

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Chester County

R. Knox McMahon, Circuit Court Judge

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S.C. SUPREME COURT

CASEY RAYMOND PERKINS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-000279

APPENDIX

SUSAN B. HACKETT
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

PATRICK SCHMECKPEPER
Assistant Attorney General
Office of the Attorney General
P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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PRETRIAL MOTIONS

1 Cops, and you watch Law and Order, you watch TV in general,
2 Perry Mason, Matlock, all people are innocent until proven
3 guilty. Those are not just simply words that we hear. It
4 is the bed rock of the American Judicial System. It's a
5 bed rock that makes us Americans. Just by the fact that
6 the solicitor stood up and said Casey Perkins killed
7 Mrs. Hinson, it doesn't mean anything. They've got to
8 prove -- and that's the second leg -- they've got to prove,
9 the State has a prove, the sheriff has to prove, the Sled
10 officers that take this stand have to prove that what
11 happened -- that what they say happened in fact happened.
12 Which leads us to the third one: That proving that they do
13 has to be done beyond a reasonable doubt, again words we
14 have all heard. A lot times it goes in one ear and out the
15 other, the same way, we hear it on TV over and over again
16 and after awhile it becomes words that we hear but we don't
17 think about. What does it mean, reasonable doubt? What
18 does it mean beyond a reasonable doubt? That's why I asked
19 you to question the evidence when you hear it. Is the
20 State meeting its burden? Are they getting to the point
21 where I don't have any doubts left in my mind. You are
22 going to hear evidence that will cause you to wince,
23 whether physically or inside, and you're going to hear
24 things from doctors and police officers about blood and
25 tissue and Mrs. Hinson that is going to make you want to

PRETRIAL MOTIONS

1 hate somebody, that you're going to want to take your anger
2 out on somebody. And the easiest person to do that on at
3 this point is Mr. Perkins because he's sitting right across
4 from you and he is the one they said did this. You can't
5 let yourself do that. You have got to sit back, listen to
6 the evidence rationally and coolly. Did he really do it?
7 Is this making sense? So I ask you and the solicitor has
8 asked you to please be patient this week. This is going to
9 be a long week, a lot of evidence that you're going to have
10 to listen to. I ask that you give Mr. Perkins -- that you
11 give Mr. Perkins the respect and courtesy to listen to all
12 of the evidence, that you don't take it out on him just
13 because he is the easiest target to take it out on, that
14 you make the solicitor have to show you and the State show
15 you that what they say he did they can prove beyond a
16 reasonable doubt. And the last thing, there's two things

17 that psychologists say help imprint things on our mind,
18 those things are called primacy and recency. That's fancy
19 ways of saying the things that we hear first and the things
20 that we hear last are the things that generally stick in
21 our mind more than the other things, and that's how we
22 learn. What do they hear first? Because Mr. Barfield and
23 the State have the burden of proof they have to go first,
24 they have to present the evidence. At the end of it all
25 when we have our closings, more than likely Mr. Barfield is

PRETRIAL MOTIONS

1 going to go last. You can't allow the fact that he went
2 first and he went last to factor in to your decision. I
3 would ask that you give Mr. Perkins the benefit of
4 listening to all of the evidence, listening to me even
5 after I have to stand up after Mr. Barfield stood up on
6 these questions. We thank you for being here. We know
7 this is a burden on all of y'all as jurors, the week before
8 Christmas, there's lots of things going on. But there is
9 no more important thing in Mr. Perkins' life today than
10 this. Thank you.

11 THE COURT: Call your first witness.

12 MR. BARFIELD: State calls Mr. Louthan.

13 The witness, WILLIAM DAVID LOUTHAN, was first duly

14 Sworn and testified as follows, on:

15 DIRECT EXAMINATION

16 BY MR. BARFIELD:

17 Q State your name, please, sir.

18 A William David Louthan.

19 Q Mr. Louthan, where do you live?

20 A [REDACTED].

21 Q Is that here in Chester County?

22 A Yes, sir.

23 Q How long have you lived in Chester County?

24 A Ten years.

25 Q All right, sir. Were you living in Chester County

TESTIMONY OF WILLIAM LOUTHAN

- 1 back in August of 2005?
- 2 A Yes, sir.
- 3 Q Do you know Casey Ray Perkins?
- 4 A I do.
- 5 Q Do you see Casey Perkins in the courtroom today?
- 6 A Yes, sir.
- 7 Q Where is Mr. Perkins sitting and what is he wearing?
- 8 A Center seat, brown shirt and tie.
- 9 Q All right, sir. At the table over there?
- 10 A Yes, sir.
- 11 Q Now, how long prior to August of 2005 did you know
- 12 Casey Perkins?
- 13 A A year or a year and a half.
- 14 Q All right. How did you know Casey Perkins?
- 15 A Casey worked with me.
- 16 Q What business are you in?
-
- 17 A I own Cash for Junk Cars in Chester County, auto
- 18 recycling.
- 19 Q And what is Cash for Junk Cars?
- 20 A It's Cash for Junk Cars, we haul junk cars, go out,
- 21 pick up junk cars, buy and crush junk cars.
- 22 Q Did you strip them for parts if there are parts on
- 23 them?
- 24 A Yes.
- 25 Q Did Casey work for you regularly or just every now

TESTIMONY OF WILLIAM LOUTHAN

1 and then?

2 A There was a period where he worked for me regularly
3 and then as the need would arise.

4 Q All right. Did you know where he lived?

5 A Yes.

6 Q Had you ever been there to either pick him up to go
7 to work or take him home?

8 A Yes, both.

9 Q Were you familiar with other folks who lived in the
10 neighborhood that Casey lived in?

11 A Yes.

12 Q Did Casey know anything about cars?

13 A Somewhat.

14 Q Okay. When he worked for you, what did he do?

15 A Sometimes help me go to load, primarily stripping
16 cars for certain parts. We strip them off to where they

17 are worth more than just scrap metal. The majority of the
18 time he was riding with me in the roll backs, going to
19 help pick up and load vehicles and stuff.

20 Q During any part of the time that you knew Casey
21 Perkins prior to August of 2005, did you have knowledge
22 that he worked at any other place that repaired cars or
23 sold cars or anything like that?

24 A By what Casey had told me, yes.

25 Q Where did he tell you he had worked?

TESTIMONY OF WILLIAM LOUTHAN

1 A Several places, only two that I actually remember.
2 The name is Mercedes and then the Corvette shop in Rock
3 Hill and some others. But I just don't recall the names
4 to them.

5 Q When you say Mercedes, do you mean a business that
6 works on or sold Mercedes cars?

7 A Yes.

8 Q Do you know what town those were in?

9 A No, not really.

10 Q Had you ever seen Casey Perkins with any clothing
11 that identified him with Mercedes?

12 A Yes.

13 Q Describe the clothing that you are referring to.

14 A Mostly was the shirt uniforms, the blue shirts with
15 name tag and stuff. Any time Casey was dressing up to go
16 anywhere that was his dress-up shirts.

17 Q Describe the shirt.

18 A Just blue with name tags. I think he might have had
19 one that was blue with white stripes, I'm not real
20 certain. I know he had the solid blue ones with the
21 Mercedes tag and the name tags on them.

22 Q When you say name tags, what kind of name tags are
23 you talking about?

24 A Just old standard name tag shirts.

25 Q I'm going to show you an item, which obviously has

TESTIMONY OF WILLIAM LOUTHAN

1 been through it, but have you ever seen Casey Perkins
2 wearing or in possession of a shirt like or similar to
3 this?

4 A Yes, sir.

5 Q Okay. At some point, did you become aware that
6 something had happened to Judy Hinson?

7 A Yes, sir.

8 Q All right. In the days before something happened to
9 Judy Hinson, did you have any dealings with or contact
10 with Casey Perkins?

11 A Yes, sir.

12 Q How soon before the event with Judy Hinson did you
13 last see Casey Perkins, if you can recall?

14 A I'm thinking -- I'm pretty sure that it was the day
15 before, it was the Friday afternoon before what happened.

16 Q Where were you and where was Casey?

17 A I was at Don Wilson's house.

18 Q Where does Don Wilson live?

19 A Debruhl, I'm not sure of the address.

20 Q In the neighborhood where Casey lived?

21 A Yes.

22 Q Go ahead.

23 A And I'm not sure it was that night but I think it was
24 because the police had come out on that Sunday, but I
25 think it was that Friday he was going to a pig picking

TESTIMONY OF WILLIAM LOUTHAN

1 and --

2 Q Who was going to a pig picking?

3 A Casey was.

4 Q Go ahead.

5 A And was wearing -- again, those shirts was his
6 dress-up shirts. Any time he was going to any function of
7 dressing up that was his status statement, "I work for
8 Mercedes," or did or whatever. So he was going up --
9 going to this pig-picking with Mercedes shirt. Any time
10 Casey got anything new he made sure to point it out, other
11 than saying, "Hey, look what I got," he wanted a response.
12 And he had just bought new shoes.

13 Q Describe the shoes.

14 A I'm not sure of the name brand, they were white, they
15 were Wal-Mart special kind of shoes, nothing.

16 Q What kind of shoes were they?

17 A Just white tennis shoes.

18 Q Tennis shoes?

19 A Yes, sir. I don't recall the name brand or anything.
20 But Casey made a point that everybody saw his new shoes
21 and he was dressed up going to this pig picking.

22 MR. BARFIELD: Thank you, sir. Answer anything that
23 Mr. Dunn has.

24 THE WITNESS: Yes, sir.

25 THE COURT: Mr. Dunn, cross examination?

TESTIMONY OF WILLIAM LOUTHAN

1 MR. DUNN: Thank you, Your Honor. If it may please
2 the Court?

3 CROSS EXAMINATION

4 BY MR. DUNN:

5 Q So let me make sure I got this correct, Mr. Louthan,
6 you're pretty sure that was at Don Wilson's that night but
7 you are not 100 percent sure?

8 A I'm sure it was Casey but I'm not sure of the date.
9 I know Casey well.

10 Q Well, sir, I'm not disputing that you know Casey,
11 what I am disputing you're not 100 percent that you
12 remember the date at Don Wilson's.

13 A Right, the day is the question.

14 Q So it may not have been on the 26th of August of
15 2005.

16 A May not have been.

17 Q Would it be fair to say that Casey has below average
18 intelligence?

19 A Yes, sir.

20 Q Not a real smart guy, is he?

21 A Not really.

22 Q Did you ever take a car from Ben Stapleton to the --
23 and had it crushed or destroyed or whatever the
24 terminology is?

25 A Several.

TESTIMONY OF WILLIAM LOUTHAN

1 Q Several cars from Mr. Stapleton?

2 A Yes, sir.

3 Q Is it fair to say that Mr. Stapleton is a crack head?

4 MR. BARFIELD: Your Honor, I'm going to object. I
5 don't see any relevance to this line of questioning.

6 THE COURT: Mr. Dunn?

7 MR. DUNN: It will have to come in later on at the
8 point of relevance, Your Honor. I am making questions out
9 of statements given to police officers.

10 THE COURT: If you tie it in later.

11 A Ben is a recovering crack addict.

12 Q Shortly after the murder of Mrs. Hinson -- when I say
13 shortly I mean within a week or two or three -- you took a
14 car from Mr. Stapleton and had it destroyed, correct?

15 A I'm not sure of the time line of the date. Like I
16 said, I have picked up several cars for Ben, I can't tie

17 it to a particular period of time of when this happened.

18 Q When you pick up those cars from him, you don't go
19 through them, do you?

20 A Yeah. Any vehicle picked up right down to pulling
21 the back seats out and pulling the change out because
22 that's my business is to make money off of this stuff, so
23 everything is gone through.

24 Q The solicitor showed you a blue shirt, right?

25 A Uh-huh.

TESTIMONY OF WILLIAM LOUTHAN

1 Q It says "Casey" on one side and I think it has a
2 Mercedes emblem on the other. You can't be sure that's
3 the shirt you saw on Casey, correct?

4 A I can't be sure that that is the exact shirt I saw on
5 him, no.

6 Q And those blue shirts are commonly worn by mechanics,
7 correct?

8 A Yes.

9 Q Folks who work on cars and folks who do things like
10 landscaping and that sort of stuff, they wear those type
11 of shirts, don't they?

12 A I'm not sure about the landscaping, but in the auto
13 industry that's a pretty common colored shirt for
14 uniforms.

15 Q Before Mrs. Hinson died, you had issues with Casey,
16 didn't you?

17 A About two weeks prior.

18 Q If fact, y'all got into a fight, didn't you?

19 A Yes, we did.

20 Q It was a disagreement over money.

21 A No. It was a truck that I had bought from Casey that
22 he insisted I wasn't taking after he had gotten his money.

23 Q But it was a disagreement over who owned that truck,
24 right?

25 A Yes.

TESTIMONY OF WILLIAM LOUTHAN

1 Q To this day you don't have that truck, do you?

2 A No. They took it and hid it, no.

3 Q You don't have that truck.

4 A No.

5 MR. DUNN: No further questions.

6 MR. BARFIELD: Couple of real quick.

7 REDIRECT EXAMINATION

8 BY MR. BARFIELD:

9 Q Mr. Dunn was asking you questions about Casey's level
10 of intelligence. Did you have conversations with Casey?

11 A Yes, regularly. Casey came to my house and I went to
12 his house. It was more than just an employee, he was a
13 hangout kind of a friend.

14 Q Did you have difficulty understanding words and
15 phrases Casey was using when y'all were talking?

16 A No.

17 Q Did he appear to have any difficulty understanding
18 words and phrases you were using when y'all were talking?

19 A No.

20 Q Did you pay him money to work?

21 A Yes.

22 Q Write him checks or give him cash, or do you recall?

23 A Cash.

24 MR. BARFIELD: Thank you. That's all and I would ask
25 that this witness be excused if he would like to.

TESTIMONY OF WILLIAM LOUTHAN

1 THE COURT: Anything else?

2 MR. DUNN: Just one follow-up question.

3 RECROSS EXAMINATION

4 BY MR. DUNN:

5 Q You said you paid Casey with cash, correct?

6 A Typically, yes.

7 Q Is that because he was on social security and you had
8 to pay him under the table?

9 A No. My business is mostly cash. Sometimes I will do
10 I-9's. If we have long term employees we will do I-9's
11 but it's a cash business.

12 Q Were you aware that he was on social security?

13 A No.

14 MR. DUNN: No further questions, Your Honor.

15 MR. BARFIELD: Nothing else.

16 THE COURT: You may step down and you may be excused
17 from your subpoena.

18 The witness, WILLIE GUNTER, JR., was first duly sworn
19 And testified as follows, on:

20 DIRECT EXAMINATION

21 BY MR. BARFIELD:

22 Q You have already stated your name, but say it again
23 for us, please, sir.

24 A Willie Gunter, Jr.

25 Q People call you Junior?

TESTIMONY OF WILLIE GUNTER, JR.

- 1 A Yes, sir.
- 2 Q Mr. Gunter, where do you live?
- 3 A I live in Rock Hill.
- 4 Q Long term resident?
- 5 A Thirty-five years.
- 6 Q What do you do in Rock Hill?
- 7 A I operate Mercedes Sales and Services.
- 8 Q Okay. Tell the jury what Gunter Mercedes Sales and
- 9 Service is.
- 10 A It's an automotive facility that we sell and service
- 11 automobiles.
- 12 Q Do you sell new Mercedes or pre-owned reconditioned
- 13 Mercedes?
- 14 A Pre-owned.
- 15 Q All right. Are you -- I don't know what Mercedes
- 16 uses as their phrase, but are you a certified Mercedes
-
- 17 mechanic?
- 18 A Yes. But I'm an independent facility, I'm not
- 19 affiliated with Mercedes.
- 20 Q You have on a Mercedes shirt today. Do you regularly
- 21 use those in your business?
- 22 A We do, yes.
- 23 Q Do you wear one on a routine basis?
- 24 A Everyday.
- 25 Q Do you have other employees who wear Mercedes shirts

TESTIMONY OF WILLIE GUNTER, JR.

- 1 much like that?
- 2 A Yes, sir.
- 3 Q Do you know Casey Ray Perkins?
- 4 A Yes, sir.
- 5 Q Do you see Mr. Perkins in the courtroom today?
- 6 A Yes, sir.
- 7 Q Where is he sitting and what is he wearing?
- 8 A A brown shirt.
- 9 Q Got on any neck ware?
- 10 A Yes, sir, a tie.
- 11 Q Fellow in the middle at this table over here?
- 12 A Yes, sir.
- 13 Q Now, how do you know Casey Perkins?
- 14 A Mr. Perkins worked for me for about -- probably about
- 15 a month.
- 16 Q Would that have been some time prior to August of
-
- 17 2005?
- 18 A Yes, sir.
- 19 Q When you say he worked for you, in your Mercedes
- 20 business?
- 21 A Yes, sir, he was a technician.
- 22 Q When you say a technician, what do you mean by that?
- 23 A Mechanic.
- 24 Q Did he know anything about cars?
- 25 A Yes, sir.

TESTIMONY OF WILLIE GUNTER, JR.

1 Q When he was working for your business, did you
2 provide him uniforms?

3 A We did, yes, sir.

4 Q I'm going to show you -- I'm going to open this up,
5 and I'm not asking you if you can identify this particular
6 shirt yet, but have you ever seen anything that looks like
7 that before?

8 A Yes, sir. That's a type that we use.

9 Q And when Casey Perkins was working at your business
10 did he have shirts like this for his use?

11 A Yes, sir.

12 Q And did his shirts have "Casey" over the pocket?

13 A Yes, sir.

14 Q Now, do you remember how many shirts he would have
15 been issued when he worked for you?

16 A Probably total of 11.

17 Q All right. And when he ceased working -- who owns
18 the uniforms that your employees wear?

19 A Rental Uniform Service out of Florence, South
20 Carolina.

21 Q Now, somebody gets hired, somebody works, somebody
22 leaves your business, what is supposed to happen with the
23 uniforms?

24 A They are supposed to turn the uniforms back in.

25 Q Just by way of explanation, I guess, if you don't get

TESTIMONY OF WILLIE GUNTER, JR.

1 all of your uniforms back who has to eat that or pay for
2 them?

3 A Normally myself.

4 Q All right. Are you able to look at the tags in the
5 collar of this shirt and tell me one way or the other
6 whether you know those are shirts that you provided your
7 employees?

8 A No, sir. I can't tell for sure.

9 Q Okay.

10 A Those are the same design.

11 MR. BARFIELD: All right. Thank you. Thank you, sir.

12 Answer anything Mr. Dunn has, please.

13 THE COURT: Mr. Dunn?

14 MR. DUNN: If it please the Court, Your Honor?

15 CROSS EXAMINATION

16 BY MR. DUNN:

17 Q Casey only worked for you for two, three or four
18 weeks, right?

19 A Yes, sir, that I recall.

20 Q And that was more than three years ago, right?

21 A Yes, sir.

22 Q Now, when the solicitor asked you to identify
23 Mr. Perkins it took you awhile to find him.

24 A Well, this is blocking my view, sir.

25 Q All right. Are you sure it's not because you just

TESTIMONY OF WILLIE GUNTER, JR.

1 don't remember what he looks like after three years?

2 A No, sir.

3 Q Now, you say that your employees all wear blue
4 shirts, correct?

5 A Yes, sir.

6 Q But you can't be for sure 100 percent certain that
7 shirt is the shirt that you gave Casey, correct?

8 A No, sir.

9 Q It just looks like a shirt that he would have worn.

10 A Yes, sir.

11 Q It's possible that he could have got his own blue
12 shirt and put patches on it that said Mercedes and had his
13 name on it, correct?

14 A I guess that's possible.

15 Q You said you remembered Casey Perkins.

16 A Yes, sir.

17 Q Is it fair to say that his intelligence level is low?

18 A Well, for what he did I think it was average.

19 Q As far as talking to him and interacting with him, is
20 it fair to say his intelligence is below average?

21 A I wouldn't qualify him as that.

22 MR. DUNN: No further questions, Your Honor.

23 MR. BARFIELD: Just a couple of real quick.

24 THE COURT: Certainly.

25 REDIRECT EXAMINATION

TESTIMONY OF WILLIE GUNTER, JR.

1 BY MR. BARFIELD:

2 Q When Casey left, did you get all of his 11 shirts
3 back?

4 A No, sir.

5 MR. BARFIELD: That's all. Thank you, sir.

6 THE COURT: Thank you, sir. You may step down.

7 MR. BARFIELD: May Mr. Gunter be excused?

8 THE COURT: You may be excused from your subpoena,
9 Mr. Gunter.

10 MR. BARFIELD: Your Honor, I referred to this shirt
11 two or three times, I would ask that it be marked for
12 identification purposes so that I would have some way to
13 refer to it.

14 MR. DUNN: I don't have a problem with that.

15 (The shirt was received as State's 1.)

16 The witness, EDWARD CLARK DEVATT, was first duly

17 Sworn and testified as follows, on:

18 DIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q State your name again, please, sir.

21 A Edward Clark Devatt.

22 Q Do most folks refer to you as Ed?

23 A Yes.

24 Q Where do you live, Mr. Devatt?

25 A [REDACTED].

TESTIMONY OF EDWARD DEVATT

- 1 Q Is that in Chester County?
- 2 A Yes.
- 3 Q How long -- and I have got to ask you this, is it
- 4 Debruhl Drive or Debruhl Road? I have seen it both ways.
- 5 A I've seen it both ways, too. When the county puts a
- 6 sign up sometimes they put road, sometimes they put drive.
- 7 Q We'll say Debruhl and leave it at that.
- 8 A Okay.
- 9 Q How long have you lived out there?
- 10 A Since 1992.
- 11 Q When we get something set up in a minute I'm going to
- 12 ask you if you can show us on an aerial photo where your
- 13 house is. Name some of the other folks that live out
- 14 there on Debruhl that have been summoned to come here
- 15 today?
- 16 A Bob Rush, Nick Toppins, Donald Wilson, John Burnette.
-
- 17 Q All right. Is Debruhl a dead-end road or is it a
- 18 through road?
- 19 A It's a cul de sac road.
- 20 Q Is it in town or out in the country?
- 21 A Country.
- 22 Q Does Casey -- do you know Casey Ray Perkins?
- 23 A Yes, I do.
- 24 Q Do you see Casey Ray Perkins in the courtroom today?
- 25 A He's sitting right there and he has got a beige shirt

TESTIMONY OF EDWARD DEVATT

1 on and a tie.

2 Q All right, sir. How long have you known Casey?

3 A Probably ten or 12 years.

4 Q How do you know Casey?

5 A His parents live on Debruhl Road.

6 Q From time to time has he stayed with his parents
7 during the time you have lived there?

8 A Yes.

9 Q Did you know Judy Hinson?

10 A Yes, I did.

11 Q Was she a resident of Debruhl Road?

12 A Yes.

13 Q Did you become aware of the death of Judy Hinson on
14 August 27th of 2005?

15 A Yes.

16 Q Prior to that day -- well, let me backup. When did
17 you find out that Judy Hinson had died I guess is what I'm
18 asking?

19 A The same day that -- well, it was early in the
20 morning. I seen all of the cops going up and down the
21 road so I got on my golf cart, went and picked up one of
22 my neighbors, rode down the road and that's when we found
23 out that something bad happened. We didn't know it was a
24 murder right then.

25 Q Now, when you say early in the morning and you got on

TESTIMONY OF EDWARD DEVATT

1 your golf cart, was it dark still when you got on your
2 golf cart?

3 A No.

4 Q Sun had risen?

5 A Yes.

6 Q Do you remember what day of the week that was when
7 the sun rose and the police were out there?

8 A No, I don't.

9 Q That's fine. Do you recall that it was August 27th?

10 A I know it was in August, I don't remember the exact
11 day.

12 Q That's fine. Now, in the day or two or three before
13 you found out Judy Hinson had died, had you seen Casey
14 Perkins?

15 A Yes.

16 Q Do you recall when it was in relation to that morning
17 that the police were there that you had last seen Casey
18 Perkins?

19 A I seen him the day before walking down the road, I
20 think he was going to my half brother's house.

21 Q Who is your half brother?

22 A Bob Rush.

23 Q Go ahead. Was there anything -- did you make any
24 observations of Casey as he walked on the road the
25 afternoon before?

TESTIMONY OF EDWARD DEVATT

1 A Not really.

2 Q Did you pay any attention to what he was wearing?

3 A I think he had a blue uniform shirt on and -- I mean,
4 I don't remember what shoes or pants he had on but I do
5 remember him having a blue shirt on.

6 Q Do you remember any details about the shirt?

7 A I think it had a Mercedes sign on it and his name on
8 it.

9 Q I'm going to show you and hold up for you what's been
10 marked for identification purposes State's Exhibit Number
11 1. You have described a shirt and I'm asking you if this
12 is similar to the shirt that you saw Casey Perkins in that
13 afternoon?

14 A Yes, that's similar to it.

15 Q Okay. Prior to that afternoon, had you seen Casey
16 Perkins wearing the shirt similar to this any time before
17 that?

18 A Yeah. I've seen him wear the shirt several times.

19 Q Did you have any idea why he wore shirts similar to
20 that or where he got them? Did you have any knowledge of
21 the source of the shirts?

22 A I guess he worked for somebody that worked for
23 Mercedes when it has got a Mercedes emblem on it.

24 Q Did you know what Casey did for a living or if he did
25 anything for a living?

TESTIMONY OF EDWARD DEVATT

1 A I know he worked on people's cars.

2 Q Did he ever do any work on any automobiles of yours?

3 A No.

4 Q In the week or two or maybe more in the several weeks
5 before Ms. Hinson's death, did you see Casey with any new
6 clothes?

7 A Yes. He was going to a pig picking with me at a
8 mobile home dealership as I move and set mobile homes for
9 a living.

10 Q What do you do for a living?

11 A Move and set mobile and modular homes.

12 Q Had Casey ever worked for you?

13 A He has helped me move blocks and bricks from one job
14 to another.

15 Q Okay. When Casey worked for you, did you -- was he a
16 pretty good worker?

17 A Yes.

18 Q Did you have any difficulty communicating with Casey
19 when he worked for you?

20 A No.

21 Q Did he ever appear to have any difficulty
22 understanding things you were telling him when y'all
23 conversed.

24 A No.

25 Q All right. Now, get back to the new clothes. You

TESTIMONY OF EDWARD DEVATT

1 were about to tell us about new clothes.

2 A He was going to go to a pig picking with me and I
3 told him that he needed to make sure he was cleaned up and
4 had some decent clothes, and he went to Wal-Mart and
5 bought new sneakers and new clothes. And I got ready to
6 go to the pig picking, I jumped in my motor home, picked
7 him up at the end of his driveway, he had on new clothes
8 and we went up there and cooked a pig.

9 Q Do you remember anything about the tennis shoes that
10 he had?

11 A Yes.

12 Q Describe the tennis shoes that were new.

13 A They were white with green stripes on them.

14 Q Do you recall about how soon before Ms. Hinson's
15 death he had on these new white tennis shoes with green
16 stripes?

17 A I don't remember. I think it was four or five days
18 before that that he went to the pig picking with me.

19 Q All right, sir. Now, tell me again -- well, step
20 down here if you will.

21 MR. BARFIELD: Court's permission for the witness to
22 step down?

23 THE COURT: Certainly.

24 Q Before I start pulling sticky notes off this, do you
25 know where everybody out there lives?

TESTIMONY OF EDWARD DEVATT

- 1 A Yes, I do.
- 2 Q So if I pull these off you can get them back on to
3 where they are supposed to be?
- 4 A I can put them back where they ought to go.
- 5 Q All right. I'm going to take them off. Is it
6 Debruhl Road -- and you're going to need to step back a
7 little bit so that we are not standing in front of the
8 jurors, but is Debruhl Road shown on that map?
- 9 A Yes, sir.
- 10 Q And use my pencil here and just show the jury where
11 Debruhl Road is standing to the side of it, if you can.
- 12 A (Witness complies.)
- 13 Q Now, do you know where Judy Hinson's house is on
14 Debruhl Road?
- 15 A Yes, I do.
- 16 Q Point to it and then I'm going to give you something
17 to label it.
- 18 A (Witness complies.)
- 19 Q Now, put the sticky note with the arrow pointing
20 toward Judy Hinson's house?
- 21 A (Witness complies.)
- 22 Q What does that sticky note read? What does that say?
- 23 A Hinson.
- 24 Q All right. Now, show me where your house is.
- 25 A (Witness complies.)

TESTIMONY OF EDWARD DEVATT

1 Q Show me where Casey Perkins' parents' house is and
2 put the stick note on with the arrow indicating.

3 A (Witness complies.)

4 Q What is the road out here that Debruhl Road
5 apparently intersects with?

6 A Hard and Straight.

7 Q Hard and Straight?

8 A Hard and Straight Road.

9 Q About how long is Debruhl Road from Hard and Straight
10 to the end of the cul de sac?

11 A I've never clocked it, probably a half mile or
12 three-tenths of a mile.

13 Q You can take your seat.

14 MR. BARFIELD: That's all of the questions I have.

15 Please answer anything that Mr. Dunn has.

16 MR. DUNN: If it please the Court, Your Honor?

17 CROSS EXAMINATION

18 BY MR. DUNN:

19 Q Isn't it true that Mr. Perkins worked in one of your
20 front load -- fork loaders and put a timing chain on it?

21 A I forgot about that, yeah.

22 Q I think he has worked on your -- is Howie your father
23 or is it your stepfather?

24 A It was my stepfather.

25 Q Casey has worked on a truck for Howie at one point

TESTIMONY OF EDWARD DEVATT

1 too, correct?

2 A Yes.

3 Q Is it fair to characterize Casey's intelligence as
4 below average? He understands what you're saying, but
5 would it be fair to say that his intelligence is below
6 average?

7 A I don't know. I mean, he seems like he's pretty
8 smart to me, anybody that can take a car apart and put it
9 back together.

10 Q Apart from a car, just talking with him about other
11 things, things in life, things that are going on with his
12 family, things that he does in his general life, is it
13 fair to say just listening to him is it fair to say he's
14 below average intelligence?

15 A He may be.

16 Q You're not a psychologist, correct?

17 A That's it.

18 Q Just a friend of his.

19 A Right.

20 Q Are you aware that Casey was on social security?

21 A No.

22 Q You're not aware of that?

23 A No.

24 Q It's true that Ms. Hinson died in the early morning
25 hours of either late Friday night or early Saturday

TESTIMONY OF EDWARD DEVATT

1 morning, right?

2 A Yes.

3 Q That's the 26th or 27th of August. It's true that --
4 or isn't it true that the sheriff was looking for him
5 Saturday morning?

6 A I'm not sure if it was Saturday morning or not. I
7 know he was with me moving bricks from one job to the
8 other and then I found out they were looking for him and I
9 drove him down to the sub-station.

10 Q And you took him down to the sub-station; is that
11 correct?

12 A Yes, I did.

13 Q He went with you willingly?

14 A Yes, he did.

15 Q You didn't have to tie him down to that chair to get
16 him to go down to the sheriff's office, correct?

17 A No, I didn't.

18 Q You don't know who killed Ms. Hinson, correct?

19 A No, I don't.

20 Q You weren't there?

21 A No.

22 Q Nobody has ever told you they did it, right?

23 A Nobody.

24 MR. DUNN: If I may beg the Court's indulgence, Your
25 Honor.

TESTIMONY OF ROBERT ALAN RUSH

1 THE COURT: Yes, sir.

2 (Break in proceedings.

3 MR. DUNN: No further questions, Your Honor.

4 MR. BARFIELD: Nothing else from this witness and ask
5 that he be excused.

6 MR. DUNN: No, objection, Your Honor.

7 THE COURT: You may step down and you may be excused
8 from your subpoena.

9 The witness, ROBERT ALAN RUSH, was first duly sworn

10 And testified as follows, on:

11 DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q Mr. Rush, before you take a seat let me ask you a
14 couple of questions, step to the side and let me ask you a
15 couple of background questions. Where do you live?

16 A [REDACTED]

17 Q How long have you lived on Debruhl Road?

18 A October of '96.

19 Q All right, sir. And do you know Casey Perkins?

20 A Yes, sir.

21 Q Do you see Casey Perkins in the courtroom today?

22 A Yes, sir.

23 Q Tell me where he is and where is he sitting and what
24 is he wearing.

25 A Brownish colored shirt and a paigle tie.

TESTIMONY OF ROBERT ALAN RUSH

1 Q At the other table over there?

2 A Yes.

3 Q All right. And again, speak up and look toward them
4 because I'm directing your attention to other direction,
5 they can't hear what you're saying. How do you know
6 Casey?

7 A He was living with his mother on Debruhl Road when I
8 met him, through the neighborhood.

9 Q Did his folks live on Debruhl Road before you did or
10 vice versa?

11 A I'm not sure about that now.

12 Q That's fine. Now, point to the jury again where your
13 house is on the Debruhl Road.

14 A (Indicating.) Right there.

15 Q Now, I have got a sticky note that's got Bob Rush on
16 it and there is an arrow. Please put the sticky note with
17 the arrow pointing toward where your house is.

18 A (Witness complies.)

19 Q You can take a seat in the witness chair, thank you.

20 A (Witness complies.)

21 Q All right, some background questions. Do you have a
22 son?

23 A Yes, sir, I do.

24 Q What is your son's name?

25 A Same as mine, Robby R. [REDACTED].

TESTIMONY OF ROBERT ALAN RUSH

1 Q Now, I'm going to do this again and I am going to
2 make you mad before it is over with, but you have got to
3 talk loud because you're kind of soft spoken. I'm
4 hollering and you holler back at me. Okay?

5 A All right.

6 Q What do you call your son?

7 A Robby.

8 Q How old is Robby now?

9 A 14.

10 Q Who is Robby's mama?

11 A Tammy Harris.

12 Q Does Robby live with you or with his mama?

13 A With his mama.

14 Q In August of 2005, was Robby living with -- well, Let
15 me back up. In August of 2005 were you and Robby's mama
16 living together?

17 A No.

18 Q Was he living with his mama or with you back in
19 August of '05?

20 A With his mama.

21 Q Did you know Judy Hinson?

22 A Vaguely. I mean, if I seen her I would know who it
23 was.

24 Q Did you know where the person that you recognized as
25 Judy Hinson lived?

TESTIMONY OF ROBERT ALAN RUSH

- 1 A Yes.
- 2 Q Was it on your road?
- 3 A Yes.
- 4 Q Did you become aware that Judy Hinson died on
- 5 August 27th of 2005?
- 6 A Yes.
- 7 Q How did you find out something had happened to
- 8 Ms. Hinson?
- 9 A A friend call me.
- 10 Q Who did?
- 11 A A friend, he's deceased now, and told me that.
- 12 Q Don't tell me what he told you, but what was the
- 13 friend's name?
- 14 A James Cope.
- 15 Q And was he a neighbor? Did he live in the
- 16 neighborhood?
-
- 17 A Yes.
- 18 Q And when was it that you found out that Judy Hinson
- 19 died?
- 20 A It was about 8:00 the following morning.
- 21 Q Was it daylight when you found out?
- 22 A Yes.
- 23 Q Can you see her house from your house?
- 24 A No.
- 25 Q Did you see anything to indicate that law enforcement

TESTIMONY OF ROBERT ALAN RUSH

1 was in the neighborhood?

2 A Yes.

3 Q All right. More personal questions. Did your son
4 visit with you on a regular basis?

5 A Yes.

6 Q What was the schedule for visitation with your son
7 back in August of 2005?

8 A Friday evening I would pick him up and she comes back
9 on Sunday evening and takes him back with her.

10 Q Where does his mama stay?

11 A Hickory Grove.

12 Q In York County?

13 A York County.

14 Q Was Robby with you at your house the weekend of
15 Friday, August 26th, into Saturday, August 27th, I guess
16 into Sunday, August 28th, of 2005?

17 A Yes, he was.

18 Q Do you know Don and Mary Wilson?

19 A Yes, I do.

20 Q Do they got a son?

21 A Yes, they do.

22 Q What's his name?

23 A Zack.

24 Q Are they neighbors of yours?

25 A Yes.

TESTIMONY OF ROBERT ALAN RUSH

- 1 Q Did Robby know Zack?
- 2 A Yes.
- 3 Q When Robby was at your house, did he and Zack play
- 4 together?
- 5 A Yes.
- 6 Q Did Zack have a four-wheeler or access to one?
- 7 A Yes, sir.
- 8 Q Did you see Casey Perkins Friday and into Friday
- 9 night, August 26th of 2005?
- 10 A Yes, I did.
- 11 Q Where did you see Casey Perkins?
- 12 A We went to town together in my truck.
- 13 Q For what purpose?
- 14 A To go to the bank.
- 15 Q To go to the bank?
- 16 A To the bank to get my check cashed, yeah.
-
- 17 Q About what time of day did you go to the bank on
- 18 Friday with Casey in your truck?
- 19 A I want to say between 4:00 and 5:00.
- 20 Q What happened after the bank, where did you go?
- 21 A My truck tore up, the starter tore up on my truck and
- 22 we had to have it towed to my house.
- 23 Q On the way back from town?
- 24 A Right.
- 25 Q All right. Did it get towed back to your house?

TESTIMONY OF ROBERT ALAN RUSH

- 1 A Yes, it did.
- 2 Q Did Casey stay with you for the tow back to your
3 house?
- 4 A Yes, he did.
- 5 Q Did everybody, including your broke-down truck, end
6 up back at your house?
- 7 A Yes, sir.
- 8 Q About what time was all of that?
- 9 A 6:00 or 6:30, I'm not sure.
- 10 Q Now, this is August. At 6:00 or 6:30, is it still
11 daylight?
- 12 A Yes, sir.
- 13 Q What happened after that?
- 14 A Casey went home and took a shower.
- 15 Q All right. Speak up.
- 16 A He went home and took a shower and come back to my
17 house.
- 18 Q When he came back to your house -- first of all,
19 about what time was it?
- 20 A It was still daylight, I'll say 8:00.
- 21 Q Was there some plan for him to go home, clean up and
22 come back?
- 23 A Yes.
- 24 Q What was the plan?
- 25 A That was the plan, he was coming back to have dinner

TESTIMONY OF ROBERT ALAN RUSH

1 with me.

2 Q Okay. Did he come back?

3 A Yes, he did.

4 Q Did you notice anything about what he was wearing
5 when he came back?

6 A Yes.

7 Q What was he wearing? What do you remember about what
8 he had on?

9 A I believe it was blue jeans, white tennis shoes with
10 a green stripe on them, and a shirt that said Mercedes on
11 one side and Casey on the other.

12 Q Now, I'm going to show you what's been marked for
13 identification purposes as State's Exhibit Number 1. And
14 you just described the shirt, is this shirt -- is this
15 shirt similar to the one you described?

16 A Yes.

17 Q Had you ever seen Casey with a Mercedes shirt with
18 his name on it before?

19 A Yes.

20 Q Regularly or just once or twice, or do you recall?

21 A About everyday because that's where he was working.

22 Q All right. Tell me about the tennis shoes. Old
23 shoes? Muddy shoes? Clean shoes? New shoes?

24 A Brand new shoes, like a month old.

25 Q All right. Do you know what brand?

TESTIMONY OF ROBERT ALAN RUSH

- 1 A No, I do not.
- 2 Q And you said they had green on them, where was the
3 green?
- 4 A They had stripe likes from the heel up around to the
5 toe and back to the heel.
- 6 Q All right. Did Casey stay at your house that
7 evening?
- 8 A He stayed until 10:30.
- 9 Q Who else was at your house into the evening -- who
10 else ate there with you?
- 11 A My son and Zack.
- 12 Q Okay. Do you remember what y'all had to eat?
- 13 A Spaghetti.
- 14 Q Who cooked it?
- 15 A I did.
- 16 Q All right. Was anybody drinking anything alcoholic
17 at your house?
- 18 A Yes, sir.
- 19 Q Who drank?
- 20 A Me and Casey.
- 21 Q What did y'all drink?
- 22 A Bud Light.
- 23 Q Who provided the Bud Light?
- 24 A Probably me.
- 25 Q All right. What is significant about 10:30? What

TESTIMONY OF ROBERT ALAN RUSH

- 1 happened at 10:30?
- 2 A My phone rang.
- 3 Q Don't quote anybody, but did you answer the phone?
- 4 A Yes, I did.
- 5 Q Did you talk to the person on the other end?
- 6 A Yes, I did.
- 7 Q Again, don't tell me what was said, but who did you
- 8 talk to.
- 9 A John Bernat.
- 10 Q Who is John Bernat?
- 11 A He is my other neighbor.
- 12 Q Did anybody else talk to Mr. Bernat on the telephone?
- 13 A Yes.
- 14 Q Who?
- 15 A Casey.
- 16 Q Did you hear Casey's part of the conversation?
-
- 17 A Yes.
- 18 Q Could you tell what Casey was talking to Mr. Bernat
- 19 about?
- 20 A He had asked him to come to his house. He wanted him
- 21 to work on his truck or something and he was going to show
- 22 him what he wanted done or something. And he said, "Do
- 23 you want me to come now?" I guess he said yes because he
- 24 hung up the phone and went to John's.
- 25 Q How did Casey go to John's?

TESTIMONY OF ROBERT ALAN RUSH

- 1 A On Zack's four-wheeler.
- 2 Q Who took Casey to John's on Zack's four-wheeler?
- 3 A Zack and Robby.
- 4 Q Could all three of them ride on the four-wheeler?
- 5 A They did.
- 6 Q Was it dark when this happened?
- 7 A Yes.
- 8 Q And what time was it?
- 9 A 10:30.
- 10 Q And how do you know it was 10:30 when Casey went to
- 11 John Bernat's house?
- 12 A I looked at the clock.
- 13 Q Okay. Did Casey -- did you know Casey to be a smoker
- 14 or a non-smoker?
- 15 A He was a smoker.
- 16 Q When he was at your house that Friday night -- and
-
- 17 are you sure it was Friday, August 26th of 2005?
- 18 A Yes, sir.
- 19 Q When he was at your house that night, did Casey smoke
- 20 any cigarettes?
- 21 A Yes, he did.
- 22 Q Do you know whether he had them or whether he bummed
- 23 them?
- 24 A He had his own cigarettes.
- 25 Q Do you know if he had a lighter or whether he bummed

TESTIMONY OF ROBERT ALAN RUSH

1 a lighter?

2 A He had his own lighter.

3 Q Did you see Casey any time Saturday after you found
4 out Ms. Hinson had died?

5 A Yes.

6 Q When and where did you see Casey Saturday?

7 A Saturday evening.

8 Q Where did you see him?

9 A At Donald Wilson's.

10 MR. BARFIELD: Thank you, sir. Answer anything
11 Mr. Dunn has.

12 MR. DUNN: If it pleases the Court?

13 THE COURT: Yes, sir.

14 CROSS EXAMINATION

15 BY MR. DUNN:

16 Q So Mr. Rush, you were with Casey that night until
17 about 10:30, correct?

18 A Yes, sir.

19 Q And I think you previously testified that you saw him
20 wearing a shirt that had Mercedes on it and Casey on it,
21 correct?

22 A Yes, sir.

23 Q You can't be certain, though, that this is the shirt
24 though, can you?

25 A No, sir.

TESTIMONY OF ROBERT ALAN RUSH

1 Q You just remember it was a shirt with Mercedes on it
2 and Casey?

3 A Right.

4 Q Do you smoke, Mr. Rush?

5 A Yes I do.

6 Q Do you use a lighter?

7 A Yes, I do.

8 Q Were you down at I believe John Bernat's house on
9 that Saturday morning and saw the Sled agents bring in
10 dogs?

11 A Yes, I did.

12 Q That was with John, correct?

13 A At John's house, yes.

14 Q How many dogs were there?

15 A I saw two at first and then some more showed up kind
16 of on in the morning.

17 Q Okay. And did those dogs ever make it past

18 Ms. Hinson's property lines?

19 A They went to John Bernat's and Judy's neighbor on the
20 other side, which at the time was Bill McCauley.

21 Q So John Bernat lived on one side of Ms. Hinson,
22 correct?

23 A Right.

24 Q And Mr. McCauley lived on the other side?

25 A Right.

TESTIMONY OF ROBERT ALAN RUSH

1 Q Did the dogs ever make it past those three property
2 lines?

3 A No, sir.

4 Q Now, that Friday night when Casey was with you, you
5 had a problem with your starter, correct?

6 A Yes, sir.

7 Q And, in fact, Casey tried fixing it for you, right?

8 A Yes, he did.

9 Q And he got oil on his shirt and grease and other
10 fluids as a result of working on your engine, right?

11 A Yes.

12 Q His shirt was dirty that night I guess is what I'm
13 getting at.

14 A That's why he went home and took a shower.

15 Q Now, you said that you saw Casey at Don Wilson's
16 house the next night, or Sunday.

17 A I'm pretty sure it was Saturday night.

18 Q Was Casey's mother with him?

19 A Yes.

20 Q Who else was at the house that night?

21 A Don's wife, Mary, and their son, Zack.

22 Q And Casey and Carolyn, right?

23 A Casey and Carolyn and me and my son, Robby.

24 Q And y'all were sitting around talking about the
25 murder of Ms. Hinson, weren't you?

TESTIMONY OF ROBERT ALAN RUSH

- 1 A Yes, we were.
- 2 Q Would it be fair to characterize Debruhl Road as a
3 rural area?
- 4 A Yes, sir.
- 5 Q Is there any street lights on Debruhl Road?
- 6 A Not a one.
- 7 Q So at night when it gets dark it's really dark.
- 8 A Right, it's really dark.
- 9 Q Correct?
- 10 A Yes.
- 11 Q The only lights that you are going to get down there
12 are car beams and lights off of peoples porches, right?
- 13 A You don't even see peoples porches, it's headlights
14 off of automobiles.
- 15 Q In the property between John Bernat's house and
16 Judy's house, it isn't like -- I guess what I am getting
17 at is their houses aren't right next to each other,
18 correct?
- 19 A No, sir.
- 20 Q There's a little bit of distance.
- 21 A Yes, sir.
- 22 Q Trees and fields and that kind of stuff?
- 23 A Yes, sir.
- 24 Q It would be very difficult to go through that
25 property in the dark at night, right?

TESTIMONY OF ROBERT ALAN RUSH

1 A I would say so.

2 Q Okay. A little while ago you said that Casey had a
3 lighter that night.

4 A Yes.

5 Q It's a chrome lighter with an eagle on it, right?

6 A I don't recall what it looked like.

7 Q You were convicted of criminal domestic violence
8 second offense this year, right?

9 A Yes, sir.

10 MR. DUNN: I don't have any further questions, Your
11 Honor.

12 THE COURT: Solicitor?

13 MR. BARFIELD: Nothing further from this witness.
14 Robby Rush, please.

15 THE COURT: Thank you, sir, you may step down.

16 The witness, Robby R. [REDACTED], was first duly sworn and
17 testified as follows, on:

18 DIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q State your full name, please. I think you did that a
21 minute ago.

22 A Robby R. [REDACTED].

23 Q What do people call you?

24 A Robby.

25 Q And I'm going -- your daddy was on the witness stand

TESTIMONY OF Robby R.

- 1 and I told him to holler, I'm going to ask you to holler,
2 too, speak real loudly. Okay?
- 3 A Okay.
- 4 Q Who do you stay with? Who do you live with?
- 5 A I live with my mom.
- 6 Q Where do y'all live?
- 7 A In Hickory Grove, South Carolina.
- 8 Q Do you visit with your dad on regular basis?
- 9 A Yes, I do.
- 10 Q Where does your dad live?
- 11 A Chester, South Carolina.
- 12 Q And do you know the name of the road he lives on?
- 13 A Debruhl Road.
- 14 Q Did you ever live there with him?
- 15 A Yes, I did.
- 16 Q Were he and your mom living there together at any
17 time?
- 18 A Yes, they were.
- 19 Q Okay. There we go. Now, do you know Casey Perkins?
- 20 A I knew him, yeah.
- 21 Q Okay. How did you know Casey Perkins?
- 22 A Through my dad.
- 23 Q Had you ever seen him at your dad's house?
- 24 A Yes, I have.
- 25 Q Do you know what he looks like?

TESTIMONY OF Robby R.

- 1 A Yes, I do.
- 2 Q Do you see him today?
- 3 A Yes.
- 4 Q Where is he?
- 5 A Over there.
- 6 Q All right. Where over there and what has he got on?
- 7 A He has got on a tan shirt and a tie and he is the
- 8 second seat?
- 9 Q At the table?
- 10 A Yes, sir.
- 11 Q Do you know Zack W. ?
- 12 A Yes, I do.
- 13 Q How do you know him?
- 14 A He's my neighbor.
- 15 Q Were his folks living in their house when you were
- 16 living with your dad?
-
- 17 A Yes, sir.
- 18 Q Did y'all grow up together?
- 19 A Yes, sir.
- 20 Q You and Zack about the same age or who is older?
- 21 A I am older.
- 22 Q A lot older?
- 23 A Two years.
- 24 Q How old are you now?
- 25 A Fourteen.

TESTIMONY OF Robby R.

1 Q Did you know Ms. Judy Hinson?

2 A Not really.

3 Q Did you know -- well, had you ever heard her name
4 before?

5 A Yes.

6 Q Did you know where the lady lived that people called
7 Judy Hinson?

8 A Yes, sir.

9 Q Was it in your neighborhood or your dad's
10 neighborhood?

11 A Yes.

12 Q Did you find out some time that something happened to
13 Ms. Judy Hinson?

14 A Yes, I did.

15 Q First of all, how did you find out something happened
16 to Ms. Hinson?

17 A My dad and the cop that took my statement told me.

18 Q Do you remember when it was that you talked to a
19 police officer?

20 A It was like the day after.

21 Q Was it daytime, daylight when you talked to a police
22 officer?

23 A Yes, sir.

24 Q The night before you talked to the police officer,
25 did you see Casey Perkins?

TESTIMONY OF Robby R.

- 1 A Yes, I did.
- 2 Q Where did you see Casey Perkins?
- 3 A At my dad's house.
- 4 Q Who all was at your dad's house?
- 5 A Me, Casey, my dad, and my friend, Zack.
- 6 Q Your friend Zack?
- 7 A Yes, sir.
- 8 Q Do you remember what Casey was wearing?
- 9 A No, I do not. Blue jeans and a white t-shirt -- not
10 white t-shirt but white tennis shoes.
- 11 Q Say that again, he had on what?
- 12 A Blue jeans and white tennis shoes.
- 13 Q Do you remember anything about the tennis shoes in
14 particular?
- 15 A No. Just that they were white, they had white on
16 him.
-
- 17 MR. DUNN: Your Honor, we are having trouble hearing
18 him.
- 19 MR. BARFIELD: And I'm talking over him and I
20 apologize.
- 21 Q I won't talk when you are but you have got to talk
22 loud. Okay?
- 23 A Yes, sir.
- 24 Q Let me start that over. Do you remember what Casey
25 was wearing that night before you talked to the police

TESTIMONY OF Robby R.

- 1 officer?
- 2 A He had on blue jeans and white tennis shoes.
- 3 Q Do you remember anything about a shirt?
- 4 A Just that it had Casey on the right and some kind of
- 5 symbol on the left.
- 6 Q Do you know what kind of symbol was on the left?
- 7 A No.
- 8 Q Did Casey smoke cigarettes?
- 9 A Yes, he did.
- 10 Q Did you and he have any conversation at your dad's
- 11 house that night about cigarettes or cigarette lighters?
- 12 A I just asked him what's the point of having a
- 13 cigarette lighter without having any cigarettes.
- 14 Q Did he have a cigarette lighter?
- 15 A Yes, he did.
- 16 Q Do you remember anything about the cigarette lighter
-
- 17 that he had?
- 18 A I thought it was a Bic lighter but I'm not
- 19 100 percent sure.
- 20 Q Did he have cigarettes on him that you saw?
- 21 A No, I did not.
- 22 Q Did you see him smoking any cigarettes at your
- 23 daddy's house?
- 24 A Yes.
- 25 Q Do you know where he got the cigarettes that he

TESTIMONY OF Robby R.

1 smoked at your daddy's house?

2 A My dad.

3 Q How long did Casey stay at your dad's house that
4 night?

5 A A couple of hours.

6 Q And did he leave there and go somewhere else?

7 A Yes, he did.

8 Q First of all, do you have any knowledge or
9 recollection of what time it was when he left?

10 A I think it was around like 11:00.

11 Q Do you know where he went?

12 A He went to my neighbor, John Bernat's house, or my
13 dad's neighbor.

14 Q Do you know how he got to John Bernat's house?

15 A Me and Zack W. rode him over there on Zack's
16 four-wheeler.

17 Q Whose four-wheeler was it?

18 A Zack's Wilson's.

19 Q What did he do when got to John Bernat's house?

20 A Got off the four-wheeler and went to John's house.

21 Q What did you and Zack's do?

22 A Went back to my dad's mouse.

23 Q Did you see Casey anymore that night?

24 A No, I did not.

25 MR. BARFIELD: Thank you, sir. Answer anything that

TESTIMONY OF Robby R.

1 Mr. Dunn has.

2 CROSS EXAMINATION

3 BY MR. DUNN:

4 Q You don't know who killed Mrs. Hinson, do you?

5 A No, I do not.

6 Q And the night after Mrs. Hinson died there, was your

7 dad and you were -- were you ever with your dad at Don

8 Wilson's house eating spaghetti?

9 A No. We were at my dad's house.

10 Q But Don Wilson was there?

11 A Yes, I believe so.

12 Q And Mary Wilson?

13 A Yeah, I believe so.

14 Q Casey came over there?

15 A Yeah.

16 Q And I think Casey's mother as well?

17 A I'm not sure.

18 Q Is it fair to say that after Ms. Hinson died that

19 within that day or two the neighbor talk was about

20 Mrs. Hinson's murder?

21 A Yes, it was.

22 MR. DUNN: No further questions.

23 MR. BARFIELD: Nothing else from this witness, I ask

24 that he be excused.

25 THE COURT: Thank you, Mr. Rush, you may be excused.

TESTIMONY OF Zack W.

1 The witness, Zack W. was first duly sworn and
2 Testified as follows, on:

3 DIRECT EXAMINATION

4 BY MR. BARFIELD:

5 Q You told this lady a minute ago, but tell me your
6 name.

7 A Zack's Wilson.

8 Q All right. I'm going to holler at you and I want you
9 to holler at me. Okay? Don't shake your head, you have
10 got to answer out.

11 A Okay.

12 Q How old are you, Zack?

13 A Twelve.

14 Q Where do you live?

15 A On Debruhl Road.

16 Q Have you lived there all of your life?

17 A Yes.

18 Q You've got to talk louder. Okay? Who is your mama?

19 A Mary Wilson.

20 Q Who is your daddy?

21 A Donald Wilson.

22 MR. DUNN: Your Honor, we're having trouble hearing
23 him over here.

24 THE COURT: Let's try the solicitor standing way back
25 over there and -- let me to ask Zack'shary to try to speak

TESTIMONY OF Zack W.

1 up and say your name as loud as you can.

2 THE WITNESS: Zack W.

3 Q We're not picking on you, we just want everyone to

4 hear you. Okay? Your mama's name?

5 A Mary Wilson.

6 Q Is this your mama sitting over here?

7 A Yes.

8 Q Your daddy's name?

9 A Donald Wilson.

10 Q Do you know Robby R.?

11 A Yes.

12 Q How do you know Robby?

13 A He's my neighbor.

14 Q Are y'all buddies?

15 A Yes.

16 Q Have you got a four-wheeler?

17 A Yes.

18 Q What kind of four-wheeler have you got?

19 A Honda Rancher 350.

20 Q Two-wheel drive or four-wheel drive?

21 A Four-wheel drive.

22 Q Is it yours or your daddy's?

23 A My dad's.

24 Q That was the right answer. All right. Do you know

25 Casey Perkins?

TESTIMONY OF Zack W.

- 1 A Yes.
- 2 Q How do you know Casey Perkins?
- 3 A He used to work with my dad.
- 4 Q What does your daddy do for a living?
- 5 A He puts up fence.
- 6 Q Do you see Casey Perkins in the courtroom today?
- 7 A Yes.
- 8 Q Where is he sitting and what's he wearing?
- 9 A He's over there in a gray suit.
- 10 Q All right. Has he got on a suit or got on a shirt,
- 11 which one is it?
- 12 A A suit and a shirt.
- 13 Q Stand up. Do you see the people at that table over
- 14 there?
- 15 A Yes.
- 16 Q Is he at that table over there?
-
- 17 A Yes.
- 18 Q Where is he at that table over there?
- 19 A In the middle.
- 20 Q Does he have on a coat?
- 21 A No.
- 22 Q Has he got on a tie?
- 23 A Yes.
- 24 Q Thank you, you can sit down. Did you know Ms. Judy
- 25 Hinson?

TESTIMONY OF Zack W.

- 1 A Yes.
- 2 Q Did you know where she lived?
- 3 A Yes.
- 4 Q Did he find out that something happened to her on
- 5 August 27th of 2005?
- 6 A Yes.
- 7 Q Don't tell me what anybody said, but how did you find
- 8 out something had happened to Ms. Hinson?
- 9 A By my dad.
- 10 Q When did you find out that something had happened to
- 11 Ms. Hinson?
- 12 A The next day.
- 13 Q Was it daylight when you found out?
- 14 A Yes.
- 15 Q The night before you found out from your dad, where
- 16 were you?
-
- 17 A Robby's.
- 18 Q How long did you stay at Robby's that -- did you go
- 19 that afternoon or did you just go that night?
- 20 A I went that afternoon and stayed all night.
- 21 Q Did you spend the night over there?
- 22 A No.
- 23 Q Okay. And what were you and Robby doing over there?
- 24 A Just hanging out and playing games.
- 25 Q Was Casey Perkins over at Robby's dad's house that

TESTIMONY OF Zack W.

1 night?

2 A Yes.

3 Q Do you remember anything about what Casey was wearing
4 when he was at Robby's dad's house that night?

5 A Yes.

6 Q What did he have on?

7 A A blue mechanic shirt.

8 Q Do you remember anything about the mechanic's shirt?

9 A He had his name on one side and the Mercedes symbol
10 on the other.

11 Q I'm going to hold up State's Number 1 for
12 identification. Is this similar to the shirt you saw
13 Casey with that night?

14 A Yes.

15 Q Had you ever seen him wear a shirt like that before
16 that night?

17 A Yes.

18 Q All right. Blue shirt. What else did Casey have on?

19 A He had on blue pants, blue jeans.

20 Q Okay. Anything else you remember about what he had
21 on?

22 A White Adidas with green stripes.

23 Q New shoes, old shoes, clean shoes or dirty shoes?

24 A They were nice, they were new.

25 MR. DUNN: I didn't hear that, Your Honor.

TESTIMONY OF Zack W.

- 1 Q Say that again, the last part.
- 2 A They were nice and new.
- 3 Q Did Casey stay there all night?
- 4 A Until about 11:00.
- 5 Q What happened at about 11:00?
- 6 A My uncle called him.
- 7 Q Who is your uncle?
- 8 A John Bernat.
- 9 Q How is John Bernat your uncle?
- 10 A He is my mom's sister.
- 11 Q No, he ain't your mom's sister.
- 12 A I mean my mom's brother.
- 13 Q Okay. Does he live near y'all?
- 14 A Yes.
- 15 Q Your uncle called and then what happened?
- 16 A He wanted Casey to come over.
-
- 17 Q Did Casey go to your uncle's house?
- 18 A Yes.
- 19 Q About 11:00 you said?
- 20 A Yes.
- 21 Q How did Casey get to your uncle's house?
- 22 A Me and Robby took him over there on the four-wheeler.
- 23 Q Did he stay over there?
- 24 A Yes.
- 25 Q Did y'all stay over there?

TESTIMONY OF Zack W.

- 1 A No.
- 2 Q Where did you and Robby go?
- 3 A We went back to Robby's house.
- 4 Q Did you see Casey anymore that night?
- 5 A No.
- 6 Q I don't think I asked you this a minute ago. Do you
- 7 know whether Casey Perkins smokes cigarettes?
- 8 A Yes.
- 9 Q Had you ever seen him smoking cigarettes?
- 10 A Yes.
- 11 Q Had you ever seen him with a cigarette lighter or
- 12 cigarette lighters?
- 13 A Yes, sir.
- 14 Q Did you and he ever have a conversation about
- 15 cigarette lighters?
- 16 A No.
-
- 17 Q Did he ever give you any cigarette lighters?
- 18 A Yes.
- 19 Q Tell the jury about that. First of all, was it
- 20 before you found out Ms. Hinson had been killed?
- 21 A Yes.
- 22 Q Was it like that day or two or three weeks before or
- 23 two or three years before?
- 24 A It was about two or three weeks before.
- 25 Q Where were you when you Casey gave you a cigarette

TESTIMONY OF Zack W.

- 1 lighter?
- 2 A In a truck.
- 3 Q Whose truck?
- 4 A My dad's.
- 5 Q Who else was in the truck?
- 6 A My dad.
- 7 Q And where were y'all going?
- 8 A I don't remember.
- 9 Q What kind of truck has your dad got?
- 10 A He had a white truck, a white Ford F-150.
- 11 Q Was it an extended cab?
- 12 A Yes.
- 13 Q Were you in the back or in between Casey and your
- 14 daddy or where?
- 15 A I was in the back.
- 16 Q Just tell the jury about this lighter thing. What is
-
- 17 the deal with the cigarette lighter?
- 18 A He gave me a lighter to give to my mom.
- 19 Q Did he say why he wanted you to give your mama a
- 20 cigarette lighter?
- 21 A No.
- 22 Q I'm going to show you something and ask you if you
- 23 had ever seen anything that looks like it before?
- 24 A Yes.
- 25 Q All right. What does this thing I have got in my

TESTIMONY OF Zack W.

- 1 hand look like?
- 2 A A lighter.
- 3 Q Any particular lighter?
- 4 A A Dejeep.
- 5 Q Any particular lighter in relation to your family?
- 6 A Like a zippo.
- 7 Q I'm not asking the questions too well. What kind of
- 8 lighter did Casey Perkins give to you to give to your
- 9 mama?
- 10 A That one.
- 11 Q Are you sure about that?
- 12 A Yes, sir.
- 13 Q Same brand, same color?
- 14 A Yes.
- 15 Q What does the lighter say on the side of it?
- 16 A Dejeep.
-
- 17 MR. BARFIELD: Your Honor, I would mark -- I would ask
- 18 to be able to mark the lighter as State's Number 2 for
- 19 identification in this envelope. I offer State's Number 2
- 20 for identification purposes in the envelope.
- 21 THE COURT: Without objection.
- 22 Q We kind of got off track. Did Casey give you the
- 23 lighter?
- 24 A Yes.
- 25 Q Did you eventually give it to your mama?

TESTIMONY OF Zack W.

1 A Yes.

2 Q Had you ever -- other than him having this one in his
3 hand that he gave to you to give to your mama, had you
4 ever seen Casey Perkins with a lighter like this in his
5 hands?

6 A Yes.

7 Q What kind of lighter did Casey have for Casey? Not
8 for your mama, but what did he have?

9 A He had one that looked exactly like that.

10 Q Same brand?

11 A Yes.

12 Q Same color?

13 A Yes.

14 Q Are you sure?

15 A Yes.

16 Q Did you talk to the police about the cigarette
17 lighter stuff?

18 A Yes.

19 Q Do you remember when it was that you were talking to
20 the police about the cigarette lighters?

21 A No.

22 MR. BARFIELD: Okay. Thank you, sir. Answer anything
23 Mr. Dunn has, please, sir.

24 THE COURT: Mr. Dunn?

25 MR. DUNN: Thank you, Your Honor. May it please the

TESTIMONY OF Zack W.

1 Court?

2 CROSS EXAMINATION

3 BY MR. DUNN:

4 Q Mr. Wilson, I think that earlier you said that you
5 talked to -- your dad told you about the murder; is that
6 right?

7 A Yes.

8 Q All right. Is it fair to say that you talked to a
9 lot of people on that road about what happened to
10 Ms. Hinson?

11 A Yes.

12 Q You have seen Casey with lighters before, right?

13 A Yes.

14 Q Have you ever seen him with a lighter that had an
15 eagle on it?

16 A I don't remember.

17 Q Did you ever see any lighters that Mrs. Hinson had?

18 A No.

19 Q Were you ever inside of her house?

20 A No.

21 Q Is it possible she had lighters in there?

22 A Yes.

23 Q Ever see the lighters that the other people who lived
24 in Mrs. Hinson's house had?

25 A No.

TESTIMONY OF Zack W.

