

VOLUME I OF III

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Richland County
Honorable J. C. Buddy Nicholson, Circuit Court Judge

RECEIVED

AUG 04 2016

THE STATE,

SC Court of Appeals
RESPONDENT,

V.

HANK E. HAWES,

APPELLANT

APPELLATE CASE NO. 2014-002288

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
Indictment Numbers: 2011-GS40-05012

The State of South Carolina,)

vs.)

MOTION TO RECUSE THE FIFTH
CIRCUIT SOLICITOR'S OFFICE

Hank Hawes,)
Defendant.)

TO: THE HONORABLE DEANDREA BENJAMIN

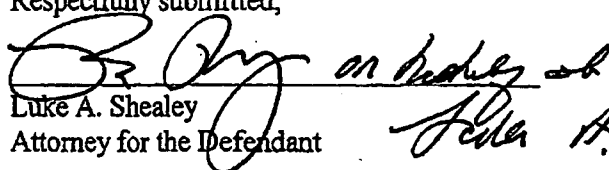
Cc: Dolly Garfield, Assistant Solicitor

This matter comes before me on motion of Assistant Public Defender Luke Shealey, Attorney for the Defendant, requesting this Court to recuse the Fifth Circuit Solicitor's Office from prosecuting this case.

It appears that the Defendant was arrested on or about August 28, 2011 and charged with Murder.

Through the production of discovery materials by the Fifth Circuit Solicitor's office, it has been revealed to defense counsel that an assistant solicitor with the Fifth Circuit Solicitor's office is a material witness in this case. In order to avoid the appearance of impropriety and to allow the Defendant to receive a fair trial, defense counsel respectfully requests the Court to recuse the Fifth Circuit Solicitor's office.

Respectfully submitted,


Luke A. Shealey
Attorney for the Defendant

Columbia, South Carolina
This 12 day of December, 2012

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND) COURT OF GENERAL SESSIONS
2011-GS-40-05012

3
4 State of South Carolina,)
5 Plaintiff,)
6 vs.) TRANSCRIPT OF RECORD
7 Hank E. Hawes,)
8 Defendant.)

9 December 19, 2012
10 Columbia, South Carolina

11
12
13 B E F O R E:

14 THE HONORABLE DEANDREA G. BENJAMIN, JUDGE.
15
16

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

18 DOLLY JUSTICE GARFIELD, ASSISTANT SOLICITOR
Attorney for the Plaintiff

19 BRIAN R. SHEALEY, JR., ASSISTANT PUBLIC DEFENDER
20 Attorney for the Defendant
21
22
23

24 DEBORAH M. McCURDY, RPR
25 Official Court Reporter

I N D E X O F W I T N E S S E S

(WHEREUPON, no witnesses were called
during these proceedings.)

E X H I B I T S

(WHEREUPON, no exhibits were introduced
during these proceedings.)

1 DECEMBER 19, 2012

2 MR. SHEALEY: Hank Hawes. We are going to
3 waive his appearance and proceed on the motion.

4 THE COURT: This is your motion to recuse the
5 Solicitor's Office?

6 MR. SHEALEY: Yes, ma'am.

7 Your Honor, just to give you a little
8 background on this case, this is a murder case
9 stemming from August of last year, relatively high
10 profile, where Mr. Hawes had been arrested and
11 charged, alleged to have been the killer of
12 Ms. Jennifer Wilson, who was a USC Professor that
13 lived in the Shandon neighborhood. It got a lot of
14 publicity.

15 The reason I filed this case, this motion, is
16 for a couple of reasons. Factually, getting the
17 discovery -- and this case was transferred to me
18 from another attorney in my office, but looking
19 over it, it appears that the Assistant Solicitor
20 is, in my opinion, a material witness in this case.
21 Ms. Ashton is literally the next-door neighbor to
22 the alleged victim, Ms. Jennifer Wilson.
23 Ms. Wilson lived in a duplex and Ms. Ashton and her
24 husband live right next-door.

25 And Ms. Ashton was interviewed, provided a

1 statement as to her knowledge of Ms. Wilson. She
2 claims -- she and both her husband, per law
3 enforcement, in their statements saw my client
4 leaving the crime scene, driving from the scene
5 away in a car that they claimed to recognize.

6 If I can approach? This is Ms. Ashton's
7 statement, as well as her husband's. A 6-pack
8 photo array. And it is somewhat unusual
9 circumstances to come across, but they would be
10 essential in proving that my client was at this
11 location. They would be witnesses of mine in a
12 Biggers hearing. They would be material to prove,
13 amongst other things, that he was at the crime
14 scene. So it is somewhat unusual.

15 I have been looking around at case law and
16 various things. I don't see anything right on
17 point, because it is such an obvious conflict of
18 interest, Your Honor.

19 What I'd be asking is that this case be sent
20 to the Attorney General's Office to prosecute. I
21 don't -- not that -- you know, I have a good
22 relationship with Ms. Garfield. It is not that she
23 has ever done anything but be fair, but for
24 appellate things down the road, it is really the
25 appearance of impropriety. We want to avoid the

1 appearance of partiality that she would be
2 prosecuting a case with her co-worker and her
3 co-worker's husband as the main witnesses
4 establishing and putting my client at this crime
5 scene just simply is too close to home.

6 And I also have a case that is somewhat on
7 point as I tried to research this, Your Honor.
8 This is generally talking about prosecutors'
9 duties. And what you want to have is a fair trial
10 and you want to avoid any appearance of partiality.
11 And this is In Regarding -- Magistrate's Court,
12 which is 389 S.C. 408.

13 It just cites generally, you know, however
14 strong a prosecuting attorney's belief may be of a
15 prisoner's guilt, it is his duty to conduct a trial
16 in such a manner as would be fair and impartial to
17 the rights of the accused.

18 So that is what we are trying to get here in a
19 high profile case, which I would urge it is even
20 more important to make sure that everything is --
21 even the appearance of impartiality is out of it.

22 There is going to be so much scrutiny on it in
23 the media and down the road, that we allow
24 Mr. Hawes to have a fair trial. Not that
25 Ms. Garfield is going to do anything purposely to

1 not have him have a fair trial, but the appearance
2 of it. I think Ms. Garfield as well lives in this
3 neighborhood. I mean, it is a situation where
4 putting aside my client's guilt or innocence as to
5 this charge of murder, you know, Ms. Ashton living
6 right next-door to a gruesome crime scene, she's a
7 victim. The whole neighborhood is a victim.

8 I have lots of friends and neighbors who live
9 in -- thank you, Mr. Cathcart -- society is a
10 victim. So I have lots of friends and neighbors
11 who live there. And there is going to be a big
12 impact. But to have that impact be a material
13 witness and a co-worker of Ms. Garfield, I think
14 the prudent thing to do is to send it to a
15 different prosecuting office before we get too far
16 removed.

17 It is really at the point where it needs to be
18 scheduled for trial. So before we get down that
19 road and not do it at the last second, I want to do
20 this at this stage, request Your Honor to send it
21 to the Attorney General's Office.

22 THE COURT: All right. And I understand the
23 issue with the Attorney General's Office.

24 Yes, ma'am, I will be glad to hear from you.

25 MS. GARFIELD: Thank you, Your Honor. May it

1 please the Court?

2 For the record, I would like for the record to
3 reflect that before this motion hearing began, I
4 asked Ms. Ashton to leave the courtroom so that
5 there isn't any sort of conflict as far as that is
6 concerned.

7 Your Honor, when this case occurred and law
8 enforcement arrived to the scene and Ms. Ashton was
9 identified as a witness, Ms. Ashton immediately
10 called me. At the time I was -- already was the
11 chief prosecutor for the city team, and she called
12 me to let me know that a murder had occurred and
13 that she was a witness.

14 From that moment on, there has been no contact
15 with Ms. Ashton in our office. We have built a
16 Chinese wall around her. Nothing has been
17 discussed with her from me or any member of law
18 enforcement that is involved in this case with her,
19 other than when she went to -- I don't even know if
20 she went to CP or they took a statement from her at
21 her home, I don't know, but only her cooperation as
22 far as what she has observed.

23 She is not going to have anything to do with
24 this case, as well as certainly -- honestly, I
25 mean, from what she sees, she is obviously an

1 important witness, but strategically, Judge, I
2 don't even know if I would call her to the stand at
3 this time. I may just call her husband.

4 If there was any worry of impropriety,
5 certainly we could have a preliminary ruling where
6 we would even agree to not ask her where she is
7 employed. The jury would never even be familiar
8 with where she works or even the fact that we have
9 any type of relationship, not only with me, but
10 with Defense counsel as well.

11 Judge, the one case I found -- and I agree
12 with Mr. Shealey, there is not really a whole lot
13 out there on point, but a case that many of us are
14 all familiar with, State versus Jerry Buck Inman,
15 it is a death penalty case in Greenville. In that
16 particular case the Defense counsel wanted the
17 Solicitor's Office recused because Defense counsel
18 wanted to call members of the Prosecutor's Office
19 to testify in regard to Solicitor Ariail's conduct.

20 And in that particular case, the Solicitor's
21 Office was not recused, and the ruling of the
22 Supreme Court was -- and they were relying on a
23 case, People versus The Superior Court of San Luis
24 Obispo. It is a California case. But essentially
25 in sum they say:

1 There is no inherent right to disqualification
2 when a member of the State's Attorney's Office is
3 called as a witness in a case prosecuted by a State
4 Attorney in the same office unless actual prejudice
5 can be shown.

6 And in this case, so far I don't see, nor do I
7 foresee, there being any prejudice to Mr. Hawes.
8 And certainly there has none been demonstrated at
9 this point.

10 MR. SHEALEY: Your Honor, briefly. I found
11 the Inman case as well. I don't think that is
12 really on point. There is not a lot on point.
13 That was, you know, the Defense was accusing the
14 Prosecution of intimidating one of their expert
15 witnesses and wanted to call the actual prosecutor
16 prosecuting the case to the stand in the middle of
17 trial. So that is the standard for that type of
18 thing.

19 You can't just -- if Dolly and I are in a
20 trial, I can't just call her to the stand and say,
21 Whoa. You know, she can't prosecute if I want to
22 call her to the stand. That is not what this is.
23 This is literally two ID witnesses that are very
24 close to the heart of the Solicitor's Office. You
25 have got Ms. Ashton and her husband. Which I can't

1 tell Ms. Garfield how to prosecute her case, but
2 I'd be calling them to the stand in this trial if I
3 were the prosecutor. I would feel I'd have to.

4 And I think it is just -- when you think about
5 judicial economy, Judge, and you think about
6 avoiding potential similar issues down the road
7 should there be a conviction for appeal, how do we
8 do this the right way the first time, just avoiding
9 issues like this.

10 You know, being a Public Defender for six
11 years now, sometimes -- I know from working with
12 the Solicitor's Office, if they are prosecuting the
13 Defendant and then their victim gets a charge, and
14 sometimes that gets conflicted out of the office.
15 I'm not an expert in their conflict procedures, but
16 I'm aware of that.

17 And this is a much greater situation, a
18 conflict of interest where a friend and co-worker
19 is a very important piece of their case.

20 So I would just ask you to consider this, to
21 not create a messy situation for this trial, give
22 him a clean trial. I think it is important that
23 somewhere down the road no one could say, Well,
24 this was just too close to home, they shouldn't
25 have prosecuted it, and nothing was done about it.

1 I think it makes for a much cleaner trial down the
2 road. And that is all I really want.

3 THE COURT: All right. Well, I'll take it
4 under advisement. And I need to look at the cases
5 again. I'll get back to y'all shortly.

6 MR. SHEALEY: Thank you.

7 MS. GARFIELD: Thank you, Judge.

8 (WHEREUPON, the proceedings were concluded.)
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(END OF TRANSCRIPT)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Deborah M. McCurdy, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Richland County, South Carolina, on the 19th day of December, 2012.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

December 9, 2014

s/Deborah M. McCurdy, RPR

Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

The State of South Carolina

vs.

Hank Hawes,

Defendant.

IN THE COURT OF GENERAL SESSIONS

Indictment Number: 2011-GS40-05012

**ORDER DENYING DEFENDANT'S MOTION
TO RECUSE THE FIFTH CIRCUIT
SOLICITOR'S OFFICE**

FILED
RICHLAND COUNTY
2013 FEB -8 PM 2:58
JANET L. W. HARRIS
C.C.P. & G.S.

This matter came before the Court on Defendant's Motion to Recuse the Fifth Circuit Solicitor's Office. A hearing on this Motion was held on December 19, 2012. Present at the hearing were Luke Shealey, for the Defendant, and Dolly Justice Garfield, for the State.

The Court, having reviewed and considered Defendant's Motion and oral argument of counsel, denies Defendant's Motion to Recuse the Fifth Circuit Solicitor's Office.

Defendant was arrested on or about August 28, 2011 and charged with Murder. Defendant argues that an assistant solicitor with the Fifth Circuit Solicitor's office is a material witness in this case. Defendant further argues the witness's involvement with the solicitor's office creates an appearance of impropriety and impedes Defendant's right to receive a fair trial. For those reasons, Defendant requests the Court recuse the Fifth Circuit Solicitor's Office.

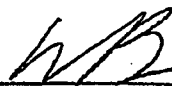
There is no inherent right to disqualification when a member of the Solicitor's Office is called as a witness in a case prosecuted by an attorney in the same office. *State v. Inman*, 395 S.C. 539, 558, 720 S.E.2d 31, 41 (2011), reh'g denied (Jan. 25, 2012), cert. denied, 133 S. Ct. 219 (U.S.S.C. 2012). See also *State v. Bell*, 374 S.C. 136, 646 S.E.2d 888 (Ct. App. 2007) (holding Defendant was not entitled to disqualification of the Solicitor's Office when the current investigator for the Solicitor's Office previously interviewed Defendant while he was an investigator for the Public Defender's Office); *State v. Hunter*, 313 S.C. 53, 437 S.E.2d 41

(1993) (holding the fact that the prosecutor advised the police department in matters that might ultimately be prosecuted did not violate an alleged DUI offender's due process rights or require recusal of the prosecutor's office); *State v. Smart*, 278 S.C. 515, 299 S.E.2d 686 (1982) overruled by *State v. Torrence*, 305 S.C. 45, 406 S.E.2d 315 (1991) (holding Defendant was not entitled to disqualification of Solicitor's Office even though assistant solicitor had been employed by Public Defender's Office during pendency of charges against Defendant and had assisted Defendant in preparation of his defense).

"Recusal of an entire...office is an extreme step, and the threshold necessary for recusing an entire office is higher than that for an individual prosecutor." 81 Am. Jur. 2d Witnesses § 229. To successfully recuse the Fifth Circuit Solicitor's Office, Defendant must demonstrate actual prejudice. *Inman* at 558, 720 S.E.2d at 41. Defendant has failed to show how the witness's involvement with the Solicitor's Office prejudices him or impedes his right to a fair trial.

THEREFORE, IT IS ORDERED that Defendant's Motion to Recuse the Fifth Circuit Solicitor's Office is denied.

AND IT IS SO ORDERED.


 The Honorable DeAndrea G. Benjamin
 Presiding Judge, Fifth Judicial Circuit
 Court of General Sessions

Columbia, South Carolina
 This 1 day of ~~January~~, 2013

Feb

1 STATE OF SOUTH CAROLINA) IN GENERAL SESSIONS
 2 COUNTY OF RICHLAND) COURT
 3)
 4 STATE OF SOUTH CAROLINA,)
 5) TRANSCRIPT
 6 -V-) OF
 7) RECORD
 8 HANK HAWES,) 2011-GS-40-05012
 9 DEFENDANT.)

10

11 OCTOBER 6 - 16, 2014

12 RICHLAND, SOUTH CAROLINA

13

14 B-E-F-O-R-E:

15 HONORABLE J.C. NICHOLSON, JR., JUDGE; AND A JURY

16

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

18 FOR THE PLAINTIFF:

19 DOLLY GARFIELD, ESQ.

20 LUCK CAMPBELL, ESQ.

21 FOSTER MATTHEWS, ESQ.

22 FOR THE DEFENDANT:

23 DOUG STRICKLER, ESQ.

24 FIELDING PRINGLE, ESQ.

25 MEGAN EIGENBROT, ESQ.

1 at 4:15 p.m.)

2 THE COURT: All right. Anything from the State
3 before we break?

4 MS. GARFIELD: No, sir.

5 THE COURT: All right. Anything from the
6 Defendant? I understand you've got some things you would
7 like to make a part of the record and bring some issues to
8 the Court's attention; is that correct?

9 MR. STRICKLER: Yes, Your Honor.

10 THE COURT: I will be glad to hear it.

11 MR. STRICKLER: Very brief, sir. At this point in
12 time, the Defense would renew its discovery motion filed
13 three years ago. And we've received voluminous discovery.
14 I don't have any belief that there's anything out there that
15 the State has not provided, but, of course, just to raise
16 that and make the State aware we're still pursuing any
17 discovery.

18 MS. GARFIELD: Your Honor, I met with the Defense
19 counsel last week, I believe, or the week before. I allowed
20 them to go through, actually, everything that we had.
21 Anything else that has come in since then, I immediately
22 turned over everything that we have. They should have
23 copies of it or reviewed it.

24 THE COURT: Okay. Thank you very much.

25 MR. STRICKLER: Thank you.

1 And, Your Honor, the only other thing -- Your
2 Honor, there was a previously made -- in December of 2012,
3 the Defense moved to recuse the solicitor's office from
4 prosecuting this case. One of the witnesses in the case is
5 an assistant solicitor with this office. That motion was
6 heard by Judge Benjamin. And on February 1st, she ruled
7 denying that motion. I just would like to go ahead and
8 incorporate the copy of the motion and Judge Benjamin's
9 order. I would ask that the Court make it a Court's
10 Exhibit. Thank you, sir.

11 THE COURT: All right. If you'll give it to the
12 court reporter and let her mark it.

13 MR. STRICKLER: Thank you, sir, that's all I have.

14 THE COURT: We'll adjourn until 9:30 in the
15 morning.

16 MS. GARFIELD: Just for the record, Judge, we did
17 serve the Defense counsel a reciprocal motion for discovery.
18 We just renew that as well. They've not provided us
19 anything at this time.

20 THE COURT: Have they given you anything?

21 MS. GARFIELD: No, sir.

22 THE COURT: You haven't given them anything?

23 MR. STRICKLER: No, sir.

24 THE COURT: All right. You don't have anything to
25 give?

1 MR. STRICKLER: Not at this point, no, sir.

2 THE COURT: Okay. All right.

3 Thank y'all very much. See you in the morning.

4 (Whereupon, court was adjourned for the

5 day, Monday, October 6, 2014, to

6 reconvene on Tuesday, October 7, 2014.)

7 THE COURT: All right. Let me put on the record

8 that the Court was informed that the State is going to call

9 Mr. Jack Swerling. And Mr. Swerling had a conversation with

10 the Defendant shortly after the alleged killing. And the

11 Court has had an in-camera review of what transpired between

12 Mr. Swerling and the Defendant in an effort to determine

13 whether there was an attorney/client privilege and whether

14 the attorney/client had been waived, and what could possibly

15 be admissible and not admissible in this court. Any

16 material, I tried to deal with it as if it was a privileged

17 document. And the Court has completed that process.

18 And the Court finds that there was attorney/client

19 privilege between Mr. Hawes and Attorney Swerling. However,

20 Mr. Swerling did make a phone call to 911 and the Court

21 finds that that is not privileged under the circumstances

22 based upon what Mr. Swelling informed the Court during the

23 in-camera hearing. And I'm going to allow that testimony

24 in, just the 911 tape, only that tape in, assuming Mr. Hawes

25 does not waive his attorney/client privilege.

1 And I would ask his attorney does Mr. Hawes ask
2 for attorney/client privilege or does he waive that?

3 MS. PRINGLE: He does assert his privilege and he
4 does not waive it.

5 THE COURT: All right. Now, that testimony with
6 Mr. Swerling in chambers will be transcribed by the court
7 reporter. And I will not vacate the part of the entire
8 transcript. It will be Court's Exhibit No. 2 and will be
9 sealed. It will not be opened without the proper court
10 order. Once it's transcribed, I will issue a written order
11 sealing it and ordering the court reporter to attach it to
12 the order and showing it as Court's Exhibit 2.

13 All right. Anything else from either party
14 concerning that?

15 MS. PRINGLE: No, sir.

16 THE COURT: Anything from the State?

17 MS. GARFIELD: Nothing from the State, Judge.

18 THE COURT: Okay. I understand the Defense has --
19 the State has the motion to sequester witnesses, is that
20 correct?

21 MS. CAMPBELL: Yes, Your Honor, we were just
22 informed of that this morning. If I may approach and hand
23 up cases?

24 THE COURT: Pardon?

25 MS. CAMPBELL: May I hand up some case law on that

1 point?

2 THE COURT: Yes, ma'am.

3 MS. CAMPBELL: Thank you. I hand up State v. Boyd
4 and State v. Tyner.

5 THE COURT: If you would, direct me what portion
6 of these cases you're referring to.

7 MS. CAMPBELL: Your Honor, looking at State v.
8 Tyner, in the note number four and five, motion to suppress
9 sequestration is in the sound discretion of the trial judge
10 --

11 THE COURT: Four and five?

12 MS. CAMPBELL: Yes, sir, on Tyner. It's on the
13 bottom of the first page.

14 THE COURT: Okay.

15 MS. CAMPBELL: In that case -- and we would just
16 ask that -- the judge denied their motion to sequester and
17 based it on the fact that the appellate was unable to
18 explain how a notice to sequester witnesses would prejudice
19 him.

20 That's further supported, Your Honor, by State v.
21 Boyd, an issue on appeal, sequestration of witnesses is a
22 matter of discretion for the trial judge. A party is
23 generally not entitled -- is not generally entitled to
24 sequestration as a matter of right. A motion for
25 sequestration may be refused if the trial judge in the

1 exercise of his discretion feels that there are not
2 sufficient grounds to grant the motion.

3 Your Honor, as we discussed at the bench, they
4 have moved to sequester all witnesses.

5 THE COURT: I think you've agreed to the lay
6 witnesses?

7 MS. CAMPBELL: Yes, sir, we've agreed to the lay
8 witnesses. We do feel like that law enforcement, there are
9 reports that they can be cross-examined on. We just feel
10 like that that would be something that would just make this
11 trial not -- but it's just more difficult, of course,
12 whenever witnesses are sequestered. We would just,
13 respectfully, ask Your Honor in your discretion. We have no
14 problem sequestering the lay witnesses, but that the experts
15 and law enforcement be allowed in the courtroom in order to
16 expedite things, unless there's some reason that I'm not
17 aware of to support sequestering those witnesses.

18 THE COURT: All right. Without even hearing from
19 Defense counsel, I will allow the experts to be in the
20 courtroom.

21 MR. STRICKLER: Yes, sir, I previously agreed to
22 that, sir.

23 THE COURT: All right. I will hear you as to -- I
24 assume you're talking about all of the police officers or
25 just the police officers that you have statements from?

1 MS. CAMPBELL: Your Honor, I believe all of the
2 police officers -- the only officer I'm aware of that
3 doesn't have a report, although he will be using the actual
4 incident report, is Tracey Hudson. He was there for what
5 happened in that report. He has reviewed that report. He's
6 familiar with it and can be cross-examined with it because
7 he was one of the responding officers who will be testifying
8 today. However, if you want us to sequester him, we'll be
9 glad to.

10 THE COURT: Glad to hear from you.

11 MR. STRICKLER: Yes, Your Honor. Of course, I
12 take no issue with anything Ms. Campbell said as far as the
13 law goes. This is clearly in your discretion. I -- in
14 reviewing reports, in reviewing evidence, especially to the
15 scene itself, different people have different impressions.
16 And, of course, my goal in the sequestration is always not
17 to avoid any intentional misstatements on the part of any
18 witnesses, but to avoid the possibility of any unconscious
19 tailoring of testimony to the testimony of the witnesses who
20 testified before them. And that, I think, could occur just
21 as easily for a police officer as for a lay witness. So
22 that's my reasoning. I have no objection, obviously, to any
23 witnesses who are entitled to be here pursuant to the victim
24 bill of rights or to the chief investigator. And that's
25 usual -- my understanding of how sequestration is usually

1 conducted in this area.

2 THE COURT: Okay. Thank you very much.

3 Ms. Campbell.

4 MS. CAMPBELL: Your Honor, respectfully, I'm not
5 sure what he thinks the police officers are going to change.
6 They wrote their reports, which do reflect what they did in
7 that manner. The purpose of the reports as --

8 THE COURT: Well, I think what he's saying is, you
9 know, all the testimony is not always just what's said in
10 the report. That's what he's concerned about, I would
11 assume, from what he said. Not what's just in the report,
12 the testimony.

13 MS. CAMPBELL: Yes, Your Honor.

14 THE COURT: And I may be wrong, but that was my
15 assumption, is that correct?

16 MR. STRICKLER: You're completely correct, Your
17 Honor.

18 MS. CAMPBELL: Your Honor, in State v. Tyner, I
19 believe it says the mere opportunity for witnesses to
20 prepare testimony is insufficient to grant sequestration.

21 THE COURT: I'm sorry, where is -- I didn't --
22 where is that in the case? I haven't read the case since
23 you just handed it up.

24 MS. CAMPBELL: Your Honor, that would be the
25 same -- and that would be true in any case, therefore,

1 sequestration would always have to be granted.

2 THE COURT: Where are you reading from?

3 MS. CAMPBELL: That was an inference that was in
4 my book from the motion to sequester witnesses is in the
5 sound discretion of the trial judge. Was unable to explain
6 how failure to sequester witnesses would prejudice him.

7 Your Honor, in every case, according to his
8 reasoning, then sequestration would be necessary because, of
9 course, that would be the only -- the only logical
10 conclusion is that they're preparing their testimony. So
11 under his logic, under his reasoning, then sequestration
12 would always be appropriate, which is not the law. If his
13 only basis is the right to compare testimony.

14 And that's further -- in State v. Boyd, Your
15 Honor, it talks about how it's not a right. It's not
16 generally entitled to sequestration as a matter of right.
17 And that case, also, I believe that was Judge Burnett, he
18 was fully advised of the circumstances of the case --
19 prejudice, which is all we're asking for.

20 Your Honor, I did not hand up State v. Sullivan,
21 which I could hand up at this point. State v. Sullivan, the
22 defense moved to sequester witnesses because they could hear
23 each other's testimony and change theirs accordingly.
24 Specifically, in that case, the Court said we disagree. The
25 motion to sequester is in the sole discretion of the judge.

1 Your Honor, I can hand that case up, Your Honor.

2 THE COURT: All right. Having reviewed the cases
3 that the State handed to the Court, the law is that it's
4 strictly in the discretion of the trial judge. I will grant
5 the sequestration of witnesses, please, for both parties.
6 And that includes the Defense witnesses. That would be
7 anyone that wants to stay with the victims of the crime is
8 going to testify and whatever investigating officer or lead
9 investigator you want to keep in the courtroom.

10 MS. CAMPBELL: We have two?

11 THE COURT: You have two?

12 MS. CAMPBELL: Yes, sir.

13 THE COURT: Okay, that's fine. You can keep those
14 two primary investigators in the courtroom. The rest are
15 going to be sequestered.

16 Now, I want to put on the record, I don't know if
17 the witnesses are in the courtroom or not, but I do not want
18 these witnesses after they testify go and tell the other
19 witnesses what transpired. If that happens and the Court's
20 aware of it, you'll be subject to contempt.

21 I'm going to ask the solicitor to inform their
22 witnesses of that fact.

23 And I'm going to ask the Defense, also, to inform
24 their witnesses of that fact.

25 Does the solicitor understand?

1 MS. CAMPBELL: Yes, sir.

2 THE COURT: Does the Defense understand?

3 MR. STRICKLER: Yes, sir.

4 THE COURT: I'm holding you two responsible for
5 making that known to the witnesses. Okay?

6 MR. STRICKLER: Yes, sir.

7 THE COURT: All right.

8 MS. CAMPBELL: Judge, just for clarification, too,
9 once the witnesses have testified, they will be allowed to
10 stay in the courtroom is my understanding?

11 THE COURT: Yeah.

12 MS. CAMPBELL: Thank you.

13 THE COURT: Unless you plan on recalling them for
14 reply.

15 MS. CAMPBELL: I think there's case law about --

16 THE COURT: Unless you know you're going to call
17 them for reply, but, yeah, they can stay in the courtroom.
18 To answer your question, yes.

19 MS. CAMPBELL: Thank you.

20 THE COURT: All right. Anything else before we
21 bring the jury in?

22 MS. CAMPBELL: Can we sequester after opening?

23 THE COURT: Pardon?

24 MS. CAMPBELL: May we sequester after opening?

25 THE COURT: Yeah, that's fine, you can do that.

1 MS. CAMPBELL: Thank you.

2 THE COURT: Anything else before we bring the jury
3 in?

4 MS. PRINGLE: Just regarding us being responsible
5 for being sure that all of our witnesses are out, I'm
6 assuming that they've all heard you. I don't know what they
7 all look like. I have people under subpoena and I would
8 just ask if they're in the courtroom, that they take heed to
9 what you said and leave the courtroom at the appropriate
10 time. I just don't know if I have people here or not.

11 THE COURT: Well, then let's call their names out
12 and find out.

13 MS. PRINGLE: Well, if we can just say if there's
14 anyone here under a Defense subpoena --

15 THE COURT: Is there anybody here under a Defense
16 subpoena other than Mr. Swerling?

17 I see no one.

18 All right. Anything else before we bring the jury
19 in?

20 MS. GARFIELD: Judge, just to put on the record,
21 after consulting with the Defense yesterday, they did agree
22 to stipulate to chain witnesses. I just wanted to make sure
23 that's preserved for the record.

24 THE COURT: I'm sorry, what?

25 MS. GARFIELD: The Defense, after we consulted

1 yesterday afternoon, they did agree to stipulate to chain
2 witnesses. I just wanted to put that on the record.

3 THE COURT: All right. What are we talking about,
4 DNA or what?

5 MS. GARFIELD: Yes, sir.

6 MR. STRICKLER: Yes, sir.

7 THE COURT: Is that the only chain you're
8 concerned with?

9 MS. GARFIELD: Yes, sir.

10 THE COURT: Okay.

11 MS. GARFIELD: And toxicology.

12 THE COURT: You stipulate that they do not have to
13 call witnesses --

14 MR. STRICKLER: That's correct.

15 THE COURT: -- to every piece of the DNA?

16 MR. STRICKLER: That's correct, sir.

17 THE COURT: What witnesses have you agreed that
18 they won't have to call? Just the one that took the DNA,
19 collected it and the SLED examiner, or anybody in between?

20 MS. GARFIELD: There's several in between. Donna
21 Martin, Shane Phillips, and Tracey Dixon from the Columbia
22 Police Department, and Amy Stephens, Patricia Crooks, Doris
23 Yarborough, Courtney Smith, and Jennifer Aycock, who are
24 employed at SLED.

25 THE COURT: Those are the ones you're going to

1 call or ones he's agreed you don't have to call?

2 MS. GARFIELD: Don't have to call.

3 MR. STRICKLER: That's correct, sir.

4 THE COURT: Okay. All right. Anything else?

5 MS. GARFIELD: No, sir.

6 THE COURT: Are the parties ready for opening
7 statements?

8 MS. CAMPBELL: Yes, sir.

9 THE COURT: All right. Bring the jury in, please.

10 BAILIFF: Yes, Your Honor.

11 MS. PRINGLE: Judge, can we -- Mr. Swerling has
12 asked that I place on the record that I do intend to ask
13 Mr. Swerling one question, which is, essentially, that he's
14 been a lawyer for some 40 years. He's well aware of the
15 rules of professional conduct. That he is well aware of the
16 attorney/client privilege and restrictions for the release
17 of information and that he would not have made this phone
18 call without -- that he could not have made this phone call
19 without the consent of my client.

20 Mr. Swerling felt it was important that I place
21 that on the record with Mr. Hawes in the courtroom. I have
22 spoken to Mr. Hawes about it. He fully understands we have
23 not waived privilege and he's informed us to ask what I
24 intend to ask.

25 THE COURT: Mr. Hawes, is that correct, you've

1 agreed that your attorney can ask that question on
2 cross-examination?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: You've not waived any attorney/client
5 privilege with that question?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Does not waive the privilege, is that
8 your understanding?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: All right. Thank you so very much.

11 Anything else before we bring the jury in?

12 MS. CAMPBELL: Nothing from the State.

13 THE COURT: All right. Bring us the jury, please.

14 (Whereupon, the jury returned to the
15 courtroom at 10:21 a.m.)

16 BAILIFF: The jury is seated, Your Honor.

17 THE COURT: Thank you very much.

18 Madam Clerk, would you swear the jury, please?

19 THE CLERK: Please stand, raise your right hand to
20 be sworn. Upon completion, if you accept the oath, respond
21 with "I will" or "I do".

22 (Whereupon, jury was duly sworn at 10:22 a.m.)

23 THE CLERK: Thank you. You may take your seat.

24 THE COURT: Ladies and gentlemen of the jury, I'm
25 going to very briefly just tell you the process we're going

1 to go through. And then at that time, the attorneys will
2 give their opening statements. The State will make its
3 opening statement first and then the Defense will make their
4 opening statement.

5 After the opening statements are made, the Defense
6 [sic] will call witnesses in an effort to prove the charge
7 against the Defendant. They will have the witnesses on
8 direct. After each witness is finished the testimony by the
9 State on direct, then the Defense will have witnesses on
10 cross-examination. And the difference between direct
11 examination and cross-examination is on direct, you cannot
12 ask leading questions. A leading question is a question
13 that suggest an answer.

14 After the State has presented all of their
15 witnesses, then the Defense will have an opportunity to
16 present witnesses. And the roles will reverse. The Defense
17 will have the witness on direct, the State will have the
18 witness on cross. After the Defense has presented all of
19 their testimony, then the State would have the opportunity
20 to reply to that testimony if they deem it appropriate.

21 After all of the testimony has been presented,
22 then the attorneys will make closing argument. After the
23 closing arguments, then I will charge you the law that's
24 applicable in this case. At that time, you will retire to
25 your jury room to make your decision based upon the facts as

1 you view them and determine the facts to be in the case and
2 make a determination as to the innocence or guilt of the
3 Defendant in this case, or the accused.

4 Now, during the trial, I may have to send you to
5 the jury room. And the reason I do that is because some
6 issues may come up concerning evidence. And I'm not
7 permitted to comment on the facts during a trial. So when
8 an issue of evidence comes up, I may want to comment on the
9 facts, ask the lawyers questions about the facts and with
10 you in the courtroom, I can't do that. Therefore, I may ask
11 you to go to the jury room sometimes. It may happen -- I
12 don't know when it will happen, but it may happen
13 frequently, it may happen seldom, I don't know. We'll just
14 have to deal with it as it arises. I'm not trying to hide
15 anything from you. I'm trying to make a determination of
16 what's admissible and what's not admissible.

17 As I said to the full jury panel yesterday, the
18 rules of evidence we have to go by, it's my job to try to
19 make sure the case is tried according to the rules of
20 evidence and rule accordingly to present to you the most
21 trustworthy testimony of evidence that we can present under
22 these rules of evidence.

23 When I use the word sustain, that means I agree
24 with the attorney. It is not admissible and you will not
25 hear it. If I use the word overruled, then that means I

1 disagree with the attorney, the evidence is admissible.
2 Please do not blame the attorneys for making their motion.
3 That's their obligation to their client if they, in their
4 legal opinion, think the evidence is not admissible to make
5 a motion. And it's my job to decide if it's admissible or
6 not admissible.

7 Our hours, generally, run from 9:30 to somewhere
8 between 5:00 or 5:30. I take an hour and 20 minutes, hour
9 and a half at lunch. That gives you time for lunch. The
10 case will probably run the duration of this week. So I look
11 forward to working with you this week.

12 Solicitor?

13 MS. GARFIELD: Thank you, Your Honor. May it
14 please the Court.

15 THE COURT: Yes, ma'am.

16 MS. GARFIELD: No. No. No. Those were Jennifer
17 Lee Wilson's last words. Words heard by her next door
18 neighbor in the duplex that she resided in in downtown
19 Columbia. Her next door neighbor, Kelly Smith, heard this
20 plea for mercy of Jennifer Lee Wilson as the Defendant, Hank
21 Hawes, the man who proclaimed to love her, stabbed her,
22 taking away her life.

23 Jennifer Lee Wilson was a rising star and a
24 respected professor at the University of South Carolina,
25 working in the education department where she taught young

1 college students to become teachers. And she had a passion
2 for spreading literacy to underprivileged children. She was
3 known as a friend. She was known as a colleague. She was
4 known as a neighbor. She was known as a professor, a
5 student, a teacher. To her family, she was a cousin, an
6 aunt, a niece, a granddaughter. To her sister, she was a
7 loving sibling, and to her parents, an adored daughter.

8 Jennifer Lee Wilson began a relationship with the
9 Defendant after meeting him online on an internet dating
10 site, E-Harmony. This relationship began around
11 January 2011. By the summer of 2011, the relationship
12 became characterized as an on-again-off-again relationship.

13 But on August 27th, 2011, Jennifer Wilson decided
14 to have a day of things that made her happy. She woke up
15 fairly early and attended a yoga session at the City Yoga
16 Studio, as she often frequented in our Five Points area.
17 After class, she went and did some shopping at the local
18 farmer's market at , which is now our soda city
19 market that's held downtown. After her shopping, she went
20 back to her home at , a very small
21 apartment, a brick duplex, where if you were facing the
22 house, she lived on the left-hand side of the home.

23 While she was at home, she enjoyed some of her
24 favorite pastimes, one of which was baking. She was an avid
25 baker and was known for her banana nut bread with chocolate

1 chips. She also engaged in a Skyping session with her good
2 friend, Janelle Bondr. Janelle had just moved to Turkey in
3 Europe. Also, an educator where she was there teaching
4 German. She had a very long Skyping and enjoyable session
5 chatting with her friend, Janelle.

6 She also spent some time with the Defendant. But
7 later in the afternoon and early evening, she got herself
8 ready. She was going to a birthday party. An old friend of
9 hers, Steven Harrod, who, also, a member of the faculty at
10 the University of South Carolina in the psychology
11 department, invited her to attend a birthday party with him.
12 The birthday party was for one of his colleagues and
13 Jennifer would not know any of the people there, but she
14 would soon make fast friends and had an enjoyable time.

15 Before going to meet with Steven Harrod, she went
16 by one of her colleague's homes, David Virtue. David's
17 office was right next door to Jennifer's at the University.
18 They weren't just professional colleagues, they were very
19 good friends. And she went over to his home, he didn't live
20 very far from her, to take him and his wife, Shannon, one of
21 her delicious banana nut bread desserts so they could share
22 it with themselves and their children.

23 She then very excitedly left and went to Steven
24 Harrod's house, who lives in the Olympia area of town. And
25 the two of them traveled to the birthday party at the -- at

1 the time newly opened Cowboy Brazilian Steakhouse, right
2 here down the street from the courthouse on Main Street
3 (indicating). There, they had a lovely time. And
4 afterwards, around 10:00, when the birthday party was over,
5 they went to an after party in the Park Lane area in the
6 northeast side of our county.

7 When the birthday party was over, Jennifer Wilson
8 took Steven Harrod home and then she went off to another
9 party. It was being hosted by another friend, Chandra.
10 Chandra was a very avid practitioner of yoga, as well as she
11 was, and she was excited to go there and see some of her
12 yoga friends. She went to the birthday party for about an
13 hour. And then close to 1:30 decided to call it a night and
14 go back to her home at .

15 Through the course of the evening, the Defendant
16 had texted Ms. Wilson many, many, many, times inquiring
17 where she was, when she was coming home, and who she was
18 with. So on the way home, she gave him a call. She got his
19 voice mail. She left him a message. Then she hung up and
20 she called another friend of hers, Drew Kabbe. She didn't
21 live very far. It was a very short conversation, but it was
22 enjoyable and Drew will testify that she seemed happy. She
23 talked to him until she got to the door of her home. That
24 was about 1:30 in the morning.

25 At 2:14 a.m., phone records will show that the

1 Defendant called Jennifer Wilson. They had a 16-second
2 conversation. At 2:24 a.m., phone records will show you
3 that the Defendant was at Jennifer Wilson's home because his
4 iPhone has connected with her Wi-Fi service. Five minutes
5 later, Kelly Smith, Jennifer Wilson's neighbor, who lived
6 next door in a duplex, is awoken to female screams. As a
7 result, Kelly Smith calls 911 and he reports to 911 asking
8 for help because someone is beating the hell out of my
9 neighbor.

10 Three minutes later, phone records will show you
11 that the Defendant made a phone call to an ex-girlfriend,
12 Stacey Newsom, who resides in Greenville. Four minutes
13 later, the Columbia Police Department arrives at
14 Street in response to Kelly Smith's call for help.

15 When they get there, they find a very quiet home.
16 There are no lights on. There does not seem to be any
17 disturbance. Unfortunately, there's no legal justification
18 for the Columbia Police Department to enter that home. But
19 nevertheless, they sat outside in their car for
20 approximately 10 minutes making sure all was quiet. And it
21 remained so, so they closed the call and left.

22 Over the next several hours, phone records will
23 show you the Defendant remains in the home of Jennifer
24 Wilson continuing to call Stacey Newsom in Greenville.

25 About 7:45 a.m., Kelly Smith awakens and he's

1 going to have breakfast with a friend of his. And as he
2 walks by his back door, he notices Jennifer Wilson's car is
3 there, along with a car that he knew the Defendant to drive,
4 a black Range Rover.

5 About 8:15 to 8:30, Jennifer Wilson's neighbor on
6 the other side of the house, Eric Ashton, is on his front
7 porch where he is stretching about to go for his daily
8 Saturday morning run. He knows Jennifer Wilson. They've
9 lived there quite some time. And he knows her to be
10 involved with the Defendant. He sees the Defendant leave in
11 his Range Rover down Jennifer Wilson's driveway, but it
12 appears odd. The windows are down, the Defendant is not
13 wearing a shirt, he is hunched over the steering wheel, and
14 it appears he is driving with his elbows on the steering
15 wheel (indicating).

16 It's presumed that the Defendant then traveled to
17 his home on Woodrow Street, which was not very far from the
18 victim's home, and he then makes a phone call to another
19 ex-girlfriend, who also resided in Greenville, Kimberly
20 Williams. In that conversation, he tells Kimberly Williams
21 he has just killed his girlfriend in self-defense. No one
22 will believe him, so he cut his wrists.

23 Kimberly Williams urges him to seek medical
24 attention. But before doing so, the Defendant makes several
25 searches on the internet on his phone for criminal defense

1 attorneys. He then makes a phone call to a criminal defense
2 attorney. After that, he calls 911 and reports his wrists
3 are cut and he needs medical attention, he cut his wrists.

4 As a result of that phone call to the criminal
5 defense attorney, the criminal defense attorney calls 911 to
6 report a possible homicide. He gives directions to where
7 the victim may be and the address. The Defendant is
8 transported by EMS to Baptist Hospital where he receives
9 treatment. Law enforcement and Columbia Police Department
10 arrive in response to the criminal defense attorney's call
11 to . The scene is horrific. The scene is
12 unforgettable. And the lifeless murdered body of Jennifer
13 Lee Wilson is found where she suffered from 12 stab wounds
14 and 10 slashes.

15 The Defendant is charged with murder. He is taken
16 to the Columbia Police Department for what appears to be
17 blood seen on his feet and swabbed from his body. A DNA
18 expert will explain to you a partial profile is developed
19 where Jennifer Lee Wilson's blood is the main contributor.
20 Back at the crime scene, they find the Defendant's
21 footprints in blood in her kitchen.

22 Ladies and gentlemen, I am Dolly Garfield. I'm a
23 prosecutor and assistant solicitor. I represent the State
24 of South Carolina, along with my co-counsel, Senior
25 Assistant Solicitor, Luck Campbell, and Assistant Solicitor,

1 Foster Mathews.

2 Ladies and gentlemen, it is our job to prove to
3 you beyond a reasonable doubt that the Defendant is guilty
4 of the crime of murder in the brutal killing of Jennifer
5 Wilson. We must prove to you beyond a reasonable doubt,
6 that is the burden that has been placed on the State. And,
7 ladies and gentlemen, in this courtroom, in this case, the
8 State welcomes that burden and the State will deliver.

9 The Defendant is charged with murder. And in
10 South Carolina, murder is defined as the intentional killing
11 of another with malice aforethought, either expressed or
12 implied. We will prove to you that the Defendant committed
13 murder in taking away the life of Jennifer Wilson. There's
14 several witnesses to take this witness stand (indicating).
15 You'll hear from law enforcement officers. You'll hear from
16 first responders, medical personnel, doctors, forensic
17 scientists. You will hear from friends of Jennifer Wilson
18 and you will here from the former girlfriends of the
19 Defendant.

20 Everybody in this courtroom has a job to do. The
21 judge explained to you that it is his job to referee the
22 lawyers in determining matters of law. The Defense counsel
23 has a job. It's their job to represent their client to the
24 best of their ability. And, ladies and gentlemen, you have
25 a very important job and I know you will take it seriously.

1 And I watched you take your oath and I know you will listen
2 to the facts carefully. Because this is a heinous' crime
3 that occurred in your community.

4 As you hear the witnesses take the stand, you may
5 think to yourself this could be a drama on television. And,
6 ladies and gentlemen, I submit to you that there's a lot of
7 similarities from what we see on TV on the crime shows, like
8 CSI and Law & Order. There's a lot of similarities and
9 there's a lot of the same issues that we battle in these
10 courtrooms day by day. But this courtroom is very different
11 from any TV show you've ever watched because in this
12 courtroom, we have real witnesses, real law enforcement
13 officers, real forensics that will explain to you that you
14 can't get a result in just a matter of hours. In this case,
15 we have a real victim.

16 It will be your job to listen to the evidence. It
17 will not be your job to punish the Defendant. It will not
18 be your job to forgive the Defendant. It will be your job
19 to determine did he murder Jennifer Wilson. And I submit to
20 you that after you hear all of the evidence, you will be
21 able to render a verdict that speaks the truth.

22 As I stand here before you, the Defendant is
23 presumed innocent and that's the way it should be. He has
24 the cloak of innocence wrapped around him tightly. But I
25 submit to you that every witness that takes this witness

1 stand, after they walk away, a piece of that cloak of
2 innocence will be torn from the Defendant. And at the
3 conclusion of this case, the Defendant will be exposed for
4 the murderer that he is. At the conclusion, the prosecution
5 team will come back before you. We will ask you to send a
6 cry for justice to the Defendant in finding him guilty of
7 murdering Jennifer Lee Wilson. Thank you.

8 MS. PRINGLE: May it please the Court?

9 THE COURT: Yes, ma'am.

10 MS. PRINGLE: One of the most basic fundamental
11 emotions we deal with as human beings is passion. We all
12 have it, that's what makes us human. Passion for art,
13 passion for politics, passion for your work, passion for
14 each other. It's passion that drives governments to change.
15 It's passion that breaks history. The very system that
16 you're participating in this week is governed by the
17 constitution of the United States and the laws of South
18 Carolina. That document, the constitution, created this
19 system that we're all participating in this week, you being
20 the most important people in this system (indicating). That
21 document is over 200 years old. It was born out of passion.
22 The founders of this country had a passion to create a just
23 and fair system, an independent country.

24 And passion, ladies and gentlemen, is something
25 that we have for each other. And it can be something that

1 results in beautiful, amazing outcomes in relationships, in
2 works of art, spectacular works of architecture. It results
3 in sea changes in history, passion. But passion also can
4 result in tragedy. There's no one in this courtroom who's
5 going to tell you what happened to Jennifer Wilson is not a
6 tragedy. It is an abject tragedy. And nobody's going to
7 take that away.

8 But you aren't here to heal that or to fix that.
9 You're not here to send out a cry for justice. That's a
10 request for you to be emotional and make an emotional
11 decision. You are not here to do that. You are not here to
12 bring closure to her family, to her friends. You can't do
13 that. You are here to make a decision based on the
14 testimony and the evidence that you hear, based on the law
15 as you're instructed. You only have one decision to make.
16 And in some ways, this case is very simple because it boils
17 down to one thing. This is not a who done it. Hank Hawes
18 is responsible for killing Jennifer Wilson. He took her
19 life. This is not a question of how did this happen.
20 There's no dispute about her injuries.

21 You will hear from a very passionate pathologist
22 the extent of her injuries, and they are terrible. There is
23 no dispute about that. The only thing that you have to
24 decide and figure out is when this happened, what was in his
25 heart, what was in his mind. Was it malice? Malice is

1 wicked, evil, depraved, socially -- devoid of all social
2 duty, calculated, cold-blooded. Malice murder is the worst
3 kind of murder or the worse kind of killing that the law
4 accounts for in South Carolina.

5 Well, how are you going to figure that out? You
6 will listen to all of the evidence and you're going to learn
7 a lot about that day. And there are two sides to every
8 story, aren't there?

9 On that day, Hank woke up sick on August 27th. He
10 had been sick a couple days before. He woke up, he had been
11 sick that night. Ms. Wilson knew that. They had been
12 talking. 9:35, he gets a text from Jennifer. How are you
13 feeling? You better? Can I get you anything? She brings
14 him breakfast on her way to yoga. He leaves the door open.
15 That's not unusual. There's nothing unusual about this day.
16 He leaves the back door open. Jennifer stops by on her way
17 to yoga, drops him off a biscuit and goes to yoga.

18 Later on that day, about 12:30, noon, again, How
19 are you feeling? Hank, Same thing, hungry, bored, tired,
20 sore. She says, Well, can I get you anything? He says,
21 Well, would you like to make us lunch? I will bring the
22 stuff if you want to make us lunch. She says, Sure, you are
23 welcome to stop by if you want to. And he does.

24 And at about 2:15, he goes to her house. The back
25 door is open, that's not unusual. She's expecting him. She

1 leaves the door open. Comes in, her oven's beeping, she's
2 cooking his banana bread. He, actually, sends her a text
3 message and says, Your oven is beeping, because nowadays
4 even when we're in the same house, I guess, we text each
5 other. She's off in another room, I think on the phone.
6 And she's finishing up her phone call. She stays on the
7 phone for a bit after he gets there. She tells him don't
8 worry about the oven.

9 After she finishes up her phone call, they're
10 together for the balance of the afternoon. And this is an
11 intimate connection. This is a sexual connection. They
12 were sexual that day. They were intimate that day. They
13 were together for several hours. There shouldn't be any
14 dispute about that. That wasn't unusual. Nothing unusual
15 about that. They spent the day together.

16 About six o'clock, they part ways. She says she's
17 got to go to a birthday party with friends. He's not
18 invited to go. He says all right. They make plans to meet
19 later, to be together later. This is all in the text
20 messages. This isn't something that you have to take my
21 word for. You will hear the evidence that this is in the
22 text messages.

23 She goes and picks up Steven Harrod, her former
24 boyfriend. Hank doesn't know who she's with. He begins to
25 suspects things later. She picks up Steven. She goes to

1 dinner. And she, by all accounts, is having a wonderful
2 time. And yeah, Hank's texting her because he's waiting for
3 her, because they've got plans to be together. And she's
4 texting him back. This isn't Hank just sending her a
5 barrage of text messages and she's just not replying, she's
6 texting him back. 9:46, she says, I'll be there in about an
7 hour. He says, No worries. I thought you were going to be
8 earlier tonight, but no worries. I'm not going to be at
9 Cantina's still. He went to dinner at Cantina's, talking to
10 the bartender there and her husband, I believe.

11 A little bit later on, 10:00, You coming or a rain
12 check? She says, Well, I'm not going to make it to
13 Cantina's, but I will come to your house. That's in her
14 text messages. Then she says, By the way, I keep thinking
15 about this afternoon and I really just want to curl up with
16 you, I'm tired. And Hank says, Well, come on, Curly. Play
17 on her nickname, he called her Curly Q. She had curly hair.
18 He called her Q for short and you'll hear about that during
19 this trial. She says, I'll come, I'll come. I'll get
20 there, but I've got to go have one more drink. And,
21 apparently, in there, at 10:42, she says, We just left. He
22 says, Oh, good, are you ready to meet? She says, No, I'm
23 going to go do one more drink.

24 And it's about that time -- and you'll learn this
25 happened during all these time frames, she goes with Steven

1 Harrod, her former boyfriend, to a party. They then drive
2 home. She and Steven spend some time talking, leaning up
3 against her car kissing, talking about their relationship at
4 Steven's house when she's dropping him off. And Hank is
5 wondering where she is and he's pleading with her and he is
6 begging and asking her, Are you coming? Are you coming?
7 And he -- she gets -- she send some responses that I told
8 you, some she doesn't.

9 11:53, she says, I'm sorry it's later, I'm coming
10 home. She leaves Steven Harrod's house and goes to see her
11 friend, Chandra, who is at another house, another party.
12 Hank at some point gives up, stops begging. She contacts
13 him about 1:20, I'm headed home. I know it's late. I know
14 it's later than you had hoped, but it's not three. It's
15 just 1:30. Just wondering if you still want me to come by?
16 She sends him another text at 1:36 saying, Well, I guess you
17 didn't, call me back, because he didn't answer.

18 Then what happened after that is a tragic turn of
19 events. And it is this tragic turn of events that you are
20 going to have to decide what it is. Let's be clear about
21 something. There are murders that come in this courthouse,
22 in this courtroom every month, sometimes every week, every
23 year, cold-blooded, calculated, evil, wicked, depraved,
24 planned. There are heinous, heinous murders. And the law
25 accounts for different kinds of murders. Not every killing

JACK SWERLING DIRECT BY MS. CAMPBELL

1 is even a murder, but there are different degrees. And we
2 don't call them degrees of murder, right? You're going to
3 learn about that. I'm not going to go into that right now.
4 But there are different kinds of killings, different kinds
5 of unlawful killings. There are defenses to the killings.
6 Some killings are not unlawful. There are full and
7 affirmative defenses to some killings.

8 I'm not going to stand here today and tell you
9 what this is. I'm going tell you two things. These two
10 people had a passion for each other. Hank Hawes had a
11 passion for Jennifer Wilson and Jennifer Wilson had a
12 passion for Hank Hawes. And they should have let it go and
13 they should have moved on away from each other, but they
14 didn't. It wasn't one-sided. It wasn't one-sided. I can't
15 tell you what this is right now, but I can tell what it's
16 not. It's not murder.

17 THE COURT: You may call your first witness,
18 please.

19 MS. CAMPBELL: Thank you, Your Honor, the State of
20 South Carolina calls Jack Swerling.

21 Your Honor, we need to have a moment to make sure
22 all of this is working.

23 THE COURT: Yes, ma'am.

24 THEREUPON,

25 JACK SWERLING,

JACK SWERLING DIRECT BY MS. CAMPBELL

1 after having been duly sworn, testified as follows:

2 THE CLERK: Have a seat in the witness box, state
3 your name and spell your last, please.

4 THE COURT: Mr. Strickler, make sure all of your
5 witnesses are sequestered if you know of any in here.

6 MR. STRICKLER: Yes, sir.

7 (Pause.)

8 THE COURT: All right. Solicitor, do you have all
9 the witnesses?

10 MS. CAMPBELL: Yes, sir.

11 THE COURT: Okay. Thank you very much. You may
12 proceed.

13 MS. CAMPBELL: Thank you, Your Honor. May it
14 please the Court?

15 DIRECT EXAMINATION

16 BY MS. CAMPBELL:

17 Q. Mr. Swelling, can you -- can you, please, explain to
18 the jury what your profession is?

19 A. I am a licensed attorney in the State of South Carolina
20 admitted to the Bar in 1973.

21 Q. And what area of law do you mainly practice in?

22 A. The criminal practice.

23 Q. And did you receive a phone call on the morning of
24 August 28th, 2011?

25 A. Yes, I did.

JACK SWERLING CROSS BY MS. PRINGLE

1 Q. Who did that phone call come from?

2 A. From Mr. Hawes (indicating).

3 Q. Is that the Defendant in this case?

4 A. Yes.

5 MS. CAMPBELL: Your Honor, may the record reflect
6 Mr. Swerling has identified the Defendant?

7 THE COURT: Okay.

8 BY MS. CAMPBELL:

9 Q. And as a result of that phone call, Mr. Swerling, what
10 did you do?

11 A. I called 911.

12 Q. And this was done with the permission of Mr. Hawes?

13 A. Yes, it was.

14 Q. Have you had an opportunity to listen to the 911 call
15 you made on that morning?

16 A. Yes, I have.

17 MS. CAMPBELL: Your Honor, at this time, I would
18 like to introduce State's Exhibit No. 313.

19 THE COURT: Any objection?

20 MS. PRINGLE: No objection.

21 THE COURT: State's 313 admitted without
22 objection.

23 (State's Exhibit No. 313 was admitted
24 into evidence.)

25 MS. CAMPBELL: Thank you, Your Honor. At this

TRACEY HUDSON DIRECT BY MS. CAMPBELL

1 time, may I publish the phone call to the jury?

2 THE COURT: Yes, ma'am.

3 (Whereupon, 911 call played for the
4 jury.)

5 MS. CAMPBELL: Thank you, Mr. Swerling. Please
6 answer any questions Defense counsel may have.

7 CROSS-EXAMINATION

8 BY MS. PRINGLE::

9 Q. Good morning, Mr. Swerling.

10 A. Good morning.

11 Q. You've been a lawyer?

12 A. Since 1973.

13 Q. In your law practice, you're, obviously, familiar with
14 the rules of professional conduct that apply to
15 attorneys?

16 A. That's correct.

17 Q. And you are well aware of your obligations and
18 responsibilities under the attorney/client privilege?

19 A. Yes, very much so.

20 Q. And Mr. Swerling, you could not have made this phone
21 call without the permission of Mr. Hawes?

22 A. That's correct.

23 MS. PRINGLE: Thank you.

24 THE COURT: Any redirect?

25 MS. CAMPBELL: No further questions, Judge.

TRACEY HUDSON DIRECT BY MS. CAMPBELL

1 THE COURT: Any objection to Mr. Swerling being
2 excused?

3 MS. CAMPBELL: No objection.

4 THE COURT: Mr. Swerling, you may be excused.
5 Thank you very much.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Next witness, please.

8 MS. CAMPBELL: Thank you, Your Honor. The State
9 calls Tracey Hudson.

10 THEREUPON,

11 TRACEY HUDSON,
12 after having been duly sworn, testified as follows:

13 THE CLERK: Have a seat in the witness box, state
14 your name and spell it, please.

15 THE WITNESS: Tracey Hudson, T-R-A-C-E-Y,
16 H-U-D-S-O-N.

17 DIRECT EXAMINATION

18 BY MS. CAMPBELL:

19 Q. Mr. Hudson, where are you employed?

20 A. City of Columbia Police Department.

21 Q. What do you there, sir?

22 A. Patrol unit.

23 Q. How long have you been in law enforcement?

24 A. I've been there since 2008.

25 Q. I want to turn your attention back to August the 28th

TRACEY HUDSON DIRECT BY MS. CAMPBELL

1 enclosed porch in the back.

2 Q. So it was a duplex-type situation?

3 A. Yes.

4 Q. Once you got there, what did you do?

5 A. We searched around the residence. And, at first, we
6 didn't see anything at all.

7 Q. Okay. What area of the residence did you approach
8 first?

9 A. The front, we approached in the front.

10 Q. Okay.

11 A. And then I proceeded to the rear.

12 Q. Okay. And you first went to the front -- and there's a
13 porch, I believe, on the front?

14 A. Yes.

15 Q. And did you observe anything there on the porch that
16 caused you any kind of suspicion or fear?

17 A. Not on the front porch, no.

18 Q. Then you said you proceeded around to the back?

19 A. Yes.

20 Q. What happened when you got to the back?

21 A. We got to the rear of the residence, I looked around,
22 didn't really see anything. And then I spoke with the
23 neighbor who had showed up. And the neighbor asked --
24 well, I asked the neighbor if he heard anything last
25 night and he said yeah, he had.

TRACEY HUDSON DIRECT BY MS. CAMPBELL

1 A. Opened up the door, it was a lot of blood.

2 Q. What area of the house did the back door, actually,
3 open into, do you recall?

4 A. The kitchen area.

5 Q. And I show you what's been marked as State's Exhibit
6 Nos. 140 and 141. Do you recognize those?

7 A. Yes.

8 Q. Is that what you observed from the back door when you
9 opened it that day?

10 A. Yes.

11 MS. CAMPBELL: Your Honor, at this time, we would
12 offer State's Exhibits 140 and 141 into evidence?

13 THE COURT: Any objection?

14 MR. STRICKLER: No, sir.

15 THE COURT: All right. 140 and 141 admitted
16 without objection.

17 (State's Exhibit Nos. 140 and 141 were
18 admitted into evidence.)

19 BY MS. CAMPBELL:

20 Q. State's 141, can you, actually, see the door frame
21 here?

22 A. Yes, ma'am.

23 Q. And is that where my finger is here on the door frame?

24 A. Yes, ma'am.

25 Q. And is that the view, the first view you had that day?

TRACEY HUDSON DIRECT BY MS. CAMPBELL

- 1 A. First view.
- 2 Q. You mentioned that you had put on gloves prior to
3 making entrance into the house?
- 4 A. Yes, ma'am.
- 5 Q. And the substance that appears on the floor that
6 appears to have footprints, what did that appear to you
7 to be?
- 8 A. It looked like someone's footprints.
- 9 Q. In what material?
- 10 A. In blood.
- 11 Q. State's Exhibit 140, is that a little bit closer up at
12 the same angle?
- 13 A. Yes.
- 14 Q. And here in the back (indicating), there's a pool of
15 something?
- 16 A. That's a pool of blood.
- 17 Q. Once you observed the kitchen with the blood and the
18 footprints on the floor in the blood, did you proceed
19 inside?
- 20 A. Yes.
- 21 Q. Did you take any precautions to try to preserve the
22 scene to the best of your ability?
- 23 A. Yes.
- 24 Q. What was the purpose in y'all going in that day?
- 25 A. Purpose of going in was due to the nature of that blood

TRACEY HUDSON DIRECT BY MS. CAMPBELL

1 and nature of the call we had received, we wanted to do
2 a sweep of the home to see if we can find anyone
3 inside.

4 Q. Once you went through the kitchen area, did you then
5 proceed into the rest of the house?

6 A. Yes.

7 Q. And once you exited the kitchen into the hallway, what
8 did you observe?

9 A. Well, when we walked in through the kitchen and looked
10 to the left, I noticed a little piece of an arm
11 sticking out.

12 Q. And what --

13 A. Laying on the couch underneath some blankets and
14 pillows.

15 Q. What room would that have been in the house?

16 A. The living room.

17 Q. The living room area?

18 A. Yes.

19 Q. And you mentioned that you saw a piece -- a part of an
20 arm?

21 A. Yes.

22 Q. And where was that located in the living room?

23 A. On the couch, laying on the couch underneath some
24 blankets and appeared to be pillows.

25 Q. And at that point, did you proceed to try to give aid

TRACEY HUDSON DIRECT BY MS. CAMPBELL

1 to the person that was on the couch?

2 A. Not at that point. We proceeded to go through the
3 house to make sure nobody else was in there. We did
4 make -- then we made our way toward the body.

5 Q. And the purpose in doing the entire house first, is
6 that a safety issue?

7 A. That's a safety issue.

8 Q. For the officers?

9 A. For the officers.

10 Q. As well as anyone who may be in there?

11 A. Yes.

12 Q. Once you made the sweep of the house, did you find
13 anyone other than the person on the couch in the house?

14 A. No one else was in the home.

15 Q. Did you make any attempts to see what her condition
16 was?

17 A. Yes. We moved the blanket back slowly --

18 Q. How was the blanket positioned when you got there over
19 the body?

20 A. It was over the top of her -- covering her whole body,
21 all but the arm piece.

22 Q. All but the one arm that you saw a little bit of?

23 A. Yes.

24 Q. But her whole face and her whole body?

25 A. Everything was covered.

TRACEY HUDSON DIRECT BY MS. CAMPBELL

- 1 Q. And when you removed the blanket that was over her, or
2 the material that was over her, what did you observe?
- 3 A. I observed the victim with multiple stab wounds, the
4 front area (indicating) over her body, and she was
5 unclothed, naked. And her hair seemed to be like it
6 was wet, but sort of dry.
- 7 Q. Were there any signs of life?
- 8 A. No signs of life.
- 9 Q. In comparison to the rest of the house, was there blood
10 as there was in the kitchen?
- 11 A. Not as much in the living room, but the other areas,
12 the bedroom and the hallway, was covered with blood.
- 13 Q. Did you do anything to try to resuscitate the victim at
14 that point or did you make any phone calls?
- 15 A. No. At that time, I believe it was Officer -- Sergeant
16 Smith who called the -- called EMS to get EMS to the
17 scene, I believe.
- 18 Q. And did EMS respond that day?
- 19 A. Yes, they did.
- 20 Q. Once they got there, were they able to resuscitate the
21 victim in any way?
- 22 A. No, ma'am. She was pronounced dead at the scene.
- 23 Q. Once you observed the victim on the couch and EMS had
24 been notified and responded, did y'all take measures to
25 preserve the scene to the best of your ability?

