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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

J. Derham Cole, Circuit Court Judge

Appellate Case No. 2013-001953

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DEC 09 2015
SC Court of Appeals

The State Respondent,

..... v.
Julia Bright Phillips Appellant.

**RECORD ON APPEAL
(VOLUME 1)**

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Court of General Session

5 2011-GS-46-01851

6 vs

7

8 Julia Bright Phillips

9 -----x

August 26, 27, 28, 29

10 30, September 3, 4

11 and 5, 2013

12 B E F O R E:

13 HONORABLE DURHAM COLE, Judge; and a jury.

14

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24 Official Court Reporter

25

1 address it if I am permitted to do so.

2 Also, as I say we will take breaks on a regular
3 basis. When you go back to the jury room please
4 understand as I already told you yesterday you are
5 still not permitted to talk about the case among
6 yourselves. I know you all are jurors. You have been
7 selected to decide the verdict in this case, but as I
8 told you yesterday you are never permitted to talk
9 about the case. In other words you can't discuss the
10 case or deliberate the case before it has been
11 concluded. You can only discuss the case and
12 deliberate the case when you have been instructed to
13 do so and that won't be until the end of the trial
14 after all of the evidence has been received and I have
15 instructed you on the law and requested that you begin
16 your deliberations.

17 So again, thank you for your participation and your
18 careful attention. Please give the lawyers your
19 attention now as they give you their opening
20 statements.

21 Miss Hodge.

22 MS. HODGE: Thank you, Your Honor. May it please
23 the Court.

24 Ladies and gentlemen of the jury, first Timothy
25 tells us that money is the root of all evil and people

1 that put money above everything else in there life
2 will have grief. The love of money is basically
3 greed. And when you mix greed with desperation it can
4 be become lethal. Greed and desperation don't know
5 any boundaries and they don't discriminate. Men and
6 woman can be greedy. Old and young can be greedy.
7 Weak and strong can be greedy and greed mixed with
8 desperation can cause people to think, to say, and to
9 do evil things. Even kill.

10 Ladies and gentlemen, the case before you is about
11 one woman's agreed and desperation. The evidence will
12 show that this defendant, Julia Phillips, was in a
13 long item relationship with Melvin Roberts, the
14 victim. They had been together about 10 or 12 years
15 at the time of Mr. Roberts's murder. Mr. Roberts was
16 a prominent businessman, an attorney, he was former
17 mayor here in York. He did very well for himself and
18 he shared with the people that he cared about. He was
19 very generous to those people and Julia Phillips, the
20 defendant, was one of the people that profited from
21 his generosity. He essentially kept her up for about
22 10 or 12 years. Everything she needed or wanted he
23 provided. This was coming to an end. She was not a
24 person of much means on her own and she enjoyed that
25 money, that caretaking, that up keeping, that status

1 that she thought she got from being with Mr. Roberts
2 and her greed and her desperation of all of this
3 coming to an end at a late time in her life brought
4 her to the realization she needed to do something
5 fast.

6 The evidence will show that she knew the
7 relationship was over. That Mr. Roberts was telling
8 people the relationship was over and that even though
9 they had had a tumultuous 10 to 12 years, there were
10 times that they may have broken up for a day or two,
11 but she always seem to get herself back in his good
12 graces. This was different. This was the end. He
13 had stopped giving her a lot of money. That was kind
14 of coming down to a funnel and we were to the point by
15 the time he was murdered there wasn't anything left,
16 or so he thought. He didn't probably anticipate what
17 would happen next because though he was ready to end
18 the relationship he had put her in his will and while
19 things were good she was in the will and she was to
20 receive a building in Gaffney which was about \$150,000
21 list price, with the contents of the building which
22 had an apartment upstairs and a car of her choosing
23 because he had a car lot so she would get that as
24 well. So she knew she needed to act fast if she was
25 going to profit at all and get what she could from Mr.

1 Roberts under that will and the only way that was
2 going to happen was to kill him.

3 The evidence will show that the defendant choose a
4 very special day for her to secure her financial
5 future. Her birthday. February the 4th of 2010 she
6 and unidentified co-defendant planned and executed the
7 murder of Melvin Roberts.

8 He was coming home from work. He was 79 years
9 old. He worked hard his whole life and every day of
10 it and he is coming home from work and she and an
11 unidentified co-defendant are lying in wait and they
12 murder him. It was a cold rainy night. It was a cold
13 brutal personnel murder. He was beaten. He was shot
14 at and he was strangled with a zip tie. This is
15 hands-on, looking a person dead in the eye, strangling
16 with a zip tie.

17 The evidence will show that she and this
18 co-defendant then concocted a story that she was
19 somehow a victim and this was a robbery. But I want
20 you to listen carefully to what was actually taken
21 that night. Nothing. The evidence will show Mr.
22 Roberts had several hundred dollars in cash in his
23 pocket still there. Now I do need to add a moment of
24 caution here because this is a very unique case. We
25 are in a unique posture. We have a half-solve,

1 half-unsolved unfortunately murder. We have evidence
2 the defendant is guilty of aiding, and abetting and
3 assisting, but we do not have the unidentified
4 co-defendant as of today and I submit to you, ladies
5 and gentlemen, you will hear it is not for lack of
6 trying. Several agencies across the state, even the
7 F.B.I. has been involved and they are continuing to
8 investigate this case. So what I caution you to do is
9 not try to go down the trail and think that somehow
10 this week we are going to be able to solve this and we
11 will be able to put a pretty bow on it for you, or
12 that you yourselves are going to be able to listen to
13 evidence and think, oh, I got it. And if you are that
14 is wonderful. We'd love to talk to you after the
15 trial. But I want to caution you it is hard not to go
16 that way. Your focus and your duty is to see if the
17 evidence convinces you that the defendant is guilty of
18 participating in the murder of Melvin Roberts, and I
19 submit to you that you will be firmly convinced of her
20 guilt at the conclusion of the evidence.

21 The evidence is going to come in the form of
22 physical evidence. Many items were collected.
23 Physical evidence is stuff that you can see, feel,
24 take back to the jury room with you. Some of those
25 pieces of items were analyzed by scientist, but you

1 will get to have that. You will have also testimony.
2 Testimony is another type of evidence. Testimony is
3 simply when a witness takes the stand. They are going
4 to tell you what they saw, what they heard, what they
5 did. Their words are evidence. And at times I have
6 jurors think that is not tangible. I can't hold my
7 hands on that. That is evidence. The most compelling
8 testimony that you will hear is actually going to come
9 from the defendant. Not in this courtroom because she
10 is not required to testify or present any evidence,
11 but as I said before there was a concocted plan that
12 she was a victim and she gave many, many statements to
13 the police because as a victim you are supposed to be
14 cooperative and willing and wanting to help solve this
15 murder. So I ask you to listen carefully to her
16 numerous statements because they are extremely
17 inconsistent. Make mental note every time you hear
18 one. They are not only inconsistent with each other,
19 what she says one time and what she says another time,
20 they are inconsistent. But what she says is implausible,
21 if not impossible when you match up with the physical
22 evidence. It makes no sense. Ladies and gentlemen,
23 the evidence will show she is not a victim but a
24 participant in this murder.

25 Several items of evidence were analyzed and we will

1 have scientific evidence. Unfortunately this is not
2 television. We are not CSI and I know that people
3 know that. They watch television. They get it. That
4 is not real. But if there is anything in your mind
5 that you can, oh, they did that on that last episode
6 why didn't they do that here. I ask you to put that
7 aside and understand that the experts will come in
8 here and they will educate you about things.
9 Specifically DNA. We think that if you walk into a
10 room you have dropped your DNA and there is some
11 vapor out there and we will scoop it up and we will
12 know with one hundred percent certainty you were here
13 at this time and this day. Unfortunately that is not
14 reality. DNA can only be left behind by certain ways;
15 blood, saliva, seminal fluid, and we do have touch
16 DNA. However, if someone is wearing gloves they are
17 not going to leave behind their DNA. Same thing goes
18 for fingerprints. If there are no fingerprints on
19 something you might expect there to be the experts
20 will tell you there is probably a good reason for
21 that. The person was possibly wear gloves. So I say
22 those to let you know as a road map there will be
23 testimony regarding DNA. There will be testimony
24 regarding fingerprints. Unfortunately, we do not have
25 any evidence that links those things to the defendant

1 or to the unknown co-defendant. But again not for
2 lack of trying. There are over one hundred items sent
3 to the DNA lab to be tested in this case.

4 There is one other scientific evidence though. One
5 other thing that possibly can't be accounted for by
6 simply wearing gloves and that is gunshot residue. I
7 don't know if any of you are familiar with hand guns
8 or gunshot residue, but we will have an expert to
9 educate you on that as well. But when someone fires a
10 gun it omits a cloud that particles are in that are
11 very unique only to gunshot residue or gunshot primer.
12 And that cloud will land on anything within five to
13 eight foot span of the firearm being discharged, of
14 the gun being shot. So if a person shoots a gun or a
15 person is standing next to someone who shoots a gun
16 this vapor, this cloud, will actually land on whatever
17 is in the vicinity. And the evidence will show that
18 the defendant had gunshot residue on her sleeves.
19 Important, yes. Compelling, absolutely. Especially
20 when you hear what her story is. It is not possible.
21 It is not plausible. It is not probable. She was a
22 participate in this murder. Now that compelling
23 evidence, of course, I would assume the defense is
24 going to get up here and tell you another way that
25 could happen and that is there job. I don't doubt

1 that they are going to do that. I want you to listen
2 carefully because I have a feeling their theory is
3 going to be that police officer at this incident, this
4 scene, treating the defendant initially as a victim
5 put that gunshot residue on her. Not purposely, but
6 apparently police just walk around with a lot of
7 gunshot residue on their hands and they just landed it
8 there. So I want you to listen to the testimony of
9 all the officers that had contact with the defendant
10 that night and I submit to you at the close of the
11 State's evidence we will shut the door on that theory.
12 Again, at the close of all of the evidence as the
13 judge said I will be back in front of you as well as
14 the defense attorney asking you to return a verdict in
15 this case. I will be asking you to return a verdict
16 that speaks the truth as to what happened. The
17 defendant's participation in this murder. It will be
18 a verdict requiring and seeking justice in this case
19 and a verdict that I hope will close the door on the
20 greed and the desperation of this defendant. That
21 will be a verdict of guilty.

22 Thank you.

23 THE COURT: Mr. Frederick.

24 MR. FREDERICK: If it please the Court.

25 First thing I want to do is talk about some things

1 that she just talked about. All right. Something is
2 wrong when the prosecutor stands up here and cautions
3 you not to expect that they have solved the murder.
4 Would you agree. You know, they have had three years,
5 as she said with agencies across the State, with
6 investigators from multiple agencies to solve this
7 murder. They have three years to plan this opening
8 statement. Three years to put together a motive which
9 is what the opening statement was about. A motive.
10 Not the evidence. They had three years to put that
11 together. Forensic evidence. The prosecutor just
12 asked you to ignore the evidence during the trial.
13 You know when the evidence supports them in their
14 opening statement they will tell you about the wonders
15 of forensic science that you are about to hear and how
16 they solved the case. When they don't have any
17 evidence in their opening statement they will caution
18 you not to expect they solved the murder. They will
19 caution you not to think about the CSI TV show because
20 it is not like that in the real world. Last thing she
21 said verbatim -- I was writing this as she talked --
22 "unfortunately, we do not have any evidence linking
23 the murder to the defendant."

24 I got to tell you as I am sitting here tension is
25 building and adrenalin is building and as I am

1 standing here my heart is thumping and I'm really
2 nervous and whenever I stand up and talk to the jury
3 it is always like this. It takes me a minute to get
4 back to normal and calm down. And even though she
5 stands up here and tells you unfortunately there is no
6 evidence linking the defendant to the murder, I am
7 terrified because here we are and despite no evidence
8 linking the defendant to the murder she is here,
9 sitting here and they are trying to convict her of
10 murder and that terrifies me.

11 Melvin Roberts she tells you is a businessman. He
12 was an attorney. I think he was an attorney in York
13 in this community for 55 years. I think he was mayor
14 at one point. City councilman at one point. But most
15 of all he was an attorney. He was a defense lawyer.
16 What I am doing right now is what Melvin Roberts did
17 standing right here.

18 Melvin and Julia dated each other for over ten
19 years. Once or twice you hear her refer to him as her
20 husband. They lived together. You are going to hear,
21 I believe, evidence from the prosecution about
22 arguments they had. They are going to want to show
23 you how terrible their relationship was. You know
24 there are two sides to every relationship and I think
25 every one of us who has a spouse or a long term

1 relationship understands that. I don't plan on
2 bringing a bunch of witnesses in to tell you how
3 wonderful their relationship is. I don't think it is
4 going to be necessary. You may hear some of it
5 though.

6 What you are going to hear from the prosecution is
7 not evidence of murder. She's already told you that.
8 What the prosecution is going to do is the same thing
9 that I do if I don't have a defense. You make the
10 case about something else. Misdirection. If I didn't
11 have a case, a defense, if this was open and shut I
12 would be standing here right now telling you about
13 some other issue besides what my client was charged
14 with and then throughout the trial I would try to
15 prove that other issue. And the idea is if I went on
16 the other issue hopefully you all would side with me.
17 That is misdirection.

18 This week the roles are reversed. They dated.
19 They lived together for over ten years. I am not
20 going to be able to share with you all everything that
21 I feel like I need to or want to in the little bit of
22 time that we I have. That terrifies me too. In three
23 years of living with this case there is no way that I
24 can share everything I feel like I need to with you.
25 I am going to try to make sure that you hear the

1 things that are important. I am going to try to make
2 sure that understand what is happening here.

3 They dated over ten years. They lived together.
4 Melvin was murdered on February 4th, 2010. On that
5 day Melvin, he was a lawyer, he was a businessman. He
6 had a used car lot. He had a real estate company.
7 Properties that he managed. On February the 4th he
8 went to Darlington to an auto auction to buy some
9 cars. He took four people with him; Gene Moss, Dwayne
10 Clay, Scott Rayfield, Dennis Rayfield, went with him
11 and what they did is he bought the cars and then they
12 drove the cars back. They got back in the afternoon.
13 They came back to his office. That morning they woke
14 up. Julia helped get him ready to go to Darlington.
15 They had their breakfast. He left to go to the auto
16 auction. She left to go to her shop to go to work on.
17 She has a shop, a store, it is call Julia's
18 consignment in Gaffney. While he is going to the
19 auction, she goes to work. She's at the store. He
20 gets back. He is taking care of things around the
21 office. They talk on the phone. February 4th, 2010,
22 is Julia's birthday. They talked on the phone. They
23 are going to meet at the house like they do every day.
24 Julia leaves her office around five o'clock and she
25 talks to Melvin. She tells him I am going to the

1 store. I will go stop by the Bi-lo and I will be at
2 the house. He leaves his office around five, 5:15.
3 He goes and he buys some liquor. He goes back to the
4 office for a little while and takes care of some more
5 things before he goes home. Julia leaves. She goes
6 home. She goes to the house. She stops at the Bi-lo
7 she buys -- I think there is some records there that
8 may or may not come in, but it states what she buys.
9 She does not buy duct tape. She does not buy things to
10 murder somebody with. She buys Mike's Hard Lemonade
11 and brings it home. I don't want to talk about this,
12 but I am going to. Julia when she gets to the house
13 she gets there with Mike's Hard Lemonade. She's
14 wearing pink silk Victoria Secret thong underwear that
15 Melvin had bought for her. It's her birthday. She
16 shows up with a present for Melvin, wearing that
17 underwear that Melvin bought for her, with Mike's Hard
18 Lemonade. When she comes home from the drive, leaves
19 the Bi-lo -- and they confirmed she was at Bi-lo.
20 They investigated Julia from the beginning because she
21 is the girlfriend, the spouse, and she was there.
22 They got video from the Bi-lo that proves she stopped
23 at the Bi-lo on her way home. When she comes home she
24 gets to Melvin's house. Her house. She lives with
25 him. You drive down the road and you look, you see

1 Melvin's house. It is up a ways. It is a huge front
2 yard and to the left is a driveway that goes back
3 around the house. To the right is a drive that goes
4 back around the house. It is a big circle that goes
5 around to the back of the house. She pulls up. She
6 drives. She turns in to the driveway. She comes up
7 the drive to the house. When you get to the back of
8 the house what do you see, you see a large paved area.
9 A parking area. The back drive. There is a large
10 paved area in the center. There is a little grassy
11 area with some bushes, maybe a small tree. You turn
12 around the corner of the house. From the corner in
13 the back you see a two-car garage, then an open area.
14 It is enclosed, but it is enclosed with glass. It is
15 like a courtyard that is enclosed and it has got glass
16 that comes up at the top of it and inside there is a
17 beautiful swimming pool. On the other side of that
18 another two-car garage. Julia drives in down the
19 driveway and she pulls to the far side of the back of
20 the house. Next to the corner where she parks she
21 stops her car. It is dark. It is drizzling rain. It
22 is cold. It is February. She stops the car. She
23 gets her keys together. She gets her bank bag that
24 has the money that she made in the store that day.
25 She puts it under her arm. She gets out of the car

1 and Melvin is not home yet. She is alone. She gets
2 out of the car and either as she is getting out of the
3 car or she is getting ready to get the groceries out
4 of the back seat someone comes up and grabs her from
5 behind. She is 117 pounds. I think 67 years old when
6 this happened. Small. She is frail. Someone grabs
7 her from behind. They're holding a hand over her
8 mouth. Later when they are questioning her Sergeant
9 Edwards I think it was, maybe Williams, we will hear,
10 says well how are you talking when they had your hand
11 over your mouth. Well, have you tried.

12 (Whereupon Mr. Frederick is holding his hand over
13 his mouth.)

14 Can you talk with a hand over your mouth. That is
15 an inconsistency which we are going to hear a lot
16 about. Why did they charge her she is inconsistent.
17 She says a lot of things just don't make sense. They
18 put a hand over her mouth and then they put a cloth
19 over her head. They pull the cloth back up. They
20 wrap duct tape around her head and she is saying, what
21 are you doing? What do you want? And all that they
22 say is; money, money, money. She says consistently,
23 she says with a Hispanic accent. They put the duct
24 tape around her head. They tie her wrists with duct
25 tape. Standing in the drizzling rain, in the dark

1 next to her car they tie her wrist with duct tape.
2 They tie her legs quickly with duct tape. They grab
3 her from behind and they drag her backwards about 60
4 feet across the concrete to a brick wall which is
5 behind. See where she parked on the side of the house
6 there is a brick wall that comes all the way around
7 the back and when you get to the center of the back of
8 the house maybe 60 feet from the back of the house,
9 maybe a little more, it stops and there is an opening
10 in that brick wall and then the brick wall continues
11 for just a little ways. On the other side of that
12 opening is woods, tress and a dirt path or a road that
13 goes back four or five acres. You can't see the other
14 side of it. Through the trees, on the other side of
15 those woods there is another road. I believe it is
16 5th street. He drags her back to that brick wall and
17 he throws her down behind the brick wall. He throws
18 her down with her hands tied behind the brick wall and
19 her face goes in to a little hill on the side of that
20 wall and you are going to see the pictures of this.
21 You are going to see where this happened. Throws her
22 down and at some point she is still trying to talk.
23 She is saying what do you want? And he threatens her
24 at some point. And they stay there and she -- when
25 she gets there she thinks she is about to be raped,

1 but she is not. And they stay there in the quiet, in
2 the drizzling rain waiting. As she hears Melvin's
3 trucks coming around the driveway and she sees the
4 lights from his car and she says Melvin. Melvin is
5 coming. And he tells her to shut the "F" up or
6 something similar. Puts more tape around her head.
7 And she stays there and when she hears Melvin truck
8 come up she hears it stop. Now, Melvin always parks
9 in the same spot but this day he stopped before he got
10 there. So he saw this person and he stopped the
11 truck. He got out of the truck either to talk to them
12 or to confront them. We don't know. She hears the
13 truck stop. She hears them arguing. She hears Melvin
14 say, "Oh, God damn." She hears a sound like a pipe or
15 something steel, something metal clatter. Like a pipe
16 was dropped. She hears a gunshot and then she hears
17 nothing. As she is behind the wall and she starts
18 working at her wrists. She has a key that is on a
19 little key chain, a stretchy pink key chain around her
20 wrist and she is trying to use that to get her wrists
21 lose. And finally she gets a wrist out. You know,
22 she lost her shoes at some point while she was being
23 dragged behind that wall. She gets her wrists loose.
24 She pulled the tape off of her face. She says at one
25 point when this tape went over her mouth she is

1 chewing on the tape. She is chewing on the tape and
2 she is spitting on the tape, trying to keep it from
3 sticking to her mouth. She gets this tape off and
4 then she pulls the tape off of her leg and with the
5 tape still hanging off of her, still around her, she
6 goes back to her car. She finds her shoes. She sees
7 a silhouette of Melvin's body. She gets into her car.
8 She puts her shoes back on. She closes the door. She
9 locks the door. She is terrified and she is
10 hysterical. She calls her son. She hangs up. She
11 tries several numbers. She dials 911. She talks to
12 the dispatch, the 911, and she says things to them and
13 you are going to hear, I assume, the tape. She is
14 hysterical. She is sobbing. She is not making sense.
15 She says, "We have been robbed." She says, "I don't
16 know where my husband is" and then later she says, "He
17 is laying there. He is laying right there." And she
18 says, "I don't know where my husband is."
19 Inconsistencies, right. Probable cause for murder.
20 She says one thing and then she says another.
21 Hysterical.

22 The police come and you will see one officer at one
23 point has his arm around her shoulder. You will hear
24 some evidence that from the moment they arrived on the
25 scene they started trying to make a case against her.

1 An officer arrives on the scene and he says to another
2 one of the officers, hey, it is raining out. She
3 don't look wet to me. Does she look wet to you? So
4 another officer takes a photo. So luckily we have a
5 photo of her wet jeans. We have photographs they say
6 an inconsistency there is no mud on her. She is not
7 wet. There is no mud. We have her jeans three years
8 later, but we have her jeans and you can still see the
9 mud on them.

10 So officer Dale Edwards comes to the scene and
11 they told him come get her. Take her to the police
12 station and question her. He puts her in his patrol
13 car. He takes her to the station and for about four
14 hours he questions her. He takes her to the station.
15 He puts her in a conference room in the police
16 station, sitting at a conference table in a conference
17 room in the police station and they question her and
18 he leaves the duct tape on her. It is still on her
19 head and on her wrists and he questions her. And they
20 questioned her at least 16 times over a period of a
21 couple of months. Sure they try. They couldn't solve
22 the murder. You will hear some of their efforts to
23 solve the murder, but what they did was they tried to
24 find someone that there was evidence against that was
25 connected to Julia Phillips. And if there is no

1 connection to Julia Phillips they ignored it. They
2 are not going to admit that they are wrong even when
3 there is evidence that points in another direction.
4 The inconsistencies that there are probable cause to
5 charge someone with murder. What you are going to
6 hear is to put it bluntly Julia is weird. She is
7 awkward. She does not think or talk like anyone else
8 and this is not someone trying to cover up a crime
9 that they committed. She is like this all the time.
10 The inconsistencies that they say were probably cause
11 for murder, during the course of four hours of
12 questioning her after she has been traumatized,
13 robbed, beaten and just listened to her boyfriend
14 being murdered, she says that he was behind me the
15 whole time. He was behind me the whole time. And
16 they keep pressing her. Sergeant Edwards --
17 Lieutenant Edwards now I think, presses her, and says,
18 "Well, tell us what he looked like." And you will
19 hear her say "He was behind me the whole time" and he
20 keeps saying, he asks, "What did he look like?" She
21 will say to begin with, "Well, maybe he had a tan
22 jacket and khaki pants." And then he will say, "Was
23 it like sweat pants material?" Maybe it was like
24 sweat material. Later, after they questioned her for
25 so long, for so many times and they know that she can

1 not be consistent to save her life about anything,
2 including what happened that night, when it comes down
3 to details they bring a sketch artist just to mess
4 with her because they know that she can't describe the
5 person who attacked her, but they try to get her to do
6 it anyway. Of course there is no sketch. For months
7 they kept bringing her in and talking to her. She did
8 everything that she could to help them. They told her
9 if you think of anything at all, anything at all, it
10 doesn't matter how insignificant it is you call us and
11 tell us. And she did. Every time she thought of
12 something that could help them she called and she
13 talked to her. She went to him and they came to her.
14 They went to her shop. They questioned her. She
15 called them. They brought her to the police
16 department. They questioned her over and over again,
17 16 times.

18 The prosecutor talked to you about the gunshot
19 residue, the GSR. Their probable cause in this case,
20 inconsistent statements and gunshot residue. They
21 received a report at some point that said that round
22 lead particles were found on her black over shirt.
23 You are going to hear this, and that gunshot residue
24 -- what you are going to hear is, gunshot residue is
25 three elements, three metals; lead, barium and

1 antimony and they all have to be present. They say
2 they found lead particles on her overshirt. They said
3 they found gunshot residue I assume all three metals
4 on her white blouse that she was wearing. And the
5 point is -- and let me say this. I don't think at any
6 point anyone in this case is going to tell you that
7 Julia Phillips strangled Melvin Roberts or fired that
8 gun. What they want to tell you, what they want to
9 say is because there is some gunshot residue or these
10 particles on her shirt then she couldn't have been
11 behind that wall. She had to be right there where
12 that gun was fired. Because gunshot residue is small,
13 round fine particles that disburses into the air. It
14 is easily transferrable which is how it gets from a
15 gun, potentially, plausibly from a gun to someone who
16 is standing nearby. That can happen because it is
17 easily transferrable to the air. It has no inherent
18 stickiness. So, yes, it can be transferred by
19 contact, it can be transferred in a police station, it
20 can be transferred in a police car, it can be
21 transferred when an officer takes a blanket, from
22 somewhere in a police station and puts it around
23 someone's shoulders. It can be transferred many
24 different ways.

25 You are also going to hear that a month before the

1 attack her son fired a gun in their house. It hit a
2 sofa, and in her house are all her clothing stacked
3 neatly in stacks on her sofa around her living room.
4 She is right, it is a plausible explanation if in fact
5 there was in fact gunshot residue. Neither one of us
6 can tell you for certainty if there is gunshot residue
7 where it came from. Another report came a few months
8 after that first report that says that they tested a
9 black shirt and white blouse, chemically tested it for
10 lead and none was found. They tried -- she is right,
11 they tried and they tried for three years to find
12 evidence that Julia committed a murder. They went to
13 her house. They took her gun from her house. Did not
14 connect it to the murder. They took duct tape from
15 her house. Had it chemically tested, forensically
16 tested and it was not the duct tape that was used to
17 tie up Julia. They took duct tape from Melvin's house
18 and it was not the duct tape that was used to tie up
19 Julia. They found -- they took a bat or some kind of
20 club from Julia's house and tested it. Not connected
21 to the murder. They took an ax from Julia's house and
22 tested it. Not connected to the murder.

23 There was DNA evidence. You are going to hear that
24 on the duct tape there was unidentified DNA evidence
25 and they tested everybody that they could think of

1 that was in any way connected to this case to Melvin
2 or to Julia or who had any kind of motive to hurt
3 Melvin. They tested them. Unidentified DNA from the
4 duct tape that was used to tie up Julia. They don't
5 know who it is. Unidentified DNA that they took from
6 the waistband of Julia's pants. They don't know who
7 it is. Unidentified DNA from the zip tie that was
8 used to kill Melvin. They don't know who it is. At
9 the end of the evidence I think what we will know and
10 will be able to infer is that two men killed Melvin.
11 Possibly a black man and Hispanic man. Possibly two
12 Hispanic men, because they went to the street behind
13 the woods, right. Let me back up. They brought dogs.
14 Right. They brought dogs. They found foot prints
15 coming to Melvin's house through those woods and
16 leaving through the woods. They took casts of those
17 foot prints. It didn't match Julia's shoes. They
18 have not matched them to anyone's shoes. They brought
19 a dog that picked up that scent and took them through
20 the woods down an embankment to the right in back of
21 the house, through those woods. Followed that scent
22 where they stumbled down some hills. Followed the
23 scent all the way to the road behind the house, 5th
24 street, where they lost the scent. And maybe likely
25 somebody picked that person up on the road behind the

1 house.

2 They talked to everybody who lived back there. Did
3 you see anything. And they found someone who said
4 yes, I saw two men walking in to those woods at seven
5 o'clock. Approximately half hour before the attack.
6 They have two separate witnesses who saw a red older
7 model, red, Chevy Silverado truck, with a busted back
8 tailgate hanging open, with paint racks on it and
9 drywall material, buckets, in the back of it. Very
10 good description of this truck, with either a Hispanic
11 male and black male, light skinned, or two Hispanic
12 males. Two separate witnesses. One watched that
13 truck driving slowly by Melvin's office the afternoon
14 before he was killed, turned around and came back a
15 second time driving solely back by casing his office.
16 A second witness who saw that same truck with the same
17 description on Melvin's road driving by his house,
18 casing his house.

19 The woman who lives across the street from Melvin
20 and Julia, she works in her house. In the front of
21 her house she has an office set up with a window where
22 she sits there and watches Melvin's house about six
23 hours a day, who knows the cars that come in and out.
24 She is very familiar with what happens at Melvin's
25 house. The week of the killing she saw an older model

1 Lincoln or Mercury, black car with a black man driving
2 drive up, pull into his driveway and ten quickly
3 leave. During the day when Melvin is not likely to be
4 home and she watched that happen twice and she will
5 say that nothing like that has happened before.

6 What we are going to know at the end of the case or
7 our best guess at any rate, is two men killed Melvin.
8 We can assume that one or both of them had an older
9 model red Chevy Siverado truck and maybe worked for a
10 drywall business and that there is no evidence
11 whatsoever connecting Julia to these people. We do
12 not have any evidence linking the murder to the
13 defendant.

14 The judge talked about the presumption of
15 innocence. In every criminal case the defendant is
16 presumed innocent. I will talk about it for a minute,
17 but I know it is just words. It is very hard to do
18 when we come into a courtroom automatically we are
19 thinking, well, they got charged. If they ain't
20 guilty why would the police charge them. Be thinking
21 about that during the trial. Why would they? The
22 presumption of innocence means we presume that she is
23 absolutely innocent. We have to. We have to give her
24 that. We have to give everybody that. If this bar in
25 front of you is a continuum then down here is

1 innocent. One hundred percent. We know for a fact
2 this person is innocent. There is absolutely no doubt
3 about it. All the way down here is guilty. One
4 hundred percent. We know that this person is guilty.

5 We have got to presume we know right now standing
6 here and throughout this trial she is once hundred
7 percent innocent. There is no question in our mind
8 that she is innocent.

9 The prosecutor basically said to you ignore the
10 evidence in the case. Don't. Listen carefully to the
11 evidence in this case.

12 Thank you.

13 THE COURT: Does anyone need a short break before
14 we begin with the presentation? Nobody.

15 (No response.)

16 THE COURT: Okay. Miss Hodge.

17 MS. HODGE: Thank you, Your Honor, the State calls
18 Lieutenant Jimor Gwinn.

19 LIEUTENANT JIMOR GWINN, called as a witness, having
20 been duly sworn by The Clerk, was examined and
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MS. HODGE:

24 Q Lieutenant Gwinn, who do you work for?

25 A York City Police Department.

1 Q How long have you been with them?

2 A It will be seven years in January.

3 Q And what are your current duties with the city?

4 A I'm a supervisor. I run the shift. I got four guys
5 that work under me that I make sure the paperwork is done and
6 that they are doing the job that they are suppose to be doing.

7 Q So more of a supervisory role as a lieutenant?

8 A Yes, ma'am.

9 Q Okay. Back in February 2010 what were your duties with
10 the police department?

11 A Back in 2010 I believe I was a lance corporal, which
12 would have been just a regular patrol officer.

13 My duties were to answer calls and traffic and stuff like
14 that.

15 Q All right. Did you have occasion to get a call for
16 service at 214 Roberts Avenue?

17 A Yes, ma'am.

18 Q And is that in York City limits?

19 A Yes, ma'am.

20 Q What was the call in reference to?

21 A The call came out as some type of robbery or house
22 break in at the time that we received it.

23 Q What time was this?

24 A I believe the call came in approximately 7:30 p.m..

25 Q All right. And did you respond directly to that

1 residence when you received the call?

2 A Yes, ma'am, I did.

3 Q And did you respond with lights and siren or how did
4 that start?

5 A Yes, ma'am. Initially we were responding to the call
6 and we were advised the situation has changed and we needed to
7 get there as quick as possibly. So I responded then with lights
8 and siren which is a code three.

9 Q And were any other officers with you in your car?

10 A No, ma'am. No other officers in my car.

11 Q Did other officers also respond to the scene?

12 A Yes, ma'am.

13 Q Who was the first person there?

14 A I was.

15 Q And what did you do and what did you observe when you
16 got on scene?

17 A When the call came out I believe the complainant
18 advised, it was Miss Phillips, advised it was the Robert's
19 address so we were going to the area. Locate the residence.
20 Then the dispatcher advised us we were at the wrong residence
21 and she was flashing the lights in the driveway. Once I scene
22 the lights I backed my vehicle up and started pulling up in the
23 driveway. At that time Miss Phillips was in her vehicle and she
24 started backing up as I was pulling up in the driveway.

25 Q Okay. And does the Robert's residence sit up kind of

1 on a hill?

2 A Yes, ma'am. It has got a double driveway. Semicircle
3 driveway and comes around both sides of the residence and it
4 sits back on a hill.

5 Q All right. Which part of the semicircle did you go up?

6 A When I came up I came in and went past the first
7 entrance and took the second entrance up to where her car was
8 sitting.

9 Q And what kind of car was she in?

10 A It was like a SUV, Ford Explorer type car. I am really
11 not sure.

12 Q And tell us what you did when you got there?

13 A I got out of my vehicle and I started to approach her
14 vehicle. When I arrived on the scene I got out of my vehicle.
15 I asked what was going on. Miss Phillips then replied that she
16 couldn't find her husband and I said where is he and she stated
17 that he is out there somewhere. I think they shot him. I heard
18 a gunshot. But our conversation was minimal because at that
19 time I started looking around the area to see if I could locate
20 the deceased, Mr. Roberts.

21 Q Okay. Did you pull your weapon out when you came up to
22 the car?

23 A No, ma'am, I didn't.

24 Q Did you ever un-holster your weapon?

25 A No, ma'am, I didn't.

1 Q And tell us what you observed about the defendant in
2 that brief conversation?

3 A As I was approaching the vehicle that she was sitting
4 in, when she said that I just started flashing my light and
5 about 10 to 15 feet from where she was sitting to between the
6 patio doors I observed Mr. Roberts laying face down on the
7 patio.

8 Q Was he moving or making any sounds?

9 A No, ma'am, he wasn't.

10 Q What was the weather's condition on this night?

11 A It was raining. Cold.

12 Q Did you ever ask the defendant to get out of the car at
13 any point in time?

14 A No, ma'am, I didn't.

15 Q Did you ever go over and touch the defendant at any
16 point in time?

17 A No, ma'am, I didn't.

18 Q Let me show you what has been marked State's Number
19 Two, Three, Four, Five and Six, if you will please take a look
20 at those?

21 (Whereupon, the exhibits were handed to the witness.)

22 Q Now are these photographs that depict, numbers two,
23 three and four, do they depict the defendant's vehicle at the
24 time you drove up to the house on this incident night?

25 A Yes, ma'am.

1 Q All right. And then I will show you States Number Five
2 and Six. Do these adequately depict the way you observed Melvin
3 Roberts when you shinned your flashlight around?

4 A Yes, ma'am.

5 MS. HODGE: At this point we move to admit
6 State's Numbers two through six.

7 MR. FREDERICK: No objection.

8 THE COURT: They are admitted.

9 (States Exhibits Two through six, photographs,
10 received in evidence as of this date.)

11 BY MS. HODGE:

12 Q Lieutenant, were there any lights on outside of the
13 house or anywhere in the area?

14 A Only lights in the area were the lights on Miss
15 Phillips' vehicle and the lights on my patrol car.

16 Q And once you arrived on scene did she attempt to get
17 out of the vehicle and go to Mr. Roberts?

18 A No ma'am, she didn't.

19 Q Did she ask you about the condition of Mr. Roberts?

20 A No, ma'am, she didn't.

21 Q Let me show -- putting State's Number Two on here. I
22 apologize. I am not use to this machine.

23 Okay. Well, that is State's number two. I am sorry I
24 am standing in front of you as well.

25 What is this showing?

1 A This shows the second entrance to the residence, where
2 Miss Phillips' vehicle was sitting that I pulled up to
3 responding to the call.

4 Q Is that where the car ended up being parked?

5 A Yes, ma'am.

6 Q Was it in that location when you initially arrived?

7 A No, ma'am. It was a little further down the driveway.

8 Q Coming towards us in the picture?

9 A Yes, ma'am. Once I started pulling up the driveway
10 she kind of backed up just a few feet and came to rest right
11 there where the vehicle is sitting.

12 Q So she actually backed up in to the area where Mr.
13 Robert's body was?

14 A Yes, ma'am.

15 Q And here is State's Number Three. Again, this is not
16 the best picture, but is this the vehicle that the defendant was
17 in?

18 A Yes, ma'am.

19 Q And let me go to State's number four. Can you tell us
20 what is -- is this the defendant's vehicle from the back?

21 A Yes, ma'am.

22 Q And can you tell us what is over here to apparently the
23 right side of the vehicle?

24 A There is a retainer wall. Brick wall there.

25 Q I will ask you to keep your voice up just a tiny bit.

1 I am sorry, you have a softer voice.

2 And what is this over here?

3 A That is a two-car garage there at the rear of the
4 residence.

5 Q Okay. It has a two-car garage, is that what you said?

6 A It has one on that side that is depicted in the
7 picture.

8 Q Can you point from there.

9 A This is the garage door here, (indicating). Over here
10 is another patio door and a glass back and then there is another
11 one of those double door garages on the other side of that.

12 Q And in relation to this picture and the defendant's
13 vehicle where was Mr. Robert's body?

14 A Just outside of the picture there is a patio door about
15 here (indicating) and he was laying right there between at the
16 front of the patio door.

17 Q Okay. Not too far away?

18 A Not too far away, about 10 to 15 feet.

19 Q Now, I am going to show State's Number Five? What is
20 this showing?

21 A This is the edge of the garage door. There is the
22 patio and this shows Mr. Roberts laying in front of the patio
23 door.

24 Q Was he faced up or face down?

25 A Face down.

1 Q Did he have all of his clothing on?

2 A Yes, ma'am.

3 Q And the last one, State's Number Six. Is that just a
4 little closer?

5 A Yes, ma'am.

6 Q Did he also apparently have a hat? Is there a hat in
7 that picture?

8 A Yes, ma'am. Its laying right there. (Indicating)

9 Q And the entry, how would they enter the house? Is
10 there a door right there?

11 A Right there is a patio door that leads into the
12 enclosed pool area.

13 Q All right. And was Mr. Robert's vehicle, another
14 vehicle present?

15 A There were. His truck was about here and there was
16 another vehicle here in the driveway.

17 Q Okay. What did you do once you had discovered Mr.
18 Robert's body? What was the next thing that you did?

19 Q I walked over to him. At that time Lieutenant Trail,
20 who is now Captain Trail, came over and checked the vitals on
21 Mr. Roberts. At that time I just stood there and contacted for
22 EMS to come and check Mr. Roberts.

23 Q All right. And did you observe anything on or near the
24 victim at this time?

25 A There was a cell phone present, bow and a set of keys

1 that were laying out and I took my business cards and kind of
2 marked them at that time.

3 Q All right. And other officers -- were other officers
4 on the way?

5 A They were on the way, yes, ma'am.

6 Q Did you do anything else while you were on scene?

7 A I assisted with standing there letting nobody else come
8 to the body. When the fire department, sled agents and stuff
9 arrived I assisted with setting up tents over the body because
10 it was raining to try and preserve the scene and assisted the
11 fire department with setting up spot lights once they arrived.

12 Q Was the defendant present during some of what you were
13 doing?

14 A Yes, ma'am. She was there for about an hour after we
15 arrived and then Lieutenant Edwards came to the scene and she
16 left with him.

17 Q And while she was present for that approximate hour did
18 she ever get out of the car?

19 A No, ma'am.

20 Q Does she ever attempt to come over to the body?

21 A No, ma'am.

22 Q Does she ever -- did you ever hear her asking to come
23 to the body or see how he was or anything?

24 A No, ma'am.

25 Q At the time were you running your in-car camera?

1 A Yes, ma'am.

2 Q I am going to show what has been marked State's Number

3 1. Have you had an opportunity to view State's Number 1?

4 A Yes, ma'am, I have.

5 Q And what is that?

6 A It is the in-car video from my vehicle. It shows my
7 response to the scene and the duration.

8 Q About how long do these in-car video -- how long do
9 they record for, do you know?

10 A I am not sure.

11 Q More than an hour?

12 A Yes, ma'am. More than an hour.

13 Q And is this a true and accurate representation of what
14 you video taped that night from your car?

15 A Yes, ma'am.

16 Q And what do you do, do you just turn it on and it stays
17 on?

18 A You can turn it on, activate it, or it comes on when
19 you activate your blue lights.

20 Q Okay. And to get it to turn off you turn your blue
21 lights off?

22 A You have to manually turn it off.

23 Q Okay. All right.

24 MS. HODGE: At this time we moved to admit

25 State's Number 1?

1 MR. FREDERICK: No objection.

2 THE COURT: It is admitted.

3 (State's Exhibit 1, in car video, received in
4 evidence as of this date.)

5 BY MS. HODGE:

6 Q So the camera, did it have any sound going at this
7 time?

8 A You can hear the internal camera, but it was -- I guess
9 there was a problem with the mic.

10 And you can't hear the external mic that I had on my
11 body.

12 Q So you wear the mic?

13 A Yes, ma'am

14 Q And if everything was working properly --

15 A You would be able to hear.

16 Q You would have been able to hear your conversation, but
17 at this point only the internal mic was working?

18 A Yes, ma'am. You can only hear what is being dispatched
19 over the radio.

20 Q At this time we will ask the Court publish the video?

21 THE COURT: You may.

22 (Whereupon, the video was played).

23 Q If you want to tell us what you are doing at this
24 point?

25 A That is when I observed her vehicle when I'm pulling

1 down the driveway responding to the call and she is backing up
2 as I pulling in.

3 Q So you got your windshield wipers going?

4 A Yes, ma'am, it is raining.

5 I exit my vehicle and once I am out of the vehicle
6 approaching her I asked what is going on. She responds to me
7 and that's when I start checking the area for Mr. Roberts.

8 Q And who is that?

9 A That is Captain Trail.

10 Q You had something in your hand there. What was in your
11 hands when you were walking up?

12 A My flash light.

13 Q Approximately how far back did she back up?

14 A There's a side door on the residence. I think it was
15 by the side door and she backed -- there is a grassy area there.
16 She backed up almost back to that grassy area.

17 Q And who is this here?

18 A That is Officer Boykin.

19 Q Did officer Boykin come up and speak to the defendant
20 at any point in time?

21 A No. He was stopped there and told to go back down to
22 the back of the driveway to close off the entrance.

23 Q And I believe you stated she stays in the car for
24 almost an hour?

25 A Yes, ma'am.

1 Q At this point I would like to skip towards -- does any
2 other officer actually come up and talk to her that you know of?

3 A Captain Trail spoke with her. I don't think anybody
4 else did. I am not sure.

5 Q And who was to take her away from the scene?

6 A Lieutenant Edwards came to the scene and he got her out
7 of the vehicle and took her to the police department.

8 Q And is that shown on here?

9 A I believe so, yes, ma'am.

10 Q And who is that?

11 A That is Captain Trail.

12 Q Okay. Did the chief show up at the time, Chief Mobley?

13 A He was there. I don't recall what time he got there.

14 Q Is it fair to say that many people come and go during
15 this hours time before the defendant gets out of the vehicle?

16 A Yes, ma'am.

17 Q And were canine units called to respond?

18 A Yes, ma'am, I believe that was later on.

19 Q EMS respond?

20 A EMS responded right after we got there. They came in
21 and checked the the vitals.

22 Q And so at this point I would like to move closer in
23 time to when the defendant actually gets out of the vehicle?

24 What just happened there?

25 A The lights off on the vehicle.

1 Q And who is that? Can you see who is at the car with
2 her?

3 A I believe that is Captain Trail and there is Lieutenant
4 Edwards.

5 Q And what is he carrying in his hand?

6 A He has got a flashlight.

7 Q And who is that?

8 A That is Miss Phillips along with Captain Trail and
9 Lieutenant Edwards.

10 Q And what is that that is on her? Can you tell? Did
11 you see personally?

12 A No, ma'am.

13 Q Her head, her wrist or ankle?

14 A She had tape around her head and around her wrist and
15 down her leg.

16 Q And who is that?

17 A That is Detective Mumaw.

18 Q Did you observe -- thank you. She doesn't come back on
19 the camera, does she?

20 A No, ma'am.

21 Q Did you personally observe the defendant when she got
22 out of the vehicle? Did you observe anything about her, her
23 clothing?

24 A Yes, ma'am. I was still standing there, with Mr.
25 Roberts and I looked at her and she didn't appear to be wet or

1 muddy and it was raining outside.

2 Q How about the area that you were out in, was it obvious
3 there was water, standing water and/or any mud around Mr.
4 Roberts home, yard area?

5 A Back behind the retaining wall there is an opening and
6 in that opening it was a puddle and it was real muddy.

7 Q Is most of back there concrete?

8 A Most of it is concrete until you go to the retaining
9 wall and that is just grass and mud and stuff that leads behind
10 the residence.

11 Q Okay. At any point when EMS showed up did the
12 defendant ever request any medical treatment for herself?

13 A No, ma'am.

14 Q When you arrived and kind of asked her what happened
15 did she ever make any comment to you that she was hurt or
16 request any type of medical treatment?

17 A No, ma'am, she didn't.

18 Q And once the EMS people actually arrived did she
19 attempt to go to them or ask for anyone else for help?

20 A No, ma'am, she didn't.

21 MS. HODGE: Thank you. Please answer any defense
22 questions.

23 THE WITNESS: Yes, ma'am.

24 CROSS EXAMINATION

25 BY MR. FREDERICK:

1 Q If she had tried to go to the body would you have
2 allowed her to do that?

3 A No, sir.

4 Q Do you ordinarily allow people to touch a dead body at
5 a crime scene?

6 A No, sir.

7 Q Okay. And is it important to secure the area?

8 A Yes, sir.

9 Q Of the crime scene?

10 A Yes, sir.

11 Q And there is a few different ways to do that. Did they
12 put up tape at this crime scene?

13 A Yes, sir, they did, but it was down at the bottom of
14 the driveway.

15 Q And they control who comes in and who goes out?

16 A Yes, sir.

17 Q Okay. And I know you didn't, but there was a log that
18 was kept, right?

19 A Yes, sir.

20 Q And I am just handing you that for reference, okay.
21 But what time did you arrive on scene?

22 A Approximately 7:40, I believe about ten minutes after
23 the call came in.

24 Q Was it logged in to the crime seen log?

25 A Yes, sir.

1 Q Okay, and what time was that?

2 A Nineteen forty.

3 Q Okay. And 1940 is 7:40 like you said?

4 A Yes, sir.

5 Q Now, you said, and we saw she is sitting in the car

6 right?

7 A Yes, sir.

8 Q It is very cold outside it is February?

9 A Yes, sir.

10 Q So, it was very cold that night?

11 A Yes, sir.

12 Q Is it fair to say she probably had the heat on in her

13 car?

14 A I don't know, sir.

15 Q Did you have the heat on in your car?

16 A No, sir.

17 Q So you were driving in February when it was very cold

18 with no heat?

19 A Yes, sir, I sweat all the time. I never use heat.

20 Q Fair enough. Fair enough.

21 Now, she was on the scene for about an hour before you got

22 there, before she left, is that what you said. After you

23 arrived she was on the scene for about an hour?

24 A Approximately an hour yes, sir.

25 Q Okay. As you see in the video it was drizzling rain?

1 A Yes, sir.

2 Q It was not pouring rain? It was not a downpour?

3 A It was raining, sir.

4 Q Now, going from the back of the house where the cars
5 were to that concrete wall in the back, that is all concrete,
6 right?

7 A Yes, sir, accept for a small spot in the middle.

8 Q A little spot in the center with the grass and the tree
9 or bush whatever it is?

10 A Yes, sir.

11 Q Okay. And did you look at the area behind that wall?

12 A No, sir.

13 Q You didn't look at it?

14 A No, sir.

15 Q Okay. Well, you testified just now that it was muddy,
16 but you didn't look at it?

17 A I looked at the area between the wall, not behind the
18 wall. There is a muddy area. The way the wall is set up it is
19 separated with an opening and there in the opening it was muddy.
20 I never went behind the wall.

21 Q So you never walked back there?

22 A Not behind the wall.

23 Q Behind the wall?

24 A No, sir.

25 Q Okay.

1 MR. FREDERICK: I have no other questions. Thank
2 you?

3 MS. HODGE: One question.

4 REDIRECT EXAMINATION

5 BY MS. HODGE:

6 Q Did the defendant ever even act or appear concerned
7 about the welfare of Mr. Roberts?

8 A No, not to me. She was just sitting in her vehicle.
9 She never said anything other than the brief conversation we had
10 when I arrived on the scene.

11 Q And you didn't hear her get upset or excited with
12 anyone else or wanting to get to him and being told, no, you
13 can't?

14 A No, ma'am, I didn't.

15 MS. HODGE: Thank you. That is all I have of this
16 witness.

17 THE COURT: You may step down.

18 MS. HODGE: Your Honor, may he be excused from
19 subpoena.

20 THE COURT: Any objection.

21 MR. FREDERICK: He may.

22 (Whereupon, the witness was excused.)

23 THE COURT: Let's take a short break before we go
24 further. Let me ask the jurors please go to the jury
25 room. Please you can't discuss the case during the

1 break. No discussion about the case. We will take a
2 short break and we will continue.

3 (Whereupon, the jury leaves the courtroom.)

4 THE COURT: Court is in recess for 15 minutes.

5 (Court stands in recess.)

6 THE BAILIFF: All rise. Come to order. Court is
7 back in session.

8 THE COURT: Thank you. Be seated.

9 Are you ready for the jury?

10 MS. HODGE: Yes, sir.

11 THE COURT: Bring them in.

12 Who is your next witness.

13 MS. HODGE: Captain Trail.

14 THE COURT: Are you going down this list?

15 MS. HODGE: No, sir.

16 (Whereupon, the jury enters the courtroom.)

17 THE COURT: All right. We will continue the
18 State's presentation of evidence. Miss Hodge.

19 MS. HODGE: Thank you, Your Honor. The State
20 calls Captain Trail.

21 CAPTAIN BRIAN TRIAL, called as a witness, having
22 been duly sworn by The Clerk, was examined and
23 testified as follows:

24 DIRECT EXAMINATION

25 BY MS. HODGE:

1 Q Captain Trail, who do you work for?

2 A York Police Department.

3 Q How long have you been with them?

4 A I started November 20, 1989.

5 Q And what are your current duties with PD?

6 A I am currently the captain of the police department.

7 Q Is that mostly administrative at this point or are you

8 still coming on soon?

9 A No, it is mostly administrative now.

10 Q Back in February of 2010 what were your duties?

11 A I was shift lieutenant.

12 Q And did you respond to a call for service at 214

13 Roberts Avenue that night?

14 A Yes, ma'am, I did.

15 Q What kind of call came out for that?

16 A It was a possible break in robbery.

17 Q What time do you recall it happening or coming out?

18 A We got the call according to the report at 7:31.

19 Q Did you immediately respond there?

20 A Yes, ma'am, I did.

21 Q Were you familiar at all with Melvin Roberts?

22 A Yes. I was familiar with him.

23 Q Did you know that was his residence?

24 A Yes, when I got the call I knew it was his residence,

25 yes.

1 Q What did you do in route?

2 A In route I got update from dispatch. I had her go
3 ahead and start EMS that way and I had the officers to run code
4 three which is lights and siren.

5 Q And when you say you got an update, what was that in
6 reference to?

7 A Trying to get as much information from the dispatch
8 before we arrive on scene, so we know what we are going into.

9 Q Who is getting and gathering information at this point
10 to give to the police?

11 A The dispatch is giving the officers the information
12 over the radio and she is getting the information from Miss
13 Phillips.

14 Q And is that through a 911 call or something like that?

15 A That is correct.

16 Q What did you do or what did you observe upon arrival?

17 A When I arrived Jimor Gwinn was already there. I pulled
18 up behind Jimor Gwinn. I exited my car. Went to the scene.
19 Went to Mr. Roberts that was lying on the ground to the right
20 behind the house.

21 Q And I am going to ask you speak up just little bit.

22 A Yes.

23 Q Speak up or adjust the microphone.

24 A I will just speak up.

25 Q So you state you went to the scene and checked Mr.

1 Roberts?

2 A Yes, ma'am.

3 Q All right, and what did you find?

4 A I checked his left arm for a pulse. I did not get a
5 pulse on his left arm. I can see that he had a tie strap around
6 the neck. Also checked his neck and I was unable to get a pulse
7 with his neck also.

8 His arm was cold. His neck it was slightly warm. He also
9 had a large what we refer to is cauliflower ear. It looked like
10 it had been hit or major trauma to the ear and also had some
11 trauma to his head also.

12 Q Did you see the defendant or the defendant's vehicle at
13 the scene?

14 A I did, yes, ma'am.

15 Q And as you came on to scene had you un-holstered your
16 weapon or drawn your weapon?

17 A No, ma'am, I did not.

18 Q Did you do that at any point this night?

19 A When I come to work I put my gun on and other than that
20 no, ma'am.

21 Q And during this investigation you did not?

22 A No, ma'am, I did not.

23 Q Okay. And did you have a chance to -- well, let me
24 back up. Once you checked Mr. Roberts did you still have EMS
25 respond?

1 A Yes, ma'am, I did.

2 Q And at that point did you go over and attempt to talk
3 to the defendant?

4 A Yes, ma'am.

5 Q How far was Mr. Roberts from where the defendant was?

6 A I would guess probably here to the end of the jury box
7 a little bit closer this way.

8 Q Okay. Maybe second to the left?

9 A Back a little bit and that is an estimate. About right
10 in there, yes, ma'am.

11 Q And when you came up did you immediately see his body?

12 A When I turned the corner, yes, I seen his body.

13 Q So tell me about when you go over to the defendant in
14 her car?

15 A I went over to the defendant and she rolled her window
16 down and as soon as I approached her she kind of reached up
17 towards me so I grabbed her hand and was holding her hand and I
18 asked her what had happened. She had told me that she had went
19 to Bi-lo's. Got some groceries. That she come home. When she
20 parked, that she got out, got the groceries out and somebody
21 grabbed her from behind and took her behind the wall and told me
22 that the groceries should still be behind the wall.

23 Q At that point did you stop talking to her and go check
24 that out or did you just make note of that?

25 A I did not go behind the wall at that time, no, ma'am I

1 did not.

2 Q And when you touched her hands did you touch up
3 anywhere on her sleeves or just her hands?

4 A Not at that time, it was only her hands.

5 Q And did her hands appear to have any mud or wetness to
6 them?

7 A They were cold, maybe a dampish feeling. I mean they
8 weren't like wet. What I would expect the way it had been
9 raining earlier that night and during that time, but they were
10 very cold to the touch, yes.

11 Q And when you were talking to her at that point did she
12 say anything or ask anything about Mr. Roberts?

13 A No, she would make the comment that she couldn't find
14 her husband. At which I found that odd because I did not
15 realize, one, that they were married. So that was kind of new
16 to me because I've known Mr. Roberts for quite some time and I
17 didn't know that they were married and she was claiming that
18 they were married, but she just kept saying I can't find my
19 husband. That he is around here somewhere. She was, you know,
20 she was looking over my shoulder in that direction where he was
21 at and I just found that being very odd.

22 Q And you had actually gone to him and then come to her?

23 A Several times within about an hour, yes.

24 Q And she never asked you about his condition?

25 A No, not until the very end when she was getting ready

1 to leave when I was asking her to leave the scene.

2 Q Now, when you were there was it just you and Lieutenant
3 Gwinn initially?

4 A Initially, it was me, Lieutenant Gwinn. Officer Boykin
5 came up to the top and I sent him back to set up a perimeter at
6 the end of the driveway and start a crime scene log.

7 Q And I am sorry, I am jumping back a little bit. But
8 did you notice anything else about the defendant when you walked
9 up to the car initially when she went and reached for your
10 hands?

11 A When I looked at the tape and stuff, the tape was odd
12 the way it was just kind of layered or laid on. It really
13 didn't look like something that was taped up tight with duct
14 tape.

15 Q Okay, and where was this tape that you were talking
16 about?

17 A The tape was kind of looped over her head kind of
18 loosely.

19 Q And did she tell you how the tape got there?

20 A She said that the guy that killed Melvin taped her up.

21 Q Did she give you any type of description at that point?

22 A Yeah, her initial description to me she said was Puerto
23 Rican about my size and he had a brown jacket.

24 Q Was it a questionable, I think he might be or was she
25 pretty firm on it?

1 A No, she said it was a Puerto Rican. She looked at me
2 and she said he was about your size and had a brown jacket. It
3 wasn't questionable. She was pretty adamant about what he
4 looked like.

5 Q Did you also attempt or did you touch any other part of
6 her at that time through the car window?

7 A Initially I did not. Later on, you know, when I
8 started different things she would say, or like the tape and
9 things not adding up. I was looking at her sleeves and stuff
10 the way it had been raining that night to be outside as long as
11 she was I thought she would be a lot wetter then what she was so
12 I touched her arm, her left arm right here (indicating) at the
13 upper part of her arm. I touched it to see if it was wet and it
14 just didn't feel wet to me.

15 Q Did you -- you said you put your weapon in your
16 holster that night. When is the last time you fired your weapon
17 that you had in your holster that night?

18 A The last time I had fired my weapon was December 1st,
19 2009. We had our night qualifications with the police
20 department.

21 Q And after your qualifications -- so that was about two
22 months prior to this incident?

23 A Yes, ma'am.

24 Q And after that do you -- is it a habit of police
25 officers to then clean their guns?

1 A Yes, ma'am. The shift I was working that night was not
2 my normal shift. I was filling in for somebody, but with my
3 shift after qualification, our next time back at work I would do
4 an inspection of the weapons.

5 Q Okay, an inspection of the weapons?

6 A Yes, ma'am.

7 Q And what does that mean?

8 A To make sure that they had cleaned their weapons after
9 qualifying.

10 Q And why is it important to keep your weapon clean?

11 A To keep it from malfunctioning. If you get in a
12 situation where you have to use your weapon to keep it from
13 malfunctioning.

14 Q So your weapon would have been cleaned some point back
15 in December?

16 A Yes, ma'am, shortly after qualifying, yes.

17 Q And then it would not have been fired again?

18 A I had not fired again, no, ma'am.

19 Q Do you take your weapon put it in the holster, take it
20 out of the holster every time you work?

21 A Yes, ma'am. When I come home in the morning or at
22 night according to what shift I working I would take my weapon
23 out of my holster and place it on top of a cabinet.

