

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Sumter County

Honorable William Jeffrey Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JACQUELINE MESIDOR,

APPELLANT

APPELLATE CASE NO 2015-001160

RECORD ON APPEAL

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SC Court of Appeals

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE'S EXHIBIT #114 – DVD OF DEFENDANT'S INTERVIEW

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER) COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)

STATE,)

v.)

TRANSCRIPT OF RECORD
13-GS-43-0697

JACQUELINE L. MESIDOR,)

DEFENDANT.)

May 18, 2015
Sumter, South Carolina

BEFORE :

THE HONORABLE W. JEFFREY YOUNG, JUDGE;
AND JURY

APPEARANCES:

SCOTT MATTHEWS, ESQ.
JOHN P. MEADORS, ESQ.
Assistant Solicitors

S. ELAINE COOKE, ESQ.
Attorney for Defendant

FRANCES B. RAY, RPR
Circuit Court Reporter

1 use this afternoon to handle those motions and then
2 start the trial tomorrow morning at 9:30. Any
3 objections?

4 MR. MATTHEWS: None.

5 THE COURT: We'll recess until 2:15. I've
6 got a 2:00 short hearing. Let's just make it 2:30.

7 (WHEREUPON, the jury was returned to the
8 courtroom at approximately 12:08 p.m.,
9 and the following proceedings commenced
10 in open court.)

11 THE COURT: Savanna Dinkins is our
12 foreperson. Thank you for accepting that
13 responsibility. Ladies and gentlemen, as I said,
14 I'm gonna dismiss you for the day and we'll start
15 this trial tomorrow morning at 9:30. Now, as I
16 said, please don't discuss the case with anyone.
17 And I wouldn't go out and tell the whole world that
18 you're on a jury because what's gonna happen, it's
19 not that they're gonna tell you any information but
20 they'll say, you know, I was on a jury one time and
21 then — and you don't need to hear that. When I was
22 with the National Security Agency I always said,
23 that just meant never say anything so I'm gonna say
24 when you go out there you can tell your immediate
25 family but don't tell everybody on the street that

1 you're involved in this case. That will be the best
2 way to handle it. So ladies and gentlemen, have a
3 nice evening. I'll see you back here at just a
4 little bit before 9:30 and it's a nice day out there
5 and we're not gonna tell anybody employers that
6 you're off for the rest of the afternoon; that'll be
7 between you and your conscience. Y'all have a nice
8 afternoon. Thank you.

9 (WHEREUPON, the jury was removed from the
10 courtroom at 12:10 p.m.)

11 THE COURT: Court is in recess until 2:30.

12 (Whereupon, a lunch break was taken.)

13 (WHEREUPON, State Exhibit Nos. 1 through
14 85, 88, 89, 90 and Defense Exhibit No. 1
15 were marked for identification only.)

16 THE COURT: We have a number of motions.
17 Why don't we knock out the easy ones first, or hard
18 ones first?

19 MR. MATTHEWS: Judge, that's your
20 preference.

21 THE COURT: We'll knock out the easy ones
22 first. The easiest one, I think, is gonna be your
23 motion to sequester.

24 MS. COOKE: Yes, sir.

25 THE COURT: Any objection to that?

1 MR. MATTHEWS: No, Judge.

2 THE COURT: That one is granted.

3 MS. COOKE: All right.

4 THE COURT: And I guess really some of the
5 other ones are gonna turn on the suppression of the
6 statements; is that correct?

7 MS. COOKE: We ---

8 THE COURT: I mean, I don't have to -- you
9 don't have to worry about redacting if I don't allow
10 the statements to come in so, I guess.

11 MS. COOKE: Right, Your Honor. I think
12 maybe the -- some of the photos might be next to the
13 easiest one.

14 THE COURT: Why don't we -- well, let's go
15 with the statements then. Let's -- is the State
16 ready to proceed on that?

17 MR. MATTHEWS: Yes, Judge, we're ready to
18 proceed. Our witness for the first Jackson versus
19 Denno hearing is trooper James R. Odonnell.

20 THE COURT: Come forward to be sworn.

21 THE CLERK: State your name please.

22 THE WITNESS: Corporal James Odonnell, Jr.

23 WHEREUPON,

24 **JAMES R. O'DONNELL,**

25 having been duly affirmed by the Clerk, testified

SW - J. O'DONNELL - DENNO HEARING

1 as follows:

2 THE CLERK: Have a seat up here please.
3 State your full name, spell your last name for the
4 record.

5 THE WITNESS: James R. Odonnell,
6 O-D-O-N-N-E-L-L.

7 **DIRECT EXAMINATION**

8 BY MR. MATTHEWS:

9 Q Trooper Odonnell, how are you employed?

10 A Highway patrol.

11 Q How long have you worked there?

12 A Almost 22 years.

13 Q And what area of the highway patrol you
14 specifically work in?

15 A I'm assigned to the MAIT unit which is our
16 accident reconstruction team. I work the upper
17 region of South Carolina, basically 15 counties we
18 cover.

19 Q And were you employed by the highway patrol on
20 April 13th of 2013?

21 A I was.

22 Q And were you as part of your employment involved
23 in the investigation of a traffic accident that
24 occurred on Dinkins Mill Road at 521?

25 A I was. That was my on-call week. We rotate

SW - J. O'DONNELL - DENNO HEARING

1 every week where basically 24 hour coverage. We
2 pull Monday through Friday 8 to 4, then after hours
3 there was an on-call notification.

4 Q And was that the case against Jacqueline Mesidor,
5 also known as ML059-13?

6 A Correct.

7 Q And when did you become involved in that
8 investigation?

9 A Like I said, I was on-call, was notified of a hit
10 and run with death, single vehicle found at the
11 scene, appeared a secondary vehicle was involved in
12 Sumter County, active scene having been secured by
13 the local troop and called for, immediate call out
14 to respond to process the scene.

15 Q And when did you arrive at the scene of the
16 wreck?

17 A I have to refer back to my notes on that one.

18 Q Okay.

19 A On our scene case notes form, which I recognize
20 my handwriting, it's got me arriving -- I was
21 notified around 2:23. I believe if memory serves
22 me, it's been so long ago, it was around four a.m.
23 I'm referring to my notes so ---

24 Q And aside from your investigation at the scene
25 did you subsequently meet or have contact with the

SW - J. O'DONNELL - DENNO HEARING

1 suspect or defendant in that case later that
2 evening?

3 A Yes. We processed the scene through
4 investigation further, something about he got
5 notified around 7:53 that evening. They had -- to
6 respond to a residence. I think they had located
7 one of the vehicles that had left the scene.

8 Q And did you at that time locate the vehicle?

9 A The vehicle was at that residence when I arrived.
10 There was also other troopers from South Carolina.
11 There's also local law enforcement on site. I
12 looked at the vehicle behind a residence and
13 actually recognized some of the scene debris I
14 observed prior to that morning and also some
15 evidence inside the wheel of the vehicle.

16 Q And did you at any point that night speak with a
17 suspect that highway patrol had identified as a
18 potential suspect?

19 A I spoke with the Jacqueline Mesidor who I think
20 was the listed owner of the vehicle, and the trooper
21 had directed that vehicle was on her property. Her
22 vehicle may have been involved in the incident or
23 had knowledge of the incident.

24 Q And around what time was it that you met with
25 Ms. Mesidor?

SW - J. O'DONNELL - DENNO HEARING

1 A Probably around 9:00. They called me 10 to 8 and
2 I went straight there, probably about 40, 45 minutes
3 away.

4 Q And is Ms. Mesidor in the courtroom today?

5 A She is. She's sitting over in the Defense's
6 section.

7 Q And did she -- when you met her where did you
8 meet her?

9 A Actually I believe I approached her residence
10 which was a trailer with a elevated deck. I think I
11 met her, she was on the deck and I was actually on
12 the ground level. Glancing around her vehicle which
13 also matched her flier. And introduced myself, told
14 her why I was there. There was also local law
15 enforcement there walking with me pointing out a
16 couple of different things and I asked her to come,
17 you know, I'd like to talk to you for a few minutes.

18 Q And what did she indicate when you asked her
19 that?

20 A She was fine.

21 Q Where did you go to talk to her?

22 A I told her that for privacy sake let's go have a
23 seat in my patrol vehicle which is away from other
24 officers and the neighbors, and there was a lot of
25 bystanders, let's say this evening. We sat in there

SW - J. O'DONNELL - DENNO HEARING

1 without distraction, just her and I talking.

2 Q What kind of vehicle was that?

3 A It was my issued patrol vehicle. It was a Ford
4 F-150 pickup truck.

5 Q And did you have your uniform on?

6 A I did. We were in our summer uniform which is a
7 blue BDU with a polo shirt, the badge emblem on.

8 Q And did you identify yourself as being law
9 enforcement?

10 A I did, second time. Initially approached, then
11 also for the record inside the vehicle.

12 Q Once you got inside the vehicle what did you
13 begin to talk about?

14 A Well, I explained to her why I was there and I
15 may have even apologized for all the chaos she had
16 to go through and everything with the neighbors and
17 everything and asked her who was all out here,
18 family, law enforcement, bystanders, people being
19 nosey to try and establish a rapport with her trying
20 to make herself comfortable and also for me to get
21 to know her somewhat.

22 Q Now when you were in this vehicle was your
23 interaction with her recorded?

24 A It was. Per MAIT policy a lot of our interviews,
25 most all our interviews, are recorded versus being

SW - J. O'DONNELL - DENNO HEARING

1 written down. We just get the interaction.

2 Q Now was your purpose to question Ms. Mesidor
3 inside the vehicle?

4 A Initially it was a interview. We're required to
5 interview all parties involved in a investigation
6 whether it be a witness, ownership, things of that
7 nature. It's one of our tasks. They can give us
8 ten days to do that. So she was one of the checks
9 in our box I needed to get done so an interview was
10 my ultimate goal per se.

11 Q Was she in custody at that point?

12 A She was not.

13 Q Was she free to leave?

14 A She was.

15 Q And at any point during that conversation did you
16 read her Miranda rights?

17 A Not initially. Like I say, we were just
18 basically talking. She was a person of interest
19 because she had, was the owner of the vehicle that
20 from what I could see, you know, from the three or
21 four minutes on site, the suspect vehicle we were
22 looking for involved in the death investigation.
23 But eventually into the conversation, one of the
24 requirements we are required to do is to issue the
25 Miranda warnings.

SW - J. O'DONNELL - DENNO HEARING

1 Q Approximately how far into the conversation was
2 that?

3 A Fifteen minutes. It's on audio, I mean, specific
4 time.

5 Q Did you utilize or use any form to assist you in
6 reading her Miranda rights?

7 A We have a Miranda card we got from one of the
8 game class we went to a while back. It has the
9 generic Miranda warning, and also we have a issued
10 form that has a DPS, specific Department of Public
11 Safety form on it, which also has a Miranda warnings
12 in more detail. So I basically accessed both of
13 those with the form utilized.

14 Q And how do you utilize that form in explaining to
15 her her Miranda rights?

16 A I read her Miranda rights to you off the card, or
17 to her, and explained the purposes and kind of talk
18 about the incident, did she feel like talking about
19 the incident. She indicated that she did. So I
20 said, we have this form you need to fill out. I
21 said, I also have a form I have to kind of follow
22 our interview when we start talking, and I'll go
23 ahead and fill this one out, which I asked for date
24 of birth, address, social security, things of that
25 nature that's on the form, and explained that form

SW - J. O'DONNELL - DENNO HEARING

1 to her and actually had her read it verbatim.

2 Q And after you had her read it verbatim was there
3 a space for her to initial or sign indicating she
4 understands?

5 A Yes. I handed the form to her; it was on a
6 clipboard. I said, this is the section I read to
7 you. We actually, I kind of read it to her and
8 said, now number one and I had to prompt her to
9 initiate the reading. And she said number one. She
10 basically read the line to 'em and she initialed
11 next to it.

12 Q And would you recognize a copy of that form if
13 you saw it here today?

14 A I would.

15 MR. MATTHEWS: Your Honor, may I approach.

16 THE COURT: You may.

17 BY MR. MATTHEWS:

18 Q Trooper Odonnell, I'm showing you what's
19 previously marked as for I.D. purposes as Court's
20 Exhibit Number 1. Can you tell us what that
21 document is.

22 A This is going to be our DPS interview form, and
23 it appears to be the original.

24 Q And does that appear to be in the same or
25 substantial similar condition than when you last saw

SW - J. O'DONNELL - DENNO HEARING

1 it?

2 A It is.

3 Q And is that the defendant's handwriting on there?

4 A It is. She — I prompted her, I said, if you.
5 agree and want to talk about the incident to sign at
6 the bottom where it has affiant signature, and I
7 actually signed underneath her for the time at 21:27
8 however.

9 MR. MATTHEWS: Your Honor, at this time we
10 move to admit Court's Exhibit 1 for purposes of the
11 Jackson versus Denno hearing.

12 THE COURT: Any objection for the purpose
13 of this hearing?

14 MS. COOKE: No, Your Honor.

15 BY MR. MATTHEWS:

16 Q Could you just read lines 1 through 6 there and
17 just tell the Court what those lines say.

18 A Line one: I have the right to remain silent.
19 That means I do not have to say anything or answer
20 any questions. Anything I say can be used against
21 me in a court of law; that's line two. Line three:
22 I have the right to talk to a lawyer, to have a
23 lawyer here with me now to advise and help me before
24 and during any questioning. Line four: If I want
25 to have a lawyer with me before and during any

1 questioning but cannot afford to pay for a lawyer,
2 one will be provided to me with no cost before and
3 while being questioned. Line five: If I decide to
4 answer questions now without a lawyer here, I still
5 have the right to stop answering questions whenever
6 I want to.

7 Q And did---

8 A Line six ---

9 Q I'm sorry, I cut you off.

10 A Line six: I also have the right to stop
11 answering questions until I have talked to a lawyer.

12 Q And did Ms. Mesidor indicate, did she read those
13 items out loud as you have just done?

14 A She did on audio.

15 Q And did she initial beside each line?

16 A She did.

17 Q And did she sign at the bottom indicating that
18 she was willing to talk to you?

19 A She did. I think she nodded her head and said
20 she wanted to talk.

21 Q Now during this interview what was Ms. Mesidor's
22 appearance like, if you recall?

23 A I believe she was wearing blue jeans and a
24 T-shirt and had her hair up. Demeanor was fine. I
25 kind of started off with just some layman's

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1 questions asking about the age of her children,
2 things of that nature. She was able to answer
3 without any issue of hesitation. She seemed to be
4 coherent.

5 Q Did she appear to be disheveled or confused at
6 any point during the interview?

7 A No, sir.

8 Q Was her speech coherent?

9 A It was.

10 Q Was she -- was her speech slurred or did she
11 indicate in any way that she didn't know what was
12 going on?

13 A No, she indicated that she was aware of her
14 surroundings and actually was able to point out some
15 people that was in the vicinity in the dark of the
16 evening in her yard and things of that nature, who
17 was here, who was there. So she was cognitive of
18 her surroundings and denied her action.

19 Q Now did she indicate at any point that she was
20 under the influence of any drugs and/or alcohol?

21 A During the course of our discussion, prescribed
22 -- prescription medication came up.

23 Q And what was that for?

24 A Treating some disorders that she had that was
25 prescribed for three years.

SW - J. O'DONNELL - DENNO HEARING

1 Q And did she indicate to you that that medication
2 had any effect on her current ability to understand
3 what was going on?

4 A It did not. I think it had side effects was
5 sleeping, how she worded it.

6 Q Did she at any point indicate after you read her
7 Miranda warnings, that she wanted to stop talking to
8 you and talk with a lawyer?

9 A No, sir.

10 Q Did she ask for legal counsel at any point during
11 the interview?

12 A She did not. In response to that, on line 4, you
13 have a right to talk to a lawyer before, if you
14 cannot afford to pay for a lawyer one will be
15 provided for you at no cost; she said, for real. So
16 that was her response to that.

17 Q What was your response to that?

18 A I said, yes, ma'am, that they'll do that for you.

19 Q And did you threaten her in any way during the
20 course of the interview?

21 A I did not. I actually made reference to that,
22 you know, coercion, things of that nature on the
23 interview. I said, you know, we record all
24 interactions with witnesses and, you know, for
25 people we talk to for investigations and how can

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1 they say that we didn't influence them without being
2 on tape so the tape always runs.

3 Q Did she -- did you promise her leniency or
4 indicate that you would drop charges against her if
5 she cooperated with you?

6 A I believe I said that during the course of our
7 interview after Miranda that if she wanted to -- how
8 I worded it -- the detail or depth of our
9 investigation would be, I guess you could say,
10 adjusted based on her cooperation as far as the
11 interview. We had to seize her car, get a warrant
12 to access her house, take a look at her belongings
13 if she was actually involved in the event. But some
14 of that stuff I think I said were powered down if
15 it's a case of I made a judgment error, things of
16 that nature, is how it was worded.

17 Q Did you at any point explicitly promise to drop
18 charges or charge her with more charges depending on
19 her cooperation or lack thereof?

20 A I think I mouthed off some of the charges that
21 was being discussed in the group of officers outside
22 the truck that were not part of the interview,
23 listed to those charges out. But those charges were
24 based on interactions with the investigation one
25 extreme version; but as far as promising her if you

SW - J. O'DONNELL - DENNO HEARING

1 do A we'll provide you with B, was not specifically
2 played out.

3 Q Now did you -- you mentioned this interview had
4 been recorded. Would you recognize a copy of that
5 recording if you saw it here today?

6 A Yes, sir, I saw it off the -- realize how I
7 started and how it ended.

8 Q Okay.

9 MR. MATTHEWS: Your Honor, may I approach.

10 THE COURT: You may.

11 BY MR. MATTHEWS:

12 Q Could you tell us what this item is that's marked
13 Court Exhibit Number 2.

14 A This is Odonnell's interview.

15 Q And is that a fair and accurate copy of your
16 interview?

17 A Yes, sir, it should be.

18 Q And is it in the same substantial similar
19 condition you last saw it?

20 A Yes.

21 Q And would this aid and illustrate your testimony
22 to the Court today?

23 A Yes, sir.

24 MR. MATTHEWS: Your Honor, at this time
25 the State moves to enter Court Exhibit Number 2 for

SW - J. O'DONNELL - DENNO HEARING

1 purposes of the Denno hearing.

2 THE COURT: Any objection for purposes
3 only for today?

4 MS. COOKE: No, no, Your Honor.

5 THE COURT: Thank you. You may proceed.

6 (Court Exhibit Number 2 was published.)

7 MR. MATTHEWS: Judge, that concludes the
8 portion relevant to the advisement of rights. Would
9 you like us to continue to specific redaction points
10 Ms. Cooke wants to make a determination?

11 THE COURT: No, let me keep the issues
12 subrogated.

13 MR. MATTHEWS: Well, for this interview,
14 second interview, first with Corporal O'Donnell,
15 that's the completion of the Miranda forms. And at
16 this point we're ready to have a few more questions
17 and the State will be done for this portion of
18 Jackson versus Denno.

19 THE COURT: Okay.

20 BY MR. MATTHEWS:

21 Q Corporal O'Donnell, when you were reading those
22 rights 1 through 6, did she initial after each of
23 the, after each of the line items?

24 A I believe she did, yes, sir.

25 Q And if you could one more time read, there's

SW - J. O'DONNELL - DENNO HEARING

1 actually a paragraph underneath items 1 through 6,
2 what does that paragraph say?

3 A I understand my rights as explained to me. I now
4 state that I do wish to answer questions at this
5 time and that I do not wish to have a lawyer here
6 before or while during questioning. My decision to
7 answer questions now without a lawyer is made freely
8 and is my own choice. I declare that I have not
9 been threatened or coerced in any way. To show my
10 decision I have signed my name in the space provided
11 by this form.

12 Q And when reading this rights, these rights to
13 Ms. Mesidor, did she appear to understand all the
14 rights that you were reading her?

15 A Yes, she did.

16 Q And just one more time for the record, when you
17 said Ms. Mesidor was here in the courtroom seated
18 beside Ms. Cooke, would you point her out for the
19 Court please.

20 A Yes (indicating). she's seated over there to
21 Ms. Cooke's left.

22 MR. MATTHEWS: Your Honor, I'd like the
23 record to reflect that Corporal Odonnell pointed to
24 Ms. Mesidor.

25 THE COURT: The record will so.

SW - J. O'DONNELL - DENNO HEARING

1 MR. MATTHEWS: Your Honor, that concludes
2 the State's questions for this portion.

3 THE COURT: Ms. Cooke.

4 MS. COOKE: Your Honor, you want to keep
5 separate issues of -- I'll go ahead.

6 THE COURT: Yeah, I'm trying to keep the
7 issues separate for the record. I can cross it out
8 in my mind but for the record I think it needs to be
9 separated.

10 MS. COOKE: Okay, I think the questions
11 I'm gonna ask is to both voluntariness and waiving
12 rights and voluntariness for Denno though.

13 THE COURT: Okay.

14 **CROSS-EXAMINATION**

15 BY MS. COOKE:

16 Q Trooper Odonnell, you knew were investigating a
17 hit and run with death?

18 A Yes, ma'am.

19 Q And that someone left the scene?

20 A Yes, ma'am.

21 Q And Ms. Mesidor stated that the police had
22 already been at her house for about an hour?

23 A Is that what it said?

24 Q And someone interviewed her for about 20 minutes
25 before you began. It sounded like maybe Trooper

1 Shea McKinsey or another trooper interviewed her for
2 about 20 minutes prior to you putting her in your
3 vehicle?

4 A I don't have any knowledge of that.

5 Q Okay. And but you did put her in to your vehicle
6 to question her?

7 A I asked her if she wanted to talk about the
8 incident, if she could come sit with me and I guess
9 you -- that would be a yes. It was a voluntary
10 request.

11 Q And you gave Miranda warnings about 13 minutes
12 into the interrogation?

13 A You saying for the interview?

14 Q And how many police cars would you say were at
15 her house?

16 A Albert, myself, two, maybe a, sum three, maybe
17 two county cars, five total.

18 Q Do you know how many officers were there?

19 A Probably five with, there was some coming and
20 going.

21 Q And during the interview you told her that she
22 was looking at tampering with evidence after the
23 fact to a reckless homicide, reckless homicide,
24 leaving the scene of an accident with death, failure
25 to render aid, allowing her vehicle to be operated

SW - J. O'DONNELL - DENNO HEARING

1 by someone else, tampering with evidence after the
2 fact, conspiracy and party to a crime; is that
3 correct?

4 A My best sounds right, yes, ma'am.

5 Q And you told her that her friends and family were
6 looking at being charged as accessories also?

7 A I said anyone who the -- you can play it back to
8 me specific, but it was basically saying anybody
9 that had access to the vehicle, Spooney supposedly
10 altered it. And there was another fellow she
11 called -- I can't think of his name -- covered and
12 altered the vehicle.

13 Q Well, he put a bungee cord on the bumper to hold
14 it on?

15 A There was coat hangers and stuff hanging on the
16 bumper supports.

17 Q And you told her she was looking at her house
18 being locked down and her kids going to DSS?

19 A I said her house will be locked down as evidence
20 till we obtained a warrant. The specifics is on the
21 audio. And the DSS comment is, would be later
22 depending on her involvement in the event.

23 Q And right after you told her that she was facing
24 reckless homicide, leaving the scene of an accident
25 with death, and failure to render aid if you were

1 operating last night now is the time to get your
2 version out there, correct?

3 A Yes, ma'am.

4 Q And ---

5 A There's a reason those things, cues are used, but
6 yes, ma'am.

7 Q And at about one hour and eighteen minutes into
8 the interrogation or interview you told her, here's
9 the deal, I've been told they're ready to go ahead
10 and arrest, parties to a crime, conspiracy,
11 accessory after the fact, failure to render aid.
12 They're gonna seize your car, lock your house up,
13 put your kids out, DSS. There was some inaudible
14 stuff between put your kids out and DSS. Put
15 Spooner out and serve a warrant on your house and
16 search your house. This is what you're looking at,
17 I know you're scared, it's come to Jesus time.

18 A Yes, ma'am.

19 Q You were telling her that. And do you remember
20 her asking, her at some point in the interview, why
21 did they tell me I could have an attorney present if
22 they're fixing to lock me up?

23 A I don't remember her saying that to me.

24 MS. COOKE: Beg the Court's indulgence one
25 moment while I find it, Your Honor.

SW - J. O'DONNELL - DENNO HEARING

1 BY MS. COOKE:

2 Q At one hour twenty minutes into the interview,
3 why did they tell me, why did they tell me if I
4 talked to them I could have an attorney present when
5 questioned if they're fixing to lock me up?

6 A Who did she say that to?

7 Q To you.

8 A What did I say -- what was I saying before that
9 comment came out?

10 Q That's when you were talking about locking the
11 house down, putting the kids out, family DSS,
12 putting Spooner out.. At 1:20, why did they tell me
13 if I talked to them and tell me I could have an
14 attorney present when they questioned if they fixing
15 to lock me up.. And then you replied, no one's made
16 the decision to arrest you yet, you can stop talking
17 at any time. But you ---

18 A That was -- no one's made a decision. I guess my
19 words were no one's made a decision to arrest you
20 yet but you can stop talking at any time.

21 Q And then continued with interrogation, correct?

22 A She, did she stop talking or did she ask another
23 question or make any statement? She didn't say, I
24 wanted to stop talking, said why did they tell me.

25 Q Right, but I'm just asking at this point right

SW - J. O'DONNELL - DENNO HEARING

1 now you continued with the interrogation?

2 A Right. And I said they have not made a decision
3 to arrest you yet.

4 Q Because that was at ---

5 A ---but you can stop ---

6 Q That was at 1:20 and it went on for two hours and
7 seven minutes so the interrogation continued after
8 that. That's all I'm asking right now.

9 A See, I think the entire audio session went for
10 two hours finish.

11 Q Right. And this was at ---

12 A So it's 13 minutes of pre-interview.

13 Q ---one hour and 20 minutes.

14 THE COURT: Don't talk over each other.

15 THE WITNESS: So the entire audio covers
16 interaction, pre-interview, interview, interrogation
17 as you heard.

18 BY MS. COOKE:

19 Q So the question is, after she made the statement
20 why did they tell me I could have an attorney if
21 they're fixing to lock me up, the interrogation
22 continued on for another amount of time?

23 A She continued to answer questions, I guess I
24 continued to ask questions.

25 Q Okay, thank you.

SW - J. O'DONNELL - DENNO HEARING

1 A There was no decision to arrest at that time.

2 Q All right. And you asked her the same questions
3 over and over numerous times, correct?

4 A Probably phrased differently, yes, ma'am. There
5 was no ---

6 Q Told her you wanted her to have a clear
7 conscience over and over?

8 A I think I told her I wanted to have a clear
9 conscience. I mean, I'm not recalling my exact
10 words, but I gave her a chance to do what's right.

11 Q At 1:22 you say that, I want you to be able to go
12 through the evening with a clear conscience, go home
13 with a clear conscience, I gave you every chance?

14 A Yes, ma'am.

15 Q And then earlier, as I stated earlier at one
16 point you told her this was the come to Jesus time,
17 for her to get her story out there.

18 A Correct.

19 Q And there were several times she tried to talk to
20 you, and you interrupted her by saying just listen
21 to me, just let me talk. You agree with that?

22 A Yes, ma'am.

23 Q And she told you during the interview that she
24 was tired and was yawning and was tired of answering
25 questions also, right?

1 A I don't know about her saying she's tired of
2 answering questions. She didn't go on anymore.

3 Q Okay, well, the interview is in there so I'll
4 leave that at that. And you also told her 7 minutes
5 and 52 seconds into the interview, they'll listen to
6 me, I'm the expert, you know, if maybe she was
7 speeding.

8 A Yes, ma'am.

9 Q Implying to her, trying to go get her to say that
10 she was involved in the wreck implying to her that
11 it might been his fault and that she'd be okay if it
12 was his fault?

13 A There's -- if you want to imply there's two sides
14 to every story, I was trying to get, applying some
15 cues to her version, part of the techniques that we
16 use.

17 Q Okay.

18 MS. COOKE: Your Honor, I don't have any
19 further questions, but I would just like to proffer
20 the rest of the interview for, to protect the
21 record.

22 THE COURT: All right.

23 Any redirect, Mr. Matthews?

24 MR. MATTHEWS: Nothing on redirect, Judge.

25 THE COURT: All right, thank you. You

1 may -- well, do we need to go into -- we don't need
2 him?

3 MR. MATTHEWS: I don't think we need him
4 to play the specific parts in Ms. Cooke's motion
5 that relate to drugs and alcohol and her consumption
6 of those the night of. That would be now the
7 exhibits in evidence. I think that would just be an
8 issue for Your Honor to decide after listening to
9 those.

10 THE COURT: All right, thank you, you may
11 step down.

12 So your motion at this point in time,
13 Ms. Cooke, is that you want to have everything she
14 says on this tape thrown out based upon the Miranda
15 that he gave or the lack of?

16 MS. COOKE: Based upon, based upon Miranda
17 because under State v. Osborne, State v. Moses, her
18 rights were not freely and voluntarily waived.

19 THE COURT: Okay, I disagree with you on
20 that. I think on this particular tape up to that
21 point and unless there is a clear I'm not talking
22 anymore, I want a lawyer present, you can talk to me
23 after I have my lawyer, this statement comes in.
24 There may be parts that are redacted, but this
25 statement is coming in.

1 MS. COOKE: Thank you, Your Honor.

2 MR. MATTHEWS: Judge, I suppose now we're
3 dealing with this first statement if Your Honor will
4 prefer, we -- there's, I think, four specific times
5 that Ms. Cooke mentioned in her motion. Would you
6 like to listen to those?

7 THE COURT: I would like to listen to
8 those.

9 MR. MATTHEWS: The first one takes place
10 at 32 minutes and 54 seconds to 34 minutes and 20
11 seconds.

12 THE COURT: And again, she's already been
13 mirandized and she is going along with the
14 conversation.

15 MR. MATTHEWS: Yes, this is just the
16 course of the interview.

17 (Interview was played for the Court.)

18 MR. MATTHEWS: Your Honor, I'm gonna play
19 this a little -- this is at 3 minutes 48 seconds.
20 I'm gonna play just a little bit before that.

21 THE COURT: Okay.

22 MR. MATTHEWS: I'll let you know when we
23 reach that point. Beginning right now.

24 (Continued playing of interview.)

25 MR. MATTHEWS: Your Honor, that's the

1 conclusion of the first redaction point.

2 THE COURT: Okay.

3 MR. MATTHEWS: The second one is 47
4 minutes and 32 seconds that's starting right about
5 now.

6 (Continued playing of interview.)

7 MR. MATTHEWS: That's the conclusion of
8 the second portion. And the third portion is
9 hour -- 13 minutes through an hour 18 minutes. That
10 begins now.

11 (Continued playing of interview.)

12 MR. MATTHEWS: Your Honor, that's that
13 portion. Then there's additional portion, item
14 number 3 in Ms. Cooke's motion, an hour and twenty
15 minutes and approximate 30 seconds to an hour 21
16 minutes approximately 30 seconds. It begins right
17 now.

18 (Continued playing of interview.)

19 MR. MATTHEWS: Your Honor, that's where
20 that particular portion ends. Finally, the last
21 portion of this interview is from an hour 32 minutes
22 46 seconds to an hour 45 minutes and 20 seconds.

23 (Continued playing of interview.)

24 MR. MATTHEWS: Your Honor, that concludes
25 the portions and Ms. Cook's motion related to this

1 interview with Trooper Odonnell.

2 THE COURT: Okay. Ms. Cooke, I'm going to
3 let you go through and tell me exactly what you find
4 objectionable about each one of these five
5 statements. Let me ask you, maybe y'all can clear
6 this up, I was listening to did they say they bought
7 strawberry Ritas or she drank them?

8 MS. COOKE: Both Your Honor, different
9 times.

10 THE COURT: Okay.

11 MR. MATTHEWS: Your Honor, my recollection
12 in the first ---

13 THE COURT: She bought a 12 pack or
14 something, little cans.

15 MR. MATTHEWS: The first portion she
16 bought a 12 pack. I don't think she says anything
17 about consuming those.

18 THE COURT: Right, that's what I didn't
19 think ---

20 MR. MATTHEWS: Until the 42 minute mark.

21 MS. COOKE: From time 32:54 to 34:20, Your
22 Honor, it's referencing the alcoholic drink. This
23 is irrelevant to any element in hit and run with
24 death since she's not charged with driving under the
25 influence or any crime that involves impairment. It

1 -- under rule 401 it does not tend to prove or
2 disprove any fact in this case. I would say also
3 ---

4 THE COURT: Again, we're talking about
5 purchasing of alcohol 'cause it doesn't say anything
6 about her using it.

7 MS. COOKE: Right.

8 THE COURT: I would tend to agree with her
9 on that. I think just because you bought some,
10 unless there was a lot of testimony that she had
11 consumed them over the evening, just purchasing them
12 could be more prejudicial because then the jury
13 would infer that she also drank 12 of whatever, and
14 there's no evidence of that, absolutely no evidence
15 of that. So I'm gonna grant your motion as to the
16 strawberry Rita.

17 MR. MATTHEWS: Your Honor, if I may just
18 reply briefly. The mention buying them as your
19 concern was that would subsequent leave the jury to
20 believe she consumed them. She does go on to say at
21 the 42 minute mark that she did consume them, that
22 she had been drinking strawberry Rita with taking
23 her medication and Depakote and Zyprexa. So she
24 does confirm later that she did consume. Now how
25 much, I think that's clarified in 42 minutes and 30

1 seconds to 43 minutes and 50 seconds when says she
2 said I had some strawberry Ritas. I think she may
3 even say she had one, but she doesn't say she drank
4 all 12 at that portion so that's clarified later on
5 the interview about, you know --

6 THE COURT: I just think once you start,
7 and I feel a little differently about the Depakote,
8 but I think when you're talking about the alcohol it
9 just throws their meter wide open or, you know, go
10 sky high and there's no evidence and she's not
11 charged with anything involving that. I would tend
12 to still deny the strawberry Rita portion.

13 MR. MATTHEWS: And that's just, for
14 clarification, first time frame 32:54 to
15 approximately 34:20.

16 THE COURT: That's correct.

17 Yes, ma'am.

18 MS. COOKE: Your Honor, the second part
19 42:32 to 43:50 references being bipolar medication
20 the night of the accident and also irrelevant as
21 impairment is not a part of hit and run, does not
22 tend to prove or disprove any fact in this case;
23 therefore, it's not relevant under rule 401. I
24 believe that is inadmissible character evidence that
25 she has a mental disease, and under 403 that the

1 probative value is substantially outweighed by the
2 danger of unfair prejudice and also would mislead
3 the jury, confuse the jury. It's also pure
4 speculation, she says that she takes the medication,
5 there's no blood test, urine test. She said she had
6 medication in her system. And to my knowledge
7 there's not gonna be -- I mean, she wasn't, wasn't
8 tested by a state physician or anything to see if
9 she had bipolar or how the bipolar would affect this
10 case. I just don't think it's relevant to this
11 case.

12 THE COURT: All right.

13 MR. MATTHEWS: Judge, our position would
14 be the opposite, that it is relevant to us and to
15 raise substantial probative value. It does -- this
16 case is a case where there's a hit and run with
17 death that occurred out on a country road in the
18 middle of the night so there's not gonna be an
19 opportunity for the State to test for these
20 quantities of alcohol and/or this medication; but it
21 goes to show perhaps Ms. Mesidor's reasoning and
22 thought process when she got into the wreck and then
23 decided to leave. Perhaps she was fearful of having
24 taken her medication, being sleepy, and having
25 consumed alcohol and that contributed to her

1 deciding to subsequently leave the scene of the
2 accident.

3 Additionally, Judge, if she claims that
4 she doesn't remember it, that can also be attributed
5 to the fact she was taking medication, it made her
6 sleepy by her own admission, and that she was
7 consuming alcohol. Often statements against
8 interest are exactly that; they're against interest.

9 THE COURT: Yeah, it is prejudicial.

10 MR. MATTHEWS: So there's no —

11 THE COURT: But in this one, and I tend to
12 agree with you, I don't — it is prejudicial; no
13 question about that. I don't think the prejudicial
14 outweighs the probative in this situation as far as
15 her medications and what, I mean, this is a
16 prescription medication that she's supposed to take,
17 unlike the alcohol that they purchased so I'll
18 probably not take that out of that statement.

19 MS. COOKE: Okay. Your Honor, I would
20 just like to state just to protect the record that I
21 think it invites pure speculation as to whether she
22 took medication that night and what affect it had on
23 her and why she left the accident.

24 THE COURT: For the next one.

25 MS. COOKE: Time 1 hour 13 minutes 49

1 seconds to 1 hour 18 minutes 37 seconds and also the
2 time 1 hour 20 minutes 34 seconds to 1 hour 21
3 minutes and 32 seconds. This is where the trooper
4 is talking about other people calling the police
5 saying she was the driver of the car. It violates
6 the confrontation clause; it's hearsay.

7 THE COURT: Confrontation clause was more
8 for in trial. I don't have a problem it. They can
9 even make stuff up to get them to it so that's out
10 and that's coming in.

11 MS. COOKE: Okay. Time 1:32:46 to 1 hour
12 35 minutes and 20 seconds, the trooper is telling
13 her that Spooney, her friend and cousin who stays in
14 her house is kind of tore up over the matter and
15 trying to protect her. There is an interview
16 Spooney, all Spooney says is, I don't know, ten
17 times. He also says, I can't say no more than what
18 I know and I can't agree to it. I feel this would
19 confuse the issues and mislead the jury and invites
20 speculation as to what Spooney would say since
21 Spooney is not testifying.

22 THE COURT: Okay. Mr. Matthews.

23 MR. MATTHEWS: Judge, we'd go ahead and
24 stipulate that part is not coming in. We won't play
25 that part.

1 THE COURT: Okay. Yes, ma'am, there are
2 two more.

3 MR. MATTHEWS: Judge, I think that's it on
4 this interview. You addressed line 1, 2, 3 and 4
5 with letting line 2 and line 3 coming in, but I
6 believe your ruling was to keep line 1 and line 4
7 out.

8 THE COURT: Right.

9 MR. MATTHEWS: And that, at least, unless
10 Ms. Cooke has anything else, I think concludes this
11 interview and this portion of the redaction/Jackson
12 v. Denno.

13 THE COURT: Is that correct, Ms. Cooke?

14 MS. COOKE: Yes, Your Honor, and I have
15 clocked and filed each of my motions with the clerk
16 so I would just ask that redaction motion and the
17 motion regarding suppressing the statement be part
18 of the record.

19 THE COURT: Absolutely, okay.

20 Yes, sir, Mr. Meadors.

21 MR. MEADORS: Cary Craig. Did you want to
22 go into the second interview?

23 THE COURT: Yes.

24 MS. COOKE: Your Honor, may I ask for a
25 bathroom break?

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1 THE COURT: Yeah, let's take a few
2 minutes.

3 (WHEREUPON, a recess was taken from the
4 proceedings.)

5 THE COURT: Let's proceed.

6 MR. MEADORS: May it please the Court, we
7 call Cary Craig.

8 THE CLERK: Place your left hand on the
9 bible, raise your right hand please. State your
10 name.

11 THE WITNESS: Cary Lee Craig.

12 WHEREUPON,

13 **CARY L. CRAIG,**
14 having been duly sworn by the Clerk, testified
15 as follows:

16 THE CLERK: Thank you, sir. Have a seat
17 up here please. State your full name and spell your
18 last name for the record.

19 THE WITNESS: Cary Lee Craig, C-R-A-I-G.

20 **DIRECT EXAMINATION**

21 BY MR. MEADORS:

22 Q Good afternoon, Mr. Craig?

23 A Good afternoon.

24 Q Are you retired now?

25 A Yes, sir.

SW - C. CRAIG - DIRECT

1 Q Can you generally and just tell the judge, His
2 Honor, about your background, your education, and
3 specifically your training in law enforcement and
4 different places you worked.

5 A I have a total of 31 years in law enforcement. I
6 did 28-and-a-half with the highway patrol. I came
7 on highway patrol in 1985, went through the criminal
8 Justice Academy. 1991 I was assigned to Carol
9 Campbell when he was governor, the governor's raid
10 team. Stayed there for several years, then was
11 assigned to the U.S. Drugs Enforcement
12 Administration as a task force officer, stayed there
13 until 1998. Came back on the road in Florence as a
14 regular road trooper. Stayed on the road until
15 approximately 2008 and then I was transferred to the
16 highway patrol MAIT team.

17 Q And back in April of 2013 where was your office?

18 A In Florence, South Carolina.

19 Q And you were working for the highway patrol?

20 A Yes, on the MAIT team.

21 Q And your duties on the MAIT team in April of 2013
22 or your job was what?

23 A In the Pee Dee region in Florence we went to all
24 death investigation. In other words, we did them
25 all. Other units had certain criteria for call out.

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1 We did all death cases.

2 Q So it wouldn't be unusual for you to get a call
3 to come potentially conducting interview of the
4 suspect?

5 A No, no, sir.

6 Q And is that how you got involved in this case?

7 A Yes, sir.

8 Q And specifically on April 16th of 2013 for these
9 purposes that's what I'm gonna ask you about today,
10 just the time and opportunity you had to speak with
11 Ms. Mesidor sitting next to Ms. Cooke. Do you
12 remember meeting and seeing Ms. Mesidor?

13 A Yes, sir, I do.

14 Q And where did that take place?

15 A At the Lee/Sumter Correction facility in Sumter.

16 Q Sumter-Lee Regional?

17 A Yeah.

18 Q Lee-Sumter, all right. And do you remember what
19 time you got there on April 16th of 2013
20 approximately?

21 A Around 4:00.

22 Q All right. And once you got there did you have
23 an occasion to see Ms. Mesidor and if so, where?
24 Specifically where?

25 A Went into the jail facility and I told them that

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1 who I wanted to speak with, see if she would talk to
2 me about the reason that she was in the jail. They
3 brought her to that main area and then two jailers,
4 myself, and Ms. Mesidor, they escorted us to like a
5 conference room area.

6 Q Had you done anything to prepare yourself for
7 this interview?

8 A Yes, sir.

9 Q And tell the judge what you did.

10 A Prior to getting notified to come and interview
11 her in the jail I had went on our computer drive and
12 listened to the interview from Trooper Odonnell
13 trying to get some background on the case because at
14 the time I didn't have a lot of knowledge of it or a
15 lot of information so I sat there and listened to
16 his entire interview and looked at some of the
17 documents that he had already placed on the MAIT
18 drive.

19 Q And were you, what's been marked Court Exhibit 1,
20 did you hear this on the audio when Ms. Mesidor had
21 been read her rights and when she actually read them
22 verbatim back? Did you hear that on the audio?

23 A Yes, sir.

24 Q So you were aware that she had been read her
25 rights, said she understood them, and waived them

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1 three days previously?

2 A Yes, sir, and I also saw that from particular
3 document on the MAIT drive at the same time.

4 Q Now when you, on April 16th of 2013 when you were
5 with Ms. Mesidor, she was in prison uniform I guess
6 or detention center?

7 A Yes, sir.

8 Q Do you remember whether she was handcuffed?

9 A She was handcuffed.

10 Q And during the time that you talked to her, if
11 she had wanted to use the bathroom or eat would she
12 have been afforded that opportunity?

13 A Yes, sir.

14 Q Is that customary for you.

15 A Yes, sir.

16 Q And during the time you spoke with Ms. Mesidor
17 did she appear to understand you? Did she appear to
18 understand your questions?

19 A Yeah, she understood anything I asked her. I
20 don't ever recall her asking me to repeat anything.

21 Q And could you understand her answers when she
22 responded to your questions?

23 A Yes, sir, very well.

24 Q She appear to be under the influence of alcohol
25 or drugs or any other intoxicant?

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1 A No, sir.

2 Q And you smell anything on her as far as alcohol
3 or anything?

4 A No, sir.

5 Q Did you threaten her or coerce her or hold out
6 any hope of promise or reward in exchange for her
7 talking to you?

8 A No, sir.

9 Q Now we're back there now, right, let's take us
10 back there, take the judge back there, April 16th,
11 2013. Did you talk about her Miranda rights?

12 A Yes, sir.

13 Q Okay. And how did you do that?

14 A When we first went into the conference room I
15 introduced myself, told her who I was. I said the
16 reason why I'm here is I want to see if you want to
17 talk to me about the predicament that you're in.
18 The first thing that I recall her saying she said,
19 well, I want a lawyer. And I said okay. I said do
20 you want a lawyer now or do you just want a lawyer?
21 And she said, well no, I don't need a lawyer now but
22 I want one eventually. I said do you want to talk
23 to me and she said, yeah, I'll talk to you.

24 Q And did you actually go over her Miranda rights
25 again?

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1 A Yes, sir. Once she said that she wanted to talk
2 to me we pulled out a Miranda card. And I explained
3 to her, I said, do you remember the other night when
4 you talked to Trooper Odonnell and some of those
5 other troopers that were up there at the scene. I
6 said, remember Trooper Odonnell had a form that he
7 read to you, and there was a form that you read back
8 and you understood that and it had your Miranda
9 rights on it. I said, and he also verbally gave you
10 your Miranda rights. And I said, I'm gonna do the
11 same thing but I'm not gonna use the form. So at
12 that time I gave her Miranda.

13 Q And did you have -- you didn't have this form.

14 Did you have anything else to help you ---

15 A Yes.

16 Q ---when you give Miranda?

17 A At our office in Florence it was a secure
18 facility and it was a kiosk like y'all have in the
19 building here. And on the card on the backside I
20 had a Miranda card that I had when I was a DEA. It
21 was a hard plastic Miranda and I had it in the back
22 of the kiosk which we also had around our neck. So
23 everywhere I went I had that Miranda card, and
24 that's the one I used on that day.

25 Q So you used that around your neck when you were

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1 reading her rights again?

2 A Yes, sir.

3 Q And after you read her her rights did she appear
4 to understand them?

5 A She understood them.

6 Q Did she indicate to you either by nodding or
7 telling you she understood them?

8 A Yeah. I said, you know, you understand what
9 we're talking about. I said you went to college,
10 high school, whatever. I said, we understand each
11 other; she said, yeah.

12 Q You've been around. You're retired. You've been
13 around so long you're retired. Based on your
14 experience then did she voluntarily talk to you?

15 A Yeah, she voluntarily wanted to talk and she
16 never threw -- I think the interview lasted an hour
17 and 22 minutes. She never made the statement that
18 she never wanted to talk to me.

19 Q That was my next question. Did she ever indicate
20 after that initial I want a lawyer, and you said you
21 read her rights and she said she wanted to talk to
22 you?

23 A Yes, sir.

24 Q That she may want a lawyer down the road?

25 A Maybe. She never said she didn't want to talk to

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1 me.

2 Q And at any time during that interview did she
3 say, stop, I don't want to talk to you, give me a
4 lawyer, quit asking me questions?

5 A She never said that.

6 Q Okay. Now all of this was audio recorded?

7 A Yes, sir.

8 Q And you and I have listened to this previously
9 and I think you listened to it. Is this the CD that
10 contains that?

11 A Yes, sir.

12 MR. MEADORS: Your Honor, we would ask
13 this be Court's 3 please.

14 THE COURT: All right, just for the
15 purpose of this hearing.

16 MR. MATTHEWS: Judge, with your permission
17 it is on this downloaded on this computer. It's
18 very short. If we could publish this advice of
19 rights at this time.

20 THE COURT: All right.

21 MR. MATTHEWS: When the Court is ready.

22 (Portion of Court Exhibit 3 was played for the
23 Court.)

24 BY MR. MATTHEWS:

25 Q When you were asking her, going over Miranda

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1 rights, did she indicate to you that she understood
2 it?

3 A Yeah. Sometime, I mean, she would make a verbal
4 response and sometimes she would shake her head.

5 Q And how far were you from her during this?

6 A Probably the width of that table. I mean, a
7 regular metal like folding table, long folding
8 table. She was on one side; I was on the other.

9 Q So after you went through your Miranda rights you
10 asked her, do you want to talk to me, and she said
11 she did?

12 A Yes, sir.

13 Q And then she said she wanted a lawyer and did you
14 followup you want a lawyer here now with you?

15 A Yeah. I asked her, do you want one now before
16 you talk to him or you just want a lawyer? And she
17 said, well, I want a lawyer but I'll talk to you.

18 Q So she understood her rights?

19 A Yes, sir.

20 Q I mean, had her — understood she had a right to
21 talk to you. She understood she had a right to a
22 lawyer?

23 A Yes, sir.

24 Q And she said, I want to go ahead and talk to you
25 now?

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1 A Yes, sir.

2 Q And did you understand that to mean what she --
3 did you take that she wanted to talk to you freely?

4 A I took it that she wanted to talk to me, you
5 know, freely. She never said that she didn't. I
6 think she was -- the way I took it was she was
7 wanting to consult a lawyer on how to get out of
8 jail.