TRACEY HUDSON CROSS BY MR. STRICKLER

1 A. Yes, we did.

2 Q. And, ultimately, were other investigators called out?

3 A. Yes, ma'am.

4 Q. As well as crime scene investigators?

5 A. Yes.

6 Q. And once those other investigators responded that day,
7 did you stay at the scene for a period of time?

8 A. Yes.

9 Q. To make sure it was secure?

10 A. Yes.

11 Q. As far as collecting any evidence in this case,
12 however, was that your duty or the crime scene
13 investigator?

14 A. That was crime scene.

15 Q. And do you have your report with you -- or a copy of
16 the report with you today?

17 A. Yes, I do.

18 Q. At approximately what time was it when y'all were
19 dispatched that day to go to Monroe Street?

20 A. We were -- myself and Sergeant Smith and Damon White
21 were dispatched at approximately 11:30 a.m.

22 Q. Around 11:30 a.m.?

23 A. Uh-huh.

24 Q. And approximately what time was it when y'all arrived
25 at the scene that day?

ROBERT HOWE DIRECT BY MS. GARFIELD

1 Q. Explain to the jury what you observed about the victim?

2 A. We entered the residence, she was laying on the couch.

3 She was, actually, covered with a big white comforter

4 and some pillows. When we pulled the comforter back

5 and the pillows back from her, she was laying at the

6 back of the couch completely unclothed, lifeless,

7 pulseless, appeared to be completely white and --

8 Q. You said completely what, I'm sorry?

9 A. White.

10 Q. White. Okay.

11 A. You present in a white fashion, very pale color when

12 you pass away. There were multiple stab wounds on her.

13 There was -- it appeared as though she was completely

14 clean, which was kind of very unusual about this kind

15 of situation. I mean, when we went in the residence,

16 there was blood everywhere. I mean, everywhere. Not

17 just that particular location, but, I mean, it covered

18 the whole house. And it -- even the comforter had a

19 little bit of blood on it, but it wasn't very much

20 blood on it at all. And it's completely a white

21 comforter, so very unusual. I would have expected to

22 see an awful lot of blood all over the place,

23 especially on her or on the comforter. But she

24 appeared to be clean as well.

25 There were, what I counted out, seven stab wounds.

ROBERT HOWE DIRECT BY MS. GARFIELD

1 There were three on the chest, couple on her arm, one
2 on her shoulder, and one to her neck.

3 Q. And I hate to interrupt you, Mr. Howe, because you're
4 on a roll, but would that be your observation with the
5 front of her body?

6 A. Yes, ma'am.

7 Q. Okay.

8 A. We don't move the patient. If we have obvious signs of
9 death, we're not going to, actually, move the patient
10 from the actual position, that's to preserve evidence.
11 But her hair was stringy as if she had been -- been in
12 the shower. And that was kind of unusual. There was
13 one place on her body that did, in fact, actually, have
14 some blood, which was very visible. It kind of threw
15 an alarm to me as well. I could probably draw it on
16 this board, but it presented like a spot of blood that
17 come across your neck and it had a curve angle to it
18 like the body had been wiped. But her body was, in
19 fact, actually, clean. Amongst the wounds, one of
20 which kind of gave me an unusual presentation. The
21 stab wounds were all straight cuts stab wounds --

22 MS. PRINGLE: I would object to the qualifications
23 of this witness to go into the manner and description of the
24 stab wounds.

25 THE COURT: What's your legal objection?

ROBERT HOWE DIRECT BY MS. GARFIELD

1 MS. PRINGLE: He's not been qualified in
2 pathology. He's not been qualified in medicine and he's --

3 THE COURT: All right. Overrule. He can describe
4 what he saw, okay.

5 Please limit it to that, sir, okay?

6 MS. GARFIELD: Please what?

7 THE COURT: To what he saw.

8 MS. GARFIELD: Yes, sir.

9 THE COURT: Don't form any opinion.

10 MS. GARFIELD: Yes, sir.

11 BY MS. GARFIELD::

12 Q. Please continue to share with the jury your
13 observations, sir.

14 A. One wound to the neck presented -- it had what we call
15 ecchymosis, which is, basically, bruising, that circled
16 the wound, whereas the other wounds did not have that.
17 And that was kind of unusual.

18 While I'm standing in front of this body, it's
19 kind of dark inside. My glasses have a tint to them,
20 so it takes a second, you know, for them to kind of
21 clear out of that tint and you can see pretty vividly.
22 Again, it was dark in the room. Pretty much dark down
23 by her feet. I just happened to glance down and
24 noticed that I was up pretty close to the couch. And
25 there was also -- it was something, actually, in front

ROBERT HOWE DIRECT BY MS. GARFIELD

1 of me and that kind of startled me a little bit. I
2 kind of backed up a little bit.

3 I asked the -- I don't remember whether I pulled
4 my flashlight out of my case on my side or whether I,
5 actually, asked for a flashlight, I don't remember, but
6 I had a flashlight. I shined that flashlight down at
7 my feet and there was this bag in front of me. And it
8 was a cooler, a zip-like cooler that's insulated. It
9 has a straight zip top. It opens up at the bottom area
10 and it was kind of opened it up. I looked down in it
11 and what -- there was fluid filled in it. I kind of
12 stood there and gazed at it a little bit. It looked
13 like coagulation of blood. Matter of fact, the officer
14 that was standing right next to me, I asked him, I
15 said, Does that look like blood to you or is it just
16 me? And he, as well, agreed that that looked like
17 blood. The bag was approximately about a third full of
18 blood -- or what appeared to be blood.

19 I turned around and the only -- when we go in on a
20 scene, what we're going to do is attempt to preserve
21 the scene. We're not going to try to disturb any
22 evidence or anything, however, we're still going to be
23 looking for certain pieces of information, like any
24 kind of medical history on the patient and those sort
25 of things so we can have that documented in our chart

ROBERT HOWE DIRECT BY MS. GARFIELD

1 as well. That happens on any, cardiac arrest, any kind
2 of death, that we, you know, go to. It's just a
3 requirement as part of our paperwork and we tend to do
4 that.

5 We looked about the house. There was no obvious
6 signs of medicines or anything like that. I expected
7 to see, you know, something, but I didn't, not even a
8 normal OTC med, which is an over-the-counter med. But
9 anyway, the blood covered the house. In observance for
10 any kind of medical information, we had to be very
11 cautious about where we stepped.

12 The living room was -- you know, when you first
13 went into the room. Then it expanded into a corridor,
14 which the bathroom was off to the left. Then it had a
15 bedroom straight ahead from us. Then this corridor had
16 an air-conditioning and heating unit off to the right.
17 And just beyond that was an entranceway to the kitchen.
18 There was blood in every inch of that area that I
19 walked through. And not just a small amount, this was
20 a very large amount of blood. It covered the walls.
21 It was spattered on the walls. It was spattered on the
22 ceilings. It was everywhere. I've never seen -- in 22
23 year of experience, I've never seen a scene this
24 gruesome.

25 There was -- from the entranceway to the kitchen,

ROBERT HOWE DIRECT BY MS. GARFIELD

1 around to the entranceway to the bedroom, there was
2 what appeared to be a drag mark where somebody may have
3 pulled something cross the floor --

4 MS. PRINGLE: I'm going to object to this.

5 THE COURT: I'll sustain the objection.

6 MS. GARFIELD: Please continue.

7 THE COURT: You can state what you observed, but
8 don't form opinions as to what you observed, please, sir,
9 okay?

10 THE WITNESS: Yes, sir.

11 THE COURT: Please proceed.

12 THE WITNESS: Yes, sir.

13 That marking, what I call it, went all the way to
14 a rug that was into the bedroom, which it was curled up --

15 MS. PRINGLE: Objection to the same issue. He is
16 going into things that are not his medical observations.

17 MS. GARFIELD: Your Honor, he's testifying that he
18 observed a rug curled up.

19 THE COURT: I'll overrule it.

20 Go ahead.

21 MS. GARFIELD: Thank you.

22 BY MS. GARFIELD::

23 Q. Continue.

24 A. The rug was curled up and was towards the bed. The way
25 the curl was, it was kind of pulled off towards the

ROBERT HOWE CROSS BY MS. PRINGLE

1 bed. I tried to -- you know, we exited, basically,
2 walking back towards the front door.

3 Looking into the bathroom, the far end of the
4 bathroom where the tub was the only place I didn't see
5 any blood in that particular part of the house.
6 Observing inside the kitchen, I seen a weapon. If I'm
7 not mistaken, it was on the floor. It was a knife.
8 And the whole kitchen was covered with blood.

9 And, you know, once we exited the residence, we
10 notified DOA and then I stood by. I, actually, cleared
11 the scene, basically, you know, everybody steps out.
12 Police were outside with me. I sat out on the front
13 porch and I did my paperwork and waited for the coroner
14 to arrive.

15 Q. And you said DOA, just explain to the jury what DOA is.

16 A. DOA is just for dead on arrival.

17 Q. And that was your determination after conducting your
18 examination on the victim?

19 A. That's correct. And that is also with confirmation of
20 the cardiac monitor.

21 MS. GARFIELD: Thank you, Mr. Howe. Please answer
22 any questions Defense counsel may have.

23 THE COURT: Cross-examination?

24 MS. PRINGLE: May it please the Court?

25 CROSS-EXAMINATION

ROBERT HOWE CROSS BY MS. PRINGLE

1 Q. And, sir -- and I'm sorry if you've already said this,
2 but this call was received at 11:33? And I have a copy
3 if you like to see it.

4 A. I have a copy of it. I believe it was at 11:33 and we
5 arrived at the residence approximately 11:51.

6 Q. Okay. 11:51, you get there. May I see what you --
7 it's the same?

8 A. I've got the same report you do, probably.

9 Q. And this Emergency Services Department report, is this
10 a standard report within the emergency department?

11 A. Yes, ma'am, it is.

12 Q. And are they filled out for every call or just --

13 A. Yes, ma'am.

14 Q. So these are filled out for every single call?

15 A. Every call.

16 Q. And there's a template that you enter your information
17 onto, I presume?

18 A. That's correct.

19 Q. Is that correct?

20 A. In some of the fields.

21 Q. I'm sorry?

22 A. In some of the fields.

23 Q. What do you mean by that?

24 A. The -- the program has -- some of the fields have what
25 we call defaults and you can change the default. Some

ROBERT HOWE CROSS BY MS. PRINGLE

1. ... in about 20 minutes.

2. (Whereupon, the jury left the courtroom

3. at 11:40 a.m.)

4. THE COURT: All right. Anything from the State

5. before we take a break?

6. MS. GARFIELD: Sir?

7. THE COURT: Anything from the State before we take

8. a break?

9. MS. GARFIELD: Just can Mr. Howe be excused?

10. THE COURT: Pardon?

11. MS. GARFIELD: Can Mr. Howe be excused, Judge?

12. THE COURT: Yeah.

13. MS. GARFIELD: That's all.

14. THE COURT: Any objection from the Defense?

15. MS. PRINGLE: No, sir.

16. THE COURT: All right. Anything from the Defense

17. before we take a break?

18. MS. PRINGLE: No, sir.

19. THE COURT: All right. We'll take about 15,

20. 20-minute break.

21. (Whereupon, a short recess was held.)

22. THE COURT: Who is the next witness from the

23. State?

24. MS. CAMPBELL: Your Honor, the next witness is

25. Kelly Smith.

ROBERT HOWE CROSS BY MS. PRINGLE

1 THE COURT: Who is he?

2 MS. CAMPBELL: Mr. Kelly Warfield Smith.

3 Is he the first one?

4 THE COURT: Okay. Kelly Warfield Smith?

5 MS. CAMPBELL: Yes, sir.

6 Your Honor, this is the neighbor that heard things
7 that night.

8 THE COURT: Yes, ma'am.

9 MS. CAMPBELL: In addition to that, on prior
10 occasion, Your Honor, approximately -- he estimates between
11 a month to three months earlier, he thinks it was either in
12 July or June, he heard another argument between Mr. Hawes
13 and Ms. Wilson and her heard yell out no, again, in fear.
14 That was in his statement that was turned over to the
15 Defense.

16 In addition to that, Your Honor, he also had been
17 employed by --

18 THE COURT: Okay. Did he give you a written
19 statement?

20 MS. CAMPBELL: Yes, sir.

21 THE COURT: Let me take a look at that real quick.

22 MS. CAMPBELL: This is his written statement and
23 if could turn your attention to page three or four at the
24 top.

25 THE COURT: You've got the first part?

ROBERT HOWE CROSS BY MS. PRINGLE

1 MS. CAMPBELL: Yes, sir.

2 THE COURT: Is this your only copy?

3 MS. CAMPBELL: I can give that to you. We can
4 make that a Court's Exhibit.

5 THE COURT: Have y'all got the statement? I
6 assume he's going to testify for the State. What do y'all
7 object to from a defense standpoint?

8 MR. STRICKLER: I haven't finished hearing what
9 Ms. Campbell has to say in that regard.

10 THE COURT: Well, she's going to present the
11 testimony. I think she's trying to include a motion on your
12 part. What's your motion or do you have one?

13 MR. STRICKLER: I haven't made one yet.

14 THE COURT: Well, I know, that's what we're doing?

15 MR. STRICKLER: I assume she's referring to page
16 three of the statement, One time before about three months
17 ago, I heard her scream like he was hurting her and her
18 saying no.

19 THE COURT: Okay.

20 MR. STRICKLER: I think he could testify as to --

21 THE COURT: Do you have an objection to that?

22 MR. STRICKLER: As to his characterization "like
23 he was hurting her". I object.

24 THE COURT: That's what you object to?

25 MR. STRICKLER: Yes.

ROBERT HOWE CROSS BY MS. PRINGLE

1 THE COURT: What's your position on the words
2 "like he was hurting her"?

3 MS. CAMPBELL: That was his -- how he perceived it
4 as he was hearing it, Your Honor.

5 THE COURT: Did he see it or hear it?

6 MS. CAMPBELL: He heard it.

7 THE COURT: All right. I will exclude that, "like
8 he was hurting her". He can testify to what he heard. I'll
9 allow it, but as far as his opinion "like he was hurting
10 her" -- if he had seen it, it would be a different story.

11 MS. CAMPBELL: Yes, sir.

12 THE COURT: I will grant the motion to exclude
13 that, okay?

14 MS. CAMPBELL: Okay.

15 THE COURT: He can testify about the volume, he
16 can testify to anything else about what he heard.

17 MS. CAMPBELL: Okay.

18 THE COURT: Okay.

19 MS. CAMPBELL: Okay. Thank you, Your Honor.

20 THE COURT: Anything else?

21 MS. CAMPBELL: No, sir.

22 THE COURT: Anything from the Defense?

23 MR. STRICKLER: No, sir.

24 THE COURT: Bring us the jury.

25 BAILIFF: Yes, Your Honor.

KELLY SMITH DIRECT BY MS. CAMPBELL

1 (Whereupon, the jury returned to the
2 courtroom at 12:15 p.m.)

3 THE COURT: Does everybody have a pad and pen that
4 would like a pad and pen to take notes?

5 All right. Let me tell you very briefly about
6 notes. When you leave the courtroom, if you would, put your
7 name on the notepad or inside the notepad, okay? So when
8 you leave the courtroom, leave it in your chair and we'll
9 pass it back out to you when you come back in the courtroom.
10 The clerk will maintain control of your notes until you
11 start your deliberations in the trial. You can put down
12 anything you want in your notepad, but when you leave the
13 courtroom, please, put your name on the notepad.

14 Call your next witness, please.

15 MS. CAMPBELL: May it please the Court, the State
16 calls Kelly Smith.

17 THEREUPON,

18 KELLY WARFIELD SMITH,
19 after having been duly sworn, testified as follows:

20 THE CLERK: Have a seat in the witness box, state
21 your name for the record and spell it, please.

22 THE WITNESS: Okay. My name is Kelly Warfield
23 Smith, K-E-L-L-Y, W-A-R-F-I-E-L-D, S-M-I-T-H.

24 DIRECT EXAMINATION

25

KELLY SMITH DIRECT BY MS. CAMPBELL

1 BY MS. CAMPBELL:

2 Q. Mr. Smith, do you live here in Columbia?

3 A. I do.

4 Q. How long have you lived in the Columbia area?

5 A. Off and on, probably 12 to 13 years, but most recently,
6 around 11 years.

7 Q. Around 11 years?

8 A. Yeah.

9 Q. And if you could speak up just a little bit, it's hard
10 to hear in here.

11 A. Sure. Absolutely.

12 Q. What do you do for a living, sir?

13 A. I'm a computer and AV technician.

14 Q. A computer and what technician?

15 A. AV, audio and visual.

16 Q. Oh, thank you. Audio and visual technician. And where
17 do you work?

18 A. Midlands Technical College.

19 Q. And how long have you been working at Midlands
20 Technical College?

21 A. Coming up on 10 years.

22 Q. Did you know Jennifer Wilson?

23 A. I did, absolutely.

24 Q. Can you tell the jury how you knew Jennifer Wilson?

25 A. Originally, I had lived next door at . And our

KELLY SMITH DIRECT BY MS. CAMPBELL

1 landlord, Fred, had sold the house from underneath us
2 and let us know that we had to move. So we were
3 already friends, just from her having backyard parties.
4 And one of her friends had a dog and my girlfriend and
5 I at the time had a dog, so we'd come over and,
6 basically, be entertained at her party and hang out
7 with them.

8 And when our landlord had sold the house out from
9 underneath us, Jen said that her neighbor was moving on
10 the other side of her duplex. And we ended up talking
11 to the landlord and we ended up moving over to that
12 side.

13 Q. Okay. Let me slow you down a little bit.

14 A. Okay.

15 Q. You talk faster than I do.

16 A. Okay. Sorry. My apologies.

17 Q. You said that, originally, you lived where, at what
18 address?

19 A. .

20 Q. On what road?

21 A. Monroe.

22 Q. And where was that located in reference to where
23 Ms. Wilson lived when you first met her, where she
24 lived?

25 A. It's, actually, where Eric Ashton lives. The side of

KELLY SMITH DIRECT BY MS. CAMPBELL

- 1 my house faced Jen's house.
- 2 Q. Okay.
- 3 A. So we ran parallel with each other.
- 4 Q. If I show you State Exhibit No. 314, do you recognize
- 5 this?
- 6 A. I do.
- 7 Q. What does this show?
- 8 A. That is my house where I was -- that's Monroe,
- 9 where I lived, and , where she lived.
- 10 Q. Okay. Let me explain that here. I see there are two
- 11 doors shown on here; is that correct?
- 12 A. That is correct.
- 13 Q. And in State's 314, which door was the door that you
- 14 ended up living in?
- 15 A. I lived in the door on -- in the picture, on the
- 16 right-hand side.
- 17 Q. This one (indicating)?
- 18 A. Correct.
- 19 Q. And then which was the door where she was living,
- 20 Jennifer?
- 21 A. On the left-hand side.
- 22 Q. Over here?
- 23 A. (The witness nodded head.)
- 24 Q. And this was a duplex?
- 25 A. Correct.

KELLY SMITH DIRECT BY MS. CAMPBELL

- 1 Q. Prior to moving into the duplex here, where did you
2 live in relation to this house?
- 3 A. I lived to the left of Jen's door.
- 4 Q. Would it have been on this side?
- 5 A. Correct.
- 6 Q. In the house next door?
- 7 A. Correct. It was, also, identical everything. The
8 house was literally the exact same house, just built
9 one house over.
- 10 Q. Okay. And that's how you first met Jennifer?
- 11 A. Correct.
- 12 Q. And that would have been how many years ago?
- 13 A. Probably two years earlier.
- 14 Q. Two years earlier?
- 15 A. Correct.
- 16 Q. You mentioned that you had gotten -- you and your
17 girlfriend then moved in, I believe, to the duplex next
18 to her?
- 19 A. Correct.
- 20 Q. That's in the actual same house?
- 21 A. Absolutely, yes.
- 22 Q. Which is shown here on State's 314?
- 23 A. Correct.
- 24 Q. In the summer of 2011, were you living in that duplex?
- 25 A. I was.

KELLY SMITH DIRECT BY MS. CAMPBELL

1 Q. Did you ever meet a man by the name of Hank Hawes?

2 A. Absolutely, multiple times.

3 Q. How did you meet Hank Hawes?

4 A. The first time I met him, I was introduced to him
5 through Jen.

6 Q. Okay. And where did this introduction take place?

7 A. I believe in the backyard.

8 Q. Of her house -- of y'all's house?

9 A. Yeah, in our backyard.

10 Q. And let me clear up one thing, too, before we go any
11 further. As far as parking in this duplex, where would
12 y'all park your cars?

13 A. We parked in the back, off street.

14 Q. There was an area for that?

15 A. Correct.

16 Q. When you met Hank Hawes, did you -- approximately how
17 long before Jennifer was killed did that take place, do
18 you remember?

19 A. I'd say eight to nine months.

20 Q. Eight to nine months?

21 A. Correct.

22 Q. So it would have been in the winter into the spring
23 months of 2011?

24 A. Correct.

25 Q. Did you continue to see him as the months progressed?

KELLY SMITH DIRECT BY MS. CAMPBELL

1 A. I did.

2 Q. April, May, June?

3 A. I did.

4 Q. Did you become aware of what type of relationship
5 Jennifer Wilson and Hank Hawes had at that point?

6 A. At that point, yes, I did.

7 Q. And what was their relationship?

8 A. Their relationship started well, but became rocky. It
9 became off and on, off and on, off and on, off and on.
10 Yeah, she, actually, sent me texts saying -- warning me
11 --

12 MR. STRICKLER: I'll object, Your Honor.

13 THE COURT: What's your objection?

14 MR. STRICKLER: Hearsay.

15 (Whereupon, a bench conference was held
16 off the record, in the presence of the
17 jury, but out of the hearing of the
18 jury.)

19 BY MS. CAMPBELL:

20 Q. Did y'all exchange texts back and forth about the
21 situation?

22 A. We did frequently.

23 Q. Was that in the summer of 2011?

24 A. That was..

25 Q. And, specifically, in the months of June and July?

KELLY SMITH DIRECT BY MS. CAMPBELL

1 A. Correct.

2 Q. And August?

3 A. Correct.

4 Q. And you can't say what she texted to you, but what were
5 your responses to her texts? What information were you
6 giving her at her request?

7 A. I was, actually, asking her if she was okay. Multiple
8 times I had to ask if she was okay. Another time, I
9 had to ask if his car was being repossessed because the
10 position of her car in relation to his car looked like
11 his car was going to be taken away. And I had let her
12 know that if in case his car was going to be
13 repossessed and she was blocking him, then, legally,
14 they had a right to move her car in order to get to his
15 car.

16 Q. And in addition to that, at her request -- you can't
17 say what the request was, but were you looking for a
18 certain item in the yard?

19 A. Was I looking for a certain item? Sorry?

20 Q. His car?

21 A. Correct.

22 Q. And why were you looking for his car?

23 A. I was looking for his car -- on what date exactly?
24 Sorry.

25 Q. You explain to me. That month of August, July and

KELLY SMITH DIRECT BY MS. CAMPBELL

- 1 August?
- 2 A. July and August?
- 3 Q. (The solicitor nodded head.)
- 4 A. Well, actually, she informed me that, basically -- I'm
- 5 sorry.
- 6 MR. STRICKLER: Objection.
- 7 BY MS. CAMPBELL:
- 8 Q. I'm sorry this is awkward. I'm sorry.
- 9 A. Okay. I completely understand. I was --
- 10 Q. Did you ever give her any information about seeing Hank
- 11 Hawes's car?
- 12 A. Yes, I did.
- 13 Q. What information did you relate to her?
- 14 A. I related to her that his car was parked in the back
- 15 multiple times, the back of our house.
- 16 Q. Why were you relating that information to her?
- 17 A. Because I was asked to.
- 18 Q. By whom?
- 19 A. By her.
- 20 Q. You, also, mentioned that on one occasion you,
- 21 actually, texted her and asked her if she was okay?
- 22 A. Correct.
- 23 Q. At any time prior to August the 28th, that summer, did
- 24 you ever hear any arguments between Hank Hawes and
- 25 Jennifer Wilson?

KELLY SMITH DIRECT BY MS. CAMPBELL

1 A. I have.

2 Q. And how were able to hear what was going on in that
3 duplex next to you?

4 A. The houses were (indicating) mirrored this direction.
5 And if they were in the living room, I could hear
6 everything that they said in the living room. I could
7 hear her conversations. I heard telephone calls. I
8 heard everything. If it was above speaking volume, I
9 heard it.

10 Q. And do you remember approximately how long it was prior
11 to her death that you heard an argument?

12 A. I'd say end of March -- I mean, end of May, beginning
13 of June.

14 Q. And what were you able to hear in the duplex, in that
15 half of the duplex?

16 A. I heard mumbling and then it lead to her saying no very
17 loudly. Like, No. No.

18 Q. And you remember this?

19 A. I do.

20 Q. And why do you remember this?

21 A. I remember it because there were multiple times events
22 happened in the house. Like they had sex in the living
23 room and I would be working at my computer and I could
24 hear it. So I would just stop what I was doing and
25 walk in the other room and leave so I wouldn't have to

KELLY SMITH DIRECT BY MS. CAMPBELL

- 1 hear it.
- 2 Q. On this occasion in the beginning of June, you heard
- 3 her yelling what?
- 4 A. No. No.
- 5 Q. Did that cause you alarm at that point?
- 6 A. It did.
- 7 Q. Did you ever confront her about it?
- 8 A. She confronted me in the backyard.
- 9 Q. You can't say what she said, but what did you say?
- 10 A. I told her, you know, I understood that things had
- 11 happened, sometimes relationships get heated and just
- 12 let me know if she needed anything.
- 13 Q. And what was her frame of mind at that point?
- 14 A. They were on the mend.
- 15 Q. During July and the first of August, were you aware
- 16 that Jennifer was out of town?
- 17 A. I was.
- 18 Q. Approximately how long was she gone, do you know?
- 19 A. I believe two weeks?
- 20 Q. At least two weeks?
- 21 A. I believe so.
- 22 Q. And did you know where she had gone?
- 23 A. I believe it was Bali.
- 24 Q. And prior to that, in July, I believe, had she, also,
- 25 taken a trip to see her parents?

KELLY SMITH DIRECT BY MS. CAMPBELL

1 A. Correct.

2 Q. So during that time period, she wasn't around?

3 A. Correct.

4 Q. When she got back from her trip to Bali, did you see
5 her any more?

6 A. I did.

7 Q. In August of 2011?

8 A. I did.

9 Q. And at some point, did you notice Hank Hawes showing up
10 again?

11 A. I did.

12 Q. And approximately when was that, do you remember?

13 A. I, actually, don't remember the first time I saw him.

14 Q. In the week leading up to her death, did you see him at
15 all over at the house?

16 A. I did.

17 Q. Did that raise alarms to you?

18 A. It did.

19 Q. Did you talk to her about it?

20 A. I did.

21 Q. And when you talked to her, you can't say what she
22 said, but what did you say to her?

23 A. I, basically, just questioned the situation. To my
24 understanding, they were on the outs, so this
25 contradicted what I had known to be true. And I would

KELLY SMITH DIRECT BY MS. CAMPBELL

1 not be seeing him any more and this was a surprise to
2 me to be seeing him.

3 Q. And you expressed your concern to her?

4 A. Correct.

5 Q. I want to turn your attention to August the 27th, that
6 evening, into the early morning hours of the 28th.

7 What were you doing that evening?

8 A. That evening, actually -- I believe I was feeling under
9 the weather, so I went to bed early, earlier than
10 normal.

11 Q. And at that point, was it still you and your girlfriend
12 in the apartment or was it just you?

13 A. Just me at that point.

14 Q. That evening, you said you went to bed early. Did
15 something cause you to wake up that evening?

16 A. Absolutely.

17 Q. And approximately what time was it when you woke up?

18 A. 2:29 a.m.

19 Q. And when you woke up, why did you wake up?

20 A. I work up because I heard screaming and physical
21 violence.

22 Q. Where did you hear it coming from?

23 A. It sounded like it came from Jen's bedroom.

24 Q. Did you recognize the voices?

25 A. I recognized Jen's voice immediately.

KELLY SMITH DIRECT BY MS. CAMPBELL

1 Q. Did you hear anyone else's voice?

2 A. I didn't hear anybody else's voice.

3 Q. But you heard Jen's voice?

4 A. I heard Jen's voice clearly.

5 Q. And you said you, actually, heard a commotion?

6 A. I heard a very loud commotion.

7 Q. And when you said it was a commotion, how did you know
8 that?

9 A. Just -- I just -- the energy in the room, you could
10 feel -- I mean, it, literally, was a violent situation.
11 Her scream was she was being harmed.

12 Q. And once you heard the commotion, did it continue?

13 A. It did. There was a moment of pause, sounded like it
14 moved into the hallway, and then into the kitchen. And
15 there was a second wave of more aggressive, just
16 brutal, carnal instant violence. And I could
17 physically feel the vibration in my bedroom from what
18 was coming from the other room.

19 Q. So could you hear, actually, things making impact?

20 A. Correct. I could hear what sounded like a table
21 slamming against the wall, like her body being thrown
22 against the wall.

23 Q. What else did you hear?

24 A. I heard her screaming no, no, no. And then pleading --
25 I mean, pleading for her life. The absolute last thing

KELLY SMITH DIRECT BY MS. CAMPBELL

- 1 she said pleading for her life was no.
- 2 Q. Did you ever hear Hank Hawes?
- 3 A. I did not.
- 4 Q. Did you ever hear him yell for help?
- 5 A. No.
- 6 Q. And the only voice you heard that night was Jennifer
- 7 Wilson's?
- 8 A. That is correct.
- 9 Q. And that you recognized?
- 10 A. That is correct.
- 11 Q. Once you heard her yell no, no, no, did you hear
- 12 anymore voices?
- 13 A. I didn't hear anything.
- 14 Q. Did you hear any more impacts?
- 15 A. I didn't hear any more impacts, other than the
- 16 footsteps on the creaky floor.
- 17 Q. And explain that to the jury, how the floors in this
- 18 duplex -- it's an older house?
- 19 A. Correct. Older house, hardwood floors, if I walked in
- 20 one room, you heard it on the other side and if she
- 21 walked on her side, I heard it on my side.
- 22 Q. Once you heard the no, no, no, the only thing you heard
- 23 after that was footsteps?
- 24 A. Correct.
- 25 Q. What did you do?

KELLY SMITH DIRECT BY MS. CAMPBELL

1 A. I called the police.

2 Q. Why did you call the police?

3 A. I called the police because I thought she was
4 physically beaten. At that point, I didn't think she
5 was dead. I wanted to err on the side of domestic
6 violence and that she had just been physically beaten.

7 Q. Once you called the police, you, actually, talked to
8 the dispatcher?

9 A. That is correct.

10 Q. And at our request, you had an opportunity to review
11 that 911 tape?

12 A. That's correct.

13 Q. I want to show you State's Exhibit 315. That's the
14 tape you -- the recording, I'm sorry, that you
15 reviewed?

16 A. Correct.

17 Q. Does it fairly and accurately depict the 911 call you
18 made that night?

19 A. Absolutely.

20 MS. CAMPBELL: Your Honor, at this time, we would
21 offer State's 315 into evidence.

22 THE COURT: Any objection?

23 MR. STRICKLER: No objection.

24 THE COURT: What's the number? I'm sorry.

25 MS. CAMPBELL: 315.

KELLY SMITH DIRECT BY MS. CAMPBELL

1 THE COURT: 315 admitted without objection.

2 MS. CAMPBELL: Thank you, sir.

3 (State's Exhibit No. 315 was admitted
4 into evidence.)

5 MS. CAMPBELL: Your Honor, permission to publish?

6 THE COURT: Yes, ma'am.

7 (Whereupon, 911 call played for the
8 jury.)

9 BY MS. CAMPBELL:

10 Q. Was that the 911 call you made that night?

11 A. It is.

12 Q. Let me back up one second, I didn't ask you, when you
13 heard the sound, the screaming, the no, the no, the no
14 that Jennifer was yelling, could you tell what area of
15 the house that was coming from?

16 A. Final no's?

17 Q. (The solicitor nodded head.)

18 A. Yes. It was coming towards the back door in the
19 kitchen.

20 Q. And after hearing that, that's when you made the 911
21 call?

22 A. Correct.

23 Q. Did the police respond that night?

24 A. They did.

25 Q. And did you, actually, observe them?

KELLY SMITH DIRECT BY MS. CAMPBELL

- 1 A. I did.
- 2 Q. Where did you observe them?
- 3 A. I observed them from my bedroom.
- 4 Q. From your bedroom?
- 5 A. Yes. I saw the revolution of blue lights.
- 6 Q. The lights?
- 7 A. Correct.
- 8 Q. So you could, actually, see the lights, the blue
- 9 lights?
- 10 A. Correct.
- 11 Q. From inside your house?
- 12 A. Yes, correct.
- 13 Q. Did you, actually, see them proceed into the yard area?
- 14 A. To the yard area?
- 15 Q. Into your yard?
- 16 A. Correct, yes. From the front, yes, I could see
- 17 flashlights.
- 18 Q. Did you know where they went that night?
- 19 A. I know they went to my front door and knocked. I was
- 20 laying low because he had shown me --
- 21 Q. No, you can't talk about that.
- 22 A. I --
- 23 Q. You didn't want to be known to be reporting this?
- 24 A. Yes, exactly, the person that reported the crime,
- 25 correct.

KELLY SMITH DIRECT BY MS. CAMPBELL

1 Q. But you made sure the police responded so they could
2 assess the situation?

3 A. Absolutely, correct.

4 Q. And as far as you knew that night, they had made
5 contact with Jennifer or whoever?

6 A. Yes.

7 Q. Did you ever, actually, hear them talking to anyone
8 next door?

9 A. I did not. I heard a male and female officer speaking
10 to each other. I just assumed that that was them
11 talking to Jen and Hank.

12 Q. The next morning, about what time was it when you got
13 up and left the house?

14 A. I left the house at 7:45, 7:45 a.m.

15 Q. And when you went to leave the house, what area --
16 where did you go?

17 A. I left out the front door. I, actually, had taken my
18 dog out before I left out of the back door.

19 Q. Okay. And when you went out the back door, what did
20 you observe in the backyard?

21 A. I observed Hank's car in the far left, then Jennifer
22 Wilson's Volvo and then my Volvo to the right.

23 Q. And the car you said was Hank Hawes's car, what type of
24 car was that?

25 A. It was charcoal-blackish Range Rover, newer model.

KELLY SMITH DIRECT BY MS. CAMPBELL

1 Q. And you saw Jennifer's car?

2 A. Correct.

3 Q. Did you see either Hank or Jennifer in the backyard at
4 that point?

5 A. I did not.

6 Q. And that morning, you left your apartment, I believe,
7 out the front door. Then where did you go?

8 A. I walked over to my girlfriend's house on Duncan Street
9 and we walked over to the Rosewood Market for brunch.

10 And then after brunch, she had to go to work, so I
11 walked her back to her house, and then I walked home.

12 Q. Okay. When you walked home later that morning, what
13 did you observe as you got to the duplex?

14 A. I, actually, entered through the front of my house,
15 walked to the back of the house to let my dog out. I
16 opened the back door and my dog took off towards the
17 back corner. And he was met by multiple police
18 officers that were, actually, entering the edge of the
19 yard. They asked me, specifically, about the vehicles
20 that were there. And they asked me where the third
21 vehicle was. They had me identify the vehicles.

22 Q. At that point, what vehicles were, actually, still in
23 the backyard?

24 A. Jennifer Wilson's Volvo was there and my Volvo was
25 there.

KELLY SMITH DIRECT BY MS. CAMPBELL

- 1 Q. What color is your Volve?
- 2 A. Red.
- 3 Q. Okay. And what color was her Volvo?
- 4 A. I believe charcoalish.
- 5 Q. Was the Range Rover that Hank drove still back there?
- 6 A. No longer there.
- 7 Q. At that point, did the police officers, also, question
- 8 you about what you had heard the night before?
- 9 A. They -- I honestly can't remember.
- 10 Q. Okay. While you were out in the backyard, did you
- 11 observe whether or not the police, actually, had made
- 12 entry at that point?
- 13 A. They had not.
- 14 Q. Did you observe them proceed to make entry into the
- 15 house?
- 16 A. Correct, I did.
- 17 Q. And how did they get into Jennifer's duplex that day?
- 18 A. One officer went to the front of the house. Two other
- 19 officers went with me in the back of the house. I was
- 20 holding my dog in my arms. We walked out and the
- 21 officers asked me if the door was unlocked, normally
- 22 unlocked or would it be locked. And I answered that
- 23 she had a bad habit of leaving the back door unlocked.
- 24 And they opened the door. One officer drew a weapon
- 25 and I think the other officer called to the front side

KELLY SMITH DIRECT BY MS. CAMPBELL

1 of the house towards the other officer and they opened
2 the door, the back door to the house.

3 Q. And were you able to see in?

4 A. I was.

5 Q. And what did you see when you looked into that back
6 door?

7 A. I saw blood.

8 Q. At that point, who did the police do?

9 A. The police officer told me that I needed to leave. He
10 said, You can't be here right now, and directed me away
11 from the house.

12 Q. Did you follow his direction?

13 A. I did.

14 Q. Where did you go?

15 A. I went next door to my house.

16 Q. Did you stay there?

17 A. I did.

18 Q. Did more police officers come that day?

19 A. They did.

20 Q. Did you observe EMS?

21 A. I did.

22 Q. Did you ever, actually, go inside Jennifer's house that
23 day?

24 A. I did not. I made it all the way to the porch with the
25 two officers, but never went inside.

KELLY SMITH DIRECT BY MS. CAMPBELL

- 1 Q. The back porch?
- 2 A. Correct.
- 3 Q. That day, did the police make contact with you?
- 4 A. They did.
- 5 Q. And I believe they, actually, took a statement shortly
- 6 thereafter?
- 7 A. Correct.
- 8 Q. Around 12:45?
- 9 A. That's correct.
- 10 Q. Were you giving them the information you knew at that
- 11 point?
- 12 A. I gave them everything I could, yes.
- 13 Q. Did you give them whatever information you had about
- 14 Hank Hawes, what you had heard the night before?
- 15 A. That is correct.
- 16 Q. And what you'd seen?
- 17 A. Yes, ma'am.
- 18 Q. Later that afternoon, did they, also, come and show you
- 19 a photo lineup?
- 20 A. That's correct, yes.
- 21 Q. I show you what's been marked as State's Exhibit you
- 22 16. Do you recognize that?
- 23 A. I do, that is my handwriting.
- 24 Q. And when they showed this lineup, did they tell you who
- 25 to pick or anything?

KELLY SMITH DIRECT BY MS. CAMPBELL

1 A. Absolutely not.

2 Q. Did they influence your decision as far as who you
3 recognized?

4 A. Absolutely not.

5 Q. When you looked at these six photographs, did you
6 recognize anyone?

7 A. Clearly, yes.

8 Q. Which one did you recognize?

9 A. I recognized number five, which was Hank.

10 Q. And did you then memorialize that with your initials?

11 A. That's correct.

12 Q. As well as the date and time?

13 A. Yes, I did.

14 Q. And circled it?

15 A. Uh-huh.

16 MS. CAMPBELL: Your Honor, at this time, we would
17 offer State's Exhibit 316 into evidence.

18 MR. STRICKLER: Without objection, Your Honor.

19 THE COURT: All right. 316 admitted without
20 objection.

21 (State's Exhibit No. 316 was admitted
22 into evidence.)

23 BY MS. CAMPBELL:

24 Q. And I believe you, actually, wrote out a short
25 statement indicating that this was the person who you

KELLY SMITH CROSS BY MR. STRICKLER

- 1 referred to as being Hank Hawes?
- 2 A. Absolutely, yes.
- 3 Q. The person that you knew as Hank Hawes who had the
- 4 Range Rover there in the backyard?
- 5 A. (The witness nodded head.)
- 6 Q. Do you see him here in the courtroom?
- 7 A. I do.
- 8 Q. Can you point him out for the jury?
- 9 A. He's right over there (indicating).
- 10 Q. Seated where at that table?
- 11 A. He's -- from the left, the second person from the left.
- 12 Q. Second person from the left in the suit?
- 13 A. That is correct.
- 14 MS. CAMPBELL: Your Honor, may the record reflect
- 15 he's identified the Defendant?
- 16 THE COURT: Yes, ma'am.
- 17 MS. CAMPBELL: Thank you, sir.
- 18 THE COURT: Cross-examination.
- 19 CROSS-EXAMINATION
- 20 BY MR. STRICKLER:
- 21 Q. Good afternoon, Mr. Smith?
- 22 A. Good afternoon.
- 23 Q. I am just trying to get the physical layout of your
- 24 place --
- 25 A. Okay.

KELLY SMITH CROSS BY MR. STRICKLER

- 1 Q. -- at that point in time --
- 2 A. Yeah.
- 3 Q. -- straight. If I understand you correctly, the two
- 4 sides of the duplex were like mirror images of each
- 5 other?
- 6 A. Correct.
- 7 Q. Is that right?
- 8 A. That's correct.
- 9 Q. So if you got -- this is the front of the house?
- 10 A. Yes.
- 11 Q. And that's the back of the house (indicating), right?
- 12 A. Correct.
- 13 Q. There is an entranceway for each of the --
- 14 A. Yes.
- 15 Q. Entranceway into a living room --
- 16 A. Yes.
- 17 Q. -- in this case, correct? I'm not much of an artist.
- 18 There's a hallway here (indicating). There's a
- 19 bathroom here (indicating) --
- 20 A. There's a bathroom on my side and a bathroom on her
- 21 side.
- 22 Q. Bathroom here, right?
- 23 A. Correct.
- 24 Q. This is way out of scale, but you've got a bedroom
- 25 there (indicating)?

KELLY SMITH CROSS BY MR. STRICKLER

- 1 A. Correct.
- 2 Q. Bedroom there (indicating)?
- 3 A. Correct.
- 4 Q. You've got a back door here (indicating) on each of
5 them?
- 6 A. (The witness nodded head.)
- 7 Q. Kitchen?
- 8 A. Yes.
- 9 Q. Is that right?
- 10 A. That's about right. There's a hallway connecting the
11 bedrooms -- in between the bedroom and the kitchen.
12 That's it.
- 13 Q. And one of the last things you talked about with Ms.
14 Campbell was giving this statement on August 28th of
15 2011, correct?
- 16 A. Correct.
- 17 Q. Have you had an opportunity to review that statement?
- 18 A. I have.
- 19 Q. Okay. And when you gave it, you tried to supply the
20 best information you could to the police, right?
- 21 A. Absolutely.
- 22 Q. I noticed in your statement that you indicated it was
23 2:29 when you were awoken?
- 24 A. Correct.
- 25 Q. First time. So you're woken up from a sleep, correct?

KELLY SMITH CROSS BY MR. STRICKLER

1 A. A dead sleep, yes.

2 Q. What did you do, look at the clock by your bed to see
3 what time it was?

4 A. I sleep with my iPhone, so it was pretty close to 2:29.

5 Q. Okay. Got you. You, also, say that -- when asked
6 whether you knew who was at Jen's house, you responded
7 that it was Hank. You looked out and saw his car?

8 A. (The witness nodded head.)

9 Q. And you heard them talking earlier before you went to
10 bed?

11 A. Correct.

12 Q. What time in the evening was that, you heard them
13 talking?

14 A. I went to bed early that evening, so I'm going to say
15 possibly before 8:00. I don't have an exact
16 recollection.

17 Q. You went to bed at 8:00 in the evening?

18 A. I honestly can't -- I don't remember, but it was early.

19 Q. It was early?

20 A. Yes, it was early.

21 Q. And as I understand it -- and correct me if I'm wrong,
22 okay, please. But as I understand it, you were in your
23 bedroom the entire time whatever was transpiring over
24 next door was going on, is that right?

25 A. Save for when I went and got my dog, yes.

KELLY SMITH CROSS BY MR. STRICKLER

- 1 Q. Where did you get your dog from?
- 2 A. The kitchen.
- 3 Q. Okay. All right. And where in this process was it --
- 4 what point in time in this process was it when you went
- 5 and got your dog?
- 6 A. In between the first and second wave of attacks.
- 7 Q. Okay.
- 8 A. I did not anticipate a second wave.
- 9 Q. How long did this entire process take?
- 10 A. I'd say less than three minutes.
- 11 Q. I'm sorry, sir?
- 12 A. Less than three minutes, start to finish.
- 13 Q. Less than three minutes. Now, you -- you cannot be
- 14 sure where the confrontation, where the incident took
- 15 place?
- 16 A. The finale, yes, I can.
- 17 Q. Okay.
- 18 A. The beginning, I, literally, had been awoken from a
- 19 dead sleep, so --
- 20 Q. Okay.
- 21 A. -- just trying to get my bearings. And based on, you
- 22 know, what you hear when you wake up, it did sound like
- 23 it was coming from beyond the kitchen.
- 24 Q. Now, in the statement you gave to the police at 12:45
- 25 on August 28th, 2011, do you describe the incident

KELLY SMITH CROSS BY MR. STRICKLER

1 occurring first some place other than the kitchen?

2 A. Correct.

3 Q. You don't, do you?

4 A. I do.

5 Q. You do. If you could just direct my attention --
6 first, do you recognize that, sir?

7 A. Sure, absolutely.

8 Q. If you could just direct my attention to what you're
9 referring to in the statement.

10 A. I'm sorry, where the events took place.

11 Q. Where you describe it happening some other place than
12 the kitchen?

13 A. Okay. It says, I felt a person being banged around. I
14 could tell Jen and Hank were fighting, fighting badly.
15 There was a pause and I debated calling the police --
16 sorry -- give me one second. There was a pause, I
17 debated calling the police. The second round of
18 violent fighting started and I decided to call the
19 police after hearing what sounded like a person being
20 banged against the wall. And I could feel the
21 vibration as well.

22 Q. So the point is, in the statement -- I understand what
23 you said in the statement. You mention the bedroom in
24 the statement? No, you don't, do you?

25 A. No, I do not.

KELLY SMITH CROSS BY MR. STRICKLER

- 1 Q. You mention the kitchen in that statement, for the
2 matter?
- 3 A. I do not.
- 4 Q. Okay. So this statement makes no reference to as far
5 as where this incident took place, any particular rooms
6 in the house, correct?
- 7 A. That is correct.
- 8 Q. Okay.
- 9 A. I was under a lot of duress at that moment.
- 10 Q. I'm sorry, yes, sir. But as you testified today, your
11 testimony is that you remembered it happened bedroom,
12 then the sound of the hallway and then the kitchen, is
13 that right?
- 14 A. Absolutely.
- 15 Q. All right. Now, how long was it before the police
16 arrived on the scene?
- 17 A. Seven minutes.
- 18 Q. Sorry?
- 19 A. Around seven minutes.
- 20 Q. And how do you know that, sir?
- 21 A. Because I asked.
- 22 Q. You asked?
- 23 A. Correct.
- 24 Q. So you don't have any independent knowledge?
- 25 A. I do not have independent knowledge of that.

KELLY SMITH CROSS BY MR. STRICKLER

1 Q. At the time you gave the statement, you said it seemed
2 like a long time before they arrived?

3 A. It seemed like an incredibly long time.

4 Q. Okay. I can buy that. Now, you also testified -- and
5 I may have misunderstand you, and I apologize if that's
6 the case, when you talked about previous arguments --

7 A. Sure.

8 Q. -- between -- between them in the summertime?

9 A. Uh-huh.

10 Q. In your statement, you described -- well, the question
11 is to you in the statement, Have you ever heard or seen
12 Hank and Jen arguing or fighting before? Do you
13 remember that?

14 A. I do.

15 Q. And your response is, Yes, one time before.

16 A. Correct.

17 Q. Correct?

18 A. Uh-huh.

19 Q. So when you describe prior difficulties between Ms.
20 Wilson and Hank in that summer and you're asked whether
21 you ever remember it, you mentioned yes, one time
22 before?

23 A. One time.

24 Q. That's your testimony here today?

25 A. Correct. One time that stood out.

KELLY SMITH CROSS BY MR. STRICKLER

- 1 Q. One time?
- 2 A. Yeah.
- 3 Q. Okay. And then you indicated that at some point, I
- 4 guess, after she had been out of town -- she was out of
- 5 town on a couple occasions in July, early August,
- 6 right?
- 7 A. Uh-huh.
- 8 Q. That you noticed Hank was coming around again?
- 9 A. Correct.
- 10 Q. I don't want to put words in your mouth.
- 11 A. Yes, that's correct.
- 12 Q. Okay. And you thought they had been on the quits?
- 13 A. Correct.
- 14 Q. Right?
- 15 A. Yeah.
- 16 Q. Would it surprise you to know that they had been in
- 17 constant contact with each other?
- 18 A. No, not -- in the context of a relationship, but as
- 19 friends, it would not surprise me.
- 20 Q. And you indicated in your direct testimony that
- 21 Ms. Wilson and Hank had been together for -- or had
- 22 been involved with each other one way or another for
- 23 about eight or nine months prior to the incident,
- 24 correct?
- 25 A. That's correct.

KELLY SMITH REDIRECT BY MS. CAMPBELL

1 Q. And you were in that apartment or duplex that entire
2 period of time, right?

3 A. Yes.

4 Q. As was Ms. Wilson, right?

5 A. Yes, sir.

6 Q. Okay.

7 MR. STRICKLER: Beg the Court's indulgence.

8 BY MR. STRICKLER:

9 Q. Just a couple more things, sir?

10 A. Okay.

11 Q. When the police responded, you were in your bed?

12 A. Correct.

13 Q. You didn't respond to the door --

14 A. Absolutely correct.

15 Q. -- right? But you knew they -- you could see the blue
16 lights?

17 A. I could see the flashlight as well.

18 Q. You could see some people moving to your backyard, is
19 that correct?

20 A. I saw the flashlights as well. Yeah, definitely
21 flashlights showing in the front of my house.

22 Q. Okay.

23 A. And I assumed they went to Jen's next door immediately
24 after.

25 Q. Okay. How long were they there for, do you know?

KELLY SMITH REDIRECT BY MS. CAMPBELL

1 A. I'd say -- actually, at the house or near the house,
2 I'd say probably three to five minutes. And that's
3 just a guess based on -- my sense of timing was pretty
4 distorted at that point because of shock.

5 Q. Okay.

6 MR. STRICKLER: Thank you very much.

7 THE COURT: Redirect?

8 MS. CAMPBELL: Yes, sir.

9 REDIRECT EXAMINATION

10 BY MS. CAMPBELL:

11 Q. He asked about your statement you gave?

12 A. Yes.

13 Q. And he, specifically, asked you about what was in the
14 kitchen or what was in the bedroom?

15 A. Yes.

16 Q. And, specifically, in this, you talk about when you
17 heard her yelling no?

18 A. Yes.

19 Q. And then it sounded like what? Screams were pleading
20 no?

21 A. Pleading no.

22 Q. And then you say that you heard the struggle where?

23 A. At the back door.

24 Q. And then what?

25 A. And then -- sorry. I heard struggling at the back door

KELLY SMITH REDIRECT BY MS. CAMPBELL

1 and then quiet.

2 Q. And that's where you heard the no's?

3 A. Correct.

4 Q. So that was in your statement?

5 A. (The witness nodded head.)

6 Q. He asked you about there was one time -- in your
7 statement, what you put in your statement about having
8 heard difficulties?

9 A. Correct.

10 Q. And he stopped you before you went to what you heard?

11 A. I heard her screaming like he was hurting her and Jen
12 saying no.

13 MR. STRICKLER: I object, Your Honor.

14 THE COURT: Well, y'all come up here a second.

15 (Whereupon, a bench conference was held
16 off the record, in the presence of the
17 jury, but out of the hearing of the
18 jury.)

19 THE COURT: All right. The objection is
20 overruled.

21 MS. CAMPBELL: Thank you, Your Honor.

22 BY MS. CAMPBELL:

23 Q. So that was in your statement?

24 A. Correct.

25 THE COURT: Any recross?

KELLY SMITH REDIRECT BY MS. CAMPBELL

1 MR. STRICKLER: No, sir.

2 THE COURT: All right. You may step down.

3 Any objection to him being excused?

4 MS. CAMPBELL: None from the State.

5 MR. STRICKLER: No, sir.

6 THE COURT: Mr. Smith, you may be excused, but
7 you're welcome to stay if you want to stay. Thank you very
8 much.

9 All right. Mr. Foreman, ladies and gentlemen of
10 the jury, it's about 1:00. We'll take a lunch break at this
11 time. If you could be back in the jury room at 1:20, about
12 an hour and 20 minutes from now, we'll get started at that
13 time. Please don't discuss the case amongst yourselves or
14 read anything about it. Leave your notepads in your chairs.
15 I will see you back after lunch about 1:20. 2:20, I'm
16 sorry, excuse me, 2:20. I'm having trouble looking at that
17 clock there. Thank you. 2:20.

18 (Whereupon, the jury left the courtroom
19 at 12:56 p.m.)

20 THE COURT: All right. On the objection that we
21 dealt with at the bench, is there anything the State or
22 Defense would like to put on the record as to that
23 objection?

24 MR. STRICKLER: Yes, sir. May it please the
25 Court, Your Honor. I objected. Ms. Campbell went through

KELLY SMITH REDIRECT BY MS. CAMPBELL

1 the statement and elicited his testimony that I heard her
2 screaming like he was hurting her. Specifically, like he
3 was hurting her, which was the portion of the statement that
4 we dealt with earlier and had been excluded earlier.

5 I submit that I did not open the door to that in
6 my examination of him. My questioning of him was whether or
7 not he had told the police one time before, that he heard
8 them arguing one item before. And he responded yes. And he
9 responded that's what I testified to today.

10 So I don't see how that opens the door to her then
11 elaborating on what she had just been ruled as inadmissible.
12 So the objection is on that basis and I move for a mistrial
13 on that basis.

14 THE COURT: As far as the mistrial, that's denied.
15 I'll be glad to hear you on the objection.

16 MS. CAMPBELL: Your Honor, we think he did open
17 the door. He was, basically, inferring that he did not come
18 forward with the rest of the information.. In addition to
19 that, under rule 106, once he publishes part of the
20 statement, I believe the rest and the relevant part of that
21 statement can be published to the jury in addition to that.

22 THE COURT: All right. I overrule the objection
23 based upon opening the door on cross-examination. It was
24 insinuated directly towards that the man did not hear
25 properly through the walls and he heard properly enough to

PRESTON AVERY DIRECT BY MR. MATTHEWS

1 realize or, at least, thinking that she was in danger of
2 being hurt. Therefore, I think the door was opened. And
3 your motion is denied. Thank you so very much. See you at
4 2:20.

5 (Whereupon, a short recess was held.)

6 THE COURT: Anything from the State before we
7 bring in the jury?

8 MS. CAMPBELL: No, sir.

9 THE COURT: Anything from the Defense?

10 MR. STRICKLER: No, Your Honor.

11 THE COURT: Bring us the jury, if you would,
12 please.

13 BAILIFF: Yes, Your Honor.

14 (Whereupon, the jury returned to the
15 courtroom at 2:23 p.m.)

16 BAILIFF: Jury's seated, Your Honor.

17 THE COURT: Thank you very much.

18 Does everybody have their notepads? I guess I
19 should say is there anybody that doesn't have their
20 notepads?

21 (Laughter.)

22 THE COURT: All right. Solicitor, you may call
23 your next witness, please.

24 MR. MATHEWS: Yes, Your Honor, the State calls
25 Officer Preston Avery.

PRESTON AVERY DIRECT BY MR. MATTHEWS

1 THEREUPON,

2 PRESTON AVERY,

3 after having been duly sworn, testified as follows:

4 THE CLERK: Have a seat in the witness box, state
5 your name and spell it, please.

6 THE WITNESS: Officer Preston D. Avery, it's
7 P-R-E-S-T-O-N, D. Avery, A-V-E-R-Y.

8 DIRECT EXAMINATION

9 BY MR. MATHEWS:

10 Q. Officer Avery, where do you work?

11 A. City of Columbia Police Department.

12 Q. And in August of 2011, where did you work?

13 A. City of Columbia Police Department.

14 Q. And what did you do at the police department back in
15 August?

16 A. I was on patrol, routine parole.

17 Q. Were you working the night of August 27th, morning of
18 August 28th?

19 A. Yes, sir.

20 Q. And did you have occasion to respond to a call at
21 ?

22 A. Yes, sir.

23 Q. And what was the dispatch on that call?

24 A. I believe it was a dispatch in reference to a domestic
25 disturbance.

PRESTON AVERY DIRECT BY MR. MATTHEWS

- 1 Q. And you responded to that?
- 2 A. Yes, sir.
- 3 Q. And describe for me the events of your response?
- 4 A. I was dispatched at approximately 2:41 in the morning.
- 5 I arrived at 2:47. When I got there, as I approached
- 6 on the street, the next house adjacent to it comes to a
- 7 corner --
- 8 Q. Let me stop you, were you by yourself?
- 9 A. Yes, sir.
- 10 Q. Go ahead.
- 11 A. As I approached down the street, the last house -- I
- 12 noticed the last house on the left had their lights on,
- 13 so I initially believed that's the house I was
- 14 responding to. When I got to that location, I
- 15 discovered it was not correct and it was, actually, the
- 16 residence adjacent to it.
- 17 As I approached that residence, I observed no
- 18 lights on in either dwelling, it was a duplex. So then
- 19 I tried to listen for any signs of struggle, any signs
- 20 of disturbance. I didn't hear anything. So I
- 21 proceeded around the rear of the residence, again,
- 22 trying to look for anything, hear anything, see anybody
- 23 trying to leave and still didn't hear anything.
- 24 Q. Is that typical of what you would do on a call for a
- 25 domestic incident?

PRESTON AVERY DIRECT BY MR. MATTHEWS

1 A. And wait for backup, yes, sir.

2 Q. So describe for me again when you went to the front of
3 the residence, were there any lights on?

4 A. No, sir.

5 Q. Did hear anything at all?

6 A. No, sir, just a faint sound of a dog barking.

7 Q. Did you attempt to make contact with any of the
8 occupants?

9 A. Not that time.

10 Q. And why was that?

11 A. Again, I usually wait for a backup on a domestic
12 disturbance, especially that late in the morning.

13 Q. Tell me, after you're at the front of the house, what
14 did you do?

15 A. I proceeded around the rear of the residence, again,
16 just listening, look for any signs of distress.

17 Q. Did you see or hear anything at that point in time?

18 A. No, sir.

19 Q. What did you do after that?

20 A. It was about a minute or two later, Officer Goss
21 arrived, he was my backup unit. I let him know my
22 initial findings, that there were no signs of distress.
23 When he got there, he went around to the front of the
24 residence and, again, I proceeded around the rear of
25 the residence just in case contact was made.

PRESTON AVERY DIRECT BY MR. MATTHEWS

1 Q. At the rear of the residence, were there any vehicles
2 present?

3 A. Yes, sir, there were three.

4 Q. Do you recall what those vehicles were?

5 A. Yes, sir, there was a red station wagon, I believe it
6 was a Volvo. It was parked on the right-hand side --
7 if this is the driveway, it was parked on the
8 right-hand side. There was, I believe, a tan in color
9 four-door sedan. I'm not sure if it was a Toyota. It
10 looked like about a Toyota Camry size vehicle. And a
11 black, what I observed to be a Land Rover, Range Rover
12 vehicle parked on the left side.

13 Q. After you went around back and Officer Goss was out
14 front, what happened?

15 A. We still didn't hear anything. I -- when -- once I
16 gave Officer Goss a little time around the front, I
17 walked around front, spoke with them, asked if he had
18 tried to make contact. He said at that time that he
19 did. So we walked to the edge of the driveway. We
20 were still trying to listen for any signs of distress.
21 We stood around for probably about 10 or 15 minutes.
22 I'm not sure if it was after or before we cleared the
23 call. I believe it was before we -- I'm sorry, we
24 cleared the call and then continued to stay on scene,
25 again, just if anything popped up.

PRESTON AVERY CROSS BY MS. EIGENBROT

1 Q. When you say clear the call, what do you mean?

2 A. We let dispatch know what our findings were at that
3 time and let them know what the situation is as we see
4 it.

5 Q. What were your findings at that time?

6 A. We had no signs of any type of disturbance at that
7 time, no contact from either dwelling anywhere in the
8 vicinity. Like I said, the only dwelling that had
9 lights was immediate adjacent to it. That's not where
10 the call appeared to be originating from.

11 Q. Approximately how long were you on scene, even after
12 you cleared the call?

13 A. In total?

14 Q. Correct.

15 A. I would say about 15 to 30 minutes because we -- again,
16 we were on scene after attempting to make contact and
17 during the investigation, we were still on scene about
18 10 or 15 minutes afterwards.

19 Q. At any point, did you enter the residence?

20 A. No, sir.

21 Q. Why not?

22 A. We didn't have any cause to.

23 Q. And why was that?

24 A. There was no signs of indigent circumstances, no signs
25 of anybody in need of immediate aid.

PRESTON AVERY CROSS BY MS. EIGENBROT

1 Q. Did you later find out that an incident had occurred at
2 that residence that night?

3 A. Unfortunately, yes, sir..

4 MR. MATHEWS: Beg the Court's indulgence.

5 BY MR. MATHEWS::

6 Q. This residence, , is that in Richland
7 County?

8 A. Richland County, city limits of Columbia, yes, sir.

9 MR. MATHEWS: Thank you. I have no further
10 questions.

11 THE COURT: Cross-examination?

12 MS. EIGENBROT: Yes, sir, may it please the Court?

13 CROSS-EXAMINATION

14 BY MS. EIGENBROT:

15 Q. Good afternoon, Officer Avery. So you received the
16 call at approximately 2:41 a.m., correct?

17 A. Yes, ma'am.

18 Q. And it took you about six minutes to get there?

19 A. That's correct.

20 Q. So you arrived at 2:47?

21 A. Yes, ma'am.

22 Q. And you were alone at the time when you first arrived,
23 correct?

24 A. Yes, sir.

25 Q. And, again, you went to the front, you didn't see or

PRESTON AVERY CROSS BY MS. EIGENBROT

- 1 hear anything?
- 2 A. Yes, ma'am.
- 3 Q. You saw no lights, no sounds?
- 4 A. That's correct.
- 5 Q. And at that point, you went to the back?
- 6 A. Yes, ma'am.
- 7 Q. And you still didn't hear anything?
- 8 A. No, ma'am.
- 9 Q. See anything?
- 10 A. (The witness shakes head.)
- 11 Q. No movement or anything like that?
- 12 A. No, ma'am.
- 13 Q. And then you said Officer Goss?
- 14 A. Yes, ma'am.
- 15 Q. Arrived about a minute later?
- 16 A. Yes, ma'am.
- 17 Q. And there was another officer present, correct?
- 18 A. Yes, ma'am.
- 19 Q. Officer Whittaker?
- 20 A. Yes, ma'am.
- 21 Q. What was Officer Whittaker doing when he arrived?
- 22 A. When he arrived, Officer Goss, again, we kind of met in
- 23 between houses. I believe it was and I want to
- 24 say maybe the residence immediate adjacent to it is
- 25 . We met between the houses to let them know what

PRESTON AVERY CROSS BY MS. EIGENBROT

- 1 was going on, what I found at that time before they
2 arrived.
- 3 Q. Okay.
- 4 A. And when Officer Goss went around front, Officer
5 Whittaker took position in the middle just in the event
6 that, again, something did occur.
- 7 Q. And to your knowledge, he didn't hear or see anything
8 ether?
- 9 A. No, ma'am.
- 10 Q. Now, did the officer Whittaker stay with you and
11 Officer Goss while you guys waited after clearing the
12 call?
- 13 A. Yes, ma'am.
- 14 Q. So the three of you stood outside for approximately 15
15 to 30 minutes?
- 16 A. Ten to 15 minutes. In total it was about 30 minutes.
- 17 Q. Okay.
- 18 A. Total on scene.
- 19 Q. You stayed at the residence approximately 30 minutes
20 total?
- 21 A. (The witness nodded head.)
- 22 Q. Did not hear a single sound?
- 23 A. That's correct.
- 24 Q. Didn't see any movement?
- 25 A. No.

ERIC ASHTON DIRECT BY MS. GARFIELD

1 Q. Nothing to indicate that anyone was in the residence at
2 the time?

3 A. No, ma'am.

4 MS. EIGENBROT: Beg the Court's indulgence. I have
5 no further questions, Your Honor.

6 THE COURT: Any redirect?

7 MR. MATHEWS: No, Your Honor.

8 THE COURT: Okay. You may step down. Thank you
9 very much.

10 Call your next witness, please.

11 MR. MATHEWS: The State calls Officer Jeffrey
12 Goss.

13 MS. GARFIELD: Your Honor, at this time, the State
14 would call Eric Ashton.

15 THE COURT: Okay.

16 THEREUPON,

17 ERIC ASHTON,

18 after having been duly sworn, testified as follows:

19 THE CLERK: Have a seat in the witness box, state
20 your name and spell it for us, please.

21 THE WITNESS: Sure. My name is John Eric Ashton,
22 J-O-H-N, E-R-I-C, A-S-H-T-O-N.

23 DIRECT EXAMINATION

24 BY MS. GARFIELD:

25 Q. Mr. Ashton, where do you live?

ERIC ASHTON DIRECT BY MS. GARFIELD

- 1 A. In Shandon.
- 2 Q. Can you, please, provide the jury your address?
- 3 A. My address is -- sorry -- my address is
- 4 .
- 5 Q. And do you know the victim in this case, Jennifer
- 6 Wilson?
- 7 A. I do.
- 8 Q. Or did you know her?
- 9 A. She was my next door neighbor.
- 10 Q. Did you, also -- were you familiar with the person she
- 11 was involved in a relationship, Hank Hawes?
- 12 A. Yes.
- 13 Q. How long did you know Jennifer?
- 14 A. Three or four years.
- 15 Q. Had you known her before you moved into the residence
- 16 that you reside in now?
- 17 A. No.
- 18 Q. After you moved in, did you develop a friendship with
- 19 Ms. Wilson?
- 20 A. She was an acquaintance, a neighbor.
- 21 Q. Would you observe her coming and going from time to
- 22 time?
- 23 A. Oh, yeah.
- 24 Q. Just describe to the jury the things you observed about
- 25 her as far as her active life in the neighborhood?

