the *State v. Covert* that says
5 that if a search is done pursuant to a defective warrant -

6 THE COURT: Is it similarly dated like consistently
7 with the typed in portion on the return?

8 MS. BOLEN: Yes, sir. The warrant -- in that warrant
9 the magistrate signed it at 7:25 p.m. and the return is the
10 same date at 6:00 p.m. So it's about an hour and 25 minutes
11 prior to the warrant being issued. And we make the same
12 motion under *State v. Covert* and the state and federal
13 constitutions and the state statute, which I've already read
14 the cite for.

15 THE COURT: Now, is that the same position proximally
16 on the paper as the 1:04 and 1:00 p.m. on the other warrant
17 for the Jeep? Is it similarly placed?

18 MS. BOLEN: If I can look, Your Honor. I'm sorry.
19 Give me a minute to --

20 MS. NELSON: My recollection is that it is, but...

21 MS. BOLEN: I think it's two different -- yes, sir. It
22 is. It's the same magistrate, and she gives the exact
23 times. And then it does look like it's similarly placed on
24 the return. And again, it's another unsigned return. We
25 don't know when it was made. And again, we add, in addition

1 to the motion that we're making on the Jeep warrant, that
2 under the state statute, the sections I've already cited,
3 that the return is required to be made within 10 days. It's
4 required to be -- required to have the date and time. And
5 that because of the violation of the state statute and the
6 constitutions, that the evidence seized as a result of this
7 warrant should be suppressed.

8 THE COURT: Okay. What's the last one? I understand
9 that one. It's a little simpler.

10 MS. BOLEN: Okay. Those were the only two I had in
11 search warrants. I do not have one on the house search
12 warrant. Our last pre-trial motion, Your Honor, is on the
13 text messages themselves. Just to -- I know Your Honor
14 doesn't know anything about the case, but to give Your Honor
15 a little background. As a result of this search warrant on
16 the Verizon phone records law enforcement obtained a large
17 number of text messages from my client's cell phone. And to
18 show Your Honor, it's this whole binder of text messages.
19 Our position is that these are inadmissible. It's hearsay.
20 They don't fall under any other recognized hearsay rules.
21 We also make an objection to them based on relevance that
22 there's not any relevant information in these text messages
23 that goes to any element of the crime that the State is
24 trying to prove against my client.

25 And, Your Honor, just to give you a little bit of

1 background on this. These are text messages obviously
2 between my client and various friends and family members.
3 For the State to decide that they mean something is pure
4 speculation. And the way I think about it is, if we allow
5 in these text messages and they're going back about a week
6 prior to the incident, and then through the day after the
7 incident, we are going into dangerous territories as about
8 what statements we would allow in in any trial. They're
9 just not relevant to any element that the state has to prove
10 or has to try to prove. They are hearsay without an
11 exception and we move that to allow them in would be
12 prejudicial and would further confuse the jury.

13 THE COURT: Mr. Brown, I'll hear you on that one.

14 MR. BROWN: Judge, with regard to the search warrant
15 for the cell phone. During a -- one of the questioning, I
16 believe, the second time Mr. Jordan came to the Sheriff's
17 Department to speak to a SLED agent Melissa Skipper Wallace,
18 he did give his telephone number that he uses. This time,
19 you know, they had that. They've talked with Crystal
20 Collins about the gun. They've looked at the car and found
21 blood spots on there. So the next logical step was to try
22 to get any phone records. Any text messages, phone calls,
23 or anything like that that could shed light on where --
24 what's happened to Jeremy Jordan in this case. So this
25 search warrant was signed by the magistrate on November 12th

1 of last year, 7:25. Again, the top of the page was the
2 return. Again, it's typed in there automatically as
3 November the 12th at 6:00, which is a scrivener's error
4 there. For the return it says the Microsoft Excel
5 spreadsheets, Adobe Acrobat files, contains travel
6 information, cell tower locations, text messages, record
7 content of calls, and call time locations for the number
8 , which they already knew that was Tony Jordan's
9 cell phone when he told them that was his number.

10 The records returned, I believe, two days later from
11 Verizon. And those records we do have copies of. The
12 Defense has copies of. I think their second argument was
13 the relevance of these records. Your Honor, the relevance
14 of these records goes to show that one of the elements of
15 this crime that he had premeditated. That he knew what he
16 was planning on doing. There is a text to an ex-wife where
17 he's going back in time asking her something that's been on
18 his mind for other 26 years. Back in August of 1987, when
19 they were at a doctor's office in Myrtle Beach and she found
20 out she was pregnant with Jeremy, she asked -- or he says,
21 "And you asked me if there was -- this is Mark's baby would
22 I still love you." And he's texting his ex-wife, "Well, is
23 this Mark's or mine?" This is the day before Jeremy turns
24 up dead. He also sends a text to Audrey Todd. There's many
25 texts in this back and forth leading up to this killing.

1 This was dated on the morning of when Jeremy turns up dead
2 at 6:30 in the morning. And there's a text that -- just to
3 make it short, it says if -- "Please let me know if I've
4 done anything wrong. Please let me know if it's Jeremy or
5 Crystal that has the problem -- if it's Jeremy or Crystal,
6 that problem is solved." And that's the morning before this
7 takes place. So by any means, this is very relevant. It
8 shows that he's thinking about it. It's premeditated. It
9 goes to one of the elements of the murder. So that portion
10 is -- that's why the State looks to introduce that. Also,
11 the morning of the 12th he's sending out texts to people
12 saying, "Have you seen Jeremy? He's missing." So it's also
13 he's trying to cover up his tracks and take everybody off
14 his trail. So that's relevant in our case.

15 And again, that search warrant --

16 THE COURT: Now, you're talking about texts initiated
17 by the Defendant? Not by people sending to him? The
18 exchanges are between people, but --

19 MR. BROWN: It's texts between people, but the texts
20 are initiated by the Defendant. But he sends out those, it
21 definitely show where his frame of mind at that time.
22 There's also a text a couple days before the 11th where
23 Audrey Todd, who is an interest to Mr. Tony Jordan, her son
24 was charged with a murder also before -- before this took
25 place. And just to give you a background. Her son, I

1 guess, lived in the same apartment complex, or very close,
2 and she heard that Jeremy Jordan was talking about her son's
3 case. She sends a text to Tony Jordan saying, "I hear
4 Jeremy and Crystal are talking about my son's case. I don't
5 need to have any -- we don't need to have any obstacles or
6 anything in the way of his defense. It could jeopardize his
7 defense." And he sends a response, "That makes me mad as
8 hell. His ass is mine." And then he gives subsequent text
9 of, "If the problem is Jeremy or Crystal, that problem is
10 solved." And also the other text to his ex-wife. So all of
11 that leads up. You can see the wheels starting to turn.
12 And then on the 11th his son has got a bullet hole in the
13 back of his head.

14 THE COURT: Let's do the search warrant first. The
15 search warrant to Verizon, signed in front of the magistrate
16 7:15 in the evening, but then it's dated by 6:00 p.m. An
17 hour or so before. But it's typed in very similar to the
18 other search warrant which was signed at 1:04 but typed in
19 at 1:00 p.m., which is specific, signed by the magistrate as
20 to the time, but then the top of the hour by the computer or
21 whoever is typing 1:00, 5:00, 6:00. That kind of thing.
22 Was the return filed. You described the Excel, spreadsheet
23 and the documents that were retrieved back from Verizon, or
24 attempted to receive back from Verizon. That was placed in
25 the return for that search warrant, or am I mistaken? Is

1 that what you said?

2 MR. BROWN: On the return it says what all was sent
3 from Verizon. But again, on my copy I do not have a judge's
4 signature.

5 THE COURT: Any response from your Ms. Bolen on these
6 two?

7 MS. BOLEN: Just briefly, Your Honor. And again, our
8 position on the return is that state law requires it to be
9 filed within 10 days, which it does not appear that it was.

10 With regards to the relevance, Your Honor -- and again,
11 we're just -- it's pure speculation what the State or any of
12 its witnesses think that any of these text messages mean.

13 They're not the ones who send them. They're not the ones
14 who know if they mean for the State to present them as, you
15 know, conclusive evidence of planning is simply speculation.

16 Additionally, Your Honor, I think it's important for you to
17 note that the -- one of the texts that Mr. Brown discussed,
18 the one about "If the problem is Jeremy or Crystal, the
19 problem is solved," was sent the morning of and not after.

20 But more than 12 hours before the incident. There is no --
21 in this whole body of text messages, Your Honor, there is
22 nothing in here sent by my client that contains any kind of
23 threat, any kind of indication that he's planning to do
24 anything, any sort of statements about him killing Jeremy or
25 anyone else. Obviously a lot of these text messages are

1 just normal text messages. Some are about what he's going
2 to get to eat for dinner. We just think that there's not
3 any relevance to this. That the State would be asking
4 witnesses to read into someone else's mind, and would be
5 asking the jury to do the same thing.

6 THE COURT: I mean, they can't get these text messages
7 from anyone other than on the record from Verizon, can they?
8 They can't just put some witness up here and ask them to
9 read the text message. That's not -- I don't guess that's
10 their intent.

11 MR. BROWN: Judge, our intent probably is to get the
12 custodian to read them in. But once they're introduced as
13 Defendant's records into evidence, I also understood that an
14 actual law enforcement agent or an investigator, once
15 they're in evidence, could read them as a business record.
16 But --

17 THE COURT: I mean, these aren't --

18 MR. BROWN: -- it's our intention to call the
19 custodian.

20 THE COURT: It's it similar if the law enforcement had
21 gone and searched the house and found some handwritten
22 notes, you know, problem solved or something. I mean, it's
23 like a letter.

24 MR. BROWN: Yes, sir.

25 THE COURT: Other than it being a transmission of a

1 text message, isn't it? If we'd have found several pieces
2 of paper with these notes written on them it's still -- I
3 mean, if the author is known.

4 MS. BOLEN: And, Your Honor, our position is the
5 difference between that and this is that in letters you
6 would have a way to identify who sent -- who wrote that
7 letter by handwriting and where it's found. In this there's
8 no way to say who sent these text messages.

9 MR. BROWN: Judge, and again, when he spoke with law
10 enforcement before he was arrested he told them what his
11 number was. This is my cell phone number. And there are
12 other texts in there that says, "Hey, this is Tony."

13 THE COURT: They may be self-authenticated and they may
14 be you can call the recipient and --

15 MR. BROWN: Judge, that's another thing.

16 THE COURT: It's hard to say about that. I mean,
17 isolated, perhaps they are difficult to get in. But if you
18 have a recipient with a text message, they were a party to
19 the texting, that's --

20 MR. BROWN: Yes, Your Honor.

21 THE COURT: -- makes it a little different.

22 MS. BOLEN: And, Your Honor, one of the reasons we
23 wanted to bring it up pre-trial -- I understand it is hard
24 to make a ruling about the context, but we wanted to bring
25 it up pre-trial because we weren't sure if this is something

1 the State was planning to address in opening. And if these
2 were not to be allowed in, we obviously wouldn't want the
3 jury knowing about them through opening.

4 THE COURT: I think that's his risk, isn't it? If he
5 doesn't get them in, the State promised you this, promised
6 you that, but they didn't deliver. I mean, it's his risk,
7 isn't it?

8 MS. BOLEN: I see what Your Honor is saying by that, but
9 it puts our client in a difficult position to have those
10 planted in the jury's mind. I mean, because from what I can
11 tell, the State has filed this as where they're seeking to
12 prove the element of malice aforethought. I think it is an
13 important issue.

14 THE JUDGE: All right. I'm ready for a break. So you
15 all think about what you're all going to tell me before I
16 leave, but I need to step down for a minute. You call have
17 talked to me enough for a few minutes.

18 MS. BOLEN: Yes, sir.

19 (Whereupon, a brief recess was held.)

20 MR. BROWN: Judge, going back to the phone search
21 warrant. The return on that phone search warrant, which we
22 just got it faxed over, was November 15th, 2013. So it was
23 three days later that the return was signed with all the
24 items that were sent back from Verizon on that one.

25 And, Judge, with regard to the search warrant of the

1 car. Our position is that the failure to observe the 10 day
2 requirement for the execution and return of the warrant,
3 that's a ministerial requirement and does not necessarily
4 void the warrant. That's in *State v. Wise*, 272 SC 384, and
5 will only be invalidated when the Defendant can show he was
6 prejudiced by the failure. All the items that were taken
7 pursuant to the search warrant that was sent down to SLED
8 that day. The testing was done and returned, I believe, the
9 following day -- well, two days later. The comparisons and
10 all. It was just a ministerial error that it was turned in
11 in December. On December 2nd.

12 THE COURT: So the DNA was analyzed within 10 days of
13 the seizure?

14 MR. BROWN: Two days. It was analyzed within two days.
15 They had the results back from the DNA standard, and then
16 the items that were swabbed on the car, the nine sets of
17 swabs, those were all tested and analyzed and returned back
18 within two days. And that's ultimately when the warrants
19 for his arrest were issued.

20 But again, that statement, it was a ministerial error.
21 And in *State v. Weaver*, the Court of Appeals held that the
22 State's failure to produce a return constituted more than a
23 ministerial error, but the Supreme Court found the Court of
24 Appeals erred because Petitioner did not show he was
25 prejudiced by the state's failure to comply with the return

1 requirement.

2 THE COURT: Well, it seems to me that, one, it was
3 analyzed within two days. That's within the 10 days the
4 return was required to be filed.

5 MR. BROWN: Yes, sir.

6 THE COURT: And those results were utilized to retrieve
7 the search -- I mean, I'm sorry, the arrest warrant?

8 MR. BROWN: Yes, sir.

9 THE COURT: For the charge.

10 MR. BROWN: That was the ultimate reason why he was
11 arrested. After the results came back, SLED quickly got the
12 warrants for murder and possession of a weapon during the
13 commission of a violent crime. That's ultimately why he was
14 arrested.

15 THE COURT: All right. As I remember the presentation
16 of the sequence of events, I do believe there was probable
17 cause for each of the two search warrants. For the Jeep it
18 was not overly broad. It was the Jeep and they were looking
19 for weapons of any type and other evidence of the crime.
20 The only defect, or two defects, both were on the return.
21 One was the typed 1:00 p.m. note on the Jeep search warrant,
22 which is very similar to the 6:00 p.m. typed time on the
23 phone records search warrant. Based on what's been
24 presented thus far, that appears to be an error in the
25 printing -- I said scrivener's error, but a computer

1 operator error, which is tantamount to a scrivener's error.
2 The return of the search warrant for the phones has now been
3 cleared up. The magistrate did place his signature on the
4 officer's search warrant within the 10 days. And I was
5 familiar with this law. This was argued to me last
6 Wednesday morning in Laurens County. Not identical facts
7 but very, very similar facts where a search warrant was --
8 had some mistakes on it. And this law you all described in
9 the ministerial requirements not a failure if it can't be
10 shown prejudice.

11 Ms. Bolen, if the blood was sent to SLED and returned
12 back within the 10 days and that was part of the evidence
13 and the probable cause to get the arrest warrant, does that
14 not take away all the prejudicial effect of the return being
15 filed properly? I mean, if that's done in the State, isn't
16 it cured by the arrest warrant, more or less, because any --
17 any prejudice would have been in the securing of the search
18 warrant on the affidavit requesting the magistrate to give
19 it. Not on the filing it afterwards, after the evidence was
20 seized and analyzed and utilized to get your client's
21 arrest.

22 MS. BOLEN: As Your Honor is saying, yes, sir. I guess
23 our position is that since the State didn't comply with the
24 requirements in the statute, that rendered the warrant
25 defective. I just want to make sure I have Your Honor's

1 ruling understood before I make my next --

2 THE COURT: My ruling is this, is that both search
3 warrants appear to be issued properly. Both warrants appear
4 to have a time, the 1:00 p.m. on the Jeep and the 6:00 p.m.
5 on the phone search warrant. From what's been represented
6 to me, those appear to be scrivener's errors by the affiant
7 standing before the magistrate seeking the warrant. I find
8 those to be harmless errors. The return on the Verizon
9 search warrant has now been cleared up, so that's not an
10 issue. The return on the Jeep and the blood samples, the
11 items being searched for within the Jeep were analyzed prior
12 to the arrest warrant, and I think that basically removes
13 the prejudice from the failing to file the warrant after the
14 fact. I find that would be a ministerial duty of the
15 officer filing the search warrant with the magistrate, and
16 that would be a ministerial and not a defective error
17 causing suppression of the evidence seized.

18 MS. BOLEN: Yes, sir.

19 THE COURT: That's my ruling.

20 MS. BOLEN: Okay. If I can just -- I'm not making any
21 further motions, but just to put on the record, Your Honor,
22 if I could.

23 THE COURT: To protect the record.

24 MS. BOLEN: Yes, sir. Our position is still that there
25 was not probable cause to search the Jeep and that -- since

1 that was the basis for the arrest warrant, that the arrest
2 warrant is also not based on probable cause. I believe that
3 looking at the SLED report they initially stated that there
4 was blood found in the Jeep and on a shirt, but later
5 analysis showed that there was no blood on the shirt. So
6 the sole probable cause to the arrest warrant was the blood
7 found on the Jeep. And so, we're just putting that --

8 THE COURT: But that was -- and I understand your
9 argument. But that was based upon the law enforcement's
10 preliminary investigation the Jeep was used by the decedent,
11 was it not, as well as the now Defendant in this case? The
12 two -- those men were the only two normal users of the Jeep,
13 drivers.

14 MS. BOLEN: Yes, but there hasn't -- at that point in
15 the investigation, and even after that, there wasn't
16 anything tying the Jeep or my client to the incident. That
17 there was no reports that this Jeep was used in the crime or
18 that track marks at the scene matched the Jeep's track
19 marks, or without anything tying my client -- other than
20 being the decedent's father. Without anything tying the
21 Jeep, that there wasn't probable cause. And then that that
22 -- the blood that has been analyzed is found to be Jeremy's
23 was the sole basis of the arrest warrant. So we would have
24 made a motion to have the arrest warrant also quashed, Your
25 Honor, based on lack of probable cause.

1 THE COURT: I understand your argument. It just seems
2 to be a short step from there's a dead person here, what's
3 his name, how did he get here. Most likely by vehicle.
4 What does he normally drive. That just seems such short
5 logical steps for me, you know, in a police investigation
6 that it's -- I mean, if it were his girlfriend's brother's
7 car, yeah, I'm with you there. But this is a car he
8 normally drove. Why not go look at it. I mean, it seems
9 like if you didn't go look at it it would almost be
10 presumptively crazy to not. So I --

11 MS. BOLEN: I understand. I just wanted to put that on
12 the record.

13 THE COURT: Okay. Good enough. Anything else, other
14 than text messages? Can we stay away from this in opening
15 argument, just say we're going to show you evidence of and
16 leave it at that in your openings? That would cure that for
17 the time being. And then as you get to the text message, if
18 they're admitted, then you can publish them at that time,
19 and then in your closing go into greater detail as to what
20 evidence you've shown with them.

21 MR. BROWN: Yes, sir.

22 THE COURT: We stay with generic and say the State
23 intends to show you evidence of this crime, blah, blah,
24 blah. However you want to declare it.

25 MR. BROWN: About the text messages. Should we --

1 before I even get close to that, should we would take a
2 moment to -- as for the same -- it's kind of the same thing
3 as the picture --

4 THE COURT: I think so. Yes.

5 MR. BROWN: Do that and --

6 THE COURT: You'll know when you're getting to it.
7 Just --

8 MR. BROWN: Yeah.

9 THE COURT: -- alert Ms. Bolen and then we'll have a
10 side bar and/or conversation off the record -- I mean, in
11 camera. Either way, just alert me.

12 Anything else this afternoon?

13 MS. BOLEN: If I could have just one moment, Your
14 Honor, just to confer.

15 THE COURT: Okay, sure. I've got to look at that so
16 Ms. Boggs and I are on the same page. Yes, ma'am.

17 MS. BOLEN: Your Honor, if I could just put one thing
18 to clarify on the record. I don't know that it's going to
19 change Your Honor's ruling at all, but just to make sure
20 it's on the record. I believe Your Honor said in your
21 ruling that this is the car Jeremy drove. I believe the
22 information provided to law enforcement from my client was
23 that Jeremy didn't have a car and got around by riding with
24 my client and with his fiancée. So he rode in the car but
25 did not drive it.

1 THE COURT: Okay. In fact, he didn't have a car. That
2 would -- it still fits into what I would think the normal
3 logical process of law enforcement as how did he get here.
4 Most logical chance would be one of two cars.

5 MS. BOLEN: Yes, sir.

6 THE COURT: The one his father drove and the one his
7 girlfriend drove. And I would find the search warrant of
8 the girlfriend's car in a vary similar matter, if it were
9 received. I don't -- not knowing. I don't know.

10 MS. BOLEN: I don't believe there was one, Your Honor.

11 THE COURT: I'm going to leave Newberry tomorrow
12 morning about 7:30, so I should be here about quarter to
13 9:00.

14 MR. BROWN: Wednesday.

15 THE COURT: Wednesday, yes.

16 MR. BROWN: Yes, sir.

17 THE COURT: All right. I'll be in Laurens tomorrow if
18 you all need me. See you all Wednesday morning then.

19 MR. BROWN: Thank you, Your Honor.

20 MS. BOLEN: Thank you, Your Honor.

21 (Whereupon, the proceeding concluded at 4:34 p.m.)

22 TRIAL DAY 2 - 11/12/2014

23 MR. BROWN: Judge, I want to put this on the record. I
24 sent -- kind of going back to our pretrial motions on the
25 phone records on Monday. I sent -- made a summary of the

1 phone records. And doing that under Rule 1006, doing a
2 summary of volumes records -- voluminous records. That is a
3 summary that's five pages long. I submitted one that's non-
4 color coded, but it has the page that's the text comes from
5 the sender, the receiving phone number, and also the time
6 and date on there along with the text. One of them does not
7 have any color on there color coded. I did send another one
8 that is color coded, and then one that has like a tape.
9 Just for the court's review, and also for the Defense.

10 THE COURT: What's the objection of the color coding?
11 It seems to make it easier if it's a big record. I mean,
12 why not make it easy? Why are we making things hard on this
13 jury, and me? I mean, how is it prejudicial to make it
14 easier as you're reading them?

15 MS. BOLEN: Your Honor, our position is just that the
16 State wants to introduce this large notebook of texts. That
17 they need to let the jury figure out what's important to the
18 jury, not highlight for them.

19 THE COURT: I disagree with you. I want the relevant
20 parts highlighted if they're going to be used. If they want
21 to see them all, they can see them all. That just seems
22 cumbersome to me. That seems backwards.

23 MR. BROWN: Judge, that's --

24 THE COURT: If you can show me prejudice, Ms. Bolen,
25 that's what I'm looking for. But it makes some things a

1 little simpler for the fact finder. I'm just saying, almost
2 like -- what you're describing to me sounded reasonable. I
3 don't want them highlighting just the ones they want to talk
4 about, but all of the ones that are relevant. So
5 completeness. I'm not going to prohibit anybody from not
6 showing something.

7 MS. NELSON: Your Honor, I think all we would need is
8 to -- I just -- I just heard this just now, and I think all
9 we would need is just a chance to go through -- if you're
10 going to let them come in that way, a chance to actually
11 look at them and make sure that they're -- that they're
12 appropriately color coded. I don't really doubt -- I don't
13 think Mr. -- I don't think Mr. Brown would be trying to
14 deliberately miscode something, but I think we need time to
15 actually look at it and make sure it's all accurate.

16 MR. BROWN: Judge, we're not looking to introduce that
17 until tomorrow. That's the reason why I sent it out today.
18 So you can check and make sure the texts are exactly the
19 same that are in the Verizon notebook. It takes a while to
20 kind of -- it took me a long time to figure out the order,
21 but got them in order. So I think it's actually easier for
22 everybody to understand.

23 THE COURT: All right. Are we ready for the jury?

24 MR. BROWN: Yes, sir.

25 THE COURT: Bring them in, please.

1 these. And if you run out I'll get more. That's something
2 I provide. So you all help yourself.

3 MS. ODOM: Actually, Your Honor, I'm going to do the
4 opening.

5 THE COURT: All right. Do your opening.

6 OPENING STATEMENT

7 BY MS. ODOM: Good morning, ladies and gentlemen.
8 We're here today due to an act of hatred and ill-will that
9 happened a year ago. In fact, it was a year ago yesterday,
10 November the 11th, 2013. The gentlemen sitting at the
11 Defense table, Tony Jordan, put a gun to the back of his 25-
12 year-old son's head and pulled the trigger. They were out
13 on a bridge, Little River Bridge, on
14 Mr. Jordan, Tony Jordan the Defendant, had driven them both
15 out there and they both got out of the vehicle. But only
16 one person got back in. Tony Jordan. He executed his son
17 that night. Then his son fell to the ground dead. The
18 Defendant pulled his son's hoodie over his face so he
19 wouldn't have to look at him, and he tried to throw him over
20 the age of the bridge but he couldn't do it. He couldn't
21 get him over the bridge. Jeremy, his son, was a big guy,
22 and he just couldn't do it. So he tried to flip him between
23 the rail on the curb of the bridge. That didn't work
24 either. Jeremy got stuck. His body was wedged between the
25 curb and the railing. Tony Jordan left. He got in his car

1 and left. He left his son out there that cold night all
2 alone. His lifeless body dangling on the edge of the
3 bridge.

4 A couple hours later a passerby, a lady who was driving
5 by and she sees Jeremy. She just sees what she thinks is a
6 body. Law enforcement is called. They come out to the
7 scene and they see this man with his face covered with a
8 pool of blood around him. They also see another thing. See
9 bloody footprints near the body. Bloody shoe prints. They
10 see some blood on the railing of the bridge. It looks like
11 maybe somebody had stuck their hand in the blood. Bloody
12 fingerprints. Somebody bracing themselves on the bridge,
13 shoving Jeremy trying to get him to go through. They begin
14 their investigation. Over the next few days they take
15 statements from people, they gather evidence, they get it
16 tested. They do what they're supposed to do. Tony Jordan
17 over the next few days, what does he do? Hides the murder
18 weapon. Hides the clothes he was wearing. Lies to law
19 enforcement. Ultimately the officers are able to develop
20 Mr. Jordan as the suspect. They arrest him and he gives a
21 statement admitting to what he's done. He's charged with
22 murder and possession of a weapon during a violent crime.

23 You all heard Mr. Brown when he called the case. He
24 talked about those charges a little. Murder is pretty
25 straightforward. It's when you kill someone with malice

1 aforethought. With that, you kill someone, it's an
2 intentional act where you don't have an excuse. There's no
3 just cause for what's happened.

4 Possession of a weapon during a violent crime is just
5 what it sounds like. When the crime was committed the
6 Defendant had a weapon. In this case the violent crime was
7 murder. The weapon is the gun.

8 Now, after you -- when we get done with our case and
9 you start to go over evidence and things about the
10 testimony, the standard you're going to use when you're
11 thinking about what kind of verdict to return is reasonable
12 doubt. You're going to be convinced beyond a reasonable
13 doubt that Mr. Jordan killed his son. That he's guilty of
14 murder. Guilty of possession of a weapon during a violent
15 crime. Reasonable doubt is not any doubt. It's not every
16 single doubt. It's just a reasonable doubt. And the Judge
17 will explain it a little more. We'll talk about it during
18 closing. But you're going to be convinced that Mr. Jordan
19 is guilty of murder in possession of weapon during a violent
20 crime. And in the end when everything's done, when you've
21 heard from all the witnesses, you've seen the evidence,
22 that's what we're going to ask you to do is go back, discuss
23 everything amongst yourselves, deliberate and find Tony
24 Jordan guilty of possessing that weapon and guilty of the
25 murder of his own son.

1 THE COURT: Thank you, Ms. Odom. Ms. Bolen?

2 MS.. BOLEN: Thank you, Your Honor.

3 OPENING STATEMENT

4 BY MS. BOLEN: Ladies and gentlemen, this is not a case
5 about someone trying to get away with murder. Tony Jordan is
6 not trying to get away with murder. Ms. Odom told you not
7 all -- not all situations where someone dies at the hands of
8 another person is murder. There's different sorts of
9 situations. There's reckless homicide. There's justified
10 killings such as self-defense. And not just because someone
11 died at the hands of another does make someone guilty of
12 murder.

13 We're going to make at least part of this easy for you.
14 We are not contesting that Jeremy Jordan died of a gunshot
15 wound. We're not contesting that. We're not contesting
16 that Tony was the one that pulled the trigger. We're not
17 contesting that this shooting happened and that Tony was the
18 one who did it. What we are contesting is that this was a
19 murder. What we are contesting is that this is something
20 that Tony planned. That this is something he thought about.
21 That this is something that he intended to happen. What we
22 are contesting is that this is something that Tony did with
23 malice aforethought.

24 Malice aforethought is a requirement of murder. In
25 order to find somebody guilty of murder you've got to find

1 that they had malice aforethought, and that's just not
2 present in this case. It's just not there. You'll hear
3 evidence and you'll hear Tony's own words of what happened,
4 because he told the police what happened. And what you'll
5 hear is that there was nothing methodical about this. There
6 was nothing where he planned this out, where he said, "This
7 is what I'm going to do and this is how I'm going to do it."

8 What he tells police, that his son Jeremy had lived
9 with him for about the past two years. That over those two
10 years there was an ongoing dispute about money. Jeremy
11 needed money from him quite often. And that that night,
12 November 11th, 2013, Jeremy once again asked him for money
13 to pay his child support. Tony didn't have the money that
14 night. He said, "I'm not going to be able to give you that
15 money." An argument continued. Finally Tony said, "Well,
16 I'll take you -- I'll take you to my friend who might be
17 able to give you the money," and his friend is camping at
18 Calhoun Falls State Park. So that's why they're on this
19 road. They're going to the state park to see if Jeremy can
20 get some money from Tony's friend. The argument continues
21 in the car. The argument gets more and more heated. Jeremy
22 starts cursing at Tony. Finally Jeremy says, "Pull the car
23 over. I want to stop." So Tony does. And we're going to
24 talk a little bit in a minute about exactly where this
25 happened and why that helps you know that this is not a

1 murder. He stops the car. Jeremy gets out. Tony gets out,
2 too, trying to -- trying to calm him down. And then Tony
3 tells the police that this argument escalates into a
4 physical altercation. Jeremy takes a swing at him. And
5 Tony says he just snapped and shot him. And again, we're
6 not disputing that he shot him. What we are disputing is
7 that this was something that he did with malice aforethought
8 and that this was something he planned.

9 This happened -- and you'll hear from the evidence,
10 this happened only after Tony was provoked and it was
11 something he did in the heat of passion without thinking
12 about it. And that makes it not murder, ladies and
13 gentlemen.

14 Now, when I'm thinking about this case sometimes it
15 helps me to come up with an analogy, and there's never a
16 perfect analogy for any case. But two of them occurred to
17 me, now that I've been working on this, are ones that I'd
18 like to share. One of them -- and you heard a little bit
19 from the State about Tony in the next few days after the
20 shooting. That he hid the gun. That he lied to police.
21 And there's reasons for all that. He did tell the police
22 what happened. He waited a few days. And the reason he
23 waited -- he told the police why he waited. He said, "I
24 waited to tell you what happened because I wanted to bury my
25 son." He wanted to go to his son's funeral and he told

1 them, "After I do that I will tell you everything." That's
2 the only reason he waited.

3 In terms of what the State has told you about him
4 hiding things and trying to make it look like it didn't
5 happen. I've got a friend. It's actually my college
6 roommate. We lived together for a couple of years. We're
7 still in touch. We haven't seen each other in years. It's
8 probably been 15 years, but we're still -- we're still
9 friends. We talk on the phone. We email. We do Facebook.
10 And a couple of years ago she sent me an email about
11 something her kids had done. Sort of a funny, hey, a new
12 mom, this is something funny that a kid does. And what her
13 kid had done -- she had a four-year-old boy at the time and
14 she decided -- you know, she had been home all day with the
15 kid. She needed a little bit of a break. So she went
16 upstairs to her bedroom to read and she let her son watch
17 some cartoons on TV. So he was downstairs, she was upstairs
18 reading. She comes down after about maybe a half an hour.
19 She sees her son on the couch watching cartoons. She walks
20 to the kitchen and she notices that a vase of flowers that
21 she had is no longer on the kitchen table. That's funny.
22 It was here when I went upstairs. She looks down and she
23 sees a few little broken pieces of vase and a few little
24 stems of greenery, but not the vase and not the flowers that
25 were in it. So she goes to her son and she says, "Hey, do

1 you know what happened to my vase?" At first she says, "Oh,
2 the dog knocked it over." And she says, "Well, that's not
3 true because the dog has been upstairs with me asleep on the
4 bed." And she asked him about it again, and he finally
5 starts crying and says, "I ran into the kitchen to get a
6 snack, I knocked into the table and I broke your favorite
7 vase, and I got really scared because I knew I had done
8 something. And so, I tried to sweep it off and I swept the
9 pieces behind the refrigerator," and she checked and there
10 they are.

11 Now, of course, this is a much more serious situation
12 than a kid breaking a vase. But the reason I thought of
13 that is that your son did something he didn't mean to do but
14 he still tried to cover it up. That's just human nature.
15 You do something you try to cover it up. Just the fact that
16 Tony did some things to cover this up, hid the gun, does not
17 mean that he planned to do the killing. So don't let the
18 fact that he did some things in the time that he was trying
19 to stay out long enough to go to the funeral, don't let that
20 make you think that because he did a few things to cover
21 something up he therefore planned it and intended it to
22 happen and it was a murder.

23 And in contrast to my friend's little boy I also
24 thought of -- there's this new show on TV. I don't know if
25 any of you have seen it. It's on ABC. It just came out

1 this season. It's called How To Get Away With Murder. I've
2 watched the first couple episodes. The premise of the show,
3 for those of you who have not seen it, is that there's these
4 five law students and they work -- they're professors.
5 She's a professor and she also has her practice on the side
6 and she picks some students to work for her every year. And
7 in the course of the show we find out that these five
8 students have murdered their professor's husband. And
9 there's a reason for it. He was cheating on her and he
10 supposedly killed a person that he had been cheating with.
11 So they plan out the murder and they kill him, and then they
12 go to great lengths to cover it up. They create alibis for
13 themselves, like taking selfies at a bonfire. They move the
14 body. They then burn it and they burn all the evidence.
15 And they know to do that because of their position as law
16 students.

17 So you can see the stark difference between, you know,
18 a cover up that leaves a little bit of -- you know, some
19 shards of the vase on the floor. That's an accident thing
20 that happened and there's still this human nature to cover
21 it up. Still wasn't very well done. My friend knew that
22 her son had to have broken the vase by accident. She knew
23 the dog didn't do it. She knew it didn't break by itself.
24 And then you contrast that with the very elaborate cover up
25 that these law students do in this show where they're

1 creating alibis and they're getting rid of evidence. And
2 one of the key pieces of evidence that's going to come out
3 in this trial that shows you, proves to you that this is not
4 a murder, is the location and the scene on the bridge
5 itself.

6 Let's talk about the location for a minute. As Ms.
7 Odom said, it happened on. . It
8 happened about five, six miles maybe out of town. This is
9 not a location where anyone would plan to commit a murder,
10 ladies and gentlemen. You will see and hear from the
11 evidence that this is out in the open. This is a road with
12 double yellow lines. There's no shoulder. There's houses
13 around. Out in the open. You'll also see that the bridge
14 is right flush up against the road. This is not something
15 where they were out in some remote area where they was --
16 out in the woods, out at a state park, out where there was
17 farmland and no one around for miles. The location helps
18 you know that this was not murder.

19 Then the scene itself. The scene on the bridge. Ms.
20 Odom already alluded to this, but it certainly is going to
21 be an issue for you to consider. Yes, Tony left Jeremy's
22 body right there on the bridge. He did. And I'm going to
23 tell you right now there's pictures in this case and they're
24 going to be hard to look at. But those pictures are going
25 to help you realize and know that this just wasn't murder.

1 This was not something that he did with malice aforethought
2 and that he tried -- he planned and that he tried to cover
3 up. He left the bridge -- he left the body on the bridge.
4 There's blood there. There's footprints. You'll hear that
5 there's blood in his car. None of those are things that
6 someone would do if they were planning to commit a murder
7 with malice aforethought and that they were planning to
8 cover it up. So out in the open. Evidence was left out in
9 the open.

10 And you'll hear about how, yeah, he did -- he did tell
11 them he hid the gun. And again, that just goes to not that
12 he planned it. Not that he planned it. Not that he did it
13 with malice. But then he hid it. That's just human nature.
14 And he tried to get rid of some of the evidence so that he
15 could stay out for his son's funeral.

16 The other thing you need to consider in terms of
17 deciding that this is not a murder, that he tells the police
18 exactly what happened. He tells them about the argument.
19 The constant arguing. The arguing that night. The physical
20 assault. He tells them he just snapped. He was provoked
21 and he just snapped. And ladies and gentlemen, that just
22 makes this not a murder.

23 You're going to hear all this evidence and see some of
24 it. But one thing that's important to keep in mind, that
25 there were only two people out there on that bridge that

1 night; Tony and Jeremy. They're the only two that know what
2 happened. And as you're going over the evidence, if it is
3 conceivable to you, if it's plausible to you that it could
4 have happened in one of two ways, it could have happened as
5 the State's saying, that this was something he did with
6 malice, intended to do it, did it on purpose, tried to cover
7 it up, and if you also think, well, it could have happened
8 the way Tony said it happened, it could have happened where
9 this was this ongoing dispute, current dispute and he just
10 snapped, wasn't something he planned, wasn't something he
11 did with malice, if you think it could have happened one of
12 two ways, either of those ways, you have got legally to give
13 Tony the benefit of the doubt and find him not guilty of
14 murder. And again, just because someone dies at the hands
15 of another does not make that death a murder.

16 And what we're going to ask you at the end of -- at the
17 end of the trial when you've heard all the State's evidence,
18 all the evidence presented, the testimony, the pictures,
19 we're going to ask you to find that Tony is not guilty of
20 murder. That this is not something that he did in a cold
21 calculated way. This is not something he did with malice.
22 That this is something that just happened. That he just
23 snapped. And we're going to ask you to find him not guilty
24 of murder and not guilty of possession of the weapon. Thank
25 you.

Shanteria Brown-Direct Examination

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1 THE COURT: All yours.

2 MS. ODOM: Thank you, Your Honor. State calls Shanteria
3 Brown.

4 SHANTERA BROWN, having been first
5 duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. ODOM:

8 Q Ms. Brown, could you state your name for the record.

9 A Shanteria Brown.

10 Q And where do you live at?

11 A

12 Q And where do you work at?

13 A Abbeville Nursing Home.

14 Q Were you working on November 11th, 2013?

15 A Yes, ma'am.

16 Q And when you got off of work what route did you take to
17 get home?

18 A I went up 72 and cut down by Sharon Fire Department and
19 turned on, I guess, McNeil and took a left on

20

21 Q And did you see -- what did you see while you were on

22 ?

23 A Well, there wasn't any cars in the way or anything.

24 But when I got up to the bridge I happened to glance over.

25 And really I didn't know what it was. And so, at the time I

Shantera Brown-Direct Examination

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1 first started slowing down. But then again, I was like --
2 in my conscious like -- I was like, this is a body or
3 something. And so the first person I called was my mom, and
4 I was like, "Mom, I think I seen a body on the bridge, but I
5 don't know for sure." And so, the first thing she told me
6 was to come straight to the house and she was like go on and
7 call 911 just in case. So I'm on my road and I went on and
8 called 911, and I told them, I was like, "I'm not for sure,
9 but I'm almost like certain it's a body on the bridge." And
10 so, when I got to the house my mom, she was about to back
11 out the driveway, so I could get in the car with her. And
12 she had done called my uncle. And so, he was coming out his
13 driveway also. And so, we was going back to the bridge.
14 And like the whole time I just -- I had my eyes closed. And
15 my mom was like, "Where?" And I was like, "On the other
16 side of the bridge." And so, she went on the other side of
17 the bridge and she was like, "It is a body." And so the
18 driveway before the bridge, we turned around right there and
19 waited until the police and stuff arrived, and I gave my
20 statement and left.

21 Q At what time of night was it that you were coming home
22 that --

23 A It was around about 11:30-ish or something.

24 Q And did you get out and go near --

25 A No, ma'am.

1 Q So you didn't touch anything in regard --

2 A No, ma'am.

3 Q And what county is that in? The bridge?

4 A Abbeville.

5 Q Abbeville County.

6 MS. ODOM: All right. Please answer any questions Ms.

7 Bolen may have for you.

8 THE WITNESS: Okay.

9 CROSS-EXAMINATION

10 BY MS. BOLEN:

11 Q Thank you, Ms. Brown. I've just got a -- just a few
12 followup questions. You said something about going to the
13 driveway before the bridge, right?

14 A Uh-huh.

15 Q So there's a driveway basically right at the edge of
16 the bridge?

17 A About a few yards before you get to the bridge.

18 Q Okay. So a few yards there's a driveway leading to a
19 house, right?

20 A Uh-huh.

21 Q And this bridge is right up against the road, right?

22 A Yes.

23 Q And the road you were traveling on, is that the route
24 you typically take?

25 A Uh-huh.

John Nathaniel Napier-Direct Examination

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1 Q And it's a regular paved road, right? It's not a dirt
2 road?

3 A Yeah, it's paved.

4 Q And two yellow lines, right?

5 A Yes.

6 Q And you take that most evenings when you come home from
7 work?

8 A Yes, ma'am.

9 MS. BOLEN: That's all I have. Thank you.

10 THE COURT: Anything else?

11 MS. ODOM: No, sir.

12 THE COURT: You may step down.

13 (Whereupon, the witness steps down from the witness
14 stand.)

15 MS. ODOM: The State calls John Nathaniel Napier.

16 JOHN NATHANIEL NAPIER, having been
17 first duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. ODOM:

20 Q Mr. Napier, can you state your full name for the
21 record.

22 A John Nathaniel Napier.

23 Q And where do you live?

24 A

25 Q And is there a bridge near your home?

1 A Within approximately about 400 yards. Yes, ma'am.

2 Q Let's talk about that distance. How far off the road
3 is your house from the road? How far -- how long is your
4 driveway?

5 A Approximately 100 yards. A little over. A hundred,
6 150 yards.

7 Q And then from the end of your driveway to the bridge
8 how far is it?

9 A It's -- I don't know. A couple hundred yards. A
10 hundred yards. A hundred and fifty, 200 yards. Something
11 like that. Pretty close.

12 Q And what county is your home and that bridge in?

13 A Abbeville County.

14 Q Now, on the date of November 11th, 2013 were you
15 involved in any case? Did anything happen near your home?

16 A Well, yeah. Yes, ma'am. There was a car at the end of
17 my driveway. I thought maybe somebody was broke down. I
18 went down there to help them out and they said they thought
19 there was a body on the bridge. Well, earlier that
20 afternoon I'd picked up some bags of garbage along the side
21 of the road, so I said, "No, it's probably just some trash,
22 but I'll go get it." And when I went up on the bridge there
23 was a body half on and half off the bridge.

24 Q And did you do anything to the body?

25 A No, ma'am. I called out to see if maybe they was alive

John Nathaniel Napier- Cross Examination

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1 or anything like that, but there as no breathing or nothing
2 like that, so I didn't do nothing. I just blocked the far
3 end of the bridge and hollered for them to call 911.

4 Q Was the body right at the beginning of the bridge or
5 did you have to go onto it to --

6 A You'd have to go on to the bridge.

7 Q So it was a distance from your home?

8 A Yes, ma'am.

9 Q What's the closest house to you? How far away, would
10 you say?

11 A Half a mile.

12 MS. ODOM: Please answer any questions Ms. Bolen has.

13 THE WITNESS: Yes, ma'am.

14 CROSS-EXAMINATION

15 BY MS. BOLEN:

16 Q Mr. Napier, I've just got a couple of questions for
17 you. You can actually see your house from the bridge,
18 right?

19 A Yes, ma'am.

20 Q And I imagine you can see the bridge from the house?

21 A Yes, ma'am.

22 Q And there are other houses around, right?

23 A Up the road. Yes, ma'am.

24 Q And I think you had previously said something about
25 your dogs were barking?

1 A Yes, ma'am. About -- between, say, 9:30 and 10:00 my
2 dogs -- my little dogs had started barking. But I didn't
3 see no headlights or nothing on the bridge, so I just
4 assumed it might have been a deer, you know. And so, I
5 didn't go down there and looked. Otherwise, I would have
6 went and looked.

7 Q And your house -- you've got a driveway going up to
8 your house, right?

9 A Yes, ma'am.

10 Q And your -- the road that you're on,
11 , that's a regular paved road, right?

12 A Yes, ma'am.

13 Q It has double yellow lines?

14 A Yes, ma'am. It don't got no yellow lines really, but -

15 Q And it's fairly --

16 A Yes, ma'am.

17 Q At the point of the bridge it's fairly narrow, right?

18 A Yes, ma'am.

19 Q And the bridge is right up against the road?

20 A Yes, ma'am.

21 Q And you actually -- when you got there you actually
22 parked your truck to help block traffic, right?

23 A Yes, ma'am.

24 MS. BOLEN: That's all I have. Thank you.

25 THE COURT: Anything else?

Dawn Claycomb- Direct Examination

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1 MS. ODOM: No, sir.

2 THE COURT: You may step down.

3 THE WITNESS: All right. Thank you, sir.

4 (Whereupon, the witness steps down from the witness
5 stand.)

6 MR. BROWN: The State calls Dawn Claycomb.

7 THE COURT: I didn't hear you.

8 MR. BROWN: Dawn Claycomb.

9 DAWN CLAYCOMB, having been first
10 duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. BROWN:

13 Q Ms. Claycomb, state your full name for the record.

14 A Dawn Marie Claycomb.

15 Q And, Ms. Claycomb, where do you work?

16 A South Carolina Law Enforcement Division.

17 Q And does it go by any other -- is there an acronym?

18 A Yes, SLED.

19 Q And how long have you worked for SLED?

20 A A little over two years.

21 Q And what are your duties at SLED?

22 A I work within the crime scene unit. We respond to
23 crime scene calls to process.

24 Q When you process crime scene calls do you also collect
25 evidence?

1 A Yes. We document, photograph, collect and preserve
2 evidence at the scene.

3 Q Do you sometimes carry -- transport evidence down to
4 SLED?

5 A Yes.

6 Q And, Ms. Claycomb, did you have the opportunity to
7 respond to a call last year at Old Calhoun Falls bridge?

8 A I did.

9 Q What was the nature of that call?

10 A We got a call from Sergeant Birchmore with Abbeville
11 County Sheriff's Office in reference to a death
12 investigation, and it was stated that a 911 call had been
13 reported that a body was seen on the bridge on

14

15 Q What time was that call sent out?

16 A We got the call at approximately 12:02 a.m.

17 Q And that would be after the initial calls had come in
18 about a body found?

19 A Right. Right.

20 Q Ms. Claycomb, what time did you arrive on the scene?

21 A We arrived at about 2:14 a.m.

22 Q Who else was out on the scene at that time?

23 A There was other field agents with SLED. Agent Skipper.
24 Skipper Wallace. There was Lieutenant Kinley. Jeff Kinley.
25 And there was also Agent Gene Donahue with SLED. And there

1 was also Sergeant Birchmore with the Abbeville County
2 Sheriff's Office, and Captain Natalie Talbert with the
3 Sheriff's Office as well.

4 Q And when you arrived had anybody already started
5 processing the crime scene, or had they preserved it for you
6 just to process?

7 A It was just roped off with crime scene tape. They had
8 both ends of the bridge blocked and everything was secure
9 with county sheriff's vehicles. Patrol vehicles.

10 Q Being out on the highway, what -- what kind of lighting
11 is around out there?

12 A There was no lights. There was actually a local fire
13 truck that was at the end of the bridge just supplying some
14 type of illumination lights to at least see, because it was
15 -- once the lights were out it was -- it was pitch black.
16 There was no other lights available.

17 Q No street lights?

18 A No street lights.

19 Q So if those lights -- do you remember was there a
20 bright moon that night?

21 A I don't recall. I do remember at one point we tried to
22 take a photo. We shut the light off on the fire truck just
23 to get an overall and it was -- it was pretty dark. It was
24 -- it was dark.

25 Q So in order to process the scene you all had to have

1 the fire truck with the lights?

2 A Yes, to even see.

3 Q Once you arrived what did you -- what do you recall
4 seeing out on the bridge?

5 A We could see a deceased male victim. A white male.
6 His left arm was draped over the side of the bridge. It was
7 visible. Everything else, the right arm, lower legs up to
8 about the mid section was all hanging on the other side of
9 the bridge off of the bridge. The sweatshirt was pulled up
10 over his head, so you couldn't really see his face. You
11 could really just see his left arm and the sweatshirt over
12 his head.

13 Q And when you got there to process the scene what did
14 you do?

15 A Initially we did a walkthrough with our field agents
16 and the Sheriff's Office just to kind of point out any
17 evidence that they might have seen before we arrived to be
18 aware of. There was some bloody shoe impressions that they
19 made us aware of that they did see. And it was just a
20 general walkthrough of what they initially found when they
21 arrived. And that -- at that time I started notes -- my
22 notes for the scene, and Agent Stanley and Agent Oliphant,
23 who was also with the crime scene unit, they started the
24 photos with the scene.

25 Q And where was this crime scene? What location was it?

1 A On . The best location
2 address-wise that they gave us was

3

4 Q And after you all initially saw what possible evidence
5 was out there what did you do next?

6 A At that point, after everything was photographed and
7 documented, at that point we placed down markers and then we
8 collected that evidence that we did see within the scene.

9 Q I'm going to show you what's been marked --

10 MS. BOLEN: Your Honor, we have a brief matter of law.

11 THE COURT: All right. Ladies and gentlemen, if you'd
12 step in the jury room.

13 (Whereupon, the jury exited the courtroom at 9:52 a.m.)

14 THE COURT: What have we got?

15 MS. BOLEN: Thank you, Your Honor. Our objection is
16 not to all of these pictures but just to some that are
17 redundant. I can just kind of go through and state which
18 ones. And it's -- our argument is based on that they're
19 several different shots of basically the exact same thing
20 that we think would be prejudicial to the jury because
21 they're just showing the same image over and over, and that
22 it's not probative of anything because the -- again, we're
23 not objecting to the majority of pictures. Just the ones
24 that are very, very similar. And just go through, Your
25 Honor. Starting at Number 22. 22, 23 and 24 all seem to

1 show the exact same thing, and it's a puddle of blood, and I
2 think seeing the same puddle of blood three times is not
3 probative of anything and prejudices the jury. It makes it
4 look more bloody than it is when it's, in fact, the same
5 blood puddle.

6 Moving on to --

7 THE COURT: Solicitor, what's the --

8 MR. BROWN: Judge, the probative value of those, it
9 kind of shows on the bridge -- they're a closeup. One's
10 farther away, one's closer up. But in that pool of blood
11 there is a bullet casing, and that's to kind of zero in and
12 show where the blood puddle is in relation to Mr. Jordan's
13 body on the bridge. As you get closer you can see -- if
14 you've got a far away picture you can't see a little bullet
15 casing as well. So once you get closer it kind of brings
16 into view how everything is situated on this bridge. And
17 so, that's the relevance of it. That's the probative value
18 of it. There are three pictures. And I could see if there
19 was 10 pictures, but three pictures not very --

20 MS. BOLEN: Your Honor, we're not contesting that a
21 bullet casing was found. We'll even stipulate to that. I
22 just don't think it's necessary to have three pictures of
23 the same pool of blood.

24 THE COURT: Let me see the three pictures.

25 MS. BOLEN: Yes, sir.

1 THE COURT: Any other ones?

2 MS. BOLEN: None of that. But we do have two more sets
3 that we'd like to address.

4 THE COURT: Okay.

5 MS. BOLEN: Okay, Your Honor, the next set is of --
6 it's pictures of the body on the bridge. For reference,
7 it's State's 32, State's 8, and those two are nearly
8 identical. I don't -- I don't see what -- again, our
9 position would be overly prejudicial to show the same --
10 essentially the same pictures over and over of a body with a
11 lot of blood near it. I think there's nothing that they
12 need to prove that were a part of both of those pictures.
13 And along the same lines, State's 6, State's 7, State's 25
14 are all different shots of the body on the bridge. And
15 again, we'd ask for that to be limited to one.

16 And then finally, Your Honor, the last two are State's
17 35 and 34. These are both of the back of the head. And
18 again, we're not contesting that one of these would be
19 admissible, but we are contesting that both would be
20 admissible because they appear to show the same thing. And
21 again, it's overly prejudicial to show two pictures of the
22 same thing. I think it makes it look worse when they're
23 showing the exact same thing.

24 MR. BROWN: Judge, this is the reason why I showed
25 these pictures on Monday. Showed them last week. The only

1 one we brought up on Monday was the face being bloody.
2 Everything was fine then and now. It shows -- going to the
3 last two first of the bullet hole in the back of his head.
4 It's two pictures. It's a slightly different angle. It's
5 going to be used also when the pathologist gets down here to
6 show what he found during the autopsy. The pictures of Mr.
7 Jordan on the bridge wedged in between the curb and the
8 guardrail are different angles. And the Defense, as you
9 heard in their opening, is saying this is a voluntary -- it
10 was more of in the heat of passion. But you can see that
11 this fellow was wedged in there, and there are fingerprints
12 on the railing. So a lot of this had fingerprints, and it
13 just goes to show what we're trying to prove in our case.
14 And we carved these pictures down a great deal of what we
15 originally started with. And these are probative. They're
16 different angles. It shows the jury -- it gives the jury a
17 good description of what the crime scene looked like and
18 what Dawn Claycomb was out there taking pictures of during
19 her investigation. So I think excluding any of these would
20 be more prejudicial to the State. They'll prove our case.
21 But again, these are the exact same pictures that have
22 been marked -- premarked on Monday, and this motion could
23 have been made then.
24 MS. BOLEN: Your Honor, I apologize for that. The
25 motion we made on Monday, the reason I said that was the

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1 only one we were contesting is that that is true that that
2 is the only one in which we were contesting the actual
3 admissibility. Here we're not trying to say that one of
4 each of these sets of photos is admissible. I'm not arguing
5 that. I just don't see the necessity of having multiple
6 pictures of the same thing. I think that is unduly
7 prejudicial to the Defense without being probative of
8 anything in the case. And I apologize for not making that
9 motion Monday, Your Honor. I --

10 THE COURT: Let me see those other pictures you've got
11 in your hand.

12 MS. BOLEN: Yes, sir.

13 THE COURT: All right. Your objection is noted for the
14 record. I don't find them unduly prejudicial. I find them
15 relevant and probative. I understand your motion.

16 MS. BOLEN: Yes, sir.

17 THE COURT: I'm going to allow them.

18 MS. BOLEN: Thank you, Your Honor. If I could get this
19 just back in order for Mr. Brown.

20 (Whereupon, there was a brief pause in the
21 proceedings.)

22 THE COURT: Do you all need a break before we bring the
23 jury back in?

24 MR. BROWN: Judge, I'd like -- I could use a minute to
25 maybe sort out this -- our evidential SLED -

1 THE COURT: Well, take a break just for a couple of
2 minutes and you all get that straightened out and then we'll
3 get them back in here.

4 (Whereupon, a brief recess was held.)

5 THE COURT: Go ahead.

6 MR. BROWN: Judge, before the jury comes back out, this
7 might be a good time, since this is a picture from the crime
8 scene that we talked about the other day, State's -- it's
9 been marked State's ID 83. This picture we discussed
10 pretrial on Monday. A picture of Mr. Jeremy Jordan's face.
11 I didn't know if you wanted to take that up right now, since
12 Ms. Claycomb was the one out there on the crime scene.

13 THE COURT: All right. Let's go ahead and proffer it.

14 MR. BROWN: I'm sorry?

15 THE COURT: Proffer it like you are going to and make a
16 record.

17 MR. BROWN: Yes, sir.

18 PROFFER DIRECT EXAMINATION

19 BY MR. BROWN:

20 Q Ms. Claycomb, just getting back -- getting back to it.
21 As part of your investigation you took multiple pictures on
22 the bridge that night?

23 A Yes.

24 Q And one of the pictures I'm going to show you is marked
25 State's ID 83. Do you recognize State's ID 83?

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1 A Yes, I do. It's a picture of the victim's face after
2 we removed him from the railing.

3 Q After -- was his face visible when you first arrived?

4 A No. It was not visible until his body was removed from
5 the actual railing and we photographed his face after we
6 removed the sweatshirt from his face..

7 Q And taking a picture of his face and removing his
8 sweatshirt, was that valuable to SLED?

9 A Yes. We weren't sure at the time whether the shot at
10 the head, the wound at the back of the head, if it was an
11 entry and exit wound or if it was just an entry wound. So
12 when we removed the hood and looked at his face we could see
13 there was actual -- no actual exit wound. Just an entry.

14 Q And also seeing somebody's face, is that beneficial to
15 help ID --

16 A Yes.

17 Q -- who that person is?

18 A Yes. To identify who it is.

19 Q Were you able to see his face, be able to identify him
20 or have an idea who it was --

21 A Yes.

22 Q -- that night?

23 MR. BROWN: Judge, that's mainly the questions. It's
24 also going to be -- this picture will be useful with
25 pathologist's testimony on what the -- you know, how Mr.

