

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

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J. Ernest Kinard, Jr., Deceased Circuit Court Judge
MAY 05 2016

THE STATE,

SC Court of Appeals

RESPONDENT,

V.

ANTONIO COLLINS,

APPELLANT

APPELLATE CASE NO: 2013-002343

RECORD ON APPEAL

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

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V.) 2011-GS-07-2279
ANTONIO COLLINS,) 2011-GS-07-2378, 2379
DEFENDANT.) 2011-GS-07-2403

OCTOBER 21-24, 2013

BEAUFORT, SOUTH CAROLINA

B E F O R E:

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

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

HUNTER SWANSON, ASSISTANT PUBLIC DEFENDER
ATTORNEY FOR THE STATE

TRASI CAMPBELL, PUBLIC DEFENDER

ARIE BAX, ASSISTANT PUBLIC DEFENDER
ATTORNEYS FOR THE DEFENDANT

SHARON L. VIZER

CIRCUIT COURT REPORTER

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24	- Photograph		-336
25	- Photograph		-336
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1 Monday, October 21, 2013

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

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

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

11 THE COURT: Well, one stuck together.

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

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

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

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

1 committed the crime embraced within an indictment.

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

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

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

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

1 MS. SWANSON: Enrekae.

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

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

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

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

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

17 And I take it that he is present somewhere?

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

19 THE COURT: If he would just stand.

20 (The defendant stood.)

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

25 THE DEFENDANT: Yes, sir.

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

5 (There was no response.)

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

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

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

15 Should I list those attorneys as well?

16 THE COURT: You should.

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

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

1 you.

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

8 (There was no response.)

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

13 MS. SWANSON: Thank you for the promotion.

14 THE COURT: Uh-huh.

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

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

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

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

3 POTENTIAL JUROR: I know Chris Wilson.

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

6 POTENTIAL JUROR: Juror 27, Monica Butler.

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

10 POTENTIAL JUROR: I can be fair and impartial.

11 THE COURT: You can be?

12 POTENTIAL JUROR: Yes, sir.

13 THE COURT: Okay. Just have a seat.

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

25 POTENTIAL JUROR: Juror 178, Robert Payne. My

1 daughter is a Beaufort County sheriff's deputy.

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

4 POTENTIAL JUROR: I can be fair and impartial.

5 THE COURT: Okay.

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

9 THE COURT: Okay.

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

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

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

21 THE COURT: Okay. Thank you.

22 POTENTIAL JUROR: Oh, jury number 239.

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

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

8 (There was no response.)

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

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

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

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

22 THE COURT: Okay.

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

25 THE COURT: Okay. Thanks.

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

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

7 (There was no response.)

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

11 Are any of the witnesses present in the courtroom?

12 MS. SWANSON: Just Investigator Wilson.

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

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

1 I don't know.

2 MS. SWANSON: Beaufort County DNA.

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

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

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

18 POTENTIAL JUROR: No problem.

19 THE COURT: Okay.

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

23 THE COURT: All right. Your name is?

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

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

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

15 THE COURT: Anthony Russell.

16 (There was no response.)

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

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

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

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

11 All right, you all can come up.

12 (WHEREUPON, the following sidebar was reported.)

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

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

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

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

22 THE CLERK: Yes, sir.

23 THE COURT: Civil court.

24 THE CLERK: 212.

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

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

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

6 THE COURT: Okay. Thank you.

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

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

12 THE COURT: Okay.

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

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

17 MS. CAMPBELL: What was her number?

18 THE COURT: 152.

19 MS. CAMPBELL: Juror 152?

20 THE COURT: Yes.

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

1 while he was a police officer here.

2 THE COURT: Okay.

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

5 THE CLERK: 96.

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

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

10 THE COURT: Okay.

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

13 THE COURT: He did.

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

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

19 THE COURT: Okay.

20 MS. CAMPBELL: Thank you.

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

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

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

1 Number 9 approached for the following sidebar.)

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

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

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

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

13 POTENTIAL JUROR: Oh, yeah.

14 THE COURT: All right.

15 POTENTIAL JUROR: I'll go sit down.

16 THE COURT: Thank you.

17 (WHEREUPON, the Juror took his seat.)

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

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

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

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

25 THE COURT: And that.

1 MS. CAMPBELL: And seven about the publicity?

2 THE COURT: Yep.

3 MS. CAMPBELL: Okay. Seven, eight and nine. And

4 we asked 11. Okay.

5 THE COURT: Yep.

6 MS. CAMPBELL: Thank you.

7 (WHEREUPON, the sidebar was concluded.)

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

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

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

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

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

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

11 (There was no response.)

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

14 MS. SWANSON: No, sir.

15 THE COURT: From the defense?

16 MS. CAMPBELL: No, Your Honor.

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

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

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

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

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

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

11 THE CLERK: Thank you, sir.

12 (WHEREUPON, a brief recess was taken.)

13 (WHEREUPON, the following sidebar took place.)

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

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

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

19 THE CLERK: Do you remember anything about it?

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

22 THE COURT: Can you be fair and impartial?

23 POTENTIAL JUROR: Yes, sir.

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

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

2 (WHEREUPON, the sidebar was concluded.)

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

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

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

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

23 THE COURT: Oh, Debbie is back.

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

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

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

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

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

11 THE CLERK: That is the jury room.

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

14 THE BAILIFF: Right.

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

16 THE CLERK: Juror number 139, Lauren Marchlewski.

17 (A white female stood.)

18 THE CLERK: What says the State?

19 MS. SWANSON: Please present this juror.

20 THE CLERK: What says the defense?

21 MS. CAMPBELL: Please swear the juror.

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

24 THE CLERK: Yes, Judge.

25 Juror number 170, Hilda Norris.

1 (A black female stood.)

2 THE CLERK: What says the State?

3 MS. SWANSON: Please present this juror.

4 THE CLERK: What says the defense?

5 MS. CAMPBELL: Please swear the juror.

6 THE CLERK: Juror number 162, Kathryn Murphy.

7 (A white female stood.)

8 THE CLERK: What says the State?

9 MS. SWANSON: Please present Ms. Murphy.

10 THE CLERK: What says the defense?

11 MS. CAMPBELL: Please excuse the juror from this

12 trial.

13 THE CLERK: Juror number 120, Kevin Kersey.

14 (A white male stood.)

15 THE CLERK: What says the State?

16 MS. SWANSON: I'm sorry --

17 THE CLERK: Juror 120.

18 MS. SWANSON: Please present Mr. Kersey.

19 THE CLERK: What says the defense?

20 MS. CAMPBELL: Please excuse the juror from this

21 case.

22 THE CLERK: Juror 70, Jennifer Fletcher.

23 (A white female stood.)

24 THE CLERK: What says the State?

25 MS. SWANSON: Please excuse Ms. Fletcher.

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

1 MS. SWANSON: Please excuse this juror.

2 THE CLERK: Juror 192, Makina Ricks.

3 What says the State?

4 THE COURT: I don't see the juror standing.

5 (A black male stood.)

6 THE CLERK: Juror 192. What says the State?

7 MS. SWANSON: Please present Ms. Ricks.

8 THE CLERK: What says the defense?

9 MS. CAMPBELL: Please swear the juror.

10 THE CLERK: Juror number 30, Bryan Carter.

11 (A white male stood.)

12 THE CLERK: What says the State?

13 MS. SWANSON: Please excuse this juror.

14 THE CLERK: Juror number 239, Vola Whitcomb.

15 (A white female stood.)

16 THE CLERK: What says the State?

17 MS. SWANSON: Please present Ms. Whitcomb.

18 THE CLERK: What says the defense?

19 MS. CAMPBELL: Please swear the juror.

20 THE CLERK: Juror number 132, Russel Little.

21 (A white male stood.)

22 THE CLERK: What says the State?

23 MS. SWANSON: Please present Mr. Little.

24 THE CLERK: What says the defense?

25 MS. CAMPBELL: Please excuse the juror.

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

1 here.

2 MS. CAMPBELL: Thank you, Your Honor.

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

5 POTENTIAL JUROR: Yes, sir.

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

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

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

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

15 POTENTIAL JUROR: Yes.

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

18 (WHEREUPON, the sidebar was concluded.)

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

20 THE COURT: Yeah.

21 MS. CAMPBELL: Please excuse the juror.

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

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

24 THE COURT: Okay. That's fine.

25 THE CLERK: Juror number 152, Jane Minnicks.

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

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

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

1 officers in this case.

2 THE COURT: What do you say?

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

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

9 (WHEREUPON, the sidebar was concluded.)

10 THE COURT: You can have a seat.

11 THE CLERK: Juror number 156, Robert Morgan.

12 (A white male stood.)

13 THE CLERK: What says the State?

14 MS. SWANSON: Please present this juror.

15 THE CLERK: What says the defense?

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

18 (PAUSE.)

19 MS. CAMPBELL: Please swear the juror.

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

22 Juror number 37, James Colwell.

23 (A white male stood.)

24 THE CLERK: What says the State?

25 MS. SWANSON: Please present there juror.

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

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

3 MR. BAX: Thank you.

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

5 THE COURT: All right.

6 (WHEREUPON, the following sidebar was reported.)

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

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

9 of full disclosure I wanted to tell you that.

10 MS. CAMPBELL: What number?

11 MR. BAX: Number 37.

12 (WHEREUPON, the sidebar was concluded.)

13 MS. CAMPBELL: Please excuse the juror from this

14 trial.

15 THE CLERK: Juror number 151, Maria Mims.

16 (A black female stood.)

17 THE CLERK: What says the State?

18 MS. SWANSON: Please excuse Ms. Mims.

19 THE CLERK: Juror number 189, Kimberly Reardon.

20 (A white female stood.)

21 THE CLERK: What says the State?

22 MS. SWANSON: Please present Ms. Reardon.

23 THE CLERK: What says the defense?

24 MS. CAMPBELL: Please swear the juror.

25 THE CLERK: Juror number 49, Andrea Dixon.

1 (A white female stood.)

2 THE CLERK: What says the State?

3 MS. SWANSON: Please present Ms. Dixon.

4 THE CLERK: What says the defense?

5 MS. CAMPBELL: Please excuse the juror from the
6 from this trial.

7 THE CLERK: Juror Number 61, Robert Evon.

8 (A white male stood.)

9 THE CLERK: What says the State?

10 MS. SWANSON: Please present this juror.

11 THE CLERK: What says the defense?

12 MS. CAMPBELL: Please swear the juror.

13 THE COURT: Okay. Anybody need to take up anything
14 concerning the strikes before we tell them what's
15 happening?

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

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

18 THE COURT: Okay. Jurors, those that have been
19 selected we are going to call your names out in just a
20 second. You'll go to, I think, courtroom three which is
21 serving as a jury room.

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

23 THE COURT: Don't talk about the case. Don't be
24 looking up old newspaper articles or going on the
25 internet. You know, you have to decide the case based on

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

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

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

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

17 THE CLERK: Yes, Judge.

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

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

24 (LAUGHTER.)

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

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

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

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

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

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

17 THE CLERK: Two.

18 THE COURT: Two o'clock.

19 (WHEREUPON, a lunch break was taken.)

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

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

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

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

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

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

19 THE COURT: Reciprocity.

20 MS. CAMPBELL: Yes, sir.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 MS. SWANSON: Okay.

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

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

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

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

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

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

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

13 MS. CAMPBELL: Yes, sir.

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

16 MS. CAMPBELL: Thank you.

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

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

24 THE COURT: That's fine.

25 MS. SWANSON: Okay.

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

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

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

23 THE COURT: All right.

24 MS CAMPBELL: Thank you.

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

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

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

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

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

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

25 BRENT BURNS, after having been duly sworn,

1 testified as follows:

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

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

5 MS. CAMPBELL: May it please the Court?

6 THE COURT: Sure.

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

11 DIRECT EXAMINATION

12 BY MS. CAMPBELL:

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

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

17 Q. Did you take some measurements as well?

18 A. Yes, ma'am.

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

22 A. Yes, ma'am.

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

25 THE COURT: Okay.

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

3 THE COURT: All right.

4 BY MS. CAMPBELL:

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

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

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

12 A. Yes, ma'am.

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

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

17 Q. Did you take this photograph?

18 A. Yes, ma'am.

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

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

22 Q. Same thing, you took this photograph?

23 A. Yes, ma'am.

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

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

1 A. Same day as all the other ones but not exactly sure
2 of that date.

3 Q. Was it the night that Mr. Coleman was shot and
4 killed?

5 A. No, ma'am. It was not that night.

6 Q. Was it the next day?

7 A. It was either the next day or two days after. I'm
8 not sure exactly.

9 Q. Okay. And then in Defendant's Exhibit's 7, can you
10 tell us what that's a photograph of that you took?

11 A. A shoe impression.

12 Q. A shoe impression. And what else is in the
13 photograph?

14 A. A slide ruler.

15 Q. Okay. And can you tell us what the substance is on
16 the slide ruler that appears to be blood?

17 A. I'm not sure.

18 Q. Is that your slide ruler?

19 A. It was either mine or another investigator's.

20 Q. Do we have a choice on who the other investigator
21 would have been? Who was out there with you?

22 A. Should have been either Staff Sergeant Hiers or --
23 I'm not sure.

24 Q. Okay. And the placards that we see in the other
25 photographs that I've just shown you, are those your

1 placards or Hiers' placards?

2 A. I don't remember specifically.

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

6 A. Yes, ma'am.

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

9 A. I don't remember.

10 Q. Did you take photographs on the porch?

11 A. I don't think I did.

12 Q. Were you on the scene that night?

13 A. Yes, ma'am.

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

16 A. Yes, ma'am.

17 Q. That night?

18 A. Yes, ma'am.

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

21 A. Yes, ma'am.

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

25 A. Yes, ma'am.

1 Q. Who is that officer?

2 A. Staff Sergeant Chapman.

3 Q. Chapman. Okay. Were you there with Chapman taking
4 these photographs?

5 A. I was there. I don't remember taking the
6 photographs inside the residence but I was there.

7 Q. Thank you. Just one moment.

8 So, Officer Burns, do you know who put the placards
9 out at the crime scene in the house on 6-22-09 at the
10 trailer?

11 A. The night of the incident?

12 Q. Yes, sir.

13 A. I'm not sure.

14 Q. But it wasn't you?

15 A. Right.

16 Q. Okay. Do you have a standard procedure that you
17 follow in putting placards out at a crime scene as to who
18 puts them out and how they are handled?

19 A. Generally once it started whoever would be putting
20 them out would continue throughout the entire time, but
21 that night particularly I don't remember exactly who put
22 it out or -- I just don't remember.

23 Q. And when you placed the placards down the placards
24 are sometimes sitting in blood, correct?

25 A. I guess they could be.

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

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

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

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

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

15 A. No, ma'am.

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

18 A. From the picture?

19 Q. Correct.

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

21 Q. Or Hiers'?

22 A. Yes, ma'am.

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

1 A. Yes, ma'am.

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

5 A. Correct.

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

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

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

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

12 Beg the Court's indulgence.

13 (PAUSE.)

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

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

17 I guess he can leave for today?

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

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

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

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

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

2 DIRECT EXAMINATION

3 BY MS. CAMPBELL:

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

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

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

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

11 Q. 8:00 p.m.?

12 A. Yes, ma'am.

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

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

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

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

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

25 A. That's correct.

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

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

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

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

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

14 A. Around 8:00 p.m.

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

18 A. Not to my knowledge.

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

21 A. Correct.

22 Q. And measuring tapes?

23 A. Correct.

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

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

1 A. No, ma'am.

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

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

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

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

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

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

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

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

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

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

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

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

5 A. Put them back in my vehicle.

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

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

9 Q. Beside it.

10 A. Yes.

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

14 A. That night?

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

16 A. Right.

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

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

23 MS. CAMPBELL: May I approach?

24 THE COURT: Okay.

25 BY MS. CAMPBELL:

1 Q. Officer Hiers, I'll show you what's been marked as
2 Defendant's Exhibit 1. Do you recognize that photograph?

3 A. Yes. I believe that's going to be -- I believe
4 that's going to be the actual incident location.

5 Q. And placards 1 through 4 are there, correct?

6 A. Correct.

7 Q. And whose placards are those?

8 A. Not certain.

9 Q. Okay.

10 A. I guess they were Foskey's.

11 Q. Defendant's Exhibit 2, placards 2 through 9, do you
12 recognize that area there?

13 A. Yes, I do.

14 Q. Okay. And what is that?

15 A. That's going to be the bridge or the pieces of wood
16 that I think they used as far as a bridge to get across
17 the ditch, and that's going to be Seabrook Road.

18 Q. Okay. Is this a placard that you laid down,
19 placard 15? Did you have numbers 1 through 15 as well?

20 A. I did. I don't know if that's the one that I laid
21 down or not. It looks like that's -- I don't know. I
22 couldn't tell you.

23 Q. Okay. And Defendant's Exhibit 8, the shoe print,
24 is that what you found as well?

25 A. No, ma'am. I don't remember finding a shoe print.

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

- 1 A. That appears to be, yes, ma'am.
- 2 Q. Is that a photograph you took?
- 3 A. It appears to be one I took, yeah.
- 4 Q. Defendant's Exhibit -- excuse me. I'm sorry.
- 5 Defendant's Exhibit 23, which I'm handing you now, what
- 6 is that?
- 7 A. That's going to be a photo, it looks like from the
- 8 wooded area facing the road.
- 9 Q. Uh-huh.
- 10 A. Marker number 1, handgun beside it.
- 11 Q. Great. Defendant's Exhibit 24, is that marker
- 12 number 1 the handgun and a measuring tape running through
- 13 the yard there?
- 14 A. Correct.
- 15 Q. And that's your measuring tape?
- 16 A. Yes.
- 17 Q. This one is yours?
- 18 A. That would be mine.
- 19 Q. And you would have rolled that back up. Where did
- 20 you put it?
- 21 A. In the back of my vehicle.
- 22 Q. In the back of your car. And placard number 11 in
- 23 Defendant's Exhibit 25, that's also your work, correct?
- 24 A. It looks like it, yes.
- 25 Q. And that's your ruler?

- 1 A. It appears to be, yes.
- 2 Q. And it's in number 11. It runs through the edge of
3 the blood there, correct, on the roadway; is that right?
- 4 A. That's on the edge of the bloody impression beside
5 it.
- 6 Q. Does this appear to be blood on the right side of
7 the ruler and on the left side of the ruler?
- 8 A. It looks like on the left I can't --
- 9 Q. On the left and on the right side of the ruler?
- 10 A. It could be on the right, yeah.
- 11 Q. And where did that ruler wind up?
- 12 A. It goes back in my vehicle.
- 13 Q. Officer Hiers, after you finished looking at the
14 blood trail and the gun what did you do then?
- 15 A. Took photos, photographed the area, obviously with
16 the markers that you just showed in the photos. Then I
17 collected the gun. I placed latex gloves on my hands. I
18 collected the firearm, placed it in a bag, closed the bag
19 up, placed it in my vehicle.
- 20 Then I went ahead and took samples or swabs of the
21 bloody shoe impressions and the droplets of blood. Prior
22 to taking the samples of the shoe impressions and the
23 droplets I switched gloves. I changed gloves between the
24 shoe impressions, the gun and the droplets. They were
25 collected, placed in envelopes and placed in my vehicle.

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

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

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

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

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

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

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

24 A. Correct. Yes, ma'am.

25 Q. And that would be your standard operating

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

3 A. Correct.

4 Q. Now, did you swab the gun?

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

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

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

9 Q. Uh-huh.

10 A. Yes, I did.

11 Q. And the condition of the swabs from the gun was

12 what when you got them back from him? How were they?

13 Still airing out? Were they packaged? How did you get

14 them back?

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

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

20 A. Yes, ma'am.

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

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

1 A. I have different locations in my office.

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

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

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

7 A. It's open.

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

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

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

12 (PAUSE.)

13 BY MS. CAMPBELL:

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

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

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

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

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

22 MS. SWANSON: Just briefly, Your Honor..

23 CROSS-EXAMINATION

24 BY MS. SWANSON:

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

- 1 you used in the photos that Ms. Campell showed you came
2 from your car, correct?
- 3 A. Yeah. The ones -- she had several photos there
4 but, yes, I did use placards.
- 5 Q. They came from the car that you used personally?
- 6 A. A sheriff's office car, yes, ma'am.
- 7 Q. Right. And you were not at the scene the night
8 before when the murder took place?
- 9 A. No, ma'am.
- 10 Q. Okay. So those placards that you used on the 23rd
11 to mark the bloody footprint trail and murder weapon and
12 all that sort of stuff, those were not at the scene on
13 the 22nd?
- 14 A. No, ma'am, they were not.
- 15 Q. Because they were with you?
- 16 A. Correct.
- 17 Q. In your car?
- 18 A. Correct.
- 19 Q. Okay. Were you present for John Donahue swabbing
20 the Smith and Wesson?
- 21 A. I was.
- 22 Q. Okay. So you watched him swab it and he
23 immediately gave those Q-tips to you?
- 24 A. Yes, ma'am.
- 25 Q. Swabs.

1 A. Correct.

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

4 That's everything, Your Honor.

5 MS. CAMPBELL: I have nothing else.

6 THE COURT: Can Officer Hiers go?

7 MS. CAMPBELL: For today, yes.

8 MS. SWANSON: Thank you.

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

11 THE COURT: All right.

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

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

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

17 DIRECT EXAMINATION

18 BY MS. CAMPBELL:

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

21 A. I was.

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

24 A. I was.

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

1 A. Beg the Court's indulgence.

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

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

8 A. Yes.

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

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

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

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

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

21 A. Correct.

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

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

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

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

4 A. Correct.

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

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

10 MS. CAMPBELL: May I approach?

11 THE COURT: Okay.

12 BY MS. CAMPBELL:

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

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

18 Q. Did you take these photographs?

19 A. I did.

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

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

1 moisten the spot to collect it with the swab.

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

4 A. Several hours.

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

7 A. Yes.

8 Q. Okay.

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

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

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

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

17 A. I got three.

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

20 A. I believe I did.

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

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

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

1 the porch?

2 A. I put them in my patrol vehicle, which is typically
3 how I choose to handle that sort of evidence that may be
4 DNA related. I would have put it in my secured patrol
5 car, let them air out in my patrol car then put them in
6 an envelope or box or something later on.

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

9 A. I would have laid them out on a paper bag or if I
10 had the block with me I would have stuck it in there.
11 I'm not really sure exactly how I aired it out other than
12 to make sure that they were separated and exposed to open
13 air, locked in my patrol car.

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

15 A. I'm not sure if those are my placards or if those
16 are Staff Sergeant Chapman's placards because he and I
17 both marked that evidence. I'm not sure whose placards
18 we used.

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

21 A. Correct.

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

23 A. Correct.

24 Q. Is that what you are saying?

25 A. Yes.

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

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

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

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

12 MS. CAMPBELL: May I approach?

13 THE COURT: Okay.

14 BY MS. CAMPBELL:

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

19 A. Correct.

20 Q. Blood all around the placard, correct?

21 A. That's correct.

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

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

1 evidence.

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

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

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

9 A. I don't know.

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

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

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

16 A. I did not.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 A. At that time, yes.

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

13 A. I couldn't begin to guess.

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

15 A. Possibly.

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

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

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

1 looking for?

2 A. We did not.

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

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

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

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

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

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

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

21 A. I have no idea.

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

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

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

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

2 A. I do not.

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

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

6 A. Crime scene, no.

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

8 A. No.

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

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

11 CROSS-EXAMINATION

12 BY MS. SWANSON:

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

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

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

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

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

1 quarter size?

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

3 Q. Okay.

4 A. -- a dime, small change.

5 Q. Do you recall seeing any large puddle of blood at

6 or around the crime scene besides the puddle that the

7 victim was laying face down in?

8 A. I did not.

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

11 A. I did not.

12 Q. Had he ever been in your car?

13 A. Never.

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

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

17 THE COURT: You can step down.

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

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

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

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

1 DIRECT EXAMINATION

2 BY MS. CAMPBELL:

3 Q. Good afternoon, Officer Chapman.

4 A. Good afternoon, ma'am.

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

7 A. Yes, ma'am.

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

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

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

16 A. Yes, ma'am.

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

18 A. Yes, ma'am.

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

20 A. I believe it was on the roadway.

21 Q. On the roadway toward Highway 21?

22 A. Yes, ma'am.

23 Q. And so you went inside the residence and then you
24 came out of the residence, got back in your vehicle,
25 walked along the roadway to get in the vehicle and left

1 out Highway 21, right?

2 A. I don't remember the exact route. Coming from
3 where I live, coming down I would have pulled down off of
4 Highway 21 going toward where the high school is now, so
5 I would have been facing that way. I probably would have
6 kept going straight and gone around Detour.

7 Q. Okay. Exactly. Now, did you take any photographs
8 at Ronald Coleman's house?

9 A. I don't remember taking any photographs. I know
10 they were taken. I don't remember if I took them or not.

11 Q. Okay. On 6-22-09 when you were there you left to
12 get a search warrant, you came back. What did you do
13 when you returned with the search warrant?

14 A. Again, met with the officers on scene and provided
15 it to them then assisted doing whatever they needed me to
16 do.

17 Q. Okay. And when you get there were the placards
18 already down in Ronald Coleman's house?

19 A. I don't believe so.

20 Q. Marking the evidence?

21 A. I don't believe so.

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

23 A. I honestly don't remember then.

24 Q. Did you use your placards to mark the evidence
25 inside the house?

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

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

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

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

7 A. Yes, ma'am.

8 Q. What did you do?

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

12 MS. CAMPBELL: May I approach?

13 THE COURT: Okay.

14 BY MS. CAMPBELL:

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

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

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

25 A. Yes, ma'am.

1 Q. Down Seabrook Road?

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

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

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

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

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

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

13 A. There is a ruler.

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

16 A. There's a red marking.

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

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

19 Q. Is that your ruler?

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

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

22 A. I assisted Officer Wilson processing stuff.

23 Q. What is that?

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

- 1 Q. Okay. Did you swab the window for DNA?
- 2 A. I did that as well.
- 3 Q. When you swabbed the window for DNA tell us how you
- 4 swabbed it for DNA.
- 5 A. There were impressions on the window that you could
- 6 see with the naked eye. I first processed it with
- 7 fingerprint powder, and then once I saw the impressions
- 8 on the window, there were some smudges in the different
- 9 areas where the hands were, I took swabs of the smudged
- 10 areas. There were no ridge detail impressions on there
- 11 that I took the swabs from. I just simply took a cotton
- 12 swab and swabbed it through the smudge.
- 13 Q. And what did you do with that swab?
- 14 A. It was turned into evidence.
- 15 Q. Officer Chapman, when you swabbed the window what
- 16 did you do with the swab as soon as you swabbed the
- 17 window? Did you put it in a package?
- 18 A. I would have put it back in a package, yes, ma'am.
- 19 Q. You didn't air it out?
- 20 A. No, ma'am.
- 21 Q. Now, when you went to the scene on 6-22-09 did you
- 22 see crime scene tape up anywhere?
- 23 A. I believe there was crime scene tape. I don't
- 24 remember if it was there when I first got there but there
- 25 was crime scene tape when I got back.

1 Q. Great. How far out was the crime scene tape? I
2 mean, was it looped around some trees on the outer area
3 or just around the trailer there?

4 A. I don't remember exactly how far out it was but I
5 do remember seeing crime scene tape.

6 Q. Was it there on the next day or the next day when
7 you went out there?

8 A. I don't remember.

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

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

12 THE COURT: You can step down, Officer.

13 THE WITNESS: Thank you, Judge.

14 MS. CAMPBELL: Your Honor, the two witnesses that
15 we are waiting on, Lauver and Donahue, I'm not sure if
16 they are here yet. I'm having someone from my office
17 check.

18 They are. Okay. Great.

19 JEFFREY LAUVER, after having been duly
20 sworn, testified as follows:

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

23 THE WITNESS: Sergeant Jeffrey Lauver. It's
24 L-a-u-v-e-r.

25 DIRECT EXAMINATION

1 BY MS. CAMPBELL:

2 Q. Good afternoon, Officer Lauver.

3 A. How you doing?

4 Q. Fine. Thank you for being here. You submitted an
5 incident report in this case, correct?

6 A. Yes, ma'am.

7 Q. Okay. How did you wind up at Seabrook Road at
8 Ronald Coleman's house?

9 A. It's basically I was a K-9 handler for a cadaver
10 explosive dog at the time. It appears, I guess Captain
11 Bromage had notified me and asked me to come and run the
12 dog for a cadaver search to make sure there was nobody
13 out in the area.

14 Q. And when Captain Bromage asked you to come run the
15 dog for a cadaver search where did you start the dog?

16 A. I mean, according to the report there was a blood
17 trail leading from the grass out to the roadway, so I
18 started there.

19 Q. So someone had located a blood trail in the grass
20 and that's where you started the dog, in the grass?

21 A. I believe so. I believe that was the case.

22 Q. And you ran the dog along the blood trail; is that
23 right?

24 A. Yes, ma'am.

25 Q. Where did you run the dog after you ran him along

1 the blood trail?

2 A. Out to the road and then worked him in some woods

3 behind number , and those woods

4 encompassed -- I guess it went back to a dirt road

5 somewhere behind there, and then I believe there was

6 another dirt road on one side of the woods. That was the

7 21 side of the woods.

8 Q. Do you also reference the fact that your dog, Cody,

9 laid down in the blood trail?

10 A. Yes.

11 Q. And after he laid down in the blood trail you

12 picked up and then he went on, correct?

13 A. Yes.

14 Q. In the search?

15 Okay. One second.

16 A. Certainly.

17 Q. All right. Now, Captain Bromage asked you to come

18 do this. Did you have a flashlight with you or how did

19 you work that?

20 A. I believe this was during daylight times.

21 Q. Okay. So you were there when?

22 A. I'm not sure if the exact day. I would assume it

23 was the next day or the day after.

24 Q. But we don't know?

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

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

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

6 Q. Do we have that?

7 A. I will have to check for you.

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

11 A. Correct.

12 Q. Correct?

13 A. Correct.

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

15 CROSS-EXAMINATION

16 BY MS. SWANSON:

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

19 A. Yes.

20 Q. When Cody was there with you?

21 A. Yes.

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

24 A. As far as?

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

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

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

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

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

6 DIRECT EXAMINATION

7 BY MS. CAMPBELL:

8 Q. Good afternoon.

9 A. Hi.

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

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

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

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

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

17 A. I did.

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

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

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

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

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

1 who you received it from?

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

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

7 A. I don't recall.

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

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

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

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

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

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

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

1 A. I believe I put them in swab boxes. I don't recall
2 but that would be our normal procedure.

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

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

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

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

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

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

16 Q. Because why?

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

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

22 A. Yes.

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

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

1 were broken on everything we looked in the backseat.

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

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

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

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

23 A. That sounds correct, yes.

24 Q. Why do you do that?

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

- 1 Q. Because they are separate blood stains, correct?
- 2 A. I collected them separately, yeah.
- 3 Q. Right. So if you had three stains you separate and
- 4 designate one, two, three, correct, if you are going to
- 5 collect three separate samples, right?
- 6 A. I'm collecting them separately, yes.
- 7 Q. Correct, because do you really want to swab all of
- 8 them together?
- 9 A. If it's a big stain like that there's really no
- 10 reason to.
- 11 Q. Okay. So if you have three separate stains it
- 12 depends on the circumstances as to whether you swab them
- 13 altogether or do it separately?
- 14 A. If they are located close to each other -- well,
- 15 let me back up. If they are discrete stains I would
- 16 collect them individually, yeah.
- 17 Q. Is that what you did in this case?
- 18 A. I believe so. I'd have to check the photographs
- 19 and the report.
- 20 Q. Okay. Did you swab anything else in the car?
- 21 A. Other than the vent, no. I believe we cut out some
- 22 areas in the carpet or the floorboard, I think.
- 23 Q. And you swabbed them and you took the swabs and you
- 24 put them in an envelope and you processed them further,
- 25 right?

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

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

5 A. No. No.

6 Q. Okay.

7 MS. CAMPBELL: One second, Your Honor.

8 (PAUSE.)

9 BY MS. CAMPBELL:

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

13 A. I believe so, yes.

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

16 A. Yes.

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

20 A. That's my recollection, yes.

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

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

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

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

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

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

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

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

14 THE COURT: You can step down.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 MS. CAMPBELL: Thank you, Your Honor.

19 THE COURT: It comes in.

20 What else can I help you with?

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

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

1 there's a problem.

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

6 THE COURT: Well, I don't know anything about the
7 case but Ms. Campbell has been in it a long time, Mr. Bax
8 been in it.

9 MS. CAMPBELL: Well, I just can't -- I mean, I
10 don't have a clear answer from the State whether or not
11 she intends to use it. If she's going to use it then,
12 yes, we need to have a Biggers hearing.

13 THE COURT: All right.

14 MS. SWANSON: Right. Let's go ahead and have the
15 hearing. If I chose later not use it then so be it.

16 THE COURT: We can do it.

17 MS. SWANSON: Okay. So the State calls Chris
18 Wilson.

19 THE COURT: You're still sworn.

20 MS. SWANSON: Thank you.

21 DIRECT EXAMINATION

22 BY MS. SWANSON:

23 Q. Investigator Wilson, can you tell us how the --
24 well, first of all, was a photo lineup prepared in the
25 case against Antonio Collins?

- 1 A. Yes, there was.
- 2 Q. And how was that photo lineup prepared?
- 3 A. At the time -- if I could view that I could give
- 4 dates to --
- 5 Q. Yes, I'm sorry. Let me hand you what's been marked
- 6 as State's Exhibit 1. And how do you describe that?
- 7 A. This is a photo lineup containing six color
- 8 photographs of black males. And this was prepared -- I
- 9 believe it was prepared possibly in 2010. At that
- 10 particular point in time we did not have anybody under
- 11 arrest. I enlisted the help of officials from Miami Dade
- 12 Police Department and one of their intelligence analysts
- 13 provided this photographic lineup.
- 14 Q. Okay. And how did they get that photographic
- 15 lineup to you?
- 16 A. By e-mail.
- 17 Q. And describe the background in that lineup.
- 18 A. The background is equal. They all have the same
- 19 shade of blue in the background of each photo.
- 20 Q. And do the people in the photo appear to be in
- 21 inmate clothing or jail clothing or is it more like DMV
- 22 pictures or what --
- 23 A. It appears to be DMV pictures because in a couple
- 24 of them I can definitely tell that they are street
- 25 clothes that these people are wearing.

1 Q. And are the pictures full-face or profiled?

2 A. They are full-face.

3 Q. And do the people in the photo lineup have similar
4 features and facial hair?

5 A. They do.

6 Q. Are they all the same race?

7 A. Yes.

8 Q. Who was this lineup presented to and when was it
9 presented?

10 A. This lineup was presented to Enrekae Miles on the
11 morning of March 29th, 2011.

12 Q. Okay. And how far past the incident date was that?

13 A. The incident occurred in June of 2009, so almost
14 two years.

15 Q. All right. And was he given any instructions?

16 A. He was. On the back of a photo lineup or sometimes
17 on a sheet of paper it's a disclaimer that we read to the
18 viewer prior to publishing the photographs to them.

19 Would you like me to read that paragraph?

20 Q. Yes, please.

21 A. The paragraph says, You will be asked to look at a
22 group of photographs. The fact that the photographs are
23 shown to you should not influence your judgment. You
24 should not conclude or guess that the photographs contain
25 the picture of the person who committed the crime. You

1 are not obligated to identify anyone. It is just as
2 important to free innocent persons from suspicion as to
3 identify guilty parties. Please do not discuss the case
4 with other witnesses nor indicate in any way that you
5 have identified someone.

6 And then once I read it to the witness, I know I
7 read it to Mr. Miles, I indicated -- he indicated to me
8 he understood. Typically, what I do at that point is
9 I'll lay the lineup face down, take my hand off of it and
10 tell them to go ahead and pick it up and view it.

11 Q. And did he do that?

12 A. He did.

13 Q. Okay. And how long did he view it?

14 A. He gave a thoughtful -- what I would call a
15 thoughtful period of time. It was probably a couple of
16 minutes that he viewed the photographs.

17 Q. Did he identify any of the people in the lineup as
18 -- first of all, who was he identifying?

19 A. We had --

20 Q. The gunman or co-defendants or anyone involved in
21 the situation?

22 A. He -- I know that we had the lineup made for the
23 identification of Antonio Collins, who is in the upper
24 right-hand corner of this photo array, and he was --
25 Enrekae Miles was looking at that lineup for that

1 particular purpose. And he said that he didn't want to
2 take any guesses. He certainly didn't want to identify
3 the wrong person but he said that the photograph -- the
4 top right photograph looked the most like the person and
5 that he did note a receding hairline and a gash over the
6 photograph's left eye.

7 Q. Okay. And the photo lineup that you are looking at
8 right now, State's Exhibit 1, is that the same photo
9 lineup that you showed him that day? Is that the
10 original?

11 A. That's the original.

12 Q. Okay. And did you mark anything next to Antonio
13 Collins' picture?

14 A. I did not.

15 Q. And what is your procedure when it comes to marking
16 or having a defendant circle a picture? Can you explain
17 that.

18 A. Typically what I do is we'll often times ask the
19 viewer on a scale of one to 10 how certain they are that
20 the person that they are looking at or have identified is
21 the person. And in this particular case his level of
22 certainty was four or five, and he said that was because
23 a couple of years had passed.

24 Now, if he would have said I'm absolutely 100
25 percent positive that that is the person then I would

1 have had him circle a photograph and place his initials
2 inside the circle. It wasn't a 100-percent-that's-him
3 identification. I didn't feel it was strong enough for
4 him to circle it, put his initials in it, but there were
5 some features that he singled out.

6 Q. Okay. And had Enrekae Miles ever been shown any
7 pictures of Antonio Collins in any lineups prior to this?

8 A. He had not.

9 Q. Okay.

10 MS. SWANSON: Your Honor, that's all I have for
11 Investigator Wilson.

12 CROSS-EXAMINATION

13 BY MS. CAMPBELL:

14 Q. Officer Wilson, do you feel that Enrekae Miles is a
15 reliable kind of person in this case?

16 A. I do.

17 Q. All the information he's given you has been
18 reliable?

19 A. In my opinion, yes.

20 Q. Okay. So you have this reliable Enrekae Miles who
21 tells you that -- well, first off, Enrekae Miles goes
22 missing for eight hours, right?

23 A. He did.

24 Q. He's the supposed eyewitness to this and he takes
25 off after he's been hijacked, held with a gun to his head

1 and forced to knock on the door at Ron Coleman's house,
2 right, and then he can't be found, right?

3 A. He was scared to death. That's correct. We did
4 find him though.

5 Q. Well, he's gone for eight hours. Did you put out a
6 BOLO for him, search for him?

7 A. I don't believe we would have put a BOLO out for
8 him. I know that we were actively trying to find him but
9 sort of putting a BOLO out, no.

10 Q. And so your eyewitness goes missing for eight
11 hours. When he shows up, when you find him he says,
12 Woah, you know, the shirt I got here, it's the shooter's
13 blood on it, right?

14 A. I don't recall specifically what he said. There
15 was blood on his shirt and did collect it.

16 Q. I'm sorry, what?

17 A. There was blood on a shirt that he had been wearing
18 and we did collect that. I don't believe --

19 Q. You did collect it. And you collected the reliable
20 Enrekae Miles' blood on his shirt, the shooter's blood.
21 It's actually Enrekae Miles' blood, right?

22 A. I believe that's correct.

23 Q. And so when you show him this photo lineup some two
24 years later -- well, let's just say a lot of Enrekae
25 Miles' story didn't jive. I mean, I think those were the

1 words Hiers and Burns used in their interview with him,
2 right? Did you listen to it?

3 A. It's been a while. I don't recall what they
4 thought was unrealistic. I know that during my
5 interviews with him getting the chain of events as they
6 occurred was reliable.

7 Q. Well, they said, It doesn't jive, Enrekae. That
8 you are telling us that you see these guys running
9 towards Detour Road when the blood trail goes toward
10 Highway 21. It doesn't jive, Enrekae.

11 A. That I'm not certain if it's possible he may have
12 been turned the other direction when these guys took off.
13 That's subjective thinking, I know.

14 Q. So when you put in your report that Enrekae tells
15 you after being presented with this photo lineup, well,
16 you know the scar on the eye maybe 40 percent sure, 4 out
17 of 10, but doesn't he really say he did not think the
18 photo he selected was the shooting suspect? Isn't that
19 just the bottom line?

20 A. He said he did not think the photo he selected was
21 the shooting suspect but then he qualified it further by
22 saying, Well, I just don't want to identify anyone.

23 Q. Right. Well, the qualification is fine but he said
24 he did not think the photo he selected was the shooting
25 suspect; therefore, he did not make an identification,

1 right?

2 A. He did not make a hundred percent identification,
3 no. I did not circle that on the lineup and I wouldn't
4 unless he was absolutely a hundred percent sure.

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

6 MS. SWANSON: Just briefly.

7 REDIRECT EXAMINATION

8 BY MS. SWANSON:

9 Q. Was Enrekae interviewed more than once?

10 A. Yes, he was.

11 Q. And did his description of the defendant who is the
12 gunman and the description of the incident remain
13 consistent?

14 A. Yes. It has been consistent.

15 MS. SWANSON: Thank you.

16 THE COURT: All right. You can step down.

17 MS. SWANSON: Your Honor, I don't think I have to
18 but I do have Enrekae Miles in the hallway if Your Honor
19 needs to hear from him in reference to his
20 identification. But the State would submit that the
21 lineup is not suggestive in any sort of way. If Your
22 Honor --

23 THE COURT: Well, it's not subjective because he
24 couldn't even identify him.

25 MS. SWANSON: Right.

1 THE COURT: So it's their best interest for it to
2 come in, seems to me, but that's up to them. It's
3 certainly not suggestive.

4 MS. CAMPBELL: I understand Your Honor's ruling
5 it's not suggestive.

6 THE COURT: Right.

7 MS. CAMPBELL: But by the testimony he didn't
8 identify my client.

9 THE COURT: He didn't identify him.

10 MS. CAMPBELL: Exactly.

11 THE COURT: So you can probably put it in. They
12 can if you object, probably.

13 MS. CAMPBELL: Thank you.

14 THE COURT: What else?

15 (There was no response.)

16 THE COURT: So how long you all going to open in
17 the morning, an hour or two?

18 MS. CAMPBELL: No, 15 minutes probably.

19 THE COURT: Whatever you want.

20 MS. CAMPBELL: That's all the motions that we have.

21 THE COURT: Okay. You all need to get all your
22 photos and everything marked so we can roll --

23 MS. SWANSON: Yes, sir.

24 THE COURT: -- before opening statements in case
25 somebody wants to refer to one.

1 MS. SWANSON: Yes, sir.

2 THE COURT: And then they said they had a guilty
3 plea or something, too. I'll step out and you all get
4 them lined up and come down.

5 MS. SWANSON: Yes, sir.

6 THE COURT: Not you all but others.

7 MS. SWANSON: Right. Right.

8 (WHEREUPON, the trial of this case was recessed for
9 the day.)

10 Tuesday, October 22, 2013

11 THE COURT: Attorneys, we are still awaiting the
12 arrival of one juror. We just have one little matter I'm
13 just going to mention. I don't think it impacts
14 anything. During the remodeling stage the jury is not
15 meeting in a jury room, it's meeting in the courtroom.
16 In the courtroom they have no restroom facilities. The
17 only available restroom facilities, female restroom
18 across the hall from there they say has six spots, and
19 unless somebody objects we are going to let them go
20 en mass and tell them not to discuss, rather than one at
21 a time into the -- well, females first.

22 MS. SWANSON: No objection from the State.

23 MS. CAMPBELL: Your Honor, I just would have a
24 question as to how the bailiffs are going to handle that.
25 Are they going to make sure that the restrooms are then

1 clear of anyone but the jurors?

2 THE COURT: The clerk advised me she has instructed
3 the bailiffs to clear the restrooms of any nonjuror
4 before any juror enters.

5 MS. CAMPBELL: With that understanding then we
6 would not have an objection.

7 THE COURT: And that's your understanding?

8 THE BAILIFF: Yes, sir.

9 MS. SWANSON: Your Honor, one thing that Mr. Brown
10 who's present in the courtroom today wanted to mention
11 for the record is that he is representing Mr. Jeremy
12 Murphy, a co-defendant of Mr. Collins, through his
13 preliminary hearing. He is going to be present for the
14 trial of this case and will be consulted if Mr. Murphy is
15 actually called as a witness.

16 Correct?

17 MR. BROWN: Yes, and I say that, Your Honor, my
18 client was only arrested two weeks ago on a warrant that
19 was obtained three weeks ago and I point that out. But
20 this case is very new but I am his attorney. I do plan
21 on being here at least for the openings.

22 But if there is an issue, counsel, they have my
23 cell number and my office is right across the street.

24 THE COURT: Okay.

25 MR. BROWN: Thank you.

1 MS. SWANSON: Thank you, Your Honor. One
2 additional matter. Yesterday during pretrial motions
3 Ms. Campbell questioned a number of witnesses about a
4 ruler we a red stain on it. That ruler has been located
5 and is right here marked as State's Exhibit Number 44.
6 Investigator Wilson did a presumptive test for blood on
7 that ruler and it came back negative. So I just wanted
8 to inform the defense of that.

9 MS. CAMPBELL: And, of course, we would object to
10 that. That's evidence that they are creating during the
11 trial and providing to us, and we would object to that.

12 THE COURT: When did he find it?

13 MS. SWANSON: Investigator Wilson found it this
14 morning. We can proffer testimony if you wish.

15 THE COURT: I think that's -- if she just found it.
16 She didn't even probably look for it until she was
17 questioned yesterday about it.

18 MS. CAMPBELL: And for the record, we would object
19 to the introduction of any testing done on the ruler
20 after the trial had begun and the testimony had taken
21 place.

22 THE COURT: Nothing about the testing but you can
23 put it in. I mean, you know, a ruler is ruler and the
24 blood stain probably came from the time when they put it
25 down. You know, that's argument both ways.

1 MS. SWANSON: Well, Judge --

2 THE COURT: If there was any on there.

3 MS. SWANSON: Right. We would object to the
4 defense eluding to the fact that it's blood if we've
5 actually done a presumptive test saying it's not.

6 THE COURT: Well, a presumptive test is not the
7 test though, and we aren't going to do a test on it. So
8 if you've done a test on it, it's not a presumptive test,
9 might let it in. We can't let it in now because she
10 objects to you doing any further testing, right?

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

12 THE COURT: But, I mean, that's just -- that
13 doesn't have anything to do with the case, in my opinion,
14 not that I know anything. I only sentenced 82 homicides
15 in one year a couple years ago.

16 (PAUSE.)

17 THE COURT: All right. Ms. Campbell, you all
18 ready?

19 MS. CAMPBELL: Yes, sir.

20 THE COURT: Juror 25 is elected foreperson.

21 THE BAILIFF: The jury is ready to enter, sir.

22 THE COURT: Okay.

23 (WHEREUPON, the jury enters the courtroom at
24 approximately 9:42 a.m.)

25 THE COURT: You all can have a seat.

1 All right. And now having a seat we are just
2 practicing. Okay.

3 THE CLERK: All right. If you'll stand, please,
4 and raise your right hand.

5 (WHEREUPON, the jury was given their oath.)

6 THE COURT: Okay, jurors. We are going to start
7 into the trial. You've heard the witness list.
8 Hopefully they won't call everybody. I mean, a lot of
9 people, you know, just officers visiting the scene, that
10 they visited the scene.

11 They might stipulate they didn't know it but they
12 are not going to say anything. I don't know. But if
13 they call everybody it's going to take a long time. If
14 you call them you have to ask questions.

15 Any time anybody is accused of committing a crime
16 you are in a serious situation. Obviously, these are
17 serious charges, so you need to pay attention throughout
18 the trial.

19 The State has caused four indictments to be issued.
20 They create no inference of guilt against Antonio
21 Collins. He's presumed innocent of all charges, no
22 burden on his part to prove he's not guilty.

23 In order to obtain a conviction it's incumbent upon
24 the State to convince you 12 jurors beyond a reasonable
25 doubt that he committed the crime embraced within one of

1 these indictments that I'm going to go over in just a
2 second.

3 Now, Mr. Foreman, you don't get paid any more than
4 anybody. You preside over deliberations. Once the
5 verdicts are reached the State and the defendant are
6 entitled to an independent consideration of each of the
7 indictments. I think you understand that. You act as a
8 spokesperson for the jury.

9 I can't have any meaningful running conversations
10 with you but if questions arise during deliberation write
11 them down. I'll take it up with the attorneys and try to
12 answer the question.

13 I can't answer a question that will take the heat
14 off of you like, Is he guilty or not guilty? Hey, that's
15 what you all are here for. That's not even whether he's
16 guilty or not guilty. It's whether the State has
17 convinced you beyond a reasonable doubt. That's the
18 issue.

19 Now, alternate jurors, you need to pay attention
20 throughout. Having done this often times, you know, a
21 child gets sick at school or something and somebody has
22 to leave and you will take their place.

23 You would stay on the trial through closing
24 statements, arguments, summations, instruction on the
25 law. Only when I tell the jury to start deliberating

1 would you be released. So you need to pay attention
2 throughout. Okay?

3 To run over these indictments, which are just
4 allegations. The first indictment I pulled out alleges
5 that Antonio Collins committed the crime of burglary in
6 the first degree in that he entered the dwelling of
7 Ronald Coleman located on Seabrook Road back on June the
8 22nd, 2009 with the intent to commit a crime, and that
9 the entry occurred during the nighttime and that he was
10 armed with a deadly weapon and so forth.

11 Now, burglary in South Carolina has been broken
12 down into several degrees. What Mr. Collins is charged
13 with is burglary in the first degree, and under the code
14 section burglary in the first degree is defined as
15 entering the dwelling of another, you know, outbuilding
16 wouldn't be a dwelling, without consent, if you got
17 consent you have an unlawfully entering, I think you can
18 understand that, with the intent to commit a crime
19 therein. And to constitute burglary in the first degree
20 the State has got to convince you beyond a reasonable
21 doubt that one of several factors existed.

22 In addition to entering the dwelling with intent
23 commit a crime that the defendant was armed with a deadly
24 weapon, that's one thing that could make a burglary,
25 burglary in the first degree; second, causes physical

1 injury to anyone not participating in the crime; third,
2 uses or threatens to use a dangerous object; forth,
3 displays a weapon. It could be a knife, gun, anything
4 like that.

5 And there's another one, that the entering occurred
6 in the nighttime. And nighttime is defined, you know,
7 the period between sunset and sunrise where you can't
8 observe somebody in close proximity to you, his face,
9 without the use of light and so forth.

10 The bottom line, you know, I don't know when it
11 happened but I don't think that will be an issue. It
12 either happened at nighttime or not, chances are. Again,
13 I don't know anything about the trial.

14 The second charge is kidnapping, and it alleges
15 that on that same date the defendant did unlawfully
16 seize, decoy, carry away Enrekae Miles, who is not the
17 decedent, as I read the indictment.

18 At the conclusion of the trial I will instruct you
19 on the law in a little more detail but basically
20 kidnapping does not necessarily mean that you -- you in
21 layperson's terms understand would take somebody, took
22 them in a car and carried them off. It's just the
23 unlawful detaining of a person against their consent.

24 Kidnapping can constitute carrying away but it's
25 just, you know, unlawful detaining, put a gun on somebody

1 and say, Go in that room and shut the door. That's
2 kidnapping. You know, it meets the requirement, meets
3 the statutory requirement. When I say things like that
4 I'm not suggesting that Mr. Collins is guilty of
5 anything. I'm just giving you some abstract situations.

6 The third indictment alleges that on that same date
7 Antonio Collins did murder Ronald Coleman by means of
8 shooting him and that he died as a result thereof.

9 Now, murder is the unlawful killing of one human
10 being by another human being with malice aforethought,
11 express or inferred. I'll define that for you in a
12 little more detail at the end but, you know, obviously
13 people get killed and it's not murder; a hunting
14 accident, somebody shooting at a deer and hits somebody,
15 you know, negligence and so forth. Murder is an
16 intentional killing of another person with malice
17 aforethought, express or inferred.

18 And the final indictment says that at the time
19 Mr. Collins committed the crime he was armed with a
20 deadly weapon. That's just an add-on penalty, really. I
21 told you you would have to consider all the indictments
22 individually. Well, if you find him not guilty of the
23 first three that I went over, all of which by the
24 legislature are classified as crimes of violence, you
25 don't even have to consider that because it's an add on.

1 You know, your verdict has to be consistent. So if
2 you found him not guilty of, you know, burglary and
3 kidnapping and murder you couldn't find him guilty of
4 having a weapon while committing a violent crime because
5 you already have decided he didn't commit a violent
6 crime.

7 Now, again, any time I say anything like that the
8 attorneys say, Well, you didn't say the other thing. I'm
9 not suggesting he's not guilty. You know, that's just
10 the issue in the case. Corollary of that if you find him
11 guilty of a crime of violence and that he had a weapon at
12 the time then you'd find him guilty. The State has the
13 prove that beyond a reasonable doubt, like everything
14 else.

15 Now, this is how the trial is going to progress.
16 We've got just lots of witnesses. We'll try to get you
17 out of here by six but, you know, you need to get here on
18 time. Every time you are a few minutes late everybody is
19 late. We might have to wait on witnesses. When you have
20 this many witnesses you can't have that many people just
21 standing out there.

22 You have an order that the attorneys have gone over
23 they are going call witnesses. Some of them are law
24 enforcement and law enforcement is on the way here and
25 somebody passes them 90 miles an hour right out there

1 they got to stop them, so they don't get here on time,
2 just for inference. So we may have some unexpected
3 delays anyway. But the attorneys know. It's a serious
4 case, a lot of witnesses, need to be programed to move
5 them through.

6 Now, the State has got to convince you 12 jurors
7 unanimously beyond a reasonable doubt that the crime was
8 committed as embraced within one or more of those
9 indictments before you can return a verdict of guilty on
10 anything. They do that through presentation of evidence.

11 Evidence is direct or indirect. Direct evidence is
12 where a person testifies to something he or she has
13 observed through the senses. It might not be true. But
14 if somebody came in and said it's raining outside, you
15 can't see, right? It might not in raining outside, but
16 that's direct evidence. That's direct evidence, it's
17 raining outside. You can believe that person or not
18 believe that person.

19 Indirect evidence is where you observe facts that
20 lead you to logical collusions. Somebody comes in,
21 shakes an umbrella, takes off a raincoat, you know. You
22 say, Hey, it must be raining outside. Well, it could
23 have just been a prankster who stepped in the shower, you
24 know, but anyway, that's indirect evidence.

25 The law makes no distinction. Cases can rise or

1 fall on direct evidence or indirect evidence, which is
2 called circumstantial evidence.

3 Now, you're going to pass upon the credibility of
4 all the witnesses that testify. I'll give you some tests
5 at the end that will go to all the witnesses. The bottom
6 line, what was their demeanor, were they consistent or
7 inconsistent, what was their opportunity to observe what
8 they testified to and was their testimony made stronger
9 or weaker by other testimony or evidence in the case?

10 In addition to testimony you may have some hard
11 documents put in, hard documents, etcetera. That's
12 something you can touch. Could be -- I don't know, but I
13 saw some photographs so they are going to put photographs
14 in. What happens is you take all the evidence, the
15 direct evidence, circumstantial evidence, hard evidence,
16 weigh it, give it such weight as you feel it's entitled
17 to and then you reach a decision in the case at the
18 conclusion.

