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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM BEAUFORT COUNTY
COURT OF GENERAL SESSIONS

SC Court of Appeals

The Honorable Brooks P. Goldsmith, Circuit Court Judge

Case No. (s) 2012-GC-07-2246 & 2012- GS-07-2247

State of South Carolina

Respondent,

v.

Walter Tucker,

Appellant.

RECORD ON APPEAL
VOLUME 2 OF 5

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1 the judge, whether it be this particular judge or the other
2 judges, and one of the things they always say is you are
3 picked as an impartial jury. And that is why you were
4 chosen by the State and by the defense and that you
5 shouldn't make any decision until all of the evidence is in.

6 And one of the things that sometimes they say -- and
7 forgive me, I don't even remember if the judge said that in
8 this case because I was thinking about what I was going to
9 get up and talk to y'all about today.

10 But one of the things they will say is nothing that the
11 attorneys say is evidence. Nothing that I tell you is
12 evidence. Nothing that Mr. Wright on behalf of his client
13 tells you is evidence. The evidence is what comes out on
14 the stand and what exhibits there are that are introduced.

15 And there will be some exhibits that y'all are going to
16 see today. There will be some witnesses called to the
17 stand. And you are going to hear testimony and you are
18 going to see these exhibits.

19 And only after all of that evidence is in should you
20 start deliberating anything. Because you have to look at
21 the case as a whole and not just an isolated piece.

22 And that is why the judge tells you that, don't start
23 talking about the case. Because you don't have the case
24 until the judge tells you okay you now have everything and
25 here is all the evidence, you may begin your deliberations.

1 And at that point then you need to make your decision.

2 September the -- September the 6th of 2012, Taylor's
3 Mobile Home Park here in Beaufort County. And you are going
4 to hear names of people that you are going to see on the
5 stand. You are going to hear names of people that you
6 aren't.

7 You will remember we had that extraordinarily long list
8 of potential witnesses that we had to qualify all of you on.
9 And I saw a few of you whence when we were reading that many
10 names.

11 But as I told you, those are just potential witnesses.
12 They likely will not all be called. But September the 6th,
13 2012, in Taylor's Mobile Home Park there was a drug deal
14 that was supposed to take place. At least some of the
15 people thought there was going to be a drug deal.

16 And you are going to hear about the victim in the case,
17 Quantez Greer, one of the victims. And Quantez Greer was
18 killed, Taylor's Mobile Home Park, September the 6th of
19 2012. He was shot to death.

20 You are going to hear testimony that his friend Jessica
21 Power arranged for him to buy drugs, marijuana, from three
22 people. One of those people being Walter Tucker. One of
23 those people being Travis Polite. And another being Brandon
24 Singleton.

25 And those are the three defendants that were charged in

1 this case. Because what happened when Jessica Power and
2 Quantez Greer got to Taylor's Mobile Home Park that day is
3 that there was no deal. It was instead a robbery, a lick as
4 it is sometimes called.

5 And during that robbery Walter Tucker pulled a gun. He
6 took Jessica Powers, put her on the floor, demanded the
7 money that she had to buy the drugs.

8 And the evidence will show, ladies and gentlemen, and I
9 want to tell you this right now that Travis Polite has
10 already been tried and convicted in this case.

11 You are going to hear his name. You are obviously not
12 going to see him. He was already tried and convicted. This
13 is the second trial dealing with Walter Tucker.

14 Travis Polite goes out armed with a gun. Jessica hears
15 the shot. Mr. Tucker follows out right behind. She hears
16 more shots.

17 And you will hear different witnesses. You are going
18 to hear some 911 calls, people call in and talk about
19 hearing gunshots which obviously prompt the 911 calls.

20 But at the end of the day, ladies and gentlemen, what
21 you are going to hear about is a phrase that I've heard for
22 years and years and years. And it has always baffled me was
23 what an unusual phrase it is, a drug deal gone bad.
24 Everybody has heard that. As opposed to what, a drug deal
25 that goes good? But that is in essence what you have here.

0 0202

1 And make no mistake, the State is not going to try to
2 get you to approve of a drug deal. Because that is what the
3 victims were doing. That is what Quantez Greer and Jessica
4 Power were doing; they were there to buy marijuana. They
5 certainly weren't there to get kidnapped. They certainly
6 weren't there to get robbed. And they certainly weren't
7 there to be murdered. Quantez Greer paid for that mistake
8 with his life.

9 What we are hear about today is the evidence against
10 Walter Tucker and about his role in the kidnapping and armed
11 robbery and murder; the charges we are hear about today,
12 Taylor's Mobile Home Park right here in Beaufort County
13 during broad daylight September the 6th, 2012.

14 All anybody can ask of you as a juror is to listen to
15 the witnesses as they take the stand. Watch them. Look at
16 the exhibits. Make sure you examine every piece. And look
17 at it as a whole before you make your decision. And use
18 your common sense. Because that is one of the reasons you
19 get picked. That is why we have juries. And that is all
20 anybody can ask you to do.

21 And at the end of the day when we have given you all of
22 the evidence we will at that point get to argue to you about
23 what we think the verdict should be.

24 Thank you.

25 MR. WRIGHT: If it please the court, counsel.

1 **OPENING BY MR. WRIGHT:**

2 Good morning. My name is Gary Wright. I represent Mr.
3 Tucker. The way I want to start is by thanking you first
4 for your service for being here.

5 We often want to do our duty and serve, but it is often
6 inconvenient. It never happens at a good time, the right
7 time.

8 But while you are here I would ask you to put your
9 emotions aside and be a fact finder. Because that is really
10 what you are doing is you are finding facts and you are
11 going to reach your own conclusions as to what happened.

12 And really your mission is to find the truth. And it
13 is not always easy. I invite you to watch these witnesses.
14 Watch them. Listen carefully. Because often the truth is
15 in the details. Take notes. Because there is going to be a
16 lot of information coming at you; and at the end when it is
17 time for you to deliberate, time for you to start figuring
18 it out, that may be helpful to you.

19 Hold both tables, the State, the defense, to the same
20 accountability. Our job is to get this case to you, to get
21 you all of the information, all the evidence, so that you
22 can be that fact finder to make your decision.

23 And as counsel, Mr. Thornton said, some things are
24 going to be undisputed. It is undisputed that Travis Polite
25 shot and killed Mr. Greer.

1 What I expect the evidence, the State is hoping to
2 convince you of and to show you, is that somehow Mr. Tucker
3 is complicit, that he is a party to it, that he is not the
4 shooter but he doesn't have to be.

5 So you can at least start this trial knowing who the
6 shooter is, Travis Polite. I suggest to you the evidence is
7 going to show that the rest of the State's case will all
8 depend on one witness, Jessica Power. Just one.

9 I expect at the end we will be able to show you in
10 closing arguments that everything the State is contending as
11 evidence all somehow flows back to Jessica Power.

12 She is the one that brings Mr. Greer to the trailer
13 park. She is the one that is setting up this drug deal.
14 She is the one handling money. She is the one and the only
15 one that is going to say things about Mr. Tucker and allege
16 that Mr. Tucker is involved and how he is involved.

17 So she is I expect the evidence to show you the core,
18 the foundation, which the entirety of their case is going to
19 rest. So listen to her. Watch her.

20 And I expect the evidence to show you that she has
21 testified different times and it has changed, that her
22 statement has changed, her testimony has changed.

23 I expect the evidence will show you that what she says
24 to you will not be consistent with the evidence in the case.
25 It will defy common sense.

1 This isn't a time for me to argue and tell you what I
2 think the evidence is. This really is a time for me to
3 invite you, to implore you, to be that fact finder, to
4 unemotionally gather the evidence, watch it carefully.
5 Because truth in this case is in the details.

6 The truth is what it is. You don't have to cover it
7 up. You don't have to stretch it. And when you find it --
8 and you will find it in this evidence. You will find it in
9 the evidence and your observations of Ms. Power. You will
10 find that my client, Walter Tucker, is innocent. You will
11 find him not guilty; not guilty of murder, not guilty of
12 armed robbery, and not guilty of kidnapping.

13 Thank you very much.

14 THE COURT: Thank you.

15 Solicitor, you make call your first witness.

16 MR. THORNTON: The State calls Melanie Smith to the
17 stand.

18 (WHEREUPON, the witness was duly sworn.)

19 THE CLERK: State your name.

20 THE WITNESS: My name is Melanie Smith, M-E-L-A-N-I-E,
21 S-M-I-T-H.

22 **DIRECT EXAMINATION BY MR. THORNTON OF MELANIE SMITH:**

23 Q. Good morning. Are you doing okay this morning?

24 A. Yes.

25 Q. All right. Ms. Smith, I always forget that you

0 0206

- 1 don't -- or you are not ranked anymore.
- 2 A. Correct.
- 3 Q. Who do you currently work for?
- 4 A. Beaufort County Sheriff's Office, Dispatch Center.
- 5 Q. All right. And did you work for the Beaufort County
- 6 Sheriff's Office in dispatch back in September of 2012?
- 7 A. Correct.
- 8 Q. And what is that you do -- or did then I should say?
- 9 A. I was the records custodian. I would respond to
- 10 requests from the public and internal officers for copies of
- 11 reports and recordings.
- 12 Q. And by recordings is that 911?
- 13 A. Yes, correct; 911 calls and radio transmissions.
- 14 Q. And basically how did the 911 call system how does that
- 15 work?
- 16 A. The calls come in. They are automatically recorded.
- 17 And then the dispatcher takes the information and puts it in
- 18 the computer system and it is time date stamped at that
- 19 time.
- 20 (WHEREUPON, State's Exhibit Number 3, CD of 911 calls, was
- 21 marked for identification.)
- 22 Q. I am going to show you what has been marked for
- 23 identification as State's Exhibit Number 3. If you could
- 24 take that out. Could you identify that CD?
- 25 A. Yes, these are the 911 calls that came in for the

0 0207

1 Walter Tucker case.

2 Q. And have you reviewed those calls?

3 A. Correct.

4 Q. And are they a true and accurate depiction of the calls
5 that were received that day?

6 A. Yes.

7 Q. And have you altered or changed them in any way?

8 A. No.

9 Q. Let me ask you one more question. How do you know that
10 that is the disk that you reviewed?

11 A. I dated it and initialed it.

12 MR. THORNTON: Your Honor, at this time State moves
13 State's Exhibit Number 3 into evidence.

14 MR. WRIGHT: No objection.

15 THE COURT: Admitted without objection.

16 (WHEREUPON, State's Exhibit Number 3 was admitted into
17 evidence.)

18 MR. THORNTON: Your Honor at this time it will take us
19 just a moment to publish for the jury. We have a speaker
20 that we brought in, Judge. If anybody can't hear if they
21 will just indicate. We will try to run it through the
22 system. But this one was pretty clear when we tested it
23 yesterday.

24 THE COURT: While they are doing that, ladies and
25 gentlemen, let me take this opportunity to tell you that if

0 0208

1 you have any problems ever during this trial hearing or
2 viewing something that is meant for you to view if you would
3 just let one of the bailiffs know or let me know we will try
4 to do something about it.

5 If the lawyers aren't talking loud enough or the
6 witness is not talking loud enough or I am not talking loud
7 enough, please let us know. Thank you.

8 MR. THORNTON: Thank you, Your Honor.

9 (WHEREUPON, State's Exhibit 3 published to the jury.)

10 BY MR. THORNTON:

11 Q. Something I wanted to ask you, Ms. Smith, when those
12 calls you hear -- you actually hear the ringing of the phone
13 actually on the recording. How does that work?

14 A. When it comes into the system, the 911 system, it
15 starts recording as soon as it hits the circuit and then you
16 have the recording until the dispatcher disconnects.

17 Q. If -- and I see you did not bring any notes with you;
18 and I don't know that you expected this question, but let me
19 ask you. Would you happen to remember about what time these
20 calls came in?

21 A. No.

22 Q. All right. I am going to show you once I have shown
23 the defense counsel I am going to show you -- see if this
24 refreshes your recollection. You have something called the
25 CAPS calls for service by event number report?

0 0209

1 A. Yes.

2 Q. Would you verify that as the correct report, and can
3 you tell me -- and please don't give me that military time
4 stuff because I will forget it. My dad never could teach me
5 that. So I am sure it is going to be a 14 or a 15, but if
6 you would please tell us about approximately what time the
7 first call for service or alarm came in.

8 A. Yes, the call came in on here at 14:13 which is 2:00
9 p.m., 2:13 p.m.

10 Q. All right. So 2:13 p.m. Thank you very much. And
11 thank you for not making me do math this morning. I
12 appreciate it. I have no further questions. Please answer
13 any questions Mr. Wright has.

14 THE COURT: Mr. Wright.

15 **CROSS-EXAMINATION BY MR. WRIGHT OF MELANIE SMITH:**

16 Q. Good morning.

17 A. Good morning.

18 Q. Did you have a chance to review this tape prior to your
19 testimony today?

20 A. Yes.

21 Q. If I counted right I think there were a total of six
22 phone calls on it?

23 A. Correct.

24 Q. And this is what the jury just heard, sort of our
25 recordings of calls; but certainly you weren't there,

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1 correct?

2 A. Correct.

3 Q. So you can only relate to them what you hear on the
4 phone call; is that fair?

5 A. Yes.

6 Q. And on that first call there was one suspect described
7 as shooting that is wearing a white bandanna; does that
8 sound correct?

9 A. I don't recall.

10 Q. Okay. And the same thing with Call 2, there was just
11 one suspect wearing a white thing on his head that is
12 described; do you recall that?

13 A. I don't recall.

14 Q. And the other calls they don't actually describe any
15 suspects, they just report gunshots; is that fair enough?

16 A. Correct.

17 Q. Okay. Thank you.

18 MR. THORNTON: Just one question, Judge.

19 **REDIRECT EXAMINATION BY MR. THORNTON OF MELANIE SMITH:**

20 Q. As I have put this into evidence as you saw me,
21 Melanie, do you have any independent recollection of the
22 events?

23 A. No.

24 Q. And as Mr. Wright asked you, were you there?

25 A. No.

0 0211

1 Q. So the best evidence is that we just listened to, the
2 tape itself; would that be correct?

3 A. Correct.

4 Q. Thank you so much.

5 THE COURT: Thank you, ma'am. You may step down.

6 THE WITNESS: Thank you.

7 THE COURT: You may call your next witness.

8 MR. THORNTON: The State calls Daniel Byrne.

9 (WHEREUPON, the witness was duly sworn.)

10 THE CLERK: State your name.

11 THE WITNESS: Daniel Dennis Byrne.

12 **DIRECT EXAMINATION BY MR. THORNTON OF DANIEL BYRNE:**

13 Q. Mr. Byrne, how are you doing this morning?

14 A. Doing well, sir. Thank you.

15 Q. Who do you work for, sir?

16 A. Full-time engineer, paramedic, with the Berk Fire
17 District. Part-time paramedic with Beaufort County
18 Emergency Medical Services.

19 Q. And can you explain to me in lay terms what it is a
20 paramedic does and how you differ from say other EMS
21 providers?

22 A. Yes, sir, the emergency medical technician field is
23 three levels. The first two levels are basically surface
24 type technicians applying bandages, splints; things like
25 that.

0 0212

1 As a paramedic I do more internal work. I can apply
2 a cardiac monitor, interpret the rhythm, be able to
3 apply appropriate protocols, some invasive procedures,
4 inter-tracheal intubation, thoracic decompressions. And I
5 can apply or administer all of the emergency medical drugs
6 in their stated form.

7 Q. So would it be fair to say that you would be the
8 ranking person on an ambulance as far as medical provider
9 unless there was a doctor present or a nurse?

10 A. Yes, sir. On that particular day I had an intermediate
11 with me, so I was the lead medic.

12 Q. And on that particular day obviously we are talking
13 about September the 6th, 2012. Were you with Beaufort
14 County EMS at that time?

15 A. Yes, EMS unit two.

16 Q. And what did you respond out to that day?

17 A. We were dispatched to Taylor Mobile Home Park for a
18 shooting.

19 Q. And let me ask you this. I know this always
20 sounds like a silly question every time I have to ask it
21 of you, ---

22 A. Yes, sir.

23 Q. --- but what county is Taylor's Mobile Home Park in?

24 A. Beaufort County.

25 Q. All right, sir. Go ahead.

0 0213

1 A. Yes, sir, we were dispatched to a call. We responded.
2 We reported to Level 1 staging. And that is our protocol
3 for violent scene, for potentially violent scenes, to allow
4 law enforcement to proceed in and secure the scene and make
5 sure it is safe for us to approach.

6 We were at level one staging for probably no more than
7 30 seconds to a minute when law enforcement had the scene
8 secure and said it was safe for us to come in.

9 We approached the scene, made the turn into Taylor's
10 Mobile Home Park. There were some bystanders off to the
11 right. I noticed there was an individual on the ground in
12 the prone position face down, and there was a bystander over
13 him holding a cloth to his side and encouraging the patient
14 to keep breathing into -- and that he was going to be okay.

15 I dismounted the ambulance. Proceeded directly to the
16 victim on the ground. I asked the bystander if he had been
17 breathing or talking. The bystander said he wasn't sure.

18 And I rolled the patient over on his back and
19 confirmed that the patient did not have any respirations or
20 pulse and ---

21 Q. Slow down for me for a second.

22 A. Sure. Yes, sir.

23 Q. All right. When you say they didn't have any
24 respirations or a pulse what does that mean?

25 A. The patient was -- no heart rate and was not breathing

0 0214

1 at that time.

2 Q. Okay. Thank you. All right. So what did you do then?

3 A. We immediately started CPR, applied the cardiac monitor
4 to the patient. The first rhythm that I interpreted was
5 asystole, which is known as flat line. No -- there was no
6 cardiac activity. There was no electrical conduction and no
7 mechanical beating of the heart.

8 Q. Okay.

9 A. We followed the protocol for asystole. We treated the
10 patient and got him in the back of the ambulance. While in
11 route to the hospital the patient did convert from a
12 asystole rhythm to a what we call a pulse's electro-activity
13 rhythm, meaning we were able to get the electrical
14 conduction of the heart to start again but there was no
15 mechanical function. The heart had electricity but wasn't
16 beating.

17 And he maintained in that rhythm until we delivered him
18 to the emergency room. Dr. Rehman (ph) was the receiving
19 physician. They continued to try and treat the patient,
20 resuscitate him in the ER; but he was pronounced dead before
21 I left the scene -- or the ER.

22 Q. And were you able during the course of this -- and did
23 you write a report after this?

24 A. Yes, sir, I did.

25 Q. And during your work with the victim in this case were

0 0215

1 you able to determine the identity of the person? Of the
2 victim in the case?

3 A. We eventually through law enforcement we did get the
4 patient's name.

5 Q. Yes, sir, is that Quantez Greer?

6 A. Yes, it is.

7 Q. Let me ask you a question: Were you able to -- did you
8 take any time to examine and look for any wounds or anything
9 like that?

10 A. Yes, sir, when I approached the patient on the side he
11 had a bystander holding a cloth to his side. The cloth had
12 some blood. I noticed a hole which I interpreted as an
13 entrance wound to the side rib cage just below the armpit in
14 about this area right here (motioning).

15 Q. All right.

16 A. There was one wound. It was relatively small. I
17 interpreted it as an entrance wound. I could not find an
18 exit wound. That was the only wound that we found on the
19 patient while he was in my care.

20 Q. So you found what you observed to be or believed to be
21 an entrance wound and no exit?

22 A. That is correct, yes, sir.

23 Q. And you said Quantez Greer was actually -- what doctor
24 pronounced him dead?

25 A. Dr. Rehman. He is the -- he was the ER physician at

0 0216

1 the time, also our medical director.

2 Q. And just so I can clarify, you have testified that you
3 got some electrical activity that remained through the
4 course of the ambulance ride.

5 A. That's right.

6 Q. But did Quantez Greer ever regain a pulse or a rhythm
7 or breathing on his own?

8 A. The heart never started beating again.

9 Q. Thank you, sir. I have nothing further. Please answer
10 any questions Mr. Wright has.

11 THE COURT: Cross-examination.

12 **CROSS-EXAMINATION BY MR. WRIGHT OF DANIEL BYRNE:**

13 Q. Good morning, sir.

14 A. Good morning.

15 Q. Just couple of quick things.

16 A. Yes, sir.

17 Q. I know you said -- you determined there was at least or
18 you believed there was at least one entrance wound that you
19 saw on Mr. Greer's body.

20 A. That is correct, yes, sir.

21 Q. And at the time he was in your care you could not find
22 an exit wound?

23 A. We could not find one, no.

24 Q. Okay. And I didn't hear, and I know you were going
25 sort of fast.

0 0217

1 A. I'm sorry.

2 Q. Were there any other entrance wounds or any other
3 gunshot wounds that you took note of?

4 A. No, there was just that one that we found.

5 Q. Okay. Thank you very much.

6 MR. THORNTON: Thank you, Your Honor. Ask that he be
7 excused.

8 THE COURT: Yes, sir. You may step down.

9 You may call your next witness.

10 (WHEREUPON, the witness was duly sworn.)

11 THE CLERK: Please be seated and state your full name.

12 THE WITNESS: David Bruce Roche.

13 **DIRECT EXAMINATION BY MR. THORNTON OF DAVID ROCHE:**

14 Q. Mr. Roche, how are you doing this morning, sir?

15 A. Doing well. Thank you.

16 Q. On -- where did you live on or about September the 6th
17 of 2012?

18 A. I lived at 27 Chesterfield Lake Drive in Beaufort.

19 Q. All right, sir. And you answered my next question.
20 That is here in Beaufort County?

21 A. Yes, it is.

22 Q. Where -- at that time where did you work, sir?

23 A. I was working over at an antique shop called Bubba's
24 Antiques, Paris Island Gateway.

25 Q. All right, sir. And is there -- is there anything in

0 0218

1 particular across the street from that business?

2 A. Yes, there is a mobile home park; Taylor's Mobile Home.

3 Q. Taylor's Mobile Home Park?

4 A. Yes, sir.

5 Q. Some time in the early afternoon on September the 6th
6 of 2012 was there anything unusual that happened?

7 A. Yes, there was. I was working in the back, and I
8 heard -- I heard a gunshot. I heard one shot and then about
9 a half second pause and then two other shots in rapid
10 succession.

11 Q. And what did you do when you heard the gunshots?

12 A. After I heard the gunshots I walked around from where I
13 was working and I looked -- the gunshots came -- appeared to
14 have come from across the street. I was looking over that
15 way. And then I saw a dark vehicle, mid-sized I would say,
16 sedan.

17 Q. Okay. I was going to ask you like pick-up truck or
18 car?

19 A. A sedan.

20 Q. Okay. So a dark, mid-sized sedan?

21 A. Very dark. It stopped and then it turned left and
22 proceeded north on Paris Island Gateway.

23 Q. And did you see the -- did you see anybody get in or
24 out of the vehicle as it ---

25 A. I did not. It -- I was maybe a hundred, a hundred and

0 0219

1 fifty feet from -- compared -- from the road. And the
2 vehicle windows were very heavy tinted. Heavy tinted on the
3 front, side windows. And the rear side windows and the back
4 window were tinted completely black.

5 Q. Okay. Let me ask you this: Did -- did you -- were you
6 there out front when the Sheriff's Department arrived?

7 A. Well, it was a very short time. I saw the first I
8 think it was an EMS vehicle that pulled up first.

9 Q. That was probably an inartfully worded question. Were
10 you there when some authorities arrived?

11 A. I saw the initial beginnings of that. And then it very
12 quickly filled up after that.

13 Q. All right, sir. And you -- I don't want to put words
14 in your mouth. But you based on what you have just said,
15 you didn't see the shooting at all; you heard it when you
16 were in the back, came out and saw the black car ---

17 A. That is correct, I did not see -- I did not see a
18 shooter.

19 Q. Thank you very much, sir. I appreciate it. No further
20 questions. Please answer any questions Mr. Wright has.

21 THE COURT: Cross-Examination.

22 **CROSS-EXAMINATION BY MR. WRIGHT OF MR. ROCHE:**

23 Q. Good morning, sir.

24 A. Good morning.

25 Q. Just a couple of real quick questions.

0 0220

- 1 A. Sure.
- 2 Q. I think you said you heard one shot ---
- 3 A. Yes.
- 4 Q. --- and then a hesitation ---
- 5 A. And then two.
- 6 Q. --- and then two more shots?
- 7 A. Yes, sir.
- 8 Q. So the total number of shots you heard was three
- 9 shots?
- 10 A. Three shots.
- 11 Q. Okay. And they seemed to come from the same direction?
- 12 A. Yes, sir.
- 13 Q. Okay. And I guess in proximity to you the shots
- 14 sounded the same?
- 15 A. Yes.
- 16 Q. Okay. Thank you, sir.
- 17 MR. THORNTON: Nothing further, Judge. Ask he be
- 18 excused.
- 19 THE COURT: Yes, sir. You may step down, and you are
- 20 excused from your subpoena.
- 21 MR. THORNTON: Kalin Higgs.
- 22 (WHEREUPON, the witness was duly sworn.)
- 23 THE CLERK: State your full name.
- 24 THE WITNESS: Kalin Higgs.
- 25 **DIRECT EXAMINATION BY MR. THORNTON OF KALIN HIGGS:**

0 0221

1 Q. Ms. Higgs, where do you currently live -- or what
2 state?

3 A. Virginia.

4 Q. And did you live in Virginia in 2012 on or about
5 September the 6th?

6 A. I did not.

7 Q. And where were you September 6th of 2012?

8 A. I was at my sister's home. She lived in Taylor's
9 Trailer Park.

10 Q. And on that day in the early afternoon did anything
11 unusual happen?

12 A. Yes, I was sitting in her home and heard some gunshots.
13 I turned. Took a look up and looked out and there was a
14 deputy.