1 Jeremy Jordan died from these injuries. Obviously everybody
2 that gets shot in the back of the head they're more than
3 likely not going to survive. But the pictures are kind of
4 illustrating -- will help illustrate what the pathologist is
5 going to say where the bullet was lodged. And it really
6 helps -- I think it will help the jury understand what some
7 of the statements Mr. Tony Jordan stated to law enforcement.
8 We've already heard that in *Jackson vs. Denno*, what Nick
9 Marshall -- Investigator Nick Marshall testified to, and
10 also Melissa Skipper Wallace to the sounds that Tony Jordan
11 heard. And I think you can piece all that together and that
12 would be very probative to what happened on that bridge.
13 And also Mr. Tony Jordan's actions by leaving him out there,
14 and his statement saying he covered his face up with his
15 shirt because he didn't want to look at him anymore. I
16 think that's very probative in our case.

17 THE COURT: All right. Ms. Bolen?

18 MS. BOLEN: Thank you, Your Honor. Our position is
19 still that it's overly prejudicial without being probative
20 of any element or fact in dispute that the State has to
21 prove. And I again refer to the cases I cited you earlier,
22 *State v. Collins*, *State v. Dial*, and *State v. Gray*. We're
23 not disputing that he died from a gunshot wound, and I don't
24 see that that picture gives anything to either the
25 investigation or the pathologist about the manner of death.

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1 With respect to Agent Claycomb's testimony that it was
2 used to ID him, that's not anywhere in the law enforcement
3 files that we've been given. And if there was an ID made on
4 his face, then I would like to be provided with that. The
5 way we reviewed the file, he was identified hours later by
6 tattoos. I don't think that is the reason to admit the
7 photograph. It had nothing to do with identification. I
8 think the goriness of it is seeking to evoke a emotional
9 response from the jury rather than allowing them to decide
10 based on the facts in evidence. There's no fact that's in
11 dispute that this picture helps any witness explain to the
12 jury. And again, in the cases I cited before, it is true
13 that the pictures in dispute were admitted, but all of them
14 there is a fact in dispute that went to an element that the
15 picture specifically dealt with. It was cause of death in
16 one case, *State v. Dial*. In the *Collins* case, which was the
17 dog case, it was a factual dispute about whether the dogs
18 are malnourished and then what sorts of teeth marks there
19 were. We're not disputing that there was a gunshot wound
20 and that's what killed him. And I just think it's overly
21 prejudicial without being probative of anything.

22 MR. BROWN: Judge, I'd add one more thing. It does
23 give one more element. It shows malice. You have a father
24 out there. It shows ill-will. It shows hatred. It shows
25 that he did not want to see his son again and he didn't want

1 to look at him, so he covered his face up. And I think
2 that's highly probative in this case.

3 MS. BOLEN: And, Your Honor, my response to that is
4 that a picture of the covered face might be appropriate but
5 not one it uncovered.

6 THE JUDGE: My inclination during the preliminary was
7 to allow the picture. I want to hear the testimony, see how
8 it comes out. It's a single picture of his face uncovered.
9 The State has no others?

10 MR. BROWN: I have others. I'm not seeking to
11 introduce them.

12 THE COURT: I mean, I would kind of understand Ms.
13 Bolen's objection if you had multiple pictures of this -- of
14 the decedent's face. My inclination is to allow it. I'm
15 going to see how testimony goes and maybe I'm going to have
16 to change my mind. But it's a close call on the probative
17 prejudicial effect. And so --

18 MR. BROWN: Yes, sir.

19 THE COURT: -- right now I think it's too early. It's
20 so much easier once I hear this thing in the --

21 MS. BOLEN: Yes, sir.

22 THE COURT: -- as it's presented. And when you get
23 ready to introduce it, Mr. Brown, as you know, you let Ms.
24 Bolen know and let me know, and we'll deal with it
25 appropriately.

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1 MR. BROWN: Yes, sir.

2 THE COURT: Are we ready?

3 MS. BOLEN: We may just need to put this on the
4 record. In the pretrial motion we referred to that as
5 picture Number 50. It is actually now picture number 83 to
6 my understanding. So that --

7 THE COURT: It's the last one of the photographs --

8 MS. BOLEN: Yes, sir.

9 THE COURT: -- premarked by the court reporter?

10 MS. BOLEN: Yes, sir.

11 THE COURT: Very well. All right. That's an excellent
12 catch.

13 MS. BOLEN: I just want to make sure it's clear on the
14 record that it's now picture 83.

15 THE COURT: All right. Bring the jury in.

16 (Whereupon, the jury entered the courtroom at 10:24
17 a.m.)

18 THE COURT: We're ready to proceed.

19 MR. BROWN: Thank you, Your Honor.

20 Q Ms. Claycomb, getting back on the record. Before we
21 took a break I was asking you during your investigation did
22 you have an opportunity to take photographs of the crime
23 scene?

24 A Yes.

25 Q I want to show you what's been previously marked

1 State's Identification 3 through 35 and ask if you recognize
2 these photos.

3 A I do. These were all photos taken at the scene.

4 Q Is this -- these pictures clearly and accurately
5 represent what the scene looked like that night?

6 A Yes, they do.

7 MR. BROWN: Judge, at this time the State moves what's
8 been marked State's ID 3 through 35 into evidence as State's
9 Evidence 3 through 35.

10 MS. BOLEN: We're just renewing our previous objection
11 that's limited.

12 THE COURT: Okay. We went through a bunch of these
13 photographs, put your objection on the record, now they're
14 as a group coming in. Your objection is noted and
15 protected.

16 (Whereupon, State's Exhibits 3 through 35 were entered
17 into evidence.)

18 Q Ms. Claycomb, I'm going to show you now State's
19 Evidence 3. It's hard to see.

20 THE BAILIFF: Do we need to flip the lights? Would it
21 help you any?

22 MR. BROWN: That would help.

23 THE COURT: Does that help any? It would suit me to
24 leave them off, because our eyes will adjust, and not flip
25 them on and off. They do it at Laurens and it aggravates me

1 to death.

2 THE BAILIFF: Leave them off while they're doing this?

3 THE COURT: Right. While we look at pictures leave
4 them off. That way our eyes stay adjusted.

5 THE BAILIFF: We can also close the blinds if we need
6 to.

7 THE COURT: Ms. Rogers, how do you see from over there?
8 Can you see that photograph?

9 JUROR: I can see.

10 THE COURT: In the back, you all okay?

11 (Whereupon, the jury responds in the affirmative.)

12 Q Ms. Claycomb, when you arrived on the scene tell me --
13 tell me your investigation. Tell me how you took these
14 photographs. Why you took these photographs.

15 A We originally start with overall photographs, just to
16 give an idea of what the scene looks like overall. But it
17 also documents what we see when we arrive on the scene.

18 Q And is this -- was this body there --

19 A Yes. Yes.

20 Q -- when you arrived on scene?

21 A Uh-huh.

22 Q I'll show you what's been marked as State's Evidence 4.
23 Tell me what's in that State's Evidence 4.

24 A That's a photo from one side of the bridge pointing
25 back towards where the fire truck was that was illuminating

1 the scene. Of course, the body over there on the left
2 lodged in the railing. And the scene from one side of the
3 bridge.

4 Q Now, looking at that picture, there doesn't appear to
5 be any street lamps or any street lights --

6 A No.

7 Q -- is that correct?

8 A Yeah, there were no street lights.

9 Q And it doesn't appear to be any houses in the
10 background; is that correct?

11 A That's correct.

12 Q The only light being the light of the truck?

13 A Yes. That's the only light we had.

14 Q And for the last picture to that picture is this --
15 what angle is this from?

16 A That angle is kind of an opposite angle. The initial
17 one was of his -- more of his right side. This is of -- I'm
18 sorry. Looking at him it would be his left side, on our
19 right. And then this photo is of his right side.

20 Q I'm going to show you what's been marked State's
21 Evidence 5. And again, what is that?

22 A That's just his opposite side. His left side.

23 Q And then State's Evidence 6. What does that detail?

24 A That's more of a midrange photo, kind of getting more
25 detail. Less background, showing more of how he was lodged

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1 in the railing.

2 Q State's Evidence 7. What is that?

3 A That's a photo showing how his face was covered. We
4 were unable to see his face. And you can see his -- it's
5 kind of from his right side.

6 Q State's Evidence 8.

7 A And that's a closer photo of the blood directly around
8 him on the cement.

9 Q And that picture there seems to be there's something
10 added to that picture that wasn't there before. What is
11 that in the top right-hand corner of that picture?

12 A It's one of our markers. Marker 12. That was placed
13 up there for the cartridge cases laying in the pool of blood
14 just below it.

15 Q How many cartridge cases did you find out on that
16 bridge?

17 A Just one.

18 Q One cartridge case?

19 A One cartridge case.

20 Q Right next to the body?

21 A Uh-huh.

22 Q I'll show you what's been marked State's Evidence 9.

23 A That's a tattoo that was on -- documented on his left
24 arm. Upper arm.

25 Q Why is taking a picture of that tattoo important?

1 A Sometimes if we don't have an ID right off the bat we
2 can use that to identify a victim with their tattoos.

3 Q In this picture -- when was this picture taken in
4 totality of all the pictures? You kind of had made your
5 initial just document on the scene and now you're getting
6 closer?

7 A Yes. Now we're just working in closer to the victim in
8 the photos.

9 Q I'm going to show you now what's been marked as State's
10 Evidence 10. What would be the relevance of that picture?

11 A The same thing. Usually tattoos are used to ID a
12 victim in some circumstances.

13 Q State's Evidence 11. What does that picture show?

14 A Another tattoo that was documented on his right chest
15 area.

16 Q What are those tattoos?

17 A It appears to be footprints and a date.

18 Q I'll show you what's been marked State's Evidence 12.

19 What is new in that picture that we've not discussed?

20 A That, above the victim on the wooden railing. On the
21 left you can see there are three small -- in that photo they
22 look darker compared to the color of the railing. There
23 were partial fingerprints on the wooden railing, and it was
24 suspected blood. And on the right side where the two pieces
25 of wood railing come together, that was a partial palm print

1 in blood on the railing.

2 Q Why would those be important to document?

3 A Usually we can attempt to get any kind of fingerprints
4 within blood depending what the fingerprints are on,
5 depending on the texture of the item. But that -- that
6 shows -- we can sometimes use the fingerprints to -- you
7 know, in case a suspect can be identified from those
8 fingerprints.

9 Q I'm going to show you also State's Evidence 13. What
10 is that picture?

11 A That's just a closeup photo of the three partial
12 fingerprints on the wooden railing.

13 Q And again, State's evidence 14.

14 A And that's just the partial palm print on the railing
15 in blood.

16 Q Let's show you State's Evidence 15. There are now what
17 looks to be new items that are in that picture that weren't
18 there before. Can you tell me what those are.

19 A Those were markers that we had placed down after
20 initial photos were taken of how we found the scene. Those
21 markers are placed down to mark certain items of evidence
22 within the scene and they're used to document in the photos.

23 Q And from your recollection and your notes from the
24 crime scene, what are those markers showing here?

25 A We had approximately 13 markers down. Marker 1 through

1 11 were blood shoe impressions. Marker 12 was marking the
2 cartridge case within the pool of blood. And 13 was marking
3 a partial cigarette butt that was on the bridge.

4 Q In that picture how were those footprints positioned on
5 that bridge in relation to Mr. Jordan's body?

6 A It was odd because there was a void between the actual
7 railing and the divider in the middle of the road. So the
8 bloody footprints led from the body towards the center
9 divider in the roadway. And then the closer ones to the
10 victim were a little more bloody. The ones closer to the
11 divider kind of dissipated and, in a sense, disappeared.
12 And those -- Number 1 would be the last shoe impression that
13 was located on the road near the divider.

14 Q I'm going to show you what's been marked as State's
15 Evidence 16. Again, what -- is that just a closer view?

16 A Yes. That's just a closer view. It's a midrange of
17 the markers relating to where the victim was located.

18 Q Now, are those markers, are they in a straight line or
19 do they kind of have an angle, a curve?

20 A They had more of a curve. We suspected that a vehicle
21 may have been there, the way that there was -- it's in the
22 roadway and it curved around possibly. And that's -- yeah,
23 so it was not in a straight line. It curved around towards
24 the divider. Towards the middle of the road.

25 Q And looking at this picture, were there any other pools

1 of blood on that bridge other than those two that are in
2 that picture?

3 A No. The blood was all concentrated right around the
4 victim, besides those bloody shoe impressions which you see
5 are 1 through 11. The blood was all concentrated right
6 around the victim.

7 Q And right around -- seems like there's a gap but
8 there's nothing --

9 A Correct.

10 Q -- on the pavement?

11 A Correct. Between, say, 1 through 7 and 8. 1 through 8
12 there was no blood in between those markers and the side of
13 the bridge.

14 Q I'm going to show you now what's been marked State's
15 Evidence 17. What is that? Is that just a different angle?

16 A That's just a different angle, yes.

17 Q Does that kind of -- does that help you, what you're
18 just talking about, the possibility of the car? It looks
19 like it goes around the car?

20 A Yes.

21 Q And again, those are the only two blood stains on the
22 bridge?

23 A Correct.

24 Q I'm going to show you State's Evidence 18. What is
25 that, State's Evidence 18?

1 A That's a midrange of markers 6 through 11. And in that
2 photo that's marking the bloody shoe impressions, you can
3 see 9 and 11 appear a little darker. 6, 7, 8 and 10 weren't
4 as heavily coated, I guess, with blood. 9 and 11 were the
5 best ones that you were able to see, especially in that
6 photo.

7 Q And State's Evidence 19.

8 A That's a midrange of markers 1 through 5, again
9 documenting bloody shoe impressions.

10 Q As you stated before, those aren't as heavily coated,
11 right?

12 A Correct, yeah. Those were harder to see.

13 Q And were those farthest away from the post?

14 A Yes.

15 Q I'll show you what's been marked State's Evidence 20.
16 What does that picture depict?

17 A That's a closeup photo of one of the impressions which
18 was marked with marker 9. One of the darker ones, and more
19 easily to see. And that's with a scale.

20 Q State's Evidence 21.

21 A And that's one of the best impressions that we located,
22 marker 11. That was one closest to the body which had most
23 of suspected blood and heavily coated on the impression.

24 Q Now I'm going to move away from the shoe imprints.

25 State's Evidence 22. What does that picture depict?

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1 A That's a closeup photo of the blood pools just to the
2 right of the victim. That's where one of the cartridge
3 cases were located in the blood.

4 Q One of the cartridge cases?

5 A One of the cartridge cases. Just one. Just one
6 cartridge case was located.

7 Q There weren't any other cartridge cases?

8 A There weren't any other, no. No, sir.

9 Q I'm going to show you State's Evidence 23. Again, what
10 does that picture show?

11 A That's a closer photo of the cartridge cases -- the
12 cartridge case with marker 12 within the pool of blood.

13 Q And where in that, for those who might not be able to
14 pick it out, where is that cartridge case?

15 A If you -- can I step down? Is that --

16 THE COURT: Yeah.

17 THE WITNESS: Thank you.

18 (Whereupon, witness steps down and approaches State's
19 Evidence 23.)

20 A Right here you can see it kind of showing. Right there
21 is the cartridge case in the blood.

22 Q Thank you, Ms. Claycomb.

23 A Uh-huh.

24 (Whereupon, the witness returns to the witness stand.)

25 Q And that cartridge case is depicted by the evidence

1 marker 12?

2 A Yes.

3 Q I show you State's Evidence 24. And again, that's the
4 last one. What does that picture show?

5 A And that's just a closer photo of the cartridge case in
6 the blood.

7 Q Now State's Evidence 25. What does that picture show?

8 A That shows exactly how the victim was lodged between
9 that concrete wall and the railing. And that's just a photo
10 of the left side of the victim.

11 Q And again, in that picture you see two pools of blood -
12 -

13 A Yes.

14 Q I'll show you what's been marked State's Evidence 26.
15 What does that picture show and where was that picture
16 taken?

17 A That's a photo from below the bridge. From the one end
18 of the bridge just below the bridge showing how his lower
19 body was hanging from the bridge.

20 Q State's Evidence 27. Again, what do you see in that
21 picture?

22 A That's just a closer photo of how his lower body was
23 visible from below the bridge, and you can see some blood to
24 the left that was dripping down the side of the bridge as
25 well.

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1 Q So a little bit of a ways from where he's leaning over,
2 correct? His head -- where was his head located with regard
3 to that blood stain on the left side of the bridge?

4 A His head is to the right of that blood stain.

5 Q During your investigation how would you determine that
6 blood stain got to that location if his body is right there?

7 A He was obviously moved. That just showed us that he
8 was moved at some point from that location. The wound
9 obviously had to be somewhere in that area for that volume
10 of blood to drip down the side of the bridge like that
11 compared to where we found him.

12 Q State's Evidence 28. Is that just a different angle?

13 A That's just a different angle of his lower right side
14 underneath the bridge.

15 Q What is that right above his right foot?

16 A It was kind of a drainage whole within the bridge that
17 blood had dripped down through that -- that hole dripping
18 onto the ground below the bridge.

19 Q I'm going to show you what's been marked as State's
20 Evidence 29. What does that picture depict?

21 A That was the ground just below the victim where the
22 blood was dripping down onto the ground from up on the
23 bridge.

24 Q State's Evidence 30.

25 A That's another photo of another area of blood that was

1 dripping from the bridge onto the ground below it.

2 Q State's 31. Can you tell me what's in that picture?

3 You might have to look pretty close.

4 A There was a black lighter located within the blood just
5 below the victim on the ground. That's a photo of the
6 ground below the bridge just below the victim, and there's -
7 - like you said, it's kind of hard to see, but there is a
8 lighter within that blood.

9 Q State's Evidence 32. Again, what does that picture
10 show?

11 A Another photo of the blood stains around the victim.

12 Q And are there two separate and distinct --

13 A Yes.

14 Q -- pools?

15 A Yes.

16 Q As you said before, what would you gather from that
17 scene as to --

18 A After he was shot he was obviously moved from one
19 position to another the way the blood is pooled around him.

20 Q I'll show you what's been marked State's Evidence 33.
21 Now, when was this picture taken?

22 A That photo was taken after the victim was removed from
23 between the railing, and upon removing the victim from the
24 railing, which was difficult to get him out of there, his
25 left shoe had come off in the process. And that's just a

1 photo of his lower backside.

2 Q Now, after you removed him, were you all -- who removed
3 him from that location from his wedged position?

4 A It was the coroner and a few EMS responders that
5 assisted him.

6 Q And once he was -- what did you do -- what did you all
7 do with the body once he was taken away from the wedge, or -
8 -

9 A We photographed him from front to back.

10 Q And did you photograph him with his hood still over his
11 head?

12 A No. Once we -- I believe once -- it was difficult to
13 get him up out of there. And initially when he was placed
14 within the roadway we rolled him and removed the hood to
15 photograph his face.

16 Q Did you photograph anything else besides his face?

17 A Yes. More tattoos were photographed. The wound on his
18 head that we located after we removed the hood from his
19 face, and the rest of his -- the front of him that we could
20 not see initially.

21 MR. BROWN: Judge, we might want to take a quick --

22 THE COURT: All right.

23 MR. BROWN: Or we could just do a sidebar on it.

24 (Whereupon, a side bar was held.)

25 Q Now, Ms. Claycomb, you said once you -- once the

1 coroner and EMS personnel pulled him or got him out of that
2 wedge you took pictures of the wound?

3 A Yes.

4 Q I'm going to show you what's been marked State's
5 Evidence 34. What is that picture?

6 A That's a picture of the back of his head and the wound
7 there towards -- kind of towards the right side of the back
8 of his head.

9 Q I want to show you what's been marked as State's
10 Evidence 35. Again, what is that picture?

11 A Somewhat of a closer picture of the wound again. It
12 was in what we call a stellate pattern. Somewhat close
13 range or close contact shot. And in that photo you can see
14 kind of around the edges kind of where they come out to a
15 point it's darker. It's usually identified as soot from the
16 shot.

17 Q I want to show you now what's been marked State's -- I
18 want to get you to look at what's been noted for --
19 documented as State's ID 83.

20 MS. BOLEN: Your Honor, at this time we are renewing
21 our previous objection.

22 THE COURT: Let her identify it.

23 Q What does that picture show?

24 A This is a photo of the victim's face.

25 Q Is that how the face -- how Jeremy Jordan's face looked

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1 that night on the bridge?

2 A Yes.

3 MR. BROWN: Your Honor, I now move State's -- what's
4 been marked previously for State's ID purposes 83, as
5 State's Evidence 83.

6 THE COURT: All right. The Defense has made an
7 objection in camera. Her objection and all grounds and
8 bases during that in camera hearing I note for the record
9 her objection is protected. The photograph will be admitted
10 subject to the objections made by the Defense.

11 MR. BROWN: Thank you, Your Honor.

12 (Whereupon, State's Exhibit 83 was entered into
13 evidence.)

14 MR. BROWN: I'm going to publish what's been marked as
15 State's Evidence 83.

16 Q What do you see there?

17 A That's the front of the victim's face. As you can see,
18 the blood on the front of his face. Also, there was
19 swelling to his left eye. You can see the left eye kind of
20 looks a little different than the right. We suspected that
21 was the projectile still lodged near his left eye somewhere.
22 That it did not -- it entered but it did not exit his head.

23 Q You did not see an exit wound?

24 A Correct.

25 Q After you photographed the crime scene out there on the

1 bridge what did -- what was the next step in the
2 investigation that you took part in?

3 A We collected the evidence within the scene.

4 Q And what evidence did you collect?

5 A There was one cartridge case, as I said before, located
6 in the pool of blood. There was a cigarette butt that was
7 laying within the roadway on the bridge that appeared to be
8 somewhat fresh. And then we collected four swabs from the
9 partial fingerprints and palm prints on the wood railing of
10 the bridge.

11 Q And when you -- how did you collect the swabs that were
12 on the railing of the bridge? And let me go back. What
13 procedures, or what -- how do you go about -- and I'm going
14 to show this as State's Evidence 13. How did you go about
15 collecting swabs of those fingerprints?

16 A We simply take sterile swabs that we have. They come
17 two in a pack. And we just simply rub it on that partial
18 fingerprint to get some of the blood that was within the
19 print.

20 Q After you do the swab on the -- or get the sample of
21 the blood that's in that print on the swab, what do you do
22 with that swab?

23 A It's placed in a small manilla envelope and sealed.

24 Q Do you put any documentation on that?

25 A We do. We write where it's collected from, the date

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1 and the time.

2 Q What else did you collect that night on the bridge
3 besides the cigarette butt and the fingerprints on the
4 railing?

5 A The cartridge case.

6 Q I'm going to show you what's been marked as State's
7 Evident 24. How did you collect the cartridge case?

8 A It's usually placed in a small -- it's a small kind of
9 like matchbox. The cartridge case is just simply placed in
10 that small box.

11 Q I'm going to show you what's been marked State's ID 84.
12 Take a look at these and tell me what they are.

13 A This is a heat sealed pouch with the small manilla
14 envelopes containing swabs.

15 Q Are those the swabs that you took out on the bridge
16 that night?

17 A Yes. There are additional swabs in here. Not just the
18 ones that were collected from the scene. But yes, this one
19 on top here I see were two swabs collected from a suspected
20 palm print on the wood rail.

21 Q And why would there be other swabs in there?

22 A There was a vehicle later located that was also
23 processed and swabs were collected from it.

24 Q And is that outer package, is that how you submitted it
25 or is that different now?

1 A Yes, this is how I submitted it. This is my initial
2 end date of when I sealed it. Initially sealed it.

3 Q Now, would that be -- would that evidence bag be opened
4 at some point?

5 A Yes. When it's sent to a particular department. In
6 this case I have written on there DNA blood. It was sent to
7 DNA to be processed for blood. There are other areas that
8 they cut into the package as to not to disturb my initials
9 and date so that they can process the swabs.

10 Q Who took those swabs down to SLED?

11 A I transported -- the ones that I collected, they were
12 all transported to SLED and submitted. The other ones were
13 collected and transported to SLED by Agent Mindy Worley,
14 she's also with the SLED crime scene unit, which was then
15 turned over to me and I submitted.

16 Q I'll show you what's been marked for State's ID
17 purposes as 85. What is that?

18 A This is a heat sealed pouch containing the box with the
19 one cartridge case. It's stamped Federal .380 Auto, that
20 was collected on scene.

21 Q And how would you collect that, and what kind of method
22 would you do -- or how would you package that cartridge
23 casing?

24 A Like I said, in the small matchbox type box. And it's
25 sealed and then placed in the heat sealed pouch and sent to

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1 the department. In this case I have written on there
2 "Firearms to be processed."

3 Q You also mentioned collecting cigarette butts. I'm
4 going to show you now what's been marked as State's ID 86.
5 Tell me if you recognize that.

6 A Yes. This is a heat sealed pouch containing the
7 manilla envelope that contains one cigarette butt from
8 marker 13 that was collected from the scene.

9 Q And how did you collect that cigarette butt? Did you
10 kind of follow the same protocol?

11 A Same suit. Just collected and placed into that manilla
12 envelope.

13 Q And again, who took those things down to SLED?

14 A I did.

15 Q Now, does that cover everything you took from the crime
16 scene that night down to SLED, or you collected?

17 A Yes.

18 Q And you took down to SLED to be analyzed?

19 A Yes.

20 Q Now, what other -- did you process any other crime
21 scenes during this investigation?

22 A I did not. There were -- there were -- like I said,
23 there was a vehicle processed, and I believe an apartment.
24 But yes, I just did the initial crime scene.

25 Q Now, what other role did you take in this

1 investigation? Did you transport other items down to SLED?

2 A I transported the initial items collected from the
3 scene. Other items that were collected were transported
4 back to SLED and then turned over to me.

5 Q And some of those items -- I'm going to point your
6 attention to the chain of custody. More specifically to the
7 items that collected at the autopsy.

8 A Uh-huh.

9 Q What items did you receive from that autopsy and from
10 who?

11 THE WITNESS: Your Honor, can I refer to my notes?

12 THE COURT: Sure..

13 A Agent Worley, who is also in the crime scene unit, she
14 attended the autopsy that morning. And from autopsy there
15 were fingernail clippings from the victim's right and left
16 hand. There was a projectile collected from the medial side
17 of the victim's left eye. There was a pair of pants. All
18 his clothing. The pants, a tee shirt, the sweatshirt,
19 socks, underwear, tennis shoes. There was tubes of blood
20 that were collected. A hair from the victim's beard. A
21 tube of urine. A tube of vitreous fluid, and then there was
22 a tube of bracelets that the victim had on his wrist. There
23 were also a GSR kit collected from the victim and a set of
24 major case prints.

25 Q Now, once you received those items at SLED how were

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1 these items numbered? Are they assigned a number?

2 A They are.. When I log them in they are assigned a
3 number for each piece of evidence.

4 Q Can you tell us -- I know you've already read off a
5 number of items you received from Ms. Worley at SLED. Can
6 you tell me what item number they were assigned. And also
7 how does SLED keep up with all the -- like all different
8 cases that are brought down to SLED for different forensic
9 requests, how do you all keep up and keep them altogether so
10 a piece of evidence from this case doesn't get involved with
11 another case?

12 A Each case when it's logged in it's assigned a case
13 number. With that lab number everything is contained under
14 that lab number. And then each item of evidence under that
15 lab number has an item number.

16 Q And in this case what was the SLED lab number?

17 A It was L1314556.

18 Q And going to first, just keeping it in order, item
19 number, what was item number 1?

20 A Item 1 was the five tubes of blood collected at
21 autopsy.

22 Q And that would be whose blood?

23 A The victim, Jeremy Jordan.

24 Q Item number 2?

25 A Item 2 was a tube of urine collected from Jeremy.

1 Jordan.

2 Q And if you'll just go down the list that you collected
3 -- or you received. Are these all the items you received
4 from Ms. Worlèy?

5 A From Agent Worley, yes. Item 3 was one tube of
6 vitreous fluid from Jeremy Jordan. Item 4 was the tube of
7 right fingernails from Jeremy Jordan. Item 5 was the left
8 fingernails from Jeremy Jordan. Item 6 was a tube of beard
9 hair collected from Jeremy Jordan. Seven was one projectile
10 that was collected from the victim's head. Item 8 was one
11 tube containing the two bracelets that were found on Jeremy
12 Jordan's wrist. Item 9 was a pair of black in color
13 athletic pants. 10 was a white tee shirt. 11 was a blue in
14 color hooded sweatshirt. Item 12 was a pair of white socks.
15 Item 13 was a pair of black tennis shoes. Item 14 a pair of
16 underwear. Item 15 -- that was -- item 14 was the last
17 collected at autopsy in reference to fluids. The other one
18 was item 36, one GSR kit collected from Jeremy Jordan. And
19 then item 39, one set of post mortem prints collected from
20 Jeremy Jordan. That was all from autopsy.

21 Q And again, those were submitted to you through who?

22 A Agent Worley.

23 Q And when you received all these items were -- what was
24 the condition of the packaging they were in?

25 A Everything was in a package. When I get the items,

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1 they're turned over to me. I then package them. When we
2 submit them to different departments we have to either have
3 it in a box or heat filled pouch as you've already seen with
4 those other items. So then, I further place it in a heat
5 sealed pouch or a box when they're submitted.

6 Q Now, if somebody submitted something to you and the
7 packaging that it was sent to you in was damaged, or the
8 integrity of the package was damaged, what would you all do?

9 A Normally if I get something that's damaged, if I have -
10 - whoever turned it over to me, they would seal it or tape
11 it, in other words, and then initial and date their initials
12 if it was damaged within their custody.

13 Q And to your knowledge was anything damaged in this
14 case?

15 A No, sir.

16 Q Everything was sealed?

17 A Yes.

18 Q Now, going back to the items that you -- that you were
19 retrieved on the bridge, State's ID 84, State's ID 85 and
20 State's ID 86. Did you -- and I can let you look at these
21 again. Did these items -- were they assigned an item
22 number?

23 A They were. On each item of evidence that we submit we
24 have to place the case number and the item number and our
25 initials on each piece of evidence that we package. And

1 yes, I can see this one on top here. It says Item 19, which
2 were the two swabs collected from the suspected palm print
3 on the wood railing.

4 Q And what about the next item?

5 A The cartridge case same thing. It has my initials, the
6 case number and the item number, Item 15. And the cigarette
7 butt same thing. My initials with the case number. The
8 item number as well.

9 Q And what you took -- you took those down to SLED and
10 then you add them into -- give them the same lab number as
11 the other items that are taken down?

12 A Yes. Everything within the case has the same lab
13 number, just a different item number.

14 MR. BROWN: Judge, at this time, for these items,
15 State's ID 84, State's ID 85 and 86, the State moves these
16 into evidence at this time.

17 MS. BOLEN: Your Honor, we've got no objection.

18 THE COURT: No objection to 84, 85 and 86. They're
19 admitted.

20 MR. BROWN: Thank you, Your Honor.

21 (Whereupon, States Exhibits 84, 85 and 86 were admitted
22 into evidence.)

23 Q Now, Ms. Claycomb, other than items that were -- that
24 you took down personally that you collected on the bridge
25 and items you received from Ms. Worley from the autopsy,

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1 were you in the chain of any other items that were collected
2 during the investigation of this case?

3 A No. Nothing but what I collected and what Agent Worley
4 turned over to me. ...

5 Q And going to other items. You briefly mentioned that
6 items from -- that a vehicle was processed.

7 A Yes.

8 Q You weren't there for that process?

9 A I was not.

10 Q But did you receive any items that were submitted to
11 you that, to your knowledge, came from that vehicle
12 processing?

13 A Yes.

14 Q I know we're jumping a little out of order, but while
15 you're here to testify I'll go ahead and cover those. What
16 did you receive -- well, actually let's just go through the
17 items that you were involved in in the chain of custody.
18 Did you have anybody else that submitted anything to you
19 besides Mindy Worley?

20 A No.

21 Q What other items did Mindy Worley submit to you for
22 processing?

23 A There were -- let's see here. There was a Cobra
24 firearms gun case that was located within the vehicle.

25 MS. BOLEN: Your Honor, just out of abundance of

1 caution, just renewing our pretrial motion and objecting to
2 any items found at this point.

3 (Whereupon, a sidebar was held.)

4 Q Instead of going into detail on this, you did receive
5 the items collected by Mindy Worley in her investigation and
6 gave them item numbers?

7 A Yes.

8 Q And just what do all those item numbers cover? How far
9 up do all the items she submitted to you, what item numbers
10 did you give for those? And don't necessarily have to go
11 into the specific what it is, just, you know, item number.

12 A I submitted items 1 through 41, and that includes items
13 collected from the scene and items collected from the
14 vehicle and apartment.

15 Q Just to make sure. Items 1 through 41 --

16 A Yes, sir.

17 Q -- you were in chain of custody on, and you submitted
18 these into SLED, gave them item numbers, and also assigned
19 the lab number?

20 A I did.

21 Q And the lab number again is what?

22 A The lab number is just the number assigned once it's
23 submitted to the lab to identify which case it belongs to.

24 MR. BROWN: Judge, can we have a sidebar?

25 THE COURT: We may. Would you like to take a break?

1 MR. BROWN: Yes, sir.

2 THE COURT: I need a break. So I have to help the
3 lawyers out with something. I need a break. Have a seat in
4 the jury room, get something to drink. Don't discuss the
5 case.

6 (Whereupon, the jury exited the courtroom at 11:16
7 a.m.)

8 (Whereupon, a diagram of the crime scene was marked as
9 State's Exhibit 87 for identification.)

10 MR. BROWN: Judge, one last thing I was going to ask
11 Ms. Claycomb to ID, and I've gotten now ID'd as State's ID
12 87. This is a diagram that she did as part of her
13 investigation that showed -- it's kind of incomplete,
14 because there's not an ariel view of the bridge. It was at
15 night. And this, we believe, would help the jury understand
16 how the body was located on the bridge in relation to the
17 river and all the different markings. And I would ask to
18 have that introduced after the appropriate questioning. But
19 it's my understanding Ms. Bolen has an objection.

20 MS. BOLEN: I do, yes, Your Honor. First of all, I
21 think there's been ample photographs. I think we're up to
22 33 of the crime scene. I don't think there's anything more
23 that would aid the jury in figuring out how the body was
24 located on the bridge. So I find that it -- I believe that
25 it's redundant, cumulative and does not help the jury

1 determine any facts.

2 Secondly, Your Honor, the diagram specifically says
3 "Not drawn to scale. Not all items shown." So it's not a
4 complete depiction of the crime scene in and of itself, and
5 I think that is confusing to the jury. I think some of the
6 spacing on where the item markers are listed are not
7 accurate when you look at the pictures in the way that they
8 are drawn in the crime scene I think could be prejudicial to
9 the Defense, and I think when we actually have the pictures.
10 I mean, that's the best way to view something is a fair and
11 accurate depiction of the actual picture. Not what someone
12 drew up and what someone even says is not to scale and
13 doesn't show everything. I think we've already got -- the
14 State has already shown the jury exactly how the crime scene
15 was. I think -- I don't see it getting any clearer than the
16 photographs, and I think this is redundant and it's
17 prejudicial because of it not being an accurate depiction.

18 MR. BROWN: Judge, if we had something to scale we'd
19 have to bring the bridge in here and it's physically
20 impossible to do that.

21 MS. BOLEN: Your Honor, by scale I mean the placing of
22 the markers. I don't mean the actual -- obviously it's not
23 going to be the size of the bridge. What I mean is the
24 placement of the markers is not aligned with how things are
25 shown in the pictures.

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1 THE COURT: How is it prejudicial in it's depiction? I
2 mean, other than it not being the scale when she's not an
3 engineer?

4 MS. BOLEN: Well, Your Honor, the --

5 THE COURT: It's not a plat. I think that means --
6 it's not a plat is what I think that comment means. Why is
7 that harmful and prejudicial?

8 MS. BOLEN: It makes one marker, marker 13, look a lot
9 closer to the body than it really is in the pictures.

10 MR. BROWN: Judge, marker 13 is a cigarette butt. That
11 wasn't even tested. It was collected and wasn't tested, so
12 --

13 MS. BOLEN: And that's important for the Defense's
14 case, Your Honor.

15 THE COURT: Do you want it or not?

16 MS. BOLEN: No, I don't. Not the way it's shown on the
17 drawing. No, sir.

18 THE COURT: But, I mean, but don't you -- if I allow it
19 in, wouldn't you be allowed a cross-examination that this
20 shows that right here is really further away or -- you
21 really haven't told me how it hurts you other than you don't
22 like the drawing.

23 MS. BOLEN: Your Honor, I just think that with all the
24 pictures that have been introduced that show the actual
25 scene that it's just not necessary to aid the jury in any

1 determination of fact.

2 THE COURT: Let me see it. It doesn't seem prejudicial
3 to me. I think subject to cross-examination I'll allow it.
4 I mean, you've got free run at it. It's not a scale drawing
5 by an engineer. So with a computer somehow. I'm going to
6 allow it.

7 I'll give you all a couple of minutes.

8 MR. BROWN: Yes, sir.

9 (Whereupon, a recess was held from 11:21 a.m. to 11:30
10 a.m.)

11 THE COURT: Bring in the jury.

12 (Whereupon, the jury entered the courtroom at 11:30
13 a.m.)

14 THE COURT: All right. Mr. Brown, you can continue.

15 Q Ms. Claycomb, per your investigation did you do any
16 type of diagram to help you try to label and make a clear
17 picture of how the scene was that night?

18 A Yes. We do an overall diagram of the scene just to
19 show a general idea of where things were located within the
20 scene.

21 Q Now, is that diagram to scale?

22 A It's not to scale. Not all items are shown, and
23 measurements are just approximate. So it's just to get an
24 idea to bring the photos together from an overall view of
25 the crime scene.

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1. Q You all didn't have a helicopter out there that night
2 to take an ariel view?

3 A No, we didn't.

4 Q So would this be the next best thing?

5 A Yes.

6 Q I'm going to show you what's been marked for State's ID
7 purposes as 87. Take a look at that.

8 A This is my sketch from the scene.

9 Q And what all does that sketch show on it?

10 A It shows the bridge and where the victim was located,
11 along with the markers within the scene.

12 Q Are those the same markers, or would they represent the
13 markers that are in the pictures that we've already gone
14 over?

15 A They do. They're marked 1 through 13 just like you saw
16 in the photos, and a general location of where the markers
17 were located in reference to the victim.

18 MR. BROWN: Judge, at this time State moves State's ID
19 87 to State's Evidence 87.

20 MS. BOLEN: Just renew our previous objection, Your
21 Honor.

22 THE COURT: It'll be admitted subject to Defense
23 objection placed on the record.

24 (Whereupon, State's Exhibit 87 was admitted into
25 evidence.)

1 Q Again, does that diagram represent the crime scene that
2 night?

3 A It does.

4 Q And what's the approximate distance where Mr. Jeremy
5 Jordan is located to the end of the bridge?

6 A Approximately 81 foot, seven inches.

7 Q And you can clearly see the set of lines there on that
8 one?

9 A Yes.

10 MR. BROWN: No further questions for this witness.

11 THE COURT: Ms. Bolen.

12 MS. BOLEN: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MS. BOLEN:

15 Q Agent Claycomb, I've just got a couple followup
16 questions with you. When you go to collect evidence, in
17 this or any other crime scene, you collect what you think
18 might be important, right?

19 A Yes.

20 Q And you already testified that you collected a
21 cigarette butt?

22 A Yes.

23 Q And that was never analyzed, right?

24 A To my knowledge, no. I don't know for sure. Once I
25 send it to a department to be processed that's -- I don't

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1 really know any further after that.

2 Q And you've already talked about the majority of the
3 markers you put on were for the cartridge, correct?

4 A Yes.

5 Q And then some bloody footprints, correct?

6 A Yes.

7 Q And that was 1 through 12?

8 A 1 through 11 was the bloody shoe impressions, 12 was
9 the cartridge case, and 13 was the cigarette butt.

10 Q And item 13, the cigarette butt, was not located
11 anywhere near the body or any of these other markers,
12 correct?

13 A It was not as close as the footprint impressions or the
14 cartridge case, but it was in the vicinity on the bridge.

15 MS. BOLEN: If I may approach the witness, Your Honor.

16 THE COURT: Yes.

17 Q Agent Claycomb, I'm going to show you what's already
18 been admitted as State's 16, State's 17 and State's 15. And
19 those are pictures which have already been admitted,
20 correct, and they show the markings that you put down to
21 show items 1 through 12 and item 13?

22 A Yes. This one here is -- it's kind of hard to see, but
23 it's further back. But yes, 13 is in there.

24 THE BAILIFF: Do you need a light?

25 THE WITNESS: No, that's fine. Thank you.

1 MS. BOLEN: Your Honor, permission to publish. I
2 believe these have already been published to the jury.

3 THE COURT: Anything seen you may publish.

4 Q It's a little bit hard to see, but item 13 the marker
5 is way over here, right?

6 A Yes.

7 THE COURT: Magnify it, because it was demagnified for
8 that bigger Exhibit 87.

9 MS. BOLEN: I'm not sure I know how to do that.

10 THE COURT: I don't.

11 Q Okay. So it's very hard to see, Agent Claycomb, but
12 it's this little yellow marker way down here, right?

13 A Yes.

14 Q And that's State's 16. And then State's 17, and this
15 is a picture taken from the angle -- from the opposite angle
16 as what I just showed you, right?

17 A Yes.

18 Q And someone's clearly standing right here, and we don't
19 see marker 13 at all, correct?

20 A Correct. 13 is not on there.

21 Q Somewhere behind this?

22 A Correct.

23 Q And there are no bloody footprints anywhere near where
24 item 13 was?

25 A No.

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1 Q And in the crime scene diagram that you just discussed,
2 and the crime scene itself -- now, you actually responded at
3 about 2:14 you said, right?

4 A Yes.

5 Q So very late at night, correct?

6 A Yes.

7 Q And you were there for a couple of hours?

8 A Yes.

9 Q It was dark when you arrived?

10 A It was.

11 Q But while you were at the scene you were able to see
12 that a little bit further on down this bridge was a river,
13 correct?

14 A Yes, there was.

15 Q And again, what's been previously admitted as State's
16 87 is this diagram, right?

17 A Yes.

18 Q That you did. And that shows that the body is here,
19 obviously, and the river is right there, right?

20 A Correct.

21 Q Now, when you were collecting the evidence and
22 processing this scene, it's fair to say there was a good bit
23 of evidence for you to collect, correct?

24 A I've had more at other scenes. But yes, there was
25 evidence to collect.

1 Q You were able to collect the partial fingerprints and
2 the partial palm prints?

3 A No. We collected a swab.

4 Q You collected a swab?

5 A Yeah. That's okay.

6 Q I misspoke. You swab the partial prints and the
7 partial palm print, right?

8 A Yes.

9 Q And you marked the -- I believe it was 11, footprints?

10 A Yes.

11 Q And then there was that cartridge lying on the ground,
12 correct?

13 A Yes.

14 Q And that cartridge was clearly visible?

15 A Within the blood, yes.

16 Q And you could see shiny -- so someone left it there,
17 correct?

18 A Yes.

19 Q And you didn't see any evidence of anyone pouring water
20 over the bloody footprints?

21 A Not while I was on scene. No, ma'am.

22 Q No evidence of anyone pouring water or bleach on the
23 fingerprints or on the footprints?

24 A No, ma'am. Not that I was aware of, no.

25 Q And you just took swabs of what you believe were

1 partial fingerprints and partial palm prints, correct?

2 A Correct.

3 Q That's the only evidence collected from that?

4 A Correct.

5 MS. BOLEN: Let me have a moment, Your Honor. I have
6 nothing further. Thank you, Your Honor.

7 THE COURT: Anything else?

8 REDIRECT EXAMINATION

9 BY MR. BROWN:

10 Q You didn't see -- the Defense was asking you. You
11 didn't see any water poured on the blood or any Clorox or
12 bleach poured on the blood; is that right?

13 A There was none, no. Not that I'm aware of. Not to my
14 knowledge.

15 Q When you were out on that bridge -- I'll show you
16 what's been marked State's Evidence 8. What did you see in
17 that picture?

18 A That's the pools of blood around the victim and marker
19 12 within that photo.

20 Q How many pools of blood?

21 A At least two on the bridge that are visible. Obviously
22 several other blood stains within the photo.

23 Q And in order to have -- based on what you've already
24 testified to, how would you have that blood stain to the
25 right --

1 MS. BOLEN: Your Honor --

2 Q -- if he's laying right there?

3 MS. BOLEN: -- I'm objecting because this goes beyond
4 the scope of what I asked on cross. I believe he's limited
5 to points raised on cross.

6 MR. BROWN: Judge, she asked about pouring water and
7 bleach and blood stains.

8 THE COURT: I'm going to allow it. I think she did,
9 too. Re-ask your question, or you can rephrase the
10 question.

11 Q Based on what you saw out there, how do you suspect
12 those two puddles got there, or situated like they are?

13 A They were deposited from some type of wound. That
14 obviously the wound was in that area for that blood to be
15 deposited there.

16 Q Two separate blood puddles?

17 A Correct.

18 Q And you also -- you didn't see water or bleach or
19 anything like that out there, but you were able to see a
20 hood pulled over head?

21 A Yes.

22 MR. BROWN: No further questions.

23 THE COURT: All right. Anything else, Ms. Bolen?

24 MS. BOLEN: No, sir.

25 THE COURT: All right. You may step down.

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1 (Whereupon, the witness steps down from the witness
2 stand.

3 MR. BROWN: The State calls Melissa Skipper Wallace.

4 MELISSA SKIPPER WALLACE, having
5 been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BROWN:

8 Q Please state your name for the record.

9 A Melissa Skipper Wallace.

10 Q And, Ms. Wallace, how long have you worked for SLED --
11 or where do you work?

12 A I work for the South Carolina Law Enforcement Division,
13 commonly known as SLED.

14 Q And how long have you worked there?

15 A Nine and a half years.

16 Q What are your duties with SLED?

17 A I'm currently assigned to investigative services in the
18 Piedmont region.

19 Q And what were your duties last year?

20 A I was assigned to the Piedmont region investigative
21 services.

22 Q And as being in investigative services what does that
23 allow you to do, or what do you do with that job?

24 A We investigate whatever cases are presented to us, or
25 at any point an agency asks for any type of assistance.

1 Q And with regard to this case, how was SLED involved in
2 it, or how did you become involved?

3 A We were requested by the Abbeville County Sheriff's
4 Office.

5 Q And did you investigate a homicide on Old Calhoun Falls
6 bridge last year?

7 A We did.

8 Q What date did you get the call that there was a
9 homicide, or a body on that bridge?

10 A If I can refer to my notes.

11 Q Yes.

12 A We actually received the call on November 12th, 2013.

13 Q Did you gain any information of when the body was found
14 on the bridge?

15 A Yes. It was found approximately 11:30 p.m. on the
16 11th.

17 Q So when did you arrive to the scene?

18 A Early morning hours of the 12th.

19 Q So a year ago today?

20 A Yes.

21 Q Once you arrived who was on the scene?

22 A The Sheriff Watson from Abbeville County Sheriff's
23 Office was at the scene, one of the captains, several of the
24 investigators, as well as personnel from SLED.

25 Q Who all from SLED was there?

Melissa Skipper Wallace-Direct Examination

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1 A Lieutenant Kinley and Gene Donahue.

2 Q Who processed the scene that night?

3 A Agent Claycomb and Agent Stanley, and another agent who
4 was in training with them.

5 Q And we've already gone through all the -- what Agent
6 Claycomb photographed to process the scene, so I don't need
7 to go through all that again. But when you got there what
8 did you see?

9 A The scene had been secured. They roped the bridge off
10 and traffic was being rerouted. There was a fire truck on
11 scene providing some light. And then there was the body
12 that was hanging on the side of the bridge.

13 Q And this bridge, where is this located?

14 A in Abbeville County.

15 Q And tell me, when you got there what was the lighting
16 like?

17 A Like I stated, there was a fire truck on the scene that
18 was providing lighting, because it was so dark out there.

19 Q And do you remember what was the temperature like that
20 night?

21 A It was cold. I don't remember the exact degree, but it
22 was cold.

23 Q Once you got out there what did you all do?

24 A We met with the investigators. They briefed us to what
25 they knew to that point. We met with the crime scene

1 agents, briefed them as well. They processed the scene. We
2 assisted them in helping look for evidence. And waited to
3 try to move the body so that we could identify who the
4 victim was.

5 Q Now, we've already gone through what was done out on
6 that bridge collecting evidence. Did you collect anything
7 out there or did you leave that to the other agents that
8 were processing the scene?

9 A They collected everything at the scene.

10 Q And after pictures were taken where did -- where did
11 the body go?

12 A The body was taken by the coroner.

13 Q Where did he take the body?

14 A I'm not sure.

15 Q And once you got -- once you all secured the bridge and
16 the body was taken by the coroner and all evidence
17 collected, what did you do? What was your role during this
18 investigation?

19 A I was the lead case agent for SLED. At that point we
20 hadn't really determined who was going to take the case. If
21 we were just going to be assisting or we were going to take
22 the case over. After everything was finished at the scene
23 we went back to the Sheriff's Office where we learned that
24 there was a missing person had been reported to the local
25 officers, and Mr. Jordan, the Defendant, was looking for his

1 son, Jeremy.

2 Q After you learned that information, what happened next?

3 A Mr. Jordan came in and met with -- met with SLED and
4 investigators from the Sheriff's Office, as well as the
5 coroner. We talked to him about when he had last seen
6 Jeremy, as well as any identifiers he had, as we weren't
7 able to identify the body at that point.

8 Q And what time was this -- what day was this when he
9 came in and talked, first of all?

10 A The morning of the 12th.

11 Q And what time -- do you remember what time this was?

12 A Around 6:00 in the morning.

13 Q Around 6:00 a.m. in the morning?

14 A Yes.

15 Q So you all had pretty much just gotten done out on the
16 bridge when you all were starting to -- when you got back to
17 the Sheriff's Office, right?

18 A Right.

19 Q And how did Mr. Jordan show up at the Sheriff's Office?

20 A He had approached some of the local officers about his
21 son being missing. They thought that it might be our victim
22 out at the bridge, so they asked him to come down to the
23 Sheriff's Office and meet with us.

24 Q And when he came down to the office was he under
25 arrest?

1 A No.

2 Q What was the purpose of him coming to that office?

3 A We were just trying to identify our victim at that
4 point.

5 Q And were you able to do that?

6 A Yes.

7 Q How were you able to do that?

8 A He described some tattoos that were similar to the
9 tattoos that we observed on the body. One was a long horn
10 tattoo with his son A. 's name on it. He described the
11 clothing he was wearing the night before that matched the
12 victim that we had on the bridge.

13 Q Did he provide a physical description of what Jeremy
14 looked like?

15 A Yes.

16 Q And after -- while you were talking with him what else
17 did Mr. Jordan give? Were all these statements freely and
18 voluntarily given from Mr. Jordan?

19 A Yes.

20 Q This time you were just collecting evidence and trying
21 to collect -- find out something that's going on?

22 A Yes.

23 Q And while Mr. Jordan was there at the Sheriff's
24 Department what else did you all do?

25 A The coroner advised him that it was going to be Jeremy

1 that was found out on the bridge, and Mr. Jordan asked if he
2 had been shot.

3 Q And after you all were talking to him did he provide
4 any other information?

5 A We asked him, you know, who Jeremy associated with.
6 Where his phone might be. If he had a cell phone. Things
7 of that nature. How he got around. Mr. Jordan provided us
8 with the information related to that.

9 Q What information did he provide you with that?

10 A He provided Jeremy's phone number and stated that he
11 had a phone through his girlfriend, and he gave us those
12 numbers.

13 Q What number did he give you for Jeremy?

14 A He told us that Jeremy's number was

15 Q Did Mr. Jordan give you his cell phone number?

16 A He did.

17 Q What was Mr. Jordan's cell phone number?

18 A

19 Q Now, you said that Mr. Jordan, or Tony Jordan, was
20 telling you about who Jeremy hung out with and who his
21 friends and ex-wife and all those people. What did he tell
22 you that night, or that early morning?

23 A He stated that he was mostly with his girlfriend,
24 Crystal. That he did have a friend that had been hanging
25 around about a week before who was Josh Lusk. There was

1 another fellow, Kurt Thompson, but that was a few years
2 back.

3 Q Did he give you any other information while he was
4 there at the Sheriff's Office that morning?

5 A When we asked him how Jeremy got around -- he had told
6 us that Jeremy didn't have a driver's license. He said that
7 he got around in Tony's vehicle or his girlfriend Crystal's
8 vehicle. Those were the only two vehicles that he rode
9 around in.

10 Q You said that he told you what Jeremy's phone number
11 was. Did he give any other information with regard to
12 Jeremy's phone?

13 A He said it was an iPhone.

14 Q Did he say anything about how -- if Jeremy always had
15 his phone or if he didn't have his phone, or if he had a
16 wallet or anything like that?

17 A He said that he sometimes left his wallet behind since
18 his license was suspended, but he always had his cell phone
19 on him. And we didn't find a cell phone out at the scene
20 with the body.

21 Q While he was at the Sheriff's Department what was your
22 all's next -- what did you all decide you were going to do
23 next? What else did Mr. Jordan give you permission to do,
24 or tell you about?

25 A We asked if we could check his apartment to see if

1 could find a phone or his wallet. He gave Lieutenant Kinley
2 his keys so that he could go to the apartment and check for
3 his phone and his wallet. And we found his wallet at the
4 apartment but we didn't find his phone.

5 Q And was anything else noted in that -- talking with Mr.
6 Jordan that morning?

7 A He told us that Jeremy was about to go to jail for
8 child support and that he had said over the weekend that he
9 had figured out how he was going to pay for the child
10 support, but he said he didn't tell him how.

11 Q How who was going to pay for the child support?

12 A Jeremy was going to pay for the child support.

13 Q But Jeremy didn't tell Tony how?

14 A That's right.

15 Q Now, after that conversation ended what happened next?

16 A While we were speaking with Mr. Jordan several other
17 law enforcement personnel had gone out to meet with Jeremy's
18 girlfriend. She provided phone records for his phone, since
19 it was under her account. We started calling -- making
20 contact with the last people he had contacted in his phone.

21 Q And did anything turn up on those leads?

22 A No.

23 Q What happened -- after agents got back from going to
24 his house, or his apartment, what was the next thing you did
25 in this investigation?

1 A I was meeting with the last people he had spoken with.
2 That Jeremy had spoken with.

3 Q And what timeframe was this that morning?

4 A It was from roughly 8:00 to 10:00 in the morning.

5 Q Now, later that day -- did the investigation stop that
6 morning, or what did you all do after you caught up with the
7 people that Jeremy last contacted on his phone, and after
8 the agents went to Mr. Tony Jordan's apartment, what
9 happened next?

10 A Since he had told us that the only two vehicles he used
11 to get around, Jeremy had used to get around, were his
12 girlfriend Crystal's vehicle and Mr. Jordan's vehicle,
13 agents had checked Crystal's vehicle while they were out
14 meeting with her and didn't see anything that stood out.
15 Mr. Jordan's vehicle had been at a local restaurant when
16 Lieutenant Kinley had gone to the apartment. So we went
17 back out to his apartment to look at his vehicle to see if
18 there was anything that we noticed about his vehicle that
19 stood out related to the crime.

20 MS. BOLEN: Your Honor, at this time I just renew, Your
21 Honor, the pretrial objection to this testimony.

22 THE COURT: Come over here.

23 (Whereupon, a sidebar was held.)

24 THE COURT: Your objection is noted on the record. You
25 may proceed.

1 Q Now, after you said that when agents went to Mr.
2 Jordan's apartment and his car was not there when you
3 initially went to his apartment, but where was his car when
4 they went to his apartment the first time?

5 A The first time it was at a local restaurant, Lynn's.

6 Q Why was it at Lynn's then?

7 A He had -- Mr. Jordan had been eating breakfast when he
8 approached officers about Jeremy being missing, and he had
9 been eating breakfast at Lynn's.

10 Q And how did Mr. Jordan get to the Sheriff's Department
11 when you talked to him initially?

12 A He came up with the deputies.

13 Q But he was not under arrest that time?

14 A No.

15 Q He freely and voluntarily gave you that information?

16 A Yes.

17 Q Now, after you said you all went out to -- or agents
18 went to speak with Crystal, who was Crystal?

19 A Crystal was Jeremy's girlfriend at the time.

20 Q And did you ever develop a telephone number for
21 Crystal?

22 A Yes.

23 Q What was that number?

24 A

25 Q And after you talked with her and you said you looked

1 at -- why did you look at her car?

2 A It wasn't -- it didn't appear that he had walked out
3 there to the bridge, so we were looking for any mode of
4 transportation that he might have taken to get there.

5 Q And after you left Crystal's you said that you and
6 other agents did what?

7 A Lieutenant Kinley and Agent Donahue went back out to
8 Mr. Jordan's residence and looked at his vehicle.

9 Q And obviously you weren't there, but to your knowledge
10 was that visit productive?

11 A Yes.

12 Q What did you all do, based off of that visit that Agent
13 Donahue and Kinley, what did they notice? What was brought
14 to you that they noticed?

15 A They advised that --

16 MS. BOLEN: Objection, Your Honor, this is all hearsay.
17 She has already testified that she was not there.

18 THE COURT: You can't testify to hearsay. Rephrase
19 your question, Mr. Brown.

20 Q What did you all do after the agents got back from
21 looking at the car?

22 A A search warrant was obtained for the vehicle, Mr.
23 Jordan's vehicle, and the vehicle was towed to the Sheriff's
24 Office.

25 Q Now, during this time, after that was -- after the

1 vehicle was towed to the Sheriff's Office and a search
2 warrant was obtained, what did you do next?

3 A Mr. Jordan came back up to the Sheriff's Office and I
4 met with him.

5 Q Roughly what time of day was that? And tell me, so we
6 don't run together. I know we've moved from November 11th
7 late night to early morning November 12th. And now what
8 time of day did this second time Mr Jordan was at the
9 Sheriff's Department?