24 Q And then when you put it back in you start to go to
25 work?

1 A Yes, ma'am.

2 Q And that's what you did in this instance?

3 A Yes, ma'am.

4 Q Did the chief of police respond to this incident as
5 well?

6 A He did, yes.

7 Q And who was the chief then?

8 A Bill Mobley.

9 Q And what -- did he come speak to you and did he do
10 anything or did you observe him do anything at the scene this
11 night?

12 A Yes. He initially shown up on the scene. I met with
13 him told him generally what I had, you know, we had contacted
14 SLED to have them on the scene. I had told him, you know, that
15 I didn't think that she felt wet to the touch and I asked him if
16 he would also do the same. If he would check her arm to see if
17 she felt wet to him.

18 Q And this was the left arm of the defendant?

19 A Yes, ma'am.

20 Q And was the chief wearing his gun on this night?

21 A No, ma'am, he wasn't.

22 Q Did he routinely not where his weapon?

23 A There were several times that he would not have his
24 weapon, yes, ma'am.

25 Q And you said that she mentioned the story that you got

1 from the defendant that she came home with groceries and that
2 she actually retrieved her groceries out of the vehicle?

3 A Yes, ma'am. She made a statement that they should
4 still be behind the wall.

5 Q And did you ever go back behind the wall that night and
6 look to see if her groceries were there?

7 A I did not because I walked back over to the car and the
8 chief was speaking with her and I kind of glanced into the back
9 of the car and there was groceries and a box of Mike's Hard
10 Lemonade that had a paid sticker on it and I asked her, I said,
11 did you not get all your groceries out. She said, I didn't get
12 any of my groceries out and when she said that I thought that is
13 completely different than what she told me in the beginning.

14 Q And this is within that one hour window?

15 A Yes, ma'am.

16 Q And your response time was within ten minutes of her
17 calling the police?

18 A Yes, ma'am.

19 Q So within an hour and ten minutes of Melvin being
20 murdered according to her time table, she's told you two things
21 about the groceries?

22 A Yes, ma'am.

23 Q Did she go on to tell you about her being behind the
24 wall and approximately how long she said she was behind wall?

25 A Yes, she said she felt like she had been back there

1 probably a half hour or more.

2 Q And had it been raining that previous half hour before
3 the 911 call came in?

4 A Yes, it was raining. You look at the videos on the
5 patrol car on the scene it was raining, yes.

6 Q Was this kind of a rainy day, do you recall?

7 A Yes, it had been raining quite some time. I was
8 actually thinking it was going to be a quiet night.

9 Q And was it also a possible snow chance or something
10 like that?

11 A I can't recall.

12 Q Okay. Did she say anything about her pocket book or
13 any money that may have been taken or robbery of any kind?

14 A She said something about her pocket book being behind
15 the wall. I have in my notes I believe she said she had a brown
16 pocket book behind the wall and it ended up it was behind her
17 seat in her car and it was a different color than what she
18 stated it was.

19 Q What was -- while you were talking to her, what was her
20 demeanor? Was she able to communicate with you easily?

21 A Yes, she was able to communicate. When I initially
22 approached her she seemed upset when she raised her hands up to
23 me and calmed down. She calmed down very quickly for somebody
24 her husband had been killed. During the time that I was talking
25 to her she wasn't crying or screaming or anything like that.

1 Q She would be able to talk to you then a moment of upset
2 and back, is that fair?

3 A Yes, ma'am.

4 Q Was she asked at any point that you know of to get out
5 the of the car for any reason before Lieutenant Edwards came?

6 A No, right towards the end she wanted to get out. She
7 said she had to use the bathroom and actually wanted to go
8 behind the wall and this was towards the end right before
9 Lieutenant Edwards got there and I told her she could not go
10 behind the wall. That we would get her to the station to where
11 she could us use the restroom.

12 Q So she is wanted to go behind the wall to the same
13 place she was telling you she had been abducted to?

14 A Yes, ma'am.

15 Q And how about her car. Was she going to be allowed to
16 drive her car or did it have to stay at scene?

17 A No, when I asked her to go to the station she had made
18 a comment that she would follow us to the station and I told her
19 that her car would have to stay there because it was part of the
20 crime scene and she still wanted to follow us and I told her
21 that it would have to stay there. Then she wanted to lock the
22 car up which I told her it would have to stay unlocked so we
23 could do our investigation.

24 Q Okay. Did she make any comment about when you stated
25 the reason that everything needed to be there? Did she say

1 something to you at that point?

2 A Yes, ma'am. When we were speaking I had told her the
3 reason why the car and stuff had to stay there because it is a
4 crime scene and we would have to process stuff for evidence and
5 she had made the statement then well, it's been raining wouldn't
6 it wash everything away and I told her no, it would not.

7 Q At the time that Lieutenant Edwards came tell us about
8 what happened because I believe -- I don't know if you were in
9 the courtroom. Video you are talking to her first and he comes
10 up, is that correct?

11 A That is correct. I had called him to come and pick her
12 up take her to the station to get a statement. He arrived. I
13 opened up the door. She gets out of the car. He helps her down
14 to his car by placing his -- I think left hand on her left arm
15 and his arm up on her shoulder and helps her to the car.

16 Q Did she have any shoes on when she was getting out of
17 the car?

18 A No. Her shoes were sitting together on the passenger
19 seat. They had been set there. They were sitting in the
20 passenger seat when I got up there. I don't know why the shoes
21 were off.

22 Q Did she ask anything about putting them on?

23 A She did put them on. She put her shoes on.

24 Q And how about the tape. At any point in time while you
25 are talking to her is she attempting to get this tape off her

1 head?

2 A She wanted to take the tape off and I told her we would
3 have to go to the station. That they would get the tape off of
4 her shortly but she did request to take the tape off.

5 Q And before she is in your presence and getting ready to
6 leave did she then have an opportunity to see the body or say
7 anything about the body of Melvin?

8 A The body was in plain view. She -- during the course
9 of the time that I spoke with her she looked past me several
10 times towards the body, people over there working during that
11 time she never asked me, you know, is he okay. What is going on
12 with him until at the very end when we were getting ready to
13 leave she asked me is Melvin dead and I told her yes.

14 Q And did she have any kind of reaction to that?

15 A She put her face down in her hands and she cried for a
16 second or so and then she said I knew it. And that was the end
17 of it.

18 Q And that was it?

19 A Yes.

20 Q Did she ever ask for any medical attention for herself
21 during that time?

22 A No. As a matter of fact I had asked her in the
23 beginning if she was hurt and she said no, she didn't think so.

24 Q And EMS workers came through and came past?

25 A Yes.

1 Q Did she ever ask can you can come here?

2 A No, she never requested medical attention at all.

3 Q Once she got -- once Lieutenant Edwards got there as
4 you described and they are leaving the vehicle and walking away
5 what, if anything, did you notice about her?

6 A When she got out of the car it is almost like she had a
7 ring around the rear end of her pants almost like she had been
8 sitting instead of somebody that was faced down. I thought that
9 was odd so I motioned for the Detective Mumaw to come over and
10 to take a picture of her pants. I didn't think that they were
11 wet compared to the way the weather was or muddy the way that it
12 had been raining that long and she had been back there on the
13 ground that long.

14 Q Let me me show you State's seven, eight and nine. What
15 are these photographs showing?

16 A These are photographs of Miss Phillips' clothing the
17 night at the incident location.

18 Q And are those true and accurate representations of how
19 you recall her shirt, shirttail, pants, wrist looking?

20 A Yes.

21 MS. HODGE: At this time we move to admit seven
22 through nine.

23 MR. FREDERICK: No objection.

24 THE COURT: They are admitted.

25 (State's Exhibit 7-9, photographs, received

1 identification as of this date.)

2 Q State's number seven, if you can tell me what we are
3 looking at here and is there a laser pointer up there?

4 A I do not see it.

5 Q It is over here. If you need to get down if that is
6 better for you, feel free.

7 A This is the rear end of Miss Phillips. This is her
8 shirt. It looked like a silky-type shirt. This is the rear end
9 part that looked like this area here was wet, or damp compared
10 to the rest of the clothing. And that's the sweater she had and
11 her left arm.

12 Q And State's number eight.

13 A That is a closer view of the back end. That is the
14 white silky shirt and you can see the bottom of the jeans right
15 there.

16 Q Did she give you a detailed description of how she was
17 behind the wall or just in general?

18 A Just in general that he had taken her around. That she
19 was put face down. I didn't go into a lot of detail on that
20 until the investigators came. I was going to let them go into
21 more detail on that.

22 Q When you observed her getting out of the car that
23 raised your suspicion some?

24 A Ah, yes, as much as it had been raining and for her to
25 be out in it and on the ground for that long it raised my

1 suspicion, yes.

2 Q And is that why you instructed Investigator Mumaw to
3 take these photos?

4 A Yes.

5 Q State's number nine, and what is that?

6 A That is the right arm, and key chain on her wrist.
7 That is her shirt on her forearm right here.

8 Q And is that how the duct tape was when you saw her?

9 A Yes, ma'am.

10 Q Was it on one arm or both arms when you saw her?

11 A I can't recall if it was on the other arm. I recall
12 the head and the arm, but I can't recall the other arm.

13 Q Were her arms together or separate?

14 A They were separated some. Kind of like this when she
15 reached for me but I can't remember if it was completely around
16 at the time or not.

17 Q All right, and again that is her light shirt and black
18 top?

19 A Yes, ma'am.

20 Q All right. Thank you.

21 One last question. During the course of investigation did
22 someone with your office or someone with sled take a DNA sample
23 from you?

24 A Yes, ma'am, they did.

25 Q Okay. And why do they take DNA samples from police

1 officers?

2 A Because we were on scene. If they find DNA to, you
3 know, make sure they have everybody that has been in that crime
4 scene.

5 Q Okay. And you how does that happen?

6 A They swab my mouth.

7 Q And who did that?

8 A I believe it was Detective Naylis.

9 Q And did he then seal it up?

10 A Yes. He unsealed it in front of me and took the sample
11 and sealed it up in front of me, yes.

12 Q And where would that sample go after that?

13 A I guess they send it to SLED. I don't know where they
14 sent it for testing. It was taken in the detective's office
15 where they actually took the sample.

16 MS. HODGE: Thank you. Please answer any defense
17 questions.

18 THE WITNESS: Yes, ma'am.

19 CROSS EXAMINATION

20 BY MR. FREDERICK:

21 Q Just to begin with, I will show you what has been
22 marked as Defendant's Exhibit 26 is that the same photo we just
23 put into evidence?

24 A It appears to be, yes.

25 Q Okay. And I would move to of enter this into evidence

1 as well?

2 THE COURT: Do you have others you are going to
3 show him?

4 MR. FREDERICK: Yes.

5 MS. HODGE: How about showing them to Miss Hodge.

6 MR. FREDERICK: We just looked at Defendant's
7 exhibit 26. This is also the same photograph we were
8 just looking at?

9 A Yes, sir.

10 Q We are looking at Defendant's exhibit 27. Can you
11 identify this?

12 A Turn it towards me a little bit.

13 Q Sure.

14 A It appears to be the front of her shirt. It looks like
15 the front of it.

16 Q Okay. Is that in your opinion a fair and accurate
17 representation?

18 A Yes, sir.

19 Q Of her shirt that evening.

20 THE COURT: What number was that?

21 MR. FREDERICK: Sorry, judge, that was Defendant's
22 Exhibit 19 that we were just speaking of.

23 Defendant's exhibit number 2, can you identify those.

24 A Yes, that is her feet, her legs, yes.

25 Q Does that seem to be a fair and accurate representation?

1 of her leg or her foot on the evening of the fourth when you saw
2 her?

3 A Yes, sir.

4 Q Can you identify this?

5 A Yes, sir, that is Miss Phillips.

6 Q And does this -- in your opinion, is this a fair and
7 accurate representation of Miss Phillips on the evening of the
8 forth?

9 A That is not how I seen her on that night.

10 Q That is okay.

11 A The tape has been removed evidently and that is not the
12 clothing that she had on, so I can not say yes to that.

13 Q And that is okay. So Defendants exhibit 2, 19, and 27
14 and 26 we would move into evidence at this time?

15 MS. HODGE: No objection.

16 THE COURT: They are admitted.

17 (Defendant's Exhibits 2, 19, 26 and 27,
18 photographs, were received in evidence as of this
19 date.)

20 Q What we are looking at, this is the same photo that we
21 were looking at earlier, right?

22 A Yes, sir.

23 Q And I wish we had it up on the projector, but you said
24 this was tape that was around her wrist?

25 A Yes, sir.

1 Q And this is?

2 A That is the key holder.

3 Q And the key that was on her wrist?

4 A Yes, sir.

5 Q This brown stuff on the tape what would you say that

6 is?

7 A I don't know. I can't say what that is.

8 A These up here on her blouse, what would you say that

9 is? Would you say that is leaves?

10 A That looks like leaves here.

11 Q Okay. It is hard for you guys to see, but when we are

12 done with the case these will go back to the jury room.

13 This same photograph we are looking at earlier?

14 A Yes, sir.

15 Q And as you are pointing out these jeans are wet?

16 A The butt is damp.

17 Q This is her blouse?

18 A Yes, sir.

19 Q Outer part of her shirt?

20 A Yes.

21 Q And these are what, leaves? Do you see the leaves and

22 maybe some straw on there?

23 A Yes, sir.

24 Q Okay, and this would be probably her left leg?

25 A Correct.

1 Q And what we are looking at here is the duct tape; is
2 that right?

3 A Yes, sir.

4 Q What would you say this brown stuff on the duct tape
5 is?

6 A Looks like dried dirt and mud.

7 Q Looks like mud. The brown stuff on the pant legs?

8 A Looks like mud.

9 Q Looks like mud?

10 A Yes, sir.

11 Q You said she did want to take the tape off. You didn't
12 want her to take the tape off until she got back to the station?

13 A I wanted the proper people to take it off, yes.

14 Q All right. Did she seem rational to you? Did you have
15 a rational conversation with her?

16 A Somewhat, yes, sir.

17 Q So, a lot of what you were testifying to on direct
18 examination was inconsistencies in what she said, is that fair
19 to say?

20 A There was some inconsistencies, yes, sir.

21 Q And is it your interpretation of these that she is
22 lying to cover up a crime?

23 A When I -- initially when I spoke with her the first
24 time I noticed an inconsistency I said maybe that is a mistake.
25 But when I started looking at other things such as the way the

1 tape was, the pocket book is suppose to be back here, the
2 statement of, won't evidence wash away with it raining, that all
3 together led me to believe that she was involved in it, yes.

4 Q Those inconsistencies?

5 A Yes, sir.

6 Q Is it fair to say you were suspicious of Julia pretty
7 much from the time you arrived on scene?

8 A No, sir, it is not. If I would have been I wouldn't
9 been holding her hands.

10 Q And when she got out of the car you said something to
11 Mobley like hey look, her pants aren't wet, her clothes aren't
12 even wet?

13 A I motioned him over and told him that the butt of the
14 pants had been wet almost like she was sitting on her butt.

15 Q And the implication of is should her pants, her clothes
16 are not wet she maybe involved with the crime, is that fair to
17 say?

18 A No, I was thinking if she had been face down for thirty
19 minutes or whatever she said that it would be more of just a
20 butt ring back here on her pants and other places.

21 Q Do you know that she was face down for thirty minutes?

22 A Well, she had said she had been pushed down.

23 Q Did she seem like accurate historian to you?

24 A No, sir, she did not.

25 Q Now, what is the theory? Is it that she stayed in the

1 car, tied herself up in the dry car and worked and got herself
2 loose from the duct tape and that's why she is not wet?

3 A You are asking me theory?

4 Q Yeah. You are saying you don't think she is wet
5 therefore that indicates she is involved in the crime. What is
6 the alternative?

7 Are you saying she stayed in her car where it was not
8 raining and she tied herself up?

9 A I don't think she tied herself up. I think someone
10 else tied her up.

11 Q Do you think someone else tied her up in the car?

12 A No. Not in the car no, sir.

13 Q Outside of the car?

14 A Yes, sir, that is what I think.

15 Q Was it raining?

16 A It was raining.

17 Q So, let's say if Julia killed Melvin herself or if
18 Julia stood there while someone else killed Melvin, is she
19 outside?

20 A Can you rephrase that please. Repeat.

21 Q I mean, let's look at alternative scenarios. Julia is
22 a murderer. She kills Melvin or someone else kills Melvin and
23 Julia is there collaborating with them. Is she outside?

24 A She could be, yes?

25 Q Would she be in her car?

1 A She would be in the car shortly after.

2 A So your theory is she stayed in her car and that is why
3 she is not wet.

4 A Not the whole time, no, sir. I don't think she was out
5 as long as what she says she was out.

6 Q So you think that she was outside of her car not as
7 long as she said and that is the significance of you saying that
8 her clothes are not wet. Is that fair?

9 A The reason that I said her clothing didn't appear wet
10 because they did not appear wet to me. That's why I said that.

11 Q Boykin set up the perimeter, is that right?

12 A Boykin set up the end of the perimeter and he closed
13 off one of the exit, yes, and one of the entrees.

14 Q Part of his job was making sure that he knew who came
15 in to the crime scene?

16 A Right. He did the crime scene log, yes, sir.

17 Q What time did you arrive?

18 A It shows me at 1940.

19 Q Okay and that is 7:40?

20 A Yes, sir.

21 Q Okay. So she said that she had taken her groceries out
22 of her car and she left them behind the wall she thinks?

23 A She didn't say she thinks.

24 Q She said she did?

25 A They should still behind the wall.

1 Q Groceries should be behind the wall, she said that?

2 A Yes.

3 Q And it turns out the groceries are in the car?

4 A That's correct.

5 Q Does whether or not her groceries are behind the wall
6 or in the car either way indicate whether or not she is involved
7 with a crime?

8 A It is suspicious to me.

9 Q Would it indicate she is not rational?

10 A It could do either one, but as a police officer it was
11 definitely suspicious to me.

12 Q You say it is suspicious. By saying suspicious you
13 mean you suspect she is involved with the crime, right?

14 A Shortly afterwards, yes, sir, I did.

15 Q So whether or not her groceries are behind the wall or
16 in her car indicates somehow that she is or is not guilty of a
17 crime?

18 A There is a total of several things that led me to
19 believe that she was involved in this. Okay. And the things
20 that we spoke about.

21 Q Do you know how long she was behind the wall?

22 A I do not know how long she was behind the wall. I know
23 how long she says she was behind the wall.

24 Q Do you know what the time of death was?

25 A I do not.

1 Q But you arrived at 7:40?

2 A That's correct.

3 Q Okay. She thought that her pocket book was behind the
4 wall and she told you that?

5 A Yes, sir.

6 Q And her pocket book was not behind the wall?

7 A It was not. It was in the car.

8 Q And that was suspicious to you?

9 A With everything else yes, sir.

10 Q She didn't know the color of her pocket book, right?

11 A She gave my the wrong color.

12 Q She told you the wrong color of her pocket book. That
13 was suspicious to you?

14 A Along with everything else, yes, sir.

15 Q I asked you again was she rational when you talked to
16 her?

17 A Most of the time, yes, sir.

18 MR. FREDERICK: No more questions.

19 REDIRECT EXAMINATION

20 BY MS. HODGE:

21 Q She was able to answer questions you put to her?

22 A Yes, ma'am.

23 Q You were able to understand the words coming out of her
24 mouth?

25 A Yes, ma'am.

1 Q They were appropriate to the questions you were asking
2 her?

3 A Yes, ma'am.

4 Q I wrote down she was not an accurate historian; is that
5 true?

6 A She was changing stories back and forth.

7 Q She was lying?

8 A Yes, it was apparent.

9 Q She was changing her stories. She was not giving you
10 an accurate history, she was changing the version of events; is
11 that correct?

12 A That's correct.

13 Q In a murder, attempted kidnapping, possible rape case,
14 she is changing these stories?

15 A Yes, ma'am.

16 Q Within ten minutes of police responding to her?

17 A That's correct.

18 Q She wasn't confused when she was speaking to you saying
19 oh, wait, wait, wait, no, no, no, it didn't go like that?

20 A No, ma'am.

21 Q You asked her she said one thing then she says
22 something else two minutes later?

23 A That is correct.

24 Q To the same question?

25 A Yes, ma'am.

1 Q And each thing that she told you that she changed her
2 story on that indicated deception to you?

3 A It did to me, yes.

4 Q And why do people usually tell lies or use deception?

5 A Either they found out they made a mistake or in some
6 cases maybe didn't rehearse well, enough to know what their
7 story was going to be and forgot what their story was going to
8 be from one point to another. I don't know in this case.

9 Q To evade guilt?

10 A Absolutely.

11 Q To evade suspicion?

12 A Yes, ma'am.

13 Q And the defense attorney commented about how long she
14 had been outside. According to her statement she had been
15 outside thirty minutes is what she told you?

16 A That's correct.

17 Q And you noticed some dampness to her but not as much as
18 you had thought there might be?

19 A Not the way I thought the way weather had been. Not the
20 way I thought.

21 Q And if she had been outside for just a few moments is
22 it possible she would have that amount of wetness?

23 A Yes.

24 Q How long does it take to hit someone on the head and
25 straggle them?

1 A I guess a few minutes.

2 Q Not thirty minutes?

3 A No, ma'am.

4 Q Significantly less?

5 A Yes.

6 MS. HODGE: Thank you. That is all I have.

7 MR. FREDERICK: Briefly judge.

8 RE CROSS EXAMINATION

9 BY MR. FREDERICK:

10 Q I want to be clear. She lied about the color of her
11 pocket book?

12 A Correct.

13 Q And she lied about whether or not her groceries were
14 behind the wall?

15 A That's correct.

16 MR. FREDERICK: Okay. That's all.

17 THE COURT: You may step down.

18 MS. HODGE: Your Honor, may he be excused from
19 subpoena.

20 THE COURT: Any objection.

21 MR. FREDERICK: Judge, so long as he is subject to
22 recall on phone call. I mean we call him back if we
23 need him.

24 THE COURT: Well, you are still under subpoena.
25 You will have to be available if called.

1 duly sworn by the clerk, was examined and testified as
2 follows:

3 DIRECT EXAMINATION

4 BY MR. WATTS:

5 Q Mr. Merchant, can you please tell the Court where you
6 work.

7 A I work at the York County Public Safety Communication
8 Center. It is the 911 center for the county.

9 Q What do you do for them there?

10 A I am operations manager.

11 Q How long have you been the operations manager there?

12 A We consolidated in 2009, but I have been doing
13 basically the same job for the last 15 years.

14 Q And you held that position in 2010?

15 A Yes, sir.

16 Q In your job you familiar with how 911 calls are
17 recorded?

18 A Yes, sir.

19 Q Could you please explain for the jury and the Court how
20 that happens?

21 A We have a dedicated recording system that records all
22 radio and telephone calls, communications, anything that comes
23 in to the center. It is totally a dedicated system. Nobody can
24 get to it from the outside or manipulate it any of the
25 recordings once it is done. From the time we click a mic or

1 pick up a telephone it starts recording, records the whole
2 incident and then if needed for Court or for investigations or
3 quality assurance that we do ourselves.

4 There is a couple of us that have security rights to go
5 back in and listen to the recordings. We can not manipulate it.
6 We can not change it. We can not do anything with it. We can
7 just listen to it and utilize it or whatever need be.

8 Q Mr. Merchant, I want to hand you what has been
9 premarked as States exhibit number ten. Do you recognize what
10 it is I am handing you?

11 A Yes, sir. It is a copy of the 911 call that came in
12 that night of this incident.

13 Q All right.

14 A And those are my initials.

15 Q And the recording procedure was working currently back
16 on February 4th, 2010?

17 A Yes, sir.

18 Q And you listened to this copy of the 911 call?

19 A Yes, sir, I did.

20 Q Was made in the same process that you just explained to
21 the jury?

22 A That is correct. We can go in and if a law enforcement
23 agency would like a copy in a case of anything that is immediate
24 we can actually go in make a recording and e-mail it to them
25 under a secured e-mail and then if it is too large of a

1 recording usually over four or five minutes then we might have
2 to break it down and put it on a recording or some agencies just
3 prefer a recording -- excuse me, a CD, so they can have it for
4 records also.

5 Q And this was made in the ordinary course of business
6 there at the 911 center?

7 A Yes, it is.

8 Q And the regular practice of 911 to make a record like
9 this?

10 A When requested by another agency, yes, sir.

11 Q And is it a fair and accurate representation of the 911
12 call that night?

13 A Yes, sir, it is.

14 Q To the best of your ability it hasn't been altered?

15 A No, sir.

16 MR. WATTS: Your Honor, at this point the State
17 would move State's exhibit ten in evidence.

18 MR. FREDERICK: No objection.

19 THE COURT: It is admitted.

20 (States Exhibit 10, 911 audio disc, received in
21 evidence as of this date.)

22 MR. WATTS: I will publish it to the jury.

23 (Whereupon, the tape was played.)

24 MR. WATTS: Thank you, Mr. Merchant. I have no
25 further questions, if you would please answer any

1 questions Mr. Frederick may have.

2 MR. FREDERICK: No questions judge.

3 THE COURT: You may step down.

4 MR. WATTS: Ask that Mr. Merchant be released from
5 a subpoena.

6 THE COURT: You may be.

7 MR. FREDERICK: Yes.

8 MR. WATTS: Judge. The State would call SLED
9 agent Vicki Hallman to the stand.

10 VICKI HALLMAN, called as a witness, having been
11 duly sworn by the clerk, was examined and testified as
12 follows:

13 DIRECT EXAMINATION

14 BY MR. WATTS:

15 Q Ms. Hallman, can you please tell the jury where you
16 work?

17 A I work for the South Carolina Law Enforcement Division
18 which is also known as SLED.

19 Q What do you do for them there?

20 A I am a senior agent assigned to the latent prints crime
21 scene unit.

22 Q And how long have you been working for SLED?

23 A I have been at SLED for approximately nine and a half
24 years.

25 Q And what did you have to do educational wise to get

1 that position?

2 A I am actually a sworn law enforcement officer. I have
3 been in law enforcement since 1991. I have a bachelors degree.
4 I also have a masters degree. I started at the Lexington County
5 Sheriffs Office as road patrol officer for approximately nine
6 years and then I spent my last four years there in the crime
7 scene unit. A position opened at SLED and I applied and was
8 hired at the South Carolina Law Enforcement Division.

9 Q And while you have been there what special training
10 have you received?

11 A My area of expertise is I work crime scenes. I also do
12 foot wear and tire tread comparison. I also do blood stain
13 pattern analysis. I have been trained in latent print
14 processing and comparison.

15 I have been through the criminal justice academy. I have
16 been through several week long schools in each one of those
17 areas and last year I received a certification from the
18 International Association for Identification which everybody in
19 the business knows is I.A.I.. I have been certified by that
20 organization as senior crime scene analyst.

21 Q And in those duties does that mean that you work for
22 the solicitor's office or for a law enforce agency?

23 A The only law enforcement agency that I work for is
24 SLED.

25 Q And have you ever been received as an expert in Court?

1 A Yes, I have.

2 Q And what areas have you been qualified as an expert?

3 A I have been qualified as an expert in crime scene
4 processing, latent fingerprint processing, latent fingerprint
5 comparison, tire tread, foot wear comparison and blood stain
6 pattern analysis.

7 Q And how many times have you been qualified?

8 A Each area is different because I am not always
9 qualified in every area. On average usually for a single
10 discipline maybe five or six times.

11 Q Have you ever not been qualified as expert?

12 A No, sir.

13 MR. WATTS: Judge at this point the State would
14 tender Miss Hallman in crime scene analysis.

15 MR. FREDERICK: No objection.

16 THE COURT: She is so qualified.

17 Q Miss Hallman, were you asked to report to the home of
18 Melvin Roberts on February 4th, 2010?

19 A Yes, sir, I was.

20 Q Can you tell us a little bit about how that came about?

21 A We have a central operations or central area we
22 actually call O.D. which stands for officer of the day. A local
23 agency will call in and request our assistance and it is not
24 necessarily a crime scene. We also have a SWAT team that is
25 available. We have a tracking team. We have arson

1 investigators.

2 If a local agency needs our assistance then they call into
3 that center and they put them in touch with whoever the on call
4 person is for that department. I happen to be on call that
5 evening for the crime scene unit, so I was given a name and
6 phone number here in York to make contact with in reference to
7 this scene.

8 Q And what time approximately did you arrive on scene
9 that night?

10 A I received the call at approximately eight p.m. and all
11 of us are based basically out of Columbia and I was actually at
12 home that evening. I live about thirty minutes on the other
13 side of Columbia and I arrived on the scene at approximately ten
14 minutes till ten, so 9:50.

15 Q What was the first thing you did when you got there?

16 A Usually the first thing that I do is I make contact
17 with an officer on the scene who is aware of the situation. I
18 get a briefing and an update as to what has occurred while I
19 have been on route to the scene, if they developed any further
20 information. I usually have them do a walk through with me to
21 show me what they already located because they are going to have
22 more of the story then I am and then at that point I usually
23 start taking my notes and we also start documenting the scene
24 with photographs.

25 Q And when you arrived on the scene what were the

1 conditions like?

2 A At that time it was a fairly light rain. Within thirty
3 minutes of us arriving on the scene it started pouring down
4 rain.

5 Q And are those conducive to what you do as a crime scene
6 analysis, those conditions?

7 A No, sir, they are definitely not conducive when you
8 have an outdoor scene.

9 Q Did you have anything that would help you battle the
10 elements there?

11 A What I asked when I arrived on the scene if they could
12 locate some tents for us because I had been informed when we
13 arrived on the scene that there was a possibly a trail with some
14 footwear impressions that went through the woods behind the
15 residence. I wanted to concentrate on that first because that
16 evidence was more fragile and I asked if they had tents that
17 were available so that we can put them up at least over the
18 victim's body, so that I could come back later on and spend more
19 time with him but concentrate more on what was further out and
20 harder for us to get to and harder to maintain with a single
21 tent.

22 Q And did you also go on that walk around that you talked
23 about?

24 A Yes.

25 Q Are you familiarize yourself with the scene?

1. A Yes.

2. Q Did you make a diagram of the scene?

3. A Yes, we did.

4. Q I will hand you what has been premarked as State's
5 exhibit 11. Would that diagram assistance you in describing
6 your testimony to the jury?

7. A Sure.

8. Q Is that the diagram that you made?

9. A Yes, it is.

10. Q Is it to scale?

11. A No.

12. MR. WATTS: Your Honor, State would seek to
13 introduce States exhibit number 11 into evidence.

14. MR. FREDERICK: No objection.

15. THE COURT: It is admitted.

16. (Whereupon, State's exhibit number 11, was
17 received in evidence.)

18. Q Miss Hallman, can you point where you first -- if you
19 could please illustrate to the jury where you first arrived at
20 the scene.

21. A Okay give me a second. I actually pulled in into this.
22 (Indicating) The driveway actually loops around. It is
23 actually a u-shape. There was a patrol car sitting there and
24 that is the main thing that I look for when I show up because
25 they are already on the scene I actually pulled my vehicle in

1 behind several other patrol vehicles that were located hear.
2 (Indicating) I walked around the side and was met by local law
3 enforcement and they briefed me and then we did a walk through
4 of this general area. Okay. And at that point what did you do
5 next.

6 A At this point one of the things that had been talked
7 about, this is like a brick retaining wall and this was like an
8 open area you could element pull down in it. All of this is
9 pavement except for this circular area and then back in here is
10 all open woods and dirt. I was told that there was a bank bag
11 back behind this retaining wall. I went back and went ahead and
12 photographed it and automatically collected it after putting a
13 maker down because I knew it was something that I would want to
14 process for latent fingerprints because there was a possibility
15 that the gentlemen that the defendant talked about had handled
16 that item and I didn't want the rain to damage the item any
17 more. So that was one of the first things that I did was
18 actually photograph it and pick it up and collect it and put it
19 some place where it was dry.

20 At that I point we continued to walk through this area. I
21 noticed this marker here and I think I have it marked as marker
22 two. It was a golden color gift bow like you would get on a
23 Christmas present. That was extremely out of place for
24 everything else in the area so I marked it. After looking
25 around the body there were a couple of bullet fragments or

1 jackets that come off a bullet around the victim's head. They
2 had previously marked his keys and his cell phone. So what I
3 did is I put down we use yellow placard markers with numbers so
4 I sat my markers down with those designated numbers beside each
5 one of those items.

6 Q Okay. At what point did you take photographs of this
7 the scene?

8 A Actually once I do this general walk through we load
9 the camera up. I actually work with a partner. He was coming
10 from a different location so he arrived after I did, but one of
11 the first things that I did after the initial walk through was
12 grab my camera and go ahead and start taking photographs since
13 it appeared that it was going to start raining more heavily so I
14 wanted to get what I could as I found it initially before there
15 was any more damage from the rain. So the camera is actually
16 out and we are actually taking photographs through the entire
17 process.

18 Q Miss Hallman, I will hand you what has been premarked
19 as 12-A through 12-Z and 12-AA. If you please just look through
20 those.

21 And what is it that I handed you?

22 A It is the first group with the exception of 12-Z and
23 12AA are photographs that I took that night at the crime scene.

24 Q And what is it that 12-Z and 12-AA depict?

25 A They are dated several days after the crime scene and

1 they are basically day light pictures of the area behind the
2 residence where the incident occurred.

3 Q Thank you. And are these fair and accurate
4 representations of the area they depict?

5 A Yes, they are.

6 MR. WATTS: Judge, the State would seek to
7 introduce 12-A through 12-Z and 12-AA into evidence.

8 MR. FREDERICK: No objection.

9 THE COURT: They are admitted.

10 (Whereupon, State's 12-A through 12-AA were
11 received in evidence as of this date.)

12 Q I would you like to put them up and have you illustrate
13 to the jury what you took a picture of?

14 A Okay. That photograph is actually the back of a Chevy
15 Suburban that we were told that night that was the vehicle that
16 Mr. Roberts drove. So it is actually the driveway that I pulled
17 in, this is actually from the opposite side of the driveway
18 because he would have pulled out from the side that I pulled in
19 if he just pulled around and that is at the back of the
20 residence.

21 Q Is there another car in the picture?

22 A You can see right here (indicating) this is the
23 vehicle, the Ford Explorer that Miss Roberts -- excuse me, that
24 Miss Phillips was sitting in.

25 Q Is there anything between Melvin's car and the house?

1 A It is just an open area. The gift bow that we talked
2 about a few minutes ago is actually close to the front of the
3 passenger side of the vehicle. Mr. Roberts' body is in this
4 general area although I don't think you see it in the
5 photograph. He is in this general area.

6 Q Here is 12-B?

7 A This photograph there is a small deck on the back of
8 the house and we are standing on that to take the photograph.
9 This is the side, the driver's side of the Suburban from the
10 previous picture and this is Mr. Roberts.

11 Q And 12-C?

12 A This is that back wall that I just spoke about earlier.
13 As you can see this is all grassy area. There is a wall across
14 from it and the bank bag that was previously mentioned was back
15 in this general area. This is basically what we call a
16 mid-range shot. When we take crime scene photographs we do
17 general photographs, we do mid-range and then we do close-up
18 photographs. So that you can basically follow the photographs
19 as you approach the evidence and that's how we take those
20 photographs.

21 Q So are you familiar with what area the defendant said
22 she was drug that night?

23 A The only thing I recall it was somewhere in this area
24 back behind this wall. I don't know if I was told specifically
25 where but somewhere behind the wall.

1 Q 12-B?

2 A This is the marker that I talked about. We carry these
3 with us. Basically it just helps you to visualize where the
4 evidence is and in this photograph the bank bag is still present
5 and at that point the marker is put down as we find the evidence
6 and in this case the bank bag is actually found open. It is not
7 zipped closed so you can actually see the contents in the
8 general photograph.

9 Q Are you familiar with the relationship between this
10 photo and the one previously shown?

11 A The wall that we showed at the end of this is that wall
12 right here. (Indicating) if you come out a little bit further
13 this way then the light or the podium or the end of the wall
14 would be in this general area.

15 A This is basically just a close-up of the open bank bag
16 that you saw in the previous photograph. Detective Mumaw was
17 nice enough to hold the bank bag open a little bit with a pair
18 of gloves on so you can see what the contents were.

19 Q Did you get a close up look at the contents?

20 A Yes.

21 Q Anything that stuck out?

22 A There was approximately \$90 in cash in it and I believe
23 Miss Phillips driver's license was also in that bag.

24 Q 12-F?

25 A The gift bow that I discussed earlier. You see the

1 front passenger side of Mr. Roberts's vehicle and the gift bow
2 is just right there on the other side of that marker number two.

3 Q 12-G?

4 A This is a photograph of Mr. Roberts. The bullet
5 fragments that I found are marked with marker number three and
6 four and you can see they are extremely close to his body.

7 Q Is there also a marker six in that picture?

8 A Yes, it is right here on the edge and it is a set of
9 keys.

10 Q 12-H?

11 A When the coroner's office responded to the scene and we
12 got ready to move the body one of the standard things to do is
13 check the victim's pockets to see -- some times we don't know
14 who they are so we look for IDs. We look for money and things
15 along those lines and this is just a photograph. Mr. Roberts's
16 wallet was actually found in his back pocket. So basically what
17 we did is we just opened the wallet up and just to show, just to
18 document and photograph what we found and that his wallet was
19 still on his person.

20 Q And were you there when they took it out of his pocket?

21 A Yes, I was standing there when that occurred.

22 Q And did it appear as if anyone attempted to take it out
23 of his pocket?

24 A No, and I also noticed when I did my first examination
25 of the body that his watch was still on his wrist and it did not

1 look like -- it basically looked to me like he had been injured
2 and fallen and nobody had attempted to do anything to the body.
3 Nobody had attempted to move him or remove any type of item.
4 That he's basically in his final resting place and has not been
5 moved.

6 Q 12-I.

7 A This is just another shot of the wallet and, you know,
8 for men's wallet you got the open area and then you can open the
9 side up and show money and that's basically what we wanted to
10 depict there, is that it did not appear that any -- that while
11 there is still money in his wallet we don't know and it didn't
12 appear that anything had been taken so we are basically just
13 documenting -- showing that there is money present in his
14 wallet.

15 Q And 12-J?

16 A That's just further documentation of the money that was
17 in his wallet.

18 Q Change gears a little bit and go to marker number
19 three.

20 A The bigger photograph of this would show this up close
21 to the victim's head. This is part of a jacket that basically
22 usually a lead bullet is wrapped in. So there is a small piece.
23 A lot of times they are made out of copper. This one I am not
24 sure, but you got a piece of jacket and little bit of lead so we
25 marked that and collected that also.

1 Q 12-L, I believe is marker number four?

2 A And you can see it is kind of difficult to see in this
3 photograph. You see the leaf here. There is actually a piece
4 of lead here that could possibly be from the interior of a
5 bullet, a lead bullet.

6 Q Marker number five?

7 A Marker number five you can actually see the back tire
8 of the driver's side of the suburban and this is Mr. Roberts's
9 phone. And that is just a more close up view of the actual cell
10 phone. One of the things that we were trying to show was that
11 it was still working and I can't remember whether or not he had
12 had I missed calls to that phone but it was basically just to
13 show the phone.

14 Q Marker number six?

15 A That would be a close up of the keys that you saw in an
16 earlier photograph.

17 Q Switching gears with 12-P. Could you tell the jury
18 what that is?

19 A One of the things that we also do is we photograph the
20 interior and exterior of any vehicle that is located at a scene.
21 What we usually do is -- and everybody has -- each one of us has
22 different ways of starting it. We will do general photographs
23 of the exterior of the vehicle. So we document any type of
24 damage to the exterior. Most of us start on the driver's side
25 and open the driver's door and we just start taking photographs

1 of the vehicle and we move around to each door and photograph
2 the interior of the vehicle.

3 This is the driver's door of the vehicle. You can see it
4 opens here, the handle. We are basically showing the condition
5 of this door and in some cases we he can actually get a good
6 photograph of what is in the door pocket. So this is the
7 interior of Miss Phillips' vehicle, the gold explorer that you
8 see in the photograph.

9 Q Do you remember if any of that was wet or muddy?

10 A I don't recall any of it being wet. I did not see any
11 mud in any of the interior of the vehicle besides maybe what you
12 would see on a floor board from shoes.

13 Q 12-Q?

14 A This is another one of those photographs that is taken
15 from the driver's side perspective. You can see the driver's
16 seat. This area is not wet but we do have one little small leaf
17 in the area but the seat itself was not wet or damp. And that
18 is just a different -- a little bit closer up view of the
19 driver's seat of the explorer.

20 Q 12-S?

21 A That photograph is actually taken from the passenger
22 side so the passenger door is opened up and the view is
23 basically the passenger seat and across the passenger, or across
24 the passenger seat into the driver's compartment.

25 Q Did you notice the white rags in the picture?

1 A We noticed them and noticed that there did not appear
2 to be any type of mud or they just appeared to be laying in
3 there and there was nothing orange or anything that indicated
4 that they had been used to wipe something that was muddy.

5 Q 12-T?

6 A The center console, some times we want to document
7 everything in the vehicle, so this photograph is taken from the
8 passenger's side perceptive and you can basically see some of
9 the items that are in the center console.

10 Q 12-U?

11 A This is the rear driver's side door. We opened it.
12 Just did a general documentation. You can see there's some type
13 of purse or bag in the floor board behind the driver's seat.
14 There is case of Mike's Hard Lemonade and some type of grocery
15 bag sitting on the back seat.

16 Q 12-V?

17 A That is the same photograph except taken from the
18 passenger side. You can't really see well overhead, but the
19 purse is here in this area, so this would show what was on the
20 rear passenger seat behind where the passenger would sit.

21 Q 12-W?

22 A That is one of the series of photographs of the cargo
23 area of the Explorer.

24 Q Is that the same as 12-X?

25 A Yes.

1 Q 12-Y?

2 A Yes.

3 Q Is that a -- what is on the far right of that picture?

4 A It is a white and black umbrella.

5 Q Was it opened?

6 A As you see it in the photograph is how it is found, so
7 it is closed.

8 Q Did you notice if it was wet or dry?

9 A I don't recall.

10 Q 12-Z?

11 A This is a day light photograph. The little retaining
12 wall that everybody has been talking about. This photograph is
13 taken from the other side of the retaining wall. You can see
14 the back of the residence here and then there is one wall here
15 and then the other wall is here. So this is that open area
16 behind the residence.

17 A All right. And where was the bank bag found in
18 relation to this wall?

19 A In this photograph it would be more around in this
20 general area because it is behind this side of the wall so it
21 would be somewhere in this general area where the dot is.

22 Q All right. And this was taken if I correct four days
23 after?

24 A According the date on the photograph, yes.

25 Q And finally Miss Hallman, 12-AA?

1 A That one appears to have been taken from that open area
2 where that little retaining wall is in the back. It basically
3 just shows you the position of the suburban and how the back
4 yard looked on that one side where it appeared everything had
5 occurred.

6 Q And how close do you think this is taken from where the
7 wall is, where the bank bag was found?

8 A From what I recall that was probably taken at the
9 entrance where those two lights are. I would think that the
10 photographer, from what I can tell in the photograph, is
11 probably standing in that open area or very close to that open
12 area.

13 Q And where would the deceased body have been?

14 A He is actually on the other side of this suburban.

15 Q And in your familiarity with the crime scene can you
16 estimate about how many feet that is between that wall and where
17 the deceased is laying?

18 A I wouldn't want to guess right off hand. I am sorry.

19 Q All right. You can't narrow it down to some sort of a
20 range?

21 A It is not as far as football field. Probably at least
22 half a football field. Rough guess.

23 Q Miss Hallman, what else did you do while were you
24 at the scene?

25 A Besides taking those photographs, there was a tracking

1 team. I think York County's tracking team was on the scene. We
2 actually went with them through the trail that they located in
3 the woods and attempted to photograph and pour dental stone cast
4 of footwear impressions that were located behind that area in
5 the wooded area.

6 Q And were you able to get any casts?

7 A We actually got two poured before it started raining so
8 bad that it destroyed them. They are comparison quality, but
9 they could have been better if it hadn't been raining.

10 Q When you say comparison quality, can you explain to the
11 jury what you intend to do when you get a cast of a foot?

12 A What we usually do, we look for at any type of crime
13 scene you can have two-dimensional or three-dimensional footwear
14 impressions. If it is dirt or mud it is considered a
15 three-dimensional impression. A two -- excuse me, a
16 two-dimensional impression would be like stepping on a piece of
17 paper and leaving an impression behind.

18 There are characteristics on the bottom of your shoes. I
19 can delineate between tread design, size and shape and that will
20 give me something called a class characteristic. If I can match
21 something up with a class characteristic and I have a pair of
22 shoes to compare it to, if those match up then I am going to go
23 a step further and see if I can find some some type of
24 characteristic which we call a random identifying characteristic
25 that can say that those shoes to the exclusion of other shoes

1 made that impression. And that is how we do a footwear
2 comparison.

3 Q I will hand you what has been premarked States 14-A and
4 14-B. Do you recognize what it is I handed to you?

5 A Yes, sir, I do.

6 Q And what is that?

7 A We actually poured casts that night. One of the things
8 that we do for our comparison is our photography department will
9 actually make me one to one of true size photographs. These are
10 actually true size photographs of the two casts that I collected
11 that evening.

12 Q And they are fair and accurate representations of those
13 casts?

14 A Yes, they are.

15 MR. WATTS: Your Honor, the State would seek to
16 admit 14-A and 14-B into evidence.

17 MR. FREDERICK: No objection.

18 THE COURT: They are admitted.

19 (State's Exhibit 14-A and 14-B, Photos, received
20 in evidence as of this date.)

21 Q And were you ever -- were you able to gain any
22 information that might aid the case from 14-A and 14B?

23 A No, sir, I was not.

24 Q If you could just hold these up for illustration to the
25 jury, just to kind of explain to them what the footprint looks

1 like.

2 A In a lot of cases just to explain the shape, we have a
3 metal frame that we will use so our dental stone. If you ever
4 had any type of dentistry work where done where you had to have
5 molds of your teeth this is the same stuff. This is what we
6 use. It is called dental stone because it is easy to dry and
7 even if it breaks you can you put it back together so it is one
8 of the best mediums to do three-dimensional impressions.
9 Basically it is poured into the frame and you can see -- and I
10 don't know how well can you see from here but this tread design
11 on the shoe has little dots or honeycombs in the bottom of them.
12 And these are actually two separate impressions that we found
13 behind. These were the two best therefore I selected those two
14 to pour casts on and basically you just put them in the frame
15 and you let it harden up. Sometimes when it is raining you
16 don't have to use as much dental stone or water and you
17 basically allow them to set up and if I have shoes I will do
18 basically test impressions of the bottom of the shoes, which
19 what I do is we powder the bottom of the shoes with a red
20 powder. Somebody will either put the shoes on or we will use
21 our hands and basically step on like a clear sheet of acetate
22 paper and you can actually lay those as overlays over these
23 impressions to compare to see if they are the same side and
24 tread design and whether or not they have any characteristics
25 that match up.

1 Q And you stated that you weren't able to come up with
2 any information that might lead to a suspect?

3 A No, sir. I had Miss Phillips's shoes from that evening
4 and they did not come close in tread design. She was actually
5 wearing a pair of ladies shoes and those appear some type of
6 athletic shoes.

7 Q So you could exclude her from those footprints found?

8 A I can exclude the shoes that she had on that evening
9 that I was given, yes, sir.

10 Q What about -- were you able to fingerprint the scene?

11 A Because of the rain it would be kind of limited. I did
12 collect the gold bow that was in question along with a bank bag.
13 I took it back to our lab and processed it in controlled
14 environment and did not get any latent fingerprints off of those
15 items.

16 Mr. Roberts suburban and Miss Phillips's Expedition we
17 have a chemical called small particle reagent which is a wet
18 mixture that has fingerprint powder in it that you can actually
19 use on wet items. Both of the exteriors of those vehicles were
20 processed with smoke -- excuse me -- with small particle reagent
21 with negative results.

22 Q Was that surprising to you?

23 A No, sir it was not.

24 Q Did you collect any evidence while were you on the
25 scene?

1 A The bullet fragments that were on marker three and four
2 were collected along with any other item that had an evidence
3 market on it would have also been collected.

4 Q And can you explain to the jury the process for how you
5 secure evidence at the scene?

6 A With the bullet fragments we carry, some times we use
7 little metal tins and some times they are like little match
8 boxes, if you are familiar with the old style match boxes.
9 Those items are picked up and if there are a bullet or bullet
10 fragment we have like tissue paper that we wrapped it in to
11 secure it. It is then placed in that box. All of my evidence
12 is secured in a cardboard box. I transport it back to the SLED
13 laboratory. If I myself am not going to do any type of
14 examination with it I will package it in sealed containers to
15 send it to whatever department at SLED is actually going to do
16 the examination.

17 Q Miss Hallman, I am going to hand you what has been
18 marked as States Exhibit number 43, do you recognize what it is
19 I handed you?

20 A Yes, I do.

21 Q And how do you recognize it?

22 A There are several ways that I recognize it. One, it is
23 in a heat sealed pouch and it has a date and my initial on it
24 that I sealed it, and if you flip it over on the back because it
25 is item of evidence that I processed it has the item number for

1 SLED which was item ten. It has my initials and the case number
2 that was assigned to this case.

3 Q Is it in substantially the same condition that it was
4 this night?

5 A Yes. The seal is still in tack so it is exactly as I
6 sent back it to the local agency from SLED.

7 Q Is there any difference between when you first saw it
8 and the way you see it now?

9 A It's actually been processed with black powder. I took
10 it back to the lab and processed it for latent fingerprints.

11 MR. WATTS: The State would submit number 43 into
12 evidence.

13 MR. FREDERICK: No objection.

14 THE COURT: It is admitted without objection.

15 (State's Exhibit 43, Gold bow, received in
16 evidence as of this date.)

17 Q I am also going to hand you what has been premarked as
18 State's Exhibit number 44. If you would please look at it and
19 tell me what it is?

20 A It is the bank bag that I collected from marker one.

21 Q It is in substantially the same condition that it was
22 in the night that you secured it into evidence?

23 A Yes, it is.

24 MR. WATTS: Judge, the State would seek to
25 introduce Exhibit number 44 into evidence.

1 MR. FREDERICK: No objection.

2 THE COURT: It is admitted.

3 (State's Exhibit 44, bank bag, received in evidence
4 as of this date.)

5 Q And 44 is in substantially same and similar as to the
6 photos you showed earlier as to the contents you saw?

7 A Yes.

8 Q I will hand you what has been marked as State's Exhibit
9 Number 45.

10 Do you recognize what that is?

11 A Yes, I do.

12 Q Was that given to you or did you collect that at the
13 scene?

14 A I actually collected it myself on the scene.

15 Q And what is it that I handed you?

16 A It is a container that inside has other containers that
17 have bullet fragments in it.

18 Q And were those markers in some of the earlier?

19 A Yes, they were.

20 Q Are they in same or substantially same condition as
21 they were that night?

22 A They appear to be, yes, sir.

23 MR. WATTS: Your Honor if we would please
24 introduce States Exhibit number 45 into evidence.

25 MR. FREDERICK: No objection.

1 THE COURT: It is admitted.

2 Q If you would just take them out for the jury to view
3 and explain to them what they are.

4 A These actually have the labels inside are the SLED item
5 numbers. You actually have different -- actually use little
6 metal tin containers that night and I wrote on the outside of
7 the container. This one is designated as marker three and I
8 marked it as jacket fragment. It has the date and my initials
9 on it and then it is further broken down by a firearms examiner
10 when they do the examination.

11 The next one is SLED item number five. It is designated as
12 my marker number four, and it is designated as a bullet fragment
13 also with the date and my initials on the container. And then
14 the last is designated as SLED item six and also six point one
15 because apparently the firearms examiner located something else
16 on on it otherwise. This is my marker six which is a fragment
17 near the milk cartons.

18 Q And these were all items that I shown you so far that
19 you collected at the scene?

20 A Yes.

21 Q And who transported them back to SLED?

22 A I would have transported them back to SLED and logged
23 them into the laboratory.

24 Q Did you collect any evidence at the scene that you
25 didn't specifically collect -- excuse me.

1 Did you receive evidence that you didn't specifically
2 collect?

3 A Yes, I did.

4 Q I hand you what as been premarked as State's Exhibit
5 number 46. Do you recognize that?

6 A Yes, it's the components of a gunshot residue kit which
7 we call a GSR kit.

8 Q All right. How id come into your possession that
9 night?

10 A After we completed the initial crime scene we responded
11 to York Police Department and met with some investigators there
12 and I took custody of some of the evidence that he had collected
13 from Miss Phillips at that time, and this was a gunshot residue
14 kit that was collected from her.

15 Q How did it come packaged when you got it?

16 A It would have -- the gunshot residue kit actually come
17 in a sealed envelope or sealed container. So whoever collected
18 the kit would have gone ahead and sealed it up. So I would have
19 received it in a sealed container and would have just taken it
20 back with me and logged it into the laboratory with the other
21 evidence from the scene.

22 Q I show you what has been marked as States Exhibit
23 number 47. Do you recognize this bag?

24 A Yes, I do.

25 Q And was that collected by someone else?

1 A Yes, it was.

2 Q And it was given to you?

3 A Correct.

4 Q And how did it come to you?

5 A It came packaged in this specific bag. It actually had
6 the seal tape. It was actually rolled down and sealed with a
7 seal tape.

8 Q There was no way you could get into it when it was
9 given to you?

10 A That is correct.

11 Q You would have also transported that back to SLED; is
12 that correct?

13 A Yes, I would have.

14 Q And in that bag, what was it the person relayed to you
15 was in that bag?

16 A In that particular bag was the shoes that Miss Phillips
17 was wearing when she was taken to the police department.

18 (States's Exhibit 48, DNA swab, marked for
19 identification as of this date.)

20 Q I hand you what you has been marked State's Exhibit 48.
21 Do you recognize what that is?

22 A Yes, sir, I do.

23 Q All right, and what was that?

24 A This is -- it is marked as oral DNA swab from Julia
25 Phillips.

1 Q All right, did you collect that swab?

2 A No, sir, I did not.

3 Q How did it come to you?

4 A I was given custody of this item along with her gunshot
5 residue kit and her shoes and the duct tape at the York Police
6 Department after completing the crime scene.

7 Q And it was sealed up?

8 A Yes, it was. It was sealed in this paper bag and
9 basically what I would have done I just put it in the sealed
10 envelope and my initials are on it and it would have gone to our
11 DNA department at SLED.

12 Q Do you remember who gave you the gunshot residue kit
13 and the buckle swab?

14 A I believe all of the items were transferred to me by
15 Detective Naylis with the York Police Department.

16 (Whereupon, State's Exhibit 49, brown bag with
17 duct tape, was marked for identification as of the
18 date.)

19 Q Miss Hallman, I will hand you what has been premarked
20 States Exhibit number 49. Do you recognize what that is?

21 A Yes, sir, I do.

22 Q And what is it that I handed you?

23 A I actually received it in this box. It is a box
24 containing the duct tape that was collected off of Miss
25 Phillips.

1 Q All right, and when you received it how was it
2 packaged?

3 A It was actually packaged in this specific box.

4 Q Okay. And did you transport it back to SLED?

5 A Yes, I did.

6 Q And at that time were you the person that ended up
7 testing it?

8 A I actually swabbed the items and I processed it for
9 latent fingerprints, so, yes, I did do some examination on the
10 item.

11 Q All right. And is the duct tape in the same or
12 substantially the same condition as it was when you first saw
13 it?

14 A It has been processed since then with a chemical or
15 process call sticky side powder, but relatively yes, beside the
16 processing.

17 MR. WATTS: Your Honor, the State would seek to
18 introduce State's Exhibit number 49 into evidence.

19 MR. FREDERICK: No objection.

20 THE COURT: It is admitted.

21 (State's Exhibit 49, brown bag with duct tape,
22 received in evidence as of this date.)

23 Q Instead of taking that out Miss Hallman, did you take
24 photographs of the duct tape?

25 A Yes, sir, I did.

1 Q I will hand you what has been premarked State's Exhibit
2 13-A through 13-N. Do you recognize what I handed you?

3 A Yes, sir.

4 Q Are those fair and accurate representations of the duct
5 tape?

6 A After processing, yes.

7 MR. WATTS: Your Honor, the State would seek to
8 introduce 13-A through 13-N into evidence.

9 MR. FREDERICK: No objection.

10 THE COURT: They are admitted.

11 (State's Exhibit 13-A through 13-N, photos of duct
12 tape, received in evidence as of this date.)

13 Q Can you tell us what that depicts? (Handed)

14 A They are basically -- in that one in particular, I
15 tried to pull the duct tape. If it was stuck together I tried
16 to pull it apart as much as possible. I swabbed the ends for
17 DNA and then I processed it with super glue which we call
18 cyanoacrylate and use a chemical called sticky side powder or
19 wet wop on the adhesive side of the tape to try and locate any
20 latents. After I did that I stretched it out with a ruler just
21 to show how long each piece was.

22 Q When you said you processed it for latents, what did
23 you mean by that?

24 A I processed it for latent fingerprints.

25 Q 13-B?

1 A Basically with that I was just showing the ends of the
2 tape and each photograph has an item number in it it so you know
3 it is SLED item number 12 or SLED item number 13 with a lab
4 number.

5 This particular photograph shows you that the ends of
6 the tape were actually smooth edges. It doesn't look like
7 they've actually been torn. They appear to be more so cut then
8 torn.

9 Q 13-C?

10 A Basically the same thing. You actually see another end
11 of the tape where it appears that the edges are more smooth then
12 jagged.

13 Q 13-B?

14 A Just another photograph that shows an actual torn area
15 in the tape itself. It is actually still connected.

16 Q 13-E?

17 A That is a different item number, but basically just
18 documenting the condition of the tape.

19 Q 13-F?

20 A That's the other item number and you are basically
21 seeing a different set of ends showing that they are smooth ends
22 and not jagged ends or edges.

23 (Whereupon, the Solicitor continues to put up
24 different photographs.)

25 Same thing for that photograph. Those were just some

1 pieces that were much shorter and we're showing the length and
2 you are seeing that they are smooth on both ends of each piece.
3 They are in fairly good shape.

4 Same thing there. Smooth ends. Just a different piece
5 of tape or a different photograph.

6 That is item 13 with just showing the length and the
7 end of one piece.

8 Same thing with that one showing the ends. Basically
9 the same thing showing the ends of the duct tape.

10 Q Miss Hallman, do you recall how many pieces of duct
11 tape there were total?

12 A If you give me a second I can tell you from my --

13 Q If you would you just so we can get a look at how many
14 pieces there are, let's go ahead and take them out and show them
15 to the jury.

16 A Okay.

17 Q If you want to get your gloves off.

18 A They appeared to be sealed.

19 Q Miss Hallman, that might be tricky.

20 MR. WATTS: Judge, with your permission may she
21 step down and use the table?

22 THE COURT: Sure.

23 THE WITNESS: Thank you Your Honor.

24 THE COURT: What is the number of this exhibit?

25 MR. WATTS: Forty-nine, Your Honor.

1 Q Before you open that one can you just talk a little bit
2 about what you have open already?

3 A These are basically -- and there were other
4 examinations done to them after I did my examination so they are
5 in a little bit different shape then when I had them. I got
6 designated these are item number 12 for me and they are
7 basically just attached down to the paper. You can see what is
8 showing it is actually the glossy side of the duct tape which
9 has been processed and then can you actually open up and you can
10 see where it has been pulled apart and I also processed the back
11 side and some of these pieces actually have a few strands of
12 hair in them, but not a lot of hair in any of the duct tape.