1 Q Is it possible that they had lighters as well?

2 A Yes.

3 Q You said that Casey gave that lighter, this lighter
4 right here to you to give to your mom, correct?

5 A Yes.

6 Q It wasn't -- Casey gave other lighters to people to
7 give as well, correct?

8 A No.

9 Q Were you with Casey when he didn't give lighters to
10 people? Can you be sure that Casey didn't give lighters
11 to other people?

12 A No.

13 Q You just never saw him give them to anybody else,
14 correct?

15 A No. I have never seen him give them to anybody else.

16 Q Did you ever hear your dad talking to Mr. Perkins
17 about what happened to Ms. Hinson?

18 A Yes.

19 MR. DUNN: No further questions, Your Honor.

20 MR. BARFIELD: Nothing else from this witness and ask
21 that he be excused but he can't go until mama goes, she's
22 the next witness.

23 THE COURT: You can step down.

24 MR. BARFIELD: Call Mary Wilson.

25 The witness, MARY WILSON, was first duly sworn and

TESTIMONY OF MARY WILSON

1 Testified as follows, on:

2 DIRECT EXAMINATION

3 BY MR. BARFIELD:

4 Q State your name, please, ma'am.

5 A Mary Veronica Wilson.

6 Q And you are Zack's's mom?

7 A Yes, sir, I am.

8 Q Don's wife?

9 A Yes, sir, I am.

10 Q I'm not going to ask you all of the same questions
11 but just want to cover a few things with you. Do you know
12 Casey Perkins?

13 A Yes, sir.

14 Q How long before -- did you know Judy Hinson or who
15 she was?

16 A I knew who she was.

17 Q Did you know where she lived?

18 A She lived across the street from me.

19 Q Okay. Did you become aware that something happened
20 to Judy Hinson on August 27th of 2005?

21 A In the morning of August 27th of 2005 I was awakened
22 to be told that something had happened to --

23 Q Was it daylight when you woke up?

24 A Yes, sir.

25 Q Did you see evidence that there was police activity

TESTIMONY OF MARY WILSON

1 in the neighborhood?

2 A Absolutely, yes.

3 Q Okay. All right. Do you work?

4 A Yes, sir, I do.

5 Q Okay. Were you working back in August of 2005?

6 A Yes, sir, I was. I was working a part-time dayshift
7 job at voter registration, a part-time night shift job at
8 Rock Hill Country Club, and Friday nights at Legends.

9 Q All right. Now, were you around any -- do you recall
10 the days of the week when these events were occurring, the
11 morning that you found out?

12 A Yes, sir.

13 Q What day of the week was the daylight morning that
14 you found out?

15 A Saturday morning.

16 Q Do you know where you were Friday night?

17 A Yes, sir, I do.

18 Q What were you doing Friday night?

19 A I bartended at Legends Friday night and then I came
20 home. When I came home my son was going to bed, my
21 husband was going to bed and I sat in the recliner by the
22 door and poured a warm beer over ice.

23 Q And --

24 A It was like more of the details before I went to
25 bed --

TESTIMONY OF MARY WILSON

1 Q About what time was it that you were sitting there
2 drinking your beer after work?

3 A I was watching TV, it was about 1:30 in the morning
4 and we had a Rottweiler who started howling and it was
5 about 1:30 and he was just howling and I had a headache
6 and I told him to shut up and I poured my beer out,
7 brushed my teeth and went to bed. I told my husband not
8 to wake me up because I was tired and I wanted to sleep
9 in.

10 Q About what time was that?

11 A It was about 1:30.

12 Q Now, is it -- step down here with the Court's
13 permission just for a minute, please, ma'am .

14 THE COURT: Certainly.

15 Q Do you recognize this aerial photograph?

16 A Yes.

17 Q What does -- we will get you out of the way of it in
18 a minute. What is that a picture of in general?

19 A Debruhl Road.

20 Q All right. And it looks like about ten thousand
21 acres worth of other parts of Chester County.

22 A Yes.

23 Q Is your house somewhere on that aerial photograph?

24 A Our house is right here.

25 Q Now, I have got a sticky note on it and it has got

TESTIMONY OF MARY WILSON

1 Wilson's on it and there's an arrow on it. And if you
2 would, put that sticky note with the arrow pointing
3 towards your house so it isn't covering up somebody else's
4 house.

5 A (Witness complies.)

6 Q You may resume the witness chair.

7 A (Witness complies.)

8 Q Now, I asked you a minute ago if you knew Casey
9 Perkins.

10 A Yes, sir.

11 Q Do you see Casey in the courtroom today?

12 A Yes, sir.

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

14 A Casey is sitting in the right, he is wearing a
15 lighter colored shirt and reddish colored tie.

16 Q How well did you know Casey, or how frequently did
17 you have contact with Casey back before August 27th of
18 '05?

19 A Prior to June of '05 I didn't know Casey at all, but
20 from June until August I started to know him quite well.
21 He was actually helping my husband work on a truck and he
22 helped Donald put up a couple of fences.

23 Q And your husband does what for a living?

24 A Fence work, he installs fences.

25 Q And you were about to say something else?

TESTIMONY OF MARY WILSON

1 A Well, he basically ate dinner -- breakfast, lunch and
2 dinner at my house for two months.

3 Q All right. Did Casey ever give you anything?

4 A Yes, sir, he did.

5 Q What did he give you?

6 A A Dejeep lighter.

7 Q I'm going to show you State's Exhibit Number 2 for
8 identification. Do you recognize that thing in my hand?

9 A Yes, sir. That's the lighter Casey gave me.

10 Q Now, about when did Casey give you this lighter in
11 relation to when Ms. Hinson died?

12 A I want to say it was Wednesday night of that same
13 week. Because at the time, like I said, he was helping my
14 husband work on his truck and my husband took me to work
15 at the Rock Hill Country Club Wednesday night, and my
16 husband, Casey, Zachary and his friend, Kaylee, picked me

17 up from work. And Zachary said to Casey, "Don't forget to
18 give my mom the gift you got her." And he said, "Oh
19 yeah." And that's when the lighter was brought up. And
20 he handed it to Zack's and he gave it to me.

21 Q Did you have any idea why he gave you a lighter?

22 A Well, because I'm a smoker and I like Dejeep lighters
23 and I had mentioned to him previously that my Dejeep
24 lighter was out of fuel and like Dejeeps and didn't really
25 want a Bic. I don't know why he gave it to me other than

TESTIMONY OF MARY WILSON

1 out of a friendly jester.

2 Q Explain to me what the significance of Dejeep is. Is
3 that like a brand like Bic?

4 A It's just a brand of lighter.

5 Q Has it got anything to do with the Jeep like the Jeep
6 automobile?

7 A I don't think so. It's just square like a zippo.

8 Q Had you ever seen Casey with that kind of lighter
9 that you recall?

10 A If I'm not mistaken Casey bought himself a lighter
11 like that, my husband and me.

12 Q I'm showing you State's Exhibit Number 1 for
13 identification purposes. Have you ever seen -- prior to
14 August 27th of 2005, had you ever seen Casey Perkins wear
15 a shirt that looked like this?

16 A Frequently, yes, sir.

17 Q Let me ask you one more question about State's Number
18 2 for identification.

19 A Okay.

20 Q Did you talk to a Sled agent at some point about
21 Ms. Hinson's death?

22 A I did.

23 Q Did you talk to the Sled agent about this Dejeep
24 lighter?

25 A I did.

TESTIMONY OF MARY WILSON

1 Q Did you have the Dejeep lighter in your possession
2 when you were talking to the Sled agent?

3 A I did.

4 Q What did you do with it?

5 A Well, initially they asked me what kind of lighter
6 Casey had and I didn't know and I said I am a smoker, half
7 of the time I don't know what the color the lighter is I
8 am holding because it's not the issue at hand, it is to
9 smoke the cigarette.

10 Q Were there lighters --

11 A And Zachary said, "Mom, Casey had the same color
12 lighter as you."

13 Q But what happened to your lighter?

14 A They took it from me.

15 Q Sled agent did?

16 A They didn't take it, they asked for it, yes, sir.

17 Q And that's the one in this envelope?

18 A I would imagine it is.

19 MR. BARFIELD: Thank you, ma'am. Answer anything

20 Mr. Dunn has.

21 MR. DUNN: If it please the Court, Your Honor?

22 CROSS EXAMINATION

23 BY MR. DUNN:

24 Q I think you just told the solicitor that you had
25 purchased Dejeep lighters before, correct?

TESTIMONY OF MARY WILSON

- 1 A Correct.
- 2 Q Did you purchase those around here in Chester?
- 3 A Previously, yes. I used to get them at Winn Dixie.
- 4 Q Back before Winn Dixie went out of business?
- 5 A Long before, yeah.
- 6 Q You testified that you think Casey bought one for
- 7 you, one for Don and one for himself; is that right?
- 8 A Yes, sir.
- 9 Q But you don't know what color Casey's was; is that
- 10 right?
- 11 A I don't remember the color of the lighters other than
- 12 the fact I knew mine was a different color than my
- 13 husband.
- 14 Q So before the solicitor showed you the copper colored
- 15 lighter you couldn't remember it was copper colored?
- 16 A When my son said, "Mom, he had the same color lighter
- 17 as you," it dawned on me that we did have the same colored
- 18 lighters. But, no, I didn't really pay attention to the
- 19 color of the lighters.
- 20 Q And you can't remember what colored Don's lighter is?
- 21 A I believe his was silver.
- 22 Q And Casey didn't give you this lighter, right?
- 23 A Excuse me?
- 24 Q Casey didn't give you this lighter, correct?
- 25 A It was given to me from my son from Casey.

TESTIMONY OF MARY WILSON

1 Q You received it from your son?

2 A Correct, from Casey.

3 Q And the only reason why you knew it came from Casey
4 is that's what your son told you.

5 A Well, Casey was in the car and said that he bought it
6 for me.

7 Q In the day or two after Ms. Hinson died, is it safe
8 to say that the talk of the neighborhood was Judy's death?

9 A Definitely safe to say for the next month or two.

10 Q Did you talk to the police about what happened?

11 A Yes, I did.

12 Q At any point did the police ever give you any details
13 about what happened?

14 A No.

15 Q You don't know what happened to Ms. Hinson, right,
16 except that she died?

17 A I have no idea what happened to her except that she
18 died.

19 Q You don't know who killed Ms. Hinson, correct?

20 A I do not.

21 Q And nobody has ever told you that they killed Ms.
22 Hinson, correct?

23 A Nobody has ever told me that.

24 MR. DUNN: No further questions, Your Honor.

25 THE COURT: Solicitor?

TESTIMONY OF PHILLIP JACKSON

1 MR. BARFIELD: Nothing else from this witness, I ask
2 that she be excused.

3 THE COURT: You may be excused.

4 The witness, PHILLIP JACKSON, was first duly sworn
5 and testified as follows, on:

6 DIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q State your name again, please, sir.

9 A Phillip Jackson, III.

10 Q Mr. Jackson, I don't need an address, but what county
11 do you live in?

12 A York County.

13 Q And what do you do for a living?

14 A I'm a EMT.

15 Q For which EMS service do you now work?

16 A Chester County.

17 Q How long have you been working for Chester County
18 EMS?

19 A About five and a half years.

20 Q Were you working for Chester County EMS back in
21 August of 2005?

22 A Yes.

23 Q Did you and other EMT's get dispatched to go to [REDACTED]

24 [REDACTED] some time in the early morning hours of

25 August 27th of 2005?

TESTIMONY OF PHILLIP JACKSON

- 1 A Yes.
- 2 Q Were you familiar with the area? Did you know where
3 you were?
- 4 A Yes.
- 5 Q Did you know any of the people that lived on the road
6 prior to taking this call?
- 7 A No.
- 8 Q Did you know the person -- did you ultimately
9 determine who the patient was?
- 10 A Yes.
- 11 Q Did you know that person prior to taking that call?
- 12 A No.
- 13 Q Do you recall about what time it was when you -- did
14 you go with a partner?
- 15 A Yes.
- 16 Q Who was your partner?
-
- 17 A Michael Williams.
- 18 Q How many units were dispatched, meaning vehicles?
- 19 A Just one.
- 20 Q Do you know about what time it was when you got to
21 [REDACTED]?
- 22 A I believe it was around 2:00 in the morning.
- 23 Q Did you get briefed by somebody on the scene about
24 why y'all had been called?
- 25 A Yes.

TESTIMONY OF PHILLIP JACKSON

1 Q Did you have some information from dispatch prior to
2 arriving at the home?

3 A Very little.

4 Q Did you ultimately determine the name of the patient?

5 A Yes.

6 Q Do you recall what the name is?

7 A No, I do not.

8 Q That's fine. Who briefed you on the scene? Was it
9 law enforcement or family members or do you recall?

10 A It was a sheriff's deputy.

11 Q Was law enforcement there before y'all got there?

12 A Yes.

13 Q Did you check on the patient?

14 A Yes.

15 Q Now, generally describe -- I don't want a lot of
16 detail, I don't want any detail to be honest with you --

17 but are we talking about a male or female patient?

18 A Female.

19 Q A white or a black female?

20 A A white female.

21 Q Did you find this white female?

22 A Yes.

23 Q Was this a residence that you were called to,
24 somebody's house?

25 A Yes.

TESTIMONY OF PHILLIP JACKSON

- 1 Q Where did you find this white female in the house?
- 2 A In the bedroom.
- 3 Q Do you recall the state of her clothing?
- 4 A Yes. She had on a night gown, it was pulled up a
- 5 little above her genitalia.
- 6 Q All right. Did she have anything on on the bottom?
- 7 A No.
- 8 Q The scene in general, not her body in particular but
- 9 the scene in general, were there indications that some
- 10 trauma had occurred, or some medical situation had
- 11 developed?
- 12 A Yes.
- 13 Q And what makes you say that?
- 14 A We noticed a little blood on the floor.
- 15 Q Did you check the patient?
- 16 A Yes.
-
- 17 Q Stupid question, I have asked a bunch today, there
- 18 will be a bunch more to come. Why did you check the
- 19 patient?
- 20 A Just to determine her state, and after that it was
- 21 determined there was no visible sign of life with her at
- 22 all.
- 23 Q She was dead?
- 24 A Yes.
- 25 Q From the initial time y'all checked her she was dead?

TESTIMONY OF PHILLIP JACKSON

1 A Yes.

2 Q Wasn't any resuscitation going on or anything?

3 A No.

4 Q After that, did EMS have any further involvement with
5 this patient?

6 A No, sir.

7 Q Did the coroner's office send representatives?

8 A Yes. We called the corner and he came out.

9 Q Were you there when the corner got there?

10 A Yes.

11 MR. BARFIELD: Thank you, sir. Answer anything

12 Mr. Dunn has.

13 THE COURT: Mr. Dunn?

14 CROSS EXAMINATION

15 BY MR. DUNN:

16 Q You didn't know when she died, correct?

17 A No, sir.

18 Q Don't really know how she died, correct?

19 A No, sir.

20 Q Don't know whether or not there was foul play
21 involved.

22 A No, sir.

23 Q Don't know who did it if there was foul play.

24 A No, sir.

25 Q You did go check on her body, though, correct?

TESTIMONY OF PHILLIP JACKSON

1 A Yes.

2 Q You walked into the house and back to the bedroom?

3 A Yes.

4 Q And when you did that you never came across any
5 bloody footprints, correct?

6 A No.

7 MR. DUNN: No further questions.

8 MR. BARFIELD: Just a couple quick followups.

9 REDIRECT EXAMINATION

10 BY MR. BARFIELD:

11 Q Was your concern the scene surroundings, the house,
12 the room, the floor, or was your concern the patient?

13 A The patient.

14 Q Are you a police officer?

15 A No, sir.

16 Q Were you there to investigate anything other than the
17 status of the patient?

18 A No, sir.

19 MR. BARFIELD: Thank you. That's all.

20 MR. DUNN: Nothing, Your Honor.

21 THE COURT: Thank you. You may step down and you may
22 be excused from your subpoena. 9:30 in the morning?

23 MR. BARFIELD: That's fine.

24 THE COURT: Is that going to be a problem with anybody
25 on the jury being back at 9:30 in the morning? Now, let me

TESTIMONY OF PHILLIP JACKSON

1 tell you something before you leave. You're getting ready
2 to do something that's really hard I hope and that is go
3 home, or go somewhere, but sooner or later before tomorrow
4 morning the odds are you're going to see somebody who is
5 going to say something to you about what you're doing now,
6 either because you didn't go home earlier or whatever. But
7 at any rate they're going to want to know what you're doing
8 and why have you got to come back tomorrow and you're going
9 to end up having to say you were picked on a jury, that's
10 not hard. What is going to be hard is they're going to
11 want you to tell them about the case and I don't want you
12 to do that. The rule still applies with anybody else
13 talking to you about the case and that rule is a hard fast
14 rule, nobody talks to you about this case except in here.
15 It's going to be real hard for y'all to go home and say,
16 "The Judge told me not to talk about it." And I'm going to

17 tell you why, because it would not be fair to the State or
18 to the defendant if you were to go home and tell somebody
19 about the case, just tell them a little bit about the case
20 and then they tell you what they heard, read or saw
21 somewhere about this case because then you would be
22 receiving information of some kind that would not be from
23 this witness stand and it would not be something that
24 happened in this courtroom. And at the end of the day when
25 you finally begin your deliberations, begin your decisions

TESTIMONY OF PHILLIP JACKSON

1 and vote and reach a unanimous verdict in this case, one
2 side or the other will feel as though they got a raw deal
3 if they were to find out that y'all have been talking to
4 somebody or somebody had been talking to you about the
5 case. And what somebody said or wrote that your loved one,
6 neighborhood or friend might want to convey to you or tell
7 you is not evidence in this case, it's not evidence and
8 there are probably good reasons why it's not evidence.
9 It's not subject to cross examination, nobody was under
10 oath and if they just blurt out, "Well, I heard Sam say
11 that he heard Mary say," somebody is going to think that
12 they got an unfair deal at the end of the day. So as hard
13 as it's going to be I'm going to ask you not to tell your
14 friends or loved ones anything about the case. Tell them
15 it's a murder case, that's all. I don't have any reason to
16 think that there's anything going to be in any newspaper in
17 the morning about this or this evening about this, there
18 might be something on the TV, probably not, but there could
19 be. I'm going to ask you not to listen to newspapers -- or
20 read newspapers, watch any TV editorials on this case, it's
21 just not fair. Anybody going to have a problem with any of
22 that? I will see you at 9:30 in the morning in the jury
23 room. Okay?

24 (The jury left the courtroom.)

25 THE COURT: Anything else we need to do?

TESTIMONY OF PHILLIP JACKSON

1 MR. BARFIELD: Nothing from the State.

2 MR. DUNN: I do not believe so, Your Honor.

3 (Court adjourned for the evening and resumed at
4 9:30 Tuesday morning, December 16, 2008.)

5 THE COURT: Are we ready for the jury?

6 MR. BARFIELD: Yes, sir.

7 MR. DUNN: Yes, sir.

8 (The jury returned to the courtroom.)

9 THE COURT: Welcome back, ladies and gentlemen, and
10 good morning. I believe that we are ready to proceed
11 continuing in the presentation of the State's case.
12 Solicitor?

13 MR. BARFIELD: State calls Don Wilson, they are
14 bringing him in.

15 The witness, DON WILSON, was first duly sworn and

16 Testified as follows, on:

17 DIRECT EXAMINATION

18 BY MR. BARFIELD:

19 Q Stay right here. I'm going to ask you a couple of
20 questions here, then we will put you on the witness stand.

21 Mr. Wilson, what is your home address?

22 A [REDACTED]

23 Q Is that in Chester County?

24 A Yes, sir.

25 Q How long have you lived in Chester County?

TESTIMONY OF DON WILSON

- 1 A Seventeen years.
- 2 Q How long have you lived at that address on Debruhl
- 3 Road or Drive?
- 4 A Sixteen, or 15 years.
- 5 Q All right, sir. Look at this picture that's on this
- 6 easel. And just take a minute to look at it, then I'm
- 7 going to ask you a couple of questions about it.
- 8 A Is that the cul de sac at the end of road? I don't
- 9 know.
- 10 Q I can't answer the question.
- 11 A Well, I can't read the map.
- 12 Q No, that's fine. Hold on just a minute. I want to
- 13 ask you, first of all, do you recognize what that is?
- 14 A That's a map.
- 15 Q Do you know what it's a map of?
- 16 A It's a map of my neighborhood.
-
- 17 Q That's fine. And I'm going to ask you a couple of
- 18 more questions about it. Do you see the sticky notes that
- 19 are on that map?
- 20 A Yes, sir.
- 21 Q And do you see the names that are on those sticky
- 22 notes?
- 23 A Yes, sir.
- 24 Q Do you recognize the names on those sticky notes?
- 25 A Yes, sir.

TESTIMONY OF DON WILSON

1 Q Are those folks your neighbors?

2 A Yes, sir. But I don't live there, I don't think.

3 Q Okay. That's fine. Does that map accurately reflect
4 or depict your neighborhood and Debruhl Road and the cul
5 de sac? Not the sticky notes, but the map itself.

6 A Yeah, I understand what you're saying. Yes, sir. If
7 that's Debruhl Road that's -- I just don't -- the map
8 doesn't, you know what I mean, it doesn't stand out to me
9 right now.

10 Q All right. Let me show you --

11 A I don't live here, I live over here next to Bob Rush.

12 Q Well, that's my next question then. Identify your
13 home on that map.

14 A Right here somewhere (indicating.)

15 Q All right. Is there --

16 A I've got a lot of trees, you can't see my house, I'm
17 hidden in the trees.

18 Q That's fine. I'm giving you a sticky note with
19 Wilson on it.

20 A Yes, sir.

21 Q And there's an arrow on the sticky note.

22 A Yes, sir.

23 Q If you would, put the sticky note with the arrow
24 pointing to the approximate location of your home within
25 the trees there and put it on the top and turn it over.

TESTIMONY OF DON WILSON

1 There you go.

2 A (Witness complies.) I'm still trying to figure out
3 the map here.

4 Q Okay. Take a minute to look at it if you need to.

5 A This is my house, Bob Rush's house, my
6 brother-in-law's.

7 Q Is Mr. Devatt's house properly marked.

8 A Yes.

9 Q Is the Perkins home properly marked?

10 A They live next to the top, yes.

11 Q Is the Hinson home properly marked?

12 A Yes.

13 Q Okay. You may take the witness chair.

14 A (Witness complies.)

15 THE COURT: Your Honor, at this time I would offer the
16 map as State's -- I think we are probably at State's

17 Exhibit 3 not for identification, but State's Exhibit 3.

18 MR. DUNN: Your Honor, my only issue is that the
19 sticky that Mary Wilson had put on there remain on there
20 since she identified her house in a different location.

21 THE WITNESS: That map is hard to read. I don't know
22 how old it is.

23 THE COURT: Hold on, sir.

24 MR. DUNN: My only issue, Your Honor, is one witness
25 put something on one place and another witness put

TESTIMONY OF DON WILSON.

1 something -- I don't think we should be moving what the
2 other witnesses put on there and introduce the whole thing
3 into evidence.

4 THE COURT: Can y'all agree on this one?

5 MR. BARFIELD: I can agree that there was a sticky
6 note at a different location with Wilson and I will, with
7 Mr. Dunn's permission, come over here and we will stick it
8 back on.

9 THE COURT: Why don't look at it and see if you can
10 agree where it should go.

11 (Break in proceedings.)

12 THE COURT: Let me ask a question, folks, if that's
13 being introduced into evidence and I take it it's without
14 objection now, are those stickies in a position that they
15 are going to remain in forever?

16 MR. BARFIELD: Well, they are stuck and they are push
17 pinned and we can more permanently affix them at a later
18 time.

19 MR. DUNN: I don't have any problem with that, Your
20 Honor.

21 THE COURT: All right. Now the exhibit is admitted
22 without objection.

23 MR. DUNN: Yes, sir.

24 (The map was received as State's 3.)

25 Q Mr. Wilson, do you know Casey Perkins?

TESTIMONY OF DON WILSON

- 1 A Yes, sir.
- 2 Q How long have you known Casey Perkins?
- 3 A Before the incident or total?
- 4 Q Approximately.
- 5 A Approximately three to five years.
- 6 Q What do you do for a living, Mr. Wilson?
- 7 A I own a fence company here in Chester County.
- 8 Q Has Casey Perkins ever worked for you in the fencing
- 9 business?
- 10 A Twice. One more thing, he also used to turn bolts in
- 11 my truck, he used to keep my trucks running.
- 12 Q Is he a mechanic?
- 13 A He's a good mechanic.
- 14 Q All right, sir. Do you know whether he turned bolts
- 15 and worked on automobiles for other folks in your
- 16 neighborhood?
-
- 17 A I know he was questioned about doing something.
- 18 Q Okay. Did you know Judy Hinson?
- 19 A Yes, sir.
- 20 Q Did you know where she lived?
- 21 A Yes, sir.
- 22 Q Did you become aware that something happened to Judy
- 23 Hinson on August 27th of 2005?
- 24 A Is that a Saturday morning?
- 25 Q Again --

TESTIMONY OF DON WILSON

1 A I don't know. If it was a Saturday morning, yes. I
2 was on my way to work.

3 Q Did you know that Judy Hinson was dead?

4 A When I pulled out of my driveway I saw police
5 everywhere, I knew something happened.

6 Q What day of the week was that?

7 A That was a Saturday morning, approximately 8:00.

8 Q Was it daylight when you saw the police?

9 A Yes.

10 Q Now, again, I'm going to jump ahead a little bit.

11 But did you find what had happened? I'm not asking you to
12 tell us --

13 A Yes. I'm a nosy, I'm a nosy neighbor, I want to know
14 what has happened. That's my neighborhood and my family
15 lives there.

16 Q All right, sir. Now, is your son Zack'sary?

17 A Yes, sir.

18 Q Do you know Robby Rush?

19 A Yes, sir.

20 Q Are you and the Rushes neighbors?

21 A Yes, sir.

22 Q Did Robby from time to time or on a regular basis, I
23 guess, come spend weekends with his dad?

24 A Yes, sir.

25 Q Did your son, Zack's, and Robby get together and hang

TESTIMONY OF DON WILSON

1 out together when Robby was in town?

2 A Yes, sir.

3 Q Do you know where your son, Zack's, was on Friday
4 evening?

5 A Yes, sir.

6 Q Where was he?

7 A He was at Bob Rush's house.

8 Q All right, sir. Do you know if Zack'sary -- or if
9 Robby was there?

10 A Yes, sir.

11 Q On that Friday evening, did you spend any time over
12 at the Rush's house yourself?

13 A Only to check on my son if I did at all, I really
14 don't think I did. I locked my gate. I didn't want no
15 company that night.

16 Q Did you see Casey Perkins any time that night?

17 A No, sir.

18 Q Do you know if Casey Perkins smokes?

19 A Yes, sir.

20 Q I'm going to show you something and ask you if you
21 can identify it?

22 A Yes, sir. That is my lighter, my brand new lighter
23 that got confiscated and I would like it back because it
24 was brand new.

25 Q Is this lighter that I have in my hand at one time in

TESTIMONY OF DON WILSON

1 your possession?

2 A Yeah, that's mine. It was given to me.

3 Q Now, who gave this lighter to you?

4 A Casey Perkins.

5 Q When in relation to your finding out about Judy

6 Hinson did Casey Perkins give you this lighter?

7 A A week to five days before.

8 Q All right, sir.

9 MR. BARFIELD: Your Honor, at this time I would offer
10 the lighter for identification purposes and the envelope I
11 believe would be State's Number 4.

12 THE COURT: Admitted without objection.

13 MR. DUNN: He's not introducing it, he's just offering
14 it for identification.

15 MR. BARFIELD: Identification.

16 THE COURT: I'm sorry, I thought you had asked for it
17 to be admitted.

18 A Can I add something to that Friday night?

19 Q I'm going to come back to that in a minute. I'm also
20 going to show you an item that has been marked for
21 identification purposes as State's Exhibit Number 1. Have
22 you ever seen anything similar to this before?

23 A Yes, sir.

24 Q In whose possession was the thing that you saw that
25 was similar to this?

TESTIMONY OF DON WILSON

1 A Casey Perkins.

2 Q How had -- what was he doing when you saw him with
3 this?

4 A He used to work on my trucks wearing that. I don't
5 know if it was that shirt but he used to wear one looking
6 like that.

7 Q That's fine, that's what I'm asking. Do you recall
8 specifically whether you went over to the Rush's house on
9 Friday night?

10 A No, I don't. But I did get on my son for taking
11 Casey across the field to my brother-in-law's house. He
12 has got his butt jumped for that because I didn't want
13 that person around my son like that.

14 Q Now, Saturday morning you saw police. Were you
15 scheduled to work Saturday?

16 A Yes, sir.

17 Q Do you recall where you were going to be working that
18 Saturday?

19 A Yes, sir.

20 Q Where?

21 A I was working at Mr. Young's house, Young's Ford, out
22 in Richburg. I had two employees with me.

23 Q Who was going to work with you that day?

24 A Casey Perkins and Chris Baker.

25 Q How was Casey Perkins going to get up with you to go

TESTIMONY OF DON WILSON

1 to work that day?

2 A Usually he's a spring chicken and I don't have to get
3 him up, but that particular morning I had to wake him up
4 out of his car.

5 Q Were you going to give him a ride to work?

6 A I'm a taxi, I drive everyone. No one has a license,
7 I am the only one.

8 Q Did you go to Casey Perkins' house?

9 A Yes, sir.

10 Q Was he there?

11 A He was there but he was a little sluggish.

12 Q Where was Casey when you got to his house?

13 A Sleeping in his car.

14 Q What kind of car was it that he was sleeping in?

15 A He was sleeping in a black Trans Am/Firebird type
16 thing.

17 Q In the yard?

18 A Yes, sir.

19 Q Did he get up?

20 A Oh yeah, he went to work.

21 Q Did he get straight out of the car and get in with
22 you or did he go in and --

23 A I told him to go in and brush his teeth or do
24 whatever he had to do because I didn't want to smell bad
25 breath. But he did whatever he had to do.

TESTIMONY OF DON WILSON

1 Q Did you wait on him?

2 A I always wait on my people. Now, I was two hours
3 late because I was supposed to pick him up at 8:00 but all
4 of the action I stuck around until 10:00. I ended up
5 picking him up around 10:00.

6 Q All right, sir. This was the second time that Casey
7 had worked for you?

8 A Yes, sir.

9 Q Did he do okay the first time he worked for you?

10 A He was a great employee.

11 Q Did you notice any difference in his mood or behavior
12 on this Saturday morning?

13 A Big difference.

14 Q And how was he acting?

15 A Staring off into space.

16 Q Did he say anything to you about his mood or his --

17 A Very quiet, very unsociable.

18 Q Was that characteristic for Casey Perkins?

19 A No. Because I'll drag people to talk, I love to make
20 people talk, I'm a salesman.

21 Q How long did y'all work that Saturday?

22 A We might have put five hours.

23 Q Did Casey work the whole time?

24 A No. I had to keep reminding him that we were
25 working, quit leaning on the poll, it will stand up by

TESTIMONY OF DON WILSON

1 itself. Let's move onto something else.

2 MR. DUNN: We're having trouble hearing him.

3 Q Speak up a little bit.

4 A Speak up? That's not a problem, I've got a deep
5 voice. What do you need?

6 Q Repeat your answer about how he did that day working
7 for you.

8 A I had to keep reminding him that we were working and
9 that the polls and concrete would stand up by themselves,
10 let's do something else.

11 Q What kind of fencing do you put up? Chain link or --

12 A I put up all kinds of fence.

13 Q All right. After the job, what was your intention
14 with Casey? The workday is done, where were you going,
15 where was he going?

16 A Taking him back where I picked I'm up at.

17 Q Which would have been where?

18 A His house.

19 Q Did you get back to his house?

20 A Didn't make it that far.

21 Q Explain what happened on the way back to Casey's
22 house.

23 A We got to the corner of Old York Road and Hard and
24 Straight and my wife stopped us.

25 Q Stop right there just a minute. What -- Debruhl Road

TESTIMONY OF DON WILSON

1 is a cul de sac road; is that correct?

2 A Yes, sir.

3 Q And if you drive out Debruhl Road to the main road,
4 what is the main road?

5 A Hard and Straight.

6 Q Your wife stopped you where?

7 A At the stop sign of Old York Road and Hard and
8 Straight.

9 Q And about how far is that from Debruhl Road?

10 A That's about a mile and a half.

11 Q All right. Was Casey -- were you driving a truck?

12 A I was driving my one ton dually, brown.

13 Q Was both Casey and the other employee in the truck?

14 A Casey was in the middle and my other boy was in the
15 passenger seat.

16 Q You can't say what your wife said, but did your --

17 your wife stopped you. How did she stop you? You saw her
18 car and just stopped or she flagged you down, or how did
19 she stop you?

20 A She flagged me down.

21 Q Did you and your wife have a conversation?

22 A Yes.

23 Q You can't quote her because it would be hearsay at
24 this point --

25 A Right.

TESTIMONY OF DON WILSON

1 Q -- but after that conversation, what occurred?

2 A Someone got really scared.

3 Q Who got scared?

4 A Am I allowed to tell you that? It wasn't me and it
5 wasn't the guy in the passenger's seat.

6 Q Let me ask you a couple of direct questions. Was
7 Casey present in your truck when you and your wife had the
8 conversation?

9 A Yes, sir.

10 Q I'm going to back up a little bit. Generally
11 speaking, not details at this point but generally
12 speaking, from the point you picked Casey Perkins up that
13 Saturday morning until the point that you and your wife
14 are having a conversation, had you and Casey Perkins had
15 any conversations about what happened in your neighborhood
16 the night before?

17 A Yes, sir.

18 Q Okay. Step by step, what did you say to Casey?

19 A It was a question.

20 Q What did you ask Casey?

21 A "Why did you kill that woman?"

22 Q Were you serious about that?

23 A I'm always serious when I ask questions like that.

24 Q Did Casey respond to that question?

25 A No.

TESTIMONY OF DON WILSON

1 Q Did you repeat the question at any other time during
2 the day?

3 A Probably over a dozen times.

4 Q Okay. Did he ever respond to it?

5 A No, sir.

6 Q When your wife stopped you, again don't quote her,
7 but what were y'all talking about?

8 A I can't quote her because --

9 Q You can tell the subject of it, you just can't
10 give --

11 A The subject was the police were looking for somebody.

12 Q All right. That's fine.

13 A But she said it, that's a quote from her.

14 Q I understand. What did you see about Casey that
15 makes you say he was nervous after you and your wife
16 talked? And you are indicating what?

17 A ~~His eyes got really big.~~

18 Q Did he say anything at that point?

19 A "Let me out of the truck."

20 Q Did you let him out of the truck?

21 A No, sir. I said I would take him back where I picked
22 him up at.

23 Q Did your wife drive off in her car?

24 A She was on her way to work.

25 Q Did you drive on to Casey's house?

TESTIMONY OF DON WILSON

- 1 A I didn't make it that far.
- 2 Q Where did you go next before you stopped?
- 3 A Debruhl Road.
- 4 Q At the entrance to Debruhl on Hard and Straight?
- 5 A No. I got stopped at the Cotton residence which is
- 6 within two houses where Casey lives. In other words, two
- 7 houses towards the end of the road, not my end.
- 8 Q Two houses toward Hard and Straight?
- 9 A There you go, that's the word.
- 10 Q Who stopped you?
- 11 A The Mayor.
- 12 Q You're referring to somebody as the Mayor of Debruhl
- 13 Road?
- 14 A Ed Devatt.
- 15 Q Why do you call him the Mayor?
- 16 A Because he's nosey and wants to know everybody's
-
- 17 business.
- 18 Q How did Mr. Devatt stop you?
- 19 A Just to gossip.
- 20 Q How did he stop you?
- 21 A He stopped me, he held his hand out the window and
- 22 made sure I was stopping. He loves talking.
- 23 Q Did you and Mr. Devatt have a conversation?
- 24 A A small one.
- 25 Q Was Casey Perkins in your truck then?

TESTIMONY OF DON WILSON

- 1 A No. He climbed over my passenger and opened the door
2 and ran into the woods, didn't see him for two hours.
- 3 Q That was within a couple of houses of his house?
- 4 A Yes, sir.
- 5 Q Did you see Casey Perkins later Saturday afternoon or
6 later that evening?
- 7 A Yes, sir.
- 8 Q Where was that?
- 9 A My house.
- 10 Q How did he end up at your house?
- 11 A He came down there with his mom worried.
- 12 Q Was there a conversation between you and Casey?
- 13 A Yeah.
- 14 Q About what?
- 15 A "Why did you kill that woman?"
- 16 Q Okay. Did he respond when you asked him that?
-
- 17 A His mom smiled.
- 18 Q Casey didn't say anything?
- 19 A (Shakes head.)
- 20 Q You have got to say yes or no.
- 21 A He didn't say anything.
- 22 Q We're having to record what you say.
- 23 A I'm sorry. No, he didn't say anything.
- 24 Q Did you see Casey anytime Sunday?
- 25 A Yes.

TESTIMONY OF DON WILSON

1 Q About when Sunday?

2 A About dinnertime. I got mad at my wife because she
3 invited him to my house for dinner.

4 Q When you say dinner, are you talking about lunch
5 dinner or supper dinner?

6 A I don't know, I'm from the city, man. I'm talking
7 about dinnertime, after 4:00 or 5:00.

8 Q All right. And did Casey come over?

9 A Yeah, he came with his mom.

10 Q Did they eat with y'all?

11 A I gave him a to-go pack.

12 Q Was there any conversation with Casey Sunday evening
13 late when he came over there for dinner?

14 A Yes, sir, there was. As a matter -- there was my
15 wife, there was Bob Rush, there was Casey and his mom at
16 my house. There was a conversation.

17 Q Pardon?

18 A There was a conversation.

19 Q About what had happened in the neighborhood in
20 general?

21 A Yes, sir.

22 Q Did Casey get paid for working for you Saturday?

23 A I'm sure I did, I'm sure I did. I pay all of my
24 employees.

25 Q You don't have any specific recollection about how

TESTIMONY OF DON WILSON

1 much or when?

2 A It might have been \$50 or so. It wasn't nothing to
3 write home about, but it was money.

4 Q Do you recall when Casey got his money for that
5 Saturday?

6 A You know, he might not have. He bolted out of my
7 truck, I might not have had a chance to pay him. If I owe
8 him \$50 just let me know, I'll give it to him.

9 MR. BARFIELD: Beg the Court's indulgence one moment.

10 (Break in proceedings.)

11 Q By Sunday evening late, the last time you said Casey
12 was at your house, had you been talked to by the police?

13 A No, I don't think so, just the Mayor.

14 Q All right. At any point did you and Casey Perkins
15 have a conversation about a Mercedes work shirt?

16 A Yes, sir.

~~17 Q Do you remember when it was that you and Casey talked~~
18 about a Mercedes work shirt?

19 A It might have been a Saturday.

20 Q Okay.

21 A You know, Saturday after work or whatnot, or Sunday,
22 it was one of them days.

23 Q The weekend that Ms. Hinson died?

24 A Oh, yeah. Yeah.

25 Q What was the conversation between you and Casey about

TESTIMONY OF DON WILSON

1 a Mercedes shirt?

2 A He got oil and grease on it and I asked him where it
3 was and --

4 Q Stop right there.

5 A I'm not quoting.

6 Q I understand.

7 A I'm just telling you --

8 Q If you can't answer this question without quoting
9 somebody tell me that. But why were you asking Casey
10 about the Mercedes shirt? And if you can't answer it
11 without quoting somebody, just tell me that and that's
12 just fine.

13 A Why would I ask him about it?

14 Q Why were you asking Casey about the Mercedes shirt
15 either Saturday or Sunday after Ms. Hinson's death?

16 A I wanted to know where it was.

17 Q ~~And what did Casey tell you about the Mercedes shirt?~~

18 A Am I allowed to tell you that?

19 Q You can quote Casey, yes, sir, absolutely.

20 A "I threw it away."

21 Q Did he tell you why?

22 A Yeah.

23 Q Tell me everything he said about the Mercedes shirt.

24 A Because he got oil and grease on it and he threw it
25 away. He didn't want to get oil and grease in his mom's

TESTIMONY OF DON WILSON

1 washing machine.

2 Q Had you seen him with oily, greasy clothes before?

3 A Man, he has worked on my truck and gotten so oily and
4 greasy and washed his shirt, worked the next day, go out.

5 Q Do you have any recollection about Casey Perkins's
6 footwear around this time?

7 A White tennis shoes. I bought them for him.

8 Q What kind of tennis shoes?

9 A Bright white. I don't know the brand, I just gave
10 him the money to buy for them.

11 Q Did you see him in those shoes?

12 A Yes, sir.

13 Q How soon in relation to Ms. Hinson's death had you
14 seen Casey in bright white shoes?

15 A Them shoes were bought for him so he could go do a
16 barbecue with the Mayor, which I'm not sure when that took

17 place. But that's why I bought them to make him look

18 better, to clean him up a little bit.

19 Q And again, in relation to Ms. Hinson's death, weeks
20 or months or days?

21 A I don't think I ever seen them again after.

22 Q After what?

23 A After Judy disappeared.

24 Q My question to you is how soon before Ms. Hinson's
25 death had you seen the tennis shoes?

TESTIMONY OF DON WILSON

1 A Within four days or week, whenever that pig picking
2 was.

3 Q Did you and Casey have any conversation about his
4 nice white tennis shoes after Ms. Hinson's death?

5 A Yes.

6 Q Describe that conversation.

7 A He said he never owned them.

8 Q Now, let's talk about the lighter, which is State's
9 Exhibit Number 4 for identification purposes again, the
10 silver Dejeep lighter.

11 A Yeah. That one is new, too, I would like to have it
12 back.

13 Q About how soon before Ms. Hinson's death did Casey
14 give you that lighter?

15 A Within five days.

16 Q Under what circumstances did he give you a lighter?

17 A ~~We were working on my truck and my lighter went out~~
18 and I said a couple of little cuss words and he said,
19 "Here, man, I have got a brand new one." And I said, "Are
20 you sure?" And he said, "Yeah, take it."

21 Q Have you ever seen Casey with a lighter? That's a
22 stupid question.

23 A Yeah, he gave it to me. I took it out of his hand.

24 Q Other than the one he gave you, had you seen him with
25 his own cigarette lighters?

TESTIMONY OF DON WILSON

1 A Yeah.

2 Q What kind of cigarette lighters have you ever seen
3 him with?

4 A Well, he's had all different kinds. But actually
5 just before all of this he turned up with the Dejeep
6 lighters because they were on sale at Winn Dixie when they
7 were going out of business.

8 Q This is my question: Had Casey ever had a lighter --
9 before Ms. Hinson's death had you ever seen him -- other
10 than the one he gave you, had you ever seen him with a
11 Dejeep lighter like the one he gave you, maybe that color
12 or some other color?

13 A No. They're too high dollar, man, those are \$5
14 lighters.

15 Q Let me ask you the question again. He gave you, you
16 testified a minute ago, this silver Dejeep lighter, which
17 is State's Number 4 for identification; is that correct?

18 A Yes, sir.

19 Q Is that the only Dejeep lighter you had ever seen
20 Perkins have in his possession?

21 A No.

22 Q Okay. What other or others had you ever seen him
23 have in your possession Dejeep lighters?

24 A I seen two or three Dejeep lighters that were the
25 same color and they kind of freaked me out, because my

TESTIMONY OF DON WILSON

1 wife seen mine and said, "I've got to have one," and he
2 said, "I will buy you one," and he bought her one.

3 Q All right. Stop. Did you see the lighter that
4 Mr. Perkins bought for your wife?

5 A And it freaked me out.

6 Q Did he give the lighter to your wife?

7 A Yes.

8 Q Now, I'm going to show you State's Exhibit Number 2
9 for identification.

10 A Yes.

11 Q When you say yes, what do you mean yes?

12 A Yes. He gave that one to my wife.

13 Q That color?

14 A That color to my wife and he kept that color for
15 himself, which kind of made me a little, you know,
16 nervous.

17 Q All right. You said this a minute ago, I think the
18 silver Dejeep lighter --

19 A That's mine.

20 Q Who took it from you?

21 A Mr. Green.

22 Q With the State Law Enforcement Division?

23 A Yes, sir. Can I get my lighter back?

24 Q No.

25 MR. BARFIELD: Thank you, sir. Answer anything

TESTIMONY OF DON WILSON

1 Mr. Dunn has.

2 THE WITNESS: Yes, sir.

3 THE COURT: Cross examination, Mr. Dunn.

4 MR. DUNN: Thank you, Your Honor. May it please the
5 Court?

6 CROSS EXAMINATION

7 BY MR. DUNN:

8 Q Mr. Wilson, do you remember speaking with Agent Green
9 of Sled on August 30th of 2005?

10 A Yes, sir, Mr. Dunn.

11 Q That was -- I believe, August 30th was a Tuesday?

12 A Maybe.

13 Q If I told you it was a Tuesday is there any reason
14 for you to disbelieve me?

15 A Well, I don't know, I don't know. If that's what it
16 says that's probably the day it was.

~~17 Q All right. And on that date the officer asked you a~~
18 bunch of questions about Casey Perkins, correct?

19 A Yes, sir.

20 Q And you tried to tell him everything that you knew,
21 correct?

22 A Yes, sir.

23 Q A couple of minutes ago you just told the solicitor
24 that Casey had given you that silver lighter about five
25 days before.

TESTIMONY OF DON WILSON

1 A You know, my days aren't exact, but it's close.

2 Q Do you remember telling Agent Green that he had given
3 it to you at least three weeks before?

4 A No, I don't, but it could have been. I've had five
5 brain concussions, man, I've got a bad memory.

6 Q You have a bad memory?

7 A (Nodding head.) Not selective memory, just off and
8 on. I don't know my dates and my times sometimes. Now,
9 it could have been three weeks, it could have been a day,
10 whatever I told Green is what I told him.

11 Q Okay. So what you told Green is what you told him?

12 A Pretty much, that's what I knew at that time. That's
13 pretty much what I knew at the time.

14 Q And you don't have any reason to believe that Agent
15 Green would try to misrepresent what you told him?

16 A No.

17 Q A little while ago you told the solicitor that you
18 asked Casey Perkins why he killed Mrs. Hinson, correct?

19 A Sure, several times.

20 Q The way you characterize it you said you were being
21 serious?

22 A Yeah, I was being serious. My wife and children live
23 on that road.

24 Q Do you remember telling Agent Green that you were
25 just joking with Casey when you asked him that?

TESTIMONY OF DON WILSON

1 A The first couple of times.

2 Q So you were joking when you asked that question?

3 A The first couple of times. When the guys stops
4 denying it I'm going to keep asking it.

5 Q You have seen Dejeep lighters before, correct?

6 A Yes, sir.

7 Q When Casey gave you one and when Casey gave your wife
8 one, that wasn't the first time you had seen a Dejeep
9 lighter, correct?

10 A Man, I'm not a fool, don't talk to me like that. Of
11 course I have seen Dejeep lighters before.

12 Q Your wife use Dejeep lighters?

13 A It's a Dejeep. No, she doesn't use them, he bought
14 it for her and he bought her the identical same color.

15 Q I understand that. And what I'm asking you did your
16 wife also use Dejeep lighters?

17 A Yeah, after he gave them to her.

18 Q Dejeep lighters come in a variety of colors, don't
19 they?

20 A I would assume.

21 Q Have you ever seen them in the store?

22 A Yeah.

23 Q I think when you said they got them at Winn Dixie,
24 right?

25 A Yeah. Because they were going out of business, half

TESTIMONY OF DON WILSON

- 1 price.
- 2 Q Were they sold in multiple packs?
- 3 A No, they were sold in single packs.
- 4 Q Just a single pack?
- 5 A Yes, sir.
- 6 Q Multiple colors?
- 7 A Multiple colors. I think you asked me that before.
- 8 Q I think I did. The two colors we've seen are silver
- 9 and I guess copper probably would be --
- 10 A Yeah copper, bronze.
- 11 Q There's other colors out there.
- 12 A I'm going to paint my race car that color.
- 13 Q There's other colors out there.
- 14 A Man, they've got all kinds of colors out there.
- 15 Q A little while ago you said that I think it was
- 16 Saturday night Bob Rush and your wife and Casey and
-
- 17 Mrs. Perkins were all over at your house.
- 18 A No, I said Sunday night.
- 19 Q Sunday night.
- 20 A You might check your memory, too, because I said
- 21 Sunday night. Don't trip me up, please.
- 22 Q I understand that. Sunday night.
- 23 A Yes, sir. And I gave him a to-go bag of hot dogs.
- 24 Q You guys weren't eating spaghetti?
- 25 A What?

TESTIMONY OF DON WILSON

1 Q Were y'all eating spaghetti?

2 A (Shakes head.)

3 Q Do you remember telling the police that you were
4 eating spaghetti?

5 A No, I don't.

6 Q Would it be --

7 A Spaghetti might have been Saturday night, hot dogs
8 might have been Sunday and Casey requested hot dogs for
9 his last meal, that's what he told my wife.

10 Q Now. When y'all were eating that night --

11 A I didn't eat.

12 Q -- at your house, y'all were talking about the
13 murder?

14 A Yeah, you're talking about my house but there was no
15 murder at my house. What do you want for me?

16 Q If you would listen to my questions we will be able

17 to get through this a lot quicker, all right?

18 THE COURT: Mr. Wilson, let me try to explain
19 something to you. The way that process works is this: The
20 attorneys -- and this is what they are required to do, they
21 are required to ask you a question, then you need to
22 respond to the question.

23 THE WITNESS: Okay.

24 THE COURT: And try not to do what a lot of people
25 including myself, is try not to engage them in a

TESTIMONY OF DON WILSON

1 conversation.

2 THE WITNESS: Okay.

3 THE COURT: Just try to answer the question.

4 THE WITNESS: He's trying to trick me up with
5 different nights --

6 THE COURT: Just answer his question. Mr. Dunn?

7 MR. DUNN: Thank you, Your Honor.

8 Q Is it fair to say that the conversation around the
9 neighborhood within the days after Mrs. Hinson were about
10 Mrs. Hinson being killed?

11 A Yes.

12 Q All right. And is it fair to say that those times
13 when you saw Casey after Ms. Hinson died before he was
14 arrested --

15 A I'm sorry?

16 Q Is it fair to say after Mrs. Hinson died and before

17 Casey was arrested that when you saw Casey that the
18 conversations were also about how Mrs. Hinson died or that
19 she had been killed?

20 A Yeah.

21 Q Okay.

22 A It was me asking him.

23 Q Were you aware that Casey was on social security
24 disability?

25 A Yeah. The whole family, I believe.

TESTIMONY OF DON WILSON

1 Q Did Casey ever tell you why he was on social security
2 disability?

3 A No. That was a surprise to me, only because of the
4 reason he's on it.

5 Q So you do know why he was on it?

6 A Eventually I found out, yeah.

7 Q What were you told? What was the reason that was
8 given for it?

9 A A mental issue.

10 Q Okay. A little while ago you told the jury and the
11 solicitor that Casey jumped out of your car -- or out of
12 your truck and ran into the woods.

13 A Yes, sir.

14 Q Do you remember telling the police that you let him
15 out at his house?

16 A I didn't let him out at his house, he wouldn't get
~~17 out, at his house, he was afraid. I have a witness that~~
18 no one knows about that seen him jump out of my truck that
19 was working with me.

20 Q So you never told the police that he was let out at
21 his house?

22 A No, I never said that. He wouldn't get out at his
23 house.

24 Q You were arrested in 2004 for failure to stop for a
25 blue light, correct?

TESTIMONY OF DON WILSON

1 A Yeah.

2 Q You pled guilty to that?

3 A Yes, sir. I did my time, did my probation, paid my
4 dues.

5 MR. DUNN: Beg the Court's indulgence for a second.

6 THE COURT: All right.

7 (Break in proceedings.)

8 MR. DUNN: I don't have any other questions, Your
9 Honor.

10 MR. BARFIELD: Just a couple of real quick ones.

11 REDIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q You told us that Casey worked for you at least twice?

14 A Yes, sir.

15 Q And you've told us he worked on automobiles.

16 A Yes, sir.

17 Q Did you ever have any difficulty understanding things
18 Casey was telling you, just conversations? Did he
19 communicate with you okay so that you understood him?

20 A Yeah, him and I, yeah.

21 Q Did he apparently have any difficulty understanding
22 communications that you were giving to him?

23 A No, sir, no problems communicating. Actually I liked
24 Casey a lot, we were good friends, I thought.

25 Q All right. To what extent was he able to work on

TESTIMONY OF DON WILSON

1 cars?

2 A He can turn a bolt, now, he can take stuff apart and
3 put it back together. I would say eight out of ten,
4 that's how good he is.

5 MR. BARFIELD: Thank you. I don't have any further
6 questions of Mr. Wilson.

7 THE COURT: All right, sir.

8 MR. DUNN: Nothing, Your Honor.

9 THE COURT: May the witness be excused?

10 MR. DUNN: Yes, sir.

11 THE COURT: And you may be excused from your subpoena.

12 MR. BARFIELD: John Bernat.

13 The witness, JOHN BERNAT, was first duly sworn and
14 testified as follows, on:

15 DIRECT EXAMINATION

16 BY MR. BARFIELD:

17 Q Mr. Bernat, before you sit down, stay there for a
18 moment if you will. Let me ask you a couple of questions
19 and then I am going to ask you to do something for me.

20 A All right.

21 Q Where do you live?

22 A I live on Debruhl.

23 Q What is your address on Debruhl?

24 A [REDACTED]

25 Q How long have you lived on Debruhl?

TESTIMONY OF JOHN BERNAT

1 A Nine years now.

2 Q Do you know Casey Perkins?

3 A I met him one time.

4 Q Do you see Casey Perkins in the courtroom today?

5 A Yes, sir.

6 Q Where is he sitting by way of position and what has
7 he got on?

8 A He has got a solid tie and brown shirt, he has got
9 his hands up like this on his forehead, between those two
10 gentlemen right there.

11 Q At the table over there?

12 A Yes, sir.

13 Q Okay. Do you know -- how do you know Casey Perkins?

14 A I met him that one night, I called up my neighbor --

15 Q That's fine. I'm going to get to the details of that
16 in a minute. Do you know his parents?

17 A No.

18 Q Do you know --

19 A I've seen them, I have never met them.

20 Q Do you know where his parents live?

21 A Yes, sir.

22 Q What road do they live on?

23 A They live on Debruhl.

24 Q Now, take a minute and look at this picture over

25 here. Just take some time, study it, look at the sticky

TESTIMONY OF JOHN BERNAT

1 notes and whatever else you need to look at and I'm going
2 to ask you a couple of questions about it. And I'm
3 referring to State's Exhibit -- hold on, don't answer
4 questions yet. I'm referring to State's Exhibit Number 3,
5 I'm going to ask you details about it in a minute.

6 A All right.

7 Q Have you looked at it enough to know what it is?

8 A Yes, sir.

9 Q What is it?

10 A That's my neighborhood.

11 Q Is your house shown on that road?

12 A Yes, sir.

13 Q Where is your house? Point to it with your finger,
14 first.

15 A Right there.

16 Q You have got to answer out loud.

17 A Right here.

18 Q Now, before we label your house, look at the sticky
19 notes and tell me if you recognize the names of the folks
20 on the sticky notes.

21 A I do.

22 Q And now, I'm going to give you this sticky note
23 that's got an arrow on it and I want you to put it on the
24 bottom side of the poster with the arrow pointing to where
25 your house is and I'll put a push pin in it when you stick

TESTIMONY OF JOHN BERNAT

1 it on there.

2 A (Witness complies.)

3 Q Is that your house?

4 A Yes, sir.

5 Q Is that still your house?

6 A Yes, sir.

7 Q Was that your house on August 27th of 2005?

8 A Yes, sir.

9 Q Do you know Don and Mary Wilson and Zachary?

10 A Yes, sir.

11 Q Where do they live?

12 A They live right across the street from me.

13 Q Look at this sticky note that also has Wilson on it.

14 Don't move it, don't do anything with it, but is that

15 accurate?

16 A My sister lives across the street to me. I don't

17 know those Wilsons.

18 Q You don't know who lives there?

19 A No, sir.

20 Q Okay. That's fine. Where does Judy Hinson live --

21 where did Judy Hinson live?

22 A She was my neighbor, right here.

23 Q Had you ever been to Ms. Hinson's house yourself?

24 A I stopped by once.

25 Q To your knowledge back in August of 2005 -- well, let

TESTIMONY OF JOHN BERNAT

1 me ask you this: It appears that most of you folks down
2 there on Debruhl Road live back off the road a good ways.

3 A Yes, sir.

4 Q Are all of the driveways by way of construction
5 fairly similar?

6 A Yes, sir.

7 Q Are they all dirt or gravel of some sort?

8 A Gravel.

9 Q Is there any road or drive connecting your house and
10 Ms. Hinson's house on the back side back there where the
11 houses are?

12 A No, sir.

13 Q In August of 2007 -- everything I'm asking you
14 relates to August of 2007 -- describe the terrain between
15 your house and Ms. Hinson's house.

16 A Between the houses when they cleared the land they
17 ~~pushed a bunch of trees and stuff up so there's a little~~
18 mound and bunch of trees up there between our houses.

19 Q Back in August of 2007 it's that way?

20 A It's still that way, sir.

21 Q Go ahead.

22 A Beginning at the very -- right up in this area it's
23 not as high but back towards the back of the house the
24 trees are all real high.

25 Q All right. Take the witness chair now if you would,

TESTIMONY OF JOHN BERNAT

1 please, sir. Did you become aware that Judy Hinson died
2 on August 27th of 2005?

3 A That morning my neighbors came up and woke me up out
4 of my camper.

5 Q Who were your neighbors?

6 A Ed Devatt, Nick Topins and Bob Rush.

7 Q Now, you say your camper. Were you staying in a
8 camper on your property?

9 A At the time I was building a house and there was a
10 trailer that that was getting taken away, so I had a
11 little camper sitting out front of the trailer and then
12 the house I was building was behind it.

13 Q All right. And about what time of that morning did
14 your neighbors come over?

15 A I'm going to say it was right around 8:00 in the
16 morning.

17 Q Daylight?

18 A Yes, sir.

19 Q Before they arrived, did you know anything had
20 happened?

21 A No, sir.

22 Q After they arrived, did you see anything around the
23 neighborhood that corroborated for you that something had
24 happened?

25 A After they woke me up, we started walking and they

TESTIMONY OF JOHN BERNAT

1 told me that Ms. Hinson had passed and I asked them how
2 she died and they said, "Somebody killed her." At that
3 time we started walking up towards her property line and
4 the police were coming down with the dogs.

5 Q All right. Now, you say walking toward her property
6 line. Were you out on Debruhl Road or were you coming
7 down the property?

8 A No, sir. I was coming from the trailer because they
9 just woke me up and we started walking down that way to
10 see what had happened.

11 Q And you saw police with dogs?

12 A Dogs and a bunch of police officers up there, yes,
13 sir.

14 Q At that time did you talk to any of the police
15 officers at that time?

16 A The one officer was coming down with the dogs, asked
17 us why we were coming up that way, that we had ruined the
18 dog scent.

19 Q I presume y'all turned around and went the other way.

20 A Yes, sir.

21 Q When in relation to -- do you remember what day of
22 the week that was?

23 A To be honest with you, no, sir.

24 Q When in relation to that morning did you meet Casey
25 Perkins?

TESTIMONY OF JOHN BERNAT

1 A The night before.

2 Q Had you ever seen him before that night before?

3 A I seen him on the street one time, he was working
4 with my brother-in-law and my brother-in-law told me he
5 was a good mechanic.

6 Q Stop right there. Who is your brother-in-law?

7 A Donald Wilson.

8 Q You're married to Donald's sister?

9 A No, sir, he's married to my sister.

10 Q So you had seen Casey Perkins before but never met
11 him.

12 A That's correct.

13 Q How did you come to meet Casey Perkins on that night
14 before?

15 A I called my neighbor, Bob Rush, up and asked him
16 about the guy that worked on the cars in the neighborhood.

17 Q Why did you call Bob Rush asking?

18 A I had broken down vehicles. I had a Ford F-150 that
19 was broken down and a Mitsubishi truck that was broken
20 down that I needed repaired.

21 Q Now, when you called Bob, your neighbor, not your
22 brother-in-law, your neighbor?

23 A No, just my neighbor.

24 Q You referred to that guy that works on cars.

25 A That's right.

TESTIMONY OF JOHN BERNAT

1 Q Were you referring to the person you now know as
2 Casey Perkins?

3 A Yes, sir.

4 Q Did you know his name?

5 A No, sir.

6 Q Did you learn during that conversation with your
7 neighbor, Bob Rush, where Casey Perkins was at the time
8 you were talking to Bob Rush?

9 A Yes, sir.

10 Q Where was Casey Perkins?

11 A At Bob Rush's.

12 Q Did you talk to Casey Perkins on the telephone?

13 A Yes, sir.

14 Q And what was your conversation with Casey Perkins?
15 You can quote yourself and you can quote Casey.

16 A I asked him if he would be interested in working on
17 two of my vehicles and he asked me if I had any beers at
18 the house, because we had just got done working on the
19 house that day, and I told him, yes, I did. And he said,
20 "Would you mind if I came over now?" And he came over to
21 my house and --

22 Q Stop. We're going to come back to it. About what
23 time of night was it, if you recall, that you were having
24 this conversation with Casey Perkins?

25 A Probably 10:00 or 10:30 at night.

TESTIMONY OF JOHN BERNAT

1 Q Dark?

2 A Yes, sir.

3 Q Was it your intention for Casey to come over that
4 night and fix your cars or talk about fixing your cars?

5 A It wasn't my intention even though he was there at
6 the time but he just happened to be at Bob's house. And
7 Bob asked me if I wanted to talk to him and I was like
8 sure, because I wanted to see if he would fix my trucks.
9 He got on the phone with me and said if I had any beers at
10 the house, and I did, he said, "Mind if I come over?" And
11 my nephew and Bob Rush's son brought Casey to my house.

12 Q Again, the question was was he coming that night
13 based on your understanding to fix them or just to talk
14 about them?

15 A Just to talk about them.

16 Q Did he come to your house?

17 A Yes, sir.

18 Q About what time did Casey Perkins get to your house?

19 A Between somewhere around 10:00 or 10:30.

20 Q How did they get to your house? On the road in the
21 driveway or through the woods?

22 A My nephew and Bob Rush's son brought him over on the
23 four-wheeler.

24 Q Do you know if they traveled Debruhl Road?

25 A I did not see which way they came.

TESTIMONY OF JOHN BERNAT

1 Q That's fine. Did the two boys and the four-wheeler
2 get gone after Perkins got to your house?

3 A Yes, sir.

4 Q Do you recall what Casey Perkins was wearing when he
5 got to your house?

6 A I do.

7 Q What was he wearing?

8 A He had a shirt that said Casey and a Mercedes
9 thing -- Benz symbol on this side and blue jeans.

10 Q Do you remember anything else about clothing at all?

11 A No, sir. The only reason I remember Casey, his name,
12 is he had it on his shirt because I just met him that
13 night.

14 Q I'm going to ask you about that in a minute. I'm
15 going to show you State's Exhibit 1 for identification
16 purposes. Does that look familiar to you?

17 A That looks like the shirt he was wearing.

18 Q Same color and everything?

19 A Yes, sir.

20 Q When Casey Perkins was at your house, what was
21 significant about him having his name on his shirt?

22 A I didn't know who he was and that helped me remember
23 his name.

24 Q Did y'all talk about him wrenching on your
25 automobiles?

TESTIMONY OF JOHN BERNAT

1 A We did, yes, sir.

2 Q Did y'all cut a deal about that?

3 A Not really. He said tomorrow he will come back and
4 do that. Actually -- I don't know how you want me to do
5 it -- the way it went is he came over and had a few beers.
6 We talked about working on my Mitsubishi, my Ford F-150
7 and he was explaining to me too about an invention he had
8 for bleeding brakes or stuff like that I told him about an
9 invention I did through invent help and we were talking
10 about inventions and stuff, also.

11 Q Let me ask you a couple of questions about Casey and
12 his -- did y'all have a normal conversation?

13 A Yes, sir.

14 Q Did you have any trouble understanding what he was
15 saying to you?

16 A No, sir.

17 Q Did he appear to have any trouble understanding what
18 you were saying to him?

19 A I don't think so.

20 Q Did you form any impression one way or the other
21 through your conversation with him that night about his
22 abilities as a mechanic?