ERIC ASHTON DIRECT BY MS. GARFIELD

1 A. Jennifer, I knew as a professor at the University of
2 South Carolina. And she was, also, very active, so I
3 would see her in Shandon --

4 MS. EIGENBROT: Your Honor, objection to
5 relevance.

6 MS. GARFIELD: May we approach?

7 THE COURT: Overruled. Go ahead.

8 MS. GARFIELD: Thank you.

9 BY MS. GARFIELD:

10 Q. Please continue.

11 A. I would see Jennifer out walking. Usually, she would
12 be on her cell phone talking and walking, just enjoying
13 the neighborhood.

14 Q. And is this something you could hear from your home?

15 A. Oh, sure.

16 Q. And did you, also, observe Mr. Hawes at her home on a
17 number of occasions?

18 A. Yes.

19 Q. How would you characterize your belief of their
20 relationship?

21 A. I believe that they had been in a relationship for
22 probably eight to nine months.

23 Q. Did you believe him to be living there at any time?

24 A. I believed him to be living there all the time.

25 Q. And once Mr. Hawes began to frequent the home of Ms.

ERIC ASHTON DIRECT BY MS. GARFIELD

1 Wilson, did you observe any changes in your opinion to
2 Ms. Wilson's active life in her neighborhood?

3 A. I did. It was very common to see Jennifer out walking,
4 usually by herself, but she was usually out in the
5 neighborhood. And then when she developed a
6 relationship with him, that seemed to be less often for
7 whatever reason, I wasn't sure, but I just didn't see
8 her out walking around the neighborhood. And so it
9 seemed to be a change in her normal behavior,
10 certainly.

11 Q. I'm going to take you to the weekend of August 27th,
12 2011. That would be the weekend we're in court for.
13 Are you familiar with that weekend?

14 A. I am.

15 Q. And do you recall preparing for your daily run on
16 Sunday, October -- I'm sorry, August 28th, 2011?

17 A. I do. So, typically, I go out and run in the
18 neighborhood, but on that morning it was such a pretty
19 morning, I decided just to kind of stay on my porch and
20 just have some coffee. I had a big clinical trial I
21 was getting ready for the next morning, had people
22 flying into town, so I had to familiarize myself with
23 the protocol. So I decided just to kind of sit and
24 read over some of the paperwork that I was preparing
25 for.

ERIC ASHTON DIRECT BY MS. GARFIELD

1 Q. And you referred to a clinical trial, just share with
2 the jury what your professional background is?

3 A. Sure. So I'm a physician assistant. I work in sports
4 medicine and orthopedics. And at that time, I worked
5 for a practice in Forest Acres called Southern
6 Orthopedics Sports Medicine. And part of our -- part
7 of my daily activities was to run our pain protocol.
8 We did a lot of clinical research for companies like
9 Phizer.

10 Q. And that's what you were preparing for that weekend?

11 A. One of many things. I, actually, had patients in the
12 hospital as well, so was doing my normal physician
13 assistant job and -- you know, in terms of patient
14 care.

15 Q. So while you were on the porch at your house, Mr.
16 Ashton, what did you observe, if anything, about Ms.
17 Wilson's home?

18 A. I didn't observe anything unique about the home, but
19 the thing that I will never forget is I saw the black
20 Range Rover and Hank was driving it, just kind of roll
21 down her driveway, really slow. This is Sunday
22 morning, there's hardly any traffic around, so it's
23 very quiet. But just really slow. And, you know, it
24 was unique because I wasn't used to seeing Hank up at
25 that time of day. But the car rolls down Jennifer's

ERIC ASHTON DIRECT BY MS. GARFIELD

1 driveway, made a slow right-hand turned and passed
2 right in front of my very slowly.

3 And the thing that was very unique because he was
4 driving very slowly, the windows were down and he had
5 no shirt on and it looked like he was driving with his
6 forearms. And I'll never forget that as long as I
7 live. It was so odd and unique. That was, you know,
8 something that stays with me to this day.

9 Q. Had you seen Mr. Hawes drive the Range Rover before?

10 A. Yes.

11 Q. So you were familiar that was his vehicle?

12 A. Yes.

13 Q. Had you ever seen him drive without a shirt on before?

14 A. No.

15 Q. Mr. Ashton, I want to show you what's been marked as
16 State's Exhibit No. 312. You recognize this
17 photograph?

18 A. I do.

19 Q. And what is this a picture of?

20 A. That's a picture of Jennifer's house with my house to
21 the left.

22 MS. GARFIELD: Your Honor, at this time, I'd like
23 to introduce State's Exhibit 312 into evidence.

24 THE COURT: Any objection?

25 MS. EIGENBROT: No objection, Your Honor.

ERIC ASHTON DIRECT BY MS. GARFIELD

1 THE COURT: All right. 312 admitted without
2 objection.

3 (State's Exhibit No. 312 was admitted
4 into evidence.)

5 BY MS. GARFIELD:

6 Q. Mr. Ashton, I'm going to refer you to State's Exhibit
7 No. 312. Can you just --

8 MS. GARFIELD: Can the witness get down, Judge?

9 THE COURT: Yes, ma'am.

10 BY MS. GARFIELD:

11 Q. To orient the jury, if you would, just show the jury
12 the home that Ms. Wilson lived in?

13 A. So this is Jennifer's house right here and, of course,
14 Kelly lived in the -- the home was a duplex, so
15 Jennifer lived on the left and Kelly lived on the
16 right.

17 Q. And were you, also, familiar with Kelly as well --

18 A. Oh, yeah.

19 Q. -- before this incident?

20 A. Yes.

21 Q. And where is your home in relation to their home?

22 A. That's my house (indicating).

23 Q. So that would be the porch you were on?

24 A. Yes.

25 Q. And show the jury the driveway that you saw the Range

ERIC ASHTON DIRECT BY MS. GARFIELD

1 Rover leave?

2 A. So it would be this driveway right here and then, of
3 course, he would make a right-hand turn and pass right
4 in front of my house. This picture doesn't give a nice
5 perspective, but my house is kind of up in relationship
6 to Jennifer's, so it does sit a little bit high. Of
7 course, the porch is high, so I had a pretty good angle
8 down to the road.

9 Q. And you saw him continue going to the right of your
10 home?

11 A. Yes.

12 Q. From your porch?

13 A. Yes.

14 Q. Thank you. Please have a seat back.

15 A. (The witness complied.)

16 Q. Mr. Ashton, you still live at Shandon?

17 A. I do.

18 Q. And are you familiar with Woodrow Street?

19 A. I am.

20 Q. And so the direction that you saw Hank Hawes driving,
21 would that have been in the direction towards Woodrow
22 Street?

23 A. Yes.

24 MS. GARFIELD: Beg the Court's indulgence.

25 THE COURT: Yes, ma'am.

ERIC ASHTON CROSS BY MS. EIGENBROT

1 (State's Exhibit Nos. 317 and 318 was
2 marked for identification.)

3 BY MS. GARFIELD::

4 Q. Mr. Ashton, did you have an occasion to view a
5 photographic lineup after you gave a statement to law
6 enforcement?

7 A. Yes.

8 Q. I'm going to show you what's been marked as State's
9 Exhibit No. 318. Do you recognize this photographic
10 lineup?

11 A. I do.

12 Q. Is this the same photographic lineup that you were
13 shown?

14 A. Yes.

15 Q. And were you able to identify the person you recognized
16 as Hank Hawes?

17 A. Yes.

18 Q. Were you able to pick him out?

19 A. Yes.

20 Q. And how can you tell that's who you picked out?

21 A. Because there's a circle around it with my initials and
22 date on it.

23 Q. And did you, also, reduce that to writing? I'll show
24 you State's Exhibit No. 317?

25 A. Yes.

ERIC ASHTON CROSS BY MS. EIGENBROT

1 Q. Is that your signature as well?

2 A. It is.

3 Q. Did anyone suggest to you who to pick out?

4 A. No.

5 MS. GARFIELD: Your Honor, at this time, I'd like
6 to introduce State's Exhibits 318 and 317 into evidence.

7 THE COURT: Any objection?

8 MS. EIGENBROT: No objection, Your Honor.

9 THE COURT: 318 and 317, admitted without
10 objection.

11 (State's Exhibit Nos. 317 and 318 were
12 admitted into evidence.)

13 MS. GARFIELD: Thank you, Mr. Ashton. Please
14 answer any questions the Defense counsel may have.

15 CROSS-EXAMINATION

16 BY MS. EIGENBROT:

17 Q. Good afternoon, Mr. Ashton.

18 A. Good afternoon.

19 Q. Now, you said on direct that you would never forget
20 this incident because it was so weird, correct?

21 A. That particular morning, I would never forget, yes.

22 Q. Because you saw the SUV, the black Range Rover, driving
23 at a very slow rate of speed, correct?

24 A. Correct.

25 Q. So slow, it was strange to you, right?

ERIC ASHTON CROSS BY MS. EIGENBROT

1 A. Correct.

2 Q. And, again, it was strange because you didn't normally
3 see Mr. Hawes around that time of morning, correct?

4 A. Correct.

5 Q. And he wasn't wearing a shirt?

6 A. Correct.

7 Q. And you said he was kind of steering kind of funny, is
8 that right?

9 A. Yes.

10 Q. And I want to briefly talk to you, Mr. Ashton. You
11 said Ms. Wilson was an acquaintance, just a neighbor,
12 right?

13 A. That is true.

14 Q. And you said you noticed that she hadn't been walking
15 as much, hadn't been outside as much, correct, in the
16 neighborhood?

17 A. That is correct.

18 Q. Now, you weren't good friends, though, right?

19 A. No.

20 Q. You didn't talk on a daily basis?

21 A. True.

22 Q. So you weren't privy to everything she was doing on a
23 daily basis?

24 A. That would be correct.

25 Q. You didn't know anything about her social life?

JANELLE BONDR DIRECT BY MR. MATTHEWS

1 A. Very little.

2 Q. You didn't know who her friends were?

3 A. No.

4 Q. Or what she was doing unless she was home, right?

5 A. That would be true.

6 MS. EIGENBROT: Beg the Court's indulgence. I
7 have no further questions. Thank you, Mr. Ashton.

8 THE COURT: Redirect?

9 MS. GARFIELD: No, sir.

10 THE COURT: Thank you very much. You may step
11 down. Thank you very much.

12 Call Your next witness.

13 MR. MATHEWS: The State calls Janelle Bondr.

14 THEREUPON,

15 JANELLE BONDR,

16 after having been duly sworn, testified as follows:

17 THE CLERK: Have a seat in the witness box, state
18 your name and spell it, please.

19 THE WITNESS: Janelle Bonder, J-A-N-E-L-L-E,
20 B-O-N-D-R.

21 DIRECT EXAMINATION

22 BY MR. MATHEWS:

23 Q. Ms. Bondr, can you tell me currently where you're
24 living?

25 A. I live in Istanbul, Turkey.

JANELLE BONDR DIRECT BY MR. MATTHEWS

1 Q. And Ms. Wilson was, I guess, the founder?

2 A. It was her dream after traveling --

3 MS. PRINGLE: I'm going to object, Your Honor.

4 With all due respect, this is not relevant.

5 THE COURT: Let's get to something relevant, okay?

6 MR. MATHEWS: Yes, sir, I'll move on, Your Honor.

7 THE COURT: You've established that background
8 pretty well, okay?

9 MR. MATHEWS: Yes, sir, Your Honor.

10 BY MR. MATHEWS::

11 Q. Did you learn of Ms. Wilson's relationship with Hank
12 Hawes?

13 A. Yes.

14 Q. And to your knowledge, when did that begin?

15 A. I remember her describing reading his profile --

16 MS. PRINGLE: Object to hearsay, Your Honor.

17 THE COURT: Overruled. Go ahead.

18 BY MR. MATHEWS::

19 Q. You may continue.

20 A. She read his profile. We, actually, looked at it
21 together. And describing their first date, I knew
22 about it from the very beginning.

23 Q. When was that approximately?

24 A. In February.

25 Q. Of what year?

JANELLE BONDR DIRECT BY MR. MATTHEWS

- 1 A. 2011.
- 2 Q. And as that relationship continued, did you observe, I
- 3 guess, she and him interact?
- 4 A. I saw them together one time.
- 5 Q. And when was that?
- 6 A. At the end of July when she returned from her trip to
- 7 Bali. I picked her up at the airport and he went to
- 8 her house almost immediately.
- 9 Q. Did you notice any changes in Ms. Wilson throughout the
- 10 course of her relationship with Mr. Hawes?
- 11 A. Oh, yes, I observed many changes. She lost a
- 12 considerable amount of weight. She was having trouble
- 13 sleeping. She was extremely anxious. Her health
- 14 seemed to be poor.
- 15 Q. And when did you finally move to Turkey?
- 16 A. I moved to Turkey towards the -- it was seven days
- 17 before she died.
- 18 Q. When you were in Turkey, did you continue to have
- 19 contact with Jennifer?
- 20 A. We spoke on the phone.
- 21 Q. Did you, actually, speak with her on the day -- or on
- 22 August 27th?
- 23 A. Yes. We spoke three times.
- 24 Q. And can you tell me -- don't tell me what she told you,
- 25 but just how those calls came about and approximately

JANELLE BONDR DIRECT BY MR. MATTHEWS

1 when they occurred?

2 A. Well, we were close friends, so we were used to
3 speaking on a regular basis. And I just moved, so, of
4 course, I wanted to talk to her. We spoke through
5 Skype, but not with the video. We Skyped off her
6 phone. What else would you like me to say?

7 Q. Approximately when was that?

8 A. It was in the afternoon Columbia time. Turkey, it was
9 evening.

10 Q. And you say you spoke on three different occasions that
11 afternoon?

12 A. Right. We spoke once -- she was making a cake. She
13 was always doing things for other people. She was
14 making a cake. And once we hung up and I called right
15 back and we spoke for about 45 minutes. And then we
16 broke off that phone call because Hank came to her
17 home.

18 Q. And did you have another occasion to speak to her?

19 A. Well, when Hank arrived at the house, she was very
20 upset on the phone. And I told her that I would call
21 back 45 minutes later to make sure she was okay and to
22 make sure she -- that he had left. And I did, I called
23 back, you can see from the phone records, exactly 45
24 minutes later and we spoke for several minutes.

25 Q. Why were concerned at that point in time?

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 so we heard about Hank.
- 2 Q. And E-Harmony is a dating internet site?
- 3 A. Yes.
- 4 Q. When did you return from Norway?
- 5 A. Right at the end of May, beginning of June, June 1st, I
- 6 think.
- 7 Q. Did you shortly see Jennifer Wilson when you returned
- 8 home?
- 9 A. It was maybe a week or two after that. We flew back
- 10 into the Philadelphia airport and spent about a week
- 11 with my folks, and then came back to South Carolina and
- 12 saw her.
- 13 Q. Did you have an opportunity to met Hank Hawes when you
- 14 returned to Columbia?
- 15 A. I did not meet him until August.
- 16 Q. August was the first time you had met him?
- 17 A. The first time that I, yeah, met him personally.
- 18 Q. Specifically, do you recall inviting Jennifer over to
- 19 your home for dinner on August 14th, 2011?
- 20 A. Yes.
- 21 Q. And just explain to the jury what you had planned that
- 22 evening?
- 23 A. We had -- she wanted to fix dinner for us.
- 24 Q. Tell the jury about that.
- 25 A. Yeah. She was going to fix us enchilada casserole --

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 actually, what she wanted to do was do Bernie's on
2 Bluff Road.

3 Q. Bernie's Chicken?

4 A. She wanted to Bernie's chicken with us, yeah. She was
5 having a craving for Bernie's. I think we were going
6 to do it on a Sunday, but Bernie's didn't open on
7 Sunday. So she had a little change of plans, so she
8 wanted to do this chicken enchilada casserole and make
9 smoothies. She was into a smoothie kick, yogurt and
10 frozen berries.

11 Q. This was at dinner with you and your wife?

12 A. Yeah.

13 Q. And your children?

14 A. Yes.

15 Q. And your wife's in the courtroom as well, isn't she?

16 A. Yes.

17 Q. And did she come over with the dinner?

18 A. Yes.

19 Q. And was she alone?

20 A. No.

21 Q. Tell the jury who she was with.

22 A. She was with Hank.

23 Q. Were you expecting Hank to come to your home?

24 A. I was -- I was not at first expecting him to come.

25 Q. What was your reaction to Hank coming with her?

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 A. I was a little surprised. I think my wife told me that
2 he was coming, told me that Jen was bringing Hank with
3 her.

4 Q. What did you observe between the two of them that
5 day -- that evening?

6 A. When they were at my house?

7 Q. Yes, sir.

8 A. They -- they were seldom in the same side of the room
9 or part of the house during that evening. We were in
10 the kitchen making smoothies, she was on one side of
11 the kitchen, he was on the other. Sat on opposite
12 couches. It was as if -- I didn't expect that they
13 would be together and she did as best she could to
14 distance herself from him that night.

15 Q. Did you have a conversation with her later on that
16 week?

17 A. Yeah, the next day at the office.

18 Q. At the office?

19 A. Yes.

20 Q. And did you express concern to her?

21 A. Yes.

22 Q. Why did you express such concern?

23 A. I was concerned that she had brought him to my house.

24 Knowing some of the things that she had told me about
25 him throughout the summer, that she was trying to end

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 the relationship and distance herself from him, I
2 didn't.

3 Q. Was there ever an occasion where you were concerned
4 about her in the office place concerning her cell
5 phone?

6 A. Concerned about her cell phone?

7 Q. Concerning her cell phone?

8 A. Her cell phone?

9 Q. Yes, sir.

10 A. Yeah -- what do you mean?

11 Q. Was she receiving --

12 A. Yes.

13 Q. -- texts from him?

14 A. Oh, yeah, yeah, yeah.

15 Q. And tell the jury about that.

16 A. Oh, God, that was, I think that was later that same
17 week, so, maybe, the 18th or 19th of August. I'm
18 trying to remember.

19 MS. EIGENBROT: Your Honor, objection.

20 THE COURT: What's your legal objection? Let me
21 hear the question before you make your objection, please.

22 Ask your question, please.

23 MS. GARFIELD: Judge, I just asked him to relate
24 to the jury what he recalled about a cell phone incident at
25 the office place.

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 MS. GARFIELD: Your Honor, may Mr. Virtue be
2 excused?

3 THE COURT: Yes, ma'am.

4 Call your next witness.

5 MR. MATHEWS: The State calls Steven Harrod.

6 THEREUPON,

7 STEVEN HARROD,

8 after having been duly sworn, testified as follows:

9 THE CLERK: Have a seat in the witness box, state
10 your name and spell it for us, please.

11 THE WITNESS: My name is Steven Harrod,
12 S-T-E-V-E-N, H-A-R-R-O-D.

13 DIRECT EXAMINATION

14 BY MR. MATHEWS:

15 Q. Mr. Harrod, can you tell me where you're currently
16 employed?

17 A. University of South Carolina.

18 Q. What do you do at the University?

19 A. I'm a professor in the psychology department.

20 Q. How long have you worked at the University?

21 A. For approximately 10 years.

22 Q. Did you know Jennifer Wilson?

23 A. Yes.

24 Q. How did you first meet Ms. Wilson?

25 A. I met Jen at a music event in November of 2006.

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 Q. Did you have a relationship with her, friendly,
2 romantic after that?

3 A. Yes. We dated casually in 2009.

4 Q. And how did that relationship end?

5 A. In November, Jen and I had a talk and she discussed
6 with me that she would like to start seeing someone who
7 she had previously seen before in her past.

8 Q. So did you end on bad terms?

9 A. No, we remained friends.

10 Q. You remained friends up until the date of her killing?

11 A. Yes.

12 Q. Did you -- I guess from the time you broke up in 2009
13 through August of 2011, did you maintain contact with
14 Jennifer?

15 A. Yes, we did. Most of the time, it was running into
16 each other at the University, for instance, Immaculate
17 Consumption, Starbucks, things like that.

18 Q. Were you on friendly terms when you would run into her?

19 A. Yes.

20 Q. I want go back to August of 2011.

21 A. Okay.

22 Q. Tell me your interactions with Ms. Wilson that month.

23 A. That month. On the 21st, we met at Pasta Fresca. Jen
24 had come back from a trip to Bali and she brought a
25 gift back for me.

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 Q. And did she give it to you at that point?
- 2 A. Yes, she did.
- 3 Q. And the two of you had dinner?
- 4 A. Yes.
- 5 Q. Did you have an occasion to be with her again later on
- 6 that month?
- 7 A. We made plans to -- actually, the next weekend, but
- 8 they weren't formal plan. They were up in the air.
- 9 Q. What were those plans tentatively?
- 10 A. They were literally up the air. We had not made them.
- 11 Q. Did you ever do anything that weekend?
- 12 A. Yes. So I had planned to go to a birthday party and
- 13 Jen came along.
- 14 Q. Whose birthday party was this?
- 15 A. It was a surprise birthday for Alicia English.
- 16 Q. And how did you know her?
- 17 A. I knew her through her husband, Ben English.
- 18 Q. Did you ask Jennifer to come along with you?
- 19 A. Yes, I did.
- 20 Q. Where was this party supposed to be held?
- 21 A. It was held at Cowboys, the restaurant on Main Street.
- 22 Q. Early that -- earlier that day, were you speaking with
- 23 Ms. Wilson and making plans to meet up later that
- 24 evening?
- 25 A. We did not speak, we were texting.

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 Q. And at that point, did you develop a plan to meet up
2 that evening?

3 A. Yes.

4 Q. Tell me, after you met up, what occurred that evening?

5 A. Jen drove to my house. She arrived at about 7:15 and
6 then we drove to Cowboys. And we were kind of
7 congregating out front, things like that, because it
8 was a surprise party for Alicia. Ben and Alicia were
9 coming later. So there were 12 of us there in total.
10 And I believe eight to 10 of us were there all around
11 7:30, quarter to eight waiting for the guest of honor.

12 Q. And did you remain there and have dinner?

13 A. Yes.

14 Q. Approximately what time were you there, from when until
15 when?

16 A. I would say from 7:30 to 10:00, 10:15.

17 Q. How was Jennifer acting that night?

18 A. Jennifer was in a great mood.

19 Q. Was --

20 A. She was very happy, having a lot of fun. She had not
21 met any of my friends before and they all got along
22 really well.

23 Q. Was she on her phone at all during any of those three
24 hours, did you notice?

25 A. I did not. I noticed that she checked her phone a

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 couple of times, but she was not using the phone. I
2 did not see her talking on the phone.
- 3 Q. After you left Cowboys, tell me where the two of you
4 went?
- 5 A. We made plans to go back to a house, which is in
6 Dentsville. Two of Alicia and Ben's friends could not
7 make the restaurant event, so they wanted to have the
8 group over to their house, so we agreed to go. And we
9 drove separately and went out to Dentsville.
- 10 Q. At approximately what time did you arrive out there?
- 11 A. Approximately 11:00, I believe.
- 12 Q. What occurred while you were out there?
- 13 A. We were, basically, just hanging out in the house,
14 having cake.
- 15 Q. What time did the two of you leave?
- 16 A. At midnight.
- 17 Q. Did you leave together or separate?
- 18 A. Together.
- 19 Q. Where did you go from there?
- 20 A. We drove to my house.
- 21 Q. And what time did you arrive at your house
22 approximately?
- 23 A. Approximately 12:30, 12:20, 12:30.
- 24 Q. What happened after you arrived at your house?
- 25 A. We talked outside of the car and then she left about

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 12:30.

2 Q. Were the two of you romantic in any way that evening?

3 A. We were not romantic, but we did hug and we did kiss,
4 yes.

5 Q. After she left, did you hear from her again that night?

6 A. I received a text.

7 (State's Exhibit No. 321 was marked for
8 identification.)

9 BY MR. MATHEWS::

10 Q. I'm going to show you that's been marked as State's
11 321. Can you tell me if you recognize that?

12 A. Yes, this is my phone.

13 Q. Did investigators take pictures of your phone at some
14 point?

15 A. Yes.

16 Q. And is that a picture of -- what is that a picture of?

17 A. This is a picture of my phone, which shows the text
18 that says Jen Wilson at the time with her phone number.

19 Q. And that is Jennifer Wilson's phone number?

20 A. I believe so. I never had Jen's number memorized.

21 MR. MATHEWS: Your Honor, at this point in time, I
22 would offer State's 321 into evidence.

23 THE COURT: Any objection?

24 MS. PRINGLE: No objection.

25 THE COURT: Admitted without objection.

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 (State's Exhibit No. 321 was admitted
2 into evidence.)
3 BY MR. MATHEWS::
4 Q. Can you tell me what the final text message you
5 received from Ms. Wilson was?
6 A. Hey, totally forgot to text you, I am home.
7 Q. What time was that received?
8 A. Time on there is 1:31 a.m.
9 Q. Did you respond to that?
10 A. I did not respond.
11 Q. Did you ever have any more contact with Jennifer?
12 A. I did not.
13 Q. When did you find out that she had been killed?
14 A. Monday afternoon about 5:15.
15 MR. MATHEWS: Beg the Court's indulgence.
16 MS. PRINGLE: We have a matter of law.
17 THE COURT: What number is it?
18 MR. MATHEWS: These pictures?
19 (Whereupon, a bench conference was held
20 off the record, in the presence of the
21 jury, but out of the hearing of the
22 jury.)
23 THE COURT: All right. What's the numbers?
24 MR. MATHEWS: 322 and 325.
25 THE COURT: All right. You have an objection as

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 to relevance as to those two pictures, correct?

2 MS. PRINGLE: That's correct, Your Honor.

3 THE COURT: Overrule it and admit them with
4 objection, those two pictures.

5 (State's Exhibit Nos. 322 and 325 were
6 admitted into evidence.)

7 MR. MATHEWS: Thank you, Your Honor.

8 BY MR. MATHEWS::

9 Q. Mr. Harrod, I'm going to show you what's been marked as
10 State's Exhibits 322 and 325. Do you recognize those
11 pictures?

12 A. Yes.

13 Q. What are those are pictures of?

14 A. These are pictures -- the first picture that I'm
15 holding is a picture taken of Jen and I at Cowboys.
16 The second picture is a picture of us sitting down at
17 the table, Jen and myself and Alicia English.

18 Q. And this is the night in question, August 27th?

19 A. Yes, sir.

20 Q. Did you provide these pictures to us?

21 A. Yes, I did.

22 MR. MATHEWS: Your Honor, at this point in time, I
23 would offer State's 322 and 325.

24 THE COURT: I think I just admitted them into
25 evidence over objection, didn't I?

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 MR. MATHEWS: Yes, sir.

2 THE COURT: Okay. Move on.

3 MR. MATHEWS: Yes, sir. I ask to publish those to
4 the jury.

5 THE COURT: Yes, sir.

6 MR. MATHEWS: And no further questions.

7 THE COURT: Cross-examination.

8 MS. PRINGLE: May it please the Court?

9 CROSS-EXAMINATION

10 BY MS. PRINGLE::

11 Q. Good afternoon, Mr. Harrod.

12 A. Good afternoon.

13 Q. Just to make sure that I've got a couple of these dates
14 straight. On August 18th, Ms. Wilson, actually, asked
15 you if would you like to get together and do something?

16 A. On August 18th, Jen and I met for lunch. I do not
17 remember if Jen asked me or if I asked her.

18 Q. Do you recall getting a text message from her saying,
19 It looks like I'm not going to Charleston this weekend,
20 want to do something?

21 A. I do remember that, yes.

22 Q. On August 18th?

23 A. I don't remember if that was August 18th. I do
24 remember that text.

25 Q. Do you recall on August 20th her contacting you and

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 asking if you would like to go to -- go on a river
2 walk?

3 A. I had -- I did go on a river walk with Jen, but I don't
4 know -- not in 2011, I do not recall.

5 Q. You don't recall her asking you to go do that around
6 that time?

7 A. Oh, yes, actually, I do, yes.

8 Q. Maybe you were unable to go?

9 A. I don't remember.

10 Q. And you had dinner on August 21st Pasta Fresca?

11 A. Pasta Fresca, yeah.

12 Q. And what you've testified to, the dates that you saw
13 her, you, actually, ran into her in July as well,
14 correct?

15 A. That is correct.

16 Q. You recall it was July 21st?

17 A. I recall July 20th.

18 Q. You are correct. I am wrong. And you ran into her at
19 Target, correct?

20 A. I did, yes.

21 Q. And she was with Hank Hawes?

22 A. That is correct.

23 Q. And they were shopping?

24 A. Yes.

25 Q. They were, actually, together?

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 A. Yes, they were walking together.
- 2 Q. And after you left Target and parted ways, she sent you
3 a text saying that he's helping her buy an Ipad?
- 4 A. The text said, He is helping me with my Ipad purchase.
- 5 Q. And you dated from July of 2009, you said, to November?
- 6 A. That is correct, beginning of November.
- 7 Q. And she ended the relationship because she wanted to
8 start dating, was it Andy at that time?
- 9 A. It was not. I believe that was Matt Conan.
- 10 Q. Matt Conan was a former boyfriend of hers from a long
11 time ago?
- 12 A. I believe so, college, yes.
- 13 Q. So this night at this party, these are your friends?
- 14 A. Yes.
- 15 Q. The people at Cowboys, they didn't know Jen?
- 16 A. They did not, no.
- 17 Q. Prior to that night, she had never met them?
- 18 A. No.
- 19 Q. So her sole purpose in being there was she was going
20 out with you?
- 21 A. I asked her to go along, yes.
- 22 Q. She was accompanying you? These are not her coworkers
23 or her friends?
- 24 A. That is correct.
- 25 Q. And y'all were having a good time?

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 A. It was a fun evening, yes.
- 2 Q. She was happy and y'all were enjoying each other's
3 company?
- 4 A. Yes, we had a very good time with the group.
- 5 Q. And if she told Hank that she was the only white person
6 in the group, that's, obviously, not true?
- 7 A. That would not be true.
- 8 Q. Did you know she was still seeing Hank Hawes at that
9 point?
- 10 A. I did not.
- 11 Q. Did you -- you knew -- I know you saw them at Target,
12 but did you know that she had been dating him?
- 13 A. She had told me in a conversation that they had dated
14 in April or May.
- 15 Q. And was it your understanding that they were broken up
16 or did you just not know?
- 17 A. Mr. Hawes was never discussed with me. Jen told me in
18 August that she was not dating anyone.
- 19 Q. She told you in August what?
- 20 A. She was not dating anyone.
- 21 Q. So your understanding in August at that time and during
22 the time when you're having dinner with her at Pasta
23 Fresca and going to Cowboys, your understanding is
24 she's not seeing anyone?
- 25 A. That's correct.

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 Q. And she was not on this evening acting worried or
2 fearful while you're with her?
- 3 A. I did not think that she was worried or fearful, no.
- 4 Q. And, in fact, the two pictures that they put in, she
5 looked -- she's -- big smile on her face, doesn't seem
6 to be feeling anything but having a good time?
- 7 A. I thought that Jen had a very good time.
- 8 Q. Do you recall -- first of, did you take those pictures?
- 9 A. I did not take those pictures.
- 10 Q. Do you know the time stamp on those pictures?
- 11 A. I do not.
- 12 Q. Would 10:20 p.m. sound about right?
- 13 A. Yes, that could be.
- 14 Q. Do you know -- and I'm sorry if I mispronounce this.
15 Do you know Mr. Chandra?
- 16 A. I do know Chandra, yes.
- 17 Q. Can you pronounce his name for me?
- 18 A. I don't -- Chandra and I know each other as Chandra.
- 19 Q. So you do know him?
- 20 A. Yes.
- 21 Q. Did you know him prior to this event?
- 22 A. I met Chandra once at Immaculate Consumption.
- 23 Q. Was that connected with Jen?
- 24 A. Jen was having lunch with him.
- 25 Q. She was having lunch with Chandra. About when was

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 that?

2 A. That would have been -- that was August 15th. That was
3 the day of the First Year Reading Experience at the
4 University. And Jen was wearing a shirt that indicated
5 that and I was part of that program as well.

6 Q. That was August 15th?

7 A. I haven't looked that up, but I believe so.

8 Q. Around there?

9 A. Right.

10 Q. And did you know -- did you know when she left you that
11 you -- you thought when she left you that night she was
12 going home? You asked her to text you as soon as she
13 got home?

14 A. Yes, she mentioned earlier that evening she may stop by
15 another party.

16 Q. Okay. Did you know she was going to see Chandra or did
17 you not know?

18 A. I did not know, no. She just said she was going to a
19 party.

20 Q. She left you at about 12:30 in the morning?

21 A. I believe so.

22 Q. And you said please text me when you get home, but she
23 doesn't text you until about 1:30?

24 A. That's correct.

25 Q. And I know you didn't realize it until later because

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 you, actually, went to sleep?
- 2 A. I had fallen asleep, yes.
- 3 Q. Now, I believe in your statement and in your testimony
- 4 today, you indicated that both on August 21st, when you
- 5 guys had dinner at Pasta Fresca, and on this night on
- 6 August 27th that you hugged and you kissed?
- 7 A. Yes, I wrote that in the statement.
- 8 Q. And, specifically, on August 27th, after she had
- 9 brought you home from this evening, you mentioned that
- 10 you were hugging and kissing up against her car, which
- 11 was still running?
- 12 A. First of all, she wasn't driving. I drove the car. We
- 13 were, yes, talking outside of the car and we hugged and
- 14 kissed.
- 15 Q. And I don't want to put words in your mouth. Your
- 16 written statement, have you had an opportunity to
- 17 review it?
- 18 A. Yes.
- 19 Q. And this was given back in August of 2011?
- 20 A. That's correct.
- 21 Q. Shortly after this incident. And all I was asking was
- 22 you said, Once back at my house, we hugged and kissed
- 23 and talked against her car. The car was still running,
- 24 the driver's side door was opened?
- 25 A. Yes.

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 Q. And that's her car?

2 A. That's her car.

3 Q. But you drove?

4 A. I drove her car, yes. But I asked to drive her car
5 because I had not seen her car yet. She told me she
6 had bought a new car and she offered if I would like to
7 drive it and I said yes. So I was driving then.

8 Q. And you mentioned, also, that on the way back as you're
9 driving in the car, you were discussing your
10 relationship?

11 A. Yes.

12 Q. And you were discussing whether or not it would work to
13 be together?

14 A. I think that that's a little strong. We had a really
15 good time and we were talking about that. And Jen was
16 talking about how much she liked Alicia and other
17 friends that she had met. And so the direction the
18 conversation went into was that we get along really
19 well, we have a really good time. The conclusion of
20 that conversation was Jen stating that despite that,
21 she would not be willing to have an exclusive
22 relationship at that moment, to start anything after
23 that.

24 Q. That she wasn't interested in a committed relationship?

25 A. She was not interested in starting a committed

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 relationship with me at that moment.

2 MS. PRINGLE: Nothing else. Thank you, sir.

3 THE COURT: Redirect?

4 REDIRECT EXAMINATION

5 BY MR. MATHEWS:

6 Q. Just one more clarification, you said y'all met a
7 couple of times at Immaculate Consumption. What is
8 that?

9 A. Immaculate Consumption is a restaurant, but really a
10 sandwich store that is very close to the University,
11 right across on South Main across from the college.

12 Q. When the two of you talked about pursuing a
13 relationship, did she say that she was in a good place
14 or anything like that?

15 A. Do you mean in the car that evening, what was just
16 referenced, or?

17 Q. Or any prior conversations?

18 A. Could you restate the question?

19 Q. In the car that night, did she say they she was in a
20 good place?

21 MS. PRINGLE: I'm going to object to leading.

22 THE COURT: Go ahead. Overruled. Go ahead.

23 BY MR. MATHEWS:

24 Q. In the car that evening, did she say that she was in a
25 good place?

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 A. Jennifer told me that she had started to see a
2 psychotherapist and that she had a fair amount going on
3 in her life. And that was the basis of -- and this is
4 what she said, Before I could talk about investing in a
5 serious relationship, there are things that she would
6 like to work through. I did not ask her what those
7 things were and she did not tell me what those things
8 were.

9 MR. MATHEWS: Thank you. Nothing further.

10 THE COURT: Any recross?

11 RECROSS-EXAMINATION

12 BY MS. PRINGLE:

13 Q. In that conversation, did she tell you that she told
14 the therapist she wasn't sure if she wanted to break up
15 or stay together with Mr. Hawes?

16 A. Jen never talked about Mr. Hawes to me.

17 MS. PRINGLE: Thank you.

18 THE COURT: You may step down. Thank you very
19 much.

20 Mr. Foreman, ladies and gentlemen of the jury,
21 we're going to take a break at this point in time. If the
22 smokers need to smoke, they will take you to the proper
23 place. Please don't discuss the case amongst yourselves.
24 Leave your notepads in the chair. Go follow the bailiff to
25 the back.

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 (Whereupon, the jury left the courtroom
2 at 3:47 p.m.)
3 THE COURT: All right. Anything from the State
4 before we break?
5 MS. CAMPBELL: No, sir.
6 THE COURT: Anything from the Defense?
7 MR. STRICKLER: No, sir.
8 THE COURT: All right. We'll take about a 15,
9 20-minute break.
10 (Whereupon, a short recess was held.)
11 THE COURT: Anything from the State before we get
12 started?
13 MS. CAMPBELL: No, sir.
14 THE COURT: Anything from the Defense?
15 MR. STRICKLER: No, sir.
16 THE COURT: Okay. Bring us the jury, please.
17 (Whereupon, the jury returned to the
18 courtroom at 4:06 p.m.)
19 BAILIFF: Jury's seated, Your Honor.
20 THE COURT: Thank you very much.
21 You can call your next witness.
22 MS. CAMPBELL: May it please the Court?
23 THE COURT: Yes, ma'am.
24 MS. CAMPBELL: The State calls MVS Chandrashekhar.
25 THEREUPON;

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 MVS CHANDRASHEKHAR,

2 having been duly sworn, testified as follows:

3 THE CLERK: Have a seat in the witness box, state
4 your name and spell it, please.

5 THE WITNESS: My name is MVS Chandrashekhar.
6 M-V-S, first name, last name, C-H-A-N-D-R-A-S-H-E-K-H-A-R.

7 DIRECT EXAMINATION

8 BY MS. CAMPBELL::

9 Q. Do people call you Chandra?

10 A. Yes.

11 Q. Is it okay if I do that?

12 A. Please.

13 Q. How old are you?

14 A. I'm thirty-four.

15 Q. And how long have you lived here in the Columbia area?

16 A. Five years.

17 Q. How did you happen to come to Columbia?

18 A. I'm a professor at the University.

19 Q. And what are you a professor in?

20 A. Electrical engineering.

21 Q. How did you meet Jennifer Wilson?

22 A. I met her on a trip in Bali at a yoga retreat. It was
23 about 25 people that went on the trip.

24 Q. When did that trip, actually, occur?

25 A. It occurred in 2011, July and August.

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 Q. In July and August of 2011?
- 2 A. That's right.
- 3 Q. And that's when you first met her?
- 4 A. That's correct.
- 5 Q. And you mentioned that there were about 25 people that
- 6 went on that trip that year?
- 7 A. That's right.
- 8 Q. During the course of that trip, did y'all develop a
- 9 friendship?
- 10 A. Yes.
- 11 Q. Once you got back to Columbia, you, obviously, realized
- 12 that both of you worked at the University of South
- 13 Carolina?
- 14 A. That's right.
- 15 Q. Did you continue to see her on occasion?
- 16 A. Yeah, we were friends. We would see each other, yes.
- 17 Q. What types of situations would you see her in?
- 18 A. Yoga was very common, yoga classes. We would have
- 19 lunch or dinner once in a while.
- 20 Q. I want to turn your attention to the weekend of August
- 21 the 27th, that Saturday?
- 22 A. Okay.
- 23 Q. What were you doing at your house that evening?
- 24 A. There was a party. There was a birthday party I was
- 25 having.

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 Q. You were having a birthday party at your house?
- 2 A. That's right.
- 3 Q. And at some point, did you extend an invitation to that
- 4 birthday party to Jennifer?
- 5 A. Of course, yes.
- 6 Q. Were there other people that were, also, invited to
- 7 that party?
- 8 A. There were probably 50 to a hundred people there.
- 9 Q. At your house that evening?
- 10 A. Yes.
- 11 Q. Where did you live?
- 12 A. I live at .
- 13 Q. ?
- 14 A. That's right.
- 15 Q. And what part of town is that?
- 16 A. That's in Olympia.
- 17 Q. In the Olympia area?
- 18 A. That's right.
- 19 Q. What time did your party start that evening?
- 20 A. Probably nine, nine p.m. It went until late.
- 21 Q. It went to late?
- 22 A. Uh-huh.
- 23 Q. And at some point, did you see Jennifer?
- 24 A. Yes, she came by for a while.
- 25 Q. And about what time was it when she got there, do you

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 remember?
- 2 A. I think it was around midnight.
- 3 Q. Are you exactly sure about the time?
- 4 A. It was roughly midnight, yeah.
- 5 Q. And when she came to your party that evening, did she
- 6 bring anything with her?
- 7 A. Yeah, she brought me a coffee cake.
- 8 Q. A coffee cake?
- 9 A. For my birthday, yeah.
- 10 Q. So it was, actually, your birthday party?
- 11 A. Yes.
- 12 Q. While she was there, did she interact with you and
- 13 other people as well?
- 14 A. Absolutely.
- 15 Q. Do you remember about how long she stayed at your
- 16 birthday party that night?
- 17 A. About an hour, hour and a half, maybe.
- 18 Q. And at some point, did you, actually, walk her out to
- 19 her car?
- 20 A. Yes.
- 21 Q. When you walked her out to your -- her car, what
- 22 happened, if anything?
- 23 A. She said I'm taking off. I just hugged her, gave her a
- 24 kiss goodnight and said see you later.
- 25 Q. And at this point, were y'all dating?

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 A. No.
- 2 Q. There was -- did you even know where the relationship
3 may or may not be going?
- 4 A. I had no idea. We had known each other for about a
5 month altogether.
- 6 Q. And she drove herself away from your party?
- 7 A. Yes.
- 8 Q. Approximately what time of night was that, do you
9 remember?
- 10 A. I'd say 1:30 to 2:00 maybe, something like that.
- 11 Q. And, again, these times are approximate?
- 12 A. Yeah, yeah.
- 13 Q. When she left, you said she was driving her car?
- 14 A. Yes.
- 15 Q. Do you remember what kind of car that was?
- 16 A. It was a silver Volvo.
- 17 Q. Once she had left the party, did you have any more
18 interaction with her that evening?
- 19 A. No. I just texted her saying good to see you, that's
20 it.
- 21 Q. Let me back up with that, you didn't see her anymore?
- 22 A. Huh-uh.
- 23 Q. But you did say you texted her?
- 24 A. Yes.
- 25 Q. What was the context of your text that you sent her on

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 that evening after she left your party?
- 2 A. Just good to see you, you know, as I would do with
- 3 anyone that came to my party.
- 4 Q. After she left your party, there were people still at
- 5 your house?
- 6 A. Yes, many people.
- 7 Q. And you, actually, stayed and they stayed for a period
- 8 of time, too?
- 9 A. Yes.
- 10 Q. Had you ever met Hank Hawes?
- 11 A. No.
- 12 Q. And you can't say what she said to you, but did
- 13 Jennifer ever talk to you about him?
- 14 A. Yes.
- 15 Q. How did you find out that she had been murdered.
- 16 A. The day after, I got a phone call from my yoga
- 17 instructor saying that -- basically, pieced two and two
- 18 together because no one had heard from her, so we kind
- 19 of figured it out.
- 20 Q. That was Sunday or that morning?
- 21 A. That was Sunday at about 3:00 p.m., I found out.
- 22 MS. CAMPBELL: Beg the Court's indulgence.
- 23 Thank you. I don't have anything further.
- 24 THE COURT: Cross?
- 25 MS. PRINGLE: May it please the Court?

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 CROSS-EXAMINATION

2 BY MS. PRINGLE:

3 Q. Afternoon, sir. You indicated that August 27th when
4 Jen came by your house, there was a party?

5 A. That's right.

6 Q. And I think you said there were 50 to a hundred people
7 there?

8 A. There was a lot of people there, yes.

9 Q. And she -- I'm sorry?

10 A. There was a lot of people there, yes.

11 Q. Did she, actually, come inside?

12 A. Absolutely.

13 Q. And this was at your home?

14 A. Yes.

15 Q. An apartment?

16 A. It's an apartment, it's a loft.

17 Q. Do you live alone?

18 A. Yes, I do.

19 Q. And you said that she brought you a cake?

20 A. A coffee cake, yes.

21 Q. For your birthday?

22 A. Yes.

23 Q. When's your birthday?

24 A. July 29th.

25 Q. And what was the date of this? This was August 27th?

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 A. That's right.
- 2 Q. You met Ms. Wilson in Bali?
- 3 A. That's right.
- 4 Q. But not before?
- 5 A. Right.
- 6 Q. How long had you been going to City Yoga?
- 7 A. I started in 2009.
- 8 Q. Okay. But you had not met Jen before that?
- 9 A. No.
- 10 Q. And there were about 20 people on the Bali trip?
- 11 A. Yes.
- 12 Q. Did everybody go together?
- 13 A. Yes.
- 14 Q. Flew over together?
- 15 A. That's correct.
- 16 Q. And returned at the same time?
- 17 A. I came a few days after everyone else.
- 18 Q. So you stayed a little bit longer?
- 19 A. Yes. I, actually, went to Singapore to see my father a
- 20 few days after that.
- 21 Q. Yes, sir. And after you get back from Bali -- you've
- 22 met Jen over there and after you get back, you and Jen
- 23 begin to communicate quite frequently?
- 24 A. Yes.
- 25 Q. By text message?

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 A. That's right. Mostly by text message, yeah.
- 2 Q. By phone?
- 3 A. I never called, no.
- 4 Q. And I think you, also, communicated with her through
- 5 Facebook?
- 6 A. Yes.
- 7 Q. Sent her Facebook messages?
- 8 A. Once in a while, yes.
- 9 Q. You would meet for coffee?
- 10 A. Uh-huh.
- 11 Q. She came, actually, by your invitation, to Drip one
- 12 morning, you recall that?
- 13 A. Yeah, Drip, once in a while, yeah. That's where I meet
- 14 a lot of my friends, yeah.
- 15 Q. And you would go to yoga together?
- 16 A. Yes.
- 17 Q. And, actually, ride together to yoga?
- 18 A. We only did that once.
- 19 Q. Okay. And, sir, you testified that you had no idea
- 20 where the relationship was going?
- 21 A. That's right.
- 22 Q. That it was not romantic in any way?
- 23 A. I can't -- I can't say one way or the other. I don't
- 24 know. I had just met her.
- 25 Q. Okay. Well, I'm not asking you where it was headed.

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 But are you saying that during the time that you knew
- 2 her, from the time you got back from Bali until her
- 3 death that y'all weren't romantically involved at all?
- 4 A. No, we were not dating.
- 5 Q. Do you recall on August 19th, you made her dinner at
- 6 your house?
- 7 A. That's right.
- 8 Q. And she left your house midnight or so?
- 9 A. It wasn't that late -- August 19th? She never stayed
- 10 over that late as far as I remember.
- 11 Q. But you recall she was there and you made her dinner?
- 12 A. Sure. I make dinner for my friends all the time.
- 13 Q. Just the two of you?
- 14 A. Yeah.
- 15 Q. Do you recall after she left that night sending her a
- 16 text message that says, You drive me wild?
- 17 A. I said that, yeah, I did. I said that to her.
- 18 Q. And her saying the feeling is mutual?
- 19 A. That may have happened.
- 20 Q. You recall the next day suggesting that y'all go for a
- 21 walk by the river, no talking, just go have the
- 22 experience together?
- 23 A. Yes.
- 24 Q. You recall that. You recall offering to put her patio
- 25 furniture together?

JANELLE BONDR REDIRECT BY MR. MATTHEWS

1 A. Yes.

2 Q. You recall telling her you wanted to come visit her
3 around August 22 because you're Jonesing for a Jen hug?

4 A. I don't remember this, but I may have said that.

5 Q. Does that sound like something that you may have said
6 in that context?

7 A. Sure. Yes.

8 Q. Recall telling her you miss her?

9 A. Yes.

10 Q. I'm missing you?

11 A. Uh-huh.

12 Q. And telling her, Can I come by and get a hug, but I
13 promise no funny business?

14 A. Yes.

15 Q. And her saying, Between you and me, there's always
16 funny business, do you recall that?

17 A. I don't recall that, no.

18 Q. August 25th, you recall asking her for a cuddle?

19 A. I don't remember this.

20 Q. If she would like to cuddle?

21 A. I don't remember this, but I may have said that.

22 Q. On August 26, you made her dinner?

23 A. No, she brought dinner over.

24 Q. I'm sorry. Y'all ate dinner at your house?

25 A. That's right.

JANELLE BONDR REDIRECT BY MR. MATTHEWS

- 1 Q. Alone?
- 2 A. Yes.
- 3 Q. And that's the day before she's killed on August 27th?
- 4 A. That's correct.
- 5 Q. And when she's with you that night -- withdraw that
- 6 question. It would be your recollection that you
- 7 didn't know where this relationship was headed?
- 8 A. That's right.
- 9 Q. But you don't ask your male friends for a cuddle, do
- 10 you?
- 11 A. No, but I ask them for hugs.
- 12 Q. You tell them that they drive you wild?
- 13 A. Sometimes, yes.
- 14 Q. Thank you.
- 15 THE COURT: Any redirect?
- 16 MS. CAMPBELL: Just a question or two, Your Honor.
- 17 REDIRECT EXAMINATION
- 18 BY MS. CAMPBELL:
- 19 Q. Y'all did talk about a constant relationship or to some
- 20 extent?
- 21 A. It honestly never came up. I mean, we just enjoyed
- 22 each other's company.
- 23 Q. Do you remember her ever talking about your safety?
- 24 A. Yes.
- 25 Q. And was she concerned for your safety?

DREW KABBE DIRECT BY MS. GARFIELD

1 A. Yes.

2 Q. And was that the reason that she didn't want it to go
3 any further?

4 A. Yes.

5 MS. CAMPBELL: Thank you.

6 THE COURT: Recross?

7 FURTHER RECROSS-EXAMINATION

8 BY MS. PRINGLE:

9 Q. You saw her on August 26th, right?

10 A. Yes.

11 Q. She made dinner for you at your house August 26th?

12 A. That's right.

13 Q. And you had seen her consistently from the time y'all
14 got back from Bali?

15 A. Once in a while, yeah.

16 MS. PRINGLE: Thank you.

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

19 Call your next witness.

20 MS. GARFIELD: Your Honor, the State calls Drew
21 Kabbe.

22 THEREUPON,

23 DREW KABBE,

24 after having been duly sworn, testified as follows:

25 THE CLERK: Have a seat in the witness box, state

DREW KABBE DIRECT BY MS. GARFIELD

1 your name and spell it, please.

2 THE WITNESS: My name is Andrew Kabbe,
3 A-N-D-R-E-W, K-A-B-B-E.

4 DIRECT EXAMINATION

5 BY MS. GARFIELD:

6 Q. Mr. Kabbe, I just introduced you as Drew. Is that a
7 nickname?

8 A. Yes.

9 Q. Where do you live?

10 A. Los Angeles, California.

11 Q. And do you know the victim in this case, Jennifer
12 Wilson?

13 A. I do.

14 Q. Can you please share with the jury the nature of your
15 relationship with Ms. Wilson?

16 A. We dated for a couple of years, from 2004 to 2006.

17 Q. And where were you at this time of dating Ms. Wilson?

18 A. I was in Chicago and then we moved and lived together
19 in California.

20 Q. And was that while y'all were in college?

21 A. It was just after and somewhat during, yeah.

22 Q. Why did your relationship terminate?

23 A. Life, you know. She had offers to go to some
24 universities here in South Carolina and my aspirations
25 were in Los Angeles.

DREW KABBE DIRECT BY MS. GARFIELD

- 1 Q. What kind of line of work are you in?
- 2 A. I'm in the entertainment industry.
- 3 Q. So did you eventually move to Los Angeles?
- 4 A. I did.
- 5 Q. And did Ms. Wilson eventually move to South Carolina?
- 6 A. She did.
- 7 Q. Did the two of you remain friends?
- 8 A. We did.
- 9 Q. How often did you talk?
- 10 A. Quite frequently after the first couple of years.
- 11 Q. Would she ever share with you any other romantic
- 12 interest in her life?
- 13 A. No. We, specifically, put that out of bounds. We
- 14 never spoke of.
- 15 Q. Did she ever bring up Hank Hawes to you?
- 16 A. She did.
- 17 Q. Did you find that unusual?
- 18 A. It was very unusual.
- 19 Q. Why was unusual?
- 20 A. In all of the five years, I think, or four or five
- 21 years we had been apart, never once did she mention
- 22 anybody she was dating.
- 23 Q. Based on your conversations with Ms. Wilson, how did
- 24 you think she felt about Mr. Hawes?
- 25 A. She was frightened of him.

DREW KABBE CROSS BY MS. PRINGLE

- 1 Q. Did you talk to her the -- it would be the morning
2 hours here in South Carolina of August 28th, 2011?
- 3 A. I did.
- 4 Q. What's the time different between South Carolina and
5 California?
- 6 A. Three hours.
- 7 Q. So it was late August 27th in California when you
8 talked to her?
- 9 A. Yes.
- 10 Q. And what was the nature of that conversation?
- 11 A. It was a pretty light conversation. She was driving
12 home, I believe, from a party. She was in good spirits
13 and it was a lot of just chit-chat.
- 14 Q. Did she appear happy?
- 15 A. Yes.
- 16 Q. Did she say anything to you about she had a good time
17 or a bad time?
- 18 A. She had a good time.
- 19 Q. And how long did you talk to her?
- 20 A. I'm not quite sure. Maybe 15, 20 minutes.
- 21 Q. Were you still talking to her when she got home?
- 22 A. I was.
- 23 Q. And how do you know that?
- 24 A. I heard her get out of the car, walk into her house.
25 And I was just, basically -- this was common for her to

DREW KABBE CROSS BY MS. PRINGLE

1 call me on the way home because I was in California and
2 it was earlier, so I would talk to her when she drove
3 home, make sure she got home all right.

4 Q. And you talked to her as she entered her house?

5 A. Yes.

6 Q. What caused you to get off the phone?

7 A. I was exhausted.

8 Q. Had you worked that day?

9 A. I had.

10 Q. And were you going to sleep?

11 A. I was.

12 Q. And you said goodbye to her?

13 A. I did.

14 Q. Is that the last time you spoke to Jennifer Wilson?

15 A. It was.

16 MS. GARFIELD: Thank you, Mr. Kabbe. Please
17 answer any questions Defense counsel may have.

18 CROSS-EXAMINATION

19 BY MS. PRINGLE:

20 Q. Good afternoon, Mr. Kabbe. You and Ms. Wilson had
21 dated for a while and it never really ended because you
22 just became separated, right?

23 A. Oh, it ended.

24 Q. Well, there was no breakup, I guess?

25 A. There was a breakup.

PAUL NELSON DIRECT BY MS. CAMPBELL

1 PAUL NELSON,

2 after having been duly sworn, testified as follows:

3 THE CLERK: Have a seat in the witness box, state
4 your name and spell it for us, please.

5 THE WITNESS: Officer Paul Nelson, N-E-L-S-O-N.

6 DIRECT EXAMINATION

7 BY MS. CAMPBELL:

8 Q. Sir, where are you employed?

9 A. City of Columbia Police Department.

10 Q. Who do you do there?

11 A. I'm work for the telephone response unit.

12 Q. Back in August of 2011, were you working at the
13 Columbia Police Department?

14 A. Yes.

15 Q. What were you doing at that point, sir?

16 A. I worked with the crime scene unit.

17 Q. Okay. Can you move that microphone a little bit
18 closer. It's just so hard to hear, I'm sorry. You
19 worked with the crime scene unit?

20 A. That's correct.

21 Q. And what were your duties within the crime scene unit?

22 A. My duties were to investigate crime scenes of unknown
23 suspects or parties that entered, photography, latent
24 fingerprints, collection of DNA and physical evidence.

25 Q. Can you tell the jury a little bit about your education

PAUL NELSON DIRECT BY MS. CAMPBELL

1 and training in crime scene?

2 A. I've been lifting fingerprints since 1997, and I've
3 been working with fingerprints for that long. I've
4 been employed with the Columbia Police Department for
5 19 years now.

6 Q. And have you had any specialized training as far as
7 documenting and collecting evidence?

8 A. I've been to photography school. I been to fingerprint
9 school, basic crime scene schools here in South
10 Carolina as well as in North Carolina.

11 Q. And have you testified before as an expert in crime
12 scene investigation?

13 A. Yes, I have.

14 Q. Approximately how many times have been qualified, do
15 you know?

16 A. Twelve or 13 times.

17 MS. CAMPBELL: Your Honor, at this time, we would
18 offer him as an expert in crime scene investigation.

19 THE COURT: Any objection?

20 MR. STRICKLER: I would like to voir dire, Your
21 Honor.

22 THE COURT: Okay.

23 VOIR DIRE

24 BY MR. STRICKLER:

25 Q. Good afternoon, Mr. Nelson.

PAUL NELSON VOIR DIRE BY MR. STRICKLER

- 1 A. Good afternoon, sir.
- 2 Q. Just a few questions. You've been with CPD for 19
- 3 years, did I get that straight?
- 4 A. Yes.
- 5 Q. And I believe you indicated you've been doing
- 6 fingerprints since 1997?
- 7 A. Correct.
- 8 Q. And you've been to photography school?
- 9 A. Photography school.
- 10 Q. And when was that?
- 11 A. That was in 2007.
- 12 Q. And what was the nature of that school? How -- how
- 13 long was the course?
- 14 A. It was about a week long.
- 15 Q. Okay. And where was this offered?
- 16 A. This was offered here in Columbia.
- 17 Q. At the City Police Department or SLED?
- 18 A. It was SLED, Karen McClary.
- 19 Q. Okay. And I believe you indicated you went to print
- 20 school?
- 21 A. I went to print school at the South Carolina Criminal
- 22 Justice Academy.
- 23 Q. When was that?
- 24 A. 2008.
- 25 Q. 2008?

PAUL NELSON VOIR DIRE BY MR. STRICKLER

- 1 A. Yes, sir.
- 2 Q. You've been doing prints since '97?
- 3 A. Basic fingerprint. That --
- 4 Q. Okay. In 2008 went to -- I'm sorry. I didn't --
- 5 A. That was here, the basic fingerprint, in the City of
- 6 Columbia.
- 7 Q. Okay. And in 2008, that was an advanced fingerprint
- 8 class?
- 9 A. Yes, pretty much.
- 10 Q. And then you went to crime scene school?
- 11 A. In 2005, crime scene school was -- correction, 2007 was
- 12 when I started crime scene schools.
- 13 Q. Where was that?
- 14 A. That was in -- here in Columbia, South Carolina.
- 15 Q. And what agency conducted that school?
- 16 A. That was through -- that I'm not too sure, but Karen
- 17 McClary ran that. She was with SLED, State Law
- 18 Enforcement agent, retired.
- 19 Q. Okay. Was it a SLED sponsored school or was it just a
- 20 school --
- 21 A. SLED was present.
- 22 Q. SLED was present?
- 23 A. Yes, sir.
- 24 Q. And how long did that school last?
- 25 A. A week long.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 Q. And what courses were taught in that school?

2 A. Fingerprint techniques, photography, collection of
3 evidence, collection of physical evidence, DNA swab
4 collections, gunshot residue collecting, casting of
5 materials. That's all I can think of right now.

6 Q. That pretty much covers it?

7 A. Yeah.

8 Q. That's a lot of stuff. Okay. And is that fair to say
9 that the school you described covers your training in
10 CSI procedures?

11 A. There's been several other trainings through those
12 years beyond 2007 and 2008. 2009, there was more
13 photography training, DNA collection. 2010 in North
14 Carolina, where there was more of an advanced
15 photography school.

16 Q. Okay. Anything else?

17 A. (The witness shakes head.)

18 Q. Okay. In your position working with CSI, have you had
19 occasion to testify in court before?

20 A. I have.

21 Q. Okay.

22 MR. STRICKLER: All right. Thank you very much.

23 THE COURT: Do you have an objection to his
24 qualification in crime scene investigation?

25 MR. STRICKLER: I have no objection to his

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 qualifications for him being offered in crime scene
2 investigation.

3 THE COURT: You have no objection?

4 MR. STRICKLER: No objection to his qualifications
5 in the areas he's described as training, no, sir.

6 THE COURT: All right. The Court finds him to be
7 qualified to testify concerning crime scene investigation.

8 You may continue, Solicitor.

9 MS. CAMPBELL: Thank you, sir.

10 BY MS. CAMPBELL:

11 Q. Investigator Nelson, I want to turn your attention back
12 to August the 28th, 2011. That morning, did you
13 respond to an address on Monroe Street?

14 A. I did.

15 Q. Would that be ?

16 A. Yes, ma'am, City of Columbia.

17 Q. And when you got there, were other police officers
18 already there?

19 A. Correct, yes.

20 Q. Approximately what time was it when you got there that
21 morning, do you recall?

22 A. I -- just a second.

23 Q. Those are all your notes and things from this case?

24 A. Yes.

25 Q. Okay.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 A. Approximately 11:45.
- 2 Q. And when you were there, had the scene already been
3 secured prior to you getting there?
- 4 A. That's correct.
- 5 Q. And when we're talking about securing a scene, can you
6 explain to the jury what that means?
- 7 A. Securing the scene, the scene was held by officers.
8 Upon my arrival, the scene was roped off with crime
9 scene tape, do not cross, around the whole structure of
10 the building or the residence.
- 11 Q. And even into the backyard area where there was some
12 automobiles?
- 13 A. That's correct.
- 14 Q. Prior to entering the scene, do you take the time to,
15 basically, get some background information or any
16 information that may be available at that point?
- 17 A. Whatever I can try to get.
- 18 Q. Why is that important for you prior to entering the
19 crime scene?
- 20 A. Pretty much so I will know what I am dealing with and
21 how I should prepare for the scene, I should enter it
22 without contaminating it.
- 23 Q. Once you had gotten a history or what information --
24 what little information they had at that point, did you
25 then make entry through the front door of the house?

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 A. I did.

2 Q. And prior to, actually, documenting or collecting any
3 evidence, did you do what's called a walk-through?

4 A. I did.

5 Q. What's the purpose of that?

6 A. To see how much we had and what we had to work with.

7 Q. When you walked through the front door, what did you
8 observe in the first room that you entered in that
9 duplex?

10 A. The victim lying on the couch.

11 Q. At that point, had EMS already been there at the scene?

12 A. That's correct, they had.

13 Q. Had she been pronounced dead prior to your arrival?

14 A. Yes.

15 Q. So the body was still there when you got there?

16 A. That's correct.

17 Q. As you observed the victim lying on the couch, did you,
18 also, do a walk-through into other areas of the duplex?

19 A. I did.

20 Q. What were your observations as you walked through the
21 duplex?

22 A. I observed several blankets, towels throughout the
23 residence as well as knives on the floors and on a
24 nightstand as well as what appears to be blood
25 throughout the whole hallway, kitchen, and master

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 bedroom.

2 Q. Did you, also, make any observations in the bathroom
3 area?

4 A. I did.

5 Q. What were those?

6 A. It appeared that the initial scene was clean. The
7 shower was still wet, the tub was wet. And there was
8 several soaking wet with what appeared to be blood on
9 those towels still inside the tub.

10 Q. In addition to that, when you looked into the bedroom
11 area, the blood, was it in one area or was it
12 throughout the bedroom area?

13 A. It was throughout.

14 Q. Okay. Specifically, as to the kitchen, were there any
15 observations you made of the floor that were
16 significant as far as collecting possible evidence that
17 could be matched to someone?

18 A. That's correct.

19 Q. What was that evidence?

20 A. There was a knife as well as footprints.

21 Q. Footprints?

22 A. Yes, on the floor.

23 Q. And footprints were on the floor in what appeared to be
24 what substance?

25 A. In blood.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 Q. Did you, also, observe the front door and the back door
2 for any signs that might indicate a possible forcible
3 break-in or anything of that nature?

4 A. I did. I photographed those as well.

5 Q. Was there any evidence of any forcible entry in this
6 home?

7 A. No.

8 Q. Once you had done your walk-through, was there another
9 officer that, actually, responded and helped you to do
10 this crime scene?

11 A. That's correct.

12 Q. And who was that?

13 A. Officer Wise.

14 Q. Why did it take two of you to process this crime scene?

15 A. Under our training about protocol, which is through the
16 FBI, they require two investigators to be present on
17 murder scenes.

18 Q. The first thing I want to show you is State's Exhibit
19 No. 314, does that appear to be the front of the
20 residence?

