

VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Richland County

Brooks P. Goldsmith, Circuit Court Judge

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S.C. SUPREME COURT

ROOSEVELT ANTHONY REAVES,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-002325

APPENDIX

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1 State of South Carolina) In the Court
2 County of Richland) Of General Sessions

3
4 Indictment No: 2010-GS-40-01305
2010-GS-40-01317

5
6 State of South Carolina,)
Plaintiff,)

7)
8 vs.)

Transcript of Record
Volume I

9)
10 Roosevelt Anthony Reaves,)
Defendant.)

11
12 April 11-13, 2011
13 Columbia, South Carolina

14
15 B E F O R E:

16 The Honorable Clifton B. Newman, Judge and a Jury.

17
18 A P P E A R A N C E S:

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1 THE COURT: Solicitor, you may call your case.

2 MS. FENT BODMAN: Your Honor, the State calls
3 Roosevelt Anthony Reaves for burglary first and criminal
4 sexual conduct in the first-degree.

5 JURY VOIR DIRE

6 THE COURT: All right. Ladies and gentlemen, my
7 name is Clifton Newman, and next to me is my law clerk.
8 You were sent up here for a jury selection in the case of
9 the State vs. Roosevelt Anthony Reaves, Jr. This case
10 comes into court as a result of an indictment charged by
11 the grand jury of Richland County, charging Mr. Reaves with
12 criminal sexual conduct, first-degree, and burglary,
13 first-degree.

14 He has pled not guilty to the charges. He cannot
15 be found guilty of the charges unless the State presents
16 evidence which convinces a jury of his guilt beyond a
17 reasonable doubt. Mr. Reaves is in court with counsel and
18 the State is also represented by counsel.

19 We'll first have introductions by the State. If
20 you'll introduce yourselves and your team as well,
21 Ms. Fent.

22 MS. FENT BODMAN: Thank you, Your Honor.

23 My name is Margaret Fent Bodman, I'm an assistant
24 solicitor here in Richland County.

25 MR. POTTS: My name is Carter Potts. I'm an

1 assistant solicitor as well here in Richland County.

2 THE COURT: Thank you. Anyone else you would like
3 to introduce?

4 MS. FENT BODMAN: Sitting here with us is
5 Investigator Richard Carter of the Richland County
6 Sheriff's Department and Jan Nichols, who's a victim
7 advocate in the solicitor's office.

8 THE COURT: All right. The defendant will stand,
9 please, along with counsel. Face the jury panel.

10 Counsel, if you'll introduce yourself as well.

11 MR. COOPER: Yes, sir. My name is James Cooper. I
12 work with the Richland County Public Defender's Office.
13 I'm representing Mr. Reaves.

14 MR. COCHRAN: My name is Charlie Cochran. I also
15 work for the Richland County Public Defender's Office.

16 MR. NEWMAN: My name is Carter Newman, and I also
17 work for the Richland County Public Defender's Office.

18 MR. COCHRAN: And this is Roosevelt Reaves.

19 THE COURT: Okay. Anyone else the defense would
20 like to introduce at this time?

21 MR. COCHRAN: No, Your Honor.

22 THE COURT: Thank you.

23 Ladies and gentlemen, if any of you know any of the
24 people who have just stood, if you're a friend, a relative
25 or socially connected with any of them or of anyone who

1 | works in the 3rd Circuit Solicitor's Office -- I'm sorry,
2 | the 5th Circuit Solicitor's Office or the 5th Circuit
3 | Public Defender's Office, if so, please stand.

4 | THE JUROR: Good morning, Your Honor.

5 | THE COURT: Good morning.

6 | THE JUROR: Nancy Drake. I'm a former assistant
7 | solicitor. I know Carter Potts because I work with his mom
8 | in the U.S. Attorney's Office.

9 | THE COURT: And do you believe that fact will
10 | affect your ability to serve as a fair and impartial juror
11 | in this case?

12 | THE JUROR: No, sir, Your Honor.

13 | THE COURT: Thank you. Again, that's Juror No. 71?

14 | THE JUROR: Yes, sir.

15 | THE COURT: Thank you. And ladies -- yes, sir?

16 | THE JUROR: Yes, sir, I'm actually friends with
17 | Michael Justice who works with the solicitor's office.
18 | That wouldn't affect my -- he's an assistant solicitor as
19 | well.

20 | THE COURT: Okay. Your juror number is?

21 | THE JUROR: 272.

22 | THE COURT: 272.

23 | THE JUROR: Yes, sir.

24 | THE COURT: All right. Thank you.

25 | And ladies and gentlemen, let me instruct you that

1 the jury selection process is the process of which.
2 questions are asked of you in order for the parties, the
3 State and the defense, to select a jury which they believe
4 will be the most fair and impartial jury in this case. In
5 that connection and in further connection with the oath
6 that you took during jury qualifications before Judge Lee,
7 you must give answers to these questions if they apply to
8 you. It is absolutely essential that if any question
9 applies to you, if you think that it might apply to you,
10 you must stand and give answers.

11 If in connection with any answer you do not wish to
12 speak openly, you will stand and request to come forward
13 and give those answers here at the bench to me. But you
14 must give complete and accurate responses to all questions
15 that you are asked. It would be totally inappropriate to
16 not respond to a question, to be seated on a jury, that
17 after you're seated on a jury decide that, I better respond
18 and give that answer. The time to respond and give answers
19 is the time before you're selected, not after you're
20 selected. I'm sure you will comply to your oath and will
21 do that.

22 Further questions: Is any member of the jury panel
23 employed by, related by blood or marriage to, or a friend
24 or acquaintance of anyone employed by any organization
25 specializing in the treatment for victims, victims of

1 | violent crimes, victims of sexual assault, or victims of
2 | any sort? If so, please stand.

3 | (WHEREUPON there was no answer.)

4 | THE COURT: Has any member of the jury panel read
5 | or heard anything about this case. And this case, ladies
6 | and gentlemen, according to allegations of the State is a
7 | criminal sexual conduct and burglary which occurred at the
8 | Apartments on on or about January
9 | 21st, 2010, involving the defendant, the alleged victim,
10 | Ms. Rochelle Morrow.

11 | Ms. Morrow, if you're here, please stand. Face the
12 | jury panel, please.

13 | (WHEREUPON Ms. Morrow stood and turned to face the
14 | jury.)

15 | THE COURT: Thank you, very much.

16 | If any member of the jury panel has heard anything
17 | about this case or you know anything about this case, or if
18 | you believe that you heard something about this case,
19 | please stand.

20 | And no one is standing.

21 | Has any member of the jury panel been a witness to
22 | a violent crime or testified in court concerning a violent
23 | crime either as a victim or on behalf of the defense. If
24 | you have been a witness to a violent crime or testified in
25 | court before regarding a violent crime, please stand.

1 THE JUROR: A lot of those questions apply -- Beth
2 Drake -- having worked in a prosecutor's capacity, I would
3 have spoken on behalf of victims. I also would have
4 testified or given statements in that capacity.

5 THE COURT: All right. Thank you.

6 THE JUROR: I'm a pediatrician, and I had to give
7 testimony to a child abuse case once.

8 THE COURT: And your jury number, please?

9 THE JUROR: 26.

10 THE COURT: 26. And would that fact affect your
11 ability to be a fair and impartial juror in this case?

12 THE JUROR: No, sir.

13 THE COURT: Thank you.

14 THE JUROR: Sir, 186. I work at Blockbuster Video,
15 and a few years ago on Halloween, I was robbed at gunpoint.

16 THE COURT: That is a violent crime. And you're
17 juror number?

18 THE JUROR: 186.

19 THE COURT: And would that fact affect your ability
20 to be fair and impartial in this case?

21 THE JUROR: Yes.

22 THE COURT: All right. Juror 186 will not be
23 considered for selection.

24 You can stay with us though.

25 THE JUROR: Okay.

1 THE COURT: Thank you very much.

2 Yes, ma'am?

3 THE JUROR: Hi, Juror No. 218. Three years ago, I
4 was also robbed at gunpoint. I was a manager of a local
5 Check Into Cash, but I don't think that will affect my
6 ability.

7 THE COURT: Juror No. again, please?

8 THE JUROR: 218.

9 THE COURT: 218.

10 And ladies and gentlemen, a violent crime is
11 considered as robbery, murder, assault with intent to kill,
12 burglary, armed robbery, rape, and the like. Those are all
13 considered violent crimes. If you've been a victim, a
14 witness, or testified in court concerning any of these
15 crimes, we need that information.

16 Yes, ma'am?

17 THE JUROR: I'm 18. I was robbed at gunpoint
18 three years and a half ago.

19 THE COURT: And, ma'am, do you think that fact
20 would affect your ability to be a fair and impartial juror
21 in this case?

22 THE JUROR: No, sir.

23 THE COURT: All right. Thank you.

24 Yes, ma'am?

25 THE JUROR: I didn't testify, but my daughter was a

1 victim of rape.

2 THE COURT: And your juror number?

3 THE JUROR: 75.

4 THE COURT: 75. And would that fact affect your
5 ability to be a fair and impartial juror in this case?

6 THE JUROR: Probably, yes.

7 THE COURT: We will not consider this juror for
8 selection in this case.

9 Please stay with us.

10 Anyone else?

11 THE JUROR: I'm sorry, Your Honor, that question
12 number one, did you say if you know someone who works with
13 victims?

14 THE COURT: I might have said that.

15 THE JUROR: One of my employee's daughter's does.

16 THE COURT: One of your employee's daughter's work
17 with victims of?

18 THE JUROR: I think it's sexual assault, but I'm
19 not absolutely sure.

20 THE COURT: All right. And your juror number?

21 THE JUROR: 123.

22 THE COURT: And would that fact affect your ability
23 to be a fair and impartial juror if selected in this case?

24 THE JUROR: I don't think so.

25 THE COURT: Thank you.

1 Anyone else?

2 THE JUROR: I don't know if this -- I had an
3 assault against somebody else that assaulted me; but I
4 don't know if it was intent to kill or anything; but I
5 don't think it would affect my ability.

6 THE COURT: Your juror number?

7 THE JUROR: 306.

8 THE COURT: Juror No. 306.

9 Anyone else?

10 THE JUROR: I know someone who works with the rape
11 crisis as a nurse. But that would not affect my ability.

12 THE COURT: All right. And your juror number?

13 THE JUROR: 215.

14 THE COURT: 215. Thank you.

15 Anyone else?

16 (WHEREUPON there was no answer.)

17 THE COURT: Have you or a member of your family,
18 immediate family, or a close friend of yours ever been the
19 victim of a violent crime or accused of committing a
20 violent crime, being raped, robbery, burglary, assault with
21 intent to kill, and the like? If so, please stand.

22 Yes, sir?

23 THE JUROR: My uncle and my aunt, she was the
24 victim. He was a mercy killer in Florida. And I really
25 don't have any problem with being fair and --

1 THE COURT: All right. Your juror number, please?
2 I need to know juror numbers. That's --

3 THE JUROR: 167.

4 THE COURT: When you stand, the lawyers are writing
5 down your juror numbers, so we have to have that so we can
6 identify you.

7 Yes, ma'am?

8 THE JUROR: Again, this is the same robbery I was
9 referring to, held at gunpoint, robbed.

10 THE COURT: All right. Thank you. Juror number?

11 THE JUROR: 218, I'm sorry.

12 THE COURT: 218?

13 THE JUROR: Yes, sir.

14 THE COURT: All right. Yes, sir?

15 THE JUROR: Juror 194. I have a nephew that's been
16 charged with a robbery.

17 THE COURT: Would that fact affect your ability to
18 be fair and impartial?

19 THE JUROR: No, it would not.

20 THE COURT: Thank you, sir.

21 Yes, ma'am?

22 THE JUROR: Juror No. 182, a brother was convicted
23 of criminal domestic violence. I don't know if that
24 applies.

25 THE COURT: Well, it could possibly. And your

1 juror number, please?

2 THE JUROR: 182.

3 THE COURT: You did say that. And --

4 THE JUROR: No, it wouldn't.

5 THE COURT: All right. Thank you.

6 THE JUROR: 187. My nephew was guilty of robbery.

7 THE COURT: Would that fact affect your ability to
8 be fair and impartial?

9 THE JUROR: No, not at all.

10 THE COURT: Thank you, sir.

11 THE JUROR: First cousin that I never knew was
12 assaulted and subsequently died.

13 THE COURT: Juror number?

14 THE JUROR: 123, I'm sorry.

15 THE COURT: All right. Anyone else?

16 THE JUROR: Sir?

17 THE COURT: Yes, ma'am?

18 THE JUROR: 188. I have a nephew in jail now,
19 serving 30 years for armed robbery.

20 THE COURT: All right. Would that fact affect your
21 ability to be fair and impartial in this case?

22 THE JUROR: No.

23 THE COURT: Okay. Thank you. Anyone else?

24 (WHEREUPON there was no answer.)

25 THE COURT: Have you or any member of your

1 immediate family or any close friend ever been the victim
2 of sexual abuse, sexual assault, or any other sexual
3 impropriety or accused of any such? If so, please stand.

4 Yes, ma'am.

5 THE JUROR: Juror 124, can I talk to you, please?

6 THE COURT: Yes, ma'am.

7 (WHEREUPON the juror came to the bench to speak
8 with the judge out of the hearing of the court reporter.)

9 THE COURT: Juror 124 will be excused for cause.

10 Yes, sir?

11 THE JUROR: 169. I had a cousin and a friend who
12 were sexually abused as children. And, no, I wouldn't have
13 any problem.

14 THE COURT: Thank you.

15 Anyone else?

16 (WHEREUPON there was no answer.)

17 THE COURT: Has any member of the jury panel ever
18 donated money to or otherwise supported financially or as a
19 volunteer any organization devoted to assisting abused
20 women or children such as Sister Care, or the like? If so,
21 please stand.

22 All right. Just give us your juror number. That
23 would be fine.

24 THE JUROR: 169.

25 THE COURT: 169.

1 THE JUROR: 201.

2 THE COURT: 201.

3 THE JUROR: 218.

4 THE COURT: 218.

5 THE JUROR: 215.

6 THE COURT: 215.

7 THE JUROR: 307.

8 THE COURT: 307.

9 THE JUROR: 154.

10 THE COURT: 154.

11 THE JUROR: 107.

12 THE COURT: 107.

13 Thank you.

14 And a reciprocal question to that: Has any member
15 of the jury panel ever donated money or otherwise supported
16 any organizations devoted to defending or supporting the
17 right of the accused, such as ACLU or any similar
18 organization? If so, please stand.

19 No one is standing.

20 Based on everything that you have now heard about
21 the nature of the allegations in this case, if any member
22 of the jury panel believes that you cannot sit as a fair
23 and impartial juror based on anything that you've heard
24 about this case or anything else in your own personal
25 history -- if so, please stand.

1 All right. And I think we have -- I think we've
2 decided -- just tell us your juror number.

3 THE JUROR: 186.

4 THE COURT: 186, thank you.

5 THE JUROR: 75.

6 THE COURT: 75, thank you.

7 And 124.

8 Now, we've asked a number of questions, and we've
9 moved rather quickly; and I know sometimes the question
10 might pass you by and you think that maybe I should have
11 responded. In retrospect, at this point in time, if there
12 is any questions that you have not responded to that you
13 believe that you should have responded to or should respond
14 to, please stand at this time.

15 No one is standing.

16 All right. These ladies and gentlemen are the
17 following people who may testify in this case. I believe
18 you have met Ms. Rochelle Morrow already. Additional
19 witnesses are -- if you're here, please stand: Rosalind
20 Reaves. Ms. Rosalind Reaves is standing there.

21 Thank you.

22 Whitney Reaves.

23 You may be seated, ma'am.

24 Whitney Reaves; Michael Cornelius; Kenneth Brown,
25 works with 911; Kevin Gardener, who works at Verizon;

1 Temple Hart, works at -- what's SANE?

2 MS. FENT BODMAN: Sexual Assault Nurse Examiner.

3 THE COURT: Sexual Assault Nurse Examiner at
4 Palmetto Health Richland; Jill Slice, who works there;
5 Terry Casto, who works there; Curtis Burnett; Patricia
6 Weed, Tena Goff, all who work for the Richland County
7 Sheriff's Department; also Jerry Maldonado; William
8 Cedarstaff; Christine Barrickman, who works at Richland
9 County Sheriff's Department; Gray Amick, Stephen Faust,
10 Chauncey Smith, who work at the Richland County Sheriff's
11 Department; Investigator Trevor Holt, from Richland County
12 Sheriff's Department; Investigator Yvonne Woods, from the
13 Richland County Sheriff's Department; and Investigator
14 Richard Carter, with Richland County Sheriff's Department.
15 You met investigator Carter earlier.

16 If you are a friend, relative, associate,
17 acquaintance or foe of any of those prospective witnesses,
18 or if you know any of them, please stand.

19 No one standing.

20 Any additional voir dire questions proposed by the
21 State or the defendant?

22 MS. FENT BODMAN: No, Your Honor.

23 MR. COOPER: No, Your Honor.

24 THE COURT: All right. Ladies and gentlemen, this
25 case is expected to start today and go through today,

1 tomorrow, and the next day. Could be three days, could be
2 four days, we don't know. I wasn't in jury qualifications
3 this morning, I don't know if any of you might have brought
4 to Judge Lee's attention any problem that you have with
5 serving on jury duty beyond five o'clock or a doctor's
6 appointment tomorrow or anything of that nature, but based
7 on this case going through at least through the middle of
8 this week, is there anything in anyone's schedule that
9 would preclude you from being selected as a juror and
10 serving as a juror in this case? If so, please stand.

11 Yes, sir?

12 THE JUROR: 118, I was excused for the day on
13 Thursday.

14 THE COURT: All right. Thank you.

15 THE JUROR: And you said beyond five o'clock?

16 THE COURT: Yes.

17 THE JUROR: I'm the single parent of four children.

18 THE COURT: And --

19 THE JUROR: And I have not made arrangements for
20 the other children that are involved with particular things
21 after school or my youngest son who comes home from
22 preschool.

23 THE COURT: Well, we -- this is not a nine to five
24 -- I mean, we may be in the middle of a witness at five
25 o'clock, so I'm glad you brought that to our attention.

1 Thank you very much.

2 Your juror number, please?

3 THE JUROR: 256.

4 THE COURT: No, the last juror.

5 THE JUROR: 26.

6 THE COURT: 26, thank you.

7 THE JUROR: I guess first of all, when you say
8 after five I just had a question and it has to do with -- I
9 have night blindness, so is it possible court would be
10 still going on after dark.

11 THE COURT: Not normally.

12 THE JUROR: Okay. Because I live 15 miles away.

13 THE COURT: Okay. After five doesn't mean after
14 eight or nine, generally.

15 THE JUROR: Okay.

16 THE JUROR: Juror 307, I have a doctor's
17 appointment at nine in the morning.

18 THE COURT: You anticipate being unavailable from
19 nine to?

20 THE JUROR: Ten.

21 THE COURT: Ten. All right.

22 Counsel approach.

23 (WHEREUPON there was a bench conference out of the
24 hearing of the jury venire.)

25 THE COURT: What do you think of these jurors and

1 their reasons? The lady with the appointment at nine
2 tomorrow morning, we would probably start at --

3 MR. COOPER: Got no problem letting her go. If
4 that appointments was mine -- I don't know it's probably
5 -- it's up to you.

6 MS. FENT BODMAN: I don't have a problem with that.
7 If she's saying she could be here about 10:15 or whenever.

8 THE COURT: Well, I think -- you know how doctor's
9 appointments go, she doesn't know when she's going to get
10 out of there.

11 MS. FENT BODMAN: Yeah.

12 THE COURT: I think it would be best just to not
13 put her on since we have others.

14 MR. COOPER: That's fine with me.

15 MS. FENT BODMAN: Yeah. Okay.

16 THE COURT: How about some of these other people?
17 The lady --

18 MS. FENT BODMAN: The after five issue --

19 THE COURT: The one who --

20 MR. COOPER: The one with night blindness --

21 THE COURT: Yeah, she's fine.

22 MS. FENT BODMAN: Yeah, she's fine.

23 THE COURT: What about the one that has four
24 children?

25 MR. COOPER: With the kids, I would be in favor of

1 | letting her go. I don't want her to be worried about that.
2 | She might not pay attention.

3 | THE COURT: Some days -- especially if we're in
4 | deliberations it may go after.

5 | MS. FENT BODMAN: Yeah.

6 | THE COURT: So -- what's her number?

7 | MS. FENT BODMAN: 26.

8 | THE COURT: Ms. Pendergrass --

9 | MS. FENT BODMAN: Oh, yeah, the guy who can't be
10 | here Thursday.

11 | THE COURT: 26 is out -- the lady with the nine
12 | o'clock appointment tomorrow morning -- she's out.

13 | THE COURT: I think the guy for Thursday, we'll
14 | trust that we'll be through. If not, we'll have an
15 | alternate.

16 | MS. FENT BODMAN: Okay.

17 | MR. COOPER: Yes, sir.

18 | THE COURT: Okay. All right. We'll now proceed
19 | with the jury selection.

20 | (WHEREUPON the bench conference ended.)

21 | **JURY SELECTION**

22 | THE CLERK: Ladies and gentlemen of the jury, if I
23 | call your name, please come to the microphone located here
24 | at the center of the courtroom. At the microphone, please
25 | state your name and your place of occupation.

1 Juror No. 94, Algernon Goddard.

2 Please bring any personal items that you may have
3 with you.

4 THE JUROR: Algernon Goddard. I work at Medical
5 Services Warehouse.

6 THE CLERK: What says the State?

7 MS. FENT BODMAN: May we approach, Your Honor?

8 THE COURT: Yes.

9 (WHEREUPON there was a bench conference out of the
10 hearing of the jury panel.)

11 MS. FENT BODMAN: I showed that he wasn't at
12 qualifications.

13 MR. COOPER: You just want to question him about
14 whether he has --

15 THE COURT: I can qualify him.

16 MS. FENT BODMAN: I just don't want anybody coming
17 up later.

18 THE COURT: All right. Mr. Goddard?

19 (WHEREUPON there was a discussion with the juror
20 our of the hearing of the jury panel.)

21 THE COURT: Were you here before Judge Lee this
22 morning?

23 THE JUROR: Yes.

24 THE COURT: You were in jury qualifications next
25 door?

1 THE JUROR: Yes, sir.

2 THE COURT: Okay.

3 MS. FENT BODMAN: Okay.

4 THE COURT: Okay. You can go back.

5 MS. FENT BODMAN: Sorry about that.

6 THE COURT: You got details on him.

7 MR. COOPER: I don't --

8 THE COURT: Just look that way.

9 MS. FENT BODMAN: Please excuse this juror.

10 THE CLERK: Please return to the back of the
11 courtroom.

12 Juror No. 157, Lauren Leach. (White female.)

13 THE JUROR: Lauren Leach, I work at ECBY
14 Technology.

15 THE CLERK: What says the State?

16 MS. FENT BODMAN: Please present this juror.

17 THE CLERK: What says defense?

18 MR. COOPER: Please seat this juror.

19 THE CLERK: Please have a seat in the jury
20 backseat.

21 Juror No. 4, Marvin Aitken. (Hispanic male.)

22 THE JUROR: Marvin Aitken. I work at Professional
23 Pathology Services as a technologist.

24 THE CLERK: What says the State?

25 MS. FENT BODMAN: Please present the juror.

1 THE CLERK: What says defense?

2 MR. COOPER: Please seat this juror.

3 THE CLERK: Please have a seat in the jury box.

4 Juror No. 204, Joanne Pauling. (Black female.)

5 THE JUROR: Joanne Pauling, I'm a stay-at-home
6 wife.

7 THE CLERK: What says the State?

8 MS. FENT BODMAN: Please present this juror.

9 THE CLERK: What says defense?

10 MR. COOPER: Please excuse this juror.

11 THE CLERK: Please return to the back of the
12 courtroom.

13 Juror No. 206, Donald Perry. (White male.)

14 THE JUROR: Donald Perry. I work at USC.

15 THE CLERK: What says the State?

16 MS. FENT BODMAN: Please present the juror.

17 THE CLERK: What says defense?

18 MR. COOPER: Please seat this juror.

19 THE CLERK: Please have a seat in the jury box.

20 THE JUROR: Yes, ma'am.

21 THE CLERK: Juror No. 215, Debora Price. (White
22 female.)

23 THE JUROR: Debbie Price. I'm a nurse. I work for
24 DHEC.

25 THE CLERK: What says the State?

1 MS. FENT BODMAN: Please present the juror.

2 THE CLERK: What says defense?

3 MR. COOPER: Please excuse this juror.

4 THE CLERK: Please return to the back of the
5 courtroom.

6 Juror No. 107, Linda Hall. (White female.)

7 THE JUROR: Linda Hall. I'm an elementary
8 principal in Richland II.

9 THE CLERK: What says the State?

10 MS. FENT BODMAN: Please present this juror.

11 THE CLERK: What says defense?

12 MR. COOPER: Please excuse this juror.

13 THE CLERK: Please return to the back of the
14 courtroom.

15 Juror 209, Alice Phillips. (White female,)

16 THE JUROR: I'm Alice Phillips. I work at Dorn VA
17 Medical Center.

18 THE CLERK: What says the State?

19 MS. FENT BODMAN: Please present this juror.

20 THE CLERK: What says defense?

21 MR. COOPER: Beg the Court's indulgence.

22 Please excuse this juror.

23 THE CLERK: Please return to the back of the
24 courtroom.

25 Juror No. 41, Michelle Cloutier. (Hispanic female.)

1 THE JUROR: Michelle Cloutier. I work at the Law
2 Offices Of Laurie Murray.

3 THE COURT: Law office of who?

4 THE JUROR: Laurie Murray.

5 THE CLERK: What says the State?

6 MS. FENT BODMAN: Please excuse this juror.

7 THE CLERK: Please return to the back of the
8 courtroom.

9 Juror No. 182, Spalvera Mercer. (Black female.)

10 THE JUROR: Spalvera Mercer. I am a GS Civilian at
11 Fort Jackson.

12 THE CLERK: What says the State?

13 MS. FENT BODMAN: Please present the juror.

14 THE CLERK: What says defense?

15 MR. COOPER: Please seat this juror.

16 THE CLERK: Please take a seat in the jury box.

17 Juror No. 81, William Engle. (White male.)

18 THE JUROR: William Engle, contractor.

19 THE CLERK: What says the State?

20 MS. FENT BODMAN: Please present the juror.

21 THE CLERK: What says defense?

22 MR. COOPER: Please seat the juror.

23 THE CLERK: Please have a seat in the jury box.

24 Juror No. 302 Antonio Hunter. (Black male)

25 THE JUROR: Antonio Hunter, South Carolina National

1 Guard.

2 THE CLERK: What says the State?

3 MS. FENT BODMAN: Please present the juror.

4 THE CLERK: What says defense?

5 MR. COOPER: Please seat this juror.

6 THE CLERK: Please have a seat in the jury box.

7 Juror No. 123, Elizabeth Holden. (White female.)

8 THE JUROR: Elizabeth Holden, I work with the

9 Eisenhower Department of Mental Health.

10 THE CLERK: What says the State?

11 MS. FENT BODMAN: Please present the juror.

12 THE CLERK: What says defense?

13 MR. COOPER: Please excuse this juror.

14 THE CLERK: Please return to the back of the

15 courtroom.

16 Juror No. 7, Sabrina Allen. (Black female.)

17 THE JUROR: Sabrina Allen. I work for the South

18 Carolina Department of Corrections as a records analyst.

19 THE CLERK: What says the State?

20 MS. FENT BODMAN: Please present this witness.

21 THE CLERK: What says defense?

22 MR. COOPER: Please excuse this juror.

23 THE CLERK: Please return to the back of the

24 courtroom.

25 Juror 188, Selia Moore. (Black female.)

1 THE JUROR: Selia Moore, Certified Nursing
2 Assistant at Hanson Marks Home Care.

3 THE CLERK: What says the State?

4 MS. FENT BODMAN: Please excuse this juror.

5 THE CLERK: Please return to the back of the
6 courtroom.

7 Juror No. 16, Wanda Beatty (Black female.)

8 THE JUROR: Wanda Beatty, classroom teacher.

9 THE CLERK: What says the State?

10 THE CLERK: Please present this juror.

11 THE CLERK: What says defense?

12 MR. COOPER: Please seat this juror.

13 THE CLERK: Please have a seat in the jury box.

14 Juror No. 169, Carol Macnett (White female.)

15 THE JUROR: Carol Macnett, retired teacher.

16 THE CLERK: What says the State?

17 MS. FENT BODMAN: Please present the juror.

18 THE CLERK: What says defense?

19 MR. COOPER: Please excuse this juror.

20 THE CLERK: Please return to the back of the
21 courtroom.

22 Juror No. 83, Harold Faust. (Black male.)

23 THE JUROR: Harold Faust, retired State of South
24 Carolina.

25 THE CLERK: What says the State?

1 MS. FENT BODMAN: Please present this juror.

2 THE CLERK: What says the defense?

3 MR. COOPER: Please seat this juror.

4 THE CLERK: Please have a seat in the jury box.

5 Juror No. 187, Windell Moody. (Black male.)

6 THE JUROR: Windell Moody, I work at IBG, line
7 operator.

8 THE CLERK: What says the State?

9 MS. FENT BODMAN: Please present this juror.

10 THE CLERK: What says defense?

11 MR. COOPER: Please seat this juror.

12 THE CLERK: Please have a seat in the jury box.

13 Juror No. 263, Andre Thompkins (Black male.)

14 THE JUROR: Andre Thompkins. Holiday Department
15 Manager at K-Mart.

16 THE CLERK: What says the State?

17 MS. FENT BODMAN: Please present this juror?

18 THE CLERK: What says defense?

19 MR. COOPER: Please seat this juror.

20 THE CLERK: Please have a seat in the jury box.

21 Juror No. 306, Bryce Smith. (White male.)

22 THE JUROR: Bryce Smith, I work at Colonial Life
23 and I'm a licensed insurance agent.

24 THE CLERK: What says the State?

25 MS. FENT BODMAN: Please present the juror.

1 THE CLERK: What says defense?
2 MR. COOPER: Please seat this juror.
3 THE CLERK: Please have a seat in the jury box.
4 THE COURT: Two alternates.
5 THE CLERK: We only have eleven jurors.
6 THE COURT: I'm sorry.
7 THE CLERK: Juror No. 297, Jason Wood. (White
8 male.)
9 THE JUROR: Jason Wood, quality control technician.
10 THE CLERK: What says the State?
11 MS. FENT BODMAN: Please present this juror.
12 THE CLERK: What says defense?
13 MR. COOPER: Please seat this juror.
14 THE CLERK: Please have a seat in the jury box.
15 THE COURT: Two alternates.
16 THE CLERK: Juror No. 19, Andrew Bierhauer.
17 THE JUROR: Andrew Bierhauer, I work at Colonial's
18 Cleaners.
19 THE CLERK: What says the State?
20 MS. FENT BODMAN: Please excuse this juror.
21 THE CLERK: Please return to the back of the
22 courtroom.
23 Juror No. 246, Christine Smith. (White female.)
24 MS. FENT BODMAN: Did you say 246?
25 THE CLERK: I did.

1 THE JUROR: Christine Smith, I work at North
2 American.
3 THE CLERK: Does the State challenge for cause?
4 MS. FENT BODMAN: No.
5 THE CLERK: What says defense?
6 MR. COOPER: Please seat this juror.
7 THE CLERK: Please have a seat in the jury box.
8 Juror No. 71, Nancy Drake.
9 THE JUROR: Nancy Drake, I'm a federal prosecutor.
10 THE CLERK: What says the State?
11 MS. FENT BODMAN: Challenge.
12 THE CLERK: This is the second one.
13 THE COURT: One and two as to this juror.
14 MS. FENT BODMAN: Please present this juror.
15 THE CLERK: What says the defense?
16 MR. COOPER: Please excuse the juror.
17 THE CLERK: Please return to the back of the
18 courtroom.
19 Juror No. 194, John Nehmer.
20 MS. FENT BODMAN: What number did you say?
21 THE CLERK: 194.
22 THE JUROR: John Nehmer, I work for CSE.
23 THE CLERK: What says the State?
24 MS. FENT BODMAN: Please present the juror.
25 THE CLERK: What says defense?

1 MR. COOPER: Please seat the juror.

2 THE CLERK: Please have a seat in the jury box.

3 THE COURT: Any matters of law regarding the jury
4 selection?

5 MS. FENT BODMAN: Nothing from the State, Your
6 Honor.

7 MR. COOPER: Nothing from the defense, Your Honor.

8 THE COURT: All right. Ladies and gentlemen, you
9 have been selected to be the jury of the trial of this
10 case.

11 And ladies and gentlemen, those of you who were not
12 selected, I want to thank you for your cooperation. I'd
13 ask that you return downstairs -- is that right?

14 THE CLERK: Yes, Your Honor.

15 THE COURT: Return downstairs. Thank you.

16 (WHEREUPON the jury panel left the courtroom.)

17 THE COURT: Ladies and gentlemen, once you are
18 selected as a juror in a case, one of the -- perhaps the
19 most important rules is that you not discuss the case at
20 all until you have heard the entire case, which includes
21 all the evidence and all of my instructions of law. So
22 from this point forward, you're not to discuss this case in
23 any form or fashion until I give you the green light to do
24 so; and that will be after the entire case has been
25 presented to you.

1 I tell you that now, because we're not going to
2 start the case at this moment. We have some other matters
3 to tend to, and we also have lunch to tend to. So we're
4 going to have you go to the jury room. The bailiffs will
5 help you get acquainted with the jury room, will tell you
6 how to come in and come out and all of that. And we're
7 going to tend to the other matters that we need do, and go
8 to lunch.

9 We need you back at 2:30. At 2:30, we need you
10 back in the jury room and I'll give you a more detailed
11 orientation into this case at that time.

12 (WHEREUPON the jury left the courtroom at 12:03
13 p.m.)

14 **PRETRIAL MOTIONS**

15 THE COURT: All right. Pretrial motions. Motion
16 to suppress 911 -- first 911 call.

17 MR. Cochran: Yes, sir. May it please the Court.
18 Charles Cochran for the record. Your Honor, this is a
19 motion concerning a -- there are two 911 calls in this
20 case. The second one was made, I believe around 3 a.m. on
21 January 21st of 2010. The first 911 call, which we are
22 talking about right now was made about, I believe 9 o'clock
23 p.m., on January 20th of 2010.

24 In that phone call, the victim in this case, can be
25 heard essentially as Ms. Fent told you earlier -- can be

1 | heard talking to the 911 operator about having heard a
2 | noise in her backyard on the back patio. This is an
3 | apartment complex where essentially the neighboring patios
4 | are one -- one and the other. I can't recall whether or
5 | not there is a dividing wall or not. But there are patios
6 | on either side of Ms. Morrow's patio. And, Your Honor,
7 | essentially, we're moving to exclude or suppress this 911
8 | call based on the fact that from the discovery it seems
9 | irrelevant.

10 | Now, I know why the State wants to introduce this
11 | call. It's to get the jury to infer that Mr. Reaves was
12 | prowling around in the backyard, made a lot of noise and
13 | then the 911 call was made and was then cancelled
14 | erroneously. Your Honor, what I say to that is, that is
15 | incriminating, it's prejudicial, and there's nothing to
16 | indicate that Mr. Reaves was out there at that time. No
17 | person was seen. You can clearly hear Ms. Morrow state
18 | that she does not see anybody. She doesn't even see a
19 | shadow. No description can be made and she comes to the
20 | conclusion eventually that nothing happened.

21 | Your Honor, based on that, based on the fact that
22 | if presented to the jury, this Court has essentially ruled
23 | that it is relevant -- if that piece of evidence is in
24 | front of the jury, their going to say, well, this call is
25 | here for a reason, so it clearly has something to do with

1 the case, so it clearly -- I mean, I understand that I can
2 argue to the jury myself that this tape shouldn't
3 necessarily be considered to be evidence that he is
4 prowling around, but I don't think that that will be enough
5 to overcome the presumption that the jury is going to have
6 that he was involved with that 911 call, Your Honor.

7 So I guess under 403, it would be inflammatory,
8 unfairly prejudicial to him without any corroborating
9 evidence. You know, I see -- I heard a noise, saw a black
10 man matching Mr. Reaves's description leaving my backyard,
11 my patio, that would be different. In this case, we, to
12 this day, have no idea what made whatever noise caused
13 Ms. Morrow concern.

14 THE COURT: All right.

15 MS. FENT BODMAN: Your Honor, the State does
16 believe that we do know, in fact, what made that noise, and
17 it was the defendant prowling around her window. We don't
18 have to have the requirement that all of our evidence be
19 direct evidence. We can present circumstantial evidence.
20 Circumstantial evidence is that at 9:08 p.m., she makes a
21 911 call and says, I hear something or someone outside my
22 window. It sounds like something was -- somebody was
23 moving something or somebody fell. Can you come out here
24 and check it out.

25 And she turns on her light, looks around and says,

1 Nevermind, I think it's okay. The defendant, when he
2 enters her house in the 2 a.m. to 3 a.m. hour and walks
3 upstairs and sexually assaults her, says to her, I have
4 been watching you. I know that you don't have a man in
5 your house. And I couldn't control myself.

6 That is clearly solidly, you know, circumstantial
7 evidence that that was, in fact, him out there. And the
8 defendant subsequently gives a written statement saying
9 that this was all consensual in nature and that, you know,
10 she -- he called her -- they met earlier that day, he
11 called her, and she invited him over.

12 So that 9 p.m. call not only does show that he, in
13 fact, was in her back door watching her, but that she made
14 the call complaining about it and saying I think someone's
15 out there, but then unfortunately says, you know,
16 nevermind, I think it's okay. So it's -- it is clearly
17 relevant and completely probative of the facts of our case.

18 THE COURT: Anything further on that issue?

19 MR. COCHRAN: Your Honor, just one thing that I
20 would point out that I didn't point out previously, this
21 call was five and a half hours prior to the second one. I
22 guess the point I'd be making with that is, what if this
23 911 call had been the previous day or two days or a week
24 prior, would the State still be able to get into this,
25 alleging that he'd been a prowler, had been out there those

1 times.

2 THE COURT: Well, I deny your motion, based on what
3 has been argued and presented at this point. I agree with
4 the State's position.

5 MR. COCHRAN: Thank you, Your Honor.

6 Moving on, Your Honor. Number four on our motions
7 list, there are -- you might have to ask the State to
8 present to you the form and fashion in which they intend to
9 introduce medical photographs in this case. The State has
10 provided us with a slide show, essentially, of medical
11 photographs from Ms. Morrow's trip to the hospital. Your
12 Honor, these are extremely inflammatory photographs. These
13 are photos -- medical photographs of genitalia, extremely
14 close up. The vagina is red and open and there are, I
15 think, four or five of these photographs. They are
16 extremely graphic, Your Honor.

17 They -- I don't think there's any doubt that
18 they're going to make the jury very uneasy. They're going
19 to inflame the passions of the jury to see the victim in
20 this state, and it is clear that anything that can be
21 gained from these photographs will be testified to by the
22 nurse who examined the victim in this case.

23 Now, another point I would like to make is that the
24 reason the State is trying to introduce these photographs
25 is that there is an allegation that Mr. Reaves during the

1 sexual assault, inflicted various abrasions to her vagina
2 and the surrounding area of the vagina; and, Your Honor,
3 this case -- that sort of injury, that sort of photograph
4 is a lot different than say a domestic violence case where
5 someone has a black eye, or an assault case where somebody
6 has a black eye. But a juror --

7 THE COURT: Are you giving me a medical opinion now
8 or --

9 MR. COCHRAN: No, Your Honor. From the --

10 THE COURT: Go ahead.

11 MR. COCHRAN: I'm sorry. From the standpoint of
12 someone who may be sitting on a jury -- you know, in a
13 person's common day-to-day experiences and knowledge of the
14 human body, they could understand what would cause the kind
15 of blunt force trauma to cause a black eye. With abrasions
16 -- from the discussion I've had with doctors and nurses,
17 with abrasion to a vagina, I mean, these are very
18 anomalous-type injuries --

19 THE COURT: That's why I'm asking, whether you're
20 giving me a medical opinion based on your discussions with
21 doctors and so and so and so and so.

22 MR. COCHRAN: Yes, Your Honor.

23 THE COURT: So based on your medical knowledge,
24 you're now explaining this.

25 MR. POTTS: In a way, Your Honor.

1 THE COURT: All right.

2 MR. POTTS: From my understanding of it, these are
3 anomalous injuries. They are hard to pin down what causes
4 them. Obviously, nobody can ever testify to whether
5 something is caused by sexual assault or consensual sex,
6 but even the fact that these injuries are there, I don't
7 think the jury can be aided by the photographs that the
8 State wants to produce in determining even the severity of
9 the injuries. They're just not within the common
10 experience, day-to-day life of a juror.

11 And, Your Honor, we do have cases on this point. I
12 would submit to you State versus Middleton, which is a
13 South Carolina Supreme Court case; and State versus
14 Livingston, which is also a South Carolina Supreme Court
15 case. And, Your Honor, if I may approach -- we'll get
16 copies of these to the State as well.

17 Your Honor, in Middleton, this is a murder case,
18 and I believe a sexual conduct case as well. Essentially
19 there were two sets of photographs in that case. One with
20 a scalp peeled back from the skull of a victim and also
21 close-up photographs of a vaginal cavity. The Court did
22 rule that not only were -- was the judge's -- the trial
23 judge's admitting of these photographs erroneous, but it
24 was enough to reverse the decision. And these cases
25 outline the standard for this kind of thing. And it's

1 similar to the basic form of analysis.

2 Now, what the Court in Middleton is discussing is
3 that these photographs can corroborate, they are relevant,
4 and they can corroborate forensic testimony, but that does
5 not make them automatically admissible if they're going to
6 inflame the passions of the jury to a point where it
7 outweighs the probative value of what they have.

8 Your Honor, based on those cases, I think this case
9 fits squarely within the purview of State versus Middleton
10 where the Supreme Court did say there was reversible error
11 to admit these kind of photographs

12 THE COURT: All right. What says the State?

13 MS. FENT BODMAN: Well, Your Honor, in this
14 particular case, the nurse took a total of 18 photographs.
15 And I think I've selected six of those photographs. In the
16 examination -- defense counsel says that abrasions were
17 noted, they weren't abrasions, they were lacerations.
18 Lacerations. Multiple lacerations. Our expert will
19 testify with these photographs in order to explain her
20 testimony and explain what she saw and her findings. She
21 would explain that number one, the injuries in sexual
22 assault cases are very rare; that she rarely sees injuries
23 at all.

24 The other thing is just actually telling the jury
25 that there's a laceration there versus number two is seeing

1 | it and knowing what the expert is describing as a
2 | laceration and the location of these lacerations being
3 | different locations in the vaginal area, so that one,
4 | as -- the first laceration would be extremely painful and
5 | the other partner would say, stop. But also, this person
6 | is committing repeated blunt force trauma in attempting the
7 | penetration.

8 | So I've limited them down. They are -- it is going
9 | to be uncomfortable for the jury to watch. But in our
10 | cases, that's not our standard, whether it's uncomfortable.
11 | We're all adults. The victim, we have spoken to her about
12 | using these photographs, and she understands the importance
13 | of it. And the jury needs this information in this case.
14 | It is a sexual assault case. That's what it is.

15 | The defense is alleging that this was a consensual
16 | sexual experience and those lacerations are extremely
17 | important for them to actually see them and have the expert
18 | point to them in the photographs and be able to accurately
19 | describe them is extremely important.

20 | THE COURT: All right. This motion is couched as a
21 | motion to suppress, but it's really an objection to the
22 | admissibility of evidence. And I find it's not an
23 | appropriate motion for a pretrial motion. It's more
24 | appropriate for the motion to be taken up during the course
25 | of the trial when the evidence is offered and not as a

1 motion to suppress.

2 MR. COCHRAN: Thank you, Your Honor.

3 THE COURT: All right.

4 MR. COOPER: May I approach, Your Honor?

5 (WHEREUPON there was a bench conference out of the
6 hearing of the court reporter.)

7 THE COURT: All right. We're off until 2:30. We
8 also have --

9 MS. FENT BODMAN: I guess we need to clear up -- we
10 do have a written statement from the defendant.

11 MR. COOPER: But --

12 MS. FENT BODMAN: So we need to establish the
13 voluntariness and the advice of rights to the defendant's
14 statement.

15 THE COURT: All right. Jackson/Denno?

16 MR. COOPER: Your Honor, actually, we're not
17 contesting the voluntariness of the statement. If you --
18 if they want to establish it any way, that's fine.

19 THE COURT: All right. They stipulate that the
20 statement was freely and voluntarily given after being
21 properly advised of his constitutional rights?

22 MR. COOPER: Yes, sir.

23 THE COURT: All right. Well, Mr. Reaves, would you
24 stand for me?

25 (WHEREUPON Mr. Reaves stood.)

1 THE COURT: Your lawyer said that you agree that
2 the statement you gave to law enforcement was freely and
3 voluntarily given after you'd been properly advised of your
4 constitutional rights; is that correct?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And you do not wish to have a hearing
7 for the Court to make a determination concerning that?

8 THE DEFENDANT: Sir?

9 THE COURT: Your lawyer has said you do not want a
10 hearing for the Court to rule on the admissibility of the
11 statement?

12 THE DEFENDANT: No, sir, I did it on my own.

13 THE COURT: Pardon me?

14 THE DEFENDANT: I did it on my own. I chose to
15 give it.

16 THE COURT: All right. So no Jackson v. Denno is
17 necessary.

18 MS. FENT BODMAN: The final thing, just for the
19 record, there was a motion filed this morning on
20 defendant's motion pursuant to South Carolina Code
21 16-3-659. They were going to be introducing a photo with
22 some sex toys and a sex video in it. I called defense
23 counsel upon getting this motion and clarified that this
24 photo was taken at the defendant's sister's house, it was
25 not taken at the victim's house, so I know it was filed in

1 the clerk's office, I just wanted to --

2 MR. COOPER: We were mistaken about the picture, so
3 I'll formally withdraw that motion, Your Honor.

4 MR. COCHRAN: Your Honor, if I may just briefly --

5 THE COURT: Certainly.

6 MR. COCHRAN: Out of an abundance of caution, just
7 for the record, I would like to say at this point in
8 regards to the upcoming objection for the photographs, we
9 do stipulate to a number of the findings. I just wanted to
10 make sure I preserve the record on that.

11 THE COURT: All right. You're stipulating to a
12 number of findings.

13 MR. COCHRAN: And I guess it would be more
14 appropriate to, once we hear what her findings are, to
15 decide what we stipulate to.

16 THE COURT: All right.

17 MR. COCHRAN: Thank you, Your Honor. That
18 completes our motions.

19 THE COURT: All right. Do you have the right
20 statute, 16-3-659? Ms. Fent -- Ms. Bodman?

21 MS. FENT BODMAN: The --

22 THE COURT: It says males under 14 not presumed
23 incapable of committing the crime of rape?

24 MR. COOPER: I think that's an old one. They
25 changed the number. I think that's an old one.

1 MS. FENT BODMAN: It was the statute on their
2 motions. I was just reading their motion.

3 MR. COOPER: Your Honor, I think they changed the
4 number on that. And if the number is wrong, it's my fault.
5 I'm withdrawing the motion anyway.

6 THE COURT: It says 2010 in my --

7 MR. COOPER: Yes, sir, well the motion is
8 withdrawn.

9 THE COURT: Okay. All right.

10 MR. Cochran: Thank you, Your Honor.

11 THE COURT: Okay. Now, we said 2:30, so we've got
12 some preparation time. Be ready by 2:30.

13 (WHEREUPON a recess was observed for lunch.)

14 THE COURT: Anything before we bring the jury in?

15 MS. FENT BODMAN: Yes, Your Honor, I believe we do
16 need to clear up one other issue about statements that the
17 defendant made. There was the written statement that they
18 have stipulated to, the voluntariness of his statement, but
19 when Mr. Reaves is being brought back from -- he's
20 arrested in Atlanta and is extradited back.

21 When he gets back, Investigator Richard Carter
22 brings him to the sheriff's department headquarters to sit
23 down and talk with him. He advises him of his rights
24 again, and a written statement is not obtained at that
25 time, but they do have a conversation. Investigator Carter

1 asked him if there's anything else he wanted to change --
2 was there anything he wanted to change in his statement,
3 and Mr. Reaves replied no.

4 Investigator Carter then starts basically saying, I
5 know that you didn't meet her at the store, I know she
6 never gave you her phone number, and I know you didn't call
7 Ms. Morrow's cell phone with your mother's cell phone like
8 you said. Mr. Reaves' response said -- was, I did call
9 her.

10 Investigator Carter explained, Well, none of the
11 records show up of any of the phone calls from his mom's
12 cell phone.

13 Mr. Reaves said, Well, my mom has more than one
14 phone.

15 Investigator Carter asked Mr. Reaves what phone
16 number did he call to reach her and Mr. Reaves replied,
17 quote, I don't know, it was a one-night stand.

18 He asked him what he did with the cell phones and
19 Mr. Reaves told Investigator Carter that he threw them in
20 the woods where his sister Latisha lives. Investigator
21 Carter informs the defendant that the surveillance video at
22 the store did not show him or Ms. Morrow inside and Mr.
23 Reaves tells Investigator Carter he was in the store.

24 Then they stop the questioning and Investigator
25 Carter starts to proceed with a search warrant for the

1 defendant's DNA sample to get a buccal swab with him. He
2 hands the defendant a copy of the search warrant and while
3 reading the search warrant, Mr. Reaves openly stated
4 without being asked any questions, Burglary, how is that?
5 There was no forced entry, no tool marks or screwdriver
6 used to open a sliding door. So those statements we are
7 also seeking to admit.

8 THE COURT: Counsel?

9 MR. COOPER: Yes, sir, Your Honor, I have discussed
10 these statements with Counsel and again, Mr. Reaves would
11 stipulate that those statements were given voluntarily.

12 THE COURT: Is that right, Mr. Reaves?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Thank you. Okay.

15 MS. FENT BODMAN: In addition, Your Honor, I'm
16 sorry, one other statement is prior to giving of the
17 written statement in Atlanta, when Investigator Carter
18 first walks up to him and says, You know, I'm here to talk
19 to you about what happened in Columbia, the defendant says,
20 I wasn't in Columbia -- I'm sorry.

21 He says, quote, Columbia, I've been in Atlanta.
22 And then when Investigator Carter confronts him, well, we
23 have your semen, he goes, Oh -- he was talking about the
24 apartment he broke into and assaulted the female who lived
25 there when he was at his sister's house and then the

1 defendant responded, I don't know what you're talking
2 about. I didn't break into any house.

3 And then Investigator Carter asked him if he knew
4 what DNA was. And he says, Yes. And he goes, Well, your
5 DNA matches the semen that was found on the victim. And
6 then he says, This is all about that girl I met who asked
7 me over. So that statement is in addition.

8 MR. COOPER: And, Your Honor, same as before. We
9 stipulate to those being voluntarily made.

10 THE COURT: All right. Is that right, Mr. Reaves?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. I'll say it was freely and
13 voluntarily given for the Jackson/Denno hearing.

14 MS. FENT BODMAN: Thank you, Your Honor.

15 THE COURT: Let's bring the jury.

16 (WHEREUPON the jury entered the courtroom at 2:40
17 p.m.)

18 THE BAILIFF: Jury is seated, Your Honor.

19 THE COURT: All right. Ladies and gentlemen, if
20 you all would stand to be sworn.

21 (WHEREUPON the jury was sworn at 2:41 p.m.)

22 THE CLERK: You may be seated.

23 **OPENING REMARKS BY THE COURT**

24 THE COURT: Ladies and gentlemen, the case that we
25 are about to try is a case of the State versus Roosevelt

1 | Anthony Reaves, Jr. As I stated earlier, this case comes
2 | into court as a result of an indictment returned by the
3 | grand jury of Richland County charging Mr. Reaves with
4 | criminal sexual conduct, first-degree and burglary.
5 | first-degree. He has pled not guilty to these two charges
6 | and he cannot be found guilty unless the State presents
7 | evidence that convinces each and every juror who will
8 | deliberate in this case of his guilt beyond a reasonable
9 | doubt.

10 | Now, before we begin this trial, I want to tell you
11 | that this trial probably will be different from what you
12 | might expect. Many people do not have the chance to attend
13 | court sessions or -- as we are now doing and many of us
14 | form our opinions watching television, reading books or
15 | watching movies. And in the books, the TV and movies, we
16 | often find riveting action and high drama; and while some
17 | of those things may be true, you know like those things, a
18 | trial is not for the purpose of entertainment.

19 | A trial is not for the purpose of entertainment.
20 | It is a fundamental part of our democracy, a search for the
21 | truth. In an effort to make sure that justice is done
22 | between the parties before the Court in searching for the
23 | truth and making sure that justice is done is often a slow,
24 | deliberate and sometimes repetitive process. The opposite
25 | of what you might expect if you're watching TV or reading a

1 book. The courtroom is a place of honor, dedicated to the
2 protection and preservation of citizens' rights through
3 what many call the greatest system of justice ever created.

4 The attorneys appearing before you are advocates of
5 the parties they represent, but first and foremost, they
6 are officers of the Court and they are sworn to uphold the
7 integrity and the fairness of our judicial system and to
8 help you in your search for the truth. And you should
9 expect for them to be professional, competent and ethical
10 in representing their client's interests.

11 And remember that you have just taken an oath to
12 well and duly try this case and render a true verdict
13 according to the law and according to evidence. And in
14 that connection, you are also expected to be professional,
15 reasonable, and ethical. I certainly want to thank you for
16 accepting this important responsibility of jury service and
17 making your contribution to our judicial system.

18 Now, the indictment that was issued by the grand
19 jury is not in any way evidence and cannot be considered by
20 you as evidence of guilt. The indictment simply contains
21 the charge made against the defendant and it is a way in
22 which a case gets into court. As a result of a plea of not
23 guilty, the State has the burden of proving the defendant
24 guilty. And your purpose as jurors would be to find and
25 determine the facts of this case. Out of all the other

1 folks who live in this County, out of all of the people who
2 are summoned to appear for jury duty, out of all of us
3 here, only you, the jury, can determine the facts of this
4 case, and you are the sole judge of the facts of this case.

5 So in that connection, while you will spend the
6 most of the next several days, sitting, listening, looking,
7 in the end, your role will be the most important role of
8 everyone here today because you are the sole judge of the
9 facts of this case. So in that connection, we ask that you
10 pay close attention so that you will be in a position to
11 uphold the important responsibility that will be placed
12 upon you at the end of the case. And it is important,
13 especially important, that you perform your duties
14 diligently and conscientiously because ordinarily, there is
15 no way to correct an erroneous determination of the facts
16 by a jury.

17 Now, just as only you can determine the facts of
18 this case, and just as only you are the sole judge of the
19 facts in this case, as the presiding judge, I am the sole
20 judge of the law of this case and you must accept as
21 correct, the law as I state it to you at this time, during
22 the trial, and in much greater detail at the end of the
23 trial. I cannot disagree with you as to what the facts
24 are, and you cannot disagree with me as to what the law is.
25 Your job will be to take the law as I give it to you, and

1 to apply it to the facts as you find the facts to be, and
2 make your decision, rendering your verdict, a true and just
3 verdict under the oath that you have taken.

4 Now, as I stated earlier, until I give you the
5 green light and advise you that it's proper to do so, you
6 must not discuss the case with anyone, including your
7 fellow jurors, family members, friends, or anyone not
8 involved in this case. And that especially includes having
9 face-to-face discussions with people or by engaging in any
10 form of telephone, e-mail, texts, blogging or other methods
11 of communications. You must not use any electronic devices
12 to engage or attempt to find out anything about this case.
13 Under your oath you're solely to decide this case based on
14 the evidence presented during the course of this trial and
15 based on the law as I give it to you.

16 You're not to read any newspaper accounts in the
17 event there might be some or to watch any television
18 accounts of this case as well. Later in the process, I
19 will appoint one of you to serve as the foreman of the jury
20 and the foreperson will serve as the spokesperson for the
21 entire jury panel and will have the responsibility of
22 presiding over the jury deliberations, and writing the
23 verdict form representing the unanimous verdict of the
24 jury. It's your solemn responsibility as jurors to
25 determine the guilt or the innocence of the defendant and

1 your verdict must be based solely on the evidence presented
2 during this trial, applying the law as I give it to you.

3 In just a moment, the State will make an opening
4 statement through the solicitor, explaining what the State
5 contends that the case is about, what the evidence will
6 show. After doing so, the defendant will be given the same
7 opportunity through counsel. The defendant is not required
8 to make an opening statement since the defendant has no
9 burden of proof. The burden of proof is on the State to
10 prove guilt beyond a reasonable doubt.

11 From time to time there may be objections or
12 lawyers may come forward wanting to discuss a matter of law
13 with the Court, and also it may be necessary for you to be
14 excused from time to time so that we may discuss matters of
15 law outside of your presence. It is -- because you'll not
16 be a part of those discussions, the purpose is not to hide
17 anything from you, but it is necessary for you only to hear
18 matters that I determine appropriate for you to hear.

19 We will also take breaks as necessary. I do
20 understand that many of you may be unaccustomed to sitting
21 in the chairs that you are for long periods of time without
22 a break. You may get tired, you may get sleepy, you want a
23 break. I'm here to accommodate you as best I can. So if
24 at any point in time you are uncomfortable and need a
25 break, just tired, just let me know and we'll take a break.

1 Also we'll stand from time to time just to unwind for a
2 moment so that we're not just worn out from sitting for too
3 long.

4 Opening statements -- from the state.

5 **OPENING STATEMENTS**

6 MR. POTTS: Thank you, Your Honor, may it please
7 the Court?

8 THE COURT: Sure.

9 MR. POTTS: Good afternoon, ladies and gentlemen.
10 Perhaps some of you have small children. Perhaps you can
11 remember back to a time when your children were small. But
12 children have inherent fear of the dark. You put them in
13 their bedroom late at night, they're going to want that
14 night light, they're going to want that bathroom light on.

15 One, they're afraid of the monster in the bed or
16 the boogeyman in the closet. And you accommodate them.
17 You keep that door open, you put that little night light
18 on. But as they get older, they become accustomed to dark.
19 They become accustomed to the unknown and eventually, that
20 little crutch is gone. We know that looking back in the
21 dark, nothing can hurt it.

22 Well, ladies and gentlemen, there may not be a
23 boogeyman in the closet, there may not be a monster hiding
24 under the bed, but there are things preying in the dark at
25 night.

1 On January 20, 2010, Rochelle Morrow, heard a sound
2 in the dark of the night through her sliding glass doors.
3 She called 911, and after she didn't see anything else, she
4 told them that she was fine, that she was safe, and there
5 was no need to worry. Five hours later or six hours later,
6 at 3 a.m., she made another phone call. You see, at 2
7 a.m., she heard a noise on the stairs. Then she heard a
8 rustling by her bed. A man got into the bed with her and
9 told her, I've been watching you. I know you don't have a
10 man. I just want to, I apologize, ladies and gentlemen --
11 I just want to fuck you. I don't want to hurt you.

12 From there proceeded a sexual assault against
13 Ms. Morrow. So when she called 911 back at 3 a.m., she
14 knew that there was something in the dark. She knew that
15 she should have been afraid.

16 Now, my name is Carter Potts. I'm here with
17 Margaret Bodman from the 5th Circuit Solicitor's Office.
18 And we're here today because the defendant, Roosevelt
19 Reaves has been charged with burglary in the first-degree
20 and criminal sexual conduct in the first-degree.

21 Now, those are legal terms, so let me explain them
22 to you briefly, what they mean. Burglary, first-degree, is
23 entering another individual's home without permission with
24 the intent to commit a crime. And in this case, it's going
25 to be at night. Criminal sexual conduct -- there's no need

1 the break in, no need to crowbar and pry open the door.
2 You don't need to have scrapes, you don't need to -- you
3 can use a key. The door is open, we can walk in. We don't
4 put locks on our doors necessarily because we don't want
5 anybody coming in. We keep locks on our doors because
6 people will come in when they don't have permission.

7 Secondly, criminal sexual conduct, first-degree.
8 That's basically a sexual assault. Let me explain to you a
9 little bit later -- but in this case, it accompanied
10 burglary. He broke into the house, sexually assaulted
11 someone.

12 Now, that night or that morning on the 21st,
13 Rochelle Morrow had no idea who did this to her. But she
14 called 911 and went to the hospital where a sexual assault
15 exam was done. And with the magic of modern technology,
16 the defendant's name popped up in a DNA data base. You
17 see, when he had left that night, not only had he sexual
18 assaulted her, taken her dignity, he also took her two cell
19 phones -- she didn't have a landline -- took her only means
20 of communication. But, Ms. Morrow was lucky enough -- she
21 works for Verizon -- to have a third cell phone. And
22 that's the number on which she called 911.

23 Now, once he had the cell phone, the defendant took
24 it, the first thing he did at 3 a.m. was call his wife.
25 And that's the first lead that Investigator Carter followed

1 | when Ms. Morrow provided him her cell phone records. What
2 | it ultimately got him was his DNA.

3 | Now, once Investigator Carter found, met and talked
4 | to Mr. Reaves, you know what his first response was?
5 | Investigator Carter said, I'm here about what you did in
6 | Columbia. Columbia? I've been in Atlanta. Well, after
7 | Investigator Carter explained what DNA was, the defendant
8 | admitted, Oh, you mean Tasha. That's the girl I met at the
9 | Minimart.

10 | You see, she invited me into her house, let me in,
11 | we didn't talk, we just went straight upstairs and had sex;
12 | but while in the middle of it I told her that I was
13 | married, and I wasn't going to leave my wife, so she became
14 | upset. I also saw two cell phones. I figured I'd pick
15 | them up. Ladies and gentlemen, that's what you're going to
16 | hear.

17 | Now, when all this is done, we're going to prove to
18 | you beyond a reasonable doubt that Mr. Reaves committed
19 | these two crimes, and you're going to hear from all sorts
20 | of witnesses. You're going to hear from Investigator
21 | Carter. You're going to hear from Rochelle Morrow. You're
22 | going to hear the 911 tapes. You're going to hear from the
23 | sexual assault nurse examiners who examined Ms. Morrow.

24 | You're going to hear from Whitney Reaves, the
25 | defendant's sister, who says the morning after that rape

1 cut his trip short and left town. And once you've heard
2 all that and you've heard the entire case, I'm going to
3 -- we're going to come back to you and we're going to ask
4 you to turn on the light in the darkness. Expose what
5 might be hiding outside that glass door. We're going to
6 ask you to return a verdict of guilty, guilty of burglary
7 in the first-degree and guilty of criminal sexual conduct
8 in the first-degree. Thank you.

9 THE COURT: Yes, sir.

10 MR. COCHRAN: Thank you, Your Honor. May it please
11 the Court. My name is Charlie Cochran, and I represent
12 Roosevelt Reaves, the gentleman sitting at the table over
13 there.

14 On January 20th of 2010, Roosevelt Reaves and
15 Rochelle Morrow had sexual intercourse. Nobody here
16 disputes that. What is in dispute is whether or not this
17 was a break in and a rape, or whether it was consensual
18 sexual intercourse between two adults. That's the only
19 issue in this case.

20 Now, the State is going to present evidence to
21 you. They're going to present things like DNA just as
22 Mr. Potts just said they were. Now, the DNA isn't an issue
23 in this case. There is no issue in this case as to whether
24 or not Mr. Reaves and Ms. Morrow had sex on January 20th,
25 2010. What is at issue is whose story do you believe.

1 | Because every story has two sides to it.

2 | Now, besides evidence like DNA, there's going to be
3 | evidence, which is the testimony of people involved.
4 | You're going to hear from police officers, nurses, people
5 | who handle DNA specimens, you're also going to hear from
6 | Rochelle Morrow.

7 | Now, this case is exactly the kind of case that
8 | gave rise to our system of criminal justice. You're going
9 | to hear a -- I would say what is probably going to be a
10 | tearful, emotional account from Ms. Morrow about a sexual
11 | assault.

12 | Now, our system of justice demands that we look at
13 | cases like this without passion, without prejudice, and
14 | that we analyze these cases with a level head, with common
15 | sense, and with a presumption of innocence. You all at
16 | this point, after hearing Mr. Potts' opening statement,
17 | throughout the evidence in this case presume that what Ms.
18 | Morrow is going to tell you is not the case. You're going
19 | to presume the opposite of that. You're going to presume
20 | Mr. Reaves stands accused of a crime that he did not
21 | commit. That's what we presume. Proof beyond a reasonable
22 | doubt.

23 | We presume innocence. And proof beyond a
24 | reasonable doubt means a doubt that doesn't -- that makes
25 | you not even hesitate. It doesn't even cause you to

1 hesitate to act to determine that he's guilty. That means
2 that the State has to give you proof that throughout the
3 trial, you don't even hesitate. You don't even hesitate.
4 You haven't heard any evidence yet, but at this point, you
5 presume the defendant innocent. And ladies and gentlemen,
6 during these testimonials that are going to be given to
7 you, you will hear about facts from the investigators, from
8 the responding officers. You're going to hear about
9 they're investigation into this case after Ms. Morrow
10 called them and made her accusations.