15 Q. All right. Well, hang on a second. I will take you
16 through that. So let me ask you this first. You said you
17 were staying in your sister's home; is that correct?

18 A. I was visiting.

19 Q. You were visiting.

20 A. Yes.

21 Q. Okay. Who all was there with you that day?

22 A. I was there with my little baby boy. He was three
23 months at the time. My sister, my brother-in-law was there,
24 and their two small boys were with us.

25 Q. And so let's go back. Now we will just take it one

0 0222

1 step at a time. So exactly what did you hear, what did you
2 see? And just start from the beginning.

3 A. I heard some gunshots. And I heard about three of
4 them. I turned to the window that was directly behind my
5 head. And there was someone running away from me in the
6 direction of the woods that were kind of away.

7 Q. Okay.

8 A. There was also to my left there was someone laying on
9 the ground.

10 Q. And did you -- did you notice anything about the person
11 running away what they were wearing or what they looked
12 like?

13 A. I remember he had dark washed jeans on, a white tank
14 top, and you have a white something like a dew rag type
15 thing on his head.

16 Q. Okay. And he -- you testified he was running away
17 toward what?

18 A. There was -- there is like a wooded area and a bunch of
19 trees and was opposite direction from where I was at.

20 Q. And did you notice anything else about maybe what he
21 was carrying if anything?

22 A. There was a guy who had a gun in his hands. And as he
23 was running he took the thing off his head and was running.

24 Q. Okay. And what if anything -- and don't -- obviously
25 don't tell me what anybody else said. But what if anything

0 0223

1 did your brother-in-law or you or anybody do with regards to
2 the person you saw lying on the ground?

3 A. I called 911 as soon as I saw someone. My
4 brother-in-law ran outside and in all the commotion came
5 back in and he grabbed a dishtowel and he ran back outside
6 and was trying to apply pressure to the wound trying to
7 help.

8 Q. So and I believe I actually asked you this at the last
9 trial when you came and testified. But did -- so the 91 --
10 you were actually one of the 911 calls ---

11 A. Yes.

12 Q. --- that -- obviously you weren't in here when they
13 were played, but you were one of the 911 calls; is that
14 correct?

15 A. Yes, I called.

16 Q. What else could you see as far as the activity with the
17 victim or anybody else?

18 A. I am not sure.

19 Q. Was there anything else?

20 A. My brother-in-law was out trying to help the person.
21 He was on the ground kind of trying to --- his feet were
22 moving. His head was kind of trying to lift up.

23 Q. Let me ask it a little bit more specifically.

24 A. Yes.

25 Q. And you may have said this and I just missed it.

0 0224

1 A. Okay.

2 Q. You have testified that there was a man running away
3 and he was holding a gun.

4 A. Yes.

5 Q. You have testified about the man laying on the ground.
6 Was there anything else laying on the ground in proximity to
7 the person?

8 A. There was. Right up I would say maybe 20, 25 feet away
9 there was a gun on the ground up above.

10 Q. And do you recall referencing that gun actually ---

11 A. I do.

12 Q. --- in your 911 call? Okay. I don't have anything
13 further then. Thank you very much. Please answer any
14 questions Mr. Wright has for you.

15 THE COURT: Cross-examination.

16 **CROSS-EXAMINATION BY MR. WRIGHT OF KAILIN HIGG:**

17 Q. Good morning.

18 A. Good morning.

19 Q. Just a few follow-up questions.

20 A. Yes, sir.

21 Q. If I heard you correctly you said you heard a total of
22 about three gunshots, correct?

23 A. Correct.

24 Q. Okay. And you said you saw -- well, there was one
25 black male you saw on the ground, correct?

0 0225

1 A. Yes, sir.

2 Q. And you saw one black male running, correct?

3 A. Yes.

4 Q. And the black male that was running had a gun in his
5 hand, correct?

6 A. Yes.

7 Q. And you said dark-washed jeans, white tank top, but a
8 white dew rag on his head when you first saw him; is that
9 correct?

10 A. Yes.

11 Q. Okay. And he was sort of running opposite of your
12 view, correct?

13 A. Yes.

14 Q. Okay. And I know you said he was running towards the
15 woods, but did you lose sight of him after he passed I guess
16 several of the trailers or houses?

17 A. There were -- yes, there were trailers that were in
18 that direction as well; yes.

19 Q. Okay.

20 A. He was just running in that direction.

21 Q. So you can't say where he ultimately ran to, you can
22 only say what you saw until you lost sight of him; is
23 that ---

24 A. Correct.

25 Q. --- fair?

0 0226

1 A. Yes.

2 Q. Okay. All right. And ultimately you did a written
3 statement back then ---

4 A. Yes, sir.

5 Q. --- or your statement was taken by law enforcement?

6 A. Yes.

7 Q. Okay. Thank you very much.

8 MR. THORNTON: No further questions, Your Honor. Ask
9 that she be excused.

10 THE COURT: Thank you, ma'am. You may step down, and
11 you are excused.

12 You may call your next witness.

13 MS. SWANSON: The State calls Brandon Disbrow.

14 (WHEREUPON, the witness was duly sworn.)

15 THE CLERK: State your full name.

16 THE WITNESS: My name is Brandon James Disbrow.

17 MS. SWANSON: Beg the court's indulgence.

18 THE COURT: Sure.

19 **DIRECT EXAMINATION BY MS. SWANSON OF CORPOREAL BRANDON**

20 **DISBROW:**

21 Q. Is it corporeal?

22 A. Yes.

23 Q. Okay. Where do you work?

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

25 Q. And were you involved in the investigation of the

0 0227

1 murder that took place on September 6th, 2012, that took
2 place at the Taylor's Mobile Home Park?

3 A. Yes, ma'am.

4 Q. What was your involvement in that?

5 A. I processed the crime scene outside of the residences
6 of the mobile home park.

7 Q. Okay.

8 MS. SWANSON: Your Honor, I have showed several
9 pictures to the defense that I am going to be presenting to
10 Corporal Disbrow.

11 If I can get this first one marked, please.
12 (WHEREUPON, State's Exhibit No. 4, aerial view of crime
13 scene, was marked for identification.)

14 BY MS. SWANSON:

15 Q. And did you draw a diagram of what you found at the
16 scene?

17 A. I did.

18 Q. Okay. I'm going to show you what has been marked as
19 State's Exhibit 4 and ask if that is the diagram that you
20 drew.

21 A. Yes, it is.

22 Q. Is it a fair and accurate depiction of the one that you
23 drew?

24 A. Yes, ma'am.

25 Q. Okay.

0 0228

1 MS. SWANSON: May I enter and then publish to the jury?
2 This is State's 4.

3 THE COURT: Without objection?

4 MR. WRIGHT: No, objection.

5 MS. SWANSON: Okay.

6 (WHEREUPON, State's Exhibit Number 4 was admitted into
7 evidence.)

8 Q. Corporeal, I am going to put this up on the monitor and
9 if you can just -- and Corporeal, if we can -- if we can --
10 if we can refer to this and go through and tell us what you
11 found at the scene that day. And I may pause you to talk
12 about some of the items.

13 A. Yes, ma'am. This is a bird's eye view of the crime
14 scene that I drew. To kind of put it in reference the top,
15 left corner there is an arrow pointing north so we kind of
16 reference that.

17 When I first entered the scene I came from the east
18 side. East side if we are looking at this looking at the
19 paper would be directly on the right which would be Paris
20 Island Gateway.

21 I entered through that middle road. When I entered the
22 crime scene I noted items of what I considered importance.
23 And so I am walking from right to left. I met with Mast
24 Sergeant Purdy who is my supervisor, and he advised that
25 most of the activity or the incident occurred at Lot Number

0 0229

1 60 which is the second to the right -- from the left, right
2 there (pointing).

3 So as I am walking in I am seeing various items on the
4 ground. And when I got into Lot Number 60 that is where I
5 saw them putting evidence markers.

6 Now I know it is kind of hard to see on this on this
7 monitor, but I want to start from Lot Number 60 and work my
8 way back out right for at least visual purposes. And so
9 when I went to Lot Number 60 ---

10 Q. Corporeal, let me pause you right here. Just so
11 that -- because this -- is this just a portion of the
12 trailer park?

13 A. It is. It is a small portion.

14 Q. Okay.

15 (WHEREUPON, State's Exhibit Number 5, aerial view of mobile
16 home park, was marked for identification.)

17 MS. SWANSON: Your Honor, may I have the witness step
18 down?

19 (WHEREUPON, witness complied.)

20 Q. Corporeal, do you recognize what is in this picture?

21 A. Yes, it is Taylor's Mobile Home Park, ---

22 Q. Is it ---

23 A. --- 482 Parris Island Gateway.

24 Q. Okay. And is it an aerial view of the mobile home
25 park?

0 0230

1 A. Yes, it is.

2 Q. Is it a fair and accurate depiction of how it appeared?

3 A. Yes.

4 Q. All right.

5 MS. SWANSON: State offers five into evidence.

6 THE COURT: Without objection?

7 MR. WRIGHT: No objection.

8 (WHEREUPON, State's Exhibit 5 was admitted into evidence.)

9 MS. SWANSON: Ask to publish for the jury.

10 THE COURT: Certainly.

11 MS. SWANSON: Okay.

12 Q. And if you can just explain what portion of your
13 diagram we are looking at on this ---

14 MR. WRIGHT: Your Honor, may I move to view ---

15 Q. --- aerial.

16 THE COURT: You certainly may.

17 A. The way this is oriented is a little different than
18 what we are viewing up here. If we were to -- if I may,
19 this would actually be -- can I turn it?

20 Q. Yes.

21 A. This would be north. This is Parris Island Gateway.
22 And so this would be very similar to my diagram. This would
23 be Taylor's Mobile Home Park's office which is where I
24 parked. And that middle road that we are looking at right
25 here (pointing), that is the middle road that is in the

0 0231

1 diagram.

2 And so that very first if we are starting from the
3 right that is the office building which is marked office.

4 And if we just count over three, one, two, three, we have
5 Lot 59, 60, and 61 which are all within the diagram.

6 Q. Thank you, Corporal. You can retake the stand.

7 (WHEREUPON, witness complied.)

8 Q. All right. And so what was the first item of -- that
9 you thought might be of evidentiary value that you came
10 across?

11 A. Well, to kind of orient yourselves, I put the evidence
12 markers from starting from Lot 60 on back. As I walked in
13 from the right side to Lot 60 there is a bunch of evidence
14 markers listed on this diagram which were medical waste that
15 EMS discarded on the ground. That is I learned that is
16 where Mr. Greer laid while EMS was performing on him.

17 I didn't mark those items, just to reference that, in
18 this diagram. I continued walking towards ---

19 Q. Was that -- I'm sorry, was that these numbers that you
20 are referring to?

21 A. Yes, ma'am.

22 Q. And so that is about where the victim was located?

23 A. That is correct.

24 Q. Okay. As I continued to Lot Number 60 at the beginning
25 of Lot Number 59, the tongue of the trailer, I noticed a

0 0232

1 nine millimeter Ruger.

2 This handgun that was just on the ground just in front
3 of the tongue. And there were two orange cones next to it.
4 I later learned that a Beaufort County Deputy marked that
5 gun with the orange cones so that no one would trample over
6 it or move it.

7 I continued walking ---

8 Q. Let me pause you right there and let's talk about the
9 gun.

10 A. Okay.

11 (WHEREUPON, State's Exhibit 6, photograph, was marked for
12 identification.)

13 (WHEREUPON, State's Exhibit 7, photograph, was marked for
14 identification.)

15 Q. I'm going to hand you what has been marked as State's
16 Exhibit 6 and 7 and ask for you to describe what is
17 contained in these pictures.

18 A. These pictures show the tongue area of Lot Number 59 as
19 well as the nine millimeter Ruger with the two orange cones
20 marking. And evidence marked before.

21 Q. Okay. And are those fair and accurate depictions of
22 how the gun appeared when you got to the scene?

23 A. Yes.

24 Q. The State asks to publish these pictures.

25 MR. WRIGHT: No objection.

0 0233

1 THE COURT: Without objection.

2 MR. WRIGHT: Have they been entered -- well, entered
3 without objection then ---

4 MS. SWANSON: Entered ---

5 THE COURT: Entered without objection.

6 MR. WRIGHT: No objection.

7 MS. SWANSON: The State offers both of these pictures,
8 six and seven into evidence.

9 THE COURT: Granted.

10 MS. SWANSON: Thank you, Your Honor.

11 (WHEREUPON, State's Exhibit Number 6 was admitted into
12 evidence.)

13 (WHEREUPON, State's Exhibit Number 7 was admitted into
14 evidence.)

15 BY MS. SWANSON:

16 Q. All right. So Corporal Disbrow, this is where you
17 found the Ruger (pointing)?

18 A. Yes, sir.

19 Q. All right. And that is at the tongue of the trailer
20 they were talking about?

21 A. Yes, ma'am.

22 Q. All right. I'm going to show you an item and ask that
23 you describe what it is for us, please.

24 A. This is a nine millimeter Ruger pistol that I collected
25 from the scene from the tongue -- near the tongue of Lot

0 0234

1 Number 59.

2 Q. Okay. And did you turn that into evidence?

3 A. Yes, ma'am.

4 Q. Do you know if it was processed for any forensics?

5 A. I personally did not process it. I would have to refer
6 to my -- I sent a request in, and I do not remember off the
7 top of my head if I sent a specific request for that to be.

8 Q. That is no problem. It is possible somebody else did
9 it. What was the second item that you came across?

10 A. Continuing to follow Lot Number 59 headed to Lot Number
11 60 there is a tree right between a vehicle and Lot Number
12 59. This tree had a cinderblock base. I also noted there
13 was a cone in the tree near -- in the base. That was very
14 similar to those from the handgun.

15 I also learned that a deputy put a cone there as well
16 marking some money. Just ---

17 Q. Let me -- let me stop you right there. We will go
18 through each item separately.

19 A. Okay.

20 (WHEREUPON, State's Exhibit 8, photograph, was marked for
21 identification.)

22 (WHEREUPON, State's Exhibit 9, photograph, was marked for
23 identification.)

24 Q. I am going to show you what has been marked as State's
25 8 and State's 9 and ask that you describe what is contained

0 0235

1 in these pictures.

2 A. This is a \$50 bill marked with an orange cone that is

3 inside the cinderblock base. And it also has evidence

4 marked number three next to it.

5 Q. Are those fair and accurate depictions of what you came

6 across at the scene?

7 A. Yes, ma'am.

8 Q. In Marker Number 3?

9 A. Yes.

10 Q. Okay.

11 MS. SWANSON: State offers eight and nine into

12 evidence.

13 (WHEREUPON, State's Exhibit Number 8 was admitted into

14 evidence.)

15 (WHEREUPON, State's Exhibit Number 9 was admitted into

16 evidence.)

17 MR. WRIGHT: No objection.

18 MS. SWANSON: And I ask to publish to the jury.

19 THE COURT: Certainly.

20 (WHEREUPON, State's Exhibit Number 8 was admitted into

21 evidence.)

22 (WHEREUPON, State's Exhibit Number 9 was admitted into

23 evidence.)

24 BY MS. SWANSON:

25 Q. Okay. This is State's 9. And this is just -- see if I

0 0236

1 can get the glare off of that. Okay. There we go. That is
2 better. And this is just a further view of that cone that
3 you came across?

4 A. Yes, sir.

5 Q. And that is Marker Number 3?

6 A. Yes, ma'am.

7 Q. And you found money there?

8 A. Yes.

9 Q. And this is State's eight, and that is the \$50 -- one
10 \$50 bill?

11 A. That is correct.

12 (WHEREUPON, State's Exhibit Number 10, was marked for
13 identification.)

14 Q. Okay. I am going to show you, Corporal, what has been
15 marked as State's 10. Now this also has another sticker on
16 it from our previous trial. But ours has our date on it for
17 today, ---

18 A. Yes, ma'am.

19 Q. --- 4/14/15; and I ask you to describe what is
20 contained in this bag.

21 A. This is a \$50 bill that was collected by -- located
22 near a tree, Lot Number 60. This is what we documented as
23 evidence Marker Number 3.

24 Q. Okay.

25 MS. SWANSON: State moves ten into evidence at this

0 0237

1 point.

2 MR. WRIGHT: No objection.

3 (WHEREUPON, State's Exhibit Number 10 was admitted into
4 evidence.)

5 Q. And, Corporeal, you have seen this before.

6 A. Yes.

7 Q. In the Travis Polite trial?

8 A. That is correct.

9 Q. All right. Continuing on what else did you find at the
10 scene that day?

11 A. Still headed towards Lot Number 60 just outside of the
12 cinderblock base was additional money.

13 Q. Right here (pointing)?

14 A. Yes, ma'am.

15 Q. Okay. And that is Marker 2?

16 A. Yes.

17 Q. All right.

18 (WHEREUPON, State's Exhibit Number 11, photograph, was
19 marked for identification.)

20 Q. I am going to show you what has been marked as State's
21 11 and ask that you identify what is contained in this
22 photo.

23 A. This is the additional money that I located just
24 outside of the cinderblock base that is marked with an
25 orange cone as well that was placed by a deputy. And that

0 0238

1 has Evidence Marker Number 2 next to it.

2 Q. Okay. And is that a fair and accurate depiction of how
3 the money appeared that day?

4 A. Yes, ma'am.

5 MS. SWANSON: The State moves 11 into evidence.

6 THE COURT: Without objection.

7 (WHEREUPON, State's Exhibit Number 11 was admitted into
8 evidence.)

9 MS. SWANSON: And I ask to publish to the jury.

10 (WHEREUPON, State's Exhibit Number 12, photograph, was
11 marked for identification.)

12 Q. I am going to show you what has been marked as our
13 State's 12. Again, you may have seen this before in the
14 Travis Polite trial. Can you please explain what is
15 contained in this bag.

16 A. This is two \$50 bills marked with Evidence Marker
17 Number 2 which is depicted up there. They are located near
18 or underneath that orange cone.

19 MS. SWANSON: State moves 12 into evidence.

20 MR. WRIGHT: No objection.

21 THE COURT: Without objection.

22 (WHEREUPON, State's Exhibit Number 12 was admitted into
23 evidence.)

24 Q. All right. What else did you come across?

25 A. The next item headed towards Lot Number 60 would be the

0 0239

1 victim's vehicle itself. I just listed that as Evidence
2 Marker Number 1 as the whole vehicle.

3 I noted that both the driver, the front driver and
4 passenger doors were open. The vehicle was still running.
5 Music was still playing.

6 I observed what appeared to be a gunshot hole going
7 through the driver's side window. Inside the vehicle as it
8 was still running I did turn the keys off -- turned the
9 vehicle off, took the keys off.

10 But I also observed, came from the rearview mirror, a
11 Beaufort County School District name tag with the victim Mr.
12 Greer.

13 There was also additional money located inside the
14 vehicle that was just on the floorboard. There was also
15 other items, personal items inside the vehicle; a child's
16 seat. There was a laptop. And there are also items in the
17 trunk.

18 Just outside the passenger front door there was a gray
19 cup holder. It appeared that that cup holder would have fit
20 right into the front cup holder area of the vehicle which
21 was missing a cup holder, a removable cup holder.

22 (WHEREUPON, State's Exhibit Number 13, photograph, was
23 marked for identification.)

24 (WHEREUPON, State's Exhibit Number 14, photograph, was
25 marked for identification.)

0 0240

1 (WHEREUPON, State's Exhibit Number 15, photograph, was
2 marked for identification.)

3 (WHEREUPON, State's Exhibit Number 16, photograph, was
4 marked for identification.)

5 Q. Okay. Let's talk about the vehicle specifically. I am
6 going to show you some pictures I have marked State's 13,
7 14, 15 and 16. If you can describe what you are seeing in
8 these pictures and if they are fair and accurate depictions
9 of what you observed that day.

10 A. These pictures are various angles of the victim's
11 Buick, his vehicle. They are marked with Defendant's Marker
12 Number 1.

13 Q. Is that how you found the vehicle that day?

14 A. Yes, ma'am.

15 MS. SWANSON: The State moves 13, 14, 15, and 16 into
16 evidence.

17 MR. WRIGHT: No objection.

18 THE COURT: Motion granted.

19 (WHEREUPON, State's Exhibit Number 13 admitted into
20 evidence.)

21 (WHEREUPON, State's Exhibit Number 14 admitted into
22 evidence.)

23 (WHEREUPON, State's Exhibit Number 15 admitted into
24 evidence.)

25 (WHEREUPON, State's Exhibit Number 16 admitted into

0 0241

1 evidence.)

2 MS. SWANSON: Publish?

3 THE COURT: Certainly.

4 MS. SWANSON: Thank you.

5 BY MS. SWANSON:

6 Q. All right. And that is how you described coming across
7 the vehicle?

8 A. Yes, ma'am.

9 Q. With both doors open?

10 A. Yes.

11 Q. What can we see in this picture?

12 A. That is obviously the rear of the vehicle. But if you
13 pay attention to that front driver window it appears
14 shattered. It is kind of hard to tell with the view of
15 this, but on the far left side of that window there is a
16 small hole from this view. (pointing.)

17 Q. Okay. And this is State's 14.

18 I am publishing State's 15.

19 A. That is the driver's side of the vehicle. It is the
20 hole.

21 Q. And State's 16.

22 A. And this is just another angle from the front. You can
23 see the hole to the -- of the -- of the driver's window.
24 And this is just outside of Lot Number 60.

25 Q. Okay. So this trailer right here (pointing) is Lot

0 0242

1 Number 60?

2 A. Yes, ma'am.

3 (WHEREUPON, State's Exhibit Number 17, photograph, was
4 marked for identification.)

5 (WHEREUPON, State's Exhibit Number 17, photograph, was
6 marked for identification.)

7 BY MS. SWANSON:

8 Q. You talked about the inside of the car. I am going to
9 show you a couple of pictures. These are State's 17 and 18.
10 If you can describe what is in these pictures.

11 A. The first picture is a \$20 bill that was located in the
12 vehicle on the floorboard. The second picture is the
13 Beaufort County School District name tag for Mr. Greer
14 hanging from the rear view mirror.

15 Q. Are those fair and accurate depictions of the items
16 that you saw that day in the car?

17 A. Yes, ma'am.

18 MS. SWANSON: The State moves 17 and 18 into evidence.

19 MR. WRIGHT: No objection.

20 MS. SWANSON: And I ask to publish.

21 THE COURT: You may. Certainly.

22 (WHEREUPON, State's Exhibit 17 admitted into evidence.)

23 (WHEREUPON, State's Exhibit 18 admitted into evidence.).

24 Q. This is State's 17 and State's 18.

25 (WHEREUPON, photographs were published for the jury.)

0 0243

1 Q. I am going to put your diagram back up. What else did
2 you find at the scene that day?

3 A. Now I walked past Lot Number 60. And there is an
4 evidence marker on this diagram near the road just past Lot
5 Number 60. There was a black sock that was sitting on top
6 of the grass. It didn't look like it had been there too
7 long. It wasn't weathered. It wasn't dirty. I collected
8 that as potential evidence as well.

9 If we look at Lot Number 60, which would be right to
10 the left at the bottom of Lot Number 60, which would be the
11 rear of the house, there was a patch of charred grass. It
12 was in rectangular form which was consistent with a vehicle
13 sitting there with a hot engine or engine running.

14 Just outside of that patch of grass was a discarded
15 cigarette. That cigarette didn't look like it had been
16 there too long as well. It wasn't weathered. I also
17 collected that.

18 Now if we look at the two lines just below that
19 rectangular mark there were what we refer to as acceleration
20 scuffs in the grass or peel-out marks.

21 It was very clear that it was very fresh. The grass
22 was all torn up in the area where it was present. And those
23 marks went in the direction towards -- if there was
24 continuation of this diagram, there was a road just to the
25 south of those mobile homes and it was evident that those --

0 0244

1 a vehicle drove toward the grass and took a what we call a
2 left-hand turn coming down, so headed back toward Paris
3 Island Gateway. The depressed grass it was in parallel form
4 very consistent with a vehicle driving through the grass.

5 Q. And did you take photos of those depressions in the
6 grass?

7 A. I did.

8 (WHEREUPON, State's Exhibit Number 19, photograph, was
9 marked for identification.)

10 (WHEREUPON, State's Exhibit Number 20, photograph, was
11 marked for identification.)

12 BY MS. SWANSON:

13 Q. I am going to show you what has been marked as State's
14 Exhibits 19 and State's 20. Can you describe what is in
15 these photos?

16 A. These photos show the acceleration scuffs and the
17 depressed -- excuse me, depressed grass.

18 Q. Are those fair and accurate depictions of how they
19 appeared that day?

20 A. Yes, ma'am.

21 Q. Albeit in poor lighting?

22 A. Yes, it -- difficult to photograph.

23 MS. SWANSON: Statement's 19 and 20 into evidence.

24 THE COURT: Without objection.

25 MR. WRIGHT: I'm sorry, Judge.

0 0245

1 (WHEREUPON, State's Exhibit Number 19 admitted into
2 evidence.)

3 (WHEREUPON, State's Exhibit Number 20 admitted into
4 evidence.)

5 MS. SWANSON: I move to publish.

6 THE COURT: Certainly.

7 MS. SWANSON: I am going to actually publish State's
8 21. It is kind of a more expansive view.

9 Q. And are these the scuffs that we are talking about?

10 A. Yes, ma'am.

11 Q. And then State's 19?

12 A. A little more difficult to see, but towards the
13 left-hand side is another view of the scuff.

14 Q. All right. I am going to refer you to your diagram.
15 And over on Lot Number 59 there is a notation right here
16 (pointing.)