9 Q Now I believe at an hour and 20 minutes into it I
10 had asked you earlier, did she later on right toward
11 the end of this interview say, y'all asking me same
12 questions over and over again, I might need a
13 lawyer, I might want to talk to a lawyer, way down
14 the road?

15 A Yes, sir.

16 Q And I don't even know if that's been objected to,
17 but we listened to it today and I think it's
18 something I want to go over towards the end of the
19 interview. Well, actually, let's do it now.

20 (Continued playing of statement.)

21 BY MR. MEADORS:

22 Q And you had talked to her another minute or two,
23 correct?

24 A That's correct.

25 Q Did she ever indicate to you until that point

SW - C. CRAIG - DIRECT

1 from there, one minute toward the end of the
2 interview an hour and 20 minutes, that she didn't
3 want to talk to you?

4 A She never said that she never not wanted to talk
5 to me.

6 Q Okay.

7 A And even after she made that one comment there
8 about a lawyer, she never says I want a lawyer, I
9 don't want to talk to you anymore, that's it, it's
10 over. She still kept talking.

11 Q Okay. So even at that point you didn't take as
12 an invocation of rights 'cause she ---

13 A No. The only thing she would have had to tell me
14 is I ain't talking to you no more and that would
15 have been it.

16 Q Is that Ms. Mesidor that you talked to on
17 April 16th, 2013?

18 A Yes. From here she's seated at the right.

19 MR. MEADORS: We'd like the record to so
20 reflect.

21 THE COURT: The record will so reflect.

22 MR. MEADORS: That's all we have on this
23 issue. Thank you.

24 THE COURT: Ms. Cooke.

25 **CROSS-EXAMINATION**

SW - C. CRAIG - CROSS

1 BY MS. COOKE:

2 Q And there's one more time that she mentions a
3 lawyer. First she said, I want a lawyer, at 1
4 minute 20 seconds and then after you talked to her
5 and she says I can talk to you. And she says, and
6 then she says -- you said, all right, you want a
7 lawyer, I mean, that's fine but what I'm asking you
8 is do you want to talk to me now. We can still talk
9 about it, but I want a lawyer too at 3:24. That was
10 heard on the audio. And then you said, you mean you
11 want one now or you just want to talk to one? And
12 then at 3 minutes 33 seconds she says -- which I'm
13 not sure if this is heard or not -- yeah, I just
14 want a lawyer, I don't have to have one now. So
15 four times she mentioned a lawyer during the
16 interview, correct?

17 A That's correct, but she never said that she
18 didn't want to talk to me.

19 Q I understand.

20 MS. COOKE: Your Honor, I think everything
21 else has already been covered with the audio itself.

22 THE COURT: Okay, thank you. Any
23 redirect?

24 MR. MEADORS: No, sir.

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

1 Yes, ma'am.

2 MS. COOKE: Do you want me to make an
3 argument?

4 THE COURT: Yes, ma'am.

5 MS. COOKE: Your Honor, she stated that I
6 want a lawyer very clearly at 1 minute 20 seconds
7 into the interview. She had already been read her
8 rights three days before and Trooper Craig knew that
9 because he mentioned it to her and testified to it.
10 Also, case law says that she can invoke her rights
11 either prior to or during questioning. So either
12 way you look at it, whether she's invoking prior to
13 or whether she's invoking after the Miranda read to
14 her three days earlier, she still invoked her right
15 to counsel. Case law has also said that right to
16 counsel is completely different than right to remain
17 silent, that she does not have to invoke those. She
18 does not have to say I want a lawyer and I don't
19 want to talk to you. "I want a lawyer" is treated
20 differently than the right to remain silent. A
21 person can waive their Miranda rights by answering
22 continued questions as to the right to remain
23 silent. They cannot do that for an indication of
24 the right to an attorney. They must cease
25 interrogating when someone says they want an

1 attorney, and that did not happen here. That is
2 Michigan v. Moseley, Edward v. Arizona and Fare v.
3 Michael C. She — this was a completely unambiguous
4 request. She stated, I want a lawyer. And it must
5 be unscrupulous and honored, and it cannot be
6 treated like the right to remain silent and she
7 cannot continue to be questioned. Since it was
8 unambiguous there was no clarification that needed
9 to take place. And there are many cases that state
10 once someone asks for a lawyer questioning must
11 cease: Smith v. Illinois, Oregon v. Bradshaw,
12 Oregon v. Highs, all of which I listed in my brief.
13 Michigan v. Jackson states that doubts concerning a
14 suspect's desire must be resolved in favor of the
15 defendant and protect the Miranda v. Arizona.
16 Because she invoked her right to counsel here and
17 not her right to remain silent, I would argue that
18 it is a clear Miranda violation and the statement
19 should be suppressed along with the arguments that
20 are in my clocked in file brief, Your Honor.

21 THE COURT: All right. Yes, sir.

22 MR. MATTHEWS: Judge, the State's position
23 on this matter is ---

24 THE COURT: Let me ask you, how is I want
25 a lawyer unambiguous?

1 MR. MATTHEWS: Judge, at that point ---

2 THE COURT: Or ambiguous, excuse me.

3 MR. MATTHEWS: At that point the trooper
4 attempts to clarify. When she says, I want a lawyer
5 he says, okay, if you want a lawyer that's fine,
6 what I'm asking is do you wish to talk to me. She
7 said ---

8 THE COURT: That's a different thing.
9 That's something different. She said she wanted a
10 lawyer.

11 MR. MATTHEWS: Yes, and then he does not
12 then interrogate her. There's no question about did
13 you get in a wreck, were you involved in a wreck.
14 He said, he attempts to clarify her position on the
15 lawyer. He says, what I want to know is do you want
16 to talk to me. She said, I will talk to just like I
17 talked to that other guy but I want a lawyer. And
18 at that point he says, okay, well I'll gonna read
19 you something that Trooper Odonnell read to you, he
20 proceeds to read the Miranda rights. And at that
21 point she says, responds by saying we can talk about
22 it but I still want a lawyer too. He further
23 attempts to clarify by saying, well, do you want one
24 now or do you just want to talk to one. She
25 unambiguously states, I just want a lawyer, I don't

1 have to have one now. Even again, he still
2 clarifies more and says, okay, well, that's what I
3 was, I'm wanting, to make sure that, you know, are
4 willing to talk to me about this predicament you're
5 in. Then she says, yes, sir.

6 The State's position on this is that this
7 is similar to two cases that our supreme court has
8 decided, one of those being the Wanamaker case. The
9 other one is distinguished from Kennedy case. State
10 versus Wanamaker was a situation where supreme court
11 found that an invocation of counsel was ambiguous.
12 In that case the defendant said, well, I think I
13 want to talk to either a lawyer or my mother. At
14 that point officers asked the defendant do you want
15 to talk to your -- do you have a specific lawyer in
16 mind meaning they kept questioning to attempt to
17 clarify what she meant by that; or do you want to
18 talk to your mother. And then the defendant in that
19 case said, I don't, can't think of a lawyer to call,
20 I just want my mother. And our supreme court held
21 in their opinion that the appellant's requesting for
22 her mother or lawyer was not an unambiguous
23 invocation of fifth amendment right to have counsel
24 present during interrogation. On the contrary ---

25 THE COURT: That didn't happen here. She

1 didn't say I want a lawyer or somebody else. She
2 said I want a lawyer, period.

3 MR. MATTHEWS: Yes. Yes, Your Honor, but
4 then at that point he attempts to clarify what she
5 means by I want a lawyer, whether she wants a lawyer
6 in the future to help her get out of jail, does she
7 want a lawyer present with him right now. In the
8 Wanamaker case she said I want a lawyer or my
9 mother. The same process of questioning was used to
10 clarify. It's not an interrogation; he's not asking
11 for about the substantive offense. He's attempting
12 to clarify what she means by I want a lawyer. Now
13 the --- when our supreme court found that invocation
14 of I want a lawyer was unambiguous, that case the
15 defendant ultimately it was a moot point because the
16 defendant said I think I need to talk to a lawyer
17 and then subsequently reinitiated communication and
18 said when the officers explained in that case, well,
19 I can't talk to you if you want a lawyer present.
20 When he got up to leave and the defendant says, no,
21 I'll still talk to you and bring Solicitor in here
22 too and I'll talk to him too. And that's similar to
23 what we have going here when he attempts to ---

24 THE COURT: So in that situation the
25 person said I want a lawyer and then began to talk.

1 MR. MATTHEWS: Yes.

2 THE COURT: Who made the statement, after
3 she said I want a lawyer who was the next person to
4 speak.

5 MR. MATTHEWS: The next person to speak
6 was Trooper Craig and he says, well, you want a
7 lawyer that's fine, but what I'm asking is do you
8 want to talk to me. And then her response is, I'll
9 talk to you just like I talked to that other guy, I
10 just want a lawyer. At that point he reads her her
11 Miranda rights. There's no questioning about the
12 substantive offense. That's just an attempt to
13 clarify. But he is the very one to speak, and then
14 at that point her response is ambiguous. She says,
15 I'm gonna talk to you just like I talked to that
16 other guy.

17 THE COURT: But again, but the other case
18 she talked about, not the Wanamaker, the ---

19 MR. MATTHEWS: Kennedy.

20 THE COURT: The Kennedy, the officer said,
21 okay, and goes to leave and then the conversation is
22 initiated by the defendant; is that correct?

23 MR. MATTHEWS: After the officer explains,
24 well, if you want a lawyer I can't continue to talk
25 to you so he essentially reemphasizes or begins to

1 reemphasize what's Miranda rights are. And then
2 before he leaves he says, well, no, no, I do want to
3 talk to you. So this would be similar in that she
4 says, I'll still talk to you, I don't have to have a
5 lawyer here now. That's her reinitiating saying,
6 no, no, we can talk about this. And then of course
7 there's a third statement where he says, okay, I'm
8 just trying to make sure you want to talk to me
9 about this to which she responds, yes, sir. So
10 during that five or, it's actually about 3 minutes
11 and 30 seconds period, the trooper tried on at least
12 three occasions to clarify what she means by, I want
13 a lawyer, whether she meant she wanted a lawyer
14 right there before questioning, could he continue,
15 or whether she just wanted one appointed in general.
16 And accordingly, we think this is more on behalf of
17 the Wanamaker decision; but as I said, it can be
18 distinguished from the Kennedy decision where that
19 the supreme court found that was an unambiguous
20 invocation of a lawyer but they affirmed result
21 anyway because the defendant reinitiated
22 communication.

23 We think this is in accordance with our
24 state supreme court rulings on invocation of
25 counsel. And what's really the key question for the

1 court was, was the defendant's invocation of right
2 to counsel unambiguous and can the State
3 subsequently ask questions to clarify and really see
4 if it's unambiguous. And the trooper's testimony
5 was she never said, no, sir, I do not want to talk
6 to you, I wish to stop talking now, I want a lawyer
7 now. That would be more unambiguous than ---

8 THE COURT: But isn't the first five
9 minutes she mentioned wanting to have a lawyer three
10 times; didn't she?

11 MR. MATTHEWS: Yes, and each time he
12 attempted to ---

13 THE COURT: And he re-initiates questions
14 after that.

15 MR. MATTHEWS: Well, I wouldn't say he's
16 reinitiating questions about the substantive
17 offense. He's just ---

18 THE COURT: Right, no, no ---

19 MR. MATTHEWS: ---attempting to clarify.

20 THE COURT: ---he keeps the conversation
21 moving.

22 MR. MATTHEWS: He's attempting to clarify
23 whether she wants a lawyer present that moment. And
24 our position is that that's allowable, is to clarify
25 her desires, her wishes, what does she want to do at

1 this moment. And he gets his answer subsequently
2 when she says, I just want a lawyer, I don't have to
3 have one now. And there's -- that's in accordance
4 with our appellate law that officers can attempt to
5 clarify because the invocation ---

6 THE COURT: But this is different from
7 Wanamaker.

8 MR. MATTHEWS: Well, it's not ---

9 THE COURT: Because she wanted either/or.

10 MR. MATTHEWS: Yes.

11 THE COURT: And that's where you would
12 have a clarification but this one is, I want a
13 lawyer, period. Is that correct?

14 MR. MATTHEWS: Yes, Your Honor, but she --
15 at that point he doesn't continue questioning, well,
16 while we're talking about the wreck he says, okay,
17 you want a lawyer, that's fine; but what I'm
18 asking -- when he's saying, what I'm asking, that's
19 attempting to clarify. And then she muddies the
20 waters further by saying, well, I'll talk to you
21 like I talked to that other guy but I still want a
22 lawyer too. That makes it even more confusing. Ad
23 the standard here is what a reasonable law
24 enforcement officer, whether a reasonable law
25 enforcement officer would know that the defendant is

1 invoking right to counsel and he takes ---

2 THE COURT: What you're arguing is almost
3 like every time a lawyer makes an objection in a
4 trial, I object, do you really want to object, are
5 you sure you want to object, is that a real
6 objection on the record.

7 MR. MATTHEWS: Well, Judge, I think it's
8 ---

9 THE COURT: I mean ---

10 MR. MATTHEWS: ---different than that
11 because an officer is required to read a defendant
12 the Miranda rights when they're in custodial
13 interrogation. He had not done so at that point.
14 He sits down says, hi, my name is Cary Craig, I want
15 to know if you want to talk to me. And him reading
16 her her Miranda rights is attempting to clarify what
17 she wants to do is not an interrogation that point.
18 She's in custody but she's not being interrogated.
19 She's not being asked about the reason why she's
20 there. He's trying to say, okay, do you want to
21 talk to me. And accordingly, that's not
22 interrogation right there; he's just attempting to
23 clarify.

24 THE COURT: Okay. Yes, ma'am.

25 MS. COOKE: Your Honor, I have reply if

1 you would like to hear it.

2 MR. MEADORS: Can I ask one thing, not to
3 double team?

4 THE COURT: Yes. Well, he's the lawyer in
5 this case. You can talk to him.

6 MR. MEADORS: Never mind.

7 THE COURT: Yes, ma'am.

8 MS. COOKE: Yes, sir. In reply, in one of
9 the cases he spoke about she asked for mother or
10 attorney, that's clearly ambiguous. I want an
11 attorney is not ambiguous. In Miranda states a
12 person can invoke rights prior to or during
13 questioning. So she, again, she -- this can be
14 viewed either way. She invoked prior to
15 questioning, prior to questioning by Officer Craig;
16 or it could be she already knew her Miranda rights
17 and Officer Craig knew too because he talked to her
18 about Odonnell read the form and her waiving her
19 rights three days prior. There's case law that says
20 that a waiver cannot be established to the right to
21 counsel by continuing to answer questions. When a
22 person invokes the right to counsel that indicates
23 that they are not familiar enough with the law to
24 answer questions themselves and they need counsel
25 present. Oregon v. Bradshaw says a request -- an

1 unambiguous request for an attorney must be strictly
2 honored and all questioning must cease. It doesn't
3 say interrogation, it says questioning. If it's not
4 ambiguous you have to stop right there. Officer
5 Craig did re-initiate by saying, all right, you want
6 a lawyer, I mean, that's fine, but what I'm asking
7 you is do you want to talk to me now. He clearly
8 reinitiated instead of Ms. Mesidor. I want a lawyer
9 is not ambiguous; therefore, he doesn't have the
10 right to clarify. If it's ambiguous he would have
11 had the right to clarify but, I want a lawyer, is
12 clearly not ambiguous in any way.

13 THE COURT: All right.

14 MR. MATTHEWS: Judge, if I may, she was
15 read the Miranda rights three days prior so she
16 clearly understood her rights at that point and so
17 she's clearly been advised that she can have a
18 lawyer with her at the time if she wishes. When he
19 asked her do you want to have a lawyer present with
20 me, present with you, while I'm questioning you, she
21 says, no, I don't have to have one now. So she's
22 been advised not once, but on two occasions and
23 clearly says, I don't need one to talk to you right
24 now. And again, if our supreme court has deemed
25 that you could not ask anymore questions after a

1 defendant says they want a lawyer, then the ---

2 THE COURT: Well again, and that goes if
3 the statement itself is ambiguous.

4 MR. MATTHEWS: If the statement itself is
5 ambiguous. And I think, I want a lawyer, when she
6 said, when he attempted to clarify what that means,
7 it would be -- put it this way, if she, to make that
8 statement unambiguous she would say I want a lawyer
9 right now, I am not talking to you anymore, I want a
10 lawyer can be interpreted in many ways. As the
11 trooper testified he said it could be she wants a
12 lawyer to see about whether that's a lawyer is going
13 to be appointed to begin with, whether she needs a
14 lawyer to address her bond situation. So he
15 attempts to ask her, what do you mean by you want a
16 lawyer and she says, I just want one in the future,
17 I don't have to have one now.

18 THE COURT: Okay. I'm gonna take this
19 matter under advisement. I'll let you know my
20 ruling in the morning.

21 MS. COOKE: Can I just add one more small
22 thing, Your Honor.

23 THE COURT: You may.

24 MS. COOKE: She says "I want a lawyer"
25 after he says, look here, the reason why I'm here I

1 just want to know if you want to talk to me about
2 this, then I want a lawyer.

3 THE COURT: Okay. Any other motions for
4 the second one?

5 MR. MEADORS: Judge, I guess, not
6 anticipating your ruling but she had two or three
7 things that she wanted redacted from that second
8 statement. Do we need go over that?

9 THE COURT: We do. We do.

10 MR. MEADORS: Okay. One of them is 24
11 seconds. One of them is 13 seconds. One of them is
12 9 seconds. One of them is a minute 15 and then the
13 last one is 5 minutes.

14 THE COURT: Okay.

15 MR. MEADORS: This was a reference to the
16 medication which I think Your Honor had already
17 ruled on the previous statement, but this is her
18 motion on the second interview.

19 MS. COOKE: If I could also just state for
20 the record, Your Honor, my brief can speak to the
21 law; but I also made a motion to suppress the
22 statement under the fact that it was involuntary
23 under State v. Osborne and State v. Moses because of
24 the combination of all the statements and the
25 threats that were made to her in the first statement

1 like Osborne.

2 THE COURT: I didn't hear any threats or
3 anything like that throughout there, if that's your
4 basis, I mean.

5 MS. COOKE: Not in this one, Your Honor,
6 but in Osborne there were -- she was threatened on
7 the first during the first interview in State v.
8 Osborne she was threatened on numerous charges if
9 she didn't come clean and told numerous times that
10 her statements did not fit the facts. And in
11 Osborne they found the last statement involuntary as
12 a result of her being interviewed several times and
13 threatened in the first statement so I feel like
14 that's very strikingly similar in this case.

15 THE COURT: Well, that's, I don't think
16 that's determinative in this situation. I mean, I
17 listened to nine hours and as long as they're fairly
18 nice to them it's not gonna be difficult unless they
19 got a whip or something like that ready to taze them
20 or something like that.

21 MR. MEADORS: Judge, I actually wrote this
22 down. This first one is from 3:45 to 4:09 and if I
23 can just -- it mentions her bipolar medication.

24 THE COURT: I mean, I think I had already
25 ruled on that.

1 MR. MEADORS: That's just saved 27 minutes
2 something. I think that's the same issue you ruled
3 in the first one.

4 THE COURT: I didn't have a problem with
5 that because she was taking prescription medication.
6 I don't really have a problem with that.

7 Is that correct, Ms. Cooke?

8 MS. COOKE: Yes, Your Honor. And ---

9 THE COURT: I pretty much ruled on that
10 and the other one so I think my ruling would
11 probably be the same.

12 MR. MEADORS: Well, Judge, as far as her
13 second 7:18 to 7:31 deals with other trooper told
14 her people in the yard, told the police she was
15 driving the car. Basically I've listened to it,
16 it's quadruple hearsay. She's providing to the
17 trooper Cary Craig as to what the first trooper told
18 her. She's relating back to them what he told her
19 other people said. It's her words -- for time
20 purposes, if Your Honor rules that this can come in
21 could we address that later in the week? I don't
22 think this is going tomorrow anyway. We may be able
23 to resolve that between the parties.

24 THE COURT: Okay. If we don't have to
25 resolve them now, then we can hold off on that.

1 MR. MEADORS: If you'd find 3:32:35 to
2 3:33:34.

3 (Portion of statement played for the Court.)

4 MR. MEADORS: I think that, again, just
5 dealt with the issue of -- we understand Your
6 Honor's ruling.

7 THE COURT: Yeah, okay.

8 (Continued playing of statement.)

9 MR. MEADORS: I guess I think she said
10 there that was consumed by Spooney.

11 THE COURT: Yeah.

12 MR. MEADORS: With what I heard so we'll
13 delete that.

14 THE COURT: Okay.

15 MR. MEADORS: 37:33 to 48:34.

16 (Continued playing of statement.)

17 MR. MEADORS: Judge, I think we have
18 direct evidence from the defendant there that she
19 did consume one. We would like to offer that as ---

20 THE COURT: I think under that situation
21 it's a little bit different than it would be now. I
22 mean, she said she had alcohol, that she drank it.

23 MS. COOKE: I'd still like to put on the
24 record that under 403 the probative value would be
25 substantially outweighed by the danger of unfair

1 prejudice because they didn't get a BAC or do, or
2 risk extrapolation and it would invite pure
3 speculation by the jury and arouse their passion and
4 prejudice.

5 THE COURT: But you still have an
6 admission by her she had been drinking that night so
7 that will come in.

8 MR. MEADORS: And Your Honor ---

9 THE COURT: If the whole statement comes
10 in.

11 MR. MEADORS: I understand. And finally,
12 Judge, 59:16 to 59:24. This would be part of the
13 second interview where she admitted to trooper at
14 the time, trooper, that she could have well hit him
15 and not remembered.

16 MS. COOKE: This is where the ---

17 MR. MEADORS: Cut it off right there where
18 she said I could have, is where you cut off.

19 MS. COOKE: 59:24 I've got took your
20 medication, drank strawberry Rita.

21 (Continued playing of statement.)

22 MR. MEADORS: That was, again, I think
23 that was mentioned to strawberry daiquiri, correct?
24 And then finally, Judge, just a few minutes or last,
25 1:14:39.

1 (Continued playing of statement.)

2 MS. COOKE: You can stop it.

3 MR. MATTHEWS: Her motion says 11:92. I
4 just want to cover ---

5 THE COURT: She's waiving that.

6 (Continued playing of statement.)

7 MR. MEADORS: I think she said her
8 objections were to the mention of the DUI and,
9 again, some of the bipolar medication.

10 MS. COOKE: Judge, I certainly ---

11 THE COURT: She's not a lawyer. Her
12 objection ---

13 MS. COOKE: I certainly can't withdraw my
14 objection to the medication to protect the record;
15 but based on Your Honor's prior ruling assuming
16 those are coming in, if that section does come in I
17 would ask that the mention about the DUI at 1:17:1
18 to 1:17:20 be redacted.

19 THE COURT: Anything else for today? I
20 will take this under advisement. Let me see the
21 lawyers back in my chambers.

22 MR. MEADORS: Did you say 9:30 in the
23 morning?

24 THE COURT: 9:30, yes.

25 (WHEREUPON, the proceedings were concluded

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1 inflammatory or anything like that, but I haven't
2 seen the other pictures.

3 MR. MATTHEWS: Judge, in response to our
4 conversation with you yesterday I have produced a
5 picture that I can offer for the Court's review
6 right now. That does, in fact, show the body.
7 Determine whether you think it's inflammatory.

8 THE COURT: Let me see it real quick.

9 MS. COOKE: May I approach.

10 THE COURT: Yeah, you can.

11 (WHEREUPON, counsel approached the
12 Bench for an off-the-record discussion.)

13 MS. COOKE: I think we discussed yesterday
14 taking up a matter about that during the trial for
15 foundation being laid.

16 THE COURT: Yeah, they have to -- that's
17 not before the court at this point. All right,
18 let's bring our jury in.

19 (WHEREUPON, the jury was returned to the
20 courtroom at approximately 9:44 a.m.,
21 and the following proceedings commenced
22 in open court.)

23 THE COURT: Good morning, ladies and
24 gentlemen, I hope you had a good night's rest
25 because we probably have a pretty long day today.

1 And again, thank you for your promptness.. You were
2 all here right on time and we'll try to keep
3 everything progressing so that we can finish this
4 case this week. Please swear the jury.

5 THE CLERK: Yes, sir, Judge.

6 Ladies and gentlemen of the jury, please
7 stand and raise your right hand to be sworn.

8 (WHEREUPON, the jury was sworn at 9:45 a.m.)

9 THE CLERK: Please respond by saying I
10 will.

11 (Jurors respond.)

12 THE COURT: Thank you, Mr. Bradley.

13 Ladies and gentlemen, before we begin this
14 trial I want to tell you, this trial will probably
15 be different than what you might expect. You know,
16 most people never have an actual opportunity to
17 attend and participate in an actual trial session as
18 you are today and may think from watching TV,
19 movies, or reading in books that trials are always a
20 full of high drama, intense action, and riveting
21 circumstances. Well, now while all these things
22 might be true at times, this trial is not for
23 entertainment. This is a real trial which is a
24 fundamental part of our democracy, and it's a search
25 for the truth to insure that justice is done. And

1 is about to be presented. Whether I sustain, which
2 will be to grant the objection, or overrule the
3 objection which would be to deny the objection,
4 should not be considered that I favor one side over
5 the other; I do not. Nor should you infer that the
6 party who is objecting is trying to hide something
7 from you. Ladies and gentlemen, this courtroom as
8 in all situations in life, there are specific rules
9 that must be followed and the attorneys as officers
10 of this court are merely trying to follow the rules
11 in making their objections and I am only following
12 the law of the state of South Carolina when I make
13 my ruling concerning the evidence to be presented to
14 you.

15 Now ladies and gentlemen, in determining
16 what the facts are in this case you must decide
17 whether or not the testimony of a witness is
18 believable. It will be my responsibility as the
19 presiding judge to rule as a matter of law whether
20 certain testimony is admissible; but once it's
21 admitted, whether or not you decide to believe it is
22 something totally for you to decide. In deciding
23 whether or not to believe a witness you have a right
24 to consider the interest of any witness, the bias of
25 any witness, the prejudices of any witness, and the

1 opportunity for the witness to have actually
2 observed the matters and things about which the
3 witness might testify. And you may consider how the
4 witness acts on the witness stand. Ladies and
5 gentlemen, you have a right to consider anything
6 that is in the record that will help you evaluate
7 the testimony to have a witness; therefore, that
8 means that you have a duty to pay close attention to
9 the witnesses, to observe the witness, and to listen
10 to the witnesses, and to pay close attention to the
11 attorneys and to the Court.

12 Ladies and gentlemen, please don't let
13 your thoughts wander, but give strict attention to
14 the testimony so that at the end of all testimony
15 you — and the arguments of counsel and the charge
16 of the law by me, then you will be in a position to
17 determine what the facts are and apply them to the
18 law and, thus, render a true and just verdict.

19 Now Madam Forelady, in addition it will be
20 your responsibility to preside in the jury room and
21 be the jury spokesperson here in court. It will
22 also be your responsibility to write down the
23 verdict, but I'll give you further instructions on
24 that at the appropriate time. Now in order to
25 preserve everyone's rights I'll give the parties an

1 opportunity to object to anything that I have stated
2 to you.

3 Does the State have any objection to
4 anything I've stated to the jury?

5 MR. MATTHEWS: Nothing from the State,
6 Your Honor.

7 THE COURT: Does the Defense have any
8 objection?

9 MS. COOKE: Nothing from the Defense.

10 THE COURT: All right, thank you. We'll
11 begin the case now.

12 State.

13 MR. MEADORS: Thank you, Judge, may it
14 please the Court. Yes. On April 13th, 2013,
15 Charles Dennis was killed riding his motorcycle on
16 Highway 521 in Rembert. Charles Dennis was killed
17 because he was struck by a car driven by the
18 defendant Jacqueline Mesidor. Ladies and gentlemen,
19 my name is Scott Matthews. I represent the State of
20 South Carolina. In addition to the State, along
21 with my cocounsel John Meadors, we're here today for
22 the family of the victim Charles Dennis, for Herbert
23 Dennis, Charles' father and his mother seated here
24 in the front row. Now when the defendant collided
25 with Mr. Dennis she didn't stop to get out to see if

1 he needed any help; she kept on driving. She left
2 him by the side of the road to die. And as the
3 evidence will show today, unfortunately, Mr. Dennis
4 did die that night, died from his injuries of the
5 wreck. Now as the judge stated to you, I represent
6 the State. We're gonna have to prove to you from
7 the witness stand certain elements as with any
8 crime. This is a crime, hit and run with a death
9 involved. It's not really that complicated the
10 elements we have to prove. We have to show that the
11 defendant was involved in a wreck, that a death
12 resulted from that wreck, and that the defendant did
13 not stop and render aid to the victim. That's what
14 we have to show you. And to do that, we're gonna
15 call law enforcement officers, analysts from SLED,
16 and other individuals to tell you a story about what
17 happened on April 13, 2013. We'll tell you when the
18 defendant left the scene that night she didn't leave
19 without leaving anything behind. She left a trail
20 of bread crumbs that led law enforcement to her
21 front door step. Now she didn't actually leave
22 bread crumbs. What she did leave were pieces of her
23 vehicle, specifically a bumper. Law enforcement was
24 able to look at that bumper, look at the part
25 numbers on the pieces and determine that bumper

1 belonged to a blue Chevy Impala, and they found that
2 blue Chevy Impala less than 24 hours later at the
3 residence of Ms. Jacqueline Mesidor, the defendant.
4 And not only did they find that car, but that car
5 wasn't in the same condition that it was the night
6 before. That car had been fixed. The bumper had
7 been re-attached with coat hangers. Furthermore,
8 you'll learn that Ms. Mesidor asked for that bumper
9 to be fixed. She asked a friend of hers to connect
10 that bumper. And finally, you'll hear about how
11 Ms. Mesidor admitted to driving within the vicinity
12 of the accident that night. She admitted to driving
13 near the wreck within an hour of when it happened.

14 Now as the judge said, we have to prove to
15 you these elements beyond a reasonable doubt and we
16 embrace that burden.

17 MS. COOKE: Your Honor, I'm gonna object
18 to that based on your earlier ruling.

19 THE COURT: Counsel will approach.
20 (WHEREUPON, counsel approached the
21 Bench for an off-the-record discussion.)

22 THE COURT: Counsel will proceed,
23 objection overruled.

24 MR. MATTHEWS: Ladies and gentlemen, as I
25 was saying, we have to prove these elements to you

1 beyond a reasonable doubt. And beyond a reasonable
2 doubt doesn't mean beyond all doubt. It doesn't
3 mean beyond a shadow of a doubt; it means beyond a
4 reasonable doubt. Now as the judge will tell you,
5 there are very few things in life that we can be one
6 hundred percent certain of; but one hundred percent
7 absolute certainty is not the standard here in
8 criminal court. Reasonable doubt is a doubt based
9 on reason, common sense, so you can use your
10 everyday common sense as you would in your normal
11 lives. To put it another way, if the evidence that
12 we present to you today firmly convinces you of the
13 defendant's guilt, then it will be your duty to
14 return a verdict of guilty. Firmly convinced, not
15 beyond all doubt. When we've presented all the
16 evidence today and you've heard all the evidence
17 from the witness stand, you will be firmly convinced
18 that the defendant was driving, involved in a wreck,
19 that wreck led to a death, the death of Charles
20 Dennis, and that the defendant did not stop and
21 render aid to the victim; and at that point we're
22 gonna ask you to return a verdict of guilty. Thank
23 you.

24 THE COURT: Thank you.

25 Ms. Cooke.

1 MS. COOKE: This is an emotionally charged
2 case because it is tragic that a man died here. The
3 facts sound bad because they are. But this case
4 cannot be decided on an emotional reaction to
5 disturbing evidence that the State is going to put
6 in in this trial. Jacqueline Mesidor was arrested
7 for a crime. She was indicted for a crime and she
8 was put on trial for a crime so it's a foregone
9 conclusion that she's guilty, right? No, it's not a
10 foregone conclusion that she's guilty. The judge
11 told you yesterday that an indictment is in no way
12 indicative of her guilt; otherwise, she would be
13 standing in front of judge pleading guilty, but
14 she's not. She asks for twelve jurors to hear this
15 case. Today is an important day for her. This week
16 is an important week for her because it's a week
17 that twelve citizens, not cops and not lawyers,
18 decide what happens here and decide what happens to
19 Jacqueline Mesidor. Because an allegation is easy
20 to make but it is very hard to get away from,
21 especially when that allegation is coming from the
22 police. If this case were like a book, the
23 prosecution is going to give you some chapters, and
24 then the defendant through cross-examination of the
25 State's witnesses is going to give you the rest of

SW - C. IKNER - DIRECT

1 the chapters. And all Jacqueline Mesidor asks is
2 that you wait until the whole book is read and
3 render a fair and just verdict in this case, and
4 that's why I will be coming back before you at the
5 end of this case after you hear all of the evidence
6 and read the whole book, and I will be asking for a
7 not guilty verdict for Jacqueline Mesidor. Thank
8 you.

9 THE COURT: Thank you, Ms. Cooke.

10 The State may call its first witness.

11 MR. MATTHEWS: The State calls Chris
12 Ikner.

13 THE CLERK: Place your left hand on the
14 Bible, raise your right hand.. State your name
15 please.

16 THE WITNESS: Chris Ikner.

17 WHEREUPON,

18 **CHRISTOPHER IKNER,**

19 having been duly affirmed by the Clerk, testified as
20 follows:

21 THE CLERK: Please state your full name,
22 spell your last name for the record.

23 THE WITNESS: My name is Christopher
24 Ikner, I-K-N-E-R.

25 **DIRECT EXAMINATION**

SW - C. IKNER - DIRECT

1 BY MR. MATTHEWS:

2 Q Good morning, Mr. Ikner.

3 A Good morning.

4 Q Can you tell the Court a little bit about
5 yourself, where you live, and what you do for a
6 living.

7 A Well, right now I'm disabled and a caregiver for
8 a friend that stays with me, a friend that lives
9 with me and stuff. And I stay right on the corner
10 of Dinkins Mill Road on 521.

11 Q So you live with a friend that you take care of?

12 A Yes, that's in a wheelchair.

13 Q And you said you live at the corner of Dinkins
14 Mill and what's your address?

15 A [REDACTED] Dinkins Mill Road, Rembert, South Carolina
16 29128.

17 Q How long have you lived at that address?

18 A Approximately right at five, going on five years.

19 Q Were you living there back in April of 2013?

20 A Yes.

21 Q Do you recall the date, early morning hours of
22 April 13th, 2013?

23 A Yes.

24 Q Could you tell the Court where you were, what you
25 were doing, what you heard that night.

SW - C. IKNER - DIRECT

1 A I was getting ready to go to bed. I had got,
2 just barely got to the bedroom to get ready to go to
3 bed and stuff, I heard a loud crash, loud sound,
4 steel sound banging together like a bad wreck.

5 Q Uh-huh. And what did you, what did you do once
6 you heard that sound?

7 A I jumped out of the bed, sat my pants on, my
8 shirt, and I went running out the door and looked
9 around to see if could see a car, you know. And I
10 was gonna go back and call 9-1-1 but it end up I
11 didn't see no car so I looked a little more and I
12 seen a body laying out in the middle of the highway.

13 Q What did you ---

14 A Out there at the side of the highway.

15 Q What did you first see when you stepped out the
16 of house?

17 A The first thing I seen a car across the road from
18 my house going across crossing over.

19 Q So did you see a body first or did you see a car
20 first?

21 A I seen a car first.

22 Q And where was that car in relation to where the
23 body was?

24 A It was -- the body was laying here sort of like,
25 and the car was here going across.

SW - C. IKNER - DIRECT

1 Q Okay. And what color was that car?

2 A It looked to me dark blue, bluish color.

3 Q And could you see who was driving that car?

4 A No.

5 Q Now tell us what did that car do after it -- what
6 did it do? Did it stay there?

7 A It crossed, crossed over.

8 Q So does that mean it crossed over on Dinkins
9 Mill?

10 A Crossed over on Dinkins Mill. It was on Dinkins
11 Mill and crossed by 21 over Dinkins Mill Road. And
12 then I went to look to see what was in the road
13 'cause I didn't know for sure if it was a body. I
14 walked closer to the road to see -- I realized it
15 was a body and I started to turn to go back into the
16 house towards the house; and when I did, here comes
17 that same car coming right back by and I turned and
18 it come to the, towards the end of the stop sign on
19 the wrong side of the road, middle of the road kind
20 of, and left at a high speed heading towards the
21 town of Rembert.

22 Q Okay. So you saw a car turn back around on
23 Dinkins Mill and then come out and then take a right
24 on 521 going north?

25 A From my house it'd be on the left, if I remember

SW - C. IKNER - DIRECT

- 1 right, going toward Dinkins Mill Road.
- 2 Q But you saw a car from Dinkins Mill Road go north
- 3 on 521?
- 4 A Yeah, the same identical car it looked like to
- 5 me.
- 6 Q And it looked like a dark car?
- 7 A Blue Impala.
- 8 Q It looked like a blue Impala?
- 9 A Blue Impala, yeah.
- 10 Q Okay.
- 11 A That's what I thought it was, a Malibu, Impala.
- 12 Q And what did you see? You say you went out to
- 13 where the body was. Was there a body there?
- 14 A Yes.
- 15 Q And would you describe what the person looked
- 16 like?
- 17 A He -- broken up. He had injuries.
- 18 Q What do you mean ---
- 19 A His ---
- 20 Q What do you mean by broken up?
- 21 A His body, his hands, legs and stuff was twisted
- 22 abnormal way for a human body should be. And I laid
- 23 my hand, when I went back the second time I laid my
- 24 hand on the back of his back, you could feel his
- 25 body was not in a normal human anatomy position.

SW - C. IKNER - DIRECT

1 Q Now so you went out there a first time and then
2 you went back to your house and what did you do when
3 you came back to your house?

4 A I grabbed a phone, called 9-1-1, and went right
5 back out there, you know. I was barefooted. I
6 didn't take the time to put shoes on. I went right
7 back out there with the phone to try to stop anybody
8 else from trying to, run over him and stuff.

9 Q And did anybody else come by?

10 A Somebody else come by and I waved at him like
11 that to try to, you know, so they wouldn't run over
12 him and stuff in the opposite coming from Rembert
13 going towards Sumter. They turned around and come
14 parked there in front where his body was close, to
15 you know, their car to block the traffic and they
16 come there to the body with me.

17 Q Now was the person still alive when you were
18 there by his side?

19 A He was still alive. He was moaning, groaning,
20 and sound like he was drowning in his own blood
21 sitting there gasping, moaning and groaning, gasping
22 for, you know.

23 Q Did you try to comfort him at all?

24 A Yes.

25 Q And did he -- was he able say anything to you?

SW - C. IKNER - CROSS

1 A No, he was just moaning and groaning and ---

2 Q Were you there when he passed?

3 A Yes, I was there the whole time.

4 Q About what time did law enforcement show up?

5 A I can't remember exactly what time. I guess
6 around 12 or -- I don't remember exactly what time
7 it was that day.

8 Q Well, approximately when you think you went out
9 there the second time was it about 10 minutes, 15
10 minutes, how long?

11 A 10 minutes or something, 15 minutes or something
12 before the ambulance and law enforcement showed up.

13 Q And once they showed up what did you do?

14 A I pointed to the gun beside the body.

15 Q Okay.

16 A And I told him, you know, that I was going to the
17 house to put my shoes on because he already had
18 passed away; he was already dead.

19 Q And what did you do? Did you step back and let
20 law enforcement do their work?

21 A Yes.

22 Q And did you stay out there all night?

23 A I stayed out there all night because it was such
24 a shocking torment -- you know, mentally that, you
25 know, somebody could run over somebody and kill

SW - C. IKNER - CROSS

1 somebody and drive off and leave them and not give
2 them help. Even a human being would try to help a
3 dog or something, you know, just...

4 Q How long did you stay out there? Did you stay
5 out there till the morning?

6 A I stayed out there till the morning till early
7 till everybody had left.

8 Q Did you cooperate with law enforcement and give a
9 statement?

10 A Yes.

11 Q Thank you, Mr. Ikner. Please answer any
12 questions Ms. Cooke may have.

13 THE COURT: Ms. Cooke.

14 THE WITNESS: I'll do my best.

15 **CROSS-EXAMINATION**

16 BY MS. COOKE:

17 Q Hello, Mr. Ikner.

18 A Hello.

19 Q You heard the crash?

20 A Yes, it's the loudest crash I ever heard since I
21 been here in all them years. I've heard about four
22 or five.

23 Q And you jumped out of the bed?

24 A Yes.

25 Q And ran outside?

SW - C. IKNER - CROSS

1 A No. I slid my pants on, my shirt on. It took a
2 few seconds to do that and run outside.

3 Q And after you saw someone lying in the road you
4 ran back inside and called 9-1-1?

5 A Well ---

6 Q Correct?

7 A ---when I first ran out I looked around, I seen
8 that car cross over and I didn't, you know, I see a
9 car --- normally you walk out the house, stuff like
10 that, you expect to see cars, you know, wrecked out
11 in the road.

12 Q Right.

13 A I seen a car cross. I didn't see another car so
14 I went closer to the road to look. That's when I
15 seen the body laying in the middle of the road.

16 Q And you went back inside?

17 A And I realized it was a human and I turned to the
18 left, head back in, ---

19 Q And you called 9-1-1?

20 A ---that's when I seen the car coming back the
21 opposite way and heading up towards Rembert.

22 Q You when inside and called 9-1-1, correct?

23 A Yeah, I went inside, called, grabbed the phone

24 ---

25 Q And ---

SW - C. IKNER - CROSS

1 A ---shed a few tears, and then I went back out to
2 where the body was.

3 Q And you knew you were on the phone with 9-1-1---

4 A Yes.

5 Q ---'cause you called 9-1-1 so you wanted to be
6 very accurate about what you told them?

7 A I was in shock right then and stuff and I just
8 tell them to please hurry because I don't believe
9 that, you know, ---

10 Q So you're saying ---

11 A ---again, I can't remember the exact words I
12 said. I was just, you know, when somebody is laying
13 there, body in the middle of the road, you know,
14 you're in shock, you know, when you see somebody's
15 body broke up that bad.

16 Q But you called 9-1-1 immediately after what you
17 saw, correct?

18 A Yes, in a few seconds and stuff.

19 Q And you told them a car just flew and you didn't
20 know whether they were involved or not?

21 A No, I didn't know if they was or not. I couldn't
22 say, you know, 'cause it's dark, real dark out
23 there.

24 Q You told them it was dark car, but you didn't
25 know what color?

SW - C. IKNER - CROSS

1 A No, I said it was a dark blue towards a black car
2 because it so dark out there. That's what I told
3 them.

4 Q You remember making a statement to 9-1-1 on that
5 night?

6 A No, ma'am, I just, I don't remember what I said.
7 I just said, told her I remember telling her to
8 hurry up 'cause I want the man to make it and stuff.

9 Q You didn't give 9-1-1 a color, do you remember
10 that? You said a dark car?

11 A Yeah.

12 Q Okay.

13 A I don't remember what I said, but I might have
14 said a dark car and stuff 'cause I wasn't a hundred
15 percent sure. I was worried about trying to get
16 help to somebody laying there dying and suffering.

17 Q Right. And you talked about several cars of
18 9-1-1. There are several cars that came through the
19 scene, correct?

20 A Yes, a car that turned around, which I just
21 stated, and another car that come and parked there
22 before the police and the ambulance appeared.

23 Q And you told 9-1-1 you didn't know if any of
24 those cars were involved or not, correct?

25 A No, them cars weren't involved. I know one

SW - C. IKNER - CROSS

1 hundred percent they weren't involved. The blue
2 car, I didn't see the blue car impact or hit the
3 person stuff. I just seen the blue car cross, turn
4 around and come back and hit at a hide speed away up
5 the hill heading towards Rembert.

6 Q But you didn't tell 9-1-1 you saw a blue car?

7 A I wasn't worried about no cars. All I was
8 worrying about is his life. He's laying there
9 suffering and stuff. His is body is broken up,
10 trying to get him help so he'll survive. So no, I
11 wasn't worried about a car being purple, pink, or
12 blue.

13 Q And were you -- would it surprise you to know
14 that there was a second 9-1-1 call that came in from
15 a car that drove through the scene and said they
16 didn't want to stop but wanted to report it?

17 A No, it wouldn't surprise me. At a high rate of
18 speed cars coming by there all the time, stuff, you
19 know from the second I turn around walked in to get
20 the phone there could have been 20 cars come by
21 there. You know, people going 60 and 65 through
22 there all the time so that ain't, it wouldn't
23 surprise me a bit.

24 Q And you were also interviewed by the South
25 Carolina Highway Patrol?

SW - C. IKNER - CROSS

1 A Yes.

2 Q Trooper Odonnell?

3 A Yes.

4 Q And ---

5 A But it would surprise me that car wasn't, you
6 know, had the heart to stop and check on him.

7 Q The second one that went through?

8 A Yeah, anybody should. That's a normal human
9 thing.

10 Q And the morning, the morning after this, about 6
11 hours and 20 minutes after the 9-1-1 call, you had
12 an interview with Trooper Odonnell. Do you remember
13 that interview?

14 A I remember him interviewing me and stuff, yeah.

15 Q And you knew it was law enforcement investigating
16 this wreck?

17 A Yes.

18 Q And ---

19 A I know it was a highway patrolman.

20 Q Well, you knew he was investigating the wreck,
21 that's what he was asking you questions about?

22 A Yeah.

23 Q And you talked to him about the car that you saw?

24 A Yes.

25 Q And you said it was dark colored, didn't see what

SW - C. IKNER - CROSS

1 color?

2 A Well, I told him it was -- the original highway
3 patrolman 'cause I had talked to two. One who had
4 interviewed me before the recording and I told him
5 it looked like a dark blue car to me that I
6 remembered, you know...

7 Q Okay.

8 MS. COOKE: I'm gonna object to that, Your
9 Honor. I've never been given that statement.

10 THE COURT: Well, you can impeach him.

11 BY MS. COOKE:

12 Q But you told Trooper Odonnell, apparently he was
13 the was the second trooper you talked to, that you
14 didn't see what color?

15 A I didn't know for sure what color it was 'cause
16 you know. ---

17 Q That your eyes ---

18 A I thought it was blue. I figured it was blue
19 but, you know, I didn't know a hundred percent sure
20 it was a dark or blue or light blue. It was dark
21 out there. It might have been a darker blue towards
22 black, you know.

23 Q Because your eyes hadn't adjusted because of the
24 dark?

25 A Yeah, from running from the light to the dark and

SW - C. IKNER - CROSS

1 stuff is what I'm saying.

2 Q And it happened so quick?

3 A I was more concentrating on saving that man's
4 life, a man near broken up drowning in his own fluid
5 in the middle of the highway.

6 Q Exactly.

7 A You know, I wasn't worrying about trying to go
8 put somebody in jail for it and stuff.

9 Q Right. And you told him you wished you had
10 looked out the window so you could have seen more?

11 A Yes, I wish I had -- instead of jump out the bed
12 I wished I had looked out the window, then I maybe
13 would have seen for sure, you know what I'm saying,
14 had more chance, more time, more seconds to, you
15 know, to see the license plate, to see a lot of
16 other things, you know what I'm saying.

17 Q And you told him ---

18 A And then I specifically, you know..

19 Q And you told him that one car was parked down the
20 road.

21 A Yes, that's when it turned around to help me and
22 the guy stayed there with me.

23 Q But there was one car that stayed down the road,
24 didn't you tell them that, with a guy and a girl in
25 it?

SW - C. IKNER - CROSS

1 A Oh, there's a girl and stuff that had come up
2 later after this car turned around and stopped, and
3 she come over there to the body too.

4 Q And she told you that it was a guy and girl
5 parked down the road?

6 A No, I said the guy told me he thought he seen a
7 car up the hill.

8 Q With a guy and a girl in it?

9 A I ain't know nothing about a guy and a girl. I
10 just tell him about the guys and the girl. The guy
11 told me this.

12 Q You said that from one car, one car was parked
13 down the road, don't know who they was, a guy and a
14 girl.

15 A A guy and a girl was there. The guy told me that
16 this car, he thought he seen a car down the road up
17 the hill. And nobody had, as far as I know, heard
18 nothing about that from being, you know.

19 Q And Trooper Odonnell, you asked -- Trooper
20 Odonnell asked you if any law enforcement had talked
21 to that guy and that girl?

22 A I don't know.

23 Q And you said, I don't know, they were there a
24 good while.

25 A At the time that body there, the law enforcement

SW - C. IKNER - CROSS

1 there a good long time, but I don't know if they
2 talked to them. I don't know if the people who was
3 there had, you know, 'cause it was like end up being
4 a hundred people out there, 60 people out in my
5 front yard so, you know, I weren't paying attention
6 how, who they were or what color they was or
7 nothing. I was paying attention to that person and
8 trying to go get help. You know, I wasn't trying to
9 remember what color clothes or nothing they was
10 wearing or nothing like that.