23 A Well, I was just told from everything in the
24 neighborhood.

25 Q Not from what you were told, but from talking to him.

TESTIMONY OF JOHN BERNAT

1 A He just seemed kind of different than what I am used
2 to dealing with, but I figured if he could work on them he
3 could work on them.

4 Q Did he sound like he knew what he was talking about?

5 A Yes, sir.

6 Q Okay. Had you seen him in action at that point?

7 A What do you mean? No, sir.

8 Q Was there any conversations with Casey Perkins about
9 his hands?

10 A Yeah. We were talking about working on the vehicles,
11 he put his hands really close to my face and said, "Look
12 how small my hands are." At that time I had just met him,
13 I didn't feel comfortable getting that close to me and I
14 pushed his hands out of my face.

15 Q Was there any -- did you make him --

16 A I felt uncomfortable with it.

17 Q Other than that, did you -- answer this, if you can,
18 if you can't fine -- do you know why he was telling you
19 his hands were small in connection to what?

20 A Well, we were talking about cars so I couldn't tell
21 you exactly why he did it. It was awkward for him to have
22 done it to me because I was sitting down and he was
23 standing and he's a little bit bigger man than me so I
24 felt a little uncomfortable when he stuck his hands in my
25 face so I actually took them and pushed them away from me.

TESTIMONY OF JOHN BERNAT

1 I don't know if he was talking because he can get down or
2 do work on cars or whatever, I don't know exactly why he
3 did that to me.

4 Q All right. Did he leave your house that night?

5 A Yes, sir.

6 Q Are y'all in your camper when all of this is going
7 on?

8 A Yes, sir.

9 Q When you say camper, you're talking about a small
10 travel trailer or pop-up camper or what?

11 A It's a travel trailer.

12 Q Why did he leave your house?

13 A I asked him to leave.

14 Q Why did you ask him to leave?

15 A I had estimates going in the morning and it was late
16 so I asked him to leave.

17 Q What time was late?

18 A It was 1:27 in the morning.

19 Q How do you know it was 1:27 in the morning?

20 A When I walked out of my camper my alarm clock sits
21 right there, it was on top of my refrigerator so when he
22 walked out the door it said 1:27, so that's how I knew it
23 was 1:27.

24 Q What did you say to Casey to run him off?

25 A I said, "You've got to get out of here, I've got to

TESTIMONY OF JOHN BERNAT

1 go to work in the morning."

2 Q What did he say?

3 A He said, "Can I have another beer for the road?" I
4 said, "They are on the back porch," and he left the
5 trailer, I closed the door. The next morning I got woken
6 up.

7 Q Did you see him go get a beer from the back porch?

8 A No, sir. As soon as he left the trailer I closed the
9 door.

10 Q Did you see him walk off from your travel trailer?

11 A No, sir.

12 Q Did you see him at all in the dark hours?

13 A After he left I didn't see anything, I went to bed.

14 MR. BARFIELD: Thank you, sir. Answer anything
15 Mr. Dunn has.

16 THE COURT: Cross examination, Mr. Dunn?

17 MR. DUNN: May it please the Court?

18 CROSS EXAMINATION

19 BY MR. DUNN:

20 Q Do you remember speaking with Agent Green of Sled?

21 A I don't recall exactly whose name it was that I spoke
22 to, it has been three years ago. I spoke to several
23 agents at Sled.

24 Q You spoke to more than one?

25 A Yes, sir.

TESTIMONY OF JOHN BERNAT

1 Q And you gave -- at one point you gave a written
2 statement, did you not?

3 A I don't recall to be honest with you, probably.

4 Q Or a statement maybe they wrote and you signed?

5 A Could be, I don't recall, three years ago.

6 MR. DUNN: Your Honor, if I may approach the witness?

7 THE COURT: Sure.

8 Q Do you recognize that, Mr. Bernat?

9 A Yes, sir. That was my initials so I'm just reading
10 over it to refresh my memory.

11 Q Okay. Go ahead.

12 A Yes, sir, that's it.

13 Q Your signature is on this, correct?

14 A Yes, sir.

15 Q You have got some initials on there, too, I think.

16 A I do.

17 Q What is the date on there?

18 A The date is August 30th of '05.

19 Q 2005, right?

20 A Yes, sir.

21 Q So three days after Mrs. Hinson died?

22 A I don't recall the date on that either to tell you
23 the truth.

24 Q Now, correct me if I'm wrong, but a couple of minutes
25 ago you testified that the first time you saw Casey was

TESTIMONY OF JOHN BERNAT

1 the night that he came over to your house.

2 A No, sir. I think I just said I seen him on the
3 street. The first time I actually met him is when he came
4 over to my house.

5 Q So when you saw him on the street that means you
6 didn't talk to him?

7 A It's just like if I seen you on the street, I don't
8 know your name yet so I have seen you but I haven't met
9 you yet.

10 Q Does that mean did you talk to him then on the
11 street?

12 A No, sir, I did not.

13 Q So you just saw him?

14 A I have seen him, yes.

15 Q Now, on that statement it says that you met Casey
16 three days before, correct?

17 A That's when I seen him, I didn't meet him meet him.

18 Q So what that should have said is you had seen him
19 three days ago.

20 A I guess, yes, sir.

21 Q Let me go back to just one question, can you
22 recognize the names of the witnesses who signed that? Can
23 you read those? Are they legible to you?

24 A I don't know who they are. I think one is Shane
25 something and I don't know, Tim, maybe?

TESTIMONY OF JOHN BERNAT

1 Q Okay.

2 A I don't know who they were.

3 Q All right. If I told you it was Shane Stewart, would
4 you have any reason to disbelieve me?

5 A I don't recall the names of the people that
6 interviewed me.

7 Q But more than likely it was a police officer?

8 A There was two.

9 Q All right. If I told you at another time you talked
10 to Agent Green and you told him that you met Casey three
11 days before, any reason to disbelieve that?

12 A I couldn't tell you who I talked to to tell you the
13 truth.

14 Q All right. I think you testified Mary Wilson is your
15 sister, right?

16 A Yes, sir.

17 Q Do you remember Mary Wilson introducing Casey to you?

18 A No, sir.

19 Q Did she ever introduce Casey to you?

20 A No. The way I remember seeing Casey he was driving
21 down in a car, my brother-in-law was sitting in the
22 street, I just had gotten my mail, he drove up in the car
23 and him and Don were talking and I just got my mail and
24 was walking to the house. So that's when I seen Casey the
25 first time.

TESTIMONY OF JOHN BERNAT

1 Q And after -- the early morning hours of August 27th
2 you never saw Casey then?

3 A No, sir.

4 Q And that was a one-time deal?

5 A Well, I seen him on the street and then that night I
6 called and he was at Bob's and I already said what
7 happened.

8 Q And he left your house at 1:30 in the morning?

9 A 1:27.

10 Q But you didn't watch where he went?

11 A No, sir. As soon as he left I closed the door and
12 went to bed.

13 Q So you didn't know if he went through the woods?

14 A I haven't the slightest idea.

15 Q Or if he went up your driveway?

16 A I don't have any idea.

17 Q How far is it from your house to the end of your
18 driveway?

19 A Foot wise? Probably 300 or 400 feet.

20 Q Do you have a mailbox at the end of your driveway?

21 A I do.

22 Q How long did it take you to walk from your house to
23 your mailbox?

24 A Four minutes maybe.

25 Q Okay. It's a gravel driveway, correct?

TESTIMONY OF JOHN BERNAT

1 A It is.

2 Q It's not paved?

3 A No, sir.

4 Q I think you testified a little while ago that the
5 land between yours and Mrs. Hinson's house, you said, I
6 think it was like pushed up with some trees --

7 A When they cleared the property out they pushed the
8 debris up and trees have grown there. But on the front of
9 the property where my driveways crests there's hardly any
10 shrubbery there.

11 MR. BARFIELD: Any what? I didn't hear you.

12 THE WITNESS: Shrubby.

13 Q Can you come down just for one second so you can show
14 the jury where we're talking about, and show me where you
15 are talking about?

16 A Okay. My driveway has an incline right here where
17 the trees are real thick at, this is the hill. As you can
18 see right there the last bush there's hardly any shrubbery
19 right there.

20 Q So from here to here --

21 A This is all wooded.

22 Q I'm talking about the driveway, from here to here is
23 inclined or declined?

24 A It goes down and then back up.

25 Q Down and then back up. So you're sitting --

TESTIMONY OF JOHN BERNAT

- 1 A I'm sitting on the back of my property.
- 2 Q Right here you said there's a field?
- 3 A Right. Here you can actually see the trees here, my
- 4 house is back here, there's trees and there's hardly any
- 5 shrubbery here.
- 6 Q You can take your seat back. Thank you.
- 7 A (Witness complies.)
- 8 Q The area in there, though, where we're talking about
- 9 there's a little bit of shrubbery and not a lot of trees,
- 10 it's a field, right, or it turns into a field?
- 11 A It turns into a field.
- 12 Q The grass is high?
- 13 A She used to keep it pretty short.
- 14 Q Pretty short?
- 15 A She used to cut it all of the time.
- 16 Q All of the way up to your driveway?
-
- 17 A To that area I showed you where the shrubbery was,
- 18 that's where she used to cut her grass.
- 19 Q Do you have snakes on your property?
- 20 A I'm sure everybody does.
- 21 Q Have you ever seen snakes in yours?
- 22 A I have.
- 23 Q How do you know to call Bob Rush to find Casey?
- 24 A I didn't, it was just one thing. I called up because
- 25 I wanted my trucks worked on and Casey just happened to be

TESTIMONY OF JOHN BERNAT

1 there.

2 Q So you were looking for Casey and as a coincidence he
3 was --

4 A I was looking for the guy who worked on the cars in
5 the neighborhood and it just happened to be Casey, yes,
6 sir.

7 Q I guess what I meant is you were looking for Casey so
8 you called Bob to find out where Casey was at and he just
9 happened to be there?

10 A I asked Bob, I said, "Do you know that guy in the
11 neighborhood that works on cars, do you think he would be
12 interested in working on my car?" And Bob --

13 Q You can't say what Bob said. He let you know that
14 Casey was there?

15 A He let me know Casey Perkins was there.

16 Q Ms. Hinson died -- well, you found out Ms. Hinson
17 died on Saturday morning, right?

18 A Yes, sir.

19 Q Isn't it true that on that Saturday night that you
20 could hear a party going on over at the Hinson house?

21 A I think it was the next day.

22 Q But it was loud?

23 A Yes, sir.

24 Q A lot of people over there?

25 A Bond fire, things like that, yes, sir.

TESTIMONY OF JOHN BERNAT

1 Q Would it be fair to characterize it as a party?

2 A Yes, sir.

3 MR. DUNN: Beg the Court's indulgence one second.

4 THE COURT: All right, sir.

5 (Break in proceedings.)

6 Q I believe you said you had met Ms. Hinson one time
7 before, right?

8 A I have seen Ms. Hinson. The way I met her, she was
9 in my backyard, I let my dogs out and she pulled down her
10 hood, this is when I first moved into Chester.

11 Q She did what, now?

12 A She was in my backyard with a black hoodie on. It's
13 when my parents were still living there, I was actually
14 moved up from Florida, that's when that happened.

15 Q Have you ever walked up to Ms. Hinson's house?

16 A I have, and knocked on her door.

17 Q How long did it take you to walk from your house to
18 Ms. Hinson's house?

19 A She's probably two or two and a half acres away, a
20 slow walk, a few minutes.

21 Q When you walked to her house did you walk down your
22 driveway and up her driveway?

23 A No, sir. I walked through the path that I told you
24 that there was nothing there.

25 Q Have you ever walked up to her house by going down

TESTIMONY OF JOHN BERNAT

1 the driveway and up to her driveway?

2 A No, sir.

3 MR. DUNN: I don't have any further questions.

4 THE COURT: Anything further, Solicitor?

5 MR. BARFIELD: No other questions. May he be excused?

6 THE COURT: Thank you, sir, you may step down if he
7 can be excused.

8 MR. DUNN: Your Honor, just one second. I have just a
9 couple of more questions. I apologize to the Court, Your
10 Honor.

11 FURTHER CROSS EXAMINATION

12 BY MR. DUNN:

13 Q The next day into Saturday the police came to your
14 house, right?

15 A Yes, sir.

16 Q And they took a knife from your property, right?

17 A Yes, sir.

18 Q Was it a black steak knife, I think?

19 A Yes, sir.

20 Q Was there anything on that knife?

21 A Barbecue sauce.

22 Q Have you ever seen that knife since then?

23 A No, sir.

24 Q Do you remember what that knife looked like?

25 A I do.

TESTIMONY OF JOHN BERNAT

1 Q Can you describe it?

2 A It's a black handled steak knife, regular steak knife
3 with a black handle on it.

4 Q Sort of like something that you bought from Wal-Mart?

5 A It was a cheap steak knife.

6 Q Serrated on one side, do you remember?

7 A I don't know if it was serrated on both sides or just
8 one side.

9 Q And the dogs also -- there were K-9's out there,
10 right?

11 A Yes, sir.

12 Q And they came -- did they come to your property?

13 A Yes, sir.

14 Q Did you watch the dogs?

15 A Well, what happened was when we woke up we were
16 walking towards Ms. Hinson's house and the dogs were

17 coming down. When the dogs got to my property the officer
18 that was directing the dogs told me that we ruined the
19 scent so the dogs were kind of everywhere after that,
20 so --

21 Q Did you watch the dogs there for awhile?

22 A Like I said, when they got to my property and ruined
23 the scent they kind of went all over the place.

24 Q Did they ever leave your property?

25 A Yes, sir.

TESTIMONY OF JOHN BERNAT

1 Q Did they ever leave Ms. Hinson's property?

2 A I don't remember. I didn't go up there to look.

3 Q When they left your property, where did they go?

4 A When they left my property, when they left I had to
5 go do estimates for my job and when I got back --

6 Q Did you ever see the dogs anywhere on your property
7 or Ms. Hinson's property?

8 A No. Because I didn't go anywhere besides my
9 property.

10 MR. DUNN: Nothing further.

11 MR. BARFIELD: I might have something. I do have a
12 couple of redirect, I believe.

13 REDIRECT EXAMINATION

14 BY MR. BARFIELD:

15 Q Some time after Ms. Hinson's death, did you call the
16 police because of noise at the Hinson home?

17 A I did.

18 Q Okay. And do you recall when that was?

19 A I don't recall the date, no, sir.

20 Q And did you ever go up there and talk to anybody at
21 the Hinson house?

22 A No, sir.

23 Q It wasn't the day after or the day or two after
24 Ms. Hinson died, was it?

25 A What was happening, I heard some screaming and I

TESTIMONY OF JOHN BERNAT

1 think it was Danielle screaming and her and Al were having
2 an argument, it was a few days after that and I remember
3 calling up there and telling them I was going to call the
4 police because I didn't know what was happening. We had a
5 murder in the neighborhood and I wanted to make sure
6 everything was safe.

7 Q This was some days after Ms. Hinson died?

8 A I don't remember how many days after.

9 Q Was it Saturday after -- was it the same day that
10 Ms. Hinson -- that you found out that she had been killed?

11 A No, sir.

12 Q Was it Sunday, the day after that?

13 A No, sir. It was a few days after that. I don't
14 recall the date.

15 Q Is that the incident you're referring to when
16 Mr. Dunn was asking you and you said something about a
17 bond fire?

18 A No, sir.

19 Q Tell me about the bond fire.

20 A It was either Sunday or that Monday later, there
21 was -- they had a fire over there and there was probably
22 maybe ten or 15 people at the house.

23 Q Do you know when that was?

24 A I'm pretty sure it was a Sunday or that Monday, it
25 was only a few days after.

TESTIMONY OF JOHN BERNAT

1 Q Do you know Amanda, the younger daughter?

2 A I have seen her, I don't know her personally.

3 Q Do you know when this birthday is?

4 A No, sir.

5 Q Did you have any conversations with anybody when you
6 say you saw the bond fire?

7 A No, sir.

8 Q Did you go up there and tell them to pipe down?

9 A No, sir.

10 Q You don't know on the calendar what date it was?

11 A I do not.

12 Q You didn't call the police about that.

13 A No, sir.

14 Q And it was after Ms. Hinson had died.

15 A Yes, sir.

16 MR. BARFIELD: Thank you, that's all. No other
17 questions.

18 MR. DUNN: Nothing, Your Honor.

19 THE COURT: Thank you. You may step down and you now
20 may be excused.

21 MR. DUNN: We're in need of a break over here.

22 THE COURT: Do y'all want to take a break? Let's take
23 a ten minute break. I remind you it's too early to begin
24 discussing the case even in the jury room.

25 (A recess was taken.)

TESTIMONY OF DANIELLE BRODEUR

1 THE COURT: Welcome back, ladies and gentlemen. The
2 State can call their next witness.

3 MR. BARFIELD: Call Daniel Brodeur.

4 The witness, DANIELLE BRODEUR, was first duly sworn
5 and testified as follows, on:

6 DIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q State your name, please, ma'am.

9 A Danielle Brodeur.

10 Q Ms. Brodeur, how old are you?

11 A Thirty-one.

12 Q I'm sorry to ask you that. Where do you live?

13 A [REDACTED]

14 Q Is that in Chester County?

15 A Yes.

16 Q Do you have siblings?

17 A Yes.

18 Q How many?

19 A One.

20 Q Name?

21 A Amanda Hinson.

22 Q Younger or older?

23 A Younger.

24 Q How much younger?

25 A Twelve years.

TESTIMONY OF DANIELLE BRODEUR

1 Q Who is your mama?

2 A Judy Hinson.

3 Q Did your mama die on August 27th of 2005?

4 A Yes.

5 Q How old was your mother when your mother died?

6 A Fifty-seven.

7 Q Where did you live on August 27th of 2005?

8 A With my mom.

9 Q Where did your sister, Amanda, live on August 27th of
10 2005?

11 A With my mom.

12 Q Who is Albert Nixon Amman, Jr.?

13 A He is my fiancée.

14 Q Where did he live on August 27th of 2005?

15 A With my mom.

16 Q Did anybody else live with your mom on August 27th of
17 2005?

18 A Yes. My deceased great aunt, Jewel Shipwash.

19 Q And Ms. Shipwash was about how old back in August of
20 '05?

21 A Sixty-nine.

22 Q Did she have any cognitive disabilities or mental
23 disabilities?

24 A Yes. She was mentally handicapped.

25 Q Had she been all of her life?

TESTIMONY OF DANIELLE BRODEUR

- 1 A Yes.
- 2 Q Anybody else live in that house back in August of
- 3 '05?
- 4 A No, just our dogs.
- 5 Q How many dogs did you have on August of '05?
- 6 A We had two.
- 7 Q Their names?
- 8 A Naudia and McKinnley.
- 9 Q What kind of dogs?
- 10 A Naudia is a mixed between Pomeranian and Pekinese and
- 11 McKinnley is her offspring and he's just a little bit of a
- 12 mut.
- 13 Q Pretty small dogs or big old dogs?
- 14 A Yeah, small.
- 15 Q House dogs or yard dogs?
- 16 A House dogs.
-
- 17 Q Your dogs or your mama's dogs? Who is in charge more
- 18 of the dogs more than anybody else, if anybody?
- 19 A Me and my sister, but me.
- 20 Q Let's talk a little bit more about the dogs. They
- 21 slept in the house at night?
- 22 A Yes.
- 23 Q Did they ever wonder around in the yard --
- 24 A Never.
- 25 Q -- off the leash.

TESTIMONY OF DANIELLE BRODEUR

1 A No.

2 Q Normally at night when everybody is done for the day,
3 where would the dogs be?

4 A Well, if I was home Naudia would sleep with me and
5 McKinnley was gated in the laundry room.

6 Q Gated, what do you mean by that?

7 A With a baby gate in the laundry room. Like if me and
8 Amanda weren't home and my mom was there, they would be
9 either in her room with the door shut or they would be
10 gated in the laundry room.

11 Q I'm going to show you a piece of paper and ask you to
12 look at it for a minute and tell me if you know what it
13 shows?

14 A Yeah, that's my house.

15 Q Now, did you draw this?

16 A No.

17 Q It's not to scale, is it?

18 A No.

19 Q From the standpoint of simply showing the positions
20 of rooms and doors and things like that, is it accurate?

21 A Yes.

22 Q Other than not being to scale.

23 A Right.

24 MR. BARFIELD: Your Honor, I've shown this to

25 Mr. Dunn, of course, he has had it in his discovery. I

TESTIMONY OF DANIELLE BRODEUR

- 1 would offer this concededly not to scale diagram of the
2 Hinson home as State's Number 5.
- 3 MR. DUNN: No objection.
- 4 THE COURT: Admitted without objection.
- 5 (The diagram was received as State's Number 5.)
- 6 Q Do you remember the day before, the night of, the
7 morning of, when your mama died?
- 8 A Yes.
- 9 Q Do you remember the date?
- 10 A Yes.
- 11 Q Give me the dates and the days of the week.
- 12 A Okay. It was --
- 13 Q Started when and ended when?
- 14 A It was Friday, the 26th of --
- 15 Q Of?
- 16 A August?
-
- 17 Q Of?
- 18 A Of 2005.
- 19 Q Go ahead.
- 20 A I went to school --
- 21 Q Don't tell me what happened. But when did it end,
22 the incident part of it?
- 23 A The incident?
- 24 Q What came after Friday night, August 27th -- 26th of
25 2005?

TESTIMONY OF DANIELLE BRODEUR

- 1 A My mom got killed.
- 2 Q What is the next day of the week?
- 3 A Saturday.
- 4 Q And what was that date?
- 5 A The 27th.
- 6 Q Let me digress for a minute. Is your home, Debruhl
- 7 Drive, in Chester County?
- 8 A Yes.
- 9 Q All right. Back in August of '05, how old was your
- 10 sister, Amanda?
- 11 A She was 15.
- 12 Q And back in August of '05 how old were you?
- 13 A Twenty-seven.
- 14 Q And what was your sister, Amanda, doing for a living
- 15 at the age of 15 in August of '05?
- 16 A Nothing.
-
- 17 Q Did she go to school or anything?
- 18 A Yes.
- 19 Q And what were you doing in August of '05 for a living
- 20 or educationally?
- 21 A I was going to Winthrop.
- 22 Q Commuting back and forth or living on campus?
- 23 A Commuting back and forth.
- 24 Q Okay. Now, I'm going to completely get off track for
- 25 a minute and jump way ahead. Did you or your sister or

TESTIMONY OF DANIELLE BRODEUR

1 your boyfriend or anybody else that you know of throw a
2 party at the Hinson residence any time the weekend that
3 your mom was killed?

4 A No.

5 Q We're going to come back and get a lot of detail in a
6 little bit. But after the police got involved in your
7 mama's death investigation, what was your status with
8 somewhere to stay, your and Amanda's status with somewhere
9 to stay?

10 A We stayed at the Executive Inn. Different churches
11 paid for us to stay there because the house was a crime
12 scene and we weren't allowed back in the house or on the
13 property.

14 Q Executive Inn where?

15 A In Chester.

16 Q How long were you kept out of your house?

17 A I would say probably about a week.

18 Q Were there police officers posted at your house for
19 some period of time from the minute they arrived after
20 they got called for some number of days?

21 A Yes.

22 Q Do you know exactly how long there were police there?

23 A No.

24 Q What about the dogs? What happened with the dogs the
25 weekend of your mama's death?

TESTIMONY OF DANIELLE BRODEUR

1 A Well, when we came home the dogs --

2 Q After police, EMS, corner, what -- y'all left, what
3 about the dogs?

4 A We tried to take our dogs with us Saturday when we
5 went to, you know, get questioned and all of that and they
6 wouldn't let us take them, they wouldn't let us come back
7 in and get them. So they said they will call us when we
8 could come pick up our dogs.

9 Q Where were the dogs?

10 A In the house, they were gated in the laundry room.

11 Well, Sunday my sister and her friend, Hope Black, took a
12 ride and they said, "We're going to go by the house to see
13 if we can get the dogs," which they did, they went by the
14 house. When they got to the house --

15 Q Hold on just a minute. You weren't with them?

16 A No.

17 Q Don't tell me -- I'll ask Amanda about it. But did
18 the dogs get removed from the house?

19 A Yes.

20 Q Sunday?

21 A Yes.

22 Q Now again, did anybody have a party, throw a party,
23 build a bonfire, do anything at your mom's house, your
24 house, Saturday or Sunday or any of the next handful of
25 days after your mom was killed?

TESTIMONY OF DANIELLE BRODEUR

- 1 A No, sir.
- 2 Q When is Amanda's birthday?
- 3 A In November.
- 4 Q What day in November?
- 5 A November 10th.
- 6 Q Now, November 10th of 2005 would have been Amanda's
- 7 what birthday?
- 8 A Sweet 16.
- 9 Q Did y'all have a birthday party for her for her
- 10 birthday in November of 2005?
- 11 A Yes, we did.
- 12 Q Were there a bunch of people there for that?
- 13 A Yes, there was.
- 14 Q Was it an outside party?
- 15 A Yes, sir.
- 16 Q Was there a bond fire?
-
- 17 A Yes, there was.
- 18 Q All right. What did you do Friday, August 26th of
- 19 2005, yourself or -- before any of this starts, what did
- 20 you do?
- 21 A I went to school in Rock Hill at Winthrop, came home,
- 22 and Al went with me -- me and Al came home and my mom was
- 23 outside working in the yard and Amanda was out there, too.
- 24 And so we all got out there and we were like kind of doing
- 25 yardwork and whatever. And later on that night I talked

TESTIMONY OF DANIELLE BRODEUR

1 to Amanda and Amanda wanted to go see the score at the
2 Cyclones at the football game.

3 Q Is that where she went to school, Chester High
4 School?

5 A Yes, Chester High School. So we went -- me, Al and
6 Amanda went to see the score. Then after we went --

7 Q Let me ask you this: Did you intend to go into the
8 game and watch the game or just ride by and find out what
9 the score was?

10 A No. She just wanted to ride by and find out what the
11 score was.

12 Q Can you see the scoreboard from the road out there?

13 A I think she asked somebody.

14 Q Did y'all go by the ballgame?

15 A Yes.

16 Q Did anybody go into the ballgame?

17 A I don't think so, no.

18 Q That's fine. Where next Friday night?

19 A Then we just --

20 Q About what time was it at the ballgame?

21 A Probably about 10:30 or something like that.

22 Q Go ahead.

23 A Then after the ballgame we decided to go to Richburg
24 to our friend's house, Jennifer and her brother, I can't
25 think of his name. But we decided to go to some of our

TESTIMONY OF DANIELLE BRODEUR

- 1 friend's house.
- 2 Q Your friend or Amanda's friend or both of them?
- 3 A It was kind of mutual, Jennifer was my friend -- it's
- 4 Josh -- and Josh was her friend, and --
- 5 Q Were Jennifer and Josh a couple?
- 6 A No. Jennifer was his aunt.
- 7 Q Did y'all go to Richburg?
- 8 A Yes.
- 9 Q All three of you, you and Amanda and Al?
- 10 A Yes.
- 11 Q Did y'all stay in Richburg for some period of time?
- 12 A Yes.
- 13 Q Whose car are y'all traveling in?
- 14 A Mine.
- 15 Q Who is driving?
- 16 A Me.
-
- 17 Q And how long did y'all stay in Richburg?
- 18 A We stayed there -- I kept saying that we needed to
- 19 leave because I had to go to work the next day.
- 20 Q Where were you working?
- 21 A Belks.
- 22 Q In?
- 23 A Rock Hill.
- 24 Q All right. Go ahead.
- 25 A So I kept saying we need to go, we need to go. And

TESTIMONY OF DANIELLE BRODEUR

1 it just kept getting later and later, and the next thing I
2 know -- and my mom had this thing where if I was out with
3 Amanda she didn't want me to be gone later than 12:30 with
4 Amanda.

5 Q Because of Amanda's curfew situation?

6 A She said there was no reason for me to be out after
7 12:30 with Amanda. So I knew that my mom was going to be
8 upset, you know, and I had kept her out for too long so
9 finally I decided that we needed to leave and that was
10 probably about 1:30, something like that.

11 Q Okay. Did you drive back to Debruhl Road?

12 A Yes, we did.

13 Q How long is your driveway? Can you see the house
14 from Debruhl Road?

15 A Not unless the trees are bare, then you can barely
16 see it.

17 Q How long is the driveway?

18 A About a quarter of a -- it's not -- what, about a
19 quarter of a mile?

20 Q If you can't put a distance on it, that's fine. Did
21 you pull in the driveway?

22 A Yes.

23 Q Anything unusual that you noticed -- what did you do
24 when you pulled in the driveway?

25 A Well, our driveway kind of comes up and then turns

TESTIMONY OF DANIELLE BRODEUR

1 towards our house. So when I came up the driveway I
2 looked over towards my house and I saw that my mom's light
3 was off.

4 Q Off?

5 A And I thought she was asleep so I was like, Okay, I'm
6 not going to get in trouble. So I turned my lights off so
7 I wouldn't wake her up.

8 Q All right. So your mom's light, light in what room?

9 A Her room.

10 Q Bedroom?

11 A Yes.

12 Q Okay. And you cut the lights off, and then what?

13 A Pulled up into the driveway, we got out of the car,
14 we went into the house --

15 Q Stop. Were there any lights on outside the house
16 that you recall one way or the other?

17 A I think the outside porch light was on.

18 Q Okay. Go ahead.

19 A And we went into the house and the dogs were running
20 free in the house, they weren't gated anywhere, they
21 weren't in my mom's room. And so I thought, Oh, great,
22 mom is mad and she figured if the dogs peed or pooped I
23 was going to have to clean it up, you know. So me and my
24 boyfriend went outside to walk our two little dogs.

25 Q How soon after y'all got home did you and Al --

TESTIMONY OF DANIELLE BRODEUR

1 A Right as soon as we got in because I didn't see any
2 pee or poop and I didn't want them to do it in the house.
3 We came in and Amanda went into her bedroom, which is at
4 the opposite end of my mom's house, and started -- she was
5 talking on the phone to her boyfriend, I think.

6 Q Stop. And I don't mean to be rude to you by saying
7 stop. I'm going to show you three photographs. Leave
8 them in that order, please, but look at them and tell me
9 if you recognize what's shown in those three photographs.

10 A That's my driveway and that's my house, and that's my
11 house and my yard.

12 MR. BARFIELD: I'm not going to be tedious about
13 pictures, I am going to have a lot more that we will do in
14 bulk later perhaps, but these three as six, seven and
15 eight. I offer them into evidence.

16 THE COURT: Without objection.

17 (The photos were received as State's 6, 7 and 8.)

18 Q Who is Amanda's boyfriend, or was, or maybe still is?

19 A Willie was.

20 Q You and Al are outside with the dogs.

21 A Yes.

22 Q Had you had any communication or attempted any
23 communication with your mom when you first went into the
24 house?

25 A No way. I was not going to wake her up.

TESTIMONY OF DANIELLE BRODEUR

1 Q Just tell us the story. I'll stop you if I need to.

2 You were outside with the dogs, you and Al.

3 A Yeah. So we went outside with the dogs --

4 Q When you walk the dogs, where did you walk the dogs?

5 A We walked them right around the front of the house
6 there and we go kind of to the side and they use the
7 bathroom.

8 Q Is there a longer walk the dog path -- do y'all walk
9 the dogs other than just right there in the yard from time
10 to time?

11 A I mean used to before my mom got killed we walked
12 them up the road a lot but we don't do that.

13 Q Go ahead.

14 A Okay. So we walked the dogs and we went back in and
15 I wiped their pause off because --

16 Q Stop again. Where is Amanda?

17 A In her room on the phone.

18 Q Okay. How do you know she was on the phone?

19 A Because I could hear her talking.

20 Q Do you know, did she have a cellphone?

21 A She did.

22 Q Did she own one first of all?

23 A She did own one.

24 Q Did she have one in her bedroom that Friday night?

25 A She did.

TESTIMONY OF DANIELLE BRODEUR

1 Q Was it her's?

2 A No.

3 Q Do you know whose it was?

4 A It was her friend, Brittany Sanders.

5 Q Do you know why she had Brittany's cell phone?

6 A Because her and Brittany's phones went just alike and
7 they went somewhere in the car together and Amanda picked
8 up Brittany's by mistake.

9 Q That's fine. I interrupted you, carry on. You are
10 in the house -- back in the house.

11 A So we walked the dogs, I wiped off their paws, we
12 let them off the leash. I took them in the kitchen, gave
13 them a treat and I was kind of hungry so I put something
14 in the microwave --

15 Q What, do you remember?

16 A I think it was cheese on a plate, I was going to make
17 a cheese crunch. And I put it in the microwave, turned
18 the microwave on and my dogs started -- McKinnley started
19 barking at my mom's door, which was very abnormal behavior
20 for him because he didn't like strangers and he had this
21 certain kind of stranger bark. He was barking like that
22 at my mom's door and I was like, "McKinnley, stop." In
23 the meantime the plate broke in the microwave.

24 Q Because you heated it too much or what?

25 A Yes, it was too hot.

TESTIMONY OF DANIELLE BRODEUR

- 1 Q Now, I'm going to hold this up and the jury certainly
2 can't see it it is so small. But what room is that?
- 3 A This is the kitchen.
- 4 Q What room is that?
- 5 A That's my mom's room.
- 6 Q Where is the door into your mom's room?
- 7 A Right there.
- 8 Q What is this that I'm pointing to right here?
- 9 A The computer room.
- 10 Q Stupid question number ten today, what's in the
11 computer room?
- 12 A The computer.
- 13 Q All right. And can you get from the bedroom into the
14 computer room straight there without going out of the
15 bedroom --
- 16 A Yes. That's the only way to get into the computer
17 room.
- 18 Q All right. Is there a -- are there windows on your
19 mama's bedroom?
- 20 A Yes.
- 21 Q And what is that?
- 22 A That's a window.
- 23 Q And what is that?
- 24 A That's a window.
- 25 Q Where are those two windows, what room?

TESTIMONY OF DANIELLE BRODEUR

1 A This is in my mom's room, this is on the front of the
2 house. We have a porch that goes all of the way across.
3 So this is her front window, this is a side window out of
4 her bedroom.

5 Q Now, is there a window -- an exterior window for the
6 computer room?

7 A Yes.

8 Q Where is it?

9 A Right there.

10 Q And what is this right here?

11 A This is the master bathroom.

12 Q And is that room accessible from your mama's bedroom?

13 A Yes.

14 Q Point to the doorway to get into the bathroom from
15 your mama's bedroom.

16 A Right there. And it's also accessible from the
17 computer room.

18 Q We were referring to State's Exhibit Number 5; is
19 that correct?

20 A Correct.

21 Q What happened when McKinnley went to your mom's
22 bedroom door?

23 A Well, he started barking relentlessly and would not
24 be quiet and I kept telling him he was going to wake mom
25 up and that he needed to be quiet and he wouldn't. So I

TESTIMONY OF DANIELLE BRODEUR

1 heard a noise in my mom's room like a faint noise, I heard
2 a noise in there.

3 Q All right. Stop. Where were you when you heard a
4 noise in your mom's room? Where were you?

5 A Right there by her door trying to get McKinnley to be
6 quiet.

7 Q Was her door still closed?

8 A Yes.

9 Q To your knowledge, was her bedroom light still off?

10 A Yes.

11 Q Describe the noise.

12 A It sounded like a thud, you know, like a faint
13 something like just like a thud (indicating) something
14 like that.

15 Q What next? Where is Al when all of this is going on?

16 A He's in the kitchen.

17 Q Where -- is Amanda still in her room?

18 A Yes.

19 Q What next? Where was the second dog? McKinnley you
20 talk about at your mama's bedroom door, where was the
21 other dog?

22 A I don't know. She was somewhere around there.

23 Q That's fine. What next?

24 A Well, I opened the door -- when I heard the noise I
25 opened the door and McKinnley ran to the left, which is in

TESTIMONY OF DANIELLE BRODEUR

1 the computer room, McKinnley ran straight into the
2 computer room.

3 Q Did McKinnley actually run into the computer room?

4 A Yes.

5 Q When the door opened, was there a light on in your
6 mama's bedroom?

7 A No.

8 Q Is there a light in the computer room? Is there a
9 light when the door opened?

10 A Yes.

11 Q When the door opened could you tell there was a light
12 on in the computer room?

13 A No, there was no light on.

14 Q Is there a light in your mama's bathroom?

15 A Yes.

16 Q When you opened the door could you tell that the
17 light was on in your mama's bathroom?

18 A My mom's room was pitch black.

19 Q Where did McKinnley go?

20 A So he went straight to the left, which was in the
21 computer room. But my focus -- I was not even paying any
22 attention to McKinnley, my focus was straight ahead
23 because my mom's bed was straight ahead and I called out
24 to my mom.

25 Q Could you see into your mama's room very well?

TESTIMONY OF DANIELLE BRODEUR

1 A I mean, no, not really.

2 Q Go ahead.

3 A I mean, it's like dimly light because we have an
4 outside light out back that kind of shines in, but it was
5 black. And so I called out to my mom a couple of times
6 and she --

7 Q Did you get a response?

8 A No.

9 Q Had you cut on a light at that point?

10 A No. After I didn't get a response I turned the light
11 on.

12 Q Where is the light switch?

13 A Right there. But I stood at the entrance of her door
14 and her light switch is right there at the door entrance.

15 Q When you turned on the light, what did you see?

16 A I saw my mom's feet beside of her bed on the floor

17 like she was lying on the floor beside her bed.

18 Q Could you see anything other than her feet at that
19 point?

20 A No.

21 Q What did you do?

22 A I ran over there and she had a shirt on and it was
23 pulled up like over her breasts and from the waist down
24 she was naked and there was a large pool of blood and --

25 Q Stop right there. Did you attempt to talk to her?

TESTIMONY OF DANIELLE BRODEUR

1 A Yes.

2 Q Did she respond?

3 A No. I guess I could pretty much tell that she was

4 gone because I was like begging her to come back.

5 Q Were her eyes opened or closed?

6 A They were open and cloudy.

7 Q What was her color?

8 A Kind of grayish. But I screamed -- well, first of

9 all she had a phone on her bed and I picked up the phone

10 on the bed and I tried to call 911.

11 Q All right. Stop. Was it a cordless phone or a

12 plugged in phone?

13 A This was a plug-in phone.

14 Q Did she normally have a phone in her room?

15 A Yes.

16 Q Was it odd for it to be on her bed?

17 A No. No. It wouldn't have been odd if she wouldn't

18 have been in the bed, do you know what I mean? Like if

19 she would have been sitting there talking to somebody or

20 whatever. But normally the place that she kept it was

21 beside of her bed on this table.

22 Q Did you pick up the phone and attempt to use the

23 phone first of all?

24 A Yes.

25 Q Who did you intend to call?

TESTIMONY OF DANIELLE BRODEUR

1 A 911.

2 Q Did you try to call 911 on that phone?

3 A Yes.

4 Q Did the phone work?

5 A No.

6 Q What did you do next?

7 A I was screaming for somebody to help me and somebody
8 to call 911 from the other cordless phone that we had in
9 the house, so I think Al picked up the cordless phone and
10 he couldn't get anybody on it either. So I was like,
11 "Well, I can't remember how to do CPR, I can't remember.
12 Will you go do CPR on my mom?" So he went in there to do
13 CPR on her and I was like -- and by that time Amanda had
14 also come into the kitchen area or my mom's room and I was
15 like, "Give me the phone, I got to call 911." So her
16 friend's phone didn't get good reception, like it kept
17 saying call failed --

18 Q Did you get Amanda's friend's phone from Amanda?

19 A Yes.

20 Q And did you try to call?

21 A Yes.

22 Q Were you successful at some point in getting out on
23 that phone?

24 A Yes, finally.

25 Q What did you have to do to get a signal to make a

TESTIMONY OF DANIELLE BRODEUR

1 call on Amanda's friend's cellphone?

2 A I had to go outside on the porch.

3 Q Did you do that?

4 A Yes.

5 Q Did you call 911?

6 A Yes.

7 Q Did you get talked to by somebody with the 911

8 system?

9 A Yes.

10 Q Was there one continuous call with 911 or were there
11 several, or do you recall?

12 A Okay. Well, I called 911 and I told her -- she was
13 talking to me and I said something about that my boyfriend
14 was doing CPR on my mom and she was asking me was he
15 getting any response, and I was on the porch so something
16 happened and I thought like we were through and I could

17 hang-up. So I hung up and I ran inside to see what was
18 going on with my mom and Al and was he getting any
19 response, and he wasn't. And the 911 operator called me
20 back, she was like, "No, you're not supposed to hang-up
21 with me, you're supposed to stay on the phone until they
22 get here." So I stayed on the phone with her until they
23 got there and she was giving me -- because I was scared Al
24 wasn't maybe not doing CPR right and so she was giving me
25 instructions through the phone and I was hollering through

TESTIMONY OF DANIELLE BRODEUR

1 a closed window in my mom's room to Al the instructions on
2 CPR.

3 Q Okay. At some point did you go back in the house?

4 A Yes.

5 Q What happened next? Well, let me ask you this --

6 A Well, actually when the cops got there --

7 Q We'll come back to that in a minute. I'm showing you
8 a three page document and I'm going to hold my thumb over
9 a column with a number. First of all, do you recognize
10 that number?

11 A No.

12 Q I'll ask Amanda about it in a little bit. Do you
13 know off the top of your head the number of Amanda's
14 friend's cellphone?

15 A No.

16 Q Okay. That's fine. What happened next?

17 A Well, the cops -- I went back in to check on Al and
18 the cops got there and then they were going in my house
19 and so we were outside on the porch and they wouldn't let
20 us go back in at that time. And so they came out and they
21 were saying you know -- I just knew they were going to
22 come and make my mom okay. And they came out and said she
23 was gone.

24 Q Do you know who told you that, do you recall who it
25 was?

TESTIMONY OF DANIELLE BRODEUR

- 1 A I can't remember.
- 2 Q That's fine. Go ahead.
- 3 A And I was just in shock and I was like no, no. So
- 4 anyway, I called my grandmom and told her that mom got
- 5 killed, or I told her mom was dead. Because at that time,
- 6 I mean --
- 7 Q Don't go into that right now.
- 8 A Okay.
- 9 Q Where did your grandmama live?
- 10 A In Rock Hill.
- 11 Q Does she still live in Rock Hill?
- 12 A Yes.
- 13 Q Is this your grandmom in the courtroom with you
- 14 today?
- 15 A Yes.
- 16 Q Do you recall your grandmother's telephone number?
-
- 17 A 324-8040.
- 18 Q I'm going to show you this same three page piece of
- 19 paper with my finger over a number.
- 20 A Yes, that's her number.
- 21 Q And did you call your grandmother from your house
- 22 sometime within minutes after finding your mom?
- 23 A Yes.
- 24 Q Now, if you will --
- 25 A That was after -- (inaudible.)

TESTIMONY OF DANIELLE BRODEUR

1 Q That's fine. If you will, find your grandmama's
2 number on that piece of paper and follow it out to the
3 left-hand margin and make a red mark on the line where
4 your grandmother's number appears on the left-hand margin
5 or just circle your grandmother's number.

6 A (Witness complies.)

7 Q Now, is it your belief that you made that call?

8 A Yes.

9 Q What happened next?

10 A Well, they wouldn't let us go back in the house
11 because it was a crime scene and I had to use the bathroom
12 and by that time there was a number of cops there. So I
13 went around back of my house --

14 Q Had they roped off the back part of the house at that
15 point?

16 A No. And I went to the back of the house and Al was

17 sitting at -- we had this like stone table out there, a
18 picnic table kind of thing, he was sitting there smoking a
19 cigarette with his back kind of turned away from the
20 house. Well, I went out there to use the bathroom and I
21 was looking at my house and saw --

22 Q On the back side of your house?

23 A Yes, on the back side of my house at my mom's room.
24 The computer room window was opened, the blinds were
25 hanging out and the curtains were hanging out.

TESTIMONY OF DANIELLE BRODEUR

1 Q Was that ordinary or unusual?

2 A No. We never opened our windows and we had screens.

3 And, I mean, I've seen enough cop shows and CSI to know --

4 I knew -- then I knew somebody had killed my mom.

5 Q I'm going to show you another photograph. Don't tell

6 me anything about it yet, just look at it and then I'm

7 going to ask you a couple of questions.

8 A Okay.

9 Q Do you know what that picture shows?

10 A Yes.

11 Q What does it show generally speaking, not

12 specifically?

13 A The back of my house.

14 Q Is that an accurate photograph of the way the back of

15 your house appeared as you describe walking around into

16 the backyard to go the bathroom other than it's daylight

17 in the picture?

18 A Yes.

19 MR. BARFIELD: Your Honor, at this time I offer this

20 photograph as 9.

21 MR. DUNN: No objection.

22 THE COURT: Admitted without objection.

23 (The photo was received as State's 9.)

24 Q I'm going to hand you State's Exhibit Number 9, I'm

25 going to hold it up for you actually, it's small. First

TESTIMONY OF DANIELLE BRODEUR

1 of all, is the master bathroom window shown in this
2 photograph? And take my pencil and point to it.

3 A Yes.

4 Q Point to the master bathroom window.

5 A That's the master bath window.

6 Q Is the computer room window shown in this photograph?

7 A Yes.

8 Q Point to it.

9 A That's the computer room.

10 Q And is that the way it appeared when you saw it that
11 night?

12 A Yes.

13 Q Speak up.

14 A It seems though, like --

15 Q Don't guess, just --

16 A Okay. Yes. The window was opened and the binds were

17 hanging out and the curtains were hanging out, so yes.

18 Q All right. What happened after you saw the window
19 like it was?

20 A Well, I ran around and I told the cops that the
21 window was open and the blinds were hanging out.

22 Q What happened after that?

23 A I guess that's when they started investigating it as
24 a homicide and not just an accident or hemorrhage or --

25 Q Did your mom work in the yard?

TESTIMONY OF DANIELLE BRODEUR

1 A Yes.

2 Q Did y'all have knives at your house?

3 A Yes.

4 Q Did y'all have knives inside of the house?

5 A Yes.

6 Q Did y'all have knives outside of the house?

7 A Yes, in the front yard.

8 Q And why were there knives in the front yard at your
9 house?

10 A My mom kept a couple of old knives outside to like
11 cut open peat moss. She was really into the yard and had
12 gardens and stuff out there, so she would keep knives out
13 there to cut open bags of stuff and -- just old knives,
14 you know, that didn't work that well anymore.

15 Q Was it unusual to have steak knife type knives
16 outside on the front of your mama's house?

17 A No.

18 Q Okay. Had you ever used knives on the front of your
19 mama's house before yourself?

20 A Yeah, to help her cut open bags.

21 Q Okay. Was there any gardening going on outside of
22 the computer room window on the back side of the house?

23 A No, absolutely not.

24 Q To your knowledge, was there any reason for a knife
25 to be outside of that window?

TESTIMONY OF DANIELLE BRODEUR

- 1 A No.
- 2 Q Okay. Now -- and back in August of 2005, did you
- 3 know who Casey Ray Perkins was?
- 4 A No.
- 5 Q Had you ever seen him before?
- 6 A Yes.
- 7 Q Okay. That's my question, I'm not asking if y'all
- 8 were friends, but did you know who he was?
- 9 A Yes.
- 10 Q Did you know -- had you ever seen him before?
- 11 A Yes.
- 12 Q And where had you seen Casey Perkins before your mama
- 13 died?
- 14 A It was a couple of years before my mom died that --
- 15 Q Okay. That's fine. Somewhere in the neighborhood?
- 16 A No. They had a dog that got lose and came to our
-
- 17 house, it was a German Shepard and said, "Your dog is at
- 18 our house, I thought you might want to know so you could
- 19 come get it." And he came down there and got the dog.
- 20 Q Casey came to your house and got his dog?
- 21 A Yes.
- 22 Q You said that was a couple of years before your mom
- 23 died?
- 24 A Yes.
- 25 Q How long had you been living with your mom? Had you

TESTIMONY OF DANIELLE BRODEUR

1 moved out and moved back or how long before August of '05

2 had you been living in that house?

3 A I had been living there since 2001.

4 Q Other than that one time, had you ever seen Casey
5 Perkins at your house?

6 A No.

7 Q Did you have any knowledge at all of any relationship
8 your mom and Casey Perkins had?

9 A No.

10 Q Okay.

11 A Can I say something?

12 Q I don't know, let me think a minute. I think not.

13 A Okay.

14 MR. BARFIELD: Beg the Court's indulgence one moment,
15 if you will.

16 (Break in proceedings.)

17 Q Did you call -- did you -- you said this before, but
18 are you the one that called 911?

19 A Yes.

20 Q To your knowledge, did anybody else in your house
21 call 911?

22 A No.

23 Q You are running the phone?

24 A Yes.

25 Q Now, I'm going to hand -- I'm going to show you

TESTIMONY OF DANIELLE BRODEUR

1 something that's sealed up in an envelope.

2 MR. BARFIELD: And I guess, Your Honor, I would like
3 to mark this for identification purposes as State's Exhibit
4 11 for purposes of referring to it.

5 THE COURT: All right.

6 Q State's Exhibit Number 10 for identification
7 purposes, take a minute to look at it. You are certainly
8 welcome to grab the envelope if you want to but don't open
9 anything up. Have you ever seen that before that you know
10 of?

11 A Actually this looks like a steak knife that was
12 inside of our house.

13 Q Where do steak knives stay inside of your house?

14 A In the kitchen and they stayed in a -- well, this one
15 would have actually been kept in a drawer, but we did have
16 a jar that we kept steak knives in as well.

17 Q And do you have any knowledge of why this might have
18 been somewhere outside of the back of your mom's house?

19 A No.

20 MR. BARFIELD: While I'm still open, Your Honor, I
21 would offer a three page document that Mr. Dunn and I have
22 talked about as State's Number 11 for identification
23 purposes so that it can be properly referred to. I offer
24 State's Exhibit 11 for identification.

25 MR. DUNN: I have no objection, Your Honor.

TESTIMONY OF DANIELLE BRODEUR

1 MR. BARFIELD: Which I think Mr. Dunn and I agree
2 these are cellphone records for a cellphone that was in the
3 possession of Amanda Hinson.

4 MR. DUNN: Yes, sir.

5 THE COURT: All right. Admitted.

6 MR. BARFIELD: I believe that's all of the questions I
7 have at this time. Please answer anything Mr. Dunn has.

8 THE COURT: Mr. Dunn?

9 MR. DUNN: Thank you, Your Honor. May it please the
10 Court?

11 CROSS EXAMINATION

12 BY MR. DUNN:

13 Q Ms. Brodeur, do you smoke?

14 A No.

15 Q Did your mom smoke?

16 A No.

17 Q Did Danielle smoke? Dumb question. Did Amanda
18 smoke?

19 A Yes.

20 Q Did she smoke back in 2005?

21 A Yes.

22 Q Did Al smoke?

23 A Yes.

24 Q When they smoked, did they use lighters?

25 A Yes.

TESTIMONY OF DANIELLE BRODEUR

1 Q Now, your testimony was -- and I just want to make
2 sure I understood this correctly -- that you didn't have a
3 party the night that your mother died -- that Saturday
4 night that your mother died, correct?

5 A Correct.

6 Q That you did not have a party at your house Sunday
7 night.

8 A Correct.

9 Q Now, after the football game y'all went up to
10 Richburg, right?

11 A Yes.

12 Q You all were visiting with some friends?

13 A Right.

14 Q You left there about, what, 1:00?

15 A Probably about 1:30 or something like that.

16 Q And you got back to your house about 1:30 or 1:45?

17 A It would have been -- yeah, probably something like
18 that.

19 Q One of the things you did that night when the police
20 showed up was you gave them a written statement, correct?

21 A Not that night, I think it was the next day.

22 Q Okay.

23 MR. DUNN: If I may approach the witness, Your Honor.

24 THE COURT: Certainly.

25 Q Danielle, I am going to show you -- I think there's

TESTIMONY OF DANIELLE BRODEUR

- 1 two pages to it so I am going to give you both of them.
- 2 All right?
- 3 A Uh-huh.
- 4 Q Just review it and read over it real quick to
- 5 familiarize yourself with it.
- 6 A Okay. I guess it was around 1:00.
- 7 Q The handwriting that was on there, is that your
- 8 handwriting or is that someone else that wrote that for
- 9 you?
- 10 A I think this is my handwriting.
- 11 Q And the signature that's at the bottom there, is that
- 12 your signature?
- 13 A Yes.
- 14 Q And if you look at the other page, there's also a
- 15 signature at the bottom, correct?
- 16 A Yes.
-
- 17 Q And that's your signature?
- 18 A Yes.
- 19 Q And the handwriting on that page is also yours?
- 20 A Yes.
- 21 Q Now, the date on there says the 8th of August at the
- 22 very bottom, correct?
- 23 A Yes.
- 24 Q That's not correct, though, is it?
- 25 A No.

TESTIMONY OF DANIELLE BRODEUR

- 1 Q There's also a time at the bottom of there, do you
2 see that?
- 3 A Yes.
- 4 Q What time is on there?
- 5 A It's the morning.
- 6 Q What time does that say?
- 7 A Does that say 9:12 or -- 9:12?
- 8 Q Look at the other page as well. What time does it
9 say?
- 10 A What does that say, 4:12?
- 11 Q I'm asking you.
- 12 A I guess it's either 4:12 or 9:12.
- 13 Q Let me ask you this: When you gave that statement,
14 do you remember whether or not Al and Amanda had also
15 given statements to the police?
- 16 A I know that they took us all to the substation in
17 separate cars and took our statements. I didn't remember
18 giving a statement before like that.
- 19 Q And when they took you down to the substation, was it
20 dark outside or was it light outside?
- 21 A It was light.
- 22 Q So the time was probably 9:12?
- 23 A Yes.
- 24 Q And the statement there says you got home about what,
25 1:30 or 1:45?

TESTIMONY OF DANIELLE BRODEUR

- 1 A Uh-huh.
- 2 Q That's a yes?
- 3 A Yes.
- 4 Q The reason I say that is the court reporter has to be
- 5 able to type down whatever you say.
- 6 A Right, sorry.
- 7 Q That's all right. When y'all got home, you said that
- 8 you noticed that the dogs were running around inside of
- 9 the house.
- 10 A Right.
- 11 Q So you took them outside?
- 12 A Yes.
- 13 Q Did you take them out on leashes or did they go
- 14 without leashes?
- 15 A Leash.
- 16 Q You took them to the side yard or to your yard?
-
- 17 A Yeah. We walked them in the front of our house.
- 18 Like they go -- yeah. It's like out front but to the
- 19 side, which would have been like -- it's like the area in
- 20 front of the porch. It's the area that we don't walk in,
- 21 that's why we take them over there.
- 22 Q Did you ever take them up onto Debruhl Road?
- 23 A Yeah. We walked them on Debruhl before my mom died.
- 24 Q Well, what I meant -- the night -- when you got home
- 25 from Richburg and you took the dogs outside, did you take

TESTIMONY OF DANIELLE BRODEUR

1 the dogs up onto Debruhl Road at that time?

2 A No.

3 Q So you were only in the side yard?

4 A Yes.

5 Q How long did you think you were outside with the
6 dogs?

7 A Probably maybe like five minutes or something like
8 that. They used the bathroom pretty fast and we took them
9 back in and wiped their paws off.

10 Q So you took them outside, they did their business,
11 you came back inside?

12 A Yes.

13 Q At that point you started to cook something in the
14 microwave, correct?

15 A Yes.

16 Q Was it immediately?

17 A After we wiped their paws off we went to the kitchen,
18 we were kind of hungry, so, yes. I mean, I put some
19 cheese on a plate and went to make a cheese crunchy in the
20 microwave.

21 Q At that point if I'm not mistaken that's when you
22 said McKinnley started acting -- going crazy?

23 A Yeah. He was barking at my mom's door.

24 Q And that happened right after you walked back inside?

25 A No. We walked inside, we went to the kitchen, we

TESTIMONY OF DANIELLE BRODEUR

1 gave the dogs a treat and then I started making my cheese
2 crunchy. And then McKinnley started barking at my mom's
3 door relentlessly.

4 Q How long do you think you were inside before he
5 started doing that?

6 A Just a couple of minutes, like maybe five minutes.

7 Q Now, you said that you heard a noise in your mother's
8 room, right?

9 A Yes.

10 Q But you don't know what that noise is.

11 A Right.

12 Q Is it possible that it was the blinds outside hitting
13 up against the side of the house?

14 A Yes.

15 Q Blowing in the wind?

16 A Yeah. But I don't think there was any wind that
17 night. But yes, that's possible.

18 Q Did you ever walk the dogs after you ate?

19 A No.

20 Q Isn't it true that your mother had cut the telephone
21 line at the house before?

22 A No. My mother never cut the lines at the telephone
23 at the house before.

24 Q So you never told the police that she had cut the
25 lines?

TESTIMONY OF DANIELLE BRODEUR

1 A No. Who had -- somebody had cut the lines at our
2 house. I found out later that Amanda had done that.
3 Amanda had cut my mom's -- it was in my mom's room, okay?
4 Her phone line, Amanda cut it one day because she skipped
5 school and didn't want my mom to find out so she cut my
6 mom's phone line in the house.

7 Q So when you say the phone line, you're talking
8 actually about the line between the telephone and the
9 wall?

10 A Yes.

11 Q Did you ever receive any life insurance money?

12 A No.

13 Q Did Amanda ever receive any life insurance money?

14 A No.

15 Q Did you ever tell anybody after your mother died that
16 you would be taken care of?

17 A That what?

18 Q That you would be taken care of.

19 A I don't recall saying that. I mean, if I said that I
20 was probably referring to God and the church because my
21 mom had zero life insurance. We have struggled to keep
22 that house, came close to losing it several times.

23 Q Your mother was admitted to the Chester Hospital back
24 in May of '05, correct?

25 A Yes.

TESTIMONY OF DANIELLE BRODEUR

1 Q In fact, you're the one that had her taken down to
2 the hospital, correct?

3 A Yes.

4 Q Because she was suffering from depression?

5 A Yes.

6 Q Did your mother have high blood pressure?

7 A No.

8 Q Was she on medication for high blood pressure?

9 A No.

10 Q Did your mother have diabetes?

11 A She had been diagnosed just recently with diabetes.

12 Q Did your mother take any medication for it?

13 A I think she was taking a pill for it.

14 Q Your mother was on disability at the time that she
15 died, correct?

16 A Yes.

17 Q What was the nature of that? Why was she on it?

18 A She had fibromyalgia and chronic fatigue and chronic
19 insomnia, and that's it.

20 Q Outside of your house -- on the outside of your house
21 you have porch lights, correct?

22 A Yes.

23 Q Do you have any street lights out there on a pole?

24 A Yes.

25 Q In the back yard, front yard?

TESTIMONY OF DANIELLE BRODEUR

- 1 A Back yard.
- 2 Q Did you have them back in August of 2005?
- 3 A Yes.
- 4 Q Were they working?
- 5 A Yes.
- 6 Q Once you go down -- did you have any lights on the
7 driveway between your house and Debruhl Road?
- 8 A No.
- 9 Q And once you go down to Debruhl Road you -- guys live
10 towards the very end of the road, right, or almost to the
11 end of the road?
- 12 A Yes.
- 13 Q So between Debruhl Road from where you live and up
14 towards Hard and Straight Road, are there any street
15 lights out in that street?
- 16 A People have the lights on the poles, which makes it
17 pretty well lit around there, actually.
- 18 Q Right. Down at your end of the street in the cul de
19 sac, are there street light poles out there that light up
20 the end of the road?
- 21 A There's not directly, but like the neighbor that
22 lives across from me has one of those pole lights in their
23 yard and so does the other one and those light the street
24 as well.
- 25 Q How far do you think it is from your house -- from

TESTIMONY OF DANIELLE BRODEUR

1 your house to the -- let me ask you this question: Do you

2 have a mailbox?

3 A Yes.

4 Q Is the mailbox at the end of the driveway?

5 A Yes.

6 Q How long was it from that mailbox to your house?

7 A You mean as far as minutes?

8 Q Try distance first as far as feet.

9 A I'm not sure, it takes, what, maybe two or three
10 minutes to walk up there maybe.

11 Q That was going to be my next question. It takes
12 about two or three minutes to walk from your house to the
13 mailbox?

14 A Yes.

15 MR. DUNN: Begging the Court's indulgence a moment.

16 THE COURT: Certainly.

17 (Break in proceedings.)

18 Q Ms. Brodeur, you say that your mom had steak knives,
19 correct?

20 A Yes.

21 Q Did you have more than one set of steak knives?

22 A We had like the cheap black steak knives from
23 Wal-Mart or whatever and we kept those in the jar. The
24 big knives like that we had -- in fact, that might have
25 been the only one, there might have been one or two like

TESTIMONY OF DANIELLE BRODEUR

1 that, and those were kept in a drawer in the kitchen.

2 Q Did the steak knives come from the same set as the
3 regular -- the other knives?

4 A No.

5 Q Different sets?

6 A Yes.

7 Q But you are positive that this is one of y'all's
8 knives?

9 A Yes.

10 Q No doubt at all?

11 A No.

12 Q Was your mother on any medication for depression?

13 A Yes, she was.

14 Q Do you remember what it was?

15 A Prozac.

16 Q How long had she been on it, do you know?

17 A For years.

18 Q Was the depression part of her disability with social
19 security?

20 A It might have been, I'm not sure.

21 Q And I'm sorry to ask this, I just want to be sure
22 that I heard you correctly. You said that when you saw
23 your mother her eyes were open, correct?

24 A Yes.

25 Q And I believe you testified that they were cloudy.

TESTIMONY OF DANIELLE BRODEUR

- 1 A Yes. They were kind of cloudyish looking, yes.
- 2 Q And when you -- from the time you discovered her body
- 3 she never responded to any CPR, right?
- 4 A No.
- 5 Q Do you know whether or not anybody had even had a
- 6 heartbeat -- were able to establish whether there was a
- 7 heartbeat at that point?
- 8 A No, I don't think so.
- 9 MR. DUNN: I don't have any further questions, Your
- 10 Honor.
- 11 THE COURT: Solicitor?
- 12 MR. BARFIELD: I don't have any further questions
- 13 either.
- 14 THE COURT: Thank you. You may step down.
- 15 The witness, AMANDA HINSON, was first duly sworn and
- 16 testified as follows, on:
-

- 17 DIRECT EXAMINATION
- 18 BY MR. BARFIELD:
- 19 Q Ms. Hinson, how old are you?
- 20 A Nineteen.
- 21 Q You have got to talk louder than that, I promise.
- 22 What is your birthdate?
- 23 A November 10th.
- 24 Q Okay. Were you living with your mom on Debruhl Road
- 25 in August of 2005?

TESTIMONY OF AMANDA HINSON

- 1 A Yes, sir.
- 2 MR. DUNN: Your Honor, I am having trouble --
- 3 Q You've got to yell. Let me ask the question again,
- 4 were you living with your mom on Debruhl Road in August of
- 5 2005?
- 6 A Yes, sir.
- 7 Q Did you go to school then?
- 8 A Yes, sir.
- 9 Q Where were you going to school?
- 10 A Chester High School.
- 11 Q Did you know someone named Brittany Sanders?
- 12 A Yes, sir.
- 13 Q Who was Brittany?
- 14 A She was one of my good friends.
- 15 Q Did Brittany have a cellphone?
- 16 A Yes, sir.
-
- 17 Q Did you have a cellphone?
- 18 A Yes, sir.
- 19 Q Were they anything alike?
- 20 A Yes, sir.
- 21 Q How much alike were they?
- 22 A They were the exact same.
- 23 Q I'm going to show you State's Exhibit Number 11 for
- 24 identification purposes. I'm going to hold it up with my
- 25 thumb over a number.

TESTIMONY OF AMANDA HINSON

- 1 A Uh-huh.
- 2 Q Are you familiar with that number?
- 3 A Yes, sir.
- 4 Q Is that a telephone number first of all?
- 5 A Yes, sir.
- 6 Q Is it a cellphone number?
- 7 A Yes, sir.
- 8 Q Whose cellphone number is that?
- 9 A That's Brittany's.
- 10 Q I'm going to jump ahead, then we will come back.
- 11 Friday night, August 26th of 2005, were you with Amanda
- 12 and Al?
- 13 A With Danielle, yes, sir.
- 14 Q With Danielle and Al?
- 15 A Yes, sir.
- 16 Q And have a cellphone in your possession that night
-
- 17 and in to Saturday morning?
- 18 A Yes, sir.
- 19 Q Was it your cellphone?
- 20 A No, sir.
- 21 Q Where was your cellphone?
- 22 A It was in Brittany's car.
- 23 Q Whose cellphone did you have?
- 24 A I had Brittany's
- 25 Q Why did you have Brittany's cellphone?