11 After she made her accusations, they investigate
12 them. And you will hear when Mr. Newton and Mr. Cooper
13 question those investigators, you will hear that there was
14 a key, there was a key to their investigation. You'll find
15 out what that was, and I'll ask you to remember that there
16 are always two sides to a story. No matter how outrageous,
17 how terrible things may seem during the State's
18 presentation of their evidence, there are always two sides
19 to a story. In this case you're going to hear about a key
20 to this investigation and how that key does not fit with
21 Ms. Morrow's story.

22 And that's what she's telling you, a story about
23 what she says happened. But when her testimony is compared
24 to the facts, to the facts that nobody disagrees on, it
25 doesn't make any sense. And I would just ask you to keep

1 that level head, take that step back that our system of
2 justice requires. Presume that Mr. Reaves is innocent, and
3 hold the State up to they're burden of proof so that you
4 don't even hesitate to call into question any of their
5 accusations.

6 I ask you to listen to both sides of the story, and
7 after all the evidence is submitted, you will see that Mr.
8 Reaves is innocent. Mr. Reaves is innocent, and we will
9 ask you to find him not guilty. Thank you.

10 THE COURT: Call your first witness.

11 MR. POTTS: Your Honor, the State calls Ken Brown.

12 THEREUPON,

13 KENNETH BROWN,
14 after being duly sworn, testified as follows:

15 THE CLERK: Please have a seat. State your full
16 name for the record.

17 THE WITNESS: Kenneth Brown.

18 DIRECT EXAMINATION

19 By Mr. Potts:

20 Q Mr. Brown, where do you currently work?

21 A I work at Columbia Richland 911 Communications.

22 Q How long have you been working there?

23 A I've worked there approximately 12 years.

24 Q What does Columbia Richland 911 Communications do?

25 A It handles all of the 911 calls from the City of

1 Columbia and Richland County jurisdiction.

2 Q Now, what is your role there?

3 A I'm the operations manager. I co-manage, with the
4 director of the organization, 85 plus personnel on a
5 day-to-day basis, making sure that we're in compliance with
6 911 rules and policies on handling incoming 911 calls.

7 Q Now, what kind of records do you generate at 911?

8 A We generate records through what is known as a CAD
9 System, it's a Computer Aided Dispatch. A call is
10 intercepted either on a 911 trunk line or administrative
11 line and if a citizen asks for police, fire, or EMS
12 assistance, that call is automatically generated via a call
13 ticker, processes the information based on the caller's
14 location, sends that to the appropriate tele communicator
15 or dispatcher and that dispatcher moves the call to the
16 emergency responder in a timely manner.

17 Q Now, how else are -- how is your data recorded?

18 A It's recorded by what is known as a voiceprint
19 information system. The system itself will automatically
20 start when a call is intercepted from anyone or incoming
21 call or outgoing call to a citizen or an emergency
22 responder.

23 Q Now, what -- do you have different types of records
24 generated?

25 A No, basically the Computer Aided Dispatch system is

1 self-integrated. It produces a CAD generated incident
2 report, along with the actual recording, based on the time
3 the calls are intercepted.

4 Q Now, I want to show you what's marked as State's
5 Exhibit 2, 3. Can you tell me what this is?

6 A This is a Closed Incident Report that is generated
7 via the CAD system and this is a CD that is generated via
8 the voiceprint information system.

9 Q Now, what kind of information is on that closed
10 incident report?

11 A The closed incident report shows the date and time
12 that the call was intercepted, what jurisdiction it belongs
13 to, the date and time or the time specifically is in
14 seconds; the physical address, any common aliases that
15 might be associated with that address. It gives a lot of
16 particulars, i.e. for mapping systems. It shows what time
17 the call was routed to the tele communicator, what time it
18 was intercepted.

19 It gives a call for service code, which indicates
20 the "what" of the situation. It gives a priority of that
21 call for service code. It allows us to put the name of the
22 person and the telephone number as generated accordingly.
23 And then it allows the tele communicator, call taker, to
24 put their initials in the call saying that they had
25 intercepted, i.e. call take, and then dispatched the call

1 accordingly.

2 Q Now, at our request were these records pulled for
3 the night of January 20th, 2010?

4 A Yes, sir.

5 Q Is that what I put out in front of you?

6 A Yes, sir.

7 MR. POTTS: Your Honor, I would offer this into
8 evidence as Exhibit No.'s 2 and 3.

9 THE COURT: What says defense?

10 MR. COOPER: And, Your Honor, just renew our
11 previous objection.

12 THE COURT: They're admitted.

13 MR. POTTS: Thank you, Your Honor.

14 (WHEREUPON State's Exhibit No.'s 2 and 3 were
15 entered into evidence.)

16 (WHEREUPON the 911 tape for the 9:30 p.m. call was
17 played for the jury.)

18 By Mr. Potts:

19 Q Now, I want to show you what's been marked as
20 State's Exhibit No.'s 1 and 4. You recognize those?

21 A Yes.

22 Q What are they?

23 A It's the same type of report. It's a closed
24 incident report with all the necessary information that is
25 produced by the call taker, and subsequently what is done

1 by the dispatcher and all the associated comments given by
2 a caller at the time that they call.

3 Q Now, what date is that for?

4 A This is January 21st, 2010, at 03:05:30.

5 Q Now at our request were these records pulled?

6 A Yes.

7 Q And these were made in the previous procedure
8 described?

9 A Yes.

10 MR. POTTS: At this time, Your Honor, we would
11 offer State's Exhibit No.'s 1 and 4.

12 (WHEREUPON State's Exhibit No.'s 1 and 4 were
13 entered into evidence.)

14 MR. COOPER: No objection, Your Honor.

15 THE COURT: In without objection.

16 (WHEREUPON the 9-11 call from 3 a.m. was played for
17 the jury.)

18 MR. POTTS: Thank you.

19 THE WITNESS: Thank you.

20 MR. POTTS: No further questions. Answer any
21 questions from the defense.

22 THE COURT: Defense.

23 DEFENSE ATTORNEY: Thank you, Your Honor.

24 ///

25 ///

CROSS-EXAMINATION

1
2 By Mr. Newton:

3 Q Briefly, sir. Could I get the times of those
4 calls?

5 A I need to see the documentation again, please.

6 Q All right. I believe this is Call No. 1, am I
7 correct?

8 A Yes.

9 Q And then Call No. 2.

10 A The time on the first call was 21:08:49; and on the
11 second call was 03:05:30.

12 Q Okay. And the first call is January 20th, and the
13 second call is early morning of January 21st, 2010?

14 A Yes, sir.

15 Q Okay.

16 MR. NEWTON: Beg the Court's indulgence.

17 No more questions. Thank you, sir.

18 THE WITNESS: Thank you.

19 MR. POTTS: Nothing from the State, Your Honor.

20 THE COURT: Thank you, you may step down.

21 Let's take a few minutes break and then proceed.

22 Please go to the jury room. Please do not discuss is case.

23 (WHEREUPON the jury left the courtroom at 3:28

24 p.m.)

25 THE COURT: We'll take a few minutes and we'll

1 proceed in just a few minutes.

2 MR. COOPER: Thank you, Your Honor.

3 (WHEREUPON a recess was observed.)

4 THE COURT: Anything before we bring our jury back?

5 MR. COOPER: Your Honor, our client's not back.

6 THE COURT: All right.

7 (WHEREUPON the defendant entered the courtroom.)

8 THE COURT: Anything else before we bring the jury?

9 MR. COOPER: Nothing, Your Honor.

10 THE COURT: Bring the jury, please.

11 (WHEREUPON the jury entered the courtroom at 3:41
12 p.m.)

13 THE BAILIFF: Jury is seated, Your Honor.

14 THE COURT: Thank you, sir.

15 Ladies and gentlemen, one of the jurors passed up a
16 note asking whether you were allowed to take notes. You
17 may take notes during this trial if you would like to, and
18 the clerk can pass note pads to any of you who might want
19 to take notes or any of you who decide to take notes.
20 Please remember, however, that some people are better
21 note-takers than others, and juror notes should not be
22 given any greater weight than the recollection of the other
23 jurors. The recollection of individual jurors shall be
24 given -- or should be considered just as reliable as the
25 notes of someone who might take a note.

Terry Casto - Direct Examination by Ms. Fent Bodman

1 I also want to caution you that when you take
2 notes, quite often, you may not notice the body language of
3 a witness, which may be important in deciding the witness's
4 credibility during deliberations. But for those of who who
5 would like to take notes, you're welcome to do so.

6 Madame Clerk, you may pass out note pads to anyone
7 who decides to do so.

8 (WHEREUPON the clerk passed out note pads.)

9 THE COURT: Call your next witness.

10 MS. FENT BODMAN: State calls Terry Casto.

11 THEREUPON,

12 TERRY CASTO,
13 after being duly sworn, testified as follows:

14 THE CLERK: Have a seat and state your full name
15 for the record.

16 THE WITNESS: My name is Terry Casto.

17 **DIRECT EXAMINATION**

18 By Ms. Fent Bodman:

19 Q And with whom are you employed?

20 A Palmetto Health Richland.

21 Q In what capacity?

22 A I'm the coordinator of the Forensic Nurse Examiner
23 Program.

24 Q Okay. And the judge reading the witness list to
25 the jurors, there was mention, sexual assault nurse

Terry Casto - Direct Examination by Ms. Fent Bodman

1 examiner. Is that the same thing as a forensic nurse
2 examiner?

3 A Yes, it is.

4 Q We just recently -- you've all just changed your
5 title to a forensic examiner?

6 A Yes, we've added to our program taking care of
7 women who have been in domestic violence relationships.

8 Q Okay. In your program, how many forensic nurse
9 examiners do you have working under you?

10 A Currently I have six.

11 Q And is a Temple Hart and Jill Slice two of your
12 forensic nurse examiners?

13 A Yes, they are.

14 Q And in preparation for this case, did you review
15 records regarding an examination of a Rochelle Morrow that
16 took place on January 21st of 2010?

17 A I did.

18 Q Okay. I am going to show you what we have marked
19 as State's Exhibit No. 15, and see if you recognize that?

20 A Yes, it's a South Carolina sexual assault kit with
21 our nurse's writing on the back, labels.

22 Q So there is a standard kit that has been put
23 together by SLED?

24 A Yes.

25 Q Okay. And that's the same kit that you and your

Terry Casto - Direct Examination by Ms. Fent Bodman

- 1 team use for each and every examination?
- 2 A Yes, ma'am.
- 3 Q Okay. Do you see your name on that kit?
- 4 A I do.
- 5 Q Okay. Can you tell the jurors how did you come in
6 contact with this specific kit?
- 7 A My nurses were here during the middle of the night.
8 They had completed the evidence collection kit, packaged
9 everything up and finished their documentation and I was
10 just waiting for law enforcement to come and pick it up. I
11 am there during the week as an admin person so that they
12 can go on home and sign it over to me; and I kept it in a
13 locked room until an officer could come by and pick it up.
- 14 Q When you took custody of it -- I guess from whom
15 did you take custody of it?
- 16 A Jill Slice, one of my nurses.
- 17 Q And when you took custody of it from Jill, was the
18 kit properly sealed?
- 19 A It was.
- 20 Q Okay. And so -- I guess, did Jill sign it in your
21 presence?
- 22 A Yes, she did.
- 23 Q As handing it over to you?
- 24 A Right.
- 25 Q And then subsequently, who then, did you hand it

Terry Casto - Direct Examination by Ms. Fent Bodman

1 over to?

2 A Officer Faust with the Richland County Sheriff's
3 Department.

4 Q Okay. And what time did Jill sign it over to you,
5 and what time did you sign it over to Sergeant Faust?

6 A Jill signed it over to me at 10:20 and then at
7 11:11, I signed it over to Officer Faust.

8 Q Okay. And then that kit would have remained in
9 your custody and control during that time?

10 A Yes, it would have.

11 Q Okay. Aside from handing over the kit -- I guess
12 first we'll explain, you're testifying today is -- Temple
13 Hart who is involved in this --

14 A Right.

15 Q Is she on call tomorrow?

16 A Yes, she is.

17 Q Okay. And so it seems to me needs to come testify
18 tomorrow. You're going to be covering for her?

19 A I am covering for her.

20 Q Okay. In preparation for this -- for this case,
21 did you go over the records of the examination of Rochelle
22 Morrow and the photographs taken during her examination?

23 A Yes, I did.

24 Q And did you review those with both Temple Hart,
25 lyou're forensic nurse examiner, and Jill Slice?

Terry Casto - Direct Examination by Ms. Fent Bodman

1 A I did.

2 Q Temple Hart, do you recall how many exams she had

3 performed prior to this one?

4 A If I'm correct, this was her first exam.

5 Q Okay. That she then did --

6 A Alongside --

7 Q Alongside --

8 A Jill Slice.

9 Q Okay. And is that your practice, is until they

10 have so many exams, they can't do any of them alone.

11 A Right.

12 Q Okay.

13 A Yeah.

14 Q So in reviewing their records and findings, did you

15 -- what was your conclusion? Was everything followed

16 according to protocol?

17 A It was followed to protocol and --

18 Q And did you agree with their findings and

19 observations?

20 A Yes, I do.

21 Q Okay.

22 MS. FENT BODMAN: At this time -- I'm not offering

23 the kit, but I'll offer the witness for any

24 cross-examination.

25 ///

Chauncey Smith - Direct Examination by Mr. Potts

CROSS-EXAMINATION

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By Mr. Cochran:

Q Okay. Just to be clear, for the record, you were not the treating nurse; you did not speak with Ms. Morrow that evening?

A No, I did not.

Q Okay.

MR. COOPER: Your Honor, if that's her testimony, I have no more questions. Thank you.

THE COURT: Please step down.

THE WITNESS: Thank you.

MR. POTTS: Call Chauncey Smith.

THEREUPON,

CHAUNCEY SMITH,

after being duly sworn, testified as follows:

THE CLERK: Please have a seat. State your full name.

THE WITNESS: Chauncey Smith.

DIRECT EXAMINATION

By Mr. Potts:

Q Mr. Smith, where are you currently employed?

A Richland County Sheriff's Department.

Q What are your duties there?

A I'm just supervisor. I respond to calls for service, burglaries, traffic accidents, any type of

Chauncey Smith - Direct Examination by Mr. Potts

1 | police-type calls you see on the show Cops and I supervise
2 | other police officers as well.

3 | Q Now, how long have you worked there?

4 | A Since about -- right at seven years.

5 | Q So you were employed there back in January 2010?

6 | A I was.

7 | Q Were you working the morning of January 21st, 2010?

8 | A I was.

9 | Q Did you have an opportunity to encounter Ms. Morrow
10 | that evening or that morning?

11 | A I did.

12 | Q What time were you dispatched that day?

13 | A I was dispatched at -- right before 3:10 in the
14 | morning.

15 | Q Where were you dispatched to?

16 | A I was dispatched to [REDACTED], Apartment
17 | [REDACTED], which is [REDACTED] -- it was at the time.
18 | I think they may have changed the name by now.

19 | Q Now, how long did it take you to get there?

20 | A It took me -- it took me about 13, 14 minutes, I
21 | believe.

22 | Q Okay. Now, are you familiar with the [REDACTED]
23 | Apartments?

24 | A I'm quite familiar with them.

25 | Q Did you have any trouble finding Ms. Morrow's

Chauncey Smith - Direct Examination by Mr. Potts

1 apartment?

2 A Found I had a little trouble finding
3 Ms. Morrow's apartment. Simply, the Apartments
4 is one of the largest apartment complexes area-wise in my
5 area -- not my area, but the area I work in. It's -- I
6 don't know how many acres, but it's quite large -- and they
7 somewhat frequently have problems at the gate -- codes
8 where we have to spend a few minutes there at the gate
9 trying to get in. And then it's a large apartment complex
10 where we have to drive around and try to find the
11 apartments we're looking for.

12 Q Now where is the apartment complex located?

13 A It's right off of [redacted] towards the city
14 from [redacted] and a little out past [redacted].

15 Q I'm going to show you what has been marked as
16 State's Exhibit No. 5. Do you recognize this?

17 A I do.

18 Q What is it?

19 A That's a map, layout, of [redacted] Apartments.

20 Q All right. Now, using this map, could you describe
21 to me -- you can step down if you need to. Can you
22 describe to me where the entrance to the apartments are?

23 A The entrance that you would come in -- or I would
24 come in is right here off of [redacted]. That would be
25 the entrance right here.

Chauncey Smith - Direct Examination by Mr. Potts

1 Q So this is right here?

2 A It is.

3 Q And this is --

4 A

5 Q Is there anything -- is this just opened to the
6 road right here?

7 A No, there's a pretty large brick wall -- I'd say
8 about give or take 10 feet right there.

9 Q Okay. Can you describe to the jury the route you
10 had to take that morning to get to the victim's apartment?

11 A Well, I was coming somewhere from .
12 I was coming this way down , turned in on .
13 . And like I said, I think I had a problem here at
14 the gate, trying to get the gate code to work. Normally
15 they give our dispatchers correct codes, if not, they let
16 it expire and we get the wrong one. So I had to go through
17 that for a little while. I came through here. These are
18 all even number apartments over here on this side of the
19 complex on this side of the road. These are odd numbers.
20 I went down, I believe, to about the second turn down that
21 way.

22 Q From right here?

23 A Maybe a little farther. I think the next one, and
24 then I had to turn back and come around this way to find
25 her apartment.

Chauncey Smith - Direct Examination by Mr. Potts

1 Q Do you know where her apartment would be on this?

2 A , I believe it was. I don't know --

3 yeah, .

4 Q So --

5 A Her's is right around here somewhere.

6 MR. POTTS: Your Honor I would like the admit

7 State's Exhibit No. 5 into evidence.

8 MR. COOPER: No objection, Your Honor.

9 THE COURT: All right. Without objection.

10 (WHEREUPON State's Exhibit No. 5 was entered into
11 evidence.)

12 By Mr. Potts:

13 Q Now, what did you observe when you got there? Was
14 the door open?

15 A No, the door was not open. I knocked on the door.

16 I don't know how -- I remember asking dispatch if I was
17 even at the right apartment or to let the lady know that I
18 was there because no one opened the door immediately.

19 Q Okay. You eventually made contact with the victim?

20 A I did. I did.

21 Q What was her demeanor like?

22 A A bit hysterical. Almost like somebody who had
23 shock. She had -- I believe she was crying, had tears, but
24 it wasn't like a -- she was quite hysterical. It was
25 almost like someone in shock. Seeing something traumatic

Chauncey Smith - Direct Examination by Mr. Potts

1 or something like that.

2 Q Now, what is the first thing you did when you got
3 there?

4 A The first thing I did when I got there was I asked
5 Ms. Morrow what was going on or what had happened, and she
6 told me that someone had come into her apartment and forced
7 himself upon her.

8 MR. COOPER: Objection, Your Honor. Hearsay. Move
9 to strike.

10 THE WITNESS: That's what she told me.

11 THE COURT: The objection is overruled.

12 MR. POTTS: Thank you, Your Honor.

13 By Mr. Potts:

14 Q Please go on.

15 A Okay. I'm sorry. She told me someone had done
16 that, and she thought he had left down the stairs. And I
17 asked her at the time if she was sure that he had left the
18 place and she told me she thought he had. But like I said,
19 she was quite hysterical. I believe the whole time she was
20 there, she probably didn't get more than about an arms'
21 length away from me. She stayed real close to me. And
22 initially I went on the premise that the guy had -- that
23 the subject had left the area. But, like I said, she was
24 so hysterical, she kind of freaked me out a bit, to the
25 point that I thought he might still be in the apartment.

Chauncey Smith - Direct Examination by Mr. Potts

1 So I checked the apartment to make sure that no one else
2 was there.

3 Q Now, I want to show you what has been marked as
4 State's Exhibit No. 6. What are those?

5 A This -- that would be the front door I came in.
6 Those are the stairs leading up to her bedroom.

7 Q Are they photographs?

8 A Yes, I'm sorry. Photographs of her apartment.

9 Q Are they a true and accurate representations of her
10 apartment that evening?

11 A Yes.

12 Q Okay.

13 MR. POTTS: I'd like to move in State's Exhibit No.
14 6.

15 MR. COOPER: I have no objection.

16 THE COURT: Without objection.

17 MR. POTTS: Thank you, Your Honor.

18 (WHEREUPON State's Exhibit No. 6 was entered into
19 evidence.)

20 By Mr. Potts:

21 Q Now, this is -- where would this one be?

22 A That would be the front entrance of her apartment.

23 That would be toward the big brick wall where I would come
24 in there. And there's steps leading up to her bedroom.

25 Q So these steps right here and these steps right

Chauncey Smith - Direct Examination by Mr. Potts

1 | here are the same steps?

2 | A Yes.

3 | Q Okay. And then what's that right there? This
4 | thing right there?

5 | A That's a chair or something -- that's the back
6 | door. This leads out the sliding glass door.

7 | Q Okay. So that would be the sliding glass door?

8 | A Yes.

9 | Q That would be a closer view of it?

10 | A Yes.

11 | Q Okay. Now, you went through there -- you go
12 | through there. Did you happen to look outside?

13 | A I was looking outside -- I mean it's dark there,
14 | quite dark. Some of the apartments have a fence behind
15 | them, not a complete fence, but more like a -- just kind of
16 | like a little barrier, there's nothing -- you can walk
17 | around it, around the back. I checked the windows.
18 | Because like I said, I was trying to figure out where
19 | someone might have come into the apartment from and I
20 | couldn't at the time figure it out.

21 | Q But when you got there, the front door was locked,
22 | correct?

23 | A The front door was locked.

24 | Q Did you check the back door?

25 | A I looked at the back door. I looked at the

Chauncey Smith - Direct Examination by Mr. Potts

1 windows. Like I say, because at the time she was so
2 hysterical, I was just trying to make sure no one else was
3 there.

4 Q Now, I'm going to show you what's been marked as
5 State's Exhibit No. 7. Are these true and accurate
6 depictions of the outside?

7 A Yes.

8 (WHEREUPON State's Exhibit No. 7 was entered into
9 evidence.)

10 By Mr. Potts:

11 Q Okay. Now -- would you mind stepping down for one
12 second?

13 A No.

14 Q Now, what's this a picture of?

15 A This is the outside of the front door here.

16 Q Is that where you came in?

17 A Right.

18 Q Okay. And you mentioned the fence in the backyard?

19 A Right.

20 Q Is that it?

21 A Yes, this would be it.

22 Q Now, describe that fence to me real quick.

23 A This is the -- like a few boards here -- they're
24 only about yay high, I guess. You can walk around the side
25 of them.

Chauncey Smith - Direct Examination by Mr. Potts

1 Q So they're not fully enclosed?

2 A No, they're not.

3 Q Okay. And this picture right here? This is
4 sliding glass door right there?

5 A Yes, that's from somewhere out towards the -- the
6 area is -- it's almost like a small-like-type horseshoe
7 looking thing. That's the common area between three or
8 four apartments right there.

9 Q And some foliage?

10 A Yes, bushes, maybe a couple of pine trees.

11 Q And are these just pictures of the sliding glass
12 door from the outside?

13 A Yes, they are.

14 Q Now, in your search of the house, you also had an
15 opportunity to go upstairs correct?

16 A I did.

17 Q Okay. I'll show you these, State's Exhibit 8 and
18 9. Does that fairly and accurately depict the house that
19 evening?

20 A Yes.

21 Q Okay.

22 MR. POTTS: I'd like to offer into evidence State's
23 Exhibit No. 8 and 9.

24 MR. COOPER: No objection, Your Honor.

25 THE COURT: Admitted.

Chauncey Smith - Direct Examination by Mr. Potts

1 (WHEREUPON State's Exhibit No.'s 8 and 9 were
2 entered into evidence.)

3 By Mr. Potts:

4 Q This is just the stairway going down from upstairs?

5 JUROR: Could you hold the pictures up, please?

6 By Mr. Potts:

7 Q Would that be the stairway -- this is a picture of
8 upstairs?

9 A Right.

10 Q Okay. Would that be the state of that area when
11 you got there that evening?

12 A Yes, sir.

13 Q Okay. Now, how many burglary calls have you been
14 on in your seven years of experience?

15 A Hundreds I would guess. I don't know an exact
16 number.

17 Q Are you familiar with sliding glass doors?

18 A Quite familiar. They are, unfortunately, not the
19 most secured areas or types of doors. The common practice
20 for most people is they'll cut either like a broomstick
21 handle in half or a dowel rod and place in between the two
22 doors so that it won't slide, just to make it more secure.

23 Q Now, was that done in this case?

24 A I did not observe any type of thing that would hold
25 the door that way.

Chauncey Smith - Cross-Examination by Mr. Cooper

1 Q Okay. Now, once you finished walking through the
2 house, and making sure there was no one else there; what
3 did you do?

4 A I called our lab unit, CSI Unit to come process the
5 scene. And I, at some point, called for an ambulance for
6 Ms. Morrow as well. I believe that was well before I got
7 all the way up to checking the apartment.

8 Q At some point the ambulance took her?

9 A They did.

10 MR. POTTS: Beg the Court's indulgence.

11 Thank you, no further questions.

12 THE COURT: Defense?

13 MR. COOPER: Thank you, Your Honor.

14 **CROSS-EXAMINATION**

15 By Mr. Cooper:

16 Q Good afternoon, Officer?

17 A Good afternoon.

18 Q You told the jury that you've responded to hundreds
19 of burglaries, right?

20 A Yes.

21 Q Along with hundreds of other calls, probably,
22 right?

23 A Yes.

24 Q So basically one of your duties when you respond to
25 a call like this -- and I call it primary duty, is to

Chauncey Smith - Cross-Examination by Mr. Cooper

- 1 | secure the scene, correct?
- 2 | A Yes.
- 3 | Q All right. And that's what you tried to do when
- 4 | you got to this scene. You wanted to go around and make
- 5 | sure that nobody was there, right?
- 6 | A Yes.
- 7 | Q And that includes -- I guess primarily checking
- 8 | entrances and exits to the apartment, right?
- 9 | A To an extent.
- 10 | Q To an extent. Well, those are two of the main
- 11 | things you did, right?
- 12 | A When you said checking --
- 13 | Q Did you check the doors?
- 14 | A If you'll let me answer -- when I say securing the
- 15 | scene, I don't mean, per se, going and pulling on every
- 16 | door. I mean checking closets, checking showers, checking
- 17 | types of places where someone might hide.
- 18 | Q All right. So, you told Mr. Potts a second ago
- 19 | that this was one of the biggest apartment complexes in
- 20 | your region?
- 21 | A Yes.
- 22 | Q A lot of people live there?
- 23 | A Yes, sir.
- 24 | Q Are the units pretty close together?
- 25 | A They are.

Chauncey Smith - Cross-Examination by Mr. Cooper

1 Q So when you're standing in this little -- I believe
2 you called it a horseshoe area, would it be fair to say
3 that you're only a couple of feet from the next person's --
4 other little back door area? Is that true?

5 A When I say it's a horseshoe, I mean it's a
6 horseshoe as in -- there's one building, who her neighbors
7 would have been close to her, and then there's another
8 building, which is several hundred feet away and it kind of
9 looks like a horseshoe.

10 Q How many units are in one of these buildings, you
11 think?

12 A I'd guess between eight to -- eight probably in
13 hers, and about sixteen in the ones that are upstairs and
14 downstairs

15 Q All right. And the back doors are close to each
16 other?

17 A They are.

18 Q All right. And that was the case with her
19 building, right? Ms. Morrow's building, correct?

20 A Yes, sir.

21 Q All right. Now, you -- Let's refer back to what's
22 already into evidence as State's -- I think it's 6. Okay.
23 I'm sorry, I've got 7. We can go ahead and do 7.

24 MR. COOPER: For the record, I'm referring to
25 State's 7.

Chauncey Smith - Cross-Examination by Mr. Cooper

1 By Mr. Cooper:

2 Q And if you want to step down, that's fine. This is
3 the picture of the back door you encountered?

4 A Yes, sir.

5 Q And you didn't notice any signs of forced entry on
6 that door, did you?

7 A I didn't necessarily look for signs of forced
8 entry.

9 Q So you didn't notice any?

10 A Right.

11 Q All right. And this is a larger picture of that
12 door, right?

13 A Yes, sir.

14 Q And this is another picture of the door?

15 A Yes, sir.

16 Q All right. Now, this is a picture of the front
17 door of the apartment, right?

18 A Yes.

19 Q And this is the door you say was locked when you
20 approached it, right?

21 A Yes, sir.

22 Q Okay.

23 MR. COOPER: For the record, I'm referring to

24 what's already in evidence as State's 8. This is --

25 depicts the rear view of the front door that we just talked

Chauncey Smith - Cross-Examination by Mr. Cooper

1 about, right.

2 A Right, looking down from --

3 Q Yes. And that's the door that was locked when you
4 got there, right?

5 A Yes.

6 Q All right. And you said that often -- your
7 testimony was a minute ago -- often because these doors
8 that are depicted in State's 7, this sliding glass back
9 door, because in your experience they're often unstable,
10 your testimony was that people often take extra efforts to
11 secure them; isn't that right?

12 A Yes, sir.

13 Q All right. And they take those extra efforts to
14 secure them to keep people from getting in.

15 A Yes, sir.

16 Q All right.

17 MR. COOPER: Beg the Court's indulgence.

18 By Mr. Cooper:

19 Q Just a couple more things officer. Your testimony
20 just a minute ago, just for clarification, that when you
21 went back in that back area, it was quite dark, right?

22 A Yes, sir.

23 Q All right, sir. When you encountered Ms. Morrow,
24 you didn't notice any significant physical injuries to her
25 face, did you?

Whitney Reaves - Direct Examination by Ms. Fent Bodman

1 A No, no.

2 Q All right.

3 MR. COOPER: That's all I have, Your Honor.

4 THE COURT: Anything further?

5 MR. POTTS: Nothing from the State, Your Honor.

6 THE COURT: You may step down, sir.

7 THE WITNESS: Thank you.

8 THE COURT: Next witness.

9 MS. FENT BODMAN: State calls Whitney Reaves.

10 THEREUPON,

11 WHITNEY REAVES,

12 after being duly sworn, testified as follows:

13 THE CLERK: Please have a seat and state your full

14 name for the record.

15 THE WITNESS: My name is Whitney Reaves.

16 **DIRECT EXAMINATION**

17 By Ms. Fent Bodman:

18 Q Whitney, how are you related to the defendant,

19 Roosevelt Reaves?

20 A He's my brother.

21 Q Okay. Did he -- did y'all grow up in Columbia,

22 South Carolina?

23 A Eastover, South Carolina.

24 Q Eastover. That is where your family is from?

25 A Yes.

Whitney Reaves - Direct Examination by Ms. Fent Bodman

1 Q Has he been -- prior to January 20th of 2010, was
2 he living in Columbia, South Carolina?

3 A No.

4 Q Okay. Around that time, did he come into town?
5 Did he come to visit?

6 A He was --

7 Q Did he -- January of 2010?

8 A Yes.

9 Q Do you recall the exact date that he came into
10 town?

11 A Not the exact date, but it was around the second
12 week of January, I remember.

13 Q Okay. And tell the jury a little bit about
14 yourself. Where do you live and work right now?

15 A Right now, I'm student at the University of South
16 Carolina, Upstate. Also at Sherman Chiropractic School. I
17 live in Spartanburg, South Carolina, and I've been living
18 there since January.

19 Q Okay. And in January of 2010, where did you live?

20 A I lived at in Columbia, South
21 Carolina, off of .

22 Q Okay. And, now, I guess the same -- you've been in
23 here for a little while. Is that the same apartment
24 complex that we've talked about that's here on Diagram 5?

25 A Yes.

Whitney Reaves - Direct Examination by Ms. Fent Bodman

- 1 Q Okay. And specifically, what apartment did you
2 live in?
- 3 A -----.
- 4 Q ?
- 5 A Yes, ma'am.
- 6 Q Okay. And I don't know if -- we didn't show you
7 this diagram before you testified, but this has been
8 testified that this is the entry where the gate is. Is
9 your apartment --
- 10 A Yeah.
- 11 Q Okay. Just so -- I don't -- if you can point to
12 where it was you found your apartment?
- 13 A (Pointing).
- 14 Q Okay. And who did you live there with?
- 15 A I lived along with my daughter. She was then one
16 years old.
- 17 Q Okay. Did he -- did the defendant come to actually
18 stay at your apartment while he was here visiting Columbia?
- 19 A No.
- 20 Q He never stayed at your apartment?
- 21 A He stayed at my apartment, but he never came to
22 Columbia just to stay.
- 23 Q Oh, yeah. I'm just saying that, that January while
24 he was here, did he -- where all did he stay while he was
25 here? While he visited?

Whitney Reaves - Direct Examination by Ms. Fent Bodman

1 A He visited my home. He visited my other sister's
2 home. He also visited my mom's home.

3 Q Okay. Did he ever come and during that visit stay
4 at your apartment?

5 A Yes, ma'am.

6 Q Okay. And do you recall the exact day that that
7 was that he came and stayed at your apartment?

8 A No, ma'am, I do not. I don't recall the exact
9 date.

10 Q Okay. Would it help to refresh your memory if you
11 -- did you give a written statement?

12 A Yes, ma'am, I have a written statement.

13 Q Okay. And you gave that statement, I guess, much
14 closer in time -- you gave that statement February 8th of
15 2010?

16 A Yes, ma'am.

17 Q Okay. Would it help you to refresh your memory
18 about what specific date he came and stayed at your
19 apartment?

20 A I stated -- I didn't give an exact date. I just
21 said it was the second week of January because that was my
22 first week of classes.

23 Q Okay. Look at page 3 -- if I can direct your
24 attention to page 3, about half way down. It says, Can you
25 tell Investigator Carter the date that Mr. Reaves came to

Whitney Reaves - Direct Examination by Ms. Fent Bodman

1 | your residence?

2 | A He came during the second week of school at
3 | Midlands Technical College. It was January 20, 2010.

4 | Q So you did give a specific date of January 20th,
5 | 2010?

6 | A Yes.

7 | Q Okay. And that day, the 20th, generally speaking,
8 | I guess, how was it that he came to stay at your apartment
9 | that evening?

10 | A I would have to read from my notes because it's
11 | been a long time for me.

12 | Q Okay.

13 | A Can you repeat the question.

14 | Q Yes. Just generally speaking, how was it that he
15 | came to stay at your apartment? I mean, did someone ask
16 | you to let him stay, did you ask? Did you offer? Just
17 | kind of generally how that came about.

18 | A Well, just briefly speaking, I remember that when
19 | he was in town, he had been staying at my sister's house
20 | and one morning him and my mom came over and mom had to go
21 | to the doctor's office, and they knew that it was going to
22 | be an extensive time period. So I said mom, you know, I'm
23 | rushing out to get to school because I had an 8 o'clock and
24 | 10 o'clock class and I told mom, You go ahead and take my
25 | daughter to daycare for me and because my brother did not

Whitney Reaves - Direct Examination by Ms. Fent Bodman

1 want to go to the doctor's office with her, he could just
2 stay here. I had the television, cable TV and he would be
3 comfortable here; and that's how he ended up staying.

4 Q Okay. Did he have a car at his disposal while he
5 was visiting?

6 A No, ma'am.

7 Q Okay. So either your mom or you or your other
8 sister gave him rides around?

9 A Exactly.

10 Q Okay. So initially, were you going to stay at the
11 apartment with your brother? You and your daughter were
12 going to stay there?

13 A Yes.

14 Q Okay. I'd ask that you refresh your memory again
15 on your statement?

16 MR. COOPER: Your Honor, this is improper
17 testimony. She didn't say she couldn't remember.

18 THE WITNESS: Well, I have everything here in front
19 of me. It's a lot of documentation. I'm trying to re-read
20 over the paragraphs while I'm sitting here.

21 THE COURT: Question by the State?

22 MS. FENT BODMAN: Beg the Court's indulgence.

23 By Ms. Fent Bodman:

24 Q Okay. On the top of page 4. Did you not ask if
25 you could go stay at your older sister's home --

Whitney Reaves - Direct Examination by Ms. Fent Bodman

1 MR. COOPER: Your Honor, she's leading the witness.
2 Objection.

3 MS. FENT BODMAN: I'm impeaching the witness with a
4 prior inconsistent statement.

5 MR. COOPER: She didn't make an inconsistent
6 statement.

7 I'm sorry. Your Honor. I think she's leading the
8 witness. That's my objection.

9 THE COURT: Objection is leading the witness. The
10 objection is sustained as to the form of the question.
11 State your question in the proper form.

12 By Ms. Fent Bodman:

13 Q Did you initially decide, and did you initially
14 leave your apartment and not stay there with your brother?

15 A Yes.

16 Q Okay. And where did you go first?

17 A I left and I went to my other sister's home.

18 Q Okay. And then what brought you back to your
19 apartment?

20 A I went back because usually I'm not used to leaving
21 my home and leaving someone there. But just in case
22 anything bad was to happen, I wanted to be there at my
23 home.

24 Q Okay. And so who did you then ask to go with you?

25 A I asked the father of my child to come back with me

Whitney Reaves - Direct Examination by Ms. Fent Bodman

1 and stay the night with me and my daughter to make sure
2 that everything was safe.

3 Q Okay. When you came back to your house, do you
4 recall approximately about what time it was that you came
5 back to your apartment?

6 A It had to have been rather late around ten or
7 eleven or one o'clock at night.

8 Q Okay. And what happened when you arrived then back
9 to your apartment?

10 A When I arrived back at my apartment, me and my
11 daughter and the father of my child went in the bedroom and
12 we went -- because it was already late -- and we went onto
13 bed.

14 Q And at that point when you come back, is the
15 defendant, your brother in the apartment?

16 A Yes, he was.

17 Q And how did you -- how were you able to get back
18 into your own apartment?

19 A Well, I used the key to get in, but it was a dead
20 bolt on the other side with the chain and I went to open
21 it. I left and said, Hey, can you come open the door for
22 me. He said, sure.

23 He came and unlocked the chain, and then we walked
24 in.

25 Q Okay. And then you said you, your daughter and the

Whitney Reaves - Direct Examination by Ms. Fent Bodman

- 1 father of your daughter, all went into your bedroom?
- 2 A Yes.
- 3 Q Okay. And then, I guess, when is the next time you
- 4 come out of your bedroom?
- 5 A I don't think -- I don't have that in my statement,
- 6 but I don't remember coming back out of my bedroom until --
- 7 Q Until like the next morning?
- 8 A Yes, it was really early the next morning.
- 9 Q Okay. And is he in your apartment then the next
- 10 morning?
- 11 A Yes, he was.
- 12 Q Okay. When you left your brother the night before
- 13 on the 20th and went to go to your sister's house, did you
- 14 know of his intention to have any visitors or female
- 15 friends over?
- 16 A He doesn't know anybody. He's been gone so long,
- 17 he wouldn't have known anybody. I would never guess that.
- 18 Q Okay. On the corner of and , on the
- 19 opposite side of your apartment complex, there's two --
- 20 there's a minimart?
- 21 A Yes, uh-huh.
- 22 Q And there's a club called Mirrors?
- 23 A Yes, ma'am.
- 24 Q Okay. Have you been to either of those places?
- 25 A I've been to the store. I've never been to

Whitney Reaves - Direct Examination by Ms. Fent Bodman

1 Mirrors.

2 Q And that's within walking distance of your
3 apartment, correct?

4 A Yes.

5 Q And you said that he doesn't have a car --

6 A He does not.

7 Q -- to access?

8 A Correct.

9 Q Do you know him to smoke? Does your brother smoke?

10 A Well, when he lived -- when I knew him, see him on
11 a regular basis, yes, but it's not something to say that he
12 smoked at the time because I had not spent a whole lot of
13 time with him.

14 Q Okay. I guess that would be -- if he wanted to
15 purchase anything -- anything to drink, eat, smoke, that
16 would be the closest place for him to go, walk over
17 purchase something and then walk right back?

18 A Yes, if he had the funds to do it.

19 Q Okay. Your mother, what is her name?

20 A Her name is Rosalind Reaves.

21 Q And have you known your mom to have a cell phone?

22 A Of course.

23 Q And how many cell phones at one given time -- at
24 one time, have you known your mom to have?

25 A Well, like earlier -- when I was talking to you

Whitney Reaves - Direct Examination by Ms. Fent Bodman

1 | earlier in the week when I spoke with you, when you say how
2 | many cell phones, you know, of course, over a period of
3 | time, one goes through many cell phones. Now, how many of
4 | those have been activated that I have known of, only one of
5 | them.

6 | Q Okay. And what's that phone number that you would
7 | contact her at?

8 | A I cannot recall that far along ago. I could look
9 | here -- maybe I stated a number then.

10 | Q Do you recognize --- ?

11 | A Yes.

12 | Q As what number?

13 | A My mom's cell number.

14 | Q And is that the only number you've ever contacted
15 | her at, I guess?

16 | A No, she's had other cell phones in the past.

17 | Q Okay. But didn't you say -- when you say only one
18 | number, what do you mean by that?

19 | A When I said only one number, like it's only one
20 | phone that you can contact her at -- at a time. Not
21 | several phones that I could just, you know --.

22 | Q And she had this phone number back in January of
23 | 2010?

24 | A I can't remember the exact numbers because, you
25 | know, she has had different cell phones over a period of

Whitney Reaves - Direct Examination by Ms. Fent Bodman

1 time. But I don't think her number has changed within the
2 last year, you know.

3 Q And do you recognize 353-8335?

4 A That's my mother's home number, the old mobile home
5 number. She doesn't have that one anymore.

6 Q Okay. So that's a landline phone?

7 A Yes, ma'am.

8 Q It's not a cell phone?

9 A Yes, ma'am.

10 Q That's her home number. And the only cell phone
11 number you recall her to have is the --- ---?

12 A The recent one. The most recent one, yes.

13 Q Okay. What was the nickname that you used to refer
14 to your brother as?

15 A His nickname the Buddha.

16 Q Buddha. When was it then -- I guess, let me back
17 up. Was there a particular family event that your brother
18 came to Columbia for? Like somebody's birthday, an
19 anniversary or something like that?

20 A No.

21 Q When he came, did you have an understanding of how
22 long he was going to be here?

23 A No.

24 Q And when did he leave Columbia?

25 A It must have been days after the 20th. I may have

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1 it here in my statement.

2 Q If you want to take time to review your statement

3 --

4 A Yes. If you look at the top of page 5.

5 A It says the 21st of January.

6 Q And what time did your -- what time did he leave
7 that night?

8 A He usually leaves on a Greyhound bus, and it has
9 here that he left at about 10:30.

10 Q So that next day, January 21st -- he stayed at your
11 house on the 20th and he left on the 21st?

12 A Yes.

13 MS. FENT BODMAN: No further questions.

14 THE COURT: Cross-examination.

15 MR. COOPER: Beg the Court's indulgence, Your
16 Honor.

17 **CROSS-EXAMINATION**

18 By Mr. Cooper:

19 Q Good afternoon.

20 A Hi.

21 Q You just went over some dates and times with
22 Ms. Fent. But you weren't positive about those dates and
23 times from your own recollection were you?

24 A I have them written here, it's just -- I was
25 supposed to receive this document earlier in the week, but

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 the e-mail didn't come along with an attachment. And just
2 today I just received another copy of my statement. So I
3 have a hard time remembering everything.

4 Q All right.

5 MR. COOPER: That's all I have, Your Honor.

6 Nothing further.

7 THE COURT: Anything further?

8 MS. FENT BODMAN: No further questions.

9 THE COURT: You may step down.

10 Next witness.

11 MS. FENT BODMAN: State calls Rochelle Morrow.

12 THEREUPON,

13 ROCHELLE MORROW,

14 after being duly sworn, testified as follows:

15 THE CLERK: Please have a seat. State your full
16 name for the record.

17 THE WITNESS: Rochelle Mae Morrow.

18 **DIRECT EXAMINATION**

19 By Ms. Fent Bodman:

20 Q Ms. Morrow, if you can tell the jury, I guess, just
21 a little bit about yourself. Where did you grow up?

22 A I grew up in -- a Navy brat -- Memphis, Tennessee.
23 I grew up in Memphis Tennessee, and I'm a Navy brat, and so
24 traveled a little bit, did a little bit in Spain but mostly
25 down south in Memphis, Tennessee.

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 Q And then tell us a little bit about your career
2 path. Where did you go to school? What kind of jobs have
3 you had?

4 A Well, I went to school in, like, Memphis, Tennessee
5 and I went to Glassco Spain and then went back to Memphis.

6 Q You went where in Spain?

7 A It's name is the Glassco Feria. It's like a
8 satellite school for Navy brats. And then after that -- I
9 was in the Navy, did about nine years.

10 Q What did you do for the Navy?

11 A Personnel -- personnel work. And then after that
12 got married and then tried to stay married for a long time,
13 but that didn't work. I came down here with my daughter to
14 South Carolina and I got a job at -- actually, Augusta,
15 Georgia, and then got a job at Verizon Wireless and moved
16 to Columbia, South Carolina.

17 Q Okay. So how long did you live in Columbia, South
18 Carolina?

19 A I lived there about two years or so.

20 Q Okay. And how many children do you have?

21 A I have two children.

22 Q Okay. Boys? Girls?

23 A Two girls.

24 Q How old are they?

25 A One is 29 and the other one is 22.

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 Q And what does your 29-year-old do for a living?

2 A She has an engineering degree, and she's like a
3 marketing special list for a competing company, AT&T.

4 Q And what about your 22-year-old, what does she do?

5 A She just graduated from Emory, and she's currently
6 looking for a job.

7 Q Graduated with what kind of degree?

8 A Economics.

9 Q And your 22-year-old daughter is here with you?

10 A Yes.

11 Q Tell us a little bit about then -- do you still
12 work with Verizon?

13 A Yes.

14 Q What do you do for Verizon?

15 A Okay. A coordinator, actually.

16 Q And does your day entail at work?

17 A Listen to people complain about their phones and
18 try to walk them through fixing their phones, and tell them
19 about price of plans.

20 Q When you lived here in Columbia, South Carolina,
21 where did you live?

22 A I lived at .

23 Q And is that the apartment complex we've been
24 talking about and the diagram that we've referred to?

25 A Yes.

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

- 1 Q Okay. At, I guess, _____?
- 2 A Yes.
- 3 Q The corner of _____?
- 4 A Yes.
- 5 Q And your apartment number was what?
- 6 A _____.
- 7 Q Who all lived there with you?
- 8 A Actually only me. My daughter would come and visit
- 9 when she was out of college sometimes.
- 10 Q And is it a single story apartment, two floors?
- 11 A It's two floors.
- 12 Q How many bedrooms?
- 13 A One.
- 14 Q And is there any kind of entrance or exit from the
- 15 second floor?
- 16 A No.
- 17 Q So what all -- what rooms are on the second floor?
- 18 A Just a bedroom and a bathroom.
- 19 Q Okay. Any balcony?
- 20 A No.
- 21 Q And now, the first floor, what entrances and exits
- 22 do you have on the first floor?
- 23 A Okay. I have a door in the front, and a sliding
- 24 glass window in the back.
- 25 Q And are those the only two entrances?

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

- 1 A Right.
- 2 Q Okay. The officer identified some photos of your
- 3 apartment. And I'll show you first, State's Exhibit No. 7.
- 4 And is that, I guess, the entrance to your apartment?
- 5 A It's the front door.
- 6 Q Okay.
- 7 A And that's the back -- out from the back. And
- 8 that's the sliding glass door.
- 9 Q Okay. And in your backyard, the sliding glass
- 10 door, what all did you have there?
- 11 A Okay. It was just bushes, like a little -- like a
- 12 little patio, and then from there it was just like two big
- 13 bushes.
- 14 Q Did you have any furniture or anything bang there
- 15 on your patio?
- 16 A I had like a barbecue pit that had --
- 17 Q Since this was January, mid January, tell us about
- 18 the frequency of the use of your back door and that patio.
- 19 A Not at all because it's too cold to do anything out
- 20 there.
- 21 Q So did you use this at all as a regular entrance
- 22 and exit to your apartment?
- 23 A No, I didn't.
- 24 Q In looking at State's Exhibit 6, what are we
- 25 looking at here?

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 A Okay. That's the hallway going into the living
2 room and that's the hallway as well.

3 Q Here, let me come over there. Go ahead and sit
4 down.

5 A This is the living room and that's near the back
6 door, the sliding glass door right here.

7 Q Okay. And this, I guess this is the stairwell up
8 to the second floor?

9 A Yes, uh-huh.

10 Q Okay. And then this view -- that looks like the
11 -- what is that?

12 A That's the entranceway to the living room.

13 Q Okay. What is that on that chair?

14 A Oh, that's my little blankie.

15 Q Okay. So is that what we're seeing there?

16 A Yes.

17 Q It's just -- get a closer view?

18 A Right, uh-huh.

19 Q Okay. Tell us a little bit about your activities
20 or the things you were involved in here in Columbia. What
21 would you do after work?

22 A Mostly just watch TV, do a lot of reading. I go on
23 the computer, do a couple of games, and then I get off and
24 go to bed. I joined a church and I had started singing in
25 the choir, the church choir. And that's it. I'd go to

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 | movies, but, you know, that's about it.

2 | Q Okay. So your evenings, home alone, where would
3 | you generally spend your evenings if you stayed at home?

4 | A On the living room couch.

5 | Q Okay. You said watching TV or playing games?

6 | A Uh-huh, or reading.

7 | Q On January 20th at about nine o'clock, you called
8 | 911?

9 | A Yes..

10 | Q Did you listen -- you were in the courtroom and you
11 | listened to that call, right?

12 | A Right.

13 | Q Can you tell the jury a little bit about what
14 | happened, where you were, what did you hear. What happened
15 | that caused you to call 911?

16 | A Okay. I was sitting on the couch and I was looking
17 | at television, and I heard something like a -- almost like
18 | a strange noise, like a rustling or something or a screech
19 | noise. It was like 9:08 or something like that. And so it
20 | scared me, and so I said I'll call the police because it
21 | was more than once that I heard it.

22 | And I called the police because I was scared and I
23 | was like, Okay. But I'm thinking, okay. I'm going the
24 | call them and I'm going to turn on a light. And I turned
25 | on a light, and looked out to see if I saw anything, to see

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 | if I could see any shadows. I said, No, I don't see any
2 | shadows or anything like that. So I'm thinking, okay.
3 | You're just being ridiculous, just, you know, don't bother
4 | these people. They've got important things to do. So I
5 | said, Okay, nevermind and hung up.

6 | Q And then what do you remember doing next?

7 | A Watched the end of the program, turned off all the
8 | lights, went upstairs and went to bed.

9 | Q And what kind of -- do you remember the routine
10 | that you went through getting ready for bed?

11 | A Well, you know, I just go to bed. I just, you
12 | know -- I hate to say this, it's so embarrassing. Okay.
13 | I'm going through menopause, so I sleep in the nude. And
14 | I'm just so embarrassed. And that's it. I just go to bed,
15 | and I turn off all the lights and that's it.

16 | Q Okay. Do you remember about what time it was when
17 | you went to bed?

18 | A Around 10:30.

19 | Q And what's the next thing then that you remember
20 | happening?

21 | A The next thing I remember is, I heard a loud creak,
22 | and it woke me up; and so I'm thinking, okay. You're just
23 | hearing things. Just go back to sleep, you know.

24 | And then it's like I heard like a rustling near by
25 | dresser, which is across from my bed. I heard a rustling,

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 and I said, Oh, my God, I think somebody's here. And so I
2 was very, very -- I said okay, if I can be still maybe they
3 can just steal whatever it is they want and just leave.
4 And then, you know, somebody sat -- I could feel the
5 pressure of somebody sitting beside me and I'm like, this
6 way, saying, Please, please, just go away. Please just
7 take what you want and just go away, you know, please,
8 please.

9 Q Were you actually saying that out loud or just
10 saying it in your mind?

11 A No, I was saying it out loud to this person. You
12 know, Please just go away. Just take the money and just go
13 away, please. And that's when that person said, you know,
14 well, I just want to --

15 Q Whatever it is that that person said to you, you
16 can say in this courtroom.

17 A I just want to fuck you.

18 And I was like, Please don't, please don't. You
19 know.

20 And then they kind of told me in a mean way to shut
21 up. You know, so I just shut up, you know.

22 Q Okay. What do you remember happening next?

23 A Okay. I was crying, and I was facing this way; and
24 he sat down and he was licking my back and I was like,
25 Please, I still had my legs closed and then he proceeded to

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 take his finger and put it inside of me and I was like,
2 please, please, you know, please don't. And he was like,
3 shut up. And then he penetrated me.

4 Q When you say he took his finger and put it inside
5 of you, I need you to be able to tell us where it was that
6 he put his finger?

7 A He put his finger inside my vagina.

8 Q Okay. And then you said -- you went on to just say
9 and then he penetrated me?

10 A Uh-huh.

11 Q What do you mean by that?

12 A He -- he proceeded to put his penis in my vagina
13 and, you know, it -- and, I can't say made love, but -- and
14 proceeded to have sex. And he then -- after he had sex in
15 one position, he forced me to get on the bed or whatever
16 and -- he was like, Cover your eyes. Keep your eyes
17 closed. And I said okay. And then he had me, you know --
18 oh, my God, oh, my God.

19 Q It's okay.

20 A Did doggie style and then after that I was like --
21 you know, I'm hurting. I'm like, God, please just let him
22 stop. And then he was like he wasn't finished and he had
23 me lie down on my back and he was -- he was having sex with
24 me and it was like very, very hurtful, and it was, you
25 know, just hurtful. And then he was like -- he said

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 something like, Nut for me, nut for me, or whatever. And
2 every time he said that, he just really thrust, really,
3 really, really hard and I mean, it's just like my body
4 started shaking because it was just so painful.

5 And then -- okay. Then he stopped and so he -- and
6 then when he got up he said, like, really weird like he
7 thought it was like a friendly thing or something like --
8 I've been watching you. He was saying this other stuff
9 while he was doing that. He was like, you don't have a man
10 around. I've watched you before and I know you don't have
11 anybody else and -- oh, boy. And --

12 Q If you need the take a minute, just let us know.

13 A And he was saying weird stuff.

14 Q He said, I've been watching you?

15 A Uh-huh.

16 Q And then he said something about, I know you don't
17 have a man?

18 A Uh-huh.

19 Q Is there anything else you remember him saying?

20 A He says, like, You got pretty hair, or something
21 like that. And then he was like, I wanted to meet you
22 before. I didn't want it to be like this. I'll come back
23 -- after he finished, he was like, I'll come back. I'm
24 sorry it was like this. I seen you before. I wanted to
25 meet you, but I didn't want it to be like this, but I'll be

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1 back. You know, and then he left.

2 And he said like, Don't immediately call the
3 police, you know. And then I just heard him -- you know,
4 go downstairs, and I heard a loud -- like he shut
5 something. I don't know if it was the door or the window
6 or whatever, but he shut something, and then I called the
7 police.

8 Q In your bedroom, if you can show us -- this is on
9 State's Exhibit No. 9, actually. I need you to keep your
10 voice up, okay?

11 A Okay.

12 Q Talk even louder than before because the court
13 reporter needs to make sure she gets this down, okay?

14 A Okay.

15 Q I need you to walk over here with me. Take a look
16 at these pictures. Can you show us what side of the bed it
17 was that you said you were lying on?

18 A Okay. I was lying on this side of the bed.

19 Q So if we're staring at the bed, it's on the right
20 side?

21 A Yeah, I guess.

22 Q Okay. On this side where, I guess this red pillow
23 is?

24 A Yeah. And I was like toward the -- yeah, because
25 -- my back is, you know, toward the front of the door. And

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 that's my bedroom.

2 Q Take a look at -- what is this door -- where does
3 that go right there?

4 A That goes to the -- that goes to the bathroom.

5 Q Okay. And then -- so that would be, I guess, the
6 bathroom door there. That's the dresser. And where does
7 this door go?

8 A That goes downstairs. That's the top of the
9 stairs.

10 Q Okay. So he comes in through the door and you said
11 that he sat down behind you, so not to your face, but to
12 your back?

13 A Yeah, to my back.

14 Q So. So which side of the bed does he sit down on?

15 A He sat down on this side of the bed.

16 Q Okay.

17 A Because my back was facing this way.

18 Q Was facing over -- on this side is -- on this side
19 of the wall, there is the door to the bathroom. What is on
20 the opposite wall -- actually -- we have another photo of
21 it. Hold on.

22 So this is a window, I guess?

23 A That's a window, yeah.

24 Q Okay.

25 A So my back was here, facing the window. So I'm on

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 | this side.

2 | Q Okay.

3 | A And my back is to that -- here. Like I'm laying
4 | like here.

5 | Q So your face is looking at the window?

6 | A Looking at the window, yeah.

7 | Q Okay.

8 | A And then he sat there and, you know -- so I told
9 | him, Please, please, don't do that, you know, don't -- you
10 | know.

11 | Q Okay. So when you said initially he takes his
12 | finger and he put his finger in your vagina first?

13 | A Uh-huh.

14 | Q Okay. Then you said he penetrated you. So what's
15 | happening in terms of, you know, him -- you moving into
16 | different possessions or how is this happening? Tell us
17 | about that.

18 | A Okay. Because at first, you know, I'm -- I
19 | normally sleep toward the edge of the bed, so when he sat
20 | down, I could feel him -- you know, feel the pressure of
21 | him sitting down. So, you know, he kind of like puts his
22 | self to me and spoons me. And, of course, there's not
23 | enough room, so it's like I'm pushed over. Okay. And then
24 | he penetrates with his finger and then, you know, because I
25 | wouldn't open my legs, he moves me and then he, you know,

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 starts thrusting and somewhere in the middle of the bed or
2 whatever, and then he wanted a different position, so --

3 Q So when he penetrates you with his penis, he is
4 still --

5 MR. POTTS: Objection, leading.

6 By Ms. Fent Bodman:

7 Q When he penetrates you with his penis, what
8 positions are the two of you in?

9 A Okay. One is beside, the other is -- I'm on the
10 bottom, he's on top; and the other one is where I was still
11 on the bottom, but I'm, you know, doggie style and he's on
12 the top; and then the final one is where, you know,
13 missionary style.

14 Q Okay. So it was multiple times?

15 A (Witness nodded head.)

16 Q Could you estimate about how long this lasted?

17 A Seemed like forever. I mean I was just like -- it
18 was just awful. It was like he wouldn't stop. Maybe an
19 hour or thirty minutes, something like that.

20 Q Go ahead and have a seat up there.

21 You mentioned that you were in pain. When in --
22 during this time period did you first experience the pain?

23 A When he penetrated me because he was like,
24 you're -- you know, you're tight, I like it -- so as soon
25 as he penetrated me and the thrusting, you know.

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

- 1 Q So the first time he penetrated you?
- 2 A (Witness nodded head.)
- 3 Q And where exactly was this pain? Where were you
- 4 experiencing the pain?
- 5 A In my pelvic region, yeah.
- 6 Q Other than that you've already said about initially
- 7 saying, Please, just take whatever you want to and don't
- 8 hurt me, do you recall saying anything else during the
- 9 assault?
- 10 A No, I can't remember anything right now.
- 11 Q Do you remember where you put your cell phones when
- 12 you went to bed?
- 13 A Okay. I always put them on -- it's like a little
- 14 box -- night stand that I have, like a night stand at my
- 15 bed.
- 16 Q Next to your bed or -- Let's see if I can get a
- 17 good picture. Let's first take a look at -- maybe this
- 18 will show it because we can see, I guess your bed right
- 19 here and then there's a dresser and then I guess there's
- 20 --
- 21 A Yeah. That's it, yeah.
- 22 Q And at this time, how many different phones did you
- 23 have?
- 24 A I had three.
- 25 Q Okay. And tell me about those three telephones

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 that you had.

2 A Okay. The one that I normally use is just -- it's
3 like a smart phone, it's an old phone. And I had a second
4 one that I used just to play games with, and then I had a
5 third one that I always keep, like -- it's a throw away
6 phone in my purse. Like it's a prepaid phone. And --

7 Q So what's the main phone that you used?

8 A The smart phone, the Ozone. I used that one.

9 Q You said the other one you would just use to play
10 games on?

11 A Uh-huh.

12 Q So was it at all activated to make calls?

13 A No.

14 Q If an un-activated phone was -- working for Verizon
15 maybe you can tell us this. On an un-active phone, as long
16 as you have power to it, can you call 911?

17 A Yeah.

18 Q And then your -- you said a throw away phone that
19 you would just buy minutes on it?

20 A Uh-huh.

21 Q Why did you have that one?

22 A Because if your cell phone runs out of power or if
23 you're -- it's kind of good the have it if you're driving,
24 and if you're female driving or your car breaks down or
25 whatever. I mean, even though you have it with you all the

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 time, it's good to kind of throw it in the glove
2 compartment because you never know.

3 Q Okay. And so what happened to your phones? Or in
4 calling 911, do you remember which phone you called 911
5 with?

6 A I used my throw away phone, yeah.

7 Q And so did you find your other two phones?

8 A No, he had stolen them.

9 Q I'm going to show you what is marked as State's
10 Exhibit 14, and ask you to just take a look at that. And
11 do you recognize it?

12 A Yeah. That's my phone. That's the one I used.
13 That's my smart phone.

14 Q The smart phone. The one that you used as your
15 main phone?

16 A Yeah.

17 Q Do you remember where you got the phone to call
18 911? Was it in -- upstairs in your room? Did you have to
19 go downstairs?

20 A It was in my purse and my purse was, you know -- I
21 have like a little thing on the bottom of my bed, you know,
22 and it's always in my purse.

23 Q Okay. So after you called 911, and the officer
24 showed up to your apartment, where did you go next?

25 A Okay. I went to the ambulance, you know, and there

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 I was examined.

2 Q Where did the ambulance take you?

3 A To Palmetto.

4 Q Okay. To the hospital?

5 A Yeah, to the hospital, yeah.

6 Q Okay. And then at the hospital, what do you mean
7 you were examined? What happened?

8 A Well, at the hospital, they -- at the hospital I
9 was examined by the nurse, and of course, they had like a
10 sexual victim's advocate come with me, and she sat with me
11 for a while until the nurse came; and then I was examined
12 by the nurse.

13 Q And in being examined by the nurse, what all did
14 they examine?

15 A They examined -- actually, they like ran like a
16 blue light or whatever over my skin with -- what is it,
17 with the lights turned off. And she could see exactly
18 where he had touched me at. And then after that, they
19 brushed -- they used some kind of special brush, and you
20 stand on a white piece of paper and they use the brush
21 to -- like if there's any skin or whatever and then they
22 take that -- of course, they take all your clothes and then
23 she examined -- did a vaginal inspection, did an anal
24 inspection and I think that was -- oh, took a swab. Yeah.

25 Q And how many hours were you there at the hospital?

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 Do you remember?

2 A I think I left about eight o'clock that morning.

3 My relatives came. My dad came.

4 Q Did you have any idea who this person was that came
5 into your home and assaulted you?

6 A No.

7 Q When you were saying on the 911 call that the
8 person broke into your home, what made you say that?

9 A Because I was asleep, you know. I was asleep in my
10 bed and next thing I know, you know, there's somebody at
11 the top of my stairs.

12 Q Did you invite anyone into your home that evening?

13 A No.

14 Q Do you remember what the phone number was for your
15 smart phone?

16 A No.

17 Q I'm going to show you what's been marked as State's
18 Exhibit No. 23 for identification purposes. And I want you
19 to take a look at that and see if you recognize it?

20 A Yes. That's -- that would be my bill.

21 Q Okay. And what do you remember about this bill?
22 How is it that law enforcement came to have a copy of your
23 phone bill?

24 A Okay. I gave them a copy of it because the person
25 had stolen my cell phone, and so they wanted to know, like,

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 | what was the last calls that were made or whatever. And so
2 | I could still go onto the computer and pull up my call
3 | records from my billing.

4 | Q So if we look at the third page here and at the
5 | -- must be at the top, does that refresh your memory as to
6 | the phone number that you had at the time?

7 | A Yes.

8 | Q And what was that number?

9 | A [redacted]

10 | Q And do you recognize the telephone number, area
11 | code [redacted]? Where do your daughters live?

12 | A Atlanta.

13 | Q Okay.

14 | A That's my oldest daughter's.

15 | Q Is that the area code?

16 | A Yeah.

17 | Q And so your oldest daughter, what's her name?

18 | A Tiffany.

19 | Q [redacted], whose number is that?

20 | A That's Tiffany's -- that's Tiffany's cell phone.

21 | Q Your daughter, Tiffany's number?

22 | A Uh-huh.

23 | Q Do you remember talking to your daughter earlier
24 | that evening before this happened?

25 | A Yeah. I called her. I always check up on her.

Rochelle Morrow - Direct Examination by Ms. Fent Bodman

1 Q Did you have any other information that you could
2 provide law enforcement with who this person was? Could
3 you give a description?

