

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

SEP 21 2016

APPEAL FROM LANCASTER COUNTY
R. Knox McMahon, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2014-000594

The State, ...Respondent,

v.

Devatee Tymar Clinton, ...Petitioner.

**APPENDIX
VOLUME I**

Chad N. Johnston
WILLOUGHBY & HOEFER, P.A.
Post Office Box 8416
Columbia, South Carolina 29202-8416
(803) 252-3300

Robert M. Dudek
Chief Appellate Defender
**SOUTH CAROLINA COMMISSION
ON INDIGENT DEFENSE**
1330 Lady Street, Suite 401
Columbia, South Carolina 29201
(803) 734-1330

Attorneys for Petitioner

Alan Wilson
John W. McIntosh
Donald J. Zelenka
William E. Salter, III
**OFFICE OF THE
ATTORNEY GENERAL**
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

Randy E. Newman, Jr.
**SOLICITOR
SIXTH JUDICIAL CIRCUIT**
Post Office Box 607
Lancaster, South Carolina 29721
(803) 416-9367

Attorneys for Respondent

INDEX

Court of Appeals Unpublished Opinion No. 2016-UP-206	5
Order Denying Petition for Rehearing	8
Order Granting Extension of Time to File Petition for Rehearing	10
Petition for Rehearing	11
(Materials from the Record on Appeal)	
Trial Transcript – dated March 10-14, 2014	32
Motion <i>in Limine</i> Hearing on Child’s Statements	42
Witness David Belk	
Direct.....	65
Cross (Defendant’s Counsel)	76
Cross (Co-Defendant’s Counsel)	80
Redirect	83
Witness Richard Weiss	
Direct.....	84
Cross (Defendant’s Counsel)	89
Witness Shakela Montgomery	
Direct.....	94
Cross (Defendant’s Counsel)	98
Cross (Co-Defendant’s Counsel)	101
Witness Mike Morris	
Direct.....	104
Cross (Defendant’s Counsel)	114
Cross (Co-Defendant’s Counsel)	115
Redirect	116
Witness Dominique Davis	
Direct.....	117
Cross (Defendant’s Counsel)	125
Cross (Co-Defendant’s Counsel)	129
Witness Jamal Twitty	
Direct.....	130
Cross (Defendant’s Counsel)	138

Cross (Co-Defendant's Counsel)	142
Witness Temeca Nelson	
Direct.....	144
Cross (Defendant's Counsel)	148
Witness Clark Crump (<i>In Camera</i>)	
Direct.....	154
Witness Janice Ross	
Direct.....	157
Cross (Defendant's Counsel)	169
Witness Pomp Blackmon	
Direct.....	170
Cross (Defendant's Counsel)	189
Witness Christine Rogers	
Direct.....	192
Cross (Co-Defendant's Counsel)	216
Redirect	222
Witness Jeff Steel	
Direct.....	224
Cross (Defendant's Counsel)	233
Witness Ken Taylor	
Direct.....	236
Cross (Defendant's Counsel)	275
Cross (Co-Defendant's Counsel)	298
Redirect	317
Re-Cross (Defendant's Counsel)	318
Re-Cross (Co-Defendant's Counsel)	318
Witness Frederick Thompson	
Direct.....	319
Cross (Defendant's Counsel)	333
Cross (Co-Defendant's Counsel)	336
Witness Stephanie Staley	
Direct.....	341
Cross (Defendant's Counsel)	353
Cross (Co-Defendant's Counsel)	356
Witness MaryAnn Boehm	
Direct.....	362

Cross (Defendant's Counsel)	386
Cross (Co-Defendant's Counsel)	392
Witness Yeisha Tinsley	
Direct.....	394
Cross (Defendant's Counsel)	408
Witness Suzanne Cromer	
Direct.....	411
Cross (Defendant's Counsel)	423
Cross (Co-Defendant's Counsel)	428
Witness Wayne Blakeney	
Direct.....	430
Cross (Defendant's Counsel)	463
Cross (Co-Defendant's Counsel)	477
Witness Fred Thompson	
Direct.....	483
Cross (Defendant's Counsel)	511
Cross (Co-Defendant's Counsel)	518
Witness Michael Greene	
Direct.....	520
Cross (Defendant's Counsel)	528
Cross (Co-Defendant's Counsel)	530
Defendant's Motion for Directed Verdict.....	536
Co-Defendant's Motion for Directed Verdict.....	536
Renewal of Defendant's Motion for Directed Verdict	558
Renewal of Co-Defendant's Motion for Directed Verdict	558
Closing Argument of the State.....	569
Closing Argument of Defendant.....	606
Closing Argument of Co-Defendant.....	634
Charges	656
Verdict of the Jury	678
Sentence	701
Charges – Court's Exhibit #8.....	704
Indictment – dated June 7, 2012	711
Indictment – dated March 6, 2014	713
Sentence Sheet – dated March 14, 2014	715

State Trial Exhibit 59	716
State Trial Exhibit 60	718
Notice of Appeal – dated March 18, 2014	733
Certificate of Appellant.....	737

(Briefs Filed in the Court of Appeals)

Final Brief of the Appellant	738
Final Brief of the Respondent	779
Final Reply Brief of the Appellant.....	834

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Devatee Tymar Clinton, Appellant.

Appellate Case No. 2014-000594

Appeal From Lancaster County
R. Knox McMahon, Circuit Court Judge

Unpublished Opinion No. 2016-UP-206
Heard April 12, 2016 – Filed May 11, 2016

AFFIRMED

Chad Nicholas Johnston, of Willoughby & Hoefer, PA,
and Chief Appellate Defender Robert Michael Dudek,
both of Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Chief Deputy
Attorney General John W. McIntosh, Senior Assistant
Deputy Attorney General Donald J. Zelenka, Senior
Assistant Attorney General W. Edgar Salter, III, all of
Columbia; and Solicitor Randy E. Newman, Jr., of
Lancaster, for Respondent.

PER CURIAM: Devatee Clinton appeals his conviction for murder, arguing the trial court erred in (1) failing to find statements were admissible pursuant to the excited utterance or present sense impression exceptions to the hearsay rule and (2) denying his motion for a directed verdict. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the trial court erred in failing to admit hearsay statements: *State v. Atieh*, 397 S.C. 641, 646, 725 S.E.2d 730, 733 (Ct. App. 2012) ("A ruling in limine is not final; unless an objection is made at the time the evidence is offered and a final ruling procured, the issue is not preserved for review."); *State v. Hicks*, 330 S.C. 207, 216, 499 S.E.2d 209, 214 (1998) (holding matters not raised to or ruled upon by the trial court are not preserved for appellate review); *State v. Rogers*, 361 S.C. 178, 183, 603 S.E.2d 910, 912-13 (Ct. App. 2004) ("There are four basic requirements to preserving issues at trial for appellate review. The issue must have been (1) raised to and ruled upon by the trial court, (2) raised by the appellant, (3) raised in a timely manner, and (4) raised to the trial court with sufficient specificity." (quoting Jean Hoefer Toal et al., *Appellate Practice in South Carolina* 57 (2d ed. 2002))); *State v. Howard*, 384 S.C. 212, 219, 682 S.E.2d 42, 46 (Ct. App. 2009) (finding an exclusion of evidence issue unpreserved where the State objected to testimony, the trial court sustained the objection and asked the jurors to disregard the testimony, and the appellant made no objections or arguments regarding the trial court's instruction to the jury to disregard the testimony); *State v. Stokes*, 339 S.C. 154, 163, 528 S.E.2d 430, 434 (Ct. App. 2000) (holding an issue regarding exclusion of evidence was unpreserved, stating "the record reflects that this issue was only raised and ruled on *in limine*. Stokes never raised the issue again at any time during the trial. Merely raising an argument *in limine* does not preserve the issue for appellate review"); *State v. Simmons*, 360 S.C. 33, 45-46, 599 S.E.2d 448, 454 (2004) (finding an issue unpreserved where the State objected to a witness's testimony, the objection was sustained, and the defendant failed to raise his argument regarding the trial court's exclusion of the testimony or proffer what that witness's testimony would have been had the witness been allowed to continue testifying).

2. As to whether the trial court erred in failing to grant a directed verdict: *State v. Phillips*, Op. No. 27607 (S.C. Sup. Ct. refiled Apr. 20, 2016) (Shearouse Adv. Sh. No. 16 at 20, 24) ("In reviewing a motion for directed verdict, the trial court is concerned with the existence of evidence, not with its weight."); *id.* at 25 ("When the evidence presented merely raises a suspicion of the accused's guilt, the trial

court should not refuse to grant the directed verdict motion."); *id.* ("However, the trial court must submit the case to the jury if there is 'any substantial evidence which reasonably tends to prove the guilt of the accused, or from which his guilt may be fairly and logically deduced.'" (quoting *State v. Mitchell*, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000))); *id.* at 46 (stating that when ruling on a motion for a directed verdict, the trial court must view the evidence in the light most favorable to the State); *State v. Larmand*, 415 S.C. 23, 32, 780 S.E.2d 892, 896 (2015), *reh'g granted*, (Dec. 23, 2015), *reh'g denied*, (Feb. 11, 2016) ("[O]ur duty is not to weigh the plausibility of the parties' competing explanations. Rather, we must assess whether, in the light most favorable to the State, there was substantial circumstantial evidence from which the jury could infer [the defendant]'s guilt."); *State v. Bennett*, 415 S.C. 232, 237, 781 S.E.2d 352, 354 (2016) ("Therefore, although the *jury* must consider alternative hypotheses, the *court* must concern itself solely with the existence or non-existence of evidence from which a jury could reasonably infer guilt. This objective test is founded upon reasonableness. Accordingly, in ruling on a directed verdict motion where the State relies on circumstantial evidence, the court must determine whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt."); *State v. Pearson*, Op. No. 27612 (S.C. Sup. Ct. filed Mar. 23, 2016) (Shearouse Adv. Sh. No. 12 at 13, 23) (reversing this court's reversal of the denial of a directed motion, finding this court "weighed the evidence and erroneously required the State, at the directed verdict stage, to present evidence sufficient to exclude *every* other hypothesis of [the defendant]'s guilt").

AFFIRMED.

HUFF, A.C.J., and KONDUROS and GEATHERS, JJ., concur.

The South Carolina Court of Appeals

The State, Respondent,

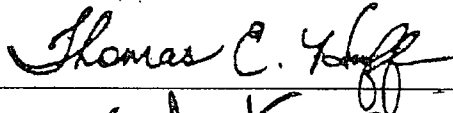
v.

Devatee Tymar Clinton, Appellant.

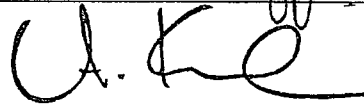
Appellate Case No. 2014-000594

ORDER

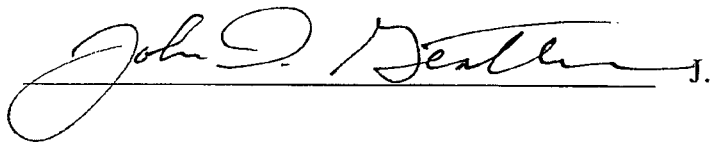
After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



J.



Columbia, South Carolina

FILED

August 22, 2016

cc: Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Donald J. Zelenka, Esquire
Chad Nicholas Johnston, Esquire
W. Edgar Salter, III, Esquire
John W. McIntosh, Esquire

Randy E. Newman, Jr., Esquire

The South Carolina Court of Appeals

The State, Respondent,

v.

Devatee Tymar Clinton, Appellant.

Appellate Case No. 2014-000594

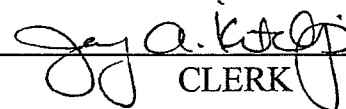
The Honorable R. Knox McMahon
Lancaster County
Trial Court Case No. 2012GS2900616

ORDER

The Court has received the Appellant's motion for an extension of time to serve and file a petition for rehearing in the above mentioned appeal. This motion is Granted. The petition for rehearing is due to be served and filed by June 27, 2016.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

cc:

Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Donald J. Zelenka, Esquire
Chad Nicholas Johnston, Esquire
W. Edgar Salter, III, Esquire
John W. McIntosh, Esquire
Randy E. Newman, Jr., Esquire

FILED

MAY 31, 2016

RECEIVED

JUN 02 2016

Willoughby & Appel PA

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM LANCASTER COUNTY
R. Knox McMahon, Circuit Court Judge

JUN 27 2016

SC Court of Appeals

Appellate Case No. 2014-000594

The State, ... Respondent,

v.

Devatee Tymar Clinton, ... Appellant.

APPELLANT'S PETITION FOR REHEARING

Pursuant to Rules 221 and 240 of the South Carolina Appellate Court Rules (SCACR), Appellant Devatee Tymar Clinton hereby files this petition for rehearing. The Court issued its decision, Unpublished Opinion No. 2016-UP-206 (Shearouse Adv. Sh. No. 19) on May 11, 2016. On May 31, 2016, the Court granted Clinton's motion for an extension of time to file a petition for rehearing until June 27, 2016. Accordingly, this petition is timely under Rule 221(a), SCACR.

Clinton resubmits the arguments from his briefs on the merits of the issues raised in this appeal as if stated verbatim herein, which arguments were not addressed in the Court's Rule 220, unpublished opinion, and additionally submits the following issues that the Court may have overlooked or misapprehended in reaching its decision:

I. The Court misapprehends and therefore conflates the general rules regarding renewal and sufficiency of an objection following a motion *in limine* hearing with the adequacy of a proffer of testimony.

In finding Clinton's arguments regarding the trial court's erroneous exclusion of certain hearsay statements at trial is unpreserved for appellate review, the Panel misapprehended and misconstrued the issue of the adequacy of a proffer of testimony, instead substituting the standard for the adequacy of a renewed objection to testimony in its place. This misapprehension caused the Panel to misapply the Court's preservation standards to a situation and context where preservation has no application. In doing so, the Panel overlooked Clinton's proffer of the disputed hearsay statements, the State's indisputable objection to those statements, and, most importantly, the trial court's explicit ruling that improperly excluded those statements. **(R. pp. 258-59).** With a clear and unmistakable ruling on the admissibility of the testimony in question, Clinton's challenge to the trial court's exclusion of the testimony is preserved and the Panel's preservation holding is a solution begging for a problem that does not exist.

The Panel's conclusion regarding preservation suggests that the Court overlooked the manner in which the hearsay statements of the victim's oldest child were presented to the trial court below. This issue was first raised to the trial court through the State's motion *in limine*, prior to opening statements, seeking to exclude the recounting of these statements through the testimony of the officers and first responders to whom these statements¹ were made. **(R. pp. 14-36).** During this pre-trial discussion, the

¹ To briefly remind the Court, police and investigators arrived on the scene of the mobile home community within minutes of the call to 9-1-1 by Victim's neighbors. **(R. pp. 14-31; 256-59).** Neighbors were notified of the situation by Victim's oldest son, who was four-years-old at the time, when he went to a neighbor's home to ask for help. **(R. pp. 19; 23).** Thereafter, in the presence of officers and first responders, and on multiple

statements—and the circumstances in which they were made—were described in detail.²

Id. After explaining the content and the context of the statements, the State objected to Clinton’s counsel eliciting this testimony from officers and first responders on the grounds of hearsay. (R. pp. 14-15). Ultimately, the trial court denied the State’s motion and correctly ruled that the child’s statements were admissible. (R. pp. 35-36).

This is perhaps a good place pause and point out a key factor that is present in this case that may have contributed to the Court’s misapprehension of the preservation issue, which is that the situation posed by this appeal is atypical. In vast majority of criminal trials, the State is the proponent of incriminating hearsay statements that implicate the Defendant. In those cases, the Defendant is the party moving *in limine* to exclude the admittance of the hearsay statements. Further, more often than not, the objections to the statements by the Defendant are overruled by the trial court, which preliminarily allows the hearsay statements to be introduced later at trial. In those circumstances, in order to preserve the Defendant’s objection to the admittance of the hearsay statements, our appellate court case law has consistently held that the Defendant must lodge a contemporaneous and adequate objection to the statements when they are proffered

occasions, the oldest child spontaneously exclaims: “Shi’s Daddy shot my Momma.” (R. pp. 14-15). Later, also to officers and first responders, the oldest child states: “Shortcake shot my Momma,” (R. p. 17), and also “Jamia’s Daddy hurt my Momma.” (R. p. 19).

² It was explained that Shi and Jamia are the same person. (R. pp. 17-19). It was also explained that Shi’s Daddy/Jamia’s Daddy goes by the nickname Shortcake, and Shortcake’s actual name is Rashad Johnson. The solicitor stated that “Your Honor, we did verify there is a child who goes by Shi, the nickname Shi ... And that child’s daddy is in fact Rashad Johnson.” (R. pp. 17-18). The trial court inquired: “Okay. And is Rashad Johnson known as Shortcake?” Id. To which the solicitor responded: “Yes, sir he is.” Id. Thus, substituting nicknames, the oldest child told officers and first responders on multiple occasions, within, at most, two hours of having been present inside the mobile home for his mother’s killing, that Rashad Johnson shot my Momma; Rashad Johnson hurt my Momma.

during the trial and in a manner that provides a reviewing appellate court with a sufficient record to determine the basis, or ground, for the objection. Again, typically the trial court does not reverse the decision it reached *in limine* without any explanation on the record.

This case is different. While not an anomaly, it is somewhat unique in the context of criminal law. Here, as the moving party, it was incumbent upon the State to renew its objection to the hearsay statements with adequate sufficiency. On this record, it cannot be fairly said that any further explanation of the content of the oldest child's statements was required to apprise the trial court, and now this Court, about the statements. See, e.g., Jamison v. Ford Motor Co., 373 S.C. 248, 260, 644 S.E.2d 755, 761 (Ct. App. 2007) (in finding that an argument as to excluded testimony was adequately proffered and preserved by reference to the discussion about that testimony that occurred during the *in limine* hearing, this Court held that “[i]t is well settled that a reviewing court may not consider error claimed in the exclusion of testimony unless the record on appeal shows fairly what the rejected testimony would have been ... [h]owever, **this rule regarding proffers has been relaxed where the appellate court is able determine from the record what the testimony was intended to show and that prejudice clearly exists.**”) (emphasis added) (internal citations omitted).³ The State was on notice as to the content of the statements, having presented the statements itself during its objection *in limine*. And the trial court was clearly not laboring under any misapprehension as to the content of the statements, having overseen an in-depth discussion *in limine* and then taking this

³ See also State v. Santiago, 370 S.C. 153, 163, 634 S.E.2d 23, 29 (Ct. App. 2006) (“Moreover, a proffer of testimony is required to preserve the issue of whether testimony was properly excluded by the trial judge, and an appellate court will not consider error alleged in the exclusion of testimony **unless the record on appeal shows fairly what the excluded testimony would have been.**”) (emphasis added).

specific issue under advisement—*overnight*—to consider case law precedent about the statements’ admission.

By holding that Clinton’s trial proffer of the hearsay statements was inadequate, the Panel has overlooked—or, more appropriately, chosen to ignore—the detailed discussion and proffer of the statements at the *in limine* stage. In doing so, it appears the panel has conflated the rule regarding renewal and adequacy of an objection following a motion *in limine* hearing, with the adequacy of a proffer of testimony that was presented during that same *in limine* hearing. That Panel’s misapprehension and subsequent conflation of those two concepts amounts to an error of law. The Panel’s opinion is alone in holding that an appellate court may not take into consideration the discussion of an issue during the *in limine* stage in its determination of the adequacy of a subsequent proffer. The reason there are no reported cases reaching that conclusion is that it is an incorrect statement of the law according to the contrary holdings of Jamison and Santiago, supra.

As will be discussed in more detail below, the cases cited by the Panel to support its preservation holding are also misplaced, because there is no indication that any of those records contain an in-depth introduction and discussion of the excluded testimony. Although the opinion is unpublished, the result reached by the Panel here is troubling, because, in addition to the fact that it reaches an incorrect result and negatively impacts Clinton’s defense, it also signifies a fundamental misapprehension of preservation concepts that could impact other, published case law going forward. The Panel’s misapprehension and disregard of the *in limine* discussion on these hearsay statements warrants rehearing and a discussion of the merits of this issue.

II. The case law cited by the Court is inapposite to the facts and procedural occurrences of this case, demonstrating a misapprehension by the Court of the arguments advanced by Clinton.

The Panel's misapprehension of the applicability of preservation rules to this case is further demonstrated by the three primary cases cited by the Court to support its conclusion that the oldest child's hearsay statements were unpreserved for appellate review. For example, the Court cites State v. Howard, 384 S.C. 212, 219, 682 S.E.2d 42, 46 (Ct. App. 2009) for the proposition that the "finding an exclusion of evidence issue unpreserved where the State objected to testimony, the trial court sustained the objection and asked the jurors to disregard the testimony, and the appellant made no objections or arguments regarding the trial court's instruction to the jury to disregard the testimony." But the facts and holdings Howard bear no correlation to the facts presented in this case.

Here, Clinton was the proponent of the oldest child's statements to first responders, and while the trial court sustained the State's renewed objection to admittance of the statements during the trial, the statements were never presented to the jury and therefore no instruction to the jury was required, much less made. The implication of the Court's citation to Howard is that Clinton was somehow required to "object" to the Court's ruling which sustained the State's objection to the proffered testimony. But such analysis is fundamentally flawed. Simply put, the concept of "objecting" to testimony has zero relevancy to the position advanced by Clinton as no corrective instruction was provided. Certainly Clinton, as the proponent of evidence, does not have an obligation to "object" to the Court's ruling on the State's initial objection. The Court's ruling constitutes a holding that preserves Clinton's argument on

appeal. Consequently, the Court's citation to Howard, as well as the explanatory parenthetical, demonstrates a clear misapprehension of the arguments by the Panel.

Similarly, the Court's citation to State v. Stokes, 339 S.C. 154, 163, 528 S.E.2d 430, 434 (Ct. App. 2000) is inapt. In Stokes, the Defendant sought to present impeachment evidence of a testifying expert.⁴ The trial court excluded the evidence at the *in limine* stage, and this Court found the appellant's argument on appeal unpreserved because he had not raised the issue again at any time during the trial. Id. The Court's citation to Stokes for this proposition overlooks three crucial occurrences in this case subsequent to the *in limine* stage. Unlike Stokes, Mr. Clinton's counsel proffered the oldest child's hearsay statements through the cross examination of Officer Ken Taylor by Clinton's counsel. (R. pp. 258-59). This point alone renders citation to Stokes inapposite. But even more surprising is the Court's complete disregard of the State's renewed objection to the admittance of the hearsay statements, and the trial court's ruling that the statement could not come in. (R. pp. 258-59) ("Solicitor: Objection. ... Trial Court: I will sustain the objection. You may ask your next question."). The Panel's holding that, notwithstanding the subsequent proffer, objection by the State, and ruling by the Court, the hearsay statements are unpreserved for appellate review, does nothing short of stand the concept of error preservation on its head. For these reasons, the Panel's citation to Stokes, as well as the explanatory parenthetical, demonstrates a further misapprehension of the arguments by the Panel.

⁴ The opinion is not clear on this point, but it can be presumed that the State moved to exclude this impeachment evidence; otherwise, it would not have been raised at the *in limine* stage of the trial.

Indeed, the Panel's application of error preservation principles to this situation begs the following questions: if the State was unaware of the content of the statements that Clinton's counsel was attempting to elicit from Officer Taylor, **what was the basis for the State's objection**? No explanation was provided by the solicitor, because it is patently obvious from the transcript which statements were being elicited. And the logical follow-up question would, of course, be: if the trial court was unaware of the content of the statements that Clinton's counsel was attempting to elicit, **on what basis did the trial court sustain the State's objection** (which likewise had no accompanying explanation)? The only logical response to both of these questions necessarily implies the adequacy of the proffer of the testimony which the Panel misapprehends and incorrectly criticizes in finding it unpreserved for appellate review.

Likewise, the Court's citation to State v. Simmons, 360 S.C. 33, 45-46, 599 S.E.2d 448, 454 (2004), also misses the mark and is easily distinguishable. In Simmons, the Supreme Court found the appellant's due process argument regarding certain excluded impact testimony was unpreserved. Id. The Supreme Court first noted that the due process issue was never raised at trial, but then also held that, because there was no proffer of the impact testimony made during the trial, there was no evidence on the record from which the Supreme Court could determine the content of the excluded testimony. Id.

But, as discussed above, the circumstances in Simmons are vastly different than the situation presented in this case. Upon the motion *in limine* of the State, the parties discussed—at length—both the content of the oldest child's statements and the context in which they were given. The record is clear and unambiguous on this point. Yet, the

import of the Panel's holding on preservation grounds is that Clinton was required to re-lay the entire foundation of the hearsay statements during the trial. Short of a request by the trial court that such an exposition take place again outside of the presence of the jury, no mechanism was available to trial counsel to do so. However no such request was made by the trial court and, as described above, the only reasonable inference to be drawn from the colloquy at trial, see infra, is that the trial court was fully apprised of the impending testimony.

Instead, our Supreme Court has observed that "it may be good practice for [appellate courts] to reach the merits of an issue when error preservation is doubtful." Atl. Coast Builders & Contractors, LLC v. Lewis, 398 S.C. 323, 330, 730 S.E.2d 282, 285 (2012). "[W]here the question of preservation is subject to multiple interpretations, any doubt should be resolved in favor of preservation." Id. at 333, 730 S.E.2d at 287 (Toal, C.J., concurring in part and dissenting in part). Moreover, the rules of appellate procedure should not be interpreted to create a trap for the unwary. Clark v. Aiken Cty. Gov't, 366 S.C. 102, 108, 620 S.E.2d 99, 102 (Ct. App. 2005) (citing Elam v. S.C. Dep't of Transp., 361 S.C. 9, 25, 602 S.E.2d 772, 780 (2004)).

Respectfully, the Panel has either overlooked the subsequent proffer by Mr. Clinton's counsel—and the trial court's unequivocal ruling thereon—or misapprehended the tenets of error preservation. Under either circumstance, rehearing is warranted and the merits of Mr. Clinton's arguments should be addressed.

III. The Court overlooks or misapprehends the fact that the preservation standard the Court imposes on Clinton's trial counsel in this case would violate Rule 18 of the South Carolina Rules of Criminal Procedure.

In addition to misapplying the preservation standard in this context, the Panel's opinion is also directly contradicted by the oft-forgotten Rule 18 of the South Carolina Rules of Criminal Procedure (SCRCrimP), which provides in pertinent part that:

- (a) Argument After Ruling. Counsel **shall not attempt to further argue** any matter after he has been heard **and the ruling of the court has been pronounced.**
- (b) Argument on Objection. **No argument shall be made on objections to admissibility of evidence** or conduct of trial **unless specifically requested by the court.**

(Emphasis added).

Each of the above-recited provisions of Rule 18, SCRCrimP expressly forbid making the very arguments that the Panel criticizes trial counsel for not making, in finding the hearsay argument unpreserved. For point of reference, the colloquy between Officer Taylor and Clinton's counsel in which the oldest child's statements were presented is included once more below:

- Q: Did you ever have any conversation with any of these children?
- A: Yes.
- Q: Which one?
- A: Oldest child.
- Q: Okay. Where did you have this conversation?
- A: In the EMS truck.
- Q: Do you recall about when you had this conversation? How long you had been on the scene?
- A: I had probably been there about maybe 20 minutes, 30 minutes. So it was probably shortly before midnight, maybe.
- Q: Do you recall the demeanor of this child?

A: He seemed – he didn't really seem too upset to a great extent. Kind of being entertained by EMS folks. They were trying to keep him and his sister and I guess the younger brother occupied to keep there [sic] mind off maybe their thoughts or whatever.

Q: Okay. Did you take a statement from any of these children?

A: No, I did not take a statement.

Q: Was anything told to you?

[SOLICITOR]: Objection.

MR. FRICK: I didn't ask what.

THE COURT: I will sustain the objection. You may ask your next question.

MR. FRICK: Thank you, Your Honor.

(R. pp. 258-59).

Of course, this colloquy must be placed in the context of the motion *in limine* argument prior to trial. **(R. pp. 14-36).** During that hearing, it is undeniable on this record that both the content of the child's statements, as well as the context in which they were made, was fully explored, discussed and debated. Therefore, it is indisputable that the trial court and the parties were fully apprised on the statements that Clinton's counsel attempted to elicit in the above colloquy.

Moreover, once the trial court sustained the State's objection, Clinton's counsel was not permitted to argue the point any further under the express prohibitions of Rule 18(a) and (b), SCRCrimP. Notwithstanding, the clear ruling of the trial court and Rule 18's restriction on further inquiry, this Court's opinion and preservation holding would impose an impossible requirement to achieve by conscientious trial counsel.⁵ Contrary to

⁵ See also State v. McDaniel, 320 S.C. 33, 37, 462 S.E.2d 882, 884 (Ct. App. 1995) (recognizing the well-settled rule that "[s]o long as the judge had an opportunity to rule on an issue, and did so, it was not incumbent upon defense counsel to harass the judge by parading the issue before him again") (international quotations omitted); State v.

the trial court's unequivocal direction to "ask your next question," the Panel's opinion would require counsel to both further argue its position (after the trial court had already ruled), as well as argue its position on an objection to the admissibility of evidence without a specific request of the trial court and over a specific direction to the contrary. Respectfully, that is an untenable position in which to put practitioners. Because the Court overlooked the application of Rule 18, SCRCrimP in its analysis of the adequacy of Clinton's proffer of the hearsay statements, the Panel should grant rehearing on this basis and address the merits of the arguments advanced by Clinton as to the trial court's exclusion of the hearsay statements.

IV. Because the Court overlooked or misapprehended the circumstances surrounding the proffer of the hearsay statements below, the Court erred in failing to address the merits of the arguments advanced by Clinton on appeal.

- a. The Court misapprehended the fact that the oldest child's statements qualified as both excited utterances and present sense impressions and should have been admitted at trial.

Because the Court disposed of the primary issue in this appeal on preservation grounds, the Court overlooked the merits of evidentiary issues raised by Clinton in this appeal. As stated above, rather than restate Clinton's arguments regarding the trial court's exclusion of the oldest child's statements to first responders in detail herein, Clinton incorporates by reference, as if stated verbatim herein, the arguments advanced in each of the briefs previously filed in this case. In summary, however, the Court's misapprehension of the application of the rules of preservation to Clinton's proffer of

Liberte, 336 S.C. 648, 652 n.1, 521 S.E.2d 744, 746 n.1 (Ct. App. 1999) (holding that once a trial judge has overruled an objection, there is no need to renew objections to preserve the issue for appeal).

these statements caused the Panel to overlook meritorious arguments that require reversal and a new trial for Clinton.

Shortly after being present in the mobile home and witnessing is his mother's murder, the Victim's oldest child— a four-year-old child at the time—identified a person by name as being responsible who was not Clinton, and, in fact, was a person who was not investigated, charged, or tried for Victim's death. The child's statements were made spontaneously to multiple first responders, and although the statements changed each time they were made, the person identified by name, nickname, and association (*i.e.*, "Shi" and "Jamia," and "Shi's Daddy/Jamia's Daddy" and "Shortycake") remained the same, unfailingly identifying the same person each time. As this identification meets the requirements of both the excited utterance and/or present sense impression exceptions to the rule against hearsay, as discussed in detail in the briefs, the trial court's ruling that the statements could not be introduced through the officers or first responders who witnessed the declarations was an error of law that warrants reversal. The Panel erred in overlooking and failing to apply the controlling case precedent of State v. M. Sims, 348 S.C. 16, 558 S.E.2d 518 (2002). Accordingly, the Panel should reconsider its misapprehension of the preservation rules, consider the merits of the hearsay arguments advanced, and reverse the trial court, remanding this case for a new trial.

- b. The Court overlooked the fact that the circumstantial evidence presented by the State at trial did not rise to the level of being substantial.

Because the State presented no direct evidence, the circumstantial evidence presented had to rise to the level of being substantial and reasonably tend to prove the guilt of Clinton. State v. Hepburn, 406 S.C. 416, 429, 753 S.E.2d 402, 409 (2013). This Court did not disagree with Clinton's assertion that the State failed to produce any direct

evidence of his involvement in Victim's murder. 2016-UP-206 at 1-2. However, the Court overlooked or misapprehended the sheer dearth of evidence presented by the State. This error is compounded by the fact that the principal circumstantial evidence relied upon by the State was a hearsay comment itself, admitted against Clinton as an admission by a party-opponent. However, the circumstantial evidence presented by the State did nothing more than raise a mere suspicion of Clinton's involvement in Victim's murder, which is insufficient under the established case law of this state. See, e.g., State v. Lollis, 343 S.C. 580, 584, 541 S.E.2d 254, 256 (2001) ("Accordingly, a trial judge should grant a directed verdict motion when the evidence merely raises a suspicion the accused is guilty.") (citing State v. Martin, 340 S.C. 597, 533 S.E.2d 572 (2000)).

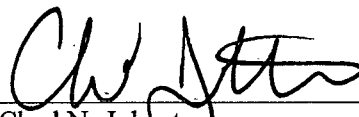
Lastly, the Court has misapprehended recent Supreme Court case law on directed verdicts⁶ to imply that this Court's review of the denial of a directed verdict motion should result in mere cursory review and a rubber stamp affirm. The cases cited by the Court in its opinion are distinguishable from the facts of this case, where no evidence presented by the State placed Clinton in Victim's home with a motive to commit murder, and the State relied exclusively on the self-serving testimony of a co-defendant. See Lollis, 343 S.C. at 584, 541 S.E.2d at 256 ("'Suspicion' implies a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof.") (citing (State v. Hyder, 242 S.C. 372, 131 S.E.2d 96 (1963)); see also State v. Littlejohn, 228 S.C. 324, 328, 89 S.E.2d 924, 926 (1955) ("It is not sufficient that they create a probability, though a strong one....").

⁶ E.g., State v. Bennett, 415 S.C. 232, 237, 781 S.E.2d 352, 354 (2016) and State v. Pearson, Op. No. 27612 (S.C. Sup. Ct. filed Mar. 23, 2016) (Shearouse Adv. Sh. No. 12 at 13, 23), cited in the Court's 220 Opinion. 2016-UP-206 at 2.

CONCLUSION

For the reasons provided herein, Clinton respectfully requests that the Court grant rearing in this matter, address the merits of the evidentiary arguments raised in this appeal, and reverse and remand this case for a new trial.

Respectfully submitted,



Chad N. Johnston

WILLOUGHBY & HOEFER, P.A.

Post Office Box 8416

Columbia, South Carolina 29202-8416

(803) 252-3300

Robert M. Dudek

Chief Appellate Defender

**SOUTH CAROLINA COMMISSION ON
INDIGENT DEFENSE**

1330 Lady Street, Suite 401

Columbia, South Carolina 29201

(803) 734-1330

Counsel for Appellant

Devatee Tymar Clinton

Columbia, South Carolina
June 27, 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY
R. Knox McMahon, Circuit Court Judge

Appellate Case No. 2014-000594

The State, ... Respondent,

v.

Devatee Tymar Clinton, ... Appellant.

PROOF OF SERVICE

This is to certify that I, a paralegal with the law firm Willoughby & Hoefer, P.A., have caused to be served this day one (1) copy of Appellant Devatee Clinton's **Petition for Rehearing** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Robert M. Dudek
Chief Appellate Defender
SOUTH CAROLINA COMMISSION ON
INDIGENT DEFENSE
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

William E. Salter, III
Senior Assistant Attorney General
South Carolina Attorney General's Office
1000 Assembly Street
Columbia, S.C. 29201

Breanna M. Karns

Breanna M. Karns

Columbia, South Carolina
This 27th day of June 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY
R. Knox McMahon, Circuit Court Judge

Appellate Case No. 2014-000594

The State, ...Respondent,

v.

Devatee Tymar Clinton, ...Appellant.

RECORD ON APPEAL
VOLUME I

Chad N. Johnston
WILLOUGHBY & HOEFER, P.A.
Post Office Box 8416
Columbia, South Carolina 29202-8416
(803) 252-3300

Robert M. Dudek
Chief Appellate Defender
**SOUTH CAROLINA COMMISSION
ON INDIGENT DEFENSE**
1330 Lady Street, Suite 401
Columbia, South Carolina 29201
(803) 734-1330

Attorneys for Appellant

Alan Wilson
John W. McIntosh
Donald J. Zelenka
William E. Salter, III
**OFFICE OF THE
ATTORNEY GENERAL**
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

Randy E. Newman, Jr.
**SOLICITOR
SIXTH JUDICIAL CIRCUIT**
Post Office Box 607
Lancaster, South Carolina 29721
(803) 416-9367

Attorneys for Respondent

INDEX

Trial Transcript – dated March 10-14, 2014	R-4
Motion <i>in Limine</i> Hearing on Child’s Statements	R-14
Witness David Belk	
Direct.....	R-37
Cross (Defendant’s Counsel)	R-48
Cross (Co-Defendant’s Counsel)	R-52
Redirect	R-55
Witness Richard Weiss	
Direct.....	R-56
Cross (Defendant’s Counsel)	R-61
Witness Shakela Montgomery	
Direct.....	R-76
Cross (Defendant’s Counsel)	R-70
Cross (Co-Defendant’s Counsel)	R-73
Witness Mike Morris	
Direct.....	R-76
Cross (Defendant’s Counsel)	R-86
Cross (Co-Defendant’s Counsel)	R-87
Redirect	R-88
Witness Dominique Davis	
Direct.....	R-89
Cross (Defendant’s Counsel)	R-97
Cross (Co-Defendant’s Counsel)	R-101
Witness Jamal Twitty	
Direct.....	R-102
Cross (Defendant’s Counsel)	R-110
Cross (Co-Defendant’s Counsel)	R-114
Witness Temeca Nelson	
Direct.....	R-116
Cross (Defendant’s Counsel)	R-120
Witness Clark Crump (<i>In Camera</i>)	
Direct.....	R-126

Witness Janice Ross	
Direct.....	R-129
Cross (Defendant's Counsel)	R-141
Witness Pomp Blackmon	
Direct.....	R-142
Cross (Defendant's Counsel)	R-161
Witness Christine Rogers	
Direct.....	R-164
Cross (Co-Defendant's Counsel)	R-188
Redirect.....	R-194
Witness Jeff Steel	
Direct.....	R-196
Cross (Defendant's Counsel)	R-205
Witness Ken Taylor	
Direct.....	R-208
Cross (Defendant's Counsel)	R-247
Cross (Co-Defendant's Counsel)	R-270
Redirect.....	R-289
Re-Cross (Defendant's Counsel)	R-290
Re-Cross (Co-Defendant's Counsel)	R-290
Witness Frederick Thompson	
Direct.....	R-291
Cross (Defendant's Counsel)	R-305
Cross (Co-Defendant's Counsel)	R-308
Witness Stephanie Staley	
Direct.....	R-313
Cross (Defendant's Counsel)	R-325
Cross (Co-Defendant's Counsel)	R-328
Witness MaryAnn Boehm	
Direct.....	R-334
Cross (Defendant's Counsel)	R-358
Cross (Co-Defendant's Counsel)	R-364
Witness Yeisha Tinsley	
Direct.....	R-366
Cross (Defendant's Counsel)	R-380
Witness Suzanne Cromer	
Direct.....	R-383

Cross (Defendant's Counsel)	R-395
Cross (Co-Defendant's Counsel)	R-400
Witness Wayne Blakeney	
Direct.....	R-402
Cross (Defendant's Counsel)	R-435
Cross (Co-Defendant's Counsel)	R-449
Witness Fred Thompson	
Direct.....	R-455
Cross (Defendant's Counsel)	R-479
Cross (Co-Defendant's Counsel)	R-486
Witness Michael Greene	
Direct.....	R-488
Cross (Defendant's Counsel)	R-496
Cross (Co-Defendant's Counsel)	R-498
Defendant's Motion for Directed Verdict	R-503
Co-Defendant's Motion for Directed Verdict	R-503
Renewal of Defendant's Motion for Directed Verdict	R-525
Renewal of Co-Defendant's Motion for Directed Verdict	R-525
Closing Argument of the State.....	R-536
Closing Argument of Defendant.....	R-573
Closing Argument of Co-Defendant.....	R-601
Charges	R-623
Verdict of the Jury	R-645
Sentence	R-668
Charges – Court's Exhibit #8.....	R-671
Indictment – dated June 7, 2012	R-678
Indictment – dated March 6, 2014	R-680
Sentence Sheet – dated March 14, 2014	R-682
State Trial Exhibit 59	R-683
State Trial Exhibit 60	R-683
Notice of Appeal – dated March 18, 2014	R-700
Certificate of Appellant.....	R-704

1 STATE OF SOUTH CAROLINA

2 -----x

3 STATE,

4 Plaintiff,

5 -against

Case Number

6 DEVATEE TYMAR CLINTON,

2012-DR-29-616

7 Defendant.

8 -----x

9 STATE,

10 Plaintiff,

11 -against-

Case Number

12 AL MARTINEZ GREEN,

2012-DR-29-636

13 Defendant

14 -----X

15 March 10-14, 2014

16 Lancaster, S.C.

17

18 B E F O R E:

19 HONORABLE R. KNOX MCMAHON

20

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

22 DOUGLAS BARFIELD, ESQ

23 Solicitor

24

25

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

2 WILLIAM FRICK

3 Attorney for Defendant, Clinton

4

5 AMY S. RANEY

6 Attorney for Defendant, Green

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Aileen Butler

25

Official Court Reporter

	<u>I N D E X</u>			
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u> <u>RECROSS</u>
1				
2				
3	Dominique Davis			
4	Mr. Barfield	85		
5	Mr. Frick		91	
6	Ms. Raney		93	
7	Jamel Twitty			
8	Mr. Barfield	102		
9	Mr. Frick		111	
10	Ms. Raney		115	
11	Jeffrey Roseborough			
12	Mr. Barfield	122		144
13	Mr. Frick		130	
14	Ms. Raney		137	
15	Opening Statements			
16	Mr. Barfield	192		
17	Mr. Frick	192		
18	Ms. Raney	203		
19	David Belk			
20	Mr. Barfield	215		233
21	Mr. Frick		226	
22	Ms. Raney		230	
23	Mr. Thigpin			24
24	Richard Weiss			
25	Mr. Barfield	234		

1	Mr. FRick	239	
2	Shakela Montgomery		
3	Mr. Barfield	242	
4	Mr. Frick	248	
5	Ms. Raney	250	
6	Latoya Green		
7	Mr. Barfield	261	267
8	Mr. Frick	265	
9	Ms. Raney	266	
10	Dominique Davis		
11	Mr. Barfield	267	
12	Mr. Frick	276	
13	Ms. Raney	279	
14	Jamal Twitty		
15	Mr. Barfield	280	
16	Mr. Frick	289	
17	Ms. Raney	293	
18	Temeca Nelson		
19	Mr. Barfield	295	
20	Mr. Frick	299	
21	Clark Crump-In Camera		
22	Mr. Barfield		
23	Mr. Frick	314	
24	Ms. Raney	322	
25	Pomp Blackmon		

1	Mr. Barfield	344	
2	Mr. Frick		338
3	Ms. Raney		342
4	Janice Ross		
5	Mr. Barfield	353	
6	Mr. Raney		364
7	Pomp Blackmon		
8	Mr. Barfield	379	
9	Mr. Frick		399
10	Christine Rogers		
11	Mr. Barfield	402	431
12	Ms. Raney		425
13	Jeff Steel		
14	Mr. Barfield	434	
15	Mr. Frick		442
16	Ken Taylor		
17	Mr. Barfield	451	532
18	Mr. Frick		491
19	Ms. Raney		513
			533
20	Fred Thompson		
21	Mr. Barfield	534	
22	Mr. Frick		547
23	Ms. Raney		551
24	Ann Horton		
25	Mr. Barfield	557	

1	Ms. Raney	562
2	Stephanie Stanley	
3	Mr. Barfield	564
4	Mr. Frick	576
5	Ms. Raney	578
6	MaryAnn Boehm	
7	Mr. Barfield	585
8	Mr. Frick	608
9	Ms. Raney	615
10	Y'eisha Tinsley	
11	Mr. Barfield	618
12	Mr. Frick	757
13	Mr. Raney	771
14	Vivian Stradford	
15	Mr. Barfield	624
16	Mr. FRick	632
17	Fred Thompson	
18	Mr. Barfield	645
19	Mr. Frick	672
20	Suzann Cromer	
21	Mr. Barfield	705
22	Mr. Frick	717
23	Ms. Raney	722
24	Wayne Blakeney	
25	Mr. Barfield	724

1	MR. FRICK	757
2	MS. RANEY	771
3	Michael Greene - In camera	
4	Mr. Barfield	777
5	Ms. Raney	786
6	Fred Thompson	
7	Mr. Barfield	792
8	Mr. Frick	817
9	Ms. Raney	824
10	Michael Greene	
11	Mr. Barfield	827
12	Mr. Frick	834
13	Ms. Raney	835
14	Closing Arguments	
15	Mr. Barfield	879
16	Mr. Frick	915
17	Ms. Raney	944
18		
19	Charge of the Court	
20	Verdict of the Jury	
21	Sentence of the Court	
22	Certificate of Reporter	
23		
24		
25		

E X H I B I T S				
	NO.	DESCRIPTION	<u>I.D.</u>	<u>EVD.</u>
1				
2				
3				
4	State's 1-33	Photographs		182
5	State's 34	Bullet		362
6	State's 35	Blood sample		364
7	State's 36	Car molding		
8	State's 37	Jumpsuit		
9	State's 38	Buccal swabs		
10	State's 39	Diagram		
11	State's 40	Prints		
12	State's 41	Cart. Casing		
13	State's 42	Swabs		
14	State's 43	Swabs		
15	State's 44	Latent lifts		
16	State's 45	Latent lifts		
17	State's 46	Latent lifts		
18	State's 47	Latent lifts		
19	State's 48	Latent lifts		
20	State's 49	Cuttings		
21	State's 50	Buccal Swabs		
22	State's 51	Buccal Swabs		
23	State's 52	Buccal Swabs		
24	State's 53	Buccal Swabs		
25	State's 54	Aerial photo		

1	State's 55	Chain of Custody
2	State's 56	Cutting
3	State's 57	Cutting
4	State's 58	Cutting
5	State's 59	Report
6	State's 60	Report
7	State's 61	Miranda warnings
8	State's 62	Maranda warnings
9	State's 63	Miranda form

10

11 Court Exhibits

12	Court's 1	Photo
13	Court's 2	Line-up
14	Court's 3	Line-up
15	Court's 4	Statement
16	Court's 5	Miranda warning
17	Court's 6	Miranda warning
18	Court's 7	Miranda form
19	Court's 8	Charge request

20

21

22

23

24

25

1 THE COURT: All right. Solicitor, if you call your
2 first case for trial.

3 MR. BARFIELD: Yes, sir. The first case for trial,
4 2012-GS-29-616, the State versus Devatee Tymar Clinton,
5 indicted for murder and 2012-GS-29-636 the State versus
6 Al Martinex Green, also indicted for murder.

7 Mr. William Frick represents Mr. Clinton. Amy
8 Raney represents Mr. Green.

9 The case for trial, the State is ready to proceed.

10 THE COURT: Thank you, very much. Mr. Frick, you
11 represent Devatee Tymar Clinton.

12 MR. FRICK: Yes, sir.

13 THE COURT: And is he present in the courtroom?

14 MR. FRICK: Yes.

15 THE COURT: And are you ready for trial?

16 MR. FRICK: We are ready to proceed, Your Honor.

17 THE COURT: Thank you. And Miss Raney, you
18 represent Al Martinez Green.

19 MS. RANEY: Yes, Your Honor?

20 THE COURT: And is he present in the courtroom?

21 MS. RANEY: He is.

22 THE COURT: And are you and he ready for trial.

23 MS. RANEY: We are.

24 THE COURT: Thank you, very much.

25 Ladies and gentlemen of the jury panel if you would

1 any sense to the Court. I think clearly -- I am with
2 the Court, I think clearly those two witnesses can
3 testify that they heard these two guys talk about
4 planning a robbery about 24 hours before Jenika Jones
5 was killed.

6 THE COURT: I understand that's your position and
7 of course Mr. Frick and I take it Miss Raney's
8 position is how do you end up focusing on Miss Jones.
9 And of course as we all know you can't prove
10 everything on a pencil point. There may be other
11 evidence, circumstantial evidence that would bolster
12 that position, but be that as it may I just want to do
13 a little research and just think about it a little
14 further.

15 MR. BARFIELD: Okay.

16 THE COURT: I will be glad to look at whatever
17 cases you want me to or you can e-mail them to me, or
18 whatever the sites, I will look at them tonight at the
19 house. All right.

20 Now, what other motions we have that we can take
21 up now?

22 MR. BARFIELD: Another issue is tomorrow there is
23 going to be some police officers, first responders,
24 right out of the box and I kind of have to set this up
25 for you.

1 Miss Jones was shot and killed we allege in her
2 house where her three toddler children were with her.
3 The oldest child at the time I think was four years
4 old. Police got there, took custody of the children
5 until other arrangements could be made and it is my
6 understanding that either through their direct
7 presentation or through cross examination of my
8 witnesses, Miss Raney and Mr. Frick might want to
9 elicit from people on the scene what the children said
10 to them or what may be one of the children said to
11 them that night and I will let them deal with that --
12 discuss with you what they intend to do about that and
13 I would object to that.

14 THE COURT: Mr. Frick.

15 MR. FRICK: Your Honor, I think when they arrived
16 on the scene -- and I don't know exactly how long it
17 takes as they are on the scene, but obviously law
18 enforcement is still trying to assess what occurred.
19 One of the children, one of Miss Jones's children who
20 I think he said was four at the time --

21 MS. BARFIELD: I believe four.

22 MR. FRICK: -- spontaneously states to I think
23 Investigator Crump first and then to another officer
24 and I think maybe a third officer on the scene that
25 Shi's daddy shot my momma, he says this more than

1 once. I think he says later that it's Shortycake shot
2 my momma. So clearly that is someone's nickname.
3 That's not the nickname of either of one of these
4 gentlemen. It is I think Rashad's Johnson's is who it
5 was determined.

6 THE COURT: What did you say the first name.

7 MR. FRICK: Rashad.

8 THE COURT: Rashad's daddy.

9 MR. FRICK: No, the child's name is T [REDACTED].

10 MR. BARFIELD: The child's nickname is Duce. This
11 is the easiest way to remember it.

12 THE COURT: Duce?

13 MR. BARFIELD: Duce. He was four years old at the
14 time.

15 The child's daddy is Antonio Lamont Truesdale.
16 The child is Antonio [REDACTED] T [REDACTED], the 2nd. His
17 nickname is Duce.

18 THE COURT: I love that nickname. That's what my
19 grandchildren call me by that name. Be that as it
20 may, now let's go back.

21 You said that one of the children said Duce's daddy
22 shot my momma.

23 MR. FRICK: No, sir. No, sir. Duce says Shi's
24 daddy.

25 THE COURT: Shi's daddy. How do you spell that,

1 MR. FRICK: S-h-i, I believe. It is more of
2 vernacular then written, I think

3 THE COURT: Shi's daddy --

4 MR. FRICK: Shot my momma.

5 THE COURT: Shot my momma.

6 MR. FRICK: And then later I think it changes. He
7 says the nickname Shortycake.

8 THE COURT: Nickname of who.

9 MR. FRICK: The person who shot his mother.

10 THE COURT: Shi's daddy.

11 MR. FRICK: Yes, sir.

12 THE COURT: Shi's daddy is Shortycake.

13 MR. FRICK: Yes.

14 THE COURT: Who is Shortycake.

15 MR. FRICK: Rashad Johnson.

16 THE COURT: Is Rashad Johnson the child's daddy.

17 MR. FRICK: Yes, sir. According to the
18 information I have been provided, yes, sir.

19 THE COURT: By a four year old?

20 MR. FRICK: Yes, sir.

21 THE COURT: That's all?

22 MR. BARFIELD: Your Honor, we did verify there is
23 a child who goes by Shi, the nickname Shi. Correct?
24 Okay. I am looking at you folks. And that child's
25 daddy is in fact Rashad Johnson.

1 THE COURT: Okay. And is Rashad Johnson known as
2 Shortycake?

3 MR. BARFIELD: Yes, sir he is.

4 THE COURT: All right. That is all I was trying
5 to figure out. And Duce, the 2nd, he says this to law
6 enforcement, to Investigator Crump?

7 MR. BARFIELD: Yes, sir.

8 THE COURT: To perhaps a second officer and
9 perhaps a third officer?

10 MR. BARFIELD: Yes, sir.

11 THE COURT: And I take it the defense's position
12 is it is admissible under 803.2?

13 MR. FRICK: That's exactly right. Yes, sir.

14 THE COURT: I think you would have to determine
15 although I realize 803 availability of a witness is
16 immaterial but you have to determine the competency of
17 the individual that made the statement. In this
18 regard I'm dealing with a four-year old.

19 MR. FRICK: Yes, sir.

20 THE COURT: Yes, sir, solicitor.

21 MR. BARFIELD: Well, that would be my argument
22 precisely. Even for it to be an excited utterance or
23 some exception to the hearsay rule, it still has to be
24 coming from a competent witness and I think they will
25 have to have to make a showing that this four-year old

1 at the time was a competent witness to make an excited
2 utterance.

3 MR. FRICK: Law enforcement followed up on it.
4 They went to go find out where Rashad Johnson was and
5 and tried to establish an alibi.

6 MR. BARFIELD: But the competence from an
7 investigation standpoint is a lot different than the
8 competence for the presentation to a jury.

9 MS. RANEY: Since this is factually my motion --

10 THE COURT: I will be glad to hear from whoever.

11 MR. FRICK: Mr. Barfield is initiating my motion
12 and arguments therefore on them, Your Honor, here is
13 the thing, Antonio T [REDACTED], the 2nd, Duce, is four
14 years old at the time of this incident. Whenever his
15 momma is shot he almost immediately goes to the next
16 door neighbor's house and asks for help. They called
17 911. The police respond within 15 minutes. It's
18 cold. It's January. Duce and his younger brother and
19 sister are put in an ambulance. Duce makes the
20 comment Shi's daddy hurt my momma. Jamia's
21 (phonetics) daddy hurt my momma. Jamia and Shi are
22 the same person and daddy they are referring to is
23 Rashad Johnson. He makes this statement. He does
24 make it to Investigator Crump. He makes it in the
25 ambulance in front of some of first responders who are

1 on the solicitor's witness list, and Mr. Plyler and
2 Mr. Hope and then he says it spontaneous to Christy
3 Rogers who is a CSI officer that responds there on the
4 scene.

5 We are saying in response to 803.2, as Your Honor
6 correctly stated this is excited utterance, but we
7 would also like to offer up the case -- I have cases
8 for the State as well I have already given them to Mr.
9 Frick here. The Ladner case which says it doesn't
10 matter, the underlying competency of the person that
11 is making the excited utterance because it was a child
12 in that case, it was also clearly still under the
13 stress of the situation. There competency does not
14 matter. So we would at least ask the Court to
15 consider Ladner case, the Smith case and the Sims case
16 before making a ruling.

17 THE COURT: Wagner {sic} and what? What case,
18 Wagner and what?

19 MR. FRICK: Ladner, Sims and Smith which I will be
20 handing up to the Court.

21 THE COURT: All right, if you would would please.
22 Obviously I don't disagree approximate any of these
23 propositions and that is why I was trying to relate it
24 to the child sexual abuse situation. However, in this
25 case Ladner, the hearsay of declarant was the victim.

1 Was the victim. Duce is not the victim, number one.
2 Number two, in both Sims and the other case cited
3 herein, both of the minor children were found to be
4 competent to testify. While on the witness stand they
5 -- for lack of a better way of expressing myself I
6 would just eloquently say they clamed up. They
7 wouldn't answer any more questions. Because they had
8 been found competent -- because they had been found
9 competent, an officer who took the statement was then
10 allowed to be recalled and testify to that. So
11 Sims -- I'm trying to get the foundation that the
12 child observed the startling event. That is the first
13 thing. You got to have personal knowledge, the
14 declarant. Even the unknown bystander as we all know
15 you can use that declarant and of course you don't
16 know if that declarant is competent or not, but that's
17 an adult. So that is the situation I am talking about
18 here. Two out of three of these cases you had a
19 competent five-year old and I forget the other's name.
20 One out of three you have the victim herself. That is
21 different then the scenario here, number 1.

22 Number two, there are certain factors that I have
23 to look at in determining whether or not I will allow
24 it in as a hearsay statement.

25 Now, there is all kind of lines of cases if you go

1 back to Cameli and some of those others to where a lot
2 of time the prosecutors will try to get in the
3 statement to doctors and stuff like that. And I know
4 more time has passed by that point in time. The name
5 of the person is an exception to the hearsay rule
6 under medical diagnosis. I realize that's not your
7 focus in this case. I realize that. But I want to
8 hear some testimony first before I rule on it. So,
9 you know you can either -- well, I want to hear some
10 testimony. You make your own decisions on how you
11 want to present it.

12 MS. RANEY: Your Honor, I guess we are trying to
13 coordinate, given the late hour just to make sure we
14 are all on the same page, is Your Honor wanting to
15 hear the testimony from the witnesses we are intending
16 to try to introduce the excited utterance through. I
17 want to make sure I am understanding you correctly to
18 establish that the child was under the -- still under
19 the stress of the startling event.

20 THE COURT: Two out of these three cases, the
21 child is found to be competent. Competent. And then
22 during the course of his testimony, or her testimony,
23 they quit talking. So they then allow -- I don't know
24 which side; solicitor, the State, to recall the
25 officer that the hearsay statement had been given too.

1 The third case, Ladner, is the victim herself. They
2 go in and they see injuries to her pelvic area. They
3 see blood. They see this, that and the other, and she
4 says Brian did it and then she says no, Brian didn't
5 do it. She was found not to be competent, but there's
6 grounds to show that she had personnel knowledge.
7 Even the by-standing, unnamed declarant, somebody has
8 got to say, oh that guy was standing over here when
9 the wreck occurred or when the incident occurred and I
10 heard him say John Doe went in that direction, whether
11 you ever get that bystander or not. So you have to
12 lay that foundation of the personnel knowledge of the
13 hearsay declarant and then meet the three requirements
14 within the rules.

15 MS. RANEY: Your Honor, I completely agree with
16 you, and essentially as we are going through the
17 testimony when Duce -- as we are calling him leaves --
18 he is there in the home when Miss Jones is shot. He
19 is the oldest of the children, so he comes out crying
20 and to go get help from a neighbor because of his
21 mommy being shot. So he's running to get help from a
22 neighbor is actually what precipitates the police even
23 coming out there that night. So may be -- and I don't
24 know, leave this up to the Court if we are in a
25 situation where the Court wants to hear the testimony

1 from the people that were there that night, you know.
2 I don't think him -- I guess my reading of Ladner is
3 different then the Court's. I don't think there is a
4 requirement under Ladner that he actually be the
5 victim before the excited utterance becomes relevant.
6 I think the testimony will show as we go through the
7 case that he does have personnel knowledge because he
8 was within the home. There is blood all over him from
9 his momma being injured that night and the other two
10 children. So he was clearly there. I don't think
11 there is any question about his presence in the home
12 either from the neighboring witnesses or the police
13 officers.

14 THE COURT: Presence in the home doesn't mean
15 observation of the fatal act. That's all I am saying.

16 MS. RANEY: Right.

17 THE COURT: That goes back to the rule 600 or
18 something.

19 MS. RANEY: The competency rule, Your Honor, is
20 that what you are referring to?

21 THE COURT: No, ma'am. I am referring to the rule
22 of personnel knowledge and I just don't have the
23 number right now. You have to -- I mean if you are
24 saying well, it is res gestae and he is acting under
25 the results of a startling event, well, then why isn't

1 it first person. Why didn't he say it then. I am not
2 saying it is or isn't admissible. I am saying a
3 foundation has got to be laid for its admissibility
4 and however you all want to do it you all are welcome
5 to do it in whatever manner you all so choose.

6 Anything further we can visit tonight on these
7 motions?

8 MR. BARFIELD: There not my motions, Your Honor, I
9 will not open my mouth about them again.

10 MS. RANEY: All right, with respect to number one,
11 we are just asking if the State has complied under the
12 requirements under rule five and Brady. I know Mr.
13 Barfield talked late on Friday with Wayne Blakeney a
14 co-defendant in this case and I did receive word from
15 him that he made a statement that another individual
16 was involved. I was wondering if there are any other
17 inconsistent statements from Mr. Blakeney.

18 MR. BARFIELD: No.

19 MS. RANEY: No. And the State has complied with
20 rule five and Brady?

21 MR. BARFIELD: To the best of my knowledge, yes,
22 ma'am. I am going through the file. Everything that
23 has been turned over to me has been turned over to you
24 on an ongoing basis as a matter of fact.

25 MS. RANEY: We are asking if Mr. Green takes the

1 stand later in the trial what record of his you would
2 seek to impeach him under rule 609?

3 MR. BARFIELD: I think we probably all agree what
4 it would be. I don't know.

5 MS. RANEY: So we will take that up before he gets
6 on the stand?

7 MR. BARFIELD: Yes. Yes.

8 MS. RANEY: Okay. And we do have -- I have been
9 provided number three Your Honor, a copy of the rap
10 sheets of the law enforcement witnesses. We dealt
11 with number four. Number five.

12 I am not sure, Mr. Barfield, do you intend to
13 introduce any statements made by my client, Mr. Green,
14 to law enforcement that we need to have a Denno
15 hearing for.

16 MR. BARFIELD: We probably will at some point. He
17 gave a statement, which a very small snippet I would
18 like for the jury to hear I might decide at some
19 point, but yes, it is certainly a potential.

20 MS. RANEY: Okay. The defense would just ask,
21 Your Honor, obviously if he intends to introduce it
22 that we have a Denno hearing prior to him putting it
23 in front of the jury.

24 THE COURT: All right, yes, ma'am.

25 MS. RANEY: I had talked with Mr. Barfield about

1 this, I believe we have an agreement on number seven.
2 Correct me if I'm wrong Mr. Barfield.

3 Mr. Green is asking any testimony by the State's
4 witnesses and what I am really talking about here
5 specifically is Miss Jones friends and family getting
6 up on the stand and talking about all the trauma or
7 distress this has caused in their life since then. We
8 think that that is not relevant to this case and it is
9 overly prejudicial pursuant to rule 403 and State v
10 Alexander. I believe the solicitor is in agreement.