10 A It was around lunchtime on the 12th.

11 Q And the second time Mr. Jordan came up to the Sheriff's
12 Department was Mr. Jordan -- Tony Jordan under arrest?

13 A No, he wasn't.

14 Q Did he freely and voluntarily come up there?

15 A Yes.

16 Q And what did Mr. Jordan talk to you about?

17 A He talked to -- talked to us about Jeremy. Problems
18 that he had with Jeremy. Jeremy not paying his bills, not
19 keeping steady work. Him always having to bail Jeremy out.
20 His sister always having to bail Jeremy out. We asked him
21 if he owned any firearms. He said that he had a small .25,
22 or a .380 a while back that he received as payment for some
23 services, but he had sold it. He couldn't provide a
24 specific time or person that he had sold it to, and the
25 times kept changing. We asked him about what he had been

1 wearing the previous night, the following morning. Asked
2 him about who drove his vehicle. He said that he and Jeremy
3 were the only two people that drove his vehicle. Asked him
4 about when he had cleaned the vehicle last. He said that
5 Jeremy had washed the vehicle off the previous Sunday
6 morning and that he had vacuumed it out about a week prior
7 to.

8 Q Going back to you were saying that he said he had a .25
9 caliber or a .380. Did he give a description of what it
10 looked like?

11 A He did.

12 Q What was the description he gave you?

13 A He said that it was pocket sized, and it was mostly
14 silver and black and the grip was black. The bottom of the
15 clip was black but the rest of it was silver.

16 Q It was a silver and black gun?

17 A Yes, sir.

18 Q When did he say he last shot it?

19 A Originally he said that he had last fired a gun about a
20 month prior to. And for that particular small black and
21 silver handgun he said that he had shot right after he had
22 gotten it, but that was the last time he shot it.

23 Q Did Mr. Jordan tell you anything about his morning of
24 the 12th that day?

25 A Yes. He said that he got up about 4:30 to shower.

1 Walked his dog. Went to the hospital and had some blood
2 work done. When to Lynn's to eat breakfast. And then had
3 to go back to the hospital because he realized he had not
4 had a certain test done. He went back to Lynn's again to
5 eat breakfast and that's when he approached officers about
6 Jeremy being missing.

7 Q So in his statement he said he went to -- he woke up
8 around 4:30, walked his dog and went to Hickory Point to get
9 blood work, went to Lynn's, went back to get blood work, and
10 then back to Lynn's?

11 A Yes.

12 Q And this was all on the 12th, a year ago today?

13 A Yes.

14 Q After he told you that what did -- what did you do
15 after that? What was your next move or action?

16 A I asked Tony for consent to search his apartment for
17 the clothes that he had been wearing the previous day. I
18 asked him -- also asked him for a DNA standard to
19 fingerprint him, and I asked him about collecting a GSR kit
20 from his hands.

21 Q And what was Mr. Jordan's response to those questions?

22 A He agreed.

23 Q Those were freely and voluntarily given to you?

24 A Yes.

25 Q Now, on that second -- second discussion with Tony

1 Jordan that day did you go back and ask him again about the
2 car? About the Jeep? Did he give you any more information?

3 A I asked him about if a weapon had been fired around his
4 vehicle at any point. He stated that they had been shooting
5 guns out at his son-in-law's house, and that some people had
6 been shooting across the hood of the vehicle from the
7 passenger side.

8 Q Did he tell you Jeremy had driven the car any in the
9 proceeding days?

10 A Yes. He said that Jeremy drove the vehicle three times
11 the day before, which would have been Monday the 11th.

12 Q Did Mr. Jordan say he noticed anything wrong with his
13 car that morning when he went to Lynn's?

14 A He said that he didn't notice anything out of the
15 ordinary.

16 Q And who else drove that Jeep besides Tony?

17 A Just Tony and Jeremy.

18 Q Did he say anything about Jeremy's financial position?

19 A Yes.

20 Q Anything that might have caused problems on Tony's
21 family?

22 A Yes.

23 Q What did he say?

24 A He talked about Jeremy's financial problems at length.
25 About him getting jobs for Jeremy and Jeremy refusing to go

1 to work. Blowing his money and not paying his bills, not
2 paying his child support, and the family always having to
3 bail Jeremy out.

4 Q Did he say anything about chores around the house or
5 certain things he asked Jeremy to do?

6 A Yes.

7 Q What did he say?

8 A He'd asked him to walk the dog. He wouldn't walk the
9 dog. Asked him to clean up. He wouldn't do that. Even
10 when it came to Jeremy's kids, Jeremy would ignore them and
11 expect Tony to look after them.

12 Q Did he -- was Tony's statements more complaining?

13 A Yes.

14 Q And while you were still interviewing Mr. Jordan --
15 what did he wear the day before? Or what did he tell you
16 that he wrote the day before?

17 A He told us that he wrote a pair of overalls or blue
18 jeans, a long black sleeve -- black -- long black tee shirt.
19 Long sleeved tee shirt, boots. And then a different part of
20 the day he wore a pair of gray sweat pants with a yellow
21 strip, gray sweatshirt and white high top tennis shoes. And
22 he said he wore a Clemson shirt to sleep in and some pajama
23 bottoms.

24 Q Did he say anything about trying to contact Jeremy that
25 morning?

1 A Yes. He said that he called him when he woke up during
2 the night and Jeremy didn't answer, and then after he woke
3 up that morning he called him again and it went straight to
4 voice mail.

5 Q What time did he say he tried to call him?

6 A About 5:30.

7 Q He tried to call him at 5:30 on what date?

8 A The 12th.

9 Q Did he say anything about -- again, about handguns and
10 also his car later on in this conversation with Mr. Tony
11 Jordan?

12 A He told us that he had last handled a gun over the
13 weekend. But he also said that he had last fired one about
14 three or four weeks ago at his son-in-law's residence, Mr.
15 Clinkscates.

16 Q Now, was that statement that he last fired one over the
17 weekend, was that different from what he originally said to
18 you when he was first talking early in that morning?

19 A The last handled was new information, but the timeframe
20 was jumping around about when he had last fired one.

21 Q Now, after that interview -- what did you do after that
22 interview there?

23 A After I collected a DNA standard from him, a GSR kit
24 and a fingerprint, I walked him out back to the back of the
25 Sheriff's Office and he smoked and I got him a ride to the

1 funeral home.

2 Q Did y'all ever go back to his apartment that day?

3 A Yes.

4 Q And how were you all going to do that?

5 A He consented for us to search his apartment for the
6 clothes he said he'd been wearing the day before.

7 Q And did you all do that?

8 A Yes.

9 Q When did you all do that?

10 A Shortly after he left the Sheriff's Office.

11 Q And tell me about your search of his apartment?

12 A Myself and Agent Donahue went to the apartment to look
13 for the clothes that he had described. Didn't see anything
14 on the clothes that he described wearing the previous day.
15 Based on the bloody shoe impressions from the scene, there
16 didn't appear to be any shoes that looked similar. I asked
17 him if he had any other shoes and he told me that he had a
18 pair of green and black Nikes, but he had thrown those away.
19 We didn't see anything on the clothes that he said he'd been
20 wearing the previous day. We couldn't find the gun that he
21 had -- he had been -- that he told us he owned. But we did
22 find what appeared to be two small blood stains on the
23 Clemson slept shirt that he had told us that he had worn the
24 night before. At that point we contacted one of the crime
25 scene agents that was there processing the vehicle and asked

1 her to come over and look at it.

2 Q Who was that?

3 A That was Agent Mindy Worley.

4 Q Was anything else asked by him about the Jeep while you
5 all were at the house?

6 A Yes. During that time crime scene agents were
7 processing his Jeep. They had already reported to me that -
8 -

9 MS. BOLEN: Your Honor, I have an objection of hearsay.
10 What they reported as hearsay.

11 THE COURT: Sustained as to hearsay.

12 Q Was a question asked of Mr. Tony Jordan about things
13 located on his Jeep? Did he answer the question about it in
14 your presence?

15 A Yes.

16 Q And what was his answer?

17 A I told him that we had found blood on his Jeep, as well
18 as blood on his tee shirt, and it was going to be tested and
19 run and we were going to know whose it was. And he stated
20 that he hit a deer, but he guessed the blood was fresh.

21 Q What else did he say at the apartment?

22 A After I said that about the blood and I was testing it
23 to find out whose it was he told me to just give him until
24 Friday and I'm all yours. And I asked him, I said,
25 "Friday?" And he said, "Yeah, just let me bury my son.

1 I'll answer whatever questions you want."

2 Q What else -- did that conclude pretty much everything
3 at the apartment at that time?

4 A Yes, we left.

5 Q What did you do next?

6 A His son-in-law, Jordan Clinkscales, provided consent
7 for us to go out to the residence where they had been firing
8 the weapon and look for any cartridge cases or fired bullets
9 out at the house.

10 Q And what time of day was this that you went out there?

11 A It was later on in the afternoon.

12 Q And what was the scene out there and what did you find?

13 A The area he showed us where they'd been firing weapons,
14 they shot into basically a dirt pile, it was maybe 10 to 15
15 yards behind the residence. The grass was really short
16 between the house and the pile. We looked there for any
17 cartridge casings but we didn't see anything. And we
18 decided that if it was okay with them we would come back
19 with a metal detector and search the tall grass next to it.

20 Q And before you all left what else did you all learn
21 about, or did you all gather anything?

22 A Mr. Clinkscales told us that he had gotten a .380 from
23 Mr. Jordan -

24 MS. BOLEN: Your Honor, objection as to hearsay as to
25 what --

1 THE COURT: This is a statement of Mr. Clinkscates or
2 Mr. Jordan?

3 MR. BROWN: Clinkscates.

4 THE COURT: Rephrase your question. I'll sustain it as
5 to hearsay.

6 Q What did you gather -- or what did you take from that
7 residence?

8 A We took two boxes of .380 ammunition from Mr.
9 Clinkscates.

10 Q And where did that .380 come from? Where did that
11 ammunition come from, or what was it related to?

12 A One of the brands was a similar brand to the cartridge
13 case that was found at the scene.

14 Q And this is after you learned that -- from speaking
15 with Tony at the Sheriff's Department, that he had shot
16 previously out there at his son-in-law's?

17 A Yes.

18 Q After you left to get a metal detector what did you do
19 after that?

20 A We went back out and searched the grass with a metal
21 detector. The tall grass.

22 Q Did you locate anything?

23 A We located some .22 cartridge cases. It got really
24 dark, so we decided we'd come back during daylight hours.

25 Q At this time, that was -- what days -- it was getting

1 dark on the 12th? November 12th?

2 A Yes, sir.

3 Q What was the next step in your investigation?

4 A We went back to the Sheriff's Office and just debriefed
5 as to everything we had at that point, what still needed to
6 be done, and we called it a day.

7 Q The following day what was done during the
8 investigation? So it would be November 13th.

9 A Several SLED agents and officers from the Abbeville
10 County Sheriff's Office went back out to Clinkscale's
11 residence and searched with a metal detector.

12 Q What did you do during that day?

13 A I was not here that day.

14 Q And ultimately did you do anything on the -- any
15 information received on the 13th that you received, and what
16 was the next step in your investigation?

17 A I'm not --

18 Q Or if there was nothing on the 13th -- was the 13th
19 more, I guess, unproductive as the 12th and the 11th?

20 A There was some .380 cartridge cases located.

21 Q That was by another agent?

22 A Yes.

23 Q Move forward to November the 14th. Were you back at
24 Abbeville that day?

25 A Yes.

1 Q And tell me what happened that day?

2 A Myself and Investigator Nick Marshall met with Mr.
3 Jordan's girlfriend, Audrey Todd. Interviewed her about the
4 text messages on her phone.

5 MS. BOLEN: Your Honor, I object as to hearsay and
6 renewing our previous objection on this issue.

7 THE COURT: Sustained hearsay.

8 MR. BROWN: Judge, I don't think she said anything that
9 Audrey Todd said.

10 THE COURT: As long as she doesn't.

11 MR. BROWN: Yes, sir.

12 THE COURT: Rephrase your question.

13 Q During your investigation -- or who did you meet with
14 that day? And don't say what she said, but just what did
15 you do during your investigation?

16 A We interviewed Audrey Todd.

17 Q And what else did you do on the 14th, or do you -- just
18 tell me what -- during your investigation what did you do on
19 that day and what happened?

20 A I met with investigator Marshall. We looked at the
21 case to see what needed to be done, what hadn't been done.
22 Where we could go while we were waiting on forensic results
23 to come back.

24 Q What forensic results were you waiting on?

25 A The DNA from the Jeep, as well as the shirt.

1 Q And that would be compared to what?

2 A I'm sorry?

3 Q What would be -- what would the DNA on the shirt be
4 compared to? What were you all waiting for? What link were
5 you all waiting for?

6 A We were waiting to see if it was the victim's DNA.

7 Q And on the 14th what did you learn?

8 A I received a phone call from the SLED DNA analyst
9 advising me that the blood from the Jeep and the Clemson
10 shirt were Jeremy Jordan's.

11 Q And the Jeep that Tony Jordan had in his possession?

12 A That's correct.

13 Q And the Clemson shirt you all retrieved from Tony
14 Jordan's apartment?

15 A That's correct.

16 Q That he said he wore the day before?

17 A Yes.

18 Q And based on the forensics that came back from SLED
19 what was your next step?

20 A We obtained arrest warrants for Mr. Jordan for murder
21 and possession of a weapon during a violent crime.

22 Q When did you serve the arrest warrants on Mr. Jordan?

23 A That evening shortly after they were signed?

24 Q What time was that? Do you remember? Was it just
25 later in the afternoon?

1 A It was dark. About 6:00, 6:30.

2 Q Who went with you to serve those arrest warrants and
3 where did you go?

4 A We went to Mr. Jordan's apartment. It was myself,
5 Agent Gambrell, and Investigator Marshall from the Sheriff's
6 Office.

7 Q And once you got to the apartment who was there?

8 A Mr. Jordan was there with some of the family.

9 Q What happened?

10 A We asked Mr. Jordan to step outside. Once he stepped
11 outside we advised him that he was under arrest, handcuffed
12 him, and started to walk him to the car.

13 Q Were any questions asked of him then?

14 A No.

15 Q Were any statements made by Mr. Jordan at that time?

16 A Yes.

17 Q What did Mr. Jordan say?

18 A First he said that --

19 MS. BOLEN: Your Honor, at this time we're just
20 renewing our objection.

21 THE COURT: You can answer the question subject to your
22 objection.

23 Q Were any questions asked of Mr. Jordan at that time?

24 A No.

25 Q And he was under arrest?

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- 1 A Yes.
- 2 Q Was he in handcuffs at that time?
- 3 A Yes.
- 4 Q Did Mr. Jordan offer a statement?
- 5 A Yes.
- 6 Q What did he say?
- 7 A He told me that he thought I was going to let him bury
- 8 his son. And then he proceeded to say that we were just
- 9 trying to pin it on the dad when we didn't even have a gun
- 10 yet.
- 11 Q Any other statements said when he was going to the car?
- 12 A No, sir.
- 13 Q What was the next step? What happened after you all
- 14 got in the car? Where did you go?
- 15 A He was transported back to the Sheriff's Office in a
- 16 marked Sheriff's Office vehicle. Myself, Agent Gambrell and
- 17 Investigator Marshall went back to the Sheriff's Office in a
- 18 different vehicle.
- 19 Q And once you got back to the Sheriff's Office what did
- 20 you do?
- 21 A We -- myself and Investigator Marshall interviewed Mr.
- 22 Jordan.
- 23 Q Where was the -- where did the interview take place?
- 24 A In an interview room at the Sheriff's Office.
- 25 Q And who did you say was involved in that?

1 A Investigator Marshall with the Sheriff's Office.

2 Q I'm going to show you what's been previously marked for
3 identification purposes as State's ID 1, and also State's ID
4 2, and I'm going to ask you if you recognize these two
5 items.

6 A I do.

7 Q What is State's ID 1?

8 A State's 1 is a copy of the Miranda warning and waiver
9 of rights that we provided to Mr. Jordan and he signed.

10 Q Now, this -- let's go from top to bottom. What is on
11 that warning?

12 A It's a SLED form, so it says, "South Carolina Law
13 Enforcement Division. Your Rights," with the date of
14 11/14/13, time, 19:13 hours. "Before we ask you any
15 questions you must understand your rights. You have the
16 right to remain silent. Anything you say can and will be
17 used against you in a court of law. You have the right to
18 talk to a lawyer for advice before we ask you any questions
19 and have him or her present with you during questioning. If
20 you have no money for lawyer's fees the court will
21 appointment one to represent you without cost to you if you
22 wish. If you decide to answer questions now without a
23 lawyer present you will still have the right to stop
24 answering questions at any time. You also have the right to
25 stop answering questions at any time until you talk to a

1 lawyer. I have read this statement of my rights and
2 understand what my rights are," signed by Mr. Jordan. Then
3 the waiver of rights, "I am willing to make a statement and
4 answer questions. I do not want a lawyer at this time. I
5 understand and know what I'm doing. No promises or threats
6 have been made to me and no pressure or coercion of any kind
7 have been used against me." Signed by Mr. Jordan and
8 witnessed by myself and Investigator Marshall.

9 Q Now, you said the only people that were there during
10 this questioning were you and Mr. Nick Marshall and Tony
11 Jordan?

12 A Yes.

13 Q And did it look like Mr. Jordan was under the influence
14 of any alcohol or drugs or anything like that?

15 A He did not appear so.

16 Q And did he look like he might have any physical or
17 mental disability that would impair him from understanding
18 what you were reading him?

19 A He did not appear that way.

20 Q What did the room look like when you all were in this
21 questioning room?

22 A It's a fairly small room. White walls. A small table
23 and three chairs. Mr. Jordan sat closest to the door.
24 Investigator Marshall sat directly opposite him at the table
25 and I sat kind of off to an angle.

1 Q While he was in the room with you all was he still
2 handcuffed?

3 A No.

4 Q Who took his cuffs off of him?

5 A Investigator Marshall.

6 Q How soon after he'd gotten in that room?

7 A Once he walked in.

8 Q While he's in that room did you all deny him any access
9 to the bathroom or water or food?

10 A No.

11 Q Did he ever ask for it?

12 A No.

13 Q Were any threats or promises made in exchange for his
14 statement?

15 A No.

16 Q And at this time he was advised of the nature of the
17 investigation; is that correct?

18 A Yes.

19 Q And those are the Miranda warnings and signed Miranda
20 form that he signed that night?

21 A Yes.

22 Q While you were -- did you read those warnings out to
23 him or did he also read it?

24 A I put it out in front of him so that he could read it
25 while I read it to him.

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1 Q And did he appear to have any trouble understanding
2 what you were reading?

3 A No.

4 Q Did his answers appear rational and responsive to your
5 questions?

6 A Yes, sir.

7 Q And any time did you coerce him or threaten him or make
8 any promises or leave a hope of promise out there for him?

9 A No, sir.

10 Q To the best of your knowledge, he gave a free and
11 voluntary statement after the Miranda form -- after that
12 Miranda form was read?

13 A Yes, sir.

14 Q Did Mr. Jordan give a statement that night?

15 A He did.

16 Q And that item --

17 MR. BROWN: Judge, at this time I'd move what's been
18 marked as State's ID 1 into evidence as State's Evidence 1.

19 THE COURT: Ms. Bolen?

20 MS. BOLEN: Just objection to renew our previous
21 objections in the matter.

22 THE COURT: Admitted subject to the objection preserved
23 at pretrial.

24 (Whereupon, State's Exhibit 1 was admitted into
25 evidence.)

1 Q Again, showing what's been marked State's Evidence 1.

2 What is that?

3 A That is a copy of the waiver of rights and Miranda
4 warning that Mr. Jordan signed.

5 Q That's Mr. Jordan's signature?

6 A Yes.

7 Q Now, after he signed the waiver of Miranda did he give
8 a statement?

9 A He did.

10 Q And was his statement reduced to writing? Did he write
11 something down?

12 A Yes.

13 Q And I show you what's been marked as State's
14 identification purposes Number 2. What is that form?

15 A State's Exhibit 2 is a copy of a voluntary statement
16 provided by Mr. Jordan during that interview.

17 Q And what's the time read on that?

18 A The interview started at 19:13 hours and he signed with
19 the statement being finished at 19:43.

20 Q And 19:13 hours, that's the same time that's on the
21 waiver of rights?

22 A Yes.

23 Q Are there any other signatures on that page?

24 A Mine and Investigator Marshall's.

25 Q Is this -- is this the statement he gave? Tony Jordan

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1 gave it?

2 A Yes.

3 MR. BROWN: Judge, at this time I move State's ID 2
4 into State's Evidence 2.

5 MS. BOLEN: Just renewing our previous objection, Your
6 Honor.

7 THE COURT: It's admitted subject to objection, Exhibit
8 1 also.

9 (Whereupon, State's Exhibit 2 was admitted into
10 evidence.)

11 Q Ms. Skipper Wallace, I'm going to get you to go from
12 the top down, and just tell me what that whole form says and
13 also his statement.

14 A Case number 34-13148. Lead number which is blank.
15 Voluntary statement, last name Jordan, first name Tony,
16 middle name Vernon, age 52, date of birth , nickname
17 Tony, male, address , apartment ,
18 , South Carolina, zip code . It has a cell
19 phone number and employer information but it's blank. Date
20 and time of interview is 11/14/13, 19:13 hours. Location of
21 interview Abbeville County Sheriff's Office. Interviewing
22 Agent Wallace. Department, Piedmont region. Interviewing
23 Agent, Marshall, and Department of Abbeville County
24 Sheriff's Office. "I, Tony Jordan, understand I do not have
25 to say anything and I volunteer the following information of

1 my own free will for whatever purposes it may serve. I can
2 read and write and completed the twelfth grade of school."
3 Then the statement begins, "Over the last seven years Jeremy
4 had done nothing but lie, cheat and steal from me and his
5 sister. Seemed like each month it is -- month his power is
6 turned off or get kicked out of a house. He has been very
7 disrespectful. Would not work. He took and took. On
8 Monday 11/11/13 he needed money to pay child support. We
9 got in an argument about it. We went for a ride. We
10 stopped. He cussed at me. Took a swing. I snapped and
11 shot him." Then it's closed out with his signature. It
12 says, "I've read each page of this statement consists of 1
13 page. Each page bears my signature, corrections if any
14 bears my initials, and certify that the facts contained
15 herein are true and correct." Date, 11/14/13. Time, 19:43,
16 with his signature and myself and Investigator Marshall as
17 witnesses.

18 Q Not a very elaborate statement. But did he give you
19 any more that was documented in your notes that was not
20 reduced to writing?

21 A Yes.

22 Q What did he tell you -- or what did he say to you and
23 Investigator Marshall?

24 MS. BOLEN: Your Honor, I just renew my objection for
25 the record.

1 THE COURT: Objection is noted.

2 Q Outside of the written confession?

3 A Initially, as soon as he signed his waiver form he
4 threw the pen down and said, "I did it." When we asked what
5 happened he said that he and Jeremy were on their way out to
6 Calhoun Falls to ask Billy Norris for some money to pay
7 Jeremy's child support, because Billy Norris was camping out
8 in Calhoun Falls. They stopped on the bridge arguing.
9 Jeremy took a swing at him and he snapped. He pulled the
10 gun out of his pants and he shot Jeremy in the back of his
11 head. We asked if he kept a round in the chamber. He said
12 that he usually did not keep one in the chamber of his gun,
13 but he did not have to put one in the chamber before he
14 shot. He tried to get him up over the rail of the bridge
15 but he couldn't lift him up. And then he tried to push him
16 through the railing and he got stuck. He said he pulled the
17 shirt over his head because he didn't want to look at him.
18 When I asked about his clothing from that day he told us
19 that he had lied about what he was wearing and that he was
20 actually wearing a yellow sweatshirt, a pair of overalls,
21 and a pair of black and green sneakers. He said that the
22 clothes had actually been in the washing machine of the
23 apartment complex when we were there searching the
24 apartment. We asked him where the gun was. He said that he
25 had originally hidden it up under the water heater, but

1 after we left his apartment on the 12th he moved it to the
2 toy box of his bedroom and that's where it was. We asked
3 about Jeremy's phone and he said that he wrapped Jeremy's
4 phone in a yellow towel and threw it in a creek on his way
5 to Hickory Point of the morning of the 12th. I asked why he
6 had called Jeremy's phone at 11:30 and he said that he had
7 smashed his phone with a hammer and he wanted to make sure
8 it wasn't going to ring. I asked if he had gotten bloody
9 during the incident and he said that he had grabbed the
10 rail, he had gotten bloody, and those were his hand prints
11 on top of the bridge railing. We asked him if Jeremy moved
12 after he got shot and he said that he gurgled some but
13 didn't move, and he knew he was dead. We also asked him
14 about some rings that we found in the vehicle and he told us
15 that they actually were some rings that Jeremy's mother had
16 given him.

17 The last thing we asked him was if his girlfriend
18 Audrey Todd had anything to do with him killing Jeremy and
19 he said maybe.

20 Q You say you asked about -- when asked about the rings
21 in the vehicle. What was his reaction to that question?

22 A He started laughing. He said they're worthless.

23 Q And he laughed?

24 A He did.

25 Q And then the last thing, when Detective Marshall was

- 1 asking him questions about Ms. Todd, what did he say?
- 2 A He said maybe and he shrugged.
- 3 Q That she what?
- 4 A That she might have had something to do with him
- 5 killing Jeremy.
- 6 Q Had something to do with him killing Jeremy?
- 7 A That's correct.
- 8 Q Now, after -- after this information was received was
- 9 there anything else that was said by Mr. Jordan to you?
- 10 A Not that I recall.
- 11 Q And with this new information did anybody go back out
- 12 to the house or these other locations he had given you this
- 13 new information about?
- 14 A Yes. We obtained a search warrant for his apartment.
- 15 We were able to locate the clothes, where he told us they
- 16 were, as well as the shoes. Another officer went by the
- 17 creek where he said he threw the phone, found the phone, and
- 18 it was wrapped in a yellow towel like he said.
- 19 Q And the items that were collected that day, or after
- 20 this interview, did you ever come in contact with those
- 21 items?
- 22 A I did.
- 23 Q And what items did you receive in the chain of custody
- 24 that --
- 25 A The clothes that Mr. Jordan had been wearing during the

1 time of the murder, as well as the gun that we recovered
2 from the apartment.

3 Q And the gun. The one you recovered from the apartment,
4 that was in a toy box, or a toy basket, what did it look
5 like?

6 A It was a small black and silver handgun.

7 Q Did you get a good -- did you get a look at this gun
8 when you received them into evidence, or how was it
9 packaged?

10 A It was already packaged when I got it.

11 Q So you never actually saw the gun outside the box?

12 A No.

13 Q After you received these items what agency number items
14 were these, so we're perfectly clear, because there were a
15 number of items that were submitted down to SLED. So what
16 items were these, and were they given a lab number? A SLED
17 lab number?

18 A They were. The overalls became item 51 in the SLED
19 lab. The yellow sweatshirt became item 52 in the lab. The
20 green and black Nike sneakers became item 53 in the lab, and
21 the 380 handgun became item 54.

22 Q And those items were taken so SLED by you?

23 A Yes, they were.

24 Q And what did you do once you got to SLED with these
25 items?

1 A I submitted them to the laboratory.

2 Q Who did you submit these to?

3 A That was Nicky Hughes who worked in our log in
4 department.

5 Q And were all these -- those were all SLED items, number
6 51, 52, 53 and 54. Those individual items, were they also
7 underneath, I guess, a part of a bigger lab number for SLED?

8 A Yes.

9 Q And what lab number is that?

10 A The SLED lab number for this case was L13-14556.

11 Q Was there any other evidence that you took down to SLED
12 in this case?

13 A No.

14 Q And in wrapping up the case, your part of the case,
15 I've asked you about several phone numbers you received as
16 part of your investigation. You've already told me Jeremy's
17 phone number, Crystal Collins' phone number, and also Tony
18 Jordan's phone number. Did you receive Mr. Jordan's
19 daughter's phone number as part of your investigation?

20 A I did.

21 Q What was that number?

22 A

23 Q And again, SLED was called to process a homicide, or to
24 work a homicide investigation on what date?

25 A We were -- I received a call on November 12th.

1 Q Do you know when SLED was contacted, before you were
2 you contacted?

3 A No.

4 Q But you received it on the 12th?

5 A Yes.

6 Q That would be a year ago today?

7 A Yes.

8 Q And where was the crime scene located?

9 A in Abbeville County.

10 MR. BROWN: No further questions.

11 THE COURT: Let's break for lunch. It's a quarter to
12 1:00. We can resume at 2:00. Go to lunch. Go home, go out
13 to eat, do it together. It's y'all's choice. You can do
14 whatever you want. You can't discuss the case. Leave the
15 note pads in the jury room. Get back to the jury room as
16 close to 2:00 as you can and we'll resume as promptly as we
17 can. Don't discuss the case.

18 (Whereupon, the jury exited the courtroom at 12:46
19 p.m.)

20 THE COURT: We'll stand at ease until 2:00.

21 (Whereupon, a lunch recess was held from 12:46 p.m. to
22 2:06 p.m.)

23 THE COURT: All right. Ms. Bolen.

24 MS. BOLEN: Thank you, Your Honor.

25 CROSS-EXAMINATION

Melissa Skipper Wallace- Cross Examination

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1 BY MS. BOLEN:

2 Q Agent Skipper Wallace, I want to bring you back to the
3 beginning of your testimony. You said you arrived at the
4 scene early morning, you said around about 4:00 a.m.?

5 A No. I just said early morning hours of the 12th.

6 Q And when you got there there were sheriff's cars
7 blocking both sides of the bridge, right?

8 A I don't remember if there were cars on the other side,
9 but they had roped it off so nobody could cross.

10 Q And you first spoke with Tony at about 6:00 a.m. or so?

11 A Yes, ma'am.

12 Q And he had voluntarily gone to the Sheriff's Office
13 with a deputy?

14 A Yes, ma'am.

15 Q And you spoke with him there, right?

16 A Yes, ma'am.

17 Q And at that time you asked him to give a description of
18 Jeremy, correct?

19 A Yes, ma'am.

20 Q And he did that, right?

21 A Yes, ma'am.

22 Q And he told you about various tattoos that Jeremy had,
23 correct?

24 A Yes, ma'am.

25 Q He told you about the clothes he had last seen Jeremy

1 in, right?

2 A Yes, ma'am.

3 Q And he told you Jeremy's general physical description,
4 right?

5 A Yes, ma'am.

6 Q And all those things he told you were true, right? The
7 tattoos he told you about were tattoos Jeremy actually had?

8 A Yes, ma'am.

9 Q And the clothes he was wearing were the clothes that
10 Jeremy was actually wearing, right?

11 A Yes, ma'am.

12 Q And the description he gave you of what Jeremy looked
13 like is what Jeremy looked like, right?

14 A I'm sorry?

15 Q The description he gave you of Jeremy's physical
16 appearance, that was actually what Jeremy looked like,
17 right?

18 A Yes, ma'am.

19 Q And it was because of his assistance to you that you
20 were able to ID the victim, correct?

21 A That soon, yes.

22 Q And you talked a little bit about Tony giving you his
23 own phone number, and I believe you also said he gave you
24 some other phone numbers, correct?

25 A Yes, ma'am.

Melissa Skipper Wallace- Cross Examination

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1 Q And you didn't do anything to independently verify
2 those numbers, right? You didn't get billing addresses or
3 anything?

4 A Well, we had --

5 Q Not of Tony's, but of anyone -- of Crystal's or
6 Jeremy's phone number?

7 A Crystal and Jeremy, yes.

8 Q And when you spoke with Tony about 6:00 that morning,
9 again, he'd come there voluntarily with a deputy, right?

10 A Yes, ma'am.

11 Q And at that time he gave you consent to search his
12 apartment, right, or the wallet and phone?

13 A Yes, ma'am.

14 Q And that wasn't something he had to do, right? You
15 didn't have a search warrant?

16 A I'm sorry?

17 Q You didn't have a search warrant, right?

18 A No, ma'am.

19 Q He just agreed to let you go look?

20 A Yes, ma'am.

21 Q And he told you that recently Jeremy had told him he
22 was about to go to jail for child support?

23 A That's correct.

24 Q And then you met with Tony a few hours later at the
25 Sheriff's Office a second time, right?

1 A That's correct.

2 Q And there he told you a little bit more about the
3 situation with Jeremy, of Jeremy not paying bills and being
4 behind in child support?

5 A Yes, ma'am.

6 Q And he also told you that Jeremy lived with him and had
7 lived with him for two years?

8 A Yes, ma'am.

9 Q And then he gave you consent again to search his
10 apartment again, right?

11 A That's correct.

12 Q And that, again, was without you having to go get a
13 search warrant?

14 A That's correct.

15 Q And he just said, yeah, you can go look in my apartment
16 for these items?

17 A Yes, ma'am.

18 Q And he also gave you consent to get a sample of his
19 DNA, right?

20 A Yes, ma'am.

21 Q What we call a Buccal swab to the mouth?

22 A Buccal swab. Yes, ma'am.

23 Q And he consented to giving you a set of his
24 fingerprints, right?

25 A Yes, ma'am.

Melissa Skipper Wallace- Cross Examination

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1 Q And then you talked about him consenting to giving you
2 GSR, and that stands for gunshot residue, right?

3 A Yes, ma'am.

4 Q And that's something you collected off of Tony's hands,
5 right?

6 A I collected a kit from him.

7 Q And gunshot residue is something that -- are basically
8 particles that are left behind after someone shoots a gun,
9 right?

10 A Yes, ma'am.

11 Q And again, that's not something you had a search
12 warrant for, right?

13 A That's right.

14 Q You didn't have to go to a magistrate and swear out a
15 warrant? He voluntarily gave you that?

16 A Yes, ma'am.

17 Q And then I think it was on the 12th you said during the
18 second time that Tony gave you consent to search his
19 apartment you picked up a Clemson tee shirt, right?

20 A That's correct.

21 Q And you said there was blood on it?

22 A There was two sites that appeared to be blood. Yes,
23 ma'am.

24 Q And then later in your report, I believe, on the 14th
25 you give a summary saying that it was blood, correct?

1 A Yes.

2 Q And then a couple months later, after a full analysis
3 was done, it turns out that's not blood, right?

4 A No, ma'am.

5 MS. BOLEN: If I can have a moment, Your Honor.

6 MR. BROWN: Judge, I'm going to object at this moment.
7 She's actually not the forensics admission -- or forensic
8 analyst to do this discussion.

9 THE COURT: You can ask that on redirect.

10 MS. BOLEN: I'm sorry. What, Your Honor?

11 THE COURT: She wasn't a forensic analysis, so she
12 couldn't maybe as of the scope of her knowledge. You can
13 ask that on redirect.

14 Q Agent Skipper Wallace, as part of your investigation
15 you received memos from other persons at SLED, right?

16 A Yes, ma'am.

17 Q And do you recall receiving DNA analysis in April 2014
18 in this case?

19 A Yes, ma'am.

20 Q And I know you've already spoken with Solicitor Brown
21 about the various numberings. The Clemson tee shirt was
22 numbered item 26, right?

23 A The Clemson shirt through the lab was item 22.

24 Q And the shirt itself is item 22.1, right, and then the
25 swabs are item 26?

Melissa Skipper Wallace- Cross Examination

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- 1 A It's item 22 again, and 26 for the swabs.
- 2 Q And do you recall getting a report in April of 2014
- 3 indicating that the swabs are actually not blood and there's
- 4 no human blood on the shirt?
- 5 A No, ma'am.
- 6 Q You don't recall that?
- 7 A No, ma'am.
- 8 Q Now, in all this time that you were talking to Tony
- 9 these two times on November 12th, these are both times that
- 10 he voluntarily came to the Sheriff's Department and spoke
- 11 with you and other officers, right?
- 12 A Yes, ma'am.
- 13 Q And he told you a good amount of information, right?
- 14 A Yes, ma'am.
- 15 Q And he allowed you to search his apartment twice,
- 16 right?
- 17 A Yes, ma'am.
- 18 Q And he voluntarily gave DNA, fingerprints, GSR correct?
- 19 A Yes, ma'am.
- 20 Q And he gave you his cell phone number, right?
- 21 A Yes, ma'am.
- 22 Q Going forward to the 14th. The 14th is the day that
- 23 you met with him for, I believe, a third time in the
- 24 Sheriff's Office, right?
- 25 A Yes, ma'am.

1 Q And you met with him in the evening with Investigator
2 Marshall?

3 A Yes, after arrest.

4 Q And you actually went to his apartment? You were one
5 of the agents who went to his apartment to arrest him,
6 right?

7 A That's correct.

8 Q And he was at his apartment in Abbeville County, right?

9 A Yes, ma'am.

10 Q So he hadn't fled, hadn't gone anywhere, right?

11 A That's correct.

12 Q And you arrested him without incident, right?

13 A Yes, ma'am.

14 Q And then he was taken to the Sheriff's Office by
15 another deputy, correct?

16 A Yes, ma'am.

17 Q And when you got there he was already in the interview
18 room?

19 A Yes, ma'am.

20 Q Now, the State's 1 and 2, 1 being the Miranda form,
21 that is signed on 19:13. So 7:13, correct?

22 A 7:13 p.m. Yes, ma'am.

23 Q And you stated that as soon as you walked in he told
24 you he did it, right?

25 A No. After we reviewed the form with him and he signed

1 he said he did it.

2 Q So he immediately told you yes, I did this?

3 A Yes.

4 Q You didn't have to really use any kind of interrogation
5 techniques you might have learned through your years in law
6 enforcement, right?

7 A We just talked to him.

8 Q Because he told you up front what happened, right?

9 A Well, he said he did it. Then we waited for him to
10 continue talking. He didn't, so we just asked him what
11 happened.

12 Q And when you talked to him at the law enforcement
13 center, this was not recorded, right?

14 A No.

15 Q It wasn't recorded in any way?

16 A No, ma'am.

17 Q And again, going back to the crime scene, when you and
18 other agents responded. Quite a number of agents were out
19 there, correct? A number of agents from SLED?

20 A There were -- yes, ma'am, six.

21 Q So six SLED agents, right?

22 A Yes, ma'am.

23 Q In addition to all those local law enforcement officers
24 that were out there?

25 A Yes, ma'am.

1 Q And some of the things you testified you did in the
2 course of investigation are that you had some items analyzed
3 fairly quickly, right?

4 A Yes, ma'am.

5 Q And there were -- those six agents didn't leave and not
6 come back, right? Some of them were up here for several
7 days, right?

8 A Actually, yes. Some did leave and not come back.

9 Q But some stayed, right?

10 A Well, we worked throughout the day and then came back
11 over the course of the next several days.

12 Q And SLED is pretty much the premier law enforcement
13 agency of the state, right?

14 A If you say so.

15 Q You have the -- you're not a local agency. You're a
16 state law enforcement agency, right?

17 A Yes, ma'am.

18 Q And yet you don't have video recording equipment to
19 record statements given by people in custody?

20 A Well, we were at the Sheriff's Office.

21 Q But it's actually SLED policy not to record even if
22 there is equipment, right?

23 A It's -- I don't remember how it's exactly worded, but
24 it's our policy that we don't customarily record. Or video
25 record them rather.

Melissa Skipper Wallace- Cross Examination

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1 Q You don't customarily video record statements given by
2 witnesses or by person's charged, correct?

3 A Correct.

4 Q And so, things like someone's demeanor, tone of voice,
5 those are not captured because they're not recorded, right?

6 A Right.

7 Q So it's dependent on how you write it in you report and
8 how you testify to it, correct?

9 A I guess.

10 Q And when you talked to Tony the other times at his
11 apartment and then the two times he was at the Sheriff's
12 Office when he was not under arrest, you didn't record those
13 either, right?

14 A No, ma'am.

15 Q And there's all sorts of recording equipment available
16 now, right? Like most cell phones have recording
17 capabilities on them?

18 A Yes, ma'am.

19 Q And yet none of those statements were recorded, right?

20 A That's right.

21 Q When you talked to him on the 12th and he told you
22 about Jeremy asking him for child support money and him not
23 being able to give it to him, Tony told you that he was
24 going to take Jeremy out to see Billy Norris, right?

25 A Yes, ma'am.

1 Q To see if Billy would give him the money, right?

2 A Yes, ma'am.

3 Q And he told you that Billy was camping at Calhoun Falls
4 State Park?

5 A He told us that part on the 14th.

6 Q And something he told you on the 12th and on the 14th,
7 so he said this twice, is that he just wanted to be able to
8 bury his son?

9 A He said that on the 12th. On the 14th he told me that
10 he thought I was going to let him bury his son.

11 Q And on the 12th he said --

12 A Just let me bury him.

13 Q -- let me bury my son?

14 A Yes, ma'am.

15 Q And in his statement, which has already been admitted
16 as State's 2. -- about a half page statement? Half page of
17 the text part?

18 A Yes, ma'am.

19 Q And that's dated -- I mean, the time on that is 19:43,
20 so 7:43 in the evening?

21 A Yes, ma'am.

22 Q Okay. And the Miranda, in the top of that it's 7:13,
23 right?

24 A 7:13 was when it started. 7:43 was when it was
25 finished.

1 Q So you all talked for about a half hour before he put
2 this in writing, right?

3 A No. He had already -- that was after he had put
4 everything in writing.

5 Q And there are things that he told you that aren't in
6 that statement, right?

7 A Yes, ma'am.

8 Q And again, this is not recorded, but you put down what
9 he told you about in his -- in your notes, right?

10 A Yes, ma'am.

11 Q And he told you about ongoing disputes with Jeremy
12 about money, correct?

13 A Yes.

14 Q And he told you about Jeremy taking a swing at him?

15 A Yes.

16 Q And he told you several times that he just snapped,
17 right?

18 A Yes.

19 Q And he also told you where the gun was, right?

20 A Yes, ma'am.

21 Q And that turned out to be correct?

22 A Yes, ma'am.

23 Q And he told you where the clothes were, right?

24 A Yes, ma'am.

25 Q And that turned out to be correct?

1 A Yes, ma'am.

2 Q And he told you where Jeremy's cell phone was, right?

3 A Yes, ma'am.

4 Q And that turned out to be correct?

5 A Yes, ma'am.

6 Q So you found all those items because of what Tony told
7 you, right?

8 A Yes, ma'am.

9 Q And you found out about much of the other evidence
10 because of what Tony had told you earlier, right?

11 A Like what?

12 Q He had given you -- I'm going to rephrase that. My
13 apologies. The things that were found were not found
14 through an independent source but because of Tony's
15 statements, right? The phone, the gun, the clothes?

16 A The phone, the gun and the clothes we found because of
17 the information that Tony gave us.

18 MS. BOLEN: I don't have anything further. Thank you,
19 Your Honor.

20 THE COURT: Any redirect?

21 MR. BROWN: Yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. BROWN:

24 Q Ms. Bolen asked you the items you found at Tony
25 Jordan's house, the gun, the clothes, everything else you

1 found on the 14th. When did you learn about that? When did
2 you learn about those items in the house, where he had them?

3 A During the interview on the 14th.

4 Q But you didn't learn about that on the 12th, did you?

5 A No.

6 Q So it took two days after his son was found on the
7 bridge for him to tell you that, right?

8 A Yes.

9 Q And the only time he told you that was after you
10 received DNA evidence back?

11 A That's correct.

12 Q You already said that -- Ms. Bolen was asking about GSR
13 kit and the Buccal swab that Mr. Jordan gave on the first
14 day. You already told us those item numbers. What were
15 those item numbers again that were submitted down to SLED?

16 A The GSR kit and the Buccal swab and the fingerprints?

17 Q That's right.

18 A The Buccal swabs from Tony were SLED lab number 35.

19 The GSR kit from Tony was SLED lab number 37. And the
20 fingerprints, which also included palm prints, were SLED
21 item number 40 from Tony.

22 Q And previously you had already said you took those
23 items, or you took those items from Mr. Jordan on the 12th?

24 A On the 12th, yes.

25 Q And I'm going to show you -- I'm going to show you

1 what's been marked for identification purposes State's ID
2 88. What is that?

3 A This is -- it says, "Known DNA Standard" with the lab
4 number for this case, L13-14556 item 35. And the container
5 inside says "Buccal Swab, Tony Jordan" with my initials on
6 it.

7 Q And that's the one you swabbed --

8 A Yes.

9 Q -- on the 12th?

10 A Yes.

11 MR. BROWN: Judge, at this time I move State's Evidence
12 -- or State's ID 88 into evidence.

13 THE COURT: Any objection to the Buccal swab?

14 MS. BOLEN: No, sir.

15 THE COURT: No objection. It's admitted, 88.

16 (Whereupon, State's Exhibit 88 was admitted into
17 evidence.)

18 Q Ms. Bolen was asking you -- on November 14th went
19 through each one of your conversations with Mr. Jordan that
20 night, and one is when you went to his house to make the
21 arrest. She said that he asked -- or made the statement
22 that you're not going to allow me -- I thought you were
23 going to allow me to bury my son?

24 A Yes, sir.

25 Q Did he also make another statement?

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1 A Yes.

2 Q What was that statement?

3 A That we were just trying to pin this on the father
4 because we didn't even have the gun yet.

5 MR. BROWN: No further questions.

6 THE COURT: Any redirect -- recross?

7 RECROSS-EXAMINATION

8 BY MS. BOLEN:

9 Q And he ended up telling you where that gun was, right?

10 A Yes, ma'am.

11 MS. BOLEN: Nothing further.

12 THE COURT: You may step down.

13 THE WITNESS: Thank you, Your Honor.

14 (Whereupon, the witness steps down from the witness
15 stand.)

16 MR. BROWN: The State calls Nick Marshall.

17 NICK MARSHALL, having been first
18 duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. BROWN:

21 Q Mr. Marshall, where do you work?

22 A The Abbeville County Sheriff's Office.

23 Q And how long have you worked at the Abbeville County
24 Sheriff's Office?

25 A A little over four years.

1 Q And what are your duties there at the Sheriff's Office?

2 A Right now my assignment is investigations. We
3 investigate anything from property crimes all the way up to
4 suicides and murders.

5 Q And did you have the opportunity to work on a homicide
6 last year on November 11th, 2013?

7 A Yes, sir.

8 Q And who is the Defendant in that case?

9 A That would be Mr. Tony Jordan.

10 Q Is Mr. Jordan in the room today?

11 A Yes, sir. He is.

12 Q And what is he wearing?

13 A It appears to be a gray dress shirt and tie and
14 glasses.

15 MR. BROWN: Your Honor, let the record reflect that he
16 has identified the Defendant in this case.

17 THE COURT: So reflected.

18 Q And, Mr. Marshall, what -- when did you become involved
19 in this case?

20 A I was called by Abbeville dispatch on the night of the
21 11th of November, 2013, possibly, I'd say, around 11:30 or
22 so.

23 Q And SLED was also called that night, correct?

24 A Yes, sir.

25 Q And SLED did most of the -- they did the crime scene

1 investigation that night?

2 A Yes, sir.

3 Q I want to direct your attention mostly to your part of
4 this case. There's already been testimony about phones in
5 this case. What did you do?

6 A As far as the phone?

7 Q With regards to the phone.

8 A On the 12th I was asked by Agent Skipper to obtain a
9 search warrant for the phone records of the cell phone
10 number that was provided to her by Tony Jordan as his phone
11 number.

12 Q And then the following day when results came back from
13 forensics, from DNA that matched Jeremy's blood to items
14 discovered that were processed during this investigation,
15 were you with -- what was your role in this on the 14th?

16 A Well, we had actually gotten the phone records and Ms.
17 Audrey Todd came down to speak with myself and Agent
18 Skipper.

19 Q Well, after you realized you got the -- just jumping
20 ahead to the 14th. Once you got information back from DNA
21 and received those records and actually were going to arrest
22 Mr. Tony Jordan, what did you do?

23 A Well, specifically I rode with Agent Skipper and Agent
24 Gambrell with SLED to the to Mr.
25 Jordan's apartment with warrants in hand to arrest him on

1 the charge of murder and possession of a weapon during a
2 violent crime.

3 Q While you were there at the apartment do you remember,
4 did you ask him any questions?

5 A I did not. I did not ask him any questions.

6 Q Do you know if any officers asked him any questions?

7 A I do not.

8 Q Were any statements made?

9 A The only thing I recollect that he said pertaining to
10 this case was something to the nature of, "You all aren't
11 going to let me bury my son."

12 Q Is that the only statement you heard?

13 A Yes, sir.

14 Q And after you all had Mr. Jordan in custody where did
15 Mr. Jordan go?

16 A Well, after we got him in custody he was walked over to
17 a marked unit in the parking lot. I stayed behind and
18 talked to the family for just a moment. He was taken to the
19 Sheriff's Office in Abbeville by a marked unit. And a short
20 time later myself and Agent Skipper arrived to the Sheriff's
21 Office to interview him.

22 Q And when you got to the Sheriff's Office where was Mr.
23 Jordan?

24 A He was in the interview room.

25 Q And tell me about this interview room?

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1 A Fairly small room. It's got a wide set of windows,
2 narrow windows up on top in the back wall. Small table,
3 three chairs. Maybe like a bookcase or two with just some
4 law books on it.

5 Q And while he's in this room did Mr. Jordan have
6 handcuffs on?

7 A He did not. Not after I entered the room anyway.

8 Q Why is that?

9 A Because I took them off of him as soon as I got there.

10 Q Who else is in the room -- what was the purpose of
11 going in this room?

12 A The purpose of going in the room was we were going to
13 basically question him about the murder itself.

14 Q And was Mr. Jordan provided -- he was advised of his
15 rights?

16 A Yes, sir.

17 Q And who was in the room for that?

18 A Myself and Agent Skipper.

19 Q I'm going to show you what's already been marked as
20 State's Evidence 1 and State's Evidence 2. Do you recognize
21 these items?

22 A Yes, sir. I do.

23 Q What are they?

24 A Well, the first one is SLED Miranda right form.
25 Advisement form.

1 Q Was that form read to Mr. Jordan?

2 A Yes, sir.

3 Q During that time did Mr. Jordan have -- from what you
4 could see, have trouble understanding what was being read to
5 him?

6 A No, sir.

7 Q Did he look like he was under the influence of any
8 alcohol or any other kind of drug --

9 A No, sir.

10 Q -- that would influence him? Did he look like he was
11 having any kind of physical or mental impairments that would
12 affect him understanding what was being read to him?

13 A No, sir.

14 Q At any time did you or Ms. Skipper Wallace ever make
15 any promises or threats, or coerce him in any way to have
16 him fill out this form?

17 A No, sir. We did not.

18 Q To the best of your knowledge, the statement was given
19 freely and voluntarily?

20 A Yes, sir.

21 Q And we've already -- the jury has already seen 1 and 2.
22 I won't make you read that out again. But after -- after he
23 wrote the statement, do you remember Mr. Jordan say anything
24 else that is not in the written statement?

25 A Yes, sir. I do.

1 Q What do you remember?

2 A If you'll allow me to refer to my notes here. On the
3 14th of that year in November, as we stated, we went to the
4 interview room with Mr. Jordan at around -- I believe it was
5 8:00. Somewhere around that time.

6 Q 8:00 or -- look at your advisement of rights, or the
7 State's Evidence 1.

8 A During that timeframe. I'm sorry. Yes, you're right.
9 It was at around 7:00 that night. I was looking at the
10 wrong part. I'm sorry. Well, after he was read his Miranda
11 rights and signed a waiver form and all that stuff, and
12 pretty much as he was -- as he was telling us the stuff, you
13 know, right off the bat he told us that on the 11th around
14 8:00 or 8:30 that he had killed Jeremy Jordan. He advised
15 us that he had shot Jeremy once in the back of the head and
16 attempted to push Jeremy over the top of the bridge, the
17 railing, but was unable to do so. At which time he
18 attempted to shove his body in between the guardrail posts.
19 He then stated that when Jeremy's body got stuck he left the
20 scene. Tony then advised us that we would find a Cobra
21 brand .380 semi-auto handgun in his bedroom at his apartment
22 inside of a toy box. He also stated that this was the
23 weapon he used to kill Jeremy Jordan. He then advised us
24 that we would find the clothes he was wearing when he killed
25 Jeremy. One pair of blue jean overalls with blood stains

1 and one yellow in color Old Navy hoodie with blood stains,
2 both of which would be located in this bedroom at his
3 apartment in a clothes basket on his bed. He then stated he
4 had been wearing green tennis shoes, a Nike brand, during
5 the murder and that they would be located in his closet in
6 the bedroom at the apartment.

7 During this interview I did step out of the interview
8 room a few times to advise a fellow officer, who was also
9 assisting, the information that he was telling us. At that
10 time a search warrant was obtained for his apartment
11 building.

12 After stepping back into the interview room, Tony then
13 advised us that he had smashed Jeremy's cell phone after the
14 murder and then wrapped it into a towel and thrown it over a
15 bridge on South Main Street in Abbeville City just before
16 GLEAMNS Head Start School. I then stepped out and advised
17 Detective Graham of the Abbeville County Sheriff's Office
18 this information. At that time he left in search of the
19 phone.

20 After stepping back into the interview room I asked
21 Tony why he killed Jeremy. He stated that Jeremy had been
22 stealing from him and other family members, not paying his
23 child support, and that he was just fed up with him. He
24 stated several times, quote, "I just snapped. I just
25 snapped," during the interview. He advised that the night

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1 of the incident he and Jeremy had been at home at the
2 . He stated he had just finished
3 walking his dog, as he usually does every night, and that he
4 still had his .380 pistol in the pocket of his hoodie. The
5 front pocket. He told me that he takes it with him when he
6 walks his dog. He stated when he returned back into his
7 apartment Jeremy began asking him for money. Tony advised
8 us that eventually Jeremy asked him to ask his friend Billy
9 Norris for some money for him, at which time Tony told
10 Jeremy that Bill was camping in Calhoun Falls at the State
11 Park. Tony told us that he and Jeremy got into his Jeep
12 Liberty and left the city heading down

13 towards the campsites in .

14 He then went on to say that while they were driving
15 down the road they were involved in an argument with each
16 other. Tony then stated that he pulled the Jeep over on the
17 Little River Bridge at which time they both exited the
18 vehicle. Tony then stated that Jeremy took a swing at him
19 and missed, at which time Jeremy turned around as if to walk
20 away and Tony pulled out his already loaded .380 pistol and
21 shot Jeremy one time in the back of the head.

22 Tony advised me that once he had shot Jeremy that
23 Jeremy hit the ground and made a few grunting sounds. Then
24 he knew he was dead.

25 Q Was that the extent of his statement?

1 A Yes, sir.

2 Q And again, this statement was freely and voluntarily
3 given?

4 A Yes, sir.

5 Q There were no promises, no offers, no coercion by you
6 or Ms. Skipper Wallace to get this statement?

7 A No, sir.

8 Q Now, you say you stepped out of the -- you stepped out
9 of the room to tell these other officers where the phone
10 would be located and also where the pistol and his clothes
11 were located. Did you ever receive these clothes or in a
12 box from these officers as part of the chain?

13 A I did.

14 MR. BROWN: Beg the court's indulgence.

15 Q Mr. Marshall, I'll show you what's been marked for
16 identification purposes as State's Exhibit 89. I know the
17 box is not open. Did you see the clothes -- or see items
18 that were taken from the house?

19 A Yes, sir. I did.

20 Q And what was taken from the house?

21 A I'll tell you exactly what we took. We took a pair of
22 light blue denim overalls. These overalls had spots on the
23 knee area which appeared to be blood stains. We also took a
24 yellow in color Old Navy brand size 3X sweatshirt with a
25 hood. We took a pair of size 12 green and black in color

Nick Marshall-Direct Examination

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1 Nike brand tennis shoes. We took one black handled chrome
2 frame Cobra brand .380 caliber semi-auto pistol, serial
3 number foxtrot sierra 061955.

4 Q After you received these items -- or who did you
5 receive these items from?

6 A I believe it was Matthew Graham.

7 Q And once you got these items what did you do with them?

8 A I packaged them individually in paper evidence bags, at
9 which time they were transferred over to evidence at
10 Abbeville County Sheriff's Office.

11 Q Who then took these items down to SLED?

12 A I believe that was Agent Skipper.

13 Q You stated you also -- and again, this is for
14 identification purposes State's Exhibit 89. Would you take
15 a moment and look through that and see if those were the
16 items, in the bag.

17 A Yes, sir.

18 Q And those items you bagged and put in evidence and then
19 delivered to Ms. Skipper Wallace to take down to SLED?

20 A Yes, sir.

21 MR. BROWN: Judge, can I have a sidebar real quick?

22 THE COURT: Sure.

23 (Whereupon, a sidebar was held.)

24 Q Investigator Marshall, you also stated in addition to
25 the blue overalls or coveralls, yellow colored sweatshirt.

1 with hood, what else did you collect?

2 A Tennis shoes and the pistol. The Nike tennis shoes and
3 the Cobra .380 pistol.

4 Q I'm going to show you what's been marked for State
5 identification as State's ID 90. Would you take a look at
6 that and see if you recognize these?

7 A Yes, sir. That's the tennis shoes.

8 Q What color tennis shoes are those?

9 A They are green, like a lime green, and black and some
10 gray accents on them.

11 Q Were those shoes also collected -- collected at the
12 apartment?

13 A Yes, sir.

14 Q Again, were these items -- who did you get these items
15 from? These shoes from?

16 A I got them from Detective Graham who also had gone out
17 to the apartment with Special Agent Steve Gambrell with
18 SLED.