4 A No. Because all I could see was, for a brief
5 minute, was a shadow and then he wanted me to cover my eyes
6 while he had sex with me.

7 Q After this happened, did you go back and stay at
8 your apartment?

9 A No. I went back that morning with my father, my
10 uncle and aunt. I just went back and got some clothes and
11 went back to my father's house, you know, in another town.

12 Q And then have you lived in Columbia since this
13 happened?

14 A No.

15 Q Have you even lived in South Carolina since this
16 happened?

17 A No.

18 Q And what did you do with your bedroom furniture?

19 MR. COOPER: Objection, irrelevant.

20 THE COURT: Objection is overruled.

21 By Ms. Fent Bodman:

22 Q What did you do with your bedroom furniture?

23 A I threw it away. I couldn't -- I couldn't bear to
24 see it.

25 Q No further questions at this time. If you would

Rochelle Morrow - Cross-Examination by Mr. Cochran

1 just answer any questions from defense counsel.

2 MR. POTTS: Thank you, Your Honor, may it please
3 the Court?

4 THE COURT: Yes, sir.

5 **CROSS-EXAMINATION**

6 By Mr. Cochran:

7 Q Ms. Morrow, the 20th, I guess of January, had you
8 been working that day or had you had a day off?

9 A I'd been working that day.

10 Q Okay. And so what time, about, did you get home
11 from work?

12 A Around six.

13 Q Okay. And when you got home from work, you locked
14 the front door behind you, I think you told police?

15 A Yes.

16 Q Okay. And there's one door -- one door, I guess, a
17 solid door at the front of the apartment, correct?

18 A Right.

19 Q Okay. And then the other entrance or exit to the
20 house is a sliding glass door at the back, right?

21 A Right.

22 Q Only two entrances or exits?

23 A Uh-huh.

24 Q One -- now, this is January so I guess it's dark
25 out in the evening, right?

Rochelle Morrow - Cross-Examination by Mr. Cochran

- 1 A (Witness nodded head.)
- 2 Q Okay. And when you got home, before you went to
- 3 bed, when you were just hanging out at your house, I think
- 4 you said you were playing a game on your phone or something
- 5 like that or watching TV. You were sitting on your couch;
- 6 it was dark out at that point, right?
- 7 A Yeah.
- 8 Q Okay. And it was dark out when you initially
- 9 called 911 when you heard something, right?
- 10 A Right.
- 11 Q Okay. But you didn't see anybody out in your
- 12 backyard, right?
- 13 A No.
- 14 Q Okay. You turned on the light and didn't see
- 15 anybody back there?
- 16 A Right.
- 17 Q Okay. And you didn't -- did you go outside?
- 18 A No.
- 19 Q No. Okay. And you didn't even -- I think you told
- 20 the 911 operator that you didn't even see a shadow or
- 21 something, right?
- 22 A Right.
- 23 Q Okay. Now, when you -- you canceled the call and
- 24 you said it wasn't necessary to have the police there,
- 25 right?

Rochelle Morrow - Cross-Examination by Mr. Cochran

1 A Right.

2 Q Okay. And then you turned -- or I guess after the
3 call you turned the patio light off again?

4 A Right.

5 Q Okay. Before you went upstairs you turned off the
6 lights downstairs?

7 A Right.

8 Q Okay. You went upstairs and went to bed?

9 A Right.

10 Q Okay. When your bed -- you hear the rustling in
11 your bedroom, right?

12 A Uh-huh.

13 Q Okay. Now, when this person was having sex with
14 you, you said that you -- at one point you were having sex
15 in a way that you were facing that person, right? I mean
16 you described it as missionary position?

17 A Yeah, but that person told me to cover my eyes.

18 Q Okay. And to -- your original statement to the
19 police, you couldn't even identify what the race of the
20 person was, right? And I believe you told the police that
21 they sounded black?

22 A Yeah, I did.

23 Q So they had an accent, I guess, meaning -- you
24 meant that they had an accent that black people may
25 typically have, correct?

Rochelle Morrow - Cross-Examination by Mr. Cochran

- 1 A Yeah.
- 2 Q Okay. But you didn't identify their race by the
3 color of their skin, correct?
- 4 A Right.
- 5 Q And you also said that he had a heavy southern
6 accent, I think?
- 7 A That's right.
- 8 Q Okay. And after -- or before he left, he stole
9 your phone, right?
- 10 A That's correct.
- 11 Q Okay. He stole two phones?
- 12 A Yes.
- 13 Q And one of them was used to call --
- 14 A To play games.
- 15 Q -- very soon after leaving your apartment, right?
- 16 A That's right.
- 17 Q Okay. You ever go to the Quick Mart near your
18 apartment complex?
- 19 A I only went there one time.
- 20 Q In other words, so you wouldn't be on that
21 surveillance video?
- 22 A No.
- 23 Q Never met anybody there?
- 24 A No.
- 25 Q Okay. When the person -- after the person stole

Rochelle Morrow - Cross-Examination by Mr. Cochran

1 your cell phone and left your apartment, you stayed in your
2 bedroom, correct?

3 A That's right.

4 Q All right. And you heard the person go downstairs?

5 A Uh-huh.

6 THE COURT: Ma'am, all answers must be verbal.

7 THE WITNESS: Okay.

8 THE COURT: What's the last response?

9 THE WITNESS: Yes.

10 MR. COCHRAN: Thank you, Your Honor.

11 By Mr. Cochran:

12 Q So you heard him go downstairs. I think I just
13 asked you that.

14 A Yes.

15 Q And you heard him leave, correct?

16 A Yes.

17 Q So you didn't hear him go back through the sliding
18 glass door at the back, you heard him go through the front
19 door in the front, right?

20 A I'm not certain about that.

21 Q Well, there's only two exits, right?

22 A Yes.

23 Q All right. And you told the police originally
24 that -- I'm sorry. You told the police, I heard him go
25 downstairs, and I heard the front door close. Now, when

Rochelle Morrow - Cross-Examination by Mr. Cochran

- 1 | you refer to the front door in your apartment, do you refer
2 | to the sliding glass door or the actual physical solid
3 | door?
- 4 | A Okay. I thought it was the front door, but I could
5 | be wrong.
- 6 | Q You could be wrong?
- 7 | A Uh-huh.
- 8 | Q Okay. Did you hear the door close? Did you hear
9 | any door close?
- 10 | A I heard a door close, yes.
- 11 | Q You heard a door close. And does the door, the
12 | front door sound different than the sliding glass door when
13 | it closes?
- 14 | A Not if you close it hard enough.
- 15 | Q If you close the front door hard enough or the back
16 | door?
- 17 | A Both.
- 18 | Q Okay. If you close them hard enough, they sound
19 | the same?
- 20 | A Yeah, if you're in a hurry leaving.
- 21 | Q Is the front door at the foot of the stairs?
- 22 | A Yes.
- 23 | Q Okay. So the front door is right at the foot of
24 | the stairs?
- 25 | A Yeah.

Rochelle Morrow - Cross-Examination by Mr. Cochran

1 Q Okay. And --

2 A Yes.

3 Q So if you get to the foot of the stairs, you get to
4 the -- you're at the front door. If you want to go through
5 the sliding glass door, you have to go all the way through
6 the living room, right?

7 A Yes.

8 Q Okay. And you do agree that in your original
9 statement to the police you said, I heard him go
10 downstairs, and I heard the front door close?

11 A I did say that in this original.

12 Q Okay. And that's when all this was freshest in
13 your mind, right?

14 A Yeah.

15 Q Okay. And you did have to --

16 A Yes.

17 Q And you did have to go over these things with the
18 solicitor before this trial, right?

19 A Yeah.

20 Q And you met with her, and you went over your prior
21 statements, right?

22 A Yes.

23 Q Okay. You went over all the things that you told
24 the police?

25 A Yes.

Rochelle Morrow - Cross-Examination by Mr. Cochran

1 Q Okay. And you went over the things that you would
2 have to do for us?

3 A Yes.

4 Q You went over the fact that you were going to have
5 to take the witness stand and testify to a jury?

6 A Yes.

7 Q Okay. And you went over what you were going to
8 say, right?

9 A Yes.

10 Q Okay. And you're saying now that you don't quite
11 remember which door it was, that sliding door and front
12 door, that actual door may sound similar, but you -- you do
13 agree that on the date when you spoke to the police when
14 everything was freshest in your mind, before you ever spoke
15 to the solicitor, you said that he closed the front door,
16 correct?

17 THE COURT: Just a moment. The -- is all that
18 question or --

19 MR. COCHRAN: I'm sorry, Your Honor. I can break
20 it up. I can move on.

21 By Mr. Cochran:

22 Q And you also -- when the police got there, after
23 you made the 911 call, you had to unlock the dead bolt on
24 your front door to let this person in, correct?

25 A Yes.

1 MR. COCHRAN: Beg the Court's indulgence.

2 Thank you, Your Honor. No more questions.

3 Thank you, Ms. Morrow.

4 THE COURT: Redirect examination.

5 Just a moment ma'am. Wait until we excuse you.

6 **REDIRECT EXAMINATION**

7 By Ms. Fent Bodman:

8 Q You said you went to the minimart -- that minimart
9 one time?

10 A Yes.

11 Q Why did you got ever go back to that minimart?

12 A Because the milk smelled -- it smelled really bad.
13 The milk smelled really bad there.

14 MS. FENT BODMAN: I don't have any further
15 questions.

16 THE COURT: Anything further?

17 MR. POTTS: No, Your Honor, thank you.

18 THE COURT: Thank you. You may step down.

19 THE WITNESS: Thank you.

20 THE COURT: Let's stand for a moment, ladies and
21 gentlemen.

22 Madame Solicitor, Defense if you would come
23 forward.

24 (WHEREUPON, there was a bench conference out of the
25 hearing of the jury and the Court Reporter.)

1 THE COURT: Ladies and gentlemen, that will do it
2 for this day. Thank you very much. We're going to start
3 back tomorrow morning at 9:30. What time is that?

4 THE JURY: 9:30.

5 THE COURT: 9:30. We need you here by that time.
6 Have a good evening. Please do not discuss the case. The
7 bailiff will collect all notepads from folks that took
8 notes.

9 (WHEREUPON the jury left the courtroom at
10 5:09 p.m.)

11 THE COURT: Is there anything else before we leave
12 for the day?

13 MS. FENT BODMAN: Nothing from the State, Your
14 Honor.

15 MR. COOPER: No, sir.

16 THE COURT: All right. We will reconvene at 9:15
17 tomorrow morning. The jury is in at 9:30. We'll reconvene
18 at 9:15, regarding requested jury charges, do we have any
19 requested jury charges.

20 MR. COOPER: Not at this time, Your Honor, no, sir.

21 THE COURT: All right. They're to be submitted
22 prior to trial. When do you plan to submit them?

23 MR. COOPER: Unless more evidence comes to light
24 than I think -- right now I don't think we have any
25 additional charges.

1 MS. FENT BODMAN: The only charge is 16-3667 that
2 the testimony of the victim need not be corroborated in a
3 criminal sexual conduct case.

4 THE COURT: I will need the language -- the
5 requested language of the charge and the specific charge.
6 Give that to the defense.

7 MS. FENT BODMAN: I'll do that Your Honor.

8 THE COURT: Good. We'll see y'all tomorrow.

9 (WHEREUPON court was in recess until the following
10 morning.)
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25

1 State of South Carolina) In the Court
2 County of Richland) Of General Sessions

3
4 Indictment No: 2010-GS-40-01305
2010-GS-40-01317

5
6 State of South Carolina,)
Plaintiff,)

7
8 vs.)

Transcript of Record
Volume II

9
10 Roosevelt Anthony Reaves,)
Defendant.)

11
12 April 11-13, 2011
13 Columbia, South Carolina

14
15 B E F O R E:

16 The Honorable Clifton B. Newman, Judge and a Jury.

17
18 A P P E A R A N C E S:

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Carter Potts, Assistant Solicitor
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1 THE COURT: Good morning. Any matters before the
2 jury comes in?

3 MS. FENT BODMAN: I did e-mail and I supplied Your
4 Honor with a proposed charge, and I gave a copy of that to
5 Defense Counsel as well.

6 THE COURT: All right.

7 MR. COOPER: And Your Honor, the defense just has
8 one thing -- it came to our attention that one of the
9 jurors used to work with one of the public defender's,
10 Tracy Pinnock. I don't think he knew her well enough just
11 from seeing us that she works in our office. But she
12 noticed him yesterday, so I just thought I would bring that
13 up; and I wanted to State to be aware of that.

14 What was that juror's number?

15 MS. FENT BODMAN: 306.

16 MR. COOPER: Juror 306, your Honor.

17 THE COURT: All right. Very good. Bring the jury.

18 (WHEREUPON the jury entered the courtroom at
19 9:34 a.m.)

20 THE BAILIFF: All jurors are present, Your Honor.

21 THE COURT: All right. Thank you, sir.

22 Good morning. Day number two, State v Reaves.

23 Next witness.

24 MS. FENT BODMAN: State calls Curtis Burnett.

25 THEREUPON,

Curtis Burnett - Direct Examination by Ms. Fent Bodman

1 CURTIS BURNETT,

2 after being duly sworn, testified as follows:

3 THE CLERK: Please have a seat. State your full
4 name for the record.

5 THE WITNESS: I'm Curtis Lee Burnett.

6 **DIRECT EXAMINATION**

7 By Ms. Fent Bodman:

8 Q And where do you work?

9 A I work part time for Richland County Evidence Room,
10 Sheriff's Department.

11 Q And in the evidence room, what are your duties and
12 responsibilities?

13 A For inputting and maintaining control of evidence,
14 put it in storage, and taking it out of storage for
15 officers to be taken to court or whatever they need to do
16 with it.

17 Q And are there limited individuals who have access
18 to this evidence -- to the room?

19 A Yes, ma'am.

20 Q Okay. And approximately how many people work in
21 the evidence room?

22 A Five, six -- well, at different times, there's one
23 or two come and gone.

24 Q In the case of Case No. 1001178521, did you come in
25 contact with some evidence that was submitted?

Curtis Burnett - Direct Examination by Ms. Fent Bodman

1 A Yes, ma'am.

2 Q And what item number was that?

3 A No. 12. It's a buccal swab, I believe. It's a
4 swab from the mouth of Mr. Reaves.

5 Q I'm going to show you what's been marked as State's
6 Exhibit No. 16 and ask you to take a look at that to see if
7 you recognize it.

8 A Yes, ma'am. It has my signature at the bottom.

9 Q Okay. And what is that item, item -- Exhibit 16.

10 A It's Item No. 12, and it says, Two buccal swabs
11 from the inside of the mouth of Mr. Reaves.

12 Q Okay. And who did you receive -- you said your
13 signature is on that envelope?

14 A That's correct.

15 Q Okay. And who did you receive that from?

16 A Mr. Richard Carter, Investigator Carter.

17 Q Okay. With the sheriff's department?

18 A Yes.

19 Q And do you know what day and what time you received
20 that piece of evidence?

21 A I logged it in at 17:05 on the 22nd of February.

22 Q Of what year?

23 A 2010.

24 Q Okay. And can you describe for the jury, basically
25 when he brings this swab in, how is it packaged, who

Curtis Burnett - Direct Examination by Ms. Fent Bodman

1 packages it?

2 A Okay. The officer himself or the investigator
3 packages it and seals it with a -- this has a little blue
4 portion up here and whenever they put it in the bag, they
5 pull the blue portion off and the red part seals it. Seals
6 it shut. And I get it sealed shut. If it's not sealed
7 shut, I'll give it back to them or tell them it has to be
8 done differently. In this case, it was sealed shut.

9 Q Properly packaged?

10 A Correct.

11 Q And so you accepted it from Investigator Carter?

12 A Yes.

13 Q And just log it into evidence?

14 A Correct, yes.

15 Q Okay.

16 MS. FENT BODMAN: No further questions of this
17 witness.

18 THE COURT: Cross?

19 MR. COOPER: I have no questions, Your Honor.

20 THE COURT: Thank you, sir. You may step down.

21 MS. FENT BODMAN: State calls Tina Goff.

22 THEREUPON,

23 TINA GOFF,

24 after being duly sworn, testified as follows:

25 THE CLERK: Please have a seat. State your full

Tina Goff - Direct Examination by Ms. Fent Bodman

1 name for the record.

2 THE WITNESS: Tina Goff.

3 **DIRECT EXAMINATION**

4 By Ms. Fent Bodman:

5 Q And where do you work?

6 A The Richland County Sheriff's Department.

7 Q In what capacity?

8 A I am one of the evidence technicians.

9 Q Did you come into contact with evidence under Case
10 No. 1001178521?

11 A Yes, ma'am.

12 Q And what items of evidence did you come in contact
13 with?

14 A I took in the first seven items in the case from
15 Investigator Yvonne Woods.

16 Q And Item No. 1, what was that?

17 A A swab from the back sliding glass door handle.

18 Q And when did you accept that from Yvonne Woods?

19 A I brought it into evidence on January 21st, 2010,
20 at 7:28 in the morning.

21 Q And if the -- we don't have that particular item
22 here. Where is it right now? Do you know?

23 A One second. It was signed out on March 16, 2011,
24 at 10:30 in the morning to DNA Technician, Christine
25 Barrickman.

Tina Goff - Direct Examination by Ms. Fent Bodman

1 Q Okay. And did you check that out to Christine
2 Barrickman?

3 A I did.

4 Q When you accept items into evidence, into property,
5 does it need to be properly packaged?

6 A Absolutely.

7 Q And if you notice that it's not properly packaged,
8 what do you do?

9 A First thing is we don't accept it in. Second, we
10 contact the officer or investigator who submitted it and
11 explain to them what the issue is or the problem and have
12 them correct it before we take it in.

13 Q And so you did, in fact, accept this item from
14 Yvonne Woods?

15 A Yes, I did.

16 Q And until you checked it back out to Christine
17 Barrickman, did that remain in the property room at the
18 Richland County Sheriff's Department?

19 A Yes, it did.

20 Q And are there limited individuals who have access
21 to this -- to the evidence room?

22 A Yes.

23 Q Other than items 1 through 7, were there any other
24 items that you came in contact with under this case number?

25 A I -- the next piece that I touched or brought in

William Cedarstaff - Direct Examination by Ms. Fent Bodman

1 was Item No. 13, which Investigator Carter had submitted.

2 Q Okay. And what was that item?

3 A Two computer accessory CDR's -- two CDR's of the
4 911 calls.

5 Q 911 calls. Okay.

6 MS. FENT BODMAN: I have no further questions of
7 this witness.

8 MR. COOPER: I have no questions, Your Honor.

9 THE COURT: All right. Thank you. Please step
10 down.

11 MS. FENT BODMAN: State calls William Cedarstaff.

12 THEREUPON,

13 WILLIAM CEDARSTAFF,

14 after being duly sworn, testified as follows:

15 THE CLERK: Please have a seat. State your full
16 name for the record.

17 THE WITNESS: William Curtis Cedarstaff.

18 **DIRECT EXAMINATION**

19 By Ms. Fent Bodman:

20 Q And where do you work?

21 A Richland County Sheriff's Department, evidence
22 room.

23 Q Did you come in contact with items of evidence from
24 Case No. 1001178521?

25 A Yes, ma'am.

William Cedarstaff - Direct Examination by Ms. Fent Bodman

- 1 Q And specifically, Item No. 8, did you come in
2 contact with that item?
- 3 A Yes.
- 4 Q And what is that item?
- 5 A Item No. 8 is a sexual assault kit from Morrow,
6 Rochelle.
- 7 Q I'm going to show you what has been marked as
8 State's Exhibit No. 15 and see if you recognize that.
- 9 A Yes. My initials are on the bottom and the date
10 and time I brought it in.
- 11 Q Okay. And who did you accept it from?
- 12 A I took them from Investigator Faust.
- 13 Q Okay. And was this item properly packaged and
14 secured and sealed when you received it?
- 15 A Yes, it was. If it had not been, I would not have
16 accepted it.
- 17 Q Okay. And what was the date and time that you
18 received it from Sergeant Faust?
- 19 A The date was on the 21st of January, 2010, at
20 13:31 hours.
- 21 Q At that time, I believe you also accepted a couple
22 of other items of evidence, 9, 10 -- 9 and 10. Do your
23 records reflect that?
- 24 A Yes, ma'am.
- 25 Q Okay. And what were those items?

Kevin Gardner - Direct Examination by Mr. Potts

1 A Item 9 was a toxicology from Rochelle Morrow, and
2 Item 10 was the victim's clothing.

3 MS. FENT BODMAN: I have no further questions of
4 this witness.

5 MR. COOPER: No questions, Your Honor.

6 THE COURT: Thank you. You may step down.

7 Next witness.

8 MR. POTTS: State calls Kevin Gardner.

9 THEREUPON,

10 KEVIN GARDNER,

11 after being duly sworn, testified as follows:

12 THE CLERK: Please have a seat. State your full
13 name for the record.

14 THE WITNESS: Kevin Gardner.

15 **DIRECT EXAMINATION**

16 By Mr. Potts:

17 Q Mr. Gardener, where do you work?

18 A Verizon Wireless.

19 Q What do you do there?

20 A I'm a district manager.

21 Q And how long have you worked there?

22 A Four and a half years.

23 Q Now, what are some of your duties in your
24 occupation?

25 A Day-to-day -- daily reporting for the district,

Kevin Gardner - Direct Examination by Mr. Potts

- 1 appearing for summons, that sort of thing.
- 2 Q At Verizon Wireless, what kind of records do you
3 generate?
- 4 A Anything. I mean, phone records.
- 5 Q Calls going in, calls going out?
- 6 A Yes.
- 7 Q Get the phone numbers?
- 8 A Uh-huh.
- 9 Q And you guys report all that stuff together?
- 10 A Yes.
- 11 Q Okay. Now, how do you, as Verizon, make use of all
12 these records?
- 13 A It's stored in several different segments. You've
14 got switch views, which show calls that went to particular
15 switches. You have bill views which you can pull up a
16 whole entire bill.
- 17 Q And who enters all this information in?
- 18 A It would pretty much be done -- computer. I mean,
19 it's not a manual entry.
- 20 Q So it's just -- when calls are placed or made,
21 records are automatically being made?
- 22 A Correct.
- 23 Q So no one inputs these records in themselves in the
24 computer?
- 25 A That's correct.

Kevin Gardner - Direct Examination by Mr. Potts

1 Q And what happens -- does the staff generate the
2 reports?

3 A Yes.

4 Q Okay. Now, I'm going to show you what's been
5 marked as State's Exhibit No. 24. What is that?

6 A This is the subpoena for records for Rochelle
7 Morrow.

8 Q Is there a telephone number associated with that
9 request?

10 A Yes, there is. It is .

11 Q Now, at the Court's request were those records
12 pulled?

13 A I'm sorry?

14 Q At the request -- at our request or at request were
15 those records pulled?

16 A Yes, sir.

17 Q Now, were those records made in the procedure that
18 you previously described?

19 A Yes, sir.

20 MR. POTTS: I'd like to offer this into evidence as
21 State's.

22 Exhibit No. 24.

23 MR. COCHRAN: No objection, Your Honor.

24 THE COURT: Admitted without objection.

25 (WHEREUPON State's Exhibit 24 was admitted into

Kevin Gardner - Direct Examination by Mr. Potts

1 evidence.)

2 By Mr. Potts:

3 Q Would you mind stepping down with me for a minute?

4 A (Witness is stepping down.)

5 Q Now, this thing we have blown up right here, is
6 this a page out of those records or a page similar to those
7 records?

8 A Yes.

9 Q Now, can you explain to me how you would go through
10 reading those records and tell me what they mean?

11 A Your first column is basically your detail showing
12 the record number on that page.

13 Q Okay.

14 A You have your switch view, which is what switch the
15 call was initiated off of.

16 Q What does that mean? Switch?

17 A You have different switches in different areas.
18 Columbia has three to five switches. Sumter, Orangeburg
19 -- basically, you've got cell site. At the bottom of the
20 cell site, you've got a building and that's considered a
21 switch.

22 Q Now, does that tell you whether it's in Columbia or
23 not? As to that switch?

24 A Yes.

25 Q Okay. What would be next?

Kevin Gardner - Direct Examination by Mr. Potts

- 1 A You have the date the call was placed or received.
2 You have the time the record was inputted, the direction is
3 your incoming, outgoing, voicemail, whether it was placed
4 to different -- like MO would be outbound call, so each one
5 of these stands for something different, which is also in
6 these records.
- 7 Q So this little key is how to read this in these
8 records?
- 9 A Yes, it's on page 3.
- 10 Q Okay.
- 11 A Your MTN is your Mobile Telephone Number. Call
12 Number would be the number that was called that the
13 outbound call was placed to.
- 14 Q Uh-huh.
- 15 A Your auto CPM would be your incoming call and then
16 your duration would be the time the call was in seconds.
- 17 Q Okay. Now, if you look at me -- now, this call,
18 for instance, Let's say on -- Let's say Call No. 4. All
19 right. That's Columbia?
- 20 A Uh-huh.
- 21 Q On January 20th, at 2108. That's the time, right?
- 22 A Yes.
- 23 Q And MO would be it was outbound?
- 24 A Yes.
- 25 Q And that's just -- shows you the numbers that we

Kevin Gardner - Direct Examination by Mr. Potts

- 1 pulled the records for?
- 2 A That's correct.
- 3 Q And that would show what was called?
- 4 A Yes.
- 5 Q And that shows the number it's called from?
- 6 A Yes.
- 7 Q And then finally, that would be the duration of the
- 8 phone call?
- 9 A That's correct. In seconds.
- 10 Q Now, there are some other numbers on here, so I
- 11 need you to explain it to me. This one has a prefix by it,
- 12 star 67. What does that mean?
- 13 A Star 67 is used to block the mobile telephone
- 14 numbers from being displayed on the number called.
- 15 Q So what does that mean -- does that mean when
- 16 you're calling somebody, what happens?
- 17 A If I call you from my cell phone, I dial star 67
- 18 and your mobile number, then whenever you receive the call
- 19 it's going to come up as call unknown, call blocked. It
- 20 won't register my number on your telephone.
- 21 Q Okay. Now, what about 877? What kind of area code
- 22 is that?
- 23 A 877 is a toll free number.
- 24 Q Okay. So does that mean a business?
- 25 A Typically, yes.

Kevin Gardner - Direct Examination by Mr. Potts

1 Q Okay. Please have a seat.

2 Now, if you look at the first page of those
3 records, what does that letter indicate to you?

4 A This is the -- from the legal department for
5 subpoena processing group -- top of this page?

6 Q Yes.

7 A Yeah, that's just from Verizon Wireless saying that
8 the mobile number -- the case number is up at the top,
9 which is 762275, the date, incoming and outgoing call
10 records, and the mobile number that the calls were pulled
11 for, the to and from date, which is January 21st to
12 January 24th and then basically the other calls requested
13 during the time frame, other mobile numbers found during
14 the time frame.

15 Q So does that mean that that individual has no other
16 phone number with Verizon? Basically is that the meaning
17 of that letter?

18 A That is correct.

19 Q Okay.

20 MR. POTTS: Beg the Court's indulgence.

21 By Mr. Potts:

22 Q Now, one more thing, if you wouldn't mind stepping
23 down one more time. I forgot this. Now, there are some
24 things on this record, for instance, you see the dash
25 before 911. What does that mean? Means -- there are only

Kevin Gardner - Cross-Examination by Mr. Newton

1 three numbers --

2 A Three numbers typically -- as you can see here
3 where it's a dash -- the computer trying to translate it
4 into the telephone number.

5 Q So that basically means they called 911. There's
6 nothing irregular about the dash?

7 A That's correct.

8 A Yeah, that's the call lasted 142 seconds.

9 Q Okay. What about this dash five? Does that mean
10 anything to you?

11 A Probably they hit five in their pocket, where ever
12 the phone was, the five and then send.

13 Q Okay. Thank you. No further questions. You can
14 take your seat and answer any questions from Mr. Newton.

15 MR. NEWTON: May it please the Court?

16 THE COURT: Yes, sir.

17 **CROSS-EXAMINATION**

18 By Mr. Newton:

19 Q Mr. Gardner, the phone records that you just
20 discussed right now, they're -- those are phone records
21 that were subpoenaed, correct?

22 A That's correct.

23 Q Do they differ from the phone records that you
24 receive in your monthly billing?

25 A The format is different. This is what we call a

Kevin Gardner - Cross-Examination by Mr. Newton

1 switch view format.

2 Q Okay.

3 A It's pulled by the actual cell site where the local
4 number was.

5 Q Okay. So -- but all phone calls made should show
6 up the same on those subpoena records as your bill that you
7 receive?

8 A Correct.

9 Q Okay.

10 MR. NEWTON: May I approach, Your Honor?

11 THE COURT: Yes.

12 By Mr. Newton:

13 Q Take a look at this. Can you describe what I just
14 handed you?

15 A This is a -- what we call a consumer bill. It's
16 what you would receive typically in the mail with detailed
17 bill.

18 Q Okay. I'm going to refer to that and I'm going to
19 bring this back up.

20 MR. NEWTON: Beg the Court's indulgence.

21 By Mr. Newton:

22 Q Would you mind stepping down here, Mr. Gardener.
23 Can you tell the jury what time this 911 call was
24 made?

25 A 21:80.

Kevin Gardner - Cross-Examination by Mr. Newton

1 Q And on what date?

2 A 1/20.

3 Q Okay. Thank you. Now --

4 MR. NEWTON: I'm going to approach again, Your

5 Honor.

6 By Mr. Newton:

7 Q This bill summary that I showed you, who is it a

8 bill for?

9 A It's a bill for Rochelle Morrow.

10 Q Okay. Give that back to me.

11 A You want me to verify the --

12 Q Yeah, if you would. Is that the same phone number

13 from the records that we went over with the prosecutor?

14 A Yes. The mobile number and account number are as

15 the subpoena requests.

16 Q Okay. I'm going to jump to a portion of this.

17 This is page 5 of 7 of this report. I have marked the time

18 -- now, this report here, we just said that there was a

19 call placed on the --- number at 21:80?

20 A 23, correct.

21 A That is correct.

22 Q For 911 call. And I'm handing you this same bill.

23 I'd like you to read -- I've marked down here -- I'd like

24 to read -- if you'd read to the Court the times that I've

25 marked, the two right there. Do you see a call on

Kevin Gardner - Redirect Examination by Mr. Potts

1 January 20th to 911 at 21:08:23?

2 A Not on this bill.

3 Q Okay.

4 MR. NEWTON: No further questions, Your Honor.

5 MR. POTTS: Just one question, Your Honor.

6 **REDIRECT EXAMINATION**

7 By Mr. Potts:

8 Q Do you bill for 911 calls?

9 A Typically it will not show up on a Verizon consumer
10 bill.

11 Q Thank you.

12 MR. POTTS: No further questions.

13 THE COURT: Anything further?

14 MR. NEWTON: Nothing further.

15 THE COURT: Thank you.

16 Next witness.

17 MS. FENT BODMAN: State calls Steven Faust.

18 THEREUPON,

19 STEVEN FAUST,

20 after being duly sworn, testified as follows:

21 THE CLERK: Please have a seat and state your full
22 name for the record.

23 THE WITNESS: Steven Faust, F-a-u-s-t.

24 ///

25 ///

Steven Faust - Direct Examination by Ms. Fent Bodman

DIRECT EXAMINATION

1

2 By Ms. Fent Bodman:

3 Q Sergeant Faust, with whom do you work?

4 A With the Richland County Sheriff's Department.

5 Q And in what capacity?

6 A I'm the Sergeant of the Special Victim's Unit.

7 Q And what kind of offenses are covered by special
8 victim's unit?

9 A I work a wide variety from runaways to missing
10 persons to child abuse, sexual assault, anything of that
11 nature.

12 Q I'm going to show you what's been marked as State's
13 Exhibit 15. If you could take a look at that and see if
14 you recognize it.

15 A I do.

16 Q And what is that?

17 A It is a sexual assault protocol kit for Rochelle
18 Morrow.

19 Q And how do you recognize it?

20 A It's my handwriting.

21 Q Do you know when you came in contact with this kit?

22 A I do. On the back it has a chain of custody and
23 at -- on January 21st, 2010, I picked it up from the
24 Richland Memorial Hospital, from Terry Casto.

25 Q And what time did you take custody of that from

Steven Faust - Direct Examination by Ms. Fent Bodman

1 Terry Casto?

2 A Ten -- 11:11. It was turned over to her at 10:10

3 and I picked it up at 11:11 on that day, on the 21st.

4 Q Okay. And then what did you do with the kit?

5 A Then I would have taken it to our Richland County

6 headquarters and entered it into our evidence where I put

7 our label on it with my handwriting, and turned it in.

8 Q When you took custody of it from Terry Casto, was

9 it properly, appropriately sealed?

10 A That's correct.

11 Q And then what day and time did you submit that to

12 property?

13 A I turned it in at 1:00 p.m. on the same day.

14 Q And who did you hand that to?

15 A I turned it into -- looks like Mr. Cedarstaff.

16 Q William Cedarstaff?

17 A (Witness nodded head.)

18 Q Okay. In terms of, I guess picking up the kit, is

19 that one of the duties that you assume?

20 A I do. It is one of the duties I frequently do. If

21 not, I coordinate and make sure it's done. I'm contacted

22 by the SANE nurse and they'll let me know if a kit's ready

23 to be picked up and if I'm unavailable, then I'll have it

24 coordinated. A lot of times to help speed things up, I'll

25 go get it directly.

Steven Faust - Cross-Examination by Mr. Cooper

1 Q Okay.

2 MS. FENT BODMAN: No further questions.

3 THE COURT: Defense?

4 MR. COOPER: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 By Mr. Cooper:

7 Q Investigator, what was your -- how would you
8 describe your role in the investigation as a whole?

9 A On this one?

10 Q Yes.

11 A Very limited.

12 Q Okay. Well, could you describe it to the jury,
13 please.

14 A Picking up the kit was pretty much my role in this
15 particular case. I would be briefed on it, but in general
16 I didn't work on this particular case.

17 Q All right. So you did very little if any of the
18 work than what you just testified to?

19 A That's correct.

20 Q All right.

21 MR. COOPER: No further questions, Your Honor.

22 THE COURT: You may step down.

23 Next witness.

24 MR. POTTS: State calls Yvonne Woods.

25 ///

Yvonne Woods - Direct Examination by Mr. Potts

1 THEREUPON,

2 YVONNE WOODS,

3 after being duly sworn, testified as follows:

4 THE CLERK: Please have a seat. State your full
5 name for the record.

6 THE WITNESS: Yvonne Woods.

7 **DIRECT EXAMINATION**

8 By Mr. Potts:

9 Q Ms. Woods, what's your occupation?

10 A Crime scene investigator.

11 Q Who do you work for?

12 A Richland County Sheriff's Department.

13 Q As a crime scene investigator, what are your
14 duties?

15 A To document, collect, process crime scene.

16 Q Now, what does that include?

17 A Document, we write down what we see. We photograph
18 what we see, and we collect evidence to be processed or to
19 carry back to the office to be processed.

20 Q Now, were you called to the crime scene in this
21 case?

22 A Yes, I was.

23 Q When were you called out?

24 A Excuse me. I received this call at 03:39 on
25 January 21st, 2010.

Yvonne Woods - Direct Examination by Mr. Potts

- 1 Q And who called you out?
- 2 A I was called out by Master Deputy Smith at the
- 3 time.
- 4 Q Okay. Now, that would be Chauncey Smith?
- 5 A Correct.
- 6 Q Okay. And who was there when you got there?
- 7 A There were several officers there. I met with
- 8 Smith at the time.
- 9 Q And now, when you got there, what did you see?
- 10 A The officers standing outside in the front, and two
- 11 inside.
- 12 Q And when you got there, they filled you in on what
- 13 happened, correct?
- 14 A Correct.
- 15 Q And what did you do at that point?
- 16 A Once I obtained consent to go in to process, I went
- 17 in, and they walked me through the scene.
- 18 Q Now, I'm going to show you what's in evidence as
- 19 State's Exhibit 7. Would you mind stepping down for a
- 20 minute? Now, who took these photographs?
- 21 A I did.
- 22 Q Okay. And what is that a picture of?
- 23 A That's the front of the apartment complex.
- 24 Q Okay. And did you walk around the complex?
- 25 A Yes, I did. This is the rear part of the

Yvonne Woods - Direct Examination by Mr. Potts

1 | apartment -- of hers.

2 | Q It was just open?

3 | A Correct.

4 | Q Now, what was this -- what are these right here?

5 | A This one here is where the officer thought this was
6 | the back of the apartment. But it was the next one over,
7 | so this is when I came to this one.

8 | Q And this is outside the apartment?

9 | A That's correct.

10 | Q And this would be the back of 1118?

11 | A Yes.

12 | Q And this would be the sliding glass door?

13 | A Yes, sir.

14 | Q That's just a closer...

15 | A Yes, sir.

16 | Q Now, did you do anything else to that sliding glass
17 | door?

18 | A I processed the handle with black powder and
19 | collected a swab.

20 | Q When you say processed it be with black powder,
21 | what does that mean?

22 | A I dusted it, lightly dusted it to see if I could
23 | bring out any ridge detail, a fingerprint or a palm print
24 | or a hand print.

25 | Q Did you find anything?

Yvonne Woods - Direct Examination by Mr. Potts

- 1 A No, I did not.
- 2 Q Okay. After that, what did you do?
- 3 A I collected a swab.
- 4 Q And what's the purpose of collecting a swab?
- 5 A It's a cotton -- a sterile cotton swab, and you use
- 6 sterile water. And you wet it, and you just wipe it on the
- 7 inside and on the outside where I dusted it.
- 8 Q Now, what are you trying to get with that?
- 9 A Any DNA.
- 10 Q Okay. Let me show you State's Exhibit No. 8. Did
- 11 you also go inside the house?
- 12 A Yes, sir, I did.
- 13 Q Can you describe this picture for me, please. Did
- 14 you take these?
- 15 A This is the front door -- yes, I did. This is the
- 16 front door and this is the stairs leading up to the
- 17 bedroom --
- 18 Q Uh-huh.
- 19 A -- coming around the corner. This is the opening
- 20 of the bedroom.
- 21 Q Uh-huh.
- 22 A And this is where I continued going into the
- 23 bedroom, photographing the inside of the bedroom.
- 24 Q Now, did you touch anything, did you move anything
- 25 while you were doing this?

Yvonne Woods - Direct Examination by Mr. Potts

1 A No, sir. I do not touch nothing until I photograph
2 it.

3 Q Okay. I'm going to show you what's State's
4 Exhibit 9. Which is more photographs of the upstairs,
5 correct?

6 A Correct.

7 Q That's the bed?

8 A This is the bed and the sheets. This is how the
9 bed looked when I viewed it. These were the two stains
10 that I marked on the fitted sheet.

11 Q So you saw two stains on the sheets?

12 A Yes, sir.

13 Q And what did you do with the stains?

14 A I marked them as one and two, photographed them and
15 collected a swab.

16 Q And did you do anything else with the sheets?

17 A I collected the sheets.

18 Q What about the covers?

19 A The bedspread and the pillow cover.

20 Q Okay. Now I'm going to show you what's been marked
21 as State's Exhibit No. 25. Do you recognize that?

22 A Yes, I do.

23 Q What is it?

24 A This is the pillow cover, the gold fitted sheet,
25 the gold flat sheet, and the queen size bedspread.

Yvonne Woods - Direct Examination by Mr. Potts

- 1 Q Now, did you put them all in that box yourself?
- 2 A I put them all in a box, sealed it, and initialled
- 3 and dated it.
- 4 Q Those your initials at the bottom? On the sheet,
- 5 sorry?
- 6 A They're on both ends, should be on both ends. Yes,
- 7 they are my initials.
- 8 Q Okay. And then what did you do with this after
- 9 you'd sealed it.
- 10 A After I sealed it I submitted it to evidence.
- 11 Q Did you do the same thing with the swab you took of
- 12 the back door?
- 13 A Correct. I did.
- 14 MR. POTTS: Beg the Court's indulgence, one second.
- 15 By Mr. Potts:
- 16 Q Now, I'm showing you what's been marked as State's
- 17 Exhibit No. 6. Once again you took all these pictures?
- 18 A Yes, sir, I did.
- 19 Q Describe to me what they are, please?
- 20 A This is the front door walk and into the living
- 21 room. This is the living room, sliding glass door, desk,
- 22 computer desk, the couch.
- 23 Q Now, while you were going around the house, were
- 24 you looking for anything in particular?
- 25 A I was looking for any possible point of entry,

Yvonne Woods - Direct Examination by Mr. Potts

1 forced entry; anything that I could see where there was any
2 possible forced entry.

3 Q Did you find anything like that?

4 A No, sir, I did not.

5 Q You didn't find any marks on the front door?

6 A No, sir, I did not.

7 A Did you find anything remarkable about the back
8 door.

9 A Other than it was unlocked.

10 Q What do you mean unlocked?

11 A The sliding door was unlocked.

12 Q Did you open it?

13 A Yes.

14 Q That after you photographed it?

15 A After I took photos and collected what I needed to
16 collect.

17 Q Did you try to lock it back afterwards?

18 A I tried, but I could not lock it.

19 Q Okay. Now, is there anything in particular about
20 the set up of this sliding glass door that struck you?

21 A The blinds on the sliding glass door were not
22 normal. They weren't where they needed to be at.

23 Q What about the computer desk?

24 A It was slightly tilted, but there was nothing on
25 there that was disturbed that I could see.

Yvonne Woods - Direct Examination by Mr. Potts

- 1 Q So that could be -- there's nothing disturbed about
2 it that you could see?
- 3 A That's correct.
- 4 Q And that was in front of the sliding glass door?
- 5 A That's correct.
- 6 MR. POTTS: Beg the Court's indulgence.
- 7 By Mr. Potts:
- 8 Q Now, when you were walking around the house -- you
9 can have a seat.
- 10 Now, when you were walking around the house, how
11 dark was it in the backyard?
- 12 A Extremely.
- 13 Q Are there any light bulbs or anything back there?
- 14 A I cannot recall if the light was on. I don't think
15 it was. But I can't state for sure.
- 16 Q Now, have you ever worked a burglary?
- 17 A Yes, I have.
- 18 Q About how many have you worked, do you think?
- 19 A Two years, probably -- maybe a thousand.
- 20 Q Okay. Now, do you often see sliding glass doors?
- 21 A Yes.
- 22 Q Are they very secure?
- 23 A Not all of them.
- 24 Q Is there any way you can make a sliding glass door
25 more secure?

Yvonne Woods - Cross-Examination by Mr. Cooper

1 A Yes, by locking it.

2 Q What about a dowel or something like that?

3 A What about it?

4 Q A dowel or a broomstick?

5 A Yes, you can place a dowel at the bottom to keep
6 the door from opening.

7 Q Did you see anything of that in this case?

8 A No, I did not.

9 Q Okay. Now, did you try going through that back
10 door?

11 A I opened it, but I did not go through it.

12 Q Okay.

13 MR. POTTS: Beg the Court's indulgence.

14 Thank you, no further questions. Please answer any
15 questions Mr. Cooper has for you.

16 THE COURT: Yes, sir?

17 MR. COOPER: Thank you, Your Honor.

18 **CROSS-EXAMINATION**

19 By Mr. Cooper:

20 Q Good morning.

21 A Good morning.

22 Q Investigator? Is that what I should call you?

23 A That's correct.

24 Q Okay. I just wanted to get it right. Now,
25 investigator, you are a CSI investigator, right?

Yvonne Woods - Cross-Examination by Mr. Cooper

- 1 A Yes, sir.
- 2 Q Just so the jury has this right, your main job is
- 3 to collect evidence from potential crime scenes?
- 4 A Yes, sir.
- 5 Q You know what, this is going to get in between us
- 6 all morning. I'll move it for the time being.
- 7 (WHEREUPON the attorney moved a screen.)
- 8 By Mr. Cooper:
- 9 Q Your job is to collect evidence from potential
- 10 crime scenes, right?
- 11 A Yes, sir.
- 12 Q All right. And I assume you've received extensive
- 13 training in that area, right?
- 14 A Yes, sir.
- 15 Q All right. And you've told Mr. Potts you've worked
- 16 like a thousand burglaries, so you've had a lot of
- 17 experience doing that?
- 18 A Approximately, yes, sir.
- 19 Q So you've been collecting evidence for a long time?
- 20 A Yes, sir.
- 21 Q You know the right way to do it?
- 22 A Yes, sir.
- 23 Q And you know what not to do?
- 24 A Yes, sir.
- 25 Q And you know why what you do is so important,

Yvonne Woods - Cross-Examination by Mr. Cooper

1 right?

2 A Yes, sir.

3 Q You know that when you collect evidence you want to
4 have it as pristine and in the same condition it was; is
5 that correct?

6 A Yes, sir.

7 Q And the reason for that is you know that you're
8 later -- the evidence gathered is later going to be handed
9 over and examined by investigators, right?

10 A Yes, sir.

11 Q And you know that those investigators are going to
12 use what you collect to draw conclusions about the case,
13 correct?

14 A Yes, sir.

15 Q They're going to try to use what you do to solve
16 the case, right?

17 A Yes, sir.

18 Q Okay. So you want that evidence to be as pristine
19 as possible, and you want to get all of it, right?

20 A That's correct.

21 Q Because per your training and experience, you want
22 those investigators to have every piece of possible
23 information in evidence that they can in working this case,
24 correct?

25 A That's correct.

Yvonne Woods - Cross-Examination by Mr. Cooper

- 1 Q And that is how you proceeded on this case, right?
- 2 A Yes, sir.
- 3 Q And you told Mr. Potts that you worked a lot of
- 4 burglaries?
- 5 A Yes, sir.
- 6 Q And so you know working a burglary, the big issue
- 7 is how did the suspect get into the place, right?
- 8 A Yes, sir.
- 9 Q Another issue could be how did he get out of the
- 10 place, right?
- 11 A Yes, sir.
- 12 Q So when you investigated this case, entry was one
- 13 of the main things you were looking for, right?
- 14 A Yes, sir.
- 15 Q Now, I'm afraid we're going to have to bring this
- 16 thing back.
- 17 All right. I'm going to ask you to step down,
- 18 please.
- 19 A Yes, sir.
- 20 Q I just want to go over a few things that Mr. Potts
- 21 went over with you. I'll just ask you a couple of things.
- 22 This -- I'm referring, for the record, to State's
- 23 Exhibit 6. This is the view you encounter of the front
- 24 door of the apartment from the inside, right?
- 25 A Yes, sir.

Yvonne Woods - Cross-Examination by Mr. Cooper

1 Q Did you find any prints on that door?

2 A No, sir.

3 Q All right. Did you find any kind of tool marks or
4 signs of somebody breaking in that door?

5 A No, sir.

6 Q All right. Let's talk about the sliding glass door
7 that we've already heard so much about. You testified
8 earlier and you indicated in your reports that this stuff
9 that you observed was undisturbed?

10 A On the desk?

11 Q Yes. And there were papers on the desk, right?

12 A Yes, sir.

13 Q Those appeared to be undisturbed?

14 A Yes.

15 Q Now, you testified earlier that you felt that these
16 blinds were abnormal?

17 A Yes, sir.

18 Q It looks like what you meant, correct me if I'm
19 wrong, is that two or three of them are moved out of place?

20 A That's correct.

21 Q All right. And there are many items right there in
22 front of those blinds, right?

23 A Yes.

24 Q Okay. And that's reflected in this bottom picture
25 as well, right?

Yvonne Woods - Cross-Examination by Mr. Cooper

- 1 A Yes, sir.
- 2 Q Now, Let's refer to -- I'm sorry. All right.
- 3 Let's refer to -- once again, State's Exhibit 7. And these
- 4 reflect your observations in this case, correct?
- 5 A Yes, sir.
- 6 Q And this is the view of the door to 1118 from the
- 7 outside, right?
- 8 A Yes, sir.
- 9 Q And like you said before, when you go to a scene
- 10 like this, you check potential points of entry and exit,
- 11 right?
- 12 A Yes, sir.
- 13 Q And the front door is one of the main ones you
- 14 check, right?
- 15 A Yes, sir.
- 16 Q You did that in this case, correct?
- 17 A Yes, sir.
- 18 Q And you checked that front door for any signs of
- 19 tool marks or forced entry, didn't you?
- 20 A That's correct.
- 21 Q And you did not find any, did you?
- 22 A No, sir.
- 23 Q Okay. And did you find any prints on the outside
- 24 of the door?
- 25 A No, sir.

Yvonne Woods - Cross-Examination by Mr. Cooper

1 Q Did you collect any swabs from the outside of the
2 door?

3 A No, sir, I did not.

4 Q All right. Now, Let's go back to the other view of
5 the back door. Once again, point of entry or possible
6 exit, correct?

7 A Correct.

8 Q And you examined the back door?

9 A Yes, sir.

10 Q You looked for signs of forced entry, correct?

11 A Yes.

12 Q You found none, right?

13 A No, sir.

14 Q All right. And you actually -- you didn't find any
15 prints on that door ether?

16 A No, sir.

17 Q And that means specifically on the outside handle,
18 there were no prints, correct?

19 A Correct.

20 Q You took a swab to try to find DNA?

21 A Yes, sir.

22 Q No DNA on the outside of that door?

23 A I cannot testify to that.

24 Q Right. Okay. Now -- and one more thing Mr. Potts
25 went over is that the door from the inside, which we viewed

Yvonne Woods - Cross-Examination by Mr. Cooper

1 on the last exhibit didn't appear to have any extra
2 reinforcement to it since the lock didn't work, right?

3 A That's correct.

4 Q Okay. All right.

5 MR. COOPER: Beg the Court's indulgence.

6 By Mr. Cooper:

7 Q All right, ma'am. I just want to make sure -- you
8 can take your seat. I do have a few more questions for
9 you, though.

10 So after you did all this examination, you know,
11 your an investigator and you drew some conclusions about
12 the case, didn't you?

13 A Yes, sir.

14 Q All right. And you thought in your investigation
15 that it was likely that whoever entered that apartment had
16 a key to it, didn't you?

17 A Not necessarily when I seen that the door was
18 unlocked.

19 Q All right. But you thought it was a possibility?

20 A It's a possibility.

21 Q Okay. And you thought it was a possibility after
22 this initial investigation that this was a person that had
23 access to the apartment, right? You thought it was a
24 possibility?

25 A There was that possibility.

Yvonne Woods - Redirect Examination by Mr. Potts

1 Q Yes, ma'am. And that is reflected later in the
2 investigation when y'all investigated maintenance workers
3 at the apartment complex?

4 A I did not speak to them. I cannot testify to that,
5 sir.

6 Q You're not aware of that investigation?

7 A No, sir.

8 Q Okay. All right.

9 MR. COOPER: Beg the Court's indulgence one second.

10 THE COURT: Ladies and gentlemen, let's stand for a
11 moment.

12 MR. COOPER: Your Honor if it helps out, I have no
13 further questions for the witness.

14 THE COURT: All right. Any redirect examination?

15 MR. POTTS: Just briefly, Your Honor.

16 **REDIRECT EXAMINATION**

17 By Mr. Potts:

18 Q Now, Mr. Cooper talked about the fingerprints on
19 the back door. Just because somebody touches something,
20 doesn't mean there will be a fingerprint?

21 A That's correct.

22 Q In fact, it's not always common to always find
23 prints, correct?

24 A That's correct.

25 Q Thank you.

Yvonne Woods - Recross-Examination by Mr. Cooper

1 MR. POTTS: No further questions.

2 THE COURT: Anything further?

3 MR. COOPER: Just very briefly, Your Honor.

4 **RECROSS-EXAMINATION**

5 By Mr. Cooper:

6 Q You -- going back to the testimony you just gave
7 about the apartment. You indicated to the other
8 investigators in the case that you believe somebody who
9 came to that back door would have to maneuver around
10 various power cords --

11 THE COURT: Anything further regarding the redirect
12 examination examination.

13 MR. COOPER: I'm sorry. That's all I have then,
14 Your Honor.

15 THE COURT: You may step down.

16 THE WITNESS: Thank you.

17 THE COURT: Ladies and gentlemen, we're going the
18 take a few minutes. Please go to the jury room. Please do
19 not discuss the case.

20 (WHEREUPON the jury left the courtroom at
21 10:24 a.m.)

22 THE COURT: All right. Take about five minutes or
23 so.

24 (WHEREUPON a recess was observed.)

25 THE COURT: Bring the jury, please.

Patricia Weed - Direct Examination by Ms. Fent Bodman

1 (WHEREUPON the jury entered the courtroom at
2 10:37 a.m.)

3 THE BAILIFF: All jurors present, Your Honor.

4 THE COURT: All right. Jury is back.

5 Call your next witness.

6 MS. FENT BODMAN: State calls Patricia Weed.

7 THEREUPON,

8 PATRICIA WEED,

9 after being duly sworn, testified as follows:

10 THE CLERK: Please have a seat. State your full
11 name for the record.

12 THE WITNESS: Senior Deputy Patricia Weed.

13 **DIRECT EXAMINATION**

14 By Ms. Fent Bodman:

15 Q And with whom are you employed?

16 A Richland County Sheriff's Department.

17 Q In what capacity?

18 A I'm an evidence custodian.

19 Q Did you have any contact with evidence that's
20 associated with Case No. 1001178521?

21 A Yes, I did.

22 Q And specifically, did you come in contact with Item
23 8?

24 A Yes.

25 Q A sexual assault kit?

Patricia Weed - Direct Examination by Ms. Fent Bodman

- 1 A Yes.
- 2 Q What was your contact with that kit?
- 3 A I received it from Investigator Carter and put it
- 4 into the evidence room on 4/4 of this year.
- 5 Q Okay. Let's actually -- I think your records --
- 6 you're starting with the most recent --
- 7 A Yes, ma'am.
- 8 Q -- records. Okay. Let's go back -- if you could
- 9 look at January 22nd. So it would have been the first time
- 10 you had contact with it?
- 11 A Item 8, it was -- it was from me to Gray Amick.
- 12 Q And what day and time was that?
- 13 A January 22, 2010, at 10:45.
- 14 Q And Gray Amick works where?
- 15 A He works in the lab upstairs.
- 16 Q At the Richland County Sheriff's Department?
- 17 A Yes, ma'am, testing.
- 18 Q I'm going to show you what's marked as State's
- 19 Exhibit No. 15 and ask if you -- do you recognize the
- 20 evidence labeling on that kit?
- 21 A Yes.
- 22 Q And is that Item 8 that you came in contact with?
- 23 A Yes.
- 24 Q Okay. That you would have handed over to Gray
- 25 Amick?

Patricia Weed - Direct Examination by Ms. Fent Bodman

1 A Yes, ma'am.

2 Q And when you handed it over to Gray Amick, was it
3 properly sealed?

4 A Yes, ma'am.

5 Q Okay. And if it had not been properly sealed, what
6 would you have done?

7 A We would not have been able to receive it.

8 Q Okay. Did you come in contact with item 12?

9 A Yes.

10 Q And what is that item?

11 A It is two buccal swabs collected from the mouth of
12 Mr. Reaves.

13 Q I'm going to show you what's been marked as State's
14 Exhibit 16, and ask you if you can look and see if you
15 recognize that?

16 A Yes.

17 Q And is that Item 12?

18 A Yes, ma'am.

19 Q The buccal swabs?

20 A Yes, ma'am.

21 Q Okay. And starting back at the first date you
22 have --

23 A The first date I have on this is May 20th, 2010, at
24 9:08. I took it from Gray Amick.

25 Q So he was returning it back to the property room?

Patricia Weed - Direct Examination by Ms. Fent Bodman

- 1 A Yes, ma'am.
- 2 Q Okay. And then the next time that you had contact
3 with Item 12?
- 4 A Was on December 1st, 2010, at 8:46. I received it
5 from Gray Amick.
- 6 Q So he was returning it back again to the
7 property --
- 8 A The evidence room, yes, ma'am.
- 9 Q Can you look at July 19, 2010?
- 10 A Yes.
- 11 Q Did you have contact with Item 12?
- 12 A Yeah, July 19, 2010, at 15350, I took it from me
13 and gave it to Christine Barrickman, who is also in lab
14 processing.
- 15 Q She works with Gray Amick?
- 16 A Yes, ma'am.
- 17 Q And all the times that you came in contact with
18 this item, Item 12, which is State's Exhibit 16, was it
19 properly sealed in it's envelope?
- 20 A Items are always properly sealed or we do not take
21 them into the property room.
- 22 Q And then this outside plastic package, once
23 somebody cuts into it can it be resealed?
- 24 A Yes, ma'am, usually what they do upstairs is they
25 heat seal it.

Patricia Weed - Direct Examination by Ms. Fent Bodman

1 Q Okay.

2 A That's why it's on the edges, where they sealed it
3 upstairs after they tested it.

4 Q And what's the common practice when it's opened and
5 resealed?

6 A Once it's away from me, I don't know -- I mean, I
7 know they test the item once it's taken out.

8 Q But to document that it's been opened?

9 A I always know by the heat seal.

10 Q And initials? Do they initial --

11 A No, they do not initial these. Yes, I apologize.
12 They initial and date them when they reseal it. I'm sorry.

13 Q That's all right.

14 MS. FENT BODMAN: I have no further questions at
15 this time.

16 MR. COOPER: I have no questions, Your Honor.

17 THE COURT: Thank you. You may step down.

18 MS. FENT BODMAN: State calls Christine Barrickman.

19 THEREUPON,

20 CHRISTINE BARRICKMAN,
21 after being duly sworn, testified as follows:

22 THE CLERK: Please have a seat. State your full
23 name for the record.

24 THE WITNESS: Christine Barrickman.

25 ///

Christine Barrickman - Direct Examination by Ms. Fent Bodman

1 DIRECT EXAMINATION

2 By Ms. Fent Bodman:

3 Q And with whom are you employed?

4 A Richland County Sheriff's Department.

5 Q In what capacity?

6 A I work in the DNA laboratory. I'm a technician.

7 Q And as a technician, what are your duties and
8 responsibilities?9 A Part of my duties are to assist the analyst with
10 case preparation and analysis. Normally I will pick up all
11 the cases, do all the paperwork associated with the case
12 and do the prep work, which is cutting the samples, and
13 then I turn the samples and the evidence over to the
14 analyst to run on their instrumentation.15 Q Okay. So you will actually work on -- actually
16 work on the evidence themselves, the swabs or whatever
17 evidence is submitted into the lab?18 A That's correct. If it's swabbed evidence, what we
19 do is we cut it, and it goes into a tube, and then those
20 tubes are turned over to my analysts and they run DNA on
21 instrumentation.22 Q And can you tell the jury a little bit about your
23 education and your training that allows you to serve as a
24 technician?

25 A I have a Bachelor of Science Degree in Criminal

Christine Barrickman - Direct Examination by Ms. Fent Bodman

1 Justice. I've attended numerous seminars, workshops,
2 training, and a lot of my training comes from in-house,
3 from the certified analysts.

4 Q And approximately -- well, how long have you been a
5 technician?

6 A In the DNA lab, I've been a technician for five
7 years.

8 Q And do you know approximately how many pieces
9 you've worked on?

10 A I -- a rough guess, probably at least 2,000.

11 Q Did you have involvement in Case No. 1001178521?

12 A Yes, I did.

13 Q And I guess, did you come in contact with an
14 evidence item No. 1?

15 A Yes, I did.

16 Q Okay. And what was that item?

17 A That item was a swab from the backsliding glass
18 door handle.

19 Q Okay. And what was the context of your involvement
20 with that item?

21 A Basically all I did was open the evidence. I made
22 sure, you know, everything was properly sealed before I
23 opened it. And then I labeled everything. I filled out an
24 evidence sheet, and I cut the swab and put it into the
25 tube.

Christine Barrickman - Direct Examination by Ms. Fent Bodman

- 1 Q Did you actually pick it up from the property room
2 as well?
- 3 A Yes, I did.
- 4 Q Okay. And so you prepped that swab for Gray Amick?
- 5 A Correct.
- 6 Q Did you come in contact with Item 12?
- 7 A Yes, I did.
- 8 Q And what is Item 12?
- 9 A Item 12 is a buccal swab from Roosevelt Reaves, Jr.
- 10 Q I'm going to show you what's marked as State's
11 Exhibit 12 and ask you if you recognize that.
- 12 A Yes, I do.
- 13 Q And what is that?
- 14 A It's Item 12, the buccal swab from Roosevelt
15 Reaves, Jr.
- 16 Q When was it that you first came in contact with
17 that item?
- 18 A I picked up Item 12 on March 19th of 2010, at
19 12:53.
- 20 Q From where?
- 21 A Jerry Maldonado in the evidence and property room.
- 22 Q And then what did you do with that piece of
23 evidence, with those buccal swabs?
- 24 A I carried it upstairs to the DNA lab and then a few
25 days later, I opened the evidence and initialled it and

Christine Barrickman - Direct Examination by Ms. Fent Bodman

1 | labeled it, filled out the evidence sheet and cut the swab
2 | and put it into the hand of Gray.

3 | Q And when you picked it up from the property room,
4 | was it properly sealed and stored?

5 | A Yes, it was.

6 | Q And then you said it was a couple of days before
7 | you opened that evidence. So where is it kept in your
8 | office while it's with you?

9 | A The DNA lab is secured by key card access so only
10 | the DNA lab people and people in the chain of command have
11 | access to it. But we also have a locker where it's also
12 | kept so that it's stored until we analyze it.

13 | Q Okay. So then you said that you opened the
14 | evidence. You mean the actual -- this plastic packaging?

15 | A Correct. I cut along the bottom to open the
16 | evidence.

17 | Q Okay. And how do you document that you opened that
18 | piece of evidence?

19 | A My initials go -- the case number, the item number,
20 | and my initials go on the box that's inside the package.

21 | Q And can you see your initials on the box inside
22 | that package?

23 | A Yes, I do.

24 | Q Okay. On April 12th, what did you do with that
25 | item of evidence then?

Christine Barrickman - Direct Examination by Ms. Fent Bodman

1 A I turned it over to the DNA analyst Gray Amick.

2 Q On May 20th -- excuse me, July 19th, then, did you
3 have contact with this item of evidence?

4 A Yes. We -- it had been returned to the evidence
5 room, and we picked it up again from the evidence room. I
6 picked it up from Patricia Weed.

7 Q Do you know why you went back and picked it up
8 again?

9 A It had to be reanalyzed, and you have to ask the
10 analyst.

11 Q Okay. And then what did you do after picking it up
12 on July 19th?

13 A Yes. I turned it over to Gray Amick.

14 MS. FENT BODMAN: No further questions at this
15 time.

16 MR. COOPER: No questions, Your Honor.

17 THE COURT: Thank you. You can step down.

18 MS. FENT BODMAN: State calls Investigator Richard
19 Carter.

20 THEREUPON,

21 RICHARD CARTER,

22 after being duly sworn, testified as follows:

23 THE CLERK: Please have a seat. State your full
24 name for the record.

25 THE WITNESS: Richard Carter.

Richard Carter - Direct Examination by Ms. Fent Bodman

DIRECT EXAMINATION

1

2 By Ms. Fent Bodman:

3 Q And, Investigator Carter, who do you work for?

4 A Richland County Sheriff's Department.

5 Q And in what capacity?

6 A I'm an investigator assigned to the special
7 victim's unit.8 Q And can you tell the jury a bit about your
9 education and your training, your background that led you
10 do be an investigator with the special victim's unit?11 A Yes, I have a Bachelor of Science Degree in
12 Criminal Justice. I have additional advance training in
13 law enforcement, specializing in sexual crimes and my
14 experience.15 Q Did you, sir -- prior to being an investigator,
16 what did you do?17 A Well, I initially started my law enforcement career
18 in 1996 in North Carolina. I worked at the Carolina Beach
19 Police Department in 2002; I worked at Mt. Pleasant. In
20 2003 I was hired at Richland County.

21 Q And as -- hired in 2003 as an investigator?

22 A No, ma'am, I was initially on the road as a deputy
23 align unit. Shortly -- a year or so later every, I went to
24 investigations.

25 Q And have you always been with special victims or

Richard Carter - Direct Examination by Ms. Fent Bodman

1 have you done investigations on other cases?

2 A No, ma'am. Initially -- when I started
3 investigations here, I worked property crimes, which are
4 burglary, larceny, theft, also some financial crimes. I
5 also worked several homicide cases. And I was eventually
6 reassigned to special victims almost four years ago.

7 Q How many years ago?

8 A Almost four.

9 Q Okay. In January of 2002, how did you become
10 involved in this case? And I've been referring to it as
11 Case No -- in terms of evidence, but Case No. 1001178521.

12 A On January 21st of 2010, Sergeant Faust, who was my
13 supervisor assigned this incident report to me, which is
14 typically what he will do when a case comes in. He
15 assigned it to me, and I proceeded to conduct a follow-up
16 investigation on it.

