

VOLUME II OF III

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

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

AUG 04 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

HANK E. HAWES,

APPELLANT

APPELLATE CASE NO. 2014-002288

RECORD ON APPEAL

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JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Yeah.

2 What are you doing?

3 Leather almost done. It just needs to go back in
4 the car.

5 Where are we going for dinner?

6 -- Motor Supply. Wherever you want. We could try
7 something new like --

8 Q. This is June 30th, the "where are we going to dinner",
9 about 5:30 p.m. from Ms. Wilson, correct?

10 A. Yes. Yes.

11 Q. Next page, please. And if you will read from the top
12 and I'll stop you.

13 A. June 30th, 2011, 6:21 p.m.

14 You want me to come there or do you want to pick
15 me up?

16 If you're ready, head on over. I'm still turned
17 on. Hurry up.

18 Last night was nice. Have a good morning and I'll
19 call you soon.

20 It was. Good luck on everything today.

21 I'm getting turned on just thinking about it.

22 Q. Okay. If I could stop you right there. So June 30th,
23 6:22, Hank says to Ms. Wilson, if you're ready, head on
24 over?

25 A. That's correct.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Q. And then the next communication is from Ms. Wilson at
2 10:27 p.m. saying?

3 A. I'm still turned on, hurry up.

4 Q. Then the very next communication is to Ms. Wilson at
5 8:32 a.m. the next day, right?

6 A. Yes.

7 Q. Saying last night was nice?

8 A. Correct.

9 Q. And that is June 30th and July 1st.

10 MS. PRINGLE: For the record, that was Defendant's
11 Exhibits 23 and 24.

12 BY MS. PRINGLE::

13 Q. Page 160, Defendant's Exhibit 22. Could you, actually,
14 go back one page? All right. If you could -- well,
15 just start second from the bottom. This is June --
16 July 2nd, 2011, 9:47 a.m., from Ms. Wilson?

17 A. July 2nd?

18 Q. The second from the bottom, yes.

19 A. Okay. I'm going to pack and shower, okay?

20 Q. Next page.

21 A. I'm up and ready, frisky, by the way. Need to find my
22 glasses. Jen said he will stand and fight beside me.

23 LOL. When are you heading over here?

24 I'll be there in about 15.

25 Okay. Fuck, I need help setting my clock.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Okay. Where are you going? I'll be happy to talk
2 to you if you get bored. Wanted to drive by a house on
3 Devereux for sale.

4 Why?

5 Thought of making a bid on it. I'm almost home
6 now. God, I wish I had taken you up on that sex now. LOL.

7 I was really sad to see you go.

8 Q. Okay. Stop. That's on July 2nd, 2011, 1:04 p.m.?

9 A. Correct.

10 Q. And that's from Hank with the frowny face, I'm really
11 sad to see you go?

12 A. Correct.

13 Q. And then Ms. Wilson says?

14 A. I could tell. It's only a few weeks.

15 Q. Next page. Continue reading, please.

16 A. And you can call and text me as much as you want.

17 Q. That's from Ms. Wilson?

18 A. Yes.

19 Q. To Hank?

20 A. Yes.

21 Q. On July 2nd?

22 A. Yes.

23 Q. All right.

24 A. Possibly five weeks, I can't put my arms around you or
25 smell you or --

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Don't be negative. Think positively. If we are
2 really the ones, then we have the rest of our lives.

3 I'm still sad.

4 Q. Let me stop you there. And go to the next page, July
5 2nd, 2011, four o'clock p.m., Ms. Wilson says she is
6 where?

7 A. I am -- I'm only at Hendersonville.

8 Q. Go down to July 2nd, 4:59 p.m., she says?

9 A. Hope to get home faster on a horse.

10 Q. Go to page 163. This is July 3rd, late -- early, early
11 morning July 3rd, 12:03 a.m. To Ms. Wilson, you can
12 start there?

13 A. Where are you?

14 Almost to Mt. Vernon.

15 Q. Next page, please, 164. You can start at -- start at
16 the second one down, July 3rd, to Ms. Wilson, 12:08
17 a.m.

18 A. Do you want to call me?

19 Not yet. I will call if I get too tired.

20 Please be careful.

21 I will.

22 I love you, Dr. Wilson. Smiley face. There are
23 days that you frustrate and piss me off, but at the end
24 of each day, you mean the world to me. I truly love
25 you, Jen Wilson.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 LOL, you are silly. I just hit a raccoon.

2 You okay?

3 Yes, just hate that I killed it, but it ran right
4 into my car.

5 Sorry, baby.

6 I am home, finally. Sleep tight. I just saw Bob.

7 Q. Okay. I'm sorry to interrupt you.

8 A. That's okay.

9 Q. I'm just trying to do my best to keep you from doing
10 too much extract.

11 The "I am home" was July 3rd at 3:10 a.m.?

12 A. Yes.

13 Q. From Ms. Wilson?

14 A. Yes.

15 Q. Appears she drove straight through based on what we
16 just read?

17 A. I could assume.

18 Q. Okay. Page 165, July 3rd, 3:50 p.m.?

19 A. Okay.

20 Q. From Mr. Hawes to Ms. Wilson?

21 A. It was nice to hear your voice. Send me a pic of the
22 folks and Bob.

23 It is storming, so we are sitting on the back
24 porch watching it storm.

25 Take a pic or video. Help me feel what I'm

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 missing. P.S. I love you.
- 2 It would only make I sad.
- 3 I love you, too.
- 4 Should I block time next week to see it?
- 5 Q. Okay, that's fine. "I love you, too" is from
- 6 Ms. Wilson?
- 7 A. That's correct.
- 8 Q. July 3rd?
- 9 A. Yes.
- 10 Q. 4:33 p.m.?
- 11 A. Correct.
- 12 Q. Page 167, please. Actually, go to 173, Defendant's
- 13 Exhibit 21? Let's start on page -- all right. Sorry.
- 14 July 4th, 2011, 7:40 p.m., to Jennifer from Hank.
- 15 A. Aw, love, I could snuggle with you right now.
- 16 I would, actually, let you right now.
- 17 I love you, babe.
- 18 Love you, too.
- 19 What you doing?
- 20 Eating again, a veggie burger. I think I'm
- 21 pregnant and it's yours.
- 22 How you are feeling?
- 23 Where? Okay.
- 24 I wish I was with you for the snuggle --
- 25 Q. And just to clarify, the "I think I'm pregnant and it's

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 yours" is from Mr. Hawes?

2 A. Correct.

3 Q. Page 174, July 4th, at 9:07 p.m.?

4 A. At 9:07 p.m.?

5 Q. Start at 9:06 p.m. from Jennifer Wilson?

6 A. Okay. You make her laugh. I'd drive 13 hours to see
7 that face of yours.

8 Dad could use some help on the farm.

9 I'd help.

10 Maybe I should have you come up.

11 Q. You can stop there. That "maybe I should have you come
12 up" was from Ms. Wilson on July 4th at 9:07 p.m.?

13 A. Yes.

14 Q. With a smiley face?

15 A. Yes.

16 Q. And I'm not sure if I said that was Defendant's Exhibit
17 21?

18 All right. If we could go to page 227,
19 Defendant's Exhibit 19. All right. If you could start
20 at from Jennifer Wilson, July 9th, 2011, 11:54 p.m.

21 A. I said I love you.

22 Sorry I didn't hear. Love you, too. Good night.

23 Morning, love, I'm on my way to church. I will
24 call when I'm out.

25 If you get a chance, send me the letter this

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 morning. Have a great day.

2 Q. That's -- it was confusing with the dates changing in
3 there. That's the morning of July 10th, right?

4 A. Yes.

5 Q. All right. Go ahead.

6 A. Tell the family I said hi. I'm going out for brunch.

7 Dad is working in the STL on Monday and Tuesday.

8 No worries, just read your e-mail.

9 Depending on his work schedule for Wednesday as
10 you -- as to you coming up. I have things I could
11 comment on, but it was beautiful and I agree
12 completely.

13 Okay.

14 Going out to help dad with the goats.

15 Okay. Love you.

16 Love you, too.

17 Babe?

18 Yes.

19 Don't take your pill. Smiley face.

20 Q. So the smiley face, that is July 10th at 2:18 p.m.,
21 correct?

22 A. Correct.

23 Q. And this exchange about the e-mail that he says was
24 beautiful, this is on July 10th, correct?

25 A. July 10th, yes.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Q. And what was the date of the what a committed
2 relationship, the Dear Hank letter that you read?
- 3 A. I would have to go back.
- 4 Q. Does July 10th sound?
- 5 A. I couldn't answer.
- 6 Q. If you will go to page 228. This is just the next
7 message. This is from Ms. Wilson, July 10th, 2:20.
8 p.m.?
- 9 A. LOL, I'm thinking about it.
- 10 Don't. We want the same thing. Your words were
11 golden. We both fall short of that ideal sometimes,
12 but in the end, practice makes perfect. Smiley face.
- 13 I would like to make those words a daily
14 recurrence. Let's make one.
- 15 Smiley face.
- 16 I love you, Q.
- 17 Smiley face.
- 18 I love you, too.
- 19 What you doing?
- 20 Q. Okay. Smiley face responses are from Ms. Wilson?
- 21 A. Yes.
- 22 Q. Said I love you, Q, that's from Hank, right?
- 23 A. Yes.
- 24 Q. And Ms. Wilson says I love you, too.
- 25 A. Yes.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Q. 2:25 p.m. on July 10th?
- 2 A. Yes.
- 3 Q. Page 229, if you would you just start -- this is
- 4 July 10th, 2:33 p.m. to Jennifer Wilson from Hank?
- 5 A. I can't stop thinking about you.
- 6 Smiley face. I'm thinking about you, too.
- 7 Q. Okay. The "I'm thinking about you, too" is from Ms.
- 8 Wilson?
- 9 A. Correct.
- 10 Q. This is July 10th, 3:22 p.m.?
- 11 A. Yes.
- 12 Q. If you would go to page 230, please. This is July
- 13 10th, 7:11 p.m. from Ms. Wilson.
- 14 A. I miss you.
- 15 I miss you, too.
- 16 My parents thought -- was cute.
- 17 Should I board him or bring him?
- 18 Probably board him.
- 19 Looking forward to seeing you.
- 20 LOL, you, too.
- 21 Q. That last "LOL, you, too" was from Ms. Wilson, correct?
- 22 A. Yes.
- 23 Q. Page 232, 7/11/2011, at 11:14 a.m. to Ms. Wilson, Hank
- 24 says?
- 25 A. I miss you.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Q. Then?
- 2 A. Bad.
- 3 Q. Then she says?
- 4 A. I miss you, too.
- 5 Q. Defendant's Exhibit 20, page 211, this is, actually,
6 the day before, July 9, 10:52 a.m. Just read the top
7 two.
- 8 A. I'm sorry, which one?
- 9 Q. Oh, page 211. Just the top two, just the first two.
- 10 A. I love you, Jen.
- 11 I love you, too.
- 12 Q. Page 212, start at from Jen Wilson 07/09/2011, 12:36
13 p.m.
- 14 A. Um, I'm so frisky.
- 15 Tell me about it.
- 16 What you going to do about it?
- 17 I was fantasizing about you all morning. I was
18 thinking about what I wanted to do when you -- with you
19 when I see you next. I could be there by morning to
20 help with the fence.
- 21 Q. Okay. And that is started by -- the um, I'm frisky was
22 from Ms. Wilson?
- 23 A. Correct.
- 24 Q. July 9th, 12:36 p.m.?
- 25 A. Correct.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

- 1 Q. Page 213, July 9th, 2011, 12:42 p.m. from Ms. Wilson.
2 What does she say to Hank?
- 3 A. I'm sorry, give me the time again.
- 4 Q. 12:42 p.m.
- 5 A. And as hot as I am right now, it's very tempting.
6 Okay.
7 I have to drive.
- 8 Q. Stop. Page 214, the middle of the page says July 9th
9 still, 12:47 p.m. from Hank to Jen?
- 10 A. I could be there by morning.
- 11 Q. The next page, 215, from Jen, a third of the way down,
12 July 9th, 12:57 p.m.?
- 13 A. I'm, actually, considering your offer by the way.
- 14 Q. Page 216, you go down to about three-quarters of the
15 way down from Ms. Wilson to Hank, July 9th, 1:08 p.m.?
- 16 A. LOL. Oh, I'm going to tear you up. I will talk with
17 them tonight when I get home.
18 Okay. I'm driving now.
19 Let me know ASAP so I can mobilize and go.
20 Okay.
21 What time will you be there?
22 They're like, Jen, right?
- 23 Q. They like Jen.
- 24 A. They like Jen.
- 25 Q. That was Defendant's Exhibit 20.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Defendant's Exhibit 18, page 236, start at the top
2 to Jennifer Wilson on July 11th, 10:39 p.m. from Hank.

3 A. If I wasn't, you wouldn't have anxiety right now. What
4 do you need to feel secure? I'm failing and I know
5 you're unhappy.

6 I not unhappy, baby. I love you and I would not
7 consider having your baby if you were failing. Where
8 is this coming from? Do you want to talk? You can
9 call if you want.

10 If you're not unhappy --

11 Q. That's good. If you go to page 246, please,
12 Defendant's Exhibit 17, to Ms. Wilson, July 13th, 2:36
13 a.m.

14 A. I miss you bad.

15 Q. From Jennifer Wilson to Hank, 10:40?

16 A. I miss you, too.

17 Q. To Jen, 07/13, 11:08 a.m., the very bottom?

18 A. I can't wait to see you.

19 Q. And go to 247, please, just read the top four?

20 A. It won't be long now. Would you mind if I use -- would
21 you mind if I use the kitchen on Sunday to make
22 blueberry jams?

23 Sure, sounds fun.

24 Great. We can go to the farmer's market on
25 Saturday to get the blueberries.

JONATHAN VANHOUTEN CROSS BY MS. PRINGLE

1 Yep.

2 Q. All right. That is Ms. Wilson saying would you mind if
3 I use kitchen on Sunday to make blueberry jam?

4 A. Yes.

5 Q. July 13th, 12:19 p.m.?

6 A. Correct.

7 MS. PRINGLE: May we approach?

8 THE COURT: Yes, ma'am.

9 (Whereupon, a bench conference was held
10 off the record, in the presence of the
11 jury, but out of the hearing of the
12 jury.)

13 THE COURT: All right. Mr. Foreman, ladies and
14 gentlemen of the jury, let's see, it's -- I guess I've got
15 to get my watch synced up with their clock. It's five
16 minutes after 5:00. We're going to quit at this time..
17 Please don't discuss the case amongst yourselves. Please
18 don't read anything or watch anything on TV about the case.
19 We'll continue in the morning at 9:30. I'll see you in the
20 morning at 9:30. Have a good evening.

21 (Whereupon, the jury left the courtroom
22 at 5:05 p.m.)

23 THE COURT: All right. Anything from the State
24 before we break for the evening?

25 MS. GARFIELD: No, sir.

1 THE COURT: Anything from the Defendant?

2 MR. STRICKLER: No, sir.

3 THE COURT: All right. We'll adjourn until 9:30
4 in the morning.

5 (Whereupon, court was adjourned for the
6 day, October 9, 2014, to be reconvened
7 on Friday, October 10, 2014.)

8 THE COURT: All right. I have not done this
9 prior, but I'm going to put the solicitor's office as well
10 as the defense office on a gag order from having any
11 conversations with the press whatsoever.

12 Does everybody understand?

13 MS. GARFIELD: Yes, sir.

14 THE COURT: As far as the press is concerned in
15 the courtroom, got cameras in the courtroom and recording,
16 they can report anything they want to report. But I have
17 put the attorneys and the officers under a gag order not to
18 have any conversations with the press during the duration --
19 during the remaining duration of this trial.

20 Does everybody understand?

21 MR. STRICKLER: Yes, sir.

22 THE COURT: All right. Thank you very much.

23 Anything from the State before we bring the jury?

24 MS. GARFIELD: No, sir.

25 THE COURT: Anything from the Defense?

1 MR. STRICKLER: No, sir.

2 THE COURT: Okay. Thank you very much.

3 Do you have your expert here?

4 MR. STRICKLER: He's on his way up here, Your
5 Honor.

6 THE COURT: All right. Bring us the jury.

7 BAILIFF: Yes, Your Honor.

8 (Whereupon, the jury returned to the
9 courtroom at 9:40 a.m.)

10 BAILIFF: Jury is seated, Your Honor.

11 THE COURT: Thank you very much.

12 If you will call your -- I believe we were in the
13 middle of the -- where's our witness?

14 MS. GARFIELD: Right here.

15 THE COURT: Come on around, please, sir, if you
16 would.

17 I think we were in the middle of cross, is that
18 correct?

19 MS. PRINGLE: Yes, sir.

20 THE COURT: Okay.

21 CONTINUED CROSS-EXAMINATION

22 BY MS. PRINGLE:

23 Q. Good morning, Mr. Vanhouten.

24 A. Morning.

25 Q. I'm going to get you to come back down, please.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 MS. PRINGLE: May the witness step down, Your
2 Honor?

3 THE WITNESS: (The witness complies.)

4 BY MS. PRINGLE::

5 Q. Thank you, sir. Referring to, for the record,
6 Defendant's Exhibit No. 16, I'm going to take you back
7 to the middle of July, July the 14th. And, sir, we
8 were on page 255, is that correct?

9 A. Yes.

10 Q. And I have highlighted these portions here. If it
11 would be easier for you to read off of my sheet or you
12 may read off there, but I would ask that you start at
13 July 14th, 2011, at 11:39 a.m. from Ms. Wilson?

14 A. Okay. It reads good morning.

15 Morning, baby.

16 How's your day?

17 Great. Momma and I just left the winery where we
18 had wine, cheese and sausage for lunch. You look hot
19 by the way.

20 Oh, thanks.

21 Q. Okay. You can stop right there.

22 And, sir, that was July 14th, correct?

23 A. Yes.

24 Q. I take you to page 261.

25 MS. PRINGLE: Beg the Court's indulgence, Your

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Honor.

2 BY MS. PRINGLE:

3 Q. I'm sorry. If you can go back to 256, July 14th, 2011,
4 3:38, from Ms. Wilson?

5 A. I'm getting my hair cut in Columbia. More today, do we
6 -- went through -- for lunch.

7 Oh, what time are you free? Big Lots has candy
8 jars 12 for seven dollars.

9 What you doing? Guess you're busy. Just try you
10 later. I'm going to bed early tonight. I have an
11 early morning.

12 It was really nice to see you. I miss you
13 terribly. Are you available? I so miss you.

14 I miss you, too.

15 Q. Okay. And the last one from Ms. Wilson, 10:28 p.m., I
16 miss you, too.

17 Page 257, please. Third line down from Ms. Wilson
18 on July 13th at 11:30 a.m.?

19 A. Yep, packing up my car. My trunk is a lot smaller than
20 my Honda.

21 Q. If you will go down pass all the rainy stuff to about
22 12:17 p.m. to Ms. Wilson from Hank?

23 A. You driving?

24 Yep, I left at 11:00.

25 Doing okay?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Yep.

2 Where are you?

3 Between Kentucky and Tennessee.

4 -- I wish I was between you and the mattress.

5 Smiley face.

6 Q. And so 4:51 p.m. on July 15th, she's between Kentucky
7 and Tennessee.

8 Next page, she says?

9 A. You will be soon. Smiley face.

10 Uh-huh.

11 Q. Okay. Then you can skip down to 723 -- 715 at 7:23
12 p.m. to Ms. Wilson?

13 A. It rains on the just and the unjust. I really miss
14 you.

15 What? I heard two words, then dropped call. Will
16 you call me back?

17 Hello?

18 Baby, you still doing okay? Where are you now?

19 Almost to Knoxville.

20 Update, please.

21 Outside of Knoxville.

22 How much is that, three hours?

23 I'm 85 miles away from Nashville.

24 Q. So he's asking her where she is at 9:05. She's around
25 Knoxville. And at 10:09, she's 85 miles from

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Nashville, correct?
- 2 A. Correct.
- 3 Q. Okay. Next page. Starting at the third line down?
- 4 A. I love you. I excited to see you.
- 5 I love you, too. Smiley face.
- 6 What's your ETA?
- 7 I don't know.
- 8 Where are you now?
- 9 Almost to Ashville.
- 10 How long does it normally take you from Ashville?
- 11 I can't remember. I don't know.
- 12 At Ashville. 157 miles. I'm getting tired.
- 13 I bet.
- 14 116 miles to Columbia. Can't wait. Smiley face.
- 15 Q. So 11:12, she's reporting to him she's in Ashville?
- 16 A. Uh-huh.
- 17 Q. And about 157 miles away. Next page. Start at the
- 18 top, please.
- 19 A. How far, baby?
- 20 I'm at Exit 54.
- 21 Where is that?
- 22 I don't know, 52 miles.
- 23 Okay. Be safe, beautiful.
- 24 I will have to stop for gas still, 40 miles.
- 25 Closer.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Where are you, baby? Are you okay?
- 2 Yeah. Should be home in 20.
- 3 You coming to get me?
- 4 On my way.
- 5 K.
- 6 July 21st, DL 5338 to Atlanta, departure Jack.
- 7 Q. Okay. And now I want to take you to page 261,
- 8 July 18th. And start three lines down, please.
- 9 A. Hello, beautiful, how's your day? Want to snuggle up
- 10 with you after yoga.
- 11 I've been so busy. How about you?
- 12 It got a little crazy, but almost done for the
- 13 day. Really ready to see you. Love you so much.
- 14 What would you like for dinner tonight?
- 15 I don't know.
- 16 Aren't Jay supposed to be with Connie right now?
- 17 Want to eat light? I'm here.
- 18 Yoga is at 5:30. Yes, I'd love to eat light.
- 19 Q. Next page. What does Ms. Wilson ask Hank at 7:11 p.m.?
- 20 A. Where can I buy a cover for my Ipad.
- 21 Q. Now, skip down to July 19th from Hank. Where does he
- 22 say he is?
- 23 A. What time?
- 24 Q. I'm sorry, 12:49?
- 25 A. I am parked by the University until you call. Love

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 you.

2 Q. If you will just keep reading on down?

3 A. Hey, where are you?

4 Hey, baby, where are you?

5 I'm parked by your office. Want to get lunch?

6 Were you able to give Julie the \$500 from me? I

7 hope it helps her day go a little smoother.

8 Yeah.

9 Q. You can just go down to gotcha.

10 A. Gotcha.

11 Hey, yes. Love you.

12 Love you, too.

13 Q. Next page, please. So we're still mid-July, July 19.

14 And Ms. Wilson at 2:36 p.m. three lines down ask Hank

15 what?

16 A. Want to bring me a green tea? Smiley face.

17 Q. Yeah, keep going.

18 A. I'd love to. Let me fax this letter and I'm on it.

19 LOL. Okay.

20 Damn that took a while. I'm going for your tea.

21 No travel yoga mats?

22 Q. Okay. Go down to 8:58 p.m. and Ms. Wilson says what?

23 A. I'm just going to head home. Can you bring my things?

24 Q. Then if you will skip down to 10:55 and she says?

25 A. Will do.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Q. Then keep reading.

2 A. Thanks, babe. I'm sorry. Grab a bottle of soc hi,
3 please. Got it.

4 Q. Stop right there. Grab a bottle of soc hi, please.
5 That's 7:47 p.m. on July 20th. We, actually, skip to
6 the next day here, correct, 7:21. The next text is to
7 Ms. Wilson at 9:06 a.m. saying what?

8 A. I love you and I'm really going to miss you, baby.

9 I love you, too.

10 Q. Next page. Were you aware, sir, that Ms. Wilson was
11 based on your review of all the records of her phone,
12 e-mails that she was headed to Bali around this time,
13 do you recall that?

14 A. I recovered photos I assumed were from a foreign
15 country off of her external drive.

16 Q. If you will start at the top of this.

17 A. Be safe and smart. Call me soon. I miss you already.

18 I miss you, too. Smiley face. You don't have to
19 take an Ipad out of your bag for security, isn't that
20 nice?

21 That's cool.

22 What are you doing?

23 Driving to get food.

24 I want food. Thinking about being close to you.

25 Thinking about -- we are just starting to board.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Okay, baby.

2 I was thinking about you being inside of me. Umm,
3 love it. I will call you in Atlanta.

4 K.

5 Q. Next page?

6 A. Love you.

7 Love you, too. The first hotel is really nice.

8 Smiley face.

9 What you doing?

10 Checking in again. Frown face.

11 You get food?

12 Going right now.

13 Call before flight, please.

14 Of course. Smiley face.

15 Q. Okay. Stop right there. So he tells her to call
16 before her flight, please. And she answers of course,
17 exclamation mark, right?

18 A. Yes.

19 Q. That's on July 21?

20 A. Correct.

21 Q. 2011. And the next text message to her from Hank has
22 some international number?

23 A. Yes.

24 Q. Correct? And then the next text message -- the next
25 text message is August 5th, correct?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 A. Correct. 2:28 p.m.

2 Q. All right. I'm going to hand you what's been marked
3 Defendant's Exhibit No. 53. Is this an excerpt from
4 the time line from the phone dump of Ms. Wilson's
5 phone?

6 A. Yes.

7 Q. Okay. And would you just read the e-mail that Hank
8 sends to Jen and give the jury the time and date?

9 A. The time is August 4th, 2011, 12:51 p.m. And it's --
10 the context is Jen, I'm on the way to the airport right
11 now to catch my 2:30 flight, SQ62 Singapore Airlines
12 through Moscow and lands at IAH at 1405 on August 5.
13 It really sucks not being able to talk to you. I love
14 you, hope to see you soon.

15 Hopefully, talk before Saturday and I can pick you
16 up from the airport if you'd like. Just let me know
17 via e-mail. I love you, Jen. Be safe.

18 Q. So that last text with the smiley is on 07/21. This is
19 on 08/04. Now, I'm going to show you what's been
20 marked as Defendant's Exhibit No. 52 and direct your
21 attention to the top of the page. Ask you if you can
22 tell the jury what that is and read in reverse order
23 with that e-mail, please.

24 A. On August 5th, 2011, at 2:30 p.m. says, Hank Hawes
25 wrote, Are you at the airport headed home? Then seven

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 hours later on August 5th, 2011, 9:10 p.m., Jennifer
2 Wilson writes, in the airport running to catch my
3 flight. Will call when I get to Atlanta. .

4 Q. She's returning around August 5th. And back to page
5 265, we're still on there, just start at, Are you at
6 the airport?

7 A. Oh -- 2:20 p.m., Are you at the airport for home?

8 Just landed.

9 Will call when you get through customs.

10 Okay. You're going to call back? You rang?

11 Awaiting your --

12 Q. Next page. So 08/06/11, 2:03 p.m., we're still on the
13 same day, we're still waiting for her. 266 -- 201,
14 sorry, top?

15 A. Okay. Awaiting your call to go walk. Can't wait to
16 see you. Are you safe?

17 Just jumping into the shower, will call in the
18 second okay.

19 Q. Stop right there. She says, I'm just jumping in the
20 shower, will call you in a second. He says, Okay.

21 That's 3:25 p.m. And 3:40 p.m., he says?

22 A. I'm crazy frisky right now.

23 Q. Okay. That's at 3:40 p.m., correct?

24 A. Yes.

25 Q. And then the next text exchange is to Ms. Wilson from

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Hank at 9:35?
- 2 A. Yes.
- 3 Q. So you have a block from 3:40 to 9:35 p.m., correct?
- 4 A. Yes.
- 5 Q. And what does he say to her at 9:35 p.m.?
- 6 A. If you change your mind and want to snuggle, I will
7 consider coming back over.
- 8 Q. And just read the bottom, please.
- 9 A. I just had a huge bowel movement. Thank you for
10 understanding.
- 11 Awe. I can't wait to snuggle with you again.
- 12 Are you skyping your buddy?
- 13 Okay. So I'm feeling weird right now and you know
14 why? Ain't you going to call me?
- 15 Well?
- 16 Q. Next page?
- 17 A. Please tell me. Jen, I'm feeling like a fool right
18 now. I need to talk to you. I know you're on Skype.
19 Please. Is this why you didn't want me to be there
20 tonight. My apologies.
- 21 Q. Okay. And if you'll stop there. That's 08/06/11,
22 11:33 p.m.?
- 23 A. Yes.
- 24 Q. And that says my apologies?
- 25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Q. Did she ever answer by text on that day?

2 A. I would have to --

3 Q. Next page. No, I'm sorry, it's in the middle of 267?

4 A. At 3:07, appears to be a text sent from Ms. Wilson on
5 08/07/2011.

6 Q. We're on 08/06/2011 at 11:33 p.m.?

7 A. My apologies. The next response from her, a text
8 coming from her is not until the next day.

9 Q. Okay. The next morning, on August 7th, down at 10:26
10 a.m., he says to her?

11 A. Sorry, what time again?

12 Q. 10:26 a.m.?

13 A. Are you awake? Are you okay? How is your day going?

14 Good. Getting ready to go to the grocery store.

15 Do you have an idea for dinner, veggies and,

16 question mark.

17 What time do you want to eat?

18 Q. Next page?

19 A. Maybe around 6:00, does that work for you? I'll clear
20 my schedule.

21 LOL. Thanks. We are close to go for a walk.

22 My place or IRS?

23 Yours. Mine is still foggy.

24 Okay. No comment on what you want?

25 Surprise me beautiful.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 LOL. Be careful what you wish for.
- 2 On the phone. What's up, baby?
- 3 How so?
- 4 Chick pea and feta salad, smoothies for desert.
- 5 What if I want you for dessert?
- 6 LOL. That, too.
- 7 LOL that too.
- 8 Q. Okay. thank you. I'm going to take you to August 9th,
9 Page 271. And if go down to not to be rude from Hank
10 on August 9th at 6:45 p.m., he says?
- 11 A. Not to be rude or assuming, but I'm really hungry. I
12 was trying to give you some time while I ran my errand.
13 Are we still doing dinner or, question mark. Please be
14 kind enough to let me know soon.
- 15 If you're in the area, will you check to see if
16 the patio table is still at the store.
- 17 Q. That's from Ms. Wilson?
- 18 A. Yes.
- 19 Q. Keep going.
- 20 A. I would like to get it this weekend, if possible.
- 21 We can do it.
- 22 Okay.
- 23 I'm, also, torn between the hike this weekend and
24 the outlet stores.
- 25 I'm open.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Good.

2 Q. That's Ms. Wilson saying I'm torn between the hike this
3 weekend and the outlet stores and that's at 7:48,
4 right?

5 A. 7:39.

6 Q. Next page. And if you will just read the three lines
7 in the middle starting at 4:41 p.m.?

8 A. You coming here after yoga?

9 Yep. We eat, shower, then sleep.

10 Q. Okay. That is on August 11th, correct?

11 A. No, that's August 10th. August 10th --

12 Q. August 10th?

13 A. 2011 at 4:43 p.m.

14 Q. All right. If we could go to August 11th, on Page 277.

15 Hank sends Ms. Wilson a text message at 3:01 p.m.

16 telling him what?

17 A. Worked it out. Going to look for you -- going to look
18 hot for you tonight. LOL.

19 LOL, why?

20 Because I love you and you want to -- and you want
21 to like what you see. New loafers, jeans and funky
22 shirt.

23 I need to pick some cologne, then maybe I'll get
24 lucky.

25 Let's make a standing date tonight every week so I

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 can take you out. Well, I was excited about it.

2 I like that idea.

3 We can go out one night this weekend.

4 Hello.

5 Yes, baby.

6 I want you really bad right now.

7 LOL. You are too cute.

8 Q. Next page, just read down starting at the top?

9 A. I bet you look hot in your new clothes. And GN is
10 ready to fend off the pill control.

11 LOL.

12 I hope I look decent for you.

13 Where are you guys going for dinner so I don't
14 overlap you?

15 Blue Cactus, most likely.

16 Okay. Feed the baby well.

17 I'm rolling my eyes. Smiley face.

18 I know, but I can dream.

19 Q. So he's asking her where are going for dinner so I
20 won't overlap you and she says Blue Cactus.

21 A. Yep.

22 Q. Next page, please, top of the page, the first five
23 lines. And this is August 11th at 8:54 p.m.?

24 A. Correct.

25 Are you going to be out much longer?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 I am home.

2 Do you want me to come over?

3 Sure.

4 I'll be there in a few.

5 Q. Okay. You can stop there. The first text on the next
6 day is August 12th, that's the next text, correct?

7 A. Yes.

8 Q. And that is from Ms. Wilson to Hank?

9 A. Correct.

10 Q. Saying I'm hungry already?

11 A. I'm hungry already.

12 Q. That's all. Down to 282, please, starting with August
13 12th 1:58 p.m.

14 A. I tried to change it. Let me check.

15 Curly Q for life.

16 LOL, thanks.

17 They won't let me update because I don't have your
18 security code for the card. I need to just delete the
19 app if yours. It drives me nutty.

20 7:08 in a meeting.

21 Why does it need my card security code to update
22 apps?

23 Q. Next page, just the top three lines.

24 A. It made me confirm your info. Don't worry, I'll take
25 it off and reload them with my info.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 I trust you. I don't mind.

2 Q. Then go down to 5:08 p.m. with Ms. Wilson asking?

3 A. What time are you picking me up?

4 Are you home now?

5 Yep, trying to finish up reading my book and
6 didn't know if I had time for an S walk or not.

7 I'll be there at six.

8 Q. Okay. Page 285, 08/13, 5:38 p.m. to Ms. Wilson?

9 A. Again, don't beat yourself up for my impatience for a
10 family. I've waited 36 years and a few more may be in
11 the cards. I love you.

12 I love you, too.

13 Q. Next page. The first top six lines?

14 A. You look good.

15 Thanks.

16 If you want it when you get home, let me know.

17 Okay.

18 Be careful. Call me.

19 Okay. Will do, you, too.

20 Q. Okay. August 12th, page 280, 12:16 p.m. starting with
21 do you know the plan.

22 A. Do you know the plan with Janelle and David?

23 Not yet, why?

24 Reservation at Saluda's. And if not, so I know
25 what to do with myself. Are we going to babysit soon?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Heard from Janelle. She wants to do something
2 Saturday night, so tonight it's you and me on a date.
3 I haven't heard from David.

4 Cool, this Saluda's at 6:30.

5 I'll be there at 6:00, 6:15, if that's okay. Let's
6 do something fun tomorrow.

7 Q. Okay. So tonight it's you and me, smiley face. And
8 that's at 1:08 p.m. on August 12th, correct?

9 A. Yeah.

10 Q. Page 297, we're up to August 15th, start at the second
11 line down?

12 A. I miss you.

13 Q. 297?

14 A. 8:15, 8:22.

15 Q. 8:22.

16 A. I can see some company -- I could use some company
17 tonight if you're interested? How's the jam coming?

18 Good, on my last batch.

19 Yeah?

20 Yeah.

21 Did you get my other text?

22 Yes, I'm considering it.

23 That would be nice.

24 Can I -- jam, also.

25 I'm on my way over.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Okay. Thanks for the lid, I'll trade you for a
2 bigger one.
- 3 Q. So Ms. Wilson tells him at 9:19 p.m. I'm on my way
4 over?
- 5 A. Yes.
- 6 Q. And he says, okay, 9:19. And then the next text is,
7 actually, the next day, right, so there's a break
8 there?
- 9 A. Yeah.
- 10 Q. Nothing between them from there.
- 11 08/16/11, 10:07 a.m., he says, just the one line.
12 Thanks for the lid?
- 13 A. Yeah, thanks for the lid, I'll trade you for a bigger
14 one.
- 15 Q. All right. I'm going to move to August 16th through
16 the 22nd. What I really want to do with you here --
17 we've already read this, I know, just to point out some
18 specifics, starting at page 298, 9:49 p.m. to
19 Ms. Wilson. And he's asking her, Will I see you
20 tonight? And that's at 9:49 p.m.?
- 21 A. Correct.
- 22 Q. She says she'll come?
- 23 A. Yes.
- 24 Q. Then is there a break between there and the next text
25 message?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 A. There's a break there, 11 hours, it appears around 11
2 hours.

3 Q. So she says yep, I will come over. Then nothing
4 between them for 11 hours. The next morning at 9:08
5 a.m., you don't have to read it all. He's asking
6 her -- make sure I'm repeating your testimony
7 correctly. He's asking her -- telling her he still
8 needs the information on Norway, right?

9 A. Yes.

10 Q. If you don't mind, I'll swing by the University
11 tomorrow, do a car swap and fix the thing, you can tell
12 me about the reading assessment and she says?

13 A. It will probably take a couple of hours, maybe this
14 weekend.

15 Q. And he says, That could work. I'm planning something
16 fun for the weekend. That's on August 17th at 10:01
17 a.m.?

18 A. Yes.

19 Q. 303, please. Later on that day on August 17th at 9:34
20 p.m., he's asking her how's the pot luck?

21 A. Yes.

22 Q. Then there's a series of text just from him. You're
23 still there? Late pot luck? Really? I'm home.
24 Correct?

25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. And that starts at 9:34 p.m. Next page. About 11:05,
2 he says -- this is still August 17th, right?
- 3 A. Yes. Okay, Jen, this isn't fair after you said you
4 would come over tonight and not even a courtesy text.
- 5 Q. Okay. 12:38 a.m., that's moved into August 18th,
6 right, early morning hours of August 18th?
- 7 A. Correct.
- 8 Q. He says a yoga pile up till 1:00 a.m.?
- 9 A. Yes.
- 10 Q. During the week?
- 11 A. Correct.
- 12 Q. And at 12:59 a.m., she tells him she's heading home?
- 13 A. Yes.
- 14 Q. Telling her I've been waiting on you all night. Next
15 page, I was excited to see you. And that's at the top,
16 correct?
- 17 A. Correct.
- 18 Q. 1:42 a.m.?
- 19 A. Yes.
- 20 Q. There's nothing from her, she doesn't ever respond
21 until the next morning at 8:05, right?
- 22 A. With the text message, correct.
- 23 Q. Okay. All right. Based on this?
- 24 A. Yes.
- 25 Q. Where she starts, she says, I'm sorry you were worried.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 And that's at 804 a.m.?
- 2 A. Correct.
- 3 Q. From her to him?
- 4 A. Correct.
- 5 Q. He stopped saying anything to her the night before at
- 6 1:52 a.m., right?
- 7 A. Correct.
- 8 Q. At 12:17, he's asking her, lunch?
- 9 A. 12:17, yes, correct, lunch.
- 10 Q. This is August 18. And she tells him she's got to wait
- 11 for the upholstery cleaners?
- 12 A. Correct.
- 13 Q. So same day, Page 308. 3:42 p.m., so later that day.
- 14 A. Okay.
- 15 Q. She's saying I love you, too. I'm really sorry we
- 16 didn't work out.
- 17 A. Correct.
- 18 Q. Next page 309. This is after they're saying I'm sorry
- 19 about all the hurtful things?
- 20 A. Yeah.
- 21 Q. 4:35 p.m. on that date, August 18th, he tells her?
- 22 A. I will come to -- I will cover the counselor to verify
- 23 we can't recover if you will take that final step with
- 24 me.
- 25 Q. And Page 310. So still 4:38 p.m., he's still -- top of

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 the -- first line.
- 2 A. I would like a shot getting our communication right
- 3 with a counselor.
- 4 Q. And she responded at 4:40 saying, if we?
- 5 A. If we decide in the future to try again, a counselor
- 6 will be mandatory.
- 7 Q. Okay. And down to Page 311. At 4:44, she's saying, If
- 8 we're going to be together, we'll find each other,
- 9 correct?
- 10 A. Pretty much.
- 11 Q. At 4:49, she says, Hank, stop, please give me time and
- 12 space?
- 13 A. Correct.
- 14 Q. And what does he say?
- 15 A. As you wish. Goodbye, Jen, I love you.
- 16 I love you, too. Goodbye.
- 17 Q. Then he text her about an hour and 10 minutes later.
- 18 Top of Page 312, saying?
- 19 A. I miss you already.
- 20 You are killing me. I wanted to send you a funny
- 21 story about the upholstery cleaners, but I'm really
- 22 trying to do the right thing here.
- 23 Q. So he sent that at 6:07 and then she responded with
- 24 that you're killing me at 6:09?
- 25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. At 6:12, she was saying, They asked me what the stains
2 were. I said I didn't know. They said it looks like.
3 He says ha?
- 4 A. Yes.
- 5 Q. She says I was so embarrassed?
- 6 A. Correct.
- 7 Q. And this is where they -- I'm not going to have you
8 read through all that again. It starts with, You want
9 to play and starts going into this back and forth. On
10 Page 313 at 6:15 p.m., he's been saying, you know, he
11 want to come over and have sex. And she responds at
12 6:15 with?
- 13 A. Umm.
- 14 Q. Then she responds again, after he says you and I get
15 that right always. And she says at 6:15?
- 16 A. Yes, we do.
- 17 Q. Next page. As it was still going, Hank's doing his
18 usual sort of rapid fire sending text after text,
19 right?
- 20 A. Yes.
- 21 Q. Those were all just Hank, Hank, Hank, other than that
22 one. Page 315, 6:23, he tells her?
- 23 A. I'm down the street.
- 24 Q. And then it's more the seriously --
- 25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. No talking. And then at 6:25, he tells her what?
- 2 A. I'm close.
- 3 Q. And then what does she say?
- 4 A. Stop, please.
- 5 Q. Right away, right, couple seconds later?
- 6 A. Yes.
- 7 Q. Then it's at 6:26, when, apparently, he's there and he
- 8 see this car?
- 9 A. Yes.
- 10 Q. Page 317 -- and they're still texting back and forth,
- 11 right, from that point until 7:17, that's sort of
- 12 consistent?
- 13 A. Yes.
- 14 Q. Continuing, there's no break. At 7:14, just the top
- 15 line, it says?
- 16 A. We were sexting and it was there.
- 17 Q. Okay. And on page 318 at 9:00 p.m., he says?
- 18 A. So how long. Continue?
- 19 Q. No. Page 321 -- well, you can go to page 321, but I
- 20 wanted to ask you a question about -- also, on
- 21 August 18th -- I show you what's been marked
- 22 Defendant's Exhibit No. 36, what is that?
- 23 A. It appears to be text messages between Jennifer Wilson
- 24 and Chandrashekhar.
- 25 Q. And those were taken off of her phone?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 A. I would have to look back. Yes.

2 Q. Okay. And if I could direct your attention to that
3 exchange. I just want to talk to you about August 18th
4 right now between them. So same day, right, at 8:39
5 a.m., Mr. Chandra sends a text message to Ms. Wilson,
6 correct?

7 A. Yes.

8 Q. If would you start there?

9 A. Hangover?

10 Going to Drip for coffee. Join if you need --
11 join if you'd like.

12 Continue?

13 Q. Yes.

14 A. I'm waiting for the upholstery cleaner to get here. He
15 is late. It may make me miss yoga.

16 Q. All right. You can stop right there for now. The next
17 page, just one page over. And Mr. Chandra says, at the
18 top?

19 A. Why is the upholstery so funny?

20 Q. Keep going.

21 A. Try answering what each stain is on your sofa. Not so
22 funny anymore.

23 Ha ha, you just made it even funnier.

24 A -- made stains. LOL.

25 Semen stains.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 I'm rolling my eyes.
- 2 You would. Smiley face.
- 3 Can I come by and we ride together?
- 4 Q. That's at what time, can I come by and we ride
5 together?
- 6 A. That is on August 18th, 2011 at 5:53 p.m.
- 7 Q. All right.
- 8 A. Continue?
- 9 Q. Yeah. She says?
- 10 A. If you want, but then you will be late, too.
- 11 No problem. See you soon.
- 12 LOL.
- 13 K.
- 14 Good night, Jen. Sleepy now.
- 15 Q. All right. If you go to the fourth page starting at
16 the top, it's 08/19 at 4:38 p.m.?
- 17 A. Okay.
- 18 Q. At 1:27 --
- 19 MS. GARFIELD: Judge, I'm going to object at this
20 time.
- 21 THE COURT: Sorry?
- 22 MS. GARFIELD: I'm objecting at this time.
- 23 THE COURT: What's your legal objection.
- 24 MS. GARFIELD: Relevance.
- 25 THE COURT: Let me see the particular one you're

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 talking about, please.

2 (Whereupon, a bench conference was held
3 off the record, in the presence of the
4 jury, but out of the hearing of the
5 jury.)

6 BY MS. PRINGLE:

7 Q. All right, sir. Let's get back to where we were. And
8 looking through the time line of these couple of days,
9 okay. We're just going to keep moving through okay.
10 Page 321, at 5:05 p.m., Hank says to Jen -- 5:03 p.m.?

11 A. 5:03 p.m.?

12 Q. Yes.

13 A. All right. 08/19, 5:03 p.m., and it doesn't matter --
14 I'm sorry. Your e-mail said he wasn't. I love you,
15 baby.

16 We were looking at a comic strip on my computer
17 and it doesn't matter. And I'm looking at my -- and
18 you were wrong. Reread it.

19 You are right, it doesn't matter, unless it makes
20 I feel less like a fool. Jen, I really love you and I
21 want the best for you. I will accept the blame.

22 Thank you. The feeling is mutual.

23 It don't matter what did or didn't happen, I miss
24 you.

25 Q. Then the next page, 322?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 A. Start at the top?

2 Q. Yes, sir. That last little bit that you read about
3 5:07 p.m., if you will go down and read the last five
4 lines starting from Ms. Wilson?

5 A. I wish all of that for you. If there is everything --
6 is there is ever anything you need, let me know. Good
7 luck.

8 Same to you, Jen. Feel free to text or call as I
9 would invite your friendship when you are ready. Maybe
10 you can witness the change from a safe distance. I'm
11 forever grateful you've help me complete most of it.

12 Q. All right. Next page. We're still in the same time
13 area. It's 5:15 p.m. Again, he says, Love you, Jen,
14 correct?

15 A. Right.

16 Q. He says bye for now?

17 A. She says, Love you, too, bye.

18 Q. Okay.

19 A. Then he sends her a smiley face?

20 Q. Okay. That's at 5:19 p.m.?

21 A. Correct.

22 Q. And then he sends her one more at 6:55 p.m. saying oh,
23 I almost forgot, if you're ever feeling frisky -- call
24 me, basically, right?

25 A. Correct.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Q. And that's at 6:55 p.m. Who is the next text message
2 from?

3 A. Between these two parties?

4 Q. Yes, yes.

5 A. From Jennifer Lee Wilson to Hank Hawes.

6 Q. All right. His last one was at 6:55. He doesn't send
7 her any text messages after that. At 1:19 a.m., she
8 sends him a text message, right?

9 A. Correct.

10 Q. And this is August 20th, early morning hours of August
11 20th?

12 A. Yes.

13 Q. And she says what to him?

14 A. Kind of frisky right now, but respect you too much.

15 Q. Then it takes him about 20 seconds to respond?

16 A. Yes.

17 Q. Then it's just, basically, him begging her?

18 A. Yes.

19 Q. Next page, begging her still. They're talking about
20 she's scared, him begging.

21 Page 325, about the middle of the page, from Ms.
22 Wilson.

23 A. August 20th?

24 Q. Yes, Page 325.

25 A. August 20th, 2011, at 1:29 a.m., Oh, this is so hard.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. Okay. And at 1:30, he says, Come over?
- 2 A. Correct.
- 3 Q. She says, You know I would, but I'm afraid you will use
- 4 it against me?
- 5 A. Correct.
- 6 Q. Then she says, Like videotape or something?
- 7 A. Yes.
- 8 Q. He says, Just do it?
- 9 A. Yes.
- 10 Q. She's saying, No, too scared.
- 11 Next page?
- 12 A. Yes, correct.
- 13 Q. 9:31 a.m., she says, But God, I want you in my bed?
- 14 A. Yes.
- 15 Q. And he says I will come to you?
- 16 A. Correct.
- 17 Q. Next page, 327, 1:36 a.m., he says, You're not coming
- 18 over after telling me you want me?
- 19 A. Correct.
- 20 Q. And she says, 1:38 p.m., No, you might video
- 21 everything, that worries me.
- 22 A. Correct.
- 23 Q. And he tells her, You make the call.
- 24 A. Yes.
- 25 Q. Next page, she's saying, I don't want sex tapes out on

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 me. Then there's just some back and forth and him
2 asking if she's coming, right?

3 A. Right.

4 Q. What does he say at 1:44 a.m., three lines up from the
5 bottom?

6 A. Hum.

7 Q. 328?

8 A. Yeah, 328.

9 Q. No worries?

10 A. She sent a text, No worries, sorry for bothering you.

11 He responds, I want -- he replies, I want you, but
12 don't screw with me.

13 Q. 329, he says, I want you, but don't screw with me. And
14 she says right away, really, it didn't appear that way,
15 right?

16 A. Yes, correct.

17 Q. He's telling her come on. Get in your car. And she
18 says, fourth line down?

19 A. I got the feeling I was bothering you.

20 Q. Then she tells him, 144, we both do need it, but I'm
21 frightened, right?

22 A. Correct.

23 Q. She says, I'm sorry, I won't text again.

24 A. Correct.

25 Q. Previously, she said, I'm sorry, I shouldn't have

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 started all of this?

2 A. Correct.

3 Q. He keeps asking her, are you coming, are you coming,
4 are you coming and she doesn't.

5 August -- page 331. And so this is still the same
6 night, two o'clock in the morning. He tells her, Come
7 on, Curly Q?

8 A. Come on, Curly Q.

9 Q. And then two of the lines -- three, she says, I can't
10 risk it, I'm too frightened, but God, I love you?

11 A. Yes.

12 Q. He says, I'd love to hold you. 332, Page 332, we're at
13 2:06 a.m. now, right?

14 A. Yes.

15 Q. He says goodnight?

16 A. She --

17 Q. To Ms. Wilson?

18 A. Yes, to Ms. Wilson, he says, Goodnight.

19 Q. I wish you had said yes. And she says?

20 A. I love you, too.

21 Q. Page 339, during the day that same -- that day, now
22 daytime, right?

23 A. Yes.

24 Q. 1:13 p.m., she tells him, You are so persistent?

25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. He says, I know, you wouldn't want anyone who wasn't
2 persistent to love you?
- 3 A. Correct.
- 4 Q. She actually preceded that, LOL, exclamation,
5 exclamation, you are so persistent, right?
- 6 A. Correct.
- 7 Q. Page 340. All right. So I just want to through these
8 times with you. It's 1:26 in the afternoon. All
9 right. So 1:26 in the afternoon, he said, Jen?
- 10 A. Yes.
- 11 Q. Then at 4:00 p.m., Learning short and sweet is on my
12 list, too, right?
- 13 A. Correct.
- 14 Q. So between 1:26 p.m. and 4:00 p.m., there's nothing
15 between them?
- 16 A. It appears to be no text messages.
- 17 Q. Text messages. And then at 4:03, he says?
- 18 A. Hey, I just have a hard time getting to the point
19 sometimes. Oh my God, going down on me on the outside
20 was a major turnon.
- 21 Q. Okay. Next page. Later that night, 7:40 p.m., she
22 says, I think its best for you to move on. And saying,
23 I'm sorry, but I respect your decision, right?
- 24 A. Correct.
- 25 Q. Going back and forth about we're breaking up. I love

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 you. Again, 7:43 p.m., she says, I love you, too.
- 2 A. Correct.
- 3 Q. And then he tells her, by the way -- at the bottom,
- 4 three lines up, he tells her at 7:48 p.m., this is the
- 5 same day, right?
- 6 A. Yes.
- 7 Q. By the way, this afternoon was still really nice?
- 8 A. Correct.
- 9 Q. And she says?
- 10 A. It was really nice, which is why this was so hard.
- 11 Q. Next page, just a little bit later at 7:53, she says,
- 12 Baby, I'm not saying we'll never work, just not now,
- 13 right?
- 14 A. Correct.
- 15 Q. 343, 2:00 p.m., same day?
- 16 A. Yes.
- 17 Q. Back and forth, back and forth. She says, LOL, let me
- 18 go to bed, I'll call you tomorrow?
- 19 A. Correct.
- 20 Q. I'm not saying no, just not tonight?
- 21 A. Correct.
- 22 Q. Page 344, they're talking the next day, the next
- 23 morning, 8:38, two lines up from the bottom. She tells
- 24 him?
- 25 A. You looked great when you left.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 Q. He says he did what?

2 A. I went to 76, then Henry's. I wanted to stay close in
3 case you said yes.

4 Q. I wanted to stay close in case you said yes?

5 A. Correct.

6 Q. Next page, 345, just a couple minutes later, 8:41, he
7 says, You said I looked good?

8 A. Correct.

9 Q. She said, Oh, I forgot I said that. You did, you
10 looked great?

11 A. Yes.

12 Q. Next page, 346, it's a little bit later, same day, 9:56
13 a.m. Ms. Wilson says?

14 A. That will be good. Maybe you can come over later and
15 see my patio furniture if I buy it.

16 Q. And he asked her what time will dinner be over or do
17 you mean before dinner?

18 A. Correct.

19 Q. And there's sort of back and forth about that. Page
20 347, they're talking about her getting the patio
21 furniture. He's saying I don't think it's going to fit
22 in your car. He tells her at 10:23 a.m., I'm getting
23 the car straps ready just in case, right?

24 A. Correct.

25 Q. Later on that day, 08/21, 9:56 p.m., he asked her --

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Page 348, I'm sorry. Can I stop by to hold you? At
2 the bottom?
- 3 A. Correct.
- 4 Q. Saying I need some close. She says how long?
- 5 A. Yes.
- 6 Q. He says 20 or 30 minutes?
- 7 A. Yes.
- 8 Q. She says, next page, You won't try to have sex, just
9 cuddle?
- 10 A. Correct.
- 11 Q. And then there's sort of back and forth. He says --
12 she says, I guess since you're not answering, you don't
13 want to just cuddle? 10:08, he said, I'm coming to
14 cuddle you, right? You see that 10:08 one?
- 15 A. Yes. I'm coming to cuddle you, yes.
- 16 Q. And what does she say back?
- 17 A. The back door is open.
- 18 Q. All right. And at 11:39 p.m., he says?
- 19 A. I'm home, night.
- 20 Q. Okay. So back is open at 10:08. He's saying he's back
21 home at 11:39, correct?
- 22 A. Yes.
- 23 Q. 11:39, she says, Goodnight, sweetheart?
- 24 A. Correct.
- 25 Q. Who sends the first text the next morning?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 A. On August 22nd, 2011 at 9:37 in the morning, text
2 message comes from Jennifer Wilson, How are you doing
3 this morning?

4 Q. And we are almost done. On August 23rd, Page 353.
5 This is August 23rd, the next day, about 6:00 p.m.,
6 Hank is asking her, I wish you could come snuggle me,
7 right?

8 A. Yes.

9 Q. I just want to snuggle and sleep. I hate feeling bad?

10 A. Correct.

11 Q. She says at 9:12 p.m.?

12 A. Can I bring you anything.

13 Q. He says?

14 A. Just you.

15 Q. Keep going.

16 A. You on your way?

17 Q. All right. That's at 9:38 p.m.?

18 A. Yes.

19 Q. 11:20 p.m., she says?

20 A. It felt good to snuggle with you tonight. I hope you
21 feel better.

22 You, too.

23 Q. Okay. Then the next -- so that's the end of the day,
24 08/23, right?

25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. 08/24/2011, the first text is from Ms. Wilson?
- 2 A. Correct.
- 3 Q. To Hank?
- 4 A. Yes.
- 5 Q. Asking him?
- 6 A. How are you feeling this morning?
- 7 Q. He says?
- 8 A. Thanks again for the soup and banana, very sweet.
- 9 They want \$843 for --
- 10 Q. 8/25, 3:55, so this is Thursday night. 08/26 is a
- 11 Saturday night, this is Thursday night, right?
- 12 A. Okay. Yes.
- 13 Q. All right. 6:01 a.m., he's telling her he's sick,
- 14 right? I just threw up again?
- 15 A. Yes.
- 16 Q. Something's not right?
- 17 A. Correct.
- 18 Q. He asked her can you -- can we do dinner? Will you
- 19 snuggle me through the night?
- 20 A. Yes.
- 21 Q. And he says, Don't worry, you're not going to hurt my
- 22 feelings if you say no?
- 23 A. Correct.
- 24 Q. And she's asking him, Are you okay? Did you cancel
- 25 yoga? Wonder what's up you getting sick?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 A. Yes.
- 2 Q. Next page. At 11:14 a.m., this is still Thursday,
3 August 25th, he tells her?
- 4 A. I'll be by to finish your patio after I eat. Jen?
5 Keep going?
- 6 Q. Uh-huh.
- 7 A. Yes?
- 8 I adore you and plan on keeping -- I adore you and
9 plan on keeping you safe and happy if you'll allow me.
10 Last night was nice and much needed. I just wanted to
11 lay there and are you home?
- 12 Q. So he was just talking about the stuff the night
13 before?
- 14 A. Correct.
- 15 Q. And then about 12:28, she's not answering much. She
16 tells him she's at work. About 12:28 p.m., he says
17 he's going to -- he wants her to leave her broom out,
18 right?
- 19 A. Yes.
- 20 Q. Headed over to her place?
- 21 A. Yes.
- 22 Q. Then he says he needs to use Kelly's electric
23 receptacle, right?
- 24 A. Yes.
- 25 Q. He says I will leave 20 bucks. And then he says at

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 3:28 p.m., the whole deck and stairs are pressure
2 washed and table was put back and looks good?
- 3 A. Yes.
- 4 Q. She says?
- 5 A. Thank you.
- 6 Q. He says, You're welcome. At 4:08 p.m., he answers?
- 7 A. Are you back yet.
- 8 Q. Next page, she says, No, I'm teaching. They're talking
9 about the concrete guy and patio, right?
- 10 A. Yes.
- 11 Q. And then she says at 4:12 p.m., I told you?
- 12 A. I told you I was not sure about dinner because I didn't
13 now when I was getting home.
- 14 Q. He says, What time are you leaving there?
- 15 A. Yes.
- 16 Q. You got to eat sometime?
- 17 A. Correct.
- 18 Q. Starting to feel frustrated, just let me know what you
19 decide?
- 20 A. Correct.
- 21 Q. 5:26 p.m., she tells him?
- 22 A. I won't be home in time for dinner.
- 23 Q. How come? And she -- he says, How come? And she says,
24 I was teaching. Right?
- 25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. Next page, August 25th, we're still about 5:30 p.m.
2 He's asking, Are you by yourself? Where is here? Do
3 you have a date? Why are you not answering?
4 A. Yes.
5 Q. And then finally at 5:47, he says, I'll make other
6 plans then?
7 A. Yes.
8 Q. He says enjoy your evening?
9 A. Correct.
10 Q. She tells him at 6:19, I'm eating with a teacher --
11 teachers?
12 A. Yes.
13 Q. He says what?
14 A. No worries. I'm happy -- I'm at happy hour with
15 Nichole.
16 Q. He says, Call me later. He says, Wait, male or female
17 teachers?
18 A. Yes.
19 Q. If you go to the next page, which is a little bit
20 later, 7:23, he's asking her where is she, right?
21 A. Yes.
22 Q. Then he says what? When she doesn't answer, what does
23 he say?
24 A. Never mind. It doesn't matter. You be you and have a
25 great evening.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. At 8:07, he asked her is she driving back yet?
- 2 A. Yes.
- 3 Q. And then just a series of ones from him saying, it will
4 be a great dinner. I feel like you're lying, right?
- 5 A. Yes.
- 6 Q. He says, Don't forget we have an 11:00 a.m. appointment
7 tomorrow?
- 8 A. Yes.
- 9 Q. This is on Thursday the 25th... 8:38, he tells her I'm
10 in bed, if she wants to snuggle. She says she's still
11 driving home?
- 12 A. Yes.
- 13 Q. He asked her how far?
- 14 A. Yes.
- 15 Q. He says, Come here?
- 16 A. Correct.
- 17 Q. She says, I don't know. I don't have a GPS?
- 18 A. Correct.
- 19 Q. He says, On your phone. Then he says, Where did you
20 leave from and how long ago?
- 21 A. Correct.
- 22 Q. Asking her --
- 23 A. Yes.
- 24 Q. Next page. So this is just 9:00 until about midnight.
25 The last text from her is that she got off -- she got

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 off the phone with Lisa at 10:32, right?

2 A. Yes.

3 Q. She says I'm as frustrated as you are. I will meet you
4 there tomorrow, right?

5 A. Correct.

6 Q. 10:32. We're almost down.

7 MS. PRINGLE: Beg the Court's indulgence.

8 (Defendant's Exhibit No. 59 was marked
9 for identification.)

10 BY MS. PRINGLE::

11 Q. If you would take a look at Defendant's Exhibit No. 59
12 and tell the jury what that is.

13 A. It's a text message list, time line from a --

14 Q. And that's from Ms. Wilson's phone?

15 A. This would be -- yes.

16 Q. Okay. And so these are the messages, text messages
17 back and forth on Ms. Wilson's phone from the phone
18 dump of Ms. Wilson's phone?

19 A. Yes.

20 Q. And so at -- and you see the stuff with Hank, him sort
21 of asking what she's doing and she says -- right?

22 A. Correct.

23 Q. And she tells him, I told you I was not sure about
24 dinner. So this was August 25th, at 4:10 p.m., where
25 does Ms. Wilson say she is?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 A. I'm in Charleston.

2 Q. LOL, I'm in Charleston?

3 A. Yes.

4 Q. And then if you go up to the top to an Andy at 4:14
5 p.m.?

6 A. Okay.

7 MS. GARFIELD: Objection, Judge.

8 THE COURT: What's your legal objection?

9 MS. GARFIELD: Relevance.

10 THE COURT: Let me see the one you're talking
11 about.

12 (Whereupon, a bench conference was held
13 off the record, in the presence of the
14 jury, but out of the hearing of the
15 jury.)

16 THE COURT: All right. Objection is overruled.

17 MS. PRINGLE: All right.

18 BY MS. PRINGLE::

19 Q. Sorry about that. If will go to -- this is
20 August 25th, right?

21 A. Yes.

22 Q. At 4:14 p.m., there's a text message to?

23 A. Contact listed as Andy.

24 Q. And Ms. Wilson says what?

25 A. I'm at your place sitting in my car.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. And Andy tells her?
- 2 A. The response is go fucking in, key under mat.
- 3 Q. She says?
- 4 A. K.
- 5 Q. And I just want to go through some of the times on
6 August 27th, okay. And then we will be just about
7 down.
- 8 If will be go the Page 367. 9:17 -- so the first
9 text message on 08/27 was at 9:17. Who's that from?
- 10 A. It's from Jennifer Wilson?
- 11 Q. To Hank, right?
- 12 A. Yes.
- 13 Q. Asked him how are you doing?
- 14 A. Correct.
- 15 Q. 9:53 a.m., he's thanking her for breakfast?
- 16 A. Correct.
- 17 Q. At 12:30, around 12:30, she asked him again if she
18 could get him anything, right?
- 19 A. Yes.
- 20 Q. And he says, You want to make us lunch? That's about
21 12:30, right?
- 22 A. Yes.
- 23 Q. Next page, 12:44, she's saying, If you like, you're
24 welcome to come by, right?
- 25 A. Yes.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 Q. 2:15, you're over is beeping, do I need to do anything?
2 That's from Hank?
- 3 A. Correct.
- 4 Q. To her, right?
- 5 A. Yes.
- 6 Q. She says no, correct?
- 7 A. Yes.
- 8 Q. After 2:18, when she says no, what time is the next
9 text message?
- 10 A. 6:29 p.m.
- 11 Q. So from 2:18 to 6:29 -- the last message is, Your oven
12 is beeping, do I need to do anything? 6:29 p.m., he
13 sends -- Hank sends her one that says what?
- 14 A. I was glad I didn't get it in your eyes.
- 15 Q. She says LOL, me, too?
- 16 A. Yes.
- 17 Q. All right. Next page. 9:38 p.m., same night. This is
18 all that night, right?
- 19 A. Yes.
- 20 Q. She's asking where is he?
- 21 A. Correct.
- 22 Q. 9:46, he asked her if she's with someone?
- 23 A. Correct.
- 24 Q. She's saying, I'm with 12 black people. Then he says,
25 Are you with one as in a date?

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 A. Correct.
- 2 Q. She says, No, exclamation, exclamation, exclamation, no
3 one as a date, right?
- 4 A. Correct.
- 5 Q. Page 370. At 9:54 p.m. -- she just said, I'm going to
6 be another hour, right? And at 9:54 p.m., he says
7 what?
- 8 A. 9:54, he says 30 minutes --
- 9 Q. 10:03, asking, Are you coming or rain check?
- 10 A. Yes.
- 11 Q. What does she say at 10:12?..
- 12 A. By the way, I keep thinking about this afternoon.
13 Smiley face.
- 14 Q. And he says get ready for the sequel?
- 15 A. Correct.
- 16 Q. Still, at 10:13, she says, LOL, you are so cute?
- 17 A. Correct.
- 18 Q. 10:14, she says, I'm tired, I just want to curl up with
19 you?
- 20 A. Correct.
- 21 Q. He says?
- 22 A. Come on, Curly.
- 23 Q. That's at 10:17, right?
- 24 A. Correct..
- 25 Q. At 10:39, she says they just left. He asked her, Are

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

- 1 you headed to me? And she says?
- 2 A. Not yet, but I will.
- 3 Q. And 371. 10:47, she tells him it will be about an hour
- 4 or so? I'm sorry, Page 371?
- 5 A. What time?
- 6 Q. The second one down, at 10:47, she says, It will be
- 7 about an hour or so, right?
- 8 A. Yes.
- 9 Q. 10:54, he says what?
- 10 A. He says, No worries, I'm headed home.
- 11 Q. Then he says, Is it better than with me? She says,
- 12 LOL, never. That's around 11:00 p.m., right?
- 13 A. Correct.
- 14 Q. He tells her 11:30 p.m., the door's unlocked, right?
- 15 A. Correct.
- 16 Q. Then he starts saying, Don't do this, please. Are you
- 17 coming, Jen? Are you coming?
- 18 A. Correct.
- 19 Q. And then the last -- the very last one was to her at
- 20 2:03 a.m., right?
- 21 A. Yes, I'm still waiting on you and I never said anything
- 22 about 3:00 a.m.
- 23 Q. Okay. And, finally, I am done with this. If would you
- 24 like to take the witness stand, I just have one
- 25 document to ask you about.