11 Q And you didn't see who was driving the car, who
12 was in the car?

13 A No, I didn't.

14 Q Or how many people were in the car?

15 A No, ma'am, I didn't.

16 Q And do you remember speaking with Investigator
17 John Davis ---

18 A Yes.

19 Q ---sitting in the courtroom over here? And you
20 told him the car was coming from a different
21 direction, that it turned towards Rembert, correct?

22 A Yes, it had crossed over the road is what I told
23 him, and it had turned around 'cause it come back
24 around, come back across, come back towards the stop
25 sign a few seconds.

SW - C. IKNER - CROSS

1 Q Okay.

2 A And I took to my ramp, and he stood on that ramp
3 and I told him, see, from this point of angle here I
4 couldn't see them specifically turn around; but in a
5 few seconds the car comes back, it had to turn
6 around or something, you know, some way or another
7 they had to come back so.

8 Q And one last question, at absolutely no time
9 during your discussions with 9-1-1 or your
10 conversation, audio recorded conversation with
11 Trooper Odonnell, did you ever mention that you knew
12 the make of the car, that it was a Chevy Impala
13 until today?

14 A I don't remember but I remember it in my mind,
15 and I might not have told them everything or I might
16 have, I don't know.

17 Q Well you, in fact, told them you didn't know the
18 make and model; didn't you?

19 A Well, I didn't know for sure ---

20 Q Until today?

21 A ---what it was, no. I didn't know for sure what
22 kind it was. I thought it was -- I told him in my
23 mind I thought it was talking to other people and
24 stuff. It was Impala or Malibu so that's what I
25 told them.

SW - S. SKIPPER - DIRECT

1 Q None of that is recorded on Trooper Odonnell's
2 interview ---

3 A Yeah.

4 Q ---or 9-1-1 call?

5 A I was a little upset, you know. You sitting
6 there watching somebody breathing, gasping for air
7 and you can hear them drown in their own blood, you
8 know. When you do that, you know, lots of things
9 you don't be thinking about stuff. That's, you
10 know, you sitting there, if you got a heart and
11 somebody laying in the highway suffering and stuff
12 like that, stuff you know, and knowing that you
13 sitting there ---

14 Q Exactly.

15 A ---you cannot stop him from dying, you know.
16 It's nobody who didn't give a care left him in that
17 road to die and, you know, you think about a lot of
18 them things and stuff.

19 Q And it was a traumatic ---

20 A Very traumatic, traumatic today. It still
21 bothers me today.

22 Q I'm sure it does. And you didn't see who was
23 driving the car or how many people were in it?

24 A No, ma'am.

25 Q Thank you.

SW - S. SKIPPER - DIRECT

1 THE COURT: Any redirect?

2 MR. MATTHEWS: Nothing on redirect, Judge.

3 THE COURT: All right, you may step down.

4 Any objection to this witness being
5 excused?

6 MS. COOKE: No, Your Honor.

7 MR. MATTHEWS: No, Judge. Judge, the
8 State's next witness is Shirlene Skipper.

9 THE COURT: All right.

10 THE CLERK: Place your left hand on the
11 Bible, raise your right hand please. State your
12 name please.

13 THE WITNESS: Shirlene Skipper.

14 WHEREUPON,

15 **SHIRLENE SKIPPER,**

16 having been duly sworn by the Clerk, testified
17 as follows:

18 THE CLERK: Thank you. Have a seat up
19 here please. Please state your full name, spell
20 your last name for the record.

21 THE WITNESS: Shirlene Skipper,
22 S-K-I-P-P-E-R.

23 **DIRECT EXAMINATION**

24 BY MR. MATTHEWS:

25 Q Good morning, Ms. Skipper.

SW - S. SKIPPER - DIRECT

1 A Good morning.

2 Q Could you tell the Court what you do for a
3 living?

4 A I'm the 9-1-1 director.

5 Q And what does a 9-1-1 director do?

6 A In five minutes?

7 Q If you can summarize, what does a 911 director
8 do?

9 A I'm custodian of the 9-1-1 center so we handle
10 all emergencies whether it's Sheriff's Office,
11 Police Department, Fire, EMS and non-emergencies.

12 Q And how long have you been doing that?

13 A Since 1977.

14 Q And as the 9-1-1 director do you have access to
15 phone records and records of when calls come in?

16 A Yes.

17 Q And as custodian of those records are you, how
18 would you go about obtaining a record from a
19 particular night or particular record?

20 A If I have a set of information as far as a time,
21 date, place, I start a computer search.

22 Q Okay. And were you contacted in relation to a
23 call that occurred on April 13th of 2013?

24 A Yes.

25 Q And did you subsequently look for a call that

SW - S. SKIPPER - DIRECT

1 happened that night related to a wreck at Dinkins
2 Mill Road and 521?

3 A Yes, sir.

4 Q And would you recognize a copy of that record if
5 you saw it?

6 A Yes, sir.

7 MR. MATTHEWS: Your Honor, I've shown
8 Ms. Cooke what's previously been marked as State's
9 Exhibit 1 and I — may I approach Ms. Skipper?

10 THE COURT: You may.

11 BY MR. MATTHEWS:

12 Q Ms. Skipper, can you tell us what that document
13 is.

14 A This is what we call a CAD or computer dispatch
15 report.

16 Q And what is a CAD or computer generated dispatch
17 report?

18 A Any time we receive a call we start immediately
19 documenting what's on the other end of the phone
20 call.

21 Q And what is that a phone call in relation to?

22 A This is a motor vehicle accident at the
23 intersection of Dinkins Mill Road and 521 north in
24 Rembert.

25 Q Now the Dinkins Mill Road and 521 north, is that

SW - S. SKIPPER - CROSS

1 here in Sumter County?

2 A Yes, it is Sumter County.

3 Q And does that -- is that the kind of report
4 that's kept in the normal course of your business?

5 A Yes.

6 Q Of the 9-1-1 center?

7 A Yes.

8 Q Does that appear to be a fair and accurate copy
9 of that report?

10 A Yes, sir.

11 Q And has it changed or is it in the substantially
12 similar condition to when you last saw it?

13 A Yes, sir.

14 MR. MATTHEWS: Your Honor, at this time
15 the State moves to enter State's Exhibit Number 1
16 into evidence.

17 THE COURT: Any objection from the
18 Defense?

19 MS. COOKE: None.

20 THE COURT: Without objection State's
21 Exhibit Number 1 is admitted.

22 (WHEREUPON, State's Exhibit No. 1
23 was admitted into evidence.)

24 BY MR. MATTHEWS:

25 Q Ms. Skipper, can you tell us what time does it

1 say that call came in according to that CAD report?

2 A 00:54 hours.

3 Q Is that the same thing as 12:54 a.m.?

4 A Yes.

5 Q And what date was that?

6 A On April 13th, 2013.

7 MR. MATTHEWS: No further questions for
8 Ms. Skipper.

9 THE COURT: Ms. Cooke.

10 **CROSS-EXAMINATION**

11 BY MS. COOKE:

12 Q Hi, Ms. Skipper.

13 A Hi.

14 Q You turned over records and CAD reports to the
15 Defense under subpoena; didn't you?

16 A Yes, I did.

17 Q And did you, in fact, receive a second call from
18 a caller who said they rode through the scene of the
19 accident and didn't want to stop, but wanted to
20 report it?

21 A Yes.

22 Q Thank you.

23 THE COURT: Any redirect?

24 MR. MATTHEWS: Nothing on redirect, Judge.

25 THE COURT: Thank you, you may step down.

SW - D. YARBOROUGH - DIRECT

1 Would this be a good time for a break?

2 MR. MATTHEWS: Judge, I think now would be
3 a good time for recess. We got some evidence we
4 need to carry from downstairs.

5 THE COURT: Okay, very well. Ladies and
6 gentlemen, you get an early break this morning so if
7 you want a Co'cola or cup of coffee, they'll be glad
8 to provide it for you. Please do not discuss
9 anything about the case while you're back there.

10 (WHEREUPON, the jury was removed from the
11 courtroom at 10:27 a.m.)

12 THE COURT: Court will be in recess for 15
13 minutes.

14 (WHEREUPON, a recess was taken from the
15 proceedings.)

16 (WHEREUPON, State Exhibits Nos. 86, 87,
17 91 through 99 and Defense Exhibit No.
18 2 were marked for identification only.)

19 THE COURT: All right, let's bring our
20 jury.

21 (WHEREUPON, the jury was returned to the
22 courtroom at 10:52 a.m., and the
23 following proceedings commenced in open
24 court.)

25 MR. MATTHEWS: Judge, the State's next

SW - D. YARBOROUGH - DIRECT

1 witness is Doris Yarborough.

2 THE COURT: All right.

3 THE CLERK: Place your left hand on the
4 Bible, raise your right hand please. State your
5 name please.

6 THE WITNESS: Doris Yarborough.

7 WHEREUPON,

8 **DORIS YARBOROUGH,**

9 having been duly sworn by the Clerk, testified
10 as follows:

11 THE CLERK: Thank you. Have a seat up
12 here please. State your full name and spell your
13 last name.

14 THE WITNESS: My name is Doris Yarborough,
15 Y-A-R-B-O-R-O-U-G-H.

16 **DIRECT EXAMINATION**

17 BY MR. MATTHEWS:

18 Q Good morning, Ms. Yarborough.

19 A Good morning.

20 Q Could you tell the Court a little bit about what
21 you do and how you're employed.

22 A I'm a forensic technician with the South Carolina
23 Law Enforcement Division commonly known as SLED.
24 The capacity of my job, we receive, package and
25 transfer evidence for forensic analysis from within

SW - D. YARBOROUGH - DIRECT

1 the lab.

2 Q And what do your daily duties include?

3 A We receive evidence from throughout the state of
4 South Carolina from all law enforcement agencies.
5 We take the paperwork and package. We take it on a
6 said-to-contain basis. We re-package it and
7 transfer it to what the section that it's designed
8 to be sent for analysis to.

9 Q And what do you, what do you do with -- if
10 someone were to bring evidence to you what would you
11 do with it after you checked it? How would the
12 check-in process go?

13 A We take their evidence. We take their paperwork.
14 We enter it into our computer system. It's given a
15 unique bar coded label that each piece of evidence
16 has, is identified by number. Then it's transferred
17 into our secure evidence room until it's requested
18 for analysis.

19 Q And does anybody else have access to that
20 evidence room?

21 A We have four log-in technicians. We have two
22 captains and our major.

23 Q And if a lab analyst wants to get evidence to
24 test how would they go about getting it?

25 A They send a email to all four technicians, and

SW - D. YARBOROUGH - DIRECT

1 the one that has the opportunity to go and retrieve
2 it will send an email back and tell them they can
3 come down and get it.

4 Q Now how many other people work at the front desk
5 at SLED with you?

6 A There's four log-in technicians.

7 Q And do all of those log-in technicians follow the
8 same protocol and procedure when taking and logging
9 in evidence?

10 A Yes, they do.

11 Q And do you use any document to exemplify or show
12 how someone takes in evidence and then who it goes
13 to?

14 A Our chain of custody is electronically monitored.
15 Every time that item is moved the person — I log it
16 in; I put it in storage. The person whose gonna
17 transfer it goes to the storage room, scans it to
18 themselves, and then it's scanned to the person who is
19 picking it up.

20 Q Now do you recall being asked, or I know you
21 probably bring in lots of evidence every day; but
22 the case we're here for today involving this
23 incident from April 13th in 2013, do you recall
24 taking in evidence for that particular case?

25 A Yes, sir.

SW - D. YARBOROUGH - DIRECT

1 Q And is there, would a chain of custody form have
2 been produced to relate specifically to this case?

3 A It would.

4 Q And would you recognize a copy of that chain form
5 if you saw it?

6 A I would.

7 MR. MATTHEWS: Your Honor, may I approach.

8 THE COURT: You may?

9 MR. MATTHEWS: I'm showing Ms. Cooke
10 what's been marked as State's Exhibit 99.

11 MS. COOKE: No objection to the exhibit,
12 Your Honor.

13 THE COURT: Would that be number 2?

14 MR. MATTHEWS: They're numbered out of
15 order ---

16 THE COURT: Right.

17 MR. MATTHEWS: ---because they have just
18 been numbered.

19 THE COURT: Right.

20 MR. MATTHEWS: It's actually 99. It will
21 be the second ---

22 THE COURT: Number 99 is admitted without
23 objection.

24 BY MR. MATTHEWS:

25 Q Could you tell us what that document is?

SW - D. YARBOROUGH - DIRECT

1 A That is the chain of custody that was prepared
2 for release on this case.

3 Q And if you could tell us what's on that chain of
4 custody and what does that show for each item?

5 A It shows the person who submitted. It shows the
6 submitting agency, the person that submitted it, the
7 person that logged it in, and each person that has
8 transferred it or received it for analysis.

9 Q And would you recognize copies of the items on
10 that chain if you saw them here today?

11 A If they're in the correct container, yes, sir.

12 MR. MATTHEWS: Your Honor, may I approach.

13 THE COURT: You may.

14 MS. COOKE: Your Honor, I believe I may
15 have a matter of law that might need to be taken up.

16 THE COURT: Do we need to -- can we go
17 side bar?

18 MS. COOKE: We can.

19 (WHEREUPON, counsel approached the
20 Bench for an off-the-record discussion.)

21 MR. MATTHEWS: Your Honor, I'm showing
22 Ms. Cooke what's been marked as State's Exhibit
23 Number 95.

24 THE COURT: It is for ID purposes.

25 MR. MATTHEWS: This is for ID at this

SW - D. YARBOROUGH - DIRECT

1 pint, Judge.

2 BY MR. MATTHEWS:

3 Q Ms. Skipper, can you tell us what this item is.

4 A May I look at my notes.

5 Q Yes, you may.

6 A Item number 6 is described as a shirt, it's black
7 cotton T-shirt with the label A-N-A-B-I-L, size 2XL.

8 Q And what item number is -- or where is that
9 reflected on what page of your SLED chain report?

10 A Page 8 of 26.

11 Q And who is identified on that document as having
12 brought the item to SLED?

13 A Sally Farmer.

14 Q And who was the analyst that subsequently
15 analyzed that item?

16 A Megan Fletcher.

17 MR. MATTHEWS: Judge, at this point this
18 item is just for I.D.

19 THE COURT: Correct.

20 MR. MATTHEWS: Judge, I'm showing
21 Ms. Cooke what's been marked as State's Exhibit
22 Number 91. May I approach.

23 THE COURT: You may.

24 BY MR. MATTHEWS:

25 Q Ms. Yarborough, can you tell us what this item

SW - D. YARBOROUGH - DIRECT

1 is.

2 A It's marked container D.

3 Q And what item, SLED item number does that
4 translate to on your chain of custody form?

5 A 6.1.

6 Q And who was -- did 6.1, does that indicate it
7 come from item number 6?

8 A It does.

9 Q So that would have been an item that actually was
10 created out of the exhibit that I just showed you?

11 A Yes, sir.

12 Q And who created that item?

13 A Megan Fletcher.

14 Q All right.

15 MR. MATTHEWS: Your Honor, at this point
16 that item is just for I.D.

17 THE COURT: All right.

18 MR. MATTHEWS: Your Honor, I'm showing Ms.
19 Cooke what's been marked as State's Exhibit Number
20 94. May I approach.

21 THE COURT: You may.

22 BY MR. MATTHEWS:

23 Q Ms. Yarborough, could you tell us what item that
24 is.

25 A It's item number 12.

SW - D. YARBOROUGH - DIRECT

1 Q Is that the SLED item number or?

2 A That is a SLED item number.

3 Q And where is that located in your chain of
4 custody packet?

5 A On page 18 of 26.

6 Q And could you tell us who brought that item to
7 SLED?

8 A Sally Farmer.

9 Q And who is the analyst that subsequently took
10 that item to analyze it?

11 A That would be Jennifer Clayton.

12 Q Thank you.

13 MR. MATTHEWS: Your Honor, at this point
14 this is offered for identification. I'm showing
15 Ms. Cooke what's marked as State's Exhibit Number
16 96.

17 BY MR. MATTHEWS:

18 Q Ms. Yarborough, can you tell me what this item
19 is.

20 A Item 13 is described as a swab from the left rear
21 trim and tire of a 2000 Chevrolet four door.

22 Q And is that item 13 number, is that the SLED
23 designation?

24 A That is the SLED designation.

25 Q And where does that item appear in your chain of

SW - D. YARBOROUGH - DIRECT

1 custody?

2 A On page 19 of 26.

3 Q And who is the person listed that submitted that
4 item to SLED?

5 A Sally Farmer of the highway patrol.

6 Q And who is the analyst at SLED that subsequently
7 performed analysis on that?

8 A Jennifer Clayton.

9 MR. MATTHEWS: Your Honor, at this point
10 this exhibit is merely for ID. I'm showing
11 Ms. Cooke what's been marked State's Exhibit 92.

12 BY MR. MATTHEWS:

13 Q Ms. Yarborough, can you tell us what that item
14 is.

15 A Item number 14.

16 Q And is item number 14 the SLED designation?

17 A It is.

18 Q And where is that item located in your chain of
19 custody packet?

20 A On page 20 of 26.

21 Q And who was that item submitted by to SLED?

22 A Sally Farmer.

23 Q And who was the analyst that subsequently
24 performed analysis on that item?

25 A Megan Fletcher.

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1 MR. MATTHEWS: Your Honor, at this point
2 that item is offered for ID only.

3 THE COURT: All right.

4 MR. MATTHEWS: Your Honor, I'm showing
5 Ms. Cooke what's marked State's Exhibit 93.

6 BY MR. MATTHEWS:

7 Q Ms. Yarborough, can you tell me what this item
8 is.

9 A Item number 15.

10 Q And where does item 15 occur in your packet?

11 A It's on page ~~21~~ of ~~26~~ on the chain of custody.

12 Q And who is the individual listed that brought
13 that item to SLED?

14 A Sally Farmer.

15 Q And who is the evidence technician that
16 subsequently performed analysis on this?

17 A That would have been forensic scientist Megan
18 Fletcher.

19 MR. MATTHEWS: At this point this is for
20 ID. Your Honor, I'm showing Ms. Cooke what's been
21 marked as State's Exhibit 98.

22 BY MR. MATTHEWS:

23 Q Ms. Yarborough, can you tell me what this item
24 is.

25 A It's item number 16 described as miscellaneous,

1 described as a blue lower bumper trim labeled item.

2 Number 20 from a 2000 Chevy four door.

3 Q And who was that item taken to SLED by?

4 A Sally Farmer.

5 Q Who is the analyst that subsequently performed
6 analysis on that item?

7 A Forensic scientist Megan Fletcher.

8 MR. MATTHEWS: At this point that item is
9 just for identification purposes. No further
10 questions for this witness.

11 THE COURT: All right. Ms. Cooke.

12 **CROSS-EXAMINATION**

13 BY MS. COOKE:

14 Q Ms. Yarborough, were each of these bags sealed
15 when you received them?

16 A Yes, ma'am.

17 Q And do you know if any of them had been opened
18 and resealed at this point?

19 A I do not know that.

20 Q Did you open any of the bags?

21 A No, ma'am.

22 Q Did you perform any tests on the bags?

23 A No, I did not.

24 Q Did you take these bags to Jennifer Clayton or
25 Megan Fletcher personally?

SW - M. FLETCHER - DIRECT

1 A They come to the evidence room to get their items
2 that they have requested for analysis.

3 Q So it goes into sort of like a locked box?

4 A It goes into a secure storage room.

5 Q No further questions.

6 THE COURT: Any redirect?

7 MR. MATTHEWS: Nothing on redirect, Judge.

8 THE COURT: Thank you. You may step down.

9 MS. COOKE: Thank you.

10 THE COURT: Any objection to this witness
11 being excused?

12 MS. COOKE: None.

13 MR. MATTHEWS: No, Judge.

14 THE COURT: Have a safe drive back to
15 Columbia.

16 THE WITNESS: Thank you.

17 THE COURT: Who will the State call now?

18 MR. MATTHEWS: Your Honor, the State's
19 next witness will be Megan Fletcher.

20 THE CLERK: Place your left hand on the
21 Bible, raise your right hand please. State your
22 name.

23 THE WITNESS: Megan Fletcher.

24 THE CLERK: Place your left hand on the
25 bible, raise your right hand please. State your

SW - M. FLETCHER - DIRECT

1 name Megan Fletcher.

2 WHEREUPON,

3 **MEGAN FLETCHER,**

4 having been duly sworn by the Clerk, testified
5 as follows:

6 THE CLERK: Thank you. Have a seat up
7 here please. Please state your full name please and
8 spell your last name for the record.

9 THE WITNESS: It's Megan Fletcher,
10 F-L-E-T-C-H-E-R.

11 **DIRECT EXAMINATION**

12 BY MR. MATTHEWS:

13 Q Good morning, Ms. Fletcher.

14 A Good morning.

15 Q Tell the Court a little bit about what you do for
16 a living and how long you've done that?

17 A I'm employed by the South Carolina Law
18 Enforcement Division in the forensic services
19 department in trace evidence, and I've been there
20 for almost eight years.

21 Q And what does a trace evidence analyst do?

22 A A trace analyst analyzes many different types of
23 evidence including gunshot residue, fire debris,
24 explosives, duct tape, bank dye analysis, physical
25 fit, paint and fibers.

SW - M. FLETCHER - DIRECT

1 Q And do you have to have any education to be able
2 to do your job?

3 A Yes, sir, a chemistry degree is required. I have
4 my bachelor's degree in biochemistry in English and
5 a masters of science in forensic science and
6 computers forensics and forensic chemistry.

7 Q Did you have to undergo any training once you got
8 your job to become a trace analyst?

9 A Yes, sir. There's an extensive amount of
10 training at SLED both in-house and at external
11 training facilities. For paint and fiber analysis
12 it was each an 18 month process where I underwent
13 oral, practical, and written examinations on the
14 analysis of paint and interpretation of paint and
15 the same goes for fiber. I also attended many
16 schools outside of SLED including Hooke College of
17 Microscopy and McCrone Research Institute.

18 Q And do you undergo any ongoing or continuing
19 education to maintain certification?

20 A I maintain my competency in paint and fiber by
21 taking proficiency tests as required by ASCLD/Lab
22 International which is our accrediting body.

23 Q And how often do you -- are you accredited by
24 that body or is the lab as a whole accredited on
25 that?

SW - M. FLETCHER - DIRECT

1 A The lab is accredited by ASCLD/Lab International.

2 Q How often do you have to do those accreditation
3 tests?

4 A The proficiency?

5 Q Yes, sorry, the proficiency tests?

6 A I have to take at least one paint and one fiber
7 proficiency along with all other disciplines that I
8 incompetent in every five years.

9 Q And how many, if you can guess, how many analyses
10 of trace substances do you think you've done in your
11 career?

12 A Oh, I've probably done fifty to a hundred paint
13 fiber cases. I've also done well over 300 gunshot
14 residue cases and well over 300 fire debris cases.

15 Q And how many years have you been doing a fiber
16 analysis specifically?

17 A Fiber analysis I've been competent for since
18 2011.

19 Q So that would be four years?

20 A Yes, sir.

21 Q And how many years have you done paint analysis
22 specifically?

23 A About five, five-and-a-half years.

24 Q How many times have you testified in court or
25 about paint and fiber analysis?

SW - M. FLETCHER - DIRECT

1 A I have never testified for fiber. I testified one
2 time for paint. I have been qualified as an expert
3 in trace evidence six times.

4 Q So trace evidence in general you've been
5 qualified six times?

6 A Yes. Yes, sir, gunshot residue and fire debris.

7 MR. MATTHEWS: At this point the State
8 would tender Ms. Fletcher as an expert in the field
9 of trace analysis.

10 THE COURT: All right, do you have voir
11 dire?

12 MS. COOKE: No, Your Honor, no objection.

13 THE COURT: All right, Ladies and
14 gentlemen, ordinarily a witness is not allowed to
15 testify as to opinions or conclusions. Usually a
16 witness will testify as to what they saw, heard,
17 tasted or smell or felt. However, when a witness
18 has a additional amount of education and experience
19 in some art or other science, then they can give a
20 conclusion and an opinion about what they have done.
21 Now whether or not you decide to believe her
22 testimony is totally up to y'all as jurors, and you
23 should not give her testimony any greater weight
24 simply because she's a witness, I mean an expert,
25 but give it the weight that you deem is appropriate.

SW - M. FLETCHER - DIRECT

1 So I will deem her to be an expert in trace
2 analysis.

3 You may proceed.

4 MR. MATTHEWS: Thank you, Judge.

5 BY MR. MATTHEWS:

6 Q Now earlier tell us what would the process be
7 like should you be requested to analyze evidence for
8 a case?

9 A I am requested by agencies to analyze a case
10 based on their submittal to the laboratory. And
11 once I am requested to do that analysis, myself or
12 another trace employee will go and pick up the
13 evidence from the evidence control department. I
14 will then pick up that evidence, examine it to make
15 sure that it is sealed appropriately, and then I
16 will begin my examination.

17 Q And after you perform your examination what do
18 you do with evidence that you just analyzed?

19 A The evidence is resealed in appropriate
20 containers, and then it is eventually returned to
21 the evidence control department for storage.

22 Q And does anybody else beside yourself have access
23 to those items?

24 A While the evidence is in my custody, anybody in
25 the trace evidence laboratory has access to it; but

SW - M. FLETCHER - DIRECT

1 that is a controlled situation with locked doors and
2 key code access. Upper management also has access
3 to that, but that's it.

4 Q Would anybody have access to it once you actually
5 place it back in the evidence locker?

6 A Once the evidence is in evidence control, not
7 even I have access to it. It would only be the
8 evidence control technicians and upper management.

9 Q Now Ms. Fletcher, I'm gonna show you a document
10 that's been entered as State's Number 99. Could you
11 tell us what this document is and what case it
12 relates to?

13 A This is a chain of custody based on the
14 electronic chain of custody for the South Carolina
15 Law Enforcement Division for the case of L1304897.

16 Q And is that case number the case involving the
17 defendant Jacqueline Mesidor and the victim Charles
18 Dennis?

19 A Yes, sir.

20 Q And did you perform analysis for that case?

21 A Yes, sir, I did.

22 Q What specific analysis did you perform relating
23 to this case?

24 A For this case I performed both a paint and fiber
25 analysis on different items of evidence.

SW - M. FLETCHER - DIRECT

1 Q And would you recognize copies of the items that
2 you analyzed if you saw them here today?

3 A Yes, sir, I would.

4 MR. MATTHEWS: Your Honor, may I approach.

5 THE COURT: You may.

6 BY MR. MATTHEWS:

7 Q I'm showing you what's been marked as State's
8 Exhibit 95. Could you tell us what that item is and
9 what specific SLED designation you identified it as?

10 A State's Exhibit 95 is a sealed paper bag with
11 SLED evidence tape with my initials and the date in
12 which I sealed it, and it relates to lab number
13 L1304897, item number 6, and those are my initials
14 and the date in which I opened it. And it's said to
15 contain a black cotton T-shirt.

16 Q Now this black cotton T-shirt, after you took it
17 out the bag what did you do with it?

18 A Once I opened that bag I would have examined it
19 for any foreign paint transfers. I then would have
20 processed it for paint analysis which means that I
21 would have scraped it down looking for microscopic
22 paint debris, and then I would have cut a standard
23 from that T-shirt for a fiber standard because there
24 was also an unknown fiber submitted in this case.

25 Q Speaking of that unknown fiber -- well, first

SW - M. FLETCHER - DIRECT

1 let's talk about the fiber standards you did. What
2 item did you label or what item would you have
3 labeled that?

4 A The fiber standard in this case is item 6.1.

5 Q Would you recognize a copy of that if you saw it
6 here today?

7 A Yes, sir, I would recognize the container.

8 Q Could you tell us what this item is.

9 A This is a sealed, heat sealed pouch. This is
10 SLED lab L130849 -- 4897, container D. It's sealed
11 with my initials and the date in which I sealed it,
12 and this contains fiber standards.

13 Q And what -- I'm sorry, you may have mentioned
14 this, but what SLED item number was that?

15 A It contains fiber standards from the entire case.
16 Specifically it contains item number 6.1 which is
17 the fiber standard from the black cotton T-shirt.

18 Q And what would you have used that fiber standard
19 for once you collected it?

20 A I would use the fiber standard as a comparison
21 sample for any unknown fibers that were submitted.

22 Q And did you receive an unknown fiber that was
23 submitted as a part of this investigation?

24 A Yes, I did.

25 Q Would you recognize a copy of that if you saw it?

SW - M. FLETCHER - DIRECT

1 A Yes, I would.

2 Q Could you tell us what this item is.

3 A This is a sealed manila envelope containing SLED
4 lab L1304897, item number 14. These are my initials
5 and the date in which I opened it, and my initials
6 and date which I sealed it on the evidence tape on
7 the back. It contains item number 14 known as
8 fabric.

9 Q And what did you do with that fabric when related
10 to item 6.1?

11 A The unknown fabric would have been compared to
12 the standard fabric using a polarized light
13 microscope for a transform infrared spectrometer as
14 well as microspectrophotometer.

15 Q Just for simplicity sake for the jury, what are
16 you trying to do comparing these two items?

17 A What I'm looking for are different
18 characteristics. I'm looking at the fabric itself
19 to make sure that the weave is the same. I'm
20 looking at the direction of twist of the fibers are
21 in the thread. I'm also looking at physical
22 characteristics of the fiber, optical characteristic
23 and chemical characteristic including the dye of the
24 fiber.

25 Q And are you trying to determine if the two

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1 materials are the same or come from the same place?

2 A Yes, sir, I'm trying to determine if item 6.1
3 could be considered a source of the unknown item 14.

4 Q And did you reach a conclusion on that?

5 A Yes, sir.

6 Q What was that conclusion?

7 A May I refer to my report?

8 Q Yes.

9 A The results for item number 14, one piece of
10 black fabric from quote, unquote, left rear rim of
11 2000 Chevrolet. My results were one piece of black
12 cotton fabric was found. The unknown piece of black
13 cotton fabric either originated from the fiber
14 standard from the black short sleeve Anibel T-shirt
15 item 6.1, or another source of fibers possessing the
16 same physical, chemical, and optical
17 characteristics.

18 Q Did you do any other analysis related to this
19 case?

20 A I also performed a paint analysis.

21 Q And what items did you use to perform that paint
22 analysis?

23 A I performed a paint analysis on, specifically was
24 able to use instrumentation on actual paint on items
25 15.1, 15.1.1, 15.2, 16.1 and 17.1.

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1 Q Can you tell us what specific item out of that
2 was -- did you analyze a piece of the motorcycle
3 resulted from this investigation?

4 A Yes, sir. Item 15.2 was a piece of the
5 motorcycle that I used as a standard.

6 MS. COOKE: Your Honor, I have item 16
7 written down as being introduced through the first
8 witness but not 16.1 or ---

9 THE COURT: They haven't been introduced
10 into evidence at all at this point in time.

11 MR. MATTHEWS: Judge, we haven't
12 introduced them.

13 THE COURT: Just for I.D.

14 MR. MATTHEWS: Just for I.D.

15 BY MR. MATTHEWS:

16 Q Would you recognize a copy of item 15.2 if you
17 saw it?

18 A Yes, sir.

19 Q Tell us what this item is.

20 A This is SLED lab number 04897, item number 15.
21 These are my initials and the date in which I would
22 have placed it in this heat sealed pouch, and my
23 initials and date in which I sealed it. It contains
24 a sealed Manila envelope with my initials and the
25 date which I sealed it, and it's said to contain

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1 item number 15. Once it was up in the laboratory
2 there were multiple pieces of actual motorcycle
3 parts so I sub-itemed them within our laboratory
4 information management system as well as in my notes
5 as item 15.1, 15.1.1 and 15.2.

6 Q And which item did you actually use to use as the
7 standard, the paint standard?

8 A All of them were used as a paint standard,
9 however, there was a chemical match to item number
10 6.1 paint smear.

11 Q Okay. And ---

12 A For item 15.2.

13 Q Item 15.2. So that was the one that you used as
14 part of your analysis?

15 A Yes, sir.

16 Q And what did you compare that to? What was the
17 other item that you used?

18 A Item number 16.1 is a bright blue paint smear
19 that I found on item number 16 which is one piece of
20 blue metallic painted plastic with a black dark gray
21 plastic trim piece from a quote, unquote, 2000 Chev
22 four door VIN 2G1WF55E0Y9172659.

23 Q And would you recognize a copy of item 16 if you
24 saw it?

25 A Yes, sir.

SW - M. FLETCHER - DIRECT

1 Q Could you tell us what this item is.

2 A This is a piece of blue painted plastic with a
3 black or gray trim piece attached to it. It's SLED
4 lab number L134897, item number 16, and these are my
5 initials and the date which I would have opened
6 this.

7 Q And would you -- you said that there was a paint
8 smear taken off of that. How would you have taken a
9 paint smear off of that?

10 A I would have looked at it under a microscope and
11 I would have removed it using an appropriate
12 utensil, either tweezers or a scalpel.

13 Q So you would have basically chipped it off where
14 it was?

15 A Yes, sir.

16 Q And did you perform a paint analysis on item 16
17 as compared to item 15.2?

18 A The blue paint smear, item number 16.1, was
19 compared against the standard for item 15.2 which
20 was the motorcycle piece, and I found that the
21 bright blue smear on the, on item number 16, either
22 originated from the bright blue primer from the
23 standard from the motorcycle item number 15.2 or
24 another source of primer paint possessing the same
25 distinct physical and chemical characteristics.

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1 Q Now you've read to us two results. Did you
2 compile your results in a summary or report to
3 indicate your findings?

4 A Yes, sir, I issued a report on this case.

5 Q And would you recognize a copy of that report if
6 you saw it here today?

7 A Yes, sir.

8 MR. MATTHEWS: Your Honor, at this time
9 I'd ask this be marked as the next State's exhibit
10 for identification.

11 (WHEREUPON, State Exhibit No. 100 was
12 marked for identification only.)

13 MR. MATTHEWS: Your Honor, I'm showing
14 this to Ms. Cooke, what's been marked as State's
15 Exhibit 100 for identification.

16 BY MR. MATTHEWS:

17 Q Ms. Fletcher, could you tell us what this
18 document is.

19 A This is a copy of the report I have issued in
20 SLED lab number L1304897 issued on September 17th,
21 2013.

22 Q And is that a copy of the report that you
23 prepared?

24 A Yes, sir.

25 Q Does that have your finding and results from that

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1 in your analysis in there?

2 A Yes, sir.

3 Q Is that document you would normally keep in the
4 course of SLED's business?

5 A Yes, sir.

6 MR. MATTHEWS: Your Honor, at this time
7 the State moves to enter State's Exhibit 100 into
8 evidence.

9 MS. COOKE: Just to protect the record,
10 Your Honor, I'll just say that I believe it's not
11 admissible, not a business record. It's hearsay and
12 it's being substituted for lab testing.

13 THE COURT: I'm gonna overrule your
14 objection.

15 MS. COOKE: To protect the record.

16 THE COURT: Got you.

17 (WHEREUPON, State Exhibit No. 100
18 was admitted into evidence.)

19 BY MR. MATTHEWS:

20 Q Ms. Fletcher, you've read to the jury your
21 findings about item 6.1 and item 14, but what is
22 your opinion as a result of your analysis as to
23 whether the item collected was belonging to the same
24 T-shirt?

25 THE COURT: Let me see the attorneys over

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1 here for just a second.

2 (WHEREUPON, counsel approached the
3 Bench for an off-the-record discussion.)

4 THE COURT: Counsel proceed as instructed.

5 BY MR. MATTHEWS:

6 Q What is your ultimate conclusion about the piece
7 of the T-shirt you expected versus the piece that
8 was collected in the rim?

9 A The unknown piece of fabric that was collected
10 from the wheel possesses the same physical chemical
11 and optical characteristics as the standard T-shirt
12 did. They possessed the same twisting of the
13 fibers, the same pattern on the weave. Therefore,
14 the unknown either originated from that T-shirt or
15 another T-shirt exactly the same which also
16 contained a whole or a missing piece from it.

17 Q And related to the analysis find 15.2 versus item
18 16 what was your conclusion based on those two
19 items?

20 A The bright blue paint smear was the primer from
21 the motorcycle part so it either came from that
22 particular motorcycle or another motorcycle that had
23 the exact same primer.

24 Q Just for clarification what was item 14.2 --
25 sorry, SLED item 14.

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1 A SLED item 14 was one piece of black fabric from
2 quote, unquote, left rear rim of 2000 Chevrolet.

3 Q All right. No further questions.

4 THE COURT: Ms. Cooke.

5 MS. COOKE: Your Honor, for this witness
6 my questions have already been answered. I have no
7 cross.

8 THE COURT: Okay, thank you. You may step
9 down.

10 Any objection to this witness being
11 excused?

12 MS. COOKE: None.

13 THE COURT: All right, thank you. Have a
14 nice trip back to Columbia.

15 THE WITNESS: Thank you.

16 MR. MATTHEWS: Judge, our next witness
17 will be Curtis Hice.

18 THE WITNESS: Curtis Hice.

19 WHEREUPON,

20 **CURTIS HICE,**

21 having been duly sworn by the Clerk, testified
22 as follows:

23 THE CLERK: Thank you. Have a seat up
24 here please. Please state your full name and spell
25 your last for the record.

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1 THE WITNESS: It's Curtis Hice, H-I-C-E.

2 **DIRECT EXAMINATION**

3 BY MR. MATTHEWS:

4 Q Good afternoon, Sergeant Hice. Can you tell the
5 Court what you do for a living, how long you've been
6 doing it?

7 A I work for the Sumter County Sheriff's Office.
8 I'm one of the patrol sergeants and I've been doing
9 this for 12 years.

10 Q And were you working -- or what's your rank and
11 what are your duties as part of that rank?

12 A I'm, like I say, I'm a Sergeant on -- I'm
13 assigned to patrol division. I'm one of the
14 supervisors for the patrol division.

15 Q Does that mean you respond to calls?

16 A Respond to calls for service.

17 Q And were you working as a member of the Sumter
18 County Sheriff's Office on April 13th of 2013?

19 A Yes, sir.

20 Q And do you recall responding to a wreck in the
21 early morning hours of that day?

22 A Yes, sir.

23 Q And where was that wreck located?

24 A I believe it was on Highway 521 north and I think
25 the cross street was Dinkins Mill.

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1 Q And was that, is that location here in Sumter
2 County?

3 A It's in Sumter County, yes, sir, right outside of
4 Rembert.

5 Q And that was on what date?

6 A What date?

7 Q Yes?

8 A I can't remember it. I don't have my ---

9 Q Was it April 13th?

10 A I believe that's when it was. That sounds about
11 right.

12 Q And on that day tell the Court about what you
13 were called to address and what you saw when you got
14 there.

15 A Yeah. We were -- we received a call through our
16 dispatch in reference to a motorcycle wreck. Myself
17 and I believe another deputy responded to the scene.
18 When we arrived on scene we found a motorcycle on
19 its side in the middle of Highway 521 and a black
20 male which would have been the rider of the
21 motorcycle laying face down in the road.

22 Q And what did you do when you first got there?

23 A When we first got there I think he took the last
24 couple of breaths and then passed away, and we went
25 ahead and called EMS out there to come arrive to the

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1 scene and then we began securing the scene.

2 Q How did you secure the scene?

3 A Basically with our cars blocking the road and
4 then just us outside of the cars trying to keep
5 everybody around -- everybody that started showing
6 up. We had quite a few bystanders start standing
7 around the side of the road. We were just trying to
8 keep them back from the scene.

9 Q Can you estimate how many people were out there?

10 A By the time the end, by the time we left there
11 was probably 50 to 75 people out there.

12 Q Describe for the jury, if you would, what the
13 scene was like there. What did you see when you got
14 there?

15 A When I arrived I seen the motorcycle was on its
16 side. He was face down on the road, and I believe
17 he had a gun laying next to his head.

18 Q And what was -- was there debris, any debris
19 anywhere?

20 A We saw, I believe it was part of a bumper on the
21 side of the road.

22 Q And approximately how long were you out there
23 that night?

24 A I think it was several hours we were out there.

25 Q And at any point in that time did anybody show up

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1 and acknowledge that they had been involved in that
2 wreck?

3 A No, sir.

4 Q Did anybody show up and say that they were gonna
5 render aid?

6 A Other than the EMS -- is anybody else involved?

7 Q Other than EMS?

8 A No, sir.

9 Q Okay. Tell the Court, if you would, about later
10 on that day, meaning that evening April 13th, were
11 you back at work at that time?

12 A Yes, sir, we had come back in that evening.

13 Q And did you respond to a call that evening in
14 relation to a fight going down?

15 A Yes, sir.

16 Q And where was that located at?

17 A I'm wanting to say it was Family Lane or
18 somewhere right up around that area off of in
19 Rembert, off of Mattie McDaniel is where it's at,
20 but I can't remember exact address for that house.

21 Q Was it in the vicinity of where the wreck had
22 occurred the night before?

23 A Yes, sir, it's probably, it's less -- it probably
24 half mile to a mile away, if that.

25 Q And when you got on the scene what did you

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1 witness?

2 A We actually, the way that we received the call
3 was that there were several people in the community
4 that knew who had left the scene of that accident
5 and they were at her house to fight her.

6 Q And her being ---

7 MS. COOKE: Objection, hearsay.

8 BY MR. MATTHEWS:

9 Q ---whom?

10 A It being Jacqueline Mesidor.

11 MS. COOKE: Objection, it's hearsay, Your
12 Honor.

13 THE COURT: Sustained.

14 BY MR. MATTHEWS:

15 Q Did you see Ms. Mesidor when you got there?

16 A Yes, sir.

17 Q And is Ms. Mesidor in the courtroom today?

18 A Yes, sir, she is.

19 Q Could you point her out for us please.

20 A She's sitting over here at the defendant's table.

21 MR. MATTHEWS: Your Honor, I'd like the
22 record to reflect Sergeant Hice has identified the
23 defendant ---

24 THE COURT: The record will so reflect.

25

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1 BY MR. MATTHEWS:

2 Q Now what did you witness relating to -- were you
3 able to find a car there at the house?

4 A She did have a car. I believe it was parked
5 right next to the porch steps that led up to the
6 entrance of the residence.

7 Q And if you remember, could you describe, is that
8 in the front of the trailer, in the back, or on the
9 side?

10 A If you -- it would have been like the front of
11 the trailer.

12 Q And what was the condition of that car when you
13 saw it?

14 A When we arrived saw the car there, and there
15 appeared to be some damage to the rear bumper of the
16 vehicle. So at that point we secured the car and --
17 well, we basically made sure the car didn't go
18 anywhere, nobody messed with the car and we called
19 for highway patrol to respond out there.

20 Q And did Ms. Mesidor acknowledge that was her
21 vehicle?

22 A Yes, sir.

23 Q Just for clarification, Sergeant Hice, you
24 mentioned other people being at the scene talking
25 about the previous night out on 521 Dinkins Mill

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1 Road. Were you able to successfully secure the
2 scene until highway patrol arrived?

3 A Yes, sir.

4 Q So nobody was able to get past the borders or
5 anything?

6 A No, sir, nobody got — other than fire department
7 and EMS I think as they were there to render aid.
8 Nobody else got inside the scene.

9 Q And did you recall around what time in the
10 evening it was when you made your way back to
11 Ms. Mesidor's residence?

12 A I'm trying to remember off the top of my head. I
13 believe it was — we come in to work at 5:30 in the
14 evening and it was, I want to say it was fairly soon
15 after that, I mean, an hour or two if I remember
16 right.

17 Q So that would be around 6 or 7 p.m.?

18 A Yes, sir.

19 MR. MATTHEWS: No further questions,
20 Judge.

21 THE COURT: Ms. Cooke.

22 **CROSS-EXAMINATION**

23 BY MS. COOKE:

24 Q You said they knew what car was involved, not
25 that they saw Jacqueline Mesidor driving the car; is

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1 that correct?

2 A The way we received the call was that people in
3 the community knew who had hit and who had been
4 involved with the hit and run, and they were at her
5 house to fight her.

6 Q Because they had seen her car wrecked?

7 A I can't say. I don't know why they called us
8 other than this was the call that we got.

9 Q And are -- were you part of the law enforcement
10 that also responded to people trying to beat up
11 Corey Hraris for this?

12 A I'm not familiar with that at all.

13 Q And you stated her car was on the front side by
14 the porch? Is that what you said?

15 A Yes, ma'am, that's where I believe it was at.

16 Q No further questions.

17 THE COURT: Any redirect?

18 MR. MATTHEWS: No further questions,
19 Judge.

20 THE COURT: Thank you, you may step down.
21 Any objection to this witness being
22 excused?

23 MS. COOKE: None, Your Honor.

24 THE COURT: Thank you.

25 THE WITNESS: Yes, sir.

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1 MR. MATTHEWS: The State will call Lance
2 Corporal Nix.

3 MS. COOKE: May we approach, Your Honor.

4 THE COURT: You may.

5 (WHEREUPON, counsel approached the
6 Bench for an off-the-record discussion.)

7 THE CLERK: Place your left hand on the
8 Bible, raise your right hand. State your name
9 please.

10 THE WITNESS: Matthew Raymond Nix.

11 WHEREUPON,

12 **MATTHEW R. NIX,**

13 having been duly sworn by the Clerk, testified
14 as follows:

15 THE CLERK: Thank you, sir. Have a seat
16 up here please.

17 MR. MATTHEWS: Your Honor, before we begin
18 is it all right if the investigator sets up the Elmo
19 to potentially display some photographs to the jury?

20 THE COURT: Yes.

21 THE CLERK: State your full name, spell
22 your last name for the record.

23 THE WITNESS: Matthew Raymond Nix, N-I-X.

24 **DIRECT EXAMINATION**

25 BY MR. MATTHEWS:

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1 Q Good afternoon, Lance Corporal Nix.

2 A Good afternoon.

3 Q Could you tell the Court a little bit about what
4 your, how you're employed and what you do for a
5 living?

6 A Okay. I've been on the highway patrol for almost
7 ten years now. Eight of those ten years were spent
8 as a trooper in Aiken County. And in March of 2013
9 I was assigned to the Multidisciplinary Accident
10 Investigation Team out of Columbia in the Midlands
11 region. Our region consists of 14 counties which
12 include Sumter.

13 Q And what kind of training have you undergone as a
14 law enforcement officer?

15 A I have approximately a little over 1500 hours of
16 training total. 750 of those hours are spent in
17 accident reconstruction related classes and training
18 and other certifications.

19 Q And do you recall, or were you employed by
20 highway patrol on the MAIT Team on April 13th of
21 2013?

22 A Yes, I had been with the MAIT Team for
23 approximately a month.

24 Q And do you recall responding to a wreck that
25 happened that evening?

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1 A Yes.

2 Q And where was that wreck?

3 A It was on U.S. Highway 521 in between, I guess it
4 would be Dalzell and Rembert.

5 Q Okay. Do you recall the intersection that was
6 at?

7 A I think it was Dinkins Mill Road and Camden
8 Highway.

9 Q And when you got, around what time did you get to
10 that scene?

11 A I don't know exactly; I know it was late. I
12 mean...

13 Q Was it after midnight?

14 A It was around -- yeah, late midnight, a little
15 after.

16 Q And what did you do once you got there?

17 A I was the first MAIT member on scene; but being
18 on the team for only one month, I was still under
19 somewhat what they call probation, which I wasn't
20 able to do a whole lot by myself. So what I did is
21 just grab my camera and start taking photos at the
22 scene.

23 Q And so you're basically the extent of your
24 involvement was going around the scene and taking
25 photographs?

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1 A Right.

2 Q And would you recognize copies of those
3 photographs if you saw them here today?

4 A Yes, I should.

5 Q I'm just gonna show you a few photographs, five,
6 and ask you if you can tell me what these items are.
7 Starting with items 2 through 5, could you tell me
8 what those documents are.

9 A Well, these photographs were of the scene that
10 night. This first photograph would be U.S. 521
11 facing towards Sumter which would be south and it
12 was the motorcycle's skid mark leading up to impact.

13 Q And what's -- can you go through the rest of the
14 photos and say what they depict?

15 A Sure. This photo was the same skid mark on U.S.
16 521; it's a different angle. This one, of course,
17 same skid mark, same highway, at a closer angle
18 showing the beginning of the skid mark of the
19 motorcycle. And the last one was a photo of the
20 scene, same highway at a reverse angle -- no, excuse
21 me. It is at the end of the skid mark leading up to
22 the final rest of the rider of the motorcycle.

23 Q And did you take those photographs?

24 A Yes.

25 Q Do they fairly and accurately depict the scene as

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1 it appeared on April 13th, 2013?