13 Q Is that usual?

14 A I worked a lot of cases with victims who have not
15 necessarily been abducted but restrained. If the duct tape is
16 wrapped around the head in most cases that I had I had a lot of
17 hair attached because the tape is put down really tight. In
18 this case with this duct tape there was very few strains of hair
19 in the actual duct tape itself which was usual for me.

20 Q And what we have seen already is there a specific place
21 that that came from?

22 A It is designated as my item 12 and without looking at
23 my notes I couldn't tell you -- with my login sheet I could tell
24 you specifically.

25 Q If you would. If you need to this might refresh your

1 recollection.

2 A It is actually a bundle of -- this particular item 12
3 is from the right ankle. So these strands that are on this
4 piece of paper were actually collected from her right ankle.

5 Q All right, allegedly around the bottom of her ankle?

6 A Yes.

7 Q How many total pieces is that?

8 A There is actually only -- I believe because they have
9 been reattached the long piece is one single piece. It appears
10 from what I can tell here that it is actually only two pieces.

11 These are all designated as item 13 which was collected
12 from around her head and wrist and like I/ said before normally
13 if I have a victim who has duct tape wrapped around their head I
14 am going to have a lot of hairs and there is not that many hairs
15 in this compared to what I am use to seeing for a case that way.
16 And we have one, two, three, four, eight pieces of duct tape
17 with this batch.

18 Q So that is ten total pieces?

19 A Yes.

20 Q If you can please hold up each piece so the jury can
21 get a representation of how long each one is?

22 A I am just going to try and hold up each piece because
23 they are kinds of attached.

24 (Whereupon the witness holds up the duct tape with the
25 help of the solicitor.

1 Q In addition to those ten pieces did you find any other
2 duct tape at the scene?

3 A No, sir, not that night.

4 Q No other separate strands, no single strands anywhere
5 off the diagram that you had marked?

6 A No, sir.

7 Q And I know you touched on this earlier, but what were
8 the results of your finger printing?

9 A I had negative results. There was no fingerprints
10 located on that duct tape.

11 Q You also mentioned that you swabbed the duct tape.
12 Could you explain to the jury what you mean by that?

13 A One of the big things in law enforcement now a days if
14 you touch items there is a chance you are going to leave what we
15 designate as touch DNA behind. Duct tape would be a good item
16 to test especially if you know that the suspect is not wearing
17 gloves because basically it is sticky so it is going to pull
18 some skin cells off and leave it behind. In this case when I
19 took those items back to the laboratory I went ahead and swabbed
20 all the loose ends and all the ends for DNA hoping that maybe
21 the victim had used bare hands to tear the tape or even used
22 their mouth to actually break the tape into pieces. So it was
23 swabbed just to see if we could develop a suspect from the duct
24 tape.

25 Q What did you do with those swabs?

1 A Those swabs were forwarded to our DNA department for
2 analysis.

3 Q How did you forward them?

4 A I would have collected them. I usually collect in
5 pairs. We use deionized water to collect the swabs themselves.
6 We moisten the swabs. Wiped them on the area. They are allowed
7 to air dry and then I put them in sealed envelopes and then they
8 are usually put in one of those sealed pouches. Kind of like
9 some of the other evidence in here and then they are forwarded
10 to that department for analysis.

11 Q I don't want to get you to far ahead. I want to take
12 you back real quick to the photographs. Were you able to
13 determine if those two foot prints were from the same size shoe
14 or different people?

15 A I really couldn't tell partially because I don't have
16 full impressiones on either shoe so I can't designate
17 specifically where the heal starts and stops. The tread design
18 does appear to be the same tread design.

19 Q And you said were you able to exclude Julia because of
20 the size of the print?

21 A For one thing, and she is wearing more of a ladies's
22 dress shoe which has more of a slick-type bottom so I can
23 immediately eliminate hers on tread design also.

24 Q Did you do anything in your duties as crime scene
25 analysis for the Melvin Roberts's case that we haven't discussed

1 today?

2 A No, sir, I have not or did not.

3 MR. WATTS: Thank you. Please answer any
4 questions Mr. Frederick may have for you.

5 MR. FREDERICK: Judge, can we approach?

6 THE COURT: You may.

7 (Whereupon, there was an off the record
8 discussion.)

9 THE COURT: All right, ladies and gentlemen, we
10 are going to take a short break before we continue
11 with the examination. I will ask you to please go to
12 your jury room. Do not talk about the case. I will
13 bring you back after that break.

14 (Whereupon, the jury leaves the courtroom.)

15 THE COURT: Okay. The witness may step down. Do
16 not discuss your testimony during the break because
17 you are still on the witness stand.

18 THE WITNESS: Yes, sir.

19 THE COURT: We will be in recess for 15 minutes.

20 (Whereupon, a brief recess was taken.)

21 THE COURT: Thank you, be seated. All right, we
22 ready for the jury.

23 MR. FREDERICK: Judge, I believe that they are
24 going call the doctor that performed the autopsy and
25 we have an issue with some of the photographs and I

1 MR. FREDERICK: The issue is also the prejudicial
2 nature of the photos.

3 THE COURT: You have looked at all these?

4 MR. FREDERICK: I have, judge.

5 THE COURT: There appear to be seven and you
6 object to each of the seven?

7 MR. FREDERICK: I do, judge.

8 THE COURT: Okay. Let me see counsel at the
9 bench.

10 (Whereupon, there was an off the record
11 discussion.)

12 MS. HODGE: Your Honor, just for scheduling, how
13 long do you think we will go today? What time would
14 you like to stop?

15 THE COURT: Probably 5:30.

16 MS. HODGE: All right.

17 THE COURT: All right, are we ready for the jury?

18 MR. FREDERICK: We are judge.

19 THE COURT: Bring them in please.

20 (Whereupon, the jury enters the courtroom.)

21 THE COURT: All right. We will continue with
22 cross-examination of the witness by the defense. Mr.
23 Frederick.

24 MR. FREDERICK: Thank you, judge.

25 CROSS EXAMINATION

1 BY MR. FREDERICK:

2 Q Agent Hallman, I am going to begin just by showing some
3 photographs. Some of these we already looked at. But beginning
4 with Defendant's Exhibit 15, just if you can, just tell me if
5 you recognize that?

6 A Yes.

7 Q And can you tell us what that is?

8 A It is a photograph of a footwear impression.

9 Q And that is from -- do you remember the location of
10 these?

11 A It's the wooded area right back behind the Robert's
12 residence.

13 Q Behind the brick wall?

14 A Yes, somewhere back in that area.

15 Q Back in the woods?

16 A Yes.

17 Q Okay. And the next one?

18 A I believe --

19 THE COURT: When you say the next one you got to
20 give us a number so we will know.

21 Q Sorry. The next one which is Defendant's Exhibit 14?

22 A Can I see them side by side.

23 Q Yes.

24 A That is a photograph of the same impression.

25 Q So these are the same one?

1 A Yes.

2 Q Okay. And how about this one?

3 A That is also going to be a photograph of the same
4 impression. You can just see a little bit more of the outer
5 perimeter of the photograph and you can actually see the marker
6 in the photograph.

7 Q Okay.

8 THE COURT: What is the number?

9 MR. FREDERICK: Thank you, Judge.

10 Q And we are talking about Defendant's Exhibit 13. And
11 so one difference with this I guess is you can see the width?

12 A You can see the entire ruler in this. In the first
13 photograph that you showed me which I believe it is marked as
14 15, it is a more close-up photograph of the actual impression.
15 That one is taken a little -- the frame is not in as tight on
16 the photograph.

17 Q Okay. Is this the same one again?

18 A Yes, sir, it is.

19 Q Okay. Let's trash this one. And this photograph?

20 A Yes, I recognize it. It is a photograph taken from the
21 driver's sides rear door of the Explorer.

22 Q And did we already look at this one?

23 A Yes, sir. We have.

24 Q And that is the Mike's Hard Lemonade and the --

25 A The purse.

1 Q The pocket book?

2 A Yes, sir.

3 Q Okay.

4 THE COURT: What is the number?

5 MR. FREDERICK: Thank you, judge, I apologize.

6 That is number 11 that we are talking about.

7 A And this I believe we already looked at as well; is
8 that right?

9 A That's correct.

10 Q And what are we looking at here?

11 A It's a photograph with my marker one included of the
12 bank bag that is behind what everybody has been referring to as
13 the retaining wall.

14 Q And this is already been entered into evidence, right?

15 A Yes, sir.

16 THE COURT: As what exhibit?

17 MR. FREDERICK: Exhibit 8.

18 Q And what we are looking at here is this kind of a hill
19 that comes up the side of that wall?

20 A I don't think it was necessarily a hill. I think more
21 -- it was more of like a mound or the maybe the area sloped up a
22 little bit, but I don't remember it being a substantial hill as
23 I would describe it.

24 Q Well, I mean it is what it is?

25 A Yeah.

1 Q Maybe a little build-up?

2 A It looked like it could possibly be a little bit, yes,
3 sir.

4 Q And just to to be clear, this is the area where our
5 understanding is or Julia said that she was thrown to the
6 ground?

7 A That was my understanding, yes, sir.

8 Q And this item here next to your marker, that is the
9 bank bag?

10 A Yes, sir, it is.

11 Q Okay.

12 THE COURT: And the exhibit you are referring to
13 is what number?

14 MR. FREDERICK: Exhibit 8, judge.

15 Q Can you identify that?

16 A It's a more close-up picture. It appears to be closer
17 to this retaining wall, but I don't recognize that photograph
18 right off hand.

19 Q Okay.

20 A I didn't take that photograph.

21 Q Okay. That's fine. And do you recognize this
22 photograph?

23 A I did not take that photograph either.

24 Q But do you recognize it?

25 A Yeah, it appears to be a day light photograph of that

1 area.

2 Q You weren't there on the 8th, were you?

3 A No, sir, I was not.

4 Q But we did have photographs similar to this that were
5 taken on 8th in the prosecution's case?

6 A And it appears to be another photograph of that
7 particular area.

8 Q Okay.

9 A Behind the house.

10 Q And do you recognize this photograph?

11 A Yes. I don't recognize the photograph --

12 Q Not a photograph you took, but the area?

13 A Correct.

14 Q All right, and is that a fair and accurate
15 representation of that area?

16 A Yes, sir, it is.

17 Q Okay.

18 THE COURT: Whichever one you to want to
19 introduce you will you have to state that number?

20 MR. FREDERICK: We were just talking about of
21 Defendant's Exhibit 17. The one prior to that we
22 identified.

23 Q And Defendant's Exhibit 20.

24 THE COURT: You said 20?

25 MR. FREDERICK: Twenty.

1 A That also appears to be a daylight photograph of the
2 area where the incident occurred.

3 Q And do you recognize this area?

4 A Yes.

5 Q Okay. Is that a fair and accurate representation of
6 that area?

7 A Yes, sir.

8 Q Okay.

9 MR. FREDERICK: Judge, I would move into
10 evidence, Defendant's exhibits 15, 13, 11, 8, 17, and
11 20?

12 THE COURT: And 14 you are withdrawing?

13 MR. FREDERICK: That is correct, it was a
14 duplicate.

15 MR. FREDERICK: No objection.

16 THE COURT: They are admitted.

17 MR. FREDERICK: Thank you, judge.

18 (Defendant's Exhibits 8, 11, 13, 15 and 17,
19 received in evidence as of this date.)

20 Q Now, when we were looking at the overhead projector of
21 the map that you made -- can I borrow that.

22 You said you drew that map; is that right?

23 A That is correct. State's Exhibit number 11. That was
24 the map that you drew, right?

25 A Yes.

1 Q Okay. See where the Explorer is, Julia's car?

2 A Yes, sir.

3 Q And there is a little circle just to the right of that.
4 What is that?

5 A I believe I used that to designate a tree that was back
6 there.

7 Q A tree or a bush?

8 A Yes.

9 Q Okay. Explorer?

10 Q Now, did you receive custody of Julia's clothing?

11 A No, sir, I did not.

12 Q Okay. Sarah Robbins did not transfer her pants, shirt,
13 panties, bra, shoes, GSR, duct tape and DNA swab to you?

14 A The only items that I received custody of was the duct
15 tape that was collected from Miss Phillips, a known DNA
16 standard, a gunshot residue kit and pair of shoes.

17 Q Is this a -- it is property report, is that your
18 signature at the bottom?

19 A Yes, sir, it is.

20 Q And doesn't that mean, correct me if I'm wrong, doesn't
21 that mean that these items were transferred to you?

22 A This is York City's property report. When I take
23 evidence I do a SLED chain of custody. My chain of custody did
24 designate that I took duct tape, the known DNA standard a GSR
25 kit and a pair of shoes.

1 Q I know, but can you explain that property report to us?
2 You signed it.

3 A The only thing I did was sign the report. I did not --
4 the only items that I took were the items that I had previously
5 discussed.

6 Q Okay.

7 A It was decided that night that I did not need to take
8 her clothing at that point. That if they needed to be submitted
9 to SLED it can be done at later time.

10 Q Was her clothing submitted to SLED at a later time?

11 A To my knowledge I believe they were, yes, sir.

12 Q And who took custody of them?

13 A I have no idea.

14 Q So, you signed a report stating that you took custody
15 of one pants, two shirts, three shirts, four -- one, two, three,
16 four, five, six, seven, eight, nine; pants, shirt, shirt,
17 panties, bra, shoes, DNA swab, GSR and duct tape but you didn't
18 actually take custody of those items?

19 A That is correct. I have already discussed, I took the
20 duct tape, the known DNA standard, a GSR kit, a pair of shoes
21 which is designated on my chain of custody issued by SLED.

22 Q I am confused. I apologize.

23 A I am confused also. I remember signing the chain of
24 custody, but I don't know how they record their documents. I
25 took those specific items that I have designated on my chain of

1 custody.

2 Q And I wasn't trying to trap you in this. I assumed you
3 took them.

4 A No, I did not, and I actually went back and verified
5 the items that I have on my chain of custody is what I took
6 custody of.

7 Q Okay, but SLED did get these items?

8 A I believe they did at some point, but they were not
9 given to me the night of the crime scene.

10 Q Okay. Did you take them another night?

11 A No, I did not come back up. They would have been
12 submitted by somebody with the York Police Department.

13 Q Okay, but this is your signature?

14 A Yes, sir, it is.

15 MR. FREDERICK: Mark this for identification
16 only.

17 (Defendant's Exhibit 36, form, marked for
18 identification as of this date.)

19 Q There is a number 213, I guess it is a left hand side,
20 that is not your number? You don't know what that is?

21 A No, sir. This is a form that is used by the York
22 Police Department. This would have been the only time I would
23 have ever seen it.

24 Q But that is your signature, right?

25 A Yes, sir.

1 Q And I moved Defendants exhibit 36 into evidence judge?

2 THE COURT: Show it to them.

3 MR. WATTS: No objection, Your Honor.

4 THE COURT: It is admitted.

5 (Whereupon, Defendant's exhibit 36 was received in
6 evidence as of this date.)

7 Q I am going to hand you what is labeled as Defendant's
8 exhibit 34 and 35, are those your reports?

9 A Yes, sir, they are.

10 Q Okay. Looking at the five-page document, number 35.
11 Are these your findings and basically what you did with the
12 evidence?

13 A It starts off with a two-part paragraph which at that
14 time was a standard paragraph that went on to all of our reports
15 and then it goes into the documentation and the results of the
16 examinations that I conducted in the laboratory.

17 Q Okay. And forgive me, my starts on page two. Can I
18 look at that for just a second. (Handed) okay. So on page one
19 it talks about the CDR with the photographs, right?

20 A That's correct.

21 Q And then the bow tie, the gift wrap tie?

22 A Yes.

23 Q Gift bow, that we saw earlier?

24 A Yes.

25 Q Page two, it talks about the blue bank bag, but it says

1 no value for identification?

2 A That's correct.

3 Q Lets look at item 12.1 that shows where you took the
4 two swabs from the duct tape.

5 A That's one set of them that I took from the duct tape,
6 yes, sir.

7 Q And that's the swabs for DNA that you talked about in
8 your direct examination, right?

9 A Yes, sir.

10 Q Okay. And then 12.2, two more swabs from the ends of
11 the duct tape also for DNA?

12 A Yes, sir.

13 Q And you didn't test those? You sent them to the DNA
14 department?

15 A Yes, sir, because I don't do DNA testing.

16 Q Right. Moving down to item 13.1, it is some more swabs
17 for DNA from the end of the duct tape, correct.

18 A Yes, sir.

19 Q Those were sent for analysis, right?

20 A Yes, sir.

21 Q Item 13.2 would be the same thing, right?

22 A Yes, sir.

23 Q Okay, 13.3 same thing?

24 A Yes, sir.

25 Q I am just going to go ahead and scan down this entire

1 page. The rest of these listed are the same thing, correct?

2 A They are all swabs from duct tape, yes, sir.

3 Q Okay. Looking at the fourth page of this document;
4 one, two, three more items that are also swabs taken for DNA
5 from the duct tape?

6 A Correct, with item designated as 13.12 being from what
7 looked liked like a possible blood stain on one of the pieces of
8 duct tape.

9 Q Which was from the inside of the wrist area, is that
10 right?

11 A That's correct.

12 Q And item seven is the shoes we were talking about
13 earlier, those are brown Gianni Bini high heel sandals; is that
14 right?

15 A That's correct.

16 Q Same shoes as we are looking at earlier here, State's
17 exhibit 47.

18 A Yes. They are they are designated as item seven on the
19 bag.

20 Q Those were the shoes that Julia was wearing?

21 A Yes, sir.

22 Q And items eight and nine are the footwear casts. Is
23 that the same cases we are looking at the in the of photographs?

24 A Yes, sir.

25 Q These casts (indicating)?

- 1 A Yes, sir.
- 2 Q Which would be State's exhibit 14A and B.
- 3 Now item seven, Julia's shoes, right?
- 4 A Yes, sir.
- 5 Q Item eight one of these casts, item nine the other
- 6 cast?
- 7 A That's correct.
- 8 Q Okay. Now, this report shows what you testified to
- 9 which is that these casts you took don't match with the shoes,
- 10 right?
- 11 A That's correct..
- 12 Q Okay. Lets look at the other report which is exhibit
- 13 number --
- 14 A 34.
- 15 Q 34. This is a supplemental report, right?
- 16 A Yes, sir.
- 17 Q And it is also your report?
- 18 A Yes, sir.
- 19 Q Okay. In this instance there was the same footwear
- 20 cases eight and nine, right?
- 21 A That's correct.
- 22 Q And there was a pair of white ladies Reebok high-top
- 23 shoes, size six, and that was taken from Melvin's and Julia's
- 24 house, right?
- 25 A That's correct.

1 Q Did you do a comparison of those as well?

2 A Yes, I did.

3 Q And those also did not match?

4 A That is correct.

5 Q Okay. And this is your signature on the both of these,
6 correct?

7 A Yes, sir.

8 Q Okay.

9 MR. FREDERICK: And I would move exhibits 34 and
10 35 into evidence, Your Honor.

11 MR. WATTS: Without objection from the State.

12 THE COURT: They are admitted.

13 (Defendant's Exhibit 34 and 35, Reports, received
14 in evidence as of this date.)

15 Q Did you find scissors in Julia's car?

16 A No, sir.

17 Q A knife?

18 A No, sir.

19 Q Do you know anything about an umbrella being found at
20 the scene other than the one in her car?

21 A No, sir, I do not.

22 Q Okay. Are you familiar with the duct tape that was
23 taken from Julia's house or Melvin's house, the rolls?

24 A When was the duct tape taken from Melvin's house, do
25 you have a date?

1 Q I can figure it out. I don't have the date, but there
2 was one roll taken from each house.

3 A I know I went back, I believe it was May 24th, to do a
4 search warrant at Mr. Robert's residence and there was a roll of
5 duct tape taken at that time.

6 Q That was it.

7 A Okay, yes, sir.

8 Q And also at Julia's house in Gaffney?

9 A I did not go along for that search warrant, or I did
10 not do that search.

11 Q Okay.

12 A I was not involved in that search.

13 Q And you had no contact with that roll of duct tape?

14 A No, sir.

15 Q Are you familiar with the results? Were those compared
16 to the duct tape that was on Julia, if you know?

17 A No, sir, I have no idea. That is a different
18 department at SLED that would do that comparison if that was
19 done.

20 Q Now, at some point you took custody of bat, a billy
21 club and an ax?

22 A That's correct.

23 Q Okay. And you submitted those items to the DNA
24 department, is that right?

25 A Let me double check. That is correct they were.

1 MR. FREDERICK: Okay. No further questions.

2 Thank you.

3 MR. WATTS: A few follow-up, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. WATTS:

6 Q Miss Hallman, to just eliminate any confusion for the
7 jury. Did you go back out to the scene at a later date?

8 A I did.

9 Q Could you tell them about what happened at that later
10 date?

11 A I was requested to come back up to do a more thorough
12 examination in the residence. On the night of the incident
13 there was no indication that a suspect had been inside the
14 residence so I did not even set foot inside the residence on the
15 evening that the incident occurred. We were requested to go
16 back out to the residence. I went in with a couple of people
17 from York Police Department and several SLED agents and
18 basically documented the interior of the house with photographs
19 and at that point they knew the cause of death on Mr. Roberts
20 and they were just items that they were looking for that could
21 possibly have been the item that caused some of his injuries or
22 his death.

23 Q And did you collect any more evidence at that point?

24 A I can tell you exactly. Also, I would have taken
25 photographs of the search there. So there would have been

1 another CD that would have been logged in. I took a pair of
2 white ladies Reebok high-top shoes. There were also a pair of
3 socks in those shoes. A small aluminum bat.

4 The house is fairly large. It has a basement downstairs and
5 there appeared to be a footwear impression on the inside of the
6 basement door and I attempted to use a gelatin lifter to take
7 that impression. That was logged in and I ended up with DNA
8 standards for a Danny Ashworth and Marcus Childers and also a
9 wooden billy club and an ax handle that were taken by another
10 SLED agent but given to me to log in with this case because it
11 is related to this case. It is evidence in this case.

12 Q Anything that you had to do with footprints,
13 fingerprints and duct tape analysis did that dovetail again with
14 any of this that happened on the second visit?

15 A The only thing that dovetailed in is I actually used
16 those Reebok shoes and actually compared them to the cast and
17 also looked at that gelatin lifter to see if it was of value and
18 whether or not I could do an examination on that. Everything
19 else was submitted to different departments.

20 Q Did you find anything in this second visit that would
21 indicate ones involvement in the crime?

22 A No, sir.

23 Q And finally, Miss Hallman, the defense entered exhibit
24 36. I want you to have a look at that for a second. That is
25 the chain of custody that he indicated you signed for York

1 Police, is that correct?

2 A That's correct.

3 Q If you look they are one through nine items; is that
4 correct?

5 A Yes.

6 Q What is one?

7 A It says pants and then in parenthesis it says ladies.

8 Q Okay, and then if you could just read them all down
9 through number nine.

10 A Number two is a shirt and over farther it is a
11 designated as a white shirt and it says ladies blouse. Item
12 three is a shirt, designated as black and it says vest or shirt
13 with silver snap. Number four is panties. They are listed as
14 pink ladies. Number five is a bra, designated as black. Number
15 six are shoes, designated as brown high heels. Seven, is DNA
16 swab and it says known sample of Julia Phillips. Number eight
17 is designated as a GSR or gunshot residue of Julia Phillips and
18 then number nine is a duct tape and in parentheses is says the
19 word box. The color is designated as grey, and it says taken
20 off Julia Phillips.

21 Q And when you initially spoke with me you stated that
22 you only took custody of the shoes, DNA swab, the GSR kit and
23 the duct tape; is that correct?

24 A That's correct.

25 Q Is the sheet that he handed you, does it appear to be

1 original or a copy?

2 A This is a copy.

3 Q Okay. And does it appear that there is possible
4 initials and stuff cut off on the left of the copy that weren't
5 included on the original?

6 A Actually this copy actually has some type of initials
7 on items one, two, three, four, five, and six.

8 Q All right. And you stated you signed for these items.
9 Is your signature down on that page?

10 A Yes, it is.

11 Q Could you tell me what is to the left of your
12 signature?

13 A It looks like on this copy, it looks like one through
14 nine.

15 Q Is there a possibility it's been cut off like some of
16 the initials at the top, it could say six?

17 A That is a possibility, yes, sir.

18 Q If that did say six through nine what does that mean
19 you collected on the scene?

20 A That would mean I collected shoes, DNA swab, the GSR
21 kit and the duct tape.

22 Q And that's the items you testified originally to be in
23 custody of?

24 A That's correct.

25 MR. WATTS: Thank you, no further questions.

1 RE CROSS EXAMINATION

2 MR. FREDERICK:

3 Q Do you have the original?

4 A No, sir, I wasn't given an original copy. That would
5 have been kept by York Police Department.

6 Q There is no reason I would have an original copy is
7 there?

8 A I have no idea.

9 Q Nice lawyers typically don't get the original?

10 A I would say that is probably correct.

11 Q This does say the best we can tell, it looks like one
12 to nine, right?

13 A Yeah, it does.

14 Q Okay. In all fairness, if it did say six to nine that
15 is the items that you originally listed, right?

16 A That is correct, yes, sir.

17 MR. FREDERICK: Thank you.

18 THE COURT: You may step down.

19 MR. WATTS: Judge, may she be excused from
20 subpoena?

21 MR. FREDERICK: Judge, I got to say subject to
22 recall.

23 THE COURT: All right. You are still under
24 subpoena but you may leave subject to being recalled.

25 THE WITNESS: Yes, sir thank you.

1 MR. WATTS: The State would call Doctor Robert
2 Thomas to the stand.

3 MR. FREDERICK: Judge, can we approach for just a
4 minute.

5 THE COURT: You may.

6 (Whereupon, there was an off the record
7 discussion.)

8 THE COURT: You may swear the witness.

9 DR. ROBERT THOMAS, called as a witness, having
10 been duly sworn by the clerk, was examined and
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MR. WATTS:

14 Q Good afternoon Doctor Thomas. Could you please tell
15 the jury where you work?

16 A My name is Robert Earl Thomas and I work with York
17 Pathology Associates which is a Pathology practice here in York
18 County.

19 Q How long have you held that position?

20 A I have been member of the group for 13 years.

21 Q All right. And what type of education do you need to
22 be in that position?

23 A Pathologist is medical doctor, so we have to take four
24 years of college where I studied engineering at Clemson
25 University. Then from there we spend four years in medical

1 school where I attended M.U.S.C. down in Charleston. From that
2 point after you decide what direction of medicine you want to
3 train in you do your residency and internship. In my case it
4 was a five-year program and that was also done in M.U.S.C. in
5 Charleston.

6 Q Did that include your residencies?

7 A Yes, it did.

8 Q And are you medically licensed here in South Carolina?

9 A I am.

10 Q All right. And are you certified by any boards?

11 A I am board certified in anatomical and clinical
12 pathology.

13 Q All right, and can you talk about any specific
14 forensic pathology?

15 A Yes, forensic pathology is part of anatomical pathology
16 training which you do in your five years of residency training
17 which I did at M.U.S.C. in Charleston.

18 Q And as a forensic pathologist what do you do?

19 A Part of forensic pathology is basically doing
20 autopsies, external examinations in some case and that assists
21 in case like had like this to arrive at cause and manner of
22 death and that is a much more complicated process. But that's
23 basically what we are trying to do is arrive at a cause of
24 death, a manner of death and help put the pieces together as to
25 any injury patterns that can help you put together crime scenes

1 and investigative scenarios.

2 Q And approximately how many forensic autopsies have you
3 performed in your career?

4 A I have done between five and six hundred autopsies
5 total and about 80 or 90 percent of those would be forensic
6 autopsies.

7 Q Have you ever testified in Court before?

8 A I have.

9 Q Have you ever been qualified as forensic
10 pathobiologist?

11 A I have.

12 Q About how many times?

13 A Seven or eight.

14 Q Okay. Have you ever not been qualified as a forensic
15 pathologist?

16 A No.

17 MR. WATTS: Your Honor, the State would submit
18 Doctor Thomas as an expert in pathology.

19 MR. FREDERICK: No objection.

20 THE COURT: He is so qualified.

21 Q Did you perform an autopsy on Melvin Roberts in
22 relation to this case?

23 A I did.

24 Q And do you remember what date and time that was?

25 A I will refer to my autopsy report if I could.

1 Q Sure.

2 Q That was performed on February the 5th, 2011 at 12
3 noon?

4 Q Where was that autopsy performed?

5 A That was performed at the morgue at Piedmont Medical
6 Center in Rock Hill.

7 Q And where was the body retrieved?

8 A That would have been retrieved from the scene of death
9 which was in York, South Carolina and transported some time
10 between the time of the investigation to the time of autopsy to
11 the morgue in Rock Hill.

12 Q And how did the body arrive at the morgue?

13 A The body would have been logged in the morgue and put
14 in a cooler which is a storage area for any bodies that are
15 there from deaths in the hospital or deaths that may have
16 occurred in the county and are being stored there for
17 transportation to a funeral home at some point in time in the
18 future.

19 Q And who else was present during the autopsy?

20 A In addition to myself Sabrina Gast who is the coroner
21 at the time and still is, Ed Amick who is also with the
22 coroner's office, employee at the time, John Naylis with the
23 York PD and then Chief Bill Mobley.

24 Q All right, and when you first observed the body was he
25 clothed?

1 A He was.

2 Q All right. Do you remember what he was wearing?

3 A Yes. He was clothed in a brown sports coat. He had a
4 brown leather belt, light brown pants, tan socks, brown leather
5 shoes and a light yellow to white cotton shirt.

6 (State's Exhibit 51, marked for identification as
7 of this date.)

8 Q Doctor, I hand you what has been premarked as State's
9 Exhibit 51. If you would you please look at that and tell me if
10 recognize what it is in that package?

11 A Do you want me to open it up?

12 Q Sure. Have a look in and tell me if you recognize what
13 it is?

14 A I can see that is the jacket he wore the day of the
15 autopsy.

16 Q How do you know it is the jacket?

17 A I recall taking it off him.

18 Q The color?

19 A The color, the pattern, the size.

20 Q All right. And you did take it off his body?

21 A Yes, myself and the coroner's employees would have
22 removed the clothes from the body.

23 Q If you could please take it out of the bag so the jury
24 can see.

25 When you were viewing the clothes did you notice

1 anything unusual?

2 A I did. There is a blood stain or a stain of some kind
3 in this part of the jacket that you can see as well as a hole --
4 two holes actually, which appear to be a gunshot hole or a set
5 of gunshot holes.

6 Q Thank you. If you would please put it back in the bag.
7 (State's Exhibit 52,, marked for identification as
8 of this date.)

9 Q If you would you -- now I am handing you what has been
10 marked as State's exhibit 52, if you would please look inside
11 and tell us what that is?

12 A This looks like the shirt. In fact it is the shirt
13 that he wore that night.

14 Q Did you take it off his body also?

15 A I did.

16 Q Anything unusual about it?

17 A There is some stains, some reddish stains in the
18 collared area and there is also a gunshot hole or a hole through
19 the collared region between my two fingers.

20 Q If you would put it back in the bag also please.

21 MR. WATTS: Judge, the State would move Exhibit
22 51 and 52 into evidence.

23 THE COURT: Mr. Frederick, do you have any
24 objection to 51 and 52:

25 MR. FREDERICK: Sorry judge, no objection.

1 THE COURT: They are admitted.

2 (State's Exhibit 51 and 52, received in evidence as
3 of this date.)

4 Q When you got his clothes off what did you do next?

5 A As a general sort of statement of what we do in
6 autopsy, basically we are going to look at the body. Make
7 observations. We will weigh the body. We will look at the
8 height of the body. Try to positively identify the body of who
9 we think it is if we can. Remove all the clothes. Those will
10 be turned over to the law enforcement officer that would be
11 there in that particular case.

12 From that point in time we would start a detailed
13 examination of the external body, basically. Look for any
14 injuries, any sort of bruises, abrasions, cuts, lacerations,
15 anything like that; gunshot wounds. Basically just any sort of
16 injuries.

17 Q And to help you and assist you, do you use a diagram
18 when marking any trauma or injuries you see to the body?

19 A We do.

20 (State's Exhibit 53, diagram, marked for
21 identification as of this date.)

22 Q I will hand you what has been marked as State's Exhibit
23 number 53. Do you recognize what that is I handed you?

24 A Yes, this is a copy of a diagram I would have made the
25 day of the autopsy.

1 Q All right. Will it assist you in your illustrating
2 your testimony to the jury?

3 A Yes.

4 MR. WATTS: Your Honor, the State would move
5 number 53 into evidence.

6 MR. FREDERICK: No objection.

7 THE COURT: It is admitted.

8 (State's Exhibit 53, diagram, received in evidence
9 as of this date.)

10 Q Can you talk to us a little bit about what you
11 discovered when you did conducted the autopsy on Mr. Roberts.

12 A Yes, this again is the diagram that we would have made
13 or I would have made when I did the autopsy, and basically I
14 will just kind of go through the different injury patterns or
15 the different injuries that were seen.

16 This is just a general body here. This is some pertinent
17 information that would have been filled out, and then you may or
18 may not be able to make out, but some detailed notes so to speak
19 of different injuries. Looking over the brow up in this area
20 there is an abrasion over the right brow. There is some
21 abrasions also right between the two brows and on the bridge of
22 the nose right here. There is some blood on the right side of
23 the mouth.

24 The left ear region was markedly edematous, basically
25 swollen and there were two separate lacerations on the left ear

1 in conjunction with this swollen area on that ear.

2 Additionally, on the back of the head right here, just to
3 the left of the midline is an area of abrasion, bruising with
4 irregular laceration right in the middle of it.

5 Q Doctor, when you say laceration, do you mean cut?

6 A Laceration technically is like a cut but it is usually
7 produced from a blunt object rather than a sharp object. Some
8 sort of object that hits flesh, usually flesh that is covering
9 over a bone of some kind. Often times it is the skull and what
10 happens is the force of the impact of this blunt object hitting
11 the skull over the bone causes that tissue to split open. So it
12 is not as sharp as a cut that a sharp object might make.

13 Q You saw the laceration on the back of the head?

14 A Yes.

15 Q And what about -- if you would just return to the left
16 side of the head. Did you notice any lacerations there?

17 A Yes, as I said there were two lacerations on the ear,
18 right here. There is also another area of bruising on the left
19 side of the head. Kind of behind that left ear.

20 There is another diagram that illustrates some of the
21 additional injuries underneath the scalp in that same region.

22 Progressing down from there on the right side of the neck,
23 shoulder area right here, is a fairly significant area of
24 bruising. It measured about three inches in width and about six
25 or so inches in length. And then the most obvious injury or

1 finding, I guess, is this ligature which is right around his
2 neck. This was a zip tie that was severely constricted around
3 the individual's neck which we removed from his neck at the time
4 of autopsy and placed into evidence at the time.

5 Other injuries that we noticed progressing down to his right
6 hand area, right over here, there were two abrasions.

7 Q Doctor Thomas before you get too far down, you
8 mentioned a diagram of a scalp.

9 (State's Exhibit 54, facial diagram, marked for
10 identification as of this date.)

11 Q I will show you what has been marked as State's 54. Do
12 you recognize that?

13 A I do.

14 Q What is that you are holding?

15 A This is an just another diagram of a front side of a
16 face and back side of a face and it's blown up a bit more than
17 what we see up here with some more detail of some of those
18 injuries.

19 Q And would it also help you to illustrate your testimony
20 to the jury?

21 A Yes.

22 Q Thank you. I just marked it?

23 MR. WATTS: The State would seek to offer State's
24 54 into evidence?

25 MR. FREDERICK: No objection.

1 THE COURT: Submitted.

2 (State's Exhibit 54, facial diagram, received in
3 evidence as of this date.)

4 Q I want to work from the top down if you would.

5 A Sure. Again we got this abrasion over the right brow
6 region. We got lacerations. There was a delicate laceration on
7 the right ear region which I didn't mention previously. There
8 are -- this area over here on the left side there two additional
9 lacerations, and then turning your attention to the back, this
10 is this bruise I think we mentioned earlier, with the laceration
11 in the middle. And then there is a bruise right here. The
12 larger area of what we call subgaleal hemorrhage and this is an
13 injury pattern we reflect the scalp to take out the brain, would
14 be fresh hemorrhage in that region. That you don't always see
15 on the skin surface, but when you take the scalp off to take the
16 brain out you can observe those changes which again indicates
17 some sort of very strong force to that region.

18 Q When you say very strong, can you define that, put that
19 terms. Was this an easy bump?

20 A No, this is not an easy bump. Again, we got this
21 bruise and this laceration here so some fairly significant --
22 when I say significant, you know, a baseball bat, a cylindrical
23 object could be have done this. Something with a sharp point on
24 it could have done this like a gun could have done this and then
25 this area right here would indicate to me with a subgaleal

1 hemorrhage something probably longer. More like a bat or a pipe
2 or something to that effect.

3 Q Before we get too much further I see the top
4 illustrates the front. Did you look at his tongue?

5 A Yes, on his tongue he did have an area of bruising on
6 the front, I believe right side of the tongue.

7 Q Any indication why that might have been?

8 A That could have occurred during the actual mechanism
9 that causes death or strangulation, where the tongue may have
10 protruded out through the teeth. The teeth clamping down as
11 decedent would have struggled to try and free himself and that
12 probably is what happened to the tongue.

13 Q So, is it fair to say on the head that he has got
14 lacerations on the front, back, left and right side?

15 A Yes, that is fair to say.

16 Q Bruising under the scalp and bruising on the tongue?

17 A Yes.

18 Q Okay. Working our way down next, when we get to the
19 neck, can you describe anything you saw there that you
20 documented?

21 A Again, this is where we found the zip tie which was
22 used as what we call a ligature to constrict the neck region
23 which ultimately causes death so we would have removed the zip
24 tie and then examined the neck which once the zip tie was
25 removed we would see a furrow which would line-up where the zip

1 tie had been placed.

2 (State's Exhibit 55, zip tie, marked for
3 identification as of this date.)

4 Q All right. Mr. Thomas, I am going to hand you what has
5 been marked as State's Exhibit 55. If you would please look at
6 that bag and identify what I handed you. Do you recognize what
7 that is?

8 A I do. That is the zip tie that I removed from his neck
9 at the time of autopsy?

10 Q All right. Is it in the same or substantially the same
11 condition?

12 A It is.

13 Q That it was the night you conducted the autopsy?

14 A Yes.

15 MR. WATTS: The State would you seek to introduce
16 55 into evidence, Your Honor.

17 MR. FREDERICK: No objection.

18 THE COURT: Admitted.

19 (State's Exhibit 55, zip tie, received in evidence
20 as of this date.)

21 Q Before you put that up, would you close that so the
22 jury can get a sense of how tight that was around Mr. Robert's
23 neck.

24 (Whereupon, the witness demonstrates.)

25 Q And that is how it would have been before you cut it

1 off; is that correct?

2 A Yes. Yes.

3 Q And how did you get it off?

4 A Scissors.

5 Q Thank you. You can put it back.

6 You just talked about Dr. Thomas a furrow. Can you explain
7 again what that is to the jury?

8 A Sure. A furrow is a ligature or basically an
9 impression that would have been left by any object usually some
10 sort of rope or in this case a zip tie or some sort of linear,
11 flexible object to constrict and cause injury to someone's neck.
12 So it would leave a pattern. In this case this having been left
13 on since the time of death, day one, and until the day of
14 autopsy, day two, roughly 18 or so hours. It would form a
15 pattern which I feel would line up with the inside pattern of
16 the zip tie.

17 Q All right. And that is because it is pulled so tight;
18 is that correct?

19 A Yes.

20 Q And do you recall about what size circumference Melvin
21 Roberts's neck was?

22 A Yes. Well, we measured the circumference of the zip
23 tie itself and the diameter was measured about four inches that
24 we just saw there, which would have given a circumference of
25 roughly 12 1/2 inches.

1 Q And how did that compare to his neck?

2 A His neck -- he was 208 pounds in size so he was about
3 my size. His neck would have been probably around 15 or 16
4 inches in circumference.

5 Q And what did you do with the zip tie after you took it
6 off?

7 A We would have placed that over to Detective Naylis I
8 believe is who gathered the evidence that day.

9 Q Anything else moving down from the neck?

10 A Not anything else particularly on this diagram.

11 Q I'll put back up State's Exhibit 53.

12 A Back on the right hand there is abrasion right here and
13 then one right here. This is an on the fifth knuckle and this
14 first one is more on that index finger (indicating) and this is
15 on this side of the hand right here (indicating) so one about
16 right here on this knuckle and one about in this location right
17 here.

18 Q Anything in the shoulder area, moving back to the
19 torso?

20 A Yeah, again, I think we mentioned this earlier. This
21 is fairly large bruising right in the right shoulder slash neck
22 region, right adjacent to where the zip tie was located and
23 again this measured around six inches in this direction and
24 about three, three and a half inches in that direction.

25 Q Anything for the lower part of the torso?

1 A So moving on down to the knee region, there was some
2 abrasions right here (indicating). There was one below the left
3 knee right here and then there was another one, smaller one, in
4 the lateral right knee, right below the right knee cap region.

5 Q I will hand you what has been premarked as State's
6 Exhibit 50 A through D. If you would please tell me if you
7 recognize what I handed to you?

8 A I do.

9 Q And what are those pictures?

10 A State's exhibit A would be the lower extremities of Mr.
11 Roberts. And it shows on the left lower knee region the
12 abrasion that is seen also in that diagram.

13 Q Is it fair to say that all of those are fair and
14 accurate representations of pictures of the autopsy?

15 A They are.

16 MR. WATTS: Your Honor, the State would seek to
17 introduce 50 A through D into evidence.

18 MR. FREDERICK: We object.

19 THE COURT: They are admitted over objection.

20 (State's 50 A-D received in evidence.)

21 Q If you would just illustrate to the jury what each one
22 of these is.

23 A So this is again the lower extremities of Mr. Roberts.
24 This is his right leg, this left leg. This is he knee cap and
25 this is an abrasion just below the left knee.

1 Q Fifty B.

2 A So this is the Mr. Roberts from his left side and this
3 is where the ligature was placed right here, and we also can see
4 this bruise there on the shoulder, neck region, right adjacent
5 to the furrow of the ligature.

6 Q And 50C?

7 A So this is a close up of again that mark right at the
8 -- taken off underneath the skin after removal of the ligature.
9 You can see the pattern that lines up and matches the zip tie.

10 Q That is his neck?

11 A That is his neck. Sorry, yes.

12 Q And finally doctor, 50D. Does that illustrate the
13 correct angle of the zip tie as compared to his body when you
14 cut it off?

15 A Yes, it does.

16 Q Can you -- I know it maybe a little difficult. Can you
17 orientate everybody to where everything is facing in this
18 picture?

19 A Yeah, this is a and I'm sort of angle here. This looks
20 like his right ear.

21 Q His right ear?

22 A Can I see it again. Let me just take a look at it. It
23 is hard to see from over here.

24 (Handed to the witness.)

25 A Okay. Yeah, this is his right ear and this looks like

1 his chin. So we are looking sort of from the back right side of
2 Mr. Roberts. He is probably been rolled up on his left side to
3 an visual of that, the injuries and also the zip tie. But this
4 is the extension of the zip tip that would have been grabbed to
5 pull and actually constrict down the diameter or the
6 circumference of the zip tie at the time of death.

7 Q Did Melvin Roberts appear otherwise healthy?

8 A He -- progressing on through the autopsy we would then
9 take out all the organs, weigh them, look at them
10 macroscopically, just visually. Take sections of each organ
11 look under the microscope, look for any incidental findings,
12 diseases, that sort of thing. His heart was large. His heart
13 was seven hundred -- over seven hundred grams which is fairly
14 significant. He did have some coronary disease which we would
15 classify as moderate. So, he had some risk for having heart
16 problems and he had a pacemaker in too that we discovered when
17 we did the autopsy.

18 Other findings at autopsy were pretty unremarkable. He did
19 have one of his kidneys was enlarged. I think his right kidney.
20 His right kidney weighed seven hundred grams which normal kidney
21 would be about two to two-fifty. He had a large benign cyst, so
22 it didn't affect his living status at all. And he had some
23 small cysts on the left side. And the rest of his internal
24 examination was fairly unremarkable.

25 Q With all this information you gleamed from the autopsy

1 were you able to form an opinion as to a reasonable degree of
2 medical certainty as to what his cause of death was?

3 A I was.

4 Q All right, and what was that?

5 A Asphyxiation, secondary to strangulation.

6 Q Was that caused by the zip tie?

7 A It was.

8 Q And none of the other stuff that you just talked about
9 in relation to the pacemaker or the cyst had anything to do with
10 his death?

11 A They did not.

12 Q And in your training and experience as a forensic
13 pathologist were you able to form an opinion as to how this
14 trauma and these injuries occurred?

15 A Yes, I have opinion as to the most likely sequence of
16 events. If you like me to share those I can.

17 Q Yes, if you would please tell the jury.

18 A There are a couple of different scenarios. My guess as
19 to probably what happened --

20 MR. FREDERICK: Objection. I guess I got to
21 object to him guessing as to what happened.

22 THE COURT: Sustained.

23 Q Let me rephrase that for you.

24 Do you have an opinion as to how the most probable way that
25 Melvin Roberts had these injuries and trauma occur to his body?

1 A Sure. My opinion he had two blows to the head. The
2 one in the back of the head, the one on the side of the head
3 which caused the contusions, laceration of the ear, laceration
4 of the back of the head probably occurred first. After that
5 probably incapacitated him. It may have knocked him to the
6 ground. At that point the zip tie was probably placed. In the
7 sequence of events the zip tie being placed, the gun probably
8 discharged as it was probably being held maybe to keep him
9 compliant and at that point it discharged. Probably when the
10 zip tie was being pulled the first time, possibly. It went
11 through the collars of the shirt and the jacket. At that point
12 the first attempt to constrict the zip tie would have been
13 taken. The body was then probably flipped over.

14 MR. FREDERICK: Judge, I just -- I still got to
15 object to probably.

16 THE COURT: Okay. Let me say this, doctor, if you
17 are going to testify as to opinion it has to be to a
18 reasonable degree of scientific, pathological --
19 forensic pathological certainty.

20 A So, we have a abrasions on the forehead and the knees
21 which in my opinion took place when his body was face down. The
22 zip tie is on the right side but facing slightly backwards. So
23 in my opinion, my medical opinion, that last tug was done which
24 was the ultimate last effort to constrict the blood flow of the
25 the brain, the blood return from the brain and potentially choke

1 off the windpipe, at which point there is abrasions on the
2 forehead, the face and the knees would have taken place.

3 Q You talked about the second time they pulled the zip
4 tie. I will take you back, in your opinion after he was hit in
5 the head did he fall face down or face up?

6 A I don't know that I can say for certainty which way he
7 would have fallen.

8 He was hit from the back and the side, so more likely
9 he fell face down.

10 Q And at some point in time did any of the bruises or the
11 lacerations indicate that he was face up?

12 A Yes, the bruise on the left -- I am sorry, the right
13 side of the neck and shoulder region is large enough to suggest
14 to me that it was probably a foot used to get traction when the
15 zip tied was pulled the first time. And through the autopsy, as
16 we did the rest of the autopsy, large amount of soft tissue
17 hemorrhage beneath that bruise to suggest a fairly significant
18 force.

19 Q And when you examined the clothing were you able to
20 determine whether the gunshot came from one direction or the
21 other in your opinion?

22 A The clothing suggested to me that the gunshot came from
23 the right side towards the center and I believe we did find some
24 pigment in the cheek and an abrasion on the cheek as well, very
25 slight abrasion that would have suggested that is probably where

1 the gun was pointed and where it was positioned when it went
2 off.

3 Q So your opinion he was hit in the head first. He fell
4 at which time they try the initial attempt to put the zip tie on
5 him using leverage; is that correct?

6 A That is would be my opinion, yes.

7 Q And then the abrasions came after he was flipped over
8 and there was a final tug?

9 A That would be my opinion, yes.

10 Q And once again the cause of death?

11 A Asphyxiation secondary to strangulation.

12 MR. WATTS: Thank you. Please answer any
13 questions Mr. Frederick may have.

14 MR. FREDERICK: I don't have any.

15 THE COURT: You may step down.

16 MR. WATTS: Judge, may he be released from
17 subpoena?

18 THE COURT: Any objection?

19 MR. FREDERICK: No objection.

20 THE COURT: He may be.

21 All right, ladies and gentlemen, we are going to
22 recess for the afternoon. Keep in mind my caution
23 previously given to you. There are to be no
24 discussions about the case. Do not permit anyone to
25 try and discuss the case with you. If anyone persists

1 MR. FREDERICK: None from the defense.

2 THE COURT: All right. Bring the jury in please,
3 sir.

4 (Jury enters the courtroom.)

5 THE COURT: Good morning, ladies and gentlemen.

6 JURORS: Morning.

7 THE COURT: As you know when we recessed yesterday
8 the State was in the mist of their presentation, so we
9 will continue that presentation. Before we do that
10 let me ask if any juror during the overnight recess or
11 up until this point has had any discussions about the
12 case or anyone tried to discuss the case with you, if
13 so indicate by raising your hand.

14 None have responded. Has any juror done any
15 research or investigation or been exposed to any type
16 of media coverage that relates to the case, if so
17 please indicate so by raising your hand. None have
18 responded. All right solicitor you may continue.

19 MR. WATTS: Thank you, Your Honor. The State
20 recalls Doctor Ron Thomas.

21 THE COURT: Doctor Thomas you have previously been
22 placed under oath you are still under oath for the
23 purpose of these questions also.

24 THE WITNESS: I understand.

25 DIRECT EXAMINATION CONT'D

1 BY MR. WATTS:

2 Q Good morning, Mr. Thomas.

3 A Good morning.

4 Q I apologize, I forgot to ask you two things yesterday?

5 A That's okay.

6 Q During the autopsy did you take any samples from Melvin
7 Roberts?

8 A Yes, we did.

9 Q Could you explain what you took for the jury?

10 A Sure. As a matter of protocol we will take blood
11 samples from any deceased to do toxicology testing. In some
12 cases DNA testing. In some cases other fluids might be taken;
13 Ocular fluid or gastric contents, and these have different
14 reasons for being sampled, but basically it is for toxicology
15 and DNA are the two main reasons we would take samples.

16 In the case of Mr. Roberts we did take blood samples
17 and we did run toxicology testing on that and that is just a
18 routine protocol. On most all causes particularly homicide and
19 anything suspicious or drug related and we would also take
20 fingernail clippings in certain cases. In this case we would
21 have taken fingernail clippings as well which we did.

22 Q And you gave those blood samples and fingernail
23 clippings to law enforcement?

24 A Yes, the blood that would have been run for tox would
25 have been sent directly to the forensic toxicology lab that we

1 used and that was done. Other blood, one tube was sent -- or
2 was handed over to Detective Naylis for the purpose of DNA
3 testing.

4 Q Doctor Thomas, I will you hand you what has been mark
5 as State's Exhibit number 42. Do you recognize what that is?

6 A Do you want me to open this up?

7 Q No. If you if you can tell from the outside what it
8 is?

9 A There is a label that says Roberts, comma, Melvin. It
10 has got the date of death. The coroner's consult number,
11 coroner's number, then my name on it below that.

12 That is the standard label we would make in the morgue
13 for labeling any evidence or any tissue samples that would have
14 been taken from the decedent.

15 Q Was that sample given to law enforcement?

16 A Yes.

17 MR. WATTS: Thank you. I have no further
18 questions. Please answer any questions Mr. Frederick
19 may have.

20 MR. FREDERICK: No questions.

21 THE COURT: You may step down.

22 (Witness excused.)

23 MR. WATTS: The next witness will be Heather
24 Ramos.

25 THE COURT: For the benefit of the jury Heather

1 Ramos is not present. She is in where?

2 MR. WATTS: She is in Kansas City.

3 THE COURT: So she is going to be testifying by way
4 of computer, SKYPE for those of you who know what that
5 is.

6 MR. WATTS: Miss Ramos, can you hear me?

7 MS. RAMOS: Yes, I can.

8 MR. WATTS: Thank you. We will need to have you
9 sworn in.

10 MS. RAMSO: Okay.

11 HEATHER RAMOS, called as a witness, having been
12 duly sworn by the clerk, was examined and testified as
13 follows:

14 DIRECT EXAMINATION

15 BY MR. WATTS:

16 Q Miss Ramos, can you please tell the Court where you are
17 employed?

18 A Sprint Corporation.

19 Q What do you do for Sprint Corporation?

20 A I am a subpoena analysts.

21 Q Are you familiar with how business records are kept at
22 Sprint?

23 A Yes.

24 Q Can you explain that process to the jury?

25 A Yes. As Sprint receives a legal command that we comply

1 with based on our cellular phone records, data records that we
2 pull those records from and then produce those records to the
3 requester based on the proper legal demand.

4 Q Have you had an opportunity to review States Exhibit
5 56?

6 A Yes.

7 Q All right. And are those the records that Sprint
8 complied with and gave receipts to the State on March 8th, 2010?

9 A Correct.

10 Q All right. And were those kept in the normal ordinary
11 course of business with Sprint cellular?

12 A Yes.

13 Q Is it the regular practice of Sprint cellular to make
14 this record?

15 A Yes.

16 MR. WATTS: Your Honor, the State seeks to admit
17 States Exhibit 56 into evidence.

18 MR. FREDERICK: No objection.

19 THE COURT: It is admitted.

20 (State's Exhibit 56, Sprint record, received in
21 evidence as of this date.)

22 MR. WATTS: Thank you, Miss Ramos. No further
23 questions.

24 MR. FREDERICK: No questions from the defendant.

25 THE COURT: Thank you.

1 MR. WATTS: Thank you Miss Ramos, that is all for
2 today.

3 THE WITNESS: Thank you.

4 MS. HODGE: The State calls Sergeant Randy
5 Clinton.

6 RANDY CLINTON, called as a witness, having been
7 duly sworn by the clerk, was examined and testified as
8 follows:

9 DIRECT EXAMINATION

10 BY MS. HODGE:

11 Q Sergeant Clinton, who do you work for?

12 A York County Sheriff's Office.

13 Q And what are your duties with the York County Sheriff's
14 Office?

15 A I am in the canine division.

16 Q And how long have you been with them?

17 A Going on thirty years.

18 Q And so you were employed in that capacity back on
19 February 4, 2010?

20 A Yes, ma'am.

21 Q All right. Tell me about the canine unit and your
22 responsibility over the canine unit?

23 A I have been over with the canine division for over 25
24 years. Our job is anybody that left on foot from the crime
25 scene, missing persons or anything, anybody that left on foot

1 that we can use a dog on we use a dog on.

2 Q All right. And did you have a personnel dog or work
3 dog ---

4 A Yes, ma'am.

5 Q --- that was your dog that was assigned to you back in
6 February of 2010?

7 A Yes, ma'am.

8 Q And his name?

9 A Doc.

10 Q Doc?

11 A Yes, ma'am.

12 Q And how long had Doc been in service as of that time?

13 A Two years.

14 Q And what were his major responsibilities or duties?
15 What kind of dog was he?

16 A He was blood hound. He was a tracking dog. He was
17 trained to track.

18 Q And than breed of dog is that a good breed for
19 tracking,

20 A Yes, that is what they are bred for.

21 Q And had Doc performed prior trackings prior to February
22 of 2010?

23 A Yes, ma'am.

24 Q How many? Did you catalog him or log him, did he have
25 a number of tracks?

1 A Yes, ma'am. We do a report for any time that we use
2 the dog. If we take the dog out and do anything with the dog it
3 is logged in.

4 Q And do you know how many times you had taken Doc out?

5 A He's probably been from training and actual calls I
6 would say 150 to 200 times.

7 Q What kind of training did Doc have?

8 A We train him on various things. We train him on
9 asphalt work. We train him on field work. We train him where
10 he would smell this item right here and find that person, that
11 odor, and that scent smell went too.

12 Q And so there were numerous times of training practice
13 times not just crime scene times?

14 A Yes, ma'am we train ever Wednesday, rain, sleet or
15 snow.

16 Q And how about you, did you have training to be a dog
17 tracker?

18 A Yes, ma'am. I went to school for three months in
19 Bessemer City, North Carolina. I learned how to handle a dog,
20 how to train a dog and it has just been a life long thing with
21 fooling with dogs my whole live.

22 Q Are you associated with any organizations or have any
23 certifications?

24 A Yes, ma'am we sponsor the National Police Blood Hound
25 for ten years. We have also put on a tracking school every

1 December, first week in December and we have officers from
2 around the United States come to our school.

3 Q And you said that you had worked Doc for two years.
4 Did you have other dogs before doc?

5 A Yes, ma'am.

6 Q How many dogs did you work -- have you worked in your
7 career?

8 A I worked a dog named Hous. That was my first
9 bloodhound, his name was Hous. Then I had a grand daughter off
10 of him, Sassy. I worked her for a period of time. I worked
11 Hous for 13 years and I worked Sassy I had her for about seven
12 years, eight years and she passed on and I had another dog that
13 we switched off and that I worked also with. Then we had Doc
14 and I worked Doc for two years.

15 Q And are there other canine officers underneath your
16 command?

17 A Yes, I got two other people work under me and they got
18 dogs, but at the kennel we raise our own dogs, so we got
19 multiple dogs that we train and keep here for our department.
20 We got puppies and everything. If another department needs a
21 dog we will give him a puppy. That we don't have to pay for it.
22 We just donate it to them.

23 Q Okay, and can you tell us -- give us a brief
24 explanation of how a dog actually tracks by scent?

25 A A dog -- as you are moving around, as you move you can

1 look in the sunlight and you see skin cells. They are called
2 draft that falls off the body. You release so many drafts per
3 day, so many per minute and what happens when it touches the
4 ground it turns into a bacteria. Once it turns into a bacteria
5 then it turns into a gas and the dog locks in on the gasses, and
6 plus also the vegetation that it does that it disturbs by
7 walking.

8 Q And have you been qualified as an expert in canine
9 tracking?

10 A Yes, ma'am.

11 Q How many times have you been qualified as an expert?

12 A Approximately ten times.

13 Q Have you ever had an occasion where you weren't
14 qualified when someone attempted?

15 A No, ma'am.

16 MS. HODGE: At this point we would move to many
17 admit Sergeant Clinton as an expert in dog tracking.

18 MR. FREDERICK: No objection.

19 THE COURT: He is so qualified.

20 MS. HODGE: Thank you.

21 Q Did you have occasion to respond with the dogs to
22 Melvin Roberts's residence on February 4th of 2010?

23 A Yes, ma'am.

24 Q All right, and how did you receive that call?

25 A I received a call from Chief Bill Mobley, the chief of

1 York and he advised me, Randy, I need your help and I was not on
2 call the other handler was on call, Tim Carroll, and he says I
3 need your help. Melvin Roberts has been killed and so I was
4 right there near the house. I you got ready. I called two guys
5 to come up out with me. I called them and in the process as I
6 was going to the scene I called the sheriff and told the sheriff
7 what was going on so he would be aware of what was happening in
8 the city of York.