JONATHAN VANHOUTEN CROSS CONTINUED BY MS. PRINGLE

1 A. (The witness complies.)

2 Q. And, finally, sir, let me ask you about -- you
3 referenced in your direct testimony this time line.
4 Ms. Garfield was explaining the whole time line with
5 all the events and you went through and did a browse
6 history on that day. I want to ask you about an e-mail
7 that you found on Mr. Hawes's phone that morning of
8 August 28th. I'm going to hand that to you. Is that
9 an excerpt and to the time lines for Mr. Hawes's phone
10 for that date?

11 A. Yes.

12 Q. Okay. And the e-mail that he's -- is there an e-mail
13 that he sent at 5:22 a.m.?

14 A. Yes.

15 Q. And that's to Stacey Newsom?

16 A. That's correct.

17 Q. Would you just read the substance of that. I didn't
18 recall you reading the whole e-mail, but the e-mail to
19 Stacey Newsom at 5:22 a.m. said?

20 A. Subject, Last Will. I wish to leave everything, all
21 possessions, including the lab to Stacey Newsom. I
22 also wish for her to handle all my family arrangements,
23 exclusively, according to my wishes, of which she is
24 aware. My family is to have no say in my arrangements
25 at any time. Hank Hawes.

JONATHAN VANHOUTEN REDIRECT BY MS. GARFIELD

1 Q. And you testified on direct that the first call of the
2 night during this was at 2:37 a.m. to Stacey Newsom,
3 correct?

4 A. Correct.

5 Q. And the first -- I want to ask you, the first -- at
6 8:10 a.m., his phone is hitting off the Wilson network?

7 A. 8:10, yes, in the morning.

8 Q. That means that his phone is checking in --

9 A. His phone is connected to her wireless network at her
10 house.

11 Q. So he would have had access -- if she had it password
12 protected, he would have had that and if she didn't, he
13 was just --

14 A. Yes. There -- I'm sorry, there were two networks in
15 her house, two Wilson networks, and both of them were
16 in his device.

17 Q. Okay. And that first call is at 2:37 a.m.?

18 A. Uh-huh.

19 Q. And what time is that first search for a criminal
20 attorney in Columbia, South Carolina?

21 A. That is at 8:48 a.m. on 08/28/2011, Google search for
22 criminal attorney, Columbia, South Carolina.

23 Q. Okay.

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

25 Thank you very much, Mr. Vanhouten.

JONATHAN VANHOUTEN REDIRECT BY MS. GARFIELD

1 THE COURT: Redirect?

2 MS. GARFIELD: Yes, sir.

3 REDIRECT EXAMINATION

4 BY MS. GARFIELD:

5 Q. Investigator Vanhouten, using your analysis of the
6 iPhone belonging to the victim and the Defendant, you
7 were able to see their texts from other people?

8 A. That's correct.

9 Q. And were you able to ascertain if the Defendant was
10 texting other people?

11 A. Yes. The Defendant was texting other people other than
12 Ms. Wilson, yes.

13 Q. And, specifically, on August 27th, 2011, was he texting
14 other people as well?

15 A. Yes.

16 Q. And --

17 A. Well, I'm sorry -- what time frame do you wish for me
18 to?

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

20 (State's Exhibit No. 422 was marked for
21 identification.)

22 BY MS. PRINGLE::

23 Q. Investigator Vanhouten, I'm going to show you what's
24 marked as State's Exhibit No. 422.

25 A. Okay.

JONATHAN VANHOUTEN REDIRECT BY MS. GARFIELD

1 Q. Are you familiar with that document?

2 A. Yes.

3 Q. And what is that document?

4 A. This -- this is a text message log from the Cellebrite
5 examination.

6 Q. And is that the phone belonging to the Defendant, Hank
7 Hawes?

8 A. Yes.

9 Q. Is that an excerpt from a larger report from his phone?

10 A. Yes.

11 Q. And is that a time line from his phone activity on
12 August 27th, 2011?

13 A. Yes, it is a time line.

14 Q. And you created this report, is that correct?

15 A. That is correct.

16 Q. Through your forensic examination of the cell phone?

17 A. That is correct.

18 MS. GARFIELD: Your Honor, at this time, I'd like
19 to introduce the exhibit into evidence.

20 MS. PRINGLE: I'd object, Your Honor. May I see
21 it, please?

22 It will take me just a minute.

23 (Pause.)

24 MS. PRINGLE: May we approach?

25 THE COURT: Yes, ma'am.

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: Mr. Foreman, ladies and gentlemen of
6 jury, leave your notepads in the chairs. We'll take a
7 morning break. It will give me the time to review the
8 particular document and talk to the attorneys. Don't talk
9 about the case amongst yourselves. If the smokers need to
10 smoke, let the bailiffs know. I will get you back in,
11 hopefully, in about 10 minutes. Thank you very much.

12 (Whereupon, the jury left the courtroom
13 at 10:59 a.m.)

14 THE COURT: All right. The objection is
15 overruled. The State has agreed to redact some of the
16 texts.

17 All right. Anything else from the State before we
18 take a break?

19 MS. GARFIELD: Judge, there will be a couple of
20 other dates I'm intending to introduce along the same lines.
21 Let me go ahead and give those --

22 THE COURT: Give them to her and let them look at
23 them during the break.

24 Anything from the Defense?

25 MR. STRICKLER: No, only I would ask whether your

1 clerk has looked at the case we were discussing earlier?

2 THE COURT: Well, I don't know. I must
3 have dreamed it because he can't find it. I apologize to
4 you. He's looking right now in the federal system.

5 MR. STRICKLER: All right.

6 THE COURT: We found a case, a 1990 case
7 addressing that issue and it hasn't been overruled or
8 anything. So he's looking in the federal system. If I find
9 something, I will let you know.

10 MR. STRICKLER: All right. Thank you, sir.

11 THE COURT: Before you cross-examine your witness,
12 okay.

13 MR. STRICKLER: Thank you, sir.

14 THE COURT: I read it somewhere, but I don't know
15 where, okay?

16 MR. STRICKLER: Happens to me all the time.

17 THE COURT: Okay. Thank you very much.

18 Court is adjourned for about 20 minutes.

19 (Whereupon, a short recess was held.)

20 THE COURT: Were y'all able to work it out on
21 that?

22 MS. GARFIELD: Almost.

23 THE COURT: All right. Let me know when you're
24 ready.

25 (Pause.)

1 THE COURT: Okay. Did y'all work it out?

2 MS. GARFIELD: Almost.

3 MS. PRINGLE: Yes, sir.

4 THE COURT: You have?

5 MS. PRINGLE: Yes, sir. I don't have an
6 objection.

7 MS. GARFIELD: Let me just write down the exhibit
8 number, Judge.

9 THE COURT: Okay. Let me know when you're ready
10 to bring the jury.

11 MS. GARFIELD: Thank you.

12 (Pause.)

13 MS. GARFIELD: I'm ready, Judge.

14 THE COURT: Ready?

15 MS. GARFIELD: Yes, sir.

16 THE COURT: Is the Defense ready?

17 MS. PRINGLE: Yes, sir.

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

19 BAILIFF: Yes, sir.

20 (Whereupon, the jury returned to the
21 courtroom at 11:31 a.m.)

22 BAILIFF: The jury's seated, Your Honor.

23 THE COURT: Thank you very much.

24 Please proceed.

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

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 please the Court.

2 BY MS. GARFIELD:

3 Q. Investigator Vanhouten, before we recessed, we were
4 discussing the forensic analysis on the phone belonging
5 to the Defendant?

6 A. Yes.

7 Q. And in that forensic analysis of his phone, were you,
8 for lack of a better word, make a time line of the
9 activity?

10 A. Yes.

11 Q. Would that include text messages?

12 A. Yes.

13 Q. To people other than Ms. Wilson?

14 A. Yes.

15 Q. And would that also include phone calls?

16 A. Yes.

17 Q. Incoming phone calls?

18 A. Incoming, outgoing, yes.

19 Q. Would that, also, include e-mails that were sent from
20 that iPhone?

21 A. Yes.

22 Q. And would that include any internet searches as well?

23 A. Yes.

24 Q. I'm going to hand you what's been marked as State's
25 Exhibit Nos. 423, 426, 424 and 422? Do you recognize.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 these documents?

2 A. Yes.

3 Q. And did you prepare this document?

4 A. I generated the report, yes.

5 Q. And this would be the time line that you just
6 referenced?

7 A. Yes.

8 Q. And you had a chance to review that after you completed
9 it, correct?

10 A. Yes.

11 MS. GARFIELD: Your Honor, at this time, I would
12 like to introduce those exhibits into evidence, 423, 426,
13 424 and 422.

14 THE COURT: Any objection?

15 MS. PRINGLE: No objection, Your Honor.

16 THE COURT: All right. Entered without objection.

17 (State's Exhibit Nos. 422, 423, 424 and
18 426 were admitted into evidence.)

19 MS. GARFIELD: Thank you, Your Honor.

20 BY MS. GARFIELD::

21 Q. Investigator Vanhouten, first, I'd ask you to look at
22 Exhibit 423. Specifically, I believe you have each
23 entry in the phone labeled by a specific number and
24 block; is that correct?

25 A. Correct.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 Q. And that would be a number designated to whatever
2 activity is happening in the phone?
- 3 A. That particular artifact, yes.
- 4 Q. Particularly, will you look at 1802?
- 5 A. Okay.
- 6 Q. And these are all from Mr. Hawes's phone; is that
7 correct?
- 8 A. Yes.
- 9 Q. And is it -- is a text message being received at that
10 time?
- 11 A. There is an incoming text message, yes.
- 12 Q. What was that date?
- 13 A. The date on that was August 19th, 2011 at 11:34 p.m.
- 14 Q. And who is the message from?
- 15 A. From a contact inside the phone -- that's listed in the
16 phone named Amy.
- 17 Q. And what is the message?
- 18 A. Definitely, smiley face.
- 19 Q. Go down to 1807. What activity is happening there?
- 20 A. It's an outgoing message from the device on
21 August 19th, 2011 at 10 -- I'm sorry, 11:24 p.m. And
22 it's going to Amy again.
- 23 Q. And what is the content of the message?
- 24 A. Want to meet up.
- 25 Q. Follow down to 1810, please explain to the jury the

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 activity in that?

2 A. That is an incoming text message from the contact Amy
3 on August 19, 2011, at 10:09 p.m. And the context of
4 the message is at 5:15, yikes, hopefully, talk to you
5 this weekend. Make some plans to meet, perhaps.

6 Q. And I -- I see that I'm, actually, going out of order.
7 Jump down to 1821, can you explain what that message
8 is?

9 MS. PRINGLE: Your Honor, I'm sorry to -- if you
10 can just tell me what page you're on?

11 MS. GARFIELD: Oh, sure, Page 559, block 1821.

12 BY MS. GARFIELD::

13 Q. What type of message is that?

14 A. That is an outgoing text message from the device to a
15 contact -- to the contact Amy, August 19th, 2011, at
16 8:15 p.m. And the context of the text is what you
17 doing?

18 Q. That's being sent from the Defendant, Hank Hawes?

19 A. That is correct.

20 Q. From his phone?

21 A. That is correct.

22 Q. And does he receive a message right after that?

23 A. Yes.

24 Q. And is that from Amy?

25 A. That is correct.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 Q. And what does Amy say in her message?
- 2 A. Hi, there, just winding down.
- 3 Q. Does he reply?
- 4 A. Yes.
- 5 Q. What's his reply?
- 6 A. He replies to Amy, long. She had -- there was another
- 7 incoming text message shortly after that one from Amy.
- 8 Q. Okay. What does it say?
- 9 A. After the text message, What you doing? The next text
- 10 message she sends is, How was your day?
- 11 Q. Then he responds?
- 12 A. His response from that was, Long.
- 13 Q. What is his response?
- 14 A. His response was, Long and what does winding down mean?
- 15 Q. What does he -- what does she reply?
- 16 A. Little TV, about to shower and stuff, got a 5K race to
- 17 run at 7:00 a.m. tomorrow. What was I thinking?
- 18 Q. Continue up to 1813, still on Page 559, Exhibit 423.
- 19 Does he receive another message?
- 20 A. There's an incoming message from Amy.
- 21 Q. What does Amy reply?
- 22 A. Says nice. It has a smiley face. Should have sent
- 23 that accidental text a long time ago.
- 24 MS. PRINGLE: Beg the Court's indulgence one
- 25 moment.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 THE COURT: Yes, ma'am.

2 MS. PRINGLE: Ms. Garfield?

3 MS. GARFIELD: Uh-huh.

4 (Counsels confer.)

5 BY MS. PRINGLE:

6 Q. If you will go to block 1811?

7 A. Okay.

8 Q. Does Amy reply?

9 A. There is an incoming message from Amy and it says,
10 Going to try to get some sleep since I have to be up.

11 Q. Does Mr. Hawes reply to that last message?

12 A. Um.

13 Q. In block 1810?

14 A. 1810? That's another incoming --

15 Q. I'm sorry, go ahead.

16 A. Continue with 1810?

17 Q. Yes, sir.

18 A. 1810, incoming message from Amy at 5:15. Yikes,
19 hopefully, to talk to you this weekend. Make some
20 plans to meet, perhaps.

21 Q. What time was that message?

22 A. That message was sent on August 19, 2011, at 10:09 p.m.

23 Q. And going up to 1807, does Mr. Hawes reply?

24 A. Yes. At 11:24 p.m., his reply is, Want to meet up?

25 Q. And at 1802, does she respond?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 A. Hang on just a second.
- 2 Q. Block 1802?
- 3 A. 1802, okay. The message at 11:34, incoming message
4 from Amy is, Definitely, with a smiley face?
- 5 Q. Moving on to Exhibit No. 426. I'll ask you to go to
6 the second page, Exhibit 426, but page 548. Could you,
7 please, look at your block 1393? Does that indicate an
8 incoming text message?
- 9 A. That is an incoming text message.
- 10 Q. And what time is that message received?
- 11 A. That was received on August 20th at 10:51 p.m.
- 12 Q. And that would be from who?
- 13 A. Amy.
- 14 Q. And what was the context of the message?
- 15 A. So I did finish last night in the 5K, but definitely
16 wasn't first. Fell asleep before your text last night.
17 Sorry. Hope to catch you tomorrow. Wiped for today.
- 18 Q. Is another message received from Amy?
- 19 A. Yes.
- 20 Q. Okay. What was the content of that message?
- 21 A. That was received just a few seconds afterwards. Love
22 to make plans to meet up if you're interested.
- 23 Q. Now, go to page 545 of Exhibit 426 and go to your block
24 number 1293. What is the nature of that text message?
- 25 A. I'm sorry, 525?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 Q. 1293. Page 525.
- 2 A. Exhibit?
- 3 Q. 426.
- 4 A. Okay.
- 5 Q. The very bottom, your number 1293.
- 6 A. Okay. It's an incoming text message from Amy on August
- 7 21st at 5:23 p.m. And the contents of the text is
- 8 Statesboro, three-hour drive from Atlanta or 40-minute
- 9 drive west of Savannah. Closest commercial airport is
- 10 Savannah.
- 11 Q. And after that, does Mr. Hawes reply to Amy?
- 12 A. Yes. The response is, Let me think.
- 13 Q. Okay. Go next to State's Exhibit 424. This will be
- 14 page 538 in your report. And Investigator Vanhouten, I
- 15 would like to direct your attention to your block
- 16 number 1079. At that time, is Ms. Hawes creating an
- 17 outgoing text message?
- 18 A. There is an outgoing text message.
- 19 Q. And who is that message sent to?
- 20 A. That message is to a contact in the device listed as
- 21 Antoinette?
- 22 Q. And what's the date and time of that message?
- 23 A. That message was August 23rd, 2011, at 11:08 p.m.
- 24 Q. And what's the content of the message?
- 25 A. Content is we should meet up and get all the

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 frustration out of our systems. LOL.
- 2 Q. And was there a reply from an Antoinette?
- 3 A. Yes.
- 4 Q. What time was the reply?
- 5 A. That reply was at 11 -- that same day at 11:11 p.m.
- 6 from Antoinette, We should have met up a long time ago.
- 7 Q. And did Mr. Hawes reply to Antoinette's message?
- 8 A. Yes. That reply is at 11:12 p.m. The contents of the
- 9 message is, Still time.
- 10 Q. And, again, does Ms. Antoinette reply to Mr. Hawes?
- 11 A. Yes. There is an incoming message, same date, 11:12
- 12 p.m. at night. The content is, I've been on a few
- 13 dates, nothing really serious.
- 14 Q. And then does Ms. Antoinette reply to Mr. Hawes?
- 15 A. There's another incoming right after her.
- 16 Q. Right. I'm sorry. Does he get another message from
- 17 Antoinette?
- 18 A. Yes, there's another message from Antoinette one minute
- 19 afterwards. Haha, you think so? You're so far away.
- 20 Q. And then does Mr. Hawes reply?
- 21 A. Yes. There is an outgoing message 11:13 p.m., some
- 22 lives are connected through time.
- 23 Q. Okay. Thank you. I will now refer to State's Exhibit
- 24 No. 425. In your report, Investigator Vanhouten, this
- 25 will be page number 527. And I'm going to direct you

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 to your block numbers 1062 through 1040?

2 A. Okay.

3 Q. Are these text messages between the Defendant and
4 Antoinette?

5 A. That is correct.

6 Q. And can you just go through those in chronological
7 order for the jury?

8 A. All right. The first incoming text message on
9 August 23rd, 2011, at 11:20 p.m. This is an incoming
10 text message from Antoinette. And the contents is, You
11 know, I have a hard time believing your sexy ass is all
12 alone, busy or not.

13 You just want the text?

14 Q. Just the texts, yes.

15 A. Okay. Then after that, there's an incoming message at
16 11:20 p.m. from Jennifer Wilson. It felt good to
17 snuggle with you. I hope you feel better.

18 Then there's an outgoing text at 11:25 from -- or
19 to Antoinette, That's what I said.

20 Then an outgoing to Jennifer Wilson, You, too.

21 Another outgoing to Antoinette, I am.

22 Another going to Antoinette, People are too
23 fucking crazy to date in this town.

24 Another incoming from Antoinette, Haha.

25 Another incoming from Antoinette, You need to move

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 this -- you need to move the.

2 And incoming text message from Antoinette, Um, I
3 see.

4 Another incoming text message from Antoinette, I
5 enjoyed your pic.

6 This one is an outgoing text message to
7 Antoinette, Where's mine?

8 And incoming text message from Antoinette,
9 Question mark -- or it's blank.

10 An outgoing text message to Antoinette, A question
11 mark.

12 An incoming text message from Antoinette, They
13 only get in the way. Haha.

14 An incoming text message from Antoinette, What,
15 question mark.

16 There's an outgoing text message to Antoinette,
17 Pic, please. As in picture.

18 And incoming text message from Antoinette, I sent
19 one.

20 Another incoming text message, Haha.

21 Another incoming text message from Antoinette,
22 LOL, night, sexy.

23 Q. What's the date of the exchange of these text messages?

24 A. They originated on August 23rd, 2011, at 11:20 p.m.,
25 and continued on through the next morning until August

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 24th at 28 minutes after midnight.

2 Q. Thank you, Investigator Vanhouten.

3 Next, if you will go to State's Exhibit 422. In
4 your report, those will be page numbers 512 through
5 520. Are these the phone activity of Mr. Hawes's phone
6 on August 27th of 2011?

7 A. Yes, it appears to be.

8 Q. And that would be the day before Ms. Wilson is
9 murdered?

10 A. August 27th, yes.

11 Q. And there's a lot of activity on Mr. Hawes's phone that
12 last day; is that correct?

13 A. Yes.

14 Q. Specifically, is Ms. Wilson the only person he's in
15 communication with?

16 A. No. There are other contacts listed in the phone.

17 Q. I want to direct your attention to your number page
18 519, block number 456. Can you tell me the time of
19 that message?

20 A. Says incoming text message at 12:54 p.m. on
21 August 27th, 2011, from a contact listed as Joy.

22 Q. What doe Joy say in her message?

23 A. I need a bar customer, where are you?

24 Q. Okay. Going to the page before that, 518. I'm
25 directing your attention to your block number 449. Can

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 you, please, share with the jury a description of that
2 outgoing text message? :

3 A. That is an outgoing text message dated August 27th,
4 2011, at 2:44 p.m. And this is to a contact listed as
5 Rachel.

6 Q. And what's the contents of that message?

7 A. Hey, you. Nasty day, huh? Smiley face.

8 Q. And continue 447. Does Rachel reply?

9 A. There is incoming message from Rachel at 3:19 p.m. and
10 the response is, Nice and windy, with a smiley face.

11 Q. If you will go up to 442, does Mr. Hawes reply to
12 Rachel?

13 A. Yes, that is an outgoing message to Rachel at 6:26 p.m.
14 And the contents of the text is, Still working?

15 Q. And if you will continue up to 431, does Rachel reply
16 to Hank Hawes?

17 A. You want me to go through each block?

18 Q. I'm sorry, 431, block 431?

19 A. Just between Rachel or just every text?

20 Q. Just between Rachel and the Defendant?

21 A. Okay. All right. Block number 442, there's an
22 outgoing text message at 6:26 p.m. to Rachel. The
23 question is, Still working?

24 And there's an incoming text message from Rachel
25 at 7:33 p.m. And the contents is, What do you mean?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Q. And does Mr. Hawes reply?

2 A. Yes. There's an outgoing message at 7:34 --

3 correction -- yeah, 7:34 to Rachel, Are you still
4 working?

5 Q. And continue up, does Rachel reply to that question?

6 A. Incoming message from Rachel at 7:35 p.m. I didn't
7 work today.

8 An outgoing text message to Rachel at 7:38 p.m. I
9 keep thinking it's Sunday.

10 Another outgoing message to Rachel at 7:38 p.m.

11 Damn.

12 Another outgoing -- and that's all for that page.

13 Q. Okay. If you will go to Page 517, does the
14 communication between the Defendant and Rachel
15 continue?

16 A. Yes.

17 Q. And if you will just go through that correspondence
18 between the Defendant and Rachel on the evening of
19 August 27th to the jury.

20 A. Okay. 08/27/2011 at 7:45 p.m., outgoing text message
21 to Rachel. I think I'm heading your way tomorrow.

22 An incoming text message from Rachel at 7:48 p.m.
23 To jump?

24 Another outgoing text message to Rachel at 7:49
25 p.m. Maybe.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Another outgoing text message to Rachel at 7:49
2 p.m. Sell me on it.

3 Q. I'm sorry, repeat that, I didn't hear you.

4 A. Another outgoing -- at 7:49 p.m., there's another
5 outgoing message to Rachel. It says, Sell me on it.

6 Q. Okay. Please continue.

7 A. Another incoming text message from Rachel at 7:50 p.m.
8 If you go out there, don't mention how you know me.
9 LOL.

10 At 7:51 p.m., there's an incoming text from
11 Rachel, That would be bad.

12 There's an outgoing text message to Rachel at 7:51
13 p.m., LOL, no worries. Your secret is safe.

14 At 7:52 p.m., there's another incoming text
15 message from Rachel. It was just a smiley face.

16 At 7:52 p.m., another outgoing text message to
17 Rachel. A friend of mine recommended you to me because
18 you're awesome.

19 At 7:57 p.m., there's another outgoing text
20 message to Rachel. Come save me from my tormented
21 misery.

22 At 8:02 p.m., there's an outgoing text message to
23 Rachel. Would you be my jump master?

24 And then at 8:06 p.m., there's an incoming text
25 from Rachel, Sure, haha. Has your friend jumped with

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 me?

2 And then another message at 8:06 p.m., there's an
3 incoming text from Rachel, Or is that the story?

4 Q. In keeping with the time line, is there then a
5 correspondence between the Defendant and someone named
6 Monica?

7 A. Yes.

8 Q. And is that a -- what type of message is that?

9 A. That's an incoming text message, but it appears to be
10 a -- the number appears to be an overseas number.

11 Q. What is the nature of that message?

12 A. That message was August 27th at 8:07 p.m. and that is
13 from Monica, How are you? Are you in trouble from
14 Hurricane Irene? I'm real worried.

15 Q. And after that, does Mr. Hawes receive a text message
16 again -- I mean, does he send a text message to Rachel?

17 A. He does. A text message is sent at 8:07 p.m. to
18 Rachel, Hell if I know, but the story makes sense.

19 Q. Does Rachel reply?

20 A. She does. At 8:07 p.m., she replies, Yeah, and there's
21 a smiley face.

22 Q. If you would, please, go to Page 516 in your report.
23 Does the correspondence between the Defendant and
24 Rachel continue?

25 A. Yes.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Q. And would you, please, share that with the jury?

2 A. On August 27th, 2011, 8:07 p.m., there's an outgoing
3 text message to Rachel, What are your height, weight
4 parameters?

5 And an incoming text from Rachel at 8:08 p.m., No
6 more than 225 pounds, like all instructors.

7 The next one occurs is an outgoing text message at
8 8:10 p.m. to Rachel, Oh, I'm not a tubby.

9 Then there's an incoming text message from Rachel
10 at 8:11 p.m., That's good.

11 Another outgoing text message to Rachel at 8:12
12 p.m., Sounds like my passenger in this CTLS plane.

13 There's another incoming text message from Rachel
14 at 8:13 p.m., Yeah.

15 And then the next text message is an outgoing text
16 message to Rachel at 8:19 p.m., I did a halo jump
17 several years back for a project and it was wicked.

18 Q. If you will go to Page 515 of your report, is there
19 continued conversation through text message between the
20 Defendant and Rachel?

21 A. Yes.

22 Q. If you could continue with that nature of these
23 conversations with the jury.

24 A. At 08/27/2011 at 8:19 p.m., outgoing text message to
25 Rachel, Are you wicked?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 There's another outgoing text message to Rachel at
2 8:22 p.m. The contents is Well, with a question mark.

3 Q. Okay. Right above that, before he does any more text
4 messaging, does he go onto his web browser?

5 A. Yes, there is a history, a web history.

6 Q. And does it appear he does some type of Google search?

7 A. Yes.

8 Q. And what was the Google search?

9 A. Sky diver terms.

10 Q. Please continue with the correspondence between the
11 Defendant and Rachel.

12 A. I'm sorry. Bear with me just a second. All right.

13 There's another outgoing text message to Rachel at 8:25
14 p.m. Are you bounce or cascade?

15 An incoming message from Rachel at 8:26 p.m.

16 What, question mark.

17 And outgoing text message at 8:27 p.m. to Rachel.

18 Do you know the terms?

19 And there's another outgoing text message to
20 Rachel at 8:28 p.m. to Rachel, Cascade, the point where
21 two lines join together so they run smoothly into one.
22 Cascading the suspension lines results in reduced bulk
23 and drag.

24 There's another outgoing text message to Rachel at
25 8:28 p.m. Bounce, to land in an unsurvivable speed.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Also, a frat or a go in.

2 There's another outgoing text message to Rachel at
3 8:29 p.m., I'm trying to figure out if I'll survive a
4 jump with you. LOL.

5 Q. If you will continue to your report, Page number 514.
6 Do the text messages continue between the Defendant and
7 Rachel?

8 A. Yes, they do.

9 Q. And if you will continue reading to the jury the
10 contents of the messages.

11 A. Yes. On August 27, 2011 at 8:35 p.m., there is an
12 incoming text message from Rachel, We won't do either.

13 At 8:35, there's another incoming text message
14 from Rachel, I mean, cascade or bounce.

15 At 8:37, there's an outgoing text message to
16 Rachel, Laugh with me, woman.

17 Another outgoing text message to Rachel at 8:37
18 p.m., I'm joking around.

19 Then at 8:41 p.m., there's another outgoing text
20 message to Rachel, Can I call you in a few minutes?
21 And that's all on that page.

22 Q. Does he ever get a reply after he ask to call her from
23 Rachel?

24 A. As far as text message or a call?

25 Q. Either?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 A. No.

2 Q. I'm going to ask you to go back to your Page number
3 519. I think I gave you the wrong page number. I'm
4 sorry, Investigator Vanhouten, 516. Specifically, your
5 block number 358?

6 A. Okay.

7 Q. The activity on the Defendant's phone during this time
8 period, there are messages being made to Rachel. Are
9 there, also, messages being made to Monica?

10 A. Yes.

11 Q. And 358, what type of message is that?

12 A. That is an incoming text message from the contact
13 that's listed Monica. The time stamp on that is 8:14
14 on that evening.

15 Q. And what's the contents of the message?

16 A. Did you see the doctor? What he said. Anybody can
17 take care of you. Do you stay away from hurricane? I
18 wish I were there to take care of you. Take good care
19 of your health. I miss you.

20 Q. Does he reply to Monica?

21 A. There's an outgoing message. That message was
22 08/27/2011 at 8:14 p.m. to Monica, Kidney stones.

23 Q. Continue up to 353.

24 A. An outgoing message to Monica at 8:15 p.m., outgoing
25 message, I'm safe.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Q. Okay.

2 A. That's all for that page.

3 Q. Now, Investigator Vanhouten, I apologize before I even
4 start this. I'm going to have you just a few of the
5 text messages between the Defendant and the victim.

6 There's just a few things I want to point out for the
7 jury.

8 A. Sure.

9 Q. Can you step down again?

10 A. (The witness complies.)

11 MS. GARFIELD: Ms. Bryan, if you could, please, go
12 to Page 133.

13 BY MS. GARFIELD::

14 Q. And, specifically, Investigator Vanhouten, if you will
15 start at 125 from Jennifer.

16 A. From Jennifer. Okay. From Jennifer Wilson, Can I ask
17 you a question?

18 Q. Continue.

19 A. Okay. Can I ask you a question? I'm really trying to
20 think about our relationship and to think about what
21 you need.

22 Sure.

23 What was it last night that made you insecure?

24 Was it because I didn't have sex with you? I felt a
25 little -- this morning because I thought I tried pretty

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 hard last night to be sweet and cuddly even though I
2 was sick. And from my understanding in the middle of
3 the night, you seemed to be fine. Can you tell me what
4 happened between three in the morning and 10?

5 Not at all. I was feeling sick -- not at all, I
6 was feeling sick that way prior to finding out about
7 all of the guys you had contact and missed and I was
8 looking forward to spending --

9 So you're saying last night, you started to snoop
10 and found more?

11 Q. Please go to Page 138. And all these -- what dates are
12 these?

13 A. Sorry. These are around June 21st.

14 Q. Specifically, if you will start at 11:06 with
15 Jennifer's -- I'm sorry, with the Defendant.

16 A. That was on June 23rd, 2011, 11:06 in the morning.

17 Outgoing message to Jennifer, I saw a new doctor this
18 morning. A medication adjustment and I feel
19 phenomenal.

20 Q. Continue, please.

21 A. That quickly? Wow, that is great.

22 First dose too low. I felt great by 9:00, 9:30.
23 Crazy -- though.

24 Who did you see?

25 Sisten's office.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Q. Please continue.

2 A. What made you decide to do that?

3 I've never been really needy, dependent or clingy
4 and I realized it started around the meds, also, tired
5 and not sleeping. Those little guys will screw you up
6 if not taking enough or too much -- real negative
7 feelings. Wow, this thing is amazing the hell out of
8 me. I could drive a nail with it. LOL.

9 I'm glad you feel better.

10 Thanks. Better is a joke compared to this. I
11 just got my life back. I feel surreal, but overdue.

12 Q. Stop there. That's fine. If you will, please, go to
13 142, starting at 10:15 from the Defendant.

14 A. August 24, 2011 at 10:15 in the morning, an incoming
15 message from Jennifer Wilson, I'm just getting home,
16 give me 15.

17 Can I stop by for a few minutes?

18 No, we can talk on the phone.

19 I have no choice but to accept your decision. I
20 forgive you and we'll move on. Goodnight, goodbye. If
21 by chance you're pregnant, I would hope that you would
22 involve me and not make a choice without me. Maybe my
23 instincts are pulling for.

24 Of course, I would involve you. Please know this
25 was a very hard decision. I think you're an amazing

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 guy, I just can't stand the fighting.

2 Q. You can stop there.

3 Mrs. Bryan, can you go to Page 155.

4 And if you would, please, begin reading at 10:44
5 from the Defendant?

6 A. 10:44 on August 30th -- I'm sorry, June 30th, 2011 at
7 10:44 a.m. from Jennifer Wilson. Sure.

8 Great, I'm looking forward to it.

9 What time would you like to eat?

10 You tell me.

11 Say 6:30?

12 Sure. I'm in the process of getting a rental
13 card, how long do you think I need one for?

14 Q. If you'll go to 165. And now, what dates are these
15 messages?

16 A. These are on July 3rd, 2011.

17 Q. Okay. And if you will start at 434, messages to
18 Jennifer Wilson?

19 A. All right. To Jennifer Wilson at 4:34 in the
20 afternoon, Should I block time next week to see it? I
21 miss your mom.

22 Q. You can stop there.

23 MS. GARFIELD: If you will, please, go to 176.

24 Q. And is this continued in early July?

25 A. Yes, this is July 4th.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Q. If you will begin at 9:53 from Jennifer?

2 A. 9:53 from Jennifer. You are cute. Also, I asked if go
3 to barrel race.

4 Why are you being so nice? LOL.

5 This is normal. I told you I found my easy
6 button. Mr. Serious was product of someone else's bad
7 advice. I fired him this week. LOL.

8 I like this man a lot.

9 MS. GARFIELD: Please continue, Ms. Bryan, to Page
10 188.

11 Q. And what are the dates of these messages?

12 A. This is July 6, 2011.

13 Q. If you will go to time stamp 2:22, beginning with the
14 Defendant's message to --

15 A. To Jennifer Wilson.

16 Q. -- Jennifer Wilson.

17 A. Hello. I said I miss you. Trying to be sweet here.

18 That is sweet. Thank you.

19 Thank you? That I miss you? I can take a hint.

20 You were mean last night.

21 Q. Please continue to the next page.

22 A. I miss the nice Hank. I want him here with me, but not
23 mean Hank.

24 Babe, I am nice. And if you nurture nice Hank
25 like -- and if you nurture nice Hank, you might see him

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 all the time. I like to be there, too, question mark,
2 smiley face.

3 Q. Okay.

4 MS. GARFIELD: Please continue to Page 211, Ms.
5 Bryan.

6 Q. And if you go down to 12:26, the message from Mr. Hawes
7 to Jennifer Wilson.

8 A. This is on July 9th, 12:26 p.m. Let's get this party
9 started. I say you stop taking your pills now so we
10 can have her in March or April.

11 LOL. You're cute and very persuasive.

12 Just go with it. It's not like your family
13 wouldn't be happy about it and it's not like I'm going
14 to ask you to tie the knot. Consider yourself
15 official.

16 MS. GARFIELD: Please continue to 236.

17 Q. And if you will start at 11:20, the message to
18 Ms. Wilson.

19 A. Eleven -- July 11th, 2011, at 11:20 p.m. If you're not
20 unhappy, then why would you say maybe? We're just not
21 compatible or things this hard now? It means I'm not
22 doing my stress -- it means I'm not doing my, cuts off.
23 I stress out with the most important person in my life.
24 I'm starting to see why you feel the way you do and it
25 breaks my heart. That comment really cut deep, Jen.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 I'm sorry your feelings were hurt. That was not
2 my intention. Goodnight.

3 So you took it? I was really excited for us.

4 We need help with us before we bring a baby into
5 this relationship. I'm sorry if I disappointed you,
6 but I am disappointed, too. I want this as badly as
7 you do.

8 MS. GARFIELD: Continue to the next page, Ms.
9 Bryan.

10 A. Did you take it?

11 Yes, right after I got off the phone.

12 This is July 11, 2011, at 11:57 p.m. Yes, right
13 after I got off the phone. We have no right bringing a
14 baby into this world when we have such a stormy
15 relationship. I love you, it cuts off. I'm sorry that
16 sent out of order. I love you and I tried to make this
17 work.

18 Q. Okay.

19 MS. GARFIELD: And now, if you will continue to
20 278.

21 Q. And what is the date -- what are these dates?

22 A. These are August 11th, 2011.

23 Q. I just want to go to four -- sorry, hold on. Just
24 start with 450.

25 A. From -- or to Jennifer Wilson?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Q. Yes.

2 A. All right. August 11, 2011, 4:50 p.m. to Jennifer
3 Wilson. K. Feed the baby well.

4 I'm rolling my eyes, happy face.

5 I know, but I can dream.

6 Can we try tomorrow to get a whole day without
7 talking about me getting preggers?

8 Q. Okay. Thank you.

9 MS. GARFIELD: If you will go back to -- I'm sorry
10 this is out of order. I apologize. If you'll go back to
11 267. And if you will go to 329.

12 Q. And, obviously, this all yellow, these are messages
13 from the Defendant to the victim?

14 A. That is correct.

15 Q. And, specifically, 329?

16 A. August 7th, 2011, at 3:29 a.m. to Jennifer Wilson. You
17 just came up on Skype again. I did an audible
18 notification. Something's not right.

19 Q. Okay.

20 MS. GARFIELD: If you will go to 286.

21 Q. Okay. If you will begin at 7:55 p.m. to Ms. Wilson?

22 A. August 13th, 2011, at 7:55 p.m. to Jennifer Wilson.
23 Asking hunter, sending you love.

24 On my way to next venue.

25 I would like that, too. Let's start tonight.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 Serious, question mark.

2 I love you and I'm ready for you. It will be
3 okay. Happy face.

4 Shall I meet you?

5 Q. Continue.

6 A. Bond with me tonight and let me love you with all that
7 I have.

8 When?

9 Are you still there? Are you still at Hunter
10 Gavin? So not at H & G anymore? Are you drunk? I'm
11 trying to be spontaneous.

12 Getting pulled over on Rosewood.

13 Okay. So I really need you and you're question
14 mark.

15 Are you okay?

16 No.

17 What's going on? I saw that you called, but you
18 didn't leave a message.

19 Q. Please continue.

20 A. Where are you? The cop is asking and you're not
21 responding? Do you need me to come up -- come get you?

22 He's following me home and giving me a break
23 because of my credentials.

24 I'm so upset. I needed you. You can't even tell
25 me where you are.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 I'm home and I'm upset.

2 I'm at art bar. I'll call you if we move.

3 Bullshit. I hate it there. You don't ever keep
4 your word to call me if you've moved. I had to
5 convince him to follow me. I needed you. I hope it's
6 worth it.

7 P.S. because I couldn't get ahold of a ride, I get
8 to go to court over this one. Enjoy your evening. You
9 jus answered, then hung up.

10 Q. Please continue.

11 A. I need you to call me now. I can only assume what
12 you're doing. May you be blessed with the same
13 kindness you've shown me. I will not call again.
14 Sorry to bother you.

15 Huh? I going to close out and come over.

16 What is going OB?

17 So much for closing out. I'm out front. I'm too
18 upset to let this go. I'm on the way. I'm on the way
19 over.

20 Please don't. I'm going to bed. We can talk
21 tomorrow.

22 To fix or end? Almost there. I just need a
23 couple of minutes.

24 Please answer.

25 I asked you please not to come over. I'm going to

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 bed and we can talk in the morning.

2 I'm here. Please.

3 I'm really upset, Jen. Please. I really need to
4 talk.

5 Goodbye.

6 I'm really hurting and need you.

7 Please, I'm scared, please.

8 I won't trouble you anymore. I need a few minutes
9 of your time if possible this morning. The earlier,
10 the better, if you can. Thanks.

11 Thanks for giving me the time. It meant a lot.

12 Let the fun begin. Looking forward to hanging out with
13 you and friends.

14 Can I help with anything?

15 Is everything okay?

16 How's the food looking?

17 Q. You can stop there.

18 MS. GARFIELD: Now, Ms. Bryan, go to 313.

19 Q. And, Investigator Vanhouten, you've now been over this
20 series of text twice now, is that correct?

21 A. Yes.

22 Q. And this is, specifically, where I believe Ms. Pringle
23 referred to it as sexting between them?

24 A. Yes.

25 Q. I want to refer you to time stamp 6:15 from Ms. Wilson,

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 6:15:52.

2 A. Okay.

3 Q. And at 6:15:52, what is her response?

4 A. On August 18th, 2011, at 6:15:52 p.m. from Jennifer
5 Wilson, No.

6 MS. GARFIELD: Please go to the next page, Ms.
7 Bryan.

8 Q. And, specifically, if you -- okay. And at 6:17, what's
9 her response?

10 A. On August 18th, 2011, at 6:17 p.m. from Jennifer
11 Wilson, LOL, no. But when things have settled down
12 between you and me, I will still be willing to teach
13 you the assessment if you want to make the --

14 MS. GARFIELD: And go to Page 315.

15 Q. And, again, what is the only entry on this page from
16 Ms. Wilson?

17 A. August 18th, 2011, at 6:25 p.m., the only incoming
18 message from Jennifer Wilson is, Stop, please.

19 Q. And that would be to the Defendant?

20 A. That's correct.

21 MS. GARFIELD: And, lastly, go to 331.

22 Q. Specifically, you went through this as well.
23 Specifically, what does Ms. Wilson reply to Mr. Hawes
24 in the exchange at 2:02 a.m.?

25 A. From August 20th, 2011, at 2:02 a.m. in the morning,

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

1 incoming text message from Jennifer Wilson to Hank
2 Hawes. Now when someone tells you they will ruin your
3 life brick by brick, I have to be a bit more careful.

4 Q. And this was in response to a series of texts from the
5 Defendant?

6 A. Yes.

7 Q. How would you would characterize those texts from the
8 Defendant?

9 MS. PRINGLE: Objection, Your Honor, to asking him
10 to characterize.

11 MS. GARFIELD: Judge, instead of reading them
12 off -- I'll withdraw it.

13 THE COURT: Rephrase your question.

14 MS. GARFIELD: I think the jury has seen it
15 enough.

16 That's all, Mr. Vanhouten.

17 THE COURT: You through?

18 MS. GARFIELD: I am for now, Judge.

19 THE COURT: Any cross?

20 MS. PRINGLE: Yes, sir.

21 RECROSS-EXAMINATION

22 BY MS. PRINGLE:

23 Q. Investigator Vanhouten, do you have Page 526 of your
24 report on Mr. Hawes's phone up there? Or I can hand it
25 to you if you don't?

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 A. Bear with me just a second. I do not.
- 2 Q. Do you recognize that?
- 3 A. Yes. This is a time line from a cell phone report.
- 4 Q. Of Mr. Hawes's phone?
- 5 A. Yes.
- 6 Q. And what's the date on the top?
- 7 A. The beginning date at the top is August 28th, 2011, at
8 1:03 p.m.
- 9 Q. All right. Would you just tell the jury what -- this
10 includes browser history as well, correct?
- 11 A. Yes.
- 12 Q. Would you just start at your block 690 and just tell
13 the jury what his browser history was?
- 14 A. Okay. The web history, browser history for sky dive
15 Carolina, sky diving in North and South Carolina,
16 Rachel Laberry, sky drive instructor, Laberry, Rachel
17 house party, Lee headquarters, Rachel Laberry,
18 Charlotte, North Carolina, Rachel sky dive instructor,
19 Charlotte, North Carolina, sky diving in North
20 Carolina, Worldnews.com, Sky Dive Carolina, Sky Dive
21 Carolina, Sky diving North and South Carolina.
- 22 Q. That's August 26th?
- 23 A. Yes.
- 24 Q. And all of those text messages that Ms. Garfield had
25 you read with Rachel, bouncing, cascade and all that

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 stuff, was that the next day, August 27th?
- 2 A. The 27th, yes.
- 3 Q. And going back to the time line, which you're familiar
4 with and we went through, the time frame where he's
5 texting Rachel, he's, actually, at Cantina waiting on
6 Ms. Wilson to finish up her party?
- 7 A. I don't know if he's physically there. I can just only
8 say what's in the text message.
- 9 Q. Do you recall a text message from him telling Ms.
10 Wilson he was at Cantina?
- 11 A. Right.
- 12 Q. And that was around 9:40 and 9:46, she says I'll be
13 there in an hour?
- 14 A. Yes.
- 15 Q. And that's around the time, while he's waiting for her,
16 that he's texting this sky dive instructor?
- 17 A. Yes.
- 18 Q. And you don't know who Rachel Laberry is, do you?
- 19 A. I have no idea.
- 20 Q. You don't know who she is to Mr. Hawes?
- 21 A. I have no idea.
- 22 Q. If they've ever so much as met?
- 23 A. No idea other than communication between the both of
24 them wanting to meet.
- 25 Q. Well, they're intending a jump, correct, based on the

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 text messages?
- 2 A. Jump --
- 3 Q. Talking about sky diving?
- 4 A. Yeah, I mean.
- 5 Q. Page 515, 08/27, that day at 8:20, there's a text
6 message to Erin Wilson, You know I'm not, don't make me
7 wait, LOL. Right?
- 8 A. I'm sorry, the time frame 8:20?
- 9 Q. Your Page 515, box 337?
- 10 A. 337, okay. Outgoing text message to -- on August 27th,
11 2011, at 8:20 p.m. to a contact listed as Erin Wilson,
12 You know I'm high maintenance. Don't make me wait.
13 LOL.
- 14 Q. That's 8:20 on August 27th during the time we're
15 talking about being at Cantina and waiting on her,
16 right?
- 17 A. Yes.
- 18 Q. And on 516, he receives a text message at 8:18 from
19 Erin Wilson saying, On the way. You see that on Page
20 516?
- 21 A. Yes, incoming text message at 8:18 from Erin Wilson, On
22 the way, yes.
- 23 Q. And the I need a bar customer, where are you? You
24 don't know who Joy Wilson is, do you?
- 25 A. I have no idea.

JONATHAN VANHOUTEN REDIRECT BY GARFIELD

- 1 Q. And I think that there was a -- your reading the text
2 messages from Antoinette on Page 538. I just want to
3 clear up because I think you said there was a text
4 message to Antoinette saying, I've been on a few dates,
5 but nothing really serious. But that was from
6 Antoinette, right?
- 7 A. Bear with me just a second. You know what block
8 number?
- 9 Q. Yes, 107.
- 10 A. 107 -- you said 526, I don't have that.
- 11 Q. Does that look like it?
- 12 A. Yes.
- 13 Q. That's from Antoinette?
- 14 A. That is an incoming text message from Antoinette to Mr.
15 Hawes.
- 16 Q. And that string of text messages, last question, to the
17 Amy individual on August 19th, August 19th at 6:55
18 p.m., that was the day that they had broken up again
19 and Mr. Hawes says, If you're ever feeling frisky, let
20 me know, at 6:55, right?
- 21 A. Yes.
- 22 Q. Remember that?
- 23 A. Yes.
- 24 Q. And they said bye, I love you, too, right?
- 25 A. Yes.

JULIUS JONES DIRECT BY MS. GARFIELD

1 Q. And that's, actually, after that?

2 A. Okay.

3 Q. But prior to 1:19 a.m. when Ms. Wilson gets back in
4 contact with him, is that right?

5 A. Yes.

6 MS. PRINGLE: Thank you very much.

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

9 Call your next witness.

10 MS. GARFIELD: The State calls Julius Jones.

11 THEREUPON,

12 JULIUS JONES,

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 Julius, J-U-L-I-U-S, last
17 name is Jones, J-O-N-E-S.

18 DIRECT EXAMINATION

19 BY MS. GARFIELD:

20 Q. Mr. Jones, if you will please share with the jury what
21 your occupation is.

22 A. I'm a social worker with Department of Mental Health.

23 Q. And as a social worker, do you sometimes work at the
24 Alvin S. Glenn Detention Center?

25 A. Yes, I do.

JULIUS JONES CROSS BY MR. STRICKLER

1 Q. Is that otherwise known as our local jail?

2 A. Yes, our local jail, our local county jail.

3 Q. Specifically, back on September 5th, 2011, did you have
4 an occasion to have contact with the Defendant in this
5 case, Hank Hawes?

6 A. Yes, according to my notes.

7 Q. And according to your notes, did he mention anything to
8 you about ever being suicidal?

9 A. According to my notes, he -- it says he denies ever
10 been suicidal.

11 Q. Did he share any information with you concerning the
12 cuts on his wrists?

13 A. According to my notes, the cuts on the wrists were
14 defense wounds.

15 Q. This the information you would have received from the
16 Defendant, Hank Hawes?

17 A. Yes, ma'am.

18 MS. GARFIELD: Thank you, Mr. Jones. Please
19 answer any questions Defense counsel may have.

20 THE WITNESS: Okay.

21 THE COURT: Cross-examination.

22 CROSS-EXAMINATION

23 BY MR. STRICKLER:

24 Q. Good afternoon, Mr. Jones.

25 A. Good afternoon, sir.

JULIUS JONES CROSS BY MR. STRICKLER

1 Q. I'm Doug Strickler. I'm one of Mr. Hawes's attorneys.
2 Just a couple of questions, please. Your responses to
3 the questions from the prosecutor were according to
4 your notes. Do you have any independent recollection
5 of having seen Mr. Hawes?

6 A. I do not.

7 Q. Do you have your notes with you?

8 A. I do.

9 Q. Okay. Let me ask you this, your notes indicate you saw
10 him on September 5th, 2011, correct?

11 A. Yes, sir.

12 Q. Okay. Do you know that Mr. Hawes at that point in time
13 was housed in what's called SHU at the county jail?

14 A. Yes. Yes, sir, that's where the suicide watch is.

15 Q. Okay. He was on suicide watch at that point in time?

16 A. Yes, sir.

17 Q. Is that why you came in contact with him?

18 A. Yes, sir.

19 Q. Would that have been why you came in contact with him?

20 A. Yes, sir.

21 Q. Okay. And SHU, that stands for special housing unit,
22 correct?

23 A. Yes, sir.

24 Q. And that's different from the other dorms in the county
25 jail, isn't it?

JULIUS JONES CROSS BY MR. STRICKLER

- 1 A. Yes, sir.
- 2 Q. There's one-man cells there?
- 3 A. Yes, sir.
- 4 Q. They're locked up 23 hours a day in that cell, they get
5 out on rec one hour at a time?
- 6 A. (The witness shakes head.)
- 7 Q. You're not that familiar with it?
- 8 A. That would be secured down, I'm sure.
- 9 Q. Okay. Other dorms are far more open environment than
10 that?
- 11 A. Yes.
- 12 Q. Correct.
- 13 A. Yes, sir.
- 14 Q. If you were to be at the county jail, that would be as
15 far as the conditions you were in, the harshest
16 conditions you could be in, correct? You don't get to
17 sit out in the -- in the general area with the TV and
18 the rest of the people in the dorm and interact like
19 that, you're locked up?
- 20 A. Correct.
- 21 Q. Okay. So your note says inmate denies ever being
22 suicidal and said cut on wrists were defensive wounds,
23 right?
- 24 A. Yes, sir.
- 25 Q. Inmate waiting for shower, is that what it says?

JULIUS JONES CROSS BY MR. STRICKLER

- 1 A. Yes, sir.
- 2 Q. Okay. Where was this interview conducted? Where did
3 you conduct it, do you remember?
- 4 A. The interview was conducted in the special housing
5 unit.
- 6 Q. Okay. So you, actually, were in SHU itself, right?
- 7 A. Ayes.
- 8 Q. You weren't in -- you weren't in golf, you weren't in a
9 hotel, you weren't in India, you weren't in Juliet, you
10 weren't in x-ray, you were in SHU, right?
- 11 A. Yes, sir.
- 12 Q. And he's waiting for a shower, right?
- 13 A. According to my notes.
- 14 Q. Okay. And did you see him waiting for the shower, was
15 he in his cell or did you -- did you see him outside
16 waiting to go to the shower? If you don't remember,
17 you don't remember?
- 18 A. I don't.
- 19 Q. Okay. That's fine. Inmate stated this is the worst
20 thing, parentheses, place, he has ever seen, right?
- 21 A. Yes, sir, according to my notes.
- 22 Q. Okay. And he was in SHU because he had cut wrists,
23 right? Suicide attempt? I believe you indicated
24 that's where people go to assess for suicide, right?
- 25 A. People go for suicide, yes.

JULIUS JONES CROSS BY MR. STRICKLER

1 Q. Right?

2 A. Yes.

3 Q. So he's in SHU because of a suicide attempt and it's
4 the worst place he's ever been. So he says he's not
5 suicidal, right?

6 A. Right.

7 Q. Okay.

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

10 BY MR. STRICKLER: :

11 Q. Let me show you, Doctor, and ask if you recognize, not
12 necessarily this document, but are you acquainted with
13 this form?

14 A. Yes, sir.

15 Q. What form is it?

16 A. That's a contract for --

17 Q. I'm sorry?

18 A. Contract for safety.

19 Q. Contact for safety?

20 A. Uh-huh.

21 (Defendant's Exhibit No. 60 was marked
22 for identification.)

23 BY MR. STRICKLER:

24 Q. Defendant's Exhibit 60, contract safety?

25 A. Yes, sir.

JULIUS JONES CROSS BY MR. STRICKLER

- 1 Q. You aren't acquainted with this particular form, this
2 one's signed by Mr. Hawes, but you're acquainted with
3 the language in the form?
- 4 A. Basically, yes, sir.
- 5 Q. Okay. And this is something that people have to sign
6 in order to go ahead and get off suicide watch?
- 7 A. Once released, yes.
- 8 Q. Okay. So this form says, I, Hank Hawes, agree that if
9 I begin to have thoughts of hurting myself or anyone
10 else, I will seek help immediately and not hurt myself
11 or anyone else, right?
- 12 A. Yes, sir.
- 13 Q. I agree to tell the officers in the unit and will ask
14 to speak with the mental health staff so that I will
15 not hurt myself or anyone else. I, also, agree to
16 follow the rules of safety so I will not hurt myself or
17 anyone else?
- 18 A. Yes, sir.
- 19 Q. By signatures below, I agree with this contract while
20 at Alvin S. Glenn Detention Center?
- 21 A. Yes, sir.
- 22 Q. And it's dated when?
- 23 A. September --
- 24 Q. Seventh?
- 25 A. Seventh, 2011.

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 Q. Okay. And this has to be signed by Mr. Hawes or anyone
2 that's on a suicide watch in order to get off suicide
3 watch?

4 A. Yes, sir.

5 Q. You got to get off suicide watch before you can get out
6 of SHU?

7 A. Yes, sir.

8 MR. STRICKLER: Thank you, sir.

9 MS. GARFIELD: Nothing further, Judge.

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

12 THE WITNESS: Thank you.

13 THE COURT: You have another short witness?

14 MS. CAMPBELL: I think we can finish the next
15 witness in 30 minutes.

16 THE COURT: Okay. All right.

17 Call your next witness.

18 MS. CAMPBELL: The State calls Verona Gibson.

19 THEREUPON,

20 VERONA GIBSON,

21 after having been duly sworn, testified as follows:

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

24 THE WITNESS: My name is Verona Gibson,

25 V-E-R-O-N-A, G-I-B-S-O-N.

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 DIRECT EXAMINATION

2 BY MS. CAMPBELL:

3 Q. Ms. Gibson, where are you employed?

4 A. The South Carolina Law Enforcement Division, which we
5 refer to as SLED.

6 Q. What do you do there?

7 A. I'm an evidence processing technician in the DNA
8 department.

9 Q. As an evidence processing technician, what do your
10 duties include?

11 A. We, usually, receive the larger pieces of evidence to
12 look for body fluids or to process for ownership or
13 touch DNA.

14 Q. So you, actually, see the pieces of evidence
15 themselves?

16 A. Yes, ma'am, usually, clothing, car parts, guns, larger
17 items.

18 Q. And if swabs were taken at the scene of a crime, those
19 don't go through you necessarily, those would go
20 straight to the DNA analysts themselves?

21 A. Typically, they do not go through me.

22 Q. I want you to tell this jury a little bit about your
23 train, your education for forensic evidence processing.

24 A. I have an Associate's Degree from Trident Technical
25 College in public -- excuse me, Associate's of Science

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 from Trident Technical College. I have an Associate's
2 Degree from Greenville Technical College in public
3 works and a forensic certificate. I've been with SLED
4 for approximately six and a half years, went through
5 in-house training there to learn the special processes
6 for the different types of body fluids.

7 Q. Have you been qualified before in forensic evidence
8 processing?

9 A. Yes, ma'am, I have.

10 MS. CAMPBELL: Your Honor, at this time, we would
11 offer her as an expert in forensic evidence processing only.

12 MR. STRICKLER: Without objection.

13 THE COURT: Okay. Thank you.

14 BY MS. CAMPBELL:

15 Q. I want to turn your attention to this case. Just
16 explain to the jury, typically, how do y'all receive
17 evidence once it's logged into your evidence room?

18 A. When we're assigned the case, we look to see which
19 evidence that needs to be processed for body fluids or
20 touch or ownership. Then we request that evidence
21 through our evidence control department. They will
22 pull it off the shelving unit and then assign it to us
23 in the computer system so that it tracks who has what
24 evidence at what time.

25 Q. Okay. And chain of custody has been stipulated to in

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 this case, but prior to examining any evidence, do you
2 take measures to make sure the evidence has been
3 handled properly and logged in properly and reported to
4 you in the proper manner?

5 A. I do review the seals that are on the bags or the boxes
6 to make sure that those are intact. I, also, evaluate
7 the paperwork that comes in with the evidence to make
8 sure that I plan to process it for the correct thing
9 the agency has asked for.

10 Q. In this case -- let me ask you, you were assigned to
11 the case involving the victim, Jennifer Lee Wilson, and
12 the Defendant, Hank Hawes?

13 A. That is correct.

14 Q. And when did you first receive evidence in this case?

15 A. The first evidence I received was 09/26/2011.

16 Q. What pieces of evidence did you initially receive in
17 this case?

18 A. That would have been three knives, a pair of underwear,
19 a shirt and a wooden tool.

20 Q. At SLED, do y'all have a protocol of how many pieces of
21 evidence can be submitted initially in a case?

22 A. Typically, for a homicide investigation, we ask that
23 they limit to five items to begin with. If an
24 association is made, then we will reevaluate other
25 items of evidence if they're necessary. But we will

VERONA GIBSON DIRECT BY MS. CAMPBELL

- 1 continue to take items if there is no association made
2 between the victim and a subject.
- 3 Q. So if you get evidence and initially test it and you
4 said an association made, what does that mean?
- 5 A. Usually, if there's a known suspect or a believed
6 suspect, if that person is identified through further
7 DNA testing once it's passed along, then we would have
8 to evaluate any other evidence that we would process.
- 9 Q. So, typically, you just take the initial five items and
10 if DNA comes back helping -- putting them at the scene,
11 that's it, typically?
- 12 A. Usually.
- 13 Q. But in certain cases, can additional, also, be
14 submitted?
- 15 A. They can, yes, ma'am.
- 16 Q. And do you, also, take additional items, say, at the
17 defense request?
- 18 A. We have, yes, ma'am.
- 19 Q. Who did the DNA testing in this case?
- 20 A. Stephanie Stanley.
- 21 Q. And she's, also, at SLED?
- 22 A. Yes, ma'am.
- 23 Q. You mentioned that initially you received in September
24 of 2011 these items that we've talked about?
- 25 A. Yes, ma'am?

VERONA GIBSON DIRECT BY MS. CAMPBELL

- 1 Q. That was three knives, some underwear, a shirt and a
2 wooden tool?
- 3 A. Correct.
- 4 Q. Did you, also, receive -- and I'm going to go ahead and
5 do this on the front end, some additional items for
6 testing later?
- 7 A. Yes, ma'am.
- 8 Q. A second group?
- 9 A. Yes, ma'am. On 03/20/2013, there was a cooler bag, a
10 pair of jeans with a belt, a bath towel and a floor
11 mat. And on 09/09/2014 were bed linens and a comforter
12 submitted.
- 13 Q. So you received additional request in 2013 after the
14 initial DNA testing had been done?
- 15 A. That is correct.
- 16 Q. And then as recently as September of this year, there
17 were additional request for testing to be done?
- 18 A. Yes, ma'am.
- 19 Q. The testing that was requested, I believe, on
20 September 12th and then on the 22nd; is that correct?
- 21 A. I believe that is correct, yes, ma'am.
- 22 Q. So that would be within the last month. Who requested
23 that testing be done?
- 24 A. The information I received through Stephanie Stanley
25 was that the defense attorney for this case had

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 requested that specific items be tested.

2 Q. And, again, you've identified the items that were --
3 any swabs or anything that may have been collected at
4 the scene could have been sent directly to Ms. Stanley
5 for her examination; is that correct?

6 A. Yes, ma'am, they could have.

7 Q. She would, also, receive the known standards that would
8 be compared to this case?

9 A. That is correct.

10 Q. Those would not go through you?

11 A. They would not.

12 Q. And what, actually, went through you, specifically, you
13 mentioned certain items. Prior to testing them, did
14 you photograph those items or some of them, at least?

15 A. Sometimes I photograph before I test. Sometimes it's
16 after I test. It depends on what I'm trying to
17 document, so usually before or after items will be
18 photographed.

19 Q. When receiving physical items of evidence from a crime
20 scene, what type of testing -- on this case, what type
21 of testing did you do?

22 A. There were request on most items for blood or -- I
23 believe all items were blood. And then some of the
24 items were requested a touch processing or ownership
25 processing.

VERONA GIBSON DIRECT BY MS. CAMPBELL

- 1 Q. And in testing for blood, how do you go about doing
2 that, typically -- or in this case, specifically?
- 3 A. We do a visible examination. If we see areas that
4 appear to be possible bloodstains, there's a quick
5 two-step chemical test that we perform. Moisten a,
6 looks like a one-sided Q-tip, rub that on the stain,
7 drop the two chemicals on it. If it changes color to a
8 brilliant pink, then that indicates it's possible that
9 substance is blood. So it would be taken and forwarded
10 to the DNA department for further testing.
- 11 Q. Is that what's called the presumptive test for blood?
- 12 A. That is correct.
- 13 Q. And that would be something you would do prior to
14 trying to collect any other evidence off that item?
- 15 A. Depending on what is wanted, what different types of
16 testing they want on the specific item would depend on
17 the order we would do it, but blood would be tested
18 before ownership.
- 19 Q. Okay. I want to show you some photographs,
20 specifically, State's Exhibits 190 through 195, and 403
21 through 419. And first ask do you recognize these?
- 22 A. These are copies of the photographs I took of the
23 evidence on the 09/26/2011 and the 03/20/2013
24 submission to evidence.
- 25 Q. And were those photographs, actually, taken by you?

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 A. Yes, ma'am, they were.

2 MS. CAMPBELL: Your Honor, at this time, we would
3 offer them into evidence.

4 THE COURT: Any objection?

5 MR. STRICKLER: No, sir.

6 THE COURT: All right. 190 through 192 and 403
7 through 419 admitted without objection.

8 (State's Exhibit Nos. 190 through 192
9 and 403 through 419 were admitted into
10 evidence.)

11 BY MS. CAMPBELL::

12 Q. And I want to walk through these just quickly as far as
13 the testing you did on each item. Specifically, your
14 item number seven. When I refer to these numbers,
15 y'all assign a different than what Columbia Police
16 Department has?

17 A. That's correct. As items are brought into SLED, the
18 case is given a unique lab number and then every item
19 that's submitted under that lab number gets a specific
20 item number. And they start with the first item
21 submitted as item one and it will continue on until all
22 the items are numbered.

23 Q. And different items may be submitted, say, some to
24 toxicology depends on what happens?

25 A. That's correct?

VERONA GIBSON DIRECT BY MS. CAMPBELL

- 1 Q. It may not go to your department?
- 2 A. That's correct.
- 3 Q. Like this picture, 190, I noted that it has L11 number
4 on it?
- 5 A. That's correct.
- 6 Q. And what does that mean?
- 7 A. That is our laboratory number. So every case that
8 comes in gets a unique laboratory number. The L11 is
9 the year that we received it and then they're just
10 given numerically in order as they come into the
11 laboratory.
- 12 Q. And then underneath that, I believe there's an item
13 number, which is the number y'all, actually, assign it.
14 And in this case, this item got assigned item number
15 seven?
- 16 A. Yes, ma'am.
- 17 Q. And I noted that you put the 7.0. Why is that and can
18 that change as you develop your evidence?
- 19 A. The number on the item submitted does not change. What
20 we do is any swab or cutting or evidence collected off
21 that item will become seven point one or two or three.
22 That indicates that that sample was taken from the item
23 number seven.
- 24 Q. So the whole item as it comes is item number seven and
25 then any evidence you may collect from it becomes 7.1,

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 7.2 or 10.1 or 10.2?

2 A. Correct.

3 Q. Or whatever number it may have been. It depends on how
4 many samples?

5 A. Correct.

6 Q. The first item that you looked at was item number
7 seven, which was a knife from the living room. Did you
8 do any type of testing as far as the presence of blood
9 on that item?

10 A. I swabbed three areas of that item. All three tested
11 positive for the presumptive presence of blood.

12 Q. I want to be clear before I go any further. Whenever
13 you're testing items, even, say, if they are submitted
14 a year or two years later, does that necessarily mean
15 you can't do your testing? Does that affect anything?

16 A. No, ma'am. As long as the evidence is properly stored,
17 the DNA should be stable.

18 Q. So it won't change the DNA, time won't change it to
19 make it look somebody else?

20 A. Correct.

21 Q. It may degrade, but as long as it's kept properly, it
22 should be still there?

23 A. Correct.

24 Q. Thank you. And item number seven, you said your
25 presumptive test for blood was?

VERONA GIBSON DIRECT BY MS. CAMPBELL

- 1 A. Positive.
- 2 Q. And at that point, did you collect any evidence from
3 item number seven?
- 4 A. Yes, ma'am. I took three swabs from that item.
- 5 Q. And those would be labeled as what evidence numbers?
- 6 A. 7.1, 7.2, and 7.3.
- 7 Q. And I believe State's Exhibit No. 191 is just the other
8 side of that knife?
- 9 A. Correct.
- 10 Q. Which is still item number seven. Item number eight, I
11 show you in State's Exhibit 192 and 192, it's a pair of
12 underwear?
- 13 A. Yes, ma'am.
- 14 Q. And was that an additional item that you did your
15 testing on?
- 16 A. I did test that item, yes, ma'am.
- 17 Q. And what did your testing indicate?
- 18 A. That item as well was positive for presumptive presence
19 of blood.
- 20 Q. And once you had done your testing for the presumptive
21 evidence of blood, did you collect any evidence from
22 item number eight, the underwear?
- 23 A. I did a cutting, which was 8.1; another cutting, which
24 was 8.2; and a swab, 8.3, which was for ownership.
- 25 Q. It was ownership?