19 Q And then you gave the State's ID 90 to who?

20 A Which is?

21 Q The shoes.

22 A The shoes also were turned into evidence.

23 Q And then who ultimately took them down to SLED?

24 A I believe it was Special Agent Skipper.

25 Q I want to show you what's been marked State's ID 91.

Nick Marshall-Cross Examination

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1 Take a look at that and tell me what's in that box.

2 A Yes, sir.. This is the -- this is the Cobra .380 pistol
3 that was taken from the apartment that night, Mr. Jordan's
4 apartment. Along with the magazine and, I believe, six live
5 rounds of .380 ammo.

6 Q And what did you -- once you received these items, who
7 did you receive them from?

8 A Detective Graham.

9 Q And then you gave it to -- or you put it into evidence?

10 A Yes, sir.

11 Q And then who took it down to SLED?

12 A I believe Ms. Skipper took that as well.

13 MR. BROWN: No further questions.

14 THE COURT: Cross.

15 MS. BOLEN: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MS. BOLEN:

18 Q Investigator Marshall, you didn't hear Tony say
19 anything about you were just going to arrest the father even
20 though you don't have a gun yet, right?

21 A No, ma'am. I did not.

22 Q And you were with Agent Skipper Wallace when -- you
23 went with her to the apartment to arrest Tony, right?

24 A Yes, ma'am.

25 Q And you are with the Abbeville County Sheriff's Office,

1 right?

2 A Yes, ma'am.

3 Q And Abbeville County Sheriff's Office has recording
4 equipment for use, right?

5 A We do.

6 Q And you also had a cell phone on you at the time, right

7 --

8 A Yes, ma'am. I did.

9 Q -- at the time of this interview? And the interview
10 wasn't recorded?

11 A That's correct.

12 Q And that's because it's SLED's policy not to record
13 interviews?

14 A Yes, ma'am.

15 Q To your knowledge, just Tony and Jeremy lived at Tony's
16 apartment, right?

17 A If I remember correctly. Yes, ma'am. Just the two of
18 them.

19 Q And the yellow sweatshirt which Mr. Brown asked you
20 about, that's an Old Navy sweatshirt, right?

21 A Yes, ma'am.

22 Q And when you talked to Tony on the 14th and he told you
23 about the gun and the cell phone, those were all where he
24 said they would be, right?

25 A Yes, ma'am.

Nick Marshall-Cross Examination

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1 Q And you testified that you didn't make any promises or
2 threats or any kind of coercion, right?

3 A No, ma'am. I did not.

4 Q And, in fact, you didn't really try to, right? He just
5 came right out and said that he did it, right?

6 A Yes, ma'am.

7 Q And he gave you some background about why, correct?

8 A Yes, ma'am.

9 Q And he told you several times during the interview that
10 he just snapped, right?

11 A Yes, ma'am.

12 Q And he told you that they were on their way to Calhoun
13 Falls State Park to the campground where Billy Norris was,
14 right?

15 A Yes, ma'am.

16 Q And they were on their way there to try to get some
17 money for Jeremy from Billy Norris, right?

18 A Yes, ma'am.

19 Q And that road does, in fact, take you out to

20 --

21 A It does. It's

22 Q Okay. Investigator Marshall, as part of your job you
23 write up a report, right?

24 A Yes, ma'am.

25 Q Documenting everything you've done in the

1 investigation, right?

2 A Yes, ma'am.

3 Q And that's something you do for every case, right?

4 A Yes, ma'am.

5 Q Something small, something big, you write up the
6 report, right?

7 A Yes, ma'am.

8 Q And the idea behind that is that you want to make sure
9 everything you've done, everything you found out is captured
10 in that report, right?

11 A Yes, ma'am.

12 Q And you wrote a report in this case, right?

13 A Yes, ma'am. I did.

14 Q And it's fairly lengthy? It's about five pages single
15 spaced, right?

16 A Four or five, I would say. Something like that.

17 Q And in that report you don't say anything about asking
18 Tony if this had anything to do with Audrey Todd, right?

19 A I don't remember if I did or -- I can check, but I
20 don't remember if I put it in there or not.

21 Q Would it refresh your memory if I --

22 A Yeah. Well, the only part that I did read is not
23 associated with that interview. So no, I did not.

24 Q So that's not noted in your report that you asked him
25 that?

Ronnie Ashley-Direct Examination

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1 A That's correct.

2 MS. BOLEN: I don't have anything else. Thank you,
3 Your Honor.

4 THE COURT: Any redirect?

5 REDIRECT EXAMINATION

6 BY MR. BROWN:

7 Q Officer Marshall, why is it always good to have two
8 people in the interview room?

9 A Well, I hate to sound like I'm going basically whatever
10 she said. But, I mean, sometimes you miss things people
11 say. Sometimes other people pick up on other things and
12 watch peoples' emotions and how they carry themselves and
13 things like that.

14 Q So just in case you might miss something you've got
15 someone else there to catch it.

16 A That's correct.

17 MR. BROWN: No further questions.

18 THE COURT: Anything else? You may step down.

19 MS. BOLEN: No recross, Your Honor.

20 (Whereupon, the witness steps down from the witness
21 stand.)

22 MS. ODOM: The State calls Coroner Ashley.

23 CORONER RONNIE ASHLEY, having been
24 first duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MS. ODOM:

2 Q Coroner, can you state your full name for the record?

3 A James R. Ashley.

4 Q And can you tell us what your job is?

5 A Abbeville County Coroner.

6 Q And what are your job duties? What all does that
7 entail?

8 A To investigate all deaths in the county, whether
9 natural or unnatural.

10 Q How long have you been doing that?

11 A Fourteen years.

12 Q Did you have an opportunity to respond to a call on
13 November the 11th, 2013?

14 A I did. Yes, ma'am.

15 Q And can you tell me where that call was and about what
16 time it was?

17 A It was on , on the bridge, and
18 I received a call at 23:55.

19 Q And can you tell me a little bit about the scene when
20 you got there?

21 A When I got to the scene the Sheriff's Department was on
22 the scene. They had both ends of the bridge blocked. I
23 seen Mr. Jordan in between the rails on the right side of
24 the bridge going towards Calhoun Falls.

25 Q And what was happening when you got there? What other

1 people were out there?

2 A Just the Sheriff's Department, and later SLED came up
3 to start the investigation.

4 Q And what did you do?

5 A Pronounced Mr. Jordan, and waited on SLED to do their
6 investigation. And then I would place Mr. Jordan in a body
7 bag, sealed it and sent it to Anderson County Morgue by EMS.

8 Q Now, what time did you pronounce the victim?

9 A 00:15. 12:15.

10 Q Now, what did you do after that?

11 A After that we received a call from Mr. Tony Jordan.
12 Somebody told us that his son was missing. So we told him
13 to meet us at the Law Enforcement Center. And the Sheriff
14 and myself went back to the law enforcement building after
15 we cleared the scene on the bridge.

16 Q And you met with Mr. Jordan, the Defendant?

17 A Yes, I did.

18 Q And what did you tell him?

19 A First of all, I asked him -- we sat down in one of the
20 interview rooms and I asked him can you describe your son,
21 and he did. And he told me what he looked like and the
22 tattoos he had. And I told him, I'm sorry, but his son had
23 been killed on the bridge. And he said, "How?" And I told
24 him he had been shot. And he made a statement, "In the
25 head." I didn't tell him in the head. He told me it was in

1 the head.

2 Q After that point what did you do with the victim's

3 body?

4 A Took it to Anderson Area Medical Center for Dr. Woodard
5 to do an autopsy the next morning.

6 Q And then afterwards?

7 A Afterwards I called the funeral home to come pick up
8 Mr. Jordan and make arrangements.

9 MS. ODOM: Please answer any questions Ms. Bolen has.

10 MS. BOLEN: I don't have any questions for Coroner
11 Ashley, Your Honor.

12 THE COURT: Thank you, Coroner.

13 THE WITNESS: Thank you.

14 (Whereupon, the witness stepped down from the witness
15 stand.)

16 THE COURT: If you've got a short witness we can do
17 another one.

18 MR. BROWN: Judge, the next witness might be a little
19 lengthier.

20 THE COURT: All right. The next one will be a little
21 lengthier. We'll take a brief break. You all have been
22 here about an hour.

23 (Whereupon, the jury exited the courtroom at 2:59 p.m.)

24 (Whereupon, a recess was held from 2:59 p.m. to 3:15
25 p.m.)

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1 THE COURT: Bring in the jury.

2 (Whereupon, the jury enters the courtroom at 3:15 p.m.)

3 MR. BROWN: State calls Dr. Brett Woodard.

4 DR. BRETT WOODARD, having been
5 first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BROWN:

8 Q Good afternoon, Dr. Woodard. Dr. Woodard, what is your
9 occupation?

10 A I am a pathologist by speciality training physician.

11 Q And are you licensed in this state?

12 A Yes, I am.

13 Q How long have you been practicing?

14 A I've been practicing in Anderson, South Carolina since
15 1982.

16 Q And are you associated with any particular hospital?

17 A I'm associated with a group of pathologists, Piedmont
18 Pathology Associates, and we do most of our work out of
19 Anderson Area Medical Center.

20 Q Where did you receive your undergraduate degree?

21 A I received a baccalaureate degree from the University
22 of Pittsburgh. I attended medical school and received a
23 medical degree from Tulane University in New Orleans. I did
24 an internship at the Charity Hospital of New Orleans, and
25 then I did a pathology residence at Duke University Medical

1 Center. I then did a fellowship training at the North
2 Carolina Medical Examiner's Office. And after spending
3 about 18 months on the faculty at Duke I came to Anderson,
4 South Carolina.

5 Q And again, how long have you been practicing pathology,
6 or medicine and specializing in pathology?

7 A Since 1980.

8 Q And are you -- do you regularly keep up with the --

9 A Yeah. I volunteer, I participate with the American
10 Board of Pathology with recertification and recertified
11 until 2017.

12 Q And what does pathology mean?

13 A Pathology is the study of disease and illness in the
14 human body by means of examining with your eye, with a
15 microscope, or by testing the materials that can be obtained
16 from the body.

17 Q What is forensic pathology?

18 A Forensic pathology is a subspeciality in pathology that
19 relates diseases -- excuse me, disease and condition of an
20 individual to injuries they may have received and how that
21 may affect them up to the point of death.

22 Q And are you certified as a forensic pathologist?

23 A Yes, I am.

24 Q And how -- have you ever been qualified as an expert in
25 the Court of General Sessions in the state of South

1 Carolina?

2 A Yes, I have.

3 Q And roughly how many times?

4 A Hundreds.

5 MR. BROWN: Your Honor, at this time I move to offer

6 Dr. Brett Woodward as an expert in forensic pathology?

7 THE COURT: Need any voir dire?

8 MS. BOLEN: No, sir.

9 THE COURT: All right. Ladies and gentlemen of the
10 jury, what this means, the State is calling Dr. Woodard as a
11 witness, and because of specialized training, education and
12 experience he's been offered as an expert in the field of
13 forensics pathology. He's been qualified as an expert in
14 that field, agreed by the Defense to have him qualified. By
15 that qualification he is allowed to give opinions in that
16 field.

17 Q Dr. Woodard, did you have the opportunity to perform an
18 autopsy on a Jeremy Ray Jordan?

19 A Yes, I did, on November 12th, 2013.

20 Q And what time was that autopsy performed?

21 A 10:30 a.m.

22 Q Roughly how long did that autopsy take?

23 A Most homicide autopsies take anywhere from one to two
24 hours.

25 Q When Mr. Jordan was first -- just tell me, what are the

1 -- what's the initial steps you take when you have a person
2 come in that looks to be a homicide victim?

3 A The first thing we do is we examine them as they are
4 received. We receive them in an impervious body bag. We
5 examine the seal on the body bag to make sure it's intact.
6 We break the seal. We open the bag. We usually have a
7 representative from the Coroner's Office that has asked us
8 to perform the autopsy. In this particular case I believe
9 Mr. Ashley was there. Yeah, Mr. Ashley was there. And we
10 had the driver -- South Carolina driver's license picture of
11 the deceased. So we compare that to the deceased. Mr.
12 Ashley tell us yes, indeed, that's the person that he put in
13 the body bag. We then examine the body as we receive it and
14 the clothing that it's received in, looking at the clothing
15 for any signs of injury or inappropriateness of clothing
16 that may give an indication of something that occurred
17 before, during or at the time that the fatal injury
18 occurred. After we've examined the person in their clothing
19 and tried to see any defects in the clothing, we then remove
20 the clothing so we can examine the skin that's beneath the
21 clothing and see if there's any defect in that skin. If it
22 matches to anything that was on the surface of the clothing.
23 We would record that photographically and by writing a
24 narrative concerning what we saw. Along the way we'll
25 collect certain specimens; fingernails, exemplar hairs. In

1 this particular case this gentleman had a shaved head, so
2 exemplary hairs wouldn't be able to be collected.

3 And then we'll take blood from peripheral veins, urine
4 from urine. We take the fluid around the eye, which we
5 refer to as vitreous humour so toxicology and DNA studies
6 can be done on the individual. If there's inappropriate
7 blood drops on an individual, blood drops that don't seem to
8 make sense with the injuries, we'll collect those to see if
9 they represent blood to other individuals that may give
10 information.

11 Then we open the body. Examine the injuries that are
12 on the inside. We examine any natural disease that may be
13 present. We then correlate all this into a report to
14 explain how this particular individual died.

15 Q Now, you said when you first opened it up you make sure
16 that the body bag is intact. In this case was the body bag
17 intact?

18 A Yes.

19 Q And when you first get him -- got Mr. Jordan -- Jeremy
20 Jordan out of this bag, what clothes did you document that
21 he had on?

22 A He had a hooded sweatshirt, a tee shirt, warmup type
23 gym pants, underwear, socks and tennis shoes. He had some
24 jewelry. He had a red and orange bracelet on his left
25 wrist, a breast cancer awareness bracelet on his right

1 wrist.

2 Q And specifically on his body did he have any tattoos?

3 A Yes. He had tattoos on his right arm, his chest, his
4 left shoulder and his left forearm.

5 Q Dr. Woodard, when you began your -- began the autopsy
6 of Mr. Jeremy Woodard was there any evidence of injury when
7 you started overlooking his body?

8 A When we looked at his head we saw a gunshot wound in
9 the back of his head. We saw a tear and a bruise injury
10 near the edge of his nose at the corner of his eye where
11 your cheekbone would be. And then we saw bruises and scraps
12 in various places.

13 Q In your report how did you describe the gunshot wound?

14 A The gunshot wound was what we referred to as a near
15 contact gunshot wound, meaning that the edge of the gun
16 wasn't pressed firmly into the skin but was in very close or
17 loose contact with the skin. How we know this is when you
18 discharge a gun more comes out of the end of the gun than
19 the bullet. All the hot gases that push the bullet forward
20 at whatever rate it's going to go follow the bullet for a
21 short distance. In his particular case those gases had
22 gotten underneath the skin, while the bullet had gone
23 through the skin. But before the bullet made a complete
24 hole in the skull the gases had gotten under the skin and
25 they produced a star like tear in the skin, because they

1 lift the skin up and the skin tears to try and let this gas
2 escape because there's not enough room for it to follow it
3 into the skull. So we know the edge of the gun is not
4 pushed tight against the head, but it's in very, very close
5 contact to the head or loosely applied to the head.

6 Q Let me show you what's been marked as State's evidence
7 35. See if you recognize that.

8 A Yes. This represents the gunshot wound as we had the
9 pictures taken on that day. You see a central hole and then
10 tears radiating around the edges of the hole. And this is
11 how we know the gas had to be close enough to follow the
12 bullet.

13 Q And the way you describe a near gunshot wound, what is
14 it normally associated with? If somebody -- the gun was
15 that close, do you normally say it's an execution style?

16 A It would be consistent with an execution gunshot wound.

17 Q After the bullet entered his skull, where did the
18 bullet travel?

19 A The bullet traveled through the right side of his brain
20 to the center portion of his brain, clipped the upper part
21 of his brain stem and then passed on to the left side of his
22 brain where it impacted on the top of his sinus and
23 penetrated into the sinus. It knocked the little plate of
24 bone that it knocked out of the way forward, and that's what
25 produced the injury next to the corner of his eye in the

1 front of his face. We recovered the projectile inside that
2 sinus.

3 Q I'm going to show you what's been marked as State's
4 Evidence 83. Do you recognize --

5 A This represents the front of his face at the time we
6 saw him. And it shows significant amount of blood on the
7 front of his face which would have drained out of -- was
8 bleeding through his sinus because his head was in a down
9 position.

10 Q And with the bullet being lodged in his sinus, would
11 that cause a significant amount of bleeding?

12 A It allows the bleeding from the brain. The brain would
13 bleed until all blood pressure was gone. Just because the
14 brain is killed doesn't mean that the body's heart won't
15 continue for a period of time, especially in a young person
16 like this. It can continue for two to five minutes, even if
17 he doesn't take another breath. That puts blood pressure
18 into the torn brain tissue which then bleeds through the
19 bullet hole down through the sinuses, and the blood runs out
20 under venous pressure.

21 Q When you retrieved the bullet what did the bullet --
22 was it a large caliber bullet?

23 A No, it was a small caliber bullet. I placed it into an
24 evidence tube -- plastic evidence tube, sealed the tube,
25 identified the location, and handed it to my pathology

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1 assistant, Ms. Laura Dean, who placed it into an evidence
2 bag that was ultimately given to the SLED agents present.

3 Q After you completed examination of where the fatal
4 wound was to the back of his head -- and again, I want to
5 put this -- if you can describe by using the picture what
6 the gas was, and also the location of where you documented
7 on your notes and where -- and if you need to, you can --

8 A May I approach the picture?

9 Q -- get up and point.

10 (Whereupon, witness steps down from the witness stand
11 and approaches State's Evidence 83.)

12 A This is the back of his head. We're looking at the
13 back of his head. Right here is the posterior midline of
14 the back of the head. So this is the right side of the back
15 of his head. We refer to this as occipital portion of your
16 skull. If you will, if you were sleeping on your back, it's
17 the part that would be against the pillow. This would be
18 roughly where his crown would be of his hair, if he had
19 longer hair. Here you can see the central hole. You should
20 see these hairs going out here along the edges. These are
21 what we call the stellate tears. When you push this tissue
22 back together this central portion shows it's a very round
23 contour. As when you shot a target and you see the little
24 round hole. That's because all that gas -- when you're
25 pointing at 50, 100 yards away all that gas dissipates over

1 a very short distance. As you can see, the central hole
2 here. And I think you can even make out some black carbon
3 material here on the surface of the skull edge in this
4 particular picture. We don't see any powder material around
5 the edges, and we don't see what we refer to as stippling,
6 little tiny pieces of congealed powder material that goes a
7 little further than the gas, and when applied to the skin it
8 makes small little tears.

9 Q Thank you.

10 (Whereupon, witness returns to the witness stand.)

11 Q Once you moved from the fatal -- or the entry wound and
12 examining his head, did you notice any other marks on his
13 body --

14 A He had bruises --

15 Q -- or face.

16 A Yeah. He had bruises on his face, scrapes on his nose.
17 He had bruises over his second and third fingers of his
18 hands with scrapes on the left hand. And then he had
19 scrapes running on his body that indicated an upward
20 direction and were scrapes that are often associated with
21 being dragged or skidding across a roughen surface. We then
22 also saw on his ankles what we call grip marks. When you
23 squeeze human tissue that has blood pressure and your hard -
24 - your fingertips will bruise the tissues underneath. And
25 these bruises suggested that somebody had grabbed around his

1 ankles and had pulled on his ankles firmly. With the skid
2 marks would suggest that that's how he was dragged.

3 Q Dr. Woodard, I want to show you what's been marked as
4 State's Evidence 6. Would the abrasions on his stomach,
5 could they have come from being wedged between a barrier,
6 barricade, or the wooden railing and also the curb?

7 A Yes. They would be consistent with that kind of
8 roughen surface that you see with that commercial concrete.

9 Q And what ankle did you notice the bruising that
10 appeared to be someone where they had a tight grip on an
11 ankle?

12 A It's the left side. Left lower leg.

13 Q I show you what's been marked as State's Evidence 33.
14 That's not a real closeup picture. But would that be -- how
15 far down his leg? Would that be the left leg that you --

16 A Yeah. The -- you see the right leg doesn't seem to
17 have a shoe on it. That shoe is just laying on top of the
18 body. The left leg looks like it has a shoe on it. And it
19 would be down in the sock area.

20 Q Would that -- he's facing downward this time. Left leg
21 on the --

22 A Oh, okay. Yeah, then it would be the one that doesn't
23 have the shoe on it. It would be down in the sock area and
24 slightly above.

25 Q And that's the leg you noticed that there was bruising?

1 A That's correct.

2 Q And you can actually identify it as it looks like a
3 hand print?

4 A The fingertips. The round portions of your fingers and
5 thumb.

6 Q Dr. Woodard, did you notice anything else while
7 performing this autopsy that stood out to you?

8 A No, other than in his general state of health he was in
9 good condition. We sent specimens for toxicology to SLED.
10 I don't know the results.

11 Q And I know this is going to sound like an odd question,
12 but based on a reasonable degree of medical certainty what
13 was the cause of his death?

14 A The trauma caused to his brain by a gunshot wound to
15 his head.

16 MR. BROWN: I have no further questions.

17 THE COURT: Ms. Bolen.

18 MS. BOLEN: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MS. BOLEN:

21 Q Dr. Woodard, you just testified that Jeremy Jordan was
22 in good health, right?

23 A Yes, generally in good health.

24 Q And you previously testified a few minutes ago that he
25 was young, right? He was about 25?

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1 A Twenty-five was the age I was given, and he appeared to
2 be that age.

3 Q And in your report you also noted his approximate
4 weight of 280 pounds?

5 A That's correct.

6 Q And in your report when you discuss the gunshot you
7 refer to it as a near range gunshot, right?

8 A A near contact, yes.

9 Q And when you saw the bruising on the ankle it was just
10 on the left ankle, correct?

11 A That's correct.

12 Q Not on the right ankle at all?

13 A That's correct.

14 Q And you testified that you used a South Carolina
15 driver's license to identify the deceased?

16 A He was identified by the Coroner's Office. And they
17 printed out a picture from the DMV. They can get a printout
18 of what your driver's license would look like if they had it
19 in your hand.

20 MS. BOLEN: I don't have anything further. Thank you,
21 Dr. Woodard.

22 THE COURT: Any redirect?

23 MR. BROWN: No redirect.

24 THE COURT: Thank you, Dr. Woodard.

25 (Whereupon, the witness steps down from the witness

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1 stand.)

2 MR. BROWN: The State calls Laura Dean.

3 LAURA DEAN, having been first duly
4 sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. BROWN:

7 Q Ms. Dean, good afternoon.

8 A Good afternoon.

9 Q Where do you work?

10 A I work for Piedmont Pathology Associates. I am a
11 pathologist assistant.

12 Q And what are your duties as a pathologist assistant?

13 A As a pathologist assistant I check different surgical
14 cases that are sent down from different hospitals, help the
15 pathologist as far as dissecting different tissues. For Dr.
16 Woodard I also help in the morgue, assist him by receiving
17 evidence that he has collected and placing it in evidentiary
18 bag.

19 Q And in this case did you help or assist Dr. Woodard
20 during the autopsy of Jeremy Ray Jordan?

21 A I did.

22 Q A year ago today?

23 A I did.

24 Q And what did you collect while assisting Dr. Woodard?

25 A We collected vitreous humour, which is eye fluid,

1 urine, blood. I believe we removed the jewelry that was
2 present. The projectile was given to me. The clothes were
3 removed. And that's all I can recall at this point.

4 Q I show you what's been marked --

5 A I assume we took fingernails as well, but I'm not sure.

6 Q I'm going to show you what's been marked as State's
7 Evidence -- or State's ID 92. This is actually a -- if you
8 can -- did you take a blood sample or give a blood sample to
9 the SLED agent that was there?

10 A I did.

11 Q Who -- which SLED agent did you give that to?

12 A I believe it was to Agent Skipper.

13 Q Skipper or --

14 A I'm not sure, if there were two.

15 Q Would there be something to help you refresh your
16 memory --

17 A That would be great.

18 Q -- of who you wound up giving that to? Take a look at
19 this form and see if you see your signature on that.

20 A I certainly do.

21 Q And what does that say?

22 MS. BOLEN: Your Honor, we do have an objection. If we
23 could maybe meet at sidebar.

24 (Whereupon, a sidebar was held.)

25 Q Again, would there be anything to refresh your memory?

1 A I don't have a copy of anything to refresh my memory.

2 I gave it to the SLED agent in attendance.

3 Q Is your name --

4 A Yes.

5 Q -- on this --

6 A First name under the above evidence was transferred
7 from Laura Dean to -- I can't read that signature, with the
8 date.

9 Q What date was it?

10 A 11/12/13. And that is in my handwriting as well.

11 Q What is the last name of the person you gave it to?

12 What does the last name start with?

13 A That looked like an S, but I can't read the writing.

14 MS. BOLEN: Your Honor, I object. She's already
15 answered that she can't remember.

16 THE COURT: If she can't read it, she can't read it.
17 But that's her signature.

18 THE WITNESS: That is my signature.

19 Q That is your signature on the chain of custody?

20 A It certainly is.

21 Q Did you also -- but you gave her -- what did you give
22 that agent that was there?

23 A Everything that was collected by Dr. Woodard and passed
24 to me, which would have included the vitreous humour, the
25 DNA card, additional blood, the urine. Evidentiary material

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1 in general.

2 Q I'm going to show you what's been marked State's ID 93.

3 Do you recognize --

4 A I do.

5 Q -- any of those items?

6 A Yes.

7 Q And what are those items?

8 A Right fingernails, left and right bracelets, projectile
9 from the frontal sinus, beard hair, and the fingernails.

10 Q And was anything else handed over to the SLED agent
11 there that was recovered from -- or taken during autopsy?

12 A Blood, urine and vitreous humour.

13 Q Where there any -- what about the clothes that were
14 taken?

15 A The clothes were as well.

16 (Whereupon, a box containing clothes was marked as
17 State's Exhibit 94 for identification.)

18 Q Let me show you what's been marked for State's
19 identification purposes State's ID 94. Do you remember
20 again what all the type of clothes that were taken, that
21 were given to the SLED officer that day? And if you want to
22 you can look through the bag -- or through this box and see
23 if you can recognize any of the items.

24 A This is everything that was removed from the body
25 clothes-wise. The hoodie, the tee shirt, socks, the black

1 Haynes underwear, athletic pants, tennis shoes. I do not
2 recognize this.

3 Q But you recognize everything else?

4 A Yes.

5 Q And again, you gave all these items to the SLED officer
6 that was there?

7 A I did.

8 Q So in all you gave the clothing that was on Mr. Jeremy
9 Jordan, blood, occipital fluid, urine -- or vitreous, urine
10 and blood, and then also fingernails, hair sample, and also
11 the bracelets?

12 A Correct.

13 MR. BROWN: No further questions.

14 CROSS-EXAMINATION

15 BY MS. BOLEN:

16 Q Ms. Dean, beyond knowing you gave it to a SLED agent
17 you don't know who you gave it to, correct?

18 A No, just the SLED agent in attendance.

19 MS. BOLEN: That's all I have. Thank you, Your Honor.

20 THE COURT: You may step down.

21 (Whereupon, the witness steps down from the witness
22 stand.)

23 MS. ODOM: The State calls Officer John Schrier.

24 OFFICER JOHN SCHRIER, having been
25 first duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MS. ODOM:

3 Q Please state your name for the record.

4 A John D. Schrier.

5 Q And where are you employed?

6 A Abbeville City Police Department.

7 Q And what are your job duties?

8 A Patrol, report taking, answering calls. You know, we
9 do our own -- if it's a small case we'll do our own
10 investigation on it.

11 Q And were you working the night of November 11th, 2013,
12 the morning of November the 12th?

13 A Yes, ma'am. I was on the night shift working a split
14 between 7:00 to 7:00.

15 Q So you came in at 7:00 at night?

16 A 7:00 p.m. to 7:00 a.m. Yes, ma'am.

17 Q Did you have an opportunity on November the 12th to
18 speak to Mr. Tony Jordan?

19 A Yes, ma'am. I did. It was probably around 3:30, 3:45
20 to maybe 4:00 that I spoke with him. I was sitting in the
21 parking lot of the Hickory Point. It's now a 7-11, by the -
22 - between the diesel pumps and the air tank where you pump
23 air in your tires. He pulled up beside me and asked me
24 about his son Jeremy. If I had seen him. He had -- Mr.
25 Jordan -- Mr. Tony Jordan said he went to bed at a certain

1 time and Jeremy was on the couch. When Tony Jordan woke up
2 he didn't see Jeremy on the couch and he figured that he
3 went out walking or doing something. And he asked me if I
4 had seen him. And I told him no, I haven't, but I'd, you
5 know, look for him. And he said he had a few problems and
6 he was hanging out with some, you know, different kind of
7 people. So, you know, that weren't the best people in the
8 world to hang out with. Had a bad reputation.

9 Q And had you known Mr. Jordan? Were you familiar with
10 him, or --

11 A I had known -- I have known Tony for probably 15 years.

12 Q And did you -- you said it was between 3:45 and --

13 A It was somewhere between that area. I'm not really
14 sure, 3:45 to 4:00 in the morning. And then we --

15 Q In the morning, a.m.?

16 A Yes, ma'am. And then around 5:00 we usually go to
17 Lynn's Café for breakfast and -- you know, myself and
18 Officer Prince and another officer that we have. We went to
19 breakfast that morning around 5:00 as soon as -- as soon as
20 they get there we usually go in there and get breakfast and
21 Mr. Jordan came in.

22 Q Did he speak with you again?

23 A Yes, ma'am. He spoke. He came to the table. And I
24 asked him if he posted any -- if Jeremy had posted anything
25 on Facebook, and he said he hadn't since this -- around 9:00

1 or so. And he kept asking questions. You know, he was
2 asking like he was worried and, you know, if we'd seen him,
3 you know, been walking around, you know.

4 Q At the Hickory Point were you the only officer there
5 when you and Mr. Jordan were speaking?

6 A In the parking lot, yes. Yes, ma'am. He pulled up
7 beside me in his Jeep and I was in my patrol vehicle. And,
8 you know, had our windows rolled down and he -- we talked a
9 few minutes and, you know -- since I've known Mr. Jordan.
10 You know, he talked, and I asked -- you know, just be
11 patient. We'll figure out what's going on. And at that
12 time I didn't know about his son on the bridge, but later on
13 we kind of put things together.

14 Q And at Lynn's who all was there? You said it was you
15 and Officer Prince?

16 A Myself, Officer Prince and Officer Ashley.

17 MS. ODOM: If you would answer any questions Ms. Bolen
18 has.

19 THE WITNESS: I sure will.

20 MS. BOLEN: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MS. BOLEN:

23 Q Officer Schrier, you said that Tony pulled up in his
24 Jeep to you at Hickory Point, right?

25 A Yes, ma'am.

1 Q And this is the Hickory Point that's at the
2 intersection of South Main and 72?

3 A South Main and 72. Yes, ma'am.

4 Q Now it's the 7-11?

5 A Now it's the 7-11.

6 Q And there's a lot of lights there, right, in the actual
7 parking lot where the gas station -- where the gas pumps
8 are?

9 A Where the gas pumps are it's lit up pretty good. Over
10 by the air tank and all that it's -- you know, it's not
11 really lit up, but...

12 Q But Tony pulled up to you, right?

13 A Yes, ma'am.

14 Q And you said he was in his Jeep?

15 A Yes, ma'am.

16 Q And you said you know Tony? Well, let me back up. You
17 said you've known Tony for about 15 years?

18 A Yes, ma'am. He used to work for the city, the
19 recreation department, and I've -- you know, from work
20 experience and seeing him around.

21 Q So you know him from the community and from him working
22 at the rec center?

23 A Yes, ma'am. I've been working in Abbeville Police
24 Department 22 years, so I know a lot of people in town.

25 Q But you didn't know him from any prior criminal

1 involvement?

2 A No, ma'am.

3 MS. BOLEN: Nothing further. Thank you, Your Honor.

4 THE COURT: Any redirect?

5 MS. ODOM: Just shortly, Your Honor.

6 REDIRECT-EXAMINATION

7 BY MS. ODOM:

8 Q So when he pulled up to your driver's side of your car
9 facing his driver's side of his car?

10 A Yes, ma'am. He pulled up to my driver's side.

11 Q And were you looking for anything on the side of his
12 vehicle? Are you looking for blood or anything?

13 A No, ma'am. I -- at that point, you know, I knew there
14 was somebody -- from the radio, because we have -- we can
15 listen to the county in our cars, too. I just knew somebody
16 -- I just heard the call go out about somebody on the
17 bridge. And, you know, we didn't get much information after
18 that because, you know, we're on a different radio frequency
19 and band. But after a while I kind of put two and two
20 together, you know, that may be his son on the bridge, but,
21 you know.

22 Q Nothing at that time?

23 A Didn't say anything about that.

24 MS. ODOM: Okay. Thank you.

25 MS. BOLEN: Very brief recross, Your Honor.

1 RECROSS-EXAMINATION

2 BY MS. BOLEN:

3 Q Your car was right next to his, right?

4 A Yeah, to where -- in talking distance, you know. It
5 wasn't out where I could touch it or anything like that,
6 but, you know, we were -- his driver's side was to my
7 driver's side.

8 MS. BOLEN: Nothing further. Thank you, Your Honor.

9 THE COURT: All right. You may step down.

10 THE WITNESS: Thank you.

11 (Whereupon, the witness steps down from the witness
12 stand.)

13 MS. ODOM: The State calls Officer Eric Prince.

14 ERIC PRINCE, having been first duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. ODOM:

18 Q Could you state your name, please?

19 A Eric Prince.

20 Q And where do you work?

21 A Abbeville City Police Department.

22 Q What are your job duties there?

23 A I'm a sergeant on patrol and I'm a shift supervisor.

24 Q Were you working the night of November 11th last year
25 and the morning of November 12th?

Eric Prince-Direct Examination

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1 A Yes, ma'am.

2 Q Had you came in at 7:00 p.m. November 11th?

3 A Yes, ma'am. I was on night shift. I worked from 7:00
4 at night until 7:00 in the morning that evening.

5 Q And did you have an opportunity either -- or on
6 November the 12th to speak with Tony Jordan?

7 A Yes, ma'am. At approximately -- this is a separate
8 incident than Officer Schrier. But about -- I was guessing
9 about 4:30, 4:45, somewhere in that timeframe of that night
10 on the 12th, myself and another officer went to the Hickory
11 Point, at which time Mr. Jordan was in the Hickory Point as
12 well, and he also told us that his son wasn't home last
13 night. He said a lot of times he'll go out walking, and he
14 was unsure at the time of where he was. Asking if we'd seen
15 him or anything of that nature. And at which time I told
16 him we didn't know, and he expressed to me some concerns --
17 me and another officer, some concerns he was having about
18 his son being able to pay his child support and things of
19 that nature. At which time we told him that we'd be on the
20 lookout for him and he acted concerned. And we left at that
21 time. Later on that morning, just a few minutes after 5:00,
22 we went to Lynn's Café to eat breakfast. Myself, Officer
23 Schrier, and another officer no longer employed with us went
24 to eat breakfast that morning. Mr. Jordan was in there
25 eating breakfast at Lynn's Café which is on 72 West inside

1 the city limits. We got out and started -- he started
2 talking to us again about his son. Pulling up his -- like
3 Officer Schrier said, pulling up his Facebook saying that he
4 hadn't posted anything since the previous night. Said his
5 phone was off. Just overly concerned.

6 Speaking back to the gas station. After we left the
7 gas station I did call Deputy Graham with the Abbeville
8 County Sheriff's Office. I asked him what they had, because
9 it was a lot of confusion. There was not a lot said over
10 the radio at the time about what had occurred. And Deputy
11 Graham did ask me did I know anybody with any children or a
12 girlfriend named A. . The body had A. tattooed on
13 his body. And I said -- I told him at the time I didn't --
14 I didn't know.

15 So then we went to Lynn's, like I said, a few minutes
16 after 5:00, 5:15, somewhere along that time period in the
17 morning of the 12th. Mr. Jordan was in there eating
18 breakfast. At which time he was expressing concerns with
19 the Facebook, showing that he hadn't posted anything. I
20 believe, if I recall correctly, he said his son's phone was
21 off. He'd tried to call him. Wasn't at home. It was
22 unusual for him. We asked him did he maybe stay with a
23 friend or anything of that nature and he said he didn't
24 think so. I asked him -- and I ended up asking Mr. Jordan.
25 I said, Mr. Jordan, does he have any children. And he said

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1 yes, he has a child -- I think he said two children, but I
2 can't remember the other name of the other child. But I
3 said did he have any children. He said yes. I said what
4 are their names, and one of the names he said was A. .
5 And within the next 15 or 20 seconds, it was perfect timing,
6 Deputy Graham called me back. At which time I walked
7 outside to take that phone call. And then I advised Deputy
8 Graham that Jeremy Jordan has a son named A. , and he
9 might want to get up here because his dad -- Jeremy Jordan's
10 dad, was up here eating breakfast at Lynn's, and before the
11 5:30 news come on you might want to get him and pull him off
12 to the side just in case that is his son out there on the
13 bridge that had been killed.

14 MS. ODOM: I beg the court's indulgence.

15 THE COURT: Yes, ma'am.

16 Q Without saying what anyone else might have told you,
17 did you speak with anyone else -- not necessarily law
18 enforcement. But did you get a call from anybody else later
19 that day about this case?

20 A Yes, ma'am. Later on that -- that morning I went home.
21 My shift ended at 7:00 and I went home to rest, because I
22 had been up all night. And I received a phone call about
23 12:00. It was four phone calls back, to back, to back. It
24 seemed to be urgent. I picked it up. It was my wife at the
25 time. She works with Ms. Audrey Todd. And she told me that

1 she didn't know anything about it --

2 MS. BOLEN: Your Honor, objection. This is all

3 hearsay.

4 THE COURT: Sustained as to hearsay. So only testify
5 as to what you know. Not to what someone has told you.

6 THE WITNESS: Oh, yes.

7 A I received a --

8 Q Without saying what anybody has told you, did --

9 A I received a phone call from Audrey Todd.

10 Q And in response to that phone call did you make -- what
11 did you tell her to do or what did you do?

12 A She wanted to --

13 MS. BOLEN: That's still hearsay.

14 MS. ODOM: I'm not asking what anyone said. I'm asking
15 --

16 THE COURT: I think she asked the right question. What
17 did he do, what did he tell her to do. That's not hearsay.

18 Q Go ahead.

19 A She wanted -- she wanted to express some concerns to me
20 about the case and Mr. Jordan. She advised me that --

21 Q Don't say what she said.

22 A Okay.

23 Q In response to what she said -

24 A I contacted the Abbeville County Sheriff's Office,
25 Captain Talbert, and advised her.

Gene Donahue-Direct Examination

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1 MS. ODOM: Thank you. Please answer any questions Ms.

2 Bolen has.

3 MS. BOLEN: Thank you.

4 CROSS EXAMINATION

5 BY MS. BOLEN:

6 Q Thank you. Officer Prince, so you ran into Tony
7 several times that morning, right? Once at the Hickory
8 Point?

9 A Yes.

10 Q And that was inside, right?

11 A Yes, ma'am.

12 Q And he came up to you, right?

13 A Yes, ma'am.

14 Q And then you saw him a few minutes later at Lynn's?

15 A A short time later, yes. We saw him at Lynn's eating
16 breakfast.

17 Q And you saw him pretty often at Lynn's, right?

18 A It was not uncommon to see him at Lynn's.

19 Q Not every morning, but it was not uncommon for you to
20 see him there?

21 A Yes, ma'am.

22 Q And he again came up to you at Lynn's right?

23 A Yes, ma'am. Expressing concerns.

24 Q And when you asked him about whether his son had a son
25 named A. he told you he did, right?

1 A I didn't ask him the name. I asked him did he have any
2 children.

3 Q And he actually gave you the name, right?

4 A He told me the name, and then I made the correlation
5 together.

6 Q So he was the one who actually provided the name A.
7 to you?

8 A That information, yes.

9 MS. BOLEN: I don't have anything further.. Thank you.

10 THE COURT: Anything else, Ms. Odom?

11 MS. ODOM: No, sir.

12 THE COURT: All right. You may step down.

13 (Whereupon, the witness steps down from the witness
14 stand.)

15 MR. BROWN: The State calls Gene Donahue.

16 GENE DONAHUE, having been first
17 duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. BROWN:

20 Q Mr. Donahue, where do you work?

21 A The South Carolina Law Enforcement Division.

22 Q And how long have you worked with them?

23 A I've been employed with SLED since 1999. Prior to that
24 I worked for 15 years at the Greenville County Sheriff's
25 Office.

Gene Donahue-Direct Examination

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1 Q And what's your position at SLED?

2 A I'm a special agent assigned to the Piedmont region.

3 Q And Special Agent, Donahue, did you have an opportunity
4 to work a case last year, a homicide out on
5 ?

6 A Yes, sir.. I did.

7 Q And when did you become involved?

8 A I was called that evening. I was one of the agents on
9 call. I think it was sometime right after midnight. Well,
10 actually on the 12th. And went down there. They said they
11 had a -- they located a body on the bridge and they needed
12 some help working the case. And I responded to down there
13 along with Lieutenant Kinley and Agent Skipper Wallace.

14 Q What time did you arrive?

15 A It was early in the morning. I don't -- I don't recall
16 the exact time.

17 Q And what do you remember seeing out there on the
18 bridge?

19 A There was a number of law enforcement vehicles, not on
20 the bridge but prior to getting to the bridge. The bridge
21 was roped off, so our crime scene tape on it so nobody could
22 get access to it. I noticed there was a body wedged between
23 -- well, we say a guardrail, but kind of an old style wooden
24 guardrail above some concrete. The body was wedged down in
25 between that with a hoodie pulled over the head -- or the

1 shirt pulled up over the head.

2 Q And we've gone over the crime scene a good bit out
3 there on the bridge.. Later on that morning, after you -- or
4 after the crime scene was pretty much processed where --
5 where did you go?

6 A A number of places. I went to the Sheriff's Office to
7 try to kind of get a game plan together of what we were
8 going to do next. What the next steps were. About that
9 time I had heard that the Defendant had come to the
10 Sheriff's Office and gave some information that possibly it
11 was his son who was out there. And that information was
12 relayed to me and then we went on from there and assisted
13 Agent Skipper Wallace with some interviews. Went out and
14 interviewed some people out in the street that lived in --
15 that lived in his apartment complex. That type of thing.

16 Q And were you actually in the room the first time Mr.
17 Jordan came to the Sheriff's Department?

18 A I don't believe when he very first came up there that I
19 was in the room with him.

20 Q After the first time -- after he came to the Sheriff's
21 Department did you ever go to his apartment?

22 A I did.

23 Q When did you go to his apartment?

24 A I actually went several times. One time I went out
25 there to -- with Agent Skipper Wallace to look around his

1 apartment for possible evidence, that type of thing. We
2 were looking for clothing, that type of stuff.

3 Q And were you able to find anything?

4 A We found some items, but -- as she already testified
5 to. Found some clothing, stuff like that.

6 Q Was one the Clemson tee shirt?

7 A It was.

8 Q Later on that morning -- when you all went to his
9 apartment earlier that morning was his Jeep there?

10 A I don't believe it was the first time we went.

11 Q Did you ever come in contact with the Jeep?

12 A I did. Went back out to the apartment complex.

13 Q What time do you think you went back out to the
14 apartment complex?

15 A I would say mid morning, maybe close to around
16 lunchtime. Sometime in that area.

17 Q And when you went back out to his apartment complex
18 what did you notice?

19 A Noticed that there was some damage to the vehicle, and
20 also that there was a type of reddish brown substance that
21 didn't -- unknown substance at the time on the car.

22 MS. BOLEN: Your Honor, at this time we're just
23 renewing our pretrial objection on this.

24 THE COURT: It's noted for the record.

25 Q And when you went out to that location -- didn't go in

1 the car though, did you?

2 A No, sir.

3 Q You just -- what did you do when you saw the car?

4 A Well, the car was parked in the parking -- public
5 parking area out there. And just observed -- like anybody
6 walking by could observe stuff on the outside of the
7 vehicle.

8 Q And what did you observe?

9 A Some damage, of course, to the front side -- the front
10 end of the car, and then some bright reddish brown substance
11 on the passenger side. I believe there was some on the
12 windows. It's like smudges on the back window. And maybe
13 some on the driver's side.

14 Q On the driver's side. And did you notice anything --
15 could you look in the car from the outside?

16 A Yeah, looking through the window you could see that --
17 it looked like there might be something on the gearshift
18 knob and on the steering wheel.

19 (Whereupon, State's Exhibit 36 and 37 were marked for
20 identification.)

21 Q I want to show you what's been marked for State's ID as
22 State's ID 36 and 37. Take a look at those and tell me what
23 that is.

24

25 A That's the Jeep Liberty that had been in the parking

Gene Donahue-Direct Examination

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1 lot at the apartment complex.

2 Q Is that the Jeep that you saw that day?

3 A Yes, sir.

4 Q Did it appear to be in that condition?

5 A It did.

6 MR. BROWN: Judge, at this time I move State's -- what's
7 been marked for ID as State's 36 and State's 37 into
8 evidence at this time as State's Evidence 36 and 37.

9 MS. BOLEN: Without objection, Your Honor.

10 THE COURT: Without objection.

11 (Whereupon, State's Exhibits 36 and 37 were admitted
12 into evidence.)

13 Q After you went to the apartment complex and saw this
14 Jeep what was the next step in the process?

15 A I spoke to Mr. Jordan and asked him about the damage to
16 the vehicle.

17 Q And when did you speak with Mr. Jordan?

18 A While we were still out at the apartments. Out there
19 when we had gone back. He indicated that the damage had
20 been from hitting a deer some time ago. We asked him if he
21 had a problem riding back to the Sheriff's Office with us
22 and sit down and talk a little bit and he came down
23 voluntarily and talked with us.

24 Q Who was in -- who was in the Sheriff's Office when you
25 talked to him back there at the Sheriff's Office about the

1 car?

2 A Agent Skipper Wallace was there.

3 Q Do you remember what he said?

4 A I don't remember exactly what he said. At that point I
5 was trying to get some other stuff coordinated, as far as
6 the car was concerned. I just remember asking him about the
7 damage itself and where it occurred. That type of thing.

8 Q Who was predominantly asking the questions?

9 A Agent Skipper was.

10 Q What else did you -- were you involved in during the
11 investigation of this case?

12 A I also went out and I talked to -- I do remember asking
13 him about handling some weapons. If he had handled any
14 weapons recently. That type of thing. As a followup to
15 that, then I went and talked to his -- he told me then he
16 had been firing weapons at his son-in-law's house. As a
17 result of that I talked to the son-in-law who led me back to
18 that location where the weapons had been fired.

19 Q And when you went to that location who did you go with?

20 A Agent Skipper Wallace went and Jordan Clinkscales went.
21 That was the son-in-law.

22 Q And after -- after you went and you saw the Jeep, what
23 was the next step after you saw the blood, or what appeared
24 to be brown reddish spots on the car, what was the next
25 step?

1 A Well, we -- the Defendant accompanied us back to the
2 Sheriff's Office and then a search warrant was obtained for
3 the vehicle to determine what -- actually what the spots
4 were, so we could remove those. And also go inside the
5 vehicle and see if there was any other evidence in there.

6 Q Did you process that vehicle?

7 A No, I didn't personally. Our crime scene people did.

8 Q Do you -- just a few more questions, Special Agent
9 Donahue. Do you remember the timeframes when Mr. Jordan
10 said he handled the pistol?

11 A I'm wanting to say -- let me refer back to my notes
12 here and see what -- about three or four weeks prior he had
13 fired some pistols and rifles with his son-in-law, and then
14 he went on to say that he had also handled one that previous
15 Saturday at the auction on Highway 221.

16 MR. BROWN: No further questions.

17 MS. BOLEN: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MS. BOLEN:

20 Q Agent Donahue, Tony told you that he had shot guns with
21 Jordan Clinkscales a few weeks or months ago but that he had
22 just handled one the previous Saturday, right?

23 A Correct.

24 Q He didn't say anything about shooting it?

25 A No.

1 Q He said that he had held one that someone else was
2 selling?

3 A Yeah, that's correct.

4 Q When you say Jordan Clinkscales, is that the gentleman
5 sitting right over there, right?

6 A Yes, it is.

7 Q Okay. When you went to Tony's apartment the first time
8 you didn't have a search warrant, right?

9 A No, ma'am.

10 Q And that's because Tony gave you consent to go --

11 A He did.

12 Q -- in his apartment?

13 A Uh-huh.

14 Q Regarding the Jeep. You said when you first went in
15 his apartment you don't believe the Jeep was in the parking
16 lot, right?

17 A I don't recall seeing the Jeep at the time.

18 Q And when you went back the second time the Jeep was out
19 in the parking lot, right?

20 A It was.

21 Q It wasn't in a garage?

22 A No.

23 Q It wasn't in a carport?

24 A No.

25 Q It wasn't behind a building or anything like that,

Angela Schoch-Direct Examination

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1 right?

2 A No.

3 Q It was out in a public parking lot?

4 A Yes, it was.

5 Q And there's also some dirt on the car?

6 A There was..

7 Q And the pictures that have been introduced, those were
8 taken after the car was towed and brought --

9 A Those are at the Sheriff's Office impound, yes.

10 Q So those are not where you actually found the Jeep?

11 A No, ma'am.

12 Q And the damage to the car, Tony told you that was from
13 hitting a deer a while ago, right?

14 A He did.

15 MS. BOLEN: I don't have anything further. Thank you,
16 Mr. Donahue.

17 THE COURT: Any further redirect?

18 MR. BROWN: No redirect.

19 THE COURT: You may step down.

20 (Whereupon, the witness stepped down from the witness
21 stand.)

22 THE BROWN: Judge, can we have a side bar real quick?

23 (Whereupon, a side bar was held.)

24 THE COURT: Folks, I told you we had a long list of
25 witnesses. The State and the Defense have been very

1 efficient in their presentation. We've got one more short
2 one. The Solicitor is going to speak to her and tell her
3 she can come in. We'll get her done and then we'll break
4 for the day and start back in the morning at 9:00 and try to
5 move efficiently again so we can get this case presented
6 before the end of the week. Everybody, mostly the lawyers,
7 have asked me, Judge, please help us get this done before
8 Saturday. So I'm going to do that, because I know you want
9 the same thing. So that's why I'm trying to stay on task to
10 keep them organized and efficient. So as soon as he gets
11 back in here with the witness, she should be short, and then
12 we'll be done and we'll start back in the morning.

13 (Whereupon, there was a brief pause in the
14 proceedings.)

15 MR. BROWN: The State calls Angela Schoch.

16 ANGELA SCHOCH, having been first
17 duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. BROWN:

20 Q Good afternoon, Ms. Schoch. State your full name for
21 the record, please.

22 A Angela Schoch.

23 Q And spell your last name for me.

24 A S-c-h-o-c-h.

25 Q Ms. Schoch, how are you related to the victim in this

Angela Schoch-Cross Examination

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1 case?

2 A I'm his mother.

3 Q And are you still -- what's your relationship with Tony
4 Jordan?

5 A He's my ex-husband.

6 Q Ms. Schoch, I have really just one question. Have you
7 ever had the telephone number ?

8 A Yes.

9 Q Do you still have that telephone number now?

10 A No, I do not.

11 Q But that is a former number you had?

12 A It was.

13 Q And again, it's ?

14 A Correct.

15 MR. BROWN: No further questions.

16 CROSS-EXAMINATION

17 BY MS. BOLEN:

18 Q Ms. Schoch, am I saying that correctly. Is it Schoch?

19 A Schoch.

20 Q Schoch. I'm sorry. You're divorced from Tony Jordan,
21 right?

22 A Yes.

23 Q And you've been divorced for quite some time, right?

24 A Yes.

25 Q And you're the mother of both Jeremy and also Samantha,

1 right?

2 A Correct.

3 Q And when Jeremy was about three, so that's about 22 or
4 23 years, you left and moved to a different state, right?

5 A Correct.

6 Q So you haven't -- you haven't had custody of your
7 children in about, what 22, 23 years?

8 A Correct.

9 Q And during that time they lived with Tony, right?

10 A Correct.

11 MS. BOLEN: Thank you. Nothing further..

12 THE COURT: That's it? Thank you, ma'am.

13 (Whereupon, the witness stepped down from the witness
14 stand.)

15 THE COURT: All right, folks. Here's the deal. Put
16 your notebooks in the jury room. You all be back in the
17 jury room tomorrow morning before 9:00. Try to start at
18 9:00 sharp. You can't begin to discuss the case until we
19 get done with all the witnesses and whatnot. So enjoy your
20 evening. Remember my admonition to not talk about the case
21 even with your own family. See you in the morning.

22 (Whereupon, the witness was released for the day at
23 4:22 p.m.)

24 THE COURT: I'll be back in the morning about quarter
25 to 9:00. If you all have anything you want to put on before

Mindy Worley-Direct Examination

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1 we get the jury going let me know before 9:00.

2 (Whereupon, the proceeding was adjourned at 4:30 p.m.)

3 TRIAL DAY 3-11/13/14

4 THE COURT: Bring them in.

5 (Whereupon, the jury entered the courtroom at 9:09

6 a.m.)

7 THE COURT: You all ready to begin?

8 MR. BROWN: The State calls Mindy Worley.

9 MINDY WORLEY, having been first
10 duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. BROWN:

13 Q Ms. Worley, state your full name for the record.

14 A Melinda Worley.

15 Q And where do you work?

16 A I am with SLED.

17 Q How long have you been with SLED?

18 A Since August of 2011.

19 Q And what are your duties at SLED?

20 A I am a crime scene investigator and also a footwear and
21 tire tread examiner.

22 Q And as being a crime scene investigator -- I'm going to
23 stand back here. So if you can speak up a little bit and
24 make sure everybody in the jury can hear you and everybody
25 in the courtroom can hear you. Again, what are your job

1 duties there?

2 A I'm a crime scene investigator. I investigate crime
3 scenes, and I'm also a footwear and tire tread examiner.

4 Q And what kind of things do you do at a crime scene when
5 you investigate a crime scene?

6 A We document the crime scene and collect evidence
7 mainly.

8 Q And did you have the opportunity to work a case here in
9 Abbeville last year concerning a homicide?

10 A Yes, sir.

11 Q And when did you become involved in the investigation?

12 A My role began with autopsy.

13 Q And who was the autopsy on?

14 A I'm sorry?

15 Q Who was the deceased person?

16 A Jeremy Jordan.

17 Q And when did this autopsy occur?

18 A It was at 10:30 the day following the initial scene.

19 Q November 12th?

20 A Yes, sir.

21 Q And who was all present during that autopsy?

22 A Just me and the pathologist and --

23 Q Was the Coroner also there?

24 A Yes, I believe he was.

25 Q And during the autopsy did you become in contact with

Mindy Worley-Direct Examination

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1 any evidence or any items?

2 A I did. I collected a GSR, gunshot residue kit, from
3 the victim and major case prints from the victim, and also
4 took custody of the evidence that they collected at the
5 autopsy from him.

6 Q What evidence was that?

7 A There was toxicology evidence, blood, urine, and those
8 kinds of specimens, and clothing.

9 Q And how were those specimens, the blood, urine and the
10 other fluid, how was that collected, or how was it packaged?

11 A It's packaged usually in vials, test tubes,
12 individually sealed in a plastic bag usually.

13 Q And you took possession of that?

14 A Yes, I did.

15 Q What else did you take possession of?

16 A His clothing.

17 Q I'm going to show you what's been marked State's ID 94.
18 If you can flip through there and see if you recognize any
19 of those items.

20 A I do.

21 Q What are those?

22 A This is the clothing from Jeremy Jordan.

23 Q And what did you do with this clothing after you become
24 in possession of them at the autopsy?

25 A I transported it to SLED laboratory.

1 Q And who did you submit these items to?

2 A I transferred custody of all the evidence to Agent Dawn
3 Claycomb who logged it in as evidence.

4 MR. BROWN: Judge, at this time I move State's ID 94
5 into State's Evidence 94.

6 THE COURT: Any objection.

7 MS. BOLEN: We need to just look real quick, Your
8 Honor.

9 THE COURT: Okay.

10 MS. BOLEN: Your Honor, there was just one item in the
11 box that was included with the clothes that has been removed
12 now. But without objection, Your Honor.

13 THE COURT: Okay. Fair enough. It will be admitted
14 without objection.

15 (Whereupon, State's Exhibit 94 was admitted into
16 evidenced.

17 Q I also want to show you what's been marked as State's
18 ID 93. Do you recognize those items?

19 A Yes, sir.

20 Q What are they?

21 A These are the specimens -- sorry. Yeah, the fingernail
22 clippings, bracelets, trimming of beard hair of the victim.

23 Q Did one of those tubes contain a -- the retrieved
24 bullet?

25 A Let me see it. Yes, there is.

Mindy Worley-Direct Examination

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1 Q And who did you get these items from?

2 A Laura Dean.

3 Q And who did you give them to after you had possession?

4 A Dawn Claycomb.

5 Q And where did you hand over possession to Dawn
6 Claycomb?

7 A At the SLED laboratory.

8 MR. BROWN: Judge, I move State's ID 93 into State's
9 Evidence 93.

10 MS. BOLEN: No objection, Your Honor.

11 THE COURT: Exhibit 93 is submitted without objection.

12 (Whereupon, State's Exhibit 93 was admitted into
13 evidence.)