19 During the trial there may be a couple people that
20 are qualified as experts. They have to ask me to qualify
21 a person as an expert before they can testify in an
22 expert capacity. If I do that that does not mean you're
23 bound to accept what the expert says.

24 All that's required to qualify a person as an
25 expert is an individual through education, work

1 experience, training has acquired more knowledge in a
2 particular field than you or I have and then they are
3 entitled to give opinions within their field of
4 expertise.

5 A non expert is entitled to give opinions in court
6 on things within common knowledge, like that car was
7 going too fast. You know, your opinion is as good as
8 anybody's observing it.

9 Depending on the case, say this were just a
10 construction case and I was asked to qualify an
11 electrician as an expert and he worked for contractors
12 and subcontractors for 20 years, might be able to qualify
13 him, let him testify. As an electrician if got into the
14 theory of electricity that person might be able to
15 testify, they might require testimony of an electrical
16 engineer. You know, that's all.

17 But once the person is qualified as an expert,
18 don't vouch for them. You just consider all the facts in
19 which they base their opinion, but before you can accept
20 an opinion of an expert the expert has to give that
21 opinion to a reasonable degree of certainty within the
22 area in which the expert was qualified.

23 For instance, if I qualified, you know, in a
24 medical case a cardiologist he might be able to testify
25 as to what an x-ray shows. It just depends. It might

1 require somebody that's a specialized radiologist.

2 Might. You know, that's just how it is.

3 But anyway, if I qualified somebody as an expert in
4 -- just a medical person, cardiologist, and he said the
5 defendant looks guilty, you know, that's no -- that
6 doesn't have any bearing. That's not within his area of
7 expertise and totally irrelevant to the case. Okay? So
8 if an expert gives opinions outside the area in which
9 they were qualified in, you know, cannot give an expert
10 opinion on that issue.

11 Now, since the State has the burden of proof the
12 State goes first, and by going first they put all their
13 witnesses up and so forth. The defendant doesn't have to
14 put up any witnesses, doesn't have to prove he's not
15 guilty, as I've mentioned. He may present evidence,
16 doesn't have to.

17 The State is going to make an opening statement to
18 you. It won't be that long but they are going to outline
19 what they think they will present and maybe suggest
20 conclusions that you will draw from it, but understand,
21 attorneys are not sworn witnesses. They are just
22 testifying as to what they think will happen. And then
23 the defense will be offered an opportunity to make a
24 statement as to the defense's position, and then we'll
25 start calling witnesses.

1 We'll break about every hour and 30 minutes, give
2 or take. Okay? Now, if somebody needs a break before
3 that just raise your hand, but you can't have individual
4 breaks. One break, everybody breaks.

5 During breaks don't discuss the case. You don't
6 know anything about it yet. Even after the attorneys
7 make their opening statements you won't know anything
8 because they aren't sworn witnesses. They are just
9 telling you what they think people will testify to. You
10 only start deliberating, discussing the case when I tell
11 you to, which is after everything is over.

12 Okay. Ms. Swanson, you going to make a statement?

13 MS. SWANSON: Yes, sir. Thank you. May it please
14 the Court.

15 Ronald Coleman, Jr. is stabbed and Antonio Collins'
16 name is written all over it. Antonio Collins' name is
17 written all over this crime in blood.

18 On June 22nd of 2009, almost four years ago,
19 Antonio Collins carried out a violent kidnapping, home
20 invasion and murder. We know this because he left his
21 mark. He left his mark at the scene. He left his mark
22 down Seabrook Road, he left his mark on the murder
23 weapon. He also left his mark in the getaway car. His
24 mark is his trademark and belongs only to him. His mark
25 is his DNA.

1 Now, you are going to hear from a number of
2 witnesses that we are going to present to you, one of
3 which is the other victim in the case, Enrekae Miles.
4 Enrekae Miles is Ronald Coleman, Jr., J. R. is what he
5 went by, that's his cousin and he is going to tell you
6 about the incident that occurred that night. He has a
7 vivid recollection of being held at gunpoint and made to
8 walk up to his cousin's porch, knock on the door in an
9 attempt to lure him out and into harms way.

10 Fortunately, Enrekae was able to escape the grasp
11 of Antonio Collins and scramble away. At that point
12 Antonio kicked in the door and unloaded his weapon. He
13 shot his .40 caliber Smith and Wesson until the magazine
14 ran dry. Four of those shots hit J. R., two of them
15 tearing through major structures in his body causing him
16 to bleed out almost immediately. J. R. died, sprawled in
17 the doorway of his own home clutching a weapon that he
18 tried to arm himself with in an effort to protect himself
19 from an intruder.

20 You are going to hear from some scientists in this
21 case and I ask that you pay attention, and my hope is
22 that you maintain your collective intelligence and your
23 common sense throughout the trial of this case. This
24 case makes sense.

25 Now, it is the State's burden to prove the case to

1 you beyond a reasonable doubt, as Judge Kinard just
2 explained to you. Beyond a reasonable doubt is not
3 beyond any doubt but it is beyond a doubt that would
4 cause a reasonable person to hesitate to act.

5 I think at the end of this case you will find that
6 we have met that burden and I know that you are going to
7 get this right. And I ask that you provide a verdict
8 that speaks the truth and renders justice to everyone in
9 this case. Thank you.

10 THE COURT: Okay. Ms. Campbell?

11 MS. CAMPBELL: Thank you, Judge Kindard.

12 Good morning. My name is Trasi Campbell, and as I
13 told you when we met yesterday, I'm a public defender. I
14 am the attorney representing Mr. Collins. You met
15 Mr. Bax yesterday as well.

16 This is personal. This is a personal case and I'll
17 tell you why this is a personal case. I'm going to give
18 you some terminology that you are going to hear in the
19 testimony in this case. And what I'm going to say to you
20 right now is based upon information that's been provided
21 to me and to my client through the investigation done by
22 the sheriff's department, through the interviews that
23 they have provided to me of the witnesses that they have
24 talked to in this case.

25 You are going hear words like trap house, you are

1 going to hear words like Jack Boys. You are going to
2 hear about an Atlanta marijuana, cocaine pipeline from
3 Atlanta to Beaufort. You are going to hear about money,
4 drugs, guns, killings, executions, and I'm saying you are
5 going to hear that what happened to Ronald Coleman on
6 June 22nd, 2009 was personal. That this was a personal
7 hit on Ronald Coleman, who was a drug dealer, who lived
8 in a house on Seabrook Road, but that was not a home that
9 was a trap house, and a trap house is a place where you
10 live and you sell drugs.

11 Now, I will tell you that the State has picked up
12 all of their eggs and they have taken them and they have
13 put them in a basket called DNA, and I believe that the
14 evidence will show you that the DNA in this case is not
15 reliable, that the DNA in this case is contaminated, that
16 the DNA in this case was mishandled.

17 I want to tell you about a couple of those players
18 that I believe you are going to hear about, and the
19 first one that you are going to hear about is a fellow by
20 the name of Darrin Amadi. Now, Darrin Amadi is first
21 cousin of Enrekae Miles, and Enrekae Miles is this
22 alleged eyewitness who was held at gunpoint and forced to
23 go to the door of the trap house.

24 Now, how does Enrekae connect to Byron and Ronald
25 Coleman? Well, Ronald Coleman is Byron Coleman's brother

1 and Byron Coleman moved to Atlanta because you know when
2 you are a drug dealer if you steal your drugs you make a
3 bigger profit, and I believe you'll hear evidence that
4 what Byron was doing in Atlanta was jacking the boys in
5 Atlanta, bringing the marijuana down here and Ronald was
6 selling it down here.

7 On June 9, 2009, Ronald Coleman's brother, Byron
8 Coleman, was executed in Atlanta. He was dropped off at
9 the execution by Darrin Amadi, Enrekae Miles' first
10 cousin. Now, the reason that information is going to
11 come together through the testimony and make sense to you
12 is that this is a local inside-connection execution.
13 Antonio Collins is from Florida. You know the first name
14 that came out was Antonio Wilson.

15 Antonio Collins doesn't know Ronald Coleman. He
16 doesn't know Byron Coleman. He doesn't know Enrekae
17 Miles. Ronald Coleman knows Byron Coleman, Ronald
18 Coleman knows Darrin Amadi, Ronald Coleman knows Enrekae
19 Miles. Enrekae Miles lives on Seabrook Road.

20 Now, why is this personal? I believe the evidence
21 will show, and you'll have the pictures in your hands,
22 there's a huge ditch that runs all along Seabrook Road.
23 Whoever executed Ronald Coleman knew exactly where the
24 boards were to cross that ditch.

25 If you don't know Seabrook Road, if you hadn't been

1 on Seabrook Road, if you're not part of this group of
2 boys, local boys up and back to Atlanta you don't know
3 where those boards are. No evidence Antonio Collins had
4 any idea about Seabrook Road. None.

5 I will tell you that you also find in this case
6 that Enrekae Miles cannot -- this will be from their own
7 experts, from the scientists that they bring right up
8 here, Enrekae Miles cannot be excluded from, as they call
9 it, the murder weapon.

10 You will find that there's no gunshot residue tests
11 done on Enrekae Miles after this alleged kidnapping. You
12 will find that this is not a home invasion. This is not
13 an attempt to invade Ronald Coleman's home. This was a
14 hit on Ronald. And you got say, Well, why? Because
15 Ronald Coleman, when his brother was executed in Atlanta
16 phones his sister, phones his family, Fill the trunk with
17 guns. We're going to Atlanta.

18 He goes to Atlanta. His sister is carrying the
19 guns in her car. Oh, but wait. No, she didn't. He gets
20 to Atlanta, where are the guns? We didn't bring them.
21 And he was angry because he had gone there to meet with
22 Darrin Amadi, the man who took his brother to be
23 executed. Now, they wound up having a meeting and Ronald
24 Coleman walked away, back to Beaufort. But we believe
25 and the evidence will show that Darrin Amadi having met

1 with the man who for all intensive purposes was there to
2 kill him decided to strike first.

3 Now, I will tell you that one of the ways that my
4 client comes into this scenario is through a fellow by
5 the name of Gussie Goldwire. Who is Gussie Goldwire?
6 Well, Gussie Goldwire is part of that pipeline. Gussie
7 Goldwire is in federal DEA custody. He's facing life in
8 prison. He's facing the worst possible scenario.

9 He turns and he says to them, Well, let me tell you
10 about how this pipeline works. He gives them names, he
11 gives them houses, he gives them locations. How far does
12 that get him? Ah, we already know all that.

13 Well, maybe I can tell you a little bit about a
14 killing in Beaufort. Now you are talking. He throws in
15 the name of Antwan or an Antoine Wilson, and he puts the
16 cops on that trail.

17 What do we know about Gussie? You know this
18 Antwan, this Antoine, Gussie tells them, he comes to my
19 house after this killing and he stays there for 30
20 minutes. He's bleeding, he's been shot.

21 And ask yourselves, how does Gussie Goldwire, when
22 you hear the testimony, know that a .40 cal was used to
23 kill Ronald Coleman? How does he know that?

24 Gussie Goldwire is never excluded from any of the
25 evidence in this case. There's no DNA searched for nor

1 taken from Gussie Goldwire's house, where this man is
2 supposedly bleeding all over the place.

3 And when Enrekae Miles testifies, because he's
4 going to testify, ask yourselves, Enrekae, where did you
5 go for eight hours after you were held at gunpoint,
6 forced to open the door, knock on the door? He was
7 missing eight hours. Don't know where he went. They
8 finally found him the next day, I think at his mother's
9 house, maybe his sister's house.

10 And here is the thing about Enrekae Miles, he's got
11 blood on his shirt. And he says, Um, that's the
12 shooter's blood. No, it's not. They test that, their
13 scientists will testify, and their scientists will tell
14 you that the blood on Enrekae Miles' shirt is Enrekae
15 Miles' blood.

16 I will tell you that we believe the evidence will
17 show that they brought down a sketch artist from SLED who
18 talked to Enrekae Miles. He gave him a sketch. We are
19 going to have the SLED sketch artist here, you are going
20 to have the sketch. And you are going to have the
21 opportunity to look at the photos of Gussie Goldwire
22 against the sketch and make a determination for yourself.
23 The sketch and Gussie Goldwire, they look alike.

24 Here is the thing about Antonio Collins. Antonio
25 has a very prominent scar on his chin, something that you

1 are going to notice. There's never any mention anywhere
2 about the prominent scar on his chin.

3 I will tell you that you'll hear from Officer Burns
4 and Officer Hiers and they will tell you they interviewed
5 this Enrekae Miles and they said, You know what, Enrekae?
6 Your story does not jive. You're telling us all these
7 things, it doesn't make a bit of sense. Something is not
8 right, Enrekae. Your story doesn't jive.

9 And hopefully you'll be able to hear the full
10 interview with Enrekae Miles and these two officers.

11 Now, I believe the testimony will finally show that
12 Ronald Coleman was the kind of fellow that had gotten in
13 some gun fights before. He's the kind of fellow -- um,
14 this trap house had been shot up, as they called it,
15 locally in the neighborhood, the Mother's Day shooting.

16 There was evidence in this trap house from weeks
17 before where a fellow by the name of Travis Polite
18 admittedly told the police, Yeah, I drove by there. I
19 shot up that house. Me and Ronald, we got problems way
20 back. I shot it up.

21 Ronald Coleman has not one but two guns in his
22 house. And I believe -- hopefully, you'll see both of
23 those guns.

24 This, we believe -- and I know that's a lot to take
25 in but there's a lot of evidence, we believe is a

1 personal case. This is not some arbitrary pick out a
2 house, do a home invasion. And ultimately at the end, if
3 that's the purpose, and you should see the photographs,
4 they've got it in evidence, why do you leave behind all
5 of Ronald Coleman's drugs, all of Ronald Coleman's
6 marijuana? All of Ronald Coleman's marijuana is still in
7 the house. Thank you.

8 MS. SWANSON: Thank you, Your Honor. The State
9 calls Melanie Smith.

10 THE COURT: Jurors, we sequestered the witnesses.
11 That just means they can't hear what everybody else is
12 testifying to, so there will be a little delay between
13 witnesses.

14 MELANIE SMITH, after having been duly sworn,
15 testified as follows:

16 THE CLERK: State your full name for the record and
17 spell your last name, please.

18 THE WITNESS: My full name is Melanie Smith,
19 S-m-i-t-h.

20 DIRECT EXAMINATION

21 BY MS. SWANSON:

22 Q. Good morning.

23 A. Good morning.

24 Q. Melanie, who do you work for?

25 A. Beaufort County Sheriff's Office, the

1 Communications Section.

2 Q. The Communications Section. And what do your
3 duties entail?

4 A. I'm the records custodian so I respond to requests
5 for recordings or reports for the department.

6 Q. Okay. What sort of recordings?

7 A. 911 recordings, so that would be the phone calls
8 coming in or radio transmissions from the law enforcement
9 agencies.

10 Q. And do you keep those in the regular course of
11 business?

12 A. Yes.

13 Q. Was EMS dispatched on June 22, 2009 to a call?

14 A. Yes.

15 Q. Okay. What type of call was that?

16 A. A gunshot wound.

17 Q. I'm going to show you, Melanie, what's been marked
18 as State's Exhibit 43 and ask for you to identify this.

19 A. Okay. That's a recording of a 911 call I made on
20 October 8th for 911 calls at 42 Seabrook Road.

21 Q. Okay. And did you and I review that recording in
22 preparation for this case?

23 A. Yes.

24 Q. And is that a fair and accurate recording of the
25 call that was placed on June 22nd of 2009?

1 A. Correct. Yes.

2 MS. SWANSON: Your Honor, at this time the State
3 would offer Exhibit Number 43 into evidence.

4 THE COURT: All right..

5 MS. SWANSON: And I request to publish it to the
6 jury at this time.

7 THE COURT: Okay.

8 MS. CAMPBELL: No objection.

9 (WHEREUPON, State's Exhibit Number 43, a 911
10 Recording, was admitted into evidence, and played for the
11 jury.)

12 BY MS. SWANSON:

13 Q. Melanie, is that the same recording that you and I
14 listened to?

15 A. Yes.

16 MS. SWANSON: Okay. I have no further questions,
17 Your Honor. I'll leave State's Exhibit 43 up here.

18 THE COURT: All right.

19 MS. CAMPBELL: I have no questions for this
20 witness.

21 THE COURT: You can step down.

22 THE WITNESS: Thank you.

23 MS. SWANSON: Thank you. May Ms. Smith be excused,
24 Your Honor?

25 THE COURT: Free to go.

1 THE WITNESS: Thank you.

2 MS. SWANSON: The State calls Debbie Bennett.

3 DEBORAH L. BENNETT, after having been duly
4 sworn, testified as follows:

5 THE CLERK: If you can pull the microphone over,
6 and state your full name and spell your last name for the
7 record, please.

8 THE WITNESS: My name is Deborah L. Bennett,
9 B-e-n-n-e-t-t.

10 DIRECT EXAMINATION

11 BY MS. SWANSON:

12 Q. Good morning, Ms. Bennett. Who do you work for?

13 A. I work with Beaufort County EMS.

14 Q. All right. And what is your position there?

15 A. I work as a paramedic.

16 Q. And have you ever testified in court before?

17 A. No.

18 Q. All right. Are you a little nervous today?

19 A. Just a little bit.

20 Q. Okay. How long have you been a paramedic for
21 Beaufort County?

22 A. I've been a paramedic nine years for Beaufort
23 County.

24 Q. And are you currently getting any more schooling or
25 doing anything else?

- 1 A. Yes. I'm in nursing school.
- 2 Q. Okay. Did you respond to a call on June 22nd,
- 3 2009?
- 4 A. Yes.
- 5 Q. Where was that call?
- 6 A. Off of Seabrook Road.
- 7 Q. Is that in Beaufort County?
- 8 A. Yes.
- 9 Q. Was anyone with you that night?
- 10 A. Yes. I had a partner with me.
- 11 Q. Who was with you?
- 12 A. Joseph Dunkle.
- 13 Q. And if you can describe what you and your partner
- 14 saw upon arriving at the scene.
- 15 A. When we arrived on the scene we saw Beaufort County
- 16 Sheriff's Officers secure the scene. As we got out of
- 17 our unit we were walking up to assess the scene and see
- 18 what we had. We saw a patient lying prone on his stomach
- 19 within the doorway. There was a gun that was about two
- 20 feet away outside of the doorway and there was a lot of
- 21 blood underneath him.
- 22 Q. Okay. I'm going to show you what's been marked as
- 23 State's Exhibit 30 and ask for you to identify what's in
- 24 this picture.
- 25 A. Uh-huh. That was the scene as we approached. This

1 is what we saw. The patient was laying prone on his
2 stomach, not really all the way out of the doorway but
3 head and stuff and his shoulders were.

4 Q. Okay. Is that a fair and accurate depiction of
5 what you saw that night when you arrived?

6 A. Yes.

7 Q. And describe what's on his body.

8 A. When we were assessing the patient we checked for a
9 pulse and also if he was breathing, which he was not, so
10 we put little circle electrodes on his body. We had four
11 of them, and we hooked him up to monitor to make sure
12 there was any electrical activity in his heart, which
13 there was not.

14 Q. So those probes that you see on the body are
15 something that you and your partner --

16 A. Right. Yes.

17 Q. -- placed on him? And did he show any signs of
18 life?

19 A. No. The injuries were incompatible with life and
20 we notified the coroner.

21 MS. SWANSON: Your Honor, the State moves Exhibit
22 Number 30 into evidence.

23 THE COURT: All right.

24 MS. CAMPBELL: Your Honor, Exhibit Number 30 is one
25 of the photos that the defense had objected to so I

1 just --

2 THE COURT: I overruled it. It comes in.

3 MS. CAMPBELL: I understand. At this time I just
4 want to place that on the record. Thank you.

5 MS. SWANSON: I'd like to publish to the jury.

6 THE COURT: Okay.

7 (WHEREUPON, State's Exhibit Number 30, a
8 Photograph, was admitted into evidence, and published to
9 the jury.)

10 BY MS. SWANSON:

11 Q. Ms. Bennett, after determining that the victim here
12 showed no signs of life you said that you contacted
13 dispatch to get in touch with the coroner?

14 A. Correct.

15 Q. Is that the last duty of yours that you did that
16 night?

17 A. Yes. Well, we filled out our coroner form and
18 stepped away to our unit. Once the coroner arrived we
19 were clear to leave.

20 MS. SWANSON: Your Honor, at this time I have no
21 further questions for Ms. Bennett.

22 CROSS-EXAMINATION

23 BY MS. CAMPBELL:

24 Q. Ms. Bennett, how many Beaufort County Sheriff's
25 Office cars were on the scene when you arrived?

1 A. I remember seeing two to three officers at the
2 doorway. I don't recall how many officer cars were
3 there.

4 Q. Okay. Now, when you arrived -- well, did you have
5 a hard time finding the location?

6 A. No, ma'am.

7 Q. When you arrived where were the police officer cars
8 positioned? You have no recollection of that at all?

9 A. I don't recall where their cars were located. I
10 remember where the officers were standing upon our scene.

11 MS. CAMPBELL: May I approach?

12 THE COURT: Sure.

13 BY MS. CAMPBELL:

14 Q. Ms. Bennett, I'm showing you what's been marked as
15 Defendant's Exhibit 14. Do you recognize that photograph
16 there, what's in that photograph?

17 A. Yeah. There's one officer at the doorway.

18 Q. Is this the home on Seabrook Road where you
19 responded 6-22-09?

20 A. Yes.

21 Q. And is that the home where you found Ronald
22 Coleman?

23 A. Yes.

24 Q. In the doorway?

25 A. Yes.

1 Q. And in this particular photograph there are no
2 lights on the front porch; is that correct?

3 A. No.

4 MS. CAMPBELL: At this time, we'd move Defendant's
5 Exhibit 14 into evidence and publish to the jury, please.

6 THE COURT: All right.

7 (WHEREUPON, Defendant's Exhibit Number 14, a
8 Photograph, was admitted into evidence, and published to
9 the jury.)

10 THE COURT: All right. You can step down.

11 MS. CAMPBELL: Your Honor, I have just a couple
12 more questions for her. I'm just giving the jury an
13 opportunity to look at the photograph.

14 (PAUSE.)

15 BY MS. CAMPBELL:

16 Q. Ms. Bennett, State's Exhibit Number 30 has the same
17 porch, correct?

18 A. Yes, ma'am.

19 Q. And in State's Exhibit Number 30 it appears that
20 the front porch is illuminated, maybe by car headlights,
21 perhaps? We don't know.

22 A. I have no idea.

23 Q. And this is what it would look like in Defendant's
24 Number 14 without any illumination, correct?

25 A. Yeah.

1 MS. CAMPBELL: Okay. Thank you. That's all I have
2 for this witness.

3 MS. SWANSON: I have nothing further.

4 THE COURT: Free to go.

5 MS. SWANSON: Thank you. I ask that Ms. Bennett be
6 excused and released from her subpoena.

7 MS. CAMPBELL: No objection.

8 THE COURT: All right.

9 MS. SWANSON: Thank you. The State calls Ed Allen.

10 JOSEPH EDWARD ALLEN, after having been duly
11 sworn, testified as follows:

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

14 THE WITNESS: Okay. Joseph Edward Allen. Last
15 name Allen, A-l-l-e-n.

16 DIRECT EXAMINATION

17 BY MS. SWANSON:

18 Q. Good morning, Coroner.

19 A. Morning.

20 Q. Can you please tell the Court what your position is
21 and what that entails.

22 A. All right. I am the Coroner for Beaufort County.
23 My responsibility is to establish death and also
24 contributing factors leading up to it, gather and
25 coordinate with law enforcement agencies, coordinate and

1 order autopsies, sign death certificates, and communicate
2 with the family of the decedents.

3 Q. Thank you. And how long have you been Coroner for
4 Beaufort County?

5 A. Five years.

6 Q. All right. Did you have any previous experience in
7 the field?

8 A. Correct. I was deputy coroner for 27 years under
9 the previous coroner, Mr. Copeland. I was EMS Director
10 for Beaufort County for 33 years. I'm a licensed funeral
11 director and embalmer for over 40 years.

12 Q. Were you on call the night of June 22nd of 2009?

13 A. Yes.

14 Q. And did you respond to a call?

15 A. Yes, I did.

16 Q. Can you tell us about that and where the call was
17 located?

18 A. The call was located on the Seabrook Point Road.
19 It involved a 27-year-old black male, multiple gunshot
20 wounds. When I arrived at the scene the scene had been
21 secured. The decedent was found in the doorway of the
22 residence, double-wide trailer, brown wood siding,
23 face down in the doorway, multiple gunshot wounds. EMS
24 had been on scene. He had been pronounced prior to my
25 arrival. There was a weapon near the decedent.

1 Checking the residence, multiple casings, both .40
2 cal and .45 cal casings were found inside the houses and
3 obvious he was -- died as a result of injuries to the
4 left arm axillary, left femoral, had an entrance and exit
5 wound to the left arm that penetrated the chest, had
6 injury to the left leg.

7 The autopsy report indicated that that injury
8 severed his femoral artery. The entrance wound to the
9 left shoulder has entrance and exit wound to the left arm
10 that entered into the chest and did injuries to the lungs
11 as well as injuries also to the spine.

12 Q. Okay. And were you able to identify the victim in
13 this case?

14 A. Yes.

15 Q. And how were you able to do so?

16 A. From the ID that was found at the residence and
17 also law enforcement.

18 Q. Okay. And who was that victim?

19 A. Mr. Ronald Coleman.

20 Q. After you confirmed that the victim was, in fact,
21 deceased what was the next step?

22 A. All right. After they confirmed that he was
23 deceased then law enforcement processed the scene,
24 documented, in terms of taking pictures, other
25 surveillance and observation at the scene. We later

1 packaged the gentleman and I had him transported to the
2 Medical University, ordering an autopsy.

3 Q. And how do you ensure that any evidence on or
4 inside of the victim is preserved?

5 A. We will place the individual in a body bag. That
6 body bag is then -- he's tagged with a toe tag. There's
7 a tag that also goes on the body bag and then we
8 transport the remains to the Medical University for the
9 autopsy. They confirm then that he is identified from
10 our scene as well as I will then go to my office and
11 process an authorization, give a brief detail of what our
12 findings were at the scene and forward that to the
13 Medical University, also.

14 Q. Thank you, Coroner.

15 MS. SWANSON: Beg the Court's indulgence.

16 THE COURT: Okay.

17 BY MS. SWANSON:

18 Q. Thank you, Coroner. Please answer any questions
19 that the defense may have for you.

20 MS. CAMPBELL: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MS. CAMPBELL:

23 Q. Hi, Mr. Allen. How are you?

24 A. Just fine, thank you.

25 Q. Do you remember what time you arrived at this

1 location on Seabrook Road?

2 A. I'd have to look in my log records to see.

3 Q. You prepared a coroner's report on that case,
4 correct?

5 A. Yes, I did.

6 Q. Did you bring your coroner's report with you today?

7 A. I have it downstairs. I have one.

8 Q. Okay.

9 A. It's been subpoenaed, so you have it and --

10 Q. Oh, I have it. I'm just asking if you have it.

11 A. I have it with me. I didn't bring it into the
12 courtroom with me. I can secure it if that's necessary.

13 Q. So independently you don't remember --

14 MS. CAMPBELL: Would you like to give it to him?

15 MS. SWANSON: Your Honor, I can provide it to
16 Coroner Allen.

17 THE COURT: All right.

18 MS. SWANSON: If I may approach?

19 THE COURT: Sure.

20 MS. CAMPBELL: Thank you, Your Honor.

21 BY MS. CAMPBELL:

22 Q. Would you like a moment to review your report,
23 Mr. Allen?

24 A. Okay. We are having the time of death at 9:30 p.m.
25 If you'd want me to get the full I could have the bailiff

1 or someone to go down to Deputy Polite. She has it at
2 the desk downstairs, so I could bring the whole folder
3 up.

4 Q. That's fine. Right now do you remember when you
5 arrived, approximately what time you arrived on 6-22-09
6 on Seabrook Road?

7 A. If the time is about 9:30 I would assume that it's
8 probably about 20 to 30 minutes thereafter.

9 Q. Thank you. How long would you have been at that
10 location on Seabrook Road then?

11 A. We were there for an extended period of time.
12 Again, I would need to secure that and I could check with
13 the dispatch records to give the exact time that we
14 arrived as well as the exact time that we left the scene,
15 as well as when I called in the van to have the remains
16 transported and the time that was --

17 Q. So maybe an hour, two hours --

18 A. No, ma'am. It was -- no. I dare say it was longer
19 than that because of the details that were involved in
20 it. It was not an in and out. Before he was removed we
21 checked the residence thorough looking at the shell
22 casing, location of the remains, location of items within
23 the house. In all it was not a rush in and rush out. At
24 the time of death it's no rush.

25 Q. So in order to get in and out of the location with

1 Mr. Coleman being in the doorway how soon after you
2 arrived did you put him in the bag, as you described it?

3 A. It probably would have been an hour, hour and a
4 half thereafter.

5 Q. So are you testifying that for an hour or an hour
6 and a half you and other officers on the scene were
7 stepping over Mr. Coleman? How were you getting access
8 in and out of this location?

9 A. We were maneuvering around him. There was blood in
10 the doorway so that every effort was made to avoid any
11 tracking of or making any contact with bodily fluids that
12 were present at the scene.

13 Q. And the reason you are telling us that you would
14 try to avoid tracking body fluids around is because you
15 don't want to move them or contaminate another area,
16 right?

17 A. Correct.

18 Q. And so for an hour Mr. Coleman is in the doorway,
19 officers are stepping over him going in and out of the
20 house as you did.

21 Now, did you talk to any neighbors while you were
22 out there on Seabrook Road that night?

23 A. No, I did not.

24 Q. Did you see the neighborhood out looking to see
25 what was going on there?

1 A. The crime scene had been secured. There was no --
2 to my knowledge, no penetration of any unauthorized
3 person from the roadway into the crime scene while we
4 were on scene.

5 Q. Okay. And when you talk about the roadway you are
6 talking about that Seabrook Road right there in front of
7 Mr. Coleman's trailer, correct?

8 A. That whole area was blocked off.

9 Q. When you say blocked off was it blocked off with
10 just personnel or was there crime scene tape up around
11 the entire area?

12 A. Seeing how I was not on the perimeter of it I can't
13 attest to whether there was crime scene on the roadway or
14 not. My concentration was on the area where the decedent
15 was located.

16 Q. Was there crime scene tape around the trailer
17 itself?

18 A. Would have to look at the pictures to see if it was
19 cordoned off.

20 Q. Okay. Did you -- well, let me just show you the
21 photograph.

22 MS. CAMPBELL: May I approach?

23 THE COURT: Sure.

24 BY MS. CAMPBELL:

25 Q. Mr. Allen, I'm going to show you what's been

1 entered into evidence as Defendant's Exhibit 14. Is that
2 the location you responded to?

3 A. Yes, it is.

4 Q. On 6-22-09?

5 A. Affirmative.

6 Q. And it's dark in this photo, correct?

7 A. Correct.

8 Q. There is an officer on the porch, correct?

9 A. Affirmative.

10 Q. Can you see any crime scene tape up around that
11 trailer?

12 A. Not in this photo here, no.

13 Q. Thank you. That's all I have.

14 REDIRECT EXAMINATION

15 BY MS. SWANSON:

16 Q. Corner Allen, did you observe anyone tracking
17 through blood that was under the victim at the scene?

18 A. No.

19 Q. Okay. Did you see any footprints in the blood that
20 he was laying in?

21 A. No, I did not.

22 Q. Did you witness any contamination of the scene?

23 A. No, I did not, and we take precaution as not to
24 contaminate the scene in terms of at a crime scene you
25 don't want to take anything in and like manner you don't

1 want to bring anything out.

2 So one of the major things that we concentrate on
3 is preservation of the scene. This is something that in
4 my 33 years as EMS director I cautioned the EMTs about,
5 also as they first respond once they establish that the
6 person was deceased that then they enter the scene in a
7 like manner.

8 Once the scene is secured by law enforcement when
9 we enter at the scene, me and my deputies, my
10 transporters, we don't rush into the scene. We first
11 check with whoever the law enforcement officer is on
12 scene to see whether or not it was permissible to go
13 ahead and enter. And all precaution is made to not carry
14 anything else into the scene.

15 Q. Thank you, Coroner. No further questions.

16 RECROSS-EXAMINATION

17 BY MS. CAMPBELL:

18 Q. Just one additional question. Mr. Allen, during
19 the hour, hour and a half that Mr. Coleman was in the
20 doorway it wouldn't be your testimony that you watched
21 every officer step over him or back over him or could
22 tell us that nobody contaminated the scene, correct?

23 A. Obviously, if I was checking the -- looking at the
24 evidence inside the house I did not stand guard over his
25 remains the whole time I was there, which entails as part

1 of my job to look at the scene and see what we can obtain
2 pertinent to the decedent, and no.

3 Q. Thank you.

4 A. The officers were on scene and the area was secure
5 when we came in. My vehicle was not brought inside the
6 area. The only time that we brought the vehicle in was
7 at the point that we declared it was prudent to then
8 remove -- package his remains and remove his remains.

9 Q. Now, Mr. Allen, I didn't ask you about your
10 vehicle.

11 A. How else are you going to move the body?

12 Q. What I'm saying is what I asked you about was the
13 fact that you never and did not stand over there and
14 watch every officer and what every officer did going over
15 top of Ronald Coleman for an hour and a half, right?

16 A. Correct.

17 Q. Thank you very much.

18 MS. SWANSON: Nothing further.

19 THE COURT: You can step down. You're free to go.

20 THE WITNESS: Thank you, sir.

21 MS. SWANSON: Thank you, Coroner.

22 I ask that he be allowed to be excused.

23 THE COURT: All right.

24 MS. SWANSON: The State calls Kevin Bush.

25 KEVIN BUSH, after having been duly sworn,

1 testified as follows:

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

4 THE WITNESS: Staff Sergeant Kevin Bush, B-u-s-h.

5 DIRECT EXAMINATION

6 BY MS. SWANSON:

7 Q. Good morning.

8 A. Morning.

9 Q. Staff Sergeant Bush, who do you work for?

10 A. For the Beaufort County Sheriff's Office.

11 Q. And how long have you worked for the Sheriff's
12 Office?

13 A. Ten years. Right at 10 years.

14 Q. And were you working -- what were your duties back
15 in 2009?

16 A. I was a corporal patrol officer on the enforcement
17 division, northern patrol.

18 Q. Okay. And did you respond to a call on June 22 of
19 2009?

20 A. Yes, ma'am.

21 Q. Can you please tell the Court about the call that
22 you responded to.

23 A. We responded to an address on Seabrook Road in
24 reference to a gunshot victim. As we were responding, at
25 the time there was some confusion as to the actual

1 address. So when I got on Seabrook Road I was looking,
2 for lack of a better term, and I noticed a man on the
3 front porch of a -- one of the mobile homes that was
4 frantically waving at me, waving me down.

5 And I pulled in and I made contact with him and
6 immediately noticed a man laying in the doorway of that
7 residence. He appeared to be deceased and he was still
8 holding a gun in his hand, at which time I took the gun
9 out of his hand and set it on the floor and had another
10 officer stay with that, waited for another unit to show
11 up and conducted a safety sweep of the residence to make
12 sure that there was no one else injured or the suspects
13 were still in the residence.

14 Q. Okay. You mentioned that initially there was some
15 confusion about the address that you were responding to.
16 What address was the residence in question? What was the
17 address?

18 A. I believe it was 56 but I'm not 100 percent sure of
19 that.

20 Q. Okay. Do you have your report in front of you?

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

22 Q. Okay.

23 MS. SWANSON: If I may, Judge, I'd like to hand up
24 Staff Sergeant Bush's report.

25 THE COURT: All right.

1 BY MS. SWANSON:

2 Q. If you can please tell the jury the address of the
3 residence.

4 A. 46 Seabrook Road.

5 Q. Thank you. And is that located within Beaufort
6 County?

7 A. Yes, ma'am, it is.

8 Q. All right. And you mentioned that there was
9 somebody on the porch. Did you determine who that
10 individual was?

11 A. Yes. At the time I did. After we -- after we had
12 secured the scene I spoke with him, and that was
13 Mr. Nathaniel Green.

14 Q. I'm going to show you what's been marked as State's
15 Exhibit 30 -- or entered as State's Exhibit 30, and ask
16 that you identify that picture.

17 A. Yes, ma'am. That is the front porch that I walked
18 up on where Mr. Green was at waving me down.

19 Q. And is that the position of the body that you
20 recall seeing?

21 A. Yes.

22 Q. Okay. And do you recall anything else about the
23 victim's body? Was there any blood that you saw?

24 A. Yes. There was quite a bit of blood under the
25 thigh and torso area of the victim.

1 Q. Okay. And did you take care to step over that?

2 A. Yes.

3 Q. Okay. Did you see any footprints or anything in
4 the blood?

5 A. I don't recall any, no, ma'am.

6 Q. Okay. Now, you mentioned that you removed a weapon
7 from the victim's hand.

8 A. Yes.

9 Q. And what kind of weapon was that?

10 A. It was a semiautomatic pistol, black in color, and
11 I recall that the slide was locked back and the magazine
12 was inserted. It appeared to have been shot dry.

13 Q. And you delegated someone to watch over that gun?

14 A. Yes.

15 Q. And who was that?

16 A. That would have been -- I believe it was -- he was
17 PFC at the time, PFC Carter.

18 Q. Okay. And when you conducted the protective sweep
19 at the residence what did you observe?

20 A. There were shell casings throughout the --
21 throughout the residence. There was a large blood stain
22 in the living room on the carpet just outside the
23 bedroom. There was a large quantity of marijuana on the
24 night stand in the bedroom, bullet holes in the walls and
25 the ceilings, and the front door appeared to have been

1 nailed shut from the inside and had been kicked open.

2 Q. Okay. I'm going to show you what's been marked as
3 State's Exhibit 9 and 10 and ask for you to identify
4 these photos, please.

5 A. This is the front door where all the nails, where
6 they had -- as I said, it appeared they had nailed that
7 door shut. And the second one is the damage that I
8 observed which made it appear that the door had been
9 kicked in.

10 Q. All right. And is that a fair and accurate
11 depiction of how the door appeared on June 22 of 2009
12 when you responded?

13 A. Yes, ma'am, it is.

14 MS. SWANSON: Okay. The State would like to
15 enter --

16 THE COURT: Okay.

17 MS. SWANSON: -- Exhibits 9 and 10, please, and
18 publish to the jury.

19 (WHEREUPON, State's Exhibit Numbers 9 and 10,
20 Photographs, were admitted into evidence, and published
21 to the jury.)

22 BY MS. SWANSON:

23 Q. Going back to the weapon that you removed from the
24 victim's hand. I'm going to show you what's been marked
25 as State's Exhibit 7, and ask that you identify this.

1 A. That is the pistol that I removed from the victim's
2 hand.

3 Q. Okay. Is that the way it appeared that night?

4 A. Yes. It looks right where I'd set it down when I
5 took it out of his hand.

6 Q. Doesn't seem like it's been moved or anything?

7 A. No.

8 MS. SWANSON: Okay. State moves Exhibit Number 7
9 into evidence, please.

10 THE COURT: All right.

11 (WHEREUPON, State's Exhibit Number 7, a Photograph,
12 was admitted into evidence.)

13 BY MS. SWANSON:

14 Q. Did you observe anything towards the back of the
15 house that you took note of?

16 A. While inside the house?

17 Q. Outside or inside of the house, if you want to
18 refer to your report.

19 A. When we were clearing the house I did notice that
20 the -- there were several pairs of shoes at the back --
21 what would be the back door of the residence, so it
22 appeared that that was the door that was used on a
23 regular basis.

24 Q. Okay. And after you secured the scene what was the
25 next step?

1 A. Then at which point we just keep everything secure
2 until the investigators arrive and start doing their
3 investigation.

4 Q. Okay. And at some point did you interview
5 Nathaniel Green?

6 A. Yes. Yes, I did. After the residence was clear
7 and we knew that there was no other victims I went ahead
8 and spoke with Mr. Green, tried to ascertain what exactly
9 had happened?

10 Q. And without telling us what he said to you just
11 describe for the jury what Mr. Green's demeanor was like.

12 A. He was frantic. He was frantic and he was
13 concerned about another person that had left the scene,
14 his nephew. He didn't know where he went. He didn't
15 know what his involvement in this was. He was just very
16 concerned about that, his nephew and where he was.

17 Q. Okay. And did you have any other involvement in
18 this case beyond the night that you responded to 46
19 Seabrook Road?

20 A. No, ma'am, I did not.

21 MS. SWANSON: Beg the Court's indulgence.

22 (PAUSE.)

23 BY MS. SWANSON:

24 Q. Thank you. Please answer any questions that
25 Ms. Campbell may have for you.

1 CROSS-EXAMINATION

2 BY MS. CAMPBELL:

3 Q. Good morning, Officer.

4 A. Morning.

5 Q. How are you?

6 A. Doing fine. Thank you.

7 Q. Great. When you came down Seabrook Road on 6-22-09
8 it's pretty dark on that road, isn't it?

9 A. Yes, ma'am, it is.

10 Q. And it's hard to find those houses and trailers set
11 back from the road, right?

12 A. Yes.

13 Q. And so you finally found the trailer you were
14 looking for, right?

15 A. Yes.

16 Q. And on the porch of that trailer there's this
17 Nathaniel Green who's sort of waving you down, correct?

18 A. Yes.

19 Q. Now, when you finally found the trailer, very dark,
20 saw Nathaniel Green, where did you tell Nathaniel Green
21 to go?

22 A. I honestly don't remember.

23 Q. When you got there, being dark, did you shine your
24 headlights on the porch to illuminate the scene?

25 A. No. I don't believe that I did.

- 1 Q. Okay.
- 2 MS. CAMPBELL: May I approach?
- 3 THE COURT: Okay.
- 4 BY MS. CAMPBELL:
- 5 Q. I show you what's been entered into evidence as
- 6 Defendant's 14. Is that the trailer you finally found on
- 7 6-22-09?
- 8 A. Yes, it is.
- 9 Q. Okay. There don't appear to be any lights on on
- 10 that porch, correct?
- 11 A. No.
- 12 Q. Just the deputy?
- 13 A. Yes.
- 14 Q. Do you know which deputy that is?
- 15 A. Looks like it might be me.
- 16 Q. That's right. Very good. And you are securing the
- 17 scene, right?
- 18 A. Yes, ma'am.
- 19 Q. Okay. And there's no crime scene tape up in this
- 20 photo, right?
- 21 A. No, not -- no, there isn't.
- 22 Q. You made a notation in your report that you found
- 23 two shell casings on the front porch, correct?
- 24 A. Yes.
- 25 Q. Did you take those into evidence or leave that for

1 someone else?

2 A. We left all the evidence in place.

3 Q. Staff Sergeant Light, Deputy Sheriff Carter were
4 there with you, correct?

5 A. Yes, ma'am.

6 Q. Now, you've already testified that as you went in
7 and did your sweep and moved around the house you saw
8 large blood stains on the floor, particularly in the
9 living room area, correct?

10 A. Yes.

11 Q. Okay. And did you walk around that trailer that
12 night? Did you go outside and walk around?

13 A. Yes, we did.

14 Q. Okay. Great. When you were walking around outside
15 were you looking for evidence?

16 A. At the time we were there we were mainly looking
17 for other victims or suspects at that point.

18 Q. So you walked all the way around the trailer,
19 right?

20 A. Yes.

21 Q. Outside?

22 MS. CAMPBELL: May I approach?

23 THE COURT: Okay.

24 BY MS. CAMPBELL:

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

1 Exhibit 15, ask you if you can identify what's in that
2 photograph. Would that will be the back of the trailer?

3 A. Yes.

4 MS. CAMPBELL: At this time, we'd move Defendant's
5 Exhibit 15 into evidence, Your Honor.

6 THE COURT: All right.

7 (WHEREUPON, Defendant's Exhibit Number 15, a
8 Photograph, was admitted into evidence.)

9 BY MS. CAMPBELL:

10 Q. Now, in Defendant's Exhibit 15 that's now in
11 evidence there's a light on at that back porch, isn't
12 there?

13 A. Yes, sir, there is.

14 Q. That light was on when you walked around the
15 trailer, correct? You didn't cut it on?

16 A. I don't recall.

17 Q. Well, you wouldn't tamper with the scene by cutting
18 the light on, would you?

19 A. No.

20 MS. CAMPBELL: I'm going to publish this to the
21 jury now, Your Honor.

22 THE COURT: All right.

23 (PAUSE.)

24 BY MS. CAMPBELL:

25 Q. Officer Bush, if you protective sweep -- and you've

1 already testified that you located marijuana and money.

2 I'm going to show you what's been marked as Defendant's

3 Exhibit 21. Do you recognize that? Did you see that

4 when you did the sweep of the trailer?

5 A. Yes. I believe that's the same stuff that we saw.

6 Q. I'm going to show you what's been marked as

7 Defendant's Exhibit 19. Do you recall finding that large

8 container of marijuana?

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

10 Q. But this looks familiar to you?

11 A. Yes, it does.

12 MS. CAMPBELL: At this time, we'd move Defendant's

13 Exhibit 21 into evidence, Your Honor.

14 THE COURT: All right.

15 (WHEREUPON, Defendant's Exhibit Number 21, a

16 Photograph, was admitted into evidence.)

17 BY MS. CAMPBELL:

18 Q. Did you also locate in Defendant's Exhibit 18, as

19 you were searching, the items below?

20 A. No, ma'am, I --

21 Q. That's fine. If you didn't you didn't. That's

22 fine.. Officer Bush, when you were on the scene 6-22-09

23 you received information about a fellow by the name

24 Enrekae Miles may have been a witness, right?

25 A. Yes.

1 Q. And you tried to locate Enrekae Miles that night
2 but could not?

3 A. I personally did not.

4 Q. Okay.

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

6 MS. SWANSON: Thank you, Your Honor. I ask that
7 Officer Bush be excused.

8 THE COURT: Okay.

9 And, jurors, we're going to take a break. There
10 are no restroom facilities in the courtroom that you all
11 are using as a jury room. They are going to take you to
12 the public restroom area. It's supposed to be clear of
13 anybody except you all. If somebody else is in there
14 tell the bailiffs and don't talk about the case, until we
15 get to the end anyway. Take a break. It will be about
16 14 minutes.

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

19 THE COURT: All right. Good job, attorneys, so far
20 on a time basis. I'm not talking about performance.

21 MS. CAMPBELL: Can we have 15 minutes?

22 THE COURT: Yeah.

23 (WHEREUPON, a brief recess was taken.)

24 THE COURT: Okay. The jury is ready if you all are
25 ready.

1 MS. SWANSON: Yes, sir.

2 (WHEREUPON, the jury enters the courtroom at
3 approximately 11:30 a.m.)

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

5 THE COURT: You know how that irritates me when
6 I've been sitting in here for 10 minutes and you all
7 could have approached before the jury came in.

8 (WHEREUPON, a bench conference was had.)

9 THE COURT: Okay. Jurors, during the break the
10 bailiff indicated that some of you wanted to take notes.
11 I said give you some notepads, but here is how it
12 operates. You take notes throughout the trial, you can
13 look at them. You have to leave your pads here at night.
14 You can't take it home with you. You can take notes all
15 the way until I tell you to go back and start
16 deliberating. At that point you have to leave them in
17 here. You can't take them to the jury room.

18 The reason for that is you all start discussing and
19 one of you says, Well, I have it written right here.
20 Well, you do have it written right there but it might not
21 be exactly what the people said.

22 For instance, I can a little bit habla espanol, so
23 interpreters don't always interpret like somebody says
24 and I call them on it. For instance, like last week
25 setting bond for some Hispanic and got an interpreter and

1 they say he did X, Y, and Z, and no prior record and
2 needs bond. I ask if he wants to say anything, and he
3 says, Blah, blah, blah, blah.

4 You know, the interpreter says, My client, Your
5 Honor, says he wants this honorable court to know that
6 he's not a flight risk.

7 I said, Really?

8 What he really said was, Judge, I ain't done
9 nothing.

10 (LAUGHER.)

11 THE COURT: So anyway, you write down what you
12 hear, you shorthand it, so you can't take your notes back
13 there. All right?

14 And then on evidence, I haven't looked at all these
15 pictures and everything but I told the attorneys to get
16 together. If they were going to have any objections to
17 any documents that they were placing in I would rule on
18 them outside of your presence to move things along. So I
19 looked at few documents, said some could come in, said
20 some couldn't come in. I haven't looked at all of them,
21 but that's why it's moving.

22 Otherwise, like on TV, you see they show it to the
23 witness, they go back and show it to the other side, then
24 they look like they don't want it in, then they bring it
25 up. Moving right along. Unless somebody forget to show

1 something to somebody else then they might make an
2 objection. Generally, everything has been.

3 Now, when they allow evidence to come in that
4 doesn't mean that you should believe whatever. You know,
5 that just means it comes in, you can consider it. And
6 while we are talking about that, and I'll tell you later,
7 already you've seen several people refer to notes they
8 made, just like you're talking about, that were not
9 introduced. Anything that's introduced formally into
10 evidence when you start deliberating, you'll have it.

11 If you heard something during the trial and there's
12 no objection to it you can consider it, but when somebody
13 is refreshing their memory or something that was not
14 introduced that document does not come in because there
15 might be all kind of other things written on there. Like
16 they write down next-door neighbor probably did it, you
17 know. I'd go talk to them. Things like that. So that's
18 why those don't come in.

19 MS. SWANSON: Thank you, Your Honor. The State
20 calls Enrekae Miles.

21 ENREKAE MILES, after having been duly sworn,
22 testified as follows:

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

25 THE WITNESS: Enrekae Miles, E-n-r-e-k-a-e.

1 DIRECT EXAMINATION

2 BY MS. SWANSON:

3 Q. Good morning, Enrekae. How old are you?

4 A. Thirty.

5 Q. And where do you live?

6 A. 13 Seabrook Road.

7 Q. How long have you lived on Seabrook Road?

8 A. All my life.

9 Q. And did you know Ronald Coleman, Jr.?

10 A. Very well.

11 Q. How did you know him?

12 A. That's my relative, childhood friend. Basically,

13 we grew up together.

14 Q. All right. And how are you guys related?

15 A. Actually, it goes back to my grandfather and his

16 grandfather are, I believe, two second or two first

17 cousins. I'm not too sure of the relation but we are

18 related.

19 Q. Okay. And you guys are cousins?

20 A. Correct.

21 Q. Where did Ronald Coleman, Jr. live back in 2009?

22 A. I believe it's 42 Seabrook Road, a couple blocks up

23 from where I stayed in the yellow double-wide.

24 Q. Yellow double-wide?

25 Enrekae, I'm going to show you what's been marked

1 as State's Exhibit 2 and ask that you identify what you
2 see in this picture.

3 A. Yes. Ronald Coleman's home from 2009.

4 Q. And if I told you it was 46 Seabrook Road does that
5 sound correct?

6 A. Yeah. I know it's 40 something.

7 Q. Okay.

8 A. Yeah.

9 Q. Is that the way it appeared back in 2009?

10 A. Yes.

11 MS. SWANSON: Judge, the State would offer Exhibit
12 Number 2 into evidence.

13 THE COURT: All right.

14 MS. SWANSON: And ask to publish to the jury.

15 THE COURT: Okay.

16 (WHEREUPON, State's Exhibit Number 2, a Photograph,
17 was admitted into evidence, and published to the jury.)

18 BY MS. SWANSON:

19 Q. Enrekae, do you recall about how long J. R. had
20 lived at 46 Seabrook Road?

21 A. Well, he stayed there most of his life. He moved
22 when he was in his childhood. Growing up he moved over
23 to Hilton Head, then he came back. He was staying with
24 his father for a little time but when he, you know, got
25 older he resided back on Seabrook Road. So you can

1 basically say he was there his whole life but he did live
2 other places.

3 Q. Okay. And in 2009 about how long had he been back
4 on Seabrook Road? Was it a matter of months or a matter
5 of years?

6 A. Since 2009?

7 Q. No. In 2009 had he lived on Seabrook Road for a
8 while?

9 A. Yes.

10 Q. Okay.

11 A. Yes.

12 Q. Did he live with anyone there?

13 A. No. It was just him.

14 Q. And I referred to him as J. R. Is that what you
15 guys knew him as?

16 A. J. R., Ron G.

17 Q. J. R. and Ron G. are his nicknames?

18 A. Yes.

19 Q. Okay. Do you know what J. R. did for money?

20 A. Yes.

21 Q. Okay. And can you just describe that. Did he have
22 a job?

23 A. At the present time, no, he didn't a job.

24 Q. And what did he do to make money sometimes?

25 A. He sold a little marijuana.

1 Q. Okay. Do you know if he ever sold anything besides
2 marijuana?

3 A. No. That's the only thing I know of.

4 Q. So you saw some marijuana at his home. You had
5 seen -- you knew that he sold some marijuana sometimes
6 but no crack cocaine, anything like that?

7 A. No.

8 Q. Okay.

9 A. Never seen none of that.

10 Q. Was he living high on the hog or was he surviving?

11 A. He was just a survivor, a two-bit hustler surviving
12 just to pay bills and to support his kids.

13 Q. Okay. How many kids does he have?

14 A. Two.

15 Q. What did you guys -- did you hang out with J. R.?

16 A. Yes, I did.

17 Q. Okay. And what did you guys do when you hung out?

18 A. Basically, we were big Madden players,

19 PlayStation 3. From time to time, not much but we will
20 hang out, go to, like, Savannah to a nightclub but it's
21 not like on a regular basis or anything like that.

22 Q. Okay. Was J. R. out and about a lot or was he kind
23 of a homebody?

24 A. He was a homebody.

25 Q. Did he frequently have a lot of people over at the

1 house?

2 A. No. It was a very handful -- a very few select,
3 some childhood friends, a couple girlfriends. That's
4 about it. No hangout spot, you know, like that's the
5 spot to hang out. Nothing like that.

6 Q. You guys have family that live on Seabrook Road?

7 A. Yes.

8 Q. About how many family members live on Seabrook
9 Road?

10 A. About six or seven.

11 Q. Okay. And how many different houses would you say?

12 A. About five. Five or six.

13 Q. So you are surrounded by family on Seabrook Road?

14 A. Correct.

15 Q. Do you remember going over to J. R.'s house on the
16 night of June 22nd of 2009?

17 A. Yes, I do.

18 Q. Okay. And why did you go over there that night,
19 Enrekae?

20 A. Just woke up from a nap and we just buried his
21 brother so my mom was on him because, you know, he lost
22 his brother, and basically I just wanted to go up there
23 and check on him and make sure he was all right.

24 Q. Do you remember about what time that was?

25 A. Yes. It was evening time. Somewhere in the range

- 1 of about 7 -- about 7:30, close to about eight o'clock.
2 Up in that range.
- 3 Q. Was it dark outside?
- 4 A. Yes. It was dusk, getting ready to be dark. Yes.
- 5 Q. And you mentioned that J. R.'s brother had just
6 died. Where did his brother live?
- 7 A. At the time in Atlanta.
- 8 Q. And had J. R. been in Atlanta?
- 9 A. Only when he got the word that his brother was in
10 the hospital at the time.
- 11 Q. Okay. And did you watch his house for him?
- 12 A. Yes.
- 13 Q. All right. Was that something that you would
14 normally do?
- 15 A. Right. Correct.
- 16 Q. Did you have a key to his house?
- 17 A. I didn't have a personal key. I would use his key.
- 18 Q. Did you have a key at the time you went over there?
- 19 A. Yes.
- 20 Q. How did you enter -- how did you typically enter
21 J. R.'s house?
- 22 A. I always go to the back door.
- 23 Q. Okay. I'm going to show you what's been marked as
24 State's Exhibit 3 and ask for you to identify this
25 photograph.