2 A Oh, absolutely.

3 Q And are they in the same substantially similar
4 condition than when you last saw them?

5 A Absolutely.

6 Q Do they help to aid and illustrate your testimony
7 to the jury?

8 A Sure.

9 MR. MATTHEWS: Your Honor, at this time we
10 move to enter exhibits 2 through 5.

11 THE COURT: Any objection?

12 MS. COOKE: None, Your Honor. I've -- as
13 long as they're the exact photographs I already
14 looked at.

15 THE COURT: You want to look at them
16 again?

17 MS. COOKE: No, Your Honor, I trust
18 Mr. Matthews. I have no objection.

19 MR. MATTHEWS: Judge ---

20 THE COURT: That's 2 through 5 and may be
21 published to the jury.

22 (WHEREUPON, State Exhibits Nos. 2 through
23 5 were admitted into evidence.)

24 MR. MATTHEWS: Judge, for clarification I
25 should mention for the record I did show items 12

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1 through 44 to Ms. Cooke before we came in here.

2 BY MR. MATTHEWS:

3 Q Lance Corporal Nix, I'm gonna show you now what's
4 items 6 through 10, exhibits 6 through 10. Could
5 you tell me what those documents are.

6 A All right. Item 6 is a photograph of what
7 appears to be the gouge marks left by the motorcycle
8 right at or close to impact, and of course, being at
9 the scene, being on the same highway, U.S. 521.
10 Item 7 was gouge marks in the course of skid mark
11 left by the motorcycle of the same scene. Item 8 is
12 a closeup shot of one of the gouge marks left by the
13 motorcycle. Item 9 is the same gouge marks, same
14 motorcycle. It's at a different angle, opposite
15 reverse angle. And number 10 is a photograph of the
16 scene right at, just past impact close to the final
17 rest of the motorcycle driver and a -- the final
18 rest of the motorcycle is also in the background
19 showing its direction of path post impact.

20 Q Did you take those photographs?

21 A Yes, I did.

22 Q Are they a fair and accurate representation of
23 the way the scene occurred or looked on April 13th?

24 A Oh, absolutely.

25 Q And have they been changed or altered in any way?

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1 A No, they have not.

2 MR. MATTHEWS: Your Honor, at this time
3 the State moves to enter photographs 6 through 10.

4 THE COURT: Any objection?

5 MS. COOKE: Without objection.

6 THE COURT: Without objection 6 through 10
7 are admitted into evidence.

8 (WHEREUPON, State Exhibits 6 through 10
9 were admitted into evidence.)

10 BY MR. MATTHEWS:

11 Q Next I'm gonna show you some photographs relating
12 to the motorcycle itself. These are State's
13 Exhibits 13 through 18. If you would, could you
14 tell us generally what these documents are and
15 what's depicted.

16 A Okay. Exhibit 11 shows the post impact travel
17 and path of the motorcycle and also the final rest
18 of the motorcycle which was just off the shoulder of
19 the road on U.S. 521. It has debris from the
20 motorcycle post, after the collision, and also some
21 markings from where you can identify the direction
22 of the travel and of such as the motorcycle went
23 after the impact. The Exhibit 12 is a closeup of
24 the left side, left front of the motorcycle showing
25 scratches where it was sliding on the paved surface.

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1 And you can see the motorcycle was white but once
2 was blue, the paint scheme on the bike itself. 13
3 is the photo of the same bike showing the scratches
4 on the bike from the pavement and also the paint
5 that the motorcycle had. It was a white bike with
6 blue underline paint which undoubtedly was the color
7 of the bike before it was painted white.

8 And let's see, 14, same bike, same paint,
9 also some paint transfer on the metal piece showing
10 it was possibly from the vehicle that it struck.
11 And 15, also the same bike showing paint transfer on
12 the white outer paint of the motorcycle. And 16 is
13 another final rest photo taken from the, I guess it
14 would be a photo that was taken facing north showing
15 undercarriage of the bike laying in the grass at
16 final rest. And 17, of course, is another angle of
17 the final rest of the bike showing the relationship
18 between the grass and the pavement and allow how the
19 bike came to rest, taken from the rear angle looking
20 down. And 18, same bike, another closeup shot of
21 the final rest showing some more damage to the bike
22 that it sustained in the collision and the slide and
23 the impact

24 Q Did you take those photographs?

25 A Yes, sir, I did.

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1 Q Are they a fair and accurate depiction of the way
2 that scene looked on April 13?

3 A Absolutely.

4 Q Have they been changed or altered in any way?

5 A No, they have not.

6 MR. MATTHEWS: At this time the State
7 moves to introduce 11 through 18.

8 THE COURT: Any objection, Ms. Cooke?

9 MS. COOKE: No objection.

10 THE COURT: Okay. Without objection this
11 is 11 through 18?

12 MR. MATTHEWS: 11 through 18.

13 THE COURT: Is admitted -- are admitted.

14 (WHEREUPON, State Exhibits 11 through 18
15 were admitted into evidence.)

16 BY MR. MATTHEWS:

17 Q Lance Corporal Hice, I'm gonna refer to you now
18 as what's been marked as State's 19 through 25.
19 Could -- just run through these pictures and tell me
20 what these documents are.

21 A All right. Number 19 is a photograph showing
22 gouge marks at impact that was from the bike and the
23 vehicle at the scene on U.S. 521. 20, again, is
24 some more debris and the highway. You see some
25 gouges, some motorcycle parts, possibly some vehicle

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1 parts. Of course, again, this is the scene photos
2 at a tighter angle that was on U.S. 521. 21 is, of
3 course, the same. You can see some more debris,
4 some more directional type markings on the pavement,
5 and you can see the final rest of the bike at the
6 top of the photo as well. And 22, again, is some
7 more directional type evidence showing some more
8 debris and bike at the time of rest in the grass.
9 And number 23 is a shot of the intersection at
10 Dinkins Mill Road just off U.S. 521. Of course
11 there's a fire truck in the background which they
12 were there to assist with the scene itself to close
13 the roadway, but it's also photograph of a vehicle
14 part, looks like maybe a bumper cover or bumper, the
15 inside of a bumper. That would be between the frame
16 and the bumper shell of the vehicle possibly was
17 involved. And the, 24 would be a closeup of that
18 bumper shell, and 25 would be a closeup of that
19 bumper shell showing the actual part number that was
20 listed on that vehicle part.

21 Q Did you take those photographs?

22 A Yes, I did.

23 Q And are they in the same substantially similar
24 condition ---

25 A Absolutely.

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1 Q ---as when you first saw them?

2 A Yes.

3 Q Do they fairly and accurately depict the scene?

4 A Absolutely.

5 MR. MATTHEWS: Your Honor, at this time
6 the State moves to enter Exhibits 19 through 25.

7 THE COURT: Any objection?

8 MS. COOKE: No objection.

9 THE COURT: Without objection 19 through
10 25 are admitted into evidence.

11 (WHEREUPON, State Exhibits Nos. 19 through
12 25 were admitted into evidence.)

13 BY MR. MATTHEWS:

14 Q Lance Corporal Nix, I'm getting close to the end
15 here. I'm gonna show you now State's 26 through 35.
16 Can you tell us what those documents are.

17 A Okay. These photos were taken once the sun come
18 up so some daytime photos. Of course, when we
19 arrived on scene we did not leave. We stayed and we
20 were working until day light. So once the sun did
21 come up you can see the intersection better in day
22 light. I went around and took more photos of the
23 scene itself. This one is showing another photo of
24 U.S. 521 facing south towards Sumter showing the
25 direction and the skid mark of the bike, the

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1 motorcycle laying on the road just prior to impact.
2 The 27 photo is also the same photo, just a little
3 closer angle of that same skid mark on 521. And in
4 28, the same skid mark on 521, just at a different
5 angle. 29 is the end of that same skid mark in the
6 intersection and showing the area of impact and
7 gouging left by the motorcycle.

8 This is number 30, is a photograph taken of
9 U.S. 521 facing north so if I was standing in the
10 intersection I'd be had the camera facing toward
11 Camden on 521. And it shows a piece of evidence
12 that was in the roadway on the southbound lane. It
13 appears to be, if I remember correctly, a piece of
14 hair. 31 was a piece of evidence that was found off
15 the shoulder of the northbound lane. It's a vehicle
16 part of some sort, a black piece of plastic that was
17 in the, on the shoulder in the grass. And 32 is the
18 same piece of plastic in the grass. It's at a
19 different angle and it's also listed item number --
20 well, it's 14 is on the photo and paint. I'm
21 assuming that's gonna be an evidence marker for
22 that. And 33 is a same piece of plastic showing
23 the, where it was at in relative position to the
24 intersection and the roadway off the northbound
25 shoulder. And 34 was the piece of hair that was

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1 found in the southbound lane on 521 just taken at
2 the opposite angle. 35 is a closeup of that piece
3 of hair that was found in the lane of, on the
4 southbound lane of 521. That's it.

5 Q Did you take those photographs?

6 A Yes, I did.

7 Q Do they fairly and accurately depict the scene as
8 it appeared on that early morning?

9 A Absolutely.

10 Q And were they altered or changed in any way?

11 A No, they're not.

12 MR. MATTHEWS: Your Honor, at this time
13 the State moves to enter State's Exhibit 26 through
14 35.

15 THE COURT: Any objection?

16 MS. COOKE: No objection.

17 THE COURT: Without objection State's
18 Exhibit 26 through 35 are admitted.

19 (WHEREUPON, State Exhibits Nos. 26 through
20 35 were admitted into evidence.)

21 BY MR. MATTHEWS:

22 Q Finally, Lance Corporal, next I'm gonna show you
23 State's Exhibits 36 through 44 and an additional
24 item, State Exhibit 90. Could you tell us what
25 those documents are.

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1 A All right. This is a photograph of me standing
2 in the intersection just taking basically a random
3 360, one of the random 360 shots showing the
4 background of the actual road that we're at, Dinkins
5 Mill Road, and back of the stop sign and the county
6 road number sign on top of that stop sign. Also in
7 the photograph is Corporal Odonnell standing in the
8 background talking to, I believe that was one of the
9 homeowner there. The, 37 is basically pretty much
10 the same photograph, just taken at night. The 36
11 was taken during the day. 38 is a photograph of the
12 rear tire of the motorcycle that was involved in the
13 wreck showing a skid patch in the actual tire
14 itself. I mean, it's evidence that the motorcycle
15 did have heavy braking that eat through the rubber
16 of the tire down to the cordage that shows that it
17 was a heavy brake mark. And 39 is just a different
18 angle of that same tire and that same mark on the
19 tire. 40 is another picture of the left side, left
20 front of the motorcycle showing some more paint
21 transfer and paint differences on the bike itself.
22 41 is when we actually stood the bike up off the
23 ground on its wheels and took some overall profile
24 type shot of the front left of the bike. 42 is the
25 same -- well, it's a shot of the same bike except at

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1 a different angle on the right side while the bike
2 was upright and showing some damages on the bike.
3 43 was a shot taken while the bike was upright at a
4 low profile down the right side of the bike from the
5 front tire toward the rear showing the damage it
6 sustained during the motor, foot pegs, the muffler,
7 a radiator, and you can see the brake lines and
8 everything on this photograph. The, 44 is a standup
9 photo of the rear tire showing the skid patch on the
10 tire itself, and you can also see the chain, the
11 back of the exhaust of that bike. Of course, that's
12 when it was standing upright. And number, photo 90,
13 is a shot taken facing north on 521 of the final
14 rest of the driver of the motorcycle. Also some ---

15 Q Did you take those photographs?

16 A I'm sorry.

17 Q Did you take those photographs?

18 A Yes, I did.

19 Q Do they fairly and accurately depict the way the
20 scene was?

21 A Absolutely.

22 Q Have they changed at all?

23 A Not at all.

24 MR. MATTHEWS: Your Honor, at this time
25 the State moves to introduce Exhibit 36 through 44

1 and State's Exhibit 90.

2 MS. COOKE: No objection.

3 THE COURT: Without objection State's
4 Exhibits 36 through 44 and 90 are admitted.

5 (WHEREUPON, State Exhibits Nos. 36 through
6 44 and 90 were admitted into evidence.)

7 BY MR. MATTHEWS:

8 Q Now how long were you out there that night?

9 A I really, I don't know exact hours, but I would
10 guess at least six hours.

11 Q When you were there, you were there at least
12 until the morning, right, ---

13 A Right.

14 Q ---and took photographs?

15 A I was there until all the scene was completely
16 cleared 'cause, of course, we had to assemble all of
17 our gear and clean up. But both vehicles had been,
18 were removed -- well, excuse me, I'm sorry, the
19 motorcycle had been removed. All the debris had
20 been swept up, cleaned up, so we were one of the
21 last ones to leave.

22 Q And at any time that you were there did anyone
23 show up and claim responsibility for the accident or
24 attempt to render aid to the victim?

25 A No, sir.

1 MR. MATTHEWS: Just a moment please,
2 Judge.

3 THE COURT: Yes, sir.

4 MR. MATTHEWS: No further questions for
5 this witness, Judge.

6 THE COURT: Ms. Cooke.

7 MS. COOKE: No cross for this witness,
8 Your Honor.

9 THE COURT: All right, thank you. You may
10 step down.

11 Let me see the attorneys for just a
12 minute.

13 (WHEREUPON, counsel approached the
14 Bench for an off-the-record discussion.)

15 THE COURT: All right, ladies and
16 gentlemen, I kind of wanted to work on through lunch
17 but the attorneys want to give you a break and so
18 we'll take a lunch break now. I always warn jurors,
19 we got a lot of testimony this afternoon so it's
20 gonna be a long afternoon. Don't go out and eat a
21 really big lunch because what I'll have happen like
22 I did one time, as it went into the afternoon one of
23 the jurors started getting a bobbly head. I said,
24 all the jurors stand up and they, all but one stood
25 up. That juror was sound asleep. So I tell you,

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1 gonna be done in yellow, and our numbers that we do
2 just for the highway patrol would be done in the
3 white ones with the bar code.

4 Q Okay. So what was put in as number 17 but not
5 SLED number 17, the phone energy bumper ---

6 A Yeah, it would have item number 17 right here and
7 then the label that we do would have item number 17,
8 those are our labels that we do.

9 Q But you don't have any labels on those, on that
10 one, on that chain of custody?

11 A Yes, sir, I got -- yes, ma'am, I got 14, 15, 16,
12 17, 18 labels on this one sheet.

13 Q So it's copied in black and white then?

14 A Yeah.

15 Q And you took the foam energy bumper to the CEF?

16 A Foam energy bumper, foam energy bumper is number
17 17. Yes, ma'am, it was taken to CEF.

18 Q And number 105, the black pushpins was taken to
19 the CEF?

20 A 105, I don't have 105 up here. Black pushpins.

21 Q It might have been State 105. I know a bunch of
22 different numbers were used.

23 A Black pushpins number, item 14, was taken to CEF.

24 Q And the fender skirts you actually took to SLED,
25 number 19?

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1 A Number 19, fender, yes, ma'am.

2 Q And the blue lower bumper trim, there were three
3 numbers used for this. State 98, 109, and 20, you
4 took to SLED.

5 A Yes, ma'am.

6 Q And the blue bumper skirt, State 97, you took to
7 SLED?

8 A Yes, ma'am.

9 MS. COOKE: No further questions, Your
10 Honor. Oh, one more question, I apologize.

11 BY MS. COOKE:

12 Q Did you actually collect DNA from the body for
13 the blood card?

14 A No, ma'am, Doctor Ross did.

15 Q Thank you.

16 THE COURT: Any redirect from the State?

17 MR. MATTHEWS: Nothing on redirect, Judge.

18 THE COURT: Thank you. You may step down.

19 THE WITNESS: Thank you.

20 MR. MEADORS: Judge, may we approach.

21 THE COURT: You may.

22 (WHEREUPON, counsel approached the
23 Bench for an off-the-record discussion.)

24 THE COURT: Ladies and gentlemen, now's a
25 good time for a little refresher break so I'm gonna

1 send you back with instructions not to talk to each
2 other about this case or anyone else. If they want
3 a Co'cola or something like that, that's fine.
4 Thank you.

5 (WHEREUPON, the jury was removed from the
6 courtroom at 2:56 p.m.)

7 THE COURT: Court will be in recess for 15
8 minutes.

9 (WHEREUPON, a recess was taken from the
10 proceedings.)

11 (WHEREUPON, State Exhibit No. 110 was
12 marked for identification only.)

13 THE COURT: Anything before we bring the
14 jury back in?

15 MR. MATTHEWS: Nothing from the State,
16 Judge.

17 THE COURT: Ms. Cooke, anything we need to
18 bring up before we bring the jury in?

19 MS. COOKE: No, Your Honor.

20 THE COURT: All right, let's bring our
21 jury.

22 (WHEREUPON, the jury was returned to the
23 courtroom at approximately 3:16 p.m., and
24 the following proceedings commenced in
25 open court.)

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1 THE COURT: The State may call its next
2 witness.

3 MR. MATTHEWS: Judge, the State calls
4 Lance Corporal Ridgeway.

5 THE CLERK: Place your left hand on the
6 Bible, raise your right hand please. State your
7 name.

8 THE WITNESS: Brian Ridgeway.
9 WHEREUPON,

10 **BRIAN RIDGEWAY,**
11 having been duly sworn by the Clerk, testified
12 as follows:

13 THE CLERK: Thank you. Have a seat up
14 here please. Please state your full name, spell
15 your last name for the record.

16 THE WITNESS: Brian Clifton Ridgeway,
17 R-I-D-G-E-W-A-Y.

18 **DIRECT EXAMINATION**

19 BY MR. MATTHEWS:

20 Q Lance Corporal Ridgeway, can you tell us, tell
21 the Court a little bit about yourself, what you do
22 for a living.

23 A I'll start at the beginning. I pretty much grew
24 up in Blythewood, South Carolina, went to school in
25 Spring Valley, went in the marine corp after that.

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1 Got out marine corp in, January 1999 I started the
2 highway patrol, been doing that ever since. Came to
3 MAIT, which is our collision reconstruction unit in
4 October of 2009 and I've been doing that since.

5 Q What kinds of -- starting out with your training
6 for highway patrol what kinds of training did you
7 undergo to become a law enforcement officer with
8 highway patrol?

9 A I did five months at the highway patrol academy
10 which is at the Criminal Justice Academy in that
11 other than policies and procedures, just various law
12 enforcement procedures. Also did collision traffic
13 investigation and traffic law.

14 Q How much collision and traffic investigation
15 training did you do?

16 A Back then I don't know the exact hours for what
17 we did there. I know the legal section of it where
18 we went through traffic law and others was about
19 three weeks total; but up until 2009, I'd done just
20 over one thousand hours.

21 Q Of?

22 A Of training.

23 Q Of training in general?

24 A Yes, sir.

25 Q And when you became -- you said you worked at

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1 MAIT since 2009?

2 A Yes, sir.

3 Q So that's approximately six years now?

4 A It will be six years in October.

5 Q How many hours of training did you have to
6 undergo to become a MAIT officer?

7 A Currently just on collision reconstruction I'm at
8 just over 1200 hours.

9 Q 1200 hours?

10 A Yes, sir, I'm not sure the exact number.

11 Q Now this might be an unfair question but how, if
12 you could guestimate, how many accidents do you
13 think that you've investigated over the years?

14 A Well, I did the majority of my enforcement time
15 with Richland County which was high collision. I
16 averaged about 30 to 40 traffic collisions a month
17 in Richland County. That was for eight years. And
18 because I took two years off for a specialized
19 enforcement team on MAIT, I -- it's been a lot; I
20 don't know the number.

21 Q Would it be fair to say somewhere in the
22 hundreds, maybe even thousands?

23 A Oh, it's in the thousands.

24 Q Of number of wrecks and investigations?

25 A Yes, sir, almost 16 years.

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1 Q Have you testified about those wrecks in court
2 before?

3 A Yes, I have.

4 Q Have you ever been offered as an expert in
5 accident reconstruction?

6 A Yes, four times. The fourth time was actually in
7 this courtroom last month.

8 Q And what kinds of continuing education or
9 continuous certification do you have to undergo to
10 maintain your position?

11 A One of the requirements because I am ACTAR
12 accredited, and one of those requirements is that I
13 have to hit 80 hours in a five year period which you
14 pretty much do that really quickly of basically
15 continuing education credits. So ever year I do
16 attend at least two conferences for collision
17 reconstruction on MAIT. It's kind of dwindled down
18 but we do at least one advanced collision
19 reconstruction class. It's usually a 40 hour to an
20 80 hour course yearly. And I can tell you that
21 'cause I know this dealing with a motorcycle, I have
22 been through basic motorcycle reconstruction and two
23 advanced motorcycle reconstruction courses.

24 MR. MATTHEWS: Your Honor, at this time
25 the State tenders Lance Corporal Ridgeway as an

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1 expert in the field of accident reconstruction.

2 THE COURT: Do you request to voir dire
3 him?

4 MS. COOKE: No, Your Honor, no objection.

5 THE COURT: No objection. Ladies and
6 gentlemen, just like the other expert that we had,
7 he will be able to testify to opinions and
8 conclusions; however, it's up to you as jurors to
9 determine what weight you want to give it. All
10 right, thank you. You may proceed with the
11 questioning as I am going to deem him an expert in
12 accident reconstruction.

13 BY MR. MATTHEWS:

14 Q Now Lance Conrail Ridgeway, did you -- were you
15 still employed with highway patrol in April of 2013?

16 A Yes, sir, I was.

17 Q And did you investigate a wreck involving the
18 motorcycle and vehicle driven by Ms. Mesidor in
19 April of 2013?

20 A Yes, sir, I was part of the team at that time,
21 that disclosure.

22 Q Tell the Court a little bit about your
23 involvement, how you first became involved in that.

24 A Of course, I was off at the time that the
25 collision occurred so I got a phone call, left --

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1 got dressed, left my house, went to the scene and I
2 met Lance Corporal Nix at the scene. He was there
3 ahead of me. I had him walk me through the scene.
4 He was still relatively new to the MAIT Team at that
5 point so had him walk through, walk me through the
6 scene and show me different stuff that he'd found
7 and different stuff that the team supervisor had
8 shown him. He was also taking photographs when I
9 arrived at the scene so just to make that clear. So
10 he walked me through everything. I showed him
11 different photographs that he'd probably need to
12 take. Sergeant — or I'm sorry, Corporal Odonnell
13 arrived on the scene not long after I did and then
14 we just began doing, you know, what we're used to
15 doing at collision scenes.

16 Q Well, let's talk a little bit about that. What
17 the first thing you're looking for at a collision
18 scene?

19 A One of the first things we do is the walk
20 through. We want to get with the responding
21 officers 'cause usually they're there a good time
22 ahead of us because normally our collisions we are
23 getting woken up and having to drive out there and
24 cross other counties. So they're usually there
25 first. They usually have the most information or

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1 preliminary information, and we'll do a walk through
2 with them so we get a basic layout of the collision
3 scene. Then we always photograph. We usually video
4 unless it's a really dark night time scene, then we
5 may not video that. And we complete a mapping of
6 the scene, also document and record any evidence.

7 Q So what kinds of things are you looking for in
8 terms of mapping the scene?

9 A As far as mapping the scene it's -- and the
10 evidence comes into that because we always map the
11 evidence as well. But I mean, just general layout
12 of the roadway 'cause we're gonna be mapping the
13 roadway and we'll be mapping the evidence, where it
14 lies. And we usually like to try to do that before
15 it's collected as well so we get the exact location
16 of everything.

17 Q In terms of determining what happened in an
18 accident, what are you looking for on the roadway as
19 far as marks on the roadway?

20 A In determining what happened in the collision
21 we're normally looking for things like skid marks,
22 gouges, debris builds, paint transfer areas, cloth
23 transfer areas any time you're dealing with a
24 motorcycle or a pedestrian. Pretty much all of that
25 stuff gives us the direction of travel for the

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1 different units involved.

2 Q Now you said you mentioned you were looking for
3 skid marks. Did you find any skid marks in this
4 investigation?

5 A Yes, sir.

6 Q Would you recognize photos of those skid marks if
7 you saw them here today?

8 A I would.

9 MR. MATTHEWS: Your Honor, I'm — request
10 permission to approach Corporal Ridgeway with
11 State's Exhibits 2 through 4, already been admitted.

12 THE COURT: You certainly may.

13 BY MR. MATTHEWS:

14 Q Lance Corporal Ridgeway, can you tell us what's
15 depicted in those photos?

16 A Yes, sir. On Exhibit 2 it's a pre-impact tire
17 mark leading up to approximately the area of impact.
18 And it's the same mark, just a closer view on
19 Exhibit 3. And again, on Exhibit 4.

20 Q Now were those skid marks significant in your
21 analysis of this case?

22 A Yes, sir, it is. They allow us to determine the
23 direction of the vehicle. Some cases, depending on
24 the length of the marks and the number of the marks,
25 it allows us to determine, you know, which brakes

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1 are exactly being used, especially when it comes to
2 motorcycle collisions. The length helps us
3 determine a rough estimate of speed.

4 MR. MATTHEWS: Your Honor, at this time we
5 ask that Lance Corporal be allowed to step down and
6 publish these items to the jury.

7 THE COURT: They're in evidence. He may
8 step down. Please speak up so everyone can hear
9 you.

10 THE WITNESS: Yes, sir.

11 BY MR. MATTHEWS:

12 Q, Starting with State's Exhibit Number 2.

13 (Exhibit shown on Elmo.)

14 BY MR. MATTHEWS:

15 Q Can you tell us a little bit about this photo and
16 what the jury is seeing with this photograph.

17 A Yes, sir. This was Exhibit 2, I believe, and
18 this is the tire mark right here that pre-impacted
19 tire mark, skid mark.

20 Q Now what are those orange little dots right
21 there?

22 A That is in case we have to come back and do
23 anything at the scene later. Tire marks do tend to
24 degrade, especially with heat and other traffic.
25 It's hard to do that in paint so that way we can

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1 always get further measurements if we need them.

2 Q So that's your attempt to measure how long that
3 skid mark is?

4 A This is actually the attempt to record that
5 evidence to extend it for a little bit longer.

6 Q Now switching to State's Exhibit 3, can you
7 explain kind of what that is?

8 A Again, that's just a closer view of pre-collision
9 tire marks leading up to area of impact.

10 MR. MATTHEWS: Judge, is it all right if
11 we keep Corporal Ridgeway down here to continue?

12 THE COURT: That's fine.

13 BY MR. MATTHEWS:

14 Q I'm gonna show you what's been marked as State's
15 Exhibit Number 5 and entered in evidence. Can you
16 tell us what that depicts.

17 A Yes, sir. This area right here is the gouging
18 caused by the motorcycle coming about the area of
19 impact.

20 Q And why is that significant to your analysis?

21 A It let's us know that the motorcycle was laid
22 down on its side at the time it was striking the
23 vehicle.

24 Q Showing you now State's ---

25 A Also has --- I'm sorry. It's a --- you can see the

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1 path that the rider took. I don't know if it shows
2 up on there. It's just kind of a darker area right
3 here. This area runs right here. It's left by the
4 rider so we can tell that he was, he wasn't upright
5 on the motorcycle even up to this ---

6 Q He slid down on the roadway?

7 A Yes, sir.

8 Q And is that light part of where the deceased body
9 was?

10 A It is.

11 Q Could you tell us, showing you now Exhibit Number
12 6, can you tell us what that is.

13 A That is a closer view of the last photograph,
14 just a little bit further up. This is going to be
15 roughly the area of impact at the rear of the
16 suspect vehicle.

17 Q And why is that significant?

18 A You can see it's gouging -- it's kind of hard to
19 see on here -- but you can tell on the photograph
20 itself, it's a little deeper than what you would
21 normally, you know, your normally gougings are kind
22 of like metal scraping along the top of asphalt.
23 This one would be in deeper. You can tell that it's
24 having some pressure applied on top of it to kind of
25 drive that motorcycle into the asphalt, and it's

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1 gouging it out a little bit deeper.

2 Q And finally, showing you State's Exhibit Number
3 8, what is that a depiction of?

4 A It's another gouge mark.

5 Q Is that a closer up view?

6 A Yes, that's a closer view of the last one.

7 Q Okay. Back away a little bit, look at the scene
8 from a different angle, what does this photograph
9 depict in State's Exhibit Number 11?

10 A Okay, I'm trying to look at it upside down.

11 Q That's all right.

12 A Of course this will depict the direction of
13 travel for the motorcycle be coming up this way that
14 is toward Sumter. That's the final resting position
15 of this motorcycle. It would have been left-hand
16 shoulder.

17 Q Now showing you State's Exhibit 12, can you
18 explain to the jury what State's Exhibit 12 is?

19 A Yes, sir. This is actually the victim's
20 motorcycle at final rest. It kind of shows the area
21 that the motorcycle impacted with the vehicle. It
22 shows the damaged area and it also shows what is not
23 damaged which is also important.

24 Q Now would that have been the side of the
25 motorcycle that skidded down on the roadway —

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1 A Yes.

2 Q ---we're talking laying it down?

3 A Yes, the left side is beside that laying down in
4 the roadway prior to colliding with the vehicle.

5 Q Now showing you State's Exhibit 13, what is that?

6 A This is the, should be the left-hand fairing.
7 It's got all the motor fluids on it and you can
8 show, for lack of better term, the road rash called
9 on that fairing.

10 Q And Exhibit number 18?

11 A And that is the right side of the motorcycle and
12 it looks like the right side. And can I come around
13 so I can see it right side up?

14 Q Sure.

15 A Yes, that should be the right side of the
16 motorcycle with the fairing damaged.

17 Q Now entitled exhibit side of the motorcycle that
18 was not on the skidded up again, the grounds wasn't
19 dragged on the pavement?

20 A Correct.

21 Q Item number 26, could you explain to the jury
22 what this is a depiction of?

23 A In this photograph, again, if this is just a
24 daytime photograph of, I think, the first picture we
25 showed which was exhibit 2. This is the.

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1 pre-collision tire mark here and to give you the
2 basic four way intersection here. This picture is
3 also depicting how we mapped the scene using these
4 cones.

5 Q Tell us a little bit about mapping the scene.
6 What do you do about that?

7 A Any time we come out to a collision we want
8 highly precise measurements of this collision. The
9 most accurate way and quickest way -- well,
10 sometimes not the quickest way, depending on how big
11 your scene is, but usually if you choose a total
12 station which is -- it's what you would see like, if
13 you see like a DOT crew on the side of the road and
14 you got a fella looking through the eye hole and you
15 got another one holding the pole, it's the same type
16 of machine. But it basically measures, a laser, and
17 it goes between the operator and what we term is an
18 architect. Like in this photograph, everybody else
19 was doing scene work so my architect were these
20 little orange cones which are four inches high.
21 That not only gives us the horizontal and vertical
22 measurements, but it also gives us the Z access so
23 we had the elevation measures so we can bring
24 everything in 3-D. It's more precise than what you
25 would use per tape measure. Last time -- this

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1 machine is accurate to a quarter of inch at a
2 thousand feet so that's better than we can get with
3 a tape measure. A tape measure, you got to make
4 sure you're exactly 90 degrees off your baseline;
5 it's human error in that. This machine, we don't
6 have that problem so.

7 Q So these measurements are about as precise as you
8 can get?

9 A Yes.

10 Q And that you make those measurements to determine
11 what happened in the accident?

12 A Well, it's to help us determine. We make most of
13 these measurements so we can create a visual
14 depiction of the scene that is in an accurate
15 depiction; that's why it's called a mapping. But
16 it's also, like for the skid marks, we're able to
17 get the exact length of those skid marks 'cause they
18 do curve as you can tell in this photograph. So if
19 you were to take a tape measure and just do a
20 straight line, that's gonna be a different
21 measurements than if I measure each one of these
22 points and get that curve, it gives me exact
23 measurement.

24 Q And could those measurements then later be used
25 to create a simulation?

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1 A Yes.

2 Q So you would then use the mapping that you talked
3 about creating with this to transfer someone else to
4 make a simulation with?

5 A Correct. That is actually just a three
6 representation of our 3-D CAD that we create with
7 these map forms.

8 Q Just quickly, what direction is this photo
9 facing? Is that going south towards Sumter or the
10 opposite way north towards Rembert?

11 A This photo right here, it should be going towards
12 Sumter.

13 Q Now speaking of north towards Sumter, or sorry,
14 south toward Sumter, north towards Rembert, were you
15 able to locate identifying evidence headed north
16 toward Rembert?

17 A Yes. As we were actually confuting with the edge
18 of the mapping Corporal Odonnell had located, I
19 believe, some hair that was located going back
20 towards Rembert and asked me to come over and
21 preliminarily identify it to make sure it belonged
22 to the scene.

23 Q Showing you now State's Exhibit Number 34, what
24 does that depict?

25 A That was that section of hair that we found that

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1 was going back the direction that the motorcycle
2 would have originally been traveling.

3 Q So this would be heading north towards Rembert

4 ---

5 A Yes.

6 Q ---not south towards Sumter?

7 A Correct.

8 Q So the hair was left by someone traveling north?

9 A Correct.

10 Q And what were you able to determine where that
11 hair come from?

12 A It would match consistency with the victim.

13 Q Okay. But did you do any analysis or forensic
14 testing on it?

15 A I'm not sure what all was submitted to SLED for
16 analysis; I didn't handle that part.

17 Q Could you tell us what that, State's Exhibit
18 Number 31, what that shows and roughly where that
19 was located, if you recall.

20 A I don't recall by this photograph exactly where
21 it was. I have to look at the sketch where the
22 evidence points on it. It's obviously an automotive
23 piece.

24 Q Well, let me show you this photograph, State's
25 Exhibit 33. Now were you able to tell where that

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1 item is located?

2 A Yes, that is right here in the grass which is the
3 right shoulder if you're traveling north on 15, and
4 it is just north of the collision scene.

5 Q Okay, so this would also be the direction that
6 hair ---

7 A Yes.

8 Q ---went as the car involved in the wreck
9 traveling north towards Rembert?

10 A Correct. Correct, the evidence should not be
11 nor--- it wouldn't have gone north from the
12 collision, if that's what you're trying to ask.

13 Q Yes, if it was coming the opposite direction
14 after leaving the collision scene?

15 A Yes. The evidence would have continued on the
16 direction, the motorcycle parts and all that would
17 have continued the direction that the motorcycle
18 originally would go; it wouldn't go backwards.

19 Q So you're saying that item right there and then
20 the piece of hair couldn't have come from the
21 motorcycle because they would have been further down
22 the road?

23 A Exactly.

24 Q So these items, the hair, and the piece of metal
25 there had come from the vehicle involved in the

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1 collision?

2 A Correct.

3 Q Tell the Court what Exhibit 35 is.

4 A 35, I have to look at the note. I can't tell if
5 that's -- by this photograph it looks like maybe a
6 piece of fabric.

7 Q Is that a piece of the hair?

8 A It may be a piece of hair. I can't tell on this
9 photograph. I'd have to match it up with the sketch
10 for evidence point number 12.

11 Q Now showing you what's previously been entered as
12 State's Exhibit 38, please tell the jury what
13 they're looking at here and why this is significant
14 to you?

15 A This is actually the rear tire of the motorcycle
16 as it laid at final rest. We didn't have to
17 manipulate it any to see this. And you can clearly
18 see where, I mean, this was very heavy braking on
19 the part of this. And it actually eroded the rubber
20 down to the nylon bands up underneath the rubber so
21 that allows us to be able to determine that he was
22 on his rear brake, and he was on his rear brake hard
23 before the collision.

24 Q So is that where that long skid mark that we've
25 shown already, is that where that came from?

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1 A Yes, this would have been caused by that tire
2 mark, that long pre-collision tire mark.

3 Q Showing you now item, sorry, Exhibit 44, tell us
4 what that depicts.

5 A That's another view, but now we have the
6 motorcycle standing up.

7 Q So that, basically that back tire freezes in
8 place when the brake is put on?

9 A Correct. That back tire is no longer able to
10 roll. And it just slides along and it -- on some
11 that are further distance than this, I believe this
12 was a fairly short distance pre-collision tire mark.
13 You can actually see the black spot on this one,
14 just rubbed it down to those nylon bands.

15 Q Now why is a pre-collision tire mark significant
16 to you or short pre-collision tire mark?

17 A It allows us to be able to determine in
18 conjunction with the other evidence the damage on
19 the vehicle and any post-collision sliding,
20 flipping, gouging. It helps us to determine a rough
21 estimate on that speed.

22 Q Now just speaking in generalities, if someone is
23 going faster is the skid gonna be longer or shorter?

24 A It's gonna be longer. And you're also gonna --
25 into that you're also gonna have heavier damage to

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1 the vehicle and longer post-impact travel distances.

2 Q And so in this case, considering the length of
3 the skid that you measured in this case, what did
4 that indicate to you about speed?

5 A Everything in this collision seemed to be a
6 around speed limit, probably lower.

7 Q And why do you say that?

8 A I work wrecks -- I've worked a lot of motorcycle
9 wrecks and I specifically remember working one with
10 a, it was a motorcycle that hit a truck, and it
11 actually spun the truck completely off the road into
12 the ditch on the other side of the road so it was a
13 900 pound motorcycle moving a 5800-pound truck,
14 which is hard to do. You have to get your speed up
15 in order to do that cause the weight can't do it.
16 And that one was around 80 miles an hour calculated
17 on that one. I've seen other motorcycles that are,
18 we calculate it to be very slow and don't have a lot
19 of damage. It's the same as what we saw in this
20 collision.

21 Q Now in addition to that skid mark analysis, what
22 else is there about the scene that would lead you to
23 believe that speeds were relatively low?

24 A In addition, again, the damage at the scene
25 itself is the post-impact travel. There wasn't a

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1 lot of damage done to the motorcycle. And we,--
2 once we were able to identify the vehicle we could
3 match up why that was; but even after the collision,
4 it didn't go far.

5 Q You mean the motorcycle ---

6 A The motorcycle didn't go far. You also don't
7 have a very drastic change in direction. You don't
8 have a motorcycle coming in very fast. And again,
9 change direction and going off, you know, 300 feet
10 in about 45-degree angle or something. It pretty
11 much continues on about what the original path was.
12 It's just redirected a little bit to the left and
13 that's because the other car when it's hitting it,
14 it's pulling it so it pulls it off the line and
15 that's why it's coming to rest over there on that
16 left shoulder of the roadway.

17 Q Were you able to tell anything about the other
18 car and how pulling that off its line so to speak,
19 that what that can tell you about the speed?

20 A What we were able to determine, we don't have
21 any -- from this one we didn't like the one I was
22 saying the truck, you know, we had scuff marks from
23 the tires of the truck. This one there are no scuff
24 marks from another vehicle out there. So it's not
25 like we have this example of this, you know,

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1 relatively light weight motorcycle having enough
2 force at impact to pushed the car off. Again, you
3 can't change the weight of the motorcycle so you
4 have to change the velocity, to have get that
5 velocity up higher to create the force strong enough
6 to push that car and it just didn't happen. So the
7 velocity and the weight have to be considerably
8 lower than what the car is. There's no evidence
9 that it changed the direction of the vehicle any
10 significant amount to leave evidence on the roadway.

11 Q Thank you, Lance Corporal. You can re-take your
12 seat on the witness stand. Now Lance Corporal
13 Ridgeway, you mentioned using mapping software
14 putting out those cones to measure things. How did
15 you then use the data that from those methods, how
16 did you utilize that data?

17 A Basically that data comes in, we have the total
18 station that I described and then it comes into a
19 data collector which is a hand held unit that we're
20 allowed to code those points. That captures all of
21 the point data and we bring it back to my office,
22 plug it into my computer, and we download that data
23 into a program which is visual statements edge
24 effects. It's a 3-D CAD diagram program. So it
25 brings in like, when we had the cones, each one of

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1 those cones is a point and we're coding that cone
2 like each cone on that white line is a -- it's F-L
3 point, it's the fog line. So each point that has
4 the same code, it's basically connect the dots.
5 It's drawing a straight line in there at the, at any
6 curvature that the roadway identifies. So we bring
7 it into the edge FX program and it basically pretty
8 it up. You know, we add the roadway grading to it.
9 Also any grass, any other tertiary objects. I
10 believe this one we added a house, the two vehicles
11 that were in front of the house at the time of the
12 collision, and all the evidence.

13 Q And is that, is that simulation or computer
14 perhaps able to create, I guess, a diagram or a
15 finding of what happened?

16 A Yes, it creates a, the map of that area.

17 Q And is that map drawn to scale?

18 A Yes, it is exactly to scale.

19 Q And all of the findings in that program are also
20 to scale?

21 A Yes, sir, everything is to scale.

22 Q And did you create a report or a finding for this
23 case?

24 A Yes. We generally create four different CAD
25 views; sometimes it may be five.

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1 Q Would you recognize a copy of those views if you
2 saw them here today?

3 A Yes, I would.

4 MR. MATTHEWS: Your Honor, I'm showing
5 Ms. Cooke what's been marked as State's Exhibit 110.

6 THE COURT: Any objection, Ms. Cooke?

7 MS. COOKE: No objection, Your Honor.

8 THE COURT: Without objection State's
9 Exhibit 110 is admitted.

10 (WHEREUPON, State Exhibits No. 110
11 was admitted into evidence.)

12 BY MR. MATTHEWS:

13 Q Now tell the jury, if you would, what exactly
14 your findings show from that diagram.

15 A This first one which is entitled roadway, that
16 would be what we would use to show the roadway
17 without any vehicles, without any evidence on it,
18 just a roadway as it would have been prior to the
19 collision.

20 Q And if you turn the page what's the second page
21 depict?

22 A The second one would be pre-impact. That just
23 shows the, basically the direction of that the
24 impacting vehicles were traveling prior to the
25 collision.

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1 Q And when flipping to the third page what does
2 that show?

3 A Third page would be the impact. That is showing
4 what the evidence identified as the collision
5 sequence.

6 Q And flipping to the fourth page what does that
7 show?

8 A Fourth page would be the evidence and final rest
9 layer. That basically shows where all the evidence
10 was and where the vehicles ended up.

11 MR. MATTHEWS: Your Honor, at this time we
12 request permission for Lance Corporal Ridgeway to
13 publish this report to the jury using the Elmo.

14 THE COURT: It's in evidence. You may
15 publish it.

16 BY MR. MATTHEWS:

17 Q Show the jury the first page, just describe
18 generally what you just described to me and how this
19 is, what this is showing.

20 A This is the roadway layer of the CAD. It's
21 showing everything here is directional so we have
22 north, north, east, south and west. It is to scale.
23 This one is at 0 to 100 scale so every one inch
24 equals one hundred feet. It's showing the
25 direction -- or this is actually the intersection.

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1 We have the -- I can't remember if it was a trailer
2 or house, but it did have two vehicles outside along
3 with like a pump house so that's also documented on
4 there.

5 Q To your knowledge is that the house Mr. Ikner
6 lived in?

7 A Yes, that was the house that somebody had called
8 in saying that the witness lived at.

9 Q So just telling us the direction here, this long
10 road going traveling diagonally on the page, is that
11 521?

12 A Yes. That's 521 and this is Dinkins Mill.

13 Q Okay. So that will be Dinkins Mill going west to
14 east and 521 going north to south?

15 A Yes, that here 521.

16 Q Flipping to the second page. Can you tell the
17 jury a little bit about what this page shows.

18 A Yes. This is the pre-impact of the CAD. That's
19 basically showing the direction of the vehicles,
20 showing this blue vehicle right here, basically
21 traveling easterly direction. The motorcycle, it's
22 kind of hard to see on this one. It's not digital
23 but this right here is the motorcycle at its
24 pre-collision point showing the direction of travel
25 going in the southern direction here.

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1 Q Switching to page number 3. Would you tell the
2 jury what this page shows.

3 A Yes. This is the impact layer of the CAD.
4 Again, originally we had this blue vehicle here.
5 It's showing the blue vehicle crossing the roadway.
6 Originally we had the motorcycle traveling in the
7 southern direction. This area, it's kind of red
8 shave right here, this is actually where that tire
9 mark that was in the photograph is that begins
10 approximately right here, ends right here at around
11 the edge of that yellow line. We had some gouging
12 leading then so that also gives us direction that
13 the vehicle was coming in to striking the blue
14 vehicle.

15 Q And ---

16 A I'm sorry, the 3-D view you say basically
17 represents where that motorcycle struck the blue
18 vehicle along with the rider striking around this.

19 Q And what side of the car is that that the rider
20 striking?

21 A The left side.

22 Q Is that the back or the front?

23 A Front is right here. This is the rear of the
24 car, left rear tire, and left rear brake light.

25 Q Finally showing you final page, final rest, what

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1 does this page show?

2 A Here we have the -- this is the evidence of final
3 rest layer. So we have the evidence which is the
4 tire mark coming right through here. We have the
5 final rest of the victim where he ended up after the
6 collision. And because that is such a smaller, I
7 mean, again, it is to scale when we fit this on a
8 page so that box was added out here so you can see
9 the 3-D representation of where the victim ended up
10 and the white area right here is actually the final
11 resting position of that motorcycle.

12 Q And to your knowledge were your findings and your
13 data subsequently used in a simulation by Corporal
14 Sisler?

15 A Yes.

16 Q And used basically the same software that you
17 used?

18 A Yes, he -- I actually trained him on how to use
19 that software.

20 Q You can have a seat one more time.

21 A Yes, sir.

22 Q Now Corporal Sisler, you're talking -- I'm sorry,
23 Lance Corporal Ridgeway, you're talking about the --
24 this being kind of small demonstration. Would you
25 recognize a larger copy, a larger map of the area if

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1 you saw it?

2 A Yes, sir.

3 MR. MATTHEWS: Your Honor, may I approach?

4 THE COURT: You may.

5 MR. MATTHEWS: I'm showing Ms. Cooke
6 what's been marked as State's Exhibit 87 and 86.

7 BY MR. MATTHEWS:

8 Q Lance Corporal Ridgeway, I'm slow requesting
9 what's been marked as State's Exhibit 87. Could you
10 tell us ---

11 MS. COOKE: Is that for duplication or
12 demonstrative.

13 THE COURT: I think he's getting him to
14 ---

15 MR. MATTHEWS: I'm getting into it now.

16 THE COURT: ---at this point.

17 BY MR. MATTHEWS:

18 Q Marked for I.D. at this point, can you tell us
19 what this is a depiction of.

20 A It's 521 at Dinkins Mill.

21 Q Actually I think it's flipped upside down. Is
22 that -- you still recognize that as being the
23 intersection?

24 A Yes.

25 Q And which direction, which is this road right

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1 here?

2 A That's 521.

3 Q Is the other road going through Dinkins Mill?

4 A Yes, sir.

5 Q And is this a fair and accurate representation of
6 the scene?

7 A Yes, sir.

8 Q Is this a fair and accurate representation of the
9 scene as it was on April 13th or the layout as it
10 was on April 13th?

11 A Yes, sir, it is.

12 Q And has this been -- would this help to aid and
13 illustrate your testimony to the jury?

14 A It could. I believe it would supplemented the
15 map CADs.

16 MR. MATTHEWS: Your Honor, at this time
17 the State moves to enter Exhibit 87 into evidence.

18 THE COURT: Any objection?

19 MS. COOKE: Your Honor, I don't have an
20 objection to it being used as demonstrative
21 evidence. I don't believe demonstrative evidence
22 comes in as an exhibit.

23 THE COURT: They're asking for it to be
24 placed into evidence. Do you have any objection to
25 it being placed into evidence?

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1 MS. COOKE: I don't think the correct
2 witness was used to lay the foundation for that, but
3 it's fine.

4 THE COURT: I'm gonna let it in; it's a
5 Google map. Number 87 is admitted into evidence and
6 may be published to the jury.

7 (WHEREUPON, State Exhibit No. 87
8 admitted into evidence.)

9 BY MR. MATTHEWS:

10 Q May I direct your attention to number 87 -- or
11 I'm sorry, 86, this one. Can you tell us what this
12 depicts here.

13 A It's the same view as before. It's just zoomed
14 out a little bit further and gets more of the area
15 and the adjoining roads.

16 Q Now is that a fair and accurate representation of
17 the way the layout of those roads looked on
18 April 13th, 2013?

19 A Yes, sir. I don't believe anything has really
20 changed over there.

21 Q And would it help you to aid and illustrate your
22 testimony to the jury?

23 A Yes.

24 MR. MATTHEWS: Your Honor, at this time
25 the State moves to enter State's Exhibit 86.

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1 THE COURT: Any objection?

2 MS. COOKE: No, Your Honor.

3 THE COURT: Without objection State's
4 Exhibit 86 is admitted.

5 (WHEREUPON, State Exhibit No. 86 was
6 admitted into evidence.)