TESTIMONY OF AMANDA HINSON

1 A Because we had been together at school and I was
2 sitting in her car and we had to have them off because we
3 were at school and mine and her's were both sitting in the
4 cup holder, so when I left I just grabbed the phone not
5 paying attention because they were cut off and I kept it
6 on me.

7 Q All right. Did you have that cellphone, Brittany's
8 cellphone, in your possession after y'all got home early
9 Saturday morning from being at the ballgame and then being
10 at your friends in Richburg?

11 A Yes, sir.

12 Q And to your knowledge, is that the phone that was
13 used to make telephone calls after your mom was discovered
14 in your house?

15 A Yes, sir.

16 MR. BARFIELD: Your Honor, at this time I would offer
17 State's 11 for identification as State's Exhibit Number 11
18 that has been previously identified as the cellphone
19 records.

20 MR. DUNN: No objection.

21 THE COURT: Admitted without objection.

22 (The cellphone records were received as State's 11.)

23 Q Do you remember what you did during the day, Friday,
24 before your mama died?

25 A Yes, sir.

TESTIMONY OF AMANDA HINSON

1 Q What did you do?

2 A I had went to school and I come home and I was
3 supposed to be grounded because I was getting in a lot of
4 trouble at school and my mom knew that I hated yard work
5 and I hated to be outside, so for my punishment she told
6 me I was going to have to go outside and help her do some
7 yard work as well as being grounded. So I was outside
8 with her helping her, you know, weed the flower garden,
9 water all the plants and everything like that.

10 Q This was after school Friday afternoon?

11 A Yes, sir.

12 Q Go ahead.

13 A And then she had known about the football game that
14 night and how I really wanted to go my friend's because
15 was having his party that night too --

16 Q Who was your friend?

17 A Josh Boggs.

18 Q Boggs?

19 A Yes, sir.

20 Q Was Josh a high school student?

21 A Well, he went to Richburg but I had known him from
22 Chester when he had went to Chester.

23 Q A contemporary of yours about your age?

24 A Yes, sir.

25 Q And where did he live?

TESTIMONY OF AMANDA HINSON

1 A He lived on Knox Station Road in Richburg.

2 Q All right. Go ahead. Your mom got you locked down,
3 what's the plan?

4 A So she had known about that and she kept telling me
5 that I couldn't go, I was grounded and everything. And I
6 knew that my sister and Al were going to go because they
7 were friends with his aunt and her husband or whatever,
8 and --

9 Q With Josh's aunt?

10 A Yes, sir.

11 Q Go ahead.

12 A And so my mom had finally told me, she was like, "You
13 know, You have worked out in the yard, you've done
14 everything, I'm going to let you go." So I was really
15 happy that I wasn't going to have to sit at home and I
16 could go with them, then we left and --

17 Q To your knowledge did your mom have any plans for
18 that Friday night?

19 A Yes, sir. Well, she had told me that she was going
20 to take a shower, watch TV and then just go to bed.

21 Q Did you and Al and Danielle leave your mom's house?

22 A Yes, sir.

23 Q Whose car?

24 A We rode in Danielle's.

25 Q Did you have a permit or driver's license back then?

TESTIMONY OF AMANDA HINSON

1 A No, sir.

2 Q Did you have a car back then?

3 A No, sir.

4 Q Where did you go first?

5 A At first -- well, we stopped by Texaco and then we
6 went to the football game.

7 Q Where is the Texaco.

8 A Right beside the IGA in Chester.

9 Q In town?

10 A Uh-huh.

11 Q Continue to speak up.

12 A Okay.

13 Q Texaco. Why did you go to Texaco?

14 A I think to get some cigarettes for Al. We stopped
15 for something, I can't remember.

16 Q Did you smoke back then?

17 A Yes, sir.

18 Q Did your mama know you smoked?

19 A No, sir.

20 Q Did she ever catch you smoking?

21 A She never caught me, no, sir.

22 Q Left Texaco and went where?

23 A Then we went to the football game.

24 Q Now, what was the extent of your visit to the
25 football game?

TESTIMONY OF AMANDA HINSON

- 1 A You mean how long?
- 2 Q Yeah. Did you go in the game? Did you stay in the
3 car? Did you see somebody in the parking lot? What did
4 you do?
- 5 A Well, I had gotten there and I wanted to see the
6 score so I just went up to the fence where I knew that all
7 of my friends like stood and hung around, and I asked them
8 I was like, "What's going on? Are they playing good?" I
9 looked at the score board and everything. I stood there
10 and talked to them for a little bit, told them I was going
11 out to Josh's house, just letting them know. And so I
12 wasn't there long, it was probably like 20 minutes.
- 13 Q Ever buy a ticket and go into the game?
- 14 A No.
- 15 Q Okay. Left the ball game and went where?
- 16 A Then we went to Richburg.
-
- 17 Q And was everybody that you expected to be in Richburg
18 in Richburg?
- 19 A Yes, sir.
- 20 Q Did you stay there for awhile?
- 21 A Yes, sir.
- 22 Q Did you have a boyfriend back then?
- 23 A Yes, sir.
- 24 Q Different from your boyfriend now?
- 25 A Uh-huh.

TESTIMONY OF AMANDA HINSON

- 1 Q What was your boyfriend's first name back in August
2 of '05?
- 3 A Willie.
- 4 Q Did he have a cellphone?
- 5 A He had his mother's.
- 6 Q Where did he live?
- 7 A He lived in town here in Chester.
- 8 Q Do you remember Willie's cellphone number?
- 9 A Yes, sir.
- 10 Q What was it?
- 11 A I know it was 704-300 something.
- 12 Q I'm putting -- State's Exhibit Number 11, I have got
13 my thumb again over what appears to be a telephone number.
14 Do you recognize that number?
- 15 A Yes, sir.
- 16 Q Whose number is that?
-
- 17 A That's Willie's.
- 18 Q On the way home -- did y'all leave Richburg?
- 19 A Sir?
- 20 Q Did y'all leave Richburg to go home?
- 21 A Yes, sir.
- 22 Q Do you have any recollection of times?
- 23 A No, sir.
- 24 Q All right. Did you have Brittany's cellphone with
25 you on this trip to the ballgame to Richburg and on the

TESTIMONY OF AMANDA HINSON

1 way home from Richburg?

2 A Yes, sir.

3 Q Did you make any calls that night?

4 A Yes, sir.

5 Q Who were you talking to before you got home?

6 A Before I got home I think I had called my boyfriend,
7 I don't know if I called him more than once but I think I
8 did call him.

9 Q All right. On Brittany's cellphone?

10 A Yes, on the way home.

11 Q After you got home, what did you do?

12 A As soon as we got home I went in the house and I went
13 into my room and --

14 Q Your intention was to do what?

15 A Well, I was going to go to bed. And I talked to my
16 boyfriend for a little bit.

17 Q How did that happen, he called, you called?

18 A I think I called him. And either way, he had told me
19 that he was going to walk to the store and that he was
20 leaving the phone with his mom but when he got back he
21 would call back and I said okay. So I laid down for -- I
22 don't know how long, but I laid there for a little bit and
23 started to doze off but not much. And then the phone rang
24 and it was him and I can't get service in there and I kind
25 of didn't, so I got up and I went outside like to the

TESTIMONY OF AMANDA HINSON

1 kitchen window and I was talking to him on the phone and I
2 was smoking a cigarette and I was keeping a watch to make
3 sure if I saw my mom to start to come out of her room I
4 could hurry up and put it out so she wouldn't catch me.

5 Q Let me stop you. When you got home -- when the three
6 of y'all got home, did you know whether your mom was awake
7 or asleep?

8 A I assumed she was asleep because that's the only time
9 she would have all of the lights off in her room and
10 everything.

11 Q From outside of the house, could you tell whether her
12 bedroom light was on or off when y'all got home?

13 A It was off.

14 Q Okay. You're outside talking to your boyfriend,
15 smoking a cigarette. What happened next?

16 A Well, I saw my sister in the kitchen or whatever and
17 like, you know, I was just watching and everything. And
18 then I think the plate broke in the microwave and I heard
19 it and I was like, "Oh, she's going to wake mom up," you
20 know, and I was still talking to my boyfriend. Then I saw
21 her go around to the door --

22 Q To what door?

23 A My mom's door. And --

24 Q Had you seen or fooled with the dogs at all after
25 y'all got home?

TESTIMONY OF AMANDA HINSON

1 A Did I?

2 Q Yeah. Did you have anything to do with the dogs
3 after you got home?

4 A No, sir.

5 Q Did you see the dogs when you got home?

6 A Yes, sir. So I saw her go over to the door and she
7 went in, I was still talking on the phone and I put my
8 cigarette out because I thought she's going to wake mom
9 up.

10 Q You're still outside of the kitchen window?

11 A Yes, sir.

12 Q Is that on the porch of the house?

13 A Yes, sir.

14 Q Go ahead.

15 A Then when I heard her scream --

16 Q Who screamed?

17 A Danielle. She screamed, "Mom," really loud. And I
18 hung up the phone because I knew something had happened
19 and I took off running and I ran through the house and I
20 ran to my mom's room and I jumped on her bed and when I
21 did I looked over and I saw her and I just like -- I just
22 like freaked out. And I ran back outside of her room.

23 Q Where was your mom?

24 A She was laying on the floor on the other side of her
25 bed.

TESTIMONY OF AMANDA HINSON

1 Q Do you remember anything about her dress?

2 A By that time I think Danielle had pulled her night
3 gown down over her. But all I remember is she was laying
4 there and there was a lot of blood.

5 Q Other than the night gown, did she have any other
6 clothes on that you noticed?

7 A No, sir.

8 Q How long did you stay in the room after you climbed
9 over the bed and saw your mom?

10 A Not even five minutes.

11 Q Who was in the room when you were in there?

12 A I think Danielle and Al. I know she was in there, I
13 don't know if Al was.

14 Q Where did you go when you ran out of the room?

15 A I went back into the living room.

16 Q And what did you do in the living room?

17 A Well, I was just standing there like panicking and I
18 know that she had said that the phone --

19 Q She who?

20 A Danielle had said that the phone in there she
21 couldn't -- was like, "Call 911." So I picked up the
22 other phone --

23 Q Where was the other phone?

24 A In the living room by the front door.

25 Q And is the other phone a plugged-in phone or cordless

TESTIMONY OF AMANDA HINSON

1 phone?

2 A It was a plugged-in phone, too.

3 Q I'm showing you State's Exhibit Number 5. Show me
4 with your finger where the living room is.

5 A Right here.

6 Q Is that the room you're talking about that the other
7 phone was in?

8 A Yes, sir.

9 Q Okay. Did you pick up that phone?

10 A Yes, sir.

11 Q Did you try to make a call on it?

12 A Yes, sir.

13 Q Who were you going to try to call?

14 A 911.

15 Q And did the phone work?

16 A No, sir.

17 Q Go ahead. What happened next?

18 A So then I gave my -- I went out front, of course,
19 Danielle had come running through there and I gave her the
20 cellphone and she ran out front and she was calling -- she
21 was talking to 911 and giving directions to Al through the
22 window.

23 Q Out front meaning onto the porch?

24 A Yes, sir. She was right in front of my mom's window.

25 Q Go ahead.

TESTIMONY OF AMANDA HINSON

1 A I was standing in the living room in case, you know,
2 if he couldn't hear or I was trying to translate what she
3 was saying in case he couldn't hear. And then when they
4 said 911 is on the way I was outside and I saw the
5 ambulance go up the wrong driveway, so I took off running
6 down the driveway and I was up there at the mailbox.

7 Q Did you get all of the way to the mailbox?

8 A Yes, sir. And I was like waiving my hands and
9 hollering and they turned around, that's when the cops and
10 ambulance started coming down the driveway. I just stayed
11 up there, I just like sat down was trying to cope with
12 what was going on.

13 Q Stop. You stayed there. Did you stay out there at
14 Debruhl Road at the end of the driveway for awhile?

15 A Yes, sir.

16 Q How long did you stay down there?

17 A Probably ten minutes.

18 Q Did somebody stop and stay with you or did you just
19 stay down there by yourself?

20 A Yes, sir.

21 Q What did you do next?

22 A Then I walked back down the driveway and I went back
23 up to the house and --

24 Q Were you allowed to go into the house then?

25 A Well, no, sir.

TESTIMONY OF AMANDA HINSON

1 Q Okay.

2 A So I sat down on the porch with my sister and then
3 that's when the paramedics come out and they were saying
4 they couldn't get her to come back and that's -- I just
5 stayed on the porch.

6 Q Did you talk to police officers some time that
7 morning?

8 A Yes, sir.

9 Q Did you talk to them when it was still dark?

10 A Yes, sir.

11 Q Did you talk to them later on when it was daylight?

12 A Yes, sir.

13 MR. BARFIELD: Beg the Court's indulgence.

14 (Break in proceedings.)

15 Q Do you know anything about a party at your mama's
16 house the weekend that your mama was killed?

17 A No, sir.

18 Q Did you have a 16th birthday party?

19 A Yes, sir.

20 Q And about when was that?

21 A My birthday was on November 10th, that was a
22 Thursday, and then the next day was Friday and it was the
23 11th. And, you know, I left school with my friends and
24 that was that night, it was the 11th.

25 Q Did people come over?

TESTIMONY OF AMANDA HINSON

- 1 A Yes, sir.
- 2 Q Did y'all build a fire outside?
- 3 A Yes, sir.
- 4 Q After your mom died at some point did you continue to
- 5 live in the house?
- 6 A After they let us come back.
- 7 Q Well, let me ask the question differently. From the
- 8 early Saturday morning that y'all found your mom in her
- 9 bedroom, did y'all stay there that Saturday night?
- 10 A No, sir.
- 11 Q Did y'all stay there for the next several nights?
- 12 A No, sir.
- 13 Q Why did you not stay at your house the next several
- 14 nights?
- 15 A They had police guarding and not let anybody come
- 16 because they said it was a crime scene.
-
- 17 Q Where did you stay?
- 18 A We stayed at the Executive Inn.
- 19 Q Did you and Danielle and Al all stay at the motel
- 20 together?
- 21 A Yes, sir.
- 22 Q Did your aunt, Ms. Shipwash, go to stay somewhere
- 23 else then?
- 24 A No, sir, she stayed with us.
- 25 Q All of y'all at the motel?

TESTIMONY OF AMANDA HINSON

- 1 A Yes, sir.
- 2 Q Did y'all get allowed to go back to the house
- 3 sometime later?
- 4 A Yes, sir.
- 5 Q And did y'all continue to live in that house?
- 6 A Yes, sir.
- 7 Q Do you continue to live in that house today?
- 8 A No, sir. I don't live there now.
- 9 Q Where does your grandmother live?
- 10 A She lives in Rock Hill.
- 11 Q And have you been living with your grandmother for
- 12 some period of time now?
- 13 A I have stayed with her before, yes, sir.
- 14 MR. BARFIELD: Beg the Court's indulgence.
- 15 (Break in proceedings.)
- 16 Q Your mama didn't know you smoke?
-
- 17 A No, sir.
- 18 Q Did Danielle know you smoked?
- 19 A Yes, sir.
- 20 Q Where did you keep your cigarettes?
- 21 A I had them hid in my room.
- 22 Q How did you light your cigarettes?
- 23 A With a lighter.
- 24 Q Okay. Have you ever had Dejeep lighter? Do you know
- 25 anything about a Dejeep lighter?

TESTIMONY OF AMANDA HINSON

1 A No, sir.

2 Q Is that your lighter?

3 A No, sir.

4 Q Have you ever had a lighter like that at your house?

5 A No, sir.

6 Q Have you ever had a lighter like that but a different
7 color at your house?

8 A No. I kept the little Bics, I hid them from my mom
9 and I didn't have a like big lighters.

10 Q Have you ever seen a Dejeep lighter like these at
11 your house, yours or anybody else's?

12 A No, sir.

13 MR. BARFIELD: Thank you, ma'am. Answer anything
14 Mr. Dunn has.

15 THE COURT: Mr. Dunn?

16 MR. DUNN: Thank you, Your Honor. May it please the

17 Court?

18 CROSS EXAMINATION

19 BY MR. DUNN:

20 Q Y'all left Richburg at about 1:00 that morning,
21 right?

22 A Yes, sir.

23 Q And I believe you told the police that you had gotten
24 back to your house at about 1:30?

25 A Yes, sir.

TESTIMONY OF AMANDA HINSON

1 Q And I believe you told the police that at about
2 2:00 you walked outside where your boyfriend had called
3 you?

4 A Yes, sir.

5 Q Is that what you told the police?

6 A Yes.

7 Q All right. When y'all first got home, did you --
8 where did your sister go?

9 A She took the dogs out.

10 Q Did you watch her take the dogs out?

11 A No. But I heard her -- like I heard her because when
12 she gets ready to take them she will say, "Do you want to
13 go outside?" And they will come running to the door and
14 you can hear her putting the leash on them and you can
15 hear them go outside and the door shutting behind her.

16 Q Do you remember them coming back inside?

17 A Yes, sir.

18 Q How long were they outside?

19 A Like I said, I had laid down for about probably ten
20 minutes and started to doze off and I heard them come back
21 in. Because when you let the dogs off the leash they'll
22 start running around and growling and playing until they
23 get their treat and I heard them.

24 Q Now, on these telephone records that we have here,
25 there's a number of calls between you and your boyfriend,

TESTIMONY OF AMANDA HINSON

1 correct?

2 A Yes, sir.

3 Q I think you said his name was --

4 A Willie.

5 Q Were those telephone calls or text messages?

6 A Telephone calls.

7 MR. DUNN: If I may approach the witness, Your Honor?

8 THE COURT: Certainly.

9 Q I'm going to hand you the telephone records. All
10 right, the same ones that the solicitor just showed you.

11 Have you ever seen telephone records before?

12 A No, sir.

13 Q The reason I asked is they're very confusing to read
14 sometimes and I'm going to try to help you a little bit.

15 If you go down to number 30 -- they're numbered right, one
16 through it looks like 85 -- if you go down to number 30,

17 it shows the phone number from the cellphone right, a 374

18 number, correct?

19 A Yes, sir.

20 Q It also shows a 300 number, a 704-300, that's
21 Willie's number, right?

22 A Yes, sir.

23 Q What time was that phone call made?

24 A What time it says on here?

25 Q Yes, ma'am.

TESTIMONY OF AMANDA HINSON

1 A 1:21.

2 Q Okay. If you go down to -- let's talk about that one
3 for just a second. Actually if you go down to the one
4 below that one to number 31 it has also got your number
5 and Willie's number, correct?

6 A Yes, sir.

7 Q What time was that one made?

8 A 1:31.

9 Q Do you remember telling the police that that phone
10 call, that 1:31 phone call -- let me ask you this: Do you
11 remember where you were at when you made that phone call?

12 A No, sir.

13 Q Do you remember telling the police that you were
14 driving on your way back to the house?

15 A Yes, sir.

16 Q Do you remember that?

17 A Yes.

18 Q Do you remember talking with Agent Green about your
19 cellphone records?

20 A Yes, sir.

21 Q He was trying to establish a timeline, correct?

22 A Yes.

23 Q Do you remember telling him in that phone call you
24 guys were still on your way back to the house?

25 A Yes, sir.

TESTIMONY OF AMANDA HINSON

1 Q Do you remember what the time frame it is from the --
2 let me try it this way. Do you remember telling him how
3 far away you were at that point?

4 A I know I told him but I don't remember.

5 Q Is it possible you told him you were about 15 or 20
6 minutes away?

7 A Yes, sir.

8 Q And then on number 31 -- excuse me, number 35, right?
9 Do you see what I'm talking about?

10 A Yeah.

11 Q It has got your phone number, it has got Willie's
12 phone number; is that right?

13 A Uh-huh.

14 Q What time is that phone call?

15 A 1:52.

16 Q Do you remember telling the police that when that
17 phone call was made that you were already back at the
18 house?

19 A Yes, sir.

20 Q Do you remember telling the police that when you made
21 that phone call you had been back at the house for awhile,
22 for a couple of minutes?

23 A Yes, sir.

24 Q You never talked to Willie apart from using the
25 cellphone, correct?

TESTIMONY OF AMANDA HINSON

- 1 A Right.
- 2 Q Now, I believe you said when you got home you went in
3 and laid down, right?
- 4 A Uh-huh.
- 5 Q Do you remember how long you laid down?
- 6 A I'm imagine -- I think it was about ten minutes.
- 7 Q Did you ever fall asleep?
- 8 A No. I didn't fall completely asleep.
- 9 Q Were you doing anything while you were laying there?
- 10 A No.
- 11 Q Reading a book or looking at your cellphone?
- 12 A No. I was just laying there.
- 13 Q Did you ever receive any life insurance money?
- 14 A No.
- 15 Q Since your mother has passed away, isn't it true that
16 you bought a new car?
-
- 17 A Yes.
- 18 Q Where did the money come from for that?
- 19 A My grandmom.
- 20 Q Do you remember telling people around school after
21 this that you were glad your mother was gone?
- 22 A No.
- 23 Q Did you ever tell anybody around school that --
- 24 MR. BARFIELD: Your Honor, I'm going to object. I
25 don't think it's relevant.

TESTIMONY OF AMANDA HINSON

1 MR. DUNN: I certainly think I'm allowed to ask her
2 things as it relates --

3 THE COURT: I'll sustain the objection.

4 MR. DUNN: I'll move on. Beg the Court's indulgence
5 one minute.

6 THE COURT: Yes, sir.

7 (Break in proceedings.)

8 Q While you were laying down in your bed and talking on
9 the cellphone I think you said you were smoking, too,
10 right?

11 A No, not in the house.

12 Q Did you ever hear any noises in the house?

13 A No.

14 Q That were apart from yours or Danielle's or Al?

15 A No.

16 MR. DUNN: I don't have any further questions Your

17 Honor.

18 MR. BARFIELD: Nothing else from this witness.

19 THE COURT: Thank you. You may step down.

20 The witness, TERRY TINKER, was first duly sworn and
21 testified as follows, on:

22 DIRECT EXAMINATION

23 BY MR. BARFIELD:

24 Q State your name again.

25 A Terry Dwight Tinker.

TESTIMONY OF TERRY TINKER

1 Q And Mr. Tinker, what is your position in the county
2 of Chester?

3 A I'm Chester County Coroner.

4 Q How long have you been the Chester County Coroner?

5 A Four years.

6 Q And you have got to speak up too.

7 A Four years.

8 Q Were you the corner in Chester County back in August
9 of 2005?

10 A I was.

11 Q Are you pretty familiar with the geography of Chester
12 County?

13 A Yes, sir.

14 Q Do you know where Debruhl Road is?

15 A Yes, sir.

16 Q Did you get called to Debruhl Road on August 27th of
17 2005?

18 A Yes, sir.

19 Q Is that your first ever trip to anywhere on Debruhl
20 Road or did you know where it was?

21 A I knew exactly where Debruhl Road was.

22 Q Do you recall the address that you got called to go
23 to?

24 A I believe it is 620.

25 Q And before you went, did you personally know any of

TESTIMONY OF TERRY TINKER

1 the occupants of [REDACTED]?

2 A No, sir.

3 Q Did you have an understanding of why you were called
4 to go to Debruhl Road?

5 A 911 explained to me that I was summonsed for the
6 reason that I went.

7 Q And what was the reason for you to be summonsed?

8 A We had a deceased lady at that address.

9 Q Now, as coroner, explain briefly to the jury what
10 your job is related to a deceased person at a scene or at
11 a location.

12 A My specific job is to come up with a cause and a
13 manner of death.

14 Q Okay. And does that happen after some investigation
15 by other folks?

16 A Yes, sir. Most of the time an EMS -- EMS basically

17 notifies me whenever they arrive at the scene and we have
18 a deceased person.

19 Q Now, does the coroner get called every time somebody
20 dies within the boundaries Chester County?

21 A Outside of a hospital or under a doctor's care.

22 Q Okay. Do you have the authority and I presume the
23 duty under certain circumstances to order an autopsy of
24 somebody who has died in Chester County outside of the
25 hospital or outside of a doctor's care?

TESTIMONY OF TERRY TINKER

1 A Yes, sir.

2 Q Now, when you went to [REDACTED] on August 27th
3 of 2005, did you determine that there was, in fact, a
4 deceased person in that residence?

5 A I did.

6 Q Did you determine who that deceased person was?

7 A I did.

8 Q And how did you determine who that deceased person
9 was?

10 A I got the name from the EMS and her daughter -- or
11 her daughters gave me the name of the deceased.

12 Q Did they visually see their mom to be able to tell
13 you that that was their mom?

14 A They did.

15 Q Was there ever any question or discrepancy about who
16 it was that was deceased in the home?

17 A Yes, sir.

18 Q What was the lady's name?

19 A Judith Hinson.

20 Q Did law enforcement get involved in this case while
21 you were there on the scene?

22 A Yes, sir.

23 Q Were they actually there before you were?

24 A Yes, sir.

25 Q And at some point did either you or they determine

TESTIMONY OF TERRY TINKER

1 that this is a homicide scene that we're going to lock
2 down and investigate as a crime?

3 A Yes, sir.

4 Q Did you order any forensic investigation concerning
5 the death of Judith Hinson?

6 A Sled was notified, they sent a forensic team to the
7 [REDACTED]. After all of our investigations, then I
8 sent her to Piedmont Medical Hospital where York Pathology
9 did the autopsy.

10 Q Did you direct that an autopsy be done?

11 A I did.

12 Q Did you order that the body be moved from the scene
13 at the appropriate time?

14 A I did.

15 Q Did you ensure that the body was properly identified
16 and tagged, for lack of a better term, from the point that

17 the body is under your control throughout?

18 A I did.

19 Q Okay. And was an autopsy done?

20 A Yes, sir.

21 MR. BARFIELD: Thank you, sir. Answer anything that
22 Mr. Dunn has, or Mr. Jordan.

23 CROSS EXAMINATION

24 BY MR. JORDAN:

25 Q Mr. Tinker, what time did you get the call to go out

TESTIMONY OF TERRY TINKER

- 1 there to Debruhl Road?
- 2 A Around 2:40 a.m.
- 3 Q What time did you actually get out there?
- 4 A It took me about five minutes, 2:45 or 2:47,
- 5 somewhere along in there.
- 6 Q What did you do when you got there?
- 7 A I always -- whenever I first arrive on the scene I
- 8 always meet with law enforcement and EMS and they describe
- 9 to me the situation that we have.
- 10 Q Now, you said that you ordered a forensic
- 11 investigation; is that correct?
- 12 A Yes, sir.
- 13 Q What did that involve?
- 14 A Over and beyond the local law enforcement we let --
- 15 the forensic team would be from Sled.
- 16 Q Okay. Did you or did anyone to your knowledge ever
- 17 take a core body temperature from Ms. Hinson?
- 18 A I didn't, no, sir.
- 19 Q Do you know if anybody from Sled or anyone from the
- 20 sheriff's department took a core body temperature?
- 21 A I'm not sure if Sled did.
- 22 Q Why would you take a core body temperature?
- 23 A To find out the time of death.
- 24 Q And to your knowledge that wasn't done, was it?
- 25 A No, sir.

TESTIMONY OF TERRY TINKER

1 Q Now, did you check for lividity? Do you know what
2 lividity is?

3 A Yes, sir.

4 Q Did you check for lividity in Ms. Hinson?

5 A Yes, sir.

6 Q Was lividity present?

7 A Yes, sir.

8 Q Where was the lividity?

9 A On her back.

10 Q Explain to this jury what lividity is.

11 A It's a discoloration of the skin.

12 Q At the time you got there at 2:40 lividity was
13 present?

14 A Yes, sir.

15 Q Okay. Now, can you describe what you saw with regard
16 to lividity?

17 A It's just a discoloration of the skin, purple.

18 Q Okay. At the time you got there, did you check her
19 eyes?

20 A I did.

21 Q Were they cloudy?

22 A They were affixed.

23 Q Affixed and cloudy?

24 A I am not sure about the cloudy.

25 Q What is the significance of that? Why would you

TESTIMONY OF TERRY TINKER

1 determine if the eyes are cloudy, do you know?

2 A No, sir.

3 Q Did you take blood for a blood sample?

4 A Whenever we got her to Piedmont we took blood.

5 Q Was there a toxicology report ever run on Ms. Hinson?

6 A No, sir.

7 Q Do you know why it wasn't run?

8 A No, sir.

9 Q Did you request it to be run?

10 A No, sir.

11 Q Why not?

12 A I didn't think I needed a toxicology.

13 Q In fact, you took some medications from that house,
14 didn't you?

15 A I think we did, I'm not sure.

16 Q Okay. I have a copy of the Sled agent's report. If

17 you will read the last paragraph and see if it refreshes
18 your memory of what occurred.

19 A (Witness complies.)

20 Q The bottom paragraph, does it indicate that you
21 removed some medication from the house?

22 A Yes, sir. I think Sled would have that.

23 Q Okay. Did you turn that medication over to Sled?

24 A Sled.

25 Q And according to this report it was Prozac; is that

TESTIMONY OF TERRY TINKER

1 correct?

2 A Yes, sir.

3 Q Medformen (phonetically)?

4 A Yes, sir.

5 Q Hydroclorat (phonetically)?

6 A Yes, sir.

7 Q Trazadome (phonetically) is that correct?

8 A Yes, sir.

9 Q And Amyrt or Mistazazapine (phonetically) or
10 something like that, is that correct? I can't pronounce
11 that.

12 A I can't either.

13 Q Do you know what types of medications those are?

14 A I know what the Prozac is.

15 Q Okay. Antidepressant/psychotropic type medication?

16 A Yes, sir.

17 Q What about the Hydroclorat, do you know what that's
18 for?

19 A No, sir.

20 Q But you removed that and you gave it to Sled?

21 A Sled.

22 Q Okay. And that's five different medications that you
23 removed and they were in Ms. Hinson's name; is that
24 correct?

25 A Yes, sir.

TESTIMONY OF TERRY TINKER

- 1 Q But you didn't see fit to have a toxicology report?
- 2 A No, sir.
- 3 Q Now, when you first went into Ms. Hinson's bedroom
- 4 was there blood that was pooled on the floor?
- 5 A Yes, sir.
- 6 Q Are you familiar with the term called passive blood
- 7 flow or passive blood stain?
- 8 A Yes, sir.
- 9 Q Can you tell the jury what passive blood stain is?
- 10 A To my knowledge passive blood stain would be just a
- 11 flow of blood.
- 12 Q And what you opened was a passive blood stain, flow
- 13 of blood?
- 14 A Yes, sir. She was laying in a pool of blood.
- 15 Q Were there any other tests that were run to your
- 16 knowledge out there on the scene?
-
- 17 A Not on the scene.
- 18 Q And you were the one that authorized the autopsy.
- 19 A Yes, sir.
- 20 Q And that was performed with Dr. Jenkins with York
- 21 Pathology?
- 22 A Yes, sir.
- 23 Q I believe it was performed the next day?
- 24 A It was done that next afternoon, I think it was
- 25 11:30.

TESTIMONY OF TERRY TINKER

1 Q When you got out to the scene I believe you said that
2 you were called about 2:40?

3 A Yes, sir.

4 Q You got out there at what time?

5 A About 2:45 or 2:44.

6 Q How far is that from where you had to come from?

7 A About five miles.

8 Q Who was present when you got there?

9 A EMS.

10 Q Do you remember who from EMS?

11 A I think Mike Williams, and I am not sure of the other
12 one. I did most of my speaking with Mike Williams who was
13 the EMS supervisor on the ambulance.

14 Q Okay. Who else was present?

15 A I think Mr. McMurray, I think he was the lead
16 investigator.

17 Q Anyone else that you recall?

18 A There were several more, there was probably six or
19 eight on the scene.

20 Q Okay. Was there anything else that was done to
21 determine the exact time of death or determine the
22 approximate time of death that you recall?

23 A Other than when they got there the EMS.

24 Q Okay. And but you didn't take any further systems or
25 order anything else to be done?

TESTIMONY OF TERRY TINKER

1 A No, sir.

2 Q Do you know what EMS did?

3 A They really didn't do anything once they got there.

4 Before they arrived CPR was instructed to a family member

5 or a friend of the family, CPR was in progress whenever

6 they got there. They determined at that time and due to

7 the condition of the room they stopped CPR.

8 Q So I understand your testimony, EMS didn't do

9 anything to determine the time of death at that point?

10 A No, sir.

11 Q Never did anything?

12 A No, sir.

13 Q Were there any bloody footprints near Ms. Hinson's

14 body?

15 A Not bloody footprints, no.

16 Q Okay. No bloody footprints near the body?

17 A No, sir.

18 MR. JORDAN: That's all I have.

19 MR. BARFIELD: Nothing else from this witness and ask

20 that he be excused.

21 THE COURT: Thank you, sir. You may step down and you

22 may be excused from your subpoena. Let's take a lunch

23 break until 2:00. I remind you don't discuss the case with

24 anyone else or let them discuss the case with you. See you

25 back at 2:00.

TESTIMONY OF RONALD W. LEVISTER, JR.

1 (The jury left the courtroom.)

2 THE COURT: Court will be in recess until 2:00.

3 (A lunch break was taken.)

4 THE COURT: Are we ready for the jury?

5 MR. BARFIELD: Yes, sir.

6 MR. DUNN: Yes, sir.

7 (The jury returned to the courtroom.)

8 THE COURT: Welcome back again, ladies and gentlemen.

9 I believe the Solicitor is ready to call another officer.

10 The witness, RONALD WAYNE LEVISTER, JR. was first
11 duly sworn and testified as follows, on:

12 DIRECT EXAMINATION

13 BY MR. BARFIELD:

14 Q Mr. Levister, by whom are you employed?

15 A Chester County Sheriff's Office.

16 Q How long have you been employed by the sheriff's
17 office?

18 A I have been employed by the sheriff's office for ten
19 years.

20 Q What do you do for the sheriff's office?

21 A I'm a patrol deputy.

22 Q Were you employed by and a patrol deputy for the
23 Chester County Sheriff's Office on August 27th of 2005?

24 A Yes, sir.

25 Q Did you get dispatched along with other officers to

TESTIMONY OF RONALD W. LEVISTER, JR.

1 go to [REDACTED] sometime in the early morning hours
2 of that Saturday morning?

3 A Yes, sir.

4 Q Did you author and sign the initial incident report
5 in the case?

6 A Yes, sir, I did.

7 Q What time were officers dispatched to go to [REDACTED]

8 [REDACTED]?

9 A 2:20 in the morning.

10 Q And what time was indicated as the arrival time of
11 the first officers?

12 A 2:37.

13 Q Do you recall who the first officer -- were you the
14 first officer on the scene?

15 A No, sir.

16 Q Who was?

17 A Officer Darby was, I believe, Sergeant Darby.

18 Q And how soon after the first officers arrived did you
19 get there?

20 A I was right behind them.

21 Q Okay.

22 A Maybe a minute.

23 Q All right. Did you know the nature of the call when
24 you went?

25 A Yes, sir.

TESTIMONY OF RONALD W. LEVISTER, JR.

1 Q And what was the nature of the call?

2 A A unresponsive female.

3 Q When you got there, what did you do?

4 A I was stationed at the door. I was told to stand at
5 the door and make a log of everybody that come into the
6 residence and at the end -- when I was relieved of my
7 shift I turned it over to an investigator.

8 Q All right. When you got there were any emergency
9 medical services people there?

10 A Yes, sir. The EMS was arriving right as I did.

11 Q Did you ever go inside of the house?

12 A No, sir.

13 Q Did you ever see the victim in the case?

14 A No, sir.

15 Q Did you meet her family members, particularly a
16 couple of daughters, sometime that night or that early

17 morning?

18 A Yes, sir. I saw them, yes, sir.

19 Q Okay. Did you do any investigation yourself of the
20 property, the scene, the perimeter of the house or
21 anything?

22 A I done a walk-around, yes, sir.

23 Q Did you pick up or seize any evidence of any kind?

24 A No, sir.

25 MR. BARFIELD: Thank you, sir. Answer anything

TESTIMONY OF RONALD W. LEVISTER, JR.

1 Mr. Dunn has.

2 MR. DUNN: May it please the Court, Your Honor?

3 THE COURT: Yes, sir.

4 CROSS EXAMINATION

5 BY MR. DUNN:

6 Q So you never went inside?

7 A No, sir.

8 Q But you did walk around outside of the house?

9 A Around the perimeter, yes, sir.

10 Q Exactly where on the perimeter did you walk?

11 A The yard, around the edge of the yard.

12 Q The whole yard?

13 A Around the back side I believe it was.

14 Q How many times have you been out to that house?

15 A If I recall that's the first time I had ever been
16 there.

17 Q I want you to step down just a second to come to this
18 map.

19 A (Witness complies.)

20 Q Do you see the post-it that's been labeled Hinson?

21 A Yes, sir.

22 Q Do you see the trailer there, or the house there?

23 A Yes, sir.

24 Q All right. Can you sort of just with your -- you may
25 want to stand to the side so the jury can see -- just sort

TESTIMONY OF RONALD W. LEVISTER, JR.

1 of show with your finger where you walked when the say the
2 back of the house?

3 A Around the back side on the edge of the yard near the
4 woods back here.

5 Q Back around towards the driveway?

6 A If this is the front, I was here.

7 Q Okay. Did you ever go around -- did you ever come
8 around this side?

9 A No, sir.

10 Q So you just stuck to the side closest to the
11 driveway?

12 A Yes, sir.

13 Q You can sit down. And you were back there were you
14 actually the one that roped it off of did somebody else
15 rope it off?

16 A Somebody else roped it off.

17 Q Did you see how many people were back there?

18 A No, sir, I don't recall.

19 Q When you were back there walking was there anybody
20 else back there with you?

21 A There were some other officers, I believe, but I
22 don't recall who they were.

23 Q And approximately the number of officers that were
24 back there with you?

25 A Me and maybe two others.

TESTIMONY OF DOUG MCMURRAY

1 Q Okay. And you never saw the body, right?

2 A No, sir.

3 MR. DUNN: That's all, Your Honor.

4 MR. BARFIELD: Nothing else from this witness, I ask
5 that he be excused.

6 THE COURT: You may step down and you are excused from
7 your subpoena.

8 The witness, DOUG MCMURRAY, was first duly sworn and
9 testified as follows, on:

10 DIRECT EXAMINATION

11 BY MR. BARFIELD:

12 Q Mr. McMurray, by whom are you employed?

13 A By the Chester County Sheriff's Office.

14 Q How long have you been employed by the Chester County
15 Sheriff's Office?

16 A I've been there five years.

17 Q Were you employed by the Chester County Sheriff's
18 Office on August 27th of 2005?

19 A Yes, sir.

20 Q Sometime in the early morning hours of that Saturday
21 morning, did you get dispatched to go to [REDACTED]

22 A Yes, sir.

23 Q Did you and other officers respond?

24 A Yes, sir.

25 Q Do you know who the first officer on the scene was?

TESTIMONY OF DOUG MCMURRAY

- 1 A I was the first officer at the actual house.
- 2 Q Okay. Was anybody -- other than residence, was
- 3 anybody there when you got there?
- 4 A Not that I saw.
- 5 Q Did EMS arrive after you got there?
- 6 A Directly behind me.
- 7 Q Okay. Did you talk to people there at the house when
- 8 you first got there?
- 9 A Just where was the person that I was supposed to be
- 10 dispatched for.
- 11 Q What was the nature of the call?
- 12 A An unresponsive person, a lady in the bedroom.
- 13 Q Did you know who you talked -- did you know who you
- 14 were talking to when you got there?
- 15 A No.
- 16 Q Was it male or female or do you remember?
-
- 17 A There were I believe two females and a male there but
- 18 I don't remember exactly which one. There was a lot going
- 19 on.
- 20 Q Did they appear to be the residents of the house?
- 21 A Yes, they did.
- 22 Q Did somebody meet you at the door or the yard or the
- 23 driveway?
- 24 A I believe one met at the driveway showing us in and
- 25 then there were one right at the porch.

TESTIMONY OF DOUG MCMURRAY

1 Q All right. Did you know you had a crime or did you
2 respond because you had a medical emergency?

3 A As far as I knew it was just a medical emergency at
4 that time.

5 Q Now, did you go in the house?

6 A Yes, I did.

7 Q Before EMS came in or did you go in behind them?

8 A I was in front of EMS.

9 Q Did you get directed to a bedroom?

10 A I did.

11 Q Did you find an unresponsive female inside of the
12 bedroom?

13 A That's correct.

14 Q Did you do anything yourself concerning the female
15 like check pulse, vital signs or anything like that?

16 A No, sir.

17 Q Did you lay your hands on her at all?

18 A No, sir.

19 Q Did you -- what happened after you observed the
20 female?

21 A After I observed the female EMS, like I said, was
22 directly behind me. From the appearance of what I saw she
23 was already deceased. Like I said, EMS was directly
24 behind me pulling in the driveway so I moved and let them
25 take care of business.

TESTIMONY OF DOUG MCMURRAY

1 Q All right. Did you do any investigating there on the
2 scene yourself?

3 A I took pictures of the scene.

4 Q Okay. And was that some time later on?

5 A It was while EMS was there, probably within five
6 minutes of arriving.

7 Q At some point while you were still there was some
8 determination made that perhaps it was a crime scene?

9 A Yes, sir.

10 Q Did you make any observations yourself that made you
11 think that there was anything unusual other than the
12 female in the floor?

13 A Yes, sir.

14 Q What did you see?

15 A I observed -- looking around the room I observed
16 blood on the bathroom door handle, and when I opened the
17 bathroom door there was blood in the sink to the bathroom
18 as it appeared that somebody had washed their hands. I
19 also found a bedroom window or like a walk-in closet to
20 the bedroom, had a window and the window was opened, the
21 curtain was outside of the window. When we went outside
22 to look there was a handprint -- a bloody handprint on the
23 outside of the wall and looked to be a steak knife or a
24 kitchen knife and lighter on the ground outside of the
25 window.

TESTIMONY OF DOUG MCMURRAY

1 Q I'm going to show you State's Exhibit Number 9. Look
2 at that picture a minute and tell me if you recognize
3 what's shown on the picture.

4 A Yes, sir.

5 Q What's shown on the picture?

6 A It shows the curtain outside of the window and the
7 window open.

8 Q The window that you're referring to in your
9 testimony?

10 A Yes, sir, that's correct.

11 Q You saw these other things; the knife, the -- did you
12 say cigarette lighter?

13 A Yes, sir, that's correct.

14 Q Did you pick up any of those things?

15 A No, sir.

16 Q Did you touch them, move them, disturb them in any
17 way?

18 A No, sir.

19 Q Was the scene secured by law enforcement?

20 A Yes, sir, that's correct.

21 MR. BARFIELD: Thank you. Answer anything that

22 Mr. Dunn has.

23 MR. DUNN: May it please the Court?

24 THE COURT: Certainly.

25 CROSS EXAMINATION

TESTIMONY OF DOUG MCMURRAY

1 BY MR. DUNN:

2 Q So when you went into Ms. Perkins' room you never
3 touched her?

4 A No, sir.

5 Q When you went in there was anybody doing anything to
6 her body at that point?

7 A No, sir.

8 Q Nobody was performing CPR?

9 A No, sir. There was a male there that I think he was
10 at her feet but was not performing any CPR at the time.

11 Q Did he have blood on him? Did you see?

12 A I do not recall.

13 Q Do you remember whether or not he went and washed
14 himself off?

15 A No, sir. He left -- whenever I walked around him he
16 left and went into the kitchen or dining room area outside

17 of the bedroom.

18 Q So did anybody ever walk into that bathroom?

19 A Not while I was there, no, sir.

20 Q And then you basically stood guard until somebody
21 else released you from washing the crime scene, right?

22 A Yes, sir.

23 Q Did you have an opportunity to see whether or not any
24 blood had pooled or was there any blood on the carpet?

25 A Yes, sir.

TESTIMONY OF DOUG MCMURRAY

- 1 Q Did it appear that the blood had pooled, was in one
2 spot?
- 3 A Yes, sir.
- 4 Q Did you ever observe any -- we'll just call them
5 bloody footprints that led away from her body to any other
6 part of the house?
- 7 A Not that I observed.
- 8 Q You said you saw that the curtains and the blinds
9 were out the window, right?
- 10 A That's correct.
- 11 Q The blinds were white, weren't they?
- 12 A Yes, sir. They are luford (phonetically) blinds,
13 then there's like a sheer curtains hanging beside it.
- 14 Q And the sheer was white; is that correct?
- 15 A That's correct.
- 16 Q Did you observe blood on the blinds?
-
- 17 A Not that I saw. I didn't move anything, I just took
18 pictures of what I could see right there.
- 19 Q But what you saw you didn't see any blood?
- 20 A No, sir.
- 21 Q Did you see any blood on the sheers?
- 22 A Not that I noticed.
- 23 Q Were you the person that roped off the back of the
24 house?
- 25 A No, sir.

TESTIMONY OF JAMES S. DARBY, III

1 MR. DUNN: Beg the Court's indulgence.

2 THE COURT: All right, sir.

3 (Break in proceedings.)

4 MR. DUNN: I have no further questions, Your Honor.

5 MR. BARFIELD: I have nothing further and ask that he
6 be excused. Thank you.

7 THE COURT: You may step down and you me be excused.

8 The witness, JAMES S. DARBY, III, was first duly
9 sworn and testified as follows, on:

10 DIRECT EXAMINATION

11 BY MR. BARFIELD:

12 Q Sergeant Darby, by whom are you employed?

13 A Chester County Sheriff's Office.

14 Q How long have you been employed by the sheriff's
15 office?

16 A Since 1993.

17 Q Were you working for the sheriff's office on

18 August 27th of 2005?

19 A Yes, sir, I was.

20 Q Were you a sergeant back then?

21 A Yes, sir.

22 Q As a sergeant, do you have some supervisory role over
23 other officers?

24 A Yes, sir.

25 Q Is there generally a sergeant who is in charge of a

TESTIMONY OF JAMES S. DARBY, III

- 1 shift?
- 2 A Yes, sir.
- 3 Q Were you working on August 27th of 2005?
- 4 A Yes, sir.
- 5 Q Friday night into Saturday morning?
- 6 A Yes, sir.
- 7 Q Did you get the call along with others to go to [REDACTED]
- 8 [REDACTED] sometime in the early morning hours of that
- 9 Saturday?
- 10 A Yes, sir, I did.
- 11 Q How quickly were you there in relation to the arrival
- 12 of other officers?
- 13 A Probably ten to 15 minutes.
- 14 Q And were other officers there when you got there?
- 15 A Yes, sir, they were.
- 16 Q Had they been there long or do you know.
-
- 17 A No, sir, they hadn't been there long.
- 18 Q Now, you've got to talk a little bit louder, I think.
- 19 When you got there -- generally speaking when you got
- 20 there what was -- well, let me back up. Did you know the
- 21 nature of the call, why law enforcement was called out?
- 22 A Yes, sir. We were called and the lady said that her
- 23 mother was unresponsive, not breathing and that she was
- 24 breathing profusely.
- 25 Q When you got there, was EMS there?

TESTIMONY OF JAMES S. DARBY, III

- 1 A Yes, sir.
- 2 Q Generally what was going on when you got there?
- 3 A We had to go in and to see if she had a pulse and at
- 4 that time they said she was not and they called for the
- 5 coroner.
- 6 Q You say they, who?
- 7 A EMS.
- 8 Q EMS checked for the pulse?
- 9 A Yes, sir.
- 10 Q EMS directed for somebody to call the coroner?
- 11 A Yes, sir. They called the coroner.
- 12 Q And concluded she was deceased?
- 13 A Yes, sir.
- 14 Q Did you actually enter the house?
- 15 A Yes, I did.
- 16 Q Did you see -- did you determine who the victim was
- 17 eventually?
- 18 A Yes, sir.
- 19 Q Was it Judith Hinson?
- 20 A Yes, it was.
- 21 Q Did you go inside the bedroom to see Ms. Hinson there
- 22 in the floor?
- 23 A Yes, sir, I did.
- 24 Q At that point, were you the ranking officer on the
- 25 scene?

TESTIMONY OF JAMES S. DARBY, III

- 1 A Yes, I was.
- 2 Q Were you in charge?
- 3 A Yes, sir.
- 4 Q Now, did you see anything inside of the house that
- 5 made you look at the case a little differently?
- 6 A Yes, sir. The way she was positioned by the bed and
- 7 the amount of blood coming from her.
- 8 Q Did you see any blood anywhere else inside of the
- 9 house?
- 10 A No, sir.
- 11 Q Did you at any point go into the bathroom by
- 12 yourself?
- 13 A No, sir, not at that time.
- 14 Q Did you later on?
- 15 A Yes, I did.
- 16 Q And did you see anything that looked to you like
- 17 blood in the bathroom?
- 18 A Yes, sir. It was blood going from her body to the
- 19 bathroom.
- 20 Q Okay. Did you at some point have occasion to look
- 21 around the exterior of the house?
- 22 A Yes, sir. From skewing the crime scene there was a
- 23 perimeter set up around the outer part of the house and
- 24 when I entered around the back of the trailer I saw bloody
- 25 handprints coming out of the bathroom window sliding down

TESTIMONY OF JAMES S. DARBY, III

1 the trailer.

2 Q Did you see anything else there on the back side of
3 the house that you took note of?

4 A Yes, sir. There was a knife and a lighter at the
5 bottom of the window laying in the grass.

6 Q Did you pick up anything or disturb it in any
7 fashion?

8 A No, sir.

9 Q Was this set up as a crime scene?

10 A Yes, sir.

11 Q And was it secured by law enforcement?

12 A Yes, sir, it was.

13 Q Was access to it limited?

14 A Yes, sir.

15 Q Was the assistance of any other agency requested to
16 process this matter?

17 A Yes, sir. Sled was notified.

18 Q And did Sled send a crime scene team?

19 A Yes, sir.

20 Q Did y'all stand by until they got there?

21 A Yes, sir.

22 Q Did anybody do any investigating, any evidence
23 processing or collecting or anything prior to Sled getting
24 there?

25 A No, sir.

TESTIMONY OF JAMES S. DARBY, III

1 MR. BARFIELD: Thank you, sir. Answer anything
2 Mr. Dunn has.

3 THE COURT: Mr. Dunn?

4 MR. DUNN: May it please the Court, Your Honor?

5 CROSS EXAMINATION

6 BY MR. DUNN:

7 Q Did you ever have to touch Ms. Hinson's body?

8 A No, sir.

9 Q When you observed her, did you see whether or not her
10 eyes were opened or closed?

11 A No, sir.

12 Q And the blood that you saw, was it pooled next to her
13 body?

14 A Some was, yes, sir.

15 Q Did you ever have an opportunity to see what
16 consistency of the blood looked like?

17 A No, sir.

18 Q You weren't the individual who actually roped off the
19 back of the house, right?

20 A Sir?

21 Q You weren't the individual who actually roped it off?

22 A No, sir. I had deputies rope the back of the house
23 off.

24 Q Do you remember which deputy it was?

25 A It would have been anybody working the shift that

TESTIMONY OF JAMES S. DARBY, III

1 night. It could have been Deputy Levister or Deputy
2 McMurray.

3 Q Could have been somebody else?

4 A It could have been, yes, sir.

5 Q How many people were coming in and out of the house
6 at that point once you were there?

7 A Once I was there, once EMS told us that she was
8 deceased we backed out and nobody else went into the house
9 until the coroner and detective got there.

10 Q At the point that the coroner and detective got
11 there, how many other people were on the scene there?

12 A It was myself, Corporal McMurray, Deputy Levister and
13 EMS.

14 Q There's two of those two EMS fellows, right?

15 A Yes, sir. But I only let one into the house to just
16 check for a pulse.

17 Q Did you remain on the scene once the investigators
18 showed up?

19 A Yes, I did.

20 Q At any point did you walk to the back of the house?
21 And by the back of the house I mean to the back of the
22 outside of the house?

23 A No, sir. We just secured the crime scene.

24 Q You didn't walk the back perimeter or anything?

25 A No, sir.

TESTIMONY OF JAMES S. DARBY, III

1 Q You observed, though, that there was a curtain and
2 blinds hanging out of the window, correct?

3 A Yes, sir, where the bloody fingerprints were coming
4 out of the house.

5 Q Did you get a good look at the curtains?

6 A No, sir.

7 Q How close were you to them?

8 A Approximately maybe from me to you.

9 Q From the distance that you were at, were you able to
10 observe whether or not there was any blood on the
11 curtains?

12 A No, sir.

13 Q You weren't able to observe or there wasn't any
14 blood?

15 A No, sir. I didn't get close enough to observe any
16 blood.

17 Q What about the blinds, were you able to make an
18 observation of whether or not there was blood on the
19 blinds?

20 A No, sir. Once we were able to determine there was a
21 crime scene we backed off and secured the scene.

22 Q Did you actually see any EMS individual go up to the
23 body?

24 A Repeat the question.

25 Q Did you see the EMS go up to the body?

TESTIMONY OF JAMES S. DARBY, III

- 1 A No, sir.
- 2 Q He checked for a pulse, correct?
- 3 A Yes, sir. He checked for a vital sign.
- 4 Q Did you observe whether or not he took a core body
- 5 temperature from Ms. Hinson's body?
- 6 A No, sir.
- 7 Q He did not?
- 8 A No, sir. He just took -- make sure she didn't have a
- 9 pulse.
- 10 Q And then he left the room at that point?
- 11 A Yes, sir, and the coroner was notified.
- 12 Q Were you in the room when the coroner got there?
- 13 A Yes, sir. I went in the crime scene with the
- 14 detective and the coroner once we all got there.
- 15 Q Did you see anybody taking a core body temperature of
- 16 Ms. Hinson's body?
-
- 17 A No, sir.
- 18 Q When you walked into the bedroom, did you observe
- 19 whether or not there were any footprints in the carpet?
- 20 A No, sir. I didn't observe any footprints.
- 21 MR. DUNN: Beg the Court's indulgence for just a
- 22 moment.
- 23 THE COURT: Yes, sir.
- 24 (Break in proceedings.)
- 25 MR. DUNN: I don't have any further questions, Your

TESTIMONY OF EARL JENKINS, M.D.

1 Honor.

2 THE COURT: Solicitor?

3 MR. DUNN: No other questions of this witness and I
4 ask that he be excused.

5 THE COURT: You may step down and you are excused from
6 your subpoena.

7 The witness, EARL JENKINS, M.D., was first duly sworn
8 and testified as follows, on:

9 DIRECT EXAMINATION

10 BY MR. BARFIELD:

11 Q Doctor, I am referring to you as doctor. What kind
12 of doctor are you?

13 A I am a medical doctor trained in pathology.

14 Q All right, sir. And where are you currently
15 employed?

16 A York Pathology is my employer, and I work mainly at
17 the Piedmont Medical Center and also in Elliott White
18 Springs in Lancaster.

19 Q On a daily basis, what do you do?

20 A On a daily basis I practice the medical aspects of
21 pathology, which is the diagnosis of diseased conditions
22 based on microscopic and visual examination of tissues
23 removed by surgeons in operations, and overseeing the
24 laboratory operation, that is the blood testing and fluid
25 testing that's done in diagnosing and treating illnesses.

TESTIMONY OF EARL JENKINS, M.D.

1 Q Is part of your job also forensic pathology?

2 A Yes. In '75 and '76 I worked for the chief medical
3 examiner in North Carolina and have done that type of work
4 since 1977, which is the time I moved to York County, so I
5 have done that since '77 in York County. And off and on I
6 have done autopsies for Lancaster County and Chester
7 County during that time.

8 Q And over the course of your career, have you got a
9 ballpark on the number of autopsies you have done on
10 deceased bodies?

11 A In the range of 2000.

12 Q I've got to go through with this with you, we might
13 be able to cut it short. Are you a licensed medical
14 doctor?

15 A I'm a licensed medical doctor.

16 Q Do you have any certifications in any particular
17 fields?

18 A I am board certified in anatomic and clinical
19 pathology --

20 MR. JORDAN: Your Honor, I think we can stipulate to
21 his qualifications if the solicitor --

22 THE COURT: His qualifications as a --

23 MR. BARFIELD: A forensic pathologist. At this time I
24 will offer Dr. Jenkins as an expert in area of forensics
25 pathology.

TESTIMONY OF EARL JENKINS, M.D.

1 THE COURT: Without objection?

2 MR. DUNN: Yes, sir.

3 Q Dr. Jenkins, did you get called upon to perform an
4 autopsy on a body identified to you as that of Judith
5 Hinson on August 27th of 2005?

6 A Yes.

7 Q Now, who requested that you perform the autopsy?

8 A This was through the Chester County Coroner, Terry
9 Tinker.

10 Q And where was the body when you first came into
11 contact with the body?

12 A It was in our Piedmont Medical Center morgue.

13 Q Where do you perform your autopsies?

14 A In the Piedmont Medical Center morgue facility.

15 Q How was the body identified to you?

16 A The body was identified by Terry Tinker and there
17 were a number of persons present who were familiar.

18 Q Did you determine male or female?

19 A Female.

20 Q Did you get an age from a history from somebody.

21 A History was provided, yes. Age was provided as 57.

22 Q Now, give the jury a brief overview of what you're
23 trying to do in the performance of an autopsy. What's the
24 purpose of what you were doing?

25 A The ultimate purpose is to determine the cause of

TESTIMONY OF EARL JENKINS, M.D.

1 death and to evaluate the injuries that contributed to her
2 cause of death, and link that to mechanisms which might
3 have been involved in the infliction of those injuries in
4 this case.

5 Q Does that involve an examination both external and
6 internal of the body?

7 A Yes.

8 Q Do you collect samples during the course of an
9 autopsy for forensic testing of one form or another?

10 A Yes, we do.

11 Q This is not involved in this case, but for example if
12 there's a shooting involved are you looking perhaps for
13 the presence of a fired bullet inside of a body?

14 A Yes.

15 Q Is it common for law enforcement personnel to be on
16 the scene -- or to be present during an autopsy when
17 ~~perhaps criminal activity is suspected?~~

18 A Very common.

19 Q And did you determine -- do you recall in this
20 particular case whether law enforcement personnel were
21 present?

22 A They were.

23 Q I'm going to jump way ahead. Did you collect some
24 samples during the course of this autopsy and turn them
25 over to a law enforcement agent?

TESTIMONY OF EARL JENKINS, M.D.

- 1 A Yes, I did.
- 2 Q First of all, do you have the name of the law
3 enforcement agent that you turned them over to?
- 4 A Yes, I do.
- 5 Q Who was it?
- 6 A Sled Agent S.R. Curtis.
- 7 Q Did you make a paper trail of what samples you
8 collected and turned over to Agent Curtis?
- 9 A Yes, as part of my report.
- 10 Q Thank you. And will you tell the jury just briefly
11 item by item what it was that you turned over to Agent
12 Curtis?
- 13 A Specimens included rectal swabs, vaginal swabs, nail
14 clippings, blood, pubic hair and scalp hair.
- 15 Q Anything else that you collected and sent to Sled
16 through Agent Curtis?
- 17 A ~~None that I have in my report, no, sir, that I~~
18 recall.
- 19 Q Now, I'm going to ask you this right now before I
20 forget to, did you have any history on Ms. Hinson from
21 family members or law enforcement or anybody about any
22 condition she might have had, about any medication she
23 might have been taking or anything like that?
- 24 A None that I can recall. I don't have any in my
25 report.

TESTIMONY OF EARL JENKINS, M.D.

1 Q You took a blood sample from Ms. Hinson's body; is
2 that correct?

3 A Yes.

4 Q Do you determine whether Sled or any other agency or
5 lab does a toxicology analysis of that sample?

6 A It varies from case to case. In some instances I
7 have a laboratory that performs that at my request. At
8 other instances we just turn it over to the Sled agents.
9 In this case I was instructed to turn it over to Sled for
10 processing.

11 Q It wasn't your call to say do a toxicology test or
12 anything else.

13 A No. It was turned over to the Sled agent for his
14 purposes.

15 Q I'm going to ask you this question before we get into
16 any of the details. Assume for a minute that Ms. Hinson
17 had been taking prescribed medications, is there anything
18 about this autopsy that leads you to conclude that
19 anything other than the cause that you determined killed
20 Ms. Hinson?

21 A No.

22 Q That might not have been a good question. There
23 wasn't a toxicology test in this case is what I'm telling
24 you.

25 A No, sir. Toxicology doesn't enter into my

TESTIMONY OF EARL JENKINS, M.D.

1 determination.

2 Q Thank you. Now, give us the description of -- the
3 external description -- give us a description of the
4 external examination of Mrs. Hinson.

5 A Her physical characteristics were female, white. Her
6 height was measured at five foot-four inches, weight
7 181 pounds. Looked at her eyes, her eyes were blue.
8 Around her eyes there were little petechiae hemorrhages
9 which are little blood spots around the eyes.

10 Q How do you get them?

11 A That along with some minor injuries around her face
12 led me to suspect and conclude there was an element of
13 smothering or asphyxiation involved in her death. Little
14 petechial hemorrhages I described are associated with
15 smothering or asphyxial death.

16 Q Give the jury a description of the other small
17 ~~injuries around her face.~~

18 A There were tooth marks on her lower lips, some minor
19 abrasions around her upper lip consistent with pressure
20 being forced on her mouth. And along with that there was
21 some vomits that had come into her mouth and into her
22 nose, it was not expelled from her mouth. So these are
23 elements that raise that likelihood of asphyxiation as
24 being a part of what was going on around the time of
25 death.

TESTIMONY OF EARL JENKINS, M.D.

1 Q All right. Were there -- other than the major
2 injuries, which we'll talk about in some detail in a
3 little bit, were there other external injuries to the
4 body?

5 A There was a bruise on the head or around the forehead
6 area, I'll tell you exactly. Bruises along the left
7 forehead area, sort of this part of her head, and one on
8 the left back sort of in the rim of a hat. There were
9 bruises in the skin. There was no skull injury or brain
10 injury so those were minor. There were minor bruises.

11 Q Were they pretty -- I hate to use the word fresh
12 because I'm sure that's not a medical term, but were all
13 of the injuries you were describing pretty fresh injuries?

14 A All appeared to be the same time, same age fresh that
15 would be a reasonable term, acute.

16 Q What does acute mean?

17 A Fresh.

18 Q Okay. Thank you. Other external injuries other than
19 the major?

20 A There was a little crescent shaped abrasion in her
21 left neck and this is often associated with a finger nail.
22 And that is generally attributed to a person who might be
23 trying to remove pressure or something from around the
24 neck. This could well have been her fingernail mark that
25 was impressed in there into her skin and associated with a

TESTIMONY OF EARL JENKINS, M.D.

1 struggle.

2 Q Any blood associated with that? An abrasion
3 generally --

4 A No, very attenuated. It was just a minor abrasion
5 and bruise more than anything.

6 Q Any other external injuries?

7 A None other the than the major ones.

8 Q We will get to that in just a second, I forgot to ask
9 you this a little bit ago. When the body is delivered to
10 the morgue, is it encased in some container?

11 A Generally in a body bag.

12 Q And do you recall that that is the circumstance in
13 which you found Ms. Hinson?

14 A I think so. I didn't make note of that but that's
15 generally the customary.

16 Q Did you make note of the clothing on the body?

~~17 A Clothed only in upper short sleeved pattern shirt was~~
18 the description.

19 Q No other clothes?

20 A No lower garments.

21 Q Was there any bra on the body?

22 A None.

23 Q No underwear, no pants, no socks, no shoes, no
24 nothing?

25 A Only an upper garment.

TESTIMONY OF EARL JENKINS, M.D.

1 Q Continue with your description of the external
2 examination of the body.

3 A The back was clear, there were no injuries to the
4 back. Above the torso there were no injuries to the
5 breasts. There were no injuries to the forearms. I
6 looked for marks along the outer portion of your arms to
7 see if there's any -- this could indicate that there was
8 some attempt to protect ones self, they are called defense
9 injuries. So I found no injuries on those defensive parts
10 of the body, none on the back or upper chest. Her
11 fingernails were intact, I saw nothing there.

12 Q Okay. All right. How about externally, what you saw
13 about the major injuries, start describing that for us.

14 A The thing that drew my attention first was a large
15 amount of free-flowing blood, which was in the
16 recto-vaginal area.

17 Q When you say free flowing blood, do you mean
18 literally it's still moving?

19 A Pooled blood, pooled blood would be a better term
20 than not pumping blood, no.

21 Q Continue.

22 A So that was something that immediately drew my
23 attention, and we cleaned -- this had to be cleaned with
24 flowing water. And in cleaning this area what we -- what
25 I saw was just a large rectovaginal gaping wound.

TESTIMONY OF EARL JENKINS, M.D.