17 A. Yes.

18 Q. Can you describe what that is, please.

19 A. Lot Number 59 had what appeared to be a bullet hole
20 running through that. It appeared to have an entrance and
21 an exit hole. There -- we did the best we could with what
22 we call trajectory rods putting rods in there trying to get
23 a clean trajectory. We were able to put the rods in and
24 kind of get an idea of where the bullet came from. I
25 believe there is a picture of that.

0 0246

1 Q. And did you -- did you photograph the trajectory rods
2 in the trailer of Lot Number 59?

3 A. Yes, ma'am.

4 (WHEREUPON, State's Exhibit Number 21, photograph, was
5 marked for identification.)

6 (WHEREUPON, State's Exhibit Number 22, photograph, was
7 marked for identification.)

8 BY MS. SWANSON:

9 Q. I am going to show you what has been marked as State's
10 21 and 22 and ask you to describe what is contained in these
11 photos.

12 A. This is two photographs of the trajectory rods inside
13 the bullet hole to the -- to the trailer.

14 Q. Are those fair and accurate depictions of how the
15 bullet holes appeared that day?

16 A. Yes, ma'am.

17 Q. Okay.

18 MS. SWANSON: And I move to publish to the jury, Your
19 Honor.

20 MR. WRIGHT: No objection

21 MS. SWANSON: I ask also that they be entered, 21 and
22 22.

23 THE COURT: Motion is granted.

24 MS. SWANSON: Thank you, Your Honor.

25 (WHEREUPON, State's Exhibit Number 21 was admitted into

0 0247

1 evidence.)

2 (WHEREUPON, State's Exhibit Number 22 was admitted into
3 evidence.)

4 BY MS. SWANSON:

5 Q. Okay. I'm going to put State's 21 up first, and if you
6 want to describe what you found.

7 A. If we look to the left of that picture that would be
8 the trailer tongue where the nine millimeter Ruger was
9 located.

10 Those rods were put -- and see those horns to kind of
11 get a visual depiction of where the bullet hole went or how
12 the bullet traveled.

13 Q. Okay. And is this the tongue that we are seeing in
14 State's 22?

15 A. Yes, ma'am. And that is just a different angle of
16 those same rods.

17 Q. And what is located in this direction?

18 A. Well ---

19 Q. Could you tell at all which direction this could have
20 come from?

21 A. It appeared that the bullet came from the area of Lot
22 Number 60 from that side. It did not appear that the bullet
23 came from the roadway.

24 That was evident with the small hole on the -- the left
25 side of Lot Number 59 and a larger hole on the front side of

0 0248

1 Lot Number 59.

2 Q. Okay.

3 A. Which appeared to be an entrance and then an exit hole.

4 Q. So we are talking about trajectory that appeared to be
5 coming from this direction; from Lot 60, not from the
6 roadway?

7 A. That is correct.

8 Q. Okay.

9 MS. SWANSON: Beg the court's indulgence.

10 THE COURT: Certainly.

11 Q. All right. Thank you, Corporeal. I have nothing
12 further at this time.

13 THE COURT: Cross examination.

14 **CROSS-EXAMINATION BY MR. WRIGHT OF CORPOREAL BRANDON**

15 **DISBROW:**

16 Q. Good morning, sir.

17 A. Good morning.

18 Q. Let me go --

19 MR. WRIGHT: Oh, I'm sorry, may I approach ---

20 THE COURT: Certainly.

21 MR. WRIGHT: --- and publish some of these already
22 admitted, Judge?

23 Q. All right. I think we have been -- this is State's
24 Exhibit -- all right. I have got it. I am technically
25 challenged sometimes.

0 0249

1 State's Exhibit 4 essentially is a diagram of what we
2 will say the lots that are sort of relevant as part of your
3 investigation and your duties, correct?

4 A. Yes, sir.

5 Q. Okay. And ultimately right here (pointing) is what you
6 just showed the jury; State's Exhibit 22 and 21, correct?

7 A. Yes, sir.

8 Q. And it is just one bullet hole, correct?

9 A. It appears to be one.

10 Q. Okay. It is just the same bullet hole from some
11 different vantages, ---

12 A. Yes.

13 Q. --- 21 and 22? Okay. And I think you said based on
14 the trajectory of the bullet hole you believe the shot was
15 fired from somewhere in this area (pointing), correct?

16 A. That is correct.

17 Q. So that would be consistent to create that kind of
18 angle trajectory into Lot 59, correct?

19 A. Yes, sir.

20 Q. All right. And in looking at State's 21 -- by chance
21 did you measure the height off the ground that the bullet
22 hole enters the trailer?

23 A. I did not.

24 Q. Okay. But you would agree in 21 -- well, I don't know.
25 I think you said this is the entrance wound, right

0 0250

1 (pointing) -- I mean the entrance bullet hole entrance into
2 Lot 59?

3 A. It appears to be.

4 Q. And this (pointing) is a bigger hole so it appears to
5 be the exit?

6 A. That is correct.

7 Q. Okay. Now it looks like it is slightly -- the entrance
8 may be slightly below or above the exit wound. Can you tell
9 or are they seem parallel?

10 A. It seems very parallel with the ground.

11 Q. Okay. And again, you don't know about how high up that
12 is?

13 A. No, I did not measure from the ground to those holes.

14 Q. Okay. Now did you look in this area in here (pointing)
15 for any shell casings?

16 A. Yes, that whole area where we were looking we looked
17 for bullets and shell casings. We did not find any.

18 Q. Okay. And let's explain a few things to the jury.
19 When we deal with semi-automatic kind of weapons generally
20 do they eject shell casings?

21 A. They generate it.

22 Q. Okay. For example, there is a nine millimeter
23 Ruger ---

24 A. Yes, sir.

25 Q. --- that you located as part of the evidence you

0 0251

- 1 collected?
- 2 A. Yes, sir.
- 3 Q. All right. It is a semi-automatic?
- 4 A. It is.
- 5 Q. Okay. It would generally eject a shell casing after a
- 6 weapon is fired, correct?
- 7 A. That is correct.
- 8 Q. All right. Now a revolver, does it eject a shell
- 9 casing?
- 10 A. Normally no unless you physically eject it.
- 11 Q. Okay. So if shots -- well, let me step back. Was it
- 12 your understanding as part of your investigation that there
- 13 may have been as many as three shots fired? If you know.
- 14 A. I was only told that the victim was shot. And I wasn't
- 15 told how many people were involved, ---
- 16 Q. Okay.
- 17 A. --- how many guns were in play.
- 18 Q. Okay. Well, and before you go into what people tell
- 19 you let's just -- let me ask you specifically. You did have
- 20 a chance to interview David Roche, correct?
- 21 A. I did.
- 22 Q. Okay. And in effect you included a summary of your
- 23 interview with him in your report, correct?
- 24 A. Yes, sir.
- 25 Q. Okay. And he told you that there were three shots; is

0 0252

1 that fair enough?

2 A. Yes.

3 Q. In fact he told you there was one shot and then one to
4 two seconds later there were two more shots?

5 A. That is correct.

6 Q. Okay. Now according to State's Exhibit 15 this was the
7 photograph that shows that that is a bullet hole in the side
8 window, front side window; correct?

9 A. Yes, sir.

10 Q. All right. And you didn't have anything to do with
11 examining the victim, his body or any wounds he may have
12 had; correct?

13 A. No, sir, ---

14 Q. Okay.

15 A. --- I did not see them.

16 Q. But I guess you want to know whether that bullet hole
17 was created with the door closed or open; is that a fair
18 statement?

19 A. That is a fair statement. I do not know if the door
20 was open or closed.

21 Q. Okay. For the purpose of my question can we just
22 assume for these next few questions the door is closed? Can
23 you follow me that way?

24 A. I can follow you.

25 MR. THORNTON: I'm sorry, that calls for speculation,

0 0253

1 Your Honor.

2 Q. For the purpose of my question --

3 MR. WRIGHT: I'm sorry, Judge. Judge, and I am only
4 asking for a scenario -- he has essentially been tendered as
5 a physical evidence examiner. I am simply trying to ask him
6 questions about what he has seen and what may or may not be
7 consistent on what he has actually seen and collected. And
8 I can maybe rephrase the question if it is awkwardly asked.

9 MR. THORNTON: Your Honor, he is asking a hypothetical.
10 And he is assuming -- he is asking the officer to assume a
11 fact that we don't know.

12 MR. WRIGHT: Okay. I will withdraw the question,
13 Judge.

14 BY MR. WRIGHT:

15 Q. And you haven't been qualified as an expert witness in
16 this case, have you?

17 A. I have not.

18 Q. Okay. Then I -- no hypotheticals. All right. So we
19 have a bullet hole in that driver's side window?

20 A. Yes, sir.

21 Q. You don't know whether that is the first shot, second
22 shot, third shot; you just know it is a shot, correct?

23 A. All I know it's a shot.

24 Q. Okay. And that door is open but then the other
25 passenger side door is also open, correct?

0 0254

1 A. Correct.

2 Q. You don't know whether the victim was in the car when
3 he got shot, correct?

4 A. That is correct, I do not know.

5 Q. You don't know whether the victim possibly got shot in
6 the car and then crawled out through the passenger door, do
7 you?

8 A. I don't know that.

9 Q. However, what you do know is that money right
10 essentially outside the passenger door is on the ground;
11 correct?

12 A. Correct.

13 Q. Where that money is located could be consistent with
14 somebody opening the passenger door and money falling out,
15 correct?

16 MR. THORNTON: Objection, Your Honor. Calls for
17 speculation. Also another hypothetical.

18 MR. WRIGHT: Judge, I am just asking from the proximity
19 of the money to the open passenger door could it be
20 consistent of it falling out when that door is opened. That
21 is not ---

22 THE COURT: Overruled. I will allow it. Go ahead.

23 BY MR. WRIGHT:

24 Q. When that door is opened would the location of that
25 money immediately outside it be consistent with it

0 0255

1 essentially falling out the car as the door is opened?

2 A. Sure.

3 Q. Okay. Now maybe we can get a vantage of this with
4 looking at State's 15. Let's look at State's 14. From this
5 vantage point remember we talked about on State's 4 that the
6 shots that created the bullet holes on Lot 59 probably came
7 from this direction (pointing), correct?

8 A. Correct.

9 Q. Would you agree that is sort of behind -- behind and
10 left, maybe of the car; in that general direction?

11 A. Try to say in the general direction.

12 Q. Okay. So looking at this we would be talking somewhere
13 behind to create that angle?

14 A. Correct.

15 Q. And you can't tell how close or range the shot is fired
16 to create that bullet hole, correct?

17 A. I cannot tell.

18 Q. Okay. And you can't determine what caliber bullet
19 created the bullet hole, correct?

20 A. Correct.

21 Q. Would the same apply to the window?

22 A. Yes.

23 Q. Okay.

24 A. No idea of the caliber.

25 Q. Okay. So they could have all come from the same gun or

0 0256

1 possibly not? I mean you don't have any information as to
2 that stuff?

3 A. No, I do not have any information.

4 Q. Okay. Fair enough. Now State's Exhibit 9 so maybe
5 this is a little bit around the point.. This is the vehicle
6 with the bullet hole in the driver's side door, correct?

7 A. Yes, sir.

8 Q. All right. And you are sort of standing essentially by
9 the corner of Lot 59; is that a correct statement?

10 A. Correct.

11 Q. All right. So Lot 59 is sort of in here (pointing);
12 the vehicle is here (pointing); and I think you said the
13 shot that created the bullet in Lot 59 probably came from
14 this direction (pointing); correct?

15 A. It came from behind the vehicle. The exact
16 direction -- I mean the exact location I do not.

17 Q. Okay.

18 A. It definitely came from behind the vehicle.

19 Q. All right. You would agree that this here, this
20 general area (pointing), is sort of wide open in terms of
21 being able -- visibility to see what is going on in that
22 area?

23 A. That's correct.

24 Q. Okay. Did you by chance did you go into this trailer
25 (pointing) and document any evidence?

0 0257

1 A. I did not.

2 Q. Okay. While you were there did you have -- see any
3 other crime scene techs or persons going into the trailer
4 collecting evidence?

5 A. Sergeant Christine Wilson entered that residence ---

6 Q. Okay.

7 A. --- and did a check of that residence.

8 Q. Now I think -- you also located in State's Exhibit 6
9 that weapon, correct?

10 A. Correct.

11 Q. All right. And that is what we were explaining to the
12 jury is a semi-automatic weapon?

13 A. Correct.

14 Q. When that kind of weapon gets fired it discharges a
15 shell casing, correct?

16 A. Typically, yes, sir.

17 Q. Okay. When you found it did it have ammunition in it?

18 A. It did. One of the first things we do when we collect
19 a gun is to document bullets. I removed the magazine which
20 holds the bullets and it had 15 rounds which is the capacity
21 for that magazine. I pulled back the side of the chamber
22 and noted that there were no rounds inside the actual gun,
23 inside the chamber.

24 Q. Okay.

25 A. So it was a full magazine with no rounds in the

0 0258

1 chamber.

2 Q. Okay. And you were careful in handling the weapon in

3 terms of -- to make sure in terms of latent prints or any

4 other evidence you can get from the gun, correct?

5 A. Yes, sir.

6 Q. All right. Were you responsible in this crime scene

7 for looking also for latent prints on different things?

8 A. Yes. I did process the victim's vehicle for prints on

9 the exterior. I collected 22 latent prints from that

10 vehicle.

11 Q. Okay. And were you -- you weren't able to match any of

12 those latent prints -- well, did you run them for a match;

13 is that your responsibility?

14 A. I sent a request in. I am not a latent print examiner.

15 Q. Okay.

16 A. So what I was told was that the victim ---

17 Q. Well, I am going to object and ---

18 A. Okay.

19 Q. I don't want you to tell me what someone else told you.

20 I am just trying to find out if you did any of it and then I

21 would ask you.

22 A. All I did was process and collect it.

23 Q. Okay. So they were processed and sent in, and after

24 that your role was done?

25 A. That's correct.

0 0258

1 Q. Okay.

2 MR. WRIGHT: Judge, one moment. That may be all I
3 have.

4 Q. I don't want you to tell me what this individual said,
5 but you also interviewed Carrie McKnight; is that ---

6 A. Yes.

7 Q. --- correct? Is that a male, female?

8 A. It's a female.

9 Q. Okay.

10 MR. WRIGHT: One moment, Judge.

11 Q. I have no further questions. Thank you very much, sir.

12 A. Thank you.

13 THE COURT: Any redirect?

14 MS. SWANSON: No, sir, nothing further for Corporeal
15 Disbrow. I ask that he may be excused.

16 THE COURT: Sir, you may step down; and you are
17 excused.

18 MS. SWANSON: The State calls Chris Wilson.

19 THE COURT: While we are waiting, ladies and gentlemen,
20 I will remind you that what I told you the other day and
21 that is -- yesterday that is if you need a break we will
22 take a break.

23 All right, ladies and gentlemen, let's take a
24 ten-minute recess. I will remind you it is too early to
25 begin discussing the case.

0 0260

1 MR. THORNTON: Your Honor, may we approach?

2 THE COURT: Sure.

3 (WHEREUPON, bench conference was had with counselors
4 regarding scheduling.)

5 THE COURT: Are we ready for the jury?

6 MR. THORNTON: We are, Your Honor. And for the courts
7 for scheduling I think Mr. Wright and I have talked. I
8 think we are going to have two more of what would be
9 relatively short witnesses and we will probably ask to take
10 lunch at that time until about 1:30.

11 And then would be what would likely be the longest
12 witness of the case. And then we have got some other folks
13 from SLED that should be here by then by 1:30 and then we
14 can just go through the afternoon.

15 MR. WRIGHT: Sounds like a plan for us, Judge. No
16 objection.

17 THE COURT: All right. Let's bring the jury in and go
18 ahead and call your witness.

19 MR. THORNTON: Yes, sir.

20 MS. SWANSON: Your Honor, the State's next witness is
21 Christine Wilson. Would you like for her to go ahead and
22 take the stand?

23 THE COURT: Well, she probably needs to be there, here,
24 or somewhere close. Better not take the stand yet until
25 we ---

0 0261

1 THE BAILIFF: You can sit right there.

2 THE COURT: --- swear her in.

3 THE BAILIFF: The jury is entering the courtroom, Your
4 Honor.

5 THE COURT: Welcome back, ladies and gentlemen. I
6 believe the State is ready to call its next witness.

7 MS. SWANSON: Thank you. Sergeant Chris Wilson.

8 (WHEREUPON, the witness was duly sworn.)

9 THE CLERK: Please state your full name.

10 THE WITNESS: My name is Christine Wilson.

11 **DIRECT EXAMINATION BY MS. SWANSON OF SERGEANT CHRISTINE**

12 **WILSON:**

13 Q. Sergeant Wilson, who do you work for?

14 A. Beaufort County Sheriff's Office.

15 Q. What is your position there?

16 A. I am a criminal investigator.

17 Q. Okay. And were you working on September 6th of 2012?

18 A. Yes, I was.

19 Q. And were you involved in the investigation that
20 occurred at Taylor's Mobile Home Park?

21 A. Yes, I was.

22 Q. Okay. Can you tell the jury what your involvement in
23 the investigation was?

24 A. On that date I was asked to prepare a search warrant
25 for the search of the crime scene at Lot 60, Taylor's Mobile

0 0262

1 Home Park.

2 Q. Do you know whose residence that is or was at the time?

3 A. That residence was Antonio Brewer.

4 Q. Okay. And did you execute that search warrant?

5 A. I did.

6 Q. Prior to seizing any evidence pursuant to the search
7 warrant did you photograph the inside of that residence?

8 A. Yes, I did.

9 (WHEREUPON, State's Exhibit Number 23, photograph, was
10 marked for identification.)

11 (WHEREUPON, State's Exhibit Number 24, photograph, was
12 marked for identification.)

13 BY MS. SWANSON:

14 Q. Okay. I am going to show you what has been marked as
15 State's 23 and 24 and ask if you recognize those photos.

16 A. These are the two photos I took.

17 Q. All right. And what do they depict?

18 A. They depict the living room area of the inside of the
19 residence at Lot 60.

20 Q. Okay. And do those fairly and accurately depict how it
21 appeared that day?

22 A. Yes.

23 MS. SWANSON: The State would ask that 23 and 24 be
24 moved into evidence.

25 MR. WRIGHT: No objection.

0 0263

1 THE COURT: Without objection.
2 (WHEREUPON, State's Exhibit Number 23 was admitted into
3 evidence.)
4 (WHEREUPON, State's Exhibit Number 24 was admitted into
5 evidence.)
6 MS. SWANSON: And I ask to publish to the jury.
7 THE COURT: You certainly may.
8 MS. SWANSON: I am going to publish State's 23.
9 Q. And what are we looking at, Sergeant Wilson?
10 A. This is the living room inside the mobile home which
11 was Lot 60, Taylor's Mobile Home. The living room which has
12 furniture alongside the TV and part of the kitchen table
13 appears on the left side.
14 Q. Okay. And then I am putting up State's 24. And if you
15 can just describe what we are looking at here.
16 A. That is also a photo of a living room. And it also
17 shows part of the front door that leads into the residence.
18 Q. And this would be the front door?
19 A. Yes.
20 (WHEREUPON, State's Exhibit Number 25, photograph, was
21 marked for identification.)
22 (WHEREUPON, State's Exhibit Number 26, photograph, was
23 marked for identification.)
24 BY MS. SWANSON:
25 Q. Okay. All right. Sergeant Wilson, I am going to show

0 0264

1 you two more, State's 25 and 26. If you can describe what
2 you see in these pictures.

3 A. These are also two photos that I exposed at the scene.
4 One of them shows our view which would be from the front
5 door towards the back part of the mobile home. And one of
6 these photos is a kitchen table with items on the table. It
7 looks like a shop vac, TV component system. And then the
8 other photograph is a close-up photo of a kitchen table and
9 chairs containing several items.

10 Q. Okay. And do those fairly and accurately depict the
11 way the scene appeared that day?

12 A. Yes, they do.

13 MS. SWANSON: State moves 25 and 26 in.

14 MR. WRIGHT: No objection.

15 MS. SWANSON: Move to publish.

16 THE COURT: Sure.

17 (WHEREUPON, State's Exhibit Number 25 was admitted into
18 evidence.)

19 (WHEREUPON, State's Exhibit Number 26 was admitted into
20 evidence.)

21 Q. This is State's 25. And so this is the living room?

22 A. It was the living room actually from just inside the
23 front door aiming the camera towards the back wall. And it
24 encompasses the kitchen table, a shop vac, and a stereo/TV
25 component system on the right.

0 0265

- 1 Q. And then State's 26 a close up of the kitchen table?
- 2 A. Correct.
- 3 Q. Is there anything significant about what was on this
- 4 kitchen table?
- 5 A. One of the items that I collected during execution of
- 6 the search warrant was the Lipton white tea bottle.
- 7 (WHEREUPON, State's Exhibit Number 27, Lipton tea bottle,
- 8 was marked for identification.)
- 9 Q. Okay. I am going to show you what has been marked as
- 10 State's 27 and ask for you to describe what this item is.
- 11 A. This is a paper bag bearing my handwriting which
- 12 contains the case number, the description of the contents of
- 13 the paper bag, which is written as one bottle of Lipton
- 14 white tea containing liquid.
- 15 The location where it was found was the kitchen table.
- 16 I collected that and put it in this paper bag and you seal
- 17 it.
- 18 Q. Okay. And when you collected the tea bottle was the
- 19 cap on the tea bottle?
- 20 A. Yes, it was.
- 21 Q. Did you ever remove that cap?
- 22 A. I did not.
- 23 Q. And then you put it directly into a sealed bag?
- 24 A. I did.
- 25 Q. And did you submit it into evidence from there?

0 0266

1 A. I did.

2 Q. And did you ask that it be analyzed?

3 A. I did. Actually I signed it back out, opened the bag,
4 processed it for latent impressions, resealed the bag and
5 then requested forensic services conduct a DNA examination
6 on the bottle.

7 Q. Okay. And were you able to find any latent impressions
8 from the bottle?

9 A. Not of any value, no.

10 Q. And describe for the jury just in case somebody doesn't
11 know what a latent impression is. Is that a fingerprint?

12 A. A latent impression typically we talk about
13 fingerprints left at the scene. A latent impression is also
14 called a chance impression.

15 It is when you grab an item it is an uncontrolled
16 touching, and that is why it is a chance impression. You
17 may or may not leave fingerprints.

18 In fact it is more often than not that you are going to
19 leave prints of no value or not even deposit any part of
20 your fingerprint impression on an item. That is why it is
21 referred to a chance impression.

22 If your fingers are not sweaty you may not leave a
23 representation of your prints on the item. If the item that
24 you are touching is contaminated or dirty in any way you
25 might not leave an impression of your fingertip details on

0 0267

1 an item. So it is not uncommon for prints to not be found
2 at a scene.

3 Q. Okay. And Sergeant Wilson, when you checked the tea
4 bottle back out to process it for latent prints did you ever
5 remove the cap then?

6 A. I did not.

7 Q. So it was never removed?

8 A. It was never removed.

9 Q. Did you process any other latent impressions in this
10 case?

11 A. I viewed a number of latent impressions that were
12 developed by another investigator.

13 Q. Were you able to identify any of the prints that were
14 useful?

15 A. On these particular latent lifts there were a number of
16 them. There were 22 lifts total that came off of a Buick
17 LeSabre that was parked out in front of the residence. And
18 the vehicle was processed for latent impressions.

19 I was able to identify nine of those with Quantez
20 Greer. Six of the latent impressions I did not identify
21 anyone. I did not get what is called a IAFIS hit. And
22 seven of those were of no value for identification.

23 Q. Were there other items at the scene that you collected?

24 A. There were several, yes.

25 Q. You can just briefly go through those.

0 0268

1 A. Cigarette butts, marijuana roaches, a roach being
2 partially smoked, marijuana cigarette, Lipton ice tea
3 bottle, a couple of swabs that I collected for possible DNA
4 purposes, and of course the Buick LeSabre.

5 Q. And what did you do with all of those?

6 A. The Buick LeSabre was handled by another investigator.
7 The remaining items I collected I submitted as evidence.

8 Q. Okay.

9 MS. SWANSON: Beg the court's indulgence.

10 Q. Thank you, Sergeant Wilson. Nothing further at this
11 time.

12 THE COURT: Cross-examination.

13 **CROSS-EXAMINATION BY MR. WRIGHT OF SERGEANT CHRISTINE**

14 **WILSON:**

15 Q. Let me ask you. This is State's Exhibit 23. And what
16 I am looking for if you recall this trailer has two ways to
17 get in and out, correct?

18 A. Correct.

19 Q. All right. There is the front door and then there is a
20 rear door, correct?

21 A. That's correct.

22 Q. The vantage of this photograph I guess where is the
23 front door?

24 A. On this particular photograph the front door would be
25 to the right next to the white table.

0 0269

- 1 Q. So right in here (pointing)?
- 2 A. It would be to the right of that.
- 3 Q. Okay. So that is the front door. Is this the rear
- 4 doors going that way somewhere or is that ---
- 5 A. That is a door that goes into a bedroom. The hallway
- 6 where the back door is located would be in the opposite
- 7 direction.
- 8 Q. Okay. The hallway is it behind this way (pointing)?
- 9 A. It is not.
- 10 Q. Okay. So is it coming back this way (pointing)?
- 11 A. That would be correct.
- 12 Q. I've gotcha. So if we take this picture -- and let me
- 13 give context. Here in 23 we see the front door is here
- 14 (pointing). The TV is off to the side. So this one is sort
- 15 of looking I guess directly in from the front door?
- 16 A. That would be correct.
- 17 Q. So the rear door is that way (pointing)?
- 18 A. Correct.
- 19 Q. Okay. Did you by chance if you know find any or take
- 20 any latent prints off the back door?
- 21 A. I did not.
- 22 Q. Okay. Did you check for prints off the back door?
- 23 A. I don't believe I did.
- 24 Q. Okay. But you were responsible for trying to collect
- 25 as many latent prints in the trailer as possible, correct?