VERONA GIBSON DIRECT BY MS. CAMPBELL

- 1 A. Yes, ma'am.
- 2 Q. And what area was the swab for ownership taken from?
- 3 A. The crotch area.
- 4 Q. And when you say a cutting, tell the jury how -- what's
- 5 the difference between taking a swab or doing a cutting
- 6 and why does it depend on what type of item you have?
- 7 A. Usually, if the item is porous or easily cut, like
- 8 fabric or paper, money, we will cut the section out
- 9 tested positive. It just is better testing further
- 10 down the line that way. If it is a hard surface, such
- 11 as a knife or a gun, we swab those because you can't
- 12 cut that section out of that.
- 13 Q. And the evidence that has already been admitted prior
- 14 to you getting here today, like these underwear, will
- 15 it, actually, show where your cuttings are and do you
- 16 mark it in any way?
- 17 A. They are labeled on the item as well as in the picture,
- 18 I think you can see some of the cuttings on there.
- 19 Q. It's harder to see in these pictures, but can you,
- 20 either on 192 or 193, show?
- 21 A. There was a cutting taken here, that would have been
- 22 8.1.
- 23 Q. And this would still been on the evidence?
- 24 A. The writing is on the evidence, yes, ma'am.
- 25 Q. And, again, the cutting, it looks like a hole there, so

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 that's something you did to the evidence after you
2 received it?

3 A. Yes, ma'am. And then there's a cutting where I
4 collected, it's a scrape for 8.3, and then 8.2 is right
5 beside that.

6 Q. And those are shown on State's Exhibit No. 192, the
7 other side of those underwear?

8 A. Yes, ma'am.

9 Q. Moving on to the next item that you initially tested in
10 this case -- and you're referring to your report?

11 A. My worksheet, yes, ma'am.

12 Q. Is it a shirt?

13 A. That's correct.

14 Q. I show you what's been marked as State's Exhibits 194
15 and 195, is that the shirt we're talking about?

16 A. That is the shirt, yes, ma'am.

17 Q. And what did your testing as far as the presence of
18 blood indicate when you tested the shirt in 194 and
19 195?

20 A. There were positive areas for the presumptive test for
21 blood.

22 Q. And, again, for the record, this isn't a different
23 shirt, but different sides of the same shirt?

24 A. It is the front and the back of the shirt.

25 Q. Again, in this, are you able to see where the cuttings

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 were that you took from the front and back of this
2 shirt?

3 A. I believe you can, yes, ma'am.

4 Q. And is on the evidence itself as well?

5 A. That's correct.

6 Q. The evidence that's marked and a hole right next to
7 you, say, .8.1 or eight whatever it is, that means you
8 took that cutting, you make that cutting in that shirt?

9 A. That's correct. We label the areas we cut or swab with
10 the item number that it is assigned as it is collected.

11 Q. Okay. And moving on to item number 10, what was that
12 item you tested?

13 A. I was a wooden tool.

14 Q. I'm going to show you what's been marked as State's
15 Exhibits 403 and 404. Is this the wooden tool you're
16 talking about?

17 A. Yes, ma'am.

18 Q. What, if any, testing did you do on this, ma'am?

19 A. That item as well was positive for the presumptive test
20 of blood.

21 Q. And did you collect any evidence from this wooden tool?

22 A. I did, yes, ma'am.

23 Q. And what evidence did you collect?

24 A. One swab.

25 Q. So that would be item number?

VERONA GIBSON DIRECT BY MS. CAMPBELL

- 1 A. 10.1.
- 2 Q. Moving on to the next item that you tested initially
3 was item number 11, I believe?
- 4 A. Yes, ma'am.
- 5 Q. I'm going to show you State's Exhibit Nos. 405 and 406.
6 Does this show your item number --
- 7 A. Yes, ma'am, that's item number 11.
- 8 Q. -- 11. And is this a different item or it just shows
9 both sides?
- 10 A. That is the same item, different sides.
- 11 Q. What, if any, testing did you do on this item?
- 12 A. That as well was tested for the possible presence of
13 blood and was positive.
- 14 Q. And at that point, did you collect any evidence from
15 this item?
- 16 A. I collected two swabs from that item, yes, ma'am.
- 17 Q. So those would be item numbers?
- 18 A. 11.1 and 11.2.
- 19 Q. Moving on to State's Exhibit No. 407 and 408, item
20 number 12, was that the final item of your initial
21 testing?
- 22 A. That is, yes, ma'am.
- 23 Q. And does this, again, show a different item or the same
24 item?
- 25 A. That is the same item, just different views.

VERONA GIBSON DIRECT BY MS. CAMPBELL

1 Q. And what, if any, testing did you do on this item?

2 A. That item as well was positive for the presence of --
3 presumptive presence of blood.

4 Q. Did you collect any evidence from this item?

5 A. There were two swabs taken for that one as well, 12.1
6 and 12.2.

7 Q. And what areas of the knife were they taken from in
8 each of these?

9 A. 12.1 was a swab from the blade near the handle and 12.2
10 was a swab from the handle near the blade.

11 Q. And on each of the knives in this case, did you take
12 swabs from different areas and that's why you submitted
13 more than one swab?

14 A. That's correct.

15 Q. Some from the blade and some from the handle?

16 A. Yes, ma'am.

17 Q. Once you had collected that evidence, what, if
18 anything, did you do with it?

19 A. That evidence was turned over to Stephanie Stanley.

20 Q. And, again, while this evidence was in your possession,
21 did you alter it or tamper with it or do anything to it
22 in any way?

23 A. Beyond my testing and collecting, no, ma'am.

24 Q. I want to go on to the second set of submissions to
25 you. I believe that was in the spring of 2013?

VERONA GIBSON DIRECT BY MS. CAMPBELL

- 1 A. That is correct.
- 2 Q. And what items did you receive at that point?
- 3 A. It was a cooler bag, a pair of jeans with a belt, a
4 bath towel and a floor mat.
- 5 Q. The cooler bag, what item number was assigned to it?
- 6 A. 14.0.
- 7 Q. I'll show you what's been marked as State's Exhibits
8 412 through 416. Are these photographs you took of
9 that item?
- 10 A. Yes, ma'am, they are.
- 11 Q. Again, what initial testing did you do on this bag?
- 12 A. That bag was, also, tested for the presumptive presence
13 of blood and it was positive.
- 14 Q. Once you had tested it for the presence of blood, did
15 you collect any evidence from that?
- 16 A. There were four cuttings taken from that bag.
- 17 Q. What areas of the bag did you take cuttings from?
- 18 A. There was a cutting from the side of the bag without
19 the zipper near the top, a cutting from the side of the
20 bag with the zipper near the bottom, a cutting from the
21 handle, and a cutting from the interior.
- 22 Q. You mentioned a cutting from the actual interior of the
23 bag?
- 24 A. Yes, ma'am.
- 25 Q. After doing the cuttings from the bag, did you then do

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- 1 any scrapings from this?
- 2 A. I did not, no, ma'am.
- 3 Q. I want to show you State's Exhibit No. 416, what is
- 4 that?
- 5 A. That is the dried possible blood that fell out of the
- 6 bag as it was being processed.
- 7 Q. You didn't do any testing on that?
- 8 A. No, ma'am.
- 9 Q. But you did take how many cuttings total from this bag?
- 10 A. Four.
- 11 Q. So those would be items number 14 --
- 12 A. 14.1 through 14.4.
- 13 Q. The next item that was submitted in the spring of 2013,
- 14 I believe, were some jeans?
- 15 A. That is correct.
- 16 Q. I show you State's Exhibit 417 and 418, do you
- 17 recognize those?
- 18 A. Yes, ma'am, those are the jeans.
- 19 Q. And is that the same pair of jeans, just different
- 20 sides.
- 21 A. Yes, ma'am.
- 22 Q. And are these photographs you, actually, took?
- 23 A. They are.
- 24 Q. And what testing, if any, did you do on these jeans?
- 25 A. Those as well were tested for the presumptive test for

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1 blood and were positive.

2 Q. Once you had done the testing for blood, what, if any,
3 evidence did you collect from those jeans?

4 A. There was one cutting taken from the left side upper
5 thigh area.

6 Q. And why did you pick that area?

7 A. It just tested well and was a decent stain. It was a
8 big stain.

9 Q. Is that the area you're talking about?

10 A. That is correct.

11 Q. So the items that you collected would be item number
12 what?

13 A. 15.1.

14 Q. And with all these items, once you collected them, you
15 then packaged them properly and forwarded them to the
16 DNA department for testing?

17 A. The cuttings are forwarded in a sealed coin envelope,
18 which is packaged inside of a heat-sealed pouch, so
19 that it can be -- I mean, heat sealed and then we write
20 our initials and the date on that seal so we can
21 determine if there's been any tampering. The items
22 themselves will be packaged in the processing paper
23 they were processed on, returned to the packaging they
24 were submitted in and returned to the evidence control
25 department.

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- 1 Q. Item number 16 is a bath towel which you didn't do an
2 examination on?
- 3 A. That is correct.
- 4 Q. And why was that?
- 5 A. When it was submitted, there's a list of the items that
6 comes in with the submission of evidence, and they
7 request the testing that would be performed on those
8 items. On that packing slip, it requested that it just
9 be for storage.
- 10 Q. For storage?
- 11 A. Yes, ma'am?
- 12 Q. And then, finally, number 18, which is a floor mat?
- 13 A. Yes, ma'am.
- 14 Q. Which is already in evidence, I show you State's
15 Exhibit No. 419, do you recognize that?
- 16 A. Yes, ma'am.
- 17 Q. And that's a floor mat from a Land Rover, or you don't
18 know that?
- 19 A. I have no idea what vehicle, I'm sorry.
- 20 Q. And the floor mat in this case, did you do any testing
21 on it?
- 22 A. That item was tested for the presumptive test for blood
23 and it was positive.
- 24 Q. Once you tested it, what, if any, evidence did you
25 collect from the floor mat?

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- 1 A. There was two swabs taken from the floor mat and
2 forwarded to DNA.
- 3 Q. And can you tell where those swabs were taken?
- 4 A. Yes, ma'am. 18.1 is from this section and 18.2 is from
5 this section.
- 6 Q. And that's why the line is down the middle?
- 7 A. Yes, ma'am. It was divided into three sections to make
8 swabbing it easier.
- 9 Q. And those two bottom sections are where you, actually,
10 took -- those are your drawings and your numbers on
11 there?
- 12 A. Correct.
- 13 Q. As with all this evidence?
- 14 A. Yes, ma'am.
- 15 Q. And that's the area where you took the swabs from?
- 16 A. Correct.
- 17 Q. And, again, this was positive for blood?
- 18 A. Yes, ma'am, the presumptive test for blood.
- 19 Q. And I believe you testified you received a request in
20 this case in September, a month ago?
- 21 A. Yes, ma'am.
- 22 Q. And, initially, the request came from whom was your
23 understanding?
- 24 A. It was my understanding that the defense had requested
25 these specific areas be tested.

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1 Q. And were the sheets brought then to SLED for testing?

2 A. To my knowledge, yes.

3 Q. And was certain information that's in State's Exhibits
4 200 and 201 forwarded to you as far as the areas where
5 they wanted the testing?

6 A. Yes, ma'am, these photographs were forwarded to me to
7 determine which areas to take.

8 MS. CAMPBELL: Your Honor, at this time, I would
9 offer State's Exhibits 200 and 201 into evidence.

10 MR. STRICKLER: No objection.

11 THE COURT: All right. 200 and 201 admitted
12 without objection.

13 (State's Exhibit Nos. 200 and 201 were
14 admitted into evidence.)

15 BY MS. CAMPBELL:

16 Q. All right. 200 and 201 are circles?

17 A. Yes, ma'am?

18 Q. Were those already on there as being where they wanted
19 tested?

20 A. Those were to indicate the areas they wanted me to
21 take.

22 Q. And these weren't photographs you took?

23 A. No, ma'am.

24 Q. You just know these were given to you to indicate the
25 areas they wanted tested?

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1 A. Correct.

2 Q. And once you got these photographs, then, I believe on
3 September 12th is when you, actually, did your testing
4 on a sheet -- let me find it. Were you able to match
5 up the stain -- was there a fitted sheet that was
6 submitted to you?

7 A. There was, yes, ma'am..

8 Q. I will get that out in a minute. Once that fitted
9 sheet was forwarded to you, were you able to match the
10 areas from these photographs where they wanted testing
11 done?

12 A. Yes, ma'am.

13 Q. And did you initially take a number of cuttings from
14 that sheet?

15 A. Initially, I took 11 cuttings.

16 Q. And did you do any presumptive testing on them?

17 A. Those were presumptively tested for the blood as well
18 and tested positive.

19 Q. At that point, did you collect any evidence from these
20 -- and what item number is this, by the way?

21 A. That is 30.1.

22 Q. 30.1?

23 A. That's correct. There were two items submitted as item
24 number 30, a fitted sheet and a flat sheet. We
25 separated those out so we know those were submitted

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1 together as 30.1 and 30.2. 30.1 was the fitted sheet.
2 So when we take a cutting or a swab off something that
3 already had a point one, we just add another point one
4 on that. So the first cutting taken off that sheet
5 would be 30.1.1.

6 Q. Okay. And from these areas that were circled and a
7 request made by the Defense to do this testing, how
8 many total did you take, cuttings?

9 A. The first time, I took 11 cuttings.

10 Q. That was September 12th, last month?

11 A. Yes, ma'am.

12 Q. You took 11?

13 A. Eleven, yes, ma'am.

14 Q. Would that be 30.1.1 through 30.1 --

15 A. Point 11.

16 Q. Eight, nine, 10, 11?

17 A. Yes, ma'am.

18 Q. Okay. And was that evidence forwarded to the DNA
19 department?

20 A. Yes, ma'am, that was handed to Stephanie Stanley.

21 Q. And then 10 days later, did you receive an additional
22 request for testing?

23 A. Yes, ma'am, there was another photograph sent.

24 Q. I show you State's No. 402, do you recognize that?

25 A. Yes, ma'am, that is the photograph that I was asked to

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1 cut those other two areas.

2 MR. STRICKLER: Without objection.

3 THE COURT: All right. Admitted without
4 objection.

5 (State's Exhibit No. 402 was admitted
6 into evidence.)

7 BY MS. CAMPBELL::

8 Q. Again, this is a request from whom?

9 A. It was my understanding it was a request from the
10 Defense.

11 Q. And State's Exhibit 402, did you go back to that same
12 fitted sheet and test these additional two areas?

13 A. Yes, ma'am.

14 Q. What testing did you do?

15 A. The blood testing.

16 Q. And once you did blood testing, what were the results?

17 A. It was positive for the presumptive test for blood.

18 Q. And after that, did you collect any evidence from this
19 sheet again?

20 A. There were two areas collected.

21 Q. And what item numbers did those end up being?

22 A. 30.1.12 and 30.1.13.

23 Q. And did you receive any further request from the State
24 or the Defense as far as any more testing in this case?

25 A. No, ma'am.

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1 Q. Once you collected all of this evidence on each
2 separate occasion, you then forwarded it to the DNA
3 department?

4 A. That is correct.

5 Q. And they would have made the determination about any
6 DNA and who it belonged to and things of that nature?

7 A. Correct.

8 Q. Not you?

9 A. No, ma'am.

10 MS. CAMPBELL: I have nothing further.

11 MR. STRICKLER: No cross, Your Honor.

12 THE COURT: You may step down. Thank you very
13 much.

14 All right. Ladies and gentlemen of the jury, it's
15 about five after one. We'll take a lunch break at this
16 time. If you will be back in the jury room at 2:30, we'll
17 get started at that time. Please leave your notepads in the
18 chairs. Don't discuss the case with anyone. I will see you
19 at 2:30.

20 (Whereupon, the jury left the courtroom
21 at 1:03 p.m.)

22 THE COURT: All right. Anything from the State
23 before we break for lunch?

24 MS. CAMPBELL: No, sir.

25 THE COURT: From the Defense?

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1 MR. STRICKLER: Yes, sir. We're going to need to
2 request to take a witness out of order. We have Mr. Gerness
3 here from -- as a blood pattern expert to testify. He's
4 here this afternoon. He will be unavailable until Wednesday
5 should he not be able to testify this afternoon.

6 THE COURT: Where is he coming from?

7 MR. STRICKLER: --

8 THE COURT: Okay. Well, I mean, we'll take --

9 MR. STRICKLER: Ideally, I'd like to wait until we
10 had some more from the State. It would be easier to
11 interpret the testimony, but he's here and we need to put
12 him up. It's going to be 2:30 -- his testimony, I don't
13 think it's going to be incredibly long, but it's not going
14 to be 15 minutes either.

15 THE COURT: All right. Let me see the lawyers up
16 here just a second.

17 (Whereupon, a bench conference was held
18 off the record.)

19 THE COURT: All right. You made a motion to call
20 a witness out of order?

21 MR. STRICKLER: Yes, Your Honor.

22 THE COURT: After a bench conference with all the
23 parties, I think you would like to withdraw that motion; is
24 that correct?

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

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1 THE COURT: All right. Anything else you want to
2 put on the record concerning that?

3 MR. STRICKLER: No, sir.

4 THE COURT: Okay. All right.

5 MR. STRICKLER: Thank you.

6 THE COURT: All right. We'll adjourn until 2:30.

7 (Whereupon, a short recess was held.)

8 THE COURT: All right. anything from the State
9 before we bring in the jury?

10 MS. GARFIELD: No, sir.

11 THE COURT: Anything from the Defense?

12 MR. STRICKLER: Do we need to take up the autopsy
13 photos outside the presence of the jury?

14 MS. GARFIELD: We could do that real quick.
15 The autopsy photos.

16 THE COURT: All right. You -- here they are.

17 MS. GARFIELD: I narrowed it down some more.

18 THE COURT: Pardon? You took two off?

19 MS. GARFIELD: I took two off.

20 THE COURT: Did you take them out of this stack?

21 MS. GARFIELD: Yes, sir.

22 THE COURT: Have you reviewed the stack?

23 MS. EIGENBROT: Yes, Your Honor, thank you. We
24 just renew the objection we made earlier to the scene photos
25 as well for the same reasons. Again, we contend that the

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1 probative value is substantially outweighed by the unfair
2 prejudice of these photos. Your Honor, I would, also, add
3 that at this point it's cumulative as to her injuries. I
4 believe if you look at the scene photos, the State attempts
5 to show malice in this case. And, Your Honor, the jury at
6 this time has already seen the extent of her injuries.
7 They've been able to use those photos already. So at this
8 point, we just contend the accumulation of all of these
9 photos --

10 THE COURT: I --

11 MS. EIGENBROT: -- is unfair prejudice.

12 THE COURT: I'm not admitting these based on
13 malice, I'm admitting these -- I'm assuming they'll be
14 relevant to the doctor's autopsy, okay.

15 MS. EIGENBROT: (The witness nodded head.)

16 THE COURT: I will allow -- I have reviewed and
17 I'm going to allow them in subject to the relevancy. Based
18 on the doctor's testimony, if any of them are not relevant,
19 I'll listen to you at that time. I'm not putting them in
20 evidence at this time, but as far as 403 rule.

21 MS. EIGENBROT: Thank you, Your Honor.

22 THE COURT: And if during his testimony, you think
23 any of them are not relevant, please make that suggestion.

24 MS. EIGENBROT: Yes, sir.

25 THE COURT: Thank you very much.

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1 MS. GARFIELD: Your Honor, the ones that are being
2 excluded, could we may them as a Court's Exhibit maybe?

3 THE COURT: That's fine.

4 MS. GARFIELD: And that includes the list.

5 THE COURT: Just tell me the numbers, the
6 sequence.

7 MS. GARFIELD: The sequence that are ruled out or
8 ruled in?

9 THE COURT: Ruled in.

10 MS. GARFIELD: Ruled in is 202, 207, 208, 211,
11 212, 216, 220, 221, 229, 231, 233, 235, 237, 238, 243, 245,
12 247, 248 and 251.

13 THE COURT: Okay. Thank you.

14 Anything else before we bring the jury in?

15 MR. STRICKLER: No, sir.

16 THE COURT: Bring us the jury, please.

17 BAILIFF: Yes, sir.

18 (Whereupon, the jury returned to the
19 courtroom at 2:32 p.m.)

20 (State's Exhibit Nos. 202, 207, 208,
21 211, 212, 216, 220, 221, 229, 231, 233,
22 235, 237, 238, 243, 245, 247, 248 and
23 251 were admitted into evidence.)

24 BAILIFF: The jury is seated, Your Honor.

25 THE COURT: Thank you.

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1 You may call your next witness.

2 MS. CAMPBELL: The State calls Stephanie Stanley.

3 THEREUPON,

4 STEPHANIE STANLEY,

5 after having been duly sworn, testified as follows:

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

8 THE WITNESS: My name is Stephanie Stanley,
9 S-T-A-N-L-E-Y.

10 DIRECT EXAMINATION

11 BY MS. CAMPBELL:

12 Q. Agent Stanley, where are you employed?

13 A. I'm employed by the South Carolina Law Enforcement
14 Division, which is more commonly referred to as SLED.

15 Q. Can you put that microphone a little over? It's so
16 hard to hear in here. I apologize.

17 A. That's fine.

18 Q. You're employed by SLED?

19 A. Yes, ma'am.

20 Q. What do you do there?

21 A. I'm a forensic scientist assigned to the DNA case work
22 department.

23 Q. As a forensic scientist in the DNA department, what do
24 your duties include?

25 A. My duties include analyzing evidence samples from

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1 various agencies across the State of South Carolina for
2 the purpose of identifying biological stains and
3 developing DNA profiles from those items. I would then
4 develop DNA profiles from known standards, or something
5 that we know came from the individual, for comparison
6 to see if they match. I would then write a report and
7 testify in court as necessary.

8 Q. Can you tell this jury a little bit about your
9 education and your training in your field of DNA
10 comparison analysis?

11 A. Yes, ma'am. I have a Bachelor of Science degree in
12 biological sciences from Clemson University. I was
13 trained by SLED under the supervision of qualified
14 analysts where I learned evidence handling, serology,
15 DNA analysis, statistics that relates to DNA analysis,
16 chain of custody and DNA identification. I've attended
17 training at the National Forensic Science Technology
18 Center. I've, also, attended training at Marshall
19 University and Applied Biosystems in Rockville,
20 Maryland.

21 Q. And is your laboratory accredited in any way?

22 A. Yes, we are accredited by the American Society of Crime
23 Laboratory Directors Laboratory Accreditation Board or
24 ASCLAD Laboratory.

25 Q. And as part of your accreditations, do y'all have to

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1 follow certain policies and procedures in order to
2 ensure the quality of your results?

3 A. Yes, we do.

4 Q. Have you ever been qualified before as an expert in the
5 field of DNA analysis?

6 A. Yes, ma'am, I have?

7 Q. And approximately how many times have you been
8 qualified?

9 A. I know, at least, 20, around 20.

10 MS. CAMPBELL: Your Honor, at this time, we would
11 offer her as an expert in DNA analysis.

12 THE COURT: Any objection?

13 MR. STRICKLER: No objection.

14 THE COURT: Okay. The Court so finds. Thank you
15 so much.

16 MS. CAMPBELL: Thank you, Your Honor.

17 BY MS. CAMPBELL:

18 Q. Agent, I want to turn your attention to this case. Did
19 you become involved and, actually, perform the DNA
20 tests in this case?

21 A. Yes, I did.

22 Q. I believe that lab number is L1109913?

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

24 Q. And that involves the victim, Ms. Jennifer Wilson, as
25 well as the Defendant, Hank Hawes, is that correct?

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1 A. Yes.

2 Q. Do y'all have a certain protocol of how much testing or
3 what type testing you do when an initial entry comes in
4 in a homicide case?

5 A. There were guidelines that were used to limit the first
6 submission of evidence. Typically, a homicide is
7 limited to about five items. There are exceptions to
8 that rule. We will take additional submissions as well
9 if we haven't made an association in the case.

10 Q. If you haven't made an association in the case?

11 A. Yes, ma'am, we will take additional submissions that we
12 have, but, usually, it's through communication with the
13 laboratory.

14 Q. So it's limited somewhat, typically?

15 A. Yes, ma'am.

16 Q. I want to turn your attention to this case. What items
17 did you initially get for testing?

18 A. My initial items were, I believe, a sexual assault kit,
19 known standards from the victim and the subject in the
20 case, and then cuttings that I received and swabs that
21 I received from -- my item seven, which were swabs from
22 a knife, my items 8.1, 8.2, 8.3, which were cuttings
23 and swabs from the underwear, 9.1, 9.2 and 9.3,
24 cuttings and swab from a shirt, 10.1 was a swab from a
25 wooden tool, 11.1 was a swab from the blade of a knife,

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1 11.2 was swab from a handle of a knife, and items 12.1
2 and 12.2, swabs from the blade and swabs from the
3 handle of a knife.

4 Q. You mentioned that you have to have what's called known
5 standards in order to make a comparison to the evidence
6 from a crime scene; is that correct?

7 A. Yes, ma'am.

8 Q. Typically, how is a known standard gotten from a
9 person, either alive or dead?

10 A. A known standard comes into the laboratory in two
11 forms, what is known as a blood standard, which is
12 usually taken by a medical personnel, or a buccal swab
13 or oral swab. These are just sterile that are rubbed
14 on the inside of somebody's cheek to collect cells.

15 Q. And prior to you doing any testing within your
16 organization, is the chain of custody always
17 maintained?

18 A. Yes, ma'am.

19 Q. And that was done in this case?

20 A. Yes, ma'am.

21 Q. So there could not be any cross-contamination or
22 anything of that sort?

23 A. Correct.

24 Q. Once you got those initial items, did you do testing on
25 those items?

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1 A. Yes, I did.

2 Q. When did you, actually, perform that first set of
3 testing on those items you've mentioned here?

4 Approximately, it doesn't have to be exact.

5 A. I want to say it was around September 28th, 2011. Yes,
6 ma'am, September 28th.

7 Q. And subsequent to doing that testing and, actually,
8 publishing a report on those items, was a request made
9 for you to test additional items in this case?

10 A. Yes, it was.

11 Q. What were those additional items that were submitted, I
12 believe, in the spring of 2013? When did you,
13 actually, issue a report in that case initially?

14 A. Let me check my other reports because I've issued
15 several.

16 Q. Yes, ma'am.

17 A. The first one was December 7th, 2012.

18 Q. December 7th, 2012, is your first report?

19 A. Yes.

20 Q. So it took a period of time from the submission date in
21 2011 until 2012 when you did your report?

22 A. Yes.

23 Q. Is that unusual at SLED, unfortunately?

24 A. It's not.

25 Q. Why?

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1 A. We work on several cases at a time. I'm, also,
2 involved as the team leader over the processing and
3 serology section, so a lot of my time is dedicated to
4 training. I'm, also, involved in hiring new employees,
5 so there's other things that I'm doing as well as
6 working on additional cases at the same time.

7 Q. And it is unusual -- or it's not unusual, actually, for
8 items to be submitted that it be over a year for
9 testing to be, actually completed?

10 A. Unfortunately, it's not.

11 Q. Okay. And you mentioned that the first report was
12 issued in December of 2012?

13 A. Yes, ma'am.

14 Q. On the items we just talked about?

15 A. Yes.

16 Q. Shortly thereafter, a few months after that, were
17 additional items submitted?

18 A. Yes, they were.

19 Q. And what were those items?

20 A. My second set of analysis covered items collected from
21 item 14, which was a cooler bag, a cutting from a pair
22 of jeans, swabs from the subject's foot, swabs from the
23 driver's floor mat, swabs from the left leg of the
24 victim's body, the subject's right hand, the right foot
25 of the subject, the left foot of the subject, the left

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1 hand of the subject, the master bedroom window handle
2 shade, victim's center -- I'm sorry, the vehicle's
3 center console, the vehicle driver's side armrest, the
4 vehicle's steering wheel, the gas pedal from the
5 vehicle, the brake pedal. And I believe that was all
6 for that submission.

7 Q. And once you got those items, did you proceed to do
8 additional testing on those items as well?

9 A. Yes, I did.

10 Q. And approximately how long was it before you were able
11 to publish the results of those -- that testing?

12 A. That report was published April 10th, 2014.

13 Q. So April of this year?

14 A. Yes, ma'am.

15 Q. And, again, it took over a year to, actually, get all
16 that testing done as well?

17 A. Yes, ma'am.

18 Q. And that is not unusual because of back log?

19 A. Unfortunately, that's not unusual.

20 Q. Once that testing was done and results reported back,
21 recently, last month, did you receive request from
22 Defense counsel to do some additional testing?

23 A. Yes, I did.

24 Q. And were you able to do that on almost an emergent
25 basis?

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1 A. Yes, we turned the results around on that pretty
2 quickly.

3 Q. And the request on that, I'm going to show you items
4 number 200 and 201, I believe somewhere around
5 September 12th Ms. Gibson testified, y'all received
6 those photographs with the request to test certain
7 areas from the Defense?

8 A. Yes, we did.

9 Q. And you, actually, received the evidence to be tested
10 from Ms. Gibson in that case as well?

11 A. Yes.

12 Q. Then approximately 10 days later, State's Exhibit No.
13 402, did they request additional testing?

14 A. Yes, ma'am.

15 Q. And how does it memorialize the areas you were suppose
16 to test they requested?

17 A. The areas were circled on the photographs.

18 Q. Is it unusual for y'all to have a request from the
19 Defense to do testing?

20 A. It's not something that we typically get. Most of our
21 evidence is submitted from law enforcement agencies
22 around the state, but we will do testing for the
23 defense.

24 Q. And were you able to do that testing quickly?

25 A. Yes, ma'am.

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1 Q. And you have published a report in the case as far as
2 your findings for I believe it was item number 30?

3 A. Yes, item number 30.1.

4 Q. And I think they requested some 14 or 15 areas to be
5 tested?

6 A. It was 11 initial and then we took four more.

7 Q. Okay. So 15 total?

8 A. Uh-huh.

9 Q. And, I'm sorry, when did you do that report?

10 A. That report was issued September 24th, 2014.

11 Q. I want to show you what's been marked as State's
12 Exhibits 429, 430, 431, and 432. Did you get an
13 opportunity to review these?

14 A. Yes, ma'am.

15 Q. And do these fairly and accurately reflect your
16 findings in this case?

17 A. Yes, they do.

18 Q. And would they aid you in presenting this evidence to
19 the jury as far as the results?

20 A. Yes, they, actually, will due to the size of the case.

21 MS. CAMPBELL: Your Honor, at this time, we would
22 offer these into evidence.

23 MR. STRICKLER: Without objection, Your Honor.

24 THE COURT: What are the numbers?

25 MS. CAMPBELL: I'm sorry, Your Honor. It's 429,

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1 30, 31, and 32, 432.

2 THE COURT: All right. 429, 430, 431, and 432
3 admitted without objection.

4 (State's Exhibit Nos. 429 through 432
5 were admitted into evidence.)

6 MS. CAMPBELL: Your Honor, may the witness step
7 down?

8 THE COURT: Yes.

9 BY MS. CAMPBELL:

10 Q. If you come around to this side, the court reporter can
11 hear you better. And I want to mention something, the
12 numbers that are on the left of these diagrams, is that
13 the number that SLED assigns to those items?

14 A. Yes, these item numbers are assigned to our evidence
15 control department.

16 Q. Okay. So those may differ from the evidence numbers
17 SLED -- submitted them?

18 A. Yes.

19 Q. Is there, also, under the items submitted a brief
20 description of what items we're talking about?

21 A. Yes, ma'am.

22 Q. Then here, it's got a label serology. What does that
23 mean?

24 A. Serology is the science that deals with the
25 identification of body fluids. Generally, the body

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1 fluids we're most concerned about that we deal with on
2 a regular basis are blood, semen, saliva.

3 Q. Then there's another column that says whether or not
4 DNA was extracted and that would be either yes or no?

5 A. Yes.

6 Q. And when you get an item of evidence, are you
7 necessarily always going to be able to get some type of
8 DNA from the testing?

9 A. No, ma'am.

10 Q. Why not?

11 A. Sometimes, DNA -- we have to have enough in order to
12 develop a DNA profile. If there's just not enough DNA
13 present or the quality of the DNA is not good enough,
14 we may not be able to develop a DNA profile from that
15 item.

16 Q. Here's a pointer. Some people like it, some people
17 don't. And under the result column, what does that
18 show?

19 A. The results on my report are written in a paragraph
20 form, so this is just an easier way of getting to what
21 I'm saying as my conclusion.

22 Q. The first two items that are submitted, we know it's a
23 buccal swab from Jennifer Wilson, item number 6.2, and
24 then item number 13, a buccal swab from Hank Hawes; is
25 that correct?

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1 A. Yes, ma'am.

2 Q. And are those what's known as the known standard that's
3 used to compare to all this other evidence?

4 A. Yes, they are.

5 Q. And those are the two known standards in this case; is
6 that correct?

7 A. Yes, ma'am.

8 Q. And we go down to item 6.3, which is vaginal swab. I
9 notice that it shares with the buccal swab the same
10 six, but a different point. Why is that?

11 A. The buccal swab and the vaginal swab share because they
12 were submitted as part of what's known as part of a
13 sexual assault evidence collection kit. It's taken --
14 it includes quite a few items. Usually, it includes
15 some smears. It includes, possibly, known standard.
16 It includes oral swabs, rectal swabs, miscellaneous
17 body fluid swabs. It just depends on what pertinent in
18 the case. But anything that has the item number six in
19 front of it, that came from that sexual assault kit.

20 And I, actually, made sub items. So I assigned an
21 internal laboratory number. So 6.7, being the victim's
22 known standard, and 6.3 being her vaginal swabs.

23 Q. Those would have been packaged separate within the kit
24 so that they wouldn't cross-contaminate?

25 A. Yes. They're packaged in a separate individual

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1 envelope inside a larger envelope.

2 Q. And with the 6.3 vaginal swabs, did you, actually,
3 perform the serology in that case?

4 A. Yes, I did.

5 Q. And what were you looking for as typically in a rape --
6 just because a rape kit is done doesn't mean anyone was
7 raped?

8 A. No, it absolutely doesn't. They're done as a
9 precaution. Sometimes, we don't always know what
10 happened to the victim. If the victim's not able to
11 tell us herself what happened in a case, the sexual
12 assault kit may be taken on a male or female just as a
13 precaution for body fluids just to see what's present.

14 Q. Okay. And the testing you did there, were you
15 testing -- you submit serology testing for body fluids
16 such as semen, blood, saliva?

17 A. Yes.

18 Q. Okay. And in this case, were you testing for a
19 particular item?

20 A. Yes, in this case, I was testing for semen.

21 Q. And what were the results of the serology?

22 A. Semen was indicated.

23 Q. Was indicated?

24 A. Yes.

25 Q. And that what we're calling a presumptive test?

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- 1 A. Yes, it is.
- 2 Q. Once you got it and found there was semen indicated,
3 did you then do further testing in order to extract
4 DNA?
- 5 A. Yes, I did. I performed a DNA extraction in order to
6 develop a profile in hopes of getting a profile in
7 there was, actually, semen present.
- 8 Q. Were you able to DNA from that?
- 9 A. I developed a profile.
- 10 Q. What was the result of your profile?
- 11 A. The DNA profile I developed was a mixture of two
12 individuals. Jennifer Wilson's DNA was present in that
13 sample, but no sample but no conclusive statement could
14 be made to include or exclude Hank Hawes.
- 15 Q. Why is that?
- 16 A. Sometimes we -- there's not enough DNA that's present.
17 Sometimes it's not able to be supported statistically.
18 Sometimes I'm able to exclude somebody. Sometimes I'm
19 able to include them and support it statistically. So
20 there's different types of DNA results that you could
21 get. In this case, I just don't have enough
22 information to make a conclusion regarding whether Mr.
23 Hawes is included or excluded.
- 24 Q. There was definitely a second person there?
- 25 A. Yes.

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1 Q. And semen only comes from men?

2 A. Yes.

3 Q. Okay. And in finding that, there was a second profile
4 there, you just couldn't make a conclusive statement as
5 to whose profile that was?

6 A. Correct.

7 Q. And I'll get back to that. The next item that's in
8 this, and I'm just taking them in numerical order, is
9 item 7.1, 7.2, and 7.3. Did those all come from the
10 same knife?

11 A. Yes, they would have.

12 Q. Okay. And what were your conclusions as far when --
13 what were the conclusions that Ms. Gibson found when
14 she tested for blood?

15 A. Blood was indicated on those items.

16 Q. Okay. And taking them one at a time, what were your
17 findings?

18 A. The DNA profile developed from item 7.1 matches the DNA
19 profile of Hank Hawes. The DNA profile developed from
20 item 7.2 matches the DNA profile of Hank Hawes. The
21 DNA profile developed from item 7.3 was a mixture of,
22 at least, two individuals. The DNA profile of the
23 major contributor matches Hank Hawes. And Jennifer
24 Wilson cannot be excluded as a minor contributor.

25 Q. What does that mean?

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1 A. It means I'm able to tell that her DNA types are
2 present. Those DNA types that are consistent with her
3 profile. I'm not able to exclude her. I'm not able to
4 say that she did not contribute to that mixture.

5 Q. As far as the terminology, you talk about a match
6 versus when you just get what's called a partial DNA
7 profile?

8 A. Yes, ma'am.

9 Q. Can it still be useful in analysis?

10 A. Some partial profiles are useful. A partial profile is
11 getting less information. It could be to the extent of
12 I'm getting just a small amount less, but very close to
13 a full profile, or it could be to the extent it's not
14 very useful, just barely getting an amount.

15 Q. But in that one, 7.3, the knife in the living room, the
16 first two matched Hank Hawes, his blood, there was a
17 mixture of, at least, two individuals?

18 A. Yes, it was a mixture of, at least, two individuals.

19 Q. And that would have included Hank Hawes?

20 A. Yes, ma'am.

21 Q. But when you say Jennifer Wilson cannot be excluded,
22 that would include her then?

23 A. Yes, ma'am.

24 Q. 8.1, the cutting from underwear. And it indicated any
25 other person, you would say unknown person. How would

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1 you handle that?

2 A. If I had other standards to compare to it, I would have
3 made those comparison. If there's other types,
4 actually, made mention of those other types.

5 Q. Yes. Moving on to item 8.1, cutting from the
6 underwear. And that was, I believe, the men's
7 underwear?

8 A. Yes, I believe it was.

9 Q. What were your findings from 8.1 and 8.2 and the swab,
10 8.3?

11 A. Blood was indicated on both 8.1 and 8.2. The DNA
12 profile developed from item 8.1 was a mixture of, at
13 least, two individuals. The DNA profile major
14 contributor matched Hank Hawes. No conclusive
15 statement could be made regarding the inclusion or
16 exclusion of Ms. Wilson to that item.

17 Q. Was that because of the amount of DNA?

18 A. Yes.

19 Q. And when we talk about a major contributor versus a
20 minor contributor, is there more DNA --

21 A. A major contributor is somebody that I can tell is
22 contributing more DNA to the sample. A minor
23 contributor is somebody who's contributing less DNA to
24 the sample.

25 Q. But it's not unusual at all for more than one -- if two

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1 people are bleeding at the scene, is it unusual to get
2 mixtures like this?

3 A. No.

4 Q. Okay. Item 8.2?

5 A. Item 8.2, blood was indicated. The DNA profile was a
6 mixture of, at least, two individuals. The major
7 contributor matches Hank Hawes and Jennifer Wilson
8 could not be excluded as a minor contributor.

9 Q. Does that mean that she matches the minor contributor?

10 A. It means I'm not able to exclude her.

11 Q. What's there --

12 A. It's not enough to say a match necessarily.

13 Q. That's my terminology. It's -- consistent with her --

14 A. Yes.

15 Q. Thank you. 8.3, no serology was found on that?

16 A. No.

17 Q. Why was that?

18 A. I believe that was the swab that Ms. Gibson took for
19 ownership.

20 Q. And why do you do that?

21 A. Ownership DNA can be taken from articles of clothing.
22 We collect it in areas like the neckline of a shirt or
23 a cuff area of a long-sleeved shirt, the waistband of
24 pants or underwear, just trying to determine who may
25 have had those items on, who those items could have

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1 belonged to.

2 Q. And in this case, you, actually, came up yet with
3 another mixture; is that correct?

4 A. Yes, I did.

5 Q. Of two?

6 A. Yes.

7 Q. And what were your results on that one?

8 A. The DNA profile developed from item 8.3 is a mixture
9 of, at least, two individuals. Both Jennifer Wilson
10 and Hank Hawes could not be excluded as possible
11 contributors.

12 Q. Why is that terminology a little different?

13 A. In that case, I'm not able to make a determination of
14 who could be contributing more to that DNA sample or
15 who could be contributing less. It's just a mixture,
16 somewhat possibly equal portions. The DNA results are
17 not giving me a clear this person contributed more.

18 Q. But what was there was consistent with both of their
19 DNA?

20 A. Yes, it was.

21 Q. 9.1, which is a cutting from the shirt, which is a blue
22 button-down, as far as serology?

23 A. Yes, blood was indicated on that item. DNA was done
24 and the DNA profile was a mixture of, at least, two
25 individuals. The DNA profile developed to major

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- 1 contributor matched Jennifer Wilson and Hank Hawes
2 could not be excluded as a minor contributor.
- 3 Q. Again, so the minor contributor was consistent with --
4 what was there was consistent with Mr. Hawes?
- 5 A. Yes.
- 6 Q. The major contributor on that one, the blue shirt, the
7 button-down, was whom?
- 8 A. Yes, it was a blue button-down.
- 9 Q. And who was the major contributor?
- 10 A. The major contributor matched Jennifer Wilson.
- 11 Q. 9.2, a cutting from the same shirt, a blue button-down?
- 12 A. Yes, blood was indicated. The DNA profile matched Hank
13 Hawes.
- 14 Q. Again, where those cuttings were taken are indicated on
15 the actual pieces of evidence as well as in the photos?
- 16 A. Yes.
- 17 Q. Moving on to the next, and this is just a continue of
18 your findings, right?
- 19 A. Yes.
- 20 Q. 9.3 is a swab from that same shirt; is that correct?
- 21 A. Yes.
- 22 Q. And does serology indicate anything?
- 23 A. I believe that was just any DNA that we could find.
- 24 Q. Any DNA. And you were able to extract DNA?
- 25 A. I was able to perform a DNA extraction, but I did not

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- 1 develop a profile.
- 2 Q. Why was that?
- 3 A. Just that there's not enough DNA or quality of the DNA.
- 4 Q. Moving on to 10.1, which is a swab from the wooden
- 5 tool?
- 6 A. Yes, ma'am. Blood was indicated on that item and the
- 7 DNA profile matches Hank Hawes.
- 8 Q. Moving on to item 11.1, which is the swab from the
- 9 blade of the knife in the master bedroom nightstand?
- 10 A. Yes. Blood was indicated and the DNA matches Hank
- 11 Hawes.
- 12 Q. That one matched Hank Hawes?
- 13 A. Yes.
- 14 Q. And that was from the blade of the knife from the
- 15 master bedroom nightstand?
- 16 A. Yes.
- 17 Q. Then 11.2, a swab from the handle of the knife in the
- 18 master bedroom?
- 19 A. Blood was indicated on that item and it was a mixture
- 20 of, at least, two individuals. Jennifer Wilson and
- 21 Hank Hawes could not be excluded as possible
- 22 contributors.
- 23 Q. So what was there was consistent with both Jennifer and
- 24 Hank Hawes?
- 25 A. Yes, ma'am.

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1 Q. Item 12.1, which is a different knife, the knife from
2 the kitchen floor?

3 A. Yes, ma'am. Blood was indicated. It was a mixture of,
4 at least, two individuals. The major contributor DNA
5 profile matches Jennifer Wilson and Hank Hawes could
6 not be excluded as a minor contributor.

7 Q. When you have a mixture and stuff, too, are you able to
8 say whose blood it is versus can DNA come from other
9 things other than just blood at the crime scene?

10 A. Yes, DNA can come from other things. It can come from
11 skin cells, for example, blood or semen, your saliva.
12 Any of those could be some of the mixture. I'm just
13 not able to pick out which part came from blood, which
14 part came from something else.

15 Q. But it can be, also, the mixtures of the two?

16 A. Yes, it can be.

17 Q. But it, also, could be a mixture of blood and skin
18 cells?

19 A. Yes, it could.

20 Q. 12.2, the swab of the handle of the knife from the
21 kitchen floor?

22 A. Blood was indicated on that item. It was a mixture of,
23 at least, two individuals. And the major contributor,
24 also, matches DNA profile of Jennifer Wilson. And Hank
25 Hawes could not be excluded as a minor contributor.

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1 Q. So what was there as a minor contributor was consistent
2 with him, but it matched her as the major?

3 A. Yes, ma'am.

4 Q. Moving on to another item -- and there were several
5 items under item number 14, which was that cooler bag.
6 Item 14.1 was the cutting from the side of the cooler
7 bag without the zipper near the top?

8 A. Yes, ma'am. Blood was indicated on that item. The DNA
9 profile was a mixture of, at least, two individuals.
10 The major contributor matches the DNA profile of
11 Jennifer Wilson and Hank Hawes could not be excluded as
12 a minor contributor.

13 Q. 14.2 is another cutting from the cooler bag near the
14 bottom?

15 A. Blood was indicated on that item and DNA profile
16 matched Jennifer Wilson.

17 Q. And matched her alone?

18 A. Yes.

19 Q. And whenever you just have one person, does that
20 exclude the other person?

21 A. Yes.

22 Q. So it did not match Hank Hawes to that spot?

23 A. It did not.

24 Q. The majority of all these were mixtures, is that
25 unusual when two people are bleeding?

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- 1 A. It's not. If two people are bleeding, you would expect
2 to find some of one person and some of other and maybe
3 some of both.
- 4 Q. On DNA, can you date how long that DNA may have been
5 there?
- 6 A. No. DNA is useful in helping find someone identity,
7 but it can't tell you when a crime occurred, how long
8 the DNA has been there, how long the blood stain has
9 been there, how long the semen has been there.
- 10 Q. And if two people frequent in the same house over a
11 period of time, a month say, would you expect to find
12 possible mixture of their DNA?
- 13 A. Just like my house, my husband and I live there, you
14 would expect to find both of our DNA profiles there.
15 We're there all the time handling objects inside of our
16 house.
- 17 Q. Moving on to 14.3, which is a cutting from the handle
18 of the cooler bag, what was the result of that?
- 19 A. Blood was indicated.
- 20 Q. Uh-huh.
- 21 A. The DNA profile, it was a mixture of, at least, two
22 individuals. The DNA profile major contributor matches
23 Hank Hawes and Jennifer Wilson could not be excluded as
24 a minor contributor.
- 25 Q. So what was there as a minor contributor was consistent

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- 1 with her DNA?
- 2 A. Yes.
- 3 Q. And moving on to item 14.4, which was the cutting from
- 4 the inside of the cooler bag. What was the serology?
- 5 A. Blood was indicated and DNA profile matches Hank Hawes.
- 6 Q. So from the inside of the cooler bag, the DNA -- and
- 7 that was blood, it tested blood?
- 8 A. It was tested for blood and blood was indicated.
- 9 Q. And that was Hank Hawes and Hank Hawes alone?
- 10 A. (The witness nodded head.)
- 11 Q. Right?
- 12 A. Yes, ma'am.
- 13 Q. Moving on to 15.1, cutting from the left side of the
- 14 upper thigh area of the jeans that were submitted in
- 15 this case.
- 16 A. Blood was indicated. It was a mixture of, at least,
- 17 two individuals. The DNA profile of the major
- 18 contributor matches Hank Hawes and Jennifer Wilson
- 19 could not be excluded as a minor contributor.
- 20 Q. So, again, a mixture of the two?
- 21 A. Yes.
- 22 Q. Moving on to item number 17, there was a swab from
- 23 Mr. Hawes left foot?
- 24 A. Yes, ma'am. Blood was indicated. The DNA profile
- 25 developed was a mixture of, at least, two individuals.

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1 The DNA profile major contributor matches Hank Hawes
2 and the minor profile was insufficient for
3 interpretation.

4 Q. Insufficient for interpretation, what does that mean?

5 A. It means I can tell that there's something else there,
6 but just too weak to interpret.

7 Q. 18.1, which was swabs from the driver's side floor mat?

8 A. Blood was indicated. A partial DNA profile was
9 developed. It was a mixture of, at least, two
10 individuals. And I'm not -- Jennifer Wilson and Hank
11 Hawes, no conclusive statement could be made regarding
12 their inclusion or exclusion.

13 Q. So there simply wasn't enough there?

14 A. Correct.

15 Q. To do any comparison to either one?

16 A. Correct.

17 Q. Okay. Let's move on to 18.2.

18 A. Yes, ma'am.

19 Q. And that was a swab from the driver's side floor mat?

20 A. Yes. Blood was indicated on that item and the DNA
21 profile --

22 Q. When you said weak, was that an indication?

23 A. Yes, it was a weak positive test for blood. It was
24 insufficient for reliable identification.

25 Q. Would that be consistently weak positive?

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

- 1 A. Yes.
- 2 Q. Simply not enough DNA there?
- 3 A. Yes.
- 4 Q. Moving on to 19, which is a swab from the left leg of
5 the victim's body?
- 6 A. Blood was indicated on that. It was a mixture of, at
7 least, two individuals. The major contributor, also,
8 matches Jennifer Wilson and Hank Hawes could not be
9 excluded as a minor contributor.
- 10 Q. Again, a mixture?
- 11 A. Yes, ma'am.
- 12 Q. Number 20?
- 13 A. Yes.
- 14 Q. Swabs from Hank Hawes's right hand?
- 15 A. No blood was indicated.
- 16 Q. So was any testing done on that since there was no
17 blood?
- 18 A. After the initial presumptive testing for blood, no
19 further testing was done.
- 20 Q. And 21, swatches from his right foot?
- 21 A. Blood was indicated. DNA -- it was a mixture of two
22 individuals. The DNA profile of the major contributor,
23 also, matches Jennifer Wilson and the minor was
24 insufficient for interpretation.
- 25 Q. Just simply not enough there?

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

- 1 A. Correct.
- 2 Q. But there was, at least, two people like all of these
3 have been?
- 4 A. Yes.
- 5 Q. And 22 is where we are now?
- 6 A. Uh-huh.
- 7 Q. His left foot. And this is Mr. Hawes's left foot?
- 8 A. Yes. Blood was indicated. It was a mixture of, at
9 least, two individuals. The DNA profile of the major
10 contributor, also, matches Hank Hawes. The DNA profile
11 of the minor contributor was insufficient to rely on
12 interpretation.
- 13 Q. Again, just not enough?
- 14 A. Yes.
- 15 Q. Item number 23, which is a swab from Hawes's left hand?
- 16 A. Yes, ma'am.
- 17 Q. What were your results on that?
- 18 A. Blood was indicated on that item. And the partial DNA
19 profile that was developed, also, matched Hank Hawes.
- 20 Q. And that was the only one that matched?
- 21 A. Yes.
- 22 Q. Okay. Number 24, swabs from the master bedroom window
23 shade handle?
- 24 A. Blood was indicated on that item. The DNA was a
25 mixture of, at least, two individuals. The DNA profile

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1 of major contributor matches Hank Hawes and Jennifer
2 Wilson -- minor contributor.

3 Q. But there was two people there?

4 A. Yes.

5 Q. Number 25, swabs from the vehicle center console?

6 A. Blood was indicated. The DNA profile was a mixture of,
7 at least, two individuals. The DNA profile of major
8 contributor, also, matches Hank Hawes. The minor
9 contributor was insufficient for interpretation.

10 Q. But there were two people there as well?

11 A. Yes.

12 Q. Swabs from the vehicle driver's side armrest?

13 A. Blood was indicated on that item. The DNA profile was
14 a mixture of, at least, two individuals. The DNA
15 profile of the major contributor matches Hank Hawes.
16 The minor was insufficient for reliable interpretation.

17 Q. Moving on to State's Exhibit No. 432, item number 27?

18 A. Item number 27 were swabs from the vehicle steering
19 wheel. Blood was indicated. The DNA profile developed
20 was a mixture of, at least, two individuals. DNA
21 profile of the major contributor, also, matches Hank
22 Hawes. And the minor contributor was insufficient for
23 reliable interpretation.

24 Q. And is that unusual to get a mixture and having one
25 insufficient to be able to --

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 A. It really is not.

2 Q. Pretty common?

3 A. Yes, it is.

4 Q. Okay. Item number 28, swabs from vehicle gas pedal?

5 A. Blood was indicated. The DNA profile developed was a
6 mixture of, at least, two individuals. Jennifer Wilson
7 and Hank Hawes could not be excluded as possible
8 contributors.

9 Q. So both of their DNA was present?

10 A. Yes.

11 Q. It was consistent --

12 A. Yes.

13 Q. A combination? And, again, that's something you can't
14 call major or minor?

15 A. Correct.

16 Q. Okay. 29?

17 A. Swabs from the vehicle brake pedal. No blood was
18 indicated. DNA testing was performed. It was a
19 mixture of, at least, two individuals. Jennifer Wilson
20 and Hank Hawes could not be excluded.

21 Q. And how can have, even though blood wasn't indicated,
22 then have DNA and get a mixture?

23 A. Remember, you're not only getting the DNA from blood,
24 you can get it from other sources, such as skin cells.

25 Q. And that would be from the vehicle brake pedal; is that

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 correct?

2 A. Yes, ma'am.

3 Q. And, finally, the cuttings, the 15 cuttings that you
4 did -- here we go, from these items that were requested
5 by the Defense?

6 A. Yes, ma'am.

7 Q. What were your results from all those?

8 A. All of the cuttings from the fitted sheet, blood was
9 indicated and the DNA profile matches Hank Hawes, those
10 items.

11 Q. And Hank Hawes alone, correct?

12 A. Correct.

13 Q. Before you sit down. I'm going to show you what's been
14 marked as State's Exhibit No. 437 through 440?

15 MS. CAMPBELL: Your Honor, I believe we would
16 offer those without objection.

17 MR. STRICKLER: Correct, Your Honor.

18 THE COURT: All right. 437 through 440, is that
19 correct?

20 MS. CAMPBELL: Yes, sir.

21 THE COURT: Admitted without objection.

22 (State's Exhibit Nos. 437 through 440
23 were admitted into evidence.)

24 BY MS. CAMPBELL::

25 Q. Just so the jury will have an idea, are these results

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 -- is this a chart you generated?

2 A. Yes.

3 Q. Can you explain to the jury what is on this chart and
4 what it indicates?

5 A. What this charts indicates, these are the actual items
6 that I tested -- and these are the locations of DNA
7 that matched with testing.

8 Q. Okay. And when you say these are the locations, what
9 are these things that look like a D, H, S, something,
10 what are those?

11 A. Those are -- a locus, multiple loci --

12 Q. And does this chart kind of simplify how you do your
13 findings and what your findings are?

14 A. This chart helps us to make our conclusions. For
15 instance, known standards, the very first item on the
16 chart, and the other items are listed under there and I
17 can make comparisons, basically.

18 Q. And is this the known standard, 6.7, for Jennifer
19 Wilson and number 13 for Hank Hawes?

20 A. (The witness nodded head.)

21 Q. And I note that you just denote with numbers, is that
22 just the way you identify --

23 A. Yes.

24 Q. -- the piece that we're talking about?

25 A. Yes.

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

- 1 Q. And there's actual graphs in addition to this that you
2 use for doing testing?
- 3 A. Yes, ma'am.
- 4 Q. Okay. But these, we can't read them -- well, I can't
5 read them. But this simplifies and shows who has what.
6 Explain how each loci there's a number -- two numbers
7 and what that represents?
- 8 A. Remember with DNA, you get half your DNA from your mom
9 and you get half your DNA from your dad. So where you
10 see just one number being there, like the first one is
11 14, it's, actually, two copies of the 14. So it would
12 just be 14, 14 here. And then here would be 30, 30.
13 Two -- half DNA from mom, half DNA from dad. So here,
14 Mr. Hawes is a 10 and 14.
- 15 Q. Okay. So, typically, since you get half from your mom
16 and half from your dad, one number comes from your mom
17 and one number comes from your dad?
- 18 A. Yes, ma'am.
- 19 Q. But it can be the same number?
- 20 A. Yes.
- 21 Q. And, therefore, only show up as one number 14?
- 22 A. Yes, ma'am.
- 23 Q. But, typically, it's going to be like a 10 and a 14 and
24 a 29 and 31 and 10 and 11, that kind of thing?
- 25 A. Correct.

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 Q. And can two different people, say you and I -- is each
2 person's DNA unique or the way you test it unique?

3 A. DNA profiles are unique for everybody except for
4 identical twins.

5 Q. And assuming these two people aren't identical twins,
6 their's will be unique to them?

7 A. Yes, it should be.

8 Q. But can we share some of the same what's known as
9 numbers or the same DNA -- I don't know what you call
10 them?

11 A. Alleles.

12 Q. Alleles?

13 A. Yes. Just because there's a 14 here doesn't exclude
14 him from having a 14. People can share the number
15 across. Like half comes from mom, half comes from dad,
16 so you would expect that somebody -- possibly share
17 more with you. So what we test against are unrelated
18 individuals. So a 14 here and 14 there doesn't mean
19 that they're related, it's just that DNA -- at that
20 location.

21 Q. Again, this is just the way you have memorialized your
22 DNA result at that location?

23 A. Yes.

24 Q. The numbers we just use as --

25 A. They are -- these were taken from my -- the graphs that

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 I referred to before.

2 Q. Okay. And in this case, I know that if you come down
3 here, and then once you get these two, you can go and I
4 note here, 7.3, there's three numbers here (indicating)
5 and actual evidence. Three numbers here (indicating),
6 four numbers here (indicating). Is that what we're
7 talking about a mixture?

8 A. Yes. If you get half DNA from mom, half DNA from dad,
9 you would expect no more than two numbers -- so
10 anywhere that you see more than two, like this one has
11 three and some has four, that's what's known as a DNA
12 mixture. I can tell there's more than one person
13 contributed to that.

14 Q. And sometimes it's what's called masking if they share
15 an alleles --

16 A. Sometime if they share -- it's hard to tell what came
17 from a person, so if they do share, like at this
18 location, this 10 and 14. You know, did the 10/14
19 comes from Mr. Hawes or did Mr. Wilson contribute some
20 of that 14, so it can be hard if you share.

21 Q. But if you go to the next loci, because you look at all
22 of it. You can't just look at one area?

23 A. No, we cannot look at one area. We have to look at all
24 the way across.

25 Q. Then in the next one, there are three, which happens to

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 be the same three here?

2 A. Correct.

3 Q. Is that correct? Then if anything is different, can
4 that person be eliminated?

5 A. We look for differences and if there are differences,
6 it's what's known as an exclusion. It doesn't match
7 that person.

8 Q. And in this case, we, also, referred to the vaginal
9 swab that was taken from the autopsy. Here, you've
10 got -- I just listed one on there for purposes of
11 illustration. Here is 6.3 F and 6.3 M, what is that?

12 A. Our testing for semen, we attempt in the laboratory to
13 separate what would be our male DNA or our semen
14 component. It's just a laboratory technique of trying
15 to target the semen cells.

16 Q. So at 6.3 M, what does M stand for?

17 A. Male.

18 Q. So the 6.3 F is female?

19 A. Female.

20 Q. So that's what was on the chart?

21 A. The M.

22 Q. Okay. I noticed, also, in some of these that some of
23 them are highlighted or in bold?

24 A. Yes.

25 Q. Why is that?

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

- 1 A. It may be hard to see, but there are ones that are in
2 bold. That is how we denote a major contributor, that
3 would be the person contributing more DNA to that
4 sample.
- 5 Q. And you mentioned that some of them you did not have
6 enough to make a conclusion, but say as in the 6.3 M,
7 the 11 here is in parentheses. Why is that in
8 parentheses?
- 9 A. It's in the region. It's a lower level. And I need to
10 interpret that with a little bit of caution. I'm not
11 really sure what's going on there in that level of
12 sample of DNA.
- 13 Q. But here, the nine, 12 and 10, you've got the 12
14 highlighted or bolded, so that would be the major?
- 15 A. I, actually, think the nine. I don't think you can
16 tell on there.
- 17 Q. Sorry.
- 18 A. Yeah, the nine is, also, bolded.
- 19 Q. So then the 10, which would be Hank Hawes, but you
20 didn't have enough DNA to call that?
- 21 A. What I have on this chart, I have the victim's profile.
22 We can say that she is present in the sample. It's
23 intimate sample. It's what's taken from a person's
24 body. You would reasonably expect to find my DNA on my
25 own vaginal swab.

STEPHANIE STANLEY DIRECT BY MS. CAMPBELL

1 Everything else that's left over, it is consistent
2 with Mr. Hawes, but it's at a level where I can't say
3 conclusively and support it with the match statement.

4 Q. And all of your findings are on those charts as far as
5 or supported by what you just testified to?

6 A. Yes. Basically, this is translated from those charts.

7 Q. Now, I noticed whenever you were talking about these
8 mixtures, you always say at least two individuals. Can
9 you have an extraneous allele that could show up in a
10 sample?

11 A. Yes, you can.

12 Q. That doesn't match either one, but still invalidate
13 your results?

14 A. Correct.

15 Q. And how does that happen?

16 A. We say, at least, two individuals because -- and people
17 can share. You can see here that they are sharing
18 these alleles. At least, two means I know there's, at
19 least, two there, but I can't conclusively says there's
20 three.

21 Q. And can a third -- like a -- like if I pick up an
22 evidence sample, which I'm not supposed to, and then I
23 go and touch it, could there have been other DNA left
24 there --

25 A. You could possibility leave DNA behind, yes.

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 Q. But in this case, all your findings are what's
2 reflected on these charts?

3 A. Yes.

4 Q. And we didn't go through the others, but they're all --
5 the numbers correspond with what's on the other charts?

6 A. Yes, ma'am.

7 Q. Thank you. You may go sit down.

8 A. (The witness complies.)

9 Q. And, finally, Ms. Stanley, in a case where two people
10 are bleeding at a crime scene, would you expect to find
11 mixtures such as in this case?

12 A. If two people are bleeding, I would expect to find
13 mixtures, possibly, at a crime scene.

14 Q. And if two, also, share that household, would you
15 expect to find mixtures?

16 A. Yes, depending on what items we're, actually, talking
17 about, but it's not uncommon.

18 MS. CAMPBELL: Thank you. I don't have anything
19 further?

20 THE COURT: Cross-examination?

21 MR. STRICKLER: Thank you, sir. May it please the
22 Court.

23 CROSS-EXAMINATION

24 BY MR. STRICKLER:

25 Q. Good afternoon, Ms. Stanley.

STEPHANIE STANLEY CROSS BY MR. STRICKLER

- 1 A. Good afternoon.
- 2 Q. Just a few questions if I could. So if I understand
3 you, when you test for DNA, actually, the process is
4 first to run a presumptive test for the presence of
5 blood?
- 6 A. Yes, sir.
- 7 Q. You use phenolphthalein for that?
- 8 A. Yes, sir.
- 9 Q. And that's done before the samples, actually, get to
10 the DNA process, correct?
- 11 A. Yes, it is.
- 12 Q. That's because DNA is not solely associated with blood,
13 correct?
- 14 A. Correct, it is not.
- 15 Q. It is associated with any cell which has a nucleus to
16 it; is that correct?
- 17 A. Yes, sir.
- 18 Q. With the exception of mitochondrial DNA?
- 19 A. Right, the type we're talking about is nuclear DNA.
- 20 Q. And cells other than blood contain a nucleus, correct?
- 21 A. Yes.
- 22 Q. And you mentioned skin cells, right?
- 23 A. Yes, sir?
- 24 Q. Okay. And you talked about a procedure as far as -- as
25 far as testing in a sample recovered as part of the

STEPHANIE STANLEY CROSS BY MR. STRICKLER

- 1 sexual assault protocol, right? Vaginal swab, for
2 example?
- 3 A. Yes.
- 4 Q. In that, you would expect to find a mixture of both --
5 of two DNA samples, right?
- 6 A. It's highly likely, yes.
- 7 Q. Because you're going to get DNA from semen and you're
8 going to have epithelial cells present from the female,
9 correct?
- 10 A. Yes. Usually, vaginal swabs, it's an intimate sample.
11 You can reasonably expect the person's DNA that it,
12 actually, came from to be present.
- 13 Q. Okay. And the process you use with those samples is
14 you take an enzyme and you apply it and bust open, my
15 terms, not yours, the skin cells, they're not as hard
16 to opened as the sperm cells and you obtain a sample
17 there which would be associated with the skin cells, is
18 that more or less correct?
- 19 A. It's a sample that's associated with nonsperm cells.
- 20 Q. Nonsperm cells?
- 21 A. So that would be that female fraction.
- 22 Q. And label that female, right?
- 23 A. Yes.
- 24 Q. It's the first fraction you get and you label it
25 female?

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 A. Correct.

2 Q. Okay. Then you do some more digestion with enzymes
3 that are stronger and they will bust open, my term
4 again, the sperm cells and you do your process on those
5 and you label that the male fraction?

6 A. Male or sperm.

7 Q. And those are labeled F and M on your chart there at
8 6.7 or whatever it is. And you don't come to definite
9 conclusions as far as Mr. Hawes in that regard, do you?
10 DNA profile that dealt with the sperm fraction of item
11 6.3 is a mixture of, at least, two individuals, but the
12 DNA profile contributable the victim was present, no
13 conclusive statement regarding the inclusion or
14 exclusion of Hank Hawes as a possible contributor?

15 A. Correct.

16 Q. When you say that, your conclusions are dictated by two
17 things, what you find during your testing and what your
18 protocol allows you to say, correct?

19 A. Absolutely.

20 Q. Okay. Because all your testing is governed by a very,
21 very thorough protocol, which sets forth all the
22 procedures to use in conducting the testing and all the
23 conclusions you're permitted to draw in interpreting
24 the results, right?