17 Q How many other investigators were in special
18 victims under Sergeant Faust

19 A There's myself and two others.

20 Q And at this stage when the case is assigned to you,
21 how much information do you have?

22 A Well, this particular case the only information I
23 had was what was in the initial incident report, which is
24 what corporal Smith had reported. Sergeant Faust, when he
25 gave me the incident report, since he had picked up the

Richard Carter - Direct Examination by Ms. Fent Bodman

1 protocol kit and submitted it to evidence, he also had a
2 SANE report, which is a report completed by the nurse at
3 the hospital. So I had that also.

4 Q And part of that report that the sexual assault
5 nurse examiner fills out, does that include what they call
6 a history or a summary of what the victim says happened to
7 them?

8 A Yes.

9 Q Okay. And so did you review those items, the
10 incident report as well as the nurse's report?

11 A I did.

12 Q What at this stage, if anything, do you have to go
13 on in terms of who a suspect is?

14 A I don't have any information. Ms. Morrow was
15 unable to describe a description. There was just no
16 information there. And what I would call this was a
17 who-done-it because I didn't know who the suspect was.

18 Q So no description of who did this to her. And what
19 also about entry into the home?

20 A Correct. There was -- from my understanding, there
21 was no forced entry, no point of entry, which in my mind --
22 because I have experience working burglaries, is either it
23 may have been someone that knew her, had a key, or possibly
24 someone who worked at the apartment complex that would have
25 access to a key to get into the house, into the apartment.

Richard Carter - Direct Examination by Ms. Fent Bodman

1 Q So what do you do initially in terms of going in at
2 that angle that it might possibly be someone that has a key
3 or access to a key?

4 A I did make contact with the apartment complex, with
5 the apartment manager there, and did ask for a list of
6 employees at that time.

7 Q Okay. Did you talk to Investigator Woods, who was
8 actually at the crime scene that night?

9 A I did.

10 Q Did you get any further information from her about
11 the entries, the doors and how secure that they were?

12 A No. It was -- she said that she found no evidence
13 of forced entry. She spoke to me briefly about the sliding
14 door. She said it could not be locked securely. She did
15 indicate that there was a large -- there was a computer
16 desk, a desktop computer located at that sliding glass
17 door. She did tell me that there were several large items
18 and those cords that were in front of it.

19 Q And what time was it that you came on duty that
20 day -- came to work that day with your shift?

21 A I was actually on call that week and I was on
22 evening shift, so I came in at 12:30 that afternoon.

23 Q Okay. So with no possible suspects, how important
24 then is this sexual assault kit that you all got from the
25 hospital?

Richard Carter - Direct Examination by Ms. Fent Bodman

- 1 A It's extremely important.
- 2 Q And what do you do about this kit at this point?
- 3 A I put in the request to have the kit processed and
4 analyzed as soon as possible, because that's all we had. I
5 don't have any other evidence at this point, but I did have
6 some indication that there was some evidence collected from
7 the victim at the hospital. That was reported in the SANE
8 report.
- 9 Q You said you contacted the apartment complex about
10 a possible list of employees. Was there anybody else at
11 the apartment complex or related to the complex that you
12 contacted in terms of assistance and --
- 13 A I did. I probably got ahead of myself. Deputy
14 Parrish, she's a courtesy officer at the apartment complex.
- 15 Q So you just contacted her, briefed her on what was
16 going on?
- 17 A Correct.
- 18 Q Really in terms of that day, was there anything
19 else, other than trying to rush the sexual assault kit, and
20 trying to get a list of employees, and talking to courtesy
21 officer, was there anything else you did that day?
- 22 A I did contact our central dispatch, and at that
23 point I'd learned that at 9:08:00 p.m., which would be
24 21:08 hours, on January 20th, there were two -- region two
25 units that were originally dispatched to Ms. Morrow's

Richard Carter - Direct Examination by Ms. Fent Bodman

1 apartment.

2 Q And do you subsequently request the 911 calls that
3 were made?

4 A I do.

5 Q What about contact with Rochelle Morrow?

6 A Yes, ma'am. I had made contact with her.

7 Q Was there anything indicated -- or any indication
8 that anything was taken from Ms. Morrow's home?

9 A Yes, she indicated that there was a cell phone that
10 was taken.

11 Q What did you do in terms of that?

12 A Well, I had -- first I asked her if she had turned
13 the phone off. And she did tell me earlier that morning
14 she did have the phone turned off.

15 Q Okay.

16 A So at that point I asked her to check her cell
17 phone to see if any phone calls were made off her cell
18 phone after it was taken from her residence.

19 Q Because what can you do with that information?

20 A Well, then, if I can find that her phone was taken
21 off -- taken and someone placed some calls, I can cross
22 reference -- once I get the phone records, cross reference
23 the phone numbers that were called from her phone to try to
24 identify who that person called.

25 Q And was she able to provide for you those phone

Richard Carter - Direct Examination by Ms. Fent Bodman

1 records?

2 A She was. And she did.

3 Q And any phone numbers that she did not recognize
4 that were made after the phone was taken?

5 A Yes. She informed me that on January 21st of 2010,
6 at 3:07 in the morning, at 3:24 in the morning, and 3:25 in
7 the morning, and 3:35 in the morning, her phone was used to
8 call area code

9 Q What do you do with that number?

10 A That number, I used a law enforcement search engine
11 which is called Acura and inputted that phone number into
12 Acura and obtained some information on the background of
13 the phone number.

14 Q And what information did you obtain about that
15 phone number?

16 A I learned that the cell phone carrier was listed to
17 a Metro PCS, Incorporated, which is in Atlanta, Georgia.
18 And the name assigned to that phone number was a Charelle
19 Brown.

20 Q And was there a city and state for Charelle Brown?

21 A Atlanta, Georgia.

22 Q Do you pick up the phone and call that number or
23 talk to Charelle Brown?

24 A No.

25 Q And why not?

Richard Carter - Direct Examination by Ms. Fent Bodman

1 A Well, because if that was, you know, anyone related
2 to the person that took the phone, I didn't want to tip
3 them off to let them know I was doing a background check.

4 Q What do you want to wait for?

5 A I want to wait for the results that come out of the
6 sexual assault kit.

7 Q Do you subsequently meet with Ms. Morrow, Rochelle
8 Morrow?

9 A I do.

10 Q And when did you meet with her then?

11 A I met with her on January 25th, 2010.

12 Q And did you get a written statement from her at
13 that time?

14 A I did.

15 Q And what do you do -- what do you and Ms. Morrow
16 do?

17 A After the written statement -- I actually go with
18 Ms. Morrow back to her apartment because she wanted to
19 gather some of her belongings and she didn't want to go
20 alone.

21 Q When is it that you get some results back on the
22 sexual assault kit?

23 A On February 4th, Dr. Amick contacted me. He
24 verbally informed me about a DNA profile was developed from
25 one of the swabs that were contained in the sexual assault

Richard Carter - Direct Examination by Ms. Fent Bodman

1 kit.

2 Q And was he able to provide a name with that -- that
3 matched that DNA profile?

4 A He did.

5 Q And what was that name?

6 A He -- Roosevelt Reaves, Jr.

7 Q Now that you've got a name, what are you going to
8 do?

9 A At that point, I had already been in touch with the
10 Apartment Complex, but I was also working with
11 Investigator Bell. He's on our fugitive team.
12 Investigator Bell had some contacts at that apartment
13 complex, and he said he would assist me by speaking with
14 his contacts to try to see if that person lives there or
15 has relatives that live there.

16 Q Okay. And so what do you learn about Roosevelt
17 Reaves and any contact with that apartment complex?

18 A On February 5th, Investigator Bell informed me that
19 he was able to identify a Whitney Reaves who lived at that
20 apartment complex.

21 Q At this point do you have any idea as to the
22 defendant's location?

23 A No, ma'am.

24 Q Okay. So you've got his name. You've got the
25 phone call that was made to a Charelle Brown in Atlanta,

Richard Carter - Direct Examination by Ms. Fent Bodman

1 and then you have a Whitney Reaves that lives at that
2 apartment complex, right?

3 A Yes, ma'am.

4 Q What's your next step? What do you do?

5 A I met with Judge Sorrells and obtained a search
6 warrant for the apartment of Ms. Whitney Reaves.

7 Q And then what do you do with that search warrant?

8 A On February 5th, myself, Investigator Bell, and
9 Investigator Hall, and a Special Agent Robinson with SLED,
10 we executed that search warrant at Ms. Reaves' residence.

11 Q And had you gotten an arrest warrant for the
12 defendant yet?

13 A I had.

14 Q Okay. And when did you get those?

15 A The same time I obtained the search warrant.

16 Q Okay. So with the arrest warrant and the search
17 warrant, you go to Whitney Reaves residence?

18 A Yes, ma'am.

19 Q And this is a possible place that the defendant
20 could be, correct?

21 A Yes, ma'am.

22 Q What happens?

23 A When we arrived at the residence, we knocked on the
24 door first. No one answered. We had management with us,
25 so we used a key and entered it. We didn't do a dynamic or

Richard Carter - Direct Examination by Ms. Fent Bodman

1 forced entry, we entered it. It was -- no one was home.

2 We then called Ms. Reaves.

3 Q And told her what?

4 A Identified who I was to her and explained that I'd
5 like for her to come back to the house. She first asked me
6 if her residence was on fire or something because
7 apparently there was an apartment fire in that area around
8 the same time. And I explained to her no, ma'am, so she
9 returned to the house, to the apartment.

10 Q And you made contact with Whitney Reaves?

11 A I did.

12 Q Okay. And advised her of the situation?

13 A I did.

14 Q Were you able to get any information from her about
15 Charelle Brown?

16 A I was.

17 Q And who did she identify Charelle Brown as?

18 A She said that that was her brother's -- which is
19 Roosevelt Reaves -- his wife.

20 Q Did Whitney Reaves subsequently give you a written
21 statement?

22 A She did.

23 Q And did you get information about the defendant's
24 possible whereabouts?

25 A I did.

Richard Carter - Direct Examination by Ms. Fent Bodman

- 1 Q So where is your investigation turning now?
- 2 A To Atlanta, Georgia.
- 3 Q What do you do at this point then?
- 4 A At this point, the arrest warrants I had obtained
- 5 were turned over to the United States Marshall Service
- 6 through our liaison with them, to work on locating and
- 7 apprehending him.
- 8 Q Since the person's in another state, what types of
- 9 hoops are you going to have to go through to get the person
- 10 back to South Carolina?
- 11 A He would have to be extradited back.
- 12 Q So you requested permission to extradite back?
- 13 A I did.
- 14 Q And did that paperwork?
- 15 A I did.
- 16 Q In the meantime, are you in contact with any other
- 17 family members other than Whitney Reaves?
- 18 A I'm -- I spoke with her mother, Ms. Reaves' mother
- 19 several times.
- 20 Q And actually when you're back at the apartment
- 21 talking to Whitney, did you talk to the defendant's mom at
- 22 that time?
- 23 A I did.
- 24 Q In person or by phone?
- 25 A In person.

Richard Carter - Direct Examination by Ms. Fent Bodman

- 1 Q Also, did you get a phone contact from her -- phone
2 number from her?
- 3 A Yes.
- 4 Q Okay. And what phone number did she provide for
5 you?
- 6 A ---.
- 7 Q And did you subsequently contact Ms. Reaves using
8 that phone number?
- 9 A I did.
- 10 Q Throughout your investigation, did you communicate
11 with her with that phone number?
- 12 A I did.
- 13 Q Okay. After requesting then, extradition, what
14 else do you do?
- 15 A I spoke with Ms. Reaves several times.
- 16 Q And Ms. Reaves -- is that --
- 17 A Rosalind.
- 18 Q The mother?
- 19 A The mother.
- 20 Q Okay. I'm going to show you what's marked as
21 State's Exhibit No. 23 and ask if you recognize that.
- 22 A I do.
- 23 Q And what are those?
- 24 A These are the phone bills I had asked Ms. Morrow to
25 provide to me.

Richard Carter - Direct Examination by Ms. Fent Bodman

- 1 Q Okay. So you got that from Rochelle Morrow?
- 2 A I did.
- 3 Q Her phone records?
- 4 A Correct.
- 5 Q And did you examine those records and look to see
- 6 if you got a call from -- or excuse me if Rochelle Morrow
- 7 either called or received a call from a ?
- 8 A I did.
- 9 Q And did you see that number anywhere in her phone
- 10 records?
- 11 A No.
- 12 Q Either as an incoming or an outgoing phone call?
- 13 A No.
- 14 Q When are you eventually notified of the defendant's
- 15 arrest?
- 16 A On February 11th.
- 17 Q What time?
- 18 A At 11:30.
- 19 Q And then what time do you head to Atlanta?
- 20 A At two o'clock in the afternoon.
- 21 Q What time do you arrive at the Fulton County
- 22 Detention Center?
- 23 A At 6 p.m.
- 24 Q And what happens then at the Fulton County
- 25 Detention Center?

Richard Carter - Direct Examination by Ms. Fent Bodman

1 A When I arrived, I entered with a sargent there,
2 explained my presence, why I was there, and requested to
3 speak with Mr. Reaves.

4 Q And what happened?

5 A I was brought to a -- it was a holding room area.
6 Mr. Reaves came in. There was a glass between us. We can
7 hear and communicate with one another and began to speak
8 with him.

9 Q Were there any type of recording devices available
10 to you?

11 A No.

12 Q Video or audio?

13 A No.

14 Q Okay. So what happens then when you sit down to
15 talk to the defendant?

16 A I first asked him if he knew the reason he was
17 arrested. He told me he did not know why he got arrested.

18 Q Okay. Did you advise him why he got arrested?

19 A I did. I explained to him that the marshall
20 service arrested him on warrants I had obtained charging
21 him with CSC first and burglary first-degree.

22 Q Did you tell him where these offenses occurred?

23 A Initially, after I told him that, I advised him of
24 his rights.

25 Q Okay.

Richard Carter - Direct Examination by Ms. Fent Bodman

1 A He signed his rights, waiver. He told me he wanted
2 to talk to me.

3 Q I'm going to show you what is marked as State's
4 Exhibit 10 and ask if you recognize that?

5 A I do.

6 Q And what is that?

7 A These are the advice of rights.

8 Q That --

9 A That I read to and had Mr. Reaves sign them.

10 Q Okay. And can you go through, specific, that
11 advice of rights?

12 A First I asked him before we ask you any questions,
13 you must understand your rights. You have the right the
14 remain silent. Anything you say can be used against you in
15 court. You have a right to talk to a lawyer for advice
16 before we ask any questions or have a lawyer with you
17 during any questioning. If you cannot afford a lawyer, one
18 will be appointed for you before questioning if you wish.

19 If you decide to answer questions now without a
20 lawyer present, you still have the right to stop answering
21 at any time. You also have the right to stop at any time
22 until you talk to your lawyer.

23 Q And did he indicate that he understood all those
24 rights?

25 A He did.

Richard Carter - Direct Examination by Ms. Fent Bodman

- 1 Q And did he indicate to you that he wanted to give
2 up those rights, waive those rights, and talk to you?
- 3 A Yes.
- 4 Q I'm going to show you what's marked as State's
5 Exhibit 10-A. What's in your hand is State's Exhibit 10 and
6 this is 10-A. Is this a duplicate of Exhibit 10 that's in
7 your hand?
- 8 A Yes.
- 9 Q How then does he acknowledge that he understands
10 his rights?
- 11 A Blow the waiver of rights. I then read to him the
12 waiver of rights and he signed it.
- 13 Q Okay. And who else signed or who all signed as
14 witnesses to this?
- 15 A The other witness here is a detention center Avila,
16 who works at the Fulton County Detention Center. He
17 actually assisted me with providing the form to him to
18 sign.
- 19 Q Okay. So you couldn't hand the form directly to
20 him?
- 21 A No, ma'am.
- 22 Q So you read it, talked to him about it and then
23 handed the form to the other officer who walked it around
24 to him?
- 25 A Yes, ma'am.

Richard Carter - Direct Examination by Ms. Fent Bodman

1 Q Did you actually witness him sign it?

2 A I did.

3 Q And then she brought the form, I guess, back to
4 you?

5 A Yes, ma'am.

6 Q And who's other signature is that as a witness?

7 A Mine.

8 Q And so do you advise him where this crime occurred?

9 A I did.

10 Q And what was his response to that?

11 A Well, I'd asked him -- I told him this was about
12 the time he was in Columbia.

13 Q And what was he response?

14 A He said, Columbia, I've been in Atlanta.

15 Q And what did you say?

16 A I told him it was about the apartment he broke into
17 and sexually assaulted a female who lived there when he was
18 at his sister's house.

19 Q And what was his response to that?

20 A He said I don't know what you're talking about, I
21 didn't break into any house.

22 I then asked him if he knew what DNA was.

23 He said yes.

24 And I said to him, his DNA matched the semen that
25 was found on the victim.

Richard Carter - Direct Examination by Ms. Fent Bodman

1 Q And then what was his response?

2 A Then he smirked at me, and said, This is all about
3 the girl I met who asked me over. He said, Man, she's just
4 saying this because I told her I wasn't leaving my wife and
5 kids.

6 Q So it went from: Columbia, I've been in Atlanta,
7 to: This is all about the woman who --

8 MR. COOPER: Objection, Your Honor, leading.

9 THE COURT: Don't lead the witness.

10 By Ms. Fent Bodman:

11 Q It went to initially denying even Columbia to then
12 saying I had sex with this person?

13 A Correct.

14 Q Then did he go on to essentially, I guess, tell you
15 his -- what he wanted to say about this?

16 A Yes.

17 Q Did you document this in a written, signed, sworn
18 statement?

19 A I did.

20 Q I'm going to show you what's marked as State's
21 Exhibit 11 and ask if you recognize that.

22 A I do.

23 Q And what is that?

24 A This is the written statement I obtained from Mr.
25 Reaves.

Richard Carter - Direct Examination by Ms. Fent Bodman

- 1 Q And did he sign this statement?
- 2 A He did.
- 3 Q How many pages is this statement?
- 4 A Five.
- 5 Q And did he sign each and every page?
- 6 A He did.
- 7 Q And who else signed this statement?
- 8 A The detention center -- Ms. Avila.
- 9 Q Okay. And who else?
- 10 A Myself.
- 11 Q Let's start out with State's Exhibit 11-A. And ask
12 you if you recognize that?
- 13 A I do.
- 14 Q Okay. And what is that?
- 15 A It's page one of his statement.
- 16 Q Okay. Can you start walking us through question
17 and answer.
- 18 A Question, what is your highest level of education.
19 Answer, 12th, Lower Richland High School.
- 20 Question, can you tell Investigator Carter the name
21 of your sister. Whitney.
- 22 Question, can you tell Investigator Carter where
23 Whitney lives at. Answer, no. That was the first time I
24 was over there.
- 25 Q Do you recognize State's Exhibit 11-B?

Richard Carter - Direct Examination by Ms. Fent Bodman

- 1 A I do.
- 2 Q And what is this?
- 3 A This is page two.
- 4 Question, can you tell Investigator Carter when you
- 5 were at Whitney's house in Columbia, South Carolina.
- 6 Answer, it was Wednesday or Thursday, January 20, 21st or
- 7 22nd, 2010. I only stayed at Whitney's house one time. I
- 8 stayed at Natasha's house the majority of the time.
- 9 Q Keep going.
- 10 A Question, while you were at Whitney's house, did
- 11 you leave at any time. Answer, yes, I went to the store.
- 12 That was in the daytime. There is only one store right
- 13 there in front of the apartment.
- 14 Question, while you were at the store, did you meet
- 15 a female. Answer, yes.
- 16 Q Now, let me stop you there. Before you actually
- 17 did this written statement, before you put it down into
- 18 writing for him to sign, did you all talk?
- 19 A We did.
- 20 Q Okay. And so did he tell you his full story, what
- 21 he wanted to say about what happened on January 20th, 2010?
- 22 A He did.
- 23 Q Okay. And so you're now going back and documenting
- 24 by -- on paper, question and answer what he is telling you?
- 25 A Correct.

Richard Carter - Direct Examination by Ms. Fent Bodman

1 Q What he already told you?

2 A Correct.

3 Q Okay. And why do you do that? Why do you talk
4 first before you commit it to paper?

5 A Well, I do it to write down -- because I'm doing
6 this by hand, and I'm writing down what he is saying. That
7 is in case he decides not to provide a written statement, I
8 have written documentation I had with him.

9 Q And I'll get ahead of myself. At the end, after
10 you write this all down, question and answer, do you give
11 him the opportunity to read it back?

12 A I did.

13 Q Before they sign it?

14 A I did.

15 Q And they can make any changes additions they wanted
16 to, to this written statement?

17 A Yes.

18 Q Before they sign it?

19 A Yes.

20 Q Okay. So these questions are then based on what
21 he's already told you?

22 A Correct.

23 Q While you were at the store did you meet a female.

24 A His answer, yes.

25 Question, can you tell Investigator Carter the name

Richard Carter - Direct Examination by Ms. Fent Bodman

1 of the female you met. His answer, I met a young lady who
2 said her name was Tasha during the afternoon. I told her I
3 would give her a call later. I used my mother's phone to
4 call her.

5 So later that night I called her because my sister
6 left me there alone because she figured I would have
7 company over. That's why she left me the place. I called
8 Tasha and told her I was by myself and my sister just left.
9 Whitney did come back --

10 Q 11-C?

11 A Page three. -- come back later that night. When I
12 talked to Tasha, she told me to come over. So as I walked
13 to her house, I kept talking to her on the phone and she
14 gave me directions. She was standing on her back porch
15 with a light on wearing a nightgown and a robe, waiving her
16 arms for me. I walked through the back sliding door. She
17 was on the computer and the TV was on.

18 When I walked in, we walked upstairs. I thought
19 there was another room upstairs, but it was a bedroom.
20 When we got upstairs, she was already taking her clothes
21 off. I had sex with her and when I did nut, I told her the
22 truth. I told her I had a wife and kids in Georgia, and I
23 wasn't going to leave them; because she asked me during sex
24 if I was going to leave them. And I told her yes. But
25 afterwards I told her I wasn't.

Richard Carter - Direct Examination by Ms. Fent Bodman

1 She then started going berserk. I started putting
2 my clothes on and she said I lied to her. I then walked
3 out the front door.

4 Q State's Exhibit 11-D?

5 A Page 4. Question, can you tell Investigator Carter
6 the type of car Tasha drove. Answer, no. I really didn't
7 look. I was in line at the store.

8 Question, can you describe Tasha. Answer, black,
9 light skin, short hair. It was a one night stand. I
10 really wasn't trying to examine her.

11 Question, did you take a cell phone from the
12 residence before you left. Answer, it was two cell phones.
13 One was a blackberry, I guess. I used it to call Charelle.
14 I got the phone because I liked it, plain and simple.

15 Question, can you tell Investigator Carter the name
16 of your wife. Answer, Charelle.

17 Question, did you take any money before you left
18 the residence. Answer, no, I didn't take any money.

19 Question, where did you get the two cell phones
20 from inside the apartment. Answer, on the night stand.

21 Q And State's Exhibit 11-E?

22 A Page 5. Question, is there anything else you would
23 like to add that Investigator Carter has not asked you.
24 Answer, no, I ain't tried to call or go back over there.
25 It was one night and that's it.

Richard Carter - Direct Examination by Ms. Fent Bodman

- 1 Q After you get his written statement, do you ask him
2 for anything else?
- 3 A I did.
- 4 Q And what did you request of him?
- 5 A I asked him if he would at that time give me a
6 sample of his DNA.
- 7 Q And did he consent to that?
- 8 A No, he didn't.
- 9 Q When is he then brought back to South Carolina?
- 10 A On February 22nd of 2010.
- 11 Q In the meantime, have you been in contact with
12 Rochelle Reaves -- or Rochelle Morrow or Whitney Reaves or
13 Rosalind Reaves?
- 14 A Yes.
- 15 Q Just updating them on the case?
- 16 A Correct.
- 17 Q And the arrest and that information?
- 18 A Correct.
- 19 Q On -- specifically on February 18th, do you speak
20 with Rosalind Reaves?
- 21 A I did.
- 22 Q And what phone number do you all communicate with
23 there?
- 24 A I called Ms. Reaves, phone number .
- 25 Q And in examining Rochelle Morrow's phone records,

Richard Carter - Direct Examination by Ms. Fent Bodman

1 | did you find an incoming or outgoing call from that phone
2 | number?

3 | A No.

4 | Q When the defendant is brought back to Richland
5 | County, where is he brought?

6 | A He is brought to the sheriff's department, the main
7 | headquarters on Two Notch Road.

8 | Q And do you have contact with him there?

9 | A I did.

10 | Q And tell us about that.

11 | A At 13:36 hours, which is 1:36 p.m., I advised him
12 | again of his rights, which he waived. At that time, I'd
13 | asked Mr. Reaves to be truthful.

14 | Q Let's step back.

15 | A Okay.

16 | Q I'm going to show you what's marked as State's
17 | Exhibit 12 and ask you if you recognize that?

18 | A I do.

19 | Q Okay. And what is that?

20 | A This is the rights waiver form I read to Mr.
21 | Reaves.

22 | Q So you did it a second time. Even though you'd
23 | already done it at the Fulton County Detention Center, you
24 | did it again?

25 | A I did.

Richard Carter - Direct Examination by Ms. Fent Bodman

1 Q And did he acknowledge his rights and understand
2 them?

3 A He did.

4 Q And did he acknowledge whether he wanted to give up
5 those rights and talk to you?

6 A He did. He wanted to talk to me.

7 Q And how did he document his acknowledgment of the
8 rights and his waiver of his rights?

9 A He signed both the rights and the waiver section.

10 Q And who else signed that?

11 A I did.

12 Q So tell us about that conversation.

13 A At that time when I spoke with him, I asked him to
14 be truthful because I knew some of what he had told me on
15 February 11th was the truth, which was I knew he had had a
16 sexual intercourse with Ms. Morrow.

17 Q Okay.

18 A I'd asked him if there was anything he wanted to
19 change in his statement, and he told me no. I told Mr.
20 Reaves that he did not meet Ms. Morrow at the store that
21 day, and she never gave him her phone number. I also told
22 Mr. Reaves that he knew that he did not call Ms. Morrow
23 with his mother's cell phone like he'd said.

24 Q And what was his response to that?

25 A He said I did call her. I explained that

Richard Carter - Direct Examination by Ms. Fent Bodman

1 Ms. Morrow's cell phone records did not show any incoming
2 phone calls from his mother's cell phone. He told me that
3 she had more than one phone.

4 Q Did he provide to you a number?

5 A No, he didn't.

6 Q Okay.

7 A I explained to him of the two phones that he took
8 of Ms. Morrrows', only one worked and that was the Verizon
9 phone, the smart phone. The other phone he took didn't
10 work.

11 Q Okay.

12 A I asked him what phone number did he call to reach
13 her and he told me, I don't know, it was a one night stand.

14 I again asked him what he did with the cell phones.
15 He told me he threw them in the woods where his sister
16 Natasha lives.

17 I then told him I had a search warrant to obtain
18 his DNA.

19 Q Okay. Back up. Did you talk to him at all about
20 the minimart?

21 A Yeah, I did.

22 Q And what did you tell him about this minimart?

23 A I told him that the surveillance video at the store
24 did not show him or Ms. Morrow inside.

25 Q And what was his specific answer to that?

Richard Carter - Direct Examination by Ms. Fent Bodman

1 A He was in the store.

2 Q Okay. So then you said you got a search warrant
3 for his DNA sample?

4 A I had.

5 Q And what did you do about executing this search
6 warrant?

7 A I provided Mr. Reaves with a copy of that search
8 warrant, then I read the search warrant to him. After I
9 read the search warrant, I asked him to open his mouth so I
10 could use a swab to swab the inside of his mouth to obtain
11 a sample.

12 Q Okay. And what happened.

13 A At that time, he told me he was not going to allow
14 me to do this. He said he did not have to let me do it if
15 he did not want to. And I explained to Mr. Reaves I was
16 not going to fight him for it and if he refused to comply
17 with the search warrant, I would obtain an additional
18 arrest warrant charging him with obstruction.

19 Q And then what did you do?

20 A At that time he began to read the search warrant
21 and while reading it, he openly stated, without being asked
22 any questions from me, Burglary, how is that, there was no
23 forced entry, no tool marks, no screwdriver used to open
24 the sliding door.

25 He continued to read that search warrant and wanted

Richard Carter - Direct Examination by Ms. Fent Bodman

1 to know if he could see the evidence and I explained to him
2 that I was not going to show him anything at this point.
3 In fact, I did not have the case file with me at that time.
4 He wanted to know why we needed another sample of his DNA
5 when we already had it.

6 Q Did you subsequently get his DNA sample?

7 A I did.

8 Q I'm going to show you State's Exhibit 16. Do you
9 recognize that?

10 A I do.

11 Q And what is that?

12 A It's the DNA swab that I collected.

13 Q Okay. From the defendant's mouth?

14 A Yes, ma'am.

15 Q The person that gave you this written statement at
16 the Fulton County Detention Center and you arrested and
17 brought back to headquarters and you took the swab from his
18 mouth, do you see him in the courtroom today?

19 A I do.

20 Q Could you point to him and describe what he's
21 wearing so we will know who you're talking about?

22 A He's the gentleman sitting at the table, red tie,
23 white shirt.

24 Q No jacket?

25 A No jacket.

Richard Carter - Direct Examination by Ms. Fent Bodman

1 MS. FENT BODMAN: May the record reflect the
2 witness has identified the defendant.

3 THE COURT: It does.

4 By Ms. Fent Bodman:

5 Q After taking the swabs from the defendant's
6 mouth -- essentially what is that? What does it look like?

7 A A Q-tip.

8 Q And where do they swab?

9 A The mouth, inside the mouth, the cheek.

10 Q And then what do you do with those Q-tips?

11 A I put it into a box. This box. Packed it up, take
12 it -- put it in evidence packaging and submit it.

13 Q And so you seal it -- you put it into this plastic
14 packaging?

15 A I did.

16 Q Did you properly seal it before you placed it into
17 the property room?

18 A I did.

19 Q Did you go to the minimart and try to look at
20 surveillance video there?

21 A I did.

22 Q And what was the result of that?

23 A I met with a store employee, and I asked the
24 employee about the surveillance cameras, if the
25 surveillance cameras at the store worked. I was told they

Richard Carter - Cross-Examination by Mr. Newton

1 | did, but the video is not stored very long. I actually
2 | asked him to request the surveillance video from
3 | January 20th, 2010. He checked it, and there was no video
4 | stored on the system for January 20th, 2010.

5 | Q The apartment complex where this occurred, is that
6 | located in Richland County?

7 | A It is.

8 | MS. FENT BODMAN: At this time, I would offer into
9 | evidence State's Exhibit 10, 11, and 12.

10 | MR. COOPER: No objection.

11 | THE COURT: In without objection.

12 | (WHEREUPON State's Exhibit No.'s 10, 11 and 12 were
13 | entered into evidence.)

14 | MS. FENT BODMAN: No further questions at this
15 | time.

16 | THE COURT: Cross-examination.

17 | MR. NEWTON: May it please the Court.

18 | THE COURT: Yes, sir.

19 | **CROSS-EXAMINATION**

20 | By Mr. Newton:

21 | Q Investigator Carter, just a very long and detailed
22 | investigation from the Solicitor Bodman about how you
23 | investigated this case, correct?

24 | A Yes, sir.

25 | Q You stated at the beginning that you have been a --

Richard Carter - Cross-Examination by Mr. Newton

- 1 in the police -- in the law enforcement field since 1996,
2 correct?
- 3 A Yes, sir.
- 4 Q 1996, that would be 15 years; is that fair to say?
- 5 A Yes, sir.
- 6 Q You started in North Carolina?
- 7 A Yes, sir.
- 8 Q You went to Mt. Pleasant here in South Carolina?
- 9 A Yes, sir.
- 10 Q And then you came here to Columbia?
- 11 A Yes, sir.
- 12 Q That was around 2003 you started in Columbia, South
13 Carolina, correct?
- 14 A Yes.
- 15 Q And you started as a duty patrol cop, is that how
16 you described it?
- 17 A Yes, sir.
- 18 Q Okay. And when did you move into investigations?
- 19 A 2004.
- 20 Q 2004. Okay. From there, you worked -- I think you
21 told the jury you worked homicides and property crimes,
22 correct?
- 23 A Correct.
- 24 Q Okay. And then in 2007, you were switched over to
25 the special victim's unit?

Richard Carter - Cross-Examination by Mr. Newton

1 A Yes, sir.

2 Q So for about four years, you've been an
3 investigator in the special victim's unit?

4 A Yes, sir.

5 Q Okay. Now, on this particular case -- let me back
6 up real quick. To be an investigator, it's not just a time
7 experience, but rather you have to get more training to get
8 to that point, correct?

9 A Correct.

10 Q They're not -- they don't just take you because
11 you've been there ten years, but rather based on the
12 experience that you've been given?

13 A Correct.

14 Q Okay. So at this point, you're very experienced at
15 what you're doing?

16 A I would say seasoned.

17 Q Seasoned. All right. That's fair. But for four
18 years you've been an investigator in the special victim's
19 unit?

20 A Yes, sir.

21 Q Okay. Now, on this particular case, you were not a
22 investigator, or an investigator, correct? You were the
23 investigator?

24 A Yes.

25 Q The lead investigator?

Richard Carter - Cross-Examination by Mr. Newton

1 A Yes.

2 Q That's what they call it, lead investigator?

3 A Yes.

4 Q Okay. So you're the boss on the case. All of the
5 people under you write reports for you, correct?

6 A I'm the investigator.

7 Q Okay. The investigative report that we received as
8 defense counsel comes from the lead investigator, correct?

9 A Correct.

10 Q And so the report that we were given was written by
11 you, correct?

12 A Yes.

13 Q I'm going to staple this because I'm going the
14 bring it to you and I don't want to lose spots.

15 Investigator Woods that we heard from, Corporal
16 Smith that we heard from, Sergeant Faust, anybody that's
17 been in contact with you about this would be in this
18 report, correct?

19 A Correct.

20 Q Okay. I just wanted to go through that. Thank
21 you.

22 We heard from Solicitor Bodman that at the start of
23 this case, there were very little leads, correct?

24 A Correct.

25 Q Okay. You had a victim claiming that she had been

Richard Carter - Cross-Examination by Mr. Newton

1 sexually assaulted and you had a possible DNA hit, correct?

2 A Correct.

3 Q Okay. What is the first piece of crime scene
4 evidence that you received in this case? Let me
5 rephrase -- who was the first -- either Smith or Woods,
6 that -- past the incident report, what is the next thing
7 you received in this case to make an analysis?

8 A The SANE report.

9 Q The SANE report. Okay. And then after that,
10 Investigator Woods goes out to the -- she's already gone
11 out to the crime scene and you receive her report, correct?

12 A No, actually I called her.

13 Q Called her. Okay. But you do get a report from
14 Investigator Woods. She tells you what happened what she
15 surveyed at the scene, right?

16 A Correct. Not that day.

17 Q Not that day, but more subsequently than days, the
18 next thing you received is Investigator Woods report?

19 A Okay.

20 Q Okay. And she advises you -- and I'm reading from
21 your report, Woods advised there were several large items
22 in front of the sliding glass door which were undisturbed.
23 This is what you wrote, correct?

24 A Yes.

25 Q Okay. Based on that, she then says, Investigator

Richard Carter - Cross-Examination by Mr. Newton

1 Woods advises if someone did enter through the sliding
2 glass door they would have to maneuver around the power
3 cords on the floor and would have disturbed things present.
4 That's written there, correct?

5 A Correct.

6 Q All right. So based on her conclusion and based on
7 your conclusion, there is no forced entry at this time,
8 correct?

9 A Correct.

10 Q Okay. Things were not disturbed, therefore someone
11 would have had to maneuvered to come into the sliding glass
12 door, correct?

13 A Correct.

14 Q You refer to this case then as a who-done-it case.
15 You didn't have a lead. But based on no forced entry, that
16 you thought it was either someone that she knew, someone
17 that had a key or someone that worked at the apartment
18 complex, correct?

19 A Correct.

20 Q You went even so far as to investigate people that
21 worked at the apartment complex, correct?

22 A Yes.

23 Q Okay. You received names from the apartment
24 complex, correct?

25 A Yes.

Richard Carter - Cross-Examination by Mr. Newton

1 Q A Phillip Troutman, correct?

2 A Yes.

3 Q Dwayne Harley, Abraham Canty, Ronnie Parker. These
4 are people that could be possible suspects in this case
5 because at the time, right now, there were no signs of
6 forced entry, right?

7 A Correct.

8 Q Okay. The DNA kit comes back as Roosevelt Reaves.
9 At that time you spoke to Ms. Bodman, and you thought maybe
10 he has some connection to the apartment complex, correct?

11 A Correct.

12 Q You speak with Investigator Bell who has contacts
13 with the apartment complex?

14 A Correct.

15 Q You come in contact with him, and he says he will
16 look into possible leads in the apartment complex?

17 A Correct.

18 Q He comes back and says that there is a relative
19 that lives in the apartment complex, of Mr. Reaves,
20 correct?

21 A Correct.

22 Q Okay. And that is Whitney Reaves, his sister?

23 A Correct.

24 Q Okay. So you do a search warrant on Whitney's
25 house on February 5th. Is that the -- that is the date,

Richard Carter - Cross-Examination by Mr. Newton

1 right? February 5th?

2 A Yes.

3 Q Okay. Once inside Whitney's house, did y'all find
4 anything in there suspicious or out of the ordinary?

5 A There was a silver in color Quickset key on the
6 dining room table.

7 Q Okay. And you processed that key, right, as
8 evidence, correct?

9 A Correct. It did not lock or unlock any doors at
10 the residence.

11 Q At the residence of Ms. Reaves, correct?

12 A Correct.

13 Q And did you then take it to Ms. Morrow's house?

14 A No.

15 Q No. You didn't process that as a key that could be
16 used there?

17 A No.

18 Q No. But you did take it in inventory?

19 A Yes.

20 Q You did process it because at the time you still
21 thought this has to be an inside job, someone had to have
22 had a key into this house, correct?

23 A You know, no forced entry it would be logical that
24 it was somebody that did have a key.

25 Q So now you know who it is. With DNA, you know that

Richard Carter - Cross-Examination by Mr. Newton

1 person had been in the apartment, correct? Mr. Reaves had
2 been in the apartment?

3 A Yes.

4 Q Did you contact Ms. Morrow and ask her if she knew
5 who Mr. Reaves was?

6 A I did.

7 Q Did you show her a picture of Mr. Reaves to perhaps
8 see if he was a person that was in the apartment complex?

9 A No.

10 Q No. Did you just ask her?

11 A I did.

12 Q Okay. Was this over the phone? Was this in
13 person?

14 A I believe I called her.

15 Q You spoke to Ms. Morrow on the 21st of January for
16 the first time, correct? I'm basing this off of your
17 investigation report, the very first page.

18 A Yes.

19 Q Okay. And you spoke to Ms. Morrow that day, what
20 did she say -- outside of what had happened, what did she
21 say with regard to what was stolen from her residence?

22 A She advised me, she does not have a spare key
23 placed anywhere outside of her residence. She advised the
24 subject took \$26 in U.S. currency from her wallet along
25 with her cell phone.

Richard Carter - Cross-Examination by Mr. Newton

- 1 Q Along with a cell phone. Okay. Now I'm going to
2 go down to the questioning of the defendant. Mr. --
3 Investigator -- I'm sorry. The day you went down to
4 Atlanta to speak to the defendant was February 11th,
5 correct?
- 6 A Yes.
- 7 Q Okay. This is now 21 days since the alleged
8 incident -- 21, 22 days, correct?
- 9 A Yeah.
- 10 Q Three weeks. Let me refer to his statement. You
11 go down there. He's in Atlanta, Georgia, correct?
- 12 A Correct.
- 13 Q He's in a facility that won't audio or video tape
14 what is being said.
- 15 A Correct.
- 16 Q So you take a written statement?
- 17 A Correct.
- 18 Q Okay. And you asked him what happened in Columbia.
19 Well, first, you tell him he's being arrested for burglary
20 first and criminal sexual conduct first, correct?
- 21 A Correct.
- 22 Q And he says, I don't know what you're talking
23 about, correct? He says he don't know anything about that,
24 correct?
- 25 A Correct.

Richard Carter - Cross-Examination by Mr. Newton

1 Q Okay. I don't know what you're talking about. I
2 didn't break into any house. That's what he says, correct?
3 And you asked him -- or you tell him that this is about a
4 situation in Columbia and he says, what are you talking
5 about, I've been in Atlanta; is that right?

6 A Correct.

7 Q Okay. And this has been 21 days since the last
8 time he was there, based on what we heard about when he
9 left Columbia from his sister, correct?

10 A Correct.

11 Q His sister says he leaves town the next day. She
12 tells you he's in Atlanta -- you tell him he was in
13 Columbia, he's in Atlanta, you tell him he was there. And
14 you say, Well, we have DNA that says you were in this
15 apartment, correct?

16 A Correct.

17 Q And does he confess at that time? Does he say, Oh,
18 I did break into this house, I did rape this woman?

19 A What he said is, this is all about that girl I met
20 who asked me over.

21 Q Did he -- when you confronted him with the piece of
22 evidence, the key piece of evidence before you had no
23 leads, nowhere to go until this DNA hit, when you confront
24 him with that, did he say, You got me, I broke into this
25 ladies house and I raped her. Did he say that?

Richard Carter - Cross-Examination by Mr. Newton

- 1 A No.
- 2 Q Okay. You then ask him what happened. He says he
3 met a woman at the store. He tells you where the store
4 was, correct?
- 5 A Correct.
- 6 Q Okay. And he says that that lady -- they were
7 going to exchange phone numbers and talk to each other.
8 They did and he met her up at her house. She waved him in
9 from the back sliding door and he came in. And he tells
10 you that they had consensual sex, correct?
- 11 A Correct.
- 12 Q Okay. And then that she got mad because during
13 this encounter, there was talk about him leaving his wife
14 and after the encounter had said, No, I'm not going to do
15 that. That's what he told you, correct?
- 16 A Yes.
- 17 Q Okay. So now you have the statement. You ask him
18 before he leaves, Can I get your DNA, correct?
- 19 A Correct.
- 20 Q And you asked him for it at the end, right?
- 21 A Correct.
- 22 Q Okay. And you've already told him they have a DNA
23 hit on him at the apartment, correct?
- 24 A Correct.
- 25 Q Okay. And he says you already got it, I'll wait

Richard Carter - Cross-Examination by Mr. Newton

1 | until I get back there, correct?

2 | A Correct.

3 | Q Okay. That's the first statement. That's from
4 | February 11th, 2010, correct?

5 | A Correct.

6 | Q Okay. You now have your guy, you now have your
7 | statement. You have a couple of pieces of evidence.
8 | Because you can go back -- he also says what he stole, what
9 | did he tell you that he stole from the house?

10 | A The cell phone.

11 | Q A cell phone or two cell phones?

12 | A Two cell phones.

13 | Q Two cell phones and that's it. And he said, I just
14 | took them because I liked them?

15 | A Correct.

16 | Q Okay. All right. So now we have that. We have
17 | two possible stolen cell phones and we have an encounter at
18 | a store. Now, you just testified to Ms. Bodman, that on
19 | your second encounter with the defendant, which was
20 | February 22nd, that would be twelve -- ten days --
21 | eleven days since the first encounter, that on the second
22 | encounter with him, you told him that he never showed up on
23 | the surveillance tape, correct?

24 | A Correct.

25 | Q Okay. During -- between February 11th when you

Richard Carter - Cross-Examination by Mr. Newton

1 find out that piece of information that he was at the store
2 to the second time you went and talked to him, did you go
3 to the quick mart and try to find the tape?

4 A No.

5 Q No. So when you talked to him on February 22nd and
6 you said, Hey, I checked the surveillance tape, you're not
7 on the tape, you lied to me.

8 A Yes.

9 Q Okay. And when you presented that information, did
10 he confess? Did he break down and say, You're right, I
11 wasn't in the store, I made it up. I broke into this
12 lady's house? Did he do that?

13 A No.

14 Q No. What did he say to you?

15 A He said that he was at the store.

16 Q He said that he was at the store. Okay. So
17 February 11th you find out this piece of information that
18 they might have encountered at the store. When do you
19 actually go to the store to check and see if there's a
20 surveillance tape?

21 A February 23rd.

22 Q February 23rd. That's the day after the second
23 statement?

24 A Yes.

25 Q Okay. Now, in the second statement that you have

Richard Carter - Cross-Examination by Mr. Newton

1 | with the defendant -- the first statement you weren't
2 | allowed -- there was no audio tape or video tape present --
3 | allowed because it was at the Fulton County Detention
4 | Center and they weren't allowed, correct?

5 | A Correct.

6 | Q Now, the second statement, where was that held?

7 | A At the Richland County Sheriff's Department.

8 | Q Okay. And at the Richland County are y'all -- you
9 | work there, right?

10 | A Yes.

11 | Q Are y'all allowed to audio or video tape a
12 | statement?

13 | A No.

14 | Q You're not allowed to?

15 | A No.

16 | Q No. Okay. After the second statement, did you go
17 | back to Ms. Morrow and question her -- any time did you go
18 | back and ask Ms. Morrow about being in the store, show her
19 | a picture of Mr. Reaves, did you do any followup with
20 | Ms. Morrow?

21 | A Back when I had gone to Atlanta and after leaving
22 | Atlanta, Fulton County Detention Center, I believe I called
23 | Ms. Morrow and asked her whether -- Ms. Morrow told me that
24 | she did not meet Mr. Reaves at the store earlier that
25 | afternoon, and she never gave her phone number to Mr.

Richard Carter - Cross-Examination by Mr. Newton

1 Reaves; and he did not call her, and she did not invite Mr.
2 Reaves into her house.

3 Q So that was February 11th. You called her right
4 after -- you called her right after you got done with the
5 first statement with the defendant, correct?

6 A Correct.

7 Q Okay. So once she told you that she hadn't been in
8 the store, you, of course, went to check the surveillance
9 tape?

10 A No.

11 Q No, you just took her word for it, correct? You
12 said, Okay. Didn't go in the store. You didn't check it.

13 A No.

14 Q Okay. The person that drove Mr. Reaves from
15 Atlanta and extradited him to Columbia, South Carolina was
16 Investigator Cullum, correct?

17 A Correct.

18 Q And you talked to him about anything that Mr.
19 Reaves might have told you on the ride up, correct?

20 A Correct.

21 Q And that statement -- if I can find it real
22 quick -- is on the last page of your investigation report,
23 correct?

24 A Correct.

25 Q Okay. I'm going to read from it. This is advising

Richard Carter - Cross-Examination by Mr. Newton

1 Investigator Cowens -- actually, I'm going to allow you to
2 read it. If you can go to where it says Investigator
3 Cowens advises Mr. Reaves, if you can read from there. I
4 can give you my copy where I underlined right there in that
5 middle paragraph. Investigator Cowens advised that Mr.
6 Reaves said --

7 MS. FENT BODMAN: I'm sorry, I object, Your Honor,
8 that this is hearsay. What Investigator Cowens told
9 Investigator Carter is hearsay.

10 THE COURT: Counsel?

11 MR. NEWTON: It's a consistent statement from my
12 client, Your Honor.

13 MS. FENT BODMAN: Which is inadmissible.

14 MR. NEWTON: I'll move along.

15 THE COURT: Okay.

16 MR. NEWTON: Beg the Court's indulgence.

17 By Mr. Newton:

18 Q Investigator Carter, when this began you believed
19 that this was an inside job, correct? That someone with a
20 key must have done this, correct?

21 A That's the appearance.

22 Q That was the appearance. And when the DNA hit and
23 came back with someone what did not fit that description,
24 did you follow up -- let me rephrase that I apologize. You
25 had a case with no forced entry -- an appearance of no

Richard Carter - Cross-Examination by Mr. Newton

1 forced entry, correct?

2 A Correct.

3 Q You had a DNA hit from somebody that was in Atlanta
4 at the time, correct?

5 A Yes.

6 Q And he had a statement that said that this was a
7 consensual encounter?

8 A Correct.

9 Q Instead of checking the surveillance check that he
10 said he was in the store with her, you lied to him and said
11 he wasn't on there. You told him that his DNA was in
12 there. At any point did he ever confess to this crime?

13 A No.

14 Q Okay.

15 MR. NEWTON: No further questions.

16 THE COURT: Redirect examination?

17 MS. FENT BODMAN: I have no questions -- no further
18 questions for this witness.

19 THE COURT: Thank you. You may step down.

20 Next witness.

21 MR. POTTS: State calls Gray Amick.

22 THEREUPON,

23 GRAY AMICK,

24 after being duly sworn, testified as follows:

25 THE CLERK: Please have a seat. State your full

Gray Amick - Direct Examination by Mr. Potts

1 name for the record.

2 THE WITNESS: My name is Gray Amick.

3 DIRECT EXAMINATION

4 By Mr. Potts:

5 Q Dr. Amick, where are you currently employed?

6 A Richland County Sheriff's Department.

7 Q What is your job there?

8 A I'm the DNA Technical Leader.

9 Q What does that mean exactly?

10 A I supervise the forensic DNA laboratory.

11 Q You have to do training for that, education?

12 A Yes. I have a BS in Biology, 1989; a PHd in
13 Biochemistry in 1993, from University of South Carolina. I
14 was hired at the South Carolina Law Enforcement Division in
15 '93 and worked there for 11 years; and in 2004 was hired by
16 Richland County Sheriff's Department to start the DNA
17 laboratory. I attend annual continuing education in the
18 field of forensic DNA analysis, validate all the methods at
19 the laboratory and at SLED as well; and author papers in
20 the fields I've worked in.

21 Q In what areas are you qualified as an expert?

22 A Forensic DNA analysis, forensic serology, crime
23 scene analysis.

24 MR. POTTS: Your Honor, at this time, I'd like to
25 offer Dr. Amick as an expert in forensic DNA analysis.

Gray Amick - Direct Examination by Mr. Potts

1 THE COURT: What says defense?

2 MR. COOPER: No objection.

3 THE COURT: So admitted as an expert in forensic
4 DNA.

5 By Mr. Potts:

6 Q Dr. Amick, can you explain to me, what is DNA?

7 A Sure. DNA is a large molecule that's in every cell
8 that has a nucleolus in your body. It's kind of like the
9 blueprint for life, so every living thing has DNA. You get
10 half of it from your mom, half of it from your dad. And no
11 two people have the same DNA profile except for identical
12 twins.

13 Q Now, how is it useful in your -- in law enforcement
14 to you?

15 A In forensics, we explore the fact that no two
16 people have the same DNA profile except for identical
17 twins, so we're able to identify people based on their DNA
18 profile from fluids or cells that they leave at crime
19 scenes or have on them.

20 Q Okay. Now, did you get involved in this case, Case
21 No. 1001178521?

22 A I did.

23 Q And did you test anything in this case?

24 A I did.

25 Q What did you test?

Gray Amick - Direct Examination by Mr. Potts

1 | A I tested Items 1, 2, 3, 8, and 12. 1, 2, 3, being
2 | swabs -- looks like swabs from the crime scene; item 8 was
3 | a criminal sexual conduct kit or rape kit from Rochelle
4 | Morrow; and Item 12 was a buccal swab from Roosevelt
5 | Reaves, Jr.

6 | Q Now, Let's talk about Item 1, the swab from the
7 | crime scene. Now, do you recall what that was a swab of?

8 | A The description says swab from back sliding glass
9 | door handle.

10 | Q Okay. What kind of DNA would you find on a sliding
11 | glass door handle?

12 | A Usually it's referred to as touch DNA. So an item
13 | like that that you would grab or touch would be cells
14 | from -- that have come off your hand.

15 | Q So when you touch things, you might get some DNA?

16 | A That's correct. You might, you might not.

17 | Q How often do you -- how likely is it that you get
18 | touch DNA off of something?

19 | A I don't know if I can answer that.

20 | Q Do you always -- when you touch something, do you
21 | always leave DNA?

22 | A No.

23 | Q It's just sometimes you leave DNA?

24 | A Correct. Sometimes you may, sometimes you might,
25 | it depends on the surface you touch, it depends on if

Gray Amick - Direct Examination by Mr. Potts

1 | you're sweating, you know, type -- different people may
2 | leave cells. Some people do, some people don't. So...

3 | Q Now, you tested Item 1 in this case, correct?

4 | A Yes.

5 | Q Did you get any results from Item 1?

6 | A I got no DNA developed from Item 1.

7 | Q And that's not unusual?

8 | A That's correct.

9 | Q Okay. Now, you also tested Item No. 8. What was
10 | that?

11 | A Item No. 8 was CSC or criminal sexual conduct kit
12 | collected from Rochelle Morrow and it contained items
13 | commonly found in the kit, toxicology blood, vaginal swab,
14 | oral swabs, rectal swab, a lick mark swab, fingernail
15 | scrapings, debris, a buccal swab, and pubic combings.

16 | Q Now, do you come and get the kit directly?

17 | A I believe I took custody of it, yes.

18 | Q Let me show you State's Exhibit No. 15. Do you
19 | recognize that?

20 | A Yes, this is a CSC kit, and the individual that it
21 | was collected from was Rochelle Morrow.

22 | Q Now, that would have been the kit that you examined
23 | in this case?

24 | A That's correct. It has my initials and date on the
25 | evidence seal.

Gray Amick - Direct Examination by Mr. Potts

1 Q Now, you said things you examined in the kit were a
2 vaginal swab, an oral swab, a rectal swab, a lick mark
3 swab, the fingernail scraping, stuff like that?

4 A That's correct.

5 Q Now, if -- what item was labeled buccal swab? Can
6 you explain what that is?

7 A Yeah, a buccal swab is a swab from your mouth.
8 That's referred to as a buccal cavity, so it's swabbed from
9 the victim's mouth to use as a standard for the kit.

10 Q Now, why is that important?

11 A That's important so if we were to develop DNA from
12 any of the evidence swabs, we could eliminate her profile
13 from those because we would know her profile.

14 Q Now, do you recall when you got this kit?

15 A I processed it on January 22nd of 2010.

16 Q Now, you said processed. What does that involve?

17 A That involves opening it up, inventorying what's in
18 the kit, then making cuttings and doing the analysis from
19 there.

20 Q Now, can you just look at a buccal swab and say
21 that's DNA and analyze it or how do you do that?

22 A No, you basically -- the swabs contained are
23 basically Q-tip swabs. You would make cuttings of those,
24 put them in test tubes and then run the analysis through to
25 get a DNA profile or try to get a DNA profile from each

Gray Amick - Direct Examination by Mr. Potts

- 1 one.
- 2 Q Is this a quick process or how long does it take?
- 3 A Well, it depends on who's requesting it. If it's
- 4 rushed, we can potentially get DNA results in about
- 5 24 hours. But routinely it would take a month or so.
- 6 Q Okay. Now, in this case, was it rushed in this
- 7 case?
- 8 A I believe it was, yes.
- 9 Q And you said you got it on January 22nd, correct?
- 10 A That's correct.
- 11 Q And that was a Friday?
- 12 A I don't know.
- 13 Q Now, once you ran your analysis and you get your
- 14 DNA, you put it in your data base, correct?
- 15 A If we have anything that's eligible for the DNA
- 16 data base, we will put that in the DNA data base, correct.
- 17 Q Did you do that in this case?
- 18 A Yes, we did.
- 19 Q Now, did you get any results back?
- 20 A From?
- 21 Q The DNA -- did any of the DNA you got from the
- 22 swabs match anything in the DNA data base?
- 23 A Yes, it did.
- 24 Q And who's DNA was that?
- 25 A That was -- let me grab the match sheet.

Gray Amick - Direct Examination by Mr. Potts

1 Q Sorry.

2 A Roosevelt Reaves.

3 Q Okay. Now, once you have that name, what do you do
4 with that name?

5 A That name comes from SLED. They administer the
6 data base. They confirm that when we indicate that we have
7 a potential match and then they issue us a letter on their
8 letterhead that has that name on it and we provide that to
9 the investigator who's investigating the case.

10 Q Now, once you provide the investigator in this
11 case, Investigator Carter, with that name, are you done?

12 A Until he comes back to me with a buccal swab of
13 that individual.

14 Q All right. So you're still not done until you get
15 a confirmation of that name?

16 A Well, I'm not done until he gives me that buccal
17 swab, and then I run that buccal swab in my laboratory and
18 then I can write a match report because I run the evidence
19 and I now have run the swab that may match. So I run that.
20 I'll analyze that. I'll either say that it matches or it
21 doesn't and author a report.

22 Q Did you do that in this case?

23 A I did.

24 Q I want to show you -- we got so many little bags
25 around here. It's right there. I'm going to show you

Gray Amick - Direct Examination by Mr. Potts

1 | what's marked as State's Exhibit No. 16. Can you tell me
2 | what that is?

3 | A Yes, this is -- this is a buccal swab from
4 | Roosevelt Reaves.

5 | Q That the one you tested?

6 | A It is. It has my initials on it.

7 | Q Okay. Now, once you tested and got that buccal
8 | swab and confirmed it was Roosevelt Reaves, what did you
9 | do?

10 | A I compared it to the evidence that I had developed,
11 | profiles from the rape kit and wrote a report.

12 | Q Now, what were your results of your comparison?

13 | A The male DNA profile that I developed from the
14 | rectal swab matched Roosevelt Reaves, Jr. The male profile
15 | developed from the semen on the vaginal swab also matched
16 | Roosevelt Reaves. And the DNA result from the lick mark
17 | swab was a mixture. And Roosevelt Reaves could not be
18 | excluded from the mixture.

19 | Q Now, what does that mean, he couldn't be excluded
20 | from the mixture?

21 | A That means when I look at that profile -- a mixture
22 | means that I see more than one individual and when I look
23 | at his standard, his swab from his mouth, the profile from
24 | that, I cannot say he's not included in that mixture.

25 | Q Now, you also had DNA in this case from Rochelle

Gray Amick - Direct Examination by Mr. Potts

1 | Morrow, correct?

2 | A That's correct.

3 | Q Now, when you think of lick mark, you would expect
4 | to find her DNA perhaps along with somebody else's correct?

5 | A It depends on where that's collected. If it's
6 | collected from her body, which it was, I would expect to
7 | find her DNA profile there too, yes.

8 | Q Now, can you determine based on the results,
9 | particularly that DNA mixture, what the chances are of a
10 | random person in the population having that DNA or being
11 | part of that mixture.

12 | A Yes, we -- we attach a statistic to the matched
13 | statements and mixture statements. To the matched -- for
14 | the mixture statement, based on the genetic result that I
15 | obtained from that mixture statement, greater than
16 | 99.99 percent of the Caucasian population would be excluded
17 | from this mixture and greater than 99.999 percent of
18 | African Americans would be excluded.

19 | Q Okay. What about the DNA profile received from the
20 | anal swab?

21 | A The rectal swab, based on the genetic results I
22 | obtained from that frequency of seeing that profile in the
23 | Caucasian population is approximately one in 1.7
24 | quintillion and in the African American population,
25 | approximately one in 2.6 quintillion.

Gray Amick - Direct Examination by Mr. Potts

1 Q Now, you're saying quintillion, how big a number is
2 that?

3 A It's like a one with 18 zeros.

4 Q I'm going to add the 1.7. You let me know when to
5 stop.

6 A Okay.

7 (WHEREUPON the solicitor is writing on a board.)

8 THE WITNESS: Stop.

9 By Mr. Potts:

10 Q Now, Doctor, do you know how many people are on the
11 earth?

12 A It's approximately 6 billion.

13 Q And what's -- that's approximately 250 million --
14 50 million earths, that's how many people it would take to
15 get 1.7 quintillion people?

16 A If you say so.

17 Q It's a large number, isn't it?

18 A It's a very large number, yes.

19 Q Okay. Now, do you have an opinion, based on a
20 reasonable degree of scientific certainty to who the DNA
21 found in the sexual assault kit belonged?

22 A Yeah. In my opinion Roosevelt Reaves is the source
23 of the semen developed in the rectal swab.

24 Q What about the vaginal swab?

25 A As well as the vaginal swab.

1 MR. POTTS: Beg the Court's indulgence.

2 Thank you. No further questions. Please answer
3 any questions they may have for you.

4 THE COURT: Cross-examination.

5 MR. COOPER: Thank you, Your Honor, I have no
6 questions for this witness.

7 THE COURT: Thank you, sir. You may step down.
8 Call your next witness.

9 MS. FENT BODMAN: Your Honor, our next witness is
10 Michael Cornelius. May we approach briefly?

11 THE COURT: Let's stand for a moment while they
12 approach.

13 (WHEREUPON, there was a bench conference out of the
14 hearing of the jury and the Court Reporter.)

15 THE COURT: Ladies and gentlemen, I'm going to have
16 you go to the jury room for a break. Please do not discuss
17 the case.

18 (WHEREUPON the jury left the courtroom at
19 12:17 p.m.)

20 THE COURT: Solicitor, you looking for your next
21 witness or is someone looking for your next witness?

22 MS. FENT BODMAN: Michael Cornelius is our next
23 witness and he is an inmate in the Department of
24 Corrections. Before we started the trial, we briefly
25 discussed that we needed to hammer out his prior

1 convictions. I believe that he has --

2 THE COURT: Is he on his way up here?

3 MS. FENT BODMAN: That is what -- Carter Potts just
4 went to go double check.

5 THE COURT: Okay.

6 MS. FENT BODMAN: Do you know if Michael Cornelius
7 has been placed in -- is there someone in that holding cell
8 right there?

9 MR. COOPER: Your Honor, our client needs to go to
10 the restroom, could he go while we're in this break.

11 THE COURT: Sure. You can take him while we talk
12 about this guy's record.

13 MS. FENT BODMAN: We have -- I believe we've agreed
14 on the prior convictions that can be brought up is a 2003
15 burglary second, nonviolent; a 2003 -- a 2003 conspiracy to
16 commit kidnapping and armed robbery; and a 2010 conviction
17 for armed robbery.

18 THE COURT: Is that right?

19 MR. COOPER: Yes, sir.

20 THE COURT: All right. The record is so.

21 So we'll take a break while we look for this guy.

22 (WHEREUPON a recess was observed.)

23 THE COURT: All right. Anything before the jury
24 comes in? The intent is to do this witness before lunch.
25 We'll see how it goes.

Jerry Maldanado - Direct Examination by Mr. Potts

1 MS. FENT BODMAN: I believe he'll be brief and
2 we're going to put a quick chain witness on first.

3 THE COURT: All right.

4 MS. FENT BODMAN: It will take about one minute.

5 THE COURT: All right. Bring the jury.

6 (WHEREUPON the jury entered the courtroom at
7 12:31 p.m.)

8 THE BAILIFF: All jurors are present.

9 THE COURT: All right. Next witness.

10 MR. POTTS: State calls Jerry Maldanado.

11 THEREUPON,

12 JERRY MALDANADO,
13 after being duly sworn, testified as follows:

14 THE CLERK: Please have a seat. State your full
15 name for the record.

16 THE WITNESS: Jerry Maldanado.

17 **DIRECT EXAMINATION**

18 By Mr. Potts:

19 Q Where are you currently employed?

20 A Richland County Sheriff's Department.

21 Q What are your duties there?

22 A I'm Sergeant in narcotics. I supervise the
23 day-to-day operations of the narcotics units to include
24 undercover operations, buys, search warrants, those kind of
25 things.

Jerry Maldonado - Direct Examination by Mr. Potts

- 1 Q Now, did you come in contact with this case?
- 2 A I did.
- 3 Q What was your role in this case? Do you remember?
- 4 A Back in October 2009, through the beginning of May
- 5 2010, I was assigned down to the evidence room while they
- 6 were doing some transition in personnel; and during that
- 7 time I was involved with this case by some evidence I was
- 8 submitted and checked out during that time frame.
- 9 Q I'm going to show you State's Exhibit No. 16. You
- 10 recall having contact with that?
- 11 A I did. It's Item No. 12.
- 12 Q Yes. State's Exhibit 16, Item No. 12?
- 13 A That's correct.
- 14 Q You recognize it?
- 15 A I do.
- 16 Q What did you do with that item?
- 17 A On that particular item, I signed it out to
- 18 Christine Barrickman on March 19, 2010.
- 19 Q At approximately what time?
- 20 A At approximately 12:53.
- 21 Q Now, was it sealed then?
- 22 A It was.
- 23 Q And what would you have done if it was not sealed?
- 24 A I would not have allowed her to sign it out.
- 25 Q Okay.

Michael Cornelius - Direct Examination by Ms. Fent Bodman

1 MR. POTTS: At this time I would like the offer
2 State's Exhibit No. 16 into evidence.

3 MR. COOPER: No objection.

4 THE COURT: It's admitted.

5 (WHEREUPON State's Exhibit No. 16 was entered into
6 evidence.)