0 0270

1 A. That is of the crime, yes.

2 Q. Okay. And just so the jury is clear we are not saying
3 there weren't any prints, you just did not check the back
4 door?

5 A. I did not check the back door for latent impressions,
6 no.

7 Q. Okay. Now you mentioned the Lipton tea bottle. Is it
8 where it was located when you found it?

9 A. Yes.

10 Q. Okay. And how long after the shooting were you able to
11 get the search warrant and do your work in the interior?

12 A. I don't know that I can give a timeframe. I know that
13 when units were called to the scene, investigations
14 responded to the scene; and I received the request to apply
15 for the search warrant, which I did. Probably I would have
16 to guess an hour-and-a-half ---

17 Q. Okay.

18 A. --- for me.

19 Q. Same day, not all that long wait?

20 A. Correct.

21 Q. Okay. Now I think you said at some point there was
22 other evidence that you were asked to look into. I think
23 you mentioned the latent prints off the Buick.

24 A. Correct.

25 Q. And those may have -- I don't want to say his name

0 0271

1 wrong. Maybe Officer Debrew (ph) may have lifted those.

2 But you examined them to see if you can get a match?

3 A. That's correct.

4 Q. Okay. At any point were you asked to see if there was
5 latent prints or DNA off of a bag or purse purported to be
6 from Ms. Jessica Powers?

7 A. I don't recall -- I did not look at a purse for latent
8 impressions. I believe the request was submitted to analyze
9 items such as that for DNA.

10 Q. Okay. As far as you know -- well, do you recall
11 whether there is a DNA request made on the purse or bag of
12 Jessica Powers?

13 A. If the court will bear with me one moment.

14 I made a request on behalf of Sergeant Gobel on
15 September 11, 2012, for several items to be analyzed for
16 DNA; and a purse was on that list.

17 Q. Did you ever get a chance to see the purse?

18 A. I don't believe I did, no. Because I took these from
19 other officer's evidence submittals ---

20 Q. Okay.

21 A. --- and put them on to help Sergeant Gobel out.

22 Q. Okay. That's all I have. Thank you very much.

23 MS. SWANSON: Nothing further for Sergeant Wilson. And
24 I ask that she may be excused, Your Honor.

25 THE COURT: Certainly. Thank you. You may step down.

0 0272

1 You may call your next witness.

2 MS. SWANSON: Thank you. The State calls John
3 Kellerher.

4 (WHEREUPON, the witness was duly sworn.)

5 THE CLERK: State your full name.

6 THE WITNESS: Investigator John Kelleher,
7 K-E-L-L-E-H-E-R.

8 **DIRECT EXAMINATION BY MS. SWANSON OF JOHN KELLEHER:**

9 Q. How are you doing?

10 A. Good.

11 Q. Good. Who do you work for?

12 A. Beaufort County Sheriff's Office.

13 Q. And what is your position there?

14 A. I am an investigator with the northern county.

15 Q. Okay. Were you an investigator back in September of
16 2012?

17 A. Yes, ma'am.

18 Q. And did you have any involvement in the Taylor's Mobile
19 Home Park murder investigation?

20 A. Yes.

21 Q. All right. And what was the first thing that you were
22 called out to do?

23 A. Of course upon being called I went to the ER at
24 Beaufort Memorial Hospital. And I waited for the victim to
25 arrive.

0 0273

- 1 Q. About what time was that?
- 2 A. Approximately around two o'clock I believe it was. I
3 would have to check my report. I don't know exactly what
4 time.
- 5 Q. Sure. Around two o'clock?
- 6 A. Around that.
- 7 Q. And what did you see when you arrived at the ER?
- 8 A. I got there before the ambulance arrived. Upon the
9 arrival of EMS Beaufort County ambulance when the back door
10 was opened I saw an EMS worker doing chest compressions on a
11 black male on a gurney.
- 12 Q. Did you examine the black male?
- 13 A. Not in the parking lot. They took him upstairs to the
14 ER.
- 15 Q. Right.
- 16 A. To the ER upstairs. And I do remember a doctor
17 stating what he saw.
- 18 Q. Did you take photos of the victim?
- 19 A. Yes.
- 20 Q. And did you also perform what is known as a GSR kit on
21 the victim?
- 22 A. Yes, I did.
- 23 Q. All right. Can you tell the jury what that is?
- 24 A. GSR which stands for gunshot residue kit it is of the
25 hands. And both hands are used for the samples and patted

0 0274

1 down with the device that comes with it inside. And it
2 picks up any residue from the back float of the gun that
3 goes off.

4 Q. And is it like a stick little ---

5 A. It is ---

6 G. --- swab?

7 A. At the time it was a sticky pad that you did on a --
8 you did a sticky pad on the palm. You did an individual one
9 on the back. And then you also cotton swabbed.

10 (WHEREUPON, State's Exhibit Number 28, gunshot residue kit,
11 was marked for identification.)

12 (WHEREUPON, State's Exhibit Number 29, GSR Kit, was marked
13 for identification.)

14 Q. Okay. And then Investigator, I am going to show you
15 what has been marked as our State's 29. You have seen this
16 before as an exhibit in the Travis Polite trial ---

17 A. Sure.

18 Q. --- but I am going to ask for you to describe what is
19 in this bag, please.

20 A. On the bag where it is written this is my handwriting.
21 The victim of with the case number and down here (pointing)
22 with my signature.

23 Q. And what is that?

24 A. This is the gunshot residue -- gunshot residue kit.

25 Q. Okay. This is the GSR kit from the victim Quantez

0 0275

1 Greer?

2 A. Yes, sir.

3 Q. Okay. And once you took the gunshot residue from the
4 victim or performed the kit on the victim what did you then
5 do with the kit?

6 A. I take all the samples that I collected, put it in that
7 bag and seal it.

8 Q. And you sealed this ---

9 A. And turn it into evidence.

10 Q. Okay. And so you sealed this and turned it into
11 evidence?

12 A. Yes.

13 Q. And it was sealed when you turned it into evidence?

14 A. Yes.

15 Q. Okay. All right. Did you perform any other gunshot
16 residue kits in this case?

17 A. Yes, I did.

18 Q. All right. And that was on who?

19 A. That was on Antonio Brewer.

20 Q. And where was -- where was that performed?

21 A. That was performed at the incident location, the
22 original incident location where the shooting took place.

23 Q. Okay. I am going to show you what has been marked as
24 our State's Exhibit 28 and again ask for you to describe
25 what this item is.

0 0276

1 A. This is a GSR gunshot residue kit. Once again this is
2 my handwriting of the subject it was taken from and my
3 signature. Once I collected all my samples I put them
4 inside this bag and I sealed the bag ---

5 Q. Okay.

6 A. --- and put it into evidence.

7 Q. Thank you.

8 A. Okay.

9 Q. And you performed the same type of kit on Antonio
10 Brewer?

11 A. Yes.

12 Q. It was sealed when it went into evidence?

13 A. Yes, ma'am.

14 MS. SWANSON: Beg the court's indulgence. Thank you.
15 I have nothing further for this witness.

16 THE COURT: Cross-Examination.

17 **CROSS-EXAMINATION BY MR. WRIGHT OF JOHN KELLEHER:**

18 Q. Good afternoon, sir.

19 A. Good afternoon.

20 Q. Just a few quick questions, please.

21 A. Sure.

22 Q. I am going to ask you some questions about essentially
23 the whole GSR process.

24 A. All right.

25 Q. Let's start first with weapons. There is sometimes a

0 0277

1 difference between the gun powder that may be injected from
2 a semi-automatic weapon versus a revolver; is that correct?

3 MS. SWANSON: Your Honor, I am going to object at this
4 time. Investigator Kelleher is not a GSR expert. He simply
5 performed the kit and submitted it into evidence for further
6 testing.

7 MR. WRIGHT: Judge, I will withdraw my question. I see
8 he is not an expert.

9 THE COURT: Question withdrawn.

10 BY MR. WRIGHT:

11 Q. All right. So all you really did was collect, and you
12 basically swab and do a few things to put the GSR kits
13 together and then they get sent off for testing; ---

14 A. Correct.

15 Q. --- is that fair enough?

16 A. Yes, sir.

17 Q. Okay. You tested in the hands of Mr. Greer, correct?

18 A. Correct.

19 Q. When you arrived were they bagged?

20 A. I honestly don't -- I don't recall.

21 Q. Okay.

22 A. I do not recall.

23 Q. And to explain to a jury isn't it true that often you
24 bag the hands of a decedent because you are trying to keep
25 the hand secure for the purpose of testing?

0 0278

1 A. Yes.

2 Q. Okay. Isn't it true that gunpowder residue can
3 sometimes be wiped off, knocked; it is easily moved off of
4 hands, for example?

5 MS. SWANSON: Your Honor, same objection. We actually
6 have Jennifer Stoner with SLED coming in to testify as a GSR
7 expert or trace evidence expert. And Mr. Wright is free to
8 question her about these things.

9 MR. WRIGHT: I will withdraw the question, Judge.

10 THE COURT: Question withdrawn.

11 BY MR. WRIGHT:

12 Q. So you took one on Mr. Greer?

13 A. Correct.

14 Q. Okay. But you don't recall whether his hands were
15 bagged or not?

16 A. I do not believe they were though, but I can't honestly
17 say.

18 Q. Okay. And you also took one on Mr. Brewer, correct?

19 A. Yes, I did.

20 Q. How long after the shooting took place if you know was
21 it you actually tested Mr. Brewer?

22 A. I can't give you a precise time; but it was maybe
23 within an hour, hour-and-a-half.

24 Q. Did you test any of the clothing of Mr. Greer?

25 A. No. Have I already, no.

0 0279

1 Q. Or the clothing of Mr. Brewer?

2 A. No. We don't -- I don't carry kits to test clothing.

3 Q. Were you asked at any time to do a GSR on Ms. Jessica
4 Powers?

5 A. No.

6 Q. That's all I have. Thank you, sir.

7 A. All righty.

8 MS. SWANSON: Nothing further.

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

10 MR. THORNTON: May we approach, Judge?

11 (WHEREUPON, bench conference was had.)

12 THE COURT: Ladies and gentlemen, we are getting ready
13 to take a lunch break until 1:30 due to a scheduling issue
14 with the next witness.

15 My understanding is the next witness is going to take a
16 while. Back in the juror room and remind you don't let
17 anybody talk to you about the case during lunch and you
18 don't talk to each other in the jury room. Thank you so
19 much.

20 (WHEREUPON, jury exits courtroom.)

21 THE COURT: Anything we need to do between now and
22 1:30?

23 MR. THORNTON: Nothing from the State, Your Honor.

24 MR. WRIGHT: Nothing from the Defense, Judge.

25 THE COURT: Be at recess until 1:30.

0 0280

1 (WHEREUPON, recess was had.)

2 THE COURT: Is the State ready for the jury?

3 MR. THORNTON: The State is ready, Your Honor.

4 MR. WRIGHT: Yes, Judge.

5 THE COURT: Let's bring our jury.

6 THE BAILIFF: The jury is entering the courtroom, Your
7 Honor.

8 THE COURT: Welcome back, ladies and gentlemen. I
9 believe we are ready to resume the presentation of evidence
10 in the State's case.

11 MR. THORNTON: Thank you, Your Honor. The State calls
12 Jessica Powers (sic) to the stand.

13 (WHEREUPON, pause awaiting witness.)

14 MR. THORNTON: I am sorry for the delay, Judge. She
15 was in a different room than some of the other witnesses
16 were. So we will have her here momentarily.

17 (WHEREUPON, pause awaiting witness.)

18 THE CLERK: State your full name.

19 THE WITNESS: Jessica Power.

20 **DIRECT EXAMINATION BY MR. THORNTON OF JESSICA POWER:**

21 Q. Jessica, in September of 2012 where did you live?

22 A. In Beaufort.

23 Q. Okay. And specifically I want to talk about September
24 6th, 2012. Are you familiar with a man who was killed that
25 day named Quantez Greer?

0 0281

- 1 A. Yes.
- 2 Q. And how would you describe your relationship with him;
3 was he a relative, a friend, an acquaintance?
- 4 A. We were friends.
- 5 Q. And did you have contact with him on September 6th, of
6 2012?
- 7 A. Yes.
- 8 Q. Do you know someone that has the name of Walter Tucker?
- 9 A. Yes.
- 10 Q. And do you know him by any other name?
- 11 A. I know him by Oouwee.
- 12 Q. Oouwee?
- 13 A. Yes, sir.
- 14 Q. And do you see Oouwee in the courtroom?
- 15 A. Yes, sir.
- 16 Q. Where is he?
- 17 A. Right there (motioning).
- 18 Q. All right. Seated at the defense table next to his
19 attorney; is that correct?
- 20 A. Yes, sir.
- 21 Q. Now, Jessica, on September the 6th of 2012 were you at
22 some point supposed to meet up with Walter Tucker, the
23 defendant in this case?
- 24 A. Yes, sir.
- 25 Q. Tell us why and who you were going with. So start

0 0282

1 at -- start with that morning and talk about what you are
2 doing.

3 A. That morning I was at work -- and, well, before I went
4 to work I met up with Quantez and he was telling me how he
5 didn't have any weed. And then I went to work. And I
6 received a call from Oouwee.

7 Q. Let me stop you there. And so prior to September the
8 6th of 2012, the day Quantez Greer was shot and killed, had
9 you met Oouwee, Walter Tucker, before?

10 A. Yes, at a gas station.

11 Q. And have you seen him from time to time other than
12 that?

13 A. Yes.

14 Q. And are you familiar enough with him; in other words
15 you recognize him when you saw him?

16 A. Yes.

17 Q. You indicated that Quantez called you and basically
18 said that he was out of weed; is that correct?

19 A. Yes.

20 Q. So it is safe to say that you are someone who has used
21 marijuana before?

22 A. Yes.

23 Q. Have you bought marijuana before?

24 A. Yes.

25 Q. Have you sold marijuana before?

0 0283

1 A. Yes.

2 Q. On that day, September 6th of 2012, were you attempting
3 to arrange a marijuana deal on behalf of Quantez Greer?

4 A. Yes.

5 Q. And who were you supposed to purchase it from -- or who
6 was Quantez supposed to purchase it from?

7 A. We had made plans to purchase it from Oouwee.

8 Q. All right. Anybody else?

9 A. Brandon Singleton was supposed to be there but

10 Q. Did you ever see Brandon Singleton?

11 A. No.

12 Q. And when you say there, where are you referring to;
13 where did you end up that day?

14 A. Well, we ended up at the Taylor Mobile Home Park.

15 Q. All right. Is that where Quantez Greer was shot and
16 killed?

17 A. Yes.

18 Q. Now you just said Brandon Singleton was one of -- one
19 of the people there. Did you -- did you ever see -- well,
20 excuse me; I don't want to misrepresent what you said. You
21 said you thought Brandon was supposed to be there. But you
22 never saw Brandon Singleton there; is that correct?

23 A. Right, because we were supposed to meet at Brandon
24 Singleton's wife's consignment shop before. We were -- and
25 then they changed plans.

0 0284

1 Q. And when you say we who is we?

2 A. Me and Quantez.

3 Q. Now when you talked to Walter Tucker, or Oouwee as
4 you call him, what kind of arrangements were made if any to
5 buy the marijuana; where were you supposed to go; how much
6 was it; anything that you know about the actual deal
7 itself?

8 A. I know that at first Quantez wanted a -- he wanted to
9 buy a pound. And then him and Oouwee couldn't negotiate on
10 a price. And he said it was too much so he just decided to
11 get a half of pound from him.

12 Q. At some point that day did you meet up with Quantez
13 Greer to go and meet with Walter Tucker, Oouwee, to buy
14 these drugs?

15 A. Yes, I drove to Quantez's house to ride with him to go.

16 Q. You said ride with him. Did Quantez own a car?

17 A. Yes.

18 Q. I'm going to show you what has already been marked into
19 evidence as State's Exhibit 13 and State's Exhibit 16. Is
20 that the -- Quantez's car that you are riding in that day?

21 A. Yes.

22 Q. And when you got in the car at Quantez's house where
23 did you go after that?

24 A. We were on our way to the boutique and then we got a
25 phone call to go to Taylor's Mobile Home Park.

0 0285

1 Q. All right. Let me stop you for a second. You said the
2 boutique. Is that -- you mentioned earlier a consignment
3 shop. Is that the same place?

4 A. Yeah, it was Brandon Singleton's wife I think
5 consignment shop at the time.

6 Q. Okay. And you got a phone call to not go there and go
7 somewhere else?

8 A. Yes.

9 Q. And who did you talk to?

10 A. Oouwee.

11 Q. And what did Oouwee say?

12 A. He said that it was a change of plans and that to go
13 there instead because it was a safer location.

14 Q. And to go where?

15 A. To go to Taylor's Mobile Home Park.

16 Q. Okay. And did you in fact go to Taylor's Mobile Home
17 Park?

18 A. Yes.

19 Q. What happened when you got there?

20 A. We pulled in ---

21 Q. And when you say we -- I'm sorry, I keep stopping you.

22 A. Quantez and I. Quantez and I pulled in.

23 Q. Okay.

24 A. And Oouwee said he would be standing outside, to look
25 for him. And we pulled in and I guess we passed where he

0 0286

1 was standing. And then Quantez backed up and parked into
2 the parking spot.

3 Q. And is -- look here, it is State's Exhibit -- Exhibits
4 13 and 16. Is that about where he pulled in and parked?

5 A. Yes.

6 Q. So it wasn't moved in between the time you got there
7 and he was shot and killed?

8 A. No.

9 Q. So when he backed up is that where the car was parked?

10 A. Yeah, that is where he parked it.

11 Q. What happened after that?

12 A. Him and Oouwee were talking about a price, but he was
13 trying to get him to drop the price.

14 Q. Now let me ask you a question. How much was -- how
15 much was the price and how much was Quantez supposed to buy?

16 A. The price was \$2,500, and he was supposed to buy a half
17 pound of weed.

18 Q. Okay. Go ahead. So they are trying to negotiate a
19 lower price, and what happened after that?

20 A. Oouwee wouldn't drop the price or anything, so Quantez
21 just agreed on the \$2,500.

22 Q. And where did this occur? Where were you -- where
23 was -- where was all of this discussion happening?

24 A. We were both sitting in the car.

25 Q. All right. And where was Mr. Tucker or Oouwee?

0 0287

1 A. Standing right outside the window of the car.

2 Q. All right. What happened after that?

3 A. Oouwee had walked away just a little bit. And Quantez
4 opened his glove box and got the money out and started
5 counting his money.

6 And then once he finished that he asked if I could put
7 it in my purse because it was too much for him to put in his
8 pocket.

9 Q. And did you put it in your purse?

10 A. Yes.

11 Q. All right. What happened after that?

12 A. And then we proceeded to get out of the car, and I got
13 out and walked around the front of the car. And then
14 Quantez was getting out behind me.

15 Q. All right. And what happened then?

16 A. And then we walked, and then by this time Oouwee was
17 standing at the top of the stairs with the door open holding
18 it. Because the door opened outwards. And I proceeded to
19 walk in the front door. And then all of a sudden the door
20 slammed. And I turned around and he was locking the door,
21 and ---

22 Q. All right ---

23 A. --- Quantez didn't go inside.

24 Q. Hang on a second. Let's take just a second. So you
25 are walking up to the door of the trailer; is that correct?

0 0288

1 A. Yes.

2 Q. And who is holding the door open?

3 A. Oouwee.

4 Q. All right. And Quantez is behind you?

5 A. Yes.

6 Q. And when you walk in what happens?

7 A. It's all -- like when I first walked in I saw a guy
8 sitting on the couch with a T-shirt on his head like laying
9 down, and all of a sudden I hear the door slam. And I
10 turned around. He locked the door.

11 Q. He being?

12 A. Oouwee locked the door, pulled a gun from his pants and
13 pointed it at me.

14 Q. Okay.

15 A. And said give me the money you stupid white bitch.

16 Q. And what did you do then?

17 A. And then I was like no, no, like what -- no. And then
18 that I had -- somebody grabbed my arm and they made me get
19 on the floor. And then Oouwee took my purse and was looking
20 through my purse for the money.

21 Q. Was he able to find it?

22 A. No, he was not able to find the money. So he threw the
23 purse back at me and told me to give him the money. And so
24 I got the money out of my purse and handed it to him.

25 Q. All right. And let me stop you for a second. You said

0 0288

1 that when you first walked in you saw somebody that was
2 sitting and had some type of something white around their
3 head?

4 A. A T-shirt.

5 Q. A T-shirt or something around their head. Now when you
6 first talked to law enforcement about this - and I realize
7 I'm jumping ahead a little bit, but I want to go ahead and
8 get this straight now - did you know who that person was?

9 A. No.

10 Q. Okay. At a trial you previously testified to here in
11 January, during the course of that trial were you able to
12 learn who that person was?

13 A. Yes.

14 Q. And who is that person?

15 A. Travis Polite.

16 Q. Okay.

17 Q. And then is who you later found out, although you
18 didn't know him at the time, was the person sitting on the
19 couch with the white dew -- white T-shirt or whatever around
20 his head?

21 A. Yes.

22 Q. So let's go back. Since we are here today about Oouwee
23 let's go back to what Oouwee did. So he has thrown the
24 purse back at you. What happens then?

25 A. He told me to get the money out of the purse.

0 0290

1 Q. What did you do?

2 A. I got the money out of the purse and I handed it to
3 him.

4 Q. And what happened at that time?

5 A. At that time I was laying face down on the floor.
6 And I guess the guy who I wasn't able to identify at the
7 time ---

8 Q. Travis Polite. I think you have now -- we have now
9 established.

10 A. Travis Polite asked Oouwee for a gun.

11 Q. All right. And did Oouwee give him a gun?

12 A. Yes, he handed him the gun that he had in his hand.

13 Q. Now and let me back up just so the jury understands
14 this. Is Quantez Greer did he ever make it in the house
15 with you?

16 A. No.

17 Q. So according to your testimony now, Oouwee gives Travis
18 Polite a gun; and what does Travis Polite do?

19 A. He jumped over me and ran out of the front door.

20 Q. All right. Did you hear or see anything right after
21 that?

22 A. I heard a gunshot.

23 Q. And then what happened?

24 A. And then after the gunshot Oouwee jumped up and he ran
25 outside, and I heard multiple gunshots.

0 0291

1 Q. Let me ask you something. You said a second ago you
2 testified that who we have established at a trial here in
3 January that Travis Polite asked Oouwee for a gun and Oouwee
4 gave him a gun?

5 A. Right.

6 Q. So when Oouwee -- you said Oouwee ran out?

7 A. Right.

8 Q. Did Oouwee have a gun or was he unarmed at the time, or
9 do you know?

10 A. After he gave Travis Polite a gun he pulled another gun
11 out of his pocket.

12 Q. Okay.

13 A. And then that is when he was kneeling down with a gun
14 on me, and then he heard the gunshot and he jumped up and he
15 ran outside. And then I heard more gunshots.

16 Q. What -- hang on just a second. I am going to show you
17 what has previously been marked as State's Exhibit 23 and 24
18 and ask you is that the interior of the trailer that you
19 were in?

20 A. Yes.

21 Q. And is that where everything that you are describing
22 occurred?

23 A. Yes.

24 Q. Right. After you hear the -- after Oouwee runs out
25 with a gun and you hear more gunshots what happens then;

0 0292

1 what do you do?

2 A. I ran to like this room behind me. It was like a
3 little girl's room. And I looked out the window because I
4 was going to jump out the window. But it was too high. So
5 I ducked down on the floor.

6 And like I am looking straight across and I see this
7 guy bust out of his back door and then run out his back --
8 it was like he busted out of a room door that was straight
9 in front of me, and then he ran out of a back door.

10 Q. All right. And was this the same person as the two
11 that you had already talked about, ---

12 A. No, I ---

13 Q. --- Oouwee and Travis Polite; or is this a different
14 person?

15 A. No, I have never seen this guy ---

16 Q. Okay.

17 A. --- the whole time that I was there.

18 Q. And you said he busted out a door and ran out the back?

19 A. He looked just as scared as I did. Yes.

20 Q. All right. And what did you do at that point?

21 A. Ran out the back door after.

22 Q. And had you ever been to Taylor's Mobile Home Park
23 before?

24 A. A couple of times before.

25 Q. All right. Did you know anyone who had a trailer

0 0293

1 there?

2 A. Yes, my ex-boyfriend.

3 Q. And did you at some point -- let me ask you a different
4 way. When you left and ran out the back door of the trailer
5 where did you go?

6 A. I ran to my ex-boyfriend's trailer and hid behind it.

7 Q. And did you at some point, without telling me the
8 conversation you had, did you try to call him or tell him
9 what was going on?

10 A. Yes.

11 Q. At some point did you that day did you talk to
12 Detective Gobel with the Beaufort County Sheriff's Office?

13 A. Yes.

14 Q. All right. And did he ask you about a phone number for
15 Oouwee or Walter Tucker?

16 A. Yes.

17 Q. And did you provide him with a phone number?

18 A. Yes.

19 Q. Now off the top of your head do you remember it, or
20 not? It is fine either way. Do you remember what it was by
21 any chance?