25 A. Yes, sir.

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 Q. So that statement is based on the results you got and
2 what you're allowed to say, correct?

3 A. Correct.

4 Q. Okay. But in looking at the male fraction, okay, from
5 6.7, it would be true that you find that alleles
6 present that are consistent with anyone other than Hank
7 Hawes and Jennifer Wilson, right?

8 A. It's item 6.3.

9 Q. 6.3, sorry.

10 A. But those are the two standards that I was given for
11 comparison and I did not find any that could not be
12 attributed to either one of them.

13 Q. And it's, also, not unusual in doing special testing on
14 an intimate sample like that that you don't necessarily
15 manage to separate the two fractions completely so that
16 you can find evidentiary samples consistent with female
17 present in the male fraction?

18 A. Correct.

19 Q. I don't know if I was being clear or not.

20 A. Yes, there -- it's not uncommon to find DNA from the
21 victim or the female or the donor to the item inside of
22 that male fraction.

23 Q. Okay. It's just -- you break them apart as best you
24 can and it's sometimes not 100 percent?

25 A. Right. Scientifically, it's done in a very small --

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 you can't see the DNA.

2 Q. Right.

3 A. So it's not something that I can see and they should
4 all open or busted (indicating) at a certain time or
5 anything.

6 Q. Okay. Now, as you said on direct, many, if not, I
7 guess most of the samples here are mixtures. All of
8 them -- when we get away from the male and female
9 fractions of the vaginal swab, all of them that you got
10 results on are blood, right?

11 A. Um --

12 Q. Blood is present in all of them?

13 A. I believe there were some submitted just for any DNA.

14 Q. Oh, the touch DNA?

15 A. Right.

16 Q. Okay. And my question is, when you find presence of
17 blood, because you can get DNA from skin cells, things
18 other than blood, because you find blood there and
19 because you find a mixture of blood does not mean
20 necessarily that you have blood from two people?

21 A. Correct.

22 Q. You could have blood from one and skin cells, some
23 other form of DNA from another, right?

24 A. Yes, sir.

25 Q. Okay. Now, let me go through a few things with you if

STEPHANIE STANLEY CROSS BY MR. STRICKLER

- 1 I can. 7.1 is a swab from the blade of the knife from
2 the living room, correct?
- 3 A. Yes, sir, it is.
- 4 Q. And that 7.1 is Hank Hawes and Hank Hawes alone?
- 5 A. The DNA profile developed from 7.1 matched Hank Hawes.
- 6 Q. That's swabbed from the blade of the knife in the
7 living room?
- 8 A. Yes, sir.
- 9 Q. Okay. 7.2, swabbed from the handle of the knife in the
10 living room. That comes back as Hank Hawes and Hank
11 Hawes alone, correct?
- 12 A. Yes, the same result. The DNA from item 7.2 matches
13 Hank Hawes.
- 14 Q. Okay. Then you get a second swab from the handle on
15 the knife in the living room and that is a mixture, but
16 Hank Hawes is the major contributor to the mixture, the
17 minor contributor being consistent with Jennifer
18 Wilson?
- 19 A. Yes, sir. The DNA profile developed from item 7.3 was
20 a mixture. The major contributor was consistent with
21 Hank Hawes and Jennifer Wilson could not be excluded as
22 a minor.
- 23 Q. Okay. Could not be excluded, and that's one of those
24 terms you're permitted to use by your protocol?
- 25 A. Yes, sir.

STEPHANIE STANLEY CROSS BY MR. STRICKLER

- 1 Q. Okay. So, first of all, the blade on 7.1, the knife in
2 the living room, first tested positive blood, correct?
- 3 A. Yes, sir, it did.
- 4 Q. And, secondly, that blood belongs to Hank Hawes?
- 5 A. That DNA profile.
- 6 Q. That DNA profile. All right. 9.2 is a cutting from
7 the shirt, which comes back as Hank Hawes and Hank
8 Hawes -- the profile is his, correct?
- 9 A. Yes, the DNA profile -- the cutting from the shirt
10 matches the DNA profile of Hank Hawes.
- 11 Q. And you received 10.1, which is swabs from a tool, the
12 wooden tool, and the DNA profile from that is
13 consistent with Hank Hawes and Hank Hawes alone,
14 correct?
- 15 A. Yes, that swab from the wooden tool matches the DNA
16 profile of Hank Hawes.
- 17 Q. And when I say Hank Hawes and Hank Hawes alone, one of
18 the things you do further on down the line after you've
19 done your comparisons and decided whether they match or
20 not, you then proceed to the second part of the
21 analysis and that's the statistical analysis, correct?
- 22 A. Yes, sir, it is.
- 23 Q. You use statistics which are related to population
24 genetics, which says all of these alleles, all these
25 loci occur independently of each other, they're not

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 linked together at all, they're -- in that fashion, you
2 can apply a formula to it and you can arrive at a
3 conclusion as to how likely it would be for anyone else
4 to have that profile, right?

5 A. It's not how likely it is for anybody else to have the
6 profile, it's what's the rarity of that profile.

7 Q. What's the chance of someone at random with the same
8 profile?

9 A. Yes, who is unrelated.

10 Q. Okay. So when you say -- when I say it's Hank Hawes
11 and Hank Hawes alone, what's the possibility of
12 selecting another individual at random that would match
13 that profile? Can you give me that number?

14 A. The probability of randomly selecting an unrelated
15 individual having a DNA profile matching, I believe the
16 last one we talked about --

17 Q. That was --

18 A. 10.1?

19 Q. 10.1, yes, ma'am.

20 A. Is approximately one in 25 quadrillion.

21 Q. How many zeros are there in a quadrillion?

22 A. I believe there's 15 in a quadrillion.

23 Q. Okay. That's lots, right?

24 A. Yes, sir.

25 Q. Okay. Moving on, 11.1, swab from the blade of the

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 knife from the master bedroom nightstand, the
2 nightstand right next to the bed. The swab from that
3 blade, that comes back as Hank Hawes and Hank Hawes
4 alone, correct?

5 A. Yes, sir, that DNA matches Hank Hawes.

6 Q. First of all, the swab from the blade came back
7 positive on your presumptive test for blood, so it's
8 blood, and it comes back as Hank Hawes and Hank Hawes
9 alone. And by that, I mean the probability of
10 selecting is something astronomical?

11 A. It was a presumptive test for blood.

12 Q. Right.

13 A. But the DNA profile that was developed matches the DNA
14 profile of Hank Hawes and I believe the stat on that
15 would, also, be the same. It would be -- the
16 probability of selecting an unrelated individual is
17 still one in 25 quadrillion.

18 Q. That's the blade of the knife on the master bedroom
19 nightstand.

20 Turning to item 14.4, which is a cutting from the
21 inside of the cooler bag, not the handles, the inside,
22 were you -- well, do you have that? That, too, from
23 the inside of the cooler bag, the cooler bag sitting by
24 the couch on the living room floor, the inside of the
25 bag, that DNA sample comes back as Hank Hawes and Hank

STEPHANIE STANLEY CROSS BY MR. STRICKLER

- 1 Hawes alone, correct?
- 2 A. The DNA profile developed from the cutting on the
3 inside of the cooler bag matches the DNA profile of
4 Hank Hawes.
- 5 Q. Okay. Item 24, swab from the master bedroom window
6 shade handle, you have that?
- 7 A. Yes, sir.
- 8 Q. Okay. Now, that's a mixture, but in that mixture, Hank
9 Hawes is the major contributor; is that right?
- 10 A. The DNA profile of the major contributor matches the
11 DNA profile of Hank Hawes.
- 12 Q. And what's the probability of that?
- 13 A. That one would still be the one in 25 quadrillion.
- 14 Q. Now, you could get different numbers, that's why I keep
15 asking you that, because sometimes you don't
16 necessarily get all the alleles being such that you can
17 use them so the math gets a little different?
- 18 A. Correct. The math can change a little bit based on the
19 actual profile I develop. Remember, we talked about
20 partial profiles and it's similar to a full profile,
21 but the math would be a little bit different. Some of
22 them are even less than that and the math would be
23 different on those as well.
- 24 Q. Okay. All right. Turning to 30.1.1 through 30.1.13,
25 which is the numerous cuttings that the Defense request

STEPHANIE STANLEY CROSS BY MR. STRICKLER

1 you make as reflected in various spots in these
2 photographs?

3 A. Yes, sir.

4 Q. Okay. Those all came back associated with Hank Hawes
5 and Hank Hawes alone, correct?

6 A. The DNA profile developed from items 30.1.1 to
7 30.1.13.2 all match the DNA profile of Hank Hawes.

8 Q. Okay. And, specifically, referring to State's 402,
9 okay?

10 A. Yes, sir.

11 Q. Which is associated with the second request for
12 testing, that's 30.1 -- help me here, please.

13 A. It's 30.1.12 and 30.1.13. And then I divided that
14 further into 30.1.12.1 and 2 and 30.1.13.1 and 2.

15 Q. And all these came back -- and these are, as opposed to
16 these big blood stains, these are around some of the
17 smaller spots on the sheet?

18 A. Yes, they were from the smaller area.

19 Q. Those all came back associated with Hank Hawes and Hank
20 Hawes alone?

21 A. Yes. The DNA profile developed from those, also,
22 matched the DNA profile of Hank Hawes.

23 Q. Now, let me ask you whether you received some other
24 items, please, okay?

25 A. Yes, sir.

STEPHANIE STANLEY REDIRECT BY MS. CAMPBELL

- 1 Q. Did you receive DNA swabs from Ms. Wilson's body, from
2 her right arm?
- 3 A. I don't believe so.
- 4 Q. From her neck?
- 5 A. No, sir.
- 6 Q. You didn't receive any swabs from any part of her body
7 other than the stuff associated with the sexual
8 assault?
- 9 A. The -- my item number 19, left leg of the victim's
10 body.
- 11 Q. Okay. Yep. Did you receive a swab from a pillow on
12 the couch in the living room?
- 13 A. No, sir.
- 14 Q. Did you receive a swab from vomit on the living room
15 carpet?
- 16 A. No, sir.
- 17 Q. Okay. Did you receive a swab from a cell phone
18 recovered in the master bedroom?
- 19 A. No, sir.
- 20 Q. Did you receive a swab associated with Columbia Police
21 Department item number 33 from the kitchen floor?
- 22 A. No, sir.
- 23 Q. Did you receive a swab from a large pool of blood on
24 the floor in the bedroom between the bed and the wall
25 where the window shade was located?

STEPHANIE STANLEY RECROSS BY MR. STRICKLER

1 A. No, sir.

2 MR. STRICKLER: Okay. Thank you very much.

3 THE COURT: Any redirect?

4 MS. CAMPBELL: Just a couple of questions.

5 REDIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q. In this case, if the Defense or the State had requested
8 that testing, you could have done it?

9 A. It was --

10 Q. If those items existed?

11 A. If they were submitted to me, I would have tested them.

12 Q. And, finally, he asked you about the vomit on the
13 living room floor, do you do DNA testing on vomit?

14 A. We have done DNA testing on vomit, but it's hit or miss
15 on the profiles. I think we can get pretty good
16 profiles, it just kind of depends on the sample.

17 Q. And, again, when doing your testing as far as whose DNA
18 is present in the sample, it can be blood and blood,
19 blood and cell, other cells, blood and spit, you just
20 can't tell?

21 A. I'm not able to make that determination.

22 Q. But it will test positive for blood if any blood is
23 there?

24 A. Yes, it will.

25 Q. And can you tell this jury how any of the blood got in

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 different place in that house?

2 A. I cannot.

3 MS. CAMPBELL: Thank you.

4 THE COURT: Recross?

5 RE-CROSS-EXAMINATION

6 BY MR. STRICKLER::

7 Q. Let me ask you this, can you tell us one way that you
8 can guarantee that you won't be able to get any DNA
9 results?

10 A. If it wasn't tested, I wouldn't have any DNA results.

11 Q. If you're not provided with something to test, you
12 can't get any DNA results, can you?

13 A. No, sir.

14 MR. STRICKLER: Thank you. That's all I have.

15 THE COURT: You may step down. Thank you very
16 much.

17 Call your next witness.

18 MS. CAMPBELL: The State calls Dr. Bradley Marcus.

19
20 Your Honor, may she be excused?

21 MR. STRICKLER: Without objection, Your Honor.

22 THE COURT: Yes, ma'am.

23 THE CLERK: Raise your right hand.

24 THEREUPON,

25 BRADLEY MARCUS, M.D.

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 after having been duly sworn, testified as follows:

2 THE CLERK: Thank you. Have a seat in the witness
3 stand, state your name for the record and spell it, please.

4 THE WITNESS: Dr. Bradley J. Marcus, M-A-R-C-U-S.

5 DIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q. Dr. Marcus, where are you employed?

8 A. I'm employed at a private practice pathology group,
9 Professional Pathology Services, here in Columbia,
10 South Carolina.

11 Q. What do you do there, sir?

12 A. There, I act as a general pathologist, also, as a
13 forensic pathologist.

14 Q. And can you tell this jury a little bit about your
15 education and your training in the field of -- what is
16 pathology, first?

17 A. Pathology is the study of disease, looking at it with
18 the naked eye and looking at it from under a
19 microscope.

20 Q. And in the course of pathology, do you often perform
21 autopsies?

22 A. Yes, one part of pathology is autopsy pathology and
23 forensic pathology.

24 Q. Can you tell this jury a little bit about your
25 education and training in the field of pathology?

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

- 1 A. Yes. I went to medical school at the American
2 University of Caribbean. After that, I graduated with
3 M.D. Then I enrolled at the Medical University of
4 South Carolina, where I did a six-year
5 residency/fellowship training in anatomic pathology,
6 clinical pathology, forensic pathology and
7 cytopathology.
- 8 Q. Okay. What are the differences between those different
9 levels of pathology?
- 10 A. Okay. So anatomic pathology deals with all the organs
11 in the body, including the skin. Where a surgeon does
12 surgery, for instance, a woman has breast cancer and
13 removes her breast. The breast is sent to pathology.
14 And it's an anatomic pathologist who dissects the
15 breast, takes the tumor out of the breast and then we
16 make slides of it and makes the diagnosis of what type
17 of cancer it is. And then the patient would then get
18 treatment from an oncologist.
- 19 Q. So you're, actually, the ones that read the slides?
- 20 A. Yes, we read the slides with a microscope.
- 21 Q. And you're trying to, actually, determine what kind of
22 cancer it may be or --
- 23 A. Yes.
- 24 Q. What disease may or may not be present?
- 25 A. Yes, that's what I do every single day.

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 Q. You mentioned other types of pathology?

2 A. Yes, clinical pathology, also, is the part of the
3 hospital that people aren't really aware of, but every
4 time takes your blood from you, it's sent to the lab
5 for testing. And you have to have a doctor that runs
6 that lab and is able to interpret those results and get
7 the results. Another aspect of that is blood banking.
8 Blood banking is one of the most important departments
9 in the entire hospital. Because one's blood is the
10 most expensive product we have and it's limited in
11 availability. So that's another thing we have to
12 determine, if a patient in the ward needs blood, they
13 call us and determine if they can really get it or not,
14 depending on supply, alternatives and so forth. That's
15 clinical pathology.

16 Q. You, also, mentioned a third type of pathology?

17 A. Yes, cytopathology is another aspect of pathology that
18 we study sets, okay, sets. For instance, one of the
19 most popular things is the PAP tests. All women get
20 PAP tests. Well, that PAP test goes to a doctor like
21 me and I'll look at it under a microscope and make a
22 determination whether it's a normal PAP test or it's a
23 malignant PAP test. That's another thing that's part
24 of cytopathology.

25 Cytopathology is, also, sticking a needle in

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 practically any part of the body and getting a little
2 bit of tissue out and then we read that under the
3 microscope by looking at the individual sets, not the
4 organ.

5 Q. So you, actually, read biopsies?

6 A. Yes, I read biopsies.

7 Q. And, finally, the fourth area you mentioned is what we
8 call forensic pathology?

9 A. Yes. Forensic pathology deals with the medical/legal
10 aspect of death investigations. So when somebody dies
11 suddenly and unexpectedly, generally, there's a medical
12 examiner or a coroner who orders an autopsy.

13 In this case, in South Carolina, Richland County,
14 we have a coroner system. So coroners order an autopsy
15 and they have a forensic pathologist do the autopsy.
16 And I determine the cause of death and the manner of
17 death.

18 Q. And are you Board certified in any areas of pathology?

19 A. Yes. I'm Board certified in anatomic pathology,
20 clinical pathology, forensic pathology and
21 cytopathology.

22 Q. And how long have you been Board certified in those
23 areas, sir?

24 A. I've been Board certified in them for seven years now.

25 Q. Did you just recently renew your Board certifications?

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1 A. Yes. Every 10 years, beginning at year seven, you have
2 to renew your Board certifications. And I renewed all
3 my Board certifications in August of this year.

4 Q. And have you ever had any sort of designation as far as
5 being a medical examiner in this state?

6 A. Yes. In Richland County, I'm chief medical examiner.

7 Q. And what does that include? What do your duties
8 include as the chief medical examiner for Richland
9 County?

10 A. Basically, I'm the go-to guy for -- when there's an
11 autopsy to be done. We have other medical examiners
12 that work for us and they work under me, so they -- we
13 always come and talk about our cases and so forth and
14 we keep up to date what's going on. If they have a
15 problem with a case trying to figure it out, if they
16 come to me, I try to give them my opinion.

17 Q. And you, also, confer with them yourself?

18 A. Yes, I always confer with them about cases.

19 Q. And have you ever been qualified in court as an expert,
20 specifically, for purposes of this courtroom, in
21 forensic pathology?

22 A. Yes, I have.

23 Q. And approximately how many times have you been
24 qualified, do you know?

25 A. Greater than 20.

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1 MS. CAMPBELL: Your Honor, at this time, we would
2 offer him as an expert in forensic pathology.

3 THE COURT: Any objection?

4 MR. STRICKLER: No, sir.

5 THE COURT: All right. The Court so finds.

6 BY MS. CAMPBELL:

7 Q. Doctor, I want to turn your attention to this case.

8 Were you requested to do an autopsy on Jennifer Wilson
9 back in August of 2011?

10 A. Yes, I was.

11 Q. Where did that autopsy take place?

12 A. It took place in the morgue at Palmetto Health Richland
13 Hospital.

14 Q. That is that, typically, where you do your autopsies?

15 A. Yes.

16 Q. And in addition to being the chief medical examiner for
17 Richland County, do you, also, perform autopsies at the
18 request of other counties as well?

19 A. Yes.

20 Q. In special situations?

21 A. If another county request an autopsy be done, depending
22 on the circumstances, we will do the autopsy for that
23 county, also.

24 Q. What date was it that you, actually, performed the
25 autopsy in this case?

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1 A. August 29th, 2011.

2 Q. What time of day?

3 A. 9:30 a.m.

4 Q. And that took place at the hospital here in Richland
5 County?

6 A. Yes.

7 Q. Richland Memorial?

8 A. Yes.

9 Q. How was the body, actually, transported to the morgue
10 where you did the autopsy?

11 A. The coroner's office transported the body. It gets
12 transported in a locked body bag.

13 Q. And, basically, when you first came in contact with
14 this case with Ms. Wilson's body, it's in a body bag?

15 A. Yes.

16 Q. And tell the jury, just walking through, how you
17 started to proceed with your autopsy in this case?

18 A. When we do the autopsy, we, generally, have a coroner's
19 official, another deputy coroner in the autopsy room
20 with us. And then in addition to that, any cases where
21 you have suspected suicide, accident, or homicide,
22 there's, generally, an investigator from the police
23 department and/or SLED that are there with me doing the
24 autopsy.

25 Q. And in this case, I believe Investigator Paul Nelson,

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- 1 actually, attended this autopsy?
- 2 A. Yes. I don't recall exactly who was there, but I've
- 3 seen him at any autopsies.
- 4 Q. Tell the jury your observation when you first started
- 5 your autopsy in this case.
- 6 A. Well, I was told a brief history, that there was a
- 7 possible -- a stabbing, so that becomes more of a
- 8 homicide investigation. So the police get there, the
- 9 coroner's there, the body has been rolled out from the
- 10 cooler on the autopsy -- you know, placed on the
- 11 autopsy table.
- 12 Q. Prior to doing an autopsy, do you have any preconceived
- 13 ideas of whether it may be a homicide, an accident or a
- 14 suicide?
- 15 A. I do, but, basically, the coroner, generally, or the
- 16 deputy coroner will give me a brief -- a brief
- 17 description of what the circumstances were here.
- 18 Q. When you observed Jennifer Wilson's body, did you
- 19 noticed any wounds right away?
- 20 A. After the body bag was opened, I immediately noted stab
- 21 wounds and incised wounds all over her body.
- 22 Q. Okay.
- 23 A. Do you want me to define those?
- 24 Q. Yes, please, that would be my next question.
- 25 A. So a stab wound is a wound made with a sharp instrument

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1 that's deeper than it is long when I look at the body,
2 okay. That's a stab wound. An incised wound, also
3 known as a cut, is a wound on the body that is longer
4 than it is deep. Okay, it's longer than deep. So
5 that's how I categorize the sharp force injuries on a
6 body.

7 Q. When you're talking about a stab wound, does that
8 consist of someone taking a sharp instrument such as a
9 knife and going straight down and stabbing someone?

10 A. Yes, ma'am.

11 Q. And then when you're talking about what you call
12 incised wounds, those you refer to as cuts, I call them
13 slashes, are they more side to side?

14 A. Yes, ma'am.

15 Q. And, in fact, the cut goes longer than it does deep?

16 A. That's correct.

17 Q. And the stab wound goes deeper than it does wide?

18 A. Correct.

19 Q. Okay. And you mentioned that you noticed both?

20 A. Yes, I noted both on the body.

21 Q. And what areas did you note, generally -- and we'll get
22 back to specifics in a minute, incised wounds as well
23 as stab wounds in this case?

24 A. All over her neck, her chest, her abdomen, her back and
25 on her upper extremities.

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1 Q. And are you familiar with the term defensive wound?

2 A. Yes.

3 Q. What does a defensive wound mean to you as a
4 pathologist?

5 A. A defensive wound is a -- generally, they occur when
6 you sharp, forced injuries, such as stab wounds or
7 incised wounds, that you get them on your hands
8 (indicating) or on your forearm area (indicating) and
9 sometimes possibly on the back of your arms...
10 (indicating) like this (indicating). And you,
11 generally, get them if somebody -- if you're conscious
12 and somebody is coming at you with something, it's a
13 natural tendency to just kind of go like this or, you
14 know, try to grab and stop it. So even if somebody
15 were to throw something at you, it's your general
16 tendency to go like this (indicating). So that's the
17 way you can get those types of wounds from.

18 Q. And did you notice on your initial assessment some what
19 appeared to be defensive wounds for Ms. Wilson?

20 A. Yes.

21 Q. And those would have been to the areas you've just
22 described?

23 A. Yeah, on her upper extremities.

24 Q. And your initial assessment, were you able to, also,
25 roll her over and look at her back?

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1 A. Yes. Her back -- we looked at her back, also. Before
2 we did any of that, though, we did the rape kit first.

3 Q. Okay. Let me back up to that then. Okay, you did the
4 rape kit. In this case, was there any allegation
5 necessarily of rape?

6 A. No. But I had a female that was unclothed. I always
7 do a rape kit just to cover my bases.

8 Q. Okay. And in the rape kit, does it include -- did you
9 take what's known as a known sample or a buccal swab of
10 the victim?

11 A. Yes.

12 Q. In addition to that, do you also take what are vaginal
13 swabs?

14 A. I take vaginal swabs and I, also, anal, rectal swabs.

15 Q. And were all those packaged separately and submitted
16 into what was called the CSC kit?

17 A. Yes. The last thing I did was I did a pubic combing of
18 the pubic hairs, also, and submitted that, also.

19 Q. Then once you had that done and that evidence
20 collected, you then proceeded to examine the rest of
21 the body generally?

22 A. What I did was -- since she had stab wounds, another
23 thing I always do when someone has stab wounds is I
24 take x-rays of the body, okay. Wherever I see stab
25 wounds, I take x-rays. Because sometimes, all right,

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1 you can get -- the knife tip can break off if it hits a
2 bone or something and you have an object in there. And
3 it's very easy to miss if I don't x-ray the body when
4 doing these cases. So I took x-rays of the body to
5 make sure there was no metal or any fragments of a
6 knife blade in her body.

7 Q. And once you did that, was there any metal or any
8 fragments in her body?

9 A. No, the x-rays were, you know, completely normal. No
10 opaque objects or projectiles in her body.

11 Q. After you did that, did you make any further
12 observations as far as any possible wounds of the body
13 area?

14 A. I just -- there were some contusions on her body --

15 Q. What's a contusion?

16 A. A contusion is a bruise, okay. So everyone's gotten
17 these. You bump your leg into something and the over a
18 course of several days, it changes color. It's red,
19 then it's purple, green, yellow, and then it goes away.
20 Basically, a contusion is some sort of trauma to your
21 body where it breaks the blood vessels and you get
22 hemorrhage that's into the soft tissues of the region.
23 That's a contusion.

24 Q. And that can be apparent on the skin area?

25 A. Yeah, contusion, also known as bruise.

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1 Q. And what other observations did you make as far as her
2 injuries?

3 A. She also had some abrasions. Abrasions are just
4 superficial scratches on the skin. Say, you fall down
5 and you skin your knee, that's an abrasion. Those were
6 on her body, also.

7 Q. Once you had made your observations, did you -- were
8 you able to determine this victim's height and weight?

9 A. Yes, ma'am.

10 Q. What was her height?

11 A. Well, let's make sure we get this straight. It's
12 length. Height is measured standing up. I can't do
13 that, so I measure length laying on the table from the
14 heel to the foot. So it could be different from her
15 height. She was 66 inches in length, about five-foot
16 six.

17 Q. Five-foot six?

18 A. Yes.

19 Q. And that would be from the bottom of her foot to where?

20 A. To the top of her head.

21 Q. To the top of her head?

22 A. Yes.

23 Q. So she was about five-foot six. And what was her
24 weight?

25 A. She weighed approximately 105 pounds.

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1 Q. 105 pounds?

2 A. Yes.

3 Q. You noted there were multiple abrasions, incised
4 wounds, stab wounds. Was she covered in blood?

5 A. No, no, she wasn't. She didn't have any blood on her.

6 Q. Tell the jury what you did next as far as proceeding
7 with your autopsy?

8 A. Well, from that point on, I start making a diagram
9 while the corner's office and the police investigator
10 that's there take photos. They take a few swabs of
11 things. They follow protocol that they have. And I
12 start, basically, documenting all the injuries that are
13 on the body.

14 Q. I want to show you what's been marked -- the ones that
15 are allowed, State's Exhibit 202, 207, 208, 211, 212,
16 220, 221, 229, 231, 233, 235, 237, 238, 243, 245, 247,
17 248, and 251. Have you had an opportunity to review
18 these?

19 A. Yes, ma'am.

20 Q. And would these aid you in explaining the nature of the
21 injuries and the ultimate cause of death in this case?

22 A. Yes, ma'am.

23 MS. CAMPBELL: Your Honor, at this time, we would
24 offer them into evidence.

25 MR. STRICKLER: Subject to our previous objection,

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1 Your Honor.

2 THE COURT: Overruled.

3 (State's Exhibit Nos. 202, 207, 208,

4 211, 212, 220, 221, 229, 231, 233, 235,

5 237, 238, 243, 245, 247, 248, and 251

6 were admitted into evidence.)

7 BY MS. CAMPBELL:

8 Q. And these are photographs of, at least, some of

9 injuries in this case, correct?

10 A. That's correct.

11 Q. And you mentioned, also, that you made a diagram in

12 this case?

13 A. Yes, ma'am.

14 Q. And I want to show you what's been marked as State's

15 Exhibit Nos. 433 through 436. Are these blow-ups of

16 your diagrams?

17 A. Yes, ma'am.

18 Q. Are these the diagrams you, actually, generated in part.

19 that day?

20 A. Yeah, I did those while I was doing the autopsy.

21 MS. CAMPBELL: Your Honor, at this time, we would

22 offer these into evidence.

23 THE COURT: Any objection?

24 MR. STRICKLER: Yes, sir, they're just cumulative

25 to everything else.

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1 THE COURT: Admitted over objection.

2 (State's Exhibit Nos. 433 through 436
3 were admitted into evidence.)

4 MS. CAMPBELL: Your Honor, may the witness step
5 down?

6 THE COURT: Yes, ma'am.

7 BY MS. CAMPBELL:

8 Q. In talking about the external injuries in this case,
9 what does State's Exhibit No. 433 reflect?

10 A. This is my first diagram of her.

11 Q. Uh-huh.

12 A. Basically, I try and -- with the diagram like this, I
13 try -- you know, I do the weight, length, temperature,
14 rigor. The rigor is the stiffening of the body after
15 death.

16 Q. What was her state of rigor?

17 A. It was four, fully stiff.

18 Q. And was that consistent with the time period of the day
19 before from being killed?

20 A. It's consistent with the time and the type of injuries
21 that she sustained, yes.

22 Q. Okay. Keep going.

23 A. Livor is the settling of the blood. After a body dies,
24 whatever blood is in the body, it will pull towards
25 wherever gravity is and then kind of sit there -- her

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1 eyes are brown, her ears are okay, her nose and teeth
2 were good, neck was good. Abdomen was flat. Her
3 genitalia appeared normal.

4 Then the only other thing I try to note on here,
5 these dots here represent when EMS arrived at the
6 scene, they put EKG pats in this area (indicating)
7 generally to see if there's any electrolytes in the
8 heart. And those were on the body, so I just marked
9 those with circles. I noted that her toenails were
10 painted orange/pink, one of those colors in between.

11 Q. So none of the wounds were, actually, documented on
12 this?

13 A. No, I try to keep this separate.

14 Q. And in your hand, is that the report you generated in
15 this case?

16 A. Yes.

17 Q. Okay. And that's what you're going to be referring to?

18 A. Yes.

19 Q. And on this diagram, first, before we talk about her
20 internal injuries, I want to talk about what you
21 observed -- wait, let me back up. How did you perform
22 the autopsy? How is it, actually, done once
23 everything's photographed and documented?

24 A. Yeah. Generally, in a case like this, generally, the
25 body is generally really covered with blood. In this

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1 case, we didn't have that. So the first thing we
2 always do is get the blood off and that takes quite a
3 bit of work if there was a lot of blood. Blood kind of
4 dries almost like a paste-like material. It's
5 extremely difficult to get the body with soap and so
6 forth.

7 So, basically, we photograph the entire body. And
8 that's with the diagram here. And, basically, then --
9 when they're photographing it, I'm going, generally,
10 from head to toe looking for any injuries,
11 abnormalities and documenting them in my report. And
12 so in this case, the autopsy was -- it took a while.
13 It took several hours, as I recall, because there's a
14 lot of wounds on here, a lot of stuff I had to
15 document. And so, basically, the external exam
16 probably lasted three-quarters of the autopsy compared
17 to doing the internal exam. Because once I had the
18 wounds documented, I could go and then go into the body
19 and start dissecting all the organs out.

20 Q. And once you were able to document this -- and I'll get
21 back to that document in a minute, then you, actually,
22 did your internal examination?

23 A. Then --

24 Q. Also, were you able to determine the depth of the
25 wounds doing that examination?

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1 A. Yes, ma'am.

2 Q. You do that before or after you do the internal
3 examination?

4 A. I do that in conjunction with the internal exam,
5 determine the depth. I do that in conjunction with
6 that because sometimes you just can't follow the wound
7 track until you, actually, get in the body and see
8 where it goes. Just like chasing after bullets in the
9 body.

10 Q. And take these in whatever order you want to start
11 with, as far as you said you start from the top of the
12 head and kind of move down. And, again, these are just
13 some of the injuries you noted and we'll talk about the
14 ones on a different diagram in a moment.

15 A. Yeah, that's fine.

16 Q. Okay. Which one -- where did you start?

17 A. I started up -- up here on the -- well, there's a head
18 diagram, also.

19 Q. Would that be helpful?

20 A. Yeah. I did a separate head diagram in this case.

21 Q. And this is State's 435. What did you note there, sir?

22 A. So here on the body, what we have here on the upper
23 right lip region, there's a small abrasion, so that's
24 like some of the epithelial of the skin has been rubbed
25 away, a little bit of blood there. So that's an

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1 abrasion on her upper lip.

2 Under her chin right here, there were two
3 abrasions and they had a very yellow base to them. So,
4 generally, when you're alive when an abrasion occurs,
5 it becomes red because you damage the skin and you
6 bleed. These things here had a yellow base to them.
7 That means they occurred one, postmortem, after death;
8 or two, they occurred very close to death where blood
9 flow really wasn't flowing up in that area of the body,
10 but the skin was still traumatized and it kind of
11 went -- the skin -- blood didn't kind of ooze in the
12 area and they're called yellow-based abrasions.

13 Q. So that was either at or around the time of death or
14 postmortem?

15 A. That's correct.

16 Q. And that would have been inflicted in what manner as
17 far as blunt force trauma or --

18 A. Yes, some sort of blunt force trauma.

19 Q. It would be significant enough to disturb the skin?

20 A. Yeah, to disturb the skin, or her chin could have been
21 pushed up against something like that (indicating), you
22 know, something that caused the skin to scrape away.

23 Q. As if maybe even dragged?

24 A. That's a possibility.

25 Q. What else did you note here?

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- 1 A. All right. My stab wounds, I labeled the stab wounds
2 with numbers. I want to give you a heads up, these
3 stab wounds are labeled for identification purposes
4 only and do not reflect the order in which they were
5 received.
- 6 Q. Can you tell the order in which the stab wounds were
7 received?
- 8 A. I cannot, okay. So it's just for numbering purposes
9 only.
- 10 Q. Okay.
- 11 A. So I labeled a -- there was a stab wound to the right
12 neck region, I labeled that number one. Then, also,
13 over here on the right side of the neck, there was a
14 yellow-based abrasion that was approximately 2.2
15 inches.
- 16 Q. 2.2 inches?
- 17 A. Across, yes.
- 18 Q. That was on the right side of the neck?
- 19 A. Excuse me, that's on the left side, the anterior left
20 side of the neck.
- 21 Q. And I show you what's been marked as State's Exhibit
22 No. 202. Does this show the area to the lip, the neck,
23 part of the abrasion on the side of the neck?
- 24 A. Yes, it does.
- 25 Q. These were, actually, taken at autopsy?

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- 1 A. Yes, ma'am.
- 2 Q. And State's Exhibit No. 207, is that a close-up of this
3 wound right here?
- 4 A. Yes, that's a close-up of that wound labeled stab wound
5 number one.
- 6 Q. Okay. Continue with what you documented.
- 7 A. On the right neck here, she had a small incised wound
8 approximately zero point -- maybe that's four
9 centimeters -- four inches.
- 10 Q. Okay. And incised wound means, that's IW there?
- 11 A. That's just a small cut.
- 12 Q. And that was on which side of her neck?
- 13 A. That was on the right side of her neck, lateral side.
- 14 Q. Moving back to State's Exhibit, what's that number?
- 15 A. It's 434.
- 16 Q. Thank you. Did you note additional wounds to
17 Ms. Wilson?
- 18 A. Yeah, again, coming downward, there's multiple stab
19 wounds labeled individually throughout this diagram and
20 then multiple incised wounds related to this diagram,
21 contusions, abrasions, and -- yeah, that's pretty much
22 it.
- 23 Q. Taking the stab wounds just in the order you numbered
24 them, can you point them out where they were on the
25 body in this diagram?

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- 1 A. Yes, I can. So stab wound number one was up here on
2 the right neck region. Stab wound labeled number two
3 is on the left chest region just above the breast, just
4 above the left breast. Stab wound number three is to
5 the upper right chest, above the right breast. I
6 forget where number four is. Let me check my notes.
7 Here we go, I'm sorry. It's a stab wound down the
8 forearm. It's on the posterior arm right here
9 (indicating).
- 10 Q. When you say posterior, is that on the back of the arm?
- 11 A. Yes, the back of the arm.
- 12 Q. Okay. Continue.
- 13 A. Stab wound number five is on the posterior aspect of --
14 just right next to stab wound number four. Stab wound
15 number six is on the right forearm (indicating),
16 posterior aspect, so the back of the forearm
17 (indicating). Stab wound labeled number seven is up
18 here (indicating) on the top of the left shoulder.
- 19 Q. I show you State's Exhibit No. 208, is that what we're
20 referring to in stab wound number seven, or is that an
21 incised wound?
- 22 A. That, I believe, is number seven, yes.
- 23 Q. Continue.
- 24 A. Stab wound number eight is up on the upper left back
25 just below the neck line. Stab wound labeled number

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1 nine is on the upper, you know, middle to left back
2 region. Stab wound number 10 is just on the middle
3 left back. Stab wound number 11 is to the right back
4 (indicating). And stab wound number 12 is, also, just
5 below stab wound number 11 to the right lower back.

6 Q. You, also, note the number of what are called the
7 incised wounds or cuts that we referred to earlier?

8 A. Yes, yes, I do. There's numerous incised wounds all
9 over the body. We have one right here (indicating) on
10 the left neck region. There are two incised wounds up
11 in this region here. One I pointed out already on the
12 neck on that one. We have an incised wound right here
13 on the upper shoulder region (indicating). We have an
14 incised wound on the right hand near the thumb region.
15 That I would categorize as a defense wound. We have an
16 incised wound -- this is an incised wound right here
17 (indicating) coming off stab wound number three. That
18 1.6 inch, that's an incised wound right there. We have
19 another incised wound on the posterior back right here
20 (indicating), 0.1 inch. We have another incised wound
21 right here (indicating) at 2.4 inches.

22 Q. Where is that?

23 A. Posterior left forearm.

24 Q. And would you categorize that any way?

25 A. That's just another incised wound on the posterior arm.

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1 We have an incised wound to the back of the left hand
2 (indicating), right about this region (indicating).
3 That, I would, also, categorize as a defense wound. We
4 have an incised wound right over here (indicating) on
5 this hand. This aspect of this hand, that is another
6 incised wound, also. I would consider that a defense
7 wound. And I think that's all regarding the incised
8 wounds.

9 And then I have up there contusions.

10 Q. Contusions are bruises?

11 A. Contusions are bruises, that's correct.

12 Q. Go ahead.

13 A. There's a very large contusion up on the right -- the
14 right shoulder region right here (indicating), very
15 dark purple contusion that had an associated abrasion
16 to it, an abrasion and they were 0.23 inches apart --
17 two abrasions that were 0.23 inches apart.

18 Q. I show you State's Exhibit No. 211, a close-up of
19 State's Exhibit No. 40. Is that what you're talking
20 about?

21 A. Yes, ma'am.

22 Q. When you talk about the two abrasions, where in this
23 photograph are you talking about those abrasion?

24 A. I see two small abrasions at the bottom of the wound
25 right here (indicating).

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1 Q. And in your opinion, is this consistent with a bite
2 mark?

3 A. It could be a bite mark.

4 Q. Proceed.

5 A. So she had a 0.4 inch abrasion on the -- right here on
6 her chest, right about the midline of her chest
7 (indicating). She had two yellow abrasions right here
8 (indicating) on the left aspect of her, what you
9 call -- two small abrasions. And, again, they were
10 yellow, so that meant they occurred around death or
11 postmortem. So blood flow wasn't really flowing when
12 she received those injuries.

13 She had a -- okay. So here -- here's another
14 contusion up here (indicating), posterior aspect of her
15 left shoulder, upper back region. That's a 1.0 by 0.3
16 inch contusion. She has two more contusions up in that
17 region right here (indicating) that are 0.3 inch each
18 up here, just adjacent, next to stab wound labeled
19 number eight. She has a small -- a red contusion on
20 the posterior of her forearm, 2.2 inches. And I think
21 that covers all the contusions on this.

22 Q. Once you had noted externally your observations of the
23 contusions, the abrasions, the stab wounds, the incised
24 wounds, did you then look at her internally as well?

25 A. Yeah, after that we measured everything. We measure

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1 all the fluids, distance from the top of the head,
2 distance to the right midline, measure the wounds with
3 a ruler. We try to determine blunt edge because they
4 looked like knife wounds. Generally, knives have a
5 sharp edge and a blunt edge on top. When you put that
6 into the skin when someone is stabbed, you can,
7 actually, see which way the knife was put in because of
8 the way the blunt edge is because it becomes square and
9 you can see the sharp end. So we try and estimate the
10 blunt edge, you know, the position of what the blunt
11 edge on the wound is. And then you start with the
12 depth. Sometimes as we dissect the body, we start
13 doing depths of the wounds to see how deep they are.

14 Q. Before we get to the depth and that information, first
15 of all, State's Exhibit No. 202, you've, also,
16 identified as a stab wound?

17 A. Yes, this stab wound has a very good characteristic.
18 This stab wound has a nice abrasion along the 12:00 to
19 probably the 7:00 position. The abrasion on that wound
20 looks as if the knife was put in and twisted. That's a
21 textbook picture of a stab wound with a possible twist
22 to it.

23 Q. And I note that in looking at the other stab wounds, it
24 is round in nature?

25 A. Yeah, it's round in nature.

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1 Q. And that would have been made by a twisting action?

2 A. It can be made by a twisting action. Now, the skin
3 flexing is, also, helping it out, but the abrasion
4 around it looks like as if the sharp part of a blade,
5 you know, abraded the skin there and caused the bruise.

6 Q. What was the purpose in twisting the knife?

7 A. Again, the blade could have been put in and twisted.
8 It could have been a struggle where her neck moved and
9 twisted the blade. It's very hard to say. But the
10 neck -- but what I can tell you about that wound is
11 that wound, the knife did not go straight in and
12 straight out. That knife went in and somehow moved.

13 Q. Looking at the other side of the neck, State's Exhibit
14 No. 45, does that show some of the --

15 A. Yes, this shows some of the incised wound right there,
16 along with that yellow abrasion.

17 Q. Again, that yellow abrasion would have been around what
18 time?

19 A. Around the time of death or postmortem?

20 Q. State's Exhibit No. 208, the top of her shoulder?

21 A. Yes, that's a stab wound right there.

22 Q. This is a stab wound?

23 A. Yes.

24 Q. What about this one?

25 A. That's an incised wound. See that right there, that's

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- 1 a cut. That's an incised wound or cut.
- 2 Q. And that would be to the shoulder area?
- 3 A. The shoulder area right here (indicating), yes.
- 4 Q. Moving on to the ones of her chest, State's Exhibit
- 5 212?
- 6 A. Yes, these are some of the stab wounds that I described
- 7 before to her chest region. This is the one of her
- 8 left breast. And this is the one -- I mean, her right
- 9 breast area. That's corresponding that wound right
- 10 there (indicating).
- 11 Q. So there were stab wounds, one to each breast?
- 12 A. Yes, ma'am.
- 13 Q. State's Exhibit 216 is a close-up. I note that this
- 14 wound -- this is what kind of wound?
- 15 A. That's a stab wound. Again, that's another stab wound.
- 16 And then you can see on the -- at the 6:00 position on
- 17 that wound, there's an incised trailing down the middle
- 18 of it.
- 19 Q. State's Exhibit No. 220, does this show an overview of
- 20 some of the wounds to the back?
- 21 A. Yes, this shows another -- I believe I called that an
- 22 incised wound there -- no, excuse me, that's stab wound
- 23 number eight. I apologize. And that's some of the
- 24 contusions that I drew here, the contusions and red
- 25 discolorations on her skin.

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- 1 Q. The bruising we see there?
- 2 A. Yes.
- 3 Q. This red color on her skin here, though, did that --
- 4 A. That's what we call livor. That's the settling of
- 5 whatever blood's left in the body. Gravity is going to
- 6 pull it. It's going to pull it because your heart's
- 7 not beating and it's not -- it's just going to go
- 8 wherever gravity pulls it. If she was down laying face
- 9 down, it would be all on the front of her. So this is
- 10 one of the ways we can kind of tell if the body's been
- 11 moved. You know, this is one of the ways.
- 12 Q. But in this case, this is definitely not livor here?
- 13 A. That is not livor, no, that is not livor.
- 14 Q. And State's Exhibit No. 221?
- 15 A. Okay. These are some more -- these are more stab
- 16 wounds. I just can't tell exactly on the body where
- 17 they are.
- 18 Q. 220?
- 19 A. Oh, okay. This is on her back, okay, because we have
- 20 the livor here. This is on her back. And these are
- 21 some of the stab wounds that were found on her back
- 22 that we described over here.
- 23 Q. Moving on to 231, what does that show?
- 24 A. That's another -- that's a stab one right there
- 25 (indicating) that I described number five.

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- 1 Q. Here (indicating). And the other side of her arm on
2 233?
- 3 A. Yes, that's stab wound -- one of these I think is
4 number four right there (indicating).
- 5 Q. Her other arm, 235?
- 6 A. Yes, this is a -- this is -- again, this is another
7 incised wound to her forearm area. And it has a
8 yellowish coloration to it. And that is due to, again,
9 that occurred around the time of death or postmortem
10 because there's no blood flow to that injury.
- 11 Q. 237?
- 12 A. Just showing her arm pulled out here (indicating).
- 13 Q. Her other forearm, 238?
- 14 A. This is describing this stab wound right here, number
15 six, right there (indicating). And, again, that --
16 that wound, I do classify that as a defensive wound.
- 17 Q. 243 and 245?
- 18 A. These are some of the incised wounds that I described
19 on the hands. Again, longer than they are deep. It's
20 just little superficial slashes, cuts.
- 21 Q. And, again, that's on the hand area?
- 22 A. Uh-huh.
- 23 Q. And 247, bruises --
- 24 A. Yeah, this is just some discoloration on her legs.
25 Again, discoloration on her knees (indicating).

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1 Q. And these are -- you documented some of the injuries?

2 A. Yes.

3 Q. Once you had determined that and the depth of the stab
4 wounds, did you, also, do anything to indicate whether
5 or not she had any trauma to the head area?

6 A. Yes. Okay, so part of our autopsy is one of the things
7 we always do last is we remove the brain. And the way
8 we do that is we've got to preserve the face and so
9 forth because I have to assume that everyone's going to
10 have an open casket funeral.

11 So what we do is we make an incision behind the
12 ears, from one ear to the next, and we cut the skin and
13 we kind of get under the scalp with our hands and
14 we really get under the scalp and we slowly pull the
15 scalp like over the head. It goes over the head. So
16 what that exposes then is a full skull. And the reason
17 we do it this way is because after removing the brain,
18 we put the skull cap back on, put the scalp back and
19 then stitch it. And then really sitting in a coffin
20 when you're on a pillow, you wouldn't see that an
21 autopsy was even done.

22 Q. What are you looking for when you do that? Why do you
23 do that?

24 A. One of the main reasons to do it is to get access to
25 the brain. So we have to -- again, we're not going to

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1 cut the skin, we have to cut the bone. But then the
2 second reason, any type of violent death, we always do
3 that to see if there's any traumatic injuries that
4 occurred to the head.

5 Now, in this case -- sometimes, if someone doesn't
6 have any hair, you can see a bruise on the head. But
7 in this case, Ms. Wilson had very dark hair. It was
8 fairly curly. It was very difficult to see any bruises
9 on her scalp unless she had a deep wound on her scalp.
10 So in this case, you pull the head over and you take --
11 you look and see if there's any injuries to her scalp.

12 Q. What injuries to her head?

13 A. Okay. With this diagram here, what we have is, again,
14 we made that incision in the back. And just think of
15 this flapped over here. So what we have here is --
16 everything I marked here is where we had hemorrhage,
17 okay.

18 Q. What do you mean by hemorrhage?

19 A. Hemorrhage means blood vessels broke and leaked into
20 the tissues on the scalp and on the bone of the skull.
21 So blood vessels due to some sort of traumatic injury
22 to her head.

23 Q. Some type of blunt force trauma?

24 A. Some sort of blunt force trauma to her head. Whether
25 she was punched, fell down and got these injuries, it's

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1 unknown to me. But I can tell you that she did sustain
2 some traumatic injuries to her head.

3 Q. When you say traumatic is more significant --

4 A. They were significant injuries where they showed up.

5 You know, she was going to have a bruise there if she
6 had lived and healed. Now, they weren't to the point
7 of being super traumatic where she had an internal head
8 bleed. She didn't have an internal head bleed.

9 Sometimes if we get hit hard enough, you can rupture
10 the vessels that are in your brain. In this case, that
11 wasn't there.

12 Q. But it did show up as hemorrhage under the skin?

13 A. Yes, hemorrhage showed up on the skin and, you know, on
14 the bone tissue. It's like a thick covering that
15 showed up there, but nothing internally inside of her
16 skull.

17 Q. So this would be indicative of blunt force trauma to
18 different areas of her head?

19 A. Yes, ma'am.

20 Q. Was that by one blow?

21 A. No, I would say you have, at least, one, two, three. I
22 would say in my opinion on this, at least, three blows
23 to the head.

24 Q. Thank you. You can take the stand.

25 A. (The witness complies.)

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 Q. You mentioned that you went and on the stab wounds,
2 we'll start with those, can you tell the jury the
3 description -- the area of number one, taking them, I
4 guess, just by number, and then what you're findings
5 were as far as each stab wound?

6 A. So stab wound number one was to the right neck. It
7 extended to a depth of approximately 1.6 inches. And
8 the vital -- I'm only going to talk about the vital --
9 well, I can tell you everything it would have hit. It
10 went approximately 1.6 inches. It passed through the
11 skin and the subcutaneous tissue of the right neck.
12 And then it went into the right jugular vein and the
13 right carotid artery.

14 Q. The left artery?

15 A. Yes, ma'am.

16 Q. And is that the wound that you described with the
17 twisting?

18 A. Yes.

19 Q. Is it significant that it hit both the jugular vein and
20 the carotid artery?

21 A. Yes, those two vessels are right next to each other.
22 You know, some people take their pulse from their
23 carotid right here (indicating). And you can see it's
24 less than 1.6 inches from the skin. And the knife
25 blade went in there and it punctured both of those

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1 vessels. So that would account for a significant
2 amount of bleeding that came from Ms. Wilson.

3 Q. And the twisting motion, would that have made the
4 injury larger?

5 A. It could have, yes?

6 Q. And in this case, what would have been the result --
7 what would have happened to her blood as it came out of
8 that wound?

9 A. If she had -- you know, if she was alive and her heart
10 was beating good, you would, actually, have significant
11 squirting of blood coming out of that wound. It
12 would -- every time your heart beat -- your heart would
13 beat, you know, it's under pressure. Remember, we're
14 on a closed system here that's open now. You would get
15 a squirt, an arterial squirt of blood.

16 Q. And did you consider that wound to be a fatal wound?

17 A. Yes. That wound by itself would have been a fatal
18 wound.

19 Q. If that had been the only wound?

20 A. If that had been the only wound, she would have died of
21 that. Unless it happened in an OR with a trauma
22 surgeon and blood on standby. You're talking minutes.

23 Q. And you say minutes, are we talking about 15 minutes
24 or --

25 A. No, we're talking, you know, under two to three

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1 minutes. Maybe even less, probably around two minutes
2 where she would bleed out because you have an arterial
3 puncture here. You're going to lose blood very fast.

4 Q. The next wound that you note in your report?

5 A. I'm just going to do them in order. Wound number two,
6 that wound to the left breast, and it goes to a depth
7 of approximately three inches. It goes through the
8 skin and subcutaneous tissue, the fourth intercostal
9 space and goes into the lower left lung lobe where the
10 wound track ends.

11 Q. Into the left lung?

12 A. Yes, into the lower left lung lobe, yes. So in --
13 that's your injuries there. You have lung perforation
14 with an associated hemorrhage.

15 Q. And how would that affect her ability to survive?

16 A. Again, that limits her ability to survive. So now, you
17 have a wound to the lung. And the lung, again, is very
18 vascular. That's where your blood is oxygenated. And
19 you have an injury now and now you're bleeding and
20 you're bleeding into your lung. So, therefore, you
21 have less gas exchange, so it's going to affect her
22 ability to breath. And she could have had blood that
23 came up out of her mouth on this type of injury.

24 Q. Could this have caused her death, this wound alone?

25 A. This wound alone, yes, it could have caused her death.

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- 1 Q. So, again, this is a fatal wound as well?
- 2 A. Yes, that's another fatal wound, yes.
- 3 Q. Next, number three?
- 4 A. Number three is to the right breast. It goes to a
5 depth of approximately two inches. It goes through the
6 skin, subcutaneous tissue, the third intercostal space
7 and to the right middle lung lobe, where the wound
8 track ends.
- 9 Q. Right lung?
- 10 A. Right lung. And you get, again, lung perforation,
11 again, with associated hemorrhage into the lung. So
12 pretty much, exactly the same type of injury, only now
13 to the right lung.
- 14 Q. Again, could she have survived that wound?
- 15 A. Again, no, that's another fatal wound.
- 16 Q. Number four?
- 17 A. Number four is -- is posterior right forearm.
- 18 Q. So that's the back of the forearm?
- 19 A. Yes, the back of the forearm. The depth is
20 approximately 1.5 inches. And that wound goes through
21 the -- just through the subcutaneous tissue, just
22 through the skin and subcutaneous tissue. It doesn't
23 go, actually -- it goes into the arm, but it doesn't go
24 into the skeletal muscle of the arm. It's a very
25 superficial wound.

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1 Q. Moving on to number five?

2 A. Number five, this is a stab wound to the left arm --

3 THE COURT: Solicitor, we're going to take a
4 break. We've been going about two hours now.

5 MS. CAMPBELL: I'm sorry.

6 THE COURT: Mr. Foreman, ladies and gentlemen of
7 the jury, leave your notepads on the chairs. I'll bring you
8 back in about 10 or 15 minutes. Please don't discuss the
9 case.

10 (Whereupon, the jury left the courtroom
11 at 4:29 p.m.)

12 THE COURT: All right. Anything from the State
13 before we take a break?

14 MS. CAMPBELL: No, sir.

15 THE COURT: From the Defense?

16 MR. STRICKLER: No, sir.

17 THE COURT: All right. We'll take about a
18 15-minute break.

19 (Whereupon, a short recess was held.)

20 THE COURT: Anything from the State before we
21 bring the jury back in?

22 MS. CAMPBELL: Ready.

23 THE COURT: Anything from the Defense?

24 (There was no response.)

25 THE COURT: Bring the jury, please.

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1 BAILIFF: Yes, Your Honor.

2 (Whereupon, the jury returned to the
3 courtroom at 4:45 p.m.)

4 BAILIFF: The jury is seated, Your Honor.

5 THE COURT: Thank you very much.
6 Please proceed.

7 MS. CAMPBELL: Thank you, Your Honor.

8 BY MS. CAMPBELL:

9 Q. Doctor, we left off on number five. How deep was that?

10 A. Approximately 0.9 inches. It passed through the skin
11 and subcutaneous tissue.

12 Q. The next one -- and these are all stab wounds, right?

13 A. These are only stab wounds. Number six -- can I see my
14 diagram of where it is?

15 Q. Sure.

16 A. Number six is on the right arm. And it's 1.5 inches.

17 Q. And, again, hitting tissue?

18 A. Excuse me, I'm giving you the wrong information here.

19 I apologize.

20 Q. Okay.

21 A. My report is so long. No, I apologize, it's right
22 here. It's a stab wound to the posterior right
23 forearm. It is a depth of approximately 1.5 inches.

24 Q. Okay.

25 A. It passed through the skin and subcutaneous tissue.

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- 1 Q. Okay. Moving on to number seven on the chart. Top of
2 the shoulder?
- 3 A. Yes. Number seven is to the upper left chest. It goes
4 to a depth of approximately 0.5 inch and it goes
5 through the skin and subcutaneous tissue.
- 6 Q. Okay. Next one.
- 7 A. Number eight -- number eight is to the upper left back.
8 Depth of approximately one inch and passes through the
9 skin and subcutaneous tissue.
- 10 Q. Uh-huh.
- 11 A. Number nine is to the left back. The depth of
12 approximately three inches. It goes into the skin and
13 subcutaneous tissue of the left back, the posterior
14 left eighth intercostal space and into the lower left
15 lung lobe, where the wound track ends.
- 16 Q. And that wound alone could be considered what?
- 17 A. That could, also, be considered a fatal wound. That
18 wound is very similar to the wound I describe in number
19 two and three.
- 20 Q. Okay.
- 21 A. It goes into the lung.
- 22 Q. The final three wounds?
- 23 A. Number 10 was the posterior left back. An approximate
24 depth of 2.3 inches. And that one just goes into the
25 skin and subcutaneous tissue.

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1 And the next wound is number 11 to the posterior
2 right back. Depth of approximately 2.5 inches. And
3 that one goes through the skin and subcutaneous tissue
4 of the right back, the posterior right intercostal
5 space number 11 and it goes into the liver, where the
6 wound track ends. And that one, also, can be
7 considered -- that could have been a fatal wound.

8 Q. Finally, the last stab wound?

9 A. The last stab wound is stab wound number 12 to the
10 posterior right back. It goes to a depth of
11 approximately three inches. Again, skin and
12 subcutaneous tissue disruption with associated
13 hemorrhage and liver perforation. So that one, also,
14 could have been a fatal wound, also. The liver has
15 another vascular organ and you tend to bleed from that
16 type of injury.

17 Q. And in addition to the 12 stab wounds, there were a
18 number of your incised wounds or your cuts?

19 A. Yeah, multiple incised wounds over the entire body.

20 Q. And without going over again where all those were,
21 approximately how many of those were there?

22 A. Approximately 11, from my report.

23 Q. And that doesn't count the small abrasions, the
24 contusions or the bruising?

25 A. No, it does not include anything else. These are just

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 what I consider sharp force injuries.

2 Q. And in this case, did you collect blood from the body
3 for testing?

4 A. Yes. Ms. Wilson had a significant amount of blood
5 loss. I collected blood from her leg, from her femoral
6 vessels down here at her thigh (indicating). I was
7 able to get some blood for toxicology testing.

8 Q. Why did you have to take it from the femoral artery?

9 A. Generally, I like to take blood -- I, generally, take
10 subclavian blood. I only do femoral blood when one --
11 where toxicology on a prior case comes in, where you
12 have a drug death. Where someone's on drugs, femoral
13 blood is the best. So I took it in this case from her.
14 I couldn't get any blood up here because all that blood
15 had been gone from bleeding, so I had to go down into
16 the legs and kind of push the muscles down and get
17 blood out of the femoral region.

18 Q. And could you tell in this case from these stab wounds
19 and incised wounds approximately how much blood she
20 lost?

21 A. She lost a significant amount of blood because she had
22 significant injury to her neck and her lungs and so
23 forth like that. Ms. Wilson was a very small
24 individual, so her blood volume calculated out is about
25 3.5 liters of blood. 150 kilogram man has got

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- 1 approximately five. So I would say more than half of
2 her blood volume was gone from her body.
- 3 Q. Was toxicology sent off for testing for the presence of
4 drugs and/or alcohol?
- 5 A. Yes, that was done?
- 6 Q. What were the results of that, sir?
- 7 A. I collected femoral blood and I collected vitreous
8 fluid, which is up in the eye. She had -- femoral
9 blood ethanol was 0.044 percent. The vitreous fluid
10 ethanol is 0.055 percent.
- 11 Q. So 0.04?
- 12 A. 0.044.
- 13 Q. Which is half of the legal limit?
- 14 A. Yeah, just a little more than half the legal limit
15 there.
- 16 Q. Under?
- 17 A. She's under the legal limit, yes?
- 18 Q. And as far as any presence of any drugs, was that
19 tested?
- 20 A. Yes, that was also tested, drugs of recreational use,
21 including prescription and pain medicine. That was all
22 negative.
- 23 Q. And the fact that the blood wasn't drawn until the
24 autopsy the next day, does that askew how it was at the
25 time of death in any way?

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- 1 A. No.
- 2 Q. And can you tell this jury exactly what time she died?
- 3 A. I can't say exactly what time she died.
- 4 Q. Was it consistent with the history you received,
5 though?
- 6 A. It is.
- 7 Q. Have you heard -- you mentioned before that the neck
8 one, specifically, would have been pumping blood out,
9 squirting blood out. And the other wounds, I believe
10 the ones that hit her lungs, she may have been spitting
11 out blood as well.
- 12 A. That's possible, yes.
- 13 Q. And then the other wounds would tend to just ooze blood
14 or drip blood; is that correct?
- 15 A. Right, that's correct.
- 16 Q. The stab wounds to the back, is part of your training
17 as far as how wounds can be inflicted and that nature?
- 18 A. Yes.
- 19 Q. And do you have any opinion as to the stab wounds to
20 the back and how those would have been delivered?
- 21 A. There's several ways they could have been delivered.
22 She could have been -- the assailant could have been
23 behind her and stabbed her. She could have been on the
24 ground crawling away, stabbing her. Another way I've
25 seen in the past, they grab them (indicating) and from

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1 the back, they can stab them. Those are some of the
2 ways that these wounds could have been inflicted.

3 Q. Did you come up with a cause of death in this case?

4 A. I did.

5 Q. Again, let me ask you this, those multiple fatal
6 wounds, six, I believe, you mentioned that could have
7 been fatal?

8 A. Yes.

9 Q. And the overall affect of all these wounds contributed
10 to her death?

11 A. Yes.

12 Q. How long could she have survived with these wounds?

13 A. My opinion is, you know, about two minutes.

14 Q. At the most?

15 A. Where she's conscious. Again, depending on the order
16 of where she received them and so forth. But about two
17 minutes with that neck wound, you're going to become
18 unconscious and then your heart will go into arrhythmia
19 and you will die.

20 Q. So this is quickly?

21 A. Yes, it's very quick.

22 Q. What was the cause of death in your opinion, sir?

23 A. I put the cause of death as exsanguination, which
24 means --

25 Q. What does that mean?

BRADLEY MARCUS DIRECT BY MS. CAMPBELL

1 A. Which means blood loss due to a stab wound to the right
2 neck. And then I put as contributory multiple stab and
3 incised wounds to the body.

4 Q. But any number of those wounds you mentioned could have
5 been fatal?

6 A. Could have been fatal, that's right. Any one could
7 have been fatal, but my medical opinion is that the
8 neck wound, for sure, is fatal.

9 Q. She could not have survived that?

10 A. No, no, again, like I said, she could have not survived
11 that neck wound.

12 Q. And that would have been the first thing that killed
13 her?

14 A. In my opinion, out of all those wounds that she had
15 sustained.

16 Q. You've done a number of autopsies in homicide cases?

17 A. Yes.

18 Q. How would you characterize this one?

19 A. This was a brutal --

20 MR. STRICKLER: I object, Your Honor.

21 THE COURT: What's your legal objection?

22 MR. STRICKLER: It's -- it's not --

23 THE COURT: What's your legal objection? I will
24 listen to your oral arguments, but what's your legal
25 objection?

BRADLEY MARCUS CROSS BY MR. STRICKLER

1 MR. STRICKLER: Calls for a conclusion outside the
2 scope of his expertise.

3 THE COURT: Overruled.

4 Go ahead.

5 BY MS. CAMPBELL:

6 Q. I'm sorry. Can you continue?

7 A. Can you repeat the question?

8 THE COURT: I think he's already answered it.

9 BY MS. CAMPBELL::

10 Q. Can you repeat your answer?

11 THE COURT: He's already answered it. He doesn't
12 need to repeat it.

13 MS. CAMPBELL: Okay.

14 THE COURT: Any other questions?

15 MS. CAMPBELL: No, sir.

16 THE COURT: Cross-examination.

17 CROSS-EXAMINATION

18 BY MR. STRICKLER:

19 Q. Sir, you're required to render an opinion as to the
20 cause of death, correct?

21 A. Yes, sir.

22 Q. And you've just described that. And in your opinion,
23 the stab wound to the neck, in all likelihood, was the
24 cause of death, though there were a number of other
25 possible fatal stab wounds, correct?

BRADLEY MARCUS CROSS BY MR. STRICKLER

1 A. That's correct.

2 Q. And that's cause of death. The other thing that you're
3 asked to do is render an opinion as to manner of death,
4 correct?

5 A. That's correct.

6 Q. All right. This death -- the manner of death is
7 homicide, correct?

8 A. That's correct.

9 Q. Now, that conclusion on your part is a medical legal
10 conclusion. And the definition of homicide in that
11 context is the killing of a person by another person,
12 correct?

13 A. Yes, sir.

14 Q. Okay. That's the opinion your entitled to render,
15 right?

16 A. Yes, sir.

17 Q. Okay. Anything beyond that is why we're here? Any
18 other conclusion --

19 MS. CAMPBELL: Objection, Your Honor.

20 THE COURT: What's your legal objection?

21 MS. CAMPBELL: Objection to he's not asking a
22 question.

23 THE COURT: Well, he hadn't got around to the
24 question.

25 Ask the question, please, sir. Don't testify,

BRADLEY MARCUS CROSS BY MR. STRICKLER

1 just ask the question.

2 MR. STRICKLER: Yes, sir.

3 BY MR. STRICKLER:

4 Q. That is the conclusion that you're asked to render,
5 correct?

6 A. A cause of death statement, yes.

7 Q. Right.

8 A. On the victim, yes.

9 Q. And that's a homicide? That differentiates it from a
10 suicide, which is the killing of a human being by him
11 or herself, correct?

12 A. That's correct.

13 Q. All right. That differentiates it from accident,
14 correct?

15 A. That's correct.

16 Q. All right. And that differentiates from an
17 undetermined cause of death, correct?

18 A. That's correct, sir.. Yes.

19 Q. Okay. So that's the determination you're here to make,
20 that's the determination that you're here to tell this
21 jury about, right?

22 A. Yes, sir.

23 Q. It's a homicide.

24 A. Correct.

25 Q. All right. Just a couple of things, please. You

BRADLEY MARCUS CROSS BY MR. STRICKLER

1 conducted a full examination. There is no indication
2 that there was any sexual assault involved in this
3 case, correct?

4 A. I didn't see any type of bruising in her vulvar or anal
5 regions, that's correct.

6 Q. Nothing consistent with the findings that you would
7 expect to find in a sexual assault?

8 A. That's correct.

9 Q. Okay. And you've already testified you can't say what
10 the sequence of wounds were in this case, correct?

11 A. I cannot tell you which one happened first or last.

12 Q. Okay. And you -- the injury to the head that you
13 termed blunt force trauma, they resulted from -- or
14 they ended up causing some bruising, correct?

