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22958

ORIGINAL

ANDERS

VOLUME II OF III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

NO DEF. BRIEF

Appeal from Charleston County

Honorable Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JEREMIAH FITZGERALD BELTON,

APPELLANT

APPELLATE CASE NO 2015-002423

RECORD ON APPEAL

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PAGES 501 - 1000

INDEX

INDEX	i
MOTIONS HEARING TRANSCRIPT DATED OCTOBER 27, 2015.....	1
MOTION FOR A SEPREATE TRIAL	4
MOTION TO EXCLUDE PRIOR BAD ACT	6
TESTIMONY	
CHARLES LAWRENCE	13
LORELLE PROCTOR	37
COURT'S EXHIBIT # 1 (ORIGINAL SEARCH WARRANT)	64
COURT'S EXHIBIT # 2 (NEW SEARCH WARRANT).....	68
COURT'S EXHIBIT # 3 (PHONE RECORDS).....	77
TRIAL TRANSCRIPT DATED NOVEMBER 2, 2015	85
JURY VOIR DIRE	116
JURY SELECTION.....	130
STRIKING OF THE JURY	156
OPENING STATEMENT BY MS. SHEALY	203
OPENING STATEMENT BY MR. MLYNARCZYK	213
OPENING STATEMENT BY MR. MURPHY	217
TESTIMONY	
MOETT SIMMONS	221
LISA BRANHAM	260
WAYNE SEALEY	293

ROBERT COLSON.....	305
TROY MASON	323
STIPULATION OF COUNSEL.....	447
TESTIMONY	
CYNTHIA SCHANDL.....	449
CHRISTOPHER STINSON	474
SHEMEIKA STOKES.....	479
CONSTANCE MANIGAULT	510
QUIONA HERRINGTON.....	530
MICHELLE WILLIAMS	535
MARIO CALDWELL	552
MARIO CALDWELL (PROFFER)	613
MOTION TO _____ BY MS. MURPHY.....	687
TESTIMONY	
ERIN MEYER	694
DARREN MILLS	762
PAUL MCMANIGAL	771
KATHY KJELLMAN	824
LISA KUBICKO	866
ADRIENNE RILEY-HEFNEY	884
ILA SIMMONS	896
SUZANNE CROMER.....	906
SARAH LIPPE	939

COLLOQUY FOR DEFENDANT’S RIGHT TO TESTIFY.....	945
TESTIMONY	
KATHY RHODEN.....	962
LEWIS WILLIS WALKER, III.....	967
MOTION FOR DIRECTED VERDICT.....	1108
RULING BY THE COURT.....	1111
COLLOQUY FOR DEFENDANT’S RIGHT TO TESTIFY.....	1115
TESTIMONY	
CHARLES LAWRENCE.....	1119
MARIO CALDWELL.....	1139
KING CONYERS.....	1142
RENEWAL OF ALL MOTIONS.....	1153
RULING BY THE COURT.....	1153
CLOSING ARGUMENT BY MR. COOPER.....	1163
CLOSING ARGUMENT BY MLYNARCZYK.....	1166
CLOSING ARGUMENT BY MR. MURPHY.....	1189
CLOSING ARGUMENT BY MS. SHEALY.....	1199
CHARGE ON THE LAW.....	1219
VERDICT.....	1240
MOTION FOR A NEW TRIAL.....	1247
RULING BY THE COURT.....	1247
SENTENCING.....	1253
MOTION FOR FRANKS HEARING AND SUPPRESSION.....	1261

STATE'S EXHIBIT #329 (PHONE RECORDS).....	1282
STATE'S EXHIBIT #333 (PHONE RECORDS).....	1283
COURT'S EXHIBIT # 8 (JURY NOTE).....	1301
COURT'S EXHIBIT # 9 (JURY NOTE).....	1302
INDICTMENTS AND SENTENCE SHEETS.....	1303
CERTIFICATE OF COUNSEL	1312

**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
TRIAL EXHIBIT: STATE'S #318 (CD)**

Shemeika Stokes
Direct Examination by Ms. Shealy
November 3, 2015

1 A. Yes.

2 Q. And are they seated in the courtroom on the front
3 row? Do you see them?

4 A. Yes.

5 Q. Did you know his brother Vincent?

6 A. Yes.

7 Q. Is Vincent in the courtroom right now?

8 A. Yes.

9 MS. SHEALY: I have no further questions. Please
10 answer any that the defense attorneys may have. Thank
11 you.

12 MR. MLYNARCZYK: May we approach, Your Honor?

13 THE COURT: You may.

14 [Whereupon, an off-the-record bench conference is
15 held]

16 THE COURT: Ladies and gentlemen, your lunch has
17 arrived so we're going to go ahead and take our lunch
18 break. It's an appropriate time for us to stop.

19 Please remember all of my admonitions. Please take
20 all your belongings with you. Please do not begin your
21 deliberations or discuss any issue in this case.

22 Please rise for the jury.

23 [Whereupon, the jury exits the courtroom at
24 1:04 p.m.]

25 THE COURT: Thank you. Please be seated.

Shemeika Stokes
Direct Examination by Ms. Shealy
November 3, 2015

1 Ma'am, you may not discuss your testimony with
2 anyone. We're going to take a lunch break, and so you
3 may not discuss your testimony with either the State or
4 any of the defendants or any of the other witnesses. Do
5 you understand?

6 THE WITNESS: yes.

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

8 [Whereupon, Ms. Stokes exits the witness stand]

9 THE COURT: We'll take thirty minutes.

10 MS. SHEALY: Your Honor, I just wanted -- she also
11 should return to the courtroom at 1:35?

12 THE COURT: 1:40. We'll do 1:40. 1:40, ma'am.
13 Thank you.

14 THE WITNESS: Uh-huh.

15 THE COURT: All right. Thank you.

16 MR. MLYNARCZYK: Thank you, Judge.

17 [Whereupon, a recess is taken from 1:05 p.m. to
18 1:58 p.m.]

19 THE COURT: Thank you.

20 I remind you that you are still under oath. Okay?

21 THE WITNESS: [Indicates affirmatively]

22 THE COURT: Is that a yes?

23 THE WITNESS: Yes.

24 THE COURT: Thank you.

25 She's got to write down everything I say, as well

Shemeika Stokes
Direct Examination by Ms. Shealy
November 3, 2015

1 as everything that you say. That's why we have -- you
2 have to answer out loud.

3 All right. Let's bring in the jury.

4 [Whereupon, the jury enters the courtroom at
5 1:58 p.m.]

6 THE BAILIFF: All jurors are present, Your Honor.

7 THE COURT: Thank you. Mr. Mlynarczyk -- please be
8 seated.

9 Mr. Mlynarczyk, your witness.

10 MR. MLYNARCZYK: May it please the Court, Your
11 Honor.

12 Ms. Stokes, I just have a couple of questions,
13 follow-up questions, about what you testified to
14 earlier.

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25 - - -

Shemeika Stokes
Cross-Examination by Mr. Mlynarczyk
November 3, 2015

CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. When you were asked about what -- do you remember what time you had gone to sleep, you don't remember what time you went to sleep?

A. No.

Q. You did mention, too, that one of the individuals that you ran into when you came out of the bedroom, or ran out of the bedroom, you said one of them had dreadlocks?

A. It was hair sticking out the bottom. So it could have been braids, it could have been dreads.

Q. So it was just longer hair? It could have been --

A. Right.

Q. -- it could have been braids, though?

A. [No response]

Q. Do you remember telling the police in your statement that the two guys you ran into in the kitchen were about five seven or five nine?

A. Uh-huh.

Q. And that's still --

THE COURT: Is that a yes?

A. Yes. Yes.

Q. [Mr. Mlynarczyk] You still --

THE COURT: Thank you.

Q. [Mr. Mlynarczyk] And that -- you still remember

Shemeika Stokes
Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 that today, that they were like five seven --

2 A. I'm not exactly perfect with numbers, but I know
3 that they were a lot taller than you.

4 Q. They're a lot -- I mean, I'm six foot tall.

5 Shorter than me; then? Two guys about five seven,
6 five nine?

7 A. Maybe. But I know that they were pretty tall.

8 Q. Okay. And you did testimony to Ms. Shealy that
9 what you saw -- from the time they came in the kitchen and
10 when you left the house or when you were going out of the
11 house, you never saw more than three people; right?

12 A. I don't remember how many people that I saw, but I
13 know for sure I saw two people. And one other person had to
14 be with Moett, because she was still screaming.

15 Q. Okay. And so --

16 A. There was a lot of scrambling in -- there was a
17 lot, so --

18 Q. And I understand that. It was a rough night.

19 But what I don't understand -- I just want to
20 make sure that from what you saw, and thinking back when you
21 said -- when you told Ms. Shealy as exact as you could be --

22 A. Right.

23 Q. -- is that you only saw three people?

24 A. I said at the door I saw about two people when I
25 was on the floor, and I assumed one more had to be with Moett

Shemeika Stokes
Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 because she was screaming the whole time.

2 MR. MLYNARCZYK: Okay. I have no more questions,
3 Your Honor.

4 THE COURT: Mr. Murphy?

5 MR. MURPHY: Thank you, Your Honor. May it please
6 the Court.

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Shemeika Stokes
Cross-Examination by Mr. Murphy
November 3, 2015

CROSS-EXAMINATION

1
2 BY MR. MURPHY:

3 Q. Ma'am, you said Kip was a drug dealer years ago; is
4 that correct?

5 A. Yes.

6 Q. And that was a life he left behind years ago. Is
7 that a fair statement?

8 A. To my understanding.

9 Q. And obviously you knew him the best, so you would
10 know if he was selling drugs or not; correct?

11 A. Not necessarily.

12 Q. Not necessarily? You did know if he was?

13 A. When we first met, yes, I did.

14 But as we grew into each other -- I'm not a
15 girlfriend or whatever who's going to pry and check his phone.
16 And I can't be with him every second of the day. So if those
17 were things that he was doing, I didn't know those things. I
18 had my own life, too. I work and I have kids. Yeah.

19 Q. I understand that.

20 When you knew he was selling drugs, was he selling
21 to folks in the McClellanville area?

22 A. I'm not sure who he sold them to.

23 Q. Do you know if he ever left the McClellanville
24 area?

25 A. We lived together in McClellanville, so at some

Shemeika Stokes
Cross-Examination by Mr. Murphy
November 3, 2015

1 point in time I'm sure that he left McClellanville.

2 Q. Okay. I understand the problem with that.

3 But to sell drugs, would he go to Georgetown to
4 sell drugs?

5 A. I don't know where he sold drugs, sir.

6 We didn't -- we weren't attached at the hip. I'm
7 sorry.

8 Q. All right.. The drugs that were in the house --

9 A. Uh-huh.

10 Q. -- where those your drugs or were they his drugs?

11 A. It wasn't mine.

12 Q. Okay. Do you know where they came from?

13 A. No, sir.

14 Q. And you don't sell drugs, do you?

15 A. No.

16 MR. MURPHY: That's all I have. Thank you.

17 MS. SHEALY: I have nothing further. We ask that
18 she be excused.

19 THE COURT: You may step down.

20 [Whereupon, Ms. Stokes is excused and exits the
21 witness stand]

22 THE COURT: Call your next witness.

23 MS. SHEALY: Constance Manigault.

24 THE CLERK OF COURT: Right this way, ma'am.

25 [Whereupon, Ms. Manigault comes forward]

Shemeika Stokes
Cross-Examination by Mr. Murphy
November 3, 2015

1 THE CLERK OF COURT: Ma'am, if you'll put your left
2 hand here. Raise your right.

3 [Whereupon, Ms. Manigault is duly sworn by the
4 clerk of court as follows: do you swear or affirm the
5 testimony you give the Court and the jury in the trial
6 of this case will be the truth, the whole truth, and
7 nothing but the truth, so help you God]

8 THE WITNESS: Yes.

9 THE CLERK OF COURT: You may be seated. Ma'am,
10 once seated if you could please state your first and
11 last name and then spell your last loudly and clearly
12 into the microphone for the record.

13 THE WITNESS: Constance Manigault. M-A-N-I-
14 G-A-U-L-T.

15 THE COURT: Ms. Shealy?

16 MS. SHEALY: Thank you, Your Honor.
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Constance Manigault
Direct Examination by Ms. Shealy
November 3, 2015

1

CONSTANCE MANIGAULT,

2

Having Been First Duly Sworn,

3

was Examined and Testified as Follows:

4

DIRECT EXAMINATION

5

BY MS. SHEALY:

6

Q. Constance, tell us how old you are.

7

A. Thirty-four.

8

Q. And where did you grow up?

9

A. Mount Pleasant.

10

Q. Are you currently working?

11

A. Yes.

12

Q. And where do you work now?

13

A. I work with my father with his landscaping
14 business.

15

Q. And do you have any children?

16

A. Yes.

17

Q. How many children?

18

A. Three.

19

Q. And how old are those children?

20

A. Fourteen, twelve, and one.

21

Q. Did you know Curtis Delaney?

22

A. Yes.

23

Q. What name did you call him?

24

A. I called him Curtis.

25

Q. Are you aware of another name people called him?

Constance Manigault
Direct Examination by Ms. Shealy
November 3, 2015

1 A. Crime.

2 Q. But you called him Curtis?

3 A. Yes.

4 Q. And how long had you known Curtis?

5 A. I met him right after he came home from prison.

6 Q. From prison?

7 A. Yes.

8 Q. And do you remember when that was?

9 A. March, 2010.

10 Q. So starting in March, 2010, did you and he develop
11 a romantic relationship?

12 A. Yes.

13 Q. And where were you living?

14 A. On Forseman Street off of Dorchester Road.

15 Q. And is Forseman Street over near the streets like
16 East Surrey and --

17 A. Yes.

18 Q. -- that area --

19 A. Yes.

20 Q. -- of Dorchester?

21 Would he live with you every day, or was he staying
22 other places as well?

23 A. He would stay at his grandfather's house,
24 sometimes, on Ferraro Drive.

25 Q. Where did his mother live?

Constance Manigault
Direct Examination by Ms. Shealy
November 3, 2015

1 A. North Charleston.

2 Q. And do you know where he grew up?

3 A. He grew up in the Charleston area.

4 Q. How often would you and he see each other?

5 A. Every day.

6 Q. Now, back in the summer of 2010, where were you
7 working?

8 A. At Republic Parking downtown.

9 Q. And what shift would you usually work?

10 A. 12:00 midnight to 8:00 a.m.

11 Q. Was Curtis working anywhere in July of 2010?

12 A. He had gotten a job at Cactus Car Wash.

13 Q. Was he still working there?

14 A. No. He had gotten fired.

15 Q. Did he have a key to your house?

16 A. Yes.

17 Q. And during the time that you and he had been
18 dating, did you meet some of his friends?

19 A. Not too many of them.

20 Q. Did you meet someone named Bez?

21 A. Yes.

22 Q. And did you know what his full name was?

23 A. No.

24 Q. Do you see Bez in the courtroom?

25 A. Yes.

Constance Manigault
Direct Examination by Ms. Shealy
November 3, 2015

- 1 Q. Could you point out to the jury where he was --
2 A. He's the defendant --
3 Q. -- where he's sitting?
4 A. -- in the blue shirt.
5 Q. Over next to his attorney?
6 A. Yes.
7 Q. And after meeting Bez, did you put his phone number
8 in your contacts?
9 A. Yes.
10 Q. And do you recall what that phone number was?
11 A. No. Not off the top of my head, no.
12 Q. Do you need to look at your statement?
13 A. Yes.
14 Q. Okay. And this is a statement you gave on July
15 12th of 2010?
16 A. Yes.
17 Q. First of all, in looking at your statement, tell us
18 what your phone number was then.
19 [Whereupon, the witness reviews documents]
20 A. It was 843-412-5438.
21 Q. [Ms. Shealy] And what was Bez' phone number?
22 A. 843-329-9516.
23 Q. 95 what?
24 A. 16.
25 Q. Okay. And did you have the occasion to call Bez in

Constance Manigault
Direct Examination by Ms. Shealy
November 3, 2015

1 an effort to look for Curtis?

2 A. Yes.

3 Q. And when you would make those calls, that's the
4 number that you would dial?

5 A. Yes.

6 Q. Okay. Had Bez ever come over to your house?

7 A. Yes.

8 Q. And do you know where Bez was living in July of
9 2010?

10 A. No.

11 Q. Do you know where he was from?

12 A. No.

13 Q. Focusing your attention back to July 4th of 2010,
14 could you tell the jury whether or not Curtis was in town?

15 A. On what date?

16 Q. On July 4th?

17 A. No.

18 He went to his mother's in Charlotte, North
19 Carolina.

20 Q. And did he have a phone number?

21 A. Yes.

22 Q. When he got to Charlotte, was he calling you from
23 his phone number or from another phone number?

24 A. From his phone when he got to Charlotte.

25 Q. Okay. And at some point, did he begin using his

Constance Manigault
Direct Examination by Ms. Shealy
November 3, 2015

1 mother's number?

2 A. Yes.

3 Q. And how long did he stay in Charlotte?

4 A. He stayed I think until July the 9th, because he
5 was supposed to come back for my kids' baptism that weekend.

6 MS. SHEALY: Okay. May I hold that statement
7 again?

8 Q. [Ms. Shealy] Now, earlier in the day on July 9th
9 -- earlier in the day on July 9th, were you looking for
10 Curtis?

11 A. That day?

12 Q. Uh-huh.

13 A. Yes.

14 Q. Okay. And when you were looking for Curtis, who
15 would you also call to try to find out where he was?

16 A. Bez' phone.

17 Q. And so did you make that effort earlier in the day?

18 A. Yes.

19 Q. And did you, in fact, ever talk to Bez at that
20 point?

21 A. No.

22 Q. Later, did you talk to Curtis?

23 A. Yes.

24 Q. And do you remember approximately what time you
25 talked to Curtis?

Constance Manigault
Direct Examination by Ms. Shealy
November 3, 2015

1 A. I was already at work, so it was early, like going
2 into the 10th that morning, and he called and said that he was
3 getting off of the Cosgrove exit and he would call me when he
4 got to my house.

5 Q. Okay. And looking at your statement to refresh
6 your memory, what time did that phone call come in? Look at
7 the first page.

8 [Whereupon, the witness reviews documents]

9 A. Around 1:30 a.m. No, not 1:30. 2:09 a.m.

10 Q. [Ms. Shealy] Now, when you gave this statement and
11 you had those specific times, you were talking to someone from
12 the sheriff's department?

13 A. Yes.

14 Q. And when you spoke with them, did you also take
15 your phone with you?

16 A. Yes.

17 Q. Did you show your phone to the police as to what
18 time the phone call came in?

19 A. Yes.

20 Q. And at that point, did Curtis indicate who he was
21 with?

22 A. No.

23 Q. But at that point, he was using whose phone?

24 A. Bez' phone.

25 Q. And earlier that day, Curtis was where?

Constance Manigault
Direct Examination by Ms. Shealy
November 3, 2015

- 1 A. That day?
- 2 Q. Before he came back to --
- 3 A. He was coming from North Carolina.
- 4 Q. North Carolina? Did you talk to Curtis again?
- 5 A. No, I never spoke to him after he called.
- 6 Q. Had you ever talked to Curtis on Bez' phone before?
- 7 A. Yes.
- 8 Q. And that's when he was with Bez?
- 9 A. Yes.
- 10 Q. And you told us that he told you he was getting off
- 11 where?
- 12 A. The Cosgrove exit.
- 13 Q. And where did he indicate to you that he was going
- 14 to go?
- 15 A. To my house on Forseman Street.
- 16 Q. And at that time, you were at your job at Republic
- 17 Parking?
- 18 A. Yes.
- 19 Q. When you got off of work that day, could you tell
- 20 the jury, please, what if anything was different at your
- 21 house?
- 22 A. Some -- usually I clean up before I go to work. So
- 23 when I got home that morning, I could tell that he was there
- 24 because there was trash and cigarettes and things of that
- 25 nature in my house.

Constance Manigault
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. And did you talk to Crime again at all after that
2 2:09 phone call?

3 A. No, I didn't.

4 Q. What did you do when you hadn't heard from him?

5 A. Well, once I got home, I went to sleep. And once I
6 got up, I called Bez' phone back to see if he had heard from
7 Crime, but he didn't answer. And I called his brother, also,
8 which is -- whose name is Frog, that I knew him by, and he
9 said he hadn't spoken to him either.

10 Q. At some point, do you learn what had happened to
11 Curtis?

12 A. Yes. His brother called me back and told me that
13 he was dead.

14 Q. And after you learned that Curtis was dead, who did
15 you want to talk to?

16 A. I wanted to talk to Bez.

17 Q. And did you try calling Bez?

18 A. Yes, I did.

19 Q. And did you continue to try to call Bez?

20 A. Yes, I did.

21 MS. SHEALY: May I hold that statement again?

22 Q. [Ms. Shealy] Did you continue to call him
23 throughout that night?

24 A. Yes.

25 Q. Bez?

Constance Manigault
Direct Examination by Ms. Shealy
November 3, 2015

1 A. Yes.

2 Q. Did you leave a message on his phone?

3 A. Yes, I did.

4 Q. And could you tell the jury what message you left?

5 A. I told him that he saw me -- excuse my language --
6 calling the fucking phone and he -- I wanted to know where
7 Crime was and what happened to him and who he was with.

8 Q. And what?

9 A. And who he was with.

10 Q. In looking at your statement could you indicate
11 back, right after this happened, exactly what you had
12 indicated you had told him? On the bottom line, continuing to
13 the next page.

14 A. When I woke up, I called Bez back and left him a
15 message. I told him, you know who the fuck this is so call me
16 back.

17 Do you want me to keep reading?

18 Q. Yes.

19 A. And Bez returned my phone call at 11:29 that
20 morning and I told him, you know, Crime -- Curtis -- Crime is
21 dead, and he said yes. He said he was crying all day
22 Saturday. And I asked him who Curtis was with. He said he
23 can't tell me because of the people was mixed up in some other
24 stuff. And he also said that he doesn't want to be involved.
25 I said, you're already involved because you know who he was

Constance Manigault
Direct Examination by Ms. Shealy
November 3, 2015

1 with. I said, you're going to tell me who he was with. But
2 he continued saying no. He was saying -- he was saying
3 telling you who these people are won't bring Curtis back. I
4 asked him -- I said, what was the number Crime called him
5 from, but he said he had erased all his -- he erased his call
6 log because his girlfriend likes to go through his phone. I
7 informed him that he can go online, go on the internet, and
8 looking up his call records. He said, okay, he would. But he
9 never called me back.

10 Q. Okay. So let's break that down a little bit. So
11 after you had called him many times that night and you left
12 the message with profanity on it --

13 A. Yes.

14 Q. -- he called you back?

15 A. Yes.

16 Q. And when he called you back, what number did he
17 call you from?

18 A. The 329 number.

19 Q. The number that came -- did his name come up --

20 A. Yes.

21 Q. -- when he called back? So King Conyers had that
22 phone --

23 A. Yes.

24 Q. -- is that correct? The story he gave you, did you
25 buy it?

Constance Manigault
Direct Examination by Ms. Shealy
November 3, 2015

1 A. No.

2 Q. And when you went to go talk to the police, did you
3 try to give them as many specifics as you could?

4 A. Yes.

5 Q. Did you give your number?

6 A. Yes.

7 Q. Bez' number?

8 A. Yes.

9 Q. The time of the call?

10 A. Yes.

11 Q. Did you also give the length of the call?

12 A. Yes.

13 Q. And after talking to Curtis in the early-morning
14 hours of the 10th on Bez' phone, the next person you speak to
15 on that phone is Bez?

16 A. Yes.

17 MS. SHEALY: Beg the Court's indulgence.

18 THE COURT: Take your time.

19 [Whereupon, Ms. Shealy and Mr. Cooper confer]

20 MS. SHEALY: Ms. Manigault, I have no further
21 questions. Please answer any the defense may have.

22 MR. MLYNARCZYK: I have no questions for this
23 witness, Your Honor.

24 MR. MURPHY: Thank you, Your Honor. May it please
25 the Court.

Constance Manigault
Cross-Examination by Mr. Murphy
November 3, 2015

CROSS-EXAMINATION

BY MR. MURPHY:

Q. How many times have you seen Mr. Conyers before?

A. Once.

Q. Once? And where did you see him?

A. At my residence.

Q. And where was that?

A. On Forseman Street off of Dorchester Road.

Q. Okay. And what date was that?

A. That was Father's Day.

Q. Father's Day?

A. Yes.

Q. All right. And I'm not good with dates. I'm
dyslexic.

What date is that? Is that -- was that in 2010?

A. Yes.

Q. Okay. And he was with Mr. Delaney --

A. Yes.

Q. -- you were saying?

A. Yes.

Q. All right. And what you're talking about, that's
the only time you ever saw him?

A. Yes.

Q. All right. And did you get his phone number then?

A. No.

Constance Manigault
Cross-Examination by Mr. Murphy
November 3, 2015

1 Q. Okay. And when did you originally get his phone
2 number?

3 A. When Curtis called me off his phone.

4 Q. Okay. So Curtis had his phone?

5 A. Yes.

6 Q. And where was Curtis when he was calling?

7 A. He's called me off his number several times before.

8 Q. Okay. Well, let me just ask where. Let's try and
9 gets dates. And I guess what I'm really asking you for --
10 let's talk about July 10th --

11 A. Okay.

12 Q. -- the night of July 10th. Did you talk to Curtis
13 that night?

14 A. Yes, I did.

15 Q. And that was off -- you said he called from Bez'
16 phone?

17 A. Yes, he did.

18 Q. Okay. So did he say he had Bez' phone?

19 A. No.

20 I just been -- his number is programed in my phone,
21 so I knew it was Bez' phone.

22 Q. Okay. So the first time you met him, you programed
23 Bez' number?

24 A. No.

25 I'm talking about that night he called me, I knew

Constance Manigault
Cross-Examination by Mr. Murphy
November 3, 2015

1 it was Bez' phone because the number was already programed.

2 Q. Okay. But when would you have programmed his
3 number in?

4 A. I don't remember.

5 Q. Okay. So you're telling this jury that you got a
6 number and you programmed it in as Bez in your cell-phone?

7 A. Because that's someone he was frequently with, and
8 he would call me off the number if his phone went dead or
9 something. That's the only time.

10 Q. So you're saying now that that number called you a
11 lot?

12 A. Yes. When they were together, yes.

13 Q. When you say a lot, how many times do you think --

14 A. I don't know, sir.

15 Q. Okay. Now, when you -- when Mr. Delaney called you
16 on the 10th, where was he? Do you know?

17 A. He said he was getting off of the Cosgrove exit.

18 Q. Okay. And what time was that?

19 A. At 2:09 a.m.

20 Q. 2:09 a.m.

21 All right. And that was the only time that you
22 got -- received a call from his phone number?

23 A. No.

24 I told you he's called me off that number before.
25 But that night --

Constance Manigault
Cross-Examination by Mr. Murphy
November 3, 2015

1 Q. That night --

2 A. -- that was the only time he called me off that
3 number.

4 Q. All right. And then you're saying that -- when was
5 the next time you heard from the number?

6 A. The very next day when I was -- after I left a
7 message, that's when I heard from the number again.

8 Q. And what time was that?

9 A. At 11:29.

10 Q. Okay. And did you leave a -- is this the message
11 that you left at 11:29?

12 A. No.

13 That's the time he called me back after I left the
14 message.

15 Q. Okay. Where did he say he was calling from?

16 A. He never -- I never asked him where he was.

17 Q. Okay. Did you know where he was?

18 A. No, I did not.

19 Q. And did you know who Curtis was with that night?

20 A. No, I don't.

21 Q. Do you know Troy Mason?

22 A. No, I don't.

23 Q. Do you know Mario Caldwell?

24 A. No, I don't.

25 Q. Do you know Mr. Belton --

Constance Manigault
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. No, I don't.

2 Q. -- Jeremiah Belton?

3 MR. MURPHY: One moment, Your Honor.

4 [Whereupon, Mr. Murphy and Mr. Conyers confer]

5 MR. MURPHY: I have nothing further, Your Honor.

6 MS. SHEALY: Just briefly, Your Honor.

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Constance Manigault
Redirect Examination by Ms. Shealy
November 3, 2015

REDIRECT EXAMINATION

BY MS. SHEALY:

Q. Ms. Manigault, Mr. Murphy asked you whether you knew Jeremiah Belton, Mario Caldwell, or Troy Mason. Tell the jury, who was Curtis' buddy?

A. Bez was.

Q. And when you spoke to Curtis previously on Bez' phone, he was with whom?

A. Bez.

MS. SHEALY: I have nothing further.

MR. MLYNARCZYK: Nothing further, Your Honor.

MR. MURPHY: Nothing, Your Honor.

THE COURT: You may step down. Thank you.

[Whereupon, Ms. Manigault is excused and exits the witness stand]

THE COURT: Call your next witness.

MS. SHEALY: Your Honor, at this time I would move to introduce State's Exhibit 332, which are the phone records for 843-329-9516, that being the phone of Bez.

THE COURT: Any objection?

MR. MURPHY: No objection, Your Honor.

MR. MLYNARCZYK: No objection, Your Honor.

THE COURT: State's 332 into evidence without objection.

[Whereupon, State's Exhibit Number 332 is admitted

Constance Manigault
Redirect Examination by Ms. Shealy
November 3, 2015

1 into evidence by the Court]

2 MS. SHEALY: Quiona Herrington.

3 And, Your Honor, I also move to admit 328, which is
4 the certification.

5 THE COURT: Any objection?

6 MR. MLYNARCZYK: No objection, Your Honor.

7 MR. MURPHY: No objection, Your Honor.

8 THE COURT: State's 328 into evidence without
9 objection.

10 [Whereupon, State's Exhibit Number 328 is admitted
11 into evidence by the Court]

12 THE COURT: Where is the witness?

13 MS. SHEALY: She should be right outside.

14 [Whereupon, Ms. Herrington comes forward]

15 THE CLERK OF COURT: Ma'am, if you'll put your left
16 hand here. Raise your right.

17 [Whereupon, Ms. Herrington is duly sworn by the
18 clerk of court as follows: do you swear or affirm the
19 testimony you will give the Court and the jury in the
20 trial of this case will be the truth, the whole truth,
21 and nothing but the truth, so help you God]

22 THE WITNESS: Yes, sir.

23 THE CLERK OF COURT: Thank you, ma'am. You may be
24 seated. Once seated, if you could please state your
25 first and last name, and then spell both your first and

Constance Manigault
Redirect Examination by Ms. Shealy
November 3, 2015

1 last name clearly into the microphone for the record,
2 please.

3 THE WITNESS: Okay. My name is Quiona Herrington.
4 Q-U-I-O-N-A H-E-R-R-I-N-G-T-O-N.

5 THE COURT: Ms. Shealy?

6 MS. SHEALY: Thank you, Your Honor.
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Quiona Herrington
Direct Examination by Ms. Shealy
November 3, 2015

QUIONA HERRINGTON,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Ms. Herrington, how old are you?

A. Twenty-seven.

Q. And where did you grow up?

A. North Charleston.

Q. And who is Curtis Delaney? Who was he to you?

A. My brother.

Q. Whose home did y'all grow up in?

A. My mother's.

Q. And what's your mother's name?

A. Michelle Williams.

Q. At that time, your mom lived in Charleston?

A. At what time?

Q. In North Charleston, when y'all were growing up.

A. Uh-huh.

Q. Your mother, in fact, now lives where?

A. Charlotte, North Carolina.

Q. Are you living in Charlotte with her, or do you
live in Charleston?

A. I live in North Carolina, as well, with my mother
in Charlotte.

Quiona Herrington
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. How many years difference was there between you and
2 Curtis?

3 A. Five years.

4 Q. And did you have a chance to meet any of his
5 friends when y'all were growing up?

6 A. Uh-huh.

7 Q. Did you --

8 THE COURT: Is that a yes?

9 A. Yes.

10 THE COURT: Thank you.

11 THE WITNESS: Sorry.

12 Q. [Ms. Shealy] Did you meet his friend named Bez?

13 A. Yes.

14 Q. Did you know what Bez' real name was?

15 A. No.

16 Q. And how long were he and Curtis friends?

17 A. Years.

18 Q. Okay. Do you remember approximately how old they
19 were when they became friends?

20 A. No, I don't.

21 Q. When was the last time you saw Bez?

22 A. Not since 2002.

23 Q. Okay. Do you recognize anyone in the courtroom as
24 being Bez?

25 A. Yes.

Quiona Herrington
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Could you point out to the jury where he is?

2 A. Right there in the blue.

3 Q. And so you've known him for over ten years?

4 A. Uh-huh.

5 THE COURT: Is that a yes?

6 A. Yes.

7 THE COURT: Thank you.

8 MS. SHEALY: If you would remember, because the
9 court reporter is taking down every word --

10 THE WITNESS: Okay.

11 THE COURT: -- so she needs to have a word for it.

12 Q. [Ms. Shealy] How many times would you say you've
13 been around Bez? Can you count them?

14 A. Not often, though.

15 Q. Okay. When y'all were growing up, was there a
16 particular area that they would hang out and you would get to
17 see him with your brother?

18 A. In the neighborhood we were staying in, the
19 community we stayed in.

20 Q. And would you describe them as good friends?

21 A. Uh-huh. Yes.

22 Q. Now, do you know Mario Caldwell?

23 A. No.

24 Q. Do you know Troy Mason?

25 A. No.

Quiona Herrington
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. And do you know Jeremiah Belton?

2 A. No.

3 MS. SHEALY: I have no further questions. Thank
4 you.

5 THE COURT: Mr. Mlynarczyk?

6 MR. MLYNARCZYK: I have no questions for this
7 witness, Your Honor.

8 MR. MURPHY: No questions, Your Honor.

9 THE COURT: Ms. Herrington, you may step down.
10 Thank you.

11 [Whereupon, Ms. Herrington is excused and exits the
12 witness stand]

13 MS. SHEALY: Your Honor, at this point, can she sit
14 in the courtroom?

15 THE COURT: Any objection?

16 MR. MLYNARCZYK: I have no objection.

17 MR. MURPHY: No objection.

18 MS. SHEALY: Michelle Williams.

19 THE COURT: You are excused, Ms. Herrington. You
20 are free to go, but feel free to stay with us.

21 [Whereupon, Ms. Williams comes forward]

22 THE CLERK OF COURT: Put your left hand here, and
23 raise your right.

24 [Whereupon, Ms. Williams is duly sworn by the clerk
25 of court as follows: do you swear or affirm the

Quiona Herrington
Direct Examination by Ms. Shealy
November 3, 2015

1 testimony you will give the Court and the jury in the
2 trial of this case will be the truth, the whole truth,
3 and nothing but the truth, so help you God]

4 THE WITNESS: I do.

5 THE CLERK OF COURT: Thank you, ma'am. You may be
6 seated. Do you need a hand getting seated?

7 [Whereupon, Ms. Williams takes the witness stand]

8 THE CLERK OF COURT: Ma'am, if you could please
9 state your first and last name, and then spell your last
10 loudly and clearly into the microphone for the record.

11 THE WITNESS: Michelle Williams. W-I-L-L-I-A-M-S.
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Michelle Williams
Direct Examination by Ms. Shealy
November 3, 2015

MICHELLE WILLIAMS,

Having Been First Duly Sworn,

was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Ms. Williams, could you please tell the jury where you currently live? What city.

A. Charlotte, North Carolina.

Q. And how long have you lived in Charlotte?

A. Since 2007.

Q. When your children were growing up, where did y'all live?

A. In Charleston, South Carolina.

Q. And how many children did you have?

A. Six.

Q. Curtis was where in the line-up?

A. First.

Q. At some point back in July of 2010, did Curtis come to visit you?

A. Yes.

Him and my brother came down for the Fourth of July holiday.

Q. And when Curtis was there, did he have his phone with him?

A. He had like a minute phone. I guess it was a

Michelle Williams
Direct Examination by Ms. Shealy
November 3, 2015

1 minute phone.

2 Q. Okay. At some point did he start using your cell
3 phone?

4 A. Yes, he did.

5 Q. Do you know why he did?

6 A. I think because he ran out of the minutes.

7 Q. And did you draw particular attention to who he was
8 having a lot of phone calls with? What number? What
9 telephone number?

10 A. There was an 843-642-something number.

11 Q. Okay. Let me show you your statement and see if
12 that refreshes your memory.

13 [Whereupon, the witness reviews documents]

14 A. 642-1025.

15 Q. [Ms. Shealy] And that was 843?

16 A. Uh-huh.

17 Q. Okay. And so when you would get your phone back
18 from Curtis, you noticed there were a bunch of phone calls
19 with that number?

20 A. Yes.

21 Q. Did you know whose number that was?

22 A. No, I did not.

23 Q. And did you know that Curtis would be leaving
24 Charlotte to return to Charleston?

25 A. Not until that same night that he left.

Michelle Williams
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Not until that same night --

2 A. Yes.

3 Q. -- that he left?

4 What was your telephone number at the time? Do I
5 need to hand you your statement again?

6 A. 704-891-0647.

7 MS. SHEALY: Your Honor, at this time I would move
8 State's Exhibit 330 and 334 into evidence, those being
9 the phone records of Michelle Williams' telephone
10 number.

11 THE COURT: Any objection?

12 MR. MLYNARCZYK: No objection.

13 MR. MURPHY: No objection.

14 THE COURT: State's 330 and 334 into evidence
15 without objection.

16 [Whereupon, State's Exhibit Number 330 is admitted
17 into evidence by the Court]

18 [Whereupon, State's Exhibit Number 334 is admitted
19 into evidence by the Court]

20 Q. [Ms. Shealy] Did you ask Curtis whose phone number
21 that was?

22 A. I asked who was calling him.

23 MR. MLYNARCZYK: Objection, Your Honor.

24 We're getting into the hearsay -- my hearsay
25 objections in the statement.

Michelle Williams
Direct Examination by Ms. Shealy
November 3, 2015

1 THE COURT: Do you wish to approach?

2 MR. MLYNARCZYK: Yes.

3 [Whereupon, an off-the-record bench conference is
4 held]

5 THE COURT: I sustain the objection to hearsay.
6 Thank you.

7 Q. [Ms. Shealy] Ms. Williams, so focusing, then, on
8 the evening of July 9th, could you tell us what happened about
9 Curtis leaving your house?

10 A. Well, throughout the week he kept saying he wanted
11 to go home, he --

12 MR. MLYNARCZYK: Objection. Objection, Your Honor.

13 Q. [Ms. Shealy] You don't have to tell me what he was
14 saying. Just describe to me what happened on that Friday.

15 Did he, in fact, leave your apartment?

16 A. Yes.

17 Q. And prior to his leaving your apartment, did you
18 know that he was going to leave that night?

19 A. No.

20 Q. And when you had been looking at your phone
21 throughout the day of Curtis at your house, was there
22 frequently that number 843-642-1025?

23 A. Yes.

24 Q. Curtis left; is that correct?

25 A. Uh-huh.

Michelle Williams
Direct Examination by Ms. Shealy
November 3, 2015

1 MS. SHEALY: You have to answer yes or no for us.

2 Okay?

3 THE WITNESS: I'm sorry.

4 A. Yes.

5 Q. [Ms. Shealy] And did you hear from him again that
6 evening?

7 A. He called between 12:00 -- between 12:00 and 2:00
8 and he said he made it --

9 MR. MLYNARCZYK: Objection, Your Honor. We're
10 getting into hearsay again.

11 THE COURT: Is there an exception?

12 MS. SHEALY: Yes, Your Honor. May we approach?

13 THE COURT: You may.

14 [Whereupon, an off-the-record bench conference is
15 held]

16 THE COURT: Do you understand my ruling, Ms.
17 Shealy?

18 MS. SHEALY: Yes, I do. Thank you.

19 THE COURT: Thank you.

20 Q. [Ms. Shealy] Ms. Williams, so you were indicating
21 that you received a phone call from Curtis?

22 A. Yes.

23 Q. And what did he indicate?

24 A. That he was either in Columbia, or he had done made
25 it to Charleston.

Michelle Williams
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Okay. And who did he tell you he was with in
2 Columbia?

3 MR. MLYNARCZYK: Objection, Your Honor.

4 THE COURT: Sustained.

5 MS. SHEALY: May we approach, Your Honor?

6 THE COURT: You may.

7 [Whereupon, an off-the-record bench conference is
8 held]

9 THE COURT: Rephrase your question.

10 Q. [Ms. Shealy] Ms. Williams, where did Curtis -- at
11 whose house did Curtis indicate he was at?

12 A. His friend, Dez, Bez.

13 Q. And that was sometime after he had left your
14 apartment --

15 A. Yes.

16 Q. -- in Charlotte?

17 A. Yes.

18 Q. And did you -- when did you hear from Curtis again?

19 A. I didn't.

20 Q. And then you learned about his death?

21 A. Yes.

22 Q. Would you tell the jury: who were the first two
23 people that you wanted to talk to after learning that Curtis
24 had died?

25 A. The numbers that was calling.

Michelle Williams
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. That he had been calling and that had been calling
2 him?

3 A. Yes.

4 Q. And one of those numbers, again, was what?

5 A. 843-642-1025.

6 Q. Okay. And did you also have a conversation with
7 Bez?

8 A. Yes, I did.

9 Q. And could you tell the jury about that
10 conversation?

11 A. He said -- he was crying --

12 MR. MLYNARCZYK: Objection, Your Honor. Hearsay
13 again.

14 THE COURT: Sustained.

15 MS. SHEALY: Your Honor, may we approach?

16 THE COURT: You may.

17 [Whereupon, an off-the-record bench conference is
18 held]

19 THE COURT: Please rephrase your question, Ms.
20 Shealy. Thank you.

21 Q. [Ms. Shealy] Ms. Williams, you indicated that you
22 called that one number?

23 A. Uh-huh. Yes.

24 Q. And then you called Dez?

25 A. Yes.

Michelle Williams
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Okay. And could you tell the jury, please -- and
2 if you need your statement, let me know -- what did Dez tell
3 you?

4 A. He was crying on the telephone and he was saying --
5 he kept saying that he told Curtis not to go and said that
6 if --

7 Q. Should I give you your statement?

8 A. No. No.

9 Q. Okay.

10 A. He kept saying that he told Curtis not to go, and
11 that if he had went, it wouldn't have been down -- went down
12 like that, or something of that nature.

13 Q. And did he continue to give you details?

14 A. Yes.

15 Q. Okay. And can you tell the jury what details he
16 gave you?

17 A. He said something about somebody was going to the
18 left or the right of the house, Curtis and somebody went to
19 the right of the house and somebody else went to the left of
20 the house. He never called any names.

21 Q. Okay. And how did that phone call -- how did you
22 react to that phone call?

23 A. I was very upset about it.

24 Q. And why were you upset?

25 A. Because my son's gone.

Michelle Williams
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. And how did the effect of the details affect you?

2 A. I'm sorry?

3 Q. Do what?

4 A. I'm sorry. What did you say?

5 Q. Oh. How did the -- how did hearing those details
6 affect you?

7 A. Curious, wondering, wanting to know what actually
8 happened.

9 Q. And how did you react to Bez having those details?

10 A. At first, it wasn't -- wasn't thinking about what
11 was said. I was just more upset of the fact that I just found
12 out that my son was shot.

13 Q. And then later?

14 A. Later, amongst my family, we just started asking
15 questions amongst ourselves about, you know, how he know who
16 went where if he said he wasn't there..

17 Q. And when you went to meet with the police officers,
18 that was on what date? Here at the top.

19 [Whereupon, the witness reviews documents]

20 A. On the 14th.

21 Q. [Ms. Shealy] Of July?

22 A. Yes.

23 Q. And you gave those details to the police, did you
24 not?

25 A. Yes.

Michelle Williams
Direct Examination by Ms. Shealy
November 3, 2015

1 I wrote everything that I could remember at the
2 time.

3 Q. And when you learned that your son was dead, the
4 two people you wanted to talk to was whoever was calling from
5 843-642-1025?

6 A. Yes. And that's the number that I called.

7 Q. And Bez?

8 A. Yes.

9 MS. SHEALY: Beg the Court's indulgence.

10 THE COURT: Take your time.

11 MS. SHEALY: I have no further questions.

12 MR. MLYNARCZYK: I have no questions, Your Honor.

13 MR. MURPHY: Thank you, Your Honor. May it please
14 the Court.

Michelle Williams
Cross-Examination by Mr. Murphy
November 3, 2015

CROSS-EXAMINATION

BY MR. MURPHY:

Q. Ma'am, you said that -- first of all, is it Bez with a B, or Dez?

A. I'm not sure if it is Bez or Dez. I've been calling him Dez, and then everybody was saying it was Bez.

Q. Okay. And you knew King or Bez -- well, let's say Dez. You knew Dez from when he went to school with your son?

A. No. I've met him only once.

Q. Okay. And about how long ago did you meet him?

A. Maybe back in 2002, 2003.

Q. All right. So then you said you called him up and talked to him on the phone?

A. I called the 843 number first and that person said that they wasn't the one that picked up Curtis, that their neighbor was the one that picked Curtis up.

Q. Okay. But how did you know you were talking to Dez?

A. I didn't -- from that first number?

Q. Yes.

A. No. It was a different number that I called for Bez.

Q. For when you were talking to Dez on the phone at some point --

A. Uh-huh.

Michelle Williams
Cross-Examination by Mr. Murphy
November 3, 2015

1 Q. -- it would have been July 10th; is that correct?

2 A. Yes.

3 Q. Okay. How did you know you were talking to Dez?

4 A. Well, to be honest, I don't know.

5 But just from the way he was acting. He was crying
6 on the phone and, you know, saying that --

7 Q. Did he say this is Dez or this is King?

8 A. No, he did not.

9 Q. Okay. So you didn't have any names?

10 A. No, I did not.

11 Q. And the person that you spoke with, do you know
12 where that person was?

13 A. No, I do not.

14 Q. Now, you said that that person was crying?

15 A. Uh-huh.

16 Q. Yes?

17 A. Yes.

18 Q. And the person was upset, obviously?

19 A. Yes.

20 Q. And I think you said that that person said that if
21 he was there -- meaning that that person was on the phone --
22 at the time, it would not have gone down like that?

23 A. Yes.

24 Q. And he also said that he wasn't with Curtis at the
25 time of the invasion?

Michelle Williams
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. Yes.

2 Q. And that would lead you to believe that whoever you
3 were talking to wasn't there during the crime?

4 A. I just can go by what he said.

5 Q. Okay. But other than that, he -- was that person
6 being truthful with you?

7 A. I believe it, because obviously he knew who I was
8 when I asked what happened with Curtis.

9 MR. MURPHY: Okay. That's all I have. No further
10 questions, Ms. Williams.

11 MR. MLYNARCZYK: Nothing further, Your Honor.

12 THE COURT: Hold on. Ms. Shealy gets to go first.
13 Ms. Shealy, redirect?

14 MS. SHEALY: Yes, Your Honor. Beg the Court's
15 indulgence a moment.

16 [Whereupon, Ms. Shealy and Mr. Cooper confer]
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Michelle Williams
Redirect Examination by Ms. Shealy
November 3, 2015

REDIRECT EXAMINATION

BY MS. SHEALY:

Q. When you were talking to Bez or Dez, how did you get his number?

A. It was in the phone.

Q. It was what?

A. In the phone.

Q. And who was the last person that your son talked to before he got -- before he left that night? Which number?

A. I'm not sure.

Q. Okay. Showing you your statement. Will you look midway down and indicate to us what you told the police that night about that number?

[Whereupon, the witness reviews documents]

A. The telephone number was 843-642-1025. This was the number -- this number also called him moments before he left.

Q. [Ms. Shealy] Moments before he left?

A. Uh-huh.

Q. That's the 642 number?

A. Yes.

Q. And when you initially spoke to Bez, at first you assumed he was telling you the truth?

A. Yes.

Q. Is that what you told us?

Michelle Williams
Redirect Examination by Ms. Shealy
November 3, 2015

1 A. Yes. Yes.

2 Q. But then when you thought later about the details
3 of where they went in the house, it didn't ring true that he
4 wasn't there; right?

5 A. Right. Yes.

6 Q. And he had indicated to you that one guy went to
7 the right of the house in the inside, and Curtis and the other
8 guy went to the left?

9 A. I don't know if it was two that went to the left or
10 two that went to the right. I know he said Curtis and another
11 guy went to the right and somebody went to the left.

12 Q. And Bez gave you those details, when you're calling
13 as a grieving mother, when you learn that your son has been
14 killed?

15 A. Yes.

16 MS. SHEALY: I have no further questions.

17 MR. MLYNARCZYK: One moment, Your Honor.

18 THE COURT: Mr. Mlynarczyk?

19 MR. MLYNARCZYK: I have nothing further, Your
20 Honor.

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Michelle Williams
Recross-Examination by Mr. Murphy
November 3, 2015

RECROSS-EXAMINATION

BY MR. MURPHY:

Q. You were obviously very upset when you learned that your son had passed away?

A. Yes.

Q. And I can't imagine how that is.

Did you know that before the phone call?

A. Did I know what before the phone call?

Q. That your son had passed away? Before the phone call?

A. Before I made the call?

Q. Yes.

A. Yes. I had just found out.

Q. And is it possible that you're mistaken about what happened or what the conversation was?

A. No.

Q. Not possible at all?

A. No.

Q. No?

MR. MURPHY: That's all I have.

THE COURT: You may step down. Thank you.

[Whereupon, Ms. Williams is excused and exits the witness stand]

THE COURT: Call your next witness.

MS. SHEALY: Mario -- I'm sorry. I was supposed to

Michelle Williams
Recross-Examination by Mr. Murphy
November 3, 2015

1 give you a little head's up. It's Mario Caldwell.

2 [Whereupon, Mr. Caldwell comes forward]

3 THE CLERK OF COURT: Put your left hand here, and
4 raise your right hand to the best of your ability.

5 [Whereupon, Mr. Caldwell is duly sworn by the clerk
6 of court as follows: do you swear or affirm the
7 testimony you will give the Court and the jury in the
8 trial of this case will be the truth, the whole truth,
9 and nothing but the truth, so help you God]

10 THE WITNESS: I do.

11 THE CLERK OF COURT: Thank you, sir. You may be
12 seated.

13 [Whereupon, Mr. Caldwell takes the witness stand]

14 THE CLERK OF COURT: Sir, once seated, if you could
15 please state your first and last name, and then spell
16 your last loudly and clearly into the microphone for the
17 record.

18 THE WITNESS: Mario Caldwell. C-A-L-D-W-E-L-L.

19 THE COURT: Ms. Shealy?

20 MS. SHEALY: Thank you, Your Honor.

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Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

MARIO CALDWELL,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Mr. Caldwell, will you please tell the jury how old you are?

A. Thirty-seven.

Q. And where did you grow up?

A. North Charleston.

Q. And how far did you go in school?

A. Finished.

Q. And what high school did you go to?

A. North Charleston.

Q. And you've been in some criminal trouble before; is that correct?

A. Yes, ma'am.

Q. Did you plead guilty to five armed robberies?

A. Yes, ma'am.

Q. How old were you when you pled guilty?

A. Twenty-one.

Q. And did you go to prison?

A. Yes, ma'am.

Q. When did you get out of prison?

A. 2009.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. You're indicted in the matter before us; is that
2 correct?

3 A. Yes, ma'am.

4 Q. And you're indicted on several charges; is that
5 correct?

6 A. Yes, ma'am.

7 Q. You were indicted for murder, possession of a
8 firearm during commission of a violent crime, burglary first,
9 attempted armed robbery, assault and battery first; is that
10 correct?

11 A. Yes, ma'am.

12 Q. And that is all in connection with the facts of the
13 case that we have before us; is that correct?

14 A. Yes, ma'am.

15 Q. And have you, in fact, entered a guilty plea --

16 A. Yes.

17 Q. -- in this matter?

18 A. Yes.

19 Q. And what all did you plead guilty to?

20 A. Voluntary manslaughter, attempted armed robbery,
21 burglary first.

22 Q. And before you pled guilty, you were served with a
23 notice from the State that we were seeking a life sentence for
24 you; is that correct?

25 A. Yes.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Is there a plea agreement in this case?

2 A. Yes, ma'am.

3 Q. And can you tell the jury what the terms of that
4 agreement are?

5 A. Upon pleading guilty to the charges, I agreed to
6 testify and face a sentence of I think up to forty-five years.

7 Q. Up to forty-five years?

8 A. Yes, ma'am.

9 Q. There's a range of fifteen to forty-five years?

10 A. Yes, ma'am.

11 Q. And when were you arrested in this case?

12 A. August 3rd, 2012.

13 Q. When you were arrested, had King Conyers or
14 Jeremiah Belton been arrested yet?

15 A. No, ma'am.

16 Q. And you're aware that your cooperation led to their
17 arrest?

18 A. Yes.

19 Q. Are you married?

20 A. Yes.

21 Q. And do you have children?

22 A. Yes.

23 Q. How many children do you have?

24 A. I have four children.

25 Q. And your biological children were all born after

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 this event?

2 A. Yes.

3 Q. Tell us who Troy is to you.

4 A. He's my cousin. His mother is my Godmother.

5 Q. And did y'all grow up in the same home?

6 A. Yes, ma'am.

7 Q. And was that for your whole childhood, or just at
8 one point?

9 A. No, ma'am.

10 It was when I was younger. At a certain point we
11 grew up, we lived in the same house.

12 Q. After you got out of prison, did you live with
13 Troy?

14 A. No.

15 I stayed with my grandmother, then Troy moved in
16 with us.

17 Q. Okay. And that was on Buist Avenue?

18 A. Yes, ma'am.

19 Q. Did you get a job when you initially got out of
20 prison?

21 A. Yes, ma'am.

22 Q. And what were you doing?

23 A. I was working for Enterprise Rental Car Company.

24 Q. Did you do any other kind of work, as well?

25 A. Landscaping.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Now, your landscaping work, did that have anything
2 to do with the McClellanville area?

3 A. No, ma'am.

4 Q. Who did you work for doing your landscaping?

5 A. A company called Hedges Are Us.

6 Q. What happened when you were working with
7 Enterprise? Did you work there very long?

8 A. No, ma'am.

9 Q. Did you get fired?

10 A. Yes.

11 Q. And why did you get fired?

12 A. Because of my criminal record.

13 Q. So they hired you before they knew what your record
14 was?

15 A. Yes.

16 Q. What kind of work did you do for them?

17 A. Clean cars, pick up vehicles from the airport and
18 drive them to the different Enterprise locations.

19 Q. And through your work there, did you have some
20 friends that were coworkers?

21 A. Yes, ma'am.

22 Q. Did you also rent cars from them?

23 A. Yes, ma'am.

24 Q. Were there any allowances made for employees to
25 rent a car?

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

- 1 A. It was -- they were cheaper for us.
- 2 Q. Y'all got a discount?
- 3 A. Yes, ma'am.
- 4 Q. Did you get any further schooling when you got out
- 5 of prison?
- 6 A. Yes, ma'am.
- 7 Q. What did you do?
- 8 A. Went to Trident Tech for business and information.
- 9 Q. So you got a job and you went back to school. But
- 10 did things change?
- 11 A. Yes.
- 12 Q. In what way?
- 13 A. My brother, he was -- he got incarcerated, and my
- 14 grandmother had a stroke, so I was left with the burden of
- 15 everything.
- 16 Q. Is it fair to say that you reverted to your old
- 17 ways?
- 18 A. Yes.
- 19 Q. What were you doing to make money?
- 20 A. I was like the go-between man. I would transport
- 21 people places, pick people up, stuff like that.
- 22 Q. When you say you would pick people up and transport
- 23 people, you're not talking about like a cab?
- 24 A. No, I wasn't a cab. It wasn't legal.
- 25 Q. Okay. And these were people who were involved in

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 unlawful activities?

2 A. Yes, ma'am.

3 Q. And you would be the person driving?

4 A. Yes, ma'am.

5 Q. Did you use your own vehicle for those types of
6 things, or did you use a rental car?

7 A. Rental car.

8 Q. Tell the jury why you chose to use a rental car for
9 that kind of activity.

10 A. Nondescript. I could always change it up. I could
11 always go back and get a different car the next day, or two
12 days later, without having to worry about keeping the same
13 car.

14 Q. And what kind of people were you doing this for?
15 What kind of illegal activities?

16 A. It ranged. It was -- at first it was just small
17 stuff, taking somebody to buy marijuana or something, or buy
18 some cocaine or something.

19 And then it just -- picking people up, they going
20 to do all type of different things. Just got bigger than what
21 I expected.

22 Q. Okay. But you were all in for it?

23 A. Yes, ma'am.

24 Q. And did you and Troy have a little bit of a drug
25 thing going on between the two of y'all? A little business?

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 A. Yes, ma'am.

2 Q. And what did that kind of consist of?

3 A. I used cocaine and ecstasy. And I used to
4 transport him around to make sales and stuff like that, and
5 buy drugs, and all this kind of different stuff like that.

6 Q. Do you know Jeremiah Belton?

7 A. Yes.

8 Q. Identify him for us in the courtroom.

9 A. White shirt, sitting next to the white guy with the
10 tie on.

11 Q. And how long have you known him?

12 A. I would say since I'm like thirteen.

13 Q. What neighborhood did y'all grow up in, or what
14 area of Charleston?

15 A. Liberty Hill.

16 Q. And did he have a nickname?

17 A. Yes.

18 Q. What was that nickname?

19 A. Finger.

20 Q. And do you know why he had that nickname?

21 A. Because he got a rod in his finger and --

22 Q. And did you -- I'm sorry.

23 A. -- it don't bend. And it doesn't bend.

24 Q. One of his fingers doesn't bend?

25 A. No.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Did you, in fact, add a little something different
2 for the nickname based on Finger?

3 A. Ling.

4 Q. You would call him Ling?

5 A. Yes, ma'am.

6 Q. And why Ling?

7 A. It's just a -- it's just a moniker, Ling.

8 Q. Short for Fingerling?

9 A. Yes, ma'am.

10 Q. Did you know King Conyers before that night?

11 A. No, ma'am.

12 Q. When was the first time you met him?

13 A. We picked him up.

14 Q. And in what city did you pick him up in?

15 A. Columbia.

16 Q. And were you introduced to him by the name King
17 Conyers or --

18 A. No, ma'am.

19 Q. -- were you introduced to him by a nickname?

20 A. Bez.

21 Q. And do you see Bez in the courtroom?

22 A. Yes, ma'am.

23 Q. Could you describe for the jury where he's sitting
24 -- seated?

25 A. He's in the blue shirt, next to the white guy with

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 the gold tie on.

2 Q. Okay. What was the phone number that you were
3 using that night?

4 A. 276-8046.

5 MS. SHEALY: Your Honor, at this time I would move
6 State's Exhibit 327 and 331 into evidence.

7 THE COURT: Any objection, Mr. Mlynarczyk?

8 MR. MLYNARCZYK: No objections, Your Honor.

9 THE COURT: Mr. Murphy?

10 MR. MURPHY: 3?

11 MS. SHEALY: 327 --

12 THE COURT: 327 --

13 MS. SHEALY: -- and 331.

14 MR. MURPHY: Sorry. No objection.

15 THE COURT: State's 327 and 331 into evidence
16 without objection.

17 [Whereupon, State's Exhibit Number 327 is admitted
18 into evidence by the Court]

19 [Whereupon, State's Exhibit Number 331 is admitted
20 into evidence by the Court]

21 Q. [Ms. Shealy] And you indicated that was 276-8046;
22 right?

23 A. Yes, ma'am.

24 Q. Tell the jury a little bit about the kind of the
25 world you lived in. When you went to get a phone, would you

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 always use your real name?

2 A. No, ma'am.

3 Q. And looking at State's Exhibit 327, can you
4 indicate what the name on this phone was?

5 A. It says Locus Communications.

6 Q. Okay. Is that a name you gave them?

7 A. I think that's the name of the company.

8 Q. Of the company itself?

9 A. Yes, ma'am.

10 It was a prepaid like cell phone, like sort of like
11 monthly pay.

12 Q. Tell us a little bit about prepaid phones. Do you
13 have to keep putting money on them?

14 A. Yes, ma'am.

15 Q. And when you go to buy a prepaid phone, do they ask
16 for a lot of ID and specific information?

17 A. No.

18 Q. When you were dealing with these other people that
19 you told us about, and being the driver, were you aware that
20 some people in that world had more than one phone?

21 A. That's pretty much normal.

22 Q. And you indicated that you grew up in the area
23 where Finger lived. Is he the same age as you, or is he a
24 good bit older?

25 A. He's older than me.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Did you and him -- did you and Finger actually
2 become friends?

3 A. I would say associates.

4 Q. Associates.

5 And can you tell the jury what Jeremiah Belton's
6 phone number was in July of 2010?

7 A. He had two phone numbers. One was 642-1025. One
8 was 926-0218.

9 MS. SHEALY: At this time, Your Honor, I would move
10 in State's Exhibit 329 and 333, that being the phone
11 records for 843-642-1025.