9 Q Do you assist the city of York on several occasions?

10 A Yes, ma'am, we assist everybody in the county except
11 Rock Hill. We do assist Rock Hill at times, but they got their
12 own dogs.

13 Q So York Police Department did not have their own canine
14 unit?

15 A No, ma'am, we do all the calls for York city.

16 Q And did you know what kind of call you were responding
17 too, what crime had occurred?

18 A Yes, ma'am. Chief Mobley told me that Melvin Roberts
19 had been murdered.

20 Q What time did you arrive with Doc?

21 A I get the call at 8:06 and I arrived on the scene at
22 8:20.

23 Q And you said you brought your partners with you. Who
24 were they?

25 A I had Tim Carroll come out. He was the other handler

1 and Sergeant Brant Mabrey (phonetics).

2 Q And so you have someone covering you in case, what is
3 that for?

4 A Because I don't pay attention to what is going on for
5 the suspect. I am watching the dog, watching the signs that he
6 is telling me. I am looking for signs on the ground, footprints
7 or anything like that to that effect.

8 Q So you have someone giving you protective cover?

9 A Yes.

10 Q And Tim Carroll, he was actually a dog handler. Did he
11 actually Doc that night or was that all you?

12 A That was me.

13 Q Tell us what you did when you got to Melvin Roberts's
14 house?

15 A When I got to Melvin Roberts's house I went in to
16 access the scene. Officers advised me this is where Miss
17 Phillips was laying at. So when I went back down the driveway
18 with Tim and Sergeant Mabrey arrived at the scene. I told them
19 what we had. I want to start searching from the right side from
20 where she was at. I don't want to get in on the scene where she
21 was laying down because that scent right there is going to be a
22 scent pool where a lot of scent had set there and pooled up. I
23 said I don't want to work that right there because he don't know
24 who on he is searching. If he locks in on her he will be
25 looking for her, so I don't want to work it. I want to do that

1 last.

2 So what I done is I went to there is a wall here and a
3 wall here (indicating) so the farther side toward North Congress
4 Street. I start the dog on the wall, go up the edge of the wood
5 line. When I get up the edge of the wood line Doc throws his
6 head. When he throws his head that is one indication that he
7 smells something when he throws his head. I see a slide mark
8 down the bank.

9 Q I will stop you right there because we will get some
10 visual to assist you to orient the jury. How about that.

11 A That's fine.

12 Q I will show you these maps for demonstrative purposes.
13 If you want too step down here. Make sure you keep your voice
14 up and talk slow enough so the court reporter can hear you.

15 THE COURT: Let me ask you all to switch sides so
16 that she can see his face as he testifies.

17 MS. HODGE: Yes, sir. I will grab this easel if
18 that helps. It maybe many blocked right here if I put
19 the easel up. Is that okay.

20 Q Are you familiar with the photograph on this board?

21 A Yes, ma'am.

22 Q Okay, and what is this a photo of?

23 A Melvin Roberts's residence and the area behind the area
24 and the area in front of this residence.

25 Q I am going to ask you to speak up louder because you

1 are talking to me and I am not sure if they can hear exactly
2 back there.

3 Q This Melvin Roberts, this is 214 Roberts Avenue. This
4 is where Melvin Roberts lived. This is a long driveway coming
5 in and this is other driveway. This is the driveway in front of
6 the house and this is the around the back. That's the long
7 drive area around the back.

8 Q And where are the brick walls that we were discussing?

9 A There is going to be a brick wall here and here. Goes
10 right here and then he has got an opening in the middle of it.

11 Q Okay. I will give you if you want to, here is a laser
12 pointer. If you want to do that, you don't have to, or you can
13 use your fingers.

14 All right. So where did you start? You said you
15 didn't want to start somewhere.

16 A She was suppose to be laying down right here, right
17 behind this wall, so I didn't want to get right here. So what I
18 done, when me and Tim and Brent came in so I came over -- I
19 came to this section right here. I started to work the dog
20 here. We started up through here, around the left hand side of
21 Congress side of the house. When we got up to the left hand
22 side of Congress Street and I marked it mentally in my head when
23 he got to that point he thrown his head and I looked back and
24 it's going to be the window -- the first window on the left hand
25 side of Melvin Roberts's house. He has got a glassed in area

1 where I seen a bunch of plants. I never went inside but I seen
2 the plants and vegetation through the glass and I marked it
3 right with the window. At that point I seen the slide marks
4 going down the embankment. Probably about this deep.
5 (Indicating) I would say four or five foot and ran off the side
6 of the driveway. When it ran off the side of the driveway I
7 seen slide marks and I seen a butt impression where he hit the
8 ground and so at that point I took the dog approximately four or
9 five feet past that point because I did not want the dog going
10 in the same place he went because if he did if there is any
11 evidence I wanted it to be preserved. So I took about four
12 steps past it and we angled sideways where the hill was not in
13 so much the declining in the hill. So we walked from the
14 bottom.

15 When we got to the bottom of the hill, I asked Tim to hold
16 the dog. I go up, I look and you see a butt impression going
17 down the hill. When he gets to the hill, as he is sliding down
18 he has got a pile of leaves underneath both feet, piled up, and
19 when he jumps up and runs the leaves fall out and you got two
20 heel impressions inside of the bank.

21 Q All right.

22 A At that point we proceed on. We put the dog back on to
23 the track. The dog comes around. He makes a hard left turn.
24 He makes a hard left turn coming back this way. As he comes
25 back this way we seen toe digs where he is running because it

1 has been raining. It is muddy and there is leaves in there and
2 you see where he is scuffing it up, and I'm watching the dog's
3 reaction. He is running it good and we came out, came out right
4 back here.

5 I am in the woods all the time so I look at stuff and I see
6 stuff that normal people don't look at. It is like it was a
7 green briar and it was approximately that long, it was out of
8 place because it was -- most of the briars are going to run
9 along the ground. This one here was disturbed. On the top of
10 the briar is real green, but if you light it up with a light at
11 night and you flip it over it is a different color. So the
12 light reflected and illuminated a different color to me so I
13 knew something was up. I guess when he was running he pulled it
14 with his foot and he pulled it out onto the logging road. We
15 come out on a logging road and as we come out to the logging
16 road -- as we come out to the logging road this is a little bit
17 bigger than what it normally is distance, because it ain't much
18 distance in between. But it comes out. We come out to the
19 place and there was a yellow sand right there underneath the
20 power line. At that yellow sand there was one foot print and it
21 was going out towards Fifth Street.

22 As you notice in other pictures you will see little orange
23 flags. Each one of us carry three flags in our vests and if we
24 see something on the track we mark it and everybody knows not to
25 go into that because that is marked. We have marked it as a

1 footprint or item or gun or something that they had dropped or
2 something to that effect.

3 Q Okay. Let me show you State's number 17, 18, 20, 21,
4 22, 23, 24, 25, 26, and 27. Do you recognize these photographs?

5 A Yes, ma'am.

6 Q And what are these photographs of generally just as
7 group?

8 A It is the area we were working the night of this
9 incident.

10 Q Okay. And are these true and accurate representations
11 of the things that you saw that you are testifying about?

12 A Yes, ma'am.

13 Q The way the ground looked at various places on this
14 trail?

15 A Yes, ma'am.

16 MS. HODGE: At this time we moved to admit States
17 17 through -- I am sorry, it is not consecutive; 17,
18 18 -- I will read them off -- 20, 21, 22, 23, 24, 25,
19 26 and 27.

20 MR. FREDERICK: Without objection.

21 THE COURT: They are admitted.

22 (State's Exhibits 17, 18, 20 through 27,
23 photographs, receive in evidence as of this date.)

24 Q All right. I would like to call your attention before
25 we get further down the trail to State's number 17, please. All

1 right, can you tell us the significance of that that photograph
2 is in relation to what you have been talking about?

3 A Okay. If you see the top of the ridge that is his
4 house. I am sitting at the bottom of the hill and where I am
5 shinning at is where the feet went down the hill and it slid
6 down and you can't see it here, but right in here you should
7 have seen a butt impression where he fell and he went down the
8 hill.

9 Q All right. So your dog is picking up the scent and you
10 are also seeing visual confirmation?

11 A I am confirming everything the dog is telling me, yes,
12 ma'am.

13 A State's number 18.

14 A Yes, ma'am. This was -- and what caught my eyes on
15 this when I seen this, this is a toe dig, but I caught this
16 container. It is a plastic container with like blueberries or
17 something that come from the grocery store, I spotted that and I
18 looked back other and then I seen the toe dig where I came back
19 in and I marked it one of our flags we keep in our vest.

20 Q And you said you keep three flags in your vest?

21 A Yes, ma'am.

22 Q Did you use all three flags?

23 A Yes, ma'am, I used mine plus the other handlers and I
24 had to get more cones to mark other footprints as we proceeded
25 on with the track.

1 Q I will show you State's number 20.

2 A Yes, ma'am. This is coming down the same place. If
3 you see right here toe dig, toe dig, toe dig as he is running.
4 He come out behind the house. When he comes down off the hill
5 behind the house right here, (indicating) he is making a loop
6 coming back this way towards the power line.

7 Q State's number 21. Tell us what that is?

8 A Yes, ma'am. That is a foot impression. Going in here
9 you see a foot impression as he is running.

10 Q At this point are you noticing one set of footprints or
11 more than one set?

12 A One set of footprints.

13 Q And would your dog be able to maintain a track if there
14 were more than one scent?

15 A Whatever scent that he locks in on is the one he is
16 going to run, but he will lock in on that and he has locked in
17 on that and I don't see nothing else because I am observing and
18 I am scanning the ground as I am moving through. We are not
19 moving quick right there because we know that this is a murder
20 scene. We don't want to put ourselves in jeopardy so we are not
21 moving quick and I am observing footprints as I am going.

22 Q And one set of footprints?

23 A Yes, ma'am, one set of footprints.

24 Q State's number 22?

25 A That is the outline of the foot impression. Here is

1 the outline. Here is inside the shoe, tennis shoe. Here is the
2 outside of the tennis shoe. That is the foot impression.

3 Q And were you the person that contacted the forensic
4 officer about these prints and to come process?

5 A As it was over and we was through with the dog and we
6 ran to 5th street and the dog dropped the track at that point.
7 We get a ride back around to the scene and the forensic unit
8 from SLED had got there. At that point I tell the Chief Mobley,
9 I said, we need to get on this footprints. We got good a
10 footprints because a storm is coming in. The air was think. It
11 was going to start misting. It had been raining that way and it
12 was calling for more rain so I knew I didn't want to wait too
13 long because if we did the footprints would fill up with water
14 and it's a powder paste that you use and you add water to it to
15 make the cast.

16 Q All right. Let me show you State's number 23.

17 A If you see in my hand I don't have the flags. I got
18 the cones that I picked up -- that I got from the coroner's
19 office. As you see number four, you see right here, that is the
20 toe impression and the instep of the foot right here as he was
21 running.

22 Q Okay. Is that going away from Melvin Roberts's
23 residence or into Melvin Roberts's residence?

24 A It is going away from his house.

25 Q Okay. All right let me show you States number 24 then.

1 Showing marker number four as we just saw in the other picture.

2 A That is the foot impression and it is full of water.
3 Cause it is full of water and you see how yella {sic} and bright
4 it is because it is disturbed. Once it is disturbed it is going
5 to be a milky looking color to the water comes back down and
6 when the water comes back down it will come back clear and the
7 marker will just lay on the bottom. The way it shows right here
8 in this picture everything is fresh because all of this is
9 disturbing, in a different color.

10 Q So this signifies to you that is a fresh print?

11 A That ma'am and the way the dog reacted on the track,
12 yes, ma'am.

13 Q Let me show you State's number 25.

14 A Yes, ma'am. The same. It is number five. I marked it
15 as it foot impression. Here is his heel and here is the foot
16 impression here.

17 Q And again it has got water collecting?

18 A Yes, ma'am, it has got water collecting in the heel
19 part of it.

20 Q All right. And State's number 26?

21 A It is the same thing. It's just a heel impression.
22 You can barely start to see it and everything where the foot
23 impressions at.

24 Q And State's number 27.

25 A Same thing. It is a foot impression. You got the mud,

1 the murky water at the end and you got his foot impression.

2 Q Thank you. Let's go back to the map for a moment. So,
3 I believe we left off you had gotten down to the sandy part; is
4 that correct?

5 A Yes, ma'am. When we came out and we came out and it's
6 a logging road. As I am facing right here if I'm coming out I
7 am facing it is a logging road to my right and the logging road
8 comes our right there at the power line. At that power line
9 there is some white sandy soil right there. That is where I
10 found the first good foot impression right there. I flagged it
11 and we proceeded on.

12 Q I am going to flip this over. Zoom out. Are you
13 familiar with this map?

14 A Let me look for one second please.

15 Q Okay.

16 A Yes, ma'am, I am.

17 Q Okay. And can you tell us about the track at that
18 point?

19 A We left off right here and you can see on here it is
20 not a good picture, but you can see still see it. You see the
21 little white sandy place right here. That's where the power
22 line comes in. The power line runs right through here and comes
23 out at the end of Fifth Street. You got your asphalt right
24 there and it comes from asphalt to the logging road that goes
25 straight from 5th Street straight to the victim's residence.

1 As we proceed on we go -- we come out at this spot right
2 here. We go down a little power line probably ten yards. We
3 bare back left. As we bare back left we start to go up a little
4 incline, like a little erosion cut. We started up the incline.
5 I got a slide mark where he slid on up the bank. As we go over
6 the incline of the slide mark where he goes over it's a deer
7 carcass laying there, an old deer carcass been laying. We go
8 around it. We got his footprints going around the edge of the
9 tree line. And it is an open area. It opens up. And we got
10 his footprints and it's muddy. You see his footprints and
11 everything and I am going through it. I am looking at the
12 footprints and watching the dog and I am confirming everything
13 he's telling me.

14 We get to one point when we come to just about to the end
15 where it is like a little curve, one little curve. You see
16 multiple footprints like someone stood there pacing, looking to
17 see if the road was clear. At that point it comes out. It
18 comes out on to the asphalt. I got three transfers of mud from
19 his feet onto the asphalt.

20 The dog proceeds on 5th Street. When he gets up to 5th
21 Street, which is down here, he goes up 5th Street a little
22 piece. When he gets just about near Ross Cannon and 5th street
23 right there as Ross Cannon he drops it. When I say drop it,
24 every one of the dogs that you train automatically he will do it
25 on his own, as he runs and tracks and he losses that scent he

1 will stop and he'll start circling. What he's trying to do is
2 find where the track went too. He can't find it so he's going
3 to circle. He's going to circle our short and then he will
4 start circling out wide. So at that point you just let him do
5 his job and he's going to keep on circling out. When he finds
6 it he will go back on the run again, but if it is not there it
7 will get to a point he'll get frustrated because he can't find
8 it any more and he will drop it and quit. That's where I come
9 in to because just like this watch. I don't know what makes it
10 function on the inside but I can read and tell you what time it
11 is. With the dog when he get to that point he starts circling
12 so what we done is make him circle out, circle out more. So if
13 a suspect is running and he makes a hard right turn or a hard
14 left turn the dog possibly will over shoot the track. So at
15 that point we took our time. We cut in and kept circling and
16 circling in front of the house, behind the house to see if he
17 cut between the houses. Could never find a track from that
18 point on.

19 At that point I turned around and I told Deputy Carroll and
20 Sergeant Mabrey, hey, if you see anybody out talk to them. See
21 if they've seen anything.

22 At that you point I walked up to Ross Cannon Street and 5th
23 Street and talked to Chief Mobley and told Chief, this is it
24 right here. We got nothing else. He has dropped it. The track
25 left the ground. He can't smell it no more. Possible got in a

1 vehicle right here at this point. He can't smell it.

2 Q Okay. So is that an indicator to you that someone has
3 gotten in a car?

4 A Yes, ma'am. His feet have left the ground. He can't
5 smell no more. That is why we kept circling and we make it
6 circle more cause we want to see if he circle out wider and
7 missed him in his turn.

8 If I am sitting right here and I am running here and the
9 dog stop here, if you do a complete circle you will find where
10 he exited out. We didn't find no exits.

11 Q And again, as you are coming from the sandy piece going
12 wide, you said there was a place where it looked like several
13 footprints?

14 A Yes, ma'am.

15 Q All right. Was it the same set of footprints or was
16 there more than one person making these?

17 A No, ma'am. Same set of footprints. One set of
18 footprints going out. One set of foot prints going out. At
19 that point as I was talking to Chief Mobley, I told Chief Mobley
20 we don't have it no more. The dog has dropped it and we don't
21 have it no more. And he says, okay we will ride back to your
22 cars. As we we get back to our vehicles SLED agents pulled up,
23 forensic, and I said look here. I said we need to get back
24 here. We need to look -- I need to show you these footprints
25 before the storm comes in because if you don't it will fill up

1 with water and you ain't going to get none.

2 Q Okay. And so did you take her -- Vickie Hallman -- was
3 it Agent Vickie Hallman?

4 A Yes, ma'am, and another forensic agent. I don't know
5 who his name is.

6 Q And did you take them out to see the track and the
7 footprints?

8 A Yes, ma'am. When I took them right here, where I seen
9 this footprint right here, at the time we was going through, the
10 first time we looking -- we were observing, but we are moving.
11 And you know, I will flag it, whatever, and then when I got to
12 the point we would proceed on. You know, I was focusing on his
13 footprints right there.

14 Well, when I took SLED back to the location as we were here
15 at the first footprints I seen approximately from this right
16 here to probably this far over, I seen his footprint in a little
17 incline stepped on a limb and the limb broke and I see a foot
18 impression and it is going straight into Melvin Roberts back of
19 his house.

20 So at that point we proceed up, we proceed on and I told
21 him about that and they done their thing, what they do
22 forensics. At that point they done their thing. We can proceed
23 on the track. We walked up the left hand side. I was showing
24 the slide mark where he went up the embankment on the incline.
25 I shown the deer carcass, and I went around the edge of the wood

1 line and I was showing him the footprints.

2 Q The footprints going away from Melvin's house?

3 A Yes, ma'am.

4 Q Okay.

5 A And then when we get to the point where when we get up
6 here when it comes from -- it goes out and comes back in like
7 (Indicating) this. Well, when it comes back in right there
8 probably from here to -- from here to Detective Mumaw right
9 there I look to my right and I'd seen a set of footprints. The
10 same set of footprints are going in to Melvin's house in the
11 mud. At that point I stop what I was doing, walked over, I
12 squatted down. I looked and observed the same footprints that
13 we tracked out that was going in to Melvin's down the power line
14 going straight and the footprints that I found right here
15 (indicating) going in matches the footprint where he was seen
16 going back in.

17 Q Did they have water filled up in them?

18 A Water was filling up in them, yes, ma'am.

19 Q And did the footprints going towards Melvin's house?
20 Were you able to find them all the way up to the residence?

21 A We found all the way down the power line. Just about
22 all the way right to this right here. The last place we found
23 them is right here because it got hard. The ground was hard
24 where it was beaten down on that power line. It was hard right
25 there at that point, but at that point where we got the shoe

1 print going out I found the other shoe print in the embankment
2 incline right there going to Melvin's house.

3 A I will show you -- these are just smaller copies of the
4 maps we have been talking about, State's number 15 and State's
5 number 16.

6 MS. HODGE: I will admit States 15 and 16 and
7 since the board will not go back.

8 MR. FREDERICK: Without objection.

9 THE COURT: All right.

10 (State's Exhibit 15 and 16, Photos, receive in
11 evidence as of this date.)

12 Q Did that include -- did you take Doc back towards the
13 house or was Doc in the car at that point?

14 A No, ma'am. We put him up cause at a point where he
15 came out to 5th street and he circled his job was done. So my
16 intention was to take the SLED agent back before it started
17 raining and show him the footprints that we had observed and we
18 had marked the on the way up there, leaving his house going back
19 out to 5th street.

20 Q All right. Okay. And coming in towards Melvin's house
21 did you see one person's footprints or more than one set?

22 A One set of footprints. The same set of footprints we
23 seen coming in was the one we were tracking going out.

24 Q All right. And that night, after you did that and
25 forensics, did that end your involvement that night at Mr.

1 Roberts?

2 A Yes, ma'am, that night it did. At that point Chief
3 Mobley asked if we come back the next morning and re-walk our
4 track to see if we missed anything. If anything was missed.

5 Q Okay. So tell us about that?

6 A So next morning we come back. As I go to the wall
7 where Miss Phillips must have been laying down and book bag or
8 pocketbook or bank bag or something was right there, I found a
9 bracelet.

10 Q Okay. This is a more close-up part of the house. Okay.
11 So, where did you locate that?

12 A Right here behind the wall right here.

13 Q Let me show you State's number 28 and 29.

14 A Yes, ma'am.

15 Q Is that what you are speaking of?

16 A Yes, ma'am, that is the bracelet right here.

17 Q Okay. Are these true and adequate representations of
18 how you saw it on the day after Melvin's murder?

19 A Yes, ma'am.

20 MS. HODGE: State's 28 and 29 we move to be
21 admit.

22 MR. FREDERICK: No objection.

23 THE COURT: So admitted.

24 (State's Exhibit 28 and 29, photo, received in
25 evidence as of this date.)

1 MS. HODGE: State's number 28, is this what you
2 are talking about?

3 A Yes, ma'am.

4 Q Okay, and this is if you are looking at those walls
5 this is to the left?

6 Q If you are coming in looking at the wall it is to the
7 left of the wall, yes, ma'am.

8 Q And you were asked to come in and search with the dog
9 or just personally?

10 A Personally, because after we left that night it came in
11 hard down poured rain and everything so we figured we weren't
12 going to see nothing the next morning. But we go ahead and done
13 it anyway to see if we did miss anything. If anything found on
14 the track or anything at that point. Yes, ma'am.

15 Q And so when you are looking back there you see a
16 bracelet?

17 A Yes, ma'am, the bracelet is right here (indicating)
18 ma'am.

19 Q All right.

20 A It's a complete bracelet, but it looked like a
21 watchband when I first seen it. Like an old-type watchband, you
22 know, slinky, that is what it is, but it didn't have a watch
23 face on it.

24 Q And State's number 29, is that what you are speaking
25 of?

1 A Yes, ma'am. Here is the band right here, bracelet,
2 whatever you want to call it, right here.

3 Q And is that up in the top corner is that like a
4 drainage?

5 A No, ma'am, it is some old cement blocks right there and
6 it looked like a shrubbery container, shrubbery come in a little
7 black bucket right there.

8 Q Okay.

9 A And it is partial bricks right there at the top.

10 Q And this is obviously very close to the wall?

11 A Yes, ma'am. Yes, ma'am.

12 Q Okay. Thank you. So tell us did you find anything
13 else when you went back on February the 5th the day after
14 Melvin's murder?

15 A That was the only thing I found right there ma'am.

16 Q And did you walk the track completely back to 5th and
17 back to Melvin's house?

18 A Yes, ma'am. Let me back up. As we did -- as we went
19 around the front of the house I seen a black trash bag. Do not
20 know if the trash bag was involved in it, but it looked to be
21 out of the place. So rather to be safe than sorry I asked them
22 to collect it also. I didn't know whether it was involved, but
23 it just looked out of place because it was sitting at the end of
24 the house in the driveway.

25 Q The back side or the front side?

1 A The front side right up in here ma'am.

2 Q And did you have an occasion to come back to this
3 residence again to assist?

4 A Yes, ma'am. I came back on February the 8th and helped
5 Lieutenant Dale Edwards to try locate more evidence. We were at
6 the scene and we were working the back with him at the scene.

7 Q And tell us what you did that day or what you
8 discovered?

9 A As we got back up here around the scene where Mr.
10 Roberts was laying at and I seen where the gunshot went in the
11 concrete and splattered out. At that point we are starting to
12 look for fragments of the bullet. At that point we started
13 looking and around the back door -- you should have a picture of
14 it -- around the back door, the wooden frame you can see little
15 bits of fragments in the door frame.

16 Q All right. All right.

17 Q So did you collect those or did someone collect those?

18 A Ma'am, I don't touch nothing. I point.

19 Q That is good. That is a good thing.

20 A I pointed it out. He collected the round. The pieces
21 of fragment out of the door frame.

22 Also as we was looking we were on our hands and knees
23 looking and there was a hose pipe rolled up on a stand on the
24 side of the house. As we started looking we see holes in the
25 hose pipe where the fragment went into the hose pipe. At that

1 point we cut the hose pipe open, fragments drop out. Lieutenant
2 Edwards collected it. I don't touch it.

3 Q Okay. Understood. All right. One final thing, did you
4 guys take photographs or did Lieutenant Edwards take some
5 photographs in the daylight of this trail that led all the way
6 back towards 5th?

7 A Yes, ma'am.

8 Q Okay. I will show you just so you can tell the people
9 about it in the daylight what it looked like, State's 30, States
10 32, 33, 34, 35, 37, 38, 39, and 40 and I will just have Miss
11 Mary put them on the overhead.

12 MS. HODGE: At this time we move to admit those
13 item numbers.

14 MR. FREDERICK: Without objection.

15 THE COURT: Can I get those numbers again, please.

16 MS. HODGE: Thirty and it skips to 32, 33, 34, 35
17 and skips to 37, 38, 39, 40.

18 THE COURT: They are admitted.

19 MS. HODGE: Thank you, Your Honor.

20 (State's Exhibits 30, 32, 33, 34, 35, 37, 38, 39
21 and 40 received in evidence as of this date.)

22 Q State's number 30, you've been great with a lot of
23 detail so if you want to go over, summarize for us what you did
24 the nighttime. This obviously is the day time.

25 Q At night we came up this side, up the driveway. This

1 is where Miss Phillips must have been laying at. I didn't want
2 to get in that area due to the contamination, and the scent pool
3 there. So we started at this wall and came up this wall right
4 here and up this wood line until we got to the point where he
5 slid down the hill?

6 Q All right. Does it show on that photograph or do you
7 have to back up even further from where that photograph ends at
8 the right?

9 A Right here, where we came up is going have to be a
10 little bit longer because we went past that point right there.
11 Like I said I mental noted with the window of the house.

12 Q Okay. State's number 32.

13 A Okay. This that is behind the wall. Some stuff he had
14 right there along the logging road behind his road.

15 Q So it is fairly open and clear?

16 A Yes, ma'am. That's the road right behind there. It
17 comes straight into his back yard. If you look -- go back to
18 the last picture.

19 Q Okay. State's number 30.

20 A That is the road going up through yonder. Straight
21 through his driveway, back to the back of his house.

22 Q All right, and State's number 33.

23 A See it goes right back. That's the logging road goes
24 straight to his house.

25 Q And 34.

1 A Thirty-four, you see there that is his house and here
2 is power line we was coming down.

3 Q Again pretty open, pretty clear?

4 A Yes, ma'am.

5 Q Do you have estimate of the distance?

6 A Ma'am, I would say approximately -- I would say 175 to
7 200 yards. It is not far at all.

8 Q Is that from the house to where this picture is being
9 taken or to the actual street?

10 A Probably the whole track wasn't that long. I mean,
11 probably 200, right around 200 yards.

12 Q Okay. Two football fields basically is the distance?

13 A Yes, ma'am.

14 Q And then State's number 35, I think before your
15 testimony you are speaking about this area?

16 A Yes, ma'am. You see the incline this comes off right
17 here before we come to the left and we started coming around
18 here and when we come off this little incline right here this is
19 where the deer carcass was at. We come around this edge and
20 come around through here.

21 Q And again very open?

22 A Yes, ma'am

23 Q Easy area to walk?

24 A Yes, ma'am.

25 Q Okay. State's number 37.

1 A As I explained to you earlier as we are coming around
2 here -- as we coming around at this point right here, this is
3 where the multiple foot prints was at like he was looking up.
4 This is 5th Street like he was looking out, looking up may be to
5 see if the coast was clear.

6 Q And then, State's number, 38.

7 A And at this point right here we see right here this
8 comes out to 5th Street again, like I said multiple footprints
9 here and then I see the other footprints when we was coming back
10 and I was taking forensics and we see the other footprints
11 coming back down this side.

12 Q And then State's number 40.

13 A That is the end -- this is the end of 5th Street that
14 goes in to the property that goes straight to Melvin Roberts's
15 residence.

16 Q And is that where the dog ended up dropping the scent?

17 A When we come out here, it was raining that night as you
18 see right here, you can see tire prints in the mud. When he
19 come out here that night I had transfer mud from his shoes,
20 three footprints impression. Three foot impressiones that we
21 seen coming out. We go up this little piece and then he drops
22 it.

23 Q Thank you, very much. I think that clears some of that
24 stuff up.

25 MS. HODGE: That is all I have for you. Please

1 answer any defense questions.

2 Do you want me to take this down?

3 MR. FREDERICK: Yeah, you can take it down.

4 CROSS EXAMINATION

5 BY MR. FREDERICK:

6 Q Most of these are already in evidence. A couple of
7 them are not. But if you would just tell me if you recognize
8 this?

9 A Yes, sir, that was the bracelet behind the wall. Yes,
10 sir.

11 Q Okay. That is is bracelet that we were just talking
12 about and it shows the location with the marking?

13 A Yes, sir.

14 MR. FREDERICK: And I am talking about Exhibit
15 number 25.

16 THE COURT: Are you offering these exhibits?

17 MR. FREDERICK: Yes, sir.

18 THE COURT: And have you shown each of those to
19 Miss Hodge?

20 MR. FREDERICK: I have.

21 THE COURT: Do you have any objection to any of
22 those photographs.

23 MS. HODGE: Not as long as the witness can lay the
24 foundation. There is one I am not sure that he can.

25 MR. FREDERICK: I will run through them quickly.

1 Q I am showing you have number 21.

2 A Same picture. Just closer up.

3 Q That was bracelet that was found behind the wall?

4 A Yes, sir.

5 Q This is already in evidence I believe. Can you identify
6 that?

7 A Yes, sir. It is the trail that comes out to 5th
8 Street.

9 Q Exhibit number six. I am showing exhibit number five,
10 defendant's number five.

11 A Yes, sir. That is the sand. That is soil coming off
12 of 5th street going straight towards Melvin Roberts residence on
13 the power line.

14 Q And we already looked at these pictures?

15 A Yes, sir.

16 Q And can you identify Defendant's Exhibit number four?

17 A Yes, sir. That is going to be Sara Robbin's vehicle
18 she drove back then.

19 Q And is this --

20 A That's 5th street, yes.

21 Q And Defendant's Exhibit number three?

22 A End of 5th street.

23 Q Okay. And that is already in evidence as well. We
24 were just talking about that one. Tell me if you can identify
25 Defendant's Exhibit number 1?

1 A Yes, sir. That is the front entrance of Melvin
2 Roberts's residence.

3 Q Okay. And did you see this while you were there?

4 A No, sir, I did not.

5 Q This was taken on February the 8th.

6 A I did not see that when we were there.

7 Q Who was it that took these photographs?

8 A I do not know.

9 Q When the prosecutor asked you earlier it was yourself
10 and someone else that was there?

11 A Lieutenant Edwards.

12 Q Lieutenant Edwards?

13 A Yes, sir.

14 Q If you were not taking the pictures was Lieutenant
15 Edwards taking the pictures?

16 A Lieutenant Edwards or Bill Mumaw was there.

17 Q I will wait on this one.

18 A Yes, sir.

19 Q And if you will tell me if you can identify Defendant's
20 Exhibit number 16?

21 A Yes, sir. This is a part of behind the wall where you
22 see the broken bricks was never cleaned up when they made the
23 wall. And you see chunks of concrete on the bricks behind the
24 wall.

25 Q Okay. Is it a close-up?

1 A Yes, sir. It is just farther apart up because in this
2 picture right here it shows all the bricks. On this picture it
3 just shows one brick at the top.

4 Q Okay.

5 MR. FREDERICK: And I would move into evidence
6 defendants Exhibits 21, 6, 5, 4, 3, 25, and 16, Your
7 Honor.

8 MS. HODGE: Without objection.

9 THE COURT: They are admitted.

10 (Defendant's Exhibits 3, 4, 5, 6, 16, 21 and 25,
11 photographs received in evidence as of this date.)

12 Q Now, when we were looking at just a minute ago, when we
13 were talking about the spot where you could tell a person
14 stopped and they are walking kind of in place?

15 A Yes, sir.

16 Q Like they were looking and I think you said looking
17 like to see if the coast is clear or looking to see if an
18 accomplice is there to pick them up?

19 A Yes, sir.

20 Q Would that be fair to say?

21 A Yes, sir.

22 Q The only other thing I wanted to ask you, you had said
23 at one point a container like might hold blueberries had got
24 your attention?

25 A Yes, sir. A little clear container, if you will show

1 back up on the hill where it goes down right beside the flag,
2 that's where I found the toe dig, right beside it that is what
3 caught my eye was the clear open container, the little plastic
4 container.

5 A Was it empty like trash?

6 A Yes, ma'am -- I mean, yes, sir.

7 Q So probably that was not connected?

8 A No, sir.

9 Q Okay.

10 A That was just a marker that I had, as to a mental note
11 I had in my head for the toe dig in the dirt and the leaves and
12 stuff there.

13 MR. FREDERICK: Okay. That is all the questions I
14 have.

15 MS. HODGE: No redirect.

16 THE COURT: You may step down.

17 THE WITNESS: Thank you.

18 MS. HODGE: Your Honor, may he be excused.

19 MR. FREDERICK: Just if he can be on call just in
20 case Your Honor.

21 THE COURT: All right. You can leave but you are
22 still under subpoena. You have to come back if you
23 are needed.

24 THE WITNESS: Yes, sir.

25 MS. HODGE: The State calls Sara Robbins.

1 SARA ROBBINS, called as a witness, having been
2 duly sworn by the clerk, was examined and testified as
3 follows:

4 DIRECT EXAMINATION

5 BY MS. HODGE:

6 Q Miss Robbins, who do you currently work for?

7 A York County Solicitor's office.

8 Q How long have you been with the solicitor's office?

9 A Two and a half years.

10 Q And what are your duties with the solicitor's office?

11 A I assist the paralegals with their different duties and
12 also a receptionist.

13 Q Do you also do some translating?

14 A Yes.

15 Q Which language do you speak?

16 A Spanish.

17 Q Were you employed with York Police Department prior to
18 working at solicitor's office?

19 A Yes, I was.

20 Q How long were you with York PD?

21 A Twenty-nine years.

22 Q And when -- you retired?

23 A Yes.

24 Q When you retired what was your rank?

25 A Lieutenant.

1 Q And were you employed in that capacity February the 4th
2 of 2010?

3 A Yes, I was.

4 Q And were you actually working on that evening?

5 A No.

6 Q Were you called to assist or do any investing in the
7 murder of Melvin Roberts?

8 A Yes, I was called out.

9 Q Tell me about that?

10 A I had gone to church that night and I had left my
11 telephone at home so when I came home my husband told me that
12 that the police department had been calling me and something had
13 happened to Melvin Roberts and so I turned around and left and
14 went straight to his house.

15 Q And were you in uniform when you did this?

16 A No.

17 Q Had you come home from work and changed or done
18 anything?

19 A I had come home from work at about five o'clock, had
20 eaten some supper took a shower, changed clothes and went to
21 church to choir practice.

22 Q When you went back out did you go back into the
23 uniform?

24 A No.

25 Q Did you put your handgun on?

1 A No.

2 Q And tell us what you did first?

3 A I went to the scene and spoke with Chief Mobley. He
4 told me that things were pretty much under control there. He
5 asked me to go back to the police department and see if I could
6 assist Lieutenant Edwards with interviewing Miss Phillips.

7 Q All right. So did you do anything at the scene?

8 A No.

9 Q And what time was it do you think you got back to the
10 police department to assist Lieutenant Edwards?

11 A It was probably close nine o'clock, nine p.m. shortly
12 before.

13 Q And what did you do when you got there?

14 A I went in to the lieutenant's office with him and he
15 had just started talking to go her and I just sat there. I
16 didn't do to much talking. He had everything under control so.

17 Q So you were observing?

18 A Yes.

19 Q Or there if need be?

20 A Yes.

21 Q Did you at any point in time take over the interview or
22 anything like that?

23 A No.

24 Q What did you notice about the defendant at the time?

25 A She had duct tape around her head and around her wrists

1 and her feet. She was -- her face was clean, dry. She didn't
2 appear to be muddy or wet or anything like that.

3 Q Did she appear to have, or did she claim to have any
4 injuries?

5 A She had a couple of scratches on her hand.

6 Q How about anything on head, face, body?

7 A No.

8 Q Did she ask at any point that you heard for any medical
9 treatment or want to leave to the hospital?

10 A No, she didn't.

11 Q Okay. Tell me about her emotional state or her
12 demeanor?

13 A She was she was calm. There were a couple of times
14 where she would kind of break down and cry a little bit, but for
15 the most part she was calm. She even joked. She even joked
16 with Lieutenant Edwards. He had her stand up to take some still
17 photographs of her and she even asked him if he was going to use
18 them put those on playboy.

19 Q So at this time she was able to easily communicate,
20 understood what Sergeant, at the time, Edwards was asking her to
21 do?

22 A Yes.

23 Q Telling her to do, she responded?

24 A Yes.

25 Q She appeared to understand that she was at the police

1 department?

2 A Yes.

3 Q And that this was in reference to getting information
4 about the murder of Melvin Roberts?

5 A Yes.

6 Q Did she appear to be under the influence of drugs or
7 alcohol or anything?

8 A No.

9 Q And was she freely and voluntarily speaking to
10 Lieutenant Edwards?

11 A Yes.

12 Q Was she in custody at this time?

13 A No, she was not.

14 Q And was anyone going to arrest her that night?

15 A No.

16 Q Or take her into custody?

17 A No.

18 Q So if she wanted to stop talking and to leave the
19 police department was she free to do that?

20 A Yes, she was.

21 Q Were you present for the entire interview that
22 Lieutenant Edwards did?

23 A Yes.

24 Q About how long did that interview last, do you recall?

25 A Until about -- probably about five hours.

1 Q Very lengthy?

2 A Yes.

3 Q And was it being videotaped?

4 A Yes, it was.

5 Q And was the camera visible?

6 A Yes.

7 Q So she would have known it was being videotaped?

8 A Yes.

9 Q Were you asked to do anything else that night to assist
10 Lieutenant Edwards?

11 A When to take her clothing.

12 Q How did that come about?

13 A We knew that we needed to get her clothing for any
14 potential evidence that there could possibly be there. So I
15 took her into the ladies's restroom to get her clothes.

16 Q Okay. And did she have clothes to change into?

17 A Yes, someone had brought her something to put on.

18 Q What items were you wanting to collect at that time?

19 A Her outer clothes. Well, I had asked her for all of
20 her clothes and she at that time refused to give me her
21 underwear, but she did give her jeans and the two blouses that
22 she had on. She would not of give me her interior clothes or
23 her shoes.

24 Q At the point that you go into the restroom to get the
25 clothing had she been talking for a little while already to

1 Lieutenant Edwards?

2 A Yes.

3 Q Okay. And she was freely and voluntarily going into
4 the bathroom and was willing to give up the shirts and the
5 pants?

6 A Yes.

7 Q I will show you -- was it normal in the course of
8 investing a murder to collect clothing from any possible witness
9 or anyone close to the crime scene, that kind of thing?

10 A Yes.

11 Q So it was not unusual practice to ask for her clothing?

12 A No, not at all.

13 MS. HODGE: May I have this marked.

14 (State's Exhibit 57 and 58, clothes marked for
15 identification as of this date.)

16 Q Let me show you what has been marked State's number 57
17 and do you recognize State's number 57? Feel free to look
18 inside the bag as well.

19 A Yes.

20 Q Tell us what State's 57 is?

21 A This is a black shirt.

22 Q And where did it come from?

23 A It came off of Julia Phillips.

24 Q Did she hand it to you?

25 A Yes, she did.

1 Q And did you put it in a bag?

2 A I did.

3 Q And was this bag to be sealed?

4 A Yes.

5 Q And it might be difficult to say but, if you will open
6 that up and just look. Let me know if that is the black shirt?

7 A Yes.

8 Q And is it in essentially the same condition?

9 A Yes.

10 Q Obviously it has been sent to SLED for testing, but
11 essentially the same condition?

12 A Yes.

13 MS. HODGE: We would move to admit State's number
14 57.

15 MR. FREDERICK: No objection.

16 THE COURT: Admitted.

17 (State's Exhibit 57, black shirt, received in
18 evidence as of this date.)

19 Q And the same thing, can you identify State's number 58?

20 A Yes.

21 Q What is that?

22 A That is the white shirt that she had on. I believe it
23 was on over the top of the black one.

24 Q Okay.

25 A Or she had two shirts, so that is the white one and it

1 is also wrapped -- it is also now in a SLED bag.

2 Q And is it in substantially the same condition aside
3 from testing as when you collected it?

4 A Yes.

5 MS. HODGE: I want to move to admit State's
6 number 58.

7 MR. FREDERICK: Without objection.

8 THE COURT: It is admitted.

9 (State's Exhibit 58, white shirt, receive
10 evidence as of this date.)

11 Q And you got these items from her in the bathroom; is
12 that correct?

13 A That's correct.

14 Q And placed them into these paper bags?

15 A Yes.

16 Q And then these paper bags were sealed?

17 A Yes.

18 Q All right. And was there another officer that helped
19 with the sealing of bags?

20 A Yes Detective Naylis.

21 Q Okay. And did he do that in your presence?

22 A He did.

23 Q All right. And when you were it getting the clothing
24 from the defendant were you wearing any gloves?

25 A I was.

1 Q And again had you handled your firearm or done anything
2 with your firearm that day?

3 A No, not at all.

4 Q When was the last time you discharged your firearm or
5 shot your firearm?

6 A Whenever we had qualifications last before I retired.
7 I don't remember.

8 Q Would it have been days? Weeks? Possible months?

9 A You mean before that day?

10 Q Before take day.

11 A That was in February, so probably would have been in
12 October maybe, the year before.

13 Q Okay. A good bit of time?

14 A Yes.

15 Q All right. And then she also at that time gave you
16 pants; is that correct?

17 A Yes.

18 (State's Exhibit 59, blue jeans, marked for
19 identification as of this date.)

20 Q I am handing you State's number 59. Can you tell me
21 what that is?

22 A These are the blue jeans that she had on.

23 Q And aside from any testing that was later done are they
24 essentially in the same condition?

25 A Yes.

1 MS. HODGE: Okay. We would move to admit State's
2 number 59.

3 MR. FREDERICK: Without objection.

4 THE COURT: So admitted.

5 (State's Exhibit 59, blue jeans, marked for
6 identification as of this date.)

7 Q But at the time it was not in the white wrapper it was
8 in the the brown paper bag?

9 A Yes.

10 Q And it was again sealed?

11 A Yes.

12 Q At that point you did not get undergarments or shoes;
13 is that correct?

14 A That's correct. She didn't want to give it to me and I
15 didn't press her for it.

16 Q Okay. So, at some point later did you have to come
17 back to her and ask for those items?

18 A Yes.

19 Q Tell us what happened then?

20 A Well, we thought we might need them due to some things
21 that she had said about thinking that the suspect or the
22 assailant might rape her or that he touched her in any way. We
23 wanted to be sure that there wasn't anything on her underwear,
24 so, we asked her for them again. She refused. So we had to get
25 a search warrant.

1 Q All right. How about the shoes. Did you want to get
2 those as well?

3 A Yes.

4 Q And what was the purpose in getting the shoes?

5 A For any shoe impressions that could possibly be.

6 Q All right. And were the shoes something she wanted to
7 give up?

8 A She did not.

9 Q Was that even -- she wanted to give them those up less
10 than she wanted to give up the under garments?

11 A Yes.

12 Q And search warrant was obtained?

13 A Yes, it was.

14 Q And then did you collect the undergarments; bra,
15 panties and the shoes?

16 A Yes, we did. Someone had brought some from the house
17 to change in to.

18 Q And were you and the other officers trying to work with
19 her as far as providing clothing and undergarments, shoes and
20 those kind of things?

21 A Yes.

22 Q I will show you what has been previously identified as
23 States 47. If you can look in that bag and tell me what those
24 are?

25 A These are the shoes that she was wearing that night.

1 Q Okay. And are they in substantially the same condition
2 as when you collected them?

3 A Yes.

4 MS. HODGE: I move to admit State's number 47.

5 MR. FREDERICK: Without objection.

6 THE COURT: It is admitted.

7 (State's Exhibit 47, shoes, received in evidence
8 as of this date.)

9 Q When you collected the shirts and the blue jeans and
10 placed them in these bags and sealed them up, was there any
11 significant amount of wetness to the clothing?

12 A No. There was a little bit of mud on the bottom of the
13 jeans but other than that, no.

14 Q And the blue jeans you are referring to are State's
15 number 59. So these are the blue jeans she was wearing?

16 A Yes.

17 Q And you noted a little bit of mud to the bottom?

18 A Just on the bottom.

19 Q Okay. And that white shirt, did you note any mud on
20 the white shirt?

21 A No.

22 Q The shirt tales or the sleeves?

23 A No.

24 Q I will show you State's number 58. Some things have
25 been tested on it, is that correct?

1 A Yes.

2 Q So it did not have these black marks and blue marks on,
3 is that correct?

4 A No.

5 Q And the the black vest, did you notice any muddiness,
6 or anything on the black shirt when you collected it, State's
7 number 57?

8 A No.

9 Q All right. After receiving all of the personnel items
10 of Miss Phillips did she then go back and continue to talk to
11 Lieutenant Edwards a little bit more?

12 A Yes, a little bit more.

13 Q And about what time do you think this interview ended?

14 A It was around two or three a.m., I think.

15 Q So it was pretty late?

16 A Pretty late.

17 Q And did it end just because the police said, okay, we
18 are good for tonight. You can go?

19 A Yes.

20 Q It wasn't that she was demanding to leave or anything
21 like that?

22 A No.

23 Q All right. Then what was your next step in this
24 investigation? What did you do the next day?

25 A The next day we contacted a SLED forensic artist to

1 come and talk with her to see if we could get a good enough
2 description that he could do a drawing. A sketch artist.

3 Q At at this point was she was alleging there was a
4 perpetrator?

5 A Yes.

6 Q Did she state a single or multiple?

7 A She stated there was one individual.

8 Q And did you have a SLED artist come? What is the
9 purpose of the SLED artist?

10 A Just to try and get a description from the victim in
11 order to make posters and let people know that this is somebody
12 we are looking for. People give the description and SLED artist
13 do the drawing based on what they say, asking questions about
14 different characteristics.

15 Q And did the defendant agree to come and speak to the
16 sketch artist?

17 A She did.

18 Q Did she come to police station?

19 A Yes.

20 Q And this was after the evening of speaking to the
21 police?

22 A Yes.

23 Q And were you present during that attempt to get a
24 sketch?

25 A Yes.

1 Q And was she freely and voluntarily speaking to the
2 sketch artist and I guess yourself as well in that meeting?

3 A Yes.

4 Q Did she appear to be coherent as far a understanding
5 what was being asked of her and what what is expected of her?

6 A Yes.

7 Q Did she have any qualms or questions about what was
8 going on or why did she need to be there?

9 A No.

10 Q Did she appear to be understand the influence of any
11 drugs or alcohol that was altering her decision making process?

12 A No.

13 Q Pretty easy to communicate with her at this meeting?

14 A Yes.

15 Q Other than if she gave you any responses that were
16 concerning was she responding appropriately to the question?

17 A She wasn't able to give a description good enough that
18 the artist could -- he couldn't draw anything based on the
19 things that she was saying. She was -- she said that the
20 assailant she said his hair was curly. This was not something
21 she had mentioned before. He had brown eyes and couple of
22 minutes later she changed it and said they were green. She
23 talked about him what a tender voice he had and how he had
24 shoved her face in the mud and that he had spoken Spanish.
25 Before she had said he spoke with and accent but this time she

1 said that he spoke Spanish.

2 She described his clothing differently from the way she did
3 the night before.

4 Q Okay. Do you have a report that documents what she
5 said?

6 A Yes.

7 Q And would you mind referring to your report and if you
8 had noted what she said if you could just read that out.

9 A Do you want me to read all of it.

10 Q Whatever she said to you while you were with the sketch
11 artist, yes.

12 A "On Friday, February the 5th, 2010 a SLED forensic
13 artist was called in, Mike Lynch, to met with Julia in an
14 attempt to get a sketch of the suspect. Julia was unable to
15 provide a description that was good enough for him to draw. She
16 made several statements during this interview that were
17 inconsistent with things that she had stated earlier. She
18 described the subject as talking more and said once that he even
19 spoke in Spanish to Melvin.

20 She told the artist once that the subject's hair was curly.
21 She had not mentioned this before. Once she stated that his
22 eyes were dark brown and few minutes after this she said his
23 eyes were hazel or green. She stated that it was at less 20
24 minutes from the time she heard the shot to the time she was
25 able to free herself and call 911. She stated that once she had

1 heard a zipper noise from the subject while she was behind the
2 brick wall. She thinks she had seen him somewhere before. She
3 stated that once she asked him, where are you, because he had
4 gotten very quiet and he pushed her in the mud face down yanking
5 her by her hair.

6 She heard Melvin's suburban and saw the lights and heard
7 Melvin's voice and the subjects. That is when she said he was
8 speaking Spanish. She heard a struggled. The shot was fired
9 and everything got very quiet. She said she was scared he was
10 coming back to kill her. She took the key in her hand and
11 worked the key to rip apart the tape that was binding her hands.
12 She loosened her hands and then her feet. She said her eyes and
13 mouth were still taped. She said she tried to stand up but she
14 fell. Her feet felt frozen and she had no balance. She got to
15 the wall and steadied herself and tried to get to her car. She
16 got to the car and cracked it up and turned the heat on and
17 locked the door. She said that she made phone calls to various
18 people.

19 She stated that the subject had a soft voice and didn't
20 raise his voice, but when she tried to get up he threatened to
21 kill her if she moved again. She said he was wearing baggy
22 demin jeans and was hefty and taller then she was with heels.
23 Had a tan colored face. Darker than tan. She said he seemed
24 like a school kid with a tender voice and his eyes were not
25 wild."

1 Q All right. And based on those things the sketch artist
2 was not able to make a composite?

3 A No.

4 Q And those things were changing within that timeframe
5 that she was actually talking to the sketch artist?

6 A Yes.

7 Q Eye color, hair, those kinds of things?

8 A Yes.

9 Q After she met with the artist and he could not render a
10 composite was she asked to stay and do anything else or was she
11 free to go?

12 A No. As far as I recall she was free to go at that
13 time. I don't remember doing anything else.

14 Q And then did you do other steps in this investigation?

15 A Yes. I canvassed the area around 5th Street knocking
16 on doors. I think I had done some of that earlier that day
17 before she came. Knocking on doors, both sides of the street,
18 talking to people to see if anyone had seen anything.

19 Q All right. And did any leads develop or any evidence
20 develop from your talking to the people around 5th Street?

21 A No leads developed from that.

22 Q Did you speak to the neighbor across the street from
23 Melvin Roberts's house, Gina Bass?

24 A Yes, I did. I don't remember what day, but I did speak
25 with her.

1 Q And anything she said did any leads develop out of the
2 information that she gave you?

3 A No.

4 Q Did you also talk to any of Melvin's family members?

5 A Yes. I spoke with his sons and we also had gotten
6 information from them have about people that could potentially
7 had a problem with Mr. Roberts. People that maybe didn't like
8 him or had some kind of issue with him as tenants. And we asked
9 for assistance from the sheriff's department to help us try to
10 track down those and nothing developed from any of that either.

11 Q So there were attempts by you and/or other law
12 enforcement officers to find someone that may have possibly had
13 a bad feeling -- bad dealing or grudge of any kind against Mr.
14 Roberts?

15 A Yes.

16 Q And through the course of investigation no leads
17 developed out of names or the information provided by his sons
18 or through those contacts?

19 A No. Nothing.

20 Q Did you in fact talk to either would be his secretary
21 or paralegal?

22 A Yes, I did speak with his secretary.

23 Q Regarding potential client information?

24 A Yes, she gave me some information on someone and we
25 checked that out and nothing developed from that either.

1 Q And then I believe did you talk to maybe a friend of
2 Mr. Roberts as well, a Dennis Rayfield?

3 A Yes, I did.

4 Q And did anything that he told you at that time develop
5 or turn in to any type of lead as to this unknown assailant?

6 A No.

7 Q And did you then talk to Mr. Rayfield's wife, Diane
8 Rayfield and did you have a conversation with her?

9 A Yes.

10 Q And was she a friend and acquaintance of Melvin Roberts
11 as well?

12 A Yes.

13 Q And was she a friend and acquaintance of the defendant
14 as well?

15 A Yes.

16 Q Did she suggest people that you needed to talk to also?

17 A Yes, I believe that was when I spoke with Angela
18 Durham. I believe she had given me her name.

19 Q And Angela, who is and Angela Durham?

20 A She was a friend of Julia's.

21 Q Did she work in Julia's store at that time of the
22 murder?

23 A I think she had worked there for a short time.

24 Q Did you talk to Angela Durham?

25 A Yes.

1 Q She came to the police department?

2 A Yes.

3 Q And did anything that she told you or any information
4 she gave you did that lead to developing another suspect, or a
5 suspect?

6 A No.

7 Q And was your -- were you involved in the final arrest
8 of the defendant?

9 A Yes, I was.

10 Q And when did that occur, do you recall?

11 A May. It was May 18th or something like that.

12 Q Okay. And how did -- were you personally the one who
13 arrested her or someone else?

14 A Lieutenant Edwards and I went together to Gaffney.

15 Q And why did you go to Gaffney?

16 A That is where she was. She was still operating her
17 store and we went there to serve the arrest warrant on her.

18 Q Let's go back and talk about the clothing items. I
19 will hand you -- I am sorry, I need to mark that.

20 (State's Exhibit 60, property sheet, marked for
21 identification as of this date.)

22 Q I will hand you what has been marked State's number 60.
23 Can you identify this please?

24 A This is the property sheet that has listed the clothes
25 that were taken from Miss Phillips as well the DNA swab, GSR and

1 the duct tape.

2 Q Okay. And is your name on that property and evidence
3 sheet?

4 A Yes, it is.

5 Q Okay. And why is it on there? Tell the jury a little
6 bit about that process and why your name is on there?

7 A I filled the sheet out and I was also the evidence
8 custodian at that time. I had taken the pants and the shirt,
9 panties, bra and shoes and I labeled those as items as one, two,
10 three, four, five and six and I initialed. Put my initials to
11 the side of that to indicate that I was the person who collected
12 those items of evidence.

13 The other items were -- I also filled that out and they
14 were taken, the DNA swab, GSR and the duct tape. Those are the
15 ones the SLED agent, and the shoes that night, she took items
16 six through nine and it is indicated on here.

17 Q Okay. And were you present during her testimony
18 yesterday?

19 A Yes, I was.

20 Q And you gave her only items six through nine on the
21 night that she came to investigate?

22 A That is correct.

23 Q And she took away items six through nine?

24 A Yes.

25 Q She did not take items one through five?

1 A No.

2 Q Okay.

3 A This is the carbon. The original is white and this was
4 torn off that night and placed in to the investigation folder.

5 Q Okay.

6 A And it is written on here items six through nine.

7 Q Okay. And I will ask you to compare that to
8 defendant's exhibit 36. What is defendant's exhibit 36?

9 A This is a photo copy of this and it didn't cut off the
10 edges of the paper. For some reason it is cut off. Like it has
11 got my initials. It doesn't have the S on here. It cut off the
12 edge and it cut off the loop part of the -- well, it's only got
13 the circle of the six and I don't close my circles in very well,
14 so it does look like one through nine, but it is actually six
15 through nine are the items that she took and other items were
16 remaining in evidence.

17 Q And you can see that clearly on the carbon copy of the
18 original?

19 A Yes.

20 MS. HODGE: And we would move to admit State's
21 number 60.

22 MR. FREDERICK: No objection.

23 THE COURT: It is admitted.

24 (State's Exhibit 60, Property sheet, received in
25 evidence as of this date.)

1 MS. HODGE: Thank you, Miss Robbins, please answer
2 any defense questions.

3 CROSS EXAMINATION

4 BY MR. FREDERICK:

5 Q I might have missed this but what we are trying to
6 figure out from this, on this first five, did those stay at your
7 police department? Did they ever go to SLED?

8 A They did go to the SLED but not at that time.

9 Q Do you know who took them?

10 A Detective Naylis took them, I believe.

11 Q So he delivered them himself?

12 A It would be on the chain of evidence on the packages
13 themselves if I can see that I can tell you.

14 Q Sure. Just any of them?

15 A Yeah, because he would have -- I'm pretty sure he took
16 them the next day.

17 Q And I think that say Naylis, is that what it says?

18 A Yes, that is his signature. He put them in evidence
19 then I took them out of evidence and logged them out of evidence
20 to myself. Then I logged them out of evidence to him and they
21 were taken to SLED.

22 Q So he drove them to SLED?

23 A Yes, whoever initials are on there.

24 Q Okay. So these jeans have been either at SLED or York
25 Police Department for three years now, right?

1 A Yes. They went to SLED and at some point they came
2 back to the police department.

3 Q And the brown stuff on the legs of these jeans, what is
4 that?

5 A At the bottom.

6 Q Yes.

7 A That is the mud or the dirt that I was talking about
8 that was on the pants.

9 Q Okay. And mud when it dries what does it do, gets
10 hard?

11 A Yes.

12 Q Cracks?

13 A Yes.

14 Q Okay. And it tends to come off once it is dry, doesn't
15 it?

16 A Yes.

17 Q Do you know -- I will hand you something. Don't read
18 from it. Okay. And don't read out loud.

19 A Okay.

20 Q There was a roll of duct tape that was taken from
21 Julia's house is that right?

22 A I would have to look.

23 Q You can look at it just don't read out loud from it.
24 That is to refresh your recollection.

25 A Yes.

1 Q There was also a roll of duct tape from Melvin's house,
2 right?

3 A Yes.

4 Q And did those two rolls of duct tape match the duct
5 tape that was found on Julia?

6 MS. HODGE: Your Honor, I am going to ask that she
7 only testifies to her personnel knowledge. I don't
8 know if she created that report.

9 THE COURT: You can testify if you did the testing
10 then you would have knowledge.

11 A I had nothing to do with that.

12 Q Okay. You did receive this though, correct?

13 A The police department received it. I am pretty sure I
14 don't know.

15 Q You were the Lieutenant Sara Robbins at the time?

16 A Yes.

17 Q Now, let me ask you this, we talked about the sketch
18 artist?

19 A Yes.

20 Q And you were there when the sketch artist came?

21 A Yes.

22 Q And when was that?

23 A It was the next day.

24 Q The next day a sketch artist came from SLED to draw a
25 picture, composite based on her description, right?

1 A Right.

2 Q At this point you had already met with Julia, right?

3 A Yes, I was present when Lieutenant Edwards spoke with
4 her.

5 Q You were there when he questioned her for five hours
6 the night before?

7 A Yes.

8 Q Okay. And you knew based on what she had said during
9 that interview she said her attacker was behind her the whole
10 time, is that true?

11 A She said that he was behind her, but she also had
12 described his clothing.

13 Q She -- after sit with Julia in a room for five hours do
14 you know, you knew at the time that Julia exaggerates, is that
15 fair to say?