21 A. That's correct.

22 Q. And is that the duplex that you, actually, entered and
23 processed that front area as well as we'll talk about
24 what was in the back area as well?

25 A. Correct, the left side.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 Q. The left side?
- 2 A. Uh-huh.
- 3 Q. So if my finger is over here, that's the side of this
4 duplex that you, actually, entered into?
- 5 A. That's correct.
- 6 Q. Prior to, actually, doing the photographing, did anyone
7 videotape the crime scene as it appeared that day?
- 8 A. CSI Wise did.
- 9 Q. So that would be Investigator Wise that did that?
- 10 A. That's correct.
- 11 Q. And then did the both of you participate in
12 photographing and documenting evidence prior to
13 collecting it?
- 14 A. We did.
- 15 Q. And while I'm talking about it, that day after you
16 photographed and collected the evidence, did you, also,
17 attempt to collect any fingerprints there at the scene?
- 18 A. Yes, we did.
- 19 Q. Were you able to collect any fingerprints?
- 20 A. We collected some fingerprints, which were later to --
21 not to be identified.
- 22 Q. What area were the fingerprints from?
- 23 A. In the hallway -- actually, it was the living room
24 going into the hallway from posts, columns, left and
25 right side door frames.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 Q. Okay. From the door frames?

2 A. Yes.

3 Q. And are those kind of high traffic areas?

4 A. Yes.

5 Q. And were those able to be identified at any point to
6 the Defendant or to the victim in this case?

7 A. No.

8 Q. Is that unusual?

9 A. Not everybody's in the fingerprint system that I work
10 with, so.

11 (State's Exhibit Nos. 3 and 4 were
12 marked for identification.)

13 BY MS. CAMPBELL::

14 Q. I want to walk through the scene as you photographed it
15 that day with this jury. I'm going to show you what's
16 been marked first as State's Exhibits 3, 4 -- 3 and 4,
17 do you recognize those?

18 A. Correct.

19 Q. And in addition to State's Exhibit No. 314, do those
20 show the exterior of the house?

21 A. Yes, that's from the exterior, yes, ma'am.

22 MS. CAMPBELL: Your Honor, at this time, we would
23 offer State's 3 and 4 into evidence.

24 THE COURT: Any objection?

25 MR. STRICKLER: No, sir.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 THE COURT: All right. 3 and 4 will be admitted
2 without objection.

3 (State's Exhibit Nos. 3 and 4 were
4 admitted into evidence.)

5 MS. CAMPBELL: Thank you, Your Honor.

6 BY MS. CAMPBELL:

7 Q. State's Exhibit 3 just shows the actual address on the
8 mailbox?

9 A. That's correct.

10 Q. And where was the mailbox located on this duplex?

11 A. At the front part of the house (indicating) as you
12 enter the main doorway, which was on the left side.

13 Q. State's Exhibit 4, what does that show, sir?

14 A. From that, I guess, the front porch or foyer.

15 Q. And is that the front porch looking into what room in
16 the house?

17 A. Looking into the living room.

18 Q. Into the living room area?

19 A. That's correct.

20 (State's Exhibit Nos. 5 through 9 were
21 marked for identification.)

22 BY MS. CAMPBELL::

23 Q. And you mentioned that there were no signs of any
24 forced entry. I'm going to show you State's Exhibits 5
25 through 9. I first ask, do you recognize those?

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 A. I do. I recognize these.

2 Q. And what do those show, sir?

3 A. This the front doorway showing no signs of forced entry
4 to that main doorway in the living room.

5 MS. GARFIELD: Your Honor, at this time, we would
6 offer 5 through 9 into evidence.

7 THE COURT: What's the numbers?

8 MS. CAMPBELL: 5 through 9, I believe, Your Honor.

9

10 THE COURT: Thank you.

11 Any objection to 5 through 9?

12 MR. STRICKLER: No, sir.

13 THE COURT: All right. State's 5 through 9
14 admitted without objection.

15 (State's Exhibit Nos. 5 through 9 were
16 admitted into evidence.)

17 BY MS. CAMPBELL:

18 Q. I show what's been marked State's Exhibit Nos. 5 and 6.

19 What area of the door jam do those show?

20 A. That's the door, the door locks as well as the lock
21 catch.

22 Q. And in this case, those show no signs of any forced
23 entry?

24 A. Correct.

25 Q. State's Exhibit 9, actually, shows the interior of the

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 door frame?

2 A. Yes.

3 Q. Once you had photographed the front area and the
4 entryway, did you then do an overview of the living
5 room area?

6 A. I did. I describe it as a complete 360 --

7 Q. And let me --

8 A. -- photograph.

9 (State's Exhibit Nos. 10 through 15 were
10 marked for identification.)

11 BY MS. CAMPBELL::

12 Q. Let me show you what I've marked as State's Exhibit 10
13 through 15. I first ask you to look at those. Do
14 those fairly and accurately reflect the scene that day?

15 A. They do.

16 MS. CAMPBELL: Your Honor, at this time, I'd offer
17 10 through 15 into evidence.

18 THE COURT: Any objection?

19 MR. STRICKLER: No, sir.

20 THE COURT: 10 through 15 admitted without
21 objection.

22 (State's Exhibit Nos. 10 through 15 were
23 admitted into evidence.)

24 BY MS. CAMPBELL:

25 Q. I show you State's Exhibit No. 10 and No. 11. Walking

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 in the front door and looking over to the left, is this
2 what you see?

3 A. That's what you see.

4 Q. Where is -- the couch is cut off here, but where would
5 the couch be?

6 A. Against that window.

7 Q. And we'll get back to the couch in a minute, but this
8 shows the general overview of the interior as you look
9 at it?

10 A. That's correct.

11 Q. And as you continue around the room, State's 11 --
12 excuse me, 12 and 13, does that continue around the
13 room?

14 A. Yes.

15 Q. Going out towards the hall area?

16 A. Correct.

17 Q. And in State's No. 13, do you see the actual entrance
18 into the hall?

19 A. That's the entrance to the hallway.

20 Q. And off the middle hallway there in the of the middle
21 duplex, what other rooms run off that once you enter
22 into that area?

23 A. Pretty much all, the kitchen, the master bedroom as
24 well as the bathroom.

25 Q. In fact, in this duplex, how many bedrooms were there?

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 A. Just one.

2 Q. Finally, going around the room, there's a closet off
3 the living room as well as back around to the front
4 door?

5 A. That's correct.

6 Q. That would be looking around the room from the opposite
7 end as where you entered, is that correct?

8 A. That's correct.

9 MS. CAMPBELL: Your Honor, permission to publish?

10 THE COURT: Yes, ma'am.

11 MS. CAMPBELL: Thank you.

12 (State's Exhibit Nos. 16 through 24 were
13 marked for identification.)

14 BY MS. CAMPBELL:

15 Q. I'm showing you what's been marked as State's Exhibits
16 16 through 24 and ask you do you recognize these?

17 THE COURT: Do you have any objection to 16
18 through 24?

19 MR. STRICKLER: No, sir.

20 THE COURT: All right. 16 through 24 admitted
21 without objection.

22 (State's Exhibit Nos. 16 through 24 were
23 admitted into evidence.)

24 MS. CAMPBELL: Your Honor, I'm going to hand
25 Defense counsel 25 through 30.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 THE COURT: Do you have an objection to 25 through
2 30?

3 MR. STRICKLER: I need to look at them.

4 THE COURT: I understand that. I said let me
5 know.

6 MR. STRICKLER: I'm sorry, sir, I misunderstood
7 you.

8 No objection to 25 through 30, Your Honor.

9 THE COURT: All right. 25 through 30 admitted
10 without objection.

11 (State's Exhibit Nos. 25 through 30 were
12 admitted into evidence.)

13 THE COURT: You have anymore you can show him?

14 MS. CAMPBELL: Yes, sir.

15 THE COURT: Just show them all to him. Let's show
16 them all, okay? Show them five at a time.

17 MS. CAMPBELL: Okay, Your Honor.

18 (Pause.)

19 THE COURT: You got numbers?

20 MS. CAMPBELL: Yes, sir, Your Honor. I'm now
21 handing up 67 through 127.

22 THE COURT: 67 through 127?

23 MS. CAMPBELL: Yes, I've already handed him 31
24 through 66.

25 THE COURT: Have you looked at 31 through 66?

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 MR. STRICKLER: I think I'm going to have an
2 objection to all of them, Your Honor.

3 THE COURT: Okay. How about handing them up to
4 me.

5 Let me do this. Mr. Foreman, ladies and gentlemen
6 of the jury, it's 5:00. What I'm going to do is send you
7 home at this time. We're going to go through some of these
8 pictures so you don't have to sit here and look at us wasting
9 time, okay? Please don't discuss the case amongst
10 yourselves. Don't read anything in the paper. Don't look
11 at anything on television. Leave your notepads in the
12 chairs. I'll see you in the morning at 9:30. All right.

13 Let me see the lawyers up here.

14 (Whereupon, the jury left the courtroom
15 at 4:52 p.m.)

16 (Whereupon, Court was adjourned for the
17 day, October 7, 2014, to be reconvened
18 on Wednesday, October 8, 2014.)

19 THE COURT: All right. For the record, we had, I
20 guess, a bench conference last night on the photographs that
21 were seen. And I'm going to go through and list the State's
22 Exhibits of what I ruled out. I ruled out State's Exhibit
23 32, 34, 35, 36, 37, 39, 43, 44, 50 and 60.

24 The following exhibits are that ones that --
25 61, I'm sorry, 50 and 61, excuse me.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 The following exhibits are being offered by the
2 State and objected to by the Defense, do y'all have this
3 same list?

4 MR. STRICKLER: Yes, sir.

5 THE COURT: All right. And correct me if I'm
6 wrong, State's Exhibit No. 31 is the body on the couch,
7 State's Exhibit No. 33 is the body and cooler at the couch,
8 State's No. 38 is --

9 MS. CAMPBELL: Bite mark.

10 THE COURT: Bite mark. State's Exhibit 41 is neck
11 and chest wounds. State's 142 is the wounds to --

12 MS. CAMPBELL: The left breast.

13 THE COURT: I can't I read your writing. State's
14 Exhibit 45 is wound to the left side of the neck. State's
15 46 is wound to right side of the neck. State's 54 is bruise
16 on the left leg. State's 60 is a close-up --

17 MS. CAMPBELL: Back wound.

18 THE COURT: Back wound. 62 is three wounds to the
19 back.

20 Now, I understand the Defense has an objection to
21 all of these, is that correct?

22 MS. EIGENBROT: Yes, Your Honor.

23 THE COURT: What is your objection?

24 MS. EIGENBROT: Your Honor, we would object under
25 403 due to the fact that these photographs would be unfairly

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 prejudicial and that unfair prejudice would substantially
2 outweigh the probative value of these photos.

3 Your Honor, we would contend that the only
4 probative value of these photos at this time is to
5 corroborate CSI Nelson's observations when he first walked
6 through the house and took photos. However, Your Honor, we
7 think his testimony can sufficiently describe what he
8 observed at the time without having to introduce these
9 photos. These photos are gruesome shots of the victim
10 herself laying on the couch completely nude, Your Honor. So
11 they're not only exposing her -- the nude body of the victim
12 in this case and the wounds itself, we would contend they
13 are gruesome --

14 THE COURT: What did you say about the nude body,
15 I'm sorry?

16 MS. EIGENBROT: And the wounds on the nude body,
17 Your Honor. And they're gruesome that the only value they
18 would have would be to elicit an emotional response from the
19 jury members, Your Honor.

20 Based on the fact that we aren't contesting how
21 the body was found and we're not contesting what CSI did in
22 their pictures and in their observations of the body when
23 they found it, we're not contesting it was moved or changed
24 in any way besides the fact that the blankets were removed
25 at some point before they arrived, other than that, Your

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 Honor, we're not contesting any of those things. And we
2 contend that the probative value of these photos is
3 extremely low and are only being introduced to elicit
4 emotional response from the jury.

5 THE COURT: Okay. Thank you so very much.

6 Yes, ma'am.

7 MS. CAMPBELL: Respectfully, Your Honor, we've
8 handed up case law, including the State vs. Findley Collins,
9 which is a Supreme Court case, Your Honor, from August 20th
10 of this year as well as State vs. Gray, which addresses this
11 exact issue.

12 They, also, Your Honor, are the ones in their
13 opening argument, their only issue was malice, according to
14 what was said, either this was malice or self-defense. As
15 you're aware, the only --

16 THE COURT: Well, I think she's acknowledging that
17 it's relevant as to malice. She's arguing that 403
18 argument, as I understand.

19 Is that correct?

20 MS. EIGENBROT: Yes, Your Honor.

21 THE COURT: I don't want to misquote.

22 MS. EIGENBROT: You're correct, Your Honor.

23 MS. CAMPBELL: I believe she said --

24 THE COURT: I think she acknowledges they're
25 relevant as to malice, but she says under 403, the view of

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 the pictures outweighs the probative value. Or the
2 prejudicial value or emotional response the jury would have
3 to the pictures outweighs the probative value.

4 Is that correct?

5 MS. EIGENBROT: Yes, Your Honor.

6 THE COURT: So let me hear you on the 403 process?

7 MS. CAMPBELL: Respectfully, Your Honor, it is our
8 duty to prove malice in this case.

9 THE COURT: I understand.

10 MS. CAMPBELL: As such, these are extremely
11 relevant because the nature of this crime in and of
12 itself --

13 THE COURT: I understand that. She's not
14 contesting that. Once the Court finds it's relevant and the
15 Court does find in this case, this goes to the element of
16 malice and that's your responsibility to prove it and it's
17 relevant as to malice.

18 Now, the next question is a balancing act under
19 the probative value versus the prejudicial value under 403,
20 and that's what she's arguing.

21 MS. CAMPBELL: Yes, Your Honor.

22 THE COURT: That's what I want to hear from you.

23 MS. CAMPBELL: And in the State v. Henry Gray,
24 they go through the 403 analysis and they talk about the
25 probative value versus the prejudicial effect. In that

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 case, there were actual autopsy pictures that were
2 introduced. And in that case, the weight of a piece of
3 relevant evidence will help the trier of the fact to decide
4 the issues. The more essential the evidence the greater its
5 probative value. so, therefore, the Court should consider
6 the importance of the evidence and the significance of the
7 issue to which the evidence relates.

8 And, Your Honor, respectfully, we would say these
9 are necessary to substantiate material facts. The nature of
10 this crime in itself makes these extremely probative as to
11 the manner in which this young woman was killed. She had
12 multiple stab wounds, how those stab wounds were done. And
13 even more so, Your Honor, afterwards, he, actually, cleans
14 up the body and then puts it in the living room area, which
15 would, also, be very probative area as to his state of mind
16 in and around the time that this act -- that he, actually,
17 executed this act.

18 He was in the apartment -- or the duplex some six
19 hours afterwards. He did, obviously, move the body and put
20 it over there. The nature of these wounds, in and of
21 themselves, is extremely important and relevant to the
22 State's case. It could not be more probative as to proving
23 malice in this case and more relevant and would be necessary
24 for this jury to be able to, actually, see the manner in
25 which this man killed this woman in order to make a

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 determination. I don't know of any case I've tried where,
2 in fact, the photographs from the crime scene, the nature of
3 these wounds could be more relevant.

4 Your Honor, you have gone above and beyond in
5 ruling out a number of these pictures that you did feel like
6 might cause, you know, some type of prejudice, such as the
7 one of the nude body, the full one. These photographs are
8 of just certain areas. They're separated that way. And you
9 have gone above and beyond in order to make sure that there
10 is no unduly prejudicial photographs that do go to this
11 jury. However, Your Honor, we do think that it is the
12 jury's right and would be very necessary for them to be able
13 to see the nature of these wounds in determining how they
14 were inflicted in order to make a determination in this
15 case. I can't think of another case where the photographs
16 from the scene or the body would be more relevant.

17 THE COURT: Okay. Thank you so very much,
18 Solicitor.

19 Yes, ma'am.

20 MS. EIGENBROT: Thank you, Your Honor. And, Your
21 Honor, I think the biggest difference between the case law
22 they have cited along with in this case is that right here,
23 right now, we're talking about the photographs of the scene.
24 And these -- in the case law, it's all about autopsy photos.
25 All of which, there's been some testimony that they were

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 needed to corroborate what the pathologist was explaining to
2 the jury and the manner of death. Once again, Your Honor,
3 we're not contesting the manner of death. We are -- we
4 would agree she was stabbed.

5 Your Honor, it's our contention that the witness
6 himself, Officer Nelson, would not be able to testify to the
7 manner of the injuries themselves, specifically, because
8 he's not a doctor, he's not qualified to talk about the
9 injuries specifically. He can talk about his observations,
10 how many wounds he observed. But I don't think the pictures
11 are necessary to illustrate what he observed at that time.
12 And I think the probative value is extremely lessened by
13 those facts, Your Honor.

14 Again, we're not contesting the gruesome nature of
15 this crime itself. And I think the probative value is
16 extremely lessened and the prejudice against my client would
17 be -- would extremely outweigh the probative value at this
18 point.

19 THE COURT: Okay. Having reviewed all of the
20 pictures earlier, the Court has ruled out the pictures that
21 the Court felt like would elicit a strong emotional response
22 because of the amount of blood in the pictures on
23 the pictures that the Court has ruled out. The Court finds
24 that the probative value of the pictures in question, the
25 Court just enumerated on the record, the probative value

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 outweighs any prejudicial value. It, basically, depicts the
2 scene as it occurred. It depicts the scene as to where the
3 body was found in the house. It, also, depicts the wounds
4 that were inflicted upon the victim, which would go to the
5 issue of malice, and that's a requirement.

6 I don't know how else the State could prove it
7 other than with the extent of the wounds, the positions of
8 the wounds and position of the body as well as the
9 extraordinary fact in this case that the body was cleaned
10 up, washed, placed on the sofa flat on the back covered by a
11 comforter with the head placed on a pillow and, apparently,
12 according to the testimony, the hair appeared to be washed.
13 So the Court finds the probative value outweighs any
14 prejudicial value as to these picture. I'm going to admit
15 them over the objection.

16 MS. EIGENBROT: Thank you, Your Honor.

17 THE COURT: Now, does the State want me to mark
18 any of these pictures that I have ruled out as Court's
19 Exhibits or do you want to take them?

20 MS. CAMPBELL: They're already marked as State's
21 Exhibits for ID purposes.

22 THE COURT: I know, but they're not part of this
23 record because I've ruled them out.

24 MS. CAMPBELL: If would you mark them as Court's
25 Exhibits, Your Honor, we would appreciate that.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 THE COURT: I will be happy to do that.

2 MS. CAMPBELL: That would be good so we can make
3 sure they're part of the record.

4 THE COURT: Okay. I'm going to mark them in a
5 folder as a group as Court's Exhibit No. 3, I believe.

6 MS. CAMPBELL: Thank you.

7 THE COURT: Here is your list back.

8 MS. CAMPBELL: Thank you.

9 THE COURT: Is there anything we need to do before
10 we bring the jury in?

11 MS. CAMPBELL: If we could, then the rest of the
12 pictures, my understanding, including the ones you just
13 ruled in, would be State's Exhibits 3 through 189, 276
14 through 280, 333 and 334. And then there are, also,
15 some blow-ups I do not believe they object to that I showed
16 them.

17 THE COURT: What are those numbers again, I'm
18 sorry?

19 MS. CAMPBELL: It would be State's Exhibits 3
20 through 189.

21 THE COURT: 3 through 189.

22 MS. CAMPBELL: 276 through 280.

23 THE COURT: 276 through 280.

24 MS. CAMPBELL: And 333 and 334.

25 THE COURT: 333 and 334.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 MS. CAMPBELL: And there are some blow-ups as
2 well, Your Honor.

3 THE COURT: Any objection to those?

4 MR. STRICKLER: No, Your Honor. I believe there's
5 one, actually, in the -- inside one of those large groups
6 that's already been admitted.

7 MS. CAMPBELL: Yes, there is.

8 MR. STRICKLER: We have no objection to that.

9 THE COURT: All right. When the jury comes back,
10 I will admit those into evidence without objection.

11 MR. STRICKLER: Yes, sir.

12 THE COURT: Is there anything else?

13 MR. STRICKLER: No, sir.

14 THE COURT: Okay. Bring the jury, please.

15 MS. CAMPBELL: Your Honor, do you want the witness
16 back on the stand?

17 THE COURT: Yes.

18 (Whereupon, the jury enters the
19 courtroom at 10:43 a.m.)

20 THE BAILIFF: The jury is seated, Your Honor.

21 THE COURT: Thank you very much.

22 Mr. Foreman, ladies and gentlemen of the jury,
23 after reviewing pictures offered by the State and listening
24 to the arguments of the State's attorneys as well as the
25 Defense attorneys, the Court has admitted Exhibits 31, 33,

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 38, 41, 42, 45, 46, 54, 60 and 62 with objection.

2 Solicitor, here are the pictures.

3 MS. CAMPBELL: Thank you, Your Honor.

4 (State's Exhibit Nos. 31, 33, 38, 41,

5 42, 45, 46, 54, 60 and 62 were admitted

6 into evidence.)

7 THE COURT: And, also, pictures 3 through 189,

8 pictures 276 through 280, pictures 333 and 334 are admitted

9 without objection.

10 (State's Exhibit Nos. 3 through 189, 276

11 through 280, 333, 334 were admitted into

12 evidence.)

13 THE COURT: Solicitor, you may proceed.

14 MS. CAMPBELL: Thank you, sir.

15 Your Honor, may the witness step down?

16 THE COURT: Yes, ma'am.

17 CONTINUED DIRECT EXAMINATION

18 BY MS. CAMPBELL:

19 Q. We were talking about the living room area and how it

20 appeared at the scene. I want to go through some of

21 these photographs of the general areas in the living

22 room. State's Exhibit No. 16, what is it you see

23 there?

24 A. The living room chair with a, I guess, a dresser-type

25 that's partially opened.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 Q. State's Exhibit No. 17, is that a close-up of that
2 area?

3 A. Correct.

4 Q. And was that how it appeared when you got there that
5 day?

6 A. That's right.

7 Q. Within that area, State's Exhibit No. 18, what is that
8 of?

9 A. Just the foot rest in front of that chair.

10 Q. And this foot rest, do you see a particular area where
11 there is some stain?

12 A. Correct, what appears to be blood on that chair.

13 Q. And if I point here and here, does that show the
14 general area?

15 A. Correct.

16 Q. And where was this foot rest located in relation to the
17 couch there in the living room area?

18 A. Directly across.

19 Q. State's Exhibits 19 and 20, again, what does that show?

20 A. It appears to be the living room couch cushion and
21 dresser and that's partially opened.

22 Q. And State's Exhibit No. 21, what does this show?

23 A. It appears to have vomit on it. It appears to have a
24 large amount of blood stain.

25 Q. And where was that located?

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 A. On the living room couch.
- 2 Q. And I see there in the background, there's, actually, a
3 person in this picture?
- 4 A. That's correct.
- 5 Q. Who is that?
- 6 A. Ms. Wilson.
- 7 Q. Is that how she appeared after EMS left her that day?
- 8 A. That's correct.
- 9 Q. State's Exhibit Nos. 22 and 23, what does those show?
- 10 A. -- and swiped pattern.
- 11 Q. And you talk about a swiped pattern, what do you mean
12 by that, sir?
- 13 A. Transferred --
- 14 Q. On the living room couch? In that same general area,
15 State's Exhibit No. 24, what does that show?
- 16 A. It appears to be the living room --
- 17 Q. Can you speak up a little bit?
- 18 A. Yes, ma'am.
- 19 Q. You're very soft-spoken.
- 20 A. The living room, there is a rug there in the middle of
21 the floor. It appeared to be some vomit.
- 22 Q. You mentioned in your observations next to the couch.
23 In State's Exhibits 25 and 26, what does this show?
- 24 A. Right next to the couch in the living room resting on
25 the floor there on top of the rug appears to be a

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 cooler full of what appeared to be blood.

2 Q. It was full?

3 A. It was partially full.

4 Q. And that was located where in the living room?

5 A. Just -- living room couch, just by Ms. Wilson.

6 Q. State's Exhibit Nos. 27 and 28, are those close-ups of
7 that same area?

8 A. As well as the cloth and of that cooler bag.

9 Q. I didn't understand you, I'm sorry?

10 A. As well as the cloth, the cooler bag and you see a
11 partial knife handle, black in color.

12 Q. State's Exhibit No. 29, you mentioned the knife?

13 A. Correct. In the living room, just by Ms. Wilson's arm
14 on the living room couch on the floor?

15 COURT REPORTER: Your Honor, can the witness speak
16 up, please?

17 THE COURT: Speak a little louder.

18 THE WITNESS: Yes, Your Honor.

19 THE COURT: Thank you, sir.

20 BY MS. CAMPBELL::

21 Q. And, finally, the area of the living room, State's
22 Exhibit No. 30?

23 A. From the living room, that's the living room closet.

24 Q. Did you find anything of significance there?

25 A. No, I did not.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 Q. I want to show you a series of photographs of the
2 general area of where the victim was, actually, located
3 when you got to the house that day. State's Exhibit
4 No. 31, what does that show?

5 A. It shows Ms. Wilson lying on the couch face up,
6 partially covered.

7 Q. And I notice there's some blue leads on her chest, were
8 you aware of how those got there?

9 A. The medical staff, EMS, ambulance, when they arrived,
10 they put them on her.

11 Q. State's Exhibit No. 33, what does this show, sir?

12 A. That's from within the living room again, of the living
13 room couch; Ms. Wilson and the cooler bag, partially
14 full and the knife near her.

15 Q. Once you did your general photographing, did you then
16 try to photograph some of the wounds you were able to
17 observe?

18 A. I did a little later on.

19 Q. I show you State's Exhibit No. 38, do you recognize
20 that?

21 A. I do.

22 Q. And what does this show?

23 A. It appeared to be a bite mark there on her right arm at
24 that time of Ms. Wilson from lying on the couch there.

25 Q. You're talking about the bite mark, that's this right

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 here (indicating)?
- 2 A. Correct.
- 3 Q. Did you, also, observe the chest -- excuse me, wounds
- 4 to her chest and neck area?
- 5 A. I did.
- 6 Q. State's Exhibit No. 41?
- 7 A. That's correct. Same location. Those photo were
- 8 taking a little later.
- 9 Q. Were you able to take some close-up shots of some of
- 10 these wounds in State's Exhibit 42?
- 11 A. Correct.
- 12 Q. And State's Exhibit 45, does this show the -- I believe
- 13 it's the left side of the neck?
- 14 A. That's correct, the left side of her neck area.
- 15 Q. State's Exhibit No. 40, does this show a wound to the
- 16 right side of the neck as well as the left side?
- 17 A. That's correct.
- 18 Q. And the wound to the right side of her neck, how was it
- 19 shaped?
- 20 A. To the right side, it was long.
- 21 Q. And then to the left side?
- 22 A. It was more of a cut, appeared to be a cut wound.
- 23 Q. Did you, also, observe in State's Exhibit 54 bruises on
- 24 her legs?
- 25 A. Bruising on her legs, that's correct, as well as what

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 appears to be blood, also, on her knee.

2 Q. Once you had observed the front of her, did you,
3 actually, roll her over on the scene and observe some
4 additional wounds to the back?

5 A. Correct. The coroner's office was present as well.
6 And those were later taken.

7 Q. Later taken?

8 A. Uh-huh.

9 Q. State's Exhibit No. 62, how many wounds does that show
10 just to the back area?

11 A. I can't see.

12 Q. I'm sorry.

13 A. Appears to be three. If I may, on that, there was a
14 sheet also laid down on top of that couch.

15 Q. On top of the couch?

16 A. Yes.

17 Q. Is this the sheet in the bottom part of this?

18 A. That's the corner there.

19 Q. Did the coroner's office place that?

20 A. Uh-huh.

21 Q. State's Exhibit 60 is a close-up of the wounds?

22 A. One of the wounds, yes, correct.

23 Q. State's Exhibit No. 40, is this a close-up of the bite
24 wound that was mentioned earlier?

25 A. Correct. Due to the couch being in the way, we had to

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 move the couch so we could get a close-up scale of that
2 injury.
- 3 Q. And, again, the photographs of the general scene were
4 taken before you moved the body?
- 5 A. Correct. This was later on.
- 6 Q. State's Exhibit Nos. 47 and 48 show what?
- 7 A. An earring. One earring in, appears to be the right
8 side and one missing earring as well as Ms. Wilson's
9 head lying on the couch.
- 10 Q. State's Exhibit 49 shows what?
- 11 A. Top of Ms. Wilson head, appeared to be -- it was
12 unknown at that time until the discovery it was a book.
- 13 Q. What was the condition of her hair when you got there?
- 14 A. It was wet.
- 15 Q. State's Exhibit 51 and 52 show what?
- 16 A. Her feet and her ankles, appears to be upon inspection
17 close up, you can see something was bound over her
18 legs.
- 19 Q. These indentations here?
- 20 A. Yes.
- 21 Q. State's Exhibit No. 53 shows what?
- 22 A. Photograph of her right leg area, some bruising and
23 what appears to be some blood.
- 24 Q. State's Exhibits 55 and 56?
- 25 A. Photographs of Ms. Wilson's feet.

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1 Q. And, specifically, photographs 57 and 58?

2 A. Much later on on the scale as well as the bottoms of
3 her feet.

4 Q. Specifically, in State's Exhibit 57 and 58, is there a
5 cut there?

6 A. Yes, on her -- let me see. Would be on her left foot,
7 the bottom.

8 Q. State's Exhibits 63 and 64 are what areas?

9 A. To the back of the wounds, close-up photographs were,
10 also, taken.

11 Q. And, again, 65 and 66 are also close-ups of the back
12 wounds?

13 A. Correct.

14 Q. Once you had photographed the general area in the
15 living room, did you then move into the hall area?

16 A. I did.

17 Q. And I'm going to show you what's been admitted as
18 State's Exhibit 67. What does that show, sir?

19 A. The photograph that we had taken of the hallway from
20 standing in the living room back to the bedroom and
21 kitchen as well as the bathroom.

22 Q. And on the floor there, there appears to be some
23 stains, droplets?

24 A. Throughout the floor reddish stains.

25 Q. State's Exhibits 68 and 69 show what area of the

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 hallway?

2 A. By the closet door, just near the bathroom on the
3 left -- the left side of the residence as you walk your
4 way back appears to be a shirt.

5 Q. And on the wall there?

6 A. As well what appeared to be blood on the floors and the
7 wall.

8 Q. And as a crime scene expert, how did that blood appear
9 to have been deposited on this wall?

10 MR. STRICKLER: I object, Your Honor.

11 THE COURT: What's your legal objection?

12 MR. STRICKLER: May we approach?

13 THE COURT: Yes, sir.

14 (Whereupon, a bench conference was held
15 off the record, in the presence of the
16 jury, but outside the hearing of the
17 jury.)

18 THE COURT: All right. Objection is sustained.

19 BY MS. CAMPBELL:

20 Q. Let me rephrase, sir. Can you describe the blood on
21 the wall that you saw?

22 A. What appears is that it was dropped from a higher
23 level.

24 Q. I'll show you State's Exhibit No. 70, does this show
25 the back of this wall?

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 A. That's correct.
- 2 Q. From the hallway. State's Exhibit No. 71, what area
3 does this show?
- 4 A. That's the hallway from the living room.
- 5 Q. And the room that you look into straight on in this
6 picture, what room was that in this duplex?
- 7 A. Master bedroom, along with the master bedroom bed.
- 8 Q. State's Exhibit No. 72, is that a close-up of the same
9 angle?
- 10 A. That's correct.
- 11 Q. State's Exhibits 73 and 74, what does that show, sir?
- 12 A. Photographs of the hallway, as you recall the little
13 book area, maybe an office space from within the
14 hallway.
- 15 Q. And as you're looking at the hallway from the living
16 room, that would have been over to what area?
- 17 A. That would be over toward the kitchen side to the
18 right.
- 19 Q. And I believe in State's Exhibit No. 334, you,
20 actually, noted the temperature.
- 21 A. That's correct.
- 22 Q. And what was the temperature set on the thermostat that
23 day?
- 24 A. Seventy-five.
- 25 Q. State's Exhibit 75 and 76, how is this oriented to the

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 hall?
- 2 A. Let me see. That is from the master bedroom behind me
- 3 or CSI Wise towards the living room.
- 4 Q. So this would be looking back towards the living room?
- 5 A. That's correct.
- 6 Q. In State's Exhibits 77 and 78, how would you describe
- 7 patterns of the blood there?
- 8 A. Appeared to be a feet pattern, as well as that's from
- 9 within the hallway and master bedroom.
- 10 Q. And this pattern there?
- 11 A. Drips. It appears to be drips.
- 12 Q. State's Exhibit 79, what does that show?
- 13 A. That is from the hallway to the left as you see it, the
- 14 kitchen as well as towels on it appears to be a large
- 15 amount of blood transferred or dragged possibly.
- 16 Q. State's Exhibit No. 80 is a close-up?
- 17 A. That's correct.
- 18 Q. And that's, actually, the hallway?
- 19 A. Hallway floor.
- 20 Q. When you enter that hallway, directly to the left and
- 21 spin around, what was the first room?
- 22 A. First room from the living room walking back would be
- 23 the bathroom.
- 24 Q. I show you State's Exhibit No. 81, what did that show?
- 25 A. It appears to be a towel there on the floor, also, what

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 appeared to have been blood.
- 2 Q. State's Exhibits 82 and 84 -- State's Exhibit 82, what
- 3 area does that show?
- 4 A. The bathroom corner.
- 5 Q. State's Exhibits 84 and 85.
- 6 A. Bathroom sink across from the tub.
- 7 Q. There's an object in the sink, what is that?
- 8 A. That appears to be a drip of what appears to be blood.
- 9 Q. And the actual rod here, what was that?
- 10 A. The curtain rod for the tub.
- 11 Q. State's Exhibit No. 86, what does that show?
- 12 A. Photograph of the toilet, just on the door -- just on
- 13 the inside of the door in the bathroom.
- 14 Q. You mentioned the condition of the shower when you got
- 15 there?
- 16 A. That's correct.
- 17 Q. What was that condition?
- 18 A. Appeared it had been running.
- 19 Q. It was damp?
- 20 A. Ma'am?
- 21 Q. It was damp?
- 22 A. Damp or wet.
- 23 Q. Show you State's Exhibit No. 87, what does that show?
- 24 A. The photograph that was taken of the bathtub with,
- 25 also, the shower head.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 Q. And the shower head has a stain on it?
- 2 A. It, also, has a red stain, what appears to be blood.
- 3 Q. State's Exhibit Nos. 88 and 89 show what areas of the
- 4 tub?
- 5 A. The opposite side of the bathroom tub, just how the
- 6 condition was.
- 7 Q. And, specifically, in State's Exhibit 89, would this be
- 8 the tub down here?
- 9 A. Correct, and the shower head is just above.
- 10 Q. Does there appear to be faint stains on this one?
- 11 A. Right, like it was just washed.
- 12 Q. Closer up of that was State's Exhibit No. 90?
- 13 A. Bathroom tub wall.
- 14 Q. State's Exhibit No. 91, does that show a close-up of
- 15 State's Exhibit 83?
- 16 A. Photograph of the tub and the drain, appears to be
- 17 washed out what appeared to be blood.
- 18 Q. State's Exhibit 92 and 93, what do those show?
- 19 A. Those are photographs of the tub along with what
- 20 appears to be a towel that was completely saturated in
- 21 water and what, also, appeared to be blood at that
- 22 time.
- 23 Q. Close-up of State's Exhibit No. 94, right?
- 24 A. Photograph, again, of the tub in the bathroom and of
- 25 the towel.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 Q. Direction of the hallway moving clockwise would be what
2 room?

3 A. Master bedroom.

4 Q. Which was the only bedroom?

5 A. Correct.

6 Q. Looking in and looking to the left, State's Exhibit
7 Nos. 95 and 96, what do those show?

8 A. Photographs of the master bedroom bath -- correction,
9 master bedroom bed as well as the floor and the wall.

10 Q. And the actual corner of the bed is here?

11 A. That's right.

12 Q. And that's the side of bed when you walk in?

13 A. The side of the bed when you first walk in, correct.

14 Q. There are stains on the wall here?

15 A. There are stains on the wall and the window.

16 Q. How would you describe those stains?

17 A. Reddish-brown, possibly what appears to be blood.

18 Q. Moving on around the bed, State's Exhibits 97 and 98?

19 A. Correct. Photographs of the master bedroom bed on the
20 opposite side towards the closet as well as the wall
21 peering through you see blood, what appears to be blood
22 on the floor.

23 Q. And State's Exhibit No. 99 is a close-up of what area?

24 A. Just the foot of the bed to the wall, a double window,
25 what appears to be blood on the floor there.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 Q. State's Exhibit No. 100, what does that show?
- 2 A. The master bedroom bed.
- 3 Q. And that's an actual photograph of the bed itself as it
- 4 appeared?
- 5 A. As we see it, correct.
- 6 Q. State's Exhibit No. 101, what area is this, sir?
- 7 A. This is the master bedroom from within -- to the closet
- 8 and the double window wall.
- 9 Q. And I notice this is the headboard here?
- 10 A. The headboard, correct.
- 11 Q. Then what is this down here?
- 12 A. What appears to be a carpet that's under the bed and
- 13 it's folded in or possibly pushed in.
- 14 Q. And another close-up of that, I believe, is State's
- 15 Exhibits 107 and 108?
- 16 A. Correct. That is of the master bedroom bed, also,
- 17 indicating possibly a drag from one area to the other
- 18 where it stopped, as well as some clothing.
- 19 Q. And the clothing that you pointed out, where is that?
- 20 A. The clothing is in the master bedroom just to the left
- 21 side of the bed, closest to the footboard.
- 22 Q. Was that clothing later collected by y'all?
- 23 A. Yes.
- 24 Q. And looking at that, State's Exhibit No. 109 and 110?
- 25 A. Just a close-up of the carpet from within the master

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 bedroom, of the clothing, as well as the carpet.

2 Q. And when you're describing these two items of clothing
3 items we see here, what were those?

4 A. A pair of pajamas and some underwear.

5 Q. And this item?

6 A. Appeared to be a male shirt.

7 Q. And, again, what was the -- how was the victim clothed
8 when y'all got there?

9 A. She was naked.

10 Q. State's Exhibits 102 and 103, what do those show, sir?

11 A. The master bedroom bed. The hallway is behind us when
12 we took that photograph.

13 Q. State's Exhibit 104, what does that show?

14 A. The master bedroom bed.

15 Q. Specifically, what is this item?

16 A. The comforter.

17 Q. Was there any stains on that comforter?

18 A. There was, what appeared to be blood.

19 Q. The other side of the bed, State's Exhibit Nos. 105 and
20 106?

21 A. That's near the nightstand looking into the bedroom,
22 taken from the bedroom, particularly, paying attention
23 to the floor as well as the master bedroom and what
24 appears to be blood throughout.

25 Q. On that side of the bed here in State's Exhibit No.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 111, is there any item of significance on that
2 nightstand?

3 A. That's correct. On that nightstand is what appears to
4 be a black-handled knife.

5 Q. And that would be here (indicating). And that was the
6 second knife you referred to so far, right?

7 A. That's correct.

8 Q. You mentioned a bloodstain on the floor next to the
9 bed, State's Exhibit No. 112?

10 A. Correct. Same area, same location near the nightstand,
11 very large amount of what appears to be blood.

12 Q. And this stain was located next to the bed or under the
13 bed?

14 A. That was next to the bed.

15 Q. State's Exhibit No. 114 shows some items on the floor
16 next to that blood?

17 A. That's correct. On the master bedroom bed, there is a
18 cell phone as well as a sock, a single sock.

19 Q. And this is a cell phone?

20 A. Correct.

21 Q. State's Exhibit No. 115, is that the close-up shot of
22 the nightstand?

23 A. That's correct, paying attention to the knife.

24 Q. State's Exhibit No. 116 is where?

25 A. That's just next to that nightstand from the master

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 bedroom.

2 Q. State's Exhibit No. 117?

3 A. Just above the large amount of blood, appeared that is
4 projected a little further to the wall.

5 Q. State's Exhibit No. 118 is what?

6 A. From the master bedroom floor, a cell phone, a smart
7 phone.

8 Q. Was that later collected by y'all as well?

9 A. That's correct, yes.

10 Q. As well as State's Exhibit No. 119?

11 A. From the nightstand, the knife.

12 Q. State's Exhibit No. 120 shows what area?

13 A. That's the photograph we had taken, it's near the
14 nightstand, a large amount of what appeared to be blood
15 looking at the window shades as well as the sill.

16 Q. State's Exhibit Nos. 121 and 122, does that show what
17 you're talking about?

18 A. Correct. The photographs that we have taken of what
19 appears to be blood on the curtain, wall, casing and
20 the twist closer (indicating).

21 Q. What area of the yard does this window face?

22 A. It faces the back part of the residence where the
23 majority of all the vehicles were.

24 Q. Out in the backyard?

25 A. Correct.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 Q. The ones you're talking about is State's Exhibit 123
2 and 124.
- 3 A. Again, the master bedroom rear window.
- 4 Q. State's Exhibit No. 125 shows what area, sir?
- 5 A. Now, we're back to the closet photograph, close to that
6 single window.
- 7 Q. The single window would be over here?
- 8 A. That's correct.
- 9 Q. Then there's, also, the double window?
- 10 A. Under the bed.
- 11 Q. And what appears to be on the floor?
- 12 A. Blood drop.
- 13 Q. State's Exhibit Nos. 126 and 127 shows what area?
- 14 A. Master bedroom closet as well as the door you see there
15 is the -- that's the main door to the -- from the
16 hallway.
- 17 Q. Was anything significant collected from the closet?
- 18 A. No.
- 19 Q. Moving on from the bedroom back to the hallway and
20 entrance to the kitchen, I show you State's Exhibit No.
21 128?
- 22 A. Correct. That's from the hallway into the kitchen,
23 several towels there on top of what appears to be blood
24 in a drag-type pattern.
- 25 Q. And looking from inside the kitchen out into the

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 hallway, State's Exhibit No. 129?
- 2 A. That's correct, from within the kitchen.
- 3 Q. State's Exhibit No. 130, what area does this show, sir?
- 4 A. It's the rear door from within the kitchen.
- 5 Q. Okay.
- 6 A. I apologize -- that's from the kitchen from the hallway
- 7 looking in to the rear door.
- 8 Q. These items here that are stacked on the side, what
- 9 were those?
- 10 A. They appeared to be jar of candy.
- 11 Q. I'm sorry?
- 12 A. Candy.
- 13 Q. And on the floor, again, how would you describe what
- 14 was there?
- 15 A. What appears to be blood throughout as well as some
- 16 drag marks.
- 17 Q. 131, what area of the kitchen is this?
- 18 A. That's from within the hallway back looking at the
- 19 kitchen table, into the kitchen.
- 20 Q. And I notice you have a -- what is that?
- 21 A. What appears to be blood draggings.
- 22 Q. Closer up of that is 132 and 133?
- 23 A. Correct.
- 24 Q. State's Exhibit No. 134 shows what area, sir?
- 25 A. Photograph from within the kitchen, the back against

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 the table of the refrigerator and jar of candy.

2 Q. And State's Exhibits 135 and 136, what areas are those,
3 sir?

4 A. That's from within the kitchen, more photographs of the
5 kitchen and what appeared to be blood on the floor.

6 Q. State's Exhibit No. 137, what does that show, sir?

7 A. Photograph of at the time it appeared to be footprints,
8 possibly transfer of what appears to be blood.

9 Q. State's Exhibit No. 138, what area of the kitchen does
10 that show?

11 A. It's a photograph of the kitchen about midway through
12 it. Large amount of what appears to be blood as well
13 as on the washing machine -- or refrigerator.

14 Q. State's Exhibit No. 139 shows what area?

15 A. That's a photograph looking back to the hallway.

16 Q. Again, which room?

17 A. Kitchen.

18 Q. Moving on to State's Exhibit NO. 142, what area is
19 this?

20 A. This is from within the kitchen, the prepping area.

21 Q. And which side of the kitchen was this on?

22 A. Should be on the left side, towards the rear door.

23 Q. State's Exhibits 143 and 144, again, what's this item?

24 A. Photographs of the refrigerator as well as the floor
25 within the kitchen and what appears to be blood on the

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 kitchen door as well as on the floor, partially on the
2 dryer.

3 Q. And you mentioned the dryer, what are State's Exhibit
4 Nos. 145 and 146?

5 A. Photographs from within the kitchen of the dryer.

6 Q. State's Exhibit No. 147, is there an item of
7 significance in this photograph?

8 A. That's correct. Within the kitchen, there is a knife
9 on the floor.

10 Q. Am I pointing to it?

11 A. Yes, near the refrigerator.

12 Q. So this is which knife?

13 A. This would be the third.

14 Q. State's Exhibits 148 and 149, what are those?

15 A. This is a close-up in different angles of the small --
16 from within the kitchen.

17 Q. State's Exhibit No. 150, what does this show, sir?

18 A. The kitchen prep area, particular attention to the
19 cutting block -- before you go out the doors.

20 Q. Why did you photograph this on the counter?

21 A. Observing that there's several knives missing from the
22 cutting block.

23 Q. Did you observe any blood on the cutting block, on
24 this?

25 A. Did not.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 Q. Finally, the kitchen has a door on the back of it?

2 A. Yeah.

3 Q. Where does that go to?

4 A. That leads out to a small little storage area.

5 Q. State's Exhibit No. 153?

6 A. That's correct. That's from within the kitchen going
7 out to the back.

8 Q. And I note that there is a towel -- State's Exhibits
9 155 and 156, what do those show?

10 A. That's the rear doors of the --

11 Q. Do there appear to be any signs of forcible entry?

12 A. No.

13 Q. State's Exhibits 157 and 158, what does this show?

14 A. Photographs of the rear kitchen door from within the
15 kitchen side, key in the door along with a towel over
16 the window.

17 Q. A towel over the window?

18 A. Correct.

19 Q. And the close-up 159, the keys, how would you describe
20 the substance?

21 A. Reddish stain, appears to be blood on the keys as well
22 as the key lock.

23 Q. State's Exhibit No. 160, what is this item?

24 A. The towel that was over the rear kitchen door, also,
25 observing what appears to be blood.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 Q. State's Exhibit No. 161, what does this show?

2 A. This is a photograph that we had taken within the
3 kitchen towards the rear door, the light switch,
4 observing what appears to be blood on the switches as
5 well as the panel.

6 Q. State's Exhibit Nos. 161, 162, and 163?

7 A. Photograph of closer photographs from within the
8 kitchen of the light switch as well as panel cover.

9 Q. State's Exhibit No. 164, what does that show?

10 A. That's a photograph of the exterior rear side of the
11 residence that was taken looking into the kitchen.

12 Q. And on the rear patio, 165 and 166, what do those show?

13 A. Photographs just outside of the kitchen door of several
14 pairs of shoes.

15 Q. And 166, how do you describe those shoes?

16 A. A pair of male shoes.

17 Q. Once you had photographed the scene and the body as you
18 described to the jury, did you go back and put markers
19 on certain items what you thought may have some
20 significance?

21 A. I did.

22 Q. When you're doing this, Investigator, do you know
23 exactly what's going to be significant later on?

24 A. No.

25 Q. So you mark items that appear to be either out of place

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 or have some significance?

2 A. To this case, yes.

3 Q. Do you mark every item?

4 A. No.

5 Q. What prevents you from marking an item?

6 A. Find something up on the wall, something that possibly
7 is on the body, something that can be -- that needs to
8 be collected right away preventing it from being
9 destroyed.

10 Q. State's Exhibit No. 167, what was that item number --
11 do you -- do the numbers have any significance or is it
12 just the way you number them?

13 A. That's just a way for me to recognize it.

14 Q. Okay.

15 A. That was from within the living room floor, from the
16 rug there.

17 Q. Which has already been shown?

18 A. Yes, appeared to be vomit.

19 Q. State's 168?

20 A. Number 10 would be the cell phone we collected from the
21 master bedroom next to the nightstand.

22 Q. State's Exhibit Nos. 169, 170, and 171, specifically,
23 what -- are these items as they were?

24 A. That's on the -- this one was moved for photographing
25 purposes because we had to move Ms. Wilson.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 Q. So these items -- where was this item number 12 found?
- 2 A. That was found in the living room next to that cooler
- 3 bag.
- 4 Q. What is that item?
- 5 A. That is a water jug.
- 6 Q. State's Exhibit No. 171, is that closer up?
- 7 A. Correct, that's later in the scene's process.
- 8 Q. When you say process, did you attempt to get
- 9 fingerprints of this crime scene?
- 10 A. Throughout.
- 11 Q. Did you try to fingerprint the knives?
- 12 A. No, we did not.
- 13 Q. And why was that?
- 14 A. Well, due to the DNA, we wanted to preserve those for
- 15 DNA processing.
- 16 Q. But this item was processed with what appears to be
- 17 some black substance?
- 18 A. Yes, correct. That's fingerprint powder.
- 19 Q. Were you able to get any usable prints from this item?
- 20 A. No.
- 21 Q. And even if I handled an item, would I necessarily
- 22 leave my fingerprints there?
- 23 A. Not all the time.
- 24 Q. What happens -- what can affect that?
- 25 A. Wetness, cold, heat, contamination, moving,

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 temperature, various amounts of condensation will
2 destroy it.

3 Q. And are you familiar with the term smudge?

4 A. Smears?

5 Q. Smears, smudge, what does that mean?

6 A. You can see an outline of a print there, but it's not
7 identifiable.

8 Q. What does that mean?

9 A. It's a transfer of a person's fingerprint in oil
10 residue and it's either turned, twisted or swiped.

11 Q. State's 172 through 175, you put markers 13 through 15
12 there?

13 A. That's correct.

14 Q. What does that show?

15 A. That's the bathroom from the tub and the floor.

16 Q. And State's Exhibit No. 176, what does this show?

17 A. A shirt, a blue in color shirt. It appeared to be a
18 tank-top-type shirt.

19 Q. State's Exhibit Nos. 177 and 178, where were these
20 located?

21 A. Towels from the hallway floor to the kitchen.

22 Q. State's Exhibit No. 179?

23 A. That was from within the master bedroom on the
24 clothing, on the carpet.

25 Q. Again, what were these three items?

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 A. The male shirt, dress shirt as well as pajama bottoms.
- 2 Q. State's Exhibit No. 180?
- 3 A. Balled up or what appeared to be a sock in the master
- 4 bedroom area.
- 5 Q. State's Exhibit No. 181?
- 6 A. From the master bedroom, the area closest to the
- 7 closet, a wooden dowel.
- 8 Q. And it was located where in the room?
- 9 A. In the master bedroom near the foot of the bed as well
- 10 as between the foot of the bed and the side of the bed
- 11 near the foot and the closet.
- 12 Q. Was it on the wall?
- 13 A. On the wall.
- 14 Q. State's Exhibit No. 182?
- 15 A. The photograph of the knife on the master bedroom
- 16 nightstand.
- 17 Q. Also, did you go out in the backyard area?
- 18 A. That's correct.
- 19 Q. I want to show you what's been marked as State's
- 20 Exhibit No. 183. Is this how it appeared?
- 21 A. That's correct. Those were earlier on.
- 22 Q. What types of vehicles were these?
- 23 A. Volves.
- 24 Q. Both of them?
- 25 A. Both of them.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 Q. And were those the only vehicles you photographed in
2 the backyard?

3 A. That's correct.

4 Q. Were there any other vehicles in the backyard to be
5 photographed?

6 A. No.

7 Q. Okay. You can go back on the stand. You can go back
8 on the stand?

9 A. Okay. (The witness complies.)

10 Q. We've talked about the fingerprinting that you did.
11 What areas of the residence did you attempt to get
12 fingerprints from?

13 A. Flat surfaces, any item that appeared to be touched,
14 countertops, bathroom fixtures, bathroom sinks,
15 bathroom floor, pretty much throughout the whole --
16 laundry room, which would be in the kitchen,
17 countertops as well as the kitchen floor.

18 Q. What was the only area where you were able to,
19 actually, get usable prints?

20 A. An identifiable print was lifted from the kitchen floor
21 near the -- furthest point near the cutting block.

22 Q. And that was on the floor?

23 A. That was on the floor.

24 Q. Is that what we would traditionally call a fingerprint
25 or a palm print?

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 A. A -- correct, a print.

2 Q. A print of sorts?

3 A. A print of sorts, that's correct.

4 Q. Also, in the interior living room hallway door frame,
5 were you able to get two useable prints there?

6 A. I did lift partial prints from the left and right side
7 door casings.

8 Q. Did you, also, complete a diagram of the crime scene, a
9 rough drawing?

10 A. Ma'am?

11 Q. Did you, also, do a rough drawing of the crime scene?

12 A. I did.

13 Q. Do you know how long you were at the crime scene that
14 day?

15 A. Eight hours, nine hours.

16 Q. Okay. And did you, actually, complete all of your
17 testing that day?

18 A. No, we did not.

19 Q. Did you make any arrangements to make sure the crime
20 scene remained secure overnight for you to return the
21 next day?

22 A. We did.

23 Q. And what were those measures taken?

24 A. The supervisors requested to have the scene secured for
25 overnight due to the overwhelming evidence of

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 collection that we had.
- 2 Q. The next morning prior -- before going back to the
- 3 crime scene, did you attend an autopsy?
- 4 A. I did.
- 5 Q. What are your duties at autopsy, sir?
- 6 A. To photograph and collect whatever I can as for as
- 7 physical evidence to be used.
- 8 Q. And in this case, who -- do you recall who was,
- 9 actually, performing the autopsy? Was it one of the
- 10 pathologist at Richland Memorial?
- 11 A. Dr. Marcus Bradley.
- 12 Q. Or Bradley Marcus.
- 13 A. Bradley Marcus.
- 14 Q. Uh-huh.
- 15 A. Sorry.
- 16 Q. Did you, actually, take some photographs that day?
- 17 A. I did.
- 18 Q. But you didn't perform the autopsy?
- 19 A. No.
- 20 Q. Did you collect any pieces of evidence from the
- 21 victim's actual body?
- 22 A. I did.
- 23 Q. What was that item?
- 24 A. I collected an earring.
- 25 Q. The earring that was noted in the photographs from the

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 crime scene?

2 A. Uh-huh.

3 Q. And was that later returned to the family?

4 A. Brownish paper bag, fingernail scrapings.

5 Q. Once you attended the autopsy, where did you go next?

6 A. Went back to the scene.

7 Q. Once you got to the scene, what type of evidence were
8 you collecting that day?

9 A. Latent evidence, latent prints.

10 Q. That's when you completed doing that?

11 A. That's correct.

12 Q. Did you, also, take some additional photographs at the
13 scene while you were there?

14 A. I did.

15 Q. I want to show you what's been marked as State's
16 Exhibit No. 277. Is this a photograph you took the
17 second day?

18 A. That's correct, I took that photograph.

19 Q. And what's different in this photograph from the day
20 before?

21 A. The evidence that we had collected as well as the bed
22 was -- another sheet over the bed.

23 Q. Had you collected the bedding from the day before?

24 A. Correct, that's right, the comforter and the sheets.

25 Q. But this, actually, shows the side of the mattress with

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 the stains on it?
- 2 A. That's correct.
- 3 Q. Did you, also, take a closer-up photograph of 278?
- 4 A. That's correct, of the shower head in the bathroom.
- 5 Q. And I left out this one, 279 -- 279 shows, also, the
- 6 side of this mattress?
- 7 A. That's correct.
- 8 Q. And that's once the bedding has been removed, correct?
- 9 A. That's correct.
- 10 Q. And, finally, State's Exhibit No. 280, does this show
- 11 the tops of the countertops as well as what's on them?
- 12 A. That's correct.
- 13 Q. Do you know what that item is there?
- 14 A. It appears to be like a food plate or something still
- 15 wrapped in tinfoil, a glass casserole dish.
- 16 Q. And that was on the counter?
- 17 A. Correct.
- 18 Q. While you were there the next day, did you, also,
- 19 remove some prints from the kitchen area?
- 20 A. We did.
- 21 Q. And where was that located, sir?
- 22 A. From within the kitchen, we removed three each separate
- 23 prints, one near the cutting block and two partial
- 24 nears the rear door to the kitchen.
- 25 Q. I show you State's Exhibit No. 276, do you recognize

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 that?

2 A. I do.

3 Q. What is that, sir?

4 A. That was where I took a tool to cut out the sections of
5 tiles where at that time looked to be possibly used for
6 identifying purposes.

7 Q. On the items you lifted that day in the kitchen area,
8 the prints, I show you State's Exhibit No. 335. I
9 first ask if you recognize that?

10 A. I do.

11 Q. And prior to removing those, also, did you, also,
12 photograph those prints prior to removing it to make
13 sure you could preserve the evidence?

14 A. I did.

15 Q. Okay.

16 A. That was later on in the lab when I processed those.

17 MS. CAMPBELL: Your Honor, at this time, we would
18 offer State's Exhibit No. 335 into evidence.

19 THE COURT: Any objection?

20 MR. STRICKLER: Beg the Court's indulgence.

21 May we approach, Your Honor?

22 THE COURT: Yes, sir.

23 (Whereupon, a bench conference was held
24 off the record, in the presence of the
25 jury, but out of the hearing of the

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 jury.)

2 MR. STRICKLER: Your Honor, as the contents of the
3 box, I have no objection. I understand the State will
4 redact --

5 THE COURT: All right. I'm just going to redact
6 the objectionable portion on the front of the box.

7 Please before you submit it to the jury, please,
8 Solicitor.

9 MR. STRICKLER: Thank you, sir.

10 MS. CAMPBELL: Thank you, sir.

11 (State's Exhibit No. 335 was admitted
12 into evidence.)

13 BY MS. CAMPBELL:

14 Q. Once you had collected these items, did you, also, have
15 an opportunity to collect fingerprint -- or print
16 evidence from the Defendant in this case?

17 A. That was later on.

18 Q. Later on?

19 A. Yes.

20 Q. And I believe that was, actually, on the 31st of
21 August, is that correct?

22 A. That's correct, on the 31st -- no.

23 Q. I'm sorry, the 30th. And where did you collect prints
24 from the Defendant and where did that take place?

25 A. The known prints on the 30th were taken in our CSI

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 department.

2 Q. Did you make any observations as to certain -- about
3 the Defendant's hands and/or feet?

4 A. Correct. Observed several cuts, wrists, hands, also,
5 what appeared to be blood between his toenails and
6 toes.

7 Q. Were you able to get an ink impression of his feet?

8 A. I did.

9 Q. Did you also collect swabs from his feet?

10 A. We did.

11 Q. And what was the purpose in collecting swabs from his
12 feet?

13 A. The unknown reddish stain of what appeared to be blood,
14 DNA purposes.

15 Q. Let me back up a minute. Did you, also, collect
16 certain swabs from the crime scene as well?

17 A. We did.

18 Q. As well as certain pieces of evidence?

19 A. Yes.

20 Q. Were those, actually, collected and will be addressed
21 by Investigator Wise?

22 A. That's correct.

23 Q. Okay. Once you rolled the prints, were you able to
24 make a comparison to, I believe, the two latent
25 fingerprints from the hallway as well as to the

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 footprints you got?

2 A. That's correct.

3 Q. And at this point, I would like to show you State's

4 Exhibit Nos. 328, 329, 330, 331, and 332. Have you had

5 an opportunity to review these?

6 A. No, I haven't.

7 Q. Would you like to?

8 A. Yes.

9 THE WITNESS: May I step down, Your Honor?

10 THE COURT: Yes, sir.

11 May I see them for a second?

12 MS. CAMPBELL: The Defense has seen these. They

13 don't have an objection.

14 THE COURT: What are these?

15 MS. CAMPBELL: These are the blow-ups of the print

16 match.

17 THE COURT: Okay. Go ahead.

18 MS. CAMPBELL: And the area where it was taken.

19 MR. STRICKLER: To which we have no objection,

20 Your Honor.

21 THE COURT: You want to step down and take a look

22 at them?

23 THE WITNESS: Is that all right?

24 THE COURT: That's fine, step down and take a look

25 at them.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 Mr. Foreman, ladies and gentlemen of the jury,
2 while he's doing -- taking a look at those photographs,
3 we're going to take a break. Take about 15, 20 minutes. If
4 smokers need to smoke, let the bailiffs know. Please don't
5 discuss the case amongst yourselves. I'll get you back in
6 about 15 to 20 minutes.

7 (Whereupon, the jury left the courtroom
8 at 10:43 a.m.)

9 THE COURT: All right. Anything from the State
10 before we take a break?

11 MS. CAMPBELL: No, sir.

12 THE COURT: Anything from the Defense?

13 MR. STRICKLER: No, Your Honor.

14 THE COURT: All right. Two things I want to put
15 on the record. The Court earlier stated 3 through 189 was
16 admitted without objection, however, I did not state that
17 the photographs ruled out by the Judge that are marked as
18 Court's Exhibit No. 3 are excluded, 3 through 189, and those
19 numbers are 32, 34, 35, 36, 37, 39, 43, 44, 50, and 61. And
20 the Court will mark those as Court's Exhibit No. 3 primarily
21 to avoid any possibility of error and those going back to
22 the jury room at the appropriate time since we have so many
23 pictures.

24 MR. STRICKLER: Yes, sir.

25 THE COURT: Rather than just leaving them marked

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 for identification. I wanted to clear that up for the
2 record.

3 Is there anything from the Defense before we
4 break?

5 MR. STRICKLER: No.

6 THE COURT: All right. Thank you very much.
7 We'll take about a 15 or 20-minute break.

8 (Whereupon, a short recess was held.)

9 THE COURT: All right. Anything from the State
10 before we bring in the jury?

11 MS. CAMPBELL: No, sir.

12 THE COURT: Anything from the Defense?

13 MR. STRICKLER: No, Your Honor.

14 THE COURT: Bring us the jury, please.

15 BAILIFF: Yes, sir.

16 (Whereupon, the jury returned to the
17 courtroom at 11:14 a.m.)

18 BAILIFF: Jury panel is seated, Your Honor.

19 THE COURT: Thank you.

20 Yes, ma'am, if you will, please, continue.

21 MS. CAMPBELL: Thank you, Your Honor. And I
22 believe these have been admitted without objection.

23 THE COURT: Yes, ma'am.

24 MS. CAMPBELL: Your Honor, may the witness step
25 down, again?

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 THE COURT: Yes, ma'am.

2 BY MS. CAMPBELL:

3 Q. I'm going to show you -- and you have to really talk
4 loud in here, it's horrible.

5 A. Yes, ma'am.

6 Q. If you'll come on this side so the court report can
7 hear you better.

8 A. Okay.

9 Q. What does this show, sir?

10 A. This is a photograph that I had taken from within the
11 kitchen area near the cutting block, prepping area.

12 Q. Does this show some of the footprints that you
13 collected when you were at the scene the second day?

14 A. Correct.

15 Q. Where were those footprints?

16 A. (Indicating).

17 Q. In those three areas that you just pointed to?

18 A. That's correct.

19 Q. So that would be here at the bottom of this picture,
20 here and over here?

21 A. That's right.

22 Q. And those were the ones you, actually, cut out and have
23 been admitted as State's Exhibit No. 335, is this
24 correct?

25 A. That's correct.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

- 1 Q. Did you, also -- you mentioned that you got rolled
2 prints or known prints of the victim's [sic] feet as
3 well as his hands?
- 4 A. That's correct.
- 5 Q. Did you, also, get the same items from the victim in
6 this case, Jennifer Wilson?
- 7 A. I did.
- 8 Q. Did you, also, get her feet as well as her hands?
- 9 A. Yes.
- 10 Q. Once you had all of that evidence collected on
11 September the 1st, were you able to make some
12 comparisons?
- 13 A. I've got to check that date, but that sounds correct?
- 14 Q. Later, were you able to make comparison once you had
15 collected all those items?
- 16 A. Yes.
- 17 Q. And, specifically, as to the three areas in the kitchen
18 area which you collected from the floor, were any of
19 those usable as far as for comparison purposes?
- 20 A. Out of the three, there was one identifiable here by
21 the cutting block. This one was used.
- 22 Q. When you say one was identifiable, what does that mean
23 to me as a layman?
- 24 A. That I can use for a comparison to make a true
25 identification.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 Q. Why were the other two not sufficient for you to be
2 able to use?

3 A. In my opinion, what appeared to be blood all over, the
4 saturated footprint for the foot was drying out and it
5 just happened to be this one right here (indicating) by
6 the cutting block, which was pretty much a perfect
7 whole foot.

8 Q. So when you're looking at a known print, does it have
9 to have certain ridge detail or details within it for
10 you to be able to make a comparison?

11 A. Correct, that's correct. Ridges, valleys, end ridges,
12 bifurcation, same just like you have here.

13 Q. Of these three, which is the one that was, actually,
14 usable?

15 A. This one right here (indicating).

16 Q. So this is the one that was, actually, usable, No. 235.

17 A. That's correct.

18 Q. In order to make your comparison, do you take certain
19 photographs or do certain things -- I'll show you a
20 blow-up of State's Exhibit No. 329, do you recognize
21 that?

22 A. I do.

23 Q. What is that, sir?

24 A. That's from within our lab on a tripod, I had a taken
25 photos of the latent lift.

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 Q. And was there an actual area which you focused on in
2 order to make a print match in this case?