12 MR. MLYNARCZYK: I have no objection, Your Honor.

13 MR. MURPHY: No objection.

14 THE COURT: State's 329 and 333 into evidence
15 without objection.

16 [Whereupon, State's Exhibit Number 329 is admitted
17 into evidence by the Court]

18 [Whereupon, State's Exhibit Number 333 is admitted
19 into evidence by the Court]

20 Q. [Ms. Shealy] Mr. Caldwell, showing you State's
21 Exhibit 333. What name is attached, on these records, to that
22 phone number?

23 A. Jeremiah Belton.

24 MS. SHEALY: You're going to need to speak up a
25 little bit for us.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 A. Jeremiah Belton.

2 Q. [Ms. Shealy] And what address is given?

3 A. P.O. Box 54988, Irvine, California, 92619.

4 Q. But this is an 843 number?

5 A. Yes, ma'am.

6 Q. In the name of Jeremiah Belton?

7 A. Yes, ma'am.

8 Q. Did you ever know Jeremiah Belton to live in
9 Irvine, California?

10 A. No, ma'am.

11 Q. Let's focus on July 9th, 2010. Let me go back just
12 for a second. Prior to July 9th, 2010, had you ever gone to
13 Charlotte to visit Jeremiah Belton?

14 A. Yes, ma'am.

15 Q. And did he have your phone number?

16 A. Yes, ma'am.

17 Q. And did you have his phone number?

18 A. Yes, ma'am.

19 Q. So focusing now, then, on July 9th, do you remember
20 what type of vehicle you had that night?

21 A. White Dodge Avenger.

22 Q. A white Dodge Avenger?

23 A. Yes, ma'am.

24 Q. Where did you get that from?

25 A. Enterprise Rental Car.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. And were you still working for them at that time?

2 A. No, ma'am.

3 Q. Showing you State's Exhibit 209. Can you read
4 that, or do I need to hand you a hard copy?

5 A. Of what?

6 Q. Does it have your signature on it?

7 A. Yes, ma'am.

8 Q. And is that for the rental of the Dodge Avenger?

9 A. Yes, ma'am.

10 Q. Why did you have a rental car?

11 A. Why?

12 Q. Yes.

13 A. I was hustling.

14 Q. You were hustling?

15 A. Yes, ma'am.

16 Q. Better not to use your own car?

17 A. Yes, ma'am.

18 Q. What happened to that car?

19 A. The Dodge?

20 Q. Yes.

21 A. It's burnt. It got burnt up.

22 Q. And when did it get burned up --

23 A. Not long --

24 Q. Was it after this incident?

25 A. Not long after that happened, after the incident

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 happened.

2 Q. The next day?

3 A. [No response]

4 Q. Or do you know?

5 A. I'm not sure.

6 Q. Tell the jury how you got that car taken care of.

7 A. I had somebody who owed me a favor, and I asked him
8 to get rid of it and he burnt -- they burnt it for me.

9 Q. When they burned it, what did you do about turning
10 it back in to Enterprise?

11 A. I didn't. I rented it again.

12 Q. Okay. I'm showing you State's Exhibit 210. Is
13 that when you rent it again?

14 A. Yes, ma'am.

15 Q. That was on the 17th of July?

16 A. Yes.

17 Q. But you didn't have that car on the 17th of July;
18 right?

19 A. No.

20 Q. Did you report that car as stolen?

21 A. Yes, ma'am.

22 Q. You called the police and told them it was stolen?

23 A. Yes, ma'am.

24 Q. Was it stolen?

25 A. No.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Now, focusing back, then, on July 9th, what was
2 your plan that day?

3 A. I was supposed to go to Charlotte and pick up
4 Finger because he say he wanted to come down and he didn't
5 want nobody to know. So I was supposed to pick him up, get a
6 few dollars for picking him up and dropping him off. That was
7 supposed to be the gist of it.

8 Q. Were you supposed to get some money?

9 A. Yes, ma'am.

10 Q. Now, Mr. Caldwell, sometimes it's hard for us to
11 understand how people communicate with one another who are
12 engaged in -- can't talk this afternoon -- engaged in those
13 kind of activities. When you were traveling to Charlotte --
14 you, in fact, traveled there?

15 A. Yes, ma'am.

16 Q. Were you up for anything?

17 A. Was I -- how do you mean was I up for anything? I
18 mean, I was up for the hustle. That's what I called it.

19 Q. And who accompanied you to Charlotte?

20 A. Me and Troy. Troy Mason.

21 Q. And what did you tell Troy Mason about why you were
22 going to Charlotte?

23 A. Told him I was going to pick up Ling or Finger.

24 Q. Okay. And did you, in fact, go and pick him up?

25 A. Yes.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. When you got there -- you drove on the way up?

2 A. Yes, ma'am.

3 Q. Once you got to Charlotte, who drove the Avenger?

4 A. Once we got there, we met -- I can't remember the
5 exact location we met, but we met and drove to some
6 apartments. And then he parked his car and he got in the
7 driver's seat of the car and was like he knows the area better
8 so he's going to drive back.

9 Q. And did y'all drive back at that point?

10 A. We drove back, but we made a few stops before we
11 got back.

12 Q. Okay. Did you stop anywhere in Charlotte?

13 A. Yes, ma'am.

14 Q. Where did you stop?

15 A. I don't know the area or nothing, but we stopped
16 and picked up another fellow.

17 Q. And who did y'all pick up?

18 A. Mr. Delaney.

19 Q. And do you remember anything about the location
20 where you picked him up?

21 A. When we went in, it was an apartment complex. It
22 was a downstairs apartment.

23 It was like a patio with like, how you put it, I
24 can't pronounce -- I can't put the words to my mind right now.
25 It's like a screen-in patio downstairs.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Okay. So it was an apartment complex?

2 A. Yes, ma'am.

3 Q. And did he come get in the car?

4 A. Yes, ma'am.

5 First he -- I got out -- Finger got out, and I got
6 out, and he walked up to the car and he be like -- told me who
7 he was.

8 Q. He told you who he was?

9 A. Finger told me who he was and he --

10 Q. Who did Finger tell you he was?

11 A. He was like -- he said his nickname. He didn't say
12 his -- he didn't call him Curtis. He said it's Crime.

13 Q. And had you ever met Crime before?

14 A. No, ma'am.

15 Q. When y'all got back in the car, which -- how did
16 y'all travel? Who was sitting where?

17 A. Finger was driving, Crime was behind him, I was in
18 the passenger seat, and Troy was behind me.

19 Q. And when Crime got in the car and y'all were
20 traveling, could you tell at that point whether he had any
21 kind of weapon?

22 A. Before he got in the car, he asked me if there's
23 anywhere he could put his pistol. I was like, hell, no; you
24 going to hold that.

25 Q. Okay. So you saw it?

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 A. He asked me if there was anywhere he could put it.

2 Q. Right. Did you actually see it, or he just asked
3 it?

4 A. He asked it.

5 But you could see the bulge on his side. It was
6 like a -- it was a big-ass .357.

7 Q. And when he got in the car with the gun, was there
8 anything unusual about you being around guys with guns?

9 A. No.

10 That's -- in the lifestyle, that's the usual thing.
11 That's not nothing unusual.

12 Q. Could you tell at that point whether Finger had a
13 gun?

14 A. No.

15 Q. And at that point, did you have a gun?

16 A. No.

17 Q. Did you get one later in the night?

18 A. Yes, ma'am.

19 Q. Okay. We'll talk about that in a minute.

20 When y'all were traveling from Columbia to
21 Charlotte, was Troy using ecstasy?

22 A. He was already -- on the way up, he had already
23 popped. So it was like he had like four or five pills on the
24 was up, so.

25 Q. Okay. And was he smoking pot?

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 A. Yeah.

2 Q. Were you using ecstasy?

3 A. Yes, ma'am.

4 Q. And were you smoking pot?

5 A. No, ma'am.

6 Q. Were you, at that point, addicted to any other
7 substance?

8 A. Yes.

9 Q. What?

10 A. Ecstasy, cocaine, and --

11 Q. Just part of the whole thing?

12 A. Yeah.

13 Q. So after you got -- after Crime got in the vehicle
14 with you, where did y'all go?

15 A. We got on the interstate like we was heading back
16 to Charleston. We got on 77.

17 Q. And before you picked up Finger, had y'all talked
18 about this for a couple of days?

19 A. What? Bringing him down here? Yeah.

20 Q. Yes? And so you would call him and he would call
21 you?

22 A. Yes, ma'am.

23 Q. Did he ever mention that there would be other
24 people joining y'all in the car?

25 A. No.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. When was the first time you heard about that?

2 A. When he pick them up.

3 Q. All right. So after he gets the first guy, is he
4 still driving?

5 A. Yes, ma'am.

6 Q. And what, if anything, does he say about where he's
7 going next?

8 A. He didn't tell us.

9 We thought -- I thought we was coming back to
10 Charleston until we --

11 Q. And what do y'all do?

12 A. We're riding down 77 and we get by -- there's an
13 exit where you can get off at by -- that leads you by Gamecock
14 stadium, and we got off there and drove into -- drove into
15 the city or whatever, and that's where we picked up Bez at.

16 Q. Okay. Just to make sure. Showing you State's
17 Exhibit 30. Is that Crime?

18 A. Yes, ma'am.

19 Q. When you exited and you said it was by -- what was
20 by the exit?

21 A. Excuse me. It was the Gamecock stadium.

22 Q. And you went by the Gamecock stadium?

23 A. Football -- the Gamecock football stadium.

24 Q. Where do y'all eventually go?

25 A. To pick up Bez.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. And when you went to pick up Bez --

2 Do you know the difference between the lines
3 between Columbia and West Columbia?

4 A. No, ma'am.

5 Q. What, if anything, do you remember about the area
6 where y'all picked up Bez?

7 A. It was like the house was on one side and it was
8 like a field on the other side of it.

9 Q. A field?

10 A. Yes, ma'am.

11 It was dark, but you could see the big field. It
12 was -- you know, it's no houses or nothing on the field.

13 Q. When you got to Bez' house, did everybody stay in
14 the car? Or what happened about the car?

15 A. Me and Finger got out.

16 You know, like he told me his name or whatever.
17 He's like, yeah, this is Bez, whatever. And I'm like Goddamn.
18 He was like Goddamn, what. And I'm like -- that's when Bez
19 got in -- came out, got in the car, whatever.

20 Q. So at that point it was you, Mason, Delaney, Bez,
21 and Belton?

22 A. Yes, ma'am.

23 Q. Did y'all all get back in the car?

24 A. Yes, ma'am.

25 Q. Where were you seated?

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 A. In the same spot. Passenger.

2 Q. Front passenger?

3 A. Yes, ma'am.

4 Q. Where did Bez go?

5 A. He went into the middle. I'm thinking it was
6 either -- it was either the middle or behind Belton.

7 I'm not one hundred percent sure, but it was either
8 the middle or behind Belton.

9 Q. When you were traveling from picking up Crime to go
10 on to Bez, did you ever see Crime using a phone?

11 A. No, ma'am.

12 Q. And when you picked up Bez and you were all
13 traveling to Charleston, did you see Bez using -- did you see
14 Crime using a phone?

15 A. I didn't pay attention to them.

16 I was like in my -- I was in my seat like really
17 just --

18 Q. Were you looking straight ahead?

19 A. I was looking to the side like this [indicates] and
20 looking at my phone.

21 Q. Why were you looking to the side?

22 A. Because that's where the man who been driving the
23 car was -- beside me.

24 And then I been looking at my phone seeing if I had
25 any texts or phone calls or anything.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Mario, explain to the jury: are you asking -- are
2 you asking Belton what are we doing?

3 A. When we picked him up, when we picked up Bez,
4 that's -- because we picked up Bez, that's what I asked,
5 what's going on. And he's like what do you mean. I'm like
6 what the fuck. And he's like -- he's like, what do you mean.

7 And that pretty much -- you know what I'm saying?
8 That pretty much stated everything right there, like you going
9 to pick up -- you don't bring two people from out of town just
10 to kick it. So I was pretty --

11 Q. Don't bring two people from out of town just to
12 kick it?

13 A. Yeah.

14 Just to hang out. You ain't bringing -- this ain't
15 no Friday night party.

16 Q. Well, what do you mean by that? Like, in other
17 words, was it odd to you that those two people were joining
18 you?

19 A. I mean, once they been in there, I already had the
20 gist of -- I mean, an idea what's going on, so it wasn't no --
21 you don't just bring people from -- one from Charlotte, or two
22 from Charlotte and one from Columbia just to hang out.

23 Q. Okay. So as y'all were traveling back to
24 Charleston, would you tell the jury whether or not y'all made
25 any stops?

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 A. We stopped to a gas station. And that was before
2 we got to Charleston. And then once we got to Charleston, we
3 stopped on the Hub.

4 Q. At the Hub --

5 A. Yes, ma'am.

6 Q. -- or on the Hub?

7 A. On the Hub.

8 Q. Okay. So I need you to explain to the jury what
9 the Hub is.

10 A. It's a small community, a neighborhood on side --
11 like across from another neighborhood in North Charleston.
12 It's across from Acabee [phonetic]. The neighborhood we call
13 the Hub.

14 Q. And when y'all stopped there, what happened?

15 A. Finger got out the car. I got --

16 Q. And -- I'm sorry. Go ahead.

17 A. I got out of the car.

18 And he met somebody, and he was like, I'm going to
19 holler at y'all, jumped in the car with them, and he left.

20 Q. Did that seem unusual to you?

21 A. Yeah. Because first of all, I'm still looking for
22 like where my money at. You know what I'm saying? But he
23 ain't said nothing about my money. So --

24 Q. And at that point you were owed money for what?

25 A. For bringing him down here.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Okay. So he gets out of the car and just says, I'm
2 going to holler at you.

3 A. He's like, I'm going to holler at you, I'm going to
4 holler at you, I got you. I'm like --

5 Q. Did you get a look at who he got out to join?

6 A. It was -- I don't know the dude.

7 It was some dude. Some stumpy dude, bald head. He
8 got out. They got in a white like Monte Carlo, you know.

9 Q. And how did you feel about having Bez and Crime
10 still in your vehicle?

11 A. To be honest, I wanted to drop them off somewhere
12 to get rid of them, I didn't want to be -- because I don't
13 know them. I didn't know them.

14 Q. Well, where did y'all go after that?

15 A. It's an area called -- right down the street from
16 there called, what is it, Bonds Avenue. We went over there on
17 Bonds Avenue.

18 Q. And when you went over on Bonds Avenue, did y'all
19 get out of the vehicle?

20 A. Yeah.

21 Q. And what is Bonds Avenue near, just in case some of
22 the jury doesn't know?

23 A. Jacob's Orphanage [phonetic], I guess.

24 Q. Okay. Let me go back for a second.

25 When you were in the vehicle with all of them,

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 could you tell the jury whether or not you saw Jeremiah Belton
2 with one phone or two phones?

3 A. He had two phones.

4 Q. Okay. So when y'all get out, is it an apartment?

5 A. It's like a -- I want to say it's like an
6 apartment, like a duplex-like apartment.

7 Q. And take a minute and kind of describe Troy's
8 personality. Is Troy a big talker?

9 A. No.

10 Q. How would you describe Troy?

11 A. Like just -- he's very -- he's not a people person.

12 Q. Is he quiet?

13 A. Yeah. Very.

14 Q. Does he seem very trustful?

15 A. Troy?

16 Q. Uh-huh.

17 A. [No response]

18 Q. What it means: does he seem to trust other people

19 --

20 A. No.

21 Q. -- easily?

22 A. No. No.

23 Q. Do you decide to go into the house?

24 A. Yes, ma'am.

25 Q. Well, why do you go in the house?

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 A. I'm still thinking about hollering at Finger so I
2 can get my check, my money.

3 But other than that, I'm just like, shit, they like
4 come -- you know, Delaney was like, man, come on, y'all better
5 come on.

6 Q. And when you -- who was saying that?

7 A. Delaney.

8 Q. Delaney was saying come on, come on?

9 A. Come on, come on, man, we kicking for a little
10 while. And I'm like, all right.

11 Q. Let's go back for one second.

12 When y'all were driving from Columbia to
13 Charleston, were y'all talking plans and stuff?

14 A. No, ma'am.

15 Q. Were you talking much at all?

16 A. No.

17 Q. Was it very comfortable in the car?

18 A. No.

19 Q. Was there awkward silence?

20 A. It was like -- it was like -- how you put it? It
21 just wasn't much -- Troy was sitting back there and he was
22 like watching everybody. You know, like watching my back or
23 whatever. And you had -- you had Bez and Crime. They were
24 sitting there like -- you know, you could tell that they knew
25 each other or whatever, so -- and Finger was driving, and he

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 was on the phone.

2 Q. Okay. So you go in the house once you get to
3 Charleston. Does Crime go in?

4 A. Yes, ma'am.

5 Q. Does Bez go in?

6 A. Yes, ma'am.

7 Q. Does Troy go in?

8 A. Yes, ma'am.

9 Q. And when you got inside, does Jeremiah Belton ever
10 come over there?

11 A. He does eventually.

12 Q. Before he got there, what were y'all talking about?

13 A. First we was talking about prices on drugs.

14 Talking about who had -- you know, who had what,
15 who had the best numbers on drugs or whatever, on cocaine.

16 Q. Amongst y'all, or people out in the community
17 there?

18 A. No. Just like people in Charleston, period.

19 Like we were talking about dope boys, as we put
20 it.

21 Q. Dope boys?

22 A. Dope boys. Drug dealers.

23 Q. What else did y'all talk about? Anything else?

24 A. We talked about who people -- like -- how do I put
25 it? Like a few times it was said who had dealings with who,

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 you know, stuff like that, as far as it goes.

2 Q. Okay. Does Jeremiah Belton join you?

3 A. Yes.

4 Q. And is he by himself, or does he have anyone with
5 him?

6 A. No. There was two people with him.

7 Q. Two people were with him?

8 A. Yes.

9 Q. When he got out when y'all met at -- dropped him
10 off at the Hub, who drove from that location to the place near
11 Bonds Avenue?

12 A. You talking about which car? The car we were in?

13 Q. Yes.

14 A. I did.

15 Q. So he had two people with him?

16 A. Yes, ma'am.

17 Q. And at that point, can you tell who has guns and
18 who hasn't have -- doesn't have guns?

19 A. Once we had -- what, inside the house?

20 Q. Once everybody is in the house.

21 A. Yeah.

22 Q. What did those other two guys look like?

23 A. One of them was like real skinny, like a quite
24 dude, wasn't -- you know, he wasn't pretty much -- he wasn't
25 pretty much into too much of nothing, it looked like. And the

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 other one was just like kind of a husky, baldhead dude.

2 Q. Did they do much talking?

3 A. No.

4 Q. By the time Finger gets over there, who's doing
5 most of the talking in the house?

6 A. Well, first it was Bez was talking. And once
7 Finger got there, it pretty much was -- you know, it was his
8 show.

9 Q. It was -- I'm sorry. I couldn't hear you.

10 A. His show. His -- it was -- you know, like he was
11 the one calling the shots once he got there.

12 Q. Who was?

13 A. Finger.

14 Q. Okay. And what then became the plan?

15 A. On deciding who to rob.

16 Q. And tell me whether Jeremiah Belton or King Conyers
17 suggested anyone.

18 A. Bez said, you know, about a dude he had dealings
19 with before.

20 Q. And what did you -- did y'all believe that was
21 going to be a big hit?

22 A. Along those lines, yeah.

23 Q. Do what?

24 A. I said along those lines, yeah.

25 Q. Okay. At that point, what did Bez say about where

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 that guy lived?

2 A. He said he live out in the country.

3 Q. And at that point, did you know where out in the
4 country was?

5 A. No.

6 Q. Are you very familiar with McClellanville?

7 A. No, ma'am.

8 Q. What else was said at the house? Anything else
9 that you remember?

10 A. Just Finger was like, all right, that's the one.
11 And that was the -- pretty much that was agreed
12 upon. It was like --

13 It wasn't like we was sitting down -- we wasn't
14 sitting down having tea, kicking it with each other. It was
15 real tense like.

16 Troy was, you know, like just watching everybody,
17 like.

18 And then you had Bez and Conyers, they was like --
19 you know, it was --

20 And then you had Finger and his -- whoever the dude
21 was with him. You know, the two dudes. One of them was --

22 You know, it was just like real tense in there.

23 Q. Do you realize that for most of us here, all that's
24 hard to understand?

25 A. Yeah. Yeah.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. So you weren't asking a bunch of questions like I'm
2 asking of you today?

3 A. No. No. That's --

4 Q. Well, tell the jury at that point -- did you and
5 Troy go, we're out?

6 A. No, ma'am.

7 Q. You were willing to go out there?

8 A. Yes, ma'am.

9 Q. Did they paint the picture in a way you thought
10 y'all might get a lot of money?

11 A. Yes, ma'am.

12 Q. And did Troy seem willing to go on out there?

13 A. [No response]

14 Q. Or did he even communicate any?

15 A. Troy didn't too much say nothing. He was just
16 like, uh. He wasn't the vocalist of person.

17 Q. He wasn't a what?

18 A. He's not the most vocalist person, so he didn't.

19 Q. He didn't have much to say?

20 A. Yeah.

21 Q. What did y'all do when you left there?

22 A. When we left there, we got into the -- four of us
23 got into the Dodge.

24 Q. Which four of you got in the Dodge?

25 A. Me, Troy, Bez and Delaney.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. And was that -- did you say it was a Monte Carlo?

2 A. I think that's the kind of car it was.

3 Q. Was that the other -- the other car was out at
4 the --

5 A. Yes, ma'am.

6 Q. -- apartments?

7 A. Yes, ma'am.

8 Q. Who got in that vehicle?

9 A. Finger and the other two fellows.

10 Q. How did you know where to go?

11 A. Bez told me.

12 Q. And prior to completely getting out of Charleston,
13 did y'all stop on Buist Avenue?

14 A. Yes.

15 Q. Tell the jury why you stopped on Buist.

16 A. So I could get my pistol.

17 Q. So, again, you didn't get out of the car and say,
18 I'm not getting back in?

19 A. No. You just --

20 Q. You got back in the car with a loaded weapon?

21 A. At this point you -- it wasn't no -- at this point
22 it wasn't, no, I'm not in.

23 Q. No turning back?

24 A. It wasn't.

25 Q. And when you say it wasn't, do you mean -- what do

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 you mean by that?

2 A. It wasn't. You -- there's consequences for stuff
3 like that.

4 Q. Okay. So you got back in the car and got a loaded
5 weapon?

6 A. Yes, ma'am.

7 Q. Had you ever been out to McClellanville before?

8 A. No.

9 Q. So as y'all were traveling, you told us who was
10 giving you directions?

11 A. Bez.

12 Q. And did you see Bez on the phone as y'all were
13 going out there?

14 A. Yeah.

15 Q. Did you ever get the names of the other two guys
16 that was with -- that were with Belton?

17 A. No, ma'am.

18 Q. When you got out to McClellanville, can you tell
19 the jury, did y'all park the car?

20 A. Yes, ma'am.

21 Q. And how did you go about parking the car? Do you
22 remember?

23 A. Well, when we got out there, the Monte Carlo was
24 already out there.

25 Q. It was already parked?

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 A. Yeah.

2 So we just -- I made like a -- I want to say like a
3 turn. And it was a little road. I just made like a three- or
4 four-point turn in the road and pulled up behind it.

5 Q. So you went past --

6 A. Facing --

7 Q. Did you go past Mr. Simmons' house?

8 A. No, ma'am.

9 Q. When you were driving in, did you go past his house
10 and turn around?

11 A. No.

12 Q. Okay. So how did you do that?

13 A. It's like a -- it was like a wood-line, a wood-
14 line, like the woods stop at a certain point. Before you get
15 to where the woods stop at --

16 Q. Uh-huh.

17 A. -- I turned the car around.

18 Q. Oh. Before you got as far down as Mr. Simmons?

19 A. Yes.

20 Q. So showing you -- I don't think this is going to
21 show the whole area. But showing you State's Exhibit 3. It's
22 going to show up on that monitor, Mr. Caldwell. Do you see
23 Mr. Simmons' house in that picture?

24 A. Yes, ma'am.

25 Q. Are you able to point on that screen? Can you

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 raise your hand to point on the screen, or not?

2 A. If I get up, yeah.

3 MS. SHEALY: Do you mind if he stands up, Judge.

4 THE COURT: You may stand up, sir.

5 A. All right. Which screen?

6 Q. [Ms. Shealy] Okay. So show it -- does this show
7 the area that y'all came in on?

8 A. We came in up here on the top of the --

9 Q. Can you point to that, or not really?

10 A. The top of the road up here.

11 Q. Okay. And then where did y'all park?

12 A. Right here, and right there.

13 Q. And the one that was -- I can't help. I'm going to
14 do this right upside down.

15 A. This was my car in the back. This was their car in
16 the front.

17 MS. SHEALY: Okay. So stay standing for just a
18 second for me.

19 Q. [Ms. Shealy] When y'all got out of the vehicle,
20 did all four of you get out?

21 A. Out of the --

22 Q. Out of your car?

23 A. Yeah.

24 Q. Where were the guys who had been in the other car?

25 A. Like right here. Like right there by the wood-

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 line. Not up here or nothing. Not by the house, but by the
2 wood line.

3 Q. Okay. So we've got a random dot here. This dot
4 doesn't apply?

5 A. No.

6 Q. So did you approach where they were standing?

7 A. Yes, ma'am.

8 MS. SHEALY: You can sit down now.

9 Q. [Ms. Shealy] And when you approached, tell me how
10 they looked.

11 A. What do you mean?

12 Q. Did they have anything on their faces?

13 A. Not at this point, no.

14 Q. Did they have anything on their hands?

15 A. Yes.

16 Q. And what did you do when you saw that they -- what
17 did they have on their hands?

18 A. Gloves.

19 Q. What did you do once you saw that they had gloves
20 on their hands?

21 A. Took my shoe off and took a sock off my foot and
22 put a sock on my hand, on one of my -- on my free hand.

23 Q. Now, were both of the two guys that you didn't know
24 out of the car?

25 A. No.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Just one of them?

2 A. Just one.

3 Q. And do you remember if it was the bald guy or not?

4 A. It was the bald dude.

5 Q. When y'all are all gathered, what do y'all talk
6 about and where do you go?

7 MS. SHEALY: May he stand up again, Judge?

8 THE COURT: He may.

9 A. See, we got a wood-line almost like right up in
10 here.

11 Q. [Ms. Shealy] So all of y'all were there?

12 A. Right there.

13 And we was -- it was a conversation like -- Delaney
14 was like, man, fuck this, come on, man, come on, man. And,
15 you know, it was along those lines.

16 Q. Well, before Delaney did that, did anybody else
17 give any instructions?

18 A. Oh. Yeah.

19 They was like -- he was like, Finger was like, this
20 is how you going do -- this is how we going to do it. And he
21 was telling people, you go this way, you go that way.

22 And then once that -- once we finished with that,
23 it was like Delaney was like fuck that, man, fuck that, come
24 on, come on, man, come on, man.

25 Q. Okay. So who was telling you which way the people

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 were going to go?

2 A. Finger.

3 Q. And Delaney was impatient?

4 A. Yes.

5 Q. What happened after that?

6 A. Delaney just left from by us where he was at. And
7 somebody --

8 Q. Did all of y'all have your weapons out at that
9 time?

10 A. Yes.

11 Q. And were y'all following behind him?

12 A. Yes, ma'am.

13 Q. Did Finger have a weapon?

14 A. Yes, ma'am.

15 Q. Did Conyers have a weapon?

16 A. Yes, ma'am.

17 Q. Did Troy have a weapon?

18 A. Yes, ma'am.

19 Q. And Crime had a weapon?

20 A. Yes, ma'am.

21 Q. And you had a weapon?

22 A. Yes, ma'am.

23 Q. Showing you State's Exhibit 62. Do you see those
24 feet prints on the -- or shoe prints on the door?

25 A. Yes, ma'am.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Who did that?

2 A. Delaney.

3 Q. And did the door open?

4 A. Kicked it two times.

5 Q. Do you remember what order people went in?

6 A. It was Delaney, then Troy. I'm not one hundred
7 percent sure, but I think it was Belton after that. And then
8 Conyers. And then it was gunshots.

9 Q. Where were you?

10 A. Standing behind the baldhead dude, waiting on him
11 to go in.

12 Q. Did you go in and go into Moett's room?

13 A. No, ma'am.

14 Q. Did you make it into the house?

15 A. No, ma'am.

16 Q. Did you intend to make it into the house?

17 A. Yes, ma'am.

18 Q. And do you understand you're just as guilty as the
19 rest of them?

20 A. Yes, ma'am.

21 Q. And you had said that you then started hearing
22 shots?

23 A. Yes, ma'am.

24 Q. What was the next thing that happened?

25 A. Baldheaded dude started shooting from the outside.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Do what?

2 A. I said the baldheaded dude started shooting from
3 the outside.

4 Q. He was shooting from the outside?

5 A. Yeah. He never made it in, neither. He started
6 shooting.

7 Q. Who is the first person that comes out?

8 A. Troy.

9 Q. And at that point, were you still near the doorway?

10 A. No.

11 Q. Where were you?

12 A. I was almost to the car. I was almost --

13 Q. So once you heard the gun --

14 A. -- at the end of the wood-line.

15 Q. I'm sorry.

16 A. I was almost at the wood-line by then.

17 Q. When did you start going towards the wood-line?

18 A. When I heard the shooting.

19 Q. Well, how do you know Troy was the first to leave
20 the house?

21 A. Because when I looked back, he been the first one I
22 see come out.

23 After he came out, he was screaming, man, I done
24 been shot, somebody done shoot me. And he was putting his
25 hand to his face.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Where did you go?

2 A. I went and grabbed my cousin and then took him to
3 the car.

4 Q. And did he get in the front seat or did he get in
5 the back seat?

6 A. The back.

7 Q. Now, let's go back for a second.

8 I had asked you when y'all gathered right at the
9 wood-line before you went in --

10 A. Yes, ma'am.

11 Q. -- whether anybody put anything over their face.

12 A. Yes, ma'am.

13 Q. And you told us they had gloves and you put your
14 sock on your hand?

15 A. [Indicates affirmatively]

16 Q. Did anybody put stuff over their face before they
17 went in?

18 A. I saw Delaney pull his -- he had something on his
19 head. I don't know where he got it from, but he pull it like
20 off his -- pull it down. Ling done put something on. And
21 Troy put something on his face. He put a -- like his shirt or
22 something, something like that, on his face.

23 Q. Like pulled it up over --

24 A. Yeah.

25 Q. -- his face?

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Okay. And when y'all were outside, was it pretty
2 dark?

3 A. Yes, ma'am.

4 Q. But you could tell that they were covering their
5 faces?

6 A. You mean -- yeah.

7 Q. Did you cover your face?

8 A. No.

9 Q. Well, were you not worried about going in without a
10 cover over your face?

11 A. No, ma'am.

12 Q. Why?

13 A. I really wasn't even planning on going in, to be
14 honest.

15 Q. But you were there, were you not?

16 A. Yeah.

17 Q. With a loaded gun?

18 A. Yes, ma'am, I was.

19 Q. And if the shooting inside had not started, you
20 would have been all the way inside?

21 A. I would have pulled my shirt up over my face, too.

22 Q. Okay. Like this --

23 A. Yeah.

24 Q. -- so that it would cover?

25 A. Cover up to my eyes, if need be.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Did Bez say anything before they went in the house
2 about what direction he would go in?

3 A. We was giving -- he was giving directions on which
4 way to go.

5 Q. Bez was?

6 A. Everybody was.

7 Q. And were you?

8 A. Yeah, but I ain't listened. I ain't -- I didn't
9 make it in.

10 Q. Were y'all dividing up who was going to go which
11 way?

12 A. Yes, ma'am.

13 Q. So you get all the way to the vehicle with Troy
14 before you see anybody else come outside?

15 A. No.

16 Q. What did you next see?

17 A. I saw Crime coming out, and behind him was Bez.

18 Q. Behind Crime?

19 A. Yes, ma'am.

20 Q. And could you tell whether anything had happened to
21 Crime?

22 A. Yeah.

23 He was grabbing his chest, like up in his chest
24 area.

25 Q. What, if anything, did Bez do?

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 A. Bez like grabbed his arm.

2 I guess he saw that he was -- I mean, I guess he
3 saw that he wasn't -- it was over with, like. He left --

4 Q. I'm sorry. Say that a little bit louder for me.

5 A. I said I guess he saw that it was -- like the man
6 was -- he was dead.

7 Q. Well, why do you say he must have figured that out?

8 A. Because he dropped his arm.

9 Q. And left him?

10 A. Yeah. And came towards us.

11 Q. Did you get in the car?

12 A. Yes, ma'am.

13 Q. Before you got in the car, did you see Belton come
14 out of the house?

15 A. Yes, ma'am.

16 Q. Did you see Bez come out of the house?

17 A. Yes, ma'am.

18 Q. Could you see where they went?

19 A. What do you mean?

20 Q. Well, after they came out of the house, what
21 direction did they go in?

22 A. They came towards -- everybody was going in the
23 same direction towards the cars.

24 Q. Were people running?

25 A. Yes, ma'am.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. And the stocky guy, what did you say you were
2 seeing him doing?

3 A. He was just shooting.

4 Q. And as he was shooting, was he walking forward or
5 backwards?

6 A. He was just shooting, like. Just, you know --

7 Q. At the house?

8 A. Yes, ma'am.

9 Q. How did y'all get in the car when you got back to
10 your car?

11 A. Troy got in the back seat, Bez got in the back seat
12 with him, and I got in the driver's seat.

13 Q. And when y'all were leaving there, who was
14 directing you on how to get out of there?

15 A. Bez.

16 Q. What was the conversation like in the car?

17 A. I mean, I was -- to be honest, I was shitting.

18 Q. Your cousin was shot?

19 A. Yeah.

20 Q. Did you see him bleeding on the scene?

21 A. Troy?

22 Q. Yes.

23 A. I mean, he been pouring blood. He been bleeding
24 out his mouth and all.

25 So, I mean, you know what I'm saying, that my

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 little cousin so I'm pretty upset.

2 Q. And were you scared y'all might get caught?

3 A. At the moment?

4 Q. Yes.

5 A. Wasn't thinking about that.

6 Q. Thinking about Troy?

7 A. Yeah.

8 Q. Where did y'all go from there?

9 A. It was like a blur. I know we ended up taking some
10 turns, lefts, some rights, and we ended up on the bridge, the
11 526 bridge. From there we headed to Trident hospital.

12 Q. Okay. And tell us, was Bez crying in the car about
13 Crime?

14 A. No.

15 Q. Was he talking about Crime?

16 A. No.

17 Q. Was he on the phone?

18 A. Yeah.

19 Q. When y'all approached Trident, did y'all, in fact,
20 leave Troy there?

21 A. No.

22 Q. Why?

23 A. Because he asked me to take him back to his mama's
24 house.

25 Q. Did that seem odd to you?

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 A. Yeah. But --

2 Q. Did Bez make any suggestion about what you should
3 do with Troy?

4 A. He been on the phone, so I wasn't -- you know, he
5 wasn't really -- what he did. But he was like, shit, might as
6 well leave him.

7 Q. He said what?

8 A. Might as well leave him.

9 Q. I still --

10 A. You might as well leave him.

11 Q. Might as well leave him?

12 A. Yeah.

13 I don't know if that was intended to saying like
14 dump him out the car, or drop him at the hospital. I don't
15 know what. But that's the statement, might as well leave him.

16 Q. You don't know what he was referencing --

17 A. Yeah.

18 Q. -- at that point?

19 A. It was -- it could have been all kind of things at
20 that point. My mind just been on my little cousin, so.

21 Q. And do you, in fact, take Troy to his mother's
22 apartment?

23 A. Yeah.

24 Q. And where did she live at the time?

25 A. At some apartments in Goose Creek.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. Okay. Was that on Hallmark Drive?

2 A. I think that's the name of them, yes.

3 Q. What happened when you got to Hallmark Drive?

4 A. Got out. Took Troy upstairs. Knocked on the door.
5 Linda came to the door. Linda and Big Troy came to the door
6 and I was --

7 Q. Linda and who?

8 A. Big Troy.

9 And I was like, Troy been -- somebody done shoot
10 Troy or whatever. You know what I'm saying? I didn't tell
11 him -- I didn't tell them the story or anything. I was just
12 like, somebody done shoot Troy, somebody done shoot Troy.

13 Q. Did you stick around?

14 A. No. No, I didn't.

15 I figured once I got him there, I know he been
16 safe.

17 Q. What happened to the gun Troy had?

18 A. I don't know what he did with his gun.

19 Q. Do you think he had it on him when he got out at
20 his mother's house?

21 A. Oh. He did. I know that.

22 I thought you were talking about afterwards. I
23 don't know what he did with it afterwards.

24 Q. Okay. So what do you and Bez then do?

25 A. I go back to the car, and he's like -- he's telling

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 me the boy want us to meet them on Ashley Phosphate.

2 Q. Who does?

3 A. He say -- he's like Ling and them want us to meet
4 them on Ashley Phosphate.

5 Q. And Ling being Fingerling?

6 A. Yes, ma'am.

7 So we leave. He tells me, go to the motel. I
8 think it's the Motel 6, or the Motel right there by 26, so I
9 drive over there.

10 Q. What are you and Finger and Bez -- I mean, excuse
11 me. What are you and Bez talking about on the way to meet
12 Finger?

13 A. What are we talking about?

14 Q. Yeah.

15 A. Nothing.

16 Q. Okay. And do y'all, in fact, meet Finger?

17 A. We get over there and the Monte Carlo was in the
18 parking lot. So they like -- it was like -- Finger was like,
19 I going, man, I going. I'm like, shit. He's like, I going.
20 I'm like, ain't nothing I can say but, all right --

21 Q. I'm going, I'm going?

22 A. Yeah.

23 Meaning -- I guess he mean he leaving. You know
24 what I'm saying?

25 So Bez jumps out of the car with me, gets in the

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 car with them, and they leave.

2 Q. Okay. And did you ever see Bez again?

3 A. Not until today.

4 Q. Not until today?

5 A. Yes, ma'am.

6 Q. What about Finger? Did you see him again after
7 that?

8 A. Yes, ma'am.

9 Q. And did you and he talk on the phone?

10 A. Yes, ma'am.

11 Q. What would y'all talk about on the phone?

12 A. You know, he asked me what's going on with --
13 matter of fact, we talked the -- matter of fact, I think it
14 was the 10th. He was like, what's up with your cousin. I was
15 like, he already -- he just get out of the hospital. And
16 then, you know, we talked like that.

17 And we talked a couple of times after that on the
18 phone, too. I mean, it's --

19 Q. And when y'all would talk on the phone, did he seem
20 concerned about whether anybody was going to tell what
21 happened?

22 A. After Troy got locked up, you know, the direction
23 of the conversations always led to that. You know, what's up
24 with your little cousin. I'm like, he all right, he all
25 right.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. When you said to him, he all right, what did that
2 mean?

3 A. It mean he been laying down. He ain't been saying
4 nothing.

5 Q. Laying down?

6 A. Yeah. Like he wasn't saying nothing.

7 Q. Meaning he's keeping quiet?

8 A. Yeah.

9 Q. He was not going to tattle?

10 A. Yeah.

11 Q. He was not going to snitch?

12 A. Yeah.

13 Q. When was the next time you saw Troy?

14 A. I saw Troy that -- on the night of the 10th. We
15 saw each other at Walmart.

16 Q. Did y'all meet there purposely?

17 A. Yeah. He told me to meet him there.

18 Q. Okay. And what was that conversation about?

19 A. He was telling me the story he told the police --

20 Q. And did the police --

21 A. -- at the hospital.

22 Q. At the hospital?

23 A. Yes.

24 Q. Is that what you said?

25 Did the police actually interview you about that?

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 A. Yes, ma'am.

2 Q. So later on the night of the 10th, after Troy had
3 gotten out of the hospital, y'all met and he told you what he
4 had said?

5 A. Yes.

6 Q. When the police came to talk to you on July the
7 14th, did you give them a written statement?

8 A. Yes.

9 Q. And did you tell the truth?

10 A. No.

11 Q. Summarize for us what you told the police that
12 night or that day.

13 A. I told the -- I told the police that Troy had
14 got -- that I was going to see somebody and I saw my cousin,
15 and he had just got shot, and something along them lines like
16 that. But it wasn't what happened.

17 Q. So, I mean, you agree you lied to the police?

18 A. Yes.

19 Q. Tell the jury, if you would, how popular are
20 snitches amongst people who commit crimes?

21 A. Shit. The worst. Like --

22 Q. So you gave --

23 A. -- garbage.

24 Q. -- that choice story on July 14th?

25 A. Yes, ma'am.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 Q. When Troy got arrested, would you go see him in
2 jail?

3 A. Yes, ma'am.

4 Q. And would you give him money for his canteen?

5 A. Yes, ma'am.

6 Q. Did you give his child's mother some money for the
7 child?

8 A. Whenever she asked for anything, I took care of it.
9 Any responsibility that was his, I took care of it
10 while he was in jail.

11 Q. And is that what associates do for each other if
12 one's in jail and one's out?

13 A. That's what you supposed to do.

14 Q. Did you hear again from Finger?

15 A. Yes.

16 Q. And when Finger would get in touch with you, what
17 was he interested in?

18 A. What's going on with Troy.

19 Q. Now, did you get a job at DVW?

20 A. Yes, ma'am.

21 Q. What is DVW?

22 A. It's an international shipping and receiving
23 corporation dealing with car parts and --

24 Q. How long did you work for them?

25 A. Not too long after this , after the incident

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 happened, until the day of my arrest.

2 Q. And at one point, did Jeremiah Belton start working
3 there?

4 A. Yeah.

5 Q. How did you react to him starting to work for the
6 same place you did?

7 A. I mean, I know the reason he been there. I mean, I
8 been trying to be -- I was being civil, you know, hoping as in
9 just to help him. He been working at --

10 MS. SHEALY: I'm sorry, but I cannot hear you.

11 A. Striving to be civil about it because I had done
12 literally put everything down and walk away. But it was a
13 message being sent to me by him just coming there, like, I
14 know where you at.

15 Q. [Ms. Shealy] Did you feel intimidated?

16 A. Yeah.

17 Q. Tell the jury, how comfortable is it for you today
18 to be testifying against Jeremiah Belton?

19 A. It's not.

20 Q. King Conyers?

21 A. It's not. It's not comfortable. It feel like
22 shit.

23 Q. And you're going to prison?

24 A. Yes.

25 Q. Tell the jury what it's like to go to prison if

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 you're a snitch --

2 A. Shit. Plenty of fights --

3 Q. -- if it's easy for you.

4 A. Plenty of fights, and always watching your back.

5 Q. So is this easy for you today?

6 A. No.

7 Q. When were you arrested?

8 A. I think it was 8/3/2012.

9 Q. And what led to your arrest, as you understood it?

10 A. A statement given by Troy against me.

11 Q. Now, you told us that you made a plea agreement
12 with the State that reduced what you're looking at from
13 mandatory life to the most being forty-five years; is that
14 correct?

15 A. Yes, ma'am.

16 Q. But you've got a range under the forty-five, as
17 well; is that correct?

18 A. Yes, ma'am.

19 Q. Tell the jury: are you making this stuff up?

20 A. No, I'm not.

21 Q. And do you feel like you're telling this at great
22 risk to yourself?

23 A. I am.

24 MS. SHEALY: Beg the Court's indulgence just a
25 moment.

Mario Caldwell
Direct Examination by Ms. Shealy
November 3, 2015

1 THE COURT: Take your time.

2 [Whereupon, Ms. Shealy and Mr. Cooper confer]

3 MS. SHEALY: Mr. Caldwell, I have no further
4 questions. Please answer any that the defense attorneys
5 may have.

6 MR. MLYNARCZYK: May it please the Court, Judge.

7 All right. Mr. Caldwell, I want to go through some
8 things that you talked about with Ms. Shealy, and some
9 things that you did not.

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Mario Caldwell
Cross-Examination by Mr. Mlynarczyk
November 3, 2015

CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. So first of all, let's start where you ended off.
You were served with something called an LWOP; right?

A. Yes, sir.

Q. What do you know LWOP to be?

A. Life without parole.

Q. All right. So what that means is -- and you
discussed this a little bit with Ms. Shealy -- is that if you
and Troy had been tried for the crime, being served with that
life without parole notice, if you were to be found guilty,
what happens?

A. Life without parole.

Q. Nothing else; right?

A. That's it.

Q. No range of fifteen to forty-five years?

A. [Indicates negatively]

Q. So no matter what happened, if you were found
guilty for that, you would go to life without -- you would go
down for life; right?

A. Yes, sir.

Q. Okay. Does life mean life in South Carolina? Do
you know?

A. Until death.

Q. So before I get into the details of 2010, I want to

Mario Caldwell
Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 talk a little bit about what happened while Troy was in jail.
2 Because you weren't arrested you said until when?

3 A. The 3rd of -- 8/3/2012.

4 Q. So August 3rd, 2012.

5 And from 2010 to 2012, you would talk to Troy
6 Mason; right?

7 A. Yes, sir.

8 Q. Would you go visit him in prison? Would you go
9 visit him in the jail?

10 A. Yes, sir.

11 Q. Would you also talk to him on the phone?

12 A. No.

13 Q. You would never talk to Troy on the phone while he
14 was in jail?

15 A. Troy never called my phone and talked to me over
16 the phone.

17 I always came to see him, because I didn't have to
18 hide from anything.

19 MR. MLYNARCZYK: Your Honor, may we approach?

20 THE COURT: You may.

21 [Off the record momentarily]

22 THE COURT: It would be an appropriate time for us
23 to take our break.

24 All right. Please remember all my admonitions.
25 Take your notepads, or leave them right where they are.

Mario Caldwell
Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Please rise for the jury.

2 [Whereupon, the jury exits the courtroom at
3 3:53 p.m.]

4 THE COURT: Please be seated.

5 All right. Mr. Mlynarczyk, we need to utilize some
6 audio?

7 MR. MLYNARCZYK: Yes.

8 I want to establish a foundation for it first, to
9 make sure he doesn't remember. I just didn't want to do
10 it in their presence.

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Mario Caldwell
Proffer Examination by Mr. Mlynarczyk
November 3, 2015

PROFFER

BY MR. MLYNARCZYK:

Q. Mr. Caldwell, so what I asked you was if Troy ever called you from jail on a phone. Do you remember giving an oral statement to Jennifer Shealy in this case?

A. What do you mean? Like a written --

Q. An oral statement. Going in and having your statement recorded.

A. Yes.

Q. Okay. And do you remember when that was?

A. No, sir.

Q. Would August 14th of 2015 sound about right?

A. August 14th --

Q. This year. So you did --

A. Yes, sir.

Q. -- you made a statement --

A. Yes, sir.

Q. -- to her; right?

Okay. And during that statement, didn't you tell them that Troy would use other people's pin numbers?

A. But he never called my phone.

Q. Okay. So let me get that -- so didn't you tell her during that time that he would use other people's pin numbers from the jail to call you?

A. Yes. But he never called my phone.

Mario Caldwell
Proffer Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. And in return, you said that during that time that
2 Troy was getting canteen and trade for it? Do you remember
3 saying that?

4 A. [Indicates affirmatively]

5 Q. Do you remember --

6 MR. MLYNARCZYK: I guess I'll go through them all,
7 Your Honor, so we can get them out.

8 MS. SHEALY: Give me just one -- can you just
9 direct me to what you're looking at?

10 [Whereupon, Ms. Shealy and Mr. Mlynarczyk confer]

11 Q. [Mr. Mlynarczyk] All right. So you -- so I'm
12 going to go through -- we'll go over these again with the
13 jurors present, but I want to go through these to make sure we
14 have everything.

15 Didn't you say that you told the solicitor's office
16 that Troy's -- his thing was robbing people? Robbing people
17 and taking money?

18 A. Did I tell that to the solicitor's office?

19 Q. Do you remember telling that to the solicitor?

20 A. Probably did. I don't, off the top of my head,
21 recall that.

22 Q. So you did, or you didn't?

23 A. I said I probably did. I don't --

24 Q. You probably did.

25 A. -- don't recall.

Mario Caldwell
Proffer Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. His thing was Troy robbed money and dope from
2 Bayside people. The victim would think Mario -- that you were
3 involved.

4 Right?

5 A. That's one incident.

6 Q. Okay. So you said --

7 A. That's the incident.

8 Q. Do you remember being asked during your recorded
9 interview if you remembered what your phone number was at that
10 time?

11 A. I don't remember.

12 Q. You don't remember if you were asked that?

13 A. No.

14 MR. MLYNARCZYK: Could we pull that up, please?

15 [Whereupon, CD of interview plays]

16 [Whereupon, CD of interview is not transcribed by
17 the court reporter]

18 Q. [Mr. Mlynarczyk] So going back to your other
19 statement before. You said he never called you on your cell
20 phone. You remember now that you told the solicitor that you
21 did; right?

22 A. Okay.

23 Q. That was your voice on there; right?

24 A. Yes.

25 Q. And that was the interview between you and

Mario Caldwell
Proffer Examination by Mr. Mlynarczyk
November 3, 2015

1 Ms. Shealy?

2 A. Okay.

3 Q. Was that your voice on there?

4 A. Yes.

5 Q. Was that Ms. Shealy's voice?

6 A. Yes.

7 Q. Was that from the interview that you did this year?

8 A. Yes.

9 Q. Did you do more than one interview?

10 A. This year?

11 Q. That was recorded.

12 A. I didn't know that one was recorded until just now.

13 Q. So then you did say that he would call you from the
14 jail on his cell and use someone else's pin number?

15 A. Yes.

16 MR. MLYNARCZYK: Will you find --

17 [Whereupon, CD of interview is played]

18 [Whereupon, CD of interview is not transcribed by
19 the court reporter].

20 Q. [Mr. Mlynarczyk] Do you remember now that you told
21 them that you didn't remember your phone number?

22 A. Okay. Before I came to jail, the phone number?

23 Q. No, no. the phone number in 2010. They asked what
24 your phone number was in 2010. You just said you didn't
25 remember. This is way back. This is going way back.

Mario Caldwell
Proffer Examination by Mr. Mlynarczyk
November 3, 2015

1 A. No. They asked me what was my phone number
2 before --

3 MR. MLYNARCZYK: Play it again.

4 MS. SHEALY: Your Honor, can we have him finish his
5 answer?

6 MR. MLYNARCZYK: Sure.

7 A. That's them asking me what the phone number was
8 before I came to jail, and I said I had the phone on me when I
9 got locked up but I don't remember the number.

10 Q. [Mr. Mlynarczyk] So you -- so I'll ask the
11 question again,

12 A. Ask it.

13 Q. So you're saying you don't remember the solicitor
14 asking you if you remembered what your phone number was in
15 2010?

16 A. Huh?

17 Q. Did the solicitor ask you if you knew what your
18 phone number was in 2010, during the interview, and did you
19 say I don't know?

20 A. I don't --

21 MS. SHEALY: Your Honor, could I interject for just
22 a second?

23 From what I just -- from what I understand, he is
24 indicating that when we asked him what was his phone
25 number was when he got arrested, he's saying he didn't

Mario Caldwell
Proffer Examination by Mr. Mlynarczyk
November 3, 2015

1 know that number and the phone was taken. That's a
2 different number from the phone that he used at the time
3 in 2010. And this little snippet, I'm afraid, is out of
4 context.

5 MR. MLYNARCZYK: Can we -- can you play it again,
6 please?

7 MS. SHEALY: Can we also ask that they start back
8 at the first query we had of him, because I'm not -- I'm
9 not asserting that he's doing something manipulative.
10 I'm just suggesting that what I heard just a moment
11 before the answer, I don't know what they were talking
12 about exactly before he answered.

13 [Whereupon, CD of interview is played]

14 [Whereupon, CD of interview is not transcribed by
15 the court reporter]

16 MR. MLYNARCZYK: Can we stop it there?

17 MS. SHEALY: No. Just let it play.

18 MR. MLYNARCZYK: But I just wanted -- the officer
19 asked him right there, we're talking about the number
20 way back when, way back when in 2010.

21 MS. SHEALY: But before that --

22 THE COURT: All right. Is this a point, whether or
23 not he's trying to evade a question? If y'all can't
24 agree with what's going on --

25 MR. MLYNARCZYK: No.

Mario Caldwell
Proffer Examination by Mr. Mlynarczyk
November 3, 2015

1 THE COURT: I mean, just approach. I don't know
2 what we're doing.

3 [Whereupon, an off-the-record bench conference is
4 held]

5 [Whereupon, Mr. Mlynarczyk and Ms. Shealy confer]

6 Q. [Mr. Mlynarczyk] Do you remember -- when was the
7 first time you gave the solicitor's office your cell phone
8 number from 2010?

9 A. I don't remember.

10 Q. But you gave it here today?

11 A. Yes.

12 Q. Okay. And how -- did you look at something to
13 remind yourself of that number?

14 A. It's on all my paperwork.

15 Of course I know my phone number when it's on all
16 my paperwork.

17 Q. When you were saying that Mr. Belton had a second
18 telephone number, all right, you said that --

19 A. Yes.

20 Q. -- you said that Mr. Belton had a second phone
21 number. And you told that to the solicitor's office at the
22 beginning of -- a few weeks ago; correct?

23 A. I'm not sure if I told them that the first time we
24 talked or whenever. I'm not sure. But I know this for a
25 fact.

Mario Caldwell
Proffer Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. I'm sorry?

2 A. I said I know that.

3 MR. MLYNARCZYK: Your Honor, may I have one moment,
4 please?

5 THE COURT: Take all the time you need.

6 MR. MLYNARCZYK: Thank you.

7 [Whereupon, Mr. Mlynarczyk and Mr. Murphy confer]

8 MR. MLYNARCZYK: All right. Your Honor, we can
9 continue. We can continue.

10 THE COURT: With the jury?

11 MR. MLYNARCZYK: Yes.

12 THE COURT: Okay. Are you sure?

13 MR. MLYNARCZYK: I'm positive.

14 THE COURT: All right. Let's take a --

15 MS. SHEALY: Your Honor, I was just going to ask if
16 we could take a very quick restroom break.

17 THE COURT: I was getting ready to do that before
18 you interrupted. So let's take about seven minutes.

19 How long do you think this witness is going to
20 take? Counsel, just approach for scheduling.

21 MR. MLYNARCZYK: Thirty minutes, maybe.

22 THE COURT: Do you need a comfort break, or are you
23 okay?

24 THE WITNESS: Cool.

25 THE COURT: Okay. Seven minutes.

Mario Caldwell
Proffer Examination by Mr. Mlynarczyk
November 3, 2015

1 [Whereupon, an off-the-record bench conference is
2 held]

3 [Whereupon, a recess is taken from 4:07 a.m. by
4 4:13 p.m.]

5 THE COURT: All right. Let's bring in the jury.

6 [Whereupon, Court's Exhibit Number 3 is marked by
7 the court reporter]

8 Mr. Caldwell, stay seated.

9 THE BAILIFF: Rise for the jury.

10 [Whereupon, the jury enters the courtroom at
11 4:16 p.m.]

12 THE COURT: Thank you. Please be --

13 THE BAILIFF: All jurors are present, Your Honor.

14 THE COURT: Please be seated.

15 Ladies and gentlemen of the jury, I received a
16 note. Please understand that we are currently on track
17 to complete the testimony by close of business this
18 week. So please give your strict attention to all of
19 the evidence and to the arguments and examination of the
20 attorneys. If anything changes, I will keep you
21 informed as such. But as of now, as I indicated to you,
22 your service is for the week.

23 Mr. Mlynarczyk?

24 MR. MLYNARCZYK: Thank you, Your Honor. May it
25 please the Court.

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

CONTINUED CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. So before we had taken a break, Mr. Caldwell, I asked you if you had had conversations with Troy Mason while he was in jail from 2010 to 2012. Did you?

A. Yes.

Q. Okay. And he would use somebody else's pin number at the jail to call you on your cell phone?

A. Yes.

Q. Now, what would you talk about during those conversations?

A. Nothing, really.

Q. Did you ever talk about this case?

A. I mean, he just told me -- he was like, you know, he'd tell me stuff.

But, I mean, it wasn't like nothing major dealing with the situation. He never say, oh, this is what's about to happen, and this is --

Q. So if it was nothing major dealing with this situation, why would he have to call from another inmate's pin number?

A. Because every cell phone is -- I mean, every phone is tapped. I guess he just didn't want to go through it from his --

Q. But you're --

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. -- his calls or whatever. I just -- that's my
2 understanding. I might -- but that's just a guess.

3 Q. Ms. Shealy asked you about working for Enterprise.
4 You worked there briefly; correct?

5 A. Yes.

6 Q. How long?

7 A. I don't know the exact -- I can't remember the
8 exact amount of days or weeks.

9 Q. And you said you got fired because they found out
10 about your record?

11 A. Yes.

12 They hired me part time, and fired me because of my
13 criminal convictions.

14 Q. And you testified earlier with Ms. Shealy that that
15 was five armed robberies?

16 A. Yes.

17 Q. Do you -- what kind of gun -- what kind of gun do
18 you own or did you own at the time of this incident?

19 A. .40 caliber.

20 Q. Any other guns?

21 A. No.

22 Q. Would you be surprised if Troy told the jury that
23 you did have --

24 MS. SHEALY: Your Honor, objection. Pitting.

25 THE COURT: Rephrase your question.

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 MR. MLYNARCZYK: Sure.

2 Q. [Mr. Mlynarczyk] So if Troy Mason would have
3 testified that you --

4 MS. SHEALY: Objection. Pitting.

5 THE COURT: Counsel approach.

6 [Whereupon, an off-the-record bench conference is
7 held]

8 Q. [Mr. Mlynarczyk] Ms. Shealy asked you if -- about
9 Mr. Belton's phones and you said that Mr. Belton had two
10 phones; correct?

11 A. Yes.

12 Q. Then you proceeded to give her two phone numbers?

13 A. Yes.

14 Q. Correct? Where did you get those phone numbers?

15 A. The 642 number is one I'll never forget because I
16 think from just constantly seeing it. The 926 number --

17 Q. 926 what? What's the last four?

18 A. 0218.

19 Q. And where did you get that number from?

20 A. That's the number he called me on, you know, a few
21 times. More than a few times.

22 Q. So you're saying that he would call you from that
23 number more than a few times?

24 A. Not the time I went to pick him up from Charlotte,
25 but a few times after that.

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 And then there was also times after the incident he
2 called me from that number, also.

3 Q. And you testified that everybody had two phones,
4 normally; right? Isn't that --

5 A. I mean, that's --

6 Q. -- right?

7 A. -- the normal. That's the normal.

8 Q. That's normal. Did you have two phones that night?

9 A. No, I didn't have two phones on me. But I had two
10 phones.

11 Q. So you had -- did Troy Mason have two phones?

12 A. Troy was using my phone. That was his -- he was
13 using my throwaway, too, so.

14 Q. My question is -- my question is did Troy own two
15 phones.

16 A. Not that I know of.

17 Q. But you owned two phones?

18 A. Yes.

19 Q. What was the phone number of your other phone at
20 that time?

21 A. 609-1166.

22 Q. 1166?

23 A. Yeah.

24 Q. Did you see two phones on Mr. Conyers that night?

25 A. No.

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. Did you see two phones on Mr. Delaney that night?

2 A. No.

3 Q. You testified to the jury earlier that the Dodge
4 Avenger is the car that you took to McClellanville; correct?

5 A. Yes.

6 Q. Okay. And then you burned that car?

7 A. I didn't burn it. Someone else burned it for me.

8 Q. Who burned it?

9 A. An associate.

10 Q. Who? What's their name?

11 A. Xavier. Just call him X.

12 Q. You just call him X. Xavier who?

13 A. I don't know his last name.

14 Q. You don't know what his last name is?

15 A. No.

16 Q. Why did you burn it?

17 A. Why?

18 Q. Yes.

19 A. Troy told me it was blood in the car.

20 He was like, it's too much blood, it's his blood in
21 the car, and need to get rid of it.

22 Q. But you had already told the police -- well, you
23 already told the police or he already told the police that you
24 had -- you found him on the road, you go turn him into the
25 hospital.

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. This happened after.

2 Q. Well, you told Ms. Shealy it was a couple of days
3 after.

4 A. Yeah.

5 Q. At that point, his story hadn't changed to the
6 police; right?

7 A. No.

8 Q. So if what you were telling the police were true at
9 the time, or if they believed you, there would be no reason to
10 burn the Avenger; right?

11 A. Correct.

12 Q. So why burn it?

13 A. That's what he told me to do. He was like, burn
14 the car.

15 Q. So your little cousin -- how old did you say you
16 were again?

17 A. At the time?

18 Q. Yes.

19 A. Thirty-two.

20 Q. He was twenty-one?

21 A. He was in his twenties, yes.

22 Q. And you were taking direction from your little
23 cousin about what to do with the vehicle?

24 A. Age doesn't matter.

25 Q. So what do you mean by that, age doesn't matter?

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. Like his age doesn't matter.