1 A. In this photograph, this is the back part of the
2 house, of Ronald Coleman's house, the back door.

3 Q. Is that the door that you would typically enter?

4 A. Correct.

5 Q. Okay. And is that the way it appeared back in
6 2009?

7 A. Yes.

8 MS. SWANSON: I ask to publish to the jury?

9 THE COURT: Okay.

10 BY MS. SWANSON:

11 Q. Now, why would you not go to the front door?

12 A. It was just something, you know, never go to the
13 front door. Basically, as young we were raised, you
14 know, as a sign of respect when you go to a family member
15 or a friend's house that you use the back door.

16 Q. Okay. And was there anything special about the
17 front door of J. R.'s house?

18 A. At the time the door was loose. It wasn't really,
19 you know, secure. It wasn't really -- you know, it will
20 lock but you can push it down with some force, so we had
21 that nail shut up [sic].

22 Q. Okay. You had it nailed shut?

23 A. Well -- yeah. A nail going through the door to
24 keep it closed.

25 Q. I'm going to show you what's been entered as

- 1 State's Exhibit 9. Is this how you recall --
- 2 A. Yes.
- 3 Q. -- the door was nailed shut?
- 4 A. Yes, ma'am.
- 5 Q. And did you nail the door shut?
- 6 A. No, I didn't.
- 7 Q. Did you help nail it shut?
- 8 A. Yes.
- 9 Q. Okay. And why did you all nail it shut?
- 10 A. One day I was coming over there and the door was
- 11 wide open, and he wasn't there at the time so when he got
- 12 -- you know, when I got in contact with him and touched
- 13 bases with him I told him about that, that your door was
- 14 wide open. Anybody could have just came up in there.
- 15 Q. Going back to June 22nd of 2009, can you please
- 16 describe for the jury everything that you remember about
- 17 going over to J. R.'s that night.
- 18 A. Okay. Well, that night I was -- in passing --
- 19 passed my father by in the house to go walk over there
- 20 through J. R.'s. it's a couple blocks away so I took the
- 21 -- what I call the scenic route. Instead of staying on
- 22 the highway road I just took the back end way through my
- 23 uncle's yard into a relative and another relative, behind
- 24 their houses, and took the back way near the woods.
- 25 Q. Okay. Let me stop you right there. I'm going to

1 have you look at a picture of the area and this might
2 help describe exactly which route you took.

3 MS. SWANSON: Your Honor, I'm showing the witness
4 what's been marked as State's Exhibit 46.

5 Q. If you can just describe what you see there.

6 A. Yes. Actually, this road right here is the main
7 road.

8 Q. What road is that?

9 A. That's Seabrook Road.

10 Q. Okay. And do you see 46 Seabrook Road on here?

11 A. Right here (indicated).

12 Q. Okay. Is this familiar to you?

13 A. Yes.

14 Q. Okay. Is this an area in the road that you live
15 on?

16 A. Yes, it is.

17 MS. SWANSON: Okay. Your Honor, at this time the
18 State would offer Exhibit 46 into evidence.

19 THE COURT: All right.

20 (WHEREUPON, State's Exhibit Number 46, an Aerial of
21 the Scene, was admitted into evidence.)

22 BY MS. SWANSON:

23 Q. Enrekae, if you can step down for me, please, and
24 I'm going to hold this and you can show the jury which
25 route. Okay?

1 A. All right.

2 (The witness stepped down from the witness stand.)

3 Q. Are you sure you don't want me -- here. I'll hold
4 it like this.

5 A. Okay. All right. Basically, when I'm coming to go
6 to his house instead of me walking this way I will come
7 from back behind and I will end up in the back right here
8 (indicated).

9 Q. And whose house is that right there that you are
10 going behind?

11 A. This house?

12 Q. Uh-huh.

13 A. That is Renita Myers'.

14 Q. And who is Renita Myers?

15 A. She's also a relative.

16 Q. Okay.

17 A. Yes.

18 Q. All right. So you were going back behind Renita
19 Myers' house?

20 A. Uh-huh.

21 Q. Okay. Keep going.

22 A. Just walking up. And back here is a clear shot.

23 So from his back door I can see anything that moves.

24 Anything that was going to be right there I got the clean
25 shot to see. There were two guys at the back door,

1 looked like they were fidgeting a little bit, you know.

2 And basically when I'm walking up I'm screaming
3 out, Hey, like who you all came to see, because I never
4 seen these guys before, on this block before.

5 And they walk slowly towards me, the two guys, and
6 I wasn't scared or anything like that. I just saw them
7 coming up. So I'm walking towards them. By the time we
8 get about right here (indicated) he was about -- maybe
9 about 20 yards before he drew his gun out on me.

10 When he drew his gun out on me, at then I raised my
11 hands up and just collapsed down to the ground, let him
12 know that, you know, I don't have any money. I work.
13 I'm doing -- you know, I don't have nothing. But they
14 didn't care about me at that time.

15 He just -- he walked up on me and when he drew out
16 he came towards me. He put the gun to my head and he
17 just told me to get up. We want you to get him out the
18 house.

19 So at that time my mind is going about 100, you
20 know, like thinking of something what to do. So I got up
21 and I did what he asked. I was kind of stiff and
22 hesitant of doing it. So when we walked up onto the
23 porch I made some stomping noise to let J. R. know that
24 something is going down, you know, right here on his
25 porch. So I kind of, you know, made my footsteps, you

1 know, my presence to be known by stomping like that.

2 We got to the door and he got me to knock to the
3 door. J. R. answered, and I told him this is Reet
4 (phonetic). And he was like, Reet, go to the back door.

5 And I told him, I can't.

6 And I just -- you know, he was like, What?

7 And I told him, I said, I can't Enrekae. I just
8 can't. I can't do it. I can't do it, and he knows that,
9 you know --

10 MS. CAMPBELL: Objection, Your Honor.

11 THE COURT: All right. That's his opinion. But
12 the jury understand, he can't know what he's thinking.

13 Go ahead.

14 A. Thank you. So at the time, I'm conversing and I'm
15 trying to send a signal off that look, this guy got me
16 out here with a gun to my head.

17 At this time, I'm hearing him pacing in the house
18 hoping that he will come around from the back door and to
19 help me out, but at that time the gunman that had the gun
20 to me kicked down the door, like -- well, before all that
21 I kind of faked that I had a pain on my side. So I'm
22 telling him, trying to plead with him because I'm faking
23 it saying, Look, I don't know what's going on, man,
24 please don't hurt me, because he got the gun, don't hurt
25 me, you know.

1 And he's like, I don't know if he could catch on to
2 it or what we was trying to do but he kicked down the
3 door. He kind of, like, just motioned me out the way and
4 kicked down the door.

5 When he kicked down the door that's when the first
6 shot let off and I heard like a little, Ah, like, you
7 know, a little ping when somebody, like, Ah. When I
8 heard that I saw the gunman lift his gun with a clip,
9 hold it up -- you know, hold it up to the door and just
10 started firing it off. At this time, I'm getting away.
11 I'm running off the porch, running behind the house
12 trying to get away.

13 Q. Okay. Show the jury how you ran away from the
14 house once you were able to get away from the gunman?

15 A. Basically, if this is the house, the front part and
16 this is the porch, basically, what I did once he motioned
17 me, you know, just, like, out of the way I just came
18 around him and while, you know, he was going off and they
19 were, you know, I simply came down, ran right across and
20 behind this rig right here, went behind this rig.

21 Once I got behind there and I didn't hear anymore
22 shots or anymore, you know, nothing I came out and the
23 first thing I did, I ran right here (indicated) and I
24 screamed out his name. I was like, Ron G. Well, I was
25 louder than that. I said, Ron G. And when I didn't hear

1 no answer or movement of the door the last time I
2 remember I said, J. R. And when I say J. R. I still
3 didn't see any movement from the door.

4 So I ran over here to Ms. Renita's house, and if
5 you see this side right here I didn't even wait to go up
6 to knock. I just beat up on the side of her trailer. At
7 the time when she was coming out she was already on the
8 phone with 911.

9 Q. If you want to take a seat.

10 A. (The witness complied.)

11 Q. All right. Let's go back to the gunman. You said
12 when you were about 20 yards away he pulled out the gun?

13 A. Correct.

14 Q. Do you remember what the gun looked like?

15 A. Yes. It was a clip gun.

16 Q. Okay. And a clip gun meaning not a revolver?

17 A. No, not a revolver. You know, the clip to the
18 bottom.

19 Q. Okay. Do you remember anything significant about
20 the gunman and the way he appeared?

21 A. Yes. His hairline, if you look at like right here
22 at the top was like kind of receded (indicated). Also,
23 the scar on his eye right here (indicated) like a little
24 nick like. I remember also seeing that.

25 Q. Left or right eye?

1 A. I don't want to guess.

2 Q. Okay. But did you describe that to investigators
3 when they talked to you later?

4 A. Correct.

5 Q. Okay. About how old? About how old would you say
6 the gunman was?

7 A. No more than -- at least no more than 35. Anywhere
8 from the range of 25 to 35.

9 Q. Okay. And you said that there was someone else
10 with him?

11 A. Yes.

12 Q. And was that person older or younger?

13 A. Younger.

14 Q. And did he have a gun?

15 A. No.

16 Q. And what did he do while the gunman had you at
17 gunpoint?

18 A. Actually, he was following the gunman. He was to
19 the step just sitting there. Like I said, I was telling
20 the investigators, this probably was his first time ever
21 doing it or whatever because he wasn't too -- how can I
22 say? He wasn't too busy or anything. He was just
23 basically just by the step.

24 Q. Okay. Did he ever step onto the porch?

25 A. No.

- 1 Q. So the only person that stepped onto the porch was
2 the gunman?
- 3 A. And myself.
- 4 Q. And yourself. Okay. Had you ever seen these two
5 people before?
- 6 A. No.
- 7 Q. Were the two men wearing anything on their faces or
8 on their hands?
- 9 A. No.
- 10 Q. When they had you -- when the gunman had you at
11 gunpoint did you feel like you could get away?
- 12 A. No, because I felt that -- I felt as though the way
13 how he was pointing it.
- 14 Q. And how did he point it?
- 15 A. Please forgive me for marking myself but basically
16 right here behind the head (indicated) and once we got on
17 the porch and when we was talking, when I was talking to
18 Ronald he went down and he had it like posted up on the
19 side.
- 20 Q. So at first he had the gun to your head?
- 21 A. Correct.
- 22 Q. Then he had it on your side?
- 23 A. When we were up on the porch.
- 24 Q. Up on the porch.
- 25 A. Right.

- 1 Q. Okay. Were you armed, Enrekae?
- 2 A. No, not at all.
- 3 Q. Did they check to see if you were armed?
- 4 A. Oh, yes.
- 5 Q. Okay. Prior to going over to 46 Seabrook Road and
- 6 seeing these two men behind the house had you seen anyone
- 7 unusual or any cars that you didn't recognize that day?
- 8 A. The Cadillac, I didn't recognize it. It was pacing
- 9 up and down on Seabrook Road.
- 10 Q. What kind of Cadillac did you see?
- 11 A. Anywhere from a '93 to a '95 Cadillac Sedan
- 12 Deville. The reason why I'm familiarized with it because
- 13 I had previous owned a Cadillac Sedan Deville and it was
- 14 just like the body shape I had.
- 15 Q. And did you give that information to investigators?
- 16 A. Yes, I did.
- 17 Q. And what color was that Cadillac Deville?
- 18 A. I couldn't really tell because like I tell you it
- 19 was dusk, getting kind of dark. Basically, I could tell
- 20 that the tag light was out.
- 21 Q. Do you recall if it was a light color or a dark
- 22 color?
- 23 A. I want to say it was a dark color.
- 24 Q. The Cadillac or the tag?
- 25 A. The Cadillac.

1 Q. Okay. But you said it was dusk out?

2 A. Right.

3 Q. Okay. And do you recall seeing anyone or a number
4 of people inside of it? How many people did you see
5 inside or could you see inside?

6 A. Actually, I saw that there was a driver on my way
7 up there. After all this, on the way back when I ran
8 over coming from my uncle's house through all the
9 aftermath I could see that the Cadillac was coming back
10 down and that it made a little break and for a little
11 pause or whatever then kept on going. But as far as
12 seeing what was inside of it to see what was inside of
13 that car, no, I couldn't really -- I couldn't really make
14 it out.

15 Q. Okay. So you saw the Cadillac multiple times on
16 June the 22nd of 2009?

17 A. Yes, pacing down Seabrook Road.

18 Q. Okay. How many times would you say, approximately?

19 A. About three. Three to four times.

20 Q. Okay. After you went to Renita Myers' house and
21 she called 911, what did you do after that?

22 A. Well, when I was there she was on the phone with
23 911.

24 Q. Okay.

25 A. Okay. So after all that I simply ran over to my

- 1 uncle's to tell him what happened and I wanted to borrow
2 his gun because one of the guys was still out there. So
3 I ran over to him because I wanted borrow his gun, but he
4 didn't let me have it.
- 5 Q. Okay. What kind of gun does your uncle have?
- 6 A. A shotgun.
- 7 Q. All right. What were you feeling at this point in
8 time?
- 9 A. I was scared, mad, all the above. I just lost my
10 cousin, childhood friend. I mean, a lot of emotion was
11 running through me that day.
- 12 Q. Okay. And after Nathaniel Green, your uncle,
13 wouldn't give you the gun, what did you do after that?
- 14 A. Simply, I said some -- you know, some bad words,
15 ran out, and when I ran out I saw the car riding by
16 again.
- 17 Q. Okay. And by the car you mean the Cadillac
18 Deville?
- 19 A. Correct.
- 20 Q. All right. And it was heading in what direction?
- 21 A. The direction of 21, Highway 21.
- 22 Q. Highway 21?
- 23 A. Yes.
- 24 Q. Okay. And what exactly did the car do? You said
25 it stopped?

1 A. Well, it didn't make a complete stop. More like a
2 California stop.

3 Q. What's a California stop?

4 A. When you have -- when you like pause and have like
5 a simple roll. Like a little roll when you don't come to
6 a complete stop. You are just really pausing but the car
7 is still a little in motion.

8 Q. Okay.

9 A. Yes.

10 Q. All right. And you don't recall seeing how many
11 people were in the car?

12 A. No.

13 Q. Okay. After you saw the Cadillac and after you
14 went to Nathaniel Green's did you go anywhere else that
15 night?

16 A. Yes.

17 Q. Where did you go?

18 A. Simply, I ran over across the street over to
19 Bonita's, which is another good friend of mine, Travis
20 Johnson, his fiancée's house, you know, looking for him
21 but he wasn't there. So I ran over to his father,
22 because I heard music over there, so I ran over to his
23 father's house. I let them know what happened and at
24 that time he gave me a ride and we went over to a
25 relative's house.

- 1 Q. Okay. And what relative's house was that?
- 2 A. Actually, his name is Quentin Fields.
- 3 Q. Okay. Did law enforcement eventually catch up with
- 4 you?
- 5 A. Yes. After I left Quentin Fields' house I went
- 6 over to my sister's house that's located in Polk Village.
- 7 That's the name of the area. By that time about 20
- 8 minutes later I heard a knock to the door and the police
- 9 was there.
- 10 Q. Okay. And why did you leave Seabrook Road that
- 11 night?
- 12 A. Basically, I was scared. I know that the guy that
- 13 had the gun on me, he was on the loose. My house is just
- 14 a couple of blocks away and I didn't want him to see me
- 15 running to my house, knowing where I stay. So at the
- 16 time I was very scared, mixed up, and I thought the best
- 17 thing to do was just to leave the scene because I didn't
- 18 -- I didn't know, you know, where he was.
- 19 Q. Okay. And when law enforcement knocked at the door
- 20 did you go with them?
- 21 A. Yes, I did.
- 22 Q. Okay. And did you go with them freely?
- 23 A. Yes.
- 24 Q. All right. And where did you all go?
- 25 A. To their -- I want to believe their office, which

- 1 is across the street.
- 2 Q. Oh, from here?
- 3 A. Yes, from here.
- 4 Q. The office on Ribaut Road?
- 5 A. Yes, ma'am.
- 6 Q. And who did you go with?
- 7 A. Actually, I don't remember who I went with but I
- 8 could tell you that I went with who was interviewing me
- 9 and was --
- 10 Q. Yes, sir.
- 11 A. Can I point them out.
- 12 Q. Yes, sir.
- 13 A. Okay, I'm sorry. Right over there (indicated).
- 14 Q. Okay. And that's Investigator Chris Wilson?
- 15 A. Yes, Ms. Wilson.
- 16 Q. All right. And so did you guys talk for a while?
- 17 A. Yes.
- 18 Q. Did you tell her everything that you remembered?
- 19 A. Yes.
- 20 Q. Were you interviewed more than once?
- 21 A. Yes.
- 22 Q. Did they -- did Investigator Wilson ask you about
- 23 anyone who may have had a problem with J. R.?
- 24 A. Yes.
- 25 Q. And did you give them some names?

- 1 A. Yes, I did.
- 2 Q. And was one of those names Travis Polite?
- 3 A. Yes. That was actually the first name that she
- 4 gave me.
- 5 Q. That was the first name that --
- 6 A. Right.
- 7 Q. -- you gave to investigator Wilson?
- 8 A. No, I did not give her. She asked me. That was
- 9 one of the first names she asked me. You know, she said
- 10 Travis Polite.
- 11 Q. Okay. And what did you know about Travis Polite
- 12 and J. R.'s relationship?
- 13 A. It's not -- they are not the best of friends. I'll
- 14 tell you that. They are enemies. Basically, you know,
- 15 they are just -- they are enemies. They don't like each
- 16 other.
- 17 Q. Okay. Do you know where the dislike stems from?
- 18 What was the beef about?
- 19 A. I can't really -- I can't honestly say but it's
- 20 really, you know, basically it's over a female. At the
- 21 time Travis Polite had her, you know, as his girlfriend.
- 22 I guess things didn't work out or whatever like that so
- 23 at that time her and Ronald Coleman, they were really
- 24 good friends, and then they started seeing each other.
- 25 Q. Do you know about an incident that occurred about a

1 month before J. R.'s murder?

2 A. On Mother's Day, yes, I do.

3 Q. Okay. Tell the jury about what you know about that
4 incident.

5 A. On Mother's Day probably around about 10, 10:30, 11
6 o'clock his house was shot up.

7 Q. Okay. And was anyone -- do you know who shot his
8 house up?

9 A. I can't honestly say that I saw the person but
10 through describing of the car and, you know, yes.

11 Q. Okay. And who was that?

12 A. Travis Polite.

13 Q. Okay. And what does Travis Polite drive?

14 A. A red Pontiac.

15 Q. Okay.

16 A. Grand Am.

17 Q. So are you familiar with Travis Polite?

18 A. Yes, I am. We all went to school together.

19 Q. Okay. If you saw Travis Polite would you recognize
20 him?

21 A. Yes.

22 Q. And did you see him on June the 22nd of 2009?

23 A. No, I didn't.

24 Q. All right. So you did not see Travis Polite the
25 night of J. R.'s murder?

1 A. No.

2 Q. He did not hold a gun to your head?

3 A. No.

4 Q. And he did not stand off of the porch while the
5 gunman held it --

6 A. No.

7 Q. -- to your side?

8 A. No.

9 Q. All right. The day after the murder, June the
10 23rd, and after you spoke to investigators did you call
11 law enforcement again?

12 A. Yes, I did. The reason for that, I was just
13 talking to some friends and a relative and we saw a bunch
14 of blood on the road, like he was stepping in his own
15 blood making a trail. And they were like, you know, I
16 don't think they got nothing. And I was like, They ain't
17 got nothing, all this blood on the road?

18 So basically, I called the investigator, the card
19 that I had, and about not even 15 minutes I want to say
20 an officer came out and I told him and he started taking
21 up blood samples.

22 Q. Okay. Did you meet with law enforcement again
23 after that?

24 A. Yes.

25 Q. Okay.

1 MS. SWANSON: Beg the Court's indulgence.

2 (PAUSE.)

3 BY MS. SWANSON:

4 Q. Enrekae, do you remember when you went towards the
5 back door of J. R.'s house, do you remember if the light
6 was on or off?

7 A. I can't remember.

8 Q. Okay. But you felt comfortable that you could see
9 the people?

10 MS. CAMPBELL: Objection, Your Honor. She's
11 leading the witness.

12 THE COURT: All right.

13 MS. SWANSON: Sorry, Your Honor.

14 BY MS. SWANSON:

15 Q. But could you see the two people in question?

16 A. Yes.

17 Q. Okay. Did you have any trouble seeing them?

18 A. No. No trouble.

19 Q. All right. You stated that the gunman kicked the
20 door in?

21 A. Correct.

22 Q. Did he move forward into the doorway at that point?

23 A. Yes.

24 Q. Okay. All right, Enrekae. Thank you very much.

25 Please answer any questions that Ms. Campbell might have

1 for you.

2 A. Yes.

3 MS. CAMPBELL: May it please the Court?

4 THE COURT: Sure.

5 CROSS-EXAMINATION

6 BY MS. CAMPBELL:

7 Q. Enrekae, before coming to court here today did you
8 meet with this prosecutor?

9 A. No, I didn't.

10 Q. Did you meet with this investigator here next to
11 her?

12 A. Okay. When you say before coming to court you mean
13 today?

14 Q. Correct.

15 A. Have I met with them?

16 Q. I mean any time before you walked in this courtroom
17 and got on that stand have you met with this prosecutor
18 right here?

19 A. Yes.

20 Q. You have?

21 A. Yeah.

22 Q. Okay. Thank you. And when you met with that
23 prosecutor did you discuss your testimony?

24 A. I heard my tapes that I gave.

25 Q. So, yes. You discussed the testimony, right?

- 1 A. Okay.
- 2 Q. And you've met with this investigator here, right?
- 3 A. No.
- 4 Q. Before --
- 5 A. When I met with that investigator that was during
- 6 the time of the aftermath when Ronald Coleman was shot.
- 7 Q. Right. At some point before coming to court today
- 8 you met with this investigator, right?
- 9 A. Correct.
- 10 Q. Okay. Now, Enrekae, you know that the police make
- 11 reports about what they do when they are investigating a
- 12 case, right?
- 13 A. Right.
- 14 Q. And so when the police reports say that you were
- 15 missing for eight hours after this happened are you going
- 16 to argue with that or that's about right?
- 17 A. It could be. I mean, it was a long time ago.
- 18 Probably close to eight hours but not saying exactly on
- 19 eight hours, I was missing for eight hours. Probably,
- 20 you know, an estimate time that for eight hours I was
- 21 missing but it's not like I was -- you know, I was gone,
- 22 just (made noise). I just wanted to leave the scene. I
- 23 just didn't want that drama floating over where I stay.
- 24 Q. You remember that you told -- well, do you remember
- 25 an Officer Burns and an Officer Hiers who sat you down

- 1 and interviewed you a second time? Do you remember those
2 officers?
- 3 A. Okay.
- 4 Q. So that's a yes?
- 5 A. Yes.
- 6 Q. Okay. And do you remember telling them in that
7 interview that you -- after you left Ronald Coleman's
8 house you went to Renita Myers' house, right?
- 9 A. (Nodded).
- 10 Q. Then you went to Nathaniel Green's house, right?
- 11 A. (Nodded).
- 12 Q. You're nodding your head but is that a yes?
- 13 A. Yes. That's correct. Yes, ma'am.
- 14 Q. Okay. So you're going to need to answer me out
15 loud yes or no, okay?
- 16 A. Okay.
- 17 Q. You went to Renita Myers' house?
- 18 A. Yes.
- 19 Q. Then you went to Ronald --
- 20 A. Yes --
- 21 Q. I mean -- excuse me, Nathaniel Green's house?
- 22 A. Yes.
- 23 Q. And then you went to someone named Bonita's house,
24 right?
- 25 A. Correct, but no one was there.

1 Q. No one was there?

2 A. No one was there.

3 Q. Okay. You told Officer Burns and Officer Hiers
4 that after you went over to Bonita's house is when you
5 say you saw this Cadillac driving down Seabrook Road?

6 A. No, I did not say that.

7 Q. So if the tape says different -- well, we'll just
8 listen to it later. Okay?

9 Now, you testified that you are just moseying along
10 through the backyards heading over to Ronald Coleman's
11 house and you're going up to the back door; is that
12 right?

13 A. Correct.

14 Q. Okay. Now, Ronald Coleman's front porch does not
15 have a light, right?

16 A. Not sure.

17 Q. Okay. But the back door has a light, right?

18 A. Like I said, right now I'm not sure. I'm pretty
19 sure that both of them, you know, there was a front --
20 when the house was there there was a light there and a
21 light in the back but was it on or not during when it was
22 happening I can't remember.

23 MS. CAMPBELL: May I approach?

24 THE COURT: Yeah.

25 BY MS. CAMPBELL:

- 1 Q. Enrekae, I'm going to show you what's been put in
2 evidence as Defendant's Exhibit 14. Is that the front
3 porch there of Ronald Coleman's trailer?
- 4 A. Correct.
- 5 Q. Okay. Where is the light on that front porch? Do
6 you see one?
- 7 A. No, I don't see one.
- 8 Q. And I'm going to show you what's been put in
9 evidence as Defendant's Exhibit 15. Is that the back of
10 Ronald Coleman's trailer?
- 11 A. Correct.
- 12 Q. Okay. And do you see a light in that?
- 13 A. Right here (indicated).
- 14 Q. And that light is on, correct?
- 15 A. Correct.
- 16 Q. Okay. Thank you.
- 17 One more. In Defendant's Exhibit 15, this is the
18 door you said you were walking up to when you saw two men
19 at the back door, right?
- 20 A. Right.
- 21 Q. Okay. Now, these two men that you see at this back
22 door, you said about 20 yards away one of them pulls a
23 gun on you, right?
- 24 A. Correct.
- 25 Q. Okay. And puts it to your head, right?

- 1 A. Well, actually at that time they were walking up.
2 Once he whipped it out he was still walking up until he
3 got close to me, but at this time I was down on the
4 ground.
- 5 Q. Okay. So you are on the ground. This guy is
6 putting a gun to your head. You're on the ground when
7 he's putting a gun to your head, right?
- 8 A. Correct, patting me down, making sure I don't have
9 a gun.
- 10 Q. Okay. I'm glad you brought that up. Which one of
11 them patted you down?
- 12 A. Actually, it was the -- the -- the gunman and the
13 other guy, but I don't know who he was or what he was
14 trying to do. The second guy, he came up and he patted
15 me down. The gunman also put his hands on me. I really
16 couldn't tell but I could tell you that both of them had
17 their hands on me patting me down.
- 18 Q. While you are on the ground?
- 19 A. Yes.
- 20 Q. Okay. So the gunman is patting you down on the
21 front with the gun to your head?
- 22 A. Actually, it's behind my head, ma'am.
- 23 Q. Okay. Behind your head.
- 24 A. Yes.
- 25 Q. I thought you said he was patting you down in the

1 front?

2 A. Ma'am, I don't know if you are misunderstanding me
3 or I don't know.

4 Q. I'm just trying to get it straight, Enrekae.

5 A. Right, so let's get it straight.

6 Q. You said that the gunman had a gun to the back of
7 your head?

8 A. Correct.

9 Q. Did the gunman pat you down from behind you or in
10 front of you?

11 A. Well, I was laying down. At this time I'm down on
12 the ground.

13 Q. Oh, you're all the way on the ground?

14 A. Right.

15 Q. Your face is in the ground?

16 A. And he came from behind, because I'm seeing him
17 walk. He was the only one with the gun. All right. So
18 while I'm down on the ground I'm telling him that, Look,
19 please, you know, don't shoot me. I ain't got no money.
20 I don't have nothing.

21 At this time, he was feeling me and his partner was
22 feeling me. And, you know, he told me to get up, come
23 on. We're going to use you to get him out the house.

24 Q. Now, Enrekae, Ronald Coleman kept guns in his
25 house, didn't he?

- 1 A. Yes, he did.
- 2 Q. He kept marijuana in his house, didn't he?
- 3 A. Yes, he did.
- 4 Q. Ronald Coleman sold marijuana, right?
- 5 A. Surviving.
- 6 Q. For surviving?
- 7 A. He was selling marijuana to survive.
- 8 Q. Okay. And so he keeps guns, he's selling
- 9 marijuana, he's surviving. Now, you know that his
- 10 brother, I guess, was killed in Atlanta, right?
- 11 A. Correct.
- 12 Q. A couple weeks before, right?
- 13 A. Correct.
- 14 Q. What is his brother's name?
- 15 A. Byron Coleman.
- 16 Q. Byron Coleman. And Byron Coleman was shot in the
- 17 head and killed in Atlanta and your cousin, Darrin Amadi,
- 18 was with him, right?
- 19 A. Not sure. I can only go by hearsay. I wasn't
- 20 there.
- 21 Q. Okay. Is Darrin Amadi your first cousin?
- 22 A. Yes, he is. That's my father's sister's child.
- 23 Q. And Darrin Amadi and Byron Coleman were buddies in
- 24 Atlanta, right?
- 25 A. Actually, they're cousins.

1 Q. Okay. Cousins, buddies. They ran together in
2 Atlanta, right?

3 A. I can't say that. I can't say that they ran
4 together because there have been times where he came down
5 to visit and he's telling me that, you know, he's doing
6 his thing while Darrin, he's on this side doing his
7 thing.

8 Q. When the officers asked you about possible
9 connections to Atlanta you indicated to them in your
10 interview that you thought this was an Atlanta hit on
11 Ronald Coleman, didn't you?

12 A. Yes, because it was so close.

13 Q. Right. And you indicated during your interview
14 that you had -- this is your interview from Hiers and
15 Burns, that you -- in an effort to flee the scene, you
16 actually jumped over the side railing of the porch. You
17 did not walk down the stairs, as you've testified today;
18 is that correct?

19 A. Well, actually, if you want to say walk, jump,
20 whatever you want to say, ma'am. If you was in that
21 predicament you'd do the same thing, too.

22 Q. Well, I'm trying to get it straight exactly what
23 you are trying to tell this jury happened. Now, you've
24 given statements previously, three statements now that
25 we've got what you are saying here today.

1 A. Correct.

2 Q. Did you jump over the side of the porch or did you
3 walk down the stairs?

4 A. You can say basically I just jumped off, ran off.

5 Q. Why did you change your shirt after you left?

6 A. Because I was sweaty at the time and it was some --
7 at the time, I was real sweaty, paying off real bad. So
8 I changed my shirt because I was pouring down in sweat.

9 Q. Do you remember telling the police officers that
10 were there there was blood on your shirt and it was the
11 shooter's blood?

12 A. Yes. That's what I thought it was because I was by
13 him.

14 Q. Are you saying that you were by him when he shot?

15 A. What I'm saying is when I was up on the porch and
16 when all this commotion was going off and when I heard
17 the first shot or whatever the way how, you know, if you
18 know what a bullet does when it hits flesh, blood will
19 splurt. So I'm thinking that, you know, however -- you
20 know, when firing was going off that, you know, blood
21 that hit me -- you know, it hit my shirt because at the
22 time I wasn't bleeding. So it wasn't -- it shouldn't
23 have been -- it shouldn't have been mine because when I
24 got to the investigator's office I even looked everywhere
25 to see if I was scratched or if I had a cut, or whatever

- 1 like that.
- 2 Q. Did the investigators examine your body?
- 3 A. Yes.
- 4 Q. To see if you had been hit by a bullet?
- 5 A. Well, they didn't exam -- well, they were right
- 6 there looking at me like, you know --
- 7 Q. Uh-huh.
- 8 A. -- making sure.
- 9 Q. Uh-huh. And do you remember telling the officers
- 10 during your interview that the -- that you saw -- after
- 11 you jumped off that you saw these two people who had just
- 12 done this run off -- I'm not going to have you come down.
- 13 Do you remember telling them that you saw these people
- 14 running this way (indicated)?
- 15 A. Correct.
- 16 Q. Okay. And --
- 17 A. Well, actually I took -- I saw -- when I took
- 18 off --
- 19 Q. Uh-huh.
- 20 A. -- shots firing, the other guy that was to the
- 21 step --
- 22 Q. Uh-huh.
- 23 A. -- he ran out that way.
- 24 Q. Oh, okay.
- 25 A. He ran that way. The other gunman, the gunman that

1 was on the porch, you know --

2 Q. Uh-huh.

3 A. -- at that time I'm believing that he ran that way
4 also and came back down, came back down. I mean, he
5 couldn't --

6 Q. Well, I'm understanding what you are believing but
7 I'm asking what you saw. Okay? So you told the
8 investigators when you were interviewed right after this
9 that you saw the two men running down this way.

10 A. Down that way?

11 Q. Correct.

12 A. Correct.

13 Q. Towards Detour Road, right?

14 A. The trailer park.

15 Q. Detour Road is that way.

16 A. Correct.

17 Q. Right. And Highway 21 is that way, right?

18 A. Right.

19 Q. And right after this happened you're interviewed
20 and you say, Yeah, two guys take off down towards Detour
21 Road, right?

22 A. Correct.

23 Q. Thank you. Now, Enrekae, have any thought then on
24 these two fellows that you say were at the back door, put
25 you down on the ground, search you, how did you all move

1 to that front porch? How did you get there?

2 A. Well, actually, when I screamed out, like, Hey, who
3 you all came to -- like, Hey, to get their attention, and
4 when they were walking over, when they were like patting
5 me down and when the gunman had the gun to my head he
6 told me, Come on. We are going up to the front door so
7 that you can get them out.

8 Q. Okay. So you are telling us that the gunman says
9 to you, We are going to the front door so that you can
10 get them out?

11 A. Not in those exact words that you just said.

12 Q. Did you tell the investigators that information?

13 A. Yes, I did.

14 Q. Okay. If we went through your statements and that
15 information is not in there --

16 A. Well --

17 Q. -- do you have any explanation for that?

18 A. No, I don't, but I truly believe that -- I want to
19 remember that when I was telling -- telling them what
20 went on there that I told them that, yes, they got me up
21 to get me to the front door.

22 Q. Also your statement, previous statements to the
23 police don't include any information about this stomping
24 up the steps to try and alert Ronald Coleman.

25 A. Can you repeat that again? I'm sorry.

1 Q. Yes. In your previous statements you never
2 mentioned that you stomped up the front steps in an
3 effort to alert Ronald Coleman to what was going on.

4 A. I believe that I -- I'm not sure if I did or if I
5 did say that at the time but I want to say I do believe
6 that I did tell them that that's what I did to try to
7 draw attention to let him know somebody is on that front
8 porch.

9 Q. Do you remember giving a statement to the police
10 that the neighbors, the people in the neighborhood are
11 the ones who came with information to you that they
12 thought there might be some blood in the road?

13 A. Actually, coming from the investigator's office
14 there was some relatives. We were standing up back on
15 the road talking and when I told them, you know, Did you
16 see them get, you know, anything or, you know, what's
17 going on?

18 And they were like, We didn't see them getting any
19 blood or anything like that.

20 And I was like, What?

21 So I called the investigators to let them know that
22 hey, you got a pool -- you got a lot of blood on this
23 road here, you know. And like I said, it wasn't even 20
24 minutes, like 10, 15 minutes one of the investigators
25 came up to take that blood sample.

- 1 Q. Do you remember that that was during the day or at
2 night, when he came up --
- 3 A. Evening.
- 4 Q. It was in the evening?
- 5 A. Yes, ma'am.
- 6 Q. And do you remember that Ronald Coleman packed up a
7 car loaded with guns to head to Atlanta?
- 8 A. I think that is totally false.
- 9 Q. Okay. Do you know that Ronald Coleman went to
10 Atlanta when his brother was shot?
- 11 A. Yes.
- 12 Q. Okay. Do you know Adrianna McBeth?
- 13 A. Yes, the baby mother.
- 14 Q. Yes. Ronald Coleman's -- one of Ronald Coleman's
15 children's mother, right? Adrianna McBeth is the mother
16 of one of his children?
- 17 A. I know that she's the mother of his child, yes.
- 18 Q. Okay. And you know who Ebony Coleman is, right?
- 19 A. The sister.
- 20 Q. That's Ronald Coleman's sister, right?
- 21 A. Correct.
- 22 Q. Do you know that Ebony Coleman drove to Atlanta at
23 the same time that Ronald Coleman drove to Atlanta?
- 24 A. I did not -- I did not see when they -- when they
25 left the house it was only Ronald Coleman, and I remember

- 1 seeing Adrianna, and they left. I did not remember
2 seeing Ebony at the house that left with them to go to
3 Atlanta.
- 4 Q. Do you remember telling Investigator Wilson that
5 the gun that the gunman had to your head was a chrome
6 nine millimeter?
- 7 A. Yes, chrome barrel.
- 8 Q. Chrome nine millimeter?
- 9 A. Chrome barrel.
- 10 Q. Okay. Chrome-barrel nine millimeter?
- 11 A. Yes.
- 12 Q. Okay. Other than Ronald Coleman and you who else
13 knew the front door was nailed shut?
- 14 A. Any neighborhood childhood friends that we grew up,
15 we played ball together with.
- 16 Q. Well, how long before 6-22-09 did you go in Ronald
17 Coleman's house and nail up his front door?
- 18 A. How many times?
- 19 Q. No. How long before 6-22-09 did you nail up that
20 front door?
- 21 A. Oh. It was like a couple months back, I want to
22 say.
- 23 Q. So months before you nailed up that front door?
- 24 A. No. It wasn't -- I want to say it was a couple
25 months back that I notified him what happened with that

1 front door.

2 Now, that door comes open -- you know, it comes
3 open. He could have, you know, went behind me, nailed it
4 shut. But when I remember telling him about it when I
5 seen it open, yeah, when I saw him he came back and
6 nailed it shut, yes.

7 Q. What did you do with the hammer that you used to
8 nail it shut?

9 A. I don't remember.

10 Q. Did you leave it on --

11 A. I don't remember, ma'am.

12 Q. When is the last time you saw Darrin Amadi, your
13 first cousin?

14 A. Last time I saw Darrin Amadi he was down with Byron
15 Coleman. I want to believe it was a holiday. I don't
16 remember what holiday or when it was but he came down.

17 Q. The boys came together from Atlanta?

18 A. Right. Correct.

19 Q. Do you remember being shown a photographic lineup
20 by this officer, Chris Wilson, and telling her, I don't
21 see anybody in there. I can't -- the shooter is not in
22 that lineup?

23 A. Correct.

24 Q. Enrekae, in your neighborhood after this happened
25 were the neighbors out and about the day after --

- 1 A. I cannot -- the day after?
- 2 Q. Uh-huh.
- 3 A. I can't say the neighbors.
- 4 Q. Were the folks in the neighborhood out and about
- 5 walking around Seabrook Road talking about what had
- 6 happened?
- 7 A. I only remember there was three, three of us.
- 8 Q. Okay. Did you show the cops where to find the gun?
- 9 A. No, I didn't.
- 10 Q. Okay. Did you direct them anywhere close to the
- 11 blood trail where the gun was found?
- 12 A. Actually, I showed him the blood trail and I
- 13 remember when I was showing him the blood trail he was
- 14 walking and I can tell that he startled up on something,
- 15 and when he did that he got his truck, turned on his
- 16 lights, stopped traffic and he was putting out markers.
- 17 And when I seen him he went to the trail, which was the
- 18 footsteps of the trail, and when I seen him come back out
- 19 I saw him with the evidence bag with the evidence in it.
- 20 Q. Okay. Enrekae, thank you for giving us the
- 21 information you have. I want to ask you a couple more
- 22 questions and then we'll be all finished.
- 23 Byron Coleman, Darrin Amadi, these two fellows,
- 24 they were also drug dealers like Ronald, right?
- 25 A. Wrong.

1 Q. Okay. You never gave information to anybody that
2 either one of these fellows was involved in the Atlanta
3 drug trade?

4 A. No, I don't.

5 Q. Okay. And you don't have any information that
6 Byron and Darrin were involved in moving drugs from
7 Atlanta to Beaufort?

8 A. No.

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

10 MS. SWANSON: Thank you, Your Honor. Just a few
11 questions.

12 REDIRECT EXAMINATION

13 BY MS. SWANSON:

14 Q. Enrekae, do you remember what hand the gunman had
15 the gun in? If you don't remember it's okay.

16 A. No, I don't remember.

17 Q. Okay. Ms. Campbell asked you about a shirt that
18 you were wearing that you took off.

19 A. Correct.

20 Q. Did you give that shirt to law enforcement?

21 A. Yes, I did.

22 Q. Okay. And why did you think it could have been the
23 gunman's blood on that shirt?

24 A. Because it's just like the statement I said before.

25 You know, if somebody fire off and if you are by an

1 explosion, any kind of explosion, could be paint or
2 whatever it is, some of that is going to slash on you
3 because you are right there.

4 Q. Okay. And did you have any reason to believe that
5 the gunman could have been hit by a bullet?

6 A. Yes.

7 Q. Okay. Do you know what -- why did Byron move to
8 Atlanta?

9 A. A better life. Better opportunities.

10 MS. CAMPBELL: Your Honor, objection. This is
11 calling for speculation.

12 THE COURT: Well, it's the same thing you went into
13 over and over, didn't you?

14 A. Thank you, Judge.

15 Q. What sort of opportunities, what sort of employment
16 was he after in Atlanta; do you know?

17 A. I don't know really the employment that he was
18 after but he went there for a better opportunity. As you
19 can -- anybody can tell, wages are high, you know, the
20 pay rate is higher in Atlanta than it is in Beaufort, you
21 know.

22 Q. Okay. But you don't know what industry he was in
23 or anything like that?

24 A. No.

25 Q. The last photo lineup that you were presented with

1 by Investigator Wilson two years later you testified that
2 you could not definitively pick out someone from that
3 lineup?

4 A. No, I couldn't.

5 Q. Did anyone in that lineup look familiar?

6 A. Yes.

7 Q. Okay.

8 A. There was somebody that looks familiar.

9 Q. Okay. But you just weren't comfortable saying a
10 hundred percent?

11 A. Correct, because there was certain body -- certain,
12 like, a scar or a tattoo or something. I couldn't
13 really, you know, tell about it, about how -- if that was
14 the gunman or not because it was like two years later, a
15 little bit more weight, and I didn't see, like, no
16 notifications to indicate that yeah, that was him.

17 Q. Okay. Thank you, Enrekae. Please answer any
18 further questions by Ms. Campbell.

19 MS. CAMPBELL: Just following up on what the
20 solicitor went into. May I approach?

21 RECROSS-EXAMINATION

22 BY MS. CAMPBELL:

23 Q. Mr. Miles, do you remember giving a description of
24 the shooter to --

25 A. Yes, I do.

1 Q. -- a sketch artist from SLED?

2 A. Yes.

3 Q. Okay. Is this the picture that the SLED sketch
4 artist did for you?

5 A. Yes.

6 Q. Okay. And this is how you believe the shooter that
7 night looked?

8 A. Correct.

9 Q. Correct. And do you see anything unusual here
10 about the shooter's chin area? Is there a scar anywhere
11 on that chin?

12 A. No. I don't see a scar there.

13 Q. Okay. Thank you.

14 MS. SWANSON: If I may view the photo lineup that
15 you just questioned him on.

16 MS. CAMPBELL: You don't have a copy of this?

17 MS. SWANSON: Well, since you have it right in your
18 hand...

19 MS. CAMPBELL: I'm not offering it.

20 MS. SWANSON: Okay. Judge, just briefly on
21 redirect.

22 THE COURT: Okay.

23 MS. CAMPBELL: I'm not finished.

24 MS. SWANSON: Oh, I'm sorry.

25 MS. CAMPBELL: That's okay.

1 (PAUSE.)

2 MS. CAMPBELL: That's all we have.

3 MS. SWANSON: Thank you. Now on redirect.

4 FURTHER REDIRECT EXAMINATION

5 BY MS. SWANSON:

6 Q. Enrekae --

7 MS. SWANSON: If I may approach the witness.

8 Q. The sketch artist sketched something based on your
9 description of the gunman. Do you see anything by the
10 gunman's left eye?

11 A. Yes, I do.

12 Q. And what is that?

13 A. It's like a scar, nick.

14 Q. Okay. And was that based on your description of
15 the gunman?

16 A. Yes, my description. Yes, ma'am.

17 MS. SWANSON: Okay. Thank you. No further
18 questions.

19 THE COURT: All right. You can step down.

20 THE WITNESS: Thank you.

21 MS. SWANSON: I ask that Enrekae Miles be excused.

22 THE COURT: I don't know. He may be under
23 subpoena.

24 MS. CAMPBELL: I believe we have him under subpoena
25 as well so...

1 MS. SWANSON: Okay. So he's subject to recall?

2 THE COURT: Subject to recall.

3 MS. SWANSON: The State calls Nathaniel Green.

4 NATHANIEL GREEN, after having been duly
5 sworn, testified as follows:

6 THE CLERK: And if you would state your name and
7 spell your last name for the record, please.

8 THE WITNESS: Nathaniel Green, G-r-e-e-n.

9 DIRECT EXAMINATION

10 BY MS. SWANSON:

11 Q. Mr. Green, where do you live?

12 A. 32 Seabrook Road.

13 Q. How long have you lived there?

14 A. Since '75.

15 Q. Since 1975. So a good long while?

16 A. A good long while.

17 Q. Were you home on the night of June 22nd, 2009?

18 A. Yes.

19 Q. All right. Do you recall anything unusual that
20 happened that night?

21 A. Yes. My nephew, Enrekae Miles, he came to the
22 house. He run over to the house and said, Goober --
23 Uncle Goob, lend me your gun.

24 So I said, What do you want my gun for?

25 He said, Somebody shot J. R.

- 1 I tell him I couldn't give him my gun because he
2 would get in trouble.
- 3 Q. Can you describe how Enrekae was acting?
- 4 A. He was screaming, you know, like it was a way I
5 never saw him before.
- 6 Q. Okay. Was he upset?
- 7 A. Yeah. He was upset. You know, never saw him that
8 way before.
- 9 Q. I'm sorry?
- 10 A. I said I never saw him that way before.
- 11 Q. Okay. You had never seen him that way before.
12 What did you do after you refused to let Enrekae have the
13 gun?
- 14 A. Well, I ran out to Ronald Coleman's house and when
15 I arrived two deputies arrived, me and two deputies
16 arrived at the same time. So we walked toward the porch.
17 I stop at the step because I saw the body, and the two
18 deputies ran on the porch and checked. Then I tell them,
19 you know, no use I go and disturb a crime scene so I'll
20 walk back out to the road.
- 21 Q. Okay. At some point were you on the porch waving
22 deputies down? Do you remember?
- 23 A. No. I was coming up and when they came I just
24 waved.
- 25 Q. Okay. Did they go past the house at first?

- 1 A. They might of.
- 2 Q. Okay. And you just don't remember? That's okay.
- 3 Do you know most of the people that live on Seabrook
- 4 Road?
- 5 A. Who?
- 6 Q. Do you know most everyone who lives on Seabrook
- 7 Road?
- 8 A. Yes.
- 9 Q. Are a lot of you all related?
- 10 A. Yes.
- 11 Q. You got a lot of family on that road?
- 12 A. Yeah, because it ain't nothing but a little area.
- 13 Q. Okay. Do you recall seeing any cars or people that
- 14 you didn't recognize that day?
- 15 A. I saw a car, a white Cadillac.
- 16 Q. A white Cadillac?
- 17 A. Yes. It was riding up, he came down Seabrook first
- 18 then he ride back up. And then he stop out the head of
- 19 the road and he was sitting there for a little while, and
- 20 then he pulled off.
- 21 Q. Okay. Were you able to see inside the car at all?
- 22 A. No.
- 23 Q. No?
- 24 A. No.
- 25 Q. Okay. Thank you, Mr. Green. Please answer any

1 questions that Ms. Campbell might have for you.

2 CROSS-EXAMINATION

3 BY MS. CAMPBELL:

4 Q. Good afternoon, Mr. Green.

5 A. Good afternoon.

6 Q. Can you hear me good?

7 A. Yeah, you plain.

8 Q. Good. Do you remember taking to Investigator Chris
9 Wilson right here, right here in the middle, about what
10 happened out there on Seabrook Road that night?

11 A. Yes.

12 Q. Okay. Do you remember that she made a taped
13 statement, she took a tape of your statement? You know,
14 there's a recording of it?

15 A. Yes. Yes.

16 Q. Okay. Great. Did you also make a written
17 statement? Did you write down what happened?

18 A. No.

19 MS. CAMPBELL: Okay. I'm going to ask the Court if
20 I could approach the witness?

21 THE COURT: All right.

22 BY MS. CAMPBELL:

23 Q. Mr. Green, do you recognize that signature --

24 A. Yes, but I didn't write that. I signed it.

25 Q. Okay. So who wrote this, if you didn't write it?

1 A. Probably I told the story and they wrote it.

2 Q. So the information you are giving to this officer
3 here, Investigator Wilson, she's writing it down and then
4 you just sign it. Is that what you are telling us?

5 A. Well, she write down what I told her.

6 Q. Right. That's what I'm saying. And if you told
7 her what happened she wrote it down, right?

8 A. Right.

9 Q. Okay. Mr. Green?

10 A. Yes.

11 Q. In the statement we just talked about there's
12 nothing in this statement about a Cadillac being on
13 Seabrook Road.

14 A. Because she never asked me about the Cadillac on
15 Seabrook Road.

16 Q. I understand that.

17 A. Well, how was I supposed to know she wanted to know
18 if a Cadillac was on Seabrook Road?

19 Q. I understand. But when you sat down with her and
20 she asked you what happened the day that J. R. got shot
21 you told her everything you knew?

22 A. I explained what I could explain what I remember at
23 the time.

24 Q. Okay. So at the time?

25 A. At that time.

1 Q. This is everything you knew, everything you told
2 her?

3 A. Well, that wasn't everything I knew because I
4 didn't -- the car, that didn't really bother me at that
5 time to tell her about the car.

6 Q. Do you remember also talking to her and telling her
7 that you believed the people from Atlanta --

8 A. No.

9 Q. -- were going to kill the whole Coleman family?

10 A. No.

11 Q. That's not in the recorded statement that you gave
12 to this officer?

13 A. No. I probably -- I probably said someone in
14 Atlanta killed one of their brothers.

15 Q. I'm sorry. What?

16 A. Her son had got killed from about two weeks before
17 that.

18 Q. Right. Was there talk in the Coleman family that
19 they might need to --

20 A. I don't know. I don't live at the Coleman.

21 Q. I understand.

22 A. Okay. So don't ask me about what you know. Don't
23 put words in my mouth.

24 Q. I am going to ask you about what you told the
25 investigator in this case.

- 1 A. Well, you got it right there, ma'am.
- 2 Q. Mr. Green, we are going to try one more time.
- 3 A. Okay.
- 4 Q. Maybe two more times until we get there.
- 5 A. Okay. Well, explain what you want me to tell you
- 6 off the paper. Could you do that, please?
- 7 Q. I'm going to try again.
- 8 A. Okay.
- 9 Q. Do you remember telling this officer that there was
- 10 talk they needed to move Ronald out of town for his
- 11 safety?
- 12 A. Is that on that paper?
- 13 Q. Yes, it is.
- 14 A. Could I see it?
- 15 Q. Those are my notes of the recording.
- 16 A. I need to know. Could I see it? I don't know
- 17 what's on that paper. You might tell me anything, ma'am.
- 18 THE COURT: Yeah, give him the paper.
- 19 MS. SWANSON: Your Honor, if he could just see his
- 20 statement.
- 21 MS. CAMPBELL: These are my notes from the audio
- 22 recording.
- 23 MS. SWANSON: You need a copy of his statement?
- 24 It's right here.
- 25 MS. CAMPBELL: I got it. I got it all.

1 BY MS. CAMPBELL:

2 Q. Can you read that?

3 A. Uh-uh.

4 Q. You can't read that?

5 A. No.

6 Q. Okay.

7 A. Let me see this one.

8 I don't see anything in there that tell about the

9 Coleman had moved or nothing because the family wanted to
10 kill him.

11 Q. Do you remember telling the officer that you didn't
12 hear any gunshots?

13 A. I didn't hear no gunshot.

14 MS. CAMPBELL: May I approach, Your Honor?

15 (WHEREUPON, a bench conference was had.)

16 THE COURT: You can step down.

17 Hold it just one minute. One minute. Do you have
18 any actual knowledge of what happened? Did you hear
19 anything, see anybody shoot anybody?

20 THE WITNESS: No, I didn't see nobody.

21 THE COURT: Adios.

22 MS. CAMPBELL: Your Honor, I'm going to have to
23 object.

24 THE COURT: I understand. There's a reason for
25 that because you're making him talk about what he thinks

1 and what he thinks and what he thinks.

2 All right.

3 MS. SWANSON: The State calls Julia Wearrien.

4 JULIA WEARRIEN, after having been duly
5 sworn, testified as follows:

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

8 THE WITNESS: Julia W. Wearrien, W-e-a-r-r-i-e-n.

9 DIRECT EXAMINATION

10 BY MS. SWANSON:

11 Q. Ms. Wearrien, how were you related to Ronald
12 Coleman, Jr.?

13 A. Mother.

14 Q. You were his mother?

15 A. Yes.

16 Q. Okay. And what did you call your son?

17 A. J. R.

18 Q. Did you have a close relationship with J. R.?

19 A. Yes.

20 Q. Had you met many of his friends?

21 A. No.

22 Q. No. Where did J. R. live at the time of his
23 murder?

24 A. 46 Seabrook Road.

25 Q. How long had he lived at 46 Seabrook?

- 1 A. About 2007, 6 or 7.
- 2 Q. Okay. So a couple years at the time of his death?
- 3 A. Yes.
- 4 Q. All right. Who does that property belong to?
- 5 A. Me.
- 6 Q. So has it been in the family for a long time?
- 7 A. It's a family house. That's where he grew up at.
- 8 Q. Okay. Did he live there with anyone?
- 9 A. No.
- 10 Q. Did he ever have a roommate there?
- 11 A. No.
- 12 Q. Do you know an Antonio Collins?
- 13 A. No.
- 14 Q. Had you ever met an Antonio Collins?
- 15 A. No.
- 16 Q. Do you have any reason to believe Antonio Collins
- 17 had permission to be at J. R.'s house on June 22, 2009?
- 18 A. No.
- 19 MS. SWANSON: Beg the Court's indulgence.
- 20 (PAUSE.)
- 21 MS. SWANSON:
- 22 Q. Thank you, Ms. Wearrien. Oh, one more thing. Your
- 23 son, Byron, was he pursuing an opportunity in Atlanta?
- 24 What did he do for work?
- 25 A. He used to work for Starbucks warehouse but he went

1 to Atlanta to be a model.