3 A. I did.

4 Q. Can you show the jury?

5 A. This general area right in here.

6 Q. Kind of the ball of the foot?

7 A. Right.

8 Q. Why is that the best area for you to make your
9 comparison?

10 A. The pressure of the flat surface of the foot created
11 those friction ridges to appear on that piece of tile.

12 Q. Let me back up a minute. Were you able to eliminate
13 Jennifer Wilson as doing any of these footprints?

14 A. Right away.

15 Q. And why was that, sir?

16 A. Size.

17 Q. Were they all consistent, however, with the size of the
18 footprints you got from Hank Hawes?

19 A. Right.

20 Q. I'm going to show you -- and there are certain items
21 here. What's the purpose of putting in these scales?

22 A. When this photograph was taken through the camera
23 systems that we have, it was under a raw image. And
24 what that is, we use that scaling one to one ratio and
25 that image is recording in the raw as a true best photo

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 you can get.

2 Q. I'm going to show you a blow-up of the actual known
3 print you took on No. 332?

4 A. Okay.

5 Q. Is that the foot that you were, actually, able to
6 match?

7 A. As well as -- yes, that the correct footprint.

8 Q. Again, on this, 332, where is the area that you,
9 actually, used for the known print to compare to --

10 A. It was right in this general area (indicating).

11 Q. Then are you able to blow up this, State's Exhibit No.
12 331 -- upside down, I'm sorry. What does that show,
13 sir?

14 A. That is that one by one ratio of the raw image through
15 our AFIS terminal, that would come out of there
16 (indicating) and then just a one-inch by one-inch
17 section of that foot close up.

18 Q. And I noticed there are numbers on this diagram. What
19 do those numbers signify to you?

20 A. Those are what I use as an identifying characteristic,
21 which I explained earlier about ending ridges,
22 bifurcations.

23 Q. And is every person's hand print or palm print,
24 fingerprint and footprint unique to them?

25 A. That's right. One and 64 billion, no two fingerprints

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 are the same or footprints.

2 Q. And, finally, sir, in making your comparison in State's
3 Exhibit No. 330, does this show the comparison between
4 the print from the scene or the evidence to what was
5 rolled from Hank Hawes?

6 A. That's correct. They're side by side.

7 Q. Can you go through and, basically, show the jury how
8 you were able to identify this as being Hank Hawes's
9 right foot?

10 A. Starting with number one, just finding the ending
11 ridges as well as certain patterns you would see. For
12 instance, you see here's one long tail came off here to
13 the ending ridge, that was more or less my starter line
14 identification. Then once I found that, finding the
15 ending ridges and bifurcations, I could fill this whole
16 thing. I just didn't want it to be a confusion. But
17 this whole thing could have been filled in. And that's
18 one-inch by one-inch ending ridges and bifurcations.

19 Q. So there are additional points of similarity, you just
20 didn't point them out? You just used this for
21 illustrative purposes?

22 A. That's correct.

23 Q. In your opinion, is there any doubt that Hank Hawes's
24 foot, right foot left this impression in blood at the
25 scene?

PAUL NELSON DIRECT CONTINUED BY MS. CAMPBELL

1 A. That's correct.

2 Q. Thank you, sir. You can take your seat.

3 A. (The witness complied.)

4 Q. But of the three footprints you collected at the scene,
5 Jennifer Wilson was eliminated as making any of them?

6 A. That's right. They were, also, compared --

7 Q. Okay.

8 A. -- later.

9 Q. And on the other two, were they consistent in size and
10 appearance with the footprints you got from Hank Hawes?

11 A. Correct.

12 Q. But they just didn't have enough identifying points?

13 A. I couldn't use them for identifying purposes. The
14 ridges, basically -- the ridges and valleys, they got
15 filled in with what appeared to be blood.

16 Q. I show you State's Exhibit No. 337. Are these the
17 actual prints that were taken from Jennifer Wilson?

18 A. That's correct.

19 MS. CAMPBELL: Your Honor, at this time, we would
20 offer this into evidence.

21 THE COURT: Any objection?

22 MS. CAMPBELL: 337.

23 MR. STRICKLER: I have no objection to the
24 introduction of the print stain.

25 THE COURT: Okay.

PAUL NELSON CROSS BY MR. STRICKLER

1 MR. STRICKLER: Same problem with -- I object to
2 submitting items in the form which says murder on it.
3 That's their decision.

4 MS. CAMPBELL: Objection, Your Honor.

5 THE COURT: All right. Don't -- just make your
6 objection.

7 MR. STRICKLER: Yes, sir.

8 THE COURT: Don't make an oral closing argument on
9 the objection, please, sir.

10 MR. STRICKLER: Yes, sir.

11 THE COURT: Okay. I will ask the State to redact
12 it.

13 MR. STRICKLER: Yes.

14 THE COURT: Thank you so very much.

15 MR. STRICKLER: Yes, sir.

16 MS. CAMPBELL: Thank you, Your Honor.

17 BY MS. CAMPBELL:

18 Q. And, again, in collection of the evidence, the video at
19 the scene and things like that, that was done by
20 Investigator Wise in this case?

21 A. Correct. That's right. CSI Wise photographed the
22 initial scene as well as collected the video.

23 Q. As well as collected the physical evidence, which was,
24 ultimately, turned over to you to be put into evidence?

25 A. Correct. That's right.

PAUL NELSON CROSS BY MR. STRICKLER

1 Q. And during the time, did you have any evidence -- or
2 there at the scene, did you alter or tamper or do
3 anything to any of the evidence in this case?

4 A. No.

5 Q. Did anyone have the opportunity to alter or tamper or
6 mess with the evidence?

7 A. No, I was present during all of this reviewing and
8 reviewing.

9 MS. CAMPBELL: Thank you, sir. I don't have
10 anything further.

11 THE COURT: Cross-examination?

12 MR. STRICKLER: Yes, sir. I'll need just a few
13 minutes with the photos.

14 CROSS-EXAMINATION

15 BY MR. STRICKLER:

16 Q. Investigator, you went to the scene on Monroe Street on
17 August 28th, correct?

18 A. August the 28th.

19 Q. Okay. You returned to that scene on the 29th, is that
20 correct?

21 A. That's correct.

22 Q. Did you return on another occasion?

23 A. No, we did not.

24 Q. Okay. On the 28th, did you, also, process a scene on
25 Woodrow Street?

PAUL NELSON CROSS BY MR. STRICKLER

- 1 A. I did not.
- 2 Q. You did not, okay. You're aware that a scene on
- 3 Woodrow was processed on that day?
- 4 A. Right.
- 5 Q. Okay. Now, you've testified about three knives being
- 6 recovered from the scene by you, correct?
- 7 A. That's correct.
- 8 Q. If I've got it straight, there's one from the kitchen,
- 9 one from the living room, and one from the bedroom,
- 10 correct?
- 11 A. That's correct.
- 12 Q. Nightstand beside the bed, right?
- 13 A. Yes.
- 14 Q. Okay.
- 15 A. The one.
- 16 Q. Yes, sir. And you took pictures of a block in which
- 17 the knives were stored?
- 18 A. Photos were taken of the block.
- 19 Q. Okay. And those photos don't tell you when those
- 20 knives were removed from that block, correct?
- 21 A. That's correct.
- 22 Q. It's entirely possible that the knives could have been
- 23 sitting in, for example, the sink?
- 24 A. That's possible.
- 25 Q. What you do know is you recovered three knives from the

PAUL NELSON CROSS BY MR. STRICKLER

1 areas you described and there's a block there that has
2 three holes in it that aren't filled with knives,
3 correct?

4 A. That's correct.

5 Q. Now, showing you what's marked as State's Exhibit 328?

6 A. That's correct.

7 Q. Okay. This is the area you've testified about
8 obtaining the footprints from?

9 A. That's correct.

10 Q. Okay. Whose blood is present on the floor there
11 (indicating)?

12 A. I don't know.

13 Q. When did you sample that blood?

14 A. That was at the scene, during -- the initial scene.

15 Q. Yes, sir.

16 A. On the 28th of August.

17 Q. When did you take a swab to sample that blood?

18 A. Toward -- probably towards the end of our investigation
19 on that day in conclusion. CSI Wise would have
20 collected that.

21 Q. CSI Wise swabbed for that blood?

22 A. Right.

23 Q. What was the marker for that blood, sir?

24 A. Just a second. Number 33.

25 Q. All right. You took a swab from the mechanism used to

PAUL NELSON CROSS BY MR. STRICKLER

- 1 operate the blinds in the bedroom, correct?
- 2 A. I did not.
- 3 Q. A swab was taken from the mechanism used to operate the
- 4 blinds?
- 5 A. That's correct.
- 6 Q. That's correct. Okay. Where else on the scene were
- 7 swabs taken? By swabs, I mean samples of whatever
- 8 matter you're trying to preserve in this case, blood
- 9 and any other matter?
- 10 A. The victim's body.
- 11 Q. Okay.
- 12 A. Carpet.
- 13 Q. That would be carpet in the living room?
- 14 A. Living room, correct.
- 15 Q. Okay.
- 16 A. Cell phone, master bedroom shade handle.
- 17 Q. That's the one we just talked about?
- 18 A. Right. And that's it.
- 19 Q. Okay. So exclusive of Ms. Wilson's body, swabs were
- 20 taken from the living room carpet -- and where in the
- 21 living room carpet was that, was that where what you
- 22 identified as vomit was on the carpet?
- 23 A. That's right. That's photo marker number six.
- 24 Q. Okay. And from the cell phone and that would be lying
- 25 on the floor in the bedroom?

PAUL NELSON CROSS BY MR. STRICKLER

1 A. Master bedroom.

2 Q. Correct. And from the shade handle that you've already
3 testified about, correct?

4 A. That's correct.

5 Q. You've testified extensively regarding areas of blood
6 in the house, some of them fairly large in size,
7 correct?

8 A. That's correct.

9 Q. State's 115, correct?

10 A. Correct.

11 Q. This is the sheets if you're at the foot of the bed on
12 the left-hand side of the bed?

13 A. No, that's the right-hand side.

14 Q. Foot --

15 A. Foot of the bed facing the headboard?

16 Q. Facing the headboard?

17 A. That would be the right side.

18 Q. Side furthest away from the entry?

19 A. Right.

20 Q. Side closest to the window?

21 A. Closest to the window.

22 Q. Yeah, left to right. Large areas of blood on the sheet
23 --

24 A. That's correct.

25 Q. -- on this bed. Whose blood is that?

PAUL NELSON CROSS BY MR. STRICKLER

- 1 A. I don't know.
- 2 Q. Didn't sample for that?
- 3 A. We sent it to the lab, yes, we did.
- 4 Q. You collected the sheet, correct?
- 5 A. Yes.
- 6 Q. Now, I just pulled a representative photograph. 137,
- 7 okay (indicating)?
- 8 A. Yes, sir.
- 9 Q. Okay. It depicts blood in the kitchen area?
- 10 A. That's right. That's correct.
- 11 Q. Then what appears to be a trail around the corner into
- 12 the hallway area, is that correct?
- 13 A. That's correct.
- 14 Q. There was no sampling done on that blood, correct?
- 15 A. No.
- 16 Q. From any part of it?
- 17 A. No.
- 18 Q. Okay. Now, during the course of an investigation, you
- 19 are kept informed as to developments in the case, is
- 20 that correct?
- 21 A. Pretty much. Pretty much, we're left alone to do our
- 22 work.
- 23 Q. Okay. When did you get the footprints from Mr. Hawes?
- 24 A. Just a second. On the 30th of August under search
- 25 warrant 11-255.

PAUL NELSON CROSS BY MR. STRICKLER

1 Q. Okay. And you personally had an opportunity to observe
2 Mr. Hawes at that point in time, correct?

3 A. I did.

4 Q. And as a result of your observation, independent of
5 anything you may have been told, you know that he had
6 attempted -- or not attempted, he had cut both his
7 wrists, correct?

8 A. At that time, correct.

9 Q. Right. And you know from your knowledge of the case
10 that his wrists were both cut on the 28th of August,
11 correct?

12 A. No, I would not know.

13 Q. No, you don't know?

14 A. No.

15 Q. You don't know he was arrested at the emergency room,
16 Baptist Medical Center?

17 A. They had somebody detained.

18 Q. Okay. Did you ever learn that Mr. Hawes had cut his
19 wrists?

20 A. I did.

21 Q. When was that, sir?

22 A. I believe it was the next day.

23 Q. Okay. So -- and you learned he had cut his wrists,
24 that would have been on the 28th, also, correct?

25 A. I can't recall, but no.

PAUL NELSON CROSS BY MR. STRICKLER

1 Q. So no one spoke with you about the possibility that
2 there was blood not from one person, but two people at
3 that scene?

4 A. The only information I received was that there was
5 blood on his pants on Woodrow Street.

6 Q. All right. Well, if someone has cut his wrists, would
7 it be logical for you to assume that, perhaps, they
8 bled?

9 A. Yeah, possible.

10 Q. Okay. So I plan to go through not all of these, but a
11 representative sample of them, but I'll shorten things
12 for you, sir.

13 Prior to learning that Mr. Hawes had cut his
14 wrists, you sampled -- swabbed for DNA Ms. Wilson's
15 body, carpet in the living room, cell phone and the
16 handle on the shades -- the shade in the bedroom,
17 correct?

18 A. Could you rephrase that?

19 Q. Prior to learning that Mr. Hawes had cut his wrists,
20 the -- Ms. Wilson's body had been swabbed, the living
21 room carpet had been sampled?

22 A. Correct.

23 Q. The cell phone had been sampled and the shade operating
24 mechanism had been sampled?

25 A. Correct, as well as a spot going out --

PAUL NELSON CROSS BY MR. STRICKLER

1 Q. I'm sorry?

2 A. As well as in the kitchen.

3 Q. As well as in the kitchen. Okay. So that's a fourth
4 spot?

5 A. Sir?

6 Q. That's a fourth place then, independent of her body?
7 The place marked as number 33?

8 A. Thirty-three, correct.

9 Q. You identified a large pool of blood -- again,
10 referring to State's 115, you identified a large pool
11 of blood on the floor adjacent to this bed, correct?

12 A. That's correct.

13 Q. That would be if the bed's here, blood on the floor
14 here, window --

15 A. Window.

16 Q. -- more or less right here?

17 A. That's correct.

18 Q. So that's what would accurately be described as a large
19 pool of blood there?

20 A. That was on the floor.

21 Q. On the floor, yes, sir.

22 A. Yes, sir.

23 Q. That was not sampled, correct?

24 A. That was what?

25 Q. Not sampled?

PAUL NELSON CROSS BY MR. STRICKLER

- 1 A. Correct.
- 2 Q. Okay. You've already indicated a large pool in the
3 kitchen was not sampled. Any of the other areas in the
4 bedroom which you've testified about extensively this
5 morning?
- 6 A. Yes.
- 7 Q. Okay. Were samples taken from any of those other
8 areas?
- 9 A. They were --
- 10 Q. Swabs taken?
- 11 A. They were taken in to be processed in the lab for
12 samples.
- 13 Q. Right. I was -- I'll find the pictures, sir.
- 14 A. Yes, sir.
- 15 (Pause.)
- 16 Q. State's 22, that reflects what?
- 17 A. What appears to be blood on the living room couch
18 cushion pillow.
- 19 Q. That blood was not sampled, correct?
- 20 A. Correct.
- 21 Q. State's 18, what's that depict?
- 22 A. The living room footrest from within the living room
23 with what appears to be blood on it.
- 24 Q. With what appears to be blood on it?
- 25 A. Right.

PAUL NELSON CROSS BY MR. STRICKLER

1 Q. Which was not sampled?

2 A. That's correct.

3 Q. The items depicted in this -- in State's 179 with
4 evidence marker 20 on it, that would be, I believe you
5 testified pajama bottoms, panties and a men's shirt,
6 correct?

7 A. Correct.

8 Q. Those weren't sampled, but those were taken into
9 evidence to be processed later?

10 A. That's right, to be processed later.

11 Q. State's 155 is what, the back door, kitchen door?

12 A. May I see it?

13 Q. Sure.

14 A. Your fingers --

15 Q. Excuse me.

16 A. That is the rear kitchen door going out.

17 Q. Showing some blood --

18 A. That's right.

19 Q. -- right here? That wasn't sampled, correct?

20 A. No.

21 Q. The light switch you've testified about in State's 163

22 --

23 A. Right.

24 Q. -- with blood on it, that blood was not sampled,
25 correct?

PAUL NELSON CROSS BY MR. STRICKLER

- 1 A. No.
- 2 Q. There are shown on these photograph both large pools of
3 blood on the floor and -- I'm showing you State's 68?
- 4 A. This picture itself?
- 5 Q. No, I'm talking about in general. Large pools of blood
6 were depicted and then as in State's 68, you see what
7 appears to be drops of blood on the floor?
- 8 A. If I recall, I testified as drips.
- 9 Q. Drips?
- 10 A. I was focusing on what was behind the closet door.
- 11 Q. Okay. And then you have other blood, same general
12 place, State's 69, on the wall adjacent to the floor?
- 13 A. What appeared to be, yes.
- 14 Q. Okay. What appears to be. Neither the drips, drops on
15 the floor nor these items of blood deposited -- what
16 appears to be blood deposited on the walls was sampled,
17 correct?
- 18 A. That's correct.
- 19 Q. State's 86, that depicts the toilet?
- 20 A. Correct.
- 21 Q. Something in the toilet?
- 22 A. Appears to be.
- 23 Q. Yeah. Was that sampled?
- 24 A. No.
- 25 Q. Blood in the bathtub was not sampled, correct?

PAUL NELSON CROSS BY MR. STRICKLER

1 A. Towels were collected.

2 Q. Correct. Blood itself was not sampled?

3 A. No. Also, a shower head was, also, collected.

4 Q. Right.

5 A. With blood on it or what appeared to be blood.

6 Q. State's 98, which depicts the area at the foot of the
7 bed in the master bedroom?

8 A. That's correct.

9 Q. With what appears to be blood on the floor next to the
10 foot?

11 A. That's correct.

12 Q. None of that was sampled, correct?

13 A. That's correct.

14 Q. State's 105, that depicts the sheet on the bed with
15 blood on it immediately over the large pool of blood
16 between the side of the bed and the window?

17 A. In the master bedroom, correct.

18 Q. And the sheet was taken into evidence, no sampling was
19 done of the blood on the floor?

20 A. That's correct. If I may, the cell phone was collected
21 in front of that nightstand, which was on the floor.

22 Q. Yes, sir.

23 A. That was swabbed, so there was a collection of the
24 blood on that marker.

25 Q. This is State's 112?

PAUL NELSON CROSS BY MR. STRICKLER

- 1 A. Correct.
- 2 Q. Reflects the large pool of blood on the floor?
- 3 A. Right.
- 4 Q. And the cell phone in relationship to it?
- 5 A. As well as the towel and a sock.
- 6 Q. Right.
- 7 A. Which was, also, blood.
- 8 Q. Now, you returned to the scene, the Monroe Street scene
- 9 the following day, correct?
- 10 A. I did, with a search warrant.
- 11 Q. Okay. Let me show you three items and ask if you
- 12 recognize those?
- 13 A. Correct.
- 14 Q. And can you describe what they are, please?
- 15 A. Those are photographs taken of the scene on
- 16 Street master bedroom area.
- 17 Q. On what date?
- 18 A. I didn't take those photographs.
- 19 Q. You didn't take those?
- 20 A. (Witness shakes head.)
- 21 Q. So Mr. Wise took those photos?
- 22 A. I guess he did, I didn't.
- 23 MS. CAMPBELL: May we see them?
- 24 MR. STRICKLER: (Mr. Strickler hands Ms. Campbell
- 25 the photos.)

KIMBERLY WILLIAMS DIRECT BY MS. GARFIELD

1 MS. CAMPBELL: Thank you.

2 MR. STRICKLER: Your Honor, beg the Court's
3 indulgence one moment, please, sir.

4 THE COURT: Yes, sir.

5 MR. STRICKLER: Thank you. No further questions.

6 THE COURT: Okay. Thank you very much.

7 Any redirect?

8 MS. CAMPBELL: No redirect. I think they have
9 some photographs at the table, just to make sure they got
10 back.

11 THE COURT: If you would, get all those back to
12 the court reporter, please.

13 MR. STRICKLER: They're all back there.

14 THE COURT: Okay. Thank you so very much.

15 MR. STRICKLER: Yes, sir.

16 THE COURT: You may step down. Thank you so very
17 much.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: Call your next witness.

20 MS. GARFIELD: The State calls Kimberly Williams.

21 May I approach, Your Honor?

22 THE COURT: Yes, ma'am.

23 THEREUPON,

24 KIMBERLY WILLIAMS,

25 after having been duly sworn, testified as follows:

KIMBERLY WILLIAMS DIRECT BY MS. GARFIELD

1 BY MS. GARFIELD:

2 Q. Ms. Williams, did you have -- or did you receive a
3 phone call from the Defendant, Hank Hawes, back on
4 August 28th, 2011?

5 A. Yes, ma'am.

6 Q. Do you recall about what time it was?

7 A. Ten a.m.

8 Q. And do you have a copy of your statement with you?

9 A. I do.

10 Q. And that's a statement that you gave to the police
11 right after this happened, is that correct?

12 A. Correct, the statement was on August 30th.

13 Q. And what did Hank Hawes report to you in that phone
14 call?

15 A. He indicated that he had a problem and he could be
16 charged with murder.

17 Q. And did he explain what he meant by that?

18 A. I asked whether this was something that had happened
19 long ago in his past or recently? He said it had
20 happened last night. He said it was self-defense, that
21 he had spoken to a defense attorney that wanted 25,000
22 to represent him. I indicated that I did not have the
23 money. And he, also, said that he was worried that
24 people would not believe that it was self-defense and
25 that he had tried to kill himself by slitting his

KIMBERLY WILLIAMS DIRECT BY MS. GARFIELD

1 wrists.

2 Q. At that time, did you urge him to get medical
3 attention?

4 A. That's correct.

5 Q. And when you met with law enforcement shortly
6 thereafter, were you shown a photographic lineup?

7 A. I was.

8 Q. Did you make a -- did you pick out the person you
9 believed -- or that you knew to be Hank Hawes?

10 A. Yes.

11 (State's Exhibit No. 338 was marked for
12 identification.)

13 BY MS. GARFIELD::

14 Q. I want to show you what's been marked as State's
15 Exhibit 338. Is this the photographic lineup you were
16 shown?

17 A. I do not recall if this was the exact lineup that I was
18 shown that day.

19 Q. Do you recognize your signature or your initials?

20 A. Uh-huh, yes.

21 Q. Does that indicate a person you believed to be Hank
22 Hawes?

23 A. Those aren't my initials, that's not mine.

24 Q. Are your initials not KW?

25 A. But that's not my middle initial, that's not mine.

TASHA LAMAN DIRECT BY MR. MATTHEWS

- 1 A. I just moved to Louisville, Kentucky.
- 2 Q. What do you do there in Louisville?
- 3 A. I'm a professor at the University of Louisville.
- 4 Q. And in 2011, where were you residing?
- 5 A. I was residing at in Columbia,
- 6 South Carolina.
- 7 Q. And where were you working at the time?
- 8 A. I was working at University of South Carolina.
- 9 Q. When you lived in Columbia, did you have occasion to
- 10 know Jennifer Wilson?
- 11 A. I did.
- 12 Q. Tell me how long you knew Jennifer?
- 13 A. I knew Jennifer from 2005 until 2011.
- 14 Q. What sort of relationship did the two of you have?
- 15 A. Jennifer and I had a friendship and we were very close
- 16 collaborating colleagues at the University.
- 17 Q. How often would you speak with Jennifer?
- 18 A. I would speak with Jennifer anywhere from two to seven
- 19 days a week. Just depended on what was happening in
- 20 our work lives and our personal lives.
- 21 Q. So you saw each other regularly?
- 22 A. Regularly.
- 23 Q. And discussed your personal lives with each other?
- 24 A. Sure, yes.
- 25 Q. Did she discuss boyfriends and her dating life with

TASHA LAMAN DIRECT BY MR. MATTHEWS

1 you?

2 A. Yes.

3 Q. Did she ever -- or did you know of her relationship
4 with Hank Hawes?

5 A. Yes.

6 Q. And when did that begin to the best of your knowledge?

7 A. The best of my knowledge was she went on a first date
8 with him sometime in late February. And then I think
9 they started dating more seriously in March of 2011.

10 Q. And did you learn at some point that -- I guess, did
11 they move in together?

12 A. Jennifer told me that Hank --

13 MS. PRINGLE: Objection to anything that's
14 hearsay, Your Honor.

15 THE COURT: All right. Don't say what she said.

16 Go ahead.

17 BY MR. MATHEWS::

18 Q. Without saying specifically what she told you, did you
19 have knowledge that they moved in together?

20 A. Yes.

21 Q. Who moved in with whom?

22 A. Hank moved into Jennifer's apartment.

23 Q. Approximately when was that?

24 A. That -- I believe was Aprilish.

25 Q. And were you -- did Jennifer introduce you to her past

TASHA LAMAN DIRECT BY MR. MATTHEWS

- 1 boyfriends?
- 2 A. Yes.
- 3 Q. Did she ever introduce you to Hank?
- 4 A. No.
- 5 Q. Did that seem strange to you?
- 6 A. Yes.
- 7 Q. Why is that?
- 8 A. Because I had met most men that she was -- that she was
- 9 serious with.
- 10 Q. Did she continue -- did you learn about the status of
- 11 the relationship from Jennifer?
- 12 A. Yes.
- 13 Q. Did she confide in you things that were going on --
- 14 MS. PRINGLE: Objection, hearsay.
- 15 THE COURT: No, it's not. He said did she
- 16 confide. Overruled.
- 17 Please proceed.
- 18 BY MR. MATHEWS:
- 19 Q. Did she confide in you things that were going
- 20 throughout the relationship?
- 21 A. Yes.
- 22 Q. And did you ever give her advice because of the things
- 23 she told you?
- 24 A. Yes.
- 25 Q. What did you tell her?

TASHA LAMAN DIRECT BY MR. MATTHEWS

1 A. I told her that I was worried about her because of the
2 things she had told me. And I advised that she go to
3 see the police and I advised her to go to see a
4 counselor.

5 Q. Did you know if, in fact, she did go see a counselor?

6 A. Yes.

7 Q. Did she ever relate to you any specific threats from
8 Mr. Hawes?

9 MS. PRINGLE: Objection, again, to hearsay. I
10 don't know what --

11 THE COURT: Overruled.

12 MS. PRINGLE: -- her response is.

13 THE COURT: Overruled.

14 Go ahead.

15 THE WITNESS: Yes.

16 BY MR. MATHEWS::

17 Q. What were those specific threats and approximately when
18 --

19 MS. PRINGLE: Objection. May we approach?

20 THE COURT: Yes, ma'am.

21 (Whereupon, a bench conference was held
22 off the record, in the presence of the
23 jury, but outside the hearing of the
24 jury.)

25 MS. PRINGLE: I request a hearing on this matter,

1 news media up here real quick?

2 (Whereupon, a lunch break was taken.)

3 THE COURT: Let's pick up where we were. Did
4 y'all find the text?

5 MR. MATHEWS: We did not, Your Honor.

6 THE COURT: Okay. All right.

7 I'm going to allow it in under rule 803,
8 subsection three.

9 Anything else before we bring the jury in?

10 MR. MATHEWS: No, Your Honor.

11 MS. PRINGLE: No, sir.

12 THE COURT: Okay. Bring us the jury, please.

13 (Whereupon, the jury returned to the
14 courtroom at 2:11 p.m.)

15 THE BAILIFF: The jurors are all present.

16 THE COURT: Thank you very much.

17 Solicitor, if you will recall your witness to
18 continue the direct examination.

19 MR. MATHEWS: Yes, Your Honor. We'd recall Tasha
20 Laman.

21 CONTINUED DIRECT EXAMINATION

22 BY MR. MATHEWS:

23 Q. Ms. Laman, just picking back up where we left off, can
24 you, please, relate the specific threat that Ms. Wilson
25 told you?

TASHA LAWMAN DIRECT CONTINUED BY MR. MATTHEWS

1 A. She said that Hank was going to ruin her life.

2 Q. Do you know what kind of phone Ms. Wilson had in that
3 summer of 2011?

4 A. She had previously had a Blackberry, and that summer,
5 she started to carry an iPhone.

6 Q. Do you know where she got the iPhone or who got it for
7 her?

8 A. She told me that Hank got it for her.

9 Q. Did you notice any changes in Ms. Wilson throughout the
10 period that she was seeing Mr. Hawes?

11 A. Yes.

12 Q. And can you explain those, please?

13 A. Jennifer lost quite a bit of weight. And we went to
14 yoga together, so I could notice her weight, and she
15 lost quite a bit of weight. And we had a text message
16 exchange about that. Also, she was -- she was anxious.
17 She said that she did not want Hank to know my last
18 name or where I lived. And she said the same thing
19 about --

20 MS. PRINGLE: Objection, hearsay.

21 THE COURT: I will sustain that objection.

22 BY MR. MATHEWS:

23 Q. Without going into specifically what she said, any
24 changes that you noticed?

25 A. So that -- also, she was at the office a lot more in

TASHA LAWMAN CROSS BY MS. PRINGLE

- 1 Q. And she went, actually, you recall on two occasions, on
- 2 August 17th and on August 24th?
- 3 A. In my statement, I said I thought it was around those
- 4 dates.
- 5 Q. And this threat -- she tells you that he tells her he
- 6 is going to ruin her life, that's what she told you?
- 7 A. Yes.
- 8 Q. And you don't know -- you think that was about the
- 9 middle of August?
- 10 A. Well, it was after her appointment with Ms. Stewart?
- 11 Q. Was it shortly after that, like the day after that?
- 12 A. Maybe like a day or so after that.
- 13 Q. And were the circumstances that were related to you
- 14 that he said that to her because she had broke up with
- 15 him or wanted to break up with him?
- 16 A. Yes.
- 17 Q. That's what she told you?
- 18 A. Yes.
- 19 Q. And so I guess you're not aware that on August 18th,
- 20 while she's in her home with Chandra that she is
- 21 engaged in a sexting exchange with Mr. Hawes, who then
- 22 comes over and finds Chandra at her house --
- 23 A. No.
- 24 Q. -- on August 18th? Did she tell you anything about
- 25 that, that Hank got upset about that?

TASHA LAWMAN CROSS BY MS. PRINGLE

1 A. It's my understanding on August 17th that she was very
2 nervous after talking with Ms. Stewart and Ms. Stewart
3 telling her this was a classic case of domestic
4 violence. That is my understanding. And she told me
5 she was breaking it off or broke it off, yes.

6 Q. That she was completely finished?

7 A. That's what she said.

8 Q. And did she tell you after this break up -- that would
9 have been August 17th?

10 A. Around there or the 18th, I'm not sure.

11 Q. Okay. Well, would -- are you aware then that on
12 August 18th after one of these break-ups, Hank stops
13 sending her messages, but she initiates a sexting
14 exchange with him at 1:19 in the morning, that would be
15 the day after?

16 A. No.

17 Q. She told him during that same exchange, God, I love
18 you. Does that sound like something she reported to
19 you?

20 A. No.

21 Q. She said, But God, I want you in my bed. On
22 August 18th, did she tell you that she was talking to
23 Hank like that?

24 A. No.

25 Q. Did she tell you that -- and I apologize, that they

TASHA LAWMAN CROSS BY MS. PRINGLE

- 1 were sexually intimate from August 17th to August 27th?
- 2 A. No.
- 3 Q. She told him on August 20th, I'm not saying it will
- 4 never work, just not tonight. Did she tell you that
- 5 she said things like that to him?
- 6 A. No.
- 7 Q. Did you know that she agreed on August -- around
- 8 August 21st during this time period to go to couple's
- 9 counseling with him?
- 10 A. I do know that she was going to couple's counseling.
- 11 She went to couple's counseling on one occasion that I
- 12 know of.
- 13 Q. That she was letting him come over to cuddle and hang
- 14 out around August 22nd?
- 15 A. No.
- 16 Q. Did you know on August 23rd, there is more snuggling
- 17 and cuddling between them?
- 18 A. No.
- 19 Q. That on August 24th, she's taking him food?
- 20 A. No.
- 21 Q. Because he's ill. Did you know on August 25th that she
- 22 went down to Charleston and had dinner with Andy
- 23 Hutchinson?
- 24 A. I knew that she was going to Charleston, yes.
- 25 Q. So she went down and had dinner with him on Thursday

JAMME STEWART DIRECT BY MS. GARFIELD

1 Q. And what does that mean to you as a professional?

2 A. It's just a red flag for me when close friends are
3 concerned about a relationship.

4 Q. Were there any other factors in your consultation with
5 her that caused you concern?

6 A. Yes. I'd like to look at my notes here.

7 Q. Yes, ma'am.

8 A. The relationship, to me, seemed new. It was only four
9 months old. And she said that this person was coming
10 on very strong, that he wanted to be in constant
11 contact. And she, also, told me that there was a
12 situation where she once tried to back off out of the
13 relationship and he threatened to expose something
14 embarrassing about her.

15 Q. Did she share with you the contents of that
16 embarrassing threat?

17 A. She did not.

18 Q. And based on these which you consider red flags and
19 what she told you about her relationship, did that
20 cause you any particular concerns?

21 A. Yes, just this cluster of things, several things that
22 gave me a -- just little red flags that I might want to
23 look into further or ask her more about.

24 Q. Can you share with the jury what those concerns were?

25 A. Well, these concerns that I had just said, that this

JAMME STEWART DIRECT BY MS. GARFIELD

1 was a fairly new relationship and she was already
2 talking about and concerned about someone who is
3 pressuring her, wanting to be together all the time,
4 and in constant contact, that she's being threatened
5 with exposure of some kind of personal information when
6 -- when she tried to back off out of the relationship.
7 Again, just red flags. And I'd like to look at my
8 notes just a second, please.

9 Q. Please, ma'am. Yes.

10 A. The other thing that was mentioned was that she had had
11 no contact or awareness with any family members of this
12 person, that she had -- didn't -- wasn't aware of
13 family.

14 Q. Why did that cause you hesitation or concern as far the
15 relationship was concerned?

16 A. Well, generally, if someone is getting involved in a
17 relationship, they know something about a person's
18 family usually, that's my experience.

19 Q. And --

20 A. So there was just this list of things that I just
21 mentioned that caused me concern.

22 Q. And Ms. Wilson didn't indicate she had any contact with
23 the family of her boyfriend at the time?

24 A. She said that she had not.

25 Q. Do you have any reservations concerning domestic

JAMME STEWART DIRECT BY MS. GARFIELD

1 violence?

2 A. Yes.

3 Q. Please expound on that.

4 A. She -- when -- as a therapist, when I hear several
5 things like that and, particularly, when close friends
6 are -- are driving a person -- you know, in other
7 words, this was the reason that she came in. She said
8 I'm here because my friend -- one friend in particular
9 is really concerned about me. And I happened to know
10 that person and felt this is someone whose opinion
11 would matter to me. This is not someone who overreacts
12 to things or -- just, again, is a red flag to me.

13 Q. And that would be the friend she said encouraged her to
14 come see you?

15 A. Yes.

16 Q. You had a professional relationship with that friend as
17 well, correct?

18 A. Yes. Yes.

19 Q. Because of client confidentiality issues, you're not at
20 liberty to discuss who that friend was?

21 A. That is correct.

22 Q. Thank you. So did you encourage her or, for lack of a
23 better word, give her any homework to work on after
24 your session with her?

25 A. What I asked her to do -- and, again, I want to take a

JAMME STEWART DIRECT BY MS. GARFIELD

1 in the relationship was that she said she was at a time
2 in her life now where she really wanted to settle down
3 and get married and have a family, that that was
4 becoming more and more important to her, that she
5 didn't want to live alone anymore. And she said that
6 that had a big influence on her.

7 Q. Did she, also, express reasons to you why she did not
8 want to remain in this relationship?

9 A. She did.

10 Q. And can you share with the jury what those reasons
11 were?

12 A. Yes. She said that he was too intense, that her
13 friends were worried, increasingly worried about her.
14 And I asked her -- well, she said that, that they were
15 increasingly worried and that he called her a lot, too
16 often, too many times and that he was jealous.

17 Q. Based on your consultation with Ms. Wilson, did you
18 believe in your opinion -- or in your professional
19 background that Jen had an issue with boundaries?

20 A. Yes, and she said that. She said that it was difficult
21 for her to set boundaries in relationships when she --
22 like if she might be trying to end it because she
23 didn't, you know, like to hurt people's feelings or
24 make them feel badly.

25 Q. Did you discuss any concerns with her about the

JAMME STEWART CROSS BY MS. PRINGLE

1 potential domestic violence issue?

2 A. I did.

3 Q. And share with the jury what you shared with her in
4 your professional background.

5 A. I -- I went over the list of concerns that I had that I
6 had mentioned earlier from the first session, the
7 concerns there. And the same concerns that she had,
8 the jealousy, the wanting to be together all the time,
9 the intensity that she was talking about, threatening
10 her to expose her, that these might be indicators for
11 her that this was a potential domestic violence
12 relationship.

13 Q. At the conclusion of this session with Jen, Ms.
14 Stewart, was that the last time you saw her?

15 A. Yes.

16 Q. She was killed four days later, is this correct?

17 A. That is correct.

18 Q. Ms. Stewart, did she have an appointment with you at a
19 future date?

20 A. She did.

21 Q. And when was that appointment?

22 A. I believe that it was scheduled either the following
23 Tuesday or Wednesday of that very next week.

24 Q. So she was respective of coming back to you?

25 A. Yes.

CHRISTINE DAHLHEIMER DIRECT BY MS. GARFIELD

1 Call your next witness.

2 MS. GARFIELD: The State calls Christine
3 Dahlheimer.

4 MS. PRINGLE: Your Honor, we have a matter of law.

5 THE COURT: Who did you call?

6 MS. GARFIELD: Christine Dahlheimer.

7 THE COURT: Come on up here.

8 (Whereupon, a bench conference was held
9 off the record, in the presence of the
10 jury, but outside the hearing of the
11 jury.)

12 THEREUPON,

13 CHRISTINE DAHLHEIMER,

14 after having been duly sworn, testified as follows:

15 THE CLERK: Have a seat in the witness box, state
16 your name and spell it, please.

17 THE WITNESS: My name is Christine Dahlheimer,
18 that's C-H-R-I-S-T-I-N-E, last name is D-A-H-L-H-E-I-M-E-R.

19 DIRECT EXAMINATION

20 BY MS. GARFIELD:

21 Q. Good afternoon, Ms. Dahlheimer.

22 A. Good afternoon.

23 Q. Ms. Dahlheimer, do you know the Defendant in this case,
24 Hank Hawes?

25 A. I do.

CHRISTINE DAHLHEIMER DIRECT BY MS. GARFIELD

1 Q. Can you, please, share with the jury how you know Hank
2 Hawes?

3 A. I met him on E-Harmony and then we dated for a while.

4 Q. Can you tell the jury when this meeting on E-Harmony
5 happened?

6 A. I think we started communicating in August, kind of
7 really started dating in September.

8 Q. Of what year?

9 A. Of 2010.

10 Q. During the course of your relationship, did the two of
11 you make any large purchase together?

12 A. Yes, I purchased a 2011 Land Rover, Range Rover.

13 Q. And did you do that with Mr. Hawes?

14 A. It was -- the loan and everything was in my name and it
15 was an agreement that we had that he was supposed to
16 make the payments and then refinance --

17 MS. EIGENBROT: Objection, Your Honor.

18 THE COURT: What your legal objection?

19 MS. PRINGLE: Character evidence, Your Honor.

20 THE COURT: Okay. What is it?

21 MS. PRINGLE: May we approach?

22 THE COURT: No, just tell me what your legal
23 objection is. If you want to approach to argue the facts,
24 I'll let you do it.

25 MS. PRINGLE: It's beyond the scope of what we

CHRISTINE DAHLHEIMER DIRECT BY MS. GARFIELD

1 discussed at the bench, Your Honor.

2 THE COURT: Overruled. Go ahead.

3 BY MS. GARFIELD:

4 Q. What was the parameters of your understanding in buying
5 the Range Rover between you and Mr. Hawes?

6 A. That he was going to make the payments, pay the
7 insurance and the taxes, and then refinance it in
8 December or January so it would be out of my name.

9 Q. But the car was in your name?

10 A. The whole time, yes.

11 Q. Did Mr. Hawes have physical custody of the Range Rover?

12 A. No.

13 Q. Was he driving the Range Rover?

14 A. He did -- I'm sorry, yes, he drove the Range Rover. He
15 took both the keys, so I never drove the car.

16 Q. And do you know about when you made this purchase?

17 A. It was in October of 2010.

18 Q. When's the last time you saw the Defendant?

19 A. It was at the end of December of 2010.

20 (State's Exhibit Nos. 255, 256, 258 and

21 259 were marked for identification.)

22 BY MS. GARFIELD::

23 Q. I'm going to show you what's been marked State's
24 Exhibit No. 255, 256, 258 and 259. This is just for
25 identification. Do you recognize these photographs?

CHRISTINE DAHLHEIMER DIRECT BY MS. GARFIELD

1 A. Yes, that's the vehicle I purchased.

2 Q. And what kind of vehicle is that?

3 A. It's a Range Rover, Land Rover.

4 Q. Thank you. Ms. Dahlheimer, do you see the man in the
5 courtroom today that you purchased that Range Rover
6 with?

7 A. Yes.

8 Q. And can you identify him for the record?

9 A. Yes, he's sitting over there.

10 Q. In a gray suit?

11 A. Yes.

12 MS. GARFIELD: Your Honor, may the record reflect
13 that Ms. Dahlheimer has identified Hank Hawes, the
14 Defendant, for the record.

15 THE COURT: Yes, ma'am.

16 MS. GARFIELD: Thank you. Please answer questions
17 the Defense counsel has.

18 MS. EIGENBROT: No questions, Your Honor.

19 THE COURT: All right. You may step down.

20 THE WITNESS: All right. Thank you.

21 THE COURT: Thank you very much.

22 Call your next witness.

23 MR. MATHEWS: State calls Jay Dobbins.

24 THE COURT: Let me see the attorneys up here for
25 just a second.

CHRISTINE DAHLHEIMER DIRECT BY MS. GARFIELD

1 (Whereupon, a bench conference was held
2 off the record, in the presence of the
3 jury, but out of the hearing of the
4 jury.)
5 THE COURT: Have you got some objections to this?
6 MS. GARFIELD: We've stipulated. We have no
7 problem.
8 THE COURT: All right. State's number what?
9 MR. MATHEWS: 341 admitted without objection.
10 Call your next witness.
11 (State's Exhibit No. 341 was admitted
12 into evidence.)
13 THE COURT: Mr. Dobbins can go back to work.
14 MR. MATHEWS: State calls Jackie Richburg.
15 I think we have another stipulation, Your Honor.
16 THE COURT: All right. Well, y'all talk about it.
17 MR. MATHEWS: Yes, sir.
18 THE COURT: Can we take a break to help you some
19 more?
20 MR. MATHEWS: This is the only other records
21 custodian that we have.
22 THE COURT: Well, y'all talk.
23 MR. MATHEWS: Yes, sir.
24 (Pause.)
25 MR. MATHEWS: Your Honor, it's my understanding

CHRISTINE DAHLHEIMER DIRECT BY MS. GARFIELD

1 that the Defense is, also, going to stipulate to what's been
2 marked as State's No. 392, which is the Defendant's call to
3 911 on August the 28th.

4 MS. PRINGLE: That's correct.

5 THE COURT: No objection to State's 392, is that
6 correct?

7 MS. PRINGLE: Correct.

8 THE COURT: Thank you very much.

9 (State's Exhibit No. 392 was admitted
10 into evidence.)

11 MR. MATHEWS: Your Honor, I would ask for
12 permission to publish to the jury.

13 THE COURT: Ms. Campbell, what time do you need to
14 go.

15 MS. CAMPBELL: Whatever suits you, Your Honor.

16 THE COURT: Would this be a good breaking time?

17 MS. CAMPBELL: Whatever --

18 THE COURT: I need a --

19 MS. CAMPBELL: Or we could play this and then we
20 could break maybe.

21 THE COURT: Okay. That will be fine.

22 MS. CAMPBELL: Thank you, sir. I appreciate it.

23 (Whereupon, 911 call played for the jury.)

24 MS. GARFIELD: We may recess now, Judge.

25 THE COURT: Okay.

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 Mr. Foreman, ladies and gentlemen of the jury,
2 we're going to take a break at this time. It may be a
3 little longer than usual because we have to wait for
4 proceedings to take place in another courtroom before we can
5 proceed. So, smokers, you can go smoke. Let the bailiffs
6 know if you need anything. I think they've got you another
7 fan. And as far as water is concerned, you're welcome to
8 bring your bottle of water in the courtroom with you when
9 you come.

10 Please don't discuss the case among yourselves. I
11 will see you just as soon as we can get you back in the
12 courtroom.

13 (Whereupon, the jury left the courtroom
14 at 3:16 p.m.)

15 THE COURT: Ms. Garfield, may I see you, Ms.
16 Pringle and Mr. Strickler up here just a second, please?

17 MS. CAMPBELL: May I be excused, Your Honor?

18 THE COURT: Let me know when you get back.

19 (Whereupon, a bench conference was held
20 off the record.)

21 THE COURT: All right. Anything from the State
22 before we bring the jury in?

23 MS. GARFIELD: No, Your Honor.

24 THE COURT: Anything from the Defense?

25 MR. STRICKLER: No, Your Honor.

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 THE COURT: All right. Thank you very much.

2 Bring us the jury, please.

3 BAILIFF: Yes, sir.

4 (Whereupon, the jury returned to the
5 courtroom at 4:14 p.m.)

6 THE BAILIFF: The jury is present, Your Honor.

7 THE COURT: Thank you very much.

8 Call your next witness, please.

9 MS. GARFIELD: Thank you, Your Honor. The State
10 calls Dr. Stacey Newsom.

11 THEREUPON,

12 STACEY NEWSOM, M.D.,

13 after having been duly sworn, testified as follows:

14 THE CLERK: Have a seat in the witness box, state
15 your name and spell it for us, please.

16 THE WITNESS: My name is Stacey Newsom,
17 S-T-A-C-E-Y, N-E-W-S-O-M.

18 DIRECT EXAMINATION

19 BY MS. GARFIELD:

20 Q. Will you pull that microphone closer to you?

21 A. Is that better?

22 Q. Yes, thank you. Dr. Newsom, where do you reside, what
23 area of the state?

24 A. In Lexington County.

25 Q. And back in 2011, where did you reside?

STACEY NEWSOM DIRECT BY MS. GARFIELD

- 1 A. 2011, I was -- sorry, 2011, I was in Greenville.
- 2 Q. I'm going to ask you to pull it up. You're so
- 3 soft-spoken?
- 4 A. I was in Greenville.
- 5 Q. And do you know the Defendant in this case, Hank Hawes?
- 6 A. I do.
- 7 Q. Can you please explain to the jury how you know Hank
- 8 Hawes?
- 9 A. Hank and I met on E-Harmony in 2008.
- 10 Q. And after meeting Hank on E-Harmony, did you two engage
- 11 in a relationship?
- 12 A. We did.
- 13 Q. And approximately how long was that relationship?
- 14 A. About two and half years.
- 15 Q. And where did this relationship begin? Where were you
- 16 living?
- 17 A. In Greenville -- I apologize, I was living in Panama
- 18 City, Florida.
- 19 Q. Did you, eventually, move to the Greenville area?
- 20 A. Yes.
- 21 Q. And did the Defendant move with you?
- 22 A. He did.
- 23 Q. Did you, eventually, break up with Mr. Hanks?
- 24 A. I did.
- 25 Q. And about when did you break up?

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 A. July of 2010.

2 Q. And after your break up, did you remain on friendly
3 terms with Mr. Hawes?

4 A. Eventually.

5 Q. Some -- all breakups aren't always amicable, is that
6 correct?

7 A. Correct.

8 Q. But you did, eventually, begin a friendship with Mr.
9 Hawes?

10 A. Yes.

11 Q. And through the course of this friendship, would it be
12 uncommon for Mr. Hawes to call you?

13 A. No.

14 Q. Would it be uncommon for him to text you?

15 A. No.

16 Q. And could you estimate, was this a frequent contact
17 with Mr. Hawes after your breakup?

18 A. It's difficult to estimate. I'd have review the phone
19 records. Estimate several times a month.

20 THE COURT: Can everybody on the jury hear the
21 witness?

22 THE WITNESS: I'm so sorry, I estimate that we had
23 contact several times a month by phone or text.

24 BY MS. GARFIELD::

25 Q. Let me move the microphone.

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 A. Probably my voice that's not working, I apologize.

2 MS. GARFIELD: Is that better, Judge?

3 THE COURT: Yes, ma'am.

4 BY MS. GARFIELD:

5 Q. Okay. Just to go back a little bit, when did you say
6 your relationship ended?

7 A. Ended in July of 2010.

8 Q. So, roughly, eventually, in the course of the next
9 year, you two became friendly again?

10 A. We did.

11 Q. I want to specifically take you back to the early
12 morning hours of the August 28th, 2011. Do you recall
13 receiving phone calls from the Defendant, Hank Hawes?

14 A. Yes, I did.

15 Q. Can you just share with the jury what you recall him
16 saying to you in those phone calls?

17 A. I recall that he was crying. He was very upset. Said
18 that he felt dizzy, felt weak. There were long pauses
19 where there was no conversation, no one talking. I
20 don't have an estimate of how long the phone calls
21 were, I know that I dozed. It was early in the
22 morning. I fell asleep during the calls with my cell
23 phone. Earlier, he had asked me just to stay on the
24 phone with him.

25 Q. So you would stay on the phone with him and open lined?

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 A. Yes.

2 Q. And while the line is open, was there continued
3 conversation between the two of you?

4 A. No.

5 Q. And when there was not continued conversation, what did
6 you find yourself doing?

7 A. I fell asleep a couple of times.

8 Q. Do you -- can you tell the jury about what time these
9 phone calls came to you?

10 A. The first one was 2:37.

11 Q. And was that 2:37 a.m.?

12 A. A.M.

13 Q. And through the course of the morning into the daylight
14 hours, did he continue to call you?

15 A. There were additional phone calls, yes.

16 Q. And you know about how many?

17 A. No, I don't.

18 Q. And during the course of these additional phone calls
19 he was making to you, do you remember what he was
20 saying?

21 A. Still upset, still not feeling well.

22 Q. And did he call you later in the morning on August 28th
23 as in when there was daylight?

24 A. Yes.

25 Q. Do you recall the substance of that communication?

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 A. Basically, by this time, I was frustrated. I felt that
2 he needed medical attention. I had asked him to call
3 EMS and we talked back and forth about calling EMS. At
4 first, he didn't want to. Eventually, he was more
5 receptive to the idea and he, eventually, did call
6 them.

7 Q. At this time, Dr. Newsom, did you know where Hank was
8 residing?

9 A. No, I did not.

10 Q. Did you know if he was in a relationship with anyone at
11 the time?

12 A. I did.

13 Q. And how did you know that?

14 A. He mentioned that he was in a relationship.

15 Q. Did he tell you who it was with?

16 A. He used the name Jennifer.

17 Q. Had you ever met Jennifer?

18 A. I met Jennifer one time.

19 Q. And can you share with the jury where you met her?

20 A. I met her at a -- festival for a few minutes.

21 Q. And is here in Columbia?

22 A. That was in Columbia.

23 Q. Was she accompanied at this festival with Mr. Hawes?

24 A. Yes.

25 Q. All right. Going back to the early morning hours of

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 August 28th, at that time, you knew him to be in a
2 relationship with Jennifer?

3 A. Yes.

4 Q. Did you know anything about her?

5 A. I knew that she was a USC professor.

6 Q. So, eventually, to your understanding, did Mr. Hawes
7 seek medical attention?

8 A. I understood that he did.

9 Q. And was there any request he asked of you?

10 A. He asked me to come get his dog. He was worried about
11 leaving his dog.

12 Q. So he had a lot of concern for his dog?

13 A. He did.

14 Q. And did you, in fact, come get his dog?

15 A. I did.

16 Q. And did he tell you at that time where he resided?

17 A. He told me where I could pick up the dog.

18 Q. And being with an address?

19 A. Yes.

20 Q. He also -- did you have a key to his house?

21 A. No.

22 Q. How were you to get the dog?

23 A. At the time, it's difficult to recall, maybe he told me
24 he was going to leave a key.

25 Q. Did you, in fact, travel to Columbia?

STACEY NEWSOM DIRECT BY MS. GARFIELD

- 1 A. I did.
- 2 Q. Now, at this time, you're living in Greenville?
- 3 A. I was.
- 4 Q. So you traveled to Columbia from Greenville?
- 5 A. I did.
- 6 Q. To get the dog?
- 7 A. Yes.
- 8 Q. When you got to Columbia, what did you find out?
- 9 A. When I got to Columbia, it was already dark. It was
- 10 approximately -- maybe 8:00. I drove up to find police
- 11 at the address where I was going to pick up the dog.
- 12 Q. At that time, did you learn of the demise of Jennifer
- 13 Wilson?
- 14 A. No.
- 15 Q. When did you learn of that?
- 16 A. In the paper.
- 17 Q. And after you learned from the paper, what did you do?
- 18 A. I'm sorry.
- 19 Q. Did you contact law enforcement --
- 20 A. No.
- 21 Q. -- at any time? Did they contact you?
- 22 A. Well, when I went to the house -- let me back up a
- 23 little bit. When I went to the house, I did give all
- 24 of my information to an officer there. And yes,
- 25 afterwards, I was contacted by law enforcement to come

STACEY NEWSOM DIRECT BY MS. GARFIELD

1 in and give a statement.

2 Q. And you shared with law enforcement the information
3 you're sharing with us today?

4 A. Yes.

5 Q. That's correct?

6 A. That is correct.

7 Q. Since those early morning hours, have you had any
8 contact with Mr. Hawes?

9 A. I received some letters.

10 MS. PRINGLE: Yes, sir. There's an objection to
11 relevance to this item.

12 THE COURT: What is it? Let me see it.

13 (Whereupon, a bench conference was held
14 off the record, in the presence of the
15 jury, but out of the hearing of the
16 jury.)

17 THE COURT: All right. The objection is
18 sustained.

19 BY MS. GARFIELD:

20 Q. Going back to Mr. Hawes calling you because of his
21 medical concerns in the early morning hours of
22 August 28th, what kind of things was he reporting to
23 you? Did he ever tell what was wrong with him?

24 A. Mostly, feeling weak and dizzy.

25 Q. Why did you tell him to call 911?

STACEY NEWSOM DIRECT BY MS. GARFIELD

- 1 A. The calls went on long enough that I was concerned.
- 2 Q. But he never told you anything specifically what was
- 3 wrong with him?
- 4 A. Not specifically.
- 5 Q. He never reported any type of injuries or anything like
- 6 that to you?
- 7 A. No.
- 8 Q. And did he ever share anything with you or kind of give
- 9 you a heads-up concerning an attorney calling you?
- 10 A. I was told I would get a phone call.
- 11 Q. And that was from Mr. Hawes?
- 12 A. Excuse me?
- 13 Q. Mr. Hawes told you?
- 14 A. Yes.
- 15 Q. When did he tell you that?
- 16 A. As EMS was picking him up.
- 17 Q. Did you know why he was telling you that --
- 18 A. No.
- 19 Q. -- an attorney would be calling you?
- 20 A. No.
- 21 Q. Did he tell you the kind of attorney?
- 22 A. No.
- 23 Q. And he didn't tell you the name?
- 24 A. No.
- 25 MS. GARFIELD: Beg the Court's indulgence.

STACEY NEWSOM CROSS BY MS. PRINGLE

1 BY MS. GARFIELD::

2 Q. Dr. Newsom, the man that you had a relationship with
3 formerly and called you several times the morning of
4 August 28th, do you see him in the courtroom today?

5 A. Yes.

6 Q. And can you describe for the record where he is seated?

7 A. Over there (indicating).

8 Q. And from left to right, what seat?

9 A. He is the second from the left.

10 MS. GARFIELD: Your Honor, may the record reflect
11 that Ms. Newsom -- Dr. Newsom has identified the Defendant
12 for the record?

13 THE COURT: Okay. Yes, ma'am.

14 Cross-examination.

15 MS. PRINGLE: Yes, Your Honor.

16 CROSS-EXAMINATION

17 BY MS. PRINGLE:

18 Q. Good afternoon, Dr. Newsom. How are you doing?

19 A. Fine.

20 Q. I've just got a couple of questions for you. You knew
21 Mr. Hawes for -- you've known him how many years?

22 A. Since 2008.

23 Q. 2008?

24 A. Correct.

25 Q. And you started out, you were living in Florida

STACEY NEWSOM CROSS BY MS. PRINGLE

- 1 together, is that what you said?
- 2 A. Yes.
- 3 Q. Were you, actually, together with him when he was
- 4 diagnosed with ADHD?
- 5 A. Yes.
- 6 Q. You were aware of that, of him having that condition?
- 7 A. Yes.
- 8 Q. And that he was subsequently treated for that condition
- 9 in an ongoing fashion?
- 10 A. Yes.
- 11 Q. And you -- at this point, in August and that summer of
- 12 2011, you were on friendly terms?
- 13 A. Yes.
- 14 Q. You had a history, you had known each other for a long
- 15 time?
- 16 A. Yes.
- 17 Q. And he shared with you that he was seeing someone. You
- 18 knew generally about Ms. Wilson?
- 19 A. Yes.
- 20 Q. And he would confide in you to some degree?
- 21 A. To a relative degree.
- 22 Q. About her?
- 23 A. Very --
- 24 Q. Or about his feeling?
- 25 A. Very -- some.

STACEY NEWSOM CROSS BY MS. PRINGLE

1 Q. And would it be fair to say that you were aware that
2 they would break up and get back together?

3 A. Yes.

4 Q. And that happened with some frequency?

5 A. Yes, but I can't -- I don't recall how often.

6 Q. I understand. And you, actually, told investigators
7 that you believed that Hank very much wanted a
8 relationship with Jen?

9 A. Yes.

10 Q. But that she was more back and forth?

11 A. Yes.

12 Q. And when he called you that night at 2:37 in the
13 morning, I believe you told investigators -- you
14 memorialized your recall of the events of that night in
15 an e-mail to yourself?

16 A. Yes.

17 Q. You recall doing that?

18 A. Yes.

19 Q. And was that so that you could remember the details?

20 A. Yes.

21 Q. In case somebody like me or Ms. Garfield was asking you
22 later?

23 A. Yes.

24 Q. And you wrote that shortly after the incident, around
25 September 6th?

STACEY NEWSOM CROSS BY MS. PRINGLE

- 1 A. Yes.
- 2 Q. Okay. And I just say this so if I refer to it, you
- 3 know what I'm referring to.
- 4 A. Okay.
- 5 Q. That night when he called you, he was crying?
- 6 A. Yes.
- 7 Q. And he was breathing hard?
- 8 A. Yes.
- 9 Q. He was very distressed?
- 10 A. Yes.
- 11 Q. Very upset?
- 12 A. Yes.
- 13 Q. At one point, you said it sounded like he was shaking?
- 14 A. His voice, yes.
- 15 Q. Physically? And he told you he was very weak?
- 16 A. Yes.
- 17 Q. And he was saying I just want to go to sleep?
- 18 A. I don't recall if -- it may be there. I don't have
- 19 that in front of me.
- 20 Q. You heard him gagging?
- 21 A. Yes.
- 22 Q. And, actually, thought you heard him gagging and
- 23 vomiting throughout this conversation -- or these
- 24 conversations?
- 25 A. Maybe one to two times, not over and over.

ZACHARY JACKSON DIRECT BY MR. MATTHEWS

1 Q. One to two times?

2 A. (The witness nodded head.)

3 Q. And then, at times, he was so upset, it was, actually,
4 hard to understand him?

5 A. Yes.

6 Q. And he was asking you to stay on the phone with him?

7 A. Yes.

8 Q. Tell the kids I love them?

9 A. Yes.

10 Q. And there would be long pauses?

11 A. Yes.

12 Q. He just wanted -- he just asked you to stay on the
13 phone and you could hear him breathing hard?

14 A. Yes.

15 Q. And at some point -- finally, Dr. Newsom, is it fair to
16 say that he was extremely upset when you heard from him
17 that morning?

18 A. Correct.

19 THE COURT: Any redirect?

20 MS. GARFIELD: No, sir.

21 THE COURT: Is she under subpoena?

22 MS. GARFIELD: Yes, sir.

23 THE COURT: Are y'all going to excuse her from her
24 subpoena or hold her to it?

25 MS. GARFIELD: If we can just --

ZACHARY JACKSON DIRECT BY MR. MATTHEWS

1 THE COURT: Pardon?

2 MS. GARFIELD: We'll excuse her at this point.

3 THE COURT: Okay.

4 You may step down. You're excused.

5 Call your next witness, please.

6 MR. MATHEWS: Your Honor, the State calls Officer
7 Zachary Jackson.

8 THEREUPON,

9 ZACHARY JACKSON,

10 after having been duly sworn, testified as follows:

11 THE CLERK: Have a seat in the witness box, state
12 your name and spell it, please.

13 THE WITNESS: My name is Zachary Jackson, Z-A --

14 THE COURT: Speak up.

15 THE WITNESS: My name is Zachary Jackson,
16 Z-A-C-H-A-R-Y, J-A-C-K-S-O-N.

17 DIRECT EXAMINATION

18 BY MR. MATHEWS:

19 Q. Officer Jackson, where are you employed?

20 A. With the City of Columbia Police Department.

21 Q. What do you do for the City of Columbia?

22 A. I'm a patrol officer in South region.

23 Q. Back in August of 2011, were you, also, working for the
24 City of Columbia Police Department?

25 A. Yes, sir.

ZACHARY JACKSON DIRECT BY MR. MATTHEWS

1 Q. And were you on the street then as well?

2 A. I was on regular patrol duty.

3 Q. Were you working the day of August the 28th of 2011?

4 A. Yes, sir.

5 Q. And did you have an occasion to respond to

6 ?

7 A. Yes, sir, I did.

8 Q. Can you tell me what the initial call from dispatch

9 was?

10 A. The initial call from dispatch, if I remember

11 correctly, was that we had an individual who was laying

12 on his back porch in a daze, believed it might have

13 been suicide related. It was a medical issue and they

14 just wanted an officer to come out and meet with EMS on

15 the scene as well.

16 Q. Is that protocol for a situation like that?

17 A. When they have suspicions to believe he may have hurt

18 himself or somebody may have hurt him, they call us out

19 there just to see if we need to take it any further

20 than that.

21 Q. Please tell me what happened when you arrived on scene?

22 A. When I arrived on scene, EMS was in the backyard with

23 the individual. Didn't know his name at the time. He

24 was laying down on his back porch on his back, missing

25 his shirt. He had kind of greenish-white pants on. He

ZACHARY JACKSON DIRECT BY MR. MATTHEWS

1 had a large lacerations on his wrists, both wrists,
2 left and right. They weren't bleeding at the time
3 profusely. They looked like they had been much
4 earlier. I couldn't really tell how long it had been.
5 But he was kind of in a daze saying he couldn't stand
6 up, just kind of mumbling to EMS while they were
7 looking at him.

8 I looked around the area. I looked around the
9 porch, the backyard and couldn't find anything that he
10 cut himself with or he could have used to cut himself
11 with. Peered inside of his car, I didn't open it, it
12 was still locked. I looked inside, couldn't see
13 anything that would, you know, kind of strike me as
14 odd.

15 As I was approaching back over to him to see if I
16 could talk to him and find out what his information
17 was, I noticed his keys were under the front step of
18 the porch. I picked them up and asked him are these
19 your keys to your house. He said that they were. I
20 said, Is there anything inside the house I should know
21 about? He said, No. Then I asked him, Can I go inside
22 and look? He said, That's fine. So I used the keys to
23 get inside.

24 I looked around, looked in the sinks, bathrooms,
25 mainly, places that would have something -- I would

ZACHARY JACKSON DIRECT BY MR. MATTHEWS

1 think would have any potential that he could use to cut
2 himself. I couldn't find any large pools of blood, no
3 knives, anything he would have cut himself on. All I
4 found at that time in the bedroom was a pair of jeans
5 laying on the floor that had some stains on them.
6 Nothing out of the ordinary that would lead me to
7 believe he hurt himself on scene. So I was kind of
8 confused about how he did it at his current location.
9 That's why I notified the supervisor of what happened.
10 He told me to just go ahead and do an incident report
11 and send him to the hospital.

12 Q. Okay. Let me stop you right there. At this point, did
13 you know anything about his involvement in an incident
14 the night before?

15 A. No, sir.

16 Q. Did you know anything about an incident the night
17 before?

18 A. We had heard about -- we had a loud noise complaint on
19 this, but it was unfounded. We didn't have any kind
20 description for that, but they had had noise complaints
21 from that neighborhood, but nothing out of the
22 ordinary.

23 Q. What happened after you went through the house?

24 A. I resecured it. I had the keys with me as they were
25 loading him up with EMS. I took the keys and tagged

ZACHARY JACKSON DIRECT BY MR. MATTHEWS

1 them in down at the property room after I got a case
2 number for a report.