2 Q. So you took direction from him to burn the rental
3 car. Was there evidence in it?

4 A. How do you mean? I don't know.

5 Q. Was there evidence? I mean, was there stuff in it
6 from the robbery besides the blood?

7 A. Not that I knew of.

8 Q. But based on that, you decided to burn the Avenger?

9 A. Yes.

10 Q. You also own a very light -- like a light-blue
11 Blazer?

12 A. Chevrolet Blazer.

13 Q. Chevrolet Blazer. And what year is that?

14 A. I'm not sure.

15 Q. Is it like a 2000s car or is it older?

16 A. It's an older car. Old model.

17 Q. It's older. Is it real -- like sky blue, like
18 light blue?

19 A. Yes.

20 Q. Did you drive that at all that night?

21 A. Yes. I drove it that morning, actually.

22 Q. I said did you drive it -- so let's say -- let's
23 make it clear. July 9th. Let's say July 9th. This is the
24 evening before the incident took place. Did you drive the
25 Blazer that night?

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. No.

2 Q. At all?

3 A. No.

4 Q. Did you drive it on the 10th at all?

5 A. Yes.

6 Q. When did you drive it on the 10th?

7 A. When I left Buist Avenue.

8 Q. So in relation to this incident?

9 A. No.

10 Q. Did -- you never drove the Blazer once?

11 A. No.

12 After I left, I parked the Avenger and left it on
13 Buist Avenue and drove the blue Blazer and left the Avenger --

14 Q. Did they --

15 A. -- after -- after it happened.

16 Q. After that?

17 A. Yes.

18 Q. So did they impound your Blazer? Do you know?

19 A. They didn't impound it.

20 Q. Did they search it?

21 A. Yes.

22 Q. What did they search it for?

23 A. I don't know.

24 Q. You don't know?

25 A. No, I don't.

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. But you know they searched it?

2 A. I gave them consent to.

3 Q. Do you know what they found?

4 A. Nothing.

5 Q. About the car being -- you said you reported the
6 Avenger stolen. You gave a report -- could you tell the jury
7 what story you gave to them about how the Avenger was stolen?

8 A. Something about me being at a bar and -- something
9 along those lines. About me being at a bar and somebody
10 taking the car from me, or getting the key, something along
11 those lines. I'm not exactly one hundred percent positive it
12 was that statement.

13 MR. MLYNARCZYK: Can I approach, Your Honor?

14 THE COURT: You may.

15 Q. [Mr. Mlynarczyk] Can you look at this and tell me
16 if that refreshes your memory? You can take time to read the
17 paragraph.

18 [Whereupon, the witness reviews documents]

19 Q. [Mr. Mlynarczyk] Does that refresh your memory?

20 A. Yes.

21 Q. Can you please tell the jury what story you gave to
22 the officers when your -- you said the Avenger was stolen?

23 A. I told them I was drunk at a bar and I got a girl
24 to give me a ride home and somebody took the keys to the car,
25 something along those lines. That's what I said.

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. Well, you just read it.

2 A. Yeah.

3 Q. And that refreshed your memory, you said. So you
4 said there were two guys; right?

5 A. Yes.

6 Q. And you described the two guys, didn't you?

7 A. Yes.

8 Q. You described details about the two guys; right?

9 A. No.

10 I said one had dreadlocks and one had gold teeth.

11 Q. And but they didn't exist, did they?

12 A. No.

13 Q. You made them up?

14 A. Yes.

15 Q. You said that -- when Ms. Shealy was asking you

16 questions, you said that your thing was driving; right?

17 That's your thing? When you say that's your lay profession
18 thing, what do you mean?

19 A. That's my hustle.

20 Q. That's your hustle.

21 So if people need to get from A to B, you get them
22 from A to B?

23 A. Yes.

24 Q. And that's what you do?

25 A. That was -- that was my -- when I came home, and

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 after I done lose all my job and everything, that was my
2 source of income for a while.

3 Q. So you testified -- you told the jury, though, that
4 when you got to -- when you picked up Mr. Belton that he
5 drove, you didn't drive.

6 A. That's correct.

7 Q. Why would he drive if your job is to drive?

8 A. Because he knew the area and he was like, let me
9 drive. And I'm like, I don't know Charlotte, so.

10 Q. And you didn't -- at that point, when you were
11 going up to Charlotte to get him, there was no -- no crime or
12 robbery was discussed; correct?

13 A. I mean, we talked about stuff but, no, we didn't
14 specify that we was --

15 Q. And you said when you went to pick up the other
16 people and came down here, you didn't -- you didn't drive back
17 to Charleston, either?

18 A. No.

19 Q. You testified with Ms. Shealy that you didn't pay
20 attention to what other people were doing in the car; isn't
21 that right?

22 A. Not too much, no, I wasn't.

23 Q. When you were talking to Ms. Shealy, you made a
24 statement that you -- that -- you said it wasn't a Friday
25 night party, this was not a Friday night party; right?

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. Yes.

2 Q. But were people doing drugs on the way up? Were
3 you guys doing -- you and Troy doing drugs on the way up to
4 pick up Mr. Belton and these other people?

5 A. I popped ecstasy.

6 Q. Okay. You were doing drugs on the way back?

7 A. I wasn't smoking any marijuana or drinking or
8 anything, no.

9 Q. Were other people in the car doing that?

10 A. Yes.

11 Q. Was that, in fact, a Friday night? Do you
12 remember?

13 A. I don't remember if it was a --

14 Q. You don't remember?

15 A. -- a Friday night but --

16 Q. Do you remember if it was a weekend?

17 A. I don't remember exactly if it was a Friday,
18 Saturday, Monday or Tuesday, sir.

19 Q. You said Troy didn't trust people. That's what you
20 told the jury; right?

21 A. Yeah.

22 He's not a trusting -- he doesn't trust very many
23 people.

24 Q. Did you and Troy have a -- ever have a disagreement
25 about what happened that night?

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. Did we ever have a disagreement?

2 Q. Yeah.

3 A. What do you mean?

4 Q. I mean did you ever -- did Troy ever think you set
5 him up?

6 A. I don't know. You'll have to ask Troy.

7 Q. Did he ever say that to you?

8 A. He never stated that to me.

9 Q. And you never said anything about him setting --
10 him setting you up or you setting him up that night?

11 A. No.

12 Q. He's family; right? He's not an associate, he's
13 family?

14 A. Yeah. Sure he's family.

15 Q. You talked about also, earlier, that you were at
16 Ms. Manigault's house -- this was before you got left in
17 McClellanville -- that Jeremiah Belton was not with you;
18 right?

19 A. No. I said he came to the house.

20 Q. So he didn't ride over with you?

21 A. No.

22 Q. When you were at the Hub, which is over on Azalea,
23 you separated; correct?

24 A. Yes.

25 Q. All right. Do you know how long it was?

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. No. I'm not exactly sure of the minutes.

2 Q. Was it minutes or was it --

3 A. Minutes, hour.

4 I'm not sure, exactly sure, how long the time limit
5 was.

6 Q. So minutes or an hour. You have no idea?

7 A. I'm not exactly sure.

8 Q. How long were you at Ms. Manigault's house?

9 A. I'm not sure.

10 We weren't there that long. We weren't there two
11 or three hours, no.

12 Q. Okay. So one hour?

13 A. I'm not sure.

14 Q. Just don't know.

15 And you said that during that time that the idea --
16 at Ms. Manigault's house, that that time was the first time
17 that a robbery or something came up; correct?

18 A. That's when a --

19 Q. Is that right?

20 A. That's where a plan came up on who.

21 Q. The gun that you stopped at Buist Avenue to get,
22 when you were talking to Ms. Shealy, that was your .40?

23 A. Yes.

24 Q. Did you fire your gun that night?

25 A. No.

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. Not at all?

2 A. No.

3 Q. When you were leaving McClellanville to go -- or
4 leaving toward McClellanville from Ms. Manigault's house, you
5 said Bez was in the car with you; right?

6 A. Yes.

7 Q. And Bez was the one who brought up the idea of
8 going out into the country; right?

9 A. Yes.

10 Q. And that Bez was the one that knew where he was
11 going?

12 A. Yes.

13 Q. Right?

14 But then you told the jury that when you got to the
15 house in McClellanville, that the other car was already there?

16 A. Yes, it was.

17 Q. If the other car was following you, how did the
18 other --

19 A. I never said a car was following us. I said they
20 was there before us.

21 Q. I know.

22 But you said Bez knew where he was going from
23 Manigault's, so Bez was giving directions. That's what you
24 said; right?

25 A. He was giving -- yes.

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. So if Bez is giving the directions -- so right now
2 what you're saying is you don't know if they were behind you
3 or if they were in front of you?

4 A. They had to be in front of us because when I pulled
5 up and parked, they were already parked and the car was off.

6 Q. Tell me what happened when you left Manigault --
7 Ms. Manigault's house. Tell me what happened.

8 A. They left -- Finger and them left in the car. They
9 got in the white Monte Carlo like car. They left.

10 Q. They left before you?

11 A. Yes.

12 Q. Okay.

13 A. Then we left and we went to -- we went to Buist
14 Avenue. That's where I picked up my firearm, my .40, and then
15 we jumped on 526 and drove to McClellanville.

16 Q. And you said you did not pass Mr. Simmons' house
17 that night when you arrived there, you went -- you went and
18 turned around right there on the street where you indicated;
19 correct?

20 A. Yes.

21 Q. Now,, I want to -- and I want to reiterate, because
22 there were two shoe prints on the front door. You're saying
23 they were -- that Mr. Delaney, the deceased -- this is the
24 deceased gentleman; right?

25 A. Yes.

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. The one that -- he hit the door twice and went in.
2 And you said the order was Delaney and then Troy and then
3 Belton and then Conyers; correct?

4 A. If my memory is correct, yes.

5 Q. And you're telling the jury that you never went in
6 the house?

7 A. I didn't enter the house. Yes.

8 Q. So you never talked to anybody in the house?

9 A. I never entered the house.

10 Q. Okay. So then you wouldn't have been able to talk
11 to Troy in the house?

12 A. Exactly.

13 Q. You said once Mr. Delaney broke in the door, that
14 there were shots right away?

15 A. No.

16 Q. Okay. So tell me what -- tell the jury what
17 happened then.

18 A. I said when they went in, Delaney went in, Troy,
19 and then the other two went in, and then it was the baldhead
20 dude was in front of me and then that's when you started
21 hearing shots. He never made it in, neither. And when I
22 heard the shots, that's when I turned around and went in the
23 other direction. And that's when I looked back and I saw him
24 shooting.

25 Q. So you saw stocky dude?

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. Yes.

2 I saw him shooting into the house. And if he's
3 shooting into the house, that's when I looking.

4 I'm looking, like going like this towards the wood-
5 line, and I see Troy coming out and I come back towards Troy.
6 I meet Troy and he's like, man, somebody shot me, somebody
7 shot me. And he's like doing like that and you can see -- you
8 know what I'm saying? I can see that he's bleeding, like
9 putting it in -- he has it in his hand.

10 And then that's when I look again and I see Delaney
11 coming out and he's --

12 THE WITNESS: Can I show them how he was when he
13 came out?

14 THE COURT: You may stand up.

15 A. Delaney came out.

16 I'm not sure which side he was holding but he was
17 holding, you know what I'm saying, like up in his upper chest
18 area. And then that's when he fell.

19 And when he fell, that's when Bez came behind him
20 and grabbed his hand. And then Bez just punned [phonetic] him
21 like -- and then he let him go. And then that's when he came.

22 And then that's when the dude, the stocky dude,
23 he's still, you know what I'm saying, shooting. And that's
24 when Finger came out.

25 And that's when -- by that time, everybody made it

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 to the cars, got in the cars, and that's when we left.

2 Q. So you said the stocky dude was shooting into the
3 house?

4 A. Yes.

5 Q. Was he standing inside the doorway or out of the
6 doorway when he was shooting into the house?

7 A. No, he wasn't in the doorway.

8 He was like -- I don't know how to -- like there's
9 just -- there's no steps. You know, there were steps at the
10 house, and he's like --

11 Q. There were steps on the front porch?

12 A. -- and he's like just behind the steps, just
13 shooting.

14 Q. So he's standing just off the porch. So what
15 you're saying is that this -- if this table is the porch and
16 that's the front door, he's standing at the bottom of the
17 stairs like shooting into the --

18 A. He's backing up --

19 Q. -- in the doorway?

20 A. He's backing -- he's shooting into the house. He's
21 not shooting in through the doorway. He's shooting into the
22 house.

23 Q. What part of the house?

24 A. He's shooting into the house.

25 Q. Where's he pointing?

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. How do you mean where's he pointing? Into the
2 house.

3 Q. In the doorway?

4 A. No, not into the doorway.

5 Just in like at the house. This is the trailer.
6 It's a big trailer --

7 Q. Right.

8 A. -- and he's shooting, pow, pow.

9 Q. Okay. So let's pretend that that bar in front of
10 you is the front of the house. Okay? So you're looking at
11 the house. The front door is right in the middle. Which side
12 of the house is bald -- or stocky guy shooting at?

13 A. Towards --

14 Q. I'm sorry?

15 A. If that's the front -- if this is the front door
16 right here, and the stairs go down, he's right there where
17 you're at.

18 Q. Standing right in front of the door?

19 A. Like right there. Like that's it. Like right
20 there.

21 Q. So, really, he's standing right -- he's standing at
22 the bottom of the steps shooting into the house?

23 A. Shooting towards the house, yes. Shooting towards
24 the house.

25 Q. How many times did he shoot; do you know?

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 A. I don't know. It was a lot of shots.

2 Q. A lot of shots.

3 So you're sure, you're positive, stocky guy shot a
4 lot of shots?

5 A. It was a lot of shots shot.

6 Q. I'm asking about -- I'm asking about the guy --

7 A. I don't know how many he shot.

8 Q. -- shooting in the house.

9 A. I don't know exactly how many he shot.

10 Q. Was it a -- was his a lot? Did he shoot a lot?

11 A. It was a lot of shots fired. That's what I'm
12 getting at. You can't --

13 Q. What I'm asking you is about stocky guy. Are you
14 saying that there was a lot of shots fired, or not a lot of
15 shots fired?

16 A. You can't distinguish between if it's just his
17 gunfire. And I know he was shooting. That's what I'm trying
18 to get at. I know he was shooting. And there was a lot of
19 shots, so I can't tell exactly how many shots this man shot --

20 Q. But it was a lot of shots --

21 A. -- because it was a lot of shots being shot,
22 period.

23 Q. Okay. I don't want to know about anybody else.
24 What I'm saying is what you --

25 A. No.

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 And that's what I'm -- and that's what I'm
2 explaining.

3 MS. SHEALY: Asked and answered, Your Honor, at
4 this point.

5 THE COURT: All right. I think Mr. Mlynarczyk is
6 moving on.

7 Q. [Mr. Mlynarczyk] Ms. Shealy asked you a question,
8 or she made a statement to you, really, and you said yes, that
9 you're just as guilty as the rest of them, even though you
10 didn't go in the house; right?

11 A. Yes.

12 Q. But sitting in that chair right now, you're not
13 just as guilty as the rest of them, are you?

14 A. Yes, I am. I pled guilty.

15 Q. You're not facing life in prison; right?

16 A. Because I pled guilty.

17 Q. Because you made a deal; right?

18 A. Yes, sir.

19 Q. Was Troy Mason the only one with dreadlocks that
20 night? Do you remember?

21 A. Yes.

22 Q. And you said -- I believe you testified, too, that
23 when Troy came out of the house, he was also shooting when he
24 came out of the house?

25 A. I don't remember saying that.

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. You don't remember that?

2 Do you remember if anybody else was shooting when
3 they came out of the house?

4 A. I don't remember seeing anyone else shooting.

5 Q. I'm not asking what you remember saying [sic].
6 What I'm saying is do you -- we're talking about your memory
7 of that night. That's what the jury wants to hear.

8 A. Yeah.

9 Q. I don't want to hear what you remember saying and
10 all that.

11 What I'm asking you is what you remember seeing
12 that night. You just told Ms. Shealy a whole --

13 A. Yes, sir.

14 Q. -- story about what you remember seeing. So my
15 question is do you remember seeing anybody else shooting as
16 they come out of the door?

17 A. No.

18 Q. Nobody?

19 A. No.

20 MR. MLYNARCZYK: One moment, please, Your Honor.

21 THE COURT: Take your time.

22 [Whereupon, Mr. Mlynarczyk reviews documents]

23 Q. [Mr. Mlynarczyk] I want to talk to you briefly
24 about the story that Troy ended up giving to the police.

25 You testified to Ms. Shealy that you and Troy met

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 up at the Walmart later that night; correct?

2 A. On the 10th. Yes.

3 Q. So the night -- so this happened early morning.

4 This would be the night of the 10th?

5 A. Yes.

6 Q. That you and Troy met up at the Walmart. And
7 that's where he told you what he had said?

8 A. Yes.

9 Q. And so you're telling the jury that you never
10 discussed with Troy, before that time, what the story to the
11 police should be?

12 A. No.

13 Q. And Ms. Shealy asked you about a 7/14/10 statement
14 that recited the story of you picking Troy Mason up after he
15 had been shot on Red Bank Road; correct? You saw that?

16 A. Yes.

17 Q. And you admitted that that was a lie, as well?

18 A. Yes.

19 Q. Let me ask you this. You were arrested when? You
20 remember the date pretty specific?

21 A. Yes, I do. It was on the 3rd.

22 Q. The whole date?

23 A. 8/3 --

24 Q. What year?

25 A. -- 2012.

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 Q. 2012. Two years after this happened; right?

2 A. Yes.

3 Q. So why didn't you ever feel the need to come
4 forward between 2010 and 2012 to tell your story?

5 A. Why?

6 Q. Why.

7 A. I don't know.

8 Q. That was your little cousin that was in jail;
9 right?

10 A. Yes.

11 Q. Is there anything that you would have said, if you
12 had come forward, that would have helped him?

13 A. Could you repeat that question, please?

14 A. Is there anything that you could have added or done
15 or said to the police, by coming forward and giving a
16 statement, that would have helped him in this situation, like
17 he would have walked out of jail?

18 A. I don't know.

19 Q. Okay. So --

20 A. Anything short of me saying, oh, I did everything
21 and he didn't do nothing, that's --

22 Q. But you never said that; right?

23 A. -- that's the one thing that would have -- I think,
24 in my opinion, that probably would have got him out of jail.

25 Q. So in 2012 when you were arrested, you didn't tell

Mario Caldwell
Continued Cross-Examination by Mr. Mlynarczyk
November 3, 2015

1 them anything in 2012, right --

2 A. No.

3 Q. -- you didn't make a statement?

4 A. No, I didn't make a statement.

5 Q. 2013 you didn't make a statement?

6 A. No.

7 Q. 2013 you didn't make a statement?

8 A. No.

9 Q. 2014 did you make a statement?

10 A. Yes.

11 Q. So from the date this happened in 2010, you didn't
12 volunteer any facts about -- or make any statements in this
13 case for four years; isn't that right?

14 A. Yes.

15 Q. And in those four years, your little cousin was
16 also in jail; correct?

17 A. Yes.

18 MR. MLYNARCZYK: One moment, please, Your Honor.

19 THE COURT: Take your time.

20 [Whereupon, Mr. Mlynarczyk and Mr. Belton confer]

21 MR. MLYNARCZYK: I have nothing further, Your
22 Honor.

23 THE COURT: Mr. Murphy?

24 MR. MURPHY: Thank you, Your Honor. May it please
25 the Court.

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

CROSS-EXAMINATION

BY MR. MURPHY:

Q. Mr. Caldwell, you've heard a lot about Ms. Shealy was talking about your world, how it's common to see folks with guns?

A. Yes.

Q. That's not out of the ordinary?

A. No.

Q. And you testified how you are around the criminal element a lot?

A. My mother was a crack head. So I was around drug use, and people would deal in illicit and illegal things since --

Q. And in your world, is everybody as polite as you've been up on the stand here today?

A. No.

Q. Are you, in your world, as polite as you've been up on the stand here today?

A. I like to think I'm a --

Q. In your world you say yes, ma'am and no, ma'am?

A. I don't live in that world anymore.

Q. Okay. But when you were in that world, is that how you were?

A. Is that how I was? No.

Q. No. So this is an act up here; correct?

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. No.

2 Q. No, it's not? It's just completely different than
3 what you're used to?

4 A. No.

5 Q. Can you explain to the jury why you're so mild-
6 mannered and calm having -- from participated in a murder?

7 A. Because I feel like I've cleaned my spirit --

8 Q. Because you got --

9 A. -- out of the --

10 Q. -- a deal; right?

11 A. No.

12 Q. No?

13 A. Not just because of that --

14 Q. Okay.

15 A. -- but I told the truth.

16 MS. SHEALY: Your Honor, I would ask that he be
17 able to finish his answer.

18 A. I told the truth.

19 THE COURT: Please don't talk over each other. All
20 right?

21 Mr. Murphy?

22 Q. [Mr. Murphy] You've cleaned your spirit?

23 A. Yes.

24 Q. And how have you done that?

25 A. By getting -- by telling the truth.

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 Q. By waiting four years to tell the truth?

2 A. It doesn't matter when you do it, as long as you do
3 it.

4 Q. And it doesn't matter after you make that deal;
5 correct?

6 A. It doesn't matter when you do it, as long as you do
7 it.

8 Q. Now, when -- you testified that you were addicted
9 to drugs when this all happened; correct?

10 A. Yes.

11 Q. You were doing a lot of heavy drugs?

12 A. Just two drugs. Two different kinds.

13 Q. That was cocaine?

14 A. And ecstasy.

15 Q. And ecstasy.

16 And they didn't have any effect on your brain, that
17 you know, do they?

18 A. No, sir.

19 Q. No, sir.

20 And you were on drugs -- did you do drugs every
21 day?

22 A. No.

23 Q. How often would you do them?

24 A. Probably four days out of the week.

25 Q. Okay. Four out of seven days?

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. Yes.

2 Q. Any particular times? Friday night, Saturday
3 nights, Mondays?

4 A. No.

5 Q. Just whenever you could get them?

6 A. Pretty much.

7 Q. And you were on drugs when you gave this story
8 about how that car -- the event it was stolen in and you
9 reported it stolen; correct?

10 A. No.

11 Q. You weren't on drugs?

12 A. No. I was clean by then, and working at DBW.

13 Q. Okay. And you met with the solicitor's office how
14 many times?

15 A. What, twice --

16 Q. Twice?

17 A. -- three times?

18 Q. And you've never met with me before; correct?

19 A. No.

20 Q. And you've never met with Mr. Mlynarczyk before,
21 have you?

22 A. No.

23 Q. And in the two times or so that you met with the
24 solicitor's office, you didn't go over the details of that
25 story that you gave about the Avenger, did you?

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. What do you mean?

2 Q. Well, I mean you didn't remember what you said
3 about how the Avenger -- the story you made up about how the
4 Avenger was stolen; right?

5 A. No.

6 Q. Okay. Now, why -- I mean, do you remember what you
7 just testified to?

8 A. I didn't -- if you mean did I go over the details
9 with them, no.

10 Q. Well, they didn't ask --

11 A. No. I told them --

12 Q. -- you about that, did they?

13 A. I told them about it being burned.

14 Q. Right. I understand that.

15 But you didn't talk about the story that you made
16 up about how it was stolen, did you?

17 A. I don't remember. I probably did.

18 Q. Well, and you've had since this incident, before
19 you were arrested, about two years to think about your story;
20 correct?

21 A. Since I was arrested?

22 Q. Well, I'm sorry. Since the incident happened,
23 you've had -- there was approximately two years before you
24 were arrested; right?

25 A. Yes.

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 Q. And then you didn't come up with confessing or
2 telling the facts until two years later; correct?

3 A. Four years, total.

4 Q. Four years.

5 A. Yes.

6 Q. Now, you talked about being a snitch, that it's
7 hard to be a snitch in prison; right?

8 A. Yes.

9 Q. And how do you know that?

10 A. Because I saw it.

11 Q. And snitches happen all the time; right?

12 A. I'm going through it now.

13 Q. I understand.

14 But that's common that you have snitches in crimes;
15 right?

16 A. I don't know. I've never --

17 Q. You don't know?

18 A. -- never done it before.

19 Q. Well, it's well-known that if you rat somebody out
20 with -- or you cut a deal, that you'll get a better deal come
21 sentencing; right? Isn't that well-known in your world?

22 A. Isn't that well-known?

23 Q. Yes.

24 A. Yes.

25 Q. And that's what you're doing here; right?

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. Telling the truth.

2 Q. To get a deal; right?

3 A. Yes.

4 Q. And what you want, more than anything, is your
5 freedom; right?

6 A. What I want?

7 Q. Yes.

8 Isn't that -- what's more valuable than your
9 freedom?

10 A. My family.

11 Q. And do you know if every -- so do you know if
12 everybody in your family has that same sense of loyalty that
13 you have?

14 A. I don't know.

15 Q. And you testified you didn't have any disagreements
16 at all with Mr. Mason, did you?

17 A. I mean, don't nobody always one hundred percent
18 agree with each other.

19 Q. Okay. But you didn't have -- I mean, you didn't
20 have any significant beef with him or problem with him about
21 this incident, did you?

22 A. Before?

23 Q. Yeah.

24 A. Before he came to jail?

25 Q. That's correct.

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. Did we have a problem with each other? Is that
2 what you're asking me?

3 Q. No, no.

4 Let's talk about after this incident. Did you have
5 any problems with him after this incident?

6 A. After he came to jail, did I have a problem --

7 Q. Yes.

8 A. -- with him?

9 Q. Yes.

10 A. No.

11 Q. He didn't think that you set him up at all?

12 A. He never told me that.

13 Q. Now, you said that you were a driver, that this was
14 part of your hustle. How much were you going to get paid to
15 drive to Charlotte?

16 A. Like 100 bucks.

17 Q. All right. And you were going to drive there for
18 three and a half hours; right?

19 A. It's a three-hour drive.

20 Q. Okay. And then a three-hour drive back?

21 A. I think it's like three hours total. An hour and a
22 half up there, and an hour and a half back.

23 Q. From Charleston to --

24 A. Yeah --

25 Q. -- Charlotte?

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. -- I think that's about right. I might be wrong.

2 Q. And you -- how many times have you driven to
3 Charlotte before?

4 A. Numerous occasions.

5 Q. Okay. And you think it was a three-hour, total,
6 ride?

7 A. Yes.

8 Q. Okay. And you said you were doing drugs at the
9 time; right?

10 A. If you drive seventy-five to eighty up there and
11 back, I think it's about three hours.

12 Q. All right. Now, you said you were going to get
13 \$100?

14 A. Yes --

15 Q. Well, how did you negotiate this? What --

16 A. I mean, I tell him.

17 Q. You told them -- you told who?

18 A. I told Finger.

19 I'm like, this what it's hitting for. He went
20 like, shit, ain't no problem, I got you. I never got my
21 money, though.

22 Q. You never got your money?

23 A. No.

24 Q. Did you have any idea how the folks were going to
25 get back to Charlotte?

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. I mean, that was -- I guess it was on me. It was
2 supposed to be just him.

3 Q. But I'm trying to figure, was this a one-way trip
4 or was it a two-way trip?

5 A. It was supposed to be a two-way trip.

6 Q. Now, you said you didn't have any idea why you were
7 going to Charlotte?

8 A. I was going to pick up Jeremiah Belton.

9 Q. I mean, did it strike you as odd that somebody
10 couldn't just get a ride from Charlotte themselves?

11 A. No, that didn't strike me as odd.

12 Q. Just from -- it didn't strike you as odd that it
13 would be cheaper for someone to drive directly from Charlotte
14 to Charleston rather than you drive back and forth?

15 A. No.

16 Because if you -- the way I did it was you don't
17 want nobody to know. If you don't want to -- you don't want
18 to deal with all these other people, then that's what you do.

19 Q. Who paid for your gas?

20 A. Who paid for it? Me.

21 Q. With a credit card or --

22 A. No.

23 Q. With cash?

24 A. Yes.

25 Q. How many times did you stop for gas?

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. We stopped once on the way back, and I had gas in
2 the car on the way up.

3 Q. Now, you testified that when you got to Charlotte,
4 you picked up Finger; correct?

5 A. Yes.

6 Q. And Finger -- you then went and picked up Crime;
7 correct?

8 A. Yes.

9 Q. And Crime -- Finger, I think you said, Mr. Belton,
10 introduced you to Crime; right?

11 A. Yes.

12 Q. He said, hey, man, this is Crime, come on in;
13 right? Something along those lines?

14 A. Yes.

15 Q. Okay. And was there anything odd about that?

16 A. Being introduced to somebody else?

17 Q. Yes. If you --

18 A. No.

19 Q. If you were not introduced, would you think that
20 was odd?

21 A. Yeah.

22 Q. So when you guys picked up the baldheaded dude and
23 the stocky dude, you weren't introduced to him?

24 A. We never picked him up.

25 Q. Okay. When you saw them?

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. We met him.

2 Q. You met him?

3 A. That's when --

4 Q. You weren't introduced?

5 A. That's when Finger got in the car and left. Finger
6 left with him.

7 Q. Okay. But you never --

8 A. No.

9 Q. You committed a crime with these guys. You're
10 saying you did a home invasion but you never got introduced to
11 these guys?

12 A. Correct.

13 Q. You didn't -- that doesn't strike you as odd?

14 A. Yeah.

15 Q. It does?

16 A. Yeah.

17 Q. And did you ever think to ask who those guys were?

18 A. Some things you don't -- you just don't ask. You
19 don't ask.

20 Q. When you were -- you said you put a sock over your
21 hand?

22 A. Yes.

23 Q. Did anybody else put a sock over their hand that
24 you saw?

25 A. No.

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 Q. And you would agree that when you put a sock over a
2 hand, it looks like a mitten; right?

3 A. Yes.

4 Q. Not like a glove with fingers; right?

5 A. Correct.

6 Q. Now, when you went to Columbia to pick up Mr.
7 Conyers, you had never met him before?

8 A. That was my first time meeting him, too.

9 Q. And did you think it was odd going to Columbia to
10 pick up somebody?

11 A. By then I was already kind of wondering what's
12 going on but --

13 Q. This --

14 A. -- you just don't question Finger.

15 Q. You didn't ask about the 150-dollar fee, though?

16 A. I asked him.

17 When we got back to Charleston, I asked him about
18 the money.

19 Q. Now, in Charleston you said you went to the Hub;
20 right?

21 A. Yes.

22 Q. And that's where you saw the short dude and the
23 stocky guy?

24 A. It was a tall, skinny dude and --

25 Q. Tall, skinny --

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

- 1 A. -- a short, stocky black dude with a ball head.
2 Q. All right. And then you left the Hub with who?
3 A. Conyers, Mason, and Delaney.
4 Q. Okay. And then you went to Ms. Manigault's house?
5 A. If that's her name. I'm not one hundred percent
6 sure, but --
7 Q. Now, were you introduced to Mr. Conyers at all?
8 A. Yes.
9 Q. As what? As --
10 A. As Bez.
11 Q. B?
12 A. B-E-Z. Bez. Bez.
13 Q. All right. And did you get his phone number?
14 A. No.
15 Q. Did he ever call you?
16 A. No.
17 Q. Now, when you got to -- when you were in Charlotte,
18 did you guys do anymore drugs when you stopped to pick up the
19 other two folks?
20 A. Did I do anymore --
21 Q. Yes.
22 A. -- drugs? I was already on ecstasy.
23 Q. Okay. But did you do any -- when you did the
24 ecstasy, that was on the drive up; right?
25 A. Yes.

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 Q. Okay. When you stopped in Charlotte, did you do
2 anymore drugs?

3 A. No, I didn't.

4 Q. You didn't.

5 A. I was already on ecstasy.

6 Q. Did the other folks do drugs?

7 A. They was smoking weed.

8 Q. Okay. Were they smoking weed in the house?

9 A. Which house? When we got back to Charleston?

10 Q. No. In Charlotte. I'm still --

11 A. We never went inside the house in Charlotte.

12 Q. Were you smoking weed -- were they smoking weed in
13 the car?

14 A. On the way back?

15 Q. Yes.

16 A. Yes.

17 Q. Okay. And then when you got to Mr. Conyers's
18 house, were you doing drugs then?

19 A. I didn't have to pop anymore ecstasy.

20 Q. You didn't. Did -- were other people doing drugs?

21 A. They were smoking marijuana.

22 Q. Did you see the other people pop ecstasy pills, as
23 well?

24 A. Just only me and Troy had ex.

25 Q. Now, you would agree there's just a difference

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 between a Chevy Blazer and a Monte Carlo; correct?

2 A. [No response]

3 Q. Just looking at it if you saw the silhouette at
4 night?

5 A. It's a huge difference.

6 Q. It's a huge difference.

7 A. One's a truck, one's a car.

8 Q. And when you folks were at the house discussing
9 this robbery, at that point you were just a driver; right?

10 A. At which house?

11 Q. At the house in Charleston.

12 A. On --

13 Q. In Dorchester Road.

14 A. Okay. On Bonds Avenue.

15 Q. On Bonds Avenue. I'm sorry.

16 A. Yeah.

17 Q. You guys were -- you said you were discussing a
18 robbery?

19 A. At first we were just discussing drugs, we were
20 talking about drug prices, who had the best prices, and who's
21 selling what, because like everybody stays connected.

22 Q. And where did you guys get -- determine where the
23 best drug prices in the area?

24 A. Excuse me?

25 Q. Where were the best drug prices?

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. In the country.

2 Q. In the country?

3 A. That's what --

4 Q. North Charleston was?

5 A. No. In the country.

6 Q. In the country --

7 A. Yes.

8 Q. -- was the best drug prices?

9 A. Yes.

10 Q. All right. And your testimony is that Mr. Conyers
11 is the one who said let's go to the country?

12 A. He was the one who told us about people from the
13 country he had prior dealings with.

14 Q. And you did not have any prior dealings with
15 Mr. Simmons in McClellanville?

16 A. No.

17 Q. And you didn't -- did you -- and Troy Mason didn't
18 know Mr. Simmons at all?

19 A. I don't know. You would have to ask him.

20 Q. Did Mr. Conyers tell you that this fellow that you
21 were about to rob was a landscaper?

22 A. No, he didn't.

23 Q. What did he tell you?

24 A. He told us he was a dope boy who he had prior
25 dealings with.

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 Q. And you never heard of this guy before, did you?

2 A. No.

3 Q. Is that -- I mean, in your world you never heard of
4 Mr. Simmons the drug dealer, or Kip the drug dealer?

5 A. No.

6 Q. Did you guys have any conversation about whether --
7 you talked about this would be a big score. What did you do
8 to try and verify that you guys would actually get a big score
9 here?

10 A. Well, actually, Bez gave us two options. He
11 said -- he gave us two options. He said he can call him and
12 have him meet us --

13 Q. Okay.

14 A. -- call and have somebody meet us, or we can go to
15 to where Kip's at, as you called him.

16 Q. Okay. And that was --

17 A. Mr. Simmons.

18 Q. -- call Kip? That was --

19 A. No, it was -- he say he can call someone and have
20 them meet us and bring us whatever, and then they take it. Or
21 we can go out there to McClellanville.

22 Those were the -- it was a -- there were options of
23 who to rob placed on the table.

24 Q. And you folks, thinking clearly, decided let's go
25 rob the folks in McClellanville?

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 A. Well, actually, once it was agreed upon, then
2 that's what -- that's the way it went from there.

3 Q. Now, you said you dropped Mr. Conyers off at the
4 Motel 6 on Ashley Phosphate?

5 A. After everything happened, we met Mr. Belton and
6 the other two dudes. Me and Bez met them at the Motel 6.

7 Q. And was it daylight at that time?

8 A. No.

9 Q. Okay. What time was it?

10 A. It wasn't daylight yet. I don't know.

11 Q. And you testified that while you were at the place
12 off Bonds Avenue, that Conyers and Bez were talking about
13 something?

14 A. Conyers is Bez.

15 Q. And you never found out or tried to find out who
16 these other two unnamed fellows were, did you?

17 A. No.

18 Q. And the solicitor's office -- or the State never
19 tried to ask you who those folks were, did they?

20 A. They asked me, but I don't know them.

21 Q. When you got off in Columbia at the Gamecocks
22 stadium, how far was Conyers' house from the stadium?

23 A. I don't know.

24 Q. You weren't driving at that point?

25 A. No.

Mario Caldwell
Cross-Examination by Mr. Murphy
November 3, 2015

1 Q. What's your understanding of why there's a range of
2 between fifteen and forty-five years for your sentence?

3 A. I don't know. You would have to ask the solicitor,
4 sir.

5 Q. What's your understanding --

6 A. I'm not -- that's the sentence that they -- that's
7 the sentencing they came down with.

8 Q. Does it depend on how well you do up here?

9 A. I don't know. You'll have to ask them, sir.

10 MR. MURPHY: Nothing further, Your Honor.

11 THE COURT: Ms. Shealy?

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Mario Caldwell
Redirect Examination by Ms. Shealy
November 3, 2015

REDIRECT EXAMINATION

BY MS. SHEALY:

Q. Did you just tell Mr. Murphy that you just don't question Finger?

A. Yes, sir [sic].

Q. Now, when you were being asked about giving your car -- what was the guy's name? Xavier?

A. Yes.

Q. -- you knew it wasn't cool to have a car with blood in it; right?

A. Yes, ma'am.

Q. And it was a rented car in your name?

A. Yes.

Q. Would you have been able to turn it back in, with all that blood, to Enterprise?

A. And they would have called the police.

Q. Okay. So you told us that it was -- Troy was kind of telling you what to do. But you knew that wasn't cool?

A. Yes, ma'am.

Q. And it was you that got in touch with Xavier, not Troy; right?

A. Yes.

Q. And it was you that called the police and gave a false report about what had happened --

A. Yes.

Mario Caldwell
Redirect Examination by Ms. Shealy
November 3, 2015

1 Q. -- is that correct?

2 A. Yes.

3 Q. And Mr. Mlynarczyk had indicated to you -- or had
4 questioned you: when you gave that false report, you made up
5 two people --

6 A. Yes.

7 Q. -- is that correct?

8 And when you made up those two people, you were
9 denying that you had anything to do with the disappearance of
10 the car --

11 A. Yes.

12 Q. -- is that correct?

13 Are you making up that King Conyers and Jeremiah
14 Belton went with y'all out to McClellanville?

15 A. No, ma'am.

16 Q. And are you denying that you were right there with
17 them?

18 A. No, ma'am.

19 Q. When you were traveling with Delaney and --

20 MS. SHEALY: Oh, my goodness, all the names are
21 running together for me.

22 Q. [Ms. Shealy] When you were traveling with Delaney
23 and Bez and Troy out to McClellanville, was Bez on the phone?

24 A. Yes.

25 Q. Was he on the phone a good bit?

Mario Caldwell
Redirect Examination by Ms. Shealy
November 3, 2015

1 A. Yes, ma'am.

2 Q. And did you ever -- do you know how Jeremiah Belton
3 knew how to get out there?

4 A. No, ma'am.

5 I'm thinking that's what the phone call was, but
6 I'm not sure.

7 Q. And Bez was on the phone?

8 A. Yes, ma'am.

9 Q. Now, when you first were introduced to baldhead guy
10 and other guy, what did you think their role was?

11 A. They just been his people. That's what I was
12 thinking, like, his people.

13 Q. And were they there with Belton?

14 A. Yes, ma'am.

15 Q. And did they appear to be Belton's boys?

16 A. Yes.

17 Q. Now, you were asked about whether or not you're
18 typically as polite as you are today in the courtroom when you
19 were out with your other criminal buddies and you -- you
20 didn't talk the same way with them that you're talking to us
21 today, did you?

22 A. No.

23 Q. Tell me, did Jeremiah Belton look like that when
24 you picked him up from Charlotte?

25 A. No.

Mario Caldwell
Redirect Examination by Ms. Shealy
November 3, 2015

1 Q. Did King Conyers look like he looks in the
2 courtroom when you picked him up from Columbia?

3 A. No.

4 Q. What changed in your life between when this
5 happened and when you got arrested?

6 A. My children.

7 Q. And were you living in a nice house for the first
8 time?

9 A. Yes.

10 Q. Did you have a nice wife?

11 A. Yes.

12 Q. Did she have a good job?

13 A. I did, too.

14 Q. And was this the first time --

15 A. Yes.

16 Q. -- in your life that you had a legit, good job?

17 A. Yes.

18 Q. When you sat in jail for two years and your trial
19 was approaching, tell this jury, why did you come in and
20 cooperate?

21 A. It's three reasons.

22 Q. What were they?

23 A. One was the fact that two people are dead.

24 Q. Well, let's stop there. You've done a lot of bad
25 things in your life; right?

Mario Caldwell
Redirect Examination by Ms. Shealy
November 3, 2015

1 A. Yes.

2 Q. Have you ever been involved in the killing of
3 someone before?

4 A. Not until now.

5 Q. And was there anything different in the way it
6 affected you to be involved with someone dying?

7 A. Yes.

8 Q. So that was one reason?

9 A. That's one.

10 Q. What were your other two reasons?

11 A. I lost my mother the same way.

12 Q. What do you mean you lost your mother the same way?

13 A. She was -- my mother was took from the house and
14 she was murdered the same -- she was shot in the head, and I
15 lost her the same way. And it's just --

16 I had -- I couldn't take it no more. I just
17 couldn't bear the brunt no more. Just knowing and not saying
18 nothing, it just -- I just couldn't take it no more.

19 Q. Was anybody ever arrested in your mother's death?

20 A. They let them go.

21 Q. Okay. And what was the third reason?

22 A. The family. I want to get back to my family. I
23 mean, I made a deal so I can get back to them. I don't really
24 -- that's it.

25 Q. And tell this jury: after you testify today,

Mario Caldwell
Redirect Examination by Ms. Shealy
November 3, 2015

1 you're going to be sentenced at some point; is that correct?

2 A. Yes, ma'am.

3 Q. And where are you going?

4 A. Going to prison.

5 MS. SHEALY: I have nothing further. Thank you.

6 MR. MLYNARCZYK: Just a couple of redirect --

7 THE COURT: Take your time -- recross.

8 MR. MLYNARCZYK: Recross.

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Mario Caldwell
Recross-Examination by Mr. Mlynarczyk
November 3, 2015

RECROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. You just told Ms. Shealy -- or, actually, you told Mr. Murphy that -- when he asked you what's more important than freedom --

A. My family.

Q. Your family is more important.

And so you would do anything to get back to your family; right?

A. It's my job as a father to be there for my family and take care of them, to raise my kids.

Q. So you would do -- you would do whatever it took to get back to your family; right?

A. Who wouldn't?

Q. I'm asking you a yes or no question.

You would do whatever it took to get back to your family; correct?

A. Yes, sir.

Q. When was your mom -- didn't you just tell Ms. Shealy when your mom was --

A. April 27, 1999.

Q. 1999?

A. Yes.

Q. So when you were participating in these armed robberies and you agreed to break into Mr. Simmons' house in

Mario Caldwell
Recross-Examination by Mr. Mlynarczyk
November 3, 2015

1 the middle of the night, this is all after you've already
2 heard about your mother; right?

3 A. Yes...

4 Q. So it didn't stop you from making those decisions
5 to rob those people or break into Mr. Simmons' house where it
6 resulted in his death, did it?

7 A. I never been involved in a murder before.

8 Q. Okay. And that's why --

9 A. And that's --

10 Q. Sure.

11 A. That's what affects me. That's one of the things
12 that affected me. She asked me and I told her that's one of
13 the reasons and that's one of the things that affected me,
14 because I lost my mother the same type of way. Somebody took
15 her.

16 Q. But it didn't effect you until Troy Mason
17 implicated you in the crime; right?

18 A. It been effecting me.

19 Q. All right. But you didn't come forward when Troy
20 Mason implicated you in this crime?

21 A. No.

22 Q. And you didn't feel compelled to do that until two
23 years after you were arrested for this crime; correct?

24 A. This was after. Yes.

25 MR. MLYNARCZYK: I have no more questions.

Mario Caldwell
Recross-Examination by Mr. Mlynarczyk
November 3, 2015

1 MR. MURPHY: Nothing, Your Honor.

2 THE COURT: Ladies and gentlemen, we've reached an
3 appropriate time to stop for the evening.

4 Ladies and gentlemen, we will begin promptly at
5 10:00 a.m. As I have indicated to you, we cannot begin
6 until all fourteen of you are present, so please make
7 sure that you're respectful of each other's time and
8 please be here and ready to begin at 10:00 a.m. in the
9 morning.

10 Please remember all of my admonitions. Do not
11 discuss this case with anyone in any form or fashion.
12 Do not do any independent investigation and do not read,
13 watch, listen to any news account.

14 Please take all your belongings. We will lock up
15 your notepads.

16 Please rise for the jury.

17 [Whereupon, the jury exits the courtroom at
18 5:07 p.m.]

19 THE COURT: Thank you. Be seated.

20 You are excused, sir. Thank you.

21 [Whereupon, Mr. Caldwell is excused and exits the
22 witness stand]

23 THE COURT: Anything before we break for the
24 evening?

25 MS. SHEALY: No, Your Honor.

Mario Caldwell
Recross-Examination by Mr. Mlynarczyk
November 3, 2015

1 MR. MLYNARCZYK: Nothing, Your Honor.

2 MR. MURPHY: No, Your Honor.

3 THE COURT: How long will it take you to argue your
4 motion?

5 MS. SHEALY: My motion -- well, I guess it's his
6 motion against my efforts to put some evidence in.

7 MR. MURPHY: I would say five minutes, ten minutes.

8 MS. SHEALY: Yeah. I don't think it's going to be
9 very lengthy.

10 THE COURT: 9:45, ready to roll. All right? Thank
11 you.

12 JURY TRIAL ADJOURNS AT 5:08 P.M.]

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State vs. Belton and Conyers

C E R T I F I C A T E

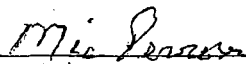
STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable Kristi L. Harrington, on Tuesday, November 3, 2015.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 3rd day of April, 2016.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
 COUNTY OF CHARLESTON) CASE NO.: 2014-GS-10-06481
 2014-GS-10-06482
 2014-GS-10-06483
 2014-GS-10-06484
 2014-GS-10-06485
 2014-GS-10-06486

STATE OF SOUTH CAROLINA)
)
)
 VS.)
)
)
 JEREMIAH FITZGERALD BELTON and)
 KING CHEVAIS CONYERS,)
)
 DEFENDANT.)
)

JURY TRIAL

VOLUME 3 OF 5

held before the Honorable Kristi L. Harrington
 Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
 in the Charleston County Courthouse
 Charleston, South Carolina
 on Wednesday, November 4, 2015, Commencing at 9:41 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
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INDEX TO PROCEEDINGS

	PAGE
MOTION BY MR. MURPHY	603
PROCEEDINGS	607
 ERIN MEYER	
Direct Examination by Mr. Cooper	610
Cross-Examination by Mr. Mlynarczyk	655
Continued Cross-Examination by Mr. Mlynarczyk	667
Cross-Examination by Mr. Murphy	672
Redirect Examination by Mr. Cooper	674
 DARREN MILLS	
Direct Examination by Ms. Shealy	678
Cross-Examination by Mr. Murphy	684
 PAUL MCMANIGAL	
Direct Examination by Mr. Cooper	687
Cross-Examination by Mr. Mlynarczyk	711
Continued Cross-Examination by Mr. Mlynarczyk	726
Redirect Examination by Mr. Cooper	736
Recross-Examination by Mr. Mlynarczyk	737
 KATHY KJELLMAN	
Direct Examination by Mr. Cooper	740
Cross-Examination by Mr. Mlynarczyk	770
Cross-Examination by Mr. Murphy	775
Redirect Examination by Mr. Cooper	776

INDEX TO PROCEEDINGS, continued

	PAGE
STIPULATION OF COUNSEL	727
LISA KUBICKO	
Direct Examination by Mr. Cooper	782
Cross-Examination by Mr. Mlynarczyk	795
Redirect Examination by Mr. Cooper	798
ADRIENNE RILEY-HEFNEY	
Direct Examination by Ms. Shealy	800
Cross-Examination by Mr. Mlynarczyk	809
Cross-Examination by Mr. Murphy	810
ILA SIMMONS	
Direct Examination by Ms. Shealy	812
Cross-Examination by Mr. Mlynarczyk	820
SUZANNE CROMER	
Direct Examination by Mr. Cooper	822
Cross-Examination by Mr. Mlynarczyk	843
Redirect Examination by Mr. Cooper	852
SARAH LIPPE	
Direct Examination by Ms. Shealy	855
Cross-Examination by Mr. Murphy	857
DEFENDANT'S RIGHTS	861
CERTIFICATE OF COURT REPORTER	867

INDEX TO EXHIBITS

[Exhibits pre-marked unless otherwise indicated]

MARKED/ADMITTED

STATE'S

State's Exhibit Number 274 [Fingerprint Cards]	/ 653
State's Exhibit Number 275 [GSR Kit - Simmons]	/ 617, 815
State's Exhibit Number 276 [Taurus .357 Revolver]	/ 750
State's Exhibit Number 278 [Glove]	/ 754
State's Exhibit Number 279 [Hat]	/ 753
State's Exhibit Number 280 [Casing from Roadway]	/ 768
State's Exhibit Number 281 [Casing from Living Room]	/ 643
State's Exhibit Number 282 [Casing from Master Bedroom]	/ 643
State's Exhibit Number 283 [Casing from Master Bedroom]	/ 643
State's Exhibit Number 284 [Casing from Living Room]	/ 643
State's Exhibit Number 285 [Casing from Kitchen]	/ 643
State's Exhibit Number 286 [.357 Casings]	/ 752
State's Exhibit Number 287 [.357 Rounds]	/ 751

INDEX TO EXHIBITS, continued

[Exhibits pre-marked unless otherwise indicated]

MARKED/ADMITTED

STATE'S

State's Exhibit Number 288 [Projectile]	/ 704, 762
State's Exhibit Number 289 [GSR Kit - Delaney]	/ 617
State's Exhibit Number 290 [GSR Kit - Stokes]	/ 617
State's Exhibit Number 291 [Glove]	/ 614
State's Exhibit Number 292 [Blood - Dirt Sample]	/ 744
State's Exhibit Number 293 [Blood - Dirt Sample]	/ 744
State's Exhibit Number 294 [Blood Swab]	/ 623
State's Exhibit Number 295 [Blood Swab]	/ 625
State's Exhibit Number 296 [Blood Swab - Mason's Shirt]	/ 747
State's Exhibit Number 297 [Projectile]	/ 703
State's Exhibit Number 298 [Projectile]	/ 705
State's Exhibit Number 300 [GSR Kit - Mason]	/ 617
State's Exhibit Number 302 [Projectile - Mason]	/ 766
State's Exhibit Number 303 [Blood Spot - Simmons]	/ 644

INDEX TO EXHIBITS, continued

[Exhibits pre-marked unless otherwise indicated]

MARKED/ADMITTED

STATE'S

State's Exhibit Number 304 [Projectile - Simmons]	/ 644
State's Exhibit Number 305 [Flashlight, et cetera]	/ 647
State's Exhibit Number 306 [.357 Rounds from Shorts Pocket]	/ 647
State's Exhibit Number 307 [Blood Spot - Delaney]	/ 646
State's Exhibit Number 308 [Projectile - Delaney]	/ 650
State's Exhibit Number 309 [Projectile - GMC Door]	/ 764
State's Exhibit Number 310 [.410 Revolver]	/ 761
State's Exhibit Number 311 [.410 Casing]	/ 762
State's Exhibit Number 312 [.410 Casing]	/ 762
State's Exhibit Number 313 [.410 Casing]	/ 762
State's Exhibit Number 314 [.45 Casing]	/ 762
State's Exhibit Number 315 [Unfired .410 - Taurus]	/ 762
State's Exhibit Number 316 [.9mm Casing from Backpack]	/ 762
State's Exhibit Number 317 [Buccal Swab - Mason]	/ 745

INDEX TO EXHIBITS, continued

[Exhibits pre-marked unless otherwise indicated]

MARKED/ADMITTED

State's Exhibit Number 322 [Diagram]	/ 619
State's Exhibit Number 323 [Diagram - McManigal]	/ 693
State's Exhibit Number 337 [Fingerprint]	/ 649
State's Exhibit Number 338 [.410 Shell Cutaway]	/ 692
State's Exhibit Number 339 [Phone Data]	/ 681
State's Exhibit Number 340 [Phone Data]	/ 681
State's Exhibit Number 341 [Phone Data]	/ 681

COURT'S

Court's Exhibit Number 4 [Affidavit and Indictment]	607 /
Court's Exhibit Number 5 [Stipulation of Counsel]	777 /

State vs. Belton and Conyers
Motion by Mr. Murphy
November 4, 2015

MOTION BY MR. MURPHY

MS. SHEALY: One of the witnesses that we intend to call, Your Honor, is Sarah Clyde from the clerk's office. She's a custodian of records. I do not intend to put a document in through her. The document in question --

Did you hand it up to her?

MR. MURPHY: Yes, I did.

MS. SHEALY: That is actually a murder warrant from 2002. Obviously, I'm not going to put the murder warrant in.

But what I intended to do is ask her the predicate questions about being a custodian of records, and pursuant to my request did she pull a document on King Conyers, what was the date of that document, what was his address, and what was his date of birth.

And I have cautioned her not to mention defendant.

THE COURT: And just tell me: I'm missing -- confused why this is relevant.

MS. SHEALY: Because it shows that he used to live in McClellanville. And Mr. Murphy has brought that up with witnesses, how would Bez have known this guy, how would Bez have known McClellanville. So I certainly think it's relevant.

MR. MURPHY: Judge, it's highly prejudicial, and

State vs. Belton and Conyers
Motion by Mr. Murphy
November 4, 2015

1 it's hearsay, and any relevance is outweighed by the
2 prejudicial effect.

3 To have a clerk of court come up here and say they
4 have his name of record is saying he's been arrested
5 before. Everybody on that jury --

6 THE COURT: All she is going to testify to is she
7 pulled the document, she's not going to say what
8 document, and that the address is in McClellanville.

9 MR. MURPHY: It would be hearsay, what she's
10 pulling in [phonetic]. It's not an -- it's not
11 exception to hearsay what they're pulling in.

12 This is a police report. I cannot cross-examine
13 her on this -- this is an opinion that he has, and we
14 have no way to cross-examine him or verify this or
15 attack it in any way because it is a clear hearsay and
16 it does not fall under an exception, Your Honor.

17 I told Ms. Shealy if she wanted to get some witness
18 from SCE&G or something to say that there's an
19 electricity bill is there, that would be fine. Or some
20 other witness that said, I know he lived there.

21 But for something like this it's completely
22 inappropriate, I think, to have this person testify
23 about.

24 MS. SHEALY: Your Honor, it would be our position
25 that it does fall within the business records exception.

State vs. Belton and Conyers
Motion by Mr. Murphy
November 4, 2015

1 And he certainly can ask questions of her. You
2 don't know how -- why that address is on that document.
3 All you have is a record of it in the clerk's office.

4 THE COURT: For the limited purpose, those limited
5 questions, ordinary course of business, I will allow it.

6 You may cross-examine her as to she did not prepare
7 the document, this is just something that is kept.

8 And Ms. Shealy is clear there is to be no
9 discussion about arrest warrant or where --

10 MS. SHEALY: Right.

11 THE COURT: -- what the document is. All right.

12 MS. SHEALY: I wrote her, I e-mailed her, and said
13 do not mention defendant, do not mention warrant.

14 And my investigator, Keith Hair, has also
15 communicated that to her.

16 THE COURT: I mean, the clerk's office doesn't want
17 to go through --

18 MS. SHEALY: Oh. And --

19 THE COURT: -- civil litigation --

20 MR. MURPHY: I understand.

21 THE COURT: -- you know, plaintiff and defendant.
22 And I've got -- it's for the record.

23 MR. MURPHY: I understand that.

24 THE COURT: It's preserved.

25 MR. MURPHY: Thank you, Your Honor.

State vs. Belton and Conyers
Motion by Mr. Murphy
November 4, 2015

1 THE COURT: Thank you.

2 MR. MURPHY: Note my exception.

3 MS. SHEALY: And, Judge, I will point out one other
4 thing.

5 I also asked that she bring it in like a folder or
6 an envelope so that they couldn't see that it looks like
7 a warrant.

8 I was going to ask about --

9 THE COURT: Mr. Murphy, your client was not here
10 for this. Did you waive his appearance?

11 MR. MURPHY: Yes, I have.

12 THE COURT: Thank you.

13 MS. SHEALY: I was going to ask him if -- I was
14 going to ask her if they keep records for the county.
15 Is that helpful, or more objectionable?

16 MR. MURPHY: I think it's more objectionable,
17 Judge.

18 MS. SHEALY: Well, I'll just limit it to this
19 document, then.

20 THE COURT: Just pursuant to your occupation as a
21 custodian of records with the clerk of court for
22 Charleston County.

23 MS. SHEALY: Okay.

24 - - -

25 - - -

State vs. Belton and Conyers
Proceedings
November 4, 2015

PROCEEDINGS

1
2 THE COURT: Anything before we bring in the jury?
3 They're not here, but anything? We are ahead of
4 schedule.

5 MR. COOPER: If we could -- if we could just maybe
6 have until ten o'clock, Judge? I think the defense
7 counsel wanted to go over some items of evidence and
8 maybe we'll move them in before testimony and have them
9 on the table so the testimony will go more quickly.

10 THE COURT: But nothing that I need to address,
11 Mr. Mlynarczyk?

12 MR. MLYNARCZYK: No, Your Honor.

13 MR. MURPHY: I don't --

14 THE COURT: Mr. Murphy?

15 MR. MURPHY: I don't think so.

16 THE COURT: All right. Thank you.

17 MR. COOPER: Thank you, Judge.

18 And, Your Honor, just if we could mark this as
19 Court's Exhibit Number 1 or --

20 THE COURT: 4.

21 MR. COOPER: 4. Court's Exhibit 4.

22 THE COURT: Thank you.

23 [Whereupon, Court's Exhibit Number 4 is marked by
24 the court reporter]

25 [Whereupon, a recess is taken from 9:46 a.m. to

State vs. Belton and Conyers
Proceedings
November 4, 2015

1 10:10 a.m.]

2 THE COURT: All the jurors are present.

3 Anything before we bring in the jury? From the
4 State?

5 MS. SHEALY: Nothing further

6 THE COURT: Mr. Mlynarczyk?

7 MR. MLYNARCZYK: Nothing, Your Honor.

8 MR. MURPHY: Nothing, Your Honor.

9 THE COURT: Let's bring in the jury.

10 [Whereupon, the jury enters the courtroom at
11 10:12 a.m.]

12 THE BAILIFF: All jurors present and seated.

13 THE COURT: Thank you. Be seated.

14 Ladies and gentlemen of the jury, if you complied
15 with my instructions over the evening hour, please raise
16 your right hand.

17 [Whereupon, there is no response]

18 THE COURT: Thank you. All fourteen jurors
19 complied with the Court's instructions.

20 Please call your next witness.

21 MR. COOPER: The State calls Erin Meyer.

22 [Whereupon, Ms. Meyer comes forward]

23 THE CLERK OF COURT: Left hand here. Raise your
24 right.

25 [Whereupon, Ms. Meyer is duly sworn by the clerk of

State vs. Belton and Conyers
Proceedings
November 4, 2015

1 court as follows: do you swear or affirm the testimony
2 you will give the Court and the jury in the trial of
3 this case will be the truth, the whole truth, and
4 nothing but the truth, so help you God]

5 THE WITNESS: I do.

6 THE CLERK OF COURT: Thank you. You may be seated.

7 Once seated, if you could please state your first
8 and last name and then spell your last loudly and
9 clearly into the microphone for the record.

10 THE WITNESS: Yes, sir.

11 [Whereupon, Ms. Meyer takes the witness stand]

12 THE WITNESS: My name is Erin Meyer. My last name
13 is M-E-Y-E-R.

14 MR. COOPER: Good morning, Investigator Meyer. How
15 are you?

16 THE WITNESS: Good morning. Good.
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Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

ERIN MEYER,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. COOPER:

Q. Where do you work?

A. I work for the Charleston County Sheriff's Office.

Q. And how long have you been there?

A. Almost ten years.

Q. Okay. And what position do you currently hold?

A. I am assigned to the forensics services unit. I am
a forensics investigator.

Q. Can you explain to the jury the detail -- what job
duties your position requires?

A. Our unit is responsible for processing crime
scenes, for identifying evidence, locating evidence, and
preserving evidence.