14 Q And again, you did the same thing with the vials of
15 blood and the occipital fluid and the urine; is that
16 correct?

17 A Yes, sir.

18 Q Who did you give that to?

19 A Dawn Claycomb.

20 Q At SLED?

21 A Yes, sir.

22 Q Now, at the autopsy -- after you were at the autopsy
23 what did you do next?

24 A I responded to the Sheriff's Office to process the
25 vehicle.

1 Q To do what?

2 A To process the vehicle.

3 Q And what kind of vehicle was it?

4 A A Jeep Liberty.

5 Q And where --

6 MS. BOLEN: Your Honor, I just need to renew my
7 pretrial objection on this.

8 THE COURT: Your Objection is noted for the record.
9 These photographs are the pictures?

10 MR. BROWN: Two of them.

11 THE COURT: Two of them, okay.

12 Q I'm going to show you what's been marked State's
13 Evidence 36 and 37. Take a look at these and see -- tell me
14 what that is.

15 A This is the Jeep Liberty.

16 Q Is that the Jeep Liberty you processed?

17 A Yes, sir.

18 Q And while you were there at the Sheriff's Department
19 what time did you begin processing the Jeep, and who was
20 there with you?

21 A You mind if I refer to my notes for titles? We arrived
22 at the Sheriff's Office around 1:33 p.m. on November 12th.
23 It was myself and Agent Amy Johnson.

24 Q And when you process a Jeep, or process a car, what do
25 you do first?

Mindy Worley-Direct Examination

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1 A We photograph the vehicle inside and out all the way
2 around the vehicle, all views inside the vehicle, inner
3 seats. Beyond photograph we search the vehicle, collect any
4 evidence we come across.

5 Q I'm going to show you what's been previously marked for
6 identification purposes as 38.

7 MS. NELSON: Your Honor, we do have a matter of law on
8 a few of these photos.

9 THE COURT: All right. We've got to take something up
10 on the record. You all step in the jury room and we'll have
11 you right back out here.

12 (Whereupon, the jury exited the courtroom at 9:21 a.m.)

13 THE JUDGE: Are these the photographs we're talking
14 about? Of the Jeep, of the car, correct.

15 MS. BOLEN: And, Your Honor, we've only got an
16 objection to 46, 47, 48, 49. The rest of them are of the
17 car. The four I just mentioned are two BB guns that were
18 taken. The BB guns look like actual guns. They're not
19 probative of anything. They had no involvement in the case.
20 I just think it's prejudicial to introduce these because
21 they have -- they have nothing to do with the case itself
22 other than that two BB guns were found in the car. And I
23 think because of -- I can hand them up, Your Honor. But I
24 think the reason the pictures were taken were to make them
25 look like real guns, which they weren't, and I just don't

1 think it goes to anything and prejudices our client. I can
2 hand them up for Your Honor to look at, if you wish.

3 THE COURT: What's the relevance?

4 MR. BROWN: Judge, I'm just showing what's in the car.
5 We -- processing the car, those were items that were in the
6 car. And I don't think they're taking pictures or taking
7 them to make them look like real guns. Just to document
8 what was in the car.

9 MS. BOLEN: And, Your Honor, my response to that is --

10 MR. BROWN: She can testify that they were BB guns.

11 And so --

12 MS. BOLEN: There's plenty of other stuff that was in
13 the car that's not documented that they're not trying to
14 introduce. They're not trying to introduce things that were
15 found in the back. They're not trying to introduce papers
16 that were found in the glove compartment. I think they're
17 singling these out for a reason, and I think it's
18 prejudicial in the report and I think it should be excluded.

19 THE COURT: I don't think they're relevant, so I'm
20 going to keep them out under the relevance rule.

21 MS. BOLEN: Thank you, Your Honor.

22 THE COURT: She can testify there were other things
23 photographed, and on cross-examine -- she took pictures of
24 everything they found. That's just the practice. I don't
25 think they're relevant to this case.

Mindy Worley-Direct Examination

317

1 MS.. BOLEN: Your Honor, we just want to make sure.
2 There's another picture where they're in the passenger door.
3 I don't think that's in the stack Mr. Brown handed up. We
4 just want to make sure. Thank you, Your Honor.

5 THE COURT: Is that it?

6 MS. BOLEN: Yes.

7 THE COURT: Is the jury ready to come back? If they
8 are, bring them in. If they're not, let me know.

9 (Whereupon, the jury entered the courtroom at 9:25
10 p.m.)

11 THE COURT: All right. We'll continue.

12 JUROR: Judge.

13 THE COURT: Yes, ma'am.

14 JUROR: Could they speak up a little louder? And that
15 little section of blinds, when you show the film, if you
16 could close that it would be better for us to look at,
17 please. Thank you.

18 THE COURT: How's that?

19 JUROR: Yes, sir.

20 THE COURT: Mr. Brown, you may continue.

21 Q Ms. Worley, while you're processing this Jeep you said
22 you take a number of pictures?

23 A Yes, sir.

24 Q I'm going to show you what's been marked 38 marked 38,
25 39, 40, 41, 43, 43, 44, 45, 50, 51, 52 on up to 62 for ID

1 purposes. Take a look at these and see if you recognize
2 them.

3 A I do.

4 Q And what are those pictures?

5 A These are all pictures of the inside of the vehicle.

6 Q And did you take these pictures?

7 A I believe Agent Johnson took the photos.

8 Q But is this what you saw that day?

9 A It is.

10 MR. BROWN: Judge, at this time we move what's
11 previously marked as State's ID 39 through 62, with the
12 exception of 46, 47, 48 and 49 in as evidence at this time.

13 THE COURT: They're admitted subject to your earlier
14 objection, but admitted subject thereto.

15 MS. BOLEN: Yes, sir. Thank you, Your Honor.

16 (Whereupon, State's Exhibits 39 through 45, and 50
17 through 62 were admitted into evidence.)

18 Q And, Ms. Worley, you already stated State's Evidence
19 36, is that the Jeep that you processed?

20 A Yes, sir.

21 Q And this is just a State's Evidence 37. Is that just
22 the backside of the Jeep?

23 A Yes, sir.

24 Q Now, when you were processing the Jeep what did you
25 discover?

Mindy Worley-Direct Examination

319

1 A From several areas of what we presumed to be blood on
2 the vehicle on the inside and the outside.

3 Q Where did you -- I want to show you what's been marked
4 as State's Evidence 38. What is that picture of?

5 A That is the steering wheel.

6 Q And was anything found on the steering wheel?

7 A There was what appeared to be blood on the steering
8 wheel.

9 Q And on any part of the car that you thought there might
10 be blood on the car, inside and outside, what did you do?

11 A We field tested some of the areas with phenolphthalein,
12 which is a presumptive test for blood.

13 Q And after you do that -- well, when you field tested it
14 what were the results?

15 A The ones we field tested were positive for blood.

16 Q And after you did find, were field tested, they were
17 positive for blood, what's your next step?

18 A We collected swabs from all the areas where we saw what
19 we believed to be blood. We didn't necessarily test all of
20 them with phenol, but we packaged all of the swabs.

21 Q And what did you do? Do you seal the envelopes up or do
22 you leave them open?

23 A We left them open to air dry, and then we transported
24 them to the lab where they were -- they were sealed at the
25 lab.

1 Q Is it necessary to have the swabs air dry?

2 A It is for DNA.

3 Q In addition to the steering wheel, I want to show you
4 what's been marked as State's Evidence 39. What else did
5 you find -- in that picture where else did you find blood?

6 A On the gearshift.

7 Q I'm also going to show you what's been marked State's
8 Evidence 40. And this is actually going back to the
9 steering wheel. What is that picture showing?

10 A The area where we swabbed for blood on the steering
11 wheel.

12 Q And then to go toward State's Evidence 41. What does
13 that picture show?

14 A That is the gearshift.

15 Q And where was the blood located?

16 A On top of the gearshift.

17 Q And again, did you swab that?

18 A We did.

19 Q State's Evidence 42. What is that, just a closer
20 image?

21 A Yes, sir.

22 Q And State's 43. Is that a closer image again of the
23 gearshift?

24 A It is.

25 Q I'll show you what's now -- what's marked as State's

Mindy Worley-Direct Examination

321

1 Evidence 44. What does that picture show?

2 A That is the driver's floorboard.

3 Q And what's significant about that picture?

4 A There was an area on the floor mats that was presumed
5 to be blood.

6 Q I'm going to show you State's Evidence 45. What does
7 that picture show?

8 A That is a closer view of the floor mat.

9 Q Can you see any of the blood that you're referring to
10 on that one?

11 A From what I can see, it's on the rubber edge next to
12 the mat.

13 Q I'm going to show you now what's been marked State's
14 Evidence 50. What does that picture show?

15 A That is the exterior of the driver's side of the
16 vehicle.

17 Q Now, what's important -- or what was significant about
18 this picture?

19 A I believe there was an area of blood on the door. On
20 the driver's door.

21 Q And again, what would you do if you noticed what you
22 believed to be blood on the outside of that door?

23 A We photographed it and collected swabs and phenol
24 tested the swabs.

25 Q State's Evidence 51. It's kind of hard to see, but

1 what would -- what's that showing?

2 A I believe that's a closeup of the door handle, I think.

3 Q It doesn't show up quite as well on the screen as it
4 does in the actual picture. But what would be the
5 significance of that picture?

6 A There was what appeared to be blood on the door handle.

7 Q And State's Evidence 52. Would this be --

8 A That's the rear passenger door on the driver's side.

9 Q And then also State's Evidence 53. What does that
10 picture show?

11 A I believe that's a closeup of the window on that rear
12 passenger door.

13 Q And what's on that window?

14 A What's presumed to be blood.

15 Q I'll show you State's Evidence 54.

16 A That is the front of the vehicle on the driver's side.

17 Q State's Evidence 55. Would that -- what would that
18 show?

19 A Another photo of the front of the driver's side.

20 Q And State's Evidence 56.

21 A That's a closeup of the area in the previous photo.

22 Q And again, what did that appear to be?

23 A It appeared to be blood.

24 Q Now, while you were processing the car did you find
25 anything else other than blood?

Mindy Worley-Direct Examination

323

- 1 A There was a gun box underneath the seat.
- 2 Q And was anything else -- any other evidence collected
- 3 off the car?
- 4 A We did collect a GSR kit from the exterior of the
- 5 vehicle.
- 6 Q And what do you mean by doing a GSR kit off the
- 7 exterior? Or what is that? What is a GSR?
- 8 A Gun shot residue kit. You sample areas. Usually we do
- 9 it on hands, but sometimes we'll do it on vehicles as well.
- 10 They're little -- little round -- I call them daubers. We
- 11 just tap them around on the surface that you're trying to
- 12 collect the evidence from, and they seal together their own
- 13 -- they each have their own cap. So we seal them and then
- 14 seal them in the GSR kit envelop that they come in.
- 15 Q And where did you collect the GSR?
- 16 A The exterior of the passenger side.
- 17 Q I'm going to show you what's been marked State's
- 18 Evidence 57. What would this picture show?
- 19 A That is the exterior front passenger side door.
- 20 Q State's Evidence 58.
- 21 A That's a lower photo of the front passenger side door.
- 22 Q State's Evidence 59.
- 23 A That's also a closeup of that.
- 24 Q I'm just about done with pictures. State's Evidence
- 25 60.

1 A I believe that's also the front passenger door.

2 Q And what would you be using the tape for?

3 A So we have a measurement in the photo to show that
4 area. If we need to look at it at a later time we can see
5 how big the area is in relation to what's there.

6 Q State's Evidence 61. I believe it's a little closer,
7 correct?

8 A Yes, sir.

9 Q And State's Evidence 62.

10 A That's another closeup.

11 Q And what appears to be in that picture?

12 A There appears to be blood at the base of the door.

13 Q And again, would you -- what would you do if you
14 noticed what appeared to be blood?

15 A We -- we just collected swabs from them. We did not,
16 you know, test that one.

17 Q I'm going to show you what's been previously marked for
18 ID purposes State's ID 84. See if you can recognize any of
19 these items in that bag.

20 A These are --

21 Q And there may be also other swabs that you did not do
22 from another area. But do you recognize any that you might
23 have been involved with?

24 A I do.

25 Q What are those?

Mindy Worley-Direct Examination

325

1 A Swabs from the vehicle.

2 Q And after you collected those swabs from the vehicle
3 what did you do with them?

4 A They're packaged in envelopes and transported to the
5 SLED lab.

6 Q And who did you give those items to at the SLED lab?

7 A Dawn Claycomb.

8 MR. BROWN: Just beg the court's indulgence.

9 Q Ms. Worley, you also mentioned in addition to the blood
10 swab you took from the car, you also did a GSR kit?

11 A Yes, sir.

12 Q I'm going to show you what's been marked for
13 identification purposes State's 90 -- ID 95. Do you
14 recognize --

15 A Yes, sir.

16 Q And what are those?

17 A It appears to be all the GSR kits from -- one from
18 Jeremy Jordan and one from the vehicle.

19 Q And after you collected these items where did you take
20 them?

21 A Transferred them to SLED lab.

22 Q And who then took them from you?

23 A Agent Dawn Claycomb.

24 Q And are all these items, once they're taken to SLED,
25 are they all given an item number?

1 A Yes, sir.

2 Q And are they also given a lab number?

3 A Yes, sir.

4 Q What's the lab number that these items are given?

5 A L13-14556.

6 Q And were they given an item number?

7 A Yes. The one from Jeremy Jordan was item 36. I can't
8 see -- the one from Tony -- there's one from Tony Jordan in
9 here as well. It's item 37. And that would make the one
10 from the vehicle item 38.

11 Q Now, Ms. Worley, did you -- did you do anything else
12 out there processing the Jeep, or what you testified to
13 cover the processing or the crime scene investigation of the
14 Jeep?

15 A That's all I did with the Jeep.

16 Q After you were done with the Jeep, what did you do
17 next, or where were you called?

18 A Actually, prior to processing the Jeep, collecting all
19 the swabs to the Jeep, I responded to Tony Jordan's
20 apartment.

21 Q And who did you go to the apartment with?

22 A Agent Melissa Skipper Wallace.

23 Q And while you were at the apartment what did you do
24 there? What was your purpose -- what was the purpose of you
25 going to that apartment?

Mindy Worley-Direct Examination.

327

1 A Agent Wallace called me while I was there to process
2 the vehicle that they had found a tee shirt with what
3 appeared to be blood on it in the apartment and she wanted
4 me to phenol test the shirt.

5 Q And did you, in fact, find the shirt?

6 A Yes, sir.

7 MR. BROWN: Beg the court's indulgence.

8 (Whereupon, a box containing orange tee shirt was
9 marked as State's Exhibit 96 for identification.)

10 Q I'll show you what's been marked for ID purposes
11 State's ID 96. If you can take a look at this and see if
12 you recognize it. And if you need to -- if you want to, you
13 can take it out of the bag.

14 A This is the tee shirt.

15 Q What kind of tee shirt is that?

16 A It's an orange Clemson tee shirt.

17 Q And during your investigation did you take -- you
18 secured that into evidence?

19 A Yes, sir.

20 Q What did you do when you found that shirt? When you
21 went to that -- went to the apartment?

22 A I collected swabs from an area on the shirt. I believe
23 it's this area on the front of the shirt with what appeared
24 to be blood. I collected swabs and phenol tested it.

25 Q Does that shirt look to be in the same condition as

1 when you first saw it?

2 A Other than the writing on it, yes.

3 Q And did that shirt have -- it looks like there are
4 holes in it. Did that shirt have holes in it when you first
5 saw it, in the chest area?

6 A I don't believe this hole was there originally.

7 Q Is that the shirt you collected that night?

8 A It is.

9 MR. BROWN: Judge, move State's ID 96 into State's
10 Evidence 96.

11 THE COURT: Any objection?

12 MS. BOLEN: No, sir.

13 THE COURT: It's in evidence.

14 (Whereupon, State's Exhibit 96 was admitted into
15 evidence.)

16 Q Now, when -- while you were there at the apartment was
17 there anything else that you came in contact with, evidence
18 in this case?

19 A There were a couple pairs of shoes that Agent Wallace
20 also wanted me to phenol test, and I did, and they were both
21 negative for blood.

22 Q What kind of shoes were those?

23 A I don't recall exactly what kind of shoes they were.

24 Q But they did not test -- they were shoes that were in
25 the apartment?

Mindy Worley-Direct Examination

329

1 A Yes, sir.

2 Q At any time did you receive evidence from -- or any
3 items from Melissa Skipper Wallace to take down to SLED?

4 A I did.

5 Q What did you receive?

6 A She transferred, I believe it was, the fingerprints
7 from Tony Jordan, GSR kit from Tony Jordan, two boxes of
8 ammunition.

9 (Whereupon, box containing ammo and gun case were
10 marked as State's Exhibit 97 for identification.)

11 Q I'm going to show you what's marked for State's ID as
12 97 and see if you recognize any of these items.

13 A I think they are the two boxes of ammunition.

14 Q What kind of ammunition is that?

15 A One is Federal .380 Auto and one is Winchester .380
16 Auto.

17 Q And is there anything else in that box?

18 A There's a gun.

19 Q Is it a gun or --

20 A I'm sorry. Gun case.

21 Q And where was that located?

22 A That was the gun case from under the seat in the
23 vehicle.

24 Q Did you find that when you were processing the vehicle?

25 A Yes, sir.

Mindy Worley-Direct Examination

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1 Q What kind of gun case is that?

2 A Cobra Firearms.

3 Q Does it have a caliber, or just the Cobra Firearms?

4 A What's written on the packing just says Cobra --

5 Q And that was found in Mr. Jordan's car?

6 A Yes, sir.

7 MR. BROWN: Judge, at this time I move State's --

8 what's marked State's ID 97 as State's Evidence 97.

9 THE COURT: Any objection?

10 MS. BOLEN: Just subject to the previous objection.

11 THE COURT: With previous objection it will be

12 admitted.

13 (Whereupon, State's Exhibit 97 was admitted into

14 evidence.)

15 MR. BROWN: I beg the court's indulgence. Make sure I

16 have everything I need.

17 Q Now, let's go back over all the items that you were

18 part of the chain in this case. First you went to the

19 autopsy that was conducted in Anderson and you received

20 bodily fluids from the autopsy of Jeremy Jordan, correct?

21 A Yes, sir.

22 Q You received that from Laura Dean?

23 A Yes, sir.

24 Q And then you submitted that down to SLED?

25 A I did.

Mindy Worley-Cross Examination

331

1 Q To Dawn Claycomb?

2 A Uh-huh.

3 Q It's already in evidence. You collected Jeremy's
4 clothes?

5 A I did.

6 Q And submitted that down to evidence?

7 A Yes.

8 Q Also, fingernail, beard, and also the projectile from
9 the sinus?

10 A Yes, sir.

11 Q And that was State's -- State's Evidence 93. You also
12 submitted down -- or took from Melissa Skipper Wallace a GSR
13 kit and Buccal swab from Mr. Jordan?

14 A Yes, sir.

15 Q And also the box of the firearm, .380 Auto Federal, and
16 also Winchester?

17 A Yes, sir.

18 Q After you processed the Jeep and also went to his
19 apartment, did you have any other active role in this case?

20 A No, that was all.

21 MR. BROWN: No further questions.

22 MS. BOLEN: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. BOLEN:

25 Q Agent Worley, I've just got a few questions for you.

1 You talked about processing the Jeep, right --

2 A Yes.

3 Q -- and notice some brownish reddish substance on
4 certain parts of it?

5 A Yes, ma'am.

6 Q And you said you field tested some of it, and it was a
7 -- what you call the phenol test?

8 A Yes.

9 Q That gives a -- basically a field test for blood?

10 A Yes.

11 Q And you field tested some of the spots you found but
12 not all of them, right?

13 A That's correct.

14 Q Was the steering wheel, was that one of them?

15 A Yes, it was.

16 Q And what was the result of that?

17 A It was positive.

18 Q Positive. And then with the Clemson shirt that you
19 just had, you also did a field test -- phenol test for that,
20 right?

21 A Yes.

22 Q And again, to test for blood?

23 A Yes, ma'am.

24 Q And what was the result of that?

25 A It was also positive.

Jennifer Dalmida-Direct Examination

333

1 MS. BOLEN: I have nothing further. Thank you, Your
2 Honor.

3 THE COURT: Any redirect?

4 MR. BROWN: No redirect.

5 THE COURT: You may step down.

6 MR. BROWN: The State calls Jennifer Dalmida.

7 JENNIFER DALMIDA, having been first
8 duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. BROWN:

11 Q Ms. Dalmida, good morning.

12 A Good morning.

13 Q State your name for the record.

14 A Jennifer Dalmida.

15 Q And how do you spell your last name?

16 A D-a-l-m-i-d-a.

17 Q And, Ms. Dalmida, where do you work?

18 A For Verizon Wireless.

19 Q And what is your job with Verizon Wireless?

20 A I'm a records custodian for the company.

21 Q And what are your duties as records custodian?

22 A I handle all the appearances. So once our records team
23 comply with court order search warrants for subpoenas for
24 records I basically just certify them.

25 Q Certify the records?

1 A Yes.

2 Q And did Verizon receive a search warrant for phone
3 records for phone number ?

4 A Yes.

5 Q How are those records kept at Verizon?

6 A They're actually retained at our switch.

7 Q And what does that mean?

8 A That means all our records are kept electronically
9 through a computer database.

10 Q And what kind of records are kept electronically?

11 A Calls that are made or received in our network, text
12 messages that are sent or received, text content, cell tower
13 information, web pages accessed.

14 Q Text content. What does that mean?

15 A That's the actual context of the text message.

16 Q So if somebody I texted, "Can you be in court today,"
17 Verizon has a record of that?

18 A Within certain days, yes.

19 Q How many days are those records available after the
20 text has been sent?

21 A Generally three to five. It can go up to 10. It's
22 just based on capacity.

23 Q So in order to get a text message you have to ask
24 pretty quick to get a copy of it?

25 A Correct.

Jennifer Dalmida-Direct Examination

335

1 Q If they're kept in your -- at Verizon on the switch; is
2 that correct?

3 A Yes.

4 Q Did Verizon Wireless provide law enforcement with all
5 the records for that phone number, or -- actually in this
6 case, what were the date ranges that were requested?

7 A I don't have that committed to memory. I would need to
8 see the subpoena for the records.

9 Q The records.

10 A Uh-huh.

11 Q I show you what's been marked as State's ID as 98.

12 Take a look at these and see what they are.

13 A This is text content from November 7th, 2013 through
14 November 12th, 2013.

15 Q And do those records reflect -- what do those records
16 reflect? What would the -- what would be typical in the
17 ordinary course of business to reflect these text messages?

18 A These records reflect the actual date and time that the
19 message was received and sent on our network. The number
20 who originated the message, the number who received the
21 message was identified as the terminated number, and the
22 actual context of the message.

23 Q Does it also show the time that the text was sent?

24 A Yes.

25 Q So in addition to the date they were sent shows the

1 time?

2 A Yes.

3 Q It shows the originating number, or the sender number?

4 A Correct.

5 Q And the receiving number, or the terminating number?

6 A Yes.

7 Q Now, in that record -- are those the records that
8 Verizon provided law enforcement in this case for telephone
9 number ?

10 A Yes.

11 Q And how are -- are the texts in that document, are they
12 in order chronologically?

13 A No.

14 Q And how are they in order, or are they in order?

15 A No, they wouldn't be in order. It would be based on
16 the switch that we actually pulled the information from. So
17 we have designated text switches that only handle text
18 messaging traffic. So once we received an order for a
19 specific subscriber telephone number we go to those switches
20 individually and pull the information.

21 Q But in pulling information individually from each
22 switch, is that -- do those records cover all the texts that
23 were sent from and also received by that number?

24 A Yes.

25 Q Through that timeframe?

1 A Yes.

2 Q And were you a part of any of these phone
3 conversations?

4 A No.

5 Q And were these records kept, or maintained and kept in
6 the ordinary course of the business of Verizon?

7 A Yes.

8 Q And in preparing for court today have you gone over
9 these records?

10 A Yes.

11 Q And what's been marked for State ID as State's ID 98,
12 again, are those -- were those records kept in the ordinary
13 course of business?

14 A Yes.

15 Q And do the texts accurately reflect the text messages
16 that were sent to and from those numbers?

17 A Yes.

18 MR. BROWN: Your Honor, at this time State offers ID 98
19 into evidence under business records exception.

20 MS. BOLEN: And, Your Honor, we do have a matter of law
21 regarding this.

22 THE COURT: Okay. I'm going to have you adjourn to the
23 jury room while we take up a matter of law.

24 (Whereupon, the jury exited the courtroom at 10:03

25 a.m.)

1 THE COURT: All right, Ms. Bolen.

2 MS. BOLEN: Thank you, Your Honor. We briefly
3 discussed that -- on Monday that we were objecting to the
4 admission of the actual text messages themselves as being
5 hearsay and it does not fall under any admissible exception.

6 Your Honor, in terms of the business records, I think
7 both the court ruled, and also the state statute that it
8 addresses, Uniform Business Records as Evidence, which is
9 19-5-520, states that it is a record of an act or a
10 condition is what falls under the exception, not the actual
11 act or context itself. So we're not disputing that a log of
12 incoming/outgoing calls or log of text messages sent, the
13 date, from whom they were sent, to who they were sent. That
14 those would fall under business records, as long as the
15 proper foundation is laid, but we are contesting that the
16 actual text itself falls under the business records
17 exception for both the court rule and the statute.

18 Your Honor, we address this both with respect to text
19 message sent from my client's phone and text messages
20 received to his phone. I think the messages that are not
21 sent by him are certainly hearsay. But we're also in the
22 position that the messages sent from his are hearsay. I
23 don't believe they fall under the statement of a party
24 opponent rule simply under a 403 analysis, that they're not
25 relevant. That they are -- some of these are sent four days

1 prior to the incident, and I don't -- they're not admissions
2 of anything, Your Honor. There's no -- there's no
3 admissions. They don't fall under that rule. And I believe
4 if they were admitted under the statement of a party
5 opponent then that would open the door to anyone -- anything
6 anyone ever said becoming admissible at trial. I think the
7 State can't show relevance. That the State would be
8 speculating as to what these text messages sent actually
9 meant, and that the text would be unduly prejudicial without
10 being probative again of any element.

11 And, Your Honor, in terms of the business records
12 argument. I was unable to find any South Carolina law
13 directly on point. This is obviously an area of technology
14 that's developed rapidly in the last few years that hasn't
15 been in existence very long and I don't -- from what I can
16 tell, it hasn't gotten through the higher courts in our
17 state yet. But I did find some other states that have
18 addressed the issue. I'm just going to pull up where I
19 wrote the notes yesterday. And I think there are some
20 courts in the Fourth Circuit, particularly Virginia. And
21 the cite, the case I looked at was United States v. Comb,
22 714 F3rd 197. And that one discusses emails, not text
23 messages. And I think emails can be -- there can be an
24 analogy made to emails in terms of the content. And again,
25 our position would be that whether, you know, it was sent or

1 not would fall under business records exception, but not the
2 context of the email itself.

3 And again, Your Honor, I have not been able to find
4 anything directly on point to this issue. I think because
5 it is such new technology it just hasn't made it's way
6 through yet. But our position is that the content of the
7 text messages is inadmissible hearsay. It doesn't fall
8 under any exception, and admission of it would be unduly
9 prejudicial under a 403 analysis.

10 And, Your Honor, if I could have just one moment.

11 And also, Your Honor, the content of the texts
12 themselves is simply irrelevant, and I think under our rule
13 stating that relevant evidence is admissible the converse of
14 that is true that irrelevant evidence is not admissible.

15 THE COURT: Tell me this. How does it not fall under
16 Rule 901? Generally it's self-authenticating as a telephone
17 conversation.

18 MS. BOLEN: I'm sorry. Under Rule 901?

19 THE COURT: Yes.

20 MS. BOLEN: Let me just pull that up, Your Honor.
21 Under authentication, Your Honor? I think there would need
22 to be testimony. I mean, with a phone call there would be
23 testimony that someone recognized a voice. That's in
24 Section V-5. Here there's no authentication that any one
25 individual, particular individual, actually sent these text

1 messages. I think --

2 THE COURT: Well, a text message is only sent through
3 the telephone, to my knowledge. But why is it not under 6,
4 by evidence of the calls made to a number assigned by the
5 telephone company, which there's a telephone company
6 representative here, assigned to a particular person. I
7 mean, how does that not fit square on that, other than
8 telephone conversations in the traditional sent versus a
9 text message through a cellular telephone company?

10 MS. BOLEN: If I could just have a moment, Your Honor,
11 to read Section 6.

12 THE COURT: And I do agree with you. It's new areas of
13 the law in evidence and exceptions.

14 MS. BOLEN: And again, Your Honor, I think that goes
15 for argument that the fact that it was sent to or from a
16 number would fall under business records, but without the
17 authentication of who was actually sending it,
18 self-identification showed the person answering would be the
19 one called, there is no -- there is no way to authenticate
20 who actually sent these. I think --

21 MR. BROWN: Judge if I may interject there. There is a
22 text in there from 8876 that says, "Hey, this is Tony," and
23 I think that's self authenticating.

24 MS. BOLEN: Your Honor, unlike a phone call where you
25 can recognize someone's voice, anyone can text that from

1 someone else's phone. There's no way to say that that text
2 was sent by Tony.

3 And, Your Honor, there's not been any testimony from
4 anyone getting any texts from him that would serve as any
5 sort of authentication. There's not been any testimony that
6 anyone saw him texting.

7 THE COURT: Anything else?

8 MR. BROWN: Judge, I would just, in response to it, it
9 falls squarely under the hearsay section as regularly
10 conducted activity of a business, and Verizon -- she now
11 will testify that their kept in ordinary course. As the
12 rule states, a memorandum report, record for data
13 compilation and any form of act. Well, if you stop there,
14 it's data compilation of the date something was sent, the
15 date the text was sent, the time it was sent, the
16 originating number and the receiving -- or the downloading
17 number or the receiving number, and also a data compilation
18 of the texts that were sent. And Ms. Dalmida has been able
19 to talk about how Verizon keeps these -- this data stored
20 and how they compile it. And we've already had testimony to
21 state from the Defendant through Melissa Skipper Wallace
22 that he said that was his number. We've also been able to
23 identify through testimony four other telephone numbers that
24 are also shown in this text. And the State plans to call
25 another person who would be able to testify to this text and

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1 identify saying this is the text message I was receiving
2 from Mr. Jordan.

3 It squarely fits under 803(6), and as Your Honor
4 pointed out, 901(6) about telephone conversations. And the
5 reason why she can't find a case law on point on this is
6 because it's been allowed in every time. It's my
7 understanding Ms. Dalmida testified yesterday in Richland
8 County in the Fifth Circuit to the same thing and it's my
9 understanding it was allowed in.

10 MS. BOLEN: Your Honor, if I may briefly respond with
11 just one followup point.

12 Ms. Dalmida testified that although the logs are kept,
13 that the content is only kept three to five days. And I
14 think keeping it such a short period of time shows that it's
15 not something that Verizon keeps in the regularly scheduled
16 course of business because they're only keeping it for a
17 handful of days. And I think that goes to the exception as
18 well.

19 THE COURT: I think she said why. Because the volume.
20 It's volume dependent. They keep it as long as they can.
21 That's what I understood her to say. I may be wrong.

22 MS. BOLEN: I'm sorry, Your Honor.

23 THE COURT: They have a depository that holds x-amount
24 of data and it can be on there until it gets pushed off
25 basically by newer data. So three to five, six days until

1 it's used -- it's covered over with other data. It's paved
2 over more or less. I thought that's what she indicated in
3 her testimony was -- that was the gist of it. Maybe I
4 misunderstood her answer.

5 MS. BOLEN: And, Your Honor, I think there's also an
6 analogy on the cases on hearsay within hearsay on medical
7 records and on -- I think I read a case on autopsy reports
8 that although some records might be admissible, there are
9 portions of them that are not because they're hearsay.

10 THE COURT: All right. I'm going to step off the bench
11 for a minute. So we'll stand at ease.

12 (Whereupon, a recess was held from 10:15 a.m. to 10:30
13 a.m.)

14 THE COURT: Basically my understanding of the rules,
15 the records kept in the ordinary course of business for
16 Verizon Wireless is what Ms. Dalmida has testified to. That
17 is regularly kept in Verizon's business. She is the records
18 custodian and has provided the number of the Defendant. I
19 think there is an exception. The hearsay as a business
20 record. I think they can probably be admitted also under
21 the context under self authentication. The body is kept.
22 It's a record, although a temporary record. It can be
23 admissible. The book has a full compilation of the numbers.
24 And is that State's what?

25 MR. BROWN: It would be State's ID 98.

1 THE COURT: 98.

2 MR. BROWN: State's Evidence 98.

3 THE COURT: Does that book in your hand there contain
4 the records as to texts sent and/or received,
5 correct?

6 MR. BROWN: It does.

7 THE COURT: That's what -- I don't want only other ones
8 in there that don't include --

9 MR. BROWN: That number.

10 THE COURT: Thus far, that's what she's identified as
11 that number which is the Defendant's?

12 MR. BROWN: That's correct. All the texts that will be
13 introduced would be either sent from , which would be
14 Tony Jordan's number, or received by his number.

15 THE COURT: They'll be admitted, subject to the
16 objection.

17 MR. BROWN: Judge, we had discussed briefly back in
18 chambers about a summary of the -- of some of the texts that
19 actually I have made a summary of the texts and sent it to
20 Ms. Dalmida. She has gone over it and actually made a few
21 corrections to letters or page numbers that were off, and
22 made the corrections. And we would ask that that be -- the
23 summary would also be used -- color code summary would also
24 be used and would request that through Rule 10-006, which
25 would be a summary of the contents of voluminous writing,

1 recordings or photographs which could not be conveniently
2 examined in court may be presented in the form of a chart,
3 summary or calculation providing the underlying data are
4 admissible into evidence.

5 Judge the underlying data, as you've already ruled,
6 will be admissible. These, as Ms. Dalmida said, they're not
7 in order. It is hard to --

8 THE COURT: Now, can she lay the foundation that those
9 while you have compiled are identical to the underlying data
10 which is subject to 97 -- I'm sorry, 98 which is the full
11 book?

12 MR. BROWN: That it contains everything, or is a
13 summary of some of the texts --

14 THE COURT: That it is accurately summarizing the book,
15 98.

16 MR. BROWN: She can testify that she has looked over
17 this summary of texts that appear to be more relevant texts,
18 and that the page number, date, time, originating number,
19 terminating number, and also the texts is accurate to what
20 you would find in, as of right now, State's ID 98.

21 THE COURT: All right. Ms. Bolen?

22 MS. BOLEN: Okay. Your Honor, first of all, I don't
23 believe that these are actually voluminous records. It's
24 about 100 pages, 173. And a very quick look at the case law
25 it looks like voluminous records are in the thousands.

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1 Secondly, it's not a summary, Your Honor. It is the
2 State picking out certain texts that they think are relevant
3 and they want the jury to know about. This is not -- what
4 they provided is not a summary of these messages. It is a
5 selection of certain ones that they want. A summary might be
6 something more like -- well, I'm not going to give -- but
7 there's a different way to summarize. A summary would be
8 basically, okay, texts were sent from Tony to so and so
9 stating this. They were sent from so and so to Tony stating
10 this. That's not what they provided. They have isolated
11 certain texts that they want to highlight for the jury. And
12 so, I don't think that this actually is a summary at all. I
13 think it's a selection. Sort of a jury picking of certain
14 things they want the jury to know about.

15 Thirdly, Your Honor, this was provided to us yesterday
16 morning after trial had started and this is something that
17 apparently the State is actually trying to seek to introduce
18 as evidence. We contend that that's a Rule 5 violation. If
19 they're trying to seek this into evidence they should have
20 given it to us within 30 days prior to trial starting, not
21 after trial starting.

22 THE COURT: All right. Well, I'm going to let the
23 State use it but not admit it. You can publish it, testify
24 with it, but it won't go back to the jury. All right?

25 MR. BROWN: Thank you, Your Honor.

1 THE COURT: And off the record.

2 (Whereupon, a brief discussion ensued off the record.)

3 THE COURT: Bring in the jury.

4 (Whereupon, the jury entered at 10:35 a.m.)

5 Q Ms. Dalmida, again, you said during the -- you keep --
6 or you're the custodian -- or records custodian with
7 Verizon.

8 A Yes.

9 Q And that as part of the -- that these records are
10 maintained and kept in the ordinary course of business?

11 A Yes.

12 Q And these records reflect all texts received and sent
13 from phone number ?

14 A Yes.

15 MR. BROWN: Judge, the State now moves what's been
16 marked for ID purposes as State's Exhibit 98 as Evidence
17 State's 98.

18 THE COURT: It will be admitted as a business record
19 subject to the Defense objection.

20 MS. BOLEN: Thank you, Your Honor.

21 (Whereupon, State's Exhibit 98 was admitted into
22 evidence for ID only.)

23 Q Ms. Dalmida, before coming to court were you also
24 provided a summary to kind of help make sure that -- or to
25 help go through these documents, since they're out of order,

1 to bring a little context to the order of the text?

2 A Yes.

3 Q And during that, while you were reviewing that, do the
4 -- did it appear to accurately summarize the -- for each
5 text, the page, the date, the time the text was sent, the
6 originating number and the terminating number?

7 A After the corrections, yes.

8 Q And the actual text messages as well?

9 A Yes.

10 Q And you did actually have to make corrections?

11 A Yes.

12 Q And now they are accurate as to what's in this in
13 State's 98?

14 A Yes.

15 Q I want to show you what's been marked for
16 identification purposes as State's Exhibit 99 for ID
17 purposes.

18 (Whereupon, summary of text messages was marked as
19 State's Exhibit 99 for identification.)

20 Q Let me show you what's been marked for ID purposes as
21 99. So you recognize that?

22 A Yes.

23 Q What is that?

24 A This is a copy of the summary that I used to
25 cross-reference the context with the original context.

1 Q And I'm also going to show you -- or hand you State's
2 Evidence 98. And those cross-reference to State's 98?

3 A Yes.

4 Q Now, I want to first direct you to page 21 in the
5 records book. That'll be page 21. There's actually three
6 sets that are broken up. 21 -- page 21, 21 and 21, and this
7 occurred on November 8th, 2013. Could you read what the
8 originating number and also the sending number.

9 A This text message originated from telephone number
10 , and the terminated number was .

11 Q And what time was that?

12 A This was at 8:17 and 43 seconds.

13 Q And you don't know the names of these people who
14 texted? The number though that you received the search
15 warrant for is the , correct?

16 A Correct.

17 Q And is that the sending number?

18 A Yes.

19 Q What does that text message say?

20 A "Good morning, baby girl. Are you working today? We
21 are going to see the lawyers this morning. Ms. Faye had to
22 go back to the hospital last night. All T," and it
23 continues.

24 Q And what's the next part of the text message?

25 A "This stuff is really weighing on Audrey, but I'm still

1 right with her. I have been thinking that if we are still
2 doing good by Christmas 2014 I'm going --"

3 Q And did the text continue on?

4 A Yes.

5 Q And how did it finish?

6 A "-- to ask her to marry me. That will be over a year."

7 Q And again, were all those texts on the same page
8 number?

9 A Yes.

10 Q What page number was that?

11 A 21.

12 Q And again, what date was that?

13 A November 8th, 2013.

14 Q And the time?

15 A It started at 8:17 and 43 seconds, all the way through
16 8:19 and 4 seconds.

17 Q The second text to point out, page 44. What's the date
18 on that text?

19 A 11/8/2013.

20 Q The time?

21 A 8:32 and 38 seconds.

22 Q What was the originating number -- or the sending
23 number?

24 A It was

25 Q And the receiving number?

1 A

2 Q And what was that message?

3 A "Our problems are my problems. I here for you, baby.
4 I love you."

5 Q The next text, page number 61. And that would be the
6 first part of the text message, and I believe the second
7 part is on page 64.. And while we're talking about that, why
8 would there be a gap in pages for a text that would
9 seemingly fit together or be sent at one time?

10 A A different switch processed it. The continuation.

11 Q Just had different pages in the data confirmation?

12 A Correct.

13 Q On page 61 what time -- what date was that text
14 message?

15 A November 8th, 2013.

16 Q What time?

17 A 17:53 and 1 second.

18 Q What was the originating number or sending number?

19 A

20 Q And the receiving number?

21 A

22 Q What did that text say?

23 A "Please, please make sure Jeremy knows nothing at all.
24 Someone just called and said he is telling Crystal and
25 others all kind of stuff and it is going to be --"

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1 Q And the finishing part of that text, page 64. What
2 date again?

3 A November 8th, 2013.

4 Q The time?

5 A 17:53 and 1 second.

6 Q And the originating number, or sending number?

7 A . . . Received was

8 Q And how did that text finish?

9 A "-- detrimental to Drew's defense. I can't have any
10 obstacles helping my son."

11 Q Now, if you'd just read both of those texts, or how
12 it's broken up, together.

13 A "Please, please make sure Jeremy knows nothing at all.
14 Someone just called and said he is telling Crystal and
15 others all kind of stuff and it's going to be detrimental to
16 Drew's defense. I can't have any obstacles helping my son."

17 Q The next text, again, is on page 49. What date is that
18 text?

19 A November 8th, 2013.

20 Q What was the time?

21 A 17:55 and 33 seconds.

22 Q And the originating number.

23 A

24 Q And the terminating number, or receiving number?

25 A

1 Q What did that text read?

2 A "Baby, I told Jeremy nothing. What is he telling?"

3 Q And the next text after that begins on page 57. What
4 date?

5 A November 8th, 2013.

6 Q The time?

7 A 18:01 and 34 seconds.

8 Q And the originating number.

9 A

10 Q And the terminating number?

11 A

12 Q What does that text read?

13 A "I love you and I'm going to get to the bottom of it.

14 Yes, ma'am. I'm mad as hell now. His ass is mine. I love
15 you."

16 Q The next text, page 24.

17 A The date was 11/8/2013.

18 Q The time?

19 A 19:03 and 21 seconds.

20 Q And the originating number?

21 A

22 Q And the receiving number?

23 A

24 Q What does that message say?

25 A "You know I will do whatever you all need to change the

1 oil, paint the house, whatever, as long as I get to spend a
2 little time with you. LOL. Told you I was cra --" and it
3 continues.

4 Q And it continues on page 24 as well?

5 A Yes.

6 Q The date?

7 A 11/8/2013.

8 Q The time?

9 A 19:03 and 38 seconds.

10 Q Originating number?

11 A

12 Q And the terminating number?

13 A

14 Q And how did that text read?

15 A "-- zy about you."

16 Q Now, can you read the whole text together?

17 A "You know I will do whatever you all need, to change
18 the oil, paint the house, whatever, as long as I get to
19 spend a little time with you. LOL. Told you I was crazy
20 about you."

21 Q The next text is on page 41.

22 MS. BOLEN: Your Honor, at this time we just want to
23 renew our objection to all of these as under relevance.

24 THE COURT: Subject to your objection, I'm going to
25 allow it.

- 1 Q Next page 41.
- 2 A 11/8/2013.
- 3 Q What is the time?
- 4 A 19:18 and 48 seconds.
- 5 Q The originating number?
- 6 A
- 7 Q And the terminating number, or receiving number?
- 8 A
- 9 Q What does that text say?
- 10 A "When you see Crystal get my house key. If you all
- 11 ain't together she don't need a key."
- 12 Q The next text is on page 42. What was that date?
- 13 A 11/8/2013.
- 14 Q What was the time?
- 15 A 19:19 and 43 seconds.
- 16 Q And the originating number?
- 17 A
- 18 Q And the terminating number?
- 19 A
- 20 Q What was that text?
- 21 A "Okay, LOL. You going to start treating her like you
- 22 do Kelsy just cause we're having an argument."
- 23 Q The next text on page 51. What was the date?
- 24 A 11/8/2013.
- 25 Q And the time?

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- 1 A 19:22 and 28 seconds.
- 2 Q What was the originating number?
- 3 A
- 4 Q And the terminating number?
- 5 A
- 6 Q And what was the text?
- 7 A "No. If you all going to be together she can keep the
- 8 key. Why would she need it if you all ain't together."
- 9 Q The next text, page 57. What was the date?
- 10 A 11/8/2013.
- 11 Q And the time?
- 12 A 19:23 and 35 seconds.
- 13 Q And the originating number?
- 14 A
- 15 Q And the terminating number?
- 16 A
- 17 Q And what was the message?
- 18 A "Then give us a chance to see what we're going to do.
- 19 I mean, we've been together two years."
- 20 Q Page number 58. What was the date?
- 21 A 11/8/2013.
- 22 Q The time?
- 23 A 19:27 and 15 seconds.
- 24 Q The originating number?
- 25 A

1 Q And the terminating number?

2 A

3 Q And what did that message read?

4 A "Whatever, fool."

5 Q The next page is page 84. What was the date?

6 A 11/9/2013.

7 Q And the time?

8 A 20:55 and 8 seconds.

9 Q The originating number?

10 A

11 Q And the terminating number?

12 A

13 Q What does that message read?

14 A "Baby, as you know, I don't believe in apologizing when
15 I do something wrong. I believe in making it right and
16 trying not to let it happen again. I guess t--" and it
17 continues.

18 Q Page 73..

19 A 11/9/2013 at 20:55 and 46 seconds. Originating number
20 was Terminated number was And
21 the text content stated, "Here for a moment. I was being
22 very selfish and just thinking about my feelings. I will
23 try not to let it happen again. No promises though. It is
24 very hard."

25 Q And it continues on page 73?

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- 1 A Yes.
- 2 Q And the time?
- 3 A 11/9/2013. 20:56 and 24 seconds. Originating number
- 4 was . Terminated number was And
- 5 the text content was, "When I love someone as much as I love
- 6 you. But anyway, I going to take Zoe for one of our very
- 7 long walks and then I'm going to bed. Just please remember
- 8 --"
- 9 Q And then the text continues on page 85?
- 10 A Yes. At 11/9/2013. 20:57 and 4 seconds.
- 11 Terminated number was . And the
- 12 text content was, " -- I'm here if you need me. Text or
- 13 call when you want to. I love you very much. Good night.
- 14 Hope you all have a good night. I love you."
- 15 Q Now, could you actually go to your book and see on page
- 16 85. Was that the number -- the number -- originating
- 17 number, was that supposed to be or was that
- 18 A
- 19 Q So there is a --
- 20 A Typo.
- 21 Q -- typo that said is ?
- 22 A Yes.
- 23 Q That number would be ?
- 24 A Yes.
- 25 Q To ?

1 A Yes.

2 Q And what did that text say? That was page 85.

3 A "I'm here if you need me. Text or call when you want
4 to. I love you very much. Good night. Hope you all have a
5 good night. I love night."

6 Q Now, if you can read through the text how it goes in
7 order all at one time from 84 -- page 84, 73, 73 and 85.

8 A "Baby, as you know, I don't believe in apologizing when
9 I do something wrong. I believe in making it right and
10 trying not to let it happen again. I guess there for a
11 moment I was being very selfish and just thinking about my
12 feelings. My will try not to let it happen again. No
13 problems though. It is very hard when I love someone as
14 much as I love you. But anyway, I going to take Zoe for one
15 of our very long walks and then I'm going to bed. Just
16 please remember I'm here if you need me. Text or call when
17 you want to. I love you very much. Good night. Hope you
18 all have a good night. I love you."

19 Q Now, the next text begins on page 99 on 11 -- what's
20 the date on that?

21 A 11/9/2013. And the time is 21:23 and 54 seconds. And
22 this was -- the originating number was . And
23 the terminated number was .

24 Q What did that text say?

25 A "Please remember you don't have to do this by yourself.

1 Like I said the other day, your pain, my pain. I love you
2 very much, and when you hurt I hurt, so please --" and it
3 continues.

4 Q And it continues on page 74. What was the time, or
5 date and time?

6 A 11/9/2013. 21:24 and 35 seconds. The originated
7 number was . The terminated number was
8 . And the text message, "Let me help. IDK if
9 maybe the other men that were in your past life didn't
10 believe the way I do, or didn't love the way I do. Maybe
11 I'm wrong and just don't --"

12 Q And it continues on page 74?

13 A Correct. And that's 11/9/2013 at 21:25 and 16 seconds.
14 The originated number was . The terminated
15 number was . And the --

16 Q What was that number? The receiving number?

17 A .

18 Q And the text.

19 A "-- know how to love. I don't know. But I'm here if
20 you need me. I love you very much."

21 Q And can you read that text together as it should appear
22 from page 99 to 74?

23 A "Please remember, you don't have to do this by
24 yourself. Like I said, the other day, your pain, my pain.
25 I love you very much, and when you hurt I hurt. So please

1 let me help. IDK if maybe the other men that were in your
2 past life didn't believe the way I do, or didn't know the
3 know the way I do. Maybe I'm wrong and just don't know how
4 to love IDK. But I'm here when you need me. I love you
5 very much."

6 Q Now, the next text on page 76.

7 A This was at 11/9/2013. The time was 23:13 and 47
8 seconds. The originated number was . And the
9 terminated number was .

10 Q And what did that text say?

11 A "Honey, I want to be your rock. I got you a shoulder
12 to cry on. I want to be the one that holds you up. I got
13 to thinking while I was walking maybe I don't --" and it
14 continues.

15 Q To page 75.

16 A And that's 11/9/2013 at 23:14 and 29 seconds. And the
17 originated number is and the terminated number
18 is .

19 Q And how did the text continue?

20 A "-- know how to love. I do know one thing. I never
21 thought I could ever have feeling like I did for my first
22 wife, and this time I don't those feelings can't --"

23 Q And it continues on page 76.

24 A 11/9/2013 at 23:14 and 29 seconds. The originating
25 number was , and the terminated number was

1

2 Q And the text?

3 A "-- compare to the strong feelings I have for you. I
4 have never felt like this before. At first it scared the
5 hell out of me and maybe I ain't never been --" and it
6 continues.

7 Q Page 75.

8 A 11/9/2013 at 23:14 and 31 seconds. The originated
9 number was and the terminated number was

10

11 Q And the text finished?

12 A "-- scared one of nothing. But I know this is true
13 love. I just hope I know what to do with it. I have never
14 been so in love that it makes me silly. I love you."

15 Q Now, if you can go back to how it began on page 76 and
16 read through the text.

17 A "Honey, I want to be your rock. I got you a shoulder
18 to cry on. I want to be the one that holds you up. I got
19 to thinking while I was walking maybe I don't know how to
20 love. I do know one thing. I never thought I could ever
21 have feelings like I did for my first wife, and this time I
22 don't those feelings can't compare to the strong feels I
23 have for you. I have never felt like this before. At first
24 it scared the hell out of me, and maybe I ain't never been
25 scared one of nothing. But I know this is true love. I

1 just hope I know what to do with it. I have never been so
2 in love that it makes me silly. I love you."

3 Q And the next text on page 112. And what was the date
4 on that?

5 A 11/10/2013, 8:26 and 1 second. The originated number
6 was . The terminated number was .

7 Q What does that text read?

8 A "I need to know something that has been on my mind for
9 over 26 years. August 1987 we were sitting in a doctor's
10 office in North Myrtle Beach. You found out --"

11 Q It continues on to page 12?

12 A Yes. 11/10/2013, 8:26 and 41 seconds. The originated
13 number was , and the terminated number was
14 . The message continued, "-- you were pregnant
15 with Jeremy and you asked me if this is Mark's baby would I
16 still love you. Well, is he Mark's or mine? I just need to
17 know even though I --" and it continues.

18 Q To page --

19 A Yes. 11/10/2013, 8:27 and 20 seconds. The originated
20 number was , and the terminated number was -
21 -- And the message read, "-- won't change a
22 thing."

23 Q Could you go back to the top of the page and read
24 through the text in its entirety.

25 A "I need to know something that has been on my mind for

1 over 26 years. August 1987 we were sitting in a doctor's
2 office in North Myrtle Beach. You found out you were
3 pregnant with Jeremy and you asked me if this is Mark's baby
4 would I still love you. Well, is he Mark's or mine? I just
5 need to know, even though it won't change a thing."

6 Q And what was the date on that text?

7 A 11/10/2013.

8 Q The next text is on page 113. This series of texts
9 bounces around on multiple pages. Page 113.

10 A 11/10/2013, 8:32. The originated number was
11 , and the terminated number was

12 Q What did that text read?

13 A "Normal number of weeks pregnant, 40. What?"

14 Q Next page 121.

15 A 11/10/2013 at 9:29 and 51 seconds. The originated
16 number was . The terminated number was
17 . And the message content was "Why?"

18 Q And it continues to on page 123?

19 A 11/10/2013 at 9:30 and 58 seconds. The originated
20 number was , and the terminated number was -

21 -- . And the text content was, "Just
22 wondering."

23 Q And it continues back on page 113.

24 A 11/10/2013, 9:31 and 49 seconds. The originating
25 number was and the terminated number was

1 . The text content was, "Who was saying they're
2 pregnant."

3 Q And page 115.

4 A 11/10/2013, 9:33 and 37 seconds. was the
5 originating number. The terminated number was
6 and the text content said, "Nobody."

7 Q And page 128.

8 A 11/10/2013 at 9:38 and 56 seconds. The originated
9 number was and the terminated number was
10 . The text content said, "Then why you asking."

11 Q On page 121.

12 A 11/10/2013 at 9:40 and 190 seconds. The originated
13 number was , and the terminated number was

14 . The text content said, "Never mind, honey.
15 I'll just take somebody that knows."

16 Q And the next text on page 115 and carried over to 116.

17 A The date was 11/10/2013 at 9:42 and 39 seconds. The
18 originated number was and the terminated number
19 was . The text content says, "It's 40 weeks."

20 Q Page 121.

21 A 11/10/2013, 9:43 and 24 seconds. The originated number
22 was . The terminated number was .

23 And the text content said, "Thank you very much."

24 Q The following text on 128 and 129.

25 A 11/10/2013, 9:44 and 55 seconds. The originated number

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1 was , and the terminated number was
2 . The text content stated, "Chloe was two weeks
3 early and she was 38 weeks, so that would mean 40 is full
4 term."

5 Q The following text is on page 124.

6 A 11/10/2013, 9:47 and 45 seconds. Originating number
7 was , terminated number was , and
8 the text content said, "Okay, thank you."

9 Q Next page 123.

10 A 11/10/2013 at 9:49 and 22 seconds. The originated
11 number was . The terminated number was
12 . And the text content indicated, "Welcome.
13 Now will you tell me why you needed to know."

14 Q The next text on page 116.

15 A 11/10/2013 at 9:50 and 1 second. Originating number is
16 and the terminated number is .
17 Text content is, "No."

18 Q And 129. Page 129.

19 A 11/10/2013 at 9:53 11 seconds. Originated number is
20 , terminated number is . Text
21 content indicates, "Why not?"

22 Q The next text is on page 124 and goes into page 125.

23 A 11/10/2013 at 9:54 and 45 seconds. The originated
24 number was . The terminated number was
25 . Text content stated, "No need to. Just

1 thinking about something that happened over 25 years ago.

2 That's all."

3 Q And the next text on page 122.

4 A 11/10/2013, 9:56 and 7 seconds. Originated number is

5 . Terminated number is . The text

6 content, "With Jeremy?"

7 Q The next page, page 129.

8 A 11/10/2013, 9:56 and 13 seconds. Originated number is

9 . Terminated number is And the

10 content states, "Or another kid."

11 Q The response to that on page 114.

12 A 11/10/2013, 9:59 and 9 seconds. Originated number is

13 . Terminated number is . The text

14 content, "Why does it matter. It's nothing. You all have a

15 good day."

16 Q And page 116.

17 A 11/10/2013 at 10:03 and 15 seconds. Originated number

18 is . Terminated number is The

19 text content, "Obviously it is bc you're asking about it."

20 Q And the last text in that sequence of texts, page 116

21 and 117.

22 A 11/10/2013 at 10:04 and 33 seconds. The originated

23 number was . The terminated number was

24 . And the text content, "Just happened to think

25 about. That's all. Too much time on my hands I guess."

1 Q If you wouldn't mind going back to the beginning of
2 that text sequence beginning on page 113 and just read the
3 text as they came in order.

4 A "Normal number of weeks pregnant, 40. What?" "Why"
5 "Just wondering." "Who is saying their pregnant."
6 "Nobody." "Then why you asking?" "Never mind, honey. I'll
7 just take somebody that knows." "It's 40 weeks." "Thank
8 you very much." "Chloe was two weeks early and she was 38
9 weeks, so that would mean 40 is full term." "Okay, thank
10 you." "Welcome. Now will you tell me why you needed to
11 know?" "No." "Why not?" "No need to. Just thinking about
12 it -- just thinking about something that happened over 25
13 years ago. That's all." "With Jeremy or another kid?"
14 "Why does it matter? It's nothing. You all have a good
15 day." "Obviously it is bc you're asking about it." "Just
16 happened to think about. That's all. Too much time on my
17 hands, I guess."

18 Q We just have a few more to go through. On page 137.

19 THE COURT: Can we have a break?

20 MR. BROWN: Yes, sir.

21 THE COURT: You all step in the jury room. Take a
22 break for a minute. Don't begin discussing the case.

23 (Whereupon, the jury exited at 11:17 a.m.)

24 (Whereupon, a recess was held from 11:17 a.m. to 11:27
25 a.m.)

1 THE COURT: Are we ready to continue?

2 MR. BROWN: Yes, sir.

3 THE COURT: Bring in the jury, please.

4 (Whereupon, the jury entered the courtroom at 11:27
5 a.m.)