7 MR. POTTS: Thank you. No further questions.

8 THE COURT: Cross-examination?

9 MR. COOPER: No cross-examination.

10 THE COURT: Thank you, sir, you my step down.

11 Call your next witness.

12 MS. FENT BODMAN: State calls Michael Cornelius.

13 THE COURT: Step forward, sir.

14 THEREUPON,

15 MICHAEL CORNELIUS,
16 after being duly sworn, testified as follows:

17 THE CLERK: Please have a seat. State your full
18 name for the record.

19 THE WITNESS: Michael Cornelius.

DIRECT EXAMINATION

20
21 By Ms. Fent Bodman:

22 Q Michael, where do you currently live?

23 A Perry Correctional.

24 Q Department of Corrections?

25 A Yes, ma'am.

Michael Cornelius - Direct Examination by Ms. Fent Bodman

- 1 Q And what kind of sentence are you serving right
2 now?
- 3 A Natural life.
- 4 Q In 2003 were you convicted of a burglary, second
5 degree?
- 6 A Yes, ma'am.
- 7 Q And in 2003 were you also convicted of a conspiracy
8 to commit kidnapping and an armed robbery?
- 9 A No, ma'am -- I mean it was on my record. That's
10 not my charge. I was already in the department in 2003.
- 11 Q In 2003 you were in the South Carolina Department
12 of Corrections for a conspiracy to commit kidnapping and an
13 armed robbery?
- 14 A No, it was a burglary.
- 15 Q For the burglary in the second degree?
- 16 A Yeah, somebody used my name.
- 17 THE COURT: Sir, you're going to have to talk
18 louder.
- 19 THE WITNESS: Yes, sir.
- 20 For the CDV and the second degree burglary.
- 21 By Ms. Fent Bodman:
- 22 Q Okay. You have -- you are currently serving in the
23 department of corrections a life sentence for armed
24 robbery, correct?
- 25 A Yes, ma'am.

Michael Cornelius - Direct Examination by Ms. Fent Bodman

1 Q And you have a prior armed robbery conviction; is
2 that correct?

3 A Yes, ma'am.

4 Q Okay. Did you know the defendant sitting over here
5 in the white shirt and the tie?

6 A Yes, ma'am.

7 Q And what do you know him as?

8 A Buddha.

9 Q Buddha?

10 A Yeah.

11 Q I'm sorry?

12 A Buddha.

13 Q In 2009, when you were in Alvin S. Glenn Detention
14 Center, did you come in contact with Buddha?

15 A Yes, ma'am.

16 Q And had you previously known Buddha prior to seeing
17 him in Alvin S. Glenn in 2009? Did you previously know
18 him?

19 A Yes, ma'am.

20 Q Okay. In -- while you were staying at Alvin S.
21 Glenn Detention Center, did he talk to you about the facts
22 of this case and what he was charged with?

23 A Yes, ma'am.

24 Q And what do you remember him telling you?

25 A He met a female at the club. He went over to her

Michael Cornelius - Direct Examination by Ms. Fent Bodman

1 house. He went over to her house one day while she was
2 laying in the bed. They got in the bed -- he got in the
3 bed with her. They was having sex and that's what they had
4 locked him up for.

5 Q He said that he had met her at a club?

6 A A club, yes.

7 Q Do you remember what the name of that club was?

8 A Mirrors.

9 Q Did he say anything about the burglary charge?

10 A Yeah, he said he was in on a first-degree burglary
11 and a sexual charge.

12 Q Did he tell you anything specifically about the
13 burglary and entering the woman's home?

14 A Well, he just said he went into her house. She was
15 in her room laying down and he got in bed with her and they
16 engaged in sex acts.

17 Q Did you give a written statement about the
18 information that he gave you?

19 A Yes, ma'am.

20 Q Do you recognize that?

21 A Yes, ma'am.

22 Q What is this document?

23 A That's the statement that I gave.

24 Q Okay. Did you sign that?

25 A Yes, ma'am.

Michael Cornelius - Direct Examination by Ms. Fent Bodman

1 Q What if anything did he tell you about the burglary
2 itself and entering the residence?

3 A What did he tell me about the burglary?

4 Q Yes.

5 A He just said something about he said when we went
6 into the house that she was in the bed, and he got in bed
7 with her.

8 Q About entering the actual -- read this line right
9 down here to yourself and see if that refreshes your memory
10 about how he got into the residence?

11 A Yes, he said he just walked in.

12 Q Okay. Did he indicate that he used any force?

13 A No.

14 Q What did he say about the state of the door?

15 A He said he just walked in. That's all I wrote.

16 Q Did you write down in your statement, in this
17 statement right here, did you say he said something about
18 there not being anything wrong with the door?

19 A Yeah. He said there was nothing wrong with the
20 door.

21 Q Okay. That he just walked in?

22 A Yes.

23 Q Now, Michael, do you -- can you tell the jury a
24 little bit about how you came to give this written
25 statement?

Michael Cornelius - Direct Examination by Ms. Fent Bodman

1 A Through my lawyer.

2 Q Okay. And who did you give the statement to? Do
3 you remember who you sat down with and actually gave that
4 statement to?

5 A I don't remember his name, but it was the
6 detectives. They called me down here.

7 Q A law enforcement officer took the statement from
8 you?

9 A Yes.

10 Q Okay. And in -- you said it was through your
11 lawyer that you came to give this statement?

12 A Yes.

13 Q And what are your hopes in giving this statement?
14 Why did you give this statement?

15 A I mean -- I'm hoping to do something on my case.

16 Q Because you're serving a life sentence?

17 A Yes, ma'am.

18 Q Did you tell the truth in that statement?

19 A Yes, ma'am.

20 MS. FENT BODMAN: No further questions.

21 MR. COOPER: Please the Court, Your Honor?

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 By Mr. Cooper:

25 Q Mr. Cornelius, you are a multiple-time convicted

Michael Cornelius - Direct Examination by Ms. Fent Bodman

1 felon; isn't that right?

2 A Yes.

3 Q That's why you're in prison right now, isn't it?

4 A Yes.

5 Q That's why you're dressed like you are right now,
6 isn't it?

7 A Yes, sir.

8 Q They brought you over from the prison today, didn't
9 they?

10 A Yes.

11 Q You're serving a life sentence without parole over
12 there, aren't you?

13 A Yes.

14 Q You've been convicted of armed robbery twice,
15 right?

16 A Yes.

17 Q That's why you're doing a life sentence, right?

18 A Yes, sir.

19 Q And you've tried to give information on multiple
20 other people, haven't you?

21 A Yes.

22 Q To law enforcement. And Ms. Fent referred to you
23 having hopes of getting a better sentence. What that means
24 to you is you hope they take some time off your life
25 sentence for this, don't you?

Michael Cornelius - Direct Examination by Ms. Fent Bodman

1 A Yes.

2 Q Right. That's why you're in here today. You're
3 trying not to get a life sentence, right? Isn't that
4 right?

5 A I already have one, sir.

6 Q Well, you're trying to get some time off that life
7 sentence, right?

8 A Yes.

9 Q You don't want to do life in prison, do you?

10 A No, sir.

11 Q You want to get some time off that sentence, don't
12 you? And that's why you're here talking today; isn't it?

13 A Yes.

14 Q All right.

15 MR. COOPER: I have nothing further, Your Honor.

16 THE COURT: Anything further?

17 **REDIRECT EXAMINATION**

18 By Ms. Fent Bodman:

19 Q Have we made any promises to you that anything will
20 happen on your case.

21 A No, ma'am.

22 Q Am I the prosecutor on your case?

23 A No, ma'am.

24 MS. FENT BODMAN: No further questions.

25 THE COURT: Anything further.

1 MR. COOPER: No, sir.

2 THE COURT: You may step down.

3 THE COURT: All right. Ladies and gentlemen, we'll
4 break now for lunch. We'll take one hour for lunch. After
5 you have had your lunch, you do not have to stay in the
6 jury room, but if you leave, you'll need to be sure not to
7 come into the courtroom or outside where anyone connected
8 with this case might be. And you'll need to be back in the
9 jury room at quarter to two.

10 When you come back, Mr. Faust, I'm going to appoint
11 you to serve as the foreperson of the jury. As foreperson,
12 you will serve as spokesperson for the jury. You'll
13 preside over the jury deliberations and complete the
14 verdict form at the end of the case representing the
15 unanimous verdict of the jury and you will take the jurors
16 seat, first chair there next to the bailiff. That's the
17 foreperson's seat there.

18 See y'all after lunch. Please do not discuss the
19 case.

20 (WHEREUPON the jury left the courtroom at
21 12:45 p.m.)

22 THE COURT: All right. We'll be out until quarter
23 to two.

24 (WHEREUPON there was a recess for lunch.)

25 THE COURT: Are we ready?

Temple Hart - Direct Examination by Ms. Fent Bodman

1 MS. FENT BODMAN: Yes, sir.

2 THE COURT: All right. Let's bring them on.

3 (WHEREUPON the jury entered the courtroom at

4 1:45 p.m.)

5 THE BAILIFF: All jurors are present, Your Honor.

6 THE COURT: Very good.

7 Next witness.

8 MS. FENT BODMAN: Your Honor, the State calls

9 Temple Hart.

10 THEREUPON,

11 TEMPLE HART,

12 after being duly sworn, testified as follows:

13 THE CLERK: Please have a seat. State your full
14 name for the record.

15 THE WITNESS: My name is Temple Hart.

16 DIRECT EXAMINATION

17 By Ms. Fent Bodman:

18 Q And where do you work?

19 A Palmetto Health Richland.

20 Q In what capacity?

21 A I'm a registered nurse.

22 Q Can you -- what's your current title? Do you have
23 one?

24 A I'm a sexual assault nurse examiner.

25 Q And how long have you been a sexual assault nurse

Temple Hart - Direct Examination by Ms. Fent Bodman

1 examiner?

2 A Since January 2010.

3 Q Okay. Can you tell the jury a little bit about
4 your education and your training up to your current role as
5 a sexual assault nurse examiner.

6 A Yes, I graduated from Midlands Technical College in
7 2003, with an Associates Degree in Nursing; and then in
8 2009, I received my Bachelor of Science in Nursing.

9 I worked in labor and delivery for about six years
10 with two years of management. I have a Certification in OB
11 Nursing and also SAN-A, which means certification in adult
12 and adolescents.

13 Q And can you tell the jury a little bit about your
14 specific requirements that you had to do in order to be
15 certified as a sexual assault nurse examiner?

16 A Yes. There's a 40-hour didactic course work
17 training that you go through, and at the end is a
18 comprehensive exam. After passing that exam, you begin the
19 clinical aspects of it. And some of that includes forty
20 pelvic examinations with a licensed practitioner, courtroom
21 testify -- listening to experts testify in court, attending
22 a community sexual assault response team meeting, and
23 participating under the supervising SANE -- six complete
24 sexual assault forensic examinations.

25 Q To this date, to today, approximately how many

Temple Hart - Direct Examination by Ms. Fent Bodman

1 | examinations have you conducted?

2 | A Approximately 55 adult/adolescent.

3 | Q And then, I guess, also you said as a labor and
4 | delivery nurse, you also have similar experience in terms
5 | of the same part of the body that you're examining and
6 | dealing with?

7 | A Yes, women's health.

8 | Q Okay. The female anatomy?

9 | A Yes, ma'am.

10 | Q On January 21st of 2010, did you have occasion to
11 | participate in the examination of Rochelle Morrow?

12 | A Yes, ma'am.

13 | Q And tell us a little bit about how that came about.
14 | During that time, I was working with a preceptor who is
15 | already a SANE sexual assault examiner and --

16 | Q What do you mean by preceptor?

17 | A Because I had not completed all the aspects of my
18 | clinicals for the -- for myself to examine on my own I was
19 | working with somebody who was already qualified. Her name
20 | was Jill Slice. She's a nurse practitioner and she was a
21 | SANE at the time.

22 | Q Okay. So were both of you on call at that time?

23 | A Yes, ma'am, yes.

24 | Q Okay. So approximately, do you know what time it
25 | was that you received the call to go to the hospital for an

Temple Hart - Direct Examination by Ms. Fent Bodman

1 exam?

2 A It was about 4:30 a.m.

3 Q And you, I guess, arrived at the hospital and make
4 contact with the patient?

5 A Yes. I waited for Jill to arrive. She had a
6 little bit further distance to arrive. We got there about
7 5:30, 5:40 a.m. and went to where the patient was in the
8 emergency room and received report from the nurse there.

9 Q Generally speaking, not talking about this case
10 specifically, but just generally, what are the different
11 parts or stages of a sexual assault exam?

12 A Well, we do a health history with the patient,
13 discuss any medical needs that they have, any medical
14 concerns and then we get consent for them to talk to us
15 about the forensic exam. We take an assault history that
16 helps us to know which evidence we need to particularly pay
17 attention to, collect and provide the medical treatment,
18 and then we do the actual physical exam, collect the
19 evidence and then we package the evidence up; and then we
20 work with law enforcement to have it collected from our
21 facility.

22 MS. FENT BODMAN: Your Honor, at this time, I would
23 like to offer Nurse Temple Hart as an expert in the area of
24 sexual assault examinations.

25 THE COURT: Any voir dire or objection?

Temple Hart - Voir Dire Examination by Mr. Cochran

1 MR. COCHRAN: Voir dire, Your Honor?

2 THE COURT: You may.

3 MR. COCHRAN: We would object to her being an
4 expert.

5 THE COURT: Do you wish to voir dire the witness?

6 MR. COOPER: Yes, Your Honor.

7 VOIR DIRE EXAMINATION

8 By Mr. Cochran:

9 Q Ms. Hart, this was your first exam?

10 A That's correct.

11 Q Okay. So at that point -- and it was not an exam
12 you did on your own?

13 A No, I did not. I was with the nurse practitioner.

14 Q With a qualified nurse practitioner?

15 A Yes.

16 Q So you were not qualified at that point to do these
17 exams on your own?

18 A I had not completed my clinicals, no.

19 Q Okay. But after that you've done about 55 exams?

20 A Yes.

21 Q Okay.

22 MR. COCHRAN: Your Honor, I guess --

23 THE COURT: If you have an argument, then the
24 argument needs to be outside the presence of the jury.

25 MR. COCHRAN: Yes, sir. And I would object to her

1 being --

2 THE COURT: All right.

3 Ladies and gentlemen, I'm going to have as you to
4 go to the jury room. Please do not discuss the case.

5 (WHEREUPON the jury left the courtroom at
6 1:52 p.m.)

7 THE COURT: Yes, sir?

8 MR. COCHRAN: Thank you. May it please the Court.
9 I think what my objection is, is to determine what the
10 scope of the expertise is because of the nature of this
11 type of exam and the implications that could come from it,
12 I do not want to not object to her being an expert on
13 certain things.

14 Now, I do believe that she could be an expert on
15 the administration of this exam, but I would object to her
16 being considered an expert by the Court for anything beyond
17 the boundaries of having -- being an expert in the actual,
18 proper administration of this exam. I think she can be an
19 expert in that, but beyond that, drawing conclusions about
20 anything other than that, I would object.

21 THE COURT: All right. Solicitor?

22 MS. FENT BODMAN: Well, her expertise includes what
23 caused these injuries. She is a person who has more
24 information than the jury. She's a medical professional so
25 she can reach an opinion as to -- does she have an opinion

Temple Hart - Voir Dire Examination - In Camera by Ms. Fent Bodman

1 as to a reasonable degree of medical certainty as to what
2 caused these injuries; describe the injuries and what
3 caused them.

4 THE COURT: All right. I'm going to have you go
5 through your questions with her again on qualification as
6 an expert. And also establishing what field of expertise
7 you're seeking to qualify her in.

8 MS. FENT BODMAN: Well, I'm seeking to qualify her
9 in --

10 THE COURT: You're questioning the witness. I'm
11 going to have you question her again concerning her
12 qualifications in the field of expertise.

13 VOIR DIRE EXAMINATION - IN CAMERA

14 By Ms. Fent Bodman:

15 Q As part of your training to become a sexual assault
16 nurse examiner, are you trained in how to interpret the
17 different injuries that you see?

18 A Yes.

19 Q And to identify the injuries?

20 A Yes.

21 Q And what are the different types of injuries that
22 you may see?

23 A Bruising, lacerations, petechia, which is another
24 form of bruising -- abrasions.

25 THE COURT: Let me pose a question too.

Temple Hart - Voir Dire Examination - In Camera by Ms. Fent Bodman

1 THE WITNESS: Yes, sir.

2 THE COURT: If you would tell me your education,
3 training and experience again.

4 THE WITNESS: Okay. I have an Associates Degree in
5 Nursing and I also have a Bachelors of Science Degree in
6 Nursing from USC. I have been a registered nurse for seven
7 years. I have been in the field of forensic nursing since
8 January 2010. Since then, in October, I have sat for the
9 certification board through the International Association
10 of Forensic Nursing, which I now have a SANE-A, meaning
11 adult and adolescent certification.

12 THE COURT: That is forensic nursing?

13 THE WITNESS: Nursing in the form of collecting
14 evidence, medical treatment for victims of a crime.

15 THE COURT: What type of training in forensic
16 nursing do you have?

17 THE WITNESS: Well, I went through the forty hours
18 of the didactic classroom training through Carolina
19 Consultants Forensic Consultants and after that I did forty
20 pelvic exams and was checked off by a licensed
21 practitioner. I sat through six -- and this was one of
22 them -- six supervised forensic examinations, courtroom
23 testimony time and the SART meeting with the community and
24 also about six hours.

25 THE COURT: What's a SART meeting?

Temple Hart - Voir Dire Examination - In Camera by Ms. Fent Bodman

1 THE WITNESS: Sexual Assault Response Team in the
2 community, working with law enforcement.

3 THE WITNESS: And also the time that I spent with
4 the Special Victim's Unit with law enforcement riding along
5 with them. I've been to numerous conferences on forensic
6 photography and domestic violence and sexual assaults for
7 both adolescents, adults and also pediatrics.

8 THE COURT: All right.

9 You may proceed.

10 By Ms. Fent Bodman:

11 Q And that training does include the -- how to
12 identify different types of injuries, correct?

13 A Yes.

14 Q And does that training also include what types of
15 things would cause those injuries?

16 A Yes.

17 Q And are you -- aside from the structured
18 conferences that you said you've gone to and the structured
19 classroom training and the exams themselves, do you also
20 continue just an ongoing self-education?

21 A We do.

22 Q Okay.

23 A Within the forensic nurses, the six that we work
24 with, we do routine peer reviews. We work with a forensic
25 pediatrician to review our cases each -- every two weeks

Temple Hart - Voir Dire Examination - In Camera by Ms. Fent Bodman

1 and, you know, I do my own online training and reading text
2 books and periodicals. I'm a member of the International
3 Association of Forensic Nursing.

4 MS. FENT BODMAN: I offer this witness as an expert
5 in the area of sexual assault examination and
6 interpretation of the injuries observed in those
7 examinations.

8 THE COURT: Yes, sir?

9 MR. COCHRAN: Thank you, Your Honor. Your Honor, I
10 would object --

11 THE COURT: Do you have questions you would like to
12 ask her?

13 MR. COCHRAN: No, Your Honor, I don't believe I
14 have any questions at this time.

15 THE COURT: All right.

16 MR. COCHRAN: I would like to state my objection
17 first to based on her testimony up to here. I don't
18 believe the State has established the sufficient
19 reliability of this field in terms of her determinations of
20 what causes certain physical injuries. I don't believe
21 that they have established that in terms of qualifications,
22 peer review, the application of this method, how it has
23 been applied in the past prior to this case and that they
24 have basically testified to the quality control procedures,
25 I guess, in terms of her doing some practice exams, I guess

Temple Hart - Voir Dire Examination - In Camera by Mr. Cochran

1 | you'd call it with other registered nurses, but not
2 | anything in oversight relating to making a final
3 | determination on what causes the nature of certain
4 | injuries. I haven't heard any testimony that goes to
5 | reliability of that field.

6 | THE COURT: Well, you haven't heard any testimony
7 | at all for any basis for any opinion. At this point, the
8 | witness is being offered as an expert witness in a
9 | particular field. The witness -- no opinion has been
10 | solicited from the witness at this point.

11 | MR. COCHRAN: Yes, Your Honor. And I guess -- I
12 | may ask a few questions if that's the case.

13 | THE COURT: Well, you may ask any questions on the
14 | issue of qualifications of the witness as an expert. If it
15 | relates to that, you can ask questions.

16 | **VOIR DIRE EXAMINATION - IN CAMERA**

17 | By Mr. Cochran:

18 | Q Ma'am, in terms of testing or courses that you take
19 | in specific as to determining what causes a specific
20 | physical injury, can you describe that? Any education and
21 | training that you've received?

22 | A Well, it would be above and beyond a registered
23 | nurse, looking at the injury and being able to describe the
24 | injury. And I may not necessarily be able to determine by
25 | looking at an injury how it happened, but I could say if --

Temple Hart - Voir Dire Examination - In Camera by Mr. Cochran

- 1 | how the patient describes what happened to them, if it in
2 | fact does appear to coincide with the type of injury
3 | they're presenting with. I can describe it. I can call it
4 | a bruise, I can call it a laceration, and describe the size
5 | of it and what it looks like.
- 6 | Q Right. You can observe and then describe what you
7 | have observed?
- 8 | A Correct.
- 9 | Q But you cannot make a determination just by looking
10 | at those -- in this case lacerations -- and determine what
11 | caused that? You don't have training in that for what you
12 | do? You don't have specific training or courses in that?
- 13 | A A specific course to say how a bruise -- what a
14 | bruise came from, no.
- 15 | Q Different types of lacerations in different areas
16 | and what would typically cause that?
- 17 | A I can say whether or not what the patient's telling
18 | me happened to her, whether that injury looks like it could
19 | have been caused that way.
- 20 | Q Okay. Whether it's consistent with that?
- 21 | A Uh-huh.
- 22 | Q And do you diagnose?
- 23 | A No. But I photograph.
- 24 | Q Okay. You photograph but you do not diagnose or
25 | prescribe treatment?

Temple Hart - Voir Dire Examination - In Camera by Mr. Cochran

1 A No, not for the injuries. That's taken care of by
2 the physician. I collect the evidence, I describe the
3 injuries and I photograph them.

4 Q Okay. Thank you.

5 MR. COCHRAN: If Your Honor would like to hear any
6 further argument?

7 THE COURT: Any further questions by the State?

8 MS. FENT BODMAN: I would like to clear up --

9 **VOIR DIRE EXAMINATION - IN CAMERA**

10 By Ms. Fent Bodman:

11 Q When we're asking you whether or not you can say
12 what caused an injury, I want to make it clear, that
13 question is not requesting you whether or not you can say
14 it was consensual or not consensual wall. Can you, as an
15 expert, have you been trained as an expert in all of your
16 classes and research and practical experience, can you look
17 at an injury and tell whether or not it was caused by blunt
18 force trauma.

19 A I can say that an injury appears to have been
20 caused by blunt force trauma, yes.

21 Q Okay. We're not asking you whether or not you can
22 say something is consensual or not consensual. Does your
23 training and qualifications, does that give you the
24 knowledge to say whether or not an injury was caused by
25 blunt force trauma?

Temple Hart - Voir Dire Examination - In Camera by Mr. Cochran

1 A Yes.

2 THE COURT: Yes, sir?

3 MR. COCHRAN: Sir, I do not have anymore questions
4 for the nurse. I guess I would still object based on what
5 we've heard. It would be my argument that she is
6 unquestionably an expert in the actual administration of an
7 exam. That's what she's trained for. That's what she
8 does. If, for instance hypothetically if there were a
9 civil malpractice trial and she were called to testify as
10 an expert to -- as to whether or not a SANE exam was done
11 negligently or not, she would be an expert in that.

12 Perhaps she would be able to testify as an expert
13 in the administration of that exam. Your Honor, it would
14 certainly be fine for her to be qualified as an expert to
15 testify to something like that, but going outside of that,
16 I would still object in terms of -- the State has not
17 provided a reliability of the field that she is actually
18 going to be testifying to as an expert.

19 THE COURT: What says the State?

20 MS. FENT BODMAN: Well, if -- my understanding
21 of -- he had previously brought up the field and Your Honor
22 was asking him that I had not reached that point yet. If
23 that's what we need the cover in this hearing also is the
24 reliability of that field, I'll be glad to ask some
25 questions about the field.

Temple Hart - Voir Dire Examination - In Camera by Mr. Cochran

1 THE COURT: The question before the Court is
2 whether or not she qualifies as an expert witness and of
3 course, you've -- you gave a long spiel as to what you want
4 her to be qualified as an expert in. Can you say that
5 again.

6 MS. FENT BODMAN: I'm offering her as an expert in
7 the field of sexual assault examinations and
8 interpretations of the injuries observed in those
9 examinations.

10 THE COURT: Is that the field of forensic nursing?

11 MS. FENT BODMAN: She's a forensic nurse examiner.

12 THE COURT: I qualify her in the field of forensic
13 nursing. I can't qualify her as an expert in the field of
14 answering specific questions which appears to be what you
15 are seeking to have her qualified as an expert in. She's
16 qualified as an expert in the field of forensic nursing.
17 With regard to the limitation of her testimony, I have not
18 heard any testimony to rule as to whether or not there's a
19 sufficient basis for a particular opinion by the witness.

20 MS. FENT BODMAN: As to whether or not she has the
21 qualifications or if she's seen -- I mean, in the direct
22 examination at this time when the jury is out, I will go
23 through specifically what she saw. I apologize, Your
24 Honor. His objection was that she was not qualified to be
25 an expert and if you are in fact qualifying --

Temple Hart - Direct Examination - In Camera by Ms. Fent Bodman

1 THE COURT: I'm qualifying her as an expert in the
2 field of forensic nursing. Where that leads as to what she
3 can -- the questions she can answer and not answer, I
4 haven't heard any testimony to make a ruling on that. I
5 anticipate there will be objections of various things.
6 I'll rule as it comes. Anything further then?

7 MR. COCHRAN: Your Honor, would Your Honor be
8 willing to have her testimony be proffered by the solicitor
9 outside the presence of the jury to see what she plans on
10 testifying to.

11 THE COURT: I think that's probably reasonable.

12 MR. COCHRAN: Thank you, Your Honor.

13 **DIRECT EXAMINATION - IN CAMERA**

14 By Ms. Fent Bodman:

15 Q Did you conduct an examination on Rochelle Morrow?

16 A Yes.

17 Q And starting with the very beginning, how did that
18 examination proceed? What did you start with?

19 A We started with medical history, demographics,
20 general background.

21 Q And the medical history, was there anything
22 pertinent or -- that would affect your observations or
23 results or how you would conduct the exam?

24 A No.

25 Q And did you get a general history from her?

Temple Hart - Direct Examination - In Camera by Ms. Fent Bodman

1 A Yes, we got an assault history.

2 Q Okay. And specifically about the assault,
3 pertinent to your examination of her is, did she relate to
4 you how she was penetrated?

5 A Yes, she did.

6 Q And with what was she penetrated?

7 A She reported that she was penetrated with his penis
8 and his fingers.

9 Q And where was she penetrated?

10 A She described it as her bottom and her vagina.

11 Q Did she indicate that the individual ejaculated at
12 all?

13 A Yes.

14 Q Did she indicate any oral sex?

15 A No.

16 Q And did she indicate licking and kissing?

17 A She described kissing on her back between her
18 shoulder blades.

19 Q Okay. With that, given her specific history, then,
20 how does that history guide your collection of evidence?

21 A Based on what the patient tells us, helps us to
22 know exactly what evidence to collect.

23 Q Okay.

24 A So we started with her buccal swabs, her swabs of
25 her mouth.

Temple Hart - Direct Examination - In Camera by Ms. Fent Bodman

1 Q Okay.

2 A She did not report oral penetration, so there was
3 no oral swabbing done.

4 Q Okay.

5 A I swabbed her back between her shoulder blades
6 where she described the kissing.

7 Q Okay.

8 A And assessed her -- and then for the genital exam,
9 assessed injuries that were observed.

10 Q And the genital injuries were -- did you observe
11 genital injuries?

12 A Yes, I did.

13 Q And how many genital injuries did you observe?

14 A She had a laceration on the bilateral labia majora.

15 Q Okay.

16 A She had a laceration on the fossa navicularis. And
17 she had a laceration at her perineum.

18 Q So how many total lacerations did she have?

19 A I believe that's four -- five. There was a little
20 one on the right side also, the right and left side of the
21 perineum.

22 (WHEREUPON State's Exhibit No.'s 17 through 22 were
23 marked for identification.)

24 By Ms. Fent Bodman:

25 Q I'm going to show you what I've marked as State's

Temple Hart - Direct Examination - In Camera by Ms. Fent Bodman

1 Exhibit 17, 18, 19, 21 and 22 and ask you to look at that
2 and see if you recognize those photographs?

3 A I do. I took these photographs.

4 Q And -- of whom?

5 A Rochelle Morrow.

6 Q And do those truly and accurately depict the
7 injuries that you observed?

8 A Yes, they do.

9 Q And do you also document, I guess, the approximate
10 measurement of these injuries?

11 A We document the measurements and we use the clock
12 as a universal way of describing where those injuries are
13 so anyone would look at that area in the same place.

14 Q Okay. And the patient is in what position when
15 you're looking at her?

16 A During this time she was in the lithotomy position,
17 so on her back with her feet up in stirrups.

18 Q Okay. And so basically, you're looking at her
19 vaginal area in order to locate the injuries as a clock?

20 A Yes.

21 Q Okay. And where then did you observe these
22 injuries?

23 A The labia majora, bilaterally, which is the
24 external folds. On the left side she had an oval-shaped
25 laceration and on the right side she had a linear shaped

Temple Hart - Direct Examination - In Camera by Ms. Fent Bodman

1 laceration.

2 Q Okay.

3 A On the fossa navicularis, there's a
4 two-centimeter --

5 Q Which is at where on the clock?

6 A On the clock, it would be six o'clock.

7 Q Okay.

8 A And those are approximately two centimeters in
9 length.

10 Q Okay.

11 A On her perineum, the right side, there was a
12 laceration, approximately one centimeters in length.

13 Q Okay.

14 A And during the pelvic exam with the speculum
15 inserted where I could visualize the cervix, I noted
16 petechia, which is pinprick-light-red bruising.

17 Q I'm going to show you page nine of your records.
18 You also have documentations of some other lacerations on
19 the labia majora. Can you explain those?

20 A All right. That's listed as right side and left
21 side.

22 Q So those are two more lacerations?

23 A No, that's included -- that's bilateral. The left
24 side was oval shaped and the right side was the linear
25 shaped. I can show you that picture.

Temple Hart - Direct Examination - In Camera by Ms. Fent Bodman

1 Q Okay. So it's one, two, three, four lacerations?

2 A One, two, three, four, yes. And it actually that
3 little one in the front, that's five.

4 Q And then that's five?

5 A Uh-huh.

6 Q Okay. Based upon your experience, based upon your
7 training, based upon what you observed in this victim -- on
8 this victim, do you have an opinion as to a reasonable
9 degree of medical certainty as to what caused these
10 lacerations?

11 A Yes.

12 Q And what is that opinion?

13 A That the lacerations were caused by blunt force
14 trauma.

15 MS. FENT BODMAN: That's our proffer, Your Honor.

16 THE COURT: All right. Yes, sir?

17 MR. COCHRAN: Thank you, Your Honor. Well,
18 certainly, I don't have any objection to her testifying to
19 what she observed. The -- each laceration, where the
20 lacerations were, all those things. I do not object to
21 that. That's something she observed. She's a witness to
22 that. And, you know, if the Court wants to consider her an
23 expert in order for her to convey that observation to the
24 jury, I don't object to that.

25 Really, I didn't have much of a problem in terms of

1 her being an expert about this testimony, but I am going to
2 have the separate objection to a great deal of what she
3 just testified to, but that would be based on the hearsay
4 rules. And, you know, but that's outside of what we're
5 talking about now, which is expert testimony.

6 Beg the Court's indulgence. I'm sorry.

7 As to the ultimate finding, Your Honor, which I
8 guess is why the State wants to admit her as an expert, I
9 do object to that. The ultimate conclusions that this was
10 caused by blunt force trauma. I think -- well, I argue
11 that that is a product of hearsay.

12 THE COURT: What is blunt force trauma? What is
13 that?

14 MR. COCHRAN: Well, Your Honor, I'm guessing what
15 she is testifying to is blunt force trauma of a penis
16 entering a vagina with blunt force trauma.

17 THE COURT: Well, whose definition is that?

18 MR. COCHRAN: I don't know, Your Honor.

19 THE COURT: What is blunt force trauma?

20 MS. FENT BODMAN: It is a medical conclusion as to
21 what caused these injuries. It's not something that a
22 female is going to get just walking around or wiping
23 themselves. It is from an object penetrating, hitting the
24 vaginal area, the genitals.

25 THE COURT: What is blunt force trauma?

1 THE WITNESS: Well, we would describe that as the
2 increased force of an object, in this case a penis, forced
3 against the labia of the perineum area, causing bruising
4 and laceration.

5 THE COURT: All right. And what qualifies you to
6 give that opinion?

7 THE WITNESS: Based on my --

8 THE COURT: As to what blunt -- as to what blunt
9 force trauma is.

10 THE WITNESS: The same training that would help me
11 describe it as a laceration. That an object hit a surface
12 and caused that surface to separate as opposed to a knife
13 wound with sharp edges. The blunt force causes irregular
14 edges and separation of the skin from an object being
15 forced against it.

16 THE COURT: All right. Go ahead, sir.

17 MR. COCHRAN: Well, Your Honor, I guess my argument
18 would be that that is different -- that is different than
19 what she's described as her training and experience. Her
20 training and experience in what she's an expert in has been
21 the observation and collection of evidence. Maybe that
22 determination is not an observation or a collection of
23 evidence. That is drawing a conclusion that she has not
24 established of her being an expert in -- that gives her
25 training, experience and expertise and education in making

1 | that conclusion, this is what caused it from this is what I
2 | observed.

3 | THE COURT: Yes, ma'am?

4 | MS. FENT BODMAN: Your Honor, if I may respond to
5 | Mr. Cochran is, the expert has testified that her training
6 | and experience has included the interpretation of these
7 | results. She testified under oath that her training,
8 | education and experience includes the interpretation of
9 | these injuries. Mr. Cochran, without any citing to any
10 | authority or periodicals or anything just stands up and
11 | says, no it doesn't. Forensic nursing doesn't include the
12 | interpretation, it's only the examination itself and the
13 | collection of evidence.

14 | Well, she has testified that her area of expertise,
15 | her area of training, includes being able to look at
16 | injuries, being able to look at a bruise, redness,
17 | abrasions, tearing, swelling and be able to say -- apply
18 | that forensically to a crime occurring, and say how did
19 | that injury that I'm observing occur.

20 | If she sees a rash, she could say, I don't know,
21 | there could be nine different reasons why this woman has a
22 | rash. I can't relate it to what she said happened during
23 | the crime. If I say see oozing or an infection, that is
24 | something that I cannot relate to this crime or I could.
25 | That is part of her training is to interpret that result.

1 | Could it be the result of a knife or could it be the result
2 | of some type of blunt instrument, which includes a penis
3 | that caused this to tear, that caused the laceration, that
4 | caused the swelling, that is all part of her expertise that
5 | she's testified under oath, includes her area of expertise.

6 | THE COURT: All right. Anything else on this
7 | issue?

8 | MR. COCHRAN: No, Your Honor.

9 | THE COURT: All right. We'll take a couple moments
10 | break. Let me ponder this.

11 | (WHEREUPON a recess was observed.)

12 | THE COURT: Any time you have the testimony of a
13 | nurse, you always -- there's always a problem of evaluating
14 | the limits to which a nurse can testify versus the
15 | testimony of a doctor. In the case of Crawford vs.
16 | Henderson, a nurse was allowed to offer an opinion as to
17 | the cause of injury from an automobile; and in that case,
18 | the Court went through the criteria through which nursing
19 | testimony is allowed. And the Court talked about the
20 | statute, Section 40-33-10 that defined the practice of
21 | nursing and the practice of professional nursing; and it
22 | went onto talk about the nursing -- a nurse practitioner
23 | being a registered nurse who has completed post basic and
24 | advanced formal education acceptable to the board, someone
25 | who has demonstrated advanced knowledge and skill and

1 assessment, management of physical and psychosocial health
2 and wellness status of individuals and nurse practitioners
3 manage delegated medical aspects of care or who managed and
4 delegated medical aspects of care must have a supervising
5 physician and operate within the approved written
6 protocols. And in that case, the nurse was allowed to
7 offer an opinion on causation based on the practice being
8 within approved written protocols and supervision of a
9 doctor.

10 In this case, this witness is not offered as a
11 nurse practitioner, but as a forensic nurse and the Court
12 has found that she is an expert witness in that field. The
13 question still remains as to the limitation to which
14 opinions can be offered by the witness as it related to
15 causation of the injury. I do not find that the State has
16 offered sufficient evidence in which this witness can base
17 a conclusion as to causation. I do find, however, that
18 based on the education and training and experience of the
19 witness that she can testify as to an injury being
20 consistent with that which she has observed in blunt force
21 trauma cases or sexual assault cases.

22 The witness, however, cannot offer a diagnosis as
23 the questions -- the last question posed by Counsel on that
24 issue -- sought to have the witness to offer a diagnosis or
25 opinion concerning the causation of the injuries. But she

1 can testify as to it being consistent with certain
2 injuries.

3 That's the ruling of the Court on that issue.

4 While the jury is out, we can talk about the
5 photographs if you want to.

6 MS. FENT BODMAN: I believe the witness has already
7 identified 17 through 22 as depicting the injuries that she
8 observed and she photographed.

9 **DIRECT EXAMINATION - IN CAMERA**

10 By Ms. Fent Bodman:

11 Q Ms. Hart, I would ask you in preparation for your
12 testimony today, did you review a Powerpoint presentation
13 that included these photographs?

14 A Yes, I did.

15 Q And on that Powerpoint presentation, does it show
16 or I guess label these injuries that you saw to be able to
17 demonstrate where they are and then how big they are?

18 A Yes, it did.

19 Q Would it aid you in your testimony to be able to
20 use that Powerpoint presentation to educate the jury and
21 show them what you observed?

22 A Yes, I believe it would.

23 MS. FENT BODMAN: I would offer -- I will be
24 offering State's Exhibit 17 through 22 into evidence and
25 then plan to use the Powerpoint to display them to the

1 jury.

2 THE COURT: Yes, sir?

3 MR. COCHRAN: Your Honor, we do object to the
4 admission of this as a batch. Every one of these
5 photographs, we object to their presentation and their
6 being admitted into evidence. We did briefly go over it in
7 pretrial yesterday. Your Honor decided that you would
8 rather take it up during the trial as an objection.

9 We do object to these photographs coming in. The
10 basis for that objection is -- just a basic 403 analysis.
11 The prejudicial effect -- I'm sorry, the prejudicial effect
12 greatly outweighs any probative value in this case that
13 these pictures could provide. What is being sought here by
14 the State is testimony from this nurse about the presence
15 of these lacerations. We've already heard her testify
16 clearly about the presence of these lacerations, their size
17 and, Your Honor, these photographs are so photographic that
18 they will inflame the passion of the jury. They will
19 invoke any prejudices they may be susceptible to and, Your
20 Honor, we do have case law which is right on point with
21 this case.

22 THE COURT: That case law being what?

23 MR. COCHRAN: State versus Middleton, Your Honor,
24 which is South Carolina Supreme Court case from 1986. Your
25 Honor, in that case, this is a murder case where there were

1 two different sets of photographs, one being an autopsy
2 photograph of skin peeled back from the skull, but also
3 more on point, pictures of the victim's genitalia, medical
4 photographs of various photographs of that victim's
5 genitalia, the standard provided by the Supreme Court of
6 South Carolina in all the cases is that I've read
7 pertaining to this is that -- it's to decide whether or not
8 the photographs are likely to arouse the sympathies of the
9 jury, and if they are then they are to be excluded; and
10 that's if they are irrelevant or unnecessary at trial, Your
11 Honor. I don't -- I don't -- if -- I wouldn't go so far as
12 to say these pictures are irrelevant, but they are
13 cumulative. They are not necessary to establish the
14 presence of these injuries. We have an expert witness on
15 observing those particular injuries.

16 THE COURT: You're relying on the expert that
17 you're challenging.

18 MR. COCHRAN: Your Honor, we don't challenge her
19 being an expert on making those sort of observations in
20 those exams and she can use her status as an expert to
21 purvey that to the jury. Furthermore, Your Honor, I think
22 there are solutions to this. There is no prejudice to the
23 State in not being able to present these photographs.

24 I would ask Your Honor also to watch the slide show
25 so there will be no -- obviously, I don't have the slide

1 show on a big screen in discovery, so if the Court could
2 observe how they intend to present this, because they're
3 not going to be showing the photographs, they're going to
4 be showing it blown up on this screen on a projector.

5 THE COURT: Well, they provided a copy of all that
6 already.

7 MR. COCHRAN: Okay.

8 MS. FENT BODMAN: And I cc'd Defense Counsel at the
9 same time.

10 MR. COCHRAN: Yes, Your Honor. I guess I would ask
11 that it be presented to Your Honor in the form and fashion
12 that it would be presented to the jury. And, Your Honor, I
13 guess, I'll let that be my argument for now.

14 THE COURT: All right. What say the State?

15 MS. FENT BODMAN: Well, State v. Middleton is not
16 on point. It talks about how it was surgically opening the
17 vaginal cavity, exposing a large amount of seminal fluid.
18 I don't know what probative value the seminal fluid had.
19 Apparently just showing seminal fluid to a jury didn't have
20 probative value. What we want to show the jury are the
21 lacerations, five lacerations. The heart of this case is
22 that it was a consensual sexual experience, and especially
23 in light of if this expert is not going to be able to say,
24 you know, blunt force trauma caused this, some of it is
25 left up to the jury to say would this be a consensual

1 | sexual experience.

2 | Would this person, Ms. Morrow, suffering five
3 | separate lacerations during what she calls, you know, a
4 | forceful and painful sexual assault, is that consistent
5 | with it being a consensual sexual experience.

6 | Judge, I've tried a couple of homicide cases, where
7 | I've unfortunately had to put in autopsy photos, two
8 | homicide cases where the victim suffered gunshot wounds, a
9 | male, to the genital area. We had to show the entrance and
10 | exits. It was a male's genital area. Uncomfortable for a
11 | jury to see? Absolutely. But it is the reality of the
12 | case. And just because --

13 | THE COURT: We don't judge cases by what you do at
14 | the trial level, but what happens beyond the trial level.

15 | MS. FENT BODMAN: But my argument being that just
16 | because it's a female's vaginal area, yeah, it's
17 | uncomfortable for us to look at. The whole topic of what
18 | we're discussing in this courtroom is uncomfortable. The
19 | purpose of us offering these photos into evidence are
20 | completely probative of whether or not this was consensual
21 | in nature or that this was a sexual assault. And for these
22 | jurors to be able to look themselves at these lacerations
23 | and to help them make that decision back in the jury room,
24 | it is absolutely more probative than it is prejudicial.

25 | MR. COCHRAN: Briefly, Your Honor, I have not yet

1 stipulated -- we do stipulate to all five of these
2 lacerations. That is not an issue. The presence or
3 existence of these lacerations is not an issue in this
4 trial. We stipulate to the presence of these lacerations.
5 And I understand that we can't just stipulate to anything
6 to try to keep it out of the trial. But where something is
7 not at issue, which is the case in Middleton, something
8 that's not at issue, even though it could corroborate or
9 strengthen a position, it can be ruled unduly prejudicial
10 by the judge.

11 And, Your Honor, if I could, just as a matter of
12 showing that there are alternatives -- I mean, we were
13 provided in discovery, the SANE report, that has the
14 illustration of the female genitalia and it flags just like
15 on that presentation that the State wants to show, flags of
16 the injuries and labeled by numbers. And those are
17 illustrations that -- I don't understand why a photograph
18 would aid the nurse more than an illustration as is
19 provided in the SANE nurses exam that she fills out.

20 THE COURT: All right. The State offers -- the
21 defense offers as its leading case in opposition to the
22 introduction to this evidence, the State versus Middleton,
23 Frank Middleton, Jr. It's a Charleston case where
24 Mr. Middleton escaped from a prison work detail, and after
25 his escape, he murdered two people, raped one, attempted to

1 | rob someone else, assaulted someone else, and the judge
2 | decided -- he went on to rob a store and assault the
3 | employees, all within three days after he escaped; and the
4 | judge allowed, all over objection, all of these various
5 | crimes to be consolidated and tried together.

6 | He was found guilty and sentenced to death. The
7 | defense on appeal, there were numerous claims of error by
8 | the Court -- one being that consolidation was improper.
9 | Next that the Court erred in admitting color autopsy
10 | photographs of one of the victims with the scalp pulled
11 | away, and another one showing it surgically open, the
12 | vaginal cavity, exposing large amounts of seminal fluids.
13 | Also, the Court alleged as error the solicitor soliciting
14 | from the State's witness that the appellant-to-client
15 | comment on the robbery that was attempted and questioned by
16 | the police -- the Court saying that was an unconstitutional
17 | comment on the defendant's post arrest. And finally that
18 | the Court erred in admitting a confession without finding
19 | that the confession given was freely and voluntarily made
20 | and pursuant after Miranda Rights had been complied with.

21 | There's no affirmative finding in the judge's
22 | ruling in the Jackson/Denno hearing that Miranda had been
23 | complied with. And based on what the appellate court says,
24 | the numerous errors by the judge mandates reversal.
25 | Specifically with regard to photographs in Middleton the

1 Court states that the defendant was detained on disputed
2 information that the State conditionally admitted that the
3 photographs were not essential to the prosecution and that
4 photographs should be excluded if they are irrelevant or
5 unnecessary to issues at trial.

6 The question in this case is whether or not the
7 photographs are relevant and necessary due to the issues in
8 this trial. The defense in this case wants to convince the
9 jury that the victim consented to the -- to having sexual
10 relations with the defendant, that the claimed intercourse
11 was consensual. The State is offering the photographs to
12 corroborate testimony that would indicate that the -- the
13 photographs show that injuries are inconsistent with a
14 person having nonconsensual intercourse and that the
15 pictures help illustrate the witness's testimony and that
16 the pictures are probative in helping the jury understand
17 how the medical testimony rebuts the defendant's claim of
18 consent.

19 I find that weighing -- I conducted a 403 analysis
20 in this case that the probative value in admitting these
21 photographs outweighs any prejudicial effect on the
22 defendant. The photographs are probative on the issue of
23 consent and can be used by the State to rebut the defense
24 of consensual sex. I find that they are neither unduly
25 prejudicial nor unduly inflammatory and I'll allow the

1 | photographs.

2 | MR. COCHRAN: Thank you, Your Honor.

3 | THE COURT: All right. What else?

4 | All right. Let's bring the jury. We'll stand and
5 | stretch as they come.

6 | (WHEREUPON the jury entered the courtroom at
7 | 2:50 p.m.)

8 | THE BAILIFF: All jurors are present, Your Honor.

9 | THE COURT: Very good. Mr. Foreman?

10 | THE FOREMAN: Very well, sir.

11 | THE COURT: Very good.

12 | THE FOREMAN: Alive and well.

13 | THE COURT: All right. Very good.

14 | THE FOREMAN: I'll rephrase that. Alive.

15 | THE COURT: They're alive. All right. Very good.
16 | You may continue.

17 | MS. FENT BODMAN: Your Honor, at this time I offer
18 | Temple Hart as an expert in the area of forensic nursing.

19 | THE COURT: All right. And the Court has conducted
20 | a hearing outside of the presence of the jury, and the
21 | witness is admitted as an expert in the field of forensic
22 | nursing.

23 | Now, ladies and gentlemen, an expert witness is a
24 | witness who by virtue of their education, training, and
25 | experience gained some specialized knowledge in a

Temple Hart - Direct Examination by Ms. Fent Bodman

1 particular field or endeavor and typically would have
2 knowledge that is not otherwise normally possessed by the
3 members of the jury panel; and as such, that the witness
4 can be admitted to offer opinions in various fields within
5 their expertise provided that a sufficient basis is
6 established for the admission of that testimony. And this
7 witness is an expert in this field.

8 You're certainly not required to give an expert
9 witness's testimony any undue weight merely because the
10 witness is an expert, but based on that witness's
11 expertise, the witness can offer you an opinion for your
12 consideration.

13 And you may proceed.

14 **DIRECT EXAMINATION**

15 By Ms. Fent Bodman:

16 Q So when you first contact Ms. Morrow and sit down
17 to perform the examination, what's the first stage or part
18 of your examination that you do?

19 A We begin with demographics, general health history
20 questions.

21 Q And general health history. What types of
22 information do you need to know that's going to be
23 pertinent to how you then conduct your examination?

24 A Any medical conditions that they may have, any
25 medications that they're taking; if they have any injuries

Temple Hart - Direct Examination by Ms. Fent Bodman

1 at this time; if they're in any pain.

2 Q Are you concerned about their menstrual period or
3 whether or not they're using any type of tampon or pads or
4 anything?

5 A Yes, that is one of the questions.

6 Q Okay. And did you get that information from
7 Ms. Morrow?

8 A Yes, I did.

9 Q And when was her last menstrual period?

10 A She reported it had been more than a year.

11 Q Any other things in terms of medical procedures or
12 operations that would affect your observations of her?

13 A No.

14 Q In terms of her sexual history, what time frame do
15 you need to know about in terms of how it would affect your
16 results or your observations?

17 A We ask if they've had consensual intercourse in the
18 past seven days.

19 Q And had she?

20 A Her response was no.

21 Q Alcohol or drugs within a certain amount of time?

22 A Yes, 72 or 96 hours, and again her answer was no.

23 Q What about -- you have post assault hygiene
24 activity. What kind of things do you need to know that may
25 affect your observations?

Temple Hart - Direct Examination by Ms. Fent Bodman

1 A Things that would happen after an assault that
2 would affect evidence collection would be how many times
3 the patient;s urinated, defecated, showered, bathed, used
4 any genital wipes; have they been eating or drinking; have
5 they changed their clothes; anything like that.

6 Q And what kinds of things -- how does urinating or
7 defecating potentially affect your observations and the
8 collection of evidence?

9 A Wiping away any evidence that may be there.

10 Q So that if we don't end up finding evidence, we may
11 have a reason to explain why?

12 A Correct.

13 Q But it doesn't necessarily mean that -- or does it
14 mean that because they urinated and wiped that all evidence
15 is gone?

16 A No.

17 Q And what was she able to tell you about that post
18 assault hygiene activity?

19 A She had urinated since then.

20 Q Okay. But nothing else that would have affected,
21 potentially, the evidence being destroyed or thrown away?

22 A No. She did change her clothes in order to come to
23 the hospital. That was the only thing.

24 Q In terms of the -- you say assault history and by
25 history, I guess that's your professional term for what?

Temple Hart - Direct Examination by Ms. Fent Bodman

1 A For what the patient tells us happened to her.

2 Q Okay. And specifically, the kind of information
3 that you need to know in terms of your examination, what to
4 collect and your observations, what kind of information do
5 you need from her about the assault?

6 A I asked her what time it happened, when it
7 happened, where it happened and what she was wearing, any
8 bed linens that could be involved and how she was
9 assaulted, meaning penetration, where she was penetrated
10 and by what.

11 Q Was she able to give you an approximate time of the
12 assault?

13 A Yes, she was.

14 Q And what was that?

15 A She said it was approximately 2:30.

16 Q Okay. Continuing on to the assault history, do you
17 need to know if potentially any weapons were involved?

18 A Yes, we ask questions about how the assault
19 occurred. It also would tell us if there could be any
20 other injuries, if she was threatened, how she was
21 threatened, if she was held down, if she was strangled, if
22 there were any weapons used, like guns or knives or
23 anything like that.

24 Q And specifically in terms of my methods that were
25 used to assault her, what did she indicate?

Temple Hart - Direct Examination by Ms. Fent Bodman

1 MR. COCHRAN: Objection, Your Honor, under 801-D.

2 THE COURT: The question again, please.

3 MS. FENT BODMAN: It was what was -- what were the
4 methods to do the assault did the victim relay to her.

5 THE COURT: And the objection again?

6 MR. COCHRAN: The objection is 801-D., Your Honor.

7 THE COURT: I'll overrule the objection. The
8 witness can testify to information gathered for purposes of
9 her services.

10 By Ms. Fent Bodman:

11 Q What methods did she indicate were used to commit
12 the assault?

13 A One was a verbal threat. She felt threatened by
14 what he told her.

15 Q And specifically what did he tell her?

16 A He said, as long as I lay quiet --

17 MR. COCHRAN: Objection to hearsay.

18 THE COURT: The objection is overruled.

19 THE WITNESS: She told me, and I quote, As long as
20 I stay quiet, he said he wouldn't hurt he.

21 By Ms. Fent Bodman:

22 Q Okay.

23 A And that he was also -- I had checked under
24 grabbing, holding or pinching as one of the methods. She
25 said that he had grabbed -- he grabbed my leg.

Temple Hart - Direct Examination by Ms. Fent Bodman

1 Q So the three options of the form that's printed,
2 grabbing, slash holding, slash pinching?

3 A Correct.

4 Q And she said grabbed my leg?

5 A He grabbed my leg.

6 Q Okay. In terms of, I guess, whether or not the
7 person who assaulted them, did they know if they had either
8 an STD, vasectomy or was sterile? Was she able to give you
9 that information?

10 A No. She didn't know anything about him.

11 Q Specifically then relating how she was penetrated,
12 did she indicate where she was penetrated?

13 A Yes. She indicated penetration of the vagina by a
14 penis and a finger.

15 Q Okay. Did she indicate penetration anywhere else?

16 A Yes, her anus by penis.

17 Q Okay. And was there any oral sex that she related
18 to you?

19 A No.

20 Q Nongenital acts, being licking, kissing, biting,
21 that sort of thing?

22 A Yes, he had kissed her on her back.

23 Q What did she say about licking?

24 A The licking and kissing was all one act.

25 Q Okay. Were there other acts that she was able to

Temple Hart - Direct Examination by Ms. Fent Bodman

- 1 | report he --
- 2 | A Yes, she reported in the assault that at one time
- 3 | he stopped and it seemed like he may have masturbated. And
- 4 | that he had slapped her behind.
- 5 | Q And was she able to report whether or not
- 6 | ejaculation had occurred?
- 7 | A Yes.
- 8 | Q Where did she believe that ejaculation had
- 9 | occurred?
- 10 | A Her vagina and on the bedding.
- 11 | Q And were there any other areas -- other -- were
- 12 | there any areas that she was unsure whether ejaculation had
- 13 | occurred?
- 14 | A Her anus.
- 15 | Q And how does contraception or lubricant -- how does
- 16 | that affect the preservation of evidence or the collection
- 17 | of evidence?
- 18 | A Well, in this case, there was no type of foam,
- 19 | jelly, lubricants used that she knew of.
- 20 | Q What time then did your actual exam begin?
- 21 | A The physical exam began about 6:30 a.m.
- 22 | Q And what do you start out with in terms of the
- 23 | physical exam?
- 24 | A Well, the interview takes place, the assault
- 25 | history takes place in the interview room and then we go

Temple Hart - Direct Examination by Ms. Fent Bodman

1 | next door to a private exam room. And Ms. Morrow gets
2 | undressed and gets in a hospital gown. We have her stand
3 | on top of a debris sheet, a piece of clean sterile white
4 | paper and --

5 | Q Okay. Let's back up. When do you have her stand
6 | on that debris sheet?

7 | A When we go into the exam room for her to get
8 | undressed into a hospital gown.

9 | Q And what's the purpose of the debris sheet?

10 | A To collect any type of debris or trace evidence
11 | that may fall off.

12 | Q Okay. Do you do anything to her body when she
13 | takes off her clothes and is standing on that debris sheet?

14 | A Well, while she is undressed and -- or even with
15 | the gown on, we use a UV light and with special goggles and
16 | a UV light, we turn the fluorescent lights off. We're able
17 | to look to see if -- it's called luminescing or area
18 | highlighting from the blue light and things like semen or
19 | any other things, body fluids that would highlight.

20 | Q Okay. You said any other things, but the materials
21 | that would highlight are what?

22 | A Semen, but other items such as even suntan lotions
23 | or body lotions, any kind of body fluids could all
24 | illuminate, and we could see it.

25 | Q And what happened when you used that UV light?

Temple Hart - Direct Examination by Ms. Fent Bodman

- 1 A We didn't see anything.
- 2 Q Can you describe what her general demeanor was when
3 you're talking to her and conducting the exam?
- 4 A She was very controlled, very calm, very
5 cooperative, very concerned.
- 6 Q After standing on the debris sheet doing the UV
7 light, what do you do next?
- 8 A She puts the gown on and gets on the exam table.
- 9 Q And then what part of the exam do you begin now?
- 10 A We check head to toe for any injuries, and she
11 didn't have any other injuries on her body.
- 12 Q And then what do you do next?
- 13 A Then we do the genital exam.
- 14 Q Okay. And so how is she laying on the table?
- 15 A She's laying on the exam table in the lithotomy
16 position, which is laying on your back with your feet up in
17 stirrups.
- 18 Q So I guess it would be kind of a standard position
19 that females take at their gynecologist?
- 20 A Yes, for a pelvic exam.
- 21 Q Okay. And guide us through then the pelvic exam.
22 How do you conduct that?
- 23 A Okay. First we assess for injuries. We just
24 visualize any injuries, look for any type of dry
25 secretions, anything that just stands out to us and we

Temple Hart - Direct Examination by Ms. Fent Bodman

1 | photograph the injuries that we see.

2 | Q Okay. And then -- so that's just on the outside of
3 | the genitalia?

4 | A Yes.

5 | Q Okay. So what do you do next?

6 | A We collect swabs of any dry secretions that we see
7 | and then we begin the -- we use a -- it's called Toluidine
8 | dye. It's a blue dye. It's a nuclear stain that adheres
9 | to the nuclei; and nuclei would be present on the mucus
10 | (phonetic) layer where there's an abrasion. We put that on
11 | with a cotton swab and then with just sterile water dab it
12 | off and see if anything is left behind.

13 | Q And is this still with the external genitalia?

14 | A Yes.

15 | Q Okay. And then what do you do next?

16 | A Then we do internal.

17 | Q And how is that conducted?

18 | A With a speculum.

19 | Q Okay. And what is a speculum?

20 | A A speculum is a sterile device that's used to open
21 | up the vaginal walls so that you can see inside and
22 | visualize the cervix and the vault of the vagina.

23 | Q Okay. And so what do you do at this point then?

24 | A Inspect for injuries, collect swabs and also if the
25 | history indicates it, we collect STI testing, sexually

Temple Hart - Direct Examination by Ms. Fent Bodman

- 1 transmitted infection testing, for gonorrhea and chlamydia.
- 2 Q When you're doing the swabs, as you go through this
- 3 genital exam, are you doing this together with Jill Slice?
- 4 A Yes, we were together.
- 5 Q Are you present the entire time that Jill Slice is
- 6 there?
- 7 A Yes, I was.
- 8 Q I'm going to show you what I've marked as State's
- 9 Exhibit No. 15 and see if you recognize that.
- 10 A Yes, I do.
- 11 Q And what is this?
- 12 A It's a standard protocol kit or forensic evidence.
- 13 Q And how do you recognize this one, specifically?
- 14 A Specifically it has Rochelle Morrow's name on it,
- 15 Jill Slice's name on it, our hospital name, and Jill has
- 16 signed the back.
- 17 Q Okay. And is there, I guess a specific medical
- 18 record number that's assigned to Rochelle Morrow's visit on
- 19 this day at the hospital?
- 20 A Yes, and that's given to her through the hospital
- 21 emergency room.
- 22 Q Okay. Do you use this same type of kit in every
- 23 exam that you conduct?
- 24 A Yes.
- 25 Q Okay. And in here, I guess, what are these

Temple Hart - Direct Examination by Ms. Fent Bodman

1 records?

2 A That's a copy of the forensic report.

3 Q Okay. And can you basically describe what these
4 separate packages are?

5 A Yes. There's an envelope specific to collect the
6 underwear. In this case there was none collected because
7 she wasn't wearing any at the time. And each one is -- if
8 there were we'd put it inside, fold it up and seal it and
9 initial it.

10 Q Okay.

11 A And then this is the debris collection sheet that I
12 mentioned. It comes prepackaged and we open it up. When
13 we finish it, we put it back in, tape it up and initial it.

14 Q Okay.

15 A These are slides where we do the swabs the oral
16 swab, the vaginal swab and the rectal swab. We also put a
17 smear on the slide. We also include wet wipe into this.

18 Q So there's going to be a separate swab that's --
19 what does that swab look like?

20 A A cotton tip applicator.

21 Q Okay. So the separate swab and then you also do a
22 slide?

23 A Yes.

24 Q Okay. And then, I guess, not having to walk
25 through each of these -- are each of the envelopes labeled

Temple Hart - Direct Examination by Ms. Fent Bodman

1 specifically what goes in that envelope?

2 A Yes, they are.

3 Q Okay. So you talked about doing a -- I guess a
4 buccal swab on her?

5 A Yes.

6 Q And the purpose of that is for a --

7 A For her known DNA.

8 Q Okay. So they can do her DNA profile?

9 A Correct.

10 Q Vaginal swabs and rectal swabs -- and all of these
11 things, did you package these appropriately and put each
12 swab into their appropriate package, envelope?

13 A Yes, we did.

14 Q And you're -- were you present the entire time that
15 Jill did this?

16 A Yes.

17 Q Once you have all of those swabs, you've collected
18 all the evidence, what do you then do with the kit?

19 A The kit is then sealed up and we call law
20 enforcement to come pick it up from our facility. If
21 they're unable to pick it up at this time, it's locked in a
22 refrigerator. In this case, by the time we finished, we
23 discharged Ms. Morrow, we were able to sign it over to our
24 coordinator who was there for the day.

25 Q Okay. And was this kit sealed in your presence?

Temple Hart - Direct Examination by Ms. Fent Bodman

1 A Yes.

2 Q And signed over to Terry Casto in your presence?

3 A Yes. Specifically -- I know each kit has the same
4 envelopes in every single kit.

5 A Yes, it does.

6 Q And in some exams are you going to use some
7 envelopes and not others depending on what the patient
8 tells you?

9 A That's correct.

10 Q Okay. So what specifically, if you can say -- what
11 trace evidence was collected in this case?

12 A We collected toxicology, blood for the blood
13 samples and underclothing, we collected her pants and the
14 debris sheet, and then for the trace we do come pubic
15 hairs.

16 Q What DNA evidence did you collect?

17 A We did fingernail scrapings. We did an oral -- we
18 did a buccal swab.

19 Q Okay.

20 A We did a swab on the area on her spine between her
21 shoulder blades where she reported the kissing. We did a
22 vaginal swab, a rectal swab.

23 Q Did you in this case document or take photographs
24 of the -- while you conducted the genital exam?

25 A Yes, through the different stages.

Temple Hart - Direct Examination by Ms. Fent Bodman

1 Q And your observations -- I'm going to show you
2 again what we've marked as State's Exhibits 17 through 22?

3 A Okay.

4 Q And ask you if you recognize those exhibits?

5 A Yes, I do.

6 Q And what specifically are those?

7 A It's photographs of the injuries that I visualized
8 during the genital exam.

9 Q That you observed on which patient?

10 A On Rochelle Morrow.

11 MS. FENT BODMAN: Your Honor, I'd offer into
12 evidence State's Exhibits 17 through 22.

13 MR. COCHRAN: Objection, Your Honor.

14 THE COURT: They're admitted over objection.

15 (WHEREUPON State's Exhibits 17 through 22 were
16 admitted into evidence.)

17 MR. COCHRAN: Thank you, Your Honor.

18 By Ms. Fent Bodman:

19 Q In preparation for your testimony today, did you
20 review a Powerpoint presentation with these photographs on
21 them?

22 A Yes, I did.

23 Q And would it help you to be able to show the jury
24 these photographs and injuries to describe what it is you
25 saw?

Temple Hart - Direct Examination by Ms. Fent Bodman

1 A Yes.

2 Q Ms. Hart, if I can have you to step down so that
3 you can see the screen.

4 This State's Exhibit 17 is what we have up here on
5 the screen. What do we see here?

6 A This is the external --

7 Q You need to speak up really loud. Everybody's got
8 to hear you.

9 Q This is a picture of the genitalia with retraction.
10 That's somebody holding each side open?

11 Q So using your finger to hold that open --

12 A Yes.

13 Q What -- you're going to have to describe for us
14 what -- the anatomy of the genitalia that we're seeing and
15 what the location is of these?

16 A This injury right here is the labia majora and that
17 is the external folds along the vulva. And I estimate that
18 to be about two centimeters in length. And what we're
19 looking at -- even though this is your left side, it's the
20 patient's right side. And then, again, on this side over
21 here there's a one centimeter laceration.