2 Q. Okay. He was in the modeling industry?

3 A. That's what he wanted to do.

4 Q. Okay. Did he get work that way?

5 A. A couple of times he did.

6 Q. Okay.

7 A. Yeah.

8 Q. All right. Thank you, Ms. Wearrien. Please answer
9 any questions that Ms. Campbell might have for you.

10 CROSS-EXAMINATION

11 BY MS. CAMPBELL:

12 Q. Ms. Wearrien, you have a son Ronald?

13 A. Yes.

14 Q. You have a son Byron?

15 A. Yes.

16 Q. And you have a daughter Ebony?

17 A. Yes.

18 Q. When Byron was shot and killed in Atlanta did

19 Ronald and Ebony want to go to Atlanta?

20 A. Yes.

21 Q. And do you know if they went to Atlanta?

22 A. Yes. My son went with his baby's -- kid's mother,
23 and Ebony went with me.

24 Q. With you?

25 A. With me, yes.

- 1 Q. And the baby's mother is Adrianna McBeth, right?
- 2 A. Correct.
- 3 Q. So the four of you guys got to Atlanta, right?
- 4 A. Yes.
- 5 Q. Was there something in Ebony's car that you
- 6 objected to?
- 7 A. Ebony didn't go in her car. I went in my car.
- 8 Q. Had there been something that Ebony was going to
- 9 take to Atlanta that you objected to?
- 10 A. Not that I know of.
- 11 Q. Okay. Do you remember telling the officers about
- 12 guns being in Ebony's car?
- 13 A. No.
- 14 Q. You don't remember telling them that?
- 15 A. No. No, I didn't, not that I remember.
- 16 Q. Was Byron -- excuse me. Was Ronald upset with
- 17 Ebony at all in Atlanta?
- 18 A. Not that I recall.
- 19 Q. And while Ronald was in Atlanta were you aware if
- 20 he had a meeting with Darrin Amadi?
- 21 A. No. No. Not that I know of. I knew he went to my
- 22 cousin's house to get his clothes.
- 23 Q. And his cousin's house is who?
- 24 A. Rebecca Green.
- 25 Q. Rebecca Green?

1 A. Yes.

2 Q. And is there information that Ronald was angry with
3 Darrin Amadi because he dropped Byron off at the
4 apartment complex where he was shot in the head?

5 A. I don't know anything about that.

6 Q. You don't know anything about that?

7 A. No.

8 Q. You don't remember telling that to Officer Wilson?

9 A. No. No.

10 Q. And you don't remember telling Officer Wilson that
11 Ronald had a meeting with Amadi while he was in Atlanta?

12 A. No.

13 MS. CAMPBELL: That's all.

14 MS. SWANSON: Thank you. Nothing further from the
15 State. I just ask that Ms. Wearrien be allowed to step
16 down.

17 THE COURT: Okay. You can step down.

18 Okay, jurors. We are going to break for lunch.

19 Don't talk about the case over lunch or anything. Try to
20 come back by at least 2:15. All right?

21 (WHEREUPON, the jury leaves the courtroom at
22 approximately 12:58 p.m.)

23 MS. CAMPBELL: May it please the Court?

24 THE COURT: Sure.

25 MS. CAMPBELL: Before we break for lunch I'd like

1 to just briefly address the matter of Mr. Green and his
2 different testimony from his prior statements, and under
3 the rule --

4 THE COURT: Before you go on and on aren't you
5 going to question some officers that took the statement?

6 MS. CAMPBELL: Perhaps, yes.

7 THE COURT: You can clear anything up at that
8 point, seems to me.

9 MS. CAMPBELL: Thank you, Your Honor.

10 THE COURT: He's on notice that you got a
11 statement, if you can call him.

12 MS. CAMPBELL: I'll take it up with the officer.
13 Thank you. That's all I have.

14 THE COURT: I mean, I'm not prohibiting you from
15 asking the officer did he say such and such, and such and
16 such, but you'll spend all day with that guy because he
17 just says I don't know nothing except what I said, what
18 they wrote down.

19 All right. We'll crank it back up 2:15.

20 MS. SWANSON: Thank you, Your Honor.

21 (WHEREUPON, a lunch break was taken.)

22 THE COURT: The jurors all wandered in. Everybody
23 ready?

24 MS. SWANSON: Yes, sir.

25 MS. CAMPBELL: Yes, sir.

1 THE COURT: All right. Bring them in.

2 (WHEREUPON, the jury enters the courtroom at
3 approximately 2:15 p.m.)

4 THE BAILIFF: The jury present.

5 THE COURT: Okay. You may proceed.

6 MS. SWANSON: Thank you, Your Honor. The State
7 calls Brian Chapman.

8 BRIAN CHAPMAN, after having been duly sworn,
9 testified as follows:

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

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

14 DIRECT EXAMINATION

15 BY MS. SWANSON:

16 Q. Good afternoon, Investigator Chapman.

17 A. Good afternoon, ma'am.

18 Q. How long have you been with the sheriff's
19 department?

20 A. Since November of 2002.

21 Q. Okay. And what is your current position?

22 A. I am the staff sergeant in charge of investigations
23 for the Hilton Head and Bluffton area.

24 Q. All right. And back in 2009 what was your
25 position?

1 A. I was an investigator with the northern section
2 criminal investigations.

3 Q. And were you involved in the investigation of a
4 murder in June of 2009?

5 A. Yes, ma'am.

6 Q. Can you tell the jury about your involvement in
7 that.

8 A. After the initial incident and after deputies were
9 responded I received a phone call for assistance from
10 Sergeant Wilson to respond to the scene.

11 Q. And how did you aid her in the investigation of
12 this case?

13 A. I met with her and we talked about the information
14 that -- the facts that had gone on at that point. Then
15 we talked and I left the scene and went and obtained a
16 search warrant for the residence.

17 Q. Okay. About how long after law enforcement got to
18 the scene did you arrive, if you recall?

19 A. I would say probably within 20 to 30 minutes.

20 Q. Okay. And the first thing that you did was go
21 obtain a search warrant?

22 A. After I met with Sergeant Wilson and other officers
23 on the scene.

24 Q. What did you see when you got to the scene?

25 A. Officers were on scene doing various things. The

1 victim was still in the doorway.

2 Q. Where did you go to prepare the search warrant?

3 A. I went back to the investigation's office.

4 Q. And who signed the search warrant?

5 A. The Honorable Judge Sproatt.

6 Q. Did you collect any of the evidence from that
7 search warrant?

8 A. I believe I collected a window then I assisted
9 Sergeant Wilson with everything else.

10 Q. So did you keep track of what Sergeant Wilson was
11 collecting via a search warrant return?

12 A. Yes, ma'am.

13 Q. Do you have that in front of you?

14 A. I do not.

15 MS. SWANSON: If I may, Your Honor, I'm going to
16 hand up the return.

17 THE COURT: Okay.

18 BY MS. SWANSON:

19 Q. And this is an attachment to the search warrant
20 return.

21 A. Thank you.

22 Q. Investigator Chapman, did you notate that you
23 collected a quantity of marijuana?

24 A. Yes, ma'am.

25 Q. And did you note that you collected any cash?

1 A. There's a notation of \$45 in U. S. Currency with
2 assorted bills, then there's another notation with \$100
3 in U. S. Currency, various bills.

4 Q. So total of \$125 -- I'm sorry, \$145 in cash was
5 located at the house?

6 A. Yes, ma'am.

7 Q. \$145. Did you assist Sergeant Wilson with the
8 placing of placards in locating shell casings found
9 within the residence?

10 A. Yes, ma'am.

11 Q. Okay. I'm going to hand you four different
12 pictures. These are State's Exhibits 4, 5, 6 and 31. If
13 you could hand through those and please tell me what you
14 see in those pictures.

15 A. This first one, the smallest one you can see the
16 victim's feet, and then placards 9, 10, 11, 12, 13, 14,
17 15, and 16.

18 Q. And tell me what exhibit that is, on the back?

19 A. This is Exhibit 31, State's Exhibit.

20 Q. So State's Exhibit 31, is that how those placards
21 and the victim's feet looked the night that you were at
22 46 Seabrook Road?

23 A. Yes, it does.

24 Q. It's a fair and accurate depiction?

25 A. Yes, ma'am.

1 MS. SWANSON: The State moves 31 into evidence.

2 THE COURT: All right.

3 (WHEREUPON, State's Exhibit Number 31, a

4 Photograph, was admitted into evidence.)

5 A. The next one, which is State's Exhibit 4, this is a
6 picture of the living room with placards 1, 2, 3, and 4.

7 Then you can just see the corner of number 6 on the left.

8 Q. Okay. And is that a fair and accurate depiction of
9 how the living room appeared that night?

10 A. Yes, it is.

11 MS. SWANSON: All right. The State moves 4 into
12 evidence.

13 THE COURT: Okay.

14 (WHEREUPON, State's Exhibit Number 4, a Photograph,
15 was admitted into evidence.)

16 A. The next one is again a different view of the
17 living room. There is a -- like a blue chair, like a
18 wingback chair. You can see placards 1, 2, 3, 5, 6, 7,
19 and 8.

20 Q. And is that how it appeared that night?

21 A. It is, and that's State's Exhibit Number 5 in that
22 picture.

23 MS. SWANSON: Okay. The State moves Number 5 into
24 evidence.

25 THE COURT: All right. It comes in.

1 (WHEREUPON, State's Exhibit Number 5, a Photograph,
2 was admitted into evidence.)

3 A. The next one, again, is another view of the living
4 room in the victim's residence. You can see a couch.
5 Again, the wingback chair, living room, then going back
6 to where the victim's bedroom was and you can see
7 placards 4, 5, 6, and then another one is obscured, and
8 that's State's Exhibit 6.

9 Q. Okay. And is that a fair and accurate depiction of
10 the view that you had of the living room that night?

11 A. Yes, ma'am.

12 MS. SWANSON: State moves Exhibit 6 into evidence.

13 THE COURT: All right.

14 (WHEREUPON, State's Exhibit Number 6, a Photograph,
15 was admitted into evidence.)

16 MS. SWANSON: I'd like to publish those to the
17 jury.

18 THE COURT: You can do it.

19 MS. SWANSON: I'm just going to hand those to you
20 all and you can take a look at them.

21 Meanwhile, I'm going ask Investigator Chapman to
22 step down.

23 (The witness stepped down from the witness stand.)

24 BY MS. SWANSON:

25 Q. And I'd like for you to identify what's been marked

1 as State's Exhibit 45.

2 A. This is a blown up version of a crime scene sketch
3 that I made.

4 Q. Okay. And is it the same except for it's just
5 bigger?

6 A. Correct.

7 Q. Okay. And when did you make that diagram?

8 A. I would have made that the next couple days after
9 the initial incident.

10 Q. Okay. Based on what you found at the scene?

11 A. Yes, ma'am.

12 Q. And the pictures that you all took?

13 A. Yes, ma'am.

14 MS. SWANSON: Okay. State would request to move 45
15 into evidence.

16 THE COURT: Okay.

17 (WHEREUPON State's Exhibit Number 45, a Diagram of
18 the Scene, was admitted into evidence.)

19 BY MS. SWANSON:

20 Q. All right. If you can describe what you found at
21 the residence, what placards denote what, for the jury.

22 A. Okay. Again, this will be just a basic layout of
23 the victim's house.

24 Q. Where is the front porch?

25 A. This will be the front porch right here and this

1 will be Seabrook Road going this way (indicated).

2 Q. And tell us where the victim's body was found?

3 A. The victim's body was found just within the
4 threshold of the front door (indicated).

5 Q. So that's the front doorway. Where did you find
6 the .45 caliber casings.

7 A. The .45 caliber casings, they would be marked, the
8 evidence would be marked with numeric numbers. Items 1
9 through 8 are marked as 45 shell casings. This will be
10 this right here. Right here (indicated) going back
11 towards this bedroom.

12 Q. And that would be the living room, dining area?

13 A. Yes, ma'am.

14 Q. All right. And then did you find .40 caliber
15 casings?

16 A. Yes, ma'am, we did.

17 Q. And where were those located?

18 A. Again, the evidence is marked with numbers and on
19 this key here .40 caliber casings are marked number 9
20 through 17. And this is in this general area here within
21 the threshold of this front door (indicated).

22 Q. Okay. And so those were marked with placards 9
23 through 17?

24 A. Yes, ma'am.

25 Q. Okay. And that is -- if you can describe this area

1 for the jury. Is that like an entryway?

2 A. It is. When you walked into the residence there
3 was an entryway. There was like a little small raised
4 island. It was very thin. Right here on the left-hand
5 side there was an open area above that, I believe. Then
6 this area right here, I believe this was a closet that
7 just opened up with a door, then this was another closet
8 in this area right here (indicated).

9 Q. Okay.

10 A. So you would have to go around this way to get
11 inside. You'd have to go around this little area here
12 (indicated).

13 Q. So there was like a raised barrier?

14 A. Yes, ma'am.

15 Q. All right. And then the .40 caliber casings were
16 found inside of the residence and actually some of them
17 through this little entryway?

18 A. Yes, ma'am. They were found in the entrance into
19 the living room. This area (indicated).

20 Q. And, let's see. Number 20, can you describe what
21 number 20 is?

22 A. Yes, ma'am. Again, the evidence is marked with
23 numbers. Number 20 is a Colt National Match .45 caliber
24 handgun right here.

25 Q. Okay. And that was the gun that was located by the

1 victim?

2 A. Yes, ma'am, by the victim.

3 Q. And that was a .45 caliber?

4 A. Yes, ma'am.

5 Q. All right. If you can just take a seat.

6 A. Thank you.

7 (The witness returned to the witness stand.)

8 Q. How many shell casings total of each type did you
9 all -- did you note on the search warrant return?

10 A. On the return for the .45 caliber shell casings
11 there were eight .45 casings located. For the .40
12 caliber there were 10 shell casings located.

13 Q. Are you familiar with semiautomatic weapons?

14 A. Yes, ma'am.

15 Q. Do you carry one in the line of duty?

16 A. I do, every day.

17 Q. What kind of weapon do you carry?

18 A. I carry a Glock .40 caliber handgun.

19 Q. All right. So you carry a .40 caliber, and is it a
20 gun with a magazine or is it a revolver?

21 A. It's a gun with a magazine.

22 Q. And is that what you would call a semiautomatic
23 handgun?

24 A. Yes, ma'am.

25 Q. All right. Typically, if the gun is functioning

1 properly how would a casing eject from a semiautomatic
2 gun?

3 A. It depends on which side area of the eject port was
4 located on the handgun. If the injection port is located
5 on the left-hand side of the gun then they would go up
6 and out to the left. If the ejection port is located on
7 the right side of the gun they would go up and out to the
8 right.

9 Q. Based on what you observed at the scene and in the
10 diagram could you form an opinion about where the victim
11 was standing when he was shooting and where the gunman,
12 the intruder was standing when he was shooting?

13 A. Yes, ma'am. I can make an opinion on that.

14 Q. If you can tell us what your thoughts were about
15 that.

16 A. If I could refresh with the diagram.

17 Q. Oh, yes.

18 A. Can I step down there?

19 THE COURT: You can do it.

20 (The witness stepped down from the witness stand.)

21 A. These right here (indicated) would be placards 1
22 through 8, which would be .45 caliber shell casings.
23 Again, with a properly functioning handgun if it was on
24 the right-hand side the victim would have been somewhere
25 in this area for these shell cases to go over this way

1 (indicated).

2 These right here which would have been -- these are
3 marked with the .40 caliber handgun casings. The
4 perpetrator would have had to be somewhere within this
5 proximity for those to -- those shell casings to have
6 been in this area (indicated).

7 Q. For those shell casings to eject in that manner?

8 A. Yes, ma'am.

9 Q. And that's if the ejection port was on the right?

10 A. Yes, ma'am.

11 Q. Okay. Thank you, Investigator. If you can have a
12 seat.

13 A. (The witness complied).

14 Q. Did you assist with any interviews to help try and
15 establish leads in this case?

16 A. Yes, ma'am.

17 Q. Okay. And what interviews were you a part of?

18 A. I believe we interviewed a gentleman by the name of
19 Travis Polite.

20 Q. And did you also interview Adrianna McBeth?

21 A. McBeth, yes, ma'am.

22 Q. And who is Adrianna McBeth?

23 A. I believe she was related to Mr. Polite. I believe
24 it was maybe his girlfriend or something. I don't
25 remember exactly.

1 Q. If you don't remember that's fine.

2 A. Yeah, I don't remember.

3 Q. Did those leads end up going anywhere?

4 A. No, ma'am.

5 Q. They did not help you establish a suspect?

6 A. Not in that instance, no, ma'am.

7 Q. And on June 25th of 2009 did you go back to the
8 scene?

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

10 Q. Okay. And tell us why you went back to the scene.

11 A. During our interview with Mr. Polite information
12 was brought forward that he had actually shot at that
13 residence months prior to this, Mr. Coleman being
14 murdered. So we went out there to see if we could try to
15 determine if there were any projectiles or entry holes
16 into the residence associated with that incident with
17 Mr. Polite.

18 Q. Were you able to deduce that any of the bullet
19 holes or casings or projectiles came from that Mother's
20 Day shooting that Travis Polite was involved in?

21 A. Yes, ma'am.

22 Q. All right. And what were your conclusions
23 regarding that?

24 A. The holes and projectile -- the areas of trajectory
25 we located seemed to be coming from outside the residence

1 into it, from if you are looking at the front of the
2 house, on the left side.

3 Q. Okay. Where were the casings and projectiles that
4 you collected? Where were those located, the ones that
5 you believe to be part of that Mother's Day shooting?

6 A. I don't remember about the shell casings but I do
7 remember -- I can't remember if there were any
8 projectiles inside the house either. I can't remember
9 off the top of my head.

10 Q. Okay. If you can refer to the search warrant
11 return.

12 A. Sure.

13 Q. And see if you --

14 A. The search warrant return is just for the
15 incident --

16 Q. Okay.

17 A. -- with Mr. Coleman.

18 Q. Okay. Where did -- let me ask you this. Did you
19 observe anything in the master bedroom that led you to
20 believe that that was an area where gunfire took place on
21 June 22nd of 2009?

22 A. Like I said, the entry holes were coming from the
23 outside into the residence. They didn't match the shell
24 casings and stuff that we found the night of
25 Mr. Coleman's murder.

1 Q. Okay. The ones that came from?

2 A. From inside the residence. They would have been
3 going to the left of the house, what we found that day
4 coming inside the house.

5 Q. Okay. So the ones that were found in the master
6 bedroom are ones that you believe to be from the night
7 that Mr. Coleman was shot or the Mother's Day shooting
8 that Travis Polite was involved in?

9 A. The ones we located the following days would have
10 been from Mr. Polite's incident.

11 Q. Okay. And do you recall where the ones you located
12 the following day were?

13 A. Various locations in the house. I couldn't tell
14 you where they were.

15 MS. SWANSON: Your Honor, may I hand Investigator
16 Chapman a copy of his report?

17 THE COURT: Okay.

18 A. Thank you.

19 Q. If you can refer to your report, and if you can
20 find it in there great. If not, we can move on. Who did
21 you go to the scene with on the 25th?

22 A. That would be Investigator Burns.

23 MS. SWANSON: Beg the Court's indulgence.

24 (PAUSE.)

25 BY MS. SWANSON:

1 Q. Thank you, Investigator Chapman. Please answer any
2 questions that Ms. Campbell might have for you.

3 A. Okay.

4 MS. CAMPBELL: Please the Court?

5 THE COURT: Sure.

6 MS. CAMPBELL: May I approach the witness?

7 THE COURT: You can do it.

8 CROSS-EXAMINATION

9 BY MS. CAMPBELL:

10 Q. Officer Chapman, you participated in the search of
11 the interior of 46 Seabrook Road, right?

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

13 Q. I'm going to show you some photographs now.

14 A. Okay.

15 Q. This is marked Defendant's Exhibit 18. Do you
16 recognize the contents of that photo?

17 A. Appears to be a quantity of green leafy substance
18 which would probably be marijuana, some cash, and some
19 plastic bags, containers of plastic bags, appears to be a
20 pair of scissors and some other items in that picture.

21 Q. Where was this bureau located within the residence?

22 A. I would say probably in Mr. Coleman's bedroom.
23 Without having a wider picture I couldn't tell you for
24 sure.

25 MS. CAMPBELL: Your Honor, we'd move Defendant's

1 Exhibit 18 into evidence at this time.

2 THE COURT: Okay.

3 (WHEREUPON, Defendant's Exhibit Number 18, a
4 Photograph, was admitted into evidence.)

5 BY MS. CAMPBELL:

6 Q. I show you what's been marked as Defendant's
7 Exhibit 19. Did you also find that container in the
8 residence?

9 A. Yes, ma'am.

10 Q. Okay. And what does that container appear to have
11 inside it?

12 A. It's a clear plastic Tupperware container with a
13 plastic bag inside of it. There appears to be some green
14 leafy substance which again probably would be the
15 marijuana.

16 MS. CAMPBELL: We'd move Defendant's Exhibit 19 in.

17 THE COURT: It comes in.

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

20 BY MS. CAMPBELL:

21 Q. I show you what's been marked Defendant's Exhibit
22 13. Do you recognize that placard?

23 A. Yes, ma'am.

24 Q. Is that a placard that you placed out?

25 A. It's a placard that was placed here. I couldn't

1 tell you for sure if I was the one who placed that one.

2 Q. Who placed the placards at the crime scene that
3 night?

4 A. It would have been one of the investigators there.
5 I couldn't tell you exactly who placed them.

6 Q. All right. But this is from the crime scene that
7 night?

8 A. Yes, ma'am.

9 MS. CAMPBELL: And we'd move Defendant's Exhibit 13
10 into evidence.

11 THE COURT: Okay.

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

14 BY MS. CAMPBELL:

15 Q. What appears to be sitting there in Defendant's 13
16 next to placard 15?

17 A. There's a shell casing.

18 Q. Okay. And what appears to be on the exterior of
19 the shell casing?

20 A. It appears to be blood.

21 Q. Okay. Thank you. I'll show you what's been marked
22 as Defendant's Exhibit 16. Who is that in the photo?

23 A. That's me.

24 Q. That would be you. And that's the interior of the
25 residence there, correct?

1 A. Yes, ma'am. I couldn't tell you exactly which room
2 that was but that is the interior.

3 MS. CAMPBELL: And we'd move Defendant's Exhibit 16
4 in.

5 THE COURT: All right.

6 (WHEREUPON, Defendant's Exhibit Number 16, a
7 Photograph, was admitted into evidence.)

8 BY MS. CAMPBELL:

9 Q. Again, Defendant's Exhibit 17, a further photo
10 there of the interior of the residence?

11 A. Yes, ma'am.

12 MS. CAMPBELL: And we'd move Defendant's 17 into
13 evidence.

14 THE COURT: Okay.

15 (WHEREUPON, Defendant's Exhibit Number 17, a
16 Photograph, was admitted into evidence.)

17 BY MS. CAMPBELL:

18 Q. And lastly, Defendant's 20. Is this a photograph
19 of additional items found, being Mr. Coleman's
20 ammunition?

21 A. That is a box of ammunition with several rounds
22 taken out of it.

23 Q. There are how many rounds missing?

24 A. There are eight rounds missing.

25 MS. CAMPBELL: We'd move Defendant's 20 into

1 evidence at this time.

2 THE COURT: It comes in.

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

5 BY MS. CAMPBELL:

6 Q. Officer Chapman, you participated in two taped
7 interviews in this case; is that right?

8 A. Yes, ma'am.

9 Q. The first interview, the tape recorded interview
10 that you participated in was with Adrianna McBeth, right?

11 A. I believe so. Yes, ma'am.

12 Q. And obviously because the solicitor has already
13 shown you, you wrote down your notes from that interview,
14 right?

15 A. Yes, ma'am.

16 Q. And your notes are accurate, right?

17 A. Yes, ma'am.

18 Q. Okay. In your interview of Adrianna McBeth you
19 were seeking information, correct, to further your
20 investigation, right?

21 A. Yes, ma'am.

22 Q. Okay. Because at that point, you know, you were
23 trying to find out -- are you the officer who used the
24 word victimology?

25 A. I might have. I don't know.

1 Q. I think when you talked to Adrianna you told her
2 you were doing a victimology. You were trying to get all
3 kind of information about Ronald and his associates,
4 right?

5 A. If that's the terminology.

6 Q. Okay. And trying to kind of maybe get inside the
7 mind of Ronald Coleman, too, right?

8 A. We would have done that, too. Yes, ma'am.

9 Q. And information that led you to have some concerns
10 over his threats to kill his cousin, Darrin, that's the
11 information you got?

12 A. I believe that information about Darrin did come
13 out in the interview.

14 Q. And that Ronald was in the business of selling
15 drugs?

16 A. Yes, ma'am.

17 Q. And that, you know, there was this trip to Atlanta,
18 right?

19 A. There was a trip to Atlanta mentioned. Yes, ma'am.

20 Q. And that Ronald's sister, who is Ebony Coleman,
21 right? Do you know that that's his sister?

22 A. I don't know if I ever got a name.

23 Q. There was some concern that Ebony was supposed to
24 bring some guns to Atlanta for Ronald, right?

25 A. Yes, ma'am.

1 Q. And I think you told the solicitor that you got
2 this information and then you tried to follow up on it.
3 So can you tell us what specific steps you individually
4 took to follow up on the information about what happened
5 in Atlanta between Darrin Amadi and Ronald Coleman?

6 A. I believe I would have given the information to
7 Sergeant Wilson. Where it went after that I don't know.

8 Q. So you personally did nothing to follow up on it?

9 A. Not on this, no, ma'am.

10 Q. Okay. Now, the second interview that you conducted
11 was also recorded, right?

12 A. Yes, ma'am.

13 Q. That was with Travis Polite?

14 A. Yes, ma'am.

15 Q. The fellow that has had ongoing problems with
16 Coleman over the years, right?

17 A. I couldn't tell you exactly what their problems
18 were ongoing. I know there was a previous incident with
19 those two.

20 Q. Well, you were present for the interview and so the
21 information you got from the interview. Would you like
22 to see a copy of that as well to refresh your
23 recollection?

24 A. Yes. The report that I was given only has three
25 pages, so there are two pages I have Mr. Polite's

1 interview on. Can you hand me that to refresh my memory?

2 Q. I will.

3 MS. CAMPBELL: May I approach?

4 THE COURT: Okay.

5 BY MS. CAMPBELL:

6 Q. Okay. So now that you have the notes from the
7 taped interview with Travis Polite, there was some
8 conjecture and assertion on the part of Mr. Polite that
9 this was a mob hit from Atlanta on Mr. Ronald Coleman,
10 wasn't there?

11 A. I don't mean to interrupt you, ma'am, but this is
12 Sergeant Wilson's report.

13 Q. I realize that but you were present for the
14 interview, correct?

15 A. Yes, ma'am, I was.

16 Q. So in reviewing her notes about the interview since
17 you don't have any notes about the interview, is that
18 helpful to you or not?

19 A. You'll have to give me several minutes to read her
20 portion.

21 Q. That would be fine. I'm happy to do that.

22 A. Thank you.

23 (PAUSE.)

24 Okay, ma'am.

25 Q. Thank you so much.

1 A. Yes, ma'am.

2 Q. Now that you've refreshed, hopefully, your memory
3 about that incident with Travis Polite I'll ask you, was
4 there some information you received that this was a hit
5 put out on Ronald Coleman from the people in Atlanta?

6 A. Mr. Polite said that there was a -- he had heard
7 that there was possibly a mob hit on him.

8 Q. And the other information you received during this
9 interview was that Mr. Coleman's brother, that would be
10 Byron, was robbing the drug dealers in Atlanta and
11 bringing the drugs to Ronald down here in Beaufort; is
12 that also true? It's the second paragraph on page 3 of
13 17.

14 A. Yes. He's saying that Mr. Coleman's brother would
15 rob some drug dealers in Atlanta.

16 Q. And that Enrekae Miles -- actually, let's see. How
17 is this put? Enrekae Miles knows who did it; is that
18 right?

19 A. That's what Mr. Polite said, yes.

20 Q. And you got information during that interview with
21 Travis Polite that Ronald Coleman had in the past been
22 the kind of person who had tried to run Travis down with
23 his car, right?

24 A. Again, I'll have to keep reflecting to this. I
25 didn't write this portion.

1 Q. Okay.

2 (PAUSE.)

3 A. According to Sergeant Wilson's notes Mr. Polite did
4 say that Mr. Coleman tried to hit him with a vehicle.

5 Q. Some of the other information that you got in
6 working up the victimology about who this individual was
7 was that Mr. Ronald Coleman had been robbed by a drug
8 dealer and went to Poppy Hill and shot a crack head in
9 retaliation; is that correct? That would be on page 17
10 of 17 at the top.

11 A. Again, Mr. Polite told us that Mr. Coleman had been
12 robbed from some guys from Poppy Hill, then he went back
13 and shot a crack head.

14 Q. I'll take that back.

15 Now, in reference to this particular interview, you
16 were present, correct? We've established that?

17 A. Yes, ma'am.

18 Q. So you didn't need to give the information to
19 Officer Wilson because she was there, right?

20 A. Yes, ma'am.

21 Q. Did you individually do anything to follow up on
22 any of this information to corroborate it or to look into
23 it whatsoever?

24 A. No, ma'am.

25 Q. Okay. Now, you talked about the placards that were

- 1 at 46 Seabrook Road.
- 2 A. Yes, ma'am.
- 3 Q. Who put the placards out again?
- 4 A. It would have been one of our investigators that
- 5 went with us. I don't know exactly who put those down
- 6 and which ones were put where.
- 7 Q. So who were the investigators there on scene on
- 8 6-22-09?
- 9 A. Myself, Sergeant Wilson, Investigator Burns, and I
- 10 can't remember who else off the top of my head. It will
- 11 be noted on the crime scene log, probably.
- 12 Q. So an investigator on 6-22-09 would have put out
- 13 the placards and you are not the one who did it, right?
- 14 A. I don't remember if I was the one who put the
- 15 placards out. Again, I don't know who put them out.
- 16 Q. Okay. So actually, you don't remember if you put
- 17 them out. You could have put them out?
- 18 A. I could have but I just don't remember.
- 19 Q. Did you go back and take them up?
- 20 A. I don't know who took them all up. We would have
- 21 probably taken them up as a team.
- 22 Q. Okay. Do you know where they went after you picked
- 23 them up from the house and from the front entryway area?
- 24 A. Whose ever placards they were would have gone back
- 25 in their vehicle.

- 1 Q. And we have no record of that to your knowledge?
- 2 A. No, ma'am. I don't know whose placards they were.
- 3 Q. Did you walk the yard looking for evidence that
- 4 night on 6-22-09?
- 5 A. I believe so.
- 6 Q. Did you walk the road looking for evidence on
- 7 6-22-09?
- 8 A. I remember walking back to my car several times to
- 9 get various items but I don't remember myself walking the
- 10 roadway.
- 11 Q. You came and left?
- 12 A. Yes, ma'am.
- 13 Q. And came and left?
- 14 A. I came, I left to go get the search warrant, then
- 15 came back. Then after everything was over I would have
- 16 left.
- 17 Q. Do you recall crime scene tape being up when you
- 18 left the last time?
- 19 A. I don't remember one.
- 20 Q. Do you recall seeing a glass pile kind of swept
- 21 together on that front porch?
- 22 A. I don't remember the first night, the night of the
- 23 incident but I remember there being a swept pile several
- 24 days later when I had gone back with Investigator Burns.
- 25 Q. Okay. Do you know if anybody ever collected that

1 pile of glass as evidence in this case?

2 A. Not to my knowledge, no, ma'am.

3 MS. CAMPBELL: Court's indulgence one moment, Your
4 Honor.

5 THE COURT: Okay.

6 (PAUSE.)

7 MS. CAMPBELL: I have a photograph, Your Honor, and
8 I may need to look for it at the break. So if I need to,
9 could I have the opportunity to recall? He is under my
10 subpoena.

11 THE COURT: Okay.

12 BY MS. CAMPBELL:

13 Q. Officer Chapman, on 6-22-09 during the time you
14 were seen at 46 Seabrook Road were you one of the
15 officers that came up with the idea of bringing a dog on
16 scene to run the dog around looking for evidence or
17 people who might have been shot or deceased?

18 A. No, ma'am. I wouldn't have been part of that
19 decision making process. I was a corporal at that point.
20 I wasn't in a supervisory role.

21 Q. Do you know when that happened?

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

23 MS. CAMPBELL: For now, with the caveat about the
24 photo, that's all I have.

25 MS. SWANSON: Just briefly, Your Honor. If I may

1 approach the witness and hand him the summary of Sergeant
2 Wilson's interview with Travis Polite.

3 REDIRECT EXAMINATION

4 BY MS. SWANSON:

5 Q. In case you need to refer to that, Investigator
6 Chapman. Were you all interviewing Travis Polite as a
7 possible suspect in the murder of Ronald Coleman, Jr.?

8 A. His name had come up in the investigation. Yes,
9 ma'am.

10 Q. So he was actually considered a suspect when you
11 interviewed him?

12 A. Yes, ma'am.

13 Q. And did he have personal knowledge of these things
14 that Ms. Campbell asked you about, the hit and --

15 MS. CAMPBELL: Objection.

16 THE COURT: Well, I don't understand why she didn't
17 object when you read it the first time, but go ahead.
18 You can go ahead.

19 BY MS. SWANSON:

20 Q. Or did he qualify that with people were saying?
21 Was this something he heard on the street or he had
22 personal knowledge? What did he tell you?

23 A. He told me that that's what he was hearing.

24 Q. Okay. Thank you.

25 THE COURT: All right. You can step down but you

1 are under subpoena so you can't leave. You have to go
2 back to the sequestering spot --

3 THE WITNESS: Thank you, Judge.

4 THE COURT: -- where you got all the popcorn and
5 peanuts.

6 MS. SWANSON: The State calls Jody Hiers.

7 JODY HIERS, after having been duly sworn,
8 testified as follows:

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

11 THE WITNESS: Jody Hiers, J-o-d-y H-i-e-r-s.

12 DIRECT EXAMINATION

13 BY MS. SWANSON:

14 Q. Good afternoon.

15 A. Afternoon.

16 Q. Who do you work for?

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

18 Q. And how long have you been there?

19 A. A little over 19 years.

20 Q. Back in 2009 what was your position with the
21 Sheriff's Department?

22 A. I was a criminal investigator.

23 Q. And what is your position today?

24 A. I supervise a C. R. O. Program, which is a
25 community resource officer program where we actually put

1 deputies into elementary schools.

2 Q. Okay. And were you involved in the investigation
3 of Ronald Coleman, Jr.'s murder back in June of 2009?

4 A. Yes, ma'am, I was.

5 Q. Okay. And can you describe for the jury what your
6 involvement entailed?

7 A. I was actually the duty investigator on the 23rd.
8 The incident occurred on the 22nd. I was not involved in
9 that part of the investigation. I got called out by our
10 dispatch at about 7:50 p.m. and they advised me that an
11 individual by the name of Enrekae Miles had discovered
12 additional evidence and he wanted to know if we actually
13 had observed the evidence that night.

14 Well, I wasn't at the scene on the 22nd, so I
15 contacted my direct supervisor and asked him if they had
16 processed the evidence on the roadway. He told me that
17 they had not. They didn't see it. I responded and I met
18 with Enrekae in front of number

19 Q. Okay. And go ahead and describe for us what you
20 found when you arrived on Seabrook Road.

21 A. I arrived, Enrekae was standing out in front of 38.
22 I observed numerous bloody shoe impressions on the left
23 side of Seabrook Road and they were headed in the
24 direction of 21. I counted approximately 60 shoe
25 impressions. They all appeared to be from the left shoe.

1 That's how, you know, blood had made the outline of the
2 shoes or the shoe.

3 I observed that the first shoe impression began
4 around number 38 Seabrook Road. On the edge of the road
5 in the dirt there was what we call a shoe dig which was
6 basically when someone is moving at a hurried pace or
7 they are running they are basically running on the balls
8 of their feet and the tip of their toes or their shoe
9 will kick up dirt, and then I observed the first shoe
10 impression at 38.

11 Further down the road the last shoe impression was
12 at number 28 Seabrook Road, and that shoe impression
13 appeared to be angled towards the middle of the road.
14 There were several drops of blood in the road which also
15 appeared to be angled towards the middle of the road.
16 There were no other shoe impressions, there were no other
17 blood droplets after that last one around number 28.

18 At that time, I went ahead and checked the left
19 side of the road just to make sure there was no other
20 evidence there. I checked the left side of the road and
21 around across from number I observed a
22 black in color Smith and Wesson handgun, model SW40C,
23 serial number WAP0205. It was laying in the grass
24 approximately five feet off of Seabrook Road across from,
25 obviously, number 29.

1 Q. I'm going to stop you right there and hand you
2 what's been marked as State's Exhibit 37. I'm sorry.
3 Let me make sure Ms. Campbell is aware of what number 37
4 is, and have you describe this for us.

5 A. This is going to be the evidence bag that I placed
6 the firearm in. It has any initial on it.

7 Q. Is this the gun that you located across from 29
8 Seabrook Road?

9 A. Give me one second.

10 Yes, ma'am, it is.

11 Q. Okay. What were you just checking there?

12 A. The serial number to make sure it corresponded with
13 the serial number that I documented that night.

14 Q. Okay. And that's a match?

15 A. It is.

16 Q. And is the gun in the same condition that you
17 recall finding it that night?

18 A. The gun was actually -- the slide was racked back
19 and the magazine was still inside the gun. Once I placed
20 latex gloves on my hands and retrieved the gun from the
21 ground I observed that there was no ammunition inside the
22 gun or the magazine.

23 Q. Okay. And when the slide is locked back what's
24 significant about that?

25 A. Well, it depends on what type of handgun it is.

1 Most handguns, semiautomatics or newer models if there is
2 a magazine inside the gun it will lock back when the last
3 round is fired. Now, some semiautomatic handguns will
4 lock back without the magazine in it but obviously this
5 one had the magazine in it and it locked back.

6 Q. And the magazine was empty?

7 A. It was empty, yes, ma'am.

8 MS. SWANSON: The State would move 37 into
9 evidence. Oh, I'm sorry. Actually, just for
10 identification purposes at this point. I apologize.

11 BY MS. SWANSON:

12 Q. Were you able to determine how many bloody shoe
13 prints were on Seabrook Road?

14 A. I counted 60.

15 Q. And were they -- okay. Looking towards Highway 21,
16 which is Trask Parkway, were they on the left side of the
17 road or on the right side of the road?

18 A. They were on the left side of the road.

19 Q. I'm going to hand you State's Exhibits 11 through
20 21. These are State's Exhibits 11 through 21. And if
21 you can just tell us what this series of pictures depict.

22 A. The first photo is going to be marked number 1.
23 That's where the handgun was located. I had the marker.
24 I marked it with number 1. There's also bloody shoe
25 impressions in that photo.

1 Q. If you just want to flip through those and tell us
2 generally what they are and if they are a fair and
3 accurate depiction of how the scene appeared that night
4 when you got there on the 23rd.

5 A. Okay.

6 Q. Then we'll go through each one.

7 A. That's fair and accurate depiction.

8 Q. Okay.

9 A. The second one is the handgun. It is a fair and
10 accurate depiction. The third one is going to be more
11 bloody shoe impressions with markers 13 and 15 in the
12 photo, and it's an accurate depiction. The next one is
13 going to be markers 13, 14, and 15, and it's an accurate
14 depiction. The next photo shows 11, 12 on down the way.
15 I can't make out the numbers of the markers on that one
16 but it is an accurate depiction. The next one is bloody
17 shoe impression. It's an accurate depiction. These
18 photos here I think were taken the next -- these weren't
19 part of the group.

20 Q. Okay. So those are not the same photos from when
21 you arrived on the 23rd?

22 A. No. These were the ones I believe taken by another
23 investigator.

24 Q. Okay. And which ones -- I'm sorry. Those are --

25 A. That would have been on the 24th, daylight.

1 Q. Okay.

2 A. You can actually see his vehicle in there --

3 Q. Okay.

4 A. I don't know if the other ones are.

5 MS. SWANSON: All right. These are Exhibits 17
6 through 21. So 11 through 16 I would move into evidence
7 at this time.

8 (WHEREUPON, State's Exhibit Numbers 11 through 16,
9 Photographs, were admitted into evidence.)

10 BY MS. SWANSON:

11 Q. And if you can explain for the jury what they are
12 seeing here in these pictures, and hold them up.

13 A. Again, the first picture indicated by the marker
14 number 1, bloody shoe impressions, the handgun. You
15 can't see it because it's in high grass there but it was
16 marked with the number 1 marker.

17 The second photo is a photo of the handgun, how it
18 was laying on the ground. And, again, you can make out
19 the number 1 marker there.

20 The next photo, now, this photo shows marker number
21 14 and 15. I started out with number 5 marker to
22 indicate the direction of travel, which is towards 21 on
23 the left-hand side of the road on Seabrook Road. So
24 number 5 would have been back here, and this is the last
25 shoe impression. So that shows 14 and 15 on the roadway.

1 The next photo shows 13, 14, and you can barely
2 make out 15, and a photo of my vehicle on the right-hand
3 side of the road with the bloody shoe impressions.

4 And then the next one is 11, 12. You can see the
5 bloody shoe impressions. You can also -- you can't make
6 out the numbers on the other markers but that's the end
7 of the bloody shoe impressions back here.

8 And then the last one is a photo of a bloody shoe
9 impression.

10 Q. Okay. Thank you.

11 A. You're welcome.

12 MS. SWANSON: Beg the Court's indulgence.

13 THE COURT: All right.

14 (PAUSE.)

15 MS. SWANSON: For the record, we are just unsealing
16 what has been marked as State's Exhibit 41 so that we can
17 separate. There are four items in here, BCSO items 9,
18 11, 12, and 14.

19 BY MS. SWANSON:

20 Q. Officer Hiers, I'm going to hand you what's been
21 marked as State's Exhibit 41, and inside of that there
22 are two brown paper bags that are marked BCSO number 9
23 and number 11. If you can please describe what those
24 items are.

25 A. The first two?

1 Q. Numbers 9 and 11.

2 A. Okay. Number 9 is an evidence bag with my initials
3 on it indicating that I submitted it to our evidence
4 division. It contains three DNA swabs from Smith and
5 Wesson Model SW40C handgun, serial number WAP0205.

6 Q. Okay. Now, were you the person that took those
7 swabs or did somebody else take those swabs in your
8 presence?

9 A. Yeah. The actual swabbing of the handgun was done
10 the next day, which would have been on 6-24 around 11:00
11 a.m. We have a DNA technician, Technician Donahue. He
12 met me at our office and he actually swabbed the gun.
13 That's what he does, basically for a living. So he
14 swabbed the gun for me. I was present when he swabbed
15 it. He handed the swabs to me and I actually air dried
16 them and submitted them into evidence.

17 Q. Okay. And those were the swabs from the Smith and
18 Wesson, and that was BCSO item number 9 which came out of
19 State's Exhibit 41?

20 A. Number 9 is correct, yes, and it came out of
21 Exhibit 41.

22 Q. I know there's several numbers on there, right?

23 A. Yes, ma'am.

24 Q. And then if you can tell us, please, what item 11
25 is. That's BCSO item 11 on the brown bag.

1 A. Item 11 is going to be an evidence bag. It has my
2 initials on it indicating that I actually submitted it
3 into evidence. It also has my initials on the back. The
4 first one had it also on the back. This is four DNA
5 swabs of suspected blood spots on Seabrook Road between
6 number 38 and number 28.

7 Q. Okay. And so tell us the process of how you
8 swabbed those blood spots on the road.

9 A. First of all, any time you collect evidence you
10 wear latex gloves. If the blood is dry, obviously, you
11 can't take a -- basically, Q-tip swap is what it is.
12 It's a long Q-tip swab, for lack of a better term, is
13 what the swab is.

14 If the blood is dry then you just can't simply take
15 it and try to swab it because obviously it won't adhere
16 to the swab itself. So you take a saline solution, a
17 sterile saline solution, you put several drops on the tip
18 of the swab itself at probably two or three inches from
19 the tip so you don't contaminate it. And then you take
20 that swab and actually rub it on wherever the blood is,
21 and in this case on the blood droplets on the road.

22 Q. Okay. Did you dust -- okay. I'm sorry. Moving on
23 now. We can put those items back into State's Exhibit
24 41. And I'm just going to keep it up here. Thank you.

25 A. You're welcome.

1 Q. Did you dust the .40 caliber Smith and Wesson that
2 you found across from 29 Seabrook Road for prints?

3 A. I did. When Donahue met me at the office he
4 advised me that I could dust the magazine, the handgun
5 magazine. He said the dust would not affect any type of
6 DNA collection, so I dusted the magazine of the gun.

7 Q. Did you get any results from that?

8 A. No, ma'am. I did not find any prints on the gun or
9 on the magazine.

10 MS. SWANSON: Beg the Court's indulgence.

11 THE COURT: Okay.

12 (PAUSE.)

13 BY MS. SWANSON:

14 Q. Officer Hiers, if you can come down, if you don't
15 mind, and identify what's been marked as State's Exhibit
16 47, and then I'll turn it around for the jury.

17 A. Oh, I'm sorry.

18 Q. Yeah. If you can just tell us what this depicts.

19 A. This is Seabrook Road.

20 Q. Okay.

21 A. And as indicated on the numbers for the houses, you
22 have number 46, 38, 34, 32. You have a handgun depicted
23 on the --

24 Q. All right. Is this an aerial view of Seabrook Road
25 leading up Trask Parkway which is also known as Highway

1 21?

2 A. Yes, ma'am, it is.

3 Q. Okay. And is it a fair and accurate depiction of
4 that area as you know it?

5 A. Yes, ma'am.

6 MS. SWANSON: The State would move 47 into
7 evidence.

8 THE COURT: Okay.

9 (WHEREUPON, State's Exhibit Number 47, an Aerial of
10 the Scene, was admitted into evidence.)

11 BY MS. SWANSON:

12 Q. Okay. So tell us what we are seeing here and if
13 this is an accurate depiction of what you found, the
14 evidence that you found at the scene on the 23rd of June
15 in 2009.

16 A. Yeah. This indicates number 38 which, you know,
17 right on the roadway here obviously I found the dig mark
18 and the bloody shoe impressions going down the left side
19 and the gun was, you know, basically right across from
20 29. As far as that being right on the money as far as
21 measurements, yeah, I can't say it is.

22 Q. Right.

23 A. But that's the general area where the gun was
24 found, about five feet off the roadway in the grass.

25 Q. Okay. You can take the stand again. Thank you.

1 A. (The witness complied).

2 Q. Did you get a measurement of how far those bloody
3 shoe prints stretched down Seabrook Road? I know that
4 you had stated before you saw 60, or you counted 60.

5 A. Right. I don't believe the night of the incident I
6 actually measured the length because I went by the actual
7 house number.

8 Q. Okay.

9 A. But I believe another investigator went out and
10 actually measured, took some measurements.

11 Q. Who was with you out at the scene that night?

12 A. It was just me and a road officer showed up to
13 provide additional lighting for me but he didn't do
14 anything but basically hold the flashlight during the
15 process.

16 Q. And did you interview Enrekae Miles after
17 collecting evidence on the 23rd?

18 A. I talked to him briefly on the 23rd. The actual
19 interview --

20 Q. When did that take place?

21 A. That was myself and Investigator Burns. That was
22 on 6-23 around -- let me look at this report real quick
23 because he actually submitted a supplement on it. I'm
24 sorry. It was 6-24 at our investigations office.

25 Q. All righty. And based on the information that you

1 had on the case was his rendition of the events
2 consistent with what he had previously told
3 investigators?

4 A. I believe it was but, again, I was more or less
5 assisting Investigator Burns in the interview because I
6 wasn't present during the initial crime scene process.

7 Q. I understand. Did you collect a DNA swab from
8 Enrekae Miles?

9 A. Investigator Burns did.

10 Q. Okay. But he did provide a sample?

11 A. He did. He provided Investigator Burns one and he
12 actually turned it over to me on 6-24 in reference to me
13 submitting the buccal swab from Enrekae Miles into our
14 evidence.

15 Q. Okay. Thank you, Officer Hiers. Please answer any
16 questions that Ms. Campbell might have for you.

17 A. Yes, ma'am.

18 CROSS-EXAMINATION

19 BY MS. CAMPBELL:

20 Q. Officer Hiers, you were present for the audio
21 recording interview of Enrekae Miles, correct?

22 A. Yes, ma'am.

23 Q. And one of the reasons you were present for that
24 interview is because some of the information you had
25 gotten from Miles and other officers had gotten from

1 Miles just didn't add up with the scene that you were
2 investigating, right?

3 A. He -- I wasn't real certain, obviously, what was
4 going on because I wasn't there the night of the incident
5 when they actually processed it. So I think we were
6 trying to basically understand what he was trying to tell
7 us. Like I say, when I interviewed him it was a little
8 hard to keep up with him.

9 MS. CAMPBELL: Okay. Your Honor, at this time
10 co-counsel, Mr. Bax, is going to bring our laptop in. I
11 would like to play the interview that Hiers participated
12 in of Enrekae Miles, who has previously testified.

13 THE COURT: All right.

14 MS. CAMPBELL: Until we get it set up I'll continue
15 with some questions that I have for Officer Hiers.

16 BY MS. CAMPBELL:

17 Q. When you went to 46 Seabrook Road it was 24 hours
18 after Ronald Coleman was killed, correct? Roughly 24
19 hours later, right?

20 A. Yes, ma'am.

21 Q. Okay. And when you arrived you were the only
22 officer there, right? I mean --

23 A. The only investigator, yes, ma'am.

24 Q. Okay. Who else was there besides you?

25 A. A road officer showed up to assist with lighting.

- 1 Q. All right. Well, just so we are clear, when you
2 arrived there there were no deputies there, right?
- 3 A. No, ma'am, not to my recollection.
- 4 Q. The scene was open, correct? There were no
5 deputies guarding the crime scene, correct?
- 6 A. That's correct.
- 7 Q. Okay. Thank you.
- 8 A. Yes, ma'am.
- 9 Q. Now, you said you found some shoe -- did you call
10 it a shoe impression?
- 11 A. I call it a shoe impression on the road but the
12 outline of the blood.
- 13 Q. Well, what about the -- are you the officer that
14 discovered the shoe print in the ditch?
- 15 A. I don't know when that was taken. Can I see the
16 photo? I'm not sure when it was taken.
- 17 Q. Sure. I'll be happy to show you.
- 18 A. I don't recall finding an actual shoe impression.
- 19 Q. I'm going to hand you what's been marked as
20 Defendant's Exhibit 7.
- 21 A. No. I don't believe I took that photo there.
- 22 Q. Okay. Thanks.
- 23 A. Looks like that was taken actually in the daylight
24 hours.
- 25 MS. CAMPBELL: I'm going to mark this as

1 Defendant's 26.

2 (WHEREUPON, Defendant's Exhibit Number 26, a DVD,
3 was marked and played for the jury.)

4 THE COURT: Anything else you all need to hear on
5 that? Turn it off. This could go on forever.

6 (WHEREUPON, the DVD was stopped.)

7 MS. CAMPBELL: Your Honor, I explained to the
8 solicitor just a moment ago that's as far as I needed to
9 go in reference to my questioning of Enrekae Miles.

10 THE COURT: You all can play more if anybody wants
11 to but --

12 MS. CAMPBELL: I'm done. If the solicitor wants to
13 hear it to the end --

14 THE COURT: The friendly jury is about to throw
15 things at me. I told them an hour and a half to an hour
16 and 45 and we're two minutes and two hours.

17 So hurry out you, jurors. Don't talk about the
18 case.

19 (WHEREUPON, the jury leaves the courtroom at
20 approximately 4:09 p.m.)

21 THE COURT: Okay. We're at ease for 15.

22 You can step down but you can't talk about the case
23 with anyone.

24 MS. SWANSON: Thank you, Your Honor.

25 MS. CAMPBELL: Thank you, Your Honor.

1 (WHEREUPON, a brief recess was taken.)

2 MS. CAMPBELL: For the record --

3 THE COURT: Yeah.

4 MS. CAMPBELL: -- we are going to stop the tape at
5 this point.

6 THE COURT: All right.

7 MS. CAMPBELL: And proceed with the questioning.

8 THE COURT: Okay. All right. The jury is ready.
9 I know it hasn't been long but the six stalls work better
10 than the jury room. You need anybody else in here?

11 MS. SWANSON: We can go ahead and proceed. They
12 should be back in in just a minute.

13 THE COURT: Okay.

14 MS. SWANSON: Judge, just for scheduling purposes.
15 Ideally, I would like to get three more witnesses after
16 Officer Hiers who will be relatively short on my part. I
17 know we don't know exactly how that's going to go with
18 defense. There is one in particular that I'd like to not
19 have to bring back. So if we could maybe go a little bit
20 after 5:00. If we are close with these witnesses that
21 would be great.

22 THE COURT: We talking about trying to get out of
23 here by 5:30.

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

25 THE COURT: Twenty-eight minutes to 6:00.

1 (WHEREUPON, the jury enters the courtroom at
2 approximately 4:24 p.m.)

3 THE COURT: All right. You may proceed.

4 Oh, with a heavy heart, they aren't going to play
5 anymore of that video.

6 MS. CAMPBELL: Thank you, Your Honor.

7 BY MS. CAMPBELL:

8 Q. Officer Hiers, you've testified that you swabbed
9 the roadway, correct?

10 A. Yes, ma'am.

11 Q. Okay. And you took those swabs and you aired them
12 out at the northern division offices; is that correct?

13 A. Correct.

14 Q. And when you talk about airing them out, you know,
15 how are you doing that? How are you airing these swabs
16 out?

17 A. Well, the end of the swab is basically like a Q-tip
18 and the other end is wood. We had -- or I'm no longer in
19 investigations so I can't speak for them now, but at the
20 time I had basically blocks of wood that we drilled holes
21 into that were slightly larger than the actual end of the
22 swab. It was placed upright so the end of the swab that
23 actually had the specimen, suspected blood, was up top,
24 and it was aired out like that.

25 I had a shelving unit in my office that had

1 different levels of shelves on it, and I would place one
2 -- if I wanted to keep DNA samples separated I'd put one
3 on one shelf and then another one, another one, so on and
4 so forth. They were not placed in the same block.

5 Q. And this shelving unit has no covers on it,
6 correct?

7 A. No, ma'am.

8 Q. It's just open to the air, it's open to anybody
9 who's coming and going in and out of that particular area
10 of the northern division office, correct?

11 A. In my office, yes, ma'am. It was in my back corner
12 office.

13 Q. So it's open, yes?

14 A. Yes, ma'am.

15 Q. Thank you.

16 A. Yes, ma'am.

17 Q. Officer Donahue who works for the sheriff's
18 department swabbed the handgun that was found on Seabrook
19 Road, correct?

20 A. Correct.

21 Q. And when Officer Donahue gave you the swabs from
22 the handgun tell us again how you received them and in
23 what condition they were.

24 A. We both had gloves on. I received them. I believe
25 it was three swabs. It was three swabs. He handed them

1 to me. I placed them in one of the blocks of wood, for
2 lack of a better term, and I placed it on the shelf in my
3 office.

4 Q. So when Officer Donahue handed you the three swabs
5 they were not in an envelope, correct?

6 A. Correct.

7 Q. Now, you interviewed a witness down there on
8 Seabrook Road called -- his name was John Little; is that
9 right?

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

11 Q. And the information about possible suspects in the
12 case from John Little indicated that one of the suspects
13 were people he saw walking down the road that night had a
14 doo-rag on his head; is that right?

15 A. That's correct.

16 Q. Can you tell us what that is.

17 A. Just a rag put on top of your head. Some people
18 call it a handkerchief or it could be pantyhose. You
19 probably seen that on people's heads before.