1 Q Now, I'm going to ask you some really basic
2 questions, but what is the vagina?

3 A The vagina is the tract that leads from the labia,
4 the opening to the vagina, into the uterus. It is the
5 birth canal I think would be a term that everyone would
6 understand.

7 Q Where is the rectum positioned in relation to the
8 vagina?

9 A Rectum is behind. There's a space between it called
10 the perineum, and the rectal opening is behind that.

11 Q Are there two separate channels into your body?

12 A There are.

13 Q Again, continue to describe the injury.

14 A So in this area of the rectovaginal area there was
15 just a large gaping wound. We cleaned it up and it was
16 three or four inches, could be splayed open in width. It

17 ~~included not only the vagina, which was perforated, or~~
18 torn, the perineal tissues which separate the vaginal from
19 the rectum, and then the rectum itself was torn, so --

20 Q Was the perineal area completely torn so that there
21 was no separation between the vagina and the rectum at
22 that point?

23 A Yes.

24 Q Okay. Continue.

25 A And these penetrating injuries opened into the

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1 abdomen, the pelvis, which is the where the uterus is, the
2 wound is. And inside the pelvis there was damage to the
3 bladder, which is in front of the uterus. There was --
4 you could easily see there was tears in the vagina, there
5 were tears in the rectum internally. Further up as you go
6 into the pelvis, which was where the uterus -- the womb
7 is, there were blood vessels that were torn and there was
8 bleeding -- you could see there was bleeding associated
9 with those blood vessels. There was an injury to the
10 lower most part of aorta, which is a large artery that
11 comes from your heart. So that large vessel was torn and
12 you could tell that there had been bleeding from that
13 site. There was blood as high as just beneath the stomach
14 area but no major injuries at that height. So the
15 injuries were in the pelvis, which is that area of the
16 rectum, the vagina, the uterus and the bladder.

----- 17 ~~Q~~ Now, from the external opening into Ms. Hinson's body -----
18 to the highest point within her abdomen that you noticed
19 injuries, about what distance are we talking with?

20 A In my report I measured that as about one foot.

21 Q The vagina itself, if you -- how far do you go in a
22 vagina before you run into something that stops you? Is
23 that --

24 A Inches, five or six inches. Of course, the vagina,
25 as we know, babies come through there so as it stretches

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1 that would be a measurement to the cervix, which is a part
2 of the uterus.

3 Q Bear with me just a minute. Did you notice anything
4 externally about her eyes, any injuries?

5 A Beneath her eyes were some small abrasions as well.
6 But the main thing I noticed in her eyes were those
7 petechia hemorrhages, which raises my level of awareness
8 of the possibility -- led me to the conclusion that there
9 was smothering involved.

10 Q I want to go back to the lips a minute. Did you form
11 any opinion about what caused the abrasions to the lips.

12 A Pressure.

13 Q What actually caused the abrasions? Pressure?

14 A The pressure. And actually the teeth were the cause
15 of the little marks in her lips, pressure on her lips that
16 forced her lips against her teeth and then little

17 ~~indentions or tears in her lips.~~

18 Q Any other abrasions or marks on her lower jaw
19 underneath her jaw to her neck other than the crescent
20 shape mark that you indicated?

21 A None that I recall, no, sir.

22 Q Now again, if you would state for the jury what
23 internal organs or bodily parts were injured?

24 A The vagina, the rectum, the bladder, blood vessels of
25 the intestine and the lower aorta were the major organs.

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1 Q Based upon all of that, did you form an opinion to a
2 reasonable degree of medical certainty what killed Judith
3 Hinson?

4 A Yes.

5 Q What is that opinion?

6 A Blood loss due to penetrating trauma of the
7 rectovaginal area and those multiple sites of injury that
8 I just described.

9 Q Now, at the time you did this autopsy -- first of
10 all, does -- law enforcement is present or sends somebody
11 to an autopsy in a case that involves suspected criminal
12 activity, do you get some history, some background
13 information from law enforcement to assist you in your
14 autopsy?

15 A Generally always some information as to where the
16 deceased was found, perhaps how she was lying. I try to
17 take into consideration every bit of information I can get
18 my hands on at the time that we do the autopsy.

19 Q At the time you did this autopsy, was there any
20 indication from law enforcement what might have caused the
21 injuries?

22 A No.

23 Q Through the course of the autopsy, did anything
24 develop that suggested to you what caused the injuries?
25 For example, did you see incised wounds that would suggest

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1 the cutting by a knife or anything like that?

2 MR. JORDAN: Your Honor, I'm going to object to the
3 leading.

4 THE COURT: I'll sustain the objection.

5 Q Let me ask the question differently. Through the
6 course of the autopsy, were you able to determine what
7 caused the injuries?

8 A My conclusion was that these were primarily blunt
9 force injuries, which means dull. They weren't clearly
10 cuts. There were no stab wounds anywhere I could
11 identify, so my conclusions were that these were primarily
12 blunt force injuries. I did consider some sites that
13 looked to be cuts but I never was able to convince myself
14 of that. So my final conclusion was primarily blunt force
15 injuries with some consideration for cuts, but no stab
16 wounds of any type that I could see.

17 Q ~~Is what you observed during the course of your~~
18 autopsy of Ms. Hinson consistent with a hand?

19 A That would be the source of a blunt force injury, a
20 non-cutting. The tissues I saw were mostly torn, leaving
21 little strands of tissue, tissue bridges and that's one of
22 the features in forensic examinations that you look to to
23 define a tear from a cut.

24 Q Bottom line is she bled to death.

25 A Yes.

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1 Q Did you list anything contributory?

2 A Contributory I thought was asphyxiation or
3 smothering. As I said, there's an element to that that I
4 felt was contributory to death, yes.

5 Q Let me go back to a minute to a question that I asked
6 you earlier about the medications and the absence of a
7 toxicology report. Does that at all factor in at this
8 point based on the injuries that you observed to
9 Ms. Hinson?

10 A No.

11 MR. BARFIELD: Thank you, sir. Answer anything
12 Mr. Dunn has, or Mr. Jordan.

13 MR. JORDAN: May it please the Court?

14 CROSS EXAMINATION

15 BY MR. JORDAN:

16 Q Dr. Jenkins, your job is not only to perform
17 autopsies but you have a medical practice where you
18 examine deceased tissues, that type of thing?

19 A Yes.

20 Q And within the course of your practice you do testing
21 on fluid and blood; is that right?

22 A Yes.

23 Q In this particular case you sent it out to Sled; is
24 that right?

25 A Yes.

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- 1 Q You didn't do any testing.
- 2 A No, sir.
- 3 Q You send it out to Sled, turned it over to them; is
- 4 that correct?
- 5 A Toxicology was turned over to them for their
- 6 examination.
- 7 Q Now, so I will understand the cause of death in
- 8 Ms. Hinson was blood loss --
- 9 A Blood loss associated with massive trauma.
- 10 Q And that's really what caused her to die, isn't that
- 11 true?
- 12 A Yes.
- 13 Q You listed something as contributory, but the true
- 14 cause of death was blood loss.
- 15 A Blood loss is in and of itself fatal.
- 16 Q Now, the aorta comes down from the heart and branches
- 17 off where at on the body?
- 18 A What is called the pelvic rim, just behind the
- 19 bladder, below the level of your naval.
- 20 Q Below the naval. How far below the naval?
- 21 A Inch or so.
- 22 Q Okay.
- 23 A Inch or so below the naval.
- 24 Q And how far beyond the uterus is that aorta?
- 25 A About at the top of the uterus.

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1 Q So not far at all, it's right there, isn't it?

2 A Right behind it.

3 Q Now, this aorta in the abdominal area, it's held in
4 place by ligaments; is that right?

5 A Soft tissue.

6 Q And if you get blunt force trauma -- for instance,
7 you see a lot of aorta ruptures from car accidents, don't
8 you?

9 A Yes, you do.

10 Q And, in fact, that's probably the leading cause of
11 the aorta rupture, would you say, one of them?

12 A It's a cause, it's in a different location.

13 Q Okay. And can you give this jury the mechanics of
14 how the aorta ruptures from that type of force in a car
15 accident?

16 A The rupture of the aorta in a car accident is high
17 where the aorta is attached such that it's immobile, and a
18 pressure wave from an automobile accident can be forced up
19 and at that point where it's attached, as I said, it's
20 immobile and that pressure wave can rupture at that point.

21 Q It sheers it, doesn't it?

22 A At that point.

23 Q And that's not unusual, you see that in auto
24 accidents.

25 A You do.

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1 Q And you mentioned that it was transected. Was it
2 just torn or was it --

3 A Torn. It was -- that was one of the areas that I
4 considered a cut. But it was torn apart, ripped apart.

5 Q Let's just clarify something, you didn't find any
6 stab wounds.

7 A No external stab wounds.

8 Q And you can't sit here and tell this jury that any
9 type of knife was used at all, can you?

10 A I can't conclude this.

11 Q So when the solicitor showed this knife to a jury,
12 you have no conclusion that a knife was used on her at
13 all, do you?

14 A As I said, I considered it at the time but I never
15 drew that conclusion.

16 Q So never drew a conclusion that any type of knife was
17 used.

18 A There were no external stab wounds -- was not able to
19 draw that conclusion from the internal injuries
20 predominantly.

21 Q In fact, most of the injuries were lacerations or
22 tears; is that right?

23 A That's what I concluded, yes, sir.

24 Q And now, there's some other things that can cause an
25 aorta to rupture, isn't it, Doctor? What about

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1 hypertension, can that cause an aorta to rupture?

2 A Not in this case.

3 Q I'm not asking you about this case. I'm asking you
4 about specific other things that can cause an aorta to
5 rupture.

6 A Yes. There are diseases that evolve with
7 hypertension that can lead to rupture of the aorta, but
8 not a normal aorta.

9 Q What the drug Hydrochloride (sic)?

10 A Hydrochlorothiazide (phonetically)?

11 Q Yes.

12 A It's a diuretic.

13 Q What is it used for?

14 A It's one of the basic treatments for high blood
15 pressure.

16 Q One of the basic treatments for high blood pressure.

17 Were you aware that the coroner testified that he removed
18 that from the shelf of Ms. Hinson?

19 A I didn't put that in my report and therefore I don't
20 remember, no, sir.

21 Q But hypertension is one of the major causes of an
22 aorta rupture, isn't it?

23 A Through certain mechanisms.

24 Q Now, what about plaque in the aorta, can that cause a
25 rupture?

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1 A That usually precedes a type of an aneurysm or type
2 of rupture that we're illuding to.

3 Q Okay. But that can cause it.

4 A It's one of the steps along the way that lead to
5 aneurysms and ruptures.

6 Q In fact, hypertension and plaque in the aorta can
7 predispose someone to a rupture, can't it?

8 A Through years and through an evolution of things
9 which we really haven't discussed.

10 Q So is your answer, yes, it can predispose someone to
11 a rupture?

12 A It can.

13 Q You said that the abdomen was full of pooled blood.

14 A There were blood stains in her abdomen that -- the
15 pool of blood was mainly outside, that's what attracted my
16 attention to the injured area.

17 Q When you talk about pool blood, are you familiar with
18 the -- well, a pooled blood stain -- or when you have
19 blood that flows, it flows to the lowest level of gravity
20 and pools. Were you aware that Ms. Hinson was found with
21 a pool of blood?

22 A Yes. I was aware there was external blood seen that
23 was in the same area that I described it.

24 Q Now, Doctor, you mentioned some minor abrasions with
25 contusions beneath the left and right eyes?

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1 A Yes.

2 Q Well, first of all let me ask you, nothing that you
3 found in your autopsy ties Casey Perkins to the death of
4 Ms. Hinson, does it?

5 A No, sir.

6 Q Absolutely nothing that you found ties him to her
7 death.

8 A The autopsy is purely an objective examination.

9 Q Now, the minor abrasions or contusions beneath the
10 left and right eyes, you can't tell this jury specifically
11 how they occurred, can you?

12 A No, not specifically.

13 Q You can say that they are consistent with something.
14 But the fact of the matter is you can't say to a
15 reasonable degree of medical certainty exactly how they
16 occurred, can you?

17 A The pattern of injuries that I described to you was
18 associated with smothering injuries and clearly pressure
19 over the mouth.

20 Q It's consistent with that. But you can't say that's
21 exactly how those injuries occurred, can you?

22 A There may be other possibilities.

23 Q There may be other possibilities. Okay. Now, what
24 are some other possibilities?

25 A I have drawn my conclusions.

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1 Q Sir, you indicated there are other possibilities as
2 to how these occurred and I want to know what they are.

3 A My only consideration was that this complex of
4 injuries were from pressure held over the mouth, tooth
5 marks --

6 Q That's the only thing you considered because that's,
7 in fact, what law enforcement wanted you to consider,
8 isn't it?

9 A No. That's what I've seen in other cases. That's
10 what I'm trained to look for.

11 Q But there are other possibilities as to how they
12 occurred.

13 A I guess another form of assault. If she was beaten
14 about the face, perhaps that would do it. These are
15 injuries.

16 Q You didn't find any evidence that she was beaten.

17 A ~~There are minor bruises. But I considered this from~~
18 pressure of the hand or --

19 Q In fact, you didn't find any evidence of
20 strangulation, did you?

21 A No, it was all around her mouth, smothering.

22 Q What is the bone here?

23 A The hyoid bone.

24 Q It was fractured or broken?

25 A No, it wasn't.

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1 Q No evidence that she was strangled.

2 A No strangulation, that's another mechanism of
3 asphyxiation.

4 Q And she had food matter.

5 A Yes.

6 Q Is it possible for someone to have trouble breathing
7 due to vomit?

8 A Yes.

9 Q And that would be consistent with asphyxiation,
10 wouldn't it?

11 A Not generally, no, sir.

12 Q In fact, you found that she had regurgitated or
13 vomited; is that right?

14 A Yes.

15 Q And that would prevent someone from breathing,
16 wouldn't it?

17 A Yes, to some extent. But generally you can cough
18 that away.

19 Q Now, there was no toxicology report done to your
20 knowledge, was there?

21 A I haven't seen one.

22 Q Did you order one?

23 A No, I didn't order one.

24 Q Whose responsibility would that be to order one?

25 A That went through Sled agents and was determined by

TESTIMONY OF EARL JENKINS, M.D.

1 the Sled agents and the coroner, or investigating
2 officers.

3 Q You mentioned a contusion to the scalp. There was no
4 concussion associated with that, was there?

5 A Concussion is -- there could have been. Concussion
6 is unconsciousness with no brain jury.

7 Q You didn't find any evidence of that, did you?

8 A No brain injury, no.

9 Q Okay. And it doesn't appear that she was unconscious
10 from that.

11 A I wouldn't think so, no, sir.

12 Q So she's awake; is that correct?

13 A Yes.

14 Q And no defensive wounds. What are defensive wounds?

15 A Wounds used to protect yourself.

16 Q So she is awake and there are no defensive wounds.

17 A The only wound was the fingernail mark and that's
18 typically a wound associated with a struggle and trying to
19 remove pressure from the neck.

20 Q But on the hands or forearms?

21 A None.

22 Q None. So she's awake and no defensive wounds on the
23 hands, correct?

24 A Correct.

25 Q In fact, the fingernail mark very well could have

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1 been Ms. Hinson's own fingernail mark; is that correct?

2 A That's what I was assuming. That's often a mark when
3 someone is struggling to remove pressure.

4 Q No hemorrhages of the neck, were there?

5 A None.

6 Q And if there was some type of aggressive choking
7 situation going on you would expect to see trauma of the
8 neck and a fracture of hyoid bone, wouldn't you?

9 A In certain forms of strangulation. There was no
10 evidence she was strangled as opposed to smothered with
11 her mouth being forced closed.

12 Q And there were no marks on her fingers or
13 fingernails, were there?

14 A None.

15 Q No injury to her breasts.

16 A None.

17 Q No injury to her back or upper chest.

18 A None.

19 Q I'm sorry, just so I understand, you said that the
20 injuries that she received would be consistent with
21 someone's hand?

22 A Yes.

23 Q So you can't say that any object was used at all, it
24 would be consistent with a hand?

25 A Consistent with a hand.

TESTIMONY OF EARL JENKINS, M.D.

1 Q When you're performing a forensic investigation, what
2 are the things that you can do to determine the time of
3 death?

4 A Time of death is best determined at the time the body
5 is first found.

6 Q When the body is first found how can you determine
7 the time of death?

8 A Liver probes, rectal temperature probes, measuring
9 air temperatures, and then there are charts and diagrams
10 that can be helpful. The narrower the interval between
11 death and the time that this temperature is made, the more
12 accurate the determination can be.

13 Q So if EMS gets out there and they immediately do
14 those things then there can be a determination as to the
15 time of death?

16 A It can help.

17 Q And the sooner you do it the more accurate it is?

18 A That's true.

19 Q What is lividity?

20 A Lividity is the settling of blood to dependent parts
21 of the body, meaning gravity -- if you're lying on your
22 back lividity settles to your back. If you are on your
23 front then lividity settles to the front.

24 Q Did you observe lividity on Ms. Hinson?

25 A I don't recall. There usually is by the time that

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1 they get to me. Of course, it can be associated with just
2 the fact they were placed in the cooler on their back.
3 Lividity fixes in 12 to 24 hours such that if a body is
4 moved you can get some suspicion for that. It begins in
5 one to three hours with a faint look.

6 Q So lividity begins in one to three hours?

7 A In that range, yes.

8 Q And so if lividity is set in at the scene then you
9 know between one and three hours?

10 A That's a course estimate. But that's sort of a
11 textbook description of the onset of lividity. It
12 maximizes between 12 to 24, become fixed at some point in
13 time and won't shift.

14 Q But that's another way you can determine the time of
15 death, right?

16 A Coarsely, very coarsely. It's not an accurate
17 determination.

18 Q What about the eyes? What happens to the eyes if
19 they are open at the time of death? Do they become
20 cloudy, their ocular changes?

21 A That's not really something that I observed in her so
22 I don't really have an opinion about cloudy eyes.

23 Q You didn't check on that?

24 A Her eyes -- they were at that petechiae that I
25 noticed mostly in her eyes that were easily seen. I did

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1 notice any -- made no mention of that so I don't recall.

2 Q So it's not in your report and you don't recall

3 checking it out, is that --

4 A No. I didn't describe cloudy eyes, no, sir.

5 Q And you don't recall looking at her eyes?

6 A I looked at her eyes and found petechiae hemorrhages
7 associated with smothering.

8 Q Isn't it true that petechiae hemorrhages can occur
9 after death without smothering?

10 A In very -- had she been lying on her face or held
11 upside down I have seen very congested looks from that but
12 not the petechiae hemorrhages that are associated with
13 smothering. That leads to lividity in the face and blood
14 vessels around the eyes. There's a difference in
15 petechiae hemorrhages and lividity in the head and face
16 from being dependent.

17 Q I'm not talking about the lividity in the head and
18 face, I'm talking about -- there are basically red dots in
19 the eyes, right?

20 A No, generally not, never.

21 Q Describe the petechiae hemorrhage?

22 A Petechiae hemorrhage are a little spot like
23 hemorrhages in the conjunctiva, the pink parts of your
24 eyes and sometimes in the sclera, the white parts of your
25 eyes. It's pressure in blood vessels that leads to red

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1 blood cells leaking out and causing those little spot like
2 hemorrhages. And that's not something that you see in
3 lividity or --

4 Q But those little red spots can occur postmortem,
5 after death?

6 A Lividity can be associated with some of these spots
7 but it's not petechiae hemorrhages as I've described to
8 you, it's pressure related phenomenon.

9 Q And you mentioned that the bladder was disrupted.
10 Where is the bladder in relation to the uterus?

11 A It's in front of it, it's the bladder, the uterus and
12 rectum.

13 Q You did some swabs; is that correct?

14 A Yes.

15 Q And you did rectal, vaginal, nail clippings, blood,
16 pubic hair, scalp hair, and all of that was transferred to

17 Sled?

18 A Yes, sir.

19 Q To Agent Curtis.

20 A Yes, sir.

21 Q Do you know what tests were performed on those?

22 A No, I don't.

23 Q How long, Doctor, assuming there's injury to the
24 aorta, how long did it take for someone to die?

25 A Seconds.

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1 Q Seconds. Sometimes you have an aorta ruptured in
2 child birth, too, don't you?

3 A From aneurysms of different types, uncommon, but it
4 happens.

5 Q And that aorta is right there on the uterus, isn't
6 it?

7 A At one level it is, yes. Ruptures in child birth are
8 typically in splenic arteries, not the aorta itself.

9 Q Did you find some -- you pronounced it
10 atherosclerotic stenosis in Ms. Hinson?

11 A I found none. Now, I found mild atherosclerotic
12 changes in her coronary arteries under the microscope.

13 Q What is that?

14 A That's small amounts of yellow plaque in the
15 arteries.

16 Q And that's one of the things we discussed about
17 earlier to predispose someone to having a rupture of the
18 aorta?

19 A It was not to that extent.

20 Q But you still found some.

21 A I found some in her coronaries, I didn't find any in
22 our aorta.

23 Q The tooth marks on the lip, people bite their lip and
24 tongue all of time by accident, don't they?

25 A There were three tooth marks all about the same --

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1 Q If you could answer my question, then you can explain
2 it?

3 A Yes.

4 Q That occurs all of the time. So you can't sit here
5 and say exactly how that occurred but the fact that it was
6 present; is that correct?

7 A Those marks were, as I said, along with the petechia,
8 the aggregate of the things I found would tell me that was
9 pressure on her mouth and nose leading to the petechia,
10 and an element of asphyxiation.

11 Q There's a few other things that can cause an aorta to
12 rupture and one is Ellers Danula (phonetically) Syndrome,
13 isn't it, a common defect?

14 A Yes.

15 Q And, in fact, a vascular Ellers Danula Syndrome can
16 cause a rupture.

17 A Yes.

18 Q Can you tell me the side effects from certain
19 medication, the Prozac one?

20 A No.

21 Q You cannot?

22 A It's not within my realm of expertise.

23 Q You can't tell me the side effects of any
24 psychotropic medication?

25 A None with any degree of expertise, no, sir.

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1 Q Are you familiar with something called low carbs
2 principal?

3 A No, sir.

4 Q Every contact you made with another person or object
5 results in the exchange of physical materials, would you
6 agree with that statement?

7 A Yes.

8 Q And in your forensic pathology and your forensic
9 investigations, you're looking for those exchange of
10 physical materials, aren't you?

11 A I gathered samples that might allow for those
12 determinations in small amounts of DNA type evidence.

13 Q Okay. And, in fact, in a scene such as the one at
14 the Hinson home you would expect a lot of that type of
15 physical material, DNA evidence, wouldn't you?

16 A That's somewhat beyond my autopsy skills.

17 Q Okay.

18 A The scene investigations -- if you're asking me about
19 the scene investigation I didn't see it and was not a part
20 of that.

21 Q What is the normal clotting time for blood?

22 A Normal clotting time? TCT -- or PTT is around 12
23 seconds, PPT is around 35 seconds. There are different
24 mechanisms for clotting.

25 Q What about pooled blood outside of the body, are you

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1 going to have some changes in that blood?

2 A I don't know. I don't deal with that, I wouldn't
3 say. That's not a physiologic, I don't know.

4 Q Going back just for a moment. If someone has cloudy
5 eyes postmortem, how long does it take for those changes
6 to take place?

7 A I have never placed a lot of credence in that so I
8 don't really know.

9 Q Well, that's caused by the potassium content from the
10 breakdown of the red blood cells; is that right?

11 A I don't use that as a measurement of cause of death
12 or time of death, never used it.

13 Q But my question is how long does it usually take?

14 A I don't know. I've just never used that as an
15 indicator. And you're saying that's for a time of death,
16 an estimated time of death?

17 Q I'm just asking how long does it take for that to
18 occur?

19 A Well, yesterday I saw a person who had been dead 24
20 to 48 hours, his eyes were really cloudy, but his were
21 markedly cloudy and he died on his face so his eyes were
22 about as red as a beat.

23 Q Would you think a couple of hours would be --

24 A I never use that. I never make mention or
25 determination or significance to that, I really don't.

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1 Q You didn't find any semen?

2 A No. That was not part of my examination. The
3 samples I collected would be for that purpose.

4 Q Did you see any evidence there being any type of
5 gastrointestinal procedure?

6 A Such as surgery?

7 Q Any type of surgery or anything?

8 A No. I did mention the appendix was present so she
9 had not had an appendectomy.

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

11 (Break in proceedings.)

12 MR. JORDAN: No further questions.

13 MR. BARFIELD: Just a couple.

14 REDIRECT EXAMINATION

15 BY MR. BARFIELD:

16 Q Mr. Jordan was asking you about vomitus and the
17 asphyxiation and the inner-play between the two of them.
18 I think he got you to acknowledge that vomiting something
19 up into your mouth could cause asphyxiation; is that true?

20 A It could cause some difficulty breathing but
21 generally you clear that, cough it up or blow it out of
22 your nose.

23 Q And could asphyxiation or some disturbance of the
24 airway, the nose, the mouth, produce vomiting?

25 A That's a sequence of -- yes, that's a sequence that I

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1 would accept as occurring here.

2 Q Mr. Jordan was asking you about hypertension, which
3 is high blood pressure; is that correct?

4 A Yes.

5 Q And plaque and all kinds of other symptoms. Did any
6 of that, the high blood pressure, cause Judith Hinson's
7 vagina and rectum to be injured like they were injured?

8 A No.

9 Q No medical condition produced that?

10 A No.

11 MR. BARFIELD: Thank you, that's all.

12 THE COURT: All right. Thank you, Doctor, you may
13 step down.

14 MR. BARFIELD: Ask that he be excused if he would like
15 to.

16 THE COURT: You are excused from your subpoena.

17 The witness, KEITH THROWER, was first duly sworn and
18 testified as follows, on:

19 DIRECT EXAMINATION

20 BY MR. BARFIELD:

21 Q Mr. Thrower, by whom are you employed?

22 A South Carolina Law Enforcement Division.

23 Q How long have you been employed by Sled?

24 A Six years.

25 Q What is your current job with Sled?

TESTIMONY OF KEITH THROWER

1 A I am on the bloodhound tracking team and on the SWAT
2 team.

3 Q Were you on the bloodhound tracking team and SWAT
4 team back in August of 2005?

5 A I was.

6 Q How do you get on the bloodhound tracking team? Let
7 me ask you this first: What is Sled's functional purpose
8 for a bloodhound tracking team?

9 A Its only function is for man tracking, that's it.
10 And we have six dedicated guys and that's all they do.

11 Q When you say man tracking, what do you mean by man
12 tracking?

13 A Physically using a dog and using our skills as actual
14 tracking skills, using not just a dog's nose but our
15 visual like sign and some other things to tell whether a
16 person had been through there -- an area or not.

17 Q Does man tracking imply or flat out tell us trying to
18 find human beings?

19 A Correct. It would be like finding a foot track and
20 then you're identifying that the dog is definitely on a
21 specific subject because we can get shoe impressions from
22 the crime scene and follow those. We can see -- certain
23 branches will be broken and by human beings that aren't
24 going to be broke by animals and so all of that is an
25 indicator that you are actually on a human being.

TESTIMONY OF KEITH THROWER

1 Q Now, does the Sled tracking team track folks who are
2 wanted for the commission of crimes?

3 A We track all criminal activity, we track missing
4 people. But the only thing we do track is human beings,
5 that's the only thing we do track.

6 Q How do you become a member of the Sled dog tracking
7 team?

8 A You apply, or you transfer into the unit. I actually
9 applied. I left the bureau of protective services in 2002
10 and came on to the bloodhound tracking team.

11 Q How were you trained to be a member of the -- what is
12 your position with the sled bloodhound tracking team right
13 now? Where are you in the hierarchy there?

14 A I'm a team leader.

15 Q How many teams does Sled have?

16 A We just have one team and I'm the team leader over

17 the bloodhound tracking team. We have a lieutenant who is
18 also an operations officer over the SWAT team so I kind of
19 help out with the training and make sure the dogs are
20 trained and make sure all of the guys are trained up.

21 Q And how many guys are on the bloodhound tracking
22 team?

23 A With the lieutenant and myself there's going to be
24 seven of us.

25 Q And how many dogs are a part of the bloodhound

TESTIMONY OF KEITH THROWER

1 tracking team?

2 A Right now we have ten.

3 Q Where does Sled -- are they bloodhounds?

4 A They are a bloodhound mix. We use bloodhounds. We

5 use Red Bones, Blue Tic, and we play with the mixture

6 because a bloodhound has a lot of difficulty in the heat

7 and humidity. Red Bones and Blue Tics are good hunting

8 dogs in the south, so you mix a little bit of them in.

9 But keeping the bloodhound percent high really helps their

10 being able to take the heat and stay on the trail longer

11 because a lot of our trails are long trails.

12 Q Where does Sled get their hounds? I'm going to call
13 them hounds.

14 A That's fine. We breed or own dogs.

15 Q Are you part of that process?

16 A I am.

17 Q That is a weird question to ask.

18 A Yes, sir. I have bread many a litters. We just had

19 a litter back in May that was just born, and actually with

20 those dogs we had to bottle feed them because the mother

21 died after two days and we had to bottle feed eight dogs,

22 so we've become very intimate with the dogs. We know

23 these dogs just like your brother or sister.

24 Q Who trains the Sled bloodhounds?

25 A We do. We do all of the training. We actually train

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1 dogs and if it's not up to our quality we will actually
2 give it away to other counties or municipalities if they
3 need a dog.

4 Q Do you ever send your dogs to somebody else to be
5 trained?

6 A No.

7 Q What about when a bloodhound is following a trail,
8 what is the -- what scent is the bloodhound using the
9 trail?

10 A Scent is not the right term, basically the human
11 body.

12 Q What senses of the dog, is what I am asking, are used
13 to follow a trail?

14 A Well, his nose. But what he's actually smelling is
15 not the human scent. If we were to put our bodies under a
16 microscope you look like Pig Pen from Peanuts. You've got
17 skin cells just falling off of you and as these skin cells
18 fall on the ground bacteria will eat it, which releases a
19 hormone and that's actually what the dog smells and that
20 hormone is unique to every single human being.

21 Q All right. Explain to the jury generally speaking
22 how -- and in the terminology that you use how you employ
23 a bloodhound to man track?

24 A Generally when we get on scene local, state, county
25 or whoever explains what happened, the situation as best

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1 they know. Depending on what it is, whether it's somebody
2 running from a car, whether somebody is running from a
3 house, whatever it may be, I'll make a determination of
4 how we're going to start to "cut the dog". And what I
5 mean by cut the dog is working the dog to try and
6 establish a trail. And generally what I'll try and do we
7 will start by finding out where everybody has been as far
8 as pedestrians, officers or anybody else and I will try to
9 get outside of that so that I know that I have a clean,
10 fresh area to work within so if I do strike the trail I
11 know it's the actual person that I am looking for.

12 Q How do you know when a bloodhound strikes a trail?

13 A There's a lot of different indicators. Some of our
14 dogs their tail shoots up, some of the other dogs they
15 will just start pulling and barking. Some dogs give
16 subtle hints where they turn their head and keep on

17 walking. A lot of times that will happen when the trail
18 is older and it's not as fresh. He'll tell you that it is
19 there but he is going to keep on checking so I will
20 remember that spot and when I come back I will check it a
21 little bit better, like I said, using visual tracking
22 skills. I might say hey, I see a track right there, or
23 I've got a break in a stick and then I'll know that's
24 where he went and then you put the dog in. Then you keep
25 going for a little bit further and then you can hold them

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1 back and then they'll start indicating by either barking
2 or keep them pulling on and that's how you know that
3 you're on the trail.

4 Q Are the dogs tethered when they are working a trail?

5 A We do have them on a lead. We generally are running
6 with them on lead. Some of our longer extended trails
7 we'll actually let go of the dog when we know that
8 definitely we're on the trail and we'll run with them off
9 lead. We do this to gain time on the suspect or the
10 missing person for that matter, because a lot of times we
11 end up being just from the nature of where we're
12 responding two hours behind the suspect, sometimes three
13 hours. We run 24 hour old trails because the next day
14 they decide they want us to come out and try to see if we
15 can establish a trail.

16 Q Have you been called upon to testify in any court in
17 anywhere before as an expert in man tracking through your
18 employment by the State Law Enforcement Division?

19 A Yes, sir.

20 Q And have you been qualified in this state before?

21 A I have in federal court in the State of South
22 Carolina.

23 Q How recently was that?

24 A I believe that was in '06, I think. I would have to
25 go back and look at my transcripts.

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1 Q That's fine. Did you get called -- I'm going to come
2 back to the qualification in a minute. Did you get called
3 upon to come to Chester County on the morning of
4 August 27th of 2005 to attempt to do a man tracking?

5 A I did, yes, sir.

6 Q Did you come with somebody else?

7 A I did. I came with Agent Kenny Williamson.

8 Q Is he a member of your team?

9 A He is.

10 Q How many bloodhounds did you bring?

11 A We always bring two.

12 Q Did one of them in particular help you?

13 A Well, I can explain it better this way. We bring two
14 dogs; one, in case a dog gets hurt or injured, or the
15 trail is so long that we need to trail out dogs. As a
16 matter of fact, the dog that I used on this trail was

17 bitten by a snake on another call so I actually had to get
18 another dog and put it on the trail while the county guys
19 rushed her to the hospital to save her life.

20 Q In this particular case?

21 A No, not this case but this particular dog that I used
22 on this particular case. So that's why we bring two dogs.
23 We have four top-line dogs and a few other dogs that are
24 backing them up. So we'll take any of the four top line
25 dogs and put them in the wagon. Generally what I will do

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1 is if I know one of the other dogs went out the night
2 before I'll make sure I pick one of the other ones because
3 they are all very equally as good so we can put any of
4 them down. We just don't want to break one dog down
5 because if it was out the night before we want to give it
6 a break.

7 Q Who was the dog that was used to do the man track in
8 this case?

9 A Judy.

10 Q Is Judy one of the four top-line dogs?

11 A Yes.

12 MR. BARFIELD: Your Honor, at this time I would offer
13 Agent Thrower as an expert in man tracking.

14 MR. DUNN: If I may voir dire him just for a second,
15 Your Honor.

16 VOIR DIRE EXAMINATION

17 BY MR. DUNN:

18 Q I just want to make sure what you just testified to.
19 You have testified in federal court, correct?

20 A Correct, in the State of South Carolina.

21 Q And you have been qualified in federal court in the
22 State of South Carolina?

23 A That is correct.

24 Q Have you ever been qualified in state court in South
25 Carolina?

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1 A I have not been qualified in state court, but I have
2 been qualified in federal court.

3 Q In the state court have you ever been disqualified?

4 A I have never been disqualified in state court.

5 Q Have you ever been disqualified in federal court?

6 A I have never been disqualified in federal court.

7 Q How many times have you been qualified in federal
8 court?

9 A One time in federal court.

10 Q That was the only time you have been called to
11 testify?

12 A That is not the only time I was called to testify,
13 that was the only time that the attorney asked for me to
14 be qualified.

15 Q And the other time that you have testified, have you
16 testified to matters of K-9 and --

17 A That's the only thing I have testified to while I
18 have been employed at Sled.

19 Q How many times do you think you've testified in court
20 total?

21 A Twice federally, and I'm trying to think back for
22 over six years, a handful of times in state court. I have
23 been subpoenaed a bunch of times that never went to court.
24 I can't give you a number right off the top of my head.

25 MR. DUNN: I don't have any further questions, Your

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1 Honor. Beg the Court's indulgence.

2 (Break in proceedings.)

3 MR. DUNN: Judge, I object to him being qualified but
4 I will leave in the Court's discretion. I don't have any
5 ground, I just --

6 THE COURT: I grant the motion to qualify the witness
7 as an expert in man tracking.

8 Q Agent Thrower, did you, in fact, come to Chester
9 County on August 27th of 2005 to work Sled bloodhounds?

10 A Yes, sir.

11 Q About what time of the day or night did you get here?

12 A They called me at my house at 6:00 in the mornings in
13 Columbia and I would imagine going to headquarters,
14 loading up, getting up here, somewhere around 8:00
15 probably got up here.

16 Q Dogs stay at headquarters?

17 A Yes, sir. And we have to pick up our vehicles that
18 we transport them in.

19 Q The general area that you reported to in Chester
20 County, do you remember the name of the road?

21 A [REDACTED] -- [REDACTED], I think, [REDACTED], I might be
22 pronouncing it wrong.

23 Q When you get a call and start loading up, do you know
24 anything about the nature of the event initially? And in
25 this case particularly did you know anything about the

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1 nature before you got there?

2 A Generally they will just wake us up especially in the
3 middle of the night, they will say, "You've got a murder
4 at a residence and you need to respond." And I will say
5 okay. I will go ahead and wake up, get to headquarters
6 and on the way I'll call and see -- sometimes I'll try to
7 call some of the local guys and see if I can get anymore
8 information, especially if they know somebody is on the
9 ground because I might want to bring more assets with me.
10 But on this particular morning I think our crime scene
11 unit was in route so I didn't know the time frame of when
12 the murder had happened or anything like that so we just
13 decided to go just ourselves to see what we could assist
14 the sheriff's department with.

15 Q You said something a minute ago. If you know there's
16 somebody on the ground you bring more assets.

17 A Well, like if I call the locals who are actually
18 calling us they'll send us a number and I'll call and talk
19 to either the deputy or the person in charge on the scene
20 and they'll say, yes, he ran out of the vehicle and we
21 know he's in the woods. We might call the helicopter out,
22 we might call some extra Sled agents to come help out and
23 set the perimeter. I'll try to find out a little bit more
24 about the situation.

25 Q When you're running a trail, what are you paying

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1 attention to?

2 A I'm paying attention to the dog. I'm paying
3 attention to the dog if I'm running the dog. If I am
4 running the dog and my partner is running the dog, I'm
5 paying attention to the ground and the things that are
6 surrounding that dog's nose. Because there's a lot of
7 times that a dog can miss a turn but I'll be able to see
8 it visually and then you'll pull the dog back and it knows
9 the turn is right there.

10 Q Now, step down, with the Court's permission. I want
11 to ask you about this particular trail.

12 THE COURT: Sure, go ahead.

13 Q First of all, did you know when you got there that
14 there was a homicide?

15 A Yes, sir.

16 Q When you got on the scene did you determine the
17 residence -- were you briefed about the residence that the
18 homicide occurred at?

19 A Yes, sir. I met with the sheriff's department in the
20 front yard right here of the victim's house and they told
21 me what they had, that they had an open window in the back
22 with some blood going down it, a knife, there was a
23 cigarette lighter maybe, and they felt like that could be
24 a point of exit.

25 Q All right.

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1 A And entry, they weren't sure at the time. But with
2 the items they found they felt like it was definitely some
3 point of entry made.

4 Q At that point was there a suspect in the case? Was
5 any name given to you about who this might have been?

6 A No.

7 Q Did you have any need or business to go inside of the
8 house?

9 A I think I talked with the crime scene guys and maybe
10 some of the sheriff's department guys to find out if
11 there's any foot tracks left. Because like I said, I
12 visually go in and look at them myself so when I'm out on
13 the trail I know exactly the foot track that I'm looking
14 for.

15 Q Was this a foot track case?

16 A No. They did not have a foot track inside.

17 Q Do you have any need to take the bloodhound inside of
18 the house?

19 A I do not.

20 Q Did you determine how many people had been on the
21 scene in general and how big an area those people had
22 trampled around?

23 A You know, sometimes people walk in areas they say
24 they didn't walk in and things of that nature. There was
25 some crime scene tape set up around the back of the

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1 residence. I went ahead when I initially got the dog on
2 the ground and after I had spoken with the sheriff's
3 department, I did cut Judy on the inside of the crime
4 scene tape just seeing if she might be able to establish
5 the trail. But the problem is as I have explained before,
6 a lot of times there's some contamination and it's hard
7 for a dog to discriminate the trail. So at that point in
8 time we started out here on the side because I felt that
9 if this was a point of exit and this was just me in my
10 mind trying to think like a criminal, I was going to
11 eliminate the front side of this house and then
12 concentrate on the back side of this house. As I was --
13 this wood line right here established a good boundary of
14 where I knew people weren't going to be, so as I was
15 cutting Judy around the side of this house or around the
16 side of these woods. I noticed this grass right here was
17 a lot higher than the rest of the grass in the yard, and
18 at that time of the morning, 8:30 or 9:00, somewhere in
19 there, there's a lot of dew on the grass and the grass was
20 laid down like somebody had walked through there. In
21 these trees right here there was some -- there's a guy --
22 and I told him not to come any further -- I said, "Have
23 you walked over here?" And he said, "No." And I turned
24 to the deputies and I said, "Has any of your guys walked
25 here?" He verified that none of his people, and I said,

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1 "Well, somebody has been there --"

2 Q Stop right there. You saw some guy over there?

3 A I'm sorry.

4 Q That's fine, I just want you to clarify.

5 A He was out here on this little road right here kind
6 of on this side of the wood line right here.

7 Q Did you ultimately determine who it was?

8 A I did once I approached him. I just told him to stay
9 where he was right now.

10 Q We have some labels here about where some folks live.
11 Did you determine whether it was the occupant of the
12 residence?

13 A It was John Bernat that I was talking to. But as I,
14 said, Judy struck that trail, came through here and down
15 the road straight to his trailer.

16 Q All right. Stop. Judy struck a trail. How do you
17 know that Judy has struck a trail? How did you know that
18 Judy had struck a trail?

19 A Like I said, when I visually saw as we were coming up
20 and Kenny was walking the dog, I watched her as she came
21 right to where we were watching -- where I could see the
22 foot tracks going through the dew. She turned her head
23 and went straight towards Mr. Barnette's (sic) trailer.

24 Q Now, did she bark? Did she pull anybody out of his
25 boots trying to get down there?

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1 A No. I know it was I think -- I'm not sure at what
2 time the family met and found her or whatever, but I know
3 that we were probably four hours -- we were probably six
4 hours behind this guy, so her indications would be a lot
5 more subtle. If it was a warmer trail she would probably
6 start baying and just wanting pull you out of your shoes.
7 But her indication was a little bit more subtle, she just
8 turned hard and kept pulling towards this dirt road right
9 here and then coming around here.

10 Q Use that for a pointer. Show the jury where she
11 first struck the trail.

12 A I would say this little field right here is all high
13 grass, it was about right here.

14 Q Okay.

15 A Coming to where this little thing is and she went
16 straight across here.

17 Q Not along the wood line but kind of cut the corner
18 across the edge of this field?

19 A Yeah. Kind of came through here out on this little
20 road and came to his thing. I'm trying to remember
21 exactly, but it was somewhere through this little woods
22 straight to his trailer right here. Because we met up
23 with him and talked with him right in front of his
24 trailer.

25 Q Show the jury on the map where you saw the sign that

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1 the fresh grass --

2 A Right here, through this field right there.

3 Q Okay. And literally, where did the dog go?

4 A Straight to his trailer, straight right out in front
5 of his trailer.

6 Q Let's talk again about Mr. Bernat. You saw him in
7 the woods along the edge of the road.

8 A Yes, sir.

9 Q Did you give him any instructions?

10 A I just told him to stand by and we would get to him
11 as soon as we got there.

12 Q Did he sit still after you told him that?

13 A He did.

14 Q Did he move himself any closer to the Hinson home
15 while you observed him?

16 A No.

17 Q While you were out with Judy running this trail or
18 trying to cut her to establish a trail, did you see any
19 other people in that area where the dog was pulling?

20 A Not to my recollection. And I actually -- if that
21 trail that we have established I'm -- Judy would have gone
22 straight to him but she didn't, she went towards his
23 trailer. I don't know if you're following me, but she
24 didn't really pay attention to him, she went to his
25 trailer.

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1 Q Okay. All right, sir. Now, got Judy to the trailer,
2 had some conversation with Mr. Bernat at some point?

3 A I asked him if he had been over to Ms. Hinson's
4 house -- and I didn't know her name, I said, "Have you
5 been to your neighbor's house?" And he said, "No."

6 Q Don't quote him any further, but let me ask you a
7 couple of other questions. Did he provide you some
8 information that you found useful?

9 A Yes, he did.

10 Q After receiving that information from Mr. Bernat,
11 what did do? Let me ask you this: Was there any other
12 trail struck or followed on the front side of the Hinson
13 residence?

14 A Well, we were told that the name we provided was
15 recognized by the sheriff's department. I went ahead and
16 finished my cut with Judy cutting along the whole wood
17 line all of the way around. I came up here on the back
18 and wanted to concentrate on this back yard area. There's
19 a --

20 Q Did you -- before you get into that let me ask you,
21 did you observe the back side of the house; the window,
22 the knife, the lighter, all of that stuff?

23 A Yes. Actually before I put Judy down on the ground I
24 visually just looked the entire scene over to see if I
25 could see where a person possibly, you know, walked or

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1 tried to make exit.

2 Q All right. You're on the back side of the house.

3 A Yes, sir.

4 Q Go ahead.

5 A We continued our cut and there's like a little grassy
6 path, a four-wheeler trail right here, Judy turned and was
7 back on a trail -- back on that trail going through here
8 and came out to this little grassy area where the barbed
9 wire fence is and we put her over the fence --

10 Q Stop right there, we're going to come back to the
11 road in a minute. She got on a trail. Did she indicate
12 when she got on the trail?

13 A Yes. On the beginning part -- I probably didn't
14 explain this -- we do something what we call is we skid
15 them and we use the word because it's a word that nobody
16 uses. And we skid the dog and love them up and try to

17 ~~explain to them this is who we want you to get. And why~~
18 we do that is a lot of times we're running a trail in say
19 the city or a very contaminated are and the dog can scent
20 discriminate, it can tell between the person they're
21 chasing and a person just walking by. And that's why I
22 was telling you about the rat, they can tell the
23 difference between dogs but you've got to lock them in on
24 that scent. So I felt pretty confident that she was back
25 on it coming out of here, especially since the exit point

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1 was out the rear.

2 Q When you say back on it meaning back on what?

3 A Back on the suspect's trail.

4 Q Same trail that she was following over there?

5 A Right. Because as she was coming around she wasn't
6 indicating anything, and this happens all of the time, we
7 can spot them a mile away, we put the dog on -- we will
8 hop in the vehicle or fly the helicopter over to this spot
9 and put the dog back down and boom, she'll take right back
10 off again.

11 Q Were the indicators similar both on the Bernat side
12 of Ms. Hinson's house and the side of Ms. Hinson's house
13 headed down toward Debruhl Road?

14 A Yes, sir.

15 Q All right. Now, you got to a fence line.

16 A Got to a fence line, barbed wire fence right here and

17 then we put her over, she continued out into the roadway
18 heading down toward this way. And she just kind of -- I
19 didn't want to push her and I didn't want to -- I was
20 testing her, I was holding her back and saying it and I
21 said, Let's make sure -- whenever we come out to a
22 transition we like to 360 cut it.

23 Q Transition means an intersection or a roadway?

24 A A road or say a creek that's got flowing water. If
25 the dog wants to go this way you better cut up stream

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1. because he could have gone up stream in following the
2 trail. So we ended up doing a 360 cut all around here
3 just to make sure, one, he didn't back track into the
4 woods on us or didn't turn to the left or the right of
5 here or walk down the road this way. And we really
6 couldn't establish a trail back off from our original
7 trail heading that way and she wouldn't pick it up going
8 that way.

9 Q From a factual standpoint you can't tell us who Judy
10 was trailing, can you?

11 A No.

12 Q Okay. Any further work with the bloodhounds for this
13 case on this particular day?

14 A I decided that it would be a good thing -- as this
15 trail right here at the time, I didn't know -- I knew and
16 I had here and I knew I had this here I went ahead and cut
17 this whole wood line here with her and then cut along this
18 wood line here on this side just to kind of widen my scope
19 on this and I didn't get any trails at all.

20 Q Struck no other trails?

21 A No, sir.

22 Q All right, sir. Let me hold my pen back then and you
23 can resume the chair unless Mr. Dunn wants you to stand
24 down here so he can ask you questions.

25 MR. BARFIELD: That's all I have.

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1 MR. DUNN: And I would ask for a break before we
2 resume cross examination, Your Honor.

3 THE COURT: I think so. I think this is a good time
4 for us to take our afternoon break. Let's take about a ten
5 minute break and let you go to the jury room. I'll remind
6 you it is too early for you to begin discussing the case.

7 (A break was taken.)

8 THE COURT: Let's go back on the record. Let the
9 record reflect that the Court has had a conversation in
10 chambers with the attorneys involved in this case. And
11 upon further reflection the Court has some concern about
12 whether or not the last witness, Mr. Thrower, whether his
13 credentials and background experience were sufficient for
14 him to actually be qualified. The Court proposes that we
15 take additional testimony, if there's any additional
16 testimony available. Solicitor?

17 MR. BARFIELD: I will recall -- or have Mr. Thrower
18 answer some additional questions from me.

19 THE COURT: Let me see if there's any objection to
20 that procedure from the defense.

21 MR. DUNN: I think that would be the appropriate
22 remedy at this point, Your Honor.

23 THE COURT: And for the record without the presence of
24 the jury, again we're going into his qualifications. He
25 has already -- the Court has already qualified him as an

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1 expert.

2 MR. BARFIELD: Yes, sir. I'm continuing my direct
3 examination.

4 THE COURT: Without the presence of the jury.

5 CONTINUED EXAMINATION

6 BY MR. BARFIELD:

7 Q Agent Thrower, let me ask you a few additional
8 questions going to the whole field of man tracking. First
9 of all, you personally -- have you had training in man
10 tracking with bloodhounds?

11 A I have. We do internal training and we also go to
12 other schools outside of our own. We actually teach man
13 tracking throughout the state, teach other agencies. I
14 have run other agency's dogs and trained their dogs for
15 them. Like I said, we do breeding and we actually give
16 dogs to other agencies and help their tracking teams get
17 the skills that we have.

18 Q What formal training or courses have you taken?

19 A I have been to the National Police Bloodhound
20 Association's man tracking school.

21 Q Did you successfully complete that school?

22 A I did, I have certification from them. I went to --
23 it's a school calls TEES, which I am probably going to get
24 it wrong, Tactical Explosive Experts Systems, or
25 something, I can't remember the exact -- but they gave me

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1 a tactical tracking class which was a British SAS officer
2 and marine force recon marine would give you a tracking
3 class -- visual tracking class and learn for sign and for
4 shine and discolorations and other things.

5 Q For the human to observe?

6 A For a human to observe, yes, sir.

7 Q Did you successfully complete that course?

8 A Yes, sir. I have certification for that course. I
9 have got like K-9 emergency rescue and some other things.
10 But the main thing for Sled is, you know, Sled is an
11 established program since I believe 1949, right around
12 there is when I think they bought the first bloodhound.
13 We have pretty much been in the bloodhound business since
14 and we are known throughout pretty much the southeast as a
15 good dog program. As a matter of fact the Discovery
16 Channel wanted to film our team exclusive over the course
17 of three months and produce a TV show about us, but at the
18 time our chief did not feel that that was going to be --
19 he didn't like it, the idea of it. But they were so
20 impressed they went all around the country looking at
21 other tracking teams and they were extremely impressed
22 with us and wanted to film us for a TV show.

23 Q Now, is the tracking of humans by dogs, and
24 particularly bloodhounds, based on science or, scientific
25 principles?

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1 A Yes. There is science backing it up, yes, sir.

2 Q Okay. Is there a general acceptance among law
3 enforcement agencies of the efficacy of using a dog to
4 track humans?

5 A Yes, sir. I mean, I know other agencies might use
6 other dogs, Labradors and other dogs to hunt humans. But
7 it is known that a bloodhound is the best dog to use for
8 tracking a human scent because that's all -- a Maliwall
9 (phonetically) can be multi-trained in different facets,
10 it can be bottom detection, bite dog. A bloodhound can do
11 one thing and one thing only and that is tracking a human
12 being.

13 Q Is there any way that you all judge the rate of error
14 of your tracking dogs?

15 A Probably the best way to describe this is when we
16 breed a litter we start off -- say we have eight dogs,
17 ~~when they become eight weeks old we take them out and we~~
18 start training them. We either use colored collars or we
19 number them with hair dye, and what we do is we start by
20 visual -- they visually track us and we work with them.
21 We are basically running, we play a game with them and we
22 teach them to enjoy chasing a man. And as we continue
23 this game as they get a little bit older we will actually
24 start to disappear a little bit more and this forces the
25 bloodhound to try to start and using their nose. And as

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1 they get old doctor and progress we will actually start
2 leading a trade A, we will just say walk off in the woods
3 for five minute and then we will put the dog down and we
4 will work with them, like I said, telling them skid and
5 walking them through the trail. Eventually we'll start
6 putting them in harnesses and leads. We will continue to
7 start aging the trails from ten minutes to say 20 minutes
8 and on up to an hour. And, you know, cases with Judy and
9 some of our other dogs, we'll run a 24 hour old trail just
10 to maintain their ability to do that. The training
11 process is intense, we write it down on paper so that we
12 know exactly which dog is the strongest and what
13 qualities. We go from everything from barking on the
14 trail to striking the trial, to staying on the trial,
15 staying with the man. Because a lot of times if they get
16 behind a running person we want to make sure that they
17 will stay behind them and that's called desire. Number

18 one, we want that dog to have desire to chase the man.

19 Q Now, do you evaluate these dogs as you go through the
20 training process?

21 A The entire way, yes, sir.

22 Q Are there some dogs that are eliminated as not
23 meeting the standard?

24 A Every litter there's dogs eliminated. Very few dogs
25 become Sled running dogs, very few.

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1 Q Is there some form of peer review of the capabilities
2 of the agents and the bloodhounds who are on Sled tracking
3 teams?

4 A Are you talking about a peer review of like each
5 agent?

6 Q Like is somebody checking up on --

7 A Sure. The supervisor, the team leader, myself, you
8 know, I'll check up on them. When I first got on the team
9 the senior agents, one of them, had six years experience,
10 they would check up on me and make sure I'm doing my stuff
11 right and training me. And like I said, we do a lot of
12 in-house training. Freddie has got -- that's my
13 supervisor -- has got 22 years of experience in man
14 tracking. And I mean, he is known throughout the state as
15 definitely the man with the most experience besides his
16 former boss, which was Hoss Horton who is a legend in the
17 state. So our in-house training is the best in the state
18 as far as I'm concerned.

19 Q Now, let me ask you a couple of specific questions
20 about Judy. How old was Judy in August of 2005, if you
21 know?

22 A August of 2005 Judy would have been three.

23 Q And had she been completely trained by the time that
24 you brought her to Chester County to run this track?

25 A Yes, sir. Judy was -- actually we got Judy from

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1 Wateree Prison. She -- sometimes we'll exchange dogs with
2 other agencies just to bring in a new blood line and she
3 was trained from eight weeks old until about three months
4 or four months and then they gave her to us and we
5 continued her training.

6 Q All right. Fully trained at the time you ran this
7 track.

8 A Yeah. By the time a dog gets to about two they're up
9 and running. They should -- very few dogs went running
10 trails prior to -- the females tend to progress quicker
11 than the males. And, of course, so Judy being a female
12 she progressed to being a running dog very much earlier.
13 Some of the males might take two years.

14 Q How good was her ability to pick up a human scent?

15 A Judy is awesome, she's great. That's why she's one
16 of our top dogs.

17 Q Do you have any assessment of her ability to
18 distinguish between a human scent and a non-human scent?

19 A Yes.

20 Q Good at it or not?

21 A Very good at it. I've not known Judy to ever run an
22 animal, she's strictly a man-tracking dog.

23 Q I think you've answered my last question. Do you
24 have an assessment of her reliability?

25 A I'm extremely confident of Judy, otherwise I wouldn't

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1 put her down on the ground.

2 MR. BARFIELD: Your Honor, I believe that's all of the
3 follow-up questions I have.

4 MR. DUNN: Just a couple, Your Honor.

5 THE COURT: Cross examination.

6 FURTHER CROSS EXAMINATION

7 BY MR. DUNN:

8 Q How does the dog differentiate between a human scent
9 and animal scent?

10 A How does it differentiate?

11 Q I mean, what causes it to track the human and not
12 track the rabbit?

13 A Well, because we track -- train our dogs only to
14 track human beings. And a bloodhound is -- its nose is
15 geared towards tracking human beings. It's not really --
16 they don't really go for animals as much as a normal dog

17 would. Most of our dogs when we're running in the city
18 and there's cats and dogs and everything going around,
19 they don't care about it. They're locked in on the human
20 trail, it just doesn't bother them.

21 Q I think you already said this once but we're having
22 trouble hearing you on that side of the courtroom. What
23 exactly is it about the humans that they are tracking,
24 what scent or smell or --

25 A As I said, if you looked at the human body under a

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1 microscope you would look like a giant dust cloud. Your
2 cells are constantly falling off of your body. So as
3 you're moving through an area your cells are falling off
4 of your body walking through the woods. As those cells
5 lay on the ground they deteriorate and they're eaten by
6 bacteria and the bacteria releases some type of scent and
7 that's what they actually smell. It's not the human
8 scent, it's the raft is what they're smelling.

9 Q Is the raft scent different then between human to
10 human?

11 A Yes. Because each human when the bacteria eats it or
12 eats the cell it releases a different scent for each
13 human.

14 Q So to the best of your knowledge have they ever
15 determined how many different rafts there are?

16 A I don't know. How many people are on the planet? I
17 don't know.

18 Q I guess maybe my question should be like this. Is a
19 raft smell like a fingerprint where every person is unique
20 or is it more like blood type where people have certain
21 types of raft smells?

22 A I don't have a Ph.D in science, but what I do have a
23 Ph.D is knowing that when a dog is on a human track. As
24 far as answering that I would have to go get out the book.
25 But I'm just telling you, from what I have read about a

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1 dog, a bloodhound tracking, what they smell is the actual
2 bacteria eating of the human cell and it is different in
3 every human being.

4 Q I'm not trying to trip you up or anything --

5 A No, I understand. I'm just trying to explain to you
6 I can't tell you --

7 Q Do you remember when you were taught this -- in all
8 of the books when they taught you, did they tell you how
9 unique the raft was between people or not?

10 A I heard it as unique as DNA. It's a unique smell to
11 each human. And there's another thing to think about,
12 too, there's a thing called fear scent. A person just
13 walking normally they say that the dog can actually smell
14 a person who is being in fear more than a person that's
15 not in fear. So if you've got a contaminated area with
16 people just walking around and you've got a person who
17 just committed a crime or something like that, that scent
18 is going to be stronger for the dog.

19 Q Do you understand the scientific --

20 A I don't understand the scientific of it, that is just
21 something I have read in many articles about tracking and
22 been taught to me down through the schools and things of
23 that nature that I have been to.

24 Q And I think this is the last question, the dogs are
25 not always 100 percent accurate, correct?

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1 A I've never known anything to be 100 percent accurate
2 in anything.

3 Q How accurate is Judy in tracking the scent?

4 A I can't give you a percentage on that. Judy is a top
5 line dog for Sled, she has had many catches in her career.
6 She has done some amazing things as far as the age of the
7 trail that I couldn't believe that what she did. I'm
8 confident in her because I trained her for six years now
9 and I've had two litters with her and her litter is now
10 becoming top-line dogs. So she has got the genes, she has
11 got the training and she is one of Sled's best dogs.

12 Q Let me ask you this like this, has she ever struck a
13 trail that turned out not to be a trail that she was
14 supposed to be trailing or tracking?

15 A Not to my knowledge. She might have struck a trail
16 when somebody said they weren't -- when they said that
17 there was no contamination there and then later I found
18 out it was a police officer, then I would have to go back
19 outside of where he was and restrike the actual suspect's
20 trail.

21 Q How much -- is there a threshold as to how many
22 people can't be in an area before you contaminate it?

23 A There's no threshold. If you put a scent article in
24 the middle of this floor, all of y'all are walking around
25 here and it was your jacket, she would track you. But if

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1 I don't have a scent article I have to get outside of the
2 contamination so that I can establish a trail.

3 Q So you have got to go out and find a trail --

4 A No. I have to cut for the trail, I have to search
5 for the trail outside of the contaminated area. If I know
6 that everybody was in the front yard but nobody was in the
7 woods then I will use the woods as my place of where I'm
8 going to cut and I know I will establish a suspect trail.
9 Because when I get on scene the victim said, "Yeah, he ran
10 off in the woods. Was anybody been in the woods? No, we
11 were right here, we're waiting on y'all to come." A lot
12 of times they'll wait and preserve the scene for us so
13 when I get in there I know it's my subject's trail.

14 MR. DUNN: I don't have any further questions, Your
15 Honor.

16 THE COURT: Thank you, Mr. Dunn. Anything further?

17 MR. BARFIELD: Nothing further from the State on the
18 qualification issue.

19 THE COURT: Any additional argument concerning this
20 witness' qualifications?

21 MR. BARFIELD: Your Honor, I believe we have covered
22 the legal standard insofar as it's possible with a dog.
23 This is not like a scientist in the lab and a microscope.
24 Man-tracking is a little bit science, but nonetheless there
25 is some science to it and I think we've established the

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1 foundation for the qualifications of this expert to the
2 extent possible in the field of man-tracking.

3 THE COURT: And Mr. Dunn?

4 MR. DUNN: Your Honor, my only concern is that we
5 can't have any standard as to the dog's reliability as far
6 as records or -- we know that she's not 100 percent
7 reliable but very few things in life are 100 percent
8 reliable. But we don't have any kind of number that can be
9 given to me to establish the liability. Under the White
10 case I think that's one of the -- as far as I can tell from
11 reading White there's three things that have to be shown.
12 The extent of the handler's appearance and training, that
13 has been well-established. The dog's characteristics of
14 scent cuity and power to discriminate between human and
15 other scents. Again, I don't think there's a whole lot to
16 argue about that. And then the third thing is the

17 handler's assessment of the dog's reliability is the third
18 thing. And like I said, Your Honor, I just -- my only
19 concern would be that we can't get some kind of number on
20 Judy's reliability and as such I would maintain my
21 objection that I earlier raised for the Court -- for the
22 record, Your Honor.

23 THE COURT: All right. The Court is satisfied of his
24 qualifications.

25 MR. BARFIELD: Thank you, Judge.

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1 THE COURT: Now, are we ready for cross examination?

2 MR. DUNN: Yes, sir.

3 (The jury returned to the courtroom.)

4 THE COURT: Welcome back, ladies and gentlemen. I
5 believe we're ready to continue with the cross examination
6 of this witness.

7 MR. DUNN: If it please the Court?

8 THE COURT: Yes, sir, Mr. Dunn.

9 CROSS EXAMINATION

10 BY MR. DUNN:

11 Q Agent Thrower, we talked about the trail that you
12 think that Judy struck, right, it's been probably 20 or 30
13 minutes since the last time we talked.

14 A Uh-huh.

15 Q The dogs that Sled uses, they are not always
16 100 percent accurate, correct?

17 A Like I said before, there's nothing 100 percent
18 accurate. But the accuracy is based on my judgment of the
19 dog and knowing of the dog and I've known Judy for six
20 years.

21 Q Which is going to lead me to my next question, the
22 dogs don't actually talk to you. And I know that's a
23 silly question, but they don't tell you what they are
24 thinking, correct?

25 A Well, it depends on what you're looking for. They do

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1 talk to you. They may talk to you by just, like I said,
2 they can turn their nose and that's where the trail is and
3 you have got just to pay attention to them. It depends on
4 the age of the trail. Some dogs their tail goes up, some
5 dogs just start going crazy and barking, you've just got
6 to learn each dog. It's like a human being, they've got
7 different personalities. If you don't train everyday like
8 we do it's hard to know those personalities. But I can
9 pick any of those dogs and say this is how that dog
10 indicates and I can actually say sometimes say this trail
11 is pretty old because of the way she or he has indicated.
12 Q What you're doing is you are interpreting what the
13 dog tells you.

14 A That's correct. So in essence it is talking to me,
15 it's telling me what she thinks it is doing or what she
16 thinks she has.

17 Q A little while ago you said that you came across I
18 think you said it was long grass or grass that was bent.
19 Is that how you characterized it, it was bent?

20 A Well, you can tell a person had walked through there.
21 Because as we approached it I could see that the grass was
22 laying down differently than the grass that was staying
23 up. Everybody has seen the dew, even if it is short grass
24 and you see somebody's feet go through it, it shines back
25 at you, it's because the grass is bent a different way.

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1 So I knew that somebody had walked there and as Judy was
2 getting closer to it she turned on it and struck a trail
3 right there.