7 MR. MATTHEWS: Your Honor, may we publish
8 this to the jury.

9 THE COURT: You may publish.

10 BY MR. MATTHEWS:

11 Q Lance Corporal Ridgeway, if you can step down one
12 more time.

13 A (Complies.)

14 Q Now using the computer on these, could you tell
15 the jury basically what your opinion of how the
16 accident occurred, starting with, you know, the
17 positions of the cars and which direction they
18 traveled.

19 A Okay. Again, this is just a little bit more
20 blown out view of the map that we went through
21 earlier. Got 521 south, 521 north. This is Dinkins
22 Mill Road right here, and this will be the
23 intersection of the collision. You know, we had the
24 motorcycle traveling southbound as evidenced by the
25 evidence left on the roadway. And as evidenced by

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1 the evidence left from the suspect vehicle, that
2 vehicle crossing from Dinkins Mill going across 521
3 in the direction of ---

4 Q And you mentioned evidence being found further up
5 521 going north.

6 A Correct.

7 Q What, in your opinion what happened, how did that
8 evidence end up there?

9 A It had to be transferred from the suspect
10 vehicle. I mean, it can't come from the collision
11 itself.

12 Q So what would the suspect vehicle had to have
13 done to subsequently go in that direction?

14 A It would have had to change its direction of
15 travel from going across whether it would be through
16 a U-turn or backing up. I really think it's backing
17 up because you had the suspect or victim's body
18 laying right there but somehow it changes direction
19 from going across this way to going back up to this
20 road.

21 Q So in your opinion the suspect vehicle crossed
22 and then did a U-turn and then turned back up
23 towards 521 north?

24 A Or some other turning movement, change of
25 direction. I don't know whether was a U-turn or

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1 three point turn or what it was, but it's obvious
2 that the direction changed from going in this
3 direction to going back up north.

4 Q And is that consistent with the evidence that you
5 found at the field, I mean, at the scene?

6 A Yes.

7 Q Now using a little bit blown up picture, if you
8 could just illustrate to the jury with a closer up
9 view the explanation you just gave me.

10 A That same thing. It's a little bit tighter view.
11 You got 521 and looks like Dinkins Mill right here.
12 I'm trying to get going from picture to picture.
13 You got north, south, looks like vehicle coming
14 across right in this direction. Again, motorcycle
15 coming down through here. Final rest of the
16 motorcycle would have been about right in this
17 direction. I know that bumper cover was right over
18 here on this side of the roadway, and that hair
19 would have been right around this area. And again,
20 that bumper would have been over here.

21 Q So again, could you explain where the cars came
22 and where they, where the suspect vehicle ultimately
23 left?

24 A Motorcycle traveling south would have been
25 traveling south along 521 here. And the blue Impala

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1 would have been traveling kind of in a easterly
2 direction across Dinkins Mill, across 521.

3 Q And then subsequently going which direction?

4 A And then based on the post-collision evidence
5 being over here would have been going back
6 northbound on 521.

7 Q Thank you. I may have just a few more questions
8 for you.

9 A Yes, sir.

10 Q Lance Corporal Ridgeway, if you will take your
11 seat one more time. I'm just gonna clear one last
12 point. You were talking earlier about speed of
13 these vehicles and you said that the higher the
14 speed the longer the skid mark would be. Was that,
15 was that correct?

16 A It all ties in together. I mean, the higher
17 speed you can have a short skid mark but you're also
18 gonna have a longer post-impact at that point along
19 with heavier damage. It all depends on the
20 perception time of, you know, you've got to see a
21 hazard. You got to recognize a hazard and then you
22 got to tell your foot to come off the gas and go to
23 the brake and all that takes some amount of time so
24 you could have a very short threat coming at you
25 from the side or you can see a threat coming from a

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1 long time, have a longer skid mark. But of course,
2 if you have a longer skid mark, then your generally
3 gonna have -- at higher speeds -- you're gonna have
4 less damage to the vehicles and a less post-impact
5 travel.

6 Q Now, on based on the evidence you gathered in
7 this case, in your opinion was the, first of all, do
8 you know, what was the speed limit on that road?

9 A 55.

10 Q And was the motorcycle traveling less than speed
11 limit or greater than speed limit?

12 A I'd say I wouldn't put it any greater than.

13 Q So maybe around ---

14 A If anything, he was traveling less than.

15 Q And what about the blue Impala?

16 A Say roughly just normal acceleration across the
17 roadway.

18 MR. MATTHEWS: No further questions for
19 this witness, Judge.

20 THE COURT: All right. Do you need a
21 break? We've been in here an hour. A break before
22 we do cross? Do you want to?

23 MS. COOKE: I would, Your Honor, thank
24 you.

25 THE COURT: Ladies and gentlemen, we'll

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1 take a ten minute recess before cross-examination
2 begins.

3 (WHEREUPON, the jury was removed from the
4 courtroom at 4:06 p.m.)

5 THE COURT: Court will be in recess for
6 ten minutes.

7 MS. COOKE: Your Honor, before the jury
8 comes back in I want, I would like to take something
9 up with you and Mr. Matthews.

10 THE COURT: Okay, very good.

11 (WHEREUPON, a recess was taken from the
12 proceedings.)

13 (WHEREUPON, State Exhibit No. 111 was
14 marked for identification only.)

15 (WHEREUPON, counsel approached the
16 Bench for an off-the-record discussion.)

17 THE COURT: Anything else before we bring
18 the jury in?

19 MR. MATTHEWS: Nothing from the State,
20 Your Honor.

21 MS. COOKE: Nothing from Defense.

22 THE COURT: Let's bring the jury in.

23 (WHEREUPON, the jury was returned to the
24 courtroom at approximately 4:23 p.m., and
25 the following proceedings commenced in

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1 open court.)

2 THE COURT: Ms. Cooke, you may proceed
3 with your cross-examination of the witness.

4 **CROSS-EXAMINATION**

5 BY MS. COOKE:

6 Q Lance Corporal Ridgeway.

7 A Yes, ma'am.

8 Q You calculated speed for the motorcycle, correct?

9 A No, I did not.

10 Q I'm sorry, you didn't calculate speed for the
11 motorcycle but ---

12 A No, ma'am.

13 Q But you took the motorcycle reconstruction
14 collision courses and are familiar with the
15 equations?

16 A Yes, ma'am.

17 Q And you testified that the motorcycle is going to
18 be at an angle or likely under?

19 A Yes, ma'am, I'd say around it based on the
20 distances for the pre and post-impact.

21 Q And the total station, that doesn't do
22 calculations for speed for you, you have to do
23 those?

24 A No, no, that's just a measurement device.

25 Q And there was a speed calculated when the rear

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1 wheel popped up and left that mark on the road? For
2 a motorcycle reconstruction?

3 A I'll have to check. I didn't calculate one, no.
4 I just know the distances but I think there was, may
5 have been one calculated, yes.

6 Q But the combined speed equation would have
7 included a speed from that tire mark left on the
8 road?

9 A Is that a combined speed equation?

10 Q The combined speed equation would have included a
11 speed from that tire mark?

12 A I would assume it probably be the pre-collision
13 and the post-collision, yes.

14 Q And generally, from your motorcycle
15 reconstruction collision courses, the rear tire
16 accounts for about 40 percent braking, 35,
17 45 percent of braking?

18 A It would be on the lower end. The front tire has
19 more braking than the rear tire does.

20 Q So that would leave most of the braking for the
21 rear tire, is what you just said, right?

22 A On this one it appears most of the braking was
23 done by the rear tire because of that contact patch
24 that was worn into it, yes.

25 Q Okay. Well, actually, a percent of the

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1 40 percent was assigned to the rear tire brake both
2 in this reconstruction wasn't it?

3 A Yes, ma'am.

4 Q So that would leave 60 percent for the front
5 tire?

6 A Yes, ma'am.

7 Q And that wasn't accounted for because there
8 weren't any marks on the road for the front tire,
9 right?

10 A Correct, there was no evidence of the front tire
11 locking.

12 Q So any loss of energy or speed for the front tire
13 locking wasn't accounted for in the equation?

14 A It wouldn't be 'cause there's no evidence that
15 the front tire was contributing to any loss in that
16 speed.

17 Q But in the advance class which you stated you
18 took about the motorcycle reconstruction collision,
19 isn't it possible to substantially apply part of the
20 front brake without leaving a mark on the road?

21 A I wouldn't say substantially. You could apply a
22 little bit of force to the front brake without,
23 without that tire locking, and it apply some force
24 to slowing the vehicle down.

25 Q And that's why you report it at a minimum speed

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1 because the speed is actually higher?

2 A Correct.

3 Q And wouldn't speed also be lost, that it's very
4 difficult to calculate when a motorcycle hits the
5 car also?

6 A If you have enough factors, but yes, it's gonna
7 lose -- I mean, naturally it's gonna lose some
8 energy in that collision.

9 Q And there was -- so there was some speed loss by
10 the damage done to the car?

11 A Yes.

12 Q And some speed loss by the damage done to the
13 motorcycle?

14 A They kind of work together at that point, but
15 yes, there will be some speed loss through that
16 event.

17 Q And then as the vehicle separating, move to their
18 final resting positions, there's also some speed
19 loss there?

20 A Yes, ma'am, the post-collision distance.

21 Q So there were at least two out of four energy
22 losses that are missing in this equation because
23 they're difficult to calculate?4?

24 A No, I don't see the two out of four.

25 Q So but there is speed loss when the vehicles hit

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1 that wasn't calculated, correct?

2 A Correct.

3 Q So that accounts for some speed loss that wasn't
4 put into the speed combination, the combined speed
5 equation?

6 A Correct, it was not.

7 Q And some speed loss when those vehicle separated
8 that wasn't put into this speed combination?

9 A No, that is incorrect. That is in the form of --
10 again, I didn't do that. I didn't do the
11 calculations, but I did review them and that is in
12 there.

13 Q Okay. But that's why your report is a minimum
14 speed because the speed is actually higher than what
15 it's reported ---

16 A Yes, I would say the speed is a little bit ---

17 Q ---speed loss, that's not ---

18 A A little bit. Again, there was, there was
19 minimal damage to the motorcycle, minimal damage to
20 the suspect vehicle. I mean, we don't have a T-bone
21 collision where it's spinning one car off the road
22 and a motorcycle into a hundred pieces like I'm used
23 to seeing. I mean, this was a very minor as far as
24 the damage goes impact.

25 Q Okay.

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1 A Very low velocity collision.

2 Q All right, thank you. I don't have any further
3 questions.

4 THE COURT: Any redirect?

5 MR. MATTHEWS: No redirect for this
6 witness.

7 THE COURT: All right, thank you. You may
8 step down.

9 Any objection to this witness being
10 excused?

11 MR. MATTHEWS: No objection to this
12 witness being excused, Your Honor.

13 MS. COOKE: None.

14 THE COURT: Let me see the attorneys for
15 just a second.

16 (WHEREUPON, counsel approached the
17 Bench for an off-the-record discussion.)

18 THE COURT: This will probably be the last
19 witness of the day.

20 MR. MATTHEWS: The State calls Lance
21 Corporal J.D. Sisler.

22 THE CLERK: Place your left hand on the
23 bible, raise your right hand please. State your
24 name.

25 THE WITNESS: Jerry Sisler.

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1 WHEREUPON,

2 **JERRY D. SISLER,**

3 having been duly sworn by the Clerk, testified
4 as follows:

5 THE CLERK: Thank you, sir. Have a seat
6 up here please. Please state your full name, spell
7 your last name for the record.

8 THE WITNESS: My name is David Sisler,
9 S-I-S-L-E-R.

10 **DIRECT EXAMINATION**

11 BY MR. MATTHEWS:

12 Q Lance Corporal Sisler, can you tell the Court and
13 jury a little bit about yourself and how long you
14 worked, where you're currently at.

15 A I worked two years for the Richland County
16 Sheriff's Office, came on highway patrol in 2000 ad
17 worked Lexington County and transferred to York
18 County. In 2009 I came on the MAIT Team and I've
19 been on the MAIT Team ever since.

20 Q Tell us, if you would, a little bit about your
21 training and the qualifications you had to undergo
22 to become a law enforcement officer, general at
23 first.

24 A In '98 went through the Criminal Justice Academy.
25 After I spent four years in college at USC getting a

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1 criminal justice degree. Graduated the Academy in
2 '98, through the basic academy. Went back to the
3 Academy again in 2000 to become a highway patrolman.

4 Q And tell us about your highway patrol training,
5 what that involved?

6 A Highway patrol is just an additional 13 weeks on
7 top of what the basic Academy did, learning traffic,
8 traffic accident investigation, a lot of PT and
9 learning traffic laws that we enforce.

10 Q Specifically as to the traffic accident
11 investigation, what did that training include, and
12 how many hours approximately was it?

13 A In the Academy it's very basic, just have the
14 basic collisions. In 2001 I went back after taking
15 a math aptitude test, went back and started doing
16 advanced training in collision reconstruction. So
17 in 2001, 2002, and 2003 I completed all the training
18 that made me a made associate. So I had the
19 training of the basic MAIT member but I still worked
20 the road.

21 Q Approximately how much training did you undergo,
22 if you can quantify that?

23 A That was just over four hundred hours that I went
24 before I came on the team full-time.

25 Q And you said you did additional training once you

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1 officially became a MAIT officer?

2 A Yeah. In on '09 came on full-time, I think it
3 was September of '09. Came out and gone through
4 probably seven to eight hundred hours of training
5 since then.

6 Q I'll ask you the same question I asked Lance
7 Corporal Ridgeway, and it's a little bit of a vague
8 question but, if you would quantify how many traffic
9 accidents you think you've investigated in your law
10 enforcement career?

11 A As a road trooper I worked probably about 30 a
12 month for the nine years I worked on the road as a
13 trooper. We didn't work any at the Sheriff's Office
14 except private property. On the MAIT Team then, I
15 came on in '09, we — I'd been involved in probably
16 150 cases a year.

17 Q And so total speaking in summary about how many
18 cases would that be in the hundreds?

19 A Thousands.

20 Q Thousands?

21 A Yes.

22 Q And have you testified in court as an expert
23 before?

24 A I have.

25 Q Here in the state of South Carolina?

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1 A Yes, sir.

2 Q And how many times have you been tendered as an
3 expert?

4 A In summary court multiple times. Any time we
5 testify in any collision at all I qualify, I was
6 qualified as an expert. In general sessions once in
7 Lancaster County, I think it was 2011.

8 MR. MATTHEWS: Your Honor, at this time
9 the State moves to tender Lance Corporal Sisler as
10 an expert in the field of accident reconstruction.

11 THE COURT: Any objection?

12 MS. COOKE: No objection.

13 THE COURT: All right. Ladies and
14 gentlemen of the jury, I remind you again that he
15 will be able to give an opinion. Whether or not you
16 choose to accept it will be up to you and you should
17 give it no greater weight simply because he is an
18 expert.

19 So you may proceed to questioning of this
20 witness.

21 MR. MATTHEWS: Your Honor, is it okay if
22 Investigator Miller sets up the computer for our
23 next exhibit?

24 THE COURT: Yes.

25

SW - J. SISLER - DIRECT

1 BY MR. MATTHEWS:

2 Q Lance Corporal Sisler, when did you first begin
3 investigating this case. I mean, the collision on
4 Dinkins Mill Road and 521, April of 2013?

5 A It'd have been probably within the week of the
6 collision happening.

7 Q And what was your involvement? What was your
8 specific task in relation to this investigation?

9 A Team leaders tasked me with doing a computer
10 animated drawing and an animation of the collision.

11 Q Tell the Court, if you would, what is a computer
12 animation drawing and how would you go about
13 producing one?

14 A It's basically a computer drawing of what we
15 found at the scene. For this scene, Lance Corporal
16 Ridgeway and Corporal Odonnell and I believe it was
17 Lance Corporal Nix went to the scene. They mapped
18 the scene. You should have already heard a lot
19 about that, how they used the station to map the
20 scene. That's all brought back into a computer
21 program with data points. I bring it in to the
22 program we usually just call Aladtec (ph) and I draw
23 lines through what all the data points they have
24 mapped, draw lines, create surfaces so it looks like
25 more than just a bunch of points and space.

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1 Q And did you use — so you use a data that a
2 trooper gives you and then program that into this
3 computer program and then it creates an animation?

4 A That brings the CAD in. All the roadway
5 surfaces, the evidence, where the vehicles would
6 have come to final rest, anything they mapped out
7 there, could be trees, fences, houses, anything
8 would come into the program as lines. And I just
9 take those lines, essentially I'm making them pretty
10 where a line or skid mark normally can't look like a
11 skid mark. Where a line is called a Y-L, a yellow
12 line, I'm making that a double yellow line whatever
13 it is.

14 Q And what kinds of variables do you, program into
15 this program and use when making this simulation?

16 A For the animation part or for the CAD part?

17 Q Both?

18 A The CAD part there's nothing to program into.
19 I'm just putting things back where they were.
20 Whatever is mapped is what I'm putting back out
21 there.

22 Q And by the CAD portion are you referring to the
23 report as part of the MAIT packet that Lance
24 Corporal Ridgeway would have made?

25 A I made that. On this case I did that also.

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1 Q Okay.

2 A Where you have just a top down screen shot but
3 maybe like a 3-D blowout box or call-out box down
4 there.

5 MR. MATTHEWS: Your Honor, may I approach
6 with Exhibit 110?

7 THE COURT: You may.

8 BY MR. MATTHEWS:

9 Q I'm showing you what's been entered into evidence
10 as State's Exhibit 110. And could you tell us what
11 that document is?

12 A That's just the roadway evid-- or that's the
13 roadway with no evidence on it, basically the road
14 would be any day of the week.

15 Q And is -- flipping through the pages did you use
16 that program or any of that information in making
17 your simulation?

18 A Yeah, I take -- this is the first step of this
19 making this CAD, the drawing part. And then I
20 take -- these are just still shots; there's no
21 motion to this. It's just things back where they
22 were.

23 Q So that's, when you refer to a CAD that's what
24 you're referring to?

25 A This is what I refer to as a CAD. Then I'll take

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1 this with the vehicle at impact and then back them
2 up and add motion path to that so there's a visual
3 facial of what occurred.

4 Q And when you do motion paths what kind of
5 variables do you use there? Do you use speed?

6 A Speed, the -- how far I want to put them back,
7 what they're actually doing, if they're accelerating
8 or decelerating, they're turning, the lights are on
9 or off, how they follow the train, all that is
10 programmed in. Or all that is controlled by what I
11 put in.

12 Q And on -- did you make an animation or a
13 simulation in reference to this case?

14 A I did.

15 Q And would you recognize a copy of that simulation
16 if you saw it here today?

17 A Yes.

18 MR. MATTHEWS: Your Honor, I'm showing
19 Ms. Cooke what's been marked as State's Exhibit 111.

20 THE COURT: Any objection?

21 MS. COOKE: Your Honor, just based on my
22 pretrial brief and Rule 403 and with VCSX.

23 THE COURT: Okay, overruled.

24 (WHEREUPON, State Exhibit No. 111 was
25 admitted into evidence.)

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1 MR. MATTHEWS: This has been admitted into
2 evidence at this point?

3 THE COURT: Yes.

4 BY MR. MATTHEWS:

5 Q Could you tell us what that item is.

6 A It's a DVD with my animation on it.

7 Q And is that a copy of the animation that's from
8 you?

9 A That's a copy given out, yes, for prosecution for
10 the animation that I created.

11 Q And using the data, did you use the data given to
12 you by Lance Corporal Ridgeway to make that
13 animation?

14 A Yes. His mapping is what's directly used to the
15 make this.

16 Q And is that a fair and accurate depiction or
17 demonstration in your opinion of what happened on
18 the early morning hours of April 13, 2013?

19 A Yes, it is.

20 MR. MATTHEWS: Your Honor, at this time
21 the State moves to publish Exhibit 111 to the jury.

22 THE COURT: All right.

23 MR. MATTHEWS: We have it on the desk top
24 here we can play it or put it on the disk.

25 THE COURT: As long as it's the same

1 thing.

2 MR. MATTHEWS: It's the same thing.

3 (State's Exhibit No. 111 is played for the jury.)

4 MR. MATTHEWS: Your Honor, no further
5 questions for this witness.

6 THE COURT: Ms. Cooke.

7 **CROSS-EXAMINATION**

8 BY MS. COOKE:

9 Q Just one question.

10 A Yes, ma'am.

11 Q So the computer doesn't create this for you, you
12 put each and every movement that the car and the
13 motorcycle make into the system to make this
14 animation, correct?

15 A Correct.

16 MS. COOKE: No further questions, Your
17 Honor.

18 THE COURT: Any redirect?

19 MR. MATTHEWS: Briefly, Your Honor.

20 **REDIRECT EXAMINATION**

21 BY MR. MATTHEWS:

22 Q Using the information Ms. Cooke asked you if you
23 put in the simulation, what was the speed number you
24 used in this animation?

25 A For the motorcycle I put the motorcycle speed

1 limit.

2 Q And what was that based on?

3 A The damage to the vehicle, the distance, the
4 vehicle, the motorcycle skidded impact and the very
5 short distance it went post-impact.

6 Q No further questions.

7 THE COURT: Any recross?

8 MS. COOKE: No, Your Honor.

9 THE COURT: All right, thank you. You may
10 step down.

11 Let me see the attorneys up here please.

12 (WHEREUPON, counsel approached the
13 Bench for an off-the-record discussion.)

14 THE COURT: All right, ladies and
15 gentlemen, now is a good time to break in the
16 testimony so I'll send you home with instructions
17 not to talk to anybody, don't read anything in your
18 newspapers if you happen to look. I haven't seen
19 the reporter here today but, if you happen to pick
20 up the paper and something is in there please don't
21 read it. We'll start a little bit later tomorrow
22 morning. We'll start at 10:00 so if y'all can be
23 here about quarter till we'll be ready to start
24 right at 10:00. You've been a great jury, right
25 time, and I want to tell you I appreciate that. So

1 thank you, have a nice evening. I'll see y'all
2 10:00 tomorrow morning.

3 (WHEREUPON, the jury was removed from the
4 courtroom at 4:46 p.m.)

5 THE COURT: Anything before we break for
6 the evening?

7 MR. MATTHEWS: Nothing from the State,
8 Judge.

9 MS. COOKE: Nothing from Defense, Your
10 Honor.

11 THE COURT: I'll see y'all 10:00 tomorrow
12 morning. Court is adjourned till 10 a.m.

13 (WHEREUPON, the proceedings were concluded for the
14 day to be reconvened on May 20, 2015.)

15 THE COURT: Is there anything we need to
16 bring up before we bring our jury in?

17 MR. MATTHEWS: Nothing, Your Honor.

18 MS. COOKE: Nothing from the Defense, Your
19 Honor.

20 THE COURT: Very well, let's bring our
21 jury in then.

22 (WHEREUPON, the jury was returned to the
23 courtroom at approximately 10:04 a.m.,
24 and the following proceedings commenced
25 in open court.)

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1 THE COURT: Good morning, ladies and
2 gentlemen, I hope you had a nice evening's rest. We
3 won't go that long today. We will have some
4 testimony this morning and then we'll break and
5 probably come back at 2, and then we'll have one
6 witness after than, then we'll break early today.

7 So is the State ready to proceed?

8 MR. MATTHEWS: Yes, Your Honor.

9 MS. COOKE: Yes.

10 THE COURT: Defense? All right, the State
11 may call its next witness.

12 MR. MATTHEWS: Your Honor, the State calls
13 Jennifer Clayton.

14 THE COURT: Ms. Clayton, come forward to
15 be sworn.

16 THE CLERK: Place your left hand on the
17 Bible, raise your right hand please. State your
18 name.

19 THE WITNESS: Jennifer Clayton.

20 WHEREUPON,

21 **JENNIFER CLAYTON,**
22 having been duly sworn by the Clerk, testified
23 as follows:

24 THE CLERK OF COURT: Thank you. Have a
25 seat up here please. Please state your full name,

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1 spell your last name for the record.

2 THE WITNESS: Jennifer Clayton,
3 C-L-A-Y-T-O-N.

4 **DIRECT EXAMINATION**

5 BY MR. MATTHEWS:

6 Q Good morning, Ms. Clayton, could you tell the
7 Court a little bit about what you do for a living,
8 how long you've been doing it?

9 A I am currently employed as a DNA analyst with the
10 South Carolina Law Enforcement Division, also known
11 as SLED, and I've been employed with SLED for
12 approximately 12 to 13 years.

13 Q And what does a DNA analyst do?

14 A When evidence is submitted to SLED from a crime,
15 the — some evidence may contain DNA on it and as a
16 DNA analyst I try to develop DNA profiles from the
17 evidence and DNA profiles from standards. Standards
18 are samples that are taken directly from an
19 individual so that it's known that the DNA profile
20 developed from that standard came from that
21 particular individual. Standards then can be
22 compared to evidence, profiles from evidence to
23 determine if there's a match.

24 Q And what kinds of education and training do you
25 have to undergo to become a DNA analyst?

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1 A I earned a bachelors of science in biology from
2 the University of North Carolina Chapel Hill. I've
3 also taken classes at NC State and USC. My course
4 work includes molecular biology, genetics,
5 biochemistry, and statistics. I completed an
6 internship with the North Carolina State Bureau of
7 Investigations molecular genetics department which
8 is the equivalent of SLED'S DNA department. I
9 originally hired on with SLED as a forensic
10 technician, and I worked as a forensic technician in
11 the DNA department for two years before being hired
12 as a DNA analyst. Once I was hired as a DNA analyst
13 I completed a one year training program and did case
14 work under the supervision of another qualified
15 analyst before I was allowed to do case work on my
16 own.

17 Q And is there any kind of continuing education or
18 training you have to undergo to uphold your status
19 or certification?

20 A Yes. We're required to have a minimum of eight
21 hours of training a year. We get this either from
22 bringing someone outside in to do the training or
23 sometimes we go to conferences that are designed for
24 DNA analysts to keep current with the technology as
25 it develops.

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1 Q Now if you could, this may be difficult, but if
2 you could approximate how many DNA analyses do you
3 think you've done in your career?

4 A Well, I'm not sure if you mean samples or cases.

5 Q Let's just say cases.

6 A Cases. I would have to estimate; I never pulled
7 up a number. It's probably somewhere between 600
8 and 1000 I would guess.

9 Q And have you testified in court before?

10 A Yes, I have.

11 Q And have you been tendered as an expert in DNA
12 analysis?

13 A Yes, I have.

14 Q How many times?

15 A Approximately 38 times.

16 MR. MATTHEWS: Your Honor, at this point
17 the State tenders Ms. Clayton as an expert in the
18 field of DNA analysis.

19 THE COURT: Would you like to question
20 her?

21 MS. COOKE: Without objection.

22 THE COURT: All right, without objection.
23 Ladies and gentlemen, she will be able to give an
24 opinion because of her exceptional education and
25 experience would deem to be an expert.

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1 All right, thank you. You may proceed.

2 BY MR. MATTHEWS:

3 Q Ms. Clayton, do you recall being involved in, or
4 were you asked to do work in relation to this case?

5 And by that I mean the case involving the defendant
6 Jacqueline Mesidor and the victim Charles Dennis?

7 A Yes, I was.

8 Q When were you asked to become involved in this
9 case?

10 A May I refer to my notes?

11 Q Yes, ma'am.

12 A I began working on this case April 30th of 2013.

13 Q And what specifically were you asked to do? What
14 was your job in this case?

15 A An item of evidence was submitted as well as a
16 standard from Charles Dennis, and so I was asked to
17 perform DNA analysis on the evidence and the
18 standard and do a comparison between the two.

19 Q And when you go about doing analysis such as in
20 this case, what -- where would go to get these
21 samples that you would then test?

22 A Evidence is submitted to our evidence control
23 department so when I'm ready to work the case I go
24 down to the evidence control department and retrieve
25 it from that department and then take it up to our

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1 laboratory area to work on it.

2 Q And after you work on it what do you do with it
3 then?

4 A The evidence is resealed. When I completed my
5 analysis the evidence is resealed and returned back
6 to the evidence control department so that it can be
7 returned to the submitting agency.

8 Q And would you recognize a copy of the samples
9 that you used in this case, or would you recognize
10 the samples used if you saw them here in court
11 today?

12 A Yes, it would.

13 MR. MATTHEWS: Your Honor, may I approach?

14 THE COURT: You may.

15 BY MR. MATTHEWS:

16 Q Ms. Clayton, I'm showing you what's been marked
17 as, for identification, as State's Exhibit Number
18 94. Could you tell us what that item is.

19 A This is SLED item number 12 and it's the blood
20 standard from Charles Daniel [sic]. I recognize it
21 because it has a lab sticker on it that has the SLED
22 lab number that was assigned to the case when it was
23 submitted, as well as the item number which
24 represents the blood standard that's item 12. My
25 initials and the date that I re-sealed the heat

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1 sealed pouch are along the side here. And my
2 initials and the lab number and item number are also
3 on the envelope inside the heat sealed pouch
4 containing the blood standard.

5 Q Now you said Charles Daniel, did you mean to say
6 Charles Dennis?

7 A I'm sorry, yes, I did. Charles Dennis.

8 Q And what did you -- explain what you used that
9 blood standard for. What's that used for in your
10 analysis?

11 A A blood standard is a known sample. It's taken
12 directly from an individual so when I develop a DNA
13 profile from that item I know that that DNA profile
14 came from that individual.

15 Q Would you recognize the swab or item you were
16 asked to compare that standard to?

17 A Yes, I would.

18 Q Ms. Clayton, I'm showing you what's been marked
19 as State's Exhibit 96 for identification. Could you
20 tell us what this item is.

21 A This is SLED item number 13 which is swabs from
22 the left rim and tire of a 2000 Chevrolet four door.
23 And again, it has my initials and the date along the
24 sides and my initials and the lab number and item
25 number also on the box inside containing the swabs.

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1 Q What did you do with those swabs to perform your
2 analysis?

3 A We do what's called an extraction. What that
4 does is it separates the DNA from whatever it's on,
5 an item of, or in this case a cotton swab. And
6 separates it from the other parts of the cell so I
7 end up with a tube of DNA in liquid. And from there
8 we take it through the process to develop a DNA
9 profile. DNA profile is reported as a s of numbers;
10 and with the exception of identical siblings, no two
11 individuals are born with the same DNA profile which
12 is what makes it useful in forensics.

13 Q Now you say DNA for those us that aren't experts
14 in DNA analysis, does that mean blood or can that
15 mean any kind of bodily fluid?

16 A Every cell in the body with the exception of red
17 blood cells contains DNA so it can come from -- DNA
18 can come from skin cells, it can come from white
19 blood cells, it can come from skin that sloughs off
20 in saliva so it can come from a sample of saliva.

21 Q And when you have the sample test it with the
22 standard, what kind of instrument or device do you
23 use to test that to determine if they're the same?

24 A We use a couple of different instruments. The
25 final instrument we use called the capillary

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1 electro-phoresis instrument, and basically what we
2 do is we test for certain locations on the DNA. We
3 don't test the entire length of the DNA. We choose
4 locations which are standardized in a kit and
5 developed results at those locations.

6 Q And after using the instruments available to you
7 were you able to reach conclusion as to whether the
8 DNA swab matched the DNA standard you were given?

9 A Yes, I was.

10 Q And what was that conclusion?

11 A The DNA profile developed from SLED item 13,
12 which is the swabs from the rim and tire, matches
13 the DNA profile of Charles Dennis. The probability
14 of randomly selecting an unrelated individual having
15 DNA profile matching this item is approximately one
16 in 4.6 quintillion. And what that number means is
17 that if you were to go out into the population and
18 choose an individual at random anywhere in the world
19 unrelated to the one that left the sample, the
20 probability that they just by random chance would
21 have the same profile as the profile on the item of
22 evidence is approximately one in 4.6 quintillion.

23 Q And after you found this result did you
24 memorialize that or put it in any kind of report?

25 A That's correct.

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1 Q And would you recognize a copy of that report if
2 you saw it here today?

3 A Yes, I would.

4 (WHEREUPON, State Exhibit No. 101 was
5 marked for identification only.)

6 MR. MATTHEWS: Your Honor, I'm now showing
7 Ms. Cooke what's been marked as State's Exhibit 101.

8 BY MR. MATTHEWS:

9 Q Ms. Clayton, could you tell us what State's
10 Exhibit 101 is.

11 A This is a copy of the report that I issued when I
12 completed my analysis.

13 Q And does that appear to be a copy of your report?

14 A Yes, it does.

15 Q Is that report kept in the normal course of SLED
16 business?

17 A Yes.

18 Q And has that been changed or altered in any way?

19 A No, it has not.

20 MR. MATTHEWS: Your Honor, at this time
21 the State moves to enter State's Exhibit 101 into
22 evidence.

23 THE COURT: Any objection?

24 MS. COOKE: No objection.

25 THE COURT: Without objection State's

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1 Exhibit 101 is admitted.

2 (WHEREUPON, State Exhibit No. 101
3 was admitted into evidence.)

4 MR. MATTHEWS: No further questions of
5 this witness.

6 THE COURT: Yes, ma'am.

7 **CROSS-EXAMINATION**

8 BY MS. COOKE:

9 Q Did -- when you tested the DNA swab and matched
10 it against the tire, did that test in any way
11 whatsoever tell you who was driving the car?

12 A No, it did not.

13 Q And is it possible for a driver, is it possible
14 for a driver of a vehicle to leave some type of DNA,
15 touch DNA, saliva, blood, or some other trace
16 evidence that you can test the DNA on the driver's
17 compartment of a car?

18 A It is possible, yes.

19 Q They could leave it on a steering wheel?

20 A It's possible, yes. Whenever anybody handles
21 it-- it's called touch DNA whenever an individual
22 handles an item. And people leave varying amounts
23 of DNA behind on an item. Sometimes it's enough to
24 develop a DNA profile; sometimes it's not. But,
25 yes, certainly an individual could leave their DNA

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1 behind either as blood or saliva or touch DNA on an
2 item such as a steering wheel or door handle.

3 Q And do you think that if a person was to get in a
4 wreck in a car and they might dropple around and hit
5 areas that a normal driver wouldn't hit, maybe like
6 bump up against the door panel or the rearview
7 mirror or something like that?

8 A It's possible. I mean, anywhere an individual
9 touches they could leave DNA behind. It would
10 depend on if there was a clothing item in between.
11 How allow hard they hit it can affect whether they
12 leave DNA behind. How long they have contact with
13 an item can affect how much DNA they leave behind.
14 And different individuals leave behind certain
15 different amounts of DNA and even the same
16 individual can leave behind different amounts of DNA
17 at different times so it's -- yes, it's possible
18 that they could leave enough DNA behind to develop a
19 profile. It's also possible that even though they
20 had contact with an item they would not leave enough
21 DNA behind. And certainly when individuals,
22 different individuals get into a car, it's possible
23 they can make contact with different areas.

24 Q And DNA is easy is collect, correct?

25 A Typically depending on the type of sample. But

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1 certainly if it's a hard surfaced area, it just
2 requires taking swabs and collecting those, the
3 sample that way.

4 Q And that two different people drove the car, if
5 one drove the car say 1:00 this morning and another
6 person drove the car at ten a.m., then it's possible
7 that you can find DNA from both individuals inside
8 the driver's compartment of the car?

9 A That's correct. It's possible that if -- for
10 instance, the steering wheel, if the steering wheel
11 was swabbed it's possible that I could develop a
12 profile from the last individual that's drove the
13 car, the second to last individual that drove the
14 car, both of the individuals that drove the car, or
15 neither of the individuals that drove the car.

16 Q And did you receive, did you receive any
17 cigarettes in this case to check for DNA?

18 A No, I did not.

19 Q And are you involved in -- you just do the DNA,
20 correct? You're not involved with any
21 fingerprinting at SLED; is that correct?

22 A That's correct. I just do DNA analysis on the
23 items that are submitted.

24 Q Thank you.

25 THE COURT: Any redirect?

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1 MR. MATTHEWS: Briefly, Your Honor.

2 **REDIRECT EXAMINATION**

3 BY MR. MATTHEWS:

4 Q Ms. Clayton, this is gonna seem like a silly
5 question, but if you were testing for DNA of someone
6 else in a car it would actually have to be a person
7 who exists?

8 A Well, yes.

9 Q So it'd have to be a real person?

10 A Yes.

11 Q Can't check for somebody that you don't have a
12 profile for?

13 A I could develop a DNA profile, but it would be an
14 unknown profile if the individual did not have a
15 standard submitted.

16 Q All right, thank you.

17 THE COURT: Any recross?

18 MS. COOKE: No, Your Honor.

19 THE COURT: Thank you, you may step down.

20 Any objection to this witness being
21 excused?

22 MR. MATTHEWS: No, Your Honor.

23 THE COURT: Thank you. Have a safe drive
24 back to Columbia.

25 THE WITNESS: Thank you.

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1 MR. MATTHEWS: Your Honor, may we approach
2 for a minute.

3 THE COURT: You may.

4 (WHEREUPON, counsel approached the
5 Bench for an off-the-record discussion.)

6 THE COURT: The State may call its next
7 witness.

8 MR. MATTHEWS: Your Honor, the State calls
9 Corporal Odonnell.

10 THE CLERK: Place your left hand on the
11 Bible, raise your right hand please. State your
12 name.

13 THE WITNESS: Corporal James R. Odonnell,
14 Jr.
15 WHEREUPON,

16 **JAMES R. O'DONNELL,**
17 having been duly affirmed by the Clerk, testified
18 as follows:

19 THE CLERK: Thank you. Please spell
20 your last name for the record.

21 THE WITNESS: James R. Odonnell,
22 O-D-O-N-N-E-L-L.

23 BY MR. MATTHEWS:

24 Q Corporal Odonnell, could you tell the Court a
25 little bit about yourself and what you to do for a

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1 living.

2 A I'm assigned to the highway patrol of the South
3 Carolina Department of Public Safety, assigned to
4 the MAIT unit. I joined patrol in '94. I went to
5 the patrol academy, graduated in April. Worked for
6 Richland County for six years. Transferred up to
7 Troop 4 in 2000 which is Chester/Fairfield area.
8 Worked for them through the MAIT unit I was assigned
9 in 2008. Became a first line supervisor in 2009
10 assigned to Lee, the Chester region of the MAIT unit
11 and still remain in that capacity.

12 Q And what kind of training did you undergo in your
13 law enforcement career to become an officer?

14 A 13 weeks of patrol basic, basic courses
15 throughout the normal training. Got assigned to
16 MAIT associate 2007, which is 40 hours up to 1,032
17 of just MAIT related training. I'm MAIT charge
18 certified.

19 Q And were you thus employed as a South Carolina
20 patrolman in April of 2013?

21 A I was.

22 Q And were you involved in the investigation of the
23 wreck occurring on 521 and Dinkins Mill Road?

24 A Yes, sir.

25 Q When did you become involved in that

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1 investigation?

2 A I received a phone call from then Lieutenant
3 David Field advising that we had an active scene in
4 Sumter County in the state of South Carolina. It
5 was listed as a two unit collision with one vehicle
6 leaving the scene, on-scene fatality, and they had
7 locked the scene down for us. I notified two of our
8 team members, actually three. Two of our team
9 members, Lance Corporal Ridgeway, Lance Corporal Nix
10 would be in route. Corporal Farmer was on standby.
11 Actually Corporal Farmer was to stand by for autopsy
12 conducted later that morning in Newberry.

13 Q And when you arrived on the scene do you remember
14 approximately what time it was in the morning?

15 A Looking back from my notes I got a call around
16 2:23. First photo was around 3:40 a.m. from Lance
17 Corporal Nix. I was there when that photo was
18 taken. So probably around 3:30. We walked through
19 the scene before anything actually began being
20 processed.

21 Q Talk about what you found at the scene in terms
22 of what you deem evidence at the scene?

23 A We did the initial walk through. I was basically
24 just kind of ascertaining what type of collision
25 we're looking at. Like I said, I've worked several.

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1 In 2008 I had a deposition. In preparing for that
2 deposition the topic was how many collisions have
3 you worked. And I was 5,600 in change, didn't
4 account for incident reports so I didn't have copies
5 of or documentation showing that or settle collision
6 between parties. And also does not include MAIT
7 cases we worked through 2008. So I probably know
8 over 6,000 incidents I worked. We've gone through,
9 we basically walk the scene. What type conclusion
10 we have, we have a failure to yield the right of way
11 or disregarding stop sign, lack of better word
12 T-bone or angle collision, a contact spin off to
13 final rest, one vehicle has left the scene. There's
14 some vehicle debris from both parties. At the scene
15 there's some tire marks leading up to pre-impact,
16 post-impact rotation to final rest.

17 Q Now in speaking of those pieces in the car did
18 you find anything of interest to you in identifying
19 what kind of car may have been involved?

20 A For hit and run collision we basically have a set
21 protocol. Like I said, over six thousand wrecks,
22 several years with the MAIT unit, we do everything
23 the same way every time, repetition. For this case
24 our main duties are to identify, document the scene,
25 identify the vehicle, identify the driver; that's

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1 our purpose. So we go through, walk through the
2 scene, we determine what vehicle parts we have, what
3 goes to one vehicle, what goes to our suspect
4 vehicle. Also determine how many vehicles are
5 involved, is it more than one or just everything
6 associated with just one single event. For the
7 purpose of this collision we felt we had two access
8 points, two vehicles involved, angle collision
9 briefly mentioned. And we had several parts of a
10 vehicle appeared to be a rear section, we call it
11 energy absorbers which is basically the front liner
12 between the bumper and the steel brakes.

13 Q And what of notice, or what of note did you find
14 in that energy absorber?

15 A. There was a part number listed on the exposed
16 portion to the side facing the road. If you're
17 traveling the highway it'd be facing the vehicle or
18 behind you. That number later matched up through
19 telephone conversations to a particular ---

20 MS. COOKE: Your Honor, may we approach.

21 THE COURT: You may.

22 (WHEREUPON, counsel approached the
23 Bench for an off-the-record discussion.)

24 THE COURT: Counsel proceed pursuant to my
25 ruling.

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1 BY MR. MATTHEWS:

2 Q Corporal Odonnell, would you recognize a copy of
3 that bumper that you found if you saw it here today?

4 A Yes.

5 Q I'm showing you what's been marked as State's
6 Exhibit 103 for identification. Could you tell us
7 what this item is.

8 A It's gonna be the phone and energy absorber we
9 found at the scene, actually listed as scene part
10 evidence five. I labeled those. And there's
11 actually several points in our fields sketch that's
12 item five attached to anything that's black foam in
13 our field debris. This was also on site and it's
14 got my silver Sharpie magic marker number five on
15 it.

16 Q Was that the item you just spoke of that had
17 parts number on it?

18 A It does.

19 Q And what was significant about that parts number?

20 A Later on in the investigation after processing
21 the scene, one of my responsibilities was making
22 sure the scene was completely documented, mapped,
23 interview any witnesses which would be Mr. Ikner.
24 Once we cleared the scene I would have to assist
25 with generating a flier for media release to locate

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1 the vehicle that left the scene. When the process,
2 we have a part number, is to go to the dealership.
3 This one actually has a GM label on it, and a Chev
4 which represents in my experience Chevrolet. That
5 was my first place I went to look for, you know, a
6 parts match. Closest town on my way home was Camden
7 so I went by Heritage Chevrolet which they were
8 open. The parts department was closed but they
9 provided a number and I explained to them my
10 situation to Capitol City, Capitol Chevrolet in
11 Columbia. I spoke to a parts manager, explained to
12 him what I had, gave him the part number. He ran
13 some numbers and he gave me a vehicle list.

14 Q So as a result of running those numbers what did
15 you subsequently learn or what vehicle did you learn
16 that this part belonged to?

17 A Originally told through the SLED fusion center
18 and also through -- actually not the SLED Fusion,
19 through the Chevrolet dealership, it's a 2005
20 Chevrolet Impala.

21 Q And this item that is before you right now, did
22 you collect that item from the scene?

23 A I did.

24 Q And who did you give it to to take into evidence?

25 A Actually I held it for a while. As we --

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1 particularly when you collect all the evidence
2 that's in the debris field. One person in this case
3 supervisor for the MAIT unit would hold it. In this
4 case the suspect vehicle or vehicle profile would
5 have to turn up so you can match on site, exclude
6 other vehicles, things of that nature. I collected
7 this along with some other pieces of evidence. Some
8 had color to them. And held these in my possession
9 till they were transferred to our evidence tech
10 which would be Corporal Farmer.

11 Q And was that item in your care, custody, and
12 control the entire time until you gave it to
13 Corporal Farmer?

14 A It was.

15 Q And subsequently did you revisit the evidence
16 locker in order to bring the item here to court with
17 you?

18 A Yes.

19 Q And did you check that item out of evidence?

20 A Yes, sir. I checked it actually three, three
21 times?

22 Q Okay. To get it here with you today, were you
23 the one that brought it here here?

24 A Yes, sir.

25 Q Was it in your care, custody, and control the

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1 whole time bringing it here?

2 A Yes, sir.

3 MR. MATTHEWS: Your Honor, at this time
4 the State moves to enter State's Exhibit 94 in
5 evidence.

6 THE COURT: Any objection?

7 MS. COOKE: No objection. Without
8 objection State's Exhibit 94 is admitted.

9 (WHEREUPON, State Exhibit No. 103 was
10 admitted into evidence.)

11 MR. MATTHEWS: I'm sorry, Judge, that was
12 State's Exhibit 103.

13 BY MR. MATTHEWS:

14 Q Now did you collect any other -- you mentioned
15 you collected other scenes, or other pieces from the
16 bumper or pieces of the car at the scene. Can you
17 talk to the Court a little bit about what other
18 items you collected?

19 A Just going off of my field sketch which I drew
20 the night of or the morning of walking to the scene.
21 Basically what we do is part of the mapping process
22 and the photographing process we have one person
23 assigned to take pictures. In this case it's Lance
24 Corporal Nix. You take the approach or the path of
25 the motorcycle to impact point. You photograph to

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1 its final rest. You do a 180, 360 and you
2 photograph back out to its entrance point. You get
3 him coming and going. Same was done for our unknown
4 vehicle which we felt was going left right across
5 the intersection. During that process after that is
6 done we then assign evidence points randomly. I
7 kind of go through the center out or out to the in,
8 depending on how you want to do it, and label items
9 of interest with spray paint, 1, 2 3, 4, 5, 6 and we
10 had multiple in this case, multiple points of five
11 but one is listed as energy absorber. They rotate
12 back. I have on the field sketch a pushpin bumper
13 cushion, which is what we just described, a fender
14 skirt, just label points. Body, reference
15 measurement, motorcycle, bumper part, hair, trim
16 part and bumper cover. Each of those been kind of
17 assigned numbers by me and then actually marked on
18 site, photographs on site.

19 Q Now you mentioned a couple of names for bumper
20 trim or bumper cover. Would you recognize that
21 bumper cover or one of those bumper covers if you
22 saw them here today?

23 A Yes, sir, but there's, to be specific there's a
24 photograph. For example, item 14 bumper cover. Item
25 14, spray paint next to it. So there will be no

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1 misunderstanding what we're dealing with.

2 Q Would you recognize either what you designate as
3 item 20 or 21?

4 A Yes, sir.

5 Q I'll hand you what's been marked State's Exhibit
6 97. Would you tell us what this item is?

7 A Item number 21 which is the lower fender skirt is
8 item six. It also has item 6 in silver Sharpie here
9 in the corner with the case number next to it.

10 Q And was that, was that the item, one of the items
11 you found at the scene?

12 A Yes.

13 Q And was that item collected by you?

14 A Yes.

15 Q And who did you subsequently give the item to to
16 take into evidence?

17 A Again, other scene evidence was held in my
18 position a while we'll we -- investigation
19 continued, then ultimately was released to Corporal
20 Farmer.

21 Q And was that item in your care, custody, and
22 control the entire time before you gave it to
23 Corporal Farmer?

24 A Yes.

25 Q And did you subsequently check that item back out

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1 out of the evidence locker to bring here to court
2 today?

3 A Yes.

4 MR. MATTHEWS: Your Honor, at this time
5 the State moves to enter State's Exhibit 97 into
6 evidence.

7 THE COURT: Any objection?

8 MS. COOKE: No objection.

9 THE COURT: Without objection.

10 (WHEREUPON, State Exhibit No. 97 was
11 admitted into evidence.)

12 BY MR. MATTHEWS:

13 Q Now Corporal O'Donnell, I might jump around here a
14 little bit. So you learned that you were looking
15 for a blue Chevy Impala. What was, what was your
16 next step in the investigation after you determined
17 that what you were looking for if you're going to
18 Capital Chevrolet?