22 Q State's Exhibit 18.

23 A This is the last picture you looked at up here with
24 the laceration up here. This is a perineum, the bottom of
25 her vagina, the rectum and this is another laceration right

Temple Hart - Direct Examination by Ms. Fent Bodman

- 1 | there.
- 2 | Q And you estimated that one to be approximately one
- 3 | centimeter?
- 4 | A One centimeter.
- 5 | Q Now, if you could --
- 6 | A This is another angle from the first picture, with
- 7 | retraction just on the left side.
- 8 | Q And what is this?
- 9 | A That's the laceration we saw on the other picture
- 10 | right there.
- 11 | Q Okay. State's Exhibit 20.
- 12 | A This is -- the medical term is fossa navicularis.
- 13 | It is like the little ditch in between the opening of the
- 14 | vagina leading out to the perineum. And this is the
- 15 | mucosa. This is the center area. This is pretty
- 16 | significant, two centimeter laceration.
- 17 | Q Can you point to us where the lacerations -- one
- 18 | end of the laceration to the other end of the laceration?
- 19 | A This would be the external, outside area and then
- 20 | going into the vaginal vault, all the way to there.
- 21 | Q All right. And what do we see here?
- 22 | A This is the Toludine dye that I talked about.
- 23 | Q Keep your voice up.
- 24 | A This is the dye that we use. This blue dye is used
- 25 | on the external -- I forgot now what I told you or what I

Temple Hart - Direct Examination by Ms. Fent Bodman

1 | said before; but the blue dye is used externally with a
2 | swab and then adheres to the nuclei and helps to enhance
3 | the visualization on injuries or trauma. So this is the
4 | same picture as you looked at the first time with the --
5 | this is the fossa navicularis in there, with the blue dye
6 | outtake.

7 | You can see that it enhances even more areas --
8 | wherever you see the dark blue, it's been wiped away and
9 | that's what's remaining or it's adhering to trauma.

10 | Q Okay. So explain -- you said adhering to trauma,
11 | so explain that. The dye does what?

12 | A The dye is -- it's a nuclear stain and it's just a
13 | blue dye that you put on the outside of your skin. We
14 | don't have nuclei on the outside but deeper down in the
15 | darkness, that's where the nuclei are. So if there's an
16 | abrasion, the blue dye will adhere to it. You call that a
17 | positive uptake. So the dye adhered to that injury.

18 | Q So that the top layer of your skin --

19 | A The top layer of the vulva is just like our skin
20 | here where there are nuclei on the top, but once you have
21 | an abrasion, the same thing here.

22 | Q So it just shows -- I guess the dye in adhering
23 | shows you visually more where that trauma is?

24 | A Yes, it enhances where there's trauma that you
25 | might not be able to see. A patient may say they feel

Temple Hart - Direct Examination by Ms. Fent Bodman

1 | tenderness or burning and you may not be able to see it.

2 | The dye helps us to visualize that.

3 | Q Okay. And what is this then that we're looking at?

4 | A This is a picture of the speculum is inside the
5 | vagina and I'm looking through the clear speculum that has
6 | a light on it and this is the cervix. And these little
7 | pink dots are what we call petechia. Petechia is like
8 | pinprick little red marks, bruising. And that happens when
9 | the little capillaries are ruptured.

10 | Q And ruptured from what?

11 | A Ruptured from the force of something hitting
12 | against it, some trauma.

13 | MR. COCHRAN: Objection, Your Honor.

14 | By Ms. Fent Bodman:

15 | Q Is the petechia -- is that consistent with --

16 | MR. COCHRAN: Your Honor, I mean --

17 | THE COURT: Objection is overruled.

18 | By Ms. Fent Bodman:

19 | Q Is it consistent with blunt force trauma?

20 | A Yes.

21 | Q Okay. And you said this is the speculum. Is that,
22 | I guess, around here?

23 | A This is the speculum right here and you get a
24 | reflection of the light.

25 | Q Okay.

Temple Hart - Direct Examination by Ms. Fent Bodman

1 A A long plastic -- about six inches long, plastic,
2 clear.

3 Q Okay. In looking back at these photographs -- I
4 guess, a total of how many lacerations did you observe in
5 the genital exam?

6 A I noted five lacerations.

7 Q Okay.

8 A And then the petechia.

9 Q Okay. In these, did we see all of the five
10 lacerations?

11 A Yes. That was a better one to try to --

12 Q I'm sorry?

13 A -- this would be one, two, and the other one is
14 inside, three, and then we can't see -- that was three.

15 Q Okay.

16 A This -- and then one, two, three, four, five.

17 Q Okay.

18 A And it's hard to see the outside one that we saw at
19 the other angle because of the retraction to see that
20 deeper inside.

21 Q Yeah. Where is the other one in this picture?

22 A It would be on the other side of the finger where
23 the labia is retracted back.

24 Q Okay. Thank you. You can sit down.

25 In your experience in conducting sexual assault

Temple Hart - Direct Examination by Ms. Fent Bodman

1 | examinations, how frequently or infrequently do you ever
2 | see injuries?

3 | MR. COCHRAN: Objection. Outside the scope of her
4 | expertise.

5 | THE COURT: The objection is overruled.

6 | THE WITNESS: Actually we don't see injuries very
7 | often.

8 | By Ms. Fent Bodman:

9 | Q The injury at the fossa navicularis, when we were
10 | looking at the genitals, you said she's on her back and
11 | we're looking at it. Do you have a way that you document
12 | where in the genitals you see a particular injury?

13 | A Yes.

14 | Q And how do you document the place of that injury?

15 | A We use the clock system so -- because everybody can
16 | relate to the numbers on the clock.

17 | Q So the pictures that we were looking at, as we're
18 | looking at them, I guess the top of the photo would be 12?

19 | A Correct.

20 | Q And the bottom of the photo, six?

21 | A Yes.

22 | Q Okay. The injury that you noted at the fossa
23 | navicularis -- I'm going to show you, I guess, 20 and 21
24 | and see -- do these show that six o'clock injury?

25 | A Yes.

Temple Hart - Direct Examination by Ms. Fent Bodman

1 Q Okay. Which -- is there one that shows it better
2 than the other?

3 A Well, I believe the one without the dye.

4 Q Okay. And at what place on the clock is this
5 injury?

6 A Six o'clock.

7 Q Is there a term in forensic nursing that is a
8 common term that labels this type of injury that you see?

9 A Yes.

10 Q And what is that term?

11 A Mounting injuries is the term that we usually use.

12 Q Are the injuries that you observed on Ms. Morrow,
13 were they consistent with the history that she provided?

14 A Yes.

15 MR. COCHRAN: Objection. Your Honor's ruling?

16 THE COURT: Objection is overruled.

17 By Ms. Fent Bodman:

18 Q And are the injuries that you observed, are they
19 consistent with blunt force trauma?

20 A Yes.

21 Q I have no further questions at this time.

22 THE COURT: Cross-examination.

23 MR. COCHRAN: Thank you, Your Honor.

24 ///

25 ///

Temple Hart - Cross-Examination by Mr. Cochran

CROSS-EXAMINATION

1
2 By Mr. Cochran:

3 Q The -- your patient, Ms. Morrow gave you an account
4 of a sexual assault, correct?

5 A Yes.

6 Q And you said that the -- what you observed in her
7 vaginal exam was consistent with that account, correct?

8 A Yes.

9 Q But you don't know as a nurse whether it was caused
10 by that account?

11 A No, I couldn't say for sure.

12 Q What is -- I'm sorry. Blunt force trauma, that's
13 the last term that you used. Blunt force trauma is --
14 correct me if I'm wrong -- a general description for a
15 blunt object with any impact on something, correct?

16 A Correct.

17 Q Okay. Blunt force trauma occurs in consensual
18 sexual intercourse, correct?

19 A I can't answer that.

20 Q Can blunt force trauma occur in consensual sexual
21 intercourse?

22 A I wouldn't say purposefully.

23 Q Are these -- could you determine whether or not
24 these injuries could be caused from consensual sex or
25 nonconsensual sex? Can you make that determination?

Temple Hart - Cross-Examination by Mr. Cochran

- 1 A Well, they appear to be painful injuries.
- 2 Q That's not what I asked you. I asked you if those
- 3 injuries could occur in consensual sexual intercourse?
- 4 A Yes.
- 5 Q The anus is a sensitive orifice in the same way
- 6 that the vagina that is sensitive to blunt force trauma,
- 7 correct?
- 8 A Yes.
- 9 Q Your patient, Ms. Morrow told you that she had
- 10 engaged in anal intercourse?
- 11 A No, she didn't say that. She said his penis was at
- 12 her anus.
- 13 Q At or in?
- 14 A At -- rubbed on.
- 15 Q Did not go into?
- 16 A She was not sure about the penetration or the --
- 17 whether he ejaculated, but how far he penetrated, I don't
- 18 know.
- 19 Q Do you know if he penetrated?
- 20 A No, I don't. I know that I collected rectal swabs.
- 21 Q Did you fill out this form?
- 22 A Yes, I did.
- 23 Q Is there an area on that form that's labeled
- 24 penetration of anus?
- 25 A Yes.

Temple Hart - Cross-Examination by Mr. Cochran

- 1 Q And did you check yes for penis?
- 2 A I did.
- 3 Q So her anus, you were told by your patient, was
- 4 penetrated by a penis?
- 5 A Yes, but I don't know the degree, how far, but yes,
- 6 penetrating.
- 7 Q It was penetrated?
- 8 A Yes.
- 9 Q Were there injuries to the anus?
- 10 A I did not see any.
- 11 Q May I have that back? Thank you.
- 12 I want to be clear about this. Blunt force trauma
- 13 is not a term that is used in your profession to determine
- 14 whether or not intercourse was consensual or nonconsensual?
- 15 A No. We don't use those together. Blunt force
- 16 trauma is used to describe an injury.
- 17 Q And injuries can occur to the vaginal walls, to any
- 18 vaginal area during consensual sex, correct?
- 19 A That could be possible.
- 20 Q Lacerations can occur during consensual sex -- to
- 21 the vagina?
- 22 A That could be possible.
- 23 Q It is also possible that lacerations occur to the
- 24 anus during anal sex, correct?
- 25 A Yes.

Temple Hart - Cross-Examination by Mr. Cochran

1 Q And it is just as possible that lacerations can
2 occur to the anus as it is possible that they can occur to
3 the vagina, correct? They're of equal sensitivity,
4 correct?

5 A With the same amount of penetration and force, yes.

6 Q Yes. You, as a nurse in your capacity or what we
7 are here for today, you perceive yourself as providing
8 treatment to people who have been sexually assaulted,
9 correct?

10 A Yes.

11 Q You are not employed by law enforcement, are you?

12 A No.

13 Q But as part of your training, you do ride-alongs
14 with law enforcement?

15 A We spend some time with law enforcement, yes.

16 Q But you're a nurse?

17 A That's correct.

18 Q You treat and observe people who come into the
19 hospital?

20 A Correct.

21 Q You don't conduct a criminal investigation?

22 A No.

23 Q You observe and collect what could potentially be
24 evidence, but you don't know, and it's not in your job
25 description to have anything to say about whether or not

Temple Hart - Redirect Examination by Ms. Fent Bodman

1 criminal acts take place?

2 A That's not my job, no.

3 MR. COCHRAN: Beg the Court's indulgence.

4 I have no more questions, Your Honor.

5 Thank you, ma'am.

6 THE COURT: Redirect?

7 **REDIRECT EXAMINATION**

8 By Ms. Fent Bodman:

9 Q The anus is meant to pass large objects through it,
10 is it not?

11 A Yes.

12 Q Okay. Is it necessarily absolutely that if
13 penetration occurred that there would be an injury to an
14 anus?

15 A No.

16 MS. FENT BODMAN: Offer into evidence State's
17 Exhibit 15.

18 MR. COCHRAN: Well, Your Honor, I guess the
19 introduction itself is outside the scope of my cross.

20 THE COURT: I don't know what evidence is being
21 offered.

22 MR. COCHRAN: She's --

23 MS. FENT BODMAN: I just offered State's
24 Exhibit 15.

25 THE COURT: What is State's Exhibit 15.

Temple Hart - Recross-Examination by Mr. Cochran

1 MS. FENT BODMAN: The sexual assault kit. I guess
2 my response, Your Honor, would be --

3 THE COURT: Just ask the question. It's admitted
4 over objection.

5 (WHEREUPON State's Exhibit 15 was admitted into
6 evidence.)

7 MS. FENT BODMAN: No further questions of the
8 witness.

9 MR. COCHRAN: If I may have a brief recross, Your
10 Honor.

11 THE COURT: Yes, sir, yes.

12 **RECROSS-EXAMINATION**

13 By Mr. Cochran:

14 Q Ma'am?

15 A Yes, sir.

16 Q She just asked you about the anus having objects
17 pass through it, that's what it does, correct?

18 A Correct.

19 Q But that does not affect its susceptibility to
20 abrasions in the way the vagina can receive abrasions or
21 lacerations during intercourse, correct?

22 A I don't understand your question.

23 Q The solicitor is saying that large objects pass
24 through the anus. She's talking about people defecating,
25 correct?

1 A Yes.

2 Q Okay. The fact that you defecate through your anus
3 does not make it tougher or more capable of not sustaining
4 injuries than the vagina, does it?

5 A Well, it is designed differently and the vagina is
6 more mucosal sensitive tissue that is more likely to be
7 traumatized.

8 Q Well, when you spoke before -- you told the jury
9 under oath, when I asked you equal penetration, equal force
10 for vagina and anus, then they were equally susceptible to
11 the same injuries. You testified to that?

12 A Yes, they are.

13 MR. COCHRAN: No more questions.

14 THE COURT: All right. Thank you. You may step
15 down.

16 MS. FENT BODMAN: Your Honor, at this time, I'd
17 offer into evidence, State's Exhibit 14.

18 (WHEREUPON State's Exhibit 14 was admitted into
19 evidence.)

20 MR. COOPER: No objection, Your Honor.

21 THE COURT: Admitted without objection.

22 Next witness.

23 MS. FENT BODMAN: Your Honor, at this time, we rest
24 our case.

25 THE COURT: All right. Ladies and gentlemen, the

1 State has rested. I need to have you go to the jury room
2 while we have a conversation. Please do not discuss the
3 case.

4 (WHEREUPON the jury left the courtroom at
5 3:36 p.m.)

6 THE COURT: Matters of law?

7 **MIDTRIAL MOTIONS**

8 MR. COOPER: Yes, Your Honor. At this time, the
9 defense moves for a directed verdict in favor of Mr.
10 Reaves, the defendant, on both indictments.

11 THE COURT: Motions are denied. If the jury
12 believes the State's case, he can be found guilty on both
13 charges based on the evidence presented.

14 MR. COOPER: Yes, sir. One more matter. I think
15 at this time it would be the appropriate time for Your
16 Honor to talk to Mr. Reaves about --

17 THE COURT: All right. Mr. Reaves if you will
18 stand right now and we'll swear you in. You can stay right
19 there. That's fine.

20 THEREUPON,

21 ROOSEVELT REAVES,
22 after being duly sworn, testified as follows:

23 **QUESTIONING OF THE DEFENDANT BY THE COURT**

24 THE COURT: Mr. Reaves, at this time, I'm going to
25 explain to you certain of your rights. If you do not

1 understand anything that I say, please let me know and I
2 will be happy to explain it in more detail. Do you
3 understand?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: We have now reached the stage of the
6 trial where you may present your defense. You have the
7 right to claim the protections given to you by the Fifth
8 Amendment to the Constitution of the United States. This
9 amendment states in part, No person shall be compelled in
10 any criminal case to be a witness against himself. This
11 means that you cannot be required to testify in this case.
12 You do, however, have the right to testify in your own
13 behalf if you would like to. However, no one can make you
14 testify.

15 This is a personal right and no one can waive this
16 right except you. If you decide to testify, you'll be
17 subject to the same rules that govern other witnesses and
18 you may be examined and cross-examined on any relevant
19 issue in this case. In addition if you have any
20 convictions involving dishonesty or false statements or for
21 crimes punishable by imprisonment for more than one year
22 and I determine that the probative value of admitting this
23 evidence outweighs its prejudicial effect to you, the
24 solicitor then will be able to introduce your record to
25 attack your credibility.

1 If you decide to testify, this must be a free and
2 voluntary decision on your part, freely and voluntarily and
3 intelligently made by you with knowledge of the protections
4 given to you by the Fifth Amendment as well as the
5 consequences of your decision to testify. If you decide
6 that you do not wish to testify, if you decide not to
7 testify, I will instruct the jurors that they cannot give
8 the fact that you did not testify any consideration
9 whatsoever, that there is to be absolutely no prejudice to
10 you because you did not testify. It's left entirely up to
11 you whether or not you testify.

12 You certainly may talk with your trio of lawyers,
13 your family, friends, anyone else you'd like to talk to,
14 but the final decision will be left entirely up to you.

15 Do you understand what I've explained to you?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you have any questions about it?

18 THE DEFENDANT: No, sir.

19 THE COURT: Have you talked with your lawyers about
20 whether or not you should testify.

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Do you want to talk to them anymore
23 about it?

24 THE DEFENDANT: No, sir.

25 THE COURT: Have you made a decision as to whether

1 or not you wish to testify.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you wish to testify?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right.

6 Anything further?

7 MIDTRIAL MOTIONS

8 MR. COOPER: One more thing, Your Honor. I'd just
9 like for the record, I'd like to renew all our previous
10 motions and objections that we were ruled against on.

11 THE COURT: All right.

12 MR. COOPER: And I think since Mr. Reaves has
13 decided to testify, at some point, we're going to need the
14 take up -- settling of his record.

15 THE COURT: What do you have on Mr. Reaves?

16 MS. FENT BODMAN: I believe, Your Honor, he has a
17 2003 conviction for grand larceny, a value of a thousand to
18 five thousand; and well, he has some prior convictions --
19 he has a giving false information -- petty larceny and
20 giving false information from November of 2001. And this
21 grand larceny conviction from March of 2003 that I believe
22 would be admissible.

23 THE COURT: Any question about those two
24 convictions?

25 MR. COOPER: Yes, Your Honor.

1 THE COURT: You dispute that he has those two
2 convictions.

3 MR. COOPER: No, I do not dispute that he has them.

4 THE COURT: All right.

5 MR. COOPER: I would object to the State being
6 allowed to impeach on -- I've got no problem with giving
7 false information. I object to each of the grand larceny
8 because I don't think it has any probative value to the
9 jury in making their decision on this charge.

10 THE COURT: Other than your thinking it has no
11 probative value, in light of my just telling him that if he
12 has convictions of crimes punishable of more than one year,
13 false statements or dishonesty and I determine that the
14 probative value outweighs the prejudicial effect, then the
15 State can use those convictions to impeach him. Besides
16 your general feeling about it, do you have any other more
17 specific reasons why she shouldn't --

18 MR. COOPER: I have no specific reasons.

19 THE COURT: All right. What says the State about
20 all that?

21 MS. FENT BODMAN: The grand larceny is a crime
22 involving dishonesty and this essentially is -- he's saying
23 it was consensual and they should be allowed to hear his
24 admissible prior convictions to take into account his
25 credibility.

1 THE COURT: Pursuant to State v. Green, State v.
2 Caughman, the State must conduct a balancing test and make
3 an assessment of whether the likely of prejudice outweighs
4 the probative impeachment value of admitting testimony; and
5 the Court must consider along with a number of other
6 relevant factors, the impeachment value of the prior crime,
7 the point and time of the conviction, and the witness's
8 subsequent history, the similarity between the past and the
9 crime charged, the importance of the defendant's testimony
10 and the centrality of the credibility issue.

11 The likelihood of prejudice is greater with
12 convictions similar to the crime charged. Though they are
13 not per se inadmissible, however, unless the prior crime
14 involves dishonesty. Of course, the Court has held in many
15 cases that prior drug convictions are generally not
16 probative to truthfulness. We're not concerned about drug
17 convictions in this case.

18 Considering the issues before the Court and the
19 centrality of the credibility issue based on the defense
20 raised -- and considering the importance of the defendant's
21 testimony and all the other factors outlined in Green v.
22 State, I find that the State should be able to use the --
23 both convictions to impeach credibility.

24 MR. COOPER: Yes, sir.

25 THE COURT: All right.

1 MR. COOPER: One more thing I think we might need
2 to address.

3 THE COURT: All right.

4 MR. COOPER: The defendant is obviously --

5 THE COURT: All right. We'll position the
6 defendant -- you don't need him up and down and about like
7 all these other witnesses, do you?

8 MR. COOPER: I do not anticipate I'll get him up
9 and down. I'd just like to make sure --

10 THE COURT: All right. He can be positioned so
11 when the jury comes in they'll just see the shirt and red
12 tie and pants.

13 We'll take a couple minutes break. How many
14 minutes you need.

15 SECURITY OFFICER: The defendant needs to go to the
16 bathroom.

17 THE COURT: All right. We're take about ten
18 minutes.

19 MR. COOPER: Thank you, Your Honor.

20 (WHEREUPON a recess was observed.)

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

22 MR. COOPER: Yes, sir.

23 THE COURT: All right. Bring them in.

24 (WHEREUPON the jury entered the courtroom at
25 3:57 p.m.)

Roosevelt Reaves - Direct Examination by Mr. Cooper

1 THE COURT: You can remain seated to be sworn.

2 Ms. Pendergrass.

3 THE CLERK: Yes, Your Honor.

4 THE BAILIFF: All jurors present, Your Honor.

5 THE COURT: All right. Ladies and gentlemen,
6 you've heard the State's case. It's the defense's turn.

7 You may proceed.

8 MR. COOPER: Thank you, Your Honor. May it please
9 the Court. The defense calls Roosevelt Reaves to the
10 stand.

11 THE COURT: All right.

12 THEREUPON,

13 ROOSEVELT REAVES,
14 after being duly sworn, testified as follows:

15 THE CLERK: Please state your full name for the
16 record.

17 THE WITNESS: Roosevelt Reaves, Jr.

18 **DIRECT EXAMINATION**

19 By Mr. Cooper:

20 Q Good afternoon, Mr. Reaves.

21 A How you doing, sir?

22 Q Mr. Reaves, how old are you?

23 A 32.

24 Q All right. Where are you from?

25 A Eastover, South Carolina.

Roosevelt Reaves - Direct Examination by Mr. Cooper

- 1 Q Okay. Where did you go the high school?
- 2 A Lower Richland.
- 3 Q Did you graduate?
- 4 A Yes, sir.
- 5 Q Okay. Tell the jury in your life, what kind of
- 6 different jobs and work have you done?
- 7 A I do pipe fitting. When I was in Atlanta, I was
- 8 doing a lot of pipe fitting.
- 9 Q All right. Mr. Reaves, you have kind of a soft
- 10 voice, you're going to have to speak up.
- 11 A I was doing a lot of pipe fitting.
- 12 Q Pipe fitting?
- 13 A Yes, sir.
- 14 Q All right. Mr. Reaves, at some point in your life,
- 15 did you move to Atlanta?
- 16 A Yes, sir.
- 17 Q Are you married, sir?
- 18 A Yes, sir, two kids.
- 19 Q You have two children?
- 20 A Yes, sir.
- 21 Q All right. Mr. Reaves, do you still have family
- 22 that lives here in Columbia?
- 23 A Yes, sir.
- 24 Q And how many family members would you say you have
- 25 living here in Columbia?

Roosevelt Reaves - Direct Examination by Mr. Cooper

- 1 A Like twenty, twenty or more.
- 2 Q And does your mother live here in Columbia?
- 3 A Yes, sir, Eastover.
- 4 Q Do your sisters live here in Columbia?
- 5 A Yes, sir, in Eastover.
- 6 Q Mr. Reaves, do you recall January of the year 2010?
- 7 A Yes, sir.
- 8 Q In January of 2010, did you have occasion to visit
- 9 your family members back here in Columbia?
- 10 A Yes, I did.
- 11 Q And if you recall, tell the jury what day you
- 12 remember arriving in Columbia from Atlanta?
- 13 A On the 20th. I don't know what day the 20th was,
- 14 but it was on the 20th of January, 2010.
- 15 Q All right. Now, did you -- while you were in
- 16 Columbia, did you have occasion to visit your sister
- 17 Whitney?
- 18 A Yes, sir.
- 19 Q And do you recall where Whitney lived?
- 20 A At the time, I didn't, but I read up on it and it
- 21 was on . . .
- 22 Q I'm sorry could you say that --
- 23 A On . . . 1, . . .
- 24 Q --
- 25 A . . .

Roosevelt Reaves - Direct Examination by Mr. Cooper

- 1 Q Apartments?
- 2 A Yeah.
- 3 Q Yes, sir. Did you have occasion to visit Whitney
- 4 at the Apartments?
- 5 A Yes, I did.
- 6 Q And please tell the jury what date you recall
- 7 visiting her there?
- 8 A The 21st of January.
- 9 Q And at about what time do you remember arriving at
- 10 her apartment?
- 11 A Around twelve o'clock, about that time.
- 12 Q Twelve noon?
- 13 A Yes, sir.
- 14 Q All right. And while you were at her apartment,
- 15 did Whitney stay with you the whole time at the apartment?
- 16 A Yeah -- well, we had a get together and she was
- 17 cooking and stuff like that. We had a barbecue.
- 18 Q Did she eventually leave?
- 19 A Yes, in the middle of the night. All the family
- 20 members had left.
- 21 Q Okay. And that day, did you have occasion to be
- 22 alone at her apartment?
- 23 A Yes, I did.
- 24 Q Do you know if she had other things to do?
- 25 A Yeah. She said she was leaving. I didn't know

Roosevelt Reaves - Direct Examination by Mr. Cooper

- 1 | what she had to do, but she was leaving.
- 2 | Q Okay. But there did come a time when you were
- 3 | alone in her apartment at , correct?
- 4 | A Yes, sir.
- 5 | Q All right. Now, during that day, when you were in
- 6 | the apartment alone, did you have occasion to go to a
- 7 | convenient store near the apartment?
- 8 | A Across the street, yes, sir.
- 9 | Q All right. Do you recall the name of that store?
- 10 | A Food Mart.
- 11 | Q Food Mart?
- 12 | A Yes, sir.
- 13 | Q Okay. What -- describe the store. Is it small,
- 14 | big, what kind of store is it?
- 15 | A Kind of small. Convenient to everybody that lives
- 16 | on the road, you know. I'm pretty sure everybody go there
- 17 | because it's right in front.
- 18 | Q Is it close in proximity to the apartment complex?
- 19 | A Yes, sir.
- 20 | Q All right. Do you remember about what time you
- 21 | went there?
- 22 | A Between 4:30 and 5. Something like that, 4:30, 5,
- 23 | a little bit after five.
- 24 | Q Okay. So -- and why did you go there?
- 25 | A I went to get some snacks from the store because I

Roosevelt Reaves - Direct Examination by Mr. Cooper

1 | was there. So I wanted to get something to kind of eat on,
2 | snack on.

3 | Q Yes, sir. And while you were there, did you have
4 | occasion to meet anyone or talk with them?

5 | A Yes, sir.

6 | Q All right. And who -- who was that person or to
7 | your knowledge back then, who was that person?

8 | A Well, at the time it was supposed to be Tasha, but
9 | later on I found out -- it indicates that it was Rochelle
10 | Morrow.

11 | Q Well, going back to your observations the day of
12 | your meeting, what did this woman that you met look like?

13 | A Brown -- light brown skin, long hair, medium or
14 | short hair, you know, and I knew she was older than me, you
15 | know what I'm saying.

16 | Q Did y'all strike up a conversation?

17 | A Yes, we did.

18 | Q What was the conversation like?

19 | A Just -- I was giving her compliments on how she
20 | look. She appreciated it. You know, and I asked her for
21 | her number and she liked me -- she liked the way I came at
22 | her, you know in talking to her.

23 | Q Could you -- would you describe it as a pleasant,
24 | flirtatious conversation?

25 | A Yes, sir, compliments.

Roosevelt Reaves - Direct Examination by Mr. Cooper

- 1 Q Yes, sir. All right. And did you, in fact,
2 exchange numbers at all?
- 3 A Yes, we did. I got her number.
- 4 Q And after that, did you leave the store?
- 5 A Yes, I did. She left before me.
- 6 Q She left before you?
- 7 A Yes, she was in front of me that's how I spoke --
8 our conversation. She was in front of me ordering her
9 stuff that she was getting.
- 10 Q Yes, sir. Did you then return to your sister's
11 apartment?
- 12 A Yes, sir.
- 13 Q Now, did you have occasion later that day to speak
14 to who you found out later to be Ms. Morrow who you knew as
15 Tasha, did you have occasion to speak to her again that
16 day?
- 17 A Yes, I did. Yes, I did.
- 18 Q And tell the jury about that.
- 19 A I called her up and I told her I was to the
20 apartment by myself, and I wanted her to know that I was
21 there by myself, you know. But she didn't feel right for
22 me to come over -- for her to come over to my house, to my
23 sister house, so I felt that I'd go over there. I didn't
24 know where she was staying, so she told me in the road,
25 about her car -- because the place is so big.

Roosevelt Reaves - Direct Examination by Mr. Cooper

1 I got in the road and I said, Where are you at.

2 She said, Are you wearing a white t-shirt. I said yes, I

3 am. I said, Why you -- I see you over there. I see you.

4 You see the light?

5 And she was flipping the light at the back sliding

6 door, flip the light. So I closed the phone. Just that

7 conversation. Closed the phone and ran over there. She

8 was on the computer. When she let me in --

9 Q All right. Mr. Reaves, Let's stop right there. I
10 don't want to confuse the jury.

11 A I'm sorry.

12 Q It's easy to talk fast, but the jury needs to
13 understand what's going on. So Let's go a little bit
14 slower, please, sir.

15 A I'm sorry.

16 Q Is your testimony -- did you see Ms. Morrow outside
17 of her apartment?

18 A Yes, sir.

19 Q And was she signalling to you in any way?

20 A Yes, waiving and flipping the light.

21 Q Yes, sir. Did you approach her apartment?

22 A Yes, I did.

23 Q And do you remember, did you approach from the
24 front door or the back door?

25 A Back door, back sliding door.

Roosevelt Reaves - Direct Examination by Mr. Cooper

1 MS. FENT BODMAN: I object to leading the witness.

2 THE COURT: You may proceed.

3 By Mr. Cooper:

4 Q Mr. Reaves, which direction did you approach the
5 apartment from?

6 A From the back sliding door.

7 Q All right. And what did that door look like? What
8 did the back door look like?

9 A Sliding door. I mean, it was a sliding door.

10 Q What kind of sliding door?

11 A I don't know but one, it's just a sliding door,
12 that's all.

13 Q Yes, sir?

14 A Sliding glass door.

15 Q Yes, sir. When you got to the door, what happened?

16 A She let me in. She told me to come in. She
17 introduced me in. Came in, sat down toward the table where
18 she was at, you know, near her because she was on the
19 computer and everything -- the computer and watching TV.
20 And I waited until she got through. She said she had to
21 handle some business with the computer. So I sat there and
22 wait. And then she cut the computer off and told me, do
23 you want to go upstairs.

24 Q All right. And what happened next?

25 A Well, I thought it was like another couch or other

Roosevelt Reaves - Direct Examination by Mr. Cooper

1 TV upstairs because first time there, I don't know. So I
2 said, Yeah, we can go upstairs. We went upstairs. It was
3 just bedroom and closet. So that let me know off the top
4 of my head it was going to be something fast, something
5 quick, consensual sex.

6 Q All right. And when you and she arrived in the
7 bedroom upstairs, tell the jury about what happened between
8 you and her.

9 A She liked the way I look, first of all. I take
10 care of myself, you know. So I laid down something like
11 that. After that, she wanted me to put ice on her. So I
12 put ice on her, give her a massage, kiss her on the back.
13 I don't deny I kissed her on the back and everything. I
14 flipped her over like she wanted me to because she was
15 commanding me. And she said she liked it rough and then
16 she first told me she was a cougar. She liked the young
17 men.

18 Q All right. Mr. Reaves, let's stop right there just
19 for the jury's sake. After you have this conversation with
20 her and after this, did you have sexual intercourse with
21 her?

22 A Yes, I did.

23 Q Was your sexual intercourse with her against her
24 will?

25 A No.

Roosevelt Reaves - Direct Examination by Mr. Cooper

1 Q Did you have consensual sexual intercourse with
2 her?

3 A Yes.

4 Q All right. And I believe -- did you just described
5 the intercourse as being rough?

6 A It was rough. It was rough, you know.

7 Q Mr. Reaves, how long would you say this encounter,
8 sexual encounter upstairs -- how long did it take?

9 A About thirty minutes, thirty-five at the most.

10 Q All right.

11 A At the most. It wasn't no longer than that.

12 Q During this encounter, did you tell Ms. Morrow, did
13 you tell her anything about your marriage?

14 A Well, I told her while we was having sex, I told
15 her that I'm going to leave. I mentioned that I had
16 somebody. I did not tell her I was married. I told her I
17 had somebody. At the time she wanted me -- she was like,
18 are you going to leave whoever you're with for me, and I
19 said, Yes, yeah I'll leave them for you -- while we having
20 sex at the same time.

21 And that's when I penetrated. And then when I told
22 her that -- I ain't going to lie to you, I'm married, and
23 got two kids in Georgia. And that's when she went berserk,
24 like I say on my statement. She told me that she used -- I
25 used -- I lied to her and I told her that, I didn't lie to

Roosevelt Reaves - Direct Examination by Mr. Cooper

1 her -- I was like we can meet again, but I wanted to tell
2 you the truth so when I do come out of Georgia we can do
3 this again.

4 She said she ain't no secondhand woman. She said
5 she first. She wanted to be first. So she told me to
6 pack -- put my clothes on, get out of the house. Now, when
7 I left the house, I closed the door --

8 Q Let me stop you right there just so we can
9 understand. After this conversation --

10 A Uh-huh.

11 Q -- did she ask you to leave the apartment?

12 A Yes, she did. With anger.

13 Q Did you leave the apartment?

14 A Yes, I did.

15 Q Which door did you leave the apartment out of?

16 A The front door.

17 Q Did you have a key to that apartment?

18 A No, sir.

19 Q All right. Now, after you left the apartment,
20 where did you go?

21 A I went back to my sister house, Whitney.

22 Q Did you take a phone out of her apartment?

23 A Yes, I did.

24 Q Why did you take that phone, Mr. Reaves?

25 A The phone I had -- my mom's phone I had was dead,

Roosevelt Reaves - Direct Examination by Mr. Cooper

- 1 and I did like the phone.
- 2 Q Okay. Right after you left, did you do anything
- 3 with the phone?
- 4 A Yes, I did. I felt bad so I called my wife.
- 5 Q You called your wife?
- 6 A Yes, I did. On the phone.
- 7 Q All right. Did you return to your sister's
- 8 apartment?
- 9 A Yes, I did.
- 10 Q And when you returned to your sister's apartment,
- 11 did you spend the rest of the night there?
- 12 A All night.
- 13 Q Now, the next morning what did you do?
- 14 A She came there -- well, she was already there and
- 15 then she told me to get up, she had to go to school a
- 16 little early, and we left her apartment and went down to my
- 17 mama house and had another little cookout.
- 18 Q All right. When did you finally leave Columbia?
- 19 A Like that Saturday, Friday night -- Friday night.
- 20 But I end up in Georgia like Saturday morning.
- 21 Q Okay. How did you -- how did you get back to
- 22 Atlanta?
- 23 A Greyhound.
- 24 Q All right. Mr. Reaves, when's the next time --
- 25 when 's the first time that you heard about allegations

Roosevelt Reaves - Direct Examination by Mr. Cooper

1 | against you?

2 | A When Atlanta marshals knocked on my door with a big
3 | bang, kids in daycare, wife in school, and I knew they
4 | weren't talking about me, but the way they was banging, I
5 | live in the bad area in Atlanta. And I said it couldn't be
6 | for me so when I looked outside, they said, open the door.
7 | We see you open the door. So I opened the door and they
8 | told me to get down. That's the first -- that something
9 | was wrong.

10 | Q After you were taken to Fulton County Detention
11 | Center in Atlanta, do you remember talking to Investigator
12 | Carter?

13 | A Yes, sir, willingly.

14 | Q You said willingly?

15 | A Yes, sir, he can tell you.

16 | Q And when you talked to him, did you end up telling
17 | him the same story you're saying now?

18 | A Yes. Well, he was trying to make me change it --
19 | make me change it, just lying. I told the truth.

20 | Q Right. When you arrived in Columbia, did you tell
21 | the same story?

22 | A Yes, I did. Same thing. He was again trying to
23 | make me change it. He said this is not -- this is some of
24 | what happened, but this is not all of what happened. And I
25 | wanted to know what you mean this is not all that happened.

Roosevelt Reaves - Direct Examination by Mr. Cooper

1 He was like, he was trying to get me to change it. That's
2 all.

3 And me and him came to like an argument about the
4 swab. He try to put it roughly in my mouth while I'm
5 talking to him. I want to know why is he charging me
6 because I'm talking to you willingly, so why is you being
7 rough with me. I'm talking to you willingly. Nobody there
8 to witness, just me and you.

9 Q Okay. Mr. Reaves, now, I have to ask you about
10 this. You were in the courtroom during the testimony of
11 the witness named Michael Cornelius, weren't you?

12 A Uh-huh.

13 Q Do you remember him in the county jail?

14 A Yes, I do. Everybody does.

15 Q Did you talk to him about this case?

16 A No.

17 Q Do you have any kind of friendship, relationship
18 with Michael Cornelius?

19 A I have talked to other inmates about my case. But
20 I never talked to him. He was always the one, like he told
21 you, he'll talk to you -- everybody knows that he will go
22 in --

23 MS. FENT BODMAN: Objection. Nonresponsive.

24 THE WITNESS: -- and testify on your case.

25 ///

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

1 By Mr. Cooper:

2 Q All right. Mr. Reaves, what is your -- describe
3 your relationship with Mr. Cornelius?

4 A I don't know him at all.

5 Q Okay. Now, I just want to wrap this all up, Mr.
6 Reaves. Did you break in Ms. Morrow's home?

7 A No, I didn't.

8 Q Did you have nonconsensual, forceful sex with her?

9 A No, sir.

10 Q Has that always been your story?

11 A That's always been my story. I never changed it.

12 Q All right.

13 MR. COOPER: Your Honor, that's all I have. Thank
14 you.

15 THE COURT: Cross-examination.

16 **CROSS-EXAMINATION**

17 By Ms. Fent Bodman:

18 Q You said when you met Tasha at the minimart, she
19 liked the way that you came at her?

20 A Yes.

21 Q Tell the jury how you came to her?

22 A By compliments. I said she was a nice looking
23 lady. You know, I liked the way she carried herself. She
24 said thank you and it lead on to saying, Can I get your
25 number because I always would ask the ladies that I like.

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

- 1 Q So you're a nice looking lady. She said thank you
2 very much?
- 3 A Uh-huh.
- 4 Q And that led her to give you her number?
- 5 A Yes.
- 6 Q And you said that when you're upstairs in her
7 bedroom that she liked the way you looked?
- 8 A Yes.
- 9 Q You said you're a handsome man?
- 10 A Yeah, she even told me.
- 11 Q So you are so suave and handsome that this woman
12 that accepted a compliment of you look nice, wanted you to
13 leave -- wanted you to leave your wife for her?
- 14 A I guess so, yes, ma'am.
- 15 Q On January 20th of 2010, you were here in South
16 Carolina, right?
- 17 A Yes, I was.
- 18 Q You were here in Columbia?
- 19 A Uh-huh.
- 20 Q Correct?
- 21 A Yes.
- 22 Q You were there at the [redacted] Apartments at [redacted]
23 [redacted] and [redacted], correct?
- 24 A Yes, ma'am.
- 25 Q Your sister left the apartment?

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

- 1 A Uh-huh.
- 2 Q Correct?
- 3 A Uh-huh.
- 4 Q And then she came back?
- 5 A Yes, ma'am.
- 6 Q And you left your sister's apartment right after
- 7 she left, correct?
- 8 A What does you mean?
- 9 Q You left your sister's apartment to go over Tasha's
- 10 apartment --
- 11 A Right after she left.
- 12 Q Right after your sister left?
- 13 A Yes, ma'am.
- 14 Q The sexual encounter that you had with Tasha
- 15 lasted, you said for thirty minutes?
- 16 A About 30.
- 17 Q Your sister also came back to the apartment,
- 18 correct?
- 19 A Uh-huh.
- 20 Q You were home when your sister came back?
- 21 A Yes, ma'am. She came with her boyfriend and her
- 22 baby -- her daughter.
- 23 Q When you went over to the victim's home, you did
- 24 not know her name, did you?
- 25 A No.

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

- 1 Q You went through this sliding glass door in the
2 back of her apartment, correct?
- 3 A With her.
- 4 Q This sliding glass door that's shown on State's
5 Exhibit No. 7?
- 6 A With her.
- 7 Q I'm sorry?
- 8 A With her.
- 9 Q Did you go through this door?
- 10 A Yes, ma'am.
- 11 Q This door that sits behind this desk that sits in
12 front of the door, correct?
- 13 A Yes, ma'am.
- 14 Q That sliding glass door --
- 15 A Uh-huh.
- 16 Q Is the one you went through?
- 17 A Yes, ma'am.
- 18 Q You said that she was sitting at her computer?
- 19 A Uh-huh.
- 20 Q That's what you testified to?
- 21 A Yes, ma'am.
- 22 Q When you came through that door she was sitting at
23 her computer?
- 24 A No, I did not say that. I said she let me in. She
25 was waiting. That's when I came through the door with her.

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

- 1 She sat back down at the computer.
- 2 Q After you came in, she sat back down?
- 3 A Sat back down, acted like she was busy.
- 4 Q State's Exhibit 11, that's your written statement,
5 your signed, sworn, written statement. Where does it say
6 in there that you sat down on the couch while she finished
7 working on the computer? Take your time.
- 8 A I walked through the back -- I walked through the
9 sliding door and she was on the computer and the TV was on.
- 10 Q And then what?
- 11 A And the TV was on.
- 12 Q And then what happens? Where is it that you
13 described sitting down on the couch?
- 14 A When I walked in, we went upstairs.
- 15 Q My question is, can you point to us and show us
16 where does it say you sat down on the couch?
- 17 A I told the investigator all this now.
- 18 Q In the written statement, show us where it says
19 that you sat down on the couch?
- 20 A It doesn't, ma'am.
- 21 Q Show us in that written statement where it says
22 that you all had a conversation?
- 23 A It don't -- it doesn't say a conversation.
- 24 Q You went upstairs to her bedroom?
- 25 A Yes, ma'am.

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

- 1 Q And she was already naked?
- 2 A She was already naked, like she told you in her own
3 statement, in the nude. She likes it.
- 4 Q She is already naked, you admit that?
- 5 A She was pulling her clothes off. That's how I know
6 she does not have anything up under there.
- 7 Q On the bedside table right next to her bed are her
8 two cell phones.
- 9 A Uh-huh.
- 10 Q And you touched those cell phones?
- 11 A Yes, ma'am, I did.
- 12 Q In fact, you stole those cell phones?
- 13 A Yes, ma'am, I did.
- 14 Q And the phone records show that at 2:20 a.m. that
15 the number five was pushed on her phone, correct?
- 16 A Uh-huh.
- 17 Q At 2:20 a.m., number five, correct?
- 18 A Uh-huh.
- 19 Q And you said this whole thing lasted approximately
20 thirty minutes, right?
- 21 A Yes, ma'am.
- 22 Q You said that you -- she wanted you to put ice on
23 her?
- 24 A Uh-huh.
- 25 Q When did you get the ice?

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

1 A She already had it in a cup upstairs like she was
2 drinking something. It was in a cup.

3 Q Where on that written statement -- take your time
4 and look -- does it say --

5 A It doesn't say that, ma'am.

6 Q Your penis went inside her vagina multiple times,
7 correct?

8 A Correct.

9 Q This was rough penetration, correct?

10 A Correct.

11 Q You then leave?

12 A Uh-huh.

13 Q You left her apartment?

14 A Yes, ma'am.

15 Q You went back to your sister's apartment?

16 A I did.

17 Q You took those two cell phones with you?

18 A Uh-huh.

19 Q Her sources of communication, sitting on that
20 bedside table, you took them with you?

21 A I did.

22 Q You called your wife?

23 A Yes, I did.

24 Q And that first call that you make to your wife is
25 at 3:03 -- 3:07:00 a.m., is it not?

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

- 1 A Yes.
- 2 Q And when you call your wife, you press star 67, do
- 3 you not?
- 4 A Yes.
- 5 Q To block the number that you're calling from?
- 6 A I don't want her to see her name on the phone.
- 7 Q That's why you pushed star 67?
- 8 A Yes.
- 9 Q And you talked for some 505 seconds?
- 10 A Yeah.
- 11 Q You called back at 3:24 and talked for 16 seconds?
- 12 A Yes. I felt the guilt.
- 13 Q You called back at 3:25, 82 seconds?
- 14 A Yes, ma'am.
- 15 Q 3:35, 23 seconds?
- 16 A Okay.
- 17 Q 10:10 a.m., correct?
- 18 A Uh-huh.
- 19 Q Is she hanging up on you, you're hanging up on her?
- 20 A No. We talk, but at the same time I was -- I
- 21 wanted to tell her I been cheating on her, but I didn't
- 22 know how to come out.
- 23 Q My question was were you hanging up on her or was
- 24 she hanging up on you?
- 25 A She was hanging up on me.

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

- 1 Q It was that same day that you left Columbia?
- 2 A Same day? What you mean.
- 3 Q Well this happens after midnight in the early
- 4 morning hours?
- 5 A Uh-huh.
- 6 Q Is that correct?
- 7 A Yes, ma'am.
- 8 Q And so do you leave Columbia that same day or you
- 9 don't --
- 10 A I leave Columbia the next -- like that Friday
- 11 night..
- 12 Q And head back to --
- 13 A And I couldn't catch the bus so I left out like
- 14 that Saturday morning.
- 15 Q And you had just arrived here on the 20th?
- 16 A Yes, ma'am. I told them I wasn't able to stay
- 17 long.
- 18 Q The phones that you took, you didn't throw both of
- 19 them into the woods next to your sister's house, did you?
- 20 A I did.
- 21 Q Both of them?
- 22 A Both of the phones.
- 23 Q State's Exhibit 14. Is Charelle Brown your wife?
- 24 A Yes, ma'am.
- 25 Q Charelle Reaves, also, she goes by?

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

- 1 A Yeah, uh-huh.
- 2 Q And you're saying you threw both of those phones,
3 both of the phones you stole into the woods?
- 4 A It was two phones. She told me that -- I mean the
5 investigator that talked to me, they said it was one phone.
6 I willingly told him that it was two phones.
- 7 Q When did you throw them into the woods?
- 8 A I throw one of them in the woods an then I kept
9 that one.
- 10 Q So this phone was not thrown into the woods?
- 11 A No, ma'am, because it was still kind of working and
12 I wanted to use it to call my wife.
- 13 Q So you initially said, I threw both phone in the
14 woods, but now upon looking at it, you recall that you only
15 threw one phone into the woods?
- 16 A Yes, ma'am.
- 17 Q This is the other phone you stole?
- 18 A It was a year ago, yes, ma'am.
- 19 Q I show you State's Exhibit 26 and ask if you
20 recognize that. What's in that photograph?
- 21 A That's the store.
- 22 Q The minimart?
- 23 A Yes, ma'am, the minimart.
- 24 Q That you met Tasha at?
- 25 A Yes.

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

- 1 Q And what's next to the minimart?
- 2 A A liquor store and a lounge, a lounge.
- 3 Q What's the name of that lounge?
- 4 A Mid -- middays, that lounge.
- 5 Q Is it M-i-r-r-o-r-s?
- 6 A M-i-r-r -- it looks like M-i-d-d-o-d.
- 7 Q The R's look like D's to you? Those three letters
- 8 look like D's?
- 9 A Yes.
- 10 Q And that's right next to the minimart?
- 11 A Uh-huh.
- 12 Q You knew Michael Cornelius, correct?
- 13 A Yes.
- 14 Q Saw Michael Cornelius in Alvin S. Glenn Detention
- 15 Center, correct?
- 16 A I have seen him.
- 17 Q But never ever talked to him about this case?
- 18 A No. Everybody know he was trying to get off a life
- 19 sentence.
- 20 MS. FENT BODMAN: Objection, Your Honor,
- 21 nonresponsive.
- 22 By Ms. Fent Bodman:
- 23 Q Which actually, Michael Cornelius didn't come in
- 24 here and say that you had admitted to raping Tasha, did he?
- 25 A No, ma'am.

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

- 1 Q He didn't come in here and say, Oh boy, he said
2 yeah, I raped her and I loved it, did he?
- 3 A No, ma'am.
- 4 Q He didn't come in here and say he confessed, he
5 confessed to brutally raping that woman and it was rough
6 and terrible and he enjoyed it, did he?
- 7 A No, ma'am.
- 8 Q He came in here and said that you claimed it was
9 consensual, right?
- 10 A Uh-huh.
- 11 Q He said he came in here and that you came in
12 through the sliding glass door, right?
- 13 A Uh-huh.
- 14 Q You're saying it was consensual, right?
- 15 A Yes, ma'am.
- 16 Q You're saying you came in through the sliding glass
17 door, right?
- 18 A Yes, ma'am.
- 19 Q And with that, giving the same story that you are
20 today about being consensual and the sliding glass door,
21 Michael Cornelius is trying to help himself off a life
22 sentence, with that information?
- 23 A Yes, he is.
- 24 Q With that testimony?
- 25 A Yes, he is.

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

1 Q He's going to go a long way with that?

2 A I never came to him and told him about my case,
3 ma'am. He happened to be in the same dorm with me and know
4 the same guys I know and I have spoken to other guys about
5 my case as well as other inmates has too. But I never went
6 to him and told him about my case. Everybody knows that he
7 was trying to get off a life sentence.

8 Q Mr. Reaves, in November 14th of 2001, you were
9 convicted of a petty larceny?

10 A Yes, ma'am, I was.

11 Q And March 6th of 2003, you were convicted of a
12 grand larceny valued 1,000 to 5,000; is that correct?

13 A Yes, ma'am.

14 Q And in November 14th of 2001, you were convicted of
15 giving false information; is that correct?

16 A I was.

17 MS. FENT BODMAN: I offer into evidence State's
18 Exhibit 26.

19 MR. COOPER: Okay, Your Honor. I have no objection
20 to this.

21 MS. FENT BODMAN: No further questions.

22 THE COURT: Admitted without objection.

23 Redirect?

24 MR. COOPER: I have no redirect, Your Honor. I
25 think we just might have a matter of law.

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

1 THE COURT: All right. Ladies and gentlemen, I'm
2 going to have you go to the jury room for a break. Please
3 do not talk about the case.

4 (WHEREUPON the jury left the courtroom at 4:32 p.m.

5 MR. COOPER: I just wanted to get the defendant off
6 the stand, Your Honor.

7 THE COURT: You have additional witnesses?

8 MR. COOPER: No, Your Honor. At this time, the
9 defense rests. I'll rest in front of the jury.

10 THE COURT: Does the State have reply?

11 MS. FENT BODMAN: No. No, sir.

12 THE COURT: All right. Do y'all want to finish
13 today or tomorrow?

14 MR. COOPER: Your Honor, I would prefer to finish
15 tomorrow just because I think we'd have a better attention
16 span from the jury that way.

17 THE COURT: All right.

18 MS. FENT BODMAN: I would agree. I think it's been
19 a long day.

20 THE COURT: All right. Okay. Bring the jury,
21 please.

22 (WHEREUPON the jury entered the courtroom at
23 4:34 p.m.)

24 THE BAILIFF: All jurors are present, Your Honor.

25 THE COURT: All right. Anything further from the

Roosevelt Reaves - Cross-Examination by Ms. Fent Bodman

1 defense?

2 MR. COOPER: No, Your Honor. At this time, the
3 defense rests.

4 THE COURT: All right. Ladies and gentlemen,
5 you've heard the defense's case.

6 Any reply by the State?

7 MS. FENT BODMAN: No, sir, the State closes.

8 THE COURT: All right. Ladies and gentlemen, that
9 means that you have heard all of the evidence in this case.
10 You've heard all the testimony in this case. We're going
11 to recess for the day. I need you back at 10:30 tomorrow
12 morning, 10:30 tomorrow morning. Have a good evening. See
13 you then. What time is that?

14 THE JURY: 10:30.

15 THE COURT: All right. See you then.

16 (WHEREUPON the jury left the courtroom at
17 4:37 p.m.)

18 MR. COOPER: Your Honor, one thing -- can we just
19 make sure they know they're not supposed to talk about the
20 case even though they've heard all the evidence in the
21 case. I want to make sure --

22 THE COURT: How do you want me to do that?

23 MR. COOPER: Well --

24 THE COURT: I've told them that consistently. Who
25 are they going the talk to? Folks at home. I told them

1 that repeatedly.

2 JURY CHARGE CONFERENCE

3 THE COURT: All right. Well, what else do you all
4 have today? With regard to request for charges, any
5 objection to the State's submission?

6 MR. COOPER: Yes, Your Honor, I do object to their
7 proposed charge on the grounds that it is -- would be
8 impermissible comment on the facts. Your Honor, I -- also
9 they've attached case law which addresses that. In looking
10 over the case, it seems to say that it is not a mandatory
11 charge. I would distinguish this case by -- well address
12 this case by saying that I think the jurors as fact finders
13 can weigh each witness as they find fit. They don't need
14 any further instruction. It's already going to be in your
15 jury instructions and I think that the charge that they
16 requested would put too much emphasis from the Court on one
17 particular witness. I -- you know, I just think it's
18 impermissible comment on the facts that would affect the
19 jury; so we do object to that, Your Honor.

20 THE COURT: What says the State?

21 MS. FENT BODMAN: Well, providing the case law to
22 the Court, I have clearly acknowledged that it is not a
23 mandatory charge, but I am requesting it, and while I've
24 not seen the remainder of the Court's charge, I feel
25 confident that in instructing them upon the burden of proof

1 and that they are required to find this case beyond a
2 reasonable doubt in order to convict, that that would be
3 sufficient to cover the fact that the jury will know that
4 this -- that doesn't stop the burden of proof. They still
5 have to find the case beyond a reasonable doubt.

6 THE COURT: All right. Well, this issue comes up
7 all the time on every criminal sexual conduct case. I
8 usually couch the -- couch this addressing this issue
9 within the context of instructing the jury that they must
10 weigh the credibility of the witnesses and it's stated, but
11 not as a stand-alone charge citing the statute, but it's
12 stated in connection with the jury's responsibility of
13 weighing the credibility of witnesses, whether or not
14 corroborated. So it will be included but not as a
15 stand-alone charge.

16 MR. COOPER: Thank you, Your Honor.

17 THE COURT: All right. Anything else?

18 MR. COOPER: Nothing from the defense, Your Honor.

19 THE COURT: All right. Well, we will reconvene on
20 this case at 10:30. I think we have some other matters set
21 at 9:30 tomorrow.

22 MR. COCHRAN: Thank you, Your Honor.

23 THE COURT: All right.

24 (WHEREUPON a recess for the day was observed.)
25

1 State of South Carolina) In the Court
2 County of Richland) Of General Sessions

3
4 Indictment No: 2010-GS-40-01305
2010-GS-40-01317

5
6 State of South Carolina,)
Plaintiff,)
7)
8 vs.) Transcript of Record
Volume III
9)
10 Roosevelt Anthony Reaves,)
Defendant.)

11
12 April 11-13, 2011
13 Columbia, South Carolina

14
15 B E F O R E:

16 The Honorable Clifton B. Newman, Judge and a Jury.

17
18 A P P E A R A N C E S:

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>
C-1	Jury Question
C-2	Jury Question
C-3	Jury Question
C-4	Jury Question
C-5	Jury Question
C-6	Jury Question

1 THE COURT: Good morning.

2 MR. COOPER: Good morning, Your Honor.

3 MS. FENT BODMAN: Good morning.

4 THE COURT: Anything before the jury comes?

5 MS. FENT BODMAN: We just explained to Ms. Morrow
6 that once the Court starts reading the charge the doors are
7 locked so she won't be able to leave and go to the
8 restroom. So she is going to go get that done. But other
9 than Ms. Morrow stepping out for the second...

10 THE COURT: All right. We'll wait for her.

11 MR. COOPER: Nothing from the defense, Your Honor.

12 THE COURT: All right. Who's going first?

13 MS. FENT BODMAN: I'm doing both arguments.

14 THE COURT: Okay. He did such a wonderful opening.

15 THE COURT: Who's going to do defense.

16 MR. COOPER: I'll be closing, Your Honor.

17 THE COURT: All right. Very good.

18 (WHEREUPON the jury entered the courtroom at
19 10:38 a.m.)

20 THE BAILIFF: Jury is seated, Your Honor.

21 THE COURT: All right. Very good.

22 Good morning.

23 THE JURY: Good morning.

24 THE COURT: All right. Day number three.

25 Ms. Bodman?

CLOSING STATEMENTS

1
2 MS. FENT BODMAN: Courage does not always roar.
3 Sometimes courage is the quiet voice at the end of the day
4 that says I will try again tomorrow. Courage is sharing
5 intimate and embarrassing information about yourself for
6 the purposes of something or someone other than yourself
7 and that face of courage is Rochelle Morrow. Every day
8 since January 21st of 2010, she has woken up, gotten out of
9 bed, and taken one step after the other. But her steps
10 brought her here this week to this courthouse in this
11 courtroom, to bring justice for our County.

12 There's a plaque downstairs next to the elevator
13 and it says justice will be our course. Justice will
14 direct our course. And as we put on each and every witness
15 and piece of evidence that has been our course.

16 I want to talk to you a little bit about the law
17 that applies in this particular case. We have told you
18 that the defendant is charged first with burglary in the
19 first-degree. Burglary in the first-degree means you enter
20 a dwelling, you enter someone's home. Just from your act
21 of entry, there is no force required under our law. There
22 doesn't need to be tool marks, pry marks, a screwdriver
23 used.

24 We have locks on our doors because people will
25 steal from us, because there are people out there that will

1 take advantage of an open door. You come into somebody's
2 home even with an unlocked door, you are not invited, that
3 is a burglary. You enter that home without consent and you
4 enter with the intent to commit a crime.

5 What makes it a burglary in the first-degree could
6 be different. What we call aggravating circumstances, that
7 makes it a first-degree. What applies in this case is the
8 person that entered causes physical injury to a person who
9 is not a participant in the crime. Ms. Morrow was sexually
10 assaulted. Or it can be that the entering or remaining
11 occurred at nighttime, two o'clock in the morning. 3 a.m.
12 is when he left.

13 He entered the home. He was not invited in. He
14 caused physical injury to Ms. Morrow. But we've also
15 proven that he entered during the nighttime hours. That's
16 a burglary in the first-degree.

17 Criminal sexual conduct in the first-degree. First
18 of all the person engages in the sexual battery with the
19 victim. A sexual battery is sexual intercourse. There is
20 penetration of some type of the victim to some opening. It
21 could be the mouth, the vagina, the anus. There is
22 penetration, either with a penis or an object. She
23 testified both that he penetrated her with his penis as
24 well as his finger.

25 And then the actor uses either aggravated force or,

1 in this case, the victim is also the victim of forceful
2 confinement, kidnapping, robbery, extortion, burglary. So
3 there's a sexual battery and it occurs during a burglary.
4 That is criminal sexual conduct in the first-degree.

5 You are the sole judge of the credibility of the
6 witnesses, the believability of the witnesses. And when
7 you go out that door you are not going to leave behind the
8 common sense that you brought with you in that door.
9 You're taking your common sense into the jury deliberation
10 room and you're going to use that common sense to analyze
11 each and every piece of evidence. The 911 calls, as you
12 listen to her voice, both at the 9:08 p.m. call and the 3
13 a.m. call, the terror in her voice. When you look at the
14 DNA evidence, it is him. We have identified him as the
15 rapist.

16 When you look at the photographs, the lacerations,
17 she suffered significant injuries. And when you analyze
18 his statement also, his testimony also, he comes into this
19 courtroom and he is presumed to be innocent. But he is not
20 presumed to be telling the truth. You weigh his
21 credibility the same as you would any other witness.

22 Beyond a reasonable doubt is our burden. We have
23 to prove this case to you beyond a reasonable doubt. Proof
24 beyond a reasonable doubt is proof that leaves you firmly
25 convinced of the defendant's guilt. There are few things

1 in this world that we know with absolute certainty, and in
2 criminal cases, the law does not require proof that
3 overcomes every possible doubt. There's only one way that
4 I could prove to you beyond every possible doubt, only one
5 way that I could prove to you with absolute certainty this
6 happened, and that would be if you were in Ms. Morrow's
7 apartment during the 2 a.m. to 3 a.m. hours and saw it for
8 yourself. Rape is a secretive crime. The rapist chooses
9 when and where it is going to happen.

10 If based on consideration of the evidence you are
11 firmly convinced that the defendant is guilty of the crime
12 charged, you must find him guilty. If on the other hand
13 you think there is a real possibility that he is not
14 guilty, you must give him the benefit of the doubt and find
15 him not guilty. We are confident in our evidence and know
16 that you will find that we met our burden of proof.

17 There is a book. It's called The Gift of Fear,
18 written by a man named Gavin de Becker. And fear is a
19 wonderful, wonderful gift. Intuition is related to that.
20 But fear. But strangely enough as human beings, we may be
21 on an elevator and someone gets on and they make us feel
22 uncomfortable, but we don't want to hurt their feelings so
23 we go ahead and stay on the elevator.

24 We're walking down the street and someone is
25 approaching us and we feel uncomfortable about that person,

1 but we don't want to cross the streets, we don't want to
2 hurt their feelings. Well at 9:08 p.m. when Ms. Morrow
3 called 911 and said, Nevermind, I'm okay. You don't need
4 to come. She has hesitated to act and five hours later she
5 was raped in her own home.

6 We brought you the 911 calls, the DNA evidence, the
7 lacerations, and the defendant's own statement that makes
8 no sense. I want to apologize for the photographs that you
9 have to look at of Ms. Morrow from her examination and I
10 ask you that if I offended you in any way in showing you
11 those photographs, please do not hold it against my case.
12 I apologize. But I have a job to do.

13 If I asked each of you to picture a white bear in
14 your mind, visualize a white bear, some of you may have
15 that bear sitting; some of you may have that bear standing;
16 some of you may have the bear on two legs, some of you may
17 have a bear in a snow environment; maybe some of you have
18 that bear in the woods. Maybe some of you have the bear
19 floating out in thin air. Some of you may have the bear
20 holding the Pepsi cup, the Pepsi can.

21 I had to show you those photographs so that when we
22 talk about the fact that Ms. Morrow had five separate
23 lacerations and how painful that would have been for her,
24 that we all know and understand and appreciate the gravity
25 of that piece of information.

1 In their opening statement, Defense Counsel said,
2 quote, This doesn't make any sense. Listen to both sides
3 of the story. I challenge them now to stand up in front of
4 you and to make sense of the defendant's story.

5 MR. COOPER: May it please the Court, Your Honor?

6 THE COURT: Yes.

7 MR. COOPER: Thank you, Judge.

8 Good morning, ladies and gentlemen. Ladies and
9 gentlemen, there are a lot of facts to consider in this
10 case. We've heard a lot of testimony. It's been a
11 draining trial, and I'm going to do something in my closing
12 statement that I normally don't do and I'm going to refer
13 to notes; and I'm going to do so because I don't want to
14 miss anything. I don't want to miss any of the important
15 facts and details that are important to consider in this
16 trial. I encourage you if you want to, to take your own
17 notes because we have heard a lot of evidence.

18 And last night and yesterday when I thought about
19 how I was going to address y'all, I went back to the normal
20 thing that lawyers do and that we're taught to do and I
21 thought, well what story, what cute example can I think of,
22 you know, can I think of a little joke or metaphor to
23 relate this to because that's how we've been trained. And
24 you hear a lot of that, and you've heard that over the past
25 few days.

1 But I thought about this case and I realized
2 something and I crumpled up that first piece of paper I
3 had. Because I realized that in this case, I don't need
4 any of that stuff. I don't need a cute story. I don't
5 need an example. I don't need to talk about books or
6 movies. You know why? Because in this case, I have the
7 facts. In this case, Mr. Reaves has the facts. So I'm not
8 going to waste your time with those kind of examples.

9 What I'm going to do this morning is I'm going to
10 take you step by step through the facts. And I'm going to
11 do that in the context of the fact that the State is
12 required to prove their case beyond a reasonable doubt to
13 you. And since that is their burden, I'm going to
14 structure my remarks to you based on the evidence that they
15 have presented to you to attempt to prove to you each
16 element of each indictment. So that's how we're going to
17 go through this.

18 So to begin, let's talk about the burglary charge.
19 Burglary means they're accusing Mr. Reaves of entering Ms.
20 Morrow's home without her consent. That is the accusation.
21 That is their accusation. Let us examine closely, step by
22 step, the evidence that they have presented to you to
23 attempt to prove that to you beyond a reasonable doubt.