6 Q Ms. Dalmida, we're getting close to finishing up. I
7 direct your attention to page 137.

8 A 11/11/2013 at 6:47 11 seconds. The originated number
9 is . The terminated number is
10 Text content, "Good morning, beautiful, and hope you got
11 some rest and well. As I told you, I ain't running. I
12 ain't going nowhere. I've always been a fighter. Not a
13 quitter."

14 Q The next text on page 136.

15 A 11/11/2013, 6:47 and 51 seconds. The originated number
16 is and the terminated number is
17 Text content, "Now do you still want in your life right. I
18 don't believe in fighting for a lost cause, but I don't
19 think this is. I love you very much. You and your --" and
20 it continues.

21 Q Page 136 and 137.

22 A 11/11/2013, 6:48 and 30 seconds. The originated number
23 is . The terminated number is .
24 The text content, "-- family are one of the best things that
25 ever happened to me. We are going to make it though. This

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1 wish we could do it together. I'm here. You're going to ha
2 --" and it continues.

3 Q Page 135 and 136.

4 A 11/11/2013 at 6:49 and 10 seconds. The originated
5 number, . The terminated number .

6 The text content, " -- to kick my ass to the curb. Please.
7 I understand but can help if you will let me. Please. If
8 have done something wrong please let me know. Is it Jeremy
9 --"

10 Q The next page 136.

11 A 11/11/2013, 6:49 and 50 seconds. Originated number is
12 . Terminated number is And the
13 text content, " -- or Crystal. That problem is solved. So
14 baby please talk to me. You said the other day that you
15 didn't feel right being happy with all that is going on."
16 And it continues.

17 Q Page 141 and 142.

18 A 11/11/2013 at 6:50 and 29 seconds. The originated
19 number is . The terminated number is

20 . And the text content is, "Do the girls feel
21 about. Just remember, I'm here and I ain't leaving. You
22 pain, my pain. I love you, baby."

23 Q And that group text 137 down to that 142, how did that
24 read altogether?

25 A "Good morning, beautiful, and hope you got some rest

1 and well. As I told you I ain't running. I ain't going
2 nowhere. I have always been a fighter. Not a quitter. Now
3 you do still want in your life, right? I don't believe in
4 fighting for a lost cause, but I don't think this is. I
5 love you very much. You and your family are one of the best
6 things that ever happened to me. We're going to make it
7 through this. Wish we could do it together. I'm here. You
8 are going to have to kick my ass to the curb. Please. I
9 understand but can help if you will let me. Please. If you
10 have done something wrong, please let me know. If it Jeremy
11 or Crystal, that problem is solved. So baby please talk to
12 me. You said the other day that you didn't feel right about
13 being happy with all that is going on. How do the girls
14 feel about. Just remember. I'm here and I ain't leaving
15 you. Pain, my pain. I love you, baby."

16 Q The next text on page 151.

17 A 11/11/2013, 6:54 and 39 seconds. The originated number
18 is . The terminated number is .
19 And the text content. "I just need time right now to help
20 my girls heal. They need me now more than ever and it's not
21 fair making them share me right now. Please be patient.
22 I've --"

23 Q Continued on page 137.

24 A 11/11/2013, 6:54 and 39 seconds. The originated number
25 is and the terminated number is

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1 Text content, "-- failed Drew. I can't fail them."

2 Q And the next page over, 138.

3 A 11/11/2013 at 7:00 50 seconds. The originated number

4 is . The terminated number . The

5 text content, "Honey, I understand. I just need to know

6 that you still love me. I ain't going nowhere. I'm not

7 asking for you time, just for your feeling. I love you very

8 --" and it continues.

9 Q Page 137.

10 A 11/11/2013, 7:01 and 31 seconds. The originated number

11 is . The terminated number is .

12 The text content, " -- much. I'm here with you need me. A

13 text what every just as long as I know you still care. I

14 love you."

15 Q And then the next text on page 140 and 141.

16 A 11/11/2013 at 7:02 and 10 seconds. The originated

17 number is . The terminated number is

18 . The text, "Oh, and you didn't fail Drew and

19 you've done all you could. I love you."

20 Q And on page 142.

21 A 11/11/2013 at 7:23 and 40 seconds. The originated

22 number is . The terminated number is

23 . The text, "Okay. I need a promise.. When you

24 are ready you will tell me. I'm going to text you three to

25 four times a day to let you know I'm here and I love you.

1 That will be okay. Right?"

2 Q Now to page 161. What was the date of that text?

3 A 11/12/2013 at 4:32 and 51 seconds. Originating number
4 is .

5 Q What was that number again?

6 A . The terminated number is
7 and the text content, "Crystal, have you talked to Jeremy
8 since last night? He ain't been home since 10:30. I'm
9 wondering what you say. Starting to worry a little bit.
10 Please call me back."

11 Q And the next text page 153.

12 A 11/12/2013, 4:55 and 13 seconds. The originated
13 number, The terminated number is
14 The text content, "Good morning. Call me when you get this.
15 Your brother ain't at the house."

16 Q And one of the last three texts on page 161 and 162.

17 A 11/12/2013, 5:55 and 31 seconds. The originated number
18 is . And the terminated number is .

19 The text message, "Does he has the Jeep?"

20 Q There's a following text on page 162.

21 A 11/12/2013, 5:59 and 41 seconds. The originated number
22 is . The terminated number, . And
23 the text content, "You going to do a missing person thingy
24 or just wait on him to come home?"

25 Q And the last text on page 162.

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1 A 11/12/2013 at 6:01 and 58 seconds. The originated
2 number is . The terminated number is

3 . And the text content is, "No."

4 MR. BROWN: No further questions.

5 CROSS-EXAMINATION

6 BY MS. BOLEN:

7 Q Ms. Dalmida, I've just got a few questions for you.

8 You're the Verizon records custodian, right?

9 A Yes.

10 Q You don't know how actually sent these text messages,
11 correct?

12 A Correct.

13 Q I want to direct your attention to a few pages you've
14 got in that book, right? Look at page -- I just want to
15 make sure I've got the right page numbers here. Page 26.
16 And there's a -- in the middle of the page there's a text
17 originating from number , right? On 11/8/2013
18 at 12:02?

19 A Yes.

20 Q And that's going to ?

21 A Correct.

22 Q And the text of that is, "Need to go to West Carolina
23 and get A. unless you all want to get A. for me."

24 A Yes.

25 Q And then right below that at 11/08/2013, 12:04. From

1 to . A response is, "Okay, I'll
2 see."

3 A Yes.

4 Q And I move on to page 35. And the top -- the first
5 full text on 11/08/2013 at 9:39 from going to

6

7 A 9:38 and 59 seconds?

8 Q Yes, ma'am. Yes. Sorry about that. I was looking at
9 the top. Yeah, 9:38 and 59 seconds. And the text to that
10 is, "Hey, baby girl. I'm fixing to go get your brother a
11 biscuit. Would you like me to get you one?"

12 A Yes.

13 Q Is that the text there?

14 A "Hi, baby girl."

15 Q And page 11, towards the bottom of the last full one
16 that's dated 11/07/2013 at 16:26:06. Do you see that?

17 A Yes.

18 Q And there's a text from to ?

19 A Yes.

20 Q And the text to that is, "We were right. Crystal shit
21 him not giving money for child support. That means jail.
22 Went to DSS and filled out papers to get him for child
23 support." That's what the text says?

24 A "And is."

25 Q "And is," yes. And then finally page 135 and 136. And

1 these are some of the texts that Mr. Brown asked you about,
2 but specifically on 136. Starting at the top of the page.
3 It's really the bottom of 135. Looking at the bottom of
4 135, that's 11/11/2013, right?

5 A Yes.

6 Q And it's at what time?

7 A 6:49 and 10 seconds.

8 Q Is that in the morning or evening?

9 A That's in the morning.

10 Q 6:49 in the morning, right?

11 A Uh-huh.

12 Q And that's from 8 ?

13 A Yes.

14 Q To ?

15 A Yes.

16 Q And I'm just going to pick up on 136, "Kick my ass to
17 the curb. Please, I understand, but can help if you will
18 let me. Please. If I have done something wrong please let
19 me know," and then it goes, "Is it Jeremy," and then it
20 continues, right, to the next one?

21 A Correct.

22 Q Which is also sent right at 6:49 in the morning --

23 A Yes.

24 Q -- on 11/11; right?

25 A Yes.

1 Q So reading those together, "Is it Jeremy or Crystal?

2 That problem is solved."

3 A Yes.

4 Q And that's sent the morning of the 11th, right? Fairly
5 early morning?

6 A Correct.

7 MS. BOLEN: I don't have anything further. Thank you,
8 Ms. Dalmida.

9 THE COURT: Any redirect?

10 MR. BROWN: Nothing further.

11 THE COURT: You may step down.

12 (Whereupon, the witness stepped down from the witness
13 stand.)

14 MR. BROWN: The State calls Steve Gambrell.

15 STEVE GAMBRELL, having been first
16 duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. BROWN:

19 Q Mr. Gambrell, where do you work?

20 A South Carolina Law Enforcement Division.

21 Q And how long have you worked with SLED?

22 A I've been with SLED since 1998. Prior to that I've
23 been with Anderson County for about 25 years.

24 Q And what's your position at SLED?

25 A Senior agent out at the Greenville office.

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1 Q And did you have an opportunity to work a homicide case
2 that occurred last year during this timeframe, a year ago
3 this week?

4 A Yes, sir.

5 Q A victim named Jeremy Jordan?

6 A That's correct.

7 Q And when did you become involved in the investigation?

8 A It was later in the investigation. I received a call
9 from Captain Hendrix and asked me to come to Abbeville to
10 assist the agents that were already on scene any way I
11 could, basically.

12 Q And how did you assist in the investigation?

13 A There were -- I assisted in the searches, interviews
14 and collecting evidence.

15 Q On November 13th of last year what did you do?

16 A I'm not sure. Melissa had my notes and she's gone for
17 today, so...

18 Q Is there anything to refresh your recollection?

19 Anything refresh your memory on -- do you all keep notes?

20 Does SLED keep notes on investigation any person does?

21 A We do, and Melissa -- she was given my notes for her
22 case report, and I didn't realize she wasn't going to be
23 here this morning.

24 Q Would that be reflected in the memorandum?

25 A That's correct.

1 (Whereupon, counsel provides memorandum to witness.)

2 A Okay.

3 Q And what did you do on the 13th?

4 A Myself, Agent Chris Schofield, Nick Marshall, we went
5 to a location on specifically to search for
6 some .380 shell casings.

7 Q And were you able to find anything?

8 A We did. As a result of the search did recover several
9 shell casings. I think at least one projectile and one .38
10 caliber shell casing, as I recall.

11 Q So you collected casings and projectile --

12 A That's correct.

13 Q -- on that location? After you collected those items
14 what did -- what did you do with them, or how did you
15 collect them?

16 A They were collected, labeled, and I transported those
17 to Columbia to the forensic lab the next day, and logged
18 them into evidence.

19 Q Logged them into evidence. I'm going to show you
20 what's been marked for identification purposes as State's ID
21 100. If you can take a look at that and the contents and
22 tell me if you recognize those items.

23 A Yes, sir.

24 Q What are those items?

25 A Two envelopes. One envelop contains eight spent 380

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1 caliber shell casings that are federal head stamped, and
2 there were one envelop that came -- that contains one spent
3 slug.

4 Q And how do you know those are the ones you collected?

5 A They have my name on the envelopes.

6 MR. BROWN: At this time I move what's been marked
7 State's ID 100 as evidence.

8 THE COURT: Any objection?

9 MS. BOLEN: No, sir.

10 THE COURT: Without objection, State's 100 admitted.

11 (Whereupon, State's Exhibit 100 was admitted into
12 evidence.)

13 Q Now, Mr. Gambrell, after you collected those items did
14 you -- did you also go with law enforcement, with SLED
15 agents, and also Investigator Nick Marshall the day that you
16 all actually got the arrest warrants?

17 A Yes, I did.

18 Q What did you do?

19 A Based on the information that we received, conducted a
20 search there at the residents. And also -- well, first of
21 all, arrested the Defendant.

22 Q And who was with you during that arrest?

23 A I think Melissa was there, Nick Marshall was there,
24 myself, and I'm not sure who else.

25 Q And do you remember if Mr. Jordan stated anything?

1 A As we came out of the residence and were headed to the
2 parking lot to the car, Mr. Jordan just made a statement
3 that, "I thought y'all were going to wait until after my son
4 was buried," and then he said, "Well, y'all don't have the
5 gun."

6 Q And did you hear any other statements?

7 A No, I did not. Not that I recall.

8 Q And after you went with them to make the arrest what
9 did you do next?

10 A Went back to the Sheriff's Office.

11 Q And the Sheriff's Office. Where did you go?

12 A I have an office at the Sheriff's Office that the
13 Sheriff lets me use. It's adjacent to his office and
14 adjacent to the interview room.

15 Q Did you go to any -- go out and investigate anything
16 later on that night?

17 A We did.

18 Q And where did you go?

19 A We went back to the apartment.

20 Q Whose apartment?

21 A To Mr. Jordan's apartment.

22 Q And what did -- was anything collected?

23 A Yes, it was.

24 Q What was collected?

25 A Collected a handgun and other items.

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1 Q I'm going to show you what's been marked already for
2 State's ID purposes State's ID 91. Take a look at that and
3 see if you recognize anything in that box. If you want to
4 you can pull it out and look at it.

5 A I recognize it.

6 Q What is it?

7 A It's a .380 Cobra auto pistol nickel plated that I
8 found inside the bedroom in the apartment.

9 Q Who was with you when you first found it?

10 A I believe Investigator Marshall was there, Captain
11 Natalie Talbert with the Sheriff's Office was there, and I
12 believe Investigator, at that time, Kevin Escew was there,
13 and --

14 Q Sure Nick Marshall was there or was it somebody else
15 from the Sheriff's Office?

16 A Nick was not there, because --

17 Q Matthew Graham there?

18 A Investigator Graham had to make photographs because I
19 did not have a camera. I don't have a camera issued. He
20 had a camera and he made the photographs.

21 Q Was that the gun that was retrieved from the apartment?

22 A It is.

23 MR. BROWN: Your Honor, at this time I move the gun
24 into evidence, but at the appropriate time substitute a
25 picture of it.

1 THE COURT: Any objections?

2 MS. BOLEN: No objection, Your Honor.

3 (Whereupon, State's Exhibit 91 was admitted into
4 evidence.)

5 Q Now, Mr. Gambrell, do you have any other dealings with
6 this case other than collecting bullet casings out there at
7 the Clinkscales' property, attending or assisting in making
8 the arrest, and also going to the apartment on the 14th?

9 A I had -- later on I had -- I didn't have a meeting, but
10 I had an occasion to see Ms. Audrey Todd.

11 Q And what do you remember of that meeting with Ms.
12 Audrey Todd?

13 A We were having a casual conversation and she told me
14 that she had a letter --

15 MS. BOLEN: Objection as to hearsay as to what she
16 said.

17 THE COURT: Sustained as to her comments to the
18 hearsay. You can respond to the question without saying
19 what she said.

20 Q What was the general nature of your being there,
21 without saying what she told you.

22 A The meeting was actually to an unrelated case that she
23 was -- she and I both were involved in.

24 Q And from this meeting did you receive anything?

25 A I did.

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1 Q What did you receive?

2 A She provided me a letter that she had received.

3 Q Received from who?

4 A From Tony Jordan.

5 Q And what did you do with that letter?

6 A I took the letter, placed it -- turned it over to the
7 investigating agent and made a copy for reference.

8 Q I'll show you what's been marked for identification
9 purposes as State's ID 101. If you will take a look at that
10 and tell me what that is.

11 A This is the letter and the envelop that it was mailed
12 in that I received from Ms. Todd.

13 Q And after you received that letter what did you do with
14 it?

15 A Sealed it in this envelope and it was turned over to
16 Melissa Skipper at the Greenville office.

17 Q And at that time it was placed into evidence?

18 A It was.

19 Q After your meeting with Ms. Todd did you have any other
20 involvement in this case?

21 A Not that I recall.

22 MR. BROWN: No further questions.

23 CROSS-EXAMINATION

24 BY MS. BOLEN:

25 Q Agent Gambrell, the cartridges which you collected, you

1 collected those on Tony's son-in-law's property, right?

2 Jordan Clinkscales?

3 A That's right.

4 Q And that's him in the courtroom right there?

5 A Yes, sir. Yes, ma'am. Sorry.

6 Q And that property is not where Tony lived, right?

7 A No, it's not.

8 Q And it's not where the incident happened, right?

9 A That's correct.

10 Q It's his grandmother's, basically family property?

11 A That's correct.

12 Q And you stated on direct that when you were arresting

13 Tony he said, "Y'all don't have the gun," right?

14 A That's correct.

15 Q And he then told you where the gun was and that's where

16 it was, right?

17 A Well, he didn't tell me specifically, but...

18 Q But when you found the gun it was where he said it was?

19 A That's right.

20 MS. BOLEN: If I could have a moment, Your Honor.

21 THE COURT: Okay.

22 Q Agent Gambrell, you talked about a letter that was

23 given to you by Audrey Todd, right?

24 A That's correct.

25 Q Written by Tony Jordan. And did you get a chance to

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1 read that letter?

2 A I did.

3 Q And in that letter -- it's what, about a four page
4 letter or so?

5 A It's three or four.

6 Q And you sent it to Agent Skipper Wallace, right?

7 A That's correct.

8 Q And do you remember reading it?

9 A I read it.

10 Q And in that letter Tony talks about what happened,
11 right?

12 A That's correct.

13 Q And he also talks about some of the background between
14 him and Jeremy?

15 A Yes, ma'am.

16 Q And he says, "The last year and a half Jeremy
17 disrespected, verbally abused and physically abused me."?

18 A Yes, ma'am.

19 Q And he said, "If I didn't give him money I would get
20 cussed out."?

21 A Correct.

22 Q And he said, "He told me he would kill me when I was in
23 the hospital. He got to cussing me, saying I told him to
24 leave, and he told me, quote, I hope you die."?

25 A Correct.

1 Q And he also wrote, "The week after I had surgery in
2 June he hit me in the stomach and I started throwing up
3 blood. At times he would put a bar of soap in a sack and
4 start beating me while I was asleep. I didn't tell anyone
5 because I was ashamed and I loved Jeremy."?

6 A Correct.

7 Q And then he went on, "If I would not give him money he
8 would steal from me."?

9 A That's right, yeah.

10 Q Then he goes on to write, "He asked me for money to pay
11 his child support. I told him I didn't have it," correct?

12 A That's correct.

13 Q "He started cussing at me, then he said ask Billy.
14 Billy and Brenda were camping at CF State Park. No phone
15 service," correct?

16 A Correct.

17 Q And then he went on to write, "We started riding there.
18 I asked him how was he going to pay him back because I
19 couldn't do it."

20 A Correct.

21 Q And then he went on to write, "Every time I paid money
22 for him and asked him to pay me back he would tell me,
23 quote, fuck you, old man. I didn't ask you to pay it,"
24 correct? And then he wrote, "Well, that started the
25 cussing. And I asked him why, and what did he do with the

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1 182 he stole that was Sam's money I put up," correct?

2 A Correct.

3 Q And then he went on to write, "He started telling me,
4 fuck you. Stop this, quote, GD, end quote, car."

5 A Correct.

6 Q "Well, I did. He got out. I got out trying to talk to
7 him."

8 A Correct.

9 Q Then he went on to write, "He hit me and pushed me
10 against the car," correct?

11 A Correct.

12 Q And then he wrote, "At that point he bent over to pick
13 something and I snapped and shot him," correct?

14 A Correct.

15 Q That's what he wrote? And then he wrote some more
16 about some contacts between him and Audrey, right?

17 A That's correct.

18 MS. BOLEN: I don't have anything further. Thank you,
19 Agent Gambrell.

20 MR. BROWN: No redirect.

21 THE COURT: You may step down.

22 (Whereupon, the witness steps down from the witness
23 stand.)

24 MR. BROWN: The State calls Matthew Graham.

25 MATTHEW GRAHAM, having been first

1 duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. BROWN:

4 Q Mr. Graham, where do you work?

5 A Abbeville County Sheriff's Office.

6 Q And how long have you worked there?

7 A About three and a half years.

8 Q And what are your duties?

9 A I'm currently a narcotics investigator. At the time of
10 this incident I was a criminal investigator.

11 Q And did you have an opportunity to assist in this
12 investigation?

13 A Yes, sir.

14 Q When did you become involved in the case?

15 A The night of the incident.

16 Q How did you become involved?

17 A I was actually the on call investigator.

18 Q Where were you called to?

19 A

20 Q And did you do the investigation --

21 A No, I assisted.

22 Q And moving forward. Did you actually become involved
23 in any of the investigation?

24 A Yes, sir.

25 Q When did you become involved?

1 A When we went to the apartments, such as I assisted with
2 the search, receiving -- recovering evidence, and also
3 taking Mr. Jordan into custody.

4 Q And when you went to his apartment what was your role
5 there? What did you do?

6 A I photographed the area, the apartment, and also helped
7 collect evidence.

8 Q And what evidence did you collect there?

9 A Collected clothing, handgun and some other items.

10 Q I'm going to show you what's been marked for ID
11 purposes State's ID 89. If you can see if you recognize any
12 of that. Just as best you can. You don't have to pull it
13 all out. Do you recognize those items?

14 A Yes.

15 Q What is that?

16 A That's a yellow hoodie that was recovered at the
17 apartment.

18 Q What else?

19 A Overalls, other clothing.

20 Q Are those items you collected from the apartment?

21 A Yes.

22 Q And where did that go after it was collected at the
23 apartment?

24 A Myself and Agent Gambrell collected it together and
25 turned it over to Investigator Marshall.

1 MR. BROWN: Judge, at this time I move what's been
2 marked as ID 89 as Evidence 89.

3 THE COURT: 89 which was the box which has several
4 subparts, but mostly clothing.

5 MR. BROWN: Only clothes.

6 THE COURT: Only clothes.

7 (Whereupon, State's Exhibit 89 was admitted into
8 evidence.)

9 Q Officer Graham, I'm also going to show you what's been
10 ID'd as State's ID 90. Take a look and see if you recognize
11 that.

12 A Yes.

13 Q What are those?

14 A Tennis shoes recovered from the apartment.

15 Q What do they look like?

16 A Nike.

17 Q What color are they?

18 A They're black with green.

19 MR. BROWN: Judge, at this time I move what's been
20 marked State's ID 90 in evidence as State's Evidence 90.

21 MS. BOLEN: Without objection, Your Honor.

22 THE COURT: 90 is a box with tennis shoes?

23 MR. BROWN: Tennis shoes.

24 THE COURT: Admitted without objection.

25 (Whereupon, State's Exhibit 90 was admitted into

1 evidence.)

2 Q Was anything else collected that night from that
3 location other than the tennis shoes, the gun, the clothes?

4 A Not that I recall.

5 Q You said earlier during your investigation you took
6 photographs?

7 A Yes, sir.

8 Q I'm going to show you -- other than going to the
9 apartment that night, did you go anywhere else?

10 A Yes, sir.

11 Q Where did you go?

12 A South Main Street.

13 Q Why did you go to South Main Street?

14 A To recover property of Jeremy Jordan.

15 Q What property was that?

16 A A cell phone.

17 Q I want to show you what's been previously marked for ID
18 purposes as 63 through 67. If you can take a look at those
19 and see if you recognize them.

20 A Yes, sir.

21 Q What are those?

22 A These are photographs I took that night. It's South
23 Main Street. It was an Ingle's grocery bag with a wrap -- a
24 towel was wrapped in it with a cell phone in it.

25 Q Do those clearly and accurately reflect what you saw

1 that night?

2 A Yes, sir.

3 MR. BROWN: Your Honor, the State moves ID 67 through
4 -- 63 to 67 into evidence. 63 through 67.

5 THE COURT: Any objection?

6 MS. BOLEN: No, sir.

7 Q I'll show you what's been --

8 THE COURT: Hang on. Photograph 63, 64, 65, 66 and 67,
9 all are photographs, are admitted without objection.
10 (Whereupon, State's Exhibits 63 through 67 were
11 admitted into evidence.)

12 Q I show you State's 63. What is that picture?

13 A That's the road sign at South Main Street and
14 .

15 Q This is State's 64. What does that picture show?

16 A That's an embankment going down up under the bridge on
17 South Main Street.

18 Q State's 65.

19 A And that's the bag with the towel and the cell phone.

20 Q Down in the creek?

21 A Yes, sir.

22 Q State's 66.

23 A Just a closer view.

24 Q And 67. Again, would that be the -- what is that?

25 A It's just a different angle of the same thing; Carolina

1 and South Main.

2 Q And before that you said you were at his apartment.

3 Were photographs taken there?

4 A Yes, sir.

5 Q I show you what's been marked for identification
6 purposes as 68 through 82. See if you recognize those.

7 A Yes, sir.

8 Q What are those pictures?

9 A Pictures of Mr. Jordan's bedroom at his apartment, and
10 pictures of the clothes that we took, and shoes and the
11 weapon.

12 MR. BROWN: Your Honor, I move State's 68 through 82
13 into evidence.

14 MS. BOLEN: No objection.

15 THE COURT: No objection. So 68 through 82?

16 MR. BROWN: That's correct.

17 THE COURT: All right. Entered without objection.

18 (Whereupon, State's Exhibit 68 through 82 were admitted
19 into evidence.)

20 Q I show you what's State's 68. What does that picture
21 show?

22 A The bedroom. Mr. Jordan's bedroom.

23 Q And State's Evidence 69.

24 A A basket that we found some clothes in.

25 Q State's Evidence 70. What does that picture show?

1 A It's a toy box in his bedroom where we found the
2 pistol.

3 Q And it's kind of hard to see, but where is the pistol
4 in that picture?

5 A It's directly beside that green item, and I think it's
6 in some kind of holster.

7 Q And State's Evidence 71.

8 A That's the same firearm we recovered from that basket.

9 Q What caliber was that firearm?

10 A .380.

11 Q And what is the make?

12 A Cobra.

13 Q And State's Evidence 72.

14 A I just took a closeup of the serial number on the gun.

15 Q And what color is that gun?

16 A Silver with a black handle.

17 Q I'm also going to show you State's 73. What are those?

18 A Tennis shoes that we took.

19 Q The what?

20 A The tennis shoes that we took.

21 Q And those were in the closet?

22 A Yes, sir.

23 Q State's 74.

24 A It's just the bottom half of the shoes.

25 Q State's 75.

Matthew Graham-Cross Examination

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- 1 A The hoodie that we took.
- 2 Q 76, that's the same hoodie that's in those pictures?
- 3 A Yes, sir.
- 4 Q And 77 is that hoodie and what?
- 5 A I can't see it.
- 6 Q Is that the pistol above the --
- 7 A Okay, yes. I see it. Yes, sir.
- 8 Q Again, this is -- or this is State's Evidence 78.
- 9 Another shot of the hoodie?
- 10 A Yes, sir.
- 11 Q State's Evidence 79.
- 12 A That's the overalls.
- 13 Q State's 80. Again, a picture of the overalls?
- 14 A Yes, sir.
- 15 Q State's 81. What's the importance of taking that
- 16 snapshot?
- 17 A Because it appeared to have blood on it. What we
- 18 thought was blood.
- 19 Q And lastly, State's Evidence 82. That's just another
- 20 picture of the overalls?
- 21 A Yes.
- 22 Q After you went to that location and secured the
- 23 evidence, what did you do next?
- 24 A Myself, along with Agent Gambrell, turned over all the
- 25 evidence to Investigator Marshall.

1 Q And did that include your involvement in this case?

2 A Yes, sir.

3 MR. BROWN: No further questions.

4 CROSS-EXAMINATION

5 BY MS. BOLEN:

6 Q Detective Graham, going back to November 12th in the
7 early morning, you ran into Tony at Lynn's, right?

8 A That's correct.

9 Q And he actually came up to you to talk to you?

10 A No.

11 Q You talked to him there?

12 A Yes.

13 Q And then he went with you to the Sheriff's Office,
14 right?

15 A Yes.

16 Q In fact, you drove them there?

17 A Yes, ma'am.

18 Q And he went with you voluntarily, right?

19 A Yes, ma'am.

20 Q And referring back to the pictures that were just shown
21 with that toy box. You didn't have to dig through the toy
22 box to find the gun, right?

23 A No, ma'am.

24 Q The gun was right on top?

25 A Yes, ma'am.

Verona Gibson-Direct Examination

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1 Q As it was in that picture, right?

2 A Yes, ma'am.

3 MS. BOLEN: I don't have anything further. Thank you.

4 THE COURT: Any redirect?

5 MR. BROWN: No redirect.

6 THE COURT: All right. You may step down.

7 (Whereupon, the witness steps down from the witness
8 stand.)

9 MR. BROWN: Judge, can we have a sidebar?

10 THE COURT: All right.

11 (Whereupon, a side bar was held.)

12 MS. ODOM: The State calls Verona Gibson.

13 VERONA GIBSON, having been first
14 duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. ODOM:

17 Q State your name for the record.

18 A Verona Gibson.

19 Q And where do you work?

20 A South Carolina Law Enforcement Division, which we refer
21 to as SLED.

22 Q How long have you worked there?

23 A Approximately six and a half years.

24 Q And what is your job with SLED?

25 A I'm a forensic technician in the DNA department in a

1 section of that department called evidence processing.

2 Q And can you describe a little more what your job duties
3 include?

4 A We receive larger pieces of evidence, such as clothing,
5 car parts, bed linens, firearms. We process those for body
6 fluids, semen, saliva, blood. And we also do what's called
7 touch DNA, or ownership DNA, where we attempt to collect
8 skin cells of who may have touched the item or came in
9 contact with an item.

10 Q Did you have an opportunity to work on a case with the
11 SLED lab number L13-14556?

12 A I did. Yes, ma'am.

13 Q I'm going to show you State's Exhibit 96. Can you just
14 look on top -- there are several items in there. But can
15 you tell me if you recognize that piece of clothing on top.
16 And you can pull it out.

17 A Yes, ma'am. I can.

18 Q And what was your involvement with that shirt? Well,
19 first of all, what is it?

20 A It is our item 22.0. I can tell that because my
21 initials, our item number and our lab number in the back of
22 it. I processed this item for blood.

23 Q And what did you do with the shirt?

24 A There was an area that was determined that it could
25 possibly be blood through our testing. That item was --

1 area was cut and then forwarded to the DNA department for
2 testing. Further testing.

3 Q I'm going to show you what's been marked for ID
4 purposes as State's 1 and 2. Do you recognize what this is?

5 A Yes, ma'am. This is the cuttings taken from the orange
6 tee shirt. It is our item 22.1. And my initials and the
7 date it was sealed are on the back.

8 Q And after you -- when you say cuttings, you just took
9 -- cut pieces from the tee shirt?

10 A Yes, ma'am.

11 Q And what did you do with the little cut pieces after
12 you cut them up?

13 A The cut pieces in this envelop. It was forwarded to
14 the DNA department for further testing.

15 Q And can you tell me who tested it?

16 A Actually, in this case it went to -- for serology
17 testing and then for DNA testing. So the serology or the
18 DNA.

19 MS. ODOM: If you will answer any questions Ms. Bolen
20 has.

21 MS. BOLEN: If I could just have a moment, Your Honor.

22 THE COURT: Ms. Bolen?

23 MS. BOLEN: No questions, Your Honor.

24 THE COURT: You may step down.

25 (Whereupon, the witness stepped down from the witness

1 stand.)

2 MS. ODOM: The State calls Kimberly Mears.

3 KIMBERLY MEARS, having been first
4 duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. ODOM:

7 Q Can you state your name for the record?

8 A Kimberly Mears.

9 Q And where do you work?

10 A The South Carolina Law Enforcement Division, commonly
11 known as SLED.

12 Q And how long have you worked there?

13 A I've been there for about seven years.

14 Q And what is your job at SLED?

15 A I'm a forensic scientist in the latent print
16 department.

17 Q And can you tell me a little bit about what you do?

18 A We receive evidence to be processed for latent prints.
19 We search any prints through the automated fingerprint
20 identification system, and we conduct fingerprint
21 comparisons.

22 Q And did you have an opportunity to work on a case with
23 SLED L13-14556?

24 A Yes, I did.

25 Q I want to show you what's been marked as State's

Kimberly Mears-Direct Examination

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1 Exhibit 91. Can you tell me what that is.

2 A This is our lab item 54 and it is the Cobra handgun
3 with a magazine and six cartridges.

4 Q And what did you do with the case? What did -- what
5 was your part with the case?

6 A I swabbed the handgun for touch DNA and did the
7 presumptive test phenolphthalein for blood. And then I
8 processed it for fingerprints.

9 Q And what were the results of those?

10 A The phenol test was negative. The presumptive test for
11 blood was negative. And then I got no value on the gun for
12 fingerprints.

13 Q And what about the inside barrel of the gun?

14 A That as the phenol test that was negative.

15 Q Did you take samples and send those on to the DNA
16 department?

17 A Yes. Both those swabs from the barrel of the handgun,
18 which was the phenol test, and the swabs for touch DNA that
19 I took from the handgun grip and trigger area, those were
20 also sent to DNA for further testing.

21 Q I'm going to show you what's been marked for State's ID
22 103. Can you tell me what that is, or do you recognize what
23 that is?

24 A Yes. This is our item 54.1 which are the swabs I took
25 of the grip and trigger area of the handgun.

1 Q And I'll also show you State's 104 for ID purposes.

2 Can you tell me what that is?

3 A That is our item number 54.2, and these are the swabs
4 that I took of the barrel from the handgun that was the --
5 that were field tested for blood.

6 Q That was the swabs from the inside of the barrel?

7 A Yes.

8 Q And just once again, what did you say you did with the
9 swabs that you took --

10 A They were forwarded to the DNA department for further
11 testing.

12 MS. ODOM: Please answer any questions Ms. Bolen may
13 have.

14 MS. BOLEN: No questions, Your Honor.

15 THE COURT: You may step down.

16 (Whereupon, the witness steps down from the witness
17 stand.)

18 MR. BROWN: The State calls Sheree Brown.

19 SHEREE BROWN, having been first
20 duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. BROWN:

23 Q Good afternoon, Ms. Brown.

24 A Good afternoon.

25 Q Where do you work?

1 A South Carolina Law Enforcement Division also known as
2 SLED.

3 Q And how long have you worked there?

4 A Twenty years.

5 Q What are your duties there?

6 A Currently I'm in the -- assigned to the DNA department
7 as a forensic technician.

8 Q And as far as being a forensic technician, what does
9 that entail?

10 A Forensics. Working in the forensics lab. I assist the
11 DNA analyst and helping some to get the case ready to be
12 analyzed.

13 Q And in this case, in this event, did you have an
14 opportunity to take part in case -- or lab number L13-14556?

15 A Yes, I did.

16 Q And what did you do?

17 A I got a liquid blood standard from toxicology and I
18 took the liquid blood standard and developed it into a dry
19 blood standard through our protocol.

20 Q And what item number was that blood standard?

21 A My record indicated that the blood -- dried blood
22 standard was 1.1.1.

23 Q I'm going to show you what's been marked for
24 identification purposes State's 92 -- ID purposes -- ID 92.
25 Do you recognize this item?

1 A Yes, I do.

2 Q What is that?

3 A It's a heat sealed pouch containing the dried blood
4 standard in the coordinating envelope that I filled out due
5 to our protocol that we have in place in the DNA department.

6 Q And that dried standard, whose standard is that? Whose
7 blood standard is that?

8 A I have written Jeremy Jordan on the coordinating
9 envelop.

10 Q And after you developed that dried blood standard what
11 did you do with it?

12 A It went back to our evidence until the case could be
13 assigned.

14 Q And was that case number assigned?

15 A Yes.

16 Q Who was it assigned to?

17 A DNA analyst Maryann Boehm.

18 Q And what would be the purpose of having that dried
19 blood sample for the forensic analysis?

20 A As far as DNA testing, a dried sample lasts a lot
21 longer and for years as preserved. So it would last longer
22 than a liquid blood standard.

23 Q And was that your part of the case was to do that dried
24 blood standard and then pass it on?

25 A Yes, it was.

Dan DeFreese-Direct Examination

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1 MR. BROWN: Nothing further.

2 THE COURT: Any questions? You may step down.

3 (Whereupon, the witness steps down from the witness
4 stand.)

5 THE COURT: All right. Ladies and gentlemen, we're
6 going to break for lunch. Be back at the jury room before
7 2:00. We'll start back at 2:00. Leave your notebooks in
8 the jury room and be back here by 2:00. Again, do not begin
9 to discuss the case.

10 (Whereupon, the jury exited the courtroom at 12:45
11 p.m.)

12 (Whereupon, a lunch break was held from 12:45 p.m. to
13 2:00 p.m.)

14 THE COURT: Bring them in:

15 (Whereupon, the jury entered the courtroom at 1:56
16 p.m.)

17 MR. BROWN: The State calls SLED Officer Dan DeFreese.

18 FRANK DAN DEFREESE, having been
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BROWN:

22 Q Mr. DeFreese, please state your full name.

23 A My name is Frank Dan DeFreese, It's D-e, capital
24 F-r-e-e-s-e.

25 Q Where are you employed?

1 A I work for the South Carolina Law Enforcement Division
2 in the forensic services laboratory in Columbia.

3 Q And how long have you been with SLED?

4 A For 47 years.

5 Q And what is your educational background and your
6 training?

7 A I'm a graduate of the University of South Carolina in
8 Columbia. And after my employment with SLED, which occurred
9 in 1967, I was assigned to the firearms laboratory and I
10 began a course of instruction in the analysis of firearm and
11 tool mark evidence from Lieutenant Millard Cate who began
12 the SLED laboratory when SLED itself was established in
13 1947. I also studied under Lieutenant Carl Stokes. And
14 after a period of about two and a half years of working
15 cases under their direct supervision I began accepting case
16 work on my own. And I've been doing that since 1969.

17 Q And so you've had specialized training in forensics?

18 A I have.

19 Q And what is that training?

20 A Well, I've taken course work at the South Carolina
21 Criminal Justice Academy, the FBI National Academy. I'm a
22 member of the Association of Firearm and Tool Mark
23 Examiners. And from time to time, as funds permit, I attend
24 their training seminars.

25 Q And have you ever been qualified as an expert in the

1 field -- in the fields of firearm and tool mark examination
2 in the Court of General Sessions in South Carolina?

3 A I have.

4 Q Roughly how many times?

5 A I don't know exactly, but it's --

6 Q You started when?

7 A I started testifying in 1969, and I estimate I've
8 probably testified 600, 700 times.

9 MR. BROWN: Your Honor, at this time I offer Dan
10 DeFreese as an expert in firearm and tool mark examination.

11 THE COURT: Need voir dire?

12 MS. BOLEN: No, sir. Your Honor.

13 THE COURT: All right. So qualified. Again, as with
14 the pathologist, Mr. DeFreese can offer opinions in the
15 field of firearms and tool mark forensics.

16 Q Now, Mr. DeFreese, did you have an opportunity to work
17 on this case?

18 A I did.

19 Q And what did you do in regards to this case?

20 A I examined some fire ammunition components and a pistol
21 to determine the relationship between the evidence items.

22 Q I'm going to show you what's in evidence as State's 91
23 and see if you recognize State's 91.

24 A Yes, sir. I do.

25 Q And what is that?

1 A This is a Cobra model FS380; .380 caliber pistol with
2 magazine, and there are six unfired .380 auto caliber
3 cartridges.

4 Q And did you use the .380 -- Cobra .380 during your
5 examination?

6 A I did.

7 Q I'm also going to show you what's been marked for
8 identification purposes as State's ID 85. And can you take
9 a look at that and see if you recognize that.

10 A I do.

11 Q And what is that?

12 A State's Exhibit 85 is a fired .380 auto caliber
13 cartridge case.

14 Q And what was that item number?

15 A It was my item number 15.

16 Q 15. And where was that item collected, based on your
17 notes, or what's the significance of that fired cartridge
18 casing?

19 A It was identified to me as being recovered at marker
20 12.

21 Q Twelve?

22 A Yes.

23 Q I'm going to show you now --

24 MR. BROWN: Actually, Your Honor, at this time I'd like
25 to move State's ID --

1 THE COURT: 85.

2 MR. BROWN -- 85 into evidence as State's Evidence 85.

3 THE COURT: Any objection?

4 MS. BOLEN: No, sir.

5 THE COURT: No objection, State's 85 is admitted into
6 evidence.

7 (Whereupon, State's Exhibit 85 was admitted into
8 evidence.)

9 Q And I'm going to show you what's already in evidence as
10 State's 93. If you can take a look at that and tell me what
11 those items are.

12 A State's Exhibit 93 contains a number of items of
13 evidence. Four tubes of miscellaneous evidence that I did
14 not examine.

15 Q Yes, sir.

16 A It also contained one tube that has a fired bullet in
17 it, which is -- I call it item 7 in my report. The tube is
18 marked Jordan, Jeremy Ray projectile frontal sinus.

19 Q So that was what was retrieved from Mr. Jordan?

20 A Presumably from his frontal sinus.

21 Q Yes, sir. And did you use that item during your
22 examination?

23 A I did. I examined the bullet.

24 Q Lastly, I want to show you what's been marked for
25 identification purposes State's ID 100. Do you recognize

1 State's ID 100?

2 A I recognize the container. Yes, sir. I do recognize
3 these.

4 Q And what are those?

5 A There are eight fired .380 auto caliber cartridge
6 cases, and there's one fired bullet.

7 Q What item number was the one fired bullet?

8 A It was -- it was my item number 50.

9 Q And the other --

10 A The others were my item numbers 42 through 49.

11 Q Thank you, Mr. DeFreese.

12 A These were all received in containers marked
13 , Abbeville.

14 Q And did you use those items in your examination?

15 A I did.

16 MR. BROWN: Your Honor, at this time I'd like to move
17 State's ID 100 into evidence.

18 THE COURT: Ms. Bolen?

19 MS. BOLEN: No objection, Your Honor.

20 (Whereupon, State's Exhibit 100 was admitted into
21 evidence.)

22 Q We've gone over -- identified everything that you used
23 during your examination?

24 A Yes.

25 Q While you were looking at these, the firearm and also

1 the bullets, what did you do? What was the purpose of
2 examining this?

3 A The purpose was to see if the cartridge cases were
4 fired by the same firearm, and if indeed they were fired by
5 that firearm, and to see if the bullets could be identified
6 as being fired by that firearm.

7 Q What were your findings beginning with item seven,
8 which was the bullet retrieved from Jeremy Jordan? And if
9 you'd like to, you can refer to your --

10 A Item 7 was most consistent with a .380 auto caliber
11 bullet. It's a type of bullet we refer to as a TMJ. A
12 total metal jacketed bullet, in which the jacket is
13 electroplated and the entire surface of the bullet is
14 covered with a copper alloy. The same type of bullet was
15 loaded into the six unfired cartridges that were received
16 with the item 91 pistol. I test fired the item 91 pistol
17 and I got bullets that I knew it had fired, and then I
18 compared them with the fired bullet, with what I refer to as
19 item 7 in my report. And while they were the same caliber
20 and they had the same general rifling characteristics, that
21 is, they had the same number of land and groove impressions
22 and approximately the same width and the same direction of
23 twist, I could not identify that bullet as being fired by
24 that specific firearm. And that was due to a combination of
25 the fact that the bullet itself was damaged, and that

1 firearm was very inconsistent in the markings that it left
2 on bullets. Even the test bullets that I had fired in the
3 gun were just very poorly and just very inconsistently
4 marked. The bullet could have been fired by that gun, or it
5 could have been fired by another similar gun.

6 Q And in the item 15, the one that has stamped Federal
7 380 Auto?

8 A I compared it with test cartridge cases that I fired in
9 the item 91 pistol. I found matching breech face
10 impressions on it. On item -- my item 15, and on the test
11 cartridge cases. And I was able to conclude that that
12 cartridge case was fired by that pistol.

13 Q And that cartridge case is the one recovered from
14 marker 12?

15 A Correct.

16 Q And that -- what you've already gone through is items
17 42 to 49 also match the cartridge case?

18 A Correct. I similarly compared the fired cartridge
19 cases from the with the test cartridge --
20 those cartridge cases recovered at with test
21 cartridge cases fired by the item 91 pistol. I also found
22 matching breech face marks on all of them, and all of those
23 fired cartridge cases were fired by that pistol.

24 Q And just to be on the safe side, did you fire that
25 pistol to make sure it was in working order?

1 A I did, and it was.

2 MR. BROWN: No further questions.

3 A Now, the -- excuse me. The bullet, to what I refer to
4 as item 50 from , was not fired by that pistol.

5 Q But that was just when they went and tried to recover
6 any kind of bullets?

7 A Right. They were just looking for evidence to try to
8 make an association, and it was not fired by that pistol.

9 MR. BROWN: Thank you, Mr. DeFreese. Answer any
10 questions the Defense might have.

11 MS. BOLEN: No questions, Your Honor.

12 THE COURT: Thank you, Mr. DeFreese.

13 THE WITNESS: Thank you.

14 (Whereupon, the witness steps down from the witness
15 stand.)

16 MR. BROWN: The State calls Shana Sorrells.

17 SHANA SORRELLS, having been first
18 duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. BROWN:

21 Q Good afternoon. Ms. Sorrells, where do you work?

22 A I work at the South Carolina Law Enforcement Division,
23 more commonly known as SLED.

24 Q And how long have you worked at SLED?

25 A Eight years, seven months.

1 Q And what is your position at SLED?

2 A Currently I'm a forensic chemist in the drug analysis
3 department.

4 Q And what is your educational background?

5 A I have my BA in chemistry from the University of South
6 Carolina and my master's degree in analytical chemistry also
7 from the University of South Carolina.

8 Q And do you have any specialized training in forensics
9 for any other type of toxicology?

10 A I do. I started out at SLED as a forensic
11 toxicologist. I had to go through an extensive nine months
12 in-house training under a senior toxicologist. I have
13 visited the -- or I say visited. I have attended the
14 Borkenstein School of Alcohol and the Borkenstein School of
15 Drugs as an expert in alcohol and driving and drugs and
16 driving. I have attended multiple workshops on the Society
17 of Forensic Toxicology. I have attended multiple DUI
18 driving and drugs and death conventions also.

19 Q And have you been qualified as an expert in forensic
20 toxicology in the state of South Carolina before?

21 A Yes, I have.

22 Q Approximately how many times?

23 A Twenty times.

24 MR. BROWN: Your Honor, I offer Shana Sorrells as an
25 expert in forensic toxicology.

Shana Sorrells-Direct Examination

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1 THE COURT: Any voir dire?

2 MS. BOLEN: No, Your Honor.

3 THE COURT: She is so qualified in the field of
4 forensic toxicology.

5 Q Ms. Sorrells, you started to say that in item 1 blood
6 -- I believe, blood and other fluids that were sent down
7 with lab number L13-14556 from Jeremy Jordan, did you have
8 an opportunity -- or did the toxicology department have an
9 opportunity to test whether or not there were any drug or
10 alcohol in that blood?

11 A Yes. Yes. The blood and the ocular fluid was tested
12 for alcohol, and the blood was also tested for a 12 panel
13 drug screen.

14 Q And tell me how that -- what steps in this case for
15 item 1 for this test -- toxicology test?

16 A When a sample is brought in -- when a tox sample is
17 brought in, it is logged into our log in department and
18 they're placed in a tox holding bin within our evidence log
19 in department. At that point one of our technicians goes
20 down and retrieves the evidence, brings it upstairs, logs it
21 into our computer, photographs the evidence, and puts --
22 just notates what's written on each tube, each urine
23 container, ocular container, and puts it into our LEMS
24 system. Our information system. Then at that point every
25 case that comes through, every blood case gets a blood

1 alcohol done on it to find out if there's any alcohol in the
2 system. Once it has -- once you find out the amount of
3 alcohol it's sent to a 12 panel drug screen. We look for 12
4 of the most abused drugs. Some of them are complete
5 classes. We look for amphetamines, methamphetamines, your
6 benzodiazepines, which is your Xanax, your Valium, your
7 Klonopine, opiates, your Hydrocodone, Oxycodone, morphine,
8 cocaine. Let me see if I can get all of them. Zolpidim.
9 I'm drawing a blank right now. I don't have my report in
10 front of me.

11 Q Would it be helpful to get a copy of --

12 A It would help. I'm sorry. I've been out of the
13 department for a little --

14 (Whereupon, counsel hands witness a report.)

15 A Thank you. Okay. Let's see if I can go through this
16 again. You've got your amphetamines, your methamphetamines,
17 your benzodiazepines, your cocaine, opiates, carisoprodol,
18 which is Soma, methadone, Tramadol, Zolpidem, more commonly
19 known as Ambien, buprenorphine, which is more commonly known
20 as Suboxone, and your cannabinoids, or your marijuana, THC.

21 Q And was the blood submitted down that belonged to
22 Jeremy Jordan, was that tested?

23 A Yes, it was.

24 Q And after this toxicology test was run what were the
25 results?

Michael Moskal-Direct Examination

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1 A It was all negative.

2 Q So there was no drugs in Mr. Jordan's system? Jeremy
3 Jordan's system?

4 A There was no alcohol and no drugs that were seen on our
5 12 panel drug screen.

6 MR. BROWN: No further questions.

7 MS. BOLEN: No questions Your Honor.

8 THE COURT: Thank you, Ms. Sorrells.

9 (Whereupon, the witness steps down from the witness
10 stand.)

11 MR. ODOM: The State calls Michael Moskal.

12 MICHAEL MOSKAL, having been first
13 duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. ODOM:

16 Q Please state your name, please.

17 A Michael Moskal, M-o-s-k-a-l.

18 Q And where do you work?

19 A I'm currently employed by South Carolina Law
20 Enforcement Division, what's commonly known as SLED, and am
21 assigned to the trace evidence department.

22 Q What exactly are your job duties? What do you do at
23 SLED?

24 A In the trace evidence department we analyze gunshot
25 residue kits. We analyze samples that come in from fire

1 scenes. Glass samples that come in from breaking and
2 enterings, hit and runs. We do paint analysis from hit and
3 runs and from breaking and enterings. We do explosives. We
4 do duct tape analysis, fiber analysis, and general unknown
5 identifications and comparisons.

6 Q And what is your education?

7 A My education is a bachelor's of science from the
8 College of Charleston. And then once I was employed by SLED
9 I underwent an in-house training for each of those areas
10 that I mentioned. Each area was approximately six months to
11 a year where we worked under a court qualified analyst in
12 each one of those disciplines. It included reading of the
13 topics, reading on the instrumentation, lectures on both of
14 them, working cases underneath a court qualified analyst.
15 And then at the end of that time period we were given a mock
16 case where we had to perform it from reception of the
17 evidence to actually writing a report. And then with a
18 successful completion of that we were deemed competent to
19 analyze cases.

20 Q Have you had any other training?

21 A Yes, ma'am. When possible I've had outside training on
22 instrumentation and different types of evidence as well.

23 Q Have you ever testified in court before?

24 A Yes, ma'am.

25 Q How many times would you say you've testified?

Michael Moskal-Direct Examination

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1 A About 24, 25 times.

2 Q And have you ever been qualified as an expert?

3 A Yes, ma'am.

4 Q And what have you been qualified as an expert in?

5 A I've been qualified as an expert in gunshot residue,
6 paint analysis, fire debris analysis and fiber analysis.

7 Q How many times would you say you've been qualified as
8 an expert in gunshot residue?

9 A Gunshot residue is probably 16 or 18 of those.

10 MS. ODOM: Your Honor, at this time the State would
11 offer Mr. Moskal as an expert in gunshot residue.

12 MS. BOLEN: No objection.

13 THE COURT: All right. Qualified as an expert in the
14 field of gunshot residue trace analysis.

15 MS. ODOM: Thank you, Your Honor.

16 Q Mr. Moskal, can you just tell us a little bit about
17 gunshot residue.

18 A Yes, ma'am. Gunshot residue is a microscopic particle
19 that comes out of a weapon when it's fired. It's going to
20 include things like dirt and debris that's in a dirty
21 weapon. It may have grease from prior cleanings. It may
22 have pieces of metal shaving from prior firings. But
23 specifically the parts we're looking for are pieces that
24 come out of the primer of that cartridge case. Those pieces
25 contain the elements lead, barium and antimony in general.

1 And so, we look for molten, or round particles containing
2 those three elements, and a few others. But specifically
3 the lead, barium and antimony, because if we can find those
4 three elements in a single molten particle, that is known to
5 come specifically from a weapon being fired and from nowhere
6 else.

7 Q And how long does gunshot residue typically stay on a
8 person?

9 A Gunshot residue is a fragile type of evidence. If you
10 can imagine working in a kitchen and you've got baking
11 powder or flour on your hand. Initially you've got a lot of
12 it on your hand, but over a course of time and maneuvering
13 through the kitchen it begins to disappear from your hands.
14 Gunshot residue does the same thing. And what we've found
15 with in-house testing, and generally accepted throughout the
16 forensics community, it lasts no more than a six hour period
17 on a living person.

18 Q What about on a surface?

19 A On a deceased person or on an inanimate object it's
20 going to remain there until it's removed by an outside
21 force, whether it's weather washing it or washing your
22 hands, something like that.

23 Q How far does gunshot residue typically travel?

24 A The specific distances are going to be dependent upon
25 the actual weapon that's being used. Smaller calibers tend

1 not to produce as much GSR, emit it quite as far, as larger
2 calibers are typically going to have the ability to produce
3 more. But the general understanding as an average is
4 probably about five to -- five to six feet.

5 Q And when a weapon -- when a gun is fired where does the
6 gunshot residue come from? Most of it?

7 A Okay. When the weapon is fired, that gunshot residue
8 is going to come out of the openings on that weapon. So on
9 a semiautomatic the majority of it is going to come out of
10 the muzzle end. You'll have a little bit come out of the
11 ejector port when the slide racks back and the spent
12 cartridge is ejected. A little bit will come out there.
13 But the majority of it is going to come out of the front
14 end, the muzzle end of that weapon.

15 Q Now, talking about this case in particular. Are you
16 familiar with the gunshot residue test for SLED ID number
17 L13-14556?

18 A Yes, ma'am. I am.

19 Q And can you tell me what your part in that testing was?
20 What you did with that SLED lab ID number.

21 A My part in this case was I performed a peer review on
22 the report that was issued for this.

23 Q And can you discuss a little bit in general about when
24 something -- when a GSR sample is tested as SLED, what
25 happens?

1 A Can you be a little bit more specific?

2 Q Tell me about the process when you have a GSR sample.

3 A Okay. When the GSR kit comes in it's in a sealed
4 envelop, and they typically have four particle lifts in
5 them. And a particle lift is a round aluminum stub that has
6 double-sided sticky tape on there. There's four of them so
7 that the collecting officer can collect a sample from the
8 right palm, the right back, the left palm and the left back,
9 and each one of them is labeled accordingly.

10 When the kit comes in we obviously check the outer
11 container for its integrity. We make certain that it's a
12 sealed item and that there has been no -- no damage or
13 anything like that to the container or to the GSR kit. Once
14 that's established we open up the GSR kit, and inside the
15 GSR kit is an information sheet where it's going to tell us
16 who the collecting officer was, who the person they
17 collected the GSR kit from was. It will give us some
18 general information as to whether the hands were dirty,
19 blood, any type of soil on there. Then the specific
20 information that we're looking for in addition to the name
21 of the person it was collected from was the shooting time
22 and a collection time. Once it's established that we have
23 all of that information and it falls within that six hour
24 window, then we proceed with the analysis. Each one of
25 those stubs gets placed on a standing electron microscope,

1 which is a very high powered microscope. It allows us to
2 see particles that we cannot see with our naked eye. We're
3 able to see the shape of those particles, so we can look for
4 that molten and round shape. And it also allows us to
5 identify the elemental composition so we can look for those
6 elements; lead, barium and antimony. It's an automated
7 system. It runs overnight. The analyst comes in the next
8 day, or the day after depending on how long a run takes. We
9 go in and we look at the data. We look at the pictures for
10 any particles that are found. We analyze the elements that
11 it tells us that are in there. That's printed out on a
12 piece of -- on a sheet of paper, and that's saved for a
13 record of what we find on the individual particle lift.

14 Q Did you have an opportunity to review the results in
15 this case?

16 A Yes, ma'am. I did.

17 Q And what were those results in reference to the Jeep
18 Liberty, your item 38?

19 A On the Jeep Liberty, there were four areas of the Jeep
20 Liberty that were collected. The first was a rear passenger
21 door. And on the rear passenger door I found particles --
22 or, correction. Particles and gunshot residue were found,
23 and one particle consistent with gunshot residue was found.
24 The second area was a front quarter panel passenger side.
25 On that, no gunshot residue was found. The third area was a

1 rear quarter panel passenger side. One particle of gunshot
2 residue was found. And the fourth area was a front
3 passenger door and particles of gunshot residue were found.

4 Q I'm going to show you what's been marked State's 95.
5 Can you look at that and tell me if you know what's in
6 there? If you're familiar with what's in there.

7 A Do you have something to open this with? Yes ma'am.

8 Q And what is that?

9 A State Exhibit 95 was a heat sealed pouch that contains
10 three gunshot residue kits. Each of these bear the SLED lab
11 sticker that has a lab number, the item number, and the
12 initials of the analyst.

13 Q And can you tell me what item numbers those are?

14 A These are SLED item numbers 36, item 37 and item 38.

15 MS. ODOM: Your Honor, at this time the State moves to
16 introduce State's 95 into evidence.

17 MS. BOLEN: Your Honor, subject to our pretrial
18 objection.

19 THE COURT: It'll be admitted subject to your
20 objection, 95.

21 (Whereupon, State's Exhibit 95 was admitted into
22 evidence.)