19 A After speaking with them I said they indicated it
20 was a 2005 model Chevrolet. There was some back and
21 forth, does that include Impalas, Malibus, same body
22 style, things of that nature. They ruled out
23 specifically by color that we're dealing with
24 Impala. One of the trim parts I think it was part
25 six has as metallic blue paint on it. So in

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1 speaking with the manager at Chevrolet, that further
2 narrowed the year of age down which allowed me to
3 contact SLED Fusion Center, which is basically the
4 crime information Center for South Carolina. They
5 have access to vehicle VIN, which is vehicle
6 identification number, license plate, DMV records,
7 various part numbers, and also interact with the
8 NCIC which is basically insurance crime information
9 center which has further array of part numbers and
10 comparisons, things like that. With that
11 information they were able to generate a vehicle
12 list profile of vehicles, 2005 Chevrolet Impalas
13 blue in color, within vicinity of 30, 40-miles
14 depending on, they kind of range it by counties.
15 That allowed me to generate a flyer which I got a
16 photograph, a generic photograph, I think, off EBay,
17 generated a flyer, and disseminated that to the
18 MAIT.

19 Q Approximately how long was it after that that
20 until someone until the blue Impala was located?

21 A We passed the flyer out as soon as possible so
22 we're probably, talking 9:30, 10:00. I'm talking, I
23 spoke, the CR judge I think was Judge Jones. He's a
24 community relations officer of patrol. He passed
25 that out to the media. They put it on the news,

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1 internet or website. But then we basically -- all
2 leads had been exhausted at that point. We kind of
3 cowered down and wait for a call. There was also
4 released to crime stopers per protocol.

5 Q And did you ---

6 A I got a call around, I'm sorry.

7 Q I was gonna ask you, you subsequently received a
8 call about the location of this Impala?

9 A Yes, sir, I got a call from then Lieutenant
10 Albert how is now a captain of troop 4, that he was
11 at a residence in Sumter not far from the crash site
12 and had a vehicle that matched our profile to the
13 flyer. The other law enforcement respond to that
14 location. That's kind of how they became involved
15 in the event and asked for us to come out and look
16 at it.

17 Q Did you respond to that resident?

18 A I did.

19 Q Where was that residence located?

20 A I don't have the exact address. It was off of
21 Stagecoach Road, [REDACTED]. I'm gonna refer to my case
22 notes that we have that's on file. [REDACTED] Stagecoach
23 Road in Rembert, North Carolina.

24 Q And when you arrived at [REDACTED] Stagecoach Road in
25 Rembert, tell us about you witnessed, what you saw

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1 there relating to this car.

2 A When I arrived there were several vehicles in the
3 yard, some of those were law enforcement, which
4 Lieutenant Albert was there. I believe a sergeant
5 for Sumter patrol was there. I'm not sure the
6 primary investigating officer was there, but
7 Sheriff's Department -- local officers as well as
8 family, friends were at the location. Approached
9 the residence which was a trailer, beige in color,
10 had two decks on it or porches on it elevated. Then
11 met with Lieutenant Albert. He walked me around
12 behind the residence where I observed a metallic
13 blue Chevrolet Impala with damage to the right rear
14 bumper corner and also damage to the left rear
15 fender.

16 Q And as part of your investigation did you run a
17 DMV search or attempt to verify who that vehicle
18 belonged to?

19 A Not initially, but further through investigation
20 the owner of the vehicle officially through
21 information data purposes was obtained. But I did
22 speak with a resident of the trailer who identified
23 herself as Jacqueline Mesidor, I believe was on the
24 deck talking with me talking down as I was
25 inspecting her vehicle.

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1 Q And you mentioned that a initial search for who
2 owned the vehicle was done. Would you recognize a
3 copy of that document if you saw it here today?

4 A Are you referring to the DMV file?

5 Q DMV file, yes.

6 A Yes.

7 (WHEREUPON, State Exhibit No. 112 was
8 marked for identification only.)

9 MR. MATTHEWS: Your Honor, I'm showing
10 Ms. Cooke what's been marked as State's Exhibit 112.

11 (Pause.)

12 BY MR. MATTHEWS:

13 Q Corporal O'Donnell, can you tell me what this is.

14 A This is a, basically a DMV plate search conducted
15 by it's a DMV online showing the registered owner of
16 a 2000 Chevrolet Impala. The last four of the VIN
17 is 2659, and the search was dated February 2nd,
18 2013.

19 Q Is that what appears to be a fair and accurate
20 copy of that plate search?

21 A It does.

22 Q And is that document kept in the normal course of
23 MAIT business?

24 A Yes.

25 MR. MATTHEWS: Your Honor, at this time

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1 the State moves to enter Exhibit 112 into evidences.

2 THE COURT: Any objection?

3 MS. COOKE: No objection.

4 THE COURT: Without objection it is
5 admitted.

6 (WHEREUPON, State Exhibit No. 112 was
7 admitted into evidence.)

8 BY MR. MATTHEWS:

9 Q Now you said that you spoke with Ms. Mesidor
10 while she was at the residence. Did you interview
11 her at any point?

12 A We did, or I did. After doing a cursory exam on
13 the exterior portion of the vehicle I asked her --
14 there was some other law enforcement there. I asked
15 her if she wanted to talk about her car and some of
16 the damage to it.

17 Q Well, I'll get back to the interview in a moment,
18 but after the interview that night did you or
19 highway patrol subsequently impound her car?

20 A We did. We kind of -- per protocol as mentioned
21 earlier, identified the, processed the scene,
22 identified the vehicle, then identified the driver,
23 and then, one of the four steps tied the victim
24 depending on the circumstances, back to the vehicle
25 that's involved. In this case knowing we do that

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1 is we seized the car, conduct our examination,
2 collect whatever evidence we need, then release it
3 back to the individual when the circumstance is
4 warranted.

5 Q Could you talk a little bit about what your
6 investigation entailed when you had the car at your
7 impound lot?

8 A We had the vehicle secured that night from her
9 residence. I remember I followed that vehicle over
10 to the Sumter County impound lot which is basically
11 a public works section locked inside a fence. I
12 retained a key to the vehicle and took it with me
13 back home until processing at a later date. We — a
14 search warrant was obtained by Sergeant Coffin. He
15 arrived with the search warrant and we conducted an
16 exterior examination as well as a interior for
17 examination.

18 Q And what did you notice on your exterior
19 examination?

20 A The evidence that we'd observed at her residence
21 behind her trailer so existed, there was a patch of
22 fabric embedded to the wheel well, I'm not, the rim,
23 with a bead in the rim engaged. There was some
24 fluid on the exterior of the tire side wall and
25 scuffing from the right rear tire was still present.

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1 Q And what specifically about her bumper did you
2 notice? Were there any pieces missing from that?

3 A The -- after we did cursory photographing and
4 video at the impound lot we, I started to
5 disassemble the bumper. The bumper had been
6 tampered with. It was actually secured back to the
7 vehicle with coat hangers and some string, lack of
8 better word. The bumper attachment points on the
9 top of the bumper where the trunk lid would come,
10 lock into place, had been removed or damaged and it
11 was actually kind of hanging catty-corner with the
12 side being the driver's side. And it would easily
13 pull off three fourths of the way with some push
14 pins on the driver's side rear were still intact.

15 Q And you said that you examined the top half of
16 the bumper. Did you obtain a portion of that bumper
17 for your analysis?

18 A After looking at the bumper, again identified the
19 vehicle, identified the driver, I still had the
20 evidence for the vehicle, suspect vehicle, that we
21 obtained from the scene back of my vehicle. I
22 obtained item six and only item six was listed on my
23 audio notes as being a match to the left rear bumper
24 section just behind the left rear wheel.

25 Q And what did you compare item six to on that car?

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1 A The remaining bumper section on the left rear of
2 the vehicle.

3 Q Would you recognize that remaining bumper section
4 if you saw it here today?

5 A Yes, sir. I removed it and cut it off with a
6 sawzall.

7 Q Corporal Odonnell, I'm showing you what's been
8 marked as State's Exhibit number 98. Could you tell
9 us what that item is.

10 A That's gonna be the part that I originally
11 mentioned. It's got the sawzall cut through the
12 back for the form. It also has the identifier label
13 as item 20. It might be covered by the bag, the
14 Sharpie identifier where we list it as impound part
15 number.

16 Q Now did you collect that item?

17 A I did, along with Sergeant Coffin and I thought,
18 I think Cary Craig was also present.

19 Q And did you, who did you give that to after you
20 collected it?

21 A I kept it until it was released to or transferred
22 over to Corporal Farmer.

23 Q And was it in your care, custody, and control the
24 entire time you had it?

25 A Yes, sir.

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1 Q And did you subsequently go back to get that item
2 from evidence to bring to court here today?

3 A Yes, sir.

4 Q And has it been in your care, custody, and
5 control since then.

6 A Yes, sir?

7 MR. MATTHEWS: Your Honor, at this time
8 the State moves to enter State's Exhibit 98 into
9 evidence.

10 THE COURT: Any objection?

11 MS. COOKE: No objection.

12 THE COURT: Without objection exhibit 98
13 is admitted into evidence.

14 (WHEREUPON, State Exhibit No. 98 was
15 admitted into evidence.)

16 BY MR. MATTHEWS:

17 Q Now Corporal Farmer [sic], I just want to ask you
18 a couple more questions about evidence that was
19 taken as a result of this investigation. You
20 mentioned a black plastic bumper end. Would you
21 recognize that part if you saw it here today?

22 A Yes, sir. We collected several pieces out there
23 if they have the corresponding photograph to make
24 sure we don't get anything mixed up, but yes, sir.

25 Q I'm handing you what's been marked State's

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1 Exhibit 105. It has 14 written on there. Could you
2 tell us what that item is.

3 A It's gonna be an item that we observed at the
4 crash site further down from the scene debris. It
5 has a silver Sharpie and my handwriting 14 on it.
6 It's listed as item 105.

7 Q Did you collect that item?

8 A I did.

9 Q And after collecting that item was that in
10 your -- what did you do with it?

11 A We secured it with the rest of the evidence from
12 the scene.

13 Q And who did you give that evidence to?

14 A Corporal Farmer.

15 Q And was that item in your care, custody, and
16 control until you handing it over to Corporal
17 Farmer?

18 A Yes, sir.

19 Q Did you subsequently check that item out of
20 evidence to bring it here today?

21 A Yes, sir.

22 MR. MATTHEWS: Your Honor, at this time
23 the State moves to enter State's Exhibit 105 into
24 evidence.

25 THE COURT: Any objection?

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1 MS. COOKE: None, Your Honor.

2 THE COURT: Without objection 105 is in
3 evidence.

4 (WHEREUPON, State Exhibit 105 was
5 admitted into evidence.)

6 BY MR. MATTHEWS:

7 Q Corporal Odonnell, I'm gonna show you another
8 item collected from the scene. This is labeled
9 State's Exhibit 104. I know that item is in a trash
10 bag but, can you recognize what that item is.

11 A It's listed as item 13. It looks like it's
12 several pieces of the bearings from the motorcycle.

13 Q And did you collect that item from the scene of
14 the wreck.

15 A I did.

16 Q And who did you give that item to once you were
17 done?

18 A Corporal Farmer.

19 Q Was that item in your care, custody, and control
20 the entire time you had it?

21 A Yes.

22 Q And did you subsequently remove that item from
23 evidence to take to court?

24 A Yes, sir.

25 MR. MATTHEWS: Your Honor, at this time

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1 the State moves to enter Exhibit 104 in evidence.

2 THE COURT: Any objection?

3 MS. COOKE: No objection.

4 THE COURT: Without objection it's
5 admitted well.

6 (WHEREUPON, State Exhibit No. 104 was
7 admitted into evidence.)

8 BY MR. MATTHEWS:

9 Q Corporal Odonnell, I just want to ask you about a
10 few more items of evidence. Item number 13 that you
11 just mentioned, the pieces of motorcycle, did you
12 obtain or were items, pieces of that, of the
13 motorcycle parts, obtained to be sent to SLED?

14 A Yes. Some of the parts of the motorcycle
15 contained a blue paint that matched up with,
16 visually matched up with the part we found which I
17 think is seen in part six. Also, the motorcycle had
18 been painted over; it was painted white. It's
19 original color was a different color blue. But
20 those couple of sections of the visual comparison
21 paint was actually separated from, I think it's item
22 13, and sent to SLED for analysis.

23 Q And did you collect that item from the scene?

24 A I collected the bulk of item, I'm just gonna call
25 it 13 -- well, motorcycle bearings, and then later

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1 through the investigation Corporal Farmer would have
2 separated those units and ---

3 Q So that item would have been collected by you and
4 given to Corporal Farmer?

5 A Correct.

6 Q And would that, before you gave it to her would
7 that have been in your care, custody, and control
8 the whole time?

9 A Yes.

10 Q And when you brought it here today did you check
11 it out of evidence?

12 A Yes.

13 Q Corporal O'Donnell, if you can identify this item
14 is -- what is that item?

15 A It's listed as S.C.H.P Midlands MAIT trace
16 evidence, victim Charles M. Dennis. Then underneath
17 it's got my name, date, case number. It's got a
18 sticker number 19. This says fender skirt with
19 paint transfer.

20 Q Is that the item we were just speaking of that
21 you brought here today?

22 A Yes, sir.

23 MR. MATTHEWS: Your Honor, at this time
24 this is for identifying purposes -- Corporal
25 O'Donnell, this is State's Exhibit Number 93. The

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1 State moves to enter Exhibit Number 93 into
2 evidence.

3 THE COURT: Any objection?

4 MS. COOKE: No objection.

5 THE COURT: Without objection number 93 is
6 admitted.

7 (WHEREUPON, State Exhibit No. 93 was
8 admitted into evidence.)

9 BY MR. MATTHEWS:

10 Q Corporal Odonnell, I just want to talk about a
11 few items that were brought here by you to the
12 court. Were you responsible or was it your duty in
13 this case to bring all of these items to court with
14 you?

15 A Yes, sir. Generally, on a prosecution event we
16 secure all evidence for the case and bring the case,
17 all the evidence to the court.

18 Q And would you recognize the items that you
19 brought here if you saw them?

20 A Yes. Some of those items were boxed up but, yes,
21 sir.

22 Q Corporal Odonnell, I'm showing you what's been
23 marked for identification as State's Exhibit Number
24 95. Could you tell us what that item is.

25 A It's listed with our case number item number two,

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1 black T-shirt. It's being one of the items I
2 removed from one of our boxes I spoke of earlier.

3 Q And did you bring that here to court with you
4 today?

5 A Yes, sir.

6 Q And has that item been in your care, custody, and
7 control the whole time?

8 A Yes.

9 MR. MATTHEWS: Your Honor, at this time
10 the state moves to enter State's Exhibit Number 95
11 into evidence.

12 THE COURT: Any objection?

13 MS. COOKE: No objection.

14 THE COURT: Without objection Exhibit
15 Number 95 is admitted.

16 (WHEREUPON, State Exhibit No. 95
17 admitted into evidence.)

18 BY MR. MATTHEWS:

19 Q Now you mentioned a couple of items that, when
20 you got in the car to the impound lot that you, that
21 you obtained a swab with Sergeant Coffin and one of
22 those was a swab of the tire. Now you -- that was
23 collected by Sergeant Coffin and put into evidence
24 with Corporal Farmer. Did you bring that item here
25 with you today?

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1 A I did.

2 Q Would you recognize it if you saw it?

3 A Yes, sir.

4 Q I'm showing you, Corporal Odonnell, what's been
5 marked as State's Exhibit Number 96. Could you tell
6 us what that item is.

7 A It's gonna be a sealed envelope with the standard
8 swab. It's actually got our MAIT case number, and I
9 recognize my handwriting on the exterior of the box
10 for the label saying we're fixing to swab.

11 Q And has that item been in your custody and
12 control till it was bought here?

13 A Yes, sir.

14 MR. MATTHEWS: Your Honor, at this time
15 the State moves to enter State's 96 into evidence.

16 THE COURT: Any objection?

17 MS. COOKE: No.

18 THE COURT: Without objection Exhibit 96
19 is admitted.

20 (WHEREUPON, State Exhibit No. 96 was
21 admitted into evidence.)

22 BY MR. MATTHEWS:

23 Q Now you also mentioned that there was a piece of
24 T-shirt taken out of the tire rim that was brought
25 here to court. Would you recognize that item if you

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1 saw it?

2 A Yes.

3 Q I'm showing you what's been marked for I.D. as
4 State's Exhibit Number 92. Could you tell us what
5 that item is.

6 A Item 11, trace fabric. Chain or custody attached
7 to the back of the envelope. It says item 11, black
8 cotton material from left rear rim of 2005 Chevrolet
9 and it gives a VIN, last four for that.

10 Q And did you bring that item here in court with I
11 you?

12 A Yes, I did.

13 Q And has it been in your care, custody, and
14 control?

15 A Yes, sir.

16 MR. MATTHEWS: At this time the State
17 moves to enter Exhibit Number 92 into evidence.

18 MS. COOKE: No objection.

19 THE COURT: Without objection Number 92 is
20 admitted.

21 (WHEREUPON, State Exhibit No. 92
22 was admitted into evidence.)

23 BY MR. MATTHEWS:

24 Q There are also some items that SLED tested that
25 subsequently given back to MAIT. Would you have

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1 been responsible for bringing those items to court
2 as well?

3 A Yes.

4 Q Would you recognize them if you saw them?

5 A Generally, anything that SLED generates from
6 their trace evidence will be in a different sealed
7 container but would be in secured and being chain of
8 custody with that.

9 Q Would they still have the highway patrol number
10 on them, item number?

11 A Yes.

12 Q Corporal O'Donnell, I'm showing you what's been
13 marked as State's Exhibit 94. Could you tell us
14 what this item is.

15 A It says item 8. It's got Corporal Farmer's
16 sealing official. There's a yellow envelope with
17 the SLED's lab number on it. It has Charles M.
18 Dennis on it. I believe it's a possibly DNA card.

19 Q And did you bring that item with you to court
20 today?

21 A Yes, sir. It would have been set up in a
22 different container more likely, but it was part of
23 the evidence packet that I brought today.

24 Q And has that been in your care, custody, and
25 control?

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1 A Yes, sir.

2 MR. MATTHEWS: Your Honor, at this time
3 the State moves to, I believe State's Exhibit 94
4 into evidence.

5 THE COURT: Any objection?

6 MS. COOKE: I believe there's one witness
7 left to testify for that particular item, Judge.

8 THE COURT: Okay.

9 MS. COOKE: I would object.

10 MR. MATTHEWS: We offer it for
11 identification at this point.

12 THE COURT: Objection sustained.

13 BY MR. MATTHEWS:

14 Q And finally, I'm showing you what's been marked
15 as State's Exhibit 91. Could you tell us what that
16 item is.

17 A It's a sealed envelope from the trace department
18 at SLED. It has our case number and fiber standard
19 at the bottom and the SLED lab number item 22.

20 Q And did you bring that item here in court with
21 you?

22 A Again, it would have been in a sealed, part of
23 the sealed packet. It would have come with me
24 today.

25 Q And has it been in your custody and control the

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1 whole time?

2 A Yes, sir, pending the trial.

3 MR. MATTHEWS: Your Honor, at the time the
4 State moves to enter Exhibit Number 91 into
5 evidence.

6 THE COURT: Any objection?

7 MS. COOKE: No objection.

8 THE COURT: Without objection number 91 is
9 in evidence.

10 (WHEREUPON, State Exhibit No. 91 was
11 admitted into evidence.)

12 BY MR. MATTHEWS:

13 Q Now talking about the analysis you did of the car
14 at the impound lot, did you take photographs of that
15 car?

16 A I did.

17 Q And would you recognize some of those photographs
18 if you saw them?

19 A Yes, sir.

20 MR. MATTHEWS: Your Honor, I have shown
21 these items to Ms. Cooke before, showing them to her
22 now.

23 (Pause.)

24 BY MR. MATTHEWS:

25 Q Corporal Odonnell, for simplicity sake I'm gonna

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1 try to show these to you just a couple at a time.

2 Now I'm showing you what's been marked as State's

3 Exhibit 45 through 48. Could you explain to us

4 what's located in those exhibits.

5 A This is gonna be our -- vehicle that I seized on

6 the night of the 13th. It's the 2000 Chevrolet

7 Impala and the tag matching up with DMV record that

8 we talked about earlier. It's also got the damage I

9 previously discussed and the vehicle is located at

10 the Sumter County impound lot, it's county public

11 works. Got driver right rear quarter panel, right

12 rear quarter panel zoomed out and then rear shot.

13 Q Now did you take those photos?

14 A I did.

15 Q Are they a fair and accurate representation of

16 the way the car appeared when you took it to the

17 impound?

18 A I believe I had moved it to the concrete pad so

19 that's how it was after we moved it to the concrete

20 pad.

21 Q Is it a fair and accurate representation of how

22 it appeared at that moment?

23 A Yes.

24 Q And have those photographs been changed or

25 altered in any way?

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1 A No, sir.

2 MR. MATTHEWS: Your Honor, at this time
3 the State moves to enter State's Exhibit 45 through
4 48.

5 THE COURT: Any objection?

6 MS. COOKE: No, Your Honor.

7 THE COURT: Without objection 45, 46, 47,
8 and 48 are admitted.

9 (WHEREUPON, State Exhibits Nos. 45 through
10 48 were admitted into evidence.)

11 BY MR. MATTHEWS:

12 Q Corporal Odonnell, I'm showing you next what's
13 been marked as State's 49, 50, 51, 52, 53. Could
14 you explain what's located in those photographs?

15 A Again, these are photographs taken by me. One
16 photographs shows the left rear tire with an
17 evidence label that I created put on the tire. I
18 zoom closeup of that because my handwriting on
19 April 16th of 2013. And I assigned a number at the
20 impound lot of 1-A showing tire B. And then I have
21 a zoom shot. You can see the evidence label. You
22 can see the tire embedded in the fabric, embedded in
23 the bead of the tire in the rim. And then I also
24 have another shot, lower corner of the valve stem
25 removed. It also has some fluid transfer at the

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1 lower section of the tire and what appear to be
2 biological evidence embedded in the tire side wall.
3 Again, a zoom of the fluid and then another shot of
4 the shirt embedded in the bead of the tire.

5 MR. MATTHEWS: Your Honor, at this time
6 the State ---

7 BY MR. MATTHEWS:

8 Q Well, did you take those photographs?

9 A Yes, sir.

10 Q Are they a fair and accurate representation of
11 the way the car looked on that day?

12 A Yes, sir.

13 Q And have they been changed or altered in any way?

14 A Do not appear to be, no, sir.

15 MR. MATTHEWS: Your Honor, at this time
16 the State moves to enter photographs Exhibits 49
17 through 53 into evidence and request permission to
18 publish to the jury.

19 THE COURT: Any objection?

20 MS. COOKE: No objection.

21 THE COURT: Without objection 49 through
22 53.

23 MR. MATTHEWS: May Corporal Odonnell step
24 down to point to...

25 THE COURT: Yes, he may. Please speak up

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1 when you're down there.

2 THE WITNESS: Yes, sir.

3 (WHEREUPON, State Exhibits Nos. 49 through
4 53 were admitted into evidence.)

5 BY MR. MATTHEWS:

6 Q Now looking at State's Exhibit 49, could you tell
7 the jury what exactly we're looking at there?

8 A That's gonna be the right rear tire. The
9 photograph I took previously showed the evidence
10 label. Then also this is gonna be the, showing the
11 valve stem, captured and removed from our general
12 vehicle. It was fluid trail or fluid on that
13 exterior of the rim.

14 Q Showing now State's Exhibit 53, what is this a
15 photograph picture of?

16 A Closeup shot of the previous photograph.

17 Q And now State's Exhibit 51, what is that?

18 A That's gonna be the evidence that the label was
19 referencing, also what I observed at Ms. Mesidor's
20 residence from her car.

21 Q What did that appear to be to you?

22 A Fabric from the T-shirt from the victim.

23 Q And one last time, Exhibit Number 50, what is
24 that a photo of?

25 A That's a zoomed up shot showing the evidence

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1 label referencing the evidence we're going to
2 collect, assigned number 1-A.

3 Q Okay. You may re-take your seat. Corporal
4 Odonnell, now I approach you with what's marked as
5 State's Exhibit 54, 55, 56, 57, and 5. Did you --
6 walk us through and tell us what those documents
7 are.

8 A More photographs taken by me, the exterior of the
9 vehicle. Item 54 is showing the left rear quarter
10 panel bumper section with the piece that's been
11 missing we will match up later. Also exterior
12 portion of the back bumper. That's gonna show also
13 item 55, or two of 55, showing how the bumper is
14 attached and actually torn off the completed
15 section, was still intact on the right rear of the
16 vehicle. A zoomed out shot with the vehicle backed
17 up on the ramps I provided showing some of the
18 undercarriage damage and the completed section of
19 the vehicle.

20 This is gonna be two undercarriage shots I
21 took of the vehicle on the ramps. you can see some
22 damage to the spare tire container area where the
23 motorcycle came underneath. The back section is
24 also damaged to the sway bars and removed or shift
25 in its bushing and the tow adjustment has been bent

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1 and also exposed bare metal. And the other support
2 brackets been pushed down where impact force was
3 received from the motorcycle. And that's 57. Then
4 item 58, you can see further undercarriage shot
5 orientation with this being the spare tire storage
6 area and the back section of the bumper showing the
7 coat hangers holding the bumper cover to what's left
8 of the bumper support section.

9 Q Did you take those photographs?

10 A I did.

11 Q Are they a fair and accurate representation of
12 the way the car appeared on that day?

13 A It is.

14 MR. MATTHEWS: Your Honor, at this time
15 the State moves to enter State's Exhibit 53 through
16 58 into evidence.

17 THE COURT: Any objection?

18 MS. COOKE: No objection.

19 THE COURT: Without objection.

20 MR. MATTHEWS: Sorry, Judge, it was 54
21 through 58.

22 THE COURT: 54, 55, 56, 57, and 58 are
23 admitted into evidence.

24 (WHEREUPON, State Exhibits Nos. 54 through
25 58 were admitted into evidence.)

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1 BY MR. MATTHEWS:

2 Q Corporal Odonnell, I'm showing you what's been
3 marked State's Exhibit 59 through 62. Could you
4 tell us what these items are.

5 A Exhibit 59 is gonna show the scene evidence we
6 previously mentioned listed as item 6-A which I
7 secured from the scene the morning of the 13th or,
8 yeah, the morning of the 13th, and brought to the
9 wreck yard. Item 60, or Exhibit 60, is a closeup of
10 that, transfer with some paint and gouging. Item 61
11 is a further closeup further down that piece of
12 evidence. Item 62 is further down towards the end
13 section and also showing how the evidence has been
14 broken up.

15 Q Did you take those photographs?

16 A I did.

17 Q Are they a fair and accurate representation of
18 the way those appeared on that day?

19 A They are.

20 Q What's that?

21 A They are.

22 Q And have they been changed or altered in any way?

23 A No, sir.

24 MR. MATTHEWS: Judge, at this time the
25 State moves to enter State's Exhibits 59 through 62

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1 into evidence.

2 THE COURT: Any objection?

3 MS. COOKE: No objection.

4 THE COURT: Without objection numbers 59
5 through 62 are admitted.

6 (WHEREUPON, State Exhibits Nos. 59 through
7 62 were admitted into evidence.)

8 BY MR. MATTHEWS:

9 Q Corporal O'Donnell, items 63 through 68, could you
10 tell the jury what these items depict.

11 A These photographs depict me matching up what we
12 call a fragmentation analysis. Generally when we
13 try to match up part of our -- secure the scene,
14 secure the scene evidence, identify the vehicle,
15 identify the driver, this is the part of the
16 identify the vehicle portion and tie one to the
17 other. In fragmentation analysis we actually
18 take -- in this case it'd be scene part six -- and
19 match it up to our suspect vehicle which I secured
20 on the night of the 13th or the morning of the 13th,
21 and see if our brake lines or fracture lines
22 actually match up against a fragmentation analysis.
23 In this case they do. Item 63 shows me with gloves
24 on sitting on a tarp so I don't get dirty matching
25 up scene evidence in continuation. Item 64 has a

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1 significant match or direct match. Again, 65 is a
2 further-up showing direct match. More closeup
3 shots. Now with me holding the scene evidence,
4 obviously I can't take pictures at the same time.
5 Cary Craig is looking over my shoulder taking these
6 photographs. He was on my memory card so there was
7 no break in evidence collection. I took photographs
8 before. He interrupted, took this photograph
9 sequence because we can't do both at the same time;
10 then I took photos after securing basically lock his
11 photographs in surrounded by mine. I just carry on
12 and then I seized portion of the rear bumper support
13 which was shown damaged.

14 Q Those photos fairly and accurately depict your
15 investigation on what the car looked like on that
16 day?

17 A They do..

18 Q Have they been changed or altered in any way?

19 A No, sir.

20 MR. MATTHEWS: Your Honor, at this time
21 the State moves to enter Exhibits 63 through 68 in
22 evidence and permission to publish to the jury.

23 THE COURT: Any objection?

24 MS. COOKE: No objection.

25 THE COURT: Without objection 63 through

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1 68 are admitted in evidence.

2 (WHEREUPON, State Exhibits Nos. 63 through
3 68 were admitted into evidence.)

4 MR. MATTHEWS: May Corporal Odonnell come
5 down here and project these on the Elmo?

6 BY MR. MATTHEWS:

7 Q I'm showing you first what's been entered as
8 State's Exhibit 63. Could you show the jury what's
9 going on in this photograph.

10 A Basically the top section pointing to here is
11 what's still attached to the vehicle, the suspect
12 vehicle seized the night of the event 19 hours
13 later. And the lower section I secured from the
14 scene, scene part six, matching up fragmentation
15 analysis basically matching up the fragment where
16 it's broken and you can see the match, sequential to
17 show that.

18 Q I'm showing you now Exhibit 64.

19 A Again, further match up showing that from the
20 close relationship between the two items.

21 Q Item 65.

22 A Direct match fragmentation analysis complete,
23 photograph documenting such. This ties the vehicle
24 to the scene and the debris.

25 Q Thank you, Corporal Odonnell. You may re-take

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1 the witness stand.

2 A (Witness complies.)

3 Q Now I'm showing you what's been marked for
4 identification as State's Exhibit 69 through 75.
5 Could you look at these photographs and tell the
6 Court what those are.

7 A This is a photograph in sequence taken by me
8 showing the condition of the vehicle. Generally
9 when we process a vehicle, like I said, we have a
10 procedure, protocol, how we handle things one step
11 at a time. Prior to disassembling anything you want
12 to do your fragmentation analysis prior to adjusting
13 or messing with any of the evidence kind of jump one
14 hurdle. So when we've already done the
15 fragmentation scene part six, match up to the
16 vehicle, we haven't really messed with the bumper.
17 This shot 69 is showing me continuing starting to
18 disassemble the bumper section. You can see some of
19 the coat hangers and there's some string hanging off
20 one of the brake light wires that runs underneath
21 the trunk. Exhibit 70 shows coat hanger attached to
22 the bumper support trying to brace that up. This is
23 also impact damage from the motorcycle. You have
24 bare metal, then you have exposed fractured metal
25 and paint's been chipped off. And actually, this

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1 being a 13 year old car, some of the undercoating is
2 starting to rust away. On impact those undercoating
3 parts broke away and you can see bare metal exposed.
4 Item 71 is, again, showing more photograph actually
5 some of the rivets and wells that pop from the
6 bumper bracket support. Item 72 is gonna be
7 Sergeant Coffin's hand.. Whenever we collect our
8 evidence we always start with a pair of gloves so
9 you don't have cross contamination. It has the
10 evidence point on his latex he's going after.
11 That's a photograph of the evidence we talked about
12 embedded into the tire, then my evidence label which
13 I created earlier.

14 Closeup shot of the scene, I'm actually
15 collecting it. And he's changed his glove to item
16 3-A and now he's doing the swab of the biological
17 material that we think on the rim and sidewalk. He
18 also has item 3-A going down and collecting on the
19 sidewalk which we believe biological matter from the
20 victim on the sidewalk.

21 Q Do those photographs fairly and accurately depict
22 what the car looked like on the day you collected
23 that?

24 A Yes, sir.

25 Q And have they been changed or altered in any way?

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1 A No, sir.

2 MR. MATTHEWS: Your Honor, at this time
3 the State moves in Exhibit 69 through 75 in
4 evidence.

5 THE COURT: Any objection?

6 MS. COOKE: No objection.

7 THE COURT: Without objection 69 through
8 75 are admitted.

9 (WHEREUPON, State Exhibits Nos. 69
10 through 75 were admitted into evidence.)

11 MR. MATTHEWS: Judge, we request Corporal
12 Odonnell be allowed to step down ---

13 THE COURT: All right.

14 MR. MATTHEWS: ---and publish to the jury.

15 THE COURT: All right.

16 BY MR. MATTHEWS:

17 Q I'm showing you now what's been entered as
18 State's Exhibit Number 70. Could you tell the jury
19 what this photograph depicts.

20 A It's gonna be the left rear section of the
21 vehicle. You got the bumper section as previously
22 mentioned exposed from the undercoating and the back
23 of the pop* wells from the bumper support. There's
24 also a black plastic push pin that's stuck in the
25 bumper.

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1 Q And what is that item right there?

2 A A coat hanger that was used to secure the
3 vehicle.

4 Q I'm showing you now what's marked ---

5 A Equal parts.

6 Q ---what's been entered as State's 71. Tell us a
7 little about that picture.

8 A Again, continue, more photographs of the same
9 area. It might be different coat hanger. Again,
10 attempted to secure the bumper section with
11 whatever.

12 Q And State's 72.

13 A Sergeant Coffin previously discussed this
14 evidence collection of the T-shirt part fabric.

15 Q And finally, State's 74.

16 A It's a closeup shot of Sergeant Coffin collecting
17 the biological material from the edge of the rim,
18 the evidence which I collected.

19 Q Thank you, Corporal O'Donnell. One more time you
20 can return to the witness stand.

21 A (Complies.)

22 Q Now I'm showing you what's been marked for
23 identification as State's Exhibits 76 through 85.

24 Could you tell us what those photographs are.

25 A This is going to be more photographs taken by me.

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1 Part of our procedure reporting -- basically MAIT is
2 a support unit. They collect officers, assign them
3 to MAIT who have exceptional skill in accident
4 reconstruction that distributed over years time and
5 service. The purpose of support unit is to support
6 the local troopers and their prosecuting their
7 cases. One of those things we do is generate a case
8 report showing what we've located, providing the
9 facts, providing those facts so people can make
10 decisions and whether they choose to prosecute or
11 not. This is part of that procedure. We actually
12 generate photographs for the full case report,
13 documented what we have, and basically we pretty up
14 fragmentation analysis. You got the street version
15 and then you have, you know, the courtroom version.
16 So this is me taking the same series of shots for
17 the fragmentation analysis, put the full case report
18 to look nice. So we're showing the scene part 6-A
19 which is actually referenced in picture 77, or
20 Exhibit 77. And then the bumper section part 2-A
21 SCSO impound, Sumter County Sheriff's Office
22 impound, and the upper bumper section which I cut
23 off after we completed everything else. And this is
24 more of the same photographs going through that
25 sequence. There's a zoomed in shot on Exhibit 80,

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1 perfect match of the fragmentation. Exhibit 82 has
2 a highlighted paint in there, other than the blue
3 that we're seeing originally for the basic color for
4 the vehicle. Item 3 has the, similar for the part
5 number that kind of got the ball rolling for
6 locating the vehicle. Scene part six is prior to
7 the fragmentation and then evidence separated.
8 Again, that's for the case report we would generate
9 later.

10 Q And are those a fair and accurate representation
11 of those photos?

12 A Yes, it is.

13 Q And have they been changed or altered in any way?

14 A No, sir, I took these.

15 MR. MATTHEWS: Your Honor, at this time
16 the State moves to enter State's Exhibits 76 through
17 85.

18 THE COURT: Any objection?

19 MS. COOKE: No objection.

20 THE COURT: Without objection 76, 77, 78,
21 79, 80, 81, 82, 83, 84, 85 are admitted.

22 MR. MATTHEWS: And Your Honor, and we
23 request that Corporal O'Donnell be able to publish
24 these to the jury.

25 THE COURT: Certainly, you may step down.

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1 (WHEREUPON, State Exhibits Nos. 76 through
2 85 were admitted into evidence.)

3 BY MR. MATTHEWS:

4 Q Showing the jury now what's been marked as
5 State's 85, can you explain what that is.

6 A This is the upper section of the bumper which I
7 cut off the sawzall, one of the pictures you saw
8 hanging off ** driver's side still attached.

9 Q And has that item been brought here to court and
10 entered in evidence today?

11 A It is.

12 Q What is this item?

13 A It will be scene part six, our part five vehicle
14 part of fragmentation analysis. It also has my
15 identifier in the corner here to part six.

16 Q And what does this photo depict?

17 A It's, like I said, the pretty version full case
18 fragmentation analysis prior to contact being made
19 getting the fragments line up.

20 Q And what is this item?

21 A More of location part six in the bumper section
22 prior to any contact unit.

23 Q Finally, tell us about this photograph.

24 A This is going to be the fragmentation analysis
25 for reporting purposes. You can see identifiers in

1 scene part six and impound line secured that day,
2 part two.

3 THE COURT: It's upside down.

4 MR. MATTHEWS: Excuse me, Judge.

5 BY MR. MATTHEWS:

6 Q Again, just explain to the jury.

7 A Sure. I can read down. Part 2-A is at the
8 impound, secured that, then obtained a warrant for
9 scene part six we took the scene.

10 Q Thank you, Corporal Odonnell.

11 MR. MATTHEWS: Judge, may we approach.

12 THE COURT: You may.

13 (WHEREUPON, counsel approached the
14 Bench for an off-the-record discussion.)

15 THE COURT: Now is a good time to take a
16 recess. Please don't discuss anything about the
17 case while you're back there.

18 (WHEREUPON, the jury was removed from the
19 courtroom at 11:29 a.m.)

20 THE COURT: You're on the stand so you
21 can't talk with anyone.

22 Court is in recess for ten minutes.

23 (WHEREUPON, a recess was taken from the
24 proceedings.)

25 MR. MATTHEWS: Judge, we're proposing --

1 we understand the restriction on time here. We've
2 gone through this tape and Ms. Cooke and her motion
3 to redact requested that certain portions be
4 redacted, namely 32:54 to 34:20 which Your Honor
5 ruled was inadmissible because there was a reference
6 to purchasing alcohol rather than consuming alcohol.
7 There was a second time, 42:32 to 43:50 in which she
8 references drinking alcohol. You ruled that was
9 admissible. And she references to her bipolar,
10 bipolar medication. Times basically — the State's
11 proposal is to redact out approximately a 56 minute
12 mark Trooper Odonnell leaves the vehicle and leaves
13 Ms. Mesidor in there by herself and doesn't come
14 back until one hour and thirteen minutes. So for
15 approximately 20 minutes there's silence and I don't
16 think the jury just needs to sit here and ---

17 THE COURT: I mean, we just need to let
18 them know it's just, it's a period of silence so
19 they don't ---

20 MS. COOKE: Well, there is some
21 conversation she has on a telephone. It's not per
22 silence but I understand that they want ---

23 MR. MEADORS: It's somebody else. The
24 recorder just catches it; we're not trying to offer
25 that.

1 THE COURT: Okay.

2 MR. MATTHEWS: And additionally, Judge,
3 from an hour and thirteen minutes when Trooper
4 Odonnell comes back to an hour and twenty-four
5 minutes, that's the references and conversations
6 that we referred to at the Bench conference about
7 the police bringing up hearsay, saying well people
8 called us and told us this. And that's kind of
9 sprinkled throughout so it's our proposal to take
10 out an hour thirteen minutes all the way up to an
11 hour twenty-four minutes. From an hour twenty-four
12 minutes to when Trooper Odonnell goes back for a
13 third time, that's around an hour and thirty-two
14 minutes so that's more radio silence that we don't
15 need. So I think we could pick up right around the
16 hour and thirty-six minute mark and then play it ed
17 out to the very end, and that would total involve
18 us -- our time listening in court would be
19 approximately 43 plus about another 30 minutes or
20 so, so we're looking at more like an hour and
21 fifteen minutes as opposed to two hours --

22 THE COURT: Okay, well, let's get going
23 then.

24 MS. COOKE: Your Honor, I just have one
25 objection to that. They want to take out twelve

1 minutes that that has to be redacted where she's
2 asking them why don't you go investigate and find
3 Milton and Odonnell says, those people out there in
4 the yard don't think Milton exists, Milton is not a
5 concern. And there's also a point where he tells
6 her that she's in custody of the highway patrol and
7 she needs to clear her conscience.

8 MR. MEADORS: Judge, we want it kind of
9 cutting both ways. She doesn't want to come in here
10 and.

11 THE COURT: Yeah.

12 MR. MEADORS: And she's saying well, most
13 people out there. She's trying to get what other
14 people ---

15 THE COURT: The hearsay.

16 MR. MEADORS: ---that we can't get in on
17 this side. I think that's why we thought in
18 fairness just take it all out.

19 THE COURT: Yeah, I mean, you get it
20 either one way or the other. It doesn't come in --
21 you don't get to keep out the bad stuff for you and
22 put in the good stuff for you.

23 MR. MATTHEWS: And Your Honor, in fairness
24 I think that Ms. Cooke can ask Corporal Odonnell on
25 cross-examination did she mention anything about

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1 Milton Black and, you know, of course there are
2 portions of the interview where she did say things
3 about Milton Black.

4 MR. MEADORS: It's in there. It's coming
5 out, Milton Black. It's not like this is the only
6 reference. It's just that part we didn't think was
7 fair to us because we're not getting the other way.

8 THE COURT: I agree.

9 MR. MEADORS: So...

10 MS. COOKE: If I cross him about this
11 particular statement about Milton Black, is that
12 going to open the door for the other statement?

13 THE COURT: Well, yeah. Okay.

14 MR. MATTHEWS: Well, I think we've decided
15 then so, just for the record I think we're playing
16 from thirteen minutes into an hour and thirteen
17 minutes. Actually I'm mistaken, from thirteen
18 minutes to approximately fifty-six minutes when the
19 first interaction ends, and then we can -- since
20 we're redacting an hour thirteen minutes to an hour
21 twenty-four minutes we can skip ahead to an hour and
22 thirty-six minutes and then begin playing from
23 there.

24 THE COURT: Okay.

25 MR. MATTHEWS: If that's what's been

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1 decided.

2 THE COURT: That's what it needs. All
3 right, let's bring our jury in.

4 (WHEREUPON, the jury was returned to the
5 courtroom at approximately 11:44 a.m.,
6 and the following proceedings commenced
7 in open court.)

8 THE COURT: Mr. Matthews, you may
9 continue.

10 MR. MEADORS: Thank you, Judge.

11 BY MR. MATTHEWS:

12 Q Corporal Odonnell, I believe when we left off we
13 just finished identifying some photos from the scene
14 and I questioned you about whether you interviewed
15 the defendant before not and I believe your answer
16 was yes. Did you interview the defendant?

17 A Yes, sir, I did.

18 Q And approximately when did you interview the
19 defendant and where was that?

20 A Like I said, previous testimony I arrived at her
21 residence after being prompted by Lieutenant Albert.
22 I met the defendant who is sitting here today in the
23 courtroom with defense counsel. At her residence
24 she was up on the upper deck. I was the lower
25 ground portion discussing, you know, her vehicle

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1 with her and she wanted to talk about the
2 circumstances surrounding her vehicle. But this
3 time I'd already, you know, formulated this is the
4 car that's been involved in the event. So all
5 parties have an access to the vehicle in the
6 circumstances which it became at its residence.
7 Where it's registered was important. She said she
8 would talk with us so I took her to my issued patrol
9 vehicle car so we could be away from the chaos and
10 all the ongoings and no distractions.

11 Q And once in that vehicle did you explain to her
12 why you were there?

13 A Yes, I did. I introduced myself. I'm behind her
14 house and also told her we need to talk with her
15 about the event, the reason for being there. All of
16 our interviews are recorded per policy, a lot of --
17 local troopers have in-car cameras, things of that.
18 We only have a little held hand recorder, similar to
19 like an I-pod, and so I utilized that and recorded
20 our discussion.

21 Q And did you identify yourself as a law
22 enforcement officer?

23 A I did.

24 Q And did you ask her if she wanted to talk to you?

25 A I did. Just our -- I want to say an off-duty

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1 uniform. We have blue pants, khaki shirt. It has a
2 patrol emblem, and I'm wearing my issued patrol gear
3 which is the weapon, handcuffs, and all that stuff.
4 So I had the appearance of a law enforcement
5 officer, identified as such.

6 Q And is there any form or materials that you use
7 when -- first of all, let me ask, did you administer
8 the defendant her Miranda rights?

9 A I did.

10 Q And is there any form or materials that you use
11 to explain those rights to a defendant?

12 A I -- we have basically a little generic
13 card that's like a business card that we, I received
14 from class sometime ago that has Miranda rights on
15 there verbatim. We read off the card and has the
16 last prong, you know, with these rights in mind
17 would you like to talk with us about the event. I
18 read that to her. She -- I'm recording, indicated
19 as such, her decision which led me to bring out our
20 other piece of paper which is basically a subject
21 advisement form of the Miranda rights which we
22 utilize as a second step just to make sure everybody
23 understands what's going on. And it alleviates some
24 discussions and later on if we utilize it, which I
25 did.

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1 Q And would you recognize a copy of that form if
2 you saw it here today?

3 A I would.

4 (WHEREUPON, Court Exhibit No. 1 was
5 re-marked as State's Exhibit 113 for
6 identification only.)

7 MR. MATTHEWS: I'm showing Ms. Cooke
8 what's marked for I.D. as State's Exhibit 113.

9 BY MR. MATTHEWS:

10 Q Corporal Odonnell, I'm showing you what's been
11 marked as State's Exhibit 113. Can you tell us what
12 this document is.

13 A This is going to be the SCDPS, or Department of
14 Public Safety Miranda rights affidavit form. It's
15 listed as form, I think it's D15, but I even
16 referenced and recorded it was old. It's January of
17 '98 when they generated this form. But this is the
18 advisement form that I filled out. It's my
19 handwriting, appears to be the original. It has
20 initials that I observed placed by the defendant
21 when she was in my patrol vehicle. It's got my
22 signature at the bottom, along with the time 21:27
23 hours.

24 Q Now does that form appear to be changed or
25 altered in any way?

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1 A No, sir.

2 Q Is that your handwriting on the top?

3 A It is.

4 Q Does it have your signature?

5 A Yes, sir.

6 Q Does it have the signature of the defendant?

7 A It does, above mine.

8 MR. MATTHEWS: Your Honor, at this time
9 the State moves to enter Exhibit 113 in evidence.

10 MS. COOKE: No objection.

11 THE COURT: Without objection 113.

12 (WHEREUPON, State Exhibit No. 113 was
13 admitted into evidence.)

14 BY MR. MATTHEWS:

15 Q Now during -- could you just describe briefly
16 Ms. Mesidor's appearance and what her overall
17 demeanor was.

18 A If memory serves, one thing she was wearing blue
19 jeans and a top, T-shirt. Hair similar to what she
20 has now. Her demeanor was calm and collected, no
21 boisterous activity. She seemed in control of her
22 faculties. We sat down, had our brief present
23 interaction, no hostilities or anything like that
24 going on.

25 Q Did she appear to understand what was going on?

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1 A She did.

2 Q Did she seem coherent and lucid?

3 A She did.

4 Q And did she at any point -- did she appear to be
5 under the influence of any drugs or alcohol?

6 A Did not, no, sir.

7 Q And did she at any point indicate that she didn't
8 want to talk to you anymore?

9 A All the -- from the original reading of Miranda
10 rights off the index card all the way through the
11 form she indicated that she would freely give a
12 statement about the circumstance she was aware of.
13 At one point she asked, I think it was one of the
14 items, lines about being provided an attorney if she
15 wanted to, she responded for real. That was all.

16 Q And did you threaten her or promise her anything
17 to talk to you?

18 A No, sir. Actually, on the audio recording I
19 actually referenced that having someone say that we
20 didn't if we don't record it. So the person
21 recording and that whole interaction was there so
22 the answer is no.

23 Q Now you mentioned this interview was recorded.
24 How was that recorded?

25 A Off of that little digital recorder we have.

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1 It's about the size of an I-pod.

2 Q And was that recording then reproduced in a disk
3 form?

4 A It was. We transferred it to our data collection
5 computer which basically is a network drive for the
6 patrol so it's dragged from the recorder to our
7 website where it's uploaded. It's a secured server
8 and then duplicated to a DVD format.

9 Q Would you recognize a copy of that DVD if you saw
10 it here today?

11 A Yes, sir.

12 (WHEREUPON, Court's Exhibit No. 2 was
13 re-marked as State's Exhibit No. 114 for
14 identification only.)