24 Okay. Burglary. What do you have to accomplish to
25 commit a burglary. You have to enter the home. So let's

1 talk about the evidence that we have heard of Mr. Reaves'
2 entrance into that home. Y'all have heard plenty of
3 testimony about the entrances and exits to this home. It
4 is clear from the testimony that there is a front door and
5 that there is a back door, back sliding glass door. Those
6 are the only two doors to this home. So they want you to
7 believe Mr. Reaves entered this home. He either did so
8 without consent through the front door or the back door.

9 So let us address each in turn, the evidence that
10 they've provided to you. First, let us talk about the back
11 sliding glass door. We've heard a lot about that. This
12 back sliding glass door, all the witnesses are in agreement
13 that it was closed when the officers got there, that the
14 officers examined it. Investigator Yvonne Woods examined
15 it, the outside door handle, the outside of the door. She
16 looked for evidence of a forcible break in. She found
17 none. She looked for evidence of fingerprints. She found
18 none. She looked for evidence of DNA. She found none.

19 There's also been a lot of testimony that that back
20 area of the house was very dark. So if you were to believe
21 that Roosevelt Reaves entered that door without consent
22 then you have to believe that he opened it without leaving
23 any sign of himself or forcible breakin. That's unlikely
24 and it certainly has not been proven to you beyond a
25 reasonable doubt.

1 Now, let's talk about the other side of that glass
2 door. There was testimony from Investigator Yvonne Woods
3 that there were many objects in front of that glass door.
4 She said that those objects were undisturbed and that if
5 someone had entered that door, those objects would have
6 been disturbed. Well, that doesn't make sense and you have
7 to ask yourself, that is the evidence about the back door,
8 that they've given to you. That does not make sense. And
9 that's from their own investigator, of course.

10 But, you know, we've heard a third explanation
11 about an entrance to that back glass door. We've heard a
12 third explanation that does conform with logic, that does
13 conform with reason and that is the explanation -- is an
14 explanation of Roosevelt Reaves; that he was guided into
15 the apartment through the door and past those objects.
16 Much more likely, much more reasonable, because that's the
17 way that it actually did happen.

18 All right. Well, Let's talk about next, the front
19 door. Just remember there has to be an entrance to the
20 home without consent. You heard testimony about the front
21 door with the dead bolt lock. So to believe that Mr.
22 Reaves entered the front door without consent, you have to
23 believe that he did so without leaving any sign of forcible
24 entry or that he had a key and we've heard no evidence that
25 he had a key. So that part of their story, extremely

1 unlikely and certainly not proven to you beyond a
2 reasonable doubt. But, you know, ladies and gentlemen,
3 there's one more thing that a burglar has to do after he
4 enters the home without consent. He's got to get out of
5 there, right? So then there has to be an exit.

6 So let's talk about that. Again, sliding glass
7 back door. If you believe that Mr. Reaves exited through
8 the sliding glass door, no help, then you have to believe
9 that he navigated around the objects without disturbing
10 them and left no sign of himself on that door. That's
11 extremely unlikely, and it certainly has not been proven to
12 you beyond a reasonable doubt.

13 All right. Let's talk about a possible exit
14 through the front door. You heard Ms. Morrow's testimony.
15 She told you that when she was up in her bedroom she
16 originally told the police that she heard the front door
17 slam close. Now, when she took the stand this week, she
18 just said, well it could have been the front door, it could
19 have been the back door, I don't know. But when she told
20 the police that it was the front door, she didn't waiver on
21 that, and that's when her memory would have been most fresh
22 about this incident. And think about an exit through the
23 front door. When the police arrived, that front door was
24 locked. So if you were to believe that this rapist left
25 out the front door, then you have to believe that he turned

1 around and locked it back? And then he would have had to
2 have a key. That's not only unlikely, it's implausible and
3 just certainly not proven to you beyond a reasonable doubt;
4 and frankly, that scenario is ridiculous.

5 So the evidence of burglary that they've attempted
6 to offer you, every piece of it, entrance, presence, exit,
7 does not make logical sense and does not conform to a
8 reason. But again, there's a third scenario that's been
9 presented to you that does conform to reason and logic and
10 that is Mr. Reaves' story. Because you know what, yeah, I
11 went out that front door after she was mad at me. He
12 didn't have to lock it back. That story is just -- it
13 makes much more sense that way. And when you evaluate this
14 evidence back in the jury room, I hope that you will take
15 this piece by piece and apply your logical skills and your
16 reasoning and taking this and viewing this piece by piece
17 as I'm attempting to go through it with you. Because if
18 you do that, there's only one story that makes sense and
19 that's Mr. Reaves' story.

20 All right. We have another indictment to deal with
21 that let's go through. We have the rape indictment, known
22 in South Carolina as criminal sexual conduct first-degree.
23 Basically as y'all know, that means they have to prove to
24 you beyond a reasonable doubt that Mr. Reaves had
25 nonconsensual, forcible sex with Ms. Morrow. So let's take

1 | the same approach. Let's examine the evidence that they
2 | have offered you to attempt to prove to you the elements of
3 | that crime.

4 | All right. And obviously, the key piece of
5 | evidence for them that they've offered to attempt to prove
6 | that is Ms. Morrow's testimony. So let's talk about that.
7 | You must believe Ms. Morrow's testimony to convict in this
8 | case. I mean, her testimony is essential. You must
9 | believe her story. So let's examine it. Her story,
10 | between two and three, a man comes into her bedroom, sits
11 | on the bed. She doesn't move. She stays still. She
12 | doesn't get up, run. She doesn't fight back. She doesn't
13 | yell out. Okay. This man, whom she can't look at; cannot
14 | identify, has forcible sex with her. And again, she
15 | doesn't move, she does not attempt to fight back, there's
16 | no struggle, there's no cry out, there's none of that. And
17 | then there was testimony from Ms. Morrow that he rolled her
18 | over and she was in what she called the missionary
19 | position. And yet still couldn't see him, still could not
20 | even identify his race.

21 | After this vicious encounter, the man gets up,
22 | leaves. She hears the front door slam. And she said in
23 | her testimony it could have been the back door too. But
24 | she told the police it was the front door.

25 | Now, let's examine this more closely. This person

1 | whom the State would have you believe was a calculated
2 | stalker, because they've tried to intimate through the
3 | evidence that Mr. Reaves was creeping around in the back of
4 | her apartment around nine o'clock. So they would have you
5 | believe that Mr. Reaves, calculated stalker, is creeping
6 | around in back of her apartment five hours earlier. But
7 | when he actually comes in there, he takes virtually no
8 | precautions to hide his identity; doesn't use a condom.
9 | There's no testimony about a mask, there's no testimony
10 | about gloves. He just kind of carelessly does this, takes
11 | her phone and makes calls from it that he must have known
12 | could easily be traced to him and this is that calculated
13 | rapist that they would have you believe he is?

14 | That doesn't make sense. That does not make sense.
15 | Ms. Morrow's story about it doesn't make sense. And you've
16 | got to believe her story. You do. You've got to believe
17 | her story to believe this allegation. But, you know,
18 | again, there's another element. There's several more
19 | elements of the rape charge we need to talk about and it
20 | goes back to the entrance and exits that we were just
21 | talking about. And how did he do it? That question has
22 | not been adequately answered to you by the State. It just
23 | hasn't. We just went over that. Those explanations don't
24 | make any sense. Now, I'd like to -- we're going to get
25 | into the phone calls later, but I'd just like to emphasize

1 before we go on about that, those phone calls that are in
2 evidence that Mr. Reaves made. After he left, he placed
3 multiple calls to his wife. And there's testimony that
4 several of the later calls were hang ups. Think about
5 this. He's calling a wife immediately after a vicious rape
6 the actions of a rapist? Or are those the actions of a man
7 who has just messed up, committed adultery, had a one-night
8 stand, feels guilty about it, calls the wife, tells her,
9 and then calls back again and calls back again. That
10 scenario is totally reasonable and that's the one that
11 makes a lot more sense. And that's in evidence.

12 Well, the next thing I'd like to speak to y'all
13 about in their attempts to prove a rape is the testimony
14 that you heard from the sexual assault nurse examiner.
15 Now, think about that title for a second. The title of her
16 job is sexual assault nurse examiner. Seems a bit
17 presupposing. But that's what they're called.

18 Now, let's take this in detail. The sexual assault
19 nurse examiner could not tell you whether or not this
20 encounter was consensual or nonconsensual. She just
21 couldn't tell you that. She can testify about what she
22 observed, but she couldn't -- there is no way that she
23 could tell you that that means the encounter was consensual.
24 or that that means that it was nonconsensual. What they
25 did was, they used her to show you these pictures. And

1 we're going to get back to the pictures in a second. But,
2 first of all, think about another thing. In this type of
3 serious case, they called in a nurse. I've got nothing
4 against nurses. But they could have called in a doctor.
5 They could have had an gynecologist review their findings.
6 They didn't. They could have had a medical doctor look at
7 this. They didn't. They brought a nurse who calls herself
8 a sexual assault nurse examiner in here to tell you all
9 about that. And the burden is on them, folks, for this
10 case. And that's what they brought you.

11 And, again, you go back to the pictures. You know,
12 those pictures were shown to you to shock you. They were
13 shown to you to evoke emotion. To evoke your prejudices
14 and your passions. And I don't blame you if they do.
15 Those are not the kind of things that people see every day.
16 But I hope that you realize why they were shown to you. I
17 hope that you understand that. They were shown to you for
18 a purpose. And I hope that when you go back to the jury
19 room, you consider them logically and with a reasoned eye
20 and with not a passionate or prejudiced eye.

21 Another thing while we're on the sexual assault
22 nurse is there was testimony from the nurse that Ms. Morrow
23 reported being penetrated in the anus. And we know from
24 her testimony that her examination of the anus revealed no
25 trauma and yet, we also heard her testimony and we also

1 | heard her testify that the anus, just like the vagina,
2 | which they said did have all this trauma, the anus was also
3 | penetrated, had no trauma. That doesn't make sense. Think
4 | about that. That does not make sense.

5 | All right. And the final thing concerning the CSC
6 | allegations is you heard from the witness, Dr. Gray Amick
7 | about DNA. I want to remind you that from the very
8 | beginning, the defense has admitted to you that it was
9 | Roosevelt Reaves' DNA that was found in Ms. Morrow. Never
10 | once have we questioned or denied that. And yet, this
11 | witness goes back to the real element of their case and
12 | presentation. Even though we admitted that -- and I think
13 | I'd have called him. I'm not saying -- they have to call
14 | him. I understand that. But when he testified, you saw
15 | Mr. Potts come up here and go through zero, zero, zero,
16 | zero -- why? We're not challenging that. You know what
17 | that kind of presentation is? It's sensationalism and it's
18 | designed to draw you away from the real facts in the case
19 | that are at issue. All this means -- zero. And that's
20 | typical of their case this week, ladies and gentlemen.

21 | Now, the third section of this that we have to talk
22 | about because it's such a big part of this whole case, is
23 | Investigator Carter's investigation. So let's switch gears
24 | and think about that, step by step.

25 | This whole situation, and indeed this trial started

1 with 911 calls. So let's address each in turn. The first
2 911 call made at 9:08 p.m. on Jan 20th. You've heard it.
3 I don't need to rehash it for you. It's basically Ms.
4 Morrow reporting that she hears a noise outside her
5 apartment. Well, it's clear the implication the State
6 would like you to draw from that is that that is Mr. Reaves
7 banging around back there. But, remember, ladies and
8 gentlemen, you heard the first officer testify. This is a
9 huge apartment complex. There are eight units in the
10 building here close together. There's so many different
11 things that could have made that noise and anyone who's
12 lived in an apartment complex knows that.

13 But, the most interesting thing about their use of
14 that is that, you know, again, they'd have you believe that
15 Mr. Reaves is out there banging around around 9:08 and
16 then, I guess, just kind of hangs out until between two and
17 three. And that doesn't make sense. And there was no
18 evidence offered to you that anybody else heard any noises.
19 There was no evidence offered to you that there were any
20 other 911 calls. We just know that Ms. Morrow heard a
21 noise at 9:08. That's what it shows.

22 All right. Let's move on to the second 911 call.
23 And this was the one, y'all remember it, that lasted
24 17 minutes. And it's in evidence. We know what's included
25 in it. It is an emotional Ms. Morrow telling a 911

1 operator that she was raped. That's what it contains. I
2 don't know if the State plans on playing that for you again
3 this morning, but I hope they do. I really hope they do
4 and here's why: Because I think it will just demonstrate
5 to you the real nature of their case and the real point
6 they're driving at in their case is they want to focus you
7 on the emotion of the allegation and distract you from the
8 facts and the logic that I'm talking to you about. So play
9 it or not play it, that's what it is. But if they do, I
10 ask you to consider that. Think about what that means
11 about their case.

12 Now, y'all have heard a lot about phone records in
13 this case. So now -- and we've got to discuss it because
14 like I told you at the beginning, I'm going to go through
15 this piece by piece. Y'all have heard a lot about phones;
16 different phones that people had, different phone records
17 or no records. So let's discuss it.

18 And, Your Honor, if you'd like to view this
19 exhibit, I'd be happy to show it to you.

20 THE COURT: All right.

21 MR. COOPER: This is a reflection of what is in
22 evidence about the telephone records. All right. You have
23 heard testimony about five different phones. And I know
24 it's been confusing and this is why we're doing this. You
25 have Rochelle's phone number one. That is the phone that

1 calls 911 at 9:0 p.m. That is the phone with which Mr.
2 Reaves calls his wife at 3:07 a.m. Phone number two is
3 Rochelle's so-called games phone. It's not in use
4 according to Ms. Morrow. And phone number three, you have
5 Ms. Morrow's extra phone. That is the phone that calls 911
6 at 3:05 a.m. on Jan 21st. Phones number four and five were
7 referred to and those are Ms. Reaves' Roosevelt's mom,
8 those are her phones.

9 The biggest thing I want y'all to take away from
10 all this talk about phones is that of these five phones,
11 only records from one of them are in evidence. That is
12 amazing. In a case where they want to rely on phone calls
13 and who called whom and when they called them, they present
14 you with the records from just one phone. That's what
15 they're giving you to prove this man guilty of rape? What
16 about about those other phones? We don't know. We don't
17 know. So I ask you to consider that.

18 I'm not going to bore you with details about the
19 phone records and go through them. Y'all can do that in
20 evidence when you consider the evidence that you have. But
21 think about that. They're only giving you records from one
22 of the phones. They had all these other records. Maybe --
23 who knows what they would have shown. But the point is
24 it's their burden to show you, to give you the evidence to
25 prove this case and they have not done it.

1 All right. And I thank you for your continued
2 attention. There is a lot to talk about in this case. You
3 know, I almost didn't include this, but I want to -- I told
4 y'all in the beginning that I was going to cover this piece
5 by piece and y'all saw this, so we've got to talk about it.
6 And that's Mr. Michael Cornelius, the inmate that came in
7 here and got up on the stand. The multiple armed robber,
8 the guy doing the life sentence who had information about
9 Roosevelt Reaves, who told you, Yeah, I'm trying to get out
10 of a life sentence. I'm trying to get a sentence
11 reduction. I even said, Mr. Cornelius, that's why you're
12 here talking. And he said yeah.

13 Well, you know, the thing is this is their witness
14 and it's y'all's job to judge credibility. Did you see
15 what a hard time they had with him? Even trying to get
16 this alleged information out of him. He didn't even know
17 what he was talking about. And you'd think that somebody
18 who has this vital information about a big case and wants
19 to come in here and tell the truth, they could come in and
20 say this is it. This is what I know, this is how I knew
21 it, this is what I was told. But he fumbled up there and
22 it was ridiculous. And I don't -- you know, you guys are
23 smart. I don't need to tell you about his credibility. I
24 mean, you saw it. You heard his record.

25 But I do have to mention one other interesting

1 | thing. And that is that this whole club Mirrors thing he
2 | told me about that, Mr. Reaves, when he testified, he could
3 | have attempted to adapt his story to that of Michael
4 | Cornelius. He could have -- he hadn't testified yet. He
5 | could have said, Oh, yeah, I told him that, but, you
6 | know -- or this is what -- no, he told you the truth. I
7 | didn't talk to this guy about my case. Everybody knows
8 | he's trying to get out of a life sentence. That's what he
9 | said.

10 | He didn't back down because Michael Cornelius is
11 | ridiculous. He didn't change anything. And, in fact, if
12 | Michael Cornelius knows about some club called Mirrors, big
13 | deal. That doesn't prove anything to you. Mr. Reaves told
14 | you that he talked about his case with other inmates,
15 | but -- and while we're on the subject of Carter's
16 | investigation -- what really bothers me about the testimony
17 | of Michael Cornelius is they could have -- if they wanted
18 | to talk to you about his presence at that minimart or that
19 | club over there, they could have gone and gotten the video
20 | and they didn't do it. They didn't do it immediately. So
21 | what they have to do now is instead of bringing you what
22 | could have been hard evidence, they've got to drag a guy
23 | like Michael Cornelius in here. And that's what they've
24 | got to give you.

25 | And while we're on the subject of that video at the

1 store, the investigator lied to Mr. Reaves and told him he
2 had the video and he wasn't on it and Mr. Reaves says, I
3 should be. He didn't break and confess. He didn't change
4 his story. He said, I should be. But we don't know. But
5 Mr. Reaves knows.

6 Now, one more thing about Mr. Armed robber
7 Cornelius. Ms. Fent herself told -- said to Mr. Reaves
8 when she was questioning him -- he didn't say he did this,
9 he didn't say he raped her. He's not coming in here and
10 testifying that you committed this rape. She's basically
11 telling him all the things that her own witness couldn't
12 say.

13 Now, we talked about Investigator Carter's
14 interrogation of Mr. Reaves. And, you know, the reason
15 that Investigator Carter went in there and he said, Man,
16 I've got your DNA. This is about that apartment because he
17 thought that Mr. Reaves was just going to break, crack.
18 Maybe a lot of suspects do that. But Mr. Reaves didn't.
19 And the State tried to make a big deal about the fact that
20 he said I've been in Atlanta. Well, by that point he had
21 been in Atlanta for twenty-one days. So he had been in
22 Atlanta for twenty-one days. And, ladies and gentlemen,
23 I'm going to go through my notes because I want to be sure
24 that we go over everything that we need to.

25 We have discussed Mr. -- Investigator Carter's

1 investigation and I assume that the State will discuss
2 inconsistencies in Mr. Reaves' testimony and his statement,
3 and so I want to be forthcoming and address those with
4 y'all. Mr. Reaves made mistakes on the stand. He did.
5 And he immediately acknowledged those and he corrected
6 himself. And that is because Mr. Reaves is telling the
7 truth. He doesn't want have a perfectly fitted every
8 detail perfect story. He doesn't have that. Because
9 that's usually not what the truth sounds like.

10 So, yes, Mr. Reaves has made some mistakes and he's
11 told you, well, it's a year ago. Yeah. Don't let those
12 little things distract you from everything that we've just
13 been over, those major points of proof that they don't have
14 and the evidence that they've offered you that don't make
15 any sense. And when I thought about this case, let me tell
16 you this, this case presents kind of a role reversal for
17 us, because normally a defense's task, we are poking holes
18 in a solid story from the State. In this case, you have
19 seen the opposite. They have had to try to poke holes in
20 their own story.

21 Well, now it could have been the front door or the
22 back door. Well, now, we originally thought that somebody
23 had to have had a key but now we don't. Now he must have
24 just gotten in there. Well, we said nobody could get
25 through the back door before, but maybe now they could.

1 They have had to poke holes in their own story and this is
2 the State of South Carolina and they're the ones charged
3 with proving this case to you beyond a reasonable doubt.
4 Think about that.

5 Finally, ladies and gentlemen, and again I thank
6 you for your attention, I want to reiterate to you that I
7 ask you to go back to that jury room to consider each piece
8 of this case because the parts make a whole. Each piece of
9 this case, each section that we've been over by itself
10 piece by piece shapen it. See if their case makes sense.
11 See if they have proven each case of this case to you
12 beyond a reasonable doubt. Because they have to prove each
13 piece of this case to you beyond a reasonable doubt. See,
14 if based on the evidence that they have offered you over
15 the past week, ask yourself if based on that evidence, if
16 you're comfortable condemning a man for rape. Ask yourself
17 that question back there.

18 Consider each piece because the parts make a whole
19 and if one part of this, one major part of this leaves a
20 reasonable doubt about any of the elements of these
21 charges, then you have a reasonable doubt about the part
22 which means you have a reasonable doubt about the whole,
23 which means you have to find Mr. Reaves not guilty and I
24 think you will because when you examine it, each part --
25 each part has reasonable doubt.

1 I thank you for your attention, ladies and
2 gentlemen.

3 THE COURT: Ladies and gentlemen, I'm going to have
4 you go to the jury room for a few minutes. Please do not
5 discuss the case.

6 (WHEREUPON the jury left the courtroom at
7 11:33 p.m.)

8 THE COURT: We'll take a few minutes.

9 (WHEREUPON a recess was observed.)

10 THE COURT: Bring the jury.

11 (WHEREUPON the jury entered the courtroom at
12 11:42 a.m.)

13 THE BAILIFF: Jury is seated, Your Honor.

14 THE COURT: Ms. Bodman.

15 MS. FENT BODMAN: Unimaginable to be raped in your
16 own home. It's unimaginable that he is sitting outside of
17 her home, watching her through the window and doors. It is
18 unimaginable he creeps in, he maneuvers his way around that
19 desk with the computer and all the papers to be quiet so
20 that she won't wake up and he can sneak up on her. It is
21 unimaginable to wake up and hear a creak on the stairs.
22 Unimaginable as he -- she feels him sit down on the bed and
23 the bed get lower. Unimaginable that he brutally rapes
24 her, causing five separate lacerations. Just unimaginable.

25 It is also unimaginable that twenty years ago, we

1 | would not be in this courtroom today. Twenty years ago
2 | without DNA evidence, this would remain unsolved.
3 | Twenty years ago Rochelle Morrow would still be wondering
4 | if the person who came in her home that night and raped her
5 | was still watching her. That is unimaginable.

6 | It is so unimaginable that criminal to criminal, he
7 | cannot admit what he did to Michael Cornelius. Michael
8 | Cornelius, two timed armed robber, serving a life sentence
9 | and it is so unimaginable, he still can't admit it to him.
10 | I'll cover the things also that don't make sense about this
11 | case. I've made a chart and I know that the print is small
12 | so you probably can't read it, so I'm using it as my own
13 | notes as I go through and talk about all the evidence in
14 | the case.

15 | First, he says that he met her at the minimart at
16 | 4:30. Well, it's a workday and she said she didn't get
17 | home until six o'clock. The minimart. She says she only
18 | went there one time. She got some bad milk and she's never
19 | been back. The minimart he says, when Investigator Carter
20 | says, I know you didn't meet her there and he says I've
21 | checked the video and you're not on it and what's his
22 | response? That he was on the video. He didn't say we are
23 | on the video. You will see Tasha and I on the video. We
24 | were there, you can see us talking. No, he says that he is
25 | on the video.

1 He probably did go to the minimart that day. He
2 probably did. He went over and bought something to drink,
3 bought cigarettes, whatever it was that he got at the
4 minimart. He has used what he knows about that area to
5 create this story. He's been to the minimart, he knows
6 about it so he's used that to create an unimaginable story.

7 Comes in through the sliding glass door. This is
8 clearly not a door that she uses frequently. When you look
9 at this backyard, first of all, look at how dark that is.
10 And you can see on it here, vines that have grown up
11 through this wintertime, up onto the screen door. She
12 doesn't use that door. She doesn't use that door.

13 His statement, there's absolutely no conversation,
14 none -- no conversation when he walks into that house. I
15 walked through the back sliding door. She was on the
16 computer, and the TV was on. When I walked in, we walked
17 upstairs. No conversation, no Hi, Hello. And then he
18 testifies yesterday, Oh, I came in and sat down on the
19 couch, but really to no conversation, just that she
20 finished working on the computer, watching TV and then we
21 went upstairs.

22 In his statement he says that she waved him in
23 through the door. But then yesterday he testifies, Oh, she
24 was sitting at the computer and watching TV. He says
25 yesterday he sat on the couch. That's nowhere in his

1 written statement. Nowhere in his statement. State's
2 Exhibit No. 11 is going to go back with you for you to
3 read, line by line, word for word. Says Tasha went berserk
4 when I said I wasn't leaving my wife. Yet, she calls 911
5 five hours before the assault. So Tasha has decided that
6 she's going to have a lifetime commitment with this man
7 tonight and that just in case, in the middle of sex he
8 announces that he's married and he's not leaving his wife
9 for me. I sat up five hours previously and he was outside
10 my door watching me.

11 She does not sound like a vengeful, crazy person on
12 that 911 tape. This is a woman who is traumatized and in
13 shock. He says she went upstairs when I saw -- she went
14 upstairs and when I saw it was only a bedroom, I knew it
15 was going to be fast and quick. Well, I knew it was going
16 to be fast and quick is completely opposite of she goes
17 berserk because I'm not leaving my wife. Was it then, did
18 Tasha want something fast and quick or did Tasha want a
19 lifetime commitment?

20 Says Michael Cornelius is a liar and is just trying
21 to get time off of his life sentence. But he doesn't come
22 in here and say that the defendant confessed to him. If he
23 was going to lie to get the State some information on their
24 case, he'd come in and say, Yeah, he stalked her, came back
25 five hours, snuck through the sliding glass door, went up

1 and brutally raped her, and he told me that he really
2 enjoyed it and he'd like to do it again. No, he comes in
3 and says the defendant told me it was consensual, that he
4 had sex with this woman and that there was nothing wrong
5 with the door.

6 The thing is that the defendant told him that he
7 met her at Mirrors, the nightclub. Now, if he's never
8 spoken to Michael Cornelius about this case, never ever,
9 how would Michael Cornelius ever come up with that? But it
10 does so happen that Mirrors is right next to the minimart
11 and the defendant just can't keep his story straight.

12 He tells Investigator Carter and testifies that he
13 threw both phones in the woods by his sister's house. Even
14 testified yesterday, I threw both phones in the woods.
15 Then when I pick up the phone, show it to him, he says, no
16 I threw them both in the woods. And I say well, isn't
17 Charelle Reaves your wife? Yes. Okay. But you threw both
18 phones in the woods. He goes Oh, no, no, no, no, no, I
19 did. I kept that other phone. I kept that phone, yeah,
20 that's the phone I kept.

21 One cell phone -- received items at ten o'clock,
22 July 12, 2010, via U.S. mail from Charelle Reaves to
23 Investigator Carter. Ms. Morrow said that's my phone. My
24 phone.

25 He doesn't know her name, but yet she wants a

1 lifetime commitment. So at what point is Tasha going to
2 say, Hey by the way, my name is really not Tasha. Gives
3 her one compliment and she wants a lifetime commitment.

4 He liked the way -- she liked the way I came at
5 her. Well, how did you come at her. I told her she looked
6 pretty and Tasha wants a lifetime commitment from, You look
7 pretty. He's so handsome that she wants a lifetime
8 commitment. Rochelle Morrow suffers five vaginal
9 lacerations and yet they want you to believe she continues
10 having consensual sex for thirty minutes. Five separate
11 lacerations.

12 This is all revenge because I said I was married
13 and wouldn't leave my wife. But Rochelle Morrow, the woman
14 who's gone berserk doesn't give any description of her
15 rapist, she doesn't give any information to help the police
16 identify him. But when she could say, here, here, he
17 called me at this number. Here, he told me that he stayed
18 in the apartment complex. He's got to be around here
19 somewhere, start driving around. He's this tall, he weighs
20 this much.

21 Not a single fact. She goes, I think he's a black
22 man. This woman who is exacting revenge on the person who
23 won't give her a lifetime commitment doesn't and can't help
24 the police at all identify who the attacker is. She has
25 stayed involved in this case for over a year. She left her

1 job. She left her home. She threw away her bedroom so
2 that she would never see it again. And now, she's had to
3 endure the embarrassment of publically describing these
4 intimate and embarrassing facts. None of those things make
5 any sense when you look at the defendant's story. None of
6 it.

7 What does make sense? What does make sense is that
8 she calls 911 at 9:08 p.m. He says in his own written
9 statement, he says, I told her I would give her a call
10 later. I used my mother's phone to call her. So later
11 that night I called her because my sister left me there
12 alone because she figured I'd want company over. That's
13 why she left me the place.

14 I called Tasha and told her I was by myself and my
15 sister just left. My sister just left. Well, Whitney
16 testifies that she comes back home right around 11 --
17 between 11 and 12 or 11:30 and 12 and the defendant is
18 there at the home. His statement has kernels of truth in
19 it. Right? Because he now knows we have his DNA. He
20 knows now that we know he had sex with Ms. Morrow. So he's
21 admitted now he leaves right after Whitney left and goes
22 over to her apartment.

23 He talks about watching her watching TV and playing
24 on the computer. That's when he's out there, watching her.
25 But then, he sees her, he makes a noise and he sees her get

1 her phone and she comes to the window. She opens it, she
2 turns on a light and he can see her looking outside. So he
3 runs back to his sister's apartment. He needs to get back
4 away so he doesn't get caught walking around this apartment
5 complex. He was not invited in. Yvonne Woods said that
6 the door could not be secured. There was no dowel rod or
7 broomstick handle in the door. It's clearly not a door
8 that she uses.

9 And his mother's cell phone number is not on the
10 victim's records. He says I called her with my mom's
11 phone. And we only heard of one cell phone number.
12 Investigator Carter reached the defendant's mom, the number
13 that Whitney said is the only one that she remembers her
14 mom having. There was no call or invitation to come over.
15 He sneaks in and out of the sliding glass door. The
16 objects were undisturbed on the desk, right, so it clearly
17 is a very calculated intentional don't want to make any
18 noise need to come in.

19 She didn't hear anything until he's on the stairs.
20 He admits coming in that door, right. He says I came in
21 through the sliding glass door. The defendant is going to
22 say the only reason it was disturbed is because the victim
23 guided him in. The front door was locked when the police
24 arrived, so he goes back out that same sliding glass door.
25 He leaves that same place. They say there's no DNA or

1 fingerprints on that sliding glass door. Well, her DNA and
2 fingerprints aren't on it either. At some point in time,
3 someone has opened and closed that door -- at some point in
4 time. You heard the investigator say you're not always
5 going to leave prints. It depends on a lot of factors.
6 Someone can touch something and it won't leave prints. He
7 himself says he went through that door.

8 The identification of the defendant, right? She
9 can't provide a name. She can't provide a description
10 other than a black male, can't provide an address. And she
11 was at work all day so she could not have been at that
12 minimart at 4:30.

13 The DNA evidence. They say they don't have an
14 issue with the DNA evidence, they're admitting sex. But
15 there's a couple of things that are important about it.
16 One is prior to being confronted with the fact that we had
17 his DNA on a vaginal swab, was -- his first response was,
18 I'm here to talk to you about what happened in Columbia.
19 He says Columbia, I've been in Atlanta. And they say,
20 well, we have your DNA. Oh, okay. This case would have
21 remained unsolved without this DNA evidence.

22 They say that Ms. Morrow says that she was anally
23 penetrated, but there's no injuries. There's a vaginal
24 swab and a rectal swab that Dr. Amick testified, the DNA on
25 both of those swabs matches the defendant. The DNA.

1 The 911 call at three o'clock in the morning. This
2 is very important because it all -- the whole entire call
3 tells us that this is not a woman seeking revenge. This is
4 a woman who is traumatized. She has just been brutally
5 raped. Yeah, she hears a door slam and as she's sitting
6 there taking all of this information in together, where are
7 my phones, how am I going to call, is he really gone. She
8 probably is thinking -- I mean, the door that she uses at
9 her house is her front door. She is in no way thinking
10 that that back sliding glass door was not secure. She is
11 immediately processing and picturing this man going back
12 down the stairs and is he leaving my house, is he out of my
13 house. And so, yeah, her first instinct is that it
14 probably was the front door.

15 But really when you listen to this, at 1:18, one
16 minute and eighteen seconds into this call, the operator
17 says, is the person still there. And she says, no, I don't
18 think so. I don't think so. Six minutes and
19 fourteen seconds, what part of the house are you in. She's
20 what, what? In my upstairs bedroom. Can you see the
21 parking lot from your location and she says no. And with
22 terror, terror in her voice she says, I'm scared to go
23 downstairs, I'm scared. I don't want to go downstairs.

24 This is a woman who is -- she is still processing.
25 Part of her logically thinks this man has gone. I heard a

1 door shut. It had to be my front door. But she is to
2 terrorized she really doesn't know. Nine, fifty -- nine
3 minutes and fifty seconds, Oh God, please, because I am so
4 scared. She is waiting and waiting for help to arrive and
5 she is hiding in her bedroom, knowing that there is a
6 possibility this person is still in her home.

7 This person who is Tasha, who is exacting revenge
8 upon the defendant at thirteen minutes and
9 thirteen seconds, she's crying in and out and you can just
10 tell that the wheels in her head are turning. The number
11 of times that she says God, God, why, why, why, why. This
12 woman who is exacting revenge stops to think about her
13 daughters. She says, Thank God my daughters weren't here.
14 And the operator says, What? What's going on?

15 Because she has such emotion and terror in her
16 voice when she processes this thought, Thank God my
17 daughters weren't here. The operator thinks that
18 something's happened and says What? What's going on,
19 what's going on. And she goes, I said thank God my
20 daughters weren't here; and he goes, All right. All right.
21 Okay. Yeah, I understand. Okay.

22 At sixteen minutes and thirty-four seconds, there's
23 a knock on the door, the police officers. And immediately
24 you can tell the reaction this noise at her house, she
25 goes, What, what? And he goes can you hear them at your

1 door, Ms. Morrow, can you hear them? And she's, Who is it?
2 Who is it? Is this the officer? Is this the officer?

3 Every little noise in her house, she does not know
4 what is happening. Sixteen minutes and
5 fifty-eight seconds, the officer, Deputy Chauncey Smith is
6 in the home and he says, Okay. What's going on. And says,
7 some guy broke in and raped me. And he goes, Is he still
8 here? No, I don't think so. I don't think so.

9 Deputy Smith says, you know, she started to freak
10 me out that maybe he was still there. She would not go
11 much more than an arm's length away from me and she was
12 starting to freak me out that maybe he was still there. As
13 he goes through, opening every closet door, bathroom door,
14 looking in the shower to make sure that this person is not
15 still in her house.

16 His own statements, his own statements tell us that
17 Ms. Morrow has told us the truth. Again, says, I told her
18 I would give her a call later. I used my mother's cell
19 phone to call her. Well, we don't see mom's cell phone
20 number on Ms. Morrow's records. There's no call that was
21 made. Later that night I called her because my sister left
22 me there and she figured I would have company over. That's
23 why she left me the place.

24 I asked her. I asked her, did you leave him alone
25 in your apartment so that he could have company over. And

1 she laughed. She goes, He doesn't know anybody. He
2 wouldn't have anybody over. No. She packed her bags and
3 left and went over to her sister's house and then thought
4 better of it. Wait, I don't want to leave him alone in my
5 apartment; and calls the father of her child and says, Will
6 you go with me and stay tonight at my apartment.

7 And then they come home. He's there. And then
8 they go into their bedroom and shut the door and she
9 doesn't know anything else that night. I told her I was by
10 myself and my sister just left. And then he says Whitney
11 did come back later. Well, he really can't admit to the
12 times, right? He can't admit to being real specific about
13 Whitney left at this time, I left at this time and Whitney
14 came back at this time, right? Because we have -- he
15 visited over there twice, just before nine o'clock. We
16 know at least when the 911 call is made that there's a
17 noise out. Who knows how long he'd been out walking around
18 until he found Ms. Morrow's apartment to peep into.

19 So he just kind of gets vague about, Well, I called
20 her right after my sister left, then my sister did come
21 back later. She told me to come over. As I walked to her
22 house, I kept talking on the phone. Again, no phone record
23 to back this up; walked through the back sliding door.
24 There's nothing disturbed, but yet he admits that's the
25 door he came in. She was on the computer and the TV was

1 on. He's been watching her. He's drawing this memory from
2 when he's standing out there just before nine watching her
3 in her apartment. Absolutely no conversation.

4 When I walked in, we walked upstairs. I thought
5 there was another room upstairs, but it was a bedroom. And
6 it doesn't explain why does he think there's another
7 bedroom, was there a conversation, let me show you
8 something. Nothing. No, just follows her. She was taking
9 her clothes off. He admits to a sexual battery. Then he
10 says, I have a wife and kids in Georgia and I'm not going
11 to leave them.

12 I started putting my clothes on and she said I lied
13 to her and then I walked out, admits to taking two cell
14 phones. Two cell phones. He took her cell phones so that
15 she would have no way to call for help. That phone is
16 touched at 2:20 -- 2:20 a.m. the number five is touched.
17 By both accounts, this sexual assault took about
18 thirty minutes. The second 911 call is called at 3:05.
19 Pretty good estimation of how long this lasted, around
20 thirty minutes -- 2:20 a.m., he is sitting on the edge of
21 her bed.

22 She said she keeps her cell phones on the night
23 stand right next to her bed. The side that he comes in and
24 sits down on and she hears rustling. He sees those phones,
25 picks them up, moves them. What he does is he accidentally

1 touches the five number. He is moving them out of the way
2 so she can't use them for help. Then when he's finished
3 brutally raping her, he takes her only form of
4 communication or so he thought. She had the other one in
5 her purse.

6 And do you remember when she talked about -- I
7 asked her about why do you have this other cell phone with
8 the minutes on it and she basically described emergencies.
9 She said, you know, single woman, alone, if the power on my
10 main cell phone goes down and I'm out on the road or my car
11 breaks down, I want to have communication for emergencies.

12 Could she ever imagine? Unimaginable.
13 Unimaginable that she would reach for that lifeline that
14 she's provided herself to be able to call 911.
15 Unimaginable.

16 So he admits taking the cell phones. When
17 Investigator Carter brings him back to Columbia, brings him
18 to headquarters, sits him down, says, Is there anything
19 that you want to change about your statement that you gave?
20 No, absolutely not. But he does say when they confront him
21 that he can't give a number, the phone number that he
22 called.

23 He says about the surveillance video that he was in
24 the store. Again he didn't say we, he said he was in the
25 store. And then when he reads the warrant about the

1 burglary, he says how burglary -- how is that. There's no
2 forced entry, no tool marks or screwdriver used to open the
3 sliding door. That tells us a lot. I mean who says that?
4 Who says that but a person that looked for a while at that
5 door, figuring out how they're going to get it open. The
6 person opened that door and went in without permission
7 because the logical response would be, if you want to
8 accept his story, is burglary? She let me in. She let me
9 in. I mean, there could be tool marks or pry marks. Maybe
10 somebody had previously tried to break in her home for all
11 he knew, right?

12 He'd never been there, it was dark. No. He
13 looked. He looked at that door, figuring out how am I
14 going to get this open, checking it out up and down. How
15 do I get this open? Oh, it's Christmas. It's Christmas.
16 It's unlocked. I can just slide this right on open. Slink
17 right through her house, right up her stairs.

18 He left South Carolina within 48 hours of this
19 sexual assault. He said he came to town that day, the
20 20th. That's what he testified to. He came to town on the
21 20th for no particular purpose. It's not like he says I
22 came to town for a birthday on the 21st, it was done so I
23 left the next day. No, he's coming into town for an
24 indefinite period of time, but within 48 hours, he's back
25 in Georgia.

1 The lacerations, Nurse Hart explains the injuries
2 are very infrequent, infrequent. And we have five separate
3 lacerations. I couldn't count the number of times that Ms.
4 Morrow said on that 911 call, Why, Why. It doesn't make
5 sense. Is it unimaginable. But what we don't have to
6 prove to you is why. You will not hear that word when the
7 judge reads you the law. There are some things that are
8 unexplainable. Why would a human being doing that to
9 another human being? It is unimaginable.

10 Despite the compelling evidence that we brought
11 forth this week to you, evidence beyond a reasonable doubt,
12 tonight, we will go home and we will tuck our children into
13 bed. We'll turn the light on in the closet, we'll look
14 under the bed for them and we're going to tell them that
15 it's okay that there is not a boogeyman. But we know after
16 hearing this evidence and Rochelle Morrow knows that there
17 is a boogeyman and he comes in the form of Roosevelt
18 Reaves. Find him guilty of burglary in the first-degree
19 and criminal sexual conduct in the first-degree. Thank
20 you.

21 THE COURT: Let's stand for a moment, please.

22 **JURY CHARGE**

23 THE COURT: Mr. Foreman, and members of the jury,
24 you've heard the testimony, the evidence and the arguments
25 of the State and the defendant. I will now explain to you

1 the law that applies to this case. Under the constitution
2 and laws of South Carolina, you are the finders of the
3 facts of this case. I do not have the right to pass upon
4 the facts or even express any opinion that I might have as
5 to them because this is a matter solely for you the jury to
6 determine. And as jurors then, it is your duty to
7 determine the effect, the value, the weight and the truth
8 of the evidence presented during this trial.

9 You are also the judges, the sole judges of the
10 credibility, that is the believability of the witnesses who
11 have testified and the evidence which has been presented in
12 this case. In passing upon the credibility, you may take
13 into consideration many things such as the demeanor or
14 manner of testifying, whether the witness had reason to be
15 biased or prejudiced, whether a witness's testimony or
16 other evidence was contradicted on the one hand or
17 supported and corroborated on the other hand. Though
18 testimony need not be corroborated in order to be found
19 credible.

20 As the trial judge, it is my responsibility to
21 preside over the trial of this case and to rule or pass
22 upon the admissibility of the evidence offered during the
23 trial. You are to consider only the testimony which has
24 been presented from this witness stand together with any
25 exhibits which have been made a part of the record. I have

1 the additional duty to charge you the law applicable to
2 this case. And as the presiding judge, I am the sole judge
3 of the law of this case. It is your duty as jurors to
4 accept and apply the law as I now state it to you and then
5 reach your verdict; and finally, I charge you in this
6 regard that you should not be concerned with what you think
7 the law ought to be, but what I charge you that the law is.

8 Now, the fact that the defendant was arrested,
9 charged and indicted is not evidence in this case and
10 cannot be considered by you as evidence of guilt in the
11 case; nor does it create any presumption or inference of
12 guilt. These indictments are simply the formal written
13 instruments which contain the charges made against the
14 defendant. The indictments are the formal documents by
15 which this case is brought into court.

16 The defendant has pled not guilty to the charges in
17 these indictments. And that plea puts the burden on the
18 State to prove the defendant guilty. A person charged with
19 committing a criminal offense in South Carolina is never
20 required to prove himself innocent. And I charge you that
21 it is an important rule of the law that the defendant in a
22 criminal trial, no matter what the seriousness of the
23 charge may be will always be presumed to be not guilty of
24 the crimes for which the indictment was issued unless guilt
25 has been proven by evidence satisfying you of that guilt

1 | beyond a reasonable doubt.

2 | This presumption of innocence does not end when you
3 | begin your deliberations, but it accompanies the defendant
4 | throughout the trial until you reach a verdict of guilt,
5 | based on evidence satisfying you of that guilt beyond a
6 | reasonable doubt. The presumption of innocence is like a
7 | robe of righteousness placed about the shoulders of the
8 | defendant, which remains with the defendant until it has
9 | been stripped from the defendant by evidence satisfying you
10 | of the defendant's guilt beyond a reasonable doubt.

11 | The presumption of innocence is not just a mere
12 | legal theory, it's not just a legal phrase. It is a
13 | substantial right to which every defendant is entitled
14 | unless you the jury are satisfied from the evidence of the
15 | defendant's guilt beyond a reasonable doubt. The State
16 | must prove the defendant guilty beyond a reasonable doubt.

17 | So what is a reasonable doubt in the law? A
18 | reasonable doubt is a doubt which makes an honest sincere
19 | conscious juror in search of the truth to hesitate to act.
20 | Proof beyond a reasonable doubt must, therefore, be proof
21 | of such a convincing character that a reasonable person
22 | would not hesitate to rely and act upon it in the most
23 | important of his or her own affairs. Proof beyond a
24 | reasonable doubt can also be described as proof that leaves
25 | you firmly convinced of the defendant's guilt.

1 Now, there are very few things in this world that
2 we know with absolute certainty and in criminal cases, the
3 law does not require proof that overcomes every possible
4 doubt. If based on your consideration of the evidence you
5 are firmly convinced that the defendant is guilty, then you
6 must find him guilty. If, on the other hand, you think
7 there's a real possibility that he is not guilty, you must
8 then give him the benefit of the doubt and find him not
9 guilty.

10 The indictments in this case allege two separate
11 offenses against the defendant. The offenses are in
12 indictment number one, first-degree criminal sexual
13 conduct -- criminal sexual conduct in the first-degree; and
14 in the second indictment, burglary, first-degree,
15 first-degree burglary. Each indictment charges a separate
16 and distinct offense. You must decide each indictment
17 separately on the evidence and the law applicable to it,
18 uninfluenced by your decision as to any other indictment.

19 The defendant may be convicted or acquitted on any
20 or both of the offenses charged. You will be asked to
21 write a separate verdict of guilty or not guilty for each
22 indictment.

23 The defendant is charged with first-degree
24 burglary. The State must prove beyond a reasonable doubt
25 that the defendant entered a dwelling without consent. A

1 dwelling is any building or portion of a building in which
2 a person ordinarily sleeps. The State does not have to
3 prove that force was used to gain entry.

4 Next, the State must prove beyond a reasonable
5 doubt that the defendant intended to commit a crime, either
6 a felony or a misdemeanor at the time of the entry. The
7 mere entry into a dwelling without consent is not burglary.
8 If the intent to commit a crime is formed after the entry,
9 it is not burglary.

10 On the other hand, if the defendant intended to
11 commit a crime at the time of the entry, it is a burglary,
12 even if the intent was abandoned after the entry. It does
13 not matter that the defendant -- it does not matter that
14 the intended crime was not completed. Intent may be shown
15 by acts and conduct of the defendant and other
16 circumstances from which you may naturally and reasonably
17 infer intent.

18 Finally the State must prove beyond a reasonable
19 doubt that while in the dwelling the defendant caused
20 physical injury to anyone not participating in the crime
21 and/or the defendant entered or remained in the dwelling in
22 the nighttime. Nighttime is the period between sunset and
23 sunrise, during which there is not enough daylight to
24 recognize a person's face except by artificial light or
25 moonlight.

1 The defendant is charged with criminal sexual
2 conduct in the first-degree. The first element which the
3 State must prove beyond a reasonable doubt is that the
4 defendant engaged in a sexual battery with the alleged
5 victim. The sexual battery is sexual intercourse,
6 cunnilingus, fellatio, anal intercourse or any intrusion,
7 however slight, of any part of a person's body or of any
8 object into the genital or anal openings of another
9 person's body except when the intrusion is accomplished for
10 medically recognized treatment or diagnostic purposes.

11 If you find that the State has not shown beyond a
12 reasonable doubt that a sexual battery occurred, you must
13 stop deliberating and your verdict would be not guilty. If
14 you find that a sexual battery did occur, you must then
15 decide whether the State has proven beyond a reasonable
16 doubt that the alleged victim submitted to sexual battery
17 while the alleged victim was also the alleged victim of
18 forceful confinement, robbery, burglary or any other
19 similar act or offense.

20 Mr. Foreman, and members of the jury, you've been
21 selected by both the State and the defendant to be fair and
22 impartial jurors. It is your duty then in your joint
23 deliberations to determine the truth in this case, giving
24 the defendant the benefit of every reasonable doubt on each
25 and every issue. And from the facts which you determine to

1 be true, you take and apply the law which I have just given
2 you and thus arrive at a verdict which speaks the truth in
3 this case. I've told you the standards you have to apply
4 to the charges of first-degree criminal sexual conduct and
5 burglary, first-degree.

6 I will give you a copy of these instructions in
7 written form. During your deliberations you may refer to
8 the instructions to guide your decision making. You must
9 consider the instructions as a whole and not follow some
10 and ignore others. Please return the instructions to the
11 Court at the time your verdict is rendered.

12 You have heard the evidence and now you have heard
13 the law. Whatever your verdict, Mr. Foreman, you will
14 indicate it by writing on the back of the indictment in the
15 portion which says verdict, you will write the verdict of
16 not guilty or guilty and certainly there is no significance
17 in the order in which I indicate these verdicts. Simply
18 one must be stated first. You will write the verdict of
19 guilty or not guilty and sign and date the verdict form as
20 to each of the indictments that you have to consider.

21 Remember that although the foreperson is the only
22 juror who writes the verdict, it is not his alone. The
23 verdict must be a unanimous verdict.

24 And, Mr. Foreman, you're not authorized to write
25 the verdict until all of you have agreed as to what the

1 | verdict should be.

2 | Now, ladies and gentlemen, I'm going to send you to
3 | your jury room, but do not begin to discuss the case until
4 | you have received a copy of this jury charge, the
5 | indictments, which is the verdict form and the exhibits.
6 | Once you receive these things, that will be your signal to
7 | begin your deliberations. Once you begin your
8 | deliberations, you will deliberate until you have reached a
9 | verdict, at which time you will knock on the door, advise
10 | the bailiff and we will bring you out to receive your
11 | verdict.

12 | Now, we have selected fourteen jurors to sit on
13 | this case, but only twelve can participate in the
14 | deliberations. So, out of the first twelve jurors
15 | selected, if you are able to proceed and participate in the
16 | deliberations, let me know by raising your right hands.
17 | The first twelve selected if you're able to continue with
18 | deliberations -- thank you very much.

19 | The jury is intact, which means that when you go to
20 | the jury room, the two alternates will remain in the
21 | courtroom. I understand that we have ordered lunch and the
22 | bailiffs will retrieve those lunches for you.

23 | Please go to the jury room and wait to receive the
24 | exhibits, jury charge, and indictments, and that will be
25 | your signal to begin your deliberations.

1 (WHEREUPON The jury left the courtroom at
2 12:39 p.m.)

3 THE COURT: Any additions or exceptions to the
4 charge?

5 MS. FENT BODMAN: None from the State, Your Honor.

6 MR. COOPER: None from the defense, Your Honor.

7 THE COURT: All right. If y'all can confer with
8 respect to the exhibits and then the bailiff will take them
9 back. And the jury will begin deliberating.

10 The two alternates, we certainly want to thank you
11 for your participation in this trial. I can tell based
12 upon your attentiveness that you certainly would have been
13 capable of doing it and being effective jurors, but since
14 the first -- we picked more than twelve so that in the
15 event that something had happened to one of the others we
16 would have enough jurors to continue the case.

17 We want to thank you. Let's see, when you go out
18 there, Ms. Pendergrass will tell you where you need to go.
19 I understand we're selecting another jury this afternoon.
20 So I'm not sure what your next move is. She'll tell you
21 when you go outside. Thank you very much.

22 (WHEREUPON the alternate jurors left the courtroom
23 at 12:40 p.m.)

24 THE COURT: All right.

25 MR. POTTS: Your Honor, we have a computer. Would

1 | you like for us to give it to the jury. It's just up
2 | there.

3 | (WHEREUPON deliberations began at 12:42 p.m.)

4 | MR. POTTS: Your Honor, we have a computer, would
5 | you like for it to go back to the jury.

6 | THE COURT: How did you miss the --

7 | MS. FENT BODMAN: He ran upstairs to go get it.

8 | THE COURT: They're deliberating, so they -- at
9 | this moment the -- what's in evidence is the...

10 | MR. POTTS: The CD's.

11 | THE COURT: The CD's. We'll have to wait and see
12 | if they want to listen to it.

13 | MR. POTTS: Okay. Very good, Your Honor.

14 | (WHEREUPON court was in recess while the jury was
15 | deliberating.)

16 | THE COURT: All right. I have a question from the
17 | jury. May we have the number for the safety phone? The
18 | mother's phone number as well.

19 | This is a note from the jury.

20 | MS. FENT BODMAN: Your Honor, those aren't in
21 | evidence, so I don't know how you want them to -- they can
22 | only consider what's part of the evidence. Items that were
23 | not provided in evidence cannot be submitted to them.

24 | MR. COOPER: Well, Your Honor --

25 | THE COURT: They're asking for it. How do you want

1 to address that?

2 MR. COCHRAN: Well, Your Honor --

3 THE COURT: Anything else? Any other comments.

4 MR. COOPER: No, sir.

5 THE COURT: Concerning the -- I guess the computer
6 the solicitor brought after the jury went in to begin
7 deliberating, what says the State?

8 MS. FENT BODMAN: Regarding the laptop, Your Honor?

9 THE COURT: Yes, the laptop.

10 MS. FENT BODMAN: I'd like it to be sent back to
11 them so they can listen to the 911 tapes if they wish to
12 listen to them.

13 THE COURT: All right. What says the defense?

14 MR. COOPER: Your Honor, that's perfectly
15 reasonable. They need to have a way to play them.

16 THE COURT: Let's bring the jury in.

17 (WHEREUPON the jury entered the courtroom at
18 2:08 p.m.)

19 THE BAILIFF: Jury is seated, Your Honor.

20 THE COURT: Mr. Foreman, and members of the jury, I
21 have a question, Can we have the phone records -- the phone
22 records of the safety phone, question mark. The mother's
23 phone as well.

24 Mr. Foreman, you've heard the entire case. All of
25 the evidence has been presented. You have the evidence and

1 you've heard the law and you're to deliberate based on the
2 evidence and the law presented during the course of the
3 trial. We cannot reopen to present more witnesses, present
4 more evidence. You have received the evidence and you've
5 heard the law.

6 One additional thing is that the -- you were given
7 the recordings and the 911 tapes without a laptop to play
8 it on. We have one for you to take to the jury room in the
9 event that you want to listen to that piece of evidence
10 again. Aside from that, there is no evidence to give you
11 in addition to what you've already received. If you would
12 go to the jury room. Thank you very much.

13 (WHEREUPON the jury left the courtroom at
14 2:11 p.m.)

15 THE COURT: If you'll give that to the jury,
16 Mr. Bailiff.

17 Any additions or exceptions to the charge?

18 MS. FENT BODMAN: None from the State, Your Honor.

19 MR. COOPER: None from the defense, Your Honor.

20 THE COURT: All right. Very good, we will be back
21 at ease waiting on the jury in this case.

22 MR. COOPER: Thank you, Your Honor.

23 (WHEREUPON Court's Exhibit No. 1 was marked into
24 evidence.)

25 THE COURT: I've received two notes from the jury.

1 One says we do not have a unanimous verdict on either
2 charge and the second one says, What is the outcome if
3 unanimous verdicts cannot be reached. They have written
4 down on this note what the current jury count is. They
5 further ask, Can we make phone calls, and Finally how long
6 will we be here today?

7 What says the State?

8 MS. FENT BODMAN: I guess there are a couple of
9 different options. One is just to ask them to continue
10 deliberating and to answer their question about how long
11 Your Honor would like to try to keep them and whether or
12 not they can make the phone calls. The other would be to
13 go ahead and send them some kind of brief Allen charge. I
14 just don't know in terms of how long they've been
15 deliberating if it's really appropriate to give that final
16 Allen charge or just to say please try to keep deliberating
17 and reach a unanimous verdict.

18 THE COURT: What says the defense?

19 MR. COOPER: Yes, Your Honor, it's in the Court's
20 discretion as to how you want to best handle this.

21 THE COURT: All right. The first note wasn't a
22 question, we do not have a unanimous verdict on either
23 charge and the second is, What is the outcome if unanimous
24 verdicts cannot be reached and -- is in effect -- that is
25 something that would be covered in an Allen charge. Then

1 they ask whether or not they can make phone calls. I've
2 just allowed them to make phone calls already. And then
3 the final question, How long will we be here today. That's
4 the ultimate -- well, either we'll be here until they reach
5 a verdict or we set a time for them to leave and come back
6 tomorrow, unless an Allen charge is given and they are --
7 and they come back deadlocked.

8 MS. FENT BODMAN: My first preference would be just
9 to, I guess decide how late we would be willing to stay
10 here tonight to allow them to deliberate to reach a verdict
11 and just to ask them to please continue and we can stay
12 until X time for you to do those deliberations.

13 THE COURT: What time would that be.

14 MS. FENT BODMAN: I'm here at the Court's pleasure.
15 How long the Court wants to stay, I'll be here.

16 THE COURT: All right.

17 MS. FENT BODMAN: My hesitation in the Allen charge
18 is that is a last recourse and there's not another kind of
19 push that we can get to reach a verdict. Whatever that
20 verdict is -- I guess we always prefer to have a resolution
21 to the case as opposed to end in some type of hung jury and
22 then the case is still pending. So I would just want to
23 wait to actually give that Allen charge as long as
24 possible.

25 THE COURT: All right. Anything else from the

1 defense?

2 MR. COOPER: Nothing else from the defense, Your
3 Honor.

4 THE COURT: Well, we have taken dinner orders for
5 the jury. So that gives some indication as to the fact
6 that we're not leaving at five o'clock. It's now after
7 five. We ordered lunch about 4:30, my guess is it will
8 probably be here probably about six o'clock. Since they
9 had lunch at one, six would be about time for them to eat
10 again. They started deliberating around -- I guess around
11 one o'clock and they had lunch there then.

12 Was it one o'clock?

13 THE COURT REPORTER: 12:39.

14 THE COURT: 12:39, and they had lunch, so they
15 would have taken some time to eat, I presume. And then get
16 into the deliberating which is little late. So it seems
17 that they have been deliberating since 1:30 to 5:30, so
18 that's four hours. In the grand scheme of things they have
19 not deliberated a long time. I'm going to bring them out
20 just to answer their questionings. Neither comment -- they
21 have not indicated that they are deadlocked. They have not
22 indicated that they cannot reach a verdict. This first one
23 simply says, We have not reached a verdict and then the
24 second one is, If we don't reach one how long will we be
25 here. So probably more than anything is they would

1 | probably like to get out of that room for a little bit.

2 | So I'll bring them in here and talk with them for a
3 | moment. And then also sort of tell them that dinner will
4 | be here forthcoming soon. What time will it be here?

5 | THE CLERK: In about thirty minutes.

6 | THE COURT: All right, sir. So I'll have something
7 | to tell them and they'll be able to take a break.

8 | So, bring the jury, please.

9 | (WHEREUPON the jury entered the courtroom at
10 | 5:39 p.m.)

11 | THE COURT: Mr. Foreman and members of the jury,
12 | you sent out a couple of notes to me. Of course the third
13 | one asks -- indicated that a juror would like to take a
14 | smoke and is that permitted. We've allowed that to take
15 | place. Any time any juror leaves the jury room, the
16 | deliberation must stop. It cannot take place unless all
17 | jurors are present and participating.

18 | You've indicated that you do not have a unanimous
19 | verdict and that -- asking the question, What is the
20 | outcome if unanimous verdicts cannot be reached and asked
21 | whether or not phone calls -- we've permitted the phone
22 | calls. And then how long will we be here today.

23 | And Mr. Foreman, and members of the jury, the case
24 | is submitted to the jury. It's the jury's case. And
25 | the -- as the instructions I gave you indicate, that you

1 would deliberate until you reached a verdict and it's now
2 5:37 and we have ordered dinner for you, realizing that you
3 last had lunch around one o'clock, give or take a minute or
4 two. You know, I have -- I don't know how long we'll be
5 here today because the case is with you. Certainly, there
6 is no intent to pressure the jury to make a quick decision,
7 realizing that deliberation may often take a period of time
8 and the time that it takes is up to the jury, it's not up
9 to me or any of the parties here.

10 The case is now in your hands. But we have
11 arranged for dinner. If a verdict is not reached by the
12 time that everyone is just exhausted and it's time to go
13 home for the night and come back tomorrow, then we'll need
14 to know that. But -- you need to give some suggestion to
15 me as to what point, if any, you would want to leave for
16 the night and come back tomorrow. And then I will take
17 that up with the parties.

18 But I want -- I did not want to not respond to your
19 questions, while at the same time, I do not make a practice
20 of having a jury coming in and out of the courtroom when
21 the case is in the jury's hands. The case is in the hands
22 of the jury now and your deliberations and it's your
23 decision. Under the circumstances that we have. I
24 certainly will do all that I can to make things as
25 comfortable as possible, realizing what you're involved in.

1 So I ask that you go back to the jury room at this
2 time.

3 (WHEREUPON the jury left the courtroom at
4 5:34 p.m.)

5 THE COURT: Any additions or exceptions to the
6 charge?

7 MS. FENT BODMAN: None from the State, Your Honor.

8 MR. COOPER: Nothing from the defense, Your Honor.

9 THE COURT: All right. Back at ease on this case,
10 rolling on the other one.

11 (WHEREUPON it was reported to the Court that a
12 verdict had been reached at 6:37 p.m.)

13 THE COURT: I understand the jury has a verdict.
14 Bring them in.

15 (WHEREUPON the jury entered the courtroom at
16 6:45 p.m.)

17 THE COURT: Mr. Foreman, if you'll stand for me.

18 THE FOREMAN: Yes, sir.

19 THE COURT: Have you reached a verdict?

20 THE FOREMAN: Yes, sir, we have.

21 THE COURT: Is it unanimous?

22 THE FOREMAN: Yes, sir.

23 THE COURT: All right. If you'll pass it up and
24 you may be seated.

25 If the defendant will stand.

1 You may publish the verdict.

2 **VERDICT**

3 THE CLERK: Indictment No. 2010-GS-40-1305, State
4 of South Carolina versus Roosevelt Anthony Reaves, Jr.
5 This is an indictment for burglary, first-degree.

6 We the jury find the defendant not guilty. This is
7 signed --

8 THE COURT: What offense? I'm sorry.

9 THE CLERK: Burglary. This is signed foreperson,
10 Harold Faust, April 13, 2011.

11 Indictment number 2010-GS-40-1317, the State of
12 South Carolina versus Roosevelt Anthony Reaves, Jr. This
13 is an indictment for criminal sexual conduct, first-degree.

14 We the jury find the defendant guilty. This is
15 signed foreperson, Harold Faust, April 13, 2011.

16 Mr. Foreman, are these your verdicts and the
17 verdicts of the entire jury?

18 THE FOREMAN: Yes, ma'am.

19 THE COURT: Any additional polling requested?

20 MR. COOPER: Yes, Your Honor. I request polling of
21 the jury, please.

22 THE COURT: If you would poll the jurors
23 individually, please.

24 The defendant may be seated.

25 MR. COOPER: Thank you, Your Honor.

POLLING OF THE JURY

1
2 THE CLERK: Ladies and gentlemen, I'm going to ask
3 you two questions regarding your verdict. If you'll answer
4 yes or no to both questions.
5 Juror No. 83, were these your verdicts?
6 THE JUROR: Yes.
7 THE CLERK: Are they still your verdicts?
8 THE JUROR: Yes.
9 THE CLERK: Juror No. 157, were these your
10 verdicts?
11 THE JUROR: Yes.
12 THE CLERK: Are they still your verdicts?
13 THE JUROR: Yes.
14 THE CLERK: Juror No. 4, were these your verdicts?
15 THE JUROR: Yes.
16 THE CLERK: Are they still your verdicts?
17 THE JUROR: Yes.
18 THE CLERK: Juror No. 206, were these your
19 verdicts?
20 THE JUROR: Yes.
21 THE CLERK: Are they still your verdicts?
22 THE JUROR: Yes.
23 THE CLERK: Juror No. 182, were these your
24 verdicts?
25 THE JUROR: Yes.

1 THE CLERK: Are they still your verdicts?
2 THE JUROR: Yes.
3 THE CLERK: Juror No. 81, were these your verdicts?
4 THE JUROR: Yes.
5 THE CLERK: Are they still your verdicts?
6 THE JUROR: Yes.
7 THE CLERK: Juror No. 302, were these your
8 verdicts?
9 THE JUROR: Yes.
10 THE CLERK: Are they still your verdicts?
11 THE JUROR: Yes.
12 THE CLERK: Juror No. 16, were these your verdicts?
13 THE JUROR: Yes.
14 THE CLERK: Are they still your verdicts?
15 THE JUROR: Yes.
16 THE CLERK: Juror No. 187, were these your
17 verdicts?
18 THE JUROR: Yes.
19 THE CLERK: Are they still your verdicts?
20 THE JUROR: Yes.
21 THE CLERK: Juror No. 263, were these your
22 verdicts?
23 THE JUROR: Yes.
24 THE CLERK: Are they still your verdicts?
25 THE JUROR: Yes.

1 THE CLERK: Juror No. 306, were these your
2 verdicts?

3 THE JUROR: Yes.

4 THE CLERK: Are they still your verdicts?

5 THE JUROR: Yes.

6 THE CLERK: Juror No. 298, were these your
7 verdicts?

8 THE JUROR: Yes.

9 THE CLERK: Juror No. 297, were these your
10 verdicts?

11 THE JUROR: Yes.

12 THE CLERK: Are they still your verdicts?

13 THE JUROR: Yes.

14 THE CLERK: The jury has been polled, Your Honor.

15 THE COURT: All right. The verdict appears to be
16 the verdict of all the jurors. Each and every juror has
17 indicated that that is their respective verdicts.