11 MR. BARFIELD: My position as always is the victim
12 impact testimony is not proper from fact witnesses
13 about the case itself and I had that conversation with
14 Miss Jones's mom and her stepdad. They -- one or both
15 will testify, but they understand it is not to present
16 victim impact testimony. It is to present facts.

17 THE COURT: Thank you, solicitor.

18 MS. RANEY: With respect to number eight, Your
19 Honor, I am not sure if Mr. Clinton intends to
20 actually take the stand and testify in this trial or
21 not. There is an alleged statement that he makes
22 March 9, 2012 saying that my client and Mr. Blakeney,
23 who would be the other co-defendant who is not on
24 trial here was in this white car that was at scene, at
25 the scene of Miss Jones's murder. Obviously I would

1 have a problem if the State intends to introduce this
2 statement any other way then through Mr. Clinton being
3 on the stand.

4 MR. BARFIELD: My intention is not to elicit
5 testimony from the officer who took Mr. Clinton's
6 statement that Green was in the white Cadillac. There
7 are other ways I intend to prove that. So I am doing
8 that intentionally not to create Bruton issue so we
9 can try this folks together.

10 THE COURT: All right.

11 MS. RANEY: With respect to number nine, I know
12 there are several individuals who identified my client
13 out of a single photo, or a photo lineup. I would
14 like to have a Biggers hearing on that before they
15 testify.

16 THE COURT: All right. Is that right, solicitor?

17 MR. BARFIELD: Yes, sir.

18 MS. RANEY: As Your Honor heard here in pretrial,
19 my client is also referred to as Al Capone, Al Capone
20 Green. I talked with solicitor about this just for
21 purposes of preserving the record, I wanted to put on
22 the record, obviously I understand the Court would
23 rule that for purposes of identifying my client
24 witnesses are going to be referring to him as Al
25 Capone Green. My concern and the reason for this

1 motion in limine, is that solicitor not when
2 addressing the jury either in opening statements or in
3 closing excessively use reference to my client as Al
4 Capone or to use it in a way that would be done to
5 attack his character, Your Honor. To stick for ID
6 purposes only.

7 THE COURT: You understand that ruling solicitor?

8 MR. BARFIELD: I do and I understood it so well
9 that some of my witnesses today they wouldn't even use
10 the word. I was trying to get them to tell me the
11 nickname out of the presence of the jury and they
12 wouldn't do it, so I do not plan to banter about
13 Capone all week long.

14 MS. RANEY: Number 12, the defense is just asking
15 the State if there were any deals, promisees,
16 inducements to any witnesses in this case in exchange
17 for their testimony?

18 MR. BARFIELD: And at this time, Your Honor, I
19 would represent as to Blakeney, co-defendant also
20 charged with murder there is no deal. There might be
21 by the time he gets on the witness stand and as to all
22 other witnesses who I have talked to and who I
23 anticipate will testify some of them have pending
24 charges but none of them have brought up their pending
25 charges with me and I have not made any offers to

1 anyone concerning pending charges.

2 THE COURT: Now, there was something about a bond?

3 MS. RANEY: Yes. I put a copy of the bond order
4 for Blakeney. It was a consent bond that was entered
5 into between the State and the defense. I do have a
6 copy of it for \$45,000. I can speak to Mr. Clinton
7 and Mr. Green, Your Honor, they have been denied bond
8 and have stayed in jail for the last two years so I
9 think it is fair to say the State has given Mr.
10 Blakeney some assistance with regard to bond.

11 MR. BARFIELD: The State agrees we consented to a
12 bond for Mr. Blakeney some time after his arrest. I
13 am not sure how long he was in jail but we did.

14 THE COURT: All right. Polygraph.

15 MS. RANEY: Polygraph, I think we all are on the
16 same page about this. There were polygraphs taken in
17 this case. There will not be any mention by any of
18 the witnesses that polygraphs were taken or requested
19 to be taken or the results.

20 MR. BARFIELD: I don't like mistrials.

21 MS. RANEY: I don't like them either.

22 THE COURT: All right. All right. Anything
23 further then Miss Raney?

24 MS. RANEY: That's it.

25 THE COURT: Mr. Frick?

1 MR. FRICK: Your Honor, just to clarify.
2 Obviously we got to protect both our clients. I join
3 in Miss Raney's motion -- obviously I do, about the
4 statement from Duce. Your Honor, I also join in the
5 motion regarding Denno hearing for whatever statements
6 the State intends to elicit about my client and the
7 Biggers hearing.

8 THE COURT: All right. Thank you, Mr. Frick.
9 Anything further from the State, solicitor?

10 MR. BARFIELD: No, sir.

11 THE COURT: All right. Thank you, very much.
12 Let's say nine o'clock in the morning then for the
13 attorneys and the parties. Okay. Thank you very
14 much.

15 Have a pleasant evening.

16 MS. RANEY: Thank you, judge.

17 MR. BARFIELD: Thank you.

18 *****

19 (Court adjourned for the day.)
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(WHEREUPON, the following took place on March 11, 2014.)

THE COURT: Are you ready?

MR. BARFIELD: Yes, Your Honor.

THE COURT: All right. As far as the 404(B) testimony, as I understand the testimony the prior bad act is the robbery of Mr. Roseborough by Mr. Clinton who has entered a plea as to some charge in relation to that event and by Mr. Green who has not entered a plea. However, I do find that clear and convincing that the incident did occur. However, given the background of the testimony from Miss Davis and Miss Twitty and also what the State presented to the Court by way of the officer's testimony would have been that Mr. Clinton said, look, I committed the robbery but I

1 did not commit the murder; is that correct?

2 MR. BARFIELD: Yes.

3 THE COURT: All right. I find there is not a
4 logical nexus between that robbery and the homicide of
5 Miss Jones. There's a link missing. Even as it goes
6 to identity, given the fact that Mr. Roseborough and
7 Miss Jones had moved from the Carolina Apartments to
8 Roseanna, [REDACTED] Roseanna, Highway 200 South, whatever
9 trailer park -- they had moved very recently as I
10 understood it from January 19th of 2012. I just don't
11 see the fact that they committed, Clinton and Green,
12 the November robbery specifically points to identity
13 to the clear and convincing evidence that they then
14 committed the homicide.

15 Now that's my ruling based on what has been
16 presented to the Court at this point. It is a motion
17 in limine. Facts could develop during the course of
18 the trial. I guess what I am saying by way of a
19 motion in limine that does not preclude revisiting
20 that issue if the facts develop differently. But
21 there is just a logically missing link.

22 Now, that being said, the testimony of Miss Davis,
23 the testimony of Mr. Twitty, as far as conversations
24 between -- and I mean no disrespect I just use the
25 nicknames between Tate and Al -- that Miss Davis

1 alleged she heard or Mr. Twitty alleged not only did
2 he hear he was a part of, that testimony is
3 admissible. That is not 404(B) testimony. That is
4 conversations about planning a lick, a crime.

5 Mr. Frick brings up the point, well judge, it
6 doesn't say they are going to rob X, Y or Z. That
7 goes to the weight, not the admissibility. That is
8 circumstantial evidence. So that part of the
9 testimony as I you heard it is admissible.

10 As to the hearsay exception, under that Ladner case
11 it appears and my thoughts yesterday was the
12 difference between a victim who makes the statement, a
13 child victim versus a child witness. It is clear in
14 the case that is cited in Ladner, Sims and I forget
15 the other name -- that those two children that were
16 witnesses were found competent and then would not
17 continue to testify on behalf of the State. They were
18 called by the State. It is clear Judge Waters said
19 there does not have to be a finding of competency of
20 the child necessarily under that hearsay exception.
21 Depending on how it develops, I think is admissible.

22 Now, having said that that if it meets the
23 standard of 803.2. As far as the startling event,
24 under the influence of the startling event, no time
25 for reflection, quite frankly I really struggled with

1 no time for reflection having many times in my life
2 been around four years old I don't know what
3 reflection they really do. But at the same time I
4 can't group four year olds and say absolutely they
5 don't reflect. With that being said it does not mean
6 that Duce can not be called as a witness. I'm not
7 saying he should be. I am just saying it does not
8 mean he can not be, if either side chooses to do that
9 and of course the jury could determine their
10 observations of his competency. Of course it has been
11 two years. It's fuzzy in my memory, but there was a
12 big difference in my children four to six years old.
13 They are now regressing, but back then it was a big
14 difference between four and six years as far as
15 maturity level. As I say they are now regressing.

16 Do you understand my ruling, solicitor.

17 MR. BARFIELD: Yes, sir. My understanding of your
18 ruling is if the competency issue is not there and if
19 they can establish the elements of the excited
20 utterance they will have to develop that however they
21 choose to.

22 THE COURT: And it's that they do not have to show
23 competency for purposes of asking those questions, but
24 they do have to lay the foundation under the excited
25 utterance. That does not mean that the competency

1 issue can not be presented to the jury.

2 MR. BARFIELD: Right.

3 THE COURT: It's the same -- you know, like if you
4 analogize it to the unknown bystander and then later
5 on you find that bystander and you find that the
6 bystander is not competent. You could then put that
7 bystander on the stand, the hearsay -- the actual
8 declarant to show the jury, for the jury to evaluate
9 it. That doesn't foreclose you or the defense,
10 Clinton, or the the defense, Green, from showing
11 competency or incompetency. And I use that term
12 incompetency in the legal sense not in any disrespect
13 to Duce.

14 All right.

15 MR. BARFIELD: Yes, sir.

16 THE COURT: Any other issues we need to take up
17 before we bring our jury in?

18 MR. BARFIELD: One quick one. I got 33
19 photographs. I've shown them to Mr. Frick and Miss
20 Raney. There is one photograph that they object to.
21 Otherwise they agree that all of these photographs are
22 admissible. I have asked the court reporter to give
23 me some labels and we got a little bit of time to
24 finish that process up.

25 THE COURT: All right.

1 the case.

2 Solicitor you may call your first witness.

3 MR. BARFIELD: Your Honor, before I do that I
4 would at this time offer into evidence State's
5 exhibits number 1 through 33, a series of photographs
6 which we have talked about earlier this morning.

7 THE COURT: All right. State's 1 through 33 is in
8 evidence with the exception of 11, subject to
9 objection, it is in evidence.

10 Correct, Mr. Frick?

11 MR. FRICK: That is correct.

12 THE COURT: Correct, Miss Raney?

13 MS. RANEY: That is correct.

14 MR. BARFIELD: The State calls David Belk.

15 DAVID BELK, called as a witness, having been duly
16 sworn by the clerk, was examined and testified as
17 follows:

18 DIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q Tell us your name please sir.

21 A David Belk.

22 A Mr. Belk, by whom are you employed?

23 A Lancaster's County Sheriff's Office.

24 Q How long have you been employed by the Lancaster County
25 Sheriff's Office?

- 1 A Almost seven years.
- 2 Q What do you do for the sheriff's office?
- 3 A I'm a deputy, patrol deputy.
- 4 Q Were you employed as a patrol deputy with the sheriff's
- 5 office on Thursday night January 19th of 2012?
- 6 A Yes, I was.
- 7 Q Were you in uniform?
- 8 A Yes, sir.
- 9 Q Were you in a sheriff's office vehicle?
- 10 A Yes, sir.
- 11 Q What kind of car did you drive back then?
- 12 A Back then I drove a Ford Crown Vic.
- 13 Q Did you get a call to go to -- actually to go to first
- 14 [REDACTED] Rosanna Lane?
- 15 A Yes, sir.
- 16 Q Where is Rosanna lane generally?
- 17 A It is off of South 200 still on the four lane behind a
- 18 row of storage buildings.
- 19 Q Is Airport Crossroads on 200?
- 20 A Yeah, it is pretty close.
- 21 Q How far beyond Airport Crossroads, approximately?
- 22 A Maybe a mile. Maybe.
- 23 Q And what is at Roseanna Lane?
- 24 A It's a trailer park.
- 25 Q What was the nature of the call when you got

1 dispatched?

2 A It came out as a home invasion.

3 Q What time were deputies dispatched to go to Roseanna
4 Lane?

5 A 22 -- excuse me, 10:09 p.m.

6 Q Did you go to Roseanna Lane?

7 A Yes, I you did.

8 Q What time did you get to Roseanna Lane?

9 A 22 -- I am sorry, I am in military time. 10:12 p.m.

10 Q Three minutes from dispatch to arrival?

11 A Correct.

12 Q Is all of the area in this trailer park -- what county
13 is this trailer park in?

14 A It's in Lancaster county.

15 Q Okay. Initially how many deputies responded?

16 A Two. Myself and deputy Chris Robinson both arrived at
17 the same time.

18 Q In separate cars?

19 A Yes, sir.

20 Q And is he still employed by the sheriff's office?

21 A No, he is not.

22 Q Where did you go when you got to the trailer park on
23 Roseanna Lane?

24 A Well, as soon as we got there there was a large group
25 of people standing outside and somebody told us that --

1 Q Don't say what somebody told you. Were there people
2 outside in the trailer park?

3 A Yes, there was.

4 Q And closest to what trailer were you at?

5 A To be honest I can't remember exactly close to what
6 trailer. I can tell you it was across from where the incident
7 actually happened. It was trailer across from where the
8 incident happened.

9 Q Did you determine what the address is for the mobile
10 home where the incident actually occurred?

11 A Yes, I did.

12 Q What is that address?

13 A [REDACTED] Roseanna Lane.

14 Q Did you ultimately determine whose residence that was?

15 A Not at that time.

16 Q Later on did you?

17 A Yes, I did.

18 Q Who residence was that?

19 A It turned out to Jenika Jones's residence.

20 Q Did you talk to people -- not what they said, but did
21 you talk to people when you initially arrived?

22 A Yes, I did.

23 Q Was that outside?

24 A Outside.

25 Q Did you see any children when you initially arrived?

1 A Yes, I did. Yes, I did, there were several children.

2 Q Okay. Do you know if any of the children were the
3 children of victim Jenika Jones?

4 A Not at that time.

5 Q As a result of talking to folks did you go somewhere in
6 particular?

7 A Yes.

8 Q Where?

9 A To [REDACTED] Roseanna Lane, Jenika Jones's residence.

10 Q And who went there with you?

11 A Chris Robinson, we both went in together.

12 Q Did you all enter the house?

13 A Yes, we did.

14 Q I will show you a picture real quick, State's exhibit
15 number 1. Can you see that on monitor?

16 A Yes, I do now.

17 Q Is that the mobile home at [REDACTED] Roseanna Lane?

18 A It appears that it is.

19 Q And I will show you one more picture, State's exhibit

20 2. What is that a picture of if you know?

21 A That appears to be the front door.

22 THE COURT: Keep your voice up a little bit.

23 A That appears to be the front door of the trailer.

24 Q At the time you approached the trailer did you know
25 there was any bad guy in it?

1 A No, we did not.

2 Q Okay. So what was your purpose in approaching the
3 trailer?

4 A To find out exactly what happened to see if everybody
5 was okay. To find out what was going on.

6 Q Okay. What did you do in that regard?

7 A We walked inside of the house to clear the residence.

8 Q Guns drawn?

9 A Yes.

10 Q All right. Did you find any suspects inside the mobile
11 home?

12 A No, we did not.

13 Q Do you recall the condition of the door when you
14 approach the door?

15 A It was open. It was open door.

16 Q Meaning actually swung out open?

17 A Actually it was basically just like what you saw in the
18 picture.

19 Q I will show you again State's exhibit number 2?

20 A When we walked in the door was open.

21 Q You didn't have to open a door?

22 A No, we did not. The door was open when we walked in.

23 Q Were there any people inside the mobile home?

24 A Yes.

25 Q Were there any children inside the mobile home?

1 A Yes.

2 Q Was there adults inside the mobile home?

3 A Yes.

4 Q Where was the adult?

5 A The adult was was lying on her side on the -- it was a
6 sectional couch.

7 Q All right.

8 A Sectional sofa.

9 Q I will show you -- I will show you State's exhibit
10 number 11. What is shown in that picture?

11 A That is the couch with the victim lying on it.

12 Q All right. Did you do anything with respect to the
13 young lady on the couch when you entered?

14 A No. When we entered, no. Do you want me to ---

15 Q Well, what did you do first when you entered?

16 A The first thing we did was -- the first thing we did
17 was make sure that the two children were okay. Then we cleared
18 the residence to make sure there was no suspects in the house.

19 Q And what did you do to make sure the two children --
20 well, lets go back.

21 A Okay.

22 Q Where were the two children?

23 A One child -- one child was -- the small child, the one
24 year old was standing right next to the ladies face and the
25 other child was sitting on the side of the sofa.

1 Q Toward the ladies head or to the ladies feet?

2 A Feet.

3 Q All right. What did you all do with those two
4 children?

5 A After we cleared the residence we picked the two
6 children up and placed them on the door. Placed them at the
7 door and then another deputy arrived and took custody of the
8 children.

9 Q All right. Now was there anybody else inside that
10 mobile home?

11 A No, there was not.

12 Q Did you notice, other then the lady on the couch -- did
13 the lady on the couch did you do any checking of the lady on the
14 couch?

15 A Yes. Yes, we did.

16 Q And I am talking about you, not we. Just talking about
17 what you did.

18 A Yes, I did.

19 Q What did you do with respect to lady on the couch?

20 A I checked her out. When I got a closer look you could
21 tell there appeared to be a gunshot wound to the head and that
22 she had been -- she was deceased.

23 Q All right. Other than the lady on the couch, was there
24 anything else that you noticed unusual inside the home? Did you
25 walk throughout the home?

1 A Yeah, I did, but we -- excuse me. I only walked
2 through to make sure that there was nobody else in the house.
3 To be honest I don't remember the state of the house.

4 Q That's fine. Now, did other law enforcement people get
5 called in?

6 A Yes, sir. After we cleared the house -- after we
7 secured the two children I called our lieutenant and notified
8 him of the situation.

9 Q And your lieutenant was who?

10 A Lieutenant Donnie Rogers.

11 Q Okay. Did he arrive at some point?

12 A Yes, he did.

13 Q Who else came?

14 A Donnie Rogers -- let's see, Lieutenant Rogers.

15 Q Who is the other deputy that assisted with the
16 children?

17 A Deputy Richard Weiss.

18 Q Who else from the sheriff's office arrived sooner
19 rather than later I guess?

20 A Richard arrived not long after we did.

21 Q Okay.

22 A And then the next person to arrive was Lieutenant
23 Rogers.

24 Q All right. Did ultimately some crime scene
25 investigators come out?

1 A Yes, sir. Yes, sir, Investigator Crump, he was a
2 criminal investigator; Captain Hilton; CSI -- two CSI agents,
3 Christy Rogers and Ken Taylor arrived.

4 Q Now, once those folks got there what was your role in
5 this matter?

6 A Crime scene security.

7 Q And was the scene secured?

8 A Yes, it was. As soon as we -- as soon as Chris and I
9 cleared the residence, as soon as we took care of the two
10 children the crime scene was roped off and secured.

11 Q Yellow crime scene tape?

12 A Yes, sir, crime scene tape.

13 Q How long did you stay out there that night?

14 A Until about after 5:30.

15 Q That morning. You were there until the scene was
16 released?

17 A Yes, sir. I was there from the time we got called. Me
18 and Chris arrived at the same time and both of us were there
19 until 5:38 I think it was. Yes, 5:38 in the morning. We were
20 there the entire time.

21 Q During that time other than people -- law enforcement
22 -- other than law enforcement people and people in law
23 enforcement authorized to go in and out, was the scene
24 maintained and secured?

25 A Yes, it was.

1 Q All right. Did EMS come to the scene?

2 A Yes, they did.

3 Q And did they provide some -- do some checking of the
4 victim? If you don't know that's fine.

5 A To be honest I can't remember.

6 Q That's fine. Was there some concern about who was
7 going to be in the care of the children initially?

8 A Yes. Yes. Not only did I call for our lieutenant but
9 I also made sure to notify dispatch to have DSS give me a call
10 because of the three children that were there. They were
11 secured in the ambulance.

12 Q Now at the time you called for DSS did you know who the
13 children were?

14 A At that time, no. I had no -- we assumed that the two
15 children turned out to be three, but we assumed that they were
16 the victim's children.

17 Q Now, did DSS arrive at some point?

18 A Yes, they did. I think it was Sharon Adams.

19 Q That's fine. Did you at some point during your time
20 there on the scene learn who the lady on the couch was?

21 A Yes, I did.

22 Q And who was the lady on the couch?

23 A Jenika Jones.

24 Q Did you determine the relationship of the three
25 children you referred to Jenika Jones?

1 A They were her children.

2 Q Did you determine the names and ages of those three
3 children?

4 A Yes, I did.

5 Q Tell me first the youngest and the next youngest and
6 are those the two that were inside the house?

7 A Correct. Yes, they were.

8 Q Youngest child's name and age?

9 A Youngest child was Areon T [REDACTED].

10 Q Age?

11 A He was one year old.

12 Q And the next child?

13 A The next one was Aseria T [REDACTED]. She was two years
14 old.

15 Q And then the third child.

16 A The third child was Antonio T [REDACTED]. He was four
17 years old.

18 MR. BARFIELD: Thank you, sir. Answer any
19 questions Mr. Frick or Ms. Raney may have.

20 THE COURT: Thank you. Mr. Frick.

21 CROSS EXAMINATION

22 BY MR. FRICK:

23 Q Deputy Belk, you were the first officer to arrive on
24 scene?

25 A Yes, myself and the other deputy were both there at the

1 same time.

2 Q Got there both about the same time?

3 A Right behind each other.

4 Q Were you just on patrol that evening? You were just
5 working your shift?

6 A Just working regular shift on patrol, yes.

7 Q How did you become aware that you needed to go over to
8 the Roseborough scene?

9 A We were call on the radio. We were dispatched over to
10 Roseanna Lane with reference to a home evasion.

11 Q When you get a call do you typically get some
12 information about what you getting ---

13 A Yes.

14 Q Did you get information in this case?

15 A Yes, we did.

16 Q What information did you have?

17 A We were advised that there were three male subjects
18 seen running from the scene.

19 Q Okay.

20 A That's the only information that we got.

21 Q All right. That is what was given over dispatch?

22 A Yes, it was.

23 Q Do you have any idea where that information came from?

24 A No, I do not.

25 Q That is fine. Do you generally have any idea?

1 A At that time I didn't know.

2 Q Right.

3 A I believe after we got there, after we talked to some
4 people we found out who it was that could have possibly gave
5 dispatch that information.

6 Q Okay. But as you are riding around in your patrol car
7 dispatch don't give you a whole lot of information. They just
8 tell you to go out there?

9 A That's right. They give us as much information as they
10 can.

11 Q Your role in this case is not necessarily investing the
12 scene, correct?

13 A Correct.

14 Q You go there to secure it?

15 A I go there -- I go there to see -- find out what is
16 going on and then go from there.

17 Q Okay. All right.

18 A Not investigate. Not on that particular -- no, not
19 investigate.

20 Q So in this case you go there to find out what the heck
21 is going on?

22 A Correct.

23 Q You determine investigators do need to be called?

24 A Correct.

25 Q And you begin to secure the scene?

- 1 A Yes, sir. Yes.
- 2 Q I think the solicitor showed you ---
- 3 MR. FRICK: Is that one?
- 4 MR. BARFIELD: One.
- 5 Q He showed you State's number one.
- 6 A Correct.
- 7 Q This is in fact the trailer?
- 8 A Yes, it is. It appears it is.
- 9 Q Do you remember looking at the front door as you went
- 10 in? Was there anything remarkable about the front door?
- 11 A Remarkable, no, just that it was open.
- 12 Q Okay. You got a call for a home invasion. The front
- 13 door ain't kicked in is it?
- 14 A Not to my recollection, no.
- 15 Q Okay. I want to show you this one first. This is
- 16 State's number two. Do you recognize that?
- 17 A Yes, that is the open door.
- 18 Q Okay. How about States number three?
- 19 A That's a door.
- 20 Q Okay. And then State's number four?
- 21 A That's the door frame.
- 22 Q All right. Typically if you go -- if someone had
- 23 kicked in the door, would you expect some kind of damage?
- 24 A Yes.
- 25 Q And it is not here?

1 A It doesn't appear so, no.

2 Q These are not highly intelligent questions, but I am
3 just trying to establish. Is that unusual in a home invasion in
4 your experience?

5 A No, I wouldn't say it is actually unusual.

6 Q Okay.

7 A I have been to several home invasions where the door
8 was not kicked in or anything.

9 Q All right. You didn't take any statement from anybody?

10 A No, I did not. I interviewed some people, but no, I
11 did not take any statement, written statement. No.

12 Q Didn't collect any evidence in this case?

13 A No, I did not.

14 MR. FRICK: Thank you, deputy, that is all the
15 questions I have.

16 THE COURT: Miss Raney.

17 MS. RANEY: Thank you, Your Honor.

18 CROSS EXAMINATION

19 BY MS. RANEY:

20 Q Officer Belk, I know described the trailer itself, but
21 are you familiar with the general neighborhood the trailer is
22 located inside of?

23 A Yes, I am.

24 Q Okay. Can you describe for the jury what the general
25 neighborhood looks like that Miss Jones's trailer is in?

1 A Its basically a dead end road that curves. When you go
2 in it curves to the right and then curves hard to the left and
3 there are several trailers on each side of the road pretty close
4 together.

5 Q And is it fair to say that from your memory Miss
6 Jones's trailer is the second to the last, second to the last
7 trailer on the left on this dead end road?

8 A That is correct.

9 Q Okay. Do you remember if the road is paved that goes
10 to her neighborhood?

11 A Yes, it is.

12 Q It is. And then do you remember do the trailers -- do
13 the front of the trailers face the road or are they more
14 perpendicular to it so the short side of them is what faces the
15 road?

16 A The short side faces the road.

17 Q So basically when you pulled down Roseanna Lane is it
18 fair to say as you are driving down you are seeing the front of
19 each trailer as you go?

20 A Sure.

21 Q And the side is what is butting up against the road?

22 A Yes, that is correct.

23 Q And when you got there that night did you notice, or do
24 you recall, and I can show you State's exhibit one if you needed
25 to. Does Miss Jones's trailer have any type of paved driveway

1 or anything in front of it?

2 A I don't recall.

3 Q Okay. Okay. So this picture that we are looking at is
4 the State's exhibit number one, correct?

5 A Yes.

6 Q And is that Miss Jones's trailer as you remember it?

7 A Yes.

8 Q And is it fair to say that the area around Miss Jones's
9 trailer appears to be gravel and grass and dirt and that sort of
10 thing?

11 A Yes, it does. That's what it appears to be from that
12 picture.

13 Q Okay. Thank you.

14 Now, when you got out there that night you mention to
15 Mr. Frick that you talked to some other people. Did you check
16 with any of the neighbors?

17 A Yes, I did I talk with several the neighbors.

18 Q And did any of them -- don't tell me specifically what
19 they said, but from talking with the neighbors were you able to
20 develop any suspects?

21 A No.

22 Q No. And did you ever have a chance to speak with
23 Antonio T. [REDACTED], the child you said you did not find inside
24 the home?

25 A I did not. Deputy Robinson did.

1 Q Did you even see Antonio T [REDACTED], the four year old
2 child that night?

3 A Yes, I saw him and I remember him. I did not speak
4 with him.

5 Q Okay. Were you close enough to Antonio T [REDACTED] to
6 have an opinion about what his demeanor was that night? How he
7 was acting?

8 A I don't recall.

9 Q Okay.

10 MS. RANEY: I don't have any further questions.

11 THE COURT: Redirect solicitor.

12 MR. BARFIELD: Just briefly.

13 REDIRECT EXAMINATION

14 BY MR. BARFIELD:

15 Q You told Mr. Frick that part of the report was there
16 were three males running from the scene and you told both Mr.
17 Frick and Ms. Raney that you talked to several people out there?

18 A Yes.

19 Q As a result of your conversations with people there in
20 the mobile home park did you have any names of suspects?

21 A No, I did not. No names.

22 Q Was anybody identified as one of the people running
23 from the scene?

24 A No, sir.

25 Q That's all.

1 MR. BARFIELD: Thank you.

2 THE COURT: Mr. Frick?

3 MR. FRICK: Nothing further.

4 THE COURT: Miss Raney?

5 MS. RANEY: Nothing further, Your Honor.

6 THE COURT: Thank you. Thank you very much Deputy
7 Belk. You may step down.

8 (Witness excused.)

9 MR. BARFIELD: I call Richard Weiss.

10 May Deputy Belk be excused. He worked last night.

11 THE COURT: Any objection Mr. Frick.

12 MR. FRICK: No objection.

13 THE COURT: Miss Raney?

14 MS. RANEY: No, Your Honor.

15 THE COURT: Yes, he may be excused.

16 RICHARD WEISS, called as a witness, having been
17 duly sworn by the clerk, was examined and testified as
18 follows:

19 DIRECT EXAMINATION

20 BY MR. BARFIELD:

21 Q Tell us your name please sir?

22 A Richard Weiss.

23 Q Mr. Weiss by whom are you employed?

24 A Lancaster sheriff's office.

25 Q How long have you been employed by the Sheriff's

1 office?

2 A About two and a half years.

3 Q Where did you work before you worked for the sheriff's
4 office?

5 A State of South Carolina probation and parole.

6 Q All right. How long have you been a -- were you an
7 agent with probation and parole?

8 A Yes, I was.

9 Q How long were you an agent?

10 A Twenty-two years.

11 Q And as an agent with probation and parole were you I
12 think it is class one officer?

13 A Class one, yes.

14 Q And are you now a class one as a sheriff's deputy?

15 A Yes, sir.

16 Q Did you respond to the call to the mobile home park in
17 Roseanna Lane on 1-19 of 12 ten o'clock that night?

18 A Yes, I did.

19 Q Do you know how far behind Deputy Belk and Robinson you
20 arrived?

21 A Probably about ten minutes.

22 Q Were there other laws enforcement people on the scene
23 when you got there?

24 A Just Belk and Robinson were the only ones.

25 Q Were there any EMS people on the scene when you got

1 there?

2 A No.

3 Q When you got there what was going on?

4 A Belk and Robinson had cleared the residence. They
5 needed assistance with the children. Just keeping the children
6 away from the scene.

7 Q Okay. January 19th of 2012, do you remember the
8 weather?

9 A Yes, it was very cold that night.

10 Q Okay. What is the first thing you did? Well, let me
11 back up. When you arrived are Belk and Robinson still inside
12 the mobile home or had they come out or where was everybody?

13 A They had stepped to that front porch that you can see
14 in the picture.

15 Q Okay. State's exhibit number one. That's not the big
16 version of it. Is that where you are talking about Belk and
17 Robinson were?

18 A Yes.

19 Q And where were the children at that time?

20 A They were inside the residence.

21 Q Okay. Right inside the door or do you know where?

22 A The kitchen the living room were separated by that
23 sectional couch. They were sort of milling around in that area
24 sort of between the living room and the kitchen area.

25 Q Okay. Now, what interaction, if any, did you have with

1 the children? Not conversation, but physical action with the
2 children, what happened?

3 A The youngest boy was -- he was so young. He really was
4 having a hard time walking around and standing for any length of
5 time. So I picked him up and just held him.

6 Q Okay. I will ask you this one thing. Was there any
7 blood inside this house?

8 A Yes, there was.

9 Q Was there any on the one year old?

10 A Yes, there was.

11 Q You picked him up and did what?

12 A Held him.

13 Q Where did you hold him?

14 A In the kitchen. The kitchen was towards the front part
15 of the trailer. The little dining area was towards the back of
16 the trailer so right there between the kitchen and dining area,
17 dinette area is where I held the youngest child.

18 Q All right. How about the two-year old, where was the
19 two-year old?

20 A I kept her at my side.

21 Q Okay, and ultimately what did you do with those two
22 children?

23 A The two-year old decided that she didn't want to be
24 standing there, so I ended up holding both of those children.

25 Q And did the two-year old also have what appeared to be

1 some blood on her?

2 A Yes.

3 Q And when you scooped up those two children, you got one
4 in each arm?

5 A Yes.

6 Q Where did you go with the children?

7 A About the time EMS arrived went out on the front porch.

8 Q Okay. Ultimately where did you go with the two
9 children?

10 A When I got clearance from the lieutenant and the CSI
11 people that had arrived I took those children to the ambulance.
12 Got them in the back of the ambulance where they could have, you
13 know, give them a warm blanket to put around them and that kind
14 of thing.

15 Q Okay. How about the four-year old, did you ever have
16 direct contact with the four-year old?

17 A No, I never saw him.

18 Q Never saw him?

19 A No.

20 Q Did you have occasion while you were there to -- other
21 than what you described in your dealings with the children -- to
22 look around inside that mobile home?

23 A Yes, I did.

24 Q Did you notice -- did you see the victim?

25 A Yes.

1 Q Okay. Other than the victim and obvious results of
2 what had happened to her, did you notice anything unusually in
3 or about the home?

4 A No.

5 Q Okay. Did you go up and down the halls?

6 A I did not.

7 Q And look in the bedrooms?

8 A No.

9 Q Did you pay any attention to the front door? I assume
10 the door on State's exhibit number one that we have been putting
11 up on here, is that what you would describe as the front door?

12 A Yes.

13 Q Did you notice anything unusually about the door or the
14 door closing mechanism?

15 A No, the door was open when I arrived.

16 Q Okay. Did you interview any witnesses out there?

17 A No, I did not.

18 MR. BARFIELD: Thank you, sir. Answer anything
19 for Mr. Frick or Miss Raney.

20 THE COURT: Mr. Frick.

21 MR. FRICK: Thank you, Your Honor.

22 CROSS EXAMINATION

23 BY MR. FRICK:

24 Q Deputy Weiss, you were called to assist with the
25 children or were you just backup on the scene and that's what

1 your role became?

2 A I worked for judicial services. I was out serving
3 papers that evening and had finished serving papers and was
4 coming back towards the sheriff's office and heard the call
5 dispatched.

6 Q Okay.

7 A Also heard that it was Belk and Robinson who were the
8 only two deputies that had responded and that I also heard the
9 three subjects had left the residence. So just to sort of even
10 the odds if need be I went ahead and rolled toward the scene
11 because I wasn't too far away at the time. So when I got there
12 just did what I needed to do and what they needed to do because
13 they were in the process of getting the scene secured.

14 Q Got you. Kind of standard protocol a call goes out and
15 you are kind in the area you go by to see what is going on?

16 A To back up fellow officers, yes.

17 Q Okay. Scene is clear when you get there so you what --
18 who tells you to go in the trailer? How do you decide to go in
19 trailer?

20 A Officer Belk said that they needed some assistance with
21 the children. Basically keeping them from just wandering around
22 the house.

23 Q Okay. How many children did you see at the time when
24 you went in?

25 A Two. The youngest two children were in the residence.

1 Q Are you aware there are was a third child?

2 A I was told --

3 THE COURT: That would just be hearsay.

4 MR.FRICK That's fine.

5 THE COURT: Move on.

6 Q You see two?

7 A Yes.

8 Q Those are the two you interacted with?

9 A Correct.

10 Q Did you have any conversation -- don't say what anybody
11 said. Did you have any conversation with the children or were
12 you simply holding them?

13 A Just holding them.

14 Q Okay. Did you know the names of the children or find
15 out any information?

16 A No.

17 Q You took them outside to get them out of the scene?

18 A Yes.

19 Q You took them to the ambulance. Did you observe any
20 injuries on them?

21 A No.

22 Q Okay. So the whole purpose to taking them to the
23 ambulance because it was a next warm place?

24 A Yes.

25 Q As much as looked forward to the opportunity to cross

1 examine you all these years that is all I have. Thank you.

2 A Thank you.

3 THE COURT: Miss Raney?

4 MS. RANEY: I have no questions for this witness.

5 THE COURT: Redirect solicitor?

6 MR. BARFIELD: None. Thank you.

7 THE COURT: Thank you. Thank you very much.

8 MR. BARFIELD: May Mr. Weiss be excused to go back
9 to his duties?

10 THE COURT: Yes, sir. Any objections Mr. Frick?

11 MR. FRICK: No.

12 THE COURT: Miss Raney?

13 MS. RANEY: No, Your Honor.

14 THE COURT: All right. You are excused.

15 (Witness excused.)

16 MR. BARFIELD: The State calls Shakela Montgomery.

17 SHAKELA Montgomery, called as a witness, having
18 been duly sworn by the clerk, was examined and
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BARFIELD:

22 Q Tell us your name please and speak into that
23 microphone?

24 Q Shakela Montgomery?

25 Q Miss Montgomery, I don't want an address but do you

1 live in Lancaster now?

2 A No, sir.

3 Q Did you live in Lancaster back in January of 2012?

4 A Yes, sir.

5 Q And do you know a young lady by the name of Temeca

6 Nelson?

7 A And how do you know Temeca Nelson.

8 A She's my cousin.

9 Q And did not she live in Lancaster back in January of

10 2012?

11 A Yes.

12 Q Were you and she together on Thursday night January

13 19th of 2012?

14 A Yes.

15 Q In a car?

16 A In her jeep.

17 Q Okay. Where had you all been?

18 A Applebee's.

19 Q Stupid question number one for Barfield, what were you

20 at Applebee's for?

21 A Just having fun. Family event.

22 Q All right. Do you know where the mobile home park on

23 Roseanna Lane is?

24 A Yeah, that is where Temeca Nelson resided. She was

25 staying there.

- 1 Q She was living there?
- 2 A Uh-huh.
- 3 Q You have to say yes or no.
- 4 A I'm sorry.
- 5 Q That's fine. Who did she live with out in Roseanna
- 6 Lane?
- 7 A Her boyfriend.
- 8 Q Okay and what was his name?
- 9 A Coot.
- 10 Q Nickname?
- 11 A Yes.
- 12 Q You don't know his real name?
- 13 A No.
- 14 Q That's fine. When you left Applebee's where were you
- 15 intending to go?
- 16 A Take Temeca home.
- 17 Q And again was it her car or your car?
- 18 A Her car.
- 19 Q If you are going to take her home where are you going
- 20 to stay?
- 21 A With her.
- 22 Q All right. About what time was it?
- 23 A Around 9:30, 10:30, between those hours.
- 24 Q Did you go to Roseanna Lane out 200?
- 25 A Yes.

1 Q Did you turn into the mobile home park on to Roseanna
2 Lane?

3 A Yes.

4 Q Did you see anything usual when you all pulled on to
5 Roseeanna Lane?

6 A Yes. As we was driving to take Temaka home a car
7 almost ran us off the road.

8 Q Stop right there. I am going to jump way ahead. Did
9 you go into the mobile home park?

10 A Yes.

11 Q And when you got into the mobile home park was there
12 any police there or any evidence of any excitement there at that
13 time?

14 A No.

15 Q When you first got there?

16 A No, two different sides.

17 Q Now, describe first of all the road going in to
18 Roseeanna? Describe Roseeanna Lane? Is it a big road or little
19 road?

20 A A little road.

21 Q Is it paved?

22 A It's paved with holes.

23 Q Typical Lancaster County road I reckon. Describe which
24 way the car was going?

25 A Going out and I was coming in.

1 Q Were you driving or was Temika driving?
2 A I was driving.
3 Q Driving her car?
4 A Yes.
5 Q New car? Old car?
6 A Which car?
7 Q The car that was coming out?
8 A It was an older car.
9 Q Big car? Little car?
10 A Small car.
11 Q What color? Did you notice anything about the color of
12 the car?
13 A White.
14 Q Did you notice anything about the car? About the
15 appearance of the car?
16 A No lights on.
17 Q All right. How was the car being driven?
18 A Fast.
19 Q Describe what happened when your car and the white car
20 met?
21 A I swerved over because it almost hit us head on.
22 Q Did the car stop?
23 A No.
24 Q Did the car keep going?
25 A Yes.

1 Q Do you know where the car went?

2 A No, sir.

3 Q Do you know what kind of car it was?

4 A To me I glanced. Tried not to, you know, wreck. It

5 was like to me an Oldsmobile, Buick, Cadillac style.

6 Q Okay.

7 A Old car.

8 Q All right. After this little event with the white car

9 where did you drive to?

10 A Temeka's boyfriend's house.

11 Q Now, when you got to Temika's boyfriend's house was

12 anything going on outside in the trailer park that you were

13 aware of?

14 A No, not at that time.

15 Q Did you people in the street?

16 A Not on the side where they stay on.

17 Q Okay. Did you see people anywhere out in Roseanna

18 Lane?

19 A No, sir.

20 Q When you first got to Temeka's boyfriend's trailer?

21 A No, sir.

22 Q Did you see law enforcement or EMS or anything like

23 that out there when you first got to Temika's boyfriend's

24 trailer?

25 A No, sir.

1 Q Did you see any of that later on while you were there?

2 A Later on the next day.

3 Q Were you aware even that anything had happened out
4 there that night?

5 A No, sir.

6 Q Didn't see blue lights, didn't see ambulances, didn't
7 see anything that night?

8 A No, sir. We went straight in the house.

9 Q Okay. When did you find out that something had
10 happened?

11 A That next day.

12 Q Day light the next day?

13 A Yes, sir.

14 Q Thank you, ma'am. Answer anything Mr. Frick or Miss
15 Raney has..

16 THE COURT: Mr. Frick.

17 CROSS EXAMINATION

18 BY MR. FRICK:

19 Q Miss Montgomery, you remember talking to law
20 enforcement about this incident, what you are testifying about?

21 A Yes.

22 Q Did you call law enforcement or did they call you?

23 A I am not sure how it went.

24 Q Okay. Do you recall giving them a statement?

25 A Yes.

1 Q Did you talk to them over the phone or was it face to
2 face or do you recall?

3 A Face to face.

4 Q Okay. Do you recall about when you gave a statement?
5 You don't have to remember exactly, but was it the day after you
6 see this car or days after or how long?

7 A The day that I seen the car?

8 Q Yes, ma'am. When did you talk to law enforcement a day
9 or two, a week?

10 A I can't remember how long it been.

11 Q Okay. Did you give a written statement?

12 A Yes.

13 Q Okay. Show you this. Is that your statement?

14 A Yes.

15 Q Does it have a date on it when you gave that statement?

16 A No, sir.

17 Q It doesn't. Okay. You did not give this statement the
18 next day did you?

19 THE COURT: I can't hear.

20 Q You did not give this statement the next day, did you?

21 A No, sir.

22 Q In fact it was about a month later wasn't it?

23 A I don't know.

24 Q Okay. When you were coming down Roseeanna does it have
25 street lights on?

1 A It does.

2 Q It does. Okay. Your lights are obviously on when you
3 are driving in, right?

4 A Yes.

5 Q Okay. You said the other car was not?

6 A Right.

7 Q Okay. Did you recognize that car at all?

8 A It was white.

9 Q Okay. But did you recognize -- did you recognize it at
10 all? Did it look like somebody's car that you knew?

11 A No, sir.

12 Q And it looked like an older model car to you?

13 A Yes, sir.

14 Q Do you recall how this bit of information became of
15 interest in that you came to talk to law enforcement? Do you
16 remember how you found out this is information that you needed
17 to maybe convey?

18 A My brother across the street was telling me what
19 happened that next day.

20 Q Okay. You didn't go on facebook?

21 A No, sir.

22 Q Okay. All right. You didn't stay over at Roseanna.
23 You lived some place else at the time?

24 A Yes.

25 Q Did you still stay in Lancaster?

1 A Yes.

2 Q Thank you, ma'am. That is all the questions I have.

3 THE COURT: Thank you, Mr. Frick. Miss Raney.

4 CROSS EXAMINATION

5 BY MS. RANEY:

6 Q Miss Montgomery, you told solicitor Barfield you were
7 at Applebee's for a family event?

8 A Yes, me and Temika were there together. Family.

9 Q So, it was just you and Miss Nelson present in
10 Applebee's together that night?

11 A Yes.

12 Q And were you all -- did you have dinner, drinks?

13 A Yes.

14 Q You had both something to eat and something to drink?

15 A Uh-huh.

16 THE COURT: You have to answer yes or no.

17 THE WITNESS: I'm sorry.

18 Q Do you remember what you had to drink that night?

19 A A coke.

20 Q A coke. Do you remember what Miss Nelson had to drink
21 that night?

22 A No, ma'am.

23 Q Who paid?

24 A Me. She paid for hers and I paid for mine.

25 Q So you guys went dutch that night. Everybody paid for

1 themselves?

2 A Yes.

3 Q And when you get back to Miss Nelson's neighborhood you
4 remember seeing a white car, correct?

5 A Yes.

6 Q Were you able to tell how many people were inside that
7 white car?

8 A No, ma'am.

9 Q Were you able to tell the race of the people inside the
10 car?

11 A No, ma'am.

12 Q Were you able to see any clothing that any of the
13 people inside the car maybe wearing?

14 A No, ma'am.

15 Q Were you able to get a license tag of the vehicle?

16 A No, ma'am.

17 Q Did you notice whether there was any type of damage to
18 the outside of this white car that you saw?

19 A No, ma'am.

20 Q Thank you. I don't have any further questions.

21 THE COURT: Redirect solicitor.

22 MR. BARFIELD: None. Ask that she be excused.

23 THE COURT: Any objections, Mr. Frick, Miss Raney?

24 MR. FRICK: No objection.

25 MS. RANEY: No, Your Honor.

1 THE COURT: All right. Thank you. Thank you,
2 very much for being with us Miss Montgomery. You
3 maybe excused.

4 (Witness excused.)

5 THE COURT: I believe now will be a good time to
6 take our morning recess. Lady and gentleman of the
7 jury panel we will take about a 15 minute recess.
8 During this recess do not discuss the case with your
9 fellow jurors. Remember to keep an open mind and do
10 not begin your deliberations until you heard all the
11 evidence and all the testimony in the case. You may
12 now go with your bailiff to the jury room.

13 Court will be in recess 15 minutes.

14 (WHEREUPON, court was in recess.)

15 THE COURT: Anything before we bring the jury out
16 from the State?

17 MR. BARFIELD: Nothing from the State.

18 THE COURT: Defense, Mr. Frick?

19 MR. FRICK: Nothing from the defense.

20 THE COURT: Miss Raney?

21 MS. RANEY: No, Your Honor.

22 THE COURT: How more witnesses have you got before
23 lunch? We will make it to one o'clock.

24 MR. BARFIELD: Yes, sir. I didn't answer your
25 question. I got a bunch of witnesses. We will quit

1 THE COURT: All right, come around to be sworn
2 please.

3 MIKE MORRIS, called as a witness, having been duly
4 sworn by the clerk, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q Use that microphone and tell us your name.

9 A Mike Morris.

10 Q Mr. Morris, what is your title? What do you do?

11 A Lancaster County Coroner.

12 Q How long have you been the coroner for Lancaster
13 County?

14 A Thirty-three years.

15 Q What does the corner do?

16 A Goes out on any unexplained deaths.

17 Q Automobile accidents?

18 A Yeah, automobile.

19 Q Criminal acts?

20 A Yes.

21 Q Suicides?

22 A Yes.

23 Q Deaths in the homes unattended by a doctor?

24 A Right.

25 Q Does a coroner have any role in the autopsy process?

1 A Well, what we do when we go to the scene of a call. We
2 get together with the sheriff's office or city, whoever it maybe
3 with their CSI people and get together and what we do is paint a
4 picture for the pathologist and call the pathologist and give
5 them the details of what we know and send a body for autopsy.

6 Q And who decides at a particular scene that the
7 coroner's responds to, who decides whether there is going to be
8 an autopsy?

9 A It is left up to the coroner.

10 Q Do you have some training, medical training yourself?

11 A Yes, I was paramedic with EMS for 28 years.

12 Q Did you as coroner respond to [REDACTED] Roseanna Lane some
13 time ten o'clock or so on January 19th of 2012?

14 A Yes, I arrived at 10:45 p.m.

15 Q Was law enforcement on the scene?

16 A Yes, sir, they were.

17 Q Was the scene secured?

18 A Yes, it was.

19 Q At some point did you enter the scene meaning when I
20 say the scene, I am talking about mobile home?

21 A Yes, I did.

22 Q And are you authorized to do that as coroner?

23 A Yes, whenever the sheriff's office or city, whatever,
24 does there processing then we go in.

25 Q Did you find a victim inside [REDACTED] Roseanna Lane?

1 A Yes, I did.

2 Q And where was the victim?

3 A She was a laying on a sectional sofa as go in to the
4 right and she was laid over on her right side.

5 Q Were you aware whether EMS had been there before or
6 during the time you were there?

7 A When I pulled up I pulled up behind an EMS unit and of
8 course I looked in the back and they were in there with two
9 children and they had blood on their clothes. They were
10 changing them and putting them in a blanket and keeping them
11 warm.

12 Q And did you know that there was a third child involved
13 in this?

14 A I just seen the two that was in the EMS truck.

15 Q And to your knowledge other than the victim on the
16 couch was anybody injured as a result of this incident that you
17 know of?

18 A Not to my knowledge.

19 Q Do you know prior to your arrival if EMS had tended to
20 the lady on the couch?

21 A No, when they got there they didn't. They put on a
22 cardiac monitor. She was what they call in asystole rhythm and
23 what that is no electrical activity whatsoever. It's just
24 basically a straight line.

25 Q Did you check this young lady on the couch yourself?

1 A Yes, I did.

2 Q To determine whether she was alive or dead?

3 A Yes, I did.

4 Q And what was the results of your checking whether she
5 was alive or dead?

6 A She had absolutely no signs of life. Her pupils were
7 dilated, fixed and no respiration.

8 Q Was there any evidence of injury on the body of this
9 young lady?

10 A Yes, on the left side just below the left earlobe to
11 the front she had what appeared to be a gunshot wound.

12 Q Did you make some declaration one way or the other
13 about whether this young lady was alive or dead?

14 A Yes. She was declared dead. Yes.

15 Q Did you determine who the young lady was?

16 A I got the information from the sheriff's office.

17 Q Okay. And who was the young lady that was deceased on
18 the couch?

19 A Jenika Jones.

20 Q Were you aware of whether she had any family members or
21 relatives there at the scene?

22 A No, there was a bunch I guess neighbors around and I am
23 not sure if the adults in the back of the EMS unit were related
24 or not.

25 Q You just don't know?

1 A No.

2 Q Okay. Did you make some determination about whether
3 autopsy was indicated in this case?

4 A Yes.

5 Q And what was your decision about autopsy?

6 A To me it was not natural death. I mean you had a
7 gunshot wound, contact gunshot wound basically to the left side
8 of her head and there was no weapon there. So, you know, with
9 the information I think one of the kids --

10 Q Don't talk about what the kids said.

11 A Okay.

12 Q Did you decide that an autopsy see was going to be
13 done?

14 A Yes.

15 Q And who took custody of the body after you were allowed
16 into the scene?

17 A After the scene was processed and the crime scene
18 finishes up we got a transport team and we transported the body
19 to our office. Then we go ahead and call the pathologist and
20 line the autopsy up the next day.

21 Q Do you have morgue facility in the coroner's office?

22 A Yes, we do.

23 Q And did your office from the point you were there at
24 the scene maintain custody of the body of Jenika Jones?

25 A Yes.

1 Q Through the autopsy process?

2 A Yes.

3 Q How did Jenika Jones get to the -- well, first of all,
4 when was the autopsy scheduled for?

5 A Let me look at my notes a second. She was autopsied on
6 on January 20th, 2012 at 9:30 am.

7 Q And was she -- was the body in custody of the coroner
8 from the time you all took possession of her on Roseanna Lane to
9 the autopsy and back from the autopsy?

10 A Yes.

11 Q And where was the autopsy performed?

12 A Newberry.

13 Q And who performed it?

14 A Doctor Pat Ross.

15 Q Janice Ross?

16 A Yes, I am sorry. Janice.

17 Q Thank you, sir. Answer any questions Mr. Frick or Mr.
18 Raney has?

19 MR. FRICK: No questions.

20 THE COURT: Miss Raney.

21 MS. RANEY: No questions, Your Honor.

22 THE COURT: Thank you for being with us coroner.
23 You may step down. Any objections to this gentleman
24 being excused.

25 MR. FRICK: No.

1 MS. RANEY: No.

2 THE COURT: You maybe excused. Thank you. Thank
3 you very much.

4 (Witness excused.)

5 MR. BARFIELD: Call Latoya Green.

6 THE COURT: Miss Green, if you come around and be
7 sworn for us please.

8 LATOYA GREEN, called as a witness, having been
9 duly sworn by the clerk, was examined and testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q Tell us your name please, ma'am?

14 A Latoya Green.

15 Q Your good on that microphone. That is good. I don't
16 need an address, but do you like here into Lancaster?

17 A I do.

18 Q Do you know Al Martinez Green?

19 A Yes.

20 Q How do you know him?

21 A That's my brother.

22 Q Do you see him in the courtroom today?

23 A Uh-huh.

24 Q You have to say yes or no.

25 A Yes.

1 Q Where is he sitting and what's he is wearing?
2 A All black polo shirt.
3 Q Last man at the set of tables toward the wall?
4 A Correct.
5 Q Do you know Devatee Tymar Clinton?
6 A Yes, I do.
7 Q Do you know him by a nickname? Does he go by some
8 nickname?
9 A Tate.
10 Q Tate. Do you see Tate in the courtroom today?
11 A Yes, I do.
12 Q Where is he sitting and what's he is wearing?
13 A Blue polo shirt, colored shirt.
14 Q Next to the fellow with the glasses on?
15 A Correct, yes.
16 Q Did you know Jenika Jones?
17 A Yes, sir.
18 Q How did you know Jenika Jones?
19 A She was my friend.
20 Q Your friend. Was she younger or older then you?
21 A We were around the same age, but she basically older
22 than me. Her birthday is before mine.
23 Q We will come back and talk about Miss Jones again in
24 just a few minutes. Did you know what the connection between
25 Tate Clinton and your brother Al Green was?

- 1 A From Newtown.
- 2 Q Were they friends?
- 3 A I guess you can call it friends.
- 4 Q Did think hang out together?
- 5 A Yeah, some times.
- 6 Q How long had you known Jenika Jones?
- 7 A Since middle school.
- 8 Q Are you kin to any of her people?
- 9 A Yes, sir.
- 10 Q Who of her family are you kin too?
- 11 A Her sister is my cousin.
- 12 Q Do you have any special -- do you or did you have any
- 13 special relationship with Jenika Jones's children?
- 14 A Yes. They are my godchildren.
- 15 Q All right. Are you familiar with the fact that Jenika
- 16 Jones was shot and killed on January 19th of 2012, did you know
- 17 that happened?
- 18 A Yes.
- 19 Q When that happened where were you living?
- 20 A In Azalea apartments.
- 21 Q How long have you been living in Azalea apartments?
- 22 A Since -- let's see. I don't really remember the month.
- 23 Q Months or years?
- 24 A Its was months.
- 25 Q Had Jenika Jones ever lived with you in your apartment

1 at Azalea?

2 A Yes, sir.

3 Q Had Al Green, your brother, ever lived with you in your
4 apartment?

5 A Yes, sir.

6 Q Did all three of you ever live in your apartment at
7 Azalea at the same time?

8 A Yes, sir.

9 Q For how long?

10 A Let's see. I am not really sure how long it was.

11 Q That is fine. At the time of her death was Jenika
12 living in your apartment?

13 A No, sir.

14 Q When she left your apartment put where did you she go
15 next by way of somewhere to live?

16 A Apartment in Azalea also.

17 Q And did she stay there until the time of her death?

18 A No, sir.

19 Q Where did she go from her own apartment in Azalea to
20 live?

21 A To the one on Roseanna Lane.

22 Q Had you ever visited with her in her mobile home on
23 Roseanna Lane?

24 A No, sir, never got a chance too.

25 Q How long had they been there before she died?

1 A It couldn't have been too long.

2 Q Weeks? Days? Months?

3 A It probably was some weeks. I don't think it was months
4 to my knowledge.

5 Q You don't?

6 A I don't think it was months to my knowledge.

7 Q Thank you, ma'am. Answer anything Mr. Frick or Miss
8 Raney has?

9 THE COURT: Mr. Frick.

10 MR. FRICK: Just briefly.

11 CROSS EXAMINATION

12 BY MR. FRICK:

13 Q It was you, Miss Jones and your brother all living in
14 your apartment the at one time?

15 A At one time, yes.

16 Q And then Miss Jones moves out to get her own apartment
17 still in Azalea?

18 A Correct.

19 Q Okay. You don't recall how long she stayed there
20 before she moved over to Roseanna?

21 A No, sir.

22 Q Okay. Do you recall who she was staying with, if
23 anybody, at Azalea?

24 A Yeah, Nard.

25 Q Do you recall if she had moved with anybody over to

1 Roseanna?

2 A I am not sure.

3 Q That is all the questions I have. Thank you.

4 THE COURT: Miss Raney.

5 MS. RANEY: Just briefly, Your Honor.

6 CROSS EXAMINATION

7 BY MS. RANEY:

8 Q When you were living at Azalea with Miss Jones and your
9 brother, Mr. Green, would that have been in 2011?

10 A Yes. I am not sure if she was there in 2011 because I
11 was there through like April 2012. I am not really sure of the
12 timeframe.

13 Q Okay.

14 A It was whenever.

15 Q Well, do you remember did Miss Jenika Jones already
16 have children when she was living with you and your brother?

17 A She did.

18 Q And how many children did she have at the time she
19 lived with you and Mr. Green?

20 A All of her kids.

21 Q All three children of Miss Jones lived with you at your
22 place with you and Mr. Green as well.

23 A Yes.

24 Q And they lived there. Did they stay there every day?

25 A Yes, ma'am.

1 Q No further questions.

2 THE COURT: Redirect solicitor.

3 REDIRECT EXAMINATION

4 BY MR. BARFIELD:

5 Q You said Nard a minute ago. Who is Nard?

6 A Nard Roseborough.

7 Q Do you know his full name?

8 A I know him by Nard.

9 Q That's fine. Did he have some relationship with Miss
10 Jones?

11 A They dated.

12 Q Okay. That is all. Thank you ma'am.

13 THE COURT: Any followup Mr. Frick?

14 MR. FRICK: No, Your Honor.

15 THE COURT: Miss Raney?

16 MS. RANEY: No, Your Honor.

17 THE COURT: Thank you, very much. Miss you may
18 step down.

19 MR. BARFIELD: Ask that the witness be excused.

20 THE COURT: Any objection?

21 MR. FRICK: No objection.

22 MS. RANEY: None, Your Honor.

23 THE COURT: Thank you. You maybe excused.

24 (Witness excused.)

25 MR. BARFIELD: Dominique Davis.

1 THE COURT: All right. If you come around and be
2 sworn for me.

3 DOMINIQUE DAVIS, called as a witness, having been
4 duly sworn by the clerk, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q Tell us your name, please?

9 A Dominique Davis.

10 Q Miss Davis, I don't want an address, but do you live
11 here in Lancaster?

12 A Yes.

13 Q Do you know a fella by name of Devatee Tymar Clinton?

14 A Yes.

15 Q Did do you know him by a nickname?

16 A Yes.

17 Q What do you know his nickname to be?

18 A Tate.

19 Q Do you see Tate Clinton in the courtroom today?

20 A Yes.

21 Q Where is Tate Clinton sitting and describe what he is
22 wearing please ma'am?

23 A Over there in the blue shirt.

24 Q Next to fellow with the three piece suit on?

25 A Yes.

1 Q Okay. Do you know fella by the name of Al Martinez
2 Green?

3 A Yes.

4 Q Do you see him in the courtroom today?

5 A Yes.

6 Q Where is he sitting and what is he wearing?

7 A Black shirt over there.

8 Q Next to the lady in the white jacket?

9 A Yes.

10 Q On the far end of these two tables toward the wall?

11 A Yes.

12 Q Do you know a young lady named -- I probably am
13 pronouncing it wrong but either Y'eisha or Eisha Tinsley?

14 A Yes.

15 Q Is it Y'eisha or Eisha?

16 A Y'eisha.

17 Q How did you know -- I am referring to January 18th and
18 January 19th of 2012. Where were you living on January 18th an
19 19th of 2012?

20 A 2712 Carolina Court.

21 Q Okay.

22 THE COURT: What was the number again?

23 THE WITNESS: 2712.

24 Q Where was Y'eisha living then?

25 A Across the hall from me.

1 Q Same apartment complex?

2 A Yes.

3 Q Same building?

4 A Yes.

5 Q Do you know then whether Y'eisha Tinsley and either

6 one, Mr. Clinton or Mr. Green had any relationship?

7 A Mr. Green.

8 Q And Miss Tinsley?

9 A Yes.

10 Q What kind of relationship?

11 A They was going together.

12 Q Do you know if Miss Tinsley have any children by Mr.

13 Green?

14 A Yes.

15 Q How many?

16 A One.

17 Q Did you know a young lady name Jenika Jones?

18 A Yes.

19 Q How do you know Jenika?

20 A We went to school together.

21 Q Did you know back then a young man named Jamal Antonio

22 Twitty?

23 A Yes.

24 Q How did you know him?

25 A He's my cousin.

- 1 Q He's your cousin?
- 2 A Uh-huh.
- 3 Q You got to say yes or no.
- 4 A Yes.
- 5 Q Wednesday, January 18th of 2012, did you go visit
6 anybody in Carolina Court?
- 7 A Y'eisha.
- 8 Q Why did you go Y'eisha's that day?
- 9 A We were going to cook breakfast.
- 10 Q About with what time was it? I don't need it precisely
11 on the clock, but was it morning, afternoon or night?
- 12 A Morning.
- 13 Q Was Y'eisha there?
- 14 A Yes.
- 15 Q Other than Mr. Clinton and Mr. Green, we will talk
16 about them in a minute. Were other people there?
- 17 A Besides her brother.
- 18 Q Whose brother?
- 19 A Y'eisha's brother.
- 20 Q What is his name?
- 21 A Madrey Tinsley.
- 22 Q Did you see Mr. Clinton or Mr. Green at Y'eisha's that
23 morning on the 18th when you went over there to cook breakfast?
- 24 A Yes.
- 25 Q Did you hear -- did you have any conversation with

1 Clinton and Green or hear them having conversation with each
2 other?

3 A I didn't have a conversation with them, but I heard
4 them two having a conversation.

5 Q All right. The best you can recall, relate what each
6 of them said to the other during the conversation?

7 A Tate and Al was talking about doing a robbery.

8 Q Did they use the words robbery?

9 A No.

10 Q What word did they use?

11 A Lick.

12 Q And what did lick mean to you?

13 A Rob somebody.

14 Q Did -- was there any discussion about guns during that
15 conversation with the two of them?

16 A Yes.

17 Q Who said what?

18 A Tate said he had Taz's gun and he wasn't going to give
19 it back to him.

20 Q Who is Taz? Do you know who Taz is?

21 A I just know him because he said his name.

22 Q You don't know who Taz was?

23 A No.

24 Q Speak up.

25 A No.

1 Q Did you see a gun in Y'eisha's apartment in the
2 possession of either Clinton or Green that morning?

3 A No.

4 MR. FRICK: Judge, as Mr. Barfield takes a breath
5 on that, I you want to preserve my objection. I think
6 this is part of the testimony we had the pretrial
7 motion that you already ruled on. I objected based
8 on 404 and 403. I just want to note that for the
9 record.