Q. Now, in July of 2010, did you respond to Old
Georgetown Road pursuant to a home invasion?

A. Yes, sir.

Q. What did you do when you arrived on scene?

A. Traditionally when we arrive on scene, we meet with
the other officers, the other detectives and responding
deputies, just to kind of get an idea of what's gone on and
what's happened.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. And what did you do after you spoke with the
2 officers?

3 A. A couple of officers indicated that there was
4 evidence in the roadway that needed to be preserved.

5 But once we finished preserving that evidence and
6 we assigned a placard to it so nobody runs it over, I guess
7 basically what -- we went ahead and did a walkthrough.

8 Q. Okay. Can you explain to the jury what a
9 walkthrough is?

10 A. A walkthrough of a scene is usually when myself and
11 one other person, either a detective or a coroner, whoever,
12 will walk through a scene to get an idea of what we have.

13 And it's for safety reasons, to make sure that the
14 scene inside, if it's inside a residence, is secure, but it's
15 also to preserve any evidence that may be inside. For
16 example, any dogs, animals, that may be inside that need to be
17 removed in order for us to preserve anything.

18 Q. Would you now describe to the jury what you
19 observed when you did your walkthrough?

20 A. Upon approaching the front door of the house, there
21 was a deceased on the front lawn. We had a gun on the grass.
22 There was a broken flower pot. There was blood. There was
23 bullet holes in the windows. Blood drops inside.

24 It was a -- it was a large scene, something -- we
25 quickly became aware that something really kind of bad

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 happened. And then once we got inside, we realized there was
2 another deceased inside. There were more shell casings.
3 There were more bullet holes. There was more blood. Things
4 were in disarray.

5 Q. Could you explain for the jury how this case and
6 this scene was a little bit different than your typical
7 homicide case?

8 A. Well, we had two individuals that were deceased.
9 We had a lot of shots that had been fired. We had a lot of
10 casings. We had a lot of holes. We had a lot of blood.

11 It was just a -- it was a big scene and it was
12 going to require a lot of processing. We had evidence
13 outside, we had evidence in the yard. It was just a lot to
14 do.

15 Q. Now, who else from your unit was with you
16 processing the scene?

17 A. My sargent at the time, Paul McManigal, and then
18 another girl, Kathy Kjellman, who's currently still an
19 investigator with the forensics unit.

20 Q. Okay. And did y'all process the scene together?

21 A. We did. We split up and did some areas. We
22 preserved the evidence outside first. And then we proceeded
23 inside and processed the entire house together.

24 Q. Okay. Now, what did you do after you completed
25 your walkthrough?

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 A. We, myself and the deputy coroner, processed --
2 well, I made a few phone calls.

3 But I contacted the sargent at the time and let him
4 know that we were going to go ahead and process the bodies so
5 we could get them out of there.

6 So I went ahead and conducted GSR kits and
7 fingerprints, postmortem fingerprints, on both the deceased
8 with the deputy coroner.

9 Q. Okay. And I'm showing you State's Exhibit 30. Is
10 this the body that you processed out in front of the house?

11 A. Yes.

12 Q. Okay. And what did you do to the body when you
13 were processing it? Could you elaborate on that for the jury?

14 A. When we process a deceased individual, we go
15 through and collect any evidence that we feel like may be on
16 the body, like a GSR from the hands, which is a gunshot
17 residue collection kit that we use particle lifts and tabs to
18 collect gunshot residue from people's hands or their bodies.
19 We also go through any pockets. Briefly check them for any
20 wounds. And then we bag them, and secure the bag, and the
21 deputy coroners transport them to MUSC.

22 Q. Now, for what purpose do you perform a GSR test or
23 GSR kit?

24 A. When we feel like there's been some kind of
25 shooting. We would actually GSR anybody that would still be

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 on scene.

2 Q. And in doing -- and in performing that GSR test,
3 did you have to remove the glove?

4 MR. COOPER: Would you please show her State's
5 Exhibit 32.

6 It should show up right in front of you,
7 Investigator.

8 A. Yes.

9 Q. [Mr. Cooper] And you had to remove that glove to
10 perform the GSR test?

11 A. Yes.

12 MR. COOPER: Okay. Beg the Court's indulgence.

13 THE COURT: Take your time.

14 Q. [Mr. Cooper] I'm just going to show you -- first
15 of all, do you recognize what this package is?

16 A. Yes. It's the glove that I removed.

17 MR. COOPER: Your Honor, at this time I would like
18 to move what's been marked as State's Exhibit 291 into
19 evidence.

20 THE COURT: Any objection?

21 MR. MLYNARCZYK: No objection.

22 MR. MURPHY: No objection.

23 THE COURT: State's 291 into evidence without
24 evidence.

25 MR. COOPER: Thank you, Your Honor.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 [Whereupon, State's Exhibit Number 291 is admitted
2 into evidence by the Court]

3 MR. COOPER: At this time, may I publish the
4 contents to the jury?

5 THE COURT: You may.

6 Q. [Mr. Cooper] This is the glove that you took off
7 of Mr. Delaney's hand?

8 A. Yes, sir.

9 Q. And then after you processed his hand for GSR, what
10 else did you collect from the body? Did you collect anything
11 else from the body?

12 A. I think we had some personal belongings in his
13 pockets that we collected. Some of those things may or may
14 not have gone to autopsy with him. But we usually try to do
15 an inventory of his belongings.

16 Q. Okay. And then after you worked with Mr. Delaney,
17 where did you go next?

18 A. Myself and the deputy coroner went inside to the
19 other deceased that was inside the house and processed that
20 body.

21 Q. And you processed that for GSR, as well?

22 A. Yes, sir.

23 Q. Okay. Now, do you send those GSR kits to SLED for
24 analysis?

25 A. Yes, sir.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. And can you please tell the jury what SLED is?

2 A. South Carolina Law Enforcement Division. They are
3 like our parent agency.

4 If we need specialized analysis done on something,
5 they handle it, they usually handle it, and they also can
6 assist in investigations if we need them to. But
7 traditionally they have the labs that are -- that would be
8 needed for us to do certain types of processing.

9 Q. And in addition to Mr. Simmons and Mr. Delaney, did
10 your office also collect GSR kits from Troy Mason and Shemeika
11 Stokes?

12 A. Yes.

13 Q. Would those have also been sent to SLED?

14 A. Yes, sir.

15 Q. Do you recognize what those four labels are or
16 what --

17 A. Yes. These are the four GSR kits.

18 Q. Okay. And they are for Mr. Curtis Delaney, Melvin
19 Simmons, Troy Mason and Shemeika Stokes?

20 A. Yes, sir.

21 MR. COOPER: Your Honor, at this time I would like
22 to move State's Exhibits 275, 289, 290 and 300 into
23 evidence.

24 THE COURT: Any --

25 MR. MLYNARCZYK: No objection, Your Honor.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 MR. MURPHY: No objection.

2 THE COURT: State's 275, 289, 290 and 300 into
3 evidence without objection.

4 [Whereupon, State's Exhibit Number 275 is admitted
5 into evidence by the Court]

6 [Whereupon, State's Exhibit Number 289 is admitted
7 into evidence by the Court]

8 [Whereupon, State's Exhibit Number 290 is admitted
9 into evidence by the Court]

10 [Whereupon, State's Exhibit Number 300 is admitted
11 into evidence by the Court]

12 THE COURT: You may publish as needed.

13 MR. COOPER: Thank you, Judge.

14 Q. [Mr. Cooper] Now, what type of clothing did
15 Mr. Simmons have on his body when you found him?

16 A. I recall him wearing a pair of red shorts.

17 Q. Okay. And then what was located near his body?

18 A. There was a large blood pool.

19 Q. Showing you State's Exhibit 81. Is this the
20 condition where you found Mr. Simmons?

21 A. Yes.

22 Q. And that's the pool of blood to the right?

23 A. Yes, sir.

24 Q. Now, what else did you do while you were inside the
25 house?

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Once we finished processing the deceased and he was
2 removed from the scene we began processing the house, which
3 means photographs, identifying evidence, planting placards,
4 letters, numbers, items that we were going to collect or
5 wanted identified as evidence.

6 Q. And what type of evidence were you finding in the
7 house?

8 A. We had blood drops, bullet holes, broken glass,
9 shell casings, fingerprints.

10 Q. Now, did you make a diagram of what you found in
11 the house?

12 A. Yes, sir.

13 MR. COOPER: Your Honor, if I may approach the
14 witness?

15 THE COURT: You may.

16 Q. [Mr. Cooper] Do you recognize this?

17 A. Yes.

18 Q. And is that the diagram that you made?

19 A. Yes.

20 MR. COOPER: Your Honor, at this time I would like
21 to move -- make sure I give you the correct number --
22 what has been marked as State's Exhibit 322, and it's
23 just a blown-up version of this diagram, into evidence.

24 MR. MLYNARCZYK: No objection, Your Honor.

25 MR. MURPHY: No objection.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 THE COURT: 322 into evidence without objection.

2 [Whereupon, State's Exhibit Number 322 is admitted
3 into evidence by the Court]

4 MR. COOPER: May I publish that -- one of those
5 diagrams?

6 THE COURT: You may?

7 MR. COOPER: Your Honor, at this time may the
8 witness please step down from the witness stand and just
9 come to the diagram and point to the diagram?

10 THE COURT: Is there some reason you can't move the
11 diagram over there?

12 I'm concerned that you're not going to speak
13 loudly.

14 MR. MLYNARCZYK: Your Honor, my only concern is I
15 won't -- we won't be able to see what she's pointing to
16 on the diagram --

17 THE COURT: Then y'all can move accordingly.

18 MR. COOPER: Make sure she's in earshot of the
19 court reporter.

20 At this point, Your Honor, if this is good, can
21 I -- can she please step down?

22 THE COURT: I'm going to allow you to step down,
23 but please speak loudly. Thank you.

24 THE WITNESS: Yes, ma'am.

25 MR. COOPER: Why don't you stand on this side. I

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 don't want to be in the way. I apologize. Make sure
2 the jury can see and the court reporter can hear you.

3 Q. [Mr. Cooper] Now, are there different markers on
4 this diagram? There are numbers and letters of different
5 colors?

6 A. Yes, sir.

7 Q. Can you explain what they are to the jury?

8 THE WITNESS: Can I get my legend?

9 MR. COOPER: Yes, ma'am. Use what I just showed
10 you --

11 THE WITNESS: I have mine.

12 A. I have identified the red numbers with -- this is
13 where we collected samples of blood from. This is not -- this
14 does not represent all the blood that was in the house. This
15 just represents where we collected blood from.

16 And the blue numbers are holes, bullets holes,
17 projectile holes, in the walls.

18 The letters represent casings and/or the gun or
19 something --

20 Q. [Mr. Cooper] Physical evidence?

21 A. Physical evidence.

22 Q. Now, who actually took -- regarding the blood
23 samples, who actually took those samples --

24 A. Kathy --

25 Q. -- who collected them.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Kathy -- I'm sorry. Investigator Kjellman and I
2 both collected the blood samples.

3 Q. Okay. And how many -- can you describe for the
4 jury the blood drops that you were finding in this case?

5 A. [No response]

6 Q. Or how you found -- how you found it through the
7 house, where you found it through the house?

8 A. There was a direction of travel, rather -- without
9 going into huge detail, it wasn't like splatter. It wasn't
10 smudges. They were actually blood drops that would have been
11 dropped from something -- as somebody traveled throughout the
12 house.

13 Q. Okay. How many blood spots did you mark?

14 A. Approximately twenty-four, twenty-five.

15 MR. COOPER: Okay. And if you need to get your
16 report, you're more than welcome to.

17 Q. [Mr. Cooper] Regarding the spot and -- regarding
18 spot number 58, can you point that out to the jury?

19 A. Inside bedroom number two.

20 Q. Okay. Was that tested to determine if it was human
21 blood or not?

22 A. It wasn't consistent in appearance with human
23 blood, so we did a presumptive test on it and it was negative
24 for human blood.

25 Q. Showing you State's 200 -- 24.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 MR. COOPER: Give you the right picture.

2 Beg the Court's indulgence just one moment.

3 [Whereupon, Mr. Cooper reviews documents]

4 Q. [Mr. Cooper] Showing you State's 150. What does
5 that picture indicate? What does that picture show us?

6 A. A blood drop.

7 Q. Okay. And what number did you assign to that blood
8 drop?

9 A. 49.

10 Q. Okay. And can you point to that on the map for the
11 jury.

12 A. [Witness complies]

13 Q. So it's in the hallway?

14 A. In the hallway and between the front door and the
15 living room, about halfway.

16 Q. And did you collect a sample and send that to SLED?

17 A. Yes, sir. I think that 49 was one that --

18 MR. COOPER: Okay. Let me grab that for you.

19 Q. [Mr. Cooper] Do you recognize that item?

20 A. Yes, sir.

21 It's going to be the swab of the blood from item
22 number 49.

23 MR. COOPER: Your Honor, at this time I would like
24 to move State's Exhibit 294 into evidence.

25 THE COURT: Any objection?

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 MR. MLYNARCZYK: No objection.

2 MR. MURPHY: No objection.

3 THE COURT: State's 294 into evidence without
4 objection.

5 [Whereupon, State's Exhibit Number 294 is admitted
6 into evidence by the Court]

7 Q. [Mr. Cooper] Now, did you also --

8 MR. COOPER: Let me see. I might have a picture to
9 be able to show you for sure.

10 [Whereupon, Mr. Cooper reviews documents]

11 Q. [Mr. Cooper] Did you also collect a sample from,
12 let's see --

13 Showing you State's Exhibit 151. Is that more
14 blood that you found along the hallway?

15 A. Yes, sir.

16 Q. Okay. And that's the rug in the entry hallway?

17 A. Yes, sir.

18 Q. And showing you State's Exhibit 152. Is that
19 moving into the house from the front door?

20 A. Yes.

21 Q. Okay. And those white labels indicate blood drops
22 that you found?

23 A. Yes.

24 Q. Correct.

25 Showing you State's Exhibit 153. Okay. And are

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 these -- do you recognize where these blood spots were taken
2 from?

3 A. Kitchen area.

4 Q. Can you indicate on the diagram, to the jury, where
5 that is in the house?

6 A. This is by the kitchen.

7 Q. Then is -- can you see spot number -- label number
8 99 in that picture?

9 A. Yes, sir.

10 Q. And do you know if that spot was -- a sample was
11 taken and also sent to SLED?

12 MR. COOPER: If you need to refer to your report,
13 you're more than welcome to.

14 THE WITNESS: Yeah.

15 MR. COOPER: I know it's hard because you're moving
16 around.

17 Q. [Mr. Cooper] It's 113799, if that helps.

18 A. Yes, sir. The blood spot --

19 Q. It was sent to SLED?

20 A. -- 99 was sent to SLED.

21 Q. Okay. Do you recognize this package?

22 A. Yes.

23 This is the swabs that we used to collect the blood
24 samples from item 99.

25 MR. COOPER: Your Honor, at this time I would like

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 to move State's Exhibit 295 into evidence.

2 MR. MLYNARCZYK: No objection, Your Honor.

3 MR. MURPHY: No objection.

4 THE COURT: State's 295 into evidence without
5 objection.

6 [Whereupon, State's Exhibit Number 295 is admitted
7 into evidence by the Court]

8 Q. [Mr. Cooper] And now back to your diagram.

9 MR. COOPER: Beg the Court's indulgence.

10 THE COURT: Investigator Meyer, you can have a
11 seat.

12 Q. [Mr. Cooper] I'm showing you State's Exhibit 154.
13 Is that a zoomed-out picture of the kitchen where those three
14 spots were?

15 A. Yes, sir.

16 Q. All right. Now, how many bullet holes did you log
17 in the house? If you have to count, that's fine. I know it's
18 logged.

19 A. Approximately forty.

20 MR. COOPER: And, Your Honor, may the witness step
21 down --

22 THE COURT: She may.

23 MR. COOPER: -- the diagram.

24 Investigator, if you want to come back down, it
25 might make it a little bit easier.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. [Mr. Cooper] Okay. I'm showing you State's
2 Exhibit 98. What is that picture showing us?

3 A. A bullet hole.

4 Q. What number bullet hole is that?

5 A. 59.

6 Q. And can you indicate on your diagram for the jury
7 where hole 59 is?

8 A. If this is the front door of the house, it was over
9 here on the right side.

10 Q. Okay. And showing you State's Exhibit 99. Is that
11 just a farther-back picture of the same area?

12 A. Yes, sir.

13 Q. Showing you State's Exhibit 100. What number
14 bullet hole is depicted in that picture?

15 A. 60.

16 Q. And if you'll show the jury on this diagram where
17 that hole is?

18 A. Just to the right of the front door.

19 Q. Okay. And showing you State's 101. Again, that's
20 just a farther-back picture; correct?

21 A. Yes, sir.

22 Q. Okay. Showing you State's Exhibit 102. What is
23 depicted in this picture? What number hole is depicted in
24 this picture?

25 A. 61.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. Okay. And again on the map, if you could show the
2 jury where that is.

3 A. Actually, front door. In the right side of the
4 front door.

5 Q. Showing you State's Exhibit 104. What bullet hole
6 is depicted in that picture?

7 A. 62.

8 Q. And where is number 62 on the diagram?

9 A. It's on the back side of the house. On the
10 exterior side, near the back porch.

11 Q. Showing you State's 105. Is that the area where a
12 bullet hole was located?

13 A. Yes, sir.

14 Q. Showing you State's 106. What bullet hole is
15 depicted in this picture?

16 A. 63.

17 Q. Showing you State's 107. Is that a zoomed-out --

18 A. Yes, sir.

19 Q. And will you show us on the map where that bullet
20 hole was located?

21 A. Again, in the exterior side and the back side of
22 the house. The back porch.

23 Q. Showing you State's 108. And the bullet hole on
24 this picture is?

25 A. 64.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. And then showing you State's 109. Again, a
2 farther-back picture?

3 A. Yes, sir.

4 Q. Will you show us on the diagram where bullet hole
5 64 is located?

6 A. Just between the back door and around the exterior
7 side of the residence. The back porch.

8 Q. Showing you State's 110. The bullet hold in this
9 picture is?

10 A. 65.

11 Q. And showing you State's 111. Again, is that bullet
12 hole 65?

13 A. Yes, sir.

14 Q. And where is that located on this diagram?

15 A. On the porch rail.

16 Q. Showing you State's 112. What three bullet holes
17 are depicted in this picture?

18 A. 66, 67 and 68.

19 Q. Showing you State's 113. Is that the same area
20 where those three bullet holes were located?

21 A. Yes, sir.

22 Q. And if you'll show the jury on the diagram where
23 those three holes were found?

24 A. On the other side -- on the exterior side of the
25 residence, on the other side of the porch.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. Showing you State's 114. The bullet hole in this
2 picture?

3 A. 69.

4 Q. And showing you State's 115. And this is a zoomed-
5 out picture, again, of the same bullet hole?

6 A. Yes, sir.

7 Q. Okay. And, now, we saw a number of bullet holes in
8 the exterior of the house. Were there also corresponding
9 bullet holes inside the house?

10 A. Yes, sir.

11 Q. Showing you State's 116. What number bullet hole
12 in this picture?

13 A. 70.

14 Q. Showing you State's 117. Is this the same area
15 where you found bullet hole 70?

16 A. Yes, sir.

17 Q. And is that also bullet hole 69 on front door?

18 A. Yes, sir.

19 Q. Showing you State's 118. What are the bullet holes
20 in this picture?

21 A. 71.

22 Q. Okay. Will you show the jury on this diagram where
23 number 71 is located?

24 A. On the inside of the residence. Corresponds with
25 the bullet 60 on the outside. 71 was on the inside.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. Showing you State's 119. Is that also bullet hole
2 71?

3 A. Yes, sir.

4 Q. That's a little dark. Showing you State's 120.
5 That's just zoomed out of where bullet hole 71 was located?

6 A. Yes, sir.

7 Q. And what room in the house is that, again?

8 A. It's the one that we refer to as the recreation
9 room or bedroom number one.

10 Q. Showing you State's Exhibit 121. The bullet hole
11 in this picture is?

12 A. 72.

13 Q. Showing you State's 122. Is this a zoomed-out
14 picture of the area of where bullet hole 72 was found?

15 A. Yes, sir.

16 Q. And if you'll locate that on the diagram for the
17 jury. Where was 72 found?

18 A. The utility-laundry room right here. 72 was just
19 above the doorway.

20 Q. Showing you State's 123. What bullet hole is
21 located here?

22 A. 73.

23 Q. Showing you State's 124. Is this, again, the same
24 area where bullet hole 73 was found?

25 A. Yes, sir.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. And that's actually in the floor of the house?

2 A. Yes, sir.

3 Q. Okay. And if you'll show us on the diagram where
4 bullet hole 73 is located.

5 A. Right in the -- or to the left in the living room
6 -- the kitchen

7 Q. Showing you State's 125. The bullet hole in this
8 picture is labeled?

9 A. 74.

10 Q. Showing you 126. Is this the same area where
11 bullet hole 74 was located?

12 A. Yes, sir.

13 Q. And if you'll show the jury where that bullet hole
14 is located on the diagram.

15 A. Corresponding -- on the inside of the residence, in
16 the living room, along the exterior wall.

17 Q. And that's just the baseboard in the picture;
18 correct?

19 A. Yes, sir.

20 Q. Showing you State's 127. The bullet hole located
21 in this picture is?

22 A. 75.

23 Q. Showing you State's 128. Is this the same area
24 bullet hole 75 was located?

25 A. Yes, sir.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. Will you also show the jury on this map where 75
2 was found?

3 A. On the interior side of the residence and in the
4 window corresponding to the back porch, inside the kitchen.

5 Q. Showing you State's 129. And this is -- what
6 number bullet hole is located here?

7 A. 76.

8 Q. Showing you State's 130. Is that the area where
9 bullet hole 76 was found?

10 A. Yes, sir.

11 Q. Will you show the jury on the diagram where bullet
12 hole 76 was found?

13 A. On the interior side of the residence on the
14 exterior wall in the kitchen.

15 Q. Just happened to be crossed over going through the
16 living room, coming from the living room?

17 A. Yeah.

18 You can come from the living room to the kitchen.
19 You have two holes right there in the exterior, what we call
20 the exterior wall. 75 and 76 are holes both in that wall.

21 Q. Showing you State's 131. What bullet holes are
22 depicted here?

23 A. 77, 78, 79 and 80.

24 Q. Showing you State's 132. Is it the same door where
25 those four bullet holes were found?

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Yes, sir.

2 Q. And will you show us on the diagram where those
3 four bullet holes were found?

4 A. This mark right here represents the door. So 77,
5 78, 79 and 80 are on -- just by the doorway, the bedroom door,
6 to the master bedroom.

7 Q. The kitchen side of the bedroom door?

8 A. Yes, sir.

9 Q. And going through that door would lead you to the
10 sitting room and then the master bedroom?

11 A. Yes, sir.

12 Q. Showing you State's 134. What bullet holes are
13 depicted here?

14 A. 81, 82 and 83.

15 Q. And where is this located in the house?

16 A. On the back side of that same door that leads into
17 the master bedroom.

18 Q. So three bullet holes here and four bullet holes in
19 the front. Some of these would have been corresponding to
20 those bullet holes we just saw?

21 A. Yes, sir.

22 Q. Showing you State's 135. Can you tell what number
23 bullet were located in this pictures? The four bullets?

24 A. 84, 85, 86 and 87.

25 Q. Showing you State's 136. Is that just a zoomed-in

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 version of those --

2 A. Yes.

3 Q. -- those four bullet holes?

4 A. Yes, sir.

5 Q. And where are those located on this diagram?

6 A. On the -- inside the sitting room on what we call
7 the exterior wall to the outside, on the inside.

8 Q. So if the door would have been pushed all the way
9 open, would that have been behind the door?

10 A. Yes, sir.

11 Q. Showing you State's 138. What bullet holes are
12 depicted --

13 MR. COOPER: I don't know if it'll come up on it or
14 not.

15 A. I can see it.

16 Q. [Mr. Cooper] Okay. What three bullet holes are
17 depicted here?

18 A. 88, 89 and 90.

19 Q. Showing you State's 137. And those are the same
20 three bullet holes?

21 A. Yes, sir.

22 Q. 88, 89 and 90?

23 A. Yes, sir.

24 Q. Will you show the jury where on this diagram those
25 three bullet holes were found?

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Again, along this back wall here behind the door.

2 Q. Showing you State's 139. Can you locate bullet
3 home number 91 in this picture?

4 MR. COOPER: If you need to refer to your report,
5 you can. Or maybe you can -- it's a big picture.

6 A. Yeah.

7 It's on the back side of the couch, right here
8 where you see the white tape.

9 Q. [Mr. Cooper] You actually -- if you go to that
10 screen, you can draw on the screen where that bullet hole is.
11 Will you do that for me? If you just touch the screen on the
12 computer, you'll be able to designate where that bullet hole
13 is. If you'll just circle that bullet hole number 91 for us.

14 A. [Witness complies]

15 Q. Okay. Showing you State's Exhibit 133. Will you
16 locate bullet hole number 92 for us? And when you see it,
17 will you draw a circle around it?

18 A. [Witness complies]

19 It's on the other side of the couch. It
20 corresponds with hole number 91.

21 Q. And this would be the view looking out from the
22 sitting room in the master bedroom towards the doorway leading
23 to the kitchen?

24 A. Yes, sir.

25 Q. And behind that is the number of bullets we just

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 looked at a couple of pictures ago?

2 A. Yes, sir.

3 Q. Showing you State's 140.

4 MR. COOPER: And if you want to come back down to
5 the diagram. Thank you, Investigator.

6 Q. [Mr. Cooper] The bullet hole in this picture, what
7 number was it labeled?

8 A. 93.

9 Q. And is that actually in the ceiling?

10 A. Yes.

11 Q. Okay. And what room would that have been in?

12 A. In that sitting room.

13 Q. Showing you State's 141. What number bullet hole
14 is depicted in this picture?

15 A. 94.

16 Q. Showing you State's 142. Is that the same bullet
17 hole number 94?

18 A. Yes, sir.

19 Q. And can you describe for the jury where that
20 wall -- where it would be located in the house?

21 A. The wall that separates the sitting room from the
22 master bedroom. 94: on the sitting-room side.

23 Q. Showing you 143. And what number bullet hole is
24 located in this picture?

25 A. 95.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. And showing you State's 144. Is that the other
2 side of the wall we just looked at?

3 A. Yes, sir.

4 Q. So bullet hole number 95 is corresponding to 94?

5 A. Yes.

6 Q. Showing you State's 145. What bullet hole is
7 located in this picture?

8 A. 96.

9 Q. Showing you State's 146. Is that the same bullet
10 hole number 96?

11 A. Yes.

12 Q. And will you show the jury on this diagram where
13 that bullet hole is located?

14 A. On the far wall on the interior side of the master
15 bedroom.

16 Q. And that is actually an exterior wall; is that
17 correct?

18 A. It is the exterior wall.

19 Q. Showing you State's 147. What are the bullet holes
20 in this picture?

21 A. 97.

22 Q. Showing you State's 148. And is that the area
23 where you -- where bullet hole number 97 was found?

24 A. Yes, sir.

25 Q. Would you show the jury on the diagram where that

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 bullet hole is located?

2 A. It corresponds to 96. It's on the exterior side of
3 the exterior wall of the master bedroom.

4 Q. I hate to make you walk over there, but would you
5 mind going over there and circling bullet hole number 97 so
6 the jury can see that a little easier?

7 A. [Witness complies]

8 Q. And that would correspond with bullet hole 96 from
9 inside the bedroom?

10 A. Yes, sir.

11 MR. COOPER: If you'll come back one more time.

12 Thank you.

13 Q. [Mr. Cooper] Now, referring to your diagram again,
14 what do the blue letters indicate?

15 A. These represent casings.

16 Q. Okay. How many casings did you collect? And I can
17 show you your -- part of your report, if that would help
18 refresh your memory.

19 A. We collected five casings.

20 Q. Would you point those out for the jury.

21 A. [Witness complies]

22 We have one identified that we labeled G-1.

23 Q. Show you State's Exhibit 163. Was this item the
24 item labeled G-1?

25 A. Yes, sir.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. And where is the casing on this picture?

2 A. There's an entertainment stand there. It's
3 actually underneath the entertainment stand.

4 Q. Showing you State's 162. Is that the entertainment
5 stand you were talking about?

6 A. Yes, sir.

7 Q. And then where on this diagram is that
8 entertainment stand and what was labeled G-1?

9 A. Along this wall right here inside the living room.

10 Q. Okay. And was that casing also collected and sent
11 to SLED?

12 A. Yes, sir.

13 Q. Okay. Showing you State's Exhibit 167. What items
14 is depicted here?

15 A. Another casing that we labeled placard I..

16 Q. Showing you State's 168. Is that a zoomed-in
17 picture of the picture we just saw?

18 A. Yes, sir.

19 Q. And is that -- where is the shell casing in this
20 case -- in the picture?

21 A. At the other side of the living room.

22 Q. And it's that little gold item?

23 A. Yes.

24 Q. Showing you State's Exhibit 164. What is depicted
25 in the bottom left corner of this picture? Well, two -- what

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 two labels?

2 A. Two more casings that we identified as -- one was
3 G-2 and the other one was H.

4 Q. Showing you State's Exhibit 165. Which items ID
5 depicted here?

6 A. The casing G-2.

7 Q. Showing you State's 166. And which one is depicted
8 here?

9 A. Another casing, H.

10 Q. And will you show the jury on this diagram where
11 you found G-2 and H?

12 A. Just inside the wall in the sitting room. When you
13 walk in the door, it's on the left.

14 Q. Okay. To the bedroom -- for me -- and, again, this
15 is -- this would be as you're coming in from the kitchen --

16 A. Yes.

17 Q. -- into the sitting room?

18 A. On the left, on the floor. Yes.

19 Q. Showing you State's Exhibit 170. Which item is
20 depicted here?

21 A. It's a casing that we identified as placard L.

22 Q. Okay. Showing you State's 169. Is that the same
23 casing you identified as marker L?

24 A. Yes, sir. On the kitchen floor.

25 Q. And show the jury on this diagram where you found

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 item L.

2 A. On the kitchen floor.

3 MR. COOPER: At this time you can take a seat.

4 Thank you for showing the jury.

5 Your Honor, if I may, I will remove this --

6 THE COURT: All right. Thank you.

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

8 Q. [Mr. Cooper] Showing you State's 194. Now, were
9 there a number of bullet holes that were collected from this
10 part of the house?

11 A. [No response]

12 Q. Or bullet holes that were found -- I apologize.

13 A. Yes.

14 We identified a number of bullet holes on the
15 exterior side of the house and outside.

16 Q. And what part of the house is this picture showing?

17 A. This is the back side, the exterior wall on the
18 back side of the house.

19 Q. Showing you State's Exhibit 3. Can you just mark
20 on the screen where the back side of the house was for the
21 jury?

22 A. [Witness complies]

23 Q. And you can circle or make a dot.

24 A. [Witness complies]

25 Q. That's the area that the last picture showed us?

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Yes, sir.

2 MR. COOPER: Beg the Court's indulgence while I
3 gather --

4 If I may approach the witness, Your Honor?

5 THE COURT: You may.

6 Q. [Mr. Cooper] Investigator, do you recognize what
7 this item is?

8 A. This is the casing from placard G-1.

9 Q. And that's one of the spots that you showed us on
10 the diagram and on the screen; correct?

11 A. Yes, sir.

12 Q. Do you recognize this item?

13 A. Yes. This is the casing from placard G-2.

14 Q. Okay. And that's another one of the five that you
15 showed us on the picture in the diagram?

16 A. Yes, sir.

17 Q. Do you recognize this item?

18 A. This is the casing from H.

19 Q. This item?

20 A. This is the casing from I.

21 Q. And one last one. Do you recognize that item?

22 A. This is the casing from L.

23 Q. And the five that I just showed you were the five
24 casing you just showed -- we just showed the jury; correct?

25 A. Yes, sir.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 MR. COOPER: At this time, Your Honor, I would like
2 to move State's Exhibits 281, 282, 283, 284 and 285 into
3 evidence.

4 MR. MLYNARCZYK: No objection, Your Honor.

5 MR. MURPHY: No objection.

6 MR. COOPER: Thank you, Your Honor.

7 THE COURT: Into evidence without objection.

8 [Whereupon, State's Exhibit Numbers 281 through 285
9 are admitted into evidence by the Court]

10 Q. [Mr. Cooper] Now, were both bodies in this case,
11 would they have gone to MUSC for autopsy?

12 A. Yes, sir.

13 Q. Does someone from your department typically pick up
14 items that are collected at autopsy?

15 A. Yes, sir.

16 Q. From the autopsy did you receive two bullets
17 removed, one from each of the individuals Mr. Delaney and
18 Mr. Simmons?

19 MR. COOPER: If you have your report, you're more
20 than welcome to look at it.

21 [Whereupon, the witness reviews documents]

22 A. Yes, sir, I did.

23 Q. [Mr. Cooper] And do you have that list in front of
24 you with the items you received?

25 A. I do.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. And what is listed on -- as far as the autopsy for
2 Mr. Simmons, what items did you recover from Mr. Simmons'
3 autopsy?

4 A. Would you like me to read you the list?

5 Q. Yes, ma'am.

6 A. A pair of -- a pair of red shorts, bags from both
7 hands, fingernail clippings from both hands, pulled scalp
8 hair, a bullet, and a blood spot.

9 Q. Do you recognize this item?

10 A. This is the blood spot we sent it.

11 Q. That would be the one that you would have
12 collected?

13 A. Yes, sir.

14 Q. And now showing you this item. Do you recognize
15 that?

16 A. This is the projectile from Simmons.

17 Q. And that would have been also the one you received
18 from autopsy?

19 A. Yes, sir.

20 MR. COOPER: Your Honor, at this time the State
21 would offer Exhibits 303 and 304 into evidence.

22 THE COURT: Any objection?

23 MR. MLYNARCZYK: No objection.

24 MR. MURPHY: No objection.

25 THE COURT: 303 and 304 into evidence without

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 objection.

2 [Whereupon, State's Exhibit Number 303 is admitted
3 into evidence by the Court]

4 [Whereupon, State's Exhibit Number 304 is admitted
5 into evidence by the Court]

6 Q. [Mr. Cooper] Now, did you also pick up items from
7 Mr. Delaney's autopsy?

8 A. Yes, sir.

9 Q. Okay. Now, would you also read that list to the
10 jury about what items you received from MUSC?

11 A. Two athletic shoes, two black socks, blue-jean
12 shorts, a black belt, blue boxer shorts, a black tee-shirt, a
13 white sleeveless undershirt, a flashlight, stocking, business
14 card, debit card, six .357 Magnum bullets, a beginner's
15 permit, and then bags from both hands, fingernail clippings
16 from both hands, pulled scalp hair, a bullet, and a blood
17 spot.

18 MR. COOPER: Beg the Court's indulgence.

19 THE COURT: Take your time.

20 [Whereupon, Mr. Cooper and Ms. Shealy confer]

21 MR. COOPER: If I may approach the witness again,
22 Your Honor?

23 THE COURT: You may.

24 Q. [Mr. Cooper] Investigator, do you recognize this
25 item?

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 A. This is a blood spot from autopsy on Delaney.

2 Q. Okay. And that would have been the item -- the
3 blood spot that you would collected from MUSC?

4 A. Yes, sir.

5 MR. COOPER: Your Honor, at this time, I would like
6 to offer State's 307 into evidence.

7 MR. MLYNARCZYK: No objection.

8 MR. MURPHY: No objection.

9 THE COURT: State's 307 into evidence without
10 objection.

11 MR. COOPER: Thank you, Your Honor.

12 [Whereupon, State's Exhibit Number 307 is admitted
13 into evidence by the Court]

14 Q. [Mr. Cooper] Do you recognize what this item is?

15 A. These are the .357 rounds from his pocket, from
16 autopsy from Delaney's pocket.

17 Q. Showing you State's Exhibit 217. Would you circle
18 the six rounds on this picture?

19 A. [Witness complies]

20 Q. And those are the six rounds that you received from
21 MUSC?

22 A. Yes, sir.

23 Q. Thank you.

24 MR. COOPER: At this time, Your Honor, the State
25 would offer State's Exhibit 306 into evidence.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 MR. MLYNARCZYK: No objection.

2 MR. MURPHY: No objection.

3 THE COURT: State's 306 into evidence without
4 objection.

5 MR. COOPER: Thank you, Your Honor.

6 [Whereupon, State's Exhibit Number 306 is admitted
7 into evidence by the Court]

8 Q. [Mr. Cooper] Do you recognize what this is?

9 A. This is a flashlight and VISA card, a permit, and
10 the -- what they refer to as a stocking or a nylon cap that
11 came from the autopsy on Delaney.

12 Q. And you would have received those items from
13 autopsy, as well; correct?

14 A. Yes, sir.

15 MR. COOPER: At this time, Your Honor, the State
16 would offer Exhibit 305 into evidence.

17 MR. MLYNARCZYK: No objection.

18 MR. MURPHY: No objection.

19 THE COURT: State's 305 into evidence without
20 objection.

21 [Whereupon, State's Exhibit Number 305 is admitted
22 into evidence by the Court]

23 MR. COOPER: And at this time, may I publish these
24 items for the jury?

25 THE COURT: You may.

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 MR. COOPER: Thank you.

2 Q. [Mr. Cooper] Would this have been the black nylon
3 cap that you recovered from autopsy?

4 A. Yes, sir.

5 Q. And this would have been the flashlight; correct?

6 A. Yes, sir.

7 Q. And as far as the blood spot with Mr. Simmons and
8 Mr. Delaney, those items would have been sent to SLED; is that
9 correct?

10 A. Yes, sir.

11 Q. Now, focusing your attention to July 16th, 2010.
12 Are you aware that Rocky Burke [phonetic], with the sheriff's
13 office, went out to [REDACTED] Street in North Charleston
14 to collect evidence?

15 A. Yes, sir.

16 Q. Did he collect fingerprints from that residence?
17 Do you know?

18 A. I'm not sure.

19 MR. COOPER: Beg the Court's indulgence for just
20 one moment.

21 THE COURT: Take your time.

22 [Whereupon, Mr. Cooper and Ms. Shealy confer]

23 Q. [Mr. Cooper] Can you identify this item?

24 A. Can I -- may I open it?

25 Q. Yeah. Will you read the label?

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Sure.

2 One latent print card from a drinking glass
3 collected by Detective Burke at Forseman Street residence.

4 MR. COOPER: Your Honor, may the witness open the
5 item to identify it?

6 THE COURT: Any objection?

7 MR. MLYNARCZYK: I have no objection.

8 MR. MURPHY: No objection.

9 THE COURT: Yes.

10 A. Yes, sir.

11 According to the markings on here, it was collected
12 from the residence at Forseman.

13 Q. [Mr. Cooper] Okay. And would that have been sent
14 out for identification?

15 A. Yes, sir.

16 Q. Okay. Thank you.

17 MR. COOPER: At this time the State would offer
18 Exhibit 337 into evidence.

19 MR. MLYNARCZYK: No objection.

20 MR. MURPHY: No objection.

21 THE COURT: Entered into evidence without
22 objection.

23 MR. COOPER: Thank you very much.

24 [Whereupon, State's Exhibit Number 337 is admitted
25 into evidence by the Court]

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. [Mr. Cooper] I want to focus your attention one
2 more time back to the autopsy -- could you tell the jury what
3 this item is.

4 A. The projectile removed from Delaney at autopsy.

5 MR. COOPER: Your Honor, at this time the State
6 would offer Exhibit 308 into evidence.

7 MR. MLYNARCZYK: No objection, Your Honor.

8 MR. MURPHY: No objection.

9 THE COURT: State's 308 into evidence without
10 objection.

11 MR. COOPER: Thank you, Your Honor.

12 [Whereupon, State's Exhibit Number 308 is admitted
13 into evidence by the Court]

14 Q. [Mr. Cooper] Are you aware, Investigator, if there
15 were -- if there were other items collected from that address?

16 A. Yes, there were.

17 Q. Could you -- do you have that information in front
18 of you?

19 A. I do.

20 Q. Could you tell the jury what was collected from
21 that address?

22 A. A plastic bag containing plastic soda bottles,
23 glass, and chip bags.

24 Q. And do you know if two of the bottles taken were
25 swabbed for DNA?

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Yes, they were.

2 Q. Would that swab have been -- would those swabs have
3 been sent to SLED for identification?

4 A. [No response]

5 Q. Would they generally have been sent to SLED for
6 identification? DNA swabs.

7 A. Yes, they would.

8 Q. Focusing your attention to August 13th, 2012. Did
9 you respond to [REDACTED] in Goose Creek?

10 A. Yes, sir.

11 Q. Why did you respond to that address?

12 A. Our detectives had gotten information that there
13 may have been a weapon buried in the back yard.

14 Q. Okay. So y'all went to see if you could find that
15 weapon?

16 A. Yes, sir.

17 Q. Was Troy Mason present on that scene at that time?
18 And if you need to look at your report to refresh your
19 recollection.

20 A. I think we made several trips out there. I'm just
21 trying to recall which one he was present for.

22 Q. He was present for one of the trips, though?

23 A. He was.

24 Q. Were you able to find anything of evidentiary value
25 at that address?

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 A. No, sir.

2 MR. COOPER: Beg the Court's indulgence just one
3 moment.

4 THE COURT: Take your time.

5 [Whereupon, Mr. Cooper and Ms. Shealy confer]

6 MR. COOPER: Beg the Court's indulgence.

7 [Whereupon, Mr. Cooper and Ms. Shealy confer]

8 Q. [Mr. Cooper] Regarding those items from Forseman,
9 do you know if they were actually sent to SLED in this case or
10 not?

11 A. The actual items themselves were processed.

12 And whether we sent those swabs or prints off, I
13 need to check and see. But if we needed something analyzed in
14 the way of a swab, then it would have had to have gone to
15 SLED.

16 Q. Do you know if there are times that SLED may not
17 accept items?

18 A. Yeah.

19 We're limited to the amount of items that we can
20 send on a submission.

21 Q. Can you elaborate on that, elaborate on that for
22 the jury, as far as your limitations on sending items to SLED?

23 A. On homicides or death investigation, we're limited
24 -- for each -- let me back up. SLED, for their different
25 departments, latent prints or drug analysis or DNA, each

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 department has a limitation on how many items we can send
2 them. They do that as a courtesy not to backlog too many
3 people.

4 So, yes, we were confined to five items for DNA
5 analysis per submission for a homicide.

6 MR. COOPER: Beg the Court's indulgence.

7 [Whereupon, Mr. Cooper and Ms. Shealy confer]

8 Q. [Mr. Cooper] Regarding SLED: do you know if
9 sometimes they offer other reasons at times why they can't
10 accept items, more than just the limitations that you just
11 mentioned?

12 A. Not particularly. I don't recall.

13 Q. [Mr. Cooper] Okay. Do you recognize what this
14 item is? If you need to --

15 A. These are the three fingerprint cards I collected
16 from the scene.

17 Q. And the scene being [REDACTED]?

18 A. Yes, sir.

19 MR. COOPER: Okay. At this time, the State would
20 offer 272 -- 274 into evidence.

21 MR. MLYNARCZYK: No objection.

22 MR. MURPHY: No objection.

23 THE COURT: 274 into evidence without objection.

24 [Whereupon, State's Exhibit Number 274 is admitted
25 into evidence by the Court]

Erin Meyer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. [Mr. Cooper] Now, you mentioned, Investigator,
2 that you sometimes send items off to SLED for further testing.
3 Do you sometimes send items to other agencies for further
4 testing?

5 A. Yes.

6 We utilize Charleston City lab, North Charleston
7 lab, and Dorchester County to get things processed when we
8 don't have time to get to SLED.

9 Q. Do you sometimes send fingerprints to those
10 organizations?

11 A. Yes, sir.

12 MR. COOPER: Beg the Court's indulgence.

13 [Whereupon, Mr. Cooper and Ms. Shealy confer]

14 MR. COOPER: Investigator, I have no further
15 questions for you. Please answer any questions the
16 defense may have. Thank you very much.

17 MR. MLYNARCZYK: May it please the Court, Your
18 Honor.

19 THE COURT: Yes.

20 MR. MLYNARCZYK: Instead of dragging that easel
21 back out, can I see if this will work on the projector?

22 THE COURT: It should work on the projector. Thank
23 you.

24 [Off the record momentarily]

25 - - -

Erin Meyer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. Okay. Investigator Meyer with --

A. Yes.

Q. -- no S --

A. Yes, sir.

Q. -- right?

A. Correct.

Q. All right. So I'm going -- that sounds like a war zone.

A. Yes, sir.

Q. It does, doesn't it?

Now, I want to make a very clear distinction for the jury. Okay? There's a difference between bullet holes, projectile holes, and shots fired; right?

A. A projectile can be considered anything. You can throw a book, a book can be considered a projectile.

A bullet is traditionally what is discharged from a firearm.

Shots fired is what we would refer to as the type of incident we may be responding to.

Q. So this is what -- I can make this real easy for the jury to clear up.

Initially, Mr. Cooper asked you how many bullet holes were in the house and your answer was forty-one;

Erin Meyer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 correct?

2 A. I think my answer, approximately forty.

3 Q. Approximately forty.

4 A. Uh-huh.

5 Q. But there wasn't actually forty different holes;
6 correct?

7 A. Yes.

8 Each one of those numbers identifies a hole,
9 whether it be on the inside or outside of a window or a wall.

10 Q. Okay. My question is a lot of those numbers that
11 you mentioned, it's an entrance from the inside of the wall
12 and the exit from the outside of the wall; right?

13 A. Correct.

14 Q. So there weren't forty bullets fired inside the
15 house?

16 A. Correct.

17 Q. Okay. So do you have an idea, after looking over
18 this, as actually how many bullets were fired inside the
19 house?

20 A. No. I can just tell you how many holes we have.

21 Q. You said approximately forty?

22 A. Yes, sir.

23 Q. So on that -- based on that analysis, knowing
24 nothing else, you know nothing about the kind of projectiles,
25 right, except for what you showed today. Shell -- all we saw

Erin Meyer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 were shells and unfired --

2 A. Correct.

3 Q. -- projectiles from you?

4 So in your knowledge, what we're saying is we have
5 forty, approximately -- you don't know exactly, but
6 approximately -- forty holes, which equals about twenty actual
7 holes; right?

8 A. We would --

9 Q. Because they --

10 A. -- we would have to go -- we would have to go
11 through and look at the trajectory for each hole.

12 But when you asked me that question, I'm also
13 identifying with bullet -- or shots that may have been fired
14 and the bullets didn't hit the house. So I can't tell you how
15 many were fired.

16 Q. All right. Look at your -- is your diagram in
17 front of you? Do you see it on the screen in front of you?
18 Okay. Is it in front of you there?

19 A. Yes, sir.

20 Q. Okay. So let's -- I can do it pretty quick.

21 Do you see the first hole in the first right of the
22 house where the porch is? Is that 59? Is that what it says?

23 A. Yes, sir.

24 Q. Okay. That's one? Represents one hole; right?

25 A. Correct.

Erin Meyer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Q. 61, 70 and 72, they're all the same projectile;
2 right?

3 A. I believe so.

4 Q. So those three holes equal one shot?

5 A. Yes, sir.

6 Q. Okay. So then 61, 69 and 70 in the hallway --
7 that's the one in the hallway. I don't know if the jury can
8 see it very well. Now we're at the hallway right here.
9 That's all one projectile; correct?

10 A. Yes, sir.

11 Q. Okay. So those three holes that were thrown up
12 with pictures and everything is one projectile?

13 A. Yes, sir.

14 Q. So now we go into the back of the house. Now -- so
15 that takes care of all the holes in that front portion of the
16 house; right?

17 A. Yes, sir.

18 Q. All right. So now I'll go back to the living room.
19 Do you see there's a hole here where it says -- what number is
20 that on your screen? 70, in the back, in the living room?

21 A. 74.

22 Q. So 74 and 62 are one hole?

23 A. Yes, sir.

24 Q. 73 and 4, that's one hole?

25 A. Yes, sir.

Erin Meyer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Q. But when you come over here in the kitchen, 75, 76
2 -- 75 and 63 is one hole; right?

3 A. Yes, sir.

4 Q. 76, 64 and 65, going back there, that's one hole?
5 That's one projectile?

6 A. Correct.

7 Q. And now this is really important, too. In the
8 bedroom back here where you were mentioned that there -- that
9 you were showing the pictures of the four holes in the wall,
10 right in this area, you showed there were eight -- there were
11 four holes going through -- or eight holes going through the
12 back of the house? Basically, it was eight holes? Right?
13 You said 84 through 90. So -- all right. So see 71 through
14 80 on the front of the door?

15 A. Yes, sir.

16 Q. Okay. And then 81 through 83 on the back, that's
17 the exit of 81 through -- of 77 through 80; correct?

18 A. Yes, sir.

19 Q. And then the other holes, 84 through -- is that 90
20 right there?

21 A. Yes.

22 Q. Those are entrance holes into the back wall?

23 A. Not -- yes. They are all --

24 Q. From through the door? Or you don't -- you don't
25 know.

Erin Meyer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 A. Well, half of them are.

2 Q. Okay. And then all of the holes that you saw on
3 the back of the house, when they panned back and he said
4 backing up, those are the exits of these shots; correct?

5 A. Yes, sir.

6 Q. Okay. So you weren't saying, when you saw the
7 pictures of the back of the house, that they were actually
8 shots coming in from the back of the house?

9 A. Correct.

10 Q. Do you know -- you know that? You know that these
11 aren't shots that are coming in from the back of the house,
12 these are exits from inside the house?

13 A. Yeah.

14 We were -- between the three of us that were out
15 there, yeah, we were pretty sure that these were --

16 Q. So all the pictures that were shown, again, if
17 you're looking up here, 91, 92, 94 and 95, see that -- those
18 are all one projectile; correct?

19 A. 91, 92, 94 --

20 Q. One through the couch, 91, 92, that you testified.
21 And then 94 and 95 through the partition wall?

22 A. You're asking me if it's from the same --

23 Q. Was it one projectile? Do you know?

24 A. I'll have to look at the photographs and look at
25 the trajectory.

Erin Meyer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 MR. MLYNARCZYK: Can you pull up 143 and 144? I'm
2 sorry. I'm sorry. 139. Will that not come up on the
3 projector?

4 [Off the record momentarily]

5 MR. MLYNARCZYK: Okay. We can -- we can take this
6 one off.

7 Q. [Mr. Mlynarczyk] So this is the picture that you
8 showed the jury of the couch. See where there's a white mark
9 on the back of the couch and a white mark on the front of the
10 couch and then a white mark on the wall?

11 A. Yes.

12 Q. Okay. So that's -- those four, the two on the
13 couch and the two on the wall, could be one projectile;
14 correct?

15 A. Could be. Unless I look at a picture where we ran
16 trajectory.

17 Q. Didn't somebody run trajectory?

18 A. Yes, sir.

19 Q. Who did that?

20 A. Paul McManigal.

21 Q. Okay. So I would need to have Paul McManigal up
22 here for these.

23 But you kind of answered the question. We're not
24 talking about forty projectiles? For every hole we mentioned?

25 A. There's traditionally an entrance and an exit; yes.

Erin Meyer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Q. And some of those we saw -- you showed the jury
2 that some of those were -- one projectile represented three or
3 possibly more?

4 A. Yes, sir.

5 Q. All right. I want to talk very briefly about you
6 said five shell casings were collected. Is that total?

7 A. Yes, sir.

8 Q. Total from the scene?

9 A. Yes, sir.

10 Q. Does that include all the weapons that were
11 recovered from the scene?

12 A. [No response]

13 Q. You can look at your -- do you have an evidence
14 list?

15 A. I do.

16 Q. Okay. Can you look at your evidence list and tell
17 the jury how many casings, total, were recovered from this
18 entire scene?

19 A. I know we only recovered five from inside the
20 residence. I think there were -- a couple were recovered from
21 outside the residence. And then maybe one from inside a
22 vehicle.

23 Q. I can hand you this right here. Does this look
24 like your evidence list?

25 A. I mean, I have it.

Erin Meyer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Q. Oh. You have it?

2 A. I just need to look through it.

3 [Whereupon, the witness reviews documents]

4 A. Do you want me to break them down?

5 Q. [Mr. Mlynarczyk] Yeah. Sure. Let's break them
6 down.

7 A. Okay. We've got F from outside, G-1, G-2, H-1, I,
8 and then L from inside. We've got H-2 from the back yard. K
9 from the back yard. So five from inside and four from -- only
10 four from outside.

11 Q. So five from inside and five from outside. And
12 you're saying all that -- that doesn't count if there were any
13 shells found inside weapons? You're just talking about the
14 ones on the ground; right?

15 A. Correct.

16 Q. Okay. So you're saying a total of nine. Do you
17 have -- do you have access to that to see how many were found
18 in weapons? Is that on your list? Or do I need to talk to
19 somebody else about that?

20 A. No. I can answer it for you.

21 Q. Okay.

22 A. There was a -- there was one casing recovered from
23 the chamber of the Taurus.

24 Q. Do you know if that was the victim's gun? Or do
25 you not know? I'll need to ask somebody else? You don't --

Erin Meyer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 if you don't know.

2 A. I don't know if we identified with --

3 Q. Okay. So one -- so another shell in the Taurus.

4 A. Yeah, the Taurus -- the Taurus was the one on the
5 front lawn.

6 Q. So there was one bullet in that one. All right.

7 A. Casing.

8 Q. Or casing. Thank you.

9 A. There was a -- yeah. There was another gun
10 recovered from inside the house, and then there was a gun
11 recovered from a vehicle.

12 Q. Okay. So how many -- how many shell casings were
13 found in the gun in the vehicle?

14 [Whereupon, the witness reviews documents]

15 Q. [Mr. Mlynarczyk] I have a condensed list that was
16 produced by the solicitor's office. Would it be easier for
17 you to locate through that, or would that help you?

18 A. Probably.

19 MR. MLYNARCZYK: May I approach, Your Honor.

20 THE COURT: You may.

21 Ladies and gentlemen, this would be an appropriate
22 time for us to take a midmorning break, if y'all want to
23 take a break. Otherwise, you're going to be sitting
24 here. I'll leave that up to you. Time for a break?
25 All right. Please remember all my admonitions.

Erin Meyer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Please rise for the jury. Investigator Meyer, stay
2 seated.

3 [Whereupon, the jury exits the courtroom at
4 11:28 a.m.]

5 THE COURT: Thank you. Be seated.

6 Anything before we take our break?

7 MS. SHEALY: No, Your Honor.

8 MR. MLYNARCZYK: No, Your Honor.

9 THE COURT: Any objection to allowing the witness
10 to continue her --

11 MR. MLYNARCZYK: Oh. No.

12 THE COURT: -- calculation?

13 MR. MLYNARCZYK: No, ma'am.

14 THE COURT: Thank you. We'll be at ease about ten
15 minutes.

16 Investigator Meyer, if you -- is it Mayer or Meyer?

17 THE WITNESS: Meyer.

18 THE COURT: Meyer.

19 You are free to stay up there, if you need to take
20 a break, continue doing whatever you need to do. All
21 right? Thank you.

22 [Whereupon, a recess is taken from 11:29 a.m. to
23 11:30 a.m.]

24 MS. SHEALY: Your Honor, may I ask a question
25 regarding scheduling?

Erin Meyer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 THE COURT: Yes, ma'am.

2 MS. SHEALY: Do you know about what time you're
3 thinking of stopping for lunch?

4 THE COURT: We are a little ahead of schedule.
5 Probably as soon as -- I don't know. Probably about
6 12:30.

7 MS. SHEALY: And then you would want to start back
8 at 1:00?

9 THE COURT: Yes.

10 MS. SHEALY: Okay. Thank you.

11 THE COURT: Anything else before we bring in the
12 jury?

13 MS. SHEALY: No. No, Your Honor.

14 MR. MURPHY: Nothing, Your Honor.

15 THE COURT: Are you ready to go?

16 THE WITNESS: Yes, ma'am.

17 [Off the record momentarily]

18 THE COURT: Please rise for the jury.

19 [Whereupon, the jury enters the courtroom at
20 11:43 a.m.]

21 THE BAILIFF: All jurors present, Your Honor.

22 THE COURT: Thank you. Please be seated.

23 Mr. Mlynarczyk?

24 MR. MLYNARCZYK: May it please the Court, Your
25 Honor.

Erin Meyer
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

CONTINUED CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. [Mr. Mlynarczyk] So before the jury took a break, you were trying to check and see -- you said there were five casings found in the house. But I want to know how many you found total. Did you figure that out?

A. Yes. We'll try this again. I apologize.

Q. That's okay.

A. The total recovered casings were sixteen.

Q. Sixteen casings. There were -- that means there were five inside and then --

A. There's six inside.

We have already gone through five of them, but there was another one recovered from a night stand. So we hadn't gone into that, but there is a sixth from inside the house.

Q. So you didn't go over that. But there's another one inside the house that you didn't go over with Mr. Cooper?

A. Right.

Q. And that was on the night stand?

A. Inside the night stand.

Q. Inside the night stand.

Do you know if any fingerprints were pulled off of any of those bullets, or shell casings, or anything like that?

A. I recall we processed all the ammunition on the

Erin Meyer
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 casings, and I don't recall us collecting any -- or recovering
2 any prints from any of that stuff.

3 Q. Do you remember seeing a footprint on the front
4 door?

5 A. Yes.

6 Q. Two, actually?

7 A. I would have to look at the diagram.

8 Q. But you remember seeing at least one --

9 A. Yes.

10 Q. So the gentleman that was laying in the front yard,
11 the deceased suspect, you collected his shoes from autopsy?
12 Wasn't that part of the list?

13 A. That would have been -- yes.

14 Q. Have you compared that shoe with the shoe print
15 that was up on the front door?

16 A. I don't know if the shoes went to SLED.

17 I personally would not have done the comparison,
18 no.

19 Q. In order to do that, you would have sent them to
20 SLED?

21 A. We would have done a list, yeah, from the door, and
22 sent the shoes and the list.

23 Q. So when you were talking about the items of Jacob
24 Highland Boulevard -- [REDACTED], they were --
25 those were items of plastic bags and bottles and things taken

Erin Meyer
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 from a house; correct?

2 A. That's not from Jacob Highland.

3 Q. I'm sorry. It says [REDACTED]. What
4 -- oh. I'm sorry. Let's start over.

5 [REDACTED] was where you went to look
6 for a buried gun?

7 A. Yes, sir.

8 Q. And that's when you testified that Troy Mason was
9 with you?

10 A. Yes.

11 Q. And you did not find a weapon at that location?

12 A. Correct.

13 Q. Did you search up the whole back yard?

14 A. Yeah, we dug up a pretty good bit of the back yard.

15 Q. Pretty good bit? Pretty deep?

16 A. Yes.

17 Q. Okay. So would your conclusion be that there was
18 no gun there?

19 A. Correct. When we were there.

20 Q. Correct. When you were there.

21 A. Yes.

22 Q. When you searched --

23 A. Yes.

24 Q. -- your conclusion was there was no gun --

25 A. Correct.

Erin Meyer
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Q. -- in the backyard?

2 You also were talking with Mr. Cooper about the
3 number of items that you could send to SLED?

4 A. Yes, sir.

5 Q. There's a limit on the number of items?

6 A. Yes, sir.

7 Q. So are you trying to tell the jury, because I want
8 to be really clear, that there are items that you had in
9 evidence that didn't get sent to any lab because of this
10 limit?

11 A. Correct.

12 Well, when we process a scene, we collect above and
13 beyond to make sure we try and get everything that we may
14 need. Not everything is going to go. Some stuff, through
15 investigation, may be eliminated and not need to be analyzed.
16 Some stuff may have to wait. So we have to make those
17 decisions on a case by case.

18 Q. Well, let's talk about this case. Do you know if
19 there are any items that you collected that were not sent for
20 analysis?

21 A. We have over 171 items in this case, and I -- I
22 would have to go back through and look through all the SLED
23 submissions and everything to be able to tell you what went or
24 what didn't go. But there's probably some items here that
25 didn't go.

Erin Meyer
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Q. Okay. What about the items from Foresmith? Wasn't
2 that one of the -- wasn't that the residence -- the plastic
3 bag, the bottle containers? Mr. Cooper had talked to you
4 about sending them to SLED for DNA testing. Foresmith, I
5 believe is the address?

6 A. Correct. We --

7 Q. Or Foresmith.

8 A. We did the initial processing on those items there
9 and collected a swab. I'll have to look at the SLED
10 submissions to see if the swab went.

11 Q. Do you remember if any results came back from them?

12 A. If I don't know if they went, I wouldn't know if
13 there were any results.

14 MR. MLYNARCZYK: Beg the Court's indulgence, Your
15 Honor.

16 [Whereupon, Mr. Mlynarczyk reviews documents]

17 MR. MLYNARCZYK: I have no further questions, Your
18 Honor.

19 THE COURT: Mr. Murphy?

20 MR. MURPHY: Yes. May it please the Court.

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Erin Meyer
Cross-Examination by Mr. Murphy
November 4, 2015

CROSS-EXAMINATION

BY MR. MURPHY:

Q. Ma'am, there was mud on the front door that was kicked in; right? The footprint?

A. Yes, sir.

Q. And that was from mud? The footprint was --

A. It was dry dirt, yes.

Q. -- from dirt.

Did you look in the house to see how many footprints were in the house? Or were you able to analyze the number of people in the house, or footprints, that had that same mud or dirt on it?