20 Q. Did you ask Mr. Little to be specific with you or
21 you just wrote down doo-rag?

22 A. Just wrote down doo-rag.

23 Q. Was it also information you received that one of
24 the people he saw had own a white tank top?

25 A. Yes, ma'am.

1 Q. And also one of the individuals he saw was wearing
2 sunglasses and talking on the cell phone?

3 A. That's correct.

4 MS. CAMPBELL: May I approach?

5 THE COURT: Okay.

6 BY MS. CAMPBELL:

7 Q. Officer Hiers, I show you what's been marked as
8 Defendant's Exhibit 24. Do you recognize what's depicted
9 in that photograph?

10 A. Yes, ma'am.

11 Q. And what is that?

12 A. That's the handgun.

13 Q. And what else is in the photo?

14 A. A tape measure.

15 Q. A tape measure. Is that your tape measure?

16 A. Yes, ma'am.

17 MS. CAMPBELL: Defendant's Exhibit 24, move that
18 into evidence at this time. Thank you.

19 (WHEREUPON, Defendant's Exhibit Number 24, a
20 Photograph, was admitted into evidence.)

21 BY MS. CAMPBELL:

22 Q. I'm going to show you what's been marked
23 Defendant's Exhibit 5. Is that a photograph of Seabrook
24 Road there with the blood trail on it?

25 A. Yes, ma'am.

1 Q. But you didn't take this photograph, right?

2 A. No, ma'am.

3 Q. Do you know when this photograph was taken?

4 A. I believe that was taken on -- I believe Sergeant
5 Foskey actually took that photo.

6 Q. It's clearly in the daylight hours, correct?

7 A. Yes, ma'am. And that looks like his vehicle at the
8 end.

9 MS. CAMPBELL: And we move Defendant's Exhibit 5
10 into evidence at this time.

11 THE COURT: Okay.

12 (WHEREUPON, Defendant's Exhibit Number 5, a
13 Photograph, was admitted into evidence.)

14 BY MS. CAMPBELL:

15 Q. Now I show you what's been marked as Defendant's
16 Exhibit 25. Do you recognize the contents of that photo?

17 A. Yes, ma'am.

18 Q. And what is that?

19 A. It's a bloody shoe impression with a ruler beside
20 it and the marker number 11.

21 Q. And is that your ruler?

22 A. Yes, ma'am.

23 MS. CAMPBELL: And at this time we move Defendant's
24 Exhibit 25 in.

25 THE COURT: Okay.

1 (WHEREUPON, Defendant's Exhibit Number 25, a
2 Photograph, was admitted into evidence.)

3 BY MS. CAMPBELL:

4 Q. I show you what's been marked as Defendant's
5 Exhibit 6. Do you recognize what's inside that photo or
6 what's depicted in that photo?

7 A. Yeah. It looks like a bloody shoe impression with
8 the marker 15, but I can't tell if that was done by
9 Foskey or myself unless I look at my actual CD. It looks
10 light on that so I don't know.

11 Q. Okay. And same thing with this Defendant's Exhibit
12 4. Do you recognize the scene there in Defendant's
13 Exhibit 4?

14 A. Yes, ma'am.

15 Q. Okay. And what is that depicted?

16 A. Seabrook -- looks like Seabrook Road.

17 Q. Heading out towards 21?

18 A. Yes, ma'am. It looks like that's the school.

19 Q. And in the daylight hours?

20 A. Correct.

21 MS. CAMPBELL: And we move Defendant's Exhibit
22 Number 4 into evidence now.

23 THE COURT: Okay.

24 MS. CAMPBELL: Thank you very much.

25 (WHEREUPON, Defendant's Exhibit Number 4, a

1 Photograph, was admitted into evidence.)

2 BY MS. CAMPBELL

3 Q. Officer Hiers, did you discover any footprints
4 other than the ones on the road?

5 A. The shoe impressions, the bloody shoe impressions.
6 That's the ones I -- yes, ma'am, that was it.

7 Q. So you had nothing do with any shoe impressions in
8 the ditch?

9 A. I believe that might have been Foskey but I can't
10 say for sure.

11 Q. And based upon the shoe impressions that you saw on
12 the road were you able to get an idea about the size of
13 the shoe that that person would have been wearing?

14 A. If it was depicted in a photo I would have.

15 Q. And did you take a photo of it and try to determine
16 the size of the shoe?

17 A. With the ruler beside it, the one you showed me.

18 Q. So what was your determination then?

19 A. I didn't -- honestly, I didn't even look at the
20 size of the shoe.

21 Q. So no?

22 A. No.

23 Q. And, again, I apologize if I've asked this but I
24 want to make sure. When you arrived at 46 Seabrook Road
25 24 hours later there were no Beaufort County Sheriff's

1 Officers on the scene, guarding the scene, keeping it
2 secure, correct?

3 A. Correct.

4 Q. Thank you?

5 A. Yes, ma'am.

6 REDIRECT EXAMINATION

7 BY MS. SWANSON:

8 Q. Just briefly. The interview that you conducted
9 with Enrekae Miles took place two days after the
10 incident, right?

11 A. I believe it was. It was on the 24th. Yes, ma'am.

12 Q. Back in 2009?

13 A. Correct.

14 Q. Almost four years ago?

15 A. Correct.

16 Q. And to your knowledge Antonio Collins has never
17 been in your former office at northern investigations in
18 Beaufort, South Carolina?

19 A. Not to my knowledge. I didn't -- again, I didn't
20 know anything about the investigation. I went out and
21 processed the scene for the bloody shoe impressions on
22 the road and, I mean, my extent of the involvement in
23 this case was really limited so, no.

24 Q. Thank you.

25 A. You're welcome.

1 THE COURT: All right. You can step down and be
2 excused, I guess.

3 Ms. Campbell?

4 MS. CAMPBELL: He is still under my subpoena, Your
5 Honor.

6 THE COURT: You can leave but be on call.

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

8 MS. SWANSON: The State calls Tim McAuliffe.

9 TIM MCAULIFFE, after having been duly sworn,
10 testified as follows:

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

13 THE WITNESS: Yes, ma'am. Timothy McAuliffe. My
14 last name is spelled M-c-A-u-l-i-f-f-e.

15 DIRECT EXAMINATION

16 BY MS. SWANSON:

17 Q. Thank you. And, Mr. McAuliffe, what agency do you
18 work for?

19 A. I'm a special agent with the United States Drug
20 Enforcement Administration.

21 Q. Okay. And how long have you been with the DEA?

22 A. Approximately 18 years.

23 Q. So back in 2009 you were employed by the Drug
24 Enforcement Agency?

25 A. Yes, ma'am.

1 Q. All right. And did you have an opportunity to
2 interview someone named Gussie Goldwire around January of
3 2010?

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

5 Q. Where did that interview take place?

6 A. For the most part the interview took place at the
7 Hampton County Sheriff's Department, after the arrest of
8 Mr. Goldwire.

9 Q. Was there more than one interview?

10 A. I think Mr. Goldwire was interviewed on two
11 separate occasions, on January 22nd and again briefly on
12 January the 25th.

13 Q. Okay. And you were a part of one or both of those
14 interviews?

15 A. Both the interviews.

16 Q. All right. And why were you interviewing Gussie
17 Goldwire?

18 A. I had just arrested Mr. Goldwire on a federal
19 arrest warrant for a drug trafficking crime.

20 Q. Okay. Who attended those interviews?

21 A. Myself, two Hampton County officers, Chauncey
22 Solomon, Anthony Russels -- Anthony Russel. Excuse me.
23 And I believe on the second one my partner, Henry Meehan
24 was possibly there as well.

25 Q. Did Gussie Goldwire provide any information on

1 knowledge of crimes?

2 A. Yes, ma'am.

3 Q. Did he indicate that he knew information on several
4 different crimes?

5 A. Yes, ma'am. Initially after Mr. Goldwire was
6 arrested I read him his Miranda rights. He waived his
7 rights and agreed to answer a series of questions.
8 Primarily, the first part of the interview was about
9 Mr. Goldwire's drug trafficking activities and he
10 discussed those at great length.

11 At the end of the interview, as I do with every
12 interview, I ask him do you have any other information
13 about any other crimes, and in fact he did.

14 Q. Okay. And was one of those crimes about a murder
15 that occurred in Seabrook back in 2009 in Beaufort
16 County?

17 A. Yes, ma'am, it was.

18 Q. Okay. And at that juncture in that first interview
19 and in the second interview was he under any sort of
20 protection from the Federal Government for that
21 information?

22 A. No, ma'am. He was not.

23 Q. Okay. What's the federal proffer?

24 A. A federal proffer is an agreement that is provided
25 by the United States Attorney's Office to a particular

1 defendant or target of an investigation that basically
2 states that anything that that defendant says won't be
3 used against him at a later point in time.

4 Q. Okay.

5 A. As long as it's truthful.

6 Q. Okay.

7 A. That's a summary of it.

8 Q. And did he eventually enter into a federal proffer?

9 A. He eventually entered into a plea agreement.

10 Q. Okay.

11 A. With the United States Government regarding the
12 drug charge that he had been indicted and that I had
13 arrested him for.

14 Q. To your knowledge, is he still under any type of
15 federal supervision?

16 A. No, ma'am. To my knowledge he's not.

17 Q. And when he provided you information on a murder
18 that occurred in Seabrook in Beaufort County what did you
19 do with that information?

20 A. I took that information and made contact with
21 Beaufort County, the investigating agency. I believe it
22 was Jeff Purdy, an investigator with Beaufort County, as
23 well as Chauncey Solomon who was also present during the
24 interview. He actually followed up with Beaufort County,
25 and I believe Jeff Purdy and possibly another detective.

1 Q. Okay. Thank you, Agent. Thank you. Please answer
2 any questions that Ms. Campbell might have for you.

3 A. Yes, ma'am.

4 CROSS-EXAMINATION

5 BY MS. CAMPBELL:

6 Q. When is the last time you had contact with Gussie
7 Goldwire?

8 A. Following -- I don't know an exact time.
9 Mr. Goldwire was arrested at the beginning of 2010,
10 January 2010, cooperated for a period of time on an
11 ongoing investigation. I would say probably for
12 approximately one year plus or minus. And I've actually
13 been in the Raleigh resident office for a year so it's
14 been at least, I would say 14, 15 months. Possibly a
15 little longer.

16 (WHEREUPON, Defendant's Exhibit Number 27, a
17 Photograph, was marked for identification only.)

18 BY MS. CAMPBELL:

19 Q. Officer McAuliffe?

20 A. Yes, ma'am.

21 Q. I'm going to show you what's been marked as
22 Defendant's Exhibit 27. I'm going to ask you if you
23 recognize the individual depicted here. Is this Gussie
24 Goldwire? Is this the fellow you were working with?

25 A. I don't believe so.

- 1 Q. Do you have a date of birth?
- 2 A. Do I have -- off the top of my head?
- 3 Q. On your records here.
- 4 A. On my report. I may have asked him that at the
- 5 beginning of the interview.
- 6 Q. Does Gussie Goldwire in your records live at 81 MLK
- 7 Lane, Pineland, South Carolina, black male?
- 8 A. Mr. Goldwire is definitely a black male. That does
- 9 not look like Mr. Goldwire. That picture doesn't look
- 10 like Mr. Goldwire. It's been a while since I've seen him
- 11 but I don't believe that's going to be him.
- 12 Q. You want to take a chance and look in your notes
- 13 and see if you have a date of birth for him?
- 14 A. Sure.
- 15 (PAUSE.)
- 16 Q. Any identifying information about who this fellow
- 17 is?
- 18 A. Who, Gussie Goldwire?
- 19 Q. Correct, in your records.
- 20 A. Not in the records that I brought with me. I'm
- 21 looking through. I've got a copy of the report that I
- 22 wrote after the interview then I've got a copy of the
- 23 plea agreement that he signed with the government. If
- 24 you just give me a moment I'll look through this and see
- 25 if there's any other.

1 Q. That's fine. Absolutely.

2 A. There doesn't appear to be a date of birth on the
3 documents that I have.

4 Q. And on the plea agreement that you have in front of
5 you, is there anything on there about a Rule 5(c) in the
6 plea agreement? I'm sorry. It's Rule 35.

7 A. Rule 35?

8 Q. Yes. Did he have a Rule 35 agreement with the
9 Federal Government?

10 A. I'm not the prosecutor or the United States
11 attorney on the case. I just don't know.

12 Q. Does the plea agreement reference that he got any
13 5K1 departures downward for cooperation with the Federal
14 Government in his sentencing?

15 A. I don't think the plea agreement -- the plea
16 agreement with the United States attorney basically
17 identifies the set of circumstances that the particular
18 defendant in this case, Gussie Goldwire, was pleading
19 guilty to. I don't believe the document makes any other
20 promises on behalf of the government or what his sentence
21 would be from the judge.

22 Q. Is he currently in custody of the Federal
23 Government right now?

24 A. Not to my knowledge.

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

1 MS. SWANSON: Thank you. Nothing further.

2 THE COURT: Free to go.

3 THE WITNESS: Thank you, sir.

4 MS. SWANSON: May Mr. McAuliffe be excused?

5 MS. CAMPBELL: He's not under any of my subpoenas.

6 THE COURT: You can leave.

7 THE WITNESS: Thank you, sir.

8 MS. SWANSON: Chauncey Solomon.

9 CHAUNCEY SOLOMON, after having been duly
10 sworn, testified as follows:

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

13 THE WITNESS: My name is Chauncey Solomon. Last
14 name S-o-l-o-m-o-n, Solomon. First name is Chauncey,
15 C-h-a-u-n-c-e-y.

16 DIRECT EXAMINATION

17 BY MS. SWANSON:

18 Q. Good afternoon.

19 A. Hello.

20 Q. Officer Solomon, who do you work for?

21 A. I'm employed by the Hampton County Sheriff's Office
22 assigned to DEA which is Drug Enforcement Administration.

23 Q. Okay. Is that your current position?

24 A. Yes.

25 Q. And is that the position that you also held back in

1 2009?

2 A. 2009 I was a lieutenant with the Sheriff's Office
3 over the Narcotics Division assigned to DEA Drug
4 Enforcement Administration as a task force officer, case
5 specific at the time.

6 Q. Okay. Are you familiar with Gussie Goldwire?

7 A. Yes.

8 Q. And were you present for an interview in January of
9 2010?

10 A. Yes, I was.

11 Q. And did he relay information regarding a 2009
12 Seabrook murder from Beaufort County?

13 A. Yes, he did.

14 Q. What did you do with that information?

15 A. Well, of course, we documented it. Tim McAuliffe,
16 who is with the DEA, he did it on the federal side and I
17 did an affidavit on the Hampton County side. Just a
18 basic affidavit of facts of what he said.

19 Q. Okay. And did you relay that information to the
20 Beaufort County Sheriff's Department?

21 A. Yes. I think sometime later I notified Sergeant --
22 Staff Sergeant Jeff Purdy about what information that we
23 received and we turned that information over to them.

24 Q. Okay. And were you asked recently to locate Gussie
25 Goldwire?

1 A. Yes.

2 Q. Were you able to?

3 A. No.

4 Q. Did you receive a subpoena for Gussie Goldwire to
5 be served on him for the trial of this case?

6 A. The Hampton County Sheriff's Office did, yes.

7 Q. Okay. And were they able to serve that subpoena?

8 A. He was unable to be found.

9 Q. Okay. Is he under any type of federal supervision
10 to your knowledge?

11 A. He was at one point. I don't think so right now.
12 I'm not sure, actually.

13 MS. SWANSON: Beg the Court's indulgence.

14 (PAUSE.)

15 BY MS. SWANSON:

16 Q. Thank you. Please answer any questions
17 Ms. Campbell might have for you.

18 A. Okay.

19 CROSS-EXAMINATION

20 BY MS. CAMPBELL:

21 Q. Hi, Mr. Solomon. How are you?

22 A. Hello. How are you?

23 Q. Fine. You are Hampton County; is that right?

24 A. Yes. Yes.

25 Q. Where is that in relation to Pineland?

1 A. It's north of Pineland. Hampton County, yes, it
2 would be a little northwest of Pineland.

3 Q. Do you know Gussie Goldwire?

4 A. Yes.

5 Q. Do you have a date of birth on Gussie Goldwire on
6 your documents that you brought today?

7 A. No, ma'am.

8 Q. Do you know that Gussie was involved in drug
9 trafficking in the Hampton County area? Jasper County,
10 Hampton County?

11 A. Yes.

12 Q. Did you know that he was also involved in Beaufort
13 County area and up in Atlanta? Did you have that
14 information?

15 A. Yes.

16 Q. Okay. Part of your information that you had on
17 Gussie Goldwire involved multiple dealings between
18 Atlanta, Hampton, Jasper and Beaufort, correct? Sort of
19 a highway, if you will, of drugs and money up and down,
20 right?

21 A. I guess that would be fair to say.

22 Q. Gussie Goldwire is not in federal custody to your
23 knowledge, right?

24 A. No, ma'am, he's not.

25 Q. You can't find him?

1 A. No, ma'am.

2 Q. I'm going to show you what's been marked as
3 Defendant's Exhibit 27 and ask you if you recognize the
4 person in this photo as the person you know as Gussie
5 Goldwire?

6 A. No, ma'am. That's not Gussie.

7 Q. Do you know where Gussie lives?

8 A. I think he lives somewhere in Jasper County.

9 Q. Does he not live in Pineland?

10 A. No. That's not him.

11 Q. When you tried to look for Gussie for this trial to
12 serve the subpoena where did you look?

13 A. Me, personally --

14 Q. Right.

15 A. -- I didn't.

16 Q. Who looked for him?

17 A. Someone from the Hampton County Sheriff's Office.

18 MS. CAMPBELL: I don't have anything else. Thank
19 you, Your Honor.

20 MS. SWANSON: Thank you. That's all I have for
21 Officer Solomon.

22 THE COURT: Free to go. I guess he's dismissed.

23 MS. SWANSON: Dismissed.

24 MS. CAMPBELL: Officer Solomon should be under a
25 subpoena for the defense as well and as long as he

1 remains on standby that's fine.

2 THE COURT: Subject to call, free to go.

3 THE WITNESS: Thank you.

4 MS. SWANSON: The State calls Eric Baxter.

5 ERIC BAXTER, after having been duly sworn,
6 testified as follows:

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

9 THE WITNESS: Eric Baxter, B-a-x-t-e-r.

10 DIRECT EXAMINATION

11 BY MS. SWANSON:

12 Q. Thank you, Mr. Baxter. Thank you for being with us
13 there afternoon. Who did you work for back in 2009.

14 A. Jasper County Sheriff's Office.

15 Q. And did you have contact with the Beaufort County
16 Sheriff's Office who was working on a murder
17 investigation?

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

19 Q. All right. And what did you do after Beaufort
20 County Sheriff's Office made contact with you?

21 A. I conducted the surveillance on a residence at
22 in the Pineland area of Jasper County,
23 and it was in reference to a '90's model Cadillac, was
24 tan in color, and a subject by the name of Jeremy Murphy
25 who was a person of interest in the case that resided at

1 that address and drove that vehicle.

2 Q. What was the date that you conducted surveillance
3 at that residence?

4 A. It was January 26th, 2009. I'm sorry.

5 Q. 2009 or 2010?

6 A. 2010. I'm sorry.

7 Q. Okay. Mr. Baxter, I'm going to hand you what's
8 been marked as State's 28 and 29. If you can please
9 identify what you see in these two pictures.

10 A. That is the tan in color '90's model Cadillac that
11 was registered to Jeremy Murphy.

12 Q. Is that the same one that you saw at the residence
13 that you were conducting surveillance on?

14 A. Yes, ma'am, it is.

15 Q. And how do you know that?

16 A. I know that because I was the officer that affected
17 the traffic stop on that vehicle and...

18 Q. Did you take a license plate number down?

19 A. I did. I believe it's AUK -- AUK216.

20 Q. Okay. And the car in those pictures, is that how
21 it appeared when you conducted surveillance on it that
22 day with the exception of maybe the evidence tape on it?

23 A. Yes, ma'am, it is.

24 Q. Okay.

25 MS. SWANSON: The State would move to enter 28 and

1 29.

2 THE COURT: Okay.

3 MS. SWANSON: And if I may publish to the jury.

4 (WHEREUPON, State's Exhibit Numbers 28 and 29,
5 Photographs, were admitted into evidence, and published
6 to the jury.)

7 BY MS. CAMPBELL:

8 Q. So after you conducted surveillance, saw this beige
9 Cadillac what did you do?

10 A. I actually observed Jeremy Murphy get into the
11 passenger seat of that vehicle and through my
12 investigation of the subject for the surveillance I
13 learned that he was suspended in the State of South
14 Carolina to operate a motor vehicle.

15 He actually got in as I was conducting the
16 surveillance. He actually got into the passenger seat
17 and pulled out onto a state highway and passed me and I
18 was able to identify him as he went by me from his
19 driver record photo, and I initiated a traffic stop at
20 that point.

21 Q. All right. And did you subsequently arrest Jeremy
22 Murphy?

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

24 Q. And what did you arrest him for?

25 A. Driving under suspension.

1 Q. And what happened to the Cadillac?

2 A. The Cadillac, I was in contact with Investigator
3 Wilson with the Sheriff's Office in Beaufort and we had a
4 wrecker come to our location and tow the vehicle.

5 Q. Okay. Did you have a search warrant to seize that
6 vehicle?

7 A. They had obtained a search warrant.

8 Q. Okay. I'm sorry. You may have stated that Jeremy
9 Murphy got into the passenger side of the vehicle but did
10 he, in fact, drive the vehicle? He got in the driver's
11 seat?

12 A. If I said passenger side I misspoke. It should
13 have been the driver's seat of the vehicle.

14 Q. Okay. All right. Thank you, Mr. Baxter. Please
15 answer any questions Ms. Campbell might have.

16 A. Okay.

17 MS. CAMPBELL: Thank you. May it please the Court.

18 CROSS-EXAMINATION

19 BY MS. CAMPBELL:

20 Q. Is it Officer Baxter now? Are you still employed
21 with law enforcement?

22 A. No, ma'am, I'm not.

23 Q. Where are you working now?

24 A. I work for CSX Transportation.

25 Q. All right. Now, this car that you said you stopped

1 was registered you said to Jeremy Murphy, right?

2 A. Yes, ma'am.

3 Q. And that registration places Jeremy Murphy's
4 residence as Pineland, South Carolina, correct?

5 A. That's where he was residing, was in Pineland,
6 South Carolina.

7 Q. Right. And the car was registered in Pineland?

8 A. I'm not sure which address it was now but it was
9 registered to Jeremy Murphy.

10 Q. Right. Well, if your report indicates it's
11 registered to Jeremy Murphy in Pinewood, South Carolina
12 would your report be accurate?

13 A. Yes, ma'am.

14 MS. CAMPBELL: Okay. Thank you very much. That's
15 all I have.

16 MS. SWANSON: We'd ask that Mr. Baxter be excused.

17 THE COURT: Okay. Free to go.

18 MS. SWANSON: Thank you, Your Honor. Your Honor,
19 at this point it might be a good time for us to break.
20 The next witness I would be calling is the case officer.

21 THE COURT: All right. She said she had three
22 more. I said put up seven if you're finished by 5:30.
23 Finish by 5:00. Report back in the morning 5:35. Give
24 you five minutes longer since we're breaking early, but
25 we may go to 6:00, you know. Won't go longer than 6:00

1 tomorrow.

2 THE BAILIFF: So back in the morning at what time?

3 THE COURT: Well, they will be here at 9:30.

4 THE BAILIFF: 9:30.

5 (WHEREUPON, the jury leaves the courtroom at
6 approximately 4:58 p.m.)

7 THE COURT: So, Ms. Swanson, how we coming time
8 wise?

9 MS. SWANSON: Yes, sir. We appear to be on
10 schedule. I intend to call 11 witnesses tomorrow;
11 however, about seven of those are chain witnesses so they
12 should be very quick.

13 THE COURT: Okay.

14 MS. SWANSON: I will finish my case tomorrow, and I
15 think Ms. Campbell is prepared to put up a couple
16 witnesses.

17 MS. CAMPBELL: That's correct. And I'd like to
18 take that matter up now, Your Honor, if I could.

19 THE COURT: All right.

20 MS. CAMPBELL: I hold in my hand our motion in
21 reference to our DNA expert. Originally, Judge Mullen
22 had signed an initial order for an expert. We retained
23 one. He's worked on the case. He's in Ohio now. We'd
24 like funding. I'm sure the State doesn't object. We'd
25 like you to sign giving us funding. We've got to fly him

1 down here tomorrow night and he'll be here pretty much
2 all day Thursday testifying about the DNA in this case.

3 And so I'll show this to the solicitor which
4 indicates our request. We're asking that it not exceed
5 \$6,000 at this point and we'd ask for you to approve that
6 so we can purchase the plane ticket and get him here.

7 THE COURT: All right. What did Judge Mullen do on
8 her expert?

9 MS. CAMPBELL: She initially allowed us \$1500, and
10 that was quickly expended, and much of the materials that
11 we've received from SLED and some initial work that he
12 did reviewing the case file. I would say it's gone, well
13 gone. I would add to that, part of the reason that this
14 matter comes to Your Honor late is because we are still
15 receiving information from SLED in compliance with our
16 subpoena and we are still feeding it to our expert.

17 THE COURT: Okay. Well, you need to sign the
18 motion..

19 MS. CAMPBELL: Thank you, Your Honor.

20 THE COURT: At ease until in the morning, I guess.

21 MS. SWANSON: Thank you, Your Honor.

22 (WHEREUPON, the trial of this case was recessed for
23 the day.)

24 Wednesday, October 23, 2013

25 THE COURT: Everybody ready?

1 MS. SWANSON: Yes, sir.

2 THE COURT: Well, then let's bring the jury in.

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

5 THE COURT: Okay. You may proceed.

6 MS. SWANSON: Thank you, Your Honor. The State
7 calls Investigator Chris Wilson to the stand.

8 CHRISTINE WILSON, after having been duly
9 sworn, testified as follows:

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

12 THE WITNESS: My name is Christine Wilson,
13 W-i-l-s-o-n.

14 DIRECT EXAMINATION

15 BY MS. SWANSON:

16 Q. Good morning, Investigator.

17 A. Good morning.

18 Q. Can you tell us who you work for and how long
19 you've worked for them.

20 A. I'm a sergeant with the Beaufort County Sheriff's
21 Office. I have been with the Sheriff's Office for over
22 17 years. I've got about 23 and a half years of law
23 enforcement experience and an additional five and half
24 years as an investigator for the public defender's
25 office.

1 Q. And do you have any special training or law
2 enforcement certifications that have helped you in your
3 investigatory endeavors?

4 A. Yes. I'm a latent print examiner for the Sheriff's
5 Office. I conduct all fingerprint and crime scene
6 fingerprint analyses for the Sheriff's Office and
7 surrounding agencies as well.

8 Q. All right. If you would just start by telling the
9 jury what your role was in the investigation of the
10 murder of Ronald Coleman, Jr. on June 22nd, 2009?

11 A. On the evening of June 29th -- I'm sorry, June
12 22nd, 2009, I was the on-call investigator which means
13 that I was on call for any major crimes that might have
14 occurred in northern Beaufort County, I would be called
15 out to investigate those. On the evening of June 22nd of
16 2009, I was on call and a call for a gunshot victim at 46
17 Seabrook Road was broadcast and my presence at that scene
18 was requested.

19 Q. Okay. And when you first got to the scene what did
20 you see?

21 A. When I got to the scene there were deputies there.
22 I don't recall if there were still medical personnel
23 there or not. I realized a death was involved and I was
24 going to need additional assistance so I requested the
25 assistance of other investigators.

1 Q. And who all came out as a result?

2 A. Brian Chapman came out, Brent Burns, Master
3 Sergeant Jeff Purdy. Those were the initial responders.

4 Q. Okay. And what was one of the first things that
5 you did when you arrived on the scene?

6 A. Walked around the incident location, and once Brian
7 Chapman arrived we did a walkthrough just to see what we
8 were dealing with so we could have the facts to
9 articulate in a search warrant that we would need to
10 search the residence for evidence.

11 Q. And so did you wait for that search warrant prior
12 to collecting any evidence?

13 A. I did. While awaiting the arrival of the search
14 warrant I went ahead and took exterior photos of the
15 outside of the residence, and then once Staff Sergeant
16 Chapman arrived with the search warrant then we went in
17 and conducted the interior search.

18 Q. I'm going to show you what's been marked as State's
19 Exhibit Number 3 and ask for you to describe what you see
20 in this picture, and tell us if it's a fair and accurate
21 representation of what the back of the residence looked
22 like that night.

23 A. This is the back of the residence at 46 Seabrook
24 Road, the residence of Ronald Coleman.

25 MS. SWANSON: Okay. The State moves Exhibit Number

1 3 into evidence. Your Honor, the State moves -- okay.

2 Thank you.

3 THE COURT: All right.

4 (WHEREUPON, State's Exhibit Number 3, a Photograph,
5 was admitted into evidence.)

6 BY MS. SWANSON:

7 Q. And this was just the back of the residence.

8 So you photographed both the exterior and interior
9 of 46 Seabrook Road?

10 A. I did.

11 Q. I'm going to hand you what's been entered as
12 State's Exhibit 2 and ask if you took this picture.

13 A. I did. Should I describe it?

14 Q. It's not necessary. But this is how the residence
15 appeared when you came upon it that night?

16 A. Correct.

17 Q. Okay. When did you start putting placards down?

18 A. Once Staff Sergeant Chapman arrived he and I or one
19 or the other of us started -- we identified evidence or
20 potential items of evidence at the residence and we
21 started marking those with numbered placards.

22 I don't recall who exactly laid what placards down
23 or in what order or whose placards we even used but we
24 used those to mark evidence so that we can demonstrate
25 through photography where those items are located.

1 Q. Okay. And I'm going to show you what's been
2 entered as State's 4, 5, 6 and 31 and ask you to identify
3 these pictures. Are these pictures that you took of the
4 inside of that residence?

5 A. They are.

6 Q. Okay. And if you can just go one picture at a time
7 and tell us what is in that picture. And cite the
8 exhibit number please, Investigator Wilson.

9 A. Should I go in the order that you gave them to me?

10 Q. That's fine.

11 A. Okay. The first photograph is a grouping of
12 placards that are numbered 9, 10, 11, 12, 13, 14, 15, and
13 16, and those designate a grouping of .45 caliber shell
14 casings that were found inside the front door at the
15 residence of Ronald Coleman.

16 Q. And did you collect those casings?

17 A. I did.

18 Q. Okay. And you said those were .45 caliber casings?

19 A. Yes.

20 Q. Placards 18 --

21 A. Placards 9 through 16.

22 Q. Nine through 16?

23 A. And that is on State's Exhibit 31.

24 Q. Okay. I'm going to show you what's been marked as
25 State's Exhibit 33-A through 33-H and ask that you

1 identify these items.

2 A. These are eight plastic evidence bags. Each one
3 contains one .40 caliber -- I'm sorry, a .45 caliber
4 shell casings. If I may correct myself. I believe when
5 I identified this first photograph I identified those as
6 .45 caliber casings there. They are .40 caliber casings
7 marked by 9 through 16. It's my mistake.

8 Q. That's okay. Okay. Where did you collect these
9 casings, the .45 caliber casings that you have in your
10 hands right now?

11 A. These eight casings are .45 caliber casings --

12 Q. Right.

13 A. -- that were collected from further into the living
14 room at Ronald Coleman's residence. They do not
15 correspond with these pictures.

16 Q. Okay. What picture do those casings correspond
17 with? You have a couple other pictures.

18 A. Right. The first picture that I identified 9
19 through 16 are .40 caliber shell casings.

20 Q. Okay. Hang onto the .45 caliber shell casings.
21 I'm going to hand you what's been marked as State's
22 Exhibit 34-A through J and ask that you identify these
23 items.

24 A. These are 10 individual evidence bags. Each one
25 contains one spent .45 -- I'm sorry, .40 caliber shell

1 casing that were collected in a grouping from the area of
2 inside the front door at 46 Seabrook Road.

3 Now, this photograph only shows, I believe, eight
4 of those casings and then there are two others that would
5 add up to the ninth and tenth one that are not in this
6 particular photograph.

7 Q. Okay. Where were the ninth and tenth casings
8 found?

9 A. They were on the front porch of the residence.

10 Q. Okay. But those were also .45 caliber casings?

11 A. Yes, they were.

12 Q. Okay. And how were you able to determine that they
13 were .40 caliber casings?

14 A. On the bottom of the shell casings it's called a
15 head stamp and identifies it. It will state .40 cal then
16 the brand of the actual shell casings.

17 Q. And what brand were those shell casings?

18 A. Smith and Wesson CBC, and Smith and Wesson
19 Winchester.

20 Q. Okay. Did you personally collect those shell
21 casings from the scene?

22 A. I did.

23 Q. Okay. And how do you know that?

24 A. On each evidence bag it bears my signature on the
25 line where it says from, collected by. At the top

1 C. Wilson with my badge number, and then my number at the
2 bottom, from C. L. Wilson to the person that I turned it
3 over to.

4 Q. All right. And that's State's 34-A through J. If
5 you want to hand those back to me. We can move on to the
6 other pictures and describe what they depict, please.

7 A. These next three pictures depict the same area of
8 the residence which is across the living room floor
9 towards the far end of the house. This would probably be
10 the furthest view followed by closer up views. And what
11 these placards designate, and there are eight of them,
12 are .45 caliber shell casings that were found in the end
13 of the living room into the dining area of 46 Seabrook
14 Road.

15 Q. Okay. And I already handed you what's been marked
16 as State's Exhibit 33-A through H. Can you please
17 describe what those exhibits are.

18 A. These are eight individual evidence bags. Each one
19 contains a spent .45 caliber shell casing of the brand
20 name Aguila, is the brand name of that casing. And also
21 on these evidence bags I notated which placard each one
22 was found next to so on this particular bag it says
23 placard one and corresponds to placard number one that's
24 in the photograph. And again, these were collected by me
25 and they bear my signature on each bag.

1 Q. Okay. Thank you. You want to hand me those
2 pictures.

3 All right. You stated earlier that two of the .40
4 caliber casings were found on the front porch. Did you
5 find anything else on the front porch?

6 A. I did. I noted a .45 caliber Colt handgun as well
7 as what appeared to be three red spots on the porch that
8 appeared to possibly be blood.

9 Q. Okay. And did you collect that .45 caliber
10 handgun?

11 A. I did.

12 Q. Okay. I'm going to hand you what's been marked as
13 State's Exhibit 42, and some scissors, and ask for you to
14 identify what is in this box and if this is the handgun
15 that you personally collected.

16 A. Yes, it is.

17 Q. Okay. And how do you know?

18 A. The handgun and the magazine that was with the
19 handgun is strapped down with zip ties in this handgun
20 collection box. The serial number that's displayed on
21 that handgun is 70N37225. On the box with my signature
22 the same serial number is displayed.

23 Q. And was this the handgun that was located next to
24 the victim?

25 A. Yes, it was.

1 Q. And you said it was a .45 caliber?

2 A. That's correct.

3 Q. What else was located on the porch?

4 A. There were three small red spots that appeared to
5 possibly be blood.

6 Q. Okay. I'm going to hand you what's been marked as
7 State's Exhibit 8 and have you to identify what is in
8 this picture and if it's a fair and accurate depiction of
9 what you saw that night.

10 A. These are the red spots that I referred to and this
11 is an accurate depiction.

12 MS. SWANSON: Okay. The State move 8 into
13 evidence.

14 THE COURT: Okay.

15 (WHEREUPON, State's Exhibit Number 8, a Photograph,
16 was admitted into evidence.)

17 BY MS. SWANSON:

18 Q. Okay. Please describe for the jury what they are
19 seeing in this picture.

20 A. In this picture there are three red spots located
21 very closely together. They appear to be from the same
22 source. Just by the spatter it appears they dropped down
23 onto the porch.

24 Q. About how big were they?

25 A. Probably the biggest one here I would say about the

1 size of a nickel.

2 Q. Okay. And were they wet or dry?

3 A. They were dry.

4 Q. And did you swab those spots?

5 A. I did.

6 Q. Can you explain how you swabbed those spots?

7 A. The spots were dry so I took a sterile unused swab
8 and wet it with saline solution and then scrubbed the red
9 spot to -- of course, I had to have the water to lift
10 that spot, and I used three swabs, one for each spot and
11 wet it and swabbed it.

12 Q. Okay. All right. I'm going to hand you what's
13 been marked as State's Exhibit 41, and in State's Exhibit
14 41 is BCSO number 14. If you can please identify the
15 brown bag contained inside State's 41.

16 A. This paper evidence bag contains a manila envelope
17 that also bears my handwriting. And the manilla envelope
18 that was in this paper bag contains three swabs that were
19 taken from the stains on the wooden front porch at 46
20 Seabrook Road.

21 Q. Those are the same swabs that you took?

22 A. Yes.

23 Q. And that has your initials?

24 A. Yes, ma'am.

25 Q. What did you do with those swabs after you took

1 them?

2 A. After I took them, once they dried I packaged them
3 and submitted them as evidence.

4 Q. Okay.. A couple more things I want to show you,
5 Investigator Wilson, and ask for you to identify for us.
6 I'm going to show you what's been marked as State's 38.
7 I'm going to ask for you to identify that, please.

8 A. This is an evidence bag containing a -- it's one
9 50-count box of Aguila brand .45 caliber cartridges.

10 Q. Where were those found?

11 A. Those were on a shelf in the master bedroom of
12 Ronald Coleman. Inside this box is a plastic frame
13 containing -- these are unspent rounds, and there are
14 eight rounds of .45 caliber ammunition missing out of
15 this Aguila box.

16 Q. Okay. And those were found in the victim's
17 bedroom?

18 A. Yes.

19 Q. All right. Did you find those?

20 A. I did.

21 Q. And did you submit those into evidence?

22 A. Yes, I did.

23 MS. SWANSON: The State moves -- I'm sorry.

24 BY MS. SWANSON:

25 Q. What is the exhibit number on it?

1 A. Thirty-eight.

2 MS. SWANSON: Thirty-eight into evidence.

3 THE COURT: All right.

4 MS. CAMPBELL: No objection.

5 (WHEREUPON, State's Exhibit Number 38, a Box of
6 Ammunition, was admitted into evidence.)

7 MS. CAMPBELL: May we approach?

8 THE COURT: Sure.

9 (WHEREUPON, a bench conference was had.)

10 BY MS. SWANSON:

11 Q. Investigator Wilson, since we have opened this Colt
12 .45 can you please place a lock on it.

13 A. Sure.

14 Q. Okay. Thank you.

15 (WHEREUPON, the gun was secured by Investigator
16 Wilson.

17 Q. Thank you. And I'm going to hand you what's been
18 marked as State's Exhibit 36 and ask you to tell us what
19 this is, please.

20 A. This bag contains a spent projectile that was found
21 on the linoleum of the front door area, near the open
22 front door at 46 Seabrook Road.

23 Q. Did you find that spent projectile?

24 A. I did.

25 Q. And it was on the linoleum close to the victim?

1 A. It was.

2 Q. Okay. And what did you do with that projectile
3 when you found it?

4 A. I collected it and placed it into this evidence
5 bag.

6 Q. Okay. Are your initials on that bag?

7 A. Yes, they are.

8 Q. Okay. Though it might be fairly obvious, what were
9 you able to determine from what you viewed at the scene?
10 What did you think happened?

11 A. Without having any witness information or anything
12 at that point we were searching a crime scene and
13 developing a theory. It appeared as though the front
14 door had been forced open and that an exchange of
15 gunfire, several rounds occurred from the front door
16 across the living room, two people shooting at each other
17 across the room.

18 Q. Okay. And what did you guys find in the master
19 bedroom? Did you find evidence of any gunfire in the
20 master bedroom?

21 A. Yes, we did. There was a .357 shell casing under
22 the bed in the master bedroom, and a bullet hole in the
23 wall near the blinds of the master bedroom, and that may
24 be it. But there was evidence of gunfire in the master
25 bedroom.

1 Q. Okay. And did it appear to be evidence of gunfire
2 from June 22nd of 2009?

3 A. It did not. It did not appear to be related to
4 that incident.

5 Q. Okay. Were you able to determine what incident it
6 was related to?

7 A. Yes.

8 Q. And what was that?

9 A. On Mother's Day, I don't recall the exact date that
10 year, in May of 2009 there was a report of what was
11 called a drive-by shooting where someone had gone by
12 Ronald Coleman's residence at 46 Seabrook Road and shot
13 several rounds at the residence and struck the residence.

14 Q. Okay. Did you all take any fingerprints at the
15 scene?

16 A. On the night of June 22nd, yes. There was -- we
17 collected a window that was processed for latent
18 impressions, and several latent impressions were
19 recovered from that window.

20 Q. And what were the results of those impressions?

21 A. I analyzed those impressions and determined that
22 the source of those impressions was Ronald Coleman?

23 Q. Okay. Ronald Coleman, Jr.?

24 A. Yes.

25 Q. The victim in this case?

1 A. Yes.

2 Q. Okay. After processing the scene -- well, actually
3 let me go back. Let me ask you this. Did you observe
4 the victim in the doorway?

5 A. Yes.

6 Q. Did you observe blood coming from the victim in the
7 doorway?

8 A. Yes, I did.

9 Q. Did you see any footprints in that blood or
10 anything to indicate that someone had tracked through
11 some blood?

12 A. I did not.

13 Q. Okay. After processing the scene did you locate
14 and interview any witnesses?

15 A. Yes, we did. We left the scene early morning of
16 June 23rd, and at four or five clock in the morning we
17 located Enrekae Miles at his sister's residence.

18 Q. All right. And was he cooperative?

19 A. Yes.

20 Q. What was his demeanor like when you located him?

21 A. He was very afraid when we located him. He was
22 completely cooperative and wanted to cooperate, he wanted
23 to render assistance in this case, tell us what he knew,
24 and we brought him down to the investigations office, the
25 sheriff's office and conducted an interview with him

1 there.

2 Q. Okay. Through the course of this investigation how
3 many times did you speak with Enrekae?

4 A. I spoke with Enrekae, I believe twice. I know
5 other investigators spoke with him as well.

6 Q. So he was interviewed multiple times?

7 A. Yes, he was.

8 Q. And did his story remain consistent over the course
9 of two years --

10 A. Yes.

11 Q. -- that this case was under investigation?

12 A. It did.

13 Q. Did you interview a lot of witnesses in conjunction
14 with the investigation of this case?

15 A. I did.

16 Q. And why is that?

17 A. When you are conducting an interview -- or an
18 investigation into a murder and you literally have
19 nothing to go on you interview witnesses that come
20 forward voluntarily and people that you may develop as
21 persons of interest just through associations, that sort
22 of thing. So a few people were interviewed as a result
23 of that.

24 Q. Okay. And did your interviews of witnesses and the
25 people who knew Ronald Coleman, Jr., did that generate

1 any leads that you followed up on?

2 A. It did not. The only person that we investigated
3 pursuant to this incident that knew Ronald Coleman was
4 Travis Polite, and we quickly cleared him as a suspect in
5 this case.

6 Q. Okay. Did you all pursue phone records in this
7 case?

8 A. Yes, we did.

9 Q. Did they lead to anything?

10 A. They did not.

11 Q. Did you pursue firearms traces on the weapons that
12 were found at the scene?

13 A. Yes, we did. The .40 caliber Smith and Wesson,
14 according to ATF trace, was registered to a gentleman in
15 Fairfax, South Carolina. And I don't have the ATF trace
16 from the .45 caliber but I believe it was registered to
17 Ronald Coleman, Jr.

18 Q. Okay. Were you all -- did you send off the
19 possible DNA evidence to be analyzed?

20 A. The DNA evidence was submitted to State Law
21 Enforcement Division.

22 Q. Okay. But at that time did you have anyone to
23 compare it to?

24 A. We did not.

25 Q. All right. So you didn't have a suspect to compare

1 it to?

2 A. We did not.

3 Q. Is it fair to say the case went cold?

4 A. Yes, it did.

5 Q. Okay. And how long did the case remain cold?

6 A. This incident occurred on June 22nd, 2009. January
7 2010 we received new information and were able to resume
8 our investigation.

9 Q. Where did that new information come from?

10 A. It came from Chauncey Solomon of the Hampton County
11 Sheriff's Office.

12 Q. Okay. And as a result of the information you
13 received from Chauncey Solomon, who is Hampton County law
14 enforcement, what did you do?

15 A. I contacted investigators from the Jasper County
16 Sheriff's Office. The information in part resulted in
17 our locating a Cadillac, a 1995 Cadillac Sedan Deville
18 tan in color that was registered in Jasper County. We
19 enlisted the help of Jasper County investigators and we
20 were able to seize that vehicle.

21 Q. Okay. And who was that vehicle registered to?

22 A. It was registered to a Jeremy Murphy.

23 Q. All right. I'm going to show you what's been
24 marked as -- or what's been entered as State's 28 and 29
25 and ask if this is the vehicle that you are referring to?

1 A. Yes, it is.

2 Q. Okay. And how were you able to seize that vehicle?

3 A. Detective Baxter -- then Detective Baxter from
4 Jasper County Sheriff's Office observed Mr. Murphy get in
5 the car and drive away and he conducted a traffic stop on
6 the vehicle. He seized the vehicle under a search
7 warrant in Jasper County and they released the vehicle to
8 me. We had it transported back to Beaufort County where
9 we executed a warrant for the search of the vehicle.

10 Q. So you also obtained a search warrant in Beaufort
11 County?

12 A. Yes.

13 Q. In order to search this vehicle?

14 A. Yes.

15 Q. Okay. And what were you looking for in this
16 vehicle?

17 A. We were looking for any type of biological
18 evidence, specifically blood. Let me look through my
19 search warrant.

20 We were looking for forensic evidence affiliated
21 with murder; blood, bodily fluids, hair, fibers, other
22 biological trace evidence.

23 Q. Okay. And when did you go out to process the
24 Cadillac for this type of evidence?

25 A. I was accompanied by John Donahue and Tim French

1 from the sheriff's office DNA lab and we went out to the
2 impound lot on -- I received the search warrant on
3 January 26, 2010, and on that same afternoon John Donahue
4 actually processed the vehicle in my presence.

5 Q. Okay. Can you describe how the car was stored at
6 the impound lot once it was seized to prevent tampering?

7 A. Let me correct myself. We actually executed the
8 search warrant to obtain the evidence on the 27th of
9 February 2010.

10 Q. So the day following?

11 A. Correct.

12 Q. All right. And if you can just describe how the
13 Cadillac was stored at the impound lot to prevent
14 tampering.

15 A. We had our county wrecker tow the vehicle to
16 Beaufort, and prior to the vehicle being turned over it
17 was -- all the doors and any areas that could be opened
18 on the vehicle, the trunk lid was sealed with evidence
19 tape and initialled to prevent any tampering, and if it
20 was tampered with then obviously that evidence tape would
21 have been broken.

22 Q. Okay. I'm going to hand you what's been marked as
23 State's 22. If you can describe what's in this picture.

24 A. This is the backseat of Jeremy Murphy's Cadillac.
25 It's the rear passenger compartment, and actually the

1 seat cushion that you would sit on was pulled up and
2 turned over. So this is the bottom of the seat cushion,
3 the bench seat in the rear passenger compartment.

4 Q. Were you there when it was pulled up and is that an
5 accurate depiction of that seat?

6 A. Yes, I was present.

7 MS. SWANSON: Okay. State moves 22 into evidence.

8 THE COURT: Okay.

9 (WHEREUPON, State's Exhibit Number 22, a
10 Photograph, was admitted into evidence.)

11 BY MS. SWANSON:

12 Q. What did you guys find when you pulled that seat
13 up?

14 A. We located -- from the rear passenger compartment
15 we found a line of blood where if the seat cushion was
16 pushed down onto the carpet we found a line of blood on
17 the bottom of that vinyl seat portion where it meets with
18 the carpeting.

19 Q. Okay. And I'm going to just have you point out on
20 State's 22 where you're talking about.

21 A. This is the seat cushion and it was originally like
22 this (indicated). So then when it was flipped over right
23 along the bottom edge of the seat there are dark spots
24 here that we tested (indicated).

25 Q. Okay. Dark spots that were tested. I'm going to

1 hand you what's been marked as State's 26 and 27 and ask
2 if those were the spots that were tested?

3 A. Yes, they are.

4 Q. And who were they collected by?

5 A. These bear the initials J. D. which would be John
6 Donahue from the DNA lab.

7 Q. Okay. Were they collected in your presence?

8 A. Yes, they were.

9 Q. And are those an accurate picture of the spots the
10 way you recall them that day?

11 A. Yes.

12 MS. SWANSON: Okay. The State moves 26 and 27 into
13 evidence.

14 THE COURT: Okay.

15 (WHEREUPON, State's Exhibit Numbers 26 and 27,
16 Photographs, was admitted into evidence.)

17 BY MS. SWANSON:

18 Q. And were these just two of the spots? Were there
19 more than two spots?

20 A. There were more than two spots.

21 Q. I'm going to show you what's been marked as State's
22 23 and ask for you to describe what's in this picture.

23 A. This is a photograph of the doorway of the
24 passenger door behind the driver's door. This is where
25 you would step in to get into the backseat of the car.

1 There's a white powdery substance along the edge of the
2 doorway and the edge of where the seat cushion was at
3 that appeared and smelled like laundry detergent.

4 Q. Okay. And do you recall anything significant about
5 how the carpeting appeared? Did you observe anything
6 about the backseat of that car?

7 A. The carpeting -- the padding underneath the
8 carpeting of the seat -- or the floorboard was wet, and
9 on top of the carpeting was wet as well as if someone
10 made an effort to try to clean the area.

11 Q. Okay. And is that a fair and accurate depiction?

12 A. It is.

13 Q. Of the way the car appeared?

14 A. Yes.

15 MS. SWANSON: The State moves 23 into evidence.

16 THE COURT: Okay.

17 (WHEREUPON, State's Exhibit Number 23, a
18 Photograph, was admitted into evidence.)

19 BY MS. SWANSON:

20 Q. I'm going to show you what's been marked as 24 and
21 25 and have you describe what you see in these pictures.

22 A. If you are sitting in the backseat of this vehicle
23 this area that goes across the top would be the console,
24 and this is the console vent that is on the back of the
25 console, and then, of course, the vent ribs at the bottom

1 of that console vent. And this is an enlargement of the
2 ribs on the bottom of that console vent, and looking up
3 underneath there there were more of those dark brownish
4 stains in those ribs that were collected.

5 Q. Okay. And is that a fair and accurate depiction of
6 the way the rear console and vent appeared?

7 A. Yes.

8 MS. SWANSON: The State moves 24 and 25 into
9 evidence.

10 THE COURT: Okay.

11 (WHEREUPON, State's Exhibit Numbers 24 and 25,
12 Photographs, was admitted into evidence.)

13 BY MS. SWANSON:

14 Q. And did you all take swabs from those dark brown
15 stains?

16 A. Yes.

17 Q. Okay. And who did that?

18 A. John Donahue.

19 Q. And was that in your presence?

20 A. Yes, it was.

21 Q. Okay. Were those swabs sent off to SLED?

22 A. Yes, they were.

23 Q. Okay. So they were sent off for analysis?

24 A. Yes.

25 Q. And after you obtained the forensic material from

1 the Cadillac what was the next step in the investigation?

2 A. Prior to processing the Cadillac for the evidence
3 we had interviewed the owner of the Cadillac, Jeremy
4 Murphy.

5 Q. Okay. And did you interview him multiple times?

6 A. I interviewed Mr. Murphy personally three times.

7 Q. All right. Was his story consistent or
8 inconsistent?

9 A. Inconsistent.

10 MS. CAMPBELL: Your Honor, I'm going to object.

11 THE COURT: All right.

12 MS. CAMPBELL: Would you like us to approach? This
13 comes back to the issue that we discussed pretrial with
14 Jeremy Murphy.

15 THE COURT: Come up.

16 (WHEREUPON, a bench conference was had.)

17 BY MS. SWANSON:

18 Q. All right. Moving on. Mr. Murphy was interviewed.
19 Was anybody else interviewed?

20 A. The vehicle was processed. Initial interviews of
21 Jeremy Murphy was January and April. Well, there was a
22 woman that we interviewed in February that would be
23 related to Jeremy Murphy.

24 Q. Okay. We can -- let's see. Were you -- did you
25 eventually interview Gussie Goldwire?

- 1 A. Yes.
- 2 Q. Okay. And when did that interview take place?
- 3 A. That interview occurred on April 27th, 2010, three
- 4 months after we seized the vehicle.
- 5 Q. Okay. So three months after you initially got
- 6 information from Hampton County?
- 7 A. Correct.
- 8 Q. Okay. And who was present for that interview?
- 9 A. Present at that interview was Master Sergeant Jeff
- 10 Purdy, and Mr. Goldwire's attorney, Mary Gordan Baker.
- 11 Q. Okay. And was that an attorney on his federal
- 12 charges?
- 13 A. Yes.
- 14 Q. Was that interview recorded?
- 15 A. It was not.
- 16 Q. Okay. Were you able to confirm that he had
- 17 information regarding the 2009 Seabrook murder of
- 18 Coleman, Jr.?
- 19 A. We were.
- 20 Q. And did you begin looking at a suspect who was
- 21 related to Gussie Goldwire?
- 22 A. Yes, we were.
- 23 Q. Okay. And who is that relation to Gussie Goldwire?
- 24 A. According to Mr. Goldwire it was his first cousin.
- 25 Q. And who did he tell you his first cousin was?

1 A. He referred to him as Tonio, and then I believe he
2 identified him as Antonio Wilson, initially.

3 Q. Okay. Did he say where his cousin Tonio was from?

4 A. Yes. He said he was from Miami, Florida.

5 Q. What did you then do with that information?

6 A. With that information I started trying to conduct
7 some type of intelligence search to identify this Antonio
8 Wilson that Gussie Goldwire referred to.

9 During the interview with Mr. Goldwire he gave us
10 names of who he thought were Tonio's relatives. He
11 thought his father was Levi Tyson, and he thought his
12 mother went by the name of Mel and that they lived in the
13 Miami, Florida area.

14 He also said that Tonio had a cousin that lives in
15 the Jasper County area, so took bits and pieces of this
16 information and had our intelligence department run some
17 queries using databases that they have access to, and
18 from that we were able to develop a suspect in the case.

19 Q. Okay. And what is the suspect's name that you were
20 able to develop in the case as a result of all of that
21 information?

22 A. As a result of all of the queries it was Antonio
23 Eugene Collins.

24 Q. Okay. And were you able to locate Antonio Eugene
25 Collins?

- 1 A. Not immediately. We had to requisition some help
2 from an outside agency.
- 3 Q. Okay. And were you eventually able to locate him?
- 4 A. Yes.
- 5 Q. And where was he located, just the area?
- 6 A. Miami, Florida.
- 7 Q. Okay. And once he was located what happened next?
- 8 A. We requested the assistance of authorities in Miami
9 in obtaining a DNA sample from Mr. Collins so that we
10 could compare it to the evidence in our case, and they
11 did assist us in that.
- 12 Q. So you did obtain that sample. And result of
13 obtaining that sample did you then secure an arrest
14 warrant for Mr. Collins?
- 15 A. Yes, we did.
- 16 Q. Okay. And he was brought back to South Carolina?
- 17 A. He was. He was charged here in Beaufort County on
18 November 9th, 2011.
- 19 Q. Okay. Can you please identify Antonio Eugene
20 Collins.
- 21 A. Antonio Collins is sitting between Ms. Campbell and
22 Mr. Bax at the defense table.
- 23 Q. Okay. Once Mr. Collins was back in South Carolina
24 did you then obtain another DNA sample?
- 25 A. Yes, we did.