4 Q Now, you don't know how long before you got there
5 that person had walked through that grass.

6 A No. Not at the time, I did not.

7 Q You don't know who walked through the grass.

8 A I do not.

9 Q All you can tell is that a person walked there?

10 A That is correct.

11 Q And you can't even tell whether it was a person or an
12 animal.

13 A I can tell it was a person because of the way the
14 grass was laying down.

15 Q And you also said there was dew on the ground at that
16 point?

17 A The grass was wet, yes, so I would assume it was dew.

18 Q But the time you got there it was I think you said
19 eightish?

20 A 8:00 or 8:30. I'm just trying to think about my
21 response time. We don't have a log book that we log
22 everything down because we're in the woods sometime for 12
23 hours.

24 Q But your report said you were dispatched about
25 6:00 a.m.

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1 A Correct. And that's why I said my driving time, I'm
2 looking at 8:00 or 8:30 by the time we were there getting
3 on the ground.

4 Q You can't be -- even the two trails that Judy struck,
5 the one going out towards John Bernat's house and the one
6 going out towards the road, you can't be certain as to the
7 age of that trail, correct?

8 A Well, like I said, I can be certain that the age of
9 the trail was a little bit older because of her
10 indication. Judy likes to bark, she likes to bark on hot
11 trails, she did not bark on this trail. She gave us an
12 indication by turning her head and pulling just a little
13 bit on the trail. Now, if this trail would have been say
14 an hour old, she would have pulled real hard and, you
15 know, she would have -- it would have been -- I could have
16 told from her indication of how old the trail was and I
17 felt at the time it wasn't very fresh.

18 Q But going back to my question, you can't tell to any
19 kind of specificity as to the --

20 A No. I could not give you a minute or seconds on it.

21 Q Or even an hour?

22 A Well, I could tell you it wasn't an hour old.

23 Q And she lost the trail -- one the trail went to John
24 Bernat's house.

25 A Right.

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1 Q And the other trail was lost once she got to the
2 Debruhl Road, correct?

3 A Yeah. I said she pulled a little bit down the road
4 and then I just said I want to cut this road before we
5 continue down that road, because I said when we get to a
6 transition what I do is -- let me explain it to you this
7 way, too. When a dog indicates a certain way before I
8 leave this area, say if we came and the dog indicates to
9 the left, I want to cut the rest of this area so I never
10 have to come back to it because if the guy just looped
11 back around like this I'm not going to waste my time. So
12 what I wanted to do was cut both sides of that road before
13 we tried to continue on down the road, and we did that but
14 we weren't able to reestablish it on the road going back
15 down that way.

16 Q So once she came back to the side where you had lost
17 that trail she never reacquired the trail.

18 A Not on the road, no, sir. We kept going with her
19 down the road, she was pulling a little bit but I didn't
20 want to push her down the road so we just kind of decided
21 maybe we would go cut a couple of other areas and then
22 maybe come back and work the road out again. Because like
23 I said, we came back just to finalize and make sure the
24 whole place was sewed in and that there was no other
25 trails established.

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1 Q But again, once you came back you were never able to
2 reestablish --

3 A No, sir.

4 Q Now -- and I think you answered it just for the
5 solicitor but just to make sure, you never were able to
6 tell who she was tracking, correct?

7 A I never know who I am tracking anyway because it's
8 some bad guy that ran off in the woods or -- I don't know,
9 but it doesn't matter. I know that there was only one
10 person that went on this trail and that's who the dog was
11 actually tracking, and that's how either at the end of the
12 trail whatever we know who we were tracking.

13 Q But my question was you don't know who you were
14 tracking identity wise.

15 A No.

16 Q During all of your tracking when you were -- all of
17 the cutting back that you did and around the woods for all
18 of the different properties, did you ever come across any
19 bloody trails?

20 A Any bloody trails?

21 Q Uh-huh.

22 A No. The only blood I came in contact with was right
23 outside of the victim's home.

24 Q That was on the side of the house, correct?

25 A Yes, sir.

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1 Q But as far as on the grass, on any kind of biological
2 leaves, grass, trees or anything of that nature you didn't
3 see anywhere where somebody would have left blood as they
4 were leaving the scene, correct?

5 A No, I did not.

6 Q All right.

7 MR. DUNN: No further questions, Your Honor.

8 MR. BARFIELD: Just a couple of real quick.

9 REDIRECT EXAMINATION

10 BY MR. BARFIELD:

11 Q If the bloodhound is running a trail -- let me back
12 up. You talked a little bit ago about sign.

13 A Right.

14 Q Explain to the jury very briefly what sign is and who
15 is involved with sign, man or dog, handler or dog?

16 A That sign is what a handler does to verify a dog is
17 on the trail. It could be anything from if a person say
18 goes through some thick foliage, the foliage will actually
19 peel this way. If it is at night it's even easier to see
20 because if you have ever looked at a leaf the top part is
21 green, the bottom part is usually white or like a lighter
22 shade of green. So when it folds over and you shine your
23 flashlight on at you can tell a human being has gone
24 through there because deer stick to deer trails. If
25 that's in front of me or if I see a foot track or

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1 compression say in pine straw and you'll just see an
2 outline of a foot. You've got sign like I was saying on
3 this trail, you have got dew on the grass and you can
4 easily tell where a human is walking because a deer is not
5 going to leave a trail like that.

6 Q When you say sign you're talking about basically the
7 same thing a hunter would refer to who is looking for
8 visual things in the woods?

9 A That's right. You're just hunting a human being.

10 Q Now, if you have no sign and the dog is running a
11 trail, can you tell whether the dog is running the way
12 that the track -- the person ran against the grain or in
13 the opposite direction that the track the person ran?

14 A No. Because, you know, we will run a trail sometimes
15 and then realize we're running the back trail. What I
16 mean by back trail, it would be an entry point.

17 Q You don't know which end you're starting at
18 sometimes, I guess.

19 A That's correct. What I was trying to establish was I
20 wanted to cut the front side and the sides because I felt
21 that the trail was back out the back window. What I was
22 trying to do is hurry up and eliminate this and then get
23 back there and find the exit trail. When I hit this I
24 thought well maybe he ran around the front and ran out the
25 front this way.

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1 Q Now, were there any signs that you as a trained
2 bloodhound handler saw on the first trail that Judy struck
3 that leads you to reach a conclusion about which direction
4 of travel the tracked person was moving?

5 A I think you're referring to Mr. Bernat's house?

6 Q Yes, sir.

7 A It appeared to me that the trail was coming my way
8 and that's why I asked Mr. Bernat if he had come this way
9 to the victim's house.

10 Q You said coming my way, from point what to point
11 what?

12 A From the victim's yard from Mr. Bernat's house. It
13 looked like it was coming this way towards me the way the
14 dew trail looked.

15 Q From Bernat's house to the victim's house?

16 A That's right.

17 MR. BARFIELD: Thank you. That's all.

18 MR. DUNN: No further questions, Your Honor.

19 THE COURT: Thank you, sir. You may step down.

20 MR. BARFIELD: Ask that he be excused, his tracking
21 partner, Kenny Williamson came under subpoena, I don't know
22 if Mr. Dunn has any need for him but I would like for both
23 of them to be excused if that is possible.

24 MR. DUNN: By all means, Your Honor.

25 THE COURT: You are excused from your subpoena.

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1 MR. BARFIELD: Your Honor, the next witness is the
2 witness through whom I intend to offer photographs as we
3 discussed in chambers during the break. It occurred to me
4 right before we brought -- as the jury was coming back in
5 that we might should have concluded that issue before they
6 came in but we perhaps can do it without having to send
7 them back out. Can we resolve that before the witness gets
8 on the stand?

9 MR. DUNN: Your Honor, I think this is going to have
10 to be taken up outside of the presence of the jury. I
11 don't think there can be any other way around that.

12 THE COURT: Let me ask you this question, solicitor,
13 do we need all of them at one time? Is it possible -- and
14 I don't want to interfere with your presentation.

15 MR. BARFIELD: It would be much simpler if all of the
16 pictures that are going to be exhibits in the case become
17 exhibits at the same time because I'm basically going to
18 run through them with the witness.

19 THE COURT: Okay. Ladies and gentlemen, this is one
20 of those occasions I told you about that I was going to
21 have to ask you to leave the room and go to the jury room
22 while I talk to the lawyers about some legal matters and
23 perhaps discuss some facts. I'm going to ask you to step
24 out for a few minutes, hopefully it won't be but just a few
25 minutes.

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1 (The jury left the courtroom.)

2 MR. BARFIELD: I have a stack of photos other than the
3 content of the three of them I don't think there's any
4 objection. Mr. Dunn has had these photographs for several
5 weeks.

6 MR. DUNN: No, sir, there's only three that I object
7 to.

8 MR. BARFIELD: There are three pictures in this stack
9 which -- I'll just hand them to you one at a time. The
10 very first picture in the stack --

11 MR. DUNN: Can you say what numbers they are?

12 MR. BARFIELD: Let me tell you this, Judge, for my
13 purposes I have grouped these photographs into groups A
14 through F, and within each group on the back have written
15 A1, A2, A3 or F1, F2, F3 so I can keep them in the order I
16 want them in, that's just my unofficial stack. I'm

17 referring now to the photograph that Mr. Dunn will know as
18 A1, the very first photograph in the stack. It is a
19 picture of Judy Hinson's bedroom while her body is still
20 there. It is a fairly distant picture and it does, in
21 fact, show her feet protruding from the end of the left
22 side of her bed by about a foot or 18 inches. There
23 appears to be no blood visible in that picture. That
24 picture, to me, is important not for the shock factor
25 because I don't think there is any shock to this picture

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1 but simply to show where Judy Hinson's body was found.

2 THE COURT: And Mr. Dunn and Mr. Jordan, your
3 objection if any to A1?

4 MR. DUNN: Your Honor, my objection pretty much is
5 going to be the same to all three of them. Any of them
6 that would show the body of the victim, it's more
7 prejudicial than probative, whatever is in those pictures
8 can be adequately described by whatever witness are on the
9 stand. There were a number of law enforcement officers
10 there, all of them can describe what they saw. I don't
11 know if the picture is going to help the jury anymore
12 except to give them sympathy or inflame their passions as
13 to how it relates to the victim against my client, the
14 defendant. Like I said, Your Honor, we're not disputing
15 what's in the picture, it's just the fact that I think --
16 it's not going to help the jury any. The jury can be
17 helped by listening to the witness' testimony.

18 THE COURT: Well, if the objection is the same why
19 don't I just look at all three of them at the same time.

20 MR. DUNN: The objection is the same to all three.

21 MR. BARFIELD: The second picture, Your Honor, is
22 referred to as B6, it is a photograph with a view from the
23 bathroom off Judy Hinson's bedroom into her bedroom, and
24 it, in fact, shows -- and I didn't realize this until I was
25 looking back through them last night -- but her body is

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1 there in the floor. It is a very small depiction of her
2 body but it is in the condition that it was in before she
3 was moved. I'm not doing this for the sake of having her
4 body in the picture, I'm doing it for the sake of showing
5 the relationship between the sinks in the bathroom and the
6 bedroom. Now, quite frankly if you say this picture can't
7 come in in this form, I simply would like to take my pocket
8 knife and cut out the small square that contains
9 Ms. Hinson's body and just put that picture in and have
10 somebody testify that that square is where her body was. I
11 can do that if you exclude the picture outright, but I
12 think that it is not inflammatory in its current form.

13 MR. DUNN: Again, Your Honor, my objection is the same
14 to all three of them.

15 THE COURT: All right. Well, let's just, for the sake
16 of argument, suppose that the Court is inclined to mark out
17 a portion of this photograph as suggested by the solicitor.

18 MR. DUNN: If my choice is either the whole picture or
19 part of the picture then I, of course, would like part of
20 the picture. My only concern at that point would be it
21 would cause the jury to start asking questions about what
22 is missing.

23 MR. BARFIELD: And I don't think it would be -- a
24 witness could testify that we cut out of this picture the
25 victim's body, that's not -- there's obviously a body in

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1 this case and they're going to hear a lot about it, they've
2 heard a lot about it. I don't think there's anything wrong
3 with us telling the jury what we cut out. The last
4 picture, Your Honor, is referred to as A17. That is a
5 picture showing the floor of where Judy Hinson's body was
6 lying after her body was removed, specifically a sort of a
7 bedside table and that is the leg of the bedside table and
8 there is certainly a fair amount of blood on the floor at
9 that leg and up the leg. That is offered to show the
10 condition of the room that Ms. Hinson was in and the
11 aftermath of her murder, and it does not show a body, it
12 shows blood. I don't think blood in and of itself is
13 prejudicial.

14 THE COURT: As to that A17?

15 MR. DUNN: Your Honor, I'm going to withdraw my
16 objection on A17.

17 MR. BARFIELD: On which one?

18 MR. DUNN: The bloody picture one. There's no body in
19 the picture if I remember right.

20 MR. BARFIELD: Right.

21 MR. DUNN: I withdraw my objection. But the other two
22 I maintain my objection on the ones that actually have
23 Ms. Hinson's body.

24 THE COURT: Well, I viewed all of these -- all three
25 of these, and then specifically now since there's no

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1 objection to A17, referring now to A1 and B6, I just -- I
2 don't see the inflammatory nature of either one of these
3 photographs. And in actuality it's very possible that if I
4 just look at the photographs without trying hard to find
5 something I wouldn't know that there was any portion of a
6 person in either of the photographs.

7 MR. BARFIELD: Well, quite frankly, Your Honor, I have
8 looked at these pictures several times and it was late last
9 night looking through them one more time that I actually
10 realized that the body part was in one of them.

11 THE COURT: So I'm going to overrule the objection and
12 admit the photographs.

13 MR. BARFIELD: Your Honor, we have talked -- Mr. Dunn
14 and I have talked briefly about how to mark them and we
15 discussed maybe making it one exhibit and just using my
16 numbers on the back to refer to them as. I don't mind
17 doing that but we're going to need to have a record of the
18 sub-numbers for purposes of the record. However we want to
19 do it is fine.

20 MR. DUNN: I have no problem. My understanding was we
21 are running out of stickers and there's no reason to use 20
22 stickers, as long as we read into the record which ones
23 are -- reading the sub-numbers.

24 THE COURT: I'm fine with doing that as long as
25 there's no objection. For simplistic let's go ahead and

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1 identify this as a group exhibit number 12 consisting of --
2 and now the solicitor is, for the record, unless you have a
3 document that can do it, is going to identify all of them
4 by sub-numbers that he's written on the back of each of
5 these photographs. Solicitor?

6 MR. BARFIELD: In group A is A1, two, three, four,
7 five, six, seven, eight, nine, ten, 11, 12, 13, 14, 15, 16,
8 and 17. In group B: B1, two, three, four, five, six,
9 seven, ends with B6. Group C is C1, two, three, four,
10 five, six, seven, eight, nine, ten, 11, 12, 13, and 14.
11 Subgroup D is D1, two, three, four, five, six, seven --
12 that's it, seven. Subgroup E -- it's going to get
13 complicated. E1, Your Honor, has already been introduced
14 into evidence as State's Exhibit 8, so there is no E1. E2,
15 three, four, E5 is already introduced into evidence as
16 State's 9. So E6 is the next one in this exhibit. E7,
17 eight, nine, ten, 11, 12, 13, 14, and 15. Final group,
18 Your Honor, my apologies. E1, two, three, four, five
19 and -- five. And my understanding is all of these are
20 State's Exhibit Number 12. With all of that done, Your
21 Honor, and with my apologies I am ready to go forward.

22 (A break was taken.)

23 THE COURT: Welcome back once again, ladies and
24 gentlemen. I believe we are ready to proceed. Solicitor?

25 MR. BARFIELD: I call Steven Curtis.

TESTIMONY OF STEVEN CURTIS

1 The witness, STEVEN CURTIS, was first duly sworn and
2 Testified as follows, on:

3 DIRECT EXAMINATION

4 BY MR. BARFIELD:

5 Q State your name, please, sir.

6 A Steven Curtis.

7 Q Mr. Curtis, currently by whom are you employed?

8 A I'm employed with Horry/Georgetown Technical College.

9 Q How long have you been employed by Horry/Georgetown
10 Technical?

11 A Since July of this year.

12 Q Where were you previously employed?

13 A With Sled, the South Carolina State Law Enforcement
14 Division.

15 Q How long were you employed with Sled prior to leaving
16 to go to Tech?

17 A Approximately ten years.

18 Q What do you do at Horry/Georgetown Tech?

19 A I'm a criminal justice instructor.

20 Q What did you do at Sled?

21 A The last year and a half I was there I was a
22 lieutenant in charge of the internal affairs division.

23 And prior to that, a little over eight years, I was in the
24 latent print crime scene section.

25 Q And as a latent print crime scene agent, did you get

TESTIMONY OF STEVEN CURTIS

1 called on emergency basis to go to locations where crimes
2 were suspected to have occurred?

3 A Yes, sir, I did.

4 Q And did you go there to process the scene to
5 photograph and document things, collect evidence and
6 yourself do some analysis of certain items?

7 A Yes, sir, I did.

8 Q Did that for about how long, about eight years?

9 A Eight years at Sled, yes, sir.

10 Q How were you trained, first of all, to be a crime
11 scene agent for Sled?

12 A Prior to that I was with the Richland County
13 Sheriff's Office for over a decade. There I was -- had a
14 couple of different assignments, but one of those was an
15 investigator in their crime scene unit and then was later
16 robbery homicide detective, and then took a job with Sled.
17 So my training goes back close to 20 years or so as far as
18 processing of crime scenes and violent crime
19 investigations. As far as specifically with Sled when I
20 was hired with them I entered their training program,
21 which lasted about a year. Part of that is on the job
22 training in addition to the attending various schools that
23 Sled sends you to.

24 Q Did you successfully complete all of the schools and
25 course work that Sled sent you to?

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1 A Yes, sir, I did.

2 Q Is there -- you said crime scene latent prints, is
3 there specialized training that you had to undergo to work
4 on latent fingerprints?

5 A Yes, sir. I have attended approximately about 160
6 hours worth of courses at either the South Carolina
7 Criminal Justice Academy, which included basic fingerprint
8 training, ID technician school which covered processing of
9 items for latent prints. I attended two classes in
10 Ridgeology put on by -- hosted by Sled at the Criminal
11 Justice Academy in which the process of analyzing
12 fingerprints, doing comparisons and making identifications
13 specifically with latent prints. And then additional
14 training as far as death investigation and processing a
15 crime scene.

16 Q Did you successfully complete all of the training or
17 courses you took concerning latent print identification?

18 A Yes, sir, I did.

19 Q Now, over the course of your work with Sled in
20 particular, have you been called upon, subpoenaed, sent
21 for to come to court in this state to testify as an expert
22 witness in fingerprint identification?

23 A Yes, sir, I have.

24 Q Have you got any idea how many times you have been
25 offered as an expert witness in fingerprint identification

TESTIMONY OF STEVEN CURTIS

1 and admitted to testify?

2 A It's been over a dozen times.

3 Q Okay. Have you ever been denied qualification as an
4 expert in fingerprint identification in the courts of this
5 state?

6 A No, sir, I have not.

7 Q Okay. Have you got a college degree?

8 A Yes, sir. I have a masters in criminal justice from
9 the University of South Carolina, and a bachelors from
10 Lander University in Greenwood.

11 Q Were you back in August of 2007 -- do you have
12 certifications from anybody concerning crime scene
13 investigations or latent print identification, or
14 fingerprint identification?

15 A I'm not sure what you mean by certifications, so --

16 Q Certificates of completion of training?

17 A Yes, sir, I do. Yes, sir. I have received those at
18 the end of those training courses.

19 Q Were you in good standing with the State Law
20 Enforcement Division back in August of 2007 concerning the
21 job that you were hired and paid to do?

22 A Yes, sir, I was.

23 Q All right.

24 MR. BARFIELD: Your Honor, at this time I would offer
25 Mr. Curtis as an expert in fingerprint identification --

TESTIMONY OF STEVEN CURTIS

1 Q Have you been qualified as an expert in crime scene
2 investigation?

3 A Yes, sir, I have.

4 MR. BARFIELD: -- and crime scene investigation as of
5 the time this case arose, which he will supply us with
6 momentarily.

7 MR. DUNN: I have no objection.

8 THE COURT: So qualified.

9 Q Did you get called as a crime scene agent to go to
10 [REDACTED] here in Chester County some time the
11 early morning of August 27th of 2005?

12 A Yes, sir, I did.

13 Q Did you get briefed by somebody about why you have
14 been summoned?

15 A Yes, sir.

16 Q Did you travel up here with another crime scene
17 agent?

18 A Yes, sir, I did.

19 Q Do you remember who it was?

20 A Al Stuckey.

21 Q Is he still employed by Sled?

22 A Yes, sir, he is.

23 Q Were you the primary crime scene agent on this case?

24 A Yes, sir.

25 Q Did you prepare the reports and document things?

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1 A Yes, sir, I did.

2 Q Did you determine -- what was your understanding of
3 what you were here to investigate in a nutshell, not any
4 detail at this point?

5 A Well, they had found -- I understand a family had
6 found the body of a woman in her bedroom laying on the
7 floor there, there was quite a bid of blood present at the
8 crime scene and they weren't sure as to the cause of death
9 or anything like that. So just -- that's what Sled's
10 crime scene unit is there for, to assist local agencies in
11 investigations and primarily violent crimes. So when they
12 called us they just said they knew they had a death that
13 seemed to be suspicious or some circumstances that were
14 questionable and wanted us to come and process for them to
15 help them with this investigation.

16 Q Was it daylight by the time you got here?

17 A I got the call about 5:00 or so, and when I arrived
18 there it was roughly about 7:00 in the morning. So it was
19 daylight when I got there.

20 Q Now, as part of your processing of the scene, did you
21 take photographs?

22 A Yes, sir, I did.

23 Q Have you and I looked at some photographs earlier
24 today?

25 A Yes, sir, we did.

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1 Q And are the photographs that we looked at, which I
2 have in my hands, Sled photographs with actually
3 perforations indicating Sled and the case number?

4 A Yes, sir.

5 Q I'm going to show you -- you might not have seen
6 these yet because they weren't in my possession when I
7 first talked to you -- but I'm going to show you three
8 photographs which are marked State's Exhibits 6, 7 and 8.
9 Are they familiar to you?

10 A Yes, sir. Those are photographs of the exterior of
11 the scene there. Actually in one of them you see my Sled
12 truck at the time we worked out of in the driveway there,
13 in one of them.

14 Q All right, sir. I don't want you to describe this
15 yet but I'm showing you State's Exhibit Number 9. Is that
16 familiar to you?

17 A Yes, sir. That's the back side of the residence
18 there on Debruhl Road.

19 Q We'll get into some detail about that momentarily.
20 This is going to be kind of tedious but I want to give you
21 photographs which --

22 MR. BARFIELD: And Your Honor, I'm referring to
23 State's Exhibit Number 11 now which is a series of
24 photographs which we have on the record indicated we will
25 identify by ink numbers in subgroups in the back, top

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1 corner.

2 THE COURT: Is that 11 or 12?

3 MR. BARFIELD: 12. My apologies, it's 12.

4 Q All right. Mr. Curtis, I don't want to be too
5 tedious about this but I want to hand you a stack of
6 photographs which are labeled on the back A1 through A17.
7 Would you take a moment to just flip through those and
8 tell me generally what they describe.

9 A These are photographs of the bedroom there at the
10 residence at Debruhl Road that were taken. Some of them
11 are some closeups of some items of evidence or interest
12 within the crime scene, and some of them are just some
13 general photographs of the room itself.

14 Q Now, is this where the victim's body was found?

15 A Yes, sir.

16 Q And did you actually observe all of this and take
17 these photographs?

18 A Yes, sir.

19 Q Now, I'm going to ask you a couple of questions -- or
20 questions about a couple of the pictures specifically.

21 Picture labeled A1 on the back, does it show any part of
22 the victim for purposes of placement in her room?

23 A Well, this is just a general photograph, but you can
24 see her feet kind of sticking out from down at the end of
25 the bed. It's taken from the other side so you really

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1 can't see anymore than her feet sticking out there.

2 Q Now, standing at the foot of the bed facing the
3 headboard, which side of the bed was Ms. Hinson on?

4 A She would have been on the right side of the bed.

5 Q And to your knowledge, is that where she was when she
6 was found by her family members?

7 A Yes, sir. Once we got there she was not moved until
8 the coroner was ready to take her out of there.

9 Q Now, I'm showing you specifically pictures -- well,
10 the rest of the pictures in group A, which are A2 through
11 A17. Is there a particular piece of furniture that is the
12 focus of those photographs?

13 A I don't know what you call it, a small chest with one
14 drawer kind of beside her where she was kind of laying
15 against. The reason that we took so many pictures of
16 these was -- or this particular item, it had some blood on

17 one of the legs and it had some blood stains -- impact
18 stains on the face of the drawer and some of the legs, so
19 we documented those.

20 Q And do those pictures indicate blood from floor level
21 on up?

22 A Yes, sir. And one of them I placed a yard stick that
23 just shows that about three feet off the ground is roughly
24 the top of that dresser, and then the blood stains are
25 present on the leg and then up the leg and on the front of

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1 the drawer there, so about three feet --

2 Q All right, sir.

3 A -- high and then going down to the floor.

4 Q Paragraph -- excuse me -- a group of pictures that I
5 have designated on the back as group B, I'm going to hand
6 you photographs with numbers written on the back of them,
7 B1 through B6. Take a moment to look at that series of
8 photographs and then generally describe what they show.

9 A These are photographs of the door leading from her
10 bedroom into the master bathroom I guess it is, or it's
11 what you would call -- it's a bathroom right off of that
12 bedroom.

13 Q Is that bathroom accessible by a doorway from bedroom
14 to bathroom?

15 A Yes, sir, it is.

16 Q And do you recall whether it's a single sink or
17 double sink bathroom?

18 A I don't recall.

19 Q Okay. And -- let me hold them back and ask you some
20 questions. Did you find -- the first -- well, all of them
21 actually show the door. But is the door knob shown in B1
22 the same door knob that's shown in all of the pictures?

23 A Yes, sir.

24 Q What was the significance of you taking photographs
25 of the door knob?

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1 A There was a transfer blood stain on the door knob,
2 some bloody object or hand or something had come in
3 contact with it and we wanted the photograph to show that
4 the blood was present on that door knob. And that's
5 actually the exterior door knob leading into the bathroom.

6 Q That would be the door knob in the bedroom?

7 A In her bedroom, yes, sir.

8 Q I'm sorry to have to keep swapping them back and
9 forth. I'm showing you picture labeled B6. Take a minute
10 to look at that, if you would.

11 A Okay. This is a photograph from in the bathroom
12 looking back into her bedroom.

13 Q And does it show the bed?

14 A Yes, sir, it does.

15 Q And does it show the right side of the bed, facing
16 the head of the bed at the foot?

17 A Yes, sir. You can see the right side and then a
18 portion of the victim laying there next to the bed.

19 Q Thank you, sir. Another series is C. And I'm
20 showing you -- well, let me ask you this: Of these
21 various locations that you're going to describe as
22 containing what perhaps was blood, did you try to sample
23 the substance for further analysis?

24 A What we did was we field tested it on the spot with
25 phenolphthalein which reacts to the hemoglobin in the

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1 blood and it gave us a field test or subjunctive --

2 Q Presumptive?

3 A Presumptive, thank you -- presumptive positive for it
4 being blood. So in doing that then we also would have
5 taken some swabs from a couple of the locations on the
6 chance that perhaps some of this blood was not hers.
7 So --

8 Q Some of this problem blood was what?

9 A Was not the victim's, was not Ms. Hinson's. Since
10 she had bled there there was some blood stains in some
11 places a little ways away from the body, which is a
12 possibility it could be the suspect's blood, so we would
13 have taken those.

14 Q Now, I'm showing you series C, which are labeled C1
15 through C14. Look at them and then describe generally
16 what's shown in those photographs.

17 A This is a series of photographs of blood that's
18 present on the bathroom sink in the master bathroom.

19 Q Is that the same bathroom that we had a photograph of
20 looking back into the bedroom?

21 A Yes, sir, it is.

22 Q Did you take some swabs from some of those areas?

23 A Yes, sir, I did.

24 Q I'm showing you a series of photographs designated D.
25 Let me ask you a couple of questions before we get into

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1 those photographs. Did you investigate the scene to
2 determine if there was any point of entry or exit, any
3 obvious point of entry or exit to the house by the
4 intruder?

5 A Yes, sir. I found no forced entry as to any of the
6 doors kicked in or any prime marks that appeared to me
7 that someone had forcibly entered the house.

8 Q Did you find what you would characterize as a point
9 of forced exit?

10 A One of the windows, which I called the office window,
11 which was a small room again adjacent to the master
12 bedroom there, once you stepped into the master bedroom to
13 the right was an office area, I think there was a desk
14 there with a computer and some stuff and then you had the
15 bedroom and then next to it was the bathroom. The window
16 there was partially opened and the screen when you looked
17 out the window or walked around to the back of the house
18 the screen was off laying in the grass and the curtain was
19 actually kind of askew. And it appeared that someone had
20 gone to the window or gone through the window, it was
21 partially opened.

22 Q Did you get an impression one way or the other it was
23 an inside to outside or outside to inside sort of a deal?

24 A Well, the screen was knocked out, and then one of the
25 curtains was kind of half way hanging out. And just

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1 looking at it made me think someone went out of the window
2 as opposed to coming in.

3 Q I'm showing you State's Exhibit Number 9. What does
4 the picture show specifically in the relation to the item
5 I was just asking you about?

6 A This is a picture of the rear of the residence, and
7 looking at that particular window on that office you can
8 see that there is a curtain or a drape, I'm not exactly
9 sure what you call it, that's hanging out of the window
10 and the window is partially open.

11 Q All right, sir. Now, I'm going to hand you a series
12 of photographs which are designated D7. Would you take a
13 moment to review them and then generally describe what
14 they show?

15 A These are photographs coming into her bedroom and
16 then depicting the small office area to the right once you
17 stepped into the master bedroom. And it's showing the
18 window that I was just speaking about.

19 Q From the inside?

20 A From the interior, and you can see that one of the
21 curtains is kind of stuck through the window, kind of hung
22 on the blinds and that one of the curtain rods is kind of
23 off of the hanger, and that the actual blinds have been --
24 or outside -- or hanging on the inside of the window but
25 it's like they were pulled off of the window seal.

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1 Q All right, sir. Now, I'm going to show you State's
2 Exhibit Number 5 -- 5 is in, correct, not just for
3 identification -- which was previously identified as a not
4 too scale sketch or diagram of the interior of
5 Ms. Hinson's house. Take a minute to look at that and
6 first of all let me know after all if you have got any big
7 disagreement with the way it lays out the house?

8 A No, sir. This appears to be pretty much the basic
9 floor plan.

10 Q Now, from your recollection this office that we're
11 referring to where the window was open, was it accessible
12 directly from the bedroom?

13 A Yes, sir. You had to come through the bedroom door,
14 and then once you stepped in through her door then there
15 was another doorway to the right to go into this office or
16 computer room.

17 Q All right, sir. Specifically picture D1, tell me
18 what view that is. Where the picture taker is and what
19 the picture taker is looking at.

20 A This picture is standing in the doorway to the master
21 bedroom.

22 Q Okay. And there appears to be a small oscillating
23 fan on the floor in the bedroom.

24 A Yes, sir.

25 Q Is that fan -- where was the victim's body in

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1 relation to that fan?

2 A She was -- her feet were right there near the
3 vicinity of that fan. There is a -- some type of hope
4 chest or something there at the foot of the bed that kind
5 of blocks the view of that, but the fan she was very close
6 to and her feet would have been in proximity to that.

7 Q All right. Thank you. Now, I'm going to hand you a
8 series of photographs designated E. Look at them and
9 again generally tell us what those photographs depict.

10 A These are photographs of the exterior of the house.
11 One of them is in proximity to the phone box going into
12 the residence, and then the other series of photographs
13 are taken there near the office window showing the screen
14 that was knocked out and the condition of the window and a
15 couple of items underneath the window.

16 Q I'm going to ask you specific questions about a
17 handful of these. You referred to a phone box. Is that
18 item shown in E1, two and three?

19 A Yes, sir. This is where the phone box is connected
20 to the foundation and one of the -- E2 shows the cover
21 that's supposed to go over that connection where the wires
22 are at laying on the ground.

23 Q And was there anything significant about that to you
24 that led you to take a picture of it?

25 A Well, it was -- you could tell that the box was off

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1 of there, off the cover where these wires were and the
2 wires were kind of pulled -- looked like they may have
3 been pulled down, which again that looks a little unusual
4 to me. Again, when we do the documentation we're taking
5 photographs of everything so it can be looked at later and
6 presented in court and things like that.

7 Q When you say wires looked like they were pulled down,
8 just manipulated or was there any severing or pulling out
9 of wires that you could tell?

10 A I'm not a telephone man so I'm not sure, but they
11 were kind of pulled down. I can't recall if they were --
12 it looked like they had been cut or anything like that.
13 If it appeared they had been cut we could have taken some
14 closer photographs. It looks like they're pulled down and
15 just in the photographs you can see one or two of the ends
16 look lose. Again, I don't know if that was a condition

17 that that was normally there or not but it looked
18 suspicious enough to me to document.

19 Q Do you recall yourself checking the telephones inside
20 of the house, the land lines inside of the house to see if
21 anything was working while you were there?

22 A I did not, no, sir.

23 Q Okay. That's fine. E7 and eight, what do they show
24 in more detail?

25 A This is the outside or the exterior of the window of

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1 the office and it shows the curtain hanging out through
2 the venetian blinds and hanging out the window, and then a
3 series of streaks going down the side of the residence,
4 which appear to be blood.

5 Q Did you swab the part of the substance that appeared
6 to be blood?

7 A Yes, sir, we did.

8 Q I presume you swabbed it only after you did the
9 presumptive test?

10 A What we did, we took a small swab of it to do the
11 presumptive test and it tested positive for blood, and
12 then took another small swab of it before we attempted to
13 process it for fingerprints.

14 Q All right, sir. Thank you. E6, the major subject of
15 that photograph is what?

16 A The screen that's broken and knocked out of the
17 window or it's laying on the ground and looked like it had
18 been knocked out of the window.

19 Q Was there anything of significance around or under
20 the screen?

21 A Well, in the general vicinity there a small lighter
22 and a black handled knife were found not very far from
23 there within a few inches or a foot or so.

24 Q Now, I'm showing you what's been marked for
25 identification purposes I believe, State's Exhibit Number

TESTIMONY OF STEVEN CURTIS

1 10. Take a look at it and the packaging and then I want
2 to ask you a couple of questions about that.

3 A Yes, sir.

4 Q Do you recognize the item in that envelope?

5 A Yes, sir. That's the knife that was found in the
6 yard there near the screen on the floor.

7 Q And how can you say that's the knife?

8 A Well, the packaging has got my name or my initials
9 and the case number and everything, but actually on the
10 knife you can see the case number and my initials and the
11 item number on there.

12 Q All right. Now, I'm showing you --

13 MR. BARFIELD: Your Honor, at this time --

14 Q -- did you seize this knife?

15 A Yes, sir.

16 Q And did you take it to Sled?

17 A Yes, sir, I did.

18 Q Did you do some work with it which we'll talk about
19 in a little bit?

20 A Yes, sir.

21 Q Did you manipulate it in any way to change its
22 appearance?

23 A I took the handle loose in an attempt to find out if
24 there was blood on it as part of the process of the latent
25 prints.

TESTIMONY OF STEVEN CURTIS

1 Q It that why those are loose?

2 A Yes, sir.

3 THE COURT: Your Honor, at this time I would offer the
4 knife as State's Exhibit Number 10.

5 MR. DUNN: No objection.

6 THE COURT: Admitted without objection.

7 (The knife was received as State's 10.)

8 Q Photograph E12. Take a look at that and tell me if
9 it shows the knife.

10 A Yes, sir. Right kind of half way under the screen
11 there in the grass you can make out the knife blade and a
12 portion of the handle.

13 Q All right. Did the knife to you appear to have blood
14 on it?

15 A No, sir, not visually when I looked at it it did not.

16 Q And did you process it any further after you packaged
17 it up and hauled it to Sled?

18 A Yes, sir. I kept custody of that and --

19 Q Other than fingerprints, did you process it --

20 A Yes, sir. I took a swab on the -- to do a
21 presumptive test on the blood and the handle and they were
22 negative.

23 Q Negative?

24 A Yes, sir.

25 Q Can you identify what's in that envelope?

TESTIMONY OF STEVEN CURTIS

1 A This will be the telephone box cover that I collected
2 off of the ground.

3 Q Again, how do you know that's the one that you
4 recovered on the ground at this scene?

5 A Well, it's got my initials and the case number and
6 items number inside of there and also the packaging.

7 Q Did you take it to Sled for processing for various
8 purposes?

9 A Yes, sir, I did.

10 Q And did you change the appearance of it in any way?

11 A No, sir.

12 MR. BARFIELD: Your Honor, I would offer the phone
13 cover as State's Number 14, I believe.

14 MR. DUNN: No objection.

15 THE COURT: Admitted without objection.

16 MR. BARFIELD: 13. I'll quit calling the numbers

17 because I obviously ain't keeping good track of them.

18 (The phone cover was received as State's 13.)

19 Q You mentioned something a minute ago about a lighter.

20 First of all, describe what you found?

21 A There was a lighter, I believe it was orange or
22 orange color or reddish color laying there right almost
23 underneath the window on the ground, and as I recall it
24 had some letters on it.

25 Q All right. Now, I'm showing you E9 and State's

TESTIMONY OF STEVEN CURTIS

1 photograph exhibits, Number 11.

2 A Yes, sir. This is a picture of the lighter on the
3 ground right there near the foundation of the house.

4 Q All right. Now, I'm handing you an item in a sealed
5 plastic container. Can you identify that?

6 A Yes, sir. This is the lighter that was collected
7 there at the scene.

8 Q Collected by you?

9 A Yes, sir. It has got my initials, case number, item
10 number on the item itself, and then on the packaging as
11 well.

12 Q Did you seize it for additional processing?

13 A Yes, sir.

14 Q And did you change the appearance of it in any way
15 except probably put some black stuff on it?

16 A Yes, sir, black powder on it. That's all, just to
17 process it.

18 MR. BARFIELD: I offer this as the next state's
19 exhibit.

20 MR. DUNN: No objection, Your Honor.

21 THE COURT: Admitted without objection.

22 (The lighter was received as State's 14.)

23 Q Couple of general questions. In addition to taking
24 photographs at the crime scene, did you attend the autopsy
25 of the victim in this case?

TESTIMONY OF STEVEN CURTIS

- 1 A Yes, sir, I did.
- 2 Q Did you take additional photos there?
- 3 A Yes, sir.
- 4 Q Did you receive from the pathologist certain
- 5 evidence?
- 6 A Yes, sir, I did.
- 7 Q Do you have a log to indicate what it was you took
- 8 possession of at the autopsy?
- 9 A Yes, sir.
- 10 Q If you would, just tell us what.
- 11 A Collected a tube of blood, vaginal and rectal swabs,
- 12 fingernail clippings and head and pubic hair. The
- 13 pathologist collected and then transferred custody to me.
- 14 Q All from the victim's body?
- 15 A Yes, sir.
- 16 Q First of all, were any of those samples things that
-
- 17 you would have done any testing on?
- 18 A No, sir. I would not have done anything with those
- 19 at all.
- 20 Q And what would you do with those samples?
- 21 A Took them back to Columbia and then in the process of
- 22 logging in the evidence having logged them in and directed
- 23 them to the departments who would do the analysis on
- 24 those.
- 25 Q Let me ask you a general question about that. Do

TESTIMONY OF STEVEN CURTIS

1 various people handle things when they get logged in at

2 Sled for forensic testing?

3 A Yes, sir. I mean, there's different departments

4 there and not everybody would do all of the exams. So the

5 items are distributed to the departments that do those

6 specific exams that are requested.

7 Q Does Sled maintain a document that we refer to as the

8 chain of custody for every item that comes in to Sled?

9 A Yes, sir. Once it's logged in that shows the date

10 and time it's logged in and who brought it in and then

11 where it goes from there and each time it moves from

12 either a holding bin or a person to another person,

13 however it's transferred or whatever, all of that is

14 documented.

15 Q And have you today with me seen the chain of custody

16 in this case?

17 A Yes, sir.

18 Q Does it appear to be proper?

19 A To the best of my knowledge it does. There's a lot

20 of items in this case.

21 Q Now, let me get to just a handful of things real

22 quick, if I might. Also, did you process the crime

23 scene -- various areas at the crime scene for latent

24 fingerprints?

25 A Yes, sir, I did.

TESTIMONY OF STEVEN CURTIS

1 Q Briefly tell us what a latent fingerprint is.

2 A A latent fingerprint is a term used to describe a
3 fingerprint that generally comes from either a piece of
4 evidence or directly from the crime scene. The word
5 latent means hidden or unknown. It generally means that
6 at the time it's collected from that evidence or the crime
7 scene we're not sure exactly who left that fingerprint
8 there. It also may mean that since it's hidden or unknown
9 it may require certain chemical processes to treat that
10 item of evidence or spotting the crime scene there to
11 enhance them or make them visible so they can be
12 collected, photographed or lifted or whatever the
13 circumstance is.

14 Q Are some things that you would refer to latent prints
15 at least sometimes all or partially visible with the naked
16 eye?

17 A Yes, sir, sometimes they are.

18 Q Are sometimes they not?

19 A They are not sometimes.

20 Q Did you lift some latent prints from this crime
21 scene?

22 A Yes, sir, we did.

23 Q Tell me where the latent prints were taken from.

24 A I've got quite a few of them.

25 Q Before you get into that so we can cover them one

TESTIMONY OF STEVEN CURTIS

1 area at a time, are you trained, and were you then, to
2 take a latent fingerprint that has been lifted for some
3 object or some crime scene and compare it to some other
4 fingerprints, a known set of fingerprints of somebody
5 perhaps?

6 A Yes, sir, I have been.

7 Q And make comparisons to say whether or not the latent
8 print is the fingerprint of the person whose actual known
9 prints you're looking at?

10 A Yes, sir, I have.

11 Q At a crime scene if there are folks known to have
12 been at the crime scene, is that significant to you in
13 doing your work with latent prints? Does it make any
14 sense to you? Am I asking the question very well?

15 A Yes. It is routine procedure then to try to collect
16 standards from everybody that could possibly have left
17 fingerprints in there to eliminate those that are supposed
18 to be there and then any that are not there then those
19 potentially could be the suspect and then try to determine
20 who those fingerprints might be.

21 Q Did y'all get or collect elimination prints from
22 various people in this case known to have been in the
23 crime scene?

24 A Yes, sir.

25 Q And will you give me at least first initial and last

TESTIMONY OF STEVEN CURTIS

- 1 name of the people that you collected them from?
- 2 A Yes, sir. We took a set of postmortem major case
3 prints which would include fingers and palms of the victim
4 in this case, Ms. Hinson, took those at autopsy. Also
5 took finger -- set of hand -- or just the fingers from A.
6 Amman, D. Brodeur, A. Hinson. We took those standards at
7 that particular time that morning.
- 8 Q And at some point I think your reports indicate a J.
9 Bernat?
- 10 A Later on that -- they were submitted, those of Agent
11 Green who was also with Sled working those.
- 12 Q John Bernat then, you had known prints for him?
- 13 A Yes, sir.
- 14 Q And I think at some point later you got some known
15 prints from a Jay Shipwash; is that correct?
- 16 A Yes, sir, later on we did, yes, sir.
-
- 17 Q Does the State Law Enforcement Division have an
18 automated system that you run fingerprints through as a
19 routine practice?
- 20 A Yes, sir. Once I have gone through and determined
21 that the prints are of suitable quality that they can be
22 identified then I would go through and try to eliminate
23 any of the prints possible to the victim, witnesses,
24 people that frequent that, any other names that were
25 submitted to me as potential suspects, witnesses or

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1 whatever. Once all of those have been eliminated then I
2 get those run -- we at the time had an operator that
3 operated the automated fingerprint identification system
4 and those prints then that we were not able to identify
5 are run through the computer for possible hits.

6 Q And does the computer actually do some I guess maybe
7 a presumptive test kind of like we have talked about with
8 the blood?

9 A What the computer does is narrows down the search.
10 There's -- I don't know what Sled has got now but I know
11 there was probably about two million fingerprints in their
12 database so it would take months and months to go through
13 manually and do that. So the computer is actually helping
14 the search based upon the criteria that's plugged in, an
15 image of the fingerprint is put into the computer and
16 points of identification are plotted and then the computer
17 does a scan and goes through and kicks out the best I
18 believe it's 15 possible matches and the closest matches
19 then are pulled, the fingerprint cards, and then manually
20 compared to see if they're identified.

21 Q Now, you said Sled has got maybe two million prints
22 in its database?

23 A Yes, sir.

24 Q Is the acronym --

25 A AFIS, yes, sir.

TESTIMONY OF STEVEN CURTIS

1 Q Where do those prints come from? South Carolina or
2 broader than South Carolina?

3 A In Sled's database they've got South Carolina but
4 they are also connected to the FBI's database which would
5 be all arrest records and security applicants, certain
6 positions you apply for you have to be fingerprinted and
7 that type of thing.

8 Q I have got a concealed weapons permit, are my
9 fingerprints probably in AFIS?

10 A Yes, sir. Yours would be in there as well.

11 Q Let's get to some specific items. Did you examine
12 the telephone box cover to see if you could first of all
13 get any prints off of it?

14 A Yes, sir, it's possible. So I collected that and
15 then took it back to the laboratory to process it.

16 Q Let me ask you about three items together. The
17 telephone box cover, which is State's Exhibit Number 13;
18 the black handle knife, which is State's Exhibit Number
19 10, your item number six; and then the Dejeep lighter,
20 which is State's Exhibit Number 14, your item number
21 seven, did you personally examine those to determine if
22 you could lift latent prints from either one of those
23 three items?

24 A Yes, sir, I did.

25 Q And were you able to?

TESTIMONY OF STEVEN CURTIS

1 A No, sir. I didn't get any prints at all. Matter of
2 fact, I didn't get any ridge detail or any traces of
3 fingerprints on either of the three items, or any of the
4 three items.

5 Q And so your report would indicate what for that?

6 A That those items were no value for identification.

7 Q All right. Now, let's go through your initial
8 report. Let me ask you, did you do three reports in this
9 case?

10 A Yes, sir, I did.

11 Q And the date of the first report was what?

12 A Would have been September 14th of 2005.

13 Q And the date of the second report was what?

14 A October 14th of 2005.

15 Q Was it substantially different or was it simply an
16 amendment of the first report?

17 A The second report from October 14th was a
18 supplemental report and that's the one where we actually
19 had I believe it was Ms. Shipwash's fingerprint card had
20 been submitted for us to do a comparison on those prints
21 that we had not identified.

22 Q All right. Now, let's go through this step by step
23 if we can, and I guess we will look at your subsequent
24 report because it contains all of the information on the
25 first one plus some additional; is that correct?

TESTIMONY OF STEVEN CURTIS

1 A Yes, sir.

2 Q And we're referring to the October 14th report, I
3 believe.

4 A Yes, sir.

5 Q Just go through the report if you will and tell us
6 where you were able to lift latent prints and what the
7 result was.

8 A Okay. Do you want me to list my item number or how
9 do you want me to --

10 Q Well, I'm not going to actually put the prints into
11 evidence at this point, if you'll just refer to what you
12 found and what you were able to do with it?

13 A In processing the crime scene, particularly the area
14 that we felt like may have been -- when you're doing a
15 crime scene and you are looking for fingerprints you don't
16 go through and fingerprint every item in the house and

17 every surface and everything like, it's not -- physically
18 you are not able to do all of that and everything. So
19 you're looking for areas that you feel pretty confident
20 that things were moved or possibly touched entry, exit,
21 that kind of thing like that. So we definitely would have
22 concentrated on the office window particularly in that it
23 appeared that perhaps somebody had gone out that door, or
24 that window. So one of the first lifts I had was my item
25 eight, which was the exterior office indoor window and

TESTIMONY OF STEVEN CURTIS

1 there were three latent impressions on it, or three
2 fingerprints on that, and two of them were no value and
3 one of them I was not able to identify to anybody listed
4 in this case.

5 Q Well, on the one that you say you were not able to
6 identify, was it a good enough fingerprint to have matched
7 somebody if you would have had --

8 A Yes, sir. I was able to eliminate all of the people
9 that I had listed or named earlier, and actually had a run
10 through the AFIS computer system and it did not kick out
11 any possible identifications.

12 Q Let me ask you this, you might have said it earlier
13 but did you become aware that the subject in this case was
14 Casey Perkins at some point?

15 A Yes, sir, I was told that.

16 Q Did you have a set of known prints for Casey Perkins?

17 A Had his fingerprints, yes, I did.

18 Q Were you comparing your lifted latents to Casey
19 Perkins' known prints among the other known prints that
20 you were working with?

21 A Yes, sir, he was included in that as well.

22 Q Was everybody including Casey Perkins eliminated in
23 your comparison on that print?

24 A Yes, sir.

25 Q All right. Move on to the next item.

TESTIMONY OF STEVEN CURTIS

1 A My item nine was another list from the interior back
2 door window, which was, I believe, near the kitchen.
3 Again, I had a couple of lifts or couple of latent prints
4 that I listed there, two of them; one, no value. The
5 second one I was able to eliminate everybody listed in
6 this case except for Ms. Shipwash, her fingerprint card,
7 the rolled prints -- a couple of the fingers were not of
8 good quality. As I understand it she's an elderly lady
9 and just over time your fingerprints sometimes are not --
10 when you're older getting an ink depression sometimes is
11 very difficult. So I eliminated everybody but her and
12 could not render a conclusion based upon the condition of
13 the card submitted, and then also ran that print through
14 the AFIS system and was not given a possible
15 identification through that.

16 Q All right. Next item?

17 A The exterior front storm door, I got two prints off
18 of that. Again, one of them was of no value, the second
19 one I eliminated everybody in this case and the computer
20 provided no possible other suspects.

21 Q Next item.

22 A Item 12, which was of the interior front storm door
23 was of no value so I was not able to do any comparison and
24 the quality of the prints lifted there were no good.

25 Q Next item?

TESTIMONY OF STEVEN CURTIS

1 A That would be -- the next print is item 31 on my
2 numbering system which was a white card from the storm
3 window, was of no value. Item 32 was another card lifted
4 from the storm of no value. And then item 33 was another
5 card bearing impressions from the storm window that had a
6 partial palm print present on them. The only person I was
7 able to eliminate at that time would have been the victim
8 in this case since we had her palm prints.

9 Q All right. Now, let me ask you that briefly. Are
10 there different kinds of sets of prints?

11 A Yes, sir. A ten print card covers the ends of the
12 fingers in which we traditionally think the ends of your
13 thumbs and fingers, that's the standard that you use to do
14 comparisons and everything. But --

15 Q Is that normally what would get taken if you get --

16 A If you get arrested or something along, apply for a
17 security job or something like that, those are normally
18 what is taken and that's what is held in the database
19 mostly. You're also -- your palms mostly are set of
20 friction ridge skin which leaves fingerprints or latent
21 prints on items and things like that, so those are of
22 value for identification as well. In this particular
23 case, though, we just took the fingers of the people there
24 in the house, and then we also took the palm prints of the
25 victim, which is standard procedure in death

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1 investigations that you won't see the victim again. So
2 palm prints are potential identification as well so I was
3 only able to do comparison with the victim.

4 Q Well, let me ask you this: When I say major case
5 prints, what does that mean to you?

6 A That's all of the fingers and the palms.

7 Q You didn't have major case prints for anybody but the
8 victim in this case when you did your work; is that
9 correct?

10 A That is correct, yes, sir.

11 Q And the print that you were working on, your item 33
12 was a partial palm print?

13 A Yes, sir.

14 Q All right. I'm going to hand you a copy of a five
15 page document and ask you if you can identify that for a
16 moment.

17 A This is a copy of my supplemental report, which would
18 have been the October 14th report that I issued back in
19 2005.

20 Q Is that all of the pages of it?

21 A Yes, sir, there is five total pages.

22 Q And other than the references in that report to
23 Ms. Shipwash, is it identical to your September report?

24 A Yes, sir.

25 MR. BARFIELD: Your Honor, at this time I would offer

TESTIMONY OF STEVEN CURTIS

1 the October 14th latent prints department report of Agent
2 Curtis as State's Number next.

3 MR. DUNN: I have no objection, Your Honor.

4 THE COURT: Admitted without objection.

5 (The latent report was received as State's 15.)

6 Q Just one more question, I think. You did the
7 fingerprint work, you submitted other items to other
8 departments in Sled.

9 A Yes, sir.

10 Q The stuff from the autopsy, the swabs from the scene,
11 did you maintain the integrity of that evidence from the
12 point you collected it and until it got deposited at Sled?

13 A Yes, sir, I did.

14 Q And when you deposited it at Sled, did you do it in
15 the way that you were trained to in a secure fashion?

16 A Yes, sir. We have the facility for storage there and
17 then once I'm able to write it up and get it logged in
18 it's handed over to the technician there and distributed,
19 yes, sir.

20 MR. BARFIELD: That's all of the questions I have.
21 Please answer anything Mr. Dunn has.

22 THE COURT: Let's take a stretch. I know you have got
23 to need a stretch.

24 (Break in proceedings.)

25 MR. DUNN: If it please the Court?

TESTIMONY OF STEVEN CURTIS

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION

3 BY MR. DUNN:

4 Q None of the fingerprints that you took at the scene
5 of Judy Hinson's house came back positive for Casey
6 Perkins, correct?

7 A Correct.

8 Q You collect DNA, right?

9 A Well, I collect what I think might be DNA, yes, sir.

10 Q You collect the samples and you give it to the lab.

11 A Yes, sir.

12 Q You don't actually test it yourself, right?

13 A No, I do not.

14 Q But you have been trained on how to obtain the
15 samples, correct?

16 A Yes, sir.

17 Q And you have been trained on where would be good
18 places to try to get DNA, correct?

19 A Yes, sir.

20 Q It's possible to get DNA from fingerprints, correct?

21 A That's my understanding, yes, sir.

22 Q So you could take swabs of fingerprints that you
23 found for samples so they could be tested later on.

24 A Not back then.

25 Q Not in 2005?

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1 A Not with my training. Now, I've learned that since
2 then, that's come out since then and I understand that
3 Sled -- again, I am no longer employed there -- they are
4 making moves towards implementing that towards that
5 consideration in doing latent print work. But at the time
6 of 2005 I was -- the amount of training that I had in
7 discussions with DNA personnel they were not able to
8 extract DNA out of fingerprint residue is what I was told.

9 Q Are you aware of whether or not that could be done in
10 other parts of the country?

11 A It is potentially possible, yes, sir.

12 Q And I don't mean now, I mean in 2005, was it possible
13 in other parts of the country doing that technology?

14 A I was not aware of that. And again, I have to
15 operate with the parameters of policy and procedures and
16 those type of standards. Sled was very good about trying
17 to keep people updated and provide training and that sort
18 of thing, but at that point that was not something we were
19 routinely doing and I was not aware of that or we had not
20 received that type of training.

21 Q All right. This is the knife that was found outside
22 of the window, correct?

23 A Yes, sir.

24 Q And I think you said that you put phenolphthalein on
25 this to determine whether there was presence of blood?

TESTIMONY OF STEVEN CURTIS

1 A Just along like the edge of the blood there and the
2 tip. I tried not to -- you don't want to ruin any
3 potential fingerprints on it, but just to see if there's a
4 sample of blood on there and it tested negative.

5 Q When you -- it looks like you took some of the
6 brackets out of it, right?

7 A Yes, sir.

8 Q I see two loose ones, that was your doing.

9 A Yes, sir.

10 Q Which would allow the knife blade to become more
11 accessible underneath the handle, right?

12 A Right. It's potential that blood could seep between
13 the -- from the blade back up into the handle, I've seen
14 that before.

15 Q That was going to be my next question. Did you test
16 to see if there was blood that seeped down in there?

17 A Yes, sir. All of it was negative, I didn't get any
18 presumptive positives for blood on that night.

19 Q So you got no blood from the victim on this knife.

20 A No, sir.

21 Q And you got no fingerprints from anybody on this
22 knife?

23 A No fingerprints on that at all, no, sir.

24 Q And you definitely got no fingerprints from
25 Mr. Perkins then from this knife?

TESTIMONY OF STEVEN CURTIS

1 A Correct.

2 Q All right. As far as you know the stage of the
3 knife, nobody from the crime scene as far as police
4 officers or Sled officers, whoever, when they got to the
5 crime scene as far as you know nobody moved this knife
6 until you were able to obtain it.

7 A That's correct. When we saw it it was on the ground
8 there kind of underneath the screen and it stayed there
9 until I collected it and then took it with me back to
10 Columbia.

11 Q And this is the lighter that you found outside of the
12 scene, correct?

13 A Yes, sir.

14 Q And again, you tested -- it looks black so I assume
15 you tested if for fingerprints.

16 A Yes, sir.

17 Q No fingerprints on it.

18 A No, sir.

19 Q Mr. Perkins' fingerprints were not on this?

20 A No, sir, they were not.

21 Q Did you test it to see if it actually works?

22 A No, sir, I did not. I don't smoke.

23 Q This is the telephone box, I believe, the cover --

24 A The cover, yes, sir, that goes on the outside of the
25 house.

TESTIMONY OF STEVEN CURTIS

1 Q Did you find this on the ground or did you find this
2 on the -- still attached to the house?

3 A It was sitting on the ground.

4 Q But the wires were attached to the house, correct?

5 A Yes, sir.

6 Q And as far as you know you were the first one to pick
7 this up?

8 A Yes, sir?

9 Q And again, there's no fingerprints from Mr. Perkins
10 on this.

11 A No, sir.

12 MR. DUNN: If I may approach the witness for one
13 second, Your Honor?

14 THE COURT: Yes, sir.

15 Q I have a report here that I think I know who it's
16 from but I don't see any names on it, so my question is is
17 that your handwriting and -- your field notes?

18 A Yes, sir, they are.

19 Q I'm assuming at some point you provided this to the
20 solicitor's office or sheriff's office?

21 A They got a copy of the entire file and that would
22 have been in the file, yes, sir.

23 Q At some point it floated down my way. Do you have a
24 copy of this with you?

25 A Yes, sir, I do.

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1 Q If you look on -- I'm assuming it is page one, about
2 half way down there's three slash marks on the left-hand
3 side it looks like just basically telling you it's
4 something new being introduced. It says, "Telephone box
5 cover collected." And I don't want you to tell me what
6 this report says or what people told you, but it indicates
7 that somebody had talked to you about the wiring -- the
8 telephone wiring on the inside of the house.

9 A Yes, sir.

10 Q Do you remember who told you that information?

11 A No, sir, I don't. And there would have been several
12 deputies and people on the exterior of the house there and
13 stuff like that in looking at that. I know that I was
14 briefed originally by Sergeant Bell but I don't know if
15 she would have just given me -- if she would have given me
16 the initial briefing, but as part of my inspection it's
17 possible that one of the other deputies could have said
18 something like that and I don't have a name listed so it's
19 probably just one of those comments while I was looking at
20 it it was mentioned to me.

21 Q You didn't talk to any of the family members when you
22 got on the scene, did you?

23 A No, sir. I didn't interview anybody, that wasn't my
24 function there. Now, I may have spoken to some of them
25 because at some point we would have had to have

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1 fingerprinted them and I remember a couple of them being
2 there but it might have been just a question or two about
3 something in there. But I don't recall talking to them
4 specifically about the phone box or anything like that.

5 Q The photographs that are spread out in front of you
6 there or displayed out in front of you, you took all of
7 those pictures, correct?

8 A Yes, sir.

9 Q All right. And in there there are pictures of the
10 blinds hanging out of the back window, right?

11 A Yes, sir.

12 Q A lot of the pictures are taken from a distance, but
13 did you ever get to the point where you were up close
14 against those blinds to look at them?

15 A Yes, sir.

16 Q Do you take fingerprints off of those blinds, or
17 attempt to take fingerprints off of those blinds?

18 A We dusted the entire window seal on the blinds and
19 all of that, yes, sir.

20 Q You found no fingerprints on any of the blinds,
21 correct?

22 A Not on the venetian blinds. Now, some of the prints
23 actually came off of the window at that place, the office
24 window there but not off the blinds.

25 Q But the actual blinds themselves, vinyl blinds or

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1 venetian blinds, you didn't get any fingerprints off of
2 those?

3 A No, sir, I did not.

4 Q You didn't see any blood on the blinds, correct?

5 A No, sir, I did not.

6 Q Because if you would have seen blood you would have
7 tried to collect samples.

8 A We would have taken the drapes back, yes, sir.

9 Q There's also drapes hanging out the window, which
10 goes to my next question, you didn't see any blood on any
11 of the drapes, correct?

12 A No, sir.

13 Q I'm assuming it is not real easy to collect
14 fingerprints off of the cloth, correct?

15 A I've not seen it done nor have I heard about that
16 either if they're doing it somewhere else.

17 Q But there were fingerprints on the windows.

18 A Yes, sir.

19 Q But none of them matched Mr. Perkins.

20 A That is correct.

21 Q Item number 33 in that report that -- do you have
22 that report still, that's the October 14th report?

23 A Yes, sir.

24 Q I want to make sure I got the number right, I think
25 it's item number 33. It says you had a partial palm

TESTIMONY OF STEVEN CURTIS

1 print.

2 A Yes, sir.

3 Q You didn't actually get any kind of -- you didn't
4 take Mr. Perkins' fingerprints or palm prints, correct?

5 A No, sir.

6 Q You were relying upon Chester County to give you
7 copies of those prints if you needed to --

8 A Yes, sir. You could see at the bottom of the report
9 that states there are no additional ink fingerprints or
10 cards available for comparison, and then under item 33 as
11 well it says the results partial palm print, please submit
12 complete inked finger and palm prints for further
13 examination and comparison.

14 Q That was going to be my question. You never got a
15 copy of his major case prints to match against.

16 A No, sir, I did not.

17 Q Therefore you were never able to test whether or not
18 the partial palm print that was found to determine whose
19 it was.

20 A That's correct, yes, sir.

21 Q All right. You took blood samples from a number of
22 areas in the house, correct?

23 A Yes, sir.

24 Q Most of them came back -- it says in the report that
25 most of them came back negative. What does that mean when

TESTIMONY OF STEVEN CURTIS

1 you have negative results? Does that mean whatever
2 substance you found wasn't blood?

3 A What are you looking at?

4 Q I'm sorry, it's the bottom of page one, beginning of
5 page two, it says there's blood smears that were processed
6 with amino black.

7 A Okay. That was on Ms. Hinson itself. There was some
8 smears of blood down her legs that in my opinion looked
9 like may have come from somebody's hand, either her's or
10 the suspect's. So there at the scene I used amino black,
11 which is a chemical that reacts with proteins with blood
12 to see if any ridge detail or fingerprints would develop
13 on her skin, and by negative results meaning I didn't get
14 any ridge detail, anything that would even resemble a
15 fingerprint was present.

16 Q I guess what you're just saying, though, is that when
17 you looked at her you thought you saw some blood smears on
18 the legs, right? It looked like fingers had gone through
19 there or something?

20 A Well, there was a smear down if I recall on the hip
21 towards the inside of her leg, which it has been my
22 experience that something has transferred blood -- there
23 was -- a bloody object had touched her leg and had moved
24 down it, so -- and a lot of times that's going to be
25 somebody's hand. Again, she was -- we did that before she

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1 was taken from the scene.

2 Q Yes, sir, I understand. Part of your investigation
3 is you actually walked all around the house looking for
4 anything that could be considered forensic -- any kind of
5 evidence, correct?

6 A That is correct.

7 Q There was blood in Mrs. Hinson's room? When I say
8 blood, I mean, there was a pool of blood in her room,
9 correct?

10 A Yes, sir.

11 Q But there wasn't any bloody footprints leading away
12 from her room, was there?

13 A No, sir, not that I could find.

14 Q And you had small smatterings of blood on the chest
15 of drawers and around the sink and there may have been one
16 or two other places where the sprinkles of blood were, but

17 you didn't see anywhere else in the house except for the
18 exterior of the house where there was any major amount of
19 her blood; is that correct?

20 A The only blood that I observed was in her bedroom
21 near her and then there was some impact stains that was
22 spattered up on that dresser, there was some on the door
23 knob leading into the bathroom, there was some around the
24 rim of the sink. And then the only other blood I saw was
25 on the exterior of the trailer below that office window

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1 with -- again, this looked like it could have been a hand
2 moving down the side of the trailer going in a downward
3 direction. I didn't see any anywhere else.