10 THE COURT: All right. And I will renew my
11 previous ruling.

12 MS. RANEY: And while we are on break I will do the
13 same.

14 THE COURT: Excuse me.

15 MS. RANEY: I said, while we are at the breaking
16 point I will go ahead and do the same Your Honor.

17 THE COURT: All right. Thank you.

18 DIRECT EXAMINATION CONT'D:

19 Q Was there any talk about between Clinton and Green
20 about where this lick, or robbery was going to occur?

21 A No.

22 Q Was there any talk about when it was going to occur?

23 A No.

24 Q Was there any discussion about -- not names, but people
25 that might have been targets; like man, woman, boy, girl

1 anything like that?

2 A No.

3 Q Was there any talk about where the robbery was going to
4 be?

5 A No.

6 Q Was there any talk about anything that might be around
7 the house or whatever the place was that the robbery was going
8 to be?

9 A No.

10 Q Was there any talk about cars?

11 A About a black car.

12 Q Who said something about a black car?

13 A Al.

14 Q What did Al say about a black car?

15 A Does she drive a black car.

16 Q Does she drive a black car. Is that what he said?

17 A Yeah.

18 Q Did he -- did you know who "she" was that he was
19 referring to?

20 A No.

21 Q Was there anything else said about either Clinton or
22 Green about this "she", this unnamed "she"?

23 A No.

24 Q Was there any other talk by Clinton or Green about
25 anybody else other than the unknown "she"?

1 A No.

2 Q Okay. Thursday night, January 19th of 2012, where were
3 you?

4 Let me ask you another question before I ask you this. You
5 told us you new Jenika Jones?

6 A Yes, that is correct.

7 Q Did you know on January 18th and 19th of 2012 and
8 apologize if I already asked you this. Did you know where
9 Jenika Jones lived then?

10 A No.

11 Q Did you know -- where did you last know her to live?

12 A I didn't know.

13 Q You didn't know?

14 A I didn't know.

15 Q That's fine. Did you find out that something had
16 happened to Jenika Jones?

17 A Yeah, the night of the murder.

18 Q And don't tell me what anybody said, but did you find
19 out because you were there? Did you find out because you got a
20 text message or you got a phone call?

21 Don't tell me what somebody said. How did you find out that
22 something had happened to Jenika Jones?

23 A Because the night when it happened Y'eisha Tinsley -- I
24 was coming and going to unlock my door to go in the house.

25 Q And don't tell me what was said, but did somebody tell

1 you face to face or somebody call you on the phone or what?

2 A Face to face.

3 Q Okay. Did you -- after you found out something had
4 happened to Jenika did you go somewhere that night?

5 A No.

6 Q You never went down to Roseanna Lane or anything else?

7 A No.

8 Q To where this was going on?

9 A No.

10 Q Thank you, ma'am. Answer anything Mr. Frick or Mr.
11 Raney has?

12 THE COURT: Thank you, solicitor. Mr. Frick.

13 MR. FRICK: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. FRICK:

16 Q Miss Davis, you said that Wednesday --I guess it was
17 the 18th. That Wednesday you went over to Y'eisha's house for
18 breakfast?

19 A Yes.

20 Q It seems like that is something you do regularly?

21 A Yes.

22 Q Did you say you what time that was?

23 A It was around 10:30, 11 o'clock.

24 Q Do you go over there with anybody, yourself or are you
25 with somebody?

- 1 A It was me and my little girl.
- 2 Q When you got there folks already there?
- 3 A Yes.
- 4 Q Who was already there?
- 5 A Tate and Al and Madrey and Y'eisha.
- 6 Q Have you known all them for a while or know of them,
- 7 what was your ---
- 8 A I know them. I know them for a while.
- 9 Q So when you walked in the door you looked you saw
- 10 Devantee Clinton you knew that was Tate?
- 11 A Yes.
- 12 Q And you saw Mr. Green sitting there?
- 13 A Yes.
- 14 Q And you saw Madrey sitting there?
- 15 A Yes.
- 16 Q And that was it, right?
- 17 A Yeah, and Y'eisha.
- 18 Q Y'eisha. Okay. Had breakfast begun or were they
- 19 waiting for you to show up?
- 20 A No, we hadn't started breakfast yet.
- 21 Q Was there any conversation going on as you walked in
- 22 the door?
- 23 A No.
- 24 Q Okay. Where do you all sit?
- 25 A When you walk in she had a chair on the wall. I was

1 sitting on the end. I want to say Tate was -- I think Tate was
2 beside me and Al was beside -- Al was beside Tate.

3 Q So you kind of sitting beside in a chair or a couch?

4 A On a couch.

5 Q On a couch. So you are sitting here (indicating) Tate
6 is here, and Al is beside him?

7 A Yes.

8 Q Okay. When do think start talking about this lick?

9 A I was talking to Y'eisha at the time when they started
10 talking about it, but I was listening at the same time.

11 Q They were talking among themselves?

12 A To each other.

13 Q They didn't ask you hey, you want to join in on this?

14 A No.

15 Q They weren't asking Y'eisha, hey, you want to join in
16 on it?

17 A No.

18 Q Before or after breakfast?

19 A We didn't get to cook breakfast.

20 Q What happened?

21 A We started talking and stuff.

22 Q Just lost track of time?

23 A Yeah.

24 Q Didn't cook it later, no brunch?

25 A I cooked lunch at home.

1 Q All right. But that was in that morning, correct?

2 A Yes.

3 Q Did you go back to Y'eisha's house later that night?

4 A Later that night -- I don't think so.

5 Q Okay. All right. Let's jump ahead to -- well, briefly
6 on the conversation. No idea who they are talking about? Where
7 they are talking about?

8 A No.

9 Q When they are talking about it?

10 A Say that again.

11 Q You didn't know who they were talking?

12 A No.

13 Q Didn't know where they were talking about?

14 A No.

15 Q Or when they were talking?

16 A No.

17 Q Okay. Thursday. I think the solicitor asked you about
18 you found out from Y'eisha, am I correct about that?

19 A Yes.

20 Q Don't -- just like he said, don't say what anybody
21 said, but you found this information from her?

22 A Yes.

23 Q Do you have any idea where she got her information
24 from?

25 A No.

1 Q Okay. Hold on one second.. I may be done.

2 Thank you, ma'am. Answer anything Miss Raney has.

3 THE COURT: Thank you, Mr. Frick. Miss Raney.

4 MS. RANEY: Thank you, Your Honor.

5 CROSS EXAMINATION

6 BY MS. RANEY:

7 Q Miss Davis, what did you do after you left Miss
8 Tinsley's house that morning. Do you remember?

9 A No.

10 Q No. After you heard this conversation between Mr.
11 Green and Mr. Clinton did you call the police that day?

12 A No.

13 Q I don't have any further questions?

14 THE COURT: Redirect solicitor?

15 MR. BARFIELD: None.

16 THE COURT: Thank you. Thank you, very much, Miss
17 Davis.

18 MR. BARFIELD: Ask that she be excused.

19 THE COURT: Any objection, Mr. Frick, Miss Raney
20 to her being excused.

21 MR. FRICK: I don't think there is any objection.

22 MS. RANEY: No, Your Honor.

23 THE COURT: All right. Thank you. Yes, ma'am,
24 you maybe excused.

25 (Witness excused.)

1 MR. BARFIELD: Jamal Twitty, please.

2 THE COURT: All right, if you come around and be
3 sworn.

4 JAMAL TWITTY, called as a witness, having been
5 duly sworn by the clerk, was examined and testified as
6 follows:

7 DIRECT EXAMINATION

8 BY MR. BARFIELD:

9 Q Tell us your name?

10 A Jamal Twitty.

11 Q Real slow.

12 A Jamal Twitty.

13 Q That was good. But keep talking real slow. Mr.
14 Twitty, do you live here in Lancaster County?

15 A Yes, sir.

16 Q How old are you?

17 A Twenty-eight.

18 Q I will ask you about some people first. Do you know
19 somebody named Devantee Tymar Clinton?

20 A Yes, sir.

21 Q Do you know him by nickname?

22 A Yes, sir.

23 Q What is the nickname?

24 A Tate.

25 Q Do you see Tate Clinton in the courtroom today?

1 A Yes, sir.

2 Q Where is he sitting and what is he wearing?

3 A Blue shirt.

4 Q Next to the fella in the three-piece suit looking at

5 the file folder?

6 A Yes, sir.

7 Q Raise your hand. Is that Mr. Tate Clinton?

8 A Yes, sir.

9 Q Do you know Al Martinez Green?

10 A Yes, sir.

11 Q Mr. Green raise your hand. Do you see Al Green in the

12 courtroom today.

13 A Yes.

14 Q Is that him with the hand raised over there?

15 A Yes, sir.

16 Q Do you know Dominique Davis?

17 A Yes.

18 Q How do you know Dominique Davis?

19 A Like I have been knowing her all my life.

20 Q That is fine. Do you know Y'eisha Tinsley?

21 A Yes, sir.

22 Q How do you know her?

23 A I have been knowing her for a while too.

24 Q Back in on January 18th and 19th of 2012, were you

25 living in Carolina Court?

- 1 A Yes, sir.
- 2 Q You were living there then?
- 3 A Yes, sir.
- 4 Q Did you know where Dominique Davis and Y'eisha Tinsley
5 lived back in January of 2012?
- 6 A Yes, sir.
- 7 Q Have you ever been to either one of their homes before
8 January of 2012? Had you been to their homes?
- 9 A Yes, sir.
- 10 Q Did you know somebody name Jenika Jones?
- 11 A Yes, sir.
- 12 Q How do you Jenika Jones?
- 13 A That's my cousin.
- 14 Q Okay. Did you know on January 18th and 19th of 2012
15 where Jenika Jones lived?
- 16 A No, sir.
- 17 Q Where did she last live that you knew about?
- 18 A Behind Blockbuster.
- 19 Q In a house or apartment?
- 20 A Apartment.
- 21 Q Do you know the name of the apartment behind
22 Blockbuster?
- 23 A No.
- 24 Q Did you see Tate Clinton and/or Al Green on January
25 18th of 2012?

1 A Yes, sir.

2 Q Where did you see them?

3 A I seen Al earlier that day at Y'eisha's house, that
4 morning.

5 Q Hold on. You seen Al earlier that day at Y'eisha's
6 house?

7 A Yes, sir.

8 Q How long were you at Y'eisha's house earlier that
9 morning?

10 A Not long. Probably like ten minutes, five, ten
11 minutes.

12 Q Did you see Dominique Davis at Y'eisha's house that
13 morning?

14 A No, sir.

15 Q Okay. Did you see Tate Clinton earlier that morning
16 anywhere?

17 A No, sir.

18 Q Did you see Tate Clinton or Al Green any time later
19 that day or into the night?

20 A Later on at night.

21 Q Where?

22 A Carolina Court. We were standing between Y'eisha's and
23 Dominique's house.

24 Q Between what?

25 A Y'eisha's and Dominique's house. We was standing

1 outside.

2 Q When you are standing outside are you on the sidewalk,
3 on the grass or on a covered walkway?

4 A Like a covered walkway.

5 Q All right. Who else was out there?

6 A Me, Teeshan.

7 Q Teeshan is who?

8 A Teeshan Harris.

9 Q Teeshan Harris, and who else?

10 A Maleek.

11 Q Maleek?

12 A Moore.

13 Q Maleek Moore. Okay. Did you see Tate Clinton and Al
14 Green?

15 A Tate. Tate was out there.

16 Q Okay. Was there any conversation between you and Tate
17 Clinton?

18 A Yes, sir.

19 Q About what time of night was this if I didn't ask you a
20 minute ago?

21 A Between 10 and 11. Somewhere in there.

22 Q What was the conversation between you and Tate Clinton?

23 A He asked me did I want to go on a lick with him.

24 Q All right. What did you take lick to mean?

25 A Robbery.

1 Q What did you say when Tate asked if you wanted to go on
2 a lick with him?

3 A I said, yeah, whatever.

4 Q I will jump way ahead. Did you at any time go on a
5 lick or robbery with Tate Clinton and/or Al Green?

6 A No, sir.

7 Q Did you have any conversation with Tate Clinton about
8 where the lick was going to be?

9 A Yeah.

10 Q How did that -- what did you say?

11 A He was like, um, they were going on a lick, I was like,
12 yeah, whatever. I was like where about.

13 Q You say what, where about?

14 A Where about.

15 Q Did he respond to that?

16 A Yeah.

17 Q What did he say?

18 A Not far.

19 Q That's all he said?

20 A Yes, sir.

21 Q Was there any talk about when to do this lick?

22 A Yeah. They wanted to do it then but we weren't going
23 to do it now.

24 Q All right. When that part of the conversation is going
25 on is Al Green around?

- 1 A No, sir.
- 2 Q Did you see Al Green while you were out there that
- 3 night?
- 4 A Later after the conversation had ended between me and
- 5 Tate.
- 6 Q Where did you see Al Green?
- 7 A He was walking down the sidewalk coming towards us.
- 8 Q And when you say towards us, who is still out there?
- 9 A Me, Tate, Teeshan and Maleek.
- 10 Q What happened when Al Green -- where did Al Green go?
- 11 A He came over to us. He was standing where we was in
- 12 the walkway.
- 13 Q Was there any conversation between you, Tate and Green
- 14 when Green walked up?
- 15 A Yes, sir, the conversation started back up.
- 16 Q Who started the conversation back up?
- 17 A Tate.
- 18 Q And what did Tate say to start up the conversation?
- 19 A He asked Al did he want to go on a lick.
- 20 Q Did Al respond to Tate's asking whether he wanted to go
- 21 on lick?
- 22 A Yes, sir.
- 23 Q What did he say?
- 24 A He say, yeah, whatever.
- 25 Q Was there any other conversation between you and Tate

1 after that?

2 A Yes, sir. He had me try to get a car.

3 Q Did you own a car?

4 A No, sir.

5 Q Did you know somebody who had a car?

6 A Yes, sir.

7 Q Whose car?

8 A My baby's momma.

9 Q Your baby's momma?

10 A Yes, sir.

11 Q What kind of car?

12 A Honda Accord.

13 Q What was your response to Tate's question to you if you

14 could get the car?

15 A I said, no, it was parked for the night. She ain't

16 going to let me drive it.

17 Q Did you ever get the car that night?

18 A No, sir.

19 Q Did you ever go anywhere with Tate Clinton or Al Green

20 that night?

21 A No, sir.

22 Q Did you ever see Tate Clinton with a gun?

23 A Have I ever?

24 Q Yes.

25 A Yeah.

1 Q Any time around about when this conversation occurred?

2 A Nah.

3 Q Did anybody have a gun that night is my first question?

4 A No, sir.

5 Q Before that night had you ever seen Tate Clinton with a
6 gun?

7 A No, sir.

8 Q Thank you, very much. Answer anything Mr. Frick or
9 Miss Raney has.

10 THE COURT: Thank you, solicitor. Mr. Frick.

11 MR. FRICK: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MR. FRICK:

14 Q Mr. Twitty, you know Mr. Clinton for a while?

15 A Yes, sir.

16 Q You all grow up together basically?

17 A Yes, sir.

18 Q Okay. Mr. Green same thing?

19 A I mean, I know him you know what I am saying but ---

20 Q But known him for a while too?

21 A Yeah. Yes, sir.

22 Q Just basically from the neighborhood?

23 A Yes, sir.

24 Q Did you and Miss Davis did you all have some
25 relationship? I got confused. You said she is from around or

1 what?

2 A She stay in same complex, apartment complex

3 Q I got you. So were you staying over at Azalea at the
4 time?

5 A No, Carolina Court.

6 Q Carolina Court. I am sorry. I am getting things
7 confused myself.

8 That Wednesday, the 18th, you go over to Y'eisha's place?

9 A Earlier that day.

10 Q Earlier that day. Okay. What did you go over there
11 for?

12 A We were just chilling.

13 Q Okay. Do you recall about what time you got over
14 there?

15 A Probably about ten something that morning.

16 Q Okay. And you didn't see Mr. Clinton over there?

17 A No, sir.

18 Q All right. Nobody has talked about a lick over there
19 when you get there?

20 A No, sir.

21 Q Okay. But you said you didn't see Miss Davis over
22 there, is that correct?

23 A No, sir.

24 Q She wasn't there?

25 A No not when I was there.

1 Q Ten that morning she's not there?

2 A No, sir.

3 Q All right. That evening, you're back over there,
4 right?

5 A Yes, sir.

6 Q Or were you just kind of there all day. I am not
7 implying anything ban, I'm just saying --

8 THE COURT: Let him answer the question.

9 A We were just chilling.

10 Q Were you already out in the walkway when Mr. Clinton
11 was there or did you all get there at the same time? How did
12 this meeting occur?

13 A He was already standing out there. I had come outside
14 and we just started talking. Just chilling.

15 Q Was anybody out there with him at that time?

16 A Teeshan, Meelek.

17 Q Did they seem to be having a conversation or could you
18 tell?

19 A Nan, just goofing around.

20 Q Okay. All right. When you walk up -- don't tell me
21 what you all are saying, but just general conversation?

22 A Uh-huh.

23 THE COURT: Is that a yes?

24 THE WITNESS: Yes, sir.

25 Q At what point does Mr. Clinton decide he needs to

1 invite you on this robbery?

2 THE COURT: He wouldn't know if somebody decides.

3 Decides. Rephrase the question.

4 Q My question is, you all are talking. When did he ask
5 you to go on this robbery?

6 A I mean -- just came out. Do you want to go on a lick
7 bro. Yeah.

8 Q Just straight out of the blue?

9 THE COURT: Is that a yes?

10

11 A Yes, sir.

12 Q You indicate it's all right with you, right?

13 A Yes, sir.

14 Q Okay. In fact tell him let's don't do it now?

15 A Sir?

16 Q You advised him that he shouldn't do it right then,
17 right?

18 A Yes, sir.

19 Q That conversation ended?

20 A Uh-huh. Yes, sir.

21 Q She got to take it down. It's not for me. Then Mr.
22 Green walks up?

23 A Yes, sir.

24 Q Okay. Do you recall how long it was before he walked
25 up after this previous consideration had ended?

1 A Probably like -- probably a few minutes after the
2 conversation had ended.

3 Q Okay. After Mr. Green walks up then the conversation
4 about this robbery occurs again?

5 A Yes, sir.

6 Q Did anyone else walk up?

7 A No, sir.

8 Q Okay. How did you all part ways that evening?

9 A We went on own way.

10 Q You all hang out there for a while?

11 A Yeah. We stayed there for a minute. You know, we
12 smoke a little blunt that we had and we left. Everybody went
13 their own way.

14 Q No body go hitting on a lick that night?

15 A No, sir.

16 Q And Mr. Clinton is just inviting whoever that walks up
17 to go on this thing with him?

18 A Well, no, he had asked me. He asked Al.

19 Q Okay. Those are the people that walked up, right?

20 A Just Al walked up.

21 Q Okay. But he asked you too?

22 A Yes, sir.

23 Q All right. Thank you, sir.

24 THE COURT: Miss Raney.

25 CROSS EXAMINATION

1 BY MS. RANEY:

2 Q You testified when Mr. Clinton asked you to do a lick
3 your response was, yeah, whatever?

4 A Yes, ma'am.

5 Q And then afterwards when Mr. Green walked up to join
6 the conversation Mr. Green response when asked to do the robbery
7 was also, yeah, whatever?

8 A I mean he was down for it. You know what I am saying.
9 He was like, yeah, he's ready.

10 Q So he gave the same response you did that night?

11 A Ma'am?

12 Q Mr. Green and you both said, yeah, whatever in response
13 to Tate's question?

14 A Yes, ma'am.

15 Q But as far as you know you didn't go out and commit any
16 robbery or lick that night, right?

17 A No, ma'am.

18 Q Do you know what Mr. Green did later that night?

19 A No, ma'am.

20 Q Were you with Mr. Green on January 19th?

21 A No, ma'am.

22 Q Were you with Mr. Clinton on January 19th?

23 A No, ma'am.

24 Q I have no further questions.

25 THE COURT: Redirect solicitor.

1 MR. BARFIELD: None.

2 THE COURT: Thank you. Thank you very much Mr.
3 Twitty. You may step down.

4 MR. BARFIELD: May he be excused.

5 THE COURT: Any objections Mr. Frick, Miss Raney.

6 MR. FRICK: No objection, Your Honor.

7 MS. RANEY: None, Your Honor.

8 THE COURT: All right, you maybe excused.

9 (Witness excused.)

10 MR. BARFIELD: Give me thirty seconds, please.

11 THE COURT: All right. Yes, sir.

12 MR. BARFIELD: The State calls Temeca Nelson.

13 THE COURT: Miss Nelson, if you would come around
14 and be sworn.

15 TAMECA NELSON, called as a witness, having been
16 duly sworn by the clerk, was examined and testified as
17 follows:

18 DIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q Miss Nelson, use that microphone and tell us your
21 name.

22 A Temeca Nelson.

23 Q And spell your first name?

24 A T-e-m-e-c-a.

25 Q You live here in Lancaster?

1 A Yes, sir.

2 Q Did you live in Lancaster back in actually on January
3 19, 2012?

4 A Yes, sir.

5 Q Where were you living then?

6 A [REDACTED] Gingercake Road.

7 Q Were you familiar back then with the mobile home park
8 out on Roseanna Lane?

9 A Yes, sir.

10 Q Did you have any connection to anybody out there?

11 A No, sir.

12 Q Okay. Did you have any -- did you ever go out there?

13 A No, sir. Well, I went that night.

14 Q Well, that night. Tell us about that night. First of
15 all where had you been that night?

16 A Me and my cousin was coming from Applebee's.

17 Q And your cousin's name is what?

18 A Shakela

19 Q Last name?

20 A Montgomery.

21 Q When you all left Applebee's where were you going
22 toward?

23 A We were going to Roseanna Lane to her brother's house.

24 Q All right. Did you turn on to Roseanna Lane? Did the
25 car you all were turn on to Roseanna Lane?

1 A I was coming off Roseanna going towards Great Falls
2 Highway.

3 Q No, I am talking about did you all go in to Roseanna
4 Lane?

5 A Yes, sir.

6 Q Did anything happen when you all pulled in to Roseanna
7 Lane?

8 A We going in. The car was coming out and had no lights
9 on.

10 Q All right. A car was coming out with no lights on.
11 What kinds of car? Describe the car?

12 A It was white Cadillac with a rag top.

13 Q White Cadillac with rag top?

14 A Yes, sir.

15 Q And you said it didn't have any lights on?

16 A No lights on.

17 Q How was it being driven? That's a stupid question.
18 Was it moving good? Was it moving bad?

19 A Its was moving fast.

20 Q Fast. Could you see inside -- what time was this?

21 A It was about 9:30, 10:30 something like that.

22 Q At night?

23 A Yes, sir.

24 Q Could you see inside the car?

25 A No, sir.

1 Q Could you tell how many people were in the car?

2 A No, sir.

3 Q Could you tell whether it was men or woman or male or
4 female in car?

5 A No.

6 Q Could you tell whether it was black or white people in
7 the car?

8 A No, sir.

9 Q Nothing about anybody in the car?

10 A No, sir.

11 Q Had you before that night ever seen that car before?

12 A No, sir.

13 Q After that night did you ever see that car again?

14 A Yes, sir.

15 Q All right, now talk loud. Get up in that microphone.
16 Where did you see -- when did you see the car again?

17 A I seen the car in the Piggly Wiggly parking lot with a
18 flat tire.

19 Q You saw that car in the Piggly Wiggly parking lot?

20 A Yeah, the car that I seen.

21 Q When did you see that car in the Piggly Wiggly parking
22 lot in relation to the night that it came out fast?

23 A I seen it the next day.

24 Q And what was the condition of the car in the Piggly
25 Wiggly parking lot?

1 A It was just sitting there. It had a flat tire.

2 Q Where is the Piggly Wiggly parking lot in relation to
3 Roseanna Lane?

4 A It is like up the street.

5 Q Thank you, ma'am. Answer anything Mr. Frick or Mr.
6 Raney has.

7 THE COURT: Mr. Frick.

8 CROSS EXAMINATION

9 BY MR. FRICK:

10 Q Who are you going to go visit over at Roseanna?

11 A Sir?

12 Q Who stayed over on Roseanna that you knew? You were
13 going to a particular place that evening, right.

14 A Yeah, I was going to Roseanna Lane.

15 Q Whose house were you going?

16 A I was to Shaketa's brother's house.

17 Q Shaketa's brother's house. Okay. And what's that
18 relation to you?

19 A That's my cousin.

20 Q That's your cousin. Okay. All right. Do you recall
21 about what time it was when you all got over there or at least
22 turned on to Roseanna?

23 A It was about 9:30, 10:30. About that time.

24 Q 9:30 to 10:30?

25 A Yeah.

1 THE COURT: Is that a yes? I didn't hear you.

2 Was your answer yes?

3 A Yes, sir.

4 THE COURT: All right. Thank you.

5 Q You didn't look at your watch?

6 A No. No.

7 Q All right. You been over to Roseanna a few times?

8 A Yeah.

9 Q Okay. This wasn't your first trip over there? First
10 time you ever been over there?

11 A That night.

12 Q Right, but in your life had you been over there before?

13 A No, sir. Not that night. My cousin stays over there.

14 Q Are you familiar with the place? That is all I am
15 trying to get to.

16 A (Inaudible response).

17 THE COURT: Is that a yes? You have to say yes
18 or no because this young lady has to take it down.

19 A Yes, sir.

20 Q Are there street lights down Roseanna Drive?

21 A Sir?

22 Q Are there street lights, city street lights?

23 A No, sir.

24 Q Okay. The car that is coming at you it didn't have
25 it's lights on, correct? The car that is coming at you it did

1 not have any lights on, correct?

2 A No, sir.

3 Q You say you think it looked liked a Cadillac, correct?

4 A Yes, sir.

5 Q Okay. The car you see the next day over at the Piggly
6 Wiggly parking lot you say that is the same car, right?

7 A Yes, the car that I saw.

8 Q How do you know it is the same car?

9 A Because the same car because it had a rag top on it.
10 It's white and it had a rag top on it.

11 Q Surely you are not trying to imply there is only one
12 rag top Cadillac in Lancaster?

13 THE COURT: Rephrase that question.

14 Q Have you ever see any other Cadillacs, white Cadillac
15 in Lancaster?

16 A No, sir.

17 Q You haven't, ever, this is the only one you have ever
18 seen?

19 A Yes, sir.

20 Q Okay. Thank you, ma'am. That is all the questions I
21 have.

22 THE COURT: Miss Raney.

23 MS. RANEY: I don't have any questions.

24 THE COURT: Redirect.

25 MR. BARFIELD: None.

1 THE COURT: Thank you. Thank you, very much Miss
2 Nelson. You may step down. Any objection to this
3 witness being excused.

4 MR. FRICK: None, Your Honor.

5 THE COURT: None, Your Honor.

6 THE COURT: All right. You maybe excused.

7 (Witness excused.)

8 MR. BARFIELD: May we approach briefly.

9 THE COURT: Yes, sir.

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

12 THE COURT: All right, Mr. Foreman, ladies and
13 gentleman of the jury it appears I have matter to take
14 up outside of your presence. So rather than hold you
15 captive for thirty minutes and then bring you out and
16 tell you to go to lunch I will tell you right now you
17 can go to lunch. Give me just a moment, please.

18 Please remember during this luncheon recess you are
19 not to discuss this case with others. That is
20 includes your fellow jurors, lunch mates, family
21 friends or anyone else. Do not read, watch, or listen
22 to any news accounts about the case. Do not do any
23 independent investigation or any investigation on the
24 internet or otherwise.

25 Remember to keep an open mind and do not begin your

1 deliberations until you heard all the evidence, all
2 the testimony, closing arguments by the attorneys, the
3 instruction on the law by the Court.

4 Any questions about those directions? All right,
5 if you please be back promptly at two o'clock. If you
6 please be back promptly at two o'clock. Thank you,
7 very much. Hope you all have a pleasant lunch.

8 (Jury leaves the courtroom.)

9 THE COURT: All right. Solicitor.

10 MR. BARFIELD: Your Honor, let me just kind of lay
11 this out. It's their motion so I will lay out the
12 issue and then they can decide how they want to
13 proceed with the motion.

14 The next witness is Pomp Blackmon. Testimony of
15 Mr. Blackmon will be that it was his Cadillac that was
16 loaned to several people. He was questioned by law
17 enforcement on 1-23 of '12. Gave a written statement.
18 He was shown two lineups which I think we have agreed
19 contained as to these two defendants only a picture of
20 Mr. Clinton. Never Mr. Green in either of these two
21 lineups. I don't have the officer here who did these
22 lineups and we will deal with that in a minute. He
23 will be here tomorrow. But I think we all agree that
24 Mr. Blackmon did not pick anybody out of these two
25 lineups as being the person he loaned the car to.

1 Then he was questioned again on 3-1 of '12. Gave
2 another written statement and was not shown lineups,
3 but was shown single photos of Mr. Clinton, which he
4 said was the person he loaned the car to and I think
5 he said one hundred percent sure or something close to
6 that and he was also shown a single photo of Mr. Green
7 and he was seventy percent sure in his statement. He
8 was seventy percent sure that Mr. Green was one of the
9 people who left in his car. That is -- and of course
10 Mr. Blackmon is here today. I intend to call him as
11 witness in this case either way depending on whether
12 you limit his testimony or not, but I have not done
13 any identification processes with Mr. Blackmon myself
14 so I don't know what is going to do when he is on the
15 witness stand when he is asked if he can identify
16 anybody in this case. So with that said I am prepared
17 to offer Clark Crump's testimony who is the
18 investigator who did the second statement with the
19 single photos.

20 MS. RANEY: I just wanted to make sure, it is my
21 understanding there is no photograph here today that
22 was used allegedly to ID my client, is that correct.

23 MR. BARFIELD: I do not have possession. We do
24 not have the photograph.

25 MS. RANEY: Then I am ready to go forward.

1 MR. BARFIELD: Okay. I will call Clark Crump.

2 CLARK CRUMP, called as a witness, having been duly
3 sworn by the clerk, was examined and testified as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. BARFIELD:

7 Q Tell us your name, please sir?

8 A Clark Crump.

9 Q Mr. Crump, where did you work up until a few months
10 ago?

11 A Lancaster County Sheriff's office.

12 Q What did you do for sheriff's office?

13 A I was an investigator.

14 Q Okay. How long had you been employed by the sheriff's
15 office?

16 A Almost 16 years.

17 Q Okay. You are not with the sheriff's office any more?

18 A No, sir.

19 Q What's the deal with that?

20 A I am retired.

21 Q Did you along with everybody else at the sheriff's
22 office participate in the investigation of the murder of Jenika
23 Jones?

24 A Yes, sir.

25 Q At some point in the investigation did the issue of the

1 car used in this case arise?

2 A Yes, sir.

3 Q How early on did that occur?

4 A Within a day or two is the best of my recollection.
5 Fairly soon.

6 Q Okay. What effort was made to identify the car and
7 perhaps who the owner or the possessor of the car was?

8 A It was prime concern for better part of several days
9 until we located the car.

10 Q And how did we get all to the car?

11 A I think some of our narcotics guys recognized the car
12 as it was described through their work and was able to locate
13 the car.

14 Q And whose car was it?

15 A Pomp Blackmon's.

16 Q Did Mr. Blackmon give statements in this case?

17 A Yes, sir.

18 Q One or more than one?

19 A Two, I believe.

20 Q Were you involved in the taking of one of those
21 statements?

22 A Yes, sir, the second one.

23 Q Were you involved at all in the taking of the first
24 statement?

25 A No, sir.

1 Q Were you involved in the showing of any photo lineups
2 to Mr. Blackmon at the time of the taking of the first
3 statement?

4 A No, sir.

5 Q From your status as an investigator in this case are
6 you aware that had occurred?

7 A Yes, sir.

8 Q Do you know who did that with the sheriff's office?

9 A I believe it was Lieutenant Howell and maybe Agent
10 Thompson.

11 Q Okay. Do you know the outcome of the effort of the
12 photo lineups shown Mr. Blackmon with the first statement?

13 A I believe they were inconclusive.

14 Q Okay. He didn't pick anybody?

15 A No, sir.

16 Q Do you know whose pictures were in those line-ups?

17 A I believe it was Mr. Clinton as well as Mr. Greens.

18 Q You didn't participate in that at all?

19 A No, sir.

20 Q How come there was a second statement by Mr. Blackmon?
21 Why was not the first statement good enough?

22 A We continued to get bits of evidence that they were
23 involved and that they were in Mr. Blackmon's car during the
24 commission of the crime.

25 Q They being?

1 processing and that's probably all I am planning on
2 doing this afternoon. I got SLED people coming in the
3 morning.

4 THE COURT: All right. Well, let's do Doctor Ross
5 and then I will give the jury a break after that and
6 you can argue this motion and then after that break we
7 will come back with whatever my decision is, whether
8 we come back with Mr. Crump or Mr. Blackmon. Of
9 course Mr. Blackmon will be able to testify to
10 something. No doubt about that.

11 Be that as it may, bring us our jury please
12 sheriff.

13 (WHEREUPON, the jury enters the courtroom.)

14 THE COURT: All right. Welcome back ladies and
15 gentleman of the jury panel. Hope you all had a
16 pleasant lunch. I apologize for the delay. It was
17 not caused by either of the parties. They were on
18 time. They were actually early. I had a matter to
19 take up. We are going to press on with the
20 presentation of the State's case in its case in chief.
21 Solicitor, you may call your next witness.

22 MR. BARFIELD: Call Doctor Ross.

23 THE COURT: All right, Doctor Ross, if you come
24 around and be sworn for us please.

25 JANICE ROSS, called as a witness, having been duly

1 sworn by The Clerk, was examined and testified as
2 follows:

3 DIRECT EXAMINATION

4 BY MR. BARFIELD:

5 A Tell us your name, ma'am.

6 A Janice Edwards Ross.

7 Q And Doctor Ross what do you do for a living?

8 A I am a forensic pathologist.

9 Q A licensed medical doctor?

10 A Yes.

11 Q How long have you been a medical doctor?

12 A For 35 years.

13 Q Where did you get your medical degree?

14 A Upstate medical center in Syracuse, New York.

15 Q And once you became a doctor what did you have to do to
16 become a forensic pathologist?

17 A Did training in the field of pathology which is
18 generally we learn how to do autopsies and how to look at tissue
19 and make diagnosis of cancers and that kind of thing and use the
20 laboratory in the hospital for diagnosis.

21 Then forensic pathology we use that knowledge on legal
22 matters which is what forensic means. We learn how to identify
23 patterns of injury in our autopsies and do a forensic autopsy
24 see so that we might document cause of death and manner of
25 death.

1 Q Are you board certified in forensic pathology?

2 A Yes.

3 Q Have you have been for how long?

4 A Since 1985.

5 Q Okay. Have you performed autopsies before?

6 A Yes.

7 Q About how many autopsies have you performed?

8 A Over six thousand.

9 Q Have you been called upon to testify in the courts of
10 this state previously as an expert in forensic pathology?

11 A Yes.

12 Q About how man times?

13 A Over one hundred times.

14 MR. BARFIELD; Your Honor, at this time I would
15 offer Doctor Ross as an expert in forensic pathology.

16 THE COURT: Any objection?

17 MR. FRICK: No objection.

18 MS. RANEY: No objection.

19 THE COURT: All right. Mr. Foreman, ladies and
20 gentleman of the jury, normally a person can not give
21 opinion testimony. Normally when a person testifies
22 they must testify as to either what they saw, heard
23 sense by smell or something of that nature. However,
24 there is an exception when someone is qualified
25 because of education or experience in a certain art,

1 science or profession they are permitted to give their
2 opinions in certain areas if the Court qualifies them
3 outright.

4 This witness, Doctor Janice Ross will be qualified
5 in the area of forensic pathology to give opinion
6 testimony in that area. It does not mean that you
7 must accept the opinion or opinions, but it is
8 evidence for you, the jury, to use in any way you see
9 fit.

10 Thank you, solicitor. You may continue.

11 CONT'D DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q Doctor Ross, I don't want to get into tons and tons of
14 detail, but what is an autopsy?

15 A An autopsy consists of reviewing the outside and inside
16 of the body to identify patterns of injury and tissue that was
17 injured and then identify what caused the death.

18 Q As do you normally get some history of possibly
19 concerning what happened to a person before you perform an
20 autopsy?

21 A Yes, we do autopsies for coroners at their request and
22 there authorization. They call us to schedule the autopsy and
23 to give us a history.

24 Q Did you in fact receive a body from the Lancaster
25 County coroner I believe on January 20, 2012, identified as

1 Jenika Jones for the purpose of autopsy?

2 A Yes.

3 Q And was that body properly identified to you as Jenika

4 Jones?

5 A Yes.

6 Q Mail or female?

7 A Female.

8 Q State age according to history you got?

9 A Twenty-three.

10 Q Okay. General characteristics of the build of the

11 body; normal person, petit person, large person?

12 A Average size.

13 Q And what was the history that you received from the

14 corner and/or law enforcement along with this body before you

15 began that autopsy process?

16 A This victim was found at home on the couch with a

17 gunshot wound of the head. Furthermore apparently her four-year

18 old child went next door and told --

19 Q Don't say anything that the child said at this point.

20 A Okay. She was found dead on the couch.

21 Q Okay. Did you do an external examination of the body?

22 A Yes.

23 Q We are going to talk about gunshot wound in a little

24 bit, but other than a gunshot wound, did you find any evidence

25 of any injury externally on the body?

1 A No, I did not.

2 Q We are going to talk about internal examination
3 unrelated to the gunshot wound for just a minute. Did you do
4 internal examination of the body?

5 A Yes.

6 Q Other than evidence of gunshot injury internally in the
7 body was there any evidence of any other injury internally to
8 Miss Jones?

9 A No, there was not.

10 Q Was there any evidence of any diseased process or other
11 medical condition that you in any way attributed to contributing
12 to the death of Miss Jones?

13 A No, there was not.

14 Q Apparently normal, healthy female other than a gunshot
15 wound?

16 A Yes.

17 Q Was there a gunshot wound on the body?

18 A Yes.

19 Q Where was the gunshot wound?

20 A It was right in front of the left ear on the left
21 cheek.

22 Q All right. Are you from time to time able to tell
23 jurors or others that you are talking to anything about distance
24 of muzzle of gun away from tissue that it hits?

25 A Yes. We talk about as far as range of wound contact

1 meaning the muzzle of the gun is against the skin versus
2 intermediate where there maybe what we call tatooing and
3 stippling. That's when a bullet comes out of the end of the gun
4 so does some burning powder and some regular powder and that
5 powder will make little marks on the skin. But the powder only
6 goes a certain distance. So if we do see evidence of powder on
7 the skin we call that an intermediate range. It means that the
8 gun was a few inches away from the skin. And then a distance
9 range would be beyond where the powder would be present. So it
10 would be several inches to yards.

11 Q And intermediate to distance is that all to some degree
12 dependant upon caliber of the firearm, load of the ammunition
13 and things like that?

14 A Yes.

15 Q Now, what kind of a gunshot wound was this to the left
16 side of Miss Jones's head?

17 A This was a contact wounds.

18 Q Tell the jury what a contact wound is and how you can
19 say it is a contact wound?

20 A Around the wound was actually an impression of the
21 barrel of the gun, a muzzle imprint we call it.

22 Q Did you examine the internal portion of Miss Jones's
23 head?

24 A Yes, we found the bullet went -- excuse me, from this
25 here (indicating) from the front of the ear it went backward

1 slightly upward and slightly toward the right, slightly toward
2 the middle of the skull and it was found inside the skull just
3 in the back just toward the right midline.

4 Q You did recover the bullet?

5 A Yes.

6 Q I will show you a couple of pictures. First I will
7 show you just one picture. State's exhibit number 15 and your
8 monitor I think if it cut on will allow you to ---

9 MR. BARFIELD: My apologies.

10 Q I will do it the old fashioned way. I am showing you
11 State's exhibit number 15 Doctor Ross. Take that in your hand
12 and take a look at for as long as you need to.

13 A This is a photograph of the x-ray we took in the morgue
14 of the descendant's head.

15 Q Is that a photograph -- well, I am going to tell you
16 that is probably a crime scene investigator from the sheriff's
17 office taking a picture of the screen on your wall?

18 A Correct.

19 Q Is that accurate picture the x-ray that you took of
20 Jenika Jones's head?

21 A Yes, and it would show from front to back basically.

22 Q Okay. Now let me hold it this way for just a minute.
23 Now there is a -- where my thumb is and they can't see it over
24 there, but where my thumb is there is very light shaded object.
25 What is that object?

1 A Yes, that is metal. That would be on her x-ray would
2 show metal. That is a bullet.

3 Q Of course you x-rayed before you went inside the head,
4 is the correct?

5 A Correct.

6 Q And what did that turn out to be once you got inside
7 Miss Jones's head?

8 A That is the bullet.

9 Q I will put on the reader now. I think we are good.
10 Can you see that on your screen?

11 A Yes, sir.

12 Q And you can -- the lighting is not good but can you
13 actually annotate with your finger I believe, where you are
14 talking about the bullet is? See if you can use your finger to
15 mark where the bullet is on that picture.

16 A Sorry.

17 Q It's not picking up. That's fine. I will hand you an
18 envelope, which is all sealed up. I will open it before I hand
19 it to you.

20 Did you recover what you described and showed from the
21 photograph of the bullet, did you recover that from Mrs. Jones's
22 head?

23 A Yes.

24 Q I will hand you a sealed up envelope and if can you
25 identify what is in that envelope?

1 A Yes, this is the bullet we got out of Miss Jones's
2 brain at the time of autopsy, its sealed in our container and
3 labeled.

4 Q And when you recovered that did you seal sit up?

5 A Yes.

6 Q And when you sealed it up did you hand it off to
7 somebody?

8 A Yes.

9 Q Who did you hand it off to?

10 A Jeff Steel.

11 Q Jeff Steel. And do you for whom Jeff Steel was
12 employed?

13 A I think it is Lancaster City Police.

14 Q County?

15 A County, I am sorry.

16 Q From Lancaster County?

17 A Yes.

18 MR. BARFIELD: Your Honor, at this time I would
19 offer fired bullet, State's number 34 for
20 identification.

21 THE COURT: All right, State's 34 for ID only.

22 MR. BARFIELD: Let me ask this. Any objection to
23 me offering it as an exhibit?

24 MR. FRICK: I think it will come in, so I won't
25 object.

1 MS. RANEY: No objection.

2 THE COURT: State's 34 in evidence. Without
3 objection.

4 (State's Exhibit 34, bullet, received in evidence
5 as of this date.)

6 Q As part of the autopsy process do you also collect
7 sometimes tissue samples, but also fluid samples?

8 A Yes.

9 Q And did you collect blood samples from the body of
10 Jenika Jones?

11 A Yes, we did.

12 Q Now, I am going to show you another envelope that is
13 sealed up and ask if you can manipulate that however you need to
14 see if you can identify what the contents of that envelope.

15 A I am not sure what is inside it.

16 Q Let me see if I can giggle the bag a little. I don't
17 know if that helps or not, but does that help you identify the
18 contents of those envelopes?

19 A It looks like tubes of blood from the autopsy.

20 Q And did you collect those tubes of blood from Jenika
21 Jones's autopsy?

22 Q Yes.

23 Q And did you seal them up appropriately so they would be
24 secured and non-tamperable?

25 A Yes.

1 Q What did you do with the tubes of blood that you
2 collected from Miss Jones's body at the autopsy?

3 A All the evidence went with Mr. Steel, Investigator
4 Steel.

5 MR. BARFIELD: Your Honor, at this time I am
6 going. To offer the blood standard as State's number
7 35.

8 MR. FRICK: No objection.

9 MS. RANEY: No objection.

10 THE COURT: State's 35 is in evidence without
11 objection.

12 (State's Exhibit 35, blood sample, received in
13 evidence as of this date.)

14 Q Doctor Ross, did you determine a cause of death for
15 Jenika Jones based on the autopsy that you performed? First of
16 all what day did you perform the autopsy?

17 A January 20, 2012.

18 Q Did you determine based on that autopsy and all the
19 information that was available to you a cause of death?

20 A Yes.

21 Q What was the cause of death?

22 A A laceration of the brain due to the gunshot wound to
23 the head.

24 MR. BARFIELD: Thank you, ma'am. Answer anything
25 Mr. Frick or Miss Raney has.

1 Q Is that to reasonable degree of medical certainty your
2 determination of the cause of death?

3 A Yes.

4 Q Thank you.

5 THE COURT: Mr. Frick.

6 MR. FRICK: Thank you, Your Honor.

7 CROSS EXAMINATION

8 BY MR. FRICK:

9 Q Doctor Ross, you performed this autopsy over in
10 Newberry?

11 A Yes.

12 Q You didn't come over to Lancaster to the scene?

13 A No, I did not.

14 Q In this particular case are you able to ascertain a
15 time of death?

16 A No, sir.

17 Q Are you able to ascertain in this particular case where
18 anybody might have been standing or direction or what was going
19 on prior to a gun being placed to someone head?

20 A All I can say is the direction of the bullet which was
21 the bullets go straight, but as far as placement of the persons,
22 no.

23 MR. FRICK: Thank you. That is all the questions.

24 THE COURT: Miss Raney.

25 MS. RANEY: No questions, Your Honor.

1 THE COURT: All right. If you come around please
2 and be sworn Mr. Blackmon.

3 POMP BLACKMON, called as a witness, having been
4 duly sworn by the clerk, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q Tell us your name please, sir.

9 A Pomp Blackmon.

10 Q Mr. Blackmon, do you live here in Lancaster County?

11 A Yes.

12 Q Do you live in the City of Lancaster?

13 A Yes, sir.

14 Q How long have you lived in Lancaster?

15 A All my life, fifty years.

16 Q And what is your current address -- well, I don't need
17 your address. That is fine.

18 Were you living in Lancaster at your current address
19 back on January 19th of 2012?

20 A Yes.

21 Q Did you own an automobile back then?

22 A Yes, sir.

23 Q What kind of car was it?

24 A Cadillac Seville, 1991.

25 Q And how would you describe -- well, what color was it?

1 A Eggshell white.

2 Q What kind of top did it have on?

3 A A rag top.

4 Q Now, when somebody says rag top to me I am thinking
5 convertible, was your car actually a convertible?

6 A No, it looked like a convertible.

7 Q I will show you some pictures and that screen should
8 let you look at them. I am showing you State's exhibit number
9 16. Can you tell us what that is?

10 A That's my car.

11 Q Front view?

12 A Yes.

13 Q State's number 17, what is that?

14 A That's my car, rear view.

15 Q State's number 18, what is that?

16 A That's my car, side view.

17 Q Now, when you say that is my car is that still your
18 car?

19 A No, it's not.

20 Q We will come back and talk about that in just a little
21 bit. Again, well, I do want the address now. What address were
22 you at? What was your home address on January 19, 2012?

23 A [REDACTED].

24 Q And who else lives there?

25 A My mother.

1 Q All right.

2 THE COURT: What was the name of the street?

3 MR. BARFIELD: South Hughes, H-u-g-h-e-s.

4 Q Is that the location where these photographs that I
5 just put up, 16 through 18, is that where your car was
6 photographed?

7 A Yes, sir.

8 Q Were you home the evening of 1-19 of 2012?

9 A Yes, sir.

10 Q Did anybody come to your house?

11 A Yes, sir.

12 Q How many people -- well, first of all, what were you
13 doing?

14 A Laying across the bed watching TV..

15 Q And about what time was it?

16 A A little after seven.

17 Q In evening?

18 A In the evening.

19 Q Was it day light or dark?

20 A It was dark.

21 Q And how do you know someone had come to your house?

22 A Because they rung the doorbell.

23 Q And what doorbell was getting rung; front door, side
24 door, back door?

25 A Back door.

- 1 Q Okay. Is it the main door that people go in and out?
- 2 A Correct.
- 3 Q Did you go to the door?
- 4 A Yes.
- 5 Q Was there somebody at your door?
- 6 A Yes.
- 7 Q Describe the person that was at your door clothing
- 8 wise?
- 9 A About 5'8", had on like a jump suit. You know, the
- 10 freezer jumpsuit, whatever. One piece jump suit.
- 11 Q Do you remember what color the was?
- 12 A Blue, blueish black. It was dark.
- 13 Q Did that person make a request?
- 14 A Yes.
- 15 Q And what was the request?
- 16 A The way I took the request either take them -- drop
- 17 them off somewhere. Take them to the store or could they use my
- 18 car.
- 19 Q How many people were at your door when you answered the
- 20 door? When you first went to the door how many people were at
- 21 the door?
- 22 A There was only one.
- 23 Q And is this the person in the blue or dark jumpsuit?
- 24 A Correct.
- 25 Q Was it usually for somebody to knock on your door and

1 ask for a ride or the use of your car?

2 A It wasn't usually for somebody request for a ride, but
3 to use my car, yes.

4 Q Did you let -- did you agree to give the person a ride?

5 A No. I didn't.

6 Q Why?

7 A Because I had been drinking.

8 Q How much had you been drinking?

9 A I had probably a couple of beers at that time.

10 Q Were you drunk?

11 A No, sir.

12 Q Were you unable to talk and communicate with people?

13 A Of course.

14 Q Were you unable to talk?

15 A I was able to talk, yes.

16 Q So what did you do?

17 A I knew the person that requested the car didn't have a
18 driver's license so I am like, no, you don't have a driver's
19 license. And he said well, my cousin does. So he went right
20 around the block and his cousin came up and produced a driver's
21 license.

22 Q Did somebody come back to your door?

23 A They come right back.

24 Q When you are having this conversation are you in the
25 house, outside the house, in the driveway, standing in the

1 doorway?

2 A I am up under the carport there.

3 Q So, when somebody came back how many people came back?

4 A Just two.

5 Q All right. Did you let your car get away from you that
6 evening?

7 A Yes, I did.

8 Q And how did you do that?

9 A Well, upon seeing the driver's license and knowing the
10 guy that knocked on my door from previous --

11 Q Don't get into all that. What did you do? How did you
12 let them go in your car?

13 A I let him use the key. I hand the key to the driver.

14 Q Which was second person?

15 A Which was the second person.

16 Q Did they leave?

17 A Yes, they did.

18 Q Do you remember anything about the second person? What
19 he was wearing or anything?

20 A Nah, other than the jacket he had on.

21 Q What kind of jacket?

22 A It looked like one of those motorcycle jackets,
23 basically, but it had emblems on it like a racing jacket.

24 Q Did the two people get in your car and drive off?

25 A Yes, they did.

1 Q Did you see any other people in connection with your
2 car any time after that?

3 A Yes, I did.

4 Q What happened when the car pulled out or backed out or
5 however it got out?

6 A When the car pulled out my driveway approximately from
7 here to that wall there was a stop sign and two other people got
8 in the back seat.

9 Q Could you see -- of course this is seven o'clock at
10 night. Was it daylight or dark?

11 A It was dark.

12 Q Could you see any features about the other two people
13 who got in your car at the corner of the stop sign?

14 A Not really. They had hoodies on, you know.

15 Q Both of them did?

16 A Yeah, both of them that got in the back seat.

17 Q You don't know who they were?

18 A I couldn't tell you who it was.

19 Q Did your car go from that point?

20 A Oh, yes.

21 Q Did you go anywhere that night, the night of January
22 19th of 2012? Did you leave your house that night?

23 A No, sir. I went on in the house, finished watching a
24 program I was watching.

25 Q When did you expect your car to end up back under your

1 carport?

2 A Well, he said approximately an hour, hour and a half,
3 two hours at the most.

4 Q Did your car show back up that night?

5 A No, it didn't.

6 Q Okay. Did you find your car some time after that
7 night?

8 A Yes, I did.

9 Q How did you find your car? Were you out looking for it
10 or did somebody contact you about it? Don't tell what anybody
11 said.

12 A I was out looking for it.

13 Q And how were you looking for it? Did you have
14 something else to drive?

15 A No, I was on foot.

16 Q Okay.

17 A Going around different places.

18 Q Did you -- well, let me back up. Do you recall whether
19 the 19th of of January of 2012 was a Thursday? If you don't
20 that is fine I am just asking if you remember.

21 A I can't recall.

22 Q Well, the next day after your car got gone did you find
23 it that day?

24 A I found it the next day.

25 Q Where did you find your car the next day?

- 1 A In the packing lot of Piggly Wiggly.
- 2 Q Piggly Wiggly where?
- 3 A South 200 by the Airport cross roads.
- 4 Q Do you know where Roseanna Lane is?
- 5 A No, I don't.
- 6 Q That's fine. And where was your car -- well, first of
- 7 all, the next day what time of day was it when you found your
- 8 car?
- 9 A Around five or six o'clock. I recall it was getting
- 10 dark.
- 11 Q In the evening?
- 12 A In the evening.
- 13 Q And where at the Piggly Wiggly was your car?
- 14 A In the parking lot.
- 15 Q Where in the packing lot, that is a dumb question. Was
- 16 the store open?
- 17 A Yes, the store was open. It was like the front part in
- 18 the front of the store's parking lot.
- 19 Q Lick somebody was there shopping in your car?
- 20 A Yeah, they could have.
- 21 Q Was it parked where shoppers would have parked?
- 22 A Yes.
- 23 Q Were you able to take your car away that Friday
- 24 evening?
- 25 A No, I wasn't.

- 1 Q Why not?
- 2 A Because it had a flat tire.
- 3 Q Was there any other reason you couldn't get away from
- 4 there with it?
- 5 A The key was not in the ignition nor was it in the car.
- 6 Q Did you have another car key for car?
- 7 A Yeah, but it was at home.
- 8 Q Did you take your car that Friday evening?
- 9 A No, I didn't.
- 10 Q Do you remember which tire was flat?
- 11 A I believe it was the front driver's side.
- 12 Q All right. Completely flat or just a little bit?
- 13 A It was completely flat.
- 14 Q Was it flat when you let it get away from you the
- 15 evening before?
- 16 A No, it wasn't.
- 17 Q Did you get your car back?
- 18 A Yes, I did.
- 19 Q When did you get your car back?
- 20 A The next day.
- 21 Q Which would have been what day of the week if you
- 22 recall? If you don't that's fine.
- 23 A I believe it was Saturday.
- 24 Q How did you go about getting your car back?
- 25 A When I found my car, which I already put in the report.

1 I called the officer and let him know that look, I found my car.
2 I asked the manager could I leave it there overnight because it
3 was getting dark and I didn't have my tools to fix the tire.

4 Q So you are talking about Friday is when this
5 conversation is going on?

6 A Yeah, that Friday.

7 Q The night you found it?

8 A Right. The night I found it and he said it will be
9 fine, because I didn't want it get towed. The next day I went
10 and got it.

11 Q So let me back up a just a minute. You say Friday when
12 you found your car you called an officer?

13 A Because I had reported it.

14 Q Let's go back. When your car got missing or didn't get
15 brought back, did you report that?

16 A I called it first thing that morning.

17 Q And was your house in the city or out in the county?

18 A My house is in the city.

19 Q So when you were talking to law enforcement about your
20 car being missing on the night it didn't come back and then
21 being found on the day you found it, what agency were you
22 talking to?

23 A The city.

24 Q Not county sheriff's office?

25 A No.

1 Q All right. Now Saturday did you get your car?

2 A Yes.

3 Q How did you get your car road worthy?

4 A I can of fix-a-flat. Pumped it up until I got to the
5 service station. It was out of gas. Had to put gas in it and I
6 retrieved my spare key.

7 Q All right. Where did you go when you got all that
8 taken care of? Did you take the car home?

9 A Took it home.

10 Q Did you notice anything else about the condition of the
11 car any point from when you found it at the Piggly Wiggly
12 parking lot until some time later?

13 A Yes, when I found it at the Piggly Wiggly parking lot
14 after I called officers I just told them I felt something
15 suspicious. As I went through my car, you know --

16 Q Let's talk about the outside the car?

17 A The outside, nothing other than the tire and red mud.

18 Q Was there any damage to the car?

19 A No, not at that time. I didn't notice.

20 Q I will show you State's exhibit number 21. Do you know
21 what that is, you might not?

22 A I don't know. The first time I seen it.

23 Q Let me show you a series of photographs. Show you
24 State's exhibit number 19. Generally speak what is that a
25 picture of; is that your car?

1 A That is my car, yes.

2 Q And what part of the car?

3 A The rear tire, trunk area.

4 Q All right. Let me show you State's exhibit number 20.
5 What is that a picture of?

6 A It look like the rear fender, top upper rear fender.

7 Q And now I will show you State's exhibit number 21.
8 What is that a picture of?

9 A It seems -- okay, the molding come off.

10 Q What is that a picture of?

11 A That is the rear -- the top of the rear fender over the
12 door edge like where it close at.

13 Q Okay. On which side of the car?

14 A That would be on the passenger side, I believe.

15 Q Okay. And is there something unusual about that
16 picture. Is there something wrong with your car in that
17 picture?

18 A Yeah, the molding is missing. Something missing there.

19 Q All right. I will show you another picture, I will
20 show you this picture hand-to-hand first. I am showing you
21 State's exhibit number 22. Can you tell me what that is?

22 A That the molding that came off.

23 Q Can you tell which side of the car that picture is? It
24 is confusing to me to.

25 A I can't really tell.

1 Q That's fine. I will now show you State's number 22 on
2 the document reader. What is that picture of?

3 A It looks like the molding is back on.

4 Q Circle the piece of molding that you are talking about
5 with your finger?

6 A Is that all of it or just a part of it.

7 A Well -- I would imagine that is one piece. I would
8 imagine it is.

9 Q That is fine. Now the question is this, I am showing
10 you again State's exhibit number 21, where you described where
11 the molding missing. Was it like that when your car got gone
12 from you on the night of January 19th?

13 A No.

14 Q Was it like that when you got it back from the Piggly
15 Wiggly parking lot?

16 A Yes.

17 Q Do you personally know what happened to that piece of
18 molding that was missing on your car?

19 A No.

20 Q Did you drive your car at any time between it getting
21 loaned out and you finding it at Piggly Wiggly packing lot and
22 recovering it the next day?

23 A No.

24 Q I will show you what is in a bag. Can you tell us what
25 that is?

1 A That's the piece of molding.

2 Q Talk loud.

3 A That is the piece of molding.

4 Q Off what?

5 A Off the rear fender of the -- I believe it is the
6 passenger side of the car.

7 Q Of whose car?

8 A Of my car.

9 MR. BARFIELD: I would offer this bag with a
10 piece of molding as the next State's exhibit for
11 identification, if that is necessary.

12 MR. FRICK: Can we do it as ID right now. I would
13 like more foundation.

14 MR. BARFIELD: That's fine.

15 THE COURT: State's exhibit 36 for ID only.

16 (State's Exhibit 36, car molding, marked for
17 identification only as of this date.)

18 Q Flat tire, no key, piece of molding missing. Anything
19 else out of the ordinary about your car when you got it back
20 Saturday?

21 A Yes, I found a jumpsuit liked stuffed in the back under
22 my back seat.

23 Q Stop right there. I am going to show you a big wad of
24 paper with stuff in it. Look at that. Look at that closer if
25 you need to. Can I identify what that is?

1 A It's a jumpsuit.

2 Q And can you identify what jump that is? Let me ask the
3 question this way. This thing right here in this paper, have
4 you ever seen this before after I popped it up here?

5 A I pulled it out of my back seat.

6 Q That's my next question.

7 A Yes.

8 Q Where in your back seat was this item?

9 A Behind the passenger seat on the floor board.

10 Q Okay. Was it in there when your car got gone Thursday
11 day night?

12 A No.

13 Q Is it your jumpsuit?

14 A No.

15 MR. BARFIELD: Your Honor, I guess I need to move
16 that it be introduced for ID and put a sticker on it
17 since we started talking about the jumpsuit.

18 THE COURT: All right, 37. Any objection?

19 MR. FRICK: For ID Your Honor, no, sir.

20 THE COURT: State's 37, ID only.

21 (State's Exhibit 37, jumpsuit, marked for
22 identification as of this date.)

23 Miss Raney, please do not think I'm overlooking
24 you. I take it if objects for ID only that suits you also.

25 MS. RANEY: Absolutely, Your Honor. Thank you.

1 MR. BARFIELD: I am going to put the sticker on the
2 box instead of trying to put it on a piece of freezer
3 paper if that is okay.

4 Q Did your -- other than talking to the Lancaster Police
5 Department when your car got missing and talking to the
6 Lancaster Police Department when your car got found, did you
7 talk to the police about your car at some time after all of
8 that?

9 A Say that again, I got lost.

10 Q That was a bad question. I lost you.

11 Did you ever talk to the police about the events
12 surrounding your car as you described here to us? Did the
13 police come see you about your car?

14 A After I reported everything Monday morning an officer
15 came out and questioned me.

16 Q All right do you remember who it was that came out?

17 A Frederick Thomspon. Fred.

18 Q Kind of short?

19 A Yes.

20 Q With the sheriff's office?

21 A Yes.

22 Q And did you give him the coveralls? What happened with
23 the coveralls when Fred Thompson came out?

24 A I told him after I retrieved my car that I felt
25 something was funny and I pulled out coveralls and a Tyson ID

1 card.

2 Q Okay. Somebody's work ID?

3 A It was someone's work ID.

4 Q Had that been in your car when you got it loaned out?

5 A No, sir.

6 Q Do you know who, other than the name, do you know who
7 the person is whose ID it was?

8 A I did after the fact, right then I couldn't.

9 Q That's fine. Let me back up. State's exhibit number
10 37 for ID is the jumpsuit. The jumpsuit that I showed you a
11 minuter ago, before you found it in the back seat of your car
12 had you ever seen it before?

13 A I can't say.

14 Q The guy that came to your door you described him
15 wearing something?

16 A Right.

17 Q Could you say that was the jumpsuit that the guy was
18 wearing?

19 A I couldn't say.

20 Q Was it the same type article of clothing?

21 A Yeah, type. Same type, yes.

22 MR. BARFIELD: Beg the Court's indulgence for a
23 moment. Give me just a minute please, Your Honor.

24 THE COURT: Yes, certainly.

25 Q Were you suppose to be getting anything out of letting

1 these people use your car?