15 A. Bruising around the head area, yes.

16 Q. No fracture to the skull?

17 A. No fracture to the skull.

18 Q. No subdural hematoma, no bleeding inside the brain?

19 A. No, sir, no intracranial hemorrhage identified.

20 Q. So superficial bruising associated with it?

21 A. Yes, superficial scalp bruising.

22 Q. And, I guess, given the sequence of events or the time
23 frame that you give for death, those bruises would have
24 to have been immediately about the time that she
25 expired, correct?

BRADLEY MARCUS CROSS BY MR. STRICKLER

1 A. That's correct, sir.

2 Q. And you talked about potential from the lung -- stab
3 wounds to the lung for there being -- her blood coming
4 out of her mouth. If you checked her mouth, did you
5 find any evidence of blood in her mouth?

6 A. No, sir.

7 MR. STRICKLER: Thank you.

8 THE COURT: Any redirect?

9 MS. CAMPBELL: No, sir.

10 THE COURT: All right. Doctor, you may step down.
11 Thank you very much.

12 Let me see the attorneys up here just a second,
13 please.

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

18 THE COURT: Mr. Foreman, ladies and gentlemen of
19 the jury, if you will leave your note pads in the chair.
20 The bailiff will escort you or, at least, show you how to
21 get out the courthouse since it's a little after five.
22 Please don't discuss the case amongst yourselves or with
23 anyone at home or read anything in the paper or watch
24 anything on television. The case will continue next week.
25 If you will be in the jury room Monday morning at 9:30,

RACHEL LABERRIE DIRECT BY MS. GARFIELD

1 we'll continue at that time. For your planning purposes, I
2 would say plan on being here through Wednesday at the very
3 earliest. I told you I would give you an estimate and
4 that's the best estimate, probably be here until Wednesday.
5 I'll see you Monday. Have a good weekend.

6 (Whereupon, the jury left the courtroom
7 at 5:04 p.m.)

8 THE COURT: Anything from the State before we
9 adjourn?

10 MS. CAMPBELL: No, sir.

11 THE COURT: Anything from the Defense?

12 MR. STRICKLER: No, sir.

13 THE COURT: All right. We will adjourn until 9:30
14 Monday morning. Y'all have a good weekend.

15 (Whereupon, court was adjourned for the
16 day, October 10, 2014, to reconvene on
17 Monday, October 13, 2014.)

18 THE COURT: Anything from the State before we
19 bring the jury in?

20 MS. GARFIELD: No, sir.

21 THE COURT: Anything from the Defense?

22 MR. STRICKLER: No, Your Honor.

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

24 (Whereupon, the jury returned to the
25 courtroom at 9:41 a.m.)

RACHEL LABERRIE DIRECT BY MS. GARFIELD

1 BAILIFF: The jury is seated, Your Honor.

2 THE COURT: Thank you very much.

3 Call your next witness, please.

4 MS. GARFIELD: Thank you, Your Honor. The State
5 call Rachel Labarrie.

6 THE CLERK: Raise your right hand.

7 THEREUPON,

8 RACHEL LABERRIE,

9 after having been duly sworn, testified as follows:

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

12 THE WITNESS: My name is Rachel Labarrie. And
13 that's R-A -- excuse me, R-A-C-H-E-L, L-A-B-A-R-R-I-E.

14 DIRECT EXAMINATION

15 BY MS. GARFIELD::

16 Q. Ms. Labarrie, where do you live?

17 A. In Greenville, South Carolina.

18 Q. What did you live back in August of 2011?

19 A. Charlotte, North Carolina.

20 Q. Ms. Labarrie, back in that time period, did you have
21 any contact or participation with the E-Harmony
22 website?

23 A. I did.

24 Q. Can you explain to the jury what E-Harmony is?

25 A. It's a dating website. So you go online and you get

RACHEL LABERRIE DIRECT BY MS. GARFIELD

1 matched with other people that have your similar
2 interest or backgrounds.

3 Q. Do you search for people on E-Harmony?

4 A. No, you get e-mail updates on who might be a possible
5 match.

6 Q. And did you get an e-mail update concerning the
7 Defendant, Hank Hawes, during this time period?

8 A. I did.

9 Q. That would be because E-Harmony thought the two of you
10 were a match?

11 A. Yes.

12 Q. Based on the contact you got from E-Harmony, was any
13 contact made with Mr. Hawes?

14 A. Yes.

15 Q. And do you recall if Mr. Hawes contacted you?

16 A. I think he did. I usually would wait for someone to
17 reach out to me, so.

18 Q. How would he have contacted you, what method?

19 A. Via -- first, E-Harmony would be the first method. It
20 would be a message on E-Harmony.

21 Q. And that would be an e-mail from E-Harmony?

22 A. Or a messaging service through E-Harmony.

23 Q. And that is something the Defendant would have made
24 contact with you through?

25 A. Yes.

RACHEL LABERRIE DIRECT BY MS. GARFIELD

- 1 Q. Did he subsequently make further contact with you?
- 2 A. Yes.
- 3 Q. And can you explain to the jury what kind of contact
4 that was?
- 5 A. Text message.
- 6 Q. What was the nature of the text messages?
- 7 A. He first brought up sky diving because I think he saw
8 my profile that I sky dived.
- 9 Q. I want to ask you, when E-Harmony tells you that you
10 have a match, is the other person able to read things
11 about you?
- 12 A. Yes.
- 13 Q. And what sort of things would a person read about you
14 at the time on your E-Harmony profile?
- 15 A. Similar interest -- it doesn't have to be similar, but
16 interests that you have, what your background, whatever
17 you want to mention about yourself on the site.
- 18 Q. Was one of your interests sky diving?
- 19 A. Yes.
- 20 Q. Is that something that you participate in frequently?
- 21 A. Yes.
- 22 Q. If you could just share with the jury a little bit
23 about your experience with sky diving?
- 24 A. Well, I've been sky diving since '96, an instructor at
25 Drop Zone in Chester, South Carolina. And so I just

RACHEL LABERRIE DIRECT BY MS. GARFIELD

1 mentioned that on my profile.

2 Q. And that's what you were doing back in August of 2011?

3 A. Yes.

4 Q. And in Chester, South Carolina, about how far is that
5 from Columbia?

6 A. It's about an hour.

7 Q. And did Mr. Hawes make contact with you through
8 E-Harmony?

9 A. Yes.

10 Q. Specifically, was he text messaging you on August 27th,
11 2011?

12 A. Yes.

13 Q. And what was the nature of those e-mails?

14 A. The first contact was about sky diving.

15 Q. And --

16 A. Asking about sky diving, just saying something about
17 sky diving terms.

18 Q. And based on his --

19 MS. PRINGLE: Your Honor, objection.

20 THE COURT: What's your legal objection?

21 MS. PRINGLE: Cumulative. This has all been read
22 into the record already.

23 THE COURT: Pardon?

24 MS. PRINGLE: This has all been read into the
25 record already. The objection is cumulative.

RACHEL LABERRIE DIRECT BY MS. GARFIELD

1 THE COURT: Overruled.

2 Go ahead.

3 MS. GARFIELD: Thank you, Your Honor.

4 BY MS. GARFIELD:

5 Q. And Ms. Labarrie, based on his -- the nature of his
6 responses to you concerning sky diving, what did you
7 think?

8 A. I thought it was a little awkward and weird the terms
9 that were used.

10 Q. And why is that?

11 A. One was mentioning cascade and something about lines,
12 we don't really use that word. And then another was
13 frapping, which we don't really use either.

14 Q. So based on those, what did you think?

15 A. It was just kind of weird --

16 MS. PRINGLE: Objection to relevance, Your Honor.

17 THE COURT: Overruled.

18 MS. GARFIELD: Thank you, Your Honor.

19 BY MS. GARFIELD:

20 Q. Ms. Labarrie, did you have any communication with
21 Mr. Hawes about meeting?

22 A. At one point, I think we did talk on the phone because
23 we did plan -- or he had mentioned might come by the
24 Drop Zone.

25 Q. And the Drop Zone, what's that again?

RACHEL LABERRIE CROSS BY MS. PRINGLE

1 A. The sky diving operation.

2 Q. And when did he mention that he may come by the Drop
3 Zone?

4 A. It was that Sunday.

5 Q. August 28th?

6 A. Yeah -- if that's the Sunday, yes.

7 Q. The Sunday after the text messages?

8 A. Yes.

9 Q. Did you have any further contact with Mr. Hawes after
10 that?

11 A. No.

12 Q. Did you ever meet him in person?

13 A. No.

14 Q. Did you ever have any phone conversations with
15 Mr. Hawes?

16 A. Just that one.

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

18 BY MS. GARFIELD:

19 Q. Do you know if he was planning to come by and take a
20 sky diving lesson?

21 A. Not that I'm aware of.

22 MS. GARFIELD: Thank you, Ms. Labarrie. Please
23 answer any questions Defense may have.

24 THE COURT: Cross-examination?

25 CROSS-EXAMINATION

RACHEL LABERRIE CROSS BY MS. PRINGLE

1 BY MS. PRINGLE:

2 Q. Good morning, Ms. Labarrie. How are you?

3 A. I'm good.

4 Q. The way this E-Harmony operates, the company or the
5 website, they go through and they try to match people
6 up?

7 A. Yes.

8 Q. Then they will send information or e-mails unsolicited
9 if you're on there to you letting you know hey, we
10 think this person might be somebody you have common
11 interests with?

12 A. Yes.

13 Q. And in this case, that common interest was sky diving?

14 A. I wouldn't say that.

15 Q. Do you always end up dating or becoming involved with
16 people you get matched with or communicate with on
17 E-Harmony?

18 A. No.

19 Q. And the extent of -- the extent of your entire
20 communications with him was just those text messages
21 that day?

22 A. And the phone -- the one phone call we had.

23 Q. So there was a mention that he might come by the Drop
24 Zone, but that was the extent of your communications
25 with him?

AARON WILSON DIRECT BY MS. GARFIELD

1 A. Yes.

2 MS. PRINGLE: Thank you.

3 THE COURT: Any redirect?

4 MS. GARFIELD: No, sir.

5 THE COURT: You may step down. Thank you very
6 much.

7 THE WITNESS: Thank you.

8 MS. GARFIELD: May Ms. Labarrie be excused?

9 THE COURT: Any objection?

10 MS. PRINGLE: No, sir.

11 THE COURT: The witness is welcome to stay, but
12 she may be excused if she so chooses. Thank you very much.

13 Call your next witness.

14 MS. GARFIELD: The State call Aaron on Wilson.

15 THEREUPON,

16 AARON WILSON,

17 after having been duly sworn, testified as follows:

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

20 THE WITNESS: Aaron Wilson, A-A-R-O-N,
21 W-I-L-S-O-N.

22 DIRECT EXAMINATION

23 BY MS. GARFIELD:

24 Q. Mr. Wilson, good morning?

25 A. Good morning.

AARON WILSON DIRECT BY MS. GARFIELD

- 1 Q. Where do you live, Mr. Wilson?
- 2 A. Lexington.
- 3 Q. Do you know the Defendant in this case, Hank Hawes?
- 4 A. Yes.
- 5 Q. If you will just, please, share with the jury how you
- 6 know Mr. Hank Hawes?
- 7 A. My wife bartended at a restaurant on Divine Street that
- 8 he went to a lot. I'd go in after work and he'd be in
- 9 there and we'd just talk and stuff sometime when he was
- 10 in there.
- 11 Q. Mr. Wilson, are you nervous today?
- 12 A. Yeah.
- 13 Q. If you would pull the microphone closer to you. You're
- 14 very soft-spoken.
- 15 A. All right.
- 16 Q. This restaurant that you refer to that your wife worked
- 17 at, what restaurant was that?
- 18 A. Cantina 76.
- 19 Q. What type of restaurant is that?
- 20 A. It's a Mexican, kind of taco, burrito.
- 21 Q. What's your wife's name?
- 22 A. Jordan.
- 23 Q. And she was a bartender there?
- 24 A. Yes.
- 25 Q. You just testified you would go there after you got off

AARON WILSON DIRECT BY MS. GARFIELD

1 work?

2 A. Yes.

3 Q. And stayed there for what reason?

4 A. I would just go in the evening just sometime, 7:30,
5 8:00 until she got off. She wanted me to stay up there
6 with her to walk her to her and go home.

7 Q. Were you going to Cantina 76 when you got to know Ms.
8 Hawes?

9 A. Yes.

10 Q. Were you there on Saturday, August 27th?

11 A. Yes.

12 Q. 2011?

13 A. Yes.

14 Q. Was the Defendant, Hank Hawes, there as well?

15 A. Yes.

16 Q. And explain to the jury what kind of mood Mr. Hawes was
17 in that night?

18 A. He was in a pretty happy mood. He was buying drinks
19 and some shots for some other people at the bar.
20 Throughout talking to him, he said he was -- he was in
21 a good mood. He was happy because he had gotten back
22 together with his girlfriend at that time, so he said
23 he was -- he just seemed pretty happy.

24 Q. Did he, also, make any conversation to you about other
25 women?

AARON WILSON DIRECT BY MS. GARFIELD

1 A. Not to me, but was talking to the other girls.

2 MS. PRINGLE: Objection to hearsay.

3 THE WITNESS: Okay.

4 THE COURT: Overruled.

5 BY MS. GARFIELD:

6 Q. You can continue.

7 A. He would talk to another girl when I was sitting right
8 next to him about if she had a -- someone he could be
9 hooked up with, girlfriend or something. He was
10 looking -- said he was looking for someone to go out
11 with.

12 Q. What did you think about that?

13 A. He was single and just wanted to do what he wanted to
14 do, I guess.

15 Q. Now, this girlfriend that he referred to, did you know
16 her name?

17 A. No.

18 Q. Since then, you're aware that that would be Jennifer
19 Wilson; is that correct?

20 A. Yes.

21 Q. And just for purposes of the record, Mr. Wilson, are
22 you any relation to Jennifer Wilson?

23 A. No, we're not.

24 Q. Did you ever meet Jennifer Wilson?

25 A. No.

AARON WILSON DIRECT BY MS. GARFIELD

1 Q. And you never knew her name?

2 A. No.

3 Q. Did you know anything about her?

4 A. No.

5 Q. Now, specifically, Mr. Hawes, you indicated he was
6 drinking that night?

7 A. Yes.

8 Q. What did you observe him drink?

9 A. His drink was called Prickly Pear. It was the
10 restaurant's feature drink that they always serve.

11 Q. What kind of drink?

12 A. It's tequila -- it's like a fruity drink, raspberry.

13 Q. Okay. And this was what Mr. Hawes was drinking that
14 evening?

15 A. Yes.

16 Q. Do you know how many of these fruity drinks he had that
17 night?

18 A. Approximately three that I know of, just sitting there
19 talking to him throughout the night.

20 Q. As well as you observed him --

21 A. Yeah.

22 Q. -- buying --

23 A. Some shots.

24 Q. And who all was he buying the shots for?

25 A. People that were sitting at the bar. It's just a small

AARON WILSON DIRECT BY MS. GARFIELD

- 1 bar, so there was just -- if they were up there, he
2 would buy some shots of tequila.
- 3 Q. Mr. Wilson, about what time did you get to Cantina 76?
- 4 A. 8:00, probably, that day, 8:00 or 8:30.
- 5 Q. Was Mr. Hawes already there?
- 6 A. Yes.
- 7 Q. How long did he stay there?
- 8 A. I was the last one to walk him out the door. It was
9 probably between 11:30 and 12:00 somewhere in there.
10 And I locked the door behind him.
- 11 Q. He was the last one to leave?
- 12 A. Yes, as far as customers.
- 13 Q. When he left, did he make any requests?
- 14 A. Well, my wife and a couple other restaurant workers
15 were out on the back porch smoking and he rolled down
16 the window as he was leaving and just -- rolled down
17 the window and kind of laughed and said, Can I get a
18 Prickly Pear to go? Just kind of laughing and then
19 went on down the street.
- 20 Q. Did he indicate where he was going?
- 21 A. One of the cooks had a bicycle. I guess he had a flat
22 tire. And he lived at Harbison and he offered to take
23 him there and he already had made other plans, so we
24 assumed we assumed he was going --
- 25 Q. And what was his mood that night?

AARON WILSON DIRECT BY MS. GARFIELD

1 A. Good. I mean, he was pretty happy, talking, just
2 drinking, buying shots. Seemed awfully happy and
3 pleasant.

4 Q. Was he outgoing?

5 A. Oh, yeah, very outgoing.

6 Q. And were you drinking that night, Mr. Wilson?

7 A. I had one of the shots that he brought. I did not
8 drink a lot when I was up there.

9 Q. Why was that?

10 A. I had shoulder surgery, so I was on some pain pills and
11 I just didn't want to drink.

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

13 BY MS. GARFIELD:

14 Q. Mr. Wilson, do you see the man in the courtroom that
15 you were with at Cantina 76 on August 27th, 2011?

16 A. Yes.

17 Q. You can please point him out for the record?

18 A. (indicating).

19 Q. And can you just indicate what he's wearing for the
20 record?

21 A. Gray suit, blue shirt, black and blue tie.

22 MS. GARFIELD: Your Honor, may the record reflect
23 that Mr. Aaron Wilson has identified Hank Hawes.

24 THE COURT: Yes, ma'am.

25 MS. GARFIELD: Thank you, Mr. Wilson. Thank you.

AARON WILSON DIRECT BY MS. GARFIELD

1 so much. Please answer any questions Defense may have.

2 THE COURT: Cross-examination.

3 CROSS-EXAMINATION

4 BY MS. PRINGLE:

5 Q. Good morning, Mr. Wilson. I just have a couple of
6 questions. You said you were there from about 8:00 to
7 11:30 or midnight?

8 A. Yes, ma'am.

9 Q. What you recall is him drinking three drinks while you
10 were there?

11 A. Yes.

12 Q. That you saw?

13 A. (The witness nodded.)

14 Q. And he was in a happy mood?

15 A. Yeah.

16 Q. A real good mood?

17 A. Yeah.

18 Q. And the reason he was in a good mood was because he was
19 getting back together with his girlfriend?

20 A. Yes, ma'am.

21 Q. With Jen? You didn't know her name?

22 A. He just said girlfriend. I didn't know her name, no.

23 Q. And he wasn't acting strange?

24 A. No.

25 Q. Or angry?

WILLIAM PEGRAM DIRECT BY MR. MATTHEWS

1 A. (The witness shakes head.)

2 Q. Or aggravated?

3 A. No.

4 Q. And when he left, you said he was laughing and he was
5 happy and that was because he was getting back together
6 with his girlfriend?

7 A. Yes, ma'am.

8 Q. Is that right?

9 A. Yes, ma'am.

10 MS. PRINGLE: Thank you.

11 THE COURT: Redirect?

12 MS. GARFIELD: No, sir.

13 THE COURT: You may step down. Thank you very
14 much.

15 MS. GARFIELD: May Mr. Wilson be excused?

16 THE COURT: Yes, ma'am.

17 Call your next witness.

18 MR. MATHEWS: The State calls Sergeant William
19 Pegram.

20 THEREUPON,

21 WILLIAM PEGRAM,

22 after having been duly sworn, testified as follows:

23 THE CLERK: Have a seat in the witness box, state
24 your full name for the record, and spell you last name,
25 please.

WILLIAM PEGRAM DIRECT BY MR. MATTHEWS

1 THE WITNESS: William Pegram, P-E-G-R-A-M.

2 DIRECT EXAMINATION

3 BY MR. MATHEWS:

4 Q. Sergeant Pegram, where are you employed?

5 A. The Columbia Police Department.

6 Q. What do you do at the Columbia Police Department?

7 A. I supervise the violent crimes unit.

8 Q. So you're in investigations?

9 A. Yes.

10 Q. Did you have an occasion -- or how long have you been
11 in law enforcement?

12 A. Thirty-one years.

13 Q. How long have you been in investigations?

14 A. At Columbia, 14.

15 Q. Did you have occasion to participate in the
16 investigation of Hank Hawes?

17 A. Yes.

18 Q. First, did you go to the crime scene?

19 A. I did.

20 Q. Did you, also, go to where Mr. Hank Hawes lived at the
21 time?

22 A. I did.

23 Q. And you're familiar with both of those locations?

24 A. Yes.

25 Q. I'm showing you what's been marked as State's Exhibit

WILLIAM PEGRAM DIRECT BY MR. MATTHEWS

1 441, do you recognize this?

2 A. I the.

3 Q. What is that?

4 A. That's an aerial photograph of the portion of Columbia
5 that has pins on the map showing the residence of
6 Jennifer Wilson and the residence of Hank Hawes.

7 MR. MATHEWS: Your Honor, at this time, the State
8 offers Exhibit 441.

9 MR. STRICKLER: That's without objection, sir.

10 THE COURT: All right. 441 admitted without
11 objection.

12 (State's Exhibit No. 441 was admitted
13 into evidence.)

14 BY MS. GARFIELD:

15 Q. Sergeant Pegram, approximately what's the distance
16 between these two locations?

17 A. By GPS, it's two miles and travel time of five minutes.

18 Q. It would take about five minutes to go from his house
19 to her house?

20 A. Yes.

21 Q. Thank you. And you were in court when a large portion
22 of text messages were read aloud last week, weren't
23 you?

24 A. Yes.

25 Q. And were you present for the portions where Mr. Hall's

WILLIAM PEGRAM DIRECT BY MR. MATTHEWS

1 reference being pulled over on Rosewood?

2 A. I did.

3 Q. Did you further look up any information about that
4 incident?

5 A. Yeah. I had a search conducted for records with the
6 City of Columbia through our violations department,
7 referenced what was said in court, date and location.
8 We input Mr. Hawes's name to see if he had been stopped
9 or there was any record of him having police contact
10 and there were none.

11 Q. So if he would have been pulled over, there would have
12 been a record of that?

13 A. There would -- well, let me back up. There may have
14 been a record. But what he said that was important was
15 that as result of that stop, he had a court appearance.
16 Now, if you have a court appearance that means some
17 documentation was generated from the stop, a citation
18 or something of that nature which would get him into
19 court, that would have been documented. And we have no
20 record of that.

21 Q. Did you, also, have occasion to review the Defendant's
22 cell phone records that were gotten from AT&T?

23 A. Yes.

24 Q. And what is contained in those records just briefly?

25 A. The portion that I would review deals with cell ID,

WILLIAM PEGRAM DIRECT BY MR. MATTHEWS

1 LAC, which is local area code, GPS coordinates for
2 actual location or physical location and tower, and the
3 cell that is transmitting or receiving a signal for the
4 cell phone.

5 Q. So what are able to kind of figure out from these
6 records?

7 A. The records show that, number one, the cell phone that
8 was making communication or contacting the tower, the
9 physical location of that tower and the cell on that
10 tower that is receiving that call, also, provides
11 the azimuth off of a tower, which give you what is
12 referred to a telemetry. And telemetry will give you a
13 sector.

14 There are three main sectors of a tower. It goes
15 from 000 to 120 degrees, 120 degrees to 240 degrees,
16 and 240 degrees to 360 degrees. And it will tell you
17 if that phone that's transmitting is within or close to
18 that sector that it's transmitting through.

19 Q. So, basically, can you determine the general location
20 of a person from the cell phone records?

21 A. You can get it a general area, yes.

22 Q. And did you do that after reviewing these records?

23 A. I did.

24 Q. I'm going show you what's been marked as State's
25 Exhibit 442 and 443. Do you recognize these?

WILLIAM PEGRAM DIRECT BY MR. MATTHEWS

1 A. I do.

2 Q. What is 442?

3 A. 442 is a detailed call log that includes phone entry
4 and cell ID.

5 Q. And that's just a blow-up of pages already in evidence?

6 A. Yes.

7 Q. And what is 443?

8 A. That's showing the telemetry from the two towers that
9 were handing off the call from Hank Hawes.

10 Q. And did you create this?

11 A. That was created by the fusion center at the State Law
12 Enforcement Division.

13 Q. And can you tell me how this is created?

14 A. Yeah, you input the information off of the phone
15 records into a software program that is supplied to the
16 State Law Enforcement Division, and the information
17 that's been imported into this system will generate a
18 graph and show you --

19 MR. MATHEWS: Your Honor, I want to offer first
20 State's 442 and 443 into evidence.

21 THE COURT: Any objection?

22 MR. STRICKLER: No, sir.

23 THE COURT: Without objection.

24 (State's Exhibit Nos. 442 and 443 were
25 admitted into evidence.)

WILLIAM PEGRAM DIRECT BY MR. MATTHEWS

1 BY MR. MATHEWS:

2 Q. First, I want to show you the call log. What is
3 significant about this?

4 A. For me, the time, date, telephone number, also, the
5 coordinates that transmit off of the tower.

6 Q. And now explain to me a little bit about this map that
7 was created?

8 A. Can I stand up?

9 Q. Certainly.

10 MR. MATHEWS: Your Honor, may the witness step
11 down?

12 THE COURT: Yes, sir.

13 (The witness steps off the witness stand.)

14 THE WITNESS: These two indicators here are,
15 actually, cell phone towers. The cell phone tower
16 information is here (indicating). This -- I don't know if
17 you can see this, but it says the LACCID is the local area
18 code and the cell identification. The first four numbers
19 here indicate the carrier's system. The next three, the
20 304, is the tower itself. And the last numbers are nine.
21 In nine represents the cell that is on the tower that's
22 receiving signal.

23 In the call records, they clearly identify these
24 two towers as communicating with Hank Hawes's cell phone.

25 Q. Communicating when with Hank Hawes's cell phone?

WILLIAM PEGRAM DIRECT BY MR. MATTHEWS

1 A. Um.

2 Q. You can pick that up as well.

3 A. If you look to -- over here (indicating), here's the
4 date, 08/28/11 at 0212 in the morning. What that tells
5 me is at 2:12, if you go all the way to the right, it
6 puts him at 240, these two tower, (indicating). And
7 240, what's significant about is that her residence is
8 within seconds of it.

9 Q. So at 2:12 a.m., from the telephone records, where can
10 you tell that he is in general?

11 A. In general, he is in sector 240, which is this area
12 outlined in red.

13 Q. Which contains?

14 A. Jennifer Wilson's address.

15 Q. Okay. Thank you. And, also, during your
16 investigation, did you have time to observe a Range
17 Rover?

18 A. I did.

19 Q. And what did you find out about that Range Rover?

20 A. The Range Rover was registered to a Ms. Dalheimer. It
21 was the vehicle that was in the possession and under
22 the control of Hank Hawes. That was the vehicle that
23 was recovered and taken to headquarters for processing.

24 Q. It was processed at the scene?

25 A. It was processed at headquarters.

WILLIAM PEGRAM DIRECT BY MR. MATTHEWS

1 Q. At headquarters?

2 A. Right.

3 Q. Are you aware that certain items were recovered from
4 the vehicle?

5 A. Yes.

6 Q. Were swabs taken from the vehicle?

7 A. Yes.

8 Q. Let me show you what's been marked as State's 255
9 through 275. If you can tell me if you recognize
10 those, please, sir.

11 A. I do.

12 Q. What are those photographs of?

13 A. Photographs of a black Range Rover, the vehicle that
14 was seized and processed.

15 Q. And are those an accurate representation of what the
16 vehicle looked as it was processed?

17 A. Yes.

18 MR. MATHEWS: Your Honor, at this time, I would
19 offer State's 255 through 275.

20 THE COURT: Any objection?

21 MR. STRICKLER: No, sir.

22 THE COURT: All right. Without objection.

23 (State's Exhibit Nos. 255 through 275
24 were admitted into evidence.)

25 BY MR. MATHEWS::

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 Q. And, specifically, in photograph 257, do you see
2 anything in there that stands out?

3 A. This is a watch in the cup holder.

4 Q. A watch in the cup holder of the vehicle (indicating).
5 And I'm showing you State's Exhibit No. 384, which is
6 already in evidence. Is this that watch?

7 A. Yes.

8 Q. That was located in the vehicle?

9 A. Uh-huh.

10 Q. And what other items do you know were removed from the
11 vehicle by law enforcement?

12 A. Well, there were two items that I specifically
13 requested that should have been removed and I believe
14 they were removed. That would be the floor mat and the
15 brake pedal.

16 The reason we do that is when you think you're
17 going to collect DNA or swab something for DNA,
18 something like a vehicle, we're required to maintain
19 that in evidence for a significant period of time. So
20 instead of seizing and maintaining the entire vehicle,
21 we'll take removable portions from that vehicle that,
22 actually, contains the DNA or what we believe DNA
23 evidence. In this case, we took a floor mat and a
24 pedal.

25 Q. Is that what's pictured in State's Exhibit 264?

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 A. Yes.

2 Q. And were those taken and were those processed?

3 A. They were.

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

5 Thank you, Sergeant Pegram. I have no further
6 questions.

7 THE COURT: Cross-examination.

8 MR. STRICKLER: Thank you, Your Honor. May it
9 please the Court.

10 CROSS-EXAMINATION

11 BY MR. STRICKLER:

12 Q. Morning, Sergeant?

13 A. Good morning, sir.

14 Q. I have a few questions, I guess.

15 A. Okay.

16 Q. Referencing what's marked as State's 442?

17 A. Yes, sir.

18 Q. Okay. You've talked about the call at 2:12 in the
19 morning coming from sector 240, correct?

20 A. Yes.

21 Q. Can you reference a call from 2:02, is numbered 768,
22 2:02 a.m.?

23 A. Yes, sir.

24 Q. Where was that call -- what sector was that call coming
25 from?

WILLIAM PEGRAM CROSS BY MR. STRICKLER

- 1 A. Well, this is what you would call a hand-off.
- 2 Q. Okay.
- 3 A. May I stand?
- 4 Q. Sure.
- 5 A. At 2:02, if you look at the far right, you see two
6 different towers. If you're mobile in a -- say, you're
7 in a car and you're on the cell phone. If you're
8 within one sector and you leave that sector, then the
9 towers hand off to the next closest tower with the
10 strongest signal. So what you have here is sector 350
11 and during the travel hands off to tower at sector 240.
- 12 Q. Okay. Then if you go to the immediately proceeding
13 phone call?
- 14 A. Okay. That's -- that would be at two o'clock?
- 15 Q. Two o'clock?
- 16 A. Two o'clock is in sector 350.
- 17 Q. And where is that in relation to where Ms. Wilson was?
18 If you know?
- 19 A. It's azimuth 350. She's not within that sector. That
20 just tells me that -- that mobile device is in a
21 different sector.
- 22 Q. Okay. And so at what point in time did the mobile
23 device get in the same sector as Ms. Wilson's house?
- 24 A. I would have to look at the charts, but it's either
25 between 2:02 or 2:14 in the morning. At 2:12, it was

WILLIAM PEGRAM CROSS BY MR. STRICKLER

- 1 within sector 2:40.
- 2 Q. 2:12 in the morning?
- 3 A. Yes, sir. If I may, on the last question --
- 4 Q. Yes, sir.
- 5 A. -- last answer.
- 6 Q. Yes, sir.
- 7 A. When I say it was in 240, that is correct, but it,
- 8 also, at 2:02 was traveling, too, and at some point
- 9 between 2:02 and 2:12 was at sector 240.
- 10 Q. Okay.
- 11 A. So you have your hand-off at 2:02.
- 12 Q. Okay. Now, you also reviewed records from later in the
- 13 morning, phone records?
- 14 A. Yes.
- 15 Q. Correct? Specifically, you're aware that one Stacey
- 16 Newsom has a telephone with the number ?
- 17 A. I'm really not off the top of my head that familiar
- 18 with the telephone number. Okay. I'm looking at it.
- 19 Q. Take your time. Did you look at it?
- 20 A. I'm looking at it.
- 21 Q. In fact, your investigative notes on Page 2 indicate
- 22 that at 2:37 hours, it appears the victim was already
- 23 dead and Hawes was on the phone with Stacey Newsom; is
- 24 that correct?
- 25 A. Yes.

WILLIAM PEGRAM CROSS BY MR. STRICKLER

- 1 Q. Okay. If I could show you this page from another
2 portion of the call records, the phone records, does
3 that reflect that 2:37 in the morning call? That
4 reflects that call to Stacey Newsom, correct?
- 5 A. That's correct.
- 6 Q. What's the duration of that call?
- 7 A. It shows the time lapse is 10 minutes, 34 seconds.
- 8 Q. Do you have that record that I'm looking at, also?
- 9 A. Yes, I have it.
- 10 Q. Okay. 10 minutes and what, 34 seconds?
- 11 A. That's what it appears.
- 12 Q. That was at 2:37 in the morning?
- 13 A. Yes, sir.
- 14 Q. Okay. The record reflects another call to Ms. Newsom
15 at 2:53 in the morning?
- 16 A. That's correct.
- 17 Q. And the duration of that call was six minutes and 52
18 seconds?
- 19 A. Yes.
- 20 Q. Okay. Reflects another call at 3:08, but only for some
21 three seconds; is that right?
- 22 A. Point 03, yes, sir.
- 23 Q. Then a call -- pardon me, that was a call from her --
24 no -- then there -- there was a call from her to his
25 number that's four seconds in duration at 3:09 a.m.,

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 right?

2 A. That's correct.

3 Q. Then at 3:19, there's a call to her that last 18
4 minutes and 27 seconds?

5 A. That's correct.

6 Q. Then there's a call at 3:52 a.m. from him to her that
7 last seven minutes and 33 seconds?

8 A. Yes, sir.

9 Q. Then another call at 4:31 a.m. to her from him that
10 last eight seconds?

11 A. Yeah, that's actually at 2:21 -- I'm sorry, 4:21.

12 Q. I apologize.

13 A. Yeah, eight seconds.

14 Q. Okay. Then another call at 4:21 a.m. from his number
15 to hers that last 22 minutes and 44 seconds?

16 A. Yes, sir.

17 Q. All right. And all of those calls would be coming from
18 the same telemetry information that you just testified
19 about, right?

20 A. Yes, sir.

21 Q. Sector 240?

22 A. Yes, sir.

23 Q. Okay. Did you have occasion -- turning away from the
24 telephone for a moment. Did you have occasion to go to
25 Mr. Hawes's residence on Woodrow Street?

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 A. I did.

2 Q. When was that, on the 28th, also?

3 A. Yes, sir.

4 Q. Okay. Let me show you a series of pictures that
5 haven't been marked yet and ask if you recognize them.

6 A. Yes, sir.

7 Q. And what do those depict?

8 A. Hank Hawes's residence.

9 Q. On August 28th, the way it appeared when you were
10 there?

11 A. I believe so, yes, sir.

12 Q. Yes, sir.

13 (Defendant's Exhibit Nos. 61 through 69
14 were marked for identification.)

15 MR. STRICKLER: Your Honor, we would move what's
16 been marked as 61 through 69 into evidence.

17 MR. MATHEWS: No objection, Your Honor.

18 THE COURT: Exhibits 61 through 69 admitted
19 without objection.

20 (Defendant's Exhibit Nos. 61 through 69
21 admitted into evidence.)

22 BY MR. STRICKLER::

23 Q. I want to show you what's marked as State's [sic] 62
24 and ask you if you can explain what that depicts?

25 A. All I can tell you is some type of substance on what

WILLIAM PEGRAM CROSS BY MR. STRICKLER

- 1 looks like a pillow case.
- 2 Q. A pillow case?
- 3 A. Yes.
- 4 Q. All right. And then Defendant's 63, I ask what that
5 depicts?
- 6 A. It appears to be vomit.
- 7 Q. Okay. Whereabouts?
- 8 A. Beside the bed.
- 9 Q. On the floor?
- 10 A. I can't tell which side of the bed, but on the floor.
- 11 Q. Yes, sir. Then State's -- or Defendant's 64, rather.
- 12 A. Substance appears to be blood.
- 13 Q. Okay. Again, can you tell what's that on or not?
- 14 A. I can't -- I couldn't tell you for sure what's that on.
- 15 Q. Okay. And 65?
- 16 A. There again, it appears to be a bloodstain on some sort
17 of comforter or blanket.
- 18 Q. Okay. And, perhaps, Defendant's 67 puts things in
19 context just a little bit?
- 20 A. Yeah. General area.
- 21 Q. Of bed?
- 22 A. A bed.
- 23 Q. Comforter?
- 24 A. Yes, sir.
- 25 Q. And Defendant's 66?

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 A. Appears to be a pair of jeans laying on the floor.

2 Q. Okay. You know if a pair of jeans were taken into
3 evidence?

4 A. There was a pair of jeans taken.

5 Q. That would reflect the jeans as they were when y'all
6 arrived on scene?

7 A. Yes, sir, that's correct.

8 Q. Okay. Now, you also responded to the scene on Monroe
9 Street, correct?

10 A. I did.

11 Q. You had the opportunity to walk through that scene?

12 A. Yes, sir.

13 Q. Okay. Do you remember, and I, certainly, understand if
14 you don't, whether you saw dishes stacked in or around
15 the scene in the picture?

16 A. I don't recall.

17 Q. It's been awhile?

18 A. Right.

19 MR. STRICKLER: Thank you, sir.

20 THE COURT: Redirect?

21 MR. MATHEWS: No, Your Honor.

22 THE COURT: All right. You may step down. Thank
23 you so much.

24 Call your next witness.

25 MS. GARFIELD: Your Honor, may we approach?

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 THE COURT: I'm sorry, what?

2 MS. GARFIELD: May we approach?

3 THE COURT: Yes, ma'am.

4 (Whereupon, a bench conference was held
5 off the record, in the presence of the
6 jury, but out of the hearing of the
7 jury.)

8 THE COURT: Ladies and gentlemen of the jury, let
9 me say something very briefly. There's three ways evidence
10 is generally presented to you. It can be presented in the
11 courtroom from testimony from the witness stand as we've
12 heard in the last week and, again, this morning. It can
13 also be presented by depositions or sworn statements, which
14 we have not heard any of that in this case, which,
15 generally, you don't have in a criminal case. And the third
16 way is by stipulation between the parties.

17 Now, normally, in a criminal case whenever there's
18 a fungible item, fungible item that can be destroyed or
19 changed and tested done on those items, the State has to
20 establish a chain of custody. Chain of custody is when that
21 particular item is collected. In this case, we're talking
22 about DNA, when that item is collected, everybody that
23 handled that item, until the testing was done and returned
24 back to the evidence closet after testifying. In this
25 particular case, the parties have stipulated that the chain

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 of custody was proper, therefore, we will not be calling
2 those two, or three, or four, or five witnesses, or how many
3 there are that established that chain of custody. So the
4 parties have stipulated in this case that the chain of
5 custody if appropriate as to the DNA. And the parties have
6 agreed to that.

7 Is that correct from the State?

8 MS. GARFIELD: Yes, sir.

9 THE COURT: Is this correct from the Defendant?

10 MR. STRICKLER: Yes, sir.

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

12 You want a very brief break?

13 MS. GARFIELD: Yes, please.

14 THE COURT: All right. Mr. Foreman, ladies and
15 gentlemen of the jury, leave your note pads in the chair.

16 We're going to take a very short break.

17 (Whereupon, the jury left the courtroom

18 at 10:32 a.m.)

19 (Whereupon, a short recess was held.)

20 THE COURT: Ready?

21 MS. CAMPBELL: Yes, sir.

22 THE COURT: All right. Is the State ready to
23 rest?

24 MS. GARFIELD: Yes, sir.

25 THE COURT: The State rest?

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 MS. CAMPBELL: Yes, sir.

2 MS. GARFIELD: Yes, sir.

3 THE COURT: The jury's out on a break, so I'll
4 hear any motions at this time since it's the end of the
5 State's case. When the jury comes back, I'll let the State
6 rest and then we'll start with the Defendant's case.

7 I'll be glad to hear you on any motions from the
8 State?

9 MS. CAMPBELL: None, Your Honor.

10 THE COURT: Any motions from the Defendant?

11 MR. STRICKLER: Your Honor, very briefly, of
12 course, at this point in time, we make a directed verdict
13 motion in regards to murder submitting that the evidence
14 taken in the light most favorable to the State fails to
15 support putting this case to the jury on the issue of
16 malice. So that will be the motion for directed verdict.

17 We would, also, renew our previously made motions,
18 specifically, renewing motion for a mistrial that was made
19 at the time the State claiming we opened the door to some
20 testimony -- the missing of time at this point, Your Honor,
21 but we moved for a mistrial at that point. We,
22 specifically, Your Honor, to review your ruling in that
23 regard and revert yourself and grant a mistrial at this
24 time. We would renew any other objections that we made in
25 the course of the trial, no new grounds.

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 THE COURT: Okay. Your motion for directed is
2 denied and the motion for the -- the renewed motion for the
3 mistrial is, also, denied.

4 MR. STRICKLER: Thank you.

5 THE COURT: Anything else you want to put on the
6 record?

7 MS. PRINGLE: I just have a number of exhibits I
8 need to enter.

9 THE COURT: How much time -- I'm not trying to
10 hurry you, I'll give you as much time as you need to get
11 ready, okay? How much time do you need to get ready? We
12 can take a break.

13 MS. PRINGLE: No, I just need to enter them. I
14 just need to call out the number. They're without
15 objection. This would be for exhibits that I referred to
16 throughout Mr. Vanhouten's testimony. Ms. Garfield and I
17 was okay with me --

18 MS. GARFIELD: In the interest of time, Judge, we
19 didn't have any problem.

20 THE COURT: Okay.

21 MS. PRINGLE: Defendant's Exhibit 2, 3, 4, 6, 7,
22 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 16 --

23 THE COURT: 18 and what?

24 MS. PRINGLE: I had 18 and 16 out of order, yes.

25 THE COURT: Okay.

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 MS. GARFIELD: 16, 17, 18, 19, 20, 21, 22, 23, 24,
2 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 41, 42, 43,
3 44, 46, 48, 49, 52, 53, 54, 55, 56, 57, 58, 59.

4 THE COURT: I'm not going to call every one out
5 again, but all of the Defendant's exhibits that were called
6 out by defense counsel, does the State have any objection to
7 those exhibits?

8 MS. CAMPBELL: No, sir.

9 THE COURT: All right. Those exhibits are
10 admitted without objection.

11 (Defendant's Exhibit Nos. 2, 3, 4, 6
12 through 34, 36, 37, 41 through 44, 46,
13 48, 49, and 52 through 59 were admitted
14 into evidence.)

15 THE COURT: All right. Anything else?

16 MR. STRICKLER: Would Your Honor care to have
17 colloquy with Mr. Hawes regarding his decision whether to
18 testify?

19 THE COURT: Well, I was going to ask you, is he
20 going to be one of your first witnesses?

21 MR. STRICKLER: Yes, sir.

22 THE COURT: Oh, he is?

23 MR. STRICKLER: Yes, sir.

24 THE COURT: Okay. I was going to do that later, I
25 didn't know he was going to be your first witness.

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 Mr. Hawes, raise your right hand.

2 THEREUPON,

3 HANK HAWES,

4 after having been duly sworn, testified as follows:

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Hawes, I'm going to ask you
7 certain questions. During this process, if would you like
8 to talk -- before you answer the questions, if you would
9 like to talk to your attorney about the questions, I will be
10 glad to stop and allow you to talk to your attorney. Do you
11 understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: If you don't understand a question,
14 please, tell me, okay?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. I'm going to explain to
17 you your Fifth amendment right to remain silent. Have you
18 had an opportunity to talk to your attorney about your Fifth
19 amendment right to remain silent?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Have you understood the conversations
22 you have had with your attorney?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand under your Fifth
25 amendment constitution, whether it's State's constitution

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 and the South Carolina, no one can compel you to testify in
2 a criminal trial? Do you understand?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: The State's required to prove you
5 guilty beyond a reasonable doubt. You do not have to prove
6 your innocence, you understand?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now, this is a personal right and
9 personal privilege that you have, do you understand?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Only you can waive that privilege.
12 Your attorney can't waive it for you. No one else can waive
13 it for you, you understand?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You have the right to testify, you
16 have the right to not testify, you understand?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: As I asked you earlier, have you
19 talked to your attorney and you said you have. Have you
20 spoken to your attorney long enough and enough frequency
21 about your right to testify?

22 THE DEFENDANT: I believe so, yes, sir.

23 THE COURT: Do you need to discuss any further
24 with your attorneys?

25 THE DEFENDANT: No, sir.

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 THE COURT: Do you understand that if you elect
2 not to testify, that cannot be used by the State as evidence
3 and I will instruct the jury they are not to assert any
4 value whatsoever in deliberating your innocence or guilt,
5 you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you, also, understand that you
8 assume the rule of a witness, in other words, if you decide
9 to testify, you will be a witness in the trial, do you
10 understand?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: When you take the witness stand, you
13 will be required to answer the question as long as it's
14 relevant or it doesn't violate any rules of evidence or any
15 rules of the court, you understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: In other words, it's not like we see
18 on television, somebody takes the stand and they say -- they
19 pick and choose which questions they want to answer. Either
20 you take the stand and answer all of the questions or you
21 don't testify period, you understand?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Have any questions about that?

24 THE DEFENDANT: No, sir.

25 THE COURT: Do you understand that your decision

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 must be freely, voluntarily and intelligently given?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Has anybody forced you to testify?

4 THE DEFENDANT: No, sir.

5 THE COURT: Has anybody forced or threaten you not
6 to testify?

7 THE DEFENDANT: No, sir.

8 THE COURT: Has anybody put any pressure on you
9 whatsoever about your right to testify or your right not to
10 testify?

11 THE DEFENDANT: No, sir.

12 THE COURT: Have you -- excuse me, do you
13 understand what I have explained to you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you have any questions about what I
16 have explained to you?

17 THE DEFENDANT: No, sir.

18 THE COURT: You have any questions about your
19 Fifth amendment right to remain silent?

20 THE DEFENDANT: No, sir.

21 THE COURT: All right. Do you wish to testify?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Thank you so very much.

24 Anything -- y'all need some time to get ready?

25 MR. STRICKLER: I'm going to need just a few

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 minutes if they're done shuffling through the photographs,
2 I'm going to have to shuffle through them myself to select
3 the ones I need to use.

4 THE COURT: Start shuffling.

5 MR. STRICKLER: One other thing, Your Honor, we
6 need to bring up first, I think.

7 THE COURT: Okay.

8 MR. STRICKLER: Mr. Hawes is not handcuffed at
9 this point in time, however --

10 THE COURT: Well put him up there before the jury.
11 comes?

12 MR. STRICKLER: Well --

13 THE COURT: I don't think they can see his
14 shackles from the witness stand. When he comes down, I'll
15 send the jury out.

16 MR. STRICKLER: Your Honor --

17 THE COURT: As long as he'll keep his feet under
18 the table, you can't see them (indicating). I mean, you may
19 instruct him to keep his feet under the table and you won't
20 be able to see them. He can pull his chair up to the table,
21 keep his feet under the table and nobody can see the
22 shackles, leg irons.

23 MR. STRICKLER: I don't intend to call him down
24 off the stand myself. If the State intends to do that,
25 we'll need to address it at that point in time, Your Honor.

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 THE COURT: Well, I don't know what the State's
2 planning on doing.

3 Are you planning on calling him off the stand?

4 MS. CAMPBELL: At this point, I don't plan on --

5 THE COURT: Pardon?

6 MS. CAMPBELL: No, if I --

7 THE COURT: If you do, then we'll just have to
8 deal with that -- approach, and we'll deal with it at that
9 time.

10 THE CLERK: Will he be sworn prior to getting up
11 or told that he's sworn or will I --

12 THE COURT: I'll just let you swear him while he's
13 sitting.

14 THE CLERK: While he's sitting?

15 THE COURT: Yes.

16 THE CLERK: Okay.

17 MS. CAMPBELL: Thank you.

18 MR. STRICKLER: And, Your Honor, there won't be
19 any one up there with him? There's not going to be a deputy
20 up there, is there?

21 THE COURT: I don't know. That's a security
22 issue. I don't deal with security. Security does.

23 Where are you going to sit?

24 BAILIFF: We'll just stand right beside him.

25 MR. STRICKLER: I'd object that.

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 THE COURT: Just he can -- the deputy can sit
2 where the bailiff's been sitting. The bailiff can sit
3 somewhere else.

4 MR. STRICKLER: That's all right with me, yes,
5 sir.

6 THE COURT: Okay. The bailiff can sit somewhere
7 else and the deputy can sit right in that black chair where
8 it's been the whole trial. Okay?

9 MR. STRICKLER: Yes, sir.

10 If I may have just a few minutes to go through the
11 pictures to get them in order and I'll be ready.

12 THE COURT: Okay.

13 (Pause.)

14 THE COURT: Let me see the officer of security up
15 here just a second.

16 (Pause.)

17 THE COURT: Who wants to put a microphone up from
18 the news media, come up here and talk to me.

19 (Whereupon, members of the news media came up to
20 have a conference with the Court.)

21 THE COURT: Is the Defense ready to proceed?

22 MR. STRICKLER: Yes, sir. Thank you for letting
23 me have that time.

24 THE COURT: Okay.

25 Anything else before we bring the jury in from the

WILLIAM PEGRAM CROSS BY MR. STRICKLER

1 State?

2 MS. CAMPBELL: No, sir.

3 THE COURT: Anything from the Defense?

4 MR. STRICKLER: No, Your Honor.

5 THE COURT: All right.

6 Mr. Hawes, if you will come around and take the
7 witness stand, please.

8 (The defendant was seated in the witness
9 stand.)

10 THE COURT: All right. Mr. Hawes, if you will
11 pull your chair up, keep your feet under the table. As long
12 as you keep your feet under the table, the jury will not see
13 the leg irons. You understand?

14 THE DEFENDANT: (The witness nodded head.)

15 THE COURT: All right. Pull your chair up so
16 everybody can hear you on the microphone.

17 THE DEFENDANT: All right.

18 THE COURT: All right.

19 Madam Clerk, if you will swear him, please. You
20 can swear him while he's seated, please, ma'am.

21 THEREUPON,

22 HANK HAWES,

23 after having been duly sworn, testified as follows:

24 THE CLERK: State your name for the record.

25 THE DEFENDANT: Hank Hawes.

HANK HAWES DIRECT BY MR. STRICKLER

1 THE COURT: All right. Let me direct my attention
2 to the people in the audience. I want your portable phones
3 off. If I hear anything ring or if you're doing any
4 recording with them, I'm going to confiscate them and you'll
5 have to buy another one. They are to be turned off. So
6 does everybody understand?

7 (Members of the audience nodded head.)

8 THE COURT: I heard one go off a while ago, I
9 didn't say anything, but if another one goes off, the
10 bailiff is going to confiscate it and you'll have to go buy
11 another one.

12 Is there anybody that does not understand that?

13 (There was no response.)

14 THE COURT: Bring us the jury, please.

15 (Whereupon, the jury returned to the
16 courtroom at 11:18 a.m.)

17 BAILIFF: The jury panel is present, Your Honor.

18 THE COURT: Thank you very much.

19 Does the State have any further witnesses?

20 MS. GARFIELD: Your Honor, at this time, the State
21 of South Carolina rest its case.

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

23 Ladies and gentlemen of the jury, the State has
24 rested, which means they don't have any further witnesses at
25 this time. We're going to start the Defendant's case. As I

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1 told you at the beginning of the trial, the roles will
2 reverse. The Defense will have the witnesses on direct
3 examination, the State will have the witness on
4 cross-examination.

5 Yes, sir.

6 MR. STRICKLER: Thank you, Your Honor. May it
7 please the Court. Let the record reflect Mr. Hawes has
8 already been sworn.

9 THE COURT: Yes, sir.

10 Mr. Hawes was sworn before you came into the
11 courtroom.

12 Please proceed.

13 MR. STRICKLER: Thank you, sir...

14 DIRECT EXAMINATION

15 BY MR. STRICKLER:

16 Q. Good morning.

17 A. Good morning.

18 Q. You are Hank Hawes?

19 A. Correct.

20 Q. You go by Hank?

21 A. Yes, sir.

22 Q. All right if I refer to you as that?

23 A. Yes, sir.

24 Q. You a little nervous up there this morning?

25 A. Little.

HANK HAWES DIRECT BY MR. STRICKLER

- 1 Q. Okay. I'm going to talk with you a little bit about
2 your relationship with Ms. Wilson.
- 3 A. (The witness nodded head.)
- 4 Q. And, specifically, about the incident and the events of
5 August 27th, August 28th, 2011, all right?
- 6 A. Okay.
- 7 Q. On August 28th, 2011, did you go to
8 to kill Jennifer Wilson?
- 9 A. Absolutely not.
- 10 Q. Why did you go?
- 11 A. Basically, I saw the relationship wasn't going
12 anywhere, so I went there just to have a clean break of
13 it.
- 14 Q. A clean break of it?
- 15 A. (The witness nodded head.)
- 16 Q. Okay. Hank, how old are you now?
- 17 A. Forty.
- 18 Q. Forty. And where were you born?
- 19 A. Leesburg, Florida.
- 20 Q. Whereabouts in Florida is that?
- 21 A. It's northwest of Orlando.
- 22 Q. Okay. And where did you grow up?
- 23 A. Between Plant City, Florida, and Tampa, Florida.
- 24 Q. Okay. And how far did you go in school?
- 25 A. I had a year of technical college and then I had some

HANK HAWES DIRECT BY MR. STRICKLER

1 other college classes as well.

2 Q. Okay. And at some point in time, did you have occasion
3 to move to South Carolina?

4 A. I did.

5 Q. And when was that, do you remember?

6 A. I believe that was sometime in 2009 -- well, yeah,
7 2009, 2010. I don't know exact dates.

8 Q. Did you move here by yourself or did you move here with
9 someone else?

10 A. No, sir. I moved here with someone else.

11 Q. What would that be?

12 A. Stacey Newsom.

13 Q. So were you and Stacey at that point in time living
14 together?

15 A. Yes, sir.

16 Q. Okay. And that had started down in Florida?

17 A. Yes, sir.

18 Q. Okay. And where in South Carolina did you all move to?

19 A. It's Simpsonville, South Carolina, just outside of
20 Greenville.

21 Q. Just outside of Greenville?

22 A. Yes, sir.

23 Q. Okay. When to the best of your knowledge did you first
24 come in contact with Ms. Wilson?

25 A. On or about February of 2011.

HANK HAWES DIRECT BY MR. STRICKLER

- 1 Q. Okay. And how did that contact come about?
- 2 A. We met on E-Harmony, an online dating service.
- 3 Q. Okay. Did you contact her or did she contact you?
- 4 A. I don't recall. I know that the service kind of
- 5 matches you up based on similarities, likes, dislikes,
- 6 things of that nature.
- 7 Q. I have no idea how the thing works. After your matched
- 8 up, would one of the other of you contact the other
- 9 one?
- 10 A. Typically.
- 11 Q. Okay. And that was when to the best of your knowledge?
- 12 A. I think it was somewhere around February --
- 13 Q. Okay.
- 14 A. -- March, 2011.
- 15 Q. And did you start seeing her?
- 16 A. I did.
- 17 Q. And, roughly, when was that?
- 18 A. That would have been right about the same time.
- 19 Q. Okay. So y'all, actually, physically met each other
- 20 shortly after you met on E-Harmony?
- 21 A. Yes, sir, correct.
- 22 Q. Okay. At some point in time, did you move to Columbia
- 23 from Simpsonville?
- 24 A. I did.
- 25 Q. And, roughly, when was that?

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- 1 A. That would have been June of 2011.
- 2 Q. Okay. Prior to that time, did you travel back and
3 fourth to Columbia?
- 4 A. I traveled all over the state.
- 5 Q. Right.
- 6 A. Yes.
- 7 Q. So you had occasion to see Ms. Wilson down here?
- 8 A. Yes, sir.
- 9 Q. When you did that, where did you stay?
- 10 A. It would vary. Sometimes I would stay with her,
11 sometimes, I would stay at Claussens downtown. It just
12 varied.
- 13 Q. Okay. When you moved to Columbia, you said June, 2011?
- 14 A. Yes, sir.
- 15 Q. Where did you locate?
- 16 A.
- 17 Q. Okay. And where is in relation to
18 ?
- 19 A. It's, roughly, about five minutes away.
- 20 Q. Okay.
- 21 A. Five-minute drive away.
- 22 Q. Can you place in relation to any major
23 street in Columbia?
- 24 A. It's -- my house was right behind the Tripp's Cleaners.
25 It intersects with Gervais.

HANK HAWES DIRECT BY MR. STRICKLER

- 1 Q. Okay. And , can you place that in relation
2 to any major street in Columbia?
- 3 A. It's off of -- it's right at the tail end of, I believe
4 that's South Kilborn and it's almost to, I believe,
5 that's Rosewood.
- 6 Q. Okay. Turning to the time frame of June, 2011, can you
7 characterize for the jury what your relationship with
8 Ms. Wilson was like at that point in time?
- 9 A. I mean, we had a lot of ups and downs. We had some
10 good days, we had some bad days.
- 11 Q. Okay. Did she ever act like she needed some space from
12 you?
- 13 A. Not to my knowledge. I mean.
- 14 Q. Okay. We heard, my guess, about one day worth of
15 reading of various text messages between you and Ms.
16 Wilson?
- 17 A. Yes, sir.
- 18 Q. And we had an opportunity to observe how you texted?
- 19 A. (The witness nodded head.)
- 20 Q. Let me ask you this, have you been diagnosed with any
21 particular condition?
- 22 A. Severe combined ADHD.
- 23 Q. Say that again.
- 24 A. Severe combined ADHD.
- 25 Q. ADHD is what?

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- 1 A. Attention deficit hyperactivity disorder.
- 2 Q. What does severe combined mean?
- 3 A. It means instead of being just on one side of the head,
4 it's on both. It affects --
- 5 Q. Both what?
- 6 A. Both sides of the brain.
- 7 Q. Okay. Can you describe some of the symptoms that you
8 would have as a result of this condition?
- 9 A. I lose my car keys. I could put my cell phone down and
10 walk past it a hundred times looking for it. Failure
11 to follow through on projects, late. Sometimes -- I
12 don't know, I guess, you know, sometimes no filter.
- 13 Q. No filter?
- 14 A. No filter on my mouth.
- 15 Q. Okay.
- 16 A. On my words.
- 17 Q. And as far as you text, the -- would you text rapidly?
- 18 A. Yes, sir.
- 19 Q. Okay. Sometimes just a couple of words at a time and
20 immediately follow up with additional texting?
- 21 A. Yes, sir.
- 22 Q. Okay. Now, just so we're clear, are you saying that
23 ADHD is responsible for this incident?
- 24 A. I am not.
- 25 Q. Okay. At some point in time during the texting, we

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- 1 heard references to you telling Ms. Wilson that you had
2 been pulled over?
- 3 A. Yes, sir.
- 4 Q. Okay. You remember when that was?
- 5 A. I don't.
- 6 Q. Okay. Was it on the 27th?
- 7 A. I don't believe so.
- 8 Q. Okay. And you remember what the text said about having
9 a court date?
- 10 A. I do.
- 11 Q. Okay. Is that correct or not?
- 12 A. That part isn't correct.
- 13 Q. Okay. You were pulled over?
- 14 A. I was pulled over, yes, sir.
- 15 Q. At some point in time, could you feel -- did you feel
16 the nature of your relationship or your relationship
17 with Ms. Wilson was changing?
- 18 A. I did.
- 19 Q. And can you pinpoint when you think that was?
- 20 A. As I mentioned before, we had our ups and downs, but it
21 really -- in my opinion, it really started to change
22 once she went to Bali.
- 23 Q. When she went to Bali?
- 24 A. Bali, uh-huh.
- 25 Q. That was when, if you remember?

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- 1 A. I think that was the tail end of July and the beginning
2 of August.
- 3 Q. Okay. When you say started to change then, can you let
4 us know -- I mean, what your impression of the change
5 was, what changed for you?
- 6 A. She just became more distant. Just our normal
7 conversations had changed, just the -- it just felt
8 different.
- 9 Q. Okay. Were you aware that she was either seeing other
10 people or making plans to see other people as we've
11 heard testimony here in court, were you aware of those?
- 12 A. I knew that she had done it in the past, but at that
13 particular time, I -- I wasn't aware that she was
14 involved seeing anyone.
- 15 Q. Okay. After the return from Bali where this change was
16 taking, were y'all still trying to work on the
17 relationship?
- 18 A. Yes, sir.
- 19 Q. We've heard about her going to therapy. Did y'all,
20 actually, go to couple's therapy?
- 21 A. We went one time, yes, sir.
- 22 Q. When was that?
- 23 A. I believe it was the Friday before. I'm not sure of
24 the date.
- 25 Q. Twenty-six?

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- 1 A. Twenty-six.
- 2 Q. Do know who you went see then?
- 3 A. Michelle Trask, I believe was her name.
- 4 Q. And y'all went the one time?
- 5 A. Yes.
- 6 Q. And we heard testimony yesterday that for -- excuse me,
- 7 last week on text exchanges you had with a number of
- 8 other woman?
- 9 A. Yes, sir.
- 10 Q. Okay. We've heard today from one of them who's come in
- 11 and testified?
- 12 A. (The witness nodded head.)
- 13 Q. Did you ever, actually, physically meet these women?
- 14 A. I did not.
- 15 Q. You did not. On the 27th -- well, let's turn if we can
- 16 to the 27th, when did you first have contact with Ms.
- 17 Wilson on the 27th?
- 18 A. I believe it was that morning. I was feeling under the
- 19 weather and she brought me breakfast, if I remember
- 20 correctly.
- 21 Q. Okay. Brought it to your house?
- 22 A. Yes, sir.
- 23 Q. Okay. And did you have additional contact with her
- 24 during the course of that day?
- 25 A. I did, yes, sir.

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1 Q. Okay. When was that to the best of your recollection?

2 A. It was a little later that afternoon. I think we --
3 she had something about lunch or I had something about
4 lunch. I ended up going over for lunch and we had
5 lunch together at her house.

6 Q. And that's reflected in the text exchanges that were
7 read into the record?

8 A. I believe so, yes, sir.

9 Q. I'm not going to dig through them and locate all that
10 stuff. And when you were there in the afternoon and
11 had lunch, were y'all intimate during that point in
12 time?

13 A. Yes, sir.

14 Q. So things had not broken off completely between y'all
15 during that point in time?

16 A. No, sir, it had not.

17 Q. When, if you remember, did you leave that house on the
18 27th?

19 A. If I remember correctly, it was sometime before 5:00 or
20 6:00 in the afternoon.

21 Q. Okay. Did y'all have any plans?

22 A. We did.

23 Q. What plans did y'all have?

24 A. She had said that she wanted to meet some people that I
25 hung out and I had arranged to -- we were going to go

HANK HAWES DIRECT BY MR. STRICKLER

1 to Cantina 76 and have dinner and just hang out,
2 socialize.

3 Q. Okay. And Cantina 76, that restaurant is located on
4 Divine Street?

5 A. It.

6 Q. Which is in close proximate to both her place and your
7 place, right?

8 A. Yes, sir.

9 Q. Okay. And when do you think you were going to be
10 meeting up? What was your understanding?

11 A. I thought somewhere around 7:00, 8:00.

12 Q. So tell me -- tell me what happened.

13 A. Well, essentially, she said she had a birthday party to
14 go to. It was for a coworker. And we said our
15 goodbyes. I ran a few errands. I got ready for that
16 evening and I went ahead and went to Cantina 76 and she
17 was supposed to meet me there. And by and large,
18 throughout the night, it was one text after the other.
19 It was just getting later and later. And, more or
20 less, by the end of the evening, I was just -- it
21 didn't happen.

22 Q. Okay. And as things kept getting delayed, how were you
23 feeling in that respect?

24 A. Frustrated, blown off, jerked around.

25 Q. Okay. And you left Cantina, roughly, when?

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- 1 A. I think it might have been somewhere around 10:30.
- 2 Q. Okay. While you were there, were you texting with
- 3 Rachel, who we just heard testify?
- 4 A. I believe I was.
- 5 Q. Okay. So sitting around waiting and you were texting,
- 6 among other things?
- 7 A. Correct.
- 8 Q. When you left Cantina, where did you go?
- 9 A. I went home.
- 10 Q. Okay. Your -- did you continue to try to contact
- 11 Ms. Wilson?
- 12 A. I did.
- 13 Q. Did y'all ever make contact with each other -- let me
- 14 back up. When you texted her, did she respond to some
- 15 of your text, any of your text?
- 16 A. Yes, sir, she did.
- 17 Q. And what were the nature of her responses?
- 18 A. Anything from we're waiting on the check to it's taking
- 19 them forever, you know, it was just one thing after
- 20 another.
- 21 Q. Okay. Did she ever tell you she was not going to come
- 22 see you that night?
- 23 A. No, sir. Actually, in fact, she told me several times
- 24 that she -- you know, she was going to come, it was
- 25 just going to be later.

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- 1 Q. Okay. And did you continue to try to have contact with
2 her after you got home?
- 3 A. Yes, sir, I did.
- 4 Q. Okay. Were you ever successful in setting up a time
5 for y'all to get together?
- 6 A. No, sir. It -- it just kind of fizzled out, I think,
7 somewhere around two or three o'clock.
- 8 Q. Okay. How were feeling at that point in time?
- 9 A. At that particular point in time, I was -- I guess, I
10 was feeling upset, still feeling kind of blown off.
11 And I just really realized that the relationship wasn't
12 going anywhere and I just needed to end it.
- 13 Q. Just needed to end it?
- 14 A. Yes, sir.
- 15 Q. Okay. So what did you decide to do?
- 16 A. We had sort of a -- I can't remember if she called me
17 and I called back, but we had some sort of
18 miscommunication. At that point, I just decided to go
19 over. I knew she would be up. I decided to go ahead
20 and go over there and just go ahead and tell her that,
21 you know, I didn't want to do this anymore. I didn't
22 want to be in this relationship anymore.
- 23 Q. Was it unusual for you to go over to her house in the
24 early morning hours? Had that happened before?
- 25 A. Yes, sir, it had.

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1 Q. How about her coming over to your place in the early
2 morning?