4 Q When we talk about the chest of drawers, that was
5 actually right next to her body, correct?

6 A Yes, sir.

7 Q It wasn't like it was across the room, it was in
8 proximity to where the body was found.

9 A I believe she was actually laying up against it.

10 Q So besides that location in the bathroom and the
11 exterior of the house, nowhere else in that house was her
12 blood found.

13 A No, sir. I did not find any blood anywhere else.

14 Q Did you have anything to do with testing of any of
15 the clothes that were obtained?

16 A No, sir.

17 Q Any part in doing field tests or any kind of that
18 nature?

19 A No, sir.

20 Q I guess maybe a better way -- besides field testing
21 some of the windows and that kind of stuff and these three
22 objects, is there anything else that you field tested for
23 blood?

24 A No, sir.

25 MR. DUNN: Beg the Court's indulgence for just one

TESTIMONY OF STEVEN CURTIS

1 moment.

2 THE COURT: All right, sir.

3 (Break in proceedings.)

4 Q Just a couple of real follow-up questions. You're
5 not able to determine how long this knife was laying out
6 in the grass, correct?

7 A No, sir, I was not.

8 Q You're not able to determine how that knife got
9 there.

10 A No, sir.

11 Q You're not able to determine who put that knife
12 there.

13 A No, sir.

14 Q Same questions for the lighter, you don't know how it
15 got there.

16 A No, sir, I don't.

17 Q Don't know when it got there.

18 A No, sir.

19 Q Don't know who put it there.

20 A No, sir.

21 Q Don't know how long it was there.

22 A No, sir.

23 Q And the same with the box, we don't know any of those
24 questions to this either, correct?

25 A That's correct.

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1 Q Or the answers to that question.

2 A That's correct.

3 MR. DUNN: I don't have any further questions, Your
4 Honor.

5 MR. BARFIELD: Couple of brief redirect.

6 REDIRECT EXAMINATION

7 BY MR. BARFIELD:

8 Q You referred a couple of times both when I asked you
9 and Mr. Dunn was asking you questions about the blood
10 stains on the small chest and the bedroom next to where
11 Ms. Hinson's body was and you referred to them as impact
12 stains. What do you mean by that?

13 A Well, classificational blood stains in a crime scene
14 when you're talking about impact you're talking about a
15 blood source that has had some type of force applied to
16 it. In the picture --

17 MR. DUNN: Your Honor, I would object to him
18 testifying to the impact stains, I don't think he is
19 qualified in that area.

20 MR. BARFIELD: Let me explore that briefly.

21 THE COURT: Sustained.

22 MR. BARFIELD: Let me ask him some other questions.

23 Q I'll cut to the chase. Have you ever -- are you an
24 expert in blood stain pattern analysis?

25 A Yes, sir, I am.

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1 Q Did you get trained to do that in conjunction with
2 your work at Sled?

3 A As part of the investigation of violent crimes or
4 crime scenes in general blood stains are a very critical
5 area of reconstruction of doing crime scene investigation
6 work. I've received approximately 200 hours worth of
7 training in the documentation and collection of blood,
8 blood stains, the analysis of certain types of stains and
9 interpreting them as far as events that occurred during a
10 crime of violence.

11 Q Now, have you been called upon to testify in the
12 courts of this state in this area before?

13 A Yes, sir, I have.

14 Q And again, give me the phraseology for the expertise
15 area?

16 A The proper term is blood stain pattern analysis.

17 Q Have you been qualified as an expert in the courts of
18 the State of South Carolina in blood stain pattern
19 analysis before?

20 A Yes, sir, I have.

21 Q Have you ever been -- do you know how many times on
22 that particular issue?

23 A I believe I've testified three times on that.

24 Q Have you ever been denied qualification as an expert
25 in that area when offered by one side or another?

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1 A No, sir, I have not.

2 MR. BARFIELD: Your Honor, at this time I would offer
3 the witness as a blood stain analysis expert.

4 MR. DUNN: Your Honor, I'm going to object, this is
5 redirect. He would had the opportunity to ask all of these
6 questions on direct. We're going into a new area that
7 should have been opened up the first time.

8 MR. BARFIELD: Well, I concede that he used the word
9 impact stains -- the words impact stains in response to one
10 of my questions, but he used it again in response to
11 questions from Mr. Dunn and I think it's proper redirect.

12 THE COURT: I cannot actually recall what he said in
13 response to that area in response to cross examination. I
14 will permit it in a limited way. Go ahead and proceed.

15 Q And I'm not going to ask you any questions about this
16 scene in particular other than to define what you mean by
17 impact stains.

18 A Impact stains are basically defined as a blood source
19 being struck with some type of force. The size of the
20 stains can indicate the type or amount of force. We use
21 terms like low velocity which may be simply gravity acting
22 upon blood. You cut your finger in the kitchen and you
23 hold your finger, eventually if it's deep enough you've
24 cut enough blood gravity will pull that drop of blood off
25 your finger, that's a low velocity.

TESTIMONY OF STEVEN CURTIS

1 Q Is that still an impact stain?

2 A Yes, sir.

3 Q A dripping finger?

4 A A dripping finger would be a -- gravity is the force
5 acting upon the blood source. Medium velocity are
6 generally associated with blunt force trauma. Again, the
7 size of the stains are going to indicate the amount of
8 force. These stains -- you know, in my opinion there was
9 just some type of medium velocity or force that struck the
10 blood source that created some of those stains on the
11 chest of drawers.

12 Q That's all I need to ask you about that. Couple of
13 real quick questions. Mr. Dunn was asking you about the
14 blood on the outside wall under the window.

15 A Yes, sir.

16 Q Did you examine -- and you're looking at number what?

17 A E7.

18 Q Which is also shown in E8. Did you examine the
19 suspected blood on the outside wall of the house to
20 determine if you could get any ridge detail by way of
21 fingerprints out of that substance?

22 A Yes, sir. The streaks looked like or could be maybe
23 fingers coming down the side. Again, after taking a
24 presumptive test that it was blood and then taking a
25 sample -- a swab for DNA purposes in the laboratory, I

TESTIMONY OF STEVEN CURTIS

1 processed this with amino black, the same stuff I used on
2 the victim's body, it reacts with proteins in the blood
3 that kind of enhances or makes the stains more visible.
4 In doing that I still did not get any bridge detail --
5 anything that resembled a fingerprint on the exterior of
6 the residence at that location.

7 Q Does the amino black mess with the sample, is that
8 why you do that last?

9 A It potentially could. And so in abundance of caution
10 you want to take as pure a sample as possible so I want to
11 swab that before I treat anything with any chemicals, yes,
12 sir.

13 Q Quick question about item 33 in your report, which
14 you identified as impressions from the storm window,
15 partial palm print. Do you know -- did you collect that
16 yourself?

17 A No, sir, I did not.

18 Q Do you know who collected it? Does your file
19 indicate who collected it?

20 A I would have to look and see. I've actually got a
21 copy of the card, but I believe it was Shane Stewart with
22 the sheriff's office collected that.

23 Q And submitted it to you later?

24 A Yes, sir.

25 Q One last question. There was some question to you

TESTIMONY OF STEVEN CURTIS

1 from Mr. Dunn about bloody footprints inside of the house.
2 Was there any footwear impression evidence at all in this
3 case?

4 A No, sir, none that I found.

5 MR. BARFIELD: Thank you. That's all of the questions
6 I have.

7 MR. DUNN: No recross, Your Honor.

8 THE COURT: Thank you, sir, you may step down.

9 MR. BARFIELD: Ask that he be excused.

10 THE COURT: And you may be excused from your subpoena.

11 THE WITNESS: Thank you, sir.

12 THE COURT: Anything before we recess for the evening?

13 MR. BARFIELD: Nothing from the State.

14 MR. DUNN: Nothing from the defense.

15 THE COURT: Ladies and gentlemen, is it going to be
16 any problem with anybody coming back at 9:30 in the

17 morning? I remind you once again, don't let anybody
18 discuss the case with you, you don't discuss the case with
19 anybody. See you back at 9:30 in the morning. Have a good
20 evening.

21 (The jury left the courtroom.)

22 (Court recessed on December 16, 2008 and resumed on
23 December 17, 2008 at 9:30 a.m.)

24 MR. DUNN: I would just like to ask the Court to
25 continually instruct the jury not to review the media;

TESTIMONY OF STEVEN CURTIS

1 papers, TV's, maybe in passing when you are dismissing them
2 ask them if anybody has seen a newspaper or a TV article to
3 come and see us. The reason why, Your Honor, is everything
4 is headlined at this point that a sex predator is going to
5 trial in Chester for murder. Obviously that is prejudicial
6 to the defendant's case if they do see that. There is
7 evidence -- things that are seen that is not coming into
8 evidence that could certainly sway them if they see that.

9 THE COURT: Is there something -- are there things in
10 print?

11 MR. DUNN: Yes, sir. There's things in the Chester
12 Newspaper and Rock Hill Newspaper twice, both days on
13 Channel 9. And I understand they are doing their job, I
14 just want to make sure that the jury is not seeing that
15 because -- everything is being headlined with sex predator,
16 or sex offender, excuse me.

17 MR. JORDAN: There is an article in today's paper.

18 MR. DUNN: There has been an article every day this
19 week, either in the Chester paper or Rock Hill paper and
20 Channel 9. I haven't looked at the other news channels. I
21 only looked at Channel 9 because we have got the camera
22 here and the reporter here. I just want to make sure that
23 if the jury does see that that they be aware they should
24 let us know just so that we are not going under the
25 assumption that they are not looking at things when in

TESTIMONY OF STEVEN CURTIS

1 reality they have seen something.

2 MR. BARFIELD: I certainly that's that's prudent. I
3 have two other real minor things real quick, I have a
4 handful of other photographs that we will see if we can get
5 premarked. And then the whole issue about the redaction of
6 the audio recording, Michael Green with Sled is going to be
7 here momentarily. At some point before the morning gets
8 too late Mr. Dunn and I and Mr. Green need to sit down for
9 five minutes and see if we can agree what Michael is going
10 to get Sled to take out of that, I don't think it will take
11 long but that needs to get started sooner rather than
12 later.

13 MR. DUNN: I have no problems with that picture, and I
14 agree with Mr. Barfield about the recording.

15 MR. BARFIELD: That would be a proper thing for us to
16 do at maybe the morning break if it is not too late in the
17 morning.

18 THE COURT: I think what I may do is ask the jurors --
19 bring that issue up to the jurors and then I will go ahead
20 since the solicitor agrees I'll ask but I'm not going to do
21 it until later in the morning.

22 MR. DUNN: I have no problem with doing it at a break
23 time or something.

24 (The jury returned to the courtroom.)

25 THE COURT: Welcome back and good morning, ladies and

TESTIMONY OF PHILLIP PERRY

1 gentlemen. One thing I wanted to tell you before we begin
2 this morning, or make a comment about, is that you have
3 already seen several witnesses be qualified by the Court as
4 an expert and I haven't said anything about it but you may
5 see more witnesses that are qualified by the Court as an
6 expert. I'll tell you more about this later, but
7 individuals that are qualified as experts are done so based
8 on their experience or training in some area. As you can
9 see the people that you have seen so far are physicians,
10 doctors, people such as that, can obtain knowledge in an
11 area that you and I may not have or the general public
12 wouldn't have specialized knowledge in. Such people can be
13 qualified as experts and permitted then to give their
14 opinions about things. Normally witnesses who come to
15 court are not permitted to give their opinion about things.
16 Witnesses are normally required to tell only what they saw
17 or heard, smelled, something that they can describe with
18 their senses. But experts are permitted to give their
19 opinion about things in their area of expertise. Again,
20 I'll talk to you about that more, but I thought since we
21 had done so much of that you might question why we go
22 through a lengthy process of having them declared experts
23 and that's the reason. Now, having said all of that -- I
24 forgot about one other thing. At our next break what I
25 would like for you to do as a collective group is see if

TESTIMONY OF PHILLIP PERRY

1 you can agree on one person to serve as foreperson for the
2 jury. If you can that would be great, if you can't don't
3 worry about it, I can appoint somebody. It can be any of
4 the 12 of you but it can't, yet at any rate, be one of the
5 alternate jurors, it can only be one of the first 12 of you
6 selected. So now, having said all of that I believe we're
7 ready to continue with evidence presented by the State.

8 Solicitor Barfield?

9 The witness, PHILLIP PERRY, was first duly sworn and
10 testified as follows, on:

11 DIRECT EXAMINATION

12 BY MR. BARFIELD:

13 Q Mr. Perry, by whom are you employed?

14 A Chester County Sheriff's Office.

15 Q How long have you been employed by the Chester County
16 Sheriff's Office?

17 A Since September of 2000.

18 Q What do you currently do for the Chester County
19 Sheriff's Office?

20 A I'm an investigator.

21 Q Were you employed as an investigator with the Chester
22 County Sheriff's Office in August of 2005?

23 A Yes, sir, I was.

24 Q Did you, generally speaking, participate in the
25 investigation of the death of Judy Hinson at her home on

TESTIMONY OF PHILLIP PERRY

1 August 27th of 2005?

2 A Yes, sir, I did.

3 Q I'm going to ask you a couple of general questions or
4 a couple of specific questions and then I'll get into a
5 couple of other things. Did you get called out during the
6 early morning hours of August 27th?

7 A Yes, sir.

8 Q Did you go to the scene?

9 A Yes, sir.

10 Q Did you yourself collect any evidence there at the
11 scene that early morning?

12 A No, sir, not that particular day.

13 Q Okay. Through the course of the investigation did
14 you interview various people?

15 A Yes, sir.

16 Q Okay. Through the course of your investigation as
17 information developed, did you obtain or apply for with
18 the magistrate at least two search warrants?

19 A Yes, sir.

20 Q The first search warrant that you made application
21 for with the magistrate was for, number one, what
22 location?

23 A It was for the victim's residence on Debruhl Road.

24 Q And on what date did you appear before the magistrate
25 to apply for a search warrant for the victim's residence?

TESTIMONY OF PHILLIP PERRY

1 A It was August 27, 2005.

2 Q All right. And are you aware of whether that search
3 warrant was actually executed and served and a search was
4 conducted?

5 A Yes, sir, it was.

6 Q Who actually did the searching?

7 A There were several members from the sheriff's office
8 were up there. Sled actually on this particular day, I
9 believe, did most of the processing of that scene that
10 particular morning. We were present, but as far as being
11 inside of the residence they did most of the processing
12 that day.

13 Q All right. Now, you have a soft voice and you let
14 your voice trail off so keep your voice up if you will.

15 A Yes, sir.

16 Q That's fine. Did you obtain any other search
17 warrants?

18 A I did.

19 Q What was the next search warrant that you applied
20 for?

21 A The next search warrant was for Mr. Perkins'
22 residence at [REDACTED]

23 Q When you say Mr. Perkins, are you referring to Casey
24 Ray Perkins, the defendant in this case?

25 A Yes, Casey Ray Perkins.

TESTIMONY OF PHILLIP PERRY

1 Q And what date did you apply for that search warrant?

2 A August 30th of 2005.

3 Q And was that search warrant issued by a magistrate
4 upon your application?

5 A Yes, sir.

6 Q Was that search warrant executed and served and a
7 search conducted?

8 A Yes, sir, it was.

9 Q Did you participate in that search at all yourself?

10 A Yes, sir, I believe I did. There was several folks
11 from the sheriff's office up there on that day, we all
12 looked around the property.

13 Q Did you seize and take possession of any items
14 yourself in the search warrant at Casey Perkins' home on
15 August 30th of 2005?

16 A No, sir. I did not take into my possession anything.

17 MR. BARFIELD: Your Honor, that's all of the questions
18 I'm going to have for Investigator Perry at this point. He
19 is -- I'm going to need to recall him later on in the case
20 and reserve the right to do so.

21 THE COURT: Cross examination.

22 CROSS EXAMINATION

23 BY MR. DUNN:

24 Q How many search warrants did you say that you swore
25 out?

TESTIMONY OF PHILLIP PERRY

1 A Altogether there were three, but we discussed two
2 this morning.

3 Q But there was a third one, right?

4 A Yes, sir.

5 Q And on the two that we have discussed so far you
6 didn't actually obtain any of the property?

7 A No, sir.

8 Q Other officers did?

9 A Yes, sir.

10 Q You were just the point man with the magistrate,
11 right?

12 A Yes, sir.

13 MR. DUNN: I don't have any other questions at this
14 time, Your Honor.

15 MR. BARFIELD: Let me ask him this quickly in reply.

16 REDIRECT EXAMINATION

17 BY MR. BARFIELD:

18 Q What was the third search warrant for and the date?

19 A The third search warrant was for the Pontiac Firebird
20 that was on the property. I'm not sure of the date, I
21 don't have a copy of it with me, but that was so it could
22 be taken into possession and sent to Sled.

23 Q Let me just jump ahead and ask you this: Do you have
24 knowledge one way or the other whether anything of
25 evidentiary value was obtained out of that Pontiac?

TESTIMONY OF RICK HOWARD

1 A Nothing of any evidentiary value was found in that
2 car.

3 MR. BARFIELD: Thank you. That's all of the questions
4 of this witness at this time.

5 MR. DUNN: I have no questions, Your Honor.

6 THE COURT: Thank you, sir. You may step down. You
7 may call your next witness.

8 The witness, RICK HOWARD, was first duly sworn and
9 testified as follows, on:

10 DIRECT EXAMINATION

11 BY MR. BARFIELD:

12 Q Mr. Howard, by whom are you employed right now?

13 A South Carolina Highway Patrol.

14 Q How long have you been employed by the South Carolina
15 Highway Patrol?

16 A Since September of '05.

17 Q Are you assigned locally -- I can't remember whether
18 y'all call them troops or posts or what you call them --
19 are you assigned to the area that covers Chester County?

20 A I'm assigned to this post in Chester now, yes, sir.

21 Q Where were you employed in August of 2005?

22 A Chester County Sheriff's Office.

23 Q What was your job with the Chester County Sheriff's
24 Office in August of 2005?

25 A Deputy.

TESTIMONY OF RICK HOWARD

1 Q And specifically relating to August 27th of 2005, did
2 you participate at all -- did you go out on the early
3 morning hours of August 27th of '05?

4 A I did.

5 Q Did you go to the scene, what was [REDACTED] [REDACTED]?

6 A Actually I think we went to the defendant's
7 residence, that's where we got paged at.

8 Q Did you participate in a search of the residence of
9 Casey Ray Perkins on Debruhl Road in August 2005?

10 A I did.

11 Q Now, you have got to speak up a little bit, too.

12 A I did.

13 Q Were other Chester County Sheriff's Office deputies
14 and investigators present?

15 A Yes.

16 Q Did you find anything pursuant to the search that you
17 took possession of and seized as evidence in this case?

18 A I did.

19 Q Do you recall what it was that you found?

20 A Yes, sir.

21 Q What did you find?

22 A It was a pair of tennis shoes.

23 Q Both shoes, right and left?

24 A Yes, sir.

25 Q Where did you find those shoes?

TESTIMONY OF RICK HOWARD

1 A It was in a SUV kind of rusted gray looking color in
2 the console.

3 Q Now, I'm going to show you two pictures and ask you
4 to look at the two pictures first of all, and tell me if
5 you recognize what's shown in the pictures.

6 A I do.

7 Q First of all what is shown in the pictures, in the
8 first picture you got in your hand?

9 A The first picture here is a rust or blue/grayish
10 color SUV Dodge.

11 Q Where was that Dodge located?

12 A It was beside the residence.

13 Q Whose residence was it?

14 A Mr. Perkins.

15 Q What is the second picture?

16 A The second is inside the console and it was Adidas
17 tennis shoes where the soles had been removed.

18 Q Did you take possession of the tennis shoes?

19 A Yes, I did.

20 Q Do those pictures accurately reflect what you
21 described as shown in the pictures?

22 A Yes, sir.

23 MR. BARFIELD: Your Honor, at this time I offer into
24 evidence State's Exhibits 18 and 19, these two photographs.

25 MR. DUNN: No objection.

TESTIMONY OF RICK HOWARD

1 THE COURT: Motion is granted.

2 (The photos were received as State's 18 and 19.)

3 Q I'm going to hand you couple of things. Take them
4 into your hands and examine them for a minute, if you
5 would. Are they familiar to you?

6 A Yes, sir.

7 Q Are they the shoes that are shown in the console
8 which is depicted in State's Exhibit Number 19?

9 A Yes, sir.

10 MR. BARFIELD: Your Honor, at this time I would offer
11 this pair of shoes -- and I will tie the two laces together
12 and make them one exhibit.

13 MR. DUNN: No objection.

14 THE COURT: Motion is granted.

15 (The tennis shoes were received as State's 27.)

16 MR. BARFIELD: Thank you, sir. Answer anything

17 Mr. Dunn has, please.

18 MR. DUNN: If it please the Court, Your Honor?

19 THE COURT: Certainly.

20 CROSS EXAMINATION

21 BY MR. DUNN:

22 Q Trooper Howard, when you executed that search warrant
23 nobody interfered with your execution of that search
24 warrant, correct?

25 A Correct.

TESTIMONY OF RICK HOWARD

1 Q Nobody from the Perkins residence gave you any
2 trouble, right?

3 A No, sir.

4 Q And they were home at the time, weren't they? Do you
5 remember?

6 A I don't recall actually.

7 Q Now, you said you found these shoes in the console of
8 an SUV.

9 A Yes, sir.

10 Q I think we've got a picture of it. You said it's a
11 tan colored vehicle?

12 A It was kind of a grayish looking and blue SUV.

13 Q The side of it says it looks like a Dodge Ram maybe?

14 A Yes, sir.

15 Q Almost like a Ford Bronco? You don't know how they
16 got there.

17 A No.

18 Q You don't know how long they had been there?

19 A No, sir.

20 Q You don't know who put them there?

21 A No, sir.

22 Q All you did was you found these and took them into
23 evidence, correct?

24 A Yes.

25 Q All right. Do you remember what size shoe they were?

TESTIMONY OF RICK HOWARD

1 A No, sir, I don't.

2 Q And did you ever inquire as to what size shoe

3 Mr. Perkins has?

4 A No, sir.

5 MR. DUNN: Beg the Court's indulgence, Your Honor.

6 THE COURT: Yes, sir.

7 (Break in proceedings.)

8 Q And you didn't find any kind of substance on these

9 shoes, correct, anything that looked suspicious?

10 A Well, the only thing that looked suspicious that

11 stood out to me was the soles were ripped off of some

12 shoes and that to me is kind of suspicious.

13 Q I understand that. But you didn't find any blood on

14 the shoes?

15 A No, just like you got it there.

16 MR. DUNN: No further questions, Your Honor.

17 MR. BARFIELD: Nothing else from Trooper Howard, ask

18 that he be excused, I believe he's about the only one on

19 the road on this foggy morning.

20 THE COURT: All right, sir. You may be excused from

21 your subpoena.

22 The witness, CHRIS DEVINNEY, was first duly sworn and

23 Testified as follows, on:

24 DIRECT EXAMINATION

25

TESTIMONY OF CHRIS DEVINNEY

1 BY MR. BARFIELD:

2 Q Mr. Devinney, by whom are you employed?

3 A Chester County Sheriff's Office.

4 Q How long have you been employed by the Chester County
5 Sheriff's Office?

6 A Totally about seven.

7 Q Were you working and on duty at some point with the
8 Chester County Sheriff's Office on -- well, let me -- did
9 you respond to Judy Hinson's house on August 27th of '05,
10 the morning her body was found?

11 A No, sir. Not the morning, no, sir.

12 Q All right. Did you participate with other officers
13 of the Chester County Sheriff's Office in a search of
14 Casey Perkins' residence and outbuildings on August 30th
15 of 2005?

16 A Yes, sir, I did.

17 Q Did you see, take possession of, seize and secure as
18 evidence any items during your participation in that
19 search?

20 A Yes, sir.

21 Q What did you take?

22 A I found a sole of a shoe.

23 Q And where did you find the sole of the shoes?

24 A It was located in a wheel barrel.

25 Q I'm showing you -- I'm going to hand you two

TESTIMONY OF CHRIS DEVINNEY

1 photographs. Look at the photographs and then I'm going
2 to ask you if you can recognize what is shown in them.

3 A Okay.

4 Q Are those photographs familiar to you?

5 A Yes, sir.

6 Q And the top one that you're looking at, what does it
7 show?

8 A It's the top of -- the sole of the shoe on top of a
9 wheel barrel.

10 Q Is there other stuff in the wheel barrel?

11 A Yes, sir, pine needles.

12 Q What does the second picture show?

13 A It's actually the closeup of the sole.

14 Q Speak up a little bit. Do those two pictures
15 accurately depict what you saw when you took possession of
16 that sole of the shoe?

17 A Yes, sir.

18 MR. BARFIELD: Your Honor, at this time I would offer
19 these two photographs, State's 16 and 17.

20 MR. DUNN: No objection.

21 THE COURT: Motion is granted.

22 (The photos were received as State's 16 and 17.)

23 Q I'm going to show you another item which is in the
24 envelope. I'm going to ask you first to look at the
25 envelope and the writing and then look at the contents of

TESTIMONY OF CHRIS DEVINNEY

1 the envelope.

2 A (Witness complies.)

3 Q Do you recognize the envelope and the writing on it
4 and the contents of the envelope?

5 A Yes, sir.

6 Q What's in the envelope?

7 A It is the actual sole of the shoe, the bottom of the
8 shoe.

9 Q Is that the same sole that you described as shown in
10 photographs 16 and 17, State's Exhibit 16 and 17?

11 A Yes, sir.

12 MR. BARFIELD: Your Honor, at this time I would offer
13 the sole of the shoe in the envelope as the next State's
14 Exhibit.

15 MR. DUNN: No objection, Your Honor.

16 THE COURT: Motion is granted.

17 (The shoe sole was received as State's 28.)

18 Q Deputy Devinney, I'm going to set State's Exhibit
19 Number 27 up there in front of you and ask you a couple of
20 questions about it. Can you tell from looking at State's
21 Exhibit 27 what the brand is of those tennis shoes?

22 A It appears to be Adidas shoe.

23 Q I'm going to hand you State's Exhibit Number 28 and
24 ask you if you can identify the brand of the sole of the
25 shoe from any markings on it?

TESTIMONY OF CHRIS DEVINNEY

1 A It has the same markings on the sole, Adidas.

2 Q And what foot is the sole for?

3 A The right foot.

4 Q Would you pick up the shoes and direct your attention
5 to the right shoe?

6 A (Witness complies.)

7 Q Would you turn them over and lay the sole on the
8 right shoe? From a layman's standpoint, does it appear to
9 be the sole that came off that shoe?

10 A That came off that shoe.

11 MR. BARFIELD: That's all from Officer Devinney.

12 MR. DUNN: If it please the Court, Your Honor?

13 CROSS EXAMINATION

14 BY MR. DUNN:

15 Q You don't know how long this sole was laying where
16 you found it, correct?

17 A No, sir.

18 Q And you don't know how it got there.

19 A No, sir.

20 Q You don't know who put it there, correct?

21 A Correct.

22 Q And you can't even say with any degree of absolute
23 certainty that this shoe -- or sole came off of that shoe,
24 can you, apart from your opinion?

25 A No, sir.

TESTIMONY OF CHRIS DEVINNEY

1 Q You didn't see the sole come off of that shoe.

2 A No, sir.

3 MR. DUNN: If I may approach the witness, Your Honor?

4 THE COURT: Yes, sir.

5 Q I'm going to hand it back to you for just a second.

6 The white part looks like it's the inside of the sole.

7 A Yes.

8 Q Would it be fair to say that it is pretty dirty?

9 A Yes, sir.

10 Q All right. You don't know who those soles belonged
11 to.

12 A No, sir.

13 Q Do you know what size shoe Mr. Perkins wears?

14 A No, sir.

15 MR. DUNN: No further questions. Beg the Court's
16 indulgence a minute, Your Honor.

17 THE COURT: All right, sir.

18 (Break in proceedings.)

19 MR. DUNN: No further questions, Your Honor.

20 MR. BARFIELD: Nothing else from the witness, ask that
21 he be excused.

22 THE COURT: Yes, sir. You may step down and you're
23 excused from your subpoena.

24 The witness, JAMIE MITCHELL, was first duly sworn and
25 Testified as follows, on:

TESTIMONY OF JAMIE MITCHELL

1 DIRECT EXAMINATION

2 BY MR. BARFIELD:

3 Q Mr. Mitchell, by whom are you employed?

4 A I'm unemployed right now.

5 Q And for whom did you last work?

6 A Chester County Sheriff's Office.

7 Q And were you working for the Chester County Sheriff's
8 Office in August of 2005?

9 A I was.

10 Q What was your job with the Chester County Sheriff's
11 Office in August of 2005?

12 A I was assigned to the detective division of the
13 Chester County Sheriff's Office.

14 Q An investigator?

15 A An investigator.

16 Q Did you participate in the investigation of the death
17 of Judith Hinson on Debruhl Road, which occurred on
18 August 27th of 2005?

19 A I did.

20 Q Couple of brief questions about that early morning.
21 Did you respond to the scene of this homicide that early
22 morning?

23 A I did.

24 Q At that scene, did you collect any evidence or do
25 anything from a forensic standpoint as an investigator?

TESTIMONY OF JAMIE MITCHELL

1 A Not at that time, no.

2 Q Okay. Did you obtain any -- did you apply for with a
3 magistrate any search warrants on this investigation?

4 A I did.

5 Q First of all, what date did you apply for a search
6 warrant with the magistrate?

7 A It was 9-7-2005.

8 Q For what location did you apply for a search warrant?

9 A His residence.

10 Q Whose residence?

11 A Casey Perkins.

12 Q Was your application for the search warrant granted
13 by the magistrate?

14 A It was.

15 Q Was the search warrant executed and a search
16 conducted?

17 A It was.

18 Q Who all participated in the search as you recall, if
19 you recall? Let me ask you this question first, did you
20 participate in the search?

21 A I did.

22 Q Anybody else that you remember that was present for
23 that search?

24 A Shane Stewart, Phillip Perry, and I can't remember
25 the rest of them.

TESTIMONY OF JAMIE MITCHELL

1 Q Okay. That's fine. Was any evidence observed, taken
2 possession of, seized and secured by you during that
3 search warrant?

4 A Yes.

5 Q What do you recall that was seized during the
6 execution of that search warrant? Tell me one item and
7 then we will talk about it specifically.

8 A It was a blue Mercedes shirt.

9 Q All right. Stop right there. Well, we'll get
10 specific in a minute. What else was seized?

11 A According to the paper a pair of pants and a sole of
12 a shoe.

13 Q Now, the shirt specifically, where was the shirt
14 found?

15 A In a tire that had been cut out in the very bottom of
16 the tire.

17 Q Was the tire on a rim?

18 A It was.

19 Q Now, I'm going to show you some photographs, actually
20 I'm just going to hand you a series of photographs and ask
21 you just to take a minute to look at them and then I'll
22 ask you some questions about them. Is the subject of
23 those photographs familiar to you?

24 A Yes.

25 Q All right. Hand them back to me and we will go

TESTIMONY OF JAMIE MITCHELL

1 through them briefly one at a time. What is in that
2 picture?

3 A A set of tires where the shirt was in one of them
4 tires.

5 Q Where were these tires on the Perkins' property as
6 far as you recall?

7 A Near the edge of the woods beside a building, on the
8 right-hand side of the property, going in the driveway
9 they were on the right-hand side.

10 Q Showing you this photograph. What does that show?

11 A That's Agent Michael Green and myself with the tire
12 in question that had been cut.

13 Q What does that photograph show?

14 A That's me pulling the shirt out of the tire.

15 Q Whose feet are shown in the olive dry pants?

16 A Agent Michael Green.

17 Q With Sled?

18 A With Sled.

19 Q What does that picture show?

20 A That's the shirt that was in there.

21 Q Is it still partially hanging in the tire in that
22 picture?

23 A Yes.

24 Q What does that picture show?

25 A That's the picture of the shirt laid out.

TESTIMONY OF JAMIE MITCHELL

1 Q What does that picture show?

2 A Casey's name on the shirt.

3 Q What does that picture show?

4 A The tire cut itself, how he cut it.

5 Q Is that after everything had been taken -- or the
6 shirt had been taken out of it?

7 A I can't recall.

8 MR. BARFIELD: Your Honor, at this time I would offer
9 these as State's Exhibits 20 through 26, I believe.

10 MR. DUNN: No objections, Your Honor.

11 THE COURT: Motions is granted.

12 (The photos were received as State's 20-26.)

13 Q I'm showing you what has been marked for
14 identification purposes as State's Exhibit Number 1, I
15 believe. You can handle it if you want to or you can look
16 at it from me holding it, but do you recognize that item?

17 A I do.

18 Q What is that item?

19 A That is the shirt that was pulled out of the tire.

20 Q And did you take control of that shirt and maintain
21 it in the secure custody of the Chester County Sheriff's
22 Office until it got transferred somewhere else?

23 A I did.

24 MR. BARFIELD: Your Honor, at this time I would offer
25 the shirt as State's Exhibit Number 1 instead of for

TESTIMONY OF JAMIE MITCHELL

1 identification purposes.

2 MR. DUNN: No objection, Your Honor.

3 MR. BARFIELD: Motions granted.

4 (The shirt was received as State's Exhibit Number 1.)

5 Q I'm handing you a Bi-Lo bag. Take a look at the
6 Bi-Lo bag and the contents of the Bi-Lo bag.

7 A (Witness complies.)

8 Q Do you recognize what's in that bag?

9 A I do.

10 Q What is in that bag?

11 A The sole of a shoe cut off.

12 Q Was that seized during the execution of a search
13 warrant on September 7th of '05 at Casey Perkins' house?

14 A It was.

15 MR. BARFIELD: Your Honor, I would offer this shoe
16 sole as the next state's exhibit.

17 MR. DUNN: No objection.

18 THE COURT: Motion is granted.

19 (The shoe sole was received as State's 29.)

20 Q Mr. Mitchell, I'm going to hand you State's Exhibit
21 27 and I'm going to hand you back State's Exhibit Number
22 29. Take the shoes in your hand, please.

23 A (Witness complies.)

24 Q What foot does this shoe sole appear to be for?

25 A The left shoe.

TESTIMONY OF JAMIE MITCHELL

1 Q Would you take the left shoe in your hand some way
2 and turn it upside down?

3 MR. DUNN: Your Honor, we're going to object to the
4 demonstration. I don't think he has been qualified as any
5 kind of reconstructionist of shoes.

6 MR. BARFIELD: I'm not offering it as an expert. It's
7 two pieces of evidence that I think the witness has -- I
8 think any witness would be qualified to lay one piece of
9 evidence on top of the other and see what it looks like. I
10 don't think that's expert --

11 THE COURT: I overrule the objection, I will permit
12 the witness to continue.

13 Q Hold the left shoe up and lay the sole of -- the left
14 shoe sole over the left shoe. Just hold it up for a
15 minute.

16 A (Witness complies.)

17 Q Thank you, sir. Mr. Mitchell, I'm going to hand you
18 a bag and I'm going to hand you a piece of paper that's in
19 the box of that bag. Let me hand you the bag first. Look
20 in the bag and tell me if you recognize the item in the
21 bag.

22 A It's a pair of pants.

23 Q What kind of pants? Describe the pants.

24 A Denim -- blue denim.

25 Q All right, sir. Have you seen them before?

TESTIMONY OF JAMIE MITCHELL

1 A There's several pair of pants -- yes. To answer your
2 question, yes, there's several pair.

3 Q And certainly don't want to -- well, let me hand you
4 that piece of paper. What is that piece of paper?

5 A That's the evidence tag with one blue Mercedes shirt,
6 one pair of blue jeans, one sole received from [REDACTED]
7 [REDACTED] it's our evidence tag.

8 Q Does it indicate an officer's name associated with
9 the seizure of that evidence?

10 A It does.

11 Q And who does it indicate is associated with the
12 seizure of that evidence?

13 A Jamie Mitchell.

14 Q Is that you?

15 A That's me.

16 Q That's fine. On the August 30th -- no, excuse me, on
17 the September 7th search warrant, how many pairs of blue
18 jeans were --

19 A One.

20 Q All right. Now, again -- and if you can't answer it,
21 that's fine -- but do you know what pants those are in
22 that bag?

23 A I do.

24 Q What pants are those in that bag?

25 A They were the jeans that were found that day off of

TESTIMONY OF JAMIE MITCHELL

1 the search warrant.

2 Q September 7th?

3 A September 7th.

4 Q And did you take possession of them, secure them in
5 evidence or were they secured in the evidence vault of the
6 Chester County Sheriff's Office until they were
7 transferred to some other place for some other purpose?

8 A They were.

9 Q All right.

10 MR. BARFIELD: Your Honor, at this time I would offer
11 the jeans in the bag. The evidence tag has been identified
12 by the witness and I propose to staple the evidence tag in
13 the --

14 MR. DUNN: May I voir dire the witness for just one
15 second, Your Honor, as it relates to this particular piece
16 of evidence?

17 THE COURT: All right, sir.

18 VOIR DIRE EXAMINATION

19 BY MR. DUNN:

20 Q Do you remember who took possession of those pants?

21 A I do not.

22 Q You didn't take possession of them?

23 A No, I didn't.

24 Q Somebody gave them to you and that's --

25 A Yes, sir.

TESTIMONY OF JAMIE MITCHELL

1 Q Do you remember whether or not Shane Stewart gave
2 them to you?

3 A Probably did. I feel like he did.

4 MR. DUNN: I have no further questions, Your Honor.

5 MR. BARFIELD: I would renew my offer of the exhibit.

6 THE COURT: Any objection.

7 MR. DUNN: Can we take an issue up outside the
8 presence of the jury, Your Honor?

9 THE COURT: All right. Ladies and gentlemen, I need
10 you to step back into the jury room for a few minutes,
11 remind you not to discuss the case.

12 (The jury left the courtroom.)

13 MR. DUNN: Your Honor, before trial started the
14 solicitor and I had talk about chain of evidence and all of
15 evidence, and for the most part I don't have any problems
16 and I don't really think -- with chain of evidence issues I
17 don't think we should have to parade every single witness
18 in front of the jury to establish a chain of evidence
19 because we will be here for two weeks if we have to do that
20 because there's just so much evidence, there's such a
21 volume of evidence. My only concern is that the one
22 witness who touched a lot of this stuff is not in court at
23 all this week because he's not in the country this week,
24 and that's Mr. Stewart, Shane Stewart. I didn't raise the
25 issue of the shirt and I probably should have, I thought

TESTIMONY OF JAMIE MITCHELL

1 about it as the pants were being talked about, who actually
2 touched it, because like I said, Mr. Stewart touched a lot
3 of this stuff. My concern -- like I said, my concern just
4 is because he's not available for cross examination if
5 there was the issue of a chain of evidence issue that's
6 the -- there lies my concern, Your Honor. I don't really
7 know what the proper remedy for this is. I guess I could
8 object to the evidence since the chain could not be
9 established. I feel like I would be going against my word
10 to the solicitor at that point but I wanted the Court to be
11 aware of that because I wanted the jury to walk out because
12 they don't need to hear this but it should be on the
13 record. So I guess I'm going to have to object to the
14 pants, Your Honor, just on a chain of evidence issue
15 because Shane Stewart isn't here to testify to it and there
16 could be a problem with the contamination or with the chain
17 evidence. Like I said, Your Honor, if I'm not mistaken
18 he's in the UAE or Kuwait or --

19 MR. BARFIELD: Let me tell you about Mr. Stewart just
20 for the record. As the Court is aware we spent a day and a
21 half here plus another little bit of time in Lancaster on
22 the Jackson v. Denno hearing in this case. Investigator
23 Stewart was going to be back in Chester County and
24 participated in the first part of that proceeding.

25 MR. DUNN: I don't think he participated in Jackson,

TESTIMONY OF JAMIE MITCHELL

1 he participated in the Schmerber.

2 MR. BARFIELD: Well, he was here -- that's correct.

3 He's been here, he was here when I needed him once before.

4 He is employed in a civilian capacity with a civilian
5 contractor in Afghanistan and is currently attached to a
6 military unit in Afghanistan. When he came here I believe
7 it was maybe October or whenever it was when we did the
8 previous hearing he participated in I served a subpoena
9 upon him and he at that time anticipated no difficulty
10 being back in country for this trial this week,

11 December 15th. As the case drew closer he and I
12 communicated by e-mail several times and his status with
13 his employment and the military changed which made it
14 basically impossible for him to get back and I have what I
15 have on that issue. So he is unavailable because he is out
16 of the country. Now, he, in fact -- and in honesty to the
17 Court he was served with a subpoena in September or October
18 to appear here December 15th. I cannot enforce that
19 subpoena obviously when he is not in this country and he is
20 not here and he is not going to be here.

21 THE COURT: He is not going to be here?

22 MR. BARFIELD: He's not going to be here for this
23 trial. Now, I have got a little bit more -- I probably
24 need to ask Mr. Mitchell a couple of more questions and I
25 might need to ask another witness to return to the stand on

TESTIMONY OF JAMIE MITCHELL

1 the issue of pants perhaps. If you will indulge me a
2 minute -- I'll give you all I've got and you can decide if
3 it's enough.

4 Q Mr. Mitchell, I'm going to hand you a copy of a
5 document. Are you familiar with that document?

6 A I am.

7 Q What is that document?

8 A That is a copy of the search warrant.

9 Q That you are referring to?

10 A Yes.

11 Q It is dated what?

12 A 9/7/2005.

13 Q It is for a search of what location?

14 A [REDACTED]

15 Q And whose property or residence is that?

16 A It's the Perkins property.

17 Q Is that the search warrant that produced the Mercedes
18 shirt, States Exhibit Number 1, and the left sole of the
19 tennis shoe, State's Exhibit Number 29, and the blue jeans
20 which I'm attempting to get into evidence?

21 A It is.

22 Q Is there a return on -- is the return portion of the
23 copy of that search warrant in your hands completed?

24 A It is.

25 Q Does the return first of all indicate what items are

TESTIMONY OF JAMIE MITCHELL

1 being returned to the magistrate, or what items were
2 being -- what items the magistrate is being informed were
3 seized pursuant to that search warrant?

4 A It does.

5 Q What are the items?

6 A One Mercedes Benz shirt with Casey on it, one pair of
7 blue jeans, one sole of a tennis shoe.

8 Q Are those the same -- State's 1 for the shirt,
9 State's Exhibit 29 for the left sole of the shoe and the
10 jeans that I'm attempting to get in right now?

11 A Yes.

12 Q Was the return -- who signed off on the return,
13 meaning the officer saying we did it?

14 A Shane Stewart.

15 Q And was he a detective with the Chester County
16 Sheriff's Office at the time?

17 A He was.

18 Q Was the return made in the presence of any other
19 Chester County Sheriff's Office employees or agents?

20 A It was.

21 Q Who was it made in the presence of?

22 A Jamie Mitchell, being myself, and Brian Phillip
23 Perry.

24 Q Okay. To your recollection did all three of y'all
25 and perhaps others participate in the search on

TESTIMONY OF JAMIE MITCHELL

- 1 September 7th at the Perkins house?
- 2 A We did.
- 3 Q And did different people do different things during
- 4 that search?
- 5 A We did.
- 6 Q Do you have -- point blank I'm going to ask you this,
- 7 did you initially take possession of these blue jeans?
- 8 A No.
- 9 Q All right. Do you know for a fact who found them,
- 10 laid hands on them and took them into custody?
- 11 A No.
- 12 Q Are you satisfied that it was one of the three of
- 13 y'all or one of the law enforcement agents who was there
- 14 on the scene?
- 15 A Yes.
- 16 Q Are you certain -- is there any doubt at all that you
-
- 17 have that these jeans -- let me back up a little bit.
- 18 When you're doing a search warrant you're looking for
- 19 stuff; is that correct?
- 20 A That's right.
- 21 Q Kind of like an Easter egg hunt, I guess. Is there
- 22 exchange between agents who are conducting a search when
- 23 somebody finds something?
- 24 A Yes.
- 25 Q Do you have any specific recollection -- well, let me

TESTIMONY OF JAMIE MITCHELL

1 back up. When the Mercedes shirt, State's Number 1, was
2 found in the cut tire, was that an important event?

3 A It was.

4 Q Was it significant to the case?

5 A It was.

6 Q Was it exciting to you as a law enforcement agent?

7 A That's what we went there to get, yes.

8 Q All right. Was there a discussion among the law
9 enforcement officers there about the find of the shirt?

10 A Yes.

11 Q Do you have a specific recollection of discussions
12 during the execution of that search warrant of the
13 location of the jeans in this red biohazard bag?

14 A No.

15 Q I guess what I'm asking is did you know while you
16 were there that a pair of jeans were found, that's what

17 I'm asking.

18 A I can't remember the jeans, I can't remember them.

19 Q That's fine. And that's fair and that's all I want
20 you to say. You don't have any recollection of the jeans?

21 A No.

22 Q Who found them, where they were found --

23 A No.

24 Q -- and when you first saw them?

25 A No.

TESTIMONY OF JAMIE MITCHELL

1 Q Are they -- did you become aware of them at least by
2 the time the return for the search warrant was prepared?

3 A Yes.

4 Q It's an open ended question and I think I know what
5 your answer is, is there anything else that you can tell
6 us about these blue jeans in this red bag?

7 A No.

8 MR. BARFIELD: I don't have anything of this witness
9 on these jeans.

10 MR. DUNN: I don't have any questions for him, Your
11 Honor.

12 MR. BARFIELD: I'm not done but I'm done with this
13 witness on this issue.

14 MR. DUNN: All right.

15 The witness, MICHAEL GREEN, was first duly sworn and
16 testified as follows on:

17 DIRECT EXAMINATION (NO JURY)

18 BY MR. BARFIELD:

19 Q Agent Green, I'm going to ask you just a few very
20 specific questions, this is not your primary testifying
21 time. You are employed by Sled?

22 A Yes, sir.

23 Q Special Agent with Sled?

24 A Yes, sir.

25 Q Field agent assigned to the midlands region?

TESTIMONY OF MICHAEL GREEN

1 A Yes, sir.

2 Q Does Sled send field agents to help local agencies in
3 the investigation of serious crimes and sometimes stupid
4 crimes, not so serious crimes?

5 A Yes, sir.

6 Q Did you help with the investigation of the Judith
7 Hinson murder which ultimately led to charges against
8 Casey Ray Perkins?

9 A I did.

10 Q Did you participate in the search of Casey Ray
11 Perkins' residence or where his parents lived and
12 outbuildings and other structures at his residence on
13 September 7th of 2005?

14 A I did.

15 Q Do you remember anything about a Mercedes shirt?

16 A Yes, sir.

17 Q Well, I'm going to show you a picture. I'm showing
18 you State's Exhibit Number 21. Do you know what's in that
19 picture?

20 A Yes, sir.

21 Q Who is wearing the olive dry pants with the black
22 boots?

23 A That's Jamie Mitchell.

24 Q Look at it?

25 A Are you talking about the green pants right here?

TESTIMONY OF MICHAEL GREEN

- 1 Q Yeah, who is that?
- 2 A It looks like me.
- 3 Q Are you pretty sure it's you?
- 4 A Uh-huh.
- 5 Q Okay. Did you participate fully in that search?
- 6 A Yes, sir.
- 7 Q Were you aware of the seizure of the Mercedes shirt
- 8 out of the tire?
- 9 A Yes, sir.
- 10 Q Are you aware of the seizure of what has been
- 11 introduced as State's Exhibit 29, the sole of the tennis
- 12 shoe?
- 13 A Yes, sir.
- 14 Q Do you remember that?
- 15 A Yes, sir.
- 16 Q You saw that that day?
-
- 17 A Yes, sir.
- 18 Q Do you recall during that search a pair of blue jeans
- 19 being found, seized and secured?
- 20 A Yes, sir.
- 21 Q And I've shown you the contents of that biohazard
- 22 bag, have you looked at it this morning?
- 23 A Yes, sir, I have.
- 24 Q Let me ask you a couple of questions. Do you know
- 25 specifically -- can you recall specifically who found the

TESTIMONY OF MICHAEL GREEN

1 jeans first of all?

2 A No, sir.

3 Q Do you recall specifically where the jeans were
4 found?

5 A No, sir.

6 Q Were the jeans found during the search warrant on
7 September 7th on the Perkins property?

8 A Yes, sir.

9 Q Did you see the jeans that day?

10 A Yes, sir.

11 Q And are these the jeans in this bag?

12 A Yes, sir.

13 Q Do you have any question about that?

14 A None.

15 Q And were they secured and made part of the return on
16 the search warrant that day?

17 A Yes, sir.

18 MR. BARFIELD: That's all I have for Agent Green on
19 this issue but I am probably going to have a brief witness
20 about it maybe.

21 MR. DUNN: Couple of more questions, Your Honor.

22 CROSS EXAMINATION (NO JURY)

23 BY MR. DUNN:

24 Q Do you remember where the blue jeans were found?

25 A No, sir.

TESTIMONY OF MICHAEL GREEN

1 Q Do you remember where the sole was found?

2 A No, sir.

3 Q But you do remember where the shirt was found?

4 A For sure, yes, sir.

5 Q You were actually present when it was pulled out of
6 tire.

7 A Yes, sir. And the pants could have been in the tire,
8 I don't recall, but I know the shirt was in the tire.

9 MR. DUNN: No further questions.

10 MR. BARFIELD: That's all from this witness. Let me
11 see if I have another witness I can step out and call
12 briefly. I recall Phillip Perry for a couple of questions.

13 The witness, PHILLIP PERRY, remained sworn and
14 testified as follows, on:

15 DIRECT EXAMINATION (NO JURY)

16 BY MR. BARFIELD:

17 Q Investigator Perry, just a couple of questions. You
18 testified -- I don't know if you testified at all about
19 September 7th -- did you participate in the search at the
20 residence of Casey Perkins parent's including the house
21 and outbuildings and automobiles and stuff, on September
22 7th of 2005?

23 A Yes, sir, I did.

24 Q Do you remember Shane Stewart formerly with the
25 sheriff's office being there?

TESTIMONY OF PHILLIP PERRY

1 A Yes, sir.

2 Q Do you remember Jamie Mitchell with the sheriff's
3 office being there?

4 A Yes, sir.

5 Q Do you remember Michael Green with the State Law
6 Enforcement Division being there?

7 A Yes, sir, I do.

8 Q Do you have any recollection of the seizure of
9 State's Exhibit Number 1, the Mercedes shirt?

10 A Yes, sir, I remember the shirt.

11 Q Do you remember about a tire that's shown in
12 photographs -- State's Exhibit Number 21 and some others,
13 a tire being cut that a shirt was found in?

14 A Yes, sir. I remember the tire, it was cut and the
15 shirt was stuffed inside of the tire while the tire was
16 still on the rim, it was between the tire and the rim.

17 Q Did you actually see that?

18 A Yes, sir.

19 Q Do you remember the seizure on the execution of that
20 search warrant of State's Number 29, the sole of the
21 tennis shoe?

22 A Yes, sir.

23 Q Do you remember the seizure of any other item -- I'm
24 not asking about details, but the fact of a seizure? Was
25 anything else seized that you have recollection of and

TESTIMONY OF PHILLIP PERRY

1 gained knowledge of during the search?

2 A Yes, sir, it was a pair of blue jeans.

3 Q And do you know, number one, who seized the blue
4 jeans?

5 A No, sir, I don't.

6 Q Do you know where they were found?

7 A No, sir, I don't.

8 Q I have got a pair of blue jeans in a red bag over
9 here. If I handed them to you would you be able to say if
10 you could or could not identify them? Is there any point
11 in me handing you these jeans?

12 A No, sir.

13 Q Did you ever have your hands on the jeans?

14 A No, sir, I never handled them.

15 Q But you're sure a pair of blue jeans was seized that
16 day?

17 A Yes, sir.

18 MR. BARFIELD: No other question for this witness on
19 this issue.

20 CROSS EXAMINATION (NO JURY)

21 BY MR. DUNN:

22 Q I think you already mentioned this, but you don't
23 remember where the sole came from?

24 A No, sir. I don't remember specifically where it came
25 from.

TESTIMONY OF PHILLIP PERRY

1 Q Do you remember who found it?

2 A No, sir.

3 Q All right. Do you remember where the pants came
4 from?

5 A No, sir.

6 Q Do you remember who found them?

7 A No, sir.

8 Q The shirt came from the tire, right?

9 A Yes, sir.

10 Q Were you -- do you remember who found those?

11 A I believe it was Jamie Mitchell and Michael Green, I
12 was there too when they pulled the shirt from out of the
13 tire. I specifically remember that because I was standing
14 there with them when they did it.

15 Q Besides Michael Green, Jamie Stewart -- Jamie
16 Mitchell, Shane Stewart and yourself, anybody else there
17 that day at the scene?

18 A Not that I specifically remember. I know there were
19 other people there but I don't remember specifically who
20 was there. I don't want to say that somebody was there
21 and not be sure.

22 MR. DUNN: I have no further questions, Your Honor.

23 MR. BARFIELD: Your Honor, give me just one second --
24 I don't have any further questions of this witness, I might
25 have one more --

TESTIMONY OF PHILLIP PERRY

1 THE COURT: Thank you, Mr. Mitchell, you can step
2 down. Let me ask a question, is the state treating this as
3 fundable or non-fundable item?

4 MR. BARFIELD: I forgot which word means what, but
5 there is some forensics that was done on these jeans and a
6 Sled witness is in the anti-room waiting to come tell us
7 about the jeans, so there is an issue about what was found
8 on the jeans. Your Honor, I have in my hand a document
9 which concededly Mr. Dunn doesn't have. It's a chain of
10 custody -- it's a list of evidence prepared by Shane
11 Stewart in Afghanistan, he emailed it to me from
12 Afghanistan. I had other lists of evidence and Mr. Dunn
13 and I spent time out at the sheriff's office evidence room
14 looking at all of this stuff previously, but I have a list
15 of evidence prepared by Shane Stewart which purports to do
16 several things. One, it purports to bear lab numbers
17 assigned to it by the State Law Enforcement Division. I
18 have -- and it purports to indicate who took possession of
19 it, and it purports to indicate under what circumstances it
20 was taken -- example, search warrant and location and
21 address. It frankly does not have a date, it doesn't say
22 what date it was taken. But on this thing, which you need
23 a magnifying glass to read, he emailed it to me and I
24 printed it just like it came off -- it lists items it looks
25 like 46 through 48 and there are some subitems under some

1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF CHESTER
4 05-GS-12-438
5
6
7 STATE OF SOUTH CAROLINA
8 VS.
9 CASEY RAY PERKINS
10
11 CHESTER, SOUTH CAROLINA
12 DECEMBER 15-19, 2009
13 BEFORE THE HONORABLE BROOKS P. GOLDSMITH

14
15 APPEARANCES
16 FOR THE STATE: DOUG BARFIELD
17 FOR THE DEFENDANT: GEOFFERY DUNN, BRADLEY JORDAN
18 REPORTED BY: MICHAEL C. WATKINS
19 OFFICIAL COURT REPORTER
20
21
22
23
24
25

TESTIMONY OF PHILLIP PERRY

1 presented by the State later on in this case. Alex Layton
2 of Sled is going to say gasoline on these pants.

3 MR. DUNN: Which would be my concern, Your Honor, that
4 Alex Layton may come testify that there's gasoline on those
5 pants and I can't -- that I don't have the opportunity to
6 cross examine the person who gave him those pants to make
7 sure that the state in which he got those pants was the
8 state in which he gave them to Alex Layton.

9 THE COURT: Say that one more time.

10 MR. DUNN: All right. My concern is the gasoline on
11 the pants. Alex Layton can testify that there's gasoline
12 on the pants but he can't testify to how the gasoline got
13 on the pants, all he can testify to is that they were given
14 to him by Mr. Stewart. I don't have the opportunity to
15 cross examine Mr. Stewart to make sure that when he got the
16 pants that the gasoline was already there. He did testify
17 one time previously but that was on an unrelated matter, we
18 never got into the blue jeans, never got the chance to ask
19 him those questions. He found a number of items, Your
20 Honor, that -- none of these up here, I think, were found
21 by Mr. Stewart except for the blue jeans. There's some
22 other evidence that were found by Mr. Stewart that quite
23 frankly I don't think really bear any weight in this case.
24 I don't know whether the solicitor is going to introduce
25 them or not, he seized other items from Mr. Perkins' house

TESTIMONY OF PHILLIP PERRY

1 at this point, none of which, I believe, is related to the
2 crime that we are here for except for these pair of blue
3 jeans. And my concern, Your Honor, is we're dealing with a
4 fungible substance like gasoline on a pair of blue jeans, I
5 can't with any kind of reliability be able to argue to a
6 jury that maybe somebody planted the gasoline on there. We
7 don't know how that gasoline got on those pants apart from
8 calling the owner of the blue jeans to the stand and he's
9 got the 5th Amendment Right not to take the stand if he
10 doesn't want to, so that's just my concern, Your Honor.
11 Like I told the Court earlier and I told Mr. Barfield, I
12 didn't think chain of evidence was going to be an issue but
13 because he's not here I don't think I would be doing my
14 client a service if I didn't make it an issue in this case
15 as least as it relates to the blue jeans, Your Honor. But
16 we will leave that up to the Court's discretion.

17 MR. BARFIELD: Don't rule yet. If you need to ask me
18 something ask me, but let me -- I'm still looking. Give me
19 a minute to --

20 THE COURT: All right, sir.

21 MR. DUNN: Your Honor, if I may add, I don't think
22 there's going to be an issue of who seized the pants. I
23 have got lots of paperwork showing chain of evidence and it
24 all starts with Mr. Stewart and it goes to Mr. Alex Layton.
25 I don't think that's really my issue. My issue is just the

TESTIMONY OF PHILLIP PERRY

1 ability to cross examine the person who seized the pair of
2 pants.

3 MR. BARFIELD: Your Honor, I need to recall Michael
4 Green.

5 Q Agent Green, I'm going to ask you a couple of more
6 questions. I'm going to hand you three pieces of paper
7 which I want you to look at. Do you know what that is?

8 A Yes, sir.

9 Q What is it generally speaking?

10 A This is a copy of my investigate report.

11 Q Summarizing various issues relating to the Casey
12 Perkins/Judy Hinson homicide?

13 A Correct.

14 Q Answer me this and I don't know if you can or, not.
15 But have you ever given me that?

16 A I would have thought I had but I can't swear that I
17 have.

18 Q I'm not going to look through my file page by page,
19 but is that your report?

20 A Yes, sir. This is -- ordinarily it would have a Sled
21 seal up here, this is a copy that I generated. But yes,
22 sir, it's an exact copy of that report.

23 Q What date did you prepare the report?

24 A October 26th of 2005.

25 Q Does it summarize various issues that you had

TESTIMONY OF PHILLIP PERRY

1 knowledge of through the course of this investigation?

2 A Yes, sir, it does.

3 Q Now, when you testified a few minutes ago had you
4 pulled that report out and read it before you got on the
5 witness stand a few minutes ago?

6 A No, sir.

7 Q I was asking you a butt load of questions about the
8 blue jeans and the tires and the shirt and all, after that
9 process occurred in this courtroom did you pull that
10 report out?

11 A Yes, sir, I did.

12 Q Did that report refresh your memory?

13 A Yes, sir. Actually when Mr. Dunn was asking me
14 questions I told him I thought possibly the blue jeans
15 were removed from the tire, and then when I went and
16 looked in my report it is clearly documented in my report
17 that both the shirt and the blue jeans were removed from
18 the tire.

19 Q Now, after reviewing your report and refreshing your
20 memory, is that your memory that the blue jeans were taken
21 from the tire?

22 A Yes, sir, it is.

23 Q And do you recall specifically who laid hands on that
24 big old catfish in that tire and pulled it out, those blue
25 jeans?

TESTIMONY OF PHILLIP PERRY

- 1 A No, sir, I don't.
- 2 Q Do you recall that it occurred in your presence?
- 3 A Yes, sir.
- 4 Q Do you know whether the jeans were secured as
- 5 evidence like any other piece of evidence would have been?
- 6 A Yes, sir.
- 7 Q Did anybody manipulate the jeans, introduce any
- 8 substances to the jeans, do anything to contaminate the
- 9 jeans in any manner that you are aware of?
- 10 A No, sir. The shirt and the blue jeans were both
- 11 covered in gasoline as --
- 12 Q Let me ask you that. How do you know that, why do
- 13 you say that?
- 14 A You can smell it and Casey told us he washed them in
- 15 gasoline or cleaned them, I forget the exact words that he
- 16 used. But basically he told us he used gasoline to wash
-
- 17 his clothes.
- 18 Q Could you smell gasoline on the shirt?
- 19 A Yes, sir.
- 20 Q Could you smell gasoline on the jeans?
- 21 A Yes, sir.
- 22 MR. BARFIELD: I don't have any other questions of
- 23 this witness on this issue.
- 24 MR. DUNN: I don't have any questions for the witness,
- 25 Your Honor.

TESTIMONY OF PHILLIP PERRY

1 THE COURT: Thank you, sir. You can step down again.

2 MR. DUNN: I would like to point the Court's attention
3 to a case that cites State vs. Sweet, S-w-e-e-t, the case
4 cite is 374 SC.

5 THE COURT: I'm looking at that case now.

6 MR. DUNN: Okay. Your Honor, basically the case says,
7 Your Honor, that a party offering into evidence spongeable
8 items such as drugs or blood samples must establish a
9 complete chain of custody as far as practicable. Your
10 Honor, this was a -- I believe it was a CI case in which a
11 CI had some drugs and was unavailable at trial to be cross
12 examined by the defense and the Court of Appeals ended up
13 reversing that case. Again, Your Honor, we're just -- I'm
14 going to leave it in the Court's discretion, I think we
15 have made our arguments clear.

16 MR. BARFIELD: And, Your Honor, that was what I stated
17 to the Court not in the eloquent words of the opinion
18 itself. But I haven't got to have a perfect chain of
19 custody, I have just basically got to be able to show who
20 handled this evidence as far as practicable. And the
21 evidence at this point on this issue first of all shows --
22 first of all, I don't think there is any issue once it goes
23 to the sheriff's office to Sled, I don't think we have any
24 issue about that.

25 MR. DUNN: I don't think we do, Your Honor.

TESTIMONY OF PHILLIP PERRY

1 MR. BARFIELD: Because we have -- in fact, I have the
2 entire of chain of custody document from Sled on this case.
3 I have shown you at least -- through others but at least
4 through particularly through Michael Green that in his
5 presence these blue jeans were fished out of this tire,
6 they smelled like gasoline and it ends up getting secured
7 and sent to Sled. That's not perfect, he can't say who
8 fished it out but it was somebody in his presence who was
9 there on the scene at the execution of this search warrant
10 and I think I've given you a complete chain of custody as
11 far as is practicable in light of the fact that probably
12 the seizing agent is thousands of miles away from here and
13 unavailable.

14 THE COURT: Let me see if y'all agree with this, that
15 what we've heard so far is that it was a valid search
16 warrant, that there were three officers or four, I can't --

17 MR. BARFIELD: Well, there were three sheriff's office
18 folks; Shane Stewart -- plus at least one Sled agent.

19 THE COURT: That those individuals, three or four,
20 went to execute the search warrant at the premises which
21 includes the inside and outside, that this specific item
22 was located in a tire that has already been identified with
23 other property, that what we're going to hear later
24 perhaps, at least what the State contends it's going to
25 show later, is that an analysis of these pants will show

TESTIMONY OF PHILLIP PERRY

1 gasoliner is that correct, Solicitor?

2 MR. BARFIELD: That's correct.

3 THE COURT: That when the pants were removed from the
4 tire they smelled like gasoline along with the shirt, and
5 that they were taken from the tire by one of those agents
6 and from that premises there taken to the sheriff's
7 department. See if there's a -- does the State agree that
8 I have correctly stated those facts?

9 MR. BARFIELD: So far.

10 MR. DUNN: I agree with that.

11 THE COURT: And the question is again not what
12 happened once they left the premises but what happened on
13 the premises?

14 MR. DUNN: Yes, sir. I think that's accurate, Your
15 Honor.

16 THE COURT: I'll overrule the objection and permit the
17 evidence to be introduced.

18 MR. BARFIELD: Your Honor, let me get a clarification
19 of a couple of things. Is it your ruling without further
20 presentation to the jury concerning these jeans that the
21 record is sufficient?

22 THE COURT: That was the next question. Is it -- do
23 either one of you desire to have testimony in front of a
24 jury on the matters that I have been hearing outside of the
25 jury?