3 Q. And did you know where they were taking him at that
4 point?

5 A. They were taking him to Baptist Medical downtown
6 Columbia.

7 Q. You did do an incident report?

8 A. Yes, sir.

9 Q. Did you, also, do a statement?

10 A. Not at that time, I don't believe I did. At the time
11 of the incident, my supervisor just told me to go ahead
12 and just do a report. I may have done a statement
13 later on in the day.

14 Q. Okay. Did you, ultimately, find out the name of the
15 man?

16 A. Yes, we did find out his information on scene.

17 Q. What was his name?

18 A. Hank Hawes.

19 Q. And was this his home that you responded to?

20 A. Yes, sir.

21 Q. Did you have any further involvement with Mr. Hawes at
22 that point?

23 A. At that point, after he was loaded up with EMS, I
24 didn't have any other connection with him. After that
25 incident, I continued my regular duties around south

ZACHARY JACKSON CROSS BY MS. PRINGLE

1 region.

2 Q. Later on that day, did you have any other occasion to
3 discuss this incident with fellow law enforcement
4 officers?

5 A. I believe it -- it was 5:00, I believe, we -- I went to
6 a domestic with MPO Damon White. And we were out there
7 just chit-chatting after the whole incident. And they
8 told me about the incident that happened with the
9 individual that had been stabbed multiple times at
10 another location. They said they're looking for a guy
11 that's probably named -- we were just kind of back and
12 forth. And I started describing the guy I got from my
13 attempted suicide. They said, What's his name? And I
14 gave them the name Hank Hawes. They said, That's the
15 guy we're looking for. And I told them he was up at
16 Baptist Medical Center. So we went up there.

17 Q. Did you, actually, go to Baptist?

18 A. Yes, sir, I went.

19 Q. What did you do at Baptist?

20 A. At Baptist, we spoke with the medical staff on scene
21 there and Damon placed him into custody at that time.
22 Then we transported him to our headquarters to
23 investigations.

24 MR. MATHEWS: Thank you. I have nothing further.

25 THE COURT: Cross-examination?

ZACHARY JACKSON CROSS BY MS. PRINGLE

1 MS. PRINGLE: Yes, sir, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. PRINGLE:

4 Q. Good afternoon, sir. Do you have a copy of your
5 incident report with you?

6 A. I believe so.

7 Q. And I just wanted to direct you to the times when you
8 were dispatched, when you arrived, and when you
9 departed?

10 A. Okay.

11 Q. What time were you dispatched?

12 A. My dispatch was 11:45 a.m.

13 Q. And you got there?

14 A. At 11:55.

15 Q. And you were there until?

16 A. 1:45.

17 Q. Okay. And when you got there, what you're trying to
18 figure out is how bad is this, how much blood is there,
19 what kind of information you need to gather to assist
20 this attempted suicide when he gets sent to the
21 hospital?

22 A. Yes, ma'am.

23 Q. And you don't have any idea how long he's been bleeding
24 or when this --

25 A. No, ma'am.

ZACHARY JACKSON CROSS BY MS. PRINGLE

- 1 Q. -- took place or when he cut himself?
- 2 A. No, ma'am.
- 3 Q. You said it looked -- but you said it looked to you
- 4 like it had been a while, like it was clotting, but
- 5 they were deep and opened?
- 6 A. They were deep and opened, however, there was no blood
- 7 draining out of them at the time.
- 8 Q. At the time?
- 9 A. That I could tell.
- 10 Q. And he was shirtless?
- 11 A. Yes, ma'am.
- 12 Q. And pale?
- 13 A. More or less, if remember correctly.
- 14 Q. If you refer to your incident report, you describe him
- 15 as pale in color, does that sound right?
- 16 A. Yes, ma'am.
- 17 Q. And he was dazed?
- 18 A. He was in and out, kind of dazed. He would go back and
- 19 forth kind of talking to us.
- 20 Q. And he was sort of mumbling?
- 21 A. Yes, ma'am.
- 22 Q. You said in your report that he couldn't stand up?
- 23 A. No, we had to assist him to get him onto the stretcher.
- 24 Q. He appeared weak?
- 25 A. Yes, ma'am.

ZACHARY JACKSON CROSS BY MS. PRINGLE

- 1 Q. And when you went in the home, you noticed the blue
2 jeans, the blood on them?
- 3 A. They were -- I didn't know it was blood. I just knew
4 it was dark stains. I didn't really pick them up and
5 touch them. I was, mainly, looking for pools of blood,
6 splattered blood, a knife, anything he could have used
7 to cut himself is mainly what I was looking for.
- 8 Q. I understand. Did you notice the vomit on the bed by
9 any chance?
- 10 A. No, I didn't. I wasn't looking -- like I said, I was
11 looking in the main places that I believed that a knife
12 would be.
- 13 Q. And he, actually, gave y'all his name? He gave his --
14 y'all obtained his name at that time?
- 15 A. Yes, ma'am.
- 16 Q. Gave his correct name?
- 17 A. He gave his name as Hank Hawes.
- 18 Q. Okay. And he said you could go into his house?
- 19 A. I mean, I asked him, Can I go inside to try to find out
20 what you cut yourself with and he said that was fine.
- 21 Q. And, actually, told you where the keys were, didn't he?
- 22 A. No, I found the keys underneath the front step.
- 23 Q. And you went in, but you couldn't have gone in without
24 his consent?
- 25 A. I found the keys and I asked him if these were the keys

ROBIN HASELDEN DIRECT BY MS. GARFIELD

1 to his house, he said they were. And I asked him if I
2 said I could go inside and he said I could.

3 Q. That's all -- I was just asking -- you went in with his
4 permission?

5 A. Yes, ma'am.

6 Q. He didn't disagree, he told you that was fine?

7 A. Yes, ma'am.

8 MS. PRINGLE: Nothing else. Thank you, sir.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Any redirect?

11 MR. MATHEWS: No, Your Honor.

12 THE COURT: Okay. You may step down. Thank you
13 very much.

14 You got time for another witness?

15 MS. GARFIELD: Yes, sir.

16 THE COURT: Call your next witness.

17 MS. GARFIELD: Your Honor, the State calls Robin
18 Haselden.

19 THEREUPON,

20 ROBIN HASELDEN,

21 after having been duly sworn, testified as follows:

22 THE CLERK: Have a seat in the witness box, state
23 your name for the record and spell it, please.

24 THE WITNESS: Robin Haselden, H-A-S-E-L-D-E-N.

25 DIRECT EXAMINATION

ROBIN HASELDEN DIRECT BY MS. GARFIELD

- 1 BY MS. GARFIELD:
- 2 Q. Ms. Haselden, where are you employed?
- 3 A. Richland County EMS.
- 4 Q. And how long have you been employed with EMS?
- 5 A. Twelve years.
- 6 Q. What are your duties with EMS?
- 7 A. I'm a paramedic. I respond to emergency calls of all
- 8 nature, medical and trauma and the like.
- 9 Q. Were those your same duties back in 2011?
- 10 A. Yes, they were.
- 11 Q. Specifically, did you have an occasion to respond to a
- 12 possible suicide call on August 28th, 2011?
- 13 A. Yes.
- 14 Q. And do you remember the location you were dispatched to
- 15 respond to?
- 16 A. No, I don't remember the exact address.
- 17 Q. Do you have a copy of your report?
- 18 A. I do.
- 19 Q. Okay.
- 20 A. Woodrow Street.
- 21 Q. Let me ask you, are you referring to your report that
- 22 you would have made around the time of this incident?
- 23 A. Yes.
- 24 Q. Did you determine whose home that Woodrow Street
- 25 address was?

ROBIN HASELDEN DIRECT BY MS. GARFIELD

1 A. Hank Hawes.

2 Q. And who did you respond to treat?

3 A. Hank Hawes.

4 Q. And can you just share with the jury when you arrived
5 at that location, what you observed about the patient?

6 A. He was lying on his back on his deck in his backyard.
7 He had lacerations to both wrists. He was moaning in
8 pain.

9 Q. Did you ask him any questions?

10 A. I asked him when he -- when he did this and he told me
11 he didn't know. And the usual questions of whether he
12 was -- what his name was. But he wouldn't tell me what
13 happened, he just told me he didn't know. And he was
14 feeling dizzy and nauseated and we treated him.

15 Q. Have you responded to other suicide calls before?

16 A. I have.

17 Q. And did these wounds to Mr. Hawes look self-inflicted?

18 A. Yes.

19 Q. And can you just describe to the jury what the wounds
20 looked like to you?

21 A. One was deep, but the bleeding had already been
22 controlled. It was the left wrist was the deep one.
23 It was three inches long. And there were two minor
24 lacerations to his right wrist that were about one
25 inch. But no bleeding, no blood on him. And we --

ROBIN HASELDEN DIRECT BY MS. GARFIELD

- 1 Q. I'm sorry, no bleeding?
- 2 A. They were not bleeding.
- 3 Q. The not bleeding, as an emergency provider, what does
- 4 that mean to you?
- 5 A. That they may have been done sometime before we
- 6 arrived.
- 7 Q. How was Mr. Hawes's clothed?
- 8 A. They were wet.
- 9 Q. What was he wearing?
- 10 A. T-shirt and shorts. No blood noted on him anywhere.
- 11 Q. As a part of your emergency response, did you search
- 12 for any type of weapon that could have been used?
- 13 A. EMS doesn't do that.
- 14 Q. Okay. So that's not something you would have done?
- 15 A. No. Just as long as he didn't have any weapons on him
- 16 or around him.
- 17 Q. And did he have any weapons on him?
- 18 A. No.
- 19 Q. After you ascertained this history from the patient or
- 20 from Mr. Hawes, what did you do next?
- 21 A. We put him on the stretcher and -- well, because he
- 22 wasn't really answering when it happened, we wanted to
- 23 see how much blood he lost, if it was somewhere in the
- 24 house. The officer and I walked in the house to see if
- 25 there was any blood that we could see. There was a

ROBIN HASELDEN DIRECT BY MS. GARFIELD

1 pair of jeans that had a lot of blood on them, but no
2 other blood could be found in the house. So we walked
3 back outside and put him on the stretcher.

4 Q. And after you put him on the stretcher, what was your
5 next course of action?

6 A. When he was in the ambulance, we asked him some
7 questions. But he mainly spent the ride answering our
8 questions and started an IV, put him on a heart monitor
9 and monitored him on the way in.

10 Q. What's the purpose of putting him on a heart monitor?

11 A. Just because he was feeling dizzy. Whenever is feeling
12 dizzy, we do that, and because we didn't know how much
13 blood he had lost.

14 Q. Did he report any loss of consciousness?

15 A. No, he didn't.

16 Q. Did you take his blood pressure?

17 A. I did.

18 Q. What was his blood pressure?

19 A. 116 over 70.

20 Q. Do you take blood pressure more than one time?

21 A. We do.

22 Q. Why is that?

23 A. Just to monitor it and make sure that it's not dropping
24 or that there's any danger.

25 Q. So you did take his pressure again?

ROBIN HASELDEN CROSS BY MS. PRINGLE

- 1 A. Yes.
- 2 Q. What was his blood pressure a second time?
- 3 A. 120 over 72.
- 4 Q. Both of those blood pressure readings, in your
5 experience as an EMT, are they considered --
- 6 A. They're normal.
- 7 Q. -- normal? They are normal?
- 8 A. They are normal.
- 9 Q. And where did you take Mr. Hawes?
- 10 A. To Baptist ER.
- 11 Q. And once you got to the Baptist ER, where did he go?
- 12 A. I'm not sure which room he was in. Let's see.
- 13 Q. Did he have any belongings with him when you dropped
14 him off?
- 15 A. Not that I recall.
- 16 Q. Do you have your report before you?
- 17 A. Yes.
- 18 Q. Do you see in the block scene information?
- 19 A. Yes. He had his phone with him, left in room seven.
- 20 Q. So he was left in a room with his phone?
- 21 A. Yes.
- 22 Q. After you left him in that room, did you have any
23 further contact with Mr. Hawes?
- 24 A. No.
- 25 Q. Did you have any further involvement in this case?

ROBIN HASELDEN CROSS BY MS. PRINGLE

1 A. No.

2 MS. GARFIELD: Thank you, Ms. Haselden. Please
3 answer any questions Defense counsel has.

4 THE COURT: Cross-examination?

5 MS. PRINGLE: Just a couple.

6 CROSS-EXAMINATION

7 BY MS. PRINGLE:

8 Q. Good afternoon. Ms. Haselden, did Mr. Hawes, actually,
9 give you his name?

10 A. Yes.

11 Q. So you asked and he told you his full name?

12 A. Hank Hawes is what he answered.

13 Q. And when you first got there, he was lying on the back?

14 A. You.

15 Q. Shirtless?

16 A. (The witness nodded head.)

17 Q. He's -- you said in your report he's lethargic?

18 A. Uh-huh.

19 Q. I'm sorry, you have to say --

20 A. Oh, yes. I'm sorry.

21 Q. And you have no idea how long he had been bleeding?

22 A. Right.

23 Q. You know that he has open wounds?

24 A. Yes.

25 Q. One you said was full thickness three-inch laceration?

ROBIN HASELDEN CROSS BY MS. PRINGLE

- 1 A. Yes.
- 2 Q. And you try to figure out by looking at a scene or
- 3 looking at a location how much blood a patient has lost
- 4 in order to -- it's part of the treatment, correct?
- 5 A. Well, just to get an understanding of how much he's
- 6 lost.
- 7 Q. And you weren't able to determine that at all?
- 8 A. No.
- 9 Q. So you didn't know how long or how much?
- 10 A. Right.
- 11 Q. He's dizzy and -- he's expressing that he's dizzy?
- 12 A. Yes.
- 13 Q. So dizzy that he had to be put -- y'all put him on a
- 14 stretcher?
- 15 A. We put everyone on a stretcher.
- 16 Q. And he's expressing to you that he's very nauseous?
- 17 A. Right.
- 18 Q. And you would agree -- or would you agree that an
- 19 individual can lose a great deal of blood and it not be
- 20 fatal?
- 21 A. Correct.
- 22 Q. In your experience as an EMT, I'm sure you've seen
- 23 that?
- 24 A. Yes.
- 25 MS. PRINGLE: Thank you.

ROBIN HASELDEN CROSS BY MS. PRINGLE

1 THE COURT: Any redirect?

2 MS. GARFIELD: No, sir.

3 THE COURT: You may step down. Thank you very
4 much.

5 You got anybody else?

6 MS. GARFIELD: The next witness will be lengthy,
7 Your Honor.

8 THE COURT: Well -- okay. All right. Let me see
9 the attorneys up here for just a second.

10 (Whereupon, a bench conference was held
11 off the record, in the presence of the
12 jury, but out of the hearing of the
13 jury.)

14 THE COURT: Mr. Foreman, ladies and gentlemen of
15 the jury, the next witness will probably be very lengthy.
16 It is now 5:00, so we're going to adjourn at this time.
17 Leave your notepads in the chair. Please don't discuss the
18 case with anyone and, please, don't read anything in the
19 newspaper, watch anything on TV, listen to anything on the
20 radio, or do any internet research. I haven't asked you
21 have you done that, but I've given you the directions
22 everyday. So don't -- I say, please, don't do it. What I
23 mean is don't do it. See you in the morning at 9:30. Have
24 a good evening.

25 (Whereupon, the jury left the courtroom

ROBIN HASELDEN CROSS BY MS. PRINGLE

1 at 4:59 p.m.)

2 THE COURT: Anything from the State before we
3 break for the day?

4 MS. GARFIELD: No, sir.

5 THE COURT: Anything from the Defense?

6 MR. STRICKLER: No, Your Honor.

7 THE COURT: Y'all going to look at some of those
8 text messages?

9 MS. GARFIELD: Yes, sir.

10 MS. PRINGLE: Yes, sir.

11 THE COURT: All right. Have a good evening. See
12 you tomorrow at 9:30.

13 (Whereupon, Court was adjourned for the
14 day, October 8, 2014, to be reconvened
15 on Thursday, October 9, 2014.)

16 THE COURT: All right. I assume we've got all the
17 jurors?

18 BAILIFF: Yes, sir.

19 THE COURT: We got them all?

20 BAILIFF: Yes, sir.

21 THE COURT: Anything from the State before we
22 bring in the jury?

23 MS. CAMPBELL: No, sir.

24 THE COURT: Anyone from the Defense?

25 MR. STRICKLER: No, sir.

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 THE COURT: All right. Bring us the jury, please.

2 (Whereupon, the jury returned to the

3 courtroom at 9:34 a.m.)

4 BAILIFF: The jury is seated, Your Honor.

5 THE COURT: Thank you so very much.

6 You may call your first witness.

7 MS. CAMPBELL: May it please the Court?

8 THE COURT: Yes, ma'am.

9 MS. CAMPBELL: State would call Dr. John Robinson.

10 THEREUPON,

11 JOHN ROBINSON, M.D.,

12 after having been duly sworn, testified as follows:

13 THE CLERK: Have a seat in the witness box, state

14 your name for the record and spell it, please.

15 THE WITNESS: My name is John Robinson, J-O-H-N,

16 last name is R-O-B-I-N-S-O-N.

17 DIRECT EXAMINATION

18 BY MS. CAMPBELL:

19 Q. Dr. Robinson, where are you employed?

20 A. Pardon me?

21 Q. Where do you work?

22 A. I work at Palmetto Health Richland Baptist and
23 Parkridge.

24 Q. What do you do there, sir?

25 A. I'm an emergency medicine doctor.

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 Q. Can you tell this jury a little bit about your
2 education and your training in the field of emergency
3 medicine?

4 A. Yes. Well, my education goes back to getting my
5 Bachelor's Degree in sports medicine. I worked for
6 several years as an athletic trainer. I, also, have a
7 Master's Degree in that. Then I went back to medical
8 school at East Tennessee State University.

9 Q. Uh-huh.

10 A. I graduated in 2003. Then I came here and did my
11 residency at Palmetto Richland Emergency Medicine,
12 graduating in 2006. I'm Board certified in emergency
13 medicine.

14 MS. CAMPBELL: Your Honor, at this time, we would
15 offer him as an expert in emergency medicine.

16 THE COURT: Any objection?

17 MS. PRINGLE: None.

18 THE COURT: Okay. The Court so finds.

19 MS. CAMPBELL: Thank you, Your Honor.

20 BY MS. CAMPBELL:

21 Q. Doctor, I want to turn your attention back to August
22 the 28th, 2011. Were you working at the Baptist
23 emergency room that day?

24 A. Yes, ma'am.

25 Q. And what were your hours that day that you were

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 working, do you recall?

2 A. I believe it was just a morning shift, possibly,
3 afternoon shift. It may have been the nine to seven.
4 I'm not exactly sure of the exact hours I was working
5 that day.

6 Q. And at some point that day, did you come in contact
7 with Hank Hawes after being brought to the emergency
8 room by EMS?

9 A. Yes, ma'am.

10 Q. And do you know approximately what time of day that was
11 he presented?

12 A. No, I don't have that in front of me.

13 Q. But, typically, when EMS brings in a patient, they
14 would be put in a room and then you would make contact
15 with them sometime shortly thereafter?

16 A. Yes, ma'am, I think it was within minutes of EMS
17 bringing him in. If memory serves, I believe it was
18 probably a little before lunch, but I don't know the
19 exact time.

20 Q. Okay. Once you made contact with him, can you tell the
21 jury, basically, how he presented and what your
22 findings were?

23 A. Yeah, EMS had brought him in and the report to me from
24 EMS was he had been found laying on his porch. He had
25 lacerations to both of his wrists when he came in. He

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 was awake and alert. He was able to tell me where he
2 was. He was able to tell me the year, the president,
3 but he couldn't tell me how he got the lacerations. He
4 didn't give me a lot of answers. Basically, he
5 admitted he had lacerations, didn't know how he got
6 them. He didn't think he had inflicted them upon
7 himself. And that was about the extent of the
8 information I got out of him.

9 Q. And let me back up for a second. You said he didn't
10 think he had done it to himself?

11 A. That's correct. That's what he told me.

12 Q. And the lacerations on the wrists, in your experience
13 and your expertise, how did those present? How did
14 they present to you?

15 A. He had -- on his left wrist, he had approximately a
16 nine-centimeter laceration going from the radial side
17 to the ulnar side. It was a pretty straightforward
18 horizontal laceration. And on the right-hand side, he
19 had a smaller laceration. Again, horizontal -- if you
20 can see my wrists (indicating), running in this type of
21 direction right here (indicating). Neither one was
22 bleeding at the time.

23 Q. And that was going to be my next question. Neither one
24 was bleeding when he presented to you?

25 A. No, ma'am.

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 Q. And were they consistent with what would be
2 self-inflicted wounds?

3 A. Yes.

4 Q. And the history that was given to you was that of
5 self-inflicted wounds, is that correct? Not from him,
6 but from EMS?

7 A. EMS -- if I can look at my notes. I don't think EMS
8 told me that either.

9 Q. Okay.

10 A. Found laying on his porch, lacerations to both wrists.
11 They didn't give me a report that he had done that to
12 himself.

13 Q. You mentioned that he was able to give you very little
14 information other than he was able to give -- he was
15 alert and oriented, though?

16 A. He was alert and oriented, but really wouldn't answer
17 any of my questions.

18 Q. And did that make you concerned?

19 A. Yes.

20 Q. Why was that, sir?

21 A. Well, my concern was, was he being deceptive, you know,
22 had he, actually, tried to kill himself by cutting his
23 wrists and wouldn't tell me much about it, or had
24 something else happened, had he had some type of trauma
25 inflicted that he was amnesic to the events, which was

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 inconsistent with the fact that he was alert and
2 oriented with everything else. He just seemed to be
3 amnestic to this specific event. So I had a little
4 suspicion there may be some deception about what had
5 happened and he wasn't telling me how he got those
6 wrists cut.

7 Q. And as a result of that, did you take further steps to
8 make sure that you covered all your bases?

9 A. Yes, ma'am, I did. I did a full medical workup,
10 including CT scan of the head. My exam did not show
11 any signs of head trauma. But, you know, our general
12 premise is to err on the side of caution. If there's a
13 potential for injury, we work it up. So I did a
14 medical evaluation for potential trauma, which didn't
15 provide anything, and I did a medical workup for
16 potential overdose or toxicological workup. In other
17 words, look and see if there were any findings that he
18 may have tried to ingest something in addition to
19 cutting his wrists.

20 Q. And you mentioned that you did a scan of his head, I
21 believe?

22 A. Yes, ma'am.

23 Q. Did that come back normal?

24 A. Yes.

25 Q. In addition to that, did you also mention a toxicology

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 workup?

2 A. Yes, ma'am.

3 Q. What were the results of that?

4 A. Well, I checked aspirin and Tylenol lipids. Those are
5 two things we always concern ourselves when there's an
6 overdose because they can present with significant
7 toxicity, and in the case of the Tylenol, it can cause
8 liver damage.

9 So I checked him at the time he arrived since we
10 had no time frame to know if he had taken anything at
11 all. And then I checked him four hours later and they
12 were negative both times. There was no signs of any
13 ingestion either. I did do a urine drug screen. That
14 was positive for only amphetamines. And he had stated
15 he was taking Adderall, so that would be consistent
16 with the medication he was taking. I checked the blood
17 alcohol, that was negative.

18 Q. So you mentioned he was alert and oriented and he was
19 able to give you a history, his medical history as
20 well --

21 A. Yes, ma'am.

22 Q. -- as far Adderall?

23 A. Yes.

24 Q. Did he mention why he was taking Adderall?

25 A. For Attention Deficit Hyperactivity Disorder.

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 Q. Did you note any other wounds on him other than the
2 ones you were talking about on his wrists?

3 A. No, ma'am.

4 Q. And the ones that you saw on his wrists, you're
5 familiar -- do you see people that are victims of
6 attacks frequently --

7 A. Yes.

8 Q. -- in the course of your business?

9 A. Yes.

10 Q. And did they appear to be defensive wounds or
11 self-inflicted wounds?

12 A. Self-inflicted.

13 Q. And defensive wounds, what is unique about that?

14 A. Well, if somebody was striking with a knife, you'd
15 moved this arm up to block (indicating).

16 Q. Okay.

17 A. But it's going to be hard to get on each side of the
18 wrists as well as being as clean as they were and going
19 across the wrists in a perfect horizontal fashion.
20 It's much more consistent with someone who's doing a
21 self-inflicted wound.

22 Q. Okay. The wounds that you observed, in your opinion,
23 were those lethal or life-threatening?

24 A. No.

25 Q. And, in fact, the cuts that he sustained, how deep were

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 they? Explain that to the jury.

2 A. Well, according to my notes, they went through the
3 subcutaneous tissue. Your skin is made up of several
4 layers, and the deepest layer being the subcutaneous
5 layer. Below that, we have what's called the deep
6 fascial plane. And that's the covering of the vital
7 structures. That covers the tendons of the wrists, the
8 nerves of the wrists, the arteries, the large arteries
9 that we worry about, such as the radial artery here
10 (indicating), the ulnar artery here (indicating). And
11 that fascial layer was not penetrated. So none of the
12 deep structures that we're really concerned with had
13 been injured. And that was further evidenced by his
14 hand extension. He had good range of motion. He had
15 good sensation in all of his dermatomes. He had good
16 color, showed good blood supply through all the
17 fingers.

18 Q. Okay. And you mentioned that this didn't hit any of
19 his arteries, is this correct?

20 A. That's correct. Neither of the major arteries, not the
21 ulnar artery or the radial artery.

22 Q. And even though it wasn't bleeding at the time, would
23 he have suffered some blood loss that could have been
24 significant?

25 A. Yes. And there was evidence, there was some dried

JOHN ROBINSON DIRECT BY MS. CAMPBELL

1 blood around the wound.

2 Q. Once you did your full workup and everything, what
3 procedures did you do in order to treat his wounds?

4 A. I sutured both of them, the left and the right.

5 Q. All right. Do you recall approximately how many
6 stitches it took on his right wrist?

7 A. The right wrist, I believe, was the smaller one. I
8 believe I put four sutures, according to my note. And
9 the left wrist, I believe I put nine stitches in that
10 one.

11 Q. Once you had treated him and sutured his wounds, was he
12 still -- or were all signs pretty much normal at that
13 point?

14 A. Yes, his vital signs were normal. His heart rate was
15 in the 80's to 90's range. Blood pressure was fine.
16 He was still awake, alert and oriented.

17 Q. And did you make any attempt -- or what were you going
18 to do with him after suturing up his wounds?

19 A. That was -- that was the dilemma. He was completely
20 alert and oriented and he was denying being suicidal,
21 denying being homicidal, but yet, I had a patient in
22 front of me that had what appeared to me to be
23 self-inflicted wounds. And I was concerned he was
24 being deceptive about how he had gotten them and I was
25 concerned there still could be potentially a suicidal

JOHN ROBINSON CROSS BY MS. PRINGLE

1 case here even though he denied it. So my thought was
2 to have him admitted. I was going to have psychiatry
3 see him.

4 Q. Prior to having that step taken, who showed up?

5 A. The police.

6 Q. And at that point, did they make contact with you about
7 your patient?

8 A. Yes.

9 Q. And you can't say what they said to you, but did you
10 have a conversation and then did you make a decision as
11 far as whether he needed further treatment from your
12 hospital?

13 A. Yes.

14 Q. And what did you decide?

15 A. I decided that under the circumstances, why the police
16 were there, that things made sense and the deception
17 that I was sensing in the patient, also, made sense.
18 And I felt like he probably was not suicidal and,
19 certainly, would be safe in their custody.

20 Q. And at that point, was he released to police custody?

21 A. Yes.

22 MS. CAMPBELL: Beg the Court's indulgence?

23 THE COURT: Yes, ma'am.

24 MS. CAMPBELL: Thank you. I don't have any
25 further questions.

JOHN ROBINSON CROSS BY MS. PRINGLE

1 THE COURT: Cross-examination?

2 MS. PRINGLE: May it please the Court?

3 CROSS-EXAMINATION

4 BY MS. PRINGLE:

5 Q. Morning.

6 A. Morning.

7 Q. You said you had a fairly limited history on Mr. Hawes,
8 correct?

9 A. That's correct.

10 Q. But you did have a history that he was diagnosed with
11 Attention Deficit Disorder?

12 A. Yes, he volunteered that to me.

13 Q. And he was prescribed and taking Adderall for that?

14 A. That's correct.

15 Q. And he, also, reported to you that -- you were aware
16 that he had nausea?

17 A. Yes.

18 Q. And reported that he had vomited twice?

19 A. Correct.

20 Q. And do you recall his temperature upon arrival when
21 they did his initial vitals?

22 A. According to my notes, it was 95.5.

23 Q. 95.5?

24 A. Yes, ma'am.

25 Q. And he was reporting that he was dizzy?

JOHN ROBINSON CROSS BY MS. PRINGLE

- 1 A. Yes.
- 2 Q. And your impressions included laceration?
- 3 A. Yes.
- 4 Q. And acute renal failure?
- 5 A. Yes.
- 6 Q. And that was based on his lab work?
- 7 A. Uh-huh.
- 8 Q. The creatinine?
- 9 A. Yes, his creatinine was 1.8.
- 10 Q. And what -- what does that tell you?
- 11 A. It's mild. Normal creatinine for most people is 0.8 to
- 12 1.4. 1.8 is a very mild deviation from that norm.
- 13 Several reasons for mild deviation could be some mild
- 14 dehydration. He may have been taking ibuprofen for a
- 15 week or two, which is not something I could have tested
- 16 there in the emergency department. But it wasn't a
- 17 major renal failure. It wasn't anything actionable in
- 18 the emergency department other than give IV fluids.
- 19 Normally, with any patient, they would be discharged
- 20 and followed up as an outpatient to be rechecked.
- 21 Q. There was -- you didn't have any information -- for
- 22 instance, you didn't know if he had been bleeding for
- 23 nine or 10 hours? You didn't know how long he had been
- 24 bleeding?
- 25 A. No, ma'am.

JOHN ROBINSON CROSS BY MS. PRINGLE

- 1 Q. You had no idea what time these injuries had been
2 inflicted?
- 3 A. No, ma'am.
- 4 Q. But there's no doubt in your mind they were
5 self-inflicted?
- 6 A. I wouldn't say there was no doubt, but there was a
7 strong suspicion they were self-inflicted.
- 8 Q. From your experience and seeing that before and the
9 presentation of them in the emergency room, that was
10 your --
- 11 A. It was very strong suspicion.
- 12 Q. -- opinion? And these were superficial scrapes or
13 abrasions, correct?
- 14 A. The right was a little bit more superficial. The left,
15 a little bit deeper. But, again, neither one involved
16 any major structures.
- 17 Q. And when you say major structures, you're talking about
18 things that could be fatal or disabling?
- 19 A. Correct.
- 20 Q. And when you say fatal or disabling, that would be
21 hitting a major artery?
- 22 A. Yes.
- 23 Q. And that would be the radial or the ulnar?
- 24 A. Yes, the radial or the ulnar artery.
- 25 Q. And those are the major structures that are under that

JOHN ROBINSON CROSS BY MS. PRINGLE

1 plane?

2 A. Yes, they are much deeper.

3 Q. Okay. So if you were to hit the radial or the ulnar
4 artery, that could -- probably would be fatal nine or
5 10 hours later?

6 A. Potentially. Again, it depends on the circumstances.
7 Sometimes those bleeds will contain themselves, but
8 that wasn't the issue here.

9 Q. And other major structures that you would be talking
10 about would be something that would disable the hand?

11 A. Yes, the tendons.

12 Q. So if he had hit a ligament or a tendon, that would
13 affect the control over his hand?

14 A. Yes. The tendons are what help the muscles contract
15 the hand causing flexion, especially the thumb and the
16 fingers. And had any of those been lacerated, we would
17 have seen a deficit. And there wasn't any impediments
18 of that on exam.

19 Q. But if you look at your wrists, there are lots of
20 veins?

21 A. Yes.

22 Q. Running right along under the skin?

23 A. Yes.

24 Q. And there are also minor arteries under there?

25 A. Yes.

JOHN ROBINSON REDIRECT BY MS. CAMPBELL

1 Q. And he could have, and likely did, cut through some of
2 those?

3 A. Very well.

4 Q. That would have, particularly, if he bled for nine or
5 10 hours, could have bled quite a lot?

6 A. If it had gone for nine or 10 hours. Usually, you
7 don't see it last that long. And there was no evidence
8 of active bleeding when he came in.

9 Q. And that wouldn't be that surprising, you would expect
10 those to clot off?

11 A. Yes.

12 Q. Eventually. And you said you released him -- you
13 released him knowing he was going to be in the custody
14 of people watching him at all times?

15 A. That's correct.

16 MS. PRINGLE: Thank you very much, Doctor.

17 THE WITNESS: Thank you.

18 THE COURT: Redirect?

19 MS. CAMPBELL: Just one question.

20 REDIRECT EXAMINATION

21 BY MS. CAMPBELL:

22 Q. His injuries were not life-threatening?

23 A. No.

24 MS. CAMPBELL: Thank you, sir. I have nothing
25 further.

IDA MENENDEZ DIRECT BY MS. GARFIELD

1 THE COURT: Any recross?

2 MS. PRINGLE: No, sir.

3 THE COURT: Doctor, you may step down. Thank you
4 very much. You may be excused.

5 Call your next witness.

6 MS. GARFIELD: Thank you, Your Honor. The State
7 calls Sergeant Ida Menendez.

8 THEREUPON,

9 IDA MENENDEZ,
10 after having been duly sworn, testified as follows:

11 THE CLERK: Please have a seat in the witness box,
12 state your name and spell it, please.

13 MS. GARFIELD: Ida Menendez, last name
14 M-E-N-E-N-D-E-Z.

15 DIRECT EXAMINATION

16 BY MS. GARFIELD:

17 Q. Good morning, Sergeant Menendez.

18 A. Morning, ma'am.

19 Q. Would you, please, share with the jury where you're
20 employed?

21 A. Columbia Police Department.

22 Q. And how long have you been employed there?

23 A. Almost 15 years.

24 Q. And what are your duties with Columbia Police
25 Department?

IDA MENENDEZ DIRECT BY MS. GARFIELD

- 1 A. Right now, I'm a patrol sergeant. I have been an
2 investigator.
- 3 Q. Were you an investigator back in 2011?
- 4 A. Yes, ma'am.
- 5 Q. What kind of investigator were you, what department?
- 6 A. Violent crimes against persons.
- 7 Q. And when you say violent crimes against persons, what
8 kind of crimes does that encompass?
- 9 A. Everything from simple assault and battery to murder,
10 homicide.
- 11 Q. Were you assigned to assist in the investigation of a
12 murder in August of 2011?
- 13 A. Yes, ma'am.
- 14 Q. And, specifically, was that a murder that occurred on
15 Monroe Street?
- 16 A. Yes.
- 17 Q. Did you respond to the scene on Monroe Street?
- 18 A. Yes, ma'am, I did.
- 19 Q. And as a result, did you participate in interviewing
20 several witnesses?
- 21 A. Yes, ma'am, I did.
- 22 Q. And did you eventually come into custody of the
23 Defendant, Hank Hawes?
- 24 A. Yes.
- 25 Q. And where did you come into contact with Mr. Hawes?

IDA MENENDEZ DIRECT BY MS. GARFIELD

- 1 A. At the Columbia Police Department headquarters.
- 2 Q. And how did he come to the Columbia Police Department?
- 3 A. He was in a wheelchair, I believe, released from the
- 4 hospital.
- 5 Q. From the hospital?
- 6 A. Yes, uh-huh.
- 7 Q. Okay. Sergeant Menendez, when he -- did you have an
- 8 opportunity to observe Mr. Hawes at that time?
- 9 A. Yes, ma'am, I did.
- 10 Q. And what did -- is there anything that stood out to you
- 11 in your observations of Mr. Hawes?
- 12 A. He was not responsive, not talkative, not happy to be
- 13 there, I guess.
- 14 Q. Did you observe anything unusual physically about
- 15 Mr. Hawes?
- 16 A. Yes. He had blood, I want to say, on his hands and
- 17 feet that looked dried up.
- 18 Q. Okay. Did you have an opportunity to photograph
- 19 Mr. Hawes?
- 20 A. Yes, ma'am, I did.
- 21 Q. I show you what's been marked as State's Exhibit Nos.
- 22 391, 93, 94, 95, 96, and 97. Would you please look at
- 23 those photographs and tell me if you're familiar with
- 24 them?
- 25 A. Yes, ma'am, I am.

IDA MENENDEZ DIRECT BY MS. GARFIELD

1 Q. What are those photographs of?

2 A. They are of Hank Hawes. I took them.

3 Q. You took them while he was in custody at Columbia
4 Police Department?

5 A. Yes, ma'am.

6 MS. GARFIELD: Your Honor, at this time, I would
7 like to introduce State's Exhibits 397, 391, 393, 395, and
8 396?

9 THE COURT: Any objection?

10 MR. STRICKLER: Without objection.

11 THE COURT: Entered without objection.

12 (State's Exhibit Nos. 391, 393, 395,
13 396, and 397 were admitted into
14 evidence.)

15 MS. GARFIELD: Your Honor, at this time, may I
16 publish them to the jury?

17 THE COURT: Yes, ma'am.

18 BY MS. GARFIELD::

19 Q. Did you have an opportunity to take what is known as a
20 swab from Mr. Hawes?

21 A. Yes, ma'am.

22 Q. And where did you take that swab?

23 A. From his feet.

24 Q. Explain to the jury what that means, taking a swab.

25 A. Well -- excuse me, first of all, ladies and gentlemen,

IDA MENENDEZ DIRECT BY MS. GARFIELD

1 I have a piece of candy in my mouth. It is very dry
2 and it's difficult to continue to talk. I hope it's
3 not interrupting the way you understand what I'm
4 saying.

5 The swab is a simple kit, comes in a piece of
6 cardboard so they can dry naturally and be submitted to
7 SLED. All I'm, basically, doing is taking what I think
8 may be blood or some other fluid, swabbing against that
9 with a large Q-tip, a very long one so you don't have
10 to get too close. Swab the blood, place it in that
11 little cardboard container. Then I tape it up, write
12 by who it was taken, date and time and all that. And
13 we have it submitted to SLED to analyze that substance,
14 which I thought was blood. And it was on his feet. I
15 had been to the crime scene.

16 Q. And when you say SLED, you're talking about our state
17 laboratory?

18 A. Yes, ma'am, that's correct.

19 Q. You indicated you had been to the scene as well?

20 A. Yes.

21 Q. And you had observed --

22 A. Quite a bit of blood on the floor of that --

23 Q. Throughout the house?

24 A. -- crime scene. Yes, yes.

25 Q. And through the course of your investigation after

IDA MENENDEZ CROSS BY MR. STRICKLER

1 Mr. Hawes was taken into the custody, did you conduct
2 several interviews?

3 A. Yes, ma'am.

4 Q. And that would be to include traveling to Greenville?

5 A. Yes, ma'am, we traveled to Greenville..

6 Q. And you conducted an interview with Ms. Kimberly
7 Williams?

8 A. Yes.

9 Q. And Dr. Stacey Newsom?

10 A. Dr.. Newsom, yes.

11 Q. As well as Christine Dalheimer?

12 A. Yes, ma'am.

13 Q. And you received correspondence from Janelle Bondr in
14 Turkey -- from Turkey, I should say?

15 A. Yes, ma'am.

16 Q. As well as several other witnesses involved in this
17 case?

18 A. Yes.

19 MS. GARFIELD: Beg the Court's indulgence.

20 Sergeant Menendez, please answer any questions the
21 Defense counsel has.

22 THE COURT: Cross-examination?

23 MR. STRICKLER: Beg the Court's indulgence one
24 moment.

25 CROSS-EXAMINATION

IDA MENENDEZ CROSS BY MR. STRICKLER

1 BY MR. STRICKLER:

2 Q. Good morning, Sergeant.

3 A. Morning, sir.

4 Q. You were the assigned chief investigator in this case?

5 A. I was the assigned investigator along with a very large
6 team of help.

7 Q. Right. And you indicated that you went to the scene,
8 correct?

9 A. Uh-huh. Yes, sir.

10 Q. And you went there, actually, before you saw Mr. Hawes
11 himself, right?

12 A. Yes, sir.

13 Q. You had been there earlier on the day --

14 A. (The witness nodded head.)

15 Q. -- of the 28th?

16 A. That's correct.

17 Q. And you saw a good deal of blood throughout the house,
18 correct?

19 A. Yes.

20 Q. You've been here during the trial, the jury has seen
21 all the pictures. You, also, while you were there saw
22 a bucket or bag in the living room next to the couch?

23 A. Yes.

24 Q. With blood in it?

25 A. Uh-huh.

IDA MENENDEZ CROSS BY MR. STRICKLER

1 Q. Which you described as half filled with blood on the
2 floor next to the remains?

3 A. That's just an approximation on my part. CSI was
4 already on the scene, so I was not concerned whether I
5 was taking an exact measurement of the bucket of blood.
6 I just know there was a bucket there, looked like a
7 soft cooler.

8 Q. Right.

9 A. And it had blood in it. It appeared to be blood. I'm
10 not sure that that's what it was, but it looked like
11 blood to me. And how much was in it exactly, I'm not
12 sure. It was -- I can tell you it was not full, sir,
13 if that answers your question.

14 Q. Well, what answers my question is your notes,
15 contemporaneous notes indicate there was a bucket half
16 filled with blood on the floor next to the remains, is
17 that correct?

18 A. Let me confirm my notes.

19 Q. Third paragraph.

20 A. Yeah. And I probably should have put approximate, but
21 that's -- that's just an approximation.

22 Q. Okay.

23 MR. STRICKLER: Thank you.

24 THE COURT: Any redirect?

25 MS. GARFIELD: No, sir.

JONATHAN HOWDYSHELL DIRECT BY MS. GARFIELD

1 THE COURT: You may step down. Thank you very
2 much.

3 Next witness.

4 MS. GARFIELD: Thank you, Your Honor. The State
5 calls Jonathan Howdysshell.

6 THEREUPON,

7 JONATHAN HOWDYSHELL,
8 after having been duly sworn, testified as follows:

9 THE CLERK: Have a seat in the witness box, state
10 your name for the record and spell it, please.

11 THE WITNESS: Jonathan Howdysshell. You want me to
12 spell my full name?

13 THE COURT: Just your last name will be fine,
14 please, sir.

15 THE WITNESS: H-O-W-D-Y-S-H-E-L-L.

16 DIRECT EXAMINATION

17 BY MS. GARFIELD:

18 Q. Mr. Howdysshell, good morning.

19 A. Good morning.

20 Q. Would you please share with the jury where you're
21 employed?

22 A. Richland County EMS.

23 Q. What do you do at EMS?

24 A. I'm a paramedic.

25 Q. How long have you been in this position?

JONATHAN HOWDYSHHELL DIRECT BY MS. GARFIELD

- 1 A. Twenty years.
- 2 Q. And with being a paramedic, have you had extensive
- 3 training in emergency response medicine?
- 4 A. Yes.
- 5 Q. What kind of calls do you respond to?
- 6 A. All kinds of emergency.
- 7 Q. Anything?
- 8 A. Almost anything.
- 9 Q. Were you working on August 28th, 2011?
- 10 A. I was.
- 11 Q. Did you receive a call from the dispatch to Columbia
- 12 Police Department?
- 13 A. I did.
- 14 Q. What was the nature of that dispatch?
- 15 A. I believe it was a laceration call, I believe.
- 16 Q. And did you, in fact, respond to the Columbia Police
- 17 Department?
- 18 A. Yes, I did.
- 19 Q. Who did you treat at the Columbia Police Department?
- 20 A. A gentleman with some cuts to his hands and both
- 21 wrists.
- 22 Q. Do you --
- 23 A. Both wrists.
- 24 Q. I apologize for cutting you off. Do you have a copy of
- 25 your report?

JONATHAN HOWDYSHELL DIRECT BY MS. GARFIELD

1 A. I do not.

2 Q. Would that help you in refreshing your memory?

3 A. Sure.

4 Q. Does that report help refresh your memory as to the
5 name of the patient you were responding to?

6 A. Yes.

7 Q. Who were you responding to?

8 A. Hank Hawes.

9 Q. Why were responding to Columbia Police Department to
10 treat Mr. Hawes?

11 A. We were coming to check some cuts to both wrists and, I
12 believe, to bandage them and check him out.

13 Q. Had there been a complaint from Mr. Hawes?

14 A. No.

15 Q. Had there been a request from Columbia Police
16 Department to check him?

17 A. Yes.

18 Q. When you got there, what did you observe about his
19 injuries?

20 A. He had cuts to both wrists that appeared to be sutured
21 up.

22 Q. What do you mean by sutured up?

23 A. Stitches in both wrists.

24 Q. Did they appear to be self-inflicted?

25 A. I would say yes.

JONATHAN HOWDYSHHELL CROSS BY MS. PRINGLE

1 Q. While you were treating him, what did -- what course of
2 treatment did you provide him?

3 A. We first check and make sure we don't have any obvious
4 bleeding. The bandages looked to be a little messed
5 up, so we cleaned them, dressed them with some
6 Neosporin-type ointment. We wrapped the wounds, then
7 checked his vital signs, blood sugar, pulse and
8 respiration.

9 Q. When you checked his vital signs, was everything
10 normal?

11 A. Yes.

12 Q. Was there anything elevated?

13 A. No.

14 Q. Or anything out of whack?

15 A. No.

16 Q. Did you rebandage his injuries?

17 A. Yes, we did.

18 Q. How was his demeanor?

19 A. He didn't really say anything, just real calm.

20 Q. And was there any need to transport him for further
21 treatment?

22 A. I didn't see any need to.

23 Q. Was there any complaints from Mr. Hawes?

24 A. The only thing I remember him saying he was thirsty.

25 MS. GARFIELD: Thank you, Mr. Howdyshell. Please

JONATHAN HOWDYSHHELL CROSS BY MS. PRINGLE

1 answer the questions Defense counsel may have.

2 THE COURT: Any cross-examination?

3 MS. PRINGLE: Beg the Court's indulgence.

4 CROSS-EXAMINATION

5 BY MS. PRINGLE:

6 Q. Good morning, sir.

7 A. Good morning.

8 Q. You noted in your report the bandages were blood soaked
9 or mildly blood soaked?

10 A. Uh-huh.

11 Q. And this was at approximately -- you got there at about
12 7:00 p.m.?

13 A. Close, right.

14 Q. And you note that his heart rate, I think on page two,
15 was in the 118, 122 and 123, is that right?

16 A. Yes, I do see that.

17 Q. That's a touch high, isn't it?

18 A. A tad.

19 Q. Do you -- are you given the reason for why you're
20 called or are you just dispatched?

21 A. Most of the time -- usually, when we get a call from
22 the police, usually, it's an unknown complaint type
23 call that they just request EMS because they sometimes
24 don't know what medical reason to ask for.

25 Q. Okay. So you're just responding at the request of the

GEORGE WISE DIRECT BY MS. CAMPBELL

1 police?

2 A. Correct.

3 MS. PRINGLE: Thank you, sir.

4 THE COURT: Any redirect?

5 MS. GARFIELD: No, sir.

6 THE COURT: Okay. You may step down. You're
7 excused. Thank you so very much.

8 Call your next witness.

9 MS. CAMPBELL: Thank you, Your Honor. The State
10 calls George Wise.

11 THE CLERK: Raise your right hand.

12 THEREUPON,

13 GEORGE WISE,

14 after having been duly sworn, testified as follows:

15 THE CLERK: Have a seat in the witness box, state
16 your name for the record and spell it, please.

17 THE WITNESS: My name is George Wise, W-I-S-E.

18 DIRECT EXAMINATION

19 BY MS. CAMPBELL:

20 Q. Sir, where are you employed?

21 A. City of Columbia Police Department.

22 Q. What do you do there?

23 A. I'm a Columbia police officer and at this point in
24 time, I'm a crime scene investigator.

25 Q. How long you been in law enforcement?

GEORGE WISE VOIR DIRE BY MR. STRICKLER

1 A. I've been in law enforcement now almost 23 years.

2 Q. When did you join the crime scene investigation unit?

3 A. Back in February of 2010.

4 Q. And do you have any training, either on-the-job or
5 specialized training, as far as crime scene
6 investigation goes?

7 A. Most of my training has been on-the-job training
8 through other senior crime scene investigators. I've
9 also had training in fingerprint comparison, palm print
10 comparison. Also, had a class in crime scene
11 photographing.

12 Q. In addition to that, have you -- you mentioned a lot of
13 years on-the-job training, is that correct?

14 A. Yes.

15 Q. And you have specific training as to how to collect
16 evidence?

17 A. Yes.

18 MS. CAMPBELL: Your Honor, at this time, we'd
19 offer him as an expert just as far as collection of evidence
20 and crime scene investigation.

21 THE COURT: Any objection?

22 MR. STRICKLER: I would like to briefly voir dire
23 him.

24 THE COURT: That would be fine.

25 VOIR DIRE

GEORGE WISE VOIR DIRE BY MR. STRICKLER

- 1 BY MR. STRICKLER:
- 2 Q. Good morning, Mr. Wise.
- 3 A. Good morning.
- 4 Q. Just briefly, as to your training, you said most of
5 your training has been on-the-job training?
- 6 A. That is correct, sir.
- 7 Q. Okay. And that is what, responding to crime scenes
8 with another crime scene investigator?
- 9 A. Yes, sir, a senior crime scene officer, yes, sir.
- 10 Q. Okay. All right. And you have had some formal
11 training that you spoke about, some courses or
12 whatever?
- 13 A. Yes, sir. Part of my training was like fingerprint
14 comparison, palm print comparison.
- 15 Q. Okay.
- 16 A. To be able to run an AFIS machine for fingerprints.
- 17 Q. Okay. So you did print comparisons?
- 18 A. Yes.
- 19 Q. Have you had other training other than the on-the-job?
- 20 A. The other training I've had would be the crime scene
21 photographing class.
- 22 Q. Okay. Procedures to follow and photographing the crime
23 scene?
- 24 A. Yes.
- 25 Q. Okay. Document the scene. Any other training other

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 than -- related to crime scene other than --

2 A. No, sir, no other certifications.

3 Q. Okay.

4 MR. STRICKLER: Thank you very much, sir.

5 THE COURT: Any objection?

6 MR. STRICKLER: No objection to his testimony in
7 the areas he's qualified.

8 THE COURT: The Court so finds. Thank you very
9 much.

10 DIRECT CONTINUED

11 BY MS. CAMPBELL:

12 Q. I want to turn your attention to August 28, 2011. Did
13 you respond to an address in the Shandon area?

14 A. Yes.

15 Q. What address did you go to that day, sir?

16 A. .

17 Q. Monroe Street?

18 A. Yes.

19 Q. And is that here in Richland County?

20 A. Yes.

21 Q. When you got to the scene, were there any other crime
22 scene investigators already there?

23 A. Yes, the officer I came in contact was a crime scene
24 investigator, Paul Nelson.

25 Q. And, in fact, was he the lead -- I don't want to say

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

- 1 lead, but were you helping him that day?
- 2 A. Yes. I was still -- at that point in time in 2011, I
- 3 was still kind of under training and he was there and I
- 4 was there to assist him.
- 5 Q. Once you got to the crime scene, did you meet up with
- 6 Investigator Nelson and get some history of what was
- 7 done at that point?
- 8 A. Yes. He gave me a brief detail of what was, actually,
- 9 going on and what information he received from the
- 10 responding officer and the supervisor on the scene.
- 11 Q. And at that point, was there any information that was
- 12 given to you about who did it or the circumstances
- 13 surrounding it?
- 14 A. No, no information was given to me about that, if we
- 15 had a person of interest or suspect.
- 16 Q. Once you got there, did you do what's called a
- 17 walk-through or, basically, assess the scene before you
- 18 started collecting evidence?
- 19 A. Yes, once I came in contact with crime scene
- 20 investigator Paul Nelson, he spoke to me, gave me
- 21 information, then we did a walk-through examination of
- 22 the scene.
- 23 Q. And we don't need to go into details about what you
- 24 saw, but was there significant what appeared to be
- 25 blood evidence throughout this house?

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 A. Yes, what appeared to be a reddish-brown stain believed
2 to be blood was throughout the scene.

3 Q. Was the body of the victim in this case still there
4 when you got there?

5 A. Yes.

6 Q. Had EMS already been there?

7 A. The information I received, yes.

8 Q. Okay. Prior to doing any photographing or collecting
9 any evidence, did y'all, also, make the decision to do
10 a video of the crime scene itself?

11 A. Yes.

12 Q. Were you the one that, actually, took that video?

13 A. Yes, just before I photographed the crime scene, I
14 decided to go ahead and do a video of the crime scene.

15 Q. And did you have an opportunity at my request to view
16 the video and make sure it was accurate as to what you
17 saw that day?

18 A. Yes.

19 MS. CAMPBELL: Your Honor, at this time, we would
20 offer State's Exhibit No. 398 into evidence.

21 THE COURT: Any objection?

22 MR. STRICKLER: Your Honor, we renew our
23 objections as to the portions of it which we objected to.

24 THE COURT: Mr. Foreman, ladies and gentlemen, go
25 to the jury room. Don't discuss the case amongst

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 yourselves.

2 (Whereupon, the jury left the courtroom
3 at 10:12 a.m.)

4 THE COURT: All right. You have an objection, is
5 that correct?

6 MR. STRICKLER: Yes, sir, that was to that portion
7 of the video.

8 THE COURT: All right. Tell me specifically what
9 portion of the video you object to.

10 MR. STRICKLER: Yes, sir. That portion of the
11 video which depicts Ms. Wilson's body on the couch. And
12 that would be consistent with our earlier objections to the
13 photographs of her body that Your Honor ruled on.

14 THE COURT: Okay.

15 Solicitor, does the video depict any of the still
16 photos that I have ruled out?

17 MS. CAMPBELL: No, sir. In fact, this video was
18 taken before any of the photographs were taken and it,
19 actually, covers up more of her body than what some of the
20 ones that are in.

21 THE COURT: Okay.

22 MS. CAMPBELL: You can ask Mr. Strickler if
23 there's anything that's not consistent with what's in
24 evidence and I think he would agree with me.

25 THE COURT: So your objection is to the video

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 portion of the body itself?

2 MS. CAMPBELL: Yes, sir.

3 THE COURT: I understand she's covered with a
4 comforter?

5 MR. STRICKLER: Partially covered with a
6 comforter.

7 THE COURT: How far does the comforter come up on
8 her chest?

9 MR. STRICKLER: I remember mid-chest myself.

10 MS. CAMPBELL: I would agree with you.

11 THE COURT: So it shows the chest wound?

12 MR. STRICKLER: Yes, I believe the breasts are
13 exposed.

14 THE COURT: So you object to that?

15 MR. STRICKLER: My objections are to that portion
16 of the video, sir, which does include portions of her that
17 are reflected in the pictures that you ruled to be
18 admissible, but, of course, we objected to the admission of
19 the pictures.

20 THE COURT: I understand. That's why I'm trying
21 to be very specific.

22 MR. STRICKLER: Yes, sir.

23 THE COURT: How long is the video?

24 MR. STRICKLER: Twenty minutes, I believe.

25 MS. CAMPBELL: Fifteen, 20 minutes.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 THE COURT: All right. That's the sole objection?

2 MR. STRICKLER: Yes, sir.

3 THE COURT: And you agree with the solicitor --

4 MR. STRICKLER: Yes, sir.

5 THE COURT: Okay. All right. Objection

6 overruled. Thank you.

7 MR. STRICKLER: Thank you, sir.

8 THE COURT: Anything else?

9 MR. STRICKLER: No, sir.

10 MS. CAMPBELL: Your Honor, while they're out,
11 could I move this over here?

12 THE COURT: You want to take a short break while
13 you're getting it set up?

14 MS. CAMPBELL: Thank you, sir.

15 THE COURT: All right. We'll take about a five or
16 10-minute break, okay, while you get it set up.

17 (Whereupon, a short recess was held.)

18 THE COURT: All right. Are we ready to show the
19 video?

20 MS. CAMPBELL: We're ready to show the video. In
21 addition, Your Honor, just so we won't have to stop again, I
22 showed him a diagram that's on the actual same machine that
23 just shows a general diagram of the scene and the pictures
24 refer to it. He's seen that. I've shown him the diagram.
25 He wants me to bring out the fact that these footprints that

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 are indicated in some areas of blood that the amounts of
2 blood and the footprints are not accurately reflected, they
3 just show the general area.

4 THE COURT: Is that right?

5 MR. STRICKLER: Yes, sir. That the blood that's
6 indicated in the diagram reflects the general area of
7 footprints and general areas where blood's located.

8 MS. CAMPBELL: But not amounts or the exact
9 footprints. And I'll bring that out.

10 THE COURT: Okay. That's fine.

11 MS. CAMPBELL: Okay.

12 THE COURT: Why don't y'all take that thing down
13 up there.

14 MS. CAMPBELL: Okay.

15 THE COURT: I've been looking at it for three days
16 now.

17 MS. CAMPBELL: Okay. In addition, Your Honor --

18 THE COURT: If it was a Playboy calendar, it might
19 be nice, but take it down.

20 (Laughter.)

21 MS. CAMPBELL: Yes, sir. I, also, indicated that
22 I put in all of this evidence over here that they have
23 reviewed and I just wanted to see if there was any objection
24 to any of that.

25 THE COURT: Okay. Thank y'all.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

- 1 Anything else?
- 2 MS. CAMPBELL: That's all from me.
- 3 THE COURT: All right. Bring us the jury, please.
- 4 (Whereupon, the jury returned to the
- 5 courtroom at 10:32 a.m.)
- 6 BAILIFF: Jury's seated, Your Honor.
- 7 THE COURT: All right. Thank you very much.
- 8 The objection the Defense has as to the video is
- 9 overruled.
- 10 You may proceed, Solicitor.
- 11 MS. CAMPBELL: Thank you, Your Honor. May we
- 12 publish the video?
- 13 THE COURT: Yes, ma'am.
- 14 MS. CAMPBELL: Thank you.
- 15 BY MS. CAMPBELL:
- 16 Q. And, again, Investigator Wise, this is a video that you
- 17 made shortly after arriving at the scene that day; is
- 18 that correct?
- 19 A. Yes.
- 20 Q. Okay. Can you see this, sir?
- 21 A. No.
- 22 MS. CAMPBELL: Your Honor, may he step down?
- 23 THE COURT: Yes, that will be fine.
- 24 You may step down to view the video.
- 25 THE WITNESS: Thank you.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 (Whereupon, the video was played for the
2 jury.)

3 BY MS. CAMPBELL::

4 Q. What area does this show?

5 A. This is the outside area of the front part of the
6 duplex. And the victim, actually, lives on the left
7 side of the duplex (indicating). It's a one-bedroom,
8 one-bath unit. And, again, I'm showing you the address
9 here,

10 Q. You're, also, familiar with the layout of the duplex
11 itself?

12 A. Yes.

13 Q. I'm going to show you State's Exhibit No. 390. This is
14 not to scale, but does it fairly and accurately depict
15 how the apartment was laid out?

16 A. Yes.

17 Q. And in addition to that, there's some red spots that
18 depict some areas where blood may have been and some
19 footprints, but those aren't denoting all the blood or
20 the exact footprints or anything like that?

21 A. No.

22 Q. That's just a general area where those things were
23 found?

24 A. Yes.

25 MS. CAMPBELL: Your Honor, at this time, I would

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 offer State's Exhibit 390 into evidence.

2 THE COURT: Any objection?

3 MR. STRICKLER: Your Honor, 390 is the diagram. I
4 have no objection with the understanding that the blood
5 depicted both as to areas of blood and, again, as to the
6 footprints do not represent precisely the location of any
7 blood and precisely the location of any particular
8 footprints. They're just the general areas for reference.
9 With that understanding, I have no objection.

10 THE COURT: I think that was his testimony.
11 Admitted without objection. Thank you very much.

12 MR. STRICKLER: Thank you, sir.

13 (State's Exhibit No. 390 was admitted
14 into evidence.)

15 THE WITNESS: May I approach, Your Honor?

16 THE COURT: Yes, sir.

17 BY MS. CAMPBELL::

18 Q. Sure. Talk real loud, please.

19 A. I have to step in the way of the screen.

20 Q. Why don't you come on this side, it might be better.

21 There you go. What does this show, sir?

22 A. That shows a description of the outside area, this
23 being a concrete porch area and entrance to the front
24 part of the house -- or the residence.

25 Q. And as you scroll through and go down, what does this

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 show?

2 A. You come into the living room area and then we come
3 into the hallway area here, which I would say the
4 majority of this area here, all through the hallway,
5 bathroom, bedroom and the kitchen area was, basically,
6 almost saturated with reddish-brown substance we
7 believed to be blood. As you can see, it's all
8 saturated all through that area.

9 Q. Okay. Starting with -- there's certain numbers on
10 here. What do those reference to that we're going to
11 show the jury in a minute.

12 A. Each number represents a photo that we're going to show
13 you here in a few minutes.

14 Q. Starting with number one, can you show the photos?

15 A. All right. This photo right here will illustrate --
16 and, again, the location we're at is, actually, the
17 living room area. This right here is the foot of the
18 sofa. So if I was kind of like at this location here
19 where the victim is laying out, so this is, actually,
20 the front portion of the sofa and the foot part of it
21 right here (indicating). So the victim, actually,
22 would be right above this location right here on the
23 couch.

24 Q. What's in that photo?

25 A. Right now, as you can see in this photo -- zoom in a

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 little bit and we'll start from left. Right now, I
2 believe this location here, this right here is an
3 insulated bag or cooler. As you can see on the bag, it
4 displays a reddish-brownish, what appears to be blood
5 on the inside. As you can see, also, on the inside of
6 the cooler, you notice there's a large amount of
7 reddish-brownish what appeared to be blood substance
8 inside.

9 And outside, as we pan over to this location, you
10 can see a knife. At this location, as you can see, the
11 knife, also, displays a reddish-brownish stain, which
12 we believed to be blood.

13 As you pan upward a little bit, you can, also, see
14 that this right here is part of the blanket that the
15 victim is, actually, laying on. Also, back this way, a
16 reddish-brownish, which we believed to be blood, also.

17 Q. Okay. Moving on to number two. This photo is taken
18 from what angle?

19 A. This is, actually, as I'm entering into the hallway
20 from the living room area.

21 Q. And then go down to number three?

22 A. Now, this is one I have stepped into the hallway, you
23 make a left turn and you're looking into the bathroom.

24 Q. Moving on to number four?

25 A. Now, as you leave the hallway, as you enter into the

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 bedroom, this is the photograph right in the doorway
2 you enter into the bedroom.

3 Q. Number five?

4 A. As we move forward into the bedroom, we're, actually,
5 making a left turn. The bed would, actually, be on
6 your right-hand side. You will, actually, be on the
7 right side of the bed in this place. As you can see,
8 the reddish-brownish stain, what we believed to be
9 blood, on the floor board and on the wall.

10 Q. Number six?

11 A. Now, we move forward. We're now at the foot part of
12 the bed. As you can see, the footboard is still
13 covered with the reddish-brownish stain we believed to
14 be blood.

15 Q. Seven?

16 A. Now, we move to the left side of bed. As you can see
17 the large pool of reddish-brownish stain, which we
18 believed to be blood. If you pan over to your right,
19 you can see the bed itself was, also, saturated with
20 reddish-brownish stain, which I believed to be blood,
21 also. It's, also, saturated on the left-hand side.

22 Q. Next one?

23 A. As we move over, we're, actually, now looking at the
24 nightstand, which is on the left side of the bed. As
25 we zoom in further, you can see that there's a knife on

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 the nightstand. And as you can see, the knife is,
2 also, covered in a reddish-brownish stain, which is
3 believed to be blood. Also, you will see a water jug
4 containing the reddish-brown stain, which is, also,
5 believed to be blood.

6 Q. Next?

7 A. This photo here is right at the entrance to the
8 kitchen. As you walk into the kitchen, you see this
9 displays a large amount of reddish-brownish stain,
10 again, also, believed to be blood. And this is the
11 entrance as you enter into the kitchen area.

12 Q. Okay. Next?

13 A. As we move forward, closer into the kitchen, we're,
14 actually, moving in closer to the refrigerator area.
15 And, again, what it displays, if we zoom in -- you'll
16 notice here, as we zoom in, you'll notice, also,
17 there's a knife in the kitchen floor, which, also,
18 displays an amount of reddish-brownish stain believed
19 to be blood. Again, just another photo of the kitchen
20 area. I'm standing right at the doorway taking this
21 photo.

22 Q. Doorway to the outside?

23 A. Yes. If you lead around, you will, actually, be going
24 to the outside back porch area.

25 Q. Okay. Next?

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 A. Right here where the back door area of the kitchen, the
2 back door being on the right-hand side. And this is a
3 display of the knife block. And as we move forward to
4 the back door, as we step out of the back door, which
5 is like a covered laundry room area, there's a back
6 porch area. We have here a display of black in color
7 men's dress shoes.

8 Q. Okay. Thank you. After doing the video tape, then was
9 the crime scene photographed?

10 A. Yes.

11 Q. And, in addition, once the crime scene was photographed
12 as it appeared, were additional photos taken of the
13 victim's body there at the scene?

14 A. Yes.

15 Q. Did you then go about the task of collecting certain
16 items of evidence?

17 A. Yes.

18 Q. And, again, the information you have at this point is
19 just what responding officers were able to provide to
20 you and Mr. Nelson?