16 A I would say.

17 Q And is it fair to say that at that point you knew that
18 she couldn't give a consistent description?

19 A She was not consistent. That is correct.

20 Q You knew that she never described the attacker's face
21 in five hours, is that true?

22 A That is true.

23 Q Okay. And any time that she told you or Sergeant
24 Edwards what the attacker was wearing it changed, right?

25 A Yes.

1 Q And yet you brought a sketch artist to draw a picture
2 based on her description?

3 A Yes. We brought a sketch artist in to try to get -- to
4 try to get to the actual description.

5 Q Okay. Isn't it true that that really didn't serve any
6 purpose except to prompt her to make more inconsistent
7 statements? I mean you know that she can't give a consistent
8 description. You saw how she was for five hours the night
9 before yet you brought a sketch artist?

10 A Yes, we were trying to get a description.

11 Q You were trying to get a more inconsistent statements?

12 A We were hoping to get something consistent.

13 Q Did you expect more inconsistent statements?

14 A I don't know what we expected. We were just trying to
15 get a description.

16 Q Okay. Now the prosecutor just asked you about leads
17 that had been developed, right?

18 A Yes.

19 Q I will hand you your notes to refresh your
20 recollection. You canvassed the area behind 5th Street?

21 A Yes.

22 Q And you developed no leads whatsoever?

23 A No.

24 Q Is that what your testimony was?

25 A Yes.

1 Q Okay. And is it not true that you spoke with a witness
2 who saw two guys walking into the woods?

3 MS. HODGE: Objection to anything a witness said.

4 THE COURT: Sustained.

5 MR. FREDERICK: Judge, she opened the door to it.
6 She asked the question all ready.

7 MS. HODGE: I did not. That is hearsay.

8 THE COURT: Sustained.

9 Q Was a lead developed based on your investigation that
10 two men walked into the woods?

11 MS. HODGE: Objection, Your Honor.

12 THE COURT: Let me see you for a moment

13 (WHEREUPON, there was an off the record
14 discussion.)

15 Q Miss Robbins ---

16 A Yes.

17 Q --- you spoke to a man name Gerone French; is that
18 right?

19 A I did.

20 Q And Gerone French lived at house number 80; is that
21 right?

22 A Yes.

23 Q And he lived on 5th street is that right?

24 A Yes.

25 Q And that was in the area behind the woods, behind

1 Melvin's house where that logging road comes out; is that right?

2 A Yes.

3 Q And based on your responses to the questions earlier,
4 is it true that you did nothing to follow up on whatever he told
5 you?

6 A There was anything to following up on.

7 Q Okay. Miss Robbins did you talk to Scott Rayfield as
8 well? Did you take take a statement from him? Don't say what
9 he said this is to refresh your recollection.

10 A Yes.

11 Q And based on what Scott Rayfield told you, you
12 developed no leads is that fair to say, based on your responses
13 to the prosecutor's questions?

14 A That is correct.

15 Q You did nothing to follow up what Scott Rayfield told
16 you, is that right?

17 A Again, there really wasn't anything here to follow up
18 on.

19 Q Okay. You spoke to a lady name Gina Bass, is that
20 right?

21 A Yes.

22 Q And let me ask you each of those -- well, that doesn't
23 matter. You spoke to Gina Bass?

24 A Yes.

25 Q She lives across the street from Melvin, is that right?

1 A Yes.

2 Q And her house is directly across the street from
3 Melvin's house, is that right?

4 A Yes.

5 Q You took a statement from her?

6 A Yes.

7 Q And based on what she told you you developed no leads,
8 right?

9 A We did try to follow up on some of the things she said
10 but was we didn't get anything.

11 Q What did you do to try and follow up on?

12 A She mentioned vehicle, an older model or early 90's
13 model, Lincoln Town car. We did everything we could to try and
14 find any vehicle like that going through D.M.V., but we didn't
15 get anything.

16 Q Are there no older model Lincoln Town cars?

17 A We checked out a few but nothing came out of it.

18 Q What did you check out?

19 A There were a couple around town, we ran tags on.
20 Talked to people.

21 Q Who did you talk to?

22 A I don't remember.

23 Q Do you have it anywhere in your notes?

24 A I don't know. I don't have it in what I got here, so I
25 don't know if it is in there anywhere or not.

1 Q Did you record this anywhere on any piece of paper in
2 the file for this case that you talked to some people who owned
3 older Lincoln Town car?

4 A At one time I know there was some printout of tag
5 numbers that we run, but I don't recall.

6 Q You just said that you talked to some individuals who
7 owned older Lincoln Town cars whose tags you had run. Is that
8 your testimony?

9 A I remember talking to someone but I don't recall who it
10 was.

11 Q Did you right that down anywhere in this case file?

12 A I probably did at that time, but I don't know what
13 would have happen to that piece of paper. If it is in the file
14 it may still be in there. I don't know.

15 Q Well, if you made an investigative note about an action
16 that you took to follow up a lead wouldn't that be in case file?

17 A It might be.

18 Q It might be?

19 A It might be.

20 Q If it is not where would it be?

21 A Nothing came of any of that so I don't know.

22 Q If nothing comes of it do you throw it away?

23 A Some times.

24 Q You throw away your investigative notes in a murder
25 case, really?

1 A It wasn't anything. There wasn't enough that came of
2 anything to have made an actual note. There could have been a
3 piece of paper with a tag number on it that leads to nothing.

4 Q So there was no note that was made?

5 A Not an investigative note like this, no.

6 Q Okay. So, if I understand you right now you are saying
7 you talked to some people who owned older Lincoln Town cars but
8 you did not make any investigative notes?

9 A Not any investigative note like this. There was a
10 piece of paper with a tag number on it that may have had some
11 notations on it as to a name and address, but nothing came of
12 any of that.

13 Q Do you have that piece of paper?

14 A I do not.

15 Q Does the solicitor have that piece of paper?

16 A I do not no.

17 Q Okay. In regard to information that was obtained from
18 the other witnesses no follow up was done on that, is that
19 right?

20 A What other witnesses?

21 Q Mr. Gerone French, no follow up was done?

22 A There wasn't anything to follow up on with Mr. French.

23 Q And Mr. Scott Rayfield's information, any follow up
24 done on that?

25 A There wasn't anything to follow up on there either.

1 Q Okay. I will accept that. Let me have those back.

2 Just a moment.

3 Where do you work now?

4 A Solicitor's office, York County.

5 Q You were present when the photographs of Julia were
6 taken; is that right?

7 A Yes.

8 Q Tell me if you recognize this?

9 A Yes.

10 Q We are talking about Defendant's Exhibit 22?

11 A Yes.

12 Q And can you just tell us what it is?

13 A It is picture of Julia, of her face.

14 Q The night of the 4th?

15 A Yes.

16 Q Okay. And tell me if you recognize Defendant's Exhibit
17 18?

18 A Is that an elbow?

19 Q Yes.

20 A Okay. That is her elbow. She had a scratch on the
21 elbow.

22 Q The night of the 4th?

23 A Yes.

24 Q Tell me if you recognize Defendant's Exhibit number 23?

25 A That is scratch on her hand.

1 Q The night of the 4th, right?

2 A Yes.

3 Q And can you tell me if you recognize Defendant's
4 Exhibit 24?

5 A I guess that is her arm.

6 Q Well, do you know?

7 A I don't remember. It appears to be extension of that
8 picture, so I don't remember that.

9 Q You are not sure?

10 A No.

11 Q We will wait for this one.

12 MR. FREDERICK: I move to enter Defendant's
13 Exhibits 23, 18 and 22 into evidence?

14 MS. HODGE: No objection.

15 THE COURT: They are admitted.

16 (Defendant's Exhibits 18, 22 and 23, photographs,
17 received in evidence as of this date.)

18 Q Your testimony was that Julia had a couple of scratches
19 on her hands, right.

20 A Yes.

21 Q And she had no other injuries?

22 A Yes.

23 Q That was your testimony. And this is her face?

24 (Indicating)

25 A Yes. She does appear to have a scratch on her face. I

1 didn't remember that.

2 Q Okay. On her face. And this was shortly after the
3 attack; is that right?

4 A Yes.

5 Q If she was going to have bruising it did not have time
6 to set in at that point, is that fair to say?

7 A Yes.

8 Q Okay. This is her elbow the night of?

9 A That's what it looks like.

10 Q Don't you think if she was pushed down into the mud as
11 you say she said, if she was pushed down behind that wall,
12 wouldn't these injuries be consistent with that?

13 A I don't know.

14 Q You don't know. If she was pushed down and her arms
15 were tied in front of her wouldn't these injuries to her elbow
16 be consistent with that?

17 A I believe her arms were like this.

18 Q Okay.

19 A They were tied like this.

20 Q Okay, so would that not be consistent with her being
21 pushed down with her arms tied in front of her?

22 A I think that would be consistent with falling or being
23 pushed, yes. That appears to be a scratch or abrasion.

24 Q A scratch. These injuries to her hands that you call a
25 scratch, is that more swelling like her hand had been hit pretty

1 hard, redness?

2 A I can't say what caused it. Some type of blow.

3 Q What you are looking at right now is some fairly
4 significant swelling, you can see that, right?

5 A I can see some, yes.

6 Q Would you think that would be consistent with her being
7 thrown to the ground with her hands tied in front of her; yes or
8 no?

9 A I don't know.

10 Q Okay. In your direct examination testimony you
11 testified that you all offered to get her underpants and shoes
12 from the house, have an officer bring it to her?

13 A Yes.

14 Q Isn't true that once you did that is when she gave up
15 her underpants and shoes, is that not true?

16 A I am sorry. Can you repeat the question.

17 Q You had the search warrants for her, correct?

18 A Yes.

19 Q For the underpants and the shoes?

20 A Yes.

21 Q And she still was saying look, I am not giving you my
22 underpants and shoes and you were trying to talk her into it?

23 A Right.

24 Q You were being fairly calm with her about it?

25 A Right.

1 Q And the compromise that you finally reached was an
2 officer will bring you underpants and shoes, right?

3 A Yes, and we had someone to do that.

4 Q And that was after the search warrant was obtained?

5 A I don't remember if that was after or if it was while
6 Lieutenant Edwards was getting it. Lieutenant Edwards got the
7 search warrant.

8 Q Once you said we will have an officer bring you
9 underpants and shoes she gave it to you, didn't she?

10 A Well, I had explained to her at this point we had a
11 search warrant and she didn't have any choice. We had a search
12 warrant for those items and she needed to give them to us.

13 Q Sure. Once you told her an officer would bring her
14 some underpants and shoes she gave them to you, didn't she?

15 A She gave them to us after we got the search warrant.

16 MR. FREDERICK: No more questions, judge.

17 MS. HODGE: Brief redirect, Your Honor.

18 REDIRECT EXAMINATION

19 BY MS. HODGE:

20 Q These pants, Mr. Frederick was he eluding to mud
21 cracking off, as if there was more mud then what we see hear.
22 In your first hand observation when you collected these was
23 there any more mud that has somehow dried up and cracked off?

24 A No.

25 Q He showed you a report regarding some duct tape. When

1 did you leave the York Police Department? Do you recall?

2 A I left the police department in December of 2010.

3 Q Okay. So -- and what is the date on this report?

4 A May 20th of 2011.

5 Q Did they forward you things from the police department
6 once you left there?

7 A No.

8 Q So have you no knowledge of that report?

9 A Okay.

10 Q And would it be fair to say that we ask sketch artists
11 to come and victims to give descriptions when there is an
12 unknown assailants?

13 A Yes.

14 Q And these unknown assailants are usually violent?

15 Q Dangerous?

16 A Yes.

17 Q Posing a danger to the community because they haven't
18 been identified or arrested?

19 A Yes, that is correct.

20 Q And would that have been a reason for calling a sketch
21 artist after Melvin was brutally murdered?

22 A Yes.

23 Q Now, those photographs that the defense showed you, you
24 have no knowledge of how she obtained those injuries, correct?

25 A That's correct.

1 Q Because she didn't tell you how she obtained those
2 injuries?

3 A No.

4 Q So, State's number 23 -- I think that is correct --
5 State's number 23, you don't know if that redness was there
6 before this incident or after?

7 A That's correct.

8 MR. FREDERICK: Defendant's 23.

9 MS. HODGE: I am sorry, Defendant's 23.

10 Q Did she ever say, "Hey, I got hit in the hand really
11 hard"?

12 A No.

13 Q Okay. Now Defendant's 8 with the elbow, she did make
14 some comment about her elbow; is that correct?

15 A I believe so.

16 A About falling down or something.

17 A She had mentioned that she had fallen and she had
18 gotten back up.

19 Q However, State's -- excuse me, Defense 22, the facial
20 red spots, you don't know if she had those prior to the
21 incident, do you?

22 A No, I don't.

23 Q And during the five hours that she was with you all she
24 didn't say, " Hey, this happened to my face"?

25 A No.

1 Q She didn't offer any explanation?

2 A No.

3 Q Those could have been there?

4 A They could have been.

5 MS. HODGE: That's all I have. Thank you.

6 MR. FREDERICK: No recross.

7 THE COURT: You may step down.

8 (Witness excused)

9 THE COURT: We will take a break and I will ask the
10 jury to please go to the jury room. Do not discuss
11 the case. I will bring you back after that break.

12 (Jury leaves the courtroom.)

13 THE COURT: All right. We will take a 15-minute
14 recess.

15 (WHEREUPON, a short recess was taken.)

16 THE COURT: All right. Are you ready for the jury?

17 MS. HODGE: Yes, Your Honor.

18 THE COURT: Bring them in please.

19 (Jury enters courtroom.)

20 THE COURT: All right. We will continue with the
21 State's presentation, Miss Hodge.

22 MS. HODGE: Thank you, Your Honor. The State
23 calls Robbin Edwards.

24 ROBBIN EDWARDS, called as a witness, having been
25 duly sworn by The Clerk, was examined and testified as

1 follows:

2 DIRECT EXAMINATION

3 BY MS HODGE:

4 Q Miss Robbins, please state your full name.

5 A Robbin Ann Edwards.

6 Q Okay, and I will ask you to speak up. Are you married?

7 A Yes, ma'am.

8 Q Who are you married to?

9 A Lieutenant Edwards.

10 Q And do you guys have any children?

11 A Yes, ma'am. I have a daughter and three stepchildren.

12 Q Are you working currently?

13 A Yes, ma'am, I work for Autozone.

14 Q And do you come and assist at York PD in any capacity?

15 A At the time of the incident I did. I cleaned the
16 police department. I got paid to do that.

17 Q Do you still do that?

18 A No.

19 Q So back in February of 2010 you would do that?

20 A Uh-huh.

21 Q Okay. Were you at the police station on February the
22 4th, 2010 the night that Melvin was murder, were you there?

23 A Yes.

24 Q And were you there in a cleaning capacity or were you
25 there for some other reason?

1 A I don't remember why I initially came up there, but I
2 did get a phone call from Dale.

3 Q And was he asking you to do something?

4 A Yes, ma'am.

5 Q And what was asking?

6 A He asked me to bring some clothes of mine that Miss
7 Julia could wear home because they were going to have to take
8 some clothes from her so she wouldn't go home -- that she would
9 have something to wear home.

10 Q So did you bring some of your personal clothing up to
11 the police station?

12 A Yes. I believe it was a t-shirt and pair of sweat
13 pants.

14 Q Are you all about the same height wise an all that?

15 A Yes.

16 Q And when you got to the police station was she there?

17 A Yes, ma'am.

18 Q And do you know where -- and I guess your husband were
19 at the time?

20 A They were in the lieutenant's office.

21 Q And was anything asked of you once you came up there
22 with those clothes?

23 A A little bit later he had asked me to get a blanket out
24 of the booking area, the jail they call it, the police
25 department for Julia because she was cold.

1 Q And did you do that?

2 A Yes.

3 Q And where did the blanket come from?

4 A The booking area before you get into the jail there is
5 a section where they keep in the bag. They come from the dry
6 cleaners that way, in a bag. I get them from there. They are
7 clean and there is another box that the dirty goes in to.

8 Q And did you retrieve the blanket from the clean bag or
9 the dirty?

10 A The clean.

11 Q And do you carry a firearm when you come up there?

12 A No, not at all.

13 Q Do you have a firearm of your own?

14 A No. No.

15 Q Okay. And are all the blankets, jail blankets
16 essentially the same?

17 A They all look exactly the same.

18 (State's Exhibit 62, blanket, marked for
19 identification as of this date.)

20 Q I will show you State's number 62, if you want to open
21 that up it should be unsealed.

22 Q And what is that?

23 A The blanket that come out of the jail.

24 Q And is this substantially the same condition as when
25 you handed it over.

1 A Yes, ma'am.

2 Q At this time we move to have -- move to admit State's
3 62?

4 MR. FREDERICK: That is fine, Judge.

5 THE COURT: It is admitted.

6 (State's Exhibit 62, blanket, received in evidence
7 as of this date.)

8 Q And you hand that to your husband; is that correct or
9 did you actually get to hand it over to the defendant?

10 A No, I handed it to Dale.

11 Q And did you see him hand it over to the defendant?

12 A No.

13 Q Did you assist in any other way that night?

14 A Not that I can recall. I remember helping out in
15 dispatch and other places in the building but not --

16 Q Okay. Was the police department open at this time of
17 night?

18 A They are open 24 hours a day.

19 Q Okay. And so were other people coming into the station?

20 A Yes, ma'am.

21 Q And you stayed to assist the dispatcher?

22 A Yes.

23 Q Is the dispatcher kind of like the receptionist?

24 A Yes.

25 Q Or somebody that is in the front receiving the people?

1 A Yes.

2 Q Okay. As far as providing anything else that went into
3 the interview room for the defendant?

4 A No.

5 Q Touching or collecting or moving any item of evidence
6 in the case?

7 A No.

8 MS. HODGE: Thank you. That is all I have.

9 CROSS EXAMINATION

10 BY MR. FREDERICK:

11 Q Just to clarify. You know that that's probably the
12 same blanket because it is in box. It says it is the same
13 blanket?

14 A Yes, sir.

15 Q There is not really anything identifiable about that
16 particular blanket?

17 A Correct.

18 Q Okay. That's all.

19 THE COURT: You may step down.

20 (Witness leaves the stand.)

21 MS. HODGE: May she be excused, Your Honor.

22 MR. FREDERICK: No objection.

23 THE COURT: She may be.

24 MS. HODGE: And Miss Edwards also, could I ask if
25 she can be excused.

1 MR. FREDERICK: Subject to our subpoena. She
2 needs to be on call.

3 MS. HODGE: The State would call Lieutenant Dale
4 Edwards.

5 DALE EDWARDS: Called as a witness, having been
6 duly sworn by the clerk, was examined and testified as
7 follows:

8 MS. HODGE: May we approach, Your Honor.

9 (WHEREUPON, there was an off the record discussion
10 held at the bench.)

11 DIRECT EXAMINATION

12 BY MS. HODGE:

13 Q Lieutenant Edwards. Who do you work for?

14 A City of York Police Department.

15 Q And how long have you been with them?

16 A This time around seven years. First time nine years.

17 Q All right. And currently what are your duties with
18 York PD?

19 A I am a lieutenant. I am assigned to a shift. I
20 oversee that shift to make sure everything is done properly. I
21 also do a lot of field training. I train new officers and do a
22 lot of the departmental training also.

23 Q And what were your duties back on February the 4th of
24 2010?

25 A My rank was Sergeant, which if the lieutenant was gone

1 I was in charge.

2 Q And did you have an occasion to become involved in the
3 investigation of Melvin Roberts's murder?

4 A Yes, ma'am, I did.

5 Q All right. Tell us about how you first became
6 involved?

7 A I was at home. I received a phone call from dispatch
8 saying that there had been a murder. I asked them what do you
9 need me to do. They said we need you to come in and take calls.
10 I put on a polo shirt that I had and pair of dickies, my gear
11 and got in the the car and went to the station.

12 Q And when you say you gear, what is your gear?

13 A My duty belt, I got a patrol bag that keeps my ticket
14 book, accident book, that kind of stuff. I also tote a first
15 aid kit and hazardous material bag.

16 Q And did you then go straight to the police station or
17 what were you doing?

18 A I went straight to the police station and put all my
19 gear into car 34.

20 Q And what did you do?

21 A At that time I was dispatched to Herald C. Johnson in
22 reference to alarm. As soon as I got that stuff in the car so I
23 proceeded to that to go to that alarm.

24 Q And then were you called at some point in regard to
25 this murder case?

1 A Yes, ma'am, I was.

2 Q What time did you get called to come to this?

3 A Right after I got there.

4 Q Okay. Were you hearing radio traffic? Did you hear
5 anything with other officers being dispatched or did you come
6 after that?

7 A I came after that.

8 Q And what did you do first in regard to this case?

9 A I responded to the scene where I met with was
10 Lieutenant Trail now it's captain.

11 Q And what did you do then?

12 A He advised me to take Miss Phillips back to the office
13 and interview her and make sure I videotaped it.

14 Q When you arrived was she still in her vehicle?

15 A Yes, ma'am.

16 Q Did you go in to do any investigating regarding Mr.
17 Robert's body or any crime scene evidence or anything like that?

18 A No, ma'am.

19 Q And your specific task was to transport Miss
20 Phillips and then interview her?

21 A Yes, ma'am.

22 Q Was she in custody at this time?

23 A No, ma'am.

24 Q Was she going to be placed under arrest at any time
25 that you were aware of?

1 A No, ma'am.

2 Q How was she being initially treated?

3 A As a victim.

4 Q And when you responded to the residence did you
5 actually see her or help her get out of her vehicle?

6 A Yes, ma'am, I did.

7 Q And what did you notice about her when you first saw
8 her?

9 A She had duct tape around her head, her throat, one arm
10 and her leg.

11 Q Did you know Mr. Roberts?

12 A Yes, ma'am, I knew him fairly well.

13 Q Okay. And did you know that he and Miss Phillips were
14 dating and/or married?

15 A No, ma'am.

16 Q Did he ever present anyone as his wife while you were
17 knowing him?

18 A Not when I would met with Melvin, no, ma'am.

19 Q Did you know anything about him having a girlfriend?

20 A No, ma'am.

21 Q And did you hear the defendant state that she was
22 Melvin's wife ?

23 A Yes, ma'am.

24 Q And to your knowledge that was not true?

25 A To my knowledge it was not true, but, you know, people

1 do things and don't tell nobody.

2 Q Okay. When you got to the car did you assist her?

3 A Yes, ma'am, I did.

4 Q And what did you do to assist her?

5 A Due to the grade of the driveway the fact that she had
6 on heels and it had been raining I did not want her to slip and
7 fall. At this time I had a few extra pounds on me, so I held
8 Miss Julia by one arm and placed my other arm around to assist
9 her walking down the hill and back to my patrol car because I
10 was parked on Robert's Avenue. I was not parked on the
11 driveway.

12 Q It was a little bit of a walk?

13 A Yes, ma'am.

14 Q And did you have your firearm on you at that time?

15 A No, ma'am, I did not.

16 Q And had you discharged your firearm at any point that
17 night?

18 A No, ma'am.

19 Q Or that day or the day before?

20 A No, ma'am.

21 Q And you assisted her by holding one arm and another
22 shoulder or body?

23 A Around her -- this part of her arm, her upper arm.

24 Q And was she saying anything to you during this time?

25 A No, ma'am.

1 Q Was she freely and voluntarily going with you or were
2 you having to take her?

3 A She was going on her own accord.

4 Q And at the time did she have any injuries that caused
5 you any concern, feeling like she might need medical treatment
6 before she came with you?

7 A No, ma'am.

8 Q Did she complain of any injuries to you?

9 A No, ma'am.

10 Q And when you got to your vehicle did she ride in the
11 front back?

12 A She rode in the front. Personally I don't like people
13 riding in the back especially when they are victim. Not under
14 arrest because there's been a lot of things that happen in the
15 back seat of a patrol car.

16 Q All right, so partially for safety but also at this
17 time she was considered to you a victim?

18 A Yes, ma'am.

19 Q And how about on the ride to the station did you all
20 have any conversation?

21 A Just, you know, are you okay? She kept saying that she
22 wanted to call her son Hunter. I kept telling her we will wait
23 until we get to the office where we have got a little bit more
24 light in the car and she said that two or three more times and
25 then she didn't say it any more.

1 Q Were you aware that she had already called her son
2 Hunter before she requested that of you?

3 A No, ma'am.

4 Q How long does it take to get to the station?

5 A Three or four minutes.

6 Q Not long?

7 A No.

8 Q And what happened when you got there?

9 A We took her into the lieutenant's office because it is
10 more spacious. I set her down. I asked her if she needed
11 something to drink or would like something to drink. She said
12 yes. I went and got her a sprite. She was complaining about
13 being cold. At that time I had a blanket brought to me.

14 Q And where did the blanket come from?

15 A It come from my wife, Robbin Edwards.

16 Q And did you then put the blanket on the defendant or
17 hand it to the defendant?

18 A I placed it around her shoulders.

19 Q And did you ask your wife to do anything else regarding
20 clothing?

21 A I asked her to go get a set of clothing because I knew
22 I was going to have to take her clothes because of the
23 possibility of some type of evidence being on them.

24 Q And is that what you all would normally do, normal
25 police protocol to provide somebody clothing?

1 A Some form, some fashion, yes, ma'am. Normally we might
2 go back to the house but I knew SLED was on the way up. The
3 quickest, easiest thing was to call my wife.

4 Q And when you entered the interview room with her at
5 that point initially was anybody else going to be in the
6 interview room?

7 A Not at that point. It was just me and Miss Roberts.

8 Q Did you have a camera in the interview room?

9 A Yes, as much of it as I could.

10 Q And when you say that what do you mean by that?

11 A The camera I had was Kodak, picture camera that had
12 video capability. I had 8-gig card in it. When that card would
13 fill up I would have to put 4-gig card in. Download the 8-gig
14 onto the computer and just that quick swapping some things might
15 have been missed.

16 Q All right. But the majority of your interview with her
17 is on video?

18 A Yes, ma'am.

19 Q Aside from you just you switching out memory cards?

20 A Yes, ma'am.

21 Q Now tell me about the duct tape. Did the duct tape
22 remain on the defendant?

23 A Yes, ma'am.

24 Q And did you feel the need to take pictures of the duct
25 tape?

1 A Yes, ma'am.

2 Q And eventually was the duct tape collected?

3 A Yes, ma'am.

4 Q But at first you all sat there for a little while while
5 it was still on, is that right?

6 A Yes, m.

7 (States Exhibit 65 -68 photo, marked for
8 identification as of this date.)

9 Q Lieutenant Edwards were you aware if the defendant was
10 able to go to the restroom when you first got there?

11 A I don't remember her going to the restroom.

12 Q Did she request that she needed to go to the restroom
13 at any point?

14 A Not to me. Not until later on through the interview, I
15 believe.

16 Q So not initially? Not right up front?

17 A Not right up front.

18 Q And have you had occasion to investigate any other
19 cases where duct tape was used in a binding way or anything like
20 that?

21 A Yes, ma'am, I have.

22 Q All right. And let me show you State's number 61, 64
23 and 65, what are these photographs of?

24 A The duct tape that was on Miss Phillips.

25 Q Is that how she looked that night? Is it a true and

1 accurate representation of how you saw her?

2 A Yes, ma'am.

3 Q Before the duct tape was removed?

4 A Before the duct tape was removed.

5 Q Other than what you are looking at in these three
6 pictures was there any other duct tape anywhere else on her?

7 A No, ma'am.

8 Q Head?

9 A It was here, here, this arm, and this leg.

10 Q Okay.

11 MS. HODGE: At this time we move to admit State's
12 61, 64 and 65?

13 MR. FREDERICK: No objection.

14 THE COURT: They are admitted.

15 (State's Exhibit 61, 64 and 65, Photos, received
16 in evidence as of this date.)

17 Q And in your experience with any other cases that you
18 worked with a victim or some witness being bound or use of duct
19 tape, did the duct tape depicted on Miss Phillips seem
20 consistent with what you seen before?

21 A No, ma'am.

22 Q And what was different about it?

23 A The duct tape on Miss Phillips was extremely loose.

24 Q Extremely loose?

25 A Yes, ma'am.

1 Q You are the one that took these pictures?

2 A Yes, ma'am.

3 Q Showing you State's number 66 and 67, and what are
4 these pictures? What are they showing?

5 A Miss Phillips hands; her right hand and her left hand.

6 Q Did she complain of any injuries to her hands to you?

7 A Other than some bruising, no.

8 Q And the duct tape was still on partially in this
9 picture?

10 A Yes, ma'am.

11 Q And they are true and accurate representations?

12 A Yes, ma'am.

13 MS. HODGE: We move to many admit 66 and 67.

14 MR. FREDERICK: No objection.

15 THE COURT: They are admitted.

16 (State's Exhibit 66 and 67, Photos, received in
17 evidence as of this date.)

18 Q I am showing you State's number 61, were you able to
19 tell if this was one continuous or were you not able to tell at
20 this point?

21 A I can not tell.

22 Q And eventually it was collected though because it is in
23 evidence?

24 A Yes, ma'am.

25 Q And let me show you State's number 64, and this one is

1 almost as if there is a loop, is that correct?

2 A Yes, ma'am.

3 Q And at the bottom which is hard to see there is almost
4 like another loop?

5 A Yes, ma'am.

6 Q And did she give you any explanation -- well, we will
7 get to that.

8 That was fairly loose as well?

9 A Yes, ma'am. The loop appeared to be fairly big around
10 in circumference.

11 Q And State's number 65, and again, was this fairly loss
12 as well?

13 A Yes, ma'am, it would slid from this part of her hand
14 down to the top of her blouse sleeve.

15 Q Okay. Thank you. For now that will be good.

16 At some time -- well, did she ever ask you to take the tape
17 off? Or when can I get this off, this is bothering me or
18 anything like that?

19 A No, ma'am.

20 Q Was it something that she was allowed to take off
21 though?

22 A Not until a detective got there to remove it.

23 Q And that was not part of your job or you were not
24 suppose to do that?

25 A I was instructed not to touch the duct tape.

1 Q Okay. All right. Tell me about her mental state. Was
2 she coherent when she was talking to you?

3 A Yes, ma'am.

4 Q Did she understand that you were a police officer and
5 you were going to talk to her about Melvin's murder?

6 A Yes, ma'am.

7 Q And what had supposedly just happened to her?

8 A Yes, ma'am.

9 Q And did you ask her questions during this process?

10 A Yes, ma'am.

11 Q Would she respond to your questions?

12 A Yes, ma'am.

13 Q And were you able to understand everything that she was
14 telling you?

15 A Yes, ma'am.

16 Q Did she some times get off topic?

17 A Yes, ma'am.

18 Q But when she was off topic was she maintaining some
19 type of conversation about whatever topic she was talking about?

20 A Yes, ma'am.

21 Q It wasn't she was seeing a pink elephants in the room
22 or anything like that?

23 A No, ma'am.

24 Q So did she appear to be under the influence of any
25 drugs or alcohol --

1 A No, ma'am.

2 Q -- when were you talk being to her. Okay. And was she
3 able to recall any type of pertinent information about herself?

4 A Yes, ma'am.

5 Q Did she ever tell you her social security number,
6 drivers license number?

7 A Yes, ma'am.

8 Q She ever tell you her phone number?

9 A Yes, ma'am.

10 Q Her cell phone number?

11 A Yes, ma'am.

12 Q Did she have a cell phone with her?

13 A Yes, ma'am, she did.

14 Q And did you ask to look at her cell phone at some point
15 in time?

16 A Yes, ma'am, I did.

17 Q When you asked for her cell phone did she give it over
18 to you voluntarily?

19 A Yes, ma'am.

20 Q At any point while you were talking to her on this
21 night did she ever say I want to stop talking to you? I don't
22 want to talk to you any more. I want to leave. Anything like
23 that?

24 A No, ma'am.

25 Q So she was staying there freely and voluntarily in your

1 opinion?

2 A Yes, ma'am.

3 Q And knowingly and intelligently knowing what she was
4 going on why she was there? What this process was?

5 A Yes, ma'am.

6 Q When you took her cell phone, did you take any
7 photographs of that?

8 A Yes, ma'am, I did.

9 Q What were you taking photographs for?

10 A To see when the 911 call was made from her phone.

11 Q Okay. Did you notice that she had made any other calls
12 from her cell phone on that same evening?

13 A Yes, ma'am.

14 Q Let me show you what has been marked States number 68.
15 What is that?

16 A That is a photo of her of Virgin mobile phone.

17 Q And does it show the 911 call on there?

18 A Yes, ma'am.

19 Q And does it show a call prior to the 911 call?

20 A Yes, ma'am.

21 Q In fact does it show three calls prior to 911?

22 A Yes, ma'am.

23 Q And then one call after?

24 A Yes, ma'am.

25 Q Is that a true and accurate representation of how her

1 phone looked when you took the picture?

2 A Yes, ma'am.

3 MS. HODGE: We move to admit State's number 68.

4 MR. FREDERICK: No objection.

5 THE COURT: It is admitted.

6 (State's Exhibit 68, Photo of cell phone, received
7 in evidence as of this date.)

8 Q Can you tell me the time stamp of the 911 call is?

9 A Thursday, February 4th, 7:30 p.m.

10 Q Did give the phone back to her?

11 A Yes, ma'am.

12 Q I will show you what has already been entered as
13 State's number 56. Can you tell me what this is?

14 A It's a telephone log. I believe Miss Robert's phone.

15 Q Miss Phillips?

16 A Miss Phillips, I am sorry.

17 Q And is it cell phone number phone records?

18 A I believe so, yes, ma'am.

19 Q Do you see a call for 911 listed on her cell phone
20 records?

21 A Yes, ma'am, I do.

22 Q What time does the phone record say?

23 A The phone record shows February 4th, 2010, at 1930
24 hours.

25 Q All right. So the same as on her cell phone?

1 A Yes, ma'am.

2 Q All right. The call that was placed prior to her
3 calling 911 what number is that?

4 A 1-864-489-0500, it is outbound call.

5 Q What time many was that call made?

6 A The same date, 1929 and 54 seconds.

7 Q So just before she called 911 she called that number?

8 A Yes, ma'am.

9 Q And then the call before that?

10 A 1-864-489-0500, it's an outbound call, same date, 1929
11 hours and 15 seconds.

12 Q So just a minute or some seconds prior to calling that
13 number again, then calling 911?

14 A Yes, ma'am.

15 Q So two calls prior to 911 within a minute, minute and a
16 half?

17 A Yes, ma'am.

18 Q Okay. Did you through the course of the investigation
19 determine whose number that was that she called prior?

20 A I believe it was her residence in Gaffney.

21 Q And did you know if anyone through the course of
22 investigation lived at the residence in Gaffney that belongs to
23 this number belongs too?

24 A Yes, ma'am I did.

25 Q And who is that?

1 A Been her son, Hunter Stevens.

2 Q Let's go back just a minute and talk about before we
3 move to the videotapes, just to be clear, Miss Phillips was
4 completely fine talking to you and willing to talk to you?

5 A Yes, ma'am.

6 Q And if she wanted to stop talking to you you would have
7 let her stop and leave?

8 A Yes, ma'am.

9 Q Did you make her -- before the camera came on, did you
10 make her any type of promises, talk to me, tell me what happened
11 you won't get in trouble, anything like that?

12 A No, ma'am.

13 Q How about did you make any threats to her; she better
14 talk, give a statement. Anything like that?

15 A No, ma'am.

16 Q Did you in fact even advice her of what her Miranda
17 rights were at this time?

18 A Yes, ma'am, I did.

19 Q And why did you do that?

20 A Because on our computer system that we use to report
21 things to SLED it has got a whole bunch of different functions.
22 One of them is a voluntary statement form. And on that
23 statement form it has the Miranda rights at the top and I was
24 going to attempt to get a written statement from her and since
25 she was going to sign this form anyway, or possibly sign this

1 form since, it was already wrote on there I read it to her
2 anyway. That way there is no question about what is this. I've
3 already read it to you and then they get a chance to read it
4 themselves.

5 Q And did you read those rights to her? Advise her of
6 those rights?

7 A Yes, ma'am, I did.

8 Q And did she freely and voluntarily waive those rights
9 and agree to talk to you?

10 A Yes, ma'am, she she did.

11 Q Did she appear to understand what she was doing in
12 regard that?

13 A Yes, ma'am.

14 Q At some point during the interview did she also give
15 permission or consent search her car, Melvin's residence and I'm
16 not sure, was there anything else?

17 A I do not believe so.

18 Q Okay. Did she give you consent for law enforcement to
19 be able to search her car?

20 A Yes, ma'am.

21 Q She did that freely and voluntarily?

22 A Yes, ma'am.

23 Q And consent to search Melvin's house if necessary?

24 A Yes, ma'am.

25 Q And she did that freely and voluntarily?

1 A Yes, ma'am.

2 (State's Exhibit 69 A thru D, CD's, marked for
3 identification as of this date.)

4 Q Lieutenant Edwards I am going to show what has been
5 marked State's number 69 A, B, C and D and ask you if recognize
6 those?

7 A Yes, ma'am.

8 Q What are those?

9 A These are the CDs that were made that night of her
10 interview.

11 Q Okay. And when you are recording her you are down
12 loading it on your own computer?

13 A I am downloading it from the camera to the department
14 computer and then they are burned into these discs.

15 Q Then you would burn a CD off of it?

16 A Yes.

17 Q And have you viewed 69 A thru D?

18 A Yes, ma'am.

19 Q And are they true and accurate copies of the interview
20 with the defendant on February the 4th, 2010?

21 A Yes, ma'am.

22 Q Have there been any alterations, deleted things,
23 anything that has been changed about those?

24 A No, ma'am.

25 MS. HODGE: At this time we would moved to admit

1 State's 69 A-D.

2 MR. FREDERICK: No objection.

3 THE COURT: They are admitted.

4 (State's Exhibit 69 A-D, CDs, received in evidence
5 as of this date.)

6 MS. HODGE: At this time we would like to publish
7 State's number 69-A.

8 Q And I believe you already explained that you had only
9 so much memory and you were switching out?

10 A Yes, ma'am.

11 Q Would there have been then four separate folders or
12 downloads of information during this interview?

13 A Yes, ma'am.

14 Q So these four contain everything that was recorded?

15 A Yes, ma'am.

16 MS. HODGE: So we are going to start with State's
17 69-A.

18 WHEREUPON, the CDs were played in open court.)

19 THE COURT: Let's break.

20 All right, we will break for lunch. I will ask
21 you to report back to the jury room at 2:45, 2:45 this
22 afternoon.

23 (Jurors exit the courtroom.)

24 THE COURT: You may step down. You can't discuss
25 your testimony during the break. You are still on the

1 DIRECT EXAMINATION

2 BY MS. HODGE:

3 Q Miss Kinard, can you State your full name for the
4 record?

5 A Yes, Selena Kinard.

6 Q And were you employed by South Carolina Law Enforcement
7 division back in February 2010?

8 A Yes, I was.

9 Q And how long did you work at SLED?

10 A I worked there from June 4th, 2007 until August the
11 21st of 2012.

12 Q And at this point in time you obviously are not working
13 at SLED any longer?

14 A That is correct.

15 Q What were your duties at SLED?

16 A I was a forensic technician within the log-in
17 department. We handled all evidence from agencies across the
18 whole state. They would bring in their evidence to us and we
19 would log it in to our computer system.

20 Q And did SLED have a protocol for you to follow and for
21 all of the evidence techs to follow?

22 A Yes.

23 Q And were you employed in that same capacity back on
24 February 8th, 2010 and did you receive -- have an occasion to
25 receive SLED'S item number four and if you got the chain of

1 custody in front of you?

2 A Yes, I do.

3 Q Why don't you tell the jury what is so they will know
4 what you are referring to?

5 A Okay. The chain of custody is what we actually call
6 electronic chain of custody. Once we have logged in the
7 evidence that the agency brings in and we basically hit enter on
8 the computer it generates a lab number which is unique to that
9 particular case and that lab number will continue on with that
10 particular case if there is more submissions of evidence for
11 that particular case.

12 Q And did you have occasion to receive SLED item number
13 four?

14 A I will review the chain for just a minute. Yes, I did.

15 Q What is SLED item number four?

16 A Item number four is described as a sealed envelope
17 containing fired bullet or bullets described as one bullet
18 fragment collected from marker three. Which on February 8th of
19 2010 at 1508 I did receive that item.

20 Q And who did you receive it from?

21 A Actually -- I am sorry I did remove that item from the
22 firearm's evidence intake storage and I transferred that item at
23 the same time to forensic scientist, Suzann Cromer.

24 Q And what department does Suzann Cromer work in?

25 A She is in the firearm's department.

1 Q When you received item number four or when you
2 retrieved it to provide it to the next person was it sealed?

3 A Yes, it would have been sealed.

4 Q And is that per SLED protocol?

5 A Yes, we would just look over the item and make sure
6 that all the seals were in tack and also if the item was not
7 sealed and in tack Suzann Cromer would have indicated that.

8 Q And do you ever open any items of evidence?

9 A No, we did not. I did not.

10 Q You personally?

11 A No.

12 Q And as we go through the list of items did you or would
13 you have opened any of these items?

14 A No, I would not have.

15 Q You would not have broken the seal on any items that
16 you had received?

17 A That's correct.

18 Q Okay. And lets go to SLED item number five.

19 A Okay. Yes, on February 8th, as well, 2010, at 1508 I
20 did receive item number five which is described as one sealed
21 envelope containing fired bullet or bullets described as bullet
22 fragments from mark confer four.

23 Q And where did you receive that item from?

24 A Also from the firearm evidence intake storage.

25 Q And who did you give that too?

1 A Suzann Cromer as well.

2 Q And let's go to SLED item number six.

3 A That is the same, on February the 8th of 2010 I did
4 retrieve that item from the firearms evidence intake storage and
5 it is described as a sealed envelope containing fired bullet or
6 bullets described as bullet fragments collected from near milk
7 cartons.

8 Q So on February 8th you took those three different items
9 which were going to be transferred over to firearms and gave
10 them to the firearms scientist?

11 A That's correct.

12 Q And on the same date did you have occasion to receive
13 SLED item number 17?

14 A Yes, I did.

15 Q Who did you receive that item from or what is that item
16 and who did you receive it from?

17 A Okay. It is described as one sealed paper bag
18 containing broken item described as one zip tie removed from the
19 victim's neck at autopsy. I received that from Sergeant John
20 Naylis with the York City Police Department on February the 8,
21 2010 1403.

22 Q And a piece of evidence such as that comes in from law
23 enforcement when you accept custody of it or SLED accepts
24 custody of it, must it be sealed already before you take it?

25 A That's correct. What I would have done in this

1 particular case, it says that it was in a paper bag. More than
2 likely what I would have put it in is a plastic bag and he would
3 have had to have dated and initialed at the top as well as date
4 it and initial on the bag itself and I would have heat sealed
5 the top of it and affixed the lab number sticker on it.

6 Q You would not have taken it out of the paper bag to do
7 that you would pull the whole paper bag and everything?

8 A Everything, yes, ma'am.

9 Q And who did you -- did you then transfer custody of
10 that of item to anyone, we are on 17, what did you do with the
11 item?

12 A I did. On same day 2-8-2010 at 1407 I transferred that
13 to forensic technician, Lori Giles (phonetics).

14 Q And what department did she work in?

15 A She was in evidence precessing.

16 Q And then let's move to item number 18, SLED item 18?

17 A Okay. Yes, I did come in contact with that item as
18 well.

19 Q Okay. And who did you receive that from and what item
20 is that or was is it described as?

21 A Okay. I received it from Sergeant John Naylis of York
22 City Police Department on 2-8-2010 at 1403 and it is described
23 as a one sealed paper bag containing blood standard described as
24 blood standard DNA from victim recovered at autopsy.

25 Q And did you then transfer custody of that item to

1 anyone?

2 A That particular item on the same day at 1414 I
3 transferred it to the DNA evidence intake storage which in 2010
4 would have still been a refrigerator that is back in the
5 evidence room, locked evidence room.

6 Q And let's move to SLED item number 20.

7 A Okay. Okay. Yes, on -- let's see, 2-8-2010 at 1403 I
8 received this item from Sergeant John Naylis of York City Police
9 Department and it is described as one sealed paper bag
10 containing clothing described as victim's slash witness
11 clothing; shirt black in color.

12 Q Okay. And what did you do with that item?

13 A That item I transferred to Lori Giles the same day at
14 1458.

15 Q All right. SLED item number 21?

16 A Okay, SLED item number 21, yes, on 2-8-2010 at 1403 I
17 received it from Sergeant John Naylis of York City Police
18 Department. It is described as one sealed paper bag containing
19 clothing described as victim's slash witness shirt, white in
20 color.

21 Q And who did you transfer custody of that to?

22 A That was also transferred to Lori Giles at 1458.

23 Q And lets move to SLED item 25, please.

24 A Okay, item 25 I received that item on February the 9th
25 of 2010 at 1310 from Sergeant John Naylis of the York City

1 Police Department and it is described as one sealed -- heat
2 sealed pouch containing swab or swabs described as one DNA swab
3 from blood stain at scene.

4 Q And what did you do with that item?

5 A That item on the same day at 1527 I transferred that
6 item to the DNA intake storage, evidence intake storage which
7 would have been the same refrigerator.

8 Q And then let's go to SLED item 43?

9 A Okay. I received that item on March the 5th of 2010 at
10 1203 also from Sergeant John Naylis of York City Police
11 Department and it is described as one sealed paper bag
12 containing clothing described as one men's sport coat, tweed,
13 holes to the right rear collar, taken from the victim's body.

14 Q And what did you do with that item?

15 A That item on the same day, March 5th at 1250 I
16 transferred that to the trace evidence intake storage.

17 Q And let's go to items -- I think they all probably came
18 in a group; 26, 27, 28, 29 and 30.

19 A Okay, 26 I did receive on February the 9th, 2010 also
20 from John Naylis, York City Police Department. It is described
21 as one sealed envelope containing item described as one fragment
22 recovered from the victim's body bag.

23 Q You can go and tell me where you put it it is probably
24 going to be the same?

25 A Yes, 2-9-2010 at 1525 I transferred that item to the

1 trace evidence intake storage.

2 Q And then item 27?

3 A Twenty-seven I did take in on February the 9th at 1310
4 from John Naylis, York City Police Department. It is described
5 as one sealed envelope containing fired bullet or bullets
6 described as one piece of lead projectile recovered at the
7 scene.

8 Q And what did you do with that?

9 A I am sorry, that one I actually transferred to Suzann
10 Cromer directly on the same day.

11 Q Okay, and item 28?

12 A Okay, item 28 I received on February the 9th, 2010 from
13 John Naylis with York City Police Department. It is described
14 as one sealed envelope containing fired bullet or bullets
15 described as one lead recovered from the hose pipe at scene and
16 that particular item I transferred directly to Suzann Cromer on
17 February 9th this as well.

18 Q Are we on item 29?

19 A That was 28.

20 Q So 29.

21 A Twenty-nine, I received initially on February the 9th,
22 2010, from John Naylis and it is described as one sealed
23 envelope containing fired bullet or bullets described as one
24 brass colored metal recovered at scene and I transferred that
25 item directly to Suzann Cromer as well.

1 Q And finally item 30, please?

2 A Okay, item 30 I did receive on February the 9th of
3 2010, from John Naylis, York city PD and it was described as one
4 sealed envelope containing fired bullet or bullets described as
5 one brass colored metal recovered at scene. And that item I
6 transferred to Suzann Cromer as well on the same day.

7 Q So essentially a police officer comes to you with a box
8 full of stuff and then you all sort through it, label it, that
9 kind of thing?

10 A Typically what happens they would have, what we called
11 at that time, a log-in sheet and the front sheet was basically
12 all case information; their case number, their agency, and
13 victim's name, subject's name. The second page would list all
14 the items that they were bringing to us at that particular time
15 and I would go through it at that time.

16 A Individually take them out through that process?

17 A Right and whatever they had it packaged in, be it a
18 paper bag or plastic bag, we would never remove it from what
19 they initially had it in.

20 MS. HODGE: Thank you, that is all questions I
21 have.

22 MR. FREDERICK: No questions.

23 THE COURT: You may step down.

24 MS. HODGE: May she be excused.

25 MR. FREDERICK: Yes.

1 THE COURT: You may be excused. Thank you.

2 (Witness excused.)

3 MS. HODGE: The State would call Dale Edwards back
4 to the stand, please.

5 DIRECT EXAMINATION

6 CONTINUED BY MS. HODGE:

7 Q Lieutenant Edwards, I believe we left off we had
8 watched one segment of video in your interview, is that correct?

9 A Yes, ma'am.

10 Q And at that time it stopped. Was that when you changed
11 out your memory card?

12 A Yes, ma'am.

13 Q At one point during or maybe two points during that
14 video we can see that you zoomed in towards the defendant and
15 then you kind of zoomed back out. Do you recall what the
16 purpose for that was?

17 A To show that there was no tears.

18 Q During when she was appearing to be crying there were
19 no actual tears?

20 A That's correct.

21 Q Okay. And were you sitting maybe a desk length across
22 from her?

23 A Yes, ma'am.

24 MS. HODGE: At this time (I am going to play part
25 two or 69-B.

1 (Whereupon, CD is played.)

2 Q So as you can see right there at the end of the video
3 what are you doing at that point?

4 A That is collecting gunshot residue from the GSR kit.

5 Q Okay. Is there a kit provided to you to do that?

6 A Yes, ma'am.

7 Q Okay.

8 (State's Exhibit 80, GSR kit, marked for
9 identification as of this date.)

10 Q I will show you State's number 80, do you recognize
11 that?

12 A Yes, ma'am.

13 Q Okay. What is that?

14 A That is an atomic absorption analysis kit or what we
15 call a GSR kit.

16 Q And where do those kits come from?

17 A I obtained this one from the detective's division.

18 Q And as you see on there it looks like a couple of q-tip
19 swabs. Is that pretty much what it is?

20 A Yes. Several different q-tip swabs. It tells you how
21 to you do it and where to collect the samples and you put them
22 back in certain orders.

23 Q And where do you collect the samples from with that
24 kit?

25 A The hands.

1 Q Front and back?

2 A Front and back.

3 Q Is there a different swab? Are there two swabs for
4 each side or one?

5 A If I remember correctly there are several different
6 places that you collect it from.

7 Q Okay. And did you do that for both of her hands, front
8 and back?

9 A Yes, ma'am.

10 Q Where do you stop on the hands, the wrist?

11 A Yes, ma'am.

12 Q Okay. And she had a long sleeved shirt on. Would that
13 have been right at the shirt cuff as well?

14 A Yes, ma'am.

15 Q And lets see here. And would you have closed this kit
16 up and then given it to your evidence tech or to your evidence
17 officer?

18 A Yes, ma'am, I would have.

19 Q And would you seal it?

20 A Yes, ma'am.

21 Q Okay. And is that the kit that you collected and then
22 sealed?

23 A Yes, ma'am. It has got my initials and the date and
24 time and then it has got integrity seal on this box here.

25 Q All right.

1 MS. HODGE: At this time we moved to have admit
2 State's number 80?

3 MR. FREDERICK: Let me look at one more time. No
4 objection.

5 THE COURT: It is admitted.

6 (State's Exhibit 80, GSR kit, received in evidence
7 as of this date.)

8 Q Is there I generally a best time to do gunshot residue
9 kits on witnesses, victims, suspects?

10 A As close to the time of the incident as possible.

11 Q And about how long had you all been sitting there if we
12 can guesstimate even from the videos?

13 A Probably about two hours.

14 Q Okay. And she had been on scene even before that?

15 A I did not know it at that time.

16 Q And then I see in the video you gave her something to
17 drink?

18 A Yes, ma'am.

19 Q So she handle the can of soda?

20 A Yes, ma'am.

21 Q Do soda cans some of the time collect condensations as
22 they are cooling off or warming up I should say -- warming up
23 they start sweating a little bit?

24 A Yes, ma'am.

25 Q And did she handle that blanket or have her hands on

1 that blanket or anything like that?

2 A Yes, ma'am.

3 Q And how about Kleenex? Was she holding on to some
4 Kleenex too in the video?

5 A Yes, ma'am.

6 Q Would it have been best to be able to collect that kit
7 right at the time somebody came on scene with her?

8 A That would have been the best time to collect it, yes.

9 Q Okay. At that time officers on scene did they have
10 those gunshot residue kits?

11 A Normally officers don't carry GSR kits with them. They
12 do them back at the office because it is a more of a controlled
13 environment.

14 Q And at the time that the gunshot residue was collected,
15 was her DNA also collected?

16 A Shortly thereafter it was.

17 Q And who did that?

18 A Sergeant Naylis.

19 Q Okay. Were you present when he did that?

20 A Yes, ma'am, I was.

21 Q Okay. I am showing you State's number 48. How do they
22 collect the DNA? You can pull it out if you want.

23 A They use a -- if I remember correctly it's call a
24 buccal swab. It is long q-tip. The ones that we use have a
25 plastic container around it to keep it sterile.

1 Q And at the time -- right after you did the gunshot
2 residue is that when he did the buccal swab on her?

3 A That and remove the tape.

4 Q That and remove the tape?

5 Q And once he did the buccal swab and place it in here
6 did you see him seal the bag?

7 A No, ma'am, I didn't see him seal it. I saw him put it
8 in the bag and then he continued to collect the evidence.

9 Q Okay, and is all the taping up done at the end after he
10 put everything in bags?

11 A Yes.

12 Q And so the duct tape then started coming off?

13 A Yeah. He started taking the duct tape off.

14 A And were you present during that process?

15 A Not the complete process. I step outside the room for
16 a moment.

17 Q All right. When you came back in the room was the tape
18 off or on?

19 A It was off of her.

20 Q And did you see where it went?

21 A He put it in a box.

22 Q And State's number -- State's number 49. Does that
23 look familiar?

24 A Yes, ma'am.

25 Q That is the box that the duct tape went in?

1 A Yes, ma'am.

2 Q How about her clothing, was this time to take the
3 clothing off?

4 A I believe it was.

5 MS. HODGE. Okay. This time we move to admit
6 State's number 48?

7 MR. FREDERICK: No objection.

8 THE COURT: It is admitted.

9 (State's Exhibit 48, Buccal swab, received in
10 evidence as of this date.)

11 Q Okay. Let's go back to the clothing. What was the
12 process on that?

13 A Detective Robbins took her to the restroom and obtained
14 her clothing and gave her the stuff that my wife had brought.

15 Q Obviously you were not in the bathroom?

16 A No, ma'am.

17 Q So you did not see that process. Did you then see
18 Julia after the clothing had been taken?

19 A Yes, ma'am, I did.

20 Q Was she still in possession of her shoes at that time?

21 A Yes, ma'am, she was.

22 Q And as far as you knew was she still in possession of
23 undergarments at that time?

24 A I do not know. She change clothes is all I know.

25 Q Did you want to continue to talk to her after that?

1 A Yes, ma'am.

2 Q Before we move onto the next I I am going to ask you to
3 look at State's number 72, 73, 74 and 75. What are these
4 pictures showing?

5 A Miss Phillips's hands and her hair.

6 Q Okay. And is this after the tape was removed?

7 A Yes, ma'am.

8 Q All right. And are these the clothes that your wife
9 had brought for her, do you recall?

10 A Yes, ma'am.

11 Q And are these true and accurate representations of how
12 she looked once the duct tape and the clothing was changed?

13 A Yes, ma'am.

14 MS. HODGE: At this time we would move to admit
15 State's 72, 73, 74 and 75.

16 MR. FREDERICK: No objection.

17 THE COURT: They are admitted.

18 (State's Exhibit 72-75, Photos, receive in evidence
19 as of this date.)

20 Q Showing State's number 72. Again a close-up of her
21 face; is that right?

22 A Yes, ma'am.

23 Q And then State's number 73, what is that showing?

24 A The top of her head.

25 Q Okay. And did you notice any areas where there may

1 have been a patch of hair missing or anything where it looked
2 like that?

3 A I saw none.

4 Q And State's number 74?

5 A The rear of her head.

6 Q Any area in that photograph that caused you concern
7 that she was missing a clump of hair or anything like that?

8 A There was no missing clumps that I could see.

9 Q Thank you. Did she complain of any part of head
10 hurting or anything in relation to that?

11 A No, ma'am.

12 Q Okay.

13 MS. HODGE: There are two more segments, Your
14 Honor. One is short, one is lengthy. I don't know if
15 you want me to continue.

16 THE COURT: We will take a short break before we
17 do that. We will ask you to please go the to jury
18 room. I will bring you back after that break.

19 (Jury leaves the courtroom.)

20 THE COURT: You may step down. Don't discuss your
21 testimony during the break. Court's in recess for 15
22 minutes.

23 (Court was in recess).

24 THE BAILIFF: All rise. Come to order.

25 THE COURT: Thank you, be seated. All right, are

1 we ready for the jury?

2 MS. HODGE: Yes, Your Honor.

3 THE COURT: Bring them in. You have two more
4 videos, how long?

5 MS. HODGE: Yes. I would say the two videos are
6 probably going to take just short of an hour. One is
7 extremely short and the other one, the second one is
8 45 minutes.

9 THE COURT: Well, that will probably take us
10 through the day.

11 MS. HODGE: Yes, sir.

12 (Jurors enter the courtroom.)

13 THE COURT: All right, Miss Hodge.

14 MS. HODGE: Thank you, Your Honor, at this time we
15 will be publishing State's number 69C.

16 (Whereupon, CD was played)

17 MS. HODGE: Your Honor, do you want to break for
18 the day.

19 THE COURT: No, we will continue. Do you have
20 another video.

21 MS. HODGE: I do. That was the one that had a
22 short and a long. And there is a 45 minute other one.

23 THE COURT: That was the short one?

24 MS. HODGE: The first one was short.

25 THE COURT: Okay, well that was the short one.

1 DIRECT EXAMINATION

2 BY MS. HODGE:

3 Q I believe yesterday we left off Lieutenant Edwards with
4 three of the four videos from the first interview with the
5 defendant?

6 A I believe that is the correct.

7 MS. HODGE: At this time the State would publish
8 State's 69-D.

9 (Whereupon they played a video.)

10 THE COURT: Can I see the lawyers just a minute.

11 MS. HODGE: Yes.

12 (Whereupon, there was an off the record
13 discussion.)

14 MS. HODGE: Mr. Sanders is going to get the drive
15 so we can play this portion of the interview off of a
16 hard drive and not off the CD. It is my understanding
17 Mr. Sanders attempted to make numerous copies and each
18 time on this segment he said it would skip and it is
19 my understanding it was the beginning but apparently
20 it is the entire time on this portion of the interview
21 so he is going to get the hard drive.

22 THE COURT: Where does he have to go to do that?

23 MS. HODGE: The solicitor's office.

24 THE COURT: Let me ask the jury to please go to
25 the jury room while we resolve this technically

1 difficulty. Please be patient. We will do it as
2 quick as it can be done. I am not certain why it
3 hasn't been done, but it will be done. Please be
4 patient with us and we will bring you back in just a
5 few minutes.

6 (Jury leaves the courtroom.)

7 MS. HODGE: I apologize, Your Honor.

8 THE COURT: Court in recess until the problem is
9 resolved.

10 THE BAILIFF: Court back in session.

11 THE COURT: We ready to proceed?

12 MS. HODGE: Yes, Your Honor. Is it okay if we
13 start from the beginning.

14 THE COURT: No, ma'am. Why don't we just start
15 where we left off.

16 MS. HODGE: That is about five minutes in.

17 (Jury enters the courtroom.)