1 Q. Okay. And I'm going to show you what's been marked
2 as State's Exhibit 40 and have you identify this, please.

3 A. Yes. This is the paper bag in which I put what's
4 called a buccal swab or interior mouth swab that I
5 obtained from Antonio Collins.

6 Q. Okay. How many swabs did you obtain?

7 A. I believe -- let me see. Two.

8 Q. Okay. And were you the actual officer who swabbed
9 Mr. Collins' mouth?

10 A. I was.

11 Q. And what did you do with those swabs once you
12 collected them?

13 A. Once the swabs dried I packaged them and submitted
14 them as evidence, and then they were from there submitted
15 to the State Law Enforcement Division.

16 Q. Thank you, Investigator.

17 MS. SWANSON: Beg the Court's indulgence.

18 THE COURT: Okay.

19 (PAUSE.)

20 BY MS. SWANSON:

21 Q. Investigator Wilson, going back to the porch swabs,
22 and forgive me if I've asked you this already, how did
23 you -- did you allow those to dry and place them in a
24 secure area prior to submitting them into evidence?

25 A. I did. I typically with DNA evidence try to use

1 special care with these to keep from contaminating them,
2 and I secured those in my patrol vehicle. I believe I
3 probably laid them out on a paper bag that I might have
4 torn open, let them air dry before sealing them in the
5 manila envelope.

6 Q. Okay. And were the firearms and the casings and
7 projectiles found in this case sent off for testing by
8 another agency?

9 A. Yes, they were.

10 Q. Okay. And where were they sent off?

11 A. They were sent off to the south Carolina Law
12 Enforcement Division Firearms Lab.

13 MS. SWANSON: Thank you, Your Honor.

14 Investigator Wilson, please answer any questions
15 that Ms. Campbell might have for you.

16 THE COURT: Ms. Campbell, it's no problem. You're
17 entitled to full cross. It took an hour on direct. The
18 jury is not good for two hours.

19 MS. CAMPBELL: We could take a 15, 10-minutes break
20 if you'd like.

21 THE COURT: It's up to you.

22 MS. CAMPBELL: I would like to do that. I may be a
23 while.

24 THE COURT: Don't talk about the case, jurors.
25 We'll see you back.

1 (WHEREUPON, the jury leaves the courtroom at
2 approximately 10:24 a.m.)

3 THE COURT: Officer Wilson, you can step down but
4 you can't talk about the case.

5 THE WITNESS: Yes, sir.

6 MS. CAMPBELL: Could we have 15 minutes?

7 THE COURT: We've got time. I'm just waiting for
8 Mr. Hinson to come back in. I don't know the juror's
9 name or number, the English lady. The English lady said
10 she recognized the mother when she testified because she
11 never knew her name but she works at the church that she
12 has attended. But that's all she knew.

13 She just didn't want to say later, Well, you should
14 have known her and stood up, because she didn't have a
15 clue what her name was. She never spoke to her at all.
16 She recognizes her as having worked there.

17 MS. CAMPBELL: Well, thank you for that information
18 and I'll consider my response.

19 THE COURT: And we can bring her in and question
20 her if you want to but basically -- Mr. Hinson talked to
21 her.

22 Mr. Hinson, is that what she said, basically?

23 THE BAILIFF: Yes, sir. When she saw her on the
24 stand she realized she worked at the Episcopal church in
25 the kitchen. She'd seen her but didn't really know her

1 or her son so...

2 THE COURT: All right.

3 MS. CAMPBELL: Thank you.

4 MS. SWANSON: Thank you, Your Honor.

5 (WHEREUPON, a brief recess was taken.)

6 THE COURT: All right. Let's bring them back in.

7 (WHEREUPON, the jury enters the courtroom at
8 approximately 10:43 a.m.)

9 MS. CAMPBELL: May it please the Court?

10 THE COURT: Sure.

11 MS. CAMPBELL: Thank you.

12 CROSS-EXAMINATION

13 BY MS. CAMPBELL:

14 Q. Officer Wilson, you considered Enrekae Miles your
15 eyewitness, right?

16 A. Yes, that's correct.

17 Q. And your eyewitness testified in this trial, right?

18 A. He did.

19 Q. And your eyewitness did not point out Mr. Collins
20 as the shooter, correct?

21 A. That's correct.

22 Q. Now, you had to go looking for this eyewitness
23 Enrekae Miles, didn't you?

24 A. Briefly, yes.

25 Q. And the reason you had to go looking for him is

1 because he left Seabrook Road and he went where? Do you
2 know?

3 A. He was afraid and he went to his sister's house.

4 Q. But didn't he tell you he stopped at three
5 different locations prior to going to his sister's house
6 in those eight hours that he was missing?

7 A. He went to a Quintin Fields', which I believe is
8 his cousin, then from there he went to his sister's.

9 Q. And that's what he told you. Did you talk to
10 Quintin Fields?

11 A. I don't recall if we spoke to him or not but we did
12 ultimately find Mr. Miles at his sister's house.

13 Q. Okay. So you are the lead investigator on this
14 case, correct?

15 A. Correct.

16 Q. And would it be fair to say you have a very good
17 working knowledge of this case and the facts, right?

18 A. Yes.

19 Q. And that you've reviewed this case for this trial,
20 correct?

21 A. I did.

22 Q. So did you talk to Quintin Fields or not?

23 A. I did not talk to Quintin Fields.

24 Q. Did any of your officers talk to Quintin Fields to
25 confirm that that's where Enrekae Miles was during those

1 eight hours?

2 A. I don't believe that we did. I know that I did
3 not, but I don't believe anybody did.

4 Q. Now, when Enrekae Miles left and was missing for
5 eight hours would it be fair to say that he took pretty
6 much all of his physical evidence with him away from the
7 scene? Anything forensic that might have been on him
8 left Seabrook Road, right?

9 A. If there was any from him to take, certainly. I
10 think we recovered a shirt from him.

11 Q. Right, you did. You got a shirt from him. And so
12 on that shirt was blood, right?

13 A. Yes.

14 Q. And Enrekae is telling you when you are talking to
15 him after he's been missing, Oh, that's the shooter's
16 blood. I mean, it must have splurged on me, right?

17 A. That was his theory, correct.

18 Q. Right. So there was forensic material on him,
19 right?

20 A. Yes.

21 Q. Okay. And so any other forensic material; pants,
22 shoes, hands, as in gunshot residue, left with him,
23 right?

24 A. Yes.

25 Q. Did you test Enrekae Miles' hands for gunshot

1 residue if he had fired a gun recently?

2 A. No, we did not. SLED's policy, and SLED being
3 South Carolina Law Enforcement Division, they do not --
4 they will not accept transmittal of gunshot residue kits
5 if more than six hours has elapsed from the time of the
6 incident.

7 Q. Okay. Did you check his shirt for gunshot residue?

8 A. I don't believe. I know I did not. Somebody else
9 collected that evidence but I don't believe that it was
10 checked for gunshot residue.

11 Q. How about his pants?

12 A. No.

13 Q. Enrekae Miles is telling you that at exactly the
14 moment when these subjects are trying to go into Ronald
15 Coleman's house he just happens to walk up at exactly
16 that moment, right?

17 A. Yes.

18 Q. And that they are at this back door, right?

19 A. Correct.

20 Q. And that he's forced then to walk around and bring
21 them to the front door, right?

22 A. Correct.

23 Q. Okay. Now, isn't it true that you received
24 information from Enrekae Miles that on -- that the front
25 door to Ronald Coleman's house, that he nailed it shut,

1 right?

2 A. That's correct.

3 Q. And that in fact he nailed that front door shut
4 right before Byron Coleman's funeral, and that would be
5 on page 10 of 15 of your report if you'd like to check
6 that.

7 A. Correct. I do recall him saying that.

8 Q. Now, Byron Coleman was shot around June 9th, 2009
9 in Atlanta, correct?

10 A. That's correct.

11 Q. And it would be about a week before Byron Coleman
12 was buried, before his funeral, right?

13 A. A week prior that the door was nailed shut?

14 Q. No. I'm saying if Byron Coleman was killed in
15 Atlanta June 9th, 2009, on or about that day, about a
16 week later the family would have had his funeral.

17 A. The funeral was on the 18th of June.

18 Q. Right. So the 18th or the 19th?

19 A. Correct.

20 Q. And this incident occurred on 6-22-09, correct?

21 A. Correct.

22 Q. So right before Byron Coleman's would put us at
23 16, 17 of June '09, correct?

24 A. He stated shortly before the funeral.

25 Q. And shortly before the funeral was the 16th or 17th.

1 of 2009, right?

2 A. I guess it depends on definition of shortly. He
3 said shortly before Byron's funeral. I don't know what
4 that means.

5 Q. But clearly not several months prior?

6 A. That was my --

7 Q. Which is what he told us.

8 Now, when you finally caught up with Mr. Miles you
9 got a description of who he said this shooter was, right?

10 A. Yes.

11 Q. And he told you he had a bald spot, he had a
12 receding hairline and he looked like a fellow named Omar
13 from the Wire, right?

14 A. That was his description, yes.

15 Q. And you brought down a SLED sketch artist, did you
16 not, Mike Lynch to draw a picture of who Enrekae says the
17 shooter was, right?

18 A. Yes.

19 Q. And Enrekae is telling you also that, You know,
20 Officer Wilson, it was raining that day, 6-22-09.

21 You want to check your records on that? It's in
22 there.

23 A. It rained prior to him walking to Ronald Coleman's
24 house, yes.

25 Q. Correct, for about an hour, about 50 minutes.

1 A. Don't know exactly how long. If you want to direct
2 me to the page number.

3 Q. It's page eight of 15, third paragraph down about
4 seven lines down, Rained for about 45 to 50 minutes.

5 A. That's correct.

6 Q. So we've got wet grass, wet ground, wet roads at
7 the time this is happening, correct?

8 A. I know that at the time of the incident it was not
9 raining and it was raining prior to that. As far as how
10 much water that created or standing water I have no idea.

11 Q. Well, you weren't at 46 Seabrook Road at the time
12 the incident happened?

13 A. I was not --

14 Q. So you don't know that it wasn't still raining,
15 right?

16 A. I do not, no. I know that when I arrived there it
17 was not raining.

18 Q. What time did you arrive?

19 A. Probably within a half hour or so after the --

20 Q. So maybe around 10:00 p.m.?

21 A. That would be a fair estimate I guess.

22 Q. Thank you. Mr. Miles is also telling you, as
23 you've testified, you believe him, he's your witness,
24 he's consistent that the shooter had a chrome nine
25 millimeter gun, correct?

- 1 A. That was the description that he gave, yes.
- 2 Q. And that this second fellow was unarmed?
- 3 A. Correct.
- 4 Q. Now, you did not find, nor did any of your
- 5 investigators or those searching the scene, a chrome nine
- 6 millimeter gun on Seabrook Road, correct?
- 7 A. No, we did not.
- 8 Q. Okay. Now, you have testified that you interviewed
- 9 a lot of people and I think -- is that correct?
- 10 A. That's correct.
- 11 Q. And that in fact one of your officers was
- 12 conducting what he called a victimology, Who is Ronald
- 13 Coleman, who does he know, where can we follow a lead;
- 14 right?
- 15 A. Correct.
- 16 Q. Okay. And one of the leads that you got was that
- 17 Byron, Ronald's brother, was jacking, robbing drug
- 18 dealers in the Atlanta; is that not true?
- 19 A. Can you tell me where jacking came from? I'm
- 20 trying to recall where I saw that in print or in an
- 21 interview.
- 22 Q. I believe that's from Adrianna McBeth, her
- 23 interview. Do you recall getting that information?
- 24 A. I did.
- 25 Q. Okay. Now, additional information that you

- 1 received from Adrianna McBeth -- well, you also
2 interviewed Ebony Coleman, correct, Ronald's sister?
- 3 A. Yes.
- 4 Q. Byron's sister?
- 5 A. Staff Sergeant Chapman interviewed Adrianna McBeth.
6 I do have a copy of his report, and I did speak with
7 Ebony Coleman.
- 8 Q. And the information that you received from these
9 individuals is that Darrin Amadi took Byron Coleman to
10 the location where he was shot and killed, correct?
- 11 A. According to Ms. McBeth, that is correct.
- 12 Q. And Darrin Amadi is Enrekae Miles' first cousin,
13 correct?
- 14 A. That's correct.
- 15 Q. Based on your investigation in this case the term
16 drug dealer was used for Roland Coleman, right?
- 17 A. By a couple people, I believe so.
- 18 Q. Also for Byron Coleman, correct?
- 19 A. Yes.
- 20 Q. This Gussie Goldwire, this federal drug trafficking
21 fellow who you talked to, right?
- 22 A. Correct.
- 23 Q. This fellow, we can't find him? Have you looked
24 for him?
- 25 A. Currently, he's not been located. That's all I

1 know.

2 Q. He's not in prison anywhere or we could find him,
3 right?

4 A. From what I've been told, no, he's not
5 incarcerated.

6 Q. And Gussie Goldwire is a drug trafficker, correct?

7 A. I don't --

8 Q. He pled to it.

9 A. I don't know. I know that DEA testified to that.
10 I have no personal knowledge of any cases involving him.

11 Q. And you dealt with DEA in this investigation,
12 correct?

13 A. I dealt with Chauncey Solomon from Hampton County.
14 I did not deal with DEA.

15 Q. Ronald Coleman could be called a Beaufort boy,
16 right? He's local?

17 A. Correct.

18 Q. And Byron Coleman, same thing. He's a local
19 fellow, right?

20 A. Originally from Beaufort, yes.

21 Q. Then moved to Atlanta?

22 A. Correct.

23 Q. Do you know where Darrin Amadi originated? Was he
24 a Beaufort boy, too?

25 A. I don't know. I don't know where he is from.

1 Q. Having been given Darrin Amadi as a player in this
2 what investigation did you do into Darrin Amadi?

3 A. I spoke with -- I spoke with an investigator in
4 Dekalb County, the jurisdiction where Byron Coleman was
5 murdered, and their investigation did not reveal any
6 connection to Ronald Coleman in this case or any other
7 Beaufort connections.

8 I believe that Darrin Amadi was not, for lack of a
9 better term, didn't make himself that available to them.
10 I believe I may have tried to call him once or twice and
11 did not speak with him, but that was not a viable lead.

12 Q. You couldn't find Darrin Amadi, right?

13 A. I did not---

14 Q. They couldn't find Darrin Amadi. That's what you
15 are saying because that's what the information is?

16 A. That's probably -- he probably could not be located
17 but I don't know if he didn't want to be cooperative or
18 he was scared. I was given the names by Dekalb County of
19 people that they were looking at on this and Darrin Amadi
20 was not one of them.

21 Q. Ronald Coleman had planned a trip to Atlanta and
22 asked Ebony Coleman to pack her car with guns, correct?

23 A. He did, and I'm trying to locate that interview.
24 If you could tell me what page that's on.

25 (PAUSE.)

1 Q. Let's just back up a little bit then. Ebony
2 Coleman's mother is Julia Wearrien, correct? Julia has
3 testified, right?

4 A. That's correct.

5 Q. The information you received from Julia was that
6 Ebony was to pack her car with guns and take them to
7 Ronald in Atlanta, right?

8 A. That is -- I'm looking for that specific --

9 Q. That's on page 7 of 17 of your report dated
10 10-14-2010.

11 A. Thank you. That is correct. She had learned from
12 Ebony that Ronald had put three guns in the trunk of her
13 car. That is correct.

14 Q. And Byron was angry with Darrin Amadi and planned
15 to meet with him when he got to Atlanta, correct?

16 A. According to what Julia conveyed to me Ebony had
17 told her this, told Ms. Wearrien there and they took the
18 guns out of the trunk. Ronald was angry with Darrin
19 Amadi, who dropped Byron Coleman off at the apartment in
20 Atlanta where he was killed.

21 Q. Now, Ebony never did take those guns to Atlanta as
22 far as you are aware, right?

23 A. She did not. They removed the weapons from the
24 trunk.

25 Q. And that infuriated Ronald Coleman, correct?

1 A. According to Ms. Wearrien, yes.

2 Q. Adrianna McBeth drove Ronald Coleman to Atlanta for
3 this meeting with Darrin Amadi and Adrianna McBeth is the
4 mother of one of his children, correct?

5 A. That's correct. I know that they went to Atlanta
6 because Byron Coleman had been shot and killed and she
7 did take him there.

8 Q. Now, this Jeremy Murphy, with the Cadillac, he's a
9 Pineland boy, right?

10 A. He is.

11 Q. And this Gussie Goldwire, he's a Pineland boy, too,
12 isn't he?

13 A. He's also from Pineland, yes.

14 Q. And we got Gussie Goldwire drug trafficking,
15 according to testimony and information we have, in
16 Atlanta down to Jasper, Hampton, Beaufort, correct?

17 A. I don't know specifically where Gussie Goldwire was
18 convicted of dealing at specifically.

19 Q. Okay. Did you review any of the information from
20 the DEA or Chauncey Solomon about Gussie Goldwire before
21 you interviewed Gussie Goldwire?

22 A. I did not.

23 Q. Now, you've testified that Gussie Goldwire is a
24 blood relative to Antonio Collins; is that correct?

25 A. That is correct, what he told me, yes.

1 Q. And Gussie Goldwire's home in Pineland, that area,
2 did you have reason to believe that you might find
3 forensic evidence in that home, in or around that home
4 based on information you received?

5 A. I don't -- oh, based on the -- should I go into the
6 information we received?

7 Q. I'm just asking you the question. Based on the
8 information you received in this case did you form an
9 opinion that you might have forensic evidence in or
10 around Gussie Goldwire's home?

11 A. I don't believe so. Without going into, you know,
12 the specific items, no.

13 Q. Okay. So for instance if there's an allegation
14 that the shooter is at Gussie Goldwire's home and
15 bleeding would there be forensic evidence there?

16 A. Probably on clothing that was worn from the
17 residence.

18 Q. If the shooter's bleeding and sits down or stands
19 on the front porch at Gussie Goldwire's house could there
20 be forensic evidence at Gussie Goldwire's house?

21 A. Possibly if it was not destroyed a few months after
22 this.

23 Q. Well, does DNA disappear?

24 A. It does not.

25 Q. So DNA doesn't disappear, could be forensic

1 evidence in around Gussie Goldwire's house related to
2 this case. Did you or anyone in this case go to that
3 home and conduct a forensic investigation into that home?

4 A. No, we did not.

5 Q. Based upon the information you received in this
6 case were you led to believe that the second suspect was
7 also armed?

8 A. According to Enrekae Miles the second suspect was
9 not armed.

10 Q. But I'm asking you, other information received in
11 this case did you receive information that the second
12 suspect was in fact armed?

13 A. There was offhand a statement made where the second
14 suspect may have been armed.

15 Q. Okay. And did you also receive information that as
16 part of your investigation that this second suspect who
17 was armed then went back to the crime scene that night,
18 picked up his gun and left sometime during the dark hours
19 of 6-22-09?

20 A. That is the information that we got, yes.

21 Q. And it's fair to say you had a pretty big presence
22 of law enforcement on Seabrook Road that night?

23 A. We did, and we don't know what night he went. It
24 was a shotgun that that person went back and retrieved,
25 allegedly.

1 Q. Okay. And so it's unlikely that someone could
2 penetrate the perimeter that night and go in and get a
3 shotgun and pull it out of the crime scene, right?

4 A. It depends on how far down the road from the crime
5 scene this was.

6 Q. And when you talked with other officers and
7 continued your investigation into this case you received
8 information that a .40 caliber handgun was used, correct?

9 A. Correct.

10 Q. Okay. And a .40 caliber handgun, the handgun I
11 think you looked at in some of the photos that was found
12 on Seabrook Road in the grass, that is not a chrome nine
13 millimeter gun, correct?

14 A. It is not.

15 Q. In fact, the information about the 40 -- well, let
16 me just withdraw that. Let me go back to the scene on
17 9-22-09 -- excuse me, 6-22-09. Can you tell the jury who
18 placed the placards inside 46 Seabrook Road --

19 A. As I testified earlier, I'm not sure specifically
20 who set those placards out. We are all issued placards.
21 When we assist each other at crime scenes it's -- we
22 don't have any way of knowing whose placards we use or
23 who set a specific number of ones out.

24 Q. So they are in order, the placards, 1 through 18,
25 or whatever it is, right, inside the residence --

1 A. Correct.

2 Q. -- in the photos? Marking the shell casings,
3 correct?

4 A. Correct.

5 Q. So someone there is taking the time to mark
6 placards 1 through 8 in a certain area, right?

7 A. Yes.

8 Q. And then someone is taking time to mark 9 through,
9 I think 16, in another area?

10 A. Correct.

11 Q. Okay. Was that you?

12 A. I don't know if I specifically set those placards
13 or if I directed that they be set there. I'm not sure
14 who physically put them there.

15 Q. And who picked up the placards?

16 A. I don't recall that either.

17 Q. And where were they put? Do you have any idea
18 where they were put after they were picked up?

19 A. I have no recollection of that.

20 Q. You said that you collected some swabs from the
21 front porch of Coleman's house?

22 A. Yes.

23 Q. And is it your normal technique when you collect
24 swabs of what you think might be evidence in a case to
25 lay it in the backseat of your car?

- 1 A. Yes.
- 2 Q. And when it's laid in the backseat of your car it's
- 3 open to the air, obviously, right?
- 4 A. Yes.
- 5 Q. Other officers go in your car?
- 6 A. No.
- 7 Q. Never?
- 8 A. If there's evidence laying out to dry in the
- 9 vehicle, no.
- 10 Q. No?
- 11 A. That's correct.
- 12 Q. And would you have gone back into your car coming
- 13 and going from 46 Seabrook Road?
- 14 A. Most likely, yes.
- 15 Q. And you walked around 46 Seabrook Road, correct?
- 16 A. Excuse me?
- 17 Q. Did you walk around 46 Seabrook Road?
- 18 A. I did.
- 19 Q. That night?
- 20 A. Yes.
- 21 Q. Okay. Did you look for evidence in the yard?
- 22 A. Not far from the residence. Maybe close to the
- 23 residence but not an extended search, no.
- 24 Q. Did you look for evidence on the road or anywhere?
- 25 A. No.

1 Q. On the road at all?

2 A. No, I did not.

3 Q. Okay. Now, this kind of -- this mobile home on 46
4 Seabrook Road, is this the kind of place where prior
5 shootings, the bullets are just left laying on the
6 ground? I mean, you found them, right, just laying on
7 the floor of the house?

8 A. I can't testify on Mr. Coleman's housekeeping.
9 There was a shooting there a month earlier and there was
10 evidence of that still on the scene the night of June
11 22nd.

12 Q. Can you tell us what you did when you testified
13 that you were looking for hair and fibers in the
14 Cadillac? What exactly did you do? I mean, I know
15 Donahue was looking at the backseat but what else did you
16 do to the Cadillac to try and find hairs and fibers?

17 A. That would have -- that was all we found was the
18 blood spots and then I think looked through some
19 paperwork to establish ownership of the vehicle.

20 Q. Did you vacuum out the Cadillac for the hairs and
21 fibers?

22 A. No, did not.

23 Q. Did you use any forensic processing method on the
24 Cadillac at all other than looking at that backseat?

25 A. No. We found the blood spots and collected them,

- 1 that was it.
- 2 Q. Did you fingerprint the Cadillac?
- 3 A. No, we did not.
- 4 Q. Okay.
- 5 A. Not six months after the -- no.
- 6 Q. Well, I understand you are saying six months after
- 7 but did you make any effort to fingerprint any parts of
- 8 that Cadillac?
- 9 A. No.
- 10 Q. Okay. Now, you remember when you testified that
- 11 you took swabs from my client?
- 12 A. Correct.
- 13 Q. You remember doing that, right?
- 14 A. I do.
- 15 Q. And actually did that right here in this courtroom,
- 16 correct?
- 17 A. Yes.
- 18 Q. Do you remember when you were doing that, the swabs
- 19 for Mr. Collins, that you put on your gloves?
- 20 A. I did.
- 21 Q. Do you remember that after you put on your gloves
- 22 you retrieved a pen out of your briefcase and wrote on
- 23 the envelope what you were doing, the information? Do
- 24 you recall doing that?
- 25 A. Not specifically but I'm sure I did.

1 Q. Now, the reason that you put on gloves when you are
2 handling DNA evidence is so as to not contaminate the
3 evidence, correct?

4 A. Correct.

5 Q. Okay. And so by putting on the gloves, holding
6 your pen, going in the briefcase there's a possibility of
7 contamination; isn't that true?

8 A. Not -- I would say no.

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

10 (PAUSE.)

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

12 REDIRECT EXAMINATION

13 BY MS. SWANSON:

14 Q. Thank you, Investigator Wilson. I have a few
15 questions for you. Ms. Campbell asked you about whether
16 the .40 caliber was a chrome gun or identified as a
17 chrome gun. Now, did Enrekae Miles state that it was a
18 chrome nine millimeter or a chrome barrelled?

19 A. I believe he said that the top of it was chrome but
20 then in another interview he said it was gray.

21 Q. Okay. And for those members of the jury who are
22 not that familiar with firearms, does a nine millimeter
23 look anything like a .40 caliber semiautomatic gun?

24 A. Yes. They do resemble each other.

25 Q. Do they look similar?

1 A. Yes, they do.

2 Q. Okay. Through your investigation did you receive
3 any information from anyone, even Mr. Coleman's enemies,
4 that he ever had or sold any drugs besides marijuana?

5 A. No, I did not.

6 Q. Ms. Campbell asked you about some information that
7 you received about someone possibly at the scene who had
8 another firearm and that they went back to the scene and
9 found that firearm, a shotgun. Did that information also
10 state that there was a gun that could not be located that
11 night?

12 A. Yes.

13 Q. And what type of gun was that?

14 A. .40 caliber.

15 Q. .40 caliber. Thank you. Nothing further.

16 MS. CAMPBELL: One other thing.

17 RECROSS-EXAMINATION

18 BY MS. CAMPBELL:

19 Q. Isn't it true that also in Ronald Coleman's house
20 you found a sawed-off shotgun? You secured it and took
21 it into evidence in this case?

22 A. It's a rifle. It was a .22 rifle with the barrel
23 cut off.

24 Q. Okay. Capable of sort of being held down and then
25 like this (indicated)? You could conceal it and then

1 pull it up and shoot it, correct?

2 A. Certainly. Certainly.

3 Q. Well, the solicitor is thankfully walking across
4 the courtroom with it. This is gun, correct?

5 MS. SWANSON: If I may we mark it, Your Honor?

6 THE COURT: Sure.

7 MS. SWANSON: Then we can have Investigator Wilson
8 identify it.

9 (WHEREUPON, State's Exhibit Number 48, a Gun, was
10 marked for identification only.)

11 BY MS. CAMPBELL:

12 Q. That's the other gun?

13 A. That's the gun that was on a gym bag in
14 Mr. Coleman's closet.

15 Q. Correct. Thank you. That's all I have.

16 THE COURT: You can step down.

17 MS. SWANSON: The State calls John Donahue:

18 JOHN DONAHUE, after having been duly sworn,
19 testified as follows:

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

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

23 DIRECT EXAMINATION

24 BY MS. SWANSON:

25 Q. Morning, Mr. Donahue. How are you?

1 A. I'm well.

2 Q. Thanks for being here. Can you tell us who you
3 work for and how long you've been there.

4 A. I work for the Beaufort County Sheriff's Office
5 Forensic Services Laboratory as a DNA technical leader.
6 I've been there since January of 2008.

7 Q. Okay. What sort of special training have you
8 received as part of your position?

9 A. I've got a Bachelor's Degree from the University of
10 Tennessee in Zoology. I've got a Master's Degree from
11 Indiana University in Microbiology. I've been in this
12 field for 16 years. I started in October of 1997 at the
13 Texas Department of Public Safety Laboratory in Garland,
14 Texas right outside Dallas.

15 It was there that I was initially trained in basic
16 forensic serology, which is the collection of biological
17 materials from evidence from crime scenes, identification
18 of body fluids, testing, presumptive and confirmatory
19 testing on those body fluids, as well as forensic DNA
20 testing. So any fluids or any biological materials that
21 I might recover I would perform DNA testing on those.

22 Q. Okay. And did you help process the evidence found
23 in the 2009 Seabrook murder investigation of Ronald
24 Coleman, Jr.?

25 A. I did.

1 Q. Okay. And what did you help with?

2 A. I helped process a pistol.

3 Q. All right.

4 A. And I helped process a vehicle.

5 Q. Okay. I'm going to hand you what's been marked as
6 State's Exhibit 41 and ask that you look inside of this
7 and refer to BCSO number 9 and tell us what's contained
8 in that brown bag?

9 A. What's contained in this bag is two cardboard swab
10 boxes containing swabs from a pistol that I collected on
11 June 24th of 2009. I have two swabs that I collected
12 from the handle and the grips of Smith and Wesson .40
13 caliber serial WAP0205, then one swab from the magazine
14 that was within -- that was with the pistol.

15 Q. Okay. I'm going to hand you what's been marked as
16 State's Exhibit 37 and ask you if this is the same Smith
17 and Wesson that those swabs came from. You can refer to
18 the serial number.

19 A. WAP0205. Yes, it is.

20 Q. Okay. And where did you take those swabs of this
21 gun?

22 A. I collected two swabs from the grip and handle
23 area, and then one swab from the overall surface of the
24 magazine.

25 Q. Did you meet anyone somewhere to take these swabs?

1 A. I collected those swabs at the Beaufort County
2 Sheriff's Office Northern Investigations Office. I was
3 called by Staff Agent Jody Hiers that morning. He asked
4 if I could help him process this. So I met him at the
5 Northern Investigations Office. Our laboratory was not
6 yet completed at that time so I went and processed this
7 car over in his office with him present at all times.

8 Q. Okay. And do you recall if you -- what you did
9 with those swabs? Did you hand them back to Staff
10 Sergeant Heirs or did you place them in the cardboard box
11 yourself, or do you recall?

12 A. I placed them in the box myself. These boxes have
13 my handwriting, my initials, and the date that I did it.
14 So I wrote all this on the boxes and then placed them in
15 here, and then turned them over to him.

16 Q. How did you make sure that those swabs were not
17 contaminated?

18 A. I placed them in the boxes.

19 Q. Did you allow them to dry before you placed them in
20 the box?

21 A. I wouldn't have, not there. No.

22 Q. Okay. I'm going to show you some pictures that
23 we've entered. This is State's 28 and 29, and ask if
24 this is the car that you helped process?

25 A. It appears to be, yes.

1 Q. Okay. I'm going to hand you State's 25, 26 and 27
2 and ask if these depict the areas of the Cadillac that
3 you swabbed?

4 A. Yes, they do.

5 Q. I'm going to show you what's been marked as State's
6 Exhibit 39. And we are going to have to open this, so
7 I'm going to give you some scissors and if you can just
8 open this.

9 A. (The witness complied).

10 Q. And I'm going to ask you to pull out BCSO numbers
11 70, 71, and 72 and describe for the jury what these items
12 are.

13 A. Number 70 is a swab that I collected. It's labeled
14 in the photograph or identified in the photograph which
15 is number 26. I labeled this as item JD-1, which is a
16 stain that I collected from the backseat, underneath the
17 backseat of the Cadillac.

18 Number 71 has not been opened but -- since it was
19 sealed, but it's listed as a swab in a box labeled JD
20 number 2, which is depicted in photograph number 27,
21 which is a stain that I collected from the backseat and I
22 labeled that JD number 2.

23 And item 72, a swab in a box labeled JD number 3,
24 and that depicts a stain that I collected from underneath
25 the seat vent, the rear seat vent, which was in

1 photograph number 25.

2 Q. Okay. And what did you do with those swabs after
3 you took them and packaged them?

4 A. I placed them in the swab boxes and turned them
5 over to Sergeant Wilson.

6 Q. Okay.

7 MS. SWANSON: Beg the Court's indulgence.

8 (PAUSE.)

9 BY MS. SWANSON:

10 Q. All right. Mr. Donahue, do you remember anything
11 significant about the car and the backseat?

12 A. The top of the backseat was fairly clean when we
13 pulled the seat up and removed it. There were what
14 appeared to be stains that had the visual appearance of
15 blood, they looked like blood, kind of on the front, I
16 guess, down here where the seat meets the carpeting.

17 Q. Okay. I'm going to hand you State's 22, and if
18 that helps you describe what you recall seeing.

19 A. So we took the seat out and looked at it like this.
20 And so there were stains kind of down here that were --
21 looked, appeared to be running, as if they had run and
22 sort of spread out along the edge where the seat meets
23 the carpeting on the floorboard.

24 And then there were also -- on this console in the
25 back there were some reddish-brown stains. Not on the

1 top but down here that weren't really easy to see until
2 you actually got down and looked for them.

3 The other thing that I noticed was that the
4 backseat, the floorboard not seat, the floorboard was wet
5 and squishy and appeared that there was some detergent,
6 maybe some powdered laundry detergent back in the back
7 area of the car.

8 Q. Okay. And I'm handing you State's 23, and is that
9 what this photo depicts?

10 A. Yes. The powder in the back floorboard area of the
11 vehicle.

12 Q. Okay. Please answer any questions that
13 Ms. Campbell might have for you.

14 MR. BAX: Please the Court, Your Honor?

15 THE COURT: Okay.

16 MS. SWANSON: Or Mr. Bax. I'm sorry.

17 CROSS-EXAMINATION

18 BY MR. BAX:

19 Q. Morning, Mr. Donahue.

20 A. Hello.

21 Q. How are you doing?

22 A. I'm doing well.

23 Q. A couple of questions for you. I just want to kind
24 of go back a little bit. You indicated that you
25 processed the firearm you've identified here today as

1 part of this case, correct?

2 A. Yes.

3 Q. As well as this Cadillac you've just got done
4 describing for the jury, correct?

5 A. Yes.

6 Q. Was there any other evidence that you processed
7 related to this case?

8 A. Not that I can recall, no.

9 Q. Okay. You've indicated that one of the things that
10 you mentioned in your direct testimony of the jury that I
11 want to make sure we go over is the fact that Beaufort
12 County has a lab and you work at that lab now, correct?

13 A. Yes.

14 Q. And you do some of the things that SLED did in this
15 case there at that lab now, correct?

16 A. Yes.

17 Q. Okay. At the time, in 2009, 2010 when this
18 occurred though I think you indicated the lab was not
19 finished; is that correct?

20 A. Correct. Our building was not completed in
21 construction.

22 Q. So the building wasn't completed, you didn't have a
23 facility, no accreditation, nothing like that at that
24 time?

25 A. Correct.

1 Q. So your purpose was for to help with processing
2 scenes at that point?

3 A. I only processed when it was, I guess, expedient to
4 do so. I think in this case they wanted the firearm
5 tested quickly at SLED so they wanted to swab. What
6 happens, when you submit a firearm to SLED if nothing
7 else is done with it they look -- they are going to
8 collect DNA swabs off of it first, which adds a couple
9 extra steps in there.

10 So they wanted to get swabs from the pistol to DNA
11 immediately and get the firearm to ballistics immediately
12 to determine if the firearm even had anything to do with
13 the crime. So in this case they wanted me to help them
14 so they could expedite that process.

15 Q. And that's basically what Jody Hiers or Officer
16 Hiers was contacting you about --

17 A. Yes.

18 Q. -- when it came to the gun?

19 Okay. And I believe when you testified about your
20 qualifications you also testified that some of your
21 training was in the collection of biological material
22 and/or fluids, correct?

23 A. Yes.

24 Q. You've testified that you swabbed this firearm for
25 Officer Hiers and that you placed them in those boxes,

1 and you know that because you've written on those boxes,
2 correct?

3 A. Yes.

4 Q. And those boxes -- in your training those boxes
5 would have preserved that evidence until it could be
6 tested?

7 A. Yes.

8 Q. Okay. Because it's not a sealed plastic container.
9 It's a box, correct?

10 A. Correct. It's a ventilated box.

11 Q. So that ventilated box allows them to dry out but
12 without being exposed to the open air of people around,
13 correct?

14 A. And the other thing -- that's correct, and the
15 other thing it does is it prevents mold growth. So if
16 you seal something up in a non breathable package for
17 long-term storage, especially if that item is wet, you
18 will get mold growing in it.

19 Q. And if you have something that is wet, that is out
20 in the open air, one of the dangers is that there can be
21 contamination of that item if it's open to a general
22 area; is that correct?

23 A. True.

24 Q. And is that why you testified you would not have
25 aired those out openly in the sheriff's northern

1 investigation office?

2 A. Yes.

3 Q. When you handed those boxes over to -- well, let me
4 ask you this. You specifically remember placing them in
5 those boxes and then handing the boxes to Sergeant Hiers,
6 correct?

7 A. Yeah. I would not have labeled the boxes if I
8 hadn't done that.

9 Q. So if Sergeant Hiers testified that you handed him
10 just the swabs that would be -- that wouldn't be your
11 recollection; is that correct?

12 A. It would not be my recollection, no.

13 Q. Okay. Did you have a conversation with Sergeant
14 Hiers, I'm sorry, about taking them out of the box and
15 airing them out after you handed them to him?

16 A. I don't remember. I may have but I don't remember
17 that, no.

18 Q. Would you have instructed him to do that?

19 A. I don't think I would have, no.

20 Q. Now, moving on to the Cadillac. Can you tell the
21 jury -- you might have answered this already, when was it
22 that you met Sergeant Wilson to process this vehicle?

23 A. January 27th of 2010.

24 Q. Okay. And that was a number of months after you
25 processed this gun; is that correct?

1 A. Yes.

2 Q. Okay. So it was your understanding that whatever
3 evidence you were looking for could have been there for
4 some period of time?

5 A. Correct. I had no knowledge of how long any
6 materials could have been in that vehicle.

7 Q. Now, in that case you also placed swabs that you
8 took into swab boxes just like you described with the
9 gun, correct?

10 A. Yes.

11 Q. And those you placed in the bags you described and
12 turned those over to Sergeant Wilson, correct?

13 A. Yes.

14 Q. But you labeled each of the swabs with your
15 initials and a number associated with that swab, correct?

16 A. Yes. That was for identification purposes.

17 Q. Okay. And that identification is so that you can
18 later identify basically where you took each of those
19 swabs from in that vehicle, correct?

20 A. Yes.

21 Q. Now, I just want to ask you real quickly. I heard
22 in your direct testimony as you were examining the
23 packaging that would have contained what you had labeled
24 as JD number 2, I believe you testified it does not
25 appear that it had been opened. Does it appear that it's

1 ever been opened to be tested or does it appear that it's
2 never been opened since you sealed it up?

3 A. Well, the other packages in those SLED bags had
4 been cut open but this one did not appear, at least from
5 my glance, to have been opened and tested. I don't know
6 if it's been tested or not.

7 Q. Okay. And that is for JD number 2. It did not
8 appear to be cut open?

9 A. It didn't look like it, no. I mean, I can look at
10 it again if you want me to but I didn't see a cut mark
11 across the top of it.

12 Q. Okay. I'm going to give you one more chance to
13 look at that. I want to make sure that I pick up the
14 correct one.

15 MS. SWANSON: It would be State's 39.

16 MR. BAX: State's 39. Thank you.

17 MS. SWANSON: I think between the Smith and Wesson
18 and the photographs.

19 MR. BAX: All right. So we have State's Number 41
20 here then State's Number 39. Thank you.

21 I'm going approach the witness, Your Honor.

22 THE COURT: Okay.

23 MR. BAX: Thank you, sir.

24 BY MR. BAX:

25 Q. I'm just going to hand that back to you and let you

1 take one more look at that. I think that was JD number 2
2 that we talked about.

3 A. No. It's labeled with a SLED lab number but there
4 is no -- there's no cut on the packaging.

5 Q. Okay. Thank you very much, Mr. Donahue. I
6 appreciate it. A couple final questions for you. Was
7 swabs the only thing that you collected from the Cadillac
8 in this case, Mr. Donahue?

9 A. We took some cuttings from the floorboard and I
10 believe a cutting from the seat as well.

11 Q. And when you take cuttings do you also package
12 those?

13 A. Yes.

14 Q. In some way?

15 A. Yes.

16 Q. Do you recall the way you packaged the cuttings in
17 this case?

18 A. They should have been in paper bags, I believe.

19 Q. And do you recall taking cuttings from the backseat
20 as well as from the carpet in the floorboard?

21 A. I believe that's correct, yes.

22 Q. And if that's what your report indicates that would
23 be correct?

24 A. Yeah.

25 Q. Did you have anything to do with the shipment of

1 this evidence to SLED for testing?

2 A. No.

3 Q. So you turned this over to Sergeant Wilson and from
4 then on you had no contact with it?

5 A. That's correct.

6 Q. Until today?

7 A. Yes.

8 Q. Thank you very much.

9 MR. BAX: A moments indulgence, Your Honor?

10 THE COURT: Okay.

11 MR. BAX: No further questions. Thank you.

12 MS. SWANSON: No questions, Your Honor.

13 THE COURT: You can step down.

14 MS. SWANSON: Thank you. May Mr. Donahue be
15 excused?

16 MS. CAMPBELL: He's still under our subpoena.

17 THE COURT: Okay. Free to go but you have to be
18 available.

19 THE WITNESS: Okay.

20 MS. SWANSON: The State calls Dr. Cynthia Schandl.
21 Your Honor, may Ms. Campbell and I approach?

22 THE COURT: Okay.

23 CYNTHIA SCHANDL, after having been duly
24 sworn, testified as follows:

25 THE CLERK: And if you'll state your full name and

1 spell your last name for the record, please.

2 THE WITNESS: Cynthia Anna Schandl.

3 DIRECT EXAMINATION

4 BY MS. SWANSON:

5 Q. Good morning, Dr. Schandl.

6 A. Morning.

7 Q. I'm just going to have my investigator bring up an
8 item that's going to help us demonstrate what your
9 findings were in this case. If we can just wait one
10 moment, please.

11 (PAUSE.)

12 BY MS. SWANSON:

13 Q. Okay. And before we get to this guy can you tell
14 us where you work and how long you've worked there.

15 A. Yes. I am at the Medical University of South
16 Carolina.

17 MS. CAMPBELL: Your Honor, could we move -- I'm
18 sorry to interrupt you. Could we move the dummy here. I
19 can't see the witness. Thank you.

20 MS. SWANSON: Sure. Make sure I don't get my eye
21 poked out. Is that better?

22 MS. CAMPBELL: That's good. Thank you.

23 A. At the Medical University of South Carolina in the
24 Department of Pathology and Laboratory Medicine. I'm a
25 forensic pathologist and I've been working there as a

1 forensic pathologist since 2004.

2 In order to become a forensic pathologist first you
3 have to be a medical doctor. I completed my medical
4 school and also I completed graduate school in 1999 and
5 got my M. D. and Ph.D. degrees.

6 Following that there is training in pathology. I
7 completed my residency in anatomic and clinical pathology
8 between the years of '99 and 2004, and also during that
9 time completed a one-year fellowship specifically in
10 forensic pathology.

11 And following that training I took the board
12 certification examinations for anatomic pathology,
13 clinical pathology, and forensic pathology and I am
14 American Board of Pathologist certified in those three
15 fields.

16 Q. Okay. Describe what you do as a pathologist.

17 A. Well, as a pathologist, pathology is the study of
18 disease. What I'm representing here today is the field
19 of forensic pathology, and that's where the study of
20 disease states and injuries intersects with the law.

21 So a forensic pathologist is someone who performs
22 autopsies on individuals who die under circumstances that
23 are not known to be natural. So, for example, if someone
24 died at home and they don't have a medical history that
25 would also be a forensic pathologist case because there's

1 no known history to suggest a natural death.

2 Other things that would fall under a forensic
3 pathologist's job for a performance of autopsy are things
4 that might be considered suicide or homicide or
5 accidents, so those things where circumstances of
6 someone's death intersect with the law.

7 Q. And how many autopsies have you performed,
8 Dr. Schandl?

9 A. I've performed over 2,000 autopsies.

10 Q. Have you ever testified in court?

11 A. Yes, ma'am.

12 Q. Approximately how times?

13 A. Sometime over 50.

14 Q. And have you been declared an expert in the field
15 of forensic pathology?

16 A. Yes, ma'am.

17 MS. SWANSON: Your Honor, at this time the State
18 would ask that Dr. Schandl be declared an expert.

19 MS. CAMPBELL: No objection.

20 THE COURT: Okay.

21 BY MS. SWANSON:

22 Q. Did you perform an autopsy on Ronald Coleman, Jr.
23 on June 23rd of 2009?

24 A. Yes, ma'am.

25 Q. Okay. And can you please describe what your

1 findings were.

2 A. Yes. So Mr. Coleman came to us with multiple
3 gunshot wounds. It turned out through the course of our
4 investigation and the autopsy that he was shot four
5 times. He was shot through the arm and into the chest.
6 He was shot into the abdomen and to the back, and he was
7 shot into the leg and through to the back, and then he
8 was shot through the left leg. So he was shot four times
9 altogether in my investigation.

10 Q. Okay. And if I could actually have you step down,
11 with the Court's permission.

12 (The witness stepped down from the witness stand.)

13 BY MS. SWANSON:

14 Q. And if we can just go through each of the four
15 gunshot wounds, and if you want to label them an entrance
16 wound, if there is an exit wound the cards are right
17 here.

18 A. Well, I'll just describe them --

19 Q. Sure.

20 A. -- if that's all right. So one of the gunshot
21 wounds, like I was mentioning, went through the left arm,
22 like this is showing, and into the chest (indicated).

23 Q. Would this be the entrance?

24 A. This would be the entrance, and then this would be
25 an exit there at the arm. So it goes through the arm,

1 in, out, and then back into the chest.

2 It then went through the lung in the left chest
3 cavity and then we retrieved the bullet from his back,
4 sort of the middle of the back (indicated). So that's
5 that one. So it went through the lung and behind the
6 spine. There was about 800 milliliters, almost a liter
7 of blood in the left chest cavity that was associated
8 with that gunshot wound.

9 This one should actually be pointing back because
10 this one although -- yeah, it's about in the right place
11 but it goes a little bit back instead. Something like
12 that (indicated). So this one goes into the abdomen,
13 behind the spleen and right to behind the spine. So this
14 is another one that we retrieved from the back, in the
15 middle of the back. So middle of the back high, middle
16 of the back kind of low.

17 This one is a through and through. So you might
18 consider that to be a flesh wound. Right through the
19 sides of the leg.

20 And then there's one here that's also not right.
21 That is in about this place, the entrance wound. So it's
22 going in here but it's going in an upward direction and
23 sort of that way (indicated).

24 And this one that's going in the back of his leg
25 passes by the left groin area and transects the femoral

1 artery. So it's a fairly large artery, about as big as
2 my pinky with high pressure blood flow.

3 And then after traveling through and disrupting
4 that artery it goes through some small bowel and ends up
5 over here (indicated), in his back over here (indicated).
6 So we got that bullet out as well.

7 So four gunshot wounds. One goes through and
8 through. We don't get that bullet. We're just dealing
9 with whatever is with the body. And then one through the
10 arm and into the chest, that went through the lung and
11 made a lot of blood in the chest. We got that one out of
12 the mid back.

13 One through the belly, didn't hit any organs, went
14 behind the spine. We got that bullet out. And this one,
15 it went through the leg, hit the femoral artery and over
16 to the back. We have that bullet. So we retrieved three
17 bullets.

18 And this one, the one that hit the femoral artery,
19 was also associated with almost a liter of blood in the
20 belly, so 800 milliliters of blood. So all together,
21 1600 milliliters of blood shy of a two-liter bottle, but
22 a good bit of blood in the body. So those are the four
23 gunshot wounds.

24 Q. Okay. And in your report did you classify some of
25 these gunshot wounds as contributory and fatal?

1 A. Yes. Well, the thing about gunshot wounds is any
2 one of them can kill you given the right circumstances.
3 So let's say just take the one that went through the leg.
4 If maybe he didn't go get help and maybe it got infected
5 even that wound could have killed him.

6 But the ones that were more -- would have been
7 fatal more quickly, that I called the cause of death, was
8 the one to the chest with 800 milliliters of blood in the
9 chest, and the one to the leg that went through the
10 femoral, the 800 milliliters of blood in the abdomen. So
11 those are the two that I called the cause of death.

12 And then I called the other two, this one that
13 didn't hit any internal organs and ended up behind the
14 back, and the one that was the flesh wound as
15 contributory because he could still be dead with just
16 those two but that was not the circumstances of this
17 particular victim. In this particular victim we have two
18 that caused a lot of bleeding that I considered the cause
19 of death.

20 Q. Okay. Thank you. And you can retake the stand.

21 A. (The witness complied).

22 Q. Now, I think you used the term flame hemorrhage in
23 your report. Can you please describe for the jury what
24 this is and what you used it in reference to.

25 A. Sure. A flame hemorrhage is a finding that we see

1 in the heart. What it indicates to us is that the person
2 probably had a loss of blood, he was in shock. And I
3 find that very believable considering the amount of blood
4 that he lost. But it's just a finding in the heart where
5 you have a little bit of hemorrhage in a particular spot
6 of the heart that is highly suggestive of shock. In this
7 case we would call it hypovolemic meaning low volume, low
8 blood volume shock.

9 Q. And did you note any soot or stippling on any of
10 these gunshot wounds?

11 A. Let me double check. If you'll give me a second.
12 No, ma'am. No soot and no stippling.

13 Q. What are soot and stippling?

14 A. When we are looking at gunshot wounds, particularly
15 entrance gunshot wounds, we can get -- sometimes we can
16 get an idea of how far away the muzzle or the end of the
17 gun is from the target by looking for soot or stippling.
18 So if the muzzle of the gun is up against the target then
19 you get soot deposited on that target or in this case
20 would be the skin or the shirt or the clothing.

21 If it was a little bit further back particulate
22 matter comes out of the muzzle of the gun and can scrape
23 the skin, and that's what we call stippling. So you look
24 for those two things to give you some idea of how far
25 away was the muzzle of the gun from the target.

1 In this case, I don't have soot to suggest contact
2 gunshot wound, and I don't have stippling to suggest a
3 close range gunshot wound. So that leaves me with the
4 third option which is distant, which can also be
5 considered indeterminate.

6 Now, the reason I say it's distant or indeterminate
7 is because I don't see anything on the skin. That
8 doesn't mean that he wasn't close or contacted but it
9 does mean I don't see anything.

10 You can have a closer contact wound through
11 something else, a door, a pillow or some other object
12 that collects that soot or throws particles and you are
13 still not going to see anything on the skin.

14 So distant, which just means you didn't see
15 anything on the skin, is essentially the same to me as
16 indeterminate because I don't know -- there's a lot of
17 things that I don't know about what was between here and
18 the target.

19 Q. What are the different manners of death that you
20 can find in an autopsy report?

21 A. Well, that's going to depend on the state that you
22 work. So in our State of South Carolina we have five
23 choices; homicide, suicide, accident, undetermined, and
24 natural. Those are the five choices that we get.

25 Q. And what was the manner of death that you

1 determined to be the case in Ronald Coleman's death?

2 A. The manner of death in this case is homicide.

3 Q. Dr. Schandl, I'm going to show you what's been
4 marked as State's 35. You testified earlier that you
5 were able to remove three projectiles from the victim's
6 body. If you can please identify what I'm handing you.

7 A. Yes. So in this bag we have the containers that we
8 put the bullets in with our autopsy labels on them and
9 the appropriate writing, bullet number one with
10 fragments, bullet number two, and number three, and then
11 the actual projectiles themselves are now in separate
12 little baggies here. So these are the bullets that came
13 from Mr. Coleman's body --

14 Q. Okay.

15 A. -- at autopsy.

16 Q. Those are the three projectiles that you removed?

17 A. That's correct.

18 Q. And what did you do with those projectiles once you
19 removed them?

20 A. Well, after we remove projectiles from a body they
21 are photographed, measured, and then placed into those
22 types of containers or something similar for transfer as
23 evidence to the body that is investigating the case.

24 Q. Okay. And did you transfer -- did anyone else
25 handle those projectiles?

1 A. I work with a team in the autopsy room, and so in
2 this case the pathologist assistant, Ms. Eowyn Corcrain,
3 also handled the bullets and assisted me in photographing
4 them and wrapping them as evidence and handing them to
5 the investigating official.

6 MS. SWANSON: Okay. Thank you, Your Honor. Beg
7 the Court's indulgence?

8 THE COURT: All right.

9 BY MS. SWANSON:

10 Q. Please answer any questions that Ms. Campbell might
11 have for you.

12 A. Thank you, ma'am.

13 CROSS-EXAMINATION

14 BY MS. CAMPBELL:

15 Q. Thank you, Dr. Schandl, and thank you for your
16 testimony. You have no way of telling us the order in
17 which Mr. Coleman received these gunshot wounds, correct?

18 A. That is correct, not in this case. There is no
19 evidence that I can give you.

20 MS. CAMPBELL: Thank you. That's all I have.

21 THE COURT: You can step down. Free to go.

22 MS. SWANSON: Thank you. May Dr. Schandl be
23 excused?

24 THE COURT: We just dismissed her.

25 MS. SWANSON: Okay. The State calls Eowyn

1 Corcrain.

2 EOWYN CORCRAIN, after having been duly
3 sworn, testified as follows:

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

6 THE WITNESS: Eowyn Corcrain, E-o-w-y-n
7 C-o-r-c-r-a-i-n.

8 DIRECT EXAMINATION

9 BY MS. SWANSON:

10 Q. Ms. Corcrain, can you please tell the jury where
11 you work and how long you've worked there.

12 A. I work at the Medical University of South Carolina
13 in the autopsy, forensic and medical autopsy section.

14 Q. And what sort of position do you hold there?

15 A. I've been for six years a pathologist assistant
16 there.

17 Q. Okay. And did you assist Dr. Schandl on June 23rd
18 of 2009 in an autopsy?

19 A. Yes, I did.

20 Q. Was that autopsy of a Ronald Coleman, Jr.?

21 A. Yes.

22 Q. Okay. Were you present the entire time for that
23 autopsy?

24 A. It's possible that I may have went to the restroom
25 at some point in time during the autopsy but other than

1 that, yes.

2 Q. Did you handle some projectiles that were removed
3 from the victim in this case?

4 A. Yes, I did, three of them.

5 Q. All right. I'm going to show you what's been
6 marked as State's Exhibit 35 and ask that you identify
7 this for me, please.

8 A. These are the three projectiles and one projectile
9 fragment in their container that I labeled and sealed at
10 the time of that autopsy.

11 Q. Okay. And who did you turn those projectiles over
12 to?

13 A. After we recovered the projectiles and at the end
14 of the autopsy I signed them over, I believe to Corporal
15 Melissa MacPhee of the Beaufort County Sheriff's Office.

16 Q. Okay. Ms. Corcrain, I'm just going to show you a
17 document and ask that you identify it, please.

18 A. This is the evidence transfer form on which I
19 described the evidence that we collected at that autopsy
20 on Mr. Coleman. And then I signed transferring it over
21 to Corporal Melissa MacPhee.

22 Q. Okay. And that's just documentation that that's in
23 fact who you provided these projectiles to?

24 A. Yes. And also to make sure that everything that I
25 gave her was on the page.

1 Q. Okay. Thank you.

2 MS SWANSON: Beg the Court's indulgence.

3 (PAUSE.)