21 A. Yes, that's correct.

22 Q. Starting in the living room area, were there certain
23 items that y'all collected from there?

24 A. Yes.

25 Q. The first item I would show you is State's Exhibit No.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 353 --

2 MS. CAMPBELL: Your Honor, let me see if we can
3 expedite things.

4 Do you object to any of this?

5 MR. STRICKLER: Your Honor, the Defense has no
6 objection to the introduction of anything that was recovered
7 from this house.

8 THE COURT: All right.

9 And that's all 353?

10 MS. CAMPBELL: Your Honor, I'm going to -- I need
11 to go through the numbers one by one, but I think he'll let
12 them all in.

13 THE COURT: Okay. Do you know what the numbers
14 are?

15 MS. CAMPBELL: No, sir, I don't have -- Your
16 Honor, it will be 343 through 389.

17 (State's Exhibit Nos. 343 through 389
18 were admitted into evidence.)

19 THE COURT: All right. 343 through 389 admitted
20 without objection..

21 BY MS. CAMPBELL:

22 Q. I'm showing you State's Exhibit 353, is that correct?

23 A. Yes, 353.

24 Q. And what is that item, sir?

25 A. This item here is a kitchen hand towel that was

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 collected from the living room area.

2 Q. Let me get you some gloves. And where was that towel
3 located in the living room area?

4 A. That towel was located, actually, right beside the
5 cooler.

6 Q. The cooler on the floor?

7 A. Yes.

8 Q. Okay. Specifically, I'm showing you item 344. Do you
9 recognize that?

10 A. Yes.

11 Q. And does that include the actual cooler which you have
12 already explained to the jury had some blood in it and
13 on it?

14 A. If I may?

15 Q. Sure. And whenever you handle evidence, you should use
16 gloves?

17 A. Yes.

18 (Pause.)

19 A. Yes, from what I can see, this will be the cooler that
20 was right below the couch in the living room area.

21 Q. Okay. And when y'all collected that item, did y'all
22 alter or tamper with it or do anything to it?

23 A. If I recall, this cooler, actually, had a
24 reddish-brownish liquid in it. And if I recall, for us
25 to be able to transport, we had to, actually, dispose

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

- 1 some of that liquid to be able to place it into a bag.
- 2 Q. Show you what's been marked as State's Exhibit 343.
- 3 What item is that, sir?
- 4 A. This was the item I have as number 12. It's a water
- 5 jug that was located in the living room. And I, also,
- 6 recall that this would be at the foot of the couch.
- 7 Q. The foot of the couch?
- 8 A. In the living room.
- 9 Q. Item 346, what is that, sir?
- 10 A. This was the blanket that I removed from the couch
- 11 area.
- 12 Q. Okay. Was it on and around the body?
- 13 A. Yes, this was the beige blanket that I recall the
- 14 victim was, actually, laying on.
- 15 Q. Okay. And did you, also, in State's Exhibit 342 take a
- 16 swab from a sofa pillow there?
- 17 A. Yes.
- 18 Q. And in addition to that, in State's No. 345, did you
- 19 collect the knife that you previously talked to the
- 20 jury about there in the living room area?
- 21 A. Yes.
- 22 Q. And I show you 345, is that the knife?
- 23 A. May I open this up?
- 24 Q. Sure. You need some scissors?
- 25 A. Yes, please. I just want to look at it to make sure I'm

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 accurate.

2 Q. I'd you want, you can pull it out.

3 A. Yes. And may I explain why I know this is the knife?

4 Q. Yes.

5 THE WITNESS: May I stand up, Your Honor?

6 THE COURT: Yes, sir.

7 THE WITNESS: The reason why I say I recognize
8 this knife, this is, actually, a steak knife. It would be
9 different from the other two knives. This steak knife was
10 collected from the living room area.

11 BY MS. CAMPBELL::

12 Q. And this is the knife that was, actually, found on the
13 floor in the living room?

14 A. Yes.

15 Q. Near the body?

16 A. Yes.

17 Q. And all of these items, when you're going through them
18 and y'all collect them, you package them separately?

19 A. Yes.

20 Q. And was anything altered or tampered with while y'all
21 had it in your possession?

22 A. No.

23 Q. And then, ultimately, it would be sent to SLED for
24 testing?

25 A. Yes.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

- 1 Q. And, also, State's Exhibit 369, I believe there was a
2 comforter that was, also, collected from the scene?
- 3 A. Yes.
- 4 Q. And that was the comforter that was where in the living
5 room?
- 6 A. That was the one that should be covering the victim.
- 7 Q. Moving on into the hallway, were certain items
8 collected there in the entrance, I believe, to some
9 other rooms as well?
- 10 A. Yes.
- 11 Q. I'm going to show you what's been marked as State's
12 Exhibit No. 347. I believe that's the towel. Excuse
13 me, I didn't hand you the towel. What is that?
- 14 A. This is the underwear.
- 15 Q. The underwear?
- 16 A. That I recovered.
- 17 Q. In your opinion, is it man's underwear or female
18 underwear?
- 19 A. In my opinion, appears to be men's underwear.
- 20 Q. And I believe there's some cuttings out of it now, but
21 when you collected it, it didn't have those cuttings?
- 22 A. No.
- 23 Q. That would have been done during testing with SLED?
- 24 A. Yes.
- 25 Q. Where was that found, sir?

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 A. If I recall, it was located behind the door in the
2 closet.

3 Q. In the hallway?

4 A. Yes. There's a closet door that opens up into the
5 hallway. If I recall, it was, actually, pushed up
6 between the door and the wall.

7 Q. I'll show you what's been marked as State's Exhibit No.
8 354, it's a tank top. Was that also collected at the
9 scene that day?

10 A. Yes.

11 Q. And then some various towels throughout the house were
12 collected as well?

13 A. Yes.

14 Q. I'm not going to go through each one of those
15 individually. Moving on into the bedroom area, was
16 certain bedding collected?

17 A. Yes.

18 Q. I'm going to show you what's been marked as State's
19 Exhibit No. 360 and then 362. Specifically, the
20 comforter was collected from the bed?

21 A. Yes.

22 Q. As well as the sheets, both the top sheet and the
23 fitted sheet?

24 A. Yes.

25 Q. All the bedding was collected?

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

- 1 A. Yes.
- 2 Q. There in the room as well in State's Exhibit No. 357,
3 were there some pajama pants and some underwear that
4 were together there on the floor?
- 5 A. Yes, they were right beside the bed on the floor. They
6 were, actually, jumbled together when we collected
7 those.
- 8 Q. Did those appear to be male or female underwear?
- 9 A. Appeared to be female.
- 10 Q. And I'm showing you this, are these the pajama pants?
- 11 A. Yes.
- 12 Q. Were those, also, sent out to SLED for testing as well
13 as the underwear?
- 14 A. Yes.
- 15 Q. Which also had reddish-brown stains on them?
- 16 A. Yes. They were, actually, intertwined with the
17 pajamas.
- 18 Q. And, again, there were cuttings taken from these, but
19 when y'all sent them out, they were whole?
- 20 A. Yes.
- 21 Q. Moving on to the bedroom. Did you, also, collect a
22 shirt there at the scene? That would be State's
23 Exhibit 360.
- 24 A. Yes, that would be the light blue shirt that was
25 collected.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 Q. Again, where was this located in relation to the pajama
2 bottoms?

3 A. It was located on the floor right beside the bed, right
4 in that general area, same area.

5 Q. Same area? And the cutting had a mark next to it,
6 would that have been something SLED would have done?

7 A. Yes.

8 Q. The reddish-brown stains were on it at the time?

9 A. Yes.

10 Q. I noticed on the front is, actually, missing some
11 buttons?

12 A. Yes.

13 Q. Also, in the bedroom, there were some towels collected?

14 A. Bedroom, yes.

15 Q. As well as a wooden dowel that was on the floor?

16 A. Yes.

17 Q. Did you collect the victim's phone there at the scene?

18 A. Yes.

19 Q. And State's Exhibit No. 355 would be the victim's
20 phone?

21 A. Yes.

22 Q. Okay.

23 A. It's the phone right below the nightstand.

24 Q. Right below the nightstand?

25 A. Yes.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 Q. Okay. And were any socks collected there at the scene?

2 A. Should be one black sock.

3 Q. State's Exhibit 358?

4 A. Yes, one black sock.

5 Q. Okay. And those items were collected as well?

6 A. Yes.

7 Q. Finally, State's Exhibit No. 1 --

8 MS. CAMPBELL: Your Honor, I would move this into
9 evidence. It was inadvertently left out. This was marked
10 with a number of others.

11 MR. STRICKLER: (The witness nodded head.)

12 THE COURT: Okay.

13 BY MS. CAMPBELL::

14 Q. And where was this collected, sir?

15 A. It was collected off the nightstand.

16 Q. And has it also got a reddish-brown substance on it?

17 A. Yes.

18 Q. And that was the one from the bedroom?

19 A. Yes.

20 Q. Thank you, sir. Moving on into the bathroom area, were
21 there certain items of evidence you collected from
22 there?

23 A. I'm sorry, ma'am, say again.

24 Q. From the bathroom?

25 A. Yes.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 Q. Including some towels that were pictured on the floor?

2 A. Yes.

3 Q. And, specifically, in State's Exhibit 352, what was
4 that you collected?

5 A. This would be the shower head in the bathroom.

6 Q. Why did you collect that item?

7 A. It contained a reddish-brownish stain believed to be
8 blood on the sides of it.

9 Q. Okay. Moving on into --

10 THE COURT: Solicitor, let me interrupt you a
11 second.

12 You got any objection to 117 [sic], which was the
13 knife in the bedroom? I don't think that's been admitted.

14 MR. STRICKLER: No, sir.

15 THE COURT: All right. 117 admitted into
16 evidence.

17 MS. CAMPBELL: Thank you, Your Honor.

18 (State's Exhibit No. 1 was admitted into
19 evidence.)

20 BY MS. CAMPBELL::

21 Q. The kitchen, specifically, State's Exhibit 368, is
22 there a pair of black shoes on the back porch?

23 A. Yes.

24 Q. Did you observe any reddish-brown stains on these?

25 A. I did not.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 Q. Were there certain towels there at the entrance to the
2 kitchen that were collected?

3 A. Several towels collected from the kitchen entrance
4 right there.

5 Q. And --

6 A. They were all piled on the other.

7 Q. And, specifically, State's 366, do you recognize this
8 towel?

9 A. If I recall, this towel was, actually, the one covering
10 the back window to the back door.

11 Q. And did that towel have a reddish-brown stain on it as
12 well?

13 A. None that I recall.

14 Q. Do the photographs actually reflect that?

15 A. Yes.

16 Q. Thank you. Also, at the back door, State's Exhibit No.
17 367, was there a set of keys (indicating)?

18 A. Yes. If I recall, they were, actually, in the door.

19 Q. In the door lock?

20 A. Yes.

21 Q. And I noticed there's a remote here, what kind of car
22 does that reflect it goes to?

23 A. Showing a Volvo.

24 Q. Volvo?

25 A. Yes.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 Q. And those were the keys that were, actually, in the
2 back door?

3 A. Yes.

4 Q. And they have what appears to be a reddish-brown
5 substance?

6 A. Yes.

7 Q. Finally, State's Exhibit No. 364, what is that, sir?

8 A. This is a knife -- this was the knife that was located
9 on the kitchen floor that was collected.

10 Q. Can you open that up for me, sir? This was the knife
11 found where in the kitchen?

12 A. Right in the kitchen floor right close to the
13 refrigerator.

14 Q. Did it, also, appear to have a reddish-brown substance
15 on it?

16 A. Yes.

17 Q. Thank you, sir. Once you had collected various
18 physical pieces of evidence, did you, also, get some
19 swabs from the crime scene?

20 A. Yes.

21 Q. And are you trained in how to collect DNA swabs or
22 swabs that may be tested for DNA at a later time?

23 A. I've been instructed by senior crime scene officers how
24 to collect DNA.

25 Q. And did you use the procedures you were taught to do in

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 this case?

2 A. Yes.

3 Q. And did you make sure that none of them were cross
4 contaminated?

5 A. Yes.

6 Q. And I show you a number of DNA swabs that were taken
7 from the scene that day. State's Exhibit No. 338?

8 A. Swab one would be the bathroom doorknob outside. Swab
9 two would be the suspect's phone or what we believed to
10 be the suspect's phone. DNA from the kitchen floor,
11 the water jug, the shade handle and cell phone, which
12 would have been the victim's cell phone.

13 Q. In addition to that, did you also collect a swab of
14 what appeared to be vomit on the living room floor?

15 A. Yes, it looked like a yellow stain and we swabbed it,
16 which appeared to be vomit.

17 Q. Finally, you, also, swabbed different areas from the
18 victim's body there at the scene?

19 A. Yes.

20 Q. They were collected in 388, 336 and 389, those swabs?

21 A. Yes. This swab would be from the victim's bottom left
22 leg.

23 Q. Uh-huh.

24 A. This swab was from the victim's bottom right arm.

25 Q. Okay.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

- 1 A. And this swab was the victim's neck area.
- 2 Q. Once you had collected evidence in this case, this was
3 some of the evidence that was collected, did you then
4 proceed to another location?
- 5 A. Yes.
- 6 Q. Where did go to?
- 7 A. From that location, I left there and responded to
8 .
- 9 Q. And approximately what time of the day is this at this
10 point, is it still on the 28th?
- 11 A. Yes, it was still on the 28th?
- 12 Q. I want to talk about some of the items you collected
13 there. Was there bedding collected?
- 14 A. Yes.
- 15 Q. Was there, also, I believe a computer collected?
- 16 A. I don't recall. From my evidence sheet, I don't have a
17 computer collected.
- 18 Q. There were other people, also, collecting evidence that
19 day at the scene at Woodrow Street?
- 20 A. Yes.
- 21 Q. As well as some nitrate gloves. And, finally, did you
22 collect pieces of clothing there?
- 23 A. Yes, I collected a pair of blue jeans with a black
24 belt.
- 25 Q. A pair of blue jeans?

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

- 1 A. Yes.
- 2 Q. And what was the appearance of those blue jeans?
- 3 A. If I recall, they was, actually, a reddish-brown stain
4 that we believed to be blood somewhere on the outside
5 area of the blue jeans.
- 6 Q. I show you what's been marked as State's Exhibit 374
7 and ask if those are, in fact, the blue jeans you
8 collected?
- 9 A. Yes.
- 10 Q. And are these the blue jeans you collected that day?
- 11 A. Yes.
- 12 Q. And at the time you collected them -- there are, also,
13 cuttings taken out of them, would that have been done
14 during testing?
- 15 A. Yes.
- 16 Q. And the Woodrow Street address, is that the Defendant's
17 home?
- 18 A. From what I was told from the information from the
19 investigators.
- 20 Q. I want to turn your attention back to the 29th. Did
21 you proceed back to the Monroe Street address where the
22 victim was found?
- 23 A. Yes, we returned back the next day.
- 24 Q. And did you assist Investigator Nelson in getting, I
25 believe, some print evidence at that point?

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 A. Yes, footprint impressions.

2 Q. As well as a few additional photographs were taken?

3 A. Yes.

4 Q. I want to turn your attention to August the 30th, did
5 you participate in executing a search warrant and
6 collecting evidence from Hank Hawes, the person of Hank
7 Hawes?

8 A. Yes.

9 Q. And did that include collecting DNA swabs?

10 A. Yes.

11 Q. Where did you collect the DNA swabs from?

12 A. I collected swabs, actually, from Mr. Hawes. And then
13 I collected it from his left and right hand and left
14 and right foot.

15 Q. Did you, also, take what's called a buccal swab, a
16 known standard, to be used for testing later from him?

17 A. Yes, that's where we swabbed --

18 Q. How is that collected, sir?

19 A. That's where we take a Q-tip and swab the inside of the
20 individual's mouth.

21 Q. Prior to collecting your swabs, did you, also, have an
22 opportunity to photograph the Defendant and look to see
23 if he had any injuries that needed to be photographed?

24 A. Yes.

25 Q. And, again, this would be on August the 30th, so two

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 days after you had been initially at the crime scene?

2 A. Yes, this is correct, August 30th.

3 MS. CAMPBELL: Your Honor, at this time, we would
4 offer State's Exhibits 290 through 310 into evidence.

5 THE COURT: Any objection?

6 MR. STRICKLER: No, sir.

7 THE COURT: All right. 290 through 310 admitted
8 without objection.

9 (State's Exhibit Nos. 290 through 310
10 were admitted into evidence.)

11 BY MS. CAMPBELL:

12 Q. Why did you swab his hands and his feet?

13 A. With what appeared to be reddish-brownish stains
14 believed to be blood around that area, the
15 investigators thought it was necessary to swab that
16 area.

17 Q. And was this the first contact you had had with
18 Mr. Hawes himself?

19 A. Yes.

20 Q. And when did you find out about him doing any kind of
21 attempt to commit suicide?

22 A. I believe at that same time.

23 Q. I'm going to show you what's been marked as State's
24 Exhibit 290, what does that show, sir?

25 A. It shows the lips -- it shows the lips of the suspect,

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

1 basically, his facial area.

2 Q. And when you're taking these photographs, are you
3 looking for any possible injury?

4 A. Yes.

5 Q. So you documented things that could possibly be an
6 injury?

7 A. Yes, that's what I was instructed to do by
8 investigators.

9 Q. State's Exhibit No. 291, what area is that?

10 A. That's a photo of his knee, if I recall.

11 Q. Once you got there, did you become aware that he had
12 significant injuries to his wrists?

13 A. Yes. At that time point in time when we arrived there
14 at police headquarter, he, actually, had band-aids
15 around the wrists, both left and right.

16 Q. Were you able to pull the band-aids off in order to
17 document those?

18 A. If I recall, the investigators, actually, wanted
19 instead of me taking a picture of just the band-aids,
20 they, actually, wanted to see the actual wounds
21 themselves. So we, actually, pulled the bandage away
22 from the injury to be able to see what, actually, photo
23 was going to display.

24 Q. But then afterwards, you put the band-aids back?

25 A. Yes.

GEORGE WISE DIRECT CONTINUED BY MS. CAMPBELL

- 1 Q. So he wasn't hurt in any way?
- 2 A. No.
- 3 Q. Okay. State's Exhibit No. 292, does that show one of
- 4 his wrists?
- 5 A. Yes.
- 6 Q. State's Exhibit 293 -- actually, 294 is better and 295,
- 7 do those show his other wrists?
- 8 A. Yes.
- 9 Q. 297, what area does that show?
- 10 A. His fingers.
- 11 Q. 298 and 299, same thing, does that, also, show --
- 12 A. Yes, they were taken, actually, a close-up of some of
- 13 his injuries on his hand.
- 14 Q. This is on his hand?
- 15 A. Yes.
- 16 Q. This is the same injury, though?
- 17 (There was no response.)
- 18 Q. 300 and 301?
- 19 A. Again, that's, actually, where we took close-up photo
- 20 of his hands, the injuries.
- 21 Q. 302 and 303, again?
- 22 A. Again, yes, close-up photos of his fingers.
- 23 Q. Some of these were duplicate photos, but I just wanted
- 24 to make sure the jury has a full picture. State's
- 25 Exhibit 304, one with a scale on it, that's the same

GEORGE WISE CROSS BY MR. STRICKLER

1 injury?

2 A. Yes.

3 Q. And, again, this is his thumb?

4 A. Yes.

5 Q. Did you also photograph his feet injuries?

6 A. Yes.

7 Q. And State's Exhibit 306 is a close-up of 308?

8 A. Yes, we documented his injuries on his feet.

9 Q. And, finally, 309 and 310 are --

10 A. Yes, where we documented the injuries on his feet.

11 Q. If he had any other possible injuries or anything that

12 could be construed as an injury, would you have

13 documented it?

14 A. Yes.

15 MS. CAMPBELL: Beg the Court's indulgence.

16 Thank you, sir. I have no further questions.

17 THE COURT: Cross-examination?

18 MR. STRICKLER: Beg the Court's indulgence.

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. STRICKLER:

22 Q. Morning, Mr. Wise?

23 A. Morning.

24 Q. Do you have the photographs with you?

25 A. No, sir, I don't.

GEORGE WISE CROSS BY MR. STRICKLER

1 Q. My understanding is that you returned to the Monroe
2 Street address on the 29th?

3 A. Yes, sir, actually, returned back -- let me confirm
4 that for you. Yes, sir, actually, returned back the
5 29th, yes, sir.

6 Q. Okay. And collected some evidence there?

7 A. Yes, sir.

8 Q. Correct? Took some additional photographs there?

9 A. Yes, sir. I have in my notes here that Investigator
10 Paul Nelson, actually, photographed more evidence that
11 we collected on the 29th.

12 Q. I asked Mr. Nelson yesterday and he indicated that you
13 took the pictures?

14 A. Did he?

15 Q. One of y'all took pictures?

16 A. We took pictures, yes.

17 (Defendant's Exhibit Nos. 38, 39 and 40
18 were marked for identification.)

19 BY MR. STRICKLER::

20 Q. Let me show you what's been marked as Defendant's 38,
21 39 and 40 and ask if you recognize those?

22 A. Yes, sir, this photograph displays here the --

23 Q. Don't show it to the jury at this point time. I've got
24 to introduce it first.

25 A. I'm sorry.

GEORGE WISE CROSS BY MR. STRICKLER

1 Q. That's okay. You do recognize it?

2 A. Yes, sir, yes, sir, I do.

3 Q. Describe what it depicts.

4 A. Yes, sir. The photo, actually, shows part of the
5 bedroom area as you're entering into the bedroom, which
6 shows what I'm looking at is the rug area, looked like
7 part of the pillow casing that came from the bed and
8 looked like two towels.

9 Q. Okay. Which picture is that?

10 A. 38.

11 Q. Okay. And 39?

12 THE COURT: Are you going to offer them?

13 MR. STRICKLER: Yes, sir.

14 THE COURT: Any objections to 38, 39 and 40?

15 MS. CAMPBELL: These are photograph from the
16 second day, is that correct?

17 MR. STRICKLER: Right.

18 MS. CAMPBELL: No problem. No objection.

19 THE COURT: All right. 38, 39 and 40 will be
20 admitted without objection.

21 (Defendant's Exhibit Nos. 38, 39 and 40

22 were admitted into evidence.)

23 BY MR. STRICKLER::

24 Q. These were photographs that were taken on the 29th when
25 y'all returned to the scene?

GEORGE WISE CROSS BY MR. STRICKLER

- 1 A. No, sir, those, actually, should have been on the 28th?
- 2 Q. You didn't take the photographs on the 29th?
- 3 A. Sir, I can't recall if I took the photos when I was
- 4 there on the 29th to collect evidence.
- 5 Q. Do you recognize that document, sir?
- 6 A. Yes, I do recognize that document.
- 7 Q. Okay. Some of your notes?
- 8 A. Yes, sir.
- 9 Q. Does it reflect the 29th?
- 10 (There was no response.)
- 11 Q. Reflect your activities on the 29th?
- 12 A. Yes, sir, sure.
- 13 Q. What does that say?
- 14 A. August 29th, 2011, I returned back to
- 15 Street at 1600 hours and photographed and collected
- 16 items number 35, number 36, 38, and 39.
- 17 Q. Okay.
- 18 A. I see it.
- 19 Q. I'm sorry?
- 20 A. Do you want me to continue?
- 21 Q. You can finish reading that if you want.
- 22 A. Okay. Crime scene Investigator Paul Nelson collected
- 23 item number 37, all items were taken back to Columbia
- 24 Police Department headquarters and placed into the
- 25 crime lab for security.

GEORGE WISE CROSS BY MR. STRICKLER

- 1 Q. Okay. So you did take photographs there?
- 2 A. Yes.
- 3 Q. On the 29th. The State has indicated these were from
4 the 29th, so this would depict the scene on the 29th?
- 5 A. Yes, sir.
- 6 Q. The items you collected, do you remember where you
7 collected those items from on the 29th?
- 8 A. I'd have to look at my notes here. On the 29th, what
9 we collected would have been item 35, would have been a
10 shower head from the bathroom area.
- 11 Q. Okay.
- 12 A. A white towel from the bathroom floor. And then that's
13 when Investigator Paul Nelson went in to collect the
14 foot impression from the kitchen floor. Collected a
15 laptop from the kitchen area, I believe, on the kitchen
16 table, and then we collected a blue towel from the
17 bedroom, master bedroom floor area.
- 18 Q. Okay. Thank you, sir. You indicated on your direct
19 testimony that the cooler bag that you all collected
20 had a sufficient amount of, I guess, what appeared to
21 be blood in it and that you had to dispose of some of
22 it before you could package it, is that correct?
- 23 A. Yes, if I recall, it had some type of substance in it,
24 like reddish-brown substance --
- 25 Q. Right.

GEORGE WISE CROSS BY MR. STRICKLER

1 A. -- believed to be blood. As far as how much was in
2 that bag, I cannot recall, but I do recall that for us
3 to transport that bag, we had to dispose or empty that
4 bag for us to be able to place it into a paper bag,
5 sir.

6 Q. Okay. Turning to the Woodrow Street address, which
7 you, also, went to on the 29th -- or 28th, rather,
8 correct?

9 A. Yes, I left from Monroe Street and was advised by
10 investigations to respond to Woodrow Street.

11 Q. Okay. Did you take photographs at that scene?

12 A. Yes.

13 Q. You did? And you photographed and documented, I
14 believe you indicated you collected a pair of jeans
15 from that location?

16 A. Yes, sir, a pair of blue jeans with a black belt.

17 Q. Okay. And you indicated that there was some vomit on
18 the bed?

19 A. I recall, sir, there was like a yellow-type stain.

20 Q. Okay. Do you remember there being a yellow-type stain
21 on the bed and then on the floor by the bed?

22 A. I cannot recall that part. I just -- I don't recall,
23 sir.

24 Q. Okay. You documented that in photographs, didn't you,
25 what you saw on the bed?

GEORGE WISE CROSS BY MR. STRICKLER

1 A. Yes, sir. If I saw it on the bed, I should have
2 photographed it, yes, sir.

3 Q. I mean, that's what your job is, right?

4 A. Yes, sir.

5 Q. You come in and you document what you find, right?

6 A. Yes, sir.

7 Q. Okay. So if there were vomit on the bed, vomit on the
8 floor, you would have documented that?

9 A. I should have, yes, sir.

10 Q. Something unusual?

11 A. Yes, sir, I just -- just don't recall the part on the
12 floor, sir.

13 Q. Okay. I understand.

14 MR. STRICKLER: Thank you. That's all.

15 THE COURT: Redirect?

16 MS. CAMPBELL: No, sir.

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

19 MS. GARFIELD: Your Honor, may we approach?

20 COURT: Yes, ma'am.

21 (Whereupon, a bench conference was held
22 off the record, in the presence of the
23 jury, but out of the hearing of the
24 jury.)

25 THE COURT: All right. Mr. Foreman, ladies and

GEORGE WISE CROSS BY MR. STRICKLER

1 gentlemen of the jury, after talking with the attorneys in
2 the case, we're going to take a little longer lunch break
3 than normal because there's some technical things they need
4 to work out. They're going to talk about it and, hopefully,
5 that will speed up the process this afternoon. But it's
6 almost 12:00. If you'll be back in the jury room at two
7 o'clock, we'll get started at that time. And as I said,
8 that's a little bit longer than normal, but I think it will
9 benefit us in the long run. Please don't discuss the case
10 amongst yourselves. Leave your notepads in your chair. See
11 you at two o'clock.

12 (Whereupon, the jury left the courtroom
13 at 11:50 a.m.)

14 THE COURT: Anything from the State before we
15 break?

16 MS. CAMPBELL: No, sir.

17 THE COURT: Anything from the Defense?

18 MR. STRICKLER: No.

19 THE COURT: Okay. Thank you very much.

20 (Whereupon, a lunch recess was held.)

21 MS. GARFIELD: Judge, I think we're ready.

22 THE COURT: Y'all are ready?

23 MS. GARFIELD: Yes, sir. We both have an
24 objection to items that are coming in. Number one,
25 Ms. Pringle would like to introduce the Last Will and

GEORGE WISE CROSS BY MR. STRICKLER

1 Testament that the Defendant e-mailed to Stacey Newsom. She
2 wants to do that from these phone records, which it was
3 found on the phone records, the iPhone records. I have the
4 same objection as yesterday has to relevance.

5 You want to deal with that matter first, Judge?

6 THE COURT: Well, it doesn't matter. It's your
7 witness. Do you object to anything she's putting in?

8 MS. GARFIELD: Just one thing.

9 THE COURT: What?

10 MS. GARFIELD: A document was recovered from the
11 external hard drive of Ms. Wilson that she made in May of --
12 I'm sorry, in June of 2011. Essentially, it's just where
13 the victim is, for lack of a better word, Judge, I'm just
14 going to call it a diary excerpt where she's just writing
15 down some thoughts about her relationship between her and
16 the Defendant.

17 THE COURT: All right. Can I look at it real
18 quick and I will listen to the objection.

19 MS. PRINGLE: This document was found on an
20 external hard drive, you know, how you might buy an extra
21 one where you can plug it into your computer.

22 THE COURT: Thumb drive from where?

23 MS. PRINGLE: From Ms. Wilson's home.

24 THE COURT: Uh-huh.

25 MS. PRINGLE: Next to her laptop, I believe.

GEORGE WISE CROSS BY MR. STRICKLER

1 THE COURT: Okay.

2 MS. PRINGLE: The -- my only objection to this
3 will be we don't know who she's written it to, if she's the
4 one who authored it. We don't know anything about the
5 circumstances or the timing or if this is, actually, a
6 document that she drafted. It was found on a relatively
7 generic hard drive. This is not something off of a phone or
8 off of a computer. And it doesn't say it's to anyone, it
9 doesn't say it's from anyone. I think there are some
10 assumptions being made there.

11 THE COURT: You found it on the external hard
12 drive?

13 MS. GARFIELD: Yes, sir, in her home.

14 THE COURT: In her home?

15 MS. GARFIELD: Yes, sir.

16 THE COURT: Is that a similar place you found the
17 rest of --

18 MS. GARFIELD: There are two other documents found
19 on the computer, one of which Ms. Pringle was intending to
20 introduce, a letter that the victim --

21 THE COURT: That came from this same hard drive?

22 MS. GARFIELD: Yes, sir.

23 THE COURT: Okay. All right. Let me see the one
24 that you object to that she wants in.

25 MS. GARFIELD: Yesterday, I objected to the Last

GEORGE WISE CROSS BY MR. STRICKLER

1 Will and Testament being introduced. She's trying to get
2 that in through this witness because it's -- when he
3 downloads the cell phone, his e-mail is, also, downloaded,
4 which shows the Last Will and Testament being sent to Stacey
5 Newsom. And I have the same objection from yesterday.

6 THE COURT: There was something else I ruled on
7 your behalf yesterday.

8 MS. GARFIELD: Yes, sir. The letter that
9 Mr. Hawes wrote to Stacey Newsom from jail telling her how
10 much he loved her.

11 THE COURT: Okay. So it's that text where you're
12 talking about I want you to get everything I own, basically?

13 MS. PRINGLE: He sent an e-mail at 5:22 a.m. in
14 the morning to Stacey Newsom saying, essentially -- it's
15 titled Last Will and it's three sentences. And I can put my
16 hands on it, but having trouble at this moment, but it's,
17 basically, I leave all of my belongings and business to
18 Stacey Newsom. She has control over everything, but not my
19 family. They've introduced evidence of self-inflicted
20 wounds. They've introduced that he attempted to commit
21 suicide. It corroborates evidence that they've already
22 introduced. I, frankly, can't come up with any reason why
23 it's not relevant. It was on his phone --

24 THE COURT: I mean, what's the relevance to as far
25 as what they're trying to prove? I'm not sure what you're

GEORGE WISE CROSS BY MR. STRICKLER

1 trying to prove from a Defense standpoint as to relevance.

2 What's the relevance of that?

3 MS. PRINGLE: It --

4 THE COURT: Either one of these.

5 MS. PRINGLE: The Last Will corroborates that he
6 was trying to kill himself, that he thought he was going to
7 die that night. That goes to malice -- or the absence of
8 malice and passion. So I think it's absolutely relevant
9 that the actions that he took after speak to his state of
10 mind. But as part and parcel of that is that they've
11 introduced anyway. But it, certainly, goes to the absence
12 of malice.

13 THE COURT: All right. I will overrule both
14 objections and allow both of them in.

15 MS. GARFIELD: Yes, sir.

16 THE COURT: Anything else?

17 MS. GARFIELD: No, sir.

18 THE COURT: Y'all want to mark those last two
19 exhibits when you get a chance?

20 MS. GARFIELD: Yes, sir.

21 (State's Exhibit No. 421 was admitted
22 into evidence.)

23 THE COURT: Can I see the attorneys up here just a
24 second?

25 (Whereupon, a bench conference was held

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 off the record.)

2 THE COURT: Can I see the bailiff, please.

3 (Whereupon, a bench conference was held

4 off the record.)

5 THE COURT: Let me know when they're ready to come

6 in, okay?

7 BAILIFF: Yes, sir.

8 THE COURT: All right. Anything else before we

9 bring in the jury?

10 MS. GARFIELD: No, sir.

11 THE COURT: Is the jury ready?

12 BAILIFF: They passed a note back, so I'm not sure

13 what's on it, Your Honor.

14 THE COURT: Bring us the jury.

15 (Whereupon, the jury returned to the

16 courtroom at 2:19 p.m.)

17 BAILIFF: The jury is seated, Your Honor.

18 THE COURT: Thank you.

19 Call your next witness.

20 MS. GARFIELD: Thank you, Your Honor. The State

21 calls John Vanhouten.

22 THEREUPON,

23 JOHN VANHOUTEN,

24 after having been duly sworn, testified as follows:

25 THE CLERK: Have a seat in the witness box, state

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 your name for the record and spell it, please.

2 THE WITNESS: John Vanhouten, V-A-N-H-O-U-T-E-N.

3 DIRECT EXAMINATION

4 BY MS. GARFIELD:

5 Q. Investigator Vanhouten, please share with the jury
6 where you're employed?

7 A. I'm currently employed with the Columbia Police
8 Department.

9 Q. What are your duties with the Columbia Police
10 Department?

11 A. I am assigned full time to the United States Secret
12 Service.

13 Q. And explain what you do with the United States Secret
14 Service.

15 A. I'm a computer forensic examiner and a federal
16 financial crime examiner.

17 Q. What kind of educational background do you have to do
18 this job?

19 A. Two years college and numerous forensic training
20 schools across the country.

21 Q. And do you examine computers that are seized in
22 criminal cases?

23 A. Yes.

24 Q. As well as cell phones?

25 A. Yes.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Q. And, specifically, do you have experience in analyzing
2 iPhones?

3 A. Yes.

4 Q. Were you asked to analyze a series of devices that were
5 taken in this case that we're in court for today?

6 A. Yes, sir.

7 Q. Specifically, were you asked to analyze the iPhone of
8 the victim, Jennifer Wilson?

9 A. Yes.

10 Q. I'm going to show you what's State's Exhibit No. 5, do
11 you recognize this exhibit?

12 A. Yes.

13 Q. And can you share with the jury what that -- whose
14 iPhone that belonged to?

15 A. It appeared to belong to the victim, Jennifer Wilson.

16 Q. And I'm going to show you State's Exhibit No. 117. Do
17 you see a phone in that photograph?

18 A. I do.

19 Q. Is that the phone that belonged to Ms. Wilson?

20 A. It looks consistent to the markings.

21 Q. And I'm going to show you State's Exhibit No. 401, you
22 recognize this exhibit?

23 A. Yes.

24 Q. Is that also an iPhone?

25 A. Yes.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Q. And who does that iPhone belong to?

2 A. It appears to belong to the Defendant, Mr. Hawes.

3 MS. GARFIELD: Your Honor, at this time, I would
4 like to introduce State's Exhibit 401 into evidence.

5 MS. PRINGLE: No objection, Your Honor.

6 THE COURT: What was the number again?

7 MS. GARFIELD: 401.

8 THE COURT: 401? Any objection?

9 MS. PRINGLE: No.

10 THE COURT: All right. 401 in without objection.

11 (State's Exhibit No. 401 was admitted
12 into evidence.)

13 BY MS. GARFIELD::

14 Q. And those two phones, Investigator Vanhouten, you were
15 asked to analyze?

16 A. Yes, correct.

17 Q. Can you explain to the jury how you go about doing such
18 an analysis?

19 A. There are numerous tools and devices that we use to
20 extract data from cell phones. In this particular
21 instance, we used a system called Cellebrite. It's
22 probably the leader in cell phone technology
23 extraction.

24 In this particular instance here, we had to
25 extract what's called a physical extraction. Both

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 phones were screen locked. I had to pull all data off
2 the phone in order to bypass the screen lock. It was
3 successful. I was able to recover the pass code and
4 unlock the phone and extract, basically, all data off
5 the phone, to include logical stuff, which is stuff
6 that you can see, your photos, your pictures, your
7 calls, and unallocated stuff, which is stuff you can't
8 see, the deleted stuff, stuff waiting to be written
9 over.

10 Q. And were you able to prepare a report of these messages
11 between the Defendant and victim?

12 A. Yes.

13 Q. And you were, also, able to retrieve voice mails?

14 A. Yes. Apple is the only phone that, actually, stores
15 your voice mail on the device itself. You do not have
16 to call into the provider service. You -- the voice
17 mails are, actually, stored on the device itself.

18 Q. Is this what we refer to as a phone dump?

19 A. Yes, you can.

20 Q. Okay. Sort of a slang word?

21 A. Yes.

22 Q. And you were able to make a report of the text
23 messages, specifically, between the Defendant and the
24 victim?

25 A. That is correct.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 MS. GARFIELD: Beg the Court's indulgence.

2 BY MS. GARFIELD:

3 Q. Investigator Vanhouten, I'm going to ask you to stand
4 down. And we're going to share with the jury --
5 actually, before you do that, while she's setting that
6 up, I show you what's been marked as State's Exhibit
7 No. 399. Open that notebook and share with the jury
8 what that item is.

9 A. It appears to be only the text messages recovered from
10 the devices.

11 Q. And those would include text messages between the
12 Defendant and the victim, Jennifer Wilson?

13 A. Yes.

14 Q. You've reviewed these, correct?

15 A. Yes.

16 MS. GARFIELD: Your Honor, at this time, I'd like
17 to introduce State's Exhibit 399 into evidence.

18 THE COURT: Any objection?

19 MS. PRINGLE: No objection.

20 THE COURT: All right. 399 entered without
21 objection.

22 (State's Exhibit No. 399 was admitted
23 into evidence.)

24 BY MS. GARFIELD:

25 Q. Investigator Vanhouten, the messages that you just

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 review in the notebook, have you, also, reviewed them
2 on this TV screen?

3 A. I --

4 Q. Reviewed them previously?

5 A. Yes.

6 Q. I'm going to ask you to step down. And I'm going to
7 ask for the assistance of Ms. Bryan here in the
8 courtroom, who is much more familiar with computer
9 technology than I am to assist us.

10 If you can go to page 298. Investigator
11 Vanhouten, if you could explain what the color codes
12 mean to the jury.

13 A. The shades of yellow indicate that the call was made to
14 Jennifer Wilson and the shades of gray indicate calls
15 made from Jennifer Wilson.

16 Q. Okay. Are these calls or text messages?

17 A. I'm sorry, text messages.

18 Q. And, specifically, we want the jury to be able to be
19 familiar with these text messages. I'm going to ask
20 you to read them aloud and if you will start with the
21 third from the bottom, the question?

22 A. This one was sent to Jennifer Wilson. It's a question.
23 You want me to read the question?

24 Q. No.

25 A. Second one is from -- I'm sorry, from Hank Hawes to

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Jennifer Wilson. After I mentioned yoga this morning,
2 have you contacted or spoken to anyone about it or me?
3 Be honest if you have.

4 Q. And what date was that text message sent?

5 A. That was sent on August 17th, 2011, at 10:17 in the
6 morning.

7 MS. GARFIELD: If you could view the next page,
8 Ms. Bryan. If you could continue as Agent Vanhouten gets to
9 the bottom of each page.

10 BY MS. GARFIELD::

11 Q. And Investigator Vanhouten, if you will just read the
12 text, you don't need to signify who --

13 A. Okay.

14 Q. That is identified by colors who is making the text and
15 who is receiving it.

16 A. The response was no, why?

17 It just hit me that I thought I should ask.
18 Something is bugging me today, but I can't put my
19 finger on it. My intuition has me on alert, but not
20 sure for what. What exactly does Darr know about me or
21 our relationship? I guess that should include Stacey
22 as they talk. Please be honest.

23 Car me, LOL. That's short for laughing out loud.
24 Call me when you get a free minute.

25 Just that our relationship is stormy.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Did you elaborate, question mark.

2 No.

3 So no details, just stormy with Hank?

4 Just stormy?

5 The next one is babe, question, are you being
6 honest or afraid to tell me?

7 Babe, chill out. If you are this freaked out, go
8 to a different studio.

9 I'm just asking for an honest answer.

10 And I gave it and now you are badgering me.

11 I spoke to Darr this a.m. If you say it's true,
12 then I'll leave it be.

13 It's true.

14 And Stacey, no details, question mark.

15 Marriage based, but same concept.

16 So no details on Stacey?

17 Again, not trying to be mean, but, clearly, asking
18 about Stacey.

19 Again, not trying to be mean, but you be you. If
20 it's yes, it's yes. If it's no, it's no. My flight is
21 pushed to 11:30 to refuel. I just need an honest
22 answer about Stacey so I can make sense of something.
23 No worries, I'll figure it out on my own. Have a good
24 day. Sorry to bother you. Just trying to make sense
25 of conflicting information. Again, I'll figure it out

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 on my own.

2 Sorry, I was in a meeting with a grad student.

3 What conflicting info are you getting?

4 Does Stacey know details, again, another question
5 mark.

6 No, why? Why are you harassing me about this?

7 I've answered your question. Please answer mine.

8 You said yesterday she did. That she was a friend
9 and you talked to her and knows about us. And today,
10 it's no then, then it's no.

11 I sent you an article. I may do dinner with some
12 resource people tonight. If so, I will text you when
13 I'm done. Plane's ready, got to go.

14 Do you know why Soup Solutions comes up on caller
15 ID when I call people?

16 By the way, I did talk with her about us and I
17 told her it was stormy. It is not that today it's a
18 no, it's the same answer. Now, it's your turn. Can
19 you please answer my question?

20 Just finished flying. Call me. I'll answer your
21 questions. Post your questions. Are you busy? Call
22 me ASAP about ATT. Call me back.

23 Text when you leave in case I'm still there.

24 Okay.

25 Damn, somebody is getting raped, cruisers, dogs,

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 et cetera and parameter around the block. Welcome to
2 be back at school.

3 Yep. I wish this guy would answer his phone.

4 Screw this, I'm going somewhere else.

5 How is the Pot Luck? You still at Pot Luck, late
6 Pot Luck? Jen? Really? I'm home. I guess just show
7 up whenever. Are you coming, question mark. I'll just
8 wait up on you.

9 Okay, Jen, this isn't fair? How could you say you
10 would come over tonight and not even a courtesy text?
11 Why?

12 Babe, who are you with? Why are you not letting
13 me know if you're okay?

14 Q. Excuse me, Investigator Vanhouten, will you speak up?

15 A. All right.

16 Q. I know you can be loud.

17 (Laughter.)

18 A. Why are you not letting me know you're okay? Are you
19 safe? God, I don't deserve to worry about you. Please
20 let me know you're safe.

21 Babe, I'm worried sick. Are you home safe? Are
22 you drunk? Are you alive? Are you up at Pot Luck
23 until one a.m. during this week? Come on, Babe.

24 Hey, heading home.

25 Please head here. I've been waiting on you all

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 night. I really wish -- I really wish I would have
2 known. I was excited to see you. Now, I'm angry at
3 myself. Tonight was, is really hard on me because it
4 would devastate me if you were hurt. I just needed to
5 hold you close and realize you were safe and it turned
6 into make a choice. No, I'm not okay or sorry to make
7 you worry and reassure me. I'm torn up right now, Jen.
8 I needed to see you and you let me down. I'm
9 disappointed, but that's life.

10 I'm sorry you were worried tonight, last night,
11 however, the texts and the phone calls were not okay.

12 I'll be downtown for lunch if you're interested.
13 If not, no big deal. I had another interesting meeting
14 today and things got pretty in-depth. I'd like to tell
15 you what was said. Lunch?

16 I have to wait for the upholstery cleaners to show
17 up.

18 Working from home today?

19 Afternoon, I am.

20 Cool. My day has rocked, started at 6:00.

21 That is awesome.

22 First appointment at 6:45, met a client, then the
23 professor and coach did yoga at 6:45, got a ton out of
24 it with no distractions. Stacey looked at me as if she
25 saw a ghost, but no big deal. I think I may have our

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 counselor lined up. Do you have the Norway dates? I
2 have another quick meeting and I'm done.

3 I need you to reimburse me for your Sprint bill,
4 please. I have the receipt.

5 I'm sorry things didn't work out for us, but I
6 won't have the passive aggressive behavior.

7 May we speak civil via phone to close all the
8 doors on this?

9 Every one of those idiots you named for drug use,
10 you need to stay away from, especially the ones that
11 educate kids. They will drag you down and you're
12 smarter than that. Can we agree on a truce? I'm not
13 saying I want you back because I don't, but I don't
14 want either of us bad mouthing. Tried to call you to
15 discuss, Jen. I'm trying to call you for a peaceful
16 end.

17 I didn't want to this to end badly. I've never
18 threatened you and have never bad-mouthed you and don't
19 plan to start now. Can we speak peacefully via phone,
20 please?

21 Well, Jen, you've admitted to saying a variety of
22 one-sided negative things about me. I can only assume
23 you plan to continue to exile me in this town, me as
24 you said yesterday on your sofa. Last request to
25 clarify with phone call. I'm trying to be sure we're

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 on the same page, please. If we're on the same page,
2 no need to discuss it. Humor me, please.

3 I have the receipt for the \$180 Sprint bill. I
4 paid for you this week. How do you want me to send it
5 to you?

6 In the mail is fine.

7 Can I scan it and e-mail?

8 That is fine.

9 Will you take my call? I'm asking nicely.

10 We have nothing to discuss right now.

11 Your choice. I do love you and maybe one day, if
12 so inclined, we can try you and I again. We were so
13 close and the intimacy was amazing. We -- I was really
14 looking forward to Norway. Maybe some space will help
15 us realize that we lost and bring us back together
16 before it's gone forever or before we both move on.
17 I'm disappointed we gave up.

18 Thank you for being the greatest love I've ever
19 felt for someone named -- I can't believe I'm saying
20 this, but if there is a chance, no matter how slim, for
21 us to make this work, I will give it a shot.
22 Counseling is a must. Nothing is ever broken beyond
23 repair in love. Your thoughts. I want to throw a hail
24 Mary for you. I'm really hurt right now. We don't
25 want to make any rash decisions.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Me, too.

2 Does that mean we split or hanging in there or
3 both? I'm referring to hanging in there.

4 The stupid thing is we both say stupid, hurtful
5 things and they do not reflect our heart. I don't want
6 to say hurtful things and I have never been one to do
7 that, which is why I said I don't like who I am in this
8 relationship.

9 Let me know either way. I don't want to move or
10 sleep with anyone else until I know that we're not
11 going back.

12 I think we can be friends and maybe in the future
13 try again, but right now, my feelings are too intense
14 and until I can keep them on check, I don't want to say
15 mean, hurtful things to you. I love you and you
16 deserve better.

17 I will write a letter tonight and e-mail it to you
18 because I want you to know how special you are to me.
19 You may choose not to believe me, but all I can do is
20 try my best and hope that one day you will understand.

21 I will cover the counselor to verify we can't
22 recover if you will take that final step with me. It's
23 worth a shot and we both go in honest and bear our
24 soles. Baby, I'm histrionics. Be glad I'm giving you
25 a free pass. I love you too much to care what you may

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 or may not be. You deserve better. I would like to
2 take a shot at getting our communication right with a
3 counselor.

4 You're right, we both do. That's why we owe it to
5 ourselves to know. So let's give time and space a
6 chance to heal our wounds, to know if we can save this
7 life. And if we decide in the future to try again, a
8 counselor would be mandatory.

9 They said it's best to try while the hurt is
10 there, nothing gets masked. We have nothing to hide
11 and fix it at its worse. Waiting just gives other
12 people and scar tissue time to build. I'm in if you're
13 in. I think I can have an appointment tomorrow or
14 Monday.

15 No.

16 We could be throwing our best life ever away. So
17 should I move on?

18 We could, but I believe if we are meant to be
19 together, then we'll find each other again.

20 Like you said -- like you said in your earlier
21 text, with a whole new set of issues, I want you to be
22 the last woman I care to be with, with, no others in
23 between. One session, one hour of our life to heal, to
24 repair, to know. If I'm so special, am I not worth
25 that hour? I know you are.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 No, Hank, stop, please. Give me time and space.

2 As you wish. Goodbye, Jen. I love you.

3 I love you, too. Goodbye.

4 I miss you already. You're killing me. I so
5 wanted to send you a funny story about the upholstery
6 cleaners, but I'm really trying to do the right thing
7 here.

8 Baby, just go with it. I want you really bad.
9 They asked me what the stains were. I said I didn't
10 know. They said looks like milk. Ha, I was so
11 embarrassed.

12 Too funny. Want to play? I could tear you up
13 right now. No talking allowed, just um, um, um, um
14 sex. One promise, no talking.

15 LOL, as tempting as that is, no.

16 Why? I want to play. You just gave me a hard
17 time for saying that in jest and now you want to just
18 do it?

19 No.

20 Not talking about how our minds work, baby. I'm
21 really hard. And you and I get that right. Um.

22 Always? Come on.

23 Yes, we do, loving deep, no wet, rip the sheets,
24 um.

25 I'm good with that, leave.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Come on, I want to be inside the most amazing girl
2 I know. See, you do, too.

3 LOL, no.

4 But when things have settled down between you and
5 me, I will still be waiting to teach you the assessment
6 if you want to make up for the appointment --

7 Let's do it. No strings, seriously, no strings.
8 I love pulling you into me. Just sex. Nothing more.
9 Say yes.

10 Great. I'm on the way. Get naked. I'll leave as
11 soon as we finish so I can grieve.

12 LOL.

13 I am so turned on by this. I love inside you.
14 Get naked. I'm down the street. Seriously, no
15 talking, just um. Promise me. God, I can almost feel
16 you. Don't start without me. I'm close.

17 Stop, please.

18 Who's here? I'm out front. Who is that? FDY632.

19 Sentra.

20 Jen, are you going to answer or do I knock?

21 Really? I'm not a fool. Nice, Jen. Running plates.
22 I have a great guess. Not cool, Jen. Back on plan A.
23 Later. I'm a damn fool. Care to explain?

24 There, I have nothing to explain. You're jumping
25 to conclusions.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Well, who's car? Black Sentra. Waiting on plates
2 to come back.

3 So?

4 We were sexing and it was there. I'm listening.
5 If it's not a big deal, why can't you just state what
6 it is.

7 Well, don't think of a story, tell me the truth.
8 God, just be honest or I'll be honest for you.

9 No response, huh? Time to come out to the world,
10 Jen. Just come clean for once. You're busted again.
11 I've got the V mail I picked up on that. You talked
12 about sleeping with the married chair because you know
13 it will help you. I remember hotel. Give me the truth
14 and I can accept it. I stuck with you through all the
15 other bullshit you've pulled. If no response, then
16 enjoy your empty, selfish, ruthless life. Karma never
17 sleeps and runs faster than you. I pray you change
18 your ways and thrive. Until then, I will pray for
19 mercy on your wicked self. If I don't hear from you, I
20 will move forward.

21 And ever since, very well, you have made your
22 choice and the choice for those that associate with
23 you. May you be given the gift of the third eye to see
24 it. Also, shame for Chandra for cheating on his wife
25 verified by you on tape at South Carolina. Smart, but

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 apparently not too much. So how long? Got an e-mail
2 and Stanley Steemer was not there when out front.

3 Weird, huh? And he just stopped by at random? Whore.

4 It will all come together after I'm done. Later.

5 And PS dumbass, how did he have your address? Again,

6 liar, whore. And you will both get what you deserve.

7 Karma. And I do deserve happiness from a truthful

8 person..

9 I reviewed the videos and spoke to -- I reviewed
10 the videos and spoke to my attorney and I was clear on
11 -- clear the tape, the truth will suffice without you,
12 Chandra and the others. People need to be protected
13 from parasites like yourself. Don't worry, I'm
14 reporting all the cheating -- and the pot smoking
15 verification from you about Chandra, proper officials
16 and photos. Sorry, I've had it with you, your fucked
17 up friends and your games. Game over. You ran this BS
18 game on -- surprise.

19 Why, Jen? I have eyes and your blinds were
20 opened. Chandra was in your apartment when Stanley
21 Steemer man was pulling out. And I remained there
22 after they left. I'm really hurt over this. But it's
23 always all about you. At least, Lisa is flying in to
24 help me clean up this mess. I'm unimaginably hurt, but
25 trying to let this ridiculous situation go.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I would like to meet one last time face to face to
2 help me gain some closure on this. Public place is
3 fine, preferably before Lisa gets here. Let me know.
4 Can we meet at Starbucks downtown at 10:30? I would
5 like peace between us and it really won't take long.
6 It would mean a lot and help me greatly. I don't care
7 to rehash anything, just want peace and to say a few
8 words. I don't care -- thanks. Are we going to meet?
9 We can do 11:00, if it's better or over lunch. But if
10 it's no, then it's no. But 15 minutes to give me
11 closure and ensure peace for both.

12 Hey, Jen, I wanted to say this to you in person,
13 but it seems it may not happen, so here goes. Thank
14 you.

15 And please take the time to check out my story
16 with the carpet cleaner. It may put some of your --

17 Q. I'm going to stop you at that point. That was the
18 first response she had --

19 A. Yes.

20 Q. -- in this entire string?

21 A. Well, right there (indicating).

22 Q. Okay. Thank you.

23 A. Okay.

24 Q. Go ahead.

25 A. Okay. Babe, I was outside when they pulled away. I

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 walked to the back and Chandra was inside. It's okay,
2 sweetheart, I failed you.

3 They had to get gas. The door was still opened
4 and the hose was still there. They were back in five
5 minutes and we left with them. Check it out if you
6 don't believe me.

7 Was Chandra inside?

8 Yes.

9 Your e-mail said he wasn't. I love you, baby.

10 We were looking at a conference room on my CPTRT
11 and it doesn't matter. And I'm looking at my -- you're
12 wrong. Reread it.

13 You're right, it don't matter unless it makes --
14 unless it makes I feel less like a fool. Jen, I really
15 love you and I want the best for you. I will accept
16 the blame.

17 Thank you. The feeling is mutual.

18 It doesn't matter what did or happened, I miss
19 you.

20 Well, that is your choice. I'll offer the info
21 for you, you gave the names of people you can confirm
22 it with. Do with it what you will.

23 Baby, I don't want to investigate anything any
24 more. I just want to be happy and have family more
25 than anything.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I believe you. I wish all of that for you. If
2 there's anything you need from me, let me know. Good
3 luck.

4 Same for you, Jen. Feel free to text or call as I
5 will invite your friendship when you're ready. Maybe
6 you can witness a change from a safe distance. I am
7 forever grateful. You helped me complete most of it.
8 Love you, Jen. Bye for now.

9 Love you, too. Bye. Smiley face.

10 Oh, almost forgot, if you're ever feeling frisky
11 and want that perfect fit, I'm game, no strings, just
12 great sex. You know how to reach me. Kind of frisky
13 right now, but respect you too much.

14 Oh, my God, I was thinking the same. Your place
15 or mine. Remember no strings.

16 Where are you?

17 I'm home. I don't want to be Stacey.

18 You'll never be her.

19 Look, where are you? Come over.

20 Oh, my God, I can tear you up right now.

21 Seriously, no talking, just sex.

22 If I didn't love you so much, I would do it, but I
23 respect you too much.

24 Stop the BS, this is sex. Come over.

25 I don't want you to think it's only about sex.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Look, and I know I'm not there yet. I consider
2 you a close friend. I still care too much. The
3 benefits, stop thinking and come fuck me.

4 But I hope you know what I'm thinking -- I hope
5 you know I'm thinking about you.

6 LOL, is it that hard, come over?

7 I don't want a friend -- I don't want a friend
8 with Beanie, I want to feel you.

9 I want a boyfriend. Start with sex tonight,
10 boyfriend, we can talk about later.

11 Jen, come over now. I'm naked and hard.

12 Oh, this is so hard.

13 Just do it. I was thinking -- I was up thinking
14 of you.

15 Duh, a sign, come over.

16 You know I would, but I'm afraid you will use it
17 against me.

18 Jen.

19 Like a videotape or something.

20 Just do it.

21 I think I'm too scared to chance it.

22 Then don't, but God, I want you in my bed.

23 Then do. I will come to you.

24 Jen, I want you.

25 No, I'm too afraid.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Close, deep, get over it. So am I, but I'm
2 willing to chance it.

3 No, seriously, couldn't sleep last night because I
4 had horrible dreams about you.

5 I'm coming over, okay?

6 I'm seriously afraid.

7 I know.

8 Please don't.

9 Then come here, but make a decision. Take a
10 chance.

11 I love you. Good night.

12 You're not coming over after telling me you want
13 me? Jen, I'm here.

14 Please don't be mean. You scare me. And if I
15 felt safer, I would come over. I probably shouldn't
16 have texted. I'm sorry.

17 You have nothing to fear. I'll turn my phone off.
18 Your choice. I won't beg. It would be great.

19 No, you might video everything and that worries me
20 deep.

21 You make the call.

22 I didn't want sex tapes out on me.

23 Okay. Enough BS. I love you, goodnight.

24 I want to feel you close. No more BS. Come over
25 or don't.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Huh, BS? Starting not to care. No taping.
2 Okay.
3 No talking. Are you coming or not?
4 No.
5 Then goodnight. I got the message. No worries,
6 sorry to bother you.
7 I want you, but don't screw with me.
8 Really? It didn't appear that way.
9 Really?
10 Get in your car.
11 I got the feeling I was bothering you. Come over.
12 We both need this and you're dragging it out.
13 Come over. Answer your phone.
14 No. You are right. We both do need it, but I'm
15 too frightened. I'm sorry, I won't text you again.
16 Can I come over and make love to you then, then
17 leave or you here? Real love, question mark nine.
18 Then come over right now.
19 How long?
20 How long? I don't understand.
21 Are you coming over? Take a chance, I assure you.
22 No, I'm sorry.
23 Talking to you made me feel -- made me see that
24 you're still really upset and that scares me.
25 You are safe. I'm not upset. I'm sorry, I should

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 never have toted you. I just missed you, but that is
2 not an excuse. I'm just tired of wasting time. Please
3 forgive me. I'm really sorry. When I could be loving
4 you, come over. I'm really hard and I miss you
5 terribly. Please come over.

6 I miss you, too.

7 Then do it. Come on, Curly Q. GN misses you,
8 too. Get in your car and come for a visit.

9 I can't. I can't risk it, I'm still too
10 frightened. But God, I love you. I'd love to hold
11 you. At some point, you have to say fuck it.

12 I'm all in. No matter what, I'm there. Lay
13 beside me tonight if you love me.

14 Not when somebody tells you they will ruin your
15 life brick by brick. I have to be a bit more careful.

16 Then chance it, okay? You're starting to turn me
17 off. You coming over or not?

18 I do love you, but I fear I'm walking into a trap.

19 Oh well, get over it. It's not. So again, coming
20 over or not? Goodnight.

21 I really do love you. Goodnight.

22 I wish you had said yes.

23 I love you, too. For both of our sakes, I almost
24 made a stupid mistake tonight because I wanted to feel
25 love and thought of you and got out and then this.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I could use a good cuddle if you're not up for
2 sex. You in?

3 You coming over, question mark.

4 Well, besides, I can't video in the dark. You
5 coming, Jen? Please tell me as I'm up now. As a
6 courtesy, damn. Now, I'm just frisky and not liking my
7 options. I'm a great boyfriend, by the way. We should
8 probably talk about this because sooner or later, one
9 of us is going to be so crazy hot and we're going to
10 want real sex. I'd rather it be you and I because it's
11 safe, but we should figure it out. If you're still
12 frisky, come on. And yes, I miss you, too.

13 You awake?

14 Yes.

15 Well, up, come over for a few minutes. It will be
16 okay.

17 I don't think it's a good idea.

18 I'm so done thinking. I would like to cuddle up,
19 have some intimacy and go from there. No expectations
20 outside of that.

21 I wish we could, but we're not good for each
22 other. We bring out the worst in each other and I
23 can't do that to you or me any more.

24 We are great being intimate together. That's all
25 I'm asking for.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I know, but we didn't need to be friends with
2 Beanie. It does get -- it does get what either of us
3 want. You will always be more than a friend. That
4 should have -- doesn't yet.

5 I know I love you too much to be friends with
6 Beanie. And it works until we figure out what we want.
7 I'm really lonely right now. We know what we want. I
8 don't want any one but you.

9 But I don't want to figure all the other stuff out
10 right now. I just want to be beside you.

11 When is Lisa getting here?

12 She was checking twice last night.

13 I don't want her to come.

14 Why?

15 She will push me to hook up with someone because
16 she knows my heart is attached to you. Twisted.
17 Different. But then I feel like I could never go back,
18 like I broke that value to you.

19 Come over.

20 I'm going to yoga. I don't want to talk about
21 stuff, just be close.

22 After yoga then?

23 What time is it over? Or come here first.

24 I don't think it's a good idea.

25 You keep saying that. I'm not going to beg you.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I love you and I want some intimacy from you. Anyway,
2 I'm lonely and that's a bad thing.

3 I love you, too.

4 Then stop thinking and come over. I'll wait on
5 you. I'm in bed.

6 No, I'm sorry.

7 No problem. Have a good weekend and I love you.

8 Love you, too.

9 Jen?

10 Yes.

11 I really miss your touch, but I'm too lonely to
12 let this last. Have you thought about that?

13 Thought about what part specifically?

14 Needing to be with somebody -- or needing to be
15 with someone. I just want you happy. I need to be
16 with you, but you say not a good idea. I'm lonely.
17 I'm crazy frisky and the girl I'm in love with keeps
18 telling me we're bad for each other.

19 You don't think so?

20 No, I don't.

21 Reread your text and remind yourself.

22 Jen, people say and do some really stupid things
23 over love. My love for you is genuine. It's real.

24 That may be true for you, but it's not what I
25 want. I want you, but in a better relationship.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Yeah, me, too.

2 Unfortunately, we don't have a better
3 relationship. It's like yoga, you don't have it
4 perfect overnight. We tried it and it didn't work.
5 You have to work on it.

6 Very well.

7 -- you also recognize your limits. I gotta go,
8 yoga.

9 Yeah, have fun.

10 I'm going to eat and head out.

11 Did you contact anyone about me given the
12 situation? I'm not upset if you did. Just getting
13 some odd text calls. You don't have to answer. It's
14 not important. I love you no matter.

15 No, no one. What kind of texts? Actually, that
16 is not true. I told my therapist. I don't know if
17 that counts.

18 It does, that I love you.

19 Huh? What kind of message?

20 Just BS from the past.

21 What to meet me at two o'clock, my place, or 1:30?
22 I'm still really frisky from last night. Don't think
23 -- don't think yourself out of it. You just might like
24 it.

25 I thought you were leaving town.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Not today, going out tonight.

2 I'd like to see you now. So 1:30 or do dinner
3 with me as a friend?

4 LOL, you are so persistent.

5 I know. You wouldn't want any one who wasn't
6 persistent. Love you.

7 1:30?

8 I'm headed there now to my place. I'm excited to
9 see you.

10 No, I'm not going to do this to us.

11 Will you take my call, Jen?

12 No, because we are not nice to each other when we
13 talk.

14 I promise I'll be nice. I'm not mad about
15 anything. I'll try again.

16 No, not until you don't get your way.

17 Jen, learning short and sweet is on my list, too.

18 I think that your MO, wear the person down until
19 they agree just so they -- sorry, I think that your MO,
20 wear the person down until they agree just so they
21 don't have to talk any more.

22 I just have a hard time getting to this point
23 sometimes. Oh, my God, going down on the outside is a
24 major turn on.

25 Are you going to Wal-Mart at all?

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Nope.

2 Damn.

3 That place causes my stress.

4 One thought, remember Stacey's letter to her dad.

5 Even in the worse of times, I was never violent. I'm
6 not that.

7 I can't sleep with you, that would make be too
8 vulnerable.

9 Call me, please.

10 What about the other?

11 I think it's best for you -- I think it's best for
12 you to move on. It breaks my heart, but it's one of
13 those tough decisions we have to make in life.

14 I hate it, too, but I've tried my best. Just give
15 us the counseling appointment to see. I hope we can
16 still be friends, but I respect your decision.

17 Thank you and I will always be your friend.

18 I disagree with it, but I respect it and love you.

19 I love you, too.

20 Feel free to be yourself with me now.

21 What do you mean?

22 I'm heading for drinks to take my mind off this.

23 It seems like you're sticking to your guns under
24 someone else's advice that doesn't know me. I hate to
25 lose you, but I will go. By the way, this afternoon

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 would still have been nice.

2 It was really nice, which is why this was so hard.

3 I'm not sure I really know you.

4 It's because it's real and it can work.

5 I thought it did, but now I'm not so sure.

6 It wouldn't feel like that if it wasn't.

7 I know. I wish you were always like you were this
8 afternoon.

9 Jen, that's what I'm trying to show you. I liked
10 who I was today a lot, that's why I ask you to consider
11 my request. I'm calling you.