18 THE COURT: All right, we believe the problem has
19 been resolved so we will continue with the
20 presentation.

21 MR. WATTS: Thank you. Your Honor.

22 (Whereupon, the CD was played.)

23 DIRECT EXAMINATION

24 BY MS. HODGE:

25 Q Lieutenant Edwards, was that the end of your discussio.

1 with the defendant that night or I guess now we are into the
2 early morning hours of February the 5th?

3 A Yes, ma'am.

4 Q Okay. At the end of the last segment she stated
5 something to the effect on there he pushed my face down in the
6 mud and then maybe some how it came off.

7 You arrived at scene maybe I guess about an hour after the
8 incident?

9 A Yes, ma'am.

10 Q And she was still there?

11 A Yes, ma'am.

12 Q Did you observe any mud on her face?

13 A No, ma'am.

14 Q And then I think you heard her say her hair must have
15 been just a ball of mud. Did you notice any mud on her hair?

16 A No, ma'am.

17 Q Okay. I think we introduced some photographs earlier.
18 I showed you some in those photographs, did you see any mud in
19 her hair?

20 A No, ma'am.

21 Q And the shoes that were such a point of contention, I
22 am showing you State's number 47. Are those the shoes that she
23 just was not going to part with?

24 A Yes, ma'am.

25 (Shoes are shown to the jurors.)

1 MS. HODGE: Do you all see them in the back.

2 Q Okay. Let's talk about the duct tape that you
3 observed. While you are interviewing you can also see it on the
4 video, correct?

5 A Yes, ma'am.

6 Q Let's start with the duct tape around the head. I
7 think you had stated yesterday you worked some cases that people
8 have been taped with duct tape?

9 A Yes, ma'am.

10 Q And on the head was the tape very tight?

11 A No, ma'am it was not.

12 Q And was it bunched up or close to the head?

13 A It did not appear to be close to the head.

14 Q What did you notice about it?

15 A That the hair was sticking up like it was a sweatband
16 instead of being down and the duct taped on top of it.

17 Q Okay. And was there a piece around here? (Indicating)

18 A Yes, ma'am there was a piece around here.

19 Q Was it loose or tight?

20 A It was loss.

21 Q All right. And then how about the wrists that she said
22 she was bound by?

23 A That duct tape was loose and it also had a piece in the
24 middle.

25 Q Okay. So, do my hands like hers?

1 A Her duct tape was -- her hands were about that far
2 apart. The duct tape was loose on her wrist and there was a
3 piece of duct tape that was run this way around it instead of
4 together like that. It was apart.

5 Q Okay. And on the ankle did you notice anything about
6 that duct tape?

7 A It was loose also.

8 Q Okay. Not very constricting go or binding?

9 A No, ma'am, it didn't appear to be.

10 Q Or around the feet?

11 A Did not appear to be.

12 Q About what time do you think it was when you all
13 finished up this morning now?

14 A One, two o'clock, maybe.

15 Q Okay. And did you have other things that you had to do
16 that evening or other people that you talked to that evening?

17 A I believe so.

18 Q Okay.

19 A Yes, ma'am, I also talked to Gene Moss.

20 Q Okay. And who is Gene Moss?

21 A He is an employee for Melvin. He helped Melvin do
22 various jobs for Melvin around the business.

23 Q All right. And did he come to the station or did he
24 call in or how did that work?

25 A I talked to him on the phone I remember that much.

1 Q Okay. And anything that -- did you learn anything from
2 Gene Moss that night that led you into any certain direction?

3 A We learned that there had been an argument between some
4 renters and Melvin.

5 Q And did someone follow up on that information?

6 A Yes, ma'am.

7 Q And who did that?

8 A I did.

9 Q When did you do that?

10 A The following day.

11 Q And who were the people that you followed up with or
12 who were the renters, I guess?

13 A They lived at 213 Kings Mountain Street. I talked with
14 Kelly, which is Michael Beechman's sister. I also talked with
15 Melvin -- I mean Michael, and left messages for Jennifer Burke
16 and I believe that was all that day.

17 Q Okay, and in regard to anything that Michael Beechman
18 or Kelly or Jennifer Burke told you, were you able to develop
19 any suspect or any further led from that information?

20 A No, ma'am.

21 Q What was your next step? What did you do next on the
22 case?

23 A We had a meeting on the sixth. We had another meeting
24 that day with all the investigators and stuff and just passed
25 information that we had heard or they was following up on. We

1 received a call from Sheriff's Blanton out of Cherokee County.

2 Q Was it fair to you say many agencies were assisting or
3 were willing to assist in this investigation?

4 A Yes, ma'am.

5 Q And were there through out the course of the
6 investigation and even probably up until now still
7 communications or status conferences or things like that?

8 A As far as I know, yes.

9 Q And your not part of the active investigation any more,
10 is that correct?

11 A That's correct.

12 Q Has it been assigned or was it assigned back then to a
13 lead investigator?

14 A Yes, ma'am.

15 Q And who was that?

16 A Detective Memaw*.

17 Q But initially were there many agencies coming together
18 for this?

19 A Yes, ma'am.

20 Q And what happened after the meeting with Sheriff
21 Blanton, or what did you do next I should say?

22 A We talked with Ron and David Roberts on the 6th.

23 Q And what was the reason for talking to them?

24 A We had learned trying to get information about Melvin's
25 normal routine. If they had heard anything. Just trying to let

1 them know what we were doing. Things of that nature.

2 Q So were you attempting to get information that would
3 maybe lead to another suspect?

4 A Yes, ma'am.

5 Q And did they then provide you with as much information
6 as they could as far as any business dealings that Melvin may
7 have had?

8 A Yes, ma'am.

9 Q Or renters, or car buyers or anything; client's, that
10 kind of stuff?

11 A Yes, ma'am.

12 Q And as well as personal habits?

13 A Yes, ma'am.

14 Q After the evening of the interviews that we just
15 watched, was the defendant in your mind, at this point, was she
16 a person of interest or of were her statements to you
17 suspicious, anything like that?

18 A Her statements to me were suspicious. She become a
19 person of interest to me.

20 Q All right. And was there also another piece though
21 about who this second person was?

22 Were you attempting to investigate as well who this second
23 person was?

24 A Oh, yes, ma'am.

25 Q So you are speaking to her as person of interest but

1 are you hoping that is going to lead also to the identification
2 of the unknown suspect?

3 A Yes, ma'am.

4 Q And because she is a person of interest would you think
5 that she may have information that could lead you to this second
6 person?

7 A Yes, ma'am.

8 Q All right. And did you encourage her therefore keep in
9 contact with you?

10 A Yes, ma'am.

11 Q And did law enforcement continue to attempt contact
12 with her?

13 A Yes, ma'am.

14 Q And on February the 7th did you have an occasion to
15 interview the defendant again?

16 A I believe it was the 7th.

17 Q Okay. And can you tell me was that something at law
18 enforcement's request or did she volunteer to come with more
19 information to the police?

20 A Let me find my notes.

21 Q Okay.

22 A I believe she come up. I believe that was on our
23 request.

24 Q Okay. And do you know who requested the meeting?

25 A Not right off hand I don't.

1 Q Were you present for that?

2 A Yes, ma'am. I, was present for that meeting.

3 Q And who else was present?

4 A Chief Mobley.

5 Q And did the defendant come to -- was it to the York
6 Police Department?

7 A Yes, ma'am.

8 Q Did she come up there freely and voluntarily?

9 A Yes, ma'am.

10 Q At this point she was still willing to talk to you?

11 A Yes, ma'am.

12 Q And when she got there did she appear to be coherent?
13 Did she appear to understand why she was there and what you all
14 were going to talk about?

15 A Yes, ma'am.

16 Q Were you able to communicate with her? Ask her
17 questions? Have her respond?

18 A Yes, ma'am.

19 Q And was it obvious that you were going to be discussing
20 Melvin's murder at this point?

21 A Yes, ma'am.

22 A Did she tell you at any point in time she did not want
23 to talk to you all either on this day or any point during this
24 interview.

25 A No, ma'am.

1 Q All right. I am going to show you what has been marked
2 States 70A and B. Was that interview also videotaped?

3 A Yes, ma'am, it was.

4 Q And have you had occasion to view states 70A and B?

5 A Yes, ma'am.

6 Q And these are these CD's true and accurate copies of
7 that interview?

8 A Yes, ma'am.

9 Q All right.

10 MS. HODGE: At this time, Your Honor, we would
11 ask to publish 70A?

12 I am sorry, I have not moved it into evidence yet. At
13 this time we would move to admit 70A and B?

14 MR. FREDERICK: Without objection.

15 THE COURT: They are admitted.

16 (State's Exhibit 70A & B, CD's received in
17 evidence as of this date.)

18 MS. HODGE: And move to publish 70A.

19 THE COURT: You may.

20 (Whereupon, the CD was played.)

21 MS. HODGE: You Honor, there is a second video.

22 THE COURT: How long is does it take?

23 MS. HODGE: The video, it is about 35 minutes.

24 THE COURT: We will take a short break before we
25 continue. Please go to the jury room. Don't talk

1 about the case. I will bring you back shortly.

2 (Jury leaves the courtroom.)

3 THE COURT: You may step down. Don't discuss your
4 testimony. We will be at ease for 15 minutes.

5 (Court was in recess.)

6 THE BAILIFF: Come to order. Court is now in
7 session.

8 THE COURT: Thank you. Be seated. Ready for the
9 jury?

10 MS. HODGE: Yes, sir.

11 MR. FREDERICK: Yes, sir.

12 THE COURT: Bring the jury in please.

13 (Jury enters the courtroom.)

14 THE COURT: All right. Miss Hodge.

15 MS. HODGE: Thank you, Your Honor.

16 DIRECT EXAMINATION CONT'D:

17 Q Lieutenant Edwards, before we go the second portion of
18 that same interview, just a couple of questions. There are some
19 voices on the tape and we can't see who the other person is.
20 Who is other person speaking to Miss Phillips?

21 A One of the people in the room was Chief Mobley and she
22 came up with David Roberts.

23 Q Okay. In the very beginning David Roberts and then
24 Chief Mobley is the other voice we are hearing?

25 A Yes, ma'am.

1 Q And then actually in the previous interview on the
2 night of the incident yourself Sara Robbins were in there and
3 then there was another person that came in and took some
4 pictures. Who was that?

5 A Detective Naylis.

6 Q And is Detective Naylis still with York Police
7 Department?

8 A No, ma'am, he is not.

9 Q Okay. And on the second statement now, the one that we
10 are watching the first portion that we watched, is it fair to
11 say that she is pretty detailed about a lot of things?

12 A Yes, ma'am.

13 Q But then when it gets to the important part, what you
14 really want to know about the identity of the --

15 MR. FREDERICK: Object to the leading, judge.

16 THE COURT: Sustained.

17 Q Is there a part that she is vague about?

18 A Yes, ma'am.

19 Q And what part is that?

20 A Basically anything that goes to the crime itself.

21 Q Okay. How about the identity of the perpetrator?

22 A Yes, ma'am.

23 Q All right. But is she willing to give detailed
24 information about anything else?

25 A Everything else.

1 Q Were there some things that were new in this version of
2 events that you didn't hear on the night of the incident
3 specific to a hood?

4 A Yes, ma'am. She stated that he had a hood on the
5 jacket in the second interview.

6 Q Okay. Not the first?

7 A Not the first.

8 Q And how about something over her face or head?

9 A She brought up the fact that he placed some type cloth
10 item over or in front of her face.

11 Q And had that been told to you the night before?

12 A No, ma'am.

13 Q Not the night before. On the night of the incident?

14 A No, ma'am.

15 Q And let's see, about the keys. How many keys did she
16 say she had in her hand, do you recall?

17 A She said she had one key in her hand and then she had
18 the little pick scrunchy thing around her wrist.

19 Q Did she say which key she used on this tape?

20 A She said she had the key to her car in her hand and
21 then it would go to the house key at other times.

22 Q So two separate keys?

23 A Yes, ma'am.

24 Q But not the the key on the wrist?

25 A Not the key on the wrist.

1 Q It was never the key on the wrist, was it?

2 A No, ma'am.

3 Q That she says?

4 A No, ma'am.

5 Q And how about the time her saying the person called her
6 a bad name, a GD bitch. Was that something she said the first
7 time?

8 A No, ma'am.

9 Q That was added or new?

10 A Yes, ma'am.

11 Q How about the her hitting her head on some bricks
12 trying to get up. Was that something she said the first night?

13 A No, ma'am.

14 Q And did she ever complain of head injury the first
15 night from anything like that?

16 A No, ma'am.

17 Q Did she complain of it three days later at this next
18 interview?

19 A No, ma'am.

20 Q And her feet, you heard her talk about being drugged.
21 Did she have any injuries on the bottoms of her feet or her
22 heels or anything like that on the night of the incident?

23 A I did not see any.

24 Q Okay. And several photographs were taken of her hands,
25 face, that kind of thing, correct?

- 1 A Yes, ma'am.
- 2 Q And a photograph was taken down at her feet?
- 3 A Yes, ma'am.
- 4 Q Did she ever say anything about oh, anything about her
5 feet that night hurting?
- 6 A No, ma'am.
- 7 Q Did she ever say about her blue jeans protecting her
8 feet that night of the incident?
- 9 A No, ma'am.
- 10 Q So all these are new to you?
- 11 A Yes, ma'am.
- 12 Q Let me show you what is already into evidence State's
13 number 2, and State's number 12. I will show you State's number
14 2, and 12. What are those pictures showing?
- 15 A The rear of the house.
- 16 Q Okay. And is this in the day light?
- 17 A Yes, ma'am.
- 18 Q And tell us about what this area is here at the bottom
19 of the photos?
- 20 A That is concrete that has been poured for basically the
21 driveway.
- 22 Q And this is of the victim's home?
- 23 A Yes, ma'am.
- 24 Q And is the concrete smooth?
- 25 A No, ma'am, it is rough.

1 Q It is actually busted up?

2 A The top layer is coming off, yes, ma'am.

3 Q And did you go out there and walk this scene
4 eventually?

5 A Yes, ma'am, I did.

6 Q All right. And about can you give an estimate about
7 how far from the house to behind the wall was?

8 A Sixty or so feet. It is not all that far.

9 Q And was this busted concrete pretty much the entire
10 way?

11 A Yes, ma'am.

12 Q This will just be easier. I will walk it down the old
13 fashion way if that helps so you can all see it.

14 All right. Okay.

15 MS. HODGE: All right, at this time we move to the
16 second part of the same interview, publishing State's
17 70B.

18 (State's 70B CD played in open court.)

19 Q Lieutenant Edwards, as you heard in this video here did
20 the defendant ever come back to you with the name of that person
21 that was in the Antonio Mobley case?

22 A Not to me, no, ma'am.

23 Q Are you aware of any time that she came back to anybody
24 else with that information?

25 A Not to my knowledge.

1 Q How about the Hispanic male that she was claiming was
2 very, very mad at Melvin?

3 A I was never told of anyone.

4 Q She didn't come to you specifically?

5 A Not to me.

6 Q Did you feel that you had a rapport or were you
7 attempting to build a rapport with her?

8 A Yes, ma'am.

9 Q And were there other times that she does contact you in
10 days to come?

11 A Yes, ma'am.

12 Q At any of those times did she provide you those names
13 she wrote down on that note?

14 A No, ma'am.

15 Q And talking about the hair of the assailant. The night
16 of the incident you guys asked her for a description?

17 A That's correct.

18 Q Did she ever state that night that the assailant had
19 curly dark hair down to his shoulders?

20 A No, ma'am.

21 Q So that was something new on this statement date?

22 A Yes, ma'am.

23 Q So that was February the 7th we were just watching.
24 When was your next involvement or next step in the
25 investigation, you personally?

1 A We had meetings every day. My notes show that on the
2 9th we had another meeting.

3 Q Well, let's go to the 8th. Do you have something for
4 the 8th and I will ask you to speak into the microphone. Your
5 voice is dropping just a little bit.

6 A I don't have that one I don't believe.

7 Q If I have a supplement would you like to see it to
8 refresh your memory?

9 A Yes, please.

10 Q There you go, (Handed)

11 A Thank you.

12 Q So what did you do on the 8th?

13 A On the 8th we went back to Mr. Melvin Robert's house.

14 Q What was the purpose in doing that?

15 A We just walked around the wooded area. Just seeing if
16 maybe we might have missed something. Just double checking.

17 Q Okay. And did you discover anything else on the 8th of
18 significance or importance?

19 A Yes, ma'am, we did.

20 Q What was that?

21 A We found what appeared to be some is lead fragments in
22 different areas.

23 Q Where did you find those?

24 A In the general area where Mr. Melvin Robert's body was.

25 Q I am going to show you what has been marked State's

1 number -- lets see here, 19 and 31. Do you recognize those?

2 A Yes, ma'am.

3 Q Okay. And what are those?

4 A These are lead fragments that we found at the scene.

5 Q Okay. And I am going to show what has been marked

6 State's 76, 77, 78, 79 and 81. Take a look as those and tell me
7 what those are?

8 A This is a garden hose that was at the scene. We
9 retrieved a fragment out of it.

10 Q Tell me the number?

11 A That is number 76.

12 Q Okay.

13 A Number 77 is another picture of that same garden hose
14 showing a hole in it. Number 78 is a closer view of that same
15 hole. Number 79 is a picture of the door frame where we
16 retrieved a bullet fragment from and number 81 is the -- he had
17 a wooded deck out back and it shows a piece of lead on it.

18 Q And are the items that are States number 19 and 31 are
19 those the items that are depicted in the photographs?

20 A Yes, ma'am. Number 19 came out of the lead the hose
21 pipe and then number 32 was the piece that was found on the back
22 deck.

23 Q All right. And are they substantially in the same
24 condition as when you collected them and are those pictures true
25 and accurate representations of what you saw out there on that

1 day?

2 A Yes, ma'am.

3 MS. HODGE: At this time we move to admit State's
4 numbers 19, 31, 76, 77, 78, 79 and then it skips to 81.

5 MR. FREDERICK: No objection.

6 THE COURT: They are admitted.

7 (State's Exhibits 19, 31, lead fragments, 76 -79
8 and 81, photos, received in evidence as of this date.)

9 Q This is State's number 76. Some of these are pretty
10 small. If you want to stand up and point. Keep your voice up
11 for the court reporter?

12 A Yes, ma'am. This is the hose pipe that was laying
13 beside the wall the night of the crime. You can see the hose
14 pipe laying there.

15 Q And this is close to where Melvin's body was found?

16 A Yes, ma'am.

17 Q And I will show you State's number 77, is that more
18 close-up shot?

19 A Yes, ma'am. In this particular area right along in
20 this area here there is a chip in the plastic out. That plastic
21 cover of the hose pipe.

22 Q Is there something up to the top of that in the picture
23 of importance.

24 A Right here is a piece of metal that is consistent with
25 the jacket that holds the lead of the bullet.

1 the jacket that holds the lead of the bullet.

2 Q And State's number 79. What if anything is in there
3 that was collected?

4 A There is a piece of lead right here and that was
5 collected that day too.

6 Q And finally State's 81. It is hard to see in that
7 color, but --

8 A Right here is another piece of flat lead that was
9 collected.

10 Q All right. Thank you, so these items are pretty small?

11 A Yes, ma'am.

12 Q And obviously the incident occurred at night?

13 A Yes, ma'am.

14 Q It is uncommon or common to come back to the scene and
15 possibly find more items of evidence?

16 A Yes.

17 Q Is that why you all went back out?

18 A Yes, ma'am.

19 Q Can you tell me what your next step was in this case.

20 A Let's see. At some point they did a reenactment and
21 she came back to the office a couple days later.

22 Q Okay. And tell us a little bit about that?

23 A I'm sorry. On the 9th we met with Dave Sanders. I
24 called Julia on the 9th. She was suppose to come to York on the
25 10th to get some work done on her car. She had a doctor's

1 appointment. We talked about that briefly. About 15 minutes
2 later Julia called me back. She said she remembered a few weeks
3 ago, about two weeks ago, about two weeks, that she got some
4 weird phone calls.

5 Q And did she know the person that called her?

6 A No, ma'am.

7 Q Did she give a description of the caller?

8 A Yes, ma'am, she did. She said she believed it was a
9 Hispanic rap music. She said she received approximately three
10 of them.

11 Q Three phone calls?

12 A Three phone calls.

13 Q And this was to her home, cell, store?

14 A I believe they were to her cell phone.

15 Q And what did you do in reference to that information?

16 A We obtained help cell phone at that point.

17 Q Had she been given back her cell phone after the
18 incident night?

19 A Yes, ma'am.

20 Q So, you had initially looked at her phone but you gave
21 it back?

22 A Yes, ma'am.

23 Q On the 9th she is calling you back about something
24 weird on her phone?

25 A Yes, ma'am.

1 Q And weird phone calls were to have occurred even before
2 the murder?

3 A That's correct.

4 Q And she didn't tell you about them in the two times
5 that you all had talked about the murder?

6 A No, ma'am.

7 Q And this was the first time you are hearing of these?

8 A Yes, ma'am, that night or that day.

9 Q Did you go and get her cell phone?

10 A Yes, ma'am, we went to Gaffney.

11 Q And where in Gaffney did you met up with her?

12 A I met her at her store.

13 Q What did you do?

14 A I obtained the phone from her and she signed a waiver
15 to let me have the phone and I left with the phone.

16 Q What did you do with the phone?

17 A I turned it into evidence and it was sent to the proper
18 department to try and retrieve whatever was on it.

19 Q Did you attempt to personally listen for any messages
20 of interest that she was pointing you towards, I guess?

21 A No, ma'am, I did not.

22 Q Was someone else going to do that and get back to you.

23 A Yes, ma'am, once they went through the phone because
24 our phones are different.

25 Q So you have people that specialize in getting -- in

1 downloading information from phones?

2 A Yes, ma'am.

3 Q And that is what was going to happen with this one?

4 A Yes, ma'am.

5 Q And did you ever learn of any leads as to any Hispanic
6 voices or call numbers or anything off of that?

7 A No, ma'am, I did not learn anything.

8 Q Did you give the phone back to her or did it stay in
9 you all's custody?

10 A I believe the phone was returned to her. I am not
11 sure.

12 Q That wasn't something you were a part of?

13 A No, ma'am.

14 Q And what about -- what was your next step after that?

15 A Obtained pictures from Sergeant Quinn the next day.
16 Just had meetings as usually. We obtained search warrants for
17 different things, and we talked with Angela Durham on the 10th.

18 Q And were you attempting to when you said obtain search
19 warrants were you attempting to get phone records of the
20 defendant?

21 A Yes, ma'am.

22 Q Of Melvin Roberts?

23 A Yes, ma'am.

24 Q Of any other person that possibly was of interest in
25 this case to you all?

1 A Yes, ma'am.

2 Q And Angela Durham, you said you spoke to Angela Durham?

3 A Yes, ma'am.

4 Q And who is she?

5 A She worked with Julia Phillips at the shop in Gaffney.

6 Q Did she come to the police department or did you go
7 meet her somewhere or was it on the phone?

8 A I believe it was on the phone.

9 Q And did you gain any information at that time that
10 helped you develop any type of lead?

11 A Not no lead. But she did talk about Julia and Melvin's
12 relationship a few weeks prior.

13 MR. FREDERICK: Objection to hearsay.

14 A Don't tell me the contents, but it was in relation more
15 to the defendant what you are talking with Miss Durham about?

16 A Yes, ma'am.

17 Q And then what did you do on February the 11th?

18 A Talked with Dennis Rayfield again.

19 Q And who is Dennis Rayfield?

20 A Dennis Rayfield is a friend of Melvin's.

21 Q Did Dennis have any information -- don't tell me what
22 he said, but did he have any information that developed or
23 turned into any suspect or lead in this case at this time?

24 A Beginning too, yes, ma'am.

25 Q Okay. And did Dennis have any information regarding

1 the defendant?

2 A Yes, ma'am.

3 Q After speaking to him what was your next step in the
4 case?

5 A Here we go. On the 12th we went back to Mr. Robert's
6 residence and executed another search warrants.

7 Q I will ask you to keep your voice up for me please. So
8 you went back to Mr. Roberts and you all executed a search
9 warrant?

10 A Yes, ma'am.

11 Q And this was for the inside or outside or what?

12 A The inside mainly.

13 Q And what does it mean when you are executing a search
14 warrant. What does that mean?

15 A We go the house and actually search the residence or
16 wherever it is we are going.

17 Q And at the time are you allowed to you take photographs
18 or collect items if you think they're important?

19 A Yes, ma'am.

20 Q And in that residence were there items of the
21 defendants there?

22 A Yes, ma'am.

23 Q And tell me about that?

24 A Clothing, medicines. Things of that nature.

25 Q Did it appear that she stayed there?

1 A Yes, ma'am.

2 Q Did she tell you in fact that she lived there?

3 A Yes, ma'am.

4 Q And the items that you found there did that corroborate
5 what she said about being there, staying there, living there?

6 A Yes, ma'am.

7 Q I am going to show you what has been marked states
8 number 36, 63, 82 and 83?

9 A That is the top of a dresser with woman's jewelry,
10 fingernail polish.

11 Q Where are these pictures from?

12 A These are from inside of a bedroom inside the residence
13 of Melvin Roberts.

14 Q And are the items in there ladies's items or men's
15 items?

16 A In these photos they are all woman's items.

17 Q Was there one bedroom dedicated to woman items?

18 A Yes, ma'am.

19 Q And according to your conversations with the defendant
20 would these be the defendant's items?

21 A Yes, ma'am.

22 Q And are these true and accurate representations of what
23 you saw when you went in to Mr. Roberts's home?

24 A Yes, ma'am.

25 Q In regards to that search warrant?

1 A Yes, ma'am.

2 MS. HODGE: At this time we moved to admit
3 numbers 36, 63, 82 and 83.

4 MR. FREDERICK: No objection.

5 THE COURT: They are admitted.

6 (State's Exhibits 36, 63, 82, 83, Photos, received
7 in evidence as of this date.)

8 Q This is States number 36. Can you tell me where in the
9 house this room is?

10 A Mr. Roberts's house was huge on the inside. It is the
11 bedroom off of a hallway going back toward Mr. Melvin's room.

12 Q What is this showing?

13 A It shows fingernail polish, a bracelet, earrings, other
14 bracelets, woman's jewelry.

15 Q Showing you states number 63. Was this in the same
16 room?

17 A Yes, ma'am.

18 Q And are these woman's clothing?

19 A Yes, ma'am.

20 Q Okay. And these again are the defendants? This is the
21 defendant's room in Melvin's house?

22 A Yes, ma'am.

23 Q Was there an actual master bedroom though that they
24 they slept in? This is just the guest room?

25 A Yes, ma'am.

1 Q This is State's number 82. Was this also in that same
2 room?

3 A Yes, ma'am, it is.

4 Q And what is over towards this side? You can hardly see
5 it here, but over towards this side?

6 A Ladies clothing.

7 Q Okay. More clothing items?

8 A Yes, ma'am.

9 Q More personnel affects?

10 A Yes, ma'am.

11 Q And was there some State's 83 as well?

12 A Yes, ma'am that is the bed that was in there.

13 Q So that previous photo I showed you 82 is that the
14 couch behind the bed?

15 A Yes, ma'am.

16 Q All right. Thank you. I think in the interview of
17 February 7th did she state she had actually gotten ready as
18 Melvin's house on the day of the murder and then gone out to
19 work and that kind of stuff?

20 A Yes, ma'am.

21 Q Okay. On February the 12th, tell me what you did on
22 that day or what occurred on that day?

23 A On the 12th we executed that search warrant and we also
24 talked with Miss Julia Phillips and recorded that conversation.

25 Q Okay. Tell me about that?

1 A She had called and said she had some information.

2 Q What -- as of this point in your investigation pursuant
3 to her information, what generally was the suspect suppose to
4 be? Is he suppose to be Hispanic, is suppose to be African
5 American, Caucasian?

6 A He is suppose to Hispanic male at this point.

7 Q And do you have a recorded line in the police
8 department?

9 A Yes, ma'am, all phone calls are recorded inside the
10 police department.

11 Q Did she call to you on this date, February 12th or did
12 you call to her?

13 A I believe she called me.

14 Q And again were you attempting to keep those lines of
15 communication open?

16 A Yes, ma'am.

17 Q Hoping to find information as to what?

18 A Who the suspect is.

19 Q All right. Let me show you States number 71A and then
20 B. State's 71A what is that?

21 A Phone call of Miss Julia Roberts to me.

22 Q Okay, on February 12th?

23 A Yes, ma'am. It is on the 12th.

24 Q Okay. Did someone else get on the phone with you
25 after the defendant spoke to you?

1 A Yes, ma'am.

2 Q Who is that?

3 A Her son, Hunter Stevens.

4 Q Okay. Showing you 71B. Is this a copy of the same
5 phone call but without Hunter Stevens's comments or the
6 conversation?

7 A Yes, ma'am.

8 Q So this is just as to the defendant?

9 A Yes, ma'am.

10 Q All right. Are these true and accurate representations
11 of the phone call that you had with Miss Phillips on 2-12-10

12 A Yes, ma'am it is.

13 Q All right. At this time was I move to admit 71 A for
14 Court record B for evidence.

15 MR. FREDERICK: No objection, subject to the
16 limitations we just went over.

17 THE COURT: They are admitted.

18 MS. HODGE: B would be the redacted.

19 (State's Exhibit 71A & B, CDs, received in evidence
20 as of this date.)

21 (Whereupon, State's 71A was played for the jury.)

22 Q Okay. So at this point in time the name she is giving
23 you these are what race?

24 A African American.

25 Q Did you ever go and speak to Mr. Ellis personally?

1 Q No, ma'am?

2 Q Did you refer that information to another detective?

3 A Yes, ma'am, I did.

4 Q But they were definitely not Hispanic?

5 A According to her they were not.

6 Q You said something about a reenactment, what's that?

7 Did that happen a lot? What is it? How does it work?

8 A The investigators decided to take Miss Julia back to
9 the scene and have her walk them through it step-by-step.

10 Q And were you a part of the reenactment?

11 A I was not part of the reenactment, no.

12 Q Did you go to the reenactment?

13 A Yes, ma'am, I stood back and watched.

14 Q Who else was at the reenactment?

15 A Scott Williams who was with sled at the time, Detective
16 Mumaw, Chief Mobley.

17 Q Was there someone else from sled that came for the
18 reenactment?

19 A Purdue, Pardan.

20 Q Pardan?

21 A He's a profiler.

22 Q And the re-enactment took place?

23 A Yes, ma'am.

24 Q She agreed and was willing to do that?

25 A Yes, ma'am.

1 Q And after that re-enactment was over did you have a
2 conversation with the defendant about doing another one?

3 A Yes, ma'am.

4 Q Okay. Tell us about that?

5 A That was on the 15th. I called and asked Julia if she
6 would be all right to do it on Friday the 19th since it would be
7 a pretty day. She said that would be fine, but she did not want
8 that SLED profiler there.

9 Q Okay. And did she want you to be there?

10 A Yes, ma'am.

11 Q Was this on law enforcement's suggestion to do another
12 one or was this something she wanted to do?

13 A I don't remember.

14 Q Okay. And then tell us about what your next step was
15 with the investigation?

16 A On the 19th I talked with Miss Julia. Miss Julia
17 showed up at the police department and I sat down and talked
18 with her again.

19 Q Okay. And was this law enforcement that called her
20 back up to the police department?

21 A Yes, ma'am.

22 Q And did you actually conduct an interview with her that
23 day?

24 A A very brief one. Case agent did the other one.

25 Q So SLED is now working in conjunction with you guys or

1 I guess they were at the beginning as well?

2 A Yes, ma'am.

3 Q So you were not going to do a lengthy interview with
4 her?

5 A No, ma'am.

6 Q All right. Someone from SLED going to do that?

7 A Yes, ma'am.

8 Q What did you do on the 19th?

9 A I went to Gaffney and inquired about some computers
10 they had. Talked to her son and her about some computers they
11 had.

12 Q Did they give you permission to look at there computers
13 on the 19th?

14 A Yes, ma'am.

15 Q And where were the computers?

16 A They were in Gaffney at the store.

17 Q Did you go and get them?

18 A Myself and Detective Chris Bomar (phonetics) with York
19 County Sheriff's office went.

20 Q And did you collect them and bring them back to York?

21 A Yes, ma'am.

22 Q Who actually took the computer?

23 A Detective Bomar.

24 Q And does he have some kind of specialized training in
25 that area?

1 A Yes, ma'am.

2 Q And did you give the computers back?

3 A At some point in time they were given back a couple
4 days later.

5 Q And were you a part of that?

6 A Yes, ma'am, I was.

7 Q And tell us about that?

8 A I returned the computers back to Hunter Stevens. He
9 met me there at the store.

10 Q All right. And did you assist him in putting them back
11 in and getting them all hooked up. All that kind of stuff?

12 A I helped him take them in. He stated he will hook them
13 up.

14 Q Was the defendant at the store at that time?

15 A No, ma'am.

16 Q All right. Was there anything else at this point that
17 you did in the investigation of this case?

18 A No, ma'am.

19 Q Other than possible updating or staffing did you have
20 any other investigative duties in this case?

21 A Very little, if any.

22 MS. HODGE: Thank you, please answer any defense
23 questions.

24 THE COURT: Before we do that we will break for
25 lunch. We will do the cross examination after lunch.

1 Let me caution the jury again not to discuss the
2 case. Don't delay to expose any type of media
3 coverage, no research or no investigation.

4 Have a good lunch. Please report to your jury
5 room at 2:05. 2:05 this afternoon.

6 (Jury leaves the courtroom.)

7 THE COURT: You may step down. Don't discuss your
8 testimony during the lunch break.

9 Court is in recess until 2:05.

10 (Court in recess for lunch.)

11 THE BAILIFF: All rise. Come to order.

12 THE COURT: Thank you. Be seated. All right,
13 bring the jury in please.

14 (Jury enters the courtroom.)

15 THE COURT: Good afternoon. We are going to
16 continue with the examination of the witness by the
17 defense.

18 Mr. Frederick.

19 MR. FREDERICK: Thank you, judge.

20 CROSS EXAMINATION

21 BY MR. FREDERICK:

22 Q Are you a lieutenant now?

23 A Yes, sir.

24 Q Lieutenant Edwards, just get this out of the way. Is
25 this one of the photographs that was taken the night, this one,

1 the night of the 4th and let me see the back -- we are talking
2 about exhibit number 24.

3 A I believe it is.

4 Q You were there. Was that you taking the pictures?

5 A No, sir, it was not me.

6 Q Okay. But you were there when they took the
7 photographs?

8 A Yes, sir.

9 Q Can you identify it?

10 A It appears to be one of her arms. One of Miss
11 Phillips's arms.

12 Q And this is stamped the 8th?

13 A Yes.

14 Q Were you there on that day?

15 A Yes, sir.

16 Q And we are looking at exhibit number 1?

17 A Yes, sir.

18 Q And can you identify that photograph?

19 A Yes, sir, that is my police hat.

20 Q Okay, and is this --

21 THE COURT: Excuse me. Is that Defendant's 1?

22 MR. FREDERICK: Defendant's Exhibit one.

23 Q And is that the front yard of -- does this show the
24 front of Melvin's house?

25 A From one of the angles of the driveway, yes.

1 Q And there's a hat down here.. That is your hat?

2 A Yes, sir.

3 Q Did you place the hat there?

4 A Yes, sir. There was something there, but I don't
5 remember what it was. We placed the hat there to mark where it
6 was at, but I don't remember what it was.

7 Q Okay. So this is the Defendant's Exhibit 1 and 24?

8 MR. FREDERICK: We move those into evidence.

9 MS. HODGE: No objection.

10 THE COURT: They are admitted.

11 (Defendant's Exhibit 1 & 24, Photos, received in
12 evidence as of this date.)

13 Q Lieutenant Edwards you took Julia to the station from
14 Melvin's house?

15 A That's right.

16 Q At Melvin's house before you got there, Julia was in her
17 car, is that right?

18 A I believe so, yes.

19 Q Once you got there you put her in your car?

20 A Yes, sir.

21 Q In the back seat or in the front seat?

22 A Front seat. Front passenger side.

23 Q And was it about an hour from the time that the first
24 officers arrived before you arrived on scene?

25 A I later found out it was, yes.

1 Q Okay. And this was February. It was cold outside,
2 right?

3 A Yes, sir.

4 Q Fair to say she probably had the heat on in the car?

5 A I do not know if her car was even running.

6 Q Did you have the heat on in your car?

7 A No, sir.

8 Q You took her back to the police station?

9 A Yes, sir.

10 Q At the station you took her into the conference room?

11 A Took her to the lieutenant's office.

12 Q And the lieutenant's office it looks like a conference
13 room, is that fair to say?

14 A It is a good size office.

15 Q With a conference table in it?

16 A It is a desk. It's just a desk.

17 Q We are talking about the room that we watched on the
18 video?

19 A Yes, sir.

20 Q Okay. Whose office did you say it was?

21 A That's the lieutenant's office.

22 Q Which lieutenant?

23 A It assigned to the shift supervisors.

24 Q All right. So any lieutenant?

25 A Yes.

1 Q So in that lieutenant's office you sat at that
2 conference table with her, right?

3 A Correct.

4 Q And you questioned her for about five hours, is that
5 what you said?

6 A Approximately, yes.

7 Q Lieutenant Robbins was there for most of that time?

8 A Yes, sir.

9 Q Okay. You gave her a blanket while you were in the
10 conference room?

11 A Yes, sir.

12 Q In the lieutenant's office she wrapped that blanket
13 around herself, is that right?

14 A That's correct.

15 Q Okay. In the video she talked about how she was wet
16 and cold before you gave her the blanket, is that right?

17 A She talked about being cold.

18 Q She was shaking?

19 A Yes, sir.

20 Q And there were a lot of inconsistencies throughout the
21 videos, is that right?

22 A That's correct.

23 Q Now, first she said that the attacker did not tape up
24 her feet and then she said he did tape up her feet. That's an
25 inconsistency isn't it?

- 1 A Yes, sir.
- 2 Q And did she have anything to gain from saying he did
3 not tape up her feet?
- 4 A At this point she is a victim. I just wanted to know
5 what was going on.
- 6 Q Did she have anything to gain from saying he didn't
7 tape up her feet?
- 8 A I don't know. I don't know if she'd gain or lose.
- 9 Q So you don't know?
- 10 A I do not know.
- 11 Q That made you suspicious?
- 12 A Yes.
- 13 Q She still had the duct tape on her feet while you
14 questioned her, didn't she?
- 15 A Yes, sir.
- 16 Q Is it fair to say that Julia has exaggerated every time
17 you talked to her?
- 18 A I would not say exaggerate. I think she tried to give
19 us misdirection.
- 20 Q Is it fair to say she can't be consistent to save her
21 life?
- 22 A She seemed to be able to recall old incidents.
- 23 Q Okay. Is it true or would you agree that most of the
24 inconsistencies have nothing to do with suspicion of a crime?
- 25 A The inconsistencies I saw dealt with the crime.

1 Q You didn't hear any other inconsistencies?

2 A I don't recall hearing any.

3 Q Did you consider that maybe this is just how Julia is,
4 who she is?

5 A No.

6 Q Okay. You talked with her several times, right?

7 A Yes, sir.

8 Q Five hours on the 4th?

9 A Yes, sir.

10 Q Is it fair to say that in all the times you talked to
11 her she probably never gave you a straight answer to any
12 question?

13 A She would answer a question and then give us a little
14 bit and then she would go on to another total topic.

15 Q So you would ask her a question and she will tell you a
16 long story about something that had nothing to do with the
17 question you asked her, is that fair to say?

18 A No, she would start off answering that question and
19 then we would end up going some place else.

20 Q She wants attention, would you agree with that
21 observation?

22 A Yes.

23 Q Okay. She told you it was pouring down rain?

24 A Yes, sir.

25 Q You know it was not pouring down rain, don't you?

1 A I was at home when all this started. I don't know what
2 happened in town.

3 Q Okay. The video that we watched it showed a lite
4 drizzle?

5 A When I got there, yes.

6 Q On the 4th there was a little drizzle off and on all
7 day. I sure you were outside at some point.

8 A I don't remember. That was my normally scheduled day
9 off.

10 Q Okay. You asked her about the gunshot. She goes off
11 on a tangent about how Dennis Rayfield told her how to shoot.
12 She is not answering your question, right?

13 A That is correct.

14 Q Okay. She says she knows how a gun sounds. It is kind
15 of like a pop sound to it?

16 A She said that.

17 Q She heard one pop sound but that's all. You asked her
18 was it a real loud pop?

19 A Yes.

20 Q She says it was a small pop so it had to be a small
21 gun?

22 A That's what she said.

23 Q Suspicious right, inconsistencies?

24 A Can you clarify that.

25 Q Was it suspicious?

1 A That she heard a small pop?

2 Q Yeah.

3 A No.

4 Q That she is going off on a tangent and rambling?

5 A I found that suspicious, yes.

6 Q And she rambles, right?

7 A Like I say she would start off answering the question
8 and then she would go some place else like she is trying to
9 misdirect us.

10 Q And that's suspicious?

11 A Yes.

12 Q She talks about how cold her feet are and then she
13 talks about how people have to amputate toes or amputate some
14 times because they are so cold?

15 A Of frostbite, yes.

16 Q Is that suspicious?

17 A That in and of itself is not. The fact she is rambling
18 is.

19 Q Did she say she forgot how to dial 911?

20 A If I remember currently she said she couldn't remember
21 how to dial 911.

22 Q Is that suspicious?

23 A No. That's not -- yes, it is suspicious because it is
24 just three letters or three numbers.

25 Q And you took that in conjunction with other

1 inconsistencies, evidence that she must be involved in the
2 murder?

3 A She became a person of interest to me, yes.

4 Q She was confused about was the attacker looked like?

5 A Yes.

6 Q She said he was behind her the whole time?

7 A That's correct.

8 Q You know, she was talking about the zip up jacket,
9 maybe it was sweat pant suit material and the next question you
10 asked her, what was kind of medication was she on. Do you
11 recall that?

12 A I remember asking her about if she is on any type of
13 medication.

14 Q The video got cut off. What was her answer?

15 A I got it in my notes.

16 A She was on a couple of medications. I remember seeing
17 it in here.

18 Q Was there a fentanyl patch?

19 A I don't remember.

20 Q Did we see a fentanyl patch in the last video we
21 watched?

22 A I want to say there was a patch of some type, but I
23 don't remember what it was.

24 Q Was she taking hydrocodone?

25 A I got it in my notes somewhere.

1 Q I will give you a minute.

2 A Okay. Julia said she was taking percocet 10, aspirin,
3 ibuprofen, and nexium.

4 Q And fentanyl patch?

5 A Did not say anything about a fentanyl patch.

6 Q And say those one more time if you don't mind.

7 A Percocet 10, aspirin, ibuprofen and nexium.

8 Q She didn't tell you -- yeah percocet. You said she
9 said percocet.

10 A Yes, percocet 10.

11 Q Okay. Now, she did say he was behind her the whole
12 time?

13 A That's correct.

14 Q And duct tape on her head, right?

15 A Yes, sir.

16 Q It was dark behind the house that night, wasn't it?

17 A I would say so.

18 Q So, if she saw anything would it have been any more
19 then a glimpse of the person?

20 A I do not know.

21 Q Okay. You don't know. She called her son Hunter
22 before she dialed 911. I heard that testimony. Was that an
23 inconsistency?

24 A She called her residence twice before calling 911.

25 Q Okay. Is that who was there as far as you know?

1 A I do not know.

2 Q Would you agree that Julia and her son were very close.
3 You learned a lot about him, haven't you?

4 A Yes, sir.

5 Q Would you agree with that?

6 A Yes, sir.

7 Q And did she tell you that she always calls her son when
8 she gets home so he knows she got there safe and sound?

9 A That's correct.

10 Q Okay. So, lots of inconsistencies. She couldn't
11 remember the address to the house she lives in?

12 A That's correct.

13 Q She confused you and Lieutenant Trail and the other
14 officers, didn't she?

15 A In her accounts of stuff yes.

16 Q Also when she is talking to you did she call you Billy?

17 A I think she may have at one time.

18 Q More than once wasn't it?

19 A I believe so.

20 Q Who is Billy?

21 A That would either be Detective Mumaw or Chief Mobley.

22 Q So, she is having trouble with your names, is that fair
23 to say?

24 A From time to time she would call me Billy or somebody
25 else something else.

1 Q Okay. She said the tape went around and around and it
2 felt like a hat on my head. Was that inconsistency with you?

3 A Going around and around her head, it was around her
4 head.

5 Q It was. We saw it, right?

6 A Yeah.

7 A She said she believed he was dead because she heard the
8 gunshot but then we heard on the 911 tape her saying I don't
9 know where he is. That's an inconsistency?

10 A Yes, sir.

11 Q That made you suspicious?

12 A Yes, sir.

13 Q Okay. Her black bag she said was left at her truck.
14 You found it behind the wall. Did that make you suspicious?

15 A Yes, sir.

16 Q If it didn't you would tell me, right?

17 A Yes, sir.

18 Q Okay. She said the money is in the bag. She said she
19 told the attacker the money is in the bag, but then she said
20 that she told the attacker I don't have any money. That is
21 inconsistency. Did it make you suspicious?

22 A I remember she told the attacker the money was in the
23 bag.

24 Q Okay. She said I just assumed his hair was dark. I
25 don't know if he had if a facial hair. Do you think she should

1 have been able to describe her attacker better?

2 A Yes.

3 Q You think she should have been able to?

4 A Yes.

5 Q And you don't know if she just got a glimpse or not?

6 A I do not know.

7 Q When she said my head must be a ball of mud. That's
8 what I felt like. Did that make you suspicious?

9 A Yes, sir.

10 Q Okay. Does that sound like an exaggeration, a ball of
11 mud?

12 A That sound like an exaggeration.

13 Q You know she said at one point she had a profitable day
14 at the store, but then she had about \$90 in her bank bag. Was
15 that an inconsistency?

16 A It depends on what she considers is a profitable day.

17 Q Did that make you suspicious?

18 A Like I said, it depends on what she thinks is a
19 profitable day.

20 Q Okay. She couldn't say the color of the bank bag. She
21 says blue. She says it is black. Is that inconsistency?

22 A That is inconsistency.

23 Q Make you suspicious?

24 A Me personally, no. Some people -- some times I mix a
25 black sock with a blue sock if they are close in color.

1 Q Yeah. She said the money bag was dropped at the truck,
2 right?

3 A Yes.

4 Q But then you found it at the wall?

5 A Yes.

6 Q Did we already cover that?

7 A Yes.

8 Q We did. She said her shoes rattle. They make noise.
9 Later she said they were squishy. Is that an inconsistency?

10 A Yes.

11 Q Made you suspicious?

12 A Yes.

13 Q Okay. She used either her house key or her car key and
14 as the prosecutor asked you, if she said either or
15 interchangeably. You said that she did. I don't remember it,
16 but did that happened?

17 A At one time she told us she used a car key and later on
18 she said it was house key. Cause she said she had the house key
19 in her hand when she got out of the truck.

20 Q So she didn't know which key was in her hand. Does
21 that make you suspicious?

22 A Yes, that makes me suspicious.

23 Q She said she was 20 years younger then Melvin. She's
24 not, is she?

25 A I do not believe so.

1 Q Do you know how old she was?

2 A I want to say like 68, but I am not one hundred percent
3 sure.

4 Q How old was Melvin?

5 A Melvin was in early eighties I believe.

6 Q Was that an inconsistency?

7 A In and of itself, yes, but I didn't pay no attention.

8 Q They went to Kiawah Island the weekend before the
9 murder?

10 A That's what she say.

11 Q Did you check up on it?

12 A I did not.

13 Q Did anybody?

14 A I do not know.

15 Q She was sick with virus the week before. Melvin took
16 care of her?

17 A That's what she said.

18 Q Did you follow up on it?

19 A I didn't know.

20 Q Okay. So, she gave you all a hard time about her
21 underwear, right?

22 A That's correct.

23 Q And you had to get a search warrant to take her
24 underwear, shoes and her bra?

25 A That's correct.

1 Q And she told you at one point that this underwear was a
2 gift from Melvin, didn't she?

3 A Yes, sir.

4 Q She said, "She wore them special today because it is
5 her birthday", is that right?

6 A That's correct.

7 Q We didn't see them on the video, those underpants were
8 thong underwear?

9 A They were not on the video.

10 Q No. Were they thong underwear?

11 A No, I did not see them.

12 Q You never look at them?

13 A No.

14 Q Okay. She said she had a gift for Melvin in the car?

15 A That's what she said.

16 Q Okay. Did you look for it?

17 A I didn't, no.

18 Q Did anybody?

19 A I do not know.

20 Q Okay. You said at some point you knew Dennis Rayfield?

21 A Yes, sir.

22 Q How do you know him?

23 A He was a witness for Melvin in a prior case.

24 Q Is that how you met him?

25 A Yes.

1 Q Okay. A witness for the defense?

2 A Yes.

3 Q Okay. Did you know him outside of that?

4 A No, sir.

5 Q Okay. Did he do a good job?

6 A Depends on how you look at it. The suspect was found
7 guilty of the crime.

8 Q So he has been a witness before?

9 A Yes.

10 Q Okay. You said to Julia something like, if you know a
11 factor, know something, even if you don't think it is important,
12 even if you think it is stupid or trivial, let me know because I
13 need every detail you can remember. Did you say that to her?

14 A Yes.

15 Q Do you have a victim's advocate at the police
16 department?

17 A That would be a Elisha Lindy, I believe.

18 Q Where was she?

19 A I do not know.

20 Q Does she advocate for victims?

21 A That's her job title. I don't know what she does.

22 Q Did she come to met with Julia?

23 A No.

24 Q You all made a big deal about how there were no guns
25 near her, right, on direct examination?

1 A I didn't have my weapon even on me.

2 Q Right. The prosecutor asked you a bunch of questions
3 about that, right?

4 A That's correct.

5 Q You didn't have a weapon on you. No guns around you?

6 A That's correct.

7 Q Because because of the GSR test, right?

8 A That night I hadn't put my weapon on.

9 Q Right. Okay. You know officers they don't fire their
10 guns much. They clean their guns. We went through that
11 testimony, do you recall?

12 A Yes.

13 Q Okay. Did the attacker have a gun?

14 A She said she heard a gunshot. Who shot I would have to
15 assume was the attacker.

16 Q Did anyone else hear a gunshot?

17 A Sir?

18 Q Did anyone else hear a gunshot?

19 A My understanding there was a witness across the street
20 that heard a gunshot.

21 Q And did we find bullet holes in his jacket?

22 A My understanding there was.

23 Q Okay. So is it a fair inference, right, we can
24 probably safely assume there was a gun there, right?

25 A Yes.

1 Q Okay. The attacker had a gun?

2 A Yes.

3 Q The attacker that came up and grabbed her physically
4 from behind, if she is telling the truth, taped her up and
5 dragged her to behind that wall, that same attacker had a gun?

6 A I would imagine so.

7 Q Do you know if he cleaned his gun?

8 A Nope.

9 Q Okay. Do you know the last time he fired his gun?

10 A Nope.

11 Q Okay. Reviewing the interviews is it fair to say that
12 she thought that Melvin got shot and that's how he died?

13 A At some point, yes.

14 Q Did she ever mention a zip tie or strangulation?

15 A No.

16 Q Okay. Is that something that you look for when you are
17 interrogating someone? Do they know a detail about the crime
18 scene that they should not have known?

19 A That is one thing we look at, yes.

20 Q Did you find any single thing about the crime scene
21 that she knew that she should not have known, anything?

22 A No.

23 Q Nothing?

24 A Nothing. She said numerous times that he would put more
25 tape on her mouth, right or he would put more tape on her,

1 right?

2 A That's correct.

3 Q You have seen the duct tape, right?

4 A What was shown in court, yes.

5 Q All right. Lots of little small pieces aren't there?

6 A I haven't seen it that close. I was sitting in the back
7 when they had it up here.

8 Q Okay. Did you follow up on anything that was learned
9 from Gerone French?

10 A From who?

11 Q From anybody who lived on 5th Street behind Mr.
12 Roberts's house?

13 A No, I did not.

14 Q You did not follow up on any leads from them?

15 A Not that I remember.

16 Q Did you follow up on any leads from the red Chevy
17 Silverado truck?

18 A No.

19 Q Did you follow up on any leads for an older Lincoln or
20 Mercury, black vehicle?

21 A No.

22 Q So you did not run any vehicles through the D.M.V. or
23 interview any witnesses about that?

24 A Not that I remember.

25 Q Okay. Are you aware of any other officer who did?

1 A There was a group of officers. Everybody was assigned
2 different tasks so that way we weren't duplicating work.

3 Q So you don't know?

4 A I do not know.

5 Q It is okay. Just say you don't know.

6 A I don't know.

7 Q She said in the video I need to go to doctor. How am I
8 going to get there without my car, right?

9 A That's correct.

10 Q Did you ever take her to the doctor?

11 A I didn't.

12 Q Could you have taken her to a doctor?

13 A Yes.

14 Q Did anybody call the victim's advocate?

15 A I do not know.

16 Q You don't know if for some reason she was not there?

17 A I do not know.

18 Q Is the reason she is there is to talk to victims?

19 A My understanding.

20 Q Once you got her replacement shoes and underwear she
21 turned those items over didn't she?

22 A Yes, sir.

23 Q In those videos I heard over and over, it's a murder
24 case we are doing this for Melvin. Did anyone ever say to her
25 this is an assault case, a kidnapping case we are doing this for

1 you, ever?

2 A Not on the videos. I never did.

3 Q Did anyone ever say that anywhere else that is not on
4 the video?

5 A I do not know.

6 Q At one point you said if this was somebody that had
7 personal vendetta against Melvin they wouldn't have considered
8 her a threat. Does that make sense still?

9 A Who said that?

10 Q I believe you did.

11 A That wasn't --

12 Q If it was someone who had a personal vendetta against
13 Melvin they wouldn't have considered her a threat?

14 A I don't remember saying that. I remember Detective
15 Naylis saying something to that effect.

16 Q Okay. So we heard detective Naylis say that on the
17 video?

18 A Yes.

19 Q Not you. But Sara Robbins on the video was talking
20 about home invasions. She said, "We have home invasions.
21 People do that all the time," right?

22 A Do what all the time?

23 Q You are a York Police Officer, right?

24 A That's correct.

25 Q What is a home invasion?

1 A That is normally where somebody kicks the door in while
2 you are at home and robs you or assaults you or something of
3 that nature.

4 Q Violent?

5 A Very violent most of the time.

6 Q As opposed to where some people would scope a house out
7 and wait until they are not home, right?

8 A That's correct.

9 Q Some people wait until they are home and they kick the
10 door in and go in with guns?

11 A That's correct.

12 Q And that happens here in York County, doesn't it?

13 A In York County, yes.

14 Q You get those cases, don't you?

15 A We had a few ourselves, yes.

16 Q Okay. She told you she had fibromyalgia?

17 A Yes.

18 Q She is a multiple cancer survivor?

19 A Yes, sir.

20 Q You said on the -- I think it was not on the video, but
21 during your examination that Gene Moss called the police
22 department the night of, is that right?

23 A Yes, sir.

24 Q Ann gave information to you guys?

25 A Yes, sir.

1 Q And who is Gene Moss?

2 A Gene Moss worked for Melvin.

3 Q He was handyman?

4 A I believe so.

5 Q Are you familiar with that document? Have you seen it
6 before? You know what it is?

7 A Yes. I know what it is.

8 Q Okay. Is that a log of people that came in to the
9 crime scene?

10 A That is a log of everybody that was suppose to be in
11 the crime scene, yes.

12 Q Gene Moss's name is on there?

13 MS. HODGE: Objection, Your Honor, unless he can
14 lay the foundation.

15 MR. FREDERICK: I am not admitting it as evidence,
16 judge.

17 MS. HODGE: You are asking him to read from
18 something if he didn't create it.

19 THE COURT: I understand. If you have personal
20 knowledge about it he respond to it. If you don't
21 know say you don't know.

22 Q Do you know? Did you see Gene Moss at the crime scene?

23 A No, I did not.

24 Q Okay. She did have a key on a cord around her arm,
25 right?

1 A That's correct.

2 Q Why do people put cords around their arm?

3 A So they don't lose them.

4 Q Right. That duct tape you said it wasn't very loose
5 when you saw it, right?

6 A It was loose when I saw it.

7 Q I mean it was loose when you saw it. That is what I
8 meant to say. It was loose when you saw it, but you saw the
9 duct tape after she got loose, right?

10 A That's correct.

11 Q Okay. Lieutenant Trail and you on the video at least
12 once you had her leave that on, right?

13 A Yes.

14 Q You said were you instructed to make her keep it on?

15 A Until Detective Naylis got there to remove it.

16 Q You didn't see that duct tape when she was tied up
17 behind the wall did you?

18 A No.

19 Q Okay. Did you take a photograph of her feet?

20 A Yes.

21 Q When?

22 A That night.

23 Q Other than this one is there more?

24 A That is only one that was taken that I know of.

25 Q Did you take any photographs of her feet without those

1 shoes on?

2 A No.

3 Q Okay. Now, the pictures of the house that we were
4 going through earlier that are in the daylight those were taken
5 the next day, weren't they?

6 A I believe so.

7 Q And was there a storm that night and early that
8 morning?

9 A Yes.

10 Q There was?

11 A Yes.

12 Q Those pictures in the daylight are either that next day
13 and some where on the 8th, right?

14 A Yes.

15 Q Not the night of the 4th?

16 A No.

17 Q Did you have access to information on Melvin's cases?

18 A From time to time, yes.

19 Q Okay. You had much better access than Julia, is that
20 fair to you say?

21 A That would be fair to say.

22 Q She can't get a search warrant can she?

23 A No.

24 Q Last thing we heard on one of those videos was you said
25 to Julia people are going to blame you for this?

1 A I don't remember saying that. The topic was that
2 people was going to talk about it and they would blame her. I
3 think she said they would blame her for it.

4 Q I think that you said, tell me if you did or didn't,
5 they whoever is there is the one that they blame so I mean if I
6 had been there they would be blaming me?

7 A Yes.

8 Q You said that?

9 A Yes.

10 Q Okay.

11 MR. FREDERICK: I don't have any more questions.

12 Thank you.

13 MS. HODGE: Just briefly.

14 REDIRECT EXAMINATION

15 BY MS. HODGE:

16 Q Lieutenant Edwards, no one ever saw Julia duct taped
17 like she claims she was, is that correct?

18 A That's correct.

19 Q No officer ever saw her before she allegedly freed
20 herself?

21 A That's correct.

22 Q So nobody knows what it supposedly looked like?

23 A That's correct.

24 Q And if she had told you, oh, yeah, Melvin was straggled
25 with a zip tie would that have been a dead giveaway that she

1 knew way too much?

2 A Yes.

3 Q Would that be stupid if you were involved in the case
4 to say something like that?

5 A Yes.

6 Q Okay. And would it be better to be vague about details
7 of the crime if you were involved?

8 A That's correct.

9 Q Okay. And the defense attorney stated that you or that
10 he wanted to know if you thought she was confused. Was she
11 confused or was she contradictory?