23 Q I have just a few more questions. The GSR, item 38,
24 which was the gunshot residue from the vehicle. Can you
25 tell me about item 36.

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1 A Item 36 is a gunshot residue kit that was collected
2 from Jeremy Ray Jordan.

3 Q And what was item 37?

4 A Item 37 was a gunshot residue kit collected from Tony
5 Vernon Jordan.

6 Q And 38 was the Jeep, correct?

7 A Yes, ma'am. 38 was a gunshot residue kit collected
8 from a blue 2002 Jeep Liberty.

9 Q Now, going back to item 36. Can you tell us what the
10 results were for Jeremy Ray Jordan's gunshot residue kit?

11 A Yes, ma'am. Again, on a person, the officers are going
12 to collect a sample from the right palm, the right back, the
13 left palm and the left back. And on Jeremy Ray Jordan each
14 of those areas no gunshot residue was found.

15 Q So no gunshot residue on the fronts or back of his
16 hands?

17 A Correct.

18 MS. ODOM: No further questions.

19 MS. BOLEN: I don't have any, Your Honor.

20 THE COURT: All right. You may step down.

21 THE WITNESS: May I be excused?

22 THE COURT: You are.

23 (Whereupon, the witness steps down from the witness
24 stand.)

25 MR. BROWN: The State calls Maryann Boehm.

1 MARYANN BOEHM, having been first
2 duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. BROWN:

5 Q Good afternoon, Ms. Boehm. Where are you employed?

6 A I am employed at the South Carolina Law Enforcement
7 Division, commonly known as SLED.

8 Q And how long have you been working at SLED?

9 A Approximately nine years.

10 Q And what is your job there?

11 A I am assigned to the DNA casework department.

12 Q And what is your educational background?

13 A I received a bachelor of science in integrative science
14 and technology with a concentration in biotechnology from
15 James Madison University, and that's in Harrisonburg,
16 Virginia.

17 Q And what specialized training have you had in the area
18 of forensics?

19 A When I was employed at SLED I was in their training
20 program for approximately a year and a half. I learned
21 there are specific protocols and techniques used in the lab
22 to perform DNA analysis. I've also attended outside
23 training on specific instrumentation used in our laboratory.

24 Q Have you had any training in the area of population
25 statistics?

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1 A Yes, I have.

2 Q And have you ever been qualified as an expert in the
3 fields of forensic serology and DNA analysis?

4 A Yes, I have.

5 Q Approximately how many times?

6 A Approximately 45 times.

7 MR. BROWN: Your Honor, at this time I offer Maryann
8 Boehm as an expert in the fields of forensic DNA analysis.

9 THE COURT: Do you need any voir dire?

10 MS. BOLEN: No, sir.

11 THE COURT: She is so qualified in the field of
12 forensic DNA analysis.

13 Q Now, Ms. Boehm, what is serology?

14 A Serology is identification of body fluid such as semen,
15 saliva and blood.

16 Q And what is DNA?

17 A DNA stands for deoxyribonucleic acid. It is a chemical
18 found in all of our cells of our body, except for red blood
19 cells. It is important for giving us our physical traits,
20 like our hair color and eye color. It's also important for
21 passing along traits from generation to generation. We get
22 half of our DNA from our mother and half from our father.
23 With the exception of identical twins, no two individuals
24 have the same DNA. In forensic science we are interested in
25 the portions of DNA that differ between individuals. We

1 test 15 different locations, and the combination of those
2 test results make up a DNA profile.

3 Q And what percentage of the DNA do you look at in a
4 profile?

5 A It's a very small percentage of the DNA.

6 Q And did you receive evidence in this case?

7 A I did.

8 Q Lab number L13-14556?

9 A Yes, sir.

10 Q And what did you receive in this case?

11 A I received two known standards, one from Jeremy Jordan
12 and one from Tony Jordan. I also received several swabs and
13 a cutting from a tee shirt.

14 Q First I want to show you what's been marked for
15 identification purposes State's ID 92. Do you recognize
16 that?

17 A Yes, I do.

18 Q And what is that?

19 A This is our lab item 1.1.1. It was the dried blood
20 standard from Jeremy Jordan.

21 MR. BROWN: Your Honor, at this time I move what's
22 been marked State's ID 92 to State's Evidence 92.

23 THE COURT: Any objection?

24 MS. BOLEN: No, sir.

25 THE COURT: 92 is admitted without objection.

1 (Whereupon, State's Exhibit 92 was admitted into
2 evidence.)

3 Q I'll show you what's been marked as State's ID 84. If
4 you can take a look at this and tell me --

5 A This pouch contains several swabs from the railing, as
6 well as swabs from a car.

7 Q And did you use those in analyzing -- for the purpose
8 of your analyzation?

9 A Yes, sir. I performed DNA analysis on all of these
10 items.

11 MR. BROWN: Your Honor, at this time I move what's been
12 marked ID'd as 84 into evidence as State's 84.

13 THE COURT: Any objection?

14 MS. BOLEN: Subject to our previous pretrial motion.

15 THE COURT: Subject to pretrial motion it'll be
16 admitted.

17 (Whereupon, State's Exhibit 84 was admitted into
18 evidence.)

19 Q I'd like to show you what's been marked for
20 identification purposes State's ID 102. If you can take a
21 look at that and tell me what that is.

22 A This is our item -- SLED item 22.1. It's the cutting
23 from the tee shirt from bedroom of apartment .

24 Q And did you use that during your analysis?

25 A Yes, sir. I did.

1 MR. BROWN: Your Honor, at this time I move State's --
2 what's ID'd as 102 to State's 102.

3 MS. BOLEN: No objection.

4 THE COURT: No objection, 102.

5 (Whereupon, State's Exhibit 102 was admitted into
6 evidence.)

7 Q Also in this case did you receive swabs of -- I'll show
8 you what's been previously marked as -- for ID purposes as
9 105. If you could tell me what those items are.

10 A These are swabs from item 53, which was a pair of
11 shoes, submitted to the lab.

12 Q And did you use that during your analysis?

13 A Yes. I performed DNA analysis on these items.

14 MR. BROWN: Your Honor, I move State's ID 105 to
15 State's Evidence 105.

16 THE COURT: Any objection?

17 MS. BOLEN: No, sir.

18 THE COURT: No objection. 105 is admitted.

19 (Whereupon, State's Exhibit 105 was admitted into
20 evidence.)

21 Q Ms. Boehm, I'll show you what's been marked State's ID
22 103 and State's ID 104. If you can tell me what those two
23 items are.

24 A State's ID 103 is SLED's item 54.1, which is swabs from
25 the grip of a handgun and trigger area. And State's ID 104

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1 was swabs from the inside barrel of the handgun.

2 Q And side barrel of the handgun?

3 A Yes, sir.

4 MR. BROWN: Your Honor, I know move ID 103 and 104 as
5 State's Evidence 103 and 104.

6 THE COURT: Any objection?

7 MS. BOLEN: No, sir.

8 THE COURT: No objection.

9 (Whereupon, State's Exhibit 103 and 104 were admitted
10 into evidence.)

11 Q Now, Ms. Boehm, when you're doing a DNA serology test
12 and analysis what do you do? What was the first thing you
13 did in this case?

14 A The first thing I did was look at the paperwork that
15 was submitted with the evidence and see what kind of
16 requests are on the evidence. If there is a request for a
17 biological body fluid I will perform a serology test to see
18 if there is a body fluid. In this case I tested for blood.
19 And then if it was positive, or if there was a different
20 request, such as a touch request, I perform a DNA analysis
21 on those items.

22 Q And all these items that we have just gone over did you
23 perform a DNA analysis?

24 A I did.

25 Q And when you receive these items how are they packaged?

1 A They are sealed in a heat sealed pouch.

2 Q And after you remove these items from their heat sealed
3 pouch and you processed and analyzed them, what were your
4 results in this case.

5 A Well, first I performed a serology test for blood, and
6 blood was identified on several of the items. SLED item 18,
7 swabs from the fingerprints of the top rail. Our item 19,
8 which is swabs from the palm print of the top rail. Item
9 20, which was swabs from the fingerprint on side of rail.
10 Item 21, which was swabs from the stain on concrete wall.
11 Item 27, swabs from stains on bottom front exterior passage
12 door. Item 28, which was swabs from stain on exterior rear
13 driver's side window. Item 29, which was swabs from
14 exterior handle on front of driver's door. Item 30, which
15 is swabs from the lower right hood. Item 33, swabs from the
16 stain on the foot rest of driver's floorboard. Item 34,
17 swabs from the stain on gear shift. Item 53.1, swabs from
18 item 53, the left shoe out sole. Item 53.2, swabs from item
19 53, left shoe upper. Item 53.3, swabs from 53, right shoe
20 out sole. Swabs from item 53, right shoes upper. That's
21 item 53.4. And no blood was identified on -- no human blood
22 was identified on item 26, which is swabs from a Clemson tee
23 shirt. Item --
24 Q So there's no blood identified on swabs from the tee
25 shirt?

1 A Yes, sir.

2 Q But on 26 was there some from the cutting of the tee
3 shirt?

4 A I believe so. I did not perform serology tests in
5 that. Ms. Gibson did and sent me the portion of the shirt.
6 Item 31, which was swabs from the undercarriage. No human
7 blood was identified. Item 32, swabs from stain on the
8 steering wheel, there was no human blood identified. And
9 the other items, the swabs from the grip of the handgun
10 trigger area, and the swabs from the inside barrel of the
11 handgun I just performed DNA analysis. I did not perform
12 any serology testing on those items.

13 Q Now, what were your results from your DNA results?

14 A Sure. The DNA profile developed from item 19, which
15 was swabs from the palm print from the top of rail. Item
16 20, which is swabs of fingerprint on side of rail. Item 21,
17 which was swabs from the stain of the concrete wall. Item
18 26, which was swabs from the Clemson tee shirt. Item 27,
19 which was swabs from the stain on bottom front exterior of
20 passage door. Item 28; swabs from stand on exterior rear
21 driver's side window. Item 29, swabs of exterior handle on
22 front of driver's door. Item 32, swabs from stain on
23 steering wheel. Item 33, swabs from stain on foot rest of
24 driver's floorboard. Item 34, swabs from stain on
25 gearshift. Item 53.1, which is swabs from item 53, left

1 shoe out sole. Item 53.2, which is swabs from item 53, left
2 shoe upper. And item 53.4, which was swabs from item 53,
3 right shoe upper, matches the DNA profile of Jeremy Jordan.
4 The probability of randomly selecting an unrelated
5 individual having a DNA profile matching these items is
6 approximately 1 in 920 quadrillion.

7 Q And roughly how many people inhabit the earth?

8 A It's approximately 7 billion people.

9 Q So how many earths would it take to have 920
10 quadrillion?

11 A Approximately 100,000.

12 Q What other findings -- DNA findings did you --

13 A The DNA profiles developed from items 18, which was the
14 swab from the fingerprints on top rail, top of rail, and
15 item 30, which was swab from the lower right hood, also
16 matches the DNA profile of Jeremy Jordan. No DNA profile
17 was developed from 31, which was the swabs from the
18 undercarriage. The partial DNA profiles developed from
19 items 22.1, which was the cutting from the tee shirt, and
20 item 54.2, which was the swab from the inside barrel of
21 handgun, also matched the DNA profile of Jeremy Jordan. The
22 partial DNA profile developed from item 54.1, which was the
23 grip of handgun and trigger area, is a mixture of at least
24 two individuals. No conclusive statement can be made
25 regarding the inclusion or exclusion of Jeremy Jordan or

1 Tony Jordan to this mixture.

2 The DNA profile developed from Item 53.3 is a mixture
3 of at least two individuals. The DNA profile developed from
4 the major contributor to this mixture also matches the DNA
5 profile of Jeremy Jordan. The partial DNA profile of the
6 minor contributor is from an unidentified individual. Tony
7 Jordan can be excluded as a contributor to this item.

8 Q And that's the 53.3, the bottom -- or shoe swab?

9 A Yes. It's the swab from item 53, right shoe out sole.

10 Q Did you do any other testing regarding this case?

11 A No, sir.

12 MR. BROWN: No further questions.

13 CROSS-EXAMINATION

14 BY MS. BOLEN:

15 Q Agent Boehm, I just have a few questions for you. You
16 just testified that on the inside barrel of the gun, was
17 that DNA match Jeremy Jordan?

18 A Yes. The partial DNA profile that I developed from
19 that item also matched the DNA profile of Jeremy Jordan.

20 Q And you actually did two reports from some of this
21 analysis, right? One on November 13th, 2013 and one later
22 on April 11th, 2014?

23 A That's -- I've actually issued three reports on this
24 case.

25 Q I'm directing your attention to the one in November 13,

1 2013. And I want to talk a little bit about the swab on the
2 Clemson tee shirt. So you tested the swabs that were taken
3 from the front of the Clemson shirt?

4 A Yes, ma'am.

5 Q You didn't have the shirt itself?

6 A No. I just received swabs.

7 Q But you're familiar with practices of SLED in
8 collecting evidence, correct?

9 A Yes, ma'am.

10 Q And they typically would swab somewhere that they
11 thought had blood?

12 A That's correct.

13 Q And your analysis dated November 13th, 2013 for item
14 26, which is the swabs from the Clemson tee shirt, that
15 states no human blood identified, right?

16 A That's correct.

17 Q And then later also in your report on the same item,
18 Item 26, the swabs from the shirt and your report dated
19 April 11th, 2014, that also says no human blood identified
20 there, right?

21 A That's correct.. I didn't perform additional analysis.
22 It's just the combination of all the reports into that final
23 report.

24 Q Okay. And then likewise on item 32. And again you're
25 familiar with how SLED agents collect evidence, correct?

1 A That's correct.

2 Q So if they're swabbing an item they're swabbing it for
3 an area that they believe contains blood, right?

4 A That's correct.

5 Q And item 32 is swabs from a stain on the steering
6 wheel, correct?

7 A That's correct.

8 Q And again, that is no human blood identified?

9 A That's correct.

10 Q And that's on both your November 13th, report and your
11 later report, correct?

12 A Yes, ma'am.

13 MS. BOLEN: I don't have anything further. Thank you,
14 Agent Boehm.

15 THE COURT: Any redirect?

16 MR. BROWN: No redirect.

17 THE COURT: You may step down.

18 (Whereupon, the witness stepped down from the witness
19 stand.)

20 MR. BROWN: Judge, at this time I'd like to take a
21 quick five minute break.

22 THE COURT: All right. We'll excuse the jury. Don't
23 discuss the case.

24 (Whereupon, the jury exited at 2:54 p.m.)

25 (Whereupon, a recess was held from 2:54 p.m. to

1 p.m.)

2 THE COURT: When we get to the end of your witnesses
3 can we put both motions at the end of your witnesses? Can
4 we make that mark on the record?

5 MS. BOLEN: Do you mean -- just make sure we're on --
6 the DV motion as well as the opening on the law? Opening
7 full on on the motion?

8 THE COURT: No. Your DV at the end of his case and
9 then your DV at the end of your case. Both of those at the
10 same time at the end of the whole case.

11 MS. BOLEN: I think that's okay as long as it's
12 preserved.

13 THE COURT: I'm going to preserve it right now. When
14 the State rests, if it's very shortly, the witnesses are
15 short, defer until after you put up your witnesses, but you
16 need to make both of them. One you can make at the close of
17 the State's case and one you can make at the close of the
18 entire case.

19 MS. NELSON: We don't have any objection as long as
20 it's preserved, Your Honor.

21 THE COURT: All right. I just preserved that.

22 MS. BOLEN: Thank you, Your Honor.

23 THE COURT: We'll do it that way. I don't want to
24 take 20 minutes and have the jury right back out. All
25 right.

Audrey Todd-Direct Examination

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1 (Whereupon, the jury entered at 3:10 p.m.)

2 THE COURT: I talked to the lawyers when we took a break
3 to see what all we can finish this afternoon. The lawyers
4 are very hopeful we'll be done with all the testimony today
5 and then come back first thing in the morning and summarize
6 and instruct and deliberate.

7 So, with that being said, Mr. Brown, or Ms. Odom, your
8 witness.

9 MR. BROWN: The State calls Audrey Todd.

10 AUDREY TODD, having been first duly
11 sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. BROWN:

14 Q Ms. Todd, state your full name.

15 A Audrey Johnson Todd.

16 Q And where do you live?

17 A

18 Q And how long have you lived in Abbeville?

19 A Since 1990.

20 Q And you work anywhere? Are you employed?

21 A I'm on medical leave.

22 Q Now, do you know the Defendant in this case?

23 A Yes, sir.

24 Q Is he -- who is he?

25 A Tony Jordan.

1 Q And how do you know Mr. Jordan?

2 A I worked at Abbeville Nursing Home. I worked with his
3 daughter, Samantha Clinkscales, and with Jeremy's fiancée,
4 Crystal Collins, and he and Jeremy would often come out
5 there bringing supper to both of them, and Tony would come
6 and visit one of my residents, and we got to know each other
7 through her and become very good friends.

8 Q Now, did you know -- did you and Mr. Tony Jordan
9 correspond via phone?

10 A Yes, sir.

11 Q And how did you call correspond? Was it talking or did
12 you all send text messages?

13 A We'd text. I don't really like to talk on the phone,
14 so there was very little phone conversation. Most
15 everything went through text messaging.

16 Q What was your phone number?

17 A .

18 Q And what was your relationship with Mr. Jordan leading
19 up to last year? Last year -- this week last year. Do you
20 understand what I'm saying?

21 A Yes, sir. Like I said, he would come out to the
22 nursing home to visit a resident or bring supper. We became
23 very good friends. I was dating someone up until July of
24 2013, and he would always tell me he thought I was beautiful
25 and ask was I seeing anybody, and I'd tell him I still was.

Audrey Todd-Direct Examination

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1 Then the end of September I ran into him at what was Hickory
2 Point at the time and he told me I keep looking at your
3 Facebook status to see if you're single. And I said, well,
4 you're not going to see that because I don't pass my
5 business on Facebook, I said, but I am. And he said, well,
6 I'll start -- I'll give you a call. And I said, okay, do
7 that. So the end of September 2013 he started texting me
8 and --

9 Q Did it progress there?

10 A Yes, sir. We became very good friends. October 24th
11 my mother had surgery and there was an error made and she
12 was -- ended up on life support. I was trying to work.
13 Have an eight-year-old daughter, and I had a 15-year-old son
14 at the time that I was having trouble with. In between
15 being at the hospital with my mother and working and taking
16 care of my family he was texting wanting to bring supper to
17 me and the kids. And on October 30th he brought supper to
18 the house. And we were talking and he told me that cared
19 about me and that if we ever became in a relationship to let
20 him know. He wanted to broadcast it. And I told him I
21 cared about him and we would see where it would go. We
22 needed to take things slowly. October 31st I saw on
23 Facebook that we were in a relationship. I went to work,
24 and while I was working that day he came on my job six
25 times. I left work. Went straight to the hospital with my

1 mother. On November 1st a tragic incident happened with my
2 son, and then --

3 Q You had a lot on your plate with your mom and then your
4 son, right?

5 A Yes, sir.

6 Q Did the texts from Mr. Jordan keep coming?

7 A Yes, sir.

8 Q How often were they coming?

9 A It got so frequently. It was -- when I was at work --
10 I left work and was on the way to Simpsonville, and from the
11 time I got -- left Abbeville and got to Simpsonville I had
12 received over 50 texts from him. And I was not responding
13 back at that time. I was driving. Then I got to the
14 hospital. And at that point I was so overwhelmed with
15 everything. This was around the 9th of November. I started
16 asking him to please give me time. When I'm going through a
17 situation my coping mechanism is to kind of shut myself off
18 to everybody, and that's what I was needing to do. The only
19 people I was really having contact with was my immediate
20 family, and that was my mom, because I was at the hospital
21 with her, my sister, and my children, my brother and
22 sister-in-law. I asked him numerous times just to give me
23 time. That I needed patience. I needed to stay with my
24 daughters. They were grieving. I was trying to help them.
25 And he continuously text and text to the point that I felt

Audrey Todd-Direct Examination

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1 suffocated. Just overwhelmed. And I tried to cut off
2 communication.

3 Q Did you also -- did you send a text asking him if
4 Jeremy had been talking about your son's case?

5 A Yes, sir. I did. I was on the way to the hospital to
6 see my mom and my boss from work called me and told me that
7 he had -- Jeremy had been out at the nursing home and was
8 telling things that had been discussed with my lawyer, and I
9 -- immediately I text Tony and I asked him please not to let
10 Jeremy know anything dealing with my son's case. That I
11 didn't want anything to be detrimental to it.

12 Q And what did Tony respond with?

13 A He asked me what did he say, and I said I really don't
14 know but I just can't have anything, you know, interfering
15 with that. And he told me he was mad and that his ass was
16 his.

17 Q Now, did he continue texting up until November 11th?

18 A Yes, sir.

19 Q And did you receive a text the morning of November
20 11th?

21 A Yes, sir.

22 Q Do you remember generally what that text said?

23 A It was about 6:45 in the morning. He sent a text, of
24 course, telling me that he loved me. And he asked if the
25 reason I wasn't talking to him, if it was because of what

1 Jeremy or Krystal had said, that problem was solved.

2 Q And when did you get that text?

3 A That was Monday morning the 11th around 6:45.

4 Q And when did you find out something had happened to
5 Jeremy?

6 A It was Tuesday morning. I saw on the news. My
7 daughters -- my youngest daughter's father's girlfriend
8 called me and told me that there had been a body found on
9 the bridge.

10 MS. BOLEN: Your Honor, that's hearsay. I'll just
11 object to that.

12 THE COURT: Just rephrase the question.

13 Q What did you hear about --

14 A Well, it's on the news that a body had been found on
15 the bridge, and my --

16 Q Was that the 12th?

17 A Yes, sir.

18 Q And that day did you talk to Tony?

19 A I did. I had just dropped my youngest daughter off at
20 school and my oldest daughter called me, and Tony's sister
21 had called her. He had asked that she call Megan and Megan
22 tell me about Jeremy. I got a voice mail from Tony, and
23 then I called him and I said, "What in the world?" And he
24 told me that Jeremy's body had been found sitting up on the
25 bridge. That somebody had murdered him.

Audrey Todd-Direct Examination

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1 Q That somebody murdered him?

2 A Yes, sir.

3 Q And he didn't tell you what he had done?

4 A No, sir.

5 Q When you heard what had happened what was your feeling?

6 A When I first heard it, immediately I thought about the
7 location of it. I thought that was on the way to Krystal's
8 house, and I said I hope they investigate Krystal's family.

9 Q And who is Krystal?

10 A Krystal Collins is Jeremy -- was Jeremy's fiancé. I
11 said, "I hope they investigate the family to make sure
12 nothing had happened there." And then I got this real sick
13 feeling in my stomach, and I looked back through my text
14 messages that I had received the day before and I saw the
15 message about if the reason you're not talking to me has
16 anything to do with Jeremy and Krystal this is solved. So I
17 called a police officer.

18 Q Who did you call?

19 A Eric Prince.

20 Q And where does he work?

21 A Abbeville City Police Department.

22 Q And what did you tell him?

23 A I told him that I hoped I was wrong and that maybe I
24 had watched too many crime shows, but I just didn't feel
25 good about this text and I thought I needed to share it with

1 them.

2 Q And after Tony was arrested did you get any more texts
3 from him?

4 A Yes, sir. I did.

5 Q Texts or a letter?

6 A Texts. He continued to text me up until Thursday
7 evening before he was arrested.

8 Q Before he was arrested. And --

9 A And I received a letter also.

10 Q And those texts leading up to his arrest, did he ever
11 tell you that he had done it?

12 A No, sir.

13 Q What was one of the texts that he sent you?

14 A Telling me how much he loved me. That he knew I was
15 going through a lot. That if I had a chance he'd like to
16 talk to me or see me. He had been trying to call me one day
17 and I was in Columbia visiting my son, and his daughter
18 Samantha called me and I told her -- she said her daddy was
19 worried about me because he hadn't heard from me or been
20 able to get in touch with me, and I told him I'd been in
21 Columbia. I was tied up with my son. So that afternoon he
22 sent me a text and it said he knew I had a lot going on.
23 That he hoped my visit went well with Drew. He had just
24 gotten back from seeing Jeremy. That he loved me and would
25 like to hear from me.

Audrey Todd-Direct Examination

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1 Q Did he ever invite you to come over to eat?

2 A Yes, sir. Shortly before he was arrested he sent me a
3 text that there was plenty of food at his house if I was
4 hungry. Me or the kids were hungry. Dine in, carry out.

5 Q And this was before he was ultimately arrested?

6 A Yes, sir.

7 Q Did you ever receive anything from him after he was
8 arrested?

9 A A letter.

10 Q I want to show you what's been marked for ID purposes
11 101. You can pull that out and tell me what that is.

12 A This is the letter I received.

13 Q And that was addressed to you?

14 A Yes, sir.

15 MR. BROWN: Your Honor, this time I move ID 101 to
16 State's 101.

17 MS. BOLEN: No objection.

18 THE COURT: No objection. State's 101 is admitted.

19 (Whereupon, State's Exhibit 101 was admitted into
20 evidence.)

21 Q If you don't mind, would you read what he wrote to you.

22 A "Hello, beautiful. I hope things are going better for
23 you all. I guess I have a lot of explaining to do. A lot
24 of things needs answered. Well, here goes. For the last
25 year and a half Jeremy disrespected, verbally abused and

1 physically abused me. If I didn't give him money I would
2 get cussed out. He told me he would kill me. When I was in
3 the hospital he got to cussing me. Sam told him to leave,
4 and he told me I hope you die. A week after I had surgery
5 in June he hit me in the stomach and I started throwing up
6 blood. At times he would put a bar of soap in a sock and
7 start beating while I was asleep. I didn't tell anyone
8 because I was ashamed, and I love Jeremy. If I would not
9 give him money he would steal it from me. No, all this is
10 no good reason for what I did. Here's what happened. He
11 asked me for money to pay his child support. I told him I
12 didn't have it. He started cussing at me. Then he said,
13 ask Billy. Well, Billy and Brenda were camping at Calhoun
14 Falls State Park. No phone service. So we started riding
15 there. I asked him how was he going to pay it back because
16 I couldn't do it. Every time I paid money for him and asked
17 him to pay me back he would tell me fuck you old man. I
18 didn't ask you to pay it. Well, that started the cussing.
19 Then I asked him why and what did he do with the \$182 he
20 stole. That was Sam's money I had put up. He started
21 telling me fuck you, stop this GD car. Well, I did. He got
22 out. I got out and tried to talk to him. He hit me and
23 pushed me against the car. At that point he bent over to
24 pick up something and I snapped and shot him. Now, without
25 meds I don't sleep. Every time I close my eyes I see him.

Audrey Todd-Direct Examination

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1 I wish every day I didn't have that damned gun, but I did.
2 I hope you know that's not me. I don't hurt people. I
3 guess you have heard all the rumors going around. I shot
4 him because he was going with you. I shot him because he
5 was going to testify against Drew. I was connected to the
6 Alex thing. I'm sure there's more. Well, enough of that.
7 Well, you know I don't make it a habit of saying I'm sorry,
8 but I can't make this better, so I'm sorry for putting you
9 through my shit. I never meant for this to happen. I love
10 you and your family very much. Now I guess I'm hated by a
11 lot of people now. I let you and your family and Sam and my
12 family down. Sam and Pam said that they already knew about
13 the abuse by the way I had been acting the last few months.
14 I'm also sorry for Jeremy telling Krystal stuff and her
15 running her mouth. I also heard that I borrowed 50,000 to
16 pay for Drew a lawyer. Sam got upset with things Krystal
17 and Kelsey were saying about me when both of them treated
18 Jeremy like shit. Then they wanted to act like they loved
19 him. I know this don't mean much now, but I love you very
20 much. You probably do not ever want to talk to me again,
21 but I would love you to come see me. Well, if you have
22 gotten this far I'm lucky you are still reading. Please
23 give Drew, Meg and Jamie and the rest of the family my love.
24 Please write back if you can. I go for a bond hearing
25 December 2nd, not January -- February 3rd. Please don't

1 hate me. I love you. Tony." And then his address.

2 Q Ms. Todd, that letter talks about -- he says about
3 abuse of Jeremy..

4 A Yes, sir.

5 Q The times that you were together with him had he ever
6 mentioned anything like that to you?

7 A No, sir.

8 Q Did you ever have an inclination of anything like that
9 happened?

10 A No, sir. I knew that Jeremy was disrespectful at
11 times, but I have never seen or he had never told me of any
12 physical abuse. I thought they were best friends.

13 Q Did you find it odd that the one thing he was thinking
14 about in this letter, that he's sorry Jeremy and Krystal
15 were talking about your son's case?

16 A Yes, sir.

17 Q Did he ever say in that letter he was sorry for
18 shooting his son?

19 A No, sir.

20 MR. BROWN: No further questions.

21 THE COURT: Ms. Bolen.

22 MS. BOLEN: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. BOLEN:

25 Q Ms. Todd, in that letter he does say he wished that

Audrey Todd-Cross Examination

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1 never happened, right?

2 A Yes, ma'am.

3 Q And he also says in the letter that he never told you
4 about it because he was ashamed, right?

5 A Yes, ma'am.

6 Q I want to talk a little bit about your relationship
7 with Tony. It went a little further than just friends,
8 right?

9 A I cared a lot for him.

10 Q And you talked about all the text messages he sent you.

11 A Yes, ma'am.

12 Q But you sent a lot of text messages to him as well,
13 right?

14 A I did. But finally it got to the point that it was so
15 overwhelming. When I kept telling him I needed time and he
16 kept texting. I did care about him.

17 Q You texted him fairly often to tell him you loved him,
18 right?

19 A Yes, ma'am. As well as I did any dear friend.

20 Q So on November 7th, 2013 you texted to say, "I wanted
21 to say I love you and will talk to you later."

22 A I'm sure.

23 Q Then on November 9th, you again texted just "I love
24 you"?

25 A Yes, ma'am.

1 MR. BROWN: Judge, I'd like to see if that was in
2 context to his response.

3 MS. BOLEN: These are all already into evidence.

4 THE COURT: The jury -- all the evidence has been
5 admitted is going in the jury room except the pistol.
6 That's why the pictures will be. They'll have all of them.
7 They can read all of them to your heart's content.

8 Q And then again on the 9th, a few hours later, you again
9 texted -- say something about where you're getting dinner
10 from, but you also said you loved him?

11 A Yes, ma'am. And that was in response to a text from
12 him.

13 Q And then another one also on the 9th talking about --
14 you were talking about leaving to go straight to the
15 hospital, release from Meg from sitting with mom tonight,
16 but I'll call you.

17 A Yes.

18 Q Okay. And then on again November 9th, 2013 at about
19 11:30 you texted him, "Tell that sweet angel good morning,
20 and I love you guys."

21 A Yes, ma'am. He had sent me a picture of A. and
22 told me that they loved me.

23 Q And you responded you love them?

24 A Yes, ma'am.

25 Q And then again in response on the 9th you again texted

Audrey Todd-Cross Examination

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1 "I love you, too."

2 A Yes, ma'am. But if you will look at any of my text
3 messages of any of my close friends or family I always say I
4 love you.

5 Q And then on again November 9th you texted him "LOL, I
6 love that Meme thing. Tell my girls Sam and B. I love them
7 so much."

8 A Yes, ma'am.

9 Q And Sam is Tony's daughter, right?

10 A Yes, ma'am.

11 Q And is B. her daughter?

12 A Yes, ma'am.

13 Q And Meme, that's what Tony's granddaughter called you,
14 right?

15 A Yes, ma'am.

16 Q That was like a nickname for grandma?

17 A Yes, ma'am.

18 Q And then on the 9th again you texted him, "I love you
19 my sweetie," and then you also texted, "He is precious.
20 Tell him his Meme loves him," right?

21 A Yes, ma'am. I was referring to A.

22 Q So his kids referred you to as grandma and you liked
23 that, right?

24 A Yes, ma'am. I was very close. Even before I knew Tony
25 I was very close to Samantha and Krystal. I actually found

1 out about Krystal's pregnancy probably right after her
2 parents did.

3 Q And you knew Sam from work, right?

4 A Yes, ma'am. And she also dated my nephew.

5 Q And you actually knew Sam before Tony; is that right?

6 A Yes, ma'am.

7 Q And at one point you actually asked Sam if it was okay
8 with her if you dated Tony?

9 A Yes, ma'am. I had told her if it got to that point
10 that I knew -- he had told me that Sam was real protective
11 and all that. She didn't like anybody. And I told him I
12 cared a lot about what Sam thought, because Sam and I were
13 very good friends. We were close. Sam would talk to me
14 about various situations going on in her life. And so, I
15 told her if it ever got to the point that he and I started
16 dating would it be okay with her.

17 Q And then just lastly to finish up.. You also knew
18 Krystal, right?

19 A Yes, ma'am.

20 Q You worked with her as well?

21 A Yes, ma'am.

22 Q And it's your testimony that the incident location was
23 near Krystal's family's house, right?

24 A As far as I know. Yes, ma'am.

25 MS. BOLEN: Just a moment, Your Honor.

Krystal Collins-Direct Examination

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1 Q And, Ms. Todd, just briefly, the text that you got on
2 November 11th, that was pretty earlier in the morning,
3 right?

4 A Yes, ma'am. That was around 6:45.

5 Q And it says, "If the problem is Jeremy or Krystal,"
6 right?

7 A Yes, ma'am.

8 MS. BOLEN: I don't have anything further. Thank you.

9 THE COURT: You may step down.

10 (Whereupon, the witness stepped down from the witness
11 stand.)

12 MR. BROWN: The State calls Krystal Collins.

13 THE COURT: Ms. Collins, come forward and be sworn.

14 KRYSTAL COLLINS, having been first
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. BROWN:

18 Q Ms. Collins, where do you live?

19 A Off of the in Abbeville.

20 Q And how far away is your house from that bridge?

21 A I would probably say about three miles.

22 Q Now, how do you know the Jordan family?

23 A I've grew up with them. I've probably known them since
24 I was probably about eight or nine.

25 Q And how did you knew Jeremy?

1 A How did we meet to get in a relationship or how did we
2 meet before we got in a relationship?

3 Q Both.

4 A He's closer to my brother Tyler. I want to say he's a
5 year older than Tyler. And we met on Facebook whenever we
6 got in a relationship.

7 Q And how long were you all in a relationship?

8 A It would have been two years the following January.

9 Q And, in fact, you and Jeremy had a child together?

10 A Yes.

11 Q What's your child's name?

12 A A.

13 Q How old is A. ?

14 A He'll be two in February.

15 Q Now, were you all together --

16 A Yes.

17 Q -- when he passed away?

18 A Yes, sir.

19 Q And what was your telephone number then?

20 A It would be

21 Q And when all this took place did you -- after Jeremy on
22 the 12th, did you receive a text message from Tony Jordan?

23 A I sure did. It was probably about 5:45 the morning of
24 the 12th. And my name's not even spelled right in the text
25 message. It's spelt C-r-y-s-t-a-l. And it said, "Crystal,

1 have you heard from Jeremy. I haven't seen him since --"

2 Q I'm going to stop you. Can you speak up a little bit.

3 A It's spelled -- my name in the text message is spelled

4 wrong. It's spelled C-r-y-s-t-a-l. And it says, "Have you

5 heard from Jeremy," and it says that he hasn't seen him

6 since 10:30 the previous night.

7 Q And that's what Tony had sent you?

8 A Yes, sir.

9 Q Did you respond?

10 A And I told him that -- I asked if the law or something

11 had came to pick him up because I knew he had a warrant out

12 for child support, and he said -- he said -- or I asked him

13 if he had the Jeep or something and he said no. And then I

14 said are you going to file a missing person report, and he

15 said no.

16 Q And do you remember any other texts with him that day?

17 A No. I went over to the house early that morning, and

18 when I walked in the door he wouldn't even make eye contact

19 with me.

20 Q And he didn't tell you what happened?

21 A No, sir.

22 Q There's been evidence presented that he stated -- or

23 sent a letter to Audrey Todd that Jeremy was physical with

24 him or abused him.

25 A He was never once physical with me.

1 Q Who, Jeremy?

2 A No.

3 Q Did you ever know him to be physical with his dad?

4 A Never.

5 Q Would they get in an argument with each other like --

6 A They would have ever normal father/dad -- I mean,
7 dad/son argument. But other than that, no.

8 Q But you never saw any physical --

9 A No.

10 Q Did you ever see bruises on Tony or anything?

11 A No.

12 Q And they, in fact, lived together?

13 A Yes. For the whole time we were together.

14 MR. BROWN: No further questions.

15 THE COURT: Questions?

16 MS. BOLEN: Thank you, Your Honor. Just very briefly.

17 CROSS-EXAMINATION

18 BY MS. BOLEN:

19 Q You stated that Jeremy and Tony lived together the
20 whole time you were together, right?

21 A Yes, sir. I mean, yes, ma'am.

22 Q You never lived with Jeremy?

23 A No, ma'am.

24 Q But you two have a child together?

25 A Yes, ma'am.

Candy Green-Direct Examination

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1 Q And you knew -- you testified that you knew he had a
2 warrant out for child support?

3 A Yes, ma'am.

4 Q And was that with you or with his ex-wife?

5 A It was with his ex-wife.

6 MS. BOLEN: I don't have anything further. Thank you,
7 Your Honor.

8 THE COURT: You may step down.

9 (Whereupon, the witness steps down from the witness
10 stand.)

11 MR. BROWN: Judge, at this time the State rests.

12 THE COURT: As we discussed in the break, any motions
13 you make at this time will defer to the end of witnesses
14 called by the Defense, but she's protected. Mr. Jordan is
15 protected for motions that are due at this point.

16 All right. That's a legal trigger that motions have to
17 be made. I want to get the witnesses done, so I'm going to
18 hear those this afternoon late after we get done with the
19 testimony.

20 MS. BOLEN: Your Honor, can we have a brief side bar.

21 (Whereupon, a side bar was held.)

22 THE COURT: All right. Ms. Bolen.

23 MS. BOLEN: Thank you, Your Honor. The Defense calls
24 Candy Green

25 CANDY GREEN, having been first duly

Candy Green-Direct Examination

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1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MS. BOLEN:

4 Q Good afternoon, Ms. Green. Could you please state your
5 full name and spell it for the record.

6 A Candy Warren Green, C-a-n-d-y, W-a-r-r-e-n, G-r-e-e-n.

7 Q And Ms. Green, where do you work?

8 A Lighthouse Baptist Church.

9 Q What do you do there?

10 A I'm the secretary.

11 Q How long have you been there at the Lighthouse Baptist
12 Church?

13 A For six years, almost seven years.

14 Q Do you know Tony Jordan?

15 A I do.

16 Q Do you know the Jordan family?

17 A I do.

18 Q How long have you known the family?

19 A Since we started church there eight years ago.

20 Q Did you also know Jeremy Jordan?

21 A I did.

22 Q Over the last eight or so years how often would you see
23 Tony?

24 A About three times a week at church.

25 Q Did you see him -- what was the context in which you

Candy Green-Direct Examination

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1 saw him?

2 A Our children were friends and we were friends, and then
3 we also interacted in different things. We went to
4 different places together. Went to Bible College classes
5 together. Spent a lot of time with all the families in our
6 Sunday school class. My husband and I's Sunday school
7 class.

8 Q So you saw him at church. Did you ever see him outside
9 of church at all?

10 A We did.

11 Q And did you also see Jeremy Jordan?

12 A I did.

13 Q And how long have you known Jeremy?

14 A Since we started church there. I believe they were
15 already there, if I'm not mistaken. And I saw him quite
16 often because he and my son were really good friends for a
17 long time.

18 Q And just of your own personal knowledge, not what you
19 might have heard from someone else, did you ever observe
20 Jeremy and Tony together?

21 A I did.

22 Q And can you tell me about what you observed?

23 A They spent a lot of time together. We had a lot of
24 concern because we worried about Tony with Jeremy at times.
25 Not physically so much. But he was in housing that limited

1 who could be there and he knew that he shouldn't let Jeremy
2 be there, but he did. And Jeremy borrowed a lot of money
3 from us, from the church, from Tony, from different people.
4 And I experienced a lot of different personal conversations
5 between them.

6 Q What was the nature of those conversations? Again,
7 without going into any specifics of what was said.

8 A Jeremy would call us, my family, my husband and I, my
9 son, he would call the church asking for money, and we would
10 let him borrow it at times but he would never pay it back.
11 And then Tony would come to us apologizing or concerned that
12 it wasn't paid back. And he had a lot of worry about Jeremy
13 --

14 Q Did you ever see any argument between the two?

15 A I did. We did.

16 Q About how often?

17 A It wasn't always arguing, but there was a lot of
18 disrespect because Tony would try to get him to not ask for
19 things, or to not -- Jeremy told a lot of things that
20 weren't true and he would confront Jeremy about it and they
21 would argue about it.

22 Q And to your knowledge, did Jeremy live with Tony?

23 A Yes, to my knowledge.

24 Q And that was in Tony's apartment? I believe you
25 already talked --

Candy Green-Cross Examination

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1 A Yes.

2 Q -- about that a little bit.

3 A Yes.

4 Q So over the last eight years you've seen Tony, you
5 said, about three times a week?

6 A Yes.

7 Q And you've seen him at church --

8 A Or more.

9 Q -- and also socially?

10 A Uh-huh.

11 Q Over that time did you ever see anything that made you
12 think he had a character trait for violence?

13 A No. No, ma'am.

14 Q Did you see any violent things about him at all?

15 A No, ma'am. But, like I said, we had a hard time with
16 how passive he was with Jeremy. We felt that -- and I still
17 feel that Jeremy took advantage, and Tony always put up with
18 it. He always avoided him and let him stay with him,
19 because he had nowhere else to go.

20 MS. BOLEN: That's all I have. Thank you. Please
21 answer any questions the Solicitor may have for you.

22 CROSS-EXAMINATION

23 BY MR. BROWN:

24 Q Ms. Green, do you happen -- you say you and your
25 husband?

Candy Green-Cross Examination

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1 A Right.

2 Q And you all have children?

3 A We do.

4 Q And one of your son's friend's -- or was friends with
5 Jeremy?

6 A Yes, sir.

7 Q And you say that you never actually saw -- you would
8 worry about Tony sometimes?

9 A Right.

10 Q But you never really worried about any kind of physical
11 abuse or anything like that. Did he ever --

12 A I never thought about it, to be honest with you.

13 Q But you never saw any signs of any bruises or anything
14 like that on him?

15 A No, sir. I do know that the night that -- or that we
16 found out about Jeremy we went to their house. And I've
17 always through that he had scratches on his arms. I don't
18 know if he did or not, but --

19 Q But you don't know how he got those scratches?

20 A I have no idea. But I do remember thinking it looked
21 like he had scratches on him.

22 Q Now, you say you have a son?

23 A Right.

24 Q Has your son and your husband every got in an argument?

25 A No, sir.

John Boswell-Direct Examination

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- 1 Q Never in your life?
- 2 A Never.
- 3 Q How old is your son?
- 4 A 22.
- 5 Q And he's had an argument with your husband?
- 6 A Not an argument.
- 7 Q He's never had an argument with you?
- 8 A Possibly. Possibly. But not --
- 9 Q Over 22 years and no argument?
- 10 A No, sir.
- 11 Q Okay. Has your child ever asked you to borrow money?
- 12 Borrow money from you?
- 13 A No, sir. I don't believe so.
- 14 Q Never?
- 15 A No, sir.
- 16 Q You've never given him gas money?
- 17 A We've given him gas money because he's our child, but
- 18 we never let him borrow money. He's always had his own
- 19 money. And actually, Jeremy stole \$500 from my son off of
- 20 his dresser the last time we spent a lot of time with
- 21 Jeremy.
- 22 Q How do you know it was Jeremy?
- 23 A Because there was nobody else in the house. Everybody
- 24 else was outside. My son's birthday party. And he had
- 25 gotten this cash and put it on his dresser before he went

1 outside, and Jeremy went inside to go to the bathroom. And
2 I believe he had Gavin, his son, with him. And when we came
3 back inside it was gone, and no one else had been in the
4 house.

5 MR. BROWN: No further questions.

6 THE COURT: Any redirect?

7 MS. BOLEN: No, sir. Your Honor.

8 THE COURT: You may step down.

9 (Whereupon, the witness steps down from the witness
10 stand.)

11 MS. BOLEN: Thank you, Your Honor. Defense calls John
12 Boswell.

13 JOHN BOSWELL, having been first
14 duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. BOLEN:

17 Q Good afternoon, Mr. Boswell. Could you please state
18 your name and spell it for the record.

19 A John Boswell, J-o-h-n. Last name is Boswell,
20 B-o-s-w-e-l-l.

21 Q And are you working anywhere right now?

22 A No, ma'am.

23 Q Did you use to work?

24 A Yes. I'm medically disabled from the railroad.

25 Q Did you work for CSX?

John Boswell-Direct Examination

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- 1 A Uh-huh, I did.
- 2 Q And do you know Tony Jordan?
- 3 A I do.
- 4 Q How long have you known him?
- 5 A I'd say approximately 30 years.
- 6 Q How do you know him? Where do you know him from?
- 7 A Well, we met back in the early '80s. We worked at Food
- 8 Lion together.
- 9 Q And did you become friends?
- 10 A Yeah, we did.
- 11 Q And have you been friends with him for the past 30
- 12 years?
- 13 A Ever since.
- 14 Q And how often would you see him?
- 15 A Two, three times a week.
- 16 Q And would you see him socially or what sorts of
- 17 circumstances would you see him?
- 18 A Socially. And occasionally would go over to his house.
- 19 Q Were you ever -- let me back up. Did you know Jeremy
- 20 Jordan at all?
- 21 A I knew who he was, but I never interacted with him at
- 22 all.
- 23 Q So you never saw him with Tony or anything?
- 24 A No.
- 25 Q Did Tony ever tell you about lending Jeremy money or

1 anything like that?

2 A The only thing Tony told me about the two was that he
3 was always wanting money and borrowing money from people and
4 wouldn't never pay it back.

5 Q Do you recall about when Tony told you this?

6 A It was prior to Jeremy's death, I know.. I know the
7 last visit I was at his house prior to the incident was he
8 was -- Tony was complaining about him living there and
9 eating all his food and borrowing money from him, taking
10 money from him and from his friends, and he was pretty much
11 insulted by it.

12 Q And to your knowledge, did Jeremy live with Tony?

13 A He did.

14 Q And in the 30 years that you've known Tony, seen him
15 fairly often, have you ever seen anything that made you
16 think he had a character trait for violence?

17 A Never.

18 Q Did you ever see him raise his hand at anyone?

19 A Never.

20 Q Did you ever see him strike anyone in any way?

21 A Never.

22 Q Did you ever see him do anything that made you think he
23 might react violently?

24 A Never.

25 MS. BOLEN: Nothing further. Thank you. Please answer

Samantha Clinkscales-Direct Examination

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1 any questions the Solicitor may have.

2 CROSS-EXAMINATION

3 BY MR. BROWN:

4 Q Mr. Boswell, you said you've known Tony Jordan for 30
5 years?

6 A Yes, sir.

7 Q Did you know his ex-wife?

8 A His -- no.

9 Q How old was Jeremy?

10 A I have no idea.

11 Q And Jeremy was around 25, 26, but you never knew who
12 his mom was, or his ex-wife?

13 A No. When I -- Tony had moved to the beach at a period
14 of time, and that's where I'm from. When I would go to
15 visit my family I would go see him when he was there. But
16 him and his wife at that time was split up, so I actually
17 never met her.

18 Q And over the 30 years did Tony have any girlfriends?
19 Can you remember?

20 A Honestly I can't remember right off -- if I said yes, I
21 wouldn't know who the names were. I don't want --

22 Q But it's not anybody that stood around long enough for
23 you to remember the name?

24 A No, sir.

25 Q And so, he's never really had a steady girlfriend from

1 the whole time you knew him?

2 A Not that I recall. No, sir.

3 MR. BROWN: No further questions.

4 THE COURT: Any redirect?

5 MS. BOLEN: No, sir, Your Honor.

6 THE COURT: All right. You may step down.

7 (Whereupon, the witness steps down from the witness
8 stand.)

9 MS. BOLEN: The Defense calls Samantha Clinkscapes.

10 SAMANTHA CLINKSCALES, having been
11 first duly sworn, testified as follows:

12 DIRECT EXAMINATION:

13 BY MS. BOLEN:

14 Q Ms. Clinkscapes, could you please state your name and
15 spell it for the record.

16 A Samantha Clinkscapes, C-l-i-n-k-s-c-a-l-e-s.

17 Q And do you go by Sam?

18 A Yes.

19 Q And how do you know Tony Jordan?

20 A He's my father.

21 Q And how do you know Jeremy Jordan?

22 A He's my brother.

23 Q And growing up did you live with both Tony and Jeremy?

24 A Yes.

25 Q Did your mom live with you?

Samantha Clinkscales-Direct Examination

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1 A No.

2 Q About what age did you start living with just your dad?

3 A I was one is all I -- I don't remember my mom ever
4 living with us.

5 Q And you lived with your dad here in Abbeville?

6 A They moved different places. But it's when I started
7 -- from what I remember, yes.

8 Q And are you older or younger than Jeremy?

9 A I'm younger.

10 Q By about how many years?

11 A Two years.

12 Q Samantha, had Tony ever talked to you about wondering
13 if Jeremy was his son or maybe someone else's?

14 A Yes, he's made the comments.

15 Q Do you remember when -- how many years he's talked to
16 you about that for?

17 A My dad and I have always been close and he's talked to
18 me about a lot of things, but he's always brought it up just
19 -- I guess when I got old enough to understand things he
20 started talking to me about it. Just asking questions.

21 Q So it wasn't unusual for him to make those sort of
22 comments?

23 A No. Because he knew that I -- he knew I was blunt
24 enough to ask my mom anything. Anybody anything. Not just
25 her.

1 Q I want to talk a little bit about Jeremy and Tony.

2 Okay? So did you -- for the past few years have you lived

3 with them or do you live somewhere else?

4 A No. I'm married.

5 Q Do you work anywhere?

6 A I work at Savitz.

7 Q Do you still live in Abbeville?

8 A Yes. I live actually in Antreville. I have an Iva

9 address, but Abbeville County.

10 Q And to your knowledge, did your brother and dad live

11 together for the past two years?

12 A Yes.

13 Q Did you ever go out and visit them at --

14 A Yes. I used to go all the time.

15 Q And when you say all the time, about how often?

16 A I used to go every single day.

17 Q Is it fair to say you love your dad and you love your

18 brother?

19 A Both of them, yes.

20 Q Did you ever observe any sort of arguments between your

21 dad and brother?

22 A All the time.

23 Q And what was -- without going into any specifics of

24 what was said, what was the nature of the arguments? What

25 would they be about?

Samantha Clinkscales-Cross Examination

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1 A Jeremy lying about stuff. Jeremy not wanting to get up
2 and work. Jeremy taking things that he shouldn't have.
3 Being disrespectful, being rude.

4 Q And in the past few years have you known your brother
5 to have a steady job?

6 A No, not really. He had one and then something happened
7 with that, and then after that it just went all downhill.

8 Q And did you loan your brother money at any point?

9 A Yes, I have.

10 Q More than once?

11 A Yes.

12 Q Did he pay it back?

13 A No.

14 Q And you were in the hospital room with your dad when he
15 had surgery, right?

16 A Yes.

17 Q And again without going into exactly what was said, was
18 there a comment there that made you upset?

19 A That comment was made when my dad was having chest
20 pains and we took him to the ER.

21 Q Have you lived -- you're how old now?

22 A I'm 24.

23 Q And how long did you live with your dad?

24 A Until I was about 19 or 20.

25 Q And then in the time since you were 19 or 20 have you

1 seen your dad on a regular basis?

2 A Yes.

3 Q Would you say, how many times a week?

4 A I used to go to his house every day before work, when I
5 worked at Abbeville Nursing Home.

6 Q And during that 24 years do you remember any instance
7 where your dad displayed a character trait for violence?

8 A No, ma'am.

9 Q Did you ever see him physically assault Jeremy in any
10 way?

11 A No.

12 Q Physically assault anyone?

13 A No.

14 MS. BOLEN: I don't have anything further. Please
15 answer any questions the Solicitor may have.

16 CROSS-EXAMINATION

17 BY MR. BROWN:

18 Q Samantha.

19 A Uh-huh.

20 Q Is your cell phone number ?

21 A Yes, sir.

22 Q Samantha, on November 9th last year do you remember
23 receiving a text from your dad saying, "Your brother is a
24 dumb ass fool and she's a dumb ass bitch."?

25 A No, sir. I don't remember that.

Samantha Clinkscales-Cross Examination

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- 1 Q And he then sent you another text right after that.
2 This would have happened -- this text would have come in
3 around 2:36 on that day. He said, "They are going to try to
4 work things out. She's just using his dumb ass."
5 A I don't remember any -- I'm not saying they weren't
6 sent to me, but I don't remember that.
7 Q Now, you do remember Ms. Bolen had asked you if your
8 dad had ever talked to you about -- questioning whether
9 Jeremy was his son or not?
10 A Yes.
11 Q Do you remember getting a text from your dad, a series
12 of text messages on November 10th of last year?
13 A I recall them from being read in here.
14 Q And he had asked you normal weeks -- normal number of
15 weeks pregnant, 40, what -- 40, what?
16 A Yes, sir.
17 Q And you responded "Why." He said, "Just wondering."
18 You said, "Whose saying their pregnant," and he started
19 getting a little short by saying "Nobody." And then you
20 said, "Then why are you asking." "Never mind, honey. I'll
21 take somebody that knows." And then you responded, you
22 answered by saying, "It's 40 weeks," and he said, "Thank you
23 very much." And then you talked about Chloe was 38 weeks.
24 A Yes, sir.
25 Q And then again you asked him, "Well, now will you tell

1 me why you needed to know," and he told you, "No," and you
2 said, "Why not." And he said, "No need to. Just thinking
3 about something that's happened 25 years ago. That's all."
4 And then you say "With Jeremy or another kid." And then he
5 got a little short with you the way he responded, "Why does
6 it matter. It's nothing. You all have a good day." And
7 then you said, "Obviously because you're asking about it."
8 He said, "Just happened to think about it. That's all. Too
9 much time on my hands, I guess." Do you remember those
10 texts?

11 A I mean, I remember from today. I don't remember it,
12 no.

13 Q You don't think that's an odd text the day before your
14 brother turns up dead?

15 A He would text me odd things all the time. It's not
16 normal -- I mean, it's not abnormal for my dad to text me
17 something random.

18 Q You said your brother would borrow money.

19 A Yes.

20 Q Is that an excuse for having your brother killed?

21 A No, absolutely not.

22 Q And your brother would tell some lies?

23 A Yes.

24 Q In fact, did your dad ever tell you a lie?

25 A Yes.

1 Q Did he tell you a lie on November 12th, early morning
2 hours?

3 A Yes.

4 Q Didn't he text you at 4:55 in the morning, "Good
5 morning. Call me when you're get this. Your brother ain't
6 at the house."?

7 A Yes.

8 Q So not only would your brother maybe tell some lies,
9 but your dad told a lie, too, didn't he?

10 A Yes.

11 MR. BROWN: No further questions.

12 THE COURT: Redirect?

13 MS. BOLEN: None, Your Honor.

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

15 (Whereupon, the witness stepped down from the witness
16 stand.)

17 MS. BOLEN: Your Honor, at this time I believe we're
18 ready to proceed to the next stage.

19 THE COURT: All right. That's cue for me to tell you
20 all that we're done for the day. 9:00 in the morning?

21 MR. BROWN: 9:00 will be fine. Yes, Your Honor.

22 THE COURT: 9:00. We'll see you all at 9:00 in the
23 morning. Can't discuss the case. Tomorrow we'll - we're
24 about done. They asked me could they think overnight and
25 decide what they want to do first thing in the morning, so

1 I'm going to let them do that. But if anything should occur
2 tomorrow legally, nevertheless, you all are done for the
3 day. See you in the morning at 9:00. We'll get the case to
4 you tomorrow. Can't discuss the case yet.

5 (Whereupon, the jury was released for the day at 4:05
6 p.m.)

7 THE COURT: Ms. Bolen, let's go over your client's --
8 Ms. Bolen, let's go over your client's right to testify or
9 right to remain silent, --

10 MS. BOLEN: Yes, Your Honor.

11 THE COURT: -- on the record. I'm certain you all --
12 both lawyers have advised Mr. Jordan of his rights.

13 Mr. Jordan, you sat through the trial over the last two
14 days of testimony, as well as the jury selection on Monday.
15 It's now toward the end of the trial. Your case is still
16 open. You're still allowed to present testimony through
17 your lawyers. You have the right to testify in this case.
18 It's your decision, not the lawyers. Solely yours. Now,
19 they give you advice. You must consider your options and
20 the advice they give you and make a decision of whether or
21 not you wish to testify or not.

22 Now, have you had an opportunity to speak with both
23 these attorneys about your right to testify or your right to
24 remain silent?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And do you understand the Constitution
2 affords you the right to remain silent? And if you choose
3 to not testify the last instruction I will give to the jury
4 will be that they are to consider your guilt or innocence
5 solely on what the evidence that has been presented and that
6 they're not to discuss in any manner whatsoever your
7 decision to exercise your right to remain silent. The
8 evidence presented is what they must base guilt or innocence
9 on and not you exercising your right to remain silent. Do
10 you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, have you had an opportunity to
13 consider whether or not you wish to testify in this trial?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you need additional time?