2 A Cigarettes and a beer. That's it.

3 Q Okay.

4 A Other than gas they were going to replace.

5 Q Exterior of your car, what kind of shape was it in? We
6 talked about molding, we talked about a flat tire, was it
7 different when you got it back in any way other than when it got
8 gone?

9 A Other than a little trash, you know. They had been
10 smoking in the car and missing the ashtray and what not.

11 Q How about the outside of the car?

12 A The outside other than red mud I didn't notice the
13 molding right off until later on.

14 Q Do you have any idea where the mud came from?

15 A No, I don't. I know it wasn't there when it left.

16 Q What did you do with the car? Was the car still yours?
17 I think in the picture I believe it had a paper tag on it, is
18 that right?

19 A Correct.

20 Q Had you just had it a little while?

21 A Yes.

22 Q Did you keep it after Fred Thomspen came to you and
23 talked to you on Monday? Did you keep it forever after that?

24 A No, I didn't. I kept it for maybe a month, month and a
25 half.

1 Q Then what did you do with it?

2 A I sold it.

3 Q Okay. And have you had any control over that car since
4 you sold it?

5 A No, sir.

6 Q Do you know who has got it now?

7 A Yes, sir.

8 Q Who has got it now?

9 A The county.

10 Q The sheriff's office?

11 A Sheriff's office.

12 Q Do you know where they got it?

13 A I don't know.

14 MR. BARFIELD: Thank you, sir. Please answer
15 anything Mr. Frick or Miss Raney has.

16 THE COURT: Thank you, solicitor. Mr. Frick.

17 MR. FRICK: Thank you, Your Honor.

18 CROSS EXAMINATION

19 BY MR. FRICK:

20 Q Mr. Blackmon, when you retrieved your car on that
21 Saturday, you noticed the jumpsuit and this ID, right?

22 A Correct.

23 Q And the ID obviously was an identification, right?

24 A Correct.

25 Q Okay. Did -- what did you do with those items?

1 A When Fred Thompson came to my house that Monday about
2 noon time -- something like that -- I let him know that's what I
3 found in it and I turned it over to him.

4 Q Had you left them in your car or had you taken them out
5 of your car?

6 A They were still in my car. I think I might have put
7 them in paper bag and put them in the truck. I'm thinking I
8 might have.

9 Q You don't exactly recall, but you didn't drag them in
10 the house?.

11 A No.

12 Q Didn't wash the jumpsuit?

13 A Didn't put it on and wear it around that weekend.

14 A No. No.

15 Q But you did remove it and put it potentially in the
16 trunk?

17 A Pretty sure I moved out of the car and put it in the
18 truck.

19 Q That's fine. Aside from the molding you said that
20 there was some red mud on your car?

21 A Correct.

22 Q Do you remember how much or where?

23 A It wasn't a significant -- a whole lot, but it was
24 noticeable to me because I try to keep it half clean.

25 Q I understand. I understand well. Do you recall where

1 it was?

2 A Front fender area, you know. It's front wheel drive,
3 so ---

4 Q So your estimation somebody just driven down a muddy
5 road?

6 A That's what I'm thinking.

7 Q Or some place where there was some red clay?

8 A Yeah.

9 Q It wasn't smeared all over your car?

10 A No, it is use through up by the wheels.

11 Q Okay. You just gotten this car not long before this
12 incident, right?

13 A Yeah.

14 Q Still had a paper tag on it?

15 A True.

16 Q Why were you getting rid of it a month later?

17 A Well, one thing the incident that happened. I mean and
18 money was low. Bought the car and I had some problems out of
19 it. When it was time to get the tag and pay the taxes on it I
20 said, well, go ahead and get rid of it.

21 Q Fair enough.

22 MR. FRICK: Thank you, sir. That is all the
23 questions I have.

24 THE COURT: Miss Raney.

25 MS. RANEY: No questions Your Honor.

1 THE COURT: Thank you. Thank you, very much Mr.
2 Blackmon. You may step down.

3 MR. BARFIELD: Ask that he be excused.

4 MR. FRICK: No objection.

5 THE COURT: He maybe excused but he is still
6 subject to subpoena of the Court.

7 MR. BARFIELD: Yes, sir.

8 THE COURT: Thank you. Thank you very much for
9 being with with us Mr. Blackmon.

10 MR. BARFIELD: You can leave, but don't leave
11 town.

12 (Witness excused.)

13 THE COURT: All right, solicitor.

14 MR. BARFIELD: The State call Christy Rogers

15 CHRISTINE ROGERS, called as a witness, having been
16 duly sworn by the clerk, was examined and testified as
17 follows:

18 DIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q Tell us your name, please ma'am?

21 A Christine Michele Rogers.

22 Q And people call you Lieutenant Christ Rogers?

23 A Yes, sir.

24 Q By whom are you employed?

25 A Lancaster County Sheriff's Office.

1 Q How long have you been employed by the Lancaster County
2 Sheriff's Office?

3 A Seventeen years.

4 Q What do you do for the sheriff's office now?

5 A Currently I am lieutenant over crime scene and
6 evidence.

7 Q And how long have you been in that position?

8 A Three years.

9 Q Have you had -- first of all you got undergraduate
10 degree for something that relates to what you do for a living?

11 A I do. I have a bachelor of arts, chemistry major,
12 biology minor.

13 Q Have you put that to use in your position at the
14 sheriff's office?

15 A Yes, sir.

16 Q Have you had any special training through the sheriff's
17 office in crime scene investigations?

18 A I have.

19 Q Most recently what, the big one?

20 A Most recently and the biggest and most important would
21 be the ten-week national forensic academy held in Tennessee at
22 the University of Tennessee.

23 Q Okay. And when did you go do that?

24 A That was the fall of 2011.

25 Q Are there multiple facets to that ten-week program;

1 different topics?

2 A Yes, sir, there are.

3 Q Did you take everything you were suppose to be taking
4 during that ten-week course?

5 A I did.

6 Q Did you complete, satisfactorily complete all that?

7 A Yes, sir, I did.

8 Q For that ten-week successful completion of that course
9 what did you get, anything?

10 A We got a certificate.

11 Q Now, I am going to refer you to the homicide of Jenika
12 Jones. Were you part of the crime scene investigation team that
13 worked on this case?

14 A Yes, sir.

15 Q Who else worked on this case crime scene wise, all of
16 you?

17 A My whole unit yes, sir.

18 Q And tell the who is in you any?

19 A Investigator Ken Taylor and Investigator Jeff Steel.

20 Q Is there a primary CSI investigator on this case? That
21 might not be a fair question.

22 A I was on call, but it is really hared responsibility.

23 Q Did you get called out to go to this scene?

24 A Yes, sir, I did.

25 Q And where was the scene?

1 A [REDACTED] Roseanna Lane, Lancaster, Lancaster County.

2 Q Were you first crime sign investigator to arrive on the
3 scene?

4 A I was.

5 Q Did you stay there or did you go somewhere else?

6 A I stayed there long enough to gather some details that
7 I would need for the search warrant preparation.

8 Q And why did you need a search warrant?

9 A We would need to get authorization. There was no one
10 to give consent. There was a body inside and we would need
11 consent from a judge or authorization from a judge to search the
12 home to get evidence.

13 Q And did you get a search warrant to authorization you
14 and others to go inside an investigate inside that residence?

15 A I did.

16 Q I might have already asked you this. I apologize.
17 What is the address of the residence we are talking about?

18 A [REDACTED] Roseanna Lane.

19 Q Other than your work at that residence that night and
20 into the morning did you have any knowledge about who lived
21 there, anything else?

22 A I had no knowledge about who lived there.

23 Q How long did take you to get the search warrant? What
24 time did you get there?

25 A It was after ten o'clock.

1 Q All right.

2 A Closer to eleven. I don't recall the exact time.

3 Q How long did it take you to get a search warrant after
4 you left to go do that?

5 A It was a couple of hours had passed from the time I
6 first arrived at the scene until I was back with a search
7 warrant in hand.

8 Q So very possibly it is on into the night of January
9 2012 by the time you are actually there with a search warrant?

10 A It was after midnight.

11 Q Was anybody else there to assist you? Well, let me
12 back up.

13 During that two hours, what is your understanding about
14 what was going on on that piece of property outside and inside
15 during that two hours you are gone?

16 A There were deputies on the scene when I left that had
17 secured the scene, that were controlling the scene and barring
18 any access to it until I could arrive back with a search
19 warrant.

20 Q We heard some testimony from law enforcement earlier
21 today about folks being inside the house before any of what you
22 are fixing to describe occurred. Did you do a walk through
23 before you went and got a search warrant?

24 A I did not. I didn't enter the house.

25 Q You hadn't seen the inside of it?

1 A No, sir.

2 Q When you got back was the scene still secured?

3 A Absolutely.

4 Q Was there any people in there rifling around, shuffling

5 things around, moving junk around, anybody inside the house at

6 all when you got back?

7 A No, sir, the scene was secured.

8 Q Now, did Ken Taylor come help you with this?

9 A He did.

10 Q Generally just describe -- and I don't want to get into

11 all the detail at this late hour, but I do want to cover it all.

12 What is your objective as a crime scene investigator when you

13 got -- did you confirm there was a dead body inside that house?

14 A We did.

15 Q Did that dead body stay inside that house until you

16 were you done or way into the process of being done with what

17 you had to do?

18 A We spent hours on the scene before the body was

19 removed.

20 Q I will jump way ahead. How long were you -- how long

21 was law enforcement at that crime scene the night of two --

22 excuse me, 1-19 of '12 into the morning of 1-20 of '12? What

23 time did you clear? Do you have a report, an investigation work

24 sheet or anything that tells you what time you all cleared up?

25 A Absolutely.

1 Q And can you tell us that time?

2 A I know it was after five. I would have to refer.

3 Q If you would look that up for me.

4 A We cleared the scene at 5:29. That was the morning of
5 the 21st.

6 Q 5:30 in the morning in January?

7 A That's correct.

8 Q Go back to my original question. What is your
9 objective and purpose of being at that scene as a crime scene
10 investigator? What are you doing?

11 A Our primary objective is to document the scene exactly
12 as it appeared as we got there through notes, through
13 photographs and later sketches before we start searching for
14 evidence.

15 Q Okay. Was that done?

16 A Yes, sir, it was.

17 Q I think you all made a video of somebody walking
18 through looking at things. Do you remember doing that, somebody
19 did?

20 A Yes, sir.

21 Q Was -- after things were documented, were things
22 collected and taken back to the sheriff's office --

23 A Yes, sir.

24 Q -- for processing at your facility and also to be sent
25 off to another facility?

1 A Yes, sir.

2 Q Give me the general description of the inside of that
3 house other than there being a dead body in that house, was
4 there blood in that house?

5 A Yes, sir.

6 Q Other than there being a dead body and blood in that
7 house was there anything else that appeared out of the ordinary
8 from a general sense?

9 A Yes, sir.

10 Q Tell us what it was?

11 A Besides the body and the blood that was mainly in the
12 den and kitchen area of the home, the bedroom on the north end
13 of the trailer which I identified as the master bedroom was
14 ransacked.

15 Q I will ask you some questions -- I will show you some
16 pictures and ask you some questions. State's number one, can
17 you identify what that is picture of?

18 A Yes, sir. That's the scene at [REDACTED] Roseanna Lane.

19 Q State's number two, what is that picture of?

20 A It appears to be the front door.

21 Q Okay. Do you recall the condition of that front door
22 when you got there?

23 A Yes, sir. The dead bolt of the door was in the locked
24 position. The dead bolt was extended, but the door was not
25 closed and there did not appear to be any signs of forced entry

1 to the door.

2 Q I will show you some pictures of that in just a second.
3 State's numbers three, four and five. I will put them up one at
4 time.

5 Can you tell me what that is picture of?

6 A That is the door showing the dead bolt extended.

7 Q Is that the condition it was in when you first saw it?

8 A Yes, sir.

9 Q Do you have any information from anybody else who
10 arrived at this residence, law enforcement or otherwise, that it
11 was in any different condition right after this event happened?

12 A No, sir, I don't.

13 Q State's number four, can you tell me what that is?

14 A Yes, sir. That is just a picture showing that there
15 was no damage to the door. There wasn't signs of forced entry.
16 The door component seemed to be in there original place.

17 Q Is that door jamb that would have matched up with that
18 dead bolt that we just looked at a picture of?

19 A Yes, sir.

20 Q Inside the house anything askew that got your attention
21 inside the house?

22 A Yes, sir, the master bedroom.

23 Q The house was positioned how in relation -- was there a
24 road in front of the house or along by the house?

25 A The road was beside the house.

1 Q And did the mobile home face perpendicularly to the
2 road or was it parallel to the road?

3 A It was perpendicular to the road.

4 Q So the skinny end of the mobile home was pointed toward
5 the road, is that what you are saying?

6 A That's correct.

7 Q Now, the entrance door that you showed us -- that I
8 show a picture a little bit ago, where is that in relation to
9 the master bedroom that you are talking about in relation to the
10 length of the home?

11 A The door was centrally located in the home. So the
12 master bedroom if you are going in that front door would have
13 been to the left.

14 Q Walk in the front door and then walk --

15 A You go through the kitchen area and down the hallway to
16 get to master in the back.

17 Q I will show you State's number six. Can you tell me
18 what that is a picture of?

19 A That is bedroom that I am referring to as the master
20 bedroom.

21 Q And what about that picture to you is unusual if
22 anything?

23 A This was the only bedroom in the house that appeared to
24 be disturbed and was in complete disarray. Things were thrown
25 about all over the room.

1 Q I will show you another picture, State's number seven.
2 What is that picture of?

3 A That is the same bedroom.

4 Q Picture number eight, what is that picture of?

5 A That's the same bedroom, the master bedroom of that
6 house.

7 Q And specifically annotate on there, point on there
8 anything that you see got your attention?

9 A In this photo things have been thrown on the bed and
10 the dresser is knocked over to a point it is leaned in onto the
11 mattress. It is displaced.

12 Q One more picture of that bedroom, State's number nine.
13 What is that a picture of?

14 A It's the same bedroom and the same picture but just
15 from a different angle closer to the doorway or the hallway
16 door. Again there are things that have been thrown onto the
17 floor. Again same things on the bed and that dresser that I
18 refer to is in this picture as well. It is knocked over.
19 Drawers are pulled out.

20 Q Okay.

21 A And this house was -- the other parts of the house was
22 neat, orderly. This was only room that had this appearance.

23 Q And this might not be your bailiwick, but through your
24 part of the investigation do you know if there was anything
25 missing from the house?

1 A I do not.

2 Q From the overall sheriff's investigation do you know if
3 anything was missing?

4 A I don't.

5 Q Where was the victim inside the house?

6 A She was lying on the couch in the den.

7 Q I will should you State's exhibit 11. Do you know what
8 that is picture of?

9 A Yes, sir, I do.

10 Q Now, with respect to where that -- and what is that
11 picture of?

12 A That's a picture of the den and the victim lying on the
13 couch.

14 Q With respect to where the victim is, where is the door,
15 the main door?

16 A To the left of that corner section of the couch.

17 Q Coming back this way from her feet?

18 A Coming back, right, her feet are pointing back towards
19 the direction of the door but not towards the door. It's kind of
20 hard to say.

21 Q And we will use the chart in a little bit and make it a
22 little bit simpler.

23 Did you notice any obvious injury to the victim?

24 A Yes, sir.

25 Q Was any ballistics evidence recovered inside that

1 house?

2 A Yes, sir.

3 Q Did you see it? Somebody else I think recovered it,
4 but did you see it?

5 A I did.

6 Q What was it?

7 A A cartridge casing.

8 Q And where was that cartridge casing recovered from?

9 A From the position of the victim on the couch it would
10 have been the opposite corner of the room. Kind of behind the
11 couch in between the couch and the wall.

12 Q I am going to put State's number 11 back up which you
13 identified a minute ago as the victim on the couch.

14 A Yes, sir.

15 Q And I have a picture of the cartridge case behind the
16 couch which we get to in a minute. Can you indicate on that
17 picture which direction we are talking about that this cartridge
18 case was found in?

19 A Yes, sir.

20 A It would be back in that direction.

21 Q Okay. Now, your arrow appears to be pointing to
22 something up on the arm of the couch incidentally I think. Do
23 you remember what that was? Do you remember if there was
24 something up on the arm of the couch, that black object right
25 there on the top of arrow. Do you remember what that is?

1 A I don't remember.

2 Q Okay. That is fine. I will show you another picture.
3 State's number 12. Is that picture familiar to you?

4 A Yes, sir.

5 Q There's a yellow cone that has got -- I think that is
6 number nine, is that right?

7 A Yes.

8 Q What is that cone indicating?

9 A It is indicating the position of the cartridge casing
10 on the floor.

11 Q And is the cartridge casing actually shown next to the
12 cone, circle that if you would.

13 A It is.

14 Q And again, this is not a trick question, I am sorry for
15 asking it again, but do you know what that item is?

16 A I don't recall what that is.

17 Q That's fine. One more picture of the cartridge case,
18 State's number 13. Can you tell us what that is?

19 A Yes, sir. That's the cartridge casing with the
20 evidence marker demonstrating position.

21 Q Now, can you tell us who actually scooped that up among
22 the folks on your team?

23 A Yes, sir. The cartridge casing was collected by
24 Investigator Taylor.

25 Q Were there areas that you suspected contained blood

1 inside that mobile home?

2 A Yes, sir.

3 Q Generally speaking describe blood patterns and stains?

4 Where was it? Where was blood in that house?

5 A Mostly in den area. There were some areas located in
6 the kitchen and then along the hallway that would have led to
7 the south end of the trailer and then into one bedroom on the
8 south end of the trailer.

9 Q Were you aware or did you become aware that there were
10 children inside that house or during or some time after this
11 occurred?

12 A Yes, sir.

13 Q Did you ever observe those children that night or any
14 of them?

15 A No, sir.

16 Q Did you see their clothing that night?

17 A I didn't see it, but I was made aware that there was
18 blood, or suspected blood on the clothing.

19 Q Now, based on your crime scene training and your
20 examination of this scene, did you reach any conclusions about
21 how blood might have been transferred from the den area to other
22 places?

23 A Yes, sir.

24 Q How?

25 A It appeared that the children had walked through the

1 blood and then trailed some of the blood to other parts of the
2 house.

3 Q Were there footprints?

4 A Yes, sir.

5 Q Were there there any footprints found inside that house
6 that you at attributed to adult footprints?

7 A No, sir

8 Q In blood?

9 A No, sir.

10 Q Did you take some samples of blood stains?

11 A Yes, sir, I swabbed different areas throughout the
12 house.

13 Q When you see a substance that you think might be blood
14 what is the abbreviation that you all use?

15 A We were trained to use RBS, which is reddish brown
16 stains.

17 Q Did you take from reddish brown stains from various
18 locations?

19 A I did.

20 Q Is there any indication through your investigation or
21 the sheriff's office investigation that anybody bled in that
22 house other than the victim?

23 A No, sir.

24 Q And I probably should have asked you this earlier. Did
25 you learn who the victim was?

1 A Yes, sir.

2 Q And her name is what?

3 A Jenika Jones.

4 Q Lieutenant Rogers, I will move completely away from the
5 scene to another matter. Let me ask you this first, did you
6 participate in the processing of Pomp Blackmon's Cadillac and do
7 some other things on this case also unrelated, directly to the
8 scene?

9 A Yes, sir, on one of the occasions.

10 Q Now, I will go to something completely different. What
11 are buccal swabs?

12 A Buccal means cheek. We take swabs of the inside a
13 person's cheek to get DNA standard from them.

14 Q Okay. And how do you collect -- how do take a swab
15 from inside someone's cheek?

16 A We have sterile swabs that we use. We just break open
17 the sterile swabs and then rub the -- it is also like a q-tip
18 end of the swab on their cheek and kind of scrape skin cells
19 off.

20 Q When your collecting buccal swabs from a person do you
21 take one q-tip or two q-tips or can it vary?

22 A It can vary. I like to do two just to make sure I am
23 getting enough sample during the process.

24 Q And when you finish swabbing around in the mouth, whad
25 do you do with the q-tip? Is it one tip q-tip?

1 A Our are. They are single ended.

2 Q And what do you do with them?

3 A They are air dried and then they are packaged to keep
4 them from being contaminated.

5 Q And when they are properly air dried and packaged are
6 they sealed in some fashion?

7 A Yes.

8 Q Now, does the Lancaster Sheriff's Offices have the
9 ability to analyze buccal swabs or do DNA work?

10 A No, sir, we do not.

11 Q Where do you send that stuff?

12 A Everything is sent to state lab at SLED or South
13 Carolina Law Enforcement Division.

14 Q Now, I will show you a sealed up envelope and ask you
15 to take a minute to look at it and ask you if can you identify
16 it for me?

17 A Yes, sir.

18 Q What is in that envelope first of all?

19 A It is buccal swabs from Devatee Clinton.

20 Q And how do you know it is buccal swabs from Devatee
21 Clinton?

22 A Because of our label and our item number.

23 Q Have you seen that item before?

24 A Yes, sir.

25 Q Where did you first see it?

1 A I collected it myself.

2 Q From whom?

3 A Clinton.

4 Q And when did you collect it?

5 A It was after Schmerber hearing in Chester.

6 Q And does the date appear anywhere on there, if it
7 doesn't that's fine.

8 A No, sir, not on this label.

9 Q That's fine. Once you collected those buccal swabs
10 from Devantee Clinton what did you do with them?

11 A They were sent to the state lab as well.

12 Q And have they gone to SLED and come back already, is
13 that how you all got them back again?

14 A Yes, sir.

15 Q Now, at any time after you collected them any issue
16 about the integrity of the security of the samples?

17 A No, sir.

18 Q And when you collected them what would you have done
19 with them?

20 A After they were air dried I would have packaged them
21 and then submitted them into evidence and they would have been
22 logged into the system.

23 Q And when you submit something into evidence do you have
24 to go through somebody to do that?

25 A Yes.

1 Q At the sheriff's office?

2 A Yes, sir, I do.

3 Q Who is that person?

4 A Our evidence custodian Ann Horton.

5 A Miss Horton, raise your hand. Does she pretty much
6 touch everything that goes in and out of evidence?

7 A Yes, sir.

8 Q Okay. And did you do that with buccal swabs from
9 Devatee Clinton?

10 A Yes, sir.

11 MR. BARFIELD: At this time I offer the buccal
12 swabs for identification purpose.

13 THE COURT: States 38 for ID only.

14 (State's Exhibit 38, buccal swabs, marked for
15 identification as of this date.)

16 MR. BARFIELD: Mr. Taylor, can you assist me to
17 make sure this thing stays on the board while I show
18 some things.

19 Permission for the witness to step down?

20 THE COURT: Yes, you may step down but make sure
21 to keep you voice up.

22 Q Lieutenant Rogers, can you tell us what is shown on the
23 easel now, first of all?

24 A Yes, sir. Its an enlarged version or copy of the
25 sketch of the crime scene. It was completed by Investigator

1 Taylor.

2 Q Is it to scale?

3 A It is near to scale.

4 Q And although it is not absolutely to scale is it
5 accurate representation of the layout of that mobile home?

6 A Yes, sir. It is.

7 Q Had a laser pointer the last time I did this but the
8 batteries went dead so we got to use fingers.

9 I just want you to show us a few things on that diagram.
10 Show us the front door.

11 A It's here.

12 Q And you got to talk loud. Show us the couch that you
13 are referring to where Jenika Jones's body was?

14 A The couch is here, like an L-shape. I refer to it as a
15 sectional.

16 Q And is her body shown on the diagram?

17 A Yes, sir, it is here.

18 Q All right. Where generally speaking -- well, this
19 legend matches numbers, is that correct?

20 A Yes, sir. It does.

21 Q Just kind of run through what you marked on the legend
22 on that sketch based on your examination of the scene?

23 A Number 1, evidence marker one, marked an area of
24 suspected blood and these appear to be bloody footprints in the
25 kitchen. That would be to the left of that entry door.

1 Q Okay. What is number two?

2 A Number two, was a grey sweater that was lying on the
3 kitchen floor. So, it is right there beside the table.

4 Q I will just jump ahead. Tell us what number three is.

5 A Number three is the next area of suspected blood that
6 we encountered in the house. It was not much in between what we
7 saw right there in front of the cabinets and kitchen and then
8 this next area is designated three or evidence marker three.

9 Q All right. Four?

10 A Four is the next area that we designated as another
11 area where we encountered more RBS or reddish brown stains that
12 we suspected to be blood in front of the end of the couch.

13 Q Five?

14 A Five is here. This is another area that it appeared to
15 be footprints, small footprints, and suspected blood that led
16 back to the bedroom that was on the southern end of the trailer.

17 Q Now the bedroom on the southern end the trailer is that
18 the one as being described as ransacked?

19 A No, sir, that is the opposite end.

20 Q What is number eight?

21 A Number eight was a pair of blue jeans, children's blue
22 jeans that was on the floor of this bedroom.

23 Q And what was significant about those blue jeans?

24 A The blue jeans --

25 Q Generally speaking, not the small stuff, but generally

1 speaking?

2 A The blue jeans had stains on them that where what we
3 classify as RBS, reddish brown stains, and it appeared that at
4 first it, maybe that someone had walked on them and transferred
5 the blood to them but we later moved the jeans and found there
6 was blood on the underside and on the floor underneath the
7 jeans.

8 Q Okay. Number nine, tell us what number nine is?

9 A Number nine indicates the position, what you saw
10 earlier in the photographs of the cartridge casing that was
11 lying on the den floor behind and in between the couch and the
12 wall.

13 Q And was there is a head stamp on the cartridge case
14 that told you caliber?

15 A Yes.

16 Q And what caliber was the cartridge case?

17 A It was 380.

18 Q And generally what type of firearm is 380 discharged
19 out of?

20 A Generally a handgun and semi-automatic handgun.

21 Q And if is a semi-automatic handgun what happens to the
22 cartridge case once the cartridge is fired out of it?

23 A If the gun is functioning properly it will eject the
24 cartridge casing.

25 Q Does any of the positions of the items that you found

1 specifically the victim and number nine the cartridge case
2 enable you to say or render any opinion about position of the
3 victim, position of shooter, position of gun when the gun was
4 shot? Can you tell us anything about that at all based on
5 approximately what you have here?

6 A Yes.

7 Q Tell us what you can?

8 A The position of the victim, the blood that we observed
9 on scene, the wounds that we observed to the victim, the casing
10 and position that it was found, all of those things indicated us
11 that the shooting occurred right there in the den.

12 Q Where she was pretty much?

13 A Where she was on the couch.

14 Q All right. Thank you, ma'am. You can take your seat
15 again if you would please, ma'am.

16 MR. BARFIELD: I would offer the diagram as the
17 next State's exhibit?

18 THE COURT: Any objection,

19 MR. FRICK: No objection.

20 MS. RANEY: No objection.

21 THE COURT: State's 39 in evidence without
22 objection.

23 (State's Exhibit 39, diagram, received in
24 evidence as of this date.)

25 MR. BARFIELD: That is all for Lieutenant Rogers,

1 please answer anything Mr. Frick or Ms. Raney has.

2 THE COURT: Thank you, solicitor. Mr. Frick?

3 MR. FRICK: I don't have any questions for
4 Lieutenant Rogers.

5 THE COURT: Miss Raney.

6 MS. RANEY: Thank you, Your Honor.

7 CROSS EXAMINATION

8 BY MS. RANEY:

9 Q Lieutenant Rogers, when you were speaking with
10 solicitor Barfield you mentioned having to leave the scene to go
11 get a search warrant, correct?

12 A Yes, ma'am.

13 Q And part of the process when you get a search warrant
14 is to return to the house, correct?

15 A Yes, ma'am.

16 Q That you have been authorized to search?

17 A Yes, ma'am.

18 Q And then you make inventory of the items that you will
19 actually be removing from the property?

20 A Yes, ma'am.

21 Q And those items that are being removed from the
22 property are listed on what we call a return?

23 A Yes, ma'am.

24 Q Search warrant return?

25 A That is correct.

1 Q Do you have a copy of that with you or did you need me
2 to hand one up to you?

3 A I may have one.

4 Q Because if not I have one here?

5 A I have one, yes, ma'am.

6 Q So in this case is it fair to say that the search
7 warrant return was done at about 12:30 am on January the 20th?

8 A No, ma'am. That was the time that it was executed.

9 Q That was the time that it was execute?

10 A Yes.

11 Q So that would be the time that you actually started
12 along with the members of your team looking for evidence and
13 processing the scene?

14 A Yes, ma'am, after it was executed that would have been
15 the time we started documenting and processing.

16 Q Okay, and then you were there at the scene until about
17 5:30 in the morning I believe you said?

18 A Yes, ma'am.

19 Q Okay. And then part of what you did in connection with
20 this investigation was to complete what I believe you refer to
21 as a death investigation work sheet?

22 A Yes, ma'am.

23 Q And one of the things that is covered in a death
24 investigation work sheet is a description of some of the items
25 that were actually recovered from the scene by your unit,

1 correct?

2 A Yes, ma'am.

3 Q And one of the things that was recovered by the CSI
4 team and your unit was a cell phone, correct?

5 A Yes, ma'am.

6 Q And was it actually you that took that item and put it
7 into evidence with the sheriff's office and Miss Horton?

8 A Yes, ma'am.

9 Q And where was the cell phone located?

10 A If I recall it was on the back of the couch in the den
11 area where the victim was located.

12 Q Okay. And on the death investigation work shift it
13 list not only the item that was recovered but whether or not
14 that item was to be analyzed correct?

15 A Yes, ma'am.

16 Q And then which department would do the analysis?

17 A No one in our department does cell phone forensics.

18 Q And when I say department is it fair to say that some
19 things, like lifting fingerprints and seeing if they match maybe
20 done in house at the sheriff's office?

21 A Yes, ma'am.

22 Q And some things like DNA testing maybe done by SLED?

23 A Yes, ma'am.

24 Q And when we say SLED they are in Columbia?

25 A That is correct, the state lab is.

1 Q The state lab is in Columbia and this state lab is
2 really conducting forensic testing or DNA testing from evidence
3 that is coming in all over the State of South Carolina, correct?

4 A Yes, ma'am.

5 Q And SLED is a resource available to you basically seven
6 days a week?

7 A Some portions of it are available on call on the
8 weekends, sure.

9 Q But if you need something tested or some type of DNA
10 test performed that you are not able to do in-house you have
11 ability to send that item to SLED to see if they can perform the
12 testing?

13 A Yes, ma'am.

14 Q Okay. Are you aware of whether or not any testing was
15 done on the cell phone itself that was recovered?

16 A No, ma'am I am not.

17 Q Do you know if any other officer on your specific team
18 performed any test on the cell phone?

19 A I am sure we did not. We would not have. We don't
20 have training for that.

21 Q Does the Lancaster County Sheriff's office even have
22 the capability to try and recover data from cells phones or is
23 that something that would be done through SLED?

24 A No, ma'am, we usually use the State for that.

25 Q That would be SLED that you are referring to when you

1 say the state?

2 A Yes, ma'am.

3 Q Thank you. And I notice also on the investigation work
4 sheet that there were several touch DNA swabs taken into
5 evidence?

6 A Yes, ma'am.

7 Q And it looks like those were taken into evidence by Mr.
8 Taylor?

9 A Correct.

10 Q And those DNA swabs, could you explain what a touch DNA
11 swab is?

12 A Well, you are looking for skin cells that may have been
13 left behind by a person that touched the surface that you are
14 swabbing.

15 Q And can you tell what specific areas of the Jones's
16 house was swabbed for the presence of touch DNA?

17 A Yes, ma'am.

18 Q And could you let the jury know?

19 A Yes, ma'am. Investigator Taylor swabbed the doorknob
20 of the front door, interior and exterior door knobs.

21 Q Was there just one door to the home or was there a
22 screen door as well?

23 A There was storm door and then the regular door of the
24 home.

25 Q Okay, and when we say "regular door of the home" lets

1 see if this is set up. Is this what you are referring to as we
2 see hear in State's exhibit number three is the regular door fo
3 the home or the storm door.

4 A That is the main door.

5 Q Okay. Thank you. Are you aware if any touch DNA swabs
6 were obtained in bedroom area, the master bedroom?

7 A No, ma'am.

8 Q Do you know what areas of the the master bedroom were
9 checked for the presence or even if they were checked for
10 presence of any fingerprints that may have been left behind?

11 A Yes, ma'am.

12 Q Could you describe for the jury what areas of the
13 bedroom were checked for fingerprints?

14 A There were different surfaces, dresser, drawers and
15 Investigator Taylor will have to testify but he dusted some
16 other surfaces in the master bedroom.

17 Q Okay. So any searching for fingerprints evidence in
18 the master bedroom would have been be done by Investigator
19 Taylor and not by you?

20 A In this case. Yes, ma'am.

21 Q Okay, and if he had -- I am assuming Investigator
22 Taylor is a man -- if he had taken any swabbing to look for the
23 presence of touch DNA in the bedroom that would have been
24 something he would have done in this case not you?

25 A Yes, ma'am:

1 MS. RANEY: I don't any further questions. Thank
2 you.

3 THE WITNESS: Yes, ma'am.

4 THE COURT: Anything on redirect, solicitor.

5 MR. BARFIELD: Just a couple real quick.

6 THE COURT: Sure.

7 REDIRECT EXAMINATION

8 BY MR. BARFIELD:

9 Q Give the jury an example of some evidence the sheriff's
10 office might process in-house?

11 A Latent prints, or fingerprint evidence is processed
12 in-house, so we do the swabbing.

13 Q Do you all do any DNA processing --

14 A We do.

15 Q -- testing?

16 A We swab. We swab only. We collect standards in
17 samples but we don't do the testing or the comparison. That is
18 all done at SLED?

19 Q And then generally speaking are there as a matter of
20 general policy with SLED, are you familiar with SLED policies
21 and their procedure and their protocols and the way they want to
22 do business with local law enforcement agencies?

23 A Yes, sir.

24 Q Are there any general rules about specifically
25 concerning DNA evidence?

1 A Yes, sir.

2 Q General guidelines that SLED gives to local agencies
3 about how much stuff you all can take down?

4 A Yes, sir. We are restricted to the number of items for
5 DNA that we can submit given their back load or backlog.

6 Q And generally what is the number right now?

7 A For homicides they allow us to submit five of items.

8 Q Okay. Are there circumstances where they will change
9 the rules if necessary?

10 A Yes, sir.

11 Q Okay.

12 MR. BARFIELD: Thank you. That is all. Answer
13 anything else?

14 THE COURT: Recross Mr. Frick?

15 MR. FRICK: No, sir.

16 THE COURT: Miss Raney.

17 MS. RANEY: No, sir.

18 THE COURT: Thank you. Thank you very much
19 captain. You may step down.

20 THE COURT: How long is your next witness?

21 MR. BARFIELD: It is another crime scene
22 investigator. We will do it however you want to do
23 it. I got two more crime scene investigators and they
24 are both probably going to be decreasing in length.

25 THE COURT: That wasn't my question. My question

1 was how long is your next witness?

2 MR. BARFIELD: I ain't going to answer you
3 question. You know I can't do that. Twenty minutes.

4 THE COURT: That's a great answer.

5 MR. BARFIELD: We're lawyers.

6 (WHEREUPON, there was an off the record
7 discussion.)

8 THE COURT: You may call your next witness.

9 MR. BARFIELD: Jeff Steel.

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

13 DIRECT EXAMINATION

14 BY MR. BARFIELD:

15 Q Tell us your name please, sir.

16 A Jeff Steel.

17 Q Mr. Steel, by whom are you employed?

18 A Lancaster County Sheriff's Office.

19 Q How long have you been employed?

20 A Thirteen years.

21 Q What do you do for sheriff's office?

22 A Sir.

23 Q What do you do for sheriff's office?

24 A I am crime scene investigator.

25 Q How long have you been on the crime scene unit?

- 1 A About five years.
- 2 Q Have you been to the forensic academy in Knoxville?
- 3 A Yes, sir I have.
- 4 Q When did you go?
- 5 A January of 2010.
- 6 Q Did you complete it?
- 7 A Yes, sir, I did.
- 8 Q Get your certificate?
- 9 A Yes, sir.
- 10 Q Have you worked crime scenes science then?
- 11 A Yes, sir.
- 12 Q Now, I am going to ask you about a couple of odds and
- 13 ends. Not odds and ends. They are all important. I will ask
- 14 you about some things.
- 15 Did you do some work on the case involving a homicide death
- 16 of Jenika Jones?
- 17 A Yes, sir, I did.
- 18 Q Do you do -- do you do anything at the scene on
- 19 Roseanna Lane that night?
- 20 A Yes, sir, I arrived to assist in processing.
- 21 Q Okay, and were you there all night long or did you go
- 22 and do other things while some of that was going on?
- 23 A No, sir, Lieutenant Rogers asked me to respond to the
- 24 the coroner's office and take major case prints from the victim.
- 25 Q What are major case prints?

1 A It is print that you have to actually take from the
2 victim where you could get accurate comparison when trying to
3 make an identification.

4 Q Did you do that? Do you get major case fingerprints?

5 A Yes, sir.

6 Q Did you get that from Jenika Jones at the coroner's
7 office?

8 A Yes, sir, I did.

9 Q I am going to show you a manila envelop and a plastic
10 envelope and ask if you can identify what that is?

11 A Yes, sir, that is it.

12 Q And without getting into a lot of detail how do you
13 take prints from a hand?

14 A I take ink -- I little ink pad and you pulled their
15 fingers out and you try to get all the joints and all the
16 friction ridge detail you can get from the finger which would
17 allow you to make adequate comparison. That's what I done here.

18 Q Did you get what you consider a major case prints from
19 Jenika Jones?

20 A Yes, sir, I did.

21 Q Okay.

22 MR. BARFIELD: I would like to offer the major
23 case prints as the next State's exhibit?

24 THE COURT: Mr. Frick?

25 MR. FRICK: You said exhibit?

1 MR. BARFIELD: Exhibit.

2 MR. FRICK: I don't have any objection. That is
3 fine.

4 MS. RANEY: Miss Raney.

5 MS. RANEY: No objection.

6 THE COURT: State's 40 in evidence without
7 objection.

8 (State's exhibit 40 received, major case prints, in
9 evidence as of this date.)

10 DIRECT EXAMINATION CONT'D:

11 Q Did you become aware that an autopsy had been
12 scheduled for Jenika Jones?

13 A Yes, sir, I did.

14 Q And when was the autopsy schedule for and actually
15 performed?

16 A The following day after the actual incident.

17 Q Okay. Did you have you any role in the autopsy?

18 A Yes, sir, I did.

19 Q Did you attend the autopsy?

20 A Yes, sir, I did.

21 Q In a homicide case with the sheriff's office is it
22 common for one of you, if possible, to attend the autopsy?

23 A Yes, sir it is.

24 Q Did you of take possession of any evidence from the
25 autopsy?

1 A Yes, sir, I did.

2 Q I am showing you State's exhibit number 34. Can you
3 identify State's exhibit number thirty four?

4 A Yes, sir.

5 Q And what is State's exhibit number 34?

6 A It is bullet that came out the victim's head.

7 Q And that was provided to you by whom?

8 A By Newberry Pathology, Doctor Ross.

9 Q Was it sealed up when you got it?

10 A Yes, sir, it was.

11 Q Did it stay sealed when you had it?

12 A Yes, sir.

13 Q When you got back to Lancaster with it what did you do
14 with it?

15 A I submitted into evidence.

16 Q It went through Ann Hortan's hands?

17 A Yes.

18 Q Did you do anything with it other than turn it into
19 evidence?

20 A No, sir, I didn't.

21 Q I will show you State's exhibit number 35. Can you
22 tell me what 35 is. You tell me generally speaking what number
23 35 is?

24 You might need to move the bag around a little bit to be
25 able to read what is in it.

1 A Yeah, this is tube of blood that was brought back from
2 the victim from Newberry Pathology.

3 Q Did you take possession of that at the autopsy?

4 A Yes, sir, I did.

5 Q And who gave you that?

6 A Newberry Pathology.

7 Q And was it sealed up when you got it?

8 A Yes, sir, it was.

9 Q Did it stay seal up when you had it?

10 A Yes, sir.

11 Q What did you do when you got back to Lancaster?

12 A Submitted it into evidence.

13 Q Through Ann Horton?

14 A Yes, sir.

15 Q Did you at the scene -- I'm skipping around a little
16 bit. Back to Roseanna Lane did you seize any items of evidence
17 yourself?

18 A Yes, sir, I did.

19 Q What did you pick up at the scene? What did you seize
20 at the scene?

21 A I didn't pick up anything. I observed the cartridge
22 casing.

23 Q Okay. You didn't collect anything yourself at the
24 scene? Is that what you are telling us?

25 A No, sir, I did not.

1 Q Okay. Did you participate in the processing of a car
2 shown in State's exhibit number 16 which I am putting on the
3 screen right now. Have you ever seen that car before?

4 A Yes, sir.

5 Q Did you participate in the processing of that car?

6 A Yes, sir, I did.

7 Q And did you participate in that processing where it is
8 shown in this photograph or at another location?

9 A Another location.

10 Q Okay. What was the other location where the car was
11 when you participated in its processing?

12 A It's the old Lancaster task force office off of
13 Springdale Road.

14 Q Okay. Who was in control of the car at that time?

15 A The sheriff's office.

16 Q Do you remember the date that you processed the car or
17 participated in the processing of car?

18 A I believe it was 3-7-2012.

19 Q All right. And who else participated in the processing
20 of that car?

21 A Lieutenant Christy Rogers and Investigator Ken Taylor.

22 Q Had the car been processed earlier by somebody else
23 with the sheriff's office?

24 A Yes, sir.

25 Q Were you involved in that processing at all?

- 1 A No, sir.
- 2 Q What was the purpose of processing the car on 3-7 of
3 2012?
- 4 A We were specifically looking for blood evidence.
- 5 Q And how did you go about looking for blood evidence
6 inside that car?
- 7 A We use a reagent called bluestar forensic.
- 8 Q And when you say reagent, is this liquid? Is it
9 powder? What is it?
- 10 A It's a liquid, sir.
- 11 Q And how do you use it?
- 12 A You generally spray it on the affected area, or an area
13 that you are searching generally in a low light conditions. And
14 then it will luminesce. You put a light on it and you will be
15 able to see the blood areas. If reacts heavily to blood.
- 16 Q Does it react to other stuff or just blood?
- 17 A It will react to other items, but it's generally
18 specific to blood.
- 19 Q Okay. Is that a presumptive test or a conclusive test?
- 20 A I am not sure on that sir.
- 21 Q Did you use the bluestar on the interior of the
22 Cadillac?
- 23 A Yes, sir, we did.
- 24 Q On March 7th of 2012?
- 25 A Yes, sir.

1 Q Did you get any positive reaction to indicate the
2 presence blood?

3 A Yes, sir.

4 Q Describe those locations where you got a positive
5 reactions from the bluestar forensic substance?

6 A Positive reactions, the front driver's seat fabric just
7 beneath the steering wheel was a positive reaction. We also got
8 the fabric -- I mean, the seat belt from the front passenger's
9 side seat also.

10 Q All right.

11 A And we collected -- also collected some samples from
12 the back rear seats, but they were -- they didn't test positive.
13 I did a presumptive test on those and they came back negative
14 but it was a small amount. I couldn't get a good sample.

15 Q Okay. Were some swabs taken out of the inside of that
16 car?

17 A Yes, sir.

18 Q Were some cuttings taken from the inside of that car?

19 A Yes, there were.

20 Q And when I say cutting what am I talking about?

21 A We actually took a scalpel and cut the affected area
22 away from the vehicle and packaged it for evidence.

23 Q Nowm, who owed the car by this time? Do you know the
24 story behind that?

25 A No, sir.

1 Q That's fine.

2 MR. BARFIELD: Thank you, very much. Answer any
3 questions Mr. Frick or Mr. Raney has.

4 THE COURT: Thank you, solicitor. Mr. Frick?

5 MR. FRICK: Thank you, Your Honor.

6 CROSS EXAMINATION

7 BY MR. FRICK:

8 Q Investigator Steel, you didn't go out to Roseanna on
9 the 20th or the 19th, in to the 20th did you?

10 A Yes, sir, I went. I was there.

11 Q Okay. You weren't the main CSI agent on that case. I
12 don't mean to diminish your role. Were you there to assist that
13 evening?

14 A Yes, sir.

15 Q Okay. Your major thing was to go get the fingerprints,
16 correct, from Miss Jones?

17 A Yes, sir.

18 Q Then you went to Newberry the next day?

19 A Yes, sir.

20 Q And then in March you did the processing of the car for
21 any blood evidence?

22 A Yes, sir.

23 Q Okay. Was there anything else? Am I missing anything
24 else that you participated in this case?

25 A Not that I can recall.

1 Q Okay. And you found a few spots that you collected as
2 far as what was determined to be blood or potentially to be
3 blood?

4 A We collected the swab and sent them to SLED, yes, sir.

5 Q And in the car is what I meant?

6 A Yeah.

7 Q Okay. That is in March, right?

8 A Yes, sir.

9 Q The incident date on this thing is back in January,
10 right?

11 A Yes, sir.

12 Q Okay, but in March you all are still seeking and trying
13 to find relevant evidence in this case, right?

14 A Yes, sir.

15 Q Okay. When you put the bluestar on this stuff did you
16 swab it to select the evidence or potential evidence?

17 A You can, but we generally photograph it and then we
18 swab it.

19 Q Okay. So you photographed it, right, these spots that
20 you checked?

21 A Yes, sir.

22 Q For lack of better term. I know that is not a
23 technical term. Photograph it and then you swab it?

24 A Yes, sir.

25 Q What happened to those swabs?

1 A Well, we sent them to SLED.

2 Q Okay. All right.

3 MR. FRICK: Thank you, sir. That is all the
4 questions I have.

5 THE COURT: Thank you, Mr. Frick. Miss Raney.

6 MS. RANEY: No questions Your Honor.

7 THE COURT: Redirect solicitor?

8 MR. BARFIELD: No.

9 THE COURT: Thank you. Thank you, very much
10 Detective Steel.

11 (Witness excused.)

12 THE COURT: All right, Mr. Foreman, ladies and
13 gentlemen of of the jury panel I think now would be a
14 good time to take our evening recess. Please remember
15 my instructions. Do not discuss this case with others
16 including fellow jurors, family, friends or anyone
17 else. Do not read, watch, listen to any news accounts
18 of the case. Do not do any independent investigation
19 or any investigation on the internet as I have
20 instructed you several times throughout the course of
21 this trial,.

22 Remember to keep an open mind. Do not begin your
23 deliberations until you have heard all the evidence,
24 the testimony, closing arguments by the attorneys and
25 the instruction of the law by the Court.

1 THE COURT: Yes, ma'am, we will certainly try too.

2 MS. RANEY: Thank you.

3 THE COURT: All right, bring the jury in.

4 (WHEREUPON, the jury enters the courtroom.)

5 THE COURT: Mr. Foreman and ladies and gentleman
6 of the jury, good morning. Welcome back. Hope you
7 all had a pleasant evening. I apologize for the
8 delay. It had absolutely nothing to do with the
9 parties involved in the case whatsoever. It was
10 another issue I had to address on my own. Be that as
11 it may we are continuing the trial of the case by the
12 presentation of evidence and testimony by the State in
13 its case in chief.

14 If you please continue to give the parties your
15 complete and undivided attention as you have done
16 throughout the trial in this case.

17 Solicitor, you may call your next witness.

18 MR. BARFIELD: The State calls Ken Taylor.

19 THE COURT: All right. Officer Taylor if you come
20 around and be sworn.

21 KEN TAYLOR, called as a witness, having been duly
22 sworn by the clerk, was examined and testified as
23 follows:

24 DIRECT EXAMINATION

25 BY MR. BARFIELD

1 Q Tell us your name please.

2 A My name is Ken Taylor.

3 Q Where are you employed?

4 A Lancaster County Sheriff's Office.

5 Q How long have you been employed by the Lancaster County
6 Sheriff's Office?

7 A About eight and a half years now.

8 Q What is your current job with the Lancaster County
9 Sheriff's Office?

10 A Crime scene investigator.

11 Q How long have you been a crime scene investigator for
12 the sheriff's office?

13 A About four and a half years.

14 Q How did you learn or get trained to be a crime scene
15 investigator?

16 A Of course we had a lot of on the job training and spent
17 a ten-week week block at the National Forensic Academy, Oakridge
18 Tennessee at the University of Tennessee.

19 Q And when did you go to the National Forensic Academy?

20 A January 2010.

21 Q I believe you and Investigator Steel went at the same
22 time?

23 A Yes, sir.

24 Q Did you complete the course at the National Academy?

25 A Yes.

1 Q Did you get a certificate?

2 A Yes.

3 Q Do you have any additional and specialized training in
4 latent fingerprint identification?

5 A Yes, sir, I do.

6 Q Tell us about that?

7 Q Fall 2009 I completed a forty-hour course at the South
8 Carolina Criminal Justice Academy in basic latent print
9 recognition comparison. Part of our training at the forensic
10 academy had a small block dealing with latent prints recognition
11 and comparison and I have continued online course made available
12 through West Virginia University through a federal grant for
13 Science of fingerprints that I completed just this past year.

14 Q And have you actually done work in latent fingerprint
15 identification?

16 A Yes.

17 Q Is latent fingerprint identification now one of the
18 portions of forensic science that can be done in-house by the
19 Lancaster County Sheriff's Office?

20 A Yes, it is.

21 Q And normally since you all got your crime scene team up
22 and running do you all normally do your own latent print
23 identification?

24 A Yes, we do.

25 MR. BARFIELD: Your Honor, at this time would I

1 offer Mr. Taylor as an expert witness in latent
2 fingerprint identification.

3 THE COURT: Mr. Frick?

4 MR. FRICK: No objection, Your Honor.

5 THE COURT: Miss Raney.

6 MS. RANEY: No objection, Your Honor.

7 THE COURT: All right. And again ladies and
8 gentleman normally a person can not give opinion
9 testimony. Normally when a person testifies they must
10 testify as to either what they saw, heard or sense by
11 smell or something of that nature. However, there is
12 exception when someone is qualified because of
13 education or experience they are permitted to give
14 their opinions in certain areas if the Court qualifies
15 them that. This witness, Officer Ken Taylor will be
16 qualified in the area of forensic fingerprint
17 identification to give opinion testimony in that area.
18 It does not mean you must accept the opinion, but it
19 is it evidence for you the jury to use in any way you
20 see fit.

21 Thank you. Thank you, solicitor, you may continue.

22 DIRECT EXAMINATION CONT'D:

23 Q Investigator Taylor, did you participate in the
24 forensic portion of the crime scene portion and the forensic
25 portion of the investigation involving the death of Jenika

1 Jones?

2 A Yes, I did.

3 Q When did your involvement in this investigation begin?

4 A It was on the night of January 19, 2012.

5 Q And where did your involvement begin?

6 A At the residence [REDACTED] Roseanna Lane.

7 Q I will digress for just a minute. Are you familiar
8 with that area of Lancaster County?

9 A I am familiar with it in a general sense, yes.

10 Q Are you familiar with the the Piggly Wiggly and Airport
11 Crossroads?

12 A Yes, sir.

13 Q And approximately how far is it from this scene at [REDACTED]
14 Roseanna to the Piggly Wiggly grocery store near Airport
15 Crossroads?

16 A It is approximately a mile, possibly just barely less
17 than a mile.

18 Q All right. What time did you get to Roseanna Lane that
19 night?

20 A I was called by my Lieutenant Christy Rogers to respond
21 about 10:30. I got there probably a little after 11.

22 Q Was Christy Rogers there when you got on the scene?

23 A No, she had left. She had gone back to our office to
24 prepare and affidavit for search warrant.

25 Q Was a search warrant obtained?

1 A Yes, it was.

2 Q And what was your role with respect to the search
3 warrant once it has been obtained?

4 A I executed the search warrant there at the residence.

5 Q Now, was there any living adult to execute the search
6 and serve it on?

7 A No, sir. No one was inside other then the victim.

8 Q So what do you do to execute a search warrant when
9 there is nobody there to hand it to?

10 A We leave it at the place of the residence.

11 Q At some point -- I will talk about outside first. At
12 some point was there any search done of the exterior of the home
13 not concerning the home itself, but the yard, the driveway the
14 road, the area around the house?

15 A Yes.

16 Q Was anything that night of any significance found by
17 crime scene investigators outside the house?

18 A No, sir.

19 Q All right. Did you make any observations of the -- how
20 many doors were there on this mobile home?

21 A As I you recall there were two.

22 Q And I mean entry, exit doors from outside to inside?

23 A I would say two.

24 Q And was there a door on the back of the house?

25 A Yes.

1 Q Go ahead and talk about that for a minute. Was there
2 an examination done of that door?

3 A Yes.

4 Q The condition of that door meaning open, shut, locked,
5 unlocked?

6 A It was closed and in tack and secured if I recall.

7 Q Any evidence of anything amiss with the back door of
8 that mobile home?

9 A No, sir.

10 Q How about the front door when you got there, what was
11 the condition of the front door open or closed?

12 A The front door was open.

13 Q Just cracked open or open open?

14 A If I recall it was standing pretty much open.

15 Q What was the condition of the knob, the locking
16 mechanism of that door?

17 A The dead bolt was visibly I would say in a locked
18 position. It was sticking out of the door, but it was in tack.
19 It didn't appear damaged.

20 Q Did you have occasion to examine the door jam where the
21 dead bolt would have engaged to lock the door?

22 A Yes, I did.

23 Q I will put up a couple of pictures; State's number
24 three. Do you know what that is?

25 A Yes, it looks like the main entry door with the dead

1 bolt sticking out of the side.

2 Q Is that the condition it was in when you first saw it?

3 A Yes.

4 Q And then State's number four, can you tell us what that
5 is?

6 A Yes, sir. That is going to be the door jam at the door
7 frame where that dead bolt and the lock would insert inside.

8 Q Any indication at that door, the rear door or any
9 windows -- I presume there were windows on this mobile home?

10 A Yes, there were.

11 Q Any indication of forced entry into this mobile home?

12 A No.

13 Q When you walked in -- well, you walk in the front door
14 is the trailer running long ways from you at that point? That
15 was a stupid question.

16 When you walk in the door is the length of the trailer to
17 your right and left?

18 A Yes, it is.

19 Q What is to your right when you walk in the door?

20 A You immediately walk in to kind of the divider between
21 the living room, den area and the kitchen is to the left. The
22 the living room, den area would to be the right.

23 Q Was there a victim inside the house when you were
24 there?

25 A Yes.

1 Q And where was the victim, Miss Jones?

2 A The victim was lying on a couch just inside the door,
3 just to the right of the door.

4 Q Was there any -- were there any home furnishings or
5 what some people might call knickknacks or anything disturbed in
6 the area where the victim was?

7 A Not really. Typically how I describe things like that,
8 it had a lived in look. There were things sitting around.
9 Things moved around. It looked normal. Nothing seemed out of
10 place of anything on the table or anything like that.

11 Q Any -- other than the victim and her condition and
12 result of her condition, anything lying on the floor that you
13 would not have expected to be there, other than ballistics
14 evidence?

15 A Well, there was a I think it was a sweater or
16 sweatshirt next to the kitchen table across from the entry door
17 and there was a picture lying on the floor just inside the door
18 behind the couch.

19 Q Okay. Did you find -- could you tell -- I guess from
20 common sense as much as anything else -- where that picture had
21 been at some point?

22 A The wall where the door was if I am trying to
23 illustrate with my hand, if you come in the front door and you
24 came in there threshold immediately to your right the couch was
25 along that wall. The picture looked like it had possibly been

1 on a nail that was in that wall just inside that door. There
2 was another picture just beyond that that looked a matched set
3 and the one appeared to have fallen off the wall.

4 Q Was the nail in the wall?

5 A Yeah, nail, screw, hanger, it was in the wall that it
6 may have been attached to.

7 Q Did you examine the body of Miss Jones?

8 A Yes.

9 Q Any evidence of injury that you observed?

10 A We did see a what appeared to be a gunshot wound to her
11 left cheek, jaw area on her head.

12 Q Was there blood anywhere in the room where the victim
13 was?

14 A Yes.

15 Q Just generally describe where the blood was or what you
16 suspected to be blood?

17 A Covering her face, head, arms, upper portion of her
18 shoulders, her right side I believe, the cushions on the couch
19 beneath her body, pooling blood beneath the couch right under
20 where she was lying, multiple spatter and stains out in front of
21 that area, blood had run down underneath the couch and along the
22 back wall, and a lot of bloody footprints leading from the body
23 back towards a bedroom on the south end of the mobile home.

24 Q Okay. Did you find any ballistic evidence there at the
25 scene?

1 A Yes, we did.

2 Q What did you find? We found a casing, cartridge
3 casing.

4 Q Where was it found?

5 A On the southern end of that open living room area
6 behind the corner of the couch where the victim's body was
7 lying.

8 Q I will show you a couple pictures. Showing you State's
9 exhibit number 11. Try to get the glare spot out of the way.
10 Can you tell us what that picture is showing?

11 A Yes, sir, that's looking at the couch, sectional couch
12 in the living room area where Miss Jones's body was found.

13 Q Now can you annotate on that picture as close as
14 possible -- there is no picture of a cartridge casing in this no
15 depiction of the cartridge, but can you tell us generally in
16 this picture what direction you found this cartridge casing?

17 A Yes, it was on this end of the couch right down here.

18 Q Try that again. There we go.

19 A That is the far right hand side of the couch. The
20 casing was found on the floor just beyond that. Just behind
21 that.

22 Q All right. I will put another picture up. State's
23 number 12. What is that a picture of?

24 A That is looking down behind that portion of the couch
25 on the floor where the casing was found.

1 Q And what is that yellow thing in the picture?

2 A That is evidence marker label number nine. That helps
3 us keep track of the item.

4 Q All right. Do you recall what that is?

5 A I am not certain what it is. It appears to be a ladies
6 purse or something but I am not certain.

7 Q That's fine. And then one more picture, State's number
8 13. What is that picture of?

9 A That is another close up view of that same evidence
10 marker and the cartridge casing that was found there on the
11 floor.

12 Q I'll hand up an envelope. I think it is sealed up.
13 You got some way to open that up?

14 A No, sir.

15 MR. BARFIELD: At the risk of getting arrested I
16 got something that will open it up. It's legal in all
17 schools in the State of South Carolina. I hope it is
18 legal up here.

19 Q Can you tell me what is in that envelope?

20 A Yes, this is the casing, cartridge casing that we were
21 looking at pictures with the evidence marker nine.

22 MR. BARFIELD: Your Honor, at this time I offer
23 the cartridge casing and the SLED packaging the next
24 State's exhibit -- let me ask you another couple of
25 questions.

1 Q What did you do with this cartridge casing?

2 A We collected it and submitted it as evidence.

3 Q And I am going to ask this question once today and I am
4 not going have to use this name fifteen times. When you say you
5 submitted it into evidence where do you mean you submit it in
6 evidence?

7 A There at our office, the evidence building, 1528 --
8 well, it is now 1528 Pageland Highway, I don't it was then, but
9 Miss Horton is the custodian of evidence. She takes care of
10 that.

11 Q And you submit it to a locked compartment of some sort?

12 A Yes.

13 Q And describe that for the jury so we will do this once
14 on this item and we don't have to do it every time?

15 A We have a process of lockers that are mounted in our
16 evidence building and when deputies or investigators, if we have
17 an item that is small enough to fit there when we gather that on
18 scene, we insert it into the locker. We put the key into
19 another secure location wherein Miss Horton can access those
20 keys to go unload that evidence and check it into our building.

21 In our older building we may have also had an additional
22 drop box that we used to drop smaller items and that again was
23 accessed by Miss Horton and those were approved by the sheriff.

24 Q Now, when you seized and secured this cartridge case
25 did you seal it up somehow?

1 A Yes.

2 Q And did you turn it in, submit it into evidence?

3 A Yes.

4 Q Did you do anything with it?

5 A No, sir.

6 Q From then until this morning?

7 A No, sir.

8 MR. BARFIELD: Your Honor, I would offer the
9 cartridge case as the next State's exhibit.

10 MR. FRICK: No objection, Your Honor.

11 MS. RANEY: No objection, Your Honor.

12 THE COURT: All right, State's 41, cartridge
13 casing in evidence without objection.

14 (State's Exhibit 41, cartridge casing, received
15 in evidence as of this date.)

16 Q Investigator Taylor, did you at some point -- well, at
17 some point while you were present on the scene was the body of
18 Miss Jones removed from the scene?

19 A Yes.

20 Q And at any point did you do any more examination of the
21 couch itself?

22 A Yes, I did.

23 Q Concerning potential ballistic evidence?

24 A Exactly. We were looking to see if there was an exit
25 wound on the body of Miss Jones which we didn't find.

1 Q Did not?

2 A Correct. And we looked to see if there were any other
3 casing that may have been found there or any other bullet
4 fragments, things like that and we didn't find anything.

5 Q And how extensive was your search of the couch, any
6 items on the couch in the area around and under the couch?

7 A We removed the cushions and we pulled the couch away
8 from the wall and looked underneath and thoroughly search the
9 floor.

10 Q Was there any other -- well, we covered this. Never
11 mind.

12 Did you do examination of the main doorway to the home?

13 A Yes.

14 Q How many doors were in that door way?

15 A There is a metal and glass, what we refer to as a a
16 storm door on the outside and then there was a main entry door,
17 one solid door.

18 Q Okay.

19 Q Tell the jury first of all what is touch DNA?

20 A Touch DNA what we refer to there is in a sense every
21 time you touch something or you go somewhere you leave part of
22 you behind, typically skin cells and when we are looking for
23 touch DNA we are trying to gather some of that on a sterile
24 cotton swab so that it later can be tested and may be try to
25 match it back to a donor or source.

1 Q Did you attempt to collect touch DNA from either or
2 both of the doors, the main doors --

3 A Yes.

4 Q -- into the house on the front. I am talking about the
5 front doors?

6 A Yes, sir,

7 Q What areas did you test or swab?

8 A I believe I checked around the door handles. Let me
9 spot where I got that listed here.

10 Yes, the storm door handle on the exterior door itself. On
11 the exterior handle I took some swabs from the underside of that
12 handle and then the inside and outside doorknob of the metal
13 entry door.

14 Q I will show you a sealed up envelope and ask you what
15 appears to contain two paper envelopes. Can you tell me what
16 those items are?