15 MR. MATTHEWS: I'm showing Ms. Cooke
16 what's been marked as State's 114.

17 BY MR. MATTHEWS:

18 Q Corporal O'Donnell, could you tell us what State's
19 114 is.

20 A It has O'Donnell interview underneath it off the
21 DVD. This is item 114 for our case.

22 Q And does that appear to be a fair and accurate
23 copy of the disk with your interview on it?

24 A Yes, sir. There were several interviews
25 conducted but I'm -- this will be the interview for

1 Ms. Mesidor.

2 MR. MATTHEWS: Your Honor, at this time
3 the State moves to enter Exhibit 114 into evidence.

4 THE COURT: Any objection?

5 MS. COOKE: I'd just renew my pretrial
6 motion, Judge.

7 THE COURT: Okay, overruled. It's
8 admitted as State's Exhibit Number 114.

9 (WHEREUPON, State Exhibit No. 114
10 was admitted into evidence.)

11 MR. MATTHEWS: Your Honor, at this time
12 the State requests permission to publish this
13 interview with the jury with the pre-agreed
14 stipulations made.

15 THE COURT: You may.

16 MR. MATTHEWS: And I have the same copy of
17 the interview on my laptop.

18 (Playing of State Exhibit No. 114 to the jury
19 began.)

20 THE COURT: And don't infer anything on
21 the redacted parts. I've ruled that it shouldn't
22 come in, which you shouldn't infer it's for the
23 plaintiff or the State or the Defendant so.

24 (Pause.)

25 (Playing of exhibit continued.)

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1 MR. MEADORS: May it please the Court, I
2 think it's silent right now until 1:56. Can we move
3 ahead to that? I believe both sides will agree to
4 that.

5 THE COURT: Any objection to that?

6 MS. COOKE: No objection.

7 (Pause.)

8 (Playing of Exhibit 114 continued.)

9 MR. MATTHEWS: Your Honor, may we
10 approach.

11 THE COURT: You may.

12 (WHEREUPON, counsel approached the
13 Bench for an off-the-record discussion.)

14 THE COURT: This is a good time to take a
15 lunch break. I'm gonna dismiss you with instruction
16 as always that you're not to speak to anyone about
17 the case. Be back here at a little bit before two
18 so we can start right at 2:00, all right. Thank
19 you.

20 (WHEREUPON, the jury was removed from the
21 courtroom at 12:48 a.m.)

22 THE COURT: Court is in recess until 2:00.

23 (Whereupon, a lunch break was taken.)

24 THE COURT: Ladies and gentlemen, let me
25 tell you how thankful I am that y'all are prompt as

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1 y'all are. The other jurors they had, one of the
2 jurors -- was it yesterday? -- was an hour and
3 fifteen minutes late. There were some people not
4 happy with that juror, their fellow jurors so.

5 All right, is the State ready to proceed?

6 MR. MATTHEWS: Yes, Your Honor.

7 BY MR. MATTHEWS:

8 Q Corporal Odonnell, we just heard an interview
9 that was taken between you and the defendant. I'm
10 just gonna ask you a couple of questions to clarify
11 some things from that interview. The defendant
12 mentioned something about leaving her home to go
13 carry somebody named Dusk (ph) home. Who is that?

14 A Dusk is gonna be a gentleman called Corey Hraris.
15 At the end of -- during the course of the
16 investigation his name came up as being a person
17 that she was with. We also received notification
18 through phone lines that some people related to an
19 interview with him that he lives off on Spencer Road
20 which is maybe by her account ten minutes from drive
21 time.

22 Q Now did you go and find Dust at his home?

23 A I did.

24 Q And was that on Spencer Road or on Dinkins Road?

25 A Actually, I located him on Dinkins Mill Road. He

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1 was at his aunt's house I believe where I conducted
2 an interview then.

3 Q And have you made that trip from where
4 Ms. Mesidor lives on Stagecoach Road to where Dust
5 lives off of Dinkins Mill and Spencer Road?

6 A I have.

7 Q And about how long does that trip take?

8 A Inside of ten minutes, more like five or six if
9 you're going straight there.

10 Q And if you were able to see a map of that area
11 can you tell us what route you took to get there?

12 A I could.

13 MR. MATTHEWS: Your Honor, at this time I
14 ask that, I believe it's State's Exhibit Number 86,
15 be published to the jury and ask the trooper set
16 down.

17 THE COURT: Yeah, I think -- it's already
18 been published to them, but if he needs to step down
19 to show them something. And you may get wherever
20 you need.

21 BY MR. MATTHEWS:

22 Q Corporal Odonnell, can you explain to the jury
23 what we're looking at here.

24 A This is gonna be an aerial view of Google maps of
25 Sumter County. It's got not to-scale listed on

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1 here. It doesn't show up the scale bar on the side
2 so you don't see it on this map. We usually have --
3 Google maps has elevation shot taken at Sumter
4 County. Here's 541 north and south. Rembert is up
5 this way. Rembert is that way. Sumter is down this
6 way and that's the four lanes towards there. This
7 is the crash site. Ms. Mesidor, where I met her for
8 the first time would be at his residence on, off
9 Stagecoach Road. It's represented by this red dot
10 up here if you can see right here.

11 Q So Ms. Mesidor lives on Stagecoach Road which is
12 at the top right corner of this map?

13 A Yeah, [REDACTED] address, Stagecoach Road.

14 Q And where on this map abouts is where you found
15 Dust on Dinkins Mill and Spencer Road?

16 A The, as I understand the house is actually at the
17 end. It's been torn down and the trailer has been
18 torn down since then. But the interview was
19 conducted in here. It is my understanding that
20 Mr. Hraris lives on Spencer Road in this section.
21 Spencer Road also loops around, it's actually 521.
22 There's a recycling center that's kind of referenced
23 in the interview down this lower section.

24 Q So where is Spencer Road on this map?

25 A Spencer Road, the portion that we have in this

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1 shot is this section. It's got an identifier as
2 Spencer. Then Dinkins Mill is this way. Our
3 contention this will be the route coming down
4 Stagecoach Road to a stop sign, left turn, coming
5 down for a right turn on Dinkins Mill. That would
6 be most of the route to Mr. Hraris' residence.

7 Q And from Mr. Hraris' residence how, what would be
8 the most direct route back?

9 A What is described.

10 Q The reverse of that?

11 A Yes, the reverse of that. Now where his actual
12 residence is on Spencer Road, we have not been
13 to.

14 Q And you said that you found him on Dinkins Mill
15 Road?

16 A Through telephone conversation we made
17 arrangements to meet at his aunt's house on Dinkins
18 Mill Road which is within a half a mile from
19 defendant's house.

20 Q And how long does it take to get from Spencer
21 Road to where the wreck site was at 5 — Dinkins
22 Mill, 521.

23 A Two, three minutes.

24 Q Thank you, Corporal Odonnell. Now during your
25 interview with Ms. Mesidor she told you that she

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1 went to go drop Dust, or Corey Hraris off, at around
2 what time?

3 A It was -- she was back 10, was it 11? There were
4 so many times bounced around on that. Let me see
5 what I have on my notes here. Is it 10:30, 11:00?
6 I think that time came up.

7 Q Could it have been about 11:15?

8 A I don't have that specific time. I think
9 possibly it was around 11:15. There were so many
10 times discussed at that interview.

11 Q And did she, after dropping him off, it was her
12 statement to you she came back to her house?

13 A Yes. They sat and discussed whatever they
14 discussed for a few minutes, then she made a return
15 trip.

16 Q And approximately around midnight or so she gets
17 back to her house?

18 A According to her statement to me she returned
19 around midnight.

20 Q And there's -- then she went in and went to
21 sleep?

22 A Yes, sir.

23 Q And then someone named Milton Black shows up?

24 A According to her statement, yes.

25 Q And around what time was that? Was that 12,

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1 12:15?

2 A She indicated 12:15.

3 Q And this Milton Black, were you able to get any
4 contact information for him?

5 A She was not able to provide any contact
6 information of listening to audio interview. During
7 the course of the interview I exited the vehicle on
8 several occasions and inquired as to, when I first
9 heard of Mr. Black, inquired to his identity,
10 location, local law enforcement on site. I asked
11 several questions concerning that, also to other
12 individuals that would have direct knowledge of
13 interaction involving Mr. Black.

14 Q Now were, through the course of those
15 conversations were you ever able to obtain a phone
16 number or address from Mr. Black?

17 A No, sir.

18 Q And did she, did Ms. Mesidor have a phone with
19 her?

20 A She did.

21 Q And did she have Mr. Black's contact information
22 in that phone?

23 A I did not go through her phone during the
24 interview. She referenced several contacts on
25 the -- her index contact history. Mr. Black's name

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1 was not one of those, and she didn't provide a
2 number for him.

3 Q Did she say anything to you about another phone
4 that may have gotten stolen?

5 A It's mentioned in the interview. She indicated
6 that she had, her other phone was in the console of
7 her car. It had only the front plate or front
8 display plate, or black plate of the phone remained.

9 Q So that ---

10 A It had Mr. Black's content information.

11 Q It may have been taken or stolen by Mr. Black?

12 A Yeah, she stated it had been removed.

13 Q And did you -- so you did interview Corey Hhraris
14 a/k/a, who she referred to as Dusk ---

15 A Yes.

16 Q ---at some point. And approximately how much
17 later after that was that?

18 A I believe the first week in May possibly.

19 Q And as ---

20 A A few weeks later.

21 Q And as a result of your interview ---

22 MS. COOKE: Objection, Your Honor.

23 THE COURT: Well, let him ask his question
24 first.

25

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1 BY MR. MATTHEWS:

2 Q As a result of your interaction or interview with
3 Mr. Hraris, were you able to obtain any information
4 on Milton Black?

5 A No, sir. There is a recording of that interview.
6 He indicates the -- he doesn't know who that is, who
7 the individual is.

8 Q Now did you talk to who Ms. Mesidor referred to
9 as Spooney, a/k/a Theo Grant?

10 A Yes, sir. I heard him actually through
11 Mr. Hraris indicate Albert, and that's who he works
12 with at the concrete company. And Albert Grant, or
13 Spooney, was not in -- well, was not officially
14 interviewed in the format that we've been exposed
15 today, but he was on site during interaction the
16 night of the 13th after we recovered the vehicle
17 during my actual interview with Ms. Mesidor.

18 Q So, and just for clarification was Mr. --
19 according to Ms. Mesidor was Mr. Grant present when
20 this person, Milton Black, may have shown up at her
21 house?

22 A On the interview, I guess you'd have to say yes
23 and no. He should have been there, but he was there
24 the morning of the return. But based on their
25 sleeping arrangements for the children, I think she

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1 alleged that he was there.

2 Q And then the next morning she did indicate that
3 he was there to fix her car?

4 A Yes, sir. I think it was on the first time when
5 Ms. Mesidor indicated that Mr. Black arrived at her
6 residence to obtain the vehicle he was sitting at
7 the table. And on the return he had just left the
8 bathroom on her way to open the door for Mr -- or
9 knock on the door which she claims to be Mr. Black.

10 Q And as a result of talking with Mr. Grant were
11 you able to obtain any information to help you in
12 finding Milton Black?

13 A The night of the interview, the official
14 interview with Ms. Mesidor, like I said, I exited
15 the vehicle several times and spoke with local law
16 enforcement, asked questions as to what you're
17 describing and also interacted with Mr. Grant and
18 found no supporting evidence of his existence.

19 Q Of Milton Black's existence?

20 A Correct.

21 Q And what kind of efforts did you make to find
22 Milton Black for stuff? Did you search any data
23 bases?

24 A We did a DMV search, also checked Facebook, and
25 checked with local law enforcement. We were on site

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1 and had intimate knowledge of that community and
2 interactions.

3 Q And you weren't able to find Milton Black
4 anywhere?

5 A Mr. Milton Black was an unknown.

6 Q Now just backing up briefly to the wreck, you
7 spoke about the highway patrol file that had been
8 collected and the evidence y'all made. Did y'all
9 make any determination or able to find anything
10 about the operability or the effectiveness of the
11 light on the motorcycle?

12 A We did collect several items from the scene of
13 evidence, the motorcycle's, both bulbs. I think one
14 the filament had cracked or separated and caused
15 oxidation to material of the glass bulbs indicating
16 it was illuminating, or incandescent is the
17 technical term, which would have been the running
18 lamp. And then the other one, they run side by
19 side. One is high beam, one is low beam but they
20 run together. The low beam was incandescent. The
21 high beam filament was stretched somewhat but was
22 not incandescent.

23 Q So just to clarify, did that mean ---

24 A Means his light was on.

25 Q His light was on?

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1 A Yes, sir.

2 Q Just a moment, Your Honor. Corporal Odonnell,
3 just briefly for the record, could you tell the
4 Court whether the woman that you spoke to, meaning
5 the defendant Ms. Mesidor, is she located in the
6 courtroom today?

7 A Is Ms. Mesidor located?

8 Q Yes, is she in the courtroom today?

9 A Yes, she's sitting next to defense counsel on her
10 left.

11 Q And could you point her out?

12 A Yes, sir (indicating). She's sitting over there.
13 She has the red highlights.

14 MR. MATTHEWS: Judge, I'd like the record
15 to reflect that Corporal Odonnell has identified the
16 defendant Jacqueline Mesidor.

17 THE COURT: The record will so reflect.

18 MR. MATTHEWS: No further questions,
19 Judge.

20 THE COURT: Ms. Cooke.

21 **CROSS-EXAMINATION**

22 BY MS. COOKE:

23 Q You found a contact name Black on the cell phone
24 that's already in evidence; didn't you?

25 A I didn't search the cell phone. I think Lance

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1 Corporal Ridgeway handled the download, obtaining
2 warrant for the cell phone, I think, after our first
3 meeting and obtained information for that report.

4 Q No further questions.

5 THE COURT: All right. Any redirect?

6 MR. MATTHEWS: Just briefly, Your Honor.

7 **REDIRECT EXAMINATION**

8 BY MR. MATTHEWS:

9 Q The cell phone that she had at the time you
10 interviewed her, did she ever indicate that she had
11 Milton Black's number on that cell phone?

12 A No, sir. She, if I remember right she ran
13 through a list and ---

14 Q She ran through the list?

15 A Of the contacts she had. We just, I think she
16 verbally said 12, but she counted 11 if I remember
17 right.

18 Q And that was the same phone that's been entered
19 in evidence as State's Exhibit 102?

20 A Yes, sir.

21 Q No further questions.

22 THE COURT: I'll let you have one more.

23 MS. COOKE: Nothing further, Your Honor.

24 THE COURT: I think he's got, may have one
25 more question. No more questions?

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1 MR. MEADORS: We call Doctor Ross.

2 THE COURT: Thank you. You may step down.

3 MR. MEADORS: The State would call Doctor
4 Janice Ross.

5 THE CLERK: Place your left hand on the
6 Bible, raise your right hand please. State your
7 name please.

8 THE WITNESS: Janice Edward Ross.
9 WHEREUPON,

10 **JANICE E. ROSS,**
11 having been duly sworn by the Clerk, testified
12 as follows:

13 THE CLERK: Thank you, ma'am. Have a seat
14 up here please. Please state your full name, spell
15 your last name for the record.

16 THE WITNESS: Janice Edwards Ross,
17 R-O-S-S.

18 **DIRECT EXAMINATION**

19 BY MR. MEADORS:

20 Q Good afternoon, Doctor Ross?

21 A Good afternoon.

22 Q Would you please tell the ladies and gentlemen of
23 the jury about yourself, specifically where you're
24 from, your background, your training your education,
25 and in particular your education in the field of

SW - J. ROSS - DIRECT

1 expertise that I'm offering you today.

2 A Yes. I have a degree in biology from the
3 University of Sumter County and my M.D., Doctor of
4 Medicine from Upstate Medical Center in Syracuse,
5 New York. That's where I did further training in
6 the field of pathology. Pathology is the study of
7 disease; and as a pathologist I learn how to
8 identify and diagnose different diseases whether
9 it's looking at through, at tissue under the
10 microscope we use in the laboratory, we, for medical
11 testing. We are also trained to do an autopsy to
12 find cause of death. A forensic pathologist, which
13 I am further trained in, the word forensics means
14 legal so we use our pathology knowledge on forensic
15 matters including such things as homicide, suicides,
16 and accidents. I am Board certified in three areas
17 of pathology. And again, a forensic autopsy is more
18 detailed, and we are trained to identify patterns of
19 injury and also how to collect and preserve evidence
20 for the court of law.

21 Q And where is your office?

22 A In Newberry, South Carolina.

23 Q And when you perform autopsies where do you do
24 that?

25 A In the morgue at Newberry County Memorial

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1 Hospital.

2 Q And you're Board certified in forensic pathology?

3 A Yes.

4 Q How many times have you performed, Doctor?

5 A Over 7,000.

6 Q And have you been offered as an expert in the
7 field of forensic pathology in courts of records of
8 this state before?

9 A Yes.

10 Q And have you been so qualified?

11 A Yes.

12 MR. MATTHEWS: Your Honor, at this time we
13 would offer Janice Ross as an expert in the field of
14 forensic pathology.

15 THE COURT: Do you want to voir dire her?

16 MS. COOKE: No objection.

17 THE COURT: Okay, no objection. Ladies
18 and gentlemen, again, because of her knowledge and
19 experience I will deem her to be an expert;
20 therefore, she can give you a conclusion or opinion
21 as to what her findings were.

22 All right, you may proceed.

23 MR. MEADORS: Thank you, Your Honor.

24 BY MR. MEADORS:

25 Q Doctor Ross, in an ideal world, when would you

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1 first like to see or where would like to see a body.
2 before you examine it?

3 A I would prefer to go to the scene, but it's
4 logistically impossible to go to all the scenes.

5 Q And that being said, how do bodies get to you?

6 A The coroner calls us and asks for a schedule of
7 the autopsy and authorizes the autopsy. The body is
8 then brought to us in the morgue at Newberry County
9 Memorial Hospital in a body bag and then we proceed
10 with our examination.

11 Q And did you have an occasion to examine the body
12 of Charles Dennis?

13 A Yes.

14 Q And that is our victim in this case?

15 A Yes.

16 Q And you did that at the Newberry hospital?

17 A Correct.

18 Q And what date did you do that on, Doctor?

19 A April 13th, 2013.

20 Q And can you please tell this jury what do you do
21 when you first see Mr. Dennis?

22 A We received the body in a body bag. We opened
23 the body bag and take photographs of the patient as
24 he comes in, he or she comes in. We then take the
25 clothes off, inventory them, and then do further

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1 examination externally of the body taking
2 photographs and measurements as necessary.

3 Q And can you generally describe Mr. Dennis to us,
4 if -- black male, white male?

5 A He's an African American male. We measured him
6 about five-and-a-half feet tall; and we don't have a
7 scale at the morgue, but we estimated he weighed
8 about 250-pounds.

9 Q After you photographed or documented, I guess,
10 the outside of his body what do you do next?

11 A We do a systematic internal examination of each
12 organ.

13 Q And can you take this through what you did with
14 Mr. Dennis that day in performing this autopsy?

15 A Yes. Well, we described the inventory of the
16 clothing including a black shirt, a white shirt,
17 blue jeans, underwear, I think some sneaker type
18 shoes and socks. Externally we could see that
19 he ---

20 Q And do you give those clothes to law enforcement
21 agency that's there?

22 A At this point, yes.

23 Q Okay.

24 A Externally we could see that he had some bruising
25 and abrasion of his left side of his head. He had

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1 some road rash over his left -- let me make sure --
2 over his left arm. He had a dislocated left
3 shoulder. He had an open fracture of the right
4 wrist and in one of the right fingers. And a
5 little, a few more different bruises. Then we do an
6 internal examination.

7 Q What background information were you provided, if
8 any, by the local agency before you started your
9 examination? You kind of get an overview of what
10 happened?

11 A We just generally got the facts that this
12 gentleman was found dead on the roadway not too far
13 from his crashed motorcycle near an intersection.
14 And the fact that -- it appeared that this victim
15 was hit by another vehicle which did not stop.

16 Q And what are you -- can you now tell us what you
17 found when you started looking actually at his body?

18 A Yes. Internally we found multiple fractured
19 ribs. We had -- there was a lot of blood inside the
20 chest cavities and around the heart. He had a
21 fractured back. He had some blood around the brain
22 called, space called the subarachnoid space. He had
23 a laceration of one lobe of the left lung and
24 laceration of the liver.

25 Q How long would you have expected or based on your

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1 training and experience, how long would Mr. Dennis
2 have survived after these injuries?

3 A He could have survived for a few minutes as far
4 as -- he probably was unconscious fairly quickly,
5 within seconds.

6 Q So if there's testimony there was gurgling and
7 all after the incident, would that surprise you?

8 A That would not surprise me, no.

9 Q Okay. And specifically what was his internal
10 injuries?

11 A Fractured ribs, lacerated lung and liver
12 resulting in a lot of hemorrhage internally and a
13 fractured back.

14 Q Now do you collect blood and then provide that to
15 law enforcement?

16 A Yes.

17 Q And how do you do that?

18 A We draw blood, we try to draw blood as far as
19 away from the central part of the heart, peripheral
20 vessels as possible, depending on the ability,
21 depending on the injuries. We draw blood. We draw
22 vitreous, which is fluid from the eye. We draw
23 urine Honor if there's any urine. The blood we draw
24 is for toxicology as well as for processing of DNA.
25 We take a tube of what's called purple top tube,

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1 which is used for DNA, but we also put blood on a
2 little -- it's basically a filter paper. And when
3 the blood dries on that we can save that and it can
4 be used for years to come for DNA processing.

5 Q Did you do that in this case?

6 A Yes.

7 MR. MEADORS: May I approach?

8 THE COURT: You may.

9 BY MR. MEADORS:

10 Q I'm gonna show you what's been marked as State's
11 94 for ID. You testified you gave a card to local
12 law enforcement; is that it?

13 A Well, that's in the envelope. Can I open this?
14 (Bag is opened.) Yes, this is the card. We label
15 it and I have initialed it. On the inside you can
16 see that there is blood dried on it. It's basically
17 a filter paper which can be used for DNA processing.

18 Q And you're here testifying as to the final chain
19 witness, Doctor, that this is Charles Dennis?

20 A Correct.

21 MR. MEADORS: Your Honor, 94 without
22 objection.

23 MS. COOKE: Without objection.

24 THE COURT: Without objection.

25 (WHEREUPON, State Exhibit No. 94

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1 was admitted into evidence.)

2 BY MR. MEADORS:

3 Q And Doctor, do you have an opinion to a
4 reasonable degree of medical certainty for the cause
5 of death of Charles Dennis?

6 A Yes, I do.

7 Q Would you please tell the jury what that is.

8 A We call it exsanguination, which means to bleed
9 out due to multiple blunt force injuries due to the
10 motor vehicle, motorcycle acc-- collision.

11 Q And again, you said his survival time would have
12 been minutes?

13 A Correct.

14 MR. MEADORS: Beg the Court's indulgence.

15 THE COURT: Yes.

16 BY MR. MEADORS:

17 Q Toxicology.

18 A Yes.

19 Q You got the results?

20 A Yes. We seal the bags and send the toxicology to
21 SLED and I did get a report back, yes.

22 Q Victim had been drinking?

23 A Yes.

24 Q Had had some alcohol in his system?

25 A Yes.

1 Q I believe it was .187?

2 A Correct.

3 Q Thank you. That's all.

4 THE COURT: Cross-examination.

5 **CROSS-EXAMINATION**

6 BY MS. COOKE:

7 Q He also had tetrahydrocannabinol in his system
8 which is commonly known as marijuana, correct?

9 A Correct.

10 Q Did you find anything in your autopsy report to
11 prove that who was driving the car that day, or the
12 motorcycle that Charles Dennis was on?

13 A No, I did not.

14 MS. COOKE: No further questions, Your
15 Honor.

16 THE COURT: Thank you. Any redirect?

17 MR. MEADORS: We'd ask that the doctor be
18 excused.

19 THE COURT: All right, thank you. Let me
20 see counsel for a second.

21 (WHEREUPON, counsel approached the
22 Bench for an off-the-record discussion.)

23 THE COURT: Ladies and gentlemen, I told
24 you we'd get you out here a little early. We got
25 out here earlier than anyone was expecting so I'm

1 gonna dismiss you for the day with instructions to
2 be back here just a little bit before 10:00 so we
3 can start right at 10:00. Please do not discuss
4 this case with anyone. Thank you, ladies and
5 gentlemen.

6 (WHEREUPON, the jury was removed from the
7 courtroom at 2:32 p.m.)

8 THE COURT: Anything else?

9 MR. MATTHEWS: Judge, just one brief
10 matter to address and I apologize to Ms. Cooke for
11 not mentioning this to her before; but it occurred
12 to me at the lunch break that as I mentioned to you,
13 we have a number of lay witnesses coming to testify
14 tomorrow.

15 THE COURT: Right.

16 MR. MATTHEWS: Most of which are
17 acquainted with Ms. Mesidor and after the revelation
18 of this morning I thank Ms. Cooke for bringing that
19 to our attention that Ms. Mesidor had contacted at
20 least one of those lay witnesses. We fear, feel
21 that there may be a possibility that Ms. Mesidor
22 would contact our lay witnesses tonight and possibly
23 intimidate them. We really don't want that to
24 happen so we ask Your Honor consider revoking her
25 bond for tonight.

1 MS. COOKE: Your Honor, she didn't
2 intimidate a witness in any way. And as I told the
3 judge earlier, she misunderstood me. She thought I
4 was asking her to contact the witness, and she, all
5 she did -- she thought I was asking her to contact
6 them when I asked her to get his phone number and
7 she did not intimidate him in any way whatsoever.

8 THE COURT: Okay. I'm not gonna revoke
9 her bond but what I am gonna do is, Ms. Mesidor, I'm
10 putting you under strict orders that you are to
11 contact no one who is involved with this case in any
12 way; and if you do, I'll consider that contempt of
13 Court and I will put you in jail right then and
14 there. Do you understand that?

15 THE DEFENDANT: Yes, sir, Your Honor.

16 THE COURT: All right, thank you. Court
17 is in recess, or adjourned, till 10:00 tomorrow
18 morning.

19 (WHEREUPON, the proceedings were concluded
20 for the day to be reconvened on
21 May 21, 2015.)

22 THE COURT: All right, let's bring our
23 jury in.

24 (WHEREUPON, the jury was returned to the
25 courtroom and the following proceedings

SW - C. HRARIS - DIRECT

1 commenced in open court.)

2 THE COURT: Good morning, ladies and
3 gentlemen, I hope you had a nice evening. Sorry for
4 the delay, we had court reporter issues so we have a
5 new reporter. We find out who the most important
6 person is in the courtroom and we can't go forward
7 without a court reporter.

8 The State ready to proceed?

9 MR. MEADORS: State's ready, Your Honor.

10 THE COURT: Defense?

11 MS. COOKE: Yes.

12 THE COURT: State may call its next
13 witness.

14 MR. MEADORS: The State of South Carolina
15 would call Corey Hraris.

16 THE CLERK: Place your left hand on the
17 Bible, raise your right hand. State your name
18 please.

19 THE WITNESS: My name is Corey Hraris.

20 THE CLERK: Corey what?

21 THE WITNESS: Corey Mantina (ph) Hraris.

22 WHEREUPON,

23 **COREY HRARIS,**

24 having been duly sworn by the Clerk, testified
25 as follows:

SW - C. HRARIS - DIRECT

1 THE CLERK: Thank you. Please state your
2 full name, spell your last name for the record.

3 THE WITNESS: My name is Corey Hraris,
4 Corey Mantina Hraris, C-O-R-E-Y H-R-A-R-I-S.

5 BY MR. MEADORS:

6 Q Good morning, Mr. Hraris.

7 A How are you doing?

8 Q Fine, sir. Would you please tell the ladies and
9 gentlemen of this jury about Corey Hraris. Where
10 were you born.

11 A I'm born in Rembert, South Carolina.

12 Q And were you raised there?

13 A Yes, sir.

14 Q Where did you go to school, Mr. Hraris?

15 A Hillcrest High School.

16 Q And what year did you get threw?

17 A '93.

18 Q And what did you do after that?

19 A Do construction work.

20 Q And who do you work for?

21 A I work for Mr. Albert Dinkins.

22 Q And what do you do for Mr. Dinkins?

23 A I do cement work.

24 Q And how long have you been doing that?

25 A I'd say about 30 years.

SW - C. HRARIS - DIRECT

1 Q You enjoy that work?

2 A Yes, I do.

3 Q You've been working for Mr. Dinkins the whole
4 time?

5 A Uh-huh.

6 Q Back in April of 2013 were you living in the
7 Rembert area?

8 A Yes, sir.

9 Q And what was your address in April of 2013,
10 specifically April 13th of 2013?

11 A My address?

12 Q Yes, sir, if you don't mind?

13 A Dinkin Mill Road.

14 Q Now on April 13th, 2013, Mr. Hraris, was that a
15 Friday?

16 A Yes, sir.

17 Q What do you do on the weekend? Like on a Friday
18 night, you've had a long week of work, what do you
19 do?

20 A Just hanging out.

21 Q Relax?

22 A Relax.

23 Q Be with friends?

24 A Yes, sir.

25 Q And on this Friday of April 13th of 2013, did you

SW - C. HRARIS - DIRECT

1 do that?

2 A Yes, sir.

3 Q And where did you hang out that day?

4 A Couple of friends' house.

5 Q And was one of those Ms. Jacqueline Mesidor's
6 house?

7 A Yes, sir.

8 Q And do you remember when you first, just best you
9 can remember, Mr. Hraris, when got to her house?

10 A That Friday around, about around about 6.

11 Q And what time did you get off work?

12 A About five.

13 Q And in April, specifically April 13th, 2013, and
14 I'm not prying or implying anything, but did you
15 have a driver's license?

16 A No, sir.

17 Q Do you have a driver's license now?

18 A No, sir.

19 Q So I know you're under oath and in here, do you
20 drive?

21 A No.

22 Q Okay. And on April 13th, did you drive?

23 A No.

24 Q And how did you get from your house to
25 Ms. Mesidor's house on Friday? You say you first

SW - C. HRARIS - DIRECT

1 got there 6ish or something?

2 A With her.

3 Q She came to pick you up?

4 A Yes, sir.

5 Q And was anybody else with her?

6 A Just me and her.

7 Q When you leave your house can you tell these
8 folks, and specifically that afternoon, how you got
9 from your house in Ms. Mesidor's car back to her
10 house?

11 A Straight through Dinkins Mill Road.

12 Q Did you cross over 521?

13 A Yes, sir.

14 Q Then did you go on up to her house?

15 A Yes, sir.

16 Q And do you remember what road her house was?

17 A Stagecoach Road.

18 Q Let's go there right now, you and Ms. Mesidor
19 just get there, okay?

20 A Yes, sir.

21 Q Who else is there?

22 A I'd say just a bunch of friends.

23 Q Okay. Not implying or judging or anything by
24 this, but were people drinking?

25 A Yeah, we had a couple of drinks.

SW - C. HRARIS - DIRECT

- 1 Q It's Friday?
- 2 A Yeah.
- 3 Q I drink on Friday.
- 4 A Yeah.
- 5 Q What were you drinking?
- 6 A Bud Lite.
- 7 Q And were there other people there drinking?
- 8 A Yes, sir.
- 9 Q And what were they drinking?
- 10 A Bud Lite.
- 11 Q Were the ladies drinking anything?
- 12 A They had a couple of Margaritas.
- 13 Q Do you remember what kind?
- 14 A I know they was Margaritas, you know.
- 15 Q Where can you get the Margaritas from?
- 16 A From the store.
- 17 Q From some of those local fast fares or?
- 18 A Yeah.
- 19 Q Okay. So you don't have to go the liquor store
- 20 to buy those?
- 21 A Naw.
- 22 Q Was Ms. Mesidor drinking?
- 23 A Yeah, she had a couple of drinks, you know.
- 24 Q You were drinking?
- 25 A Yeah.

SW - C. HRARIS - DIRECT

1 Q Everybody else drinking?

2 A Everybody else drinking.

3 Q What other type activity was going on there?

4 Playing cards?

5 A Playing cards, having fun, you know.

6 Q Eating?

7 A Eating, everything.

8 Q Did you go -- well, how long did you -- let me
9 ask you this, did you end up leaving Ms. Mesidor's
10 house?

11 A Yes, sir.

12 Q And where did you go when you left Ms. Mesidor's
13 house?

14 A Me and her just went down to the Dennis store.

15 Q To where?

16 A To the Dennis store.

17 Q Okay?

18 A We went and got a couple more drinks and we left
19 from there. She dropped me off home. And I just
20 went home, got in bed and smoke a cigarette, and
21 that been the ball game.

22 Q And where's the -- what's the first part of the
23 Dennis store, I'm sorry. What Dennis store?

24 A Dennis?

25 Q Yes, sir.

SW - C. HPARIS - DIRECT

- 1 A I forgot what the address.
- 2 Q What -- it's just Dennis?
- 3 A Just Dennis, yeah.
- 4 Q Okay. And so you went there and got some more
- 5 drinks?
- 6 A Yeah.
- 7 Q And tell us where that is.
- 8 A That located down to -- it's on 261. I just head
- 9 on 261.
- 10 Q I want to say I'm not prying, but I guess I am, I
- 11 apologize. Your relationship with Ms. Mesidor then
- 12 was freely?
- 13 A Yeah.
- 14 Q Y'all were just talking but not permanently
- 15 talking?
- 16 A Yeah.
- 17 Q And when you left the Dennis store where did you
- 18 go?
- 19 A Home.
- 20 Q Okay. And who was in the car with you?
- 21 A Just the two of us.
- 22 Q And who's driving?
- 23 A She was.
- 24 Q Okay. And approximately what time was it?
- 25 A I'd say between about 12 and 1.

SW - C. HRARIS - DIRECT

1 Q 12 and 1:00?

2 A Uh-huh.

3 Q And that's the evening of April 13th in the
4 morning, the next morning, correct, 12 and 1?

5 A Yes, sir.

6 Q Now when she dropped you off were y'all arguing
7 or fighting or anything?

8 A No, sir.

9 Q Okay. Did you have to work the next morning?

10 A Yes, sir.

11 Q What time did you get up and work?

12 A I get around to them by eight.

13 Q And when you got up the next morning did you hear
14 about what happened to Mr. Charles Dennis? Or did
15 you hear there was an accident?

16 A I heard there had been an accident.

17 Q Did you know anything about that before then?

18 A No, sir.

19 Q You weren't driving that car -- were you driving
20 that car at all that night or the next morning?

21 A No, sir.

22 Q After Ms. Mesidor dropped you off you said
23 between 12 and 1, did you talk to her after that?

24 A No, sir.

25 Q And have you talked to her at all since

SW - C. HRARIS - DIRECT

1 April 13th of 2013?

2 A Nope.

3 Q Did you know Charles Dennis?

4 A (No verbal response.)

5 THE COURT: We need a verbal..

6 BY MR. MEADORS:

7 Q She has to take it down. Your Honor said just
8 say yes or no please.

9 A No.

10 Q In your opinion, or while you were with
11 Ms. Mesidor that night, was she, was she pretty
12 tipsy, under the influence in your opinion?

13 A Yes, sir.

14 Q Is that a yes?

15 A Uh-huh.

16 MS. COOKE: Objection, Your Honor.

17 THE COURT: Overruled.

18 BY MR. MEADORS:

19 Q Had you seen her consume Ritas? Did you see her
20 drinking?

21 A All of us was drinking, you know.

22 MR. MEADORS: Beg the Court's indulgence.

23 THE COURT: Yes, sir.

24 BY MR. MEADORS:

25 Q That Friday would have been April 12th, 2013,

SW - C. HRARIS - CROSS

1 into the morning of April, 13th 2013; is that
2 correct?

3 A Yes, sir.

4 Q Okay, I apologize, I just got one last question
5 for you please, or two. Is this Ms. Mesidor sitting
6 over here?

7 A Yes, sir.

8 Q That's the lady you talked about being with the
9 12th and 13th?

10 A Yes, sir.

11 Q Dropping you off between 12 and 1 at your house?

12 A Yes, sir.

13 Q Who is Milton Black?

14 A Never heard of him.

15 Q You've been in Rembert your whole life?

16 A Yes, sir.

17 Q Never heard of him?

18 A Never heard of him.

19 Q Do you have a nickname?

20 A Dust.

21 Q Dust?

22 A Dust.

23 Q And when was that given to you?

24 A In high school.

25 Q Thank you for being here.

SW - C. HRARIS - CROSS

1 MR. MEADORS: Judge, that's all we have.

2 THE COURT: Ms. Cooke.

3 **CROSS-EXAMINATION**

4 BY MS. COOKE:

5 Q In your interview with Trooper Odonnell, the
6 first time he asked you what time Jackie dropped you
7 off you said 1:30, correct?

8 A Yes, sir.

9 Q And then he asked you a little bit later and you
10 said 12 or 1.

11 A Between by 12 or 1.

12 Q So you mentioned 12 or 12:00?

13 A Yeah.

14 Q And you told my investigator Mr. Johnny Davis
15 sitting right here that you met with, it was around
16 1 or 2.

17 A Correct. Between about 12 and 1.

18 Q Okay. So you deny telling him ---

19 A Just in between, you know.

20 Q ---that she dropped you off?

21 A I mean, just in between.

22 Q So you -- in between 12 and 1?

23 A In between 12, 1, somewhere ---

24 Q In between 12, 1, and 2?

25 A Between in there, yeah.

SW - C. HRARIS - CROSS

1 Q Okay. And you stopped at the Dennis store, both
2 of you, before she dropped you off, right?

3 A We got to Dennis store. We got a couple of
4 drinks, we left. After that she dropped me off
5 home.

6 Q Okay. And at a couple of points during the
7 interview didn't Trooper Odonnell tell you if you
8 you're not really -- you didn't have to be really
9 precise, guess what time she dropped you off. Do
10 you remember that?

11 A Between about the same time I just said.

12 Q But he told you to guess, correct?

13 A Yes.

14 Q Okay. And so people tried to come and beat you
15 up for this wreck; didn't they?

16 A Yes, sir. Yes, ma'am.

17 Q And during the interview a Chris was also
18 mentioned. Did Trooper Odonnell ask you if you knew
19 Chris and you said, yeah.

20 A Chris? Who's Chris?

21 Q Asked if you knew a Chris and you said, yeah.
22 You asked what does he drive?

23 A No, ma'am.

24 Q You don't remember that?

25 A No.

SW - C. HRARIS - REDIRECT

1 Q Okay. And he asked you if Jackie has issues and
2 she's on medication and she's bipolar, you talked
3 about that a little bit, right?

4 A Yes, ma'am.

5 Q And sometimes she just doesn't act right?

6 A Yes, ma'am.

7 Q And now you said just a few minutes ago that you
8 weren't arguing, that you told Trooper Odonnell that
9 you were arguing and the argument was because it
10 took you so long to come out the store and she got
11 upset and started fussing. Do you remember that?

12 A No, ma'am.

13 Q You don't remember that?

14 A I never been in the store. I been on the
15 outside of the store. I never been inside the
16 store.

17 Q But you don't remember Trooper Odonnell asking
18 you about what y'all were arguing? Were y'all
19 arguing about she was sleeping with somebody else
20 and wouldn't give it to you?

21 A No.

22 Q Don't remember that at all?

23 A I don't know none of them questions about
24 sleeping with anybody, no.

25 Q No, I'm not asking you if you are sleeping with

1 her. I'm just asking if you remember Trooper
2 Odonnell asking you about it?

3 A No.

4 Q Okay. So you don't remember saying, naw, I'm
5 just a friend.

6 A That's all, we just friends.

7 Q All right, thank you. No questions.

8 THE COURT: Any redirect?

9 MR. MEADORS: Very briefly.

10 **REDIRECT EXAMINATION**

11 BY MR. MEADORS:

12 Q So you talked with Trooper Odonnell that, shortly
13 after that and told him what happened?

14 A Yes, sir.

15 Q And Ms. Cooke asked you, so she was on medication
16 plus drinking?

17 A Yes, sir.

18 Q That's all.

19 THE COURT: Any recross?

20 MS. COOKE: Just one question.

21 **RECROSS-EXAMINATION**

22 BY MS. COOKE:

23 Q You stated that she takes medication for bipolar.

24 Did you, did you see her take it that night?

25 A No, sir -- no, ma'am.

SW - T. MILLER - DIRECT

1 MS. COOKE: Thank you.

2 THE COURT: Thank you, you may step down.

3 Any objection to the witness being

4 excused?

5 MR. MEADORS: We so ask for it.

6 THE COURT: Thank you, you may go.

7 State may call its next witness.

8 MR. MEADORS: Your Honor, we call

9 Investigator Tom Miller.

10 THE CLERK: Place your left hand on the

11 Bible, state your full name please.

12 THE WITNESS: Thomas Miller.

13 WHEREUPON,

14 **THOMAS MILLER,**

15 having been duly sworn by the Clerk, testified

16 as follows:

17 THE CLERK: Thank you. Have a seat up

18 here please. Please state your full name, spell

19 your last name for the record.

20 THE WITNESS: Thomas A. Miller,

21 M-I-L-L-E-R.

22 **DIRECT EXAMINATION**

23 BY MR. MEADORS:

24 Q Good morning, Mr. Miller.

25 A Good morning.

SW - T. MILLER - DIRECT

1 Q Please tell this jury about Thomas A. Miller very
2 generally and briefly where you are from, your
3 background, your education, and training, and your
4 experience in the Solicitor's office please.

5 A Okay. I was born and raised in Colorado. I've
6 been here in South Carolina for 19 years. I've got
7 a Bachelor of science degree in legal studies,
8 Masters degree in history. For 15 years I was a
9 paramedic firefighter. I've been at the Solicitor's
10 Office six, six-ish years, six, close to seven.

11 Q And you've worked for Solicitor Jackson and
12 Solicitor Finney?

13 A That's correct.

14 Q And is part of your duty here to assist as cases
15 are being prepared to work with law enforcement
16 and/or victims to prepare them for trial?

17 A Yes, sir, it is.

18 Q And did you take that role in this case?

19 A I did.

20 Q And at Mr. Matthews request did you search to see
21 if a Milton Black lived in Sumter County?

22 A Yes, I did.

23 Q And how'd you do that?

24 A Initially I did a driver's license check to see
25 if there was a Milton Black that had a driver's

SW - T. MILLER - DIRECT

1 license in Sumter County. I was unable to find a
2 Milton Black anywhere in Sumter County. I went
3 further and checked the whole state, and there's not
4 a Milton Black in the state of South Carolina with,
5 that fits the perimeters of this. There is one
6 that's, the driver's license is expired. It's an
7 older gentleman, 80's, 90's. He could be deceased
8 because the driver's license is not current, but it
9 was in the low country somewhere in the Beaufort
10 area I believe.

11 Q And how did you check statewide?

12 A I have access to the state data base with the
13 Department of Motor Vehicles.

14 Q And did you go further at Mr. Matthews' request
15 to check the state of Virginia for a Milton Black?

16 A Yes, I did.

17 Q And please tell the ladies and gentlemen of the
18 jury, with the assistance of the Sumter Police
19 Department did you do that?

20 A Yes, sir. I contacted a detective at the Sumter
21 City Police Department. They have access to a
22 program called Clear that checks for people
23 through -- you can set it to what parameters you
24 want, but it checks to see if people, find people's
25 locations. It uses, if they apply for credit

SW - T. MILLER - CROSS

1 somewhere, driving records, if they receive a
2 ticket, if they have a water bill, electric bill,
3 anything like that. And initially we checked
4 between the ages of 20 to 40 because we didn't have
5 an age range for Mr. Black.

6 Q At my request did you go further than that?

7 A Yes, we did. We checked 20 to 40; there was
8 nobody. So we expanded the search from 20 to 60
9 years of age throughout the State of Virginia. We
10 were able to find one Milton Black who was an older
11 gentleman close to the 60's who was an Episcopal
12 Priest that went to seminary in Virginia; but now,
13 and has been for some time, in Corpus Christy Texas.

14 Q And was that the only Milton Black you found?

15 A There was another Milton Black that was a female.

16 Q And the Episcopal priest, were you able to
17 describe him?

18 A He was an older white male.

19 Q Based on your search and research does Milton
20 Black exist?

21 A I don't believe he does.

22 MR. MEADORS: Judge, thank you. That's
23 all.

24 THE COURT: All right, Ms. Cooke.

25 MS. COOKE: Beg the Court's indulgence one

SW - T. MILLER - CROSS

1 moment, Your Honor.

2 THE COURT: Yes.

3 **CROSS-EXAMINATION**

4 BY MS. COOKE:

5 Q Hello, Mr. Miller.

6 A Ms. Cooke.

7 Q Mr. Meadors stated that you did a check for
8 Mr. Matthews?

9 A I did.

10 Q Mr. Matthews hadn't been with the Solicitor's
11 Office for two years so this case wasn't his from
12 the beginning, right?

13 A That's correct.

14 Q So did you do this search after the defense
15 requested phone records?

16 A No, ma'am.

17 Q You didn't? When did you ---

18 A Well, it wasn't --- I'm not sure when you
19 requested the phone records, but I've done this
20 search. I'm working on it for the last couple two
21 or three months.

22 Q But not two years ago when all this started and
23 she said Milton Black drove the car?

24 A No, that's correct.

25 Q And did you do a search through Tracers

1 Information cell phone records, data base out of
2 Florida for people who own cell phones and not
3 landlines?

4 A Is that the phone records that the Solicitor's
5 Office provided you?

6 Q No.

7 A No? Then I -- no, that's not the one.

8 Q Okay.

9 MS. COOKE: No other questions, Your
10 Honor.

11 THE COURT: Any redirect?

12 MR. MEADORS: No, sir, thank you.

13 THE COURT: Thank you, you may step down.

14 MR. MEADORS: May we approach?

15 THE COURT: You may.

16 (WHEREUPON, counsel approached the
17 Bench for an off-the-record discussion.)

18 THE COURT: Ladies and gentlemen, we are
19 going to take a 15 minute recess. If you all want
20 to get some more coffee. I know you all have been
21 waiting for awhile, so please don't discuss anything
22 about the case while you're back there. Thank you.

23 (WHEREUPON, the jury was removed from the
24 courtroom and the following proceedings
25 commenced in open court.)

1 intelligently made with the knowledge of the
2 protections given to you by the Fifty Amendment and
3 the consequences of your decision to testify. Now
4 if you decide not to testify, I will instruct the
5 jurors that they cannot give the fact that you did
6 not testify any consideration whatsoever and that
7 there's to be absolutely no prejudice to you whether
8 or not you testify. You may talk with your
9 attorney, your family, your friends, or anyone else'
10 but the final decision will be left up to you. Now
11 what I'm -- have you understood what I told you?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: You have any questions for me
14 about whether, about testifying or not?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: Now what I'm gonna do, I'm
17 gonna let you think about it over lunch and talk
18 with your attorney, and then I'll ask you the
19 ultimate question right before we bring the jury
20 back in.

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Okay. Thank you.

23 THE DEFENDANT: Thank you, Your Honor.

24 THE COURT: All right.

25 Yes, sir, anything before we break for

1 lunch?

2 MR. MEADORS: Can we approach again
3 briefly.

4 THE COURT: Okay.

5 (WHEREUPON, counsel approached the
6 Bench for an off-the-record discussion.)

7 THE COURT: Court's in recess until 1:30.
8 (Whereupon, a lunch break was taken and court
9 resumed at 1:30 p.m.)

10 THE COURT: Ms. Mesidor, please stand.
11 Before we took the break I had questioned you
12 concerning your wanting to testify. Have you had an
13 opportunity to discuss it with your attorney?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Any family members?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And have you decided whether
18 or not you want to testify?

19 THE DEFENDANT: I've decided, Your Honor.

20 THE COURT: And what will you -- what is
21 your decision?

22 THE DEFENDANT: I decline.

23 THE COURT: Okay, very well. You may be
24 seated. Thank you.

25 And I understand you're not gonna put up

1 any other testimony?

2 MS. COOKE: No, Your Honor. The only
3 person that I -- no, no.

4 THE COURT: What we will do then is, if
5 y'all just need a few minutes, I can go ahead and
6 give it to you now, let you come out, rest on the
7 record. Since there's no new evidence you don't
8 need to make anymore motions because all the
9 evidence has been presented. Then we will
10 immediately start arguing and charging.

11 MR. MEADORS: Can you give us till 1:45 to
12 get stuff together?

13 THE COURT: I knew you would need a few
14 minutes. Tell the jury they got ten more minutes
15 and then we're gonna come out but don't tell them
16 we're ---

17 MR. MEADORS: Thank you, Judge.

18 (WHEREUPON, a recess was taken from the
19 proceedings.)

20 (WHEREUPON, the jury was returned to the
21 courtroom at approximately 3:66 p.m. and
22 the following proceedings commenced in
23 open court.)

24 THE COURT: Hope you had a nice lunch.
25 We'll proceed at this time.

1 Ms. Cooke.

2 MS. COOKE: Defense rests, Your Honor.

3 THE COURT: All right. Ladies and
4 gentlemen, the Defense has now rested and that means
5 that all the evidence that you're gonna hear from
6 this case has been presented to you. The parties
7 will now have an opportunity to give you their
8 closing arguments. I will then charge you the law
9 that is applicable to this case. You will then be
10 sent back into the jury room to begin your
11 deliberations so.