A. I don't recall finding any shoe-wear prints inside the house.

Q. Were you able to look outside to determine what type of traffic had recently been in the yard? Foot traffic or anything like that?

A. It was grass, and grass is --

Q. What about tire tracks? Did you take any casting of any tire tracks to determine what cars recently went up that dirt road?

A. No, sir.

Q. Did you dust the place for fingerprints on the walls, on the tables, the chairs, that sort of thing?

A. Yes, sir.

Erin Meyer
Cross-Examination by Mr. Murphy
November 4, 2015

1 Q. And did you find any fingerprints?

2 A. I mean, I lifted three cards.

3 Q. That was it?

4 A. Yes, sir.

5 Q. Did you look for any type of DNA or hair samples or
6 anything in the house --

7 A. Yeah. We collected some --

8 Q. -- other than the blood that you collected.

9 A. No, sir.

10 MR. MURPHY: That's all I have. Thank you.

11 THE COURT: Mr. Cooper, redirect?

12 MR. COOPER: Briefly, Your Honor. Thank you.

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Erin Meyer
Redirect Examination by Mr. Cooper
November 4, 2015

REDIRECT EXAMINATION

BY MR. COOPER:

Q. Investigator Meyer, after you finished your marking and collection of evidence, did Paul McManigal examine the trajectory of the shots in the house?

A. Yes, sir.

Q. Did he perform a shooting reconstruction?

A. You're going to have to ask him. I'm not --

Q. And then did y'all also collect any -- two shell casings from the back yard?

A. Yes. We collected four, actually, from outside. And a couple of them were from the back yard and the other one was from the --

Q. The ones outside in the back yard, J and K, were they determined to have not been related to this case?

A. I don't recall how they were eliminated or what they determined with them. I think we felt like they had been there a while.

MR. COOPER: Beg the Court's indulgence one second.

[Whereupon, Mr. Cooper reviews documents]

MR. COOPER: My I approach the witness, Your Honor?

THE COURT: You may.

Q. [Mr. Cooper] Showing you what's already been admitted into evidence as State's 337. Can you read the label, the title of the label?

Erin Meyer
Redirect Examination by Mr. Cooper
November 4, 2015

- 1 A. It's one latent print card from drinking glass,
2 collected by Detective Burke, at Forseman Street residence.
3 Q. And what date was that collected?
4 A. 7/16 of 2010.
5 Q. And how far after the date of the incident was
6 that?
7 A. Let me just --
8 [Whereupon, the witness reviews documents]
9 A. I'm sorry. What was your --
10 Q. [Mr. Cooper] What was the date of the actual
11 crime?
12 A. June 10th, 2010.
13 Q. What month was it?
14 A. June 10th. I apologize. Hang on a second.
15 [Whereupon, the witness reviews documents]
16 A. I'm sorry. July 10th.
17 Q. [Mr. Cooper] So those fingerprints were collected
18 six days after the crime happened?
19 A. Yes.
20 MR. COOPER: Okay. Take that back from you.
21 THE WITNESS: Thank you.
22 MR. COOPER: Beg the Court's indulgence.
23 [Whereupon, Mr. Cooper and Ms. Shealy confer]
24 MR. COOPER: No further questions for this witness,
25 Your Honor.

Erin Meyer
Redirect Examination by Mr. Cooper
November 4, 2015

1 MR. MLYNARCZYK: No further questions, Your Honor.

2 MR. MURPHY: Nothing, Your Honor.

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

4 MR. COOPER: We ask that she also be excused.

5 THE COURT: Any objection?

6 MR. MLYNARCZYK: No objection.

7 MR. MURPHY: No objection.

8 THE COURT: You are excused. Feel free to stay
9 with us.

10 [Whereupon, Ms. Meyer is excused and exits the
11 witness stand]

12 MR. COOPER: Can I approach and grab --

13 THE COURT: You may.

14 Call your next witness.

15 MS. SHEALY: Darren Mills.

16 [Whereupon, Mr. Mills comes forward]

17 THE CLERK OF COURT: Left hand here. Raise your
18 right.

19 [Whereupon, Mr. Mills is duly sworn by the clerk of
20 court as follows: do you swear or affirm the testimony
21 you will give the Court and the jury in the trial of
22 this case will be the truth, the whole truth, and
23 nothing but the truth, so help you God]

24 THE WITNESS: Yes.

25 THE CLERK OF COURT: You may be seated.

Erin Meyer
Redirect Examination by Mr. Cooper
November 4, 2015

1 Sir, once seated, if you could please state your
2 first and last name and then spell your last loudly and
3 clearly into the microphone for the record, please.

4 [Whereupon, Mr. Mills takes the witness stand]

5 THE WITNESS: My name is Darren Mills, M-I-L-L-S.

6 MS. SHEALY: Thank you, Your Honor.
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Darren Mills
Direct Examination by Ms. Shealy
November 4, 2015

DARREN MILLS,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Mr. Mills, tell the jury, are you currently retired?

A. I am.

Q. Are you taking care of a child that you have now?

A. I am.

Q. Where were you previously employed?

A. By the Charleston County Sheriff's Office.

Q. And how long were you employed by them?

A. I was there from 2004 until I retired in the very end of 2014.

Q. And would you tell the jury what capacities you worked for the sheriff's office?

A. I was on the road, initially, as a patrol I guess officer. And then after that point, I worked about four years down here in the court system. And then eventually went into the narcotics division.

Q. As part of your duties in those varieties of positions, at some point did you learn how to dump a cell phone?

A. I did.

Darren Mills
Direct Examination by Ms. Shealy
November 4, 2015

1 Q. And could you explain to the jury what is meant by
2 dumping a cell phone?

3 A. Essentially, it's a software program that you hook
4 up to the port on a cell phone and the software will go and
5 download anything from like if there's photographs, or videos,
6 contacts, history of like your call use. It kind of depends
7 on the capabilities of the phone. But there is a lot of
8 information that's on the phone, that's stored there, that
9 you're able to retrieve by using that software.

10 Q. So in other words, the more sophisticated the
11 phone, the more information you can gain from it when you dump
12 it?

13 A. That's true, yes.

14 Q. For example, iPhones, are they easier to dump?

15 A. The job itself is all the same. It's just the
16 amount of information that you get off of it.

17 If you have a phone such as an iPhone, you're able
18 to retrieve a lot more information than you can a basic phone
19 like let's say a flip phone or something that may not have the
20 -- like the apps and the capability, so forth, that like a
21 smart phone has built into it.

22 Q. And regarding this matter, were you asked to dump
23 the phone of Troy Mason?

24 A. I was.

25 Q. Showing you what's been previously marked as

Darren Mills
Direct Examination by Ms. Shealy
November 4, 2015

1 State's Exhibit 301. And you can open that. Would you tell
2 the jury whether that's the phone that you dumped?

3 A. Yes, it is.

4 Q. And could you hold up that phone for us?

5 A. [Witness complies]

6 Q. What type of phone is that?

7 A. It is a Samsung cell phone and it looks like it
8 was, at some point, at least, bought at a mobile vender by the
9 name of Cricket.

10 Q. Okay. Did you go through the process of dumping
11 it?

12 A. I did.

13 Q. And could you tell the jury whether or not you were
14 able to get call details, photographs, et cetera, that you had
15 mentioned to us previously?

16 A. There was some very basic information on it.

17 This phone does not have a camera on it at all, so
18 there's not going to be any photographs that were actually
19 used by this phone where somebody actually hit a button to
20 take a photo themselves.

21 And if I remember correct, there was a call log and
22 contacts in there, I believe.

23 Q. Okay. Is that typical of that type of phone that
24 that would be the only type of information you could gain?

25 A. It is.

Darren Mills
Direct Examination by Ms. Shealy
November 4, 2015

1 Q. Taking a look at what has been previously marked as
2 State's Exhibits 339, 340 and 341. I ask you if this is a
3 printout of what you were able to retrieve?

4 A. It is.

5 MS. SHEALY: Your Honor, at this time I would offer
6 these exhibits in I believe without objection.

7 MR. MLYNARCZYK: No objection.

8 MR. MURPHY: No objection.

9 THE COURT: What are the number?

10 MS. SHEALY: 339, 340 and 341.

11 THE COURT: Into evidence without objection.

12 [Whereupon, State's Exhibit Number 339 is admitted
13 into evidence by the Court]

14 [Whereupon, State's Exhibit Number 340 is admitted
15 into evidence by the Court]

16 [Whereupon, State's Exhibit Number 341 is admitted
17 into evidence by the Court]

18 Q. [Ms. Shealy] I'm going to show you these on your
19 monitor.

20 A. Okay.

21 Q. If it doesn't come in clearly, I can hand you these
22 back. Okay?

23 So showing you State's Exhibit -- does that depict
24 what you were able to pull up?

25 A. It does. That's a partial of it. That's the first

Darren Mills
Direct Examination by Ms. Shealy
November 4, 2015

1 page.

2 You can tell on there what -- the case number that
3 we use. And then it has my name on there and who I'm actually
4 employed by. That's part of the software that helps you to
5 identify it where I have to put in at the very beginning of
6 it, it asks who I am and who I work for into the software.
7 And then it actually goes and registers that to the phone.

8 And it gives you the time that I started to work
9 on it and the time that it finished it. So essentially, in
10 this case it took about five minutes.

11 Q. Showing you State's Exhibit 340. Does that reflect
12 what the make of the phone was --

13 A. It does.

14 Q. -- or is?

15 A. It shows it as a Samsung, and the model is an SCHR-
16 211.

17 And it's hard to see on here, but it does have the
18 same model number on the back of the phone.

19 Q. And does it reflect what the telephone number for
20 the phone was?

21 A. It does. It shows it as being 843-926-1405.

22 Q. And showing you State's Exhibit 341. What does
23 this exhibit reflect?

24 A. These are going to be the contacts that are in the
25 phone.

Darren Mills
Direct Examination by Ms. Shealy
November 4, 2015

1 And it starts it out and actually the software
2 within the phone will assign it a numerical number. So that's
3 how we know the location number just starts low and ends up
4 high. And then it also does it, in this particular phone, it
5 looks like alphabetically.

6 Q. And regarding that, could you tell the jury whether
7 you found the name Jeremiah or Finger as one of the names
8 listed in the contacts?

9 A. Not on here I do not see that.

10 Q. Or King Conyers or Bez? King Conyers or Bez?

11 A. I don't see either of those, either.

12 Q. Crime, Curtis, or Delaney?

13 A. I do not see those.

14 Q. The entry that says B-R-A, for Bra, do you know
15 what that term is? Is that a term that's frequently used?

16 A. It is. It's typically somebody that's a friend or
17 like an associate. Almost like you're saying sort for
18 brother.

19 Q. And by that entry, what telephone number is listed?

20 A. Bra is listed as 843-276-8046.

21 MS. SHEALY: Thank you. I have no further
22 questions.

23 THE COURT: Mr. Mlynarczyk?

24 MR. MLYNARCZYK: I have no questions, Your Honor.

25 THE COURT: Mr. Murphy?

Darren Mills
Cross-Examination by Mr. Murphy
November 4, 2015

CROSS-EXAMINATION

1
2 BY MR. MURPHY:

3 Q. Mr. Mills, are you able to get the contacts from
4 any telephone?

5 A. As long as the software -- like let's say, as an
6 example, like an iPhone. With iPhones, at least at this time
7 with the technology that was out there at that time, we would
8 have had to have been able to unlock that phone before you're
9 able to actually run the software in order to get those
10 contacts.

11 Q. And you were never asked to analyze a phone that
12 belonged to Constance Manigault, were you?

13 A. That, I don't recall.

14 Q. And when you have all that information, that model
15 number -- I think you said this was a Samsung that was bought
16 at a Cricket store --

17 A. Right.

18 Q. -- you're able to track down exactly where that was
19 purchased, that phone would have been purchased, wouldn't you?

20 A. I don't know. I wouldn't say you can't or you
21 could.

22 I'm sure by the -- I guess the -- like the ID
23 number, it could probably be traced somehow back to where it
24 had, you know, initially been sent to for sale.

25 MR. MURPHY: Thank you. That's all I have.

Darren Mills
Cross-Examination by Mr. Murphy
November 4, 2015

1 THE COURT: Ms. Shealy?

2 MS. SHEALY: Nothing further. We would ask that he
3 be excused.

4 THE COURT: Any objection?

5 MR. MLYNARCZYK: No objection.

6 MR. MURPHY: No objection.

7 THE COURT: You are excused.

8 THE WITNESS: Thank you, Judge.

9 THE COURT: Feel free to stay with us.

10 THE WITNESS: Thank you.

11 [Whereupon, Mr. Mills is excused and exits the
12 witness stand]

13 THE COURT: Call your next witness.

14 MR. COOPER: Thank you, Your Honor. The State
15 calls Paul McManigal.

16 [Off the record momentarily]

17 [Whereupon, Mr. McManigal comes forward]

18 THE CLERK OF COURT: Left hand here. Raise your
19 right.

20 [Whereupon, Mr. McManigal is duly sworn by the
21 clerk of court as follows: do you swear or affirm the
22 testimony you will give the Court and the jury in the
23 trial of this case will be the truth, the whole truth,
24 and nothing but the truth, so help you God]

25 THE WITNESS: I do.

Darren Mills
Cross-Examination by Mr. Murphy
November 4, 2015

1 THE CLERK OF COURT: You may be seated.

2 Sir, once seated, if you could please state your
3 first and last name and then spell your last loudly and
4 clearly into the microphone for the record.

5 [Whereupon, Mr. McManigal takes the witness stand]

6 THE WITNESS: My name is Paul McManigal. My last
7 name is spelled M-C-M-A-N-I-G-A-L.

8 MR. COOPER: Thank you, sir. How are you doing
9 today?

10 THE WITNESS: I'm fine. How are you?

11 MR. COOPER: I'm good. Thank you.

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Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

PAUL MCMANIGAL,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. COOPER:

Q. Can you tell the jury where you work?

A. I work for the Charleston County Sheriff's Office.

Q. And how long have you been there?

A. Twenty-seven years.

Q. Okay. And what is your current position there?

A. Right now I'm a computer forensic examiner with the
United States Secret Service Electronic Crimes Task Force.

Q. Taking you back to July, 2010, what was your
position with the sheriff's office at that point?

A. I was the supervisor of forensic services.

Q. Okay. And what did that position entail?

A. I was in charge of the crime scene unit.

I supervised five crime scene investigators. We
handled all the evidence, responded to all the crime scenes.

Q. Okay. Now, again, in July of 2010, did you happen
to become involved in an investigation at [REDACTED]
[REDACTED]?

A. I did.

Q. How did you become involved?

A. I was notified by Investigator Meyer that she had

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 been called out to a scene there. And as the supervisor of
2 the unit, I always responded to all major crime scenes to
3 assist.

4 Q. And could you tell the jury what your initial
5 observations were once you arrived on scene?

6 A. Once I arrived, Investigator Meyer had already been
7 on scene and marked out numerous items of evidence. There was
8 a deceased subject in the front yard by the front steps, and
9 inside the residence there was another deceased subject inside
10 of the bedroom.

11 Q. And so what did you do once you arrived on scene?

12 A. The first thing I did was I assisted with the body
13 in the front yard. Investigator Meyer already collected a
14 gunshot residue kit and postmortem fingerprints from the body.
15 I assisted in placing the body inside of a bag for transport
16 to an autopsy.

17 After that, I went inside and I assisted with
18 processing the body that was inside the residence. The same
19 process had been done there.

20 Investigator Meyer collected a gunshot residue kit
21 and postmortem fingerprints.

22 I assisted in placing the body inside of a body
23 bag. Once that was done, I began doing what we call a
24 shooting reconstruction.

25 Q. Now, before we get to your shooting reconstruction,

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 did you happen to form a Total Station on the scene?

2 A. I did.

3 To the exterior of the residence encompassed a very
4 large area. They had located a blood trail going down the
5 road, leading from the house down the road, so I used a Total
6 Station, which essentially is an electronic mapping system.

7 If you've ever seen the highway crew on the side of
8 the road, one guy is looking through a camera on a tripod, the
9 other guy is holding up a reflector. We use the same kind of
10 system to map items of evidence.

11 All we have to do is put the reflector over an item
12 of evidence. We shoot it with a transit. It marks it on a
13 computer model, and we're able to create a two-dimensional
14 diagram of a scene with the Total Station.

15 Q. And is it even more helpful when the scene is as
16 large as one like this one?

17 A. It's very useful with a large scene.

18 If we didn't have the Total Station, we would
19 have to use a ruler, tape measure, to get two different
20 measurements off of each item so we can triangulate it for a
21 scaled diagram. But with the Total Station, we don't have to
22 mess with all the yardsticks and rulers and all that.

23 Q. Now, you mentioned the shooting reconstruction just
24 a few minutes ago. Can you describe to the jury what that
25 means?

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 A. shooting reconstruction is when we look at all the
2 evidence involved, which is bullet holes, casings that were
3 left behind, even the -- if we're able to recover firearms.

4 We take all that evidence, put it together, and try
5 to determine how many shots were fired, which direction they
6 were fired, and see if we can't come up with a series of
7 events based on what happened.

8 Q. And, now, when it comes to an individual bullet,
9 how are you able to determine which way the bullet traveled?

10 A. There are different ways.

11 Sometimes the actual bullet hole will give us an
12 indicator of which way the bullet is traveling. For instance,
13 when it enters a wall, the entrance side is going to be a nice
14 circular hole, the exit side is going to be more of a kind of
15 a cone-shaped pattern where everything blew out. So that
16 gives us an indicator of direction.

17 Another thing we can use is some of the holes are
18 considered terminal holes. That's where the round went in and
19 doesn't come out. We know that it didn't start in that
20 direction, it ended in that direction. So that gives us the
21 directionality, as well.

22 So there are several indicators we can use.

23 Q. Focusing your attention specifically to this case,
24 were you aware that a weapon called the Judge was involved?

25 A. Yes, I was.

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. What is unique about the Judge?

2 A. The Judge is a -- well, if I could begin by
3 defining the difference between different kinds of guns.

4 The main types of guns are pistols, rifles, and
5 shotguns, and they all use different kinds of ammunition. For
6 instance, a pistol will use -- the term bullet is used as a
7 generic term for ammunition. It's not really a term we use in
8 firearms' analysis.

9 A pistol uses a cartridge. A cartridge consists of
10 a casing which holds the gunpowder, and a projectile which is
11 in the end of the casing. When the fire -- when the gunpowder
12 is ignited, the projectile is forced out of the gun. And
13 that's the part that a lot of people call a bullet.

14 A rifle also uses a cartridge that has casing and
15 has a projectile.

16 A shotgun, on the other hand, has a shell casing
17 that consists of a shell which encompasses everything. It
18 encompasses the gun powder and the projectile. And the unique
19 thing about shotguns is they can have a variety of
20 projectiles. Sometimes it's one piece of lead, sometimes it's
21 several pieces of lead. And there are even other types of
22 shotgun cartridges available.

23 With the Judge, the Judge is capable of firing a
24 pistol cartridge as well as a shotgun shell. The actual
25 cylinder is elongated so it will shoot a .45 caliber pistol

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 cartridge and also a .410 caliber shotgun shell.

2 Q. Okay. What type of shotgun ammunition were you
3 able -- did you come to find out with the Judge in this case?

4 A. The Judge was loaded with .45 caliber pistol
5 cartridge -- I think it had two -- and then it also had three
6 .410 shotgun shells that were loaded with triple ought buck,
7 meaning it fired three separate led balls at the same time for
8 each cartridge.

9 Q. Did you provide me, earlier before this trial, with
10 a cutaway of a .410 shot shell?

11 A. I did.

12 Q. Is this that shell?

13 A. This is.

14 MR. COOPER: At this time, Your Honor, I would like
15 to offer State's 338 into evidence.

16 MR. MLYNARCZYK: No objection.

17 MR. MURPHY: No objection.

18 THE COURT: State's 338 into evidence without
19 objection. You may publish.

20 MR. COOPER: Thank you, Your Honor.

21 [Whereupon, State's Exhibit Number 338 is admitted
22 into evidence by the Court]

23 Q. [Mr. Cooper] I'm going to put this up on the
24 screen for you.

25 Can you describe for the jury, I think you were

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 just getting to it, how this shot shell works?

2 A. Well, the right side with the gold part, that
3 contains the gunpowder. Then the center of it, you see the
4 little brown plates, that's considered wadding. It's just a
5 extra part of a shotgun shell. And then on the left side are
6 three separate balls, those are lead balls, and it fires all
7 three at the same times.

8 Q. So when this same shot shell is fired from a gun,
9 it could shoot three projectiles out at one time?

10 A. Exactly.

11 Q. And these were the type of shells that were
12 involved -- that were included in the Judge in this case?

13 A. That is correct.

14 Q. Now, did you also make a diagram of your shooting
15 reconstruction in this case?

16 A. I did.

17 Q. Is this a copy of that diagram?

18 A. This is.

19 MS. SHEALY: Your Honor, at this time I have a
20 blown-up version of the document Mr. McManigal just
21 identified and I would ask that that be moved into
22 evidence as State's 323.

23 MR. MLYNARCZYK: No objection.

24 MR. MURPHY: No objection.

25 THE COURT: State's 323 into evidence without

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 objection.

2 [Whereupon, State's Exhibit Number 323 is admitted
3 into evidence by the Court]

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

5 [Whereupon, Mr. Cooper reviews documents]

6 MR. COOPER: May the witness be allowed to step
7 down to demonstrate -- to show the document to the jury?

8 THE COURT: He may.

9 MR. COOPER: If you would like to come this way.
10 We'll put your diagram on the stand.

11 Now, if you'll stay speaking up for us. I'll have
12 you stay on this side. And I have a bonder that you'll
13 be able to --

14 Q. [Mr. Cooper] Now, is this a blown-up version of
15 your diagram?

16 A. It is.

17 Q. And is there a legend in the top-right corner of
18 the diagram?

19 A. There is.

20 Q. Will you go through that ledger with the jury and
21 describe what's involved with your diagram?

22 A. Sure.

23 The legend on top indicates what the different
24 colors and lines mean.

25 A purple solid line in this case indicates a .380

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 Highpoint, which is a caliber of pistol. And we have one .380
2 Highpoint round being fired here and ending here. We have
3 another .380 round being fired here and ending here. And then
4 we have another .380 round starting here and ending here.

5 The next one we have, in blue, are .9mm rounds. We
6 have one .9mm round being fired from here and then to here.
7 This is the one that struck the victim.

8 And then the green lines indicate the .410 shot
9 shells being fired by the Judge. And there were three
10 separate .410 shot shells that were fired, each firing three
11 bullets, three projectiles. And they started here and they
12 ended here.

13 And then finally the yellow line is an unknown
14 caliber, meaning we were unable to determine a caliber because
15 the projectile was never recovered. In this case we have one
16 starting here and going into the living room, that ended in
17 the floor, went through the floor, and into the dirt. We were
18 unable to recover it. We had one initiating from here and
19 going out of the back of the residence, through the wall
20 completely. We were unable to recover that one. And then we
21 have another one in the kitchen that went to the wall, next to
22 the window, and out the back yard. And we had another one
23 that was fired from this direction back here and also went out
24 into the back yard. And then, finally, inside of the bedroom
25 we had one that was fired from behind the couch, went almost

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 straight up into the ceiling and through the roof. And then
2 we had another one that came through here and out the side
3 wall.

4 Q. Showing you State's Exhibit 182. And that will
5 show up on that screen right there for you, as well.

6 Is this a picture of part of your shooting
7 reconstruction process?

8 A. It is.

9 The strings are -- I put in place. What we'll do
10 is we'll start with the holes and we'll place a trajectory rod
11 through a hole and it gives us an indication of which way the
12 bullet was going. And if it points towards another hole that
13 we know was all part of the same trajectory, part of the same
14 projectile, making that one thing so I could take a string and
15 take it from one hole to another hole to another hole to show
16 exactly the path of a bullet inside of the residence.

17 Q. Is this picture showing -- would you have marked it
18 as the green trajectories on your diagram?

19 A. Yes.

20 Q. And what did that indicate again?

21 A. That is the .410 shot shells that were fired.

22 Q. Okay. And can you explain for the jury how you
23 were able to come to the conclusion that these holes were made
24 by the .410 shot shell?

25 A. The main reason is the direction of travel. They

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 were all coming from inside the living room where the Judge
2 was found.

3 The other reason being where they struck the wall,
4 they were in groups of three, except for one group was only --
5 it was a group of two. So they were grouped together to kind
6 of indicate which way they were fired.

7 Q. And as you showed us on the -- when we had the shot
8 shell off, that shot shell fires three projectiles?

9 A. That's correct.

10 Q. And you're aware that the Judge was found with
11 three shot shell casings?

12 A. That's correct.

13 Q. And that would provide for a total of potentially
14 nine projectiles?

15 A. Nine projectiles that were .410 gauge, yes.

16 Q. And you were able to account for eight?

17 A. I -- yes, sir.

18 Q. Okay. And then were you aware that one was removed
19 from the shoulder of Troy Mason?

20 A. I am aware of that.

21 Q. Will you describe for the jury how you were able to
22 determine that the purple was a .9mm?

23 A. The victim was found in this location right here.

24 He had -- along to his side of the body and
25 surrounding that wound was a large amount --

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 MR. MLYNARCZYK: Your Honor --

2 A. -- of white powder --

3 MR. MLYNARCZYK: I'm going to object to any
4 testimony regarding --

5 THE COURT: What's your basis? Give me your basis.

6 MR. MLYNARCZYK: No foundation for the expertise on
7 what -- the projectile.

8 THE COURT: I just need the basis.

9 MR. MLYNARCZYK: No foundation.

10 THE COURT: Foundation. Counsel approach.

11 [Whereupon, an off-the-record bench conference is
12 held]

13 THE COURT: Sustained. Do you need a moment?

14 MS. SHEALY: Yes. Just a second.

15 MR. COOPER: Thank you, Judge.

16 [Whereupon, Mr. Cooper and Ms. Shealy confer]

17 Q. [Mr. Cooper] Are you aware of what type of bullet
18 killed the victim?

19 A. A .9mm.

20 Q. Okay. And how did you become aware of that fact?

21 A. From the reports from -- well, the bullet was
22 collected at the autopsy, and the projectile was sent to SLED
23 and the SLED report indicated it was a .9mm.

24 Q. And you would receive SLED reports --

25 A. That's correct.

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. -- SLED reports?

2 A. That's correct.

3 Q. And you would read those SLED reports?

4 A. That's correct.

5 MR. COOPER: Your Honor, if the witness could come
6 back off the stand and back to the diagram?

7 THE COURT: All right.

8 Q. [Mr. Cooper] I'm going to put a picture --

9 MR. COOPER: Beg the Court's indulgence.

10 THE COURT: Take your time.

11 Q. [Mr. Cooper] Are you aware of where the victim was
12 found upon arriving on the scene?

13 A. When I arrived on the scene, the victim was found
14 in the bedroom next to this short wall.

15 Q. Okay. And based on your knowledge of the victim
16 being killed by a .9mm, and the location where the victim was
17 found, were you able to deduce that that trajectory you
18 pointed out was, in fact, from a .9mm?

19 A. That is correct.

20 Q. The front bedroom?

21 A. There was one trajectory that went towards the
22 victim in this area and went through this wall here, through
23 the drywall. And around the victim's wound was drywall dust.
24 Since this was the only round that went in this direction
25 where the victim was, I concluded that this trajectory was

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 fired by a .9mm.

2 Q. Now, regarding the trajectories you labeled as --
3 on your diagram, how many of those did you label in this case?

4 A. There were three, all together, coming from the
5 front of the residence.

6 Q. Okay. And, now, did you collect projectiles from
7 different holes in the house?

8 A. I did.

9 In the cases where these three were known, I was
10 able to collect a projectile from this area next to the
11 window. There was a projectile up above the wall in this area
12 over this closet. And there was a projectile located in this
13 wall here. All three of those came back as being .380mm.

14 MR. MLYNARCZYK: Objection, Your Honor.

15 Again, foundation as to the type of bullets that
16 were --

17 THE COURT: Counsel, please approach.

18 [Whereupon, an off-the-record bench conference is
19 held]

20 THE COURT: Mr. Cooper, if you will clarify the
21 types of bullets that were found so that -- what this
22 witness may or may not be able to testify to.

23 MR. COOPER: Beg the Court's indulgence for just
24 one moment, Your Honor.

25 [Whereupon, Mr. Cooper and Ms. Shealy confer]

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 THE COURT: Ladies and gentlemen of the jury, just
2 as I indicated to you, sometimes we get our information
3 from watching television about what happens in court,
4 and sometimes in real life we have to take witnesses out
5 of order. It doesn't necessarily make

6 sense. And so I'm allowing Mr. Cooper to -- he
7 took a witness somewhat out of order and so he will have
8 to backtrack or kind of do some explanation to clarify
9 some of the things that the witness has previously said.
10 And so that's what he is discussing with Ms. Shealy.

11 So thank you for accommodating us having to take
12 some witnesses out of order.

13 Mr. Cooper?

14 MR. COOPER: Thank you, Judge.

15 Q. [Mr. Cooper] Mr. McManigal, Suzanne Cromer from
16 SLED is going to come later today to testify about the types
17 of ammunition that were used. I would like to have you
18 continue with the diagram. If we could just focus on the
19 number of trajectories, how you found those out, where they
20 were located, and things of that nature, and not go into the
21 types of ammunition.

22 A. Very well.

23 MR. COOPER: And if the witness can step down and
24 then go back to the diagram, Your Honor?

25 THE COURT: You may.

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. [Mr. Cooper] Showing you State's Exhibit 172.

2 What does this picture indicate, Mr. McManigal?

3 A. That is a trajectory showing the entry hole, hole
4 61, going into the front door.

5 Q. Okay. And can you show us on the diagram where
6 that trajectory is beginning?

7 A. That is right here [indicates].

8 Q. Okay. Showing you State's Exhibit 173. Is that
9 the other side of the front door?

10 A. That is, that is the other side, and after I placed
11 the string to the trajectory rod going into the wall in the
12 side of the hallway right there.

13 Q. And did you collect a projectile from that
14 terminating hole, while would have been hole 70?

15 A. I did.

16 Q. Do you recognize this top label?

17 A. I do.

18 Q. And what is that?

19 A. That is the label from our office putting a bar
20 code number onto the package to identify that item.

21 Q. And what item was it?

22 A. That is the projectile from the wall.

23 Q. And from hole -- specifically which hole?

24 A. From hole number -- thank you -- hole number 70.

25 Q. And that would have been the one -- the left side

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 of this one. If you'll circle on that screen, that would
2 be -- that would been where you found this projectile?

3 A. Correct.

4 MR. COOPER: At this time, Your Honor, the State
5 would offer Exhibit 297 into evidence.

6 THE COURT: Any objection?

7 MR. MLYNARCZYK: No objection.

8 MR. MURPHY: No objection.

9 THE COURT: State's 297 into evidence without
10 objection.

11 [Whereupon, State's Exhibit Number 297 is admitted
12 into evidence by the Court]

13 Q. [Mr. Cooper] Showing you State's Exhibit 100.
14 What bullet hole is depicted in this picture?

15 A. This is bullet hole number 60, which on the diagram
16 is located right here in the window.

17 Q. And showing you State's Exhibit 101. Is that just
18 zoomed out of the same bullet hole?

19 A. That's correct.

20 Q. Showing you State's 174. Can you orient us to
21 what's going on and where we're at in this picture?

22 A. This is inside this room here, the front room.

23 The string there is actually going through the
24 glass where hole number 60 was in the previous picture. We're
25 just standing here and looking this way.

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. Showing you State's 175.

2 A. That is another view standing by the window,
3 looking towards the direction where the bullet actually
4 impacted into the wall.

5 Q. And can you circle on that screen where the bullet
6 actually impacted the wall?

7 A. It was in this area right here.

8 Q. And on your diagram, where is that located?

9 A. That is right here. 72.

10 Q. 72? Did you collect a projectile from that hole?

11 A. I did.

12 MR. COOPER: Beg the Court's indulgence just one
13 moment.

14 Q. [Mr. Cooper] And is that the projectile that you
15 recovered from hole 72?

16 A. That is.

17 MR. COOPER: At this time, Your Honor, the State
18 would offer Exhibit 288 into evidence.

19 MR. MLYNARCZYK: No objection.

20 MR. MURPHY: No objection.

21 THE COURT: State's 288 into evidence without
22 objection.

23 [Whereupon, State's Exhibit Number 288 is admitted
24 into evidence by the Court]

25 Q. [Mr. Cooper] Now showing you State's Exhibit 98.

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 And what hole is depicted in this picture?

2 A. That is hole number 59, which on this diagram is
3 located right here.

4 Q. Showing you State's -- excuse me -- State's 99.
5 And that is just a zoomed-out picture of that same area?

6 A. That is.

7 Q. And did you recover a bullet from that terminating
8 hole?

9 A. I did.

10 Q. And that would have been hole number?

11 A. 59.

12 Q. Is that depicted by the bottom label on that
13 package?

14 A. That is.

15 MR. COOPER: Your Honor, at this time the State
16 would offer Exhibit 298 into evidence.

17 MR. MLYNARCZYK: No objection.

18 MR. MURPHY: No objection.

19 THE COURT: State's 298 into evidence without
20 objection.

21 [Whereupon, State's Exhibit Number 298 is admitted
22 into evidence by the Court]

23 Q. [Mr. Cooper] And showing you Exhibit 298 and 297,
24 the ones I just showed you. Can you tell if those items were
25 sent to SLED?

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 A. These items were sent to SLED.

2 Q. And what would be the purpose of you sending those
3 items to SLED?

4 A. A couple of reasons. Number one is they can tell
5 us, usually, the caliber. And a lot of times, due to the
6 rifling, they can tell us -- make a model of the gun it was
7 fired from. And if we have something to compare it to, they
8 can oftentimes tell us whether or not it was fired from that
9 exact gun.

10 Q. Now, moving to these areas you colored yellow, how
11 many of those did you find?

12 A. Give me a minute to count. One, two, three, four,
13 five, six. I believe it was six all together.

14 Q. And they extend from the kitchen -- do you know
15 where in the house these different trajectories --

16 A. Sure.

17 This is the front entrance. And then the living
18 room is right here. And there was a doorway leading into the
19 kitchen. And there was a doorway leading into kind of a
20 sitting room outside of the main bedroom. And the main
21 bedroom was here. All the rounds we found, there's one fired
22 from this direction -- from this area here that went out.
23 There was one fired from here that went out that way. One
24 fired from inside the living room that went out. There was
25 one fired from the kitchen towards the living room that buried

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 into the floor. And then there were two more here. There was
2 a couch located in the sitting room. One went straight up
3 into the ceiling, one went through here, and then another one
4 -- well, it was marked as yellow but that one's purple, blue.

5 Q. Showing State's Exhibit 140. And what hole is
6 depicted in this picture?

7 A. That is hole number 93. That's looking up into the
8 ceiling where the round was fired.

9 Q. Showing State's 146. Can you orient us where in
10 the house this picture was taken from? And you use -- State's
11 97 would be a closer picture.

12 MS. SHEALY: Your Honor, can we approach for just a
13 moment? I'm sorry.

14 [Whereupon, an off-the-record bench conference is
15 held]

16 MR. COOPER: Thank you, Judge.

17 Q. [Mr. Cooper] If you'll show State's -- give me one
18 second. 147. Is that the exterior of the hole you just saw?

19 A. That is. That was the exterior from this side.

20 Q. And that would have been from the same projectile?

21 A. That was the same -- the same projectile, yes.

22 Q. Showing you State's Exhibit 176. I know that
23 picture is a little dark, but can you tell us what's going on
24 in that picture? Or on your -- maybe -- is one of your
25 strings involved in that picture?

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 A. That is a string that's going through this window
2 here, hole number 75, and then the exterior is marked as 63.

3 Q. Showing you State's 127. Is that a bullet hole --

4 A. That is the actual bullet hole in the window.

5 Q. Okay. Showing you State's Exhibit 177. Is this
6 another part of your reconstruction?

7 A. That is.

8 That depicts the string coming from the window,
9 through the railing, and through the vehicle there.

10 Q. Showing State's 130.

11 A. [No response]

12 Q. Showing you State's 129. That'll give you a better
13 view. And what -- which trajectory is hole 76 a part of?

14 A. 76 is in this wall here, and it originated from
15 this direction.

16 Q. Showing State's 108. Is that the -- where is hole
17 64 located in the diagram?

18 A. That is the exterior of that same hole.

19 Q. Showing State's 109. Is that the same area?

20 A. That's a zoomed-out view of that same area.

21 Q. And that would have been where the bullet traveling
22 through hole 76 would have come out of?

23 A. That is correct.

24 Q. Showing you State's 123.

25 A. [No response]

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. Showing you State's 124. Can you orient us as to
2 where that hole was found in the house?

3 A. That is the hole in the floor right here in the
4 living room. It originates in the kitchen, and straight into
5 the floor.

6 Q. And then showing State's Exhibit 125. And what
7 hole is depicted here?

8 A. That is inside the living room at this wall here.

9 Q. Showing you State's 126. And is hole 74 in that
10 picture? Will you circle that on the screen for me?

11 A. [Witness complies]

12 Q. And showing State's 104. Is that -- is hole 62 the
13 exiting hole on that trajectory?

14 A. It is. It's the same opposite side of this wall.

15 Q. And showing you State's 105. And that's the area
16 where hole 62 is located?

17 A. That's correct.

18 Q. And will you show them on the screen where hole 62
19 is located?

20 A. [Witness complies]

21 Q. And then how many different trajectories were you
22 able to identify on your diagram?

23 A. You want me to count? It's one, two, three, four,
24 five, six, seven, eight, nine, ten, eleven, twelve, thirteen.

25 MR. COOPER: Beg the Court's indulgence just for

Paul McManigal
Direct Examination by Mr. Cooper
November 4, 2015

1 one moment.

2 THE COURT: Yes, sir.

3 [Whereupon, Mr. Cooper and Ms. Shealy confer]

4 MR. COOPER: Go ahead and have a seat back on the
5 stand. Thank you very much.

6 I don't have any further questions for this
7 witness.

8 Please answer any questions that the defense may
9 have.

10 Do you want me to take the diagram now?

11 MR. MLYNARCZYK: No. We want to use the diagram.
12 May it please the Court, Your Honor.

13 THE COURT: Yes, sir.

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Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

CROSS-EXAMINATION

1
2 BY MR. MLYNARCZYK:

3 Q. Investigator McManigal?

4 A. Deputy.

5 MR. MLYNARCZYK: I'm going to pull this back, if
6 you don't mind, so I can see the jury and you at the
7 same time.

8 Q. [Mr. Mlynarczyk] So I want to follow up on a
9 couple of things that you talked about with Mr. Cooper. First
10 of all, you talked about the shotgun shell, correct --

11 A. Yes, sir.

12 MR. MLYNARCZYK: Your Honor, may I approach the
13 table?

14 THE COURT: You may.

15 MR. MLYNARCZYK: All right. The cutaway shotgun
16 shell.

17 [Off the record momentarily]

18 MR. MLYNARCZYK: I have it. May I pull this out,
19 Your Honor?

20 THE COURT: You may.

21 Q. [Mr. Mlynarczyk] So this was the shell that you
22 testified came from the .410 Judge; correct?

23 A. It's a similar shell.

24 Q. A similar shell?

25 A. Yes, sir.

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Q. And this is similar to the shell that was in the
2 gun that the victim, Mr. Simmons, had; correct?

3 A. That's correct.

4 Q. Do you know how many shells were in that gun when
5 it was found?

6 A. There were three.

7 Q. So there were three spent shotgun shells; correct?

8 A. Yes, sir.

9 Q. So by your calculation when you were just
10 testifying to shots coming out of the bedroom, which, when
11 we're looking here, the green lines?

12 A. That's correct.

13 Q. Correct?

14 And you're saying all three shots originated from
15 here?

16 A. That's correct.

17 Q. All right. And how did you make that determination
18 that --

19 So that would mean there would be nine holes in the
20 door and the wall; correct?

21 A. There should be, yes, sir.

22 Q. All right. And that's what you based your analysis
23 on, is just the holes from the pellets; correct?

24 A. That was part of it, yes, sir.

25 Q. What's the other part?

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 A. The back of -- the gun was found in the bedroom.
2 The directionality of the bullets.

3 Q. The gun was not found in the bedroom. Is that in
4 your report, that the gun was found in the bedroom?

5 A. One moment.

6 [Whereupon, the witness reviews documents]

7 A. No, sir, the gun was not found in the bedroom.

8 Q. [Mr. Mlynarczyk] Where was the gun found?

9 [Whereupon, the witness reviews documents]

10 A. At this time, I'm not certain where it was found.

11 Q. [Mr. Mlynarczyk] Would it refresh your memory if I
12 tell you that the gun was found in a back pack in the back of
13 a vehicle outside? Does that sound about accurate?

14 A. Yes, sir. Yes, sir.

15 Q. So in that gun, which we were saying -- you're
16 testifying was the victim's, who was lying over here, you
17 found three spent shotgun shells, one spent .45 shell;
18 correct?

19 A. That's correct.

20 Q. And then there was also a .45 caliber that was not
21 fired; is that correct?

22 A. That's correct.

23 MR. MLYNARCZYK: Could you pull the picture --

24 Q. [Mr. Mlynarczyk] Let's just talk about that for
25 one second.

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 MR. MLYNARCZYK: All right. I'm sorry. Before you
2 switch over --

3 Q. [Mr. Mlynarczyk] Let's talk about the shotgun
4 shell for a second. So everybody can see the shotgun shell
5 open. You testified there were three pellets; right?

6 A. Yes, sir.

7 Q. And then there's -- this looks like wood chips;
8 right?

9 A. Correct.

10 Q. And then this right here is the wadding; correct?

11 A. Correct.

12 Q. All right. What is that wadding made of?

13 A. I'm not certain what -- I think it was made of
14 cardboard in this case, but I'm not exactly certain.

15 Q. You're not sure.

16 Isn't it true that in some -- in these shotgun
17 shells, that wadding can come out with such a force that it
18 can also penetrate skin and items?

19 A. It is possible.

20 Q. That is possible.

21 So with this type of shell you're saying that this
22 shell, if it was shot at a wall or a piece of paper, could
23 make four holes?

24 A. If it was close enough.

25 Q. If it was close enough? How close would you have

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 to be, do you think?

2 A. For wadding to go through anything substantial, it
3 would have to be within a few feet.

4 Q. A few feet?

5 A. Yes, sir.

6 Q. Okay. But you're not sure whether this wadding was
7 made of -- the wadding of the bullet that we're talking about
8 in this case, you're not positive that that was made with
9 cardboard; correct?

10 A. That's correct.

11 Q. So you don't know what it was made of?

12 A. I'm not certain, no, sir.

13 Q. All right. So --

14 MR. MLYNARCZYK: Do you have the picture of the
15 bedroom?

16 MS. SHEALY: 131.

17 MR. MLYNARCZYK: 131? All right.

18 Q. [Mr. Mlynarczyk] So this is a picture of the
19 bedroom door; correct?

20 A. Yes, sir.

21 Q. Which would have been right here. So we're looking
22 at -- we're looking at 77, 78, 79 and 80. Didn't you say in
23 your report that when you went back to look for projectiles,
24 you said that three of these holes went through the door and
25 through the wall?

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 A. That's correct.

2 Q. Correct?

3 And the other projectile didn't even penetrate the
4 back side of the door; correct?

5 A. That's correct.

6 Q. Wouldn't that explain that that projectile that
7 didn't penetrate the door would have been the wadding;
8 correct?

9 A. Not necessarily.

10 Q. Okay. Well, what type of bullet is going to be --
11 or pellet or shotgun is going to be fired at this range and
12 make that kind of hole and not go through the back side of the
13 door? Can you think of one?

14 A. A .410 shot shell.

15 Q. A pellet?

16 A. Yes, sir.

17 Q. Okay. But there are only three pellets in the type
18 of one that were fired from this gun; correct?

19 A. That's correct.

20 Q. Then where did the fourth one come from?

21 A. This was a grouping. You're taking one photograph
22 kind of out of context.

23 If you look at the whole wall, there are actually
24 eight individual holes.

25 Q. Okay. Pardon me. Let's look at that.

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 MR. MLYNARCZYK: Pull that. What is it? 135.

2 Q. [Mr. Mlynarczyk] All right. So here's the whole
3 wall. And, now, just to put the whole story together for the
4 jury here, you're saying that because of the way this looks --
5 the door was closed up against the wall; correct?

6 A. I believe so.

7 Q. So all -- when the fire -- the shot that you marked
8 here in green, which you're saying are three shots -- if there
9 were three, you would expect to see nine holes; correct?

10 A. Correct.

11 Q. Do we see nine holes here? Did you find nine
12 holes?

13 A. Not in this picture. I found eight.

14 Q. You found eight.

15 So your theory of three pellets per gun cannot be
16 correct; right?

17 A. Not necessarily.

18 Q. Okay. So explain to me how we could have eight
19 holes from three shots with nine pellets?

20 A. One pellet went into a subject and not into a wall.

21 Q. Okay. So did you find any blood --

22 A. No, sir.

23 Q. -- around the doorway? In the doorway here, in
24 front of the door --

25 A. No, sir.

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Q. -- did you find any blood?

2 A. No, sir.

3 Q. So no blood in the front room here near the door at
4 all?

5 A. No, sir.

6 Q. Wouldn't you expect if somebody had gotten shot in
7 the shoulder or the face that there would be blood there?

8 A. Not necessarily.

9 Q. Not necessarily.

10 So if that's the case, where would the victim that
11 got hit with the pellet need to be standing, on your diagram,
12 to have been hit by a pellet?

13 A. Near that doorway.

14 Q. Near the doorway? Wouldn't they have to be inside
15 the doorway?

16 A. That's kind of what I can discern here, yes, sir.

17 Q. So let's talk about the wadding for a second.

18 Let's talk about the wadding for a second. So you said that
19 three -- so for the door shut, three bullets penetrated the
20 door, three projectiles, and one did not?

21 A. Correct.

22 Q. So you believe that the pellets, the other three
23 pellets that went through the door and through the wall, one
24 of them did not have enough velocity to go through?

25 A. Correct.

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Q. And you're saying that it's impossible that one of
2 those holes was made by a wadding of the -- of the shotgun
3 shell?

4 A. Not impossible. I'm saying it's not likely.

5 Q. Not likely.

6 MR. MLYNARCZYK: Do you mind pulling another
7 projectile shot?

8 Q. [Mr. Mlynarczyk] So this was the diagram that was
9 put up by I believe it was Ms. Meyers, Ms. Kjellman.
10 Kjellman?

11 [Whereupon, counsel confer]

12 MR. MLYNARCZYK: Meyers.

13 Q. [Mr. Mlynarczyk] And this shows a diagram of the
14 house where the bullets are, as well; correct?

15 A. Correct.

16 Q. And it also shows where blood was found; correct?

17 A. Correct.

18 Q. So if your theory that your -- that the prosecution
19 and you are telling the jury is true, if --

20 MS. SHEALY: Your Honor, I'm going to object to
21 that. I'm sorry.

22 MR. MLYNARCZYK: All right.

23 Q. [Mr. Mlynarczyk] If your hypothesis is true --

24 THE COURT: Hold on one second.

25 MR. MLYNARCZYK: Sure.

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 MS. SHEALY: I'm sorry. It should have been
2 Mr. Cooper's.

3 MR. COOPER: I object to the characterization of --

4 THE COURT: Rephrase the question.

5 MR. MLYNARCZYK: I will.

6 Q. [Mr. Mlynarczyk] You've indicated that the reason
7 why one of these pellets may be missing is because someone
8 could have been hit by a pellet?

9 A. Correct.

10 Q. And if somebody was hit by a pellet, at that -- on
11 this picture you would have expected to see blood either
12 around the doorway or in the doorway, around the doorway, or
13 just outside the doorway; correct?

14 A. Not necessarily.

15 Q. Explain to the jury how that's not necessarily
16 true.

17 A. Blood from a gunshot wound doesn't typically
18 splatter on the walls or anything like that unless it actually
19 goes completely through and exits the victim and carries the
20 blood out with it.

21 If the projectile enters the body without existing,
22 it creates a small hole that typically does not bleed very
23 much.

24 Q. So let's take that for a second. Are you aware
25 that one of the defendants in -- or one of the people who were

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 testifying in this case, Troy Mason, was shot in two places?

2 A. I am aware.

3 Q. In the shoulder and in the face?

4 A. Correct.

5 Q. Correct?

6 Can you explain how that could happen with one
7 pellet?

8 A. I don't believe it did happen with one pellet.

9 Q. Okay. Explain to the jury how it happened.

10 A. I do not know how it happened.

11 Q. But under your -- want to go back to the four-
12 bullet pellet theory, then. What we just -- what we just
13 said, that you said is not possible --

14 MR. MLYNARCZYK: Can you switch back, please?

15 MR. COOPER: Objection, Your Honor. May we
16 approach the bench, please?

17 THE COURT: You may.

18 [Whereupon, an off-the-record bench conference is
19 held]

20 THE COURT: Ladies and gentlemen, your lunch is
21 here so it's an appropriate time for us to go ahead and
22 break.

23 Please remember all my admonitions. Do not discuss
24 this case. Do not begin deciding any issues.

25 Please take all of your items with you. That

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 includes your notepads. We're going to take about
2 thirty minutes for lunch.

3 Please rise for the jury.

4 [Whereupon, the jury exits the courtroom at
5 12:54 p.m.]

6 THE COURT: Thank you. Be seated.

7 Mr. Cooper, you had an objection?

8 MR. COOPER: Yes, Your Honor.

9 I believe Mr. Mlynarczyk's question is trying to
10 get the witness to testify something along the lines of
11 forensic pathology instead of just his diagram and how
12 he established the trajectory of the evidence inside the
13 house.

14 And if I can't go into him being able to determine
15 what types of bullets --

16 THE COURT: I think he was just asking how he got
17 four bullet holes and how the wadding can --

18 MR. COOPER: He's trying to -- he's trying to get
19 the witness to answer about somebody who's not there,
20 versus creating a trajectory diagram based on the
21 evidence that is there.

22 THE COURT: Mr. Mlynarczyk?

23 MR. MLYNARCZYK: He is an expert of weapon
24 trajectory.

25 THE COURT: Actually, he hasn't been qualified as

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 an expert in anything.

2 MR. MLYNARCZYK: Well, they're presenting him as an
3 expert in the trajectory --

4 THE COURT: Actually, he has not, once again, been
5 qualified as an expert in any area.

6 MR. MLYNARCZYK: Well, I would say, Your Honor,
7 that they put on testimony that he has this knowledge.
8 We haven't objected to it. So I am simply inquiring
9 into the same area they are, weapons trajectory, what
10 happened to the bullets when they enter walls.

11 He's testified that he's did it for ten years. He
12 can explain a simple question that I asked. It's not
13 out of his area of expertise. It's pellets,
14 projectiles, types of guns. He's testified about
15 ammunition. I'm simply following up on it.

16 MR. COOPER: Mr. Mlynarczyk --

17 THE COURT: Hold on one second, Mr. Cooper.

18 MR. MURPHY: All the questions I heard, Your Honor,
19 were the number of I don't know if they called them
20 bullets or projectiles. It was simple -- everything was
21 within the scope of his direct examination, that I
22 heard, Your Honor. Just the number of shells or bullets
23 or projectiles, where they go, and what could happen.
24 So I think --

25 THE COURT: I agree. All right? Overruled. Thank

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 you.

2 MR. MLYNARCZYK: Thank you, Your Honor.

3 Anything before we take our lunch break?

4 MS. SHEALY: Are we still considering stopping at
5 4:00, just for my planning purposes?

6 THE COURT: Well, I'm not quite sure where we are.
7 What I heard yesterday was that this was not -- that you
8 didn't have a whole lot of questions. So we'll -- we're
9 just going to get as much done as we can so --

10 Detective, we're going to take our lunch break,
11 about thirty minutes. The rule of sequestration has
12 been invoked. Please do not discuss your testimony with
13 anyone. Please be back at 1:30.

14 THE WITNESS: Yes, ma'am.

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

16 [Whereupon, Mr. McManigal exits the witness stand]

17 THE COURT: We're at ease until 1:30. Counsel,
18 just approach for scheduling.

19 [Whereupon, an off-the-record bench conference is
20 held]

21 [Whereupon, a recess is taken from 12:56 p.m. to
22 1:41 p.m.]

23 [Whereupon, Mr. McManigal retakes the witness
24 stand]

25 THE COURT: Detective, I remind you that you are

Paul McManigal
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 still under oath.

2 Did you comply with my instructions over the lunch
3 hour?

4 THE WITNESS: Yes, ma'am.

5 THE COURT: Thank you.

6 [Off the record momentarily]

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

8 MR. MLYNARCZYK: Nothing.

9 MR. MURPHY: Nothing, Your Honor.

10 MS. SHEALY: No, Your Honor.

11 [Whereupon, the jury enters the courtroom at
12 1:44 p.m.]

13 THE BAILIFF: All jurors are present, Your Honor.

14 THE COURT: Thank you. Please be seated.

15 If you did not comply with my instructions over the
16 lunch hour, please stand.

17 [Whereupon, there is no response]

18 THE COURT: All fourteen jurors complied with my
19 instructions.

20 Mr. Mlynarczyk, your witness.

21 MR. MLYNARCZYK: Thank you, Your Honor. May it
22 please the Court.

23 Can I use the -- may I approach, Your Honor --

24 THE COURT: You may.

25 MR. MLYNARCZYK: -- use the projector?

Paul McManigal
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

CONTINUED CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. Investigator McManigal?

A. Yes, sir?

Q. So let's go back to your diagram. You can see it there in front of you; correct?

A. Yes, sir.

Q. So the total number of shots fired -- let's say like the trigger was pulled -- did you determine that from the evidence?

A. Inside the residence was ten trajectories were mapped, and outside the residence were three trajectories.

Q. That would mean that the -- well, let's move this because let's follow your evidence.

So when we're looking over here -- the front, we're seeing purple lines, one, two, three; correct?

A. Yes, sir.

Q. And then we have, four, number 73 into the porch; five, 74 out; six, seven going out of the kitchen. Right?

A. [No response]

Q. And then we have -- so that's seven so far.

And then you said we have three going into the bedroom, right? Three projectiles? One in the ceiling, the wall, which is ten. And then three fires from Mr. Simmons that was trigger pulls. That's thirteen?

Paul McManigal
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 A. Correct.

2 Q. All right. And then we have one -- that there was
3 a projectile found in Mr. Delaney --

4 A. Correct.

5 Q. -- that's not represented on here?

6 A. That's correct.

7 Q. And then a projectile found in Mr. Mason, which is
8 not represented on here. Or, actually, Mr. Mason is going to
9 be fourteen. It will be fourteen, right, not -- it'll be --
10 because there was one --

11 A. Mr. Mason had one of the rounds from the Judge,
12 which was one of the pellets that was not recovered from
13 inside the residence. So that shot was fired inside the
14 residence.

15 Q. So that makes a total of thirteen in the residence?

16 A. Correct.

17 Q. And then the one bullet that's in Mr. Delaney?

18 A. Ten inside the residence, and three from the front
19 of the residence, and then the one in Mr. Delaney.

20 Q. So let's talk about the one in front of the
21 residence for a second. So you're -- I'm not a -- I'm not a
22 math guy, I'm not a geometry guy. But you -- that's why
23 you're using the rods and the strings, to kind of determine
24 angles; right?

25 A. Correct.

Paul McManigal
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Q. All right. So let's talk about those first three
2 bullets. The purple ones up on the right-hand side -- or the
3 jury it's the right-hand side, but on your screen it's the
4 right-hand side. It says recreation room. From looking at
5 these trajectories --

6 MR. MLYNARCZYK: Can you pull up 7, please?

7 Q. [Mr. Mlynarczyk] All right. So this is the front
8 of the house; correct?

9 A. Correct.

10 Q. And in the top half of that door on the right-hand
11 side, that little mark right here that's -- to the left of
12 that is a bullet hole; correct?

13 A. That's correct.

14 Q. All right.

15 MR. MLYNARCZYK: 17, please.

16 Q. [Mr. Mlynarczyk] So this is the shot of the front
17 of that house; correct?

18 A. Correct.

19 Q. All right. So I want to ask you a question based
20 on your trajectories. Is it possible for someone to be
21 standing here at the bottom of the stairs, based on your
22 projectiles and your trajectories, to be firing towards the
23 house with the door opened or closed, or aiming to the right,
24 or aiming to the left? Does that fit your pattern of
25 projectiles?

Paul McManigal
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 A. No, sir.

2 Q. So that would be impossible, based on your
3 determination; right?

4 A. It would be not likely, yes, sir.

5 Q. I'm not talking about likely. I'm saying by your
6 trajectories, that would be impossible, right, if they were to
7 stand right where my X is? There's not one bullet that
8 follows that trajectory, based on your analysis?

9 A. There is one bullet that could possibly have been
10 fired from that area.

11 Q. What bullet is that?

12 A. The one that went in the front door.

13 Q. Oh. That one that's up in the three-way -- like
14 three-quarters up?

15 A. Yes, sir.

16 Q. But that bullet didn't go up in the ceiling, did
17 it?

18 A. No, sir.

19 Q. If you look in the hallway, it went straight
20 through the door and straight --

21 A. It went --

22 Q. -- into the wall?

23 A. -- fairly straight. Yes, sir.

24 Q. Right.

25 So if you follow that trajectory, it would put it

Paul McManigal
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 somewhere back -- this would have put it back in the yard?

2 A. That would be the most likely scenario, yes, sir.

3 Q. Okay. So let me -- let's -- do any of your
4 trajectories -- just like we just did -- if someone were
5 standing just inside the door --

6 A. Not likely, no, sir.

7 Q. -- not shooting at a wall, not shooting back
8 towards the living room --

9 A. No, sir.

10 Q. -- not shooting to the right --

11 A. No, sir.

12 Q. -- that would be impossible, based on your
13 trajectories?

14 A. I would agree with that, yes, sir.

15 Q. Did you also -- you didn't just do ballistics in
16 this -- or projectiles in this case, did you?

17 A. I also did the mapping on the outside.

18 Q. Didn't you also look at some vehicles?

19 A. On another day I did, yes, sir.

20 Q. On another day you did.

21 And do you remember what types of vehicles you
22 looked at in this case? Do you have your report in front of
23 you?

24 A. I do, sir.

25 Q. Look at your report and ask -- if you remember what

Paul McManigal
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 types of vehicles you looked at.

2 [Whereupon, the witness reviews documents]

3 A. As far as the vehicles that are concerned, there
4 were one, two, three, four, five vehicles all together.

5 MR. COOPER: Objection, Your Honor. May we
6 approach?

7 THE COURT: You may.

8 [Whereupon, an off-the-record bench conference is
9 held]

10 Q. [Mr. Mlynarczyk] Did you have a chance to look at
11 your report?

12 A. Yes, sir.

13 Q. And this would be -- there were two vehicles that
14 you were asked by the investigators in this case to look at;
15 correct?

16 [Whereupon, the witness reviews documents]

17 A. [No response]

18 Q. [Mr. Mlynarczyk] I'm sorry. Actually, let me
19 focus your attention. I'll focus your attention. There's
20 probably more than that, but let me focus your attention.

21 Were you asked by the investigators in this case --
22 I'm looking at the very last paragraph of your report. You
23 were asked to review a Chevy Blazer; correct?

24 A. That was a different day, sir. Yes, sir.

25 Q. But it was on a different day, but it's in this

Paul McManigal
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 case?

2 A. Yes, sir.

3 Q. Can you tell the jury what color that Blazer was?
4 Do you remember?

5 A. According to my report, it was a blue Chevy Blazer.

6 Q. You say blue. Was that a dark blue or was that a
7 really light blue?

8 A. I don't recall.

9 MR. MLYNARCZYK: One moment, Your Honor.

10 [Whereupon, Mr. Mlynarczyk reviews documents]

11 Q. [Mr. Mlynarczyk] So you were asked to review a
12 1991 -- or it's a Chevrolet Blazer; correct?

13 A. Correct.

14 Q. And what were you supposed to be looking for?

15 A. It was believed that the -- one of the victims had
16 been driven to the hospital in one of these vehicles, and so I
17 was looking for primarily blood.

18 Q. You write a report so you remember what happened
19 relatively close to what happened; correct?

20 A. Correct.

21 Q. Okay. Does your report say in that paragraph that
22 you -- they believed somebody was transported in the vehicle?
23 What does it say, exactly?