4 BY MS. SWANSON:

5 Q. All right. Thank you, Ms. Corcrain. Please answer
6 any questions that the defense might have for you.

7 MS. CAMPBELL: I have no questions.

8 THE COURT: You're free to go.

9 THE WITNESS: Thank you. Thank you.

10 MS. SWANSON: The State calls Melissa MacPhee.

11 MELISSA MACPHEE, after having been duly
12 sworn, testified as follows:

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

15 THE WITNESS: Sergeant Melissa MacPhee,
16 M-a-c-P-h-e-e.

17 DIRECT EXAMINATION

18 BY MS. SWANSON:

19 Q. Good afternoon, Sergeant MacPhee. It's probably
20 fairly obvious by your uniform but who do you work for?

21 A. Beaufort County Sheriff's Office.

22 Q. Okay. And what position did you hold back in June
23 of 2009?

24 A. I was a victim's advocate.

25 Q. Were you contacted to attend an autopsy of Ronald

1 Coleman, Jr. on June 23rd of 2009?

2 A. I was.

3 Q. Okay. Who contacted you?

4 A. Master Sergeant Jeff Purdy.

5 Q. And did you in fact go to MUSC and attend that
6 autopsy?

7 A. I did.

8 Q. All right. I've got State's Exhibit 35 that I'm
9 going to hand you, and if you can please describe what
10 this is.

11 A. These were the items that were handed to me that I
12 turned into evidence. They came from the autopsy and I
13 took them back to the sheriff's office with corresponding
14 paperwork and turned it into evidence.

15 Q. So you turned those items into evidence from MUSC?

16 A. Yes, ma'am.

17 Q. Okay. Thank you, Sergeant MacPhee. If you can
18 answer any questions that the defense might have for you.

19 MS. CAMPBELL: No questions.

20 THE COURT: You are free to check out.

21 Connecting up witnesses, the jury is about ready
22 for a break.

23 MS. SWANSON: Yes, sir. That's fine.

24 THE COURT: Or we can break for lunch and save 15
25 minutes, whichever. You can tell me because I don't know

1 who you got out there doing what.

2 MS. SWANSON: May we approach, Your Honor?

3 THE COURT: We are going to take a break one way or
4 the other but it's whether they go on to lunch or not.

5 MS. SWANSON: Right.

6 (WHEREUPON, a bench conference was had.)

7 THE COURT: All right, jurors. We are just going
8 to break for lunch. Be back at 1:17.

9 (WHEREUPON, the jury leaves the courtroom at
10 approximately 12:02 p.m., and a lunch break was taken.)

11 THE COURT: The jurors say they are ready. You all
12 ready?

13 MS. SWANSON: Yes, sir.

14 THE COURT: All right. Let's bring them in.

15 (WHEREUPON, the jury enters the courtroom at
16 approximately 1:18 p.m.)

17 THE COURT: Okay. You may proceed.

18 MS. SWANSON: Thank you. The State calls Ramona
19 Kuhn.

20 RAMONA S. KUHN, after having been duly
21 sworn, testified as follows:

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

24 THE WITNESS: It's Ramona Sue Kuhn, K-u-h-n.

25 DIRECT EXAMINATION

1 BY MS. SWANSON:

2 Q. Who do you work for?

3 A. The Beaufort County Sheriff's Office.

4 Q. And what is your position?

5 A. Currently I am the operations manager for the
6 criminal intelligence unit.

7 Q. And did you at one point work in the evidence
8 department?

9 A. Yes, ma'am.

10 Q. And did you formerly go by Ramona Cooper?

11 A. Yes, ma'am.

12 Q. As part of your duties did you receive evidence
13 from officers?

14 A. Yes.

15 Q. Okay. I'm going to show you a number of items.

16 This is State's 35, and if you can tell us what -- if you
17 received that in evidence.

18 A. Yes, ma'am.

19 Q. And what is the description of that item?

20 A. The description is a clear plastic evidence bag
21 containing bullet number 1 with fragment from T-12,
22 bullet number 2, and bullet number 3.

23 Q. And who did you receive that from?

24 A. It actually came to me from Corporal MacPhee.

25 Q. Okay. And that's your signature on that bag?

1 A. Yes, ma'am.

2 Q. Okay. Thank you. That's State's 35. I'm going to
3 hand you State's 27, and ask if you received this item.

4 A. Yes, ma'am.

5 Q. Okay. And you noted that by your signature?

6 A. Yes.

7 Q. Okay. And what is that that you are holding?

8 A. It is a weapon. It looks like a Smith and Wesson.

9 Q. Okay. Thank you. I'm going to hand you what's
10 been marked as State's 41. There are four envelopes in
11 here and we are concerned with what's been marked as
12 number 9, 14, and 11.

13 A. Okay.

14 Q. If you can please read the description and tell us
15 if you received these items in evidence.

16 A. Okay. Item 9, yes, I did receive it, and it was
17 three DNA swabs from a Smith and Wesson model SW40C. And
18 it does have a serial number if you need me to read that.

19 Q. That's not necessary.

20 A. Item 11, yes, I did receive it, and it is four DNA
21 swabs of suspected blood spots from Seabrook Road between
22 38 and 28.

23 Q. Okay.

24 A. And item number 14, yes, I did receive that one,
25 and it says it's a manilla envelope containing three

1 swabs taken from the stains on the wooden front porch.

2 Q. Okay. Thank you. Did you also handle delivering
3 evidence for testing to SLED?

4 A. Yes. One of my responsibilities was to transport
5 evidence for any examinations to SLED.

6 Q. Okay. I'm going to hand you back what's been
7 marked as State's 41 and ask if you delivered these items
8 to SLED.

9 A. Yes, ma'am.

10 Q. And how do we know that?

11 A. On the bag itself it has my signature and the date.
12 This was packaged while I was at SLED because they were
13 all going to go to the same facility for examination, and
14 I've also marked on here which of our item numbers that
15 were placed inside this bag. And it says items that were
16 inside it were 9, 11, 12, and 14.

17 Q. And when you brought these items to SLED did they
18 seal that bag?

19 A. Yes. It is sealed when I -- they put all of them
20 in the plastic bag and then they heat seal it, then I
21 initial and date the heat seal at the same time.

22 Q. Okay. So it was sealed when you left it at SLED?

23 A. Correct.

24 Q. Okay. Thank you, Ms. Kuhn. Thank you. Please
25 answer any questions that the defense might have for you.

25 A. Once at SLED, yes, they were all put in that one

1 container.

2 MS. CAMPBELL: Thank you very much. That's all I
3 have.

4 MS. SWANSON: Nothing further.

5 THE COURT: Step down.

6 MS. SWANSON: The State calls Eileen Rios.

7 EILEEN RIOS, after having been duly sworn,
8 testified as follows:

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

11 THE WITNESS: My last name is Rios, R-i-o-s. First
12 name Eileen.

13 DIRECT EXAMINATION

14 BY MS. SWANSON:

15 Q. Who do you work for?

16 A. Beaufort County Sheriff's Office.

17 Q. And in what department?

18 A. The evidence division.

19 Q. And what are your duties in the evidence division?

20 A. Receive and maintain evidence.

21 Q. Okay. I'm going to show you a number of items and
22 ask if you received each of these items. I'm handing you
23 what's been marked as State's Exhibit 42.

24 A. Yes. I received this from Sergeant Wilson on the
25 6th -- on June the 25th at 12:35, 2009.

1 Q. And what is the description of that item?

2 A. It's a semiautomatic Colt, MK5 series gun, handgun.

3 Q. Thank you. I hand you what's been marked as

4 State's Exhibit 38, and ask if you received this item?

5 A. I also received this from Sergeant Wilson on the
6 25th of June at 12:35, 2009.

7 Q. And what is that item description?

8 A. It's a box of 50 count .45 caliber cartridges.

9 Q. Thank you. This one, I'm going to hand you State's
10 Exhibit 40, and you can actually cut the top of this so
11 it's a little bit easier to see the brown bag, and I'm
12 going to ask if you received that brown bagged item.
13 Here are some scissors.

14 A. Yes. I received this from Sergeant Wilson January
15 the 25th, 2012 -- 14 at 2:05 in the afternoon. It has
16 the two buccal swabs collected from Antonio Collins.

17 Q. Okay. Thank you. I'm handing you State's 36.

18 A. Again, I received it from Sergeant Wilson on June
19 the 25th, 2009. It's one spent projectile.

20 Q. Thank you. I'm handing you what's been marked as
21 State's 33-A through H.

22 A. I received them all from Sergeant Wilson on the
23 25th of June 2009, and they are all labeled shell
24 casings.

25 Q. Does it note what caliber?

1 A. .45 caliber.

2 Q. Okay. I'm handing you what's been marked as
3 State's 34-A through H.

4 A. I took these from Sergeant Wilson on June the 25th,
5 2009. They are all .40 caliber shell casings. Yes.

6 Q. Thank you. I'm handing you what's been marked as
7 State's 39. They are items 70, 71, and 72. Did you
8 receive these items?

9 A. Again, I received these from Sergeant Wilson on
10 January the 28th, 2010. We have one, our item number 74,
11 which is cuttings from the carpet. They were taken from
12 the rear passenger floorboard of the Cadillac. And we
13 have three swabs --

14 Q. What item number?

15 A. Our item number 70, 71, and 72.

16 Q. Okay.

17 A. And they are all swabs taken from -- two of them
18 from the red stain underneath the backseat of the 1995
19 Cadillac, and one from the red stain from the rear
20 console vent of the 1995 Cadillac.

21 Q. And you received those from Sergeant Wilson?

22 A. Correct.

23 Q. Okay. I may have misspoken earlier when I asked
24 you to identify State's 34. That would be 34-A through

25 J. And those were the .40 caliber Smith and Wessons. I

1 just want to make sure that I got A through J. I may
2 have stated A through H.

3 A. A through J.

4 Q. Okay. And you in fact received all of those?

5 A. Correct.

6 Q. Okay. Thank you. Please answer any questions that
7 the defense may have for you.

8 CROSS-EXAMINATION

9 BY MS. CAMPBELL:

10 Q. Ms. Rios, do you have your evidence log with you,
11 BCSO evidence log, seven pages long, all the items?

12 A. I have I believe what I've taken in. No, I don't
13 have -- I didn't bring that with me.

14 Q. Okay. So item number 70 you testified was the
15 swabs taken, JD-1, right? It's in your baggy with your
16 initials on it?

17 A. Yes.

18 Q. And then 72 was JD-2 with your initials on it, and
19 that would be from John Donahue. Looks like Chris Wilson
20 then to you, right?

21 A. May I see that?

22 Q. Sure.

23 A. Yes. Uh-huh.

24 MS. CAMPBELL: May I stay with the witness?

25 THE COURT: You can do it.

1 BY MS. CAMPBELL:

2 Q. Item 72, again, Donahue, Wilson to you, and that
3 would be the swab labeled JD-3?

4 A. Correct. This one from Wilson to me, yes.

5 Q. Uh-huh. And item number 73 would be one sealed
6 paper evidence bag containing cutting from the rear seat
7 of the 1995 Cadillac. Do you have item number 73 on your
8 list?

9 A. Yes.

10 Q. Okay. Where is that?

11 A. As far as I know it's with the evidence.

12 Q. It's not in this bag with everything else that came
13 from the Cadillac, is it?

14 A. It's not in this bag, no.

15 Q. Do you know where it is?

16 A. As far as I know it was all picked up and brought
17 over.

18 Q. Independently, you don't know where it is, right?

19 A. Should be here.

20 Q. I understand that --

21 A. No --

22 Q. But at this moment item number 73, which is the
23 cutting from the rear seat of the 1995 Cadillac, you
24 don't now where it is?

25 A. It's not in that bag.

1 Q. It's not in that bag.

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

3 REDIRECT EXAMINATION

4 BY MS. SWANSON:

5 Q. Ms. Rios, can I have you identify what is number 74
6 out of State's 39, please.

7 A. Cuttings from the carpet from rear passenger
8 floorboard, 1995 Cadillac.

9 Q. Is it possible that you may have misnumbered
10 something on the evidence list?

11 A. Yes.

12 Q. Okay. Thank you.

13 A. This is 74.

14 Q. Okay. And these were the cuttings from the rear of
15 the Cadillac?

16 A. The carpet from the rear passenger floor.

17 Q. Which is contained in State's 39, the SLED bag with
18 70, 71, and 72?

19 A. Yes.

20 Q. Thank you.

21 MS. CAMPBELL: May I approach the witness?

22 THE COURT: Okay.

23 MS. CAMPBELL: Thank you.

24 RECROSS-EXAMINATION

25 BY MS. CAMPBELL:

- 1 Q. Just so we are clear. You print out a list of all
2 the items that you receive in the evidence room, correct?
- 3 A. Yes.
- 4 Q. Item number 70 is JD-1, and you have that, right?
- 5 A. Yes.
- 6 Q. You have item number 71, which is JD-2, correct?
- 7 A. Yes.
- 8 Q. You have item number 72, which is JD-3, correct?
- 9 A. Correct.
- 10 Q. And those three items are the swabs taken from the
11 Cadillac, correct?
- 12 A. Yes.
- 13 Q. Item number 73, which indicates should contain one
14 sealed paper evidence bag containing a cutting from the
15 rear seat of the 1995 Cadillac, that's item number 73,
16 correct?
- 17 A. Yes.
- 18 Q. Do you have item number 73 in this bag with these
19 items?
- 20 A. No. I have 74, which says cuttings from carpet
21 from rear passenger floorboard.
- 22 Q. You do not have item number 73. You have item
23 number 74, correct? That would be this one.
- 24 A. Yes.
- 25 Q. All right. Thank you. And we've already

1 established you don't know where item number 73 is at
2 this moment, correct?

3 A. Correct, 74 -- 73 is not in there.

4 FURTHER REDIRECT EXAMINATION

5 BY MS. SWANSON:

6 Q. Ms. Rios, did I just present you with all of the
7 evidence that you received in this case? Was there other
8 evidence that you received in this case?

9 A. I'd have to -- I want to say no.

10 Q. Okay.

11 A. I have other evidence but not what you presented
12 me.

13 Q. Right. That's all I mean.

14 A. Uh-huh.

15 Q. What I presented today is not exhaustive --

16 A. Yes.

17 Q. -- of what was received in this case?

18 A. Correct.

19 Q. Okay. Thank you.

20 FURTHER RECROSS-EXAMINATION

21 BY MS. CAMPBELL:

22 Q. I really need make this point clear. Item number
23 73 is from the Cadillac and you don't have it and you
24 don't know where it is?

25 A. I believe 74 is cuttings from the carpet.

1 Q. I'm talking about item 73, which is the backseat
2 cutting.

3 A. Uh-huh. From rear passenger floorboard.

4 MS. SWANSON: Your Honor, beg the Court's
5 indulgence while I attempt to locate 73.

6 (PAUSE.)

7 MS. SWANSON: May I approach the witness, Your
8 Honor?

9 THE COURT: All right.

10 FURTHER REDIRECT EXAMINATION

11 BY MS. SWANSON:

12 Q. Can you please describe what I'm handing you.

13 A. Item 73 is cuttings from the rear seat of the 1995
14 Cadillac.

15 Q. Okay. Thank you.

16 MS. SWANSON: If I could please mark this as a
17 Court's exhibit.

18 THE COURT: All right.

19 (WHEREUPON, Court's Exhibit Number 1, BCSO Item 73,
20 was marked and made a part of the record.)

21 BY MS. SWANSON:

22 Q. Seventy-three, BCSO 73?

23 A. Yeah.

24 MS. SWANSON: Okay. Thank you.

25 FURTHER RECROSS-EXAMINATION

1 BY MS. CAMPBELL:

2 Q. So now we found 73. Chris Wilson, correct?

3 A. Yes.

4 Q. And then that's your name on it, correct?

5 A. Yes.

6 Q. Okay. And this item, item 73, was never sent to
7 SLED; is that correct?

8 A. Correct.

9 MS. CAMPBELL: Thank you.

10 MS. SWANSON: May this witness be excused?

11 THE COURT: Okay. Free to go.

12 MS. SWANSON: The State calls Jean Roberts.

13 JEAN ROBERTS, after having been duly sworn,
14 testified as follows:

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

17 THE WITNESS: Jean Roberts, R-o-b-e-r-t-s.

18 DIRECT EXAMINATION

19 BY MS. SWANSON:

20 Q. Who do you work for?

21 A. The Beaufort County Sheriff's Office.

22 Q. And in what department?

23 A. I'm the victim advocate on the north side of the
24 river.

25 Q. Back in 2009 what department were you working in?

- 1 A. The evidence department.
- 2 Q. Okay. And as part of your duties did you deliver
3 evidence to SLED?
- 4 A. Yes, ma'am.
- 5 Q. Okay. I'm going to hand you what's been marked as
6 State's 39 and ask that you identify these items.
- 7 A. Yes, ma'am. I delivered these items to SLED.
- 8 Q. Okay. And what does it say is contained in those
9 items?
- 10 A. It says it's items 70, 71, 72, and 74.
- 11 Q. Okay. Items 70, 71, 72, and 74, and how do you
12 know that you were the person to deliver those items to
13 SLED?
- 14 A. My name is on the bag. This is SLED's bag that
15 they put all my evidence in and seal it for the case, and
16 it says that I took it to them on February the 8th, 2010.
- 17 Q. And did they seal that in front of you?
- 18 A. Yes, ma'am, they did.
- 19 Q. And did you initial along the seal?
- 20 A. Yes, ma'am, I did.
- 21 Q. Okay. Thank you. Thank you. Please answer any
22 questions that the defense may have for you.
- 23 A. Yes, ma'am.
- 24 MS. CAMPBELL: No questions.
- 25 THE COURT: Free to go.

1 THE WITNESS: Thank you, sir.

2 MS. SWANSON: Thank you. The State calls Jennifer
3 Snider.

4 JENNIFER SNIDER, after having been duly
5 sworn, testified as follows:

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

8 THE WITNESS: Jennifer Snider, S-n-i-d-e-r.

9 DIRECT EXAMINATION

10 BY MS. SWANSON:

11 Q. Who do you work for?

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

13 Q. And what department did you work in in 2009?

14 A. In 2009 I was a road deputy.

15 Q. Did you sometimes deliver evidence to SLED?

16 A. I did. I worked in the evidence division from 2011
17 -- or, I'm sorry, 2012 to 2013.

18 Q. Okay. I'm sorry. I apologize. This case began in
19 2009 but this was actually from 2012. I'm going to hand
20 you what's been marked as State's 40 and ask if you
21 delivered these items to SLED and when that was.

22 A. Yes, I did. I delivered them on April 11th, 2012.

23 Q. Okay, and ask you describe the item contained in
24 that SLED bag?

25 A. I believe these to be buccal swabs in this paper

1 evidence bag.

2 Q. Okay. And did they seal that bag in front of you
3 when you were at SLED?

4 A. Yes, they did.

5 Q. And how do you know that?

6 A. I know that because -- oh, I'm sorry. This was
7 actually in a different package. When I delivered --
8 because I just delivered the --

9 Q. Right, but did they put it in that package and heat
10 seal it and have you initial the seal?

11 A. Yes, and then they stick it in a different package.

12 Q. Okay. Thank you. Please answer any questions that
13 the defense may have for you.

14 MS. CAMPBELL: No questions.

15 THE COURT: Free to go ask.

16 MS. SWANSON: Thank you. Michael Perkins.

17 MICHAEL PERKINS, after having been duly
18 sworn, testified as follows:

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

21 THE WITNESS: Michael Perkins, P-e-r-k-i-n-s.

22 DIRECT EXAMINATION

23 BY MS. SWANSON:

24 Q. Who do you work for, Officer Perkins?

25 A. Beaufort County Sheriff's Office.

- 1 Q. And in what department?
- 2 A. Evidence division.
- 3 Q. And what are your duties in the evidence division?
- 4 A. Custodian for the evidence that comes in.
- 5 Q. Do you ever deliver things to SLED?
- 6 A. Yes.
- 7 Q. Okay. I'm going to show you what's been marked as
- 8 State's 35 and ask if you delivered this item to SLED?
- 9 A. Number 4, yes.
- 10 Q. Okay. Are your initials on that bag?
- 11 A. No.
- 12 Q. Okay. But you did deliver those items to SLED?
- 13 A. Yes.
- 14 Q. Okay. I'm going to hand you what's been marked as
- 15 State's 37 and ask if you delivered this item to SLED?
- 16 A. Yes.
- 17 Q. Okay. I'm handing you State's 33-A through H and
- 18 ask if you delivered these items to SLED?
- 19 A. Yes.
- 20 Q. Handing you State's 34-A through J and ask if you
- 21 delivered those items to SLED?
- 22 A. Yes.
- 23 Q. Okay. Handing you State's 36. Did you deliver
- 24 this item to SLED?
- 25 A. Yes, I did.

1 Q. State's 42, did you deliver this item to SLED?

2 A. Yes.

3 Q. Okay. When were all these items delivered to SLED?

4 A. August 29, 2013, approximately 9:16 a.m.

5 Q. Okay. And are they all firearms, casings and
6 projectiles?

7 A. Yes.

8 Q. Thank you. Please answer any questions that the
9 defense might have for you.

10 MS. CAMPBELL: No questions.

11 THE COURT: Free to go.

12 THE WITNESS: Thank you.

13 MS. SWANSON: The State calls Chad Smith.

14 CHAD MORGAN SMITH, after having been duly
15 sworn, testified as follows:

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

18 THE WITNESS: My name is Chad Morgan Smith,
19 S-m-i-t-h.

20 (WHEREUPON, Court's Exhibit Numbers 2 and 3,
21 Diagrams, were marked and made a part of the record.)

22 DIRECT EXAMINATION

23 BY MS. SWANSON:

24 Q. Good afternoon.

25 A. Good afternoon.

1 Q. Tell us who you work for.

2 A. I work for South Carolina Law Enforcement Division
3 commonly known as SLED. Specifically, I work at SLED's
4 forensics services laboratory in Columbia. I work in the
5 Firearms Department in the laboratory.

6 Q. Okay. And how long have you been employed by SLED?

7 A. It will be five years in November.

8 Q. And what is SLED?

9 A. Like I said, South Carolina Law Enforcement
10 Division. Basically, it's the State's law enforcement
11 agency. It provides technical assistance and manpower
12 for agencies in their investigations.

13 Q. What are your duties at SLED entail?

14 A. As a firearm examiner my primary responsibility is
15 examination of firearms, ammunition and ammunition
16 components. This is a discipline of forensic science
17 which is known as firearms identification. Basically,
18 what we are tasked to do is determine in an ammunition
19 component, like a bullet or a cartridge case, was fired
20 by a specific firearm.

21 Other duties include serial number restorations.
22 We do fracture match examinations, destruction of the
23 firearms. Agencies throughout the state bring us
24 firearms and other weapons to be destroyed and we
25 facilitate that destruction for them. And another thing

1 we do is shot pattern determination for shot shells.

2 Q. Okay. Explain what sort of educational background
3 and specialized training in firearms identification
4 you've received.

5 A. Okay. I received a Bachelors of Science Degree
6 from Clemson University in biological sciences prior to
7 my employment at SLED. In 2008, when I came on board
8 with SLED, I entered the training program in the firearms
9 department.

10 Q. How long does that last?

11 A. It's a program that lasts three to five years, and
12 during this period it's supervised by the court qualified
13 examiners of the firearms department. It's extensive
14 reading and studying involved. We're getting numerous
15 tests and practical examinations. We help other
16 examiners with their case work. We get to go to various
17 seminars and classes on firearms identification and
18 related areas.

19 At the end of -- the completion of the training
20 period we are given a comprehensive multipart
21 examination, and after completing that examination I was
22 deemed competent and received my own case work.

23 Q. All right. And have you ever testified regarding
24 your area of expertise?

25 A. Yes, I have. I testified twice. Once at a

1 coroner's inquest, and the other was general sessions
2 court.

3 Q. And when was that?

4 A. That was just recently last week, in Sumter County.

5 MS. SWANSON: Okay. Your Honor, at this time I
6 would like to offer Chad Smith as an expert in firearms
7 identification.

8 MR. BAX: No objection.

9 THE COURT: Okay.

10 MS. SWANSON: Thank you.

11 BY MS. SWANSON:

12 Q. I'm going to hand you what's been marked as Court's
13 Exhibit 2 and 3 to help assist you in explaining a little
14 bit about firearms identification. Can you please just
15 tell the jury as basic as you can what you are looking
16 for when you examine guns or firearms, projectiles and
17 casings.

18 A. Okay. I'll start with this picture right here.
19 This is a picture of a cutaway view of a typical center
20 fire cartridge. It's a round of ammunition. A lot of
21 people think that this whole thing is called a bullet but
22 that's technically incorrect.

23 The cartridge is made up of several components.
24 You've got the bullet here, which is the actual
25 projectile. You've got the cartridge case, which is

1 usually made from materials such as brass, which
2 basically is the container for all the other components
3 of the cartridge. Here is the gunpowder, which is
4 contained within a cartridge case. And this right here
5 is called the primer.

6 And how this unit of ammunition works is when a
7 firearm fires a unit -- I mean, a cartridge, the firing
8 pin strikes the primer which causes a small explosion.
9 That explosion transfers to gunpowder which ignites the
10 gunpowder, creates pressure inside the cartridge case and
11 expels projectile from the cartridge case itself.

12 When this happens the bullet goes through down the
13 barrel, the muzzle, out the muzzle, down the bore of the
14 barrel. What happens is this bullet picks up markings on
15 that barrel and the markings that are created inside that
16 barrel usually come from a manufacturing process.

17 There are tiny microscopic defects that are caused
18 during refraction process. It could also be caused
19 through corrosion or damage or improper cleaning, things
20 like that. So this bullet picks up markings from the
21 barrel, and the cartridge case itself is rebounded back
22 against a portion of the firearm, the breech component,
23 which actually supports a cartridge during firing. So
24 what happens is this area in here and the primer, and
25 this, the head, the rear of the cartridge case picks up

1 markings created by the breech itself, also.

2 Going to this diagram, this shows kind of what a
3 rifle barrel looks like. Rifling is a process that
4 manufacturers put in the bores, the inside of their
5 barrels basically to give a projectile accuracy. It
6 imparts a spin on the bullet as it's traveling down the
7 barrel, so when it exits the barrel it's still spinning,
8 makes it more accurate for its target.

9 An analogy would be like a football quarterback
10 throwing a football, getting that nice tight spiral so it
11 can hit its target. So the rifling itself is made up of
12 a series of lands and grooves. The grooves are cut into
13 the bore in a twisting fashion and then you've got the
14 lands which are basically the uncut area.

15 So as the projectile is traveling down the bore
16 it's spinning, it's picking up marks from that rifling
17 itself, and those are what -- those markings are
18 microscopic -- we call them striations. They are
19 basically little scratches. That's what we're looking
20 for when we do our examinations. And that's for the
21 barrel. Like I said, for the cartridge case itself it's
22 picking up markings up against the breech face, also.

23 Q. And do you use any special equipment to identify
24 those microscopic marks?

25 A. Yes, ma'am. If you can imagine -- we've got a

1 piece of equipment called a comparison microscope. If
2 you can imagine, basically they are two microscopes
3 connected by an optical bridge unit so you can look
4 through the optical bridge unit and compare two samples
5 simultaneous. And what we're trying to do is match up
6 those striations, those markings with one another and
7 that's how we do our comparisons.

8 Q. Okay. So you are saying that when you look through
9 that microscope you can compare two samples side by side?

10 A. Yes, ma'am.

11 Q. But enlarged?

12 A. Correct. Yeah. We've got high magnification.

13 We've got the capability of -- we've got cameras that go
14 on top of the microscope so we can take pictures, things
15 like that nature.

16 Q. Okay. And when you test firearms do you fire them
17 to make sure they are in working order?

18 A. That's correct. That's one of the examinations
19 that we perform. When we get a firearm we make sure that
20 it's in working order, make sure it's not damaged or
21 anything like that, that it is in proper firing
22 condition.

23 Q. Were you asked to examine some firearms, casings
24 and projectiles from a Beaufort County case?

25 A. Yes, ma'am, I was.

1 Q. And when were you asked to examine those items?

2 A. I received the evidence on August 29th, is when I
3 received the evidence, and I started my examinations on
4 August 29th as well.

5 Q. Okay. I'm going to hand you what's been marked as
6 State's 35 and ask for you to identify what's in this
7 package and tell us whether or not you examined these
8 items.

9 A. Ladies and gentlemen, what I'm looking for are when
10 we receive a piece of evidence we will actually engrave
11 with a little tool our laboratory case number, the item
12 number and our initials. So each item of evidence I
13 receive I initial that on there.

14 The container itself that I return the evidence in,
15 these little Ziploc bags, I will write the same
16 information, then we heat seal them so they are sealed
17 and we initial it and the seal date is written on there
18 as well, which all of these have the intact seal dates.

19 Q. Okay. And if it helps you you can open that
20 particular package.

21 Let's talk about item number 15 first, which is
22 located in State's 35?

23 A. I'm sorry. Which item?

24 Q. Item 15.

25 A. Okay. Yes, ma'am. I've got it right here. This

1 is item 15.

2 Q. What is that item?

3 A. Item 15 is composed of a fired bullet as well as a
4 fired bullet jacket fragment. And going back to this
5 diagram here, this particular bullet is a jacketed
6 bullet. You can have plain lead bullet which is what this
7 core material is made out of usually, is a lead material.

8 Then you can have a jacketed bullet which has a lead
9 core with some sort of metal around that core, and that's
10 called a jacket. So when I received item 15, it is a
11 jacketed bullet. It's a hollow point type, and also 15
12 is comprised of a jacket fragment as well.

13 Q. Okay. Did you also examine 16 and 17?

14 A. Yes, I did.

15 Q. And what were your findings when you examined those
16 items?

17 A. The comparisons between items 15, 16, and 17 were
18 inconclusive with each other. Basically, that means I
19 don't know if they were all fired by the same gun or by
20 different guns. They share the same rifling
21 characteristics, the lands and grooves.

22 The number of lands and grooves can change between
23 manufacturers, and the widths of the lands and grooves
24 can also change. And also to the direction, it can be
25 right-hand twist or left-hand twist. So all the bullets,

1 15, 16, and 17 exhibited the same characteristics but I'm
2 not able to determine if -- they lack the individual
3 markings that I needed to make sort of a determination.
4 So they were inconclusive with each other.

5 Q. So that lack the individual marking which would
6 allow you to link it to a specific gun?

7 A. That's correct. I said that they may or may not be
8 suitable for identification with a specific firearm,
9 which means that they lack those markings. However, if
10 with the right test fire from that firearm it could
11 actually make a difference as if they could be identified
12 to that particular firearm.

13 Q. Okay. Did you determine that they were consistent
14 with any type of caliber gun?

15 A. Yes, ma'am. I measured the diameter of the bullets
16 down here at the base and concluded -- and with their
17 weight as well. I concluded that they were most specific
18 with bullets loaded into .40 Smith and Wesson caliber
19 cartridges.

20 Q. Okay. And those items were labeled as -- on the
21 outside of that bag?

22 A. Yes, ma'am, 15, 16, and 17.

23 Q. And what was the description?

24 A. The description on the container says clear plastic
25 evidence bag containing bullet number 1 with fragment

1 from T-12, bullet number 2, bullet number 3 from MUSC
2 pathology.

3 Q. The projectiles that were taken out of the victim?

4 A. As far as I know, yes, ma'am.

5 Q. All right. If you want to hand State's 35 back to
6 me.

7 MS. SWANSON: At this time, the State would offer
8 item 35 into evidence.

9 THE COURT: All right.

10 MR. BAX: No objection.

11 (WHEREUPON, State's Exhibit Number 35, a
12 Projectile, was admitted into evidence.)

13 BY MS. SWANSON:

14 Q. Okay. The next item that you analyzed appears to
15 be State's 37. If you can tell us what that is, if you
16 analyzed that.

17 A. Okay. This is my item 18, and let me just open it
18 up and verify it's in safe condition.

19 (PAUSE.)

20 Ladies and gentlemen, I physically and visually
21 verified that this firearm is safe to handle. It's
22 unloaded. This particular item was made up of Smith and
23 Wesson pistol and its magazine.

24 Q. Okay. And was that gun in working order?

25 A. Yes, ma'am.

1 Q. Was that all you tested it for?

2 A. No. I test fired it to obtain test fires so I can
3 try to make some sort of identification examination with
4 the test fired cartridge case -- I mean, not test fired
5 cartridge casings but the evidence cartridge cases and
6 evidence bullets. So I test fired the firearm to obtain
7 test fires, used those test fires and compared those test
8 fires with the actual evidence itself.

9 Q. Okay. And those would be SLED item numbers 27
10 through 36?

11 A. Yes, ma'am, 27 through 36 are 10 fired 40 Smith and
12 Wesson cartridge cases.

13 Q. Okay. And those are State's 34-A through J that
14 I'm handing you. If you can verify that these are the
15 casings that you tested in conjunction with that firearm.

16 A. These are actually submitted, this is submitted
17 evidence that I received.

18 Q. Oh, I'm sorry. But did you compare these pieces of
19 evidence to the casings coming from the --

20 A. Right.

21 Q. -- gun that you tested?

22 A. That's right. Yes, ma'am. That's correct. Yeah.
23 These are 10 fired .40 Smith and Wesson caliber cartridge
24 cases received as evidence. I compared these with the
25 test fired from the firearm that I just received.

1 Q. And what were the results?

2 A. They were inconclusive with -- no. I'm sorry. The
3 fired cartridge cases that I received did match the
4 firearm, this item right here. So these cartridge cases
5 were fired by this particular firearm.

6 Q. Okay.

7 MS. SWANSON: Your Honor, at this time I would move
8 State's 37 and 34-A through J into evidence.

9 THE COURT: All right.

10 (WHEREUPON, State's Exhibit Numbers 34 and 37-A
11 through J were admitted into evidence.)

12 A. I also received -- do you want me to talk about the
13 swab, or is that necessary?

14 Q. It's not necessary. Thank you though.

15 I'm going to hand you what's been marked as State's
16 42. Is this a firearm that you examined?

17 A. Again, this particular firearm has a cable lock
18 running through there and I can tell that it's safe to
19 handle. Yes, ma'am, this is my item 38.

20 Q. Okay. Did you test fire that weapon?

21 A. That's correct. I test fired this weapon in the
22 same manner as the other firearm.

23 Q. Was it in working order?

24 A. Yes, it was.

25 Q. All right. I'm going to hand you State's 33-A to

1 33-H. Did you examine these items?

2 A. Yes, ma'am. These are eight fired cartridge cases.

3 Q. Were you able to determine which firearm fired
4 those -- or which firearm those casings came out of?

5 A. Yes, ma'am. These particular .45 auto caliber
6 cartridge cases were fired by this particular firearm.

7 Q. Okay, and that's the Colt 45?

8 A. Yes, ma'am.

9 MS. SWANSON: At this time, the State offers 33-A
10 through H into evidence.

11 THE COURT: Okay.

12 MS. SWANSON: As well as, I believe this is State's
13 42 into evidence.

14 THE COURT: All right.

15 (WHEREUPON, State's Exhibit Numbers 33-A through H,
16 and 42 were admitted into evidence.)

17 BY MS. SWANSON:

18 Q. I'm going to hand you State's 36. If you can tell
19 me if you examined this projectile.

20 A. Yes, ma'am. This is a fired bullet.

21 Q. Okay. Did you reach any conclusions as to that
22 projectile?

23 A. Yes, ma'am. This particular bullet is consistent
24 with being loaded into a .45 auto caliber cartridge, and
25 this was actually fired by the Colt pistol.

1 Q. Okay. So you were able to tell that that
2 projectile was different than the other projectiles that
3 were examined?

4 A. Yes, ma'am, based on the caliber.

5 Q. Okay. And so you are able to tell the difference
6 between a .40 caliber projectile and a .45 caliber
7 projectile?

8 A. That's correct.

9 MS. SWANSON: The State offers 36 into evidence.

10 THE COURT: Okay.

11 (WHEREUPON, State's Exhibit Number 36, Projectiles,
12 were admitted into evidence.

13 MS. SWANSON: Beg the Court's indulgence.

14 (PAUSE.)

15 BY MS. SWANSON:

16 Q. Thank you. Please answer any questions that
17 Mr. Bax might have for you.

18 MR. BAX: Please the Court, Your Honor.

19 THE COURT: Okay.

20 CROSS-EXAMINATION

21 BY MR. BAX:

22 Q. Good afternoon, sir. How you doing?

23 A. Good afternoon. Fine.

24 Q. Good. Thanks for coming down to Beaufort.

25 A. Sure.. No problem.

1 Q. I just have a couple of questions for you about
2 what you have testified to here today. Going back to the
3 fired projectiles that you tested that you first
4 testified about, and let me see if I can find the bag
5 here. And I'm going to hand that up.

6 MR. BAX: Approach the witness, Your Honor?

7 THE COURT: Okay.

8 BY MR. BAX:

9 Q. Just for reference so you know which ones I'm
10 talking about I'm talking about these right here. I
11 believe you testified these were the projectiles that the
12 bag indicates came from the autopsy; is that correct?

13 A. That's correct.

14 Q. Okay. All right. But your testimony was that your
15 results were inconclusive, and I want to make sure we
16 were clear on what that means. You were able to
17 determine they were most likely or most consistent with a
18 .40 caliber round; is that correct?

19 A. Correct.

20 Q. But you were unable to determine if they were fired
21 from the Smith and Wesson .40 caliber pistol that you
22 had?

23 A. That's correct.

24 Q. Okay. You also indicated that one of them was
25 actually fragmented, there were two pieces?

1 A. Right. The item 15, my item 15 was received as one
2 fired bullet and a jacket fragment. However, during my
3 examinations I determined that it was most consistent
4 with that jacket piece being part of that original item
5 15 bullet.

6 Q. So you were basically able to determine that that
7 fragment should have gone with that bullet that you've
8 labeled as 15?

9 A. Correct.

10 Q. Okay. Now, you've also testified that this was a
11 jacketed round but you also said it was a hollow point
12 round. Can you explain to us what that means?

13 A. Well, it's actually a jacketed hollow point. A
14 hollow point -- going back to this particular diagram, if
15 you look here, if this particular -- you've got different
16 types of bullets.

17 You've got full metal jacket bullets, which have a
18 jacket covering everything but the base portion of the
19 bullet. You've got total metal jacket bullets, which the
20 jacket material covers the whole bullet.

21 Jacketed hollow point bullets, which have a partial
22 jacket, the nose portion, the front of the bullet is open
23 so there's a cavity inside that bullet. It's made so
24 that when it hits a target -- it's made for defense use
25 usually, to expand upon impact.

1 Q. And that expansion, what is that -- that expansion
2 of the bullet, it causes some deformation of the
3 projectile; is that right?

4 A. That's correct. Typically, depending on what sort
5 of surface it strikes, sometimes a hollow point can get
6 clogged up by clothing material and it may not open. It
7 just depends on the circumstances.

8 Q. And the expansion of a hollow point, the design
9 behind it as a firearms expert, isn't that in order to
10 allow for more impact and more damage on, for example, a
11 human being?

12 A. That's correct.

13 Q. Okay. And at the same time that causes a lot of
14 deformation of the projectile?

15 A. Typically, yes. It usually opens up. There's a
16 term called mushrooming which the bullet sort of opens up
17 on itself and it kind of looks like a mushroom.

18 Q. Now, in order to make this determination I think
19 you testified that you fired some test rounds out of the
20 Smith and Wesson pistol that you've examined?

21 A. Correct.

22 Q. And you said that you compared those test fires to
23 those rounds in 15, 16, and 17?

24 A. Correct.

25 Q. But you weren't able to conclusively say it came

1 from that gun?

2 A. That's correct. It could have been fired by that
3 particular firearm or another firearm with those similar
4 rifling specifications.

5 Q. Okay. When you did that I think you testified to
6 the fact that at your SLED laboratory in the firearms
7 department you have microscopes and those microscopes are
8 also equipped with cameras?

9 A. That's correct.

10 Q. Did you take any pictures of your comparisons in
11 this case?

12 A. I take photographs of positive matches, ID's, as we
13 call them, they are identifications. We don't normally
14 take pictures of inconclusive or negative results.

15 Q. Now, I want to ask you also, there was some shell
16 casings, in other words, what's left over and ejected
17 from the side of the gun after the gun is fired; is that
18 correct?

19 A. Right. The cartridge cases.

20 Q. Yes, sir. And there were ten .40 caliber cartridge
21 cases; is that correct?

22 A. That's correct.

23 Q. You've testified that you were able to compare
24 those and say those cartridge cases came from that gun,
25 correct?

1 A. That's correct.

2 Q. But you've also indicated in the results that
3 you've reported that one of those had something on the
4 cartridge case. Can you tell us about that?

5 A. Yes. One item, the item 33, my item 33 cartridge
6 case had what appeared to be a reddish-brown material.
7 According to our protocol if we discover some sort of --
8 it's called trace evidence. It could be blood or what we
9 perceive to be blood, any sort of material such as fibers
10 or anything like that that could be of value to an agency
11 we'll usually swab it, box it up, note it in our report
12 and our notes that we found some sort of material and
13 it's being sent back with the item, and if they want
14 further testing they can send it back to the appropriate
15 department.

16 Q. Now, in this particular case you indicated that you
17 labeled it as 33.1. It was one of those 10 fired .40
18 caliber cartridges?

19 A. That's correct.

20 Q. And you swabbed that and saved that swab?

21 A. Yes, sir.

22 Q. What did you do with the swab in that case?

23 A. The swab is returned with the evidence that was
24 submitted.

25 Q. And by return do you mean return to the submitting

1 agency, Beaufort County?

2 A. That's correct. That's our standard protocol.

3 Q. So it wasn't sent over to the DNA division there in

4 SLED?

5 A. That's correct. Yes.

6 Q. Is that because you want the agency to decide

7 whether or not to do that?

8 A. That's correct. That's what we normally do. We

9 note it in our report that this is what we found and if

10 it requires further investigation on their part, if they

11 want to send the swab back for DNA analysis or whatever

12 they can certainly do so.

13 MR. BAX: Approach the witness, Your Honor?

14 THE COURT: Okay.

15 BY MR. BAX:

16 Q. I'm going to show you what has been entered as

17 Defendant's Exhibit 13. Now, I know you had nothing to

18 do with this but I just want you to take a look at that

19 picture. Does that appear to be a cartridge with some

20 kind of red substance on it?

21 A. It appears to be so, yes.

22 Q. Thank you very much.

23 MR. BAX: And a moment's indulgence. I'd like to

24 get something marked for ID only, Your Honor.

25 I apologize, Your Honor. It's already marked for

1 ID.

2 BY MR. BAX:

3 Q. I'm going to hand you what's been marked for ID
4 Defendant's 9, and just ask the same question. Does that
5 appear to be a cartridge with some kind of red substance
6 on it?

7 A. According to the picture it does appear so.

8 Q. Thank you very much. Now, you've testified that
9 you found some sort of stain or brownish-reddish stain on
10 one of the cartridges. Did you see that on any other
11 cartridge out of those ten .40 caliber cartridges?

12 A. No, I did not. That's the only one after opening
13 up the packaging during my initial examination, that's
14 the only one that I observed to have that sort of
15 material on there.

16 Q. And in order to make these comparisons with
17 cartridges or projectiles you typically want to get them
18 in the exact condition that they were collected from the
19 scene?

20 A. Typically so, yes.

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

22 (PAUSE.)

23 BY MR. BAX:

24 Q. A couple more questions for you. When you got this
25 evidence and established your own item numbers those

1 items already had information written on them from the
2 agency that submitted them; is that correct?

3 A. What we receive on our end is a submission slip, an
4 itemized list of what was being sent in, like an
5 inventory list. Sometimes, depending on whether or not
6 the agency wants to put more information or less, you
7 know, that's up to them, but as far as -- we only know
8 what they submitted.

9 MR. BAX: Approach the witness, Your Honor?

10 THE COURT: Okay.

11 MR. BAX: Thank you, sir.

12 BY MR. BAX:

13 Q. I'm going to hand you up what's also been handed to
14 you by the solicitor and entered as 34 with the sub
15 items. Is that the .40 caliber cartridges that you
16 tested?

17 A. Yes. These are the cartridge cases. Yes.

18 Q. And on those packages do you see anywhere where
19 it's indicated a description of the item and a placard
20 number that's listed with that item from the submitting
21 agency?

22 A. Yes. They are written with certain information.

23 Q. Okay. Now, can you identify which of those
24 cartridges was your 33.1 that you swabbed?

25 A. It would have been -- yes. This one right here

1 because it's in the same package that I received it in
2 and there's the swab box right there with the cartridge
3 case.

4 Q. And does that bag have the same description with a
5 placard number on it as the others?

6 A. Yes, it does.

7 Q. And what does it say about what placard number that
8 came from?

9 A. This says placard 15.

10 MR. BAX: Okay. Approach the witness, Your Honor?

11 THE COURT: Okay.

12 MR. BAX: Thank you, sir.

13 BY MR. BAX:

14 Q. I'm passing you what I passed you earlier as
15 Defendant's Exhibit 13, which has been entered. Can you
16 read what the placard says right next to that shell?

17 A. It says 15.

18 Q. So it's 15?

19 A. Yes.

20 Q. Now, out of those shells that you have in front of
21 you can you identify one that says that it is from
22 placard number 9?

23 A. Yes. It's my item number 27.

24 Q. It's your item number 27. Okay. I'm going to pass
25 you again what is marked for ID Defendant's Exhibit 9.

- 1 Can you read what the placard says next to that shell?
- 2 A. Nine.
- 3 Q. It says nine as well?
- 4 A. Uh-huh.
- 5 Q. And in that picture you see what appears to be some
- 6 kind of red substance?
- 7 A. It appears to be, yes.
- 8 Q. And there was none on that shell when you received
- 9 it?
- 10 A. Correct.
- 11 Q. Thank you very much, sir.
- 12 Additionally -- and I'm going to get on a different
- 13 subject here so if you want to put those together and get
- 14 them off there I'll be happy to get them off your hands.
- 15 You don't typically take pictures of negative
- 16 results. In other words, two different projectiles or
- 17 shells that don't match; is that correct?
- 18 A. That's correct.
- 19 Q. In this case, however, you've identified that the
- 20 Smith and Wesson shells that you got there were a
- 21 positive match to test-fired shells from this firearm,
- 22 correct?
- 23 A. Correct.
- 24 Q. Did you take pictures of that?
- 25 A. I do have pictures for my references, yes.

1 Q. Okay. And have those pictures been transported to
2 the Solicitor's Office here in Beaufort County or to the
3 Sheriff's Department?

4 A. Not that I know of. Pictures we take usually are
5 just for our reference purposes just to kind of jog your
6 memory, if you will, of what we are looking at at the
7 time of making our determinations.

8 Q. Okay. And was that also the case with the .45
9 caliber shells that you were able to match to that .45
10 caliber pistol?

11 A. Correct.

12 Q. As well as that one fired .45 projectile?

13 A. That's correct.

14 Q. Okay. Thank you very much.

15 MR. BAX: Moment's indulgence, Your Honor.

16 (PAUSE.)

17 BY MR. BAX:

18 Q. One final thing. Just generally, the calibers
19 you've talked about, you've talked about a .40 caliber,
20 you've talked about a .45 caliber, for those of us who
21 don't know, which one is bigger?

22 A. The .45. The term caliber basically refers to the
23 diameter of the projectile. It corresponds to the
24 diameter of the bore of that particular firearm. So a
25 .45 caliber is larger than a .40 caliber.

1 Q. So a .45 caliber, as you've testified, is basically
2 a larger projectile than the .40 caliber?

3 A. Correct.

4 Q. And based on your knowledge of these firearms does
5 the .45 caliber have a lower muzzle velocity than the .40
6 caliber?

7 A. Just from my information, yes, it typically does.
8 That's getting into an area of ballistics which we don't
9 have training in. That's a separate area of the firearms
10 identification. But from my personal knowledge a 45 auto
11 typically does have lower velocity than a 40 Smith and
12 Wesson.

13 Q. Okay. And not to get into ballistics but just from
14 a common sense standpoint, taking out any issues of
15 hollow point versus a non hollow point, the whole left
16 butt of a 45 if it's not a hollow point is going to be
17 bigger than the whole left butt of a .40 caliber,
18 correct?

19 A. Depending on, I guess, what it hits and everything
20 like that but you would assume so.

21 Q. Thank you very much. No further questions.

22 MS. SWANSON: Just briefly.

23 REDIRECT EXAMINATION

24 BY MS. SWANSON:

25 Q. The results that you deemed inconclusive from the

1 projectiles that came from MUSC that you examined --

2 A. Right.

3 Q. -- it was because you didn't have enough
4 information left on those projectiles; is that the gist
5 of it?

6 A. Basically, yes. The markings -- there were
7 insufficient marks of value, a term we refer to it as.
8 But those striations, those scratches I talked about
9 earlier just lacked those to make a determination.

10 Q. Okay. And when a projectile passes through muscle
11 and major organs does it lose information that you could
12 identify it with?

13 A. It's possible depending on, you know, what sort of
14 medium that projectile travels through. Of course, it
15 could get -- that jacket material could get abraded. It
16 could be all sorts of damage done to that particular
17 jacket.

18 Q. Okay. But you were comfortable in saying it was
19 most consistent with being fired from a .40 caliber
20 weapon?

21 A. Right. Right.

22 Q. And you could tell that they were all .40 caliber
23 projectiles?

24 A. Right, based on the weight and the diameter, just
25 overall physical characteristics of that particular

1 bullet -- those particular bullets.

2 Q. Thank you. I just wanted to make sure that was
3 clear. Things got a little confusing.

4 THE COURT: Anything else?

5 MR. BAX: Nothing further, Your Honor. Thank you.

6 THE COURT: All right, jurors. Take a little
7 break.

8 (WHEREUPON, the jury leaves the courtroom at
9 approximately 2:36 p.m.)

10 THE COURT: I guess he's free to go?

11 THE WITNESS: Am I excused?

12 MS. SWANSON: Yes. Thank you, Chad.

13 THE WITNESS: You're welcome.

14 MS. SWANSON: One more witness.

15 THE COURT: Which one is that?

16 MS. SWANSON: Jennifer Clayton from SLED. Our DNA
17 analyst.

18 THE COURT: All right.

19 MS. SWANSON: Thank you, Your Honor.

20 THE COURT: No problem.

21 (WHEREUPON, a brief recess was taken.)

22 THE COURT: Everybody ready?

23 MS. SWANSON: Yes, sir.

24 (WHEREUPON, the jury enters the courtroom at
25 approximately 2:52 p.m.)

1 THE COURT: All right.

2 MS. SWANSON: Thank you, Your Honor. The State
3 calls Jennifer Clayton.

4 JENNIFER CLAYTON, after having been duly
5 sworn, testified as follows:

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

8 THE WITNESS: Jennifer Clayton, C-l-a-y-t-o-n.

9 DIRECT EXAMINATION

10 BY MS. SWANSON:

11 Q. Good afternoon. Jennifer, who do you work for?

12 A. I'm currently employed by the South Carolina Law
13 Enforcement Division, also known as SLED.

14 Q. And how long have you worked at SLED?

15 A. Approximately 11 years.

16 Q. What is your position at SLED?

17 A. I am currently a DNA analyst.

18 Q. All right. And what sort of educational background
19 and special training do you have?

20 A. I earned a Bachelor's of Science in Biology from
21 the University of North Carolina at Chapel Hill. I've
22 also taken classes at N. C. State and U. S. C. My course
23 work includes molecular biology, biochemistry, genetics
24 and statistics. I completed an internship with the North
25 Carolina State Bureau of Investigations Molecular

1 Genetics Department, which is the equivalent of SLED's
2 DNA Department.

3 I originally was hired on with SLED as a forensic
4 technician in the DNA Department. I worked as a
5 technician for two years before I was hired as a DNA
6 analysts. Once I was hired as a DNA analyst I completed
7 a one-year training program under another qualified
8 analyst and did case work under his supervision before I
9 was allowed to do case work on my own.

10 Q. Okay. And so is your expertise in forensic
11 analysis?

12 A. It's in DNA analysis and serology.

13 Q. Okay. And have you ever testified in court?

14 A. Yes, I have.

15 Q. All right. How many times?

16 A. Approximately 30 times.

17 Q. And have you ever been qualified as an expert in
18 DNA analysis and serology?

19 A. Yes, I have.

20 Q. Okay. About how many times?

21 A. Approximately 30 times.

22 Q. Okay. Thank you.

23 MS. SWANSON: At this time, I would offer

24 Ms. Clayton as an expert in DNA analysis and serology.

25 MR. BAX: Voir dire, Your Honor?

1 THE COURT: Okay.

2 VOIR DIRE EXAMINATION

3 BY MR. BAX:

4 Q. Just briefly, Ms. Clayton. During your training at
5 SLED prior to being taken on as a DNA analyst with your
6 own case work was there testing that you had to do with
7 SLED?

8 A. Yes. As far as competency testing?

9 Q. Yes.

10 A. Yes. Before we can go on line as a DNA analyst we
11 are required to take both written tests and a practical
12 test.

13 Q. Okay. And were you successful with that testing
14 the first time through?

15 A. Yes, I was.

16 Q. Additionally, is there any continuing education
17 requirements for your position?

18 A. Yes. We are required to receive eight hours of
19 external training every year and any time that a new test
20 or in certain instances new software is to be used we are
21 required to receive training in that software or analysis
22 method and to take a competency in that as well.

23 Q. So that's basically qualification with a particular
24 kind of kit or software that you are using in your lab;
25 is that correct?

1 A. That's correct.

2 MR. BAX: No further questions. No objection, Your
3 Honor.

4 THE COURT: Okay. Qualified as an expert, DNA
5 testing.

6 MS. SWANSON: Thank you.

7 BY MS. SWANSON:

8 Q. Jennifer, can you explain as simply as possible, I
9 know it's kind of opening a can of worms, but what DNA
10 is, to the jury.

11 A. DNA is basically a long chain chemical that's found
12 in every cell in the body with the exception of red blood
13 cells. With the exception of identical siblings and some
14 very rare bone marrow transplant cases no two individuals
15 are going to have exactly the same DNA profile, and this
16 is what makes it useful to forensics.

17 A DNA profile can be developed from evidence and
18 then it can be compared to a DNA profile that's developed
19 from a known standard to determine if there's a match.
20 A known standard is a sample that's collected from a
21 particular individual so that the origin of that sample
22 is known.

23 Q. And what are you looking for when you are testing
24 DNA or when you're trying to establish a match?

25 A. When a DNA profile is developed it's -- the end

1 result for easiest analysis is essentially a set of
2 numbers or a sequence of numbers, and the sequence of the
3 numbers from the evidence can be compared to the sequence
4 of numbers from the standard to determine if there's a
5 match or if there's not a match in the sequence of
6 numbers.

7 Q. All right. What is the difference between a match
8 and a partial profile?

9 A. Okay. Sometimes when a profile is developed from
10 evidence -- well, to start with, we test 15 locations and
11 an additional location that indicates whether the donor
12 might be male or female.

13 If we develop a full profile that means we develop
14 complete results from all 15 locations. If a particular
15 location part of the information is missing or more, or
16 all of the information appears to be missing at the
17 location or multiple locations that's considered a
18 partial profile. So in some instances a complete profile
19 is developed from evidence and sometimes a partial
20 profile developed from evidence.