17 A Yes, sir. These are the swabs that I collected from
18 the storm door handle and the main door.

19 Q Now, when you say you collected swabs tell the jury
20 what do you mean by collecting swabs?

21 A I usually take some sterile water and put on one of the
22 swabs. Usually we will collect two at a time or two separately
23 and just swab that across that surface of the area to let the
24 swab itself absorb that and we use sterile cotton swabs.
25 Usually wooden handle with a sterile cotton tip and then those

1 air dried, they are air dried, and they are packaged in a either
2 little paper envelope or a cardboard box -- a little tiny box
3 that is made for it and then usually we seal them in a paper
4 envelope. Sometimes plastic, but it's usually paper.

5 Q We heard some testimony yesterday about the collection
6 of buccal swabs. When you are collecting swabs from like a door
7 handle is it basically the same process?

8 A Well, it is similar. It is just of course buccal
9 meaning cheek. You are looking for the actual skins cells from
10 inside versus cheek, whereas here we are looking for the skin
11 cells that are left deposited on the outside of something.

12 Q Do you use the same kinds of swabs?

13 A Yes.

14 Q Those swabs, is that something you go to Rite Aid to
15 buy or is that is something that is prepackaged in a kit?

16 A It is prepackaged. We purchase them as a sterile --
17 sterile cotton swabs usually from some type of medical supply or
18 a forensic supply.

19 Q All right. Will you take the knife and open the
20 plastic envelope in a way that we can put the other two
21 envelopes back in it after we get through talking about it in a
22 minute.

23 A Yes.

24 Q Pull out what you describe as the envelope containing
25 the swabs from the storm door?

1 A Okay.

2 Q Is that what that is?

3 A Yes.

4 Q Okay. And pull out --

5 MR. BARFIELD: Well, at this time Your Honor, I
6 offer the swabs from the storm door as State's exhibit
7 number 42 -- I think.

8 MR. FRICK: No objection.

9 MS. RANEY: May I just take a look at the envelope
10 first, Your Honor.

11 MR. BARFIELD: Let me hold the envelope.

12 MS. RANEY: I have no objection.

13 MR. BARFIELD: Let me go ahead and get the other
14 one in at the same time.

15 Q Which envelope is the envelope from the swabs from the
16 doorknob?

17 A That is going to be this one. (Indicating).

18 MR. BARFIELD: Your Honor, I would offer the door
19 handle swabs as the next State's exhibit 42, and then
20 the doorknob swabs as the next State's exhibit number
21 43.

22 THE COURT: Any objection?

23 MR. FRICK: That is fine Your Honor.

24 MS. RANEY: No objection.

25 THE COURT: State's 42 and 43 is in evidence

1 without objection.

2 (State's Exhibit 42 and 43, swabs, received in
3 evidence as of this date.)

4 MR. BARFIELD: Your Honor, with the Court's
5 permission I will put them back in the SLED glassine
6 envelope.

7 THE COURT: Yes, sir.

8 Q What is a latent fingerprints?

9 A Latent fingerprints is one that is deposited on a
10 surface but it is generally hidden to the eye.

11 Q And how do you find out if there is a latent
12 fingerprint somewhere?

13 A Our usual practice is to use a dust and just apply it
14 to the area and see if some ridges appear as part of that print.

15 Q Did you do any fingerprint work concerning the entry
16 door to the mobile home at [REDACTED] Roseanna Lane?

17 A Yes, we did.

18 Q Describe for the jury how you did that?

19 A Dusted the storm door, inside outside and also the main
20 entry door again using dust to see if we can reveal any prints
21 on it.

22 Q Did you find anything on the storm door itself?

23 A Let's see ---

24 Q Did you find any what you believed to be latent prints
25 on the storm door itself?

1 A Yes. Yes, sir, on the inside of the storm door window?

2 Q And how many latent prints did you find on the inside?

3 A I made three tape lifts.

4 Q Now, I am going to hand you another envelope and ask if

5 you can identify what is in that envelope?

6 A Yes, sir. These are the three latent print cards that

7 I collected there.

8 Q Did you find anything that you thought might be a

9 latent print or prints on the main door or any portion of the

10 main door?

11 A Yes.

12 Q What?

13 A Saw what looked like a possible print on the dead bolt

14 lock assembly on the exterior of the metal entry door.

15 Q Let me show you, put the picture up again real quick?

16 Q On the outside portion of it you said?

17 A Yes.

18 Q I am showing you State's exhibit number five, is that

19 inside?

20 A That is probably the inside.

21 Q State's exhibit number three?

22 A Yes, that is the outside.

23 Q Now, when you say the dead bolt locking mechanism, tell

24 me where -- circle, annotate on there where you are talking

25 about?

1 A It would be the assembly there facing the outside.

2 Q Now, did you make effort to lift in some fashion that
3 latent print off that assembly?

4 A Yes.

5 Q And how do you do that?

6 A Well, on that one sometimes when things have odd
7 surface or it is not a flat smooth surface or even if it is a
8 flat smooth surface, if it has a rough texture, like a grainy
9 texture to it usually the type of tape that we use doesn't
10 adhere well, or again if it is curved or oddly shaped the tape
11 doesn't stretch and fit into all those grooves and areas. But a
12 lot of times the print may still be there. So we mix up a
13 little compound. Brand name for it is Mikrosil and it's
14 basically if you are familiar with the old play-doh, silly-type
15 stuff, it will adhere to whatever form you press it in to. We
16 mix that up and apply it to the area above where it is been
17 dusted and then once it dries it turns into kind of a rubbery
18 very easily pliable piece of material. Then we would simply
19 peel that off and then if there was a print there it would be
20 the print in reverse and then the process would be to photograph
21 it, invert the photograph and then try to examine that print at
22 that point.

23 Q All right. Now, concerning the latent prints that you
24 lifted off the inside glass of the storm door and the dead bolt
25 mechanism of the main door, I will not get into tons and tons of

1 detail, but when you get back to your lab at the sheriff's
2 office how do you determine if there is anything there that you
3 can do anything with?

4 A We look at the prints again, either a lift on a card or
5 the Mikrosil casing type lift. The method that the most
6 examiners that I'm familiar with go through it is kind of a
7 described by an acronym entitled ACEV, A-C-E-V; analyze,
8 compare, evaluate and verify. And so typically you analyze a
9 print to start with and look for the quality, the amount or the
10 quantity of identifiable points. Things like that. And if you
11 feel you have sufficient to maybe effect an identification or
12 even go forward with a comparison which you then would move to
13 the next step which would be compare.

14 In this situation once I examined these I didn't come to a
15 determination that I had enough to compare. So I stopped my
16 examination at that point.

17 Q Nothing that you could use for comparison purposes to
18 somebody's known fingerprints?

19 A Correct.

20 MR. BARFIELD: Your Honor, at this time I offer
21 the latent lifts from the inside glass of the storm
22 doors, State's 44 and the Mikrosil casing from the
23 dead bolt as States 45.

24 MR. FRITZ: No objection.

25 MS. RANEY: Your Honor, I actually have never seen

1 those. Can I take a look as them.

2 I have no objection Your Honor.

3 THE COURT: All right, States 44 and 45 -- what
4 was 45.

5 MR. BARFIELD: State's 45 is the latent print from
6 the dead bolt mechanism from the exterior door.

7 THE COURT: All right, 44 and 45 are in evidence
8 without objection.

9 (State's Exhibit 44 and 45, latent lifts and
10 Mikrosil casing, received in evidence as of this
11 date.)

12 Q We will go back inside the house and ask you some
13 questions about some other matters inside the house.

14 Did you at some point have an occasion to examine the
15 entire mobile home at [REDACTED] Roseanna Lane, the interior?

16 A Yes, I did.

17 Q How many bedrooms were in that mobile home?

18 A I believe there is a total of three.

19 Q Okay. Anything about either of the three bedrooms that
20 drew your attention?

21 A Yes.

22 Q Which bedroom first?

23 A The bedroom on the far north end of the trailer, what I
24 would describe as the master bedroom.

25 Q What was -- what about that bedroom caused you to

1 think?

2 A It appeared to have been pretty much ransacked. The
3 mattress had been moved partially off of the boxsprings on the
4 bed. A dresser looked like it had been partially turned over.
5 Drawers were spilled out. Clothing appeared to have been dumped
6 out of the some of the drawers.

7 There was another small chest or nite stand on another
8 wall adjacent to that wall where it looked liked the drawers had
9 been pulled out and the clothing had been dumped out.

10 There was a large pile of shoes, looked liked they been
11 pulled out of the closet and dumped on the floor.

12 Q Okay. I will show you, not on this reader, but hand
13 you State's exhibit six through ten. Look as those and tell me
14 what they describe. Not item by item but just general.

15 A Yes, sir. This does show the bedroom. Shows the items
16 overturned and the clothing and all dumped out on the floor. It
17 looks like I can see the shoes where they appeared to have moved
18 out of that closet as well.

19 Q Did you make any effort to develop any latent -- to
20 discover any latent fingerprints or any touch DNA within that
21 bedroom?

22 A I dusted the drawers in several areas. The things that
23 looked like they have been moved around, turned over but didn't
24 find any. Didn't reveal any latent prints.

25 Q Was there anything of forensic value that you

1 discovered in that bedroom?

2 A No.

3 Q Was there in any other room of the house that you
4 discovered by way of forensic evidence, latent fingerprints,
5 touch DNA, anything else discovered in that house other than the
6 room where the victim was?

7 A No, sir. Just the only other thing the trail of bloody
8 footprints leading down to the south bedroom. Nothing was
9 gathered there other than some clothing items.

10 Q Let's go ahead and talk about bluestar forensic
11 solution. Is it solution or what is it?

12 A It is a liquid solution.

13 Q And what is bluestar? What is it?

14 A It's a reagent that reacts with I believe the
15 hemoglobin in blood.

16 Q Okay. And how do you use blue star?

17 A It is usually sprayed on to a surface and when it comes
18 in contact with blood that blood will -- or that fluid on that
19 blood would mix with that blood will then fluoresce. It is
20 referred to chemiluminescence. Basically a chemical
21 luminescence.

22 Q This is not science, but some sort of a candle looking
23 under black light?

24 A Sure, but it will glow without use of a black light.

25 Q Do you use black light some times when you are using

1 blue star or some form of artificial light?

2 A No, it will luminescence on its own.

3 Q Okay. Anything else at the scene that we have not
4 talked about?

5 A Nothing that I can think of.

6 Q I will show you another picture or two. I will show
7 you State's exhibit 16. Are you familiar with what is shown in
8 that picture?

9 A Yes.

10 Q What is that picture?

11 A That is Cadillac Seville that I processed.

12 Q And how many times did you have your hands on that
13 Cadillac Seville?

14 A Twice.

15 Q When was the first time you had your hands on that
16 Cadillac Seville?

17 A First time was on January 23, 2012.

18 Q And where did you have your hands on that car then?

19 A It was at [REDACTED] Hughes Street in Lancaster.

20 Q Is this picture taken at Hughes Street from that day?

21 A Yes, it is.

22 Q When was the second time you had your hands on that
23 Cadillac?

24 A The second time was March 7, 2012.

25 Q Where was where were you messing around with the

1 Cadillac that time?

2 A That was at an old building we use to refer to as a
3 task force building. It was outbuilding the sheriff's office
4 used for storage of some items. It was a place where we could
5 go make a low light facility so we can use the blew star.

6 Q Now January 23rd, the picture I showed you a minute
7 ago, when you left there that day did the Cadillac stay there?

8 A Yes.

9 Q Okay. How did the sheriff's office come to be in
10 possession of the Cadillac at the old task force office back in
11 March or later in March?

12 A I am not sure when but at some point the sheriff's
13 office took ownership of the Cadillac and it had been stored I
14 believe at the sheriff's office impound lot and then we moved it
15 over to the task force building for that purpose.

16 Q All right. Generally speaking what were you trying to
17 accomplish on January 23rd when you dealt with the Cadillac over
18 at [REDACTED] Hughes Street?

19 A Just looking for any physical evidence that I thought
20 might lead us to determine who the occupants of the car might
21 have been.

22 Q What was the weather that day; do you recall?

23 A If I recall it was raining.

24 Q Was the car under cover where you found it?

25 A It was under a metal awning, yes.

1 Q Was the car dry?

2 A No, it was still wet.

3 Q Did you work on the inside of the car?

4 A Yes.

5 Q Did you work on the outside of the car?

6 A Yes.

7 Q Let's talk about the inside of the car first?

8 A Okay.

9 Q Did you attempt to lift any latent prints from inside

10 the car?

11 A Yes, I did.

12 Q Were you able to do so?

13 A No, I didn't find any.

14 Q Did you attempt to lift any latent prints from the

15 outside of the car?

16 A Yes.

17 Q Was there anything different about how you had to

18 process the outside of the car then normally you would do on the

19 inside?

20 A Yes. The outside of the car again even though it was

21 under the metal awning it was still wet from the mist and rain

22 that had fallen, and so I had to use a chemical product called

23 small particle reagent. Again another chemical that bonds to

24 the parts of your fingerprints that are left on surfaces.

25 Q Okay. Were you able to lift any latent prints from

1 outside the car?

2 A No.

3 Q I will ask you what areas, outside and inside in a
4 minute. Did you lift any latent prints from the outside of the
5 car?

6 A No.

7 Q Inside the car where did you try to find latent prints?

8 A I worked on the steering wheel, gear shifter, rear view
9 mirror, driver door and the window.

10 Q How about the outside?

11 A On the driver door handle and immediately around the
12 door handle.

13 Q All right. Now let's talk about your processing of the
14 car and again, I forgot what date you said. What date was it
15 that you processed the second time?

16 A Second time was March 7, 2012.

17 Q Between the sheriff's office taking possession of that
18 car and you seeing it on March 7th, had it been locked up
19 somewhere?

20 A Yes.

21 Q What were you trying to do on March 7th of 2012?

22 A On that instance -- or on that occasion our focus was
23 mainly to find any blood that may have been left in the car.

24 Q How were you going to try to find blood in or on the
25 car?

1 A Well, again just a visual examination, vision
2 inspection and using the blue star chemical that we use.

3 Q And what areas of the car -- well, did you find
4 anything inside the car that you suspected to be blood?

5 A Yes, we did.

6 Q Where?

7 A On the back seat cushions and I believe on the front
8 seat cushions and on the passenger front seat seatbelt.

9 Q Okay. I am going to show you some pictures and we
10 looked at them yesterday, and you tell me -- if you can tell me
11 which areas of the car this is from; State's number 31?

12 First of all, can you tell me what that is a picture of?
13 Is that a picture of somebody's car?

14 A Yes, sir. That is I believe the back seat of the
15 Cadillac, and scale ruler there next to a stain.

16 Q All right. And is that stain something that was of
17 interest to you?

18 A Yes.

19 Q Do you recall whether that is a stain you actually
20 collected in some fashion?

21 A I believe Investigator Steel collected a swab from that
22 stain.

23 Q Was he present when you were also working this car?

24 A Yes, he was.

25 Q And circle the stain.

1 (WHEREUPON, the witness complies.)

2 Q Thank you. Showing you State's exhibit 32. Can you
3 tell these folks what that is a picture of?

4 A That is also in the back seat of the same Cadillac.

5 Q And is there something there that was collected in some
6 fashion?

7 A There is. There is a stain here on the back of the
8 seat upright.

9 Q I will show you State's number 33. Tell me again if I
10 need to adjust that picture?

11 A I think that maybe correct.

12 Q And do you recall what part -- is that also inside that
13 same car?

14 A Yes, sir, that is as far as I recall is also on the
15 back seat.

16 Q And is there something in there that you collected in
17 some fashion?

18 A Yes, sir. These obvious stains here. Investigator
19 Steel swabbed some portion or all of that.

20 Q All right. Are there any photographs that you are
21 aware of that actually show anything in the front seat? Did you
22 all collect some stuff from the front seat?

23 A Yes, we did. We actually cut the material out of the
24 front seat; both the front driver's seat and passenger's seat.
25 We cut probably about a foot square out of each of those.

1 Q We will get to that in just a minute. I will hand you
2 an envelope and you will have to open it up and tell us what is
3 in there. Take a look at that please.

4 A There is three individual bags here. The one is
5 labeled three swabs of red, brown stains from the rear seat that
6 was collected by Investigator Jeff Steel.

7 Q All right. Hold on just a minute. You said that is
8 the rear seat?

9 A Yes, sir.

10 Q All right. Let me hold on to that for a minute. And
11 again, was this all collected in your presence?

12 A Yes.

13 Q Were you all their working together?

14 A Yes.

15 Q Look at the next envelope?

16 A The next envelope is going to be part of the fabric
17 from the front passenger seat that was cut out and collected by
18 myself.

19 Q All right. What is the next envelope?

20 A The final envelope is a piece of stained fabric from
21 the front driver's seat that was cut out by me.

22 Q All right. Go ahead and open it. You don't need to
23 open that, but tell me, what is in that envelope?

24 A This is going to be the seat belt that we cut from the
25 front passenger seat area of the Cadillac.

1 MR. BARFIELD: Bare with me, Your Honor, just a
2 minute.

3 I will offer all these items. Give these folks an
4 opportunity to look at them.

5 MS. RANEY: No objection.

6 MR. FRICK: No objection.

7 MR. BARFIELD: I will identify them. I am
8 offering up first, three swabs from rear seat.

9 THE COURT: Forty-six?

10 COURT REPORTER: Yes.

11 MR. BARFIELD: I am offering up next a cutting from
12 front driver's seat.

13 Now I am offering a cutting from front passenger
14 seat, and finally the cutting from the seat belt.

15 THE COURT: All right, State's 46, 47, 48 and 49
16 is in evidence without objection, Mr. Frick?

17 MR. FRICK: No objection..

18 MS. RANEY: No objection.

19 (State's Exhibits 46, three swabs, 47-49 cuttings,
20 received in evidence as of this date.)

21 Q When you collected those items that we just put into
22 evidence, did you secure them in the proper way?

23 A Yes.

24 Q And what did you do when you got them secured?

25 A We transported them to the sheriff's office evidence

1 room and submitted them there.

2 Q Let's go back to January 23rd of 2012. When you first
3 dealt with that automobile, did you met somebody that day that
4 you came to know as Pomp Blackmon?

5 A Yes, I did.

6 Q Did you and he have some conversation?

7 A Other than just meeting each other and Investigator
8 Fred Thomspson was there and he communicated for the most part
9 with Mr. Blackmon, but I talked with Mr. Blackmon when we got
10 permission from him to actually process the car.

11 Q And did you collect any evidence from the person of Mr.
12 Blackmon?

13 A Yes, I did.

14 Q What did you get from Mr. Blackmon?

15 A He gave consent to collect buccal swabs to be used for
16 possible comparison later on.

17 Q And why did you need Pomp Blackmon's buccal swabs?

18 A For DNA.

19 Q For DNA comparison?

20 A For DNA comparison, yes.

21 Q And why did you need to know about his DNA?

22 A Potential evidence that we hoped we might find inside
23 the car. We wanted to be a able to allow a state lab to rule
24 him out.

25 Q I will show you an envelope. Can you tell me what is

1 in that?

2 A Yes, sir. These are the buccal swabs that I collected
3 from Mr. Blackmon.

4 Q Did you collect and process them and secure them in the
5 fashion that you described you do for buccal swabs earlier?

6 A Yes, I did.

7 Q Did you log them in evidence at the sheriff's office?

8 A Yes.

9 Q Okay. Did you at some point during your work on this
10 case meet somebody named Wayne Anthony Blakeney Jr, I believe
11 that is his name?

12 A Yes, sir, I did.

13 Q When did you met Mr. Blakeney?

14 A On March 8, 2012.

15 Q Did you collect any evidence from the person of Mr.
16 Blakeney?

17 A Yes, I did.

18 Q What?

19 A Buccal swabs also.

20 Q Can you identify what is in that envelope?

21 A Yes, sir. These are the buccal swabs that I collected
22 from Mr. Blakeney.

23 Q Did you collect them as you are trained to do and
24 secure them as you are trained to do?

25 A Yes.

1 Q And what did you do after you collected them?

2 A Submitted them into our evidence room.

3 Q Did you on some occasion you met a fellow that you came
4 to know as Delico Lamar McDow?

5 A Yes.

6 Q When did you met him?

7 A On March 20, 2012.

8 Q Did you collect any physical evidence from the person
9 of Mr. McDow?

10 A Yes, I did.

11 Q Can you identify what is in that envelope?

12 A These are the buccal swabs that I collected from Mr.
13 McDow.

14 Q Did you collect them and secure them in the way you are
15 trained to do?

16 A Yes.

17 Q And what did you do after you got them?

18 A Submitted it into our evidence facility.

19 Q And did you at some point during your participation in
20 the investigation of this case met somebody you came to know as
21 the defendant Al Martinez Green?

22 A Yes, sir. I did.

23 Q When did you met Mr. Green?

24 A That was on November 8th of 2012.

25 A Can you identify what is in that envelope?

1 A Yes, sir. These are the buccal swabs I collected from
2 Mr. Green.

3 Q Did you collect them and secure them in the way you are
4 trained to do?

5 A Yes, I did.

6 Q What did you do with them after you collected them?

7 A Submitted them into our evidence facility.

8 Q Okay. Other than again, same question as one of the
9 other items I asked you before. Did you do anything with them
10 after you sealed them up and submitted them into evidence?

11 A No.

12 Q And have you dealt with them between then and now?

13 A No.

14 MR. BARFIELD: Your Honor, at this time I offer
15 the buccal swabs as State's exhibits.

16 MR. FRICK: No objection.

17 MS. RANEY: No objection.

18 MR. BARFIELD: Blackmon, first. Blakney next.
19 McDow, was the last one that was marked as 52 and
20 finally Green.

21 THE COURT: You marked State's 50, 51, 52 and 53,
22 is that correct, in evidence without objection.

23 MR. FRICK: No objection.

24 MS. RANEY: No objection.

25 (State's Exhibits 50-53, buccal swabs, received in

1 evidence as of this date.)

2 MR. BARFIELD: Permission for the witness to step
3 down.

4 THE COURT: Yes, sir, you may step down. Just
5 keep your voice up.

6 Q Investigator Taylor, can you tell the jury what this is
7 we are looking at?

8 A This is a large printout of a picture that was printed
9 for us just to depict the area around where the incident
10 occurred here in Lancaster County.

11 Q With the pointer first of all show us does the aerial
12 -- I will call it an aerial photograph. Does the photograph it
13 show Highway 200?

14 A Yes, it does.

15 A This is going to be Highway 200, Great Falls Highway

16 Q Run the pointer in the direction of travel to Great
17 Falls?

18 A Going to Great Falls from Lancaster you will move this
19 direction.

20 Q And conversely if you are going to Lancaster which way
21 are you going?

22 A Going back to town you are going that direction.

23 Q All right. Is Roseanna Lane shown on that photograph?

24 A Yes, it is.

25 Q Point to Roseanna Lane.

1 A Roseanna Lane and Culton Way both turn off here and
2 then they split. Roseanna goes this way and Culton this way,
3 but Roseanna comes all the way down to here.

4 Q And does Roseanna have an exit point somewhere?

5 A No, it doesn't. It's a circle or a cul-de-sac that
6 turns around right here at the end and then you got to go back
7 out to get to Great Falls Highway.

8 Q Does Culton have a terminus or does it have an exit?

9 A It also terminates here about the end and you have to
10 turn around to go back out to get back to Great Falls Highway.

11 Q Let me back up and get out on Highway 200 again. Which
12 way generally is the Piggly Wiggly that has been referred to in
13 the testimony earlier?

14 A From coming out of Roseanna and Culton you would turn
15 right and go back up to Piggly Wiggly store.

16 Q And is the Piggly Wiggly -- I am trying to remember
17 which one is the Piggly Wiggly. Is that the one on 200 or on
18 Airport Road after you turn off 200?

19 A It's the one on Great Falls Highway.

20 Q Now, show the jury where the incident occurred, the
21 address of [REDACTED] Roseanna Lane?

22 A [REDACTED] Roseanna Lane is this mobile home here. It's not
23 the end one but the one next to the end, right here.

24 (Indicating)

25 Q And when you say it is not the end one where is the end

1 one? Is it shown on there?

2 A Yes, sir. There is one mobile home on that side of the
3 street just beyond [REDACTED] which is here, shown by the red, and
4 there is one more right here just almost off the edge of our
5 picture here.

6 Q Okay. All right that is all the questions I have
7 concerning the chart -- picture. You can take a seat.

8 MR. BARFIELD: Your Honor, I am going to offer the
9 photograph as the next State's exhibit.

10 MR. FRICK: That is fine.

11 MS. RANEY: No objection.

12 THE COURT: All right, what number is it?

13 COURT REPORTER: That is 54.

14 THE COURT: Aerial photograph is in evidence
15 without objection.

16 (State's Exhibit 54, aerial photograph received in
17 evidence as of this date.)

18 MR. BARFIELD: Thank you, very much. Answer
19 anything Mr. Frick or Miss Raney has.

20 THE WITNESS: Yes.

21 THE COURT: Thank you. Thank you, solicitor. Mr.
22 Frick.

23 MR. FRICK: Judge, would it be possible to take
24 about a two-minute break before I start cross
25 examination?

1 THE COURT: That is not possible. We will take a
2 break, but we could never get reassembled within two
3 minutes.

4 MR. FRICK: I understand.

5 THE COURT: So we will take about a ten-minute
6 recess. If you please step to your jury room ladies
7 and gentleman. Take about ten minute recess. Do not
8 discuss the case during this brief recess.

9 (Juror leave the courtroom.)

10 THE COURT: You may not discuss your testimony
11 with anyone.

12 THE WITNESS: All right.

13 (WHEREUPON, there was a recess.)

14 THE COURT: Anything from the State before we
15 bring the jury back in?

16 MR. BARFIELD: No, sir.

17 THE COURT: From the defense?

18 MR. FRICK: No, sir.

19 MS. RANEY: No, sir.

20 THE COURT: All right.

21 (WHEREUPON, the jury enters the courtroom.)

22 THE COURT: The jury is back present in the
23 courtroom. Mr. Frick.

24 MR. FRICK: Thank you, Your Honor.

25 CROSS EXAMINATION

1 BY MR. FRICK:

2 Q Investigator Taylor, about when did you get on the
3 scene of Roseanna Lane.

4 A Probably some time between 11 and 11:30, maybe a
5 quarter after, twenty after.

6 Q Okay. Now, just so I am clear. I am not asking you to
7 look at it right now, but you prepare what we call an incident
8 report about your role in the investigation, right?

9 A Yes.

10 Q And I will note that you are always quite thorough and
11 I saw that you were on this one as well. So it is a rather
12 lengthy report?

13 A Usually.

14 Q And you covered what your role at Roseanna Lane, I
15 think seeing the car, on both occasions?

16 A Correct.

17 Q Was there any other part? Am I missing a part? Were
18 those three of your major parts?

19 A Other than collecting the buccal swabs on the other
20 instances.

21 Q Right. Let's start back at Roseanna that night when
22 you get there. Scene had already been secured when you got
23 there?

24 A Yes.

25 Q Are you the -- I don't know if there is a chief

1 investigator on this situation. Are you the chief CSI
2 investigator on this scene?

3 A Typically it falls to whoever is on call for that
4 particular night or evening. If is after hours, then my
5 lieutenant, Christy Rogers was actually on call. She arrived
6 first and so she would usually have been looked at as the
7 primary. I was called in to back her up or to assist her.

8 Q Okay. But she left to go secure the search warrant?

9 A Yes, sir.

10 Q After you get the search warrant that is when you go
11 in?

12 A Yes.

13 Q Solicitor asked you about the door and you explained
14 that you didn't see any damage to the door?

15 A No, sir.

16 Q Attempted to get some fingerprints or get some lifts?

17 A Yes.

18 Q But couldn't find anything discernible off it?

19 A Nothing useable.

20 Q You also -- did you do any touch DNA on the doors?

21 A Yes, we did, on the door knobs and the door handle.

22 Q Were you looking in the same spots or were these
23 different spots?

24 A Probably just a different area. I try to think of how
25 I might handle something if I was going to open a door to where

1 maybe my skin might have come in contact with it.

2 Q Okay. Which one do you do first?

3 A You can do either. Usually if we are going to print
4 something first and we think we may have an opportunity to swab
5 for DNA afterward we will use what we call a one time use
6 fingerprint kit that has never been used before so we don't
7 contaminate the dust or the instrument from one scene to another
8 and that's what we did in this case.

9 Q Okay. So you do the dusting first?

10 A Yes, I believe I did in this case.

11 Q But with an absolutely fresh can, hasn't been used?

12 A Yeah, I brush everything.

13 Q Then you come back and do the swabs for the DNA?

14 A Yes.

15 Q So you done everything in your training to insure that
16 the DNA has not been contaminated?

17 A Correct.

18 Q All right. That's at the door. Lets see. I will
19 stick with touch DNA and fingerprints right now. I will try and
20 compartmentalize it that way as we go through this.

21 Where did you go next looking for either DNA or
22 fingerprints?

23 A The next area that we checked for fingerprints was the
24 north bedroom that appeared to have been ransacked.

25 Q Okay. That's is what I think somebody called the

1 master bedroom?

2 A Yes.

3 Q And it was in disarray was it not?

4 A Yes, it was.

5 Q I think the the mattress looks like it was off the bed?

6 A Yes, sir, it appeared to be been moved halfway off the
7 bed.

8 Q Got several pictures. I think this one may show -- I
9 will show you what been marked State's number nine. Is that the
10 bedroom we are talking about?

11 A Yes, it is.

12 Q Okay. And that's the mattress we are talking about?

13 A Correct.

14 Q There appears to be a chest of drawers. Is that your
15 estimation as well?

16 A Yes, sir along the far wall of that open door.

17 Q Yes, sir, that what I am looking at. It looks like
18 some drawers been taken out?

19 A Yes.

20 Q Just stuff strewed about the room?

21 A Yes.

22 Q Okay. And this is the condition that it was in when
23 you got there?

24 A Yes, it is.

25 Q You attempted to get some prints?

1 A Yes.

2 Q Let's stay with fingerprints right now. You attempted
3 to get some fingerprints on this?

4 A Yes.

5 Q Where did you attempt? Can you give me some idea if
6 you recall?

7 A Yeah. Typically I would have dusted around the door,
8 the drawer faces, things like that. Maybe along the top area of
9 the countertop. Anything that was obvious there that looked
10 like somebody might have gripped it or something like that.

11 Q Is that where you looked? Were there any other places
12 in the room?

13 A Nothing that I can think of. Well, there was another
14 smaller chest immediately to the left in this picture right over
15 in this area here. It is kind of covered up by these things.
16 There was some other drawers and things. We checked that area
17 too.

18 Q Checked that, okay. Did you find any -- we keep saying
19 lift and prints. The lift is -- and correct me if I am wrong.
20 The lift is when you think you got something. You put the tape
21 on it and then you go look at it later, right?

22 A You pull it away. You lift onto the surface of the
23 tape or whatever.

24 Q All right, did you get any lifts?

25 A None there, no, sir.

1 Q Or from any stuff in the bedroom?

2 A No.

3 Q Now, the doorknob, did you look at doorknob for any
4 reason?

5 A I don't recall that I you did.

6 Q Light switch, anything like that?

7 A No, sir.

8 Q Okay. Any of those -- there is a good deal of items on
9 the floor. Did you see anything that you tested?

10 A I may have dusted some of the items, some of the larger
11 items. I don't recall specifically. Typically I do. Some
12 times you do. Some times you don't. It depends on what
13 presents itself to you there.

14 Q Okay. If you had gotten any lifts you likely would
15 have listed them down. I would be surprised if you didn't.

16 A Correct.

17 Q I don't see that you did.

18 A It would be documented if I did.

19 Q Okay. So no lifts on any other items in that room?

20 A Correct.

21 Q Okay. Touch DNA. Did you look for touch DNA?

22 A In that particular room I don't believe we did.

23 Q Okay. That's fine. Is there any reason why you did
24 not?

25 A In all truthfulness I can't explain. It is something

1 we didn't get to by the time we moved on to some place else. I
2 don't know.

3 Q We keep saying touch DNA. Is there other DNA that you
4 can look for. Other things you can look for?

5 A Yeah, you can look for and find DNA in saliva, blood,
6 other bodily fluids, things like that.

7 Q All right. None of those were done as well?

8 A Correct.

9 Q Were there any other rooms in that residence that you
10 checked?

11 A No.

12 Q I think you may some observations, but you didn't go in
13 there and look for fingerprints or DNA

14 A No. No other rooms appeared to have be effected.

15 Q Okay. There were some footprints?

16 A Yes.

17 Q That went from the scene. I will call it the scene, to
18 one of the bedrooms?

19 A Correct.

20 Q Were you able or was anybody able -- it might have been
21 you -- to make a determination as to where those footprints
22 might have come from?

23 A Well, the footprints were predominately around the area
24 in front of where Miss Jones was found on the couch. There was
25 heavy pooling blood there and the footprints appeared to

1 probably have been one of her children.

2 It is my understanding that two of the children were in the
3 house when law enforcement arrived. One of the children had
4 alerted the neighbor who called law enforcement. The prints
5 that were visible in the blood I think I measured them, if I
6 recall, they were about four, four and a half inches long so we
7 assumed that probably would have been one of the children's bare
8 feet.

9 Q Okay.

10 A And it appeared to be in a pathway going several trips
11 back and forth from where she was back around to the south
12 bedroom which was about 12, 14 feet away from where the
13 footprints seem to stop, turn around and come back two or three
14 times.

15 Q Were any of the footprints larger than that four
16 inches?

17 A No, sir. They all looked about the same.

18 Q Okay. So, it is fair to you say you didn't see any
19 adult size footprints?

20 A I don't believe there were any of what I would consider
21 an adult.

22 Q Okay. All right. Were the children already outside of
23 the house when you went in?

24 A Yes.

25 Q At any point did you observe the children?

1 A Yes.

2 Q When did you observe the children?

3 A I collected the clothing that they were wearing. They
4 were being tended to by some EMS responders and kind of kept off
5 away from everybody. Just to keep them safe and keep them out
6 of the cold in one of the EMS trucks.

7 Q And and what was the condition of that clothing?

8 A Blood on just about all the children's clothing. Some
9 more than the other.

10 Q Okay. All right. Can you -- there were three of them,
11 is there anyway did you have any description to keep the three
12 of them straight?

13 A Yes, the oldest one I believe he was about four. He
14 told me his first name and I believe he told me his sister's
15 name which was the middle child. The youngest child I don't
16 recall if I was able to get a name at first, accept one of the
17 EMS workers was able to tell who was who.

18 Q Let's start with the youngest child. You collected his
19 clothes?

20 A Yes.

21 Q Do you recall the condition of his clothes?

22 A Yes, the lower portion I think it was kind of like a
23 child's pajama-type suit. The lower portion was really
24 saturated in blood. It looked like he had been sitting in the
25 pool of blood.

1 Q And feet?

2 A Feet were again saturated in blood.

3 Q I will ask you to make a guess. Do you think that's
4 where footprints came from?

5 A That's what I assumed when I saw that. Probably that
6 youngest one is what it looked like to me.

7 Q Okay. Overall just very bloody?

8 A Yes.

9 Q Not from him?

10 A It didn't appear. To my knowledge none of the children
11 had any injuries.

12 Q Okay. The middle child---

13 A Yes.

14 Q Did you observe that child's clothing?

15 A Yes.

16 Q And condition of that clothing?

17 A Her clothing as well had blood. Not as much the
18 youngest child, she had blood drops and drips on her socks,
19 bottom of her socks I believe had blood as well and blood on her
20 pants.

21 Q Okay.

22 Q The oldest child?

23 A Oldest child, if I recall he had blood on him as well,
24 but I don't think he had nearly as much as the other two.

25 Q Did you ever have any conversation with any of these

1 children?

2 A Yes.

3 Q Which one?

4 A Oldest child.

5 Q Okay. Where did you have this conversation?

6 A In the EMS truck.

7 Q Do you recall about when you had this conversation?

8 How long you have been on the scene?

9 A I had probably been there about maybe 20 minutes, 30
10 minutes. So it was probably shortly before midnight, maybe.

11 Q Do you recall the demeanor of this child?

12 A He seemed -- he didn't really seem too upset to a great
13 extent. Kind of being entertained by EMS folks. They were
14 trying to keep him and his sister and I guess the younger
15 brother occupied to keep there mind off maybe their thoughts or
16 whatever.

17 Q Okay. Did you take a statement from any of these
18 children?

19 A No, I did not take a statement.

20 Q Was anything told to you?

21 MR. BARFIELD: Objection.

22 MR. FRICK: I didn't ask what.

23 THE COURT: I will sustain the objection. You may
24 ask your next question.

25 MR. FRICK: Thank you, Your Honor.

1 Q When did you go to the ambulance. Had you finished up
2 in the house?

3 A This was before -- before we ever enter the house
4 before the search warrants was executed.

5 Q What is blood spatter?

6 A Blood spatter, spatter is just a term used to describe
7 when blood drops land or flung out or whatever and end up in
8 usually kind of random pattern on the floor, or on an item, on a
9 counter top or something.

10 Q Okay. Do you have to be kind of be close to the source
11 of the blood to get spatter. I understand it will travel
12 different depending on what causes the blood to come forth
13 but ---

14 A Right. It depends on what caused the splatter. How
15 much blood is bled at the time.

16 Q Okay. All right. The clothing that you got from the
17 children, did it have -- any of them -- did it have what you
18 determined could have been blood spatter?

19 A Yes.

20 Q Which one?

21 A The youngest girl -- excuse me the middle child, the
22 girl. Hers did have some spatter on the feet, but again it
23 looked like it could have been spatter that had dropped on to
24 her feet.

25 Q Kay. Let's go to what I called the scene. All right.

1 Right there on the couch.

2 A Yes.

3 Q Did you look for or find any blood spatter in that
4 area?

5 A Yes.

6 Q What did you find and where did you find it?

7 A Lots of pooling blood right there on the couch
8 underneath the victim's body and where blood had ran down into
9 the floor. As blood is dripping into the pool of blood it often
10 causes what is referred to as satellite spatter. Basically the
11 liquid is falling into the liquid and if it's heavy enough, deep
12 enough, to where it causes other smaller blood droplets to fall
13 out and kind of scatter around.

14 Q I will stop you there for a second. Satellite spatter
15 that you are talking about there, is that the pool that is in
16 front of the couch?

17 A It would be the ring or the perimeter of smaller
18 spatter that hits the floor as a result of the heavier blood
19 falling into that pool or possibly in this case what I believe
20 was the children's feet, the child's feet maybe going through
21 that.

22 Q Okay. I got you. Okay. Now we did have two pools in
23 this case, correct, or I am calling it two pools. There was
24 something in front of the couch and it look like something
25 behind the couch?

1 A The pooling blood behind the couch looked to me just to
2 be a runoff from the where the blood had left the victim, soaked
3 the couch and ran down onto the floor. Some of it pooled in
4 front of the couch and some of it liked it had pooled and ran
5 behind the couch.

6 Q Okay. Did you look on the couch for any spatter?

7 A There was blood all over the couch.

8 Q Okay. But did you specifically look for spatter?

9 A We didn't have to.

10 Q Okay.

11 A Honestly, it was just so obvious.

12 Q Okay.

13 A We looked. Yeah, we looked. We examined the couch.

14 Q Right.

15 A But there was blood everywhere.

16 Q Okay. I am specifically asking about spatter, not just
17 large amounts of blood.

18 A It is kind of all encompassed within the whole stain
19 pattern I guess you say. Some of it is smaller spatter. Some
20 of it is just larger pools.

21 Q Okay. Upright portion of the couch, back behind where
22 the body is --

23 A Right.

24 Q -- did you look at that part of the couch?

25 A We did. Later after I believe we had moved the body.

1 Q Okay. Did you use anything on that couch?

2 A Yes, we did. We used a product that we talked about
3 earlier called blue star forensic.

4 Q Did you find anything on that upright part?

5 A We found a couple of places that did luminesce as a
6 result of the blue star, but again just looking at how much
7 blood was there on the couch particularly on the seat cushions
8 where her body was found it wouldn't surprise me that it would
9 be anywhere around there.

10 Q Okay. But the stuff that you found, the spots that you
11 found you could term as spatter, correct?

12 A Well, again this is a presumptive type test, the blue
13 star forensic, as well as luminol and some other products like
14 that, there is opportunity that they could give what is called a
15 false/positive. Sometimes they have been known to react with
16 certain cleaning compounds. Things like that.

17 Q All right? Did you swab anything?

18 A No, we didn't. Again one of our biggest concerns there
19 was to just determine that the incident -- let's just use an
20 example. The incident didn't occur in another room and then she
21 moved or was moved there. We wanted to show that everything
22 happened right there, so we were looking for any potential
23 spatter that may have been on there. Again we did get a
24 reaction there but we didn't do any further testing to try and
25 determine whether it was or not blood on the back upright.

1 Q When you got there the couch is close to a wall,
2 correct?

3 A Yes.

4 Q Did you look on that wall immediately behind the body?

5 A Yes.

6 Q Okay. Did you observe any spots or stains on it?

7 A Not that I recall on the wall.

8 Q Okay. Have you got your incident report?

9 A Yes.

10 Q Let's see if we are looking at the same page. This is
11 what I am looking at here. (Indicating)

12 A Okay. On the wall immediately, correct, immediately
13 behind the couch.

14 Q Okay.

15 A Just above the upright where we saw the other -- where
16 we saw those stains.

17 Q But I believe you indicat you find stains as far away
18 as about four feet from the body?

19 A Correct. Above.

20 Q On the wall?

21 A On the wall, correct.

22 Q So, that means we got spatter that is kind of flying
23 around?

24 A No, it didn't appear that way. What it was just a
25 couple of spots that were luminescing.

1 Q How did it get there?

2 A Don't know. Again, we didn't test to see if it was
3 indeed blood, again these products can give a false/positive --

4 Q Okay.

5 A -- on other material. But we did not test those. There
6 were just two or three spots on the back of the couch and up on
7 the wall and we didn't do any further testing on it.

8 Q All right.

9 A Had there been an assaulting -- blood letting assault
10 then I would have expected to see radiating spatter from that
11 point and we didn't.

12 Q No radiating splatter?

13 A Correct.

14 Q So this indicates that it occurs right there on the
15 couch?

16 A That is our belief, yes.

17 Q It was a single gunshot wound?

18 A Yes, from what I recall.

19 Q Okay. And all the blood is concentrated in one area?

20 A Yes.

21 Q If, and I probably don't need to ask this question
22 because you will not answer it the way I want you to. If a
23 person were standing right there when it occurred would you
24 expect that that person would have blood on them?

25 THE COURT: Right where?

1 MR. FRITZ: Right where the incident occurred.
2 Right where the shooting occurred.

3 THE COURT: Right where within the room, the
4 position of the victim's body?

5 MR. FRICK: Right at the body.

6 A Not necessarily. There may not have been any. There
7 wasn't any blood on there to splatter unless the person was
8 already covered with blood. The shot itself if it caused any
9 back spatter coming back out that hole. There was no exit
10 wound. There was nothing to splatter on beyond the body or
11 beside. Which ever direction. See we don't know which
12 direction necessarily that victim may have been turned, facing
13 at the time, but unless some back splatter came back out that
14 entry whole I wouldn't have expected to see anything behind the
15 person because there was know exit wounds and there was no blood
16 presumably on the surface to splatter from the impact of that
17 bullet.

18 Q Okay. But all in all the blood is concentrated in one
19 area, correct?

20 A In a general area several feet diameter, yes.

21 Q The shell casing, item number six, I think it is
22 State's number 41.

23 A I think it was marked as item number nine on the
24 pictures. I think.

25 Q You know what I am talking about. There was only one

1 shell casing?

2 A Yes, sir.

3 Q Didn't find any other bullet shell casing?

4 A No, sir.

5 Q In the house?

6 A No, sir.

7 Q Okay. It was not located in a pool of blood was it?

8 A No, it wasn't.

9 Q Okay. It was on the other side of the couch away from
10 the body, correct?

11 A Correct.

12 Q Didn't see any other liquids or fluids around it, did
13 you?

14 A No, sir.

15 Q Okay. Did you look at it?

16 A Other than to just collect it and put it in a container
17 no, sir, I didn't thoroughly examine it.

18 Q But it you was not covered in blood?

19 A No, sir. It was not.

20 Q All right. Let's get to the car. You see this car
21 twice, right?

22 A Yes, sir.

23 Q First time you see it's on January 23rd I think?

24 A I believe that is correct.

25 Q And is it fair to say when you are looking at on the

1 23rd the main thing that you all concentrated on was
2 fingerprints and DNA?

3 A Fingerprints, DNA or any other physical evidence that
4 might present itself as I am going through it.

5 Q Do you recall what all you collected from that car?

6 A Yes, sir. I collected several cigarette butts from the
7 ashtray in the back seats and photographs and I believe we did
8 some touch DNA, touch DNA swabs, yes.

9 Q Okay. Do you recall where you took those swabs from?

10 A Yes. Give me just a second.

11 A Yes, sir. I swabbed the steering wheel and the gear
12 shifter. I collected touch DNA swabs from those.

13 Q Was there any other swabbing that you did of that
14 vehicle on that day?

15 A No, sir.

16 Q Okay. What did you do with those swabs and those
17 cigarettes?

18 A The swabs were dried and packaged and submitted as
19 evidence and the cigarettes were packaged and submitted as
20 evidence?

21 Q And it was put in evidence?

22 A Yes, sir.

23 Q You also -- you didn't see any blood that day or you
24 all weren't looking for blood. I'm a little confused why you
25 all come back in March and are looking for blood then but you

1 are not looking for it on the 23rd of January?

2 A I just didn't see anything that caught my attention at
3 the time, when I looked at it the first time. There were
4 numerous stains and I didn't swab any of those particular
5 stains. Again, just swabbed the areas where I was trying to
6 focus on possibly identifying the driver of the vehicle.

7 Q All right. Attempted lifts for fingerprints --

8 A Yes.

9 Q -- you did that as well on that day, right?

10 A Correct.

11 Q And the locations that you attempted again were?

12 A That was also the steering wheel, mirrors, gear
13 shifter, the driver door and the driver outside door around the
14 door handle.

15 Q Okay. Did you get any lifts?

16 A No, sir.

17 Q Any other items of evidence taken from that car?

18 A On that particular day, no.

19 Q Okay. Are you aware of a jumpsuit that came out of
20 that vehicle?

21 A I didn't see it on that day. I am aware that one was
22 collected some time, but I was not involved in that.

23 Q Okay. Do you know when it got collected? Do you have
24 any idea?

25 A No, sir, I don't.

1 Q But you didn't take it that day?

2 A No.

3 Q Then of course in March you all get the car again?

4 A Yes.

5 Q How do you all come back in contact with the car?

6 A I don't know the total history of how the sheriff's
7 office acquired the car, but at some point it was submitted as
8 being stored in the impound lot.

9 Q All right. And then you go back out there and then you
10 looked specifically for blood is that right?

11 A Yes.

12 Q And you swab a few spots?

13 A Investigator Steel swabbed a few spots and I took a
14 couple of cuttings from the seats.

15 Q All right. And those were collected and what happened
16 to them?

17 A Submitted as evidence.

18 Q They went on to SLED, correct? Or do you know?

19 A I believe they did. As far as I recall those were all
20 sent to SLED.

21 Q Give me one second I maybe done.

22 A Yes, sir.

23 MR. FRITZ: Thank you, sir. That is all I have.

24 Please answer anything Miss Raney has.

25 THE COURT: Thank you. Thank you Mr. Frick. Miss

1 Raney.

2 MS. RANEY: Thank you, Your Honor.

3 CROSS EXAMINATION

4 BY MS. RANEY:

5 Q Investigator Taylor, I want to go back to the beginning
6 of what happened that night. You think you arrived on scene
7 around 11, 11:15?

8 Q It was probably some time after 11. I got the call to
9 respond at 10:35 and it probably took me 20 minutes or so to get
10 ready and drive out there was another 20, 30 minutes.

11 Q Okay, and when you arrived on scene can you describe
12 what you saw? Were there other police cars there, EMS, just
13 kind of set the stage of what you saw outside?

14 A There were other officers there. The scene had been
15 secured by the first arriving officers. EMS workers were there.
16 I think there may have been some fire department personnel that
17 responded in emergency responders. Again several deputies and
18 investigators had already begun to arrive.

19 Q I don't expect you to be able to give me and exact
20 number, but can you give me a rough idea of how many officers
21 were on scene when you showed up?

22 A I would say minimum eight or ten. Maybe more. Maybe
23 more.

24 Q And were there any marked parole vehicles meaning one
25 with the blue light bars on top?

1 A Yes. Yes.

2 Q And you said was there was also an ambulance?

3 A Yes, there were EMS ambulance vehicles there.

4 Q Vehicles? More than one EMS?

5 A I don't recall if it was an EMS or an ambulance or it
6 if maybe it was the rescue squad. I don't know.

7 Q Okay, and when you say the scene was secured when you
8 got there, how can you tell from looking the scene is secure?

9 A Deputies are posted on somewhat of perimeter of keeping
10 anybody going in and out.

11 Q So they are set up very visibly around Roseanna Lane?

12 A Yes.

13 Q Do they also put up other kind of tape to keep people
14 out of the crime scene?

15 A That is often the practice. I don't recall if at this
16 time at that particular scene when I got there if crime scene
17 tape had already been set up or not. I think it had, but I
18 can't remember for certain, but that is a typical practice that
19 we do.

20 Q Do you recall if any of the vehicles, whether EMS, fire
21 or police had any lights on?

22 A I don't recall. I think one or more of the responding
23 deputies had blue lights displayed. I don't recall if any of
24 the EMS or fire or any ever of them was displaying lights or
25 not. I don't recall.

1 Q Well, as anyone ever sat in traffic knows police cars
2 tend to attract attention. Did you notice any random bystanders
3 seeming to collect in the neighborhood when you pulled up?

4 A I saw some people. I don't know if it was residents.
5 It was in a residential area and I would assume some of the
6 neighbors were wondering what was going on. I don't know.

7 Q Okay. And so when you arrived there did you notice if
8 DSS personnel was on scene at all?

9 A I don't know. I am not familiar with that.

10 Q And when I say DSS, you understand I am referring to
11 child protective services?

12 A Right. I don't know.

13 Q Were you made aware if any of Miss Jones's adult family
14 members were present on scene when you got there?

15 A I don't know if they were present. I think it was the
16 children's grandparents I believe brought a change of clothing
17 for when I collected their clothes that they had on because of
18 the blood evidence. They brought some clothing. I think I was
19 told it was their grandparents. Now whether it was Miss Jones's
20 mother or father or the father's mother I don't know.

21 Q Okay. I believe you told solicitor Barfield did you
22 first see the children when they were actually inside one of
23 ambulances?

24 A Yes.

25 Q Who else was inside the ambulance with the children if

1 you recall?

2 A I think it was two EMS workers. I don't know who they
3 are. I don't know their names right off hand.

4 Q Okay. Did you see any -- someone that could have been
5 like say a civilian, an adult family member in the ambulance
6 with the children?

7 A I don't recall. I don't recall.

8 Q And when you arrived there did you actually photograph
9 the children in the clothing that you described inside is the
10 ambulance or out?

11 A Inside. I photographed them inside.

12 Q So when you showed up the children all three of them
13 still had blood on their clothes?

14 A Yes, they did.

15 Q And then after you took pictures of this blood on there
16 clothes, correct?

17 A Yes, correct.

18 Q At that point is that when the children then were
19 changed by their grandparents into new clothes?

20 A I think it was one of the grandparents that came and
21 assisted. I think the EMS personnel inside the EMS truck I
22 believe change the clothes and bagged up the soiled clothes for
23 me to take.

24 Q Do you remember about how long you were in the
25 ambulance with the kids?

1 A Probably about ten minutes.

2 Q And do you recall what their general demeanor was when
3 you were in the ambulance?

4 A The younger one, the infant of course didn't say
5 anything or respond to me hardly at all. The middle child, the
6 daughter, she didn't speak to me. She didn't talk to anybody.
7 She seemed pretty withdrawn and the older boy, again, he was
8 somewhat being entertain by the EMS workers so he seemed kind of
9 happy go lucky, if you will.

10 Q Okay. How was he being entertained?

11 A They had begin him and the other two some pairs of
12 gloves to put on, some nitro gloves and I think they had a pack
13 of crackers and cookies to eat and things like that.

14 Q Okay, and I believed you mentioned when speaking with
15 Mr. Frick through the course of your investigation did you learn
16 that it was actually the actions of the four-year old that
17 alerted police to come out to the scene that night?

18 A I was told that it was one of the children that had ran
19 next door, but I don't know that I was told which one it was.

20 Q Which one of the children it was?

21 A Yes.

22 Q Okay. Given the fact that you had a chance to see the
23 children wearing these clothes with blood on them and the
24 majority of the blood that was found was in the couch area of
25 the house, right?

1 A Yes.

2 Q So from seeing where the blood was on the children's
3 clothes and how much of it, is it fair to say in your opinion
4 that they would have been in close proximity to Miss Jones?

5 MR. BARFIELD: Objection. I don't believe he can
6 answer that. Maybe I will let her let her finish the
7 question.

8 MS. RANEY: That was the end.

9 MR. BARFIELD: I think the question has to be
10 directed to at what point in time.

11 Q Well, clearly after she was shot. I assume she wasn't
12 bleeding before it happened.

13 MR. BARFIELD: If the question is, were the
14 children close to their mother after she was shot I
15 withdraw my objection.

16 MS. RANEY: It is after.

17 THE COURT: All right. Restate the question.

18 Q From having the chance to observe the blood on the
19 children's clothes, the amount of blood on the clothes and the
20 placement of where the blood was on the clothes, in your opinion
21 would any of the children been close to Miss Jones after she had
22 been shot?

23 A It appeared to me they would have been, yes.

24 Q And in your interactions with the four-year old did it
25 appear he understood that there was some type of injury to his

1 mother?

2 MR. BARFIELD: Your Honor, I object to that. I
3 don't think there is any way he can answer that
4 question.

5 THE COURT: You can ask him to describe the
6 four-year-old's demeanor. His observations of the
7 four-year-old or the other two children also. I
8 shouldn't limit that. I am not limiting it to just
9 the four-year-old.

10 Q Whenever you were in the ambulance was the
11 four-year-old in a position where he also would have been able
12 to see that there was blood on his siblings's clothes?

13 A Yes.

14 Q Because an ambulance is how big of an area that you
15 were in?

16 A Six by eight feet or so.

17 Q So fairly close?

18 A Yes.

19 Q So, it is your testimony today the entire time you
20 spent with the four-year-old in the ambulance he was
21 happy-go-lucky?

22 A He appeared that way to me, yes.

23 Q The entire time you were in there with him?

24 A Yes.

25 Q Even though you don't know this four-year-old, correct?

- 1 A Correct. I never seen him before.
- 2 Q You never met him before in your life?
- 3 A Right.
- 4 Q You don't know I'm assuming whether the EMS person knew
5 this four-year-old?
- 6 A Don't know.
- 7 Q So this four year old is inside an ambulance with
8 adults that he does not know?
- 9 A I would assume. Again, I don't know if any of them
10 were familiar with him or his family or not.
- 11 Q And this ambulance is surrounded by a big crime scene
12 with about ten police officers at lease on scene, correct?
- 13 A Correct.
- 14 Q Flashing lights?
- 15 A Yes.
- 16 Q EMS personnel around?.
- 17 A Yes.
- 18 Q Fire personnel around?
- 19 A Possibly. I think fire was there.
- 20 Q His family, meaning the four-year-old family, isn't
21 present with him in the back of the ambulance?
- 22 A At that time, correct.
- 23 Q But he's happy-go-lucky?
- 24 A Appeared that way to me.
- 25 Q Okay. And you said before you actually began your

1 investigation inside the home that you checked around the
2 outside of the house for evidence?

3 A Immediately around the yard area of the house, correct.

4 Q Could you explain to the jury what type of evidence you
5 would be looking for?

6 A Just whatever happened to present itself that I thought
7 might be evidentiary.

8 Q Okay. Well, is one of the things you may possibly be
9 looking for in accordance with your training and experience the
10 presence of tire tracks or tire marks?

11 A Sure.

12 Q Did you see any tire marks around the area of the
13 trailer of Roseanna Lane where Miss Jones was killed?

14 A It's a gravel drive. There was lots of tracks.
15 Nothing that really stood out to me. Again, I didn't notice
16 anything up in the yard and again that's where I checked right
17 there in the yard immediately around the trailer. I didn't
18 check the road leading to the trailer.

19 Q Right, but the gravel around the trailer is that what
20 you are referring to when you say you saw tire marks?

21 A What I mean by that, again it is gravel driveway.
22 There's lots of cars in and out through there. I checked the
23 area right around the trailer, the yard itself, and I didn't see
24 anything there. I didn't see any tracks or anything up in
25 there.

1 Q Do you recall because I know it has been some time, the
2 gravel area and the grassy around area the trailer, was it wet?
3 Had been raining that night or was it dry?

4 A I don't recall. I don't recall if it had been raining
5 before that or not on that evening. I don't recall.

6 Q Do you recall -- are you saying you don't recall
7 whether or not the ground was wet or dry?

8 A I don't remember.

9 Q Okay. But you don't recall looking around and noticing
10 any footprints around the trailer either?

11 A No.

12 Q And footprints is something you would generally be
13 looking for in your line of work, correct?

14 A Again, if it presents itself, yes.

15 Q Yes. Because footprints can establish how large or
16 what size shoes someone wears, correct?

17 A I would think so.

18 Q And the bottom of shoes can some times have identifying
19 information on the bottom of them in terms of who made the shoe?

20 A Sure.

21 Q And if someone has worn a shoe for some period of time
22 it starts to wear on the bottom, correct?

23 A I would think so.

24 Q So these wear patterns to the shoe could help you if
25 you were able to have a shoe to go with the shoe pattern that

1 was taken at the scene you could match them up to see if the
2 wear matches?

3 A But we didn't find anything like that.

4 Q I know you didn't. I am just talking about things you
5 would be looking for.

6 A Again, every situation is different but yeah, that is
7 something we would typically capitalize on if we saw it.

8 Q Okay. So then at that point after checking the
9 vicinity of the outside of the house that is when your
10 investigation begins inside, correct?

11 A Correct, after Lieutenant Rogers arrived with the
12 search warrant issued by the judge we then executed and moved
13 inside.

14 Q And that would have been around 12:30 at night?

15 A Yes, I think it was 12:38 am.

16 Q And do you recall what time you cleared on out of that
17 residence?

18 A We left at 5:29 is when we walked out.

19 Q In the morning?

20 A In the morning.

21 Q On January 20th?

22 A Yes.

23 Q And once you got inside the house it sounds like you
24 started your investigation first with the door?

25 A Yes.

1 Q And then moved over to the couch area?

2 A Yes, everything that was pretty obvious.

3 Q And as Mr. Frick indicated you wrote a very thorough
4 report about your investigation inside the house, correct?

5 A I think I did.

6 Q And I notice in your report there is a remark in there
7 about blood being seen on the wall above the couch up to about
8 four feet away from Miss Jones's head. Do you recall seeing
9 that, or note go that in your report?

10 A Let's see --

11 Q If not I have a copy.

12 THE COURT: How about directing him to that
13 particular --

14 A I see it. We didn't find blood. We found some
15 luminescing stains on the back of the wall just above the top of
16 the couch.

17 Q Okay. I just want to make sure we are talking about
18 the same thing. Are you referring to the -- it's basically
19 sixth paragraph in the report and then the 5th paragraph, that
20 last sentence. Is that what you are looking at. I just want to
21 make sure we are looking at the same thing.

22 A Where it says the stains were located as close as
23 immediately behind Jones's body?

24 Q Yes.

25 A Again, those were stains that responded to blue star

1 forensic.

2 Q Okay.

3 Q Okay. Could you read just that sentence you started
4 reading. Could you read that full sentence to the jury, please?

5 A Okay, but can I qualify that by reading to you what we
6 saw those stains to be.

7 Q Can you read --

8 THE COURT: Wait. Wait just a minute. Under 611 I
9 control the mode and the presentation of the
10 testimony. Answer Miss Raney's question.

11 THE WITNESS: Yes, sir.

12 THE COURT: Then you can explain the answer. So
13 you can read whatever she wants you to read and then
14 you can explain it.

15 THE WITNESS: Yes, sir. I am sorry.

16 A That last sentence there in the paragraph?

17 Q Yes.

18 A It says the stains were located as close as immediately
19 behind Jones's body and up the wall as far as about four feet
20 away from her head.

21 Q Please go ahead with explanation that goes along with
22 that?

23 A Yes. Once we applied the bluestar solution to that
24 area and we were looking for it to luminesce, the sentence prior
25 to that says after turning the lights off in the residence the

1 investigators were able to see several small stains luminescing
2 on the upright back portion of the couch and several small spots
3 and stains on the wall above it. The stains were located as
4 close as immediately behind Jones's body and up the wall as far
5 as about four feet from her head.

6 One thing, I never said it was blood. It was a stain. It
7 responded to the blue star forensic.

8 Q It was a stain that responded to blue star forensic?

9 A Correct.

10 Q And blood is one type of stain that would respond to
11 the blue star, correct?

12 A Along with other false/positives, correct.

13 Q Okay. Did you see anything else in the immediate area
14 of this blood -- or this stain that we are speaking of on the
15 wall that would suggest it was something other than blood?

16 A I didn't see anything that would suggest it was
17 something other than blood, no.

18 Q Okay. And then when you are still in the area of
19 collecting evidence around the couch I believe a cell phone is
20 located and taken into evidence?

21 A I believe so, yes.

22 Q Are you aware or did you or another officer on scene in
23 your presence actually look through the cell phone?

24 A Not that I recall.

25 Q So you personally did not look through the call log

1 like missed --

2 A No.

3 Q Received calls?

4 A No.

5 Q Any text messages she may have received?

6 A No, I didn't do that.

7 Q Okay. But as far as you know no other officer on scene
8 did that either?

9 A I don't know. I don't know of any that did or didn't.

10 Q But that cell phone was placed into evidence with the
11 sheriff's office?

12 A I believe it was, correct.

13 Q Okay. And then at that point in your investigation is
14 that when you moved down the hall to the master bedroom?

15 A I am not sure. We would have went to the bedroom and
16 once we finished up there we would have went back to the main
17 area and just checked again. So somewhere between there, yes.