3 A. Yes, sir.

4 Q. Okay. So that wasn't out of the ordinary?

5 A. No, sir.

6 Q. Okay. Did you have a key to her place at that point in
7 time?

8 A. I did not.

9 Q. So you go to her house?

10 A. (The witness nodded head.)

11 Q. Tell us -- what part of her house did you go to?

12 A. Um --

13 Q. What part -- let's just start here, where did you park
14 your car?

15 A. In the back, all of the parking is in the back.

16 Q. That's normally where people -- all cars are parked?

17 A. Yes, sir.

18 Q. What did you do then?

19 A. I, essentially, knocked on the door. She came to the
20 door.

21 Q. Okay.

22 A. And --

23 Q. Let me ask you this, let me show you what's marked as
24 State's Exhibit No. 165. Do you recognize what that
25 shows?

HANK HAWES DIRECT BY MR. STRICKLER

- 1 A. Yes, sir.
- 2 Q. Okay. Do you recognize the pair of shoes there?
- 3 A. I do.
- 4 Q. Whose shoes are those?
- 5 A. Those are my shoe.
- 6 Q. Why are they sitting on her back porch?
- 7 A. Because she had this rule not to wear your shoes in the
- 8 house, so just trying to be respectful.
- 9 Q. Okay. The other shoes there are shoes of hers?
- 10 A. I believe they're all hers, yes, sir.
- 11 Q. Okay. So she didn't have shoes in the house?
- 12 A. No.
- 13 Q. This was her rule?
- 14 A. Right.
- 15 Q. Okay. All right. Let me just stop for a second and
- 16 back up just a little bit and just to try address a
- 17 couple of things. You heard testimony regarding you
- 18 texting her that you knew she was on Skype. Remember
- 19 that testimony?
- 20 A. Yes, sir.
- 21 Q. Okay. How would you know that she was on Skype --
- 22 first of all, what's Skype?
- 23 A. Skype is a voice over IP communication --
- 24 Q. You need to speak English here, okay?
- 25 A. It's an internet telephone --

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- 1 Q. Okay.
- 2 A. -- if you will. You can video chat, voice chat, send
3 text over it.
- 4 Q. Okay. And have you used Skype yourself?
- 5 A. I have.
- 6 Q. Have you used Skype with her?
- 7 A. Yes.
- 8 Q. Okay. Tell us how is that set up. How -- would you
9 know when someone's on Skype, what's the situation?
- 10 A. Typically, you -- if your Skype is open, anyone that
11 you've contacted or anyone in your contacts list,
12 there's a small icon that will pop up and it will let
13 you know if they're available or if they're busy or if
14 they're out. They can set it to be out or busy
15 normally if they haven't changed anything.
- 16 Q. Okay. So if you're on and you've dealt with people on
17 Skype before and they're on, you'll get a notification
18 or a visual notification that they're on the service?
- 19 A. Typically.
- 20 Q. Okay. Do you get any information about what they're
21 saying or anything like that?
- 22 A. No, sir.
- 23 Q. Okay. You, also, heard testimony about you having the
24 ability to track her iPhone because it's synced to the
25 computer somehow. Let me ask you this, have you ever

HANK HAWES DIRECT BY MR. STRICKLER

- 1 tracked her iPhone?
- 2 A. Absolutely not.
- 3 Q. We heard testimony of you asking on a number of
- 4 occasions where she was?
- 5 A. (The witness nodded head.)
- 6 Q. Correct.
- 7 A. Right.
- 8 Q. Did you know where she was?
- 9 A. I had no idea.
- 10 Q. And we'll turn back to the sequence of events. So you
- 11 go to the back door, you knock, and I believe you said
- 12 she answered?
- 13 A. Yes, sir.
- 14 Q. Okay. What happens then?
- 15 A. Basically, I walked in and I stopped right about where
- 16 her washer and dryers are.
- 17 Q. Right.
- 18 A. She shut the door behind me.
- 19 Q. Did she have to use her keys to open the door?
- 20 A. It's a double-sided deadbolt so if it would have been
- 21 locked, she would have had to have unlocked it, yes,
- 22 sir.
- 23 Q. Okay. Go ahead.
- 24 A. Essentially, we stopped there. She walked past me.
- 25 She threw her keys in her purse.

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- 1 Q. Okay.
- 2 A. And she turned around and looked at me and said, What
3 are you doing? I guess she assumed I was going to
4 follow her back.
- 5 Q. Follow her back where?
- 6 A. To the bedroom.
- 7 Q. To the bedroom, okay.
- 8 A. Basically, what ended up happening was is I told her
9 that I didn't want to do the relationship anymore. I
10 felt blown off. I didn't know what she was doing. I
11 just had enough of it. You know, we just -- we should
12 have ended this a long time ago, we just didn't. She
13 got semi-angry with me and then asked me, you know, she
14 said is this -- she kind of came out with are you
15 talking to Stacey, which is my ex.
- 16 Q. So she knew about Stacey? She knew of Stacey?
- 17 A. She did.
- 18 Q. Had she ever met Stacey?
- 19 A. She had.
- 20 Q. When was that?
- 21 A. She met her at the crawfish festival.
- 22 Q. Okay.
- 23 A. Here in Columbia.
- 24 Q. In 2011, that year?
- 25 A. Yes, sir.

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- 1 Q. So she asked you if you were still talking to Stacey?
- 2 A. Correct.
- 3 Q. Now, what was the conversation like at that point in
4 time?
- 5 A. It was becoming a little more tense. She asked me
6 that -- you know, had I -- if I was still talking to
7 Stacey and I told her yes.
- 8 Q. Okay.
- 9 A. And right after that, she asked me if I had at any time
10 slept with Stacey.
- 11 Q. Okay.
- 12 A. And I said yes.
- 13 Q. What was her reaction to that?
- 14 A. I had never seen that face before. I mean, she was --
15 it was rage.
- 16 Q. Did she speak at that point?
- 17 A. She didn't really speak. She just had this look on her
18 face. And at this point, like I said, I kind of stuck
19 my hand out in exasperation and --
- 20 Q. How close were the two of you at that point in time?
- 21 A. Two, three feet, probably three feet, maybe, maybe two
22 feet or closer. Probably like this (indicating).
- 23 Q. Okay. You stuck your hand out?
- 24 A. I stuck my hand out when she asked me and I said yes
25 (indicating). And I had started to turn -- at this

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1 point, I'm just thinking to myself, you know, I just
2 need to go ahead and go.

3 Q. Okay.

4 A. And the next thing I felt, she bit down on my index
5 finger.

6 (Defendant's Exhibit No. 70 was marked
7 for identification.)

8 BY MR. STRICKLER:

9 Q. Let me show you what's marked as Defendant's 70 and ask
10 if you recognize that?

11 THE COURT: What number?

12 MR. STRICKLER: Seventy, Your Honor.

13 THE COURT: All right.

14 BY MR. STRICKLER:

15 Q. Okay. And what's the mark?

16 A. It's a bite mark.

17 Q. That's the bite mark?

18 A. It is.

19 Q. Okay. Whereabouts in the kitchen are you at this point
20 in time?

21 A. Right -- she's got a washer and dryer stacked in front
22 of -- beside each other.

23 Q. Okay.

24 A. And we were standing right about -- I want to say a
25 little bit further back and closer to the door.

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- 1 Q. Okay.
- 2 A. She's possibly standing right in front of them.
- 3 Q. Standing right in front of where?
- 4 A. The washer and dryer.
- 5 Q. Okay. I show you what's marked as State's 390. First
- 6 of all, can you point to where the kitchen is in that?
- 7 A. The kitchen is here (indicating).
- 8 Q. Right here?
- 9 A. (Indicating).
- 10 Q. Right there?
- 11 A. Yes.
- 12 Q. And using the end of my pen, show where you all were
- 13 standing. Just point to it, please. Roughly.
- 14 A. It's going to be like right in this area (indicating).
- 15 I think the door is in the wrong -- well --
- 16 Q. So this is the door here?
- 17 A. But, basically, it's right in this area here
- 18 (indicating).
- 19 Q. Okay. So you put your hand out, you see her. What
- 20 would you describe the expression you saw on her face?
- 21 A. Rage.
- 22 Q. Rage. You put your hand out?
- 23 A. Yes.
- 24 Q. And she bites your finger?
- 25 A. Correct.

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1 Q. As you described. What happened then?

2 A. It kind of took me a second because I couldn't believe
3 she was biting me. So it kind of took me a second. I
4 reached over with my other hand, grabbed my wrist and I
5 snatched down and I tried to go back to the door. At
6 this point, I'm really wanting out of there. I tried
7 to open the door --

8 Q. This is the door to the kitchen that you come in
9 through?

10 A. Correct.

11 Q. Okay. Tried to open the door and?

12 A. And it wouldn't open. I guess she had locked it
13 whenever she had -- or whenever she opened it, she shut
14 it and locked it.

15 Q. Okay. So what happened next?

16 A. Well, I'm fumbling with the door and I'm still -- I
17 guess I still didn't realize I couldn't get it open.
18 I'm still trying to get it open.

19 Q. Were the keys in it at that point in time?

20 A. No, sir.

21 Q. Okay.

22 A. And I just remember looking back at her. She put her
23 hands in her hair, like fistfuls of hair like she was
24 going to pull her hair out.

25 Q. Can you demonstrate it?

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- 1 A. She ran it up into her curls and had (indicating) two
2 fistfuls of hair.
- 3 Q. Okay.
- 4 A. And she was pulling on it.
- 5 Q. Was she screaming at that point?
- 6 A. She did scream. She did scream at me.
- 7 Q. Uh-huh.
- 8 A. And I turned back around and I started jiggling the
9 door. You know, I still couldn't get out of there.
- 10 Q. Right.
- 11 A. And I turned back around. And when I turned back
12 around, she was a little closer to me and my eyes just
13 kind of rolled over and in her right hand, she had one
14 of the knives.
- 15 Q. Okay. What happened then?
- 16 A. I don't -- I don't even know the feeling, I just -- I
17 can't even describe it. I mean, I was just -- I was --
18 I didn't know what her intentions were. I thought she
19 was going to try and stab me with it. I thought she
20 was going to try and kill me with it. I reached -- I
21 like looked over. I reached over and there was a
22 butcher block, a knife block, and it had a bunch of
23 knives in it and I grabbed the closest thing that I
24 could. And I kind of put it out (indicating). And I'm
25 still hoping that this door is going to open. And, I

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- 1 mean -- then in a blink of an eye, she was on top of
2 me. I mean, she was just up on top of me.
- 3 Q. What happened?
- 4 A. Um --
- 5 Q. Let me stop you just one second. From the time you
6 come in through the door, okay?
- 7 A. Right.
- 8 Q. To the time where this point in your confrontation, do
9 you have any idea how long that took?
- 10 A. From the time I walked in the front door?
- 11 Q. Back door?
- 12 A. Or the back door.
- 13 Q. Yeah.
- 14 A. Maybe, maybe, a total of three minutes, maybe.
- 15 Q. Not a long period of time --
- 16 A. No, sir.
- 17 Q. -- at all. Okay. So she has a knife, you've got the
18 knife, what happens then?
- 19 A. The next thing --
- 20 Q. She's on you?
- 21 A. The next thing I know, she's kind of up against me.
22 And I tried to have my hand down, my left hand down
23 because that's where I knew the knife was at. And
24 we -- we kind of went back and forth. Like I said,
25 everything happened incredibly fast. She was pulling

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1 me back down towards the floor.

2 Q. All right.

3 A. At that point, we were backing up.

4 Q. Backing up into the kitchen?

5 A. Yes, sir.

6 Q. Okay.

7 A. And I just remember thinking I've just got to get her
8 off of me. I've just got to get her off of me.

9 Q. Okay. Do you have a conscious memory of striking any
10 particular blows yourself?

11 A. I don't.

12 Q. Do you even know whether you had your eyes opened at
13 that point in time?

14 A. All I had was that thought, I just had to get her off
15 of me.

16 Q. Okay. What's the next thing you consciously remember
17 seeing?

18 A. I remember like she had me almost in the floor. And I
19 was able to finally just push away (indicating). And
20 when I pushed away and I started to back up, I mean, I
21 saw blood everywhere. There was blood all over the
22 floor, her. I believe there was blood on me.

23 Q. What did you do?

24 A. I just -- I think I just sat there for a second. I was
25 just in shock. I was in -- I don't know what was going

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- 1 through my mind. I --
- 2 Q. Was she moving at that point in time?
- 3 A. No, sir.
- 4 Q. Okay. What action did you take?
- 5 A. I stood there for a second and then I thought, you
- 6 know, my God, I need to check and make sure that she's
- 7 okay. And I bent over and I took her pulse and I
- 8 didn't feel a pulse. And I just -- from that
- 9 particular point, I had walked backwards.
- 10 Q. Okay.
- 11 A. I walked backwards. I guess I was pretty close to the
- 12 door, maybe I was back by the washer and dryer. And I
- 13 just had this overwhelming sense of grief. Again, I --
- 14 I don't know. And I had a knife in my hand and I just
- 15 remember going cross my left wrist with it.
- 16 Q. Your right-handed?
- 17 A. I am.
- 18 Q. Okay. So you had the knife and brought it across your
- 19 left wrist?
- 20 A. I did.
- 21 Q. Okay. Let me show you what's marked as State's Exhibit
- 22 328.
- 23 A. Yes.
- 24 Q. You recognize that?
- 25 A. Yeah.

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- 1 Q. Can you tell us what this arc of blood at that position
2 on the floor in the kitchen is?
- 3 A. I believe it's from my left wrist.
- 4 Q. That's about the location you were in?
- 5 A. Yes, sir.
- 6 Q. The time you cut your wrist?
- 7 A. Yes, sir.
- 8 Q. Okay. Do you know why you cut your wrist?
- 9 A. I have no idea. I mean, I was overwhelmed.
- 10 Q. Okay. What happened then?
- 11 A. At this point, I -- I think I walked back forward. I
12 just stood there for a second and I was just -- just
13 trying to figure out what to do next. At some point, I
14 was looking at her down there on the floor and I
15 just -- I thought I have to get her up off this floor.
16 I mean, she keeps the extremely clean, but it's still a
17 floor.
- 18 Q. Were you thinking rationally at that point in time?
- 19 A. Most likely not.
- 20 Q. So you decided you needed to get her off the floor?
- 21 A. Yes, sir.
- 22 Q. What did do you?
- 23 A. I can't remember exactly how I got -- at this point, I
24 mean, there's blood. I can't remember exactly how I
25 got her into the bedroom, but somehow I got her into

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1 the bedroom and put her up on her side of the bed.

2 Q. Let me show you State's 162. This is blood on a light
3 switch next to the door. Do you know whose blood that
4 would be?

5 A. That would be mine.

6 Q. Okay. Let me show you State's -- let me show you
7 State's 144, blood in the kitchen on the side of the
8 appliances?

9 A. Yes, sir.

10 Q. Do you have any idea whose blood that is?

11 A. That, I don't.

12 Q. Okay. Blood on the kitchen floor?

13 A. That's probably a mix of both.

14 Q. Of both yours and hers?

15 A. Yes, sir.

16 Q. Again, 142, you can see blood marking on some surfaces
17 there. Do you whose blood that might be?

18 A. That, I can't be sure.

19 Q. 140, which shows the arc of blood that you testified
20 about before?

21 A. Yes, sir.

22 Q. It shows footprints from there back to the large pool
23 of blood?

24 A. Yes, sir.

25 Q. Whose footprints would those be?

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- 1 A. Those would be mine.
- 2 Q. And 137, which shows a large pool of blood
3 (indicating). I believe you testified that's probably
4 a mixture of hers and yours; is this correct?
- 5 A. Yes.
- 6 Q. And you indicate that you somehow got her back to the
7 bedroom?
- 8 A. I believe so, yes, sir.
- 9 Q. Okay. Do you have a clear memory as to how you got her
10 back there?
- 11 A. At this point, it's -- I can't be sure.
- 12 Q. When you got her to the bedroom, did you do anything as
13 far as her clothing goes?
- 14 A. She was there for -- she was there for a little bit.
15 And at one point, I did -- I did realize that I wanted
16 to get the blood off of her and get the blood off of
17 me.
- 18 Q. Okay. Let me show you what's marked as State's 108 and
19 ask if you recognize that (indicating)?
- 20 A. Yes, sir.
- 21 Q. And what is that?
- 22 A. That's her side of the bed, pajama bottoms.
- 23 Q. Would you point out her pajama bottoms for the jury?
- 24 A. Right here (indicating).
- 25 Q. Okay. What's the items above the pajama bottoms?

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- 1 A. The blue is my shirt.
- 2 Q. That's your shirt?
- 3 A. Yes, sir.
- 4 Q. Okay. Can you point out any other article of clothing
5 there?
- 6 A. There's a tank top that she had on. And I don't -- I'm
7 not sure what that is.
- 8 Q. Okay. So this article right by this pillow here is the
9 tank top she was wearing at the time she came to the
10 door?
- 11 A. Yes, sir.
- 12 Q. And that tank top, pajama bottoms, and panties on when
13 she came to the door?
- 14 A. Yes, sir.
- 15 MS. CAMPBELL: I'm sorry, what number was that? I
16 apologize.
- 17 MR. STRICKLER: 108.
- 18 MS. CAMPBELL: Thank you.
- 19 BY MR. STRICKLER:
- 20 Q. And how did your shirt get there?
- 21 A. I took it off and --
- 22 Q. Okay.
- 23 A. -- put it there.
- 24 Q. How about her panties or her pajama bottoms and the
25 tank top?

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1 A. Well, the bottoms, I just grabbed everything and pulled
2 off. I was standing on the side of the bed. I pulled
3 off and dropped them to my left. And then the tank
4 top, I pulled off and dropped it to the right.

5 Q. Okay. And then you moved her to the bed you said?

6 A. She was already on the bed.

7 Q. She was already on the bed when you removed the
8 clothing?

9 A. Yes, sir.

10 Q. Okay. Let me show you State's 100 and ask if you
11 recognize that?

12 A. Yes, sir.

13 Q. What's that? What's that show?

14 A. That's her side of the bed.

15 Q. Okay. And this blood that you see on this side of the
16 bed, whose blood would that be?

17 A. That would be hers.

18 Q. Okay. Were you ever physically on that part of the
19 bed?

20 A. There may be a little bit of mine, but not really.

21 Q. Okay. Now, during the time you were there, did you
22 have contact with anyone by phone?

23 A. I did.

24 Q. Okay. And before we go to that. You testified about
25 cutting your wrist in the kitchen. Was that the only

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1 blood that came out of your wrist from the cut that you
2 delivered in the kitchen?

3 A. It was not.

4 Q. During the time you were moving her from the kitchen to
5 the bedroom, was that wrist continuing to bleed?

6 A. Yes, sir.

7 Q. Okay. During the time you were removing her clothes
8 from her and your clothes, was that wrist continuing to
9 bleed?

10 A. Yes, sir.

11 Q. Okay. Now, do you remember when you first had
12 telephone contact with anyone?

13 A. I don't remember the time. I don't remember the time
14 frame exactly.

15 Q. Okay. Who did you have telephonic contact with?

16 A. Stacey Newsom.

17 Q. Stacey Newsom?

18 A. Yes, sir.

19 Q. Okay. And where were you when you first spoke with Dr.
20 Newsom, if you remember?

21 A. I don't remember the exact first time I spoke with her
22 where I was at.

23 Q. Okay. Let's continue then, sir. After you got
24 Ms. Wilson on the bed and removed the clothing, what
25 did you do then?

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1 A. If I remember correctly -- and like I said, I'm losing
2 blood at this point. I went over to the other side and
3 I believe that -- I believe that this was before I
4 removed the clothing. I went over to the other side
5 and I don't -- I mean, I don't know where I got it
6 from, but I had another knife and I cut the -- the left
7 wrist again and the right wrist at that point.

8 Q. Do you know whether this was before or after you
9 removed her clothing?

10 A. I think it was -- I think it was before.

11 Q. Okay. Let me show you what's marked as State's 96
12 right here. Do you recognize that?

13 A. Yes, sir.

14 Q. What does that show?

15 A. Blood stains on the wall and on the bed.

16 Q. Okay. And was Ms. Wilson ever over in that area?

17 A. No, sir.

18 Q. So whose blood would that be?

19 A. That would be mine.

20 Q. And then State's 98, ask if you recognize that?

21 A. Foot of the bed, yes, sir.

22 Q. What do you see on the floor there and the baseboard?

23 A. Blood.

24 Q. I'm sorry?

25 A. Blood.

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- 1 Q. Was Ms. Wilson ever over there?
- 2 A. No, sir.
- 3 Q. So whose blood was that?
- 4 A. Mine.
- 5 Q. Is it possible that you still had some blood of hers on
- 6 you?
- 7 A. It's possible.
- 8 Q. Likely even?
- 9 A. Probably.
- 10 Q. Okay. Now, let's stop one moment. Prior to you moving
- 11 over to that other side of the bed, had you been in
- 12 that bedroom that night?
- 13 A. No, sir.
- 14 Q. Okay. When you got to the other side of the bed, what
- 15 did you do?
- 16 A. I sat down on the other side of the bed.
- 17 Q. Okay.
- 18 A. I sat down and I put my feet up on the -- there's a
- 19 bottom, I guess, a running board that holds in the box
- 20 spring.
- 21 Q. Let me show you what's marked as State's 112. Does
- 22 that depict the area where you were on the bed?
- 23 A. Yes, sir.
- 24 Q. Can you point to where the runner is that you've just
- 25 been referring to?

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- 1 A. Right here (indicating).
- 2 Q. So you put your feet up on that?
- 3 A. Yes, sir.
- 4 Q. Okay. Had Ms. Wilson ever been over in this area after
5 the confrontation in the kitchen?
- 6 A. No, sir.
- 7 Q. Okay. Who's blood is that on the sheets on this side
8 of the bed?
- 9 A. Mine.
- 10 Q. This large pool of blood on the floor, whose blood is
11 that?
- 12 A. That's mine.
- 13 Q. A better view of the sheets, State's 105. Is your
14 testimony that all of the blood on the sheets in this
15 picture is yours on that side of the bed?
- 16 A. Yes, sir.
- 17 Q. And this is where you were when you say you cut your
18 wrists again?
- 19 A. Yes, sir.
- 20 Q. Do you have any memory of where you got the knife from
21 that you used to cut your wrists?
- 22 A. I don't.
- 23 Q. Could you have picked it up from the kitchen floor?
- 24 A. I could have.
- 25 Q. Okay. Let me show you what's marked as State's 111 and

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1 ask if you recognize that?

2 A. Yes, sir.

3 Q. What is that?

4 A. It's the side of the bed that I was normally on.

5 Q. Can you point out for the jury where the knife was that
6 you referred to?

7 A. It's a little hard to see, but it's just below there
8 (indicating).

9 Q. Okay. Right on the night stand next to the bed where
10 you were sitting?

11 A. Yes, sir.

12 Q. Okay. State's 113, do you recognize that?

13 A. Yes, sir.

14 Q. Do you see a phone in that picture?

15 A. Yes, sir.

16 Q. Okay. Whose phone would that be?

17 A. I would assume it's hers.

18 Q. Okay. Do you know have any idea how it got on the
19 floor?

20 A. I do not.

21 Q. There is a water pitcher, a water jug on the night
22 table?

23 A. (The witness nodded head.)

24 Q. There's a knife on the night table?

25 A. (The witness nodded head.)

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- 1 Q. How well are you thinking at this point in time?
- 2 A. I'm really not. I'm in shock at this point. I'm
- 3 losing a lot of blood.
- 4 Q. Again, 113, that blood on that floor is whose?
- 5 A. Mine.
- 6 Q. And State's 116, which shows what?
- 7 A. That would be my blood as well.
- 8 Q. Where is it located?
- 9 A. Just past that big pool on some hangers and the
- 10 baseboard.
- 11 Q. Okay. How about on the nightstand?
- 12 A. Yes, sir.
- 13 Q. Facing the nightstand?
- 14 A. Yes, sir.
- 15 Q. Now, you were continuing to bleed at this point in
- 16 time, right?
- 17 A. Yes, sir.
- 18 Q. Okay. Let me ask you this, State's 128. Let's back up
- 19 for just a second. Do you see this object right here
- 20 (indicating) in 128?
- 21 A. Yes, sir.
- 22 Q. The dark object, the black object?
- 23 A. I see a black object.
- 24 Q. That's been entered into evidence as one of your
- 25 shirts. Was that involved in this incident at all?

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- 1 A. That's not the shirt I remember having on.
- 2 Q. You took that off, correct?
- 3 A. Correct.
- 4 Q. That's the one you pointed out to the jury earlier in
5 the bedroom?
- 6 A. Correct.
- 7 Q. Okay. All right. Now, any idea how long you sat there
8 at the bed? I mean, are you keeping track of time at
9 that point?
- 10 A. No, sir.
- 11 Q. We talked earlier with Sergeant Pegram. He says the
12 first phone call to Stacey Newsom was at 2:37 a.m. and
13 it lasted for 10 minutes and 34 seconds. You have any
14 idea where that call was made from?
- 15 A. I would say I was probably sitting in that spot.
- 16 Q. Okay. Next call was at 2:53 a.m. and lasted for six
17 minutes and 52 seconds. Where would you have been
18 sitting while that call was made?
- 19 A. Again --
- 20 Q. Excuse me, where would you have been when that call was
21 made?
- 22 A. I was still on the side of the bed.
- 23 Q. Okay. Then at 3:08, three seconds, 3:09, four seconds,
24 then at 3:19, phone call between your phone and Dr.
25 Newsom for 18 minutes and 27 seconds. Where were you

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- 1 located when that phone call was made?
- 2 A. I believe I was still on the side of the bed.
- 3 Q. Okay. Then 3:52, phone call to her, 733, same question
4 to you, sir, where were you when you made that phone
5 call?
- 6 A. At around that time, I don't know. I don't know if I
7 was still on the bed. I'm not sure.
- 8 Q. Okay. Phone call at 4:21 for eight seconds, do you
9 know where you were when you made that?
- 10 A. No, sir.
- 11 Q. Again, phone call again at 4:21, 22 minutes and 44
12 seconds. Do you know where you were when you made that
13 phone call?
- 14 A. No, sir.
- 15 Q. Could you have been sitting on the bed at that time?
- 16 A. I could have.
- 17 Q. Okay. Were you bleeding while you were sitting on the
18 bed?
- 19 A. I was.
- 20 Q. What was your mental state as far as consciousness goes
21 in that period of time?
- 22 A. Just -- I was really -- I was really tired. I just --
23 things were kind of in and out. I just remember being
24 really tired and just -- I mean, I was -- I was so
25 overwhelmed. I mean, I don't know what to say.

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1 Q. Okay. Do you remember your conversations with Dr.
2 Newsom, parts of your conversations with her?

3 A. I remember bits and pieces.

4 Q. Okay. Why were you calling her?

5 A. Outside of -- outside of Jennifer, I mean, she was -- I
6 mean, I knew her. I was the closest with her.

7 Q. So y'all remained close?

8 A. Yes, sir.

9 Q. You had relations with her earlier that summer?

10 A. Yes, sir.

11 Q. What did you tell her? What do you remember telling
12 her when you're on the phone with her for over an hour
13 off and on with the phone calls.

14 A. I think I remember telling her -- I just remember being
15 upset. I remember crying. And I know she was -- she
16 sounded like she was kind of half out of it. I just
17 remember telling her that, you know, Jen and I had had
18 a, you know, a fight or -- I don't remember if I told
19 her it was over her or what. You know, that we had --
20 she attacked me and that there was just -- I mean,
21 there was blood everywhere.

22 Q. So you told her that she had attacked you?

23 A. Yes.

24 Q. What did you tell her about the status of Jennifer
25 Wilson?

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- 1 A. I told her that, you know, I checked her pulse and she
2 didn't have a pulse, that she hadn't had a pulse for a
3 little while and I thought she was gone.
- 4 Q. Now, at some point in time, did you get up from the
5 bed?
- 6 A. Yes.
- 7 Q. Okay. Why did you get up from the bed?
- 8 A. Because I was -- I was back on my -- my way of thinking
9 of I got to -- I've got blood all over me. She's got
10 blood all over her. I just wanted to get it off of us.
- 11 Q. Okay. So what did you do?
- 12 A. At that point, I got her clothes off. And I don't know
13 how I was able to get her in there. I think I carried
14 her in there at that point.
- 15 Q. In where?
- 16 A. Into the bathroom.
- 17 Q. All right. Let me show you what's marked as State's
18 81. You know what that shows?
- 19 A. Yes, sir, that's the bathroom.
- 20 Q. That's the bathroom, the entrance to the bathroom?
- 21 A. Yes, sir.
- 22 Q. I direct your attention to the door jam and the wall
23 next to the door jam.
- 24 A. Yes, sir.
- 25 Q. What do you see on those surfaces?

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1 A. Blood.

2 Q. And who's blood would that be?

3 A. I would assume it would be mine.

4 Q. Okay. Do you remember how you got her into the
5 bathroom?

6 A. I believe I carried her. I'm not a hundred percent
7 sure.

8 Q. We need to back up just a second. Let me go back to
9 the side of the bed where you were sitting.

10 A. Okay.

11 Q. State's 122, do you recognize what that depicts?

12 A. Looks like mini blinds with blood.

13 Q. Blood. Do you know where those blinds were located?

14 A. May I see that again? That would be on the side that I
15 was usually on, yes, sir.

16 Q. And the side you were on that early morning hours?

17 A. Yes, sir.

18 Q. Okay. Testimony is that the DNA came back as a mixture
19 of yours and her blood on this device that operates the
20 blinds.

21 A. Okay.

22 Q. Did you have occasion to touch the blinds or that part,
23 the mechanism?

24 A. That night or ever?

25 Q. Well, first of all, that night?

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- 1 A. I'm not sure.
- 2 Q. Okay. The blood on the casing around the window, the
3 drops you see here?
- 4 A. Right.
- 5 Q. Whose blood would that be?
- 6 A. I would assume since I was the only one on that side of
7 the bed that it would be mine.
- 8 Q. And I referred earlier to an iPhone of Ms. Wilson's,
9 State's 118, a close-up.
- 10 A. Okay.
- 11 Q. And it shows blood on the iPhone?
- 12 A. Yes, sir.
- 13 Q. Who's blood should that be?
- 14 A. Should be mine.
- 15 Q. 119, close-up of the knife on the bedside table?
- 16 A. Yes, sir.
- 17 Q. All right. You carried her -- you believe you carried
18 her to the bathroom, correct?
- 19 A. Yes, sir.
- 20 Q. In the bathroom, let me show you State's 86?
- 21 A. (The witness nodded head.)
- 22 Q. You know what this is?
- 23 A. I believe that's vomit.
- 24 Q. Vomit in the toilet?
- 25 A. Yes, sir.

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1 Q. And who's would that be?

2 A. Mine.

3 Q. And when you were in the bathroom, what did you do?

4 A. Somehow I got her -- somehow I meant to get her in the
5 tub. I went ahead and got my clothes, the bloody
6 clothes that I had on. I heated up the water and,
7 basically, just started, you know, using my hand, and I
8 think there was a cloth there, and I just kind of wiped
9 the blood away from her, get it off of her, get it off
10 of me.

11 Q. You cleaned both her and yourself?

12 A. Yes, sir.

13 Q. Okay. What did you do then?

14 A. At some point, I got out. I seem to remember walking
15 into the living room. She had a trunk or a box or
16 something like that that had comforters and pillows and
17 blankets and stuff in it right inside of her living
18 room.

19 Q. Right.

20 A. And I just remember putting down -- I think I put down
21 a blanket and arranged some pillows and stuff like that
22 and just tried to make it -- I guess I just tried to
23 make it comfortable.

24 Q. Do you think that's a rational thought on your part at
25 that point?

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- 1 A. No, sir.
- 2 Q. Let me show you -- again, I apologize having to back up
3 again. State's 129, do you recognize that?
- 4 A. Look like the kitchen going into the hallway.
- 5 Q. At some point in time, did you have occasion to use any
6 towels on the blood in the kitchen and area towards the
7 bedroom?
- 8 A. I may have. I just remember there being blood
9 everywhere and just -- just the smell of it and just
10 trying to get it up.
- 11 Q. Okay. Do you know when in this sequence of events that
12 exactly occurred?
- 13 A. I don't.
- 14 Q. Okay. So you got a comforter on the couch --
- 15 A. Yes, sir.
- 16 Q. -- in the living room? And what then?
- 17 A. I managed to -- I think I managed to get her out of the
18 tub, get her over onto the couch and just -- I think I
19 -- I think I covered her up.
- 20 Q. What did you do?
- 21 A. If I remember correctly, I sat there for a couple of
22 minutes and I just -- I was just looking down at the
23 rug. And I remember looking at the rug and thinking
24 I'm getting blood everywhere on this rug. And I just
25 didn't want to get blood on the rug. And so I walked

HANK HAWES DIRECT BY MR. STRICKLER

1 back to the kitchen and grabbed a cooler, soft-sided
2 cooler and brought it back in there with me and I hung
3 my wrist over that so I wouldn't get blood all over the
4 carpet.

5 Q. Okay. We'll get to that in a second. Let me show you
6 State's 77. Do you know what area of the house that
7 is?

8 A. That looks like the hallway.

9 Q. Okay. And blood, footprints, drops, drips?

10 A. Yes, sir.

11 Q. Should be whose?

12 A. They should be mine.

13 Q. And 78, same question?

14 A. Should be mine.

15 Q. Was she actively bleeding badly at that point in time?

16 A. Not that I remember. I think most of the blood was
17 probably on the mattress.

18 Q. Let me show you what's marked as State's 29, do you
19 recognize that?

20 A. One of the knives, yes.

21 Q. What is that located?

22 A. That looks like the edge of the cooler, so that was
23 probably in the living room.

24 Q. When did you get your hand on this knife -- or how did
25 that knife get there?

HANK HAWES DIRECT BY MR. STRICKLER

- 1 A. I don't recall.
- 2 Q. I'm sorry, you don't recall?
- 3 A. I don't know how it got there.
- 4 Q. Okay. Did you cut yourself again?
- 5 A. I cut myself a total of three times that I remember.
- 6 Q. At some point in time, did you cut your right wrist in
7 addition to cutting your left wrist?
- 8 A. Yes.
- 9 Q. Do you remember where that was -- whereabouts you were
10 when that happened?
- 11 A. I think I was in the bedroom at that point.
- 12 Q. Okay. So you sat on the sofa?
- 13 A. I did.
- 14 Q. Now, I'm showing you State's, looks like, 31?
- 15 A. Yes, sir.
- 16 Q. When you were sitting there, was the comforter pulled
17 down or was it over Ms. Wilson's face?
- 18 A. It was -- it was up -- I believe it was up near her
19 neck or something like that and at some point, I pulled
20 it over her head.
- 21 Q. Okay. And where -- in this picture, where were you
22 sitting?
- 23 A. Approximately here (indicating).
- 24 Q. Right in this area here (indicating)?
- 25 A. Yes, sir.

HANK HAWES DIRECT BY MR. STRICKLER

1 Q. And from that area, you hung which wrist over the
2 cooler?

3 A. My left. I think my left hand was banging around in
4 the bag.

5 Q. Okay. Would you characterize your concern for bleeding
6 on the carpet as a rational thought at that point in
7 time?

8 A. No, sir.

9 Q. And this is State's 25, what's that depict?

10 A. That's the cooler.

11 Q. The cooler? So the blood inside that cooler should be
12 whose blood.

13 A. Mine.

14 Q. Let me show you State's 24, and ask if you recognize
15 that?

16 A. That looks like the rug.

17 Q. Do you see any substance on the rug?

18 A. I see. Looks like vomit.

19 Q. Can you point to where it is?

20 A. Looks like it's --

21 Q. Right here (indicating)?

22 A. Yes.

23 Q. So it looks like vomit.

24 (There was no response.)

25 Q. Whose vomit would that be?

HANK HAWES DIRECT BY MR. STRICKLER

- 1 A. Probably mine.
- 2 Q. Do you remember being ill, physically ill?
- 3 A. Yes, sir.
- 4 Q. Okay. How long, if you remember, did you sit on the
5 sofa there next to Ms. Wilson's body?
- 6 A. I have no idea.
- 7 Q. You have no idea. And at some point in time, what did
8 you do?
- 9 A. Um --
- 10 Q. Did you stay there or did you eventually leave that
11 house?
- 12 A. I eventually -- I did eventually leave.
- 13 Q. Can you tell us why you decided to leave?
- 14 A. I remember opening my eyes and I just -- I looked
15 around and I just -- I didn't know what to do next.
16 Then the next thing I thought of was I thought about my
17 dog being trapped in the house. If something were to
18 happen to me there, nobody would ever know where he
19 was, you know, what would happen to him.
- 20 Q. Okay. Let me show you -- so what did you do?
- 21 A. Somehow I made my way out to the -- made my way out to
22 the car.
- 23 Q. Let me ask you this, let me show you State's 159?
- 24 A. Yes, sir.
- 25 Q. What does that show?

HANK HAWES DIRECT BY MR. STRICKLER

- 1 A. The car keys, her car keys.
- 2 Q. Can you see a substance on those car keys?
- 3 A. There's blood.
- 4 Q. Whose blood would that be?
- 5 A. Mine.
- 6 Q. Okay. So you got her keys from where?
- 7 A. Her purse.
- 8 Q. Unlocked the door?
- 9 A. Yes, sir.
- 10 Q. You got to your car?
- 11 A. Yes.
- 12 Q. You have a good memory of those events?
- 13 A. I don't have a great memory of those events.
- 14 Q. When you get to your car, what do you do?
- 15 A. I guess I got in the car. I don't really -- all I
- 16 remember is I remember starting it and I remember
- 17 being -- I don't even remember moving, I just remember
- 18 being at the edge of the driveway and when I turned
- 19 out, I guess the sun was up because all I saw was a
- 20 blinding light. And the next thing I know, I woke up
- 21 at home.
- 22 Q. Were you dressed when you drove the car?
- 23 A. I think I -- I think I did have something on. I
- 24 couldn't -- shorts maybe.
- 25 Q. Okay. Let me show you State's 130 here, okay. You

HANK HAWES DIRECT BY MR. STRICKLER

1 recognize that?

2 A. Yes, sir.

3 Q. Blood on the kitchen floor?

4 A. Yes, sir.

5 Q. Do you have a clear memory as to how you got Ms. Wilson
6 from the area in the kitchen where the incident took
7 place back to the bedroom?

8 A. I think I carried her, but I can't be sure.

9 Q. Is it possible you dragged her?

10 A. I suppose it's possible.

11 Q. Okay. All right. When you get to your house, what
12 happens?

13 A. I just remember waking up, my dog was, actually,
14 licking me. I was laying there on the floor and I just
15 remember I opened the door and he ran outside, came
16 back in. And I went to stand up and I couldn't stand
17 up without starting to pass out.

18 Q. Okay.

19 A. And I crawled into my bedroom and crawled up into the
20 bed. And I think I was there for a couple of minutes
21 and I got nauseous and threw up again.

22 (Defendant's Exhibit No. 71 was marked
23 for identification.)

24 BY MR. STRICKLER:

25 Q. Let me show you what's marked as Defendant's 71, do you

HANK HAWES DIRECT BY MR. STRICKLER

1 recognize that?

2 A. Yes, sir.

3 Q. What is this?

4 A. It's vomit on the side of the bed.

5 Q. That's your bed?

6 A. Yes, sir.

7 MR. STRICKLER: Move to introduce this, Your
8 Honor, I believe, without objection?

9 THE COURT: Any objection?

10 MS. CAMPBELL: No, sir.

11 THE COURT: Defendant's 71 admitted without
12 objection.

13 (Defendant's Exhibit No. 71 admitted
14 into evidence.)

15 BY MR. STRICKLER:

16 Q. Okay. Could you point to it, please sir?

17 A. (The witness complies.)

18 Q. Right there?

19 A. Yes, sir.

20 Q. So that would be the third time you got physically ill
21 during this event?

22 A. I believe so.

23 Q. In addition to the injuries that you caused yourself
24 and Ms. Wilson, correct?

25 A. Correct.

HANK HAWES CROSS BY MS. CAMPBELL

1 Q. During one of your -- during the time you were
2 telephoning with Stacey Newsom, did you have occasion
3 to send her something you had titled your Last Will?

4 A. I believe I did. They said that I did.

5 Q. You what?

6 A. They said that I did.

7 Q. You have any independent memory of that?

8 A. Not really.

9 Q. Okay.

10 MR. STRICKLER: Beg the Court's indulgence, Your
11 Honor, one moment.

12 BY MR. STRICKLER:

13 Q. All right. You were at your house. At some point in
14 time, do you reach out to an attorney?

15 A. I believe later that morning.

16 Q. Okay. You have conversations with him?

17 A. A couple, I believe, yes.

18 Q. Now, did you eventually contact EMS?

19 A. I did.

20 Q. Why did you do that?

21 A. I vaguely remember Stacey -- I think I was on the phone
22 with Stacey again at some point that morning.

23 Q. Okay.

24 A. And her saying, you know, you need to contact EMS. If
25 you don't, I will. And I just remember pleading with

HANK HAWES CROSS BY MS. CAMPBELL

1 her because I -- I was just exhausted.

2 Q. Okay. So you called EMS?

3 A. Finally, I did.

4 Q. Did they take you to hospital?

5 A. Yes, sir.

6 Q. And the police arrested you at the hospital?

7 A. Yes, sir.

8 Q. Now, Hank, I will return to my first question. Did you

9 go to Street on August 28th, 2011, to kill

10 Jennifer Wilson?

11 A. Absolutely not.

12 Q. Why did you go there?

13 A. I went there to call off the relationship finally.

14 MR. STRICKLER: Thank you. Answer any questions
15 the prosecution may have.

16 THE COURT: Cross-examination?

17 MS. CAMPBELL: Yes, sir.

18 CROSS-EXAMINATION

19 BY MS. CAMPBELL:

20 Q. So your testimony is on this occasion, you're the one
21 that wanted to break it off?

22 A. Yes, ma'am.

23 Q. But on every prior occasion, as we've seen from the
24 text, you're the one that's constantly begging her for
25 one more chance, one more chance, one more chance.

HANK HAWES CROSS BY MS. CAMPBELL

- 1 What made it different?
- 2 A. I think that went both ways, actually, in the texts.
- 3 Q. Don't let me mischaracterize.
- 4 A. (The witness nodded head.)
- 5 Q. When you said Jen, one more chance. Come back to me.
- 6 You were begging her to go to counseling. You set up
- 7 the counseling. What was different that night?
- 8 A. I just finally realized the relationship wasn't going
- 9 anywhere.
- 10 Q. You went to Cantina that night?
- 11 A. I did, yes, ma'am.
- 12 Q. You were drinking?
- 13 A. I believe I had a couple of drinks.
- 14 Q. And at that point, you were telling everybody there how
- 15 happy you were about your girlfriend, getting back
- 16 together with her. Do you remember that?
- 17 A. I don't remember specifically saying that, but I don't
- 18 remember being upset.
- 19 Q. Well, did you remember talking to Aaron Wilson?
- 20 A. Vaguely.
- 21 Q. Vaguely? So your memory is vague about that as well?
- 22 A. Yes, ma'am.
- 23 Q. Okay. And you say you left Cantina around 10:30?
- 24 A. Approximately.
- 25 Q. More like midnight, but you say it's 10:30?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. From the text that I can see, it's 10:30. I'm not
2 sure.
- 3 Q. Then you go where?
- 4 A. I went home.
- 5 Q. What woke you up?
- 6 A. What you mean?
- 7 Q. Did you stay up?
- 8 A. Yes, ma'am, for a good several hours, if I remember
9 correctly.
- 10 Q. For several hours. And, in fact, were you there when
11 Jen left you a message?
- 12 A. I was -- I mean, I was at home. I didn't go anywhere
13 else between Cantina and her house.
- 14 Q. What didn't you answer her call?
- 15 A. There were frequent times that I may have missed her
16 call.
- 17 Q. What were you doing when you missed her call?
- 18 A. Could have been in the bathroom.
- 19 Q. At what point did you realize she called you?
- 20 A. I guess when I saw her missed call.
- 21 Q. And at that point, what time was it?
- 22 A. I'm not sure.
- 23 Q. At this point, you just decide that the relationship
24 isn't going anywhere and you've had enough?
- 25 A. Yes, ma'am.

HANK HAWES CROSS BY MS. CAMPBELL

- 1 Q. So --
- 2 A. Actually, I decided that earlier, but.
- 3 Q. And there are additional phone calls we'll get back to
- 4 between the two of you.
- 5 A. Okay.
- 6 Q. And you didn't want to tell her over the phone that you
- 7 were done?
- 8 A. No, ma'am. I thought it was better done face-to-face.
- 9 Q. You wanted to do the right thing?
- 10 A. I wanted to tell her face-to-face.
- 11 Q. Because you weren't angry or anything?
- 12 A. I was upset.
- 13 Q. You were upset?
- 14 A. I was upset.
- 15 Q. What were you upset about?
- 16 A. I felt like I was being jerked around.
- 17 Q. Did you think she was out with somebody else?
- 18 A. I didn't -- I didn't know. I didn't know. All I knew
- 19 was that she said she was at, I guess, at another
- 20 party. She went from one party to the next or went to
- 21 have a drink with someone.
- 22 Q. She, actually, told you those things through the text,
- 23 didn't she?
- 24 A. She did.
- 25 Q. So did you check to see where she was?

HANK HAWES CROSS BY MS. CAMPBELL

1 A. I had no way to check to see where she was.

2 Q. You had her phone synced to your computer?

3 A. I had it set up through Itunes, but not synced. I
4 mean, there was no way for me to track her.

5 Q. Let me ask you this about your background. You're
6 pretty tech savvy, aren't you?

7 A. To a certain extent.

8 Q. In fact, in all your relationships, that's been
9 something you've been able to help people with?

10 A. To a certain extent.

11 Q. In fact, you were the one that helped --

12 MR. STRICKLER: Your Honor, may we approach?

13 THE COURT: What's your legal objection?

14 MR. STRICKLER: May we approach, please?

15 THE COURT: Yes, sir. Yes, sir. That's fine.

16 Come on up. Be glad to see you again.

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

21 THE COURT: Thank you.

22 MS. CAMPBELL: Thank you, sir.

23 BY MS. CAMPBELL:

24 Q. You're tech savvy?

25 A. To a certain extent.

HANK HAWES CROSS BY MS. CAMPBELL

- 1 Q. To a certain extent?
- 2 A. Yes, ma'am.
- 3 Q. Well, did you know the iPhone has the ability to locate
4 where the phone is?
- 5 A. If it's set up in your name, yes.
- 6 Q. Well, it was set up on your computer and you had her
7 password. That's what we know from the testimony?
- 8 A. Just because you sync a computer or you set it up
9 doesn't mean you have the ability to track it.
- 10 Q. Did you know she had been at _____ ?
- 11 A. I did not.
- 12 Q. But you hadn't gotten up set about Chandra on a
13 previous occasion, had you not?
- 14 A. I believe I did.
- 15 Q. And, in fact, on that date, you, actually, ran his
16 license plate to find out who was in the car?
- 17 A. I believe I did.
- 18 Q. The license plate, once you ran it, will come back to
19 _____, which was his address?
- 20 A. You're asking me if I knew the address or if I knew she
21 was there? I did not know she was there.
- 22 Q. Okay. What did you do from the time you left Cantina
23 until the time you came over to her house to give her
24 the news that you were breaking it off?
- 25 A. I was at my house.

HANK HAWES CROSS BY MS. CAMPBELL

- 1 Q. What were you doing?
- 2 A. I think I was moving some stuff around. I think I laid
3 down for a little bit. I was, basically, waiting on
4 her to contact me back.
- 5 Q. Okay.
- 6 A. She kept pushing me off.
- 7 Q. Then for whatever reason, you missed her call?
- 8 A. True.
- 9 Q. Then you called her back?
- 10 A. I believe I did.
- 11 Q. And you, also, texted her about the time, right?
- 12 A. I'm sorry?
- 13 Q. At some point that evening you texted her about how
14 late it was being?
- 15 A. I believe I did.
- 16 Q. And your memory here today, you've got big gaping holes
17 it in, right?
- 18 A. Blood loss will do that to you.
- 19 Q. Well, what about prior to the blood loss when you were
20 stabbing her over and over?
- 21 A. I don't recall stabbing her. I don't remember that.
- 22 Q. Let's get one thing straight. Did she hurt you, other
23 than biting your finger as you're now testifying?
- 24 A. She approached me with a knife.
- 25 Q. Did she stab you?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. I was under the distinct impression that she was going
2 to, yes.
- 3 Q. Okay. You can explain it, but you have to answer my
4 question. Did she stab you?
- 5 A. No, ma'am.
- 6 Q. Did she slice you in any way?
- 7 A. No, ma'am.
- 8 Q. And you said you don't have any memory -- and this is
9 before your blood loss, right?
- 10 A. Correct.
- 11 Q. Of what actually happened when you stabbed her?
- 12 (There was no response.)
- 13 Q. Is that correct?
- 14 A. Well, what memory are you referencing, like before I
15 arrived or when I arrived?
- 16 Q. No, I said specifically, you have no memory as to when
17 you were stabbing her?
- 18 A. I didn't realize that she was being stabbed.
- 19 Q. Well, was anybody else there that night?
- 20 A. No, ma'am.
- 21 Q. Did anybody else stab her other than you?
- 22 A. No, ma'am.
- 23 Q. Did anyone else slice her other than you?
- 24 A. I didn't realize that's what was happening. I was just
25 trying to get her off of me.

HANK HAWES CROSS BY MS. CAMPBELL

- 1 Q. What do you remember about the stabbing that you did
2 that night?
- 3 A. I remember what happened after I saw her on the floor.
4 I remember what happened when she approached me with a
5 knife. I remember why I was there.
- 6 Q. You remember all -- her moves of aggression towards you
7 are clear in your memory; is this correct?
- 8 A. Yeah, I mean, they were -- they were right after for
9 why I was there.
- 10 Q. While you were there, but while you were there, too,
11 you remember her coming at you when you thought she was
12 going to stab you with this knife?
- 13 A. Correct.
- 14 Q. Which knife did she have?
- 15 A. All I remember it was a large knife.
- 16 Q. It was the large knife. And at that point, there's a
17 struggle, right? You said she was pulling you down to
18 the floor?
- 19 A. Correct.
- 20 Q. And at the time, how much did you weigh?
- 21 A. 175, 180, maybe.
- 22 Q. At one point, you were over 205; is this correct?
- 23 A. At one point, I guess I was.
- 24 Q. While 105 pounds of her was dragging you down to the
25 ground, you managed to get your own knife?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. I'm sorry?
- 2 Q. You managed to get your own knife?
- 3 A. Before she drug me to the ground.
- 4 Q. So she's coming at you, she's got a big knife, where
5 did that knife end up?
- 6 A. I have no idea.
- 7 Q. And at that point, you get your own knife from the
8 knife block, right, but you just get a little knife is
9 your testimony, right?
- 10 A. I grabbed the first thing I could grab.
- 11 Q. And then there is a physical altercation?
- 12 A. Correct.
- 13 Q. Did she throw you into the wall?
- 14 A. No, ma'am.
- 15 Q. Did she throw you down on the ground so it would have
16 been a resounding bomb?
- 17 A. No, ma'am, she just pulled me down.
- 18 Q. She just pulled you down?
- 19 A. (The witness nodded head.)
- 20 Q. At any point, did you throw her into the wall?
- 21 A. No, ma'am.
- 22 Q. Did you hit her with your fist?
- 23 A. No, ma'am.
- 24 Q. Did you hit her head into the floor?
- 25 A. Her head might have hit the floor, but I don't recall

HANK HAWES CROSS BY MS. CAMPBELL

1 doing that to her. She just went down.

2 Q. Well, do you recall hitting it not once, but twice,
3 three times, four times into the floor so she can get
4 all those bruises?

5 A. No.

6 Q. And then you stab her, but you don't remember that?

7 A. I -- there was no -- there was no blows exchange before
8 she came over with the knife.

9 Q. And let's get one thing straight. She's coming at you
10 and you arm yourself to defend yourself from her, as
11 you should, right?

12 A. Correct.

13 Q. And then when you're stabbing her, are you stabbing her
14 in the front?

15 A. Oh, you're asking -- I don't even realize that she's
16 being stabbed. I'm just trying to get her off of me.

17 Q. So you're just doing defense wounds?

18 A. What do mean defensive wounds?

19 Q. And during this whole time, she's got this big knife
20 and y'all are in close proximity and you don't even get
21 a nick. Is that your testimony?

22 A. That's correct.

23 Q. And yet, you manage to stab her five, six times in the
24 front?

25 A. I don't know. I mean, if that's what.

HANK HAWES CROSS BY MS. CAMPBELL

- 1 Q. Five or six times in the back? You don't remember?
- 2 A. All I said is I was trying to get her off of me. I
- 3 don't remember -- I don't -- I know she was stabbed.
- 4 Once I stood back and looked down, she was bleeding,
- 5 but before that, I don't remember physically stabbing
- 6 her, sticking a knife in her, anything like that.
- 7 Q. At what point do you remember blood spirting up on your
- 8 from her neck?
- 9 A. I don't ever remember that.
- 10 Q. Do you remember twisting the knife in her neck in an
- 11 attempt to get away?
- 12 A. No, ma'am.
- 13 Q. Do you remember her spewing blood on you from the
- 14 month?
- 15 A. No, ma'am.
- 16 Q. From any one of five potential fatal wounds?
- 17 A. No, ma'am.
- 18 Q. But you remember specifically her acts of aggression?
- 19 (There was no response.)
- 20 Q. Let me go through -- you're from Florida?
- 21 A. Originally, yes, ma'am.
- 22 Q. And he asked you about your education?
- 23 A. Yes, ma'am.
- 24 Q. What field did you get your training in?
- 25 A. Medical.

HANK HAWES CROSS BY MS. CAMPBELL

- 1 Q. Medical?
- 2 A. Initially.
- 3 Q. Because you were initially what?
- 4 A. A med tech.
- 5 Q. A med tech?
- 6 A. Right.
- 7 Q. How long were you a med tech?
- 8 A. Approximately seven years full time, and then off and
- 9 on like for insurance physicals, stuff like that.
- 10 Q. Do you remember being a phlebotomist?
- 11 A. Yes.
- 12 Q. And what does a phlebotomist do? What does it deal
- 13 with?
- 14 A. Drawing of blood.
- 15 Q. So you're familiar with veins?
- 16 A. To some extent, yes.
- 17 Q. The arteries?
- 18 A. Yes.
- 19 Q. And, in fact, you've been trained to understand how the
- 20 blood flow works and things of that nature, that's your
- 21 training?
- 22 A. To some extent, yes.
- 23 Q. Your mother was a nurse?
- 24 A. Yes, ma'am.
- 25 Q. And you remember as a child even, you were so

HANK HAWES CROSS BY MS. CAMPBELL

- 1 interested in it, you would read her books?
- 2 A. Yes, ma'am.
- 3 Q. What were you doing that summer for a living?
- 4 A. The summer of -- what summer?
- 5 Q. 2001, why we're here?
- 6 A. 2011. I had a life health and variable annuities
7 license.
- 8 Q. You had a license. Do you remember telling Jennifer
9 you were a trust fund baby?
- 10 A. I never told her that.
- 11 Q. Sometimes that morning, you sent a Will to Stacey, is
12 that correct, at five something in the morning?
- 13 A. That's what they tell me, yes, ma'am.
- 14 Q. And I think that's been published to the jury?
- 15 A. I believe so.
- 16 Q. Why did you send it to Stacey?
- 17 A. She was the closest person that I knew. I mean, that
18 was -- that was my best friend.
- 19 Q. Well, she's, actually -- I think you wrote her a letter
20 and said she was the actual love of your life; is that
21 correct?
- 22 A. I probably did. At that point, I was emotionally in
23 distress. I was reaching out for anyone.
- 24 Q. Are we talking about that night you told her that?
- 25 A. I don't remember telling her that that night. I think

HANK HAWES CROSS BY MS. CAMPBELL

1 you're referencing a letter.

2 Q. The letter you wrote her after you were arrested?

3 A. Probably.

4 Q. And in your Last Will and Testament -- and you're in
5 and out at this point, right?

6 A. Yes, ma'am.

7 Q. You don't know what really you're doing? You don't
8 really have any real memory of it?

9 A. I mean, I have blocks of memory.

10 Q. I'm aware. But --

11 MR. STRICKLER: Objection to her comment, Your
12 Honor.

13 THE COURT: Overruled.

14 Go ahead.

15 BY MS. CAMPBELL:

16 Q. In your Will, you, specifically, say I'm leaving
17 everything to Stacey and don't let my family have
18 anything to do with anything what happens to me. You
19 would agree with me that's in your Will?

20 A. From what I read, yes.

21 Q. This is as you're losing blood, you're weak?

22 A. (The witness nodded head.)

23 Q. You have memory lapses?

24 A. (The witness nodded head.)

25 Q. Why did you put that in there?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. I couldn't tell you.
- 2 Q. Who is Lisa?
- 3 A. Do you have a last name?
- 4 Q. No. In your text, you refer Lisa coming in to comfort
5 you?
- 6 A. Lisa was an old friend of mine when I lived down in
7 Tampa. And, essentially, the whole text thing or me
8 telling Jennifer that I was texting, that was one of
9 her fake therapist that she never had.
- 10 Q. Her fake therapist that she never had?
- 11 A. Right.
- 12 Q. Wait a minute. I'm not getting this. Could you
13 explain this to me?
- 14 A. She said she had a therapist that she was seeing that
15 was telling her to do all these things. And somehow,
16 it came out that this therapist never existed.
- 17 Q. Who is telling you this?
- 18 A. Jennifer.
- 19 Q. Told you this?
- 20 A. Right.
- 21 Q. Right before all this happened?
- 22 A. This was probably -- I don't know, maybe a month,
23 couple weeks before.
- 24 Q. A month, couple weeks before?
- 25 A. From what I remember.

HANK HAWES CROSS BY MS. CAMPBELL

- 1 Q. Did ever met Jemme Stewart?
- 2 A. Who?
- 3 Q. Jemme Stewart?
- 4 A. No. She said she had a real therapist, which was Jemme
5 Stewart, the City Yoga lady. And then she had another
6 one that she said she had that she was seeing.
- 7 Q. So how does that equate to Lisa? Explain that to me.
- 8 A. Because, basically, we -- the bottom line was we were
9 both too insecure people and we, from time to time,
10 were not completely honest with each other.
- 11 Q. Okay. So you admit you lied to her on occasions?
- 12 A. As she did with me.
- 13 Q. Like with the traffic ticket?
- 14 A. I was pulled over that night.
- 15 Q. And you talked with her and, basically, blamed her
16 because you were going to have to go to court because
17 she wasn't there for you. You would use lies to
18 manipulate her, is that correct?
- 19 A. I did try to make her feel bad in that particular
20 instance.
- 21 Q. The Defense, specifically, asked you about the women
22 you were texting?
- 23 A. Okay.
- 24 Q. There was Rachel?
- 25 A. I believe so.

HANK HAWES CROSS BY MS. CAMPBELL

- 1 Q. And how did you meet Rachel?
- 2 A. E-Harmony.
- 3 Q. E-Harmony?
- 4 A. Yes, ma'am.
- 5 Q. And you were supposed to go see her that Sunday; is
- 6 that correct?
- 7 A. I had no definitive plans, we talked about.
- 8 Q. And that was before you left the restaurant that you
- 9 made those plans?
- 10 A. We had talked about it.
- 11 Q. And that was while you were still very happy with your
- 12 relationship with Jennifer?
- 13 (There was no response.)
- 14 Q. Is that correct?
- 15 A. I wouldn't call it happy, but.
- 16 Q. Well, why would you tell Aaron Wilson that you were
- 17 very excited about getting back together with your
- 18 girlfriend if you didn't mean it? Is that another lie?
- 19 A. Basically, I was -- we saw each other as the best
- 20 chance for family, to have a family. I guess she was
- 21 seeing whoever she was seeing and I was talking to
- 22 whoever I was talking to.
- 23 Q. So you knew she was seeing other men that night?
- 24 A. I didn't know that night. I knew that she had done it
- 25 in the past.

HANK HAWES CROSS BY MS. CAMPBELL

- 1 Q. In the past?
- 2 A. Correct.
- 3 Q. But you had forgiven her?
- 4 A. I had forgiven her, but she continued to do things that
5 were questionable.
- 6 Q. What things?
- 7 A. Just like with Chandra or, you know, the whole carpet
8 cleaning thing. She had on a couple of occasions -- it
9 was a guy that showed up a hundred gatherer one night.
10 He walked over and introduced himself to me and was
11 like well, who are you, and oh, well, I went out with
12 Jen. And we kind of starting talking back and forth
13 and realized she had been going out with him.
- 14 Q. Would you characterize yourself as jealous? And we've
15 read the text messages.
- 16 A. I would probably not jealous, but not a fool either.
- 17 Q. Okay. Was Jen a fool?
- 18 A. I'm sorry?
- 19 Q. Was Jennifer a fool?
- 20 A. I don't believe she was.
- 21 Q. Did she know about Rachel?
- 22 A. I don't think so.
- 23 Q. Did she know about Antoinette?
- 24 A. I don't think so.
- 25 Q. Did she know about Amy?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. I'm not even sure who that is.
- 2 Q. Well, she's in your text. You were texting her, not
3 me?
- 4 A. Again, I'm never met any of these women, so.
- 5 Q. And Monica?
- 6 A. I mean, I think she knew -- I think she knew about
7 Monica as my guide, yeah.
- 8 Q. As your guide, so you had met one of these women
9 before?
- 10 A. Yes, she was my tour guide.
- 11 Q. She's the one that specifically texted you about
12 sending you a --
- 13 A. Correct.
- 14 Q. And then the next text was I miss you.
- 15 A. (The witness nodded head.)
- 16 Q. Do you remember when you first started dating Jennifer
17 telling her that she was self-centered?
- 18 A. I don't remember exactly if it was those words, but I
19 think I may have used passive aggressive.
- 20 Q. That she was narcissistic?
- 21 A. I do remember that.
- 22 Q. And that she didn't treat you correctly?
- 23 A. I believe, yes, we did have a conversation.
- 24 Q. Do you know why Jennifer wanted to protect her male
25 friends from you?

HANK HAWES CROSS BY MS. CAMPBELL

1 A. I don't think it was so much an issue of protecting
2 them as it was she wouldn't be able to maneuver between
3 us all.

4 Q. That Friday night, the 26th, you were sick that night?

5 A. I believe I was. I believe I had a kidney stone.

6 Q. That night, too, you vomited as you wrote the text?

7 A. Yes.

8 Q. And in fact, I believe you were on the phone with
9 Stacey that night, which you told Jen about?

10 A. Yes.

11 Q. And that she thought you had a gallbladder problem?

12 A. Potentially.

13 Q. And then as you're texting Jen because she's not there
14 for you, you're talking to her about how you had to go
15 to the ER?

16 A. Correct.

17 Q. Did you go?

18 A. I did not.

19 Q. Not on that night?

20 A. No, ma'am.

21 Q. And, in fact, the next morning when she texted you, you
22 texted her that you had passed a kidney stone and even
23 described it; is that what happened?

24 A. Yes, ma'am.

25 Q. Why did you have to --

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. Actually, I didn't have to -- she came over that night.
2 She, actually, was there that night.
- 3 Q. Oh, this is new test -- she was, actually, there that
4 night?
- 5 A. She came over on the night of the -- let's see. I
6 think it was -- whatever night, the night before I
7 passed it, she had come over.
- 8 Q. She had come over?
- 9 A. Right.
- 10 Q. And was she there when you passed the stone?
- 11 A. No, that was the next morning.
- 12 Q. Kidney stones are excruciating?
- 13 A. They are.
- 14 Q. So at what point did she decide that you needed to go
15 to the ER because you were in so much pain if she was
16 there?
- 17 A. She never decided that I need go to the ER.
- 18 Q. Well, did you?
- 19 A. I was very close.
- 20 Q. Why did you have to Google about kidney stones?
- 21 A. I was trying to find out if there was some sort of
22 remedy that I could take or something to help ease it.
- 23 Q. It wasn't so you could describe it and make sure you
24 were right?
- 25 A. No, ma'am, I've had kidney stones before.

HANK HAWES CROSS BY MS. CAMPBELL

1 Q. You, also, in your text talk about how you had talked
2 to your doctor that morning, Connie?

3 A. Right.

4 Q. And that you had talked to her about your dehydration
5 issue?

6 A. Yes.

7 Q. And she said you were good to go on your medicine, you
8 just needed to drink some more water?

9 A. Right.

10 Q. Why isn't that call on your phone records?

11 A. Because it never happened.

12 Q. So why did you tell her that?

13 A. What I had experienced with Jennifer is once she got
14 something stuck in her craw, she would on some
15 occasions, not all, but on some occasions, she could be
16 a bit of a nag or hound you about something.