16 THE DEFENDANT: No, sir.

17 THE COURT: Have you made a decision?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And what is that?

20 THE DEFENDANT: I'm not going to testify.

21 THE COURT: Fair enough. Now, do you need any further
22 time with your attorneys?

23 THE DEFENDANT: No, sir.

24 THE COURT: Very good. I think that's sufficient.

25 MS. BOLEN: Thank you, Your Honor.

1 THE COURT: Now, that being the case, Ms. Bolen.

2 MS. BOLEN: Yes, sir.

3 THE COURT: Who's your next witness?

4 MS. BOLEN: I'm sorry. What?

5 THE COURT: What's --

6 MS. BOLEN: That was -- we don't have any further
7 witnesses. I did not want to say this rests the case.

8 THE COURT: That's what I needed. So now --

9 MS. BOLEN: I didn't want to close the record. But we
10 do not have any more witnesses. The Defense does rest.

11 THE COURT: That's what I wanted. All right. Mr.
12 Brown, y'all can contend or wish to put up any rebuttal?

13 MR. BROWN: No, Your Honor.

14 THE COURT: Very well. Now, let's hear your motions
15 that we preserved the right at the end of the State's case,
16 as well as now included in the end of the entire case. And
17 you can consider it as one.

18 MS. BOLEN: Your Honor -- again, thank you, Your Honor.
19 The Defense is making a motion for a directed verdict based
20 on that the State has not provided substantial evidence, or
21 any evidence, of the elements of the crime as charged.

22 THE COURT: All right. There's been ample testimony,
23 facts the jury can consider to support the charge of murder,
24 as well as possession of a weapon -- possession of a weapon
25 during the commission of a violent crime. I think it is a

1 fact question. Additionally, it appears to me that the
2 lesser plea of voluntarily manslaughter ought to be charged
3 based on the facts that have been presented to this jury.
4 So it would be my intent, unless I hear otherwise, to charge
5 that also.

6 Any objection to that from the State?

7 MS. BOLEN: Your Honor, we were going to ask for a
8 manslaughter instruction, so that --

9 MR. BROWN: Not from the State.

10 THE COURT: I do not intend to charge involuntarily.

11 MR. BROWN: Your Honor, I would object to that.

12 THE COURT: Yeah, I don't think the facts appear
13 involuntarily.

14 MS. BOLEN: Okay, yeah.

15 THE COURT: Now, Ms. Nelson, you made a motion
16 requiring the State to open fully, which is the common law
17 tradition.

18 MS. NELSON: Yes, Your Honor. I don't have a lot to
19 add beyond what is in our written motion that should have
20 been filed with the clerk and is therefore a record in this
21 case. It's -- our contention is that the practice of the
22 Defendant losing final argument simply by presenting
23 evidence in his defense is just something that has developed
24 in practice. And to the extent that there is law on that,
25 we would argue for a change in the law and for the court to

1 follow what is done in civil practice. And this whole --
2 this whole tradition came about as a result of reliance on
3 the civil rule, and that's part of what the motion
4 addresses. That civil rule now requires what we're asking
5 for, for the Plaintiff to open fully on the facts in the
6 law, for the Defendant to then present their argument, and
7 then for the Plaintiff to come back and -- only in rebuttal
8 to what the Defense has said. There is a civil rule in
9 place that requires that practice and that's what we're
10 asking for. In this case, Your Honor, it's not -- not just
11 for the State to open fully on the law, but for the State to
12 open fully on their entire case, and then only have final
13 argument for rebuttal.

14 THE COURT: All right. I understand your motion. The
15 State will be required to open in full on the law, and if
16 they wish to address the facts it'll be their decision. I
17 understand your motion, but I'm not going to require them to
18 do that. I'm going to stick with the tradition I know.

19 So, Mr. Brown, if you wish to open and address some of
20 the facts, it'll be in your discretion, because the State
21 has the burden of proof.

22 Anything else?

23 MR. BROWN: Not from the State, Your Honor.

24 THE COURT: All right. I'm emailing my instructions.
25 I can give them to you. You can look at them and make

1 comments first thing in the morning?

2 MS. BOLEN: Yes, sir.

3 THE COURT: How about that?

4 MS. BOLEN: That'll be all right. Thank you.

5 MS. NELSON: Thank you very much. That was the only
6 other thing we had, I believe. Your Honor.

7 THE COURT: Yes, ma'am.

8 MS. NELSON: Can we put one more thing on the record
9 since Mr. Brown just brought this up to me? Our intention
10 was for Ms. Bolen's argument on directed verdict to
11 encompass both what we would have done at the close of the
12 State's case and the close of the Defense's case. We
13 didn't. She would have just repeated the same thing twice
14 if we had --

15 THE COURT: If I did not make that clear, that was my
16 intent to --

17 MS. NELSON: That's what I thought, Your Honor.

18 THE COURT: -- include a directed verdict at the close
19 of the State's case, as well as a renewal of the directed
20 verdict motion at the close of the Defense case.

21 MR. BROWN: Thank you, Your Honor.

22 MS. NELSON: Thank you, Your Honor.

23 MR. BROWN: We just want to make sure that --

24 THE COURT: I want to make sure it's both ways, and it
25 is. All right. There's your -- the email should be hitting

1 you shortly. We'll see you in the morning.

2 TRIAL DAY 4-11/14/14

3 THE COURT: You all ready to go?

4 (Whereupon, the jury entered at 9:10 a.m.)

5 THE COURT: I spoke to the lawyers, but I don't know if
6 we put it on the record. So, Ms. Bolen.

7 MS. BOLEN: Thank you, Your Honor. The Defense, at
8 this time, rests.

9 THE COURT: And is there any rebuttal from the State?

10 MR. BROWN: No rebuttal, Your Honor.

11 THE COURT: Folks, that is legal term for you all have
12 heard all the evidence that's going to be presented. It's
13 now the opportunity for the attorney to summarize what they
14 believe the evidence has shown and proved. The State will
15 open first with the law. The Defense will then summarize
16 its case, and then the State will give a response at the end
17 of their summary. As soon as that's done, depending on how
18 long they speak, we're going to take a short break, come
19 back in and I'll give you my instructions on the law. If
20 they're not too long and you all feel alert enough, you
21 don't need to stretch your legs, we may go on with the
22 instructions then. It depends. I may take a break either
23 way. It's now the opportunity for the lawyers to summarize
24 their positions. So, with that, Mr. Brown.

25 MR. BROWN: Thank you, Your Honor. May it please the

1 court?

2 THE COURT: Yes, sir.

3 CLOSING ARGUMENT

4 BY MR. BROWN: Ladies and gentlemen, I know there's
5 been a couple of days and you've listened to many witnesses
6 and some of it might have been a little burdensome to go
7 through, especially going through line by line of the text
8 messages. But you've been listening intently and we
9 appreciate your time.

10 I'll speak right now on -- beginning with the law.
11 What Mr. Tony Jordan is charged with. Mr. Jordan is charged
12 with murder. Murder is the killing of another person with
13 malice aforethought. So, what is malice. Malice is hatred
14 or ill-will or hostility toward another person. And the
15 aforethought. What is that. That he had this feeling
16 before the act was done. It doesn't have to be a long
17 period of time for it. It can be right before it actually
18 happened. The Judge spoke to you on that. It's got to show
19 malice aforethought, that he had hatred or ill-will towards
20 this person when the act was done. It is the doing of a
21 wrongful act intentionally without just cause or excuse.
22 Ladies and gentlemen, after I sit down I'll get back up in
23 front of you in a few moments and tell you there's no just
24 cause or excuse in this case for what he did to his son.

25 The Judge will also instruct you on voluntary

1 manslaughter. It's a step down. It's voluntary, which
2 means the Defendant took the life of another, based on the
3 sufficient legal provocation. The heat of passion must be
4 the type that would make an ordinary person unable to coolly
5 reflect on his actions and would produce an uncontrollable
6 impulse to do this violence.

7 Folks, let me back up. I'll discuss more of why this
8 is not a heat of passion. And you've heard the evidence
9 over the course of the days. The last couple of days. It's
10 not a heat of passion. It's something he thought about and
11 he went out there and executed it.

12 The Judge will also instruct you on the possession of a
13 weapon during the commission of a violent crime. He'll
14 instruct you that both murder and voluntary manslaughter are
15 a violent crime, and that the possession and use of a weapon
16 during the commission of the crimes is what it sounds like.
17 It's straightforward. Had a gun and used it during his
18 commission of this crime.

19 Now, what the State has, and the burden we welcome, is
20 we have the burden to prove to you beyond a reasonable doubt
21 Mr. Tony Jordan did commit these offenses, and he did commit
22 the offense of murder and that he did have the weapon during
23 the commission of a violent crime. Beyond a reasonable
24 doubt is a proof that leaves you firmly convinced in his
25 guilt. Firmly convinced. It's not all doubt. It's not

1 every doubt. It's not any doubt. It's the proof that
2 leaves you firmly convinced that he did these acts. In a
3 few minutes I will be back up in front of you and I'll go
4 over the facts and summarize what you've heard from all the
5 witnesses that came here the last couple of days. Again, we
6 appreciate your attention.

7 THE COURT: Ms. Bolen.

8 MS. BOLEN: Thank you, Your Honor.

9 CLOSING ARGUMENT

10 BY MS. BOLEN: Ladies and gentlemen of the jury, this
11 is the last time I'll be able to speak to you. And I've got
12 notes with me because I want to make sure I don't forget
13 anything, because this is all very important. Okay? What I
14 want to talk to you about is what I told you when I first
15 spoke with you in our opening statement. And what I told
16 you then, that we're not disputing that Tony shot Jeremy.
17 We're not disputing that at all. We never have. What we
18 are disputing is that this was a murder. As I told you in
19 the beginning, not every killing that happens at the hands
20 of another, not every killing is a murder. There's
21 different kinds of killing that happens at the hands of
22 another. There's reckless homicide. There's manslaughter.
23 In this case it's manslaughter. Not a murder. Okay?
24 What we're contesting -- again, we're not contesting
25 that Tony shot Jeremy. What we are contesting is that he

1 did this with malice aforethought. We're contesting what
2 the State is saying, that he did this with hatred, with
3 ill-will, that he walked his son on the bridge and did this
4 with malice. What the evidence shows -- and we'll go
5 through the evidence in a minute. But what the evidence
6 shows is this happened after provocation and in the sudden
7 heat of passion. This is not something Tony planned. This
8 was not something that he had hatred in his heart toward his
9 for. You've heard the testimony. Jeremy lived with Tony.
10 Tony took care of him. Tony helped him get out of trouble.
11 Tony loved his son. This was not something he planned to
12 do. He didn't have the hatred and the ill-will in his heart
13 that the State wants you to think that he has. And again,
14 we know this because of the evidence, and we'll go over that
15 in a minute.

16 Speaking of the evidence we've got. A big pile of
17 evidence over here. And most of that evidence goes to prove
18 something that we told you from the very beginning. That
19 Tony shot Jeremy. That's what most of it goes to prove.
20 And most of it is here because Tony either gave it to law
21 enforcement or told them where to find it. Are those the
22 actions of someone who is planning with malice aforethought
23 to commit a murder? No. Someone is not going to point out
24 all the evidence to law enforcement if this was something
25 that they did with malice.

1 And how do you know that this is a manslaughter and not
2 a murder? As the Solicitor said, murder requires malice
3 aforethought. Manslaughter is a sudden heat of passion
4 after sufficient legal provocation. Tony's statement -- and
5 he made a couple of statements, all of which you got to
6 hear. He made statements to law enforcement before he was
7 arrested. He made statements to law enforcement after he
8 was arrested, and he wrote the letter to Ms. Audrey Todd.
9 You know what happened from his statements. In those
10 statements he shows this happened only after he was provoked
11 by this argument that was getting more and more heated that
12 night and only after Jeremy took a swing at him. That's the
13 provocation is that swing. And then his words in those
14 statements that you heard several law enforcement officers
15 testify. I did it. I just snapped. I just snapped.
16 That's the heat of passion, ladies and gentlemen. That's
17 not malice aforethought. That swing is the provocation and
18 I just snapped is him acting out of sudden heat of passion.
19 Not him planning it. It's not him having hatred and
20 ill-will towards the son that he lived with, raised on his
21 own and took care of. Sudden heat of passion.

22 One thing I want to address right in the beginning is
23 we are not trying to say, it is not our position, that
24 because Jeremy and Tony have had problems in the past, and
25 that Jeremy owed him money and owed other people money, we

1 are not at all trying to say that that is reason to kill
2 Jeremy. Not at all. Of course it's not. Absolutely not.
3 Okay? That's not the provocation. The past arguments. The
4 arguments over money, Jeremy asking for money. That's not
5 the provocation we're talking about. The provocation that
6 happened that night is that argument that went on on the
7 bridge, it got more and more heated, and it led Jeremy to
8 swing at his father. That's the provocation. Okay? And
9 it's important to know. It didn't give me a lot of pleasure
10 to have to put witnesses up here to tell you about their
11 past relationship. I didn't derive pleasure from having
12 people talk about things that Jeremy had done in the past.
13 But it was important to get that up there because it shows
14 you the context of their relationship. Okay? Because in
15 his statement Tony talks about this past that they had. And
16 the State's witnesses, as well as the Defense witnesses show
17 you that Tony is not the only one saying that these problems
18 existed. Tony is not the only one saying that yeah, this
19 was an ongoing problem. That this argument that happened
20 that night makes sense because it's happened before. You
21 heard that from Candy Green. You heard that from Jeremy's
22 own sister, Samantha Clinkscales. That's Jeremy's sister.
23 It was emotional for her but she was able to tell you, yeah,
24 she loves her dad and she loves her brother, but her brother
25 had been asking for money and doing these things for a long

1 time. You also hear it from Tony himself. You hear in his
2 statements that there's this history. There's this past.
3 And Tony knows that that's not an excuse. He says that in
4 his own letter to Audrey. So again, I want to make it clear
5 that it's not our position that this past history between
6 them is enough to warrant a killing. It's not. But it just
7 goes to show the context of the relationship and it shows
8 that what he's saying about what happened on that bridge and
9 the argument that was escalating and Jeremy just depending
10 more and more and taking a swing at him, all these people
11 know about it and testified to. And Tony puts in his letter
12 to Audrey, after he tells her about the abuse that he had
13 had from Jeremy. He says I know that's not a good reason.
14 And that's not what we're saying is the provocation. The
15 provocation is what happened that night.

16 Now, I talked to you in the very beginning in opening
17 about the scene itself. The scene on the bridge, and how
18 you know from that scene that that is the best piece of
19 evidence to help you figure out that this is a manslaughter
20 and not a murder. That this is not something that Tony
21 planned and this is not something he did with malice
22 aforethought.

23 Before I go to the scene I want to talk to you a little
24 bit about what Tony did and what he didn't do, because both
25 of those are very important to help you figure out this was

1 not planned, this is not something he did with malice, this
2 is not something he did out of hatred and ill-will. This is
3 something that happened after provocation, by Jeremy
4 swinging at him, and in the sudden heat of passion. Okay?

5 So first, let's talk about what he did. Tony was the
6 one to bring this to the attention of law enforcement. You
7 heard from several different law enforcement officers that
8 that morning at about 4:30 or so he drove his car up to a
9 police officer. Drove up right beside him and said his son
10 was missing. And then he goes and talks to another police
11 officer and says the same thing. Then he gives the officers
12 -- voluntarily he give them his cell phone number and
13 Jeremy's cell phone number. He doesn't lie about what those
14 numbers are. He just gives them to them. When the police
15 officer asked if Jeremy had a son named A. , or a child
16 named A. because the body found on the bridge had that
17 tattoo, Tony didn't lie to him. He said yeah, he had a son
18 named A. . Then after being at Lynn's and talking to
19 these officers he then voluntarily went to the Sheriff's
20 Office. He went with them completely on his own. They
21 said, hey, will you come up and talk to us? Will you come
22 to the Sheriff's Office and talk to us? Will you help us .
23 figure out if the deceased is your son? He said sure, yeah,
24 and he rode in the police car and went to the Sheriff's
25 Office. And there they asked him -- the SLED agent, as well

1 as the Coroner, asked him, hey, tell us what your son looked
2 like. Did he have any tattoos? What was he wearing? What
3 does he look like? And he told them a totally accurate
4 description. He told them about his son's tattoos, and they
5 matched. He told them the clothes Jeremy was wearing, and
6 they matched. And he told them what Jeremy looked like.
7 And all that was true. If someone is trying to get away
8 with murder, if someone's trying to cover that up, are they
9 really going to volunteer all that information right off the
10 bat? No, they 're not. He's the reason that they
11 identified Jeremy. He's the one who gave them the
12 information they needed to say, yeah, this is Jeremy Jordan.

13 Then officers said, hey, can we go look in your
14 apartment. And again, Tony says sure. They didn't have to
15 get a search warrant. He just let them in his apartment to
16 look around. He did that not once, but twice. He did it
17 first that morning and later in the afternoon. They asked
18 him if they could look and he said yeah, sure you can.
19 Again, are those the actions of someone who's trying to get
20 away with murder. Whose trying to cover something up. Who
21 planned this out, did it with malice and is trying to get
22 away with it? No, it's not.

23 He also went up to the Sheriff's office after that
24 first time. He went up two or three times that day.
25 Voluntarily went and talked to law enforcement. He parked

1 his Jeep out in the open parking lot of his apartment
2 complex. He didn't try to hide it. He didn't try to drag
3 it behind a building or put it somewhere else. He parked it
4 out in the open. And, as you heard testimony, the Jeep
5 still had some blood on it. And I'll talk about that in a
6 minute. But he didn't try to hide his Jeep. It was right
7 there in front of his apartment.

8 He also that day on the 12th voluntarily when asked by
9 SLED, when they said, hey, can we collect a GSR kit, a
10 gunshot residue kit from your hand, he said sure, and the
11 left them do that. They asked for a Buccal swab of his DNA.
12 Sure, I'll give you my DNA. They asked for his
13 fingerprints. And this was after they knew that there were
14 fingerprints on that railing. He said sure I'll give you my
15 fingerprints. These are all things that he voluntarily gave
16 them. Again, these are not the actions of someone trying to
17 cover up something that they planned and that they did with
18 malice.

19 And then finally on the 14th he confesses. He tells
20 them what happened. He tells them we were arguing. It got
21 more and more heated. I decided to -- you know, I told him
22 I couldn't give him money but I'll take him out to Billy at
23 the Calhoun Falls State Park, and that's where they were
24 driving to. The argument got more and more heated. They
25 got out of the car. Jeremy started arguing more heatedly.

1 Jeremy took a swing. And then he said, again, I just
2 snapped. So he tells them what happened.

3 Now, you might remember that there's some discrepancies
4 in what he said. Some of the officers said he said one
5 thing, some said another. Remember, none of these
6 statements were recorded. And they could have been and then
7 you would have known exactly what he said and the demeanor
8 in which he said it. But these statements weren't recorded,
9 and they could have been.

10 Then he tells them -- this is still a list of all the
11 things he did. All of the things that Tony voluntarily did
12 and gave to law enforcement. He tells them where the gun
13 is, and it's exactly where he says it will be. He tells
14 them where the clothes are, and again, it's exactly where he
15 said they would be. He tells them where Jeremy's phone is
16 and it's exactly where he says it will be. All these items
17 are found because of what Tony told law enforcement
18 voluntarily.

19 And I know there's some not good things that he did.
20 He did say Jeremy was missing. Okay? He did try to first
21 hide the gun. But he tells law enforcement twice why he did
22 those things. Because he just wanted to be able to bury his
23 son. And he said, "Just let me bury my son and I'll tell
24 you everything." And that's not unreasonable that he wanted
25 to bury his son.

1 Now let's talk about what he didn't do. Okay? What
2 did Tony not do and how does that help you realize that this
3 is a manslaughter and not a murder. Number one, he didn't
4 clean up the blood on the bridge. You've seen the pictures,
5 and I'm sure you'll see more of them in closing, and you'll
6 have them back there in the evidence room. He didn't try to
7 clean any of that up. He didn't try to cleanup the bloody
8 footprints. He didn't pick up the cartridge -- the spent
9 cartridge from the gun, which was lying in a puddle of blood
10 which the -- Ms. Dawn Claycomb, the SLED analyst showed you.
11 Hey, it's shinny. You can see it right here. He left it
12 there. He left fingerprints on the rail. He left his palm
13 print. None of that is -- he didn't try to get rid of any
14 of that. He didn't wash his car. And you can see that from
15 the pictures as well. You've got a Jeep. There's mud on
16 it. Even little specs of blood. He doesn't wash is car.
17 He doesn't try to get rid of that evidence. He doesn't hide
18 the car. He doesn't leave town. He stayed there. You
19 heard that he was at his apartment and they arrested him
20 without incident. He didn't do this where he could get rid
21 of the body or hide it. And all these things that he didn't
22 do showed that this is not something he planned. This is
23 not something he did with malice. This is something that
24 just happened in the sudden heat of passion after he was
25 provoked. Okay? Because he doesn't take all these steps to

1 try to cover this up. And you know that. That back at the
2 beginning -- you know that that's important. Because if
3 this was something that he had planned, he would have had a
4 plan for getting rid of everything. That's how you know
5 that this wasn't planned and this wasn't done with malice,
6 because he would have had a plan to get rid of all this
7 evidence. Not to just leave it. And not to tell law
8 enforcement about it. Not to give it to them.

9 Again, the State wants you to think that he's this cold
10 hearted father, who had a hatred and ill-will, executed his
11 son. That's just not what the evidence shows. That's just
12 not what the evidence shows. I'm going to go back a little
13 bit through the evidence.

14 Again, in the opening I talked about how the scene on
15 the bridge was really the best -- best evidence we have in
16 this case. And I talked a little bit about different
17 situations to cover up. And I'm not going to go through
18 extensively now. But I talked to you about my friend's son
19 who accidentally broke the vase and still tried to cover it up
20 even though he had done nothing wrong. And I talked to you
21 a little bit about that new show How To Get Away With Murder
22 where the kids -- five law students plan an murder and they
23 plan an elaborate coverup, and there's no -- no trace of
24 anything because they know how to get rid of it. This is
25 not a sophisticated coverup. It's not a coverup at all.

1 The amount of evidence left behind shows that this wasn't
2 planned. Because if he had planned it he would have had a
3 plan to get rid of all that evidence, and he didn't.
4 Instead he gave it to law enforcement.

5 The scene itself -- we're going to talk about the
6 scene, and I'm going to show you a picture of it. There's
7 plenty of pictures for you to look at. And the things I
8 want to draw your attention to are the location. Where this
9 happened. It happens on on the way
10 to Calhoun Falls, which is where he said he was going. He
11 was going to the state park. It's a narrow road. There's
12 double yellow lines. You can see that in one of the
13 pictures.

14 And again, you'll have all this back there you can look
15 at, but you can see the double yellow lines. This is a road
16 that's out in the open. This is not some country dirt road.
17 There's no shoulder. There's no shoulder on this road. The
18 bridge is right up against the railing. It's out in the
19 open. It's a narrow road. There's clearly traffic, because
20 both the neighbor and law enforcement testified that they
21 had to put cars up to block traffic. And there's a house
22 right there. Mr. Napier said yeah, he can see the bridge
23 from his house. You can see his house from the bridge.

24 Also, you need to look at -- and it comes out best in
25 this diagram that was made by SLED. He's looking at the

1 situation of bridge itself. There's a river right there
2 within maybe 20 yards at most. There's a river right there.
3 And this is -- you'll have this back with you. This shows,
4 you know, where this happened and then where the river is.
5 Again, if this was something he was planning, if this was
6 something where he, as the State wants you to think,
7 committed this out of hatred and ill-will, marched his son
8 to the bridge, executed him, he would never have done it
9 where it happened. The scene tells you that what happened
10 is much more consistent with what Tony says about the
11 argument, about the swing, about just snapping. Much more
12 consistent with that than with the State's theory that this
13 was something he planned out and that he did out of hatred
14 and that he executed his son on purpose.

15 Also remember that the bridge is not that far away from
16 Jeremy's fiancée's family. Again, this is something he was
17 planning and not something that just happened as he stopped
18 the car on the way to the state park. He wouldn't have done
19 it there.

20 Now, the State wants you to think that this has
21 something to do with Audrey Todd. They want you to think
22 that Tony was love struck. Hadn't had a girlfriend in a
23 while. Would do anything for Audrey Todd. And they went
24 through a lot of text messages, and you're going to have
25 those text messages with you. They're right here. It's a

1 big book of texts. You can read all of them. They're all
2 in evidence. And they read some text messages where he
3 writes stuff to her that shows, yeah, he felt strongly about
4 her. But she felt strongly about him, too, and that's also
5 evident in all these text messages. If you go through all
6 of these, and you should, you'll see there's not a single
7 threat in these messages. He doesn't write anything about
8 I'm going to get rid of Jeremy. I may do something with
9 Jeremy. The thing that's actually the closest is he writes
10 something about "I'm mad as hell. His ass is mine." Well,
11 that -- it may not be an expression you want to use, but
12 that's an expression that's not at all uncommon to you.
13 That's not a threat. There's nothing in here in these days
14 and pages of text messages that show that he's plotting and
15 planning and has plans to kill his son.

16 Now, a text message as the State brought out -- and I
17 think it's important. I think it's important that they
18 brought it out, because it's an important text, is this one
19 that he sent to Audrey on the morning of November 11th. He
20 sent it around 6:50, 6:49, or something in there. And
21 again, you can see for yourself in there. And the text says
22 some other stuff, but one of the lines is, "If the problem
23 is Jeremy or Krystal, the problem is solved." That's an
24 important line. The State wants you to think that that
25 means, hey, I figured out a way to solve this. I'm going to

1 do it by killing Jeremy. And to give you -- you know, you
2 heard some context about something happened with Audrey's
3 son, Drew. That Jeremy was maybe saying something about
4 Audrey's son, Drew. And that, therefore, this means that
5 Tony decided to kill Jeremy because of something Jeremy said
6 about Audrey's son, Drew. It's pure speculation on the
7 State's part, and on anyone's part, to decide what that text
8 means. It's pure speculation to say that text means problem
9 solved. I'm planning to kill my son. There's other
10 reasonable explanations of what that text means and they
11 actually make a whole lot more sense than what the State
12 wants you to think. First of all, look at the time. It's
13 sent on the morning of the 11th. It's not sent after the
14 12th. It's not sent five minutes before or around 8:00 or
15 8:30 on the evening of the 11th. It's sent a good 15 hours
16 before Tony shots Jeremy. Then look at the language. "If
17 the problem is Jeremy or Krystal." Nothing happened to
18 Krystal. We know that. She was here yesterday. And then
19 look at the language used in the second part of that. "The
20 problem is solved." Not the problem will be solved, or I
21 figured out a way to solve the problem. The problem is
22 solved. It's already been solved. What makes much more
23 sense is that he was referring to maybe a conversation he
24 had with Jeremy and Krystal. He said stop saying stuff
25 about Audrey's son, Drew. That makes much more sense. And

1 to take this text out of context and to speculate that it
2 means, oh, he's planning a murder, just doesn't make any
3 sense. What makes much more sense that he says the problem
4 is solved, I talked to them. They're not going to talk
5 about Drew anymore.

6 And also, when you're trying to figure out -- if that
7 text is important to you and you're trying to figure out if
8 it was some sort of veiled threat or indication of plans,
9 think about the testimony you heard from Audrey. She didn't
10 say anything about I got that text and I was so scared, and I
11 called the police, or I got that text and I called my friend
12 to say, oh, Tony's up to something, or I got that text and I
13 called Tony and I said, what are you doing. What are you
14 thinking about doing. She didn't say anything like that.
15 This text didn't concern her when she got it. Not at all.
16 Because she didn't say anything about it causing her any
17 concern that day. And that's important. And it's also
18 important to remember the timing of it. A good 15 hours
19 according to them.

20 The State also brought out the text of Jeremy -- that
21 Tony sent to his ex-wife about is Jeremy really my son.
22 Well, you heard from Jeremy's sister, from Tony's daughter,
23 from Sam, that this is something that Tony had talked to her
24 about before for the past couple of years. And, you know,
25 you may think it's not appropriate for a father to talk to

1 his daughter about that. It probably isn't. It's probably
2 not the most mature thing to do, to talk to your kids about
3 that. But what you know is that it wasn't unusual for Tony
4 to have those thoughts that maybe this isn't my kid. So it
5 doesn't mean it's not my kid. I can do whatever I want.
6 This is just something that he asked her before, and we know
7 that because Samantha tells us about it.

8 So they want you to think that because of these text
9 messages, and solely because of these text messages, that
10 Tony decided to kill Jeremy because Tony was in love with
11 Audrey and because Audrey thought Jeremy had said something
12 about her son, Drew. That's all speculation. You can look
13 through these texts. And again, they're all in evidence.
14 You'll get them back there with you. And you can see that
15 they're just normal text messages. The State has pulled out
16 a sheet of highlights, but when you go through those, all of
17 these, you'll see that most of these are just normal, hey,
18 do you need me to get you anything for dinner. Things like
19 that.

20 You also will see in these text messages that there's a
21 few text messages between Tony and Jeremy. There's one
22 about Jeremy asking Tony to pick up his son A. and Tony
23 says sure. There's one from Tony to Samantha saying, hey,
24 I'm going to buy your brother a biscuit. Do you want me to
25 get you one. Are those really the text messages of someone

1 who's plotting to kill their own son at a bridge. Are they
2 really going to be picking up their kids, getting them
3 breakfast? No. That's not someone -- that's not the
4 actions of someone who's planning this or plotting this and
5 doing this out of some love struck craze.

6 So as I stated again, we are not contesting, we are not
7 contesting that Tony shot Jeremy. But this is a
8 manslaughter and not a murder. Okay? This happened in the
9 heat of passion. The sudden heat of passion after -- after
10 provocation.

11 Again, the provocation is not the past
12 arguments, but the argument that was going on that night and
13 the swing that Jeremy took at Tony. Okay? The scene itself
14 shows it wasn't planned. Okay? And afterwards when we --
15 when we see the things that Tony did and didn't do, and the
16 stuff he gave law enforcement and the things he did not do
17 to try to get rid of evidence, we know that he's not like
18 those scenes in that show. He's not trying to -- he didn't
19 plan this incident. He didn't plan to cover it up. He
20 didn't plan to get rid of any evidence.. And that goes to
21 show that this happened in the sudden heat of passion and
22 not with malice.

23 And again, look at what he didn't do. He didn't pick
24 up evidence that was left there at the scene. The
25 cartridge, the fingerprints. The fact that he doesn't wash

1 his car. He doesn't try to smudge away the palm prints, the
2 fingerprints. He doesn't do this somewhere where he could
3 leave less of a trace. In fact, he pulls up to law
4 enforcement that morning in the same car that hadn't been
5 washed and the car had blood on it. That shows you this is
6 not something he's trying to cover up. This is not
7 something he planned and did in malice.

8 And again, look at the scene itself. Someone -- ask
9 yourself, someone whose planning this, that had this
10 developed in their mind over the past couple of days, as the
11 State wants you to think in these text messages, would they
12 have really done this where this happened? They would have
13 left the body there when there's a river right there. When
14 they're headed towards a remote state park where there's
15 forest. Not on a narrow road out in the open that traffic
16 goes down. That's not where it would have happened. And
17 all of this is important because it goes to show he's not
18 trying to get away with murder. This is not a murder. He's
19 not trying to get away with murder.

20 Something else I told you in the beginning. That only
21 two people know what happened on that bridge. Tony and
22 Jeremy. And if you think it's possible that it happened the
23 way the State says it happened, you think it's possible that
24 he planned it, that he went out there on purpose and that it
25 was malice and forethought with hatred and ill-will, he

1 executed his son, but if you think there's also just as good
2 a possibility that it happened the way Tony is saying it
3 happened, that they'd been in an argument, Jeremy was asking
4 for money, Tony wouldn't give it to him, he decided to drive
5 him out to the state park to see Billy to ask for money, an
6 argument continued, they get out of the car, the argument
7 gets more heated, Jeremy takes a swing at him and in the
8 sudden heat of passion he says he just snapped, if you think
9 that's just as possible you've got to give Tony the benefit
10 of the doubt and find him not guilty of murder.

11 And again, looking at the scene, looking at all the
12 things that Tony did afterwards and all things he didn't do
13 afterwards, that shows that it happened the way he said it.
14 It happened after he was provoked and it happened in the
15 sudden heat of passion. That's exactly what he said, I just
16 snapped. I just snapped. That's a manslaughter. It's not
17 a murder.

18 So after you review all the evidence -- and you've got
19 a lot of evidence to review. There's a lot. A lot of
20 pictures. There's the text messages. There's the physical
21 evidence. After you review all that we're asking that you
22 come back and find that Tony is not guilty of murder but
23 that this was something that happened in the sudden heat of
24 passion after legal provocation. Thank you.

25 THE COURT: Mr. Brown.

1 CLOSING ARGUMENT

2 BY MR. BROWN: Ladies and gentlemen, last year,
3 November 11th, 2013, Tony Jordan drove his son out in the
4 Jeep Liberty to a bridge on . He
5 stuck the gun to the back of his head. He didn't shoot him
6 in the chest. He didn't -- that's not a response to being
7 swung, like a swing or anything. He didn't shoot him in the
8 chest. He shot him in the back of the head point blank and
9 made a tear, which means he was right up against his head.

10 Folks, stop right there. That's malice aforethought.
11 That is ill-will. That's hatred. That's hostility towards
12 his son Jeremy. To get shot in the back of the head, that
13 -- a dog doesn't deserve to get shot in the back of the
14 head. And he did that to his son.

15 Tony saw Jeremy as a barrier. He saw him as a problem.
16 You've heard it. You've heard it in all his statements.
17 His first statement when he went to law enforcement. His
18 son was hanging out with this guy. His son owed money. He
19 owed child support. All this deflecting. His son was this,
20 his son was that. In his written statement, his son stole
21 money. He owed money. He was just a pain. In his letter
22 to Audrey, again, he starts adding other stuff. He put a
23 bar of soap in a sock and started hitting him with it.
24 You've heard everybody up here. Nobody has said that he
25 they ever saw him get violent. Nobody ever said that. But

1 he shot him in the back of the head, folks.

2 It's all based off -- you heard Tony's friend say Tony
3 hasn't been with a lady the 30 years he'd known him, besides
4 his wife and that was 25 years and his friend didn't know
5 his wife. But nobody had ever seen him. Well, Audrey Todd
6 was showing him attention. They were seeing each other.
7 Audrey had stuff going on in her life. Her mom was in the
8 hospital. Her son was in a horrific great deal of trouble.
9 So she was dealing with that. She sends a text to Tony
10 three days before -- two days before, "Jeremy and Krystal is
11 saying stuff about my son. I can't have anything -- any
12 obstacles in my son's case." What is Tony's response? "I
13 hadn't told him anything. That makes me mad as hell. His
14 ass is mine." He then starts texting other things. Texts
15 his ex-wife. Out of the blue, "25 years ago we were in
16 North Myrtle Beach and you found out you were pregnant. you
17 asked me if this baby is Mark's would it change the way you
18 feel about me." And then he's asking, "Well, is Jeremy
19 Mark's or is he mine." Why is that a question somebody is
20 going to be asking 25 years later, and it just happened to
21 be coincidently right before Tony kills his son out on that
22 bridge? Because he's trying to justify. He's trying to
23 justify what he's planning on doing. Well, if this isn't my
24 son it makes it a little easier to go out there and put a
25 gun to the back of his head and kill him. The wheels are

1 turning in his head. Right after he texts his ex-wife that
2 who does he bring into the conversation? He brings in his
3 own daughter. "How long does it take -- what's the
4 pregnancy term? 40 weeks. 40, what." She says why. Well,
5 if they had had that conversation before -- and it goes on
6 through and she asks the question, "Are you talking about
7 Jeremy?" Because he said it happened something 25 years
8 ago. "Why are you asking?" "Oh, it's no -- not important.
9 Don't worry about it." Well, it must be if you keep
10 texting. This isn't a conversation that happened all the
11 time. He's asking his daughter. The wheels are turning.
12 He say's, "Well, I guess I just have too much time on my
13 hands." He's thinking about it, folks. Then Audrey is
14 pumping the brakes even more. She sends a text saying, "I
15 got too much going on. I failed Drew. I can't fail my
16 girls. I need a little distance right now." Tony goes into
17 desperation mode. "I love you. I love you. I can be here
18 for you. Your pain, my pain. When you hurt I hurt." So
19 what does he do? He blames it on Jeremy. Her pain, his
20 pain. Her pain right now is she's dealing with Drew.
21 Anything that hurts her son is his pain, too. He sees it as
22 Jeremy. Jeremy is talking about her son's case. So what
23 does he do? "Oh, if the problem is Jeremy or Krystal that
24 problem's solved." He already knew what he was going to do.
25 He was going to take that problem out. He's going to

1 eradicate that problem. So what does he do? That night
2 they get in the car, in the Jeep, and they drive down
3 . The Defense wants you to think this
4 is just something -- this is a paved road. Well, folks,
5 we've got paved roads all over the place. It doesn't mean
6 it's out -- it's not out in a desolate area. You've seen
7 the pictures. It's dark. You heard the testimony. It's
8 completely dark out there. It happened at night. They had
9 -- law enforcement had to get fire trucks out there with
10 lights to brighten up the whole area because it's dark. He
11 takes him out on that bridge. Gets out of the car. And I'm
12 going to show you a picture, what's in evidence. State's
13 evidence 16. Look at those markers. Now, Special Agent
14 Dawn Claycomb said those markers are footprint impressions.
15 You see a kind of pattern about those footprints? Those
16 footprints walk around something there. So what is he
17 walking around? He's walking around the Jeep. The Jeep is
18 parked in that area. Now, if the Jeep is parked in that
19 area, where's the space where Jeremy swung at? Look where
20 Jeremy's body is. Look where the blood puddles are. You've
21 got a blood puddle over here to the right. You've got a
22 blood puddle where Jeremy is finally resting there.

23 I submit to you he got Jeremy out of the car, put the
24 gun to the back of his head and shot him. Where Jeremy is
25 located is right next to the passenger side of that car.

1 Right where the GSR was gathered. Right where the blood
2 splatter is gathered. Where SLED was able to swab and find
3 that it was Jeremy's blood. Right there on that bridge.
4 Malice aforethought. Ill-will, hatred and hostility.
5 You've got the hostility. He's already said in all his
6 letters he was tired of him. Giving him child support. He
7 took money from people. Most important, he's giving away
8 the first girlfriend he's going to have in a long time.

9 He sent his daughter a text, "Baby girl, I'm thinking
10 about if we're still together next year 2014 around
11 Christmas I'm going to ask her to marry me." He's head over
12 heels. It's the first girl he's been around. So he takes
13 out his son to make sure he can stay with her. All he wants
14 is her attention. So he takes Jeremy on that bridge and he
15 executes him.

16 He wants you to think after -- two or three days after
17 he'd done this, after he was nailed because of the forensic
18 evidence, that Jeremy swung. Well, it's mighty convenient
19 now that Jeremy swung three days later. Well, let's look a
20 little deeper at that picture. Tony, after he executed
21 Jeremy, put the gun in the back of his head and pulled the
22 trigger, there's two blood puddles. I submit to you Jeremy
23 fell towards the blood puddle to the right. Right where
24 that marker 12 is. That marker 12 is the bullet casing.
25 Tony, even though they say he wanted to go to that funeral

1 by the end of the end of the week, Tony wasn't thinking
2 about going to any funeral that night. Tony was thinking
3 about getting rid of that body. So what did he do? He
4 grabbed a hold of Jeremy's foot, as the pathologist said
5 there are fingerprints that were found on his ankle. He
6 grabbed him by that foot -- well first, he tried to lift him
7 up and throw him over the railing. That's Tony's words.
8 Tried to lift him up and throw him over the railing. He
9 couldn't do it. Jeremy was a big boy. You can see that.
10 The next best thing, grabbed him by that foot and pulls him.
11 Gets his leg over that curb. That's why you've got two
12 puddles there. You've got the puddle on the right and the
13 puddle on the bottom. Dragged him. Gets his legs over the
14 curb. He tries to shove him between the barrier and the
15 curb. Unfortunately, Jeremy is a bigger guy and he won't
16 fit. So what does Tony do? He grips up on the railing and
17 he tries to push him down. Are those the actions of
18 somebody in the heat of passion? He just shot his son. His
19 son swung at him. Remember, this isn't a bullet to the
20 chest. This is a bullet to the back of the head. He's
21 trying to get rid of the body. He's not thinking about any
22 funeral. He's getting rid of the body.

23 And while he's doing that, in his statement to law
24 enforcement, he pulls his shirt over his head. Why does he
25 do that? "I didn't want to look at his face no more."

1 Folks, that's malice. That's ill-will. That's hostility.
2 That's hatred. You don't pull a shirt over your son's head
3 that you love after you've shot him in the back of the head.
4 You try to help him. You call 911. You try to revive him.
5 But no. He tried to throw him off the bridge like a sack of
6 garbage. And when he couldn't do it, when he got lodged, he
7 had to leave. He had no other choice. He had to leave.
8 You heard Mr. Napier. He heard his dogs barking around
9 9:00, 9:30 that night. Did he see any lights down there?
10 He didn't see any lights. Tony was doing this in the cover
11 of darkness. And when he couldn't get it to work, when he
12 couldn't shove him on through, he left. It's dark. Tony
13 didn't know he had blood stains on the side of that car. He
14 thought it was all kept right here. He stuck the gun up to
15 the back of his head.
16 He then drove into town, leaving his son out there in
17 that cold. Leave him out there dead with a shirt pulled
18 over his head. Folks, that's malice. And what did he do?
19 He went home. Took his clothes off and he took them out to
20 the laundry mat of his apartment and stuck them in the
21 washer. He didn't wash them, but he stuck them -- got them
22 out of his apartment. What did he do? He stuck the gun
23 under a water heater. What did he do? He hid his shoes
24 that he was wearing that night. What did he do after that?
25 He sends texts to Krystal Collins. The finance of Jeremy

1 Jordan, who Jeremy has a little boy in common with.
2 "Krystal, have you heard from Jeremy? I can't find him."
3 She responds, "I haven't. Is he in the Jeep? Are you going
4 to do a missing person thingy or not?" "No." He sends a
5 text to his own daughter, "Hey, baby girl. Jeremy hasn't
6 come home tonight. I'm starting to worry." That's not in
7 the heat of passion, folks. He's trying to cover his trail.
8 He's trying to hide what he did. What does he do next? He
9 goes to Hickory Point that next morning. He sees John
10 Schrier, Eric Prince, Abbeville PD. The Defense wants you
11 to think, oh, he went up there and told them his son was
12 missing. Oh, he's trying to help them out. No, he wasn't.
13 He's trying to elude it. He's trying to divert their
14 attention. Oh, my son hasn't been home. And everybody
15 knows he lives with him. So what's he going to do? I don't
16 know where he is. He's been out with these guys, and these
17 guys, and these guys. He's trying to divert their
18 attention. My son's missing.
19 You heard also he went to get blood work, and then he
20 went back to Lynn's. What was he doing at Lynn's? He was
21 eating breakfast. Folks, that's -- anyway you look at that,
22 if it was heat of passion, it was murder, that ain't right.
23 It's malice, folks. Malice aforethought. It was
24 murder. He got rid of him. He's hid the clothes. He's hid
25 the gun. Now he's eating breakfast. Everything's smooth

1 sailing now. My problem is gone. Hopefully I can get back
2 with Audrey. Then he goes to the police department -- or
3 sheriff's department. Yeah, he identifies him. Yeah, he's
4 got tattoos. That's probably my son. Does he come clean
5 then? No. He lets them go to his apartment. He knows
6 they're not going to find anything there. He's already
7 moved it. He's hidden it.

8 They go look for Jeremy's phone. That's another thing.
9 He took Jeremy's phone and he smashed it. Threw it in a
10 creek. That's not heat of passion, folks. He's trying to
11 hide it. He murdered Jeremy. He intentionally went out
12 there and killed him. He's covering all the evidence up, or
13 trying to.

14 The Defense wants to make you think that since he
15 didn't put Clorox on the bridge or wipe off the side of the
16 car that, oh, he didn't attend to murder him. Folks, that's
17 assuming a lot from him. It's the cover of darkness.
18 Remember, this is only 4:00 in the morning the next day.
19 This is roughly six, seven hours that this has happened and
20 he's out going about his business.

21 Law enforcement then gets a search warrant for his car
22 and they did a swab. So in the process of all this they're
23 going to nail who did this. They're going to find out that
24 that's Jeremy's blood. They did. Tony gives different
25 statements to law enforcement. What's he give? The first

1 one that morning. Tony tells Melissa Skipper Wallace,
2 Jeremy was watching wrestling when Tony went to bed. When
3 Tony woke up at 11:00 p.m. Jeremy was gone. Obviously, he
4 was gone. He took him out on that bridge and killed him.
5 He didn't tell them that. He was trying to get them off his
6 trail. He was acting like nothing happened. I didn't have
7 anything to do with that. He said he tried to call Jeremy
8 and it went straight to voice mail. Folks, he smashed his
9 phone. Threw it in a creek. He tells law enforcement Tony
10 hung around this guy, this Josh Lusk. Trying to pin it off
11 on somebody else. Trying to get their attention away from
12 him.

13 Second interview he comes in. Tony says, "Yeah, I used
14 to own a .380 but I sold it a while back." Said, "Yeah, the
15 wheel well of my car is messed up from hitting a deer." One
16 thing he did do, he gave them consent to search his house
17 again. At this point they did find a Clemson shirt that he
18 forgot to hide. They were able to get some DNA off of that
19 which came back on Thursday. And he also changed his story
20 about owning that gun, or the last time he had had that gun.

21 On Thursday, the 14th forensics were back. They knew.
22 They knew who had it. They saw -- law enforcement saw that
23 blood on that car. They knew who did it. Audrey also --
24 they want you to think that these text messages aren't
25 important. It's just speculation. Audrey thought so much of

1 it she contacted law enforcement and said I just got a bad
2 gut feeling on this. After looking back at that text that
3 didn't sound right. Problem solved. They want you to think
4 that problem solved, that could be something else. The
5 problem is solved because he's already figured out what he's
6 going to do. He just hasn't done it yet.

7 Thursday, the 14th, three days later, he's still
8 getting sympathy food brought to the house. He calls -- or
9 texts Audrey, "Why don't you come over. I've got plenty of
10 food. You can come eat." Sympathy food that's been brought
11 to his house because his son is missing -- his son's dead.
12 An act which he did.

13 Law enforcement gets an arrest warrant. Goes to the
14 apartment for the arrest. What does he say then? "Thought
15 you were going to let me bury my child." Folks, he wasn't
16 worried about burying his child. If he was worried about
17 burying his child he would have called law enforcement that
18 first night and he would have told them what happened. He
19 wouldn't have tried to discard his body off the side of that
20 bridge. And he also said something else. "You're just
21 trying to pin it on the dad and you don't even have the gun
22 yet." Folks, that's somebody with a depraved heart.
23 Somebody that meant to do it. And the only reason he came
24 forward with a little bit of information is because he knew
25 they had him.

1 What did he say in his statement? "We went for a ride.
2 We stopped." He says he took a swing at him. Folks, at
3 this time, what's he going to say? He's got to try to
4 mitigate it. He's got to try to say something to provoke
5 him to do that. If that was indeed the fact in this case,
6 this would have all come to light before that. Before they
7 had him. He was fighting until he realized they had him.

8 In that statement he said he took a swing at him. The
9 letter he sent to Audrey, a half month later, in this
10 statement he said he actually made contact with him and
11 shoved him up against the car. Folks, if that happened,
12 stories don't change. He's making it up as he goes. He
13 told Nick Marshall that he swung at him and walked away --
14 or Jeremy started to walk away. The letter he sent to
15 Audrey, Jeremy punched him and pushed him up against his car
16 and knelt down to pick something up. Folks, the stories
17 don't match because it didn't happen that way. He's making
18 it up.

19 I'm asking you to use commonsense in this case. You
20 can see it. The story doesn't add up. He shot his son out
21 on that bridge. He murdered his son out on that bridge. He
22 knew what he was doing beforehand. The texts show it. The
23 problem was solved. He was made as hell. He was infatuated
24 with Ms. Todd. And he was getting rid of his problems. He
25 tried to throw his body over the bridge. That's not in the

1 heat of passion, folks. That's ill-will. That's hatred.

2 Look at that shirt pulled over his head. That shows

3 ill-will. That shows the hatred.

4 Ms. Bolen told a story in the opening, and referred to
5 it again in her closing, about her friend's son that knocked
6 over a vase and tried to tell the mom, you know, maybe the
7 dog did it. Well, I've got a nephew who had a class and was
8 supposed to bring chocolate chip cookies to class the next
9 day. The mom was making chocolate chip cookies. Takes it
10 out of the oven. Sits it on top like you do to let them
11 cool. She goes upstairs. She comes back down. The cookies
12 are gone. There's only one person in the house. The nephew
13 says, well, the dog must have eaten it. The dog's been
14 upstairs with me. He pushes and says I didn't do it. I
15 didn't do it. He tries to put all the other stuff on
16 everybody else. On the other possibilities. The fact is,
17 he did it. There was chocolate on his lips, chocolate on
18 his shirt. Finally, after he realizes there was no other
19 explanation, he gave a statement saying, yeah, I ate those
20 cookies, but it's not what it seemed to be. Folks, it is
21 what it looks like. It is murder. He took his son out
22 there and shot him in the back of the head. You can take
23 what the pathologist said. It was an execution style shot.
24 He wasn't going to miss. And he tried to throw the body off
25 the bridge. He wasn't worried about the funeral, and he

1 went about his life. Trying to deflect the attention away
2 from him the whole time until they knew it was him and they
3 came to arrest him, and then he's got to try to mitigate it.

4 Folks, I ask you to go back to the jury room and find
5 him guilty of what he's guilty of. Guilty of murder. He's
6 guilty of possession of a weapon in the commission of a
7 violent crime. Thank you.

8 THE COURT: All right, folks. We've been here about 55
9 minutes. We'll take a quick break for about in the jury
10 room. It'll be about 10 minutes and have you back out here,
11 I'll give you my instructions and then you all can begin
12 your deliberations. Not yet time to start discussing the
13 case.

14 (Whereupon, the jury exited the courtroom at 10:07
15 a.m.)

16 (Whereupon, a short recess was held.)

17 (Whereupon, the jury entered the courtroom at 10:16
18 a.m.)

19 THE COURT: Folks, my instructions I have typed up.
20 The only document on my computer. I'm going to read
21 partially and talk to you partially. But if I glance down
22 at the computer, please understand that's not my liking.
23 I'd rather stay up and talk to you like I've done throughout
24 the trial thus far. But because the specifics of some of my
25 instructions, I need to read them to you also. So I

1 apologize for having to look away.

2 Nevertheless, Mr. Burton and members of the jury, the
3 state of South Carolina charges the Defendant, Tony Vernon
4 Jordan, with two crimes; that of murder and possession of a
5 weapon during the commission of a violent crime. You, of
6 course, bear in mind that Mr. Jordan has pled not guilty,
7 and by that plea has denied all the charges in both of the
8 indictments.

9 Mr. Jordan comes to the court cloaked with the
10 presumption of innocence. This presumption of innocence
11 continues throughout the case and entitles him to a verdict
12 of not guilty unless and until it is dispelled by the
13 evidence satisfying you, the jury, beyond a reasonable
14 doubt, that he is guilty of the offenses charged, and the
15 State has proved each and every elements of the alleged
16 crimes beyond a reasonable doubt.

17 I told you earlier in my instructions when the trial
18 began that our constitution of law which makes you, the
19 jury, the findings of facts and the evidence which I've
20 discussed with you, also makes me the judge and the sole and
21 only instructor of the law. You must accept as correct the
22 law which I am instructing, apply to the evidence which you
23 have received into the trial, and weigh the evidence and
24 find a verdict which must be unanimous.

25 Now, if I should make an error in the instruction of

1 the law to you or any ruling I've made during the trial,
2 there's another time and another place where that error can
3 be considered and corrected, if necessary. But for the
4 purposes today, and for this trial, you must accept the law
5 as I am instructing it to you. So I tell you that if you
6 have a belief that is inconsistent with my instructions, you
7 must disregard your belief and accept under your oath the
8 law as I am now instructing to you, because it is my job and
9 authority as the court to instruct you as to the correct law
10 of the state of South Carolina.

11 In all criminal prosecutions in this state the state
12 has the burden of proof. A Defendant has no burden
13 whatsoever as a Defendant comes into court presumed
14 innocent. In our state and according to our constitution
15 the prosecution must prove their case to the standard of
16 proof called beyond a reasonable doubt before a finding of
17 guilt may occur. Now, if the state fails to meet this high
18 burden then the Defendant will be entitled to a verdict of
19 not guilty.

20 Now, as I told you, you as a group are the sole fact
21 finders in this case. I am not allowed as presiding judge
22 to suggest in any way what I think about the built or
23 innocence of Mr. Jordan. You as a group are the judges of
24 the facts, and therefore, you are also judges of the
25 credibility and the believability of the witnesses who have

1 testified in this case.

2 Now, I tell you that you may use anything in your good
3 judgement and commonsense in evaluating any of the witnesses
4 credibility that you deem appropriate. You may also, in
5 passing upon their credibility, take into considerations
6 other things such as this. What was the manner and
7 appearance of the witness who testified. Was the witness
8 straightforward or was the witness hesitant in answering.
9 How did the witness come to know the facts to which he or
10 she testified. What was the witness's ability to know these
11 facts about which they testified. Is there some reason a
12 witness would want to give testimony which would help or
13 hurt one side or the other. In other words, was the witness
14 biased or prejudiced. Was the testimony of a witness
15 strengthened or weakened by other testimony or other
16 evidence. You the jury may believe as little or as much of
17 each witnesses testimony as you deem appropriate. You may
18 believe testimony of a single witness against that of many,
19 or just the opposite. You may believe part of a witness's
20 testimony and disbelieve the rest. Now, the fact that the
21 testimony is not uncontroverted does not mean you must
22 accept it as true because it is undisputed. You still must
23 gauge the credibility of the witness to determine the
24 believability or the truth of the facts offered through his
25 testimony.

1 Now, during the trial I told you about the -- most
2 lay-witnesses are allowed to testify as to what they see,
3 they heard or their experience. There's an exception to
4 that rule that expert witnesses are allowed to testify
5 concerning their opinions or conclusions based upon facts
6 presented to them. A witness who by education and
7 experience has become an expert in some art, science or
8 profession may state an opinion which is relevant to a
9 material matter in this trial, but it's relevant to within
10 their field of expertise.

11 Now, you may consider any expert opinions received as
12 evidence in this case like any other evidence. You may give
13 it the weight you think it deserves. If you decide that an
14 opinion of an expert witness is not based upon sufficient
15 education and experience, or if you conclude that the
16 reasons given in support of their opinion are not sound or
17 that the opinion is outweighed by other evidence, you may
18 disregard the expert's opinion entirely. An expert
19 witness's testimony is to be given no greater weight than
20 that of other witnesses simply because the witness is an
21 expert. Further, you're not required to accept an expert's
22 opinion, even though it's not contradicted. You are to
23 consider the evidence, the exhibits, the testimony presented
24 to you in whole as you deem appropriate to make the findings
25 of fact which you're called upon to make.

1 Now, as the sole fact finders, I observe that you have
2 all listened close to the evidence presented. I tell you
3 that weighing evidence is entirely a mental process and you
4 must weigh this evidence using your good judgement and
5 commonsense. Ordinarily in a trial there are two types of
6 evidence which are presented; direct evidence and
7 circumstantial evidence. Direct evidence is testimony of a
8 person who asserts or claims to have actual knowledge of
9 facts, such as an eyewitness. Circumstantial evidence is
10 proof of a chain of facts and circumstances indicating the
11 existence of a fact. Our law makes absolutely no
12 distinction between the weight or value to be given to
13 either direct or circumstantial evidence, nor is a greater
14 degree of certainty required of circumstantial evidence than
15 that of direct evidence.

16 Now, you should weigh all of the evidence in this case,
17 and after weighing all of the evidence, if you are not
18 convinced of the guilt of the Defendant beyond a reasonable
19 doubt you must find him not guilty.

20 Now, I tell you the two charges that he has pending
21 stand independently of one another. Your verdicts do not
22 have to be consistent. You must reach a unanimous verdict
23 as to each charge.

24 Now, the term reasonable doubt has been used a great
25 deal in the closing arguments and in my instructions. A

1 reasonable doubt is the burden of proof the state has. A
2 reasonable doubt is simply this. A reasonable doubt is the
3 kind of doubt that would cause a reasonable person to
4 hesitate to act. A reasonable doubt may arise from evidence
5 which is in the case, or from the lack or absence of
6 evidence in this case. Proof beyond a reasonable doubt is
7 proof that leaves you firmly convinced of the Defendant's
8 guilt. It is the doubt, or the kind of doubt which one
9 could assign a reason if the assignment can be done
10 reasonable, firmly and convincingly. A reasonable doubt is
11 the kind of doubt that would make a reasonable conscientious
12 person hesitate in a manner -- hesitate and act in a manner
13 important to our own affairs.

14 Now, I firmly instruct you that the Defendant in this
15 case is entitled to every reasonable doubt which may arise.
16 What that means is, if you have had a doubt about anything
17 during the trial, you will be required to resolve that doubt
18 in favor of the Defendant.

19 Now, I tell you again, or further, that because the
20 jury engages in a full and free discussion of the issue of
21 guilt or non-guilt does not automatically mean that a
22 reasonable doubt exists. You the jury must make the
23 determination of whether or not a reasonable doubt exists as
24 to the guilt of the Defendant. And if you find the state
25 has not met the burden of proof beyond a reasonable doubt