22 A. I know it was an 813 area code phone number.

23 Q. Is that the number you gave to Detective Gobel?

24 A. I am pretty sure, yes.

25 Q. As you were running out that back door what if anything

0 0294

1 did you see or notice at the back of the trailer?

2 A. When I first ran out the back door there was a black
3 car parked on the left, and all I remember is seeing the
4 brake lights of that -- the black car on my left as I was
5 running.

6 Q. And you said you ran over to your ex-boyfriend's
7 trailer. Do you remember what lot that was or what number
8 that was by any chance?

9 A. I don't remember off of the top of my head.

10 Q. Okay. I'm going to show you what has been marked as
11 State's Exhibit Number 4. If you will look up. It has
12 already been testified to that there are these marks are
13 here, scuff marks. So is this the back door that you came
14 out of?

15 A. Yes.

16 Q. And you indicated that you saw the black car here
17 (pointing) to your left?

18 A. Yes.

19 Q. After all of this happened to you and you were at
20 your -- or outside your ex-boyfriend's did you receive any
21 phone calls or did you make any calls or did you talk to Mr.
22 Tucker at all ---

23 A. Yes.

24 Q. --- within a few minutes after this happened?

25 A. Yes.

1 Q. All right. And what if anything did he tell you?

2 A. They were calling me and threatening me.

3 Q. When you say they who is they.

4 A. Well, Oouwee was calling and threatening me and ---

5 Q. Threatening you in what way?

6 A. Telling me that if I said anything that he would hurt
7 my family and then kill me.

8 MR. THORNTON: Court's indulgence, please, Your Honor.

9 THE COURT: All right.

10 Q. Just a few more questions. Jessica, did you meet Mr.
11 Tucker from anyone in particular or did you know him through
12 other people that you knew?

13 A. I met him through Brandon Singleton at the gas station.

14 Q. Okay. Now what was -- do you remember what your phone
15 number was at the time?

16 A. Yes.

17 Q. What was it?

18 A. It was 843-592-1021.

19 Q. And did you provide that information to Detective
20 Gobel?

21 A. Yes.

22 Q. Now when you talked to Detective Gobel did you provide
23 him or turn over your phone to him at some point?

24 A. Yes.

25 Q. And had you done anything to your phone prior to

0 029E

- 1 turning it over to him?
- 2 A. Yes.
- 3 Q. What did you do?
- 4 A. I deleted my call log.
- 5 Q. Why did you do that?
- 6 A. Because I was scared.
- 7 Q. And did you own up to that later?
- 8 A. Yeah, I told him (crying).
- 9 Q. Jessica, I just want to be clear about a few things. I
- 10 know we have hit a lot of things and talked about a lot of
- 11 information, but have you -- there is no question that you
- 12 have bought and sold drugs; ---
- 13 A. Correct.
- 14 Q. --- is that correct?
- 15 A. Correct.
- 16 Q. And that's what you were going there for this day,
- 17 correct?
- 18 A. Right.
- 19 Q. Were you aware of any plot or plan to rob and kill
- 20 Quantez Greer?
- 21 A. No.
- 22 Q. Were you in any way a part of the robbery or killing of
- 23 Quantez Greer?
- 24 A. No.
- 25 Q. Did you set him up to get robbed?

0 0297

1 A. No, I didn't.

2 Q. Did you keep any of the money that was floating around?

3 A. No, I didn't keep anything. They -- they took the
4 money from me.

5 MR. THORNTON: Your Honor, I apologize. Court's
6 indulgence one more time.

7 THE COURT: All right, sir.

8 Q. What was your ex-boyfriend's name, the one whose
9 trailer you were at?

10 A. Eugene Jabar.

11 Q. Okay. Does he go by anything ---

12 A. Chip.

13 Q. Chip. Okay. Thank you. Jessica, I have actually
14 already asked a couple of people this, but I always try to
15 make sure I have covered it. What county is this trailer
16 park in; is this here or is it somewhere else, but what
17 county is it in?

18 A. Beaufort County.

19 MR. THORNTON: At this time, Judge, I don't have
20 anything further. Thank you very much, Jessica. Answer any
21 questions that Mr. Wright has for you.

22 THE COURT: Cross examination.

23 **CROSS-EXAMINATION BY MR. WRIGHT OF JESSICA POWER:**

24 Q. Good afternoon.

25 A. Good afternoon.

0 0298

1 Q. Ma'am, let me start prior to the day of the shooting.
2 I think you testified to the jury that you met Mr. Tucker at
3 a gas station, correct?

4 A. Correct.

5 Q. A week, two weeks before the shooting?

6 A. About a week.

7 Q. Okay. And after meeting him at the gas station at some
8 point you met him at a hotel, correct?

9 A. Correct.

10 Q. In fact you met him at his hotel room on two occasions,
11 correct?

12 A. Yes.

13 Q. When you met him at a hotel it was late, correct?

14 A. Right, because I worked at Applebee's and I didn't get
15 off of work until about 2:00, 2:30.

16 Q. Understood. So you went -- let's talk first the first
17 occasion. You went to see Mr. Tucker at his hotel room
18 around 2:30 or so a.m. once you got off of work?

19 A. Right.

20 Q. Okay. And when you met him on this first occasion it
21 was just you and him in the hotel room, correct?

22 A. Correct. Because he had called me because he wanted to
23 buy some weed because he was still waiting for his shipment
24 to come in.

25 Q. Okay. So the jury understands, you actually sold him

0 0295

1 weed ---

2 A. Yes.

3 Q. --- on this first occasion?

4 A. Yes, sir.

5 Q. Okay. And you stayed there -- well, you didn't just
6 sell him weed and leave, did you?

7 A. No, I stayed there and smoked.

8 Q. Okay. So you stayed in his hotel room for a couple of
9 hours and I think you left around four-something in the
10 morning; is that fair?

11 A. Probably.

12 Q. Okay. And it is your testimony to the jury that all
13 the two of you did was smoke weed from two-something in the
14 morning until four-something in the morning in his hotel
15 room?

16 A. And he showed me like videos that he used to be in like
17 rap videos.

18 Q. Okay. And it is your testimony under oath the two of
19 you weren't intimate during this occasion?

20 A. Yes.

21 Q. Okay. Yes, you were or yes ---

22 A. No, we were not.

23 Q. You are not saying that?

24 A. We were not.

25 Q. And the second occasion you again went to his hotel

0 0300

- 1 room, correct?
- 2 A. Correct.
- 3 Q. Again it was just the two of you, correct?
- 4 A. Brandon Singleton was there for a few minutes and then
- 5 he left.
- 6 Q. Okay.
- 7 A. Because they both needed weed.
- 8 Q. And on this occasion did you sell weed to Mr. Tucker?
- 9 A. Yes.
- 10 Q. Okay. And on this occasion you also stayed several
- 11 hours, correct?
- 12 A. It probably wasn't several hours.
- 13 Q. Well, a few hours?
- 14 A. It probably -- I don't really -- I'm not sure exactly
- 15 how long it was, but --
- 16 Q. Okay.
- 17 A. --- I stayed and smoked.
- 18 Q. Okay. This again was in the wee -- wee hours of the
- 19 morning, there later ---
- 20 A. Once I got off of work at Applebee's, yes. Because I
- 21 worked at Applebee's until 2:00 a.m. when I closed. And
- 22 then I would close.
- 23 Q. Okay. So at this point you have met him at a gas
- 24 station; you have met him at his hotel room twice, smoked
- 25 weed with him twice; you acknowledged that, correct?

0 0301

1 A. Correct.

2 Q. And by now you have at least saved his number into your
3 phone, correct?

4 A. I am not sure if it was saved or not. I didn't save
5 many numbers.

6 Q. Okay. If I was to show you your phone records would
7 that help refresh your recollection maybe?

8 A. As in?

9 Q. If I was to show you some of your records of your cell
10 phone -- I think you previously testified to the jury that
11 your cell number was what, 843-592-1021; correct?

12 A. Correct.

13 Q. Okay. And you gave law enforcement your cell phone,
14 correct?

15 A. And my records, correct.

16 Q. Okay. If I was to show you some of your contacts or
17 your saved numbers would that help refresh your
18 recollection?

19 A. Refresh it on what?

20 Q. Refresh whether or not you had Mr. Tucker's phone
21 number saved in your phone.

22 A. Oh, yeah, I am not aware; so yes.

23 Q. Okay.

24 MR. WRIGHT: May I approach the witness?

25 THE COURT: Certainly.

0 0302

- 1 A. That wasn't saved. That just shows there is a call.
- 2 Q. Okay. It is under this DP designation?
- 3 A. That -- that wasn't -- I don't know how that happened.
- 4 That is not -- that is not the -- like if it was saved then
- 5 that would not -- ended the call.
- 6 Q. Okay.
- 7 A. Because that was my friend and that was his phone
- 8 number.
- 9 Q. Okay. So his number appears in your records, but it
- 10 wasn't intentional on your part?
- 11 A. Right, because there was actually a few mix-ups with my
- 12 cell phone numbers and different numbers and call logs and
- 13 different names with different numbers.
- 14 Q. Okay. But I mean and I understand the explanation, but
- 15 it does appear at least that his number is in your phone?
- 16 A. Well, it was not intentional for his number to be saved
- 17 under that.
- 18 Q. Okay. Now I think you -- you have testified under oath
- 19 a few times, correct?
- 20 A. Correct.
- 21 Q. Once would have been back in maybe October of last
- 22 year, correct?
- 23 A. Pretrial.
- 24 Q. Well, I'm not going to ask you what the proceedings
- 25 were, just whether or not you recall testifying. Is that

0 0303

1 fair enough?

2 A. Yes.

3 Q. Do you remember back in October of last year you may
4 have testified?

5 A. Yes.

6 Q. Then I think counsel has already pointed out you have
7 testified January of this year at a different proceeding,
8 correct?

9 A. Correct.

10 Q. And you also provided a written statement to the police
11 when this first happened, correct?

12 A. Right away.

13 Q. And when you provide that written statement that was I
14 mean soon after everything had occurred, correct?

15 A. Correct.

16 Q. All right. And if Mr. Greer was your friend you
17 certainly wanted to make sure you gave law enforcement
18 accurate information, correct?

19 A. Correct.

20 Q. Now have you reviewed your statement recently?

21 A. As in?

22 Q. Have you read it over, just sort of reviewed it,
23 familiarized yourself again with what you put in your
24 written statement?

25 A. I mean I don't have to familiarize with it. It was

0 0304

1 what happened to me and what I know.

2 Q. Okay. Do you recall -- well, let me ask it this way:

3 Do you recall in your written statement stating that you and
4 Chucktown -- and I don't know if that has been established.

5 Mr. Greer you knew him by another name, correct?

6 A. That was his nickname.

7 Q. Chucktown?

8 A. Yes.

9 Q. Okay. That you and Chucktown pulled in and the two of
10 them started asking -- or rather Chucktown started talking
11 to Oouwee about a price ---

12 A. Correct.

13 Q. --- like negotiations -- correct?

14 Q. Okay. And do you recall in your statement you said at
15 that time Oouwee went inside the trailer?

16 A. When would he have went inside?

17 Q. Well, I am asking you in terms of do you recall in your
18 statement saying that Oouwee went inside the trailer after
19 the negotiations stopped?

20 A. I was pretty shook up right when I wrote that
21 statement. So I know for a fact that he was standing
22 outside the whole time until I walked up there.

23 Q. Okay. Well, so are you acknowledging that what you put
24 in the statement may be different than what you testified to
25 the jury ---

0 0305

1 A. Well, the statement was written right after I had been
2 robbed and my friend had been shot; so I was a little shook
3 up when I wrote that statement.

4 Q. Okay. Well, earlier when I asked about the
5 statement -- I mean you wanted to make sure that you gave
6 accurate information in the statement to the police though,
7 correct?

8 A. The statement was written right after I had gotten
9 robbed.

10 Q. Okay. Well, let me ask you do you recall in your
11 statement saying that after this negotiation that Oouwee
12 actually went inside the trailer; do you recall that? Yes
13 or no, ma'am?

14 A. In my written statement?

15 Q. Yes. Would it help to ---

16 MR. THORNTON: I have got a copy she can review if that
17 would help refresh her recollection.

18 Q. I was about to ask. Would it help refresh your
19 recollection to give you a copy of your statement?

20 A. Yes.

21 Q. Okay. In fact I'm going to give you both counsel's
22 copy, but I am going to give you -- because I am going to go
23 right to one of the highlights if that will help zoom you in
24 on some of the things I might ask you about. And I am sort
25 of right in this area right here (pointing).

0 0306

1 If you could review that to yourself. Not out loud but
2 just to yourself. And let me know when you are ready and I
3 will come back to the question.

4 A. Yes, it does say that.

5 Q. Okay. So in your statement right after the incident
6 you said that Oouwee actually goes inside the trailer as
7 opposed to waiting outside for the two of you, correct?

8 A. Right, but he didn't go inside.

9 Q. Okay. And in looking further in your statement you
10 said that you went inside the trailer, correct?

11 A. We were both on our way inside, and Quantez was locked
12 out.

13 Q. Well, you said that Chucktown handed you the money,
14 correct?

15 A. Correct.

16 Q. And you said you went inside; you didn't in your
17 statement ever say that Chucktown got out the car and was
18 going with you; you never said that in your statement, did
19 you?

20 A. Yeah, I didn't say that in there.

21 Q. You said you did not?

22 A. Huh-uh.

23 Q. Okay. Then in your statement you say well right away
24 the door was locked and you were thrown to the floor?

25 A. Yes.

0 0307

1 Q. Okay. Earlier, a few minutes ago, you told the jury
2 that when you first got in the door was locked but there was
3 an exchange where a gun was pointed at you. I think you
4 were asked about giving the money up and you said no?

5 A. Yes.

6 Q. It wasn't until sometime later you were actually put on
7 the floor is what you said?

8 A. Like three seconds after that. Right away. I mean I
9 don't know how big of a difference it is, but I was put on
10 the ground right away after.

11 Q. Okay.

12 A. Just like when I got out of the car and I proceeded to
13 walk around and Quantez got out behind me we were both
14 walking up the stairs and Oouwee was holding the door open,
15 because the door opened out.

16 And then I walked inside. And I am looking straight,
17 and the door was slammed and locked. And I turned around;
18 and that is when he pulled a gun out of his waist and
19 pointed it at me and said you stupid white bitch, give me
20 the money.

21 Q. Okay. Thank you for that. And I'm going to ask you
22 questions so the jury can understand the parts of that.

23 So we are at the point where in your statement you have
24 said you went inside, at least at this point, which is the
25 earliest point you have talked to law-enforcement?

0 0308

1 A. This was right after I got robbed and a gun pointed at
2 me, yes. And heard multiple shootings.

3 Q. Absolutely. Absolutely.

4 A. So I was a little shook up, ---

5 Q. So ---

6 A. --- and I am sure I didn't say it word for word.

7 Q. But certainly this is also the time when you realized
8 your friend had been shot and killed ---

9 A. No, I did not.

10 Q. --- and you want to make sure you give law-enforcement
11 accurate information?

12 A. I did not know that my friend was shot and killed until
13 about four hours after I talked to police.

14 Q. Okay. Now in your written statement you also indicated
15 that they took the money and asked for the rest, correct?

16 A. Correct. Because Oouwee was standing outside the whole
17 time and he probably was watching Quantez count his money.

18 Q. Okay.

19 A. Because how else would they ask for the rest?

20 Q. Okay. I understand I guess that is your belief, but
21 that is not what you put in your statement.

22 A. The statement was written right after I was robbed at
23 gunpoint and thrown on the ground and ran from gunshots.

24 Q. Okay.

25 MR. THORNTON: Your Honor, the State will consent if he

0 0305

1 wants to introduce her statement into evidence instead of
2 just going through it line by line by line.

3 I mean the State is not going to object. It is her
4 written statement. If he wants to introduce it we are not
5 going to object to it.

6 MR. WRIGHT: Judge, I think first I can properly
7 impeach a witness with their prior statements.

8 THE COURT: I agree. Go ahead.

9 BY MR. WRIGHT:

10 Q. Now and I understand this may be emotional for you.

11 A. It is definitely emotional.

12 Q. I am going to keep asking questions. If at some point
13 you need me to pause and stop to help gather yourself, just
14 let me know.

15 I am not trying to be cruel or mean, but there are
16 questions that need to be asked. Is that fair?

17 A. Yes.

18 Q. Okay. Now we had just gotten to the point where I had
19 indicated in your first statement to the police you simply
20 said they took the money and were asking for the rest. That
21 is in your statement, correct?

22 A. Correct.

23 Q. Okay. Then you said the other -- the other guy ---

24 A. Saying as in Oouwee was asking that.

25 Q. Okay. Well, you just said they took the money. I mean

0 0310

- 1 you didn't ---
- 2 A. I guess I didn't ---
- 3 Q. --- make that detail?
- 4 A. --- specify. But it was Oouwee asking me where the
- 5 rest of the money was, ---
- 6 Q. Okay.
- 7 A. --- sir, just to be clear.
- 8 Q. Okay. But the important part is according to the
- 9 statement had already taken the money and were asking for
- 10 the rest of it, correct?
- 11 A. Right.
- 12 Q. Well, you told the jury maybe 30 or 40 minutes ago was
- 13 that when you first got in there you refused ---
- 14 A. Because I didn't think it was real.
- 15 Q. --- to give it to them.
- 16 A. I didn't think that I was really getting robbed.
- 17 Q. Okay. And then secondly when he looked in your purse
- 18 he couldn't find the money, any of it?
- 19 A. Right, because it was on the outside of the purse and
- 20 he was looking on the inside of my purse.
- 21 Q. Okay.
- 22 A. Because I have like six different pockets, and the
- 23 money was outside on the side; and he was just digging
- 24 through the inside.
- 25 Q. Okay. So in your statement when you said they took the

0 0311

1 money, but today you are saying they actually couldn't find
2 it and had to give you the purse back?

3 A. Threw the purse at me and told me to give them the
4 fucking money.

5 Q. Okay. Now you said the other guy asked for the gun and
6 went outside, correct?

7 A. Correct.

8 Q. Okay. And at some point after he went outside you
9 heard a shot, correct?

10 A. Correct.

11 Q. And in your statement at that point you said you got up
12 off the ground and ran and you kept hearing shots?

13 A. No, at that point I got -- at that point once Travis
14 jumped over me and ran outside and there was one -- the
15 gunshot. And Oouwee was kneeling down with a gun holding it
16 on me. Jumped up and ran outside.

17 And then I heard multiple gunshots going off at the
18 same time. And then I ran into this back room to duck. And
19 I tried to find a way out, and I couldn't. And then I saw
20 this guy run out this backdoor. And he looked just as
21 scared as I did. So I ran too.

22 Q. Okay. And maybe I am not seeing it. Because I make
23 mistakes and sometimes I overlook things. In this statement
24 I see where you said that is when the other guy said give me
25 the gun and went outside, you heard a gunshot.

0 0312

1 And then I think you say, what, then you got up off of
2 the ground and ran and kept hearing shots; correct? That
3 next sentence, I heard a gunshot and got up off the ground
4 and ran and kept hearing shots. That is the next part of
5 your statement, right?

6 A. Correct.

7 Q. And then you talk about that other black male. Saw a
8 black male run out the back door?

9 A. But before that I saw Oouwee. He was holding a gun to
10 me on the floor. And when he heard the first gunshot he
11 jumped up and he ran out of the front door. And then I
12 heard multiple gunshots at the same time where there was two
13 people shooting.

14 Q. And I understand that. And I know you have said that
15 several times. But in your statement you didn't say
16 anything about Oouwee going out the front door with a gun;
17 that is not in your statement, is it?

18 A. It is not in my statement, but the statement was taken
19 right after I was robbed at gunpoint.

20 Q. But you just told this jury how egregious this is that
21 Oouwee has got a gun on you ---

22 A. After he pulled it out of his pocket. Because he gave
23 Travis Polite the other gun that he had.

24 Q. I understand that. But nowhere in your statement did
25 you ever say ---

0 0313

1 A. Yes ---

2 Q. --- that he went out the front.

3 A. I was pretty shook up when I wrote this statement, and
4 I didn't give exact detail by detail. This was 20 minutes
5 after I had been robbed at gunpoint and thrown on the
6 ground.

7 Q. In fact, did you put in your statement that there was a
8 second gun that Oouwee pulled out?

9 A. I know at one point I told the police that. I told the
10 police in my other statement when they interviewed me. Yes,
11 I know for a fact that I -- they were aware of all of that.

12 Q. Okay. I'm asking about your statement.

13 A. The statement that I wrote or the statement that I told
14 the police, ---

15 Q. This statement ---

16 A. --- I am pretty sure they are ---

17 Q. --- that you wrote ---

18 A. --- both the same.

19 Q. --- did you ever say anything about Oouwee pulling out
20 a second gun; yes or no?

21 A. Actually here where it says -- there is a little star
22 and it says next page.

23 Q. Okay.

24 A. See second page. And then there is a star, and it says
25 they had the gun on the back of my head and said that if I

0 0314

1 snitched I would die.

2 Well, there I guess I should have put Oouwee had the
3 gun on the back of my head and snitched -- and said if I
4 snitched I would die.

5 Q. Okay. But you said they ---

6 A. Because I just got robbed at gunpoint and I didn't know
7 how to think straight, think detail by detail by detail.

8 Q. Well, let me ask you some questions. You told us you
9 were on the ground face down, correct?

10 A. Correct.

11 Q. So once the guy you now know to be Travis leaves the
12 trailer you hear a shot but you can't see him, you can't --
13 you don't know what is going on; correct?

14 A. Correct.

15 Q. And then you say Oouwee went out the front?

16 A. Well, Oouwee was squatted down. When Travis jumped
17 over me that is when Oouwee pulled the gun out of his
18 pocket, squatted down and held the gun down on me.

19 Q. I understand. My question is but when he goes out the
20 front door, which is what you said he did, right, he pops
21 up; ---

22 A. Right after he heard the first shot.

23 Q. --- he goes out the front door; you can't actually see
24 what he is doing in the front either, can you?

25 A. I couldn't see anything.

0 0315

- 1 Q. Okay.
- 2 A. But I could hear multiple gunshots at the same time.
- 3 Q. Okay.
- 4 A. Which means more than one person was shooting, not just
- 5 one person.
- 6 Q. How many gunshots did you hear?
- 7 A. At least six gunshots.
- 8 Q. Six?
- 9 A. Yes. At the least.
- 10 Q. At least? Would you say six to ten?
- 11 A. I wasn't counting. At that point I was running.
- 12 Q. Okay. But you would say at least six and it could have
- 13 been more?
- 14 A. Right.
- 15 Q. Okay.
- 16 A. It was multiple gunshots at the same time that
- 17 sounded ---
- 18 Q. Okay.
- 19 A. --- distinctively different.
- 20 Q. Okay. So to make sure I and really the jury
- 21 understands, you are telling this jury you heard about six
- 22 gunshots and they sounded different so that it must have
- 23 been ---
- 24 A. More than one person ---
- 25 Q. --- different kind of guns?

0 0316

1 A. More than one person shooting, yes.

2 Q. Okay. Well, let me ask you, that first gun that you
3 say Oouwee gave Travis what did it look like?

4 A. It was a big gun. I don't know. I have never shot a
5 gun in my life.

6 Q. Okay. To do that sort of -- I know you may not have
7 shot a gun; but it did look like one of those guns that has
8 a clip that goes in, you know, that you sort of chamber this
9 way, what we call semi automatic?

10 A. I couldn't tell you what that was.

11 Q. Let me show you something.

12 MR. THORNTON: Judge, may I approached the witness.

13 THE COURT: Certainly.

14 Q. I am going to show you a picture. And I am not saying
15 it is the gun. I just want you to look at the type. Fair
16 enough?

17 I am going to show State's Exhibit 6. I am showing you
18 a gun like that. Did the gun you claim Travis was given by
19 Oouwee did it have this kind of look? Do you see what I am
20 saying?

21 It may not -- I am not saying it is this gun, but this
22 type of gun.

23 A. No, I mean I really don't remember.

24 Q. Okay. Do you remember what color it was?

25 A. I just remember it was a gun pointed right in my face.

0 0317

1 Q. Well, let me ask you. Do you remember whether your
2 friend Chucktown had a gun?

3 A. In his glove compartment.

4 Q. Do you remember what it looks like?

5 A. A gun.

6 Q. Yes?

7 A. It looked like a gun. I don't know. I don't know the
8 difference between guns.

9 Q. Did it look like this gun?

10 A. No.

11 Q. Do you know the difference between a revolver and a
12 semi automatic?

13 A. I am not sure.

14 Q. Okay. All right. So I think we were at a point you
15 said at least six shots, different guns, because they
16 sounded different to you; correct?

17 A. Yes.

18 Q. And you are hearing this while you are running to
19 the back room at first and then you follow the other black
20 guy out of the back door when you see him bust through,
21 correct?

22 A. Once I saw him run he looked just as scared as I did.
23 I figured it is a fight or -- I didn't -- figured I had to
24 run or I was going to get shot, so I ran. And I figured
25 that was the safest way out.

0 0318

1 Q. Okay. Now how about the second -- and I don't think I
2 asked you. I asked you about the first gun that you say
3 Travis got and took out here.

4 What did the gun look like that you said Oouwee pulled
5 in terms of the second gun?

6 A. I don't really know because I was face down on the
7 floor. I know that he pulled a gun out of his pocket.

8 Q. Okay. So did he pull both guns out of the same pocket?

9 A. No, sir.

10 Q. So he had one gun in each pocket?

11 A. No, the first gun was in his waist right in front of
12 him.

13 Q. Okay. And again, you can't tell the jury the color or
14 make or kind of gun either of these two guns are?

15 A. No, sir, it happened so quick. I have no idea. I have
16 never really seen a gun before like that especially pointed
17 at my face.