18 Q And that's whenever you dusted the bedroom for
19 fingerprints, correct?

20 A Yes.

21 Q And then after you finished up with the bedroom is that
22 when you actually left the scene that day?

23 A Well, after we finished up there inside the residence,
24 again at 5:29 we cleared and left the scene.

25 Q And then you said it you wasn't until January 23rd, I

1 believe, that you did any more forensic evidence collection in
2 this case, is that right?

3 A Yes, ma'am.

4 Q And that would have been on Mr. Blackmon's car?

5 A Correct.

6 Q And when you first looked at Mr. Blackmon's car on
7 January 23rd, there was no blue star testing done, right?

8 A Correct.

9 Q But I believe you told Mr. Frick you noticed numerous
10 stains inside of the vehicle on that date?

11 A Yeah, they would be stains from any just -- you know,
12 things inside the car. Yeah.

13 MS. RANEY: I would have these marked as

14 defendant's one through six for ID.

15 (Defendant's Exhibit 1-6, cigarette butts, marked
16 for identification as of this date.)

17 Q I am handing you what has been marked Defendant's 1-6
18 for ID only. Do those look familiar to you?

19 A Yes, ma'am.

20 Q And would those be the envelopes rather that contain
21 the cigarette butts you collected from the car back on January
22 23rd?

23 A Yes, ma'am.

24 Q Of 2012?

25 A Yes, it is.

1 Q But you were not the one that actually collected the
2 jumpsuit you said?

3 A Correct.

4 Q Were you the one that collected the Tyson's work ID
5 from that vehicle that day?

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

7 Q That wasn't you?

8 A No, ma'am.

9 Q And one last question. You mentioned there was a
10 buccal swab taken of my client, Mr. Al Green?

11 A Yes.

12 Q And the buccal -- could you explain what the buccal
13 swab is?

14 A Buccal swab -- again, buccal refers to cheek and the
15 purpose for that is to collect skin cells and from any training
16 that we had the good source of that skin cells is on the inside
17 of the cheek in that moist area. So cotton swabs, sterile
18 cotton swabs are used with a little bit of pressure to collect
19 those cells and then they are air dried and packaged.

20 Q And it is your job just to collect these buccal swabs,
21 correct?

22 A Correct.

23 Q You don't perform any type of DNA testing on the buccal
24 swabs, correct?

25 A No, we don't.

1 Q What is the purpose in even obtaining a buccal swab
2 from an individual?

3 A It is used referred to as a standard to rule someone
4 either in or out. Something to compare to a source to a
5 suspect, suspect sample, to see if that person matches up with
6 the sample that was taken.

7 Q So after a buccal swab is taken from Mr. Green that
8 would have been placed in evidence, correct?

9 A Yes, correct.

10 Q Along with all the other samples that we have talked
11 about here today that were placed in evidence, correct?

12 A Yes, ma'am, correct.

13 Q And although you don't personally perform DNA testing,
14 correct?

15 A Right.

16 Q It is possibly to get DNA off of that buccal swab that
17 Mr. Green gave, correct?

18 A Yes.

19 Q And then it is possibly to compare the DNA obtained
20 from Mr. Green's buccal swab to the touch DNA swabs obtained
21 from other parts of the crime scene?

22 A Yes.

23 Q To see if those two things match?

24 A Correct.

25 Q And than would be done by SLED?

1 A Yes.

2 MS. RANEY: Thank you. I don't have any further
3 questions.

4 THE COURT: Solicitor, redirect?

5 MR. BARFIELD: Just one second. .

6 THE COURT: Yes, sir.

7 REDIRECT EXAMINATION

8 MR. BARFIELD:

9 Q Investigator Taylor, let me ask you just a couple
10 general things. We got piles of stuff here. Did everything
11 that the sheriff's office took possession of in its
12 investigation of this case get sent to SLED for analysis?

13 A No.

14 Q Is there some stuff that didn't?

15 A Yes.

16 A For example the cigarette butts that Miss Raney marked
17 Defendant's exhibit one through five for you identification, did
18 they go to SLED.

19 A No, sir.

20 Q The swabs off the steering wheel and the shifter from
21 the Cadillac from January 23rd, did they go to SLED?

22 A To my knowledge they did not.

23 Q Is there some way that you can explain why everything
24 doesn't go to SLED?

25 A We are typically limited on the amount of items we can

1 send on investigation. We are limited by SLED on what they say
2 we can send typically on the outset.

3 MR. BARFIELD: That is all. Thank you.

4 THE COURT: Recross Mr. Frick?

5 MR. FRICK: Just one quick question.

6 RECROSS EXAMINATION

7 BY MR. FRICK:

8 Q I think you said the reason why you all took the
9 things, the swab from the steering wheel is to see if you can
10 determine who the driver was?

11 A That would have been my thinking at the time for the
12 possibility of doing that.

13 MR. FRICK: That is all the questions I have.

14 THE COURT: Miss Raney.

15 MS. RANEY: Yes, briefly Your Honor.

16 RECROSS EXAMINATION

17 BY MS. RANEY:

18 Q Do you know how many items the Lancaster County
19 Sheriff's Department actually sent to SLED for testing in this
20 case?

21 A Right off hand I don't know how many.

22 Q And did you ever make any inquiry to anyone at SLED to
23 ask them to test any of the cigarette butts?

24 A I didn't, no.

25 Q Are you aware of any officers with the Lancaster County

1 Sheriff's Department making an inquiry of SLED asking them to
2 test the cigarette butts?

3 A I don't know.

4 Q What about the touch DNA swabs Mr. Frick just asked you
5 about. You said those weren't sent to SLED, right

6 A It is my understanding they were not sent to SLED.

7 Q Did you ever personally ask someone at SLED to test
8 those touch DNA swabs from the car?

9 A No.

10 Q Are you aware of anyone at the Lancaster County
11 Sheriff's Department that asked SLED to test this touch DNA
12 swab?

13 A I don't know. I am not the person that arranges that.
14 I don't know.

15 MS. RANEY: Thank you. No further questions.

16 THE COURT: Thank you, very much detective.

17 THE WITNESS: Thank you.

18 THE COURT: You may step down.

19 (Witness excused.)

20 MR. BARFIELD: Detective Thompson.

21 THE COURT: All right, Detective Thompson if you
22 come around and be sworn.

23 FREDERICK THOMPSON, called as a witness, having
24 been duly sworn by The Clerk, was examined and
25 testified as follows:

1 DIRECT EXAMINATION

2 BY MR. BARFIELD:

3 Q Tell us your name, please?

4 A Frederick Thomspon.

5 Q Mr. Thomspon while I am looking I will ask you a couple
6 of questions. Are you employed by the sheriff's office right
7 now?

8 A No, sir.

9 Q Have you been employed by the Lancaster county
10 sheriff's office?

11 A Yes, sir, I was.

12 Q When was that from when to when?

13 A December of 1999 until January the 5th of 2013.

14 Q Were you in investigator for the Lancaster County
15 Sheriff's Office when Jenika Jones was shot and killed?

16 A Yes, sir, I was.

17 Q Did you participate in various ways in the
18 investigation of this case?

19 A Yes, sir, I did.

20 Q Do you know Pomp Blackmon?

21 A Yes, sir I do.

22 Q Did you talk to Pomp Blackmon concerning this case at
23 one point or another?

24 A I did.

25 Q Specifically concerning this case when did you first

1 have dealings with Pomp Blackmon?

2 A On January the 23rd, 2012.

3 Q And I am not asking you to quote anybody, but generally
4 speaking what lead you to Pomp Blackmon?

5 A I had a conversation with someone by phone.

6 Q That is fine. As a result of that conversation where
7 did you go?

8 A To his residence.

9 Q Did you find you him there?

10 A I did.

11 Q Was his car there?

12 A It was.

13 Q I am not even going to put -- well, let me put one
14 picture up to make sure we are talking about the same car. It
15 is not one I wanted to find but I will put up State's exhibit
16 17. Do you recognize what is shown in that picture?

17 A I do.

18 Q And what is in that picture?

19 A That is the vehicle that Pomp Blackmon owned.

20 Q And where was that picture taken?

21 A At his residence.

22 Q When was take picture taken?

23 A On January the 23rd, 2012.

24 Q Did you go there first yourself before other law
25 enforcement people got there?

1 A I did.

2 Q Okay. Did you have -- don't quote him, but did you
3 converse with Pomp Blackmon about his car?

4 A I did.

5 Q Did you look at his car?

6 A I did.

7 Q Had you gone out the night of January 19th of 2012 to
8 Roseanna Lane when this case occurred?

9 A I did not.

10 Q Okay. Had you been to Roseanna Lane at any time from
11 the incident date -- between the incident occurrence and you
12 being at Pomp Blackmon on January 23rd?

13 A I had not.

14 Q Okay. Did you have occasion to take a gander at Pomp
15 Blackmon's car when you were out there on the 23rd?

16 A Yes, I did.

17 Q Did you notice anything unusual about the car, about
18 the exterior of the car?

19 Q When I saw it that day you I didn't notice anything out
20 of the ordinary?

21 Q Did you -- again, don't quote Pomp Blackmon, but did
22 you and he talk about the condition of the car?

23 A Yes, we did.

24 Q I will put a picture up. Do you recognize what is
25 shown in that picture?

1 A Yes, I do.

2 Q What is that picture of?

3 A That the right side of his vehicle, the little green
4 piece here is a part of the fender mold. It actually holds the
5 trim in to the car.

6 Q All right. Don't quote conversation, but did you and
7 Pomp Blackmon talk about what is shown in this picture or maybe
8 what ain't shown in that picture.

9 A Yes.

10 Q As a result of seeing the car and talking to Pomp
11 Blackmon did you at some point leave his house that afternoon?

12 A Yes, I did.

13 Q Where did you go?

14 A Out to you Roseanna Lane.

15 Q Why did you go to Roseanna Lane?

16 A To see if I could locate the part that is missing off
17 of his vehicle.

18 Q And I will hand you an envelope which is -- take a look
19 at that envelope and what is it and then I will ask you some
20 questions about it.

21 A Okay.

22 Q Do you recognize what is in that envelope?

23 A Yes, I do.

24 Q And what is in that envelope? Generally describe it.
25 You can pull it out.

1 THE COURT: Let me ask you, is that 36?

2 Q Mr. Thomspon, marked for identification purposes
3 earlier this week, State's exhibit number 36. Do you recognize
4 what is in the bag marked State's 36 ID?

5 A Yes, I do.

6 Q And when did you first have your hands on that piece
7 that is in your hand?

8 A On January 23, 2012.

9 Q Okay. Now, where did you first put your hands,
10 generally speaking, where did you first your put your hands on
11 that item that is in your hands now?

12 A In the area of Roseanna Lane.

13 Q When you got to your hands on it what did you do I with
14 it?

15 A Initially we photographed it.

16 Q Where it was found?

17 A Yes, sir.

18 Q Then what did you do with it?

19 A We collected the item and put it in this bag.

20 Q And did you take it somewhere?

21 A Yes. We actually went back out to Pomp Blackmon's
22 vehicle to verify that it is the piece that is missing off of
23 it.

24 Q And I will step back because you are starting to talke
25 quite.

1 A I am sorry.

2 Q That's fine. How did you verify that piece came off of
3 Pomp Blackmon's car?

4 A I actually placed it up to the side of the vehicle just
5 to make sure that this piece would fit inside of the little
6 green hole hold as well as the length, I guess the length and
7 width of this matched up to the other molding that was already
8 on the vehicle.

9 Q Did you look at the other side where a similar piece of
10 molding would have been?

11 A Yes, I did.

12 Q Let me show you another picture?

13 Q I show you State's exhibit 22. Can you tell me what
14 that is picture of?

15 A That is the other side, the matching side of this
16 piece.

17 Q Okay. I will show you State's exhibit number 23. Can
18 you tell me what that is?

19 A That's this piece on Roseanna Lane.

20 Q Where you first saw it?

21 A Yes.

22 Q Nobody had moved it, messed with it?

23 A We had not.

24 Q And generally speaking -- I will get you to look on the
25 picture in a minute -- but generally speaking where was it? Was

1 it on the roof? Was it in a ditch? Was it in a driveway? On
2 somebody's porch? Generally speaking, where was it?

3 A I guess, if you are leaving Roseanna Lane going out to
4 Highway 200 it was on the right side of the road in the ditch
5 area.

6 Q I will show you some more pictures. Did you take these
7 pictures?

8 A I think that I did, yes.

9 Q I will show you State's 23. Let me get the glare off
10 of. What is that a picture of?

11 A That's where we actually located this piece.

12 Q Now, can you see the piece in the picture?

13 A I can not.

14 Q All right. What is it in the picture that you can see?

15 A Actually use this bag as marker, I believe.

16 Q All right. I will hand you the picture itself. I will
17 hand you two pictures and then I will put them back up on the
18 thing in a minute. I will show you State's 24. What is that a
19 picture of?

20 You just take a minute to orient yourself and I will put it
21 back on the reader. Tell me what that is a picture of.

22 A This is at picture of the location again where we found
23 this piece and the bag because there were so many leaves in the
24 area you really couldn't see it. We actually used that bag just
25 to give us an indication, basically a point to where the piece

1 is located.

2 Q And you are saying it's the bag that you actually got
3 in front of you there?

4 A I am pretty certain that it is.

5 Q In that picture can you actually see the piece of
6 molding or chrome or whatever it is?

7 A No.

8 Q That's fine?

9 Q I will show and than picture is taken from the vantage
10 -- was this piece found near somebody else's house?

11 A Yes.

12 Q And was that picture taken from the vantage point of
13 looking towards that person's house from the road?

14 A Yes.

15 Q I will show you State's exhibit number 25. What is
16 that a picture of?

17 A We are actually in the driveway standing in front of
18 that mobile home photographing the road back out towards the
19 road where this piece is locate.

20 Q Same picture, different angle?

21 A Yes.

22 Q What all is shown? Can you tell us is in that picture?

23 A We actually have one of the yellow markers out with
24 number 1 actually right above this piece.

25 Q Now, is there any extraneous objects shown in that

1 picture?

2 A There appears to be a can of some sort.

3 Q Does it got anything to do with this case as far as you
4 know?

5 A As far as I know it does not.

6 Q And I will put these pictures back up and let's talk
7 about them real quick.

8 State's number 24, you just had in your hand. Tell us
9 again briefly what that is a picture of?

10 A There is a glare. I can't. Okay. That picture is
11 where the bag -- I am actually using the bag as marker because
12 --

13 Q Circle it.

14 A The bag is here. This bag is used as marker. You can
15 not see the chrome piece because of the leaves.

16 Q All right. And is the beer can in that picture also
17 within the circle that you just put on?

18 A Yes, sir it is.

19 Q State's number 25. Can you tell us what that picture
20 of?

21 A That is from the opposite view. We are actually
22 standing in the driveway of the mobile home. We are actually --
23 the marker, the yellow marker here with the number one is right
24 above where we were able to locate the chrome piece.

25 Q The bag is not in the picture now?

1 A The bag is not there and the same beer can is there
2 that has nothing to do as far as we knew with the case.

3 Q I will circle something. Can you tell us what that is?
4 Do you know what that is?

5 A Yes, that is is the speed bump.

6 Q Are there speed bumps on that road?

7 A Yes, sir there is.

8 Q Just that one or bunches of them or just that one?

9 A About three I think.

10 Q And on this picture with you your finger trace the path
11 with a arrow or make a arrow showing which way Highway 200 is?

12 (Witness complies.)

13 MR. BARFIELD: Permission for the witness to step
14 down?

15 THE COURT: Yes, sir, you may step down.

16 Q Do you recognize what is shown in State's exhibit
17 number 54?

18 A Yes, sir, I do.

19 Q What is State's exhibit number 54?

20 A This is aerial photo of the area of Great Falls
21 Highway, Roseanna Lane and Colton Way.

22 Q Are you oriented on it to be able to know where the
23 scene was in this case and where 200 is and all that kind of
24 good stuff?

25 A Yes.

1 Q And where was the -- using its pointer show us the
2 house where this event occurred at?

3 A Here.

4 Q And where along which road did you find the piece of
5 molind on?

6 A On Roseanna Lane.

7 Q And where on Roseanna Lane did you find the piece of
8 molding?

9 A Right between this mobile home and this mobile home
10 there is a speed bump about in this area and the piece -- the
11 little chrome trim was within a few feet of that.

12 Q Okay. And just stick the pointer on it again and hold
13 it still for a second?

14 A If I can.

15 Q So in that general area?

16 A Yes, sir.

17 Q You may take your seat. Thanks. Did you come in
18 possession of anything else on January 23rd when you were
19 talking with Pomp Blackmon and messing around with his car?

20 A Yes, sir, I did.

21 Q What?

22 A A blue jumpsuit.

23 Q Okay.

24 A And a work ID.

25 Q I will show you what has been marked for identification

1 State's exhibit number 37. Well, let me back up. Time out.

2 MR. BARFIELD: Your Honor, at this time I offer
3 State's exhibit number 36 as exhibit?

4 THE COURT: Any objection?

5 MR. FRICK: No objection.

6 MS. RANEY: No, Your Honor.

7 THE COURT: State's 36 is in evidence.

8 (State's Exhibit 36, car molding, received in
9 evidence as of this date.)

10 Q Now, Mr. Thomspen, I am showing you State's exhibit
11 number 37 for identification purposes. Do you want gloves?

12 A Please.

13 Q I will set this box up there. What has been marked for
14 for identification as State's exhibit 37. You stand up and do
15 whatever you want. I will let you examine it and let I ask you
16 questions about it.

17 Do you recognize what that is?

18 A Yes, I do.

19 Q And you can stuff it back in the bag. Just stuff it
20 down in the box. Don't worry about it and hand it back to me.

21 What is the contents of State's exhibit 37 for
22 identification?

23 A That is a blue one-piece jumpsuit type clothing.

24 Q And where did you first see that and get your hands on
25 it?

1 A At the residence of Pomp Blackmon.

2 Q And don't tell me what Pomp Blackmon said, but describe
3 the transfer of that blue jumpsuit from him to you. Where did
4 you see and where did it go from where you saw it to where you
5 got it?

6 A From his residence. I think his address is [REDACTED]
7 Street. I got it from there, voluntarily turned over and placed
8 into evidence.

9 Q And do you remember where it actually came from to go
10 from him to you? Do you know where it was?

11 A From the trunk of his vehicle.

12 Q Okay.

13 MR. BARFIELD: Your Honor, at this time I offer
14 States 37 as an exhibit?

15 MR. FRICK: No objection.

16 MS. RANEY: No objection.

17 THE COURT: State's 37 is in evidence.

18 (State's Exhibit 37, jumpsuit, received in evidence
19 as of this date.)

20 Q Thank you, sir.

21 MR. BARFIELD: Your Honor, I reserve the right to
22 recall Mr. Thomspen. I just need to get this done for
23 the flow of the case. Reserve the right to recall him
24 about other matters later.

25 THE COURT: All right. Mr. Frick.

1 MR. FRICK: Thank you, Your Honor.

2 CROSS EXAMINATION

3 BY MR. FRICK:

4 Q You had conversations with Mr. Blackmon a few times,
5 did you not?

6 A Yes, sir, I did.

7 Q Okay. First time was I guess on the 23rd of January
8 when you were over there looking at the car?

9 A That's correct.

10 Q And he retrieved the jumpsuit. Did he give you ID too?

11 A Yes, sir.

12 Q So you took that in custody?

13 A Yes, I did.

14 Q Did you do any processing on the car?

15 A I did not. I was there with Mr. Taylor, Investigator
16 Taylor.

17 Q You didn't go to the scene at Roseanna that night of
18 the 19th?

19 A I did not.

20 Q Other than picking up this piece here in State's number
21 36, did you process anything else on the scene?

22 A On the scene?

23 Q Yes, sir.

24 A No, sir, I never went to the scene.

25 Q You just literally stuck this on the side of car and it

1 stuck?

2 A No, I didn't push it you all the way in. Kind of put
3 it up the side. It matched the other side.

4 Q It matched?

5 A Yes.

6 Q But there is no unique identifying feature on this
7 thing, right? No serial number on it?

8 A No. No, serial number.

9 Q All right. So, this is a piece of chrome off of a
10 white Cadillac, right?

11 A Yes.

12 Q And it fit on a white Cadillac?

13 A Yes.

14 Q Folks are looking at Mr. Blackmon's car on January
15 23rd. He gives consent for it to be looked at, correct?

16 A That's correct.

17 Q Was there any chief case agent on this case or was
18 everybody just working on it?

19 A My understanding Investigator Crump was called out. He
20 was the lead, but often times with with situations like this we
21 all jump in to help out. That is what we typically do on most
22 cases.

23 Q All right. I know you are not then the chief
24 investigator on this case but you certainly were involved with
25 it. Mr. Blackmon's car was not taken as a piece of evidence

1 itself, correct?

2 A That's correct.

3 Q It was left in his custody and control?

4 A Yes.

5 Q Later did you get some information about where this car
6 was located?

7 A I did not.

8 Q Okay. Let me ask you, did you prepare an incident
9 report?

10 A Yes. Several supplements.

11 Q I will show you a brief one. Do you recognize that?

12 A I read it just in preparation.

13 Q Is it part of your report?

14 A No, it is not.

15 Q Its not. Okay. Your right, it's not. Thank you.

16 I think I picked up the wrong one. That is what happened.

17 Is that one of your reports or is that somebody else's? (Handed)

18 A That is my report, yes, sir.

19 Q All right. There we go. In this report it looks like
20 you gained some information about a potential person that the
21 car was loaned to; is that correct?

22 A Yes.

23 MR. BARFIELD: Could I ask what they are looking
24 at.

25 MR. FRICK: I am sorry. (Shown to Mr. Barfield)

1 Q You were given a name, correct?

2 A Yes.

3 Q As someone that the car might have been loaned to. Do
4 you know what that name was? Do you know who that name was?

5 A Yes.

6 Q Who was that?

7 A Antoine Barnett.

8 Q Do you know when you got that information?

9 Q A date? I just don't see it on the report.

10 A I didn't put it in the report. My assumption is it was
11 after the initial conversation.

12 Q That was going to be my question. Okay.

13 MR. FRICK: I believe that is all I got for you
14 right now.

15 THE COURT: Miss Raney.

16 CROSS EXAMINATION

17 BY MS. RANEY:

18 Q Investigator Thompson, when you were at Pomp Blackmon's
19 house on January the 23rd of 2012, did you learn that a key was
20 missing to that vehicle?

21 A I do believe that I was told that.

22 Q Do you know if the missing key to the Cadillac was ever
23 recovered by you or another officer?

24 A I know I did not. I don't know about another officer.

25 Q Did you personally take any steps to try and locate who

1 may have possession of the missing key?

2 A We worked in conjunction with this case, but I never
3 went and asked someone do you have the key for this vehicle.

4 Q So you personally never did any search to try and
5 locate the key?

6 A He filed a report with city police department about his
7 vehicle being missing.

8 Q Right. Are you aware of any other officers with the
9 Lancaster County Sheriff's Office making an attempt to find out
10 who had this missing key?

11 A I don't know.

12 Q Okay.

13 MS. RANEY: If the Court will just bare with me
14 while I find the photo.

15 Q This is State's number 25. Can you see that on your
16 screen up there?

17 A Yes, I can.

18 Q That yellow marker we're looking at, is that showing
19 where the piece of trim from a vehicle was found?

20 A Yes, ma'am, that is correct.

21 Q Could you give me an idea of the how far away from the
22 road this piece of trim was when you found it?

23 A Maybe two feet.

24 Q Maybe two feet. Because that area it looks like it's
25 paved, that long strip in front of the tree there?

1 A Yes.

2 Q Is that the road there?

3 A Yes, sir.

4 Q And that's a paved road?

5 A Yes, ma'am.

6 Q That is a not a road that is just made out of gravel?

7 A No, ma'am.

8 Q Not loose gravel?

9 A No. It is pretty bad shape but it is not loose gravel.

10 Q And when you arrived out there on Roseanna Lane to look
11 for this piece of trim missing from the car, you didn't know
12 whether you were going to find a piece of trim or not?

13 A We did not, no.

14 Q You weren't given any clue as to where specifically to
15 look along Roseanna Lane?

16 A No, ma'am I was not.

17 Q So do you remember how long you spent out there on
18 Roseanna Lane before you were able to find this piece of trim?

19 A My best guess maybe thirty minutes, but that's just my
20 best guess. I really don't no.

21 Q About a half hour or so?

22 A Yes.

23 Q And during that time you were out on Roseanna Lane
24 looking to see if you could find this piece of trim were you
25 walking up and down Roseanna Lane?

- 1 A Yes, we were.
- 2 Q Okay. How many other officers were with you?
- 3 A Two other.
- 4 Q Two other, and do you recall who they were?
- 5 A Lieutenant Howell and Investigator Joe Catalano.
- 6 Q Did you say Catalano?
- 7 A Yes, Catalano.
- 8 Q And are you aware whether or not on January 19th the
- 9 night that Miss Jones was killed whether or not any officers
- 10 from the Lancaster County Sheriff's Office actually searched
- 11 that same area where you found the trim piece later on?
- 12 A I can't answer that. I don't know. I didn't read
- 13 anything in the report.
- 14 Q Did you read all the reports that were prepared by the
- 15 police in preparation for your trial testimony?
- 16 A Not every one. Just what I would be testifying too is
- 17 what I spent the bulk of my time reading.
- 18 Q Okay, but did you read reports that you were not
- 19 actually the author of?
- 20 A Not all of them.
- 21 Q But some of them?
- 22 A Some of them I did.
- 23 Q Don't say out loud what this says.
- 24 A Okay.
- 25 Q I just want you to go ahead and take a look at that and

1 tell me if it is familiar to you or not?

2 A This is not.

3 Q Okay.

4 A Sorry, I did for the read that one.

5 Q Okay.

6 MS. RANEY: Thank you. I have no further
7 questions?

8 THE COURT: Redirect solicitor.

9 MR. BARFIELD: None.

10 THE COURT: All right. Thank you. Thank you, Mr.
11 Thomspen you may step down.

12 (Witness excused.)

13 THE COURT: All right. You all ready for lunch
14 break, is that a yes.

15 MR. BARFIELD: Yes, they are I am sure.

16 THE COURT: They are.

17 MR. BARFIELD: You need to ask them. I am sure
18 they are.

19 THE COURT: Mr. Foreman, ladies and gentlemen of
20 the jury panel, perhaps now would be a good time to
21 take our luncheon recess. Please remember during this
22 lunch do not discuss the case with anyone that
23 includes your fellow jurors or anyone else. Do not do
24 any research, independent or by way of the internet or
25 any other manner. Keep an open mind. Do not begin

1 MS. RANEY: Okay. Thank you. I don't have any
2 further questions.

3 THE COURT: Anything on redirect, solicitor?

4 MR. BARFIELD: No, sir.

5 THE COURT: Thank you. Thank you very much, Miss
6 Horton, you may step down.

7 (Witness excused.)

8 THE COURT: All right, you may call your next
9 witness.

10 MR. BARFIELD: The State calls Stephanie Stanley.

11 THE COURT: All right, if you would come around to
12 be sworn for us please.

13 STEPHANIE STANLEY, called as a witness, having
14 been duly sworn by the clerk, was examined and
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. BARFIELD:

18 Q State your name please ma'am.

19 A My name is Stephanie Stanley.

20 Q Miss Stanley by whom are you employed?

21 A I am employed b the South Carolina Law Enforcement
22 which is more commonly referred to as SLED.

23 Q What is your job at SLED?

24 A I am a forensic scientist assigned to the DNA case work
25 department and I am also the acting team leader of our evidence

1 processing serology sections within our DNA case work
2 department.

3 Q How long have you been employed at SLED?

4 A A little over nine years.

5 Q Do you, yourself, do DNA analysis on various cases?

6 A Yes, sir, I do.

7 Q And you said your also the -- tell us what you said
8 your role is with the evidence processing department team?

9 A Team leader over the evidence processing and serology
10 section. So I monitor day-to-day functions of those sections.

11 Q And do you sign reports from the evidence processing
12 department of SLED?

13 A Yes, sir, I have.

14 Q Now, did you -- let me jump way ahead. Did you do any
15 DNA analysis on this case?

16 A No, sir, I did not.

17 Q I am going to ask you are you an expert in DNA
18 analysis?

19 A Yes, I have been qualified in the courts of South
20 Carolina before.

21 Q Okay. And I am not going to ask you those questions in
22 this case because you didn't do DNA, but I do want to talk to
23 you about some evidence processing that you participated in.
24 Before I do that I am going to do this. When I say a verified
25 SLED chain of custody, do you know what I am talking about?

1 A Yes, sir.

2 Q What is a verified SLED chain of custody?

3 A A verified SLED chain of custody is a custody means
4 that is has going out to the individuals that are actually
5 listed as part of the chain. They are asked to confirm or
6 verify their portion of the chain. That it looks correct.
7 There is nothing wrong with that chain of custody. Everything
8 is written on the chain of custody. That shows the actual and
9 true flow of evidence throughout the laboratory.

10 Q And is that what the chain of custody does, it shows
11 everybody who handled the piece of evidence that comes in to the
12 SLED lab.

13 A The chain of custody will show everybody who has
14 handled a piece of evidence. It will monitor dates and times of
15 those transfers. If I had given a piece of evidence to somebody
16 else. It also monitors secure locations where we can leave,
17 evidence within a specific department.

18 Q Can you explain just briefly to the jury the login
19 process at SLED and whether its manual or automated
20 computerized?

21 A We have a computer system, a laboratory information
22 management system where evidence items are brought by local
23 agencies. They are submitted to SLED for analysis. At the
24 login or intake portion the analysis request is documented in
25 the computer system. Evidence can be transferred to different

1 departments within SLED and we need to know what analysis
2 requests is on each item of evidence. Each item of evidence is
3 given a unique identifier, an item number, and those item
4 numbers are associated with a case number that begins with L and
5 it is usually the year, like one four dash and it will have four
6 or five different numbers, just depending on the case sequence
7 of when that case came in throughout the lab.

8 The ladies in evidence control accept everything on a said
9 to contain basis, so they believe if a box comes in it is said
10 to contain a pair of jeans. They are not going to take out the
11 jeans in the evidence login section. They are just going to log
12 it into the computer as a set of jeans and it is transferred to
13 the appropriate person. We do that to preserve evidence. We
14 don't want to open evidence in public areas of the laboratory.
15 But everything is tracked from that point. So any transfers
16 that are made of those items are then tracked on that chain of
17 custody and the chain of custody will end when the evidence is
18 returned to the actual submitting agency and we capture that
19 with a signature pad.

20 Q I am going to hand you -- well, let me back up.

21 You said if the Lancaster Count Sheriff's Office starts
22 bringing you evidence concerning a particular event in Lancaster
23 does it get a lab number from SLED?

24 A Yes, it does.

25 Q And is that L-14 number you are talking about?

1 A Yes, it is.

2 Q And does that lab number get maintained for every piece
3 of evidence that comes in for that particular incident?

4 A Yes, any additional evidence that is submitted on that
5 same incident will be associated with that same lab number.

6 Q Are there from time to time sub item numbers -- well,
7 lets go back.

8 Each thing that comes in to SLED gets an item number, a SLED
9 item number like one, two, three, four, five, correct

10 A Yes, sir.

11 Q Are there sometimes sub item numbers that get developed
12 from evidence once it gets to SLED and broken out in some
13 fashion?

14 A Yes, for example in the DNA department we may give an
15 item number a sub item number. For example if we take a portion
16 of a t-shirt we will sub item that into a let's say one point
17 one, or one point two, based on how many cuttings or swabs we
18 actually take from an item. So for swabbing a hard item, it may
19 if this counter (indicating) is item one, the swab could be one
20 point one to reflect that it came from this counter; item one,
21 and all of that is tracked in the chain of custody. So all sub
22 items are present and accounted for.

23 Q Now you mentioned swabs. Does SLED sometimes create
24 sub items by swabbing a piece of evidence?

25 A Yes, we can.

1 Q And you mentioned cutting. What do you mean by
2 cuttings and give us a for example?

3 A A larger item of evidence, let's say a t-shirt may be
4 submitted for say blood analysis. Well, the t-shirt may be your
5 item one. Any cutting I take from that where I think I may see
6 blood could be one point one. The entire t-shirt isn't
7 submitted further on in to the DNA department. What we are
8 receiving are actual cuttings of the actual piece of cloth. So
9 larger items of evidence are transferred to our evidence
10 processing section and they are responsible for taking those
11 large items and making them smaller and identifying those
12 stains.

13 Q I will hand you a document that purports to be 33 pages
14 long and ask if you can identify that?

15 A Yes, I can.

16 Q And generally speaking what is that document?

17 A This document is a chain of custody that has been
18 verified for this lab number L-12-1205.

19 Q Okay. Is that the verified chain of custody document
20 for this case?

21 A Yes, sir, it is.

22 Q And is this case a case that you worked on yourself?

23 A No, sir, it is not.

24 Q Is it a case that SLED, the SLED lab worked on is what
25 I am asking?

1 A Yes, sir, it is.

2 Q And does it identify, the document itself, does it
3 identify any suspects or defendants or victims the chain of
4 custody document?

5 A No, sir, it is just for tracking the evidence.

6 Q Okay.

7 MR. BARFIELD: Now, Your Honor, at this time I
8 offer the chain of custody as the next State's
9 exhibit.

10 MR. FRICK: No objection, Your Honor.

11 MS. RANEY: No objection.

12 THE COURT: All right.

13 THE COURT: State's 55 is in evidence without
14 objection.

15 (State's Exhibit 55, chain of custody, received in
16 evidence as of this date.)

17 Q Miss Stanley, I am going to hand you the chain of
18 custody back. I got it open up to page nine. Did this case
19 involve an item which SLED gave item number six to?

20 A Yes, item six was one sealed box containing clothing
21 described as one piece jumpsuit, blue in color.

22 Q And did that end up in the evidence processing
23 department?

24 A Yes, it did.

25 Q And did SLED also receive an item that was as signed

1 item number 12?

2 A Yes, sir, it did.

3 Q And what was that item described as?

4 A Item 12 was described as one heat sealed pouch
5 containing automobile parts described as stained seat belt from
6 the passenger seat.

7 Q And did the evidence processing department process
8 those two items of evidence, first of all the blue jumpsuit?

9 A Yes, sir.

10 Q And what was involved from the processing of the
11 jumpsuit?

12 A The request for analysis on the jumpsuit I believe was
13 ownership and blood.

14 Q Okay. And was it processed to determine if there was
15 anything of evidentiary value on it?

16 A Yes, it was.

17 Q And was it processed by swabbing or by cuttings or by
18 just chemical testing or how was it processed?

19 A There were swabs taken. There was also cuttings taken
20 and a chemical test was performed.

21 Q Okay. How many cuttings were taken from the jumpsuit?

22 A There were 14 cuttings taken from the jumpsuit.

23 Q Okay. And I will hand you a couple of envelopes which
24 have not been opened yet and can you tell me -- I will open the
25 envelopes.

1 I will hand you both of these envelopes and just ask if you
2 can tell me what the contents of those envelopes are?

3 A The contents of the first one, L-12-1205 container C,
4 this contains the cuttings; our items 6.1, 6.2, 6.3. Those were
5 cuttings from the jumpsuit, 6.4 was a swab and 6.5 was possible
6 hair that was collected.

7 Q Okay. So this is 6.1 through 6.5?

8 A Yes, sir.

9 Q Okay. Let me -- before you move on let me check a
10 couple of things real quick.

11 MR. BARFIELD: Your Honor, at this time I offer
12 SLED items number 6.1 to 6.5 as a State exhibit.

13 MR. FRICK: No objection.

14 MS. RANEY: No objection.

15 THE COURT: All right, they have not previously
16 been marked?

17 MR. BARFIELD: They have not.

18 THE COURT: State's exhibit 56 in evidence without
19 objection.

20 (States Exhibit 56, cutting from jumpsuit, received
21 in evidence as of this date.)

22 Q All right, what else have you got there?

23 A This heat sealed pouch is L-12-1205, is container D,
24 and it contains cuttings from the jumpsuit, 6.6, 6.7, 6.8, 6.9,
25 6.10, 6.11, 6.12, 6.13 and 6.14. All were cuttings.

1 MR. BARFIELD: Your Honor at this time I offer 6.6
2 through 14 as the next State's exhibit.

3 MR. FRICK: No objection.

4 MS. RANEY: No objection.

5 THE COURT: All right, States 57 is in evidence,
6 cuttings.

7 (States Exhibit 57, cuttings, received in evidence
8 as of this date.)

9 Q Miss Stanley, as to what is now State's exhibit 56 and
10 57, the cuttings and one swab I think, and one potential hair
11 from the jumpsuit, was any analysis done of this in the evidence
12 processing department.

13 A The cuttings were checked for presumptive test for
14 blood.

15 Q And do you know whether any of the cuttings tested
16 positively presumptively for blood?

17 A Yes, all of the cuttings presumptively tested positive
18 for blood. We reported as blood was indicated.

19 Q Okay. Now, I am talking to you as a DNA analyst now.
20 Does blood mean human blood necessarily?

21 A This type of test just gives an indication that blood
22 maybe present and that further testing could be performed. That
23 further testing could be to help identify whether it is blood or
24 that further test could be DNA analysis. So this is a test that
25 is sensitive to the detect whether it is blood, but it is not

1 specific to tell us that it is absolutely blood.

2 Q But could it be blood but not human blood?

3 A It also could be blood but not human blood. This test
4 isn't going to tell us species.

5 Q I will hand you one more envelope which I don't think I
6 need to open up at this point, but can you tell me what is in
7 that pouch by SLED item and description?

8 A Yes, this is L-12-1205 item 12, which is is described
9 as heat sealed pouch containing automobile part described as
10 stain seat belt from front passenger seat.

11 Q And one more item, one more bag, which again I am not
12 going to open unless you need me to, but can you tell me what is
13 in that bag?

14 A L-12-1205 container F, these are going to be the
15 cuttings that were taken from the actual seat belt.

16 Q Which is --

17 A Items 12.1 and it should be 12.2.

18 Q And let me go back. The item I handed you a minute ago
19 that you described as seat belt, for the record is State's
20 exhibit number 49, which I think is in evidence.

21 Are these cuttings from the seat belt referring to the seat
22 belt that I just showed you that you identified, which I
23 identified as State's exhibit 49?

24 A Yes, these are cuttings that were taken from the actual
25 item 12, so 12.1 and 12.2 are contained in there.

1 Q Okay. Do you know if any presumptive testing was done
2 in the evidence processing department concerning the cuttings
3 from the seat belt?

4 A Yes, it was.

5 Q And what presumptive testing was done?

6 A A presumptive test for blood and blood was indicated on
7 both of those cuttings.

8 MR. BARFIELD: Your Honor, at this time I offer
9 the cuttings from the seat belt as the next State's
10 exhibit.

11 MR. FRICK: No objection, Your Honor.

12 MS. RANEY: No objection.

13 THE COURT: State's 58 in evidence without
14 objection.

15 (State's Exhibit 58, seat belt, received in
16 evidence for as of this date.)

17 Q Let me go back and ask you another question about SLED
18 item number six, which is State's exhibit number 37 in evidence,
19 the blue coveralls. Once the processing of those coveralls was
20 done, the cuttings and swabs and the potential hair collected,
21 were the coverall themselves passed on up the chain for any
22 testing themselves?

23 A The coveralls themselves, item six were not.

24 Q Okay. As to the State's exhibit 56 -- well, let me
25 back up.

1 State's exhibit 49, the seat belt which was SLED item number
2 12 and State's exhibits 56, 57 and 58 the result of the
3 processing of the items we have been talking about, where did
4 they go from evidence processing within the SLED lab? Generally
5 speaking, what department of SLED do these items get moved on up
6 to?

7 A The cuttings would have been transferred eventually to
8 DNA analyst. In this case it was Maryann Boehm. I believe she
9 picked up some of the items directly and others she picked up
10 from our evidence login department.

11 MR. BARFIELD: Thank you, ma'am. That is all the
12 questions I have at this point.

13 THE COURT: Thank you, solicitor. Mr. Frick.

14 MR. FRICK: Thank you, Your Honor.

15 CROSS EXAMINATION

16 BY MR. FRICK:

17 Q The jumpsuit, I think SLED number six, is that correct?

18 A Yes, the jumpsuit was described as SLED number six.

19 Q It came to SLED as one item?

20 A Yes, it would have been in a sealed box.

21 Q And it is broken down into 6.1 through 6.14, right?

22 A The cuttings were taken from that jumpsuit, yes, sir.

23 Q That is what I am getting at. You all weren't given
24 the cuttings?

25 A No, sir.

1 Q The cuttings were done at SLED?

2 A Yes, sir.

3 Q Now, I know generally you all don't say oh, hey, I need
4 this piece of evidence or this piece of evidence. SLED takes
5 what is sent, correct?

6 A Yes, sir.

7 Q Okay. But in this case you all look at the jumpsuit
8 and is it you that makes the determination these are things that
9 we need to cut or whom?

10 A No, sir, it was not me.

11 Q Is it someone at SLED though that did that?

12 A Sometimes like the DNA analyst may need standards from
13 different individuals, but it is not me for this case..

14 Q Okay. Let me clarify. You got a whole jumpsuit,
15 right?

16 A Yes, sir.

17 Q That's what it came in number six, right?

18 A Yes, sir.

19 Q Okay. Its not premarked, hey look here, look here,
20 look here, right? Someone analyzes at SLED and determines we
21 need to cut here, we need to cut here?

22 A The jumpsuit was analyzed at SLED. I have not seen the
23 jumpsuit. Some times items come in with areas marked from the
24 agencies, so I can't tell you if that happened in this case in
25 particularly, but evidence is screened in its entirety at SLED

1 so the evidence processing section is responsible for finding
2 biological stains and testing those and sending those on.

3 Q Did the jumpsuit come to you?

4 A No, sir.

5 Q Okay. All right. But when it got to SLED, and maybe I
6 am not asking the right person and I apologize if I not. When
7 it gets to SLED it becomes 14 items instead of one item,
8 correct?

9 A It becomes 14 cuttings from that item, yes, sir.

10 Q But that is 14 individual pieces, correct?

11 A Yes, sir.

12 Q The -- and I know you didn't see every piece of
13 evidence that came in on this case, did you?

14 A I haven't seen any of the evidence that came in on this
15 case.

16 Q But as far as you know this 33-page item includes
17 everything that was submitted to SLED from Lancaster County,
18 correct?

19 A A verified chain will contain all of the items that
20 were submitted to SLED and where they traveled with while they
21 were at SLED.

22 MR. FRICK: Okay. Thank you, ma'am. That's all
23 the questions I have.

24 THE COURT: Miss Raney.

25 MS. RANEY: Thank you, Your Honor.

1 CROSS EXAMINATION

2 BY MS. RANEY:

3 Q So Miss Stanley, is it a decision made by SLED
4 personnel or the Lancaster County Sheriff's Office which items
5 are sent to SLED for testing and processing?

6 A Which items are sent is not a decision of SLED.

7 Q Okay. That would be a decision made by the local law
8 enforcement agency?

9 A It's not made by SLED.

10 Q Not made by SLED. Okay. All right. I am handing you
11 State's 56, 57, 58 and 49 that you discussed with Mr. Barfield
12 just a little bit ago. Are those the items, items number 49,
13 56, 57, 58 and 59, those are the items that presumptive testing
14 was done on? I want to make sure I understand you.

15 A Presumptive tests were performed on items six, item 7
16 and items 12. The cuttings were taken from those parent items
17 and these are the cuttings from those items.

18 Q Okay. So item six is the number SLED assigned to it
19 but the exhibit numbers, item six, is in those bags that I
20 handed you up there?

21 A Yes, ma'am.

22 Q And when you say presumptive testing, just making sure
23 I understand, the results of those presumptive tests were these
24 items may contain blood?

25 A Blood was indicated on those items.

1 Q Okay. But there is further testing that can be done
2 beyond that to actually confirm whether in fact it is blood?

3 A If a sample is large enough there is testing that can
4 be performed to help confirm that. We are never going to be
5 able to say that it's human blood but we can say that it is
6 blood.

7 Q Do you know if any further testing was done on each of
8 those items?

9 A That would be a question for the DNA analyst.

10 Q But you did not perform any further testing on those
11 items, correct?

12 A No, ma'am.

13 Q Okay. If I could steal those back so have you some
14 room here. And then I am handing you what is State's exhibit
15 number 55. I am assuming you have seen a lot verified chains
16 over your nine years at SLED?

17 A Yes, ma'am.

18 Q Is there a way to tell from looking over the verified
19 chain that I handed you what items were actually received by
20 SLED in this case?

21 A Every item that was listed in here was received by SLED
22 unless it is sub item that was created at SLED.

23 Q Okay. So is it fair to say in looking through them
24 basically as you combed through the 33 pages the items received
25 by SLED are denoted in these grey bars?

1 A Yes, they are.

2 Q So, if I am reading this correctly, item number 1 that
3 was received by SLED was one sealed envelope containing a
4 cartridge case described as a 380 casing?

5 A Yes, that is what it is described as here.

6 Q Okay. And then if you follow along with me to page
7 two, that indicates that SLED received one heat sealed pouch
8 containing swabs described as two touch swabs from the underside
9 of a storm door handle, correct?

10 A Yes, ma'am.

11 Q And then on page three it indicates SLED received a
12 sealed pouch with swabs containing two touch swabs from the door
13 knob on the main door exterior, correct?

14 A Yes, ma'am.

15 Q And item four received by SLED would be a fired bullet
16 recovered from the victim's head, correct?

17 A Yes, ma'am.

18 Q SLED also received a fifth item which would be a GSR
19 kit described as GSR from Rashad Johnson?

20 A Yes, ma'am.

21 Q And what does GSR stand for?

22 A I am a DNA analyst. GSR is not in my area of
23 expertise.

24 Q Okay. So that is not related to DNA?

25 A No, ma'am.

1 Q So that means you would also not be familiar from any
2 of the breakdown items under number five with respect to the GSR
3 kit, right, 5.1 not familiar?

4 A No, ma'am, those would have been the trace department.

5 Q 5.2 not familiar right?

6 A No, ma'am.

7 Q And so on with 5.3 and 5.4, correct, not familiar?

8 A Yes, ma'am.

9 Q Can you also tell from the verified chain you have in
10 front of you that SLED received item number six which would be
11 the jumpsuit that Mr. Frick spoke with you about?

12 A Yes, ma'am.

13 Q And then that was broken down into I believe about 14
14 different subsections, correct?

15 A Yes, it was.

16 Q Trying to move ahead here. So we could skip on to page
17 number 19 of 33. So item number seven would have been received
18 by SLED, was an item described as a Tyson name tag; is that
19 correct?

20 A Yes, ma'am, it was described as a Tyson name tag.

21 Q And then the eight item received from SLED would be
22 buccal swabs from Pomp Blackmon?

23 A Yes, ma'am.

24 Q SLED received a ninth item of a sealed pouch containing
25 blood standard described as vial of blood collected at the

1 autopsy?

2 A Yes, ma'am.

3 Q And then that blood sample collected at the autopsy is
4 then further broke down, correct?

5 A Correct.

6 Q As 9.1. You also received at SLED a tenth item which
7 is blood toxicology from victim Jenika Jones, right?

8 A Yes, ma'am.

9 Q SLED also received item 11, buccal swabs from Wayne
10 Blakeney.

11 A Yes, ma'am.

12 Q Item 12, automobile parts described as a stained seat
13 belt?

14 A Yes, ma'am.

15 Q And then that item is then further broke down by SLED
16 correct, item 12?

17 A Yes.

18 Q Into 12.1 and 12.2. You also received at SLED item
19 number 13. A pouch containing cuttings described as stained
20 fabric from front passenger seat?

21 A Correct.

22 Q Also received item 14, pouch containing cuttings
23 described as stained fabric from front driver's seat?

24 A Yes, ma'am.

25 Q Item 15, item containing swabs of red brown stains from

1 rear seat?

2 A Yes, ma'am.

3 Q And then that is further broken down into 15.1, 15.2,
4 15.3?

5 A Yes.

6 Q And we are in the home stretch here. SLED also
7 received a 16th item which would be buccal swabs from a Mr.
8 Delrico McDow?

9 A Correct.

10 Q Item number 17, buccal from my client, Al Martinez
11 Green?

12 A Correct.

13 Q And lastly the 18th and final item that is SLED
14 received according to this chain would be buccal swabs of Mr.
15 Clinton?

16 A Yes, ma'am.

17 Q So according to this verified chain that we just went
18 over SLED never received for testing six cigarette butts,
19 correct?

20 A No, not according to this chain.

21 Q And also according to chain SLED never received any DNA
22 swabs from a steering wheel or gear shift of a steering wheel,
23 correct?

24 A I don't believe that is one of the items you mentioned.

25 MS. RANEY; thank you. I don't have any further

1 questions.

2 THE COURT: No, Your Honor, but I don't and ask
3 that she be excused.

4 THE COURT: All right. Any objection to this
5 witness being excused.

6 MR. FRICK: No, Your Honor.

7 THE COURT: Miss Raney.

8 MS. RANEY: No, Your Honor.

9 THE COURT: Thank you for being with us this
10 afternoon. You may step down and you maybe excused.

11 (Witness excused.)

12 MR. BARFIELD: Call Maryann Boehm.

13 THE COURT: All right, if you would come around
14 and be sworn.

15 MARYANN BOEHM, called as a witness, having been
16 duly sworn by the clerk, was examined and testified as
17 follows:

18 DIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q Tell us your name please ma'am.

21 A My name is Maryann Boehm.

22 Q Miss Boehm by whom are you employed?

23 A South Carolina Law Enforcement commonly known as SLED.

24 Q How long have you been employed at SLED?

25 A Approximately eight years.

1 Q What department of SLED do you work in?

2 A DNA case work department.

3 Q Have you been in the DNA case work department the
4 entire eight years you have been at SLED?

5 A Yes, sir.

6 Q Are you expert in DNA analysis?

7 A Yes, sir, I have been qualified approximately forty
8 times in South Carolina courts.

9 Q How did you become qualified to analyze DNA? Have you
10 got an undergraduate degree?

11 A Yes, sir. I have bachelor of science degree in
12 integrated science and technology from James Madison University.
13 That's in Harrison, Virginia.

14 Q Undergraduate degree at this point?

15 A Yes, sir.

16 Q Where is that from? What is it and where it is from?

17 A That was my undergraduate degree.

18 Q Is there a graduate degree in anything?

19 A No, sir.

20 Q How did you learn how to analyze substances for DNA?

21 A Upon employment with SLED I was trained by court
22 qualified analyst for approximately a year in specific
23 procedures and instruments used in our laboratory.

24 Q Did you have to do practical things at SLED as part of
25 your training in addition to course work or study?

1 A Yes, sir. We take -- we had to do training and we had
2 to a competency tests and also written and oral exams.

3 Q How long have you been deemed certified or qualified by
4 SLED as a DNA analyst of the eight years you have been there?

5 A Approximately seven years.

6 Q And have you been -- you answered this a minute ago,
7 but have you been called upon to testify as an expert witness in
8 DNA analysis in the Courts of this state before?

9 A Yes, sir, I have.

10 Q And I think you said forty times?

11 A Approximately forty times.

12 Q Have you ever been refused as an expert in DNA analysis
13 when offered as an expert in the courts of this state?

14 A No, sir.

15 MR. BARFIELD: Your Honor, at this time I offer
16 Miss Boehm as an expert in DNA analysis.

17 MR. FRICK: No objection.

18 MS. RANEY: No objection.

19 THE COURT: All right. Again ladies and gentleman
20 you heard me say this before. Normally a witness can
21 not testify to opinion testimony. Normally when a
22 witness testify they must testify as to either what
23 they saw or heard or sensed by smell or something of
24 that nature. However, there is exception when someone
25 is qualified and because of education, training,

1 experience or otherwise they are permitted to give
2 their opinion in certain areas if the Court qualifies
3 them that way. This witness, Agent Maryann Boehm will
4 be qualified in the area of forensic DNA analysis to
5 give opinion testimony in that area. That does not
6 mean you must accept the opinion, but you give it the
7 wight and value that you the jury deem appropriate.
8 Thank you, solicitor, you may continue.

9 DIRECT EXAMINATION

10 CONT'D:

11 Q Miss Boehm, tell us in ways that I can understand what
12 DNA is?

13 A Sure. DNA stands for deoxyribonucleic acid. T is a
14 chemical found in all of our cells except for our red blood
15 sells. We get our physical features from DNA, such as hair
16 color and eye color. It is also important for passing along
17 traits from generation to generation. We get half of our DNA
18 from our mother and half from our father. With the exception of
19 identical twins no two individuals have the same DNA.

20 In forensic science we are interested in the portions of DNA
21 that differ between individuals. We test 15 of these locations
22 and the combination of these tests results make up a DNA
23 profile.

24 Q And the locations are what within the body
25 biologically?

1 A On the DNA strand.

2 Q And a the strand is contained within what biologically
3 in the body?

4 A In the cells of our body.

5 Q What is a DNA profile?

6 A DNA file is the tests results of the 15 different
7 locations that vary between individuals that we are interested
8 in. The combination of those results make up a DNA profile.

9 Q How does SLED -- how do you at SLED test a substance or
10 an item to determine if there is a DNA profile on it that can be
11 developed? Is it microscopic?, Is it computer? Is it visual?
12 How do you test something?

13 A Well, first depending on the request if it's a blood
14 request we will do some biological screening to see if
15 biological fluids of interest is there. If it's a touch or
16 ownership request where there is no biological fluid involved we
17 will form just a DNA extraction. What that involves is taking a
18 portion of the sample, opening up those cells to release that
19 DNA and then testing the 15 locations that we are interested in,
20 through a series of chemicals and instruments and then the
21 results of that make up a DNA profile.

22 Q And does the profile actual appear as a series of
23 numbers and symbols on a computer generated document?

24 A On a computer it looks like peaks with numbers
25 corresponding go to each peaks. We put those peaks in a table.

1 Q Okay. Now you hit on this a minute ago, you talked
2 about blood or fluids. What other ways can DNA be left
3 somewhere?

4 A It can be left by biological fluids such as semen,
5 blood, saliva. It can also be left by touching an object or
6 wearing an object leaving skin cells behind. It can also be
7 found on hair. So leaving hair with a root we can find DNA on
8 that. If the hair does not have a root we will not be able to
9 get DNA from it.

10 Q What do you call the DNA that might be left from skin
11 cells? What do we generally call that?

12 A Touch DNA.

13 Q Did you do some work on this case which is identified
14 as SLED lab number L-12-1205? Did you do work on this case?

15 A Yes, sir, I did.

16 Q A little bit of work? A lot of work?

17 A I think it was a lot of work.

18 Q Did some of your work involve testing items that were
19 submitted from unknown sources?

20 A Yes, sir.

21 Q Did some of your work in this case involve testing some
22 items that were submitted from known sources?

23 A Yes, sir.

24 Q Now, what was the buccal swabs?

25 A Buccal swabs are one of the sources known. When we do

1 DNA analysis we are comparing evidence which is unknown sources
2 of DNA to known sources of DNA which is a from an individual.
3 Either we can have blood standard, a buccal swab, which is a
4 swab from inside of our mouth; oral swabs, or we can have hair.

5 In this case I analyzed buccal swabs as well as blood
6 standard.

7 Q Okay. Are you given some information with the case to
8 indicate perhaps who a subject is or a suspect might otherwise
9 be called and who a victim is?

10 A Yes. They are listed on our evidence submission paper
11 work.

12 Q Okay. And as to this case is there a victim associated
13 with this case by name in your file and in your paper work?

14 A Yes, sir, there is.

15 Q And the victim's name is what?

16 A Jenika Jones.

17 Q I will hand you an item which has been introduced into
18 evidence as State's exhibit number 35. Can you identify what
19 that is and if we need to open it I will be happy to?

20 A This is our lab number item 9 and 9.1, which was the
21 blood standard from Jenika Jones as well as the sub item, item
22 9.1, which is a dry standard from Jenika Jones.

23 Q And do you know the source of that blood standard from
24 Jenika Jones from your paper work, or from the evidence
25 packaging, do you know other than Jenika Jones, do you know how

1 it was obtained from Jenika Jones?

2 A No, sir.

3 MR. BARFIELD: Your Honor, at this time -- well,
4 it is already in evidence. Excuse me.

5 Q Did you work with State's exhibit number 35, which you
6 identified at SLED item number nine, to develop a DNA profile
7 for Jenika Jones?

8 A Yes, I did.

9 Q Were you able to do that?

10 A Yes, sir. I will also hand you an envelope which
11 contains some things. Can you identify what that is, from SLED
12 item number and description.

13 A This is lab number L-12-1205, item 18, which is buccal
14 swabs from Devatee Tymar Clinton.

15 Q Is that an item that you worked on?

16 A Yes, sir.

17 Q Okay. Were you able to develop a DNA profile from that
18 item?

19 A Yes, sir.

20 MR. BARFIELD: Your Honor, at this time I would
21 offer State's exhibit 38 for identification as State's
22 number 38.

23 MR. FRICK: No objection.

24 MS. RANEY: No objection, Your Honor.

25 THE COURT: States exhibit 38 in evidence without

1 objection.

2 (State's Exhibit 38, buccal swabs, received in
3 evidence as of this date.)

4 Q I think you said you this, and some times I don't
5 listen. Did you say this was in the form of buccal swabs that
6 were submitted?

7 A Yes, sir they were buccal swabs.

8 Q Did you receive in this case buccal swabs from other
9 known people?

10 A I did.

11 Q I am handing you State's exhibit number 50, ask you if
12 you can identify what is in that envelope.

13 A This is our lab item number eight it is buccal swabbs
14 from Pomp Blackmon.

15 Q Is that item that you worked on?

16 A Yes, sir.

17 Q Were you able to develop a DNA profile for Pomp
18 Blackmon?

19 A Yes, I did.

20 Q Okay. I will swap with you and I will give you item --
21 State's exhibit number 52. Two can you tell us what that is?

22 A This is our lab item 16 and it is buccal swabs from
23 Delrico Meadow.

24 Q McDow, M-c-D-o-w maybe.

25 A Yes, I a sorry.

1 Q That's fine. Is that an item that you received?

2 A Yes, sir.

3 Q Did you work on that item and were you able to develop
4 a DNA profile on that item?

5 A I did.

6 Q And finally I will hand you State's exhibit number 53.
7 Can you identify what that is?

8 A This is our lab number 17, which is buccal swabs from
9 Al Green.

10 Q Is that an item you worked on?

11 A Yes, sir.

12 Q Were you able to determine a DNA profile from those
13 buccal swabs?

14 A Yes, I did.

15 A I will show you State's exhibit number 41 and ask if
16 you can identify what that is?

17 A This is our lab item number 1, which is a 380 casing.

18 Q Did you receive that item and do some work on it?

19 A Yes, I did.

20 Q Did you determine whether there was any evidence that
21 could lead to DNA profile on that item?

22 A Yes, I swabbed this casing and developed a DNA profile
23 from that item.

24 Q Can you tell us -- well, let me back up just a minute.
25 Some of your reports which we will talk about in a little bit

1 say no blood indicated but you still got some DNA?

2 A That's correct.

3 Q Does DNA always have to come from that blood?

4 A No, sir.

5 Q Okay. Can you tell us whether the DNA developed from
6 this item was from blood or from some other source?

7 A No, I did not test it for blood.

8 Q Did you reach any conclusion based on the profiles you
9 developed from the victim's blood standard and the buccal swabs
10 from the other four folks that we talked about a minute ago,
11 whose DNA was on the cartridge casing?

12 A I did.

13 Q And what did you conclude about that?

14 A The DNA profile that we collected from item one matches
15 the DNA profile of Jenika Jones.

16 Q Okay.

17 A The probability of randomly selecting an unrelated
18 individual having a DNA profile matching this item is
19 approximately one and 8.9 quadrillion.

20 Q Quadrillion?

21 A Yes, sir.

22 Q Is that pretty positive results as far DNA testing and
23 the probability goes?

24 A I believe so.

25 Q Okay. You actually -- I will jump ahead. You actually

1 did three different reports in this case is that correct?

2 A Yes, sir, I did.

3 Q Did items -- were all of the items that the SLED DNA
4 department was asked to examine submitted by the sheriff's
5 office at the same time or were there additional submissions?

6 A There were additional submissions.

7 Q Do this for me. If you will just tell us the first
8 submission and the first items you worked with. Just generally
9 describe what it was that you were working with with the first
10 submission, not any results or anything, but what did we send
11 down there first?

12 A Sure. I received a 380 casing, swabs from the
13 underside of a storm door handle; the exterior, swabs from a
14 doorknob on main door; the exterior, 12 cuttings from a
15 jumpsuit, a swab from a jumpsuit and debris from a jumpsuit,
16 buccal swabs from Pomp Blackmon, a blood standard from Jenika
17 Jones. The dry standard from Jenika Jones that was created in
18 house.

19 Q Now, what came in next that you worked with in the DNA
20 lab? Additional items I guess is what I am asking for.

21 A Additional items were then submitted, they were buccal
22 swabs from Wayne Anthony Blakeney, Jr, I received cuttings from
23 a portion of the seat belt, cutting from a stained fabric from
24 the passenger -- front passenger seat, a cutting from stained
25 fabric from front driver's seat, swabs of red brown stains from

1 rear seat which I then sub itemized into swab of red brown
2 stains from rear seat; seat section, swabs from red brown stains
3 from rear seat; the back rest, swabs from brown stain from rear
4 seat; the back rest and a received buccal swabs Delrico McDow.

5 Q And did you yet again receive additional items to do
6 some DNA testing on?

7 A I did. I later received two standard buccal swabs from
8 Al Martinez Green and buccal swabs from Devatee Tymar Clinton.

9 Q I am going to start at the back and maybe move to the
10 front and see if we can make this work.

11 I am going to go show you what has been introduced into
12 evidence as two envelopes one formerly sealed pouch identified
13 as State's exhibits 42 and 43. I will take them out. We had
14 them out earlier. Can you tell me what that is?

15 A Yes. These are lab item two and three. Item two is
16 swabs from underside of storm door handle, the exterior, and
17 item three was swabs from the doorknob on main door, the
18 exterior.

19 Q Now, did you develop DBA profiles or maybe partial
20 profiles from those two items?

21 A I did.

22 Q And those are SLED items number what?

23 A Two and three.

24 Q This is probably way to simple to ask the question, but
25 did you get a match on anything with the DNA profiles SLED items

1 two and three, State's exhibit numbers 42 and 43, the swabs from
2 the storm door and the doorknob?