12 Baby, I'm not saying we will never work, just not
13 now. Be good at being the man you like and I'll work
14 at being the woman I like and then maybe we can try
15 again.

16 Take my call, please. I'm leaving in about 20
17 minutes. I would love to see you. Don't overthink it.
18 Just say yes, give it a chance.

19 LOL. I'm going to bed. I will call you tomorrow.
20 I'm not saying no, but not tonight. Is that fair?

21 Sure, sleep well.

22 You, too.

23 You awake?

24 I am now. What's up?

25 I just wanted to snuggle you.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I slept 10 hours. It felt so good. Thank you for
2 getting rid of my nightmares.

3 How?

4 By being nice. Smiley face.

5 What you doing today?

6 Yoga, office and I might drive out to the outlet
7 stores and dinner with a friend. What about you?

8 Some shopping, baby.

9 Yeah, for what?

10 Clothes, furniture, TV, lots of stuff. Will I get
11 my request tonight or this morning? You should come
12 see me now.

13 Hank, don't push it. This is my first night
14 without nightmares and that was because you were really
15 nice yesterday.

16 I'm not trying to push, just lonely and super
17 frisky.

18 I know, me, too.

19 How was your night last night?

20 It was good, hard, but good.

21 Yeah, where did you eat? You looked great when
22 you left?

23 I went to 76 and Henry's. I wanted to stay close
24 in case you said yes. Tons of people.

25 How was Henry's? I've never been. And thanks.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Yeah, that is because the students are back for
2 meat market more or less.

3 You said I looked good.

4 Oh, I forgot I said that. You did, you looked
5 great.

6 Thanks. I'm really craving you right now, but I
7 feel stuck.

8 Why?

9 I want you really bad for reasons and I'm trying
10 hard to be patient.

11 Thank you. I know it's hard.

12 It's very hard when you need some attention and
13 people are trying to give it to you, but you only want
14 it from one.

15 I know.

16 So what do you do? Is that rhetorical?

17 No, maybe. Personally, I avoid the temptation. I
18 try to fill my time with healthy activities that make
19 me feel good about who I am. Then I just allow -- I
20 don't know.

21 Don't know about what?

22 I just want to feel that feeling when I'm beside
23 you.

24 Enjoy your day.

25 You, too.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I guess I'm going to Charlotte shopping after I
2 eat and meet up with Cat. Any shopping requests?

3 Okay. Who is Kay?

4 Cat.

5 Yes.

6 Remember the Krispy Kreme doughnut store?

7 Oh, yes.

8 She's the closest person I know and I use as a
9 friend.

10 That would be good.

11 Maybe you can come over later and see my patio
12 furniture if I buy it.

13 What time would dinner be over? Or did you mean
14 before dinner?

15 After dinner. I don't know. I haven't confirmed
16 yet.

17 Just text when you're heading home from Charlotte.

18 Okay.

19 And if you stay the night up there, that's fine.

20 I can show you Monday, whatever works for you.

21 Okay. I'll let you know either -- I'll let you
22 know later. I'm excited for you, but how are you
23 getting into your into your house -- how are you
24 getting it to your house?

25 I'm hoping it fits in my car.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Babe, really? I've seen a guy with a truck, you
2 know.

3 It's fine. Seriously, you don't think it will
4 with my seats down?

5 I could be wrong, but no. If you need me to pick
6 it up, I can. Calling you.

7 Shit, I'm getting the car straps together just in
8 case. I will also bring my tools to put together for
9 you.

10 Stupid online schedule let me schedule on the day
11 they're closed. Uh.

12 Why uh?

13 I'm heading home.

14 Want me there?

15 No, your reservation didn't work out?

16 Can I see you?

17 Where did you end up eating?

18 Sanomi.

19 They're open on Sun? Cool.

20 Yep, but I'm done.

21 Are you still there? A visit?

22 Yeah.

23 Come here? Can I come over?

24 I'm really sorry this is hard for you. But I want
25 you to know I appreciate you doing this for me. You

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 have been great today. This means -- I am really sorry
2 this is hard for you. This is resolved and let me know
3 where you stand with your loan.

4 Thanks.

5 It's hard.

6 I know. Thank God you're tough.

7 Can I stop by and hold you? I really need
8 something close.

9 For how long?

10 Twenty, 30 max.

11 And you? And you won't try to engage sex, just
12 cuddle. Since you're not answering, I'm assuming you
13 don't want to just cuddle. I understand. I'm going to
14 go to bed. Have a nice evening.

15 I'm coming to cuddle you.

16 The back door is open.

17 Kay, I'm home. Night.

18 Goodnight sweetheart.

19 How are you doing this morning?

20 I'll live.

21 If you want to make the appointment for Friday, go
22 ahead.

23 I'm not certain I want to do it, but we can always
24 cancel, right?

25 Yes.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Did you get my yes message? I had to reboot my
2 phone.
3 Yes.
4 When do you want to do your furniture?
5 Tonight?
6 Okay, I'll be there at 6:00 or 7:00. Shouldn't
7 take long with the tools.
8 Can you do 7:00 and while you're working on it,
9 can I make us dinner?
10 Yep.
11 Any ideas for dinner?
12 Surprise me. I've never had a bad meal with you
13 behind the wheel.
14 Thanks again for dinner and your company.
15 I know it's hard and I see and appreciate your
16 efforts. Night.
17 Goodnight.
18 On my way to get teak oil, then to do your table.
19 Just FYI.
20 Thank you. Can I do anything to help?
21 I have it covered, but thanks. Just have a good
22 day.

23 That's really nice of you. Thank you.
24 Darr had me walk up the wall this a.m. I like
25 her.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 You're welcome.

2 And she understands my gray, LOL.

3 What does that mean?

4 Gray thinking, ADHD, that is. She worked for
5 someone like me. She worked for -- I'll call this
6 morning. Let me get a referral.

7 Who should I call about my hood?

8 I, also, bought a replacement for that flood
9 light.

10 This is me. Thank you.

11 You do not gave it -- you do not give to do it.

12 On the way. Call me about your car.

13 I went ahead and scheduled the hood to be repaired
14 Monday 8:00 a.m. Love Shirley and Casey.

15 Thank you. Who is it with and where?

16 Yes, do I take my car there?

17 Well, thank you.

18 I have dinner plans tonight, so if I don't get a
19 chance to see you, have a good night.

20 Counselor called and we're booked for Friday at
21 11:00.

22 Where?

23 Where what?

24 Pickens, I'll pick you up.

25 The appointment.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 If you're okay with that.

2 Oh, my God, I just got sick. Headed home to lay

3 down.

4 Are you okay?

5 Just got sick again. I felt fine.

6 Where did you eat?

7 Seventy-six, but earlier.

8 Um.

9 I'm in bed now, hoping to shake it.

10 Okay. Let me know if you need anything.

11 Still feels rough.

12 I'm sorry. I wish you could snuggle me tonight.

13 Come snuggle me. I just want to snuggle up and sleep.

14 I hate feeling bad and being alone.

15 Can I bring you anything?

16 Just you.

17 On the way.

18 You're on the way?

19 It felt good to snuggle with you tonight. Hope

20 you feel better.

21 You, too.

22 How are feeling this morning?

23 Thanks again for the soup and bananas, very sweet.

24 Well, I need \$143 for photos, for framing and

25 matting those photos.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Maybe I should take a framing class.

2 Have you been home yet?

3 No, why?

4 Just wondering if it had granulated up to sweep
5 off. I will head there after Brit leaves and sweep it
6 off.

7 No worries. You guys are still working on your
8 cabinets.

9 Cabinets are done. She's just about to mop.

10 What the heck, it took five hours?

11 She didn't get here until 1:15, then we had to
12 measure and get the stuff.

13 Okay. So four hours and 45 minutes. Get what
14 stuff?

15 Minor.

16 You said you went to get them this morning. You
17 went shopping with her?

18 I was going to, but I didn't have a chance and
19 bought more cleaning supplies. Target, yes.

20 It's none of my business, sorry for asking. Did
21 you get my blocks?

22 I just got home and I'm cleaning, what are you
23 doing?

24 Yep, 76.

25 Just finished up. Can I get you anything?

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Where?

2 I'm here.

3 Sure, of course.

4 Thanks for taking a chance on me. I see and

5 appreciate the step. Sleep well, sweetheart.

6 I just threw up again. Something's not right.

7 Oh, no. You need to call Connie.

8 Can we do dinner and will you snugs? It's stress,

9 I think. Me through the night, to bed early. Don't

10 worry, you're not going to hurt my feelings if you say

11 no. I guess I should drag myself out of bed and find

12 some food.

13 Did you cancel yoga?

14 Yes, sent Darr a text earlier.

15 I wonder why you're getting sick?

16 Stress. I'm not sleeping well. Life is better,

17 just sleep is off.

18 I will be by to finish your patio after I eat.

19 Jen?

20 Yes.

21 I adore you and plan on keeping -- I adore you and

22 plan on keeping you safe and happy if you allow me.

23 Last night was nice and much needed. I wanted to lay

24 there. Are you home?

25 No, at work.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 No problem. I was going to ask you to leave your
2 broom out, but I'll grab mine and head over. On the
3 way to your place. I need to use Kelly's electrical
4 receptacle. Text him and tell him I will leave 20
5 bucks by it.

6 Why do you need electric?

7 Whole deck and stairs are pressure washed, cleaned
8 and table was rinsed. Put back. Looks good.

9 Thank you.

10 Should dry chalky and hide any blemishes. You're
11 welcome.

12 Are you back yet?

13 No, teaching. Why?

14 Guy said if you see any marks, we can just dust it
15 off after it's dry. I was curious if we're eating
16 dinner in, out or at all?

17 What guy?

18 If so, what time? Concrete guy.

19 Oh. I told you I was not sure about dinner
20 because I didn't know when I was getting home.

21 What time are you leaving there? You've got to
22 eat sometime. I'm starting to feel frustrated, so just
23 let me know what you decide.

24 I won't get home in time for dinner.

25 How come?

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 I didn't mean to frustrate you. I was teaching.
2 Because I'm going to eat here.

3 By yourself and where is here? Did you have a
4 date? Why are you not answering or responding? It's
5 okay if you are. We're broken up. So I'll make other
6 plans. Call me later if you feel like it.

7 Jen, enjoy your evening?

8 I'm eating with the teachers.

9 No worry.

10 I'm at happy hour with -- call me later. I need
11 your help screening these lazy Columbia people.

12 Wait, male or female teachers? Jen, I want a
13 family.

14 Female.

15 Jen, I adore you and I want the best for us.

16 Where are you? Never mind, it doesn't matter. You be
17 you and have a great evening.

18 Are you driving back yet?

19 Well, must be a great dinner.

20 I feel like you're lying. It doesn't matter
21 anyway. We owe each other nothing. Safe travels.
22 Don't forget we have an 11:00 a.m. appointment
23 tomorrow.

24 I'm home in bed if you care to snuggle.

25 LOL. I'm still driving home.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 How far? Come here.

2 Don't know. I don't have a GPS.

3 On your phone. Where did you leave from and how
4 long ago?

5 You should come here.

6 Well, you're not answering, so maybe the
7 conversation is better on the other line. Where are
8 you?

9 I don't know.

10 How was dinner with the -- call me.

11 Not dinner, drinks.

12 I have a 50/50 shot at the account. I'm not
13 overly excited about it. Will you just call me?
14 Obviously, you're on the phone and I'm tired.
15 Goodnight.

16 Are you going to call me or continue this game?
17 Yep, I'm frustrated. I will just pick you up for the
18 appointment.

19 Just off the phone with Lisa. I'm as frustrated
20 as you are. I will meet you there tomorrow. Please
21 send the address.

22 What has you frustrated? If you're up, call me.
23 I can't sleep.

24 Oh, my God, abdominal cramps.

25 So sorry to hear that. Have you called Connie to

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 ask her about it.

2 Q. Let me stop you. At this point, what's the date?

3 A. August 26, 2011.

4 Q. Would you agree with me that's a Friday?

5 A. Yes.

6 Q. Please continue.

7 A. Okay.

8 Will you please, also, send me the place in town
9 that does the leather on cars?

10 Pickens Street, Columbia, South Carolina,
11 29201 is counseling appointment. Thank you.

12 Did you receive my other text?

13 Got it. I have the stuff for you for your panel
14 and the letter.

15 My passenger handle is falling off again. I now
16 know why..

17 Why?

18 Your car be will complete by this weekend.

19 Plastic retainer.

20 Why won't you give me the name?

21 He will charge you and it's my responsibility and
22 he's booked two weeks out.

23 What is the therapist's name? I would still like
24 his name, please.

25 I'm behind you.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Okay. Can you please tell me the therapist's
2 name?

3 Michelle. Also, the car place. That doesn't help
4 much.

5 Call me.

6 Why?

7 Jen?

8 Yes.

9 You really are a phenomenal woman. I wish you
10 knew I've always seen that in you.

11 I've been on the phone with China Airways -- and
12 DHL to get the other half of your gift here. It should
13 be here Monday. It comes very blessed by 12 months,
14 just not by U.S. Customs or DHA. I was always truthful
15 with you.

16 About what?

17 What I was thinking or feeling.

18 Okay. So do you want to share now?

19 I don't know what to say. You saw the sadness in
20 my face.

21 I love you so much, but I'm on the fence.

22 I understand. I know we can work and be great.
23 Sadly, I go -- sadly, I guess we both just needed now
24 rather than later.

25 Jen?

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Yes.

2 Stay with me tonight. I want to hold you and
3 bring you -- and bring your yoga mat.

4 I don't think it's a good idea.

5 Really, why? What do we to have lose? A grand
6 life requires a grand chance. And overthinking things
7 is what got us into this mess. Come have fun with me
8 tonight or leave me on the fence with my thoughts. And
9 yes, today's visit had an unexpected result from you.

10 Who's silver SUV parked kind of hidden?

11 I had a card to stick on your car, but I didn't
12 want to interrupt. I'm sad, but I made my decision.
13 Take my call, please.

14 David and the kids. He drives a Buick.

15 No matter, I've made my choice. I love that kid.
16 I've still decided.

17 Just tried to call you back. I was talking to
18 David when you called earlier. I was trying not to
19 avoid your call.

20 What have you decided?

21 Hello?

22 Yes.

23 What have you decided?

24 Better left for in person. It's not mean or ugly,
25 just honest.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 So do you want me to stop by this evening or wait
2 until tomorrow morning?

3 I will let you know in a little while.

4 K.

5 What time do you want to meet tonight?

6 I don't know.

7 I'll be waiting to hear if you want to meet me
8 tonight. I can come over in 15 if you want.

9 I'm in Publix. I'll be home in 30.

10 Okay. I don't appreciate being cut off.

11 As you know, I'll let this go and see you at 8:00
12 a.m. like nothing happened.

13 That is okay. You do not need to let it go. As I
14 said before, I no longer wish to move forward. It has
15 become clear that we are unable to stick with the -- I
16 am very disappointed and sad, but I see no other option
17 to this PT. When couples therapy doesn't work, we are
18 not left with much hope.

19 Can we talk for second? It's important. Jen,
20 please. I'm hurting and call me. Don't be like the
21 rest.

22 Jen, I really need to talk to you. Please call,
23 it's serious. God, Jen, this is no joke. I need you
24 to call me quick, please. I'm hurt and I don't know
25 who to call.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Jennifer, this is serious. I need you to call me.

2 I'm in severe pain, Jen.

3 I need your help. Stop thinking about you and

4 worry about MR.

5 Help, help. I'm headed to the emergency room

6 pretty soon. Please call. The cramps are bad. I

7 need -- please help. I need your help. This is real.

8 I'm on the phone with Stacey and she thinks it's my

9 gallbladder. Where are you? I need you. I need your

10 help. Damn. Been throwing up for days and have

11 abdominal pain. I'm in tears. I hurt so bad. God,

12 Why can't you answer? I'm in pain. I can't wait to go

13 to the emergency room. I'm in pain. I can't leave --

14 please.

15 Can you please watch -- please?

16 How are you feeling?

17 Better. I passed a little black kidney stone a

18 few hours ago. Just hungry now and bored.

19 I just woke up. Was thinking of hitting yoga this

20 morning. Can I get you anything on my way?

21 Q. I'm sorry to stop you. These texts that you're

22 referring to now, what's the date on those?

23 A. This is the following day, August 27th, 2011.

24 Q. That would be the Saturday before she's killed?

25 A. Yes.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Q. Please continue.

2 A. What's nearby? I'm craving a chicken biscuit or a
3 smoothie.

4 From McDonald's?

5 Chick-Fil-A has the best chicken. At McDonald's,
6 a fruit and yogurt parfait.

7 Front door open.

8 Okay.

9 They are really busy.

10 Thank you, that was very sweet.

11 How are you feeling?

12 A little sore, but better. I'm just bored and
13 hungry now.

14 What are you up to?

15 Just got home and putting away groceries. I was
16 thinking about making some banana bread. Can I get you
17 anything?

18 You want to make us lunch, avocado salad, maybe?

19 I can get the stuff if you don't have it. I've
20 got Connie this morning.

21 Ate PBJ, but will be happy to make you an avocado
22 salad.

23 Yes, what did she say?

24 Three liters a day because the meds are eating up
25 my water.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Ah. I'm getting gas, do you want me to come
2 there?
3 If you would like, you're welcome to stop by.
4 Okay.
5 Your oven is beeping. Do I need to do anything?
6 No.
7 I was glad I didn't get it in your eyes.
8 LOL, me, too.
9 Going to run up and see Erin for a bit. I'm
10 restless. Call me after the birthday party.
11 Will do. Where?
12 Probably Cantina.
13 Where's your party?
14 The Vista.
15 Where at in the Vista? I just want to make sure
16 we don't cross you.
17 Talking to Julie and the owner.
18 Erin on the way. I would rather be doing
19 something with you.
20 Did you figure out where in the Vista?
21 You still at the birthday party?
22 Yep, where are you?
23 Seventy-six. Where are you? Want to meet me?
24 Are you with someone?
25 I will head there, but it will probably be an hour

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 or so.

2 Yeah, I'm with 12 black people. It's rather funny
3 being the only white person.

4 Are you with one -- are you with one as in a date?

5 I won't be here in an hour.

6 No worries.

7 You said you'd be early and I thought you could
8 meet some folks.

9 I know. Maybe some other time.

10 No, no one has a date.

11 I would love to meet them. How long will you be
12 there?

13 Thirty max.

14 No worries.

15 You coming or rain check?

16 I won't make it tonight to 76, but will come by
17 your place.

18 By the way, I keep thinking about this evening.

19 Get ready for this evening?

20 When?

21 LOL, you're so cute.

22 I don't know. We're still waiting for the check
23 and I agreed to one drink after, but they are taking
24 forever to get out check.

25 I'm tired. I want to curl up with you right now.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Then come on, Curly. Let me know when you walk
2 out and I'll -- sorry, let me know when you walk out
3 and how close and see you at my place.
4 Are you out yet, Babe?
5 Yes, just left.
6 Are you headed to me?
7 Not yet, but I will.
8 How long?
9 An hour or so.
10 You said an hour at 9:46.
11 I know, but it took forever to get the check.
12 Sorry.
13 No worries, I'm headed home. Are you coming? Is
14 it better there than with me?
15 LOL, never.
16 Then come on. Early night. Babe? Really?
17 Goodnight, party girl. The door's locked if and
18 when you decide to show up -- the door's unlocked if
19 and when you decide to show up.
20 Don't do this, please. Are you coming or not?
21 Jen, please make your choice tonight. I don't
22 want this life. Please.
23 Are you coming? Yes or no.
24 I said I would come. Sorry it's later than you
25 had hoped.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Okay. So I didn't hear back from you. I left a
2 message. I am home and in bed. Goodnight.

3 I'm still waiting on you and I never said anything
4 about 3:00 a.m.

5 Q. Investigator Vanhouten, what is the time and date of
6 the last texts sent by the Jennifer Wilson?

7 A. August 28th, 2011, at 2:03 in the morning.

8 Q. I'm sorry, by Jennifer Wilson?

9 A. Oh, I'm sorry, by Jennifer Wilson. August 28th, 2011
10 at 1:36 in the morning.

11 Q. What is the date of the last -- date and time of the
12 last text the Defendant sent to Jennifer Wilson?

13 A. August 28th, 2011, at 2:03 in the morning.

14 Q. Thank you. You can go back to your seat.

15 A. (The witness complies).

16 Q. Investigator Vanhouten, in the course of your analysis,
17 did you, also, prepare a report of activity that was
18 made on the Defendant's cell phone?

19 A. Yes.

20 Q. And I want to direct you, specifically, to his call log
21 and this with include -- what all does a call log
22 include?

23 A. A call log, specifically, references calls received and
24 sent from a device, a phone.

25 Q. Okay. Can you also -- when you download or conduct

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

- 1 this analysis on an iPhone, can you see internet
2 searches that are being made on the phone?
- 3 A. Yes.
- 4 Q. And you can see, obviously, text messages?
- 5 A. Yes.
- 6 Q. And can you, also, see e-mails that are being sent?
- 7 A. Some.
- 8 Q. Okay. I want to, specifically, direct you to your
9 report, block number 169.
- 10 A. Okay.
- 11 Q. And this will be a call log referencing the Defendant's
12 phone, correct?
- 13 A. 169 is a call log, yes.
- 14 Q. From the Defendant's phone?
- 15 A. Yes.
- 16 Q. And just -- and we're going to go through this, not
17 everything, Investigator Vanhouten, but can you share
18 with the jury the incoming call the Defendant was
19 receiving at 1:22 a.m. August 28th?
- 20 A. From Jennifer Wilson, incoming call.
- 21 Q. And was a voice mail left?
- 22 A. A voice mail was left.
- 23 Q. And if you continue, is there outgoing calls to
24 Jennifer Wilson after that? Your number 156.
- 25 A. Yes.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

- 1 Q. What time was that phone call made?
- 2 A. That call was made at 2:13 in the morning.
- 3 Q. How long was that phone call?
- 4 A. It doesn't state, which probably is zero seconds.
- 5 Q. Which means there was no answer?
- 6 A. Or it never connected.
- 7 Q. Was there a subsequent call made to Ms. Wilson?
- 8 A. Yes.
- 9 Q. What time was that phone call made?
- 10 A. That call was made at 2:14.
- 11 Q. And is --
- 12 A. In the morning.
- 13 Q. How long was that phone call between the Defendant and
- 14 Jennifer Wilson?
- 15 A. Sixteen seconds.
- 16 Q. And just a few minutes after that, at 2:37, did the
- 17 Defendant make another phone call?
- 18 A. Yes.
- 19 Q. And who did he call at that time?
- 20 A. To a Stacey Newsom, that is a number -- that is a
- 21 contact that is listed in the contacts of the phone.
- 22 Q. And did he continue to call Ms. Newsom?
- 23 A. Yes, several times.
- 24 Q. And can you just share with the jury the times he
- 25 continued to call Ms. Newsom?

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 A. Okay. Again, the first time he attempted to call Ms.
2 Newsom was at 2:37 a.m.; the second time was at 2:53
3 a.m.; the third time at 3:08 a.m.; fourth time at 3:19
4 a.m.; fifth time at 3:52 a.m.; sixth time at 4:21 a.m.;
5 and a seventh time again at 4:21 a.m.

6 Q. And these calls are being made from Ms. Wilson's home?

7 A. I don't know if they're being made from her home, but
8 these are being made from the Defendant's phone.

9 Q. From the Defendant's phone?

10 A. Yes.

11 Q. And continuing on, at 5:21 a.m., does the Defendant
12 send an e-mail?

13 A. 5:21?

14 Q. 5:22, sorry.

15 A. Yes.

16 Q. And what is the subject of that e-mail?

17 A. The subject of the e-mail is Last Will.

18 Q. And who is that e-mail sent to?

19 A. Stacey Newsom, Newsoms@yahoo.com.

20 Q. Continue looking at your report at number 139. Does
21 there seem to be some sort of activity with the Wilson
22 network?

23 A. Yes. This indicates this was -- that the phone that
24 the Defendant -- the phone from this call log,
25 actually, hit and triggered contact with the Wi-Fi

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1 router in Ms. Wilson's house.

2 Q. So you'd have to be there to hit it, correct?

3 A. Yes.

4 Q. Okay. And continuing on, was there other phone calls
5 made to Ms. Stacey Newsom?

6 A. From?

7 Q. At 137?

8 A. There we go. Yes. One outgoing call to Stacey Newsom
9 at 8:11 in the morning.

10 Q. After that, in your analysis of the Defendant's phone,
11 were you able to see if the Defendant was making any
12 sort of internet searches?

13 A. Yes.

14 Q. And what was he searching for, Investigator?

15 A. Starting at 8:48 in the morning, there was a web
16 history search on the device for criminal attorney in
17 Columbia, South Carolina. Following, another search
18 for the South Carolina criminal defense lawyer, Jack B.
19 Swerling. Another one for Strong Law Firm. Several
20 more for the South Carolina defense lawyer, Jack B.
21 Swerling and contact Jack Swerling trial attorney in
22 South Carolina. Columbia, South Carolina defense
23 attorney, criminal trial lawyer David Farrell. South
24 Carolina criminal defense lawyer A. Randolph Huff and
25 Victor Lee Law, South Carolina defense attorney.

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 Q. And Investigator Vanhouten, in your field, you're aware
2 all of these lawyers work in the criminal law area?

3 A. Yes.

4 Q. And, specifically, if you go to your work block number
5 129, is there outgoing missed call made at 8:52 a.m.?

6 A. Yes.

7 Q. And are you familiar with that phone number?

8 A. I believe it is the phone number to Jack Swerling's
9 office.

10 Q. And, again, at 9:04 a.m. at your block number 118?

11 A. Yes.

12 Q. Who does that number belong to as well?

13 A. I believe it is Jack Swerling's number.

14 Q. And going up to your block number 116, does he make
15 another outgoing call to Stacey Newsom?

16 A. Yes, at 9:07 a.m.

17 Q. And up to your block 98, is there an outgoing call made
18 to Kimberly Williams or Kim Williams is how he has her
19 identified in his phone?

20 A. Yes, there's a contact in his phone and it was made at
21 10:00 in the morning.

22 Q. Okay. Going to block number 96 in your report, does he
23 receive a call from Ms. Stacey Newsom?

24 A. Yes, there is an incoming call at 10:04 a.m.

25 Q. Does he place an outgoing call subsequent to that?

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

- 1 A. Yes, there are two calls made to 911.
- 2 Q. I'm sorry, to Stacey Newsom -- wait a minute, I want to
3 clarify that. Are they calls to 911 or are those text
4 messages?
- 5 A. I'm sorry, those are text messages, instant messages
6 from a Kim Williams advising him to call 911.
- 7 Q. Advising him to call 911?
- 8 A. Yes.
- 9 Q. Okay. Then does he call Stacey Newsom?
- 10 A. Yes.
- 11 Q. And next, what calls does he receive?
- 12 A. He receives a call from a Kim Williams a 10:12 a.m.
- 13 Q. And following that?
- 14 A. A call at 10:13 a.m. from Stacey Newsom.
- 15 Q. And following that?
- 16 A. Another incoming call from Kim Williams at 10:25 a.m.
- 17 Q. And continuing on, I want to go to 85. Does he receive
18 another phone call from Stacey Newsom?
- 19 A. Yes, at 10:48 a.m.
- 20 Q. And at that time, another one?
- 21 A. Yes, this one at 10:51 a.m.
- 22 Q. Again, from Stacey Newsom?
- 23 A. Correct.
- 24 Q. And does he make a call to Stacey Newsom?
- 25 A. There's an outgoing call to Stacey Newsom at 10:54 a.m.

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- 1 Q. Okay. And, finally, at 11:11 a.m., what call is made
2 from the phone of Hank Hawes?
- 3 A. 11:11 a.m.
- 4 Q. Your number 81.
- 5 A. 81. Outgoing call to 911.
- 6 Q. After he's made the call to 911, does he call Stacey
7 Newsom again? 79.
- 8 A. There's an outgoing call to Stacey Newsom at 11:15 a.m.
- 9 Q. Is there another one after that?
- 10 A. There's another outgoing call to Stacey Newsom at 11:19
11 a.m.
- 12 Q. And does he receive a call from Stacey Newsom?
- 13 A. A call was received from Stacey Newsom at 11:21 a.m.
- 14 Q. And at 12:55 p.m., who was he receiving a call from?
- 15 A. Kim Williams at 12:55 p.m.
- 16 Q. And what are the next three calls he makes?
- 17 A. Outgoing calls to Kim Williams at 13 -- 1:44 p.m.,
18 outgoing call to Stacey Newsom at 1:46 p.m., and
19 another outgoing call to Stacey Newsom at 1:49 p.m.
- 20 Q. And continuing on first page of your report, number 65,
21 does he make another call, two more calls -- or makes a
22 call and receives a call?
- 23 A. There's an outgoing call at 1:52 p.m. to Stacey Newsom
24 and an incoming call from Stacey Newsom at 1:58 p.m.
- 25 Q. And you're block number 62, Investigator Vanhouten,

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 does -- at that time, does Hank Hawes receive a text
2 message?

3 A. Yes. Incoming text message from Kim Williams at two
4 o'clock in the afternoon. The context of the text
5 message, I want no part of this.

6 Q. And, lastly, you're 51 and 52 are two more calls made
7 to Stacey Newsom?

8 A. Yes, at 5:16 in the evening, an outgoing call to Stacey
9 Newsom and another outgoing call to Stacey Newsom at
10 5:18 p.m.

11 Q. Thank you, Investigator. Now, also, in this analysis
12 of this phone that you've done belonging to Hank Hawes,
13 did you retrieve a voice mail?

14 A. Yes.

15 Q. And you've heard that voice mail before?

16 A. Yes.

17 Q. Is that voice mail on the CD that we've listened to
18 previously?

19 MS. GARFIELD: Your Honor, at this time, I would
20 introduce State's Exhibit No. 400 into evidence and publish
21 to the jury.

22 THE COURT: Any objection?

23 MS. PRINGLE: No, sir.

24 THE COURT: 400 admitted without objection.

25 (State's Exhibit No. 400 was admitted

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 into evidence.)

2 (Whereupon, voice mail was played for

3 the jury.)

4 MS. GARFIELD: Beg the Court's indulgence.

5 BY MS. GARFIELD::

6 Q. Do you know the time that that voice mail was left,

7 Investigator Vanhouten?

8 A. It's on the time line. Give me just a sec.

9 Q. I believe it's 120 -- I'm sorry, 167?

10 A. Voice mail, yes. That was left at 1:23 a.m.

11 Q. On what date?

12 A. August 28th, 2011.

13 Q. Moving on, did you, also, come into possession and was

14 requested to perform an analysis on a hard drive that

15 was found in the home of Jennifer Wilson?

16 A. Yes.

17 Q. And can you explain to the jury what kind of analysis

18 you did on this hard drive?

19 A. Generally, when we perform an analysis on electronic

20 devices other than phones, such as computers or hard

21 drives, we will hook up the hard drive or device or if

22 it's still on a thumb drive or whatever the evidence

23 may be, we hook it up to a system called a Write

24 Blocker. What that does is allow the examiner to view

25 the evidence -- or artifacts that are on that device

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1 without writing to the device. So it, actually,
2 protects the integrity of the data on the device. No
3 alteration can be made to the device itself.

4 Generally, what we do is we hook this device up to
5 the Write Blocker to preview and we look for certain
6 things that may be relevant to a particular case. Once
7 we identify something that may be relevant to that
8 case, we'll go ahead and conduct what's called a
9 forensic image, which you make a bit by bit copy, exact
10 copy of that device, hard drive, and we load that image
11 up.

12 Once we create that image, we no longer deal with
13 the actual device itself. We're just working solely
14 off this image. Once that forensic image is completed
15 and process, we will generate our reports. We'll mark
16 certain artifacts, items of interest and bookmark it
17 for our reports.

18 Q. And you were able to retrieve some of those documents?

19 A. Yes.

20 Q. Specifically, I want to hand you what's been marked as
21 State's Exhibit No. 420, are you familiar with this
22 document?

23 A. Yes.

24 Q. And, please, explain to the jury what that document is?

25 A. This is a word document that was found on the external

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1 hard drive titled Dear Hank.

2 Q. Excuse me, before you do that, was there -- were the
3 documents saved in any type of specific fashion on the
4 computer?

5 A. The -- this particular document was saved in a folder
6 identified as Hank.

7 MS. GARFIELD: Your Honor, at this time, I would
8 like to introduce State's Exhibit No. 420 into evidence.

9 THE COURT: Any objection?

10 MS. PRINGLE: No, sir.

11 THE COURT: All right. Admitted without
12 objection.

13 (State's Exhibit No. 420 was admitted
14 into evidence.)

15 BY MS. GARFIELD::

16 Q. Investigator, can you tell me when this document was
17 created?

18 A. Yes. It's on the --

19 Q. You need your report to refresh your memory?

20 A. Yes, please.

21 Q. And would you like some water?

22 A. Yes. Thank you.

23 Yes. This document was created on July 10th,
24 2011.

25 Q. At this time, Investigator Vanhouten, would you mind

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1 reading that document to the jury?

2 A. Okay. Dear Hank, so you asked me what I thought a
3 committed relationship looked like, so I decided to
4 send you this letter -- or send this to you via e-mail.
5 I think sometimes it is hard to write this kind of --
6 this kind of thing because you can't always get tone
7 through writing, but I'm trying to do it the best way I
8 can -- or best way to avoid an argument. I think
9 committed relationships look different with every
10 people, but I do not -- but I do know what I would like
11 in a committed relationship.

12 For me, it includes several components, but the
13 main are love, trust and loyalty. When I mean love, I
14 mean consistent love. One that everyday I wake up and
15 know that I love my partner and he loves me. It is not
16 a dramatic passion where we either love each other or
17 hate each other in peaks and valleys. It is
18 consistent, stable love. This love to me isn't
19 extreme. It is sometimes, but the majority of the
20 time, it is that sweet peaceful feeling. It's knowing
21 that the majority of the time when I think of my
22 partner, he makes me smile.

23 I always think of the Bible verse I Corinthians
24 13, love is patient, love is kind. It does envy. It
25 does not boast. It is not proud. It does not dishonor

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1 others. It is not self-seeking. It is not easily
2 angered. I am somewhat hesitant sharing this verse
3 with you because I know you would choose to attend to
4 the latter parts than first where the highlight is. It
5 does not keep record and always perseveres. I agree
6 with those as well, but what I want to explain to you
7 is if you don't have the first components of love to
8 begin, you can never get to the others.

9 I understand that you fall quickly, but you have
10 to understand that not everyone does. I love you and
11 I'm trying desperately to be patient and not easily
12 angered. You told me if I was patient and I asked
13 nicely that things would change. However, Thursday
14 night that was not true. I was patient and kind and
15 not -- and you just took that as an opportunity to be
16 hurtful and mean. So when you sit back and tell me
17 what love means, it's hard for me to hear because, to
18 be honest, though you spend a lot of time telling me
19 how I'm not loving you the way you want, I can honestly
20 say that you are not loving me the way I want to be
21 loved.

22 A committed relationship, also, has to have trust.
23 There is a great saying about trust. The key is to get
24 to know people and trust them to be who they are.
25 Instead, we trust people to be who we want them to be.

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1 And when they're not, we cry.

2 We need to trust each other. This is hard in a
3 new relationship and one of those things that you have
4 to continue work with throughout the relationship, but
5 not as intensely as you do at the beginning. Part of
6 trust is saying what you mean. And on the flip side,
7 it, also -- I'm sorry, and on the flip side, it is,
8 also, games. I don't think I have to go into too much
9 explanation on this. You know what I mean and you know
10 what you're doing. It goes back to trying to
11 manipulate me to get what you want. And trust means
12 going out of your way to make sure other persons don't
13 have anything to worry about, i.e. checking in, calling
14 before you go to bed. This isn't something you
15 mandate, it is something that happens because each
16 person doesn't want the other to worry.

17 Last is loyalty. This I see is to be true and
18 honest to one another, to be faithful to our decision
19 to be together. You stand by what we say in our
20 decision to be together. If we were to be married,
21 this would mean that we would work on our marriage,
22 this would mean that we would work on our marriage
23 before we choose to break up. Or like what we did the
24 other week, where we chose to stay together even though
25 we are struggling. However, it, also, means that if in

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1 our dating one of us decides that this isn't working,
2 it's showing each other respect and love even in the
3 break up. To me, loyalty goes far beyond just
4 commitment. It is what I would show my friends even if
5 I do not agree with their decisions.

6 I'm not sure you agree with all of this and
7 probably could have been more articulate, but I wanted
8 to send this out this morning and did not have a lot of
9 time. Love, Jen.

10 Q. Did you also recover another document from the
11 computer?

12 A. Yes.

13 Q. I show you what's been marked as State's Exhibit No.
14 421. Are you familiar with this document?

15 A. Yes, this was -- this was located on the same folder on
16 the external drive.

17 Q. And what was the name of that folder?

18 A. This one was titled Wednesday.

19 MS. PRINGLE: At this time, I would object, Your
20 Honor.

21 THE COURT: All right. Subject to this objection
22 previously, it's overruled.

23 MS. PRINGLE: Yes, sir.

24 THE COURT: Admitted with objection.

25 (State's Exhibit No. 421 was admitted

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 into evidence.)

2 BY MS. GARFIELD::

3 Q. And what date was this document created?

4 A. This document was created on June 23rd, 2011.

5 MS. GARFIELD: Your Honor, at this time, I would
6 like to introduce State's Exhibit No. 421 into evidence.

7 THE COURT: I just did.

8 MS. GARFIELD: Oh, I did. I'm sorry. Thank you.
9 Sorry, Judge.

10 BY MS. GARFIELD::

11 Q. Investigator, can you, please, read that document to
12 the jury?

13 A. Yes. This one is Wednesday. After six hours of
14 talking about our relationship, I was drained. My
15 brain had become mush as that is all my brain has been
16 involved with, either our relationship or these legal
17 issues. Twice last night after we stopped talking, I
18 had to tell you not to talk about the relationship.
19 Then when we went to bed, my parents had called, so I
20 was late getting to sleep. When he got into bed, spent
21 the next several hours on his iPhone.

22 It would be one thing if I begged him to stay with
23 me, but he is the one who demands that he stays and
24 then is rude enough to stay on his phone. Then in the
25 middle of the night, he is in the bathroom looking up

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1 diagnoses for me because I get hungry when I'm crabby,
2 need sleep and drink a lot of water. I mean, really?
3 He has now diagnosed me with ADD, narcissism and now
4 diabetes. It's like he is looking for a problem in me.
5 My only problem is him. He made me so upset and
6 brought out my anxiety, yet again, that I slept on the
7 sofa.

8 So yes, day one of this experiment that he is so
9 certain is going to work rather than going with the
10 other things I know I need has turned awful. He has
11 hurt my feelings, disrupted my sleep and now he is
12 taking over my bed. I am so angry with him and I'm
13 turning resentful.

14 Q. Thank you, Investigator Vanhouten. Just a couple
15 additional questions. Specifically, when you were
16 doing the analysis on the iPhone that belonged to Ms.
17 Wilson, is there anything different that you found in
18 your analysis in text messages she sent to other people
19 in her phone as opposed to text messages she was
20 sending to the Defendant?

21 A. Yes. One thing that I noticed were -- was that a lot
22 of the text messages that were sent and received by
23 other people other than the Defendant were deleted
24 immediately, after either reading or viewing them or
25 sending them.

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1 Q. But were the text messages between the Defendant and
2 the victim deleted?

3 A. No. Very few were, but not as prevalent as to other
4 parties.

5 Q. And lastly, did you have an opportunity, also, to do an
6 analysis that was taken from the Defendant's home?

7 A. Yes.

8 Q. Was there anything on that computer in your analysis
9 that you found that had anything to do with the
10 victim's cell phone?

11 A. Yes. The victim's cell phone was, actually, synced to
12 the Defendant's computer.

13 Q. And as I had asked you previously, what does that mean?

14 A. The phone was being -- or the phones were being backed
15 up to store pictures, photos and videos to the
16 computer. If anybody's familiar with the iPhones, you
17 use iTunes to back up your system or your devices. In
18 this particular incident, the victim had her iPhone --
19 or her iPhone was being backed up or stored or synced
20 with the Defendant's computer. To do this, you must
21 have the iPhone ID registered to that device. So you
22 would know the password and the Apple ID to the
23 victim's phone. So in other words, he would -- he
24 could have control of the phone, no what was -- what
25 she was taking pictures of videos, location services,

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1 such as Find My Phone, things of that nature.

2 Q. So from his computer in his home, would he be able to
3 access where physically the phone that belonged to
4 Jennifer Wilson was?

5 A. Yes. He could log onto -- because he would already
6 have the Apple ID and the password, he would be able to
7 locate -- use the Find My Phone location services for
8 that particular iPhone and get instant location where
9 it was as long as the phone was on and either hitting
10 Wi-Fi or cellular tower.

11 MS. GARFIELD: Thank you, Investigator. Please
12 answer any questions Defense counsel has for you.

13 THE COURT: Cross-examination?

14 MS. PRINGLE: Your Honor, I expect it will be
15 fairly lengthy. Can we possibly take a quick break?

16 THE COURT: Yeah, that will be fine.

17 Mr. Foreman, ladies and gentlemen of the jury, we
18 will take the afternoon break. Please leave your note pads
19 and don't discuss the case amongst yourselves.

20 (Whereupon, the jury left the courtroom
21 at 3:51 p.m.)

22 (Whereupon, a short recess was held.)

23 THE COURT: Anything from the State before we
24 bring in the jury?

25 MS. GARFIELD: Your Honor, I just want to put on

JOHN VANHOUTEN DIRECT BY MS. GARFIELD

1 the record, the exhibit with the text messages, I would
2 refer to pages 298 through 372.

3 THE COURT: Anything, Ms. Pringle?

4 MS. PRINGLE: Just that I'd like to prior to
5 beginning, we did agree -- we came to several stipulations
6 and agreements over the lunch break. One of them was that
7 if all those text messages went in that we were not opening
8 the door to a bunch of character or issues involving
9 cheating and things that would otherwise be admissible.
10 That they are not going to utilize those to say that we've
11 opened the door to any of that stuff. This was just an
12 easier way for us to navigate these text messages?

13 THE COURT: Solicitor, is this correct?

14 MS. GARFIELD: That's correct.

15 THE COURT: All right. That's fine.

16 Anything else?

17 MS. PRINGLE: No, sir.

18 THE COURT: All right. For the record, I
19 previously said the knife was State's Exhibit No. 117.
20 It's, actually, State's Exhibit No. 1. I wanted to correct
21 that for the record.

22 Bring us the jury, please.

23 (Whereupon, the jury returned to the
24 courtroom at 4:14 p.m.)

25 BAILIFF: The jury is seated, Your Honor.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 THE COURT: Thank you very much.

2 Cross-examination.

3 CROSS-EXAMINATION

4 BY MS. PRINGLE::

5 Q. Good afternoon. Mr. Vanhouten, at the end of your
6 testimony, you said that there was a way that Mr. Hawes
7 could track Ms. Wilson?

8 A. Well, it's a process that is provided by Apple that is
9 prior to the -- prior to the iCloud system, you had to
10 back your system up to the iTunes account. It's locate
11 my device or locate my iPhone system.

12 Q. What's the app, actually, called?

13 A. What's -- currently, it's called Find My Phone.

14 Q. Uh-huh.

15 A. But it's -- I know it's since changed from three years
16 ago. I can't recall what the exact terminology was
17 three years ago, but it's a similar system to Locate My
18 Device.

19 Q. But that's an app or a program?

20 A. It's part of the program for iTunes back then. It's
21 still a program for iTunes. It is still -- right now,
22 people, most people just use the cloud. When you
23 back -- instead of backing your phone up through
24 iTunes, your call logs, all that stuff, you can do it
25 with what's called Cloud, iCloud. Now, it's,

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 basically, wirelessly backing your system up.
- 2 Q. Right. Was it -- do you have an iPhone?
- 3 A. I do.
- 4 Q. So every time you use Find My iPhone, it sends you an
- 5 alert, right?
- 6 A. No.
- 7 Q. Sends you -- it doesn't send you an e-mail or some type
- 8 of alert?
- 9 A. No.
- 10 Q. And does it not keep some kind of record on the phone?
- 11 A. No, not using the Apple device. If it's activated --
- 12 because I use it regularly -- to be honest, I use it
- 13 regularly for my children, for my daughter.
- 14 Q. Right.
- 15 A. I doesn't send them an alert. She doesn't receive a
- 16 text. I receive a copy of all the texts, calls,
- 17 everything.
- 18 Q. Well, this report that you did on Ms. Wilson's phone is
- 19 thousands of pages long, correct?
- 20 A. That's correct.
- 21 Q. And nowhere in there is any information about that
- 22 program?
- 23 A. No, it's a web page program. You, actually, have to
- 24 log into the Apple account and select it. So it
- 25 wouldn't show up -- it would show up in the cache, the

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 file for the internet web history, but it just shows
2 you were going like apple.com.
- 3 Q. So how many times did you see on his laptop or his
4 phone him logging into that?
- 5 A. You won't be able to. It's -- it's just a web page,
6 it's just logging onto a web page. Because it's java
7 based software. It's just like navigating through a
8 web page. It doesn't log -- you, actually, go into --
9 it just shows that you go to like apple.com.
- 10 Q. But in his browser history and this long time line on
11 this 4,500-page document, it shows his browser history,
12 correct?
- 13 A. On the phone?
- 14 Q. Yes.
- 15 A. Yes.
- 16 Q. So this -- are you aware that he bought that phone for
17 her, actually?
- 18 A. I don't know who brought the phones.
- 19 Q. And that it was set up by him?
- 20 A. I was not aware.
- 21 Q. And that was with her knowledge and consent?
- 22 A. I have no idea. I didn't know previous history of the
23 phones.
- 24 Q. You do know that she had a Dell laptop?
- 25 A. She had a -- I don't know as far as personal, but there

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 was a Dell laptop that was recovered that was property
2 of the University of South Carolina.

3 Q. Did they give you any Mac book laptop, Mac device
4 belonging to her other than her phone?

5 A. Not from her.

6 Q. And you know that Mr. Hawes had a Mac book because you
7 --

8 A. Yes.

9 Q. -- ran your programs on it?

10 A. Yes.

11 Q. So are you aware that it would be easier to set up a
12 new iPhone using a Mac book laptop?

13 A. Yeah, Apple is easier to do that. In this case, her
14 phone was synced to two computers.

15 Q. So in any event -- and that's happened -- you mentioned
16 children. You can put the iPhone on and you can,
17 actually, walk down the street, can't you?

18 A. Basically, if you just sit there and hit refresh,
19 refresh, refresh or if you're sending the signal ping,
20 yes, it's possible.

21 Q. And it's not an exact, exact, but it's pretty close,
22 isn't it?

23 A. As long as it's hitting cellular towers or Wi-Fi, then
24 it's pretty.

25 Q. So if you wanted to go in and check that at any given

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 time, I mean, if your phone's on and you're within some
2 cellular network, you're going to be able to identify
3 where it is?

4 A. Pretty much.

5 Q. Pretty much. So a controlling, jealous person who
6 wanted to be in constant contact and always know where
7 another person is, they could log in, go look at it and
8 they would know exactly where they were all the time?

9 A. It's possible.

10 Q. It's possible. So when they were on a date in
11 Charleston, they would know they were in Charleston?

12 A. Yes.

13 Q. And they would know, actually, pretty much almost to
14 the residence address or restaurant where they were?

15 A. Not as specific, but a general area.

16 Q. Close, right?

17 A. Close.

18 Q. If you were at Pasta Fresca on a date in August, you
19 would be able to tell, right?

20 A. It's possible, yes.

21 Q. If you were over at Chandra's house, a residence over
22 in Olympia, you could tell pretty close where she was?

23 A. Yes.

24 Q. And you reviewed all this stuff, you see throughout all
25 of these messages, the e-mails, texts, constantly where

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 are you? Are you going to call me?

2 A. Uh-huh.

3 Q. You've seen that, right?

4 A. Yes. I've read it.

5 Q. And there's no evidence or testimony or her saying oh,
6 my, I can't believe you just showed up here at Hunter
7 Gallery or I can't believe you just showed up here at
8 the library or any random places? There's nothing
9 about that in there?

10 A. I don't recall reading that.

11 Q. All right. Mr. Vanhouten, I'm going to try to go
12 through this as quickly as I can. Come down.

13 THE COURT: Please do.

14 Ms. Pringle, let me say one thing, when you ask
15 him the question, give him an opportunity to respond before
16 you fire another one, okay?

17 MS. PRINGLE: Yes, sir.

18 THE COURT: Okay. Please proceed.

19 BY MS. PRINGLE:

20 Q. For the record, this is Defendant's Exhibit 34.

21 Mr. Vanhouten, could you read starting on this date --
22 this is June 3rd, 2011, correct?

23 A. Okay. Yeah.

24 Q. Well, I don't want you to read the whole thing. I
25 think it's long, okay. Look at 1:39 p.m. from

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Jennifer, what did she say?
- 2 A. 1:39 p.m., I'm heading back to work from home. Can I
- 3 bring you anything from Starbucks?
- 4 Q. If you would just read to bottom of the page?
- 5 A. If you finish early and would like to join me, let me
- 6 know. It won't be any longer.
- 7 Where are you?
- 8 It won't be LO.
- 9 Marlin, you coming? As in blue.
- 10 Are you coming here?
- 11 Sorry, I put my phone in my bag. I'm having a
- 12 beer at the Ale House. I'll be done in five.
- 13 Never mind, I'm leaving.
- 14 Okay. I'm heading home. I'm getting you a Caesar
- 15 salad, do you want your chicken blackened, lime chicken
- 16 or roasted?
- 17 Q. And that's Ms. Wilson asking Hank what he would like to
- 18 eat, right?
- 19 A. Yes.
- 20 Q. She's bringing him lunch or some meal?
- 21 A. Yes.
- 22 Q. At 1:30, right?
- 23 A. Yes.
- 24 Q. All right. If we could, please, go to page 102. And
- 25 that was on June?

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 A. June 4th -- I'm sorry, June 3rd.

2 Q. Yeah. June.

3 MS. PRINGLE: This is Defendant's Exhibit 33 for
4 the record.

5 BY MS. PRINGLE::

6 Q. If you could start at 8:02 p.m. to Jennifer Wilson.

7 And this is on June 6th, 2011?

8 A. Did you have dinner plans with someone?

9 Yep, remember I was meeting one of my teachers for
10 dinner.

11 Would you like to do something Thursday night
12 together, maybe throw some ribs on the grill?

13 Sure. Sounds fun.

14 Do you want to do the ribs and I will do the
15 soda -- or I will do the sides or vice versa.

16 I can do the ribs if you like.

17 Q. Than was on June 7th in the morning, right?

18 A. Yes, 8:10 in the morning.

19 Q. Go the page 104, please. Defendant's Exhibit No. 32.

20 Sir, if you would please start with from Jennifer
21 Wilson on June 7th, 2011 at 10:46 p.m. And I'll tell
22 when to stop.

23 A. All is good. Grandpa just had some chest pains and
24 they wanted to make sure I was kept updated.

25 Let me know if you need me. I love you.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 LOL. I'm okay. The guy has had 13 heart
2 surgeries. We don't get too worked up anymore. Love
3 you, too.
- 4 Q. That's good. That was on June 7th?
- 5 A. June 7th, at 10:48 p.m.
- 6 Q. What happens on June 8th at 9:44 a.m.?
- 7 A. A text message is received from Jennifer Wilson,
8 context is good morning.
- 9 Q. All right. Please go to page 109. This is Defendant's
10 Exhibit 31. And this is -- starting at the top,
11 June 9th, 2011 at 12:27 p.m. Would you read the first
12 three lines?
- 13 A. Can you talk? Do you still want to see me?
- 14 I do if I can.
- 15 Q. All right. So "do you still want to see me" is from
16 Hank Hawes?
- 17 A. That's correct.
- 18 Q. And Ms. Wilson says "I do if I can"?
- 19 A. Correct.
- 20 Q. And that's June 9th. Go to 115, please, Defendant's
21 Exhibit 30. Would you go back, I'm sorry, to page 114
22 and start at second line up from the bottom, June 11th,
23 2011, is that correct?
- 24 A. Yes.
- 25 Q. 6:57 p.m. Would you start there?

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 A. Why do you love me? We were having dinner with the
2 parents, I hope I behave.

3 Q. Keep going. Next page?

4 A. Shall I count the ways? One, because you are smart;
5 two, you make me laugh.

6 Is that all?

7 I love you because you brighten my previously dark
8 world. I love you because your heart is frighteningly
9 child like. I love you because you want to meet me --
10 want to meet me and I keep -- I'm sorry. It's a
11 partial.

12 Q. That's okay. That was June 11th?

13 A. Yes.

14 Q. June 13th, Defendant's Exhibit 29, page 121, please.
15 This is June 13th, if you could start at 12:29 p.m. to
16 Jennifer Wilson.

17 A. I figured you might want to see the place.

18 I would like to see it. It really needs to be
19 cleaned, wink, wink. I know what stresses you, haha.

20 You out? Can you talk?

21 Not right now, what's up?

22 What you doing?

23 At the office, trying to get done before they lock
24 up.

25 Want to come see me?

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Yes, I will, but I have to finish work first.

2 Q. And if you will go the next page, 122, and go down to
3 from Jennifer Wilson, June 13th, 2011, 4:48 p.m.

4 A. I am planning on eating left over kish and coming over
5 a bit later. I have a bunch of grading and planning to
6 do tonight.

7 Bring your sleeping bag, computer, et cetera.

8 Are we camping? Oh, no, we are not camping.

9 You are camping. Babe, it's like the first night
10 in the place. I'm going to try to make it homey for
11 us. I'd like to share.

12 I can come earlier, if you would be interested.

13 Well, duh.

14 I will be there in 15 minutes.

15 Can I borrow a pillow, sleeping bag, two plastic
16 bowls for stinky and a roll of toilet paper until
17 tomorrow?

18 LOL. Yes. Can you tell me where it is again?

19 Just follow the yellow brick road, baby.

20 . Corner of Gervais and Woodrow. Oh,
21 and two towels and two wine glasses, please. I love
22 you.

23 I can't find my sleeping bag. I'm worried I left
24 it at Andy's.

25 Q. Next page, please. You can skip down to 7:20 p.m.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 A. Do you want me to bring some blankets or something? Or
2 I guess we can go to Wal-Mart and buy a cheap sleeping
3 bag.

4 Whatever you have, baby, and anything that smells
5 like you. This dock is not moving.

6 I'm sorry I was crabby this morning.

7 I understand, baby. It's okay. I hope you feel
8 better.

9 Me, too. I wish I could cancel class.

10 I wish we could take a nap together.

11 Me, too. Get a bed so we can.

12 I'm on it today, beautiful.. Do you like your
13 phone?

14 Yes, thank you.

15 Have you been playing with it?

16 No, I have been teaching.

17 Miss you. Your mailbox is full.

18 Q. Please go to page 124, Defendant's Exhibit 28. Start
19 from Ms. Wilson at -- this is June 15th, 8:23 a.m. from
20 Ms. Wilson.

21 A. Are at your house?

22 What's up, I'm outside?

23 Q. Okay. Would you go to page 125, start at the top.

24 A. Sorry, I was in yoga. I will call after dinner.

25 Are you home?

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 I will be in 10 minutes.

2 Would you be interested in a visitor? LOL, haha.

3 I am home.

4 Okay. Lad and I on the porch watching the rain.

5 Aw, how sweet.

6 Q. That's enough. Page 129, Defendant's Exhibit 27,
7 starting at -- if you will just read top to bottom of
8 that page, please, sir.

9 A. I'm getting dressed now. Last chance for something
10 different than the usual breakfast.

11 LOL, I'm heading back to work. I have to stop at
12 the dry cleaners. Taylor and me completed my huge,
13 long list today. Thanks for the offer, though.

14 Yep. What's the name of the place at Five Points,
15 the gourmet shop?

16 Yep.

17 Um. Maybe if you go for tea, I'll see you.

18 You read my mind.

19 I decided to turn that part on today. Almost
20 there.

21 I am walking down there right now. Where are you?

22 About to pull in at the light.

23 You're not even here yet?

24 Parking.

25 Where are you right now?

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Leaving the house, why?

2 I was going to see if you would pick me up some
3 lunch and bring it to me.

4 Q. So the last one was from Jennifer Lee Wilson on
5 June 17th at 1:05 p.m.?

6 A. Correct.

7 Q. And then start at where this exchange began on June
8 17th at 10:09 a.m.

9 A. Yes.

10 Q. If you will go the page 137, please.

11 MS. PRINGLE: Beg the Court's indulgence.

12 BY MS. GARFIELD:

13 Q. What is the date at the top of this page?

14 A. June 21st, 2011.

15 Q. If you would go down to 8:16 p.m. and read from there,
16 June 21st?

17 A. Would you get me a Caesar salad with chicken or is it
18 too late?

19 Will do. I'll put it in for you.

20 Thank you.

21 Q. If you will go, please, to 143. And this would be
22 June 25th, 2011, 11:40. Would you start at the top,
23 please?

24 A. I just woke up.

25 Good for you.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 I found my grill, LOL. It felt good.
- 2 Yep.
- 3 They have outdoor furniture, too?
- 4 Where?
- 5 You want to go?
- 6 Parks Fire Center.
- 7 Where is it?
- 8 Board River Road.
- 9 I better not, I just started the dessert for
- 10 tonight.
- 11 What is it?
- 12 Chocolate raspberry pie.
- 13 You just made me wet.
- 14 Q. So Ms. Wilson is starting the dessert tonight on June
- 15 25th at 12:15 p.m.?
- 16 A. Yes.
- 17 Q. Based on what that says. Can you go to page 144?
- 18 Still on June 25th, and if you'll go down to 1:20 p.m.
- 19 and read that, please?
- 20 A. Have you decided to go to church with that girl or
- 21 would you like to pick one with me and go together?
- 22 I already told her I would go.
- 23 No worries. I need to look for one tonight.
- 24 Q. And --
- 25 A. Got the grill.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Q. So to Jennifer Wilson, June 25th, 1:21 p.m., he says no
2 worries?

3 A. No worries.

4 Q. And if you would go, please, to page 145. Later in the
5 day, June 25th, 4:14 p.m. to Jennifer Wilson. Would
6 you start there, please?

7 A. I'm getting the food at Earth Fare and I have
8 everything except plates and silverware.

9 I can bring those tonight.

10 Thanks. I need a drink.

11 I'm doing a little grocery run for you along with
12 mine. Creepy guy at Publix is Steven. Three stores
13 later, I have a procured lobster.

14 Q. Okay. And this is June 25th in the afternoon and those
15 are all from Hank to Jen?

16 A. The last four.

17 Q. The last four. The next page, please. And if you
18 would start at the top?

19 A. Yeah. I got you mangos. I got you mangos,
20 blueberries, avocados, bananas, cheddar bunnies. Oh,
21 shit, Earth Fare was out of asparagus and I forgot to
22 check Publix. Creepy threw me off. You want me to
23 bring it?

24 Please.

25 Okay.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 I'm going to Sea Coast Church on the grand. We're
2 going to Trinity Methodist. Sea Coast follows
3 Methodist, also.

4 Sorry about not being into sex this morning.

5 No worries.

6 Q. That's fine.

7 What's the phrase he uses again at 9:58 a.m. on
8 June 26th?

9 A. Again, no worries.

10 Q. And backing up, 5:54 p.m., from Jennifer Wilson, do you
11 want me to bring it to Mr. Hawes?

12 A. That is correct.

13 Q. On page 147. Actually, if I may hand you Defendant's
14 Exhibit No. 58 and see if you recognize what that is.

15 A. It's an e-mail.

16 Q. Okay. From where?

17 A. From Jennifer Wilson to jebwanderust@gmail, Janelle
18 Bondr.

19 Q. And could you read -- could you start with Ms. Bondr
20 and then read the reply?

21 A. Hey, hope your day of cleaning wasn't too miserable. I
22 cleaned, too, and it felt good. It was kind
23 of methodic in a way. Anyway, I'm going out to dinner,
24 will try you tomorrow. And Janelle replied, your day
25 is more relaxing and that you can finally put this Hank

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 business behind you. What a drama. My parents aren't
2 here yet, but I'm -- I'll call you when my parents
3 leave.

4 Q. All right. And, actually, Ms. Bondr wrote that on June
5 25th at 11:07 a.m., correct?

6 A. It was received -- now, whether she wrote it or not,
7 but it was received at that time.

8 Q. Okay. And then what time did Ms. Wilson reply back to
9 that e-mail?

10 (There was no response.)

11 Q. It's at the top, the time stamp.

12 A. Not on mine.

13 Q. I show you what's been marked as Defendant's Exhibit
14 56..

15 A. Bear with me just a second and let me make sure I've
16 got the time correct. And you're asking which -- what
17 was the question again?

18 Q. What time did Ms. Wilson respond to her friend,
19 Janelle?

20 A. 6:25 -- June 25th, 2011, at 6:26 p.m.

21 Q. She said, Hey, hope your day of cleaning wasn't too
22 miserable. I cleaned, too. It felt good. It was kind
23 of methodic in a way. Anyway, I'm going out to dinner,
24 will call you tomorrow.

25 A. Yes.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Q. And that's the same day she and Mr. Hawes were
- 2 procuring the lobster that you just read?
- 3 A. Should be around the same time.
- 4 Q. Page 147, if you would go down to June 26th at 9:08
- 5 p.m. from Ms. Wilson?
- 6 A. Okay.
- 7 Q. Read from there?
- 8 A. That is crazy about the hit and run. How did the woman
- 9 find you?
- 10 Q. Next?
- 11 A. You guys are still out?
- 12 Q. Next page?
- 13 A. Happened out front.
- 14 Hello. If you're busy, I'll stop texting.
- 15 I'll call in a second.
- 16 Good morning.
- 17 Q. Okay. Stop. At 6:26 -- on June 26th, 9:16 p.m., says
- 18 if you're busy, I'll stop texting, right? That's Hank?
- 19 A. Yes.
- 20 Q. Ms. Wilson says I will call in a second?
- 21 A. Yes.
- 22 Q. And then the next communication from them is June 27th
- 23 at 7:46 a.m.?
- 24 A. Yes.
- 25 Q. And that is Ms. Wilson saying good morning to

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Mr. Hawes?
- 2 A. Correct.
- 3 Q. Okay. Will you go to page 149, please, and go down to
- 4 June 28th, 11:48 a.m. to Jennifer Wilson from Hank?
- 5 A. By the way, that was very sweet and thoughtful of you.
- 6 That means a lot -- it means a lot. If you were
- 7 planning a quick stop over after lunch, let me know so
- 8 I'm here. I'm at the Starbucks at Five Points doing a
- 9 little work, want anything? I'm getting rained on.
- 10 Q. Would you agree that he sends lots of text messages in
- 11 a row?
- 12 A. Yes, I --
- 13 Q. Through --
- 14 A. There was a lot of communication with text messages.
- 15 Q. Throughout these records, he tends to send rapid fire
- 16 text messages, would you agree with that?
- 17 A. Yes.
- 18 Q. And lastly, page 150. Lastly on this page. Page 150
- 19 and go down to -- just start at June 29th from
- 20 Ms. Wilson at 10:47 a.m. and read to the bottom.
- 21 A. From Ms. Wilson?
- 22 Q. Uh-huh.
- 23 A. Vic just sent me to pick up the ultrasound, thus the
- 24 doctor appointment today.
- 25 Super.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Aw, they're so excited.

2 Huh?

3 Damn -- text. Call me, I'll drive her to
4 Greenville if you need me to today.

5 Hell, no. I know how turned on you are with
6 pregnant women.

7 Q. Thank you. If you will go to page 152, please, and
8 start at June 29 at 12:11 p.m. to Ms. Wilson?

9 A. To Ms. Wilson?

10 Q. Uh-huh, at 12:11.

11 A. So lunch sex for lunch?

12 I'm teaching until one.

13 Okay, I'll call at 1:00.

14 Still teaching? Got an appointment idea.

15 Q. All right. You can stop right there. The last text
16 from Hank to Jen in that was at 12:55 p.m., correct?

17 A. Yes.

18 Q. And then what's the next communication, the time in
19 between there?

20 A. From her or him?

21 Q. Just the next one from her?

22 A. 3:55 p.m.

23 Q. So from 12:55 p.m. to 3:55 after they discussed lunch
24 sex, there's no texting?

25 A. Correct.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Q. Between them. Page 153, please. And if you would,
2 read to Jennifer Wilson, June 29th, 4:58 p.m.?

3 A. We are the proud parents of a Serta 10-inch memory
4 foam.

5 Nice.

6 We got two memory pillows for stomach sleepers,
7 too. I miss you. Call me when you're headed this way,
8 please.

9 Did you get the message? Where are you?

10 At home.

11 Q. Okay. Please go to page 157, if you will start at the
12 top, please.

13 A. All right. This one is June 30th, 2011, at 1:02 p.m.
14 Let me know if I need to go by a crib after your GYN
15 appointment, haha. I'd be happy.

16 Of course, you would. It doesn't have to come out
17 of you. Smiley face.

18 No baby?

19 No.

20 Why? We can be an adorable little family.

21 I see you didn't need a -- I see you didn't need

22 --

23 Not yet.

24 How is everything going?

25 Looking good.