18 Any post trial motions?

19 MR. COOPER: Yes, sir.

20 **POST TRIAL MOTIONS**

21 MR. COOPER: The first motion would be -- I have a
22 motion for a new trial on the grounds, number one, being
23 previously overruled objections, the admission of the
24 photographs we objected to. Number two -- the second basis
25 for the new trial would be inconsistent nature of the

1 | verdicts.

2 | THE COURT: What says the State?

3 | MS. FENT BODMAN: We just rely on our previous
4 | arguments regarding the admissibility of the photographs
5 | and ask the Court to accept the jury's verdict.

6 | THE COURT: Your response to his argument about the
7 | verdicts being inconsistent with one another?

8 | MS. FENT BODMAN: Well, Your Honor, they clearly
9 | found in the criminal sexual conduct that there was a
10 | sexual battery, and it occurred while one of those
11 | aggravating circumstances existed.

12 | THE COURT: All right. Anything further?

13 | MR. COOPER: Beg the Court's indulgence.

14 | Your Honor, I have no further argument on the
15 | motions. I'll let the record speak for itself. I just
16 | renew all previous motions and objections.

17 | THE COURT: All right. The Court denies both
18 | motions with respect to the admission of the photographs as
19 | the Court articulated in my ruling on the issue of
20 | admissibility of the photographs where the issue of consent
21 | is an issue raised. The photographs were a critical piece
22 | of evidence by the State to demonstrate lack of consent and
23 | for the jury to be able to see the major extent of the
24 | injury and to compare that with the testimony of all who
25 | testified and to assist in judging the credibility of the

1 witnesses. So I deny that motion.

2 With respect to inconsistent verdicts, the jury was
3 obviously faced with an issue of deciding whether burglary
4 was shown where there was no sign of forcible entry. The
5 jury was instructed to consider each charge separately and
6 independently. Proof of one charge does not necessarily
7 prove or disprove the other, but the jury deliberated for a
8 long period of time and was not satisfied of proof beyond a
9 reasonable doubt on the issue of first-degree burglary.
10 The jury was convinced beyond a reasonable doubt on the
11 issue of criminal sexual conduct, first-degree.

12 Finally the evidence clearly supports the verdicts
13 and I deny the motion. I do not find that the verdicts
14 were inconsistent in that each indictment charges a certain
15 offense. The jury was instructed to decide each indictment
16 separately based on the evidence applicable to it
17 uninfluenced by their decision on the other indictment. He
18 may be convicted or acquitted on any or both offenses
19 charged, and they wrote a separate verdict as to each. And
20 I'd deny that motion.

21 And, ladies and gentlemen, I thank you for your
22 services. You've -- you evidently were focused on this
23 case. I know perhaps when it all starts, you assume that
24 it's going to be easy. It will be easy to come to a
25 verdict, but a jury is composed of twelve people and

1 | generally -- well, it's often difficult to get even two
2 | people to agree on the same thing. So certainly it's
3 | difficult to get twelve people to agree, particularly when
4 | you have twelve people coming from different walks of life,
5 | not knowing each individual's life's experiences and the
6 | way they view things, but have come to a unanimous verdict
7 | and the system has worked in that I noticed that y'all had
8 | cheery faces to begin with and even at the beginning of the
9 | deliberations and then those smiles kind of gradually
10 | turned toward frowns as the hours passed by.

11 | But you have -- you've done your duty. I want to
12 | thank you for that service. You didn't volunteer, you were
13 | drafted, but you responded, and that's what's important.

14 | Where the jury has found a person guilty, then I
15 | must pose a sentence. My duty of sentencing then is
16 | triggered by that facts and that's what we'll go into now.
17 | You've played a role in sentencing, you're welcome to stay
18 | where you are if you want to observe the sentencing.
19 | You're welcome to leave if you wish to as well.

20 | Ready to proceed for sentencing. The defendant
21 | will come forward.

22 | **SENTENCE**

23 | THE COURT: Anything from the State?

24 | MS. FENT BODMAN: Your Honor, thank you. I'll
25 | first start with his prior criminal history. In 1997, he

1 | has an unlawful carrying of a weapon; 2,000, he has a
2 | driving under the influence first offense; 2001, indecent
3 | exposure; 2001, petty larceny and giving false information;
4 | in 2002, he was revoked on the indecent exposure and was
5 | convicted of the grand larceny, 1,000 to 5,000. And that's
6 | the extent of his record.

7 | I believe Ms. Morrow would like to address the
8 | Court with regard to sentencing and the impact that this
9 | has had on her.

10 | THE COURT: All right. I'll be happy to hear from
11 | you. Yes, ma'am?

12 | THE WITNESS: I just want to speak and let
13 | everybody know how badly this affects, you know, a victim.
14 | Before January 2010, you know, I was a very confident,
15 | proud, mother of two college graduates, you know. Just
16 | working a regular job, feeling secure going to the
17 | supermarket, you know, going in my car, walking around, you
18 | know, just being a person in the world. After this
19 | happened, it affected me so bad that, you know, just going
20 | to the store or seeing a man near a store or trying to go
21 | to work and other men being in my presence, having like a
22 | panic attack.

23 | The only people that I can trust, you know, is just
24 | family members and people that I've known before. And the
25 | things that -- it really hurts you psychologically. And I

1 | feel like I have to stand up and I have to testify, no
2 | matter how scared I am, because there are other people out
3 | there -- if I didn't step up he could hurt some other
4 | people, he could hurt other children. And not just girls,
5 | but boys as well.

6 | So that's all I have to say. And I thank the Court
7 | for taking the time to listen to me and I just want to
8 | thank God, Jesus Christ my Lord for giving me the strength.
9 | And I know -- I'm sorry, I might have offended somebody by
10 | sharing or showing them that part of my anatomy, but it had
11 | to be done and I'm glad I did and I thank God. And that's
12 | all I have to say.

13 | THE COURT: Thank you.

14 | Counsel?

15 | MR. COOPER: Thank you, Your Honor, may it please
16 | the Court. Your Honor, obviously, Mr. Reaves disagrees
17 | with the verdicts. The jury has spoken so what I'll have
18 | to say about Mr. Reaves is that during my representation of
19 | him, he's been a good client. He's been easy to work with.
20 | I've met his family, found them to be good people. Mr.
21 | Reaves is a relatively young man. He knows that you're
22 | going to punish him now, but I would ask you to be as
23 | lenient as you can see fit, Your Honor, and I'll leave it
24 | at that. I don't know if my co-counsel has any remark they
25 | would like to make or not.

1 MR. NEWTON: No, Your Honor.

2 THE COURT: Does anyone else want to speak on his
3 behalf?

4 MR. COOPER: He does have his family in the back,
5 Your Honor, his mother and sister and aunt are back there.
6 I don't know if anyone wants to speak. Obviously, I
7 haven't had the chance to group with them, but if anybody
8 would like to come down here...

9 MS. HENDERSON: I'm Diane Henderson -- I give honor
10 to God. I thank you all for what you all have done for my
11 neighbor on the behalf of him not being guilty on burglary.
12 This young man -- people go through things in life and I'm
13 sure every one of you have had something to go through, and
14 I apologize to the young lady for what she have had to go
15 through.

16 But this family have had to go through the same
17 thing, and I ask on behalf of the Reaves family that what
18 you see here today is not really what it is. I believe
19 him. He said he did not do it. I believe him. That is my
20 belief. I am a woman of God. I'm a minister in the gospel
21 and he talked to me and his mother, and he told us that he
22 didn't do it and I believe him.

23 I'm not saying that the situation might not have
24 been what it was, but I don't -- I don't believe that it
25 happened the way that it's been found here today.

1 But as far as this gentleman, he's -- what he done
2 in the past, I forgive him for what he done in the past.
3 God forgive him for what he done in the past and I'm sure
4 that each and every one of you if you been in a situation
5 God has forgiven you when you ask him for forgiveness. So
6 I ask him to forgive him for what he have done if that's
7 what you think that's what he done. I don't believe that's
8 what he have done.

9 THE COURT: All right. Ma'am, tell us your name
10 again.

11 THE WITNESS: My name is Diane Henderson.

12 THE COURT: All right. And are you related to the
13 defendant?

14 THE WITNESS: I am a neighbor to the defendant. I
15 was raised with his mother and his father.

16 THE COURT: All right. If you'll address any
17 remaining comments to me. The jury has spoken, so anything
18 else you want to say, say it to me.

19 MS. HENDERSON: Okay. Yes, sir. And I ask you,
20 today, Your Honor, to grant him liberty because I just feel
21 like him being found guilty is -- I don't -- I'm not in
22 agreement with it.

23 THE COURT: All right. Well, we're not seeking
24 your agreement.

25 MS. HENDERSON: Okay. Well, I ask you to grant him

1 liberty.

2 THE COURT: All right. Thank you.

3 MS. HENDERSON: Thank you.

4 MR. COOPER: Thank you, Your Honor.

5 THE COURT: Yes.

6 MR. COOPER: I apologize.

7 THE COURT: Mr. Reaves, anything you would like to
8 say?

9 THE DEFENDANT: No, sir.

10 THE COURT: Mr. Reaves, as far as I'm concerned,
11 your fantasy and fantasy defenses is over. The jury has
12 spoken and you're guilty. The statute says that a person
13 guilty of criminal sexual conduct in the first-degree is
14 guilty of a felony, punishable by imprisonment for not more
15 than 30 years according to the discretion of the Court.
16 Regarding the request for leniency, I will be as lenient to
17 you as you were to the victim in this case.

18 I think perhaps out of everyone that I heard
19 testify in this case in assessing your character, perhaps
20 your sister spoke the loudest when she said she wasn't
21 comfortable coming home with you in her house. She felt --
22 it appeared the need for protection by bringing somebody
23 else home with her that night. Based on the evidence
24 presented in this case, the jury could have easily found
25 you guilty of burglary, first-degree in addition to

1 criminal sexual conduct in the first-degree because the
2 State presented a compelling case of guilt as to both
3 indictments, though you were -- though the jury was only
4 convinced as to -- beyond a reasonable doubt as to one of
5 the counts. It is amazing that we've come to this point in
6 society where we have some people, people like you, who
7 should be a protector or defender of women decide to prey
8 on them as you have done.

9 So you get no mercy from me. I therefore sentence
10 you according to the way I view this case in view of what
11 you have done.

12 The sentence of the Court is that you be committed
13 to the State Department of Corrections for a period of
14 thirty years.

15 Ladies and gentlemen, I want to thank you for your
16 services once again. I'm sure you didn't anticipate coming
17 into this when you were called for jury duty. But
18 nevertheless, it is what it is, something that we have to
19 deal with all the time.

20 You through with these people yet, Ms. Pendergrass?

21 THE CLERK: Yes, Your Honor.

22 THE COURT: She said earlier that you all were mad
23 at me. So if she wasn't through with you all, y'all would
24 be mad at her. We've picked another jury, and we've
25 heard -- while y'all were out deliberating, we picked

1 another jury and started a drug case. So we're busy with
2 some other things.

3 We don't need y'all anymore this week. You've
4 fulfilled your jury duty for -- such that you cannot be
5 required to serve for three years. You're disqualified to
6 serve in the next year. This relates today this court.
7 You might be called to federal court, city court or
8 magistrate court, but this court, you're through. Thank
9 you all very much.

10 THE JURY: Thank you.

11

12 * * * * * END OF TRANSCRIPT * * * * * 3

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF AIKEN) **CERTIFICATE OF REPORTER**

3
4
5
6 I, THE UNDERSIGNED, Brenda J. Sigwald, Official
7 Court Reporter for the Fifth Judicial Circuit of the State
8 of South Carolina, do hereby certify that I reported the
9 proceedings in the captioned case in the Court of General
10 Sessions in and for the State of South Carolina on the 11th
11 through the 13th days of April, 2011.

12 I FURTHER CERTIFY that the foregoing pages,
13 numbered 3 through 440 constitute a true, accurate and
14 complete transcript of said hearing.

15 I FURTHER CERTIFY that I am neither kin, counsel,
16 nor of interest to any party hereto.

17 IN WITNESS WHEREOF, I have hereunto set my hand and
18 seal at Aiken County, this 6th day of October, 2011.
19
20
21

22 Brenda J. Sigwald
23 Brenda J. Sigwald,
24 Court Reporter and Notary Public
25 For the State of South Carolina
My commission expires
January 4, 2020.

WITNESSES

(S) Richard Carter – RCSD

ARREST WARRANT NUMBER

1938187

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

MAY 12 2010

VERDICT

GUILTY

Foreperson of Petit Jury

Date: 13 APR 2011

DOCKET NO. 2010-GS-40-1317

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

MAY TERM 2010

92

**THE STATE
vs.**

ROOSEVELT ANTHONY REAVES, JR.

**Indictment for
CRIMINAL SEXUAL CONDUCT,
FIRST DEGREE**

SC Code: 16-03-0652
CDR Code: 0160

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

**CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Jeannette W. McBride
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA**

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

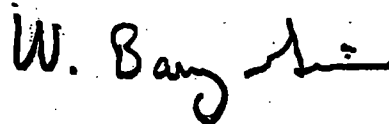
At a Court of General Sessions, convened on MAY 12, 2010, the Jurors of
Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT, FIRST DEGREE

CDR: 0160 §16-03-0652

That ROOSEVELT ANTHONY REAVES, JR. did in Richland County on or about
JANUARY 21, 2010, engage in sexual battery with ROCHELLE MORROW,
while the victim was also the victim of forcible confinement, kidnapping, robbery,
extortion, burglary, housebreaking, or any other similar offense or act, in violation
of Section 16-03-0652, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided.



WARREN B. GIESE, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Richland
STATE

AKA: Roosevelt Anthony Reeves, Jr.

Race: Black

Sex: Male

Age: _____

DOB: _____

SS#: _____

Address: _____

City, State, Zip: _____

DL# _____

SID# _____

In disposition of the said indictment comes how the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Criminal Sexual Conduct, 1st Degree

in violation of § 16-03-0652

of the S.C. Code of Laws, bearing CDR Code # 0160

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS

☐ MOST SERIOUS

☐ Mandatory GPS

☐ §17-25-45

(CSC w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant initial)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Margaret Bohm
Solicitor

SC Bar # _____

R. A. R. R.
Defendant

[Signature]
Attorney for Defendant

SC Bar # 7588

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine:

\$14-1-206 (Assessments 107.5%)	\$ _____
\$14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ _____
\$14-1-211(A)(2) (DUI Surcharge)	\$100 \$ _____
\$56-5-2995 (DUI Assessment)	\$12 \$ _____
\$56-1-289 (DUI Breath Test)	\$500 \$ _____
\$35.13 (Public Def/Prob)	\$25 \$ _____
\$73.3, 1B TP (Law Enforce. Funding)	\$25 \$ _____
\$33.7, 1B TP (Drug Court Surcharge)	\$100 \$ _____
\$50-21-114(BUI Breath Test Fee)	\$50 \$ _____
\$56-5-2995(J) (Vehicle Assessment)	\$40/ea \$ _____
3% tp County (if paid in installments)	\$ _____
\$96.51 TP S.C. A.S. Surcharge	\$5 \$ _____
	\$ _____

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ Beginning _____
\$ _____ paid to Public Defender Fund

Other: _____

\$25 \$ _____

☐ Appointed PD or appointed other counsel, \$35.13 TP
☐ Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]

Judge Code: 2127

Sentence Date: 4/13/14

TRUSCOPI
ORIGINAL FILED
COUNTY
SOUTH CAROLINA
2014 APR 13 PM 4:00
CLERK OF COURT
COURT REPORTER
GARETH S. GUNDEL

FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF RichlandRoosevelt Anthony Reeves #286377
Full name and prison number (if any) of Applicant.

v.

State of South Carolina

3014CP400 0562
IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Broad River Corr. Inst. 4460 Broad River Rd. Columbia, S.C. 29210
2. Name and location of Court which imposed sentence Richland County Court of General Sessions 1701 Main Street Columbia, S.C. 29201
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2010-65-40-01305 - Burglary.
 - (b) 2010-65-40-0317 CSC.
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) April 13, 2011 (30) years
 - (b) _____

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ✓ _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. The South Carolina Court of Appeals.
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Unpublished opinion NO. 2013-up-422
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. Submitted October 1, 2013 - Filed November 20, 2013
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. (Unknown)
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____ N/A
- (b) _____ N/A
- (c) _____ N/A
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Ineffective assistance of trial Counsel
- (b) Ineffective assistance of Appellate Counsel
- (c) Prosecutorial Misconduct

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) I, Roosevelt A. Reaves, received ineffective Assistance of trial
- (b) I, Roosevelt A. Reaves, received ineffective Assistance of Appe-
- (c) I, Roosevelt A. Reaves, received prosecutorial Misconduct dur-

12. Prior to this application have you filed with respect to this conviction: (see Attachment).

- (a) any petition in a State Court under South Carolina Law? (NO)
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? (NO)
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A
- (d) any other petitions, motions or applications in this or any other Court? N/A

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i. N/A
 - ii. N/A
 - iii. N/A
 - iv. N/A
- (b) the name and location of the Court in which each was filed:
 - i. N/A
 - ii. N/A
 - iii. N/A
 - iv. N/A
- (c) the disposition thereof:
 - i. N/A
 - ii. N/A
 - iii. N/A

LEGAL MAIL

Attachment to Page-3, (a)(b)(c)
of (10).

- (a). Counsels prior and during the trial that's in violation of my rights pursuant to the Sixth and Fourteenth Amendment to the United States Constitution.
- (b). Want Counsel that's in violation of my rights pursuant to the Fifth, Sixth, and Fourteenth Amendment to the United States Constitution.
- (c). ing closing argument and or trial that's in violation of my rights pursuant to the 6th and 14th Amendment of the United States Constitution.

Attachment to Page-3 (a)(b)(c).
of (11).

- (a). Defense Counsels failed to make a thorough examination of the evidence prior to trial.
- (b). Appellant Counsel fail to make a sufficient record for review on direct appeal.
- (c). Solicitor vouch for the credibility of the states witnesses.

The Applicant reserves the right to amend this application upon the appointment of Counsel and/or relevant material. to provide a more detailed allegation.

- iv. N/A
- (d) the date of each such disposition:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A
14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?
- N/A
15. If you answered "yes" to (14) identify:
- (a) which grounds have been presented:
- i. N/A
- ii. N/A
- iii. N/A
- (b) the proceedings in which each ground was raised:
- i. N/A
- ii. N/A
- iii. N/A
16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) Ineffective assistance of Appellant Counsel (see page -3)
- (b) Ineffective assistance of Appellant Counsel (see page -3)
- (c) Ineffective assistance of Appellant Counsel (see page -3)
17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? _____
- (b) your trial, if any? (yes)
- (c) your sentencing? (yes)
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? (yes)
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. James Cooper, Esq. Richland County Public Defender, Post office
Box 192, 1701 Main Street Columbia S.C. 29202
 - ii. Charlie Cochran, Esq. Division of Appellate Defense 1330 Lady Street
David Alexander, Suite 401, Columbia S.C. 29201
 - iii. Clarke Newton, Esq.
- (b) the proceedings at which each such attorney represented you:
 - i. Trial
 - ii. Trial
 - iii. Trial / (Division of Appellate Defense (David Alexander))

19. State clearly the relief you seek in filing this application:

New Trial

20. Are you now under sentence from any other court that you have not challenged?

(NO)

STATE OF SOUTH CAROLINA)

County of *Richland*)

VERIFICATION

I, , being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Roosevelt Reeves Jr.

SWORN to and subscribed before me this 21
day of Jan, 2014

Eugene F. [Signature] (L.S.)
Notary Public

My Commission Expires: April 4, 2016

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, , hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Roosevelt A. Reeves Jr.
Applicant

SWORN or affirmed to and subscribed before me this
21 day of Jan, 2014.

Dugene Keet
Notary Public

My Commission Expires: April 4, 2016

2014 JAN 30 AM 10:13
CLERK OF DISTRICT COURT
C.D.S.

Roosevelt A. Reaves[#] 286377
Murray unit - Room[#] 259
4460 Broad River Rd.
Columbia, South Carolina
29210

January 21, 2014

Jeanette W. McBride
Clerk of Court
Richland County
P. O. Box 2766
Columbia, South Carolina
29202-

Re: Post Conviction Relief, Application.

Dear Ms. Jeanette W. McBride:

Enclosed you will find the original and a copy of the P.C.R. application for your filing. Please file the original, and return a clock-stamp copy to me for my record.

Thank You very much.

Sincerely,

Roosevelt Reaves Jr.
Roosevelt A. Reaves[#] 286377

cc: File

LEGAL MAIL

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Roosevelt Reaves, #286377

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

2014-CP-40-00562

RETURN

Respondent, making its Return to the application for post-conviction relief filed January 30, 2014, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. Applicant was indicted during the May 2010 term of the Richland County Grand Jury for Criminal Sexual Conduct in the First Degree (2010-GS-40-1317), and Burglary in the First Degree (2010-GS-40-1305). Applicant was represented by James D. Cooper, III, Esquire, Charlie Cochran, Esquire, and Clarke Newton, Esquire. On April 11-13, 2011, Applicant proceeded to a jury trial before the Honorable Clifton B. Newman, where he was convicted as indicted of Criminal Sexual Conduct in the First Degree and acquitted of Burglary in the First Degree. Judge Newman sentenced Applicant to thirty years imprisonment for Criminal Sexual Conduct in the First Degree.

A Notice of Appeal was filed and an appeal was perfected on Applicant's behalf. Following briefing, the South Carolina Court of Appeals affirmed his conviction and sentence by unpublished opinion. State v. Roosevelt Reaves 2013-UP-422 (Ct. App. filed November 20, 2013). The Remittitur was sent on December 6, 2013.

Attached herewith and incorporated herein are the records of the Richland County Clerk of Court regarding the subject convictions, Applicant' s appellate records, Applicant's records from the South Carolina Department of Corrections, and Applicant' s trial transcript. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his current application, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel;
 - a. " Defense Counsels failed to make a thorough examination of the evidence prior to trial."
2. Ineffective Assistance of Appellate Counsel; and
 - a. " Appellant Counsel fail to make a sufficient record for review on direct appeal."
3. Prosecutorial misconduct.
 - a. " Solicitor vouch for the credibility of the states witnesses." [sic].

Any claims not specifically enumerated in the application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code § 17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRCP.

III.

Applicant alleges ineffective assistance of counsel. In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of trial counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Respondent submits that Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant also alleges ineffective assistance of appellate counsel. In a post-conviction relief action, the applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon

as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

A defendant is constitutionally entitled to effective assistance of appellate counsel. Evitts v. Lucey, 469 U.S. 387 (1985). "However, appellate counsel is not required to raise every non-frivolous issue that is presented by the record." Thrift v. State, 302 S.C. 535, 539, 397 S.E.2d 523 (1990). Appellate counsel has a professional duty to choose among potential issues according to their merit. Jones v. Barnes, 463 U.S. 745 (1983). Where the strategic decision to exclude certain issues on appeal is based on reasonable professional judgment, the failure to appeal all trial errors is not ineffective assistance of counsel. Griffin v. Aiken, 775 F.2d 1226 (4th Cir. 1985).

The applicant must show that appellate counsel's performance was deficient and that he was prejudiced by the deficiency. Thrift, at 537; Gilchrist v. State, 364 S.C. 173, 612 S.E.2d 702 (2005); Anderson v. State, 354 S.C. 431, 581 S.E.2d 834 (2003). When a claim of ineffective assistance of counsel is based upon failure to raise viable issues, the court must examine the record to determine "whether appellate counsel failed to present significant and obvious issues on appeal." Gray v. Greer, 800 F.2d 644, 646 (7th Cir. 1986). Generally, the presumption of

effective assistance of counsel will be overcome only when the alleged ignored issues are clearly stronger than those actually raised on appeal. Id.

Respondent contends that Applicant's appellate attorney rendered effective assistance of counsel. However, this ground for relief may raise factual issues that are not conclusively refuted by the record. Respondent requests an evidentiary hearing on this allegation.

V.

Applicant also alleges prosecutorial misconduct. Prosecutorial misconduct is not an issue for post-conviction relief. Rather, this allegation is a direct appeal issue that is procedurally barred by S.C. Code Ann. § 17-27-20(b) (2003). Post-conviction relief is not a substitute for an appeal. Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993). Applicant could have raised this issue on appeal. The failure to do so has waived this allegation as grounds for relief. Regardless, it is applicant's burden to prove actual prosecutorial misconduct. Alabama v. Smith, 490 U.S. 794, 109 S. Ct. 2201 (1989). Respondent submits Applicant has not carried his burden of proving actual prosecutorial misconduct, therefore, this allegation should be summarily dismissed.

VI.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VII.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

MEGAN E. HARRIGAN
Assistant Attorney General

By: Megan E. Harrigan
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June 19, 2014

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

2014-CP-40-00562

ROOSEVELT REAVES, #286377)

Applicant,)

vs)

AFFIDAVIT OF SERVICE BY MAIL

STATE OF SOUTH CAROLINA,)

Respondent.)

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Jonathan Waller, Esquire
The Law Office of Jonathan Waller, LLC
1720 Main Street, Suite 104
Columbia, South Carolina 29201

DATED this 19th day of June, 2014.


 Kelly Oppenheimer, Legal Assistant
 For Respondent

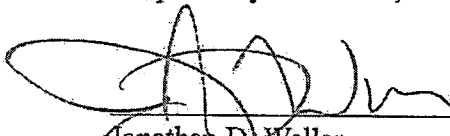
STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	FIFTH JUDICIAL CIRCUIT
	)	
Roosevelt Reaves, #286377,	)	2014-CP-40-0562
Applicant,	)	
v.	)	
	)	Amendment to Application for
State of South Carolina,	)	Post Conviction Relief
<u>Respondent.</u>	)	

RICHLAND COUNTY
 FILED
 2015 JAN 20 AM 9:14
 JEANNETTE W. HOSBROOK
 C.C.P. & G.

Applicant, by and through his Attorney, Jonathan D. Waller, Esquire, would amend his Application for Post Conviction Relief filed on January 30, 2014, by adding the following specific grounds to his original allegations of ineffective assistance of counsel and ineffective assistance of appellate counsel:

1. As to representation rendered by James Cooper, Charlie Cocharan, and Clarke Newton (trial counsel):
 - a. Counsel was ineffective in failing to appropriately challenge State's exhibits 17-22. Counsel objected based upon Rule 403, SCRE.
2. As to David Alexander (appellate counsel):
 - a. Counsel was ineffective in failing to raise the Trial Court allowing impermissible corroboration testimony by Temple Hart over Trial Counsel's timely objection.
 - b. The relief sought in Applicant's claim of ineffective assistance of appellate counsel is the vacation of Applicant's conviction and for his case to be remanded to the General Sessions court for a new trial.

Respectfully submitted,



Jonathan D. Waller
 Attorney for the Applicant
 1720 Main Street
 Suite 104
 Columbia, South Carolina 29201

January 29, 2015
 Columbia, SC

State of South Carolina)
)
 County of Richland)

In the Court of Common Pleas
 Fifth Judicial Circuit
 2014-CP-40-0562

Roosevelt Anthony Reaves,)
)
 Applicant,)

vs.)

Transcript of Record

State of South Carolina,)
)
 Respondent.)

April 2, 2015
 Columbia, South Carolina

B E F O R E:

The Honorable Brooks P. Goldsmith, Judge

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

Jonathan D. Waller, Esquire
 Attorney for Applicant

J. Clayton Mitchell, III, Esquire
 Attorney for Respondent

Maryann S. Nevers, CVR-M-CM
 Circuit Court Reporter

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>

No Exhibits Introduced.

TRANSCRIPT OF RECORD

(Whereupon, the proceeding was commenced at 11:10 a.m.)

MR. MITCHELL: All right, Your Honor. May it please the Court: This is *Roosevelt Reaves v. the State of South Carolina*, 2014-CP-40-00562. Mr. Reaves was indicted in May of 2010 for criminal sexual conduct in the first degree and first-degree burglary. He was represented on those charged by Mr. James D. Cooper, Charlie Cochran, and Clarke Newton.

He proceeded to trial on April 11th through April 13th, 2011, before Judge Clifton Newman. He was convicted of the criminal sexual conduct and acquitted of the first-degree burglary. He was sentenced to 30 years.

Mr. Reaves filed a notice of appeal. And the Court of Appeals affirmed his conviction, with the remittitur being sent down December of 2013.

Mr. Reaves filed this application for postconviction relief January of 2014, where he has alleged ineffective assistance of trial counsel and ineffective assistance of appellate counsel. Mr. Jonathan Waller was appointed to represent Mr. Reaves. And he has filed an amended application, which better sets -- which sets out the issues a bit better. It was ineffective assistance of trial counsel in failing to appropriately challenge certain state's exhibits that were admitted at trial; and then, ineffective assistance of appellate counsel in failing to

1 raise certain issues on the appeal.

2 We -- we've -- we've discussed how to -- David
3 Alexander was appellate counsel on this case, and he is out
4 of the country today. And we've agreed to hold the record
5 open for his testimony in the upcoming PCR terms. We'll
6 leave the record open and allow him to testify in the
7 state's case.

8 At this point I'd note that Mr. Reaves is present and
9 represented here by Mr. Jonathan Waller. And I will turn
10 it over to him at this time. Thank you.

11 THE COURT: And you indicated there's an amended
12 application?

13 MR. WALLER: There's an amendment to the application,
14 Your Honor.

15 THE COURT: Oh, an amendment to?

16 MR. WALLER: Yes, sir.

17 THE COURT: Okay.

18 MR. WALLER: I have ---

19 THE COURT: I see.

20 MR. WALLER: --- an -- a copy if you don't have one.

21 THE COURT: No. I don't -- I haven't seen that.

22 MR. WALLER: Okay. I apologize.

23 MR. MITCHELL: Yeah. That should've been in there.

24 THE COURT: Looks like ---

25 MR. MITCHELL: I'm sorry.

1 THE COURT: --- it was filed, though, doesn't it?

2 MR. WALLER: Yes, sir. It's -- it was filed awhile
3 ago.

4 THE COURT: All right. Now, go ahead, then, Mr.
5 Waller.

6 MR. WALLER: Your Honor, our -- our -- Mr. Reaves was
7 -- was tried for both charges. He was found not guilty of
8 the burglary charge and guilty of the criminal sexual
9 conduct. Our -- our issues are -- are pretty simple, Your
10 Honor.

11 There was testimony of a nurse examiner during that
12 trial. She -- some pictures were introduced through her
13 that we believe are -- were inadmissible. And also, some
14 of the testimony, we believe, was improper hearsay
15 testimony and improper corroboration testimony.

16 As to the appellate attorney, which I will obviously
17 refresh Your Honor's memory when he's able to be called, we
18 believe that he was ineffective for failing to raise some
19 issues about the improper corroboration testimony of Ms.
20 Temple Hart over the trial counsel's objection. That's
21 what we would -- would seek the Court to grant:
22 ineffective assistance of trial counsel; and -- and
23 additionally, ineffective assistance of appellate counsel.

24 THE COURT: All right.

25 MR. WALLER: Great.

DIRECT EXAMINATION BY MR. WALLER - ROOSEVELT REAVES

7

1 THE COURT: You may ---

2 MR. WALLER: Your Honor ---

3 THE COURT: --- proceed.

4 MR. WALLER: --- at this time the applicant calls
5 Roosevelt Reaves.

6 (Whereupon, the witness came forward.)

7 ROOSEVELT REAVES, having been first duly sworn,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. WALLER:

11 Q Mr. Reaves, how are you this morning?

12 A How you doing, Mr. Waller?

13 Q Mr. Reaves, how old are you?

14 A Thirty-seven.

15 Q And where are you from?

16 A I'm from Eastover, South Carolina.

17 Q Okay. And did you grow up there?

18 A Yes, sir.

19 Q Okay. Do you live there -- or did you live there
20 prior to -- to being arrested on these charges?

21 A No, sir. I was ---

22 Q Okay.

23 A --- living in Atlanta, Georgia.

24 Q Okay. How long have you lived there?

25 A About ten years.

DIRECT EXAMINATION BY MR. WALLER - ROOSEVELT REAVES

8

- 1 Q Okay.
- 2 A A wife and kids.
- 3 Q Where were you arrested?
- 4 A College Park.
- 5 Q And where is that?
- 6 A Atlanta ---
- 7 Q Okay.
- 8 A --- Georgia.
- 9 Q How long after this incident were you arrested?
- 10 A About a month -- about a month and a half.
- 11 Q Okay. Now, after you were arrested, how long until
- 12 you got a lawyer?
- 13 A Say about -- they appointed me one -- 90 days, I want
- 14 ---
- 15 Q Okay.
- 16 A --- to say.
- 17 Q Okay. And who was that?
- 18 A Anastasia Walker.
- 19 Q Okay. How long did she represent you?
- 20 A Not long. Because I think I seen her about two times
- 21 when I was in the county. And we was going over some
- 22 things. And, like, trial came and that when I had got --
- 23 rest in peace -- Mr. Cooper.
- 24 Q Okay. And how -- how close to trial did -- did Mr.
- 25 Cooper ---

1 A Man, like, a ---

2 Q --- begin to represent you?

3 A A month later -- like, a -- soon after I got
4 appointed, they came and seen me, Mr. Cochran and Cooper
5 came and seen me. We -- and -- and about next month or so,
6 I was ---

7 Q Okay.

8 A --- in trial.

9 Q Okay. So about a month before you went to trial?

10 A Yes, sir.

11 Q Okay. How long from the time you were arrested till
12 the time your case went to trial?

13 A Well, I was in the county about a year and -- a year
14 -- like 18 months.

15 Q Okay. Let me -- let -- let me think about this time
16 line, then. You said it was about three months after you
17 got arrested that you got Anastasia Walker?

18 A Yeah, Anastasia Walker.

19 Q Okay.

20 A I think ---

21 Q And ---

22 A --- I think ---

23 Q --- and how long ---

24 A --- they appoint you.

25 Q And how long did she represent you?

DIRECT EXAMINATION BY MR. WALLER - ROOSEVELT REAVES 10

1 A I'd say about four -- three months to four months.

2 Q Okay.

3 A But I only seen her twice.

4 Q Okay. And then Mr. Cooper was appointed to represent
5 you?

6 A Yeah. She told me that -- because me and her had
7 things going and she was saying that she was supposed to
8 get investigator, give me a lie-detector test, and all
9 this. Me and her had things going. Then she said that --
10 that she will be leaving me with -- with somebody else will
11 be appointed to me.

12 Q Okay.

13 A And it was Mr. Cooper.

14 Q Okay. Did you and Mr. Cooper -- how many times did
15 you meet with Mr. Cooper?

16 A Well, twice. It was -- like, every time it was Mr.
17 Cochran and Mr. Cooper. It ---

18 Q Okay.

19 A --- was only twice.

20 Q Cochran ---

21 A The first ---

22 Q Is that -- is that how you mean, Cochran?

23 A Cochran.

24 Q Okay.

25 A My bad.

1 Q Okay.

2 A Right there.

3 Q Now, did y'all go over the two charges against you?

4 A Yeah. I mean, well, I'm just going off Anastasia.

5 Anastasia told me that this case wasn't even going this

6 far; it was her word against mine, hearsay, you know, -- or

7 consensual. But I met up with them about twice. And we

8 went over a couple things. But then, the -- the second

9 time I met up with them, it was -- it was time for trial.

10 Q Did you and your attorneys -- particularly, Mr.

11 Cooper, Mr. Cochran ---

12 A Mr. Newman [sic] ---

13 Q --- and ---

14 A --- I had ---

15 Q --- Mr. Newton ---

16 A --- I had ---

17 Q --- did y'all discuss the -- the evidence the state
18 had against you?

19 A We did. But it was real light, you know. And I was
20 -- you know, at the -- at the -- at the time I didn't know
21 as much as I know now about the case. So, I mean, I was
22 just willing to go because I know I didn't do anything, so
23 whatever they was ready to do. I knew I was going to trial
24 regardless. I didn't -- I mean, and no plea came to me.
25 So I wouldn't take no plea regardless.

DIRECT EXAMINATION BY MR. WALLER - ROOSEVELT REAVES 12

1 Q Okay.

2 A So regardless, I was ready to go to trial.

3 Q Okay. Did you understand those conversations with
4 them?

5 A I did.

6 Q Okay. Did you understand the penalties that these two
7 charges carry -- potential penalties?

8 A I know the burglary carried life.

9 Q Okay.

10 A I know I didn't really know too -- too much about the
11 CSC. I didn't know from one minute was rape, one minute
12 they saying it wasn't rape. I was really not really on
13 that.

14 Q Okay. Did you and your attorneys discuss the
15 statements made against you?

16 A No.

17 Q Okay. Did y'all discuss the statements that you made?

18 A No.

19 Q Okay. How about the medical testing that was done in
20 this case?

21 A What, during trial?

22 Q Both ---

23 A I mean ---

24 Q --- leading up to trial.

25 A Oh. No. No. No. I didn't know nothing about that.

1 Q Okay.

2 A Nothing at all about what was going on.

3 Q How about the DNA evidence?

4 A No. I mean, all they said, that they had my -- they
5 had my DNA. And I was saying, "Yeah. I know. I was
6 there."

7 Q Okay. So y'all talked about it, though?

8 A Yeah. About that.

9 Q Okay.

10 A Yeah.

11 Q How about fingerprint evidence?

12 A No.

13 Q Okay. Did y'all discuss any possible defenses that
14 you might have?

15 A No. Because they was just telling me if -- it may --
16 and they don't know how it might go; her word against mine.

17 Q Okay. Did you feel confident in your decision to
18 proceed to trial? Were you going to trial?

19 A It -- it -- it was really rush. You know, I didn't --
20 I wasn't ready, but then, I ain't had no ---

21 Q Did you ever consider not going to trial? is my
22 question.

23 A No. I was going to trial regardless.

24 Q Okay. Did -- when you got to trial, did you feel
25 prepared?

DIRECT EXAMINATION BY MR. WALLER - ROOSEVELT REAVES 14

1 A No. I wasn't prepared. No. No. I'm -- I'm feeling
2 like we was missing something because it was rushed. Like
3 I say, I just left Anastasia Walker, and then she tell me
4 Mr. Cooper was more better with this case than she was.
5 And -- and I talked to him twice. And then it was trial
6 time.

7 Q Okay. Do you feel that your attorneys were prepared?

8 A Some.

9 Q Okay.

10 A Not all.

11 Q Did they ever express to you any doubt to their
12 preparation?

13 A Ain't never promised me anything. He just -- I --
14 they didn't know either. Because, I mean, they was -- they
15 was, like, "We don't know."

16 Q Did -- did they ever tell you they weren't prepared or
17 needed more time to prepare?

18 A No. He didn't never tell me that.

19 Q Okay. Once the trial started, were you able to
20 communicate with -- with any of the three of them: during
21 breaks or at -- at lunches or anything like that ?

22 A We met up in the, you know, counseling room first
23 starting off. But I think trial lasted like three days. I
24 mean, the most was in trial, like we were sitting.

25 Q Were you able to write things down and pass it to them

1 or ---

2 A No. That -- yeah. I mean, I wrote stuff down. But
3 they already had they mind made up on ---

4 Q Okay.

5 A --- things.

6 Q And ultimately, you decided to testify; is that right?

7 A Yes, sir.

8 Q Okay. What did you and your attorneys discuss about
9 the pros and cons of you testifying?

10 A Well, I told them off -- off top that I wanted to
11 testify because that would make me look better on my half,
12 you know. But they did not tell me enough time that do
13 not, you know what I'm saying, so ---

14 Q Okay. And ultimately, you were convicted on one of
15 the two charges; is that right?

16 A Yes. And they was trying to, you know, get it
17 together, you know, like run concurrent. But the judge was
18 still either going be this or it going be that. Even if
19 you get this, you still going get this. So ---

20 Q Okay.

21 A Any way I was losing.

22 Q And an appeal was filed on your behalf; is that right?

23 A Yes, sir.

24 Q Okay. Did you have any communication with your
25 appellate attorney?

DIRECT EXAMINATION BY MR. WALLER - ROOSEVELT REAVES 16

1 A I -- I called. I wrote. I asked him what he needed.
2 This is what I asked you, you know. I asked him anything I
3 need to do or, you know, get on point or get on my p's and
4 my q's or anything. No. We got everything. It just ---

5 Q Okay.

6 A --- it just mostly about the pictures and ---

7 Q Okay.

8 A --- the nurse.

9 Q But he -- he did respond to your calls or -- or
10 letters?

11 A Calls.

12 Q Okay. You -- you were able to speak with him?

13 A Yeah, I was able to ---

14 Q Okay.

15 A --- speak to him.

16 Q All right. Mr. Reaves, I've asked all the questions
17 that I have. Is there anything that you think I've left
18 out or you think the Court needs to be aware of about your
19 representation?

20 A It's just that -- well, they did object on a lot of
21 things. But when it was time to object on the things that
22 I know I was really -- really not knowing and I know that
23 you should object on things and you didn't, that's the
24 things that really got me this far. Because, like, in
25 direct appeal, on the -- you know, mounting injuries, you

CROSS-EXAMINATION BY MR. MITCHELL - ROOSEVELT REAVES 17

1 should object on that ASAP. But you wait until, you know,
2 it was going on; then you object to it. So another thing,
3 I'm reading over my case, just on the little things.

4 So -- but it just a lot of things. They did good.
5 But then, lot of things -- they didn't ask my sister enough
6 questions. A lot of things they didn't asked her.

7 The -- the investigator -- Mr. Newman had an
8 investigator trapped, you know. But he didn't ask -- he
9 didn't really bog down on him because he caught him, you
10 know -- you know -- you know, stuttering at his words a
11 little bit. So, I mean, I just -- they did good. But a
12 lot of things that they didn't object to like they posed
13 to.

14 Q Okay. Please answer any questions Mr. Mitchell has.

15 CROSS-EXAMINATION

16 BY MR. MITCHELL:

17 Q Hi there, Mr. Reaves.

18 A How you doing today, sir?

19 Q All right. Let's see. So it was a CSC-first and a
20 first-degree burglary; is that correct?

21 A Yes, sir.

22 Q Okay. And you were acquitted on the first-degree
23 burglary?

24 A Uh-huh. Yes, sir.

25 Q Yes? Okay. Sorry.

CROSS-EXAMINATION BY MR. MITCHELL - ROOSEVELT REAVES 18

1 And you said it was he-said/she-said. So it's kind of
2 your word versus her word ---

3 A Yeah.

4 Q --- correct?

5 A That's what it started off, you know, in the county.
6 They was telling me her word against yours; you going get a
7 bond; it shouldn't go this far. So I was looking ---

8 Q So they advised you to testify in your defense; is
9 that correct?

10 A Yeah. I mean, I was regardless, you know.

11 Q You were going to testify no matter what, right?

12 A Yeah, no matter what.

13 Q And going through it, you -- going through your
14 testimony, it was your position that the sex was
15 consensual, correct?

16 A Yes, sir.

17 Q Okay. And you didn't have any -- there was no -- you
18 never argued that you weren't there or anything ---

19 A Yeah. It ---

20 Q --- just ---

21 A --- was no gun. It wasn't no notion. It wasn't no
22 fighting. It wasn't no screaming. It wasn't nothing. I
23 mean, it just -- I just told her I was a married man and we
24 can't keep doing this because I was already come out of
25 Atlanta.

CROSS-EXAMINATION BY MR. MITCHELL - ROOSEVELT REAVES 19

1 Q And it -- it was your testimony that you had just met
2 her ---

3 A Yeah.

4 Q --- that day?

5 A Yeah.

6 Q And that she wanted you to leave your wife and family
7 in Atlanta ---

8 A Yeah. Well ---

9 Q --- is that correct?

10 A --- I didn't tell her then. I didn't tell her. I
11 told her that I didn't have nobody. You know, I lied to
12 her and told -- she was a older woman.

13 Q Right.

14 A I told her, and I -- I lied to her. So -- but when I
15 had got what I got, I told her. And then our things -- so
16 he stole it from me.

17 Q So it was -- it was your testimony that you met this
18 woman earlier that day ---

19 A Uh-huh.

20 Q --- and then ---

21 A At my ---

22 Q --- she -- and then she wanted you to leave your
23 family to be with her; is that correct?

24 A Yes, sir.

25 Q Now, when you left the apartment, you stole her cell

CROSS-EXAMINATION BY MR. MITCHELL - ROOSEVELT REAVES 20

1 phones?

2 A Uh-huh. Because mine was dead, and then we was
3 arguing. Because she was -- she was throwing things at me,
4 telling me to get out.

5 Q So you grabbed your cell phones?

6 A Yes, sir.

7 Q And then you called your wife from one of her ---

8 A I -- yeah.

9 Q --- cell phones?

10 A I called my wife from her cell phone.

11 Q Okay.

12 A Twice -- three times and told her that I did something
13 messed up; I got caught cheating; I cheated on you. And
14 she hang up my face three times, and I -- and I kept
15 calling ---

16 Q Uh-huh.

17 A --- off her ---

18 Q Then ---

19 A --- cell phone.

20 Q And then you threw those phones in the woods; is that
21 correct?

22 A Well ---

23 Q You got rid of the phones?

24 A I got rid of one.

25 Q Okay. So when you say your attorneys would answer

CROSS-EXAMINATION BY MR. MITCHELL - ROOSEVELT REAVES 21

1 some of your questions by they don't know what's going to
2 happen, that doesn't reflect on there whether they were
3 prepared or not, does it? I mean, they can't predict
4 whether they're going to win. But they can tell you what
5 they were going to do about presenting their case, correct?

6 A No. Yeah. But it was -- it was mostly rushed. I
7 mean, I don't think that they even knew. Because it was --
8 it was quick. They got the case in a month, and I was at
9 the end of the month, in April.

10 Q Uh-huh.

11 A I was in court. So ain't no way you can catch up that
12 quick. And, I mean, that -- that's a serious case. This
13 is -- is -- this was almost a -- a -- a -- a -- a serious
14 case, just like a murder case. So, I mean, this not a
15 nothing rush. This a man life with kids going to jail. So
16 I would think that it would take more time than a month or
17 be in court -- trial.

18 Q But like you said, it was kind of a he-said/she-said,
19 whoever the jury believed, they'd probably either convict
20 or not convict, right?

21 A Yes.

22 Q You had -- you said you didn't discuss the evidence
23 with your attorneys? You never talked about the DNA?

24 A DNA -- I mean, I -- like I was telling ---

25 Q Well, you -- you ---

CROSS-EXAMINATION BY MR. MITCHELL - ROOSEVELT REAVES 22

1 A --- listen ---

2 Q --- you knew the statement that she had given that had
3 implicated you?

4 A Yes.

5 Q Okay.

6 A Yes, sir.

7 Q And you knew that when you gave a DNA sample, that it
8 matched ---

9 A Yeah.

10 Q Because -- and you've admitted that?

11 A I told them. Yeah. I didn't -- I tell them -- I
12 didn't -- I didn't break in no house.

13 Q Right.

14 A But the -- the -- the -- the investigator vouch for
15 that. Mr. Woods ---

16 Q Uh-huh.

17 A --- experience that were expert investigator, saying I
18 -- I don't think he got in the house or I don't know how he
19 got in the house. So it -- it's -- but now it was a key.
20 It changed it from a key to sneaking in or getting in. I
21 mean ---

22 Q And that was brought out in trial ---

23 A Yeah. One ---

24 Q --- right?

25 A --- minute ---

CROSS-EXAMINATION BY MR. MITCHELL - ROOSEVELT REAVES 23

1 Q Your ---

2 A One minute was the key -- I had the key to get in; one
3 minute I worked there; one minute -- I only been my sister
4 house one time.

5 Q Uh-huh.

6 A And I met Ms. Morrow one time. And then ---

7 Q That ---

8 A --- that when ---

9 Q --- day?

10 A --- she -- that day we -- and we proceed -- talked her
11 up; talked her good. And then it happened.

12 Q No further questions. Thank you.

13 MR. WALLER: No redirect, Your Honor.

14 THE COURT: All right. Thank you, sir. You may step
15 down.

16 THE WITNESS: Thank you, Your Honor.

17 (Whereupon, the witness exited the witness stand.)

18 MR. WALLER: Your Honor, applicant has one other
19 witness who we previously addressed is not present. I
20 believe that we've agreed to leave the record open to come
21 back in front of you, I believe ---

22 THE COURT: Okay.

23 MR. WALLER: --- next month in Lexington. So pending
24 that, the applicant rests for purposes of today.

25 THE COURT: And that's David Alexander?

DIRECT EXAMINATION BY MR. MITCHELL - CHARLES COCHRAN 24

1 MR. WALLER: Yes, sir, Your Honor.

2 THE COURT: All right.

3 MR. MITCHELL: And the -- the state consents to that.

4 THE COURT: All right. And the state have anything
5 they wish to present?

6 MR. MITCHELL: Yes, sir. The state -- the state calls
7 Charlie Cochran.

8 (Whereupon, the witness came forward.)

9 CHARLES COCHRAN, having been first duly sworn,
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MR. MITCHELL:

13 Q Hi, Mr. Cochran. How you doing?

14 A Hey. How's it going?

15 Q All right. How long have you been practicing law?

16 A Since November of 2008.

17 Q Okay. And where are you currently employed?

18 A The Charleston County Public Defender's Office.

19 Q All right. Thank you for driving up today for the
20 hearing.

21 A Sure.

22 Q Where were you previously employed?

23 A Richland County Public Defender's Office.

24 Q Okay. And how did you become involved in Mr. Reaves's
25 case?

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1 A Mr. Cooper was the lead counsel on the case and had
2 asked me to be second chair sometime before trial.

3 Q Have you tried cases with Mr. Cooper before this?

4 A I don't -- I think this was the first time we tried a
5 case together.

6 Q Okay. Did you review the discovery materials and the
7 evidence with Mr. Reaves?

8 A Yes.

9 Q And what did that entail? What -- what was the state
10 -- what were the stronger parts of the state's case?

11 A The biggest parts of the state's case were, first, the
12 DNA, which our defense was consent. But that's, you know,
13 still a big piece of evidence, in terms of leading to the
14 arrest. There was also a 911 call. And it was -- it was a
15 911 call that was made immediately after they had
16 apparently had sex and where the victim called 911, said
17 she had just been raped, and actually -- worse than that, I
18 considered -- was that prior to anything happening to her
19 or her having sex with anybody, she had called 911 to
20 report that she thought somebody was prowling out in her
21 yard and ended up discontinuing the 911 call because she
22 thought maybe she had just heard something. And then about
23 -- whatever it was -- 30/45 minutes later, she called 911
24 again and said she had just been raped.

25 So those two things taken together, plus cell phones

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1 having been taken, would've been one of the stronger points
2 that they made and the vaginal trauma.

3 Q It was kind of the state's position that he was
4 lurking outside of her apartment and then decided to break
5 in and rape her; is that ---

6 A That ---

7 Q --- what they argued?

8 A That is -- that was their accusation. Yes.

9 Q Did Mr. Reaves's -- did his characterization of the
10 facts -- was that -- was it pretty similar to the state's
11 case?

12 A Yeah. I mean, well, he -- his characterization was
13 that they had met prior and that he went to her house and
14 they had consensual sex. So that negated the DNA evidence.
15 But they still used vaginal trauma and -- and these 911
16 calls against him.

17 Q Okay. Okay. Now, speaking of the vaginal trauma,
18 there were -- the state sought to introduce pictures that
19 the sexual cert -- sexual assert -- sexual assault nurse
20 examiner took ---

21 A Yes.

22 Q --- is that correct?

23 A Yes.

24 Q Okay. And that would've been, I guess, Exhibits 17
25 through 22, I believe? Do you recall that?

1 A Yes.

2 Q Okay. That is -- so did you object when those photos
3 were introduced or ---

4 A Yes.

5 Q --- attempted to be introduced?

6 A I've reviewed the transcript. It looked like the
7 solicitor wanted to introduce them as a batch. And I
8 objected then to them being introduced as a batch. And the
9 -- they were published to the jury on an overhead-projector
10 screen.

11 Q Did you try to make this motion pretrial?

12 A Yes. I believe we did move to suppress them.

13 Q Okay. So you moved to suppress the six or seven --
14 six -- seven photos pretrial as a suppression motion? What
15 was the judge's decision on that, if you ---

16 A The ---

17 Q --- recall?

18 A --- the pretrial ---

19 Q Yes.

20 A --- decision ---

21 Q Pretrial.

22 A --- was that it would -- was -- would be better to
23 object to them during the trial than make his ruling, I
24 believe.

25 Q Okay.

DIRECT EXAMINATION BY MR. MITCHELL - CHARLES COCHRAN 28

1 A And I believe that's what we did.

2 Q Somewhat of a motion in limine almost?

3 A Yes.

4 Q Okay. So then the state sought to introduce these
5 pictures through Ms. Hart, who was the SANE nurse; is that
6 right?

7 A That's right.

8 Q Is that correct?

9 A Yeah.

10 Q And you objected on what grounds at this point?

11 A We objected that they would be more prejudicial than
12 probative, I believe, was the -- the grounds of our
13 objection. There was case law that -- that supported that
14 objection that photographs that would be -- that would
15 shock the conscience of the jury and -- and incite passion
16 should be held out.

17 Q So these are pictures of the victim's injuries ---

18 A Yeah.

19 Q --- that -- how big were the pictures?

20 A Well, they were enlarged for trial. They're --
21 they're what's referred to as colposcope pictures, which is
22 the camera that's basically placed in the vagina, is my
23 understanding. And it depicts -- it -- there's -- there
24 were some pictures of -- of the flesh as it was. And then,
25 there were more pictures of a blue dye that -- that they

DIRECT EXAMINATION BY MR. MITCHELL - CHARLES COCHRAN 29

1 use to sort of enhance the -- the visual on those -- on
2 those injuries.

3 And I believe both sets were admitted with the -- with
4 and without the dye. The pictures were enlarged and put on
5 a screen. There was a screen wheeled in front of the jury.
6 And they were published in that way. And it -- to my
7 recollection, they were very enlarged for trial.

8 Q Okay. The state had kind of just blown them up and
9 said, "Here, this is" ---

10 A Yeah.

11 Q --- "how bad the injuries were" ---

12 A Yes.

13 Q --- on a screen?

14 And that's -- that was the basis for your 403
15 objection; is that correct?

16 A Yes.

17 Q Okay. Did you have any objections to Ms. Hart's
18 further testimony?

19 A It -- yeah. I -- reading through the transcript, I
20 ---

21 Q Uh-huh.

22 A --- did see objections to her testimony in terms of
23 basically relaying the rape-trauma narrative that the
24 victim had given her. And the basis for my objection was
25 certain -- she's allowed to -- under an exception to the

DIRECT EXAMINATION BY MR. MITCHELL - CHARLES COCHRAN 30

1 hearsay rule, she's allowed to give hearsay statements made
2 by the victim, but limited to time and place. And in my
3 opinion, the state was seeking to get testimony that went
4 way outside time and place. And we objected under that
5 rule, which I believe is 401(b). And that objection was
6 overruled.

7 Q So the judge overruled that as well and allowed her to
8 testify to what the victim's statements were during her
9 examination?

10 A Yes.

11 Q Is that correct?

12 A Yes.

13 Q Okay.

14 A To my recollection she -- she was allowed to testify
15 to how the assault occurred, how -- what the victim told
16 her was how the assault occurred, which my objection was
17 that that's not admissible -- that that doesn't fit under
18 the exception of time and place narrative.

19 Q And what -- what was your advice to Mr. Reaves -- or
20 you and Mr. Cooper and Mr. Newton's advise to Mr. Reaves as
21 to whether he should testify in his defense?

22 A Well, I can't remember the specific conversation. But
23 my typical practice in a case like this would be to tell
24 them that there are two things that the defendant has
25 absolute say over. And that's whether or not they want to

DIRECT EXAMINATION BY MR. MITCHELL - CHARLES COCHRAN 31

1 plead guilty or go to trial and whether or not they want to
2 take the stand in their own defense.

3 From what I recall, we didn't have to have much of a
4 discussion about that, because Mr. Reaves adamantly wanted
5 to take the stand. And we would not have tried to persuade
6 him to do otherwise and in a case like this.

7 Q Did that -- did that go with your defense strategy --
8 your overall strategy of the case?

9 A Yeah. I mean, the -- the defense was consent. So him
10 getting up, swearing on a bible, and saying it was
11 consensual was not bad for our case. There -- there wasn't
12 much else for them to cross-examine him on, so . . .

13 Q Mr. Reaves talked about the quick time frame of how
14 the trial was called. What -- what was your thoughts on
15 whether you had adequate time to prepare for the trial?

16 A I remember that we -- I remember being fully prepared
17 for the case. Now, it did happen quickly. Ms. Walker had
18 the case, I believe for the bulk of Mr. Reaves' pretrial
19 detention, just like you said. And this was, looks like,
20 mid-April 2011.

21 And I believe December/January of that year, our
22 office had a mass shift in how it assigned cases. And Mr.
23 Cooper and I were put on a team, which we had not in the
24 past had that system. We were put on a team that was going
25 to be handling CSC cases. And all the CSC cases that were

DIRECT EXAMINATION BY MR. MITCHELL - CHARLES COCHRAN 32

1 handled by other attorneys were transferred to us. And Mr.
2 Reaves' case was one of those. That's why it was
3 transferred from Ms. Walker to -- to Mr. Cooper.

4 And that would've been in probably December or
5 January. So this was relatively quick for this thing to
6 get called to trial after he got the case.

7 Q Did you feel Mr. Cooper was ready to try the case?

8 A Yes.

9 Q Okay.

10 MR. MITCHELL: One second, Your Honor.

11 (Off the record briefly.)

12 A And I don't believe we requested a continuance.

13 Q Okay.

14 A And given the -- given the scenario of how our cases
15 had been reassigned, if we hadn't been prepared, we
16 would've moved for a continuance.

17 Q Okay. Was there any reason that a quick turnaround
18 would've benefitted your case? Did it work to your
19 advantage at all to have it tried quickly or did it just
20 turn out that way?

21 A It just turned out that way.

22 Q Okay. No further questions. Please answer any
23 questions Mr. Waller has. Thank you.

24 THE COURT: Cross-examination, Mr. Waller.

25 MR. WALLER: Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. WALLER:

3 Q Mr. Cochran, when did you get involved in this case?

4 And I apologize. A lot of these questions, I believe, have
5 already been asked, but just to -- so I can get straight in
6 my mind.7 A It would've been after Mr. Cooper would've gotten the
8 case. My guess would be December/January, somewhere around
9 there. And typically, we -- he would've asked somebody to
10 be a second chair once it got put on the trial docket. I'm
11 guessing that this case was on the long-term trial docket.
12 So it may have already been on a docket when he got the
13 case.14 He may have immediately asked me. I don't remember.
15 I don't disagree with Mr. Reaves, though, that I -- if I
16 was present for more than one jail visit, I would've been
17 on the case for at least a month, probably.18 Q Okay. And you -- in preparation for the hearing here
19 today, you reviewed the transcript?

20 A Yes.

21 Q Okay. Do you have a copy up there with you?

22 A I do.

23 Q Okay. Great. Now, I want to talk about those
24 pictures again.

25 A Okay.

1 Q Can you -- I believe you already did slightly. But
2 can you describe the two different types of pictures that
3 were grouped together?

4 A Right. The were -- they were colposcope pictures.
5 They're digital photographs of vaginal trauma. So they
6 were not from the outside, but from the inside of -- and
7 they're photographs of the vaginal walls. Some of them
8 were just the vagina as it appeared. And some were -- to
9 the naked eye. And some were enhanced with a blue dye
10 that's put on the skin and sort of shows you where the --
11 in this case there were lacerations, which was a point that
12 the prosecution was making.

13 Q And was there a -- a pretty significant difference in
14 the -- the pictures that were enhanced and the ones that
15 weren't? I mean, could you tell?

16 A Yeah. You could definitely tell. They were all
17 extremely graphic.

18 Q Okay. And how big, if you -- if there's something you
19 can ---

20 A It -- they were on a -- from what I recall, it was a
21 -- like, a projector -- a slide projector. And it was one
22 of those screens that you pull down. So it was -- they
23 were big.

24 Q Okay. So 4 or 5 feet across?

25 A Yeah. I would say so.

1 Q Okay. And they were already blown up?

2 A Yes.

3 Q Okay. You made a pretrial motion to exclude those
4 pictures -- all of the pictures ---

5 A Yes.

6 Q --- as a whole?

7 A (Nodded head up and down.)

8 Q Okay. And the judge ruled that it wasn't a pretrial
9 issue; that it needed to be taken up when they were offered
10 into evidence?

11 A Right.

12 Q Okay. And you made your pretrial motion under Rule
13 403, that they were unduly prejudicial and were sought to
14 inflame the passions of the jury?

15 A Right.

16 Q Okay. And that was as a group?

17 A Correct.

18 Q Okay. What was the trial strategy behind making your
19 motion based on Rule 403?

20 A The strategy behind objecting to them based on them
21 being prejudicial?

22 Q Yeah. Why did you choose Rule 403?

23 A Well, I thought that they did fall under that rule.
24 And I felt that they were as graphic as -- as what the
25 South Carolina Supreme Court had kept out in previous

1 cases. That was -- that was the basis ---

2 Q Okay.

3 A --- of why we thought they were inadmissible, so ---

4 Q Okay. Skim forward and -- and if you can kind of
5 follow along with me.

6 A Yeah.

7 MR. WALLER: And, Your Honor, do you have a copy of
8 the transcript as well?

9 THE COURT: I do.

10 MR. WALLER: Okay.

11 Q If you -- Mr. Cochran, if you would turn to page 289.

12 A Yes.

13 Q You -- the -- this is when they're -- they're offered
14 again as an in-camera. You object again, again as a group,
15 based on a 403 analysis?

16 A Right.

17 Q Okay. Then, on -- there -- there's some discussion.
18 And on page 295 the judge allows those pictures based on a
19 Rule 403 analysis, in part because they are used to rebut
20 the defense position that it's consensual; is that correct?

21 A Yes, I believe so.

22 Q Okay.

23 A Yes.

24 Q If you would turn to page 306. I apologize for
25 bouncing around.

- 1 A Uh-huh.
- 2 Q Ms. Hart -- Temple Hart, the nurse examiner, talks
3 about a blue dye that's used to enhance abrasions; is ---
- 4 A Yes.
- 5 Q --- that correct?
- 6 A Yes.
- 7 Q And on page 311 those pictures are offered into
8 evidence in the presence of the jury?
- 9 A Right.
- 10 Q Okay. And you -- you object?
- 11 A Yes.
- 12 Q Okay. The judge admits them over -- over your
13 objection -- is that correct? -- as a group?
- 14 A Right.
- 15 Q Okay. How many of the pictures that you recall
16 contained this blue dye?
- 17 A I don't recall.
- 18 Q Okay. If you would, turn to page 313.
- 19 A Uh-huh.
- 20 Q Well, let me ask -- let me ask you this: Was it more
21 than one?
- 22 A I believe it was more than one.
- 23 Q Okay. Was it maybe half?
- 24 A Yeah. If there were -- looks like there were five
25 pictures total, 17 through 22.

1 Q I believe that's six.

2 A Six -- 17 through 22, and from what I remember, it was
3 like half and half.

4 Q Okay. If you would turn to page 313.

5 A Uh-huh.

6 Q Ms. Hart -- there's a question about Exhibit 20. So
7 at least State's Exhibit 20 contained that dye; is that
8 correct?

9 A Yes. Looks like it.

10 Q Okay. Now, beginning at the bottom of that page and
11 -- and continuing for over another page, there's
12 explanation of that dye; is that your recollection?

13 A Yes.

14 Q Okay. And then, on page 318 there's a -- a reference
15 to a picture that doesn't contain the dye?

16 A Right.

17 Q Okay. Did you feel that the pictures that contained
18 the dye were accurate as to the -- the injuries of the
19 victim as allegedly caused by the defendant?

20 A Do I believe the pictures were accurate?

21 Q Were -- were they an accurate depiction of -- of a
22 person looking at the injuries?

23 A Yeah. I would say so.

24 Q Okay. Were they -- did you feel the enhanced ones
25 made it -- made the lacerations stand out more?

1 A That, I don't necessarily recall. I -- yeah. I mean,
2 I believe so.

3 Q Was it more -- was it easier to see the -- the
4 lacerations on the ones that had the dye or the ones that
5 did not have the dye?

6 A I believe it's easier to see with the ones that have
7 the dye. It's kind of hard to describe. The -- they were
8 all bad in that you could see the lacerations without the
9 blue dye.

10 Q Okay.

11 A It -- they're -- the only way I can put it is there
12 was something more disturbing about the pictures with the
13 blue dye.

14 Q Okay. What was the trial strategy behind objecting to
15 the pictures a whole -- as a whole and -- and not doing so
16 to just the pictures that contained the dye?

17 A I thought they were all equally objectionable. I --
18 at the time I don't think I felt that the blue dye made the
19 other ones more objectionable or less objectionable.

20 Q Okay. And if you could back up just a little bit to
21 page 300.

22 A Uh-huh.

23 Q And at the very bottom of that page, the solicitor
24 asked Ms. Hart about some of the -- some of the details
25 that the alleged victim gave of the assault.