18 Q. Now, you get away from this trailer. You are
19 some distance away. I think you said you went to your
20 ex-boyfriend, Chip, ---

21 A. Yes.

22 Q. --- his trailer. Okay. Did you call 911 while you
23 were running to the other trailer?

24 A. I didn't call anybody while I was running.

25 Q. Did you ever call 911?

0 0319

1 A. No, I called Quantez to see if he was okay.

2 Q. So make sure I'm -- I want to make sure I am following
3 your testimony. Your testimony today to the jury is that
4 you and Chucktown both got out the car together, while the
5 two of you were about to go into the trailer they slammed
6 the door behind you which would have slammed the door right
7 in his face; correct?

8 A. Yeah.

9 Q. Okay. So if you could tell was Chucktown banging on
10 the door, was he looking in the window, did he ---

11 A. No, because ---

12 Q. --- just say hey?

13 A. No, because the stairs are really short. So by the
14 time I had walked up the stairs I don't think he was -- I
15 wasn't turned around watching him walk. But I assume that
16 he was right behind me.

17 And once I walked up the stairs, walked, literally
18 walked right through the door, it was slammed and locked.

19 Q. Okay.

20 A. And that's when I turned around and saw him locking it.
21 And then he pulled the gun out and pointed it at me. And he
22 as in Oouwee.

23 Q. Okay. Let me ask you, at no point -- and understand
24 you have a lot going on. Did you -- were you able to see
25 whether Chucktown remained just outside the door or ---

0 0320

- 1 A. No, I wasn't ---
- 2 Q. --- where or what he did?
- 3 A. --- able to see him at all.
- 4 Q. Okay. Now, you know, looking at State's Exhibit 16
- 5 your testimony to the jury is that even though Chucktown
- 6 only had to take two or three steps to get to the stairs and
- 7 go into the trailer he was concerned that he couldn't put
- 8 the \$2,500 in his pocket or just secure it but thought he
- 9 should give it to you ---
- 10 A. To put in my purse.
- 11 Q. --- to put in your purse?
- 12 A. Because that's where the weed was going to go after he
- 13 purchased it.
- 14 Q. Okay. Well, the weed was -- may go in your purse,
- 15 but --- let me put it a different way. His relationship to
- 16 you, you say friend; but he was a weed dealer, correct?
- 17 A. Correct.
- 18 Q. Okay. That is why he is trying to buy weed, correct?
- 19 A. Correct.
- 20 Q. And you buy your weed from him, right?
- 21 A. Correct.
- 22 Q. But for some reason on this occasion you are trying to
- 23 help your supplier get weed, and I guess was he then going
- 24 to sell you some of the weed?
- 25 A. He was going to give me some weed for helping him out.

0 0321

1 Q. Okay. So you were going to get something out of this?

2 A. I was going to get some weed from Quantez.

3 Q. Okay. Now but you are telling this jury that even
4 though you are right there he thought it would be better to
5 hand you the money so you could put it in your purse and
6 then walk around the car instead of him just stepping out
7 and going in to do the deal?

8 A. He told me it was too much money to put in his pocket
9 and to put it in my purse.

10 Q. Okay. Now when you say that, I meant to have something
11 here but we are talking about a pretty -- I mean I know
12 money is not this long (motioning) but was that stack this
13 thick (motioning), or was it thicker?

14 A. It was thicker.

15 Q. Maybe if we doubled this up (motioning)?

16 A. Probably not as ---

17 Q. Would you say about that thick (motioning)?

18 A. I am not really sure. It was about three years ago. I
19 don't exactly remember how thick it was.

20 Q. Okay.

21 A. But I do remember it being pretty thick.

22 Q. Lots of 20's and ---

23 A. A bunch of 20's.

24 Q. So it was a pretty big size stack?

25 A. For being \$2,500, yes.

0 0322

1 Q. But at the same time you said it wasn't -- no one --
2 well, Oouwee and the folks couldn't find it in the purse
3 even though it was a big ole stack?

4 A. It was -- because the way my purse was set up. It was
5 a big purse and they were looking on the inside. Well,
6 there was two outside things and two side things on the
7 outside of the purse. He was digging through the inside of
8 the purse.

9 Q. Okay. And you are saying the big stack didn't create
10 any sort of bulge on the outside pocket of your purse?

11 A. No, my purse was pretty large.

12 Q. Okay. All right. Let me get back to where I was. You
13 had gotten away from the trailer. You have gotten to
14 Chip's. You are hiding. You called Chip, didn't you?

15 A. Yes.

16 Q. You didn't call 911 before you called Chip, did you?

17 A. Well, when I was running I saw these three ladies.
18 And all the gunshots I knew that somebody was going to call
19 911. And at that point I knew that I had to get somewhere
20 safe.

21 Q. Ma'am, I appreciate your answers; but a short answer to
22 that then is no you didn't call 911 before calling Chip?

23 A. I didn't call 911.

24 Q. Okay. And while after you called Chip and asked him to
25 come home to assist you you didn't call 911 then, did you?

0 0323

1 A. No, I tried to call Quantez.

2 Q. Okay. And there were also phone calls going back and
3 forth between you and Mr. Tucker, weren't there?

4 A. Yeah, he kept calling me asking me where I was and
5 threatening me.

6 Q. Okay. Is it your testimony under oath that you didn't
7 call him?

8 A. I might have accidentally pocket dialed him or
9 something, but there was so much going on that I did not
10 intentionally call him. He had just robbed me.

11 Q. Is it your testimony under oath that you didn't call
12 him and have ---

13 A. I didn't call him intentionally.

14 Q. You didn't have any lengthy conversation?

15 A. No, I just remember at one point I heard screaming
16 coming from my phone and then realized that it was that he
17 was on there and he was threatening me and telling me that I
18 better keep my mouth shut or he would hurt my family and
19 then kill me.

20 Q. Okay. Well, I think you admitted to the jury you
21 deleted all of your call log stuff in your phone; correct?

22 A. Correct.

23 Q. But when you are calling another person's phone you
24 would agree their call records would still show the calls,
25 right?

0 0324

1 A. And so would the calls that I printed out would have
2 gone to the police station the next day.

3 Q. Okay. Well, the calls you printed out and gave to them
4 were after you already made deletions; correct?

5 A. Correct, because I was scared. So I knew the right
6 thing to do would go to Verizon and print out my phone
7 records.

8 Q. Which meant if the police wanted a complete call
9 history, the complete records of your phone, they would need
10 to go directly to the phone company at that point and get
11 your full records; fair enough?

12 A. Yeah, I believe they got with the records.

13 Q. Okay.

14 MR. WRIGHT: Now, if I can approach the witness, Judge.

15 THE COURT: Certainly.

16 Q. I think you said it has been some time and you weren't
17 sure in terms of phone calls going back and forth between
18 you and Mr. Tucker. If you could review this document to
19 refresh your recollection and then I will ask you some
20 questions. Is that fair enough?

21 A. Uh-huh.

22 Q. Okay. And just I have tried to highlight numbers that
23 you should recognize, one being yours. I think that you
24 have already testified Mr. Tucker's number.

25 And then specifically these. Would you just take a

0 0328

1 look at that for me.

2 (WHEREUPON, document presented to witness.)

3 Okay. Showing you that does that refresh your
4 recollection at -- and I am going to ask two time periods.
5 Prior to the incident that happens at Taylor's, calls were
6 going back and forth between you and Mr. Tucker; is that a
7 fair statement?

8 A. Correct.

9 Q. Okay. Well, let me say -- it is an accurate statement
10 in terms of the calls going back and forth between you and
11 Mr. Tucker?

12 A. Correct.

13 Q. Okay. After the incident occurs there's many calls --
14 do you remember many calls of Mr. Tucker trying to call you,
15 reach out to you?

16 A. Yes.

17 Q. Okay. At some point having reviewed those, that
18 document, do you see where your phone has called him?

19 A. Yes.

20 Q. And having looked at that document does it appear
21 that the longest calls may have been from your phone to
22 his ---

23 A. Yes.

24 Q. --- after the incident?

25 A. I am pretty sure it was an accidental pocket dial. I

0 0326

1 did not intentionally call him.

2 Q. Okay. So you are telling the jury that if they see any
3 indication that your phone called Mr. Tucker after the
4 shooting - and those are the longest calls - that that is a
5 pocket dial by accident?

6 A. Yes, I was hiding trying to call Quantez.

7 Q. Okay.

8 A. And I kept getting phone call after phone call after
9 phone call trying to find out.

10 Q. I understand. Thank you. Because certainly you have
11 no reason to call and talk to someone who had just armed
12 robbed and kidnapped you, right?

13 A. Correct.

14 Q. Now when you testified back last year, October 2014, do
15 you remember you were placed under oath; correct?

16 A. The pretrial?

17 Q. Okay.

18 A. Is that ---

19 Q. But you ---

20 A. --- what you are referring to is the pretrial motions?

21 Q. Yes. And you were placed under oath, correct?

22 A. Correct.

23 Q. Do you remember asking -- being asked whether or not
24 you sold drugs, you were a drug dealer?

25 A. Do I remember?

0 0327

1 Q. Do you recall being asked that question? If I was to
2 show you the transcript would that refresh your
3 recollection?

4 A. I am pretty -- yes, I recall being asked that.

5 Q. Okay. And on that occasion you said you weren't a drug
6 dealer; do you remember that?

7 A. Correct.

8 Q. Now you are saying to this jury you are a drug dealer,
9 correct?

10 A. I am not currently drug dealing.

11 Q. At the time this happens -- and I am sorry for
12 semantics. Let me ask you in more detail. Back when all of
13 this was occurring you were a drug dealer?

14 A. I was -- yeah, I sold weed. Which I did and I am
15 pretty sure I stated later on I did.

16 Q. Okay. Why did you when you were under oath before why
17 did you not tell the truth and say you weren't?

18 A. It wasn't that I wasn't telling the truth. I just
19 didn't consider it -- it is not like I was out selling drugs
20 all the time. I just got weed for me and then some of my
21 friends.

22 Q. Okay. Now I think we covered that when the first shot,
23 you hear the first shot, there is at some point Oouwee you
24 say goes out the front. I think you said he was kneeling
25 down with you, correct?

0 0328

- 1 A. Correct. With a gun.
- 2 Q. Would you agree he at some point has to stand up ---
- 3 A. And jump over me because I was laying right in front of
- 4 the door.
- 5 Q. Jump over you. He has to get to the door. Now is this
- 6 like an outside door and a screen door or just an outside
- 7 door?
- 8 A. Just a door.
- 9 Q. Just ---
- 10 A. Just an outside door.
- 11 Q. Okay. And did he have to unlock it? I mean had it
- 12 gotten locked behind the other gentleman, or do you know?
- 13 A. I am not aware because I was laying face down on the
- 14 floor.
- 15 Q. Okay. In other words I'm saying it took some time for
- 16 Mr. Tucker to stand up, jump over you, open the door and get
- 17 to the outside; is that ---
- 18 A. Only about three seconds.
- 19 Q. Three seconds?
- 20 A. It was pretty quick.
- 21 Q. Okay. And I think you said at that point you hear six
- 22 or more gunshots?
- 23 A. At that point I heard probably about three at that
- 24 point.
- 25 Q. Okay.

0 0329

- 1 A. And that's when I got up.
- 2 Q. Well, how many did you hear in total before you think
- 3 Mr. Tucker got out of the trailer?
- 4 A. One.
- 5 Q. Just one?
- 6 A. One.
- 7 Q. Then you say you heard at least three more when he gets
- 8 out of the trailer ---
- 9 A. Uh-huh.
- 10 Q. --- and then how many more after that?
- 11 A. I mean I wasn't counting at that point. I was trying
- 12 to find a way to get out of there.
- 13 Q. Okay. And do you remember how long the gun you say Mr.
- 14 Tucker had is?
- 15 A. How long?
- 16 Q. Was it like a big long gun like a ---
- 17 A. No, ---
- 18 Q. --- shotgun?
- 19 A. --- it was just -- it was a gun ---
- 20 Q. A pistol?
- 21 A. --- small enough for him to put in the front of his
- 22 pants to the left.
- 23 Q. Okay.
- 24 A. And then the other one was the size of being able to
- 25 fit into his pocket and take out.

0 0330

1 Q. Okay.

2 MR. WRIGHT: Judge, just a moment. I just need to
3 review.

4 THE COURT: Okay

5 Q. Mr. Greer had additional -- he had more money in his
6 car than what he needed to make this deal; is that correct;
7 do you remember?

8 A. I don't remember.

9 Q. Okay. But I think you said it was mostly like 20's and
10 50's; you know, there were -- they weren't the big bills.

11 A. I wasn't really watching him count his money but I know
12 that he was counting money.

13 Q. Okay. And the guy that you saw that you said went out
14 that you now know to be Travis had a white dew rag or
15 something on his head, correct?

16 A. He had a white T-shirt. It was like ---

17 Q. So he was using a white T-shirt like a rap, wrapping
18 around his head or something like that?

19 A. No, it was just like sitting on the top of his head.

20 Q. Okay. And Mr. Tucker had on shorts, didn't he?

21 A. Uh-huh.

22 Q. Okay. And you have said that before in testimony?

23 A. And a white tank top.

24 Q. Okay. But Mr. Tucker had shorts. Do you remember what
25 color the shorts were?

0 0331

- 1 A. No.
- 2 Q. Okay. But he didn't have blue jeans on; he had shorts?
- 3 A. Correct.
- 4 Q. Okay. He definitely didn't have any color-washed blue
- 5 jeans on; he had shorts, correct?
- 6 A. I know he had shorts on. I don't know -- things that
- 7 aren't colored.
- 8 Q. No.
- 9 A. But I know that they were shorts.
- 10 Q. And he didn't have a white thing, T-shirt or dew rag on
- 11 his head; he just had the T-shirt on ---
- 12 A. Right.
- 13 Q. --- and shorts?
- 14 A. He had a white tank top on.
- 15 Q. White tank top and shorts, correct?
- 16 A. Correct.
- 17 Q. When you got to Chip Jabar's I know you were asked by
- 18 Mr. Thornton. Is it your testimony today that that money
- 19 wasn't still in your purse?
- 20 A. No, the money -- they took my purse.
- 21 Q. You never asked Mr. Jabar to keep the money there?
- 22 A. No, I got robbed at gunpoint. They took the money from
- 23 me.
- 24 Q. Now you stayed at the trailer, Mr. Jabar's; and then at
- 25 some point you left and went to talk to police, correct?

0 0332

1 A. No, the police came there and talked to me.

2 Q. So they came and ---

3 A. I was too scared to go outside.

4 Q. Okay.

5 A. That Chip went and got the police to come and talk to
6 me because I was too scared to go outside.

7 Q. I understand. But before the police arrived from the
8 time of the shooting until the time law enforcement gets to
9 you you didn't call 911 but you did start to erase your
10 phone log -- your phone calls, correct?

11 A. After I was threatened that if I said anything that
12 they would hurt my family and kill me.

13 Q. Okay.

14 A. At that point I didn't know what to do I was so scared.
15 I had just been robbed at gunpoint.

16 Q. So you didn't want to be able to show the police hey
17 here's phone calls, here's, you know, stuff showing you ---

18 A. I didn't know what to do.

19 Q. --- who this is?

20 A. I was so scared. I didn't know what to do. All I know
21 is that I was threatened and I was worried about being
22 killed, my family being hurt.

23 Q. Okay.

24 MR. WRIGHT: One moment, Judge.

25 THE COURT: All right, sir.

0 0333

1 Q. I know we went over that you offered your phone
2 records. In fact, ---

3 MR. WRIGHT: May I approach, Judge?

4 THE COURT: Certainly.

5 Q. I want to show you something to refresh your
6 recollection. Looking at some of your phone records would
7 you agree that it contains most of your August phone calls,
8 text messages, things of that nature?

9 A. I don't see a date anywhere on here.

10 Q. Well, I am going to -- I'm sorry, I couldn't get
11 another copy made. But if you want to review this document
12 where you can see different phone calls, text messages, all
13 coming from here, especially text messages.

14 In fact this is generally, what, text messages from
15 your phone?

16 Do you want to review it and see if they appear to be
17 messages that you can remember?

18 A. Yeah, they are from my phone.

19 Q. Okay. And so August seems to be pretty complete. But
20 on September 6 -- well, let me just ask you are you -- would
21 you agree that all the different messages and things of that
22 nature of September 6, 2012, those are some of the things
23 you may have deleted?

24 A. Excuse me?

25 Q. Would you agree based on your earlier statement that

0 0334

1 when those records get to September 6, the day of the
2 shooting, those are things that you deleted so that they are
3 not going to show, various messages won't show on September
4 6, 2012, because you deleted things?

5 A. I deleted my call log.

6 Q. Is it your testimony you didn't delete anything else?

7 A. Not that I recall. It was three years ago.

8 Q. Okay. Fair enough. And was text messaging a way that,
9 you know, when it was time to sell weed customers would get
10 hold of you?

11 A. Correct.

12 Q. Okay. And there was one text message that I took note
13 of. Back then -- I think you are saying to the jury you are
14 a different person now; you don't sell drugs, correct?

15 A. I don't sell drugs, no, sir.

16 Q. Okay. But back in 2012 were you about the money? Do
17 you remember ever saying that or that being your mantra?

18 A. I remember -- I don't understand what you are trying to
19 ask me.

20 Q. Well, I am just asking its -- you know, reviewing
21 your records where you were about selling drugs, you are
22 about trying to make money; correct? Do you remember in any
23 of your text messages telling people it is all about the
24 money?

25 A. That I was -- it was all about the money?

0 0335

1 Q. Uh-huh. Even to a point do you remember having a
2 conversation about -- let me ask you. Let me show you is
3 probably better.

4 A. These are all relevant to what the case, right?

5 Q. Well, I am asking can you just review some of those
6 text messages.

7 A. Yeah, but these are all have nothing to do with anybody
8 with the case or without the case or anything like that.

9 Q. Okay. But they are your text messages?

10 A. This is all irrelevant.

11 Q. But they are your text messages, right?

12 A. Irrelevant to what is going on right here right now
13 today. I think it is ---

14 Q. I understand.

15 A. --- irrelevant.

16 Q. My question is just are they your text messages?

17 A. Yes, they are my text messages; but I feel like they
18 are irrelevant to anything that has to do with what we are
19 doing here today.

20 Q. Okay. And you understand it is for the jury to decide
21 what matters or the court?

22 A. Well, they ---

23 Q. I am just asking you were they your text messages?

24 A. If it is my phone number next to it then yes they are
25 my text messages.

0 0336

1 Q. I am going to show you one more set of phone records.
2 I am going to show you one other report of your phone
3 records. Is this what you provided law enforcement in terms
4 of some of your phone calls from your phone?

5 A. I handed -- I went to Verizon and got all my records
6 and my phone calls printed out and brought them to them.

7 Q. Okay. Have you ever seen this before?

8 A. What is this?

9 Q. Well, it is not in evidence so I don't want to talk
10 about the contents of it. I am just asking have you ever
11 seen it before.

12 A. Like on a piece of paper?

13 Q. Well, has it ever been shown to you; has anyone ever
14 asked you questions about that before; has anyone
15 specifically on this page asked you about phone calls that
16 either appear or don't appear on that record?

17 A. I don't -- I don't remember.

18 Q. Okay.

19 MR. WRIGHT: Judge, last -- one last indulgence and I
20 think I am done.

21 THE COURT: All right, sir.

22 MR. WRIGHT: Judge. I have nothing further.

23 THE COURT: Redirect.

24 MR. THORNTON: Briefly, Your Honor.

25 MR. WRIGHT: Can we approach?

0 0337

1 THE COURT: Sure.

2 Would y'all like to stretch or do you need a break? If
3 you need a break we can take a break. Stand up and stretch
4 while I talk to the attorneys.

5 (WHEREUPON, bench conference was had.)

6 (WHEREUPON, State's Exhibit Number 30, phone statement, was
7 marked for identification.)

8 **REDIRECT BY MR. THORNTON OF JENNIFER POWER:**

9 Q. Jessica, I am going to show you what has been marked
10 for identification as State's Exhibit 30 and ask if you can
11 identify that document.

12 A. This document right here?

13 Q. Yes.

14 A. Yes.

15 Q. And is it two pages?

16 A. Two pages.

17 Q. All right. And is that the statement that was being
18 referenced by Mr. Wright, Oouwee's lawyer earlier?

19 A. Yes.

20 Q. All right. And is this your written statement?

21 A. Yes.

22 Q. Is that what you were reviewing on the stand earlier?

23 A. Yes, sir.

24 Q. Has -- granted other than my pen mark up here at the
25 top where I was pushing on it is there anything that has

0 0338

1 been altered or changed on this?

2 A. No, sir.

3 Q. All right.

4 MR. THORNTON: Your Honor, at this time the State would
5 ask State's Exhibit Number 30 be moved into evidence.

6 MR. WRIGHT: Judge, other than just what was previously
7 noted to the court as an objection just for the record.

8 THE COURT: I understand. I will overrule the
9 objection and permit the introduction of the document.
10 (WHEREUPON, State's Exhibit Number 30 was admitted into
11 evidence.)

12 Q. The only other question I have for you, Jessica, is
13 this: On the day that Quantez was murdered did you -- you
14 have testified already under cross-examination also about
15 the written statement you provided; is that correct?

16 A. Correct.

17 Q. And that is State's exhibit number 30 is it not that I
18 just put into evidence?

19 A. Correct.

20 Q. In the course of writing that statement down did you
21 talk to anybody in particular, Detective Gobel, and give him
22 and talk to him about what occurred also?

23 A. Correct.

24 Q. All right. And was that -- was that testimony -- or
25 excuse me, it is not testimony. Was that statement orally

0 0339

1 that you gave Detective Gobel did that have more details in
2 it?

3 A. Yes, it was once I had calmed down.

4 Q. And was that the same day?

5 A. Yes.

6 Q. I don't have anything further. Please answer any other
7 questions Mr. Wright has.

8 MR. WRIGHT: No further questions.

9 THE COURT: Thank you, ma'am. You may step down.

10 MR. THORNTON: The State calls Jeff Purdy, Your Honor,
11 unless -- I didn't know if we are taking an afternoon break
12 or not.

13 THE COURT: Well, I didn't know -- is this going to be
14 a long witness?

15 MR. THORNTON: No, sir, he should be relatively short.
16 But I can wait. I am at the court's pleasure.

17 THE COURT: Okay. Anybody need to take a break, let me
18 know.

19 Okay. Next witness.

20 (WHEREUPON, the witness was duly sworn.)

21 THE CLERK: Please be seated and state your full name.

22 THE WITNESS: My name is Jeff Purdy.

23 **DIRECT EXAMINATION BY MR. THORNTON OF JEFF PURDY:**

24 Q. Mr. Purdy, what is your current rank, sir?

25 A. I am a lieutenant with the Beaufort County Sheriff's

0 0340

1 Office.

2 Q. And did you work for the Beaufort County Sheriff's
3 Office back in September of 2012?

4 A. Yes, I did.

5 Q. And did you have occasion to work at least for in a
6 small fashion on the case that we are here today regarding
7 the murder of Quantez Greer?

8 A. Yes, I did.

9 (WHEREUPON, State's Exhibit Number 31, GSR Kit of Power, was
10 marked for identification.)

11 Q. I am going to hand you what has been marked for
12 identification as State's Exhibit Number 31 and ask if you
13 can identify what that is.

14 A. Yes, sir, this is gunshot residence evidence collection
15 kit also referred to as a GSR. It is a GSR that I processed
16 Jessica Power's hands with on the 6th of September.

17 Q. And just so the jury understands this, that you are not
18 an analyst or a GSR expert; are you?

19 A. No, sir.

20 Q. But are you qualified to just take this -- take the
21 sample?

22 A. Yes, I have done many of these gunshot residue
23 collection, yes.

24 Q. Explain to me what that process entails. What exactly
25 do you do or how do you collect it?

0 0341

1 A. Well, the kit has pretty much got instructions inside.
2 You do everyone the same way. Every time I open up the kit,
3 make sure everything is sealed, break out the instructions
4 and I follow them step by step.

5 They have got swabs in them. They have got these
6 sticky tabs in them. You pat them on people's hands and you
7 swab the inside of their hands.

8 And again basically you follow the instructions it
9 tells you to do. The back of the hand, the front of the
10 hand, the left hand, the right, with the adhesive backers
11 and with the swabs. And you fill out the form as best you
12 can at the time.

13 Q. All right. And is there -- and only tell me this is
14 you are aware in your practice of doing these, is there a
15 time limit where you won't take them after?

16 A. Yes, I believe it is four to six hours.

17 Q. And if it is past that will you even attempt to collect
18 it?

19 A. No, because State Law Enforcement, SLED, as I am sure
20 you guys have heard of, they will not process it after that
21 time expires.

22 Q. Now as to this sample that has been marked as
23 State's -- for State's Exhibit 31 you said you took from
24 Jessica Powers did you follow all of the proper procedures?

25 A. Yes, sir. It is the same time -- the same way every

0 0342

1 time.

2 Q. And did you ---

3 A. I followed the directions.

4 Q. I'm sorry. Did you also seal it?

5 A. Yes.

6 Q. And what did you do with it after that?

7 A. I turned it into evidence.

8 Q. And from there where would it typically be
9 processed?

10 A. SLED, State Law Enforcement. They are experts in
11 processing for gunshot residue.

12 MR. THORNTON: Your Honor, court's indulgence, please.
13 I have no further questions, Your Honor. Mr. Purdy, please
14 answer any questions that Mr. Wright has.