12 A She was contradictory.

13 Q And was she purposeful in what she said?

14 A I believe she was.

15 Q And then she purposefully said something else?

16 A That's correct.

17 Q So you ask her one time what did his hair look like,
18 her purposeful answer I don't know.

19 A That is correct.

20 MR. FREDERICK: I guess I object because the
21 witness can not testify to her intent, her state of
22 mind.

23 THE COURT: Sustained.

24 Q Did you find her definitive answer confusing?

25 A Yes.

1 Q And was it confusing to you or to her?

2 A It was confusing to me.

3 Q Were you attempting to get concrete logical
4 information?

5 A That's correct.

6 Q And was she providing you that information?

7 A Some and then she would go on to a tangent.

8 Q At that time did she appear not to know what she was
9 saying?

10 A No.

11 Q Okay. When you asked specifically about the incident
12 or description of the attacker did she appear to be somehow
13 mentally challenged and not able to speak to you?

14 A No.

15 Q She was providing you definitive answers?

16 A Yes.

17 Q Just different than ones she provided before?

18 A That's correct.

19 Q And as far as her going to the doctor or needing
20 medical treatment that was offered to her wasn't it?

21 A Yes.

22 Q And she did not choose to go?

23 A That's correct.

24 Q In fact I think if you heard the video for the second
25 time, or the second interview video, she says something about

1 the fact that she has got to go because she has got to go to the
2 doctor?

3 A That's correct.

4 Q Because she hadn't even been to the doctor yet?

5 A That's correct.

6 Q Because she was too busy?

7 A That's correct.

8 Q And that interview was three days after the incident?

9 A Yes, ma'am.

10 Q And she still hadn't been to the doctor?

11 A As far as we know.

12 Q As far as what she told you?

13 A That's correct.

14 Q One last question. Mr. Frederick said if she would --
15 did she say anything at all that was in line with -- excuse me.
16 Let me see how he phrased that. Did she give you any
17 information that you didn't think she should have had or
18 something to that effect?

19 A Yeah.

20 Q Do you know what I'm talking about when he said that.
21 Did you hear her in the video say I never saw that man get my
22 money?

23 A That's correct.

24 Q Okay. So she made an affirmative statement that she
25 didn't see him get any money.

1 A That's correct.

2 Q And she also made statements that she was completely
3 duct taped unable to see the entire time?

4 A That's correct.

5 Q Okay.

6 MR. FREDERICK: Judge, just briefly. Very
7 briefly.

8 RE CROSS EXAMINATION

9 BY MR. FREDERICK:

10 Q Did she get a referral to a therapist or counseling?

11 A I do not know.

12 Q Is that something a victim advocate would ordinarily do
13 in a case like this?

14 A I do not know.

15 THE COURT: You may step down.

16 MS. HODGE: The State calls Doris Yarborough.

17 MS. HODGE: May he be excused from subpoena?

18 MR. FREDERICK: Subject to being on call.

19 THE COURT: He is not excused, but he maybe
20 excused from Court, but he is subject to recall.

21 MS. HODGE: Yes, sir.

22 DORIS YARBOROUGH, called as a witness, having been
23 duly sworn by the clerk, was examined and testified as
24 follows:

25 DIRECT EXAMINATION

1 BY MS. HODGE:

2 Q Please state your full name?

3 A Doris Yarborough, Y-a-r-b-o-r-o-u-g-h.

4 Q Thank you. Where do you work?

5 A I work for the South Carolina Law Enforcement Division
6 commonly known as SLED.

7 Q And what do you do for SLED?

8 A I am forensic technician in the evidence control
9 department.

10 Q How long have you been doing that?

11 A Over five years.

12 Q Tell us what your job entails?

13 A We receive package and transfer evidence through out
14 forensic laboratory.

15 Q And where do you accept evidence from?

16 A We accept evidence from all law enforcement agencies
17 through out the State of South Carolina.

18 Q And in general when you receive those items from
19 various law enforcement agencies is there a requirement that
20 they already come sealed?

21 A Yes.

22 Q From the law enforcement office, correct?

23 Q And do you reseal or add an additional seal for your
24 SLED packaging?

25 A Yes, we do.

1 Q And were you working in that capacity on February the
2 8th of 2010?

3 A I was.

4 Q Did you have an occasion to receive items from agent
5 Vickie Hallman with SLED? And I don't know if it is easier do
6 you want me to list them all or one at time? What is easiest
7 for you?

8 A However you like to do it.

9 Q Okay. Did you receive item two, SLED's item two, a GSR
10 kit?

11 A I did.

12 Q And who did you receive it Vickie Hallman?

13 A I received it from SLED agency Vickie Hallman, yes.

14 Q And was it sealed when you received it?

15 A It was.

16 Q And what did you do with it?

17 A A GSR kit would go to our trace evidence intake
18 storage.

19 Q And would you break the seal when you put it in there?

20 A No.

21 Q Any item that you touch, transfer custody of, do you
22 ever open seals or do anything of that nature?

23 A No, we do not.

24 Q Did you also receive a DNA sample of the defendant,
25 SLED item three?

1 A I did.

2 Q Who did you receive that from and what did you do with
3 it?

4 A I received that also from Vicki Hallman and that would
5 have gone into your DNA evidence intake storage.

6 Q Are there various compartments in the intake storage or
7 areas?

8 A We have a secure evidence room located behind our log
9 in area that has limited access and each area has a designated
10 place for different items.

11 Q Storage, shelving?

12 A It's all storage, but it depends on where the item is
13 going.

14 Q How about items four, five and six, SLED'S items four,
15 five and six, did you receive those from someone?

16 A I did. I received those fired bullets from Vicki
17 Hallman also and I put them in the firearms evidence intake
18 storage.

19 Q And lets go to SLED's item number seven?

20 A That was a pair of shoes and that would have gone to --
21 I have to look at my chain of custody. I believe those would
22 have stayed with agent Hallman as she is a latent print examiner
23 also.

24 Q Would she log them in with you and keep them, is that
25 how that would work?

1 A They bring them to us and then we in turn transfer it
2 back to their custody.

3 Q Okay. And the bank bag, item 11?

4 A And that would have gone back to Vicki Hallman also for
5 latent print examination.

6 Q And item 12, duct tape from ankle?

7 A That would have again gone back to Vicki Hallman for
8 latent print examination.

9 Q And then duct tape head and wrist, item 13?

10 A Same thing.

11 Q Okay. And let's see at another date and time did you
12 take custody of some items in this case specifically on March
13 1st of 2010, did you take custody of item 20, SLED item 20, a
14 black shirt of Julia Phillips?

15 A I did. I actually got that from the evidence storage
16 area and transferred it to a trace analyst by the name of John
17 Roberts.

18 Q So if the item was previously placed in storage --

19 A Correct.

20 Q -- it was sealed when you took it off the shelf?

21 A Correct.

22 Q Did you break that seal at any time?

23 A No, ma'am.

24 Q Same thing for SLED item number 21, a white shirt of
25 Julia Phillips?

1 A That would have been along with the other item that I
2 gave to John Roberts.

3 Q And finally, I say finally, I think this is finally, in
4 this case did you take custody of SLED item number 46 a .38
5 Special Smith and Wesson?

6 A I did.

7 Q And who did you receive that from?

8 A I received that from Sergeant John B. Naylis of the
9 York City Police Department.

10 Q And was that item packaged when you received it?

11 A Yes, it was.

12 Q And sealed?

13 A We seal the items. Once they come in whatever
14 packaging they are in, we may have a couple of items that can go
15 in to the same container, be a box or envelope and then we will
16 seal it and have the submitting officer to initial and date that
17 at the time of submission and then we put our lab number on it
18 which is a bar code and evidence tag that is monitored
19 throughout the lab as it is transferred.

20 Q Okay. And so when you brought that gun there was some
21 additional things with the gun, did that get all packaged
22 together?

23 A Yes, that would have been packaged together.

24 Q Okay. Would that be unfired rounds of ammunition in
25 addition and holster?

1 A That's correct.

2 Q And then what did you do with that item the gun the
3 bullets and the holster?

4 A That also actually had a DNA request on it. Before it
5 goes to firearms they will take it and swab it to look for DNA
6 evidence and then bring it back to us and then we will transfer
7 it to the firearm's department when they request it.

8 Q And is that all the items of evidence that you had
9 possession of at some point in time on this case?

10 A Yes, ma'am.

11 Q Okay.

12 MS HODGE: Thank you. Please answer any defense
13 questions.

14 MR. FREDERICK: No questions.

15 THE COURT: You may step down.

16 THE WITNESS: Thank you.

17 MS. HODGE: Thank you, Your Honor. May this
18 witness be excused?

19 MR. FREDERICK: Yes.

20 THE COURT: She may be. Thank you.

21 MS. HODGE: Ronnie Burgess.

22 RONNIE BURGESS, called as a witness, having been
23 duly sworn by The Clerk, was examined and testified as
24 follows:

25 DIRECT EXAMINATION

1 BY MS. HODGES:

2 Q Would you please state your full name for the record?

3 A Ronnie B. Burgess.

4 Q Mr. Burgess how old are you?

5 A I am 66.

6 Q And are you married?

7 A Yes, ma'am.

8 Q And who are you married too?

9 A Rita Burgess.

10 Q And how long have you all been married?

11 A Six years.

12 Q Do you all have any children?

13 A No, ma'am.

14 Q And are you currently working?

15 A Yes, ma'am.

16 Q What do you do?

17 A I work for Cherokee Masonry in Gaffney, South Carolina.

18 Q And how long have you worked for them?

19 A About 17 years.

20 Q What is your role with them?

21 A I'm project manager.

22 Q Okay. And before that what did you do?

23 A I worked for Dale construction for a while.

24 Q And do you have any law enforcement experience?

25 A Yes, ma'am, I was a state trooper.

1 Q How long ago was that?

2 A I went on 1968.

3 Q How long did you stay with them?

4 A Eleven years.

5 Q Do you know the defendant in this case?

6 A Ma'am?

7 Q Do you know the defendant in this case?

8 A Yes, ma'am.

9 Q And how do you know her?

10 A When Rita and I got married her grandmother was elder
11 and lived across the road from Julia and we moved in with her
12 grandmother.

13 Q Is that the first time you had met the defendant?

14 A I had met Julia years before that, but I never did
15 really know Julia well.

16 Q Okay, and she and your wife friends or related?

17 A She was married to Rita's uncle.

18 Q When do you have a timeframe what years maybe?

19 A I am not even sure what years they were married.

20 Q Okay. Prior to her and Mr. Roberts being together?

21 A Yes, ma'am.

22 Q Okay. And so did you ever know Mr. Roberts, Melvin
23 Roberts?

24 A No, ma'am, I never met him.

25 Q Did you no the defendant and Mr. Roberts were dating?

1 A Yes, ma'am.

2 Q Did you know some information from the fact that you
3 all lived cross the street from her?

4 A Yes, ma'am.

5 Q And that your wife was relate by marriage to her?

6 A Right.

7 Q Did you know if the defendant had any children?

8 A Yes, ma'am I did she had two sons, I no of.

9 Q And what are her sons name?

10 A One of them is Hunter and I am not positive but the I
11 think the other one is Kevin. I never met Kevin that I know of.

12 Q And you met Hunter before?

13 A Yes, ma'am.

14 Q But you never met Kevin before?

15 A No, ma'am, not to my knowledge.

16 Q And did Hunter live with the defendant at some time?

17 A Ma'am.

18 Q Did Hunter live with the defendant when I say the
19 defendant I mean Miss Phillips?

20 A He lived in the house that Julia lived in, yes, ma'am.

21 Q So they lived together?

22 A Yes, ma'am.

23 Q And I am speaking of February of 2010, when Mr. Roberts
24 was murdered did the defendant and Hunter live in her home
25 there?

1 A I think so yes, ma'am.

2 Q Well, did you have occasion to go to her home in
3 Gaffney and pick up Hunter on this night of this murder?

4 A Yes, ma'am.

5 Q Okay. Well tell us about that. Tell us about February
6 the 4th of 2010 what were you doing that day?

7 A I had been working and I got home and my computer had
8 been down and I am not too good as fixing it. Hunter had fixed
9 my computer before for me and he was aware that it broke down
10 again and so a conversation on the telephone he let me know that
11 if I come pick him he will come and try and get my computer
12 started again.

13 Q Okay. And that was on the night that Mr. Roberts ended
14 up being murdered?

15 A Yes, ma'am.

16 Q And do you have any idea what time it was -- or lets
17 back a little bit.

18 Did you go pick him up to bring him back to work on your
19 computer that night?

20 A Yes, ma'am.

21 Q Do you have idea what time that was?

22 A I didn't look at the clock, but I know I got off at
23 5:30 and I been home a little over an hour. I would say
24 somewhere around 6:45 when the call came from him and then I
25 probably went and got him and got back home a little after 7:00

1 somewhere.

2 Q Where did you pick him up from?

3 A From the house where Julia lived in.

4 Q And do you know the address? The address of that by
5 chance?

6 A I am not sure.

7 Q The road?

8 A It is on Overbrook Drive.

9 Q And how far is that house from where you live?

10 A Approximately I would say a mile and a half. Something
11 like that.

12 Q Not too far?

13 A Not far.

14 Q So, you think you got back some time around seven?

15 A A little after seven probably.

16 Q And tell us what happened? What if anything happened
17 while Hunter was at your house working?

18 A He got on the computer and contacted AT&T and he was
19 using our portable telephone, house line, and he was talking to
20 a lady on there and he received a phone call on his cell phone
21 and then he disengaged the call with the lady on AT&T.

22 Q And on the cell phone call did that cause him to have
23 some kind of reactions?

24 A Yes, ma'am. He got real upset like.

25 Q Okay. And was he having a long phone call or was it a

1 short phone call?

2 A I think it probably lasted seven, eight minutes.

3 Q And as a result of that phone call did he ask you to do
4 something?

5 A Ma'am.

6 Q As a result of of him being on the phone from that
7 phone call did he then come to you and ask you to do something?

8 A Yes, ma'am. He asked me if I could bring him to York.

9 Q And did you know why you needed to bring him to York?

10 A Yes.

11 Q And why is that?

12 A He said his mother had been assaulted.

13 Q Okay. Did he say anything about Melvin Roberts?

14 A He said that she said --

15 MR. FREDERICK: I don't know this matters one way
16 or the other, but it is hearsay.

17 THE COURT: Sustained, if that is an objection.

18 MR. FREDERICK: Objection.

19 Q All right. So, was he wanting to go right then and
20 there?

21 A Yes, ma'am.

22 Q All right. And what did you all do?

23 A We left and my wife, Rita, was wanting to come too and
24 he said we didn't have time to wait on her. We started down the
25 road and I was going -- I was going to go through Gaffney and

1 come out 29 and right as we started down the road Rita called me
2 on the phone and told me that Hunter had carried her portable
3 phone with him and she wanted it so she could stay in touch and
4 we did have another plug-in phone in our bedroom but she wanted
5 the portable back. She asked me if I could bring it back.

6 Q Okay. And what happened when you did that?

7 A I said, yes, I will run it back and Hunter made me
8 aware that he had a pistol in his pocket and he needed to put it
9 in his house.

10 Q Did you say anything when he made it known that he had
11 a pistol?

12 A I told him that you can't carry a gun to a crime scene.

13 Q And did that cause you any concern that he had a gun?

14 A I carried the phone back and gave the pistol to Rita to
15 put it in our house until we got back.

16 Q Did you know that he had a gun on him?

17 A No, ma'am.

18 Q Did you see him with the gun on him at your home?

19 A Ma'am.

20 Q Did you see him with a gun on him while he was in your
21 home?

22 A No, ma'am. He had it in a coat pocket.

23 Q And what was he wearing?

24 A He had a long trench coat like thin on. Probably down
25 below his knees.

1 Q And how about the rest of his clothing?

2 A He had I think he had a brown sweater on.

3 Q Okay. And anything else?

4 A I think his pants were blue. Maybe dark blue jeans. I
5 am not sure, but he had I think some black shoes. Dress shoes.

6 Q And you had met and been around him before on previous
7 occasions?

8 A Yes, ma'am.

9 Q And was he dressed in normal attire that he had been on
10 the other times you had seen him?

11 A No, ma'am.

12 Q What was different?

13 A Hunter usually was kind of like I do when I go around
14 the house wear kind of tore up pants and stuff. Just casual
15 wear.

16 Q So was he more dressed up or less dressed up then you
17 normally see hem?

18 A He was more dressed up. I's never seen him dressed up
19 like that.

20 Q So that was different to you?

21 A Yes, ma'am.

22 Q All right. And did you give that gun back or did you
23 give that gun to Rita or put it at your house?

24 A I carried it to her and she laid it on a bar in our
25 kitchen.

1 (States Exhibit 84, gun, marked for identification
2 as of this date.)

3 Q Okay. I will show you what has been marked as State's
4 number 84. Inside this box does that look like the gun?

5 A Yes, ma'am.

6 Q Okay. You don't know where this gun and this box came
7 from but the gun that you saw Hunter with does it look like this
8 gun?

9 A Yes, ma'am.

10 Q Are you familiar with firearms?

11 A Yes, ma'am.

12 Q And do you know what kinds of gun Hunter had that
13 night?

14 A I didn't it was dark in the car. I don't know the
15 brand name but it was a revolver.

16 Q Was it a long one?

17 A Blue steel.

18 Q And long or short barrel? Do you know was it a short
19 barrel?

20 A Short barrel.

21 Q Okay. So what happened next?

22 A After we carried it back to the house we proceeded on
23 to York.

24 Q And while you are all are driving to York are you and
25 Hunter having conversation? Don't tell what he said anything

1 but are you all having conversation?

2 A It was really bad weather that night and it was raining
3 hard and mixed sleet in it and I was concentrating on driving
4 but Hunter stayed on the phone a good bit while we were on the
5 way.

6 Q Do you know who he was talking too?

7 A His mother.

8 Q Okay, and what did you all do? Did you make it to
9 York?

10 A Yes, ma'am.

11 Q And what did you do when you got there?

12 A I didn't have any idea where Mr. Roberts lived so
13 Hunter directed me down there. When we got down there of course
14 there was a lot of police and I guess ambulances and everything
15 down there and we pulled and officers standing there and Hunter
16 identified himself as Julia's son and they said they had already
17 left with her. So I went down to the end of the road and they
18 told us she was at the police department.

19 Q And did you go to police department?

20 A Yes, ma'am.

21 Q And what happened when you got to the police
22 department?

23 A We just went in and sat in the lobby.

24 Q Were you all allowed to go back and talk to the
25 defendant?

1 A No, ma'am.

2 Q And how long do you think you all sat in the police
3 department?

4 A I sit there until they release Julia to go home. I
5 think around three or after three in the morning.

6 Q Pretty late night?

7 A Yes, ma'am.

8 Q And did she have a ride home?

9 A No, ma'am. She road back when I took Hunter home.

10 Q So you took them both home?

11 A Yes, ma'am.

12 Q All right. And tell us what if anything do you recall
13 on the ride home?

14 A She and Hunter were just talking back and forth.

15 Q And do you recall anything that she was saying?

16 MR. FREDERICK: Judge --

17 A He was just going over the details.

18 MR. FREDERICK: Judge, we've been real liberal up
19 to this point, but the only things that are admissible
20 are admissions.

21 MS. HODGE: Your Honor, anything the defendant
22 says at this point.

23 MR. FREDERICK: That is not what the rule says
24 judge.

25 THE COURT: Not just anything.

1 MS. HODGE: Statements --

2 THE COURT: Let me see you all.

3 (Whereupon, there was an off the record
4 discussion.)

5 Q Mr. Burgess, when you all were in the car going home
6 did Julia tell some of the details about this incident that she
7 had just been involved in?

8 A Yes, ma'am.

9 Q All right. And did she state that Melvin had gotten
10 jumped on and hurt?

11 A Yes, ma'am.

12 Q Okay. And do you recall her saying some things?

13 A Ma'am.

14 Q Do you recall her saying some things about the
15 incident?

16 A Yes, ma'am.

17 Q And do you recall if she mentioned or said anything
18 about him being shot or shot at?

19 A She said she heard a gunshot.

20 Q Okay. And what was her demeanor? How was she acting
21 when she was talking about this?

22 A I am sorry. I don't hear good.

23 Q Maybe I should get closer. How was she acting when he
24 she was telling you about Melvin being killed, basically?

25 A She was kind of calm I thought.

1 Q Okay. Was she crying or hysterical?

2 A No.

3 Q And did she want you to take her anywhere before home?

4 A They got me stop to stop at Bi-Lo to get some Mike's

5 hard rock lemonade.

6 Q Which Bi-Lo?

7 A The one in Gaffney and then she asked if I could take

8 her to shop downtown because she has some more hard rock

9 lemonade that she wanted to pick up.

10 Q She wanted to go to grocery and by some?

11 A Yes, ma'am.

12 Q And you took her there?

13 A Yes, sir.

14 Q And then she wanted the same thing but from her store

15 in Gaffney?

16 A Is her store like a grocery store.

17 A No, ma'am, I think it was cosmetics thing or something.

18 Q All right. Not a store that would sell Mike's Hard

19 Lemonade?

20 A Right.

21 Q And did you do that?

22 A Yes, ma'am. She said she had some there.

23 Q Did she get some from the grocery store?

24 A Yes, ma'am.

25 Q And then she wanted to go to her store and get some

1 more?

2 A Yes, ma'am.

3 Q And after you took her to her store where did you all
4 go?

5 A After we went to her store we went back to my house and
6 I returned the pistol to Hunter.

7 Q Okay. And --

8 A Then I carried them home.

9 Q Then you drove them home and you gave them the gun back
10 and then they went on home?

11 A Yes, ma'am.

12 Q And what did you do?

13 A I went home and got ready to go to work.

14 Q Didn't get to go to sleep?

15 A No, ma'am.

16 Q What time do you usually go to work?

17 A I leave the house at about 5:30 every morning.

18 Q Okay. All right. And after that night did you ever
19 have occasion to talk to the defendant again, Miss Phillips?

20 A After?

21 Q After that night.

22 A Yes, ma'am. I think she would come by and see Rita
23 some time.

24 Q Okay. Did you ever talk to her about the incident
25 personally?

1 A No, ma'am, not that I know of.

2 Q And the person we are speaking of that I call the
3 defendant and you say Julia is she present in court today?

4 A And where is she?

5 A She is sitting beside Mr. Frederick.

6 Q Okay.

7 MS. HODGE: Thank you. Please answer any of Mr.
8]Frederick questions.

9 MR. FREDERICK: Just a few.

10 CROSS EXAMINATION

11 BY MR. FREDERICK:

12 Q When you picked up Hunter you said he was dressed kind
13 of nice, decent, brown sweater, some blue jeans?

14 A I am thinking that is what he on on. He was well
15 dressed.

16 Q He wasn't covered with mud was he?

17 A No.

18 Q And he didn't look like he had been outside in the rain
19 did he?

20 A No, sir.

21 Q He didn't look like he had been struggling or fighting
22 with somebody did he?

23 A Not to me, no, sir.

24 Q Okay. Now, the police they talked to you a few times
25 haven't they?

1 A Yes, sir.

2 Q In the first time that you talked to them you had told
3 them that you thought it was about 6:15 to 6:30 when you picked
4 up Hunter the first time?

5 A I think I did, but after that I know I had been home
6 longer than that I thought I had previously.

7 Q Okay. And I think it was in August the police wanted
8 another statement from you of 2010?

9 A I am not sure of the date.

10 Q But on some date they came back, they wanted another
11 statement from you, is that right?

12 A I came to York, I think I talked to them in Gaffney the
13 first time and then I came to York one time.

14 Q They went to your house?

15 A Sir?

16 Q Did they go to your house?

17 A The first time I met them at the Gaffney City Police
18 Department.

19 Q And then you came to York the next day?

20 A Yes, sir, I came over here to the police department.

21 Q Okay. And that second time when you talked to them
22 then you said it was probably around 7:15 when you got home,
23 does that sound right?

24 A When I got home?

25 Q Yes, when you got back to your house?

1 A It was a little after seven. I am not exactly sure. I
2 know it was after seven.

3 Q Okay. Now, how many times have they talked to you?

4 A I think about three. Three times total.

5 Q And were they grilling you? Were they trying to get
6 you to change your testimony?

7 A No, sir.

8 Q The time that Hunter was at your house?

9 A No, sir. They were asking me the same questions and I
10 answered as close as I could to what I could remember.

11 THE COURT: Just a minute. When you all are
12 referring to "they" who is they?

13 MR. FREDERICK: The police. The police is who I
14 mean.

15 Q This year, this year 2013, this month, they came back
16 and talked to you again, is that right?

17 A Yes, sir.

18 Q Okay. And this month they took your computer, is that
19 right?

20 A Yes, sir.

21 Q Did you get it back from them?

22 A Yes, sir.

23 Q Okay. Regardless, you did pick up Hunter at his house
24 that night?

25 A Yes, sir.

1 Q And he worked on your computer?

2 A Yes, he was in the process of talking to the people
3 trying to figure out what was wrong with it.

4 Q And he called AT&T or somebody to help fix the
5 computer?

6 A Yes.

7 Q And when you found out he had a gun in the car you
8 turned around and went back, right?

9 A Yes, sir. I was going back to take the phone anyway.
10 He did ask me to take it by his house and I said we will just
11 leave it here.

12 Q You told him you can't take a gun to a crime scene?

13 A Right.

14 Q And it was a revolver?

15 A Yes.

16 Q Snub nose, small barrel?

17 A Yes, sir.

18 Q Okay. As far as you know that's Hunter's gun? Is it
19 Julia's gun? Do you know who is gun it is? Is that Julia's
20 gun?

21 A I don't know. It looks like the one that he had.

22 Q And it is either Hunter's or Julia's as far as you
23 know, right?

24 A Sorry.

25 Q It is not somebody else's gun, its either Julia or it

1 Hunter's gun?

2 A I have no idea whose gun it was, but he had one with
3 him.

4 Q He brought it from his house?

5 A He had it in his pocket, yeah.

6 Q The SLED agents have come and questioned you too, is
7 that right?

8 A Who is that?

9 Q Police officers from SLED?

10 A Yeah, I think they did.

11 Q Agent Williams?

12 A Right. Right.

13 Q Okay. The prosecutors they have questioned you
14 themselves, haven't they?

15 A Sir?

16 Q Have the prosecutors questioned you themselves?

17 A I talked to her. Yes.

18 Q Okay. Miss Hodge?

19 A Yes.

20 Q She has personally come and questioned you?

21 A Yes.

22 Q Did she go to your house or did you come to her?

23 A No, I met her here.

24 Q All right. Okay.

25 MR. FREDERICK: Thank you, Mr. Burgess.

1 MS. HODGE: I having nothing further.

2 THE COURT: You may step down.

3 MS. HODGE: May he be excused, Your Honor?

4 MR. FREDERICK: Subject to recall judge.

5 THE COURT: All right. You need to still be
6 available Mr. Burgess, but you are excused for right
7 now.

8 MR. BURGESS: All right.

9 THE COURT: They may call you to come back so be
10 available.

11 MR. BURGESS: Yes, sir.

12 MS. HODGE: State calls Marie Kaplowitz.

13 MARIE KAPLOWITZ, called as a witness, having been
14 duly sworn by the clerk, was examined and testified as
15 follows:

16 DIRECT EXAMINATION

17 BY MS. HODGE:

18 Q Please state your name for the record.

19 A Marie Kaplowitz, K-a-p-l-o-w-i-t-z.

20 Q Thank you. Miss Kaplowitz, how old are you?

21 A I am 69.

22 Q And are you married?

23 A Yes.

24 Q And do you live here in the York area?

25 A Rock Hill, yes.

1 Q Do you have any children?

2 A I have two daughters.

3 Q Grandchildren?

4 A No.

5 Q All right. Have you -- excuse me, tell me what you do
6 for a living?

7 A Presently I am property manager for Roberts Realty and
8 my boss is David Roberts.

9 Q Did you ever work for Melvin Roberts?

10 A I did, yes.

11 Q When did you work for Melvin?

12 A He employed me in April of 2008 and I worked with him
13 until he was murdered.

14 Q And what were your responsibilities when you worked for
15 Melvin?

16 A I was basically office manager, collections, billing.
17 I handled the incoming payments for rents. At that time Mr.
18 Melvin Roberts also had Robert's used cars and then of course as
19 you know he was an attorney. So it was my responsibility to
20 track the monies that came in, deposit and record all the
21 incoming and outgoing finances.

22 Q And did he also --

23 MR. FREDERICK: Judge, before we go any further I
24 have matter of law.

25 THE COURT: Let me see you all up here.

1 (WHEREUPON, there was an off the record discussion.)

2 Q Miss Kaplowitz, do you know the defendant?

3 A Yes.

4 Q And how do you know her?

5 A Part of my responsibility also was to track the money
6 that came in that was received at the boutique that Miss
7 Phillips was running at the time. It was a women's boutique
8 shop and a Merle Norman franchise and Miss Julia would either
9 bring the money directly to the office here in York or leave it
10 with Melvin and Melvin would then pass it on to me.

11 I also kept a separate Quickbooks recording of Julia's Inc.
12 So we could track all those payments and those finances and
13 those monies. Had occasion to see her many times in the office.
14 Some times she would come in the morning and check in the
15 morning before she actually went to go to Gaffney to the store.
16 So I would see her on various occasions.

17 Q And what was her relationship with Mr. Roberts?

18 A She was his girlfriend.

19 Q Did they ever hold themselves out as husband and wife ?

20 A Not to my knowledge.

21 Q Did you ever hear Melvin speak of her as that was his
22 wife?

23 A Never.

24 Q Did you ever hear her address him as that's my husband.

25 A No.

1 Q And the store, tell us about the store? Who actually
2 owned the store and did that change at some point?

3 A To my knowledge the real estate, the store itself was
4 the property of Melvin Roberts. The Merle Norman Franchise was
5 in his name. He was responsible for that. He was the president
6 and Miss Phillips was the vice president and Julia's Inc. and
7 was incorporated and Melvin was the president of that and
8 basically was in charge of disbursing all the money and paying
9 all the bills regarding the boutique.

10 Q And that was Melvin's responsibility?

11 A That is correct.

12 Q He was paying for the inventory?

13 A And the operating expenses also.

14 Q And she was essentially like the store manager?

15 A Correct.

16 Q The business was in existence before you started
17 working for him?

18 A Yes. The franchise opened in 2004 and that's when they
19 open the boutique.

20 Q Do you have any idea how much money the start-up cost
21 was for that Merle Norman Franchise?

22 A It was in the vicinity of 14,000 to \$20,000 thousand to
23 start up the franchise.

24 Q And while you were working there and in charge of the
25 bookkeeping for this type stuff was there inventory that was

1 being constantly added and applied to the store?

2 A Yes.

3 Q And who was paying for that?

4 A There was a separate account for Julia's through the
5 Bank of York and the bills would come through our office, as in
6 Melvin Roberts office in York, and he would approve all the
7 invoices that came in or bills that came in for the business and
8 instruct me to right the checks and the checks would go out from
9 that account. Melvin was the only signature on that account so
10 everything had to go through him. So basically Melvin was
11 paying all the bills.

12 Q All right. Did you have personnel knowledge of Melvin
13 paying any bills that pertained to the defendant personally?

14 A Yes, I did. Mr. Roberts would pay for her health
15 benefits. She had AARP medical health plan. He would pay for
16 her drug plan through AARP. He would pay for her utilities at
17 the house that she was occupying on Overlook or Overbrook over
18 there in Gaffney. He would for some time he paid for her cell
19 phone bill but that stopped. He would pay her -- he had let her
20 I believe it was Citco gas card and for a while he was paying
21 the bill for the credit card. And he paid her dental bills and
22 any extraneous medical expenses, in addition to all the
23 operating costs for the store.

24 Q And do you know if he provided a vehicle for her?

25 A Yes. He also -- she pretty much choose what vehicle

1 she would want and he would see that she got it and he would not
2 only have the title put in her name but he also paid for the
3 registration for the tax and the the cost of registration and
4 the insurance.

5 Q And her car insurance?

6 A And her car insurance.

7 Q And do you know what their living arrangement was?

8 A Just was aware of the fact that she would come back and
9 forth from Gaffney and the majority of time she stayed at Mr.
10 Roberts house at 214 Roberts Avenue.

11 Q Do you know if Mr. Roberts if they traveled anywhere
12 together in the years?

13 A Yes. During the time that I worked for Mr. Roberts
14 they would take various trips. They would attend functions that
15 were associated with the South Carolina Bar Association. As
16 Miss Phillips referenced or somebody referenced, they did have
17 that trip to Kiawah Island. They went on cruises.

18 Mr. Roberts had season tickets at Flat Rock Playhouse. They
19 would go to shows, you know, at the Flat Rock. And the Power
20 Squadron. He was very active in the Power Squadron and they
21 would go to various dinners and functions that were sponsored
22 and I think it was District 21.

23 Q And do you know would he be the one to pay for all the
24 expenses for travel?

25 A A lot of times the fees for these various trips or

1 costs of these various trips he would just right out of the
2 attorney account. Yes, he would basically pay those bills.

3 Q And did Mr. Roberts also have a beach property?

4 A He had a house in Myrtle Beach and they would go on
5 various weekends. He didn't like to drive himself so Miss Julia
6 was the chauffeur and of course they would go together to the
7 beach.

8 Q All right. And did you have occasion to see the
9 defendant at the office on a weekly, daily, monthly, how often
10 would you see her?

11 A A number of times a month at least. Some times I would
12 see her a day after day and then not see her for a while.
13 Obviously it depended on her schedule.

14 Q Did you have personnel knowledge of the status of their
15 relationship, if they were doing well or if they were not doing
16 well? Getting along, not getting along?

17 A At the end of 2009 they were not getting along at all.

18 Q And what did you -- how did you come to that?

19 A Well, Mr. Roberts was verbal about it.

20 MR. FREDERICK: Objection. Hearsay.

21 THE COURT: Sustained.

22 MS. HODGE: I am not asking her to say anything he
23 said.

24 THE COURT: Well, I know, but you asked her how
25 she knew it, apparently she had some conversation.

1 Q Did you overhear conversations?

2 A I overheard one conversation on a speaker phone. Mr.
3 Roberts --

4 MS. HODGE: Don't say --

5 THE COURT: You can't testify as to what Mr.
6 Roberts said.

7 THE WITNESS: Oh, I am sorry. Okay.

8 Q And the tone of that conversation was not good?

9 A Was argumentive.

10 Q And do you know the other party who was on that line?

11 A Miss Julia.

12 Q And you say that this was about the end of 2009?

13 A Correct.

14 Q Did it ever get better what you witnessed personally?

15 A Not to my knowledge.

16 Q And did Mr. Roberts do a lot of his phone conversations
17 on speakerphone?

18 A Yes, ma'am.

19 Q And was he a fairly loud person?

20 A Oh, yeah.

21 Q So it would not be difficult to hear anything that
22 might have been said on speakerphone?

23 A Definitely not.

24 Q Now, in regard to the business did Mr. Roberts change
25 something about that business at the end of 2008, the beginning

1 of 2009?

2 A Yes. In regards to Julia's Inc. it became exceedingly
3 apparent year after year and then in particular at the end of
4 2008 Julia's Inc. was spending more money then it was bringing
5 in and Mr. Roberts was subsidizing the shortfall and when he had
6 realized it and I made an accounting for him of actually how
7 much money he ended up putting in Julia's aside from what she
8 was bringing in. He was down about \$60,000. So, he said well,
9 the handwriting is on the wall. Enough is enough.

10 MR. FREDERICK: Judge, hearsay.

11 THE WITNESS: No --

12 THE COURT: Excuse me. Keep in mind you are not to
13 state anything Mr. Roberts said.

14 THE WITNESS: Okay. What about what he instructed
15 me to do?

16 THE COURT: You can't say what he said, but you
17 can testify as to what you have done based upon any
18 conversation you may have had with him.

19 A Based upon a conversation I had with Mr. Roberts I --
20 what's the word I want -- I created documents, letters, that
21 were then sent, with his approval and his signature, to all the
22 creditors that we were doing business with or I should say
23 Julia's Inc. was doing business with at the time. All her
24 vendors, for example, Golden Stella, Michael Phillips and a
25 couple of others I can't think of their name right now. But the

1 people where she was purchasing product from. Also from Merle
2 Norman. Also the advertisers, the Cherokee Chronicle and
3 Gaffney Ledger. And what these letters stated were that as of
4 December 31, 2009, Mr. Roberts was disassociating himself from
5 Julia's Inc. He would no longer be responsible for any bills
6 that were incurred and any business that they choose to do with
7 Miss Phillips after January 1st that she was responsible for
8 those bills.

9 Q And let me ask you if maybe you misstated. Was it at
10 the end of December 31st 2008?

11 A Yes, 2008 because then it kicked in January 1st, 2009
12 that we weren't going to pay any more of those bills.

13 Q And Mr. Roberts was not responsible any longer for
14 Julia's Inc. business?

15 A Correct. Correct.

16 Q And how much money was left in the account at that
17 point?

18 A At that time there was about five hundred dollars and
19 then what Mr. Roberts -- and then what occurred was when we
20 contacted Merle Norman what he actually did was dissolve the
21 franchise and when you have a franchise with them you have to
22 take a complete inventory of the stock that's left. Submit that
23 to them with a letter that you are rescinding the franchise and
24 the Medallion and any accoutrements that are Merle Norman brand
25 and then you have to package everything up and send it to them

1 and then they will in turn send you a refund for whatever
2 merchandise you have returned in original packaging in good
3 shape.

4 This all occurred around in February of 2009 and in March
5 they sent a refund check, a little over \$10,000. At that
6 time I was instructed to take that \$10,000 and put it in Julia's
7 account so that Miss Phillips had that for that year for
8 operating capital and she was instructed that no other monies
9 would be deposited in that account. That she was to manage that
10 money and make it work.

11 Q All right. And did you continue to maintain the books
12 even though Mr. Roberts had disassociated?

13 A Yes. She was still turning in whatever receipts she was
14 receiving in Gaffney regarding the sales for Julia's and we
15 still kept tracking that for 2009.

16 Q And would you personally advise her of what her balance
17 was or what bills needed to be paid?

18 A I would let her know when it was getting down so she
19 had an idea and I would let her know what bills we were paying.

20 Q Was Mr. Roberts still paying for the overhead of that
21 business?

22 A Yes, he was still paying the utilities and the taxes
23 and then he stopped paying her health insurance and her drug
24 plan. That started coming out of that Julia's account.

25 Q And approximately how much was the insurance and drug

1 plan?

2 A The drug plan was forty dollars and the insurance was
3 around one hundred and fifty. Around a hundred and forty-seven
4 and change.

5 Q So those were now to come out of the Julia's Inc.
6 monies?

7 A Correct. Correct.

8 Q And by the ends of 2009, or January 2010, what was the
9 balance in the Julia's Inc. account?

10 A It was back to just about five thousand -- I mean five
11 hundred dollars. Miss Phillips had not brought in much money
12 over course of the year.

13 Q So that entire capital had gone down to five hundred
14 dollars?

15 A Five hundred dollars.

16 Q Now, were you working on the day that Mr. Roberts was
17 murdered

18 A Yes.

19 Q Do you recall that day?

20 A Yes.

21 Q Tell us what you recall about that day?

22 A Mr. Roberts went to the car auction in Darlington with
23 several gentlemen that help, friends, that went with him, Dennis
24 Rayfield went with him, his son Scott, Gene Moss, Andrew Clay,
25 and they were gone the whole day. It was their custom when they

1 went to Darlington to leave very early. They probably left
2 around seven, eight o'clock in the morning from York and they
3 were gone all day. They returned back to York around three
4 thirty and they were just having a ball. They were laughing and
5 carrying on. They had a great successful day. They had a lot
6 of fun.

7 Someone walked in the office right after they arrived and
8 bought one of the cars right off the lot that they had just
9 brought back and of course Melvin was pleased as punch about
10 that and it was my responsibility to do all the paperwork for
11 the sale, which I did. And I had appointment with a perceptive
12 tenant in Rock Hill that night so I actually left early. I got
13 everything done and I left at 4:30 and when I left at 4:30 Mr.
14 Roberts was in the office. At the time the young lady that was
15 the paralegal working with us, Lindsay Jolin, was in the office
16 and his son, David, was in the office. I said goodnight to
17 everybody and I left at 4:30 and that's the last time I saw him.

18 Q And how did you hear about his murder?

19 A Later that evening I received a phone call at home from
20 Tracy Brown who used to be a paralegal who heard it I guess
21 through the legal grapevine of what had occurred.

22 Q And did you go to the funeral or the -- I am not sure
23 the memorial service?

24 A I was there, yes I did.

25 Q And did you see -- well, let's back up.

1 Did you go in to work the following day?

2 A Absolutely, because obviously your first reaction is
3 what can I do to help.

4 Q And what, if anything, did you see while were you there
5 that day?

6 A Honestly, truthfully, this is like, you know, you talk
7 about, you think about things like this when something happens
8 it's surreal. Everyone was there; David and Ronnie were there,
9 Tracy was there, Lindsay and it just was like what can we do and
10 then that's when it was good because we were given tasks. We
11 had been contacted and asked to give them a current client list
12 and information. I needed to supply them with a current tenant
13 list and current car customer list and then also to try and
14 think, okay, who Melvin have words with. Did I overhear
15 anything. Anybody that would have been upset with him. Who
16 would have wanted to do something like this. Who were trouble
17 tenants. Who had we had to evict that we might have had a
18 problem with.

19 So we were kept very busy, which was a good thing, trying to
20 provide the authorities with all this information and then at
21 the same time the practice had to be shut down. So Mr.
22 D'Agostino instructed us what we had to do to help him, you
23 know, take care of the clients that were active.

24 Q Did you see the defendant the day after Mr. Roberts was
25 murdered?

1 A Later on in the afternoon she came in to the back room
2 in the back of the office.

3 Q Did you personally speak to her or --

4 A I was there. I mean I said hello. I don't even know
5 if she remembers because there was whole group of us. I
6 remember Dennis Rayfield talking to her one on one. They were
7 sort of standing closer, if you will, and she was telling him
8 what happened and I think I remember Ronnie being in the room.
9 There were a whole other bunch of people around.

10 Q And did you attempt to personally talk to her other
11 than hello?

12 A I just said, I said hello, and you know, I was so sorry
13 for what happened.

14 Q And then did you go to the like I said the funeral and
15 memorial service?

16 A Yes, I did.

17 Q Did you see the defendant there at either of those?

18 A Yes. Yes. At the -- I was at the service and then I
19 waited my turn in the reception line and she was in the
20 reception line at that time. And then when we went to the
21 cemetery, yeah.

22 Q Was there anything about her behavior or demeanor of
23 note to you during any of those things?

24 A No.

25 MS. HODGE: Thank you. Please answer any defense

1 questions.

2 MR. FREDERICK: Just a few.

3 CROSS EXAMINATION

4 BY MR. FREDERICK:

5 Q You spoken with Julia many times, right?

6 A Yes.

7 Q Would it be fair to say she is an inconsistent person?

8 Would you agree with that?

9 A She is inconsistent person, no, not really.

10 Q Would you say she is reliable person?

11 A Well, what do you mean by reliable? Where are you
12 going with this?

13 Q Okay. She's a bad business woman who had to close down
14 Merle Norman Cosmetics?

15 A Yes.

16 Q Okay. And you said that the letters were sent in 2008?

17 A At the end 2008, December of 2008.

18 Q And early in 2009, basically it switched over to
19 Julia's consignment?

20 A Well, Julia's for a while and then she opened a
21 consignment shop toward the end of the year. She got the idea
22 perhaps she could generate more revenue by doing that.

23 Q So, she didn't just shut down? She kept trying?

24 A Right, she kept trying.

25 MR. FREDERICK: I don't have any other questions.

1 Thank you.

2 THE WITNESS: Your welcome.

3 MS. HODGE: No redirect.

4 THE COURT: You may step down.

5 THE WITNESS: Thank you.

6 MS. HODGE: May she be excused.

7 MR. FREDERICK: No objection.

8 THE COURT: You may be excused.

9 (Witness leaves the stand.)

10 THE COURT: We will take a short break. I will
11 ask the jury to go to the jury room. Do not discuss
12 the case.

13 (Jury leaves the courtroom.)

14 THE COURT: Court is in recess for 15 minutes.

15 (Court was in recess.)

16 THE BAILIFF: All rise. Court now in session.

17 THE COURT: Thank you. Be seated.

18 MS. HODGE: Your Honor we will be recalling Marie
19 Kaplowitz for that limited purpose that we discussed.

20 THE COURT: Okay. All right. Bring the jury in.

21 MS. HODGE: Do you want her to go ahead and take
22 the stand.

23 THE COURT: No, she good where she is. She has
24 already been excused so we will bring her back.

25 MS. HODGE: Okay.

1 (Jury enters the courtroom.)

2 THE COURT: All right, Ms. Hodge.

3 MS. HODGE: Thank you, Your Honor, we briefly
4 recall Marie Kaplowitz.

5 THE COURT: I remind you you are still under oath
6 because you already been placed under oath for this
7 proceeding.

8 THE WITNESS: Yes, sir.

9 REDIRECT EXAMINATION

10 BY MS. HODGE:

11 Q Miss Kaplowitz, I am sorry I neglected to ask you one
12 other expense that Mr. Roberts paid for the defendant during the
13 time that you were working there. Did he pay for any of her
14 prescription drugs?

15 A Yes ma'am. There was an account at Buford Drugs in
16 Gaffney and for quite a long period of time there would be
17 monthly statements that would come in that we would pay through
18 either the Julia account, the attorney account, the realty
19 account, wherever funds were available and the bills averaged
20 between three and five hundred dollars a month, normally.

21 Q Okay. And that was even up until the time of Mr.
22 Roberts death?

23 A No, that was 2008, 2009 -- wait, I am sorry. I worked
24 2008. Yeah actually 2008 and the beginning of 2009 and then
25 about the middle of 2009 we weren't paying those bills.

1 Q Were they coming out of Julia's Inc. money?

2 A No.

3 Q Okay. She was responsible for that?

4 A It was her responsibility, right.

5 Q Thank you.

6 A Your welcome.

7 RECROSS EXAMINATION

8 BY MR. FREDERICK:

9 Q So Melvin stopped paying those bills about the middle
10 of 2009?

11 A Yes, sir.

12 Q Thank you.

13 A Your welcome.

14 THE COURT: You may step down.

15 THE WITNESS: Thank you.

16 MS. HODGE: At this time the State would call
17 Angela Durham.

18 MR. FREDERICK: Judge, can we approach?

19 THE COURT: You may.

20 (WHEREUPON, there was an off the record discussion
21 held at the bench.)

22 ANGELA DURHAM, called as a witness, having been
23 duly sworn by the clerk, was examined and testified as
24 follows:

25 DIRECT EXAMINATION

1 BY MS. HODGE:

2 Q Miss Durham, please state your full name for the
3 record.

4 A Angela Christine Durham.

5 Q All right. How old are you Miss Durham?

6 A I will be 45 the 14th of September.

7 Q And are you married?

8 A Yes.

9 Q And who are you married to?

10 A Michael Eugene Durham. We have been married it was 26
11 years the 14th of this month.

12 Q 14th is a good day for you?

13 A Yeah.

14 Q Do you have any children?

15 A Yes, I have two, 24 and 25, a girl and boy.

16 Q How about grandchildren?

17 A I got one grand baby. He is a my miracle child. He
18 was born wade one pound, five ounces. He is my heart.

19 Q And how old is he now?

20 A He is two.

21 Q Okay. Are you currently working anywhere?

22 A No.

23 Q And have you worked in the past?

24 A No, I worked for Julia. That is the only time I ever
25 worked. I was a stay at home mom and when was my kids were in

1 grammar school I went to grammar school with them. I
2 volunteered so I could be there with them. They made straight
3 A's.

4 Q So were you like a room mother?

5 A Yeah, I helped. I helped kids learn to read and check
6 papers and just stuff like it.

7 Q Involved with the PTO and stuff like that?

8 A I was vice president on the PTO board for two years.

9 Q Okay. And did you continue to be a stay at home until
10 what grade do you think it was?

11 A Well, when they got in middle school I didn't go on
12 with them because I didn't, you know, feel like they needed me
13 there. I just stayed at home all the time.

14 Q And when did you start working at the defendant's Miss
15 Julia's?

16 A Ma'am, I can't tell you the year.

17 Q Okay.

18 A I guess --

19 Q Do you remember what grades your children might have
20 been or how old they were?

21 A Yes. They were in probably the 11th and 12th grade.

22 Q Okay. And do you have any kind of reference what year
23 that might have been?

24 A Not right now.

25 Q Okay. Would it be fair to say somewhere around 2006 or

1 2007?

2 A Yeah, I think so.

3 Q When did they graduate high school?

4 A I am not sure.

5 Q Are you a little nervous?

6 A Yes, I am very nervous.

7 A I never did this.

8 Q Okay. That is all right. It will be all right.

9 THE COURT: Let me see you all.

10 (WHEREUPON, there was an off the record discussion
11 held at the bench.)

12 Q All right. Miss Durham, tell us about what you would
13 do when you were working for Julia's?

14 A Well, when I first started working for her I would put
15 up clothes and stuff, but then she taught me how to do makeovers
16 with the Merle Norman and I loved that. That was like playing
17 to me. It was fun to do makeover and met people you know. I
18 loved that.

19 Q And what else would she have in the store beside the
20 make-up when you first started?

21 A When she first started she had like dolls and knick
22 knacks, different things. There was fairy dolls, clothes,
23 wreaths. Different things like that.

24 Q Okay. And what was your responsibility while you were
25 working there other than doing make-up for people? Did you have

1 other stuff you did?

2 A I put the stuff up. I price it and put it up.

3 Q Okay. And were you getting paid for work for her?

4 A Yes.

5 Q What were you suppose to get paid?

6 A I was suppose to get paid like five dollars an hour.

7 Q And did you get paid that on a regular basis?

8 A No. Some times it would be a couple weeks before I got
9 my pay.

10 Q And was the agreement that would you get paid weekly?

11 A Yeah, I was suppose to.

12 Q And then it would some times take longer to get paid?

13 A Yes.

14 Q Would she pay you in cash or check, do you remember?

15 A She paid me in cash. Some times Mr. Roberts would send
16 me a check.

17 Q And do you know Mr. Roberts?

18 A I met Mr. Roberts about two times I think, where I just
19 seen him in there. Maybe three. And then once when she was out
20 for knee surgery and I had to run the store he came by and
21 picked up the money.

22 Q Okay. Did you have any kind of personal relationship
23 with Mr. Roberts?

24 A No, ma'am.

25 Q Did you know what kind of relationship he and the

1 defendant had?

2 A Well, from just what I overheard her speaking . They
3 argued a lot.

4 Q And were they boyfriend, girlfriend, husband, wife?

5 A Boyfriend girlfriend is what I thought.

6 Q Did you ever know her to call him her husband?

7 A I had heard her say it a time or two, you know.

8 Q Did you know if they were married or not?

9 A I didn't think they were married.

10 Q Okay. And was she -- would she talk to you about their
11 relationship?

12 A No, when I was there I worked mostly. You know, if I
13 wasn't working I stopped to eat. If we talked it was about
14 cooking. What she may have cooked or what I may have cooked the
15 night before. Something like that, you know.

16 Q Okay. And were you all social acquaintances outside of
17 work?

18 A No.

19 Q Just friendly at work?

20 A Yeah, at work.

21 Q Okay. Do you know if she had any children?

22 A From what I understood she had two boys.

23 Q Did you ever meet any of her children?

24 A I met Hunter.

25 Q And when did you meet Hunter or how do you meet Hunter?

1 A I met Hunter in the store. He just came down there one
2 day. From what I understood he had been in some kind of home or
3 something.

4 Q Don't say anything else about that, but just did you
5 meet him?

6 A Yes.

7 Q Okay. And he would come in to Julia's store?

8 A Yes.

9 MR. FREDERICK: Objection. I am going to object
10 on the grounds of relevance.

11 THE COURT: How far are you going with this?

12 MS. HODGE: Well --

13 THE COURT: Of her knowledge of her son.

14 MS. HODGE: Some of the things we discussed in
15 chambers involve that.

16 THE COURT: Okay. Overruled presently.

17 Q And did he come in to the store often while were you
18 there?

19 A There was a time he lived in an apartments across the
20 road that Mr. Roberts, that he came over about every day.

21 Q All right. And were you working in the store up until
22 Mr. Roberts was murdered, were you still working there?

23 A Yes, ma'am.

24 Q Okay. So in February of 2010 you were still an
25 employee and still worked at the store?

1 A Yes, it wasn't a daily thing, once or twice a week.
2 Something like that.

3 Q Okay. Consistently each week you would work a couple
4 of days a week?

5 A Well, there were weeks where I didn't work.

6 Q Were they vacation weeks?

7 A No, just she didn't need me or something.

8 Q So it was a week-to-week thing where as if she needed
9 you you came in?

10 A She called me and tell me if she needed me or not.

11 Q And then there was a period of time you worked there
12 full time?

13 A Yes, during her knee surgery.

14 Q Now, had you also -- did you ever do any housecleaning
15 for the defendant?

16 A Yes, on occasion she would ask me to clean up her
17 house.

18 Q And would you she pay you do that?

19 A Yes. She paid me to do that and I would do that make a
20 little extra cash, you know.

21 Q Now, lets go towards the year before Mr. Roberts was
22 murdered. I know you said you aren't good with dates. From
23 that time backing up about a year was the Merle Norman contract
24 or franchise pulled out of her store?

25 A Yes.

1 Q And did you work there at that time?

2 A Yes.

3 Q Did you assist with packing up the merchandise to have
4 it sent back?

5 A Yes, I think I packed up most of it.

6 Q And what was the store going to become or what was it
7 going to sell after the Merle Norman stuff was gone?

8 A She still was selling the clothes that she had in there
9 and she was going to start like a consignment shop.

10 Q And the clothes that she had before the consignment
11 stuff what kind of clothes were those?

12 A Ivie Jane, Plaza South. Very expensive, clothes you
13 know.

14 Q And did the store sell a lot of those clothes?

15 A Not really. You know, not enough to really make money
16 because the clothes were expensive to buy.

17 Q People in Gaffney weren't buying that?

18 A Most people in Gaffney they go to Greenville or
19 Spartanburg to get clothes like that, you know.

20 Q As far as Merle Norman was she selling a good bit of
21 that?

22 A The Merle Norman sold very well, I thought.

23 Q And what type of payment would she, or the store accept
24 when someone came to buy stuff? What would they pay with?

25 A Credit card, cash, checks.

1 Q And were there times that she only wanted cash?

2 A Yes, there would be times she didn't want to do the
3 credit card and she would put an out of order thing on it and we
4 accept cash.

5 Q But was the credit card think actually working even
6 though she put our of order on it?

7 A Yes.

8 Q Did business drop off at all after the Merle Norman
9 franchise left?

10 A Well, way off. The consignment it didn't do --

11 Q Much of anything?

12 A Much of nothing.

13 Q Okay. And how was that inventory obtained for the
14 consignment shop, people bring it in?

15 A People brought it in.

16 Q So it wasn't a real large amount of paying for
17 inventory to come in?

18 A No, she didn't pay for that, you know. If we sold it
19 then she would pay them.

20 Q They get a portion of it?

21 A Yeah, a portion, half of it I think it was.

22 Q All right. And when there were the nicer clothing in
23 there would she take that clothing and wear them as her own?

24 A Yes, that is the way she sold a lot of them. People
25 would see the clothes on her and they would like them and she

1 would sell them.

2 Q And how about, did she ever keep any kind of inventory
3 of any of the stuff that she sold?

4 A She didn't write anything down.

5 Q Now, you say at times that you overheard some things
6 that she would talk about with Mr. Roberts. Who would she be
7 talking to when she was talking about her relationship with Mr.
8 Roberts or what was going on with them?

9 A Hunter, her son.

10 Q And did you overhear conversations towards the end of
11 2009 maybe around before Mr. Roberts died?

12 A Yes.

13 Q About the relationship. The status of their
14 relationship and what did you overhear her talk about that?

15 MR. FREDERICK: Hearsay, judge. Objection.

16 THE COURT: Overruled.

17 Q What would you hear her say about that?

18 A I would be working and I could hear them talking and I
19 heard her telling him something about him taking her credit
20 cards or something. He followed her to the gas station to put
21 her gas in, you know.

22 Q Did you say earlier that you overheard some arguments
23 and things?

24 A Her and her son argued all the time.

25 Q I guess I didn't phrase that properly. Overheard Miss

1 Phillips, Julia, telling Hunter or their conversation about her
2 and Mr. Roberts not getting along well?

3 A Yeah.

4 Q Okay. And was there anything specific in relation to.
5 the store or anything like that?

6 A I can't remember any exact things, right off.

7 Q You don't recall exactly?

8 A No.

9 Q Did you know -- did you have any personal knowledge
10 that Mr. Roberts wanted to close the store at times?

11 A Yes. Yes. That's the kind of things I heard them
12 talking about. That he wanted to close it and she didn't want
13 to close it.

14 Q Did you ever hear her talking about the fact that
15 Melvin may have another woman that he was seeing or had seen?

16 A Yes, ma'am.

17 Q And did she make any kind of comment about she wasn't
18 going anywhere?

19 A Yes, ma'am.

20 Q And that being Miss Phillips?

21 A She wasn't going to leave.

22 Q She wasn't going to leave him?

23 A Yeah.

24 Q All right. Now we talked about her suppose to be
25 paying you. At some point -- again we are talking about stuff

1 close in time to Mr. Roberts death. Did the defendant ask you
2 if she could borrow money from you?

3 A There was one occasion where she asked me to borrow
4 some money and all I had was my light bill. It was on a Friday.
5 And I told her I had to go pay it. And she said, well, do you
6 not have another day. I said, well, its suppose to be paid. It
7 has got to be in the night deposit box by Monday. I said I will
8 have to ask my husband if he will allow it and I called him and
9 he objectively let me and then Sunday came and I called her and
10 asked her for the money and she didn't have it. And I said,
11 they are going to turn my lights off, and she said, well, what
12 are you going to do. And I was like, well, you told me you
13 would have me the money back, you know. And it ended up my
14 husband ended up having to borrow it from his dad. Something he
15 didn't want to do.

16 Q Again towards the end of 2009 and 2010, right around
17 when Mr. Robert was murdered, did you ever see the defendant
18 taking any prescription pills?

19 A Yes.

20 Q Did you see that on a regular basis?

21 A Yes.

22 Q And did you ever see her taking any money out of the
23 cash register for any reason other than store business?

24 A I would see her take money out of the cash register and
25 give to her son.

1 Q Okay. And then what would you see what he would do
2 with it?

3 MR. FREDERICK: Judge, I object, 404B and 403.
4 Grounds that we already discussed.

5 THE COURT: Overrule the objection.

6 Q So you said you would see her take money out of cash
7 register and give it to her son. What would her son do with the
8 money then?

9 A He would go to the back door and stay out there for a
10 little while.

11 Q And what would happen when he came back?

12 A They would meet at the table and there would be pills.

13 Q Okay. And do you have any idea how much money she took
14 out of the register to do that?

15 A No.

16 Q And do you know exactly what the pills were?

17 A No.

18 Q And did this happen on a fairly regular basis?

19 A Pretty regular. I worked like I said, maybe one or two
20 days a week. Some times maybe more and it was about real
21 regular.