17 Q. You and Jennifer would have arguments?

18 A. Yes, ma'am.

19 Q. Why did you secretly record them?

20 A. I can't answer that. I don't -- I mean.

21 Q. How many --

22 A. I don't know.

23 Q. How many times did you do that?

24 A. I don't know.

25 Q. At least three?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. It's possible.
- 2 Q. Your testimony today is that you cut your wrist three
3 times?
- 4 A. Yes, ma'am.
- 5 Q. And I will get back to that. Which knife did you use
6 the first time?
- 7 A. It was a small knife. The one I had in my hand.
- 8 Q. In the kitchen?
- 9 A. Yes, ma'am.
- 10 Q. And then the second time, where were you when you cut
11 yourself?
- 12 A. In the bedroom.
- 13 Q. And that's when you cut both your wrists; is that
14 correct?
- 15 A. Yes, ma'am.
- 16 Q. Which knife did you use on that occasion?
- 17 A. I don't recall the particular knife. I mean, that's
18 the one in the picture, I guess, the one on the bedside
19 stand.
- 20 Q. And at that point is when you said you lost all that
21 blood?
- 22 A. I started losing blood in the kitchen.
- 23 Q. And it was dripping everywhere; is that correct?
- 24 A. I'm assuming it was.
- 25 Q. Well, do you remember that part?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. Like I said, I mean, I was in shock, I was in dismay.
2 I had a lot of things going on. I don't remember every
3 detail.
- 4 Q. So the second time that you say you cut yourself, you
5 were in the bedroom?
- 6 A. Yes, ma'am.
- 7 Q. And it oozed more, correct?
- 8 A. Um --
- 9 Q. Did you cut it deeper?
- 10 A. I don't remember if it was deeper or just again. And
11 the -- and the right.
- 12 Q. And the right, too?
- 13 A. Yes, ma'am.
- 14 Q. Then where were you -- I didn't catch that, where were
15 you the third time you cut your wrist?
- 16 A. I believe I was in the living room.
- 17 Q. And at what point did you go and get the bag?
- 18 A. I went and got the bag -- I was sitting on the side of
19 the sofa and I was looking at the carpet --
- 20 Q. Carpet.
- 21 A. And I just remember for whatever reason I was looking
22 at this carpet and I was just thinking, you know, I
23 don't want to get blood all over this carpet. It
24 wasn't a very rational thought.
- 25 Q. When was the cooler before that?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. Somewhere in the kitchen.
- 2 Q. And then you brought it in there and you made sure that
3 you were very careful, too, to keep all the blood right
4 there in the cooler; is that correct?
- 5 A. I wouldn't say I was careful. I put my arm in it.
- 6 Q. Because you didn't want to get any on the rug?
- 7 A. Correct.
- 8 Q. But you couldn't bleed on the rug, but you were
9 vomiting on it?
- 10 A. Like I said, it wasn't a rational thought.
- 11 Q. In your texts to Jen, did you threaten to expose her,
12 make up things about her friends?
- 13 A. You said make up things?
- 14 Q. Uh-huh.
- 15 A. I didn't threaten to make up anything.
- 16 Q. Well, didn't you always try to talk to her about drug
17 use?
- 18 A. I didn't have to talk to her about it, she spoke to me
19 about it.
- 20 Q. About her drug use?
- 21 A. Correct, and her friends.
- 22 Q. And I believe in a letter you wrote to your mother, you
23 even talk about how you went there that night to talk
24 about your differences and one of big things was
25 boundaries and her drug use; is that right?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. Correct.
- 2 Q. You mention that that's what the therapist said that
3 y'all should focus on?
- 4 A. I don't remember that.
- 5 Q. I'll get back to the letter. The therapist, you never
6 told her about Jen's drug use. When y'all went to
7 couple's counseling, this drug use that had you so
8 concerned never came up?
- 9 A. Actually, I did.
- 10 Q. Well, it's not in her notes?
- 11 A. Well, that doesn't mean I didn't tell her.
- 12 Q. In one of your e-mails on August the 26th, which has
13 been entered, at 2055, you e-mailed Jennifer, Don't be
14 like the rest. What does that mean?
- 15 A. I have no idea. It could have been just a random
16 comment. It could have been -- I have no idea.
- 17 Q. That night when you're there, after you kill Jennifer
18 in the kitchen, and according to you, you immediately
19 cut our wrist, right?
- 20 A. I cut my wrist after -- probably after a couple of
21 minutes, I guess.
- 22 Q. Why didn't you answer the door when the police came?
- 23 A. I never heard anybody knock.
- 24 Q. Did you see them outside?
- 25 A. I did not.

HANK HAWES CROSS BY MS. CAMPBELL

1 Q. Why did you have to put a towel over the back window?

2 A. I didn't put a towel over the back window, if I
3 remember correctly.

4 Q. You're saying you didn't put that towel with the blood
5 on it over the back window?

6 A. I may have touched a towel that was over the back
7 window, but Jen had been doing that lately.

8 Q. She had just started on this occasion to put a towel
9 over the back window?

10 A. I wouldn't say it was that occasion. She had done it a
11 couple of times.

12 Q. So your testimony is you didn't pull up that towel?

13 A. I don't remember putting that towel up, no, ma'am.

14 Q. You were wearing the blue shirt?

15 A. A light blue shirt, yes, ma'am.

16 Q. And the entire struggle happened right there?

17 A. In the kitchen.

18 Q. In the kitchen?

19 A. Yes, ma'am.

20 Q. And did any part of your clothing get hurt or torn
21 during the struggle?

22 A. It may have. I mean, like I said, I remember her
23 having me. It may have been torn, I don't know.

24 Q. When you went over there, I mean, nothing was torn on
25 your clothing?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. No, ma'am.
- 2 Q. Prior to you getting there, you had like all the
3 buttons and your shirt wasn't ripped?
- 4 A. No, ma'am.
- 5 Q. So that would have had to have happened during the
6 struggle, right?
- 7 A. I would assume, yes.
- 8 Q. And you agree with me, it's torn on one side, then
9 there buttons missing? Those buttons were there when
10 you got there?
- 11 A. Yes, ma'am.
- 12 Q. And the struggled happened in the kitchen?
- 13 A. Yes, ma'am.
- 14 Q. Like you just testified to. Where did the buttons go?
- 15 A. I have no idea.
- 16 Q. At what point did you bite her?
- 17 A. I don't recall biting her. I don't recall biting her.
- 18 Q. You don't recall biting her on the arm during the
19 struggle?
- 20 A. Like I said, it happened in the blink of an eye. I
21 don't remember biting her. I don't recall biting her.
- 22 Q. Do you know what happened to her second earring?
- 23 A. I don't.
- 24 Q. At what point did you decide to try to clean up the
25 scene with towels?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. I don't think I really thought I was going to clean up
2 the scene. There was just blood everywhere and I think
3 I may have dropped a towel to absorb some of the blood.
- 4 Q. Towels there in the kitchen?
- 5 A. I think they were -- I think there was like a -- maybe,
6 a black amber or something in the photos. I mean, I
7 guess that's where they were.
- 8 Q. There was towels next to the cooler. There was towels
9 in the bathroom. You aren't testifying these were all
10 distributed before you got there?
- 11 A. No, ma'am, I'm just saying that I don't recall where I
12 grabbed the towels to drop on the blood to absorb it.
- 13 Q. Why did you go to the back window and open and close
14 the blinds?
- 15 A. I don't recall doing that.
- 16 Q. Your testimony here today is that you called Stacey and
17 you talked to her on all of those occasions? At least,
18 the ones that she answered, right?
- 19 A. Basically, from what my phone records show, yes.
- 20 Q. And so -- you have a good memory of what you told her?
- 21 A. I know bits and pieces of what I told her.
- 22 Q. And you told her that you had killed Jennifer Wilson?
- 23 A. I don't ever recall saying anything like that, at
24 least, not that way.
- 25 Q. Okay. Well, tell me what you told her like you

HANK HAWES CROSS BY MS. CAMPBELL

1 testified to a little earlier?

2 A. I think when I did talk to Stacey, I told her that she
3 had attacked me. She had attacked me and that I
4 checked her pulse and that she was done. Something
5 along those lines.

6 Q. Well, Stacey Newsom is a doctor, so she would
7 understand what you meant by that, right?

8 A. I would hope so.

9 Q. And your testimony is you told her that and she did
10 nothing to call the police?

11 A. I think during her testimony she said she was half
12 awake.

13 THE COURT: Solicitor, we need to take a break at
14 this time.

15 MS. CAMPBELL: Yes, sir.

16 THE COURT: Mr. Foreman, ladies and gentlemen of
17 the jury, leave your notepad in your chair. The clerk says
18 your orders are here. So if you would let the bailiffs know
19 when y'all have finished that. Take your time. Anybody
20 needs to take a break or anything, let me know. Please
21 don't discuss the case amongst yourselves.

22 BAILIFF: Remain seated.

23 (Whereupon, the jury left the courtroom
24 at 1:06 p.m.)

25 THE COURT: All right. Mr. Hawes, you may step

HANK HAWES CROSS BY MS. CAMPBELL

1 down.

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

4 MS. CAMPBELL: No, sir.

5 THE COURT: From the Defense?

6 MR. STRICKLER: No, sir.

7 THE COURT: I don't know how long it's going to
8 take, plan on 45 minutes to an hour, okay?

9 MR. STRICKLER: When do we need to be back?

10 THE COURT: Why don't you plan on being back at
11 two o'clock.

12 MR. STRICKLER: Yes, sir. Thank you.

13 (Whereupon, a short recess was held.)

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

16 MS. CAMPBELL: No, sir.

17 THE COURT: From the Defense?

18 MR. STRICKLER: No, sir.

19 THE COURT: Bring us the jury, please.

20 BAILIFF: Make sure those cell phones are off.

21 (Whereupon, the jury returned to the

22 courtroom at 2:12 p.m.)

23 BAILIFF: The jury panel is seated, Your Honor.

24 THE COURT: Thank you very much.

25 You may continue cross.

HANK HAWES CROSS BY MS. CAMPBELL

1 MS. CAMPBELL: Thank you.

2 BY MS. CAMPBELL:

3 Q. You were testifying about the fact that you called
4 Stacey that night and, basically, told her what had
5 happened; is that correct?

6 A. To a certain degree.

7 Q. To a certain degree? What you can remember?

8 A. Yes.

9 Q. Then you mentioned that you were able to get your pants
10 on, I guess? Do you remember putting on your jeans?

11 A. I never said I put on my jeans.

12 Q. Okay. What did you say, I'm sorry?

13 A. I said I recall leaving and when I looked down, I had
14 on shorts.

15 Q. You looked down and you had on shorts?

16 A. Yes.

17 Q. Do you know how your jeans got back to your house with
18 blood on them?

19 A. I can't remember.

20 Q. And in addition to that, in order to get out the back
21 door, your testimony was the night before you weren't
22 able to get out the back door because it was locked; is
23 that correct?

24 A. Correct.

25 Q. That she had put her keys in her purse?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. That's correct.
- 2 Q. And you've had an opportunity to review all the
3 discovery in this case, haven't you?
- 4 A. I suppose I have, yes.
- 5 Q. Including the photographs?
- 6 A. I suppose I have, yes.
- 7 Q. And would you agree with me that the keys to the back
8 door would have been put in the lock that you would
9 have had to have, which you've testified to, to get out
10 the back door are covered in blood?
- 11 A. They are covered in blood, yes.
- 12 Q. And you mentioned in your direct testimony that she had
13 put the keys into her purse?
- 14 A. Yes, ma'am.
- 15 Q. And so I assume you had to go into her purse to get
16 them back out?
- 17 A. That's the way I remember it.
- 18 Q. Why were her keys covered in blood, but there wasn't a
19 drop of blood on her purse?
- 20 A. I can't answer that.
- 21 Q. Do you remember at one point you were dragging her body
22 through the house?
- 23 A. I don't remember that.
- 24 Q. Would you agree with me that there are drag marks into
25 the bedroom area?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. I'm not an expert, I don't know what I would call
2 those.
- 3 Q. You mentioned that you remember calling Stacey that
4 night and telling her about what happened, but do you
5 remember when you called Kimberly Wilson?
- 6 A. I vaguely remember. It's hard to remember what I said,
7 but I think I vaguely remember being on the phone
8 sometime that next morning maybe.
- 9 Q. That next morning?
- 10 A. Yes, ma'am.
- 11 Q. Once you had gotten back to your house?
- 12 A. I guess so, yes, several hours later.
- 13 Q. And you mentioned that you got in your car and you
14 remember getting in your car and, basically, turning it
15 on. And after that, the next thing you knew, you were
16 at your house?
- 17 A. I was laying on my floor.
- 18 Q. Laying on your floor?
- 19 A. Uh-huh.
- 20 Q. At what point were you able to make Google searches for
21 criminal defense attorneys in this weakened state?
- 22 A. I -- I think I remember doing that from my bed at some
23 point.
- 24 Q. At some point that morning? And you had lost a lot of
25 blood according your testimony; is that correct?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. Yes, ma'am.
- 2 Q. And so you were having a hard time coming in and out
3 and things of that nature?
- 4 A. I mean, I don't know if I was blacked out or -- I don't
5 -- I don't remember, so I guess I must have been.
- 6 Q. Well, as the morning progressed and you called up
7 Kimberly Wilson at some point, didn't you? Williams is
8 her name, I think?
- 9 A. Williams.
- 10 Q. Yeah.
- 11 A. (The witness nodded head.) I guess I did, yes.
- 12 Q. And, basically, what you told her was that you had
13 killed somebody?
- 14 A. I don't ever remember saying anything like that.
- 15 Q. You never told her her name?
- 16 A. I don't remember.
- 17 Q. Because she didn't know about Jennifer, did she?
- 18 A. I don't think so.
- 19 Q. You told her that it was in self-defense, but no one
20 would believe you?
- 21 A. Okay.
- 22 Q. So you had cut your wrists?
- 23 A. I don't remember if I said it like that or not.
- 24 Q. Do you remember asking her for money for a lawyer?
- 25 A. I don't.

HANK HAWES CROSS BY MS. CAMPBELL

1 Q. And at this point, had you called 911 on Jennifer's
2 behalf?

3 A. No, I don't think I did.

4 Q. In fact, you never called 911 for Jennifer?

5 A. To my understanding and my knowledge, it was well past
6 that point.

7 Q. In fact, the only person you called 911 for was you?

8 A. After someone had requested that I do it or they would
9 do it for me.

10 Q. One of your friends that was concerned about you?

11 A. I suppose, yes.

12 Q. During that 911 call, you talked about slitting your
13 wrists?

14 A. Okay.

15 Q. Well, did you?

16 A. I'm trying to recall events from three years and three
17 months ago that I would just as soon forget, so I'm
18 trying very hard to recall the events.

19 Q. This doesn't stand out in your memory, the night that
20 you killed somebody?

21 A. I lost a ton of blood. I don't remember a lot of it.
22 I mean.

23 Q. You told the 911 operator that you had slit your
24 wrists, I believe you said with a steak knife. So you
25 were specific about that at that time?

HANK HAWES CROSS BY MS. CAMPBELL

- 1 A. I could have been, yes.
- 2 Q. Now, today, you're saying with three different knives?
- 3 A. Correct.
- 4 Q. And then you were taken to the ER, I believe?
- 5 A. Yes, ma'am.
- 6 Q. You were in and out there as well?
- 7 A. I think I got there, I was kind of in and out. They
- 8 gave me an IV and some other stuff.
- 9 Q. Yes, they did give you an IV because you were slightly
- 10 dehydrated; is that correct?
- 11 A. I guess that's why they gave it to me, yes.
- 12 Q. Well, you've got the medical background, not me.
- 13 A. I'm not that advanced.
- 14 Q. Okay. Did they ever give you a blood transfusion for
- 15 all this blood you lost at the scene?
- 16 A. No, ma'am.
- 17 Q. And, in fact, when EMS got there, your wrists had quit
- 18 bleeding?
- 19 A. That's what they stated.
- 20 Q. And there are photographs of a couple of spots of
- 21 blood. I show you Defense Exhibit No. 61. So at this
- 22 point, it wasn't necessary for you to still have a
- 23 cooler there for you to bleed into?
- 24 A. A cooler?
- 25 Q. In order not to get any blood on the floor, you don't

HANK HAWES CROSS BY MS. CAMPBELL

- 1 want to get blood on the floor?
- 2 A. That looks like that was from my house. That's not --
- 3 Q. Yes, it's in your house?
- 4 A. Okay.
- 5 Q. And, in fact, there were photographs of the interior of
- 6 the car, right? Have you seen those?
- 7 A. Yes, ma'am.
- 8 Q. And the only trace amounts of blood is from the bottoms
- 9 of your feet where you were stepping through all the
- 10 blood.
- 11 A. Okay.
- 12 Q. When you left, you don't remember taking your jeans.
- 13 This is your watch, is it not?
- 14 A. Turn it around, please. I believe it is.
- 15 Q. It has blood on it. How did it get broken?
- 16 A. I have no idea. I guess in the struggle, I don't know.
- 17 Q. But you managed to remember to take that and put it
- 18 into your car to take it with you?
- 19 A. I was in shock.
- 20 Q. There's, also, been some testimony about how you never
- 21 met Jennifer's parents?
- 22 A. I never met her father or anybody else. I did meet her
- 23 mother.
- 24 Q. Okay. So that's not true, you did meet her mother?
- 25 A. I did meet her mother on one occasion.

HANK HAWES CROSS BY MS. CAMPBELL

- 1 Q. In fact, Jennifer had given you her information. It's
2 in your phone?
- 3 A. I'm sorry?
- 4 Q. It's in your phone. Her information is in your phone?
- 5 A. Information as to what?
- 6 Q. You tell me?
- 7 A. I mean, her phone number may be in there.
- 8 Q. You were arrested and then a few days later, you go and
9 meet with Mr. Julius Jones?
- 10 A. I don't recall ever meeting with him. The gentleman
11 that met with me, his name is Drew.
- 12 Q. Drew?
- 13 A. Drew.
- 14 Q. He works at the Alvin S. Glenn Detention Center?
- 15 A. Yes, ma'am.
- 16 Q. And when he asked you about whether or not you had ever
17 committed suicide, you told him no, and, in fact, the
18 cuts on your arms were defensive wounds?
- 19 A. I don't ever remember telling him that. I remember him
20 presenting a contract saying the only way I could get
21 out of SHU was to sign this.
- 22 Q. Well, just to be clear, you don't have to -- Mr. Jones,
23 you never have had any animosity with him, do you?
- 24 A. Any?
- 25 Q. Ill will?

HANK HAWES CROSS BY MS. CAMPBELL

1 A. No, no.

2 Q. He doesn't have any reason to make that up and write it
3 down back in September of 2011, does he?

4 A. No, I don't have any --

5 MR. STRICKLER: Objection, Your Honor.

6 THE COURT: What's your legal objection?

7 MR. STRICKLER: She's asking him to characterize
8 the testimony of another witness.

9 THE COURT: All right. I will sustain the
10 objection.

11 Don't pit the witnesses.

12 BY MS. CAMPBELL:

13 Q. You wrote a number of letters to your mother, which
14 she's provided to us?

15 A. Possibly, yes.

16 Q. And in the first letter on January the 24th of 2012,
17 you tell her the Lord put me in a situation of
18 self-defense?

19 A. Okay.

20 Q. And then in another letter on February 10th, 2012, you
21 talk about praying for Jennifer's family?

22 A. I do.

23 Q. My heart goes out to them and I beg for their
24 forgiveness as this tragedy was in no way an act of
25 aggression on my part. I believe we were both the

HANK HAWES CROSS BY MS. CAMPBELL

1 victims of a psychotic episode caused by an overdose of
2 the amphetamines I was prescribed for ADHD. Do you
3 remember writing that?

4 A. Vaguely.

5 Q. Your testimony here today, however, is that your ADHD,
6 the Adderall, had nothing do with the events. It was
7 caused by Jennifer's aggression; is that correct?

8 A. That's correct.

9 Q. You talk about how y'all went into a week before to
10 establish boundaries and your dislike of her use of
11 drugs?

12 A. Most likely, yes.

13 Q. What drugs did you think she used?

14 A. She had -- I mean, basically, she had told me she used
15 marijuana and, on occasion, some other stuff, but she
16 never really specified the other stuff.

17 Q. Okay. Marijuana, you know how long it stays in your
18 system?

19 A. Should stay in your system for a good little while, at
20 least, 30 days.

21 Q. Okay. And know at the time of death when she was out
22 with her drug friends, her toxicology came back
23 negative?

24 A. I, also, know that she detoxed quite often.

25 Q. And in that same letter, you, also, wrote to your

HANK HAWES CROSS BY MS. CAMPBELL

1 mother, My prayers to the Lord is to make a way that
2 doesn't seem to exist, to free me and allow me to go
3 back to school?

4 A. Okay.

5 Q. Did you write that?

6 A. I'm sure if you have it, I probably did.

7 Q. And you, also, wrote to her that you -- that you had --
8 your life had been spared a severed artery and no
9 medical attention for over five hours and he's given
10 you back to your mother whom you hadn't seen. Is that
11 what you wrote?

12 A. I'm assuming it is.

13 Q. In the same letter at the end, you talk about you would
14 like for her to find any information you can find
15 online about amphetamine recalls from Sandoz and Teva
16 Pharmaceuticals -- actually, any recalls of recommended
17 dosages?

18 A. Okay.

19 Q. And then on February 16th of 2012, you wrote her
20 another letter talking about how you inherited your
21 ADHD --

22 MR. STRICKLER: I would object, Your Honor.

23 THE COURT: What's your legal objection?

24 MR. STRICKLER: Not in the form of a question.

25 THE COURT: Well, she's laying -- overruled.

HANK HAWES CROSS BY MS. CAMPBELL

1 Go ahead.

2 MS. CAMPBELL: Thank you, sir.

3 BY MS. CAMPBELL:

4 Q. Do you recall writing that you had inherited this
5 disease from your parents?

6 A. It is --

7 Q. The only negative trait and the down side was
8 disorganization and that you had mostly positive things
9 from it, including creativity and a high IQ?

10 A. Correct.

11 Q. You wrote that. Then you wrote another letter on
12 March 1, 2012, to your mother. You said that you
13 prayed that you receive a breakthrough in my case. And
14 send me anything you can find on amphetamine recalls
15 and episodes, acceptable doing, et cetera. Did you
16 write that?

17 A. I probably did as I had a batch of amphetamines
18 recalled on me once before.

19 Q. Then on March 12th, 2012, you wrote her another letter.
20 And in that letter, you wrote her, I've been praying
21 for a breakthrough or miracle in my case before my
22 birthday?

23 A. Okay.

24 Q. Do you remember that?

25 A. I don't remember it, but.

HANK HAWES CROSS BY MS. CAMPBELL

1 Q. You recall writing her in that same letter, Maybe you
2 can send me the research material I asked about on the
3 amphetamines?

4 A. Possibly, yes.

5 Q. Do you remember writing on April the 4th of 2012, that
6 you wanted her to look up the address of The Citadel
7 and College of Charleston so that you could go to the
8 school of law.

9 A. I may have written that, yes.

10 Q. You remember writing on April the 9th of 2012, I've
11 really been praying for a miracle so I can fulfill my
12 dreams?

13 A. I wouldn't say that's unreasonable, sure.

14 Q. Do you remember writing her on April 17th of 2012 and
15 asking her to let your dad know what's going on or
16 maybe he --

17 A. I --

18 Q. You could let him know, maybe he can think of something
19 to help my case?

20 A. I mean, I may have.

21 Q. May 15th, 2012, you wrote her again, Beginning to feel
22 like God has no miracles left for me. And those are
23 some of the letters you wrote?

24 A. That's possible, yes.

25 Q. You testified on direct that there was a shirt at the

HANK HAWES CROSS BY MS. CAMPBELL

- 1 scene that she was wearing that night; is this correct?
- 2 A. Yes, ma'am.
- 3 Q. What was she wearing when you got there?
- 4 A. What looked like pajama pants, blue pajama pants, and a
5 tank top.
- 6 Q. What kind of tank top?
- 7 A. Kind of like little straps.
- 8 Q. Okay. I show you what's been marked as State's 108, is
9 that the picture that Mr. Strickler showed you?
- 10 A. Yes.
- 11 Q. Where are these -- this tank top?
- 12 A. I believe that's the tank top (indicating).
- 13 Q. Right here (indicating)?
- 14 A. That white area right there and then these are the --
15 these are the pants.
- 16 Q. Over next to your shirt?
- 17 A. Yes.
- 18 Q. So this is the tank -- this is what you're saying was
19 the tank top?
- 20 A. Yes, ma'am.
- 21 Q. So this is different from the tank top that was found
22 in the hallway?
- 23 A. It may have been.
- 24 Q. Because I'm going show you what's been marked as
25 State's Exhibit No. 354, which was the tank top in the

HANK HAWES CROSS BY MS. CAMPBELL

1 hallway. There's a photograph of that. Do you
2 recognize that (indicating)?

3 A. I don't recognize that as what she was wearing.

4 Q. So your testimony here today is this is not what she
5 was wearing (indicating)?

6 A. I don't think so.

7 Q. Because there's no stab wounds, are there? You want to
8 look?

9 A. That would make sense.

10 Q. And this just happened to be the tank top that was
11 found out in the hallway with everything else,
12 including the towels?

13 A. I don't know what was found out in the hallway. I
14 guess that might have been it.

15 Q. Then your Defense counsel put in some photographs,
16 which are Defendant Exhibits 38, 39, and 40, which are
17 kind of small. They show that same area of the room
18 with that tank top you're saying?

19 A. Yes, ma'am, that's what it looks like. Yes, ma'am.

20 Q. And would you agree those same photographs with blood
21 up here in State's Exhibits 444, 445, and 446?

22 A. Yes, ma'am.

23 Q. But that's just a little larger?

24 A. Yes, ma'am.

25 MS. CAMPBELL: Your Honor, at this time, we would

HANK HAWES CROSS BY MS. CAMPBELL

1 offer these into evidence.

2 THE COURT: What number?

3 MS. CAMPBELL: 444, 445, and 446.

4 MR. STRICKLER: Without objection, sir.

5 THE COURT: 444, 445, and 446 without objection.

6 (State's Exhibit Nos. 444, 445, and 446

7 were admitted into evidence.)

8 BY MS. CAMPBELL:

9 Q. Specifically, 446, that shows that item a little
10 better, doesn't it?

11 A. Yes, ma'am.

12 Q. And would you agree with me that's a towel?

13 A. Doesn't look like a towel to me, but.

14 Q. You can see it better in the larger photograph than in
15 the small one. Because if this was the tank top she
16 was wearing, it doesn't work with your story?

17 A. Because that's not the tank top.

18 Q. The wounds to her chin and to her neck, postmortem
19 wounds, how did she get those?

20 A. I have no idea.

21 Q. And the wounds to her chest, one in each breast, do you
22 remember when you did those?

23 A. I'm assuming it happened when I was trying to push her
24 away from me, push her off of me.

25 Q. State's Exhibit 38, do you remember when you just bit

HANK HAWES CROSS BY MS. CAMPBELL

1 her?

2 A. I don't remember that.

3 Q. But you remember her biting your finger?

4 A. It's fresh in my mind.

5 Q. Let me show what's been mark as State's Exhibit No.

6 298, would you agree that's a close-up of the wound

7 you're referring to as a bite mark?

8 A. Could be, yes.

9 Q. So there's no bruising around that, is there?

10 A. Not in that particular photo.

11 Q. This photo was taken within day or two of this
12 happening. So did she just get you with one tooth?

13 A. My finger was in her mouth.

14 Q. Was there any bruising to the back of that finger
15 that's not shown here?

16 A. It may be on the ones that the police took, the
17 close-ups the police took.

18 Q. Who took the photos of every bruise on you.

19 (There was no response.)

20 Q. And I'm not going back through the text messages. So
21 your testimony here today is you're just the victim of
22 Jennifer Wilson?

23 A. The event happened. I don't know that I would call
24 myself the victim, but the event happened.

25 Q. Was she the aggressor?

HANK HAWES CROSS BY MS. CAMPBELL

1 A. Yes.

2 MS. CAMPBELL: Your Honor, we do have a matter of
3 law to take up.

4 THE COURT: All right. Mr. Foreman, ladies and
5 gentlemen of the jury, please leave your notepad in the
6 chair. Don't discuss the case amongst yourselves. We'll
7 get you back out very shortly.

8 (Whereupon, the jury left the courtroom
9 at 2:34 p.m.)

10 THE COURT: Yes, ma'am.

11 MS. CAMPBELL: May it please the Court, Your
12 Honor. Your Honor, in his testimony, the Defendant has
13 gotten up here and, basically, said that Jennifer Wilson was
14 the aggressor in this case. He just agreed with me that
15 that's what happen in this case. And Your Honor, and I'm
16 limiting this to only prior instances where he was
17 aggressive towards other women in his life, starting with
18 Andrea Frazier. He was physically abusive. He would hold
19 her down by her wrists. He busted her lip. Erin Doughtery,
20 which is one of his former wives, she, actually, reported, I
21 believe he was charged with criminal domestic violence on
22 her. That he grabbed her arms, pulled them behind her
23 back --

24 THE COURT: Well, what's the time frame of all
25 this?

HANK HAWES CROSS BY MS. CAMPBELL

1 MS. CAMPBELL: That's 1998.

2 THE COURT: And what's the similarity of it all?

3 MS. CAMPBELL: Do you want me to do the most
4 recent ones then?

5 THE COURT: Yeah. I mean, tell me.

6 MS. CAMPBELL: The most recent ones, Your Honor,
7 would be Christine Dalheimer would be dated from August to
8 November of 2010.

9 THE COURT: August when?

10 MS. GARFIELD: August of 2010 to November of 2010,
11 so shortly before he met Ms. Wilson.

12 THE COURT: All right. And what happened to her?

13 MS. CAMPBELL: He pulled a knife on her in her
14 kitchen out of the kitchen drawer. In addition to that, he
15 would put a thumb on her neck and act like he was going to
16 strangle her.

17 THE COURT: Okay. And that's who now?

18 MS. CAMPBELL: That would be Christine Dalheimer.

19 THE COURT: Okay. I believe she testified, right?

20 MS. CAMPBELL: Yes, but at that point, Your Honor,
21 of course, it wasn't allowable.

22 THE COURT: Okay. All right. What's next?

23 MS. CAMPBELL: The next one would be Stacey
24 Newsom. He would butt her in the head. He wrapped himself
25 around her and pulled her down --

HANK HAWES CROSS BY MS. CAMPBELL

1 THE COURT: What's the time frame?

2 MS. CAMPBELL: He dated her from 2008 to the
3 summer of 2010.

4 THE COURT: When did this occur, the incident
5 you're telling me about?

6 MS. CAMPBELL: I would have to check with her. It
7 was towards the end. She had him evicted out of her house
8 in July of 2010.

9 THE COURT: Okay.

10 MS. CAMPBELL: I can get a better date --

11 THE COURT: What did he do with her?

12 MS. CAMPBELL: He head butted her, spit on her and
13 then wrapped her up and pulled her down to the floor in a
14 manner similar to what he just testified Jennifer Wilson did
15 to him.

16 THE COURT: Head butted her and threw her on the
17 floor?

18 MS. CAMPBELL: Uh-huh. And he, also, told her if
19 she ever filed a domestic violence report, he would make
20 sure she looked like the aggressor.

21 THE COURT: Okay.

22 MS. CAMPBELL: And you want me to keep it to --

23 THE COURT: I'm just trying to figure out what
24 you're trying to go into, when, where, and who, and what
25 circumstances so I'll know the facts when I listen to your

HANK HAWES CROSS BY MS. CAMPBELL

1 arguments.

2 MS. CAMPBELL: And then, Your Honor, all the rest
3 of them go back before 2007 and earlier when he was,
4 actually, charged or convicted on those charges.

5 THE COURT: 2007, convicted of what?

6 MS. CAMPBELL: 2007 on Amy Hate. He grabbed her
7 neck and choked her. Lifted her up off the floor until she
8 blacked out.

9 THE COURT: He was convicted of what?

10 MR. STRICKLER: No.

11 MS. CAMPBELL: That wasn't that one, Your Honor.

12 MR. STRICKLER: Convicted in 1998.

13 MS. CAMPBELL: The older ones were the
14 convictions, Your Honor. I don't know that that was a
15 conviction. I would have to double check that.

16 THE COURT: Okay. All right.

17 MS. CAMPBELL: Then the other ones are all more
18 remote in time.

19 THE COURT: Okay. So tell me why you think you're
20 entitled to go into that?

21 MS. CAMPBELL: Your Honor, specifically, the one
22 that I feel -- the two that I feel like are most prevalent
23 would be Christine Dalheimer and Stacey Newsom. Those were
24 the most recent in time. The fact that he pulled a knife on
25 Christine Dalheimer in the same manner he's alleging a knife

HANK HAWES CROSS BY MS. CAMPBELL

1 was pulled on him and that he had to pull a knife.

2 And in addition to that, Your Honor, specifically,
3 as to Stacey Newsom, as far as the physical aggression,
4 which he's -- and it's in the text messages that's in
5 evidence that he says he was never aggressive with Stacey.
6 Our information is that she would refute that. And, more
7 specifically, he told her he would make sure she looked like
8 the aggressor if she ever reported him.

9 THE COURT: Okay.

10 MS. CAMPBELL: Which is exactly what he's doing
11 here.

12 THE COURT: Well, I understand, but under what
13 theory do you think it should be allowed? I mean, it's not
14 like close in time and circumstances. I'm having trouble
15 with connecting the cause and effect of -- unless you think
16 it goes to his self-defense argument.

17 MS. CAMPBELL: I --

18 THE COURT: Why you think it should come in?

19 MS. CAMPBELL: I --

20 THE COURT: Legally.

21 MS. CAMPBELL: I think it should come in under a
22 404(b) analysis. At this point, he's made it relevant. We
23 weren't allowed to go into before, Your Honor.

24 THE COURT: I understand.

25 MS. CAMPBELL: The case law that I handed up

HANK HAWES CROSS BY MS. CAMPBELL

1 earlier, the only way it comes in is that he testifies he
2 was the victim, she was the aggressor, which is something
3 that he's threatened in the past to do with another woman
4 that reported him for anything.

5 THE COURT: So you think it comes under 404(b)?

6 MS. CAMPBELL: For motive and --

7 THE COURT: Because he's testified as the
8 aggressor?

9 MS. CAMPBELL: He's testified that Jennifer Wilson
10 was the aggressor. And that was on his direct testimony.
11 And the fact on Christine Dalheimer that he pulled a knife
12 on her, which is the exact same situation that we have here.

13 THE COURT: I know you handed up several cases,
14 which one are you referring to in particular? Which one in
15 particular are you referring to?

16 MS. CAMPBELL: I believe it was -- hang on, Your
17 Honor. State v. Sweat, and the cases I attached to those,
18 Your Honor.

19 THE COURT: State v. Sweat?

20 MS. CAMPBELL: Yes, sir.

21 THE COURT: That goes directly, especially to the
22 threats. And I handed up some other cases, Your Honor, as
23 well.

24 (Pause.)

25 THE COURT: All right. Let me hear from -- I'm

HANK HAWES CROSS BY MS. CAMPBELL

1 sorry, Solicitor, are you through?

2 MS. CAMPBELL: Yes, sir.

3 THE COURT: Let me hear from the Defense.

4 MR. STRICKLER: She indicates she's relying on
5 State v. Sweat. My memory of that is that there was an act
6 of violence against the victim. The defendant was arrested,
7 he's released. And some 10 days later, the same victim is
8 assaulted giving rise to the charges for which he is brought
9 to trial on. And in that situation, the earlier charge was
10 permitted. There you have a deputy with the current victim
11 from the previously incident and you have an incident that
12 is all of 10 days previous as opposed to your list. The
13 closest thing here a year, over a year earlier and different
14 -- different alleged victims.

15 THE COURT: Okay.

16 MR. STRICKLER: I think it fails on both those
17 bases.

18 THE COURT: Sorry?

19 MR. STRICKLER: I think it fails on both those
20 bases. I think you need to have them both.

21 THE COURT: Yes, ma'am.

22 MS. CAMPBELL: Your Honor, to the specific threat
23 that he would make her out to be an aggressor, Your Honor, I
24 think State v. Beck would, also, apply there. That's a case
25 where the defendant in that case made an allegation -- it

HANK HAWES CROSS BY MS. CAMPBELL

1 involved a call girl, that made an allegation some several
2 months earlier how he was going to rob or do something to a
3 person like that. And the court allowed it in under State
4 v. Beck to show, basically, that the defendant followed
5 through with what he said he would do earlier.

6 THE COURT: Only thing he said, if I remember
7 correctly, is -- I forget the exact terminology, in a text
8 you're talking about?

9 MS. CAMPBELL: No.

10 THE COURT: Take her block by block or something
11 like that?

12 MS. CAMPBELL: No, that's in. I mean, that's I
13 think --

14 THE COURT: Is that what you're talking about?

15 MS. CAMPBELL: No, sir.

16 THE COURT: What text are you talking about?

17 MS. CAMPBELL: I'm not talking about a text at
18 this point. I'm talking about what he said to Stacey Newsom
19 about if she ever reported this to law enforcement that he
20 would make her out to be the aggressor. And that is what,
21 in fact, he has come here in court and done today.

22 THE COURT: Okay. All right. I'm not going -- I
23 think these cases are too remote in time and I think you've
24 got -- circumstances. Under Lyle, prior bad acts are not
25 admissible, except for motive and intent and some other

HANK HAWES CROSS BY MS. CAMPBELL

1 elements, but they have to be closely related in time.
2 There's no connection between the cause and effect and
3 between the evidence and the crime that you want to present
4 at this time. So I'm not going to allow you to go into
5 those at this point in time in the trial based upon this
6 testimony. Okay.

7 Now, I'm not saying that some other witness may
8 not open the door. At this point in time, I don't think he
9 has opened the door and I don't think it's admissible under
10 Lyle as a prior bad act. All right.

11 Do you have any further cross --

12 MS. CAMPBELL: Just a moment.

13 THE COURT: -- of this witness?

14 MS. CAMPBELL: No, sir.

15 THE COURT: Any other questions of this witness?

16 MS. CAMPBELL: No, sir.

17 THE COURT: All right.

18 Mr. Strickler, do you have any questions in reply?

19 MR. STRICKLER: No, Your Honor.

20 THE COURT: All right. I suppose this is the time
21 to ask him to come down before we bring the jury back in.

22 MR. STRICKLER: That's what I thought, Your Honor.

23 And we would have no reply.

24 THE COURT: You have on reply?

25 MR. STRICKLER: No reply.

HANK HAWES CROSS BY MS. CAMPBELL

1 THE COURT: All right. If you would step down and
2 come back to the Defense counsel table for me.

3 (The Defendant complies.)

4 THE COURT: All right. Do you have in anymore
5 witnesses you're going to call?

6 MR. STRICKLER: Not at this time, Your Honor. We
7 have the one witness scheduled for first thing Wednesday
8 morning.

9 THE COURT: All right. Let me see the lawyers up
10 her.

11 (Whereupon, a bench conference was held
12 off the record.)

13 MS. CAMPBELL: Your Honor, if we could have about
14 15 minutes?

15 THE COURT: Yes, ma'am.

16 MS. CAMPBELL: Okay. Thank you.

17 THE COURT: We'll take about a 15 or 20-minute
18 break.

19 (Whereupon, a short recess was held.)

20 THE COURT: Bring the jury, please.

21 BAILIFF: Yes, sir.

22 (Whereupon, the jury returned to the
23 courtroom at 3:14 p.m.)

24 BAILIFF: The jury panel is present, Your Honor.

25 THE COURT: Thank you very much.

HANK HAWES CROSS BY MS. CAMPBELL

1 Ladies and gentlemen of the jury, I know you've
2 been here now, I guess, for a week, five days, and the day
3 is the sixth day. We've done everything we can try to
4 precipitate and expedite this trial. Every now and then you
5 run into snags and we have sort of run into a snag at this
6 point in time.

7 As I told you earlier, sometime when I'm ruling on
8 decisions I have to listen to some of the facts and evaluate
9 the facts before I can make a decision whether that evidence
10 is admissible or not admissible. We've reached that point.
11 And I'm not going to be able to do it this afternoon. The
12 witness is not available this afternoon. They will be
13 available first thing in the morning. So in the morning,
14 I'm going to listen to his testimony and make a decision
15 whether it's admissible or not admissible.

16 So what I'm going to ask you to do if you will
17 call in to the clerk's office at 10:30 in the morning. At
18 that time, you will receive a message to either report
19 tomorrow at 12 o'clock or Wednesday morning at 9:30.

20 The reason we have to wait until Wednesday morning
21 is there was an expert that was available last week, but we
22 just never -- we tried to get to him, wasn't available.
23 He's not available today or tomorrow, but he will be here
24 Wednesday morning. So we've got to take that testimony
25 Wednesday morning.

HANK HAWES CROSS BY MS. CAMPBELL

1 So bear with me. We're going to get through the
2 testimony, we're going to get the trial over with. I
3 appreciate your patience and your courtesies, but sometimes
4 things come up and there's no way I can work around them
5 because of the law and the situation. When you're dealing
6 with a lot of people, there's always problems.

7 But I apologize again. We're not trying to waste
8 your time, but I just have to do certain things and we can't
9 finish it up tomorrow. But, hopefully, we'll finish it up
10 Wednesday, if not, first thing Thursday morning.

11 So I caution you again, please don't discuss the
12 case amongst yourselves. Please don't talk to anybody about
13 the case. And I will see you either tomorrow at 12 o'clock
14 or I'll see you Wednesday morning at 9:30. Y'all have a
15 good evening and, hopefully, a good day tomorrow.

16 (Whereupon, the jury left the courtroom
17 at 3:18 p.m.)

18 THE COURT: All right. Let me make sure one thing
19 is clear on the record for the State. If it's going to be
20 any reply testimony as to the Defendant, Mr. Hawes's,
21 testimony, direct and cross-examination, today, that's going
22 to be tomorrow.

23 MS. CAMPBELL: Uh-huh.

24 THE COURT: Any reply to the blood expert the
25 Defendant's going to call Wednesday will be done after that

MATTHEW CRONIN EXAMINATION BY THE COURT

1 testimony.

2 Does the State understand?

3 MS. CAMPBELL: Yes, sir.

4 THE COURT: All right.

5 Does the Defense understand?

6 MR. STRICKLER: Yes, sir.

7 THE COURT: All right. Is there anything from
8 the -- and I understand you will have your witnesses
9 tomorrow to proffer the testimony on the admissibility of
10 prior bad acts, I believe, Newsom and Dalheimer, is that
11 correct?

12 MS. CAMPBELL: Yes, sir.

13 THE COURT: All right. You're going to start that
14 at 9:30; is that correct?

15 MS. CAMPBELL: Yes, sir.

16 THE COURT: And after I listen to that testimony
17 listen to arguments; I'll make a decision. Okay?

18 MS. CAMPBELL: Okay.

19 THE COURT: I've already made one, but I will be
20 glad to revisit it after I listen to testimony.

21 Does the State understand?

22 MS. CAMPBELL: Yes, sir.

23 THE COURT: Does the Defense understand?

24 MR. STRICKLER: Yes, sir.

25 THE COURT: All right. Is there anything else

MATTHEW CRONIN EXAMINATION BY THE COURT

1 from the State before we adjourn this trial?

2 MS. GARFIELD: No, sir.

3 THE COURT: Anything from the Defense?

4 MR. STRICKLER: No, sir.

5 THE COURT: All right.

6 (Whereupon, Court was adjourned for the
7 day to be reconvened on Tuesday, October
8 14, 2014.)

9 THE COURT: Mr. Postin, you want to come around,
10 please?

11 MR. POSTIN: Yes, sir.

12 THE COURT: Mr. Cronin, you're here?

13 DEFENDANT CORNIN: Yes, sir.

14 THE COURT: Okay.

15 Be glad to hear you.

16 MR. POSTIN: Thank you, Your Honor. I
17 appreciate -- first of all, I appreciate the Court allowing
18 us to come before you today. It's a motion, I guess, to
19 reconsider the six months you imposed on Thursday for
20 contempt. I've been retained by Mr. Cronin to represent him
21 in that regard as over the whole encompassing matter of
22 contempt.

23 I've been able to spend a lot of time with him on
24 the phone and in person. I can tell that you the actions in
25 your courtroom were aberrant to this man's personality.

MATTHEW CRONIN EXAMINATION BY THE COURT

1 He's an honorably discharged veteran of the United States
2 Army. And her served in Iraq in military intelligence. He
3 is from Wisconsin. He went to college there and graduated.
4 He has a real estate company in Chicago and he's, also, a
5 bond trader in New York City. Your Honor, he's engaged and
6 his fiance is in the courtroom (indicating). She's right
7 here. Her name is --

8 THE COURT: You're welcome to come around and
9 speak on his behalf if you so choose.

10 MR. POSTIN: I should have warned her of that,
11 Your Honor, I'm sorry.

12 THE COURT: Okay.

13 MR. POSTIN: She did this of own volition. I
14 didn't ask her to do this. Matt didn't ask her to do this.
15 She -- it just -- and I think it just goes to show what kind
16 of person he is.

17 THE COURT: Be glad to hear you.

18 MR. CRONIN'S FIANCE: Oh. Do I come --

19 MR. POSTIN: No, just from right there. Sorry.

20 MR. CRONIN'S FIANCE: I'd really like him to come
21 home. No, he's a really good guy. He's really worked up
22 about the whole situation. Ms. Wilson meant a lot to him
23 and I know he loved her very much. And I advised him not to
24 come to the trial because I thought he would, you know, get
25 worked up and, obviously, he did. But he's a really good

MATTHEW CRONIN EXAMINATION BY THE COURT

1 guy and definitely out of character. And that's it. I
2 didn't really prepare anything.

3 THE COURT: That's fine.

4 MR. POSTIN: Thank you so much.

5 THE COURT: Okay. Thank you so very much for
6 being here.

7 Okay. Yes, sir.

8 MR. POSTIN: Your Honor, I know Matt does want to
9 address the Court. He, obviously, has spent now four days
10 in jail.

11 DEFENDANT CORNIN: (The witness nodded head.)

12 MR. POSTIN: He has had a lot of time to reflect
13 on his actions. And I know that he does want to address
14 Your Honor at the appropriate time.

15 THE COURT: Will be glad to hear you.

16 DEFENDANT CORNIN: Yes, Your Honor. Obviously,
17 this is a very sensational case and I'm extremely sorry for
18 adding to that. It was sensational enough already. And I
19 was very emotional. It was the wrong thing to do. I know
20 it wasn't going to change anything. And I'm extremely sorry
21 for breaking the decorum of this court, your court. And I
22 know the prosecution and Defense have spent three years
23 working on this case and I put that in jeopardy and I would
24 like to apologize to them as well. It was definitely out of
25 character and I'm sorry.

MATTHEW CRONIN EXAMINATION BY THE COURT

1 THE COURT: Okay. Yes, sir.

2 MR. POSTIN: Your Honor, I just ask you reconsider
3 the contempt matter, you know, and making it effective as
4 time served, if possible, and just allowing him to -- of
5 course, he would agree never to walk into 1701 Main Street
6 Columbia, South Carolina, courthouse.

7 THE COURT: Well, if I do what your attorney wants
8 me to do, what are your plans? Because I'm going to
9 restrain you from entering this courthouse, period, and I'm
10 going to ask the officers to get a mug shot and put it
11 downstairs so you don't get back in the building. Do you
12 understand?

13 DEFENDANT CORNIN: Yes, sir.

14 THE COURT: What are your plans, at least, not in
15 the middle or during the pendency of this trial? After the
16 trial, you can do whatever you want.

17 DEFENDANT CORNIN: Of course, Your Honor. My
18 plans are to never have any contact whatsoever with the
19 penal system in the great State of South Carolina again. I
20 don't want to see this courtroom. I don't want to see the
21 facilities. I don't want to see the detention center.

22 THE COURT: Well, you think you learned anything?

23 DEFENDANT CORNIN: (The witness nodded head.)

24 THE COURT: The courts just can't put up with that
25 conduct.

MATTHEW CRONIN EXAMINATION BY THE COURT

1 DEFENDANT CORNIN: I understand.

2 THE COURT: We got to have a civil operation and
3 that's not civil.

4 DEFENDANT CORNIN: It wasn't at all, Your Honor.
5 I let my emotions get the best of me. It doesn't change
6 anything. It just put a lot of things in jeopardy, so it
7 was a stupid thing to do.

8 THE COURT: All right. I will reduce the sentence
9 of six months to four days and release him in your custody.
10 What do I need to get signed to get the jail to
11 release him?

12 MR. POSTIN: Thank you, Your Honor.

13 THE COURT: All right. And I am, also, going to
14 restrain you from entering the Richland County Courthouse
15 for any reason whatsoever during the pendency of this trial.
16 You understand?

17 DEFENDANT CORNIN: Absolutely, Your Honor. Yes.

18 THE COURT: So if you want to hang around
19 Columbia, that's fine, but, otherwise, I would advise you to
20 take the -- your girlfriend or your fiance and go on back to
21 New York. That's your choice. I can't make you go to New
22 York, but I can keep you out of this courthouse.

23 DEFENDANT CORNIN: Absolutely.

24 THE COURT: All right.

25 DEFENDANT CORNIN: I probably shouldn't have been

CHRISTINE DALHEIMER PROFFER DIRECT BY MS. CAMPBELL
IN CAMERA

1 here in the first place.

2 THE COURT: If you can't control your emotions,
3 you probably shouldn't have.

4 DEFENDANT CORNIN: I thought I could. Just
5 Thursday was, obviously, very forensic and very graphic, so.

6 THE COURT: All right.

7 MR. POSTIN: Thank you so much, Your Honor.

8 THE COURT: All right. Thank you.

9 (Whereupon, court was adjourned for the
10 day, October 13, 2014, to reconvene on
11 Monday, October 14, 2014.)

12 THE COURT: All right. I believe you're going to
13 proffer some testimony?

14 MS. CAMPBELL: Yes, sir.

15 THE COURT: Previous girlfriends of the Defendant,
16 is that correct?

17 MS. CAMPBELL: Yes, sir.

18 THE COURT: I will be glad to listen.

19 MS. CAMPBELL: The State would call Christine
20 Dalheimer.

21 Your Honor, the witnesses have already testified
22 previously, would they still need to be sequestered?

23 THE COURT: No.

24 MS. CAMPBELL: Okay. Thank you.

25 MS. PRINGLE: I would ask that they be

CHRISTINE DALHEIMER PROFFER DIRECT BY MS. CAMPBELL
IN CAMERA

1 sequestered, Your Honor. I don't know exactly what she's
2 going into. They were --

3 THE COURT: We're proffering. I'm not going to
4 sequester them during a proffer, okay?

5 MS. PRINGLE: Yes, sir.

6 THE COURT: If it's live testimony, I'll grant
7 your request.

8 THEREUPON,

9 CHRISTINE DALHEIMER,
10 after having been duly sworn, testified as follows:

11 THE CLERK: Have a seat in the witness box, state
12 your name for the record, please.

13 THE WITNESS: My name is Christine Dalheimer.

14 PROFFER DIRECT EXAMINATION

15 BY MS. CAMPBELL:

16 Q. Ms. Dalheimer, you testified before that you met Hank
17 Hawes. When did you, actually, meet Hank Hawes?

18 A. We met in August of 2010.

19 Q. In August of 2010?

20 A. Correct.

21 Q. And over the next several months, did y'all have a
22 relationship?

23 A. We did.

24 Q. And during that time period, did he have an occasion to
25 become violent or show some violence towards you?

CHRISTINE DALHEIMER PROFFER DIRECT BY MS. CAMPBELL
IN CAMERA

- 1 A. He did. He, actually, pulled a knife on me one night
2 in the kitchen when we were cooking. We were arguing
3 and he pointed a knife to my throat and I was backed up
4 against the counter. And the dogs were barking
5 frantically, which he then kind of laughed it off.
- 6 Q. And this took place in your kitchen?
- 7 A. It took place in my kitchen, correct.
- 8 Q. And he's the one that, actually, pulled the knife?
- 9 A. Correct.
- 10 Q. Do you remember where he got the knife from?
- 11 A. The knife was on the actual bar. We were cooking and
12 there was a cutting board and the knife.
- 13 Q. And when he pulled the knife, what did he do with it?
- 14 A. He pointed it right at my throat (indicating).
- 15 Q. And then he laughed it off later?
- 16 A. Yes.
- 17 Q. On another occasion, did he become violent with you as
18 well?
- 19 A. I mean, a lot of times when he was talking, he always
20 put his thumb (indicating) right here in the crook of
21 my neck and kind of force it a little bit.
- 22 Q. In a choking manner?
- 23 A. In a chocking manner, yes.
- 24 Q. The time that he -- specifically, the one we're here
25 for today, when he pulled the knife on you in your

CHRISTINE DALHEIMER PROFFER CROSS BY MS. EIGENBROT
IN CAMERA

1 kitchen, do you know approximately when that was?

2 A. I would say October, November.

3 Q. October, November of 2010?

4 A. 2010, yes.

5 Q. And when did you terminate your relationship with him?

6 A. It was at the end of December of 2010.

7 Q. And that's the last time you ever saw him?

8 A. Correct.

9 Q. At any point did he ever threatened to expose you to
10 other people or to threat your livelihood?

11 A. Not that I recall. I know he was kind of controlling,
12 took me to work and kind of stayed there at my
13 workplace, but.

14 Q. Okay.

15 MS. CAMPBELL: Your Honor, that would be the
16 extent of what we have for Ms. Dalheimer.

17 THE COURT: Cross-examination?

18 MS. EIGENBROT: Yes, Your Honor. May it please
19 the Court.

20 PROFFER CROSS-EXAMINATION

21 BY MS. EIGENBROT:

22 Q. Good morning, Ms. Dalheimer.

23 A. Good morning.

24 Q. All right. So you testified that Hank pulled a knife
25 on you in October of 2010?

CHRISTINE DALHEIMER PROFFER CROSS BY MS. EIGENBROT
IN CAMERA

- 1 A. October, November, yes.
- 2 Q. At that time, you were arguing?
- 3 A. Correct.
- 4 Q. And he pointed it at your throat?
- 5 A. Yes.
- 6 Q. At that time, you had no knowledge of Jennifer Wilson?
- 7 A. No.
- 8 Q. And he was dating you and you exclusively at the time?
- 9 A. That was my understanding, but.
- 10 Q. And he did not, actually, stab you at that time?
- 11 A. He laughed it off. I mean, he didn't stab me. He just
- 12 pointed the knife at me.
- 13 Q. But he didn't cut you or slice you or anything like
- 14 that, right?
- 15 A. No.
- 16 Q. And you did not report this to the police?
- 17 A. I did not realize until after I talked to Judge Edmunds
- 18 in March of 2011 that any kind of incident like this
- 19 you're supposed to report so you can get on record.
- 20 Q. But you did not report it?
- 21 A. I did not.
- 22 Q. And this was the only time he ever pulled a knife or
- 23 any other weapon on you, right?
- 24 A. He pulled a gun on me in December of 2010 when we were
- 25 backing out or pulling out of my driveway.

STACEY NEWSOM DIRECT BY MS. CAMPBELL IN CAMERA

1 Q. And, again, you did not report that?

2 A. No.

3 Q. Again, to your knowledge, Jennifer Wilson was not a
4 part of the picture in December of 2010?

5 A. I had no knowledge of Jennifer, no.

6 MS. EIGENBROT: Beg the Court's indulgence. I
7 have no further questions.

8 Thank you, Ms. Dalheimer.

9 THE COURT: Any redirect?

10 MS. CAMPBELL: No, sir.

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

13 THE WITNESS: Thank you.

14 THE COURT: Call your next witness.

15 MS. CAMPBELL: Okay. The State would call Stacey
16 Newsom. She's now Galloway, Your Honor.

17 THE COURT: Is she Galloway now or Newsom now?

18 MS. CAMPBELL: She's Galloway now.

19 THEREUPON,

20 STACEY NEWSOM,

21 after having been duly sworn, testified as follows:

22 CLERK: Have a seat in the witness box and state
23 your name for the record, please.

24 THE WITNESS: My name is Stacey Newsom.

25 DIRECT EXAMINATION

STACEY NEWSOM DIRECT BY MS. CAMPBELL IN CAMERA

1 BY MS. CAMPBELL:

2 Q. Ma'am, when did you have a relationship with Hank
3 Hawes?

4 A. From April 2008 until July 2010.

5 Q. And in July of 2010, what kind of efforts were you
6 making to cut it off with the Defendant?

7 A. I told him I no longer wanted to be in a relationship
8 with him and I asked him to move out.

9 Q. Did he move out immediately?

10 A. No.

11 Q. In fact, what action did you have to take to get him to
12 move out?

13 A. I had to go through the eviction process.

14 Q. And, eventually, when were you able to evict him?

15 A. First part of October.

16 Q. From the time period of July until October of 2010, did
17 things get -- how would you characterize the
18 relationship at that point?

19 A. We had a lot of intense fights going on. We were not
20 communicating at all.

21 MS. PRINGLE: I'm sorry, Judge, I cannot hear her.

22 THE COURT: Speak up. I can hardly hear you.

23 THE WITNESS: I apologize.

24 During that time, during the eviction process,
25 from July until October, we had some intense fights. We

STACEY NEWSOM DIRECT BY MS. CAMPBELL IN CAMERA

1 were not communicating in any friendly way at that point.

2 BY MS. CAMPBELL::

3 Q. And at any point, did you have a conversation with him
4 about if you called law enforcement?

5 A. During some of those intense fights, there were several
6 incidents where I felt threatened. Hank let me know
7 that if I were to ever phone the police regarding any
8 violence that -- the words that I recall are you will
9 be the one to go to jail.

10 Q. You will be the one to go to jail?

11 A. Correct.

12 Q. So it will be your fault?

13 A. I felt that something would be said or done to make it
14 look like my fault.

15 Q. And at any point, did he ever become physical with you?

16 A. He did.

17 Q. Can you describe that to the judge?

18 A. Yes. At some point between July and October, we were
19 having a fight and he came at me as if he were going to
20 head butt me forcefully, although he stopped short, he
21 did not make contact. And he spit on me.

22 In the second incident, we were having an intense
23 argument and he turned me around and wrapped his arms
24 around me and pulled me to the ground.

25 THE COURT: Did what?

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 THE WITNESS: Wrapped his arms around me from
2 behind and pulled me to the ground.

3 BY MS. CAMPBELL:;

4 Q. At any point, did he ever show you any type of weapon?

5 A. Throughout our relationship, I had seen the various
6 weapons that he had.

7 Q. Specifically, did he ever show you a knife?

8 A. Yes, he had some knives.

9 Q. Do you remember what time period that was?

10 A. It would have been shortly after I met him.

11 Q. So that would have been more remote?

12 A. Yeah, uh-huh, remote.

13 Q. But the time period we're talking about when he talked
14 to you about he would make sure you were the one that
15 went to jail that was at what time period?

16 A. That would have been sometime between July and October
17 of 2010.

18 Q. And after that, y'all continued to remain on a
19 friendship basis somewhat?

20 A. After Hank was evicted and we had separation between
21 us, we were able to communicate on more friendly terms
22 and did keep in contact.

23 Q. Okay. Thank you, ma'am.

24 MS. CAMPBELL: For this hearing, that's all I
25 have, Your Honor.

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 THE COURT: Okay.

2 Cross-examination?

3 MS. PRINGLE: Yes, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. PRINGLE:

6 Q. Good morning, Dr. Galloway?

7 A. Newsom, Galloway, whichever is more convenient.

8 Q. The two incidents that you've mentioned here today, the
9 head butt, he came at you like he was going to head
10 butt you, but didn't?

11 A. Correct.

12 Q. He spit on you?

13 A. Correct.

14 Q. And the second time, wrapped his arms around from
15 behind you and pulled you to the floor?

16 A. That's right.

17 Q. You both were on the floor?

18 A. Correct.

19 Q. And that was between July of 2010 and October of 2010?

20 A. Correct.

21 Q. And Jennifer Wilson was nowhere in the picture at this
22 point, correct?

23 A. Not that I'm aware of.

24 Q. You had -- there was absolutely no connection between
25 Jennifer Wilson and these arguments or Jennifer Wilson

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 and the troubles you were having in July of 2010 to
2 October of 2010?

3 A. That's correct.

4 Q. And my understanding of what you said is that this
5 statement, if you ever call the police, you will be the
6 one to go to jail is connected to these physical
7 episodes?

8 A. Correct.

9 Q. That would be the context of that statement that you
10 said he made?

11 A. It was -- the statement was made during some arguments
12 that we had, yes.

13 Q. And you said you had seen knives?

14 A. In the past, yes.

15 Q. And you were interviewed on September 2nd of 2011,
16 regarding this incident with Ms. Wilson?

17 A. Yes. Was that with the investigator?

18 Q. Yes.

19 A. Okay. Yes.

20 Q. They, actually, came to Greenville, right?

21 A. Correct.

22 Q. And you had come down to get the dog Sunday, August
23 28th?

24 A. Yes.

25 Q. You recall coming there and seeing Investigator

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 McCracken?

2 A. Correct.

3 Q. Or an investigator?

4 A. Correct.

5 Q. And they told you at that time what happened?

6 A. They did not. I asked what had -- I asked is it okay
7 if you tell me what happened. And the answer was, Hank
8 has been arrested. That's all I can tell you now. You
9 know, you can see it later in the paper. And that's
10 what I understood at that point.

11 Q. So you subsequently did find out that happened?

12 A. Correct.

13 Q. And were interviewed even after that on September 2nd?

14 A. Yes.

15 Q. Did you ever make -- did you ever tell any of the
16 investigators or any of people that interviewed you
17 these two incidents you just described?

18 A. I did.

19 Q. Who did you tell?

20 A. I told Investigator Ida Menendez and she made me
21 demonstrate to her how it happened.

22 Q. And when that was?

23 A. During my interview on the second when they came to
24 Greenville.

25 Q. All right. Do you still have the dog?

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

- 1 A. I do not.
- 2 Q. And you said that you and Mr. Hawes would talk on
3 occasion?
- 4 A. Yes.
- 5 Q. In a friendly manner after things settled down?
- 6 A. After things settled down.
- 7 Q. You, actually, talked to him really regularly, didn't
8 you?
- 9 A. I haven't reviewed the records, so I cannot give you an
10 exact answer to that in terms of how often.
- 11 Q. Did you and Mr. Hawes have a nickname you used for each
12 other?
- 13 A. Yes.
- 14 Q. What was it?
- 15 A. Rubby.
- 16 Q. R-U --
- 17 A. B-B-Y.
- 18 Q. And different variations on that?
- 19 A. A silly thing that had morphed over time.
- 20 Q. And you had a special language that the two of you
21 talked with each other?
- 22 A. It was pretty much whoever could make the most
23 unintelligible text, that was the goal.
- 24 Q. And that continued in July and August?
- 25 A. It did, yes.

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 Q. You would agree that y'all had an affectionate,
2 friendly, loving friendship?

3 A. We were on good terms during those times, once things
4 settled down.

5 Q. And you would tell him you loved him?

6 A. I don't recall.

7 Q. Love you, too, Ruvvy, sound like something you would
8 have said?

9 A. In a friendly way, yes.

10 Q. Sure. In May, And I wuv you, too, Rubby, wish you was
11 close enough for hugs?

12 A. Could have.

13 Q. In May?

14 A. I don't have it in front of me, but if you're reading
15 it there, then --

16 Q. Does that sound familiar enough to you?

17 A. Those would be the types of --

18 THE COURT: Ms. Pringle, we're getting far afield
19 of what we're here for this morning. Anything else as far
20 as the incidents she testified to?

21 MS. PRINGLE: No, sir, I'm just trying to
22 establish how things transferred afterwards.

23 THE COURT: I understand, but that's far afield
24 from what -- the purpose of the proffer.

25 MS. PRINGLE: I understand.

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 THE COURT: Anything on redirect?

2 MS. CAMPBELL: No, sir.

3 THE COURT: All right. You may step down. Thank
4 you so very much.

5 Yes, ma'am.

6 MS. CAMPBELL: Your Honor --

7 THE COURT: Be glad to hear your argument.

8 MS. CAMPBELL: And we would be limiting it -- we
9 went a little further than what we would, actually, want to
10 put in front of the jury. But, specifically, with Ms.
11 Newsom, we would be wanting to put in front of the jury the
12 conversation when they were arguing when he talked about
13 what he would do if she called the police that would make it
14 to her fault.

15 And, specifically, we would limit Christine
16 Dalheimer -- because I believe some of the other stuff was
17 more remote. Christine Dalheimer would be the incident,
18 which was, also, that fall when he pulled the knife on her
19 in the kitchen.

20 Those would be the two things we would be seeking
21 to introduce with these two witnesses. I would limit it so
22 you don't have to rule out anything else. We did the other
23 just for a little background.

24 THE COURT: Okay. What basis do you think it
25 should be allowed?

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 MS. CAMPBELL: Your Honor, under State v. Beck,
2 and then State v. Meshaw. In that case, Your Honor, Meshaw
3 is quoting Beck and it talks about that this would not,
4 actually, qualify as a prior bad act, the statement, at
5 least, that a threatening statement is not a bad act. A
6 statement of intent to commit a crime is not a bad act. A
7 statement of intent, we would say, is not a bad act.

8 Basically, we would just say that this would go to
9 show as far as what is at issue in this case, because the
10 Defense is claiming self-defense, is who was the aggressor.
11 This directly goes -- these are words from his mouth on a
12 prior occasion and it's not that remote. These happened in
13 the fall of 2010. He starts a relationship with Ms. Wilson
14 in this case in January, and this is culminating in August
15 of that year.

16 We would say under State v. Beck, specifically,
17 Your Honor, they talked about a several-month lapse, I
18 believe, it was a four-month lapse between the Defendant's
19 statement. In that case, the defendant was talking about
20 how he was planning to go rob escort girls. Your Honor, in
21 this case, we were talking about what he said he would do if
22 someone called the police on him, that he would make it
23 their fault. That's directly on point here, Your Honor,
24 because that's exactly what he's testified to. So as far as
25 that goes, we would think that would come in.

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 Your Honor, as far as Ms. Dalheimer, that's not an
2 actual -- that was an actual action, you know, that may not
3 fall under the Beck exception.

4 THE COURT: What statements would you want from
5 Dr. Newsom?

6 MS. CAMPBELL: Just what I would want from Dr.
7 Newsom is the fact that they were in an argument and he told
8 her that if she ever called the police and whatever --

9 THE COURT: Basically, the same thing both
10 witnesses --

11 MS. CAMPBELL: Christine Dalheimer --

12 THE COURT: -- as far as the statement?

13 MS. CAMPBELL: He never said that to Christine
14 Dalheimer. The only thing that we would be offering Ms.
15 Dalheimer for is to show that he had pulled a kitchen knife
16 on someone on a prior occasion, which he claims he did not
17 do in this case. So that would be refuting his claim that
18 the knife was pulled on him and he only acted in
19 self-defense. However, the only statement from Ms. Newsom
20 we would want is the fact that they were in an argument and
21 at that point told her if she ever called the police, he
22 would make it look like it was her fault.

23 THE COURT: Ms. Dalheimer?

24 MS. CAMPBELL: Ms. Newsom.

25 THE COURT: Okay. All right.

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 Be glad to hear from Defense counsel.

2 MS. PRINGLE: This is just --

3 THE COURT: As far as the statements are
4 concerned.

5 MS. PRINGLE: Just the statements?

6 THE COURT: Yeah.

7 MS. PRINGLE: Your Honor, regarding the State v.
8 Meshaw case, the statement in that case that she's talking
9 about, I don't understand why I was attracted to him. I
10 think I was attracted to him because he looked like he was
11 15. When I found out he was older, it seemed perfect.