21 Q. Okay. So partial profile is just one that is
22 missing some information?

23 A. Correct.

24 Q. Can you still find it what you would call a match
25 or consistent with someone else's -- a known sample?

1 A. If there is enough information present in the
2 partial profile, yes. What is present in the partial
3 profile can be compared to the known standard.

4 Obviously, only the locations that yielded a result can
5 be compared to the locations in the known sample.

6 Q. Okay. And are there different types of DNA
7 evidence?

8 A. There are different types of DNA. We deal with
9 nuclear DNA. It's the -- if you look at a cell under a
10 microscope it kind of looks like a fried egg. The outer
11 perimeter is the outside edge of the cell then there's
12 another smaller area that looks kind of like the yolk of
13 an egg and that's called the nucleus, and the DNA that we
14 test is in there. And this DNA can be found in different
15 types of samples. It can be found in blood samples or
16 saliva samples, semen samples and even just skin cells
17 that are deposited on an item.

18 Q. Right. So would that be classified as touch DNA?

19 A. Yes. We refer to that as touch DNA.

20 Q. Okay. So there's serological DNA, which would be
21 the substances that come from a body, and then touch DNA
22 that would be skin cells left?

23 A. Right. Serological sample refers to bodily fluids.

24 Q. Okay. Does SLED have certain standards and quality
25 control measures that they have in place to make sure

1 that there's no contamination in the testing of DNA?

2 A. Yes. The department, the DNA department has a set
3 of procedures that are written up and each analyst is
4 required to follow these procedures when doing their DNA
5 analysis and part of this is to include controls during
6 the analysis. It includes both positive controls and
7 negative controls.

8 A positive control is a sample with a known
9 profile, we know what the result for that sample should
10 be, and so that allows us to determine if the testing
11 appears to be working correctly. If I develop a profile
12 from my positive control that does not match what it's
13 supposed to be that's an indication that something went
14 wrong with the testing and I would need to go back and
15 look at my samples and possibly do some retesting.

16 The negative controls are a way to check for
17 possible contamination. At the end of the testing no
18 profile should be developed from the negative controls,
19 and if a profile is developed from the negative controls
20 that would be an indication that at some point a
21 contaminant was introduced during analysis of those
22 samples.

23 If a contaminant is present in the reagent blank
24 none of those samples can be used. I have to start the
25 process all over again, go back to the very original

- 1 samples, take a new sample from the evidence and start
2 the process from the beginning.
- 3 Q. Okay. Does SLED hold any accreditations?
- 4 A. Yes. They are accredited by ASCLD Lab, which is
5 the American Society of Crime Laboratory Directors
6 Laboratory Accreditation Board.
- 7 Q. And did you have an occasion to test forensic
8 evidence in a Beaufort County murder case that originated
9 in 2009?
- 10 A. Yes, I did.
- 11 Q. All right. And when you provided this testing in
12 this Beaufort County case did you follow all SLED
13 procedure and quality control measures?
- 14 A. Yes, I did.
- 15 Q. And did you ever come across any contaminants
16 present in your analysis of these items?
- 17 A. No. There was no indication of contamination.
- 18 Q. Okay. I'm going to hand you State's 39, and ask if
19 you tested any of those items?
- 20 A. Yes, I did.
- 21 Q. All right. And which items did you test?
- 22 A. May I refer to my notes?
- 23 Q. Yes.
- 24 A. I performed testing on SLED item 8, which was a
25 swab from underneath the backseat, and SLED item 10,

1 which was described as a swab from underneath the rear
2 console vent.

3 Q. Okay. Were you able to establish a DNA profile
4 from those items?

5 A. Yes, I was.

6 Q. And if you hang onto that. I'm going to pass you
7 State's 40, and ask you if you tested these items?

8 A. Yes, I did.

9 Q. Okay. And what are those items?

10 A. This is SLED item 14, which is buccal swabs from
11 Antonio Collins.

12 Q. And were you able to compare -- were you able to
13 get a DNA profile with that item?

14 A. Yes, I was.

15 Q. And were you able to compare the buccal swabs from
16 Antonio Collins to the swabs taken from the Cadillac?

17 A. Well, the swabs are not described as being from a
18 Cadillac but --

19 Q. I'm sorry.

20 A. If they are from a Cadillac then, yes, I was able
21 to make a comparison.

22 Q. Okay. So those were SLED --

23 A. SLED items 8, and SLED items 10.

24 Q. SLED items 8 and 10, and swabs from underneath the
25 backseat and swab from underneath rear console vent. And

1 what were your findings when you compared the DNA
2 profiles from SLED items 8, 10, and 14, which were the
3 buccal swabs from Antonio Collins?

4 A. The DNA profile developed from SLED items 8 and 10
5 matches the DNA profile of Antonio Collins. The
6 probability of randomly selecting an individual --

7 MR. BAX: Objection, Your Honor. I have a matter
8 outside the presence of the jury.

9 THE COURT: Really? Shouldn't you have done that
10 way before time? You know that's coming. The juries
11 don't like to come in and out.

12 Step out jury.

13 (WHEREUPON, the jury leaves the courtroom at
14 approximately 3:05 p.m.)

15 THE COURT: All right.

16 MR. BAX: Sorry, Your Honor. There's been times
17 when I've done this when they haven't gone into the math
18 equation and I usually have to wait. Sometimes I've
19 brought it up and they said they didn't want to go into
20 that anyway. I just want to put this on the record as I
21 do in most cases involving this. And I would like to ask
22 some proffer questions if I may in order to make the
23 objection, Your Honor.

24 THE COURT: All right. How many times have you
25 been successful, previously?

1 MR. BAX: None, Your Honor.

2 THE COURT: That's right, but go ahead.

3 MR. BAX: Thank you very much. And I'm happy to be
4 honest about that. I just feel I need to keep trying.

5 EXAMINATION

6 BY MR. BAX:

7 Q. Ms. Clayton, just real briefly. The mathematical
8 equation in this case, was that something you did using
9 the assistance of a software program or a machine?

10 A. Yes. We use a program called the Pop Stats Program
11 supplied by the FBI. During our training we are required
12 to calculate the statistic, a statistic by hand; however,
13 it's an extremely time consuming calculation and prone to
14 human error. We therefore use a program to make that
15 calculation.

16 Q. And in this particular situation is that the case?
17 Did you plug it into that software program?

18 A. That's correct.

19 Q. Did you do that equation by hand?

20 A. No, sir.

21 Q. In your training were you able to successfully do
22 such an equation at least once?

23 A. Yes.

24 Q. Was that after -- obviously, that's something that
25 you had to do after taking a class or training on that

1 math?

2 A. Yes. I had statistical training during my college
3 courses but I also attended a statistic course at a
4 conference that covered population statistics relevant to
5 the analysis that we do, and then as part of my
6 competency testing before I went on line as an analyst I
7 was required to calculate the statistic by hand.

8 Q. And the statistics that come out of this software
9 often involve numbers that actually far exceed the actual
10 human population of planet Earth; is that correct?

11 A. That's correct because the calculation is not
12 dependant on the number of people on the plant. It uses
13 something called the product rule, which is completely
14 independent of the world population.

15 MR. BAX: Thank you. No further questions, Your
16 Honor. My objection is based on the fact that she
17 doesn't -- as she's testified too she used software in
18 order to do this calculation.

19 And while she had indicated that she has done the
20 calculations successfully in the past on something
21 unrelated to this case, possibly a sample through her
22 classes, we would object to her testifying to this
23 equation due to the fact that it was performed by a
24 machine and software. She does not have the foundation
25 to be able to testify to it herself.

1 I would also object to it on a secondary level in
2 that from a relevant standpoint the statisticians have
3 created this based as she said independent -- information
4 independent of the Earth's population. I don't think
5 it's relevant to tell jurors that it's one in 900
6 trillion when luckily we have not reached 900 trillion
7 people on planet Earth yet.

8 So my position and it will remain such, respecting
9 of course the Court's decision, is that that equation
10 grants more certainty and more of a halo of scientific
11 approval to it than is really relevant in the case.
12 There's not even that many people on the planet.

13 They are obviously going to get the rest of the
14 science in this case. There's nothing stopping that but
15 I feel these mathematical equations are bolstering, to be
16 honest. Thank you.

17 THE COURT: Well, I agree in theory because it
18 irritates me every time they come out with something when
19 they could say 99.9 percent; however, it's allowed all
20 the time and until the appellate court says they can't do
21 that they can, as idiotic as it sounds to a lay person.

22 MR. BAX: Thank you, Your Honor.

23 THE COURT: But, I mean, you can argue that to the
24 jury but I can't grant your motion. And as far as her
25 not calculating it, that's just like it used an adding

1 machine rather than doing it by hand. So you can attack
2 the software if you want to later but, you know, FBI
3 certifies it, so that's proper, from her standpoint.

4 MR. BAX: Thank you, Your Honor.

5 THE COURT: As I told them, Ms. Clayton, I had a
6 case a couple months ago and they gave me all this and
7 then cross-exam they said, Well, actually, the second
8 test, right? What happened to the first test? Well, the
9 first test was inconclusive. The second test was one in
10 500 trillion or whatever you all say, you know. Of
11 course, the jury probably said, you know, if it's that
12 conclusive what happen to the first time?

13 (WHEREUPON, the jury enters the courtroom at
14 approximately 3:12 p.m.)

15 THE COURT: Okay.

16 MS. SWANSON: Thank you, Your Honor.

17 BY MS. SWANSON:

18 Q. Okay. Ms. Clayton, we were looking at SLED items
19 8, 10, and 14. Those were swabs from underneath
20 backseat, rear console vent, and two buccal swabs from
21 Antonio Collins that you were able to get DNA profiles on
22 and compare the two. What were your findings when you
23 compared those profiles from the rear seat swab, the rear
24 console swab, and the buccal swabs from the defendant,
25 Antonio Collins?

1 A. The DNA profile developed from SLED items 8 and 10
2 matches the DNA profile of Antonio Collins. The
3 probability of randomly selecting an unrelated individual
4 from the population having a DNA profile matching these
5 two items is approximately 1 in 4.9 quadrillion.

6 What that statistic means is that if you went out
7 into the population and just chose an individual at
8 random that's unrelated to the individual that left the
9 sample at the scene the probability that they would by
10 chance happen to have the same DNA profile as that item
11 of evidence is approximately 1 in 4.9 quadrillion.

12 Q. Okay. And did you determine what substance was on
13 the swabs from 8 and 10?

14 A. I did perform serology testing on SLED items 8 and
15 10, and there was blood indicated on those items.

16 Q. Okay. Blood indicated on swab from underneath
17 backseat and swab from underneath rear console vent?

18 A. That's correct.

19 MS. SWANSON: Okay. At this time State would
20 request item 39 to be entered into evidence. Those are
21 the swabs from --

22 MR. BAX: No objection.

23 THE COURT: Okay.

24 MS. SWANSON: Swabs from Cadillac.

25 (WHEREUPON, State's Exhibit Number 39, Swabs, were

1 admitted into evidence.)

2 BY MS. SWANSON:

3 Q. Okay. I'm going to ask you to hang onto State's
4 40, which is SLED item 14.

5 A. Okay.

6 Q. I'm going to hand you State's 41 which contains
7 several items, and if you can please tell us if you
8 tested any of these items.

9 A. Yes, I did. I tested SLED item number 1, which is
10 described as swabs from Seabrook Road; SLED item 2, which
11 is described as swabs from Smith and Wesson model
12 SW40CS/NWAP0205; SLED item number 6, which is described
13 as swabs from front porch of 46 Seabrook Road; and SLED
14 item 7, which is described as swabs from latent
15 impression on front window of 46 Seabrook Road.

16 Q. Okay. Let's turn our attention to SLED items 1 and
17 6, Seabrook Road swabs and front porch swabs. Did you do
18 any serological testing on those items?

19 A. Yes, I did. There was blood indicated on both SLED
20 item 1 and SLED item 6.

21 Q. And were you able to establish a DNA profile from
22 those items?

23 A. Yes, I was.

24 Q. And were you able to compare that to item 14, the
25 buccal swabs from Antonio Collins?

- 1 A. Yes, I was.
- 2 Q. What were the results from that comparison?
- 3 A. The DNA profile developed from SLED items 1 and 6
- 4 matches the DNA profile of Antonio Collins. Again, the
- 5 probability of randomly selecting an unrelated individual
- 6 having a DNA profile matching these items is
- 7 approximately 1 in 4.9 quadrillion.
- 8 Q. Okay. You also said that you tested SLED item
- 9 number 2, which are swabs from a Smith and Wesson, or
- 10 labeled as swabs from a Smith and Wesson?
- 11 A. That's correct.
- 12 Q. Okay. And were you able to establish a profile
- 13 from that item?
- 14 A. Yes, a partial DNA profile was developed from that
- 15 item.
- 16 Q. And so you were missing a little bit of
- 17 information, is that what the gist of a partial DNA
- 18 profile is?
- 19 A. That's correct.
- 20 Q. And did you compare that partial DNA profile to the
- 21 profile that you were able to get from SLED item 14,
- 22 which are the buccal swabs from Antonio Collins?
- 23 A. Yes, I did.
- 24 Q. Okay. And what were the results from that
- 25 comparison?

1 A. The partial DNA profile developed from item -- SLED
2 item 2 matches the DNA profile of Antonio Collins.

3 Q. And did you come up with a statistic for that?

4 A. I did not include a statistic in my report;
5 however, I did calculate that statistic if you would like
6 me to refer to it.

7 Q. Please.

8 MR. BAX: Objection, Your Honor. Sidebar? I don't
9 want to ask the jury to go out.

10 THE COURT: All right.

11 (WHEREUPON, a bench conference was had.)

12 THE COURT: Not to keep you all guessing, here is
13 the thing. Nobody surprises anybody in court, okay.
14 They say they didn't get what she's about to testify to,
15 those calculations. If they got it they can ask the
16 question. If they don't have it they can't ask that
17 question. They have what's called discovery and you got
18 to give everybody information whether it's incriminating
19 or exculpatory. That's the rule.

20 MR. BAX: Approach, Your Honor?

21 (WHEREUPON, a bench conference was had.)

22 THE COURT: Like, I've been married 50 years. I
23 don't say the blue shirt you said was in the closet is
24 not in there. I say I can't find the blue shirt.

25 MS. SWANSON: Judge, it's the very last sheet in

1 their packet.

2 MR. BAX: Approach, Your Honor?

3 THE COURT: All right.

4 (WHEREUPON, a bench conference was had.)

5 BY MS. SWANSON:

6 Q. Thank you, Ms. Clayton. Did you come up with a
7 statistic for the partial profile that you found and
8 compared with the buccal swabs from the defendant?

9 A. Yes, I did.

10 Q. Okay. And what was your result?

11 A. The probability of randomly selecting an unrelated
12 individual having a DNA profile matching the DNA profile
13 developed from item 2 is approximately 1 in 270 billion.

14 Q. One in 270 billion. Okay.

15 A. Correct.

16 MS. SWANSON: At this time, the State would move --
17 well, let me go back just briefly.

18 BY MS. SWANSON:

19 Q. When you tested all of this evidence it came to you
20 in sealed pouches, right?

21 A. Yes.. That's correct.

22 Q. And did anyone unseal those pouches before the
23 testing of these items?

24 A. No. The pouches -- it's a heat sealed pouch so
25 when someone comes from a local agency to submit evidence

1 to SLED they put it in a heat sealed pouch, they seal the
2 top and then they initial and date it. And then I, in
3 order to do my analysis, have to cut down the side of the
4 pouch to have access to it, and then I reseal the pouch
5 and I initial and date it as well. And other than the
6 individual that placed these items in the pouch I'm the
7 only one that accessed the pouch prior to my analysis.

8 Q. Okay. And that went for each of the items that you
9 tested?

10 A. For the items that were mentioned, correct.

11 Q. One, 6, 2, and 14?

12 A. And 8 and 10, also.

13 Q. And 8 and 10. Yes. Okay.

14 MS. SWANSON: The State moves 41 and 40 into
15 evidence.

16 THE COURT: All right.

17 (WHEREUPON, State's Exhibit Numbers 40 and 41 were
18 admitted into evidence.)

19 BY MS. SWANSON:

20 Q. Did you record all of your findings in your report
21 besides the statistic that you were later asked to
22 calculate and provide in your case file to the defense as
23 well as --

24 MR. BAX: Objection. Leading, Your Honor.

25 MS. SWANSON: Sorry.

1 THE COURT: Okay.

2 BY MS. SWANSON:

3 Q. Did you record all of your findings in your report?

4 A. Yes. The results of comparisons that we make we
5 are required to report them in our report.

6 Q. Okay. Let me ask you a little bit about possible
7 contamination when it comes to handling DNA evidence. If
8 you have multiple DNA sources, let's say on a buccal swab
9 drying in a location, if they are separated is it
10 possible that they would contaminate each other?

11 A. No. I mean, as long as samples are separated and
12 allowed to dry in a protected environment where no one is
13 going to make contact with them or make contact between
14 the samples I would not expect contamination to occur.

15 Q. And if, say, something did make contact with that
16 sample what would the result be? Would you have another
17 DNA profile that you could get from that item?

18 A. That would depend on the particular samples in
19 question. If two blood samples touched up against each
20 other that contained both the same profile then obviously
21 there would be no indication to tell one way or another
22 that the two items had ever come into contact.

23 If blood from two different individuals, you have
24 blood from one individual on one swab and blood from
25 another individual on the second swab there's two

1 possibilities. One, if they came into contact with each
2 other the level -- the amount of DNA present on the
3 original sample would be so much more than the
4 contaminant that the contaminant wouldn't show up, or it
5 would be possible that if by some chance a lot of DNA
6 transferred from the second sample then a mixture would
7 be developed.

8 The third possibility is that if one sample with a
9 lot of DNA comes into contact with a sample with almost
10 no DNA or very little DNA, or no DNA at all then it might
11 be possible to develop the DNA profile from the sample
12 with more DNA present on that item.

13 Q. Okay. And in the items that we've discussed here
14 today did you find any mixtures?

15 A. No. I did not develop any mixtures.

16 Q. Okay. So there was just one DNA profile present?

17 A. On the samples that I tested, correct.

18 MS. SWANSON: Beg the Court's indulgence.

19 THE COURT: All right.

20 BY MS. SWANSON:

21 Q. Jennifer, were there additional items that were not
22 tested that were sent to SLED?

23 A. Yes.

24 Q. Is that routine?

25 A. Yes. When evidence comes to the DNA department to

1 make the most efficient use of our resources I will
2 sometimes look at a case and if it appears that multiple
3 samples answer the same question then I may only work one
4 or two of the items rather than working all of them.

5 For instance, if multiple swabs are taken from one
6 location and the question is did an individual leave
7 their DNA on that item or in that location, if I work one
8 or two out of three our four or five samples and a match
9 is developed then the answer becomes yes, and whether I
10 find that profile one time or three times or five times
11 the answer is always yes. So at that point I will stop
12 analysis so that I can move on to other samples and other
13 cases.

14 Q. Thank you. Please answer any questions that
15 Mr. Bax might have for you.

16 MR. BAX: Please the Court, Your Honor?

17 THE COURT: Sure.

18 CROSS-EXAMINATION

19 BY MR. BAX:

20 Q. Good afternoon, Ms. Clayton.

21 A. Good afternoon.

22 Q. I have some questions for you concerning a number
23 of levels of what you've done here in this case as far as
24 testing DNA. First of all, I just want to try to do this
25 for my own organization so I apologize if I take an order

1 that is confusing, just let me know.

2 Collection of DNA or collection of these materials
3 you've talked about with the solicitor that there can be
4 DNA found in serological which you said is basically
5 bodily fluids, blood, semen, sweat; is that correct?

6 A. That's correct.

7 Q. Okay. And then there can be basically cells that
8 are found that I think they are referred to as touch DNA.
9 In other words, just left kind of randomly sloughing off
10 of the skin; is that correct?

11 A. Right. Sometimes when you handle an item or place
12 your hands on an item you can leave DNA behind that way.

13 Q. Okay. Now, in the collection of DNA, for example
14 if there's a serological, say, blood on a floor.

15 A. Yes.

16 Q. If that's open to the air for any amount of time it
17 is possible for other materials to get into that blood;
18 is that correct?

19 A. That is correct.

20 Q. Okay. And if that material that gets into the DNA
21 contains DNA information itself that will mix with what's
22 already there; is that correct?

23 A. Yes, you can. It is possible for one sample that
24 contains DNA to be mixed into a second sample that
25 contains DNA.

1 Q. And for that purpose that's why securing where DNA
2 is to make sure that nothing else can mix with it is
3 important; is that correct?

4 A. That's correct.

5 Q. And DNA -- let me ask you this. DNA doesn't just
6 come from humans, correct?

7 A. That's correct. All animals leave behind DNA.
8 Plants, in fact, contain DNA. However, the testing that
9 we do is -- or the DNA testing that we do is specific to
10 humans.

11 Q. And I want to get to that in a minute. What the
12 DNA sample is exposed to before it gets to you, that's
13 going to affect really the reliability of the results.
14 If it comes into contact with multiple people's DNA after
15 the collection that are unrelated to the case that can
16 complicate your results; is that correct?

17 A. That's correct.

18 Q. This goes to the idea that there's also how the
19 sample is handled after it's collected, correct?

20 A. Yes. If I'm understanding your question correctly
21 then, yes. It is important for whoever collects the
22 samples to handle them in a way that keeps them separate
23 from each other and keeps them safe from contamination
24 from individuals talking around the evidence or another
25 possible means of contamination.

1 Q. And you said talking around the evidence, because
2 when we speak we actually expel air. And some people
3 talk a little bit more spit than others do, hopefully not
4 myself, but let me know. But these are the kind of
5 things that will possibly -- if you are talking around
6 open swabs that are sitting in a block on a shelf, if you
7 are kind of a spitty talker that can cause problems,
8 right?

9 A. That's correct. If there's nothing -- if there's
10 no barrier between you and the swabs it is possible that
11 if you talk in the direction of the swabs it would be
12 possible to contaminate those swabs.

13 Q. And are you aware of certain collection containers
14 that have been developed to where you can place swabs
15 inside of, say, a small box or bags or things that are
16 aerated where they will still be able to dry out and not
17 mold but will not be exposed to people talking around
18 them?

19 A. There are some different available swabs. Some of
20 them come with cardboard boxes that you can place -- and
21 they have holes cut in the side of the cardboard box.
22 You can place the swab in the box to dry. There are also
23 some that have a pop cap that you can actually slide the
24 swab into this little container and it will pop over the
25 swab part of the -- the cotton portion of the swab.

1 Those don't breathe quite as well so it's better if those
2 are popped open to dry first and then snapped shut but
3 those are available, yes.

4 Q. And one of the other areas of DNA handling or
5 examples of samples is that it still has to make it to
6 you before you can test it, correct? If you don't
7 receive something you can't test it; is that right?

8 A. That's correct.

9 Q. Okay. If you need to refer to your notes, please
10 feel free. Did you in this case out of everything that
11 you received on that particular case, I know you've
12 testified that you received some materials that purported
13 to be taken or collected from a Cadillac or a car of some
14 kind?

15 A. Yes. There were items that were described as being
16 from underneath the backseat, I'm assuming it was from a
17 vehicle, and from underneath the rear console vent, as
18 well as cutting from carpet from rear passenger
19 floorboard, which again I assume was a vehicle of some
20 type.

21 Q. Okay. So you received something that purported to
22 be a cutting from the carpet of the floorboard?

23 A. That's correct.

24 Q. Did you receive anything that purported or
25 described itself as being a cutting from the backseat of

1 a Cadillac or a car?

2 A. No, I did not.

3 Q. So you didn't ever receive anything like that?

4 A. No, sir..

5 Q. Okay. Now, moving on to kind of the initial phases
6 of what you do. We talked about this a little bit and
7 you referenced it. You do what's called a presumptive
8 test on some of these items. Is that -- and my
9 understanding, correct me if I'm wrong, is that that's in
10 order to determine if it is blood or not; is that
11 correct?

12 A. A presumptive test is a -- can indicate the
13 presence of blood. The test that I used is called a
14 Phenolphthalein test. It's a chemical test that will in
15 fact test positive on any type of blood whether it's from
16 a human or an animal but it is an indication as to
17 whether or not there might be blood present. However, it
18 is not confirmatory test. A confirmatory test would be a
19 test that states definitively yes, this is blood.

20 Q. And that is reflected in what you testified to that
21 you found blood indicated on those items that you've
22 testified to, correct?

23 A. That's correct.

24 Q. And you used a Phenolphthalein test and that's a
25 particular kit that you use; is that correct?

1 A. It's a set of chemicals. It's a test composed of
2 two different chemicals that are added one after the
3 other and it gives a color change for a positive
4 reaction.

5 Q. For that particular chemical test involving
6 Phenolphthalein are you aware of any history of false
7 positives for blood with that particular test?

8 A. Yes. A Phenolphthalein test can in some instances
9 give a false positive. Some types of metals are known to
10 possibly cause a false positive. A false positive is
11 when you get a color change from something that isn't
12 blood, and some plant materials have been documented as
13 to possibly cause a positive -- a false positive result
14 with Phenolphthalein.

15 Q. And that was my next question, and that goes to the
16 idea of a false positive as to whether or not the
17 substance came from a human. You just testified that
18 some plants have been known to give false positives,
19 correct?

20 A. That's correct.

21 Q. And that wouldn't be a human being.

22 A. That's correct.

23 Q. All right. Okay. There was some additional
24 evidence that you got in this case you haven't really
25 talked about. I want to ask you about that if I can.

1 Did you receive a shirt in this case to test?

2 A. I personally did not receive the shirt. I received
3 cuttings from a shirt, yes.

4 Q. Okay. So you weren't the individual that did the
5 cuttings but you received what was cut from the shirt?

6 A. That's correct.

7 Q. In the workup of what evidence you have do you have
8 a number -- or do you have what's called evidence
9 worksheets?

10 A. Yes. That's correct.

11 MR. BAX: Approach the witness, Your Honor?

12 THE COURT: Okay.

13 BY MR. BAX:

14 Q. I'm going to hand you this. Just see if you can
15 identify that for me, please.

16 A. Okay. Yes. This appears to be a copy of my
17 evidence worksheet from this case.

18 Q. Okay.

19 A. Or one of my evidence worksheets I should say.

20 Q. Would that be a form that you had filled out on a
21 computer or in some way you filled that out?

22 A. Yes. That's correct.

23 Q. Okay. And if I might, there's a place for
24 descriptions of the evidence on this form. Correct?

25 A. There is a place to put comments, yes. There's a

1 description that is the one that's entered when the
2 evidence is submitted and there's also a section for
3 comments where I can note either the description --
4 further description of the evidence or anything that I
5 observe.

6 Q. In handing this back to you I see that -- is it
7 correct that you observed on the description across from
8 5.2, which is cuttings from the shirt, correct?

9 A. 5.2 is a cutting from a shirt, correct.

10 Q. And that you note in there that it appears to have
11 been used to wipe something off, or language to that
12 effect?

13 A. Yes. That's correct.

14 Q. Okay. Thank you. And that was based on your
15 observation of what you had in front of you?

16 A. That's correct.

17 Q. Now, are you aware of whether any photographs were
18 taken of that shirt prior to the cuttings being taken out
19 of it?

20 A. I do not know if any photographs were taken or not.

21 Q. Now, I also want --

22 A. I'm sorry. I don't believe photographs were taken
23 but I can't say that with certainty. I would have to
24 check the records.

25 Q. Okay. All right. Now, in your testing you've

- 1 listed off items for the jury here and one of the --
2 well, let me just go through some of these because you've
3 testified that they were a match. Item number 1 says
4 swabs from Seabrook Road. Now, that has an S on it.
5 That was multiple swabs; is that correct?
- 6 A. Yes. That's correct. According to my notes it was
7 four swabs.
- 8 Q. Okay. But you listed only as one item. Why is
9 that?
- 10 A. That's correct. Sometimes if there is more than --
11 there's more of a sample present that can be collected by
12 one swab a crime scene technician or whoever is
13 responding to the scene and collecting the evidence will
14 use multiple swabs to collect that sample. They will
15 then package those swabs together and label them as one
16 item because they are all from the same location.
- 17 Q. Now, does that indicate that you tested -- did you
18 test each of those swabs or did you just test one of
19 those swabs?
- 20 A. Unfortunately, I did not note on here whether I cut
21 from all four swabs or if I only cut from one or two of
22 the swabs. So I would not be able to recall that without
23 looking at the swabs themselves.
- 24 Q. But as far as your results are concerned from
25 item one you only list one box on the grid of profiles

1 from the swabs from Seabrook Road; is that correct?

2 A. That's correct. Even if I cut from -- whether I
3 cut from one swab or I cut from multiple swabs the swabs
4 would be analyzed as one item yielding one result and
5 therefore would be reported as one sample and one result.

6 Q. And as you've testified to this -- this description
7 of swabs from Seabrook Road, did you make any
8 determination about whether these swabs were taken from
9 different locations on that road?

10 A. Again, if they are packaged by the individual that
11 collected the samples and they are labeled as a single
12 item that is an indication that they are from one
13 location and are in fact one item.

14 Q. So if the collecting agency fails to do -- to
15 describe in the packaging that it was taken, say, at one
16 mile marker and then the other swab is taken a mile away,
17 if that's not described on there you are going to test
18 that as one item?

19 A. If they package it as one item, that's correct,
20 because there is no way for us to determine that it's
21 from two separate locations when the individual that
22 submitted the evidence packaged it as a single item
23 indicating that it was from a single location.

24 Q. Well, I'm confused. And let me ask you this
25 because in your item numbers from the swabs from the

1 Cadillac you list them separately. You have item 8,
2 which is a swab from underneath the backseat, and you
3 also have item 9 as a swab from underneath the backseat,
4 and you list them as separate items. Why is it that
5 those swabs get separate items whereas all the swabs,
6 however many were taken, I think it was four, from a road
7 were all listed as one item?

8 A. Because the swabs that are listed as items 8 and
9 items 9, and I believe item 10, also, is that also a swab
10 from the vehicle?

11 Q. Item 10 is, yes, also a swab from the vehicle.

12 A. Yes. They were labeled -- when they came in they
13 were labeled as separate items as being from separate
14 locations and I therefore analyzed them as separate
15 items. The four swabs from -- that are labeled as swabs
16 from Seabrook Road were packaged as one item, submitted
17 one item and therefore were analyzed as one item.

18 Q. So when the collecting agency fails to separate the
19 swabs and indicate to you that they are separate swabs
20 from potentially biological or serological sources you
21 have no way of knowing that that needs to be tested
22 separately; is that your answer?

23 A. Yes. If they packaged it as single item and it
24 should have been two items there's no way for me to know
25 that they mistakenly packaged them as two items, and they

1 will be worked as one item.

2 Q. Thank you. Now, I want to talk to you -- or to ask
3 you some questions about these numbers that you've given
4 us. The probability that you have testified to, 1 in, I
5 think 4.9 quadrillion was one of the numbers, and 1 in
6 200 and something billion, I believe. Now, you are not
7 trying to tell the jury that there's 4.9 quadrillion
8 people on plant Earth, are you?

9 A. No. That statistic is referred to as a type of
10 population statistic and it depends on something known as
11 the product rule, and what that allows an analyst to do
12 is because we test 15 locations and we use a database
13 that can be used to determine the frequency of a certain
14 result at a particular location the probability of an
15 individual's profile matching an item of evidence profile
16 at a particular location can be calculated and then those
17 for each location, those results can be multiplied
18 together to get an overall probability.

19 For instance, an example of how the product rule
20 works is let's say you have a six-sided dice and it's
21 numbered one through six, one number on each side. The
22 probability of rolling a two in a single roll is one in
23 six because the number appears one time on a six-sided
24 dice. The probability of rolling a two on a second die
25 in a single roll is one in six.

1 And I can take that probability, the probability of
2 rolling a two on the first dice, and the probability of
3 rolling a two on the second dice and calculating -- I can
4 calculate the probability of rolling a two on both dice
5 in a single roll, which is one in 36. I multiply the two
6 probabilities together.

7 That same product rule can be used to calculate the
8 statistic that's reported in here using the frequency of
9 -- or the calculated frequency of certain results at
10 certain locations that were tested.

11 Q. And that takes me to the second thing. There was
12 some discussion on direct about this partial match and
13 that was based on the fact that there was a partial
14 profile developed from item 2, which is this Smith and
15 Wesson pistol that we have sitting up here; is that
16 correct?

17 A. That's correct.

18 Q. Now, you've talked about them as locations and I
19 think they are also referred to as loci. There is by my
20 count three different locations or loci where no alleles
21 are indicated or no profile is developed; is that
22 correct?

23 A. That's correct.

24 Q. And I'm also noting that there are by my count
25 three different alleles or numbers that have parentheses

1 around them which basically is indicating that it's a low
2 amount. Now, some of this I think might go over their
3 heads so let me make sure that I back up a little bit.

4 First of all, these loci or locations are basically
5 chemical locations where these alleles will show up; is
6 that correct?

7 A. Correct. As I said earlier, DNA is basically a
8 long chain and rather than testing the entire piece of
9 DNA we test sections of DNA, and these are called
10 locations or loci and we develop results.

11 And because you get half of your DNA from your
12 mother and half of your DNA from your father you
13 typically -- each location for a single source profile
14 will yield either one number or two numbers. If it
15 yields one number it means you've got the same number
16 from both your mother and your father. If you develop
17 two numbers it indicates that you developed -- you
18 inherited one number from one parent and another number
19 from another parent.

20 In the DNA testing here refer to parentheses which
21 means that there is a low amount of DNA present for that
22 sample and it's reaching the lower limits of detection
23 for our instrument at which point -- you know, the point
24 at which we can declare it to be an allele. This is
25 particularly important if there's only one number present

1 in a location because it can be an indication that the
2 second number is missing.

3 Q. And, in fact, one of the numbers that's got
4 parentheses around it is a single number at a location,
5 correct?

6 A. That's correct.

7 Q. Okay. And these quantities are actually part of
8 your protocols. In other words, your protocols at SLED
9 tell you what numbers are too low that have to either be
10 reported with parentheses or not reported at all; is that
11 correct?

12 A. That's correct. There is a lower limit of
13 detection for the instrument at which point we cannot
14 interpret alleles below that and say that is an allele or
15 is not an allele. And there's another limit that's the
16 range that determines which samples get that parenthesis
17 to say that there's an application that there could be
18 possible dropout.

19 Q. Okay. And you've got three of those reported out
20 and then three locations that have no alleles reported at
21 all for this match. Ms. Clayton, can you tell us your
22 protocols, do they have a cut off? In other words, a
23 partial match if it drops below a certain level that you
24 cannot report it out.

25 A. No. It doesn't have a minimum, a minimum number of

1 locations that have to be matched to determine a match.

2 Q. So there's no protocol that says, you know, if you
3 only have two alleles or you only have two locations that
4 are showing up and the rest are undevelopable that you
5 wouldn't report that out, you could report that out if
6 you wanted to?

7 A. You could report it as a match. If both locations
8 matched you could report that out as a match.

9 Q. So you could report out two out of 15 as a match if
10 you so desire?

11 A. Yes. I have never reported two as a match --

12 Q. But you can do that?

13 A. If I chose to do so, yes.

14 Q. And what would make you choose not to do that?

15 A. Basically, it comes down to the probability that
16 another individual would match that. When you get down
17 to results at only two locations it becomes highly
18 probable that multiple people could have those same
19 numbers at those same two locations.

20 Q. And when you plug in for probability you are not
21 plugging into that probability equation anything having
22 to do with low RFU report outs; in other words, low
23 amounts of the DNA. There's nowhere for you to plug in
24 the fact that the nine has got parentheses around it, is
25 there?

1 A. In fact, our protocol does say that if you have a
2 single allele at a location, for instance the nine that
3 he is referring to and it is in parentheses, that
4 location cannot be used for calculations because we are
5 unable to determine if the true result of that location
6 is only a nine or if it might be a nine and something
7 else. So that information cannot be used for the
8 mathematical calculation that we do.

9 Q. What about locations where you have two numbers but
10 one of them is in parentheses?

11 A. Yes. Those can be used. There is a -- basically,
12 there is a set of standards you look at as to whether or
13 not you can be confident that those two numbers go
14 together. For instance, if you have a 14 and a 16 and
15 one of them is in parentheses if they are within a
16 certain percentage of each other as far as peak height
17 goes, and peak height is just a way to measure how high
18 the peak comes up on the results which is an indication
19 of how much DNA is present, so if those are close
20 together, within a certain range, typically a 60 percent
21 of each other, then there's generally confidence that
22 they go together and they can be used in calculations.

23 However, if they are not close in range, for
24 instance, the peak height of one the 16 was only at 30
25 percent of the 14, that number would not be used in

1 statistical calculations because it's possible that those
2 numbers do in fact go together but it also could be an
3 indication that maybe you have a mixture, and so that
4 item or that location would not be used for calculations.

5 Q. Now, in this particular case you actually issued
6 DNA analysis reports on three different dates; is that
7 correct?

8 A. Yes. That's correct.

9 Q. Okay. And you were also submitted or what was
10 submitted to you also included buccal standards or swabs
11 from Enrekae Miles and Jeremy Murphy, as well as Ronald
12 Coleman, Jr. as well, correct?

13 A. Enrekae Miles, Ronald Coleman, Jr., and, I'm sorry,
14 what was the last name?

15 Q. Jeremy Murphy.

16 A. Jeremy Murphy. Yes. That's correct.

17 Q. Okay. And you've issued results about who could be
18 excluded as possible contributors. I think you've stated
19 that Ronal Coleman, Jr. and Jeremy Murphy are excluded as
20 possible contributors to a number of items, correct?

21 A. Yes. That's correct.

22 Q. And those items include 1 which was the swabs from
23 Seabrook Road, 2 which I believe was the Smith and Wesson
24 pistol that we've sat here and talked about, the cuttings
25 from a shirt from 5.1 and 5.2, as well as items 6, 8, and

1 10. I believe 6 was swabs from the incident location,
2 the porch. And 8 and 10 you've already testified came
3 from the car; is that correct?

4 A. Yes. That's correct.

5 Q. Okay. However, in this statement you clearly do
6 not include Enrekae Miles' name because you cannot
7 exclude Enrekae Miles as a possible contributor to those
8 items, correct?

9 A. That is not correct.

10 Q. Why wouldn't you put Mr. Miles in that sentence?

11 A. In the original report the DNA profile developed
12 from items 1 and 6, as well as the partial DNA profile
13 developed from item 2 were reported as being from an
14 unidentified male individual and Enrekae Miles, I had
15 tested his sample at that time and he matched items 5.1
16 and 5.2. The DNA developed from items 5.1 and 5.2
17 matched the DNA profile of Enrekae Miles and because it
18 was already stated that items 1 and 6 and a partial
19 profile from item 2 were from an unidentified individual
20 it was not necessary to state that it also did not match
21 Enrekae Miles. If it had it would have been reported as
22 a match to Enrekae Miles.

23 Q. I'm sorry. I missed that. You've reported out
24 known males. Ronald Coleman, Jr., we know who he is.
25 You've got a standard for him. Jeremy Murphy is known

1 because you have a standard for him and yet you list them
2 as excluded. But you do not list Enrekae Miles. I
3 understand that he matches 5.1 and 5.2 but why lump that
4 in with other items that are not associated with a match
5 to him?

6 A. I'm not sure I understand your question.

7 Q. Okay. 5.1 and 5.2, did that match anybody?

8 A. Yes. That's correct.

9 Q. Who did it match?

10 A. Enrekae Miles.

11 Q. Okay. And yet in this statement in your results
12 you list 5.1 and 5.2 along with a number of other items,
13 correct, 1, 2, 6, 8, and 10?

14 A. Yes. When referencing Ronald Coleman, Jr. and
15 Jeremy Murphy I did specifically list out all the items
16 for Ronald Coleman, Jr. and Jeremy Murphy because I
17 wanted to make it obvious or evident that I had done a
18 comparison to those two individuals and they were not
19 listed anywhere else in the report, as far as the results
20 are concerned.

21 Q. So Enrekae Miles is or is not excluded as a
22 possible contributor to those items?

23 A. To items 1, 2, 6, 8, and 10.

24 Q. Uh-huh.

25 A. He is excluded.

1 Q. And why didn't you report that?

2 A. Because the sample was originally reported as being
3 from an unidentified individual. We are not -- if we
4 report that sample is a match to an unidentified
5 individual and we have tested standards from other
6 individuals then it is not -- we are not required to
7 state specifically that the DNA profile does not match
8 another individual because it's already been stated that
9 this individual has been tested and the profile from the
10 evidence is from an unidentified individual; therefore,
11 it's not from the tested individual.

12 Q. All right. Moving on. Ms. Clayton, we've talked
13 about contributors and all sorts of a bunch of stuff and
14 I'm sure everybody is probably bored out of their minds
15 right now and I do apologize about that. This is what I
16 do so it doesn't bore me as such.

17 But is it possible, however improbable or unlikely,
18 that small amounts of two contributors can report out and
19 appear to be one single contributor? In other words,
20 you've got some DNA from one source, some DNA from
21 another and they just happen to report out at locations
22 where all 15 locations have the appropriate number of
23 alleles showing up but they came from two different
24 sources; is that possible?

25 A. It's highly improbable but theoretically I suppose,

1 yes, it's possible.

2 MR. BAX: A moments indulgence, Your Honor?

3 THE COURT: All right.

4 MR. BAX: One matter of clarification, okay? And I
5 appreciate you all's patience. Thank you.

6 BY MR. BAX:

7 Q. One of the items that we've talked about at length
8 here is your item number 1, which is swabs from Seabrook
9 Road. And I need to locate that. I believe that's item
10 number 39.

11 MR. BAX: If I'm mistaken, let me know.

12 MS. SWANSON: You are mistaken. It's State's 41.

13 MR. BAX: State's 41. Thank you.

14 BY MR. BAX:

15 Q. This is State's 41 here. I'm going to hand this up
16 to you. How many swabs does item 1, your SLED item 1,
17 how many swabs does that comprise?

18 A. SLED item 1, according to my notes it's four swabs.

19 Q. Okay. Was there anything submitted to you that was
20 described as swabs of suspected blood from shoe
21 impressions on Seabrook Road that included six swabs?

22 A. No, sir.

23 Q. No items that was like that was included in what
24 you received?

25 A. No, sir.

1 Q. Okay. Thank you.

2 MR. BAX: No further questions at this time, Your

3 Honor. Thank you.

4 MS. SWANSON: Just briefly on redirect.

5 REDIRECT EXAMINATION

6 BY MS. SWANSON:

7 Q. Mr. Bax went over the case of the spitty talker
8 with you. Let me give you a hypothetical. If there were
9 buccal swabs drying upright around a spitty talker and
10 that spit landed on a buccal swab which contained another
11 DNA profile and you tested that buccal swab would there
12 be a mixture of two DNA profiles or just one DNA profile?

13 A. Again, that would depend on the sample. If the
14 original sample contains a lot of DNA then it's possible
15 that even if an individual got a little bit of spit on
16 the swab that there would still be so much for sample
17 present from the original sample that the profile from
18 the person that contaminated the sample would not be
19 detected. The other possibility is that, yes, it would
20 be detected and a mixture would be developed.

21 The third possibility is that if there was very
22 little or no DNA present on the original swab then it
23 might be possible to develop the DNA profile of the
24 individual that contaminated the sample.

25 Q. Okay. And, again, in the testing that you did for

1 this case did you find any mixtures?

2 A. No.

3 Q. I believe Mr. Bax also went over a false positive
4 that could occur in the serological testing, and is it
5 possible that a DNA profile would be found that matched
6 Antonio Collins if that profile were not human?

7 A. No. The DNA testing that we do that tests -- that
8 we use to develop an individual profile is human specific
9 so it will not give a result for things that are not
10 human. In higher chimpanzee -- or higher primates it can
11 sometimes give a result but it's evident that it's not
12 from a human individual.

13 Q. And you didn't come across any DNA profiles that
14 were not human, did you?

15 A. No.

16 Q. Like dog for instance?

17 A. No. Our kit will not develop a profile from a dog
18 or chicken or any other type of animal.

19 Q. All right. Is it unusual to obtain a partial
20 profile from something that would have been a touch DNA
21 sample?

22 A. No. Actually, it's very common to get a partial
23 profile from things that were only touched because, one,
24 typically when an individual handles an item they don't
25 leave a whole lot of DNA behind; and two, because the

1 cells that you are leaving behind are ones that are
2 sloughing off of your body. They are already dying
3 anyway. So it's not uncommon to develop a partial
4 profile or no profile at all from a touch DNA sample.

5 Q. Okay. And the partial profile that you developed
6 From item 2, which is the Smith and Wesson, I believe
7 Mr. Bax asked you about things in parentheses and how
8 many things were in parentheses, how many weren't, if you
9 had two matches on two locations could that be a match.
10 How many locations were a match from the partial profile
11 that you developed from item 2, which is the Smith and
12 Wesson?

13 A. How many were a match?

14 Q. Yes.

15 (PAUSE.)

16 A. I apologize.

17 Q. That's okay. I'm sorry.

18 A. If I can find the correct report.

19 (PAUSE.)

20 Q. It should be on the report dated March 25th, 2011.

21 A. There were 11 locations that matched and were used
22 for statistics. There was an additional location that
23 had a 9 that was in parentheses, which would be an
24 indication that there could be dropout or there could not
25 be dropout. So that could be -- could not be used for

1 statistics.

2 Q. Okay. So as Mr. Bax suggested, even though you
3 could just use two locations you didn't use two
4 locations, you used 12?

5 A. That's correct.

6 MS. SWANSON: Okay. Thank you.

7 MR. BAX: Briefly, Your Honor.

8 RECROSS-EXAMINATION

9 BY MR. BAX:

10 Q. Ms. Clayton, just to make sure that we are clear.
11 In order for you to actually determine whether there is a
12 mixture enough of another person's DNA has to show up at
13 a location next to -- in other words, you have to have
14 enough present to detect in order to know if there's
15 actually a mixture there; is that correct?

16 A. If I understand the question correctly, yes. There
17 is a certain amount of DNA that would need to be present
18 to detect a mixture.

19 As I said earlier, if an individual, say by
20 spitting while taking or something, contaminated a sample
21 then technically, you know, even if it wasn't detected in
22 the test technically that would be a mixture but the
23 amount of DNA from the contaminating source was so low
24 that it wasn't detected by the instrument and only a DNA
25 profile from the original contributor to that sample

1 would be detected.

2 Typically, if there's enough present from a
3 contaminating source to be detected there's an indication
4 of mixture either because, as I said before, typically at
5 each location you expect either one number or two numbers
6 in a single source sample. So for a mixture you would
7 generally expect if it's enough to be detected it's
8 typically going to yield possibly three or four results
9 at a location or more if it's a mixture of more
10 individuals, and it would also, as I said before when I
11 was referring to peak heights, how that's an indication
12 of the DNA present in equal amounts, those peak heights
13 might be off which would be an indication of a mixture as
14 well.

15 Q. And finally, as far as material that you derive a
16 DNA profile from, are you aware of any method or did you
17 attempt in any way to age that? Can you tell when it was
18 deposited, when it was collected, how long it's been
19 since you got it? Is there any way to put a date on that
20 DNA?

21 A. No. The DNA testing that we currently do does not
22 determine the age of the sample.

23 MR. BAX: Thank you. No further questions.

24 MS. SWANSON: Thank you. May Ms. Clayton be
25 excused?

1 THE COURT: Okay.

2 MS. SWANSON: Thank you, Ms. Clayton.

3 Your Honor, that was the State's last witness, and
4 we rest our case.

5 THE COURT: All right. Well, we'll let the jury go
6 home, don't you think, provided they can pass the test.
7 They elected the foreman. What was exhibit 31, 17, and 6
8 and everybody can go home?

9 Don't talk about the case. We are going to crank
10 it back up in the morning. I've got to go over a lot of
11 things with the attorneys. They thought the witnesses
12 would run to five today so the defense has got witnesses
13 they just brought in in the morning. So we'll start back
14 at 9:30, okay.

15 (WHEREUPON, the jury leaves the courtroom at
16 approximately 4:10 p.m.)

17 THE COURT: We're going take 10, then I'll come
18 back in and listen to various things. I need to, of
19 course, talk to Mr. Collins about whether he's going to
20 testify or not.

21 (WHEREUPON, a brief recess was taken.)

22 THE COURT: Okay. Ms. Swanson, have you checked to
23 see that all of your exhibits were introduced?

24 MS. SWANSON: Yes, sir.

25 THE COURT: Okay. All right.

1 MS. CAMPBELL: May it please the Court?

2 THE COURT: Sure.

3 MS. CAMPBELL: I talked with my client about the
4 fact that you were going to advise him today, it's my
5 understanding, about his right to testify or not to
6 testify. And I explained to him that we would be making
7 a decision tomorrow at the close of our case whether or
8 not he would be taking the stand or not taking the stand.
9 Would that be correct that you would like to handle it in
10 that manner?

11 THE COURT: Yeah. That's fine.- He does not have
12 to make any decision right now.

13 Mr. Collins, just stand up. That's all. Your
14 attorneys, you know, you got good attorneys, they've been
15 working with you. Once the State rests or puts up their
16 case, which they have, then you can put up a defense or
17 not, you know, because you are presumed innocent. You
18 don't have to prove you're not guilty and so forth.

19 Included in putting up a defense you have the right
20 to testify or not to testify. That's your choice, pretty
21 important thing. Some people make good witnesses, some
22 don't. You know, once you take the stand they can
23 cross-examine you in detail and so forth.

24 I don't know anything about your past. If you have
25 a prior record the attorneys probably know that. That

1 may or may not be admitted but we would decide that
2 before you took the stand.

3 And if you elected not to testify and wanted me to
4 I would instruct the jury they couldn't consider your
5 failure to testify on the issue of whether you were
6 guilty of any crime embraced within those four
7 indictments. But anyway, it's a big decision. You don't
8 have to make it now but at some point tomorrow you will
9 have to make that decision.

10 THE DEFENDANT: Right.

11 THE COURT: Okay. Just think about it tonight and
12 talk to anybody, talk to your lawyers.

13 THE DEFENDANT: All right.

14 MS. CAMPBELL: Thank you, Your Honor. With the
15 state closing their case and the advisement of my client
16 at this point the defendant would move for a directed
17 verdict. We have four indictments in this case, Your
18 Honor, and I'd like to take up the main one first that
19 I'm concerned with and feel like we have the strongest
20 motion for directed verdict on, and that is the motion in
21 regard to the kidnapping.

22 THE COURT: To what?

23 MS. CAMPBELL: To the kidnapping. Enrekae Miles
24 testified in this case and failed to identify Antonio
25 Collins as being his kidnapper. With the failure of

1 Mr. Enrekae Miles who is the victim in that indictment to
2 identify Mr. Collins as his kidnapper we feel that the
3 State has failed to meet their burden at this juncture.
4 And that would be the first indictment we would submit to
5 you on that basis for a directed verdict.

6 THE COURT: All right. What about it, Ms. Swanson?

7 MS. SWANSON: Thank you, Your Honor. As I recall
8 Enrekae's testimony he did identify the gunman as the
9 person who kidnapped him, and then there is, of course,
10 DNA evidence as well as his description of the gunman
11 that the jury taken in the light most favorable to the
12 State could deduce that Mr. Collins is, in fact, the
13 gunman.

14 THE COURT: If under the evidence as presented the
15 jury could find him guilty of kidnapping since the gunman
16 is the one that kidnapped him.

17 MS. SWANSON: Yes, sir.

18 THE COURT: The gunman is the shooter. And your
19 second motion is that they didn't prove that he was the
20 shooter.

21 MS. CAMPBELL: Yes. Yes, sir. That would be
22 correct in reference to the other indictments.

23 THE COURT: But I can't grant that. It's
24 circumstantial. You can work up charges on
25 circumstantial if you'd like. You have to be firmly

1 convinced and so forth and so forth.

2 MS. CAMPBELL: Yes, sir. And we'll have that ready
3 for you. And then I would assume at this point that the
4 defendant's motion on all four indictments has been
5 denied for directed verdict?

6 THE COURT: It has.

7 MS. CAMPBELL: Thank you, Your Honor. At this
8 point I don't believe I have any further motions for the
9 Court this afternoon. It's my understanding that our
10 expert will be here in the morning at 9:30. I have SLED
11 coming as well, an expert from SLED, and other lay
12 witnesses and I've instructed them to be here at 9:30.

13 THE COURT: All right. You think we can get it to
14 the jury tomorrow? It doesn't bother me. I'm down here
15 through Saturday.

16 MS. CAMPBELL: I believe that Mr. Bax is handling
17 the DNA expert that's here on behalf of Mr. Collins.
18 I'll be handling the other witnesses. I would say
19 probably two hours on the other witnesses that I have.
20 I'm unsure about exactly how long Mr. Bax would take with
21 Mr. Meehan.

22 THE COURT: Well, I put no pressure on you, serious
23 case, but I don't send it to the jury after four, you
24 know, on a serious case like this.

25 MS. CAMPBELL: Right.

1 THE COURT: So if you can finish the testimony,
2 just giving you all a heads up on it.

3 MS. CAMPBELL: Thank you.

4 MR. BAX: I feel that we -- with my understanding
5 of the witnesses that I would be handling I feel pretty
6 confident we'll get it to the jury before four o'clock.

7 THE COURT: Okay. That's fine. I'm just giving
8 you that parameter because, you know.

9 MR. BAX: It might be 3:57, Your Honor.

10 THE COURT: That's all right. As long as we get it
11 to them so they can deliberate. You know, they don't
12 like to start deliberating at five. They've got children
13 and stuff to do. And you can come up with jury charges
14 if you'd like, have them in in the morning.

15 MS. CAMPBELL: Okay.

16 THE COURT: Now, the State has not pushed it at all
17 and they haven't mentioned it so I'm assuming they are
18 not going to request a charge on the hand of one hand of
19 all but I don't know. Just mentioning that. Okay.
20 We'll be back in the morning at nine o'clock.

21 MS. CAMPBELL: Thank you.

22 (WHEREUPON, the trial of this case was recessed for
23 the day.)

24 Thursday, October 24, 2013

25 THE COURT: We're still two jurors short. You all

1 got any requests to charge? Somebody prepared verdict
2 forms?

3 MS. CAMPBELL: May it please the Court?

4 THE COURT: Yes.

5 MS. CAMPBELL: The only thing that came up
6 yesterday afternoon when we talked with the court
7 reporter about this is that the audio recording that we
8 played and published for the jury, my notes reflect that
9 it was actually in evidence as it was published. So we
10 had some conversations with the court reporter. You
11 know, if it's not clear that it's in evidence I can move
12 it in through one of the officers this morning but I
13 believe that it's in evidence. I don't think the State
14 has a different view. We just wanted to clear that up
15 because --

16 THE COURT: All right. But I don't send that back.
17 If they want to see it they can come back.

18 (WHEREUPON; Defendant's Exhibit Number 26, a DVD,
19 was admitted into evidence.)

20 MS. CAMPBELL: And so the second part of that is
21 there's a portion of that tape that I will be using in my
22 closing and so I want to be able to obtain the tape from
23 the court reporter, have an attorney from my office cue
24 it up for me while we're working on other matters this
25 morning and she would just have it in the back room out

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

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

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MAY 05 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ANTONIO COLLINS,

APPELLANT

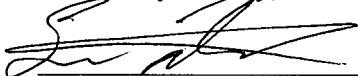
APPELLATE CASE NO. 2013-002343

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon J. Anthony Mabry, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 5th day of May, 2016.


Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 5th day of May, 2016.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.