22 Q All right. Did you hear about Mr. Roberts being
23 murder?

24 A Yes, over in the night Hunter called me and --

25 MR. FREDERICK: Objection to hearsay.

1 MS. HODGE: Without telling what he said.

2 THE COURT: You can't testify as to what Hunter
3 said.

4 Q Without saying what he said, did he ask you to do
5 something is that how you learned about Mr. Roberts's murder?

6 A Yes, he wanted me to clean up the house.

7 Q Okay, and whose house?

8 A Her house.

9 Q And had he been living in her house?

10 A Yes.

11 Q And did you do that?

12 A Yes. Me and this other lady.

13 Q And you had cleaned her house before so --

14 A Yes.

15 Q -- you were familiar with doing that. They knew you
16 cleaned the house?

17 A Yes.

18 Q Did you ever go back to work at the store after Mr.
19 Roberts was murdered?

20 A I went up to the store one time that was the day that I
21 had to come down here and talk with the policeman and then after
22 that I never have talked to her or spoke to her again since
23 then.

24 Q Okay. All right and the person, Miss Julia, that you
25 are referring to is she in the courtroom today?

1 A Yes.

2 Q She is over at the defense table?

3 A Yes, that is what I refer to her as Miss Julia.

4 Q Thank you. Please answer of Mr. Frederick's questions.

5 A Okay.

6 CROSS EXAMINATION

7 BY MR. FREDERICK:

8 Q When you said Hunter asked you to clean up her house
9 you are talking about the house in Gaffney, right?

10 A Yes, sir.

11 Q Not the house in York?

12 A No.

13 Q Okay. And, you know Julia has fibromyalgia, right?

14 A Yes.

15 Q And she had cancer multiple times?

16 A Yes.

17 Q And she has some medical conditions?

18 A Yes.

19 Q And the pills that you were talking about were those
20 pain killers?

21 A Yes.

22 Q Thank you.

23 THE COURT: You may step down.

24 MS. HODGE: Your Honor, may she be excused.

25 THE WITNESS: Thank you.

1 MR. FREDERICK: Judge subject to recall.

2 THE COURT: You may be excused, but be available
3 in the event somebody needs you to call back and if
4 you have an issue with scheduling you can let the
5 solicitor and Mr. Frederick know.

6 MS. DURHAM: Yes, sir.

7 MS. HODGE: Can we approach bench, Your Honor?

8 THE COURT: Yes, ma'am.

9 (WHEREUPON, there was an off the record discussion
10 held at the bench.

11 MS. HODGE: The State calls Detective Mumaw.

12 BILLY MUMAW, called as a witness, having been duly
13 sworn by the clerk, was examined and testified as
14 follows:

15 DIRECT EXAMINATION

16 BY MS. HODGE:

17 Q Detective Mumaw, who do you work for?

18 A York City Police Department.

19 Q And how long have you been with them?

20 A Roughly 15 years.

21 Q What are your duties and responsibilities?

22 A I am a detective.

23 Q And have you been a detective the entire time?

24 A No, ma'am.

25 Q And what role or what do you do as a detective? What

1 is your primary responsibility?

2 A I investigate certain crimes that come in to the police
3 department from the road officers.

4 Q Do you investigate all types of crimes or property
5 crimes? Murders?

6 A Everything that comes in.

7 Q And were you employed in that same capacity back on
8 February 4th, 2010?

9 A I was.

10 Q And were you in fact designated as the lead detective
11 on this case?

12 A I am.

13 Q Were you on called that evening?

14 A I was.

15 Q Tell us did you have occasion to respond to Mr. Melvin
16 Roberts's house?

17 A Yes, ma'am, I did.

18 Q And tell us what you did on arrival?

19 A When I first get to the scene I locate the officers who
20 arrived first. Try to get an overall idea of what has happened.
21 I talked to Chief Mobley. He had already been there before I
22 got there. He advised me that because of our dealings with
23 Melvin, York Police Department, we have a pretty close
24 relationship with him. That we were to secure the scene. Let
25 SLED come in and take care of the scene. It usually takes them

1 a little while to get there.

2 Julia was in the vehicle. She stayed there. I secured the
3 scene. Kept a watch just to make sure nothing happens until we
4 could get SLED there. Once SLED would get there I would go.
5 After I had walked the scene myself just looking for evidence.

6 While I was there I had also got my camera and I would take
7 overall quick photos. The officer when they get there they take
8 quick snapshots and that is just to get a quick overview of the
9 scene. They are not focused in on any one thing.

10 Me as the investigator at this point I would be more focused
11 on the scene and pinpointing go certain things. But of course I
12 got SLED coming. I get my camera.

13 One of the things we are worried about what type of incident
14 was this because of course we weren't dispatched to a murder
15 when we arrived. That is just kind of what we walked in to. We
16 didn't know where the scene exactly was because you can have
17 multiple scenes.

18 One of the things I did I took pictures of all the windows
19 and the doors of the house. Once I realized that the entire
20 house was secure at that particular time of course we are
21 talking within the first hour or so of the incident, we have a
22 good feeling that the only part of the scene that we had was
23 outside the house. There was cobwebs on the windows. The doors
24 were locked. So at that particular time we were not worried
25 about the house because it did not it did not seem -- there was

1 nothing in there that we would need. So we just wanted to make
2 sure the house hadn't been broken in to. The scene was secure
3 at the residence. So as I walk around the scene, you know, the
4 officers will point out certain things. Secure the scene and
5 watch the area.

6 Q And when you say none of the entryways appeared
7 disturbed, did you actually see evidence that led you to believe
8 that?

9 A Yes, ma'am. What I did was a took pictures. As you
10 probably remember, your own homes after you a while you will get
11 cobwebs that attach between the screen itself and the windows.
12 I will take photos of that because that very easily disturbed if
13 somebody is sliding a window up and coming in through a house.
14 You can put the screen back but you can't put the cobwebs back.

15 Q So were there some cobwebs?

16 A Every window. Every door pretty much. I think they --
17 from what I's seen they only really used the one door that was
18 at the back of the house through the pool. Pretty much every
19 door had cobwebs, leaves that were stuck on it. It was just
20 that time of year.

21 Q Okay. And did York Police Department have their own
22 forensic or crime scene processing unit at that time?

23 A Myself and John Naylis were the crime scene unit, per
24 se. I work my own scenes. I have other murders that I worked
25 specifically by myself. I have other scenes that me and John,

1 Dectective Naylis will work together depending on the size of
2 the scene. Of course this scene is a little more broad. And
3 plus with the relationship with Melvin Roberts it's -- the
4 relationship that we had, we definitely didn't want to be seem
5 bias one way or the other. That is why we would have SLED come
6 in and take care of the crime scene.

7 So we had an outside agency walking with us as we go through
8 the whole thing and taking care of the crime scene.

9 Q Were you there when the canine units came?

10 A I was.

11 Q And were you able to view any of the -- as Sergeant
12 Clinton testified to, any of the footprints or the trails or the
13 tracking? Did you see any of that personally?

14 A I did.

15 Q And what was the weather conditions that you recall
16 this night?

17 A It was raining off and on. It would you rain for a
18 little bit. It would slow down. It would pick up. I mean, you
19 really can't say it was one condition. We were expecting snow.
20 There was a snow advisory. We didn't get any, but it was
21 raining at first. Slacked off. It would pick up. So there was
22 no one solid downpour. One slight rain all day. It kind of
23 went on, up and throughout the day.

24 Q And because SLED was doing the crime scene processing
25 did you you personally pick up or collect any items of evidence

1 that night?

2 A No, ma'am.

3 Q Did you assist though, I think as you mentioned, with
4 handling some of the items for SLED and/or just giving them to
5 the tech or holding them for the tech?

6 A Yes, ma'am. Basically what I will do while I am going
7 through the scene and I am taking pictures of certain items that
8 way when the tech gets there we know where we are going. We are
9 looking for certain things and I point stuff out to her. If she
10 needs assistance, you know, different type things, hold
11 something for her to take photos of. Hold something. Basically
12 assist her in anything that she might need. Plus, I have an
13 overall and I have been walking through the scene and know the
14 scene fairly well, whereas of course she just arrived.

15 Q All right. So tell me what, if anything, did you
16 notice or observe about the defendant's vehicle?

17 Let me back up. Was she still in the car when you got there?

18 A When I got there she was still in the car.

19 Q And approximately how long was she on scene before she
20 left with Sergeant Edwards, now Lieutenant Edwards?

21 A It seemed to me about an hour.

22 Q Did you ever personally walk up to the car to speak to
23 her or question her in any way?

24 A No, ma'am.

25 Q Did you physically touch her or help her or anything

1 like that?

2 A No, ma'am. She was secured in the car. Try to limit
3 to many officers doing to many things. Things can get jumbled
4 that way. And I had a mission of taking care of the scene.
5 Once we have Officer Edwards, once he established a rapport with
6 her, it was a good rapport, there was no sense. Of course I did
7 a few interviews with her, but it was pretty much, he has got a
8 good rapport with her let him talk to her.

9 Q All right. Tell me about once the defendant left did
10 you look inside of her vehicle?

11 A I did.

12 Q And was there anything -- well, let me back up. Were
13 you briefed on what her story to the police was?

14 A Yes, ma'am.

15 Q And this was not in full detail at this time I am
16 assuming?

17 A Correct.

18 Q Just a brief overview of what she said happened?

19 A Correct.

20 Q And at that point did you look in her vehicle to see if
21 there was anything that would either corroborate or substantiate
22 what she was saying?

23 A I do and I always try that. Yes.

24 Q What, if anything, stood out to you in regards to her
25 vehicle and the story that you had heard?

1 Do you want me to show you State's 12 Q, R and S. Is there
2 anything specific about her car --

3 A Yes.

4 Q That was of interest to you?

5 A Inside the vehicle, yes, ma'am. From what I understand
6 I seen where she was laying was kind of green. The hole to get
7 across or the area between the walls was extremely muddy. When
8 you cross that, you could get across that without getting a lot
9 of mud on you but you would have to stay close to the bricks.
10 All right. We crossed it and that's how we would cross without
11 getting into the mud, is that we would stay close to the brick
12 side. But if you were just going straight across it was fairly
13 muddy.

14 So one of the things that we are looking for is
15 corroboration of her story. I want to see leaves and mud. The
16 officers are bringing me and saying there is warning signs.
17 There is flags going off, you know. You have to chalk that up
18 to different things, of her excitement or what is going on. I
19 wanted to be able to explain what I am seeing compared to her
20 story. And that's when we start, you know, I can understand if
21 I get to a scene and there might be something off here and there
22 but as you keep stepping and stepping and you realize that okay
23 things are not making sense the father we keep going.

24 Q Let me put up States 12 Q. Are you familiar with what
25 that is?

1 A That is her front seat, yes, ma'am.

2 Q And what significance did you note about her front
3 seat?

4 A There was one leaf sitting on the seat.

5 Q And was that consistent with what you had heard she had
6 been walking through and lying in?

7 A After I heard that she had been pushed in the mud and
8 had been laying in the mud and sitting in the mud for some time
9 it did not make sense to me why that was like that, no.

10 Q And I am going to show you States 12R. Did you have --
11 did you see something by that red cup?

12 A Yes, ma'am.

13 Q What was that?

14 A That was a white towel.

15 Q Did it have any mud or anything on it?

16 A It did not.

17 Q Did you actually touch the seat of the driver's seat?
18 Did you feel it for dampness?

19 A It was not damp. It was not wet.

20 Q All right. States 12S, what is in the bottom corner
21 over here?

22 A It is another white towel.

23 Q Did it have any mud or dirt or debris on it?

24 A It did not. Both towels were completely white.

25 Q Thank you. All right. Did you then -- I think you

1 started talking about it, go to the area behind the wall that
2 she claimed to have been placed?

3 A I did.

4 Q All right. And did you see for yourself the bank bag
5 that has been talked about?

6 A I did.

7 Q I will put up State's 12D. Now you were talking about
8 you have to come close to the wall. Do you mean skirt the wall
9 to get around the mud?

10 A If these two bannisters here are my wall with this here
11 being the opening, you would have to stay roughly about a foot
12 to a foot and a half close to the wall because it was a little
13 bit up there and it had a some grass on it as long as you stayed
14 close to the wall. It is a fairly open area and most of that, I
15 mean, if you go in and out it was pretty muddy.

16 Q Okay. And did you along with the SLED forensic
17 division you all collected that bag?

18 A We did.

19 Q All right. And did you actually hold open the bag for
20 the officer to take a picture?

21 A I did.

22 Q And what was of significance or importance inside the
23 bag brought to you and this is State's 12E?

24 A There was a large amount of money. One of the things
25 we got called out to was a robbery and one of the things we look

1 for is what was being robbed and she said -- she was adamant to
2 the officers when they showed up this guy was looking for money
3 and when you walk up to the bag you could look down and see
4 money. Another thing about the bag that really worried me, she
5 was suppose to have been snatched up at the car and drug back
6 behind the wall. When you walk to the bag you can look down and
7 it looked like somebody had actually just set it straight down.
8 The stuff that was inside was all filed nice and neat. Nothing
9 had been pulled out. Nothing had been gone through. If she
10 would have dropped that some way it was very suspicious that,
11 you know, how that did the bag make it in one piece all the way
12 back behind the wall with a man supposedly snatching her up the
13 way she was describing.

14 Q And do you recall how much money was actually in this
15 bag?

16 A It seems to be about eighty or ninety dollars.

17 Q And as you say it was lying open, zipped opened, face
18 up. Were the contents inside wet or soggy?

19 A They were not.

20 Q Was there anything else on the crime scene that you
21 observed that gave you pause or that was of interest to you?

22 A Could you be more specific?

23 Q Well, what did you see around the victim and tell me
24 about the condition of the victim? Were there any items lying
25 around Mr. Roberts.

1 A Cell phone that was laying there, the hat. It seemed
2 to me that whatever had happened had happened fairly close of
3 him getting out of his car.

4 After talking to his sons, and which would make perfect
5 sense to me, if you are getting out of your vehicle that you
6 would take your papers, your work of the day. Mr. Robert in his
7 vehicle still had his notepad, his newspaper, his coffee cup,
8 things that when I get out of work and I am going in to the
9 house well, you know, I take my work of the day in to lay on the
10 table. That stuff was still sitting in his vehicle. What
11 appeared to me is -- is -- and also with the distance of the
12 vehicle. The family members all said, you know, it just wasn't
13 pulled up. Melvin was a creature of habit. He pulled it to a
14 certain spot. It gave me the feeling that he got out maybe to
15 talk to somebody, you know, because the vehicle wasn't pulled
16 up.

17 Q Out of his normal habit?

18 A Correct, because the items of the day he didn't pull
19 them out to take them in to the house, that he might have gotten
20 out to talk to somebody.

21 Q All right. And just going back to the whole robbery
22 thing. You work robbery cases?

23 A I do.

24 Q Are cell phones a popular thing for people to take at
25 robberies?

1 A Yes, ma'am.

2 Q Along with cash, obviously?

3 A Along with cash.

4 Q And how about on Mr. Roberts, did he have a wallet

5 still on him?

6 A One of the things that I had noticed almost right off

7 the bat when I walked up to Mr. Roberts was the outline of his

8 wallet on his left rear buttocks. If you're soul purpose is

9 there to steal money not to reach down and pull it out of his

10 back pocket does not make sense, if that is what you are there

11 for.

12 Q And did you guys go and get the wallet out and open the

13 wallet up?

14 A Yes, we did.

15 Q Was there cash inside the wallet?

16 A Seems to me if I remember right it was close to four

17 hundred dollars. Somewhere in that area. I would hate to give

18 a wrong number.

19 Q A few hundred dollars?

20 A Yes, ma'am.

21 Q In cash?

22 A Yes.

23 Q Easy to take, gone?

24 A Yes, ma'am.

25 Q Okay. States 12H that is Mr. Roberts's wallet?

1 A It is.

2 Q And then it was opened up as States 12-I, is that how
3 you found the wallet this night?

4 A Yes, ma'am.

5 Q And was all the currency all lined up nicely inside of
6 it?

7 A Just the way it is ma'am.

8 Q Any mud or wetness or anything on any of the --

9 A There was not.

10 Q Okay. Approximately how long did you stay out at the
11 crime scene that night?

12 A I would hate to give a specific time, but I was out
13 there quite late. We stayed out there for I would definitely
14 say four, five hours. We were out there for a long period of
15 time.

16 Q And then would you all secured the scene so you can
17 come back, is that how it normally works?

18 A Yes, ma'am.

19 Q And before you leave the scene investigation that
20 night, did you see anything or was there anything unusual that
21 you noticed once the defendant did get out of the vehicle, her
22 vehicle, and leave the scene?

23 A At a certain time, I think you also witnessed on the
24 video, where the lieutenant calls me over. At that time I was
25 like I explained before I am walking the scene. Taking

1 pictures. Just noting things of interest. One of the things we
2 like to do is document how the victim was and her condition. I
3 didn't know that they were getting ready to -- she was getting
4 ready to leave with Sergeant at the time. Lieutenant called me
5 over. We started taking overall pictures of her condition to be
6 matched up later.

7 Q And did her condition or the condition of her clothing
8 match up with what you had been told about what had happened to
9 her?

10 A That was another concern. Of course another flag. One
11 of the things is she is saying she has been pushed down into the
12 mud and basically it looked like if you were to have a mud
13 puddle and you would go and sit in it in your back side, her
14 back side was wet. You could definitely see that in the
15 pictures and I noted that. Her back side did seem wet. She was
16 not covered head to toe with mud the way she was presenting
17 herself. A little bit of mud along the cufflinks -- cuffs of
18 the pants.

19 Q And when you say her back side was wet, were you able
20 to tell, could you tell, was it soaked through and through wet it
21 seemed pretty wet. I would say if she would have went and sat
22 on some wet leaves on the back side of the wall it could match
23 that. I would say that would be enough.

24 Q But it was only on her bottom?

25 A Correct. Yes, ma'am, it was just her back side up to

1 her thigh, mid thigh. Somewhere in that area.

2 Q Note anything on her front, front of her thighs?

3 A No, ma'am.

4 Q She is wearing a white shirt. Notice anything on the
5 white parts of shirt as far as dirt or leaves?

6 A No, ma'am, nothing there.

7 Q All right. Were there any witnesses that had become
8 made available or known to you that night at the incident
9 location or was it just processing crime scene?

10 A That night at that particular time a lot of officers
11 were dictated to do certain things. It is very hard for one
12 officer, especially at the scene, a murder scene and we try to
13 make sure everything is covered. My lieutenant, we had officer
14 Edwards like I said had already built a rapport with her. They
15 went to the station. Kept that scene, because that is also a
16 scene in and of itself because they are taking care of her. I
17 had controlled of the scene at the residence.

18 Q All right. And what -- and what was one of the most
19 important things as far as what was urgent? What was needed to
20 be addressed as far as this co-defendant, this person that
21 possibly committed this crime? Were you attempting to gather
22 identifying information?

23 A Correct. One of the things is if we got a murder and
24 now we believe is out on foot, of course we don't know the time
25 lapse. We don't have anything. One of the first things we are

1 going to look for is okay, can we give us a height description.
2 Can you give us hair color. Can you give us something to look
3 for. Of course you already heard the problem that we have with
4 looking for something is every time we get something it changes.
5 We get okay we can go look -- no, we can't look for that guy.
6 Okay, we got something else and being confused a little bit is
7 understandable, but time after time after time after time and
8 the amount of change. If you can't remember something, we say
9 well, I am just not sure about that. I can't remember. But of
10 course when we get some different things; short hair, curly
11 hair, dark hair, black guy, Hispanic, it changes so many times
12 that in itself is frustrating and it's okay, now, we have gotten
13 to the point where is she not sure or is she trying to hide
14 something in the amount of things that she said.

15 Q Did that make it difficult for your other, I am
16 assuming there were officers that were out canvassing,
17 searching, attempting to locate this dangerous person?

18 A Of course.

19 Q Did that make it difficult?

20 A Of course, because once we are out there I mean, if you
21 do see something how can we justify stopping and talking to
22 anybody if we don't have anything that we know what we are
23 looking for. It can make it very hard.

24 Q And were you familiar with the brief description that
25 she gave in the 911 call, as far as what the race of the

1 attacker was?

2 A I believe right off the bat she said he was black.

3 Q And then later did that change?

4 A Changed to Hispanic.

5 Q All right. After you wrapped up at the scene did you
6 then come in to the office the -- well, it is probably going to
7 be the same day, just later on on February the 5th?

8 A Yes.

9 Q And did you have occasion to speak to the defendant on
10 that date?

11 A Yes. At this time we got a lot of things. A lot of
12 descriptions of the suspect possibly. I wanted to take it down
13 a notch. I sat in the office and I said what this is going to
14 be is, what did you do when you got our bed this morning.
15 Because now we kind of think the suspect was probably watching
16 the house for a little bit. Was there anything out of the
17 ordinarily and that's what I wanted to find out. She basically
18 went into her story about making the breakfast. Getting the
19 gentleman ready for Darlington.

20 Now, as I am doing this I explained to her what I am doing.
21 We are just looking at normal things all the way up until you
22 leaving work because we had her story a couple of times as she
23 gives it after she leaves work and of the incident itself. I
24 want to get on record what happened through the rest of the day.
25 So I said, well, can you write me a statement on just your

1 regular day of you getting up making breakfast. Whatever you
2 did. She says, no, I can't do that and I said why can't you do
3 that. Well, I got a hurt hand and I said well, your left
4 handed? No, but I can't do that. And I said, okay. So I
5 didn't want to get confrontational with her. So we just took it
6 and we started off with the just the interviewing of what she
7 had done through the day.

8 Q So you would ask her questions, she would answer and
9 you would document the answers by typing them, is that correct?

10 A I basically as we -- this was a little bit of a
11 different interview. It wasn't a -- a interview as to just to
12 get a vague statement or a statement of what her deal of the day
13 was.

14 Q Okay. Did you type it up?

15 A I did.

16 Q Okay. She didn't write anything down, but you typed up
17 what she said?

18 A She would not. She refused to write anything.

19 Q All right, but she came and talked to you freely and
20 voluntarily?

21 A She did.

22 Q All right. And did she tell you forget it, I am just
23 not the talking or she just didn't want to physically write it?

24 A She was fine with talking. She just refused to write
25 anything down.

1 Q All right. And so go on and tell us what she told you
2 that day?

3 THE COURT: While he is reviewing it, let me see
4 the lawyers for a minute.

5 (WHEREUPON, there was an off the record
6 discussion held at the bench.)

7 Q Do you have copy of that, what you typed?

8 A I do.

9 Q Okay. If you will just read to us or tell us what she
10 said.

11 A I will. "This is the interview of Julia Phillips at
12 York City Police Department by W.J. Mumaw" myself. "On
13 02-05-2009 I did talk to Julia Phillips at the station. I asked
14 Miss Phillips if she could write me a statement about her day
15 starting from the morning when she got up and she said --

16 THE COURT: Excuse me, just a minute. You are
17 going to slow down a little bit --

18 THE WITNESS: Yes, sir.

19 THE COURT: -- because I fear that the court report
20 is getting anxious.

21 THE WITNESS: I apologize ma'am.

22 Q You are not from around here, you are up north
23 somewhere?

24 A I have been here for 20 years.

25 Q All right.

1 THE COURT: You have got to talk slower?

2 THE WITNESS: Sorry, ma'am.

3 A "I asked Miss Phillips if she could write me a
4 statement about her day starting from the morning when he she
5 got up and she said she could not. I asked her why and she said
6 that she had hurt her hand. Her left hand was swollen and did
7 look injured. I asked her if she was left handed and she said
8 no. I asked why she could not write me a statement and she
9 advised that she would not. We then started talking about what
10 she did in the morning of the incident. She advised she got up
11 made breakfast for Melvin. Helped get him ready so he could go
12 to the car auction. She said that then read her Bible for an
13 hour and then got ready and went to her store in Gaffney."

14 Do you mind if I get some water real quick. I apologize.

15 MS. HODGE: Got it. There is no water in that one.

16 (Bailiff pours water for the witness.)

17 A All right. "She said that she was at her store from
18 10:15 a.m. to about 5:15 p.m. She said that Angela Durham,
19 Marilyn Littlejohn and Thelma was with her. She said that her
20 son was with her at the store doing some work and when she --
21 when she left she had taken him home before heading to work --
22 to York, excuse me. Not work, York. She said that she stopped
23 at Melvin's office. She said that she talked to Melvin and told
24 her that he did not get her a valentine's gift so he was going
25 to make her a card. She said that he told her he loved her and

1 that she left the office and went to Bi-Lo. She said -- my
2 eyes. I apologize. She said that she went to the Bi-Lo on
3 Highway 321 on the north side of York. She said that she went
4 from the Bi-Lo straight home to Roberts Avenue. I asked her
5 this a couple of times and she said all three times that when
6 she left Bi-Lo that she went to Melvin's home. Miss Phillips
7 said that she pulled to the back of the residence and up to the
8 garage door in the corner -- on the corner. She says as she was
9 getting out of the car a hand grabbed her around the face. She
10 said not a gloved hand. She said that something was then put
11 over her head but was then taken back off of her head. She said
12 that she was taped up by the car. That he was getting upset
13 with the tape. She said that it was not a black guy or a white
14 guy. She said he had a funny accent. Maybe Mexican. She said
15 that subject then grabbed her by the hair and drags her behind
16 the wall. She said that her shoes fall off and he picks them up
17 and puts them by the wall. She said that she could see a little
18 out of the bottom of the tape. She said that she was sitting
19 behind the wall for about a half hour. She asked one time if he
20 was still there and he said I told you the fuck to be quiet.
21 Don't talk. She said that she heard Melvin pulling up the
22 driveway and park. She then heard a grunt noise. She said
23 almost as if Melvin is in pain. She said that she thinks she
24 hears Melvin hit the man back and then hears a pipe, or
25 something like a pipe hit the ground. She then hears the

1 gunshot. She then worked her way free from the tape and got to
2 her car and called police. She said that she moved her car in
3 line with the driveway so she could flash her headlights to the
4 cops so the cops could see her.

5 Q All right.

6 THE COURT: All right. You can step down.
7 That's a convenient time to stop so we will do that
8 now. We will reassume in the morning at 9:30. So let
9 me remind you of the caution I previously given you;
10 that is no discussions about the case, no exposure to
11 any type of media courage, no research, no
12 investigation, do not allow any one to try to discuss
13 the case with you.

14 Have a good evening and we will see you at 9:30 in
15 the morning.

16 (Jury leaves the courtroom.)

17 THE COURT: Court is in recess until 9:30 in the
18 morning.

19 Now, before we do that Mr. Frederick, do you have a
20 matter you like to put on the record relating to an
21 objection to the testimony of Angela Durham?

22 MR. FREDERICK: Thank you, judge. Just to flush
23 it out some. We discussed in chambers before, the
24 objection was based on what we feel is inadmissible
25 404(B evidence and basically her testimony is dealt

1 DIRECT EXAMINATION

2 BY MS. HODGE:

3 Q Detective Mumaw, I believed we ended the day where you
4 had interviewed the defendant on the day after the murder?

5 A Yes, ma'am.

6 Q And I believe you read the statements that she made to
7 you that day?

8 A Yes, ma'am.

9 Q All right. During that interview did she mention
10 anything about any potential leads in regards to any renters
11 that may have had an issue with Mr. Roberts?

12 A She had mentioned the name -- she gave me the name
13 Deoprakash Persaud. I am not exactly sure if I am saying that
14 correct.

15 Q Can you spell that for the court reporter?

16 A D-e-o-p-r-a-k-a-s-h is the first name and Persaud, is
17 how I pronounce that is P-e-r-s-a-u-d.

18 Q And did you attempt to follow up on that person and the
19 information that she thought they may have?

20 A I did. The actual description fit the suspect fairly
21 well.

22 Q And tell us what that was?

23 A He was a more of an Indian-type man. Had curlier hair.
24 Not very long. Same kind of skin tone, roughly that she
25 described.

1 She also went into an incident that Melvin had had with
2 his wife earlier, a couple two, three days before that.

3 Basically what happened is she is a heavier set lady. The floor
4 by the kitchen sink had started to sag and he called her a --

5 Q Well, without saying exactly what he said because that
6 is hearsay.

7 A Correct. They had got into an argument and this is one
8 of the reasons why she had discussed with me about that
9 incident.

10 Q All right. And did you check that out in an attempt to
11 confirm or exclude anything regarding these people?

12 A I did. I talked to his wife she told me that she had
13 picked him up at --

14 Q When you say "him" who are talking about?

15 A Persaud.

16 Q The husband?

17 A The husband. Drove him to TJ Max where he clocked in
18 to TJ Max on that date at 3:26 p.m.. He clocked out at 8:16
19 p.m. that evening for lunch. Clocked back in at 8:52 p.m. and
20 then she said she went back to pick him up at 12:01 a.m. that
21 evening.

22 Q And then you confirmed that with TJ Max?

23 A I did.

24 Q Through employee records?

25 A I did. I talked to a Christi Clark who is the

1 supervisor at TJ Max and also received the time card to make
2 sure and confirmed.

3 Q All right. And what time again was the 911 call for
4 this case, do you recall?

5 Q Julia calls 911 at 7:31.

6 Q All right. So Mr. Persaud is at TJ Max according to
7 them during this timeframe?

8 A Correct.

9 Q And had been there since 3:30 that afternoon?

10 A Correct.

11 Q And did you rule him out as a suspect?

12 A I did.

13 Q What about the wife, did you rule her out as suspect
14 also?

15 A I did.

16 Q Was she not a male, possibly African American, possibly
17 Hispanic?

18 A Correct she did not match the description.

19 Q At any time, just for clarification, any time did the
20 defendant ever say to anyone that there was a female suspect?

21 A She did not.

22 Q All right. And what did you do after speaking to the
23 defendant on the same day -- and if you got a supplement you can
24 go with that and if you finished with February the 5th you can
25 continue forward with that?

1 A I talked to TJ Max. I think that's pretty close to all
2 I did that day ma'am.

3 Q Were you involved in the meeting the defendant had with
4 the sketch artist or were you not involved?

5 A I didn't have anything to do with that ma'am.

6 Q Tell us what your next step was?

7 A On the 13th I went back to the scene with Julia. At
8 this previous time I had been working another murder case and
9 the profiler from SLED was visiting with me in reference to that
10 case, Mike Prodam (phonetics) and of course if you got, you
11 know, more brains looking at the same stuff try to do a get a
12 little bit of help from him.

13 Q Let me stop you there. Did you do something on
14 February the 8th in regard to any videos from Bi-Lo or Times
15 Turnaround?

16 A Yes. I apologize. I went to Bi-Lo to confirm her
17 statement about going to Bi-Lo.

18 Q So tell us about that.

19 A I went to Bi-Lo and talked to the manager there. Their
20 cameras were working. I located video of her going in to the
21 store and coming back out of the store. Their video camera
22 system was kind of messed up in the fact that the in-store
23 camera videos were not working at the time, so the only video
24 that I could get was her coming in to the store and her leaving.

25 Q And did you personally observe Bi-Lo's equipment, that

1 footage?

2 A I did. I watched that on their screen at Bi-Lo. It
3 usually takes them a day or so to get me that video so I always
4 watch it first and then they will cut me a disc.

5 Q So you indicate what portions of video you want?

6 A Correct.

7 (State's Exhibit 85, 86, marked for identification
8 as of this date.)

9 Q And I am going to show you, State's number 85. Have
10 you seen that before?

11 A I have.

12 Q All right. And what is that?

13 A It is the video from Bi-Lo.

14 Q All right. And is that a true and accurate copy of
15 what you saw on their surveillance video?

16 A It is.

17 MS. HODGE: At this time we moved to admit
18 State's 85. We will not publish it.

19 Q Did you ask for some or did you produce some still
20 footage?

21 MR. FREDERICK: No objection, Judge.

22 MS. HODGE: I am so sorry.

23 THE COURT: It is admitted.

24 (State's Exhibit 85, CD, received in evidence as of
25 this date.)

1 Q Did you then produce or ask for still photos from that
2 video?

3 A I believe on this program all I had to do was hit a
4 picture button that is on the program of the video and it will
5 print off from my printer stills right from the camera, from the
6 program itself. All right.

7 Q I am going to show you what has been marked 86 A, B and
8 C, what are those?

9 A These are the pictures from the video camera from Bi-Lo
10 of her entering Bi-Lo and I believe that's her car being seen in
11 the video going by.

12 Q All right. And you are familiar with what her vehicle
13 looked like?

14 A I am.

15 Q And she was in fact the one that provided you with the
16 Bi-Lo she went too and rough approximation of when?

17 A Correct.

18 Q Are these true and accurate representations of what is
19 on the actual video?

20 A They are.

21 MS. HODGE: At this time we would move to admit
22 State's 86 A, B and C.

23 MR. FREDERICK: No objection.

24 THE COURT: They are admitted.

25 (State's Exhibit 86 A, B and C, photos, received

1 ine evidence as of this date.)

2 Q Eighty-six A, I am going to let you look at it. These
3 are going to be very difficult to see on the overhead so I just
4 might pass them down the jury as we talk about this.

5 What is 86 A as far as time stamp showing and is the
6 defendant in that picture?

7 A 1813, which is 6:13.

8 Q Keep your voice up. Is she in the picture?

9 A Yes, she is.

10 Q How can you tell that is her?

11 A On the video it is whole lot easier, but she is wearing
12 the black sweater vest with the white sleeves.

13 Q Does she have anything else in this picture?

14 A The the high heeled shoes. You can tell -- it is kind
15 of hard to make it out on this picture but you can see it on the
16 video. She's also got an umbrella.

17 Q All right. And what can you tell about the umbrella,
18 any certain colors?

19 A On the video it is kind of hard. It is a darker color
20 umbrella and it has got some writing in white.

21 Q Solid dark color but with white writing?

22 A Correct.

23 Q And then States number 86 B, what is the significance
24 in that picture, time stamped, defendant, anything like that?

25 A 1825, and this of course is a whole lot more blurrier.

1 It harder to see.

2 Q Is she farther away from the camera?

3 A She is. She is walking a different direction.

4 Q Into or out of?

5 A Just out of Walmart.

6 Q Bi-Lo?

7 A Bi-Lo, I apologize. She is walking out of Bi-Lo.

8 Q Okay. So approximately how many minutes is that later,
9 13 to 25?

10 A Yes, ma'am.

11 Q And do you see anything about her that you new that it
12 was her when you looked at the video? Was there something
13 clothing wise?

14 A You can see the umbrella as she is walking back out.
15 The clothing is the same as she walking back out.

16 Q All right. And the final one 86 C?

17 A Yeah, this is a picture of her vehicle or what we
18 believed to be her vehicle. It matches the description. Of
19 course on the video camera you can't zoom in for the tag number
20 but it is the only vehicle that matched her vehicle and of
21 course it was very close to the same timestamp as when she was
22 there.

23 Q When she is leaving?

24 A At 1828.

25 Q So it is 6:28. Okay. If you all just pass those down

1 it probably would be easier to see.

2 Now was there a second place that you actually went and
3 also obtained some video footage with regard to the defendant
4 that night?

5 A There was.

6 Q The night of the murder?

7 A There was.

8 Q Where was that?

9 A At Times Turnaround. It is a gas station that is just
10 down the street.

11 Q Down the street from where?

12 A From the Bi-Lo that she was at.

13 Q And excuse me, they have video footage at the Times
14 Turnaround?

15 A They did.

16 Q Did you go and observe their video footage from this
17 night?

18 A I did.

19 (States Exhibit 87, video, marked for
20 identification as of this date.)

21 Q I am showing you what has been marked State's number
22 87. Do you recognize this?

23 A I do.

24 Q What is that?

25 A It is the Times Turnaround video.

1 Q Did the people at Times Turnaround know who to look for
2 or what vehicle to look for or did you have to tell them?

3 A They did not. I had to go in there and look for it.

4 Q Is that something that police officers routinely do in
5 investing cases, like you go to the Bi-Lo, you go to the gas
6 station, that kind of stuff?

7 A Right. Anytime -- something to that effect. If we
8 have incident of course if we are looking through a day we
9 probably couldn't do it. But if we got between an hour, half
10 hour, 15 minutes, we got a good time area we go in and watch
11 some video and see if we can find somebody or locate something
12 on some video we'll do that often.

13 Q And have you viewed this video, this copy?

14 A I have.

15 Q And is it a true and accurate copy of what was on Times
16 Turnaround video surveillance equipment?

17 A It is.

18 Q And what does it show?

19 A It shows Julia pull in, get out of her vehicle and get
20 gas.

21 Q Does it show her face specifically or her body
22 specifically?

23 A It does, but it doesn't. It has got quite a distance
24 to it and once again you are taking the facts of the description
25 of her car, the way she is dressed, the heels, and the way --

1 her overall demeanor; the way she walks you can see it is her.

2 Q And the vehicle was a vehicle that looked just like the
3 vehicle at the crime scene?

4 A Correct.

5 MS. HODGE: At this time we would move to admit
6 State;s number 87.

7 MR. FREDERICK: No objection.

8 THE COURT: It is admitted.

9 (State's Exhibit 87, video, received in evidence as
10 of this date.)

11 Q During any of the defendant's statements that you were
12 aware of or during her interview with you did she ever say that
13 she went to Times Turnaround for gas?

14 A No, ma'am.

15 Q All right. If you could step down here for one second
16 and just orient the jury as to the locations that we are talking
17 about. Are you familiar with -- first of all, are you familiar
18 with Melvin Roberts's office? Do you know where it is located?

19 A Yes, ma'am.

20 Q Okay. And where is that?

21 A Right down here on this corner. (indicating)

22 Q And obviously you went to Mr. Robert's residence on the
23 night of the murder. Where is that located?

24 A It sits back down on Roberts Avenue. I actually lived
25 on that street at one time. I knew where he lived.

1 Q Okay. And the Bi-Lo that the defendant said she went
2 to on the night of the murder?

3 A This is the Bi-Lo that she just said she went to the
4 night of the murder.

5 Q Is that where you collected the video footage in the
6 still photographs?

7 A It is.

8 Q Is there another Bi-Lo in York?

9 A Yes.

10 Q And where is that?

11 A It is down here on. East liberty street.

12 THE COURT: Let me ask you all to swap places so
13 the court reporter can see his face as he testifies.

14 MS. HODGE: Yes.

15 Q And according to what the defendant told you in the
16 February the 5th conversation you all had, what route of travel
17 did she take? What did she do according to what she said?

18 A She said she came down 5 went to Bi-Lo, if I remember
19 right.

20 Q Where did she go before that?

21 A She had come down to the victim's office.

22 Q And where did she go from the victim's office?

23 A Then to Bi-Lo.

24 Q Did she ever mention that she stopped at Times
25 Turnaround?

1 A No, ma'am.

2 Q Where is Times Turnaround?

3 A It is right here at this intersection. Right here.

4 Q Close to the Bi-Lo?

5 A It is right down from the Bi-Lo.

6 Q Was she ever able to give you a time that she was at

7 the victim's office?

8 A I think she give a round about, but not a specific

9 time, if I remember right.

10 Q But it was before she went to Bi-Lo?

11 A Correct.

12 Q All right. Thank you. You can have a seat. Did you

13 also collect a receipt from Times Turnaround?

14 A I did.

15 Q Do you have that in your file?

16 A I do.

17 Q Do you have the original receipt provided to you?

18 A I am not sure if it is an original. It is a printout

19 that the Times Turnaround can print out. They can print out

20 multiple receipts if they needed too of that transaction.

21 Q Was that provided to you at the same time that you

22 received the video footage?

23 A Yes, ma'am.

24 Q And do you have the receipt that Times provided to you?

25 A Yes, ma'am.

1 Q Okay. And it is stapled to this piece of paper?

2 A It is.

3 Q And is a part of this receipt showing the transaction
4 that Julia Phillips had on February 4, 2010?

5 A It is.

6 Q Does it state the time that she pumped gas or purchased
7 gas? It is very tiny.

8 A Yes, ma'am, and I have been having problems with my
9 eyes.

10 Q Do you want a pair of glasses?

11 A I'm fighting. It's 1805, I believe is what that says
12 ma'am.

13 Q Okay, 6:05 p.m.?

14 A Yes, ma'am.

15 Q All right. Is that a true and accurate copy or
16 actually what you were actually provided from the Times
17 Turnaround?

18 A It is.

19 MS. HODGE: At this time we move to admit -- I
20 need to have it marked.

21 (State Exhibit 88, receipt, marked for
22 identification as of this date.)

23 Q What we have been discussing has been marked as State's
24 88. The portion underneath the yellow highlight, does that have
25 anything to do with this case?

1 A No, ma'am, I don't believe so. It is just so you don't
2 rip into the part that we need.

3 Q Okay. So she just printed a little extra and tore it
4 off?

5 A Yes, ma'am.

6 MS. HODGE: We move to admit State's 88.

7 MR. FREDERICK: No objection judge.

8 THE COURT: It is admitted.

9 (State's Exhibit 88, receipt, received in evidence
10 as of this date.)

11 Q Okay. After obtaining those videos on February the 8th
12 I believe you said you did that?

13 A Yes, ma'am.

14 Q Tell us what, if anything, you did on February the
15 10th? Let me help you, was there is a video re-enactment was
16 organized or set up for the defendant to do?

17 A Yes. This is back to the time we Mike Prodam who is a
18 SLED agent profiler. We were working on another murder case and
19 I asked him if he wouldn't mind looking at this case for me and
20 we sat down and went through some of the evidence and I told him
21 that we were getting ready to do a re-enactment and I think if
22 you can have a profiler at your scene when you are doing
23 something like that I think it would be very important.

24 Q Okay. Now that occurred on February 10th; is that
25 correct?

1 A I believe so, ma'am.

2 Q All right. And was SLED assisting at this point with
3 the investigation?

4 A They were, yes.

5 Q And did the defendant agree to do this re-enactment?

6 A She did.

7 Q And she did she have the opportunity to say no, I don't
8 want to do that?

9 A She did.

10 Q All right. And did she freely and voluntarily agree to
11 go through the procedures, knowing that you, Mr. Prodam and
12 various other law enforcement officers were going to be there?

13 A She did.

14 Q Did you make her any promises if she would do this
15 re-enactment there would be some kind of reward or benefit to
16 her?

17 A No, ma'am.

18 Q How about any threats, if she didn't do it would it
19 look bad or anything like that?

20 A No.

21 Q So she freely and voluntarily participated in the
22 re-enactment?

23 A Correct.

24 Q And what was going to be re-enacted?

25 A Basically what I had mapped out because I wanted to

1 take her vehicle, put it at the front of the driveway. That is
2 when the the video started. She will be in the driver's seat as
3 she was on the night. I will be in the passenger's seat. I
4 have a lieutenant who is cameraman who does nothing else but
5 stand there with the camera and then I have Mike Prodam next to
6 him.

7 We get into her vehicle and she basically explains bit by
8 bit and drives up the driveway what she sees, what she notices
9 as she is going all the way through the scene. Through the
10 whole murder.

11 Q All the way to the end?

12 A All the way to the end.

13 Q Until the police arrive on scene?

14 A Correct.

15 Q And is this something that you would offer or ask of
16 any person who potentially witnessed a murder?

17 A Yes.

18 Q Would this be something, a really of good police
19 investigative tool?

20 A It would.

21 Q All right. Would it assist you in identifying this
22 dangerous violent murderer?

23 A It could help, yes, ma'am.

24 Q And at the point of February 10th they had yet to be
25 identified, is that correct?

1 A Yes, ma'am.

2 Q Okay.

3 (State's Exhibit 89, CD, marked for identification
4 as of this date.)

5 Q I will ask you to see what has been marked as State's
6 number 89. What is State's 89?

7 A It is a video of the re-enactment that we performed on
8 that day.

9 Q Had you watched the video, State's 89?

10 A I have.

11 Q Is it a true and accurate copy of the re-enactment?

12 A It is.

13 MS. HODGE: At this time we would move to admit
14 State's 89.

15 MR. FREDERICK: No objection.

16 THE COURT: It is admitted.

17 (State's Exhibit 89, CD, received in evidence as of
18 this date.)

19 MS. HODGE: At this time we move to publish State's
20 number 89.

21 THE COURT: You may.

22 (WHEREUPON, State's 89, a CD was played in open
23 court.)

24 Q All right. Detective Mumaw, in the video there a
25 couple of times where the defendant appears to be crying or

1 making some kind of noises like that. Did you ever witness any
2 actual tears coming down?

3 A A couple of times in the video you can even see me
4 leaning in searching for tears and not once did I see tears at
5 all. Any of the times.

6 Q And these times that she appears to be crying they are
7 times she is talking about herself and her plight in this
8 alleged robbery?

9 A Correct. The entire time through this, once in a while
10 she will mention Melvin, but if you look through the -- from the
11 911 through this scene, it's always about her. It's always
12 about her birthday. It's always about her. Someone coming to
13 help her. It is always about her.

14 Q And as you saw in there when she comes and says, oh,
15 the body is over there, there were no tears or no anything about
16 that, just have I matter of fact?

17 A No, ma'am.

18 Q I believe, along that line, did she say something about
19 the first thing she did when she got up to her car was get in
20 because her feet were cold; is that true?

21 A Yes, ma'am.

22 Q Did she ever say at any time to you on or off camera
23 that she went over there to check on Melvin first before getting
24 in the car?

25 A No.

1 Q She says something about the person's speech, "money",
2 being sort of a Hispanic tone; is that what you understood?

3 A Yeah, she said a couple of times it was more of
4 Hispanic tone or some sort of dialect. Not English.

5 Q But then in this video she seemed to add a part about
6 "shut up", but that was not Hispanic?

7 A Right. At that time she didn't bring anything up on
8 that.

9 Q More of a speech problem, if you will, is that how she
10 eluded to that?

11 A It was an odd sounding "shut up", yes.

12 Q Let's talk about duct tape a little bit. Have you
13 worked crime scenes where people have been bound by duct tape?

14 A I have.

15 Q And did you have occasion to -- well, you saw her at
16 the scene; is that correct? In the car or getting out of the
17 car?

18 A Yes, it was a minute maybe two.

19 Q Did the duct tape job that you saw on her coincide with
20 what you've experienced in others? Were they armed robberies?

21 A Home envision that I had worked.

22 Q Okay.

23 A The incidents that I have seen when you are trying to
24 bound somebody, you have no -- there is no care given on how the
25 tape is put on. It is put on fast. It is put on heavy. And

1 its used -- the FBI has a data base of duct tape because it's
2 good for binding. You can and duct tape someone fairly quick
3 and be done with it.

4 Her tape, there was such a lack of it and it was put on
5 with more of a care as to not -- more of like delicate. It was
6 wrapped once or twice around with her arms like this
7 (indicating) and the oddest thing that I seen was the piece of
8 tape -- because there was nothing in the middle -- was a piece
9 of tape that went in between her hands and wrapped around from
10 the center and I have never seen that before, anywhere.

11 Q All right. And on the head was the tape over the hair
12 or under the hair?

13 A With the hair flopped over. Like I said it all seemed
14 to me like it was put on with a care not to hurt her.

15 Q And she claimed that there was tape immediately over
16 her eyes after some hood or something comes down, correct?

17 A Yes, ma'am.

18 Q And then she pointed out some kind of injury to her
19 face?

20 A Yes, ma'am.

21 Q Did she ever point out any injury to her eyebrows or to
22 her cheekbones?

23 A No, ma'am.

24 Q Duct tape is pretty sticky?

25 A It is.

1 Q Pull some hairs off when it comes off?

2 A Yes.

3 Q Have you used duct tape in your normal life?

4 A I do.

5 Q So it is a common thing, people probably have it at
6 their houses, most people?

7 A It is.

8 Q And have you ever attempted to duct tape something
9 yourself?

10 A Yes, ma'am.

11 Q And is it pretty successful in holding tight?

12 A As I explained earlier, I think we all know is duct
13 tape is very good for binding. It is very sticky and it is
14 useful for thousands of purposes.

15 Q All right. She also said she forgot the number for
16 911. Did you find that odd?

17 A Of course I did, yes, ma'am.

18 Q And for the obvious reason, what would that be?

19 A That it is 911, yes.

20 Q How about now there has been some questioning by the
21 defense attorney about the defendant just being confused. Was
22 she very clear about that hose pipe?

23 A Well, the hose pipe, but what I found that she was even
24 more clear about was the pinging sound or the sound that the
25 pipe made. Certain things she was very clear about. But the

1 radar starts going off, if you will, when we get to the suspect.
2 If you watch she goes and everything is rolling and everything
3 is going and it is still kind of generic but then she will get
4 to a couple of places where the stuff is really fine tuned and
5 then all of a sudden when you get to the suspect we get nothing.
6 It is all over the board. I mean, it is not -- I had victims
7 where, no, I just can't remember anything and I have had victims
8 that can, but to get to -- I am not even sure how to explain it.
9 It is just all over the board.

10 Q So we saw in there very clear about the pinging sound.
11 Very exact distinct sound?

12 A There was no confusion. She was not confused at that
13 time at all.

14 Q And the hose pipe -- actually I call it the hose. The
15 hose itself on the night of the murder was close up to the
16 house, correct?

17 A It was. The reason the hose pipe was pulled out that
18 way was because when the bullet hit the concrete of course it
19 has got a lead core to it. When it hits it separates and some
20 of those fragments which I think there was already photos
21 already introduced, some of the lead was found.

22 Q I am showing you States number 6, does that accurately
23 reflect how the house or house pipe was at the time of the
24 murder?

25 A Yes, ma'am.

1 Q Okay.

2 A And of course it was in disarray because of searching
3 for the fragments of the projectile.

4 Q Okay. And in the video you can see that it is like out
5 on the concrete? Out on the grounds?

6 A Yes, ma'am.

7 Q And that is what law enforcement did, correct?

8 A Yes, ma'am.

9 Q Okay. So she was very certain the hose pipe looked
10 like this on the night of the murder?

11 A Yes, ma'am.

12 Q She was not confused that maybe it was out?

13 A She was definite there was something wrong with that
14 part of it.

15 Q All right.

16 A She is very particular on things that --

17 Q Don't relate to the murder?

18 A That don't matter.

19 Q All right. Let's talk about one thing I forgot to ask
20 you when you were working the scene that night. Did you ever
21 find any evidence of any duct tape at the scene, In the woods,
22 anywhere in the surrounding area?

23 A No, there was no extra ball of duct tape. There was no
24 clumps of duct tape. There was no extra, and we looked, any
25 extra duct tape.

1 Q Discarded duct tape or a roll of duct tape or an empty
2 cardboard thing that would have duct tape, nothing like that?

3 A Nothing.

4 Q Ten pieces of duct tape, is that correct that was on
5 her? Ten total?

6 A That is total for the feet, hands and head. There was
7 not much duct tape used to bind somebody's feet, hand and head.

8 Q All right. Any gun found at the scene or in the woods
9 or anywhere?

10 A No, ma'am.

11 Q Any extra zip ties found anywhere at the scene or
12 anywhere else?

13 A No, ma'am.

14 Q Any type of a scissor or a cutting instrument at all
15 used to cut the edges of duct tape?

16 A We found no knives, no scissor, nothing of a sharp
17 instrument that would make a cut.

18 Q Find any gloves, whether they would be plastic gloves
19 or woolen gloves, anything like that, at the scene, away from
20 the scene, through the track, anything like that?

21 A We did not find any gloves or anything. No, ma'am.

22 Q So all of that potential evidence had been taken away
23 from the scene, somehow, some way?

24 A Yes, ma'am and that is a lot of stuff for one crime
25 scene to be carried off. Yes, ma'am.

1 Q Do people -- have you ever seen people bound with zip
2 ties as far as hands or feet?

3 A Police officers back in the early days would use some
4 if there was a big incident, but zip ties to that effect, no. I
5 never used them. My department has never used them since I have
6 been there.

7 Q Would it be easier if a perpetrator such as this just
8 used a zip tie? Would that have been the easier way to do it?

9 A To bind her behind --

10 Q Bind the defendant?

11 A Yes, that would easier. Yes, it would be.

12 Q That would be almost virtually to get out with a car
13 key?

14 A I couldn't speculate on how long you would have to gnaw
15 your way through that, but it would take a lot longer, yes.

16 Q Okay. Let's move from the re-enactment day to your
17 next step in this investigation. Now did you do anything else
18 on this day, the day that you all did the reenactment or are we
19 moving to another day?

20 A On the same day this was after the re-enactment when I
21 got back from the Roberts's residence with Julia the chief and I
22 got a call from a SLED agent from Gaffney?

23 Q And was that in regard to some information involving
24 this case?

25 A It was.

1 Q And as a result of that conversation did you do
2 anything or attempt to speak to anyone?

3 A I attempted to speak to Guy Blankenship.

4 Q And where was Guy Blankenship?

5 A At the time of the call he was in the police department
6 in Gaffney, I believe.

7 Q And that was on the same day, 2-10-2010?

8 A Yes, ma'am.

9 Q Did you go over to Gaffney and talk to Guy Blankenship?

10 A Not on this day, but I did. Do you need me to skip to
11 that?

12 Q No. We will go day-to-day to keep it organized?

13 A I don't think it was on that day that I talked to him.

14 Q All right. But you received information that this
15 person wanted to talk to you about the murder?

16 A Yes, ma'am.

17 Q Was there anything else done on this day?

18 A I also talked to Angela Durham and her husband. We
19 received a DNA swab from her and her husband and I took her over
20 for a polygraph.

21 Q Okay. Let's go back to DNA swabs. Is that something
22 that you are doing and have done throughout the investigation?

23 A Through this investigation?

24 Q This investigation.

25 A Yes, ma'am, I tried to, yes, ma'am.

1 Q Do you know how many people you taken DNA swabs from?

2 A It is a lot.

3 Q Over 20?

4 A Over 20.

5 Q Over thirty?

6 A I would say fifties. Fifty something.

7 Q All right.

8 A Maybe just below. It's a good bit.

9 Q And was there any certain criteria that you had in you
10 mind as to who you would take a sample from or who you wouldn't
11 or it didn't matter?

12 A I hit everybody I thought.

13 Q Okay. Anyone that was potential witness, anyone that
14 knew anyone involved in the case, that kind of stuff?

15 A Yes, ma'am.

16 Q All right. And after you took the DNA swabs did you do
17 anything else on that day?

18 A About Angela's polygraph?

19 Q Well, no.

20 MR. FREDERICK: Judge, may we approach for a
21 moment.

22 THE COURT: Yes.

23 (WHEREUPON, there was an off the record
24 discussion.)

25 THE COURT: All right. Let me send the jury out

1 MS. HODGE: No, I do not intend to introduce or
2 even if she was offered a polygraph or her son was
3 offered a polygraph. I don't intend to introduce
4 that.

5 MR. FREDERICK: Just wanted to make sure.

6 THE COURT: Well, to be very clear, there is to be
7 no reference to polygraph in anything that has
8 anything to do with this case or any witness, any
9 investigation. Anything. Are we all clear on that.

10 THE WITNESS: Yes, sir.

11 MS. HODGE: Yes.

12 THE COURT: Let's take 15 minutes.

13 (Court was in recess.)

14 THE BAILIFF: Come to order. Court is now in
15 session.

16 THE COURT: Thank you. Be seated. Ready for the
17 jury?

18 MS. HODGE: Yes, sir.

19 THE COURT: Bring them in.

20 (Jury enters the courtroom.)

21 THE COURT: All right, Miss Hodge.

22 MS. HODGE: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. HODGE CONT'D:

25 Q Detective Mumaw, on February the 12th of 2010, are you

1 continuing on with investigation in this case?

2 A Yes, ma'am.

3 Q All right. And did you go over to Gaffney on that
4 date?

5 A I did.

6 Q And what did you do?

7 A Talked to Detective Jonathan Blackwell.

8 Q And who is with?

9 A He is with Guy Blankenship.

10 Q What agency is Jonathan Blackwell with?

11 A He was with the Gaffney Police Department at the time.

12 Q And did you speak to Jonathan Blackwell and to Guy
13 Blankenship?

14 A Yes, ma'am.

15 Q Did you take a written statement of any kind at that
16 time?

17 A No, ma'am.

18 Q All right. Just verbal?

19 A Yes, ma'am.

20 Q After you had talked to that person was that in
21 reference to the murder of Melvin Roberts?

22 A It was.

23 Q All right. After you talked to him did you talk to any
24 other possible witnesses or people that might have information?

25 A I went and talked to Thelma Perry.

1 Q And who is Thelma Perry?

2 A She owns a frame shop that is right next door. She is
3 the one of the ones that Julia said was with her during the day
4 while she was at her shop.

5 Q Okay. And when you say she owns a store next store,
6 next door to what?

7 A Julia's the main shop on Main Street. Thelma owns a
8 frame shop. I can't remember if it is next door or a couple of
9 shops down but it is right there.

10 Q And did anything that you talked to Thelma about
11 regarding this case or the defendant or Mr. Roberts, did
12 anything lead to any type of suspect or evidence lead?

13 A It did not.

14 Q All right. And did you then talk to another possible
15 person while you were visiting in Gaffney?

16 A Yes, I talked to Rick Burgess.

17 Q And who is was he?

18 A He is the brother of Ronnie Burgess.

19 Q Mr. Burgess that testified is Ronnie?

20 A Yes.

21 Q And you talked to his brother?

22 A I did.

23 Q And did anything that you learned from Mr. Rick Burgess
24 turn into any lead or any suspect information?

25 A It did not.

1 Q And then who did you speak to?

2 A I talked to Ronnie Burgess.

3 Q And Ronnie Burgess again he has already testified?

4 A Correct.

5 Q And did you take down what Mr. Burgess told you at that
6 time in any type of statement form?

7 A I believe so, yes.

8 Q Okay. And did he tell you essentially what he told the
9 Court the other day?

10 A At that time?

11 Q At that time, when with he talk you that first time?

12 A Essentially it was the same, yes.

13 Q That's what I am asking you, was it essentially the
14 same or anything different?

15 A Well, at that time he forgot to mention the pistol.

16 Q Okay. Elaborate, please?

17 A The us first time I went to talk to Ronnie --

18 MR. FREDERICK: Judge, I guess I would object to
19 hearsay.

20 THE COURT: Sustained.

21 Q You took a statement and you heard him testify?

22 A Yes, ma'am.

23 Q And there was a little bit left out?

24 A Yes, ma'am.

25 Q Did you ever go back and talk to him again?

1 A I did.

2 Q And once you talked to him again did you take another
3 statement?

4 A I did.

5 Q And did that bear for you as to what he testified in
6 court to?

7 A It did.

8 Q All right. After speaking to-- well, was there of any
9 other lead or information regarding a suspect or anything in
10 this case that Mr. Burgess, Ronnie Burgess, told you that lead
11 you in any other direction about how to go in this case?

12 A No, ma'am.

13 Q All right. Tell us what you did after that? And if we
14 are in the next day or days, go ahead and tell us that?

15 A On 03-05 I went to talk to Dennis Rayfield.

16 Q And who is Mr. Rayfield, Dennis Rayfield?

17 A He was a -- he worked for Mr. Roberts through his law
18 firm and a very good friend of Mr. Roberts.

19 Q All right. And did he come to you or did you call to
20 him and ask him to come in to you all?

21 A He came to the station.

22 Q Okay. Did you take a statement from him?

23 A I can't remember if I took a statement at this time. I
24 taken a couple of statements from him.

25 Q Okay.