12 Is the State ready to proceed?

13 MR. MEADORS: State's ready.

14 MS. COOKE: Defense is ready. Ready, Your
15 Honor.

16 THE COURT: You may proceed, counsel.

17 MR. MEADORS: May it please, Your Honor.

18 THE COURT: Yes, sir.

19 MR. MEADORS: Mr. Matthews, Ms. Cooke,
20 Madam Forelady, ladies and gentlemen, good
21 afternoon. You remember what Mr. Ikner, the first
22 witness, said? You remember what he said? He said,
23 I can't believe nobody stopped, I can't believe
24 nobody stopped, people stop for a dog. And you saw
25 his emotions. It's like he was going through that

1 Tuesday, and it happened April 13th, 2013. That's
2 real; that's real emotion. That's what he felt and
3 somebody should have stopped. And she didn't stop.
4 And that's what this case is about. It's not
5 complicated. We didn't take two or three weeks as
6 some states do, but it's important. And Ms. Cooke
7 said in her opening it's important for her client --
8 it is -- and it's important also for Charles Dennis
9 and the entire Dennis family. It's his day in court
10 too.

11 Thank you all for being here. I don't sit
12 and stare at you. I'm not a jury watcher. But
13 every now and then I looked over and I have observed
14 that from y'all have been very attentive. I know
15 His Honor and we all thank you for your attention to
16 this case. Thank you. Thank you for listening.

17 Now when you came in here Monday
18 Mr. Campbell did not send you to a juror school;
19 your Clerk didn't. But you came in here graduating
20 from that school from you've been in your whole
21 life, and it's the life of every day experiences in
22 your dealing, your interacting with people, with
23 everybody. I call it school of common sense. You
24 bring those attributes, those experiences, that
25 history you developed in your own life into this

1 courtroom and you use that, that still set if you
2 will, in evaluating and determining what the
3 credibility and believability is from the evidence
4 that came from this stand 'cause that's all you can
5 decide on in every case. The testimony, the
6 interviews, the documents, the pictures that came
7 through this stand that His Honor allowed, that's
8 what you have to base your decision on; that's the
9 law. And you'll use that in determining with your
10 common sense what's credible and what's believable
11 in every cases like that; that's what it is. 12, 13
12 jurors come in from the community and decide what
13 the truth is. This is what's believable; this is
14 what's credible. And you're gonna be asked to do
15 that in just a little bit.

16 Credibility, believability. You can
17 believe everything somebody says; you can believe
18 part of what somebody says. The judge will charge
19 you that. That is up to you.

20 Y'all may know this and can say it much
21 better than I can, but the burden of proof on the
22 State, we represent the State of South Carolina,
23 County of Sumter, the people of Sumter, against
24 Ms. Mesidor. Our burden is the same here as it is
25 in every criminal case in the country; it's beyond a

1 reasonable doubt, beyond a doubt that causes
2 reasonable folks to hesitate to act. His Honor is
3 gonna charge you in a little bit. There's nothing
4 in this world that can be proved with absolute
5 certainty, beyond all doubt; the law doesn't require
6 that. If it did, we didn't need to be at this
7 courthouse. The law requires proof beyond a
8 reasonable doubt. The judge will charge you if
9 you're firmly convinced that Ms. Mesidor is guilty,
10 you must, after taking that oath Mr. Bradley gave
11 you, you must find her guilty plea. If on the other
12 hand you think there's a real possibility that she's
13 not guilty, you must then, if she's not guilty you
14 must find her not guilty. That's what you must
15 decide. It's not beyond all doubt. We don't have
16 to have someone that directly puts her behind that
17 wheel; that's not a reasonable doubt. You don't
18 have to have somebody that -- failure to leaving the
19 scene when death results, you would never that. So
20 you piece together the pieces that led to her car,
21 that led to her, and then you evaluate her
22 testimony. And you evaluate that testimony we heard
23 this afternoon, and I'm gonna go over it in detail
24 today. But you don't have to have a witness that
25 actually sees her at the time behind the car. Just

1 because that's not there doesn't mean that's a
2 reasonable double. There's nothing that can be
3 proved beyond all doubt; and the judge will tell you
4 again, that's not what the law requires.

5 What's she charged with? Ms. Mesidor is
6 charged with failure to render aid, leaving the
7 scene after an accident with death resulting. It's
8 not complicated. We must show there was an
9 accident, that there was a vehicle involved, that
10 that vehicle did not stay and go tend, didn't go
11 stay and try to render aid, didn't go there and try
12 to touch Charles to see if he needed help. She
13 left. Didn't stay, the law requires. You have to
14 stay, give your information, here's where I am.
15 Stay there. That's it. There was a wreck. She
16 didn't stop, she didn't render aid, and a death
17 results. And we have to prove that she was the
18 driver of that vehicle. That's the case.

19 So what happened? Well, it's April 12th,
20 a little over two years ago. We're in the community
21 of Rembert, Sumter County. It's Friday night,
22 Friday afternoon, Friday night. Nothing wrong with
23 this, I'm not judging, I hope I made that clear
24 through my testimony -- through my questioning,
25 excuse me, of the last witness. Everybody is

1 relaxing on a Friday night. They end up going down
2 on Stagecoach to Ms. Mesidor's house. There's a
3 group of friends there drinking beer, drinking
4 strawberry Ritas I think they call it, Margaritas,
5 strawberry Margaritas which I've learned that you
6 can get from the Quik-way here -- you don't have to
7 go to the liquor store. Drinking strawberry Ritas,
8 drinking beer on a Friday night at Ms. Mesidor's
9 house. We learn that Corey Hughes, Dust,
10 Mr. Hraris, Dust gets picked up by Ms. Mesidor, goes
11 over to her house, I don't know, sometime that
12 afternoon. I'm not sure exactly what time or if he
13 was there at 6ish. Y'all remember it, whatever time
14 he says. They're drinking, they're fellowshiping,
15 they're eating. Who's drinking? Everybody is
16 drinking. How late do you stay? Stayed late into
17 the evening. What do you do then? We go back to
18 Dennis's store. Some of y'all may know where this
19 store is, others not; but it's a store you go and
20 get refreshments. They went and got some more
21 alcohol. Well, what was Ms. Mesidor doing? Did you
22 see her do anything? She was -- was she drinking?
23 Yes. No disrespect, but was she under the
24 influence? In your opinion, you've been around,
25 you've been drinking? Yeah. I think he said, yeah.

1 She was drinking. She was under the influence.
2 Everybody was drinking. The victim was drinking in
3 this case; that's not an issue in this case. Don't
4 let that be a smoke screen, not an issue at all.
5 But she's drinking. She's under the influence
6 according to him, at least tipsy, according to the
7 defendant. And then he takes her home, takes her
8 home. Now what did he tell us? And this is the
9 credibility, believability you've got to decide this
10 case on. You watched him, you watch his mannerism,
11 you watch the way he answered, what'd he say? You
12 got a driver's license? I ain't got a license. How
13 did you get here today? I didn't drive. Did you
14 drive here today? I didn't drive. He doesn't
15 drive. Ms. Mesidor was driving him that night, came
16 to pick him up. I think one time she said she was
17 going to pick him up, he wasn't ready, went back to
18 get him, came, drove him. They partied, went to get
19 some more alcohol at Dennis', and then she took him
20 back home. You driving then? No, sir, I wasn't
21 driving. But when she came to pick you up whatever
22 time that afternoon, how do you get back to her
23 house? Well, I, I get right there on, take a right
24 and cross 521 when we go up to her house. I want to
25 show you a map in a minute. Y'all heard him

1 testify. Comes out of his house, takes a right on
2 Dinkins Mill, crosses 521, and they head up to her
3 house. Is that the way she took you when you went
4 to her house that afternoon? Yes, sir, that's the
5 way to go, that's the shortest route. One of the
6 officers showed you on that -- I think it was
7 Odonnell, maybe it was Nix, I'm not sure. Is that
8 the way you go? That's the way to go to her house.
9 You come back for Dennis, you come to her house.
10 Come to her house, she's dropping you off. What
11 time is it? What time is it? What time is it?
12 Between 12 and 1:00. 12 and 1:00. What time did
13 our first witness say he heard something and then
14 called 9-1-1? Y'all remember what he said? He said
15 he heard first, then he walked over there and he
16 tried to tend to the body. He rendered aid. The
17 neighbor -- god, I wish he had hit 'cause he'd have
18 stayed there, he rendered aid. He went and helped.
19 Then he went back to the house and called 9-1-1 and
20 that took a little time. 9-1-1 called, came in at
21 12:54 I think, so it probably happened a little
22 before that. That document is over here for y'all
23 to look at, that report, I think it's 12:54. So it
24 had to have happened a little before that to give
25 him time to come out, look and come back. It's

1 between 12 and 1:00.

2 Now Ms. Cooke cross-examined him and said,
3 well, now you gave the interview to Odonnell. He
4 took the interview right after this thing happened.
5 This wasn't the first time he came in here two years
6 later, right after it happened when it's in his
7 mind. He gave an interview. She said, well, didn't
8 you say it was later than that, 12, 1:00? I say a
9 little later, I don't know, but it was 12 to 1:00 at
10 night. Could have been a little later maybe, but it
11 was in that time zone. What he said from April 13th
12 to today, not before 12. That's one thing for sure.
13 She didn't ask him that. It dadgum wasn't before
14 12. It was in that time frame. And what does that
15 mean? What does that mean? That's an example of
16 circumstantial evidence, proof of a fact or proof of
17 fact or facts indicating the existence of another
18 fact. 'Cause you got a couple of ways to present
19 evidence.

20 You got direct evidence. That's like our
21 first witness who came out and said, I saw
22 Mr. Dennis, I saw him, I heard him gurgling. That's
23 direct evidence of those injuries. Circumstantial
24 evidence is proof of a fact or facts which indicates
25 another fact. Dust: They left her house, they went

1 to Dennis's, they came back between 12 and 1:00.
2 That's the way she always goes home. That's the
3 reasonable inference. Take it, that's the way she
4 goes back to her house. She goes back, this
5 happens, 8:50. That's good circumstantial evidence.
6 And the law and the judge will tell, one is just as
7 strong as the other. I submit sometimes
8 circumstantial evidence is stronger. You can't make
9 certain things up. You put the pieces together. By
10 gosh, you got the man on the corner there at Dinkins
11 Mill and 521, doesn't know anybody, he sets the time
12 frame. Can't make that up. Dust is up here since
13 April 13th of 2013; this is when she took me back,
14 between these time periods. Has he got the exact
15 time? No. Then maybe it wouldn't work but he's got
16 right in that time frame. Circumstantial evidence.
17 Then he goes on to bed. What does she do?

18 The evidence will show you — I'll talk
19 about it in a minute. She went across. And then
20 according to the experts at MAIT back here, Odonnell
21 in the back — let me tell you something, these
22 police officers, they catch hell a lot. We've all
23 seen it. You catch hell a lot. But you see these
24 fellas right here? You think they don't care about
25 their job? The way they did it, the way they were

1 meticulous, the way they took their time. And the
2 statement they gave to Ms. Mesidor on tape, not
3 yelling, not confrontational, give her a chance to
4 tell her story. They did a fantastic job of finding
5 out what happened and linking it back to her, and I
6 want to thank them publicly for the job they did.

7 What does she do? What does their
8 evidence show? Well, it shows that the car crossed
9 over and they're not trying to tell you exactly how;
10 but at some point that car turned around. Don't
11 know if it was a three point turn back here, but it
12 turned around and it went back. What does that tell
13 you? That tells you she went back and looked out
14 there and saw Charles. This is almost like leaving
15 the scene of a death plus. You come back, you look.
16 I don't know, I don't know if she recognized him, I
17 don't know what; but she comes back, she looks.
18 Does she stop then, ladies and gentlemen? No. She
19 doesn't stop then. This is a leaving the scene
20 plus. That's not a real law but it ought to be.
21 And she rides on back and doesn't stop, sees what
22 she's done. And that's one thing the judge will
23 tell you, you got to show that she knew an accident
24 was there. She knows a couple of ways 'cause she
25 turned around and looked at it, and then she starts

1 heading back up 521. And that's some of the debris
2 they found there that was consistent with this
3 debris..

4 Now there's some hair on the road. I
5 don't think Ms. Cooke -- she might -- try to say
6 there's some reasonable doubt. Obviously that hair
7 came from the outside of the car where part of
8 Charles was. Never was tested but that got nothing
9 to do with this case or whether there's reasonable
10 doubt. That come from some of his hair? Don't
11 know. But it's not a reasonable doubt as to who was
12 driving that car or who was dead.

13 What happens? She goes home, goes to bed,
14 says she takes her medication. And then she said
15 she goes to sleep. Y'all heard the interview; she
16 says, I passed out. Now on that interview you
17 didn't hear anything about how much she drank. Dust
18 came in and said she was drinking. She's on
19 medication, she was drinking, we were all drinking.
20 She comes in to her room to her house after dropping
21 him off, as I submit to you she's hit Charles at
22 that point. That's what the evidence showed beyond
23 a reasonable doubt, respectfully, the reasonable
24 inference as we believe show. She goes to bed.

25 Y'all, here's another thing. This just

1 hit me a little while ago. She doesn't have to want
2 to hit him. I mean, y'all understand that she
3 doesn't have to mean to hit somebody. That's not
4 what we have to prove. She doesn't have to show she
5 intentionally hit somebody. She could have run a
6 stop sign and just hit him. What she's charged with
7 is hitting somebody, being involved in an accident
8 and not stopping to help. That's what she's charged
9 with and that's what she did.

10 Trooper Odonnell -- and that's scene one
11 if you want to call this a play. That's what
12 happened. Law enforcement gets there. Local law
13 enforcement called the MAIT, the Multi-Accident
14 Investigation Team responds to scenes like this and
15 they start looking. I mean, this is really -- they
16 got to figure out what car -- they're trying to
17 figure out who was driving. That car didn't stop so
18 they start gathering pieces and they're gathering
19 evidence. And I think Odonnell said he was going
20 back home and the closest place was Heritage if I
21 got this wrong, Love Heritage in Camden, I'm not
22 sure. But he takes a part by there and says, what's
23 this part belong to? Well, it could be this kind of
24 car, it could be an Impala. Don't even know if he
25 had the right year. It could be an Impala so they

1 started investigating. They put the word out, put
2 bolos out, start looking for this car. Well,
3 ultimately we find a blue Impala. And you remember,
4 I think it was our first witness and he described,
5 Mr. Matthews, what color was it; well, it was dark,
6 a blue, dark blue. And Ms. Cooke went over and over
7 with him, well, was it dark or was it blue? It was
8 a dark blue car. I mean, that's not a reasonable
9 doubt; he describes a car. They go to Ms. Mesidor's
10 house. As a result of information they find her car
11 there. They end up matching this with this. Well,
12 that's pretty good. Out of all the vehicles in the
13 world and the state and Rembert, we now find the
14 piece from the road that matches this piece, that
15 fits with this piece that's in Ms. Mesidor's house.
16 That's good evidence.

17 Well, what do they do then? They start
18 looking at the car. You heard the testimony. In a
19 swab -- well, first they see a little fabric. They
20 see what looks like some good fabric. That's what
21 law enforcement officers do. And they go get it.
22 And Mr. Matthews did an excellent job putting this
23 testimony up; I couldn't have done it. Just detail
24 testimony tracing it from person to person and doing
25 it. I hate doing that stuff, but he did it --

1 putting, showing how they took care of this, all the
2 way to the chemist who came in here with the chain
3 all the way, didn't miss a thing to show, hey, this
4 is what was on that car. And you remember what she
5 said? One piece of black cotton fabric was found,
6 the unknown piece of black cotton fabric either
7 originated from the fiber standard from the black
8 short sleeve T-shirt, or another source of fibers
9 possessing the same physical, chemical, and optical
10 characteristic. Who supplied that T-shirt to us?
11 Doctor Ross gave it to Sally Farmer, but Charles
12 gave us that. That's one of these pieces of
13 evidence saying, Charles, I left you a clue, y'all
14 follow it, I left this. Well, they found it.
15 Odonnell and those found it, took it back to SLED,
16 compared it to the shirt, came up with this result;
17 that's Charles' shirt. She left the scene, didn't
18 render aid. Charles left something there for y'all
19 to find, for y'all to evaluate, for y'all to
20 consider. He left that for you.

21 Well what else did they see? Well, they
22 saw something on the wheel and they took a swab of
23 it and they protected it, kept it in evidence,
24 protected it, took it to SLED, protected it. What
25 did that DNA report say? And you know who gave us

1 that? You know what witness we heard from? You
2 know who we heard from? And he didn't come up there
3 direct, but he spoke. He spoke. You remember when
4 I asked Doctor Ross, I said, Doctor Ross, you got
5 this from Charles; didn't you? This is Charles,
6 y'all. This is Charles Dennis. You're gonna take
7 him back in the courtroom. You're gonna take
8 Charles back with you. I want everyone of you to
9 hold Charles. Charles left his DNA on that car that
10 thank goodness the MAIT Team found, Odonnell found,
11 and protected until Doctor Ross could get some of
12 Charles and give it to them and they take it to
13 SLED. And they analyze it, Jennifer Clayton, and
14 she says, this is Charles, this is Charles. That
15 vehicle hit Charles. The report is in here
16 somewhere. It's one in so many quadrillion. 4.6,
17 4.6 quadrillion. Read it, please, respectfully.

18 So we're back at Ms. Mesidor's house. On
19 that tape -- and you'll have to decide, and His
20 Honor, whether the rights were freely and
21 voluntarily given. You heard them on there.
22 Odonnell read them to her. Did he treat her with
23 respect? Did he talk to her? Did he listen to her?
24 He gave her a chance to read the rights back. Did
25 y'all notice she read them back and then initialed

1 it. That stuff is in evidence, the form. And then
2 she starts talking to him. Credibility,
3 believability, what you decide this case on, every
4 case on. There's nothing else to do. And what does
5 he say? What does she tell him? We'd been there
6 partying, or we'd been there at my house, people
7 were there earlier. Yeah, Dust, he came over.
8 Dust, Dust. Yeah, I was driving, I took him back.
9 Puts herself in that area. Now she puts herself
10 there earlier. I think she said he stayed to 11 or
11 something. She got to his house about 11:15; I'm
12 not sure, whatever y'all remember. I think that's
13 what she said on the interview. They talked a
14 little bit at the house. They were talking, weren't
15 talking, medium talking. They had some sort of
16 relationship, not trying to imply anything bad by
17 that, but they had some sort of relationship. She
18 then says she gets back -- credibility or
19 believability -- she gets back to her house. I
20 submit to you when she left is when she hit Charles.
21 It was an hour-and-half later. She doesn't want to
22 put herself there. She gets to her house and she
23 said, I had some medication and I passed out. She
24 went to sleep, just went to sleep.

25 What happened next? Well, it's about

1 12:15. That's when Milton showed up. There is no
2 Milton Black. Milton Black does not exist. She had
3 to -- she made him exist to get her out of this.
4 She's blaming this on Mr. -- sometime I lose sight
5 of the forest for the trees. She's blaming this on
6 Milton who doesn't exist. Well, what? You were
7 asleep, what happened? Well, he knocked. Well, did
8 he knock hard? No, it was a regular person knock,
9 I'm in there asleep, a regular person knocked. Did
10 it wake anybody up? No. Well, where's Spooney, you
11 had Spooney there, was he out on the couch? Well,
12 he was at the table earlier, but now he's back in
13 the room with Jacari (ph), one of my kids with him.
14 Did you see him? No. Well, what happened? Well,
15 he came and wanted to know if I wanted to go out; I
16 said, no, I got the kids. That doesn't make much
17 sense 'cause she's been out earlier taking Dust
18 back, but it's okay for Spooney to watch the kids
19 then. But anyway, no, I don't want to go out.
20 Well, I'm gonna take your car, 12:15, I'm gonna take
21 your car. Okay. How did he get there? Well, there
22 was this burgundy Buick or Sentra that was behind
23 him. I think it's cousin Chris. What's Chris's
24 last name? I don't know. So he's being followed by
25 a car there and he needs a car, but he wants her to

1 go out. What'd you do? I let him take my car.
2 What'd you do then? I went to sleep. Dogs barking?
3 They may have been barking some, but not bad. Dogs
4 not barking bad? Common sense comes in, ladies and
5 gentlemen, a strange car, a person they don't know.
6 The guy wasn't that bad. What do you do then? Go
7 back to sleep. Where did you meet him? Virginia.
8 Well, he's from Virginia, met him a few months ago.
9 What happened next? Well, the next morning I get
10 up. First she says, well, I got to get up, I got to
11 take the kids, about 9:30 I wake them up. Well,
12 what happened after that? He said, well, where was
13 your car? It was out back. Well, but Milton
14 brought it. Milton brought it? Said Milton is the
15 one that woke me up. What time was that? 9:30 or
16 10. 9:30 or 10. I had to get up and go see, I
17 think Ms. Queenie Marant to get a hair appointment.
18 Did the kids get up or Spooney when Milton Black
19 came in? No, no, he just came back and said my car,
20 I wrecked your car. I wrecked your car. That's
21 okay. Were you upset? Not really. First he says
22 not really, then asked again, you weren't upset?
23 She said, yeah, I was very upset. So she just went
24 from that to being very upset to back when she
25 wasn't upset. She said, well, you know, I lend my

1 cars out all the time and they get wrecked. I kind
2 of expected it is what she said. My Lincoln, my
3 jeep, my van, I think she said something else.
4 Well, what'd you do then? Well, I went back to bed.
5 Went back to bed 15 minutes, then got up and got the
6 kids.

7 Now I had put some pictures in. When they
8 took the coat hanger out, this is one of the
9 pictures. This is what they matched on the scene to
10 that to bring it back to her house; I think I
11 covered that. That basically might have been what
12 the car was like, and I guess that's what Milton
13 Black is riding all around Rembert for eight or nine
14 hours dragging a bumper. That doesn't make sense;
15 that's not common sense. Are you okay? Yeah,
16 that's okay, I'll get your man to fix it and I'll
17 pay you, just do that. Well what's, where's, what's
18 Chris' number? I don't know. What's Chris's last
19 name? I don't know. What's Milton's number? I
20 don't know. Well, how do you get in touch with him?
21 Well, I called him. Well, where is the -- where'd
22 you call him from? He said, well, she said it's the
23 phone that was in my car that Milton took, his
24 number is in there. You remember that? His number
25 is in that phone that he must have thrown away.

1 That's the same place I got the number for Harry or
2 whoever it was going to fix the car so, oh, he must
3 have thrown the phone away. I got this new phone
4 that's got these new numbers in it from people that
5 have just called me. And you hear it on the tape.
6 And you hear it on the tape when Odonnell says,
7 well, have you got his number? And she's looking
8 through here and says, no, I got all these contacts
9 in here, Jacari, all this other stuff, no, it's in
10 the phone I threw away. That's where Milton's
11 number is, the phone I threw away. It's on the
12 interview. You remember on the tape? And she's got
13 the phone in here. No, it's not here. I don't have
14 it. If there was a Milton Black, you think she
15 wouldn't have given him the number then? Milton
16 Black doesn't exist. Well, how do we prove that to
17 y'all? How do we prove that? "Cause that's what
18 they're asking you to do, let her go, let her go
19 'cause we can't, we can't tell you a video of a
20 driver and, my gosh, I've thrown a name out there of
21 Milton Black. That's enough for y'all. It's not,
22 ladies and gentlemen. It's not when you consider
23 Dust. He puts her in the time frame; she backs it
24 up. She backs it up. And she doesn't have a phone
25 number for Milton. Oh, it's in a phone that was

1 thrown away; it doesn't have anything for Chris.

2 So what do we do? Well, what did Odonnell
3 do? On the scene talks to everybody out there, the
4 locals, the people that see Milton Black. Milton
5 Black, if you're here come on in. There's no Milton
6 Black. The locals don't know him. Nobody knows
7 him, hadn't seen him. He checked that night. Thank
8 you, Odonnell. Checked that night, is he out there?
9 Nobody knew him. Checked with a few of the
10 witnesses, Spooney and others ones. As a result of
11 that was there a Milton Black? There's no Milton
12 Black. Don't let that be a -- see through that
13 smoke screen, ladies and gentlemen.

14 What do you do after that? Mr. Miller,
15 long time valued employee at the Solicitor's Office,
16 what'd he do? Check, check locally. No DMV here,
17 no DMV in the State of South Carolina. She said
18 he's from Virginia. Check Virginia, Mr. Miller.
19 With the help of Rick Morris, I think, from the
20 Sumter police department with this Acuren (ph) or
21 whatever they call it, no Milton Black in Virginia.
22 Well, there was one. There was an older person in
23 South Carolina, I think, in his 80s and I think
24 there was one who was a priest, and I think white
25 and there may have been another who was a female.

1 Milton Black is not there. How else do you prove
2 it?

3 Why didn't she stop? We don't have to
4 prove why; we just have to prove she didn't.

5 Why didn't she stop? What's the
6 reasonable inference why she didn't stop? She'd
7 been drinking; they'd all been drinking. She
8 screwed up. Didn't have to mean to hit him. Don't
9 know if she meant to hit him or not. Maybe she
10 didn't, but she hit him. And she came around and
11 she saw him and she left. Maybe she was scared.
12 Maybe didn't want to tell the family; I don't know.
13 We don't have to prove why; we just have to proof
14 she didn't. And ladies and gentlemen, she didn't.

15 There's no no trying to anticipate
16 anything else. Ms. Cooke is a very fine adversary.
17 She might bring up fingerprints weren't checked on
18 the things she might argue. The only evidence is
19 that Ms. Mesidor was driving in this case. Her
20 fingerprints gonna be there. You got Dust in the
21 car between 12 and 1. 12 and 1. Credibility,
22 believability as you watch him, his demeanor? Were
23 you driving that car? I wasn't driving that car,
24 no, sir. You know what else? From April 13th, 2013
25 till, what's today? Whatever today is, have you

1 talked, have you talked to Mesidor, to Ms. Mesidor?
2 Have you been out with her? Have you talked to her?
3 I ain't talked to her once from that night till now.

4 Ladies and gentlemen, the older I get I
5 realize with the exception of a few things brevity
6 is the key to life and I've gotten much shorter than
7 I used to be. I want to thank you again for all of
8 you being here. The car came back registered to
9 her. Thank you for your attention. And I mean
10 that, thank you. There's a -- one final thing in
11 the law that I think is beautiful. It's called
12 presumption of innocence. His Honor will tell you
13 that people are presumed innocent unless and until
14 the State proves them guilty beyond a reasonable
15 doubt. It's like a robe of righteousness.
16 Figuratively, you wear it around you, the defendant
17 is, stays there. And as you go back there, stays on
18 them until you start taking it off as you evaluate
19 the evidence, credibility and believability. I
20 submit through the testimony of Dust, the
21 circumstantial evidence proving the car, Ms. Mesidor
22 and her inconsistencies and her incredible testimony
23 about someone appearing in the middle of the night
24 and then disappearing, that you'll take that robe of
25 righteousness off and usually you discard it. I

1 want you to keep it, please. I respectfully submit
2 that you sign that guilty, if you believe the State
3 has proved their case. When you come back in here
4 with your guilty verdict, bring that robe of
5 righteousness in, bring it in, give it to the Dennis
6 family and figuratively, literally, place it over
7 Charles Dennis' body and give aid that should have
8 been given that night. Save that robe, save that,
9 save it for Charles 'cause he was the innocent one
10 in this case. Thank you.

11 THE COURT: We'll take a five minute
12 recess just long enough for y'all to go back there
13 and use the restroom and then we'll have closing
14 arguments from the defense. Please do not discuss
15 anything while you're back there.

16 (WHEREUPON, the jury was removed from the
17 courtroom at 2:22 p.m.)

18 THE COURT: All right, Ms. Cooke, we'll
19 take five minutes.

20 (WHEREUPON, a recess was taken from the
21 proceedings.)

22 THE COURT: Let's bring our jury in.

23 (WHEREUPON, the jury was returned to the
24 courtroom at approximately 2:29 p.m., and
25 the following proceedings commenced in

1 open court.)

2 THE COURT: Ms. Cooke for the Defendant.

3 MS. COOKE: May it please the Court,
4 Mr. Matthews. When you go back into the jury room
5 before you deliberate, before you take any votes,
6 just for a second close your eyes and ask yourself,
7 how do I know Jackie was driving that car when it
8 struck Charles Dennis? Did the police try
9 angulating her cell which would have told them
10 exactly where she was at the time of the wreck, that
11 the cell that they had in custody for two years?
12 Did they take swabs of the steering wheel, the gear
13 shift, in the car, to see if anyone else was driving
14 the car or if it was just her? Did they take
15 photographs or even bother to look for injuries that
16 she might have sustained in a wreck when they
17 interviewed her hours after the wreck happened? Do
18 you think maybe she had some bruises from a seat
19 beat or a knee hitting the dash or whiplash? Did
20 they even look for these things? They interviewed
21 her hours after the crash, and we heard no testimony
22 that there was anything wrong with her at all.
23 These are things that they could have easily done.
24 Don't you think it would have been helpful to the
25 police, to Jackie, and to you? Do you think that

1 was fair that they didn't do any of those things?
2 They interviewed her hours after the collision, and
3 she told them immediately that Milton Black was
4 driving the car before they seized the car, and all
5 they did was swab the outside tire. How many times
6 did we hear that's not my job? Coffin swabbed the
7 tire. Did you swab the steering wheel? Did you
8 swab the gear shift? I don't know if I did that or
9 not. Did you? I don't know if anybody did that or
10 not? Did you? I don't know if anybody did that or
11 not. I asked Odonnell, do you know if there's a
12 contact name Black in her cell phone records? Oh,
13 no, no, I don't know, I'm not the one that download
14 them, I didn't download them. Her cell phone
15 records aren't in evidence. Ask yourself why. I'm
16 not the one that download them. This is an elite
17 group of the highway patrol that works together as a
18 team, highly skilled, highly trained, works together
19 as a team to reconstruct wrecks, solve crimes. And
20 he even said on the stand it's part of our job to
21 ascertain who has access to drive the car. And they
22 found out in the very first part of Jacqueline's
23 interview or interrogation that she said Milton
24 Black was driving it before they seized the car and
25 they just completely dismissed it and arrested her

1 anyway before processing the car. They arrested her
2 right then before they ever even seized the car.
3 They just completely dismissed her statement.

4 Corey Hraris said that they went to the
5 Dennis store right before she took him home. Don't
6 you think it would have been great evidence if we
7 had receipts from that store? Corey said he didn't
8 go in; Jackie had to go in. If we had a witness
9 from that store saying exactly what time they were
10 there? If we had a video from that store? Things
11 that would have put her right there they did not do.
12 She told them that Corey Hraris was dropped off by a
13 Buick Sentra by a guy named Chris. Did they run any
14 DMV records on a burgundy Sentra, burgundy Buick
15 Sentra for a guy named Chris? No.

16 Her lifestyle is not on trial here. The
17 fact that she hangs out with people that she only
18 knows by nicknames is not on trial here. She knew
19 Milton, not his cousin Chris. That's not my job. I
20 heard over and over and over they work as a team.
21 Do you really think they don't know what each other
22 found? They work as a team. But when the defense
23 asks the question, I don't know, it's not my job. I
24 don't know, it's not my job; you should have asked
25 Corporal Ridgeway that; he testified two days ago.

1 Do you really think that Odonnell didn't know what
2 Corporal Ridgeway found? That just not believable.
3 Sixteen witnesses and over a hundred exhibits. They
4 promised to put Jackie in the vicinity of the wreck
5 at the time of the wreck in their opening statement.
6 Sixteen witnesses and over a hundred exhibits, and
7 all they prove is that it was her car involved in
8 the collision, which she never disputed.

9 Let's talk about the time line. In
10 Jackie's interview she said the first time she went
11 to get Dust he wasn't ready at 9:00. She picked up
12 Dust at 9:30, which he agreed with. She didn't say
13 anything about going to the Dennis store but Dust
14 did, Corey Hraris. And how many different times did
15 he give? 12 or 1. 1 or 2. 1:30. And when I asked
16 him, so somewhere between 12, 1, or 2:00 he said,
17 yeah, that's right. 12, 1, or 2:00 Dust was taken
18 home. Jackie said she was back home at 12 so can
19 you tell us medicine and passed out and Milton came
20 and got the car between 12 and 12:15. Now I want to
21 address one thing about the medicine. She says the
22 medicine makes her sleepy and makes her pass out.
23 And remember, I mean, the State is implying that she
24 was drunk and on meds; but I asked him, yeah, she
25 takes meds but did you see her take it the night

1 before she drove? No, I didn't. She says the meds
2 make her sleepy and pass out. She got home and
3 passed out around 12, I'm sorry, around 12, and then
4 Milton woke her up. There's only one issue in this
5 trial, and that is, who was driving the car. Yes,
6 the car was involved in a wreck; the car is not on
7 trial.

8 What kind of evidence do we have? We have
9 a hundred plus exhibits. We have a reconstruction
10 of the collision. We have parts from cars, parts
11 from motorcycles, cell phones that no evidence was
12 put in except the phone itself. We have tons of
13 pictures. We have tons of forensic evidence that
14 was sent to DNA to be tested. We have an autopsy.
15 None of this proves that Jackie was driving the car.
16 We have an animation, a recreation of the collision
17 that's not disputed it. That's not disputed the
18 collision took place. They played that animation
19 over and over and over from different angles and
20 even put a little figure on the motorcycle to fall
21 off on the roadway. All this evidence is designed
22 to do is disturb you invoke our emotions so that you
23 find whoever is sitting in that chair over there
24 guilty. It doesn't prove anything but a wreck
25 happened. You know, I read something once and I

1 don't know it's true or not but I found it
2 interesting. That Norman Rockwell, who is a famous
3 painter, when he didn't like a painting he was doing
4 and he thought it was going wrong, that he would put
5 a little puppy in the corner with a brandish paw to
6 distract the view, and that's what the State is
7 doing hear with all this hundred plus pieces of
8 evidence, 16 witnesses, and four days of testimony
9 that prove nothing but the car that belonged to
10 Jackie was involved in a wreck. They have the
11 burden of proof. We can't hunt Milton Black down
12 and arrest him and bring him to this courtroom.
13 They are the ones with the money, the power, and the
14 resources to do that. They didn't look for Milton
15 Black two years ago. Mr. Miller stated, oh, yeah, I
16 did my search two or three months ago. Do you think
17 maybe that he could have found Milton Black two
18 years ago when he said it happened? Do you think
19 maybe if he had checked the other 40 states he might
20 have found a Milton Black?

21 Let's talk about some more
22 discrepancies. Odonnell said that he received a
23 call about Jackie's house. Officer Hice said they
24 received a call about a fight at Jackie's house and
25 found the car when they got there. The people that

1 wanted to fight her assumed she was driving just
2 like the highway patrol did because it's her car.
3 They also assumed that Corey might have been driving
4 because you heard him agree when I asked him, they
5 tried to beat you up for this, didn't they? Yeah,
6 they did. They didn't know who was driving. They
7 didn't know who was driving any more than the
8 highway patrol. Trooper Odonnell said they were
9 looking for a 2007. When the report came out it
10 said the bumper matched a 2005 Chevy Impala and
11 that's what they were looking for, but Jackie's car
12 is a 2000 Chevy Impala. Odonnell said her car was
13 hidden behind the house. Hice said twice on direct
14 examination and cross-examination that it was in the
15 front of the house by the porch. There were
16 pictures of the car at the impound, but not pictures
17 of the car where they found it. We've got a
18 mountain of pictures of every teeny, tiny little
19 piece of debris on that road but not a picture of
20 where the car was found when it was found. They
21 made a huge deal about the car being hidden, but it
22 could not -- it wasn't hidden because how can a car
23 be hidden when you drive it to get your hair done
24 and go to the Dollar General Store and go to find
25 estimates to get it fixed. They made a huge deal

1 about she fixed her car, she fixed her car. And
2 what'd she say in her statement? My car ain't
3 fixed, it's still broke, my car ain't fix, it's
4 still broke. The only thing she did was have
5 Spoonie or whoever did it, bungee the bumper up so
6 she could drive it till she could get it fixed. Do
7 you think she would have been driving around town in
8 that car if she's the one that killed somebody the
9 night before? No.

10 The car is not on trial; Jackie is. And i
11 want to speak to you just for a second about Jackie
12 not taking the stand. Of course, the judge
13 instructs you that you cannot deliberate about that.
14 You cannot take that into consideration, and if we
15 didn't feel that you would follow those instructions
16 we wouldn't have chosen the twelve of you, and I
17 truly believe that you will follow the judge's
18 instructions. But individually and to yourself,
19 it's human nature not to think about that. You
20 think about that, I want you to think about this, by
21 sitting in that chair over there and requesting in
22 jury trial, she is saying to you, I did not do this.
23 She doesn't need to sit in that chair to say it. In
24 her statement that the State put in she says Milton
25 Black was driving my car, I was not. She doesn't

1 need to take the stand to tell you that. So if you
2 start thinking about that in your mind when you're
3 deliberating, I just want you to do one thing and
4 blame me for not putting her on that chair, and not
5 Jackie.

6 Now I also want to address another issue.
7 She was very calm in her interrogation with Trooper
8 Odonnell. She's been very calm in the courtroom.
9 And the only thing I'll say about that is the only
10 thing that's in evidence. She is bipolar. She
11 takes medication and Corey Hraris said sometimes she
12 just don't act quite right; but she did get excited
13 and upset when Trooper Odonnell said, you got to go
14 with us this weekend. What? What? That's when she
15 got upset. There were 50 to 75 people out there
16 that testified to that they were talking to. Isn't
17 it likely that she just thought she was just another
18 witness? Isn't it that she thought they were going
19 to process her car and look for Milton? She had no
20 idea they were gonna arrest until that moment.

21 The State has to prove their case beyond a
22 reasonable doubt. And I like to use a baseball
23 analogy. In baseball the bat -- the pitcher throws
24 the ball and the batter hits it, and the batter runs
25 to first base. If the runner gets to first base

1 Now ladies and gentlemen, there are two
2 possible verdicts which you may find in this case on
3 the charge of hit and run, duties of the driver
4 involved in an accident with death. Under
5 indictment 2013-GS-43-697, the possible verdicts are
6 not guilty or guilty. Ladies and gentlemen, there's
7 no significance whatsoever in the order which I
8 state the possible verdicts; it's just that one must
9 be stated first. Now, ladies and gentlemen, all
10 twelve of you must agree on the verdict so it must
11 be unanimous. Your decision must not be based on
12 sympathy, passion, prejudice, emotion, or any other
13 consideration that is not in evidence in this case.

14 Madam Forelady, when the jury reaches a
15 verdict you'll take this verdict form and you'll
16 check either not guilty or guilty; then you'll sign
17 it. It's already dated for you. We're assuming
18 you'll be out here today, but if you need to go into
19 tomorrow we can do that. Then you'll need to knock
20 on the jury door, inform the bailiff that you have
21 reached a verdict and then you'll be escorted back
22 in here for the publication of your verdict. Now
23 ladies and gentlemen, I'm going to ask you to go to
24 the jury room, but please do not begin your
25 deliberation. There are still some matters I need

1 to take up with the attorneys, all right. Thank
2 you, ladies and gentlemen. If you can pull the
3 alternates out.

4 THE CLERK: Yes, sir.

5 (WHEREUPON, the jury was removed from the
6 courtroom at 3:03 p.m. and the following
7 proceedings commenced in open court.)

8 THE COURT: Are there any objections to
9 the charge that was given to the jury from the
10 State?

11 MR. MATTHEWS: No, Your Honor.

12 THE COURT: From the Defense?

13 MS. COOKE: No, Your Honor.

14 THE COURT: Thank you. If y'all want to
15 get together and make sure all the evidence is
16 correct. Here's a copy of the verdict form. Does
17 anybody have any objection to me sending a copy of
18 the charge to the jury?

19 MS. COOKE: No, Your Honor.

20 MR. MEADORS: I've always objected. I
21 hope you don't get mad. I don't know why I have.
22 My whole career I've objected and I don't know why.
23 Don't get upset please.

24 THE COURT: That's — I'm not upset.
25 Okay, thank you. If they come back and start asking

1 a bunch of questions, then I'm gonna send it back.
2 All right, y'all need to get the evidence together
3 and then give them the verdict form. Bring the
4 alternate around.

5 (Alternates were dismissed.)

6 (Court was in recess and jury began deliberations at
7 3:15 p.m.)

8 THE COURT: The jury has reached a
9 verdict. Let me remind everybody in the courtroom,
10 I know this is emotional charge and there's a lot of
11 people in here from both sides. Please keep your
12 emotions in check. If you can't do that, now would
13 be a good time to leave 'cause I'll hold anyone in
14 contempt of court if they can't keep their emotions
15 in check, all right. Let's bring our jury.

16 (WHEREUPON, the jury was returned to the
17 courtroom at approximately 4:21 p.m., and
18 the following proceedings commenced in
19 open court.)

20 THE COURT: Madam Forelady, has the jury
21 reached a verdict?

22 THE FORELADY: Yes.

23 THE COURT: Is it unanimous?

24 THE FORELADY: Yes, sir.

25 THE COURT: Would you please hand it to

1 Mr. Bradley.

2 (Tendered to the Court.)

3 THE COURT: Please publish. If the
4 defendant and her attorney will stand.

5 THE CLERK: For the State of South
6 Carolina, County of Sumter in the Court of General
7 Sessions, docket number 2013-GS-43-697, State of
8 South Carolina versus Jacqueline Latricia Mesidor,
9 defendant. This is the charge of hit and run,
10 duties of the driver involved in an accident with
11 death: We, the jury, unanimously find the defendant
12 guilty. Signed, Savannah Dinkins, foreperson, dated
13 May 21st, 2015. Ladies and gentlemen, is this your
14 verdict so say you all by raising your right hand
15 please.

16 (All jurors complied by raising their hand.)

17 THE CLERK: Thank you. You may be seated.

18 THE COURT: Does the Defense request
19 polling?

20 MS. COOKE: No, Your Honor.

21 THE COURT: Then the verdict stands.

22 Ladies and gentlemen, let me take this opportunity
23 to thank you. You've been here, this is your fourth
24 day coming up here and I certainly appreciate the
25 time that you've given to back to your community. I

1 know you didn't have a real option, you were
2 subpoenaed to come here, but a lot of people try to
3 get out if it and you didn't and you did your duty.
4 And I would tell you the same thing if you had come
5 up with a verdict of not guilty because really it's
6 always hard to get twelve people who don't know each
7 other to come together on an issue. And again, it's
8 an important responsibility that you have in our
9 community.

10 You know, one of the great things that
11 makes this country what it is, is the fact that in
12 this country only free people, free citizens get to
13 say whether someone else is guilty. It's not the
14 police, it wasn't -- it's not the prosecutors. It's
15 free citizens like y'all who get to say that. Now
16 ladies and gentlemen, I've told you all along that
17 you can't talk to anyone about this case. Well,
18 that prohibition is now lifted. You can talk to
19 anyone for as long as you want or as little as you
20 want. Ladies and gentlemen, this counts as your
21 service as jurors and when you get a chance to
22 somebody about a jury trial, you've had a real jury
23 trial. Again, like I said, this has been four days
24 and there's been a lot of testimony. I think we had
25 15 witnesses in this case. And because you've had

1 jury duty that means that you can't serve as a juror
2 in the next calendar year; and of course, you don't
3 have to be one for the next three years if you don't
4 want to be. Now y'all have done y'all's job in
5 reaching a verdict. In about 15 minutes I'm gonna
6 sentence the defendant in accordance with the laws
7 of this state. You've been here all along. If you
8 would like to come back here and sit in the jury box
9 you're welcome to do that, or if you want to sit in
10 the audience it's up to you. If you want to retire
11 back to the jury room for a few minutes or if you
12 want to go home, ready to go home, you're certainly
13 welcome to do that. On your way out I'd like to
14 thank you for your service again. You're welcome to
15 do what you want to do and you're welcome to stay in
16 here.

17 (WHEREUPON, the jury was removed from the
18 courtroom at 4:27 p.m.)

19 THE COURT: Are there any post-trial
20 motions?

21 MR. MATTHEWS: Nothing from the State,
22 Your Honor.

23 MS. COOKE: Nothing from the Defense, Your
24 Honor.

25 THE COURT: I'm gonna -- at quarter to

1 five I will sentence the defendant.

2 MR. MATTHEWS: Thank you, Your Honor.

3 THE COURT: Yes, sir.

4 MR. MATTHEWS: Your Honor, before Your
5 Honor retires to your chambers, I was incorrect
6 earlier, I told Your Honor she didn't have any
7 general sessions convictions which we were going to
8 try impeach her with. She does not in South
9 Carolina, but it does appear she has some prior
10 criminal ---

11 THE COURT: Okay, I'll go over all that in
12 15 minutes.

13 MR. MEADORS: We let Ms. Cooke know that
14 before she made her ---

15 THE COURT: Okay, very good, court is in
16 recess. She will take her into custody, prepare her
17 for sentencing.

18 MS. COOKE: Can I speak with her so I can
19 get information.

20 THE COURT: Yes, just for a minute. You
21 can go out there and speak with her. They're gonna
22 take her into custody right now. I mean, just cuff
23 her now and then let her speak to her right here.

24 (WHEREUPON, a recess was taken from the
25 proceedings.)

SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
SOUTH CAROLINA HIGHWAY PATROL
AFFIDAVIT (WITH MIRANDA RIGHTS)

STATE OF SOUTH CAROLINA

COUNTY OF SanteeCase Number MB-0594PERSONALLY appeared before me Jackqueline C. Mosidor, who states:

I reside at [REDACTED] in Robert City
SC State [REDACTED] Telephone: [REDACTED] Work [REDACTED] Home [REDACTED]

Date of Birth: [REDACTED], Social Security Number [REDACTED]
 I have 14 years of education, and I can/cannot read and write. This statement is given on April 17, 2013
 at 2:40 am/pm in the presence of Col. S. R. O'Donnell Jr. who has officially identified
 himself/herself as a member of the SOUTH CAROLINA HIGHWAY PATROL and has stated that he/she
 would like to question me and or have me provide a statement. It has been explained to me and I understand that:

- JM 1. I have the right to remain silent, that means I do not have to say anything or answer any questions.
- JM 2. Anything I say can be used against me in a court of law.
- JM 3. I have the right to talk to a lawyer and to have a lawyer here with me now to advise and help me before and during any questioning.
- JM 4. If I want to have a lawyer with me before and during any questioning but cannot afford to pay a lawyer, one will be provided to me at no cost before and while I am questioned.
- JM 5. If I decide to answer questions now, without a lawyer here, I still have the right to stop answering questions whenever I want to.
- JM 6. I also have the right to stop answering questions until I have talked to a lawyer.

I understand my rights as explained to me, I now state that I DO wish to answer questions at this time and that I DO NOT wish to have a lawyer here before or during questioning. My decision to answer questions now, without a lawyer, is made freely and is my own choice. I declare that I have not been threatened or coerced in any way. To show my decision, I am signing my name in the space provided at the bottom of this form.



Jackqueline Mosidor
 Affiant Signature
S. R. O'Donnell Jr.

Page number One of 1 pagesJB

WITNESSES

S C Highway Patrol
S. M. Craven

DOCKET NO. 2013-GS-43-0697

The State of South Carolina

County of SUMTER

COURT OF GENERAL SESSIONS

July TERM 2013

THE STATE

vs.

JACQUELINE LATRISHA MESIDOR

ARREST WARRANT NUMBER

2013A4310200456

ACTION OF GRAND JURY

True Bill

Indictment for

Hit and run, duties of driver involved in accident with death

Bruce McDowell
Foreperson of Grand Jury

Date: 7-11-13

VERDICT

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

Foreperson of Petit Jury
Date:

CERTIFIED TRUE COPY
OF ORIGINAL FILED

STATE OF SOUTH CAROLINA)

COUNTY OF SUMTER)

James C. Campbell

INDICTMENT FOR

CLERK OF COURT

SUMTER COUNTY

SOUTH CAROLINA

Sumter County duties of driver involved in accident with death

At a Court of General Sessions, convened on July 11, 2013 the Grand Jurors of
SUMTER County present upon their oath:

COUNT ONE

That JACQUELINE LATRISHA MESIDOR did in Sumter County on or about April 13, 2013, while operating a motor vehicle become involved in an accident which resulted in the death of Charles Dennis, and did leave the scene of the accident without first rendering aid and/or information, in violation of Section 56-05-1210(A)(3), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

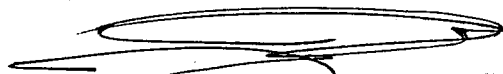
Solicitor

Ernest A. Finney III

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



John H. Strom
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 27th day of March, 2017.

RECEIVED

MAR 27 2017

SC Court of Appeals