3 A No, sir, I did not.

4 Q Was anybody eliminated from your testing of those
5 items?

6 A Yes, sir.

7 Q Just give us the -- read out the names of the people
8 that were excluded as possible contributors? Is that the
9 terminology that you use, excluded as a possible contributor to
10 the DNA profile?

11 A Yes, sir.

12 Q And what does that mean in layman's terms?

13 A That their DNA profile was not found in the evidence.

14 Q Who was excluded?

15 A From item two, Al Martinez Green and Devatee Clinton,
16 can be excluded as contributors to this mixture and item three,
17 Pomp Blackmon, Wayne Blakeney Jr, Delrico McDow, and Al Martinez
18 Green can be excluded.

19 Q All right, and look back at item two, was Pomp Blackmon
20 also among those that was excluded from your testing?

21 A Yes, I am sorry, Pomp Blackmon and Wayne Blakeney Jr..

22 Q Okay. Did it shed any light on whether Jenika Jones or
23 anybody else's DNA could or could not be on those two samples
24 items -- SLED items two and three?

25 A For item two Jenika Jones and Delrico McDow could not

1 be excluded from that item and for item three no conclusive
2 statement could be made regarding inclusion or exclusion of
3 Jenika Jones or Devatee Clinton as contributor to the mixture.

4 Q Okay. Let's talk about the cuttings from the coveralls
5 or blue jumpsuit I think it was described. Of those cuttings
6 just describe -- well, let me back up.

7 I think you said there were 12 cuttings and one swab and one
8 potential hair from the blue jumpsuit; is that correct?

9 A That's correct.

10 Q Tell us about the hair first of all?

11 A Like I said earlier the only portion of hair that we
12 can get DNA from is the root. So when I received this debris
13 which we are looking for hair. We are looking for hair with a
14 root and in this case I did not find a hair with a root suitable
15 for testing.

16 Q How about the swab?

17 A The swab I performed DNA analysis because we were
18 looking for touch or ownership DNA.

19 Q Did you develop anything from the swab itself?

20 A I did.

21 Q We will come back to that in a minute. And then
22 otherwise there are 12 cuttings from the blue jumpsuit, correct?

23 A Yes, sir.

24 Q Did you do any from the cuttings did you do any
25 additional testing to determine what, if any, the substance

1 might be on the coverall on the cuttings?

2 A Yes, I did. On the first four cuttings that were made
3 I first performed DNA analysis and then I went back and did more
4 specific blood testing to see if it was human or not and I also
5 did those same testing for the remaining items, 6.6 through 6.14
6 and no human blood was identified on those items.

7 Q Are you telling us it wasn't blood or just wasn't human
8 blood or you can't say one way or the other?

9 A I can say it wasn't human blood.

10 Q Okay. All right. Now, of the I guess of the 12
11 cuttings and the one swab from the blue coveralls, how many did
12 you actually test to develop DNA profile to compare to the known
13 DNA profile?

14 A I tested four of those items.

15 Q And is there a some reason four in instead of all 13 of
16 those things?

17 A Yes, sir. Typically when we get items from evidence
18 processing they are already screened for blood. We perform DNA
19 analysis on it. We don't do further testing on blood. However,
20 when I did the first three cuttings the results that I received
21 weren't characteristic of coming from or originating from blood,
22 so I went back and did more specific testing for blood to see if
23 it was from a human or not.

24 Q Okay. And so you tested four of the cuttings -- well,
25 actually three cuttings and one swab from the coveralls, is that

1 correct?

2 A Yes.

3 Q And lets talk about them and use your SLED item numbers
4 if you will, 6.1. What was 6.1 a one a cutting or swab?

5 A A cutting.

6 Q And did you reach any conclusions about whose DNA might
7 or might not be in 6.1?

8 A I did.

9 Q And just tell us what your findings were?

10 A The DNA profile developed from item 6.1 is a mixture of
11 at least three individuals. Jenika Jones, Pomp Blackmon, Wayne
12 Blakeney Jr., Delrico McDow, Al Martinez Green, Devatee Clinton
13 can be excluded as possible contributors to this mixture.

14 Q Okay, so we don't know whose that was, is that an
15 adequate way to describe that?

16 A Yes.

17 Q What was 6.2, a cutting or swab?

18 A It was a cutting.

19 Q And were you able to determine anything about the DNA
20 in that cutting?

21 A The DNA profile developed from item 6.2 is from an
22 unidentified male individual.

23 Q And when it says "unidentified male individual" are you
24 able to say that it is not one of the people that you have the
25 known standards for?

1 A That is correct.

2 Q Is that what you mean by that?

3 A Yes, sir.

4 Q Six three was also a cutting?

5 A Yes, sir.

6 Q Did you reach any conclusions about 6.3?

7 A The DNA profile developed from 6.3 is mixture of at
8 least two individuals. Devantee Tymar Clinton could not be
9 excluded as a possible contributor to this mixture. The
10 probability of randomly selecting an unrelated individual who
11 could have contributed to this mixture is approximately one in
12 580.

13 Q Let me stop you there. Let's go ahead and talk about
14 that. What does that mean for us?

15 A Any time we issue a report having a match or it can not
16 be excluded we give a statistic to show how rare that match can
17 not be excluded result is. In this case I would expect if I
18 tested 580 people I would expect one person who their profile
19 could be found in that mixture.

20 Q And that ratio that you gave applies to Devantee
21 Clinton in this case?

22 A That's correct.

23 Q All right, what else did you conclude about the sample
24 from 6.3?

25 A No conclusive statement can be made regarding the

1 inclusion or exclusion of Jenika Jones as possible contributor
2 to this mixture. Pomp Blackmon, Wayne Blakeney Jr, Delrico
3 McDow, and Al Martinez Green can be excluded as possible
4 contributors to this mixture.

5 Q And was 6.4 the swab?

6 A That is correct. That was the ownership swab.

7 Q And also from the blue coveralls?

8 A Yes, I did not do any blood testing on the item because
9 the request was for ownership or skin cells.

10 Q And did you reach any conclusions about the DNA on item
11 6.4?

12 A I did. The DNA profile developed from item 6.4 was a
13 mixture of at least four individuals; Devantee Tymar Clinton can
14 not be excluded as a possible contributor to this mixture. The
15 probability of randomly selecting an unrelated individual who
16 could have contributed to this mixture is approximately one in
17 12.

18 Q 12?

19 A Yes, sir.

20 Q Okay, and would the answer be the same if I asked you
21 what the significance of the ratio was, one in 12 people could
22 have contributed, is that the bottom line?

23 A That is correct.

24 Q No conclusive statement can be made regarding the
25 inclusion or exclusion of Jenika Jones, Delrico McDow, or Al

1 Martinez Green as possible contributors to this mixture. Pomp
2 Blackmon and Wayne Blakeney Jr. can be excluded as possible
3 contributors to this mixture.

4 Q Now, is that all of the testing that was done, the DNA
5 testing that was done concerning the blue coveralls a sub items
6 taken from the blue coveralls?

7 A Yes, sir.

8 Q All right. I will hand you back State's exhibit number
9 58 and ask you generally to tell me what that is again?

10 A This is our lab items 12.1 and 12.2. These are the
11 cuttings that Miss Butler made from the portion of the seat belt
12 and then sent to me for analysis.

13 Q Now, were you able to do anything with either one of
14 those two items?

15 A Yes, sir, I did.

16 Q One or both?

17 A I performed more specific blood testing on one of the
18 items. The other item the stain was too small so I went
19 straight to DNA analysis on that cutting. That was item 12.2.

20 Q And on the -- did you determine there was blood on
21 either one of those two items?

22 A No, the only blood I tested was on item 12.1 and no
23 human blood was identified.

24 Q Now were you able to develop a DNA profile from 12.2,
25 one of the cuttings from the seat belt?

1 A Yes, sir, I did.

2 Q And did it match any of known profiles from the known
3 contributors -- from the known submitters?

4 A No, sir.

5 MR. BARFIELD: Beg the Court's indulgence one
6 moment.

7 THE COURT: Yes, sir.

8 Q Is it possibly to handle something and not leave DNA on
9 it?

10 A Yes, it is possible.

11 Q Explain the process by which DNA might get left on
12 items. Education us a little bit about how DNA might be
13 deposited on things or factors that would cause it not to get
14 deposited under certain environmental circumstances?

15 A Okay. You could leave DNA behind by leaving a
16 biological fluid behind such as semen, saliva or blood. You
17 could also leave hair with a root behind on an item and then you
18 can also leave DNA behind by touching an object. However some
19 times when you touch an item you may not leave behind DNA. It
20 really depends on how long you touch it. How often you touch
21 it. If your sweating. How many cells you shed off on a
22 day-to-day basis. Also if you are wearing some kind of material
23 in between you and the object like if I had a gloves on while
24 touching this counter I wouldn't leave my DNA behind.

25 Q Is there anything you tested that we haven't gone over?

1 I apologize for asking that question, but is there any testing
2 that you did that we have not yet gone over?

3 A Yes, sir.

4 Q Tell me what that is?

5 A Items 13, 14 and 15. Item 13 was a cutting from the
6 stained fabric from the front passenger seat.

7 Q Okay.

8 Q Item 14 was cutting from the stained fabric from the
9 front driver's seat. Item 15 was swabs from brown stains from
10 rear seat and I broke those down into items 15.1, which was
11 swabs from a red brown stains from rear seat, the seat section.
12 15.2 was swabs from the red brown stains from rear seat, the
13 back rest. Item 15.3 was swabs from red brown stains from rear
14 seat back rest.

15 Q Let me see if I can lay my hands on those items. Give
16 me just a second.

17 MR. BARFIELD: Give me just a minute, Your Honor,
18 I apologize. Miss Horton can you come up here and
19 help me with this. My apologies.

20 Q Can you identify the contents of this formerly
21 heat-sealed envelope which I am going to tell you are State's
22 exhibits 48, 46, and 47?

23 A Yes, these are our lab items 13, 14, 15.1, 15.2 and
24 15.3.

25 Q And generally they are described as what in the SLED

1 chain of custody?

2 A Item 13 was a cutting from the stained fabric from
3 front passenger's seat. Item 14 was a cutting from a stained
4 fabric from front driver's seat and item 15 was a swabs from
5 reds brown stains from rear seat.

6 Q Did you determine what if any substance was on those
7 three items?

8 A I tested those for blood and no human blood was
9 identified.

10 Q Did you do any DNA testing on those items to determine
11 if you could develop any profiles?

12 A No, sir.

13 Q Okay. Anything else you tested that I haven't covered
14 with you?

15 A That is all.

16 MR. BARFIELD: That is all the questions I have.

17 Please answer anything Mr. Frick or Miss Raney has.

18 THE COURT: Thank you, solicitor. Mr. Frick.

19 MR. FRICK: Thank you, Your Honor.

20 MR. BARFIELD: Excuse me.

21 CONT'D DIRECT

22 BY MR. BARFIELD:

23 Q Did you prepare reports concerning your analysis in
24 this case?

25 A I did.

1 Q I am going to hand you three documents and ask if you
2 can identify those documents?

3 A These are the three reports I had issued on this case?

4 Q Are those identical copies of your original reports?

5 A Yes, sir, they are.

6 Q And what are the three dates of the reports that you
7 produced in these cases?

8 A They are --

9 Q In this case?

10 A The first one was February the 15, 2012, then July 19,
11 2012, and then January 10, 2014.

12 MR. BARFIELD: Thank you, ma'am. Your Honor, at
13 this time I offer the three reports as State's
14 exhibits.

15 THE COURT: Mr. Frick?

16 MR. FRICK: I don't have any objection.

17 THE COURT: Miss Raney?

18 MS. RANEY: I don't believe I do, but I can just
19 look at them real quick, Your Honor.

20 No objection, Your Honor.

21 THE COURT: All right, State's 60 in evidence
22 without objection.

23 All right. All coming in as one exhibit?

24 MR. BARFIELD: That is fine with me.

25 THE COURT: In as one exhibit, State's sixty is in

1 evidence without objection.

2 (States Exhibit 60, reports, received in evidence
3 as of this date.)

4 THE COURT: All right Mr. Frick.

5 MR. FRICK: Thank you, Your Honor.

6 CROSS EXAMINATION

7 BY MR. FRICK:

8 Q The profile that you developed, item number 1, you said
9 it wasn't blood, correct?

10 A I did not test it for blood.

11 Q Okay. Can you tell where the DNA may have come from,
12 or is there any particular type of DNA? Is there anything you
13 can tell us about it accept there was some DNA on it?

14 A No, sir.

15 Q But the profile you developed was from Jenika Jones?

16 A Yes, sir.

17 Q And only Jenika Jones?

18 A Yes, sir.

19 Q There is no mixture at all on that one?

20 A No, sir.

21 Q And that is the one that I would say you got the
22 highest probability on? I may have phrased that incorrectly.

23 A That is correct.

24 Q I am going ask you about item 6.6 through 14. It says
25 no human blood. You found something on there?

1 A Right. Miss Butler processed the the jumpsuit and did
2 a presumptive test for blood and there is indication on those
3 items, those cuttings, that there was presence of blood.
4 However, I did further testing, more specific testing for blood,
5 for human blood. And the results were negative meaning there
6 was no human blood identified.

7 Q Not human blood, but it could have been some other type
8 of species's blood?

9 A That is possible.

10 Q Chicken?

11 A That's possible.

12 Q Dog, whatever?

13 A We don't do other testing.

14 Q I understand. Okay. Have you got your reports in
15 front of you?

16 A I have copies of them.

17 Q Okay. Take a look at your report from February 15th,
18 2012 and January 10th, 2014. I am looking at where you are
19 talking about items 6.3. Have you you got them there?

20 A Uh-huh.

21 Q What I am seeing is in February you said 6.3 has a
22 mixture of three individuals and in January of this year 6.3 is
23 a mixture of two individuals. What caused that change?

24 A I believe on the report dated January 10, 2014 that is
25 a typo. Looking at the results it is a mixture of at least

1 three individuals.

2 Q So on January it should be three people?

3 A Yes, sir.

4 Q Okay. Okay.

5 A At least three individuals.

6 Q At least three. So that is a typo?

7 A Yes, sir.

8 Q I don't see anything else but do you see any other
9 typos on here?

10 A No, sir, I do not.

11 Q Okay. All I am going to look at from now is the one
12 from January of this year.

13 A Okay.

14 Q Because it has got everything on there, right? Is that
15 the one the final report essentially that has got all the
16 standards that you have been given?

17 A It has all of the comparisons. It doesn't have all of
18 the serology testing I did on previously reports, but results,
19 yes.

20 Q Okay. All right. I am curious, it looks like on 6.1
21 you excluded everybody that you had a standard for. Am I
22 reading that correctly?

23 A That is correct.

24 Q On 6.2 you got it as an unidentified male?

25 A That is correct.

1 Q What is the difference between those two lines? Would
2 that not be an unidentified person in 6.1

3 A Item 6.1 is a mixture of at least three individuals
4 versus item 6.2 is a single source profile from one individual
5 and that individual is unidentified.

6 A Okay.

7 Q It did not match any of the standards submitted?

8 Q So 6.1 is a mixture but the mixture doesn't match to
9 any of standards that you have?

10 A Right. They all could be excluded from that mixture.

11 Q 6.2 is just somebody whose DNA you didn't have to
12 compare with?

13 A That's correct.

14 Q Same thing on 12.2?

15 A Yes, 12.2 also is a single source profile only from one
16 person and that is another, a second unidentified male
17 individual.

18 Q And just so I am clear on your numbers, 6.3 -- well,
19 you put a number on there when you can include or exclude
20 somebody, is that right, or probability rather?

21 A If you mean statistic?

22 Q Yes, ma'am.

23 A Yes. We state a statistic whenever we say match or can
24 not exclude someone from a mixture.

25 Q Okay. And cannot include or -- well, that wouldn't be

1 correct. Can not exclude, does that mean it is that person's
2 profile or does it mean it looks like that person's profile? It
3 has characteristics of that person's profile?

4 A It has characteristics. That person's profile could
5 be found in that mixture.

6 Q Okay. That is in fact why you put the statistic on
7 there, right?

8 A That is correct. To give weight of that inclusion or
9 non-exclusion.

10 Q Because there is only like -- I am trying to remember
11 this from AP biology, there is only like 20 something things
12 that match up, right? Alials (phonetics) or what I am trying to
13 get to?

14 A I don't think I understand your question.

15 Q DNA -- DNA, there are proteins that match up to make
16 the chain, right?

17 A That is correct, I believe. I believe I am following
18 you.

19 Q There are a finite number of proteins that can mix up,
20 right? Isn't there just a certain number of them?

21 A I believe what you are talking about is the basis of a
22 general structure of DNA, and yes, there are four different
23 basis of DNA.

24 Q Okay. All right. But we only have a certain number in
25 our profile, is that correct?

1 A Right. What we are testing is the sequence of DNA.
2 How many repeats of a specific region of DNA that we are
3 interested in looking at. This is what varies from individuals.
4 The amount of repeats.

5 Q Okay. And what you are saying in 6.3 is you got some
6 DNA that has the profile characteristics that may include Mr.
7 Clinton, but you could also look at 580 other people and
8 probably, likely, maybe find someone else with that same
9 profile?

10 A I would expect that that person's profile, the one out
11 the 580 people that I would test would be able to be included or
12 not excluded from that mixture.

13 Q So, I guess what I am trying to get at 580 people you
14 would expect to see that same profile again?

15 A I would expect to see a profile that can be included in
16 that mixture not the same profile as Mr. Clinton. If that makes
17 sense.

18 Q Okay. So that profile could be included within this
19 mixture?

20 A That's correct.

21 Q Okay. All right. Now that as opposed to one in 800.9
22 or 8.9 quadrillion is a lot lower, right? There is higher
23 probability you will find somebody else with that same ---

24 A With the one in 580?

25 Q Uh-huh.

1 A Yes, sir.

2 Q And then of course one in 12 that could be any number
3 of people in this room?

4 A That's correct.

5 Q And just so I can finish my stupid questions with you
6 and I apologize and I appreciate your patience with me. When
7 you say excluded that means it's just not there? They can not
8 be a contributor to that, right?

9 A That is correct.

10 MR. FRICK: Thank you, Miss Boehm. That is all I
11 have.

12 THE COURT: Thank you, Mr. Frick. Miss Raney.

13 CROSS EXAMINATION

14 BY MS. RANEY:

15 Q I will be quick on my science questions. You earned
16 your money today.

17 Whenever you say no conclusive statement can be made
18 regarding including or excluding someone, what does that mean?

19 A There is not an enough information to either include
20 them or exclude them from that mixture. The results happen in
21 mixtures where there are mixtures of multiple people. Lot's of
22 times there are low level mixtures, where it looks like that
23 person could be there, but I definitively say that they there or
24 they are not because of the low level results that I am getting
25 from the profile.

1 Q So would be it fair to say in layman's terms I don't
2 have enough information to tell you whether it is a match or not
3 is that really what you are saying you can't exclude or include
4 someone?

5 A Right. There is not information there for me to
6 definitively yes they are there, no they are not there.

7 Q Okay, perfect. And out of all these DNA analysis you
8 performed in this case my client, Mr. Al Green, is not a match
9 to any of those items that were submitted, correct?

10 A That is correct. He is excluded.

11 MS. RANEY: Thank you.

12 THE COURT: Redirect solicitor?

13 MR. BARFIELD: No, sir.

14 THE COURT: Thank you. Thank you, very much for
15 being with us this afternoon. You may step down.

16 MR. BARFIELD: Ask that she be excused.

17 THE COURT: Any objections.

18 MS. RANEY: No objection..

19 MR. FRICK: No objection.

20 THE COURT: You maybe excused.

21 (Witness excused.)

22 THE COURT: All right. Perhaps now would be a
23 good time to take our afternoon recess. Ladies and
24 gentleman do not discuss the case during this brief
25 recess. We will take about 15 minutes. Thank you.

1 MS. RANEY: No, Your Honor.

2 (WHEREUPON, the jury enters the courtroom.)

3 THE COURT: All right, the jury is back in the
4 courtroom. Solicitor you may call your next witness.

5 MR. BARFIELD: The State calls Y'eisha Tinsley.

6 THE COURT: All right, Miss Tinsley if you would
7 come around and be sworn.

8 Y'EISHA TINSLEY, called as a witness, having
9 been duly sworn by The Clerk, was examined and
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q Tell us your name please, ma'am, and spell your first
14 name for court reporter?

15 A Y'eisha Tinsley, Y-e-i-s-h-a.

16 Q Miss Tinsley, do you live here in Lancaster?

17 A Yes.

18 Q I don't need an address, but have you been in Lancaster
19 pretty much all your life?

20 A Yes.

21 Q Do you know Al Martinez Green?

22 A Yes.

23 Q Do you see Mr. Green in the courtroom?

24 A Yes.

25 Q And you got to talk loud please, ma'am.

- 1 A Yes.
- 2 Q Where is Mr. Green sitting and what is he swearing?
- 3 Raise your hand Mr. Green.
- 4 A He had a black shirt on.
- 5 Q Is that the Mr. Green who raised his hand?
- 6 A Yes.
- 7 Q Keep your voice up. How long have you known Al Green?
- 8 A All my life basically.
- 9 Q Do you and Al Green currently have any relationship?
- 10 A No, he is just my daughter's daddy. My daughter's
- 11 father.
- 12 Q Back in January of 2012, did you and Mr. Green have a
- 13 relationship?
- 14 A Yes.
- 15 Q What was that relationship then?
- 16 A He was my boyfriend.
- 17 Q And back in January of 2012 had you had the daughter
- 18 that you have with him now?
- 19 A No.
- 20 Q Were you expecting the daughter that you had with him?
- 21 A Correct.
- 22 Q You were pregnant then?
- 23 A Uh-huh.
- 24 Q And you go to say yes or no.
- 25 A Yes.

1 Q That is fine. Did you know Devatee Clinton?
2 A Yes.
3 Q Do you know him by a name other than Devatee?
4 A Tate.
5 Q Tate. Do you see Tate Clinton in the courtroom today?
6 A Yes.
7 Q Where is he sitting and what is he wearing?
8 A He have on a green colored shirt, I think.
9 Q With two pieces of paper in his hand?
10 A Yes.
11 Q Raise your hand Mr. Clinton. Is that who you are
12 talking about?
13 A Yes.
14 Q How long have you known Tate Clinton?
15 A For a long time.
16 Q Do you know -- well, have you got a brother?
17 A Uh-huh.
18 Q You got to say yes or no.
19 A Yes.
20 Q How many brothers have you got?
21 A One.
22 Q What is his name?
23 A Madreya Tinsley.
24 Q Back in specifically on Wednesday, January 18th, of
25 2012 where did you live?

- 1 A In Carolina Court. I don't exactly remember the number
2 but it was Carolina Court.
- 3 Q Are you living there now?
- 4 A No.
- 5 Q Who lived there with you then?
- 6 A Al.
- 7 Q Al Green?
- 8 A Yeah, yes.
- 9 Q Did you know a Dominique Davis?
- 10 A Yes.
- 11 Q Where was she living then?
- 12 A Across the hall from me.
- 13 Q In the same building?
- 14 A Yes.
- 15 Q Do you know Jamal Twitty?
- 16 A Yes.
- 17 Q Do you know where he was living then?
- 18 A Right beside Dominique?
- 19 Q In the same complex?
- 20 A Same complex.
- 21 Q Okay. Were you at your house some time during the day,
22 probably morning on Wednesday, January 18th of 2012?
- 23 A Yes.
- 24 Q Was Al there?
- 25 A Yes.

- 1 Q Was Tate Clinton there at some point?
- 2 A Yes.
- 3 Q Was Dominique Davis there at some point?
- 4 A Yes.
- 5 Q Was Jamal Twitty there at some point?
- 6 A Yes.
- 7 Q Do you know what time of day it was when those various
- 8 folks were at your apartment?
- 9 A I would say like 12.
- 10 Q Day time?
- 11 A It was day time.
- 12 Q Did you know Jenika Jones?
- 13 A Yes.
- 14 Q How long had you known her before her death?
- 15 A Not long. Maybe like seven or eight months.
- 16 Q Okay. Do you know where she lived at the time of her
- 17 death?
- 18 A Yes.
- 19 Q Okay. Did you become aware of her death?
- 20 A Yes.
- 21 Q Now, I don't want you to tell me what anybody said, but
- 22 first of all, when did you find out that something had happened
- 23 to Jenika Jones? When meaning, what day and about what time of
- 24 day?
- 25 A That same night around I think 11 something.

1 Q Okay. And again I am not asking you to tell me what
2 anybody said, but how did you find out? Did you find out
3 through social media, through somebody knocking on your door,
4 through a phone call? How did you find out?

5 A A friend.

6 Q Okay. Where were you the night that Jenika was killed?

7 A We had been at the Parkview apartments at Erica's
8 house.

9 Q We meaning you and who?

10 A Me and Toya.

11 Q Toya being who?

12 A Latoya Green.

13 Q And her relationship if you know to Al Green?

14 A His sister.

15 Q Okay. Was Al Green with you all Parview?

16 A No.

17 Q When did you next see Al Green?

18 A The next day.

19 Q Okay. Did you and he have any conversation about where
20 he had been the night before?

21 A Yes.

22 Q What did he tell you?

23 A He was at his momma's house all day and night and then
24 later on he got dropped off at the Hole in the Wall.

25 Q Stop right there. What is the Hole in the Wall?

1 A I think a club.

2 Q Okay. Did you know where the Hole in the Wall club
3 was?

4 A I don't know the name of that road, but it's past -- I
5 think it's -- you know where the market store is?

6 Q You can't ask me question. You can, but I can't answer
7 them.

8 A It is down the street from the market. I don't know
9 exactly.

10 Q Is it in town?

11 A Yes.

12 Q And did Al Green tell you who he was with at the Hole
13 in the Wall club that night?

14 A He said him and Tate met up there.

15 MR. BARFIELD: Thank you, ma'am, please answer
16 any questions Mr. Frick or Miss Raney has.

17 THE COURT: Thank you, solicitor. Mr. Frick.

18 MR. FRICK: No questions for this witness, Your
19 Honor.

20 THE COURT: Miss Raney.

21 MS. RANEY: I don't have any questions for this
22 witness.

23 THE COURT: Thank you. Thank you very much Miss
24 Tinsley. You may step down.

25 MR. BARFIELD: May she be excused, Your Honor?

1 THE COURT: Any objections?

2 MR. FRICK: No.

3 MS. RANEY: No.

4 THE COURT: She may be excused. Solicitor, you
5 may call your next witness.

6 (Witness excused.)

7 MR. BARFIELD: I call Vivian Stradford.

8 VIVIAN STRADFORD, called as a witness, having been
9 duly sworn by the clerk, was examined and testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q Tell us your full name please, ma'am.

14 A Vivian Stradford.

15 Q And Miss Stradford, I don't want an address, but do you
16 live in Lancaster?

17 A I do.

18 Q How long have you been a resident of Lancaster?

19 A Thirty years.

20 Q Were you living in Lancaster on Thursday, January 19th
21 of 2012?

22 A Yes, sir.

23 Q What part of town did you live in? Again I am not
24 asking for a address or anything?

25 A On [REDACTED] Road.

1 Q I you will ask you about some people. Whether you know
2 some people. Did know Jenika Jones?

3 A Yes, sir.

4 Q How long had you known Jenika Jones?

5 A About three or four years.

6 Q Did you know where Jenika Jones lived in January of
7 2012?

8 A Yes, sir.

9 Q Had you ever been to her house before?

10 A No, sir.

11 Q When you say know her, were you all friends or
12 acquaintances or go to church together?

13 A We was in a social club.

14 Q All right. Did you know -- I don't think I ask you
15 this before. Did you know anybody named Al Green back in
16 January of 2012?

17 A Yes, sir.

18 Q Okay. How long had you known Al? Not anything else
19 about him. How long?

20 A Well, I just know of him. I don't know him like that.

21 Q Do you know see the person that you know as Al Green in
22 the courtroom today?

23 A Uh-huh.

24 Q Where is he sitting and what is he wearing?

25 A He is wearing a black cotton shirt, long sleeved.

1 Q Closest to the wall on the row of tables across the
2 front?

3 A Yes, sir.

4 Q Okay. Did know a fellow named Devatee Clinton back in
5 January of 2012?

6 A Yes, sir.

7 Q All right. Did you know him by that name or nickname?

8 A By Tate.

9 Q Did you see Tate Clinton in the courtroom today?

10 A Yes, sir.

11 Q And what is he wearing? Where is he sitting and what
12 he is wearing?

13 A He is sitting right there beside Mr. Frick and he is on
14 a green collared shirt.

15 Q Okay. Did you at some point become aware that
16 something had happened to Jenika Jones?

17 A Yes, sir.

18 Q And again I am not asking you to tell me what anybody
19 said. How did you -- first of all, when did you find out
20 something had happened to Jenika Jones?

21 A That night around say about 10:30, 10:40. I got a
22 phone call.

23 Q That's fine. Now, did you -- were you at your house
24 when you got a phone call?

25 A Yes, sir. I was at home. Yes, sir.

1 Q Did you leave your house at any time that night after
2 you got that phone call?

3 A Yes, sir.

4 Q And where did you go and for what purpose?

5 A I went to my cousin's and aunt's house to figure out
6 what was going on with Jenika.

7 Q And did you go somewhere else other than your cousin
8 and aunt's house?

9 A Yes, sir.

10 Q Where?

11 A Store, after I left the house.

12 Q What store?

13 A Crenco on Main street.

14 Q What is Crenco, a convenience store?

15 A It's a convenience store.

16 Q Do you know -- when I say the Hole in the Wall club, do
17 you know what I am talking about?

18 A Yes, sir.

19 Q I am not asking if you ever been a patron there, but do
20 you know where it was or is?

21 A Yes, sir.

22 Q Where is the Hole in the Wall club?

23 A The Hole in the Wall is across the street from -- I
24 don't know the name. The trucking company up from the old water
25 mill place, the old county mill place

- 1 Q Linberger?
- 2 A That's it, right across the street from Linberger.
- 3 Q What street is the Hole in the Wall club on?
- 4 A It might be Market Street.
- 5 Q Where is the Hole in the Wall club in relation -- what
- 6 street is Crenco on?
- 7 A Crenco is on Main street.
- 8 Q North Main Street or South Main Street?
- 9 A The middle. North main.
- 10 Q The middle? Well, let me ask you this. You know where
- 11 you the courthouse is?
- 12 A Yes, sir.
- 13 Q I can't do it, but you point that way or that way,
- 14 which way Crenco is?
- 15 A Up the street. (Indicating)
- 16 Q Okay? Or down the street, but that way?
- 17 A Yeah, that way.
- 18 Q That's fine. How far -- I am not asking you in miles
- 19 -- the Hole in the Wall and Crenco anywhere close to each other?
- 20 A It's about the same distance as the courthouse is to
- 21 the Crenco.
- 22 Q Okay. Did you see Tate Clinton any time the night of
- 23 January 19th of 2012?
- 24 A Yes, sir, I did.
- 25 Q Where did you see Tate Clinton?

1 A At Crenco.

2 Q How did you get to Crenco?

3 A I drove.

4 Q Do you know how Tate Clinton got to Crenco?

5 A Well, when I seen him he was walking.

6 Q All right, and from where was where was he walking when

7 you saw him?

8 A The Hole in the Wall direction from that way coming to

9 Crenco.

10 Q Did you and he talk?

11 A Yes, we did.

12 Q What did he say to you?

13 A What's up cousin, have you got a cigarette?

14 Q Hold up, just tell us the conversation.

15 A Okay. What's up cousin, you got a cigarette

16 A Why does he call you cousin?

17 A Oh, gosh, that's a long story.

18 Q Are you all cousins?

19 A No.

20 Q Okay. That's fine. Then skip that.

21 A Okay. He asked for a cigarette and I was like I don't

22 have any. I going now to the store to get me some. Somebody

23 just killed my home girl.

24 Q Stop right there. Where was this conversation taking

25 place?

1 A In front of the door at Crenco.

2 Q And were you out of your car?

3 A I was out of my car.

4 Q Okay. All right. The next thing you just said,
5 somebody killed my home girl. Who are you talking about?

6 A Jenika.

7 Q Continue the conversation.

8 A And then I go in the store and I get the cigarettes and
9 I gave him two and one fell on the floor and I said, I am not
10 going to pick it up because I got a headache so if you want it
11 you can have it and he just did.

12 Q So he got two cigarettes from you.

13 A Appreciate it, and he just walked out the door and when
14 I got in the car I looked and it is like he disappeared in the
15 air. He was gone.

16 Q Did you see him any more that night?

17 A No.

18 Q What was Tate Clinton wearing when you saw him at
19 Crenco that Thursday night?

20 A He had on a blue monkeysuit. Blue jumpsuit. I call it
21 a monkey suit, but that blue jumpsuit.

22 Q I am showing you State's exhibit number 37. Do you
23 recognize that?

24 A Uh-huh.

25 THE COURT: Is that a yes.

1 THE WITNESS: Yes, sir. I am sorry. I do
2 recognize it.

3 Q What is that?

4 A That's the monkey suit.

5 Q The one Tate Clinton was wearing?

6 A Yes, sir.

7 MR. BARFIELD; thank you, ma'am. Please answer
8 anything Mr. Frick or Miss Raney has.

9 THE COURT: Mr. Frick.

10 CROSS EXAMINATION

11 BY MR. FRICK:

12 Q Miss Stradford, you said you have known Tate for a
13 while?

14 A Yes, sir.

15 Q What was his normal clothing attire? What did he wear
16 normally?

17 A Clothes.

18 Q Okay. Any particular type clothes?

19 A I don't be around him all the time, but when I see
20 majority of time he either have that blue monkey suit or he have
21 on camouflage monkey suit.

22 Q He usually wore some kind of jumpsuit, right?

23 A Yes, sir, he did.

24 Q All right and you saw him that night after all this
25 stuff took place?

1 A Yes, sir, I did.

2 Q Okay. You said you got a phone call about 10:30?

3 A After ten. I am not going to put no specific time on
4 it because I don't want to whatever you all trying to do. I
5 don't want to put any specific time, but it was after ten.

6 Q Well, you testified to Mr. Barfield it was 10:30?

7 A Yes, 10:30 "ish". After ten.

8 Q So, after that you went over to your aunt's house?

9 A I did.

10 Q Do you recall about how long you stayed there?

11 A We probably -- I stayed at my aunt's house probably 10,
12 15 minutes and then I went to my cousin's house and we probably
13 stayed there about the same amount of time.

14 Q Okay. So you were over at the Crenco midnight?

15 A I was.

16 Q Okay. And you were there just a few minutes to run in
17 and grab a pack of cigarettes and ran into Tate?

18 A I did.

19 Q And you saw him walking from the direction of the Hole
20 in the Wall?

21 A I did.

22 Q Okay. And you all's conversation was just basically
23 about cigarettes?

24 A Yeah, cause he wasn't interested in what I was talking
25 about.

1 Q Okay.

2 A Yeah, he wasn't interested.

3 MR. FRICK: Thank you ma'am.

4 THE WITNESS: Your very welcome.

5 MS. RANEY: No questions, Your Honor.

6 THE COURT: Redirect solicitor?

7 MR. BARFIELD: None.

8 THE COURT: Thank you. You may step down.

9 MR. BARFIELD: Give me just one schedule.

10 THE COURT: Any objection to this young lady be
11 excused

12 MR. FRICK: No objection.

13 MS. RANEY: None, Your Honor.

14 THE COURT: Thank you for being with us.

15 THE WITNESS: Thank you, my pleasure.

16 (Witness excused.)

17 MR. BARFIELD: Your Honor, I think that the
18 stopping point for me if that acceptable to the Court.

19 THE COURT: All right. Yes, sir.

20 All right, Mr. Foreman, ladies and gentleman of
21 the jury, perhaps now would be a good time to take our
22 evening recess. You can probably repeat these
23 instructions back to me by now.

24 Please remember do not discuss this case with
25 anyone, fellow jurors, family friends or anyone else.

1 call your next witness.

2 MR. BARFIELD: Call Suzann Cromer.

3 THE COURT: If you come around please Miss Cromer
4 and be sworn.

5 SUZANN CROMER, called as a witness, having been
6 duly sworn by The Clerk, was examined and testified as
7 follows:

8 DIRECT EXAMINATION

9 BY MR. BARFIELD:

10 Q Tell us your name please, ma'am.

11 A My name is Suzann Cromer.

12 Q Miss Cromer, by whom are you employed?

13 A I am employed by the South Carolina Law Enforcement
14 Division commonly referred to as SLED.

15 Q What do you do for SLED?

16 A I am a Firearms and Toolmark Examiner in the forensic
17 services laboratory.

18 Q How long have you been employed by SLED?

19 A I have been employed a little over 15 years.

20 Q How long have you been employed in the Firearms and
21 Toolmark Examination Department?

22 A I have been in the Firearms and Toolmark Division. I
23 have been in my current position over 14 years.

24 Q Okay. Generally speaking what do you all do, and I am
25 going to talk about firearms, not toolmarks today. We will go

1 ahead and get that off the table.

2 Generally what do you all do in the firearms examination
3 department?

4 A What we call firearms identification. We look at
5 ammunition components, bullets, cartridges cases, unfired
6 cartridges, shotgun shells, wadding to determine whether they
7 were fired by or loaded into and extracted out of a specific
8 firearm.

9 Q How did you learn to be a firearms examiner?

10 A I have a bachelors degree from Clemson University. I
11 did some graduate work at the University of South Carolina and
12 then I was hired on at SLED. I have completed SLED'S inhouse
13 training program which is a three to five year intense study
14 program. More of an apprenticeship, if you will, where we study
15 under court qualified firearm's examiners. We take written
16 tests, oral tests, practical exercises. We work cases for other
17 examiners and then upon completion of the course of study we are
18 given a comprehensive final exam that is graded by our training
19 officer and then our lieutenant.

20 I've also taken classed with the association of firearms
21 and toolmark examiners which is an international organization
22 for our profession. It meets once a year for a week-long
23 seminar. I have been privileged enough to attend several of
24 those seminars. I also taken extra classes at those seminars
25 including high point firearm familiarization, barrel making,

1 ethics. I have taken classes with the South Carolina Chapter of
2 the International Association of Identification. Most pertinent
3 being a three day shooting scene reconstruction workshop.

4 I have taken classes with the Bureau of Alcohol Tobacco and
5 Firearms on serial number restoration and the integrated
6 ballistics identification system which is digital data base for
7 bullet and cartridges cases. I have also attended several
8 conferences with the ATF to represent North and South Carolina.

9 Q Have you been called upon to testify in the courts of
10 this State and offered up as expert witness in firearms
11 identification before?

12 A Yes, sir, I have.

13 Q About how many times?

14 A Over 70 times.

15 MR. BARFIELD: Your Honor at this time I offer
16 Miss Cromer as an expert in firearms identification.

17 MR. FRICK: No objection.

18 MS. RANEY: No objection.

19 THE COURT: All right and again ladies and
20 gentlemen you heard me say several times, normally a
21 witness can not testify to opinion testimony.
22 Normally when a witness testifies they must testify as
23 to either what they saw, heard, sense by smell or
24 something of that nature. However, if an individual
25 by training or experience, education is a specialist

1 in some particular art, science or craft, they may
2 testify in that area if the Court qualifies them that
3 way. This witness, Agent Cromer with SLED will be
4 qualified as an expert in forensic firearm examination
5 and identification to give opinion testimony in that
6 area. That does not mean that you must accept the
7 opinions but it is you, the jury, to give the opinions
8 the weight you deem appropriate.

9 Solicitor.

10 Q Miss Cromer, I will ask you some general questions, did
11 you do work for SLED in a case with SLED lab number L12-01205?

12 A Yes, sir, I did.

13 Q And is that lab number associated with victim by the
14 name of Jenika Jones?

15 A Yes, sir, it is.

16 Q Did you receive items from the Lancaster County
17 Sheriff's office to examine and attempt to identify?

18 A Yes, sir, I did.

19 Q Generally speaking how many -- how many items did you
20 get?

21 A I received two.

22 Q And general speaking what were those two items?

23 A I received a fired 380 auto caliber cartridge and one
24 fired bullet.

25 Q Did you ever receive a firearm in this case?

1 A No, sir, I did not.

2 Q With that said, is there anything for you to compare
3 the items that you received to determine if can you say a gun
4 fired either of the two items you have?

5 A No. I can not compare it to a firearm.

6 Q Let's assume briefly for a minute that you had a
7 firearm. If you had a fired cartridge case and fired bullet and
8 firearm tell these people what you would do down at SLED to
9 figure out if you can say that gun fired either one of those two
10 things?

11 A Well, first off I look at the individual pieces of
12 evidence and see whether on not they have markings on it that I
13 can use for identification. Then I would look at the firearm
14 itself. A bullet is marked by the rifling that is inside the
15 gun barrel. That rifling is put there by the manufacturer to
16 put the bullet in a rotary motion. Similar to a quarterback
17 throwing a football. He wants it to go into a tight spiral.
18 That is what premise of the rifling is in the firearm. It puts
19 that bullet into a spiral so it will spin more accurately to the
20 target.

21 Different manufacturers do different types of rifling.
22 There is two types of rifling. There is conventional, polygonal
23 ones rounded, one is more boxy square edges and then in that
24 rifling there is different numbers of lands and grooves; raised
25 and depressed areas that make up the rifling. I look at the

1 firearm. See what type of rifling it has and then I look at my
2 bullet and see what type of rifling it has and if they have a
3 same rifling it's possible that I will test fire my firearm and
4 microscopically compare those tests fires to my evidence.

5 Q When you test fire the firearm do you actually compare
6 the gun yourself to the stuff that you got from the local agency
7 or do you compare the stuff you got from the local agency to
8 something that you fire through the gun?

9 A Well, first off I look it gun and see whether or not I
10 need to fire it. See if it has the same type of rifling. If it
11 doesn't then I know I don't have to. If I does I will test fire
12 that firearm into a bullet recovery tank. It is a two story
13 steel tank that contains water because the water will slow the
14 bullet down without adding to or taking from the markings that
15 are left by the rifling. And then I will compare those test
16 fires that I knowingly fired from that firearm on my microscope
17 and that gives me a feel as to how that gun marks. What I am
18 looking at is called striations in those rifling impressions.
19 And bunch of scratches is what it looks microscopically, and I
20 am trying to match up those scratches.

21 Q Are you talking about scratches on the fired bullet?

22 A Yes, sir.

23 Q Go ahead.

24 A I look at those striations on that fired bullet, see
25 what I am looking for and then I will compare my evidence bullet

1 to my test fired bullet.

2 Q Are you also -- are you able to tell anything about a
3 firearm that fired a particular fired cartridge case?

4 A Yes.

5 Q How does that happen?

6 A Cartridge case is marked in five different areas from a
7 firearm, semi-automatic firearm usually. You have the
8 breechface which marks the cartridge case head area and the head
9 area is the part of the cartridge case that has the head stamp,
10 it has the primer and that cartridge case during firing it is
11 pushed back into that breechface of the firearm so any
12 imperfections that are on the breechface during the
13 manufacturing process can be imprinted on the head of that
14 cartridge case.

15 Also you have the firing pin itself. It can have defects
16 in it that can be marked in the primer of the cartridge case.
17 There is an extractor and an injector. The extractor is like a
18 little claw that clamps over the edge of the cartridge that
19 holds that cartridge in place during firing, and then the
20 injector. When after firing usually you have on semi-automatic
21 firearm you have a slide and the slide will move forward and
22 back. You pull the trigger the slide will come back because of
23 the gas pressure build up it is pushing that slide in, that
24 cartridge backwards. So it will hit an ejector that makes it
25 turn and fly out of the ejection port. So that can also mark

1 it.

2 Then lastly is the chamber itself. The part of the barrel
3 that holds that cartridge during the firing process. If there
4 is any defects in it they can be imprinted on the body of the
5 cartridge case.

6 Q All right. Now, I will hand you a couple of items.
7 First of all State's exhibit number 41, and you got to look in
8 the envelope to be able to see it. Tell us if you can identify
9 what that is?

10 A State's exhibit 41 is my item one and it is the 380
11 fired cartridge case that I received in this case and it is
12 still in a sealed container with my initials and seal date.

13 Q Okay. Do you actually mark the cartridge case?

14 A Yes, sir, I do and that's is what I was looking for. I
15 scribe on it with electric pencil my lab number, my item number
16 and my initials.

17 Q Now, did you receive that in the lab at SLED?

18 A Yes, sir, I did.

19 Q What did you do with it?

20 A I pull it out. I documented it. Each cartridge case
21 gets one sheet of information. I documented what it was made
22 of, the head stamp, what the primer is made of, what type of
23 firing pin impression it has. What type of breechface marks and
24 then I do a microscopic examine to see if it has the markings
25 that I need for identification.

1 Q Now, again, did you not have a firearm in this case is
2 that correct?

3 A That's correct.

4 Q Did you see any markings on that cartridge case that
5 might have been helpful if we had had a firearm?

6 A Yes, sir. I did and I said this cartridge case was
7 able to be identified if I had a suspect firearm.

8 Q What caliber cartridge case is that?

9 A This is a 380 auto caliber cartridge case.

10 Q And I don't know that you put it in your report, but
11 the head stamp -- does the head stamp indicate a manufacturer?

12 A Yes, its CBC or Magtech ammunition.

13 Q Now, I will show you State's Exhibit Number 34 and ask
14 you if you can identify it?

15 A Again, I am looking for where I actually marked the
16 bullet.

17 A This is what I received as my item four. It is a fired
18 bullet and again it is still sealed with my initials and seal
19 date.

20 Q Does your file indicate the source of that fired
21 bullet?

22 A It was labeled taken from victim's head at autopsy.

23 Q Okay. Did you do any examination of that fired bullet?

24 A Yes, sir, I did a microscopic examination.

25 Q Did it have markings that would have made it suitable

1 for an identification if you had a firearm?

2 A Yes, sir, it did.

3 Q Did you make any determinations about the caliber of
4 that bullet or any other things about that bullet?

5 A Yes, sir. I determined that this was consistent with a
6 380 auto caliber bullet and it had what we called nine left
7 rifling. Meaning nine lanes and grooves and it was going to go
8 spin to the left coming out of the bullet, out of the barrel of
9 the gun. At this time there is only one known manufacturer that
10 uses nine left rifling and that is High Point firearms.

11 Q Is there any -- were you able to reach any conclusions
12 between the fired cartridge case, State's exhibit number 41 and
13 the fired bullets State's Exhibit Number 34. Are you able to
14 tell us anything about those two items together?

15 A The only thing I can tell you is that they are both 380
16 auto caliber. At this time there is no way to determine if a
17 particular bullet came from a particular fired cartridge case.

18 Q Science doesn't let us do that at this point, is that
19 what you are saying?

20 A No, sir. That's correct.

21 Q 380 caliber, generally speaking handguns -- how many
22 different types of handguns are there from the mechanical aspect
23 of how they work? Did that question make any sense to you at
24 all? What's a revolver?

25 A Revolver is a specific type of hand gun.

1 Q And how does a revolver work generally speaking?

2 A A revolver is different from a semi-automatic. A
3 revolver is kind of what you would see in a cowboy movie; a John
4 Wayne movie, a Clint Eastwood movie, where you have what is
5 called a cylinder. It's is a round block that holds different
6 chambers in it to hold different cartridges and you either cock
7 the hammer if it's a single action and then pull the trigger or
8 if it's double action you pull the trigger, the hammer will cock
9 and it will fire and that cylinder will rotate. And you can
10 only fire as many chambers you have loaded.

11 Q Generally speaking in a revolver what happens to the
12 fired cartridge case after the cartridge is fired?

13 A It stays in that cylinder until it is opened and dumped
14 out.

15 Q Explain generally the workings of a semi-automatic?
16 You kind of covered that a minute ago, but tell us about a
17 semi-automatic pistol.

18 A A semi-automatic pistol is usually loaded by magazine
19 and it is loaded into the magazine well and from that magazine
20 well usually you have to chamber a cartridge into it. So you
21 pull the slide back and let it fly forward. Doing that action
22 it will push the top cartridge from the magazine into the
23 chamber of the firearm and it is ready to be fired. Semi
24 automatic means one pull of the trigger, one fired the gun. So
25 by pulling the trigger of that firearm and firing that device it

1 is going to fire the bullet down the barrel, push the cartridge
2 case back into the breechface of the gun which is going to push
3 the slide backwards which is going to use that extractor and
4 ejector like I talked about earlier. It's going to hit the
5 ejector, it is going to kick the cartridge case out and as the
6 slide is coming back forward because it is under spring tension
7 it is going to push another cartridge into the chamber.

8 Q All right. Now 380 ammunition generally is associated
9 with which of those two types of firearms?

10 A Semi-automatic.

11 Q The 380 part of 380 refers to what dimension of the
12 bullet?

13 A The diameter of the bullet.

14 Q Tell us about -- compare nine millimeter to 380 for the
15 jury in relation to the diameter of the bullet?

16 A The diameter of the bullet is actually the same for 380
17 auto a nine millimeter luger caliber bullet. It is just the
18 cartridge case length, the length of the bullet itself and the
19 weight of the bullet.

20 Q So, which is longer and heavier, nine or 380?

21 A Nine millimeter luger.

22 Q Can 380 ammunition be fired through a nine millimeter
23 firearm?

24 A Yes, it can.

25 Q Did you prepare a report that shows your findings in

1 this case?

2 A Yes, I did.

3 Q I will hand you a two-page document and ask if you can
4 identify what that is?

5 A This is the report that I prepared in this case.

6 Q Does that appear to be a correct copy of your report?

7 Q Yes, sir, it does.

8 MR. BARFIELD: Your Honor, at this time I would
9 offer Miss Cromer's report as a State's exhibit.

10 MR. FRICK: No objection, Your Honor.

11 MS. RANEY: No objection.

12 THE COURT: All right. State's 59 is in evidence
13 without objection.

14 (State's Exhibit 59, report, received in
15 evidence as of this date.)

16 MR. BARFIELD: Thank you, ma'am. Answer anything
17 Mr. Frick and Miss Raney has..

18 THE COURT: All right, Mr. Frick.

19 MR. FRICK: Thank you, Your Honor.

20 CROSS EXAMINATION

21 BY MR. FRICK:

22 Q Miss Cromer, you said that you can't tell whether that
23 bullet came out of that cartridge casing?

24 A That's correct.

25 Q But they are both 380's?

1 A That's correct.

2 Q Can you put another size bullet in a 380 cartridge
3 casing?

4 A As long as it is the same diameter.

5 Q Okay. All right. But I mean you can't put a 45 or 44
6 in a 380?

7 A No, sir, you can't, the diameter is too large.

8 Q You were able to look at the bullet and determine that
9 it had to have been fired by a High Point, correct?

10 A That's correct. Most likely it was fired by High Point
11 because that is the only known manufacturer to use that type of
12 rifling.

13 Q In fact it sounded like you had some extra training
14 specifically in High Point firearms; is that correct?

15 A That's correct.

16 Q There is actually a specific class on High Point?

17 A It was actually taught by the owner ever High Point
18 firearms.

19 Q Okay. Good. And of course every firearm has its own
20 manufacturing process so they have their own lands and grooves
21 and all that good stuff, right.

22 A Well, some use the same type of lands and grooves. You
23 can have any number of them.

24 We have what is called a GRC program. General rifling
25 characteristic program that is administered by FBI that we can

1 plug in the dimensions of those lands and grooves, the number of
2 them, the twist, the left or the right, and it will tell us what
3 type of firearms use that rifling.

4 Q Okay. Thank you. And by what you saw even though this
5 bullet is deformed. Significantly deformed I would say, would
6 you agree?

7 A Yes, it is deformed.

8 Q You with were able to look at striations and see that
9 it would have come out of a High Point?

10 A Yes, that is the correct.

11 Q Okay. Can you tell whether -- do the different
12 calibers of High Point have different striations?

13 A The nine millimeter lugar and the 380 auto all have --
14 well, not all of them but most of them use nine left.

15 Q All right. So same -- you were looking for same
16 markings then, is that correct? It would have the same markings
17 is what you are saying then?

18 A They have the same type of rifling.

19 Q That's what you are looking for. That's what leaves
20 the striations, right?

21 A That's correct.

22 Q Now you are not able to be as definitive on the shell
23 casing itself, correct?

24 A What do you mean by definitive?

25 Q Well, you said the bullet had to be fired by a High

1 Point. You do not make that statement about the shell casing
2 itself?

3 A No, I do not.

4 Q Why not?

5 A Well, because there are many firearms that have
6 parallel breechface markings so without the firearm I can not
7 tell you definitively that it was fired by that.

8 Q How about as far as the hammer. Is there anything
9 specific about hammers and firearms that would leave any
10 particular markings?

11 A Hammers are usually used in revolvers. In the
12 semi-automatic it would have been a firing pin and they also
13 have hemispherical or circular firing pin, meaning the tip is
14 rounded.

15 Q Okay. So no, it wouldn't have left any different
16 markings?

17 A No. It is common for cartridge cases to have parallel
18 breechface and hemispherical firing pins.

19 Q Okay. Other than looking at it for any other, any
20 identifying features as far the tool marking and any striations
21 that may be on it, did you do any additional testing on that
22 shell casing?

23 A On the cartridge I placed it into at integrated
24 ballistics identification system.

25 Q That is the next question I had. Tell me what that is?

1 A We call it as IBIS. It is an ATF owned digital
2 database for bullets and cartridge cases. We can put them in
3 from scenes all over the State and what it will do is it gives
4 it an algorithm and it will look at any other crimes that have
5 occurred in the State where that caliber cartridge case with
6 that type of of breechface markings and of fire pin impression
7 and it will give me a correlation score and I look at the
8 correlations to see if there is potential match to any other
9 crimes that are open.

10 Q And matches in this case?

11 A No, sir, there was not.

12 Q In fact the bullet is put in IBIS as well?

13 A No, sir.

14 Q Okay. It wasn't?

15 A It was too damaged to be entered into IBIS. It did
16 not matter the criteria.

17 Q The report says you put in IBIS?

18 A No, it says that item did not met the SLED criteria for
19 entry.

20 Q Let me make sure I'm reading the right thing here.

21 A Item one was entered. This item did not meet.

22 Q Very good, thank you. I was reading the wrong line. I
23 am sorry. Make sure that's all I got, but I think it is.

24 Just briefly something the solicitor talked about. He
25 asked you whether a 380 -- I will call it a bullet I know that

1 is not correct term -- 380 bullet can be fired by a nine
2 millimeter gun and your answer is, that is correct.

3 A That's correct, it could be.

4 Q It could be?

5 A It could be.

6 Q Does that increase the chances of a misfire or any
7 issues with the firearm?

8 A Because it is same diameter as long as it is seated in
9 the chamber it can be fired. There might be problems with the
10 ejection and the extraction of the fired cartridge case.

11 Q Okay. So my question is, could that -- does that
12 increase the chances of misfire; yes or no?

13 A Yes, it could.

14 MR. FRICK: Thank you, ma'am. That's all the
15 questions I have.

16 THE COURT: Miss Raney.

17 MS. RANEY: Thank you, Your Honor.

18 CROSS EXAMINATION

19 BY MR. RANEY:

20 Q Miss Cromer, you indicated you have been doing forensic
21 work with firearms for about 15 years now?

22 A I have been in this position for 14 years.

23 Q And that during the course of your duties that some
24 times you have to actually discharge or fire firearms, correct?

25 A That's correct.

1 Q Have you fired both revolvers and semi-automatic
2 weapons in the course of your forensic analysis?

3 A Yes, ma'am, I have.

4 Q I am not asking for exact number here, but could you
5 give me a ball park idea over the course of your career how many
6 firearms you have fired while doing your forensic analysis?

7 A I never really thought about that. Probably about two
8 a week in 14 years, sometimes more.

9 Q So a lot?

10 A Yes.

11 Q A lot would be fair to say?

12 A Yes.

13 Q You are very familiar with or comfortable with handling
14 a firearm?

15 A That is correct.

16 Q Have fired a firearm many times in the past?

17 A That's correct.

18 Q And are very familiar with what happens when a firearm
19 is fired?

20 A That's correct.

21 Q Okay. Is one of the things that can happen when a
22 firearm is fired is that gunshot residue is left behind?

23 A That can happen, but I am not a gunshot residue expert.

24 Q Okay. Have you ever noticed in firing a firearm
25 throughout the course of your testing any gunshot residue left

1 behind on your hand?

2 A Not visibly I have not.

3 Q Would that be something you would need to look at under
4 a microscope?

5 A Again, I am not a gunshot residue expert. I would not
6 know.

7 MR. RANEY: Thank you.

8 THE COURT: Redirect solicitor?

9 MR. BARFIELD: None.

10 THE COURT: Thank you. Thank you very much. You
11 may step down. Any objection to this officer being
12 excused?

13 MR. FRICK: No, sir.

14 MS. RANEY: No, Your Honor.

15 THE COURT: You may be excused.

16 THE WITNESS: Thank you.

17 (Witness excused.)

18 MR. BARFIELD: States call Wayne Blakeney.

19 THE COURT: Come around to my left and be sworn
20 please.

21 WAYNE BLAKENEY, called as a witness, having been
22 duly sworn by the clerk, was examined and testified as
23 follows:

24 DIRECT EXAMINATION

25 BY MR. BARFIELD:

1 Q Tell us your full name please sir.
2 A My name is not Wayne Anthony Blakeney Jr.
3 Q Mr. Blakeney how old are you?
4 A I am 22 years old sir.
5 Q Where do you live?
6 A I live in Lancaster area.
7 Q With whom do you live?
8 A I live with my father Wayne Blakeney Sr.
9 Q How long have you lived in Lancaster?
10 A Pretty much all my life.
11 Q I will jump straight to something and we will come back
12 and talk more about it in a little bit.
13 Are you charged with a crime relating to the death of
14 Jenika Jones?
15 A Yes, sir, I am.
16 Q What are you charged with?
17 A I am charged with murder, sir.
18 Q What do you face being charged with murder?
19 A Thirty years to life, sir.
20 Q All right. Are you currently incarcerated?
21 A No, sir.
22 Q Do you recall when you got arrested in this case?
23 A Yes, sir. I was arrested on March the 8, 2012.
24 Q Were you in jail for some period of time after your
25 arrest?

1 A Yes, sir, I was.

2 Q How is it that you are out of jail right now?

3 A I am out of jail. I was released on house arrest. I
4 was suspected to be able to go to church, work, attend school
5 and meet with my lawyer.

6 Q Did the State consent for you to be out on bond? Did
7 we agree to set a bond for you?

8 A Yes, sir.

9 Q In connection with your charge, the charge of murder
10 have you been promised anything by the State, by me, my anybody
11 in my office, by the sheriff's office, anybody connected with
12 the investigation and prosecution of this case? Have you been
13 promised anything in exchange for you being on the witness stand
14 today to tell us about this matter?

15 A No, sir, I haven't.

16 Q Has anybody told you will get a lesser charge?

17 A No, sir.

18 Q Has anybody told to you you will get a lesser sentence?

19 A No, sir.

20 Q Has anyone promised you anything in exchange for your
21 testimony in this case?

22 A No, sir. I was promised nothing.

23 Q Were you involved in the events surrounding the death
24 of Jenika Jones?

25 A Yes, sir.

1 Q Now, what you do you do for a living? What are you
2 doing right now? What are you doing with your life right now?
3 Do you work, go to school or both or what?

4 A Yes, sir, I work for Special Occasion Rentals. I am
5 sophomore at the University of South Carolina, Lancaster. I am
6 hoping one day to be a guidance counselor. Next semester I
7 expect to finish with an associates degree. My main focus is
8 English. I want to counsel in the school system.

9 Q And you live with your dad?

10 A Yes, sir.

11 Q Do you have other people living in your home?

12 A Yes, my dad, my stepmom and my stepbrother.

13 Q Is your stepbrother older or younger?

14 A He is younger then me.

15 Q Now, I am going to ask you about some people. Do you
16 know a person named Devatee Clinton?

17 A Yes, sir.

18 Q Do you know him by that name or nickname or both?

19 A I know him by both. He goes by Tate.

20 Q Tate. Do you see the person you know as Tate Clinton
21 in the courtroom today?

22 A Yes, I do sir.

23 Q Tell us where he is sitting and what he is wearing.

24 A He is sitting right there (indicating. He has on blue.

25 Q Raise your hand Mr. Clinton. Is that who you are

1 referring to the fellow with his hand raised.

2 A Yes, sir.

3 Q Do you know a fellow named Al Martinez Green?

4 A Yes, sir I do.

5 Q Do you see him in the courtroom here today?

6 A Yes, sir, I do.

7 Q Describe where he sitting and what he is wearing?

8 A He is sitting right there and he has on what seems to
9 be a plaid shirt.

10 Q Fellow closest to the wall along the table?

11 A Yes, sir.

12 Q Mr. Green raise your hand. Is that who you are
13 referring to?

14 A Yes, sir.

15 Q How do you know Tate Clinton?

16 A He's a relative of mine.

17 Q How is he is relative of yours?

18 A On my mother's side. He is kin to my mother's side.

19 Q Do you know exactly how you are kin to him on his
20 mother's side?

21 A No, but I am pretty sure we are close kin. I think my
22 mom said.

23 Q Short of being kin, how close are or were you and Tate
24 Clinton?

25 A We were friends.

1 Q How often would you see Tate Clinton?

2 A I would see him probably every other weekend. I'd go
3 to my mom's house and I would be in the Newtown area and I see
4 him.

5 Q Did you all hang together?

6 A Yes, some times.

7 Q You said the Newtown area. What is the Newtown area?
8 Newtown town area of where?

9 A Lancaster.

10 Q Where is it?

11 A It's where if you go down number nine come all the way
12 into town there is some apartments on the right and then you
13 approach it's a store called Quickstop and right behind that
14 store I think the street name is [REDACTED] Street and that whole
15 area is Newtown.

16 Q And is it neighborhood where people live?

17 A Yes, sir.

18 Q Okay. Let me go ahead and ask you about some other
19 locations before we get to far into this. When I say the Hole
20 do you know what I am talking about? The Hole?

21 A Yes, sir.

22 Q What is the Hole?

23 A It's a hangout spot in the Newtown area.

24 Q And when you say a hangout spot is it a store, a gas
25 station, a clump of trees with a barrel and chairs sitting

1 around? What is the hole?