15 THE COURT: Mr. Wright.

16 MR. WRIGHT: I have no questions for this witness.

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

18 MR. THORNTON: Your Honor, the State calls Jennifer
19 Stoner.

20 Your Honor, I would ask that the witness be excused.

21 (WHEREUPON, the witness was duly sworn.)

22 THE CLERK: Please be seated and state your full name.

23 THE WITNESS: Jennifer May Stoner.

24 **DIRECT EXAMINATION BY MR. THORNTON OF JENNIFER STONER:**

25 Q. What is your current rank?

0 0343

1 A. I am a lieutenant with the South Carolina Law
2 Enforcement Division in the trace evidence section.

3 Q. And is that also known as SLED?

4 A. It is.

5 Q. And what is it that you do in the trace evidence
6 section?

7 A. In the trace evidence section we have different
8 disciplines that we analyze evidence for. We analyze
9 gunshot residue, paint, fibers, glass, fire debris,
10 explosives, and tape.

11 Q. Lieutenant, although I know I have probably asked you
12 these questions over the years a hundred times, but what
13 kind of education do you need to have in order to be an
14 analyst or what kind of education specifically do you have
15 that qualifies you as an analyst at SLED?

16 A. Different departments have different cultivations. In
17 the trace section you -- it is required that you have a
18 bachelor of science degree in chemistry, which I have from a
19 small state school in Pennsylvania. I received it in 1997
20 from California University, Pennsylvania.

21 Upon completion of my degree I interned at SLED in the
22 trace evidence section for the summer and then I was hired
23 in the drug analysis section. After then I transferred into
24 trace in 1998 where I have been employed since.

25 Q. And how many gunshot residue tests do you think you

0 0344

1 have analyzed?

2 A. In excess of a thousand.

3 Q. And have you ever been -- have you ever testified
4 before in court as an expert?

5 A. I have.

6 Q. And how many times?

7 A. I think this will be my 87th time.

8 MR. THORNTON: Your Honor, at this time I would ask
9 that Lieutenant Stoner be recognized as an expert in the
10 field of specifically for us GSR, but trace evidence in
11 general.

12 MR. WRIGHT: No objection.

13 THE COURT: Grant the motion.

14 MR. THORNTON: Thank you, Your Honor.

15 BY MR. THORNTON:

16 Q. Lieutenant, I am going to hand you -- and forgive me,
17 these -- actually as I know you are aware is the second
18 trial that we have had in these so there's two marks on
19 them, two State's exhibits. For our purposes today they are
20 marked with a date; so it will be State's 28, 29, and 31.

21 If you would take a look. And you can just start with
22 28 and go through them and tell me have you seen them before
23 and if you have what did you do with them?

24 A. State's Exhibit 28 is a GSR kit collected from an
25 Antonio Brewer. When we receive this evidence normally

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1 these -- this is the GSR kit. It is in a manila envelope
2 that is submitted to us. Once we receive it we put a
3 sticker on it that signifies the lab number and the item
4 number and then we initial and date. Which my initials and
5 date are here (pointing).

6 State's Exhibit 29 is a GSR kit collected from a
7 Quantez Greer. And it also has the lab number which is the
8 laboratory identification number, the item number, and the
9 initials.

10 State's Exhibit 31 is a GSR kit collected from Jessica
11 Victoria Power. And it also has the bar code with the lab
12 number, item number, and my initials.

13 Q. Now when you -- obviously there are additional stickers
14 on them from court; but when you receive evidence,
15 specifically GSR kits like these, what condition do they
16 come to you in; are they sealed, unsealed; how do they come
17 in?

18 A. Usually when we receive a GSR kit it is in this sealed
19 envelope. It will have this red tag which is what the
20 officer seals it with. It is provided in the GSR kit. It
21 will have the initials and normally the date on it sealing
22 the GSR kit.

23 This is placed in either a box or a manila envelope
24 which is sealed and submitted to our agency.

25 Q. And were you able to analyze the samples contained in

0 0346

1 the three exhibit numbers that we have talked about?

2 A. I analyzed two of them.

3 Q. And were you able to prepare a report?

4 A. I'm sorry. Hold on one second. I have the
5 supplemental report here. So I did analyze the GSR kit from
6 Quantez Greer, Antonio Brewer, and Jessica Power.

7 Q. Yes, ma'am.

8 A. So I did analyze all three. I'm sorry.

9 Q. That is all right. I knew we would get there in just a
10 minute. I was about to ask you. So you did prepare a
11 report; is that correct?

12 A. I did.

13 Q. All right. And let me ask you first, other than to
14 test these items from their sealed containers and then
15 reseal them and send them back would those samples have been
16 changed or altered in any way from the time that you ---

17 A. They should not have been. My seal is still on this
18 one (pointing). All three of them still contain the seal
19 that I placed on it after I completed analysis.

20 Q. So they would be in the same condition other than the
21 outside stickers as they were when they left SLED?

22 A. Yes.

23 Q. All right.

24 MR. THORNTON: Your Honor, I would ask that State's

25 Exhibits for this trial, Judge, 28, 29, and 31 be moved into

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1 evidence.

2 MR. WRIGHT: No objection.

3 THE COURT: Admitted without objection.

4 (WHEREUPON, State's Exhibit 28 admitted into evidence.)

5 (WHEREUPON, State's Exhibit 29 admitted into evidence.)

6 (WHEREUPON, State's Exhibit 31 admitted into evidence.)

7 BY MR. THORNTON:

8 Q. And you said you were able to produce a report?

9 A. I was.

10 Q. All right. As to the GSR kit -- and I am just going to
11 say that rather than gunshot residue because it will be
12 quicker. As to the GSR kit from Antonio Brewer what were
13 the results of that test?

14 A. The results of the GSR kit from Antonio Brewer --
15 Brewer. Excuse me. There was no gunshot residue found on
16 any of the samples.

17 A GSR kit consists of samples from the right palm,
18 right back, left palm and left back of your hands. So each
19 one consists of four samples. And each one of those samples
20 was negative for the presence of gunshot residue.

21 Q. And what about the sample from -- and I tell you what,
22 let's stop for a second. If you don't mind, explain to the
23 jury exactly what gunshot residue is. What is it that you
24 are looking for?

25 A. Gunshot residue is material that is expelled from a

0 0348

1 firearm when it is fired. This material consists of
2 particulate matter. We look for metals. We look for
3 barium, antimony, and lead.

4 We analyze them on an scanning electron microscope. So
5 we are looking for microscopic particles that you cannot see
6 on the hands that discharge from the gun when it is fired.

7 These particles have that we look for have to be molten
8 and they have to contain certain elements to be considered
9 GSR.

10 Q. And let me ask you this. Is there -- obviously you
11 were not in the room. There was testimony earlier. From
12 an expert perspective is there a certain time limit that,
13 you know, you don't test for GSR after a certain amount of
14 time?

15 A. Normally there are time studies that have been
16 performed. And six hours after a shooting there is no
17 expectation to find any gunshot residue on a living person
18 from that time the gun was fired.

19 We have done in-house studies and three to four hours
20 we have found no residue on. I have shot a gun; I have
21 waited three hours and taken gunshot residue kits from my
22 hands and there has been no residue.

23 So our limit at our lab is six hours. Once six hours
24 passes we will not accept the kits.

25 Q. Okay. So after six hours there would be no point

0 0349

1 and you wouldn't even process it for analyzing; if somebody
2 had been swabbed say, you know, two to three weeks later
3 there would be no point in even submitting that to your
4 office?

5 A. No, because there is no way we could link anything we
6 found to that incident.

7 Q. Understood. Let me ask you this: Did you reach a
8 conclusion as to Jessica Power's?

9 A. In the kit submitted from Jessica Power's all four
10 areas of her hands were negative as well and there was no
11 gunshot residue found.

12 Q. And what about the final kit on Quantez Greer?

13 A. The kit from Quantez Greer was negative as well on all
14 four areas of the hands.

15 Q. Now obviously as a person at SLED and an analyst you
16 were not present on the scene, were you?

17 A. No, sir.

18 Q. And basically what your role would be would be to
19 analyze these things that were sent to you for in this case
20 GSR; is that correct?

21 A. That is correct.

22 Q. Thank you very much. Lieutenant, please answer any
23 questions Mr. Wright has.

24 **CROSS-EXAMINATION BY MR. WRIGHT OF JENNIFER STONER:**

25 Q. Good afternoon.

0 0350

1 A. Hello.

2 Q. Just a few quick questions. When those materials -- or
3 let's just say the gun powder sort of discharges from a
4 weapon it comes sometimes from the barrel some of those
5 particles would be ejected, but also near the firing
6 mechanism as well; is that correct?

7 A. Any opening in the gun the gunshot residue can eject
8 from.

9 Q. Okay. And often revolvers may eject more residue than
10 semi-automatic or does it just depend on the gun?

11 A. It depends on the gun, the caliber of the gun, and the
12 shooting conditions.

13 Q. Okay. As a general matter would you expect to find
14 more gun powder residue ejecting from a revolver based on
15 the openness of its design?

16 A. You can get more around the area where the cylinder is
17 in the cylinder gap, but once again it depends on the
18 caliber. Because you can have a low caliber revolver -- so
19 you can have a low caliber revolver that can put off less
20 residue than a hundred caliber semi-automatic.

21 Q. Understood. And conditions, weather conditions, wind,
22 can all sort of factor or affect whether gun power residue
23 lands in a particular place or remains on a subject; is that
24 a fair statement?

25 A. That is correct. Because anything the subject does

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1 after the weapon is discharged -- if I have gunshot residue
2 on my hands anything I do can remove it.

3 Q. Yes. Okay. Often when we have a decedent do we try to
4 bag their hands to keep them secure before testing?

5 A. It is not a protocol or it is not a procedure we
6 recommend in our manuals. It is done by some agencies.
7 Usually sometimes when there is a decedent EMS will be on
8 the scene right away and there is no chance to bag it. So
9 it just depends on the individual agency.

10 Q. Okay. As it relates to Mr. Greer do you know, if you
11 do, whether or not his hands were in any way secured before
12 the kit and samples were taken?

13 A. I did not have any notes on the GSR sheet, so I don't
14 have any knowledge of that.

15 Q. Okay. As it relates to Mr. Brewer or Ms. Power it --
16 I think you said the longer it goes from the time of
17 exposure to the time of actually testing particles can
18 essentially get wiped away, washed away, various normal
19 things can start to make the particles go away; is that a
20 fair statement?

21 A. Yes, it is.

22 Q. Okay. And especially of course if someone is changing
23 clothes or washing hands, things of that nature can
24 definitely explain a negative test?

25 A. Anything coming in contact with the hands can relieve

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1 the residue.

2 Q. Okay. And lastly, if you are close enough to a
3 situation where someone has fired a weapon it is also
4 possible that residue can get on a person in close proximity
5 to a fired weapon; is that correct?

6 A. Right, when we have gunshot residue on a person's hands
7 it can be from firing a weapon, being near the weapon when
8 it was fired, or being on something that had gunshot residue
9 on it.

10 Q. Okay. Thank you.

11 MR. THORNTON: Nothing further, Judge. Ask that she be
12 excused.

13 THE COURT: Thank you. You may step down, and you are
14 excused from your subpoena.

15 MR. THORNTON: Katrina Light.

16 (WHEREUPON, the witness was duly sworn.)

17 THE CLERK: Please state your full name.

18 THE WITNESS: Katrina Light.

19 -----

20 **DIRECT EXAMINATION BY MR. THORNTON OF KATRINA LIGHT:**

21 Q. I see you are in a Beaufort County Sheriff's Office
22 uniform. What is your current rank?

23 A. Staff sergeant.

24 Q. Staff Sergeant Light, what do you do currently for the
25 Beaufort County Sheriff's Office?

0 0353

1 A. I work for our civil division.

2 Q. And in September, specifically September the 6th of
3 2012, did you have occasion to work on the case involving
4 the murder of Quantez Greer?

5 A. Yes.

6 (WHEREUPON, State's Exhibit 32, bag of clothing, was marked
7 for identification.)

8 Q. And I'm going to show you what has been marked as
9 State's for identification. It is State's Exhibit 32 and
10 ask you if you can identify that.

11 A. Yes, sir.

12 Q. And what is that?

13 A. Is the clothing that I picked up from the autopsy that
14 I attended at MUSC.

15 Q. And would that be the autopsy of the victim in this
16 case, Quantez Greer?

17 A. Yes, it would.

18 (WHEREUPON, State's Exhibit 33, bag of shoes, socks, was
19 marked for identification.)

20 Q. I am going to show you what has been marked as State's
21 for identification, as State's Exhibit 33, and ask you what
22 State's Exhibit 33 is.

23 A. That is the tennis shoes, socks, and other personal
24 effects ---

25 Q. Is it more clothing in essence that ---

0 0354

1 A. Yes.

2 Q. And was that retrieved by you at the autopsy?

3 A. Yes.

4 MR. THORNTON: Court's indulgence, please, Your Honor.

5 THE COURT: Yes, sir.

6 (WHEREUPON, State's Exhibit Number 34, projectile, was
7 marked for identification.)

8 Q. I am going to show you what has been marked as State's
9 for identification, State's Exhibit 34, and ask you if you
10 can identify what that is. And if you need to take it out
11 of the envelope, that is perfectly fine.

12 A. Yes.

13 Q. And what is that, ma'am?

14 A. It is the projectile that was retrieved from the
15 autopsy from Mr. Greer.

16 Q. Now as to -- let's go back a little bit. As to
17 State's 33 -- 32 and 33 which are the clothes, do they
18 appear to be -- to have your seal on that you signed
19 across?

20 A. Yes.

21 Q. And other than I understand that they have evidence
22 stickers, there is a biohazard sticker on it, do they appear
23 to be in the same condition?

24 A. Yes, they do.

25 MR. THORNTON: At this time, Your Honor, the State

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1 would ask that State's Exhibit 32 and 33 be moved into
2 evidence.

3 MR. WRIGHT: No objection.

4 THE COURT: Admitted without objection.

5 (WHEREUPON, State's Exhibit Number 32 was admitted into
6 evidence.)

7 (WHEREUPON, State's Exhibit Number 32 was admitted into
8 evidence.)

9 MR. THORNTON: Your Honor, I am not going to publish
10 these to the jury. When the jury has them in the
11 deliberation room I am going to ask that we send back
12 gloves. It is considered a biohazard because of the blood.

13 THE COURT: Okay.

14 BY MR. THORNTON:

15 Q. As to State's Exhibit 34 in this the projectile that
16 you received at the autopsy?

17 A. Yes.

18 Q. And was that done at MUSC?

19 A. Yes, it was.

20 Q. And again is this the autopsy of Quantez Greer that we
21 are speaking of?

22 A. Yes.

23 Q. And what did you do with this item if anything once you
24 retrieved it?

25 A. I retrieved the items, brought them directly back to

0 0356

1 the Beaufort County Sheriff's Office. Some of the clothes
2 were blood soaked so I had to place them in the dryer.

3 Q. Right.

4 A. And the rest of the evidence I took directly to the
5 evidence division and submitted it.

6 Q. All right. And is all of the evidence like this put
7 into a sealed condition when you submit it into evidence?

8 A. Yes.

9 Q. And when you looked at the slug that was removed, the
10 projectile that was removed from the victim, do you see the
11 original envelope or indications of the original envelope
12 that you submitted into evidence?

13 A. Yes.

14 Q. And is that the brown manila envelope inside that
15 sealed bag?

16 A. Yes.

17 Q. And is that commonly what you would see with something
18 that was analyzed by SLED?

19 A. Yes.

20 Q. And would it appear based on your experience as an
21 officer based on the labeling and everything that this would
22 be something that would have been processed by SLED?

23 A. Yes.

24 Q. Other than that processing does it appear to be in the
25 same condition as it was when you ---

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1 A. Yes.

2 MR. THORNTON: Your Honor, I have no further questions.
3 Please answer any questions Mr. Wright has.

4 MR. WRIGHT: I have no questions. Thank you, ma'am.
5 You may step down.

6 MR. THORNTON: May she be excused, Your Honor?

7 THE COURT: Yes, you may be excused from your subpoena.

8 THE WITNESS: Thank you, sir.

9 MR. THORNTON: Your Honor. We have just a very brief
10 matter that we need to take up prior to the next witness so
11 it may be a good time for just a short break.

12 THE COURT: Ladies and gentlemen, a second 10-minute
13 recess. I will remind you it is too early to begin
14 discussing the case.

15 (WHEREUPON, jury exits courtroom.)

16 MR. THORNTON: Your Honor, it was more of a matter I
17 need to talk to Mr. Wright on something. I apologize. I
18 just thought that was the easiest way to do it. He had a
19 question and I wanted to go get an answer now before the
20 next witness takes the stand.

21 THE COURT: All right. Well, let's do take a
22 ten-minute recess.

23 MR. THORNTON: Thank you, Judge.

24 (WHEREUPON, a break was had.)

25 MR. WRIGHT: Judge, through the efforts of the

1 Solicitor's Office Mr. Chip Jabar was in fact served. He
2 is here. We just had a conversation with him, both Mr.
3 Thornton and I at the same time as well as Mr. Ferguson.
4 He is under their subpoena.

5 We are giving him a subpoena right now, but I just
6 wanted to make a record he is under subpoena. He is here.
7 We are giving him a copy of our own subpoena. But between
8 ours and theirs, instruction was going to be to come back
9 tomorrow afternoon.

10 MR. THORNTON: I think probably lunch time would
11 probably be safe.

12 MR. WRIGHT: Okay. Lunchtime tomorrow ---

13 MR. THORNTON: Actually, you know what ---
14 (WHEREUPON, attorneys confer.)

15 MR. WRIGHT: If we can instruct him to return mid
16 morning.

17 THE COURT: 10:30 or 11:00?

18 MR. WRIGHT: Yes, but I just wanted to state that on
19 the record because I didn't want to keep him here. Because
20 I know he won't be reached or dealt with today.

21 And for that reason I won't be filing -- one of the two
22 motions is moot. I didn't file it, but I will consider it
23 withdrawn even if orally I have triggered any anything with
24 it.

25 And, Judge, can I just have one minute to make sure

1 that he has been told the correct time?

2 THE COURT: Sure. Go ahead.

3 (WHEREUPON, break was had.)

4 THE COURT: And I take it now we are ready for the jury
5 then?

6 MR. WRIGHT: Yes, Judge.

7 MR. THORNTON: Yes, sir.

8 MR. WRIGHT: I'm sorry.

9 (WHEREUPON, jury enters courtroom.)

10 THE COURT: Welcome back, ladies and gentlemen. I
11 believe we are still in the process of the State's
12 presentation of evidence.

13 MR. THORNTON: Sonya Cromer. I am sorry, Suzanne
14 Cromer. She is going to kill me for that one.

15 (WHEREUPON, witness was duly sworn.)

16 THE CLERK: Please have a seat and state your full
17 name.

18 THE WITNESS: My name is Suzanne Cromer.

19 **DIRECT EXAMINATION BY MR. THORNTON OF SUZANNE CROMER:**

20 Q. As many times as I have called you to the stand I have
21 absolutely no idea why I called you Sonya. But I knew who I
22 was talking about.

23 Let me ask you a question. Did you -- where do you
24 currently work?

25 A. I am employed by the South Carolina Law Enforcement

0 0360

1 Division, commonly referred to as SLED.

2 Q. And did you work for SLED on or about September the
3 6th, 2012, forward?

4 A. Yes, sir, I have.

5 Q. And what is it that you do for SLED?

6 A. I am a firearm and tool mark examiner. What I do is
7 called fire arms identification. I analyze ammunition
8 components, bullets, cartridge cases, shotgun shells, to
9 determine whether they were fired by or loaded into a
10 specific weapon.

11 If I do not have a specific weapon and I have a fired
12 bullet I can give investigators a list of potential firearms
13 that may have fired that projectile.

14 Q. And can you as part of that could you also say that
15 when something is not consistent with a fired projectile?

16 A. That is correct.

17 Q. Let me ask you this: What kind of education or
18 training do you have that qualifies you to do what you do
19 for SLED?

20 A. I completed SLED's in-house training which is a three-
21 to five-year intense study program. It is more of an
22 apprenticeship if you will. We take written tests, oral
23 tests, practical exercises.

24 I have also attended classes through the Association of
25 Firearm and Tool Mark Examiners which is an international

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1 organization for our profession. They get together to meet
2 once a year for a weeklong seminar and then also offer extra
3 classes.

4 I have attended several of those seminars; extra
5 classes, ethics, machine-gun conversion, highpoint firearm
6 familiarization.

7 I have also taken classes with the Bureau of Alcohol
8 Tobacco and Firearms on serial number restoration and the
9 integrated ballistics identification system or IBIS. That
10 is a database, a searchable database, for pictures of
11 cartridge cases.

12 I have also taken seminars with the South Carolina
13 Chapter of the International Association of Identification.
14 Most pertinent being a shooting scene reconstruction
15 workshop.

16 Q. So let me ask you this: Have you ever been qualified
17 as an expert to testify in South Carolina?

18 A. Yes, sir, I have.

19 Q. And have you been qualified on more than one occasion?

20 A. Yes, sir, I have.

21 MR. THORNTON: Your Honor, I would ask that Ms. Cromer
22 be qualified as an expert in the fields of firearm
23 identification, took mark identification.

24 MR. WRIGHT: No objection.

25 THE COURT: Motion is granted.

0 0362

1 BY MR. THORNTON:

2 Q. Now I am going to show you what has been marked for
3 State's identification. And we are on today's date. I know
4 that they are going to be two separate identification marks
5 on here, but it is State's Exhibit 34. Can you identify
6 that for me?

7 A. Yes, sir. State's Exhibit 34 was my items four and
8 five. Also they are still in a sealed container with my
9 initials and seal date.

10 Q. And is that the slug that has been testified to earlier
11 as a slug - and forgive me if that is not the right word -
12 but the projectile pulled from the body of the victim in
13 this case pulled from the body of the victim in this case,
14 Quantez Greer, is that what you tested?

15 A. Yes, it is.

16 Q. And were you able to reach any conclusions as to -- as
17 to that projectile?

18 A. Yes. Yes, I did. My Item 4 was a fired bullet jacket,
19 and it was consistent with 40 S and W caliber or 10
20 millimeter auto caliber. It may or may not be suitable with
21 a specific firearm.

22 And Item 5 was a lead core fragment, and it is not
23 suitable for identification with a specific firearm.

24 Q. And just to your knowledge though there was only --
25 there was one bullet pulled out of the victim in this case;

0 0363

1 I know there was a fragment, but that doesn't necessarily
2 constitute a separate projectile?

3 A. No, these could have been one projectile at some time.

4 Q. And let me ask you this: Is a -- you have indicated
5 that you think it is either a 10 millimeter or a 40 caliber
6 weapon -- or projectile. Is that most consistent with
7 those?

8 A. Yes, that is correct.

9 Q. Would it be consistent with a nine millimeter?

10 A. No, it is not. Actually a 40 or a 10 millimeter is
11 larger in diameter than a nine millimeter.

12 Q. All right. There was testimony earlier regarding a
13 Ruger nine millimeters that was found at the scene.
14 Obviously you haven't examined it. But would a nine
15 millimeter regardless of what the make or model was be
16 consistent with that bullet?

17 A. A nine millimeter Luger firearm could not have fired a
18 40 caliber projectile.

19 Q. All right. Has that other than obviously it has been
20 transferred to court and had stickers put on the outside of
21 the envelope does it appear to have been altered or changed
22 in any way?

23 A. No, sir. Like I said before, they are all in a
24 container that is still sealed with my initials and still
25 dated.

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1 MR. THORNTON: Your Honor, at this time I would ask
2 that State's Exhibit Number 34 be moved into evidence.

3 MR. WRIGHT: No objection.

4 THE COURT: Admit without objection.

5 (WHEREUPON, State's Exhibit Number 34 is admitted into
6 evidence.)

7 MR. THORNTON: The State has nothing further. Thank
8 you very much.

9 **CROSS-EXAMINATION BY MR. WRIGHT OF SUZANNE CROMER:**

10 Q. Good afternoon.

11 A. Good afternoon.

12 Q. Just a couple of quick questions. Do you think based
13 on your conclusion you think it was a 40 caliber, possibly a
14 40 caliber Glock?

15 A. It could have been a 40 or a 10 millimeter auto. And
16 there were five different manufacturers that I put on my
17 list that could have fired this.

18 Q. Okay. Are all five manufacturers generally going to be
19 a semi automatic kind of weapon?

20 A. Yes, all five of them were.

21 Q. Okay. I am going to ask you a few questions to make
22 sure the jury understands the difference between revolvers
23 versus semi automatic.

24 When we talk about a semi automatic weapon could you
25 explain to them just very quickly sort of the mechanics of

0 0365

1 it and whether or not it discharges a shell casing.

2 A. Sure. A semi automatic firearm is designed to with
3 one pull of the trigger it fires a cartridge or a round. It
4 ejects that cartridge case and will load another cartridge
5 into the chamber.

6 So one -- one pull of the trigger, one fire, one
7 cartridge case ejected if it is working properly.

8 Q. Okay. And generally isn't it true that they eject the
9 cartridge sort of right and maybe a little behind as a
10 general matter?

11 A. It depends on the particular firearm. Most firearms
12 that we commonly see nowadays do have the ejection port on
13 the right of the firearm. But there are some firearms that
14 still have it on the top.

15 Q. Okay. So but just as a general matter you would
16 normally see it eject to the right; is that a fair
17 statement?

18 A. Normally, yes, ---

19 Q. Okay.

20 A. --- as long as you are pulling the firearm in the
21 proper orientation.

22 Q. Okay. I am going to show you -- this might be the --
23 so I am going to show you what is marked as State's
24 Exhibit 4.