24 A. Approximately 1100 hours, I was advised by Sargent
25 Simmer that a subject was reported to have driven one of the

Paul McManigal
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 suspects to the hospital and that he was consenting to a
2 search of his vehicle.

3 Q. The last paragraph. The very last paragraph.
4 Starts with Lieutenant Watson.

5 A. Lieutenant Watson returned with the subject and a
6 blue Chevrolet Blazer and stated that the subject admitted
7 that this was the vehicle he used to drive the suspect to the
8 hospital.

9 Q. So do you know who they mean by suspect?

10 A. No, I don't.

11 Q. But it says the suspect admitted -- the subject
12 admitted that this was the vehicle he used to drive the
13 suspect to the hospital. That what it says; right?

14 A. Correct.

15 Q. Read the next line.

16 A. Following the same procedure, I applied glue star
17 to the same areas, but observed luminescence on every surface
18 that was sprayed.

19 Q. Let's stop there. Will you explain to the jury
20 what blue star is?

21 A. Blue star is a chemical that we use to find traces
22 of blood.

23 If we spray it and there was blood present, even if
24 you couldn't see it with your naked eye, the area would glow,
25 it would fluoresce.

Paul McManigal
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Q. And you did this to the inside of this Blazer?

2 A. That's correct.

3 Q. And then read the next line.

4 A. The luminescence was bright but short-lived,
5 indicating a false positive which may have been caused by a
6 reaction to a cleaner, protectorate, or other type of chemical
7 that was applied to the interior of the vehicle.

8 Q. So in your opinion, there had been blood present,
9 based on this report, and it had been attempted to be cleaned
10 up?

11 A. I can't say that either, sir.

12 Q. Can you tell -- can you tell the jury what would
13 create a false positive, other than blood cleaner?

14 A. As indicated, it would be cleaner, a protectorate,
15 or other type of chemical. People clean the inside of their
16 cars.

17 Q. So you're telling the jury that cleaner by itself
18 -- just if I put Armoral on my dash and you spray luminescence
19 on it, then that's going to show up like blood?

20 A. Not necessarily Armoral.

21 There are certain chemicals that will give us a
22 false positive of blue star. Primarily, bleach is very well
23 known to do that.

24 Q. Reading back to your report now. What would your
25 conclusion be?

Paul McManigal
Continued Cross-Examination by Mr. Mlynarczyk
November 4, 2015

- 1 A. My conclusion on what, sir?
- 2 Q. Your conclusion of whether there was blood in that
- 3 Blazer or not.
- 4 MS. SHEALY: Your Honor --
- 5 A. I did not locate any blood in that vehicle.
- 6 MR. MLYNARCZYK: Could I have one second, Your
- 7 Honor?
- 8 THE COURT: Take your time.
- 9 MR. MLYNARCZYK: May I approach the witness, Your
- 10 Honor?
- 11 THE COURT: You may.
- 12 Q. [Mr. Mlynarczyk] I'm handing you a group of
- 13 photographs. Can you look at those? Does that refresh your
- 14 memory as to whether that was the vehicle that you reviewed in
- 15 that report?
- 16 A. Yes, sir.
- 17 Q. And that -- would you say that is a very light blue
- 18 or a very dark blue?
- 19 A. I would say that was light blue.
- 20 MR. MLYNARCZYK: I have no further questions, Your
- 21 Honor.
- 22 MR. MURPHY: No questions, Your Honor.
- 23 THE COURT: Mr. Cooper, redirect?
- 24 MR. COOPER: Briefly, Your Honor.
- 25 - - -

Paul McManigal
Redirect Examination by Mr. Cooper
November 4, 2015

REDIRECT EXAMINATION

BY MR. COOPER:

Q. If the -- if a bullet was fired and didn't strike anything, you would have nothing to complete a trajectory analysis on; isn't that correct?

A. That's correct.

Q. You wouldn't know if there were more bullets fired if they didn't hit anything?

A. Correct.

Q. You can only mark where a projectile has struck something? A wall, a ceiling, the floor, something like that?

A. That's correct.

Q. Okay. If an individual was shot and it wasn't through-and-through, would you expect to see blood splatter in the area where he -- where that person was shot?

A. If it went completely through the flesh, I would expect to see blood.

Q. And then based on -- the report that Mr. Mlynarczyk had you just read, did you find any blood in that vehicle? The Blazer.

A. I did not locate any blood in the vehicle.

MR. COOPER: Beg the Court's indulgence.

[Whereupon, Mr. Cooper and Ms. Shealy confer]

MR. COOPER: I have no further questions for this witness, Your Honor.

Paul McManigal
Recross-Examination by Mr. Mlynarczyk
November 4, 2015

RECROSS-EXAMINATION

1
2 BY MR. MLYNARCZYK:

3 Q. If someone was shot with a bullet -- I'm just
4 following up on his question. If someone were shot with a
5 bullet that did not go through, like in the face, you expect
6 to see blood around an area; correct?

7 A. I'm sorry. Can you rephrase?

8 Q. You just testified that -- Mr. Cooper asked you,
9 said if a bullet went in and didn't come out, you wouldn't
10 expect to see blood splatter; correct?

11 A. I was under the impression he had asked if it went
12 all the way through, would I expect to see it.

13 Q. He asked you two. He said if it went in and
14 stopped, you wouldn't see any splatter but if it went all the
15 way through you would.

16 A. That's correct.

17 Q. So if somebody got shot in the face, you would
18 expect to see splatter, as well?

19 A. Only if it went through.

20 Q. I'm sorry. Only if it went through -- if it only
21 went through the head; correct? So you would expect -- if
22 someone got shot in the face, you would expect to see blood
23 splatter?

24 A. If it went through.

25 MR. MLYNARCZYK: Okay. Thank you. No further

Paul McManigal
Recross-Examination by Mr. Mlynarczyk
November 4, 2015

1 questions.

2 MR. MURPHY: Nothing, Your Honor.

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

4 THE WITNESS: Thank you.

5 [Whereupon, Mr. McManigal is excused and exits the
6 witness stand]

7 THE COURT: Call your next witness.

8 MR. COOPER: We ask that this witness be excused,
9 Your Honor.

10 THE COURT: Any objection?

11 MR. MLYNARCZYK: No objection.

12 MR. MURPHY: No objection.

13 MR. COOPER: The State calls Kathy Kjellman.

14 [Off the record momentarily]

15 [Whereupon, Ms. Kjellman comes forward]

16 THE CLERK OF COURT: Left hand here. Raise your
17 right.

18 [Whereupon, Ms. Kjellman is duly sworn by the clerk
19 of court as follows: do you swear or affirm the
20 testimony you will give the Court and the jury in the
21 trial of this case will be the truth, the whole truth,
22 and nothing but the truth, so help you God]

23 THE WITNESS: I do.

24 THE CLERK OF COURT: You may be seated.

25 Once seated, if you could please state your first

Paul McManigal
Recross-Examination by Mr. Mlynarczyk
November 4, 2015

1 and last name and then spell your last loudly and
2 clearly into the microphone for the record, please.

3 [Whereupon, Ms. Kjellman takes the witness stand]

4 THE WITNESS: Kathy Kjellman. K-J-E-L-L-M-A-N.

5 THE COURT: Mr. Cooper?

6 MR. COOPER: Thank you, Your Honor.

7 Good afternoon, Investigator Kjellman. How are
8 you?

9 THE WITNESS: Good. How are you?

10 MR. COOPER: I'm good. Thank you.

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Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

KATHY KJELLMAN,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. COOPER:

Q. Would you tell the jury where you are employed?

A. Charleston County Sheriff's Office.

Q. Okay. And how long have you been there?

A. About fifteen years.

Q. What is your position?

A. Investigator.

Q. And how long have you been in that position?

A. Ten.

Q. And would you tell the jury what your position entails?

A. My work, crime scene investigation.

Respond to various scenes and accidents to process and collect information.

Q. Did you happen to become involved in this case on Old Georgetown Road in July of 2010?

A. Yes.

Q. How did you happen to become involved?

A. I was notified by my sargent at the time of a double homicide that took place up in McClellanville on Old Georgetown Road.

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. Once you arrived on the scene, what did you do?

2 A. I was briefed by Investigator Meyer and Sargent
3 McManigal.

4 Q. Okay. And after that, what did you do?

5 A. I started off by videotaping the outside, the
6 exterior, of the home.

7 Q. And could you describe for the jury just the scene
8 as you observed it as you were videotaping?

9 A. The house was on a dirt road and it was -- there
10 was -- there was a couple of other houses around. It was a
11 long dirt road and the responding deputies had already marked
12 some blood that they thought was on the roadway, and a couple
13 of items farther down the road.

14 There was a deceased subject in the front yard, and
15 I was advised there was another deceased subject inside the
16 house in the bedroom.

17 Q. And did you also contribute to marking blood
18 droppings on the roadway?

19 A. Yes, I did.

20 Q. Okay. Showing you State's Exhibit 195. Could you
21 please describe for the jury how far up the road the blood
22 droppings went? And if you want to, you can circle or mark
23 with your finger on the screen.

24 A. Okay. As you see in the picture, there are some
25 cars back down here. They're actually patrol cars. That is

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 the end of the trail. I'm just taking a guess it was maybe a
2 quarter of a mile up the road.

3 Q. And in the right side of the picture, that yellow
4 tape, is that about where the yard to the house starts?

5 A. Yes. That's going to be the left side of the yard.

6 Q. Regarding the various areas of blood that you found
7 on the roadway, did you collect any samples?

8 A. Yes, I did.

9 Q. And did you also perform a preliminary test on a
10 certain number of those samples?

11 A. Yes.

12 It's called an OBGI test, and it tests for traces
13 of human blood.

14 Q. Okay. And which samples did you test?

15 A. I tested dirt samples number 2, 13, and 35.

16 Q. Showing you State's Exhibit 199. Is that one of
17 the samples that you tested?

18 A. Yes.

19 Q. And can you circle where you found the blood spot
20 or show the blood drop on this picture?

21 A. It's going to be very faint, but it's right up there.

22 Q. Okay. And the bottom white box where it says
23 sample to, what does that indicate?

24 A. That's the box that I placed the sample in.

25 Q. And then when you test -- when you perform that

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 test, what are you looking for?

2 A. I just performed the test, like I said, the OBGI
3 test, for presumptive for human blood.

4 Q. And showing you State's Exhibit 200. Is this
5 another one of the samples that you collected and tested for
6 human blood?

7 A. Yes.

8 Q. Okay. Showing you 201. Is this another one -- is
9 this the third of the three that you did that preliminary test
10 for human blood?

11 A. Yes, it is.

12 Q. And what were the results of those three tests?

13 A. All three tests were positive for human blood.

14 Q. Now, did you collect any samples from the roadway
15 to send to SLED?

16 A. Yes.

17 Q. What samples were those?

18 A. The three samples I mentioned, the 213 and 35, I
19 collected two sample from each spot. One was just for the
20 presumptive testing and one was a sample to go be sent to
21 SLED.

22 Q. Did you also collect a sample from marker 36?

23 A. I believe I did, yes. I don't have it in my notes.

24 Q. Okay. Showing State's Exhibit 201. Is this -- as
25 to this picture, what number marker is this?

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 A. 35.

2 Q. Okay. And showing 202. And this is number 36?

3 A. Yes.

4 Q. Can you tell the jury what that item is?

5 A. It's the sample, from the roadway, labeled 35.

6 Q. And that would have been the sample you collected
7 for SLED?

8 A. Yes.

9 Q. And what is this item?

10 A. This is another sample from 36. It's pictured in
11 here -- pictured here.

12 Q. And that would have gone to SLED, as well?

13 A. Yes, it did.

14 Q. And what do you send these samples to SLED for?
15 What's the purpose?

16 A. DNA.

17 MR. COOPER: Your Honor, at this time the State
18 would seek to admit Exhibits 292 and 293 into evidence.

19 MR. MLYNARCZYK: No objection.

20 MR. MURPHY: No objection.

21 THE COURT: State's 292 and 293 into evidence
22 without objection.

23 MR. COOPER: Thank you, Your Honor.

24 [Whereupon, State's Exhibit Number 292 is admitted
25 into evidence by the Court]

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 [Whereupon, State's Exhibit Number 293 is admitted
2 into evidence by the Court]

3 Q. [Mr. Cooper] Now, do you know what was sent with
4 your blood samples to SLED?

5 A. I believe we may have sent up some buccal swabs.

6 Q. Do you know who -- can you tell the jury what this
7 is?

8 A. This is the buccal swabs from Troy Mason.

9 Q. Okay. And is that in a SLED bag?

10 A. Yes.

11 Q. And that would have been sent to compare against
12 samples that your office would send up?

13 A. Yes.

14 MR. COOPER: Your Honor, at this time the State
15 would seek to admit Exhibit 317 into evidence.

16 MR. MLYNARCZYK: No objection.

17 MR. MURPHY: No objection.

18 THE COURT: State's 317 into evidence without
19 objection.

20 [Whereupon, State's Exhibit Number 317 is admitted
21 into evidence by the Court]

22 Q. [Mr. Cooper] Were there any other blood samples
23 that were sent to SLED from this crime scene?

24 A. Yes.

25 Q. What were they?

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 A. There were some samples that were sent up from
2 inside the house.

3 Q. And showing you -- would you have collected those,
4 or would have Investigator Meyer?

5 A. Both me and Investigator Meyer were working inside
6 the house, so it would be a combination of the two of us that
7 collected it.

8 Q. And were you both working together to process the
9 scene?

10 A. Yes.

11 Q. Showing you State's Exhibit 150. What blood spot
12 is indicated in that picture?

13 A. Number 49.

14 Q. And are you aware if that sample was sent to SLED?

15 A. I don't recall.

16 Q. Showing you what's been previously admitted into
17 evidence as State's 294. Can you tell us what that is?

18 A. This is a swab from number 49. It was in the
19 hallway between the two rugs.

20 Q. And can you tell if this -- that envelope and that
21 item had been sent to SLED?

22 A. Yes, it has.

23 Q. Okay. And then showing what's been admitted into
24 evidence as State's 295. Can you tell us what that is?

25 A. It is a blood swab from area number -- it was

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 numbered 99, from the kitchen floor.

2 Q. Okay. Can you tell if that item had been sent to
3 SLED?

4 A. Yes, it has.

5 Q. Okay. Thank you.

6 Now, did you also happen to collect a swab of
7 possible blood from Troy Mason's tee-shirt at Trident
8 Hospital?

9 A. I did collect a swab, but it wasn't at the
10 hospital. I believe it was back at --

11 Q. Where was it?

12 A. -- back at my office.

13 Q. Okay. And then can you tell the jury what that
14 item is?

15 A. It is the blood swab from Troy Mason's shirt.

16 Q. And can you tell the jury whether or not it had
17 been sent to SLED?

18 A. Yes, it has.

19 MR. COOPER: At this time, Your Honor, the State
20 would seek to admit Exhibit 296 into evidence.

21 MR. MLYNARCZYK: No objection, Your Honor.

22 MR. MURPHY: No objection, Judge.

23 THE COURT: State's 296 into evidence without
24 objection.

25 [Whereupon, State's Exhibit Number 296 is admitted

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 into evidence by the Court]

2 Q. [Mr. Cooper] Going back to the roadway for just a
3 moment. Did you happen to collect a shell casing from the
4 roadway?

5 A. Yes, I did.

6 Q. Showing you State's 160. Is that the shell casing
7 that you would have collected?

8 A. Yes.

9 Q. Okay. Showing you State's 161. Is this a better
10 picture of the shell casing?

11 A. Yes.

12 Q. Okay. And where on the roadway was that?

13 A. It was near one of the cones that I think I
14 labeled 36.

15 Q. That got labeled what? I'm sorry.

16 A. 36.

17 MR. COOPER: Beg the Court's indulgence just one
18 moment.

19 Come back to that in just one moment.

20 Q. [Mr. Cooper] Outside of the house, was there a
21 deceased individual in the front yard?

22 A. Yes.

23 Q. Describe for the jury what you did regarding that
24 area.

25 A. The coroner and Investigator Meyer were out there

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 and they inspected the body of the deceased, and I was there
2 to photograph that.

3 Q. Okay. Showing you State's Exhibit 31. Is that the
4 area that you photographed?

5 A. Yes.

6 Q. And what is in the bottom left corner of the
7 screen?

8 A. It's a .357 revolver.

9 Q. Will you circle that for me?

10 A. There.

11 Q. Did you also happen to mark that as Exhibit C?

12 A. Yes.

13 Q. Showing you State's 156. Is that the same
14 revolver?

15 A. Yes.

16 Q. And is that the placard you placed beside it?

17 A. Yes, it is.

18 Q. Did you collect that revolver?

19 A. Yes.

20 Q. Okay. Can you tell the jury what this item is?

21 A. It's a box containing the .357 revolver.

22 Q. And that would have been the one that you collected
23 off the ground?

24 A. Yes.

25 MR. COOPER: Your Honor, at this time the State

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 would seek to admit Exhibit 276 into evidence.

2 MR. MLYNARCZYK: No objection, Your Honor.

3 MR. MURPHY: No objection.

4 THE COURT: State's 276 into evidence without
5 objection.

6 [Whereupon, State's Exhibit Number 276 is admitted
7 into evidence by the Court]

8 MR. COOPER: And if I may publish it to the jury?

9 THE COURT: You may.

10 MR. COOPER: Beg the Court's indulgence just for
11 one moment.

12 And for the Court's edification, it has been locked
13 by security.

14 Q. [Mr. Cooper] Is this the revolver that you
15 collected from the scene?

16 A. Yes, it is.

17 Q. Showing you State's Exhibit 157. Can you tell the
18 jury what is being depicted in this picture?

19 A. It's the cylinder of the revolver, showing that the
20 gun was fully loaded and only had one fired round.

21 Q. And there was one fired round in there?

22 A. Yes.

23 Q. So there would have been five unfired --

24 A. Yes.

25 Q. -- rounds?

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Yes, sir.

2 Q. Okay. Can you tell the jury what this item is?

3 A. This is the five remaining rounds, from the
4 revolver, that were not fired.

5 Q. Okay. From that revolver?

6 A. Yes.

7 MR. COOPER: At this time, Your Honor, the State
8 would seek to admit Exhibit 287 into evidence.

9 MR. MLYNARCZYK: No objection.

10 MR. MURPHY: No objection.

11 THE COURT: State's 287 into evidence without
12 objection.

13 MR. COOPER: Thank you.

14 [Whereupon, State's Exhibit Number 287 is admitted
15 into evidence by the Court]

16 Q. [Mr. Cooper] Tell the jury what this item is.

17 A. This would be -- this is the fired shell casing
18 from that revolver.

19 Q. And would that item have been sent to SLED? Or are
20 you able to tell?

21 A. Yes, it is.

22 MR. COOPER: Your Honor, at this time the State
23 would seek to admit Exhibit 286 into evidence.

24 MR. MLYNARCZYK: No objection.

25 MR. MURPHY: No objection.

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 THE COURT: State's 286 into evidence without
2 objection.

3 Q. [Mr. Cooper] And why do you send weapons -- let me
4 rephrase. Was the revolver sent to SLED?

5 A. I believe it was, yes.

6 Q. Let me show you the box so we can -- can you tell
7 if this items has been sent to SLED?

8 A. Yes, it has.

9 Q. How are you able to tell?

10 A. It's got the SLED tape on it, and it's also got
11 their lab number on it.

12 Q. Okay. Why do you send weapons or casings to SLED?

13 A. We send them to SLED for a match between shell
14 casings and the gun.

15 Q. Now showing you State's Exhibit 30. Did you
16 collect the hat off the top of the head of the deceased
17 individual?

18 A. Yes, I did.

19 Q. Showing you State's 159. And you marked that
20 with -- placard with a G on it; is that correct?

21 A. Yes.

22 Q. Can you tell the jury what that is?

23 A. This is the dark-blue hat that was found in the
24 yard.

25 Q. I'm going to give you -- let's see.

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 MR. COOPER: Your Honor, the State would seek to
2 admit Exhibit 279 into evidence.

3 MR. MLYNARCZYK: No objection.

4 MR. MURPHY: No objection.

5 THE COURT: 279 into evidence without objection.

6 [Whereupon, State's Exhibit Number 279 is admitted
7 into evidence by the Court]

8 Q. [Mr. Cooper] I'm going to get you to open that --

9 A. Okay.

10 Q. -- and take the hat out.

11 MR. COOPER: And at the appropriate time, the State
12 would ask to publish it to the jury.

13 THE COURT: You may.

14 MR. COOPER: Thank you.

15 Q. [Mr. Cooper] Now, the description says a hat.

16 Were you able to locate anything unusual about the hat?

17 A. Unusual about the hat?

18 Q. Yes, ma'am.

19 A. It's got two holes cut out in the front of it.

20 Q. Okay. Thank you.

21 Showing you State's Exhibit 158. Is this the glove
22 that you collected from the ground?

23 A. Yes, it is.

24 Q. And was it under the deceased's body?

25 A. It was above his -- above his head, I believe.

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. Okay. Can you tell what the top label is?

2 A. It is the glove from the front yard, the same one
3 that's in the picture.

4 Q. Okay. And can you tell if it had been sent to
5 SLED?

6 A. Yes, it has.

7 Q. Okay. And is this the same item?

8 A. Yes, it is.

9 MR. COOPER: Your Honor, the State would seek to
10 admit Exhibit 278 into evidence.

11 MR. MLYNARCZYK: No objection.

12 MR. MURPHY: No objection.

13 THE COURT: State's 278 into evidence without
14 objection.

15 [Whereupon, State's Exhibit Number 278 is admitted
16 into evidence by the Court]

17 THE COURT: You may --

18 MR. COOPER: If I could publish it?

19 THE COURT: -- publish.

20 MR. COOPER: Thank you very much, Your Honor.

21 Okay. Beg the Court's indulgence for just one
22 moment.

23 THE COURT: Take your time.

24 Q. [Mr. Cooper] Is this the glove that you collected?

25 A. Yes, it is.

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. Now, was there a vehicle parked in the driveway?

2 A. Yes, there was.

3 Q. And do you recall what type of vehicle it was?

4 A. It was a GMC SUV Suburban, I think it was.

5 Q. Showing you State's Exhibit 22. Is that the
6 vehicle depicted?

7 A. Yes.

8 Q. Okay. And was this the area in which it was parked
9 when you approached it?

10 A. Yes.

11 Q. Now, why did you approach it?

12 A. I was asked to retrieve a purse, out of the inside
13 of the vehicle, to get some prescription medication for a
14 Shemeika Stokes.

15 Q. Did you take the purse out of the vehicle?

16 A. I didn't take it out of the vehicle. I looked
17 inside the purse for the medication.

18 Q. Showing you State's 192. Is that the purse?

19 A. Yes, it is.

20 Q. Is that in the front seat of that same SUV?

21 A. Front passenger seat. Yes.

22 Q. Okay. Showing you State's 193. Is that what you
23 saw when you looked into the purse?

24 A. Yes.

25 Q. And can you describe for the jury what you were

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 able to see?

2 A. There was several bundles of cash. They were
3 wrapped up in different color rubber bands.

4 Q. What was the reason you did not give the purse to
5 Ms. Stokes?

6 A. I was doing an inventory of the purse and found the
7 prescription medication. And I also found an unlabeled
8 prescription bottle that had white rock substance in it that
9 was consistent with illegal narcotics.

10 Q. So at that point, you weren't going to hand over
11 the purse?

12 A. No.

13 Q. Now, going into the house, what do you do after
14 you're finished dealing with the vehicle?

15 A. Say that again.

16 Q. Once you finish with the vehicle, do you go in the
17 house?

18 A. Yes.

19 Q. What did you do in the house?

20 A. Then I started to assist Investigator Meyer with --
21 for an investigation inside the house.

22 Q. Showing you State's Exhibit 62. Is that the front
23 door of the residence?

24 A. Yes, it is.

25 Q. And can you tell the jury what's depicted on the

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 front door?

2 A. Toward the bottom half of the door is -- you see
3 where the dirt is? It looks like footprints where they had
4 kicked the door.

5 Q. And would you circle both of those with -- on the
6 screen, please?

7 A. One right here, and another one up in here.

8 Q. Now, did you attempt to lift a shoe print from the
9 door?

10 A. Yes, I did.

11 Q. Were you successful?

12 A. Yes.

13 Q. Was it of good quality?

14 A. No.

15 Q. Now, you were there the whole day with Investigator
16 Meyer and, at that point, Sargent McManigal; correct?

17 A. Yes.

18 Q. Did you end up searching the master bedroom?

19 A. Yes.

20 Q. Did that include the closet of the master bedroom?

21 A. Yes.

22 Q. What did you find in the closet of the master
23 bedroom?

24 A. On one of the shelves in the closet I found a pink
25 like Tupperware container that contained drugs.

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. Showing you State's 84. Is that where in the
2 closet you found the container?

3 A. Yes.

4 Q. Will you circle where you found the container for
5 me?

6 A. Right here.

7 Q. Thank you. Showing you State's 85. Was that the
8 container?

9 A. Yes, it is.

10 Q. And is that what you found inside the container?

11 A. Yes.

12 Q. Could you describe for the jury what you found
13 inside the container?

14 A. A white powder substance in a plastic bag right
15 here.

16 Q. Okay. Focusing your attention on the afternoon of
17 July 14th, 2010. Did you execute a search warrant on that GMC
18 we saw a few minutes ago?

19 A. Yes.

20 Q. And where did that take place?

21 A. At my office.

22 Q. Okay. And where was that at that time?

23 A. 3505 Pine Needle Drive.

24 Q. Did you locate a book bag in the back of the
25 vehicle?

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Yes, I did.

2 Q. Now, where was it in the back of the vehicle?

3 A. It was in the back, behind a large speaker box.

4 Q. Showing you State's 186. Showing you State's 184.

5 Is that where you located the back pack?

6 A. Yes.

7 Q. Can you circle where you saw the back pack?

8 A. The top of it, right there.

9 Q. Okay. Showing you State's 185. Is that the back
10 pack you found?

11 A. Yes.

12 Q. Okay. And then showing you State's 186. Is this
13 the contents as you observed them when you opened the book
14 bag?

15 A. Yes.

16 Q. Could you tell the jury what you found in the back
17 pack?

18 A. I found a Taurus .410 revolver, a black nylon
19 holster, a pair of pliers, a spoon, and a small Altoids
20 container.

21 Q. Did you also happen to find a .9mm casing in the
22 back pack?

23 A. Yes.

24 Q. Okay. Now, you spoke of the .410 Taurus revolver.
25 Is that also commonly known as the Judge?

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1. A. Yes.

2. Q. Okay. Showing you State's 187. Is that the weapon
3 that you found?

4. A. Yes, it is.

5. Q. Showing you State's 188. What is that showing us?

6. A. That's showing the cylinder of the Judge.

7. Q. And is that showing four rounds were fired?

8. A. Yes.

9. Q. And one was remaining in the cylinder?

10. A. Yes.

11. Q. Showing you State's 189. Is that just a view from
12 the back side?

13. A. Yes.

14. Q. Do you recognize this item?

15. A. That is the Judge. That's a .357.

16. MR. COOPER: I think I grabbed the wrong one. I
17 did grab the wrong one.

18. Q. [Mr. Cooper] Let me show you the right one. What
19 is this item?

20. A. This is the Judge, the .410 revolver.

21. Q. The same one in the picture?

22. A. Yes, it is.

23. MR. COOPER: Your Honor, at this time the State
24 would seek to admit Exhibit 310 into evidence.

25. MR. MLYNARCZYK: No objection.

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 MR. MURPHY: No objection.

2 THE COURT: State's 310 into evidence without
3 objection.

4 [Whereupon, State's Exhibit Number 310 is admitted
5 into evidence by the Court]

6 MR. COOPER: And we would also ask to publish to
7 the jury.

8 THE COURT: You may.

9 MR. COOPER: Thank you, Your Honor. Beg the
10 Court's indulgence for one second.

11 And, again, this weapon has been locked and secured
12 by court security.

13 THE COURT: Thank you.

14 Q. [Mr. Cooper] Is this the weapon that you found in
15 the GMC?

16 A. Yes.

17 Q. And are you able to tell, I think it's -- does it
18 say the Judge on the front of the barrel?

19 A. Yes, it does.

20 Q. Tell the jury what this item is.

21 A. This is the .9mm shell casing that was found in the
22 back pack.

23 Q. Okay. And tell the jury what this item is.

24 A. This is a .410 casing that was removed from the
25 cylinder of the Judge.

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. And you collected three of those; right?

2 A. Yes.

3 Q. Would that be one of the three?

4 A. Yes, it is.

5 Q. And that would be the third one?

6 A. Yes.

7 Q. And then what is this item?

8 A. This is the spent .45 shell casing that was removed
9 from the cylinder of the Judge.

10 Q. Thank you. And then this item?

11 A. This was the one unfired .410 round that had the
12 primer struck on it, but it did not fire.

13 MR. COOPER: Your Honor, at this time the State
14 would seek to admit 288, 312, 313, 314, 315, 316, and
15 then 311.

16 THE COURT: 288, 311 through 316?

17 MR. COOPER: That would be correct, Your Honor.

18 MR. MLYNARCZYK: No objection.

19 MR. MURPHY: No objection.

20 THE COURT: They will be in evidence without
21 objection.

22 [Whereupon, State's Exhibit Number 288 is admitted
23 into evidence by the Court].

24 [Whereupon, State's Exhibit Numbers 311 through 316
25 are admitted into evidence by the Court]

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. [Mr. Cooper] Now, would you have sent these shell
2 casings to SLED? I can show you the packages again, if you
3 need me to.

4 A. Yes, they were. They were all sent to SLED.

5 Q. They were all sent to SLED?

6 A. Yes.

7 Q. And how can you tell?

8 A. It's got the seal on top, with the technician's
9 initials.

10 Q. Now, focusing your attention on that purse that we
11 talked about just a few minutes ago. Did you end up searching
12 it on this day?

13 A. Yes.

14 Q. Okay. And what did you find inside the purse?

15 A. Inside the purse was a small makeup purse, several
16 bottles of prescription medication, U.S. currency, a wallet, a
17 South Carolina driver's license belonging to a Melvin Simmons,
18 and a money clip containing \$110. And of course the off-white
19 rock-like substance I found in the unlabeled prescription
20 bottle.

21 Q. And were those items you considered to be illegal
22 narcotics sent to be tested?

23 A. Yes.

24 Q. And you spoke about there was -- that there was
25 money in the purse when you searched it?

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Yes.

2 Q. And do you know how much money was in the purse?

3 A. There were seven separate bundles bound with
4 different colored rubber bands, and they totaled to \$1,164.
5 And the black -- the money clip contained \$910.

6 Q. Now, was there also a projectile taken out of the
7 door of this same SUV?

8 A. Yes.

9 Q. Showing you State's 89. Is that the SUV?

10 A. Yes.

11 Q. And do you see where the projectile was recovered
12 from?

13 A. Yes. In the back door right here.

14 Q. Okay. Tell the jury what that is.

15 A. This was the projectile that I removed from the
16 door of the GMC.

17 Q. Okay. And was that also sent to SLED?

18 A. Yes, it was.

19 MR. COOPER: Your Honor, at this time the State
20 would seek to admit Exhibit 309 into evidence.

21 MR. MLYNARCZYK: No objection.

22 MR. MURPHY: No objection.

23 THE COURT: State's 309 into evidence without
24 objection.

25 MR. COOPER: Thank you, Judge.

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 [Whereupon, State's Exhibit Number 309 is admitted
2 into evidence by the Court]

3 Q. [Mr. Cooper] Now, were you present at Tidewater
4 Surgical Group on March 14th, 2012?

5 A. Yes.

6 Q. Why were you there?

7 A. I was asked to photograph and collect a projectile
8 as being removed from Troy Mason's shoulder.

9 Q. Showing you State's Exhibit 204. Would that dark
10 spot have been where the bullet was removed from?

11 A. Yes.

12 Q. Okay. Will you circle that for me?

13 A. [Witness complies]

14 Q. Thank you.

15 Showing you State's 206. Is that a picture of the
16 projectile that was removed from Mr. Mason's shoulder?

17 A. Yes.

18 Q. Can you describe that to the jury? Is it in a
19 round -- is it in the form of a round ball, or what form is
20 that projectile in?

21 A. It's more looking like a flat disk.

22 Q. Okay. And that would have been sent to SLED, as
23 well?

24 A. Yes.

25 Q. Is this the package containing that projectile?

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Yes, it is.

2 MR. COOPER: Your Honor, at this time the State
3 would seek to admit Exhibit 302 into evidence.

4 MR. MLYNARCZYK: No objection.

5 MR. MURPHY: No objection.

6 THE COURT: 302 into evidence without objection.

7 MR. COOPER: Thank you, Your Honor.

8 [Whereupon, State's Exhibit Number 302 is admitted
9 into evidence by the Court]

10 Q. [Mr. Cooper] And did you also find casings out
11 behind the house? I think they may have been labeled J and K.

12 A. Yes.

13 Q. Okay. Were those determined to not be related to
14 this incident?

15 A. Judging by the looks of them, I believe they were
16 from a different -- a different incident, because they were
17 old.

18 Q. When you say judging by the looks of them, can you
19 elaborate for the jury?

20 A. They were like rusted, and the ones that we found
21 inside the house were clean brass.

22 MR. COOPER: Court's indulgence for just one
23 minute.

24 Q. [Mr. Cooper] Showing you State's Exhibit 161.
25 This is -- is this the shell casing, that you testified to

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 earlier, that you recovered from the roadway?

2 A. Yes.

3 Q. And is it rusted or under any condition you
4 described about some other casings?

5 A. No.

6 Q. This one still has a shine to it, almost?

7 A. Yes.

8 Q. And that was still recovered outside; correct?

9 A. Yes.

10 MR. COOPER: Beg the Court's indulgence just one
11 moment.

12 Can I ask you whether or not Exhibit 280 has
13 already been admitted into evidence? 280.

14 THE COURT REPORTER: No.

15 MR. COOPER: It has not?

16 The Court's indulgence, Judge. I apologize.

17 THE COURT: Ladies and gentlemen, of the jury, if
18 you want to stand up and stretch while we're waiting,
19 now would be a good time to do so. We had a nice big
20 lunch.

21 MR. COOPER: Thank you, Judge. That was
22 successful.

23 THE COURT: All right. Thank you.

24 Q. [Mr. Cooper] Will you tell the jury what that item
25 is?

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 THE COURT: Hold on. Hold on one second. We're
2 still stretching.

3 [Off the record momentarily]

4 THE COURT: All right. Mr. Cooper?

5 MR. COOPER: Thank you, Your Honor.

6 Q. [Mr. Cooper] Can you tell the jury what that item
7 is?

8 A. This is the .9mm shell casing found in the roadway.

9 Q. Which is that one in the picture right there?

10 A. Yes.

11 Q. Perfect. Thank you.

12 MR. COOPER: The State would seek to admit Exhibit
13 280 into evidence.

14 THE COURT: 280. Mr. Mlynarczyk?

15 MR. MLYNARCZYK: No objection.

16 MR. MURPHY: No objection.

17 THE COURT: 280 into evidence without objection.

18 MR. COOPER: Thank you, Your Honor.

19 [Whereupon, State's Exhibit Number 280 is admitted
20 into evidence by the Court]

21 MR. COOPER: At this time, Your Honor, I have no
22 more questions for this witness.

23 Investigator, please answer any questions the
24 defense may have for you. Thank you.

25 THE COURT: Mr. Mlynarczyk?

Kathy Kjellman
Direct Examination by Mr. Cooper
November 4, 2015

1 MR. MLYNARCZYK: May it please the Court, Your
2 Honor.

3 MR. MLYNARCZYK: Kjellman, like C-H?

4 THE WITNESS: Yes.

5 MR. MLYNARCZYK: All right. Investigator Kjellman,
6 I just have a couple of follow ups for you.

7 Can you pull up -- one moment, Your Honor.
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Kathy Kjellman
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. So we're talking -- right there, that's a picture of the blood drops you and Mr. Cooper were talking about; right?

A. Yes.

Q. Okay. Was this on the middle of the road, the side of the road?

A. I would have to take a look at one of the other pictures. I can't remember exactly what was in that road.

MR. MLYNARCZYK: Pull up 198, please.

Q. [Mr. Mlynarczyk] So that's -- looking at this, where were -- were the blood drops found in the middle of the road?

A. Some were like in the middle and some were on the side.

MR. MLYNARCZYK: Okay. Put up 197, please.

Q. [Mr. Mlynarczyk] So this is the trail of the blood drops? Is that what we're following?

A. Yes.

Q. Okay. At any time, did those trails of blood lead to the side of the road like where a car may have been parked?

A. It appears like that, yes.

Q. Okay. So where it ended -- so the blood drops ended somewhere; right?

Kathy Kjellman
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 A. Yes.

2 Q. Okay. Did you see tire tracks?

3 A. There were several tire tracks on that road.

4 Q. Where the blood ended, did you see like tire --
5 like it looked like a car had been parked, or deeper than
6 normal? This looks like a dirt road. Did you see any tire
7 tracks right next to that?

8 A. No.

9 Q. So you didn't take any prints or pictures or lists
10 of -- tire tracks that matched any vehicle?

11 A. No.

12 Q. You just didn't get -- find any suitable?

13 A. No.

14 Q. Could you tell where the blood drops stopped?

15 A. Yes.

16 Q. Was it in the -- where in this picture would it
17 have indicated that the blood drops stopped; do you know?

18 A. I think it's going to be back farther by the cars
19 back in here.

20 Q. Oh. Back up there? I don't think there's a
21 picture closer.

22 [Whereupon, Mr. Mlynarczyk views documents]

23 Q. [Mr. Mlynarczyk] I'm sorry. One more question.

24 MR. MLYNARCZYK: Trying to find the right --

25 [Whereupon, counsel confer]

Kathy Kjellman
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 MR. MLYNARCZYK: 161. Yeah, there it is. 161.

2 Q. [Mr. Mlynarczyk] Okay. So this shell that you
3 found in the roadway -- but it looks like it's pressed into
4 the ground.

5 A. Yes.

6 Q. Does it look like somebody had stepped on it?

7 A. Stepped on it, drove over it.

8 Q. Stepped on it. So this was in the middle of the
9 road, as well?

10 A. Yes.

11 Q. Do you remember if this was near the beginning --
12 where on the road it was? Was it closer to where the blood
13 ended, or closer to where the blood began?

14 A. I would have to see one of the overall pictures.

15 Q. I don't know if we have on that will show where
16 that particular --

17 MR. MLYNARCZYK: We can skip that. You can pull
18 that down.

19 Q. [Mr. Mlynarczyk] You also testified that there
20 were rusted shells found; correct?

21 A. In the back yard. Yes.

22 Q. In the back yard.

23 Now, if a bullet is unfired and it's old, it can
24 rust; correct?

25 A. Yes, if it's outside --

Kathy Kjellman
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Q. All right. So a --

2 A. -- it can.

3 Q. So a shell casing or a bullet, whichever one, can
4 get old and rust?

5 A. Yes.

6 Q. So a rusty bullet could still fire; correct?

7 A. It's possible, yes.

8 Q. So wouldn't -- in an err of caution in a murder-
9 evidence situation, wouldn't it have been better to have
10 collected those shells and sent them to SLED for testing?

11 A. They were collected.

12 Q. I'm sorry?

13 A. The shell casings in the back yard were collected.

14 Q. Did you send them to SLED for testing?

15 A. No.

16 Q. Because you determined because they were rusty, you
17 didn't need to get them tested?

18 A. Yes.

19 We felt that it had -- it wasn't involved in this
20 incident.

21 Q. But the only reason -- the only thing that led you
22 to that determination was the rust?

23 A. Yes.

24 MR. MLYNARCZYK: One second, please, Your Honor.

25 THE COURT: Take your time.

Kathy Kjellman
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 MR. MLYNARCZYK: I'm sorry. One more slide,
2 please. Pull up 205.

3 Q. [Mr. Mlynarczyk] Do you know what this is a
4 picture of?

5 A. I believe it's Troy Mason.

6 Q. Okay. And why did you take a picture of his face?

7 A. He's got a scar on his nose.

8 Q. Okay. And what did you believe that scar to be
9 from?

10 A. One of the injuries he sustained.

11 MR. MLYNARCZYK: I have no further questions.

12 THE COURT: Mr. Murphy?

13 MR. MURPHY: Yes. May it please the Court.

14 Can you pull up 62, please?
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Kathy Kjellman
Cross-Examination by Mr. Murphy
November 4, 2015

CROSS-EXAMINATION

BY MR. MURPHY:

Q. The dirt footprint on the door there --

A. Yes.

Q. -- did you look in the house to see if there was
any other dirt footprints?

A. No.

MR. MURPHY: That's all I have. Thank you.

THE COURT: Redirect?

MR. COOPER: Briefly, Your Honor.

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Kathy Kjellman
Redirect Examination by Mr. Cooper
November 4, 2015

REDIRECT EXAMINATION

BY MR. COOPER:

Q. Showing you State's 205. As Mr. Mlynarczyk pointed out, that's a picture of Mr. Mason's wound, gunshot wound, on his nose?

A. Yes.

Q. Then showing you State's 204. Would you say that those wounds look very different?

A. Yes.

MR. COOPER: No further questions, Your Honor.

THE COURT: Mr. Mlynarczyk?

MR. MLYNARCZYK: One moment, please, Your Honor.

[Whereupon, Mr. Mlynarczyk reviews documents]

MR. MLYNARCZYK: I have no further questions.

MR. MURPHY: Nothing, Your Honor.

THE COURT: You may step down. Thank you. You are free to go, but feel free to stay with us. Thank you.

[Whereupon, Ms. Kjellman is excused and exits the witness stand]

THE COURT: Call your next witness.

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State vs. Belton and Conyers
Stipulation of Counsel
November 4, 2015

STIPULATION OF COUNSEL

MS. SHEALY: Your Honor, at this time we would offer a stipulation.

THE COURT: All right.

MS. SHEALY: The State and the defense agree that items taken from Shemeika Stokes' purse were analyzed by Anita Moore, with the Charleston Police Department's Forensic Services Division. The plastic container contained a rock-like substance that weighed 1.35 grams and was identified as cocaine base. Items removed from the closet in the master bedroom were also analyzed by Ms. Moore. They were -- there were three plastic bags found. One bag contained a rock-like substance that weighed .43 grams and was identified as cocaine base. One bag contained a white powder that weighed .0 grams -- or .08 grams and was identified as cocaine. And one bag contained a white powder that weighed 9.56 grams and was also identified as cocaine.

And we offer -- and this is a Court's Exhibit.

THE COURT: And that will be Court's --

THE COURT REPORTER: 5.

[Whereupon, Court's Exhibit Number 5 is marked by the court reporter]

THE COURT: Mr. Mlynarczyk, was that stipulation accurately read?

State vs. Belton and Conyers
Stipulation of Counsel
November 4, 2015

1. MR. MLYNARCZYK: It was, Your Honor.

2. THE COURT: Mr. Murphy?

3. MR. MURPHY: Yes, Your Honor.

4. THE COURT: All right. Call your next witness.

5. MR. COOPER: The State calls -- I apologize, Your
6. Honor.

7. THE COURT: Go ahead and call.

8. MR. COOPER: The State calls Lisa Kubicsko.

9. THE COURT: It would be an appropriate time if
10. y'all need a short break. Yes? All right.

11. If you'll wait right there, Ms. Kubiscko.

12. Just let us know when you're ready to return.

13. Thank you.

14. Please rise for the jury.

15. [Off the record momentarily]

16. [Whereupon, the jury exits the courtroom at
17. 2:49 p.m.]

18. THE COURT: Thank you. Be seated.

19. Just want to place on the record who -- you had
20. mentioned previously that you thought there was a
21. sleeping juror. Which one was that?

22. MS. SHEALY: It was the gentleman that --

23. THE COURT: In the green shirt?

24. MS. SHEALY: Yes. I believe he was an aerospace
25. engineer.

State vs. Belton and Conyers
Stipulation of Counsel
November 4, 2015

1 MR. MLYNARCZYK: That's correct, Your Honor.

2 MS. SHEALY: And I think that both Mister -- oh, my
3 gosh. Now I can't --

4 THE COURT: Mlynarczyk.

5 MS. SHEALY: -- Mlynarczyk and Ms. Stokes
6 [phonetic] and Mr. Cooper and I have noticed that. They
7 also noticed it yesterday, apparently.

8 THE COURT: I have been observing since you brought
9 it to my attention. I think that is just his mannerism,
10 because he does seem to -- when y'all stop talking he
11 closes his eyes, and then when you are talking he opens
12 them.

13 So I have been observing them. I just wanted to
14 place that on the record.

15 Anything else before we take our short comfort
16 break?

17 MR. MLYNARCZYK: No, Your Honor.

18 THE COURT: And just for scheduling, where are we?

19 MS. SHEALY: We have --

20 THE COURT: We have Ms. Kubicsko and then --

21 MS. SHEALY: And then we have three SLED agents
22 that I do not believe will be very lengthy.

23 THE COURT: And then that will take us to the phone
24 guy?

25 MS. SHEALY: And I have the clerk of court

State vs. Belton and Conyers
Stipulation of Counsel
November 4, 2015

1 downstairs that I would like to get done today so we can
2 start fresh and on time tomorrow.

3 THE COURT: Take a comfort break. That is it.
4 Thank you.

5 [Whereupon, a recess is taken from 2:51 p.m. to
6 3:09 p.m.]

7 THE COURT: They're right at the door.

8 [Whereupon, the jury enters the courtroom at
9 3:10 p.m.]

10 THE BAILIFF: All jurors are present, Your Honor.

11 THE COURT: Thank you. Be seated.

12 Call your next witness.

13 MR. COOPER: The State calls Lisa Kubicsko.

14 THE COURT: Ma'am, please come forward and be
15 sworn.

16 [Whereupon, Ms. Kubicsko comes forward]

17 THE CLERK OF COURT: Left hand here. Raise your
18 right.

19 [Whereupon, Ms. Kubicsko is duly sworn by the clerk
20 of court as follows: do you swear or affirm the
21 testimony you will give the Court and the jury in the
22 trial of this case will be the truth, the whole truth,
23 and nothing but the truth, so help you God]

24 THE WITNESS: I do.

25 THE CLERK OF COURT: You may be seated.

State vs. Belton and Conyers
Stipulation of Counsel
November 4, 2015

1 Once seated, if you could please state your first
2 and last name and then spell your last loudly and
3 clearly into the microphone for the record.

4 [Whereupon, Ms. Kubicsko takes the witness stand]

5 THE WITNESS: Lisa Kubicsko. K-U-B-I-C-S-K-O.

6 THE COURT: Mr. Cooper.

7 MR. COOPER: Thank you, Your Honor.

8 Good afternoon, Ms. Kubicsko. How are you?

9 THE WITNESS: Good. How are you?

10 MR. COOPER: I'm good. Thank you.

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Lisa Kubicsko
Direct Examination by Mr. Cooper
November 4, 2015

LISA KUBICKSKO,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. COOPER:

Q. Could you tell the jury where you work?

A. I work for the North Charleston Police Department
as a civilian crime scene technician and latent examiner.

Q. How long have you been there?

A. It will be five years in December.

Q. Has it always been in that position?

A. Yes.

Q. Okay. Can you tell the jury what part of your job
duties are?

A. As a crime scene technician, I respond for calls
for service, whether it be burglaries, shootings, homicides,
suicides, other death investigations.

We're responsible for documenting the scene through
photographs, video, taking notes, search for evidence,
collect, preserve it. Then we'll also process for evidence,
whether it be for fingerprints, DNA. Generate reports on our
findings.

As a latent examiner, I'm in charge of the quality
checking the fingerprints that are submitted to our office
from our patrol unit, our crime scene unit, and other

Lisa Kubicsko
Direct Examination by Mr. Cooper
November 4, 2015

1 agencies, including Charleston County Sheriff's Office.

2 I also -- once I determine the quality of a
3 fingerprint --

4 Q. I need to stop you right there.

5 A. Sure.

6 Q. We'll get to that. We'll take it one step at a
7 time.

8 Can you tell the jury about your educational and
9 professional background?

10 A. Yes.

11 I have a bachelors degree from West Virginia
12 University in forensics and investigative science. While I
13 was there, I completed ninety hours of latent fingerprint
14 classes that were taught by NCI. So when I got hired at North
15 Charleston in December of 2010, I then began training under
16 their senior latent print examiner.

17 About four months later -- well, in June of 2011, I
18 completed a competency test at SLED, South Carolina Law
19 Enforcement Division, which showed that I was competent in
20 latent examination and running prints through the AFIS system.

21 Q. How many fingerprint comparisons would you say
22 you've performed?

23 A. In the five years, it's been thousands.

24 Q. Okay. And have you testified in criminal cases
25 before where fingerprints have been at issue?

Lisa Kubicsko
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Yes.

2 Q. Okay. And how many times have you been qualified
3 as an expert?

4 A. Two times.

5 MR. COOPER: Your Honor, at this time I would like
6 to offer Officer Kubicsko to be an expert in latent
7 fingerprint examination.

8 MR. MLYNARCZYK: No objection.

9 MR. MURPHY: No objection.

10 THE COURT: She will be so qualified.

11 MR. COOPER: Thank you, Your Honor.

12 Q. [Mr. Cooper] Now, Ms. Kubicsko, can you tell us
13 about how people leave fingerprints?

14 A. Yes.

15 Everyone has sweat glands in their fingerprint
16 pads. So when they produce oil, it will coat the ridges of
17 your fingerprint. So when you touch a surface, you're leaving
18 those sweat glands, in the pattern of those ridges, on your
19 fingertips.

20 Q. Is a good fingerprint left every time someone
21 touches something?

22 A. No.

23 Q. What -- or why not?

24 A. One reason could be that they simply just don't
25 produce enough oil to coat the ridges.

Lisa Kubicsko
Direct Examination by Mr. Cooper
November 4, 2015

1 They may also produce a lot, if they're nervous or
2 sweating a lot. They then will touch the surface and just
3 leave a complete smudge.

4 Also, depending on how they touched a surface, if
5 they put a lot of pressure it might leave a smudge. Or if
6 they have movement while they are touching, it could just
7 leave a smudge.

8 Q. And if someone has something like a glove over
9 their hand, would you expect things they touch to leave
10 fingerprints?

11 A. No.

12 Q. And are you able to make fingerprint comparisons in
13 every case you're involved with?

14 A. No.

15 Q. Now, can you talk to the jury about ridge detail
16 and kind of explain that in detail?

17 A. Yes.

18 Within the fingerprint patterns that you have on
19 your fingerprints, there are specific characteristics that we
20 call municia. Those could be any ridges or bifurcations. A
21 bifurcation would be one ridge that travels along and then
22 splits into two. So we'll look for the bifurcations and the
23 ending ridges and count them as characteristics within the
24 fingerprint.

25 With a certain amount of them, we are then able to

Lisa Kubicsko
Direct Examination by Mr. Cooper
November 4, 2015

1 compare those characteristics from an unknown latent
2 fingerprint recovered, to a known inked ten-print standard
3 from an individual.

4 And as long as those points match and occupy the
5 same spatial arrangement, by counting the ridges between each
6 characteristics, and those match, we can make an
7 identification.

8 Q. Tell the jury what AFIS is, please.

9 A. AFIS is the Automatic -- Automated Fingerprint
10 Identification System.

11 Q. Can you tell the jury how it's determined whether
12 or not a print is good enough to be submitted to AFIS or run
13 through AFIS?

14 A. Yes.

15 When we receive the prints, we'll do a quality
16 check basically just to see how legible is that print, is
17 there enough ridge characteristics to compare to a known
18 print.

19 Sometimes you might just have a partial print and
20 when you look at those ridges they're just a bunch of straight
21 ridges without those specific characteristics. There's
22 nothing to compare to.

23 So we want to make sure that, one, we can determine
24 if it's a fingerprint versus a palm print, or even a foot
25 print.

Lisa Kubicsko
Direct Examination by Mr. Cooper
November 4, 2015

1 Also, if we can place it in the correct orientation
2 and also meet those specific characteristics to then make the
3 comparison.

4 Q. If a fingerprint is not of good enough quality to
5 run through AFIS, can it still be compared to what you
6 referred to as a ten-print card?

7 A. Yes.

8 Each latent examiner kind of has their own
9 threshold, I should say, of what they deem insufficient or
10 insufficient for AFIS.

11 For me, I will count the characteristics and if
12 there aren't enough, and there's something even special about
13 them or specific to them, I will make the determination of
14 whether or not it's good enough for AFIS or not.

15 Sometimes when you try to enter prints into AFIS,
16 based on the background on the latent card, the black powder,
17 if it's very dirty, like dirty tape, then the computer system
18 might not be able to actually read those ridges.

19 So different -- there are things regarding the
20 quality of the print and the dirtiness, I should say, of the
21 tape that might affect how the AFIS system could read the
22 print.

23 But with the human eye, sometimes we're able to see
24 better those characteristics, through the print tape, to
25 actually do the comparison.

Lisa Kubicsko
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. Now, you mentioned what's called a ten-print card,
2 though, a minute ago. Can you explain to the jury what that
3 is?

4 A. That is a known inked fingerprint impression that
5 is collected from someone, usually upon arrest or employment
6 or concealed weapons. We'll use ink to coat the ridges and
7 take -- roll the fingerprints to collect them as a standard.

8 Q. And how do you typically receive items to be
9 compared to fingerprints from law enforcement?

10 A. Well, through other agencies, they will bring them
11 to our office and we'll usually go along with their
12 procedures. If they bring a chain of custody, then we'll sign
13 it. If not, they drop them off. When we're done with them,
14 we'll log it into a book and they'll come and initial that
15 they're taking them back into their custody.

16 Q. So they typically come on what's called a latent
17 print card?

18 A. Yes.

19 Q. Can you explain what that is?

20 A. That is just a white, should I say, glossy index
21 card, basically, that the crime scene technicians have usually
22 lifted the fingerprint and put the tape back down on there,
23 and that's what they're submitting to us.

24 Q. Were you provided with three print cards from this
25 case?

Lisa Kubicsko
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Yes.

2 Q. Were you also provided with ten-print cards from
3 this case?

4 A. Not originally.

5 I was provided names to then retrieve the ten-print
6 cards from the system.

7 Q. Okay. I want to show you what's already been
8 marked and moved into evidence as State's 274. Could you read
9 the label on the front of that package for me?

10 A. Three fingerprint cards.

11 Q. Okay. And will you take those items out for me?

12 A. [Witness complies]

13 Q. Were those latent print cards ones you've examined
14 in this case?

15 A. Yes.

16 Q. And then are there ten-print cards also in that
17 packet?

18 A. Yes.

19 Q. I'm going to hand you your report dated October
20 21st, 2015. Is this where you compared those three print
21 cards to the ten-print cards in this case?

22 A. Yes.

23 Q. Okay. And can you tell the jury, first of all, who
24 you had ten-print cards for

25 A. Yes.

Lisa Kubicsko
Direct Examination by Mr. Cooper
November 4, 2015

1 I had ten-print cards for a Troy Mason, Shemeika
2 Stokes, Melvin Simmons, Curtis Delaney, Mario Caldwell, King
3 Conyers, and Jeremiah Belton.

4 Q. Did you compare those ten-print cards to the three
5 latent print cards right there?

6 A. Yes.

7 Q. And can you tell the jury what your results in your
8 report were?

9 A. Yes.

10 The first latent card that I examined was labeled
11 L-1, for latent card 1. These contained latent lifts that
12 were recovered from a wine-rack leg. That was two individual
13 lifts that were collected from the wine-rack leg, and one lift
14 that was collected from the top side of portable wine rack,
15 from a county sheriff's office crime scene officer.

16 Q. And the results of your -- and your findings?

17 A. Yes.

18 Q. Your comparison.

19 A. So normally what I do is I'll look at each of these
20 lifts and label each specific fingerprint or palm print. So
21 I'll have L-1.1, L-1.2.

22 And so for L-1.1, I made a positive identification
23 to the right thumb, which is finger number one, of Shemeika
24 Stokes.

25 Q. And what was L-1.1?

Lisa Kubicsko
Direct Examination by Mr. Cooper
November 4, 2015

1 A. L-1.1 is a lift from the wine-rack leg.

2 Q. Okay. Were you able to make any other comparisons
3 to any of the other items on those latent print cards?

4 A. I did.

5 I was able to compare a 1.3, that I had labeled
6 these individuals, and excluded all of them.

7 Q. What was 1.3? L-1.3?

8 A. L-1.3 is another lift from the wine-rack leg.

9 Q. Did you do any other examination with those print
10 cards?

11 A. Yes.

12 L-1.5, which was a palm print. And that is, again,
13 from the wine-rack leg. It was inconclusive with K-1 through
14 K-7. Basically, it did not have enough detail for me to make
15 a conclusion either way, to exclude someone or make an
16 identification.

17 Q. And K-1 through K-7 was where you listed the
18 individuals' names from the ten-print cards

19 A. Yes.

20 Q. Any other results on that report?

21 A. The rest of the fingerprints that were labeled,
22 L-1.2, 1.4, 1.6 and 1.7 were insufficient for identification,
23 meaning they did not have enough ridge characteristics to make
24 a determination.

25 Q. Okay. I'll have you package that back up.

Lisa Kubicsko
Direct Examination by Mr. Cooper
November 4, 2015

1 A. [Witness complies]

2 Q. And then showing you what's been already marked and
3 moved into evidence as State's 337. Can you tell the jury
4 what the label is on that --

5 THE COURT: Counsel approach.

6 [Whereupon, an off-the-record bench conference is
7 held]

8 THE COURT: Again, feel free. This is a good time
9 for y'all to stretch, get your blood moving. All right?
10 Thank you.

11 [Whereupon, an off-the-record bench conference is
12 held]

13 THE COURT: Ladies and gentlemen, we're trying to
14 move through these witnesses fairly quickly. We have
15 this witness and then three witnesses from SLED, who all
16 rode from Columbia together, and then I anticipate --
17 we've been working very hard and y'all look worn out.
18 And so if you could stay with me and stay focused for
19 these next few witnesses, we'll be able to get out of
20 here on time, which I call five o'clock. So if we can
21 all stay focused. I know --

22 Sam, it is a little warm in here.

23 And if anybody needs some more caffeine, I would
24 appreciate --

25 Feel free to stand up if you need to. But I need

Lisa Kubicsko
Direct Examination by Mr. Cooper
November 4, 2015

1 everybody to stay focused on the information that's
2 being presented.

3 THE COURT: Mr. Cooper, I apologize. Thank you.

4 MR. COOPER: Thank you, Judge.

5 Q. [Mr. Cooper] Ms. Kubicsko, will you please read
6 the label on that envelope?

7 A. Yes.

8 It says latent print card from drinking glass,
9 collected by Burke at Forseman Street residence.

10 Q. Okay. And did you also complete a report on that?

11 A. Yes.

12 Q. Okay. I'm going to hand you your report. Will you
13 read off the results of your comparison?

14 A. Yes.

15 After looking at this fingerprint card, it was
16 determined that it was insufficient for identification,
17 meaning it did not have enough characteristics at all to make
18 a determination on exclusion or identification.

19 Q. Okay. Grab that back from you. Thank you.

20 MR. COOPER: Beg the Court's indulgence for just
21 one moment.

22 [Whereupon, Mr. Cooper and Ms. Shealy confer]

23 MR. COOPER: I have no further questions for this
24 witness.

25 Ms. Kubicsko, please answer any questions that the

Lisa Kubicsko
Direct Examination by Mr. Cooper
November 4, 2015

1 defense may have for you.

2 THE COURT: Mr. Mlynarczyk?

3 MR. MLYNARCZYK: Thank you, Your Honor. May it
4 please the Court.
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Lisa Kubicsko
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. So this -- let's be clear on what you're here to tell the jury. You're here to tell the jury that you didn't find any fingerprints that matched anybody on trial here today from -- what was the first address? The L-1.1 through L-1.7? What address was that?

A. I do not know. I do not --

They would be written on back of the latent cards that he just took back from me.

MR. MLYNARCZYK: Can I have the latent cards?

MR. COOPER: Yeah. They're on the -- they're on the table.

MR. MLYNARCZYK: Is this it here?

Q. [Mr. Mlynarczyk] Let me see. Is that it right there?

A. This is the Forseman address.

Q. Would that be this one here?

A. Yes.

Q. So the L-1 through L-7, the one that you said that came back to Shemeika Stokes, there's another one that excluded everybody, and the rest are inconclusive or insufficient?

A. Yes.

It's L-1 through L-3. L-1 had seven individual

Lisa Kubicsko
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 prints on it. L-1.1 was the identification to Ms. Stokes.
2 1.2 was insufficient for identification.