12 Well, you can understand why they were saying that that was
13 not an act of bad character, didn't --

14 What you are dealing with here, specifically, with
15 Dr. Newsom is acts directly related to a statement, which is
16 a statement that would be a bad act, right. A threat to
17 another person who has absolutely nothing to do with this
18 case, a threat to that person that if you do -- if you call
19 the police, I'm going to make you out to be the aggressor
20 because you claim that I head butted you and spit on you and
21 pulled you to the ground.

22 First of all, you can't pull those things apart
23 and just offer the one statement. They are directly related
24 to each other. It's straight 404. It's straight
25 propensity. It's a different victim. It has absolutely

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 nobody to do with this case. I see no grounds for
2 admissibility.

3 I would cite to the Court State v. Clinkscales,
4 which is an older case from 1957, 99 S.E.2d 663; the State
5 vs. Braxton, which is 541 S.E.2d 833. Those are the cases
6 that arguably would deal with this sort of thing. What
7 they're wanting to do is bring in prior animosity or
8 difficulties or acts of hostility or acts of violence.
9 Those all deals with situations in which it's the actual
10 victim at issue in the case. And even in those cases, in
11 Clinkscales, for instance, Clinkscales said, you know, while
12 that can be brought up, you can't get into the details of
13 it. It's something that can be possibly asked about, but
14 not with details. And in those cases, a year or two years
15 was remote with the same victim.

16 So we're dealing with August 2011, a year later.
17 And I think that the frame work here is getting -- we're
18 getting pulled out of the proper analysis. This is a 404(b)
19 issue. There is absolutely no grounds for admissibility.
20 And I would submit to you that these cases don't stand for
21 that at all. You can't pull those statements apart from
22 those acts.

23 THE COURT: Okay. Thank you very much.

24 Yes, ma'am.

25 MS. CAMPBELL: Respectfully, Your Honor, in State

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 v. Beck, it addresses the issue she just talked about. In
2 that case, the witness testified that the defendant had
3 asked in July of 1996 to participate in a plan to call
4 escort services for dates and then rob them and to have sex
5 with the employees.

6 Then they talk about how it shouldn't have been
7 admitted under Lyle, which they agreed with. And then it
8 says, specifically, Lyle concerns bad acts and other crimes
9 of the defendant, not statements of even in this case intent
10 to commit a crime. In this case, we're aren't even talking
11 about intent to commit a crime. We're talking about what he
12 would do if the police were called. Therefore, it would be
13 admissible. They talk about whether or not it would be
14 relevant. They talk about how it was very relevant in this
15 case, just that statement.

16 We would not be intending to offer, unless they
17 want us to, the context of how he's, you know, rough housing
18 or anything like that. Just, basically, if you ever call
19 the police on me, this is what's going to happen. That
20 would be the extent of what we're talking about from Ms.
21 Newsom.

22 In addition to that, under Stokes, Your Honor, in
23 order to be admissible under 613 argument, we would, also,
24 ask to have the opportunity just to confront him with that
25 statement. Of course, if he admits that he made that

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 statement, we would not be allowed to offer extrinsic
2 evidence.

3 THE COURT: Okay. Thank y'all very much.

4 Let me see the lawyers up her just a second.

5 (Whereupon, a bench conference was held
6 off the record.)

7 THE COURT: All right. We going to take a short
8 break and let me read these cases.

9 MS. PRINGLE: Judge, I have two copies of
10 Clinkscales -- I have a copy of Clinkscales and Braxton.

11 THE COURT: I will be glad to receive them.

12 MS. PRINGLE: They're marked up.

13 THE COURT: That's fine. I don't need to read the
14 whole case.

15 Let me take a short break and read them. I'll
16 give you a ruling very shortly. Let's take about a 10 or
17 15-minute recess.

18 (Whereupon, a short recess was held.)

19 THE COURT: All right. I reviewed the cases and I
20 just think it's too remote in time. I am not going to allow
21 the proffer and all before the Court this morning. And the
22 jury will be here at 12 o'clock. So we'll be adjourned
23 until 12 o'clock to listen to the reply testimony the
24 State's going to offer at that time.

25 How long do you think it's going to last?

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 MS. GARFIELD: Thirty minutes to an hour at the
2 absolute most.

3 THE COURT: What time is your blood man going be
4 here tomorrow?

5 MR. STRICKLER: First thing in the morning, Your
6 Honor. He is going to be in town tonight, so he'll be
7 available at whatever time the Court wants to start.

8 THE COURT: Okay.

9 MS. CAMPBELL: Your Honor, we did have the one
10 witness that will be very short in the morning that I
11 e-mailed you about if possible. We just found her. She had
12 a conflict today. Her testimony will be very limited.

13 THE COURT: Okay.

14 MS. CAMPBELL: If we can put her up just really
15 quickly in the morning and that will take care of us.

16 THE COURT: Okay. All right.

17 MS. CAMPBELL: Thank you.

18 THE COURT: You think she will be short?

19 MS. CAMPBELL: Yes, very short.

20 THE COURT: What's she going to testify to that
21 the emergency room doctor hasn't already testified to?

22 MS. CAMPBELL: The Defendant has testified about
23 his state of mind during the day, what he said and didn't
24 say. We're not eliciting any medical testimony, Your Honor,
25 just her interaction with him that afternoon.

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 THE COURT: Okay.

2 MR. STRICKLER: I asked him not a word about his
3 situation at the hospital. To the hospital, the next
4 question was the police arrested you there. So I didn't go
5 into anything at all regarding his state of mind or actions,
6 this, that or the other while he was at the hospital. So
7 that's improper rely testimony.

8 THE COURT: I understand. You may be right, but
9 only thing I know to do is listen to it and make a decision.

10 MS. CAMPBELL: Thank you.

11 THE COURT: I just have to listen to it and make a
12 decision.

13 MR. STRICKLER: Can -- we can do that in-camera?

14 THE COURT: Yeah, we'll do that in-camera.

15 MS. CAMPBELL: Thank you, sir.

16 THE COURT: I will listen to what she has to say
17 and I listen to arguments about proper reply.

18 MR. STRICKLER: All right. Thank you, sir.

19 THE COURT: Anything before we break for 12
20 o'clock?

21 MS. GARFIELD: No, sir.

22 MS. CAMPBELL: No, sir.

23 THE COURT: All right. See you at 12 o'clock.
24 Thank very much.

25 (Whereupon, a short recess was held.)

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 THE COURT: All right. We still waiting on one
2 juror, but is there anything from the State before we --

3 MS. CAMPBELL: Yes, Your Honor, pursuant to your
4 earlier rulings, I would just like to put on the record that
5 the only thing we would have been pursuing at this point in
6 asking -- the Defendant is technically, I guess, still on
7 the stand.

8 THE COURT: I'm sorry, what now?

9 MS. CAMPBELL: The Defendant is technically still
10 on the stand. We've never -- you took up this matter. I'm
11 just trying to make a record for the Court. We would have
12 just been asking him -- you told us not to ask him any
13 questions about any other matters, prior matters, so that's
14 when we stopped and said we have a matter of law.

15 At this point, all we would be seeking to ask him
16 is that if in the meeting with Stacey Newsom --

17 THE COURT: Let me back up for a minute.

18 MS. CAMPBELL: I'm just making --

19 THE COURT: I thought you had -- you wanted to
20 take up a matter of law on the issue of prior bad acts.

21 MS. CAMPBELL: On the two --

22 THE COURT: So you haven't rested as far as your
23 cross is what you're telling me?

24 MS. CAMPBELL: Yes, sir.

25 THE COURT: What's the Defense position on that?

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 Because I'm trying to remember. If I remember correctly, he
2 was on the witness stand. We needed to take up a matter of
3 law, so I sent the jury out. He stepped down while the jury
4 was out and then the jury came back in --

5 MR. STRICKLER: Your Honor --

6 THE COURT: I think I ruled on those --

7 MS. CAMPBELL: You didn't till this morning.

8 THE COURT: And I said I would give you the
9 opportunity to revisit it this morning, is that correct?

10 MS. CAMPBELL: Yes, sir.

11 THE COURT: Okay.

12 MR. STRICKLER: Your Honor, my memory is that you
13 ruled yesterday afternoon.

14 THE COURT: I did say yesterday afternoon I would
15 let her revisit with live testimony so I could hear exactly
16 what they were going to say.

17 MR. STRICKLER: Your Honor --

18 THE COURT: Yes, sir.

19 MR. STRICKLER: You ruled yesterday afternoon.
20 She had no more questions and I said to Mr. -- to the Court
21 no questions. That will be last statement from me on the
22 record. Then you brought him down before the jury came back
23 in.

24 THE COURT: So you're saying the State said no
25 more questions?

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 MR. STRICKLER: Yes, sir.

2 THE COURT: And I asked you if you had any reply
3 and you said no?

4 MR. STRICKLER: That's correct. That's my memory.

5 THE COURT: What's your memory from the State?

6 MS. CAMPBELL: Your Honor, I think you made a
7 preliminary ruling. At that point, you did ask a series of
8 questions, but then later, you said that I could revisit it
9 and it may be something we could go back into. And all I'm
10 doing is making a record of that to make sure I'm clear on
11 your ruling. I mean, I'm not disagreeing with him saying
12 that he didn't have any reply.

13 THE COURT: Okay. All right.

14 MS. CAMPBELL: Your Honor, the extent of what we
15 would have been asking --

16 THE COURT: Well, what you want to do is ask him
17 about the question, use it for impeachment purposes?

18 MS. CAMPBELL: Yes, sir. The one question about,
19 specifically, to Stacey Newsom when he was meeting with her
20 in the fall of 2010, didn't he tell her if she ever called
21 law enforcement, he would make it look like it was her
22 fault.

23 THE COURT: All right. Under the process of what
24 I did, and I told you I would revisit this morning. I took
25 additional testimony, I ruled a second time. I guess he's

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 still on cross -- technically on cross-examination.

2 So come down and have a seat in the witness stand,
3 please.

4 MR. STRICKLER: Your Honor, may I ask that the
5 court reporter review whether she said she was done and I
6 said I had no reply.

7 THE COURT: I think you did. What I'm saying is I
8 reopened it for the State and I said I will listen to the
9 testimony this morning in-camera and make a decision. So I
10 revisited that issue at the hearing. And I'm saying from
11 that standpoint the procedure that was not concluded. I'm
12 taking that position, okay, regardless of what's on the
13 record.

14 MR. STRICKLER: All right, Judge.

15 THE COURT: You understand the ruling?

16 MR. STRICKLER: Yes, sir, I understand your
17 ruling. I'm not arguing --

18 THE COURT: I know you're not. I'm just trying to
19 clarify the ruling so we will be on the same page.

20 MR. STRICKLER: Yes, sir. I would just like the
21 record to reflect strenuously, we take exception, with all
22 due respect, to your ruling.

23 THE COURT: I understand that. I appreciate you
24 doing that. Thank you so very much.

25 MR. STRICKLER: Can I have one moment?

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 THE COURT: Have your client come take the witness
2 stand.

3 MS. PRINGLE: I'm sorry, I'm confused, Your Honor.

4 THE COURT: Come have a seat.

5 MS. PRINGLE: I thought you ruled this morning
6 that you weren't letting any of that come in, on the second
7 ruling this morning.

8 THE COURT: I'm not letting it come in in her case
9 in chief. She wants to ask the question, lay the foundation
10 on cross, then impeach him is what she wants to do. And I
11 think she can do that on prior statements he made.

12 MS. PRINGLE: We would object and renew our
13 objection as not understanding what the ruling was this
14 morning, I would like to respond again, Your Honor.

15 THE COURT: I just said I wasn't going to let her
16 offer those witnesses on her case in chief. Now, she's
17 wants to ask the question, lay the foundation for
18 impeachment is the way I understand that.

19 Correct?

20 MS. CAMPBELL: Yes, sir.

21 MS. PRINGLE: Her case in chief is over. I don't
22 know what --

23 THE COURT: That's what I just ruled, it's not
24 over.

25 MS. PRINGLE: Well, this is --

STACEY NEWSOM CROSS BY MS. PRINGLE IN CAMERA

1 THE COURT: I'm sorry, excuse me, her cross is not
2 over.

3 MS. PRINGLE: Well, we do object. It was over.
4 Mr. Strickler said that he had --

5 THE COURT: I understand that. I've already
6 ruled. Any new material?

7 MS. PRINGLE: I want to respond to Beck. In that
8 case, there was a statement -- the way it was distinguished
9 from a bad act, there was, actually, a statement --

10 THE COURT: There was a statement that he was
11 going to rape and kill a stripper and five months later, he
12 did it. I'm familiar with that, I read it.

13 MS. PRINGLE: And I --

14 THE COURT: I'm not going to allow it in on their
15 case in chief. I'm going to give the charge to the jury
16 this is jus taken for impeachment purposes, not for their
17 case in chief if you want me to do that. If you don't, I
18 won't.

19 MS. PRINGLE: I don't know what she's going to
20 ask.. And may I ask, what is she -- she's going to then
21 offer Dr. Newsom to come in and testify that he did these
22 things to her?

23 THE COURT: I think she's going to offer the other
24 lady, not Dr. Newsom.

25 What's the other lady --

HANK HAWES CROSS CONTINUED BY MS. CAMPBELL

1 MS. PRINGLE: It's Dr. Newsom.

2 THE COURT: Pardon?

3 MS. CAMPBELL: It's Dr. Newsom.

4 THE COURT: Oh, Dr. Newsom.

5 MS. CAMPBELL: Not the other lady.

6 THE COURT: Okay. I'm sorry.

7 MS. CAMPBELL: I don't think I can get into the --

8 THE COURT: Okay. I --

9 MS. PRINGLE: There is no way for them to put Dr.
10 Newsom on the witness stand and her to offer testimony that
11 doesn't go into the prior acts of violence that she alleges
12 took place between her and Mr. Hawes. That is absolutely
13 404.

14 THE COURT: You make the objection at the time she
15 offers Dr. Newsom, okay?

16 MS. PRINGLE: And may we --

17 THE COURT: Thank you very much. Have a seat.

18 Anything else before we bring the jury?

19 MS. CAMPBELL: No, Your Honor. We would agree if
20 he admits to the statement, we aren't allowed to offer
21 extrinsic evidence.

22 THE COURT: I understand.

23 MS. PRINGLE: Okay.

24 THE COURT: Bring us the jury, please.

25 Are you ready to proceed with the other witnesses?

HANK HAWES CROSS CONTINUED BY MS. CAMPBELL

1 MS. CAMPBELL: Yes, sir.

2 THE COURT: Okay. So we won't have to send the
3 jury back out?

4 MS. CAMPBELL: Correct.

5 THE COURT: Okay.

6 (Whereupon, the jury returned to the
7 courtroom at 12:11 p.m.)

8 BAILIFF: The jury is seated, Your Honor.

9 THE COURT: Thank you very much.
10 Solicitor, I believe you want to continue your
11 cross?

12 MS. CAMPBELL: Yes, sir.

13 CONTINUED CROSS-EXAMINATION

14 BY MS. CAMPBELL:

15 Q. Just one other area. I want to turn your attention, do
16 you remember making a statement to Stacey Newsom --

17 MR. STRICKLER: Your Honor, of course, for the
18 record, I object to this.

19 THE COURT: I understand. Overruled.

20 MR. STRICKLER: Thank you.

21 BY MS. CAMPBELL::

22 Q. In the fall of 2010, specifically, in October,
23 November, that area, do you remember making a statement
24 to Stacey Newsom at her home, I believe, that's in
25 Simpsonville, stating that if she ever called law

QUINTUS YOUNG REPLY BY MS. CAMPBELL

1 enforcement, you would make it look like it was her
2 fault?

3 A. No, I do not.

4 MS. CAMPBELL: Thank you.

5 THE COURT: All right. Do you have any other
6 cross?

7 MS. CAMPBELL: No, sir.

8 THE COURT: Any redirect on this issue?

9 MR. STRICKLER: No, Your Honor.

10 THE COURT: All right. Mr. Foreman, ladies and
11 gentlemen, if y'all would just step to the jury room, I'll
12 get you back very shortly, please.

13 (Whereupon, the jury left the courtroom
14 at 12:12 p.m.)

15 THE COURT: All right. Mr. Hawes, you may step
16 down.

17 You can let them stand in the hall, just shut the
18 door, please.

19 Bring the jury, please.

20 (Whereupon, the jury returned to the
21 courtroom at 12:14 p.m.)

22 BAILIFF: The jury is seated, Your Honor.

23 THE COURT: Thank you very much.

24 Solicitor, you may call your witnesses in reply.

25 MS. CAMPBELL: May it please the Court. The State

QUINTUS YOUNG REPLY BY MS. CAMPBELL

1 would call Quintus Young.

2 THEREUPON,

3 QUINTUS YOUNG,

4 after having been duly sworn, testified as follows:

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

7 THE WITNESS: My name is Quintus Young, II,
8 Q-U-I-N-T-U-S.

9 REPLY

10 BY MS. CAMPBELL:

11 Q. Agent Young, where are you employed?

12 A. I am employed with South Carolina Law Enforcement
13 Division, commonly known as SLED.

14 Q. What do you do there, sir?

15 A. I am a forensic toxicologist.

16 Q. Forensic toxicologist?

17 A. Yes.

18 Q. What is a forensic toxicologist?

19 A. As a toxicologist, we're responsible for analyzing
20 biological specimen, blood, urine, brain, liver tissue
21 to determine the absence or presence of drugs, alcohol,
22 poisons and interpret those findings for coroners,
23 pathologists and courts of law.

24 Q. Can you tell the jury a little bit about your education
25 and training in that field?

QUINTUS YOUNG REPLY BY MS. CAMPBELL

1 A. I have my Bachelor of Science in chemistry from
2 University of south Carolina. And once hired on at
3 SLED, I began in-house training with consist of written
4 and oral exams. We're competency tested and every
5 year, we're proficiency tested anywhere from two to
6 four times a year. But it's a year-long training where
7 you go through blood alcohol and then your drug
8 analysis.

9 Q. Are you -- is your laboratory accredited in any way?

10 A. Yes.

11 Q. Who is your accreditation for your laboratory?

12 A. International Standards of Operation.

13 Q. And have you testified before in the area of toxicology
14 as an expert?

15 A. Yes.

16 Q. And approximately how many times have you been
17 qualified as an expert in that area?

18 A. Thirteen, 14.

19 MS. CAMPBELL: Your Honor, at this time, we would
20 offer him as an expert in toxicology?

21 THE COURT: Any objection or questions?

22 MS. EIGENBROT: No objection, Your Honor.

23 THE COURT: Thank you so very much. The Court so
24 finds.

25

QUINTUS YOUNG REPLY BY MS. CAMPBELL

1 BY MS. CAMPBELL:

2 Q. Sir, basically, you get blood samples from either
3 living or people from autopsy, blood samples from those
4 people, and the you test it?

5 A. Correct.

6 Q. And if a person -- say, if the blood is drawn at
7 autopsy, what levels is it going to reflect, at the
8 time of autopsy or at the time of death?

9 A. At the time of death.

10 Q. So the fact that the autopsy doesn't take place for
11 several hours or even a day or so doesn't affect your
12 findings?

13 A. That's correct.

14 Q. And, specifically, in this case, who did you, actually,
15 receive samples from?

16 A. Jennifer Wilson.

17 Q. Jennifer Wilson?

18 A. Yes.

19 Q. Tell the jury what testing you did in this case?

20 A. Routinely -- either DUI or death cases, it's routine to
21 run blood alcohol analysis. And, depending on the
22 case, it might -- it might be drug screened, it might
23 not. And depending on the results of that drug screen,
24 we can go even further to confirm and quantitate
25 anything that we find present. Or if there's a

QUINTUS YOUNG REPLY BY MS. CAMPBELL

1 history, we go look for that. But that's normally how
2 it runs.

3 Q. In this case, did you do any testing of any samples
4 that were submitted to you for the presence of alcohol?

5 A. Yes.

6 Q. Or ethanol?

7 A. Ethanol is the alcohol that's consumed.

8 Q. And we've heard about breathalyzers, but can you, also,
9 test blood to see the levels of alcohol that may be
10 present in a person's blood at the time of death?

11 A. Yes, ma'am.

12 Q. And what were your findings in this case, sir?

13 A. In this case, the blood sample was a 0.044.

14 Q. What type of blood sample was that that was submitted
15 to you?

16 A. That is a femoral blood.

17 Q. Is that unusual for you to get that sample?

18 A. It is not.

19 Q. And when you tested that, it was point 044?

20 A. Correct.

21 Q. So if the legal limit is point 08, is that less than
22 that?

23 A. Yes.

24 Q. And it's significantly less. And is that consistent
25 with a person -- what would that be consistent with a

QUINTUS YOUNG REPLY BY MS. CAMPBELL

- 1 person ingesting?
- 2 A. Well, using the example of 150-pound male, that would
3 be the equivalent of about two drinks.
- 4 Q. And if the person weighs 105 pounds, could it be less
5 than that?
- 6 A. It could be.
- 7 Q. Did you, also, do additional testing for alcohol in the
8 -- excuse me, ocular fluid?
- 9 A. Yes, ma'am.
- 10 Q. What's ocular fluid?
- 11 A. That is eye fluid.
- 12 Q. Why did you do that testing, sir?
- 13 A. That's routine. When we do death cases, we analyze
14 both the blood and the ocular.
- 15 Q. What was the result?
- 16 A. The result in that case was 0.055.
- 17 Q. 055?
- 18 A. Yes.
- 19 Q. Why would that be different from 044 on the other test?
- 20 A. If you think about the eye, the eye socket is closed
21 off from the rest of the body, so when you ingest
22 alcohol, it takes a little longer for the alcohol to
23 absorb in the eye fluid versus the blood. In this
24 case, with the eye fluid being greater than the value
25 in the blood, we can determine that she was in the

QUINTUS YOUNG REPLY BY MS. CAMPBELL

1 elimination phase of alcohol elimination.

2 Q. So the point 044 would be an accurate reflection of her
3 blood alcohol?

4 A. Yes.

5 Q. Because you, also, did the eye fluid, you determined
6 she was, actually, going down, not moving up --

7 A. Correct.

8 Q. -- as far as intoxication?

9 A. Correct.

10 Q. Did you, also, do any testing for the presence of any
11 drugs in this case?

12 A. Yes. Yes, I did.

13 Q. And what testing did you do, sir?

14 A. We -- we do a routine drug screen of drugs commonly
15 abused. And that would include amphetamine,
16 benzodiazepines, which is the drug class where Xanax
17 would fall under, methamphetamine, oxycodone,
18 cannabinoid, which is marijuana, cocaine and opiates.

19 Q. And in this case, when you did all that testing, what
20 were your results?

21 A. All were negative.

22 Q. Specifically, moving first to the marijuana that you
23 tested for, if someone had smoked or ingested
24 marijuana, say within a few hours of her death, would
25 it be present in the testing you did?

QUINTUS YOUNG REPLY BY MS. CAMPBELL

- 1 A. It would.
- 2 Q. How long does the marijuana, actually, stay in a
3 person's system, can you even say?
- 4 A. The parent -- parent portion of marijuana, which is
5 often referred to as parent THC, that -- after the
6 initial dosage, you could maybe 30 minutes into it, or
7 you reach your peak concentration of parent THC. At
8 that point, your body is going to want to break that
9 down to get rid of that THC -- to get the THC out of
10 your system. So what would be detectable would be a
11 metabolite, which is the carboxy form of THC.
- 12 Q. Uh-huh.
- 13 A. And that's what would have been present.
- 14 Q. Did you -- hours after?
- 15 A. (The witness nodded head.)
- 16 Q. Did you find the presence of either the parent or the
17 metabolite in her blood?
- 18 A. No, ma'am.
- 19 Q. For marijuana? And if a person has used marijuana on
20 just one occasion, typically, how long would it stay
21 within the system?
- 22 A. Anywhere from 20 to 57 hours.
- 23 Q. Twenty to 57 hours?
- 24 A. Yes.
- 25 Q. If a person was a chronic user of marijuana?

REPLY CROSS BY MS. EIGENBROT

- 1 A. It can be anywhere from three to 13 days or greater.
- 2 Q. Three to 13 days or greater?
- 3 A. (The witness nodded head.)
- 4 Q. And, again, the results of your testing for marijuana
5 in Ms. Wilson's blood was what?
- 6 A. Negative.
- 7 Q. Nothing?
- 8 A. Correct.
- 9 Q. As far as the presence for any cocaine, what was the
10 result?
- 11 A. Non.
- 12 Q. Amphetamines?
- 13 A. Negative.
- 14 Q. Benzodiazepine?
- 15 A. That is negative.
- 16 Q. Methamphetamine?
- 17 A. Negative.
- 18 Q. Oxycodone.
- 19 A. Negative.
- 20 Q. And opiates?
- 21 A. Negative.
- 22 Q. And if she had ingested any of those other drugs within
23 a few hours of her death, would they have shown up in
24 your toxicology?
- 25 A. You would expect to -- it would depend on the initial

REPLY CROSS BY MS. EIGENBROT

1 dose, but you would expect to.

2 Q. And there was nothing?

3 A. Correct.

4 MS. CAMPBELL: Thank you, sir. I don't have
5 anything further.

6 THE COURT: Cross-examination?

7 MS. EIGENBROT: Yes, Your Honor. May it please
8 the Court.

9 REPLY CROSS-EXAMINATION

10 BY MS. EIGENBROT:

11 Q. Good afternoon, Mr. Young.

12 A. Hello.

13 Q. So you were talking a little bit about marijuana and
14 how it stays in your system, right?

15 A. Correct.

16 Q. And you testified that within about 30 minutes, your
17 body start breaking it down into what you call
18 metabolites?

19 A. Well, you reach your peak in about 30 minutes.

20 Q. Okay. And at that point, though, it starts breaking
21 down into what you call metabolites?

22 A. Correct.

23 Q. And metabolites are, generally, released from your body
24 through urine or other --

25 A. They can, yes.

REPLY REDIRECT BY MS. CAMPBELL

1 Q. Which, generally, why when testing for marijuana, you
2 use a urine analysis is usually the best way to test
3 for it, correct?

4 A. Not necessarily. The reason we prefer blood on most
5 samples is because blood gives you an idea -- well,
6 it's a snapshot of what's going on at that time of
7 collection. Urine -- with urine samples, and more so
8 in DUI cases, because urine is a waste product, the
9 drug -- any drug would be inactive. But in blood, the
10 drugs are active on the body and the brain. And yeah,
11 we prefer blood.

12 Q. But even with a blood test, if someone has smoked
13 marijuana say two or three weeks before the test,
14 you're less likely to see the THC present in the blood
15 because of the quick metallization, correct?

16 A. Well, not so much because of the quick metallization,
17 but because -- depends on frequency of use more so.

18 Q. Correct. And my understanding from THC, too, is that
19 it finds your fat cells, correct?

20 A. It does.

21 Q. So, generally, hypothetically speaking, if someone were
22 heavier and had more fat, they could maintain THC
23 levels longer, correct?

24 A. Correct. It would transfer between the blood and the
25 fat tissue back and forth, so it could linger for a

REPLY REDIRECT BY MS. CAMPBELL

1 little bit longer.

2 Q. So, hypothetically speaking, somebody that's 105 pounds
3 could not show the presence of marijuana -- let me see
4 how to phrase this. Somebody 105 pounds would not test
5 positive for marijuana usage -- the possibility, it
6 wouldn't test positive within a few weeks after usage,
7 depending on the amount they're using as well?

8 A. If I understand you correct, you're saying if someone
9 105 pounds weeks after --

10 Q. Yes.

11 A. -- only smoked once a few weeks ago?

12 Q. Right.

13 A. You won't expect to see that.

14 Q. And because a test is negative when you test, that does
15 not mean they've never used the substance?

16 A. There is no way for me to tell.

17 MS. EIGENBROT: Thank you, Mr. Young.

18 THE COURT: Any redirect?

19 REPLY REDIRECT EXAMINATION

20 Q. If you had been using drugs that night before, it
21 definitely would have shown in the urine?

22 A. Yes.

23 Q. Testing?

24 A. Yes.

25 Q. No doubt?

MICHELLE TRASK DIRECT BY MS. GARFIELD

1 A. Yes.

2 Q. Up to, I believe, you said 30 to 13 days, depending on
3 usage?

4 A. Right.

5 MS. CAMPBELL: Thank you.

6 THE COURT: Any recross?

7 MS. EIGENBROT: No, Your Honor.

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

10 Call your next witness.

11 MS. GARFIELD: Thank you, Your Honor. The State
12 calls Michelle Trask.

13 THEREUPON,

14 MICHELLE TRASK,

15 after having been duly sworn, testified as follows:

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

18 THE WITNESS: My name is Michelle Trask,

19 M-I-C-H-E-L-L-E, T-R-A-S-K.

20 DIRECT EXAMINATION

21 BY MS. GARFIELD:

22 Q. Ms. Trask, would you, please, share with the jury your
23 professional background?

24 A. I am a therapist, clinical social worker.

25 Q. And is your practice in Columbia?

MICHELLE TRASK DIRECT BY MS. GARFIELD

1 A. It is.

2 Q. And do you routinely work in the area of counseling as
3 far as couple's counsel?

4 A. Couple's and families, yes, as well as individual
5 therapy.

6 Q. Back in August of 2011, did you have the occasion to
7 conduct a counseling session with the Defendant in this
8 case, Hank Hawes, and the victim in this case, Jennifer
9 Wilson?

10 A. Yes, I did.

11 Q. How did that counseling session come about?

12 A. Mr. Hawes contacted me and said that he was hoping to
13 meet.

14 Q. Before I go any further, Ms. Trask, you are here today
15 under court subpoena; is that correct?

16 A. That is correct.

17 Q. You are, also, under a court order to compel this
18 testimony, correct?

19 A. That's correct.

20 Q. And you said that Mr. Hawes made that appointment?

21 A. Yes, ma'am.

22 Q. Did you, in fact, meet with Mr. Hawes and Ms. Wilson?

23 A. Together, yes.

24 Q. Do you recall the date that you met?

25 A. I would have to look at the record again. It was late

MICHELLE TRASK CROSS BY MS. PRINGLE

- 1 August.
- 2 Q. Do you have your records with you?
- 3 A. I do. It was August 26th, 2011.
- 4 Q. How long would this session have been?
- 5 A. Fifty to 60 minutes standard.
- 6 Q. And in the course of this counseling session between
7 Mr. Hawes and Ms. Wilson, was there any mention of drug
8 activity?
- 9 A. Not that I recall.
- 10 Q. If there had been, would there have been something in
11 your notes that you would have put in your notes?
- 12 A. Yes, usually, I would put that in my notes.
- 13 Q. Is there any entry in your notes concerning drug
14 activity?
- 15 A. There's none.
- 16 Q. And in the course of this counseling session between
17 this couple, did you encourage either of them to
18 terminate the relationship?
- 19 A. No, I would not do that, especially in the first
20 meeting.
- 21 Q. Was there any advice that you did give them?
- 22 A. We did discuss possibly decreasing the amount of time
23 spent together over the next few days because that was
24 one of the complaints, that they were spending too much
25 time together.

KELLY SMITH REDIRECT BY MS. GARFIELD

1 MS. GARFIELD: Thank you, Ms. Trask. Please
2 answer any questions the Defense counsel may have for you.

3 THE COURT: Cross-examination.

4 CROSS-EXAMINATION

5 BY MS. PRINGLE::

6 Q. You said that you discussed with them decreasing the
7 amount of time together over the next couple of days?

8 A. Uh-huh.

9 Q. So if they spent almost the entire day the next day
10 together that would have been inconsistent with what
11 you suggested?

12 A. Honestly, I don't recall the exact plan they came up
13 with because these sorts of things get negotiated with
14 couples and families all the time. So I can't be exact
15 as to the amount of time or the particular days. But
16 it was simply a discussion about decreasing the
17 frequency.

18 MS. PRINGLE: Thank you very much.

19 THE COURT: Any redirect?

20 MS. GARFIELD: No, sir.

21 THE COURT: You may step down. Thank you so very
22 much.

23 Any reason she can't be excused?

24 MS. GARFIELD: No, sir.

25 THE COURT: From the Defense?

KELLY SMITH REDIRECT BY MS. GARFIELD

1 MS. PRINGLE: No, sir.

2 THE COURT: Okay. Thank you very much.

3 Ms. Trask, you may be excused.

4 Call your next witness.

5 MS. GARFIELD: Thank you, Your Honor. The State
6 recalls Kelly Smith.

7 THEREUPON,

8 KELLY SMITH,

9 after having been duly sworn, testified as follows:

10 THE CLERK: Have a seat in the witness box, state
11 your name for the record, please.

12 THE WITNESS: My name is Kelly Smith, K-E-L-L-Y,
13 S-M-I-T-H.

14 REDIRECT EXAMINATION

15 BY MS. GARFIELD:

16 Q. Mr. Smith, you were the victim's neighbor; is that
17 correct?

18 A. That is correct.

19 Q. And there has been mention in testimony that there was
20 a towel hanging up on Ms. Wilson's door?

21 A. Correct.

22 Q. On the back door?

23 A. (The witness nodded head.)

24 Q. Have you ever seen that towel?

25 A. I have not.

KELLY SMITH REDIRECT BY MS. GARFIELD

1 Q. Did you ever see that towel?

2 A. I did not.

3 Q. When's the first time you saw that towel?

4 A. When the officers and I approached the back of the
5 house around 11:44ish when they showed up at my house.
6 That was the first time I had seen that towel on the
7 back door.

8 Q. And that would be on Sunday?

9 A. That was on Sunday.

10 Q. August 28th?

11 A. That is correct.

12 MS. GARFIELD: Thank you. Nothing further.

13 THE COURT: Any cross?

14 MR. STRICKLER: No, sir.

15 THE COURT: You may step down. Thank you very
16 much.

17 MS. GARFIELD: May we approach, Judge?

18 THE COURT: Yes, ma'am.

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: Mr. Foreman, ladies and gentlemen of
24 the jury, I'm going to have to ask you to go to the jury
25 room. The next witness is supposed to be here in about 15,

KELLY SMITH REDIRECT BY MS. GARFIELD

1 20 minutes. As soon as the witness gets her, we'll call you
2 back in the courtroom. Please don't discuss the case
3 amongst yourselves.

4 (Whereupon, the jury left the courtroom
5 at 12:34 p.m.)

6 THE COURT: All right. I understand Stacey Newsom
7 is going to be your next witness --

8 MS. GARFIELD: Yes, sir.

9 THE COURT: -- in reply to the issue about the
10 statement that the Defendant allegedly made; is this
11 correct?

12 MS. GARFIELD: That's correct.

13 THE COURT: All right. And as I told you at the
14 bench at the bench conference, the only thing I'm going to
15 allow her to testify to is the statement itself, not what
16 led up to the statement.

17 MS. GARFIELD: That's correct.

18 THE COURT: You understand?

19 MS. GARFIELD: Yes, sir.

20 THE COURT: Not going into threats or any violence
21 or anything else. No pushing and shoving or anything.

22 MS. GARFIELD: Absolutely.

23 THE COURT: All right. Now, the Defense has a
24 problem with cross-examination. Will be glad to hear you.

25 MS. PRINGLE: Well, we just renew our objection

KELLY SMITH REDIRECT BY MS. GARFIELD

1 under 403, 404 -- the crux of my initial objection was how
2 could she testify to this with absolutely no context. The
3 only reason they want to put this in is not to impeach in,
4 they want to put this in to imply that he's been violent
5 with Stacey Newsom in the past. So they're going to now put
6 her on the stand to ask one single, sterilized, isolated
7 question, which leads to an implication to the jury and
8 hamstrings me completely in my cross-examination.

9 But I -- so we object on those grounds. I intend
10 to cross-examine her about their loving, friendly, extensive
11 communications a year after that, well after that. She
12 continuously tells him she loves him. She tells him he has
13 a big heart. She tells him to get in touch with her son on
14 his birthday. All things inconsistent with that, but I
15 think I would be entitled to cross-examine her on. But I
16 don't want them standing up and saying, when I'm sitting
17 here hamstrung, that I've opened the door to something. I
18 think I have every right to go through and ask her about her
19 loving talk to him.

20 THE COURT: I don't have any problem with you
21 doing that, okay?

22 MS. PRINGLE: I just know them and I do not want
23 them saying that I'm opening the door when I'm hamstrung in
24 this situation.

25 THE COURT: Okay. I understand.

KELLY SMITH REDIRECT BY MS. GARFIELD

1 What the State's position?

2 MS. CAMPBELL: Your Honor, I think if she limits
3 it to what she's just said she's going to cross her on, I
4 don't think that opens the door to anything other than their
5 loving relationship after that period of time. If she's
6 going to say that there was a loving relationship leading up
7 to that period of time, which I don't think she's going to
8 do, then I think that would open the door, but that's not I
9 don't think where she's going.

10 THE COURT: I mean, I don't know what transpired
11 over, I think she said sometime between August and October.
12 She never, actually, narrowed it down. But I -- I don't
13 think that opens the door for you to go into the violent --
14 what led up to the statement is what I'm saying. I'm not
15 going to allow you to do that, okay?

16 MS. CAMPBELL: Correct. And I don't think what
17 she's going to cross her on as far as their loving
18 relationship after that would in any way open that door.

19 THE COURT: Anything else from the Defendant?

20 MS. PRINGLE: No, sir.

21 THE COURT: Okay. All right.

22 I guess -- you say she'll be here in what, about
23 15, 20 minutes?

24 MS. GARFIELD: Yes, sir.

25 THE COURT: All right. Let me know when she gets

KELLY SMITH REDIRECT BY MS. GARFIELD

1 here, we'll call her as a witness.

2 Solicitor, at some point in time, or the Defense,
3 we need to sort of narrow this down. We're talking about a
4 two-month period. I don't know if she can narrow it down.

5 MS. PRINGLE: Me?

6 THE COURT: No, I'm talking about the State.

7 MS. CAMPBELL: Judge, I'll ask her when she gets
8 here.

9 THE COURT: I mean, at least, narrow it down to a
10 month. At least, then you know where the conduct after that
11 time period began.

12 MS. CAMPBELL: Yes, sir, I'll do that.

13 THE COURT: Okay. Anything else?

14 MS. PRINGLE: Does she know? I mean, she --

15 THE COURT: I don't know. I wasn't asking the
16 questions, okay. I kept sitting here thinking somebody's
17 going to narrow the date down a little closer than three
18 months, but it didn't happen.

19 MS. PRINGLE: Would you find out if she knows.

20 THE COURT: Was it August or October? I think
21 that's what she said.

22 MS. PRINGLE: My impression was that she didn't
23 really know.

24 THE COURT: Yeah, she said it happened sometime
25 between August and October, so that's -- that's three and

KELLY SMITH REDIRECT BY MS. GARFIELD

1 half, four months, so we're talking about a broad period of
2 time. And we're talking about narrowing it down to a
3 question, so somebody needs to distinguish what time period
4 we're talking about. If not, I will arbitrarily do it,
5 okay?

6 MS. PRINGLE: I'm sorry, I'm just not following.

7 THE COURT: The State is taking the position that
8 once you cross, and that's fine, from whenever the statement
9 was made, you're going to bring up the loving relationship
10 before and after, they're entitled to cross about any
11 nonloving relationship after that time is what they're
12 saying. My problem is that I don't know when that occurred,
13 so I don't know when to limit their cross -- excuse me,
14 their reply. You follow me?

15 MS. PRINGLE: My understanding was that she didn't
16 know, that she just -- I don't know if it happened. She's
17 saying the one time she didn't remember, she was vague about
18 it. And I object on that basis, too. You know, we have a
19 time problem. We have a remoteness problem. We have a
20 different victim problem. It's been morphed into an
21 impeachment issue, which I don't think it is. I mean,
22 there's a lot of problems with this testimony.

23 THE COURT: I understand.

24 MS. PRINGLE: Okay.

25 MS. CAMPBELL: We'll advise the Court before we

KELLY SMITH REDIRECT BY MS. GARFIELD

1 put her up.

2 THE COURT: Pardon?

3 MS. CAMPBELL: We'll find out from her when in
4 context to the behavior when that statement was made.

5 THE COURT: Well, if she can't narrow it down, I'm
6 going to limit you to October, October only.

7 MS. CAMPBELL: That's fine. We'll do that.

8 THE COURT: November, December, and forward if she
9 can't narrow it down.

10 MS. CAMPBELL: That's fine. We can abide by that.

11 THE COURT: You understand?

12 MS. CAMPBELL: Yes, sir.

13 THE COURT: All right.

14 MS. CAMPBELL: Thank you.

15 THE COURT: All right. We'll take a break until
16 she gets here.

17 (Whereupon, a short recess was held.)

18 THE COURT: All right. I understand the witness
19 is here; is that correct?

20 MS. CAMPBELL: Yes, sir.

21 THE COURT: Anything before we bring the jury?

22 MS. CAMPBELL: Your Honor, we did inquire of her.
23 She knows that --

24 THE COURT: I'm sorry, what?

25 MS. CAMPBELL: We're advising the witness she

REPLY REDIRECT BY MS. CAMPBELL

1 cannot mention any type of violence, any violent acts he
2 did. We're limiting it just to that statement.

3 THE COURT: Okay.

4 MS. CAMPBELL: Okay. And we're just going to tell
5 her to make sure we don't violate any court rules.

6 THE COURT: Okay. All right.

7 Anything from the Defendant before we bring the
8 jury?

9 MS. PRINGLE: No, sir.

10 THE COURT: Bring the jury, please.

11 BAILIFF: Thank you.

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

14 BAILIFF: The jury is seated, Your Honor.

15 THE COURT: Thank you very much.

16 Call your next witness, please.

17 MS. CAMPBELL: May it please the Court. The State
18 calls Stacey Newsom.

19 THEREUPON,

20 STACEY NEWSOM,

21 after having been duly sworn, testified as follows:

22 THE CLERK: Have a seat in the witness box and
23 state your name for the record.

24 THE WITNESS: Stacey Newsom.

25 REPLY REDIRECT EXAMINATION

STACEY NEWSOM REPLY CROSS BY MS. PRINGLE

1 BY MS. CAMPBELL:

2 Q. Ms. Newsom, I'm going to direct your attention to the
3 fall of 2010, do you recall having a conversation with
4 Hank Hawes, I believe, at your house, I believe, you
5 were living in Simpsonville at the time?

6 A. Correct.

7 Q. About what would happen if you called law enforcement?

8 A. Yes.

9 Q. And what did he say to you about that?

10 A. He told me that --

11 Q. Could you can speak up?

12 A. I'm sorry. He told me that if I were to call law
13 enforcement about --

14 Q. Just what would happen --

15 A. Law enforcement, that I would be the one to go to jail.

16 Q. That who would be the one to go to jail?

17 A. Me.

18 Q. And did he indicate who would not be going to jail?

19 A. The words are --

20 MS. PRINGLE: I have a matter of law, Your Honor.

21 A. You will be the one to go to jail.

22 THE COURT: Do you have an objection?

23 MS. PRINGLE: I do have an objection, leading.

24 THE COURT: All right. I will sustain the
25 objection to leading the witness.

STACEY NEWSOM REPLY CROSS BY MS. PRINGLE

1 Just ask the question.

2 BY MS. CAMPBELL::

3 Q. Is that what he said to you?

4 A. The words I recall are, You will be the one to go to
5 jail.

6 MS. CAMPBELL: Thank you, ma'am.

7 I don't have anything further.

8 THE COURT: Cross-examination.

9 REPLY CROSS-EXAMINATION

10 BY MS. PRINGLE:

11 Q. In the spring and summer of 2011, by that time, you and
12 Mr. Hawes were very close friends; would you agree?

13 A. I would not agree that we were very close friend. We
14 were on friendly terms.

15 Q. Okay. And you and Mr. Hawes had nicknames for each
16 other; did you not?

17 A. We did.

18 Q. Affectionate nicknames for one another?

19 A. Just nicknames, names that stuck around.

20 Q. What was that name?

21 A. Rubby.

22 Q. You would call each other Rubby?

23 A. Just like you would call someone man or baby or
24 whatever, it was just a name.

25 Q. Rubby and Roberson?

STACEY NEWSOM REPLY CROSS BY MS. PRINGLE

1 A. Correct.

2 Q. And in your text messages, I don't know about in your
3 talking, but in your texting, you sort of had your own
4 special language between the two of you?

5 A. A running joke whoever's text message was the most
6 unintelligible. We had all kinds of odd spellings that
7 would go back and forth.

8 Q. And that banter and that friendliness and that
9 friendship went on through the spring of 2011 and
10 summer of 2011?

11 A. The friendly text did, yes.

12 Q. You recall inviting Mr. Hawes up to your home in April
13 of 2011 to grill steaks at your home?

14 A. I may have. I don't have a recollection or a record of
15 it.

16 Q. But that's possible?

17 A. It's possible.

18 Q. You recall saying in April of 2011, Where you go,
19 Rubby? Rubby, if C you, I will make rescue?

20 A. I apologize, I don't recall that. I don't know what
21 that was in reference to.

22 Q. C would be she?

23 A. She.

24 Q. You recall in May of 2011 inviting him to go to lunch
25 with you at the Columbian Place on White Horse?

STACEY NEWSOM REPLY CROSS BY MS. PRINGLE

- 1 A. I don't recall it, but if you say it's there.
- 2 Q. What does, Night, Rubby, wiss on a star?
- 3 A. I don't know.
- 4 Q. Recall asking him to call you because you needed to
5 hear his voice in May, May 3rd of 2011?
- 6 A. I don't recall, but you may have it there.
- 7 Q. What does frixy mean in y'all language?
- 8 A. Frixy would be frisky.
- 9 Q. In May of 2011, I love you. Thanks, Ruberson. I love
10 you, too, Rubby. Sound like something you would have
11 said?
- 12 A. It sounds like something I would have said back and
13 forth.
- 14 Q. In your ongoing, affectionate, friendly relationship?
- 15 A. Yes.
- 16 Q. Remember telling him in May, I rub you, too, Rubby,
17 wish you was close enough for hugs?.
- 18 A. I don't recall that.
- 19 Q. You recall asking him to come see you in July, but him
20 declining. Offering to help with gas expenses and cook
21 something for him.
- 22 A. I don't recall.
- 23 Q. From July, you don't recall?
- 24 A. I don't, but if you're telling me that you're reading
25 that there, then I don't disagree. I just don't recall

STACEY NEWSOM REPLY REDIRECT BY MS. CAMPBELL

1 doing it.

2 Q. Do you recall asking him to be sure -- in the middle of
3 the summer to remind -- asking him to be sure to
4 contact your son and wish him happy birthday?

5 A. I don't recall.

6 Q. Sound like something you would have done?

7 A. I may have, yes.

8 Q. You remember telling Hank in July, I was telling S that
9 you spoil me and everyone else is boring?

10 A. I don't recall and I don't know what I was referring
11 to.

12 Q. Do you recall telling him when he said he was at
13 Wal-Mart, you asking, What you shop for? Being August
14 of 2011. Him saying, A new cart. And you saying, They
15 don't carry um big like yours?

16 A. I'm sorry, I don't recall the specific message.

17 Q. Do you recall in late August right around when this
18 happened, asking if he would come up in December and
19 help care for you during a medical procedure in
20 December?

21 A. I don't recall.

22 Q. And, finally, Dr. Newsom, you don't deny that you and
23 Mr. Hawes were sexually intimate sometime in the summer
24 or spring of 2011?

25 A. In the spring, maybe a couple of times. I don't recall.

STACEY NEWSOM REPLY REDIRECT BY MS. CAMPBELL

1 any specific dates.

2 THE COURT: Redirect?

3 MS. CAMPBELL: Just one question.

4 REPLY REDIRECT EXAMINATION

5 BY MS. CAMPBELL::

6 Q. In August of 2011, were y'all planning on getting back
7 together?

8 A. Absolutely not.

9 MS. CAMPBELL: Thank you. Nothing further.

10 THE COURT: You may step down.

11 I'm sorry, any recross?

12 MS. PRINGLE: No, sir.

13 THE COURT: You may step down. Thank you very
14 much.

15 All right. Solicitor, do you have any further
16 testimony?

17 MS. CAMPBELL: That's all we have for today, Your
18 Honor.

19 THE COURT: Okay. All right.

20 Mr. Foreman, ladies and gentlemen of the jury, as
21 I told you yesterday, the expert cannot be here until in the
22 morning. And if you will be here at 9:30 in the morning,
23 we'll continue with the trial at that time.

24 Please leave your notepads in your chairs. Please
25 don't discuss the case among yourselves. Please don't read

1 or watch anything on television about the case. I want you
2 to make your decision on what you hear in the courtroom, not
3 what you hear on the television or read in the newspaper, or
4 on the internet. Don't get on the internet and do any
5 research about the crime or what's going on during this
6 trial. Thank you so very much. See you in the morning at
7 9:30. Have a good day.

8 (Whereupon, the jury left the courtroom
9 at 1:20 p.m.)

10 THE COURT: Okay. Yes, ma'am.

11 MS. GARFIELD: Your Honor, our prior witness,
12 she's concerned that she may have been videotaped by the
13 news media previously, you ordered them not to.

14 THE COURT: I can't help that, okay. It's open
15 court, public courtroom.

16 MS. GARFIELD: Can we inquire if she was filmed by
17 them?

18 THE COURT: No, that's their prerogative. I know
19 the first time she testified, I asked them not to, but I'm
20 not going to get into that.

21 MS. GARFIELD: Thank you.

22 THE COURT: Yes, ma'am.

23 MS. PRINGLE: If I could please just for the
24 record note a couple of things for issues of preservation of
25 error. Nothing happened between the time that you ruled

1 that this could be admitted and she took the stand and there
2 were no changes. Nothing new had happened. She did end up
3 saying he told me if I were to call law enforcement about,
4 and then Ms. Campbell sort of interrupted her. I would
5 renew our previous objection, request a mistrial on those
6 grounds, Your Honor.

7 THE COURT: Okay. Denied. Anything else?

8 (There was no response.)

9 THE COURT: Anything else from either party?

10 MR. STRICKLER: Your Honor, I just wondered if you
11 -- the Court wanted to discuss charges at this point?

12 THE COURT: I'm getting ready to just as soon as
13 y'all finish what you need on the record. We're going to
14 have an informal charge conference.

15 MR. STRICKLER: Yes, sir.

16 THE COURT: Once y'all finish putting whatever you
17 want to put on the record.

18 MS. PRINGLE: The only other thing is I thought
19 there was an additional witness or is it just the nurse
20 tomorrow and no one else?

21 MS. GARFIELD: That's correct.

22 THE COURT: I think the nurse tomorrow and your
23 blood SLED expert.

24 MS. PRINGLE: But that's it?

25 THE COURT: They, also, may have a blood expert in

1 reply to your blood expert. I don't know, okay?

2 MS. PRINGLE: Yes, sir.

3 THE COURT: We'll just have to wait on that, okay.

4 I don't --

5 I think that's it, correct, Solicitor?

6 MS. GARFIELD: Yes, sir.

7 THE COURT: All right. Anything else? If I can
8 see the attorneys up here, please.

9 The Court will recess until 9:30 in the morning.

10 (Whereupon, Court was adjourned for the

11 day, October of 4, 2014, to be

12 reconvened on Wednesday, October 15,

13 2014.)

14 THE COURT: We're still waiting on the clerk to
15 take orders from the jury, so we'll wait.

16 Anything from the State before we bring the jury.

17 Anything from the Defense?

18 MR. STRICKLER: No, sir, just that we will need a
19 very short break. The jury won't even need to leave the
20 courtroom, just need to get some equipment out after the
21 State's witness testifies for me to use during our witness's
22 testimony.

23 THE COURT: Okay.

24 MR. STRICKLER: It's in the courtroom, just need
25 to position it correctly.

1 THE COURT: All right. Let me see the attorneys
2 up here just second while we're waiting.

3 (Whereupon, a bench conference was held
4 off the record.)

5 THE COURT: All right. You want to go ahead and
6 get set up while we're waiting on the first witness?

7 MS. CAMPBELL: We're set up. If he wants to set
8 up for his witness, I don't think it will interfere. Our
9 witness is very short and we can maneuver around anything.

10 THE COURT: You want to go ahead and get set up
11 for your witness or would you rather wait?

12 MR. STRICKLER: We'll wait because we're going to
13 have to raise the screen up right here.

14 THE COURT: Okay.

15 MR. STRICKLER: And it will take three minutes.

16 THE COURT: All right. No problem.

17 COURT: Okay. Bring us the jury.

18 (Whereupon, the jury returned to the
19 courtroom at 9:40 a.m.)

20 BAILIFF: The jury is seated, Your Honor.

21 THE COURT: Thank you very much.

22 Call your next witness.

23 MS. GARFIELD: Thank you, Your Honor. The State
24 calls Hannah Brearly.

25 THEREUPON,

HANNAH BREARY DIRECT BY MS. GARFIELD

1 HANNAH BREARLY,
2 after having been duly sworn, testified as follows:

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

5 THE WITNESS: My name is Hannah Brearly. It's
6 H-A-N-N-A-H, last name is B-R-E-A-R-L-Y.

7 DIRECT EXAMINATION

8 BY MS. GARFIELD:

9 Q. Ms. Brearly, will you please share with the jury your
10 professional background?

11 A. I started out as a registered nurse. I worked at
12 Palmetto Baptist. I am now a nurse practitioner.

13 Q. And where are you a nurse presently?

14 A. I'm a nurse practitioner in Greenville Orthopedic
15 Trauma.

16 Q. Ms. Brearly, are you nervous today?

17 A. Just a little.

18 Q. Ms. Brearly, share with the jury where you worked back
19 in August of 2011?

20 A. I worked at Palmetto Baptist in the emergency
21 department.

22 Q. Specifically, on August 28th, 2011, Ms. Brearly, did
23 you have the occasion to treat the Defendant in this
24 case, Hank Hawes?

25 A. I did. I was the primary nurse taking care of him.

HANNAH BREARY CROSS BY MS. PRINGLE

1 Q. And being the primary nurse taking care of Mr. Hawes,
2 what were your duties?

3 A. He was brought in by EMS and I had to triage him. And
4 then, any orders carried out by the ER physician, it
5 was my job to implement those as well as he was in our
6 psychiatric section of the emergency department. We
7 are required to hourly round on these patients to make
8 sure they are safe and do no harm.

9 Q. And, obviously, he was in the psychiatric unit based on
10 the nature of his injuries?

11 A. Correct.

12 Q. Did he share with you how he received those injuries?

13 A. He did not. He was not forthcoming in any information
14 with regards to his injuries.

15 Q. Was he forthcoming in any other information?

16 A. He was. I had him for several hours on that day and he
17 was on and off the floor for a CAT scan, various
18 things. I had to carry out orders. I had to hourly
19 round. He had told me that he was from Florida and
20 that he worked for a financial firm.

21 Q. Did he share with you any of his other medical history?

22 A. When he came in, the only information I could get from
23 him was that he had ADHD.

24 Q. Was he cooperative?

25 A. He was cooperative. He followed all commands. He

HANNAH BREARY CROSS BY MS. PRINGLE

1 answered questions appropriately throughout the day.

2 Again, at first, he wouldn't answer anything in regard
3 to his injuries.

4 Q. Was he coherent?

5 A. He was.

6 Q. Was he in any way disruptive?

7 A. No, ma'am. There's a guard that sits outside and we
8 never had to call the guard. He never acted out of
9 hand.

10 Q. Did he request anything from you?

11 A. He did. He, specifically, I recall, asked for his
12 phone charger.

13 MS. GARFIELD: Thank you, Ms. Brearly. Please
14 answer in questions the Defense counsel may have.

15 THE COURT: Cross-examination.

16 CROSS-EXAMINATION

17 BY MS. PRINGLE:

18 Q. Good morning, Ms. Brearly. No need to be nervous, just
19 a couple of questions. You, actually, saw him upon
20 arrival, correct?

21 A. Correct.

22 Q. At that point, he had already -- were you aware he had
23 already been treated or begun treatment by EMS?

24 A. Right, which is standard.

25 Q. They had begun an IV line?

HANNAH BREARY CROSS BY MS. PRINGLE

1 A. That's standard.

2 Q. Which is, also, standard?

3 A. (The witness nodded head.)

4 Q. I believe in your initial notes, you noted that he
5 follows commands, but that he was lethargic?

6 A. Correct.

7 Q. His neurological symptoms, you said there was weakness?

8 A. Correct.

9 Q. And left pupil and right pupil reaction sluggish, is
10 that correct?

11 A. Correct.

12 Q. And the treating physician, I guess whose orders you
13 were carrying out, that would be Dr. John Robinson?

14 A. Correct.

15 MS. PRINGLE: Thank you so much.

16 THE COURT: Any redirect?

17 MS. GARFIELD: No, sir.

18 THE COURT: Okay. You may step down. Thank you
19 very much.

20 Any further witnesses from the State?

21 MS. CAMPBELL: Not at this time, Your Honor.

22 THE COURT: That's all the witnesses you have at
23 this time; is that correct?

24 MS. GARFIELD: Yes, sir.

25 THE COURT: All right. How much time you think

JEFF GURVIS DIRECT BY MR. STRICKLER

1 you need?

2 MR. STRICKLER: Five minutes tops.

3 THE COURT: All right. Mr. Foreman, ladies and
4 gentlemen of the jury, the next witness we, actually, have
5 taken out of order. It's going to be a Defense witness as
6 the expert. And he wants to get set up, so I'm going to
7 give him about five minutes to get set up. I'll get you
8 back in the courtroom and we'll listen to that testimony on
9 direct and cross-examination. It will be a Defense witness.
10 And the reason we're calling him out of order is because the
11 expert could not be here until today, as I explained to you
12 earlier this week.

13 Please don't discuss the case amongst yourselves.
14 I'll get you back as soon as he gets set up and ready for
15 testimony.

16 (Whereupon, the jury left the courtroom
17 at 9:50 a.m.)

18 THE COURT: All right. We'll stand at ease. Let
19 me know when you're ready to bring the jury back in.

20 MR. STRICKLER: Yes, sir. Yes, sir. Thank you.

21 THE COURT: If anybody needs to take a short
22 break, you can take it, okay.

23 (Whereupon, a short recess was held.)

24 THE COURT: All right. Anything else? Are you
25 ready for the next witness?

JEFF GURVIS DIRECT BY MR. STRICKLER

1 MR. STRICKLER: Yes, sir.

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

3 BAILIFF: Yes, Your Honor.

4 (Whereupon, the jury returned to the
5 courtroom at 10:00 a.m.)

6 BAILIFF: The jury is seated, Your Honor.

7 THE COURT: All right.

8 If the Defense will call the witness, please.

9 MR. STRICKLER: Thank you. The Defense calls Jeff
10 Gurvis.

11 THEREUPON,

12 JEFF GURVIS,

13 after having been duly sworn, testified as follows:

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

16 THE WITNESS: My name is Jeff Gurvis. Jeff,
17 J-E-F-F, last name Gurvis, G-U-R-V-I-S.

18 DIRECT EXAMINATION

19 BY MR. STRICKLER:

20 Q. Good morning, Mr. Gurvis.

21 A. Morning.

22 Q. What is your profession, sir?

23 A. I'm a bloodstain pattern analyst and a latent print
24 examiner.

25 Q. Okay. For the purposes of this case, could you tell

JEFF GURVIS DIRECT BY MR. STRICKLER

1 the jury what bloodstain pattern analysis is?

2 A. Sure. Bloodstain pattern analysis is the study of the
3 size, shape, distribution and appearance of bloodstains
4 found at crime scenes as resulting from blood shedding
5 events. Bloodstains, depending on their distribution,
6 may be grouped together to form patterns. And it's the
7 study of these patterns that may help determine the
8 mechanism of how those patterns are created and,
9 potentially, helping in reconstructing the events that
10 have unfolded at a crime scene.

11 Q. And what training and experience do you have in the
12 field of bloodstain pattern analysis?

13 A. I received my Bachelor of Science degree from Michigan
14 State University in forensic science. Subsequent to
15 that, I gained employment at the Northern Illinois
16 Police Crime Laboratory, which is a laboratory just
17 north of Chicago, where we serve all of the population
18 of the northern suburbs from Chicago all the way up to
19 Wisconsin border, approximately 1.2 million in
20 population. And my duties there included being a
21 latent print examiner, the crime scene coordinator.
22 And we went out on major scenes throughout that
23 population -- populated area, that geographic region
24 and I was the bloodstain pattern analyst.

25 For training for that, I took several courses that

JEFF GURVIS DIRECT BY MR. STRICKLER

1 are both basic and advanced as well as several
2 workshops throughout the early part of my career,
3 which, also, included a thorough review of literature,
4 independent research, and, also, culminated in
5 obtaining certification as a bloodstain pattern analyst
6 from the International Association for Identification.

7 Q. And when did you begin your career in that field?

8 A. My career as pertains to the bloodstain pattern was
9 '97, 1997.

10 Q. 1997. And are you a member of any particular
11 organizations relating to bloodstain pattern analysis?

12 A. Yes. I am a member of the International Association of
13 Bloodstain Pattern Analysts as well as a member of the
14 International Association for Identification, where I,
15 also, serve as the chair of the bloodstain pattern
16 certification board. I am, also, a member of SWGSTAIN,
17 which is a scientific working group on bloodstain
18 pattern analysis, which is -- up until now was an
19 international body of bloodstain pattern analysts from
20 around the world to help standardize and set best
21 practices.

22 Q. Okay. And have you ever taught in the field of
23 bloodstain pattern analysis?

24 A. Yes. I taught at the FBI for five or six years for
25 that 40-hour courses on basic bloodstain pattern

JEFF GURVIS DIRECT BY MR. STRICKLER

1 analysis. I still currently teach since 2001 -- 2002,
2 forgive me, at the University of Tennessee's national
3 forensic lab, where I also teach 40-hour classes. I've
4 taught several workshops throughout the past 15 years
5 at the International Association for Identification.
6 I've, also, taught in-service training at police
7 departments around the country, to include Baltimore
8 Police Department, the entire Illinois State Police,
9 and just most recently, at Washington, D.C. combination
10 training for D.C. metro as well as Baltimore County and
11 the consolidated forensic laboratories in Washington,
12 D.C.

13 Q. And have you ever been qualified in court as an expert
14 in bloodstain pattern analysis?

15 A. Yes, I have.

16 Q. Okay.

17 MR. STRICKLER: Your Honor, at this point in time,
18 we'd offer Mr. Gurvis as an expert in the field of
19 bloodstain pattern analysis.

20 THE COURT: Does the State have any questions?

21 MS. GARFIELD: No, sir.

22 THE COURT: On the qualifications?

23 MS. GARFIELD: No, sir.

24 THE COURT: State would stipulate he's qualified?

25 MS. GARFIELD: For purpose of this, yes.

JEFF GURVIS DIRECT BY MR. STRICKLER

1 THE COURT: The Court so finds.

2 BY MR. STRICKLER:

3 Q. And if you could, please, could you tell us when you
4 were contacted by the Defense in this particular
5 matter?

6 A. I was first contacted about this case in the last week
7 of August and met John Larson from Larson Forensics on
8 August 30th, where he, actually, wanted to consult me
9 -- or with me on some photographs pertaining to this
10 case. Subsequent to that, I was then put in contact
11 with yourself and Defense counsel later the following
12 week.

13 Q. Okay. And were you provided materials to aid you in
14 your evaluation of this case?

15 A. Yes, I received a series of -- a large stack of
16 reports, various reports, from crime scene reports to
17 include SLED DNA reports, autopsy reports, a list of
18 hard copy reports as well as images of the photographs
19 that were taken at the crime scene, at autopsy and by
20 the South Carolina Law Enforcement Division.

21 Q. Okay. You think you've had an opportunity to review a
22 pretty complete sample of the photographs taken in this
23 case?

24 A. Yes, I reviewed all of the photographs and the reports
25 in this case.

JEFF GURVIS DIRECT BY MR. STRICKLER

1 Q. Additionally, you were up here Friday of last week?

2 A. Yes, I was.

3 Q. Did you have an opportunity to be in the courtroom and,
4 actually, listen to the testimony of Ms. Stanley, the
5 DNA expert from SLED?

6 A. Yes, I did.

7 Q. Okay. If I could, could -- just briefly, could you
8 explain a little of the terminology that you'll be
9 using as you discuss bloodstain patterns? For example,
10 what's drip stain?

11 A. A drip stain is a singular stain that results from a
12 drop that's created from gravity alone. So if you were
13 to stick your finger into a cup of blood, the blood
14 drops that will come off would be considered drip
15 stains. And, typically, they result in circular stains
16 on floors and surfaces that are horizontal.

17 MR. STRICKLER: May the witness step down, Your
18 Honor, please?

19 THE COURT: Yes, sir.

20 BY MR. STRICKLER:

21 Q. And if you could position yourself over here
22 (indicating), please. Rather than having you talk
23 about it why don't we just walk you through the scene.

24 A. Sure.

25 Q. And just briefly -- first of all, did we ask you to

JEFF GURVIS DIRECT BY MR. STRICKLER

1 look at any area in particular?

2 A. Yes.

3 Q. In this case?

4 A. For this case, the area of concentration for my
5 analysis was in the bedroom. To the north side of the
6 bed, there was a large concentration of blood on the
7 floor. And it was this area I was asked about.

8 Q. Okay. We'll walk to that area. If you can explain
9 what you see as you begin to walk. And this is a
10 shot -- this is State's 140 I'm referring to. Coming
11 through the back door into the kitchen, what do you see
12 by way of bloodstain pattern in this photograph?

13 A. Well, we have several different patterns. When we were
14 just talking about drip stains, those stains that just
15 fall due to gravity, these are the circular stains we
16 see throughout -- pretty much throughout the scene,
17 actually.

18 We, also, have a lot of transfer stains, where you
19 have blood that's on a surface that comes in contact
20 with another surface resulting in an exchange of that
21 blood and deposited onto that surface. So these foot
22 impressions would be considered transfer patterns as
23 they're categorized within the field of bloodstain
24 pattern analysis.

25 So here, largely, we have drip stains and a little