25 For the purpose of my question I am going to -- could a

0 0366

1 person shooting right here on this side of the vehicle
2 (pointing), okay, if they are shooting a semi automatic --
3 and again I am not -- I know it is -- I am saying generally
4 they eject to the right. The shell casing would generally
5 unless it hits something or is influenced by another
6 exterior object but generally you would find it sort of in
7 this area (pointing); is that a fair, generalized statement?

8 A. I don't do crime scene investigations. But knowing
9 firearms -- and we do not do -- this what you call ejection
10 pattern testing, ---

11 Q. Okay.

12 A. --- determining where the shooter is by where the
13 cartridge cases are.

14 Q. Okay.

15 A. And because, like you said, there are so many different
16 factors involved in where the cartridge cases land; the type
17 of ammo, how much pressure it has, how the shooter is
18 actually holding the weapon, what is in the way, what could
19 it hit and bounce off of.

20 Generally if they are holding the firearm in the proper
21 orientation you would expect to see it to the right, maybe
22 backwards a little bit.

23 Q. Okay.

24 A. But like I said before, there are so many different
25 factors ---

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1 Q. Understood.

2 A. --- that you just can't predict where a fired cartridge
3 case is going to land.

4 Q. Okay. And for my next question, right here do you see
5 this arrow (pointing); if that is a bullet hole trajectory,
6 that arrow, and, you know, and someone has fired essentially
7 along that plane would the same general statement apply, you
8 would generally see a bullet casing ejects somewhere -- I
9 guess if this is it (pointing), somewhere to the right
10 depending on where they are standing but to the right and or
11 a little bit back?

12 A. Again, trajectory is out of my scope of expertise.

13 Q. Okay.

14 A. So I don't feel like I can answer that.

15 Q. Okay. Okay. But of the five guns you think that may
16 have come from, I think you did say you think it is more
17 likely to be a semi automatic kind of weapon?

18 A. Yes, sir.

19 Q. As opposed to a revolver, correct?

20 A. That is correct.

21 Q. Revolver the casing is not ejected?

22 A. That is correct.

23 Q. Okay. And you weren't asked to do any comparison of
24 any shell casings as part of your duties in this case?

25 A. No, I was not.

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1 Q. Okay. Thank you very much.

2 MR. THORNTON: Nothing further, Judge. Ask that she be
3 excused.

4 THE COURT: Thank you. You may step down, and you are
5 excused from your subpoena.

6 You may call your next witness.

7 MR. THORNTON: Officer Rebecca Whitney.

8 (WHEREUPON, the witness was duly sworn.)

9 THE CLERK: Please be seated and state your full name.

10 THE WITNESS: Rebecca Whitney.

11 **DIRECT EXAMINATION BY MR. THORNTON OF REBECCA WHITNEY:**

12 Q. Officer Whitney -- and I'm sorry, is it corporeal,
13 sergeant?

14 A. Yes, it is corporeal.

15 Q. Corporeal Whitney, you have got a Beaufort -- City of
16 Beaufort Police Department uniform on. Is that who you work
17 for?

18 A. Yes, sir.

19 Q. I just have a couple of very quick questions for you.

20 A. Okay.

21 Q. Did you work for the Beaufort Police Department on or
22 about September the 4th of 2012?

23 A. Yes, sir.

24 Q. And did you have occasion to stop anyone in particular
25 on that day ---

0 0369

1 A. Yes, sir.

2 Q. --- or have an interaction with anyone in particular on
3 that day?

4 A. Yes, sir.

5 Q. All right. And did you have an interaction with anyone
6 in this courtroom on that day?

7 A. Yes, sir.

8 Q. And who is that?

9 A. It is the defendant.

10 Q. The defendant Walter Tucker?

11 A. Yes, sir.

12 Q. And was that -- was he in a vehicle of any particular
13 color or type?

14 A. At that point he was outside of the vehicle, but he was
15 getting out of a black vehicle.

16 Q. All right. Do you recall what kind it was?

17 A. An Impala, Chevy Impala.

18 Q. A black Chevy Impala?

19 A. Yes, sir.

20 Q. And this would have been you said September the 4th of
21 2012; is that the correct date?

22 A. Yes, sir.

23 Q. And you have identified Mr. Tucker. Did you have a
24 brief conversation with him?

25 A. Yes, sir.

0 0370

1 Q. Did he identify himself as anything in particular,
2 Walter Tucker or Oouwee?

3 A. No, sir, he said Oouwee ---

4 Q. All right.

5 A. --- from Atlanta.

6 Q. And where was this at; where was this interaction?

7 A. It was actually at 2001 Boundary Street ---

8 Q. Okay.

9 A. --- in the City of Beaufort. But he approached the
10 passenger side of my vehicle.

11 Q. So but it was -- I'm sorry, I should have been more
12 specific. It was within the city limits of Beaufort?

13 A. Yes, sir.

14 Q. I don't have anything further. Thank you very much,
15 and please answer anything Mr. Wright has.

16 **CROSS-EXAMINATION BY MR. WRIGHT OF REBECCA WHITNEY:**

17 Q. Good afternoon. And I was over there trying to -- so
18 I may not have heard something. But I think it was
19 September 4th ---

20 A. Yes.

21 Q. --- is when you saw him?

22 A. Yes.

23 Q. Okay. He just -- your interaction you spoke and that
24 was pretty much it?

25 A. Yes, sir.

0 0371

1 Q. Okay. And you think it was a black Impala?

2 A. Yes, sir.

3 Q. Okay. Who was driving?

4 A. He was getting out of the driver's side.

5 Q. Okay. So on that occasion he was the driver?

6 A. Yes, sir.

7 Q. Okay. That's all I have. Thank you.

8 A. Okay.

9 MR. THORNTON: Nothing further, Your Honor. Officer
10 Whitney, thank you very much. I would ask you be excused.

11 THE COURT: Thank you. You may step down and you are
12 excused.

13 THE WITNESS: Thank you, sir.

14 THE COURT: You may call your next witness.

15 MR. THORNTON: Tim French.

16 (WHEREUPON, witness was duly sworn.)

17 THE CLERK: Please be seated and state your full name.

18 THE WITNESS: Timothy French.

19 **DIRECT EXAMINATION BY MR. THORNTON OF TIMOTHY FRENCH:**

20 Q. Mr. French, who do you work for, sir?

21 A. I work for the Beaufort County Sheriff's Office in the
22 forensic services laboratory.

23 Q. Did you work for them from the date of September the
24 6th of 2012 until now?

25 A. I did.

0 0372

1 MR. THORNTON: Your Honor, court's indulgence one
2 moment. I'm going to have to mark several of these.

3 THE COURT: All right, sir.

4 (WHEREUPON, State's Exhibit Number 35, DNA, was marked for
5 identification.)

6 (WHEREUPON, State's Exhibit Number 36, DNA, was marked for
7 identification.)

8 (WHEREUPON, State's Exhibit Number 37, DNA, was marked for
9 identification.)

10 (WHEREUPON, State's Exhibit Number 38, DNA, was marked for
11 identification.)

12 (WHEREUPON, State's Exhibit Number 39, DNA, was marked for
13 identification.)

14 Q. Mr. French, first let me ask you what do you do for the
15 Beaufort County Sheriff's Office.

16 A. I am a DNA analyst.

17 Q. And what kind of education or training do you have to
18 have to be a DNA analyst?

19 A. I have --

20 Q. I was going to say specifically as to you what you
21 have?

22 A. I have a Bachelor of Science degree, a major in
23 biology, minors in chemistry and math. Math is a
24 concentration in computer science. After graduating there
25 are several classes that you take as well as on the job

0 0373

1 training.

2 Q. And how many times have you -- let me ask you this:
3 Have you been qualified as an expert in South Carolina
4 before?

5 A. Yes, I have.

6 Q. And is that in the field of DNA?

7 A. Yes.

8 Q. And could you -- could you tell us what DNA is? And
9 when I say that, how do you test for it, what are you
10 testing for; just described the process.

11 A. Generally DNA is the hereditary material that makes
12 everybody unique. It also makes you human. As far as
13 forensic what we are looking for are small pieces of
14 that DNA that we can type. That is the normal term for
15 it.

16 If you remember biology from high school, you get half
17 of your DNA from your mom and half from your dad. Just like
18 sections of DNA that code for something like your eye color,
19 your hair color, the sections of DNA that we look for they
20 don't code for anything but they -- the number of times
21 these segments are repeated is hereditary.

22 So you might get a section of DNA that is repeated 10
23 times for one parent, section of DNA -- the same section of
24 DNA repeated say 15 times from your other parent. So that's
25 what we are looking for are those small segments.

0 0374

1 Q. Let me first ask you this. We talked a little bit
2 about your education. How long have you been a DNA analyst?

3 A. I have been here for seven years. I was in Charlotte
4 for ten years and Syracuse for nine years?

5 Q. I am not even going to try to add that up. Many
6 years?

7 A. Many years.

8 Q. And have you been qualified in more than one court
9 system to be a DNA analyst as an expert?

10 A. No, I was not qualified as a DNA expert in the other
11 two places.

12 Q. Okay. So it is strictly in South Carolina where you
13 have testified as an expert?

14 A. That is correct.

15 MR. THORNTON: Your Honor, at this time I would ask
16 that Mr. French be qualified as a DNA -- as an expert in DNA
17 analysis.

18 MR. WRIGHT: No objection.

19 THE COURT: The motion is granted. He is so qualified.

20 MR. THORNTON: Thank you, Your Honor.

21 BY MR. THORNTON:

22 Q. Did you do an analysis in a case that we are here about
23 today analyzing several items in the case of the murder of
24 Quantez Greer?

25 A. Yes.

0 0375

1 Q. I am going to hand you what has been marked for
2 identification as 45, 46, 47, 48, 49.

3 THE COURT REPORTER: I'm sorry, I need to correct the
4 numbers.

5 (WHEREUPON, pause for court reporter to correct labeling of
6 exhibits.)

7 Q. All right. I am going to -- these have been
8 renumbered. This is actually 35 through 39, State's
9 Exhibits, for identification only.

10 Can you identify those items for me as to what they are
11 and whether or not you analyzed those samples?

12 A. Yes, I can; and I did analyze these.

13 Q. All right. Now as to -- would you just go through them
14 one at a time as to each item number.

15 A. Thirty-five is the buccal standard from Walter Tucker.

16 Q. All right.

17 A. Thirty-six is the buccal standard from Travis Polite.
18 Power.

19 Q. Did you analyze each of those swabs or profiles?

20 A. Yes.

21 Q. And were you able to obtain a profile from those?

22 A. Yes.

23 Q. And did you also -- well, let me ask you this: As to
24 State's 35 through 39 when you get them are they in a sealed
25 condition?

Thi

0 0376

1 A. Yes.

2 Q. And did you -- other than test them did they appear to
3 be altered or tampered with in any way?

4 A. No.

5 Q. All right.

6 MR. THORNTON: Your Honor, at this time the State would
7 offer 35 to 39 into evidence.

8 MR. WRIGHT: No objection.

9 THE COURT: Motion is granted.

10 (WHEREUPON, State's Exhibit Number 35 admitted into
11 evidence.)

12 (WHEREUPON, State's Exhibit Number 36 admitted into
13 evidence.)

14 (WHEREUPON, State's Exhibit Number 37 admitted into
15 evidence.)

16 (WHEREUPON, State's Exhibit Number 38 admitted into
17 evidence.)

18 (WHEREUPON, State's Exhibit Number 39 admitted into
19 evidence.)

20 Q. I am going to now hand you what has already been
21 marked but it is for identification at this point, State's
22 Exhibit 27, and ask you if you can identify that item.

23 A. Yes.

24 Q. And what is that?

25 A. It is a plastic bottle of -- it is a white -- Lipton

0 0377

1 white tea bottle that I examined in this case.

2 Q. It has been testified to earlier that was found at the
3 scene of the murder on a kitchen table. Did you analyze
4 this item which is State's 27?

5 A. Yes, I did.

6 Q. Let me ask you this: When you got the Lipton tea
7 bottle had it been put into some type of evidentiary bag or
8 put in a bag of some kind?

9 A. The evidence bag that it is in now.

10 Q. Okay. And was the cap -- I know that sounds like a
11 silly question. So the jury can't see it. So it has got
12 liquid in it. Was the cap on it or off it when you got it?

13 A. The cap was on it. It is maybe three quarters full.

14 Q. All right. And did you remove the cap to do a swab on
15 this item, State's 27, the Lipton tea bottle?

16 A. Yes.

17 Q. Other than the testing of it does it appear to be in
18 the same condition that it was when you tested it?

19 A. Yes.

20 Q. And it wasn't altered or changed in any way other than
21 the testing?

22 A. Correct.

23 MR. THORNTON: Your Honor, I would ask State's 27 be
24 moved into evidence.

25 MR. WRIGHT: No objection.

0 0378

1 THE COURT: Motion is granted.

2 (WHEREUPON, State's Exhibit Number 27 was admitted into
3 evidence.)

4 Q. All right. As to the Lipton tea bottle obtained at the
5 murder scene were you able to obtain any DNA profile or DNA
6 material off of your swab that you did?

7 A. Yes.

8 Q. And again I probably jumped ahead. Forgive me. You
9 said you took the cap off. Did you swab the mouth area of
10 the -- or the bottle?

11 A. I actually swabbed the threaded parts of both the
12 bottle and the cap.

13 Q. And were you able to obtain DNA material for testing?

14 A. Yes.

15 Q. And just so the jury understands this, and frankly so I
16 have a better understanding of it, when you are looking to
17 see whether a DNA profile is a match or not or is excluded
18 or not could you kind of go through what each of those
19 means.

20 A. When you get a -- if we are talking about something
21 that has one person's profile on it you look at 16 different
22 areas on the DNA.

23 And on each of those areas again if it is only one
24 person's DNA you will have the sections of DNA that I talked
25 about earlier that are called alleles you will have either

0 0379

1 one or two allele in each of those locations.

2 The reason they have one is because you may have gotten
3 the same number of repeats from your mother and your father.
4 So you might actually have two tens but I can only see a
5 ten. So a profile is going to be each of those 16
6 locations, the numbers that correspond to those numbers of
7 repeats for all of those areas.

8 Now something that may be attributable to more than one
9 person you may have more than that. You may have more than
10 one or two allele there.

11 Q. All right.

12 A. So a profile especially like from something like this
13 you may have -- and I won't say an abundance of DNA but more
14 than one person's DNA.

15 Q. Okay. And when it is a mixture like that -- and I want
16 to make sure I get the terminology right. And based on what
17 you just said it would not be proper to say it is a match
18 because there is more than one profile present; is that
19 fair?

20 A. Correct. A match would be if you had the one person's
21 profile, all the alleles there and then it matches all the
22 alleles from an individual that you are comparing it to.

23 Q. And what about the word excluded; if someone is
24 excluded from DNA what does that mean?

25 A. Well, if you have got again either a single person DNA

0 0380

1 profile or a mixture of DNA is the alleles from the person
2 you are comparing it with or not they are, whether it is one
3 person or more than one, then that person is excluded from
4 that of being a contributor to that DNA.

5 Q. And are you able whether it is a match, whether it is
6 someone who cannot be excluded based on how much -- how many
7 times the alleles are same in both person's DNA that
8 whatever you are testing, in this case a Lipton tea bottle,
9 are you able sometimes to generate a mathematical
10 computation that in other words it is a one in whatever
11 chance that it is not that person's DNA are you sometimes
12 able to do that?

13 A. I think you worded it improperly but ---

14 Q. I would not doubt that I did. Are you sometimes able
15 to come up with a mathematical calculation based on your
16 findings?

17 A. Yes, if it is something that we consider probative.
18 Say my car got broken into and they tested for DNA, finding
19 my DNA is not probative so they would not give that a
20 statistical value. If they find someone else's and it
21 matches a suspect, they would give that a statistical value.

22 And that is not based on the number of matches. It is
23 how common or rare those particular alleles are, just like
24 how common blue eyes or brown eyes or, you know, hair color
25 is, those alleles have the same frequencies -- are not the

0 0331

1 same frequencies, but they also have frequencies.

2 Q. And that is what your mathematical calculation is based
3 on?

4 A. That is correct.

5 Q. Well, let me go through what your report indicates.
6 And I am going to first ask you about -- if you need to
7 reference your report or anything, please feel free to;
8 because I am going to be asking about specifics.

9 You indicated you look at 16 different locations; is
10 that correct?

11 A. That is correct.

12 Q. Is saying the word location is that okay or do I need
13 to be more specific when we just go through one through
14 sixteen?

15 A. You can say location. They are actually called -- each
16 one is called a locus (ph).

17 Q. I am going to stick with location if that is okay with
18 you.

19 A. That is fine.

20 Q. All right. And you said you did. So you have got
21 basically a comparison of the 16 locations that you were
22 able to pull from the material on the Lipton tea bottle and
23 16 locations.

24 Let's start with -- well, we will do the easy ones
25 first. Let's start with a sample for Jessica Powers. What

0 0382

1 was your result as to comparing Jessica Power's DNA of the
2 swabs from her and the material found on the Lipton tea
3 bottle?

4 A. She was excluded.

5 Q. So that means that could not be her DNA on the Lipton
6 tea bottle; is that right?

7 A. Yes.

8 Q. As to Quantez Greer, the victim in the case, were you
9 able to make a determination?

10 A. Yes, he was also excluded.

11 Q. As to Antonio Brewer?

12 A. Also excluded.

13 Q. And how about Travis Polite?

14 A. Also excluded.

15 Q. Now as to Walter Tucker, the very first location what
16 were the alleles found on the cap and mouth area of the
17 bottle?

18 A. The alleles that were present there were 12, 13, 15;
19 and there is also a 14, but that is actually below the
20 threshold that we can use for statistics.

21 Q. All right. What are the alleles for Walter Tucker?

22 A. His ---

23 Q. At that location.

24 A. At that location he is 12, 15.

25 Q. And again are 12 and 15 also in the DNA material on the

0 0383

- 1 cap?
- 2 A. Yes.
- 3 Q. At that location?
- 4 A. At that location.
- 5 Q. Location two, Walter Tucker's alleles are what?
- 6 A. Twenty-eight and thirty.
- 7 Q. What are the alleles found at location two on the
- 8 Lipton tea bottle?
- 9 A. Twenty-eight, twenty-nine, and thirty.
- 10 Q. So 28 and 30 are there?
- 11 A. Yes.
- 12 Q. As to the third location, Walter Tucker what are his
- 13 alleles?
- 14 A. Nine and ten.
- 15 Q. What are the alleles on the Lipton tea bottle?
- 16 A. Nine and ten.
- 17 Q. As to the next location, which I believe now we are at
- 18 four, what are his alleles?
- 19 A. Eleven and twelve.
- 20 Q. What are the alleles found on the Lipton tea bottle?
- 21 A. Eleven, twelve; and then there is also a thirteen that
- 22 again is below threshold.
- 23 Q. As to the next location at five what are Walter
- 24 Tucker's alleles?
- 25 A. He is at 15, 16.

0 0384

- 1 Q. And what are the alleles on the Lipton tea bottle?
- 2 A. Fifteen, sixteen; seventeen which is below threshold;
- 3 and eighteen.
- 4 Q. Next alleles what is Walter Tucker?
- 5 A. He is nine.
- 6 Q. And what is the Lipton tea bottle?
- 7 A. Seven, nine, and nine-point-three.
- 8 Q. As to the next location Walter Tucker has, what allele?
- 9 A. Eleven.
- 10 Q. And is there an 11 present at that same location on the
- 11 Lipton tea bottle?
- 12 A. Yes.
- 13 Q. And to be fair there is also a 12 and a partial 13; is
- 14 that correct?
- 15 A. Thirteen it's not used for statistics.
- 16 Q. As to the next location, Walter Tucker?
- 17 A. Eleven, thirteen.
- 18 Q. And Lipton tea bottle?
- 19 A. Nine, eleven, twelve, thirteen.
- 20 Q. Next location, Walter Tucker?
- 21 A. Eighteen, twenty-five.
- 22 Q. And Lipton tea bottle?
- 23 A. Seventeen, eighteen, nineteen which is below threshold,
- 24 and twenty-five.
- 25 Q. As to the next location?

0 0385

1 A. Twelve-point-two and fifteen. That is Walter Tucker's
2 profile.

3 Q. And what about the Lipton tea bottle?

4 A. Ten, twelve-point-two, thirteen, fourteen below
5 threshold, and fifteen.

6 Q. Next -- the next location, Walter Tucker?

7 A. Fourteen and fifteen -- or fourteen, sixteen. I'm
8 sorry.

9 Q. And the Lipton tea bottle?

10 A. Fourteen, fifteen, sixteen, seventeen.

11 Q. Next location, Walter Tucker?

12 A. Nine, twelve.

13 Q. And the Lipton tea bottle?

14 A. Eight, nine, eleven which is below threshold, and
15 twelve.

16 Q. Next location, Walter Tucker?

17 A. Ten-point-two and fifteen.

18 Q. Lipton tea bottle?

19 A. Ten-point-two, twelve which is below threshold,
20 fifteen, sixteen, and twenty.

21 Q. Next location?

22 A. X, Y.

23 Q. Lipton tea bottle?

24 A. X, Y.

25 Q. Next location?

0 0386

- 1 A. Eleven, twelve, which is the profile for Walter Tucker.
- 2 Q. What about the Lipton tea bottle?
- 3 A. Eleven, twelve.
- 4 Q. Final location?
- 5 A. Twenty-two, twenty-seven.
- 6 Q. What about the Lipton tea bottle?
- 7 A. Twenty-two, twenty-seven, twenty-eight.
- 8 Q. Now there is other material present which is where the
- 9 other numbers come from; is that correct?
- 10 A. That is correct.
- 11 Q. Because there is additional material there can you say
- 12 that that is a match?
- 13 A. No.
- 14 Q. Regarding the -- all of the alleles that are found
- 15 present in both locations and their frequency are you able
- 16 to come up with a mathematical calculation of it being
- 17 someone other than Walter Tucker's or his relative DNA on
- 18 that bottle?
- 19 A. The statistical calculation that we do is not the ones
- 20 that are in both locations. What it is, is all the ones
- 21 that appeared on that bottle that are -- that I can use for
- 22 statistics, the ones that are not below threshold, I give --
- 23 take a measurement of how rare that allele is and we
- 24 multiply them altogether, and what that gives us is a term
- 25 that is combined probability of inclusion. So in other

0 0387

1 words the percent chance that someone could contribute to
2 that mixture.

3 Q. Let me ask you this then. Because I don't want to mess
4 up the vocabulary. So did you prepare a report in this
5 case?

6 A. Yes.

7 Q. And did you reach a conclusion in your Subsection 2 on
8 that report?

9 A. Yes.

10 Q. As to Walter Tucker if you would just go through that
11 for me, that would be great.

12 A. That paragraph?

13 Q. Yes, sir?

14 A. Do you want me to read the paragraph?

15 Q. I do.

16 A. It said Walter Tucker cannot be excluded as a possible
17 contributor to the mixture obtained from the swab of the
18 Lipton while tea bottle which is Item 19.1. The combined
19 probability of inclusion or the expected frequency of
20 individuals who could contribute to this mixture is
21 approximately one in 1.6 million.

22 Q. All right, sir. And so as to Mr. Tucker based on what
23 you just explained, your statistical calculation is it is a
24 one in 1.6 million; is that correct?

25 A. Yes.

0 0388

1 MR. THORNTON: I have nothing further, Your Honor.
2 Please answer any questions Mr. Wright has.

3 THE COURT: Mr. Wright.

4 **CROSS-EXAMINATION BY MR. WRIGHT OF TIMOTHY FRENCH:**

5 Q. Good afternoon

6 A. Good afternoon.

7 Q. In addition, I know you just went through the bottle;
8 did you also do a DNA testing on the purse?

9 A. Yes.

10 Q. Okay. And I am going to take a much shorter way to get
11 there. Bottom line, DNA testing on the purse as it relates
12 to Mr. Tucker, you didn't find any findings to match his DNA
13 to anything associated with that purse; correct?

14 A. That is correct.

15 Q. Okay. And let me make it even a little easier, because
16 even that way of me asking it it sounded a little
17 complicated. You didn't find any of Walter Tucker's DNA on
18 the purse, correct?

19 A. That is correct.

20 Q. And you actually put those findings I think the report
21 was February 4th, 2013?

22 A. That is correct.

23 Q. Just similar to as counsel went through regarding the
24 bottle, you did your testing, formed a conclusion and then
25 as it relates to the purse his DNA is nowhere on that purse;

0 0389

1 correct?

2 A. That's correct.

3 Q. All right. That's all I have. Thank you.

4 MR. THORNTON: Nothing further, Judge. Ask that he be
5 excluded.

6 THE COURT: What about excused?

7 MR. THORNTON: Excused. Sorry. Said excluded too many
8 times today, Judge. Ask that he be excused and released
9 from subpoena.

10 THE COURT: You are excused.

11 You may call your next witness.

12 MR. THORNTON: Your Honor, we have probably reached a
13 pretty good stopping point at this time. We have got some
14 out-of-town folks that are coming in and I'm going to have
15 to get them reorganized. So this would probably be a good
16 point to stop with the court's permission.

17 MR. WRIGHT: No objection, Judge.

18 THE COURT: All right. Ladies and gentlemen, in
19 addition to me telling you the same thing I have been
20 telling you, and that is don't talk to anybody about this
21 case, don't let anybody talk to you about the case, and you
22 don't talk about the case amongst yourselves.

23 When you come in in the morning I'm going to ask you to
24 see if you can select a foreperson to represent the jury.
25 If you can't, that's fine. I don't want you all to get into