3 Q. All right. I don't want you to go through all
4 that.

5 A. Okay.

6 Q. Just tell us what the address was --

7 A. Oh. I'm sorry.

8 Q. -- that those came from.

9 A. [REDACTED].

10 Q. And none of those prints you found identified
11 Jeremiah Belton as being the owner of those prints; correct?

12 A. I did not identify an individual on these latent
13 cards, no.

14 MR. MLYNARCZYK: And may I approach, Your Honor?

15 Q. [Mr. Mlynarczyk] And the Forcesmyth -- Forcesmith
16 address --

17 MR. MLYNARCZYK: We can put those back, I guess.

18 Thank you.

19 Q. [Mr. Mlynarczyk] And the second location discussed
20 was Forcesmyth Avenue?

21 A. The Forseman.

22 Q. Forseman. I cannot get that right.

23 So do you know how many objects were given to you
24 from that address to test?

25 A. I was just -- I just received the one latent card

Lisa Kubicsko
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 from Forseman.

2 Q. And you've testified now, you've told the jury,
3 that you're an expert as identifying fingerprints and how
4 they're left and why they're left and all of that; correct?

5 A. Yes.

6 Q. So in your opinion, if I were -- if you were in a
7 room with seven people for an hour, drinking, eating, would
8 you expect that somebody there would leave fingerprints?

9 A. I couldn't really say yes or no to that.

10 MR. MLYNARCZYK: I don't have any further
11 questions.

12 MR. MURPHY: Nothing, Your Honor.

13 THE COURT: All right.

14 MR. COOPER: Just one question, Your Honor.

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Lisa Kubicsko
Redirect Examination by Mr. Cooper
November 4, 2015

REDIRECT EXAMINATION

BY MR. COOPER:

Q. Ms. Kubicsko, looking at your October 2015 report, was there any match to Troy Mason or Mario Caldwell?

A. No.

MR. COOPER: Okay. No further questions, Your Honor.

THE COURT: Mr. Mlynarczyk?

MR. MLYNARCZYK: Nothing further, Your Honor.

MR. MURPHY: Nothing, Your Honor.

THE COURT: You may step down.

THE WITNESS: Thank you.

THE COURT: Feel free to stay with us, but you're also free to leave.

[Whereupon, Ms. Kubicsko is excused and exits the witness stand]

THE COURT: Call your next witness.

MS. SHEALY: Adrienne Riley.

[Whereupon, Ms. Riley-Hefney comes forward]

THE CLERK OF COURT: Left hand here. Raise your right.

[Whereupon, Ms. Riley-Hefney is duly sworn by the clerk of court as follows: do you swear or affirm the testimony you will give the Court and the jury in the trial of this case will be the truth, the whole truth,

Lisa Kubicsko
Redirect Examination by Mr. Cooper
November 4, 2015

1 and nothing but the truth, so help you God]

2 THE WITNESS: I will.

3 THE CLERK OF COURT: You may be seated.

4 Once seated, if you could please state your first
5 and last name and then spell your last loudly and
6 clearly into the microphone for the record.

7 [Whereupon, Ms. Riley-Hefney takes the witness
8 stand]

9 THE WITNESS: Adrienne Hefney. My last name is
10 spelled H-E-F, as in Frank, N-E-Y.

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Adrienne Riley-Hefney
Direct Examination by Ms. Shealy
November 4, 2015

ADRIENNE RILEY-HEFNEY,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Ms. Hefney, if you would please tell us about your educational and professional background.

A. Sure.

I have a bachelors of science degree in biology from the University of South Carolina. I also have a masters, MBA, from Wentworth University.

I've worked at SLED since November of 1997 in the DNA analysis unit. I am a forensic DNA analyst, and I've held that same position since March of 1999.

Q. So the whole time you've been at SLED, you've been doing DNA analysis?

A. That is correct.

And I started as non-sworn in November of 1997 and moved to a sworn position in March of 1999.

Q. Approximately how many DNA analyses would you say you have completed?

A. Probably thousands at this point.

Q. And have you been qualified previously as a DNA analyst, as an expert?

A. I have, approximately about seventy times, in both

Adrienne Riley-Hefney
Direct Examination by Ms. Shealy
November 4, 2015

1 state and federal court.

2 MS. SHEALY: Your Honor, at this time I would offer
3 Ms. Hefney as an expert in the field of DNA comparison.

4 MR. MLYNARCZYK: No objection.

5 MR. MURPHY: No objection.

6 THE COURT: She will be so qualified.

7 MS. SHEALY: Thank you.

8 Q. [Ms. Shealy] Ms. Hefney, briefly, would you
9 describe to the jury what is meant by DNA?

10 A. Sure.

11 DNA is -- the scientific name for it is
12 deoxyribonucleic acid. All it is is a chemical substance that
13 each one of us has. We inherit it from our parents. We get
14 half of our DNA from our mother, and the other half of our DNA
15 from our father.

16 Now, a lot of our DNA is the same. It's the DNA
17 that codes to give us two eyes and two arms and two legs and
18 makes us human.

19 But of course we can look around this courtroom and
20 tell everyone looks different. So your DNA from each person
21 is different. No two people will have the same DNA, with the
22 exception of identical twins.

23 Now, forensic DNA analysis, we use that fact that
24 no two people have the same DNA, with the exception of
25 identical twins, to make comparisons. We'll make comparisons

Adrienne Riley-Hefney
Direct Examination by Ms. Shealy
November 4, 2015

1 from known standards, such as blood taken from the vein of an
2 individual who's known to be a part of the case, such as the
3 victim or the suspect, and we'll make that comparison to
4 unknown, which is evidence samples that were left behind at a
5 crime scene.

6 Another known sample can be a buccal swab, which is
7 more likely what we do today, and that's just a swab from the
8 inside of your cheek cells. It's going to have the same DNA
9 as the blood or hair or semen or saliva.

10 Q. Okay. Go ahead. I'm sorry.

11 A. Okay. All right. So we make those comparisons in
12 the field of forensic DNA analysis. And that's about it.

13 Q. In this case were you asked to perform a DNA
14 analysis?

15 A. I was.

16 Q. And were you, in fact, presented with various items
17 of evidence?

18 A. I was.

19 Q. Showing you State's 292, a blood spot sample from a
20 roadway.

21 I'm going to go ahead and list several at a time,
22 if I could.

23 A. Uh-huh.

24 Q. 293, another sample from the roadway; State's 294,
25 a blood swab from the hallway floor between the rugs.

Adrienne Riley-Hefney
Direct Examination by Ms. Shealy
November 4, 2015

1 THE WITNESS: Let me help you.

2 MS. SHEALY: I'm sorry. I forgot about that.

3 THE WITNESS: Okay.

4 Q. [Ms. Shealy] State's Exhibit 295, blood swab from
5 the kitchen floor; State's Exhibit 296, a blood swab from Troy
6 Mason's shirt.

7 Tell us what a blood spot is.

8 A. A blood spot is just an evidence stain that was
9 left behind.

10 Q. And do you frequently get that, from someone who is
11 deceased, from autopsy?

12 A. Yes.

13 Q. Showing you State's Exhibit 303, the blood spot
14 from Melvin Simmons; State's Exhibit 307, the blood spot from
15 Curtis Delaney; and State's Exhibit 317 --

16 Do you say buccal or buccal?

17 A. Buccal. I say buccal. Some people say buccal.

18 Q. [Ms. Shealy] -- the buccal swab from Troy Mason.
19 So were you provided with all of those?

20 A. I was.

21 These three are known standards. The blood
22 spot, the buccal swab. And these are unknown samples. And
23 each one of them has my initials and the date that I looked at
24 them on the back, or either on the seal on the pouch.

25 Q. And I don't know that we've heard about what -- how

Adrienne Riley-Hefney
Direct Examination by Ms. Shealy
November 4, 2015

1 a buccal swab is obtained. What is that process like?

2 A. Yes.

3 That's what I was explaining, the swabbing from the
4 inside of your cheek cells.

5 Q. It's like -- it's sort of like a Q-Tip type thing
6 and they rub the cells of the cheek?

7 A. That is correct.

8 Q. And then is it provided to SLED in a pristine
9 fashion?

10 A. Yes.

11 Q. Would you please tell us the results of your
12 comparisons of the items that you were provided?

13 A. Sure.

14 I'm going to read directly from my first report
15 where I received a blood standard from Curtis Delaney, a blood
16 standard from Melvin Simmons, a sample of dirt with red
17 substance, a sample of dirt -- another sample of dirt with red
18 substance, a swab from hallway floor between the rugs, swab
19 from the kitchen floor, and a swab from Troy Mason's shirt.

20 Q. So just to make sure that the jury understands, at
21 that point you did not have a buccal swab?

22 A. I did not.

23 I performed analysis on each one of these items and
24 it was determined that the DNA profile developed from items
25 19, 20, 21, 22 and 23, which are all these unknown samples

Adrienne Riley-Hefney
Direct Examination by Ms. Shealy
November 4, 2015

1 here, are from an unidentified male individual. Curtis
2 Delaney and Melvin Simmons are excluded as donors of DNA to
3 these items.

4 And then I also asked, at the bottom of my report,
5 to please submit a known standard from Troy Mason for
6 comparison.

7 Q. Okay. And then, in fact, at that point did you
8 receive the buccal swab from Troy Mason?

9 A. I did.

10 Q. And would you please tell the jury what your
11 conclusion was after receiving that?

12 A. Sure.

13 I released another report, known as a supplement
14 report. And on that one it says the DNA profile developed
15 from items 19, 20, 21, 22 and 23 matches the DNA profile of
16 Troy Mason. The probability of randomly selecting an
17 unrelated individual having a DNA profile matching these items
18 is approximately 1 in 51 quintillion.

19 Q. And when you say -- can you just kind of elaborate
20 on that? What do you mean that's the probability?

21 A. Sure.

22 When we do a DNA match, it's kind of like a two-
23 step process. We'll first do a visual match when we'll see
24 the DNA profile that we developed from a known and we'll look
25 at the DNA profiles from the unknowns and see if they match.

Adrienne Riley-Hefney
Direct Examination by Ms. Shealy
November 4, 2015

1 If they match, we'll apply a statistical weight to it.

2 In this case -- we have a database that we put in
3 each one of the frequencies of the DNA profile that we
4 developed and it'll come up with a big number. And that's
5 where this 51 quintillion came from.

6 What that theoretically means is that if we were to
7 line up 51 quintillion people, we should only expect to see
8 this DNA profile one time.

9 Now, a quintillion, like how many is that? It's
10 like a one followed up by fifteen zeros. And it's essentially
11 about seven million times the world's population, which is 7.3
12 billion, approximately.

13 Q. Now, were you requested by our office to do a DNA
14 analysis on some items that were found on Forseman Road?

15 A. We were.

16 Q. And could you tell the jury whether or not SLED
17 took the position that they would do so?

18 A. We did not.

19 I explained to them that it was against our policy,
20 as well as the FBI's policy, to do those samples because those
21 samples were removed from the crime scene. They were from a
22 house that no crime occurred. And so it's against our policy,
23 as well as the FBI's policy, who mandates a database that we
24 will put these samples in, to do so.

25 Q. And after you told me that you were not going to be

Adrienne Riley-Hefney
Direct Examination by Ms. Shealy
November 4, 2015

1 able to do so, do you recall my going to your supervisor --

2 A. Yeah.

3 Q. -- to see if they would do it for us?

4 A. Well, I also went to my supervisor and I told her
5 what the request was, and she agreed with me.

6 And we also went to the State CODIS administrator
7 which is that database that I'm referring to, and they agreed
8 we cannot do that.

9 It's almost the equivalent of you leaving behind a
10 straw at McDonald's and we're taking it, collecting it,
11 swabbing it, and putting it in a database. That's unethical,
12 and we wouldn't do that. No crime occurred. It's not a crime
13 for you to go to McDonald's.

14 So that's why we couldn't do that from that house.

15 Q. And would you describe to the jury, please, from
16 what sources can you possibly get DNA?

17 A. Yes.

18 You can get it from blood, sweat, saliva, skin,
19 bone, teeth, hair. The type of DNA -- with hair, the type of
20 DNA testing that we do at SLED comes from your root. But
21 there is also tests out there that can get it from the shaft
22 of your hair, as well.

23 Q. And would you explain to the jury, if someone has
24 on gloves or is wearing something over their face and their
25 head and are not bleeding, is it very likely to get a DNA

Adrienne Riley-Hefney
Direct Examination by Ms. Shealy
November 4, 2015

1 sample?

2 A. It's not.

3 I mean, you have to leave something behind. And if
4 you're covered up, you're not leaving any saliva behind.
5 Unless we get what you were wearing, you won't leave behind
6 any DNA typically for us to collect.

7 Q. And in this case you were given samples of blood?

8 A. That is correct. Or red substance. Yes, ma'am.

9 MS. SHEALY: Very Good. Please answer any
10 questions that the defense may have.

11 THE WITNESS: Sure.

12 MR. MLYNARCZYK: May it please the Court.

13 THE COURT: Mr. Mlynarczyk?

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Adrienne Riley- Hefney
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. Is it Dr. Hefney?

A. No. It's just Agent Hefney.

Q. Ms. Hefney, so again, I just want to be clear. The report you submitted from the evidence that was submitted by the solicitor's office to you for testing --

A. Uh-huh.

Q. -- your August 4, 2010 report and your November 8th, 2010 report, neither of those match any evidence, blood, DNA, of any kind to Jeremiah Belton; correct?

A. No, that is -- that is correct.

MR. MLYNARCZYK: Okay. No further questions.

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Adrienne Riley-Hefney
Cross-Examination by Mr. Murphy
November 4, 2015

CROSS-EXAMINATION

BY MR. MURPHY:

Q. The same question for Mr. Conyers.

A. That is correct. All of it matched Troy Mason.

MR. MURPHY: Thank you, Your Honor.

MS. SHEALY: I have no further questions.

THE COURT: You may step down. Feel free to stay with us.

[Whereupon, Ms. Riley-Hefney is excused and exits the witness stand]

THE COURT: Call your next witness.

MS. SHEALY: Ila Simmons.

[Whereupon, Ms. Simmons comes forward]

THE CLERK OF COURT: Left hand here. Raise your right.

[Whereupon, Ms. Simmons is duly sworn by the clerk of court as follows: do you swear or affirm the testimony you will give the Court and the jury in the trial of this case will be the truth, the whole truth, and nothing but the truth, so help you God]

THE WITNESS: I do.

THE CLERK OF COURT: You may be seated.

Once seated, if you could please state your first and last name and then spell your last loudly and clearly into the microphone for the record, please.

Adrienne Riley-Hefney
Cross-Examination by Mr. Murphy
November 4, 2015

1 [Whereupon, Ms. Simmons takes the witness stand]

2 THE WITNESS: My name is Ila Simmons. My last name
3 is spelled S-I-M-M-O-N-S.

4 THE COURT: Ms. Shealy?

5 MS. SHEALY: I beg the Court's indulgence for just
6 one moment.

7 THE COURT: Take your time.
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Ila Simmons
Direct Examination by Ms. Shealy
November 4, 2015

1 ILA SIMMONS,

2 Having Been First Duly Sworn,
3 was Examined and Testified as Follows:

4 DIRECT EXAMINATION

5 BY MS. SHEALY:

6 Q. Ms. Simmons, if you would please -- you are no
7 longer working at SLED; is that correct?

8 A. That's correct.

9 Q. Tell the jury a little bit about your educational
10 background and your experience, as well.

11 A. I received a bachelor's of science degree in
12 chemistry.

13 After completing that, I came to work at SLED where
14 I worked for the first three years there with a court-
15 qualified, SLED-certified trace evidence examiner. During
16 that time, I had to take written and practical examinations
17 and pass them with one hundred percent efficiency to be
18 qualified as an examiner of trace evidence.

19 Each year I took continuing education classes,
20 attended seminars, and had to take proficiency tests to assure
21 that I was still proficient in each area of trace evidence.

22 Q. And how long did you work in the area of trace
23 evidence?

24 A. Fourteen years.

25 Q. Including in the category of trace evidence, is

Ila Simmons
Direct Examination by Ms. Shealy
November 4, 2015

1 there gunshot residue?

2 A. Yes, ma'am.

3 Q. And were you experienced in that area while you
4 were working at SLED?

5 A. Yes, ma'am.

6 Q. Have you testified before?

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

8 Q. Do you know approximately how many times you've
9 testified?

10 A. Between 200 and 300 times.

11 MS. SHEALY: Your Honor, at this time I would offer
12 Ms. Simmons as an expert in the field of trace evidence
13 within the area of gunshot residue.

14 MR. MLYNARCZYK: No objection.

15 MR. MURPHY: No objection.

16 THE COURT: She will be so qualified.

17 Q. [Ms. Shealy] Tell us first, what is gunshot
18 residue?

19 A. Gunshot residue is a mixture of microscopic
20 chemicals that come out of the gun when it's fired. In the
21 movies, you'll see a puff of smoke come out of a gun. Well,
22 within that smoke is mixed up the gunshot residue [phonetic].
23 The gunshot residue can get on anything in close proximity to
24 the gun when it's fired, including the hands of the person
25 who's holding the gun.

Ila Simmons
Direct Examination by Ms. Shealy
November 4, 2015

1 Q. And when you have been asked to take a look at some
2 items to see whether or not there is any gunshot residue, or
3 swabbing someone's hands or et cetera, is there a certain time
4 limit beyond which y'all do not do an examination?

5 A. Yes, ma'am.

6 On a living person, gunshot residue will not remain
7 longer than six hours. It begins to come off the hands
8 immediately. And we've found through laboratory testing that
9 after six hours, no gunshot residue will be present.

10 Q. And can you also explain to the jury, on a live
11 person are there a variety of ways that if they had gunshot
12 residue on their hands, it could be removed before they were
13 swabbed?

14 A. Gunshot residue has the consistency of flour, so
15 it's very easily removed.

16 If someone were to wash their hands, put their
17 hands in and out of their pockets, wipe their hands on a rag,
18 change clothes, those can all remove gunshot residue.

19 Q. What about holding a garment of some sort, or a
20 rag?

21 A. That could possibly do it, yes, ma'am.

22 Q. In this case were you provided with a gunshot
23 residue kit on Shemeika Stokes, Curtis Delaney, Troy Mason,
24 and Melvin Simmons?

25 A. Yes, I was.

Ila Simmons
Direct Examination by Ms. Shealy
November 4, 2015

1 Q. And showing you what's been marked as State's
2 Exhibit 275. Do you recognize this envelope?

3 A. Yes, ma'am, I do.

4 It is marked with my initials. It is also marked
5 with our unique identification number. Each case that comes
6 into the laboratory is provided with a unique identification
7 number, as well as the item of evidence.

8 MS. SHEALY: Your Honor, at this time I would offer
9 275 into evidence.

10 MR. MLYNARCZYK: No objection.

11 MR. MURPHY: No objection.

12 THE COURT: 275 into evidence without objection.

13 [Whereupon, State's Exhibit Number 275 is admitted
14 into evidence by the Court]

15 Q. [Ms. Shealy] If you could, Ms. Simmons, if you
16 would go GSR kit by kit and tell us what conclusions you
17 reached.

18 A. On the GSR kit collected from Troy Mason, the
19 quantities of metals found did not indicate the presence of
20 gunshot residue.

21 On the GSR kit from Melvin Simmons, round lead
22 particles were found on the right palm and gunshot residue was
23 found on the palm of the left hand, the back of the left hand,
24 and the back of the right hand.

25 Q. So let's slow down on that one for just a second.

Ila Simmons
Direct Examination by Ms. Shealy
November 4, 2015

1 What is the difference between finding -- you indicated round
2 lead particles. How is that distinguished from gunshot
3 residue?

4 A. Gunshot residue is a mixture of three elements:
5 lead, barium, and antimony..

6 When a gun is discharged, all of these chemicals
7 come out in a molten state. When they contact the hand, they
8 cool in a round droplet. If you find a particle containing
9 lead, barium and antimony and it's in a round droplet, you
10 know it came from gunshot residue. There's no other
11 substance, manmade or naturally occurring in nature, that have
12 these three elements is a spheroidal or round form.

13 Round lead, because it is one of the elements that
14 are present in gunshot residue, can also indicate that a
15 gunshot was present near the hands of the person.

16 Q. And I think you mentioned this, but just so the
17 jury understands. When the swabbing is done, it's done on the
18 back of each hand and the palm of each hand --

19 A. Yes.

20 Q. -- correct?

21 A. A sample is taken from the right palm, a second
22 sample from the back of the right hand, a sample from the left
23 palm, and a sample from the back of the left hand.

24 Q. Okay. And if you'll continue, then. I think you
25 gave us the results for Melvin Simmons.

Ila Simmons
Direct Examination by Ms. Shealy
November 4, 2015

1 A. Yes, ma'am.

2 I also received a gunshot residue kit from Curtis
3 Darnel Delaney, and the quantities of metals found on the
4 right palm and on the back of the right hand may be associated
5 with gunshot residue. And then the quantities of metals on
6 the left palm and on the back of the left hand did not
7 indicate the presence of gunshot residue.

8 Q. And is there any significance to you when something
9 is found on the palm as compared to on the back of the hand?

10 A. Generally, gunshot residue is only found on the
11 palms of the hands. It is more consistent with someone being
12 in a defensive posture situation where they had someone
13 discharging a weapon in their vicinity and their hands were
14 up, so their palms were bladed toward the gunshot residue but
15 the backs of their hands were obscured from it.

16 Q. Continue with your findings.

17 A. And on the GSR kit from Shemeika Stokes, on the
18 right palm the quantities of metals did not indicate the
19 presence of gunshot residue. On the back of the right hand,
20 the metals found were consistent with gunshot residue. On the
21 left palm, the quantities of metals were associated with
22 gunshot residue. And on the back of the hand, they were
23 consistent with gunshot residue.

24 Q. And when you say consistent with, as compared to
25 may be associated with, could you describe to the jury what is

Ila Simmons
Direct Examination by Ms. Shealy
November 4, 2015

1 the distinction between those two terms?

2 A. It has to do with the quantities of the metals that
3 are found. If it says that they are consistent with gunshot
4 residue, there is a larger quantity of the three elements, the
5 lead, barium and antimony, then if I say that may be
6 associated with -- it's a lesser amount of the three elements
7 that were found.

8 Q. So as it relates to Shemeika Stokes, you indicated
9 that on the back of her right hand the quantities of metals
10 found are consistent with gunshot residue, meaning what?

11 A. That it is the possibility her hands were in a
12 situation where the majority of the gunshot residue was on the
13 back of the hand.

14 Q. Okay. And so does that give us some light as to
15 whether or not someone was being shot at?

16 A. It can. Yes, it can, depending upon how the hands
17 were postured when the gun was discharged.

18 Q. Okay. And did you finish with her left palm and
19 her left back?

20 A. Yes, ma'am, I did.

21 They were on the left palm may be associated with,
22 and the left back are consistent.

23 Q. Did you also take a look at a glove from Curtis
24 Delaney?

25 A. Yes, I did.

Ila Simmons
Direct Examination by Ms. Shealy
November 4, 2015

1 Q. And what were your conclusions regarding that?

2 A. Round lead particles were found, and round lead
3 particles are one component of gunshot residue.

4 Q. Is there anything about the amount that you found
5 there that would be indicative of whether he was being shot at
6 or whether he had shot a weapon?

7 A. With clothing it's different because we don't take
8 a concentration swab, we just take a particle lift. So I
9 can't say -- I can't say there.

10 MS. SHEALY: Beg the Court's indulgence just a
11 moment.

12 THE COURT: Take your time.

13 MS. SHEALY: I have no further questions. Please
14 answer any the defense has.

15 MR. MLYNARCZYK: May it please the Court, Your
16 Honor.

17 THE COURT: Yes.

18

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Ila Simmons
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

CROSS-EXAMINATION

BY MR. MLYNARCZYK:

Q. Okay. For the three people you just talked about, the only one that was a definitive no on was Troy Mason; correct?

A. Correct.

Q. So Shemeika Stokes, Curtis Delaney, and Mr. Simmons, in your expert opinion, could very well have fired firearms that night?

A. That's a possibility, yes, sir.

MR. MLYNARCZYK: I have no further questions, Your Honor.

MR. MURPHY: Nothing, Your Honor.

THE COURT: Redirect?

MS. SHEALY: Nothing further. We would ask that she be excused.

THE COURT: You may step down. Feel free to stay with us, but you are excused. Thank you.

THE WITNESS: Thank you.

[Whereupon, Ms. Simmons is excused and exits the witness stand]

THE COURT: Ms. Shealy, call your next witness.

MR. COOPER: The State calls Suzanne Cromer.

[Whereupon, Ms. Cromer comes forward]

THE CLERK OF COURT: Left hand here. Raise your

Ila Simmons
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 right.

2 [Whereupon, Ms. Cromer is duly sworn by the clerk
3 of court as follows: do you swear or affirm the
4 testimony you will give the Court and the jury in the
5 trial of this case will be the truth, the whole truth,
6 and nothing but the truth, so help you God]

7 THE WITNESS: I do.

8 THE CLERK OF COURT: You may be seated.

9 Once seated, if you could please state your first
10 and last name and then spell your last loudly and
11 clearly into the microphone for the record, please.

12 [Whereupon, Ms. Cromer takes the witness stand]

13 THE WITNESS: My name is Suzanne Cromer, spelled
14 C-R-O-M-E-R.

15 MR. COOPER: Hey, Ms. Cromer. How are you today?

16 THE WITNESS: I'm fine. Thank you.

17 - - -

18 - - -

19 - - -

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

SUZANNE CROMER,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. COOPER:

Q. Can you tell the jury where you work?

A. I'm employed by the South Carolina Law Enforcement
Division, commonly referred to as SLED.

Q. What is your position at SLED?

A. I am a firearm and tool-mark examiner.

Q. Okay. And what are your duties in that position?

A. What we do is called firearms identification. We
look at ammunition components, bullets, cartridge cases,
shotgun shells, unfired ammunition, to determine whether they
were fired by or loaded into and extracted from a specific
firearm.

Q. And how long have you been with SLED?

A. It will be seventeen years in December. And I've
been in the firearms examiner position since February of 2000.

Q. And can you elaborate for the jury on your
education and professional background?

A. Yes.

I have a bachelor's degree from Clemson University.
I did some graduate work at the University of South Carolina
in criminal justice.

MIA PERRON, CVR-CM-M

-822-

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 I completed SLED's in-house training program, which
2 is a three- to five-year intense study program for in-house
3 training for firearm and tool-mark examiners. Our training
4 program is broken down to several modules and in each module
5 we can take written tests, oral tests, and have to do
6 practical exercises. Upon completion of the training program,
7 we are given a comprehensive final exam, which is graded by
8 your lieutenant and your training officer.

9 I have also attended numerous seminars of the
10 Association of Firearm and Tool-mark Examiners, which is an
11 international organization for our profession. They meet once
12 a year for week-long seminars to discuss issues, topics
13 relevant to our field, and also offer extra workshops. I have
14 taken several extra workshops, including ethics, machine-gun
15 conversion, barrel making, shotgun-residue pattern analysis,
16 and Highpoint firearm familiarization.

17 I've also taken courses through the South Carolina
18 chapter of -- South Carolina chapter of the International
19 Association of Identification, most pertinent being a three-
20 day shooting-scene reconstruction workshop.

21 I've also taken classes with the Bureau of Alcohol,
22 Tobacco, Firearms and Explosives, commonly referred to as the
23 ATF on serial-number restoration and integrated ballistics
24 identification system, which we call IBIS. IBIS is a digital
25 searchable database for bullets of -- for pictures of

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 cartridge cases which can hopefully link two seemingly
2 unrelated cases.

3 I have also represented North and South Carolina
4 several times in ATF's user's conference -- those machines.

5 Q. How many firearm analyses have you done while
6 you've been at SLED?

7 A. Numerous. I have -- I can't even form a guess.

8 Q. How many times have you testified as an expert?

9 A. Approximately eighty-six times.

10 MR. COOPER: Your Honor, at this time I would move
11 to have Ms. Cromer qualified as an expert in the field
12 of firearms identification.

13 MR. MLYNARCZYK: No objection.

14 MR. MURPHY: No objection.

15 THE COURT: She will be so qualified.

16 MR. COOPER: Thank you, Your Honor.

17 Q. [Mr. Cooper] Ms. Cromer, were you presented with
18 items of evidence from law enforcement in this specific case?

19 A. Yes, I was.

20 Q. Were you in the receipt of weapons in this case?

21 A. Yes, I was.

22 Q. Okay. What type of weapons?

23 A. I received two revolvers, one a Taurus model 66
24 .357 Magnum revolver, and a Taurus, the Judge, model revolver
25 that is chambered in .45 Colt and .410.

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. I'm going to show you what's already been marked
2 and moved into evidence as State's 276. Can you tell me what
3 that item is?

4 A. Yes. State's 276 was my item 3.

5 And what I was doing was looking for my markings.
6 I actually scribe my lab number, my item number, and my
7 initials on the firearm.

8 Q. And you found that, in this case, on that revolver?

9 A. Yes, I did.

10 Q. And showing you what's been marked and moved into
11 evidence as State's Exhibit 310. Can you tell the jury what
12 that item is?

13 A. State's Exhibit 310 was my item 27. This is the
14 Taurus, the Judge, revolver.

15 Q. Okay. Now, when you identified the SLED item 3,
16 the .357 Magnum, and you discussed the Judge, the .45 and
17 .410, can you describe for the jury what those numbers mean?

18 A. Okay. Well, since I have the Judge right here:
19 .45 and .410. .45, we're talking about the caliber of
20 ammunition that this particular firearm can fire. And .45 is
21 the diameter of the barrel or the bore of this barrel, the
22 inside of the barrel. So that's what size ammunition you need
23 to buy to fire in this firearm.

24 .410 is .410 gauge, and that is the shot shell that
25 will fit into this firearm.

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 So this firearm is designed to fire two different
2 brands or types of ammunition, a .45 Colt cartridge, or a .410
3 shotgun shell.

4 The other revolver was chambered in .357 Magnum,
5 meaning that that's the caliber or size of ammunition that you
6 need to fire in that firearm.

7 What's different about a .357 Magnum is you can
8 shoot .357 Magnum caliber cartridges in it, or you can shoot
9 .38 Special. They are both the diameter, it's just the length
10 of the cartridge is different.

11 Q. Were you in receipt of a number of cartridge cases
12 in this specific case?

13 A. Yes, sir, I was.

14 Q. Okay. Were you in receipt of some fired bullets in
15 this case?

16 A. Yes, sir, I was.

17 Q. And did you receive a lead disk in March of 2012?

18 A. Yes, sir, I did.

19 Q. Now, when you received these weapons, these
20 cartridge cases, these bullets, or lead disks, what are you
21 tasked with doing with them?

22 A. What I'm tasked with doing is first finding out, if
23 they sent me a firearm, was any of this fired evidence fired
24 by any of these firearms; if not, what type of firearm could
25 have fired it; and how many firearms could I have had at the

Suzanne Cromer
Direct Examination by Mr. Cooper .
November 4, 2015

1 scene.

2 Q. Okay. And if you do not have every weapon involved
3 in the case, what can you tell about the bullets and the
4 casings that have already been fired?

5 A. Okay. A bullet, I can potentially give an
6 investigator a list of firearms that could have fired that
7 bullet.

8 And how I do that is based on what we call a GRC
9 exam, a General Rifling Characteristic exam. What I do is I
10 look at that bullet. I determine its caliber. I then look at
11 the rifling.

12 And rifling is what is put in the gun barrel by the
13 manufacturer to put rotary motion on that bullet. Very
14 similar to a quarterback who throws a football. He wants to
15 put it into a tight spiral so it'll go more accurately to its
16 target.

17 Well, that's what the rifling does. It makes that
18 bullet spin in a tight spiral. And it's made up of lands and
19 grooves, raised and depressed areas. And you can have any
20 different number of lands and grooves, four, five, nine. And
21 then, also, what way is it spinning in the barrel -- is it
22 going to spin the bullet, is it going to spin the bullet to
23 the left or to the right.

24 So you have the caliber, the number of lands and
25 grooves in that rifling, the direction of twist, which way

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 it's going to spin.

2 And then, further, you can get into the actual
3 dimensions of that rifling. And what I can do is measure
4 those dimensions on my comparison microscope and then I plug
5 all that information into a database and it'll give me a list
6 of possible manufacturers that could have fired that
7 particular projectile.

8 Q. Are you able to compare bullets to cartridge cases?

9 A. No, sir, we cannot.

10 Q. Why not?

11 A. Well, first off, when you're talking about
12 ammunition, an unfired ammunition is a cartridge and it
13 contains a bullet, a cartridge case, and gunpowder. Once it's
14 fired, that bullet will come in contact with the barrel of the
15 gun. The cartridge case stays in the chamber until it's, you
16 know, ejected or removed. They come in different areas. So
17 once they're separated, there's no way to determine whether
18 those two were one part.

19 Q. And how do you examine cartridge cases?

20 A. On a cartridge case, we look at five different
21 areas: the breach face of a firearm marks the cartridge.

22 If I may?

23 Q. Absolutely.

24 A. This is the breach face of a firearm. This is the
25 part where the cartridge rests and is held in place during

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 firing. So any imperfections left on that breach face can be
2 imprinted into that cartridge case head during the firing
3 process.

4 Also in the breach face is the firing pin. Any
5 defect from that firing pin can be imprinted on that cartridge
6 primer during the firing process.

7 On semiautomatics, you also have the ejector and
8 the extractor. The extractor is like a little claw that holds
9 it in place during the firing process. So when that slide
10 moves backwards after firing, that cartridge case will stay in
11 there. So it'll come backwards and it'll hit what we call an
12 ejector that makes that cartridge case fly out of the gun or
13 eject from the firearm.

14 So we can look at those areas.

15 The last area is the actual chamber of the firearm
16 itself. If there's any defects in that chamber it can be
17 imprinted on the case body, because the chamber is what holds
18 the case body during the firing process.

19 Q. Now, when you're examining bullets and cartridge
20 cases to determine whether or not they came from a certain
21 gun, what are the possible conclusions that you can draw?

22 A. Actually, we render four different conclusions.

23 Positive: yes, it was fired by this gun, yes,
24 these were fired by the same gun.

25 Or negative: no, this wasn't fired by this gun.

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 Inconclusive is one that we also can use. If we
2 don't have what we feel is enough information to call it
3 positive or to call it negative, we can say inconclusive.

4 And then we have unsuitable for identification.
5 The piece of ammunition didn't have any markings on it that we
6 needed for identification, or it was too damaged.

7 Q. What kind of issues can affect your ability to
8 identify a bullet and the type of gun it came from?

9 A. Well, again, it could be damaged. That particular
10 piece of ammunition might have never come in contact with the
11 barrel of the gun, the rifling. The actual firearm itself, if
12 it's not rifled well, if it has defects in it that don't leave
13 individual marks. There are many different factors.

14 Q. Now, is it possible for a gun to fire or that's
15 easily identifiable and ones that are hard to identify --

16 A. It could be. It could be. And that would be
17 differences in ammunition. Or, you know, sometimes there's
18 variations in the ammunition manufacturing process. Just
19 maybe it was too small to fit the diameter of that barrel.

20 It also could be operator error. Sometimes if you
21 don't support that semiautomatic well enough to give the
22 cartridge case or the slide enough momentum to come backwards,
23 it's not going to eject that cartridge casing and it might not
24 mark it as well.

25 Q. Now, you just touched on some differences between

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 revolvers and semiautomatics. With the semiautomatic, when
2 that gun is fired you would expect to see cartridge cases if
3 they're ejected when they're fired; correct?

4 A. That's correct.

5 Q. With a revolver, when they fire do the cartridge
6 cases stay in the chamber?

7 A. They stay in the cylinder, or the chambers and the
8 cylinder, until they are removed.

9 And this is a revolver. So to remove fired
10 cartridge cases or shot shells, you would have to hit this
11 ejection rod and pull them out.

12 Q. And both those guns that you received in this case
13 were revolvers?

14 A. Yes, sir, they were.

15 Q. And so if they were fired, you would not see
16 cartridge cases?

17 A. You would not expect to see cartridge cases on the
18 scene unless someone opened up the cylinder and dumped them.

19 Q. Okay. Can you tell the difference, by just looking
20 at a bullet, whether it came from a revolver or it came from a
21 semiautomatic?

22 A. No.

23 Sometimes there are certain calibers, that are what
24 we call revolver caliber, that semiautomatics aren't made to
25 fire. And there can be some signs, like misalignment marks.

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 And a misalignment mark is -- there's a little gap between the
2 cylinder and this barrel, so it can leave a little skip-
3 looking. But without having the firearm, we can't tell
4 whether or not it was fired from a revolver or not.

5 Q. Do you test-fire the weapons you receive from law
6 enforcement?

7 A. Yes, I do.

8 We have two places that we test-fire weapons at our
9 SLED laboratory. We have a two-story water tank that we shoot
10 downwards into. We do that for several reasons. The first
11 reason is that it'll slow that bullet down without adding to
12 or taking from any markings that are left on that projectile
13 by the firearm.

14 And we also have a what we call an outdoor range or
15 tunnel that we can shoot, if we do not need the projectile.

16 Q. Okay. Now, focusing your attention on your actual
17 analysis in this case, and with regards to the .357 Magnum,
18 were you in receipt of cartridge cases along with that weapon?

19 A. I did receive one cartridge case.

20 Q. Okay. And did you -- were you able to reach a
21 conclusion with regards to that cartridge case and that
22 weapon?

23 A. I concluded that there was enough individual
24 identifying markings to say that that cartridge case was fired
25 by that -- this firearm.

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 MR. COOPER: Beg the Court's indulgence for one
2 second.

3 Q. [Mr. Cooper] Are you able to tell the SLED number,
4 based on the packaging of the item?

5 A. Yes. Yes.

6 Here's my lab number and my item number right here.
7 It was my SLED number item 11. And this is the cartridge case
8 that I determined, the .357 Magnum fired cartridge case, that
9 I was determined fired by this revolver.

10 Q. And then can you -- and that was State's 286. And
11 that was the only cartridge case that you were able to match
12 to the .357?

13 A. Yes, sir.

14 Q. Okay. If the gun was found with unfired rounds,
15 would you have been sent those unfired rounds?

16 A. Sometimes.

17 Q. Do you know if you were in this case?

18 A. I did not receive any other ammunition with this
19 firearm.

20 Q. Okay. Now I want to focus your attention on the
21 gun referred to as the Judge, the .45 and the .410. I think
22 it's your SLED 27. Were you in receipt of a number of
23 cartridge cases regarding this gun?

24 A. I received two fired cartridge cases and three
25 fired shot shells.

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. Okay. Can you tell us what your results were
2 regarding those items?

3 A. I determined that all of those items were fired by
4 this firearm.

5 Q. Okay. And what SLED numbers were those?

6 A. My SLED item numbers was item 12, which was a fired
7 .45 Colt caliber cartridge case labeled from night stand. My
8 items 28, 29 and 30, which were three fired .410 shot shells
9 that were labeled from revolver. My item 31, which was one
10 fired .45 Colt cartridge case labeled from revolver.

11 Q. Showing you State's 311, 312 and 313. Were these
12 three of the items that you compared to the Judge?

13 A. Yes, sir.

14 Q. And you concluded that they were fired by the
15 Judge?

16 A. Yes, sir.

17 State's 311, 312, and 313 were my items 28, 29 and
18 30.

19 Q. Okay. Showing you State's 308, which I believe is
20 your SLED 25. Did you compare that item to the Judge?

21 A. May I?

22 Q. Absolutely.

23 A. This was my item 25. State's Exhibit 308 is a
24 fired .45 caliber bullet. And I did do a comparison on that.

25 Q. I'm going to show you State's 314. Did you test

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 that item against the Judge? And what were your results?

2 A. 314 was my item 31. It is a fired .45 Colt caliber
3 cartridge case. And I did compare this to my test-fires from
4 this firearm and I found that it was fired by this firearm.

5 Q. So you have casings for both a .410 and a .45?
6 They were both fired by that -- by the Judge?

7 A. Yes, sir, I do.

8 Q. And then showing you what's been marked as State's
9 Exhibit 302. Did you compare that to the Judge? Will you
10 read the label and tell the jury what it is?

11 A. State's Exhibit 302 is projectile removed from
12 Mason's right shoulder. State's Exhibit 302 was my item 36.
13 It is a lead disk that I also compared to this Judge revolver.

14 Q. And your results were?

15 A. I determined that this disk was fired by this
16 firearm.

17 Q. Okay. And then -- so regarding SLED numbers 12,
18 28, 29, 30, 31 and 36, your results were that those items were
19 fired by the Judge?

20 A. Yes, sir.

21 Q. Okay. And regarding SLED's 25, which is projectile
22 removed from Curtis Delaney at autopsy, your results on that
23 was what again?

24 A. My results were inconclusive.

25 There was not enough -- sorry. My results on item

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 -- my item 25, State's Exhibit 308, there was not enough of
2 those individual identifying characteristics that I could make
3 a conclusive statement, so I was inconclusive on the results
4 of whether this was fired by this firearm.

5 Q. And regarding -- again, regarding the Judge, can
6 the Judge hold both .410 shot shells and .45 caliber casings
7 at the same time?

8 A. Yes, sir.

9 Q. Now, I want to focus your attention on some of the
10 items that you tested that you did not have weapons for. How
11 many .9mm cartridge cases were you presented with in this
12 case?

13 A. I received seven.

14 Q. Okay. And the items were SLED's 5 through 10 and
15 SLED 32?

16 A. Yes, sir.

17 Q. Okay. Could you describe the process you were
18 doing analyzing those objects?

19 A. What I did was I microscopically compared these
20 cartridge cases to each other, looking at those five areas I
21 talked about earlier: the breach face, the firing pin, the
22 ejector, the extractor, and the chamber marks. I reached my
23 conclusion on them.

24 And then at SLED we have what's called a micro
25 verification process. For any time I render one of those four

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 conclusions, positive, unsuitable, negative, or inconclusive,
2 all of our results are verified by another qualified examiner.

3 So I reached my conclusions on those and I
4 determined that all of them were fired by the same firearm.

5 Q. So those seven cartridge cases were all fired by
6 the same firearm?

7 A. That's correct.

8 Q. Okay. And then regarding SLED 24 and 26. Were
9 those .9mm bullets or projectiles that you received?

10 A. Yes, sir, they were.

11 Q. Okay. And what were you able to analyze from
12 those?

13 A. Again, I determined that they were -- my items 24
14 and 26 were most consistent with bullets loaded into .9mm
15 Luger caliber cartridges. And they were fired through a
16 firearm with rifling that was six right, meaning six lands and
17 grooves, right twist.

18 I also determined that they were both fired by the
19 same firearm and that they may be suitable for identification.
20 And then I gave in my report a list of nineteen different
21 manufacturers that could have fired these -- these
22 projectiles.

23 Q. And as part of your report, they could not have
24 been fired by the Judge?

25 A. That's correct.

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 Q. Okay. And they could not have been fired by I
2 believe .380 --

3 A. That's -- that's correct.

4 Q. Okay. Now I want to move to the last part, three
5 SLED item numbers 13, 34 and 35. Regarding those three item
6 numbers, what analysis were you able to do on those items?

7 A. I was able to determine that these items were most
8 consistent with bullets loaded into .380 Auto caliber
9 cartridges. I determined that my items 34 and 35 were fired
10 by one firearm. I was inconclusive on whether item 13 was
11 fired by the same firearm. But these all had nine left
12 rifling, meaning they were fired through a firearm barrel
13 which was nine lands and grooves, left twist. And at this
14 point in time, the only currently known manufacturer to use
15 that type of rifling is Highpoint brand firearms.

16 Q. Okay. I want to show you -- showing you State's
17 Exhibit 288. Is this one of the three bullets you tested or
18 the projectiles that you --

19 A. Yes.

20 State's Exhibit 288 was my item 13. It's one of
21 the .380 Auto caliber fired bullets that I received.

22 Q. I'm going to show you what's already been moved
23 into evidence as State's 297 and 298. If you need to open
24 that, you can. And can you tell if those were SLED 34 and 35?

25 A. These were my items 34 and 35. These were also two

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 fired .380 Auto caliber projectiles or bullets.

2 Q. And the rifling on those, what type of rifling did
3 you find on those three projectiles?

4 A. As I said, they were fired by a conventionally
5 rifled nine left firearm barrel.

6 MR. COOPER: Okay. Beg the Court's indulgence just
7 one second.

8 Q. [Mr. Cooper] And so it could not have come from
9 the same gun as the .9mm regarding SLED 24 and 26, because
10 that was a different rifle?

11 A. Correct.

12 SLED's items 24 and 26 were the .9mm Luger caliber
13 projectiles. They were fired by a six right firearm, meaning
14 six lands and grooves, right twist.

15 The .380 Auto had -- was fired by a firearm that
16 had nine lands and grooves, left twist.

17 Q. Okay. So I want to add up everything you've said
18 so far. The .357 you had one casing to test?

19 A. That's correct.

20 Q. The Judge we had one, two, three, four, five, six
21 items that were fired from that weapon, and then SLED 31,
22 which was -- excuse me -- SLED 25 was inconclusive?

23 A. That's correct.

24 Q. So regarding those items, there was one weapon that
25 fired those items, and maybe two?

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 A. Correct.

2 Q. Okay. And then regarding the .9mms, all seven of
3 those came from the same weapon?

4 A. The fired cartridge cases. That is correct.

5 Q. Yes, ma'am.

6 And then the bullets, did they come from -- were
7 they fired from the same weapon 24 and 26?

8 A. Yes, they were.

9 Q. But you can't tell if 24 and 26 were fired from the
10 same weapon as the seven .9mm cartridge cases you tested?

11 A. That is correct.

12 Q. And then with regards to the .380, they were fired
13 -- SLED 34 and 35 were fired from the same gun, and then SLED
14 13 was inconclusive; is that correct?

15 A. That's correct.

16 Q. Okay. So with the .357 Magnum, there's one gun
17 involved. With the Judge, there's one, maybe two, different
18 types of guns relating those bullets and cases?

19 A. Yes.

20 The Judge fired all of the fired shot shells and
21 cartridge cases that I had. But with the inconclusive .45
22 caliber bullet, that could have been fired by another firearm
23 or this firearm.

24 Q. Okay. Let me ask it to you this way. Regarding
25 all the evidence that you tested in this case, could you tell

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 us how many guns you think that were present that night?

2 A. I had -- based on what I have received from this
3 case, I have a minium of four firearms represented: the two
4 right here that I know I have a .9mm Luger caliber firearm and
5 I have a .380 Auto caliber firearm, at least.

6 A maximum of seven firearms there that fired. I
7 have the two firearms here.

8 I have the .45 bullet that I can't tell you whether
9 or not it came from here. So that could be a third one.

10 The .9mm Luger caliber cartridge cases could have
11 come from one. I cannot tell you whether or not those bullets
12 came from the same firearm as the cartridge cases without
13 having the gun itself. So that could potentially be another
14 one.

15 And the same with the .380 Auto caliber bullets. I
16 can match two to each other, but the third one was
17 inconclusive. So that could have been potentially another
18 firearm.

19 So a minimum of four, a maximum of seven, just
20 based on what I have.

21 Q. Okay. And is there any evidence that a .40 caliber
22 weapon was fired?

23 A. No, sir.

24 Q. Is there any evidence that a .22 caliber weapon was
25 fired?

Suzanne Cromer
Direct Examination by Mr. Cooper
November 4, 2015

1 A. No, sir, not that I received.

2 MR. COOPER: Beg the Court's indulgence for just
3 one moment.

4 [Whereupon, Mr. Cooper and Ms. Shealy confer]

5 Q. [Mr. Cooper] I wanted to ask you about -- you
6 mentioned -- and correct me if I say it for the wrong one.
7 Which items did you connect to a Highpoint weapon?

8 A. The .380 Auto caliber bullets.

9 The only known manufacturer to use nine left
10 rifling and .380 Auto or .9mm Luger is currently Highpoint
11 firearms.

12 Q. Okay. And when you were testifying earlier, you
13 spoke about attending a Highpoint familiarization -- Highpoint
14 firearm familiarization class. Do y'all see a lot of
15 Highpoint firearms at SLED?

16 A. Yes, we do.

17 Q. Is it a very, very common weapon?

18 A. We do see a lot of them. I do believe it is pretty
19 common.

20 MR. COOPER: No further questions, Your Honor.

21 Ms. Cromer, please answer any questions the defense
22 may have. Thank you.

23 THE COURT: Mr. Mlynarczyk?

24 MR. MLYNARCZYK: May it please the Court, Your
25 Honor.

Suzanne Cromer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

CROSS-EXAMINATION

1
2 BY MR. MLYNARCZYK:

3 Q. All right. So I'm going to try to keep it as easy
4 as possible.

5 So you received a .357 with five bullets and one
6 shot out of it; correct?

7 A. I received a .357 with only one fired cartridge
8 casing.

9 Q. Okay. So there was a cartridge in there and that
10 bullet was gone?

11 A. I did not receive it in -- I didn't receive the
12 fired cartridge case in the revolver. It was --

13 Q. Oh. So it was out --

14 A. -- labeled from the revolver.

15 Q. Yeah.

16 But your information was that these all came from
17 inside the cylinder?

18 A. Yes. That one cartridge case was labeled from the
19 cylinder.

20 Q. So your conclusion would be that the .357 shot that
21 bullet?

22 A. I still did a microscopic examination to compare
23 it.

24 Q. So that's correct?

25 A. That's correct.

Suzanne Cromer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 Q. The Taurus, the one that had the shotgun shells and
2 the .45 in it?

3 A. The Judge.

4 Q. The Judge. We'll call it the Judge. All right.

5 So from looking at the gun, there were shells
6 inside the cylinder of the Judge?

7 A. Again, when I received it, it's unloaded. We have
8 a policy at SLED that no firearms come in loaded.

9 Q. Okay. So but when they came together, did they
10 indicate to you that the three empty shotgun shells, the one
11 fire .45 and the one misfired .45, all came in the cylinder?

12 A. I didn't receive a misfired.

13 I received three fired .410 shotgun shells and one
14 fired .45 bullet cartridge case.

15 Q. And they indicated to you that all those were
16 inside the revolver of that Taurus?

17 A. They were labeled from the revolver. That's
18 correct.

19 Q. So based on that, you're indicating that that gun
20 would have fired those bullets; correct?

21 A. Well, I still did a microscopic comparison.

22 Q. Okay. I'm trying to keep it easy. I'm trying to
23 keep it as --

24 A. That's fine.

25 Q. -- easy as possible. So they were the only two

Suzanne Cromer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 guns you had?

2 A. That's correct.

3 Q. So your conclusion is that the shells that were in
4 those -- that they gave you with those guns were fired by
5 those guns and we have no confusion [phonetic]?

6 A. That's correct.

7 MR. MLYNARCZYK: May I approach, Your Honor?

8 THE COURT: You may.

9 Q. [Mr. Mlynarczyk] I'm going to -- I'm going to try
10 to associate what we've been talking about so the jury can
11 understand what we're talking about here.

12 You mentioned three numbers, 72, 70, and 59. Do
13 you see those on the -- where it says recreation room, bedroom
14 number one?

15 A. I see 72. Which numbers would you want me to --

16 Q. It's -- the bullets that you reviewed, you said 72
17 --

18 A. Okay.

19 Q. -- it says utility room, it say utility.

20 A. Okay. I see 72.

21 Q. All right. 70, which is in the hallway. Do you
22 see the hallway --

23 MR. COOPER: Objection, Your Honor. May we
24 approach?

25 THE COURT: you may

Suzanne Cromer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 [Whereupon, an off-the-record bench conference is
2 held]

3 MR. COOPER: Thank you, Judge.

4 Q. [Mr. Mlynarczyk] All right. So your SLED number
5 13 --

6 A. Yes, sir.

7 Q. -- had number 72 on it; correct?

8 A. It is labeled, removed from hole labeled --

9 Q. 72.

10 A. -- 72.

11 Q. You had -- your SLED number 34 was labeled number
12 -- hole number 70?

13 A. Hole -- yes. Entryway wall, 70.

14 Q. And your number 35 was 59?

15 A. That's correct.

16 Q. All right. So your conclusion was that 72, just
17 talking about that one first -- your report doesn't say that
18 it came from a .380, does it?

19 A. I said that it's most consistent with a .380 Auto.

20 Q. All right. And 70 and 50 -- in other words, your
21 34 and your 35 are also consistent with a .380; correct?

22 A. That's correct.

23 Q. So it was inconclusive if all three of those
24 bullets came from the same .380; correct?

25 A. 34 and 35 were fired by the same firearm. It was

Suzanne Cromer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 inconclusive whether 13 or State's Exhibit 288 were fired by
2 the same firearm.

3 Q. So what you're saying is you can't tell the jury
4 for sure whether all three of those bullets came from the same
5 gun or not?

6 A. That's correct.

7 Q. So then we have a .9 -- your number 24; correct?

8 A. Uh-huh.

9 Q. Which was a .9mm bullet -- and the bullet was
10 pulled out of Mr. Simmons was a .9mm. And you said they were
11 shot by the same gun?

12 A. That's correct.

13 Q. All right. So now we have -- I'm keeping it we
14 have -- we have to have two weapons right now because you said
15 the first three that I mentioned, they could have all very
16 well -- you can't say one way or the other, in your expert
17 opinion, whether they were fired from a different weapon?

18 A. At least two, maybe three, because the -- not being
19 able to tell whether the two --

20 Q. Doesn't your report say inconclusive?

21 THE COURT: Please let her finish.

22 MR. MLYNARCZYK: I'm sorry. I'm sorry.

23 A. My report says that the 13 was inconclusive, my
24 item 13 was inclusive, with 34 and 35. Meaning they all could
25 have been fired by one firearm or they could have been fired

Suzanne Cromer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 by two.

2 Q. [Mr. Mlynarczyk] Okay. So you have no evidence
3 either way? That's what you just -- you have no evidence
4 either way whether those three bullets we're talking about
5 were or were not fired from the same weapon?

6 A. I'm saying my --

7 Q. Your conclusion --

8 A. -- item 34 and 35 were fired by the same firearm.
9 I don't know whether 13 was or not.

10 Q. You don't know -- all right. So I'll rephrase it.
11 You don't know whether 13 was fired or was not
12 fired by the same as the other two bullets?

13 A. That's correct.

14 Q. Okay. Correct.

15 So then you can for sure -- for definite, you can
16 look at the jury and you can say there were four weapons
17 there?

18 A. I have evidence of four -- at least four weapons
19 right here.

20 Q. Absolute evidence?

21 A. Absolute.

22 Q. But it could have been more?

23 A. It could have been more. Fired. At least four
24 fired.

25 Q. Right. Okay. That's all I'm asking. That's all

Suzanne Cromer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 I'm asking. Have you -- when you test-fire your -- you've
2 test-fired a lot of weapons?

3 A. Yes, sir.

4 Q. How do you do that? I watch CSI, so I don't know
5 if that's really how they do it or not. Do you shoot it in a
6 pool of water, or do you shoot it into a bunch of boards, or
7 do you -- how do you do that?

8 A. Yes, sir.

9 Our water tank is on our second floor of our
10 laboratory where our firearms department is. The water tank
11 goes all the way down to the first floor. We shoot downwards
12 into the water. And we have a -- it comes to a point at the
13 end, and we have a cup on a chain that we pull up and receive
14 our projectiles from.

15 Q. Do you ever fire -- so you fire it into a bucket of
16 water, a big tank of water?

17 A. Yes.

18 Q. You don't ever get to fire into like wood or balls
19 or anything like that?

20 A. Well, we also have our tunnel that I said, our
21 range outside, that if we do not need the projectile we can go
22 down and shoot into. It's just a back berm area.

23 Q. Do you remember how you test-shot the shotgun
24 shells in this one, the .410 from the Judge?

25 A. I test-fired those -- the first time I received

Suzanne Cromer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 this, I did not have any fired indication of buckshot or
2 birdshot so I fired them the first time in the tunnel. When I
3 received the firearm back later, I did shoot them into the
4 water tank.

5 Q. What do they hit in the tunnel? What do they hit?

6 A. It's just a back berm built up of sand.

7 Q. Can you tell how the projectiles hit the sand?

8 A. Well, the shot shells in this -- that were in this
9 firearm were labeled that they had three triple-ought buckshot
10 pellets in them.

11 Q. Okay. Are you -- and you're pretty familiar with
12 the ammunition; correct? Three pellets, wadding? You do that
13 a lot -- you've done that a lot?

14 A. Yes.

15 Q. Have you ever known the wadding to come out of the
16 gun like a projectile, as well?

17 A. Yes.

18 Q. Because it depends on what kind of material it's
19 made of?

20 A. What material it's made of and how close the muzzle
21 is to its actual target.

22 Q. All right. And how close do you think a wadding
23 would -- I mean, tell the jury about what the different kinds
24 of materials wadding is made of.

25 A. It can be made of plastic, it can be made of

Suzanne Cromer
Cross-Examination by Mr. Mlynarczyk
November 4, 2015

1 cardboard, it can be made of paper. There's all different
2 things.

3 Q. So in this case there's absolutely no way to know
4 what the wadding in these guns was made of? Or do you know?

5 A. I did not receive any unfired to open up and look.

6 Q. But in your experience, sometimes that wadding
7 makes holes?

8 A. Sometimes that wadding can make a hole, yes.

9 MR. MLYNARCZYK: Could I have a moment, please,
10 Your Honor?

11 THE COURT: Take your time.

12 [Whereupon, Mr. Mlynarczyk and Mr. Murphy confer]

13 MR. MLYNARCZYK: I have no more questions, Your
14 Honor.

15 MR. MURPHY: Thank you. No questions, Your Honor.

16 THE COURT: Mr. Cooper, do you have some redirect?

17 MR. COOPER: I do. I beg the Court's indulgence
18 for just one moment.

19 THE COURT: Take your time.

20 [Whereupon, Mr. Cooper and Ms. Shealy confer]

21 MR. MLYNARCZYK: Your Honor, may I approach the
22 projector? May I approach the projector?

23 THE COURT: You may.

24 MR. COOPER: Just brief redirect, Your Honor.

25 THE COURT: Take your time, Mr. Cooper.

Suzanne Cromer
Redirect Examination by Mr. Cooper
November 4, 2015

REDIRECT EXAMINATION

BY MR. COOPER:

Q. Ms. Cromer, Mr. Mlynarczyk mentioned CSI. Are those type of TV shows usually accurate?

A. Not actually. We do a lot more paperwork. It takes a lot more time to do all this than an hour TV show can put in.

Q. Okay. Now, you gave a range of a minimum of four weapons fired and a maximum of seven; is that correct?

A. That's correct.

Q. Okay. Now, if other weapons there were not fired, you would have no way of knowing; is that correct?

A. That is correct.

Q. Okay. If someone shot and it didn't strike anything, over the house, around the house, something like that -- if it didn't strike anything you would also have no way to know about that?

A. That is correct.

If I did not receive any fired components, I would not know.

Q. So there were between four and seven guns that were fired that struck the residence, or casings that were around the residence?

A. That -- represented in the evidence that I received, between four and seven.

Suzanne Cromer
Redirect Examination by Mr. Cooper
November 4, 2015

1 MR. COOPER: I have no further questions. Thank
2 you, Your Honor.

3 MR. MLYNARCZYK: Nothing further, Your Honor.

4 MR. MURPHY: Nothing, Your Honor.

5 THE COURT: You may step down. Feel free to stay
6 with us, but I think you're going to be heading back to
7 Columbia; right?

8 THE WITNESS: Right. Thank you.

9 THE COURT: Safe travels.

10 [Whereupon, Ms. Cromer is excused and exits the
11 witness stand.]

12 THE COURT: And I understand the State has one
13 short witness?

14 MS. SHEALY: That's right. Sarah Lippie
15 [phonetic].

16 THE COURT: Ma'am, please come forward and be
17 sworn.

18 [Whereupon, Ms. Lippe comes forward]

19 THE CLERK OF COURT: Left hand here. Raise your
20 right.

21 [Whereupon, Ms. Lippe is duly sworn by the clerk of
22 court as follows: do you swear or affirm the testimony
23 you will give the Court and the jury in the trial of
24 this case will be the truth, the whole truth, and
25 nothing but the truth, so help you God]

Suzanne Cromer
Redirect Examination by Mr. Cooper
November 4, 2015

1 THE WITNESS: I do.

2 THE CLERK OF COURT: You may be seated.

3 Once seated, if you could please state your first
4 and last name and then spell your last loudly and
5 clearly into the microphone for the record, please.

6 [Whereupon, Ms. Lippe takes the witness stand]

7 THE WITNESS: My name is Sarah Lippe. L-I-P-P-E.

8 MS. SHEALY: I'm sorry. I said the wrong name when
9 I called your name. I apologize.

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Sarah Lippe
Direct Examination by Ms. Shealy
November 4, 2015

SARAH LIPPE,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Ms. Lippe, do you work at the Charleston County
Clerk of Court's office?