2 A A Hole is the place where, you know, people hang out,
3 and chill.

4 Q Is it outside?

5 A Yes, sir.

6 Q It is like a street corner sort of?

7 A It's an area in the neighborhood.

8 Q If I say the Hole in the Wall club, do you know what I
9 am talking about?

10 A Yes, sir.

11 Q Do the Hole and the Hole in the Wall club have anything
12 to do with each other?

13 A No, they are two different places.

14 Q What is and where -- first of all do you know if the
15 Hole in the Wall club is open now? Do you know if it is or not?

16 A No, sir I am not sure.

17 Q What and where is the Hole in the Wall club or was it?

18 A Basically it is a club where, you know, people go and
19 hang out, they party, they drink, et cetera.

20 Q Music?

21 A Yes, sir.

22 Q Pool tables?

23 A Yes, sir.

24 Q And generally -- well, do you know the address for the
25 Hole in the Wall club?

1 A No, sir.

2 Q Can you tell the jury where it is in relation to some
3 other landmarks here around Lancaster? What is it near?

4 A I would say it is near the south side area. Like the
5 back of south side.

6 Q On the south part of town? Do you know where Crenco is
7 on Main Street?

8 A Yes, it is on the road next to it. It's on that road.

9 Q And farther down south then Crenco a little bit?

10 A Yes, sir.

11 Q I will point back ask you this and we will get into
12 detail later. Were you with Devatee Clinton or Tate Clinton and
13 other people on Thursday night, January 19th, of 2012.

14 A Yes, I was.

15 Q All right. During -- at that time, not specifically
16 that night, but in that timeframe did you know whether Tate
17 Clinton had not a driver's license or not?

18 A I don't think he did.

19 Q Did he have a car?

20 A No, sir.

21 Q Had you and Tate Clinton ever traveled together in
22 automobiles?

23 A Well, I took him places a few times.

24 Q In what automobile have you taken him places in or
25 automobiles have you taken him places in?

1 A Its been different cars, you know. Different cars.

2 Q Who supplied cars when you took him places in the past
3 is my question? Did you supply cars when you took him places in
4 the past?

5 A No, sir.

6 Q Where did the cars come from do you know?

7 A No, sir.

8 Q Now, how do you no Al Green?

9 A I know him through Devantee Clinton.

10 Q How much time did you spend -- well, what do you know
11 about Al Green and/or Tate Clinton's relationship? What do you
12 know about the two them?

13 A I have understanding that there --

14 Q Hold on. Forget that. Let me he ask you another
15 question.

16 How much time did you spend with with Al Green before
17 January 19th of 2012?

18 A Not much time. Me and him we weren't that close.

19 Q When did you -- you told a minute ago, but give us the
20 date again. When did you get arrested and charged with murder
21 for the death of Jenika Jones?

22 A March the 8th, 2012.

23 Q Did you talk to police after you got arrested?

24 A Yes, sir.

25 Q Do you know was it that day or some day after that?

1 A What do you mean?

2 Q Let me ask the question a different way. Did you ever
3 talk to the police about this case after you got arrested?

4 A Yes, I talked to them.

5 Q Did you give a statement?

6 A Yes, sir.

7 Q When did you give a statement to the police?

8 A I gave the statement when I was arrested.

9 Q I will ask you about another person, Delrico McDow. Do
10 you know somebody that you now know to be Delrico McDow?

11 A Yes, sir.

12 Q When you got arrested did you know somebody -- leading
13 up to the time you got arrested did you know somebody -- let me
14 back up.

15 At the time you got arrested did you know the name Delrico
16 McDow?

17 A No, sir, I didn't. I knew him by another name. I
18 didn't know his real name.

19 Q Okay. Did you know a person by another name that you
20 now know to be Delrico McDow?

21 A Yes, sir.

22 Q How do you know that person, McDow?

23 A I know him through Devantee as well.

24 Q How much time did you spend with the person you now
25 know to be McDow before you got arrested for this murder?

1 A I use to see him when I was in the area, but as far as
2 actually being close, we never were close.

3 Q Where were you on the night of Thursday, January 19th,
4 of 2012? After dark, where were you that night?

5 A I was with with Devatee Clinton, Mr. McDow and Mr..
6 Green.

7 Q And where were you with all four of you all together?

8 A Well, we was --

9 Q Where were you first is what I am asking?

10 A We was in the Newtown area.

11 Q Where in the Newtown area, somebody's house, in the
12 hole, where?

13 A Well, we were in the hole at first and then we went to
14 a guy's house.

15 Q All right. We will talk about that in a minute.

16 A Okay, I am sorry.

17 Q How were the four of your traveling initially that
18 night?

19 A In a white Cadillac.

20 Q No. Okay. Was there ever a time that night when you
21 didn't have the white Cadillac, that's my question?

22 A Yes, yes, we were on foot.

23 Q On foot. I will show you a picture, or two or three.
24 I will show State's exhibit number 16. Do you see that screen
25 beside you there. Look at the monitor right there by your

1 shoulder. Is that working?

2 A No, it is off.

3 Q All right, it will working in a minute. Do you
4 recognize what is shown in that picture?

5 A Yes, sir I do.

6 Q Don't tell me anything about it yet, but what is in
7 that picture?

8 A It's a white Cadillac.

9 Q Show you another exhibit, State's Exhibit Number 17.
10 Do you recognize what is shown in that picture?

11 A Yes, sir, it is the same car.

12 Q And one more picture, State's number 18. Can you tell
13 us what is shown in that picture?

14 A The same vehicle, sir.

15 Q Have you seen this car before?

16 A Yes, sir.

17 Q Have you been in this car before?

18 A Yes, sir.

19 Q Have you driven this car before?

20 A Yes, sir.

21 Q When did you see this car, get in this car and drive
22 this car?

23 A The same night that you mentioned.

24 Q Okay. How did you come to be in possession of the car?
25 This car is shown in States 16, 17 and 18, these pictures, how

1 did you get your hands on that car?

2 A Well, basically they borrowed the car and I drove it.

3 Q All right. Stop. When you say they, you can say they,
4 but you got to give names after a while.

5 A I'm sorry.

6 Q Where did the car come from first of all?

7 A A light skinned guy. I can't recall his real name, but
8 I remember he was light skinned.

9 Q That is fine. Light skinned black man or light skinned
10 white man?

11 A Light skinned black man.

12 Q And where on the ground in town or wherever was this
13 man?

14 A I don't remember the street name but in Newtown.

15 Q At a house, in a parking lot at a club? Where was this
16 man?

17 A At a house.

18 Q Let me ask you this. I will show you -- I will put up
19 number 18 again. What you identified a minute ago as the white
20 Cadillac we are talking about. Do you recognize any stuff in
21 the picture other than the Cadillac?

22 A No, sir.

23 Q Where was the Cadillac when you first saw it that
24 night, that's my question?

25 A It was right there sir.

- 1 Q Speak loud use the microphone.
- 2 A It was right there, sir.
- 3 Q Just like it is shown in this picture you got?
- 4 A Yes, sir.
- 5 Q Was it at a house?
- 6 A Yes, sir, it was at house.
- 7 Q Was it at the house that was shown in the background of
- 8 that picture?
- 9 A Yes, sir, it was.
- 10 Q Who went to that house? Names.
- 11 A Myself, Devantee Clinton, Al Green and Mr. McDow.
- 12 Q Did you go to the door and talk to the man?
- 13 A No, sir.
- 14 Q Did anybody go to the door and talk to the man?
- 15 A The man, he was outside.
- 16 Q Did somebody go up to the man and talk to the man?
- 17 A Yes, sir.
- 18 Q Who went up to the man and talked to man?
- 19 A Devatee.
- 20 Q What happened after Devatee talked to the man?
- 21 A I drove the car.
- 22 Q Okay. Did anybody else in your presence that night
- 23 drive the car?
- 24 A No, sir.
- 25 Q When you drove the car where did you drive it? Where

1 did you first get behind the wheel at? Where were you when you
2 got behind the wheel?

3 A At the light-skinned black man's house.

4 Q Who else got in car at that time if anybody?

5 A Devatee Clinton, Al Green and Mr. McDow.

6 Q Where did you all go after you drove off in the car?

7 A We went to the Hole in the Wall.

8 Q The club, not the hole, but the Hole in the Wall club?

9 A The Hole in the Wall club.

10 Q Was it day light or dark when that happened?

11 A It was dark, sir.

12 Q Let me go ahead and ask you this, did you drink
13 anything that night?

14 A Yes, I had a few drinks.

15 Q Where did you have drinks?

16 A At the Hole in the Wall.

17 Q And when you say drinks, what are you talking about,
18 mixed drinks in a tumbler glass or beers?

19 A As in beers.

20 Q Do you know whether Tate Clinton drank that night?

21 A I don't think he drank that night.

22 Q Do you know whether Al Green drank that night?

23 A No, sir.

24 Q Do you know whether Delrico McDow drank that night?

25 A No, sir.

1 Q You don't know or they didn't?

2 A I don't know if they did. I wasn't watching them as we
3 were inside in the place.

4 Q That's fine. Did you ever leave the Hole in the Wall
5 club?

6 A Yes, sir.

7 Q Why did you leave the Hole in the Wall club?

8 A Because Devatee wanted me to -- asked me did I want --
9 he said he need me to take him to get some money.

10 Q Stop. Who said that?

11 A Devatee Clinton.

12 Q And he said exactly what to you?

13 A He needed me to take him to get some money.

14 Q Did he say anything else?

15 A He needed me to drive him to get some money.

16 Q That's fine. Did he say anything else about the money?
17 Namely, who had it or where it was or anything like that?

18 A No, sir.

19 Q Did he say why somebody -- did he say why there was
20 money out there for him?

21 A No, sir.

22 Q Did you take him to get money?

23 A Yes, sir.

24 Q What did you take him to get money in?

25 A The white Cadillac, sir.

- 1 Q Did anybody else go with you all to get money?
- 2 A Yes, sir.
- 3 Q Who?
- 4 A Mr. McDow and Mr. Green.
- 5 Q How where -- first of all, where did you go to get
- 6 money?
- 7 A We went to Roseanna Lane. A place off 200.
- 8 Q Were you familiar with Roseanna Lane?
- 9 A No, sir I wasn't.
- 10 Q Okay. Did you know where Tate lived back then?
- 11 A No, sir.
- 12 Q Did you know where any of his people lived back then?
- 13 A Yes, sir, I later found out his grandmother lived in
- 14 that area.
- 15 Q What area?
- 16 A Roseanna Lane.
- 17 Q Was is at Roseanna Lane?
- 18 A It's a trailer park.
- 19 Q How did you know to go to Roseanna Lane?
- 20 A He showed me where to go.
- 21 Q You got to say names. You are talking about three
- 22 different people.
- 23 A I'm sorry, Devatee. Devatee Clinton showed me where to
- 24 go.
- 25 Q Within the trailer park at Roseanna Lane how did you

1 know where to go?

2 A He showed me.

3 Q He who?

4 A Devatee.

5 Q Up to this point your going out to Rposeanna Lane, up
6 to this point that night among the four of you; you, Clinton
7 Green and McDow, were there any guns that you had seen up to the
8 point that you are headed out to Roseanna Lane?

9 A Yes, sir.

10 Q When and where did you see it? First of all, who had a
11 gun that you saw?

12 A Devatee Clinton.

13 Q And where was he when you saw him with a gun that
14 night?

15 A He was in the car. He was on the passenger side.

16 Q And at what point during what you described so far did
17 you see him with a gun? You all in the car several times before
18 this is all over with.

19 What part of being in the car did you first see him with a
20 gun?

21 A I'd seen him with the gun on the way to Roseanna Lane.

22 Q Okay, and where on him did you see a gun?

23 A It was like near his side area.

24 Q What did you -- were you able to see the gun enough to
25 describe it at all for this jury?

1 A I can remember it being a grey and black gun. I am not
2 sure it could it could have been a 380 or nine millimeter.

3 Q Big gun or little gun?

4 A It was a little gun.

5 Q All right. When you got to Roseanna Lane where did you
6 go? Well, how did you know where to go in the trailer park on
7 Roseanna Lane?

8 A Devatee showed me.

9 Q And did he tell you -- and did you stop the car?

10 A Yes, sir.

11 Q Was it daylight or dark?

12 A I was dark, sir.

13 Q What did you do after you stopped the car?

14 A I remained in the car and they got out.

15 Q Did you move to any other position in the car yourself?

16 A No, sir, I didn't.

17 Q And you say they got out who got out?

18 A Devatee, Al and Mr. McDow.

19 Q What did do they do when they got out?

20 A They disappeared.

21 Q What do you mean they disappeared?

22 A As in -- as in they went off to my left. They went
23 behind a trailer.

24 Q Were they together or separate when they went off to
25 your left?

1 A They were together.

2 Q Did you see them again in the trailer park at Roseanna
3 Lane that night?

4 A Yes, sir.

5 Q How long later was it before you saw them again?

6 A It was approximately I would say ten minutes.

7 Q Now, you said you saw the gun in Tate Clinton's pants
8 or somewhere?

9 A Yes, sir.

10 Q Did you -- was the gun to your knowledge was the gun in
11 the car after Tate Clinton got out of the car?

12 A No, sir.

13 Q After ten minutes you saw them again. Where did you
14 see these three guys; Clinton, Green and McDow when you saw them
15 again where were they?

16 A They were coming from the area which they had went.

17 Q And how were they coming?

18 A They were in -- they in a bit of hurry.

19 Q Where did they come to?

20 A They came to the car.

21 Q When they got to the car what did they do?

22 A They got in.

23 Q Did Tate say anything? Tate Clinton say anything when
24 he got in the car?

25 A Yes, sir.

1 Q What did Tate say?

2 A I can remember him telling me to just chill. Just
3 chill and the other guys they were like go. Telling me to go.

4 Q Telling you go how?

5 A As in as in go. Leave. Get out of this area.

6 Q Did you go?

7 A Yes, sir, I did.

8 Q Who drove out of where you had parked the car? Who
9 drove from leaving Roseanna Lane?

10 A Me sir. I did.

11 Q How did you drive?

12 A I drove -- I drove out pretty quick sir.

13 Q Where did you drive to? Where were you headed when you
14 left the trailer park on Roseanna Lane? Where were you going?

15 A Drove back to the Hole in the Wall.

16 Q Was there any talk by Clinton and Green that you can
17 recall from Roseanna Lane back to the Hole in the Wall? Were
18 they talking?

19 A The radio was on. I can remember -- I can remember
20 Devatee telling me to just chill and they may have been talking.

21 Q Can you -- do you recall any words that they were
22 exchanging with each other?

23 A No, I can't tell you what they said sir.

24 Q That's fine. Let me back up a minute. Was anything in
25 this for you, for driving Tate to go get some money? Was there

1 anything suppose to be in it for you?

2 A Yes, sir.

3 Q What were you suppose to get out of providing this
4 transportation?

5 A I was suppose to get some money, sir.

6 Q All right. Let me ask you this. When Tate Clinton
7 said to you -- asked you to take him to go get you some money
8 what did you think he meant?

9 A Um -- I really wasn't -- I really wasn't concerned. I
10 was just, he told me to take him get some money. He agreed he
11 would pay me. I was not concerned about, you know, about really
12 what he meant?

13 Q Did you know -- did you suspect he was taking you on a
14 robbery?

15 A No, him knowing who I am as person, I wouldn't -- I
16 didn't expect that.

17 Q On the way back to the Hole in the Wall club, who is in
18 the car?

19 A Myself, Devatee Clinton, Al and Mr. McDow.

20 Q Did you all get back to the Hole in the Wall club?

21 A Yes, sir.

22 Q What did you do when you got to the Hole in the Wall
23 club?

24 A Just we were there for 30, 35, 40 minutes and just hung
25 out.

1 Q Stop. I you will interrupt you there for a minute. I
2 probably shouldn't but, when you got there did you stay in the
3 car? Did you get out the car?

4 A Got out of the car.

5 Q You or everybody?

6 A Everybody.

7 Q Stay outside of the club or go inside the club?

8 A Both.

9 Q Okay. Did you stay at the Hole in the Wall the whole
10 night?

11 A Not all night. We were there for a little bit.

12 Q Did you go from the Hole in the Wall to anywhere else
13 after getting back there from being at Roseanna Lane?

14 A Yes, sir. Drove back to the Newtown area.

15 Q All right. Drove what?

16 A Drove the white Cadillac back to the Newtown area.

17 Q Who drove?

18 A I did.

19 Q Were you by yourself?

20 A No, sir.

21 Q Who was in the car that you know?

22 A I was accompanied by Al, Mr. Clinton and Mr. McDow and
23 there were maybe one or two more guys that I don't remember.

24 Q You don't remember. What do you mean you don't
25 remember?

1 A As I didn't know them.

2 Q You didn't know them?

3 A Yes, sir.

4 Q All right. Where did you go in the Newtown area after
5 you left the Hole in the Wall club after having been on Roseanna
6 Lane?

7 A I can't recall the street that I was on, but I was in
8 the Newtown area near the Hole.

9 Q Why did you drive to the Newtown area? That is
10 probably the best question.

11 A To let the guys out that were with me.

12 Q Did you let people out in Newtown?

13 A Yes, sir.

14 Q Who did you let out of the Cadillac in Newtown?

15 A I left out Al Green. I let out Mr. McDow and the other
16 guys. The the guys that I didn't know.

17 Q That's fine. After those guys were out of the car in
18 Newtown where were you?

19 A I was in the car.

20 Q And who was driving?

21 A I was driving.

22 Q Where was Tate Clinton?

23 A He was on the passenger's side.

24 Q And in what car?

25 A In the Cadillac.

1 Q What did you all do after you let these other four
2 people out, three or four people out, or four or five people out
3 in Newtown, what did you all do?

4 A I took him home.

5 Q Now, up to that point had you other than Tate Clinton
6 saying I think you said chill, he said chill, is that what you
7 said?

8 A Yes.

9 Q Other than you to chill, between the time you left
10 Roseanna Lane and were at the Hole in the Wall and then back in
11 to Newtown and you and Tate are back in the car, had he told you
12 anything about what happened on Roseanna Lane up to that point?
13 Up to that point?

14 A Up to that point?

15 Q Yes.

16 A No, he hadn't told me yet. He hadn't told me anything.

17 Q Now, how late was it? About what time was it when you
18 and Tate are in the car by yourselves and you said you were
19 taking -- where did you say you were going to take Tate?

20 A Home.

21 Q And about was time was it by the time you are going to
22 take Tate home?

23 A It was late. It was pretty late. It was well in the
24 a.m.

25 Q Okay. Was there any conversation between you and Tate

1 when it was just the two of you all in the car between Newtown
2 -- well, let me ask you this first. Is there any conversation
3 between you and Tate in the car between Newtown and you taking
4 him home?

5 A Yes, sir.

6 Q Tell the jury about it? Was anybody else in the car?

7 A No, sir, it was just me and Devatee Clinton.

8 Q Tell the jury about the conversation.

9 A As we were talking --

10 Q Use the microphone?

11 A As we were talking he shared some things with me. He
12 asked me if I could keep a secret. I told him yes I could and
13 he said to me that I killed that "B".

14 Q Say it, he said what?

15 A He said that he killed that "B".

16 Q Use the words that he used?

17 A I killed that bitch. Those were his words.

18 Q Did you up to that point have any idea what he was
19 talking about?

20 A I kind of I got a bad feeling. Bad feeling running
21 through my mind but it wasn't -- I didn't believe him at first.

22 Q Did you know who I was talking about?

23 A No, sir. No, sir, I didn't.

24 Q Let me ask you this. Did you know a person by the name
25 of Jenika Jones?

1 A No, sir.

2 Q He said that to you and you said what to him?

3 A I was just -- I sat there fore a minute. Kind of
4 shocked a little bit. Didn't really believe him. I just -- I
5 just sat there. I was quite for a minute.

6 Q Then what?

7 A I took him home.

8 Q When you got to his house where you were going to let
9 him out --

10 A Yes, sir.

11 Q -- well, let me ask you this. When you got to his
12 house -- let me back up.

13 Between Newtown and taking him home, did you know where the
14 gun was?

15 A Yes. Yes, sir, I did.

16 Q Where was it?

17 A Yes, sir, I did. He told me he left it in the glove
18 compartment and he told my to hold it for him.

19 Q When did he tell you that left it in the glove
20 compartment?

21 A As he was getting out of the car.

22 Q Did he get out of the car?

23 A Yes, sir.

24 Q When he got out of the car what did you do?

25 A I left.

1 Q Where did you go?

2 A I left out of where I dropped him off at which was the
3 same place, Roseanna Lane. I got to the light and it was it
4 wasn't much fuel left in the vehicle so I parked at Piggly
5 Wiggly and I got out and I walked home.

6 Q What did you do when you you got out of the car? Was
7 there anything wrong with the car?

8 A Yeah, I think I noticed the tire was flat. Something
9 like that.

10 Q Did you do anything to secure the car?

11 A What do you mean?

12 Q Well, did you have a key to be driving this car?

13 A Yes, sir.

14 Q And do you what happened to the key?

15 A I left it in the car.

16 Q You don't know where it went?

17 A I don't know where it went.

18 Q Did you leave the car unlocked?

19 A I think I did sir.

20 Q And you went where after you left the car, which Piggly
21 Wiggly are you talking about? Give us a reference point, some
22 roads or some landmarks?

23 A The Piggly Wiggly now that I believe is shut down.
24 Went out of business. Off of south 200.

25 Q And where did you go after you left the car at Piggly

1 Wiggly?

2 A I went home. I went home. I walked home sir.

3 Q Tell me about the gun? Where was the gun?

4 A I took the gun sir.

5 Q From where?

6 A From out of the glove compartment. I took it. I sold
7 it to a relative, which was probably one of the dumbest things
8 ever I could have did. I should have just turned it in and done
9 the right thing, but I was scared man. I never -- I never seen
10 anything like this happen to me.

11 Q Other than being arrested for this murder case have you
12 ever been arrested before?

13 A No, sir, I never been locked up. Never.

14 Q How did you get the gun from the glove box to your
15 house you walking home. Where was the gun when you walked home?

16 A I took it out in and put it in my coat pocket sir.

17 Q And how long were you in possession of that gun from
18 that morning until you got rid of it?

19 A Approximately a few weeks sir.

20 Q You said you sold it?

21 A Yes, sir.

22 Q Who did you sell it to?

23 A I sold it to my cousin Marcus Barnes.

24 Q When you got arrested I think you said March 8, 2012?

25 A Yes, sir.

1 Q A couple months later. About six weeks later, right?

2 A Yeah.

3 Q Did you tell the police what you just told the jury
4 about the gun?

5 A Yes, sir.

6 Q Did you tell them about Marcus Barnes?

7 A Yes, sir.

8 Q Did you do anything yourself to try and get the gun
9 back?

10 A (No answer)

11 Q Because you are in jail. Long did you stay in jail?

12 A I think four or five months maybe.

13 Q Did you do anything yourself from in jail or after you
14 got out of jail to try and find that gun?

15 A Yes, sir, I did.

16 Q What?

17 A I went -- my sisters stayed right across from him and
18 his mom and I went to her.

19 Q Don't tell me what people said. Just tell me what
20 effort you made. You can't tell me what people said.

21 A Okay. I am sorry sir.

22 Q That's fine.

23 A But I tried my best to get in contact with him. He was
24 scared. He didn't want any involvement with this. He didn't
25 want to corroborate because he didn't want to come near this.

1 Q Did you tell the police everything you knew about where
2 they could find Marcus Barnes?

3 A Yes, sir.

4 Q When you talked to the police on March 8th of 2012 I
5 think you said you gave a written statement, is that right?

6 A Yes, sir. It was verbal. Question asked.

7 Q Well, did they type it up and let you read it and sign
8 it?

9 A Yes, sir.

10 Q How many people did you tell them on March 8th? How
11 many people did you tell them were involved in this thing?

12 A I initially told them two.

13 Q And who were the two other than you?

14 A Devatee Clinton and Al Green.

15 Q Why didn't you tell them about Mike McDow when you gave
16 a written statement on March 8th of 2012?

17 A I couldn't remember his name and it was just -- I mean
18 the whole thing man, kind of shook me up man. I was scared. I
19 didn't want to be a part of it.

20 Q Scared of what -- well, don't answer that. Didn't want
21 to be a part of it. What do you mean by that? You're already a
22 part of it weren't you?

23 A Yeah, I was a part of it, but I mean I just wanted
24 nothing to do with it at all.

25 Q How come -- how come you didn't -- this thing happened

1 on January 19th, of 2012. Did you go see the police or report
2 this to anybody between January 19th 2012 and March 8th of 2012?

3 A No, sir I didn't.

4 Q Why not?

5 A I just -- I mean, I didn't want to be a rat. I didn't
6 want to put my family in danger. I mean I was scared. I was
7 frustrated. I was angry. I panicked. I panicked.

8 Q You said earlier that when Tate said that he killed the
9 bitch you didn't believe him?

10 A Correct sir.

11 Q When did you begin to believe that something had
12 happened?

13 A It was the next day or few days later when I found out
14 that this girl was dead.

15 Q How did the police -- do you know how the police ended
16 up coming to talk to you about this? How did you get found out,
17 do you know?

18 A How did I get found out? Um --

19 Q How did the police get the name Wayne Blakeney and come
20 looking for you? If you don't that's fine, I am just asking if
21 you know.

22 A At the time I didn't know.

23 Q Do you now?

24 A Yeah, I know now.

25 Q How did you get found out? I don't need names but

1 generally how did you get found out?

2 A I told someone about it because I couldn't keep it to
3 myself.

4 Q And do you know what that person did, the person that
5 you told about, what did he do or she do?

6 A He -- he went and told the authorities.

7 MR. BARFIELD: All right. Give me just a minute
8 Your Honor.

9 THE COURT: Sure.

10 Q Lets go back and talk about Mike McDow for a minute.
11 You didn't tell the police about McDow. Did you at some point
12 tell the police about McDow?

13 A Yes, sir, I did.

14 Q I am not looking for a date, but when did you tell the
15 police about McDow? After giving a written statement on March
16 the 8th, when did you tell the police about McDow, and let me
17 break it down into question A and question B, were you still in
18 jail or had you been bonded out when you told the police about
19 McDow?

20 A I was still in jail sir.

21 Q When you told the police about McDow did you know the
22 name McDow? Did you know the name?

23 A No, sir, I didn't. I couldn't remember his name.

24 Q So what did you tell the police about this other person
25 that you now say is McDow?

1 A Well, basically I remembered the nickname. A nickname
2 came to my mind and he pulled him up. Detective Crump put him
3 up on the screen and it was him.

4 Q Just a single picture on a computer screen?

5 A Yes, sir.

6 MR. BARFIELD: I am sorry, give me just one
7 second.

8 Q Tate Clinton ever address with why he shot the girl?

9 A No, sir.

10 MR. BARFIELD: Thank you. Answer anything Mr.
11 Frick and Miss Raney has.

12 THE COURT: Mr. Frick.

13 MR. FRICK: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. FRICK:

16 Q Mr. Blakeney, you said you are currently enrolled in
17 USC Lancaster?

18 A Yes, sir.

19 Q Okay. And you are planning to become a guidance
20 counselor?

21 A Yes, sir.

22 Q So you certainly don't plan on spending next 30 years
23 in the Department of Corrections?

24 A Correct, sir.

25 Q So the solicitor hasn't made you any promisees, but you

1 expect to get a lesser charge out of this, don't you?

2 A I expect to be treated fair sir.

3 Q To be treated fair. Okay. In fact, do you know what
4 consent bond is? Do you know how that works?

5 A As far as what I can do and what I can't do?

6 Q No, sir. How you got your bond, did you have to come
7 in front of a Circuit Court judge or did you have any bond
8 hearing at all?

9 A I didn't have to -- I met with a judge in jail.

10 Q Okay, but you didn't come in to this courtroom, did
11 you?

12 A No, sir.

13 Q Okay. That was an agreement, wasn't it?

14 A An agreement?

15 Q Yes, sir, your bond?

16 A I don't know anything about an agreement, but I didn't
17 come in to a courtroom.

18 Q Okay. I am going to skip all the way towards the end
19 and then we will go back through some other things. Okay.
20 That's where I am starting at right now. Okay.

21 At the end of the night, after all these events have
22 occurred you have gone through Newtown. You are taking Mr.
23 Clinton home. You call him Tate or you call him Devatee?

24 A Tate. He goes by Tate.

25 Q Okay. All right. You are taking Tate home.

1 A The same Roseanna Lane.

2 Q I think that is where his grandma lives?

3 A Yes, sir.

4 Q Roseanna Lane. Do you see any police when you get to
5 the Roseanna Lane the second time?

6 A No, sir, I didn't.

7 Q You didn't. You do recall the statement that you gave
8 the law enforcement right, back on the 8th?

9 A Yes, sir.

10 Q Solicitor went over the fact that you said it was two
11 people. Today you are saying it is three people?

12 A Yes, sir.

13 Q Okay. Are there other things that are inaccurate in
14 that statement?

15 A Nothing other than me not being fully truthful
16 throughout the beginning.

17 Q Okay. All right. So at which point are you being
18 truthful, in that statement or today's statement?

19 A I am been truthful now sir.

20 Q Now?

21 A And in that statement, sir, towards the end.

22 Q Towards the end of the statement. At some point law
23 enforcement said they weren't buying your story, didn't they?

24 A I mean, I was scared and nervous man. I wasn't being
25 fully truthful honestly.

1 Q I will show you briefly. Three pieces of paper there.
2 Do you recognize that?

3 A Yes, sir, I recognize it.

4 Q What is that?

5 A This is my statement sir.

6 Q That is the one from March 8th?

7 A Uh-huh.

8 Q Now, when the solicitor was asking you about after you
9 dropped folks off in Newtown after everything happened after the
10 club, dropping folks off at Newtown, you were going towards
11 Tate's house when he tells you this stuff, right?

12 A Yes, sir.

13 Q You said you were driving the car?

14 A Yes, sir.

15 Q Okay. Do you recall what you told them on the 8th of
16 March? Look at --

17 THE COURT: Let him answer that question.

18 MR. FRICK: I am sorry. Yes, sir.

19 THE COURT: Do you recall what you told them on the
20 8th of March about what?

21 MR. FRICK: Who was the driving the car.

22 A Yes, sir.

23 Q Okay. What did you tell them?

24 A I told them -- at the beginning of the statement I
25 wasn't being fully truthful.

1 MR. FRICK: Okay. Answer the question I am asking
2 right now.

3 THE COURT: Don't interrupt him. Go right ahead
4 answer the question.

5 A I told him that Devatee had drove the car some.

6 Q Okay. Why? Why do you lie about that?

7 A Because as I stated earlier sir I was scared, I didn't
8 want to be in there. I didn't want to rat, tell them about it.
9 I just I wanted nothing to do with this at all man.

10 Q I understand. The man is in your car, says he want to
11 go somewhere, right?

12 A Correct, sir.

13 Q At the very beginning of the night, after you all leave
14 Hole the Wall for the first time he says take me go get some
15 money, right?

16 A Correct, sir.

17 Q Okay. You said that you see him with a gun at that
18 point, right?

19 A Yes, sir.

20 Q You did, right?

21 A I did.

22 Q Okay. He didn't say take me to ATM over there at
23 Airport Plaza did he?

24 A No, sir, he didn't.

25 Q Okay. You all went past there didn't you?

1 A Yes, sir.

2 Q He said turn into this trailer park, right?

3 A Yes, sir.

4 Q Man with a gun says turn into a trailer park and you
5 didn't ask any questions?

6 A I mean, knowing who he is, he normally carry a gun man.
7 You know, he had problems with the people in the streets. He
8 always carried a gun. I known him to carry a gun.

9 Q Okay. So you don't have any problem taking him over
10 there? All the stuff you are saying you know about him, you
11 don't have any problem taking him over there?

12 A It didn't -- it didn't hit me that something of this
13 nature would occur sir.

14 Q Okay. He gets out of the car with the gun?

15 A Yes, sir.

16 Q At that point you don't expect any trouble?

17 A No, sir.

18 Q So you sit there and wait while a man with a gun in a
19 trailer park goes off you don't no where?

20 A Correct, sir.

21 Q You sat there and waited?

22 A Yes, sir.

23 Q Not an issue in your mind?

24 A Like I said, I took him places before man and

25 nothing -- nothing near this severe took place. Nothing no

1 where.

2 Q All right. They come back. Tate tells you to chill?

3 A Yes, sir.

4 Q Why does he need to tell you to chill?

5 A I don't know sir.

6 Q Were you acting differently when he came back?

7 A No, sir, I was -- there were question marks. I had
8 some things on my mind, but -- you know, no, sir.

9 Q Okay. At no point did you ask any questions? I mean
10 they come running back is what you say, right?

11 A Yes.

12 Q Or come back quickly. You didn't say running, but they
13 were coming back quickly, right?

14 A Uh-huh.

15 Q He still got the gun, right.

16 A Uh-huh.

17 Q You don't at any point decide to go, Tate what did you
18 do?

19 A I mean, just as I said I never -- I didn't think he
20 would put me in a situation like this man. You know, I mean I
21 never -- I never fathom anything like this happening man.

22 Q Okay. Here's the issue. You say time and time again I
23 didn't want to be in this situation. Yet you are going to
24 testify that the man gets out with a gun goes to a place comes
25 back still has a gun. Tells you to chill and another person in

1 the car says go, go, go, and you don't have one single question
2 in your head?

3 A Some things ran through my mind, yeah. I am a human
4 being man, but something like this, no, man. No.

5 Q And you were so concerned about it you drove back to
6 the club, right?

7 A Yes, sir, I drove back to the club.

8 Q Hung out with him?

9 A Yes, sir.

10 Q Did you talk to anybody at the club about what you
11 thought happened?

12 A No, sir.

13 Q In fact you all left together then didn't you?

14 A Yes, sir.

15 Q Took him back home right?

16 A Yes, sir.

17 Q Take him to the very same spot that you suspect
18 something has happened at, didn't you?

19 A Yes, sir.

20 Q Still nothing. You don't -- you don't suspect
21 anything? You don't say anything? You don't ask anybody
22 anything?

23 A Like I said sir, of course I had thoughts sir. But as
24 I stated before something -- something of this nature, no, I
25 never -- I never seen anything like this. Never thought about

1 anything like this taking place man.

2 Q I understand. I understand. Okay. The time that you
3 are all in the club -- well, let me start with something else.
4 Do you ever see any money? Are you paid the money that you were
5 owed for this trip?

6 A No, just some beers were bought and that was it.

7 Q Okay. Did you see anybody come back with any money?

8 A No, sir.

9 Q Did you see anybody come back with anything whatsoever?

10 A No, sir.

11 Q After everybody is dropped off in Newtown -- well, let
12 me ask you this. You got the car from over in Newtown, right?

13 A Yes, sir.

14 Q Okay. You are saying you got issues in your head now.
15 You are kind of rolling this around thinking about it, right?

16 A Yes, sir.

17 Q You don't think it is a good idea to take the car back
18 to the guy you borrowed it from?

19 A Sir, there was no way I could get the car back. As I
20 stated earlier when Mr. Barfield was questioning me the car was
21 low on fuel and I parked it at the Piggly Wiggly.

22 Q No, sir, you said that was after you dropped Mr.
23 Clinton off at Roseanna it was out of fuel. I am asking when
24 you were in Newtown dropping the other folks off before you went
25 back to Roseanna. You clearly had enough gas to go back over to

1 Roseanna. Why didn't you take the car back over to the house it
2 came from?

3 A Because I had to take Mr. Clinton home.

4 Q You think he just did something bad why are you worried
5 about taking him home?

6 A Sir, at that time I didn't know what had happened sir.
7 I didn't know what happened, until a day or few days later sir.
8 That's when I knew what happened.

9 Q You didn't think anything had happened when he said I
10 killed that bitch?

11 A I just didn't -- I didn't believe him man. I mean -- I
12 mean bluffing and stuff like that. I mean I didn't believe him,
13 cause knowing who I am as a person and telling me, and sharing
14 something like that, by him nothing who I am it is just doesn't
15 make sense for it to be true.

16 Q How long have you all known him?

17 A He's my relative. I've known him pretty much all my
18 life.

19 Q And had is how he jokes -- he jokes about killing
20 people?

21 A I mean, I didn't believe him man. That's the truth.

22 Q I believe you said today and on March 8th that you were
23 shocked when he said that. If you didn't believe him why are
24 you shocked?

25 A Because if somebody told you that they killed somebody

1 what would go through your mind at that time. Wouldn't you have
2 some thoughts about it for a second.

3 Q It's the very same question I am asking you.

4 A Yes, I had thoughts but by him nothing who I am I
5 didn't believe him.

6 Q Okay. How did the gun end up in your possession?
7 Initially does he leave it in the car, what does he tell you
8 anything about it how do you end up with it?

9 A He left it in the glove compartment and told me to hold
10 it for him.

11 Q Okay. You didn't think about it then you weren't
12 worried about it?

13 A No, I wasn't.

14 Q So you drop him off. Do you all -- is there any more
15 conversation after he says I killed that bitch. Is there any
16 more conversation?

17 A No.

18 Q Is this just before you get into the trailer park you
19 all going down 200 or do you have any idea where you are?

20 A I want to say we are riding.

21 Q Understand that. Can you tell me where?

22 A We were getting close to Roseanna Lane.

23 Q Were you on 200?

24 A Yes.

25 Q Okay. All right. And you have no verbal response,

1 when he says this to you?

2 A No, sir.

3 Q Okay. Running out of gas most convenient place to park
4 it is as Piggly Wiggly just up the road a little bit?

5 A Yes, sir, I was at the light.

6 Q Got any idea about what time it is at that point?

7 A It was --

8 Q Guesstimate, your best guess.

9 A It was real late, a.m.. It was in the morning, five,
10 six, it was late. It was very late.

11 Q Okay. And when you all had initially gone over to the
12 trailer park it was about what time?

13 A It was late as well.

14 Q But was it a.m. or p.m.?

15 A It was p.m.

16 Q You had a couple of hours kicking this around in your
17 head, right? He just told you I killed that bitch. Says hold
18 on to this gun. You park the car at the Piggly Wiggly parking
19 lot and take the gun?

20 A Yes, sir.

21 Q You suspect that something bad has happened, right?

22 A Nothing like this sir.

23 Q You suspect something bad has happened and this gun is
24 involved, right?

25 A No, sir. Nothing like this sir. I didn't. As I told

1 you before I didn't believe him when he told me sir and because
2 if I would have believed him then do you think I would have took
3 the gun.

4 Q That's what I am asking you why did you take the gun?

5 A Because, I -- I mean I didn't -- I mean, I just thought
6 about selling it and you know, getting some money for it because
7 I didn't have a job at the time.

8 Q A man just told you he killed somebody, it could be
9 with that gun and your first thought is selling it for some
10 money?

11 A Yes, sir.

12 Q And you kept it for a couple of weeks, right?

13 A Yes, sir.

14 Q And you sold it to a relative is that what you told us?
15 You sold it to relative?

16 A Yes, sir, I did.

17 Q A gun that you had reason to believe had some issues
18 and you pass it on to a relative?

19 A Yes, sir, just stupid man. I was.

20 Q All right. Now, going back briefly about Mr. McDow.
21 You tell law enforcement -- you got arrested on March 8th,
22 correct?

23 A Correct.

24 Q They locked you up, served a warrant and you are
25 sitting in the jail on March 8th, you give this statement on

1 March 8th, correct?

2 A Correct.

3 Q Okay. So as soon as you had opportunity you told law
4 enforcement your side of the story?

5 A Yes, sir, I spoke with them.

6 Q Okay. And at that time on that day you tell them two
7 other people were in the car?

8 A Yes, sir.

9 Q Not three and I don't know that dude's name. Two.

10 A Yes, sir.

11 Q And what you tell the solicitor the reason why you
12 didn't tell name is because you couldn't remember Mr. McDow's
13 name?

14 A I couldn't.

15 Q That's the reason why you said it was two instead of
16 three?

17 A And I mean I was -- I was scared too, sir. Just
18 playing it back in my mind I was scared. I didn't want any
19 involvement in this period, man.

20 Q All right. You carried this gun around for two weeks.
21 What kind of gun was it?

22 A It was an either a 380 or nine millimeter.

23 Q Which is it? You had it for two weeks?

24 THE COURT: He's answered the question.

25 Q Do you recall what you told law enforcement on March

1 8th what you thought it was?

2 A Yes, sir.

3 Q What did you tell them?

4 A I told them that it was -- I said a nine millimeter.

5 Q Okay. And now you are not sure?

6 A It could have been either.

7 MR. FRICK: Thank you, Mr. Blakeney. I believe
8 that is all the questions I have.

9 THE WITNESS: Your welcome sir.

10 THE COURT: Miss Raney.

11 CROSS EXAMINATION

12 BY MS. RANEY:

13 Q Mr. Blakeney, I have here in my hand what has been
14 marked as State's Exhibit Number 54. I will bring it up to you
15 first. This is an aerial photo of Roseanna Lane neighborhood.
16 Does that look familiar to you?

17 A Yes.

18 Q It does. Okay.

19 MS. RANEY: Could I ask him to step down off the
20 witness stand to point out a few things to the jury
21 Your Honor?

22 THE COURT: Keep your voice up. You may step
23 down.

24 THE WITNESS: Okay.

25 THE COURT: Change places Miss Raney so your voice

1 travels back to the court reporter.

2 MS. RANEY: Do you want me over here, Your Honor?

3 THE COURT: Yes, ma'am.

4 Q Mr. Blakeney, do you recognize this as 200, this route
5 here?

6 A Yes, sir -- I mean yes, ma'am.

7 Q You might want to keep your voice up.

8 MR. BARFIELD: Your Honor, may I move to that end?

9 THE COURT: Yes, sir.

10 Q Do you recognize this road here as 200?

11 A Yes, ma'am, I do.

12 Q Perfect. And then this area, this trailer here do you
13 recognize whose trailer that would be?

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

15 Q Do you remember where you parked the white Cadillac
16 that night?

17 A From this view I can't. I can't really tell. I have a
18 downward view. I can only see the top of the trailers.

19 Q Well, do you remember -- did you stop the white
20 Cadillac in the roadway or in the grass? If you can't tell from
21 here that is fine I will go ahead and sit back down?

22 A I pulled into a driveway.

23 Q You pulled into a driveway, and the driveway belonging
24 to a trailer on Roseanna Lane?

25 A Yes, ma'am.

1 Q Yes?

2 A Yes, ma'am.

3 Q But you not able to tell from looking at State's 54
4 which driveway that would have been?

5 A No, ma'am. It's just a bad view. Bad angle.

6 Q Okay. You can go ahead and take a seat back down. Is
7 it fair to you say when you pulled into that driveway on
8 Roseanna Lane that it was dark out?

9 A Yes, ma'am.

10 Q Are there any, or do you recall there being any street
11 lights in the area where you parked the white Cadillac that
12 night?

13 A I think I remember one street light.

14 Q There may have been one street light?

15 A Yes, ma'am.

16 Q Did you leave the lights on, like the headlights on in
17 the car when you left it parked there at Roseanna Lane that
18 night?

19 A I can't remember, ma'am.

20 Q If you don't remember I just want you to tell me the
21 truth. Okay.

22 A I can't remember, ma'am.

23 Q And you said after the three gentlemen got out of the
24 car they disappeared?

25 A Yes, ma'am.

1 Q Did you see which way they went?

2 A They went to the left side of me.

3 Q To the left side where the white Cadillac was parked?

4 A Correct ma'am.

5 Q Did you see Miss Jones front door from where you were
6 situated?

7 A No, ma'am.

8 Q You could not?

9 A No, ma'am.

10 Q What would have been blocking your view to be able to
11 see Miss Jones's front door, another trailer?

12 A As I said they were behind the trailer so I wasn't -- I
13 wasn't sure which trailer they went in to ma'am.

14 Q Okay. So basically they get out of the car, correct,
15 they run behind a trailer and then that's when you loose site of
16 all three of them?

17 A Yes, ma'am.

18 Q Okay. And then you don't see them again until about
19 ten minutes later when all three of them get back in the white
20 Cadillac?

21 A Yes, ma'am.

22 Q So for that ten minutes that they are outside of the
23 car you can't see who went inside of Miss Jones's trailer can
24 you?

25 A Correct ma'am.

1 Q And you said that whenever Mr. Clinton said to you, I
2 shot that woman, using different words that you were surprised,
3 right?

4 A I was. I was speechless at first, I was.

5 Q So is it fair to assume then that you never heard a
6 gunshot when you were parked there at Roseanna Lane earlier that
7 night?

8 A I never heard a gunshot ma'am.

9 Q Did you ever hear any type of loud or unusual noises
10 when you had the car parked?

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

12 Q And you mentioned that you confided in a friend about
13 what had occurred that night on Roseanna Lane?

14 A Yes, ma'am.

15 Q Do you recall telling that friend that you actually
16 buried the gun?

17 A Yes, ma'am I did.

18 Q Did you ever bury the gun?

19 A No, ma'am.

20 Q How much time did you have on the evening of the 19th
21 in to the early morning hours of January 20th to actually see
22 Mr. McDow? How much time did you spend with him?

23 A Can you repeat the question ma'am?

24 Q How much time from January 19, 2012 to January 20,
25 2012, did you spend with Mr. McDow?

1 A Not much time.

2 Q Not much time. Did you notice whether or not he was
3 wearing a GPS ankle bracelet?

4 A Yes, I seen him with an ankle bracelets on in the
5 Newtown area.

6 Q Do you remember seeing him with that ankle bracelet on
7 that night?

8 A No, ma'am.

9 Q So are you saying you didn't see the bracelet or that
10 you don't recall whether you saw him with bracelet?

11 A I didn't see him wearing a bracelet ma'am.

12 Q That night?

13 A Yes, ma'am.

14 Q Thank you.

15 MS. RANEY: I don't have any further questions.

16 THE COURT: Redirect solicitor?

17 MR. BARFIELD: No, sir.

18 THE COURT: Thank you. Thank you very much Mr.
19 Blakeney. You may step down.

20 THE WITNESS: Yes, sir.

21 THE COURT: Who is your next witness?

22 MR. BARFIELD: Your Honor, this might be an
23 opportune time to conclude the the non-jury matter
24 that we almost finished this morning and we can just
25 roll right through the rest of it after lunch if that

1 THE COURT: Please come around, Mr. Thompson, you
2 are still under oath.

3 DIRECT EXAMINATION

4 BY MR. BARFIELD:

5 Q Mr. Thompson, a couple of miscellaneous things first.
6 Do you know whether or not Tate Clinton had any relatives in the
7 trailer park on Roseanna Lane when this event was going on?

8 A Yes, I do.

9 Q Who?

10 A His grandmother lived on Roseanna Lane.

11 Q Do you know where in relation to Jenika Jones's trailer
12 1963?

13 A Jenika's back door was Tate's grandmother's front door.

14 Q Side by side?

15 A Side by side. Her address is [REDACTED] Roseanna Lane.

16 Q Did the sheriff's office, you investigators, become
17 aware of Delrico McDow's potential involvement in this case?

18 A Yes, later on.

19 Q Did the sheriff's office become aware of information
20 concerning a gun that might have been used in this case?

21 A Yes, sir, we did.

22 Q What did the sheriff's -- what did you do to try to
23 track down this handgun?

24 A The name that Mr. Blakeney gave us, provided to us as
25 being the relative that he sold the gun to he also provided a

1 location that this person lived, an apartment put, so I went --

2 Q Don't quote anybody, but just tell us what you did?

3 A I actually went out to the apartment complex, spoke
4 with the person's mother. She put us in contact with him and he
5 denied.

6 Q Was the gun recovered?

7 A No, it wasn't.

8 Q Any efforts left unturned to find that gun?

9 A We exhausted all efforts trying to locate it.

10 Q Are you familiar with the Hole in the Wall club?

11 A Yes, sir, I am.

12 Q Do you know whether it is open now or not?

13 A I don't think that it is.

14 Q What is the Hole in the Wall? What is or was the Hole
15 in the Wall club? Did it have another name?

16 A Sometimes it goes by Self Controlled Brothers. There
17 is a sign out front that says Self Controlled Brothers, but most
18 people know it as the Hole in the Wall.

19 Q And where is this location?

20 A South Market Street. It use to be the feeding farm
21 little store. On the right if you are going down market as if
22 you are going out towards Old Cannon Highway the feeding farm is
23 on the right. Self Controlled Brothers was just a little
24 further down through the light on the left.

25 Q Do you know where Portabell Lumber Company is?

1 A Yes, I do.

2 Q It is anywhere near Portabell Lumber Company?

3 A It is. It is right across the street from there.
4 Maybe 2/10's of a mile north.

5 Q Now, in connection with your investigation of this case
6 did you have occasion to met Tate Clinton on January 27th of
7 2012?

8 A Yes, sir, I did.

9 Q Was he arrested and in custody?

10 A Yes, he was.

11 Q Where did you meet Tate Clinton on that day?

12 A In our detention center.

13 Q Was he in a cell?

14 A Yes, sir he was.

15 Q Were you in the cell with him?

16 A No, sir, I was not.

17 Q On that date did you read him any Miranda warnings and
18 tell him what his constitutional rights were?

19 A No, sir, I did not.

20 Q Did you have some conversation with him?

21 A Yes, sir, I did.

22 Q Who initiated the conversation?

23 A He did.

24 Q At the time you were talking with Mr. Clinton that day
25 -- first of all did you know approximately how old he was?

1 A Approximately. I knew early twenties.

2 Q Did you have any definitive knowledge of his
3 educational level?

4 A I had no idea.

5 Q Did you have occasion to observe him that day?

6 A Yes, sir, I did.

7 Q Did he appear to have any physical injuries or physical
8 discomfort or illnesses or anything going on with him?

9 A No, sir, I didn't see anything like that.

10 Q Did you have any difficulty understanding words and
11 phrases he was using with you?

12 A Not at all.

13 Q Did he appear to have any difficulty understanding
14 words and phrases you were using with him?

15 A No, sir, he did not.

16 Q At any time during your conversation with Tate Clinton
17 on January 27th did you make him any promises about anything?

18 A No, sir.

19 Q Did you make any threats -- first, let me back up. Did
20 you make any promises in exchange for information he might
21 provide you?

22 A No, sir I did not.

23 Q Did you make any threats against him to attempt to make
24 him give you information?

25 A No, sir.

1 Q Did you do anything to coerce him to tell you anything?

2 A No, sir.

3 Q Did he give you any information about his whereabouts
4 the night of Thursday January 19th of 2012?

5 A Yes, sir, he did.

6 Q Where did he tell you he had been?

7 A He told me that went to the Hole in the Wall nightclub
8 on Market Street.

9 Q Did he tell you how he got there?

10 A Yes, sir. He told me he was taken there by his cousin
11 Tony Cunningham.

12 Q All right. Did you have occasion to see Mr. Clinton
13 again on February 23rd of 2012?

14 A Yes, sir, I did.

15 Q Was he still arrested and in custody?

16 A Yes, sir he was.

17 Q Where did you see him that day?

18 A At the sheriff's office.

19 Q Where at the sheriff's office -- was the sheriff's
20 office out, further out on Pageland Highway in the old location?

21 A Yes, 1941 Pageland Highway.

22 Q And where within the sheriff's office did you see Mr.
23 Clinton that day?

24 A Its like a break room type area. Often times there is
25 vending machine -- well, there were vending machines in there at

1 the time.

2 Q Who else was present when you were with Mr. Clinton on
3 2-23 of '12?

4 A From the sheriff's office Captain Craig Bailey was with
5 me and Mr. William Frick was there with Mr. Tate.

6 Q And did you understand what capacity Mr. Frick was
7 there with Tate Clinton that day?

8 A Yes, sir, I did.

9 Q And what was your understanding of Mr. Frick's capacity
10 with regard to Tate Clinton that day?

11 A He was there to insure that Mr. Tate's rights were not
12 violated.

13 Q Was he his lawyer?

14 A Yes.

15 Q Okay. Did you read Mr. Clinton his Miranda warnings
16 that day?

17 A Yes, sir, I did.

18 Q I will show you a document and ask you if you can
19 identify what this is?

20 A This is a copy of the Miranda warning that we read to
21 Mr. Clinton.

22 Q Let me back up just a minute. On 1-27 of '12 was there
23 any written statement produced as a result of your conversation?
24 Any written statement about Tate Clinton as a result of of your
25 conversation that day? Did he give a written statement?

1 A No, sir, he did not.

2 Q Now, what is the purpose of that document in its
3 general sense?

4 A The Miranda warning?

5 Q Yes.

6 A I could read it if you need me to.

7 Q Well, let's do it one time.

8 A Okay.

9 Q Let me ask you some questions and then once we will get
10 to you read the whole thing. Is that document specific to your
11 conversation with Mr. Clinton on 2-23 of '12?

12 A Yes, sir.

13 Q Did you read that document in its entirety to Mr.
14 Clinton?

15 A Yes, sir, I did.

16 Q Generally speaking what is the top part of that form?
17 Not specific, but generally what is the top part of that form?

18 A As it relates to the top portion?

19 Q Well, the top two thirds of the form, I guess. What is
20 all that about?

21 A Basically the first part of this form gives you just a
22 little bit of information about the person, there name, their
23 educational level, are they under the influence of any type of
24 drugs or alcohol.

25 Q Well, let's just go ahead and answer the questions

1 about Mr. Clinton concerning that. Did you determine on that
2 date what you his age was?

3 A Yes, sir, we did.

4 Q And is it written on that document anywhere?

5 A Not on this form. It is actually on the report, the
6 actual report.

7 Q And what is the next thing you did with that form?

8 A Last grade completed in school.

9 Q What did he say?

10 A Ninth grade.

11 Q Okay. What is next?

12 A Are you under the influence of any type of drugs or
13 alcohol and he indicated that he was not.

14 Q Okay?

15 A Can you read and write the English language and he --
16 we actually checked no on that one.

17 Q Do you know whether he could read and write?

18 A Yes, sir.

19 Q Did you make a mistake?

20 A Yes, sir, I did.

21 Q That's fine. What's next?

22 A The place of the interview. I put LCSO for Lancaster
23 County Sheriff's Office. The date at that time was February 23,
24 2012, and the time was 1:45 p.m.

25 Q And 1:45 p.m. would be the time when you are going over

1 that form with Mr. Clinton?

2 A Yes, sir, that's when we began this process.

3 Q What is after the recording of the time? What starts
4 after that?

5 A This is when we begin to read and explain his Miranda
6 warning.

7 Q And are they printed on that form?

8 A Yes, sir.

9 Q If you let me ask about the procedure first. How do
10 you go through those warnings with a person that you are
11 interviewing, specifically Mr. Clinton?

12 A We read each one. What we typically do is read out one
13 of the warnings and ask them do you understand your rights and
14 what we typically do if they indicate yes they do we ask them to
15 just give us a summary of what they think it means. If they are
16 completely wrong we will explain to them. But even if they are
17 right we make sure that they understand fully as best we can
18 explain to them what their rights on.

19 Q And once you convinced yourself that the person
20 understands is there some way that you record that understanding
21 on that document?

22 A Yes, sir. We ask them to initial it that they do
23 understand their rights.

24 Q And what is the first right you read to Mr. Clinton
25 that day?

- 1 A We make sure he had the right to remain silent.
- 2 Q Did he understand?
- 3 A Yes, sir he did.
- 4 Q Did he initial it?
- 5 A Yes.
- 6 Q Next.
- 7 A Anything you say can and will be used against you in a
8 court of law.
- 9 Q Did he he understand?
- 10 A Yes, sir, he did.
- 11 Q Did I initial it?
- 12 A Yes, sir, he did.
- 13 Q Next.
- 14 A You have a right to talk to your lawyer and have him
15 present with you while you are being questioned.
- 16 Q Did did he understand?
- 17 A Yes, sir.
- 18 Q Did he initial it?
- 19 A Yes, sir.
- 20 Q Was his lawyer present with him?
- 21 A Yes, sir, his lawyer was present with him.
- 22 Q Next.
- 23 A If can you not afford to hire a lawyer one would be
24 appointed to represent you before any questioning if you wish.
- 25 Q Did he understand?

1 A Yes, sir.

2 Q Did he initial it?

3 A He did.

4 Q Next.

5 A You can decide at any time to exercise these rights and
6 not answer any questions or make any statements.

7 Q Did he understand?

8 A Yes, sir, he did.

9 Q Did he initial it?

10 A Yes.

11 Q Next.

12 A Do you understand each of these rights as I have
13 explained them to you and he indicated he did understand and he
14 initialed it.

15 Q All right. Then what?

16 A Having these rights in mind are you willing to talk to
17 us at this time.

18 Q How did he respond?

19 A He indicated that he would by initialing it.

20 Q Next.

21 A Under that is the waiver of right.

22 Q Okay.

23 A And the waiver of rights indicates I have read my
24 statement of my rights and understand what my rights are. I am
25 willing to make a statement and answer questions. I do not

1 wants a lawyer at this time. I understand and know what I am
2 doing. No promisees or threats have been made to me and no
3 pressure or coercion of any kind has been used against me.

4 Q Did he somehow acknowledge the information in that
5 paragraph?

6 A He did.

7 Q How did he do that?

8 A We actually X'd that out because it did not apply.

9 Q Okay. And it didn't apply because why?

10 A Because his attorney was with him.

11 Q All right. What is the below that?

12 A He was asked to sign it and he actually applied his
13 signature to the form.

14 Q Who else signed it if anybody?

15 A Captain Bailey with the sheriff's office signed it, I
16 signed it and Mr. Frick also witnessed him.

17 Q Any other writing on that document that we haven't
18 covered?

19 A There is an X for some other reason on here. Some
20 other X.

21 MR. BARFIELD: Your Honor, at this time I would
22 offer the Miranda warnings from 2-23 of '12 as the
23 next State's exhibit.

24 MR. FRICK: No objection.

25 MS. RANEY: No objection.

1 THE COURT: State's 61, entered without objection.
2 (state's Exhibit 61, Miranda warnings, received in
3 evidence as of this date.)

4 Q Again, on 2-23 of '12 was there any apparent
5 communication difficulties between you and Mr. Clinton?

6 A None at all.

7 Q Did Mr. Clinton ask any questions about his
8 constitutional rights?

9 A He didn't ask us any. We can only assume that he spoke
10 with his attorney if he had any.

11 Q Well, in your presence --

12 A No.

13 Q -- ask you any questions --

14 A No, he did not.

15 Q -- about his rights?

16 A No, sir.

17 Q Did he say or do anything to indicate that he did not
18 understand what his rights were?

19 A He did not.

20 Q Did he talk to you and make a statement?

21 A Yes, sir, he did.

22 Q And again was there a -- did he provide a written
23 statement or just orally discuss things with you?

24 A Orally discussed things with us.

25 Q Approximately how long -- first of all. Do you recall

1 whether Mr. Children was restrained in any fashion in the room,
2 in the break room at the sheriff's office while this
3 conversation was going on?

4 A I can't remember for certain, but I do know escorting
5 him from out detention center over to the break room area
6 according to department policy he would have to have on leg
7 irons. He would have to have on belly chains, but often times
8 while we are doing an interview most of the time the person's
9 hands would be unrestrained so they can sign the waiver of
10 rights, and other paperwork.

11 Q Do you have any specific recollection of any undo
12 restraint I guess of Mr. Clinton during this interview?

13 A I don't.

14 Q About how long was Mr. Clinton in your presence during
15 this interview?

16 A I know for certain it was well over an hour.

17 Q Okay. During that time to your recollection did
18 anybody else with the sheriff's office or law enforcement other
19 than the people you already mentioned step in, participate, have
20 any involvement in the interview?

21 A No, sir.

22 Q And at any time do you recall whether or not Mr.
23 Clinton made any requests for what I call comfort items like a
24 bathroom break, something to drink, something to eat, cigarette,
25 anything like that?

1 A I don't remember anything particular right off.

2 Q And again during this interview did you notice any
3 physical injuries or any signs of physical discomfort on the
4 part of Mr. Clinton?

5 A No, sir.

6 Q Did anybody from law enforcement make any promises to
7 Mr. Clinton on 2-23 of 12 to get him to give you information?

8 A No, we did not.

9 Q Same question with relating to threats. Did anybody
10 make any threats to Mr. Clinton to get him to give you
11 information?

12 A No, sir, we did not.

13 Q Did anybody in any fashion by law enforcement coerce
14 Mr. Clinton in talking to you?

15 A No, sir.

16 Q Did he waive all his rights and talk to you?

17 A He did.

18 Q I will ask you a few specific questions. Generally
19 speaking the subject of the conversation between you and Mr.
20 Clinton was what?

21 A Basically trying to find out where he was on the night
22 that Jenika was killed.

23 Q And were your questions and was the conversation
24 focused on that night?

25 A Yes, sir.

1 Q Again did he tell you where he had been the night of
2 Thursday, January 19th of 2012?

3 A He did.

4 Q Where did he say he had been?

5 A At the Self Controlled Brothers or at the Hole in the
6 Wall.

7 Q Did he indicate anything to you about what he had been
8 wearing?

9 A Yes. He indicated that he had been wearing a
10 camouflage jumpsuit.

11 Q Was there ever any discussion with Mr. Clinton about a
12 blue jumpsuit?

13 A Yes, sir, there was.

14 Q Who started off that part of the conversation?

15 A He actually brought up the conversation about the blue
16 jumpsuit.

17 Q Did you question him about his ownership or possession
18 of a blue jumpsuit?

19 A I did.

20 Q What was his response?

21 A He indicated that he actually owned the blue jumpsuit
22 but he loaned it out to two other people on a couple of
23 different occasions.

24 Q Did he give you the names of those other people?

25 A He did.

1 Q What names did he give you?

2 A He told us that one person was Reggie Stover.

3 Q Stop right there. Did he discuss who Reggie Stover was
4 or where Reggie Stover lived?

5 A Yes, he indicated that Reggie actually lived with him
6 at [REDACTED] Roseanna Lane.

7 Q Okay. While we are talking about that, did you all
8 have any discussion -- while we are talking about Roseanna Lane
9 did you and Clinton have any discussion about his knowledge of
10 the victim, Jenika Jones, or where she lived? Was there any
11 discussion about that at all?

12 A We did.

13 Q What did he say about that?

14 A He didn't know that she lived in the mobile home right
15 beside his.

16 Q You said Mr. Clinton talked about two people that he
17 said he had loaned the jumpsuit to?

18 A Yes.

19 Q Who else did he say that he had loaned the jumpsuit to?

20 A A person by the name of Wayne, but he did not know
21 Wayne's last name.

22 Q Okay. Did you and Mr. Clinton have any conversation
23 about the fellow by the name of Pomp Blackmon?

24 A We did.

25 Q What was the initial part of that conversation?