TESTIMONY OF PHILLIP PERRY

1 MR. BARFIELD: Well, the State does not. Mr. Dunn
2 might because the issue of evidence tampering is something
3 the jury can decide and he might want me to develop all of
4 this in their presence and I will be happy to do so.

5 MR. DUNN: I always have my opportunity -- I haven't
6 cross examined the blue jeans yet. I think where we're at
7 now -- I'm comfortable with where we were at.

8 MR. BARFIELD: I can't remember where we were at. I
9 think Jamie Mitchell was the last person in front of the
10 jury to talk about the blue jeans and I presume we need to
11 do this on the record in front of the jury.

12 THE COURT: I can't remember, I guess it was Mitchell.

13 MR. DUNN: Yes, it was, I think it was Mitchell.

14 THE COURT: Anyhow, are we now ready for the jury?

15 (A break was taken.)

16 THE COURT: All right, folks. Are we ready for the
17 jury?

18 MR. BARFIELD: Yes.

19 MR. DUNN: Yes, sir.

20 (The jury returned to the courtroom.)

21 THE COURT: Welcome back, ladies and gentlemen, I
22 apologize for the delay. It's my understanding that
23 Mr. William C. Shepard has been selected by the jury as the
24 foreperson; is that correct? Are you Mr. Shepard?

25 THE JUROR: Yes, sir.

TESTIMONY OF PHILLIP PERRY

1 THE COURT: Congratulations, Mr. Shepard, a wise
2 decision by the jury. I believe we're ready to continue
3 receiving evidence by the State.

4 MR. BARFIELD: Your Honor, I need to ask Mr. Mitchell
5 a couple of other questions.

6 THE COURT: Yes, sir.

7 Q Mr. Mitchell, I think when the jury was in the
8 courtroom I had made an offer of these jeans in this bag
9 into evidence, but I need to ask you a couple of other
10 questions real quick before I do that, and I might be
11 repeating something that we did in front of the jury
12 previously but I just don't remember. September 7th of
13 2005, execution of search warrant on the Perkins premises.
14 You testified concerning State's Exhibit Number 1, the
15 shirt coming out of the tire. Do you have any
16 recollection of the seizure of a pair of blue jeans during
17 that search?

18 A I don't.

19 Q Okay. Do you know that a pair of blue jeans were
20 seized?

21 A I do know that a pair blue jeans was seized.

22 Q And did you witness the return of the search warrant
23 to the magistrate -- first of all, what is a return of the
24 search warrant?

25 A It's the items collected at that time.

TESTIMONY OF PHILLIP PERRY

1 Q And what is the purpose of the return?

2 A To let the judge know what you've got and the
3 residence or the person at that property know what you
4 took.

5 Q Are the items that are seized actually returned or
6 turned over to the magistrate?

7 A No. Just the back portion of -- the whole search
8 warrant is returned but the back portion of the page which
9 you handwrite what you took from that particular search
10 warrant.

11 Q All right. And earlier -- I don't know if I showed
12 you that -- you testified about that. Tell me again what
13 that is.

14 A That is the search warrant for this day.

15 Q All right. And does it include the return?

16 A It does.

17 Q Is that a copy of it?

18 A It's a copy.

19 MR. BARFIELD: Your Honor, at this time I will offer a
20 copy of the search warrant as the next State's Exhibit.

21 MR. DUNN: One voir dire question.

22 VOIR DIRE EXAMINATION

23 BY MR. DUNN:

24 Q Did you witness the return on that one, on the search
25 warrant that is trying to be introduced into evidence?

TESTIMONY OF PHILLIP PERRY

1 A Did I witness it -- I was there in the presence.

2 Q Of Mr. Stewart when he returned it, correct?

3 A I did not witness him at the judge's office, is that
4 what you're asking?

5 MR. DUNN: If I may approach, Your Honor.

6 THE COURT: Yes, sir.

7 Q This is a return, correct?

8 A Yes.

9 Q His signature is on the bottom.

10 A Yes.

11 Q Did you witness him sign that?

12 A I did not.

13 Q Does it look like his signature.

14 A That is his signature.

15 Q It also says that you and Mr. Perry's name on there.

16 It says that you all -- the inventory was made in your

17 presence. So you were at some time with Mr. Perry and

18 Mr. Stewart when the inventory was made on what was

19 seized, correct?

20 A Yes.

21 MR. BARFIELD: Renew my offer of the copy of the

22 search warrant as the next State's Exhibit?

23 MR. DUNN: No objection, Your Honor.

24 THE COURT: Motion is granted.

25 (The search warrant was received as State's 30.)

TESTIMONY OF PHILLIP PERRY

1 Q And give me an item number that Sled assigned to it
2 and what the item is by way of description.

3 A Item number 46, blue work shirt; 47, blue jeans; 48
4 sole of shoes.

5 Q Are those three items the items that were seized at
6 the Perkins -- on the execution of the search warrant at
7 the Perkins residence on September 7th of '05?

8 A They were.

9 Q What date did you actually haul that stuff down to
10 Sled?

11 A 9/8/2005.

12 Q Thank you.

13 MR. BARFIELD: Your Honor, I would offer -- what's
14 called a Sled laboratory evidence inventory sheet as the
15 next State's Exhibit.

16 MR. DUNN: No objection.

17 THE COURT: Motion is granted.

18 (The inventory sheet was received as State's 31.)

19 MR. BARFIELD: Your Honor, at this time I would renew
20 my offer of the blue jeans in the red bag with the piece of
21 paper stapled to it as the next state's exhibit.

22 MR. DUNN: Just renew my objection, Your Honor.

23 THE COURT: Same objection as before.

24 MR. DUNN: Yes, sir.

25 THE COURT: Overrule the objection and admit it into

TESTIMONY OF PHILLIP PERRY

1 Q Mr. Mitchell, I'm handing you another document and
2 ask you if you can identify it?

3 A That is the detailed description of evidence sheet
4 that has got to be submitted when you submit evidence at
5 Sled.

6 Q All right. And is that a copy of it?

7 A It's a copy.

8 Q And who prepared that piece of paper? Who filled it
9 out and signed it?

10 A I signed the bottom of it. It's two different
11 signatures. I think Shane filled some of it out and I got
12 a little bit on it, too.

13 Q All right. And did you sign it?

14 A I did sign it at the bottom, which makes me -- the
15 signature at the bottom is delivered by, which means I
16 took it to Columbia to submit it to Sled.

17 Q Did you, in fact, take the items that are indicated
18 on that evidence sheet and deliver them to Sled?

19 A I did.

20 Q And what items are indicated on that evidence sheet
21 that you delivered to Sled?

22 A Item 46, which is their item number --

23 Q Let me ask you that first. Are the Sled item numbers
24 added when you get down there with a bag of stuff?

25 A They add them.

TESTIMONY OF PHILLIP PERRY

1 evidence.

2 (The bag and jeans were received as State's 32.)

3 MR. BARFIELD: I don't have any other questions of
4 Mr. Mitchell at this point, he will be recalled.

5 CROSS EXAMINATION

6 BY MR. DUNN:

7 Q I'm going to ask you a couple of other questions that
8 you may have already answered, I can't remember, it has
9 been such along time since you first took the stand. Did
10 you say whether or not you responded to the scene on the
11 early morning hours of the 27th of August?

12 A I did.

13 Q And were you able -- when you did respond, were you
14 able to observe Mrs. Hinson's body where they found it?

15 A I did.

16 Q All right. Do you remember what time you responded?

17 A Threeish, fourish in the morning, something like
18 that, a.m.

19 Q And when you got there the body was still present?

20 A Yes.

21 Q Do you remember whether or not there was any lividity
22 in the body? Do you remember looking for it?

23 A Once we went in there we backed out because Sled
24 crime scene was coming.

25 Q All right. But when you walked through the -- how

TESTIMONY OF PHILLIP PERRY

1 did you enter the house? Did you go through the front
2 door or back door?

3 A The front door.

4 Q Between the front door to the bedroom did you see any
5 bloody footprints in the house?

6 A No.

7 Q Did you see anywhere -- we've already established
8 with other witnesses that there's blood in the bedroom,
9 right, on the floor. We've already established that there
10 was blood found around the sink in the bathroom and on the
11 door knob in the bathroom. We've already established that
12 there was blood on the outside of the house underneath the
13 window. Besides those locations, do you recall anywhere
14 elsewhere where there was blood that was found?

15 A Not that I recall.

16 Q Okay. Did you see these blue jeans get retrieved
17 from wherever they were found?

18 A No.

19 Q Do you remember who retrieved them?

20 A I do not.

21 Q Is it possible that Shane Stewart retrieved them?

22 A Very possible.

23 Q And his name is on a lot of the chain of evidence
24 stuff, correct?

25 A Yes.

TESTIMONY OF PHILLIP PERRY

1 Q Is Mr. Stewart here today?

2 A No.

3 Q As far as you know is Mr. Stewart going to testify
4 this week?

5 A No.

6 MR. DUNN: Beg the Court's indulgence for one minute.

7 THE COURT: All right, sir.

8 (Break in proceedings.)

9 MR. DUNN: I don't have any further questions for
10 Mr. Mitchell at this time, Your Honor.

11 MR. BARFIELD: Couple of redirect.

12 REDIRECT EXAMINATION

13 BY MR. BARFIELD:

14 Q We were referring to Mr. Stewart. What is his name?

15 A Shane Stewart.

16 Q And in August of 2005 was he also an investigator
17 with the Chester County Sheriff's Office?

18 A He was.

19 Q At some point thereafter did he become -- did he
20 leave the employment of the Chester County Sheriff's
21 Office?

22 A He did.

23 Q Do you know him?

24 A I do know him.

25 Q And have you maintained contact with him to some

TESTIMONY OF PHILLIP PERRY

- 1 degree?
- 2 A Yes.
- 3 Q Do you know where he is generally speaking today?
- 4 A I do.
- 5 Q Where is he at?
- 6 A Afghanistan or somewhere over there.
- 7 Q What he is he doing over there?
- 8 A He is working civilian work with some kind of outfit.
- 9 Q Couple of other real quick questions. You told
- 10 Mr. Dunn you got to [REDACTED], the scene of this
- 11 homicide, 3:00 or 4:00 in the morning; is that correct?
- 12 A Somewhere around there.
- 13 Q All right. And when you got there I think you told
- 14 him you went inside and you saw Ms. Hinson's body.
- 15 A Yes.
-
- 16 Q Had she been -- I hate to ask you this, have you been
- 17 to homicide scenes before?
- 18 A I have.
- 19 Q Have you been there as long as the body was there and
- 20 beyond the point the body was removed from there? At
- 21 various homicide scenes have you been there during the
- 22 process of the body being removed?
- 23 A I have.
- 24 Q Generally speaking when a body is going to be moved
- 25 how do they move the body? What do they do to move the

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1 body? Put the body on stretcher, put the body in
2 something or --

3 A They put a body in a body bag and then put it on the
4 stretcher.

5 Q Were you there when Judy Hinson's body got removed?

6 A I was there. I don't know if I was actually in the
7 room or not.

8 Q When you got there had her body been moved?

9 A No.

10 Q To your knowledge -- where was she when you saw her
11 body?

12 A She was in a bedroom in the back part of the trailer
13 laying to the right side of the bed on the floor.

14 Q Face up or face down?

15 A Face up.

16 Q To your knowledge had she been moved from that

17 location by any emergency people including law enforcement
18 who arrived on the scene before you got there?

19 A No.

20 MR. BARFIELD: That's all. Thank you, sir.

21 RECROSS EXAMINATION

22 BY MR. DUNN:

23 Q Do you remember about how many people were present at
24 the scene when you responded, ballpark?

25 A Very few. The on-call investigator called me, I was

TESTIMONY OF PHILLIP PERRY

1 next to be called and then I come -- I live 20 minutes
2 away, so roughly 4:00 and there was very few officers
3 there.

4 Q EMS was there?

5 A I can't remember.

6 Q The coroner was there?

7 A I can't remember.

8 Q The first responders, by that I mean the uniformed
9 officers, do you remember how many of those were there?

10 A I can remember two.

11 Q Who were they?

12 A James Darby and Doug McMurray.

13 Q You said you were the second investigator, right?

14 A I was the second investigator called, I don't know if
15 I was the second investigator on scene.

16 MR. DUNN: I don't have any further questions at this
17 time.

18 FURTHER REDIRECT EXAMINATION

19 BY MR. BARFIELD:

20 Q At this risk of being shot down, in general and in
21 this case in particular -- well, first of all, was Sled
22 crime scene called to assist the Chester County Sheriff's
23 Office?

24 A They were.

25 Q Were they there when you got there?

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1 A No.

2 Q In this case was the body moved prior to Sled crime
3 scene coming?

4 A No.

5 Q Is it ever if the victim is apparently deceased?

6 A No.

7 Q Do you recall what time Sled crime scene got there?

8 A I don't recall.

9 Q That's fine.

10 A Hour or so later, or two hours later maybe.

11 MR. BARFIELD: Thank you. That's all.

12 MR. DUNN: Nothing further, Your Honor.

13 THE COURT: Thank you, sir. You may step down.

14 MR. BARFIELD: Michael Green.

15 The witness, MICHAEL GREEN, was first duly sworn and

16 testified as follows, on:

17 DIRECT EXAMINATION

18 BY MR. BARFIELD:

19 Q Mr. Green, by whom are you employed?

20 A The South Carolina Law Enforcement Division known as
21 Sled.

22 Q What do you do for Sled?

23 A I'm an investigator.

24 Q And what do they call y'all, special agents?

25 A Special agent.

TESTIMONY OF MICHAEL GREEN

1 Q And did you participate in the investigation of the
2 death of Judith Hinson in Chester County on August 27th of
3 2005?

4 A Yes, sir, I did.

5 Q I'm going to hand you what's been marked for
6 identification purposes as States Numbers 2 and 4. I'm
7 going to hand them both to you at the same time. Look at
8 the numbers and look at the contents of the envelopes if
9 you will.

10 A Okay.

11 Q Have you looked at both of them?

12 A Yes, sir.

13 Q Do you recognize the numbers and the contents of the
14 envelopes in items two and four for identification?

15 A Yes, sir.

16 Q What are they? Well, tell me generally speaking what
17 are they? What is in those two envelopes?

18 A Cigarette lighters.

19 Q Are they of a particular brand?

20 A Yes, Dejeep.

21 Q Are they of a particular color?

22 A Yes, sir. One is copper colored and one is silver.

23 Q And which one by exhibit number is copper and which
24 one is silver?

25 A State's Exhibit Number 2 is copper colored and

TESTIMONY OF MICHAEL GREEN

1 State's Exhibit Number 4 is silver colored.

2 Q And how are you familiar with those two cigarette
3 lighters?

4 A These are the two cigarette lighters that I got from
5 the people that I interviewed at the end of Ms. Hinson's
6 road.

7 Q And specifically as to State's Exhibit Number 2 for
8 identification purposes -- well, do you remember who the
9 people are that you got them from?

10 A I don't remember the exact name. I think it might be
11 Wilson but I'm not 100 percent sure, I've got it
12 documented on the statement.

13 Q And is there -- did you interview the two people that
14 you took those cigarette lighters from?

15 A Yes, sir, I did.

16 Q Did you prepare a summary of your interview with
17 those two people?

18 A I did.

19 Q I'm going to hand you two pieces of paper, or two
20 batches of paper. Do you recognize the page that that is
21 opened to?

22 A Yes, sir.

23 Q And what is that a copy of?

24 A This is a copy of my report of interview that I took
25 from Don Wilson.

TESTIMONY OF MICHAEL GREEN

1 Q Okay. And do you need a minute to --

2 A I generally remember -- I just couldn't remember the
3 gentleman's name, I remember the gist of the conversation.

4 Q And I'm going to hand you another sheet of paper and
5 ask you if you can identify the outside page on that?

6 A Yes, sir. This is a copy of report of interview from
7 Mary Wilson who is Don Wilson's wife.

8 Q Did you interview those two people?

9 A I did.

10 Q And did you discuss with them cigarette lighters?

11 A Yes, sir, I did.

12 Q Where did those two cigarette lighters in Exhibits 2
13 and 4 come from?

14 A The copper colored cigarette lighter, which is
15 State's Exhibit 2, came from Ms. Wilson, Mary Wilson. And
16 the silver colored cigarette lighter came from Don Wilson,

17 that will be State's Exhibit Number 4.

18 Q Now, how did you come to have their cigarette
19 lighters? Did you ask them for them? Did you demand them
20 from them or --

21 A No, sir. They voluntarily gave them to us.

22 Q And did you put them in these envelopes and seal them
23 up?

24 A Yes, sir, I did.

25 Q Is that your handwriting on these envelopes?

TESTIMONY OF MICHAEL GREEN

1 A It is.

2 Q Are those the lighters?

3 A Yes, sir.

4 MR. BARFIELD: Your Honor, at this time I would offer
5 the two lighters as State's Exhibits 2 and 4 rather than
6 identification purposes only.

7 MR. DUNN: No objection, Your Honor.

8 THE COURT: Motion is granted.

9 (The two lighters were received as State's 2 and 4.)

10 Q Agent Green, did you participate in a search pursuant
11 to a search warrant in the premises of Casey Perkins or
12 his family on September 7th of 2005?

13 A Yes, sir, I did.

14 Q I'm showing you State's Exhibit Number 1. Is that
15 item familiar to you?

16 A Yes, sir.

17 Q When did you first see that item?

18 A I first saw it when we removed it from the tire at
19 Casey Perkins' residence.

20 Q On what date?

21 A September 7th.

22 Q Of 2005?

23 A Correct.

24 Q Now, at some point on that date -- I'm showing you
25 State's Exhibit Number 29 -- did you see this item on that

TESTIMONY OF MICHAEL GREEN

1 date?

2 A Yes, sir.

3 Q Where did you see this item?

4 A At Casey Perkins' residence.

5 Q And I'm showing you State's Exhibit 32. Take a
6 minute and look at it, it's in the bag.

7 A Yes, sir.

8 Q Are you familiar with what's in that bag?

9 A Yes, sir.

10 Q Generally speaking what is in that bag?

11 A Blue jeans.

12 Q Before today have you seen -- where did you first see
13 those blue jeans?

14 A Those blue jeans were removed from the same spare
15 tire that the shirt was found in.

16 Q Was that done in your presence?

17 A Yes, sir.

18 Q Do you recall specifically who fished is out of the
19 tire?

20 A No, sir.

21 MR. BARFIELD: Thank you, sir. Answer anything

22 Mr. Dunn has. I do reserve the right to recall Agent Green
23 later on.

24 THE COURT: Mr. Dunn?

25 MR. DUNN: If I could have a side bar just a second,

TESTIMONY OF MICHAEL GREEN

1 Your Honor.

2 (A bench conference was held.)

3 CROSS EXAMINATION

4 BY MR. DUNN:

5 Q The two lighters that we just had put into evidence,
6 the bronze one and the silver one, you received those, one
7 from Mary Wilson and one from Don Wilson, correct?

8 A Correct.

9 Q But you have no idea where they got it from apart
10 from where they may have told you, correct?

11 A I know where they told me they got them.

12 Q Right. But you didn't actually see it happen, you
13 know what they told you and then they pass them on to you,
14 correct?

15 A Correct.

16 Q And you have already testified to where you think
17 they got them, correct? I'm not trying to get into it, I
18 just want to make sure --

19 A Sure.

20 Q The solicitor a minute ago referred you back to your
21 notes and I'm going to refer you back to your notes as
22 well from an interview you did with Don Wilson I believe
23 it was August 30th of 2005. Do you have those notes with
24 you?

25 A The solicitor has them.

TESTIMONY OF MICHAEL GREEN

1 MR. DUNN: If I may approach the witness, Your Honor.

2 THE COURT: Yes, sir.

3 Q I'm going to ask you about two things that were told
4 to you by Don Wilson and I just want you to tell the jury
5 what he had told you earlier, and I've got them underlined
6 and I just want to make sure that -- the first one is at
7 the bottom of the second paragraph. Did you have an
8 occasion to ask Mr. Wilson -- let me ask you this first,
9 do those appear to be your notes, correct?

10 A Yes, sir.

11 Q I haven't handed you something that's not yours.

12 A No problem.

13 Q Back on August 30th when you talked with Mr. Wilson,
14 did he have an occasion to tell you as to how Mr. Perkins
15 exited his vehicle on the 27th of August?

16 A Give me just a minute to read over this and I'll be
17 glad to answer your question.

18 (Break in proceedings.)

19 A And your question is what he had on?

20 Q I'll ask the question again. On the day that you
21 interviewed Mr. Wilson, did he tell you how Mr. Perkins
22 exited his vehicle and where he let Mr. Perkins off and
23 not -- the day that he did that was on the 27th of August.

24 A Correct, yeah. According to the notes here he said
25 that he would only let him out at the same place he picked

TESTIMONY OF MICHAEL GREEN

1 him up, which would have been his residence.

2 Q And, in fact, you went further in your notes and you
3 actually said that he dropped him off at his house around
4 3:00 p.m. correct?

5 A Yes, sir.

6 Q That's what your notes say.

7 A Correct, 3:00 p.m. on the 27th, I think that would
8 have been the day of the crime.

9 Q And you take notes so that later on, two or three
10 years down the road when you have to testify, you can
11 remember what you did, correct?

12 A Sure.

13 Q And when you take your notes you're not putting
14 anything in your notes that's inaccurate, right?

15 A Yeah. As best of my recollection I don't have
16 anything to go by other than these notes according to what
17 he told me.

18 Q I guess what I'm asking you, you're not going to lie
19 to yourself and put things in your notes that you didn't
20 actually observe or were said to you, correct?

21 A Correct. I would not intentionally lie on this
22 report.

23 Q And there's another part in that report, I think it
24 may have been the page before that where you recorded your
25 conversation about Don Wilson, where he got the lighter,

TESTIMONY OF MICHAEL GREEN

1 correct?

2 A I can read over it. I'm not the familiar with it but
3 give me just a second.

4 (Break in proceedings.)

5 A Okay. And your question is where Don got the
6 lighter?

7 Q How long ago did he get that lighter from Don -- or
8 excuse me, from Mr. Perkins.

9 A He told me approximately three weeks ago.

10 Q And three weeks ago would have been three weeks ago
11 from the 30th of August?

12 A From the date that I took this statement, yes, sir.

13 Q Thank you. Just a couple of questions about the
14 evidence real quick. You were present when the search
15 warrant that recovered the Mercedes shirt -- you were
16 present for the search warrant when the Mercedes shirt was
17 recovered, correct?

18 A Correct.

19 Q I believe that when we look in Exhibit Number 21,
20 that is your green legs and black shirt, correct?

21 A Correct.

22 Q The State has also introduced a pair of blue jeans
23 that were recovered that day. Do you remember from where
24 those blue jeans were recovered?

25 A Yes, sir. From the same place that the shirt was

TESTIMONY OF MICHAEL GREEN

1 recovered, from the tire.

2 Q And you remember that?

3 A Yes, sir.

4 Q Do you remember where the sole of the shoes was
5 recovered?

6 A I do not.

7 Q Do you remember who recovered the blue jeans?

8 A I don't remember the exact person, but we were all
9 standing around the tire when both items were removed.

10 Q You weren't the one that pulled them out?

11 A I don't believe I was. I don't recall exactly who
12 physically went in and pulled the jeans out, but I know I
13 was there when it happened.

14 Q Was it possible that Shane Stewart pulled them out?

15 A It's possible, sure.

16 Q But you don't remember?

17 A No. I don't remember specifically who pulled the
18 jeans out.

19 Q You don't remember who found the sole?

20 A No, sir.

21 MR. DUNN: No further questions, Your Honor, at this
22 time.

23 REDIRECT EXAMINATION

24 BY MR. BARFIELD:

25 Q Anything unusual about the shirt or pants when they

TESTIMONY OF ALEX LAYTON

1 came out of the tire?

2 A The smelled of gasoline.

3 MR. BARFIELD: Thank you, that's all.

4 THE COURT: All right. Thank you, sir, you may step
5 down.

6 The witness, ALEX LAYTON, was first duly sworn and
7 testified as follows, on:

8 DIRECT EXAMINATION

9 BY MR. BARFIELD:

10 Q Are you currently employed?

11 A No, sir, I'm not, I'm retired.

12 Q From where did you retire?

13 A The South Carolina Law Enforcement Division, also
14 known as Sled.

15 Q When did you go to work for Sled?

16 A I started in August of 1971 and I worked --

17 Q When did you retire?

18 A In the end of January, first of February of 2007.

19 Q Were you employed by the State Law Enforcement
20 Division in August of 2005 continuously through your
21 retirement date?

22 A Yes, sir.

23 Q I think you gave the clerk your name, but state your
24 name again.

25 A My full name is Grady Alexander Layton, but I go by

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1 Alex Layton.

2 Q When you worked at the State Law Enforcement
3 Division, what department of Sled did you work in?

4 A I worked in the arson laboratory -- well, excuse me,
5 going back when I first started I was in the chemistry
6 laboratory from 1971 to about 1987. In 1987 I became
7 lieutenant in the drug analysis laboratory, we began to
8 diversify. And in 1991 I moved as a lieutenant in charge
9 of the arson laboratory and was that until it was
10 around -- well, when I really officially retired in 2001 I
11 was lieutenant in the trace laboratory from 2001 until
12 2006.

13 Q All right. Now, you said officially retired, did you
14 do the law enforcement version of the Terry program?

15 A Yes, sir, exactly.

16 Q In connection with this case, are you testifying as a
17 lieutenant in charge of the trace evidence department with
18 Sled?

19 A Well, I would have been. I was a lieutenant in
20 charge of the arson lab at that time, yes, sir.

21 Q Now, were you -- tell us generally speaking what do
22 y'all do in the trace evidence department? What is trace
23 evidence?

24 A Trace evidence is any evidence that's collected at
25 the scene that doesn't fit, like blood. It's evidence

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1 that's collected at the scene, brought into the laboratory
2 that doesn't fit into fingerprints or the crime scene
3 unit, they bring it in. Stuff like drugs, it wouldn't be
4 in trace evidence.

5 Q Give us examples of stuff that would be in trace
6 evidence.

7 A At one time it was hairs and fibers in particular,
8 glass, any type of unusual substance that might be found
9 at a crime scene that's unidentifiable.

10 Q Now, is trace evidence sometimes on a piece of
11 evidence or within a piece of evidence?

12 A Yes, it can be.

13 Q And when you were in charge of the arson lab is trace
14 evidence a part of arson investigation?

15 A Yes, sir, it is.

16 Q Specifically in arson cases most commonly in the
17 trace evidence lab, what kind of stuff are you looking
18 for? What do you call what you're looking for?

19 A Well, in the arson laboratory we're looking for
20 accelerations that might have been used to accelerate a
21 fire in an arson type case.

22 Q Give us some examples of common accelerants?

23 A The most common accelerant that I would see in the
24 laboratory would be gasoline, and after that things like
25 charcoal starters, paint thinners. Any of the common

TESTIMONY OF ALEX LAYTON

1 household products, most common household products contain
2 some sort of petroleum based product, and there's
3 literally hundreds and thousands of products that are
4 maybe similar to each other in composition but all come
5 from the basic petroleum product, crude oil itself.

6 Q Are there any -- do petroleum products have flammable
7 characteristics?

8 A Yes, sir, they do.

9 Q All right. Are any petroleum products used as
10 cleaning agents?

11 A Yes, sir.

12 Q Discuss that with the jury for a minute, what kinds
13 and examples for instances.

14 A For instance WD40, most people know what that is,
15 that can be used as a solvent for tar on your car,
16 cleaning your car, it's a cut or slice of kerosene. What

17 they do is at the refinery they heat up the crude oil,
18 they get the most volatile product over and they begin to
19 divide those out. Kerosene is one of those products that
20 is in the crude oil, the black tire like liquid substance
21 that most people know on TV as crude oil, that is what you
22 would see. You would see products distilled from that
23 black tarry like substance that comes out of the ground.

24 Q Are some of those products used as cleaning agents?

25 A Yes, they are?

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1 Q What is varsol? So you know what varsol is?

2 A Yes, sir. It's type of medium petroleum product. We
3 kind of divide up most of these petroleum products into
4 different classes. Gasoline is a separate class by
5 itself. Then there's a light petroleum products, which
6 examples of those are your cigarette lighter fluids, your
7 zippo lighter fluid, things like that, camping fuel, some
8 of the camping fuels that you use for your stove and the
9 lanterns. And there's the medium petroleum products which
10 are things like -- they are solvents and degreasers, they
11 are charcoal starers, paint thinners. There's many
12 in-product uses for the same class of compounds or the
13 same range -- boiling range of compounds. And then
14 there's heavy petroleum products such as diesel fuel or
15 fuel oil, number one, which is the same thing.

16 Q What is varsol?

17 A Varsol is kind of like mineral spirits, a medium
18 petroleum product.

19 Q Are you aware of any common cleaning uses for varsol?

20 A Well, it would be a solvent or degrease, yes, as far
21 as I know.

22 Q Do you know what a parts washer is in an auto
23 mechanic shop?

24 A Yes, sir, I've seen them before.

25 Q Do you know what they use in parts washers?

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1 A That would be a product that I would recommend using
2 because it would dissolve any oil-based products.

3 Q What is -- what do dry cleaners use to clean our
4 clothes?

5 A Well, they use several things. They used to
6 dichloroethane if I remember correctly, that's a very
7 volatile compound and it's in petroleum products. But I'm
8 not sure what they are using today. But at one time they
9 were using that and that's an extremely narrow product
10 itself.

11 Q Do you have an undergraduate college degree?

12 A Yes, I do.

13 Q From where, when and in what?

14 A I graduated from Clemson University in August of
15 1971.

16 Q With a degree in what?

17 A In chemistry.

18 Q Do you have a graduate degree?

19 A No, I do not.

20 Q Have you had training beyond your undergraduate
21 degree in connection with your employment by Sled for
22 these number of years?

23 A Yes, sir, I have.

24 Q Generally speaking what kind of training?

25 A I trained -- when I first moved into the arson

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1 laboratory in 1991 I attended a class out in Boulder,
2 Colorado, it was put on by the Bureau of Alcohol, Tobacco
3 and Firearms. They had a class on arson accelerant
4 detection and I took that, that was a whole week I was out
5 there, and then when I came back --

6 Q Did you successfully complete it?

7 A Yes, I did.

8 Q Go ahead.

9 A After I came back -- that was in the spring, and in
10 the summer of that year I was accepted by the FBI. I went
11 to the FBI training school at Quantico, Virginia and was
12 trained there on laboratory examination of arson matters
13 and that was in 1991.

14 Q Did that include the detection of accelerants?

15 A That was, yes. That was all about detecting
16 accelerants.

17 Q Did you complete that course of study?

18 A Yes, I did.

19 Q All right. Have you examined materials submitted to
20 the lab both when you were working in trace evidence and
21 in the arson lab for the purpose of detection of
22 accelerants?

23 A Yes. Actually there was one other course, if I may.

24 Q That's all right. I didn't mean to cut you off.

25 A One other course was in 1994 at the Midwestern

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1 Association of Forensic Scientists. There was a one week
2 course called advanced arson accelerant detection and I
3 took that course and completed it for a whole week.

4 Q Now, can you tell the jury about how many
5 examinations you have done over the course of your
6 employment with Sled for accelerants through trace
7 evidence?

8 A I haven't kept an exact number but it would be
9 somewhere over 2,000 and it may be even more than that.
10 I'm just being very conservative.

11 Q Have you been called upon to testify as an expert --
12 have you been offered by one side or another or various
13 parties in the courts of this state in the past as an
14 expert witness in trace evidence examination?

15 A Well, in arson accelerant detection is what I have
16 done. I've testified in at least 68 court appearances.

17 Some was -- a few -- one or two was family court, I've
18 testified in magistrate's court, I've testified in the --
19 an Article 32 hearing at the Shaw Air Force base twice,
20 which is the same as the court thing. And I've been also
21 qualified in the State of Georgia and testified one time
22 on an accelerant -- arson accelerant detection. And I've
23 testified the rest in the State of South Carolina.

24 Q And when you are qualified as an expert you are
25 labeled as what, arson accelerant detection?

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1 A Yes, as an expert, accelerants.

2 Q All right. Have you ever been offered as an expert
3 in that field and denied by the court qualification as an
4 expert?

5 A No, sir, I have not.

6 Q All right.

7 MR. BARFIELD: Your Honor, at this time I would offer
8 Mr. Layton as an expert witness in arson accelerant
9 detection.

10 MR. DUNN: If I may have a side bar with my cocounsel
11 here.

12 (Break in proceedings.)

13 MR. DUNN: I don't have an objection.

14 Q Let me clear something up with you just a minute.

15 We're using the term arson and arson accelerant, this case
16 is not about fire, is it?

17 A Well, as far as I know it's not.

18 Q Okay. That's fine. I'm going to show you something
19 in a bag and ask you if you can identify it. And you
20 examine to whatever extent you need to and if you need
21 some gloves we'll get you some gloves. Do you want some
22 gloves?

23 A No. I'll just use the bag. It looks like there's a
24 pair of blue jeans in this particular bag and that there's
25 pockets that are missing, part of the cloth off of it.

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1 Q And you don't have the pocket yet, we'll take care of
2 that in a minute, I think. Can you identify those jeans?

3 A Well, they look like jeans that I took some samples
4 off of.

5 Q Do they have any markings on them that you put on
6 there to be able to identify them I guess is what I'm
7 asking?

8 A Okay. I'm not sure on that right now, because
9 actually I never took custody of the jeans directly. All
10 I did was take them from -- take the samples off -- I was
11 requested to come down to the evidence area -- evidence
12 examination area of Sled and collect some samples from
13 some jeans, so I don't mark them -- I don't mark the
14 evidence in case I would mark it in the wrong place and
15 mess up something.

16 Q We'll come back to that in a minute. When you say go
17 down to the evidence processing department and collect
18 samples, in particular from a pair of blue jeans, what do
19 you do to collect samples?

20 A Well, in fire debris samples or accelerant detection
21 samples, they are volatile compounds, that means they go
22 from a liquid to a gas. And so what happens -- in this
23 particular case this was in a bag which is not impervious.
24 It will slow down the transfer the molecules from whatever
25 they're on in this material out into the atmosphere of

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1 whatever is in the room at the time and over time it will
2 eventually all evaporate. So what I have to do is get
3 down -- get to the evidence as soon as possible and take
4 my samples and then analyze them for ignitable liquids is
5 what I'm looking for.

6 Q On a pair of blue jeans when you say take samples,
7 what are you taking? What are you actually taking?

8 A Well, actually in this particular case I could have
9 taken the whole piece of evidence. But based on what I
10 smelled at the time we opened the bag I decided to just
11 take cuttings out of the pockets that the technician with
12 me, Patty Ruff, they was there in the room with me. I
13 just said, "You show me where you want me to take samples
14 from because I think whatever I'm going to get is going to
15 be all in here because of the odor I noticed."

16 Q And I'll come back to the item in the actual bag in a
17 minute. But did you -- had Sled assigned a lab number
18 to the entire pair of pants?

19 A Well, to the actual case itself, over the case
20 laboratory file number L059885.

21 Q I didn't ask the right question, I misstated the
22 question. Did Sled assign an item number to the entire
23 pair of pants?

24 A Yes, sir. The item number that I had in the computer
25 and was in there was item number 47.

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- 1 Q Now -- and that represented what?
- 2 A That represented this bag containing the blue jean
3 material.
- 4 Q Did you create sub-items from item 47?
- 5 A Yes, sir, I did.
- 6 Q How many sub-items did you create through your work
7 with this piece of evidence?
- 8 A I created two sub-items.
- 9 Q What were the numbers of those two sub-items?
- 10 A 47.1 and 47.2.
- 11 Q And physically what were 47.1 and 47.2?
- 12 A They were just cuttings from the back pockets of the
13 blue jean material itself.
- 14 Q When you have taken an item like 47.1 or 47.2,
15 explain to the jury -- well, first of all you said
16 accelerants become gas at some point.
-
- 17 A Right, exactly.
- 18 Q By gas, do you mean fast moving molecules that float,
19 is that what you're talking about?
- 20 A Right. They're no longer liquid, they're no longer
21 stuck together.
- 22 Q For example here, does liquid gasoline smell?
- 23 A Yes, it does.
- 24 Q All right. Does gasoline evaporate?
- 25 A Yes, it does.

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1 Q When it evaporate is it a gas -- a floating gas?

2 A Yes. It becomes -- the most volatile components --
3 see, gasoline is made up of approximately 300 compounds
4 and maybe even more, there's smaller ones, but roughly
5 around 300 compounds. And the most volatile ones go from
6 a liquid to a gas first, and the least volatile ones go
7 from a liquid to a gas later, it's called evaporation or
8 weathering is the same type process.

9 Q And does the gaseous form of gasoline produce an odor
10 and can you smell the gaseous form?

11 A That's what you actually smell. You don't smell the
12 liquid, you smell the molecules of gasoline coming up to
13 your nose and being detected in your nose.

14 Q Now, in this case when you first saw item 47 and
15 dealt with the blue jeans, could you smell something that
16 you characterized as the smell of gasoline?

17 A Yes, sir. And I made a note of it on my worksheet.

18 Q All right. When you took the two cuttings, 47.1 and
19 47.2 and took them to your lab, explain to the jury what
20 you're going to do from that point on.

21 A Okay. Well, I took down with me a metal paint can
22 which is lined. It has a poxy paint coating on the inside
23 that's been baked in the oven at the manufacturing plant
24 for several hours so there's nothing volatile in it.

25 Q May I interrupt you?

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1 A I use those -- yes, sir.

2 Q You just talked about a metal paint can, I'm handing
3 you this item. Can you identify that?

4 A Yes, sir. It has the laboratory file number and it
5 has my writing on it, it's a can, Chester Sheriff's
6 Office, the date 9/9/05 and my initials on it.

7 Q And would you open it for me and tell me if it has
8 contents? I don't know if you need that or not.

9 A I might need that. Yes, sir. It has the cloth
10 material that I cut, there's two pieces, each one is cut
11 off back pocket portion of these jeans.

12 Q And are you sure that those are the two items that
13 you have described to us as 47.1 one and 47.2?

14 A Yes, sir, I am.

15 Q Bear with me just a minute. Do you need to look at
16 the jeans at this point to -- will you look at the jeans

17 and talk to me about what's in the can and tell me if
18 these are the jeans that the two cuttings came from if you
19 can?

20 A I remember doing it based on my -- and plus my notes,
21 and the fact that it was in a can like that and these are
22 in a bag that's got these Exhibit 32 but not a Sled
23 laboratory number on it. But they're missing the back
24 pockets.

25 Q Okay. Now, you get it in the lab, you've got it in

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1 the can. Why do you put it in the can? You might have
2 started telling that and I might have stopped you before
3 you started to do it. What's the purpose of the can?

4 A The reason is to prevent any evaporation, any going
5 from a liquid to a gas state. Once that stopped, once the
6 can is sealed, it's a sealed container and I hammer it
7 down, I take it back to the laboratory and I begin
8 processing evidence, other evidence cases, too, along with
9 this particular piece of evidence. But I set up what we
10 call an automatic run or a sequence run. And the first
11 thing I do is place a copper wire with a very tiny about
12 maybe a little over three-eighths of an inch square, it's a
13 little piece of teflon coated, we get activated charcoal
14 strips, we get these from a company somewhere up north, it
15 has been awhile since I had to order them. But we get
16 these activated charcoal strips and we keep them in

17 desiccated or dry oven and they're sealed packs. What I
18 do is make up several at a time and I hang the little
19 copper wire, push it through the little small teflon
20 coated with activated charcoal little square looking deal
21 and push it into the -- inside the head space, the space
22 between the debris, in this case it is the cloth material
23 and the top of the container.

24 Q You stick it through the lid?

25 A I stick it through the lid. I punch a hole, I have a

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1 hole puncher, just punch a hole in the lid, stick a copper
2 wire with the activated charcoal strip inside, then I
3 press this cork inside to seal it back. Once that's
4 done --

5 Q Why do you put charcoal inside of the can? What's
6 the purpose of that?

7 A Charcoal -- they found out during World War II that
8 charcoal -- particularly coconut charcoal was one of most
9 absorbent materials, they were going to use them in gas
10 masks and thing like that for the troops. And so this
11 particular procedure -- there was an earlier procedure
12 that you used just powdered charcoal and a glass tube and
13 we would evacuate the samples but we have changed because
14 this was a whole lot easier and faster and it made things
15 a little bit better.

16 Q Is the charcoal essentially -- and you answered -- I
17 might be completely off track -- but is the charcoal
18 essentially used as a sponge to collect anything that
19 might be in the material?

20 A That is exactly correct, it's an absorbent. It's
21 like a sticky note, the molecules stick to it but they
22 don't bind to it in a strong way.

23 Q And when you actually do your analysis, are you
24 analyzing the charcoal or are you analyzing the pants
25 pocket that's been cut off the blue jeans?

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1 A I'm actually analyzing any volatile components that
2 might have been on this pair of blue jeans would be on
3 that charcoal strip. And I wash it off with a strong
4 solvent, carbon disulfide and that strips everything off
5 of that little charcoal strip. Then I take that liquid --
6 it's a liquid, I take it and put it in a little small vile
7 and inject it into an instrument called a gas
8 chromatograph. A gas chromatograph is an instrument used
9 in the laboratory to separate mixtures into pure
10 components, much like light is separated into its primary
11 colors by prism, this gas chromatograph separates
12 compounds by their molecular weight and boiling point. So
13 the very volatile stuff is going to come out at the front
14 and then you get heavier and heavier and less volatile on
15 out. And you get a pattern recognition and it's a -- it
16 uses a flame ionization detector. There's a little
17 hydrogen flame burning in the detector and there's a big,
18 long 30 meter column which would be opened out would go
19 from here to the back of the courtroom, but it's a very
20 tiny capillary column, a very small opening in it, it has
21 a coating on the inside. These molecules are forced down
22 that after they're injected into this hot injector, they
23 go from a liquid to a gas, if there's any liquid there
24 they go to a gaseous state immediately anyway, and they
25 are injected into there and they separate out based on

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1 this boiling point. There's an oven that goes along with
2 heating this up, it starts about 60 degrees centigrade and
3 runs on up to about 250 degrees centigrade and water boils
4 at 100 degrees centigrade, so it is a very, very hot oven
5 by the time we get to the end. And what that does is that
6 allow these lower boiling point compounds to come out in
7 the beginning and then and you see more and more and more
8 until finally it tails off at a certain time frame.

9 Q Now, you're using your finger to show something. Is
10 there some printout or read out from the gas chromatograph
11 that produces a result?

12 A Yes.

13 Q What does it look like, like an EKG strip or what?

14 A It's like peaks and valleys, it's mountain peaks and
15 valleys. And I have a printout here of the actual
16 chromatogram that was run, the gas chromatogram. There's

17 two steps, first we do a presumptive test and the second
18 step is the confirmatory test.

19 Q Which test is the gas chromatograph, the first one
20 that you're talking about doing?

21 A The first one I did was a presumptory test. Of
22 course, my nose was actually a presumptory test because it
23 smelled to me like gasoline. And this was actually the
24 chromatogram and there's -- if the jury can see it, this
25 is a blank that was run before I injected this particular

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1 sample here, and this is the sample that was run and you
2 can see a bunch of peaks and valleys in there. And what I
3 noticed just based on my experience in working in the lab
4 and working with gasoline being the number one product I
5 usually run across and the accelerant I would see, I just
6 recognize the pattern as weathered or evaporated gasoline.
7 It doesn't like look raw gasoline like you would get out
8 of the pump now because it's been evaporating over time
9 and so I see it right in here. And I also run a standard
10 gasoline and that's run on the same -- it's run at the end
11 of a run.

12 Q When you say a standard gasoline, do you mean a
13 sample that you know to be, in fact, gasoline?

14 A Exactly. A known sample of gasoline which has been
15 evaporated by 50 percent. I'll take 100 milliliters of
16 gasoline, which is about -- smaller than a couple full
17 like a -- probably about a quarter cup full; I'll
18 evaporate that down to half its volume, then I will take
19 that and I will run it along so that I have both the
20 50 percent weathered gasoline along with some other
21 standards that I run just to make sure my instrument is
22 working properly. And this is the -- at the end I run
23 this 50 percent evaporated gas and this was the standard I
24 ran and this is the unknown here. So you can of -- if you
25 look at it and maybe eventually you want to -- whatever

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1 you want to do, put it in evidence or whatever, it is
2 there to see, so it matches.

3 Q Now, after you have done that test, what is the next
4 step and what was the next step in this case?

5 A The next step was to take the same vile, which I
6 injected into the -- it's done by a robot so I don't have
7 to manually inject it, it's a whole lot faster and
8 easier -- I take it to another instrument called a gas
9 chromatograph too, but it's a gas chromatograph with a
10 maspectrometer detector. And the maspectrometer allows me
11 to identify compounds like we -- kind of like you would
12 identify fingerprints, they are unique to each particular
13 compound.

14 Q Does gasoline have compounds and a fingerprint
15 different from kerosene or from varsol or from WD40?

16 A Yes. There's a lot of them that are different, very
17 different. But there's also -- you can find traces -- if
18 you look hard enough you can find traces of gasoline in
19 kerosene, but it's only after the kerosene is really,
20 really evaporated.

21 Q All right. Continue.

22 A The next step is inject it into a gas chromatograph,
23 again same type procedure, same column separates out the
24 mixtures but this time as each peak comes out I can take a
25 cursor and put that on -- and the cursor is the little

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1 mouse click on each peak and identify it looking at a
2 database of over -- I think it's over 120,000 different
3 compounds and it matches -- gives you the best match.
4 And, of course, you have to -- it's like anything else,
5 you have to look most of the time -- on some things you
6 have to look at them and say, "I'm really not sure what
7 this peak is," or it really won't give you a good
8 identification. But in this particular case I recognized
9 the pattern as being weathered or evaporated gasoline from
10 the first test. The second test I just identified exactly
11 which particular compounds were there, and I just do a few
12 of them because I know exactly what it is anyway.
13 Q Now, did you, in fact, complete the testing of the
14 samples that were contained of the evidence that was
15 extracted from the samples that were placed into that
16 paint can that sits in front you?

17 A Yes, I did.

18 Q And did you reach a conclusion about what was in the
19 sample that you tested?

20 A Yes, sir. In my opinion and based on the -- my
21 experience plus the identification using the gas
22 chromatograph and the flaminization detector and the gas
23 chromatograph and the maspectrometer I identified
24 gasoline, weathered gasoline in that particular sample.

25 Q Is there any question or any doubt in your mind at

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1 all about it being gasoline?

2 A No, sir.

3 Q Did you prepare a report of your examination of the
4 47.1 and 47.2 Sled items numbers?

5 A Yes, sir, I did.

6 Q Is that a copy of your report?

7 A Yes, sir, it is.

8 Q Does it bear your signature?

9 A Yes, sir, it does.

10 Q Did it state the conclusion that you just testified
11 about?

12 A Yes, sir, that's correct.

13 MR. BARFIELD: Your Honor, I would offer the container
14 and its contents, which was previously identified by
15 Mr. Layton and a copy of his report as the next two State's
16 exhibits.

17 MR. DUNN: Your Honor, I don't have any objection to
18 the -- well, let me say this: As far as pockets are
19 related I don't have any objection to them coming in from
20 Mr. Layton. I would, of course, renew my objection to all
21 of the blue jeans, I think that would be part of the blue
22 jeans but since that has already been overruled I don't
23 have any problems bringing it in. My arguments before the
24 Court -- he's already testified to his conclusions, I think
25 it is repetitive and as such I would object, or cumulative.

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1 MR. BARFIELD: It does duplicate what his testimony is
2 but it's theoretically the best and official report of his
3 examination of the items that he has testified about.

4 THE COURT: I'll allow it in.

5 (The tin can, pockets and the report were received as
6 State's 33 and 34.)

7 Q Let me just ask you a couple of questions, a couple
8 of other questions. When you cut the samples, did you, in
9 fact, cut some samples off of the blue jeans?

10 A Yes, sir, I did.

11 Q When you handled the jeans, did you notice any
12 evidence of any burning on the jeans?

13 A No, sir, I did not.

14 Q And was there any evidence of any burning on the two
15 samples, the pockets, that you cut off of the jeans?

16 A No, sir.

17 Q Okay.

18 MR. BARFIELD: Thank you, sir. Answer anything that
19 Mr. Dunn has.

20 MR. DUNN: May it please the Court, Your Honor?

21 CROSS EXAMINATION

22 BY MR. DUNN:

23 Q You testified that you tested it for gasoline. Did
24 you test it for other substances such as diesel?

25 A Well, I tested it for if it was volatile, ignitable

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1 liquids and that's what came up was gasoline.

2 Q Will diesel come up on your tests?

3 A It will, yes. Diesel is in the other extreme of
4 gasoline range wise.

5 Q So gasoline is at one end of the spectrum and diesel
6 is on the other end?

7 A Yes, sir.

8 Q So you were testing for the gasoline part of it?

9 A Well, no. I was testing for anything that was in
10 there. Whatever shows up shows up, I call them as I see
11 them.

12 Q In your report it just says it includes all brands
13 and grades of automobile gasoline, which basically 87, 89
14 or 93?

15 A Because we don't differentiate between the grades.

16 Q All right. You're not asked and you don't know how
17 the gasoline got on the pants, correct?

18 A No. I have no earthly idea how they got on there, I
19 just know it's there.

20 Q You don't know who put them there?

21 A No, sir.

22 Q When it got there?

23 A No, sir.

24 Q Just the fact that you were asked to test for
25 gasoline and that's what you did.

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1 A Yes, sir.

2 Q All right.

3 A Well, test for what is on there and it smelled like
4 gasoline.

5 Q Fair enough. A little while ago you and the
6 solicitor were talking about things that you use as
7 cleaning agents.

8 A Uh-huh.

9 Q Gasoline could be used as a cleaning agent, can't it?

10 A Yes, it sure can.

11 Q And, in fact, it wouldn't be surprising to find
12 gasoline on clothes from a mechanic, would it, in your
13 experience?

14 A Well, I haven't done that many -- I would think -- I
15 really don't know to be honest with you.

16 Q Gasoline would cut through grease.

17 A Yes, it can.

18 Q And oil, like motor oil?

19 A Yes, it sure can.

20 Q Besides these pair of pants right here, these blue
21 jeans, did you test any other items for gasoline?

22 A No, sir, I did not.

23 Q Did you ever test a -- I'm trying to find it -- did
24 you ever test a shirt similar to this in this case for
25 gasoline?

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- 1 A No, sir.
- 2 Q Did you ever test this sole for gasoline?
- 3 A No, sir.
- 4 Q Did you ever test these shoes for gasoline?
- 5 A No, sir.
- 6 Q You tested one pair of pants and that was them right
- 7 there, correct?
- 8 A Yes, sir, that's correct.
- 9 Q The report that we just marked as Exhibit Number
- 10 34 --
- 11 MR. DUNN: -- if I may approach, Your Honor.
- 12 THE COURT: Certainly.
- 13 Q That's your signature on it, right?
- 14 A Yes, sir, it is.
- 15 Q And it looks like there's a fax confirmation stuff on
- 16 it. You probably faxed it somewhere?
-
- 17 A I don't recall doing that but I always -- we mail a
- 18 copy out.
- 19 Q That was going to be my --
- 20 A I may have faxed it to the solicitor's office, I
- 21 don't know.
- 22 Q Really my question was who was the report sent to
- 23 originally?
- 24 A It was just sent to Detective Shane Stewart with the
- 25 Chester County Sheriff's Office.

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1 Q Because he was the one who requested it, correct?

2 A Yes.

3 Q Normally you send it to the person who requested it.

4 A Whoever requested it, yes.

5 MR. DUNN: That's all have I. If I may beg the
6 Court's indulgence for one minute.

7 (Break in the proceedings.)

8 MR. DUNN: I don't have any further questions, Your
9 Honor.

10 MR. BARFIELD: Nothing else from Mr. Layton and I
11 would ask that he be excused if he would like to leave.

12 THE COURT: Mr. Layton, you are excused.

13 The witness, MELISSA SKIPPER, was first duly sworn
14 and testified as follows, on:

15 DIRECT EXAMINATION

16 BY MR. BARFIELD:

17 Q Ms. Skipper, by whom are you employed?

18 A I am employed by the South Carolina Law Enforcement
19 Division commonly referred to as Sled.

20 Q How long have you been employed by Sled?

21 A Approximately three and a half years.

22 Q What department of Sled are you employed in?

23 A I am currently assigned to the Sled latent crime
24 scene department.

25 Q Have you been on crime scenes to process, observe,

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1 collect evidence?

2 A Yes, I have.

3 Q And have you been called upon to compare lifted
4 latent prints to known prints and submit them through the
5 AFIS system for comparison to filed prints?

6 A Yes, I have.

7 Q Are you -- where did you go to college?

8 A I went to the University of South Carolina.

9 Q And when did you graduate?

10 A May of 2000.

11 Q What was your undergraduate degree?

12 A Mathematics.

13 Q Do you have a graduate degree?

14 A No, I do not.

15 Q Have you got training to support your employment by

16 Sled as a crime scene latent prints identification person?

17 A Yes, I do. I have been a certified law enforcement
18 officer in South Carolina for seven years. I have also
19 successfully completed courses in basic fingerprint
20 ridgeology, advanced palm print comparison techniques. I
21 have also successfully completed the Sled latent crime
22 scene departments two year in-house training program under
23 court qualified senior examiners.

24 Q Have you been supervised and overseen and peer
25 reviewed every step of the way by others above you at

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1 Sled?

2 A Yes, I have.

3 Q Have you been called upon to testify in the courts of
4 this state prior to today and offered as an expert witness
5 in fingerprint identification?

6 A Yes, I have, approximately four times.

7 Q Have you ever been offered as an expert in
8 fingerprint identification as a witness and been denied
9 qualification as an expert in the courts of this state?

10 A No, I have not.

11 MR. BARFIELD: Your Honor, at this time I would offer
12 Ms. Skipper as an expert in fingerprint identification.

13 MR. DUNN: I just want to make sure, you have never
14 testified before in court?

15 THE WITNESS: Yes, I have testified.

16 MR. DUNN: As an expert in fingerprint analysis?

17 THE WITNESS: Yes, I have.

18 MR. DUNN: I'm sorry, I couldn't hear. You have a
19 very soft voice. I don't have any objection.

20 THE COURT: Motion is granted.

21 Q Did you participate, did you perform in a case
22 identified as Sled lab number L05-09885 and listing a
23 victim as Judith Hinson and a subject as Casey Perkins?

24 A Yes, I did.

25 Q From your file and your reports and your knowledge,

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1 is there an incident date associated with that case?

2 A Yes, sir, there is.

3 Q What is the incident date associated with the case?

4 A August 26, 2005.

5 Q Were you -- did you participate in the investigation
6 of this case back when it happened in August of 2005?

7 A No, I did not.

8 Q At what point roughly, not a date necessarily, about
9 when did you get involved in this case?

10 A Around the first of November of this year.

11 Q For what purpose were you called upon -- the first
12 act that you were called upon to do in this case was what?

13 A I was asked to collect what we call major case prints
14 from Casey Perkins, which is complete inked fingerprints
15 of the fingers and the palms of the hand to compare to one
16 latent lift that had been recovered from the scene and had
17 been called a partial palm print.

18 Q Now, the jury has heard a little bit about this from
19 the crime scene agent who originally worked this case, but
20 tell the jury what a latent print is in a nutshell.

21 A The surfaces of the hands and the fingers as well as
22 soles of the feet and the toes are lined with raised
23 portions of skin called friction ridge skin. There are
24 tiny pores on those ridges that exude sweat. The sweat
25 tends to flow along the ridges and collect, that sweat

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1 sometimes mixes with oils from the facial area or other
2 parts of the bodies. And when an item is touched it's
3 possible to leave an outline of those ridges in sweat and
4 oils on that item and that is what we call a latent
5 fingerprint.

6 Q Stop, I'm going to interrupt you some.

7 A Okay.

8 Q You said when the hand touches an item it's possible
9 to leave a latent print.

10 A Yes.

11 Q Is it possible when for example a hand touches an
12 item that it will not leave a latent print?

13 A Yes, it is.

14 Q Tell the jury some reasons why the touching of an
15 item perhaps will not leave a latent print.

16 A It depends on -- it can depend on the surface of --
17 the texture of hand. People who work with their hands a
18 lot tend to have calluses on their hands or their hands
19 are really rough. They tend to leave more broken ridges
20 that are insufficient for comparison. It can also depend
21 on how hot or how cold it is. If it's too cold the hand
22 may not be producing very much sweat which tends to leave
23 as I just stated incomplete ridges and ridges insufficient
24 for comparison. If it's too hot the hand can be too
25 sweaty and instead of leaving distinct ridges you will

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1 have smudges or smears. You can also consider the surface
2 of the item being touched. The best surfaces for
3 receiving a latent fingerprint are smooth hard surfaces
4 such as a hard plastic glass or metal, smooth metal. The
5 more texture it has the less the finger completely touches
6 that item, which again, tends to cause incomplete ridges
7 which are insufficient for comparison.

8 Q Now, you were telling us what a latent is and I
9 rudely interrupted you. Continue if there was additional
10 responses to that question.

11 A Latent by definition means hidden or not easily
12 visible. And they're made up as I was stating earlier of
13 mostly moisture, of 99.9 percent moisture. So in order to
14 see a latent impression or latent fingerprint we have to
15 use some type of enhancement aid to make those latent
16 impressions more easily visible to the naked eye.

17 Q When you enhance it and make it visible to the naked
18 eye you have got a latent print that you now can see and
19 it is on something. Do you always carry the something
20 back with you to the lab?

21 A Not always.

22 Q What if there is something that you can't haul back
23 to the lab, how do you get it off? How do you preserve
24 it?

25 A We have several different ways of preserving that,

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1 the most common being we use a method of we lift with
2 tape. You'll roll clear fingerprint tape across the
3 latent impression which causes black powder to adhere to
4 the sticky side of the tape. Once that is on there and
5 you have got it smoothed down real nice you collect that
6 and place it on a white backer or some other form of
7 backer that is a suitable contrasting color so that you
8 can see the latent impression easily.

9 Q Now, in connection with this particular case, did you
10 at some point receive into your possession an item that
11 was given a Sled item number of 33?

12 A Yes, sir, I did.

13 Q And how was that item -- first of all, do you have
14 item 33 in that manila envelope with you somewhere?

15 A Yes, I do.

16 Q Pull it out, if you will.

17 A (Witness complies.)

18 Q That's all of them?

19 A Yes, sir.

20 Q All right. Now, how was that item described to you?

21 A It was described as a just one latent lift.

22 Q From your file and from your work on the case, do you
23 know where it came from?

24 A I'm not sure if it's described on the back of the
25 back or not. The back has written on it that it was

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- 1 lifted from a storm window, the address of [REDACTED] --
- 2 Q I'll help you.
- 3 A [REDACTED]?
- 4 Q [REDACTED] perhaps?
- 5 A Perhaps -- Road.
- 6 Q Does it list the county?
- 7 A No, it does not.
- 8 Q Okay. Now, do you know who Steven Curtis is?
- 9 A Yes, I do.
- 10 Q Was he working there when you were working there?
- 11 A Yes.
- 12 Q From looking at this case, working on it, do you know
- 13 whether or not Steven Curtis had involvement in this case?
- 14 A Yes, I do.
- 15 Q Was he one of the two crime scene agents?
- 16 A Yes, he was.
-
- 17 Q Do you know whether Steven Curtis did some
- 18 fingerprint identification work in this case?
- 19 A Yes, I do.
- 20 Q Was the item 33 latent lift that you were looking at
- 21 a minute ago one of the items that he had in his
- 22 possession at one time?
- 23 A Yes, it was.
- 24 Q Have you reviewed his work on the case?
- 25 A Yes, I have.

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1 Q Did he do anything with item 33 that -- well, let me
2 back up. Specifically, how was item 33 described?

3 A I left the item description the same as he did.

4 Q Which was what?

5 A Which was one latent lift.

6 Q And was it determined what kind of print it was?

7 A It was determined it was a partial palm print.

8 Q Did Steven Curtis do anything with item 33, the
9 partial palm print?

10 A The only thing listed on his report was that he
11 described it -- it gave a result as a partial palm print
12 and it was not compared to anyone else.

13 Q Have you looked through all of his work prior to you
14 picking this up?

15 A Yes, I have.

16 Q Did he have any major case prints which would have
17 concluded any palm prints to work with other than the
18 victim's when he did his fingerprint identification?

19 A No, he did not.

20 Q Okay. Which gets us to why you got involved in this
21 case. What was your purpose in becoming involved in this
22 case?

23 A My purpose was to collect major case prints or palm
24 prints and fingerprints from Casey Perkins who was a
25 suspect to compare to this latent lift that was described

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1 as a partial palm print.

2 Q All right. Did you do that? Did you get major case
3 prints from Casey Perkins?

4 A Yes, I did.

5 Q Did you actually take them yourself?

6 A Yes, I did.

7 Q The date, I don't need anything other than the date
8 at this point.

9 A November 13th of this year.

10 Q And are they done with ink -- the old fashioned ink
11 way? How do you take fingerprints these days?

12 A Inked fingerprints we still use most of the time in
13 the field. We still use black printers ink. We roll that
14 out onto a metal slab or smooth surface, then we roll
15 either the finger or the palm onto the black ink and then
16 place that onto -- roll the finger or the palm onto a

17 white record card. We can also use the roller itself to
18 place ink onto the palm of the hand, it makes it a little
19 bit easier to roll those.

20 Q Did you get Casey Perkins' major case prints
21 including palms?

22 A Yes, I did.

23 Q Have you got them with you today?

24 A Yes, I do.

25 Q Would you pull that out?

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1 A (Witness complies.)

2 Q To do major case prints you have four different
3 cards; is that correct?

4 A Yes.

5 Q One for five fingers on one hand, one for five on the
6 other and one for the palms on each hand?

7 A No. All ten fingers are on each card, I just do two
8 cards, and do the palms, one palm per card.

9 Q All right. Now, when you -- after you had taken
10 Casey Perkins' major case prints and you had in your
11 possession item 33, the latent lift from the storm window,
12 how do you do it? How do you work them? How do you
13 compare it?

14 A There are three basic type of ridge characteristics
15 that we look for. There is what we call a dot, which is
16 just that, it looks like a dot. There is an ending ridge,
17 which is a ridge that flows along and then comes to an
18 abrupt stop. And there's what we call a bifurcation or a
19 forking ridge and that is just what it sounds like, it's a
20 ridge that runs along and either forks into two ridges, or
21 splits into two ridges. It's those three ridge
22 characteristics that we look for and their relationship to
23 each other when we are making comparisons from the latent
24 fingerprint to the known.

25 Q Is it true -- we have all heard this all of our

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1 lives -- is it true that no two people have identical
2 fingerprints?

3 A That's correct.

4 Q When you're looking at a latent lift and a set of
5 known prints and you're comparing them, what are you
6 trying to see if you can see them?

7 A We're trying to see if those ridge characteristics
8 are in the same form and places on the latent fingerprint
9 as on the known fingerprint, and if they're not we're
10 trying to make a determination as to whether it's an
11 identification or an elimination.

12 Q All right. Well, let's talk about an elimination for
13 a minute. How do you determine that it's an elimination,
14 and what do you mean by elimination?

15 A Elimination means it's not identified to that person.

16 Q You are saying definitely it ain't him.

17 A That's correct.

18 Q Go ahead.

19 A And that is if -- when we're looking at the ridge
20 characteristics if there's one ridge characteristic that
21 is not where it should be it's not in the same place as
22 that known fingerprint it's an elimination, it's a
23 non-identification.

24 Q Now, how do you make an identification? Let me ask
25 part B to the question. Is there any magic number of

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1 matching ridge details from a known print and a latent
2 print that you've got to have to say bingo, it's him, or
3 it is her?

4 A No. There's no recognized number in the United
5 States.

6 Q Did you compare the latent lift from the storm
7 window, which you previously described as a partial palm
8 print, to the major case prints, including palm prints, of
9 Casey Perkins?

10 A Yes, I did.

11 Q Did you make an elimination?

12 A No, I did not.

13 Q Did you make an identification?

14 A No, I did not.

15 Q Did you reach any conclusion?

16 A The conclusion that I rendered was that no conclusion
17 would be rendered. And that means that there is something
18 that is not clear or it is not complete in the major case
19 prints that I can make either an elimination or an
20 identification.

21 Q Is there anything else you can tell us other than no
22 conclusion?

23 A No, sir.

24 MR. BARFIELD: Beg the Court's indulgence one moment.

25 (Break in proceedings.)