A. I do.

Q. And amongst your duties, are you considered a
custodian of records?

A. Yes.

Q. Pursuant to my request, did you retrieve a document
on King Conyers?

A. Yes.

Q. And if you would please, could you indicate to the
jury: is this the type of document that is kept in the
ordinary course of business where you work?

A. It is.

Q. Would you tell us, please, what date of birth is
given for Mr. Conyers on that document?

A. Am I allowed to look at it?

Q. Yes, you are.

A. The date of birth I have is [REDACTED].

Q. And what is the date of the document that you have?

A. It's September 11th of 2002.

Sarah Lippe
Direct Examination by Ms. Shealy
November 4, 2015

1 Q. And could you tell the jury, please, what address
2 is reflected for King Conyers?

3 A. [REDACTED], McClellanville, South
4 Carolina.

5 MS. SHEALY: Thank you. I have no further
6 questions.

7 THE COURT: Mr. Mlynarczyk?

8 MR. MLYNARCZYK: I have no questions, Your Honor.

9 THE COURT: Mr. Murphy?

10 MR. MURPHY: Yes. Very briefly.
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Sarah Lippe
Cross-Examination by Mr. Murphy
November 4, 2015

CROSS-EXAMINATION

BY MR. MURPHY:

Q. This document was not prepared by your office, was it?

A. I did pull it.

Q. And it wasn't prepared by Mr. Conyers; correct?

A. No.

Q. And you have no way to determine the accuracy of that document, do you?

A. We're just custodian of records. It was just filed with us.

Q. But that document is not verified in any way, is it?

A. No.

MR. MURPHY: Judge, that's all I have.

THE COURT: Ms. Shealy?

MS. SHEALY: I think this is a good stopping place.

THE COURT: Do you have any redirect?

MS. SHEALY: Oh. I'm sorry. No, I do not. Thank you.

THE COURT: Ms. Lippe, you may step down. Feel free to stay with us, but you're also excused.

THE WITNESS: Thank you.

THE COURT: Thank you.

[Whereupon, Ms. Lippe is excused and exits the

Sarah Lippe
Cross-Examination by Mr. Murphy
November 4, 2015

1 witness stand]

2 THE COURT: And so we had indicated that we would
3 stop before 5:00 today. All right?

4 Ladies and gentlemen, we have reached the end of
5 today's testimony. Ladies and gentlemen, I encourage
6 you to go home and relax and get to bed early. We have
7 another long day of testimony. And as you are very well
8 aware, this is hard work listening to the testimony, so
9 I encourage you to go home, get some rest, make sure you
10 get to bed early, and we're to start tomorrow at 9:30 in
11 the morning. Please report at 9:30 in the morning.

12 Please remember all of my admonitions. Do not
13 read, watch any news accounts regarding this case. Do
14 not begin deciding any issue in this case. And do not
15 discuss this case in any way.

16 Have a wonderful evening. Please get some rest.
17 Thank you.

18 [Whereupon, the jury exits the courtroom at
19 4:42 p.m.]

20 THE COURT: Thank you. Be seated.

21 All right. Just for scheduling, what do we have
22 left?

23 MS. SHEALY: We have -- one issue that we wanted to
24 address with you is regarding some records.

25 Other than that, we have our phone analyst, our

Sarah Lippe
Cross-Examination by Mr. Murphy
November 4, 2015

1 cell-tower record analyst.

2 THE COURT: Just one moment.

3 MS. SHEALY: Okay.

4 [Off the record momentarily]

5 THE COURT: And so the phone records, you indicated
6 that that was going to be your --

7 MS. SHEALY: That will be our last witness.

8 THE COURT: That's your last witness?

9 MS. SHEALY: Yes, Your Honor.

10 THE COURT: So your direct -- but your direct is
11 about an hour?

12 MS. SHEALY: I would think so.

13 THE COURT: Are there any procedural matters
14 regarding that issue?

15 MS. SHEALY: Not that I'm aware of.

16 THE COURT: No challenges?

17 MR. MURPHY: No, Your Honor.

18 THE COURT: We've already addressed all the issues?
19 All right.

20 Do you have -- I'm going to advise both of your
21 clients of their rights to testify.

22 Other than your clients, do you have any witnesses?

23 MR. MLYNARCZYK: I may have one, Your Honor.

24 MR. MURPHY: And I may have a couple.

25 Just going back to the admissibility for the cell

Sarah Lippe
Cross-Examination by Mr. Murphy
November 4, 2015

1 phone guy, I don't know what the State's position --
2 they've always presented it as being a layman testifying
3 about the cell phone records. I don't know how to
4 interpret cell phone records, so I don't know if -- I
5 think it's going -- I think that's going to fall outside
6 the scope of 701, and I think you're going to need to
7 have -- they're going to need to have expert testimony.

8 MS. SHEALY: He is an expert.

9 MR. MURPHY: Okay. Well, then, we'll see. That's
10 fine.

11 THE COURT: So you think you have one additional
12 witness?

13 MR. MLYNARCZYK: I believe. And if it's one or
14 two, they will not be very long. They will be short.

15 MR. MURPHY: I may have two, maybe three.

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State vs. Belton and Conyers
Defendants' Rights
November 4, 2015

DEFENDANTS' RIGHTS

THE COURT: Mr. Belton, Mr. Conyers, please stand.

[Whereupon, Mr. Belton and Mr. Conyers comply]

THE COURT: If you will place them under oath.

THE CLERK OF COURT: Please raise your right hands.

[Whereupon, Mr. Belton and Mr. Conyers are duly sworn by the clerk of court as follows: do you swear or affirm the testimony you give the Court will be the truth, the whole truth, and nothing but the truth, so help you God]

MR. BELTON: I do.

MR. CONYERS: I do.

THE COURT: Please state your name for the record.

MR. BELTON: Jeremiah Belton.

MR. CONYERS: King Chevais Conyers.

THE COURT: Thank you.

We've reach -- well, tomorrow we will have reached the stage of the trial where you may present your defense, so I'm going to take this opportunity to explain to you certain of your rights. We're stopping a little early, so this will give you some time to speak with your attorneys.

If you do not understand anything I say, please let me know. If you need for me to explain anything in further detail, please let me know. Do you understand?

State vs. Belton and Conyers
Defendants' Rights
November 4, 2015

1 MR. BELTON: Yes, ma'am.

2 MR. CONYERS: Yes, ma'am.

3 THE COURT: No person shall be compelled in any
4 criminal case to be a witness against himself. This is
5 a protection given to you by the fifth amendment in the
6 constitution of our United States. This means that you
7 cannot be required to testify.

8 You do have the right to testify on your own
9 behalf. However, no one can make you testify. This is
10 a personal right and no one can waive this right except
11 for you. If you decide to testify, you will be subject
12 to the same rules that govern other witnesses and you
13 may be examined and cross-examined on any relevant
14 issue.

15 Ms. Shealy, do they have convictions that you
16 intend to use for impeachment?

17 MS. SHEALY: I think Mr. Cooper was just pulling
18 them.

19 THE COURT: Yes or no?

20 MS. SHEALY: I don't --

21 THE COURT: I just need a yes or no at this time.
22 Mr. Cooper?

23 MS. SHEALY: I think we need to refresh our memory.

24 THE COURT: If you have convictions involving
25 dishonesty or false statement or for crimes punishable

State vs. Belton and Conyers
Defendants' Rights
November 4, 2015

1 by imprisonment for more than one year and I determine
2 that the probative value of admitting that evidence is
3 more -- outweighs its prejudicial effect to you, the
4 solicitor will be able to introduce your record to
5 attack your credibility.

6 If you decide to testify, this decision on your
7 part must be freely, voluntarily, and intelligently
8 made, with the knowledge of the protections given to you
9 by the fifth amendment and the consequences of your
10 decision to testify.

11 If you decide not to testify, I will instruct the
12 jurors that they cannot give the fact that you did not
13 testify any consideration whatsoever and there is to be
14 absolutely no prejudice to you because you did not
15 testify.

16 It is left entirely up to you. You may talk with
17 your attorney, your friends, your family members, or
18 anyone else, but the final decision is left up to you.

19 Do you understand what I've explained to you?

20 MR. BELTON: I do.

21 MR. CONYERS: Yes, ma'am.

22 THE COURT: Have you any further questions about
23 what I have just explained to you?

24 MR. BELTON: No, ma'am.

25 MR. CONYERS: No, ma'am.

State vs. Belton and Conyers
Defendants' Rights
November 4, 2015

1 THE COURT: Have you talked with your attorney to
2 determine whether or not you will testify?

3 MR. BELTON: I have.

4 MR. CONYERS: I have.

5 THE COURT: Do you need additional time to meet
6 with your attorney?

7 MR. BELTON: I do.

8 MR. CONYERS: I do.

9 THE COURT: So we will break for the evening hour.
10 This will give you an opportunity to go over with your
11 attorney what I have just explained to you. And when we
12 come back in the morning, I will ask you that question.
13 Do you understand?

14 MR. BELTON: Yes, ma'am.

15 MR. CONYERS: Yes, ma'am.

16 THE COURT: Anything further?

17 MR. BELTON: No, ma'am.

18 MR. CONYERS: No, ma'am.

19 THE COURT: Thank you. Please have a seat.

20 So that may put us arguing and charging tomorrow
21 afternoon, potentially, if you call no witnesses, and
22 you call no witnesses, and your witness takes an hour as
23 indicated. All right.

24 MS. SHEALY: Your Honor --

25 THE COURT: We'll be at ease. 9:30 in the morning.

State vs. Belton and Conyers
Defendants' Rights
November 4, 2015

1 MS. SHEALY: There are two brief things.

2 I would like to put something on the record about
3 that juror for the remainder of our session today. He
4 was continuing to sleep. And the forelady actually
5 turned to him and knocked him on the knee to try to wake
6 him up. So I have a continued concern with him and
7 would ask that we replace him with an alternate.

8 THE COURT: I'll consider it. I've observed him
9 throughout. I did not find that it was any -- I think
10 that's just his mannerisms. I think he closes his eyes.
11 Every time that everyone starts talking, he seems to
12 come back to attention. So we'll observe. I'll take it
13 under advisement.

14 MS. SHEALY: And the other -- one other thing. I
15 don't know if you want to do it tonight or if you want
16 to do it in the morning.

17 I have some records from SCANA that I had
18 previously discussed at the pretrial conference, and we
19 have a certificate from SCE&G reflecting where King
20 Conyers was getting electricity in his name during the
21 time period in question of the crime, and I understand
22 that Mr. Murphy has an objection to that.

23 MR. MURPHY: Yes. That's hearsay, Your Honor.

24 We have -- they are authenticated, but they still
25 are hearsay and I can't cross-examine on them.

State vs. Belton and Conyers
Defendants' Rights
November 4, 2015

1 If they're going to be admitted, I would like to be
2 able to have someone from SCANA to explain what they
3 are. It's not even -- it's just a -- it's not even his
4 record. It just shows a computer screen, is what she
5 wants to admit.

6 THE COURT: And how do you -- you have some
7 custodian coming in?

8 MS. SHEALY: No. At our conference the other day,
9 and again reaffirmed earlier this week, that I had
10 certifications on everything, which I have provided.

11 THE COURT: Well, what's the address in -- what's
12 the address there?

13 MS. SHEALY: The address is [REDACTED],
14 West Columbia. But that was during the time period. It
15 just -- certainly I think we're entitled to show where
16 he was paying for electricity, time and from.

17 THE COURT: Well, how is that relevant?

18 MS. SHEALY: Because when it comes to the cell
19 towers, they are hitting right near his house at that
20 Hoover Street address.

21 THE COURT: Let me hear -- I'll hear this tomorrow.
22 All right? Thank you.

23 Anything else? 9:30. Just let me see counsel.
24 I'll need to do a charge conference.

25 [JURY TRIAL ADJOURNS AT 5:00 P.M.]

State vs. Belton and Conyers

C E R T I F I C A T E

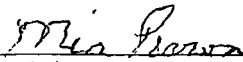
STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the jury trial held before the Honorable Kristi L. Harrington, on Wednesday, November 4, 2015.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 3rd day of April, 2016.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
 COUNTY OF CHARLESTON) CASE NO.: 2014-GS-10-06481
 2014-GS-10-06482
 2014-GS-10-06483
 2014-GS-10-06484
 2014-GS-10-06485
 2014-GS-10-06486

STATE OF SOUTH CAROLINA)
)
)
 VS.)
)
)
 JEREMIAH FITZGERALD BELTON and)
 KING CHEVAIS CONYERS,)
)
 DEFENDANT.)
 _____)

JURY TRIAL

VOLUME 4 OF 5

held before the Honorable Kristi L. Harrington
 Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
 in the Charleston County Courthouse
 Charleston, South Carolina
 on Thursday, November 5, 2015, Commencing at 10:11 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
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INDEX TO PROCEEDINGS

	PAGE
PROCEEDINGS	876
KATHY RHODEN	
Direct Examination by Ms. Shealy	878
Cross-Examination by Mr. Murphy	880
Redirect Examination by Ms. Shealy	881
LEWIS WILLIS WALKER	
Direct Examination by Ms. Shealy	883
Voir Dire Examination by Mr. Murphy	894
Voir Dire Examination by Ms. Shealy	899
Voir Dire Examination by the Court	904
Continued Direct Examination by Ms. Shealy	918
Continued Direct Examination by Ms. Shealy	985
Cross-Examination by Mr. Mlynarczyk	995
Cross-Examination by Mr. Murphy	1014
Redirect Examination by Ms. Shealy	1020
Recross-Examination by Mr. Mlynarczyk	1022
MOTIONS FOR A DIRECTED VERDICT	1024
By Mr. Mlynarczyk and Mr. Murphy	
DEFENDANTS' RIGHTS, continued	1028

INDEX TO PROCEEDINGS, continued

	PAGE
<u>WITNESSES FOR THE DEFENDANT BELTON</u>	
CHARLES LAWRENCE	
Direct Examination by Mr. Mlynarczyk	1035
Cross-Examination by Ms. Shealy	1046
Redirect Examination by Mr. Mlynarczyk	1050
Recross-Examination by Ms. Shealy	1053
MARIO CALDWELL	
Direct Examination by Mr. Mlynarczyk	1055
<u>WITNESSES FOR THE DEFENDANT CONYERS</u>	
KING CONYERS	
Direct Examination by Mr. Murphy	1058
Cross-Examination by Ms. Shealy	1062
RENEWAL OF MOTIONS	1069
CERTIFICATE OF COURT REPORTER	1071

INDEX TO EXHIBITS

[Exhibits pre-marked unless otherwise noted in transcript]

MARKED/ADMITTED

State's Exhibit Number 224 [Cell-Phone Data]	/ 929
State's Exhibit Number 225 [Cell-Phone Data]	/ 933
State's Exhibit Number 226 [Cell-Phone Data]	/ 933
State's Exhibit Number 227 [Cell-Phone Data]	/ 933
State's Exhibit Number 228 [Cell-Phone Data]	/ 933
State's Exhibit Number 229 [Cell-Phone Data]	/ 936
State's Exhibit Number 232 [Cell-Phone Data]	/ 937
State's Exhibit Number 233 [Photograph]	/ 941
State's Exhibit Number 234 [Photograph]	/ 941
State's Exhibit Number 235 [Cell-Phone Data]	/ 1032
State's Exhibit Number 236 [Cell-Phone Data]	/ 945
State's Exhibit Number 237 [Cell-Phone Data]	/ 945
State's Exhibit Number 238 [Cell-Phone Data]	/ 945
State's Exhibit Number 239 [Cell-Phone Data]	/ 945

INDEX TO EXHIBITS

[Exhibits pre-marked unless otherwise noted in transcript]

MARKED/ADMITTED

State's Exhibit Number 240 [Cell-Phone Data]	/ 945
State's Exhibit Number 241 [Cell-Phone Data]	/ 945
State's Exhibit Number 242 [Cell-Phone Data]	/ 945
State's Exhibit Number 243 [Cell-Phone Data]	/ 945
State's Exhibit Number 244 [Cell-Phone Data]	/ 945
State's Exhibit Number 245 [Cell-Phone Data]	/ 945
State's Exhibit Number 246 [Cell-Phone Data]	/ 945
State's Exhibit Number 247 [Cell-Phone Data]	/ 945
State's Exhibit Number 248 [Cell-Phone Data]	/ 945
State's Exhibit Number 249 [Cell-Phone Data]	/ 945
State's Exhibit Number 250 [Cell-Phone Data]	/ 945
State's Exhibit Number 251 [Cell-Phone Data]	/ 945
State's Exhibit Number 252 [Cell-Phone Data]	/ 964
State's Exhibit Number 253 [Cell-Phone Data]	/ 964

INDEX TO EXHIBITS

[Exhibits pre-marked unless otherwise noted in transcript]

MARKED/ADMITTED

State's Exhibit Number 254 [Cell-Phone Data]	/ 964
State's Exhibit Number 255 [Cell-Phone Data]	/ 964
State's Exhibit Number 256 [Cell-Phone Data]	/ 976
State's Exhibit Number 257 [Cell-Phone Data]	/ 976
State's Exhibit Number 258 [Cell-Phone Data]	/ 976
State's Exhibit Number 259 [Cell-Phone Data]	/ 976
State's Exhibit Number 260 [Cell-Phone Data]	/ 976
State's Exhibit Number 261 [Cell-Phone Data]	/ 976
State's Exhibit Number 262 [Cell-Phone Data]	/ 976
State's Exhibit Number 263 [Cell-Phone Data]	/ 976
State's Exhibit Number 264 [Cell-Phone Data]	/ 976
State's Exhibit Number 265 [Cell-Phone Data]	/ 976
State's Exhibit Number 266 [Cell-Phone Data]	/ 976
State's Exhibit Number 267 [Cell-Phone Data]	/ 982
State's Exhibit Number 268 [Cell-Phone Data]	/ 982

INDEX TO EXHIBITS

[Exhibits pre-marked unless otherwise noted in transcript]

MARKED/ADMITTED

State's Exhibit Number 269 [Cell-Phone Data]	/ 982
State's Exhibit Number 270 [Cell-Phone Data]	/ 982
State's Exhibit Number 271 [Cell-Phone Data]	/ 982
State's Exhibit Number 272 [Cell-Phone Data]	/ 983
State's Exhibit Number 273 [Cell-Phone Data]	/ 983
State's Exhibit Number 344 [Cell-Phone Data]	/ 969
State's Exhibit Number 345 [Cell-Phone Data]	/ 969
State's Exhibit Number 347 [Cell-Phone Data]	/ 956
State's Exhibit Number 348 [Cell-Phone Data]	/ 956

DEFENDANTS

Defendant's Exhibit Number 2 [Photographs]	1043 / 1043

State vs. Belton and Conyers
Proceedings
November 5, 2015

PROCEEDINGS

1
2 THE COURT: We need to place on the record I had a
3 conversation with Mr. Judd, who is in the courtroom and
4 remaining in the courtroom with us as an observer for
5 today. Based upon my conversation, I have ordered the
6 clerk to select randomly out of the two remaining
7 alternates. Mr. Clerk, who is the new juror?

8 THE CLERK OF COURT: Juror 262, Piper Pelley.

9 THE COURT: So Ms. Pelley will now be part of the
10 first twelve.

11 Anything before we bring in the jury?

12 MS. SHEALY: No, Your Honor.

13 MR. MLYNARCZYK: No, Your Honor.

14 MR. MURPHY: No, Your Honor.

15 [Whereupon, the jury enters the courtroom at
16 10:12 a.m.]

17 THE BAILIFF: The jury is all seated, Your Honor.

18 THE COURT: Thank you. Please be seated.

19 Ladies and gentlemen, did you comply with my
20 instructions over the evening hour? If you did, please
21 raise your right hand.

22 [Whereupon, there is no response]

23 THE COURT: Thank you. All thirteen jurors have
24 indicated they have complied with the Court's
25 instructions.

State vs. Belton and Conyers
Proceedings
November 5, 2015

1 Ladies and gentlemen, you may notice that one of
2 your previous jury members is in the courtroom. He is
3 now as an observer status. Do not concern yourself with
4 what happened or do not -- it has nothing to do with the
5 trial of this case. And Ms. Piper -- or, excuse me, Ms.
6 Pelley, you have now become a member of the first
7 twelve. Thank you.

8 Call your next witness.

9 MS. SHEALY: Thank you, Your Honor. Kathy Rhoden.

10 [Whereupon, Ms. Rhoden comes forward]

11 THE CLERK OF COURT: Left hand here. Raise your
12 right.

13 [Whereupon, Ms. Rhoden is duly sworn by the clerk
14 of court as follows: do you swear or affirm the
15 testimony you will give the Court and the jury in the
16 trial of this case will be the truth, the whole truth,
17 and nothing but the truth, so help you God]

18 THE WITNESS: Yes.

19 THE CLERK OF COURT: You may be seated.

20 Once seated, if you could please state your first
21 and last name and then spell your last loudly and
22 clearly into the microphone for the record.

23 [Whereupon, Ms. Rhoden takes the witness stand]

24 THE WITNESS: Kathy Rhoden. R-H-O-D-E-N.

25 MS. SHEALY: May it please the Court.

Kathy Rhoden
Direct Examination by Ms. Shealy
November 5, 2015

KATHY RHODEN ,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MS. SHEALY:

Q. Ms. Rhoden, would you please tell the jury where
you are employed?

A. SCANA Corporation.

Q. And what is SCANA?

A. SCANA is a utility based out of Casey, South
Carolina.

Q. So you provide power for those who live in West
Columbia and Casey?

A. Right.

As well as other states. North Carolina and
Georgia.

Q. And what is your position at SCANA?

A. I am the records custodian in the legal department.

Q. Pursuant to a request from my office, did you
search whether or not King Conyers had power at a house in
July of 2010?

A. Yes, I did.

Q. And could you tell the jury, please, what that
address was?

[Whereupon, the witness reviews documents]

Kathy Rhoden
Direct Examination by Ms. Shealy
November 5, 2015

1 A. You said in July of 2010?

2 Q. [Ms. Shealy] Yes, ma'am.

3 A. It was [REDACTED], and that was West
4 Columbia.

5 Q. And for our record, would you also tell us what
6 date of birth you had associated with Mr. Conyers?

7 [Whereupon, the witness reviews documents]

8 A. 9/19/1983.

9 THE WITNESS: I should have worn my glasses.

10 MS. SHEALY: I'm sorry.

11 THE WITNESS: That's okay.

12 Q. [Ms. Shealy] The service at Hoover Street began on
13 6/22/2010 --

14 A. Yes.

15 Q. -- is that correct?

16 A. Yes.

17 Q. And just prior to that, he was located at [REDACTED]
18 [phonetic] [REDACTED] in West Columbia?

19 A. Yes. Up until 6/16/2010.

20 MS. SHEALY: Very good. I have no further
21 questions. Please answer any the defense may have.

22 MR. MLYNARCZYK: I have no questions, Your Honor.

23 - - -

24 - - -

25 - - -

Kathy Rhoden
Cross-Examination by Mr. Murphy
November 5, 2015

CROSS-EXAMINATION

BY MR. MURPHY:

Q. Do you have any other records for Mr. Conyers that
you found, other than those two?

A. No. Just those two addresses.

MR. MURPHY: That's all I have. Thank you.

MS. SHEALY: I'm sorry. I have one follow-up
question.

- - -
- - -
- - -

Kathy Rhoden
Redirect Examination by Ms. Shealy
November 5, 2015

REDIRECT EXAMINATION

BY MS. SHEALY:

Q. Have you said what his date of birth was? You're looking at your document?

A. Yes.

Q. And showing you this, if it can refresh your memory.

THE WITNESS: And, again, as I said, I should have worn my glasses.

MS. SHEALY: Do you want to borrow mine?

THE WITNESS: I'm sorry. I left them in the car.

A. Just to make sure I --

[Whereupon, the witness reviews documents]

A. Yes. Date of birth is [REDACTED] [REDACTED].

Q. [REDACTED]?

A. [REDACTED]

MS. SHEALY: Very Good. Thank you very much. I have nothing further, Your Honor.

MR. MURPHY: Nothing, Your Honor.

MR. MLYNARCZYK: Nothing, Your Honor.

THE COURT: You may step down.

THE WITNESS: Thank you.

THE COURT: Thank you for making the trip.

[Whereupon, Ms. Rhoden is excused and exits the witness stand]

Kathy Rhoden
Redirect Examination by Ms. Shealy
November 5, 2015

1 MS. SHEALY: Ready for me to call my next witness?

2 THE COURT: Yes.

3 MS. SHEALY: Willis Walker.

4 [Whereupon, Mr. Walker comes forward]

5 THE CLERK OF COURT: Left hand here. Raise your
6 right.

7 [Whereupon, Mr. Walker is duly sworn by the clerk
8 of court as follows: do you swear or affirm the
9 testimony you will give the Court and the jury in the
10 trial of this case will be the truth, the whole truth,
11 and nothing but the truth, so help you God]

12 THE WITNESS: Yes.

13 THE CLERK OF COURT: You may be seated.

14 Sir, once seated, if you could please state your
15 first and last name and then spell your last loudly and
16 clearly into the microphone for the record, please.

17 [Whereupon, Mr. Walker takes the witness stand]

18 THE WITNESS: Sure. Lewis Willis Walker, III.

19 W-A-L-K-E-R.

20 MS. SHEALY: May it please the Court.

21

22

23

24

25

- - -

- - -

- - -

Willis Walker
Direct Examination by Ms. Shealy
November 5, 2015

1 LEWIS WILLIS WALKER, III,
2 Having Been First Duly Sworn,
3 was Examined and Testified as Follows:

4 DIRECT EXAMINATION

5 BY MS. SHEALY:

6 Q. Mr. Walker, would you please tell the jury about
7 your educational background?

8 A. Sure.

9 I grew up in Atlanta. I graduated from the
10 University of Georgia in 1999 with a bachelor's degree in
11 sociology.

12 Q. And did you join law enforcement before you went to
13 college?

14 A. While in college. At the age of twenty-one, I
15 applied with the University of Georgia Police Department and
16 got hired there. Worked there for about three years while I
17 was in school.

18 MS. SHEALY: Now, I might need to get you to speak
19 up just a little bit --

20 THE WITNESS: Sure.

21 MS. SHEALY: -- for us.

22 Q. [Ms. Shealy] What type of duties did you have when
23 you were working there?

24 A. I started on patrol. And it's -- the University
25 has about 30,000, give or take, students so it's big --

Willis Walker
Direct Examination by Ms. Shealy
November 5, 2015

1 there's over a hundred police officers with the department.
2 So it's a big department.

3 Went to the academy. Following that, I worked
4 patrol, just kind of basic what a normal police officer would
5 do. Riding calls, that kind of thing.

6 I got promoted to corporal. I was responsible for
7 training new officers, and was a shift supervisor at times.

8 Q. Okay. And after you received your degree from
9 Georgia, did you continue with that same agency?

10 A. I did not. For a little while. I think I
11 graduated in December. In April, I had applied and was
12 accepted by the City of Charleston Police Department.

13 Q. And how long did you work with the City of
14 Charleston?

15 A. Around five years.

16 Q. What type of duties did you have when you worked
17 for the City of Charleston?

18 A. I started out on the east side of Charleston on
19 patrol. So riding calls. And after about a year I went to
20 investigations. I was a detective for somewhere between six
21 and eight months.

22 And then I went to a special operations unit called
23 Safe Streets and I worked in there. We basically did -- we
24 worked narcotics. We worked any kind of special event.
25 Mainly, we would go in and try to clean up neighborhoods and a

Willis Walker
Direct Examination by Ms. Shealy
November 5, 2015

1 kind of anti-crime unit.

2 Q. Okay. And after you worked with CPD, where did you
3 work?

4 A. I went -- accepted a position as a special agent
5 with the Drug Enforcement Administration.

6 Q. Commonly called DEA?

7 A. DEA. Yes, ma'am.

8 Q. And where was that?

9 A. The training was in Quantico, but following that I
10 went to New York City where I worked.

11 Q. I'm sorry?

12 A. Sorry. Where I worked on the New York drug
13 enforcement task force. So I worked -- I was a special agent.
14 I worked along with NYPD detectives and New York state
15 troopers.

16 Q. And you said you were trained at Quantico?

17 A. I was.

18 Q. What is an intelligence analyst?

19 A. That is my current position.

20 Q. And where have you been doing that?

21 A. With the Charleston County Sheriff's Office, and
22 since 2009.

23 Q. And if you would please explain to the jury what is
24 meant by that term, intelligence analyst.

25 A. Sure.

Willis Walker
Direct Examination by Ms. Shealy
November 5, 2015

1 An intelligence analyst takes information from a
2 wide range of sources, be it open sources, stuff that anybody
3 can get off the internet, to protected stuff that is only used
4 for criminal justice purposes, that kind of thing. And take
5 that information, look at it, and kind of see how it is
6 involved in investigations and stuff that the police
7 departments are doing.

8 Q. What is Seahawk?

9 A. Seahawk is where I'm currently assigned.

10 It is an interagency operations center. It was
11 founded in I believe it was 2003, after 911, under the
12 Department of Justice. When I started with them in 2009 -- it
13 now falls under Homeland Security. And basically I work -- I
14 fall under a SLED, State Law Enforcement Division, lieutenant.

15 But where I am, there is an analyst from the City,
16 Mount Pleasant, North Charleston, Department of Natural
17 Resources. Since we all work together on cases -- because a
18 lot of time the jurisdiction overlaps. So if an incident
19 happens in Mount Pleasant, from an offender that lives in
20 Charleston County, we'll work together to facilitate
21 information.

22 I don't know if I explained that.

23 Q. When you are working with people from SLED, do you
24 have access on those databases that they have?

25 A. I do.

Willis Walker
Direct Examination by Ms. Shealy
November 5, 2015

1 I maintain a security clearance, so I have access
2 to more privileged information. But I have access to most of
3 the databases that are in the SLED system.

4 Q. As a result of your role with Seahawk, have you
5 been involved with call-detail analysis?

6 A. I have. And before that, as well. But I have.

7 Q. Okay. Well, tell me about it before.

8 A. Sure.

9 When I was in the Drug Enforcement Administration,
10 we typically worked Title Three kind of like wiretap
11 investigations. And that's when I first --

12 In the academy we learned and we were trained on,
13 you know, how to read and interpret some of the stuff we get
14 from call-detail records, which is what were used in this
15 case.

16 So a search warrant is provided to the cellular
17 phone company, be it Verizon, AT&T, Cricket. There's a bunch
18 of different providers. They supply a call-detail record.
19 Which each company it's a little bit different on how they
20 supply it. They supply a legend on how to read it and
21 interpret it.

22 But typically it's going to have a call log of when
23 the call was made, the time, the date, the duration of the
24 call, the number that placed the call, the number that
25 received the call. And it's not always, but it will also have

Willis Walker
Direct Examination by Ms. Shealy
November 5, 2015

1 location information, not --

2 It's important to point out it's not GPS where it
3 can give you an exact location of the phone. But it can tell
4 you which cellular tower that the phone utilized. So it's
5 kind of like the antenna that the phone used when the call was
6 made.

7 Q. Let me back you up just a little bit.

8 When you engage in call-detail analysis, have you
9 gotten specific training on that?

10 A. I have.

11 Q. Okay. And tell us a little bit about where you've
12 gotten that training.

13 A. Sure.

14 I've gotten some from -- it was under the Homeland
15 Security, but it was in Charlotte. I was at a week-long class
16 for that.

17 This past February, I was in Atlanta for a training
18 class from GeoCell Communication intelligence, and it was an
19 advanced cellular investigations in mapping of data. I had --
20 I have had training in PinLink, Map Point. I've also been
21 trained in -- I have over sixty hours in Arc Map GIS, Arc GIS,
22 which is mapping software and how to map and plot points and
23 stuff on a map.

24 Q. Yes. So let me get you to explain that. You're
25 saying all those initials and --

Willis Walker
Direct Examination by Ms. Shealy
November 5, 2015

1 A. Sure. Sure.

2 Q. -- let us know what you mean by that. Is it a
3 different type of software that you can use --

4 A. Sure.

5 Q. -- to assist you?

6 A. It is.

7 So basically you go in and input like a latitude
8 and longitude, which we'll see. I believe we have some
9 evidence. But and I can take those coordinates and put them
10 on a map and tell you -- you know, illustrate on a map what
11 these records are showing us.

12 Q. So you had mentioned that what initially happens is
13 a phone record is gotten through a search warrant --

14 A. Correct.

15 Q. -- is that correct?

16 And that's usually by the detective in the case?

17 A. It is.

18 Q. And then when the phone company provides the
19 detective with the call-detail records, you're then provided
20 with that; correct?

21 A. Correct.

22 Q. Okay. So that the jury understands what is meant
23 by call-detail records, that's the information the phone
24 company provides you; correct?

25 A. It is.

Willis Walker
Direct Examination by Ms. Shealy
November 5, 2015

1 Q. And that will have what numbers that phone called?

2 A. And incoming, as well.

3 Q. And then what numbers called that phone?

4 A. Yes, ma'am.

5 Q. Is that correct?

6 A. It is.

7 Q. Now, when you're telling us about latitude and
8 longitude, is that information provided to you by the cell
9 phone company?

10 A. It is.

11 Q. And when you get those coordinates, that's going to
12 assist you in finding out where the cell towers are?

13 A. Yes, ma'am.

14 Q. Would you briefly describe for the jury what is
15 meant by cell tower?

16 A. It is basically a fancy antenna system so when a --
17 the cell phone call is made, a signal goes from the phone to
18 typically the closest, but whichever tower has the best range
19 or the best service signal.

20 That tower, in turn, goes through a switchboard and
21 the call is routed to either another tower close to another
22 cellular phone, or it goes to like a land line which would go
23 to a stationary land line phone.

24 Q. Tell us, if you could, briefly how cell phones
25 work.

Willis Walker
Direct Examination by Ms. Shealy
November 5, 2015

1 A. Sure.

2 THE WITNESS: Could I use the board to illustrate?

3 MS. SHEALY: Your Honor, may he approach the --

4 THE COURT: He may.

5 MS. SHEALY: -- dry-erase board?

6 THE COURT: Please make sure you continue to speak
7 loudly.

8 THE WITNESS: Yes, ma'am.

9 MS. SHEALY: I'm not sure if they have -- could you
10 tell me whether there are any markers up there?

11 THE WITNESS: No, ma'am. Yes, ma'am.

12 MS. SHEALY: There are markers?

13 THE WITNESS: I think I see one.

14 MS. SHEALY: And do you need something to erase
15 that?

16 THE WITNESS: This will do it.

17 MS. SHEALY: May I approach, Your Honor?

18 THE COURT: You may.

19 MS. SHEALY: I'll just hold this back.

20 THE WITNESS: Thank you.

21 MS. SHEALY: I need you to open the other door, as
22 well.

23 THE COURT: Thank you.

24 THE WITNESS: Yes, ma'am.

25 A. A cell phone is basically -- essentially a fancy

Willis Walker
Direct Examination by Ms. Shealy
November 5, 2015

1 radio or walkie-talkie. A walkie-talkie has one frequency, so
2 only one person can be talking at a time, where a cell phone
3 has two frequencies, one to talk on and one to listen or
4 receive a signal on. So it's -- where a walkie-talkie has
5 maybe --

6 MR. MURPHY: I object.

7 We're getting into expert testimony, I believe. I
8 don't think he's qualified to talk about cell phone
9 transmissions.

10 MS. SHEALY: I can finish his qualifications and
11 we'll go back to this is just a second.

12 THE COURT: All right. Thank you.

13 Q. [Ms. Shealy] Have you ever testified before in
14 court about call-detail records and the mapping of them?

15 A. Yes, sir.

16 Q. And have you also previously prepared and admitted
17 charts of phone calls between two different phones?

18 A. I have.

19 MS. SHEALY: Your Honor, at this time we would
20 offer him as an expert in the field of call-detail
21 analysis.

22 Q. [Ms. Shealy] You've been qualified previously; is
23 that correct?

24 A. Yes, ma'am.

25 MR. MURPHY: I would like to voir dire him, Your

Willis Walker
Direct Examination by Ms. Shealy
November 5, 2015

1 Honor.

2 THE COURT: Again, we do this in order.

3 Are you done with laying the foundation --

4 MS. SHEALY: Yes, Your Honor.

5 THE COURT: -- to have him qualified as an expert?

6 MR. MLYNARCZYK: Your Honor, I'm going to have to
7 join the objection, Your Honor, and allow Mr. Murphy to
8 do a voir dire. I'm just going to waive the --

9 THE COURT: So you are waiving --

10 MR. MLYNARCZYK: I'm waiving any voir dire. Yes,
11 Your Honor.

12 THE COURT: Mr. Murphy, additional --

13 MR. MURPHY: Thank you, Your Honor.

14 THE COURT: -- voir dire?
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Willis Walker
Voir Dire Examination by Mr. Murphy
November 5, 2015

VOIR DIRE EXAMINATION

BY MR. MURPHY:

Q. Mr. Wilkes [sic], you don't have any postgraduate studies in networking engineering, do you?

A. I do not.

Q. And you don't have any postgraduate studies in software engineering, do you?

A. No.

Q. What about network design?

A. No.

Q. Network instruction?

A. No.

Q. Network hardware?

A. I do not.

Q. Okay. What about undergraduate. You said your undergraduate was a degree in sociology; is that correct?

A. It is.

Q. And that doesn't qualify you as an expert in any way for this data analysis, does it?

A. No.

Q. And while you were in college, did you take any network engineering classes?

A. I did not.

Q. What about software engineering classes?

A. What do you mean, exactly, by software engineering?

Willis Walker
Voir Dire Examination by Mr. Murphy
November 5, 2015

1 A. Well, computer software engineering classes.

2 A. Yeah, I have had some computer software training.

3 Q. Okay. And did those trainings in any way qualify
4 you as an expert in this field?

5 A. No. I don't know -- I don't understand the
6 question, exactly, but --

7 Q. I'm trying to figure out --

8 A. It -- go ahead.

9 Q. I'm just trying to figure out what your expertise
10 is, and your background, to see if you're qualified. So I
11 need you to --

12 A. I'm certainly not an engineer, but I have been
13 trained in how to read, analyze, and interpret cell phone
14 records and depict them on a map, if you will.

15 Q. All right. We're going to get to that.

16 Are you a member of -- do you have any state
17 licenses to analyze cell phone records?

18 A. State license?

19 Q. Yes.

20 A. I don't have a state license. I have training
21 certificates and that kind of thing, but I don't have a state
22 license.

23 Q. And we're going to get to that in a second.

24 Are you a member -- have you published any articles
25 on cell-phone data analysis at all?

Willis Walker
Voir Dire Examination by Mr. Murphy
November 5, 2015

1 A. No.

2 Q. Have you taught any classes on cell-phone analysis?

3 A. I have, yes.

4 Q. And when did you teach those classes?

5 A. I worked in the solicitor's office earlier this
6 year, along with my counterpart from the FBI's CAST,
7 Communication Analysis and Survey Team.

8 It kind of depicted what can be done from cell
9 phone records and how to get them into verbiage that -- what
10 is needed on the search warrant.

11 Q. When you say class, was that a one-hour lesson or
12 presentation?

13 A. It was a couple of hours.

14 Q. A couple of hours of --

15 A. Yes.

16 Q. You gave a presentation for a couple of hours?

17 A. Yes, sir.

18 And I also give -- we give we call it block
19 training. But we give --

20 It's called -- I'm trying to remember what it's
21 called -- complete traffic stops. And it goes over -- and
22 there's a bunch of different data. It's a full-day class.
23 But I give a little segment on intelligence and what can be
24 done. And, yes, cell phones are a part of that.

25 Q. All right. But your intelligence -- what I'm

Willis Walker
Voir Dire Examination by Mr. Murphy
November 5, 2015

1 trying to get is the basis. Does this talk about the basis of
2 network engineering design or how the network works?

3 A. Not exactly, no.

4 I am certainly not an engineer. I can read the
5 records that are provided to me.

6 Q. Okay. So what you did is you just look at the
7 records and then you make your own judgment from that? Is
8 that a fair statement?

9 A. My own judgment?

10 Q. Yes.

11 A. I mean, it's got a distinct location on there of
12 the tower that is utilized.

13 Q. Let me talk about your training. You said you were
14 in Charlotte for one week?

15 A. Yes.

16 Q. And then you said you were in Atlanta in February?

17 A. Yes.

18 Q. How long was that?

19 A. Three days.

20 Q. Three days. And then you said Pin Link?

21 A. Pin Link.

22 Q. And Pin Link, how long were you there?

23 A. I was at training at Quantico. I don't know
24 exactly how many hours, but it was pretty extensive. And then
25 I received training in Columbia at the Fusion Center, too,

Willis Walker
Voir Dire Examination by Mr. Murphy
November 5, 2015

1 with that.

2 Q. Okay. And is Columbia a Mount Point?

3 A. I'm sorry?

4 Q. You said Mount Point you got training. Is that
5 Columbia?

6 A. Mount Point? I don't know what --

7 Q. Maybe I misheard you.

8 All right. So you had -- when you said you had
9 training in Columbia, how long was that?

10 A. I've been up there several times, but it was maybe
11 a day each time.

12 Q. One day? Several days? Five days?

13 A. I'm not sure.

14 Q. Okay. And none of your training dealt with network
15 engineering at all?

16 A. No.

17 Q. Cellular network engineering at all?

18 A. No. I am not an engineer, no, sir.

19 MR. MURPHY: Thank you, Your Honor.

20 I would object to him being qualified in
21 interpreting data.

22 THE COURT: Counsel? Still object.

23 MS. SHEALY: I have some follow-up questions.

24 THE COURT: You may follow up. Thank you.

25

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Lewis Walker
Voir Dire Examination by Ms. Shealy
November 5, 2015

VOIR DIRE EXAMINATION

BY MS. SHEALY:

Q. Mr. Walker, did I attempt to have you qualified as a network engineer?

A. No, ma'am.

Q. And the work that you do, you told us that you work with Seahawk.

A. I do.

Q. Tell the jury what Seahawk is.

A. Seahawk is an inter-agency operation center.

I work with other intelligence analysts from around here. I coordinate with Fusion centers around the country on -- with big cases that overlap. We work with the FBI. We stand up when major events happens, which we've had several here in the past year.

We take information, analyze it, and provide it back to detectives so they can do the legwork. We do the legwork for them so they can go out.

Q. So not only the sheriff's office, but SLED, the FBI, other agencies, also rely on the work that you do?

A. Yes, ma'am.

Q. It's a collaborative effort?

A. Yes, ma'am.

Q. And would you tell the jury approximately how many analyses have you done on call-detail information?

Lewis Walker
Voir Dire Examination by Ms. Shealy
November 5, 2015

1 A. I don't have the exact number, but I -- over a
2 hundred.

3 Q. Mr. Murphy asked you whether or not you held a
4 license for what you do. Are you aware of whether or not
5 there are licenses?

6 A. I am unfamiliar if there is.

7 Q. As far as you know, there is no license?

8 A. No, ma'am.

9 Q. And the training that you've gotten, it began at
10 Quantico. And then you had a variety of just seminars that
11 you've gone to since then?

12 A. Yes, ma'am.

13 Q. And just to make sure that the jury understands.
14 When you get call-detail information, you are looking at a
15 printout that shows the number called and the number that was
16 called; correct?

17 A. Can I elaborate on that a little bit?

18 Q. Sure.

19 A. The phone company with the -- what they call return
20 from the search warrant, the information they provide, they
21 provide a legend, or ledger, if you will, on how to read the
22 records. It's very specific, and it explains what each
23 section of the information they're providing is.

24 Q. Okay. And within that document, it does give you
25 the coordinates for longitude and latitude?

Lewis Walker
Voir Dire Examination by Ms. Shealy
November 5, 2015

1 A. It does.

2 Q. And based on that, that's how you can then map
3 where a call was placed from?

4 A. Yes.

5 I can map the cellular --

6 Q. The cell towers --

7 A. -- towers which -- whatever you want to call it,
8 that was utilized when that phone call was made. Not where
9 the phone is itself, but that phone has to fall in the
10 footprint of the coverage area of that cellular tower.

11 Q. I mean, I worded that poorly.

12 A. That's all right.

13 Q. You're not saying where that specific phone was.
14 You're saying where the cell tower is that the phone was
15 hitting?

16 A. Correct.

17 MS. SHEALY: Your Honor, I would renew my request
18 to have him qualified as an expert.

19 THE COURT: Ladies and gentlemen, there is a matter
20 of law that I must take up outside of your presence.

21 Do not begin your deliberations. Do not discuss
22 this case amongst yourselves.

23 Take your notepads with you or leave them right in
24 the chair.

25 Please rise for the jury.

Lewis Walker
Voir Dire Examination by Ms. Shealy
November 5, 2015

1 [Whereupon, the jury exits the courtroom at
2 10:37 a.m.]

3 THE COURT: Thank you. Be seated.

4 Ms. Shealy, happy to hear from you concerning his
5 qualifications as an expert.

6 MS. SHEALY: Your Honor, I believe that he falls
7 appropriately under Rule 72, that being testimony by an
8 expert, which states: scientific, technical, or other
9 specialized knowledge will assist the trier of fact to
10 understand the evidence or to determine a fact in issue;
11 a witness qualified as an expert by knowledge, skill,
12 experience, training, or education may testify thereto
13 in the form of an opinion or otherwise.

14 Certainly this gentleman's background in law
15 enforcement and training and analyzing call-detail
16 records is quite --

17 THE COURT: What are you hoping to have him testify
18 to?

19 MS. SHEALY: He is going to -- he is going to -- he
20 has prepared charts for us that reflect calls made
21 between one phone and another phone. And he is also
22 going to map the calls, based on their cell tower
23 information, which in this case shows the path leading
24 from Columbia to Charlotte, to Columbia -- excuse me --
25 from Charleston to Charlotte, to Columbia, back to .

Lewis Walker
Voir Dire Examination by Ms. Shealy
November 5, 2015

1 Charleston. Then on one phone, out to Awendaw, one of
2 the phones that the phone records are in evidence.

3 So it's crucial that the jury understand and have
4 someone who's experienced with call-detail information
5 to explain how he used the longitude and latitude, the
6 information he got from the cell phone companies, and
7 how to plot it where that phone -- which cell tower that
8 phone was hitting from.

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Lewis Walker
Voir Dire Examination by the Court
November 5, 2015

VOIR DIRE EXAMINATION

BY THE COURT:

Q. You answered Ms. Shealy's question. You've been qualified as an expert before; is that correct?

A. Yes, ma'am.

Q. In what court?

A. It was here in Charleston County.

Q. Here in general sessions?

A. Yes, ma'am.

Q. How many times?

A. I've been qualified once as an expert. I've testified I believe eight or nine times.

Q. And what were you qualified in?

A. I don't know what the exact -- it was in the same arena, you know, the same -- I provided the same thing I'm trying to do here. I don't --

Q. Have you ever not been qualified as an expert?

A. I have not. I've just never been denied. No, ma'am. They didn't try to qualify me in the --

Q. In the previous eight or nine times you testified, they did not attempt to qualify you as an expert?

A. Once they did, but the other ones they did not. Ms. Shealy did I think four or five of them herself. But we never -- they didn't have me qualified as an expert.

I guess they agreed to agree, and I don't give my

Lewis Walker
Voir Dire Examination by the Court
November 5, 2015

1 opinion, as much as just what the -- I'm trying to answer your
2 question.

3 But, no, I've never been denied.

4 Q. What training or experience do you have that allows
5 you to determine from what cell tower the call is made?

6 A. The GeoCell Communications Intelligence class that
7 I took in February gives specific training on -- it was a
8 three-day training. It gave specific training on how to look
9 at these records and interpret them, and look at what is
10 provided on this call-detail record.

11 And the company also provides, which I have with me
12 -- for each carrier it's a little different. But they tell
13 you exactly how to -- it's an Excel spread sheet, essentially,
14 and they tell you how to read each heading and what it does.

15 And it's essentially -- what I do is I'm mapping
16 the tower itself. So it's saying this call was made on this
17 date and time, this is the cell tower that was utilized by the
18 phone to make the call, this is the location of that tower.
19 Not necessarily the location of the phone. But that phone has
20 to fall within the range of that tower. So it's going to be
21 in the vicinity of that tower.

22 So it's not like -- it's not like GPS where you're
23 using three satellites, at least, to triangulate and
24 coordinate and tell you exactly the phone's at this address at
25 this time. It's not that specific. But I can certainly tell

Lewis Walker
Voir Dire Examination by the Court
November 5, 2015

1 you whether the phone was in even -- I can tell you whether
2 the phone was in Mount Pleasant or whether it was in West
3 Ashley, based on the tower, because there are hundreds, if not
4 thousands, of towers within the Charleston area.

5 Q. But you're not going to be able to testify here
6 today as to a specific location where the phone was; is that
7 correct?

8 A. No, it's not correct, because I can tell you that
9 it's within -- reasonably, within a mile of a tower.

10 Q. You're going to be able to testify as to which cell
11 tower was utilized --

12 A. Yes, ma'am.

13 Q. -- to make a phone call?

14 A. Yes, ma'am.

15 And at some point, which side of the tower itself.
16 There's sectors off the tower, and I could tell you which side
17 of the tower that one's hitting on.

18 THE COURT: Based upon my questions, any further
19 questions, Ms. Shealy?

20 MS. SHEALY: No, Your Honor.

21 MR. MLYNARCZYK: Your Honor, the only thing I have
22 to add -- I'm joining the objection -- is that the
23 documents we have been provided, that Mr. Walker is
24 going to testify to, the solicitor's office has very
25 specific addresses, hospital, these points, which she's

Lewis Walker
Voir Dire Examination by the Court
November 5, 2015

1 -- the documents seem to indicate that this is exactly
2 where this phone was. And she has times and dots saying
3 here's where it was, here's where it was, here's where
4 it was.

5 All indications of the documents to my
6 understanding, until Mr. Walker just testified, was,
7 we're telling you where the phone is. And I believe
8 that's the same way the jury is going to have it.

9 And the only training that he says that he had in
10 regard to that was the one course in February.

11 He also admitted that -- when you asked him if he
12 had been denied qualification, he said that in eight of
13 those cases, it didn't -- in a few of them it didn't
14 come up, but a few it did. So if it did come up and he
15 didn't get qualified, that would mean that he got denied
16 being qualified as an expert. I just want to be clear
17 on that.

18 But I want to object.

19 THE COURT: That's not how I heard it.

20 All right/ Mr. Murphy, anything else?

21 MR. MURPHY: I don't have any further questions,
22 Your Honor.

23 THE COURT: The addresses, are they the addresses
24 of the tower? Is that what you're going to testify to
25 an address?

Lewis Walker
Voir Dire Examination by the Court
November 5, 2015

1 THE WITNESS: Yes. Yes, ma'am.

2 MS. SHEALY: Your Honor, I'm sorry. I apologize if
3 you don't want me to chime in. But that's kind of vague
4 here. You wouldn't know that.

5 There are two things going on. He represents the
6 colored dot where the phone cell tower is.

7 THE COURT: Not where the phone is?

8 MS. SHEALY: Not where the phone is. Which cell
9 tower the phone is -- he doesn't like the word ping-
10 What's the word that you -- hitting off of.

11 Then with -- on some of our maps --

12 THE COURT: Let me see -- may I see the maps?

13 MS. SHEALY: Yes.

14 THE WITNESS: Certainly.

15 MR. MLYNARCZYK: I have my copy, if Your Honor
16 would like. Well, I guess it's --

17 May we approach and see if they're the same?

18 THE COURT: I thought we had blow-ups. We don't
19 have blow-ups?

20 MS. SHEALY: No. But they're going to be -- but
21 they're going to come up on there [indicates].

22 Let me just give you an example of one that has
23 labels, because all of them don't.

24 Showing you what we intend to --

25 THE COURT: Counsel, if you wish to approach.

Lewis Walker
Voir Dire Examination by the Court
November 5, 2015

1 MR. MLYNARCZYK: Yes.

2 MR. MURPHY: Yes.

3 MS. SHEALY: He is just indicating where Forseman
4 Avenue is and where the house is. He is not saying that
5 that's where the phone is. He can -- he will testify to
6 that. I will ask him. But the jury deserves to have a
7 frame of reference as to where is Forseman Avenue, where
8 is Simmons' house..

9 And then the dots reflect from which towers the
10 phones are within the range of. And he's going to go
11 through -- he'll go through that in detail with the
12 jury.

13 MR. MLYNARCZYK: I just want to add, Your Honor,
14 that he's not testifying anything about any -- about
15 where any residences are, where any hospitals are,
16 which --

17 MS. SHEALY: No. He is.

18 MR. MLYNARCZYK: -- which are all marked on --

19 THE COURT: Step back.

20 Do you know where Mr. Simmons lived?

21 THE WITNESS: I was provided the address from
22 Ms. Shealy.

23 THE COURT: Who prepared those charts?

24 THE WITNESS: I did.

25 MS. SHEALY: In other words, I provided him with

Lewis Walker
Voir Dire Examination by the Court
November 5, 2015

1 addresses. The addresses are in the record. Did you,
2 pursuant to my request, locate where whatever that
3 Georgetown address is. Yes. Did you indicate on the
4 map where that is. How did you designate that. I put a
5 whatever. Did you also, pursuant to my request,
6 determine where whatever the address of Forseman is.
7 Yes. What did you do regarding that on the map. I've
8 indicated where Constance Manigault's house is. I gave
9 him the names and the address.

10 Then the dots are reflecting from which cell tower
11 the phone is in the range of when it's placing a call.

12 Those are the only things he can reflect, are when
13 the phone is in use and which cell tower that phone is
14 in the range of when it hits. Because the call-detail
15 information --

16 THE COURT: Is he also going to put up there where
17 the other cell towers are that are within the range? I
18 mean, I'm --

19 MS. SHEALY: Judge, maybe I should show you a call-
20 detail record.

21 THE COURT: I'm concerned that what I just saw --
22 and perhaps I haven't seen the whole array -- is that
23 it's very misleading. Were there --

24 Is he also going to testify that if one particular
25 cell tower was busy, that it's going to be able to be

Lewis Walker
Voir Dire Examination by the Court
November 5, 2015

1 accessed, that it goes to another cell tower, what's the
2 likelihood of that.

3 I'm just concerned that this may be misleading the
4 way that you have those charts drawn.

5 MS. SHEALY: I don't think it will be misleading at
6 all when I query him, Judge, because I'm going through
7 all of that with him.

8 The legend on the side of the diagram will reflect
9 the -- each time of the phone call has a different color
10 dot. So for example if you're here and it's two
11 o'clock, he'll say, this cell tower got -- was hit, or
12 whatever the word is, at that time by that phone call.
13 Then if the next phone call or several later is here, he
14 will reflect by a dot where that phone call is.

15 THE WITNESS: Your Honor --

16 THE COURT: I appreciate you wanting to chime in,
17 but I will ask you a question if I need it. Thank you.

18 THE COURT: Anything further, based upon my
19 questions? Mr. Mlynarczyk?

20 MR. MLYNARCZYK: Yes, Your Honor.

21 So you're clear: also in the packet that we were
22 provided is not just those pictures, but there are also
23 references to phone numbers to which he does not have a
24 record for. For example, durations of a phone call with
25 a 0218 number, which the State has presented no records

Lewis Walker
Voir Dire Examination by the Court
November 5, 2015

1 for, and he's attempting to match that number, as well.

2 MS. SHEALY: No, he is not.

3 MR. MLYNARCZYK: That's what the map shows.

4 MS. SHEALY: No, it does not.

5 THE COURT: Counsel, I don't know why -- what has
6 happened, why you're engaging in this bickering today.

7 MS. SHEALY: I know. But it needed correcting.
8 That's not accurate.

9 THE COURT: Ms. Shealy, have I ever not given you
10 an opportunity? I don't need this back and forth.

11 MS. SHEALY: Okay. I apologize.

12 MR. MLYNARCZYK: There's pictures of specific
13 addresses in his packet which she -- I'm assuming -- can
14 assume he did not go out and see that specific address
15 because there's pictures in there.

16 THE COURT: Is it Mr. Walker or Officer Walker?

17 THE WITNESS: Mister is fine.

18 THE COURT: Were those numbers given to you in the
19 subpoena that you looked at as all the records in your
20 detail analysis?

21 THE WITNESS: Yes, ma'am.

22 I don't have the tower information for the other
23 numbers he questioned, but they were in contact with the
24 number that I do have the records on. So the tower
25 information I'm showing is for the number that had the

Lewis Walker
Voir Dire Examination by the Court
November 5, 2015

1 search warrant done and the return I got from the search
2 warrant, the records. The call-detail records on the
3 phone in question is what is mapped, not the numbers
4 that we don't have the records for.

5 It shows communication with that number, but I
6 can't tell you where the other number is.

7 THE COURT: Anything further as to his
8 qualifications only?

9 MR. MLYNARCZYK: Nothing further as to his
10 qualifications only.

11 MR. MURPHY: Nothing as to his qualifications, Your
12 Honor.

13 THE COURT: And so at this time, noting your
14 objection, I'm going to allow you to be qualified as an
15 expert in call-detail analysis.

16 We're going to take a ten-minute break. Please do
17 not discuss your testimony with anyone. Please make
18 sure that you have all of that documentation, your
19 exhibits, ready to go. Thank you.

20 As to Mr. Caldwell's testimony, it was
21 approximately two hours long so I don't know -- I
22 understand you still -- we have the transport order
23 ready. We can make arrangements after this witness to
24 take a break. We can break early for lunch, and then
25 you could go over that testimony and I'll allow you --

Lewis Walker
Voir Dire Examination by the Court
November 5, 2015

1 MR. MLYNARCZYK: I can do it on the stand, Your
2 Honor. We already have him transported.

3 THE COURT: Thank you.

4 MR. MLYNARCZYK: I'll put him back on the stand.

5 THE COURT: Thank you. Ten minutes.

6 You may step down, or feel free to stay there.

7 Thank you.

8 [Whereupon, a recess is taken from 10:50 a.m. to
9 10:55 a.m.]

10 THE COURT: Thank you. Be seated.

11 MR. COOPER: Your Honor, do you want him to sit
12 back out front, or do you want him to wait in here?

13 THE COURT: Yes. Go ahead.

14 [Whereupon, Mr. Walker retakes the witness stand]

15 [Off the record momentarily]

16 THE COURT: Anything before we bring in the jury?

17 MS. SHEALY: No, Your Honor.

18 MR. MLYNARCZYK: No, Your Honor.

19 MR. MURPHY: Yes, Your Honor.

20 With regard to these maps and these documents, I
21 don't know if the prosecutor plans to use them as
22 demonstrative evidence or plans to admit that into
23 evidence, but these phone -- these documents all have
24 been --

25 THE COURT: What's the issue?

Lewis Walker
Voir Dire Examination by the Court
November 5, 2015

1 MR. MURPHY: Well, any of this. The phone records
2 that they have say King Conyers' cell phone number on
3 it, which conflicts with the evidence that's been given
4 the Court that this phone number was not registered to
5 anybody. Now, if there's testimony that that was used
6 by King.

7 But I think it's improper for an expert, who did no
8 independent analysis to determine who owned the cell
9 phone, to be putting up on the board, if it were in
10 evidence, that this is King Conyers' cell phone.

11 MS. SHEALY: Your Honor, first of all, I intend to
12 ask him did I give you names to assign to the numbers.
13 I am going to go through with him what the subscriber
14 information is --

15 THE COURT: You need to use the numbers, then,
16 unless there has been testimony linking --

17 MS. SHEALY: There has been.

18 Constance Manigault said that Bez' number was in
19 her contact, that she had spoken to Bez from that number
20 before, and that she called Bez later that night and
21 spoke to him after the death.

22 THE COURT: All right. And as to Mr. Belton?

23 MR. MLYNARCZYK: There is also a page in there for
24 the 0218 number, Your Honor, which there are no records
25 for. They also have listed Jeremiah Belton instead of

Lewis Walker
Voir Dire Examination by the Court
November 5, 2015

1 the number. And I believe they're saying that was based
2 on Mario Caldwell's statement.

3 MS. SHEALY: Mario Caldwell testified that that was
4 Belton's second number.

5 They can cross him about that. But, I mean, that's
6 in the record. That is part of the State's evidence.

7 THE COURT: Do you agree that those were the
8 numbers testified to --

9 MR. MLYNARCZYK: He testified --

10 THE COURT: -- by Mr. Caldwell?

11 MR. MLYNARCZYK: -- to the jury --

12 THE COURT: Yes? Is that a yes?

13 MR. MLYNARCZYK: Mario Caldwell did. Yes, Your
14 Honor.

15 MR. MURPHY: Yes, I do agree with that, Your Honor.

16 THE COURT: All right. Thank you.

17 Let's bring in the jury.

18 [Off the record momentarily]

19 [Whereupon, the jury enters the courtroom at
20 11:01 a.m.]

21 THE BAILIFF: All are seated, Your Honor.

22 THE COURT: Please be seated.

23 Ladies and gentlemen, this witness will be
24 qualified as an expert in the area of call